



TOWN OF RIDGEFIELD Inland Wetlands Board

APPROVED/REVISED MINUTES

July 28, 2022

Members present: Patricia Sesto, chair; Susan Baker, vice chair; Alan Pilch, secretary; Tim Bishop, Tracey Miller, David Smith.

Member Absent: Chris Phelps.

Also present: Andrew P. Hally, wetland agent; Aarti Paranjape, Recording Secretary; Mike Mazzucco, P.E.; Jim McManus; Soil Scientist, JFM Soil Consultants; Robert Jewell, Esq.; Evan Katz.

I: Call to order

Ms. Sesto called the meeting to order at 7:02 P.M.

II: Application for Discussion:

- 1. (Contd.) IW-22-23, 131 Seth Low Mountain Road,** Summary Ruling application for violation of excavating, grubbing and filling within the wetlands and a corrective application involving remediation including planting and stabilization. *Owner/Applicant: Lee Bussinger.*

Applicant was not present. Applicant previously submitted a grant of extension to the Board to continue the discussion on August 25, 2022.

- 2. IW-22-26, 66 Keeler Drive,** Summary Ruling Application to a correct a violation which includes to dredge pond and install stone retaining walls around perimeter, install new weir, restore other work within the upland review area of Wetlands. *Owner: Alexandre Suter. Applicant: Mike Mazzucco.*
<https://ridgefieldct.viewpointcloud.com/records/87703>

Mr. Hally gave an overview of the violation which involves grading and deposition of earth material near the wetlands. This violation was before the Board previously. The resubmission has an expanded scope to include a request to permit dredging the pond and adding a retaining wall.



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Mr. Mazzucco stated the soil scientist, James McManus, delineated the wetlands in March. The report indicated the wetland has been previously impacted in some area by past filling; likely the spoils of when the pond was originally dredged. The amount of new fill placed that is the source of the violation is 4-7 inches in depth, and as stated by Mr. McManus, the fill is not in wetlands.

Ms. Sesto inquired if the wetlands boundary is from the survey or from soil scientist sketch and how accurate are the topography depicted. She expressed concerns that the logistical information is not submitted for the dredging work. The access area of equipment, the dewatering area, and sedimentation and erosion measures are not provided. She said the armoring of the pond is detrimental to the health of the pond as it restricts the movement and passage to the wildlife. The planting plan is also not complete and lacks the sizing and quantity of plants. Ms. Sesto said applicant will also need to show the discharge point and how its protected, if the applicant is proposing diversion of water flow.

Mr. Pilch agreed and added that the diversion of flow of water is not shown on plans. Despite the pond be dry presently, dewatering or flow by-pass may be needed in case of a storm where the water would enter the pond.

Mr. Mazzucco stated that the elevations depicted are based on the Eco Lidar Data, a source he finds to be accurate. Since the pond is so dry, the plan is to deposit excavated material directly into trucks and be hauled away. He agreed to remove the retaining wall and regrade the area. Information on the dredging, placement of and type of dewatering system and details of the flow of water will be added.

Discussion of the application was continued to the August 25th meeting.

3. **IW-22-27, 40 Mountain Road**, Summary Ruling application to correct a violation of installing a patio within wetlands and upland review area of wetlands.

Owner: Pilar Magrigal. Applicant: Robert DeRoma.

<https://ridgefieldct.viewpointcloud.com/records/87687>

Applicant was not present.

Ms. Sesto asked Mr. Hally to convey to applicant the following documents need to be submitted before the next meeting:

- Survey showing the location of patio on the property.
- Mary Jaehnig to clarify the wetlands boundary.
- Statement to justify the location of patio in the wetlands.



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4. **IW-22-29, 0 Rustic Road**, Summary Ruling application to maintain floating dock/Swim float and related activity within wetlands and watercourses.

Owner: Town of Ridgefield. Applicant: Robert Jewell

<https://ridgefieldct.viewpointcloud.com/records/87770>

Ms. Sesto gave an overview of the prior violation of maintaining a dock without a permit and residential uses of the Town property. The homeowner removed all private property except the trellis. A permit is required for the dock and is the subject of the application.

Discussion ensued regarding the needed authorizations given the land is owned by the Town and the lake is owned by an association. Mr. Jewell stated that the homeowner has an easement over the Town-owned property and deeded rights to the pond.

Mr. Pilch questioned the Quit Claim deed as it states the homeowner has the right to pass over the lands, the right to use the water for boating swimming and fishing and recreation, but it didn't really specifically say for improvements. He asked Mr. Jewell to address it.

Mr. Jewell stated technically the dock is not a structure as its not anchored and no footings are involved. It's a customary use for the waterfront properties on the lake to have a dock and hence fits in the permission to use the pond to enjoy, swim, and recreate.

Ms. Sesto stated special conditions of a permit could be:

- No storage of privately owned objects on the Town property.
- Trellis to be removed by August 10, 2022.

Ms. Sesto motioned to approve the Summary Ruling Application with the applicable normal Special conditions, the special conditions previously articulated, and standard conditions. Mr. Bishop seconded. Motion carried 6-0-0.

III: Application(s) for Receipt:

None

IV: List of Ongoing Enforcement by Agent:

1. **179 Ivy Hill Road.** Evan Katz



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Mr. Hally updated the Board that since the violation has been issued, the homeowner has stopped the work of the reconstruction of an existing retaining wall. The loose soil has been contained and stabilized with grass seed. He added that the homeowner would like to finish the work.

Mr. Katz added the retaining wall work was an emergency repair as the existing wall was falling apart and was dangerous for his property. He said no fill was brought, only rocks were brought to repair the wall. He said that if Board approves, he would like to complete the work and the staff can conduct a final inspection.

Mr. Hally further described the site conditions and that they supported the statements that the work is to repair a wall, not new construction. The Board, after hearing Mr. Hally explanation, unanimously allowed the homeowner to complete the remaining retaining wall work with no disturbance to the soil, as an as-of-right activity. Mr. Hally will inspect the site when the work is finished.

Ms. Sesto inquired about the status of the prior violations at 21 Bryon Avenue.

Board said that Mr. Hally should contact the homeowner at 21 Bryon Avenue to check with the status of the ongoing violation which involved planting trees. A new cease and desist needs to be issued as the owners are maintaining a violation. Mr. Beecher and Ms. Sesto are to review the order prior to its issuance.

Board also asked Mr. Hally to check with the town counsel for update with 33 Beaver Brook violation.

V: Approval of Minutes:

- **Inland Wetlands Meeting: July 14, 2022**

Mr. Bishop Motioned to approve minutes. Ms. Baker Seconded. Ms. Sesto and Mr. Bishop abstained. Motion carried 4-0-2.

- **Sitewalk Meeeting: July 24, 2022**

Mr. Pilch Motioned to approve minutes. Ms. Baker Seconded. Ms. Sesto, Ms. Miller, Mr. Bishop and Mr. Smith abstained. Motion carried 2-0-4.

VI: Adjourn



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Hearing no further business, Ms. Sesto adjourned the meeting at 7:54 PM.

Respectfully submitted by,

Aarti Paranjape
Recording Secretary