



TOWN OF RIDGEFIELD Inland Wetlands Board

APPROVED/REVISED MINUTES

These minutes are a general summary of the meeting and are not verbatim transcription.

August 27, 2020

Members present: Patricia Sesto, Chair, Susan Baker; Vice Chair, Tim Bishop, Tracey Miller (Joined at 7:04PM), Alan Pilch, Kory Salomone.

Members absent: David Tatge

Also present: Beth Peyser, Inland Wetlands Agent; Aarti Paranjape, Office Administrator, James Scesa, Jim McManus, Douglas Macmillan

I: Call to Order

Ms. Sesto called to order at 7:02PM. Ms. Sesto gave an overview of the proceedings of the virtual meeting.

II: Public Hearing

- 1. #2020-031-A:** Amendment to the Town of Ridgefield Inland Wetlands and Watercourses Regulations. *Board initiated*

Ms. Sesto asked Ms. Peyser to update the board with the documents pertaining to Amendment.

Ms. Peyser stated no public comments have been received in regards to the amendments. DEEP and the neighboring six municipalities were notified and no comments were received from them. The legal notice was posted on the website.

Ms. Sesto asked for comments from the board, staff and public.

Hearing no further comments Ms. Sesto asked for a motion to close the Public Hearing.

Mr. Salomone motioned and Ms. Baker seconded to close the public hearing. Motion carried 6-0-0.

III: Discussions

- 1. Ms. Sesto raised an item to agenda after the public hearing was closed. Mr. Bishop motioned and Mr. Salomone seconded to raise the item to agenda. Motioned carried 6-0-0.**



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#2020-031-A: Amendment to regulations to the Town of Ridgefield Inland Wetlands and Watercourses. *Board initiated*

Ms. Peyser stated the content page will reflect the appropriate page numbering to each section once the regulations are formatted.

Ms. Sesto asked members if there was any further discussion of the regulations.

Hearing no further discussion, Ms. Sesto asked members to motion to adopt the regulations.

Ms. Baker motioned and Mr. Pilch seconded to adopt the Wetlands and Watercourses Regulations for the Town of Ridgefield as posted, with publication date of September 03 and effective date of September 04, 2020. Motion carried 6-0-0.

2. **(Contd.) #2020-032-SR:** Summary Ruling application per Section 7.5 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations for suction dredging at Rainbow Lake, located at Tax Assessor's Map and Lot **ID (E06-0103)**. *Owner: Doug Carroll, President and David Sarath of Rainbow Lakes Association.*

The applicant was not in attendance to present this application. The discussion was rescheduled for September 10, 2020. The 65-day period to render a decision is August 29, 2020. The Governor's 90-day extension will be applied to continue the discussion.

3. **#2020-038-SR:** Summary Ruling application per Section 7.5 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations to remedy an existing violation (File # 2020-017-WV) which includes regulated activity in wetlands and the upland review area of wetlands without the appropriate permits for a property located at **9 Maplewood Road**. *Owner/Applicant: James & Danielle Scesa.*

Mr. James Scesa presented his application to the board. He explained his property was having some drainage problems. The foundation was in disrepair. Water from across the road and neighboring properties drains towards the house. His intent was to redirect the stormwater away from his home.

He added a few trees at the north east side of the property were taken down with intent to plant new trees. Fill on the property was used to direct the water away from the residence and to expand the lawn. The area around the pond was graded and rocks were repositioned to stabilize the bank and drainage channel.

Ms. Sesto asked what kind of work was done near the pipe at the back of the property as far as grading is concerned.



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Mr. Scesa said he installed an outlet pipe atop the ledge. He added the flow of water is good and the pond is looking healthy.

Ms. Sesto asked Mr. McManus to inform the members about the disturbed and undisturbed wetlands area.

Mr. Jim McManus, certified Soil Scientist of JMM Consulting Services stated that on May 28, 2020, he visited the site and identified three areas of wetlands as disturbed. These are primarily on the northeast side of the property and the pond on the west side. The non-disturbed wetlands are located to the northeast of the pond.

Ms. Sesto asked if there is a sketch of the wetlands delineation and if the wetlands were filled. This information will be helpful to understand the historical wetlands and if the wetlands were filled recently.

Mr. Pilch asked if the dark line shown on the map on the north side corresponds to the wetland's boundary.

Mr. McManus stated there is a pipe which captures surface runoff and it discharges to the pond. He added that pipe has been in existence for a long time.

Ms. Sesto, referring to the Google map, said the west side of the former woodline appears to have a stream. Mr. Scesa stated the area has been wooded since he purchased the property. The culvert from the street was there when they bought the house.

Ms. Sesto proposed Ms. Peyser and Mr. McManus visit the site and to identify the historical wetlands.

She said following items should be submitted at the next meeting on September 10, 2020:

- Restoration plan, in form of map and written description.
- Decipher old wetlands lines and if the wetlands were filled
- Sketch map from the soil scientist showing wetlands boundaries.

4. **#2020-040-SR:** Summary Ruling Application per Section 7.5 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations to remedy an existing violation (File # 2020-033-WV) which includes regulated activity in wetlands and the upland review area of wetlands for property located at **66 Manor Road**.
Owner/Applicant: Maureen Zipparo.

Mr. Macmillan presented the application. He said that after the site walk, Mr. Pushlar submitted the planting plan with a list of species and noted the wetlands will be seeded with a wetlands seeds mix. The ditch will be filled by hand.



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Mr. Pilch said he would like to see some kind of herbaceous cover and seed cover east of the drainage pipe. He added the opening at the pipe should be addressed, some kind of basin or flashing would be beneficial.

Mr. Macmillan acknowledged the recommendation and said the area will be planted appropriately. With regards to the pipe opening, he agrees and will place aluminum flashing around it to seal the hole.

Discussion ensued regarding the trees felled due to storm damage. The intent is to cut, and hand remove the wood and to drop the root ball back into place. If the root ball does not drop, it will be removed with the least disturbance to the wetlands as reasonable. Ms. Sesto proposed a bond should be posted for a planting plan.

Ms. Sesto said along with the standard conditions of approvals, the following conditions will be included:

- Seeding in the northeast portion of the property between the ditch and eastern property line.
- Patch old clay pipe with aluminum flashing.
- Hand cut and remove fallen trees and leave the tree stumps
- Hand filling the ditch
- Planting deadline, including filling the ditch, of October 15, 2020.
- Planting plan to be submitted by September 10, and bond posted by September 15, 2020.
- Bond will be eligible for release two years after the planting plan is implemented and 80% of the plants Alan Rossi thriving.

Ms. Miller suggested leaving the fallen trees in its own state which would be beneficial for the wetlands habitat.

Mr. Macmillan said he would like to make the fallen tree stable to prevent further damage and make more safe.

Mr. Pilch motioned, and Ms. Miller seconded to approve the Summary Ruling application with conditions of approval as listed, publication date of September 03 and effective date of September 04, 2020. Motion carried 6-0-0.

5. DEEP Inland Wetlands Agency Training Certification and IWB/APA Training. % IW Agent.

Ms. Peyser informed the Board members about the special meeting scheduled on September 10, 2020, which will be attended by Darcy Winther and Kim Czapla. They will be answering questions and discuss the responsibilities of the Board/Agency.



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Ms. Peyser said given limited time, DEEP staff would be able to answer and discuss only three questions. Board members should collectively come up with three questions before the meeting so that DEEP staff can address those questions.

The Board members discussed and decided on the following questions to be sent to DEEP.

- The concepts behind wildlife and ability or lack of ability to regulate. What does the record need to demonstrate in order to consider the regulation of wildlife or wildlife habitat?
- The concepts of feasible and prudent alternatives and when it is applicable. As an example, if the board believes there is an alternative that has not been presented, how should the subject be presented to the applicant? They would also like to understand the distinction between seeking alternatives when the impact has been determined to be significant vs. not significant. And does a wetlands agency have the authority to require a specific alternative as a condition for approval? For example, the DEEP Municipal Inland Wetlands Training indicates that a wetlands agency can discuss alternate culvert types for stream crossing, yet the training does not state that the agency has the authority to require a specific culvert specification, as a condition of approval. Would such a requirement be an overstep, or is it within the authority of the Agency?
- Upland review areas. What are the common mistakes made in regulating them? It may be good to discuss the principles of regulating vs restricting. Now that the upland review areas are larger, how to define and regulate an onsite upland review area of a wetland that may be offsite. Ms. Sesto briefly discussed and asked the board members their opinion on the continuation of holding the future meetings via the virtual platform of ZOOM, whether or not the Governor's order that expires September 09 is extended.

All members unanimously agreed to hold the board meetings via ZOOM for the duration of the recommended social distancing.

IV: New Submissions

Ms. Sesto identified three new applications for receipt. She requested a motion to add them to the agenda as these were submitted to the office within the submission deadline, but could not be placed on the agenda prior to filling and posting it.

Ms. Baker motioned and Mr. Salomone seconded and raised the items to be added as new submissions. Motion carried 6-0-0

Ms. Baker motioned and Mr. Pilch seconded to receive the below three applications. Motion carried 6-0-0.



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1.#2020-045-SR: Summary Ruling application per Section 7.5 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations for installation of an in-ground swimming pool and associated site work within the upland review area of wetlands at a property located at **56 Ivy Hill Road**. *Owner/Applicant: Christopher & Stacy McGratty.*

The site walk scheduled on September 06, 2020 and discussion on September 10, 2020.

2.#2020-046-SR: Summary Ruling application per Section 7.5 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations for installation of an in-ground swimming pool and associated site work within the upland review area of wetlands at a property located at **13 Golf Court**. *Owner/Applicant: Kaile Rudy Ferreira.*

The site walk scheduled on September 06, 2020 and discussion on September 10, 2020.

3.#2020-047-SR: Summary Ruling Application per Section 7.5 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations to remedy an existing violation (File # 2020-044-WV) which includes regulated activity in wetlands and the upland review area of wetlands for property located at **155 Silver Spring Lane**. *Owner/Applicant: John Casey.*

The site walk scheduled on September 06, 2020 and discussion on September 24, 2020.

V: List of Ongoing Enforcement by Agent:

- **488 North Street**

Ms. Peyser stated she has been contacting the State regarding the violations. State has not yet submitted any information.

VI: Approval of Minutes

- **Inland Wetlands Meeting – July23 (emailed on July24, 2020)**

Mr. Bishop motioned and Mr. Salomone seconded to approve the wetlands meeting minutes as amended. Motion carried 5-0-1. Ms. Sesto abstained due to her absence.

- **Site Walk Minutes - August 23, 2020**

Ms. Baker motioned and Mr. Pilch seconded to approve the sitewalk minutes. Motion carried 5-0-1. Mr. Bishop abstained due to his absence



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VII: Adjourn

The members discussed the way to spread the word to the public and communities regarding the newly adopted amendments to the wetlands and watercourses regulations.

Staff was directed to take following steps:

- Post it on the website, including the homepage.
- Press release in newspaper and other online news sources.
- View permit program information page

Hearing no further discussion, Ms. Sesto adjourned the meeting at 8:23PM.

Respectfully submitted by,

Aarti Paranjape

Recording Secretary