



TOWN OF RIDGEFIELD Inland Wetlands Board

APPROVED/REVISED MINUTES

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

January 14, 2021

Members present: Patricia Sesto: Chair, Susan Baker: Vice Chair, Tim Bishop, Tracey Miller, Alan Pilch, Kory Salomone, David Tatge

Also present: Beth Peyser: Inland Wetlands Agent, Aarti Paranjape: Office Administrator, Robert Jewell, James McManus, JMM Wetland Consulting Services, LLC, Douglas Clarke, Ralph Gallagher, RJ Gallagher & Associates, Scott Fergusson, Thomas Nelson P.E., Mc Chord Engineering Associates, Rob Kaye.

I: Call to order

Ms. Baker called the meeting to order at 7:00 P.M.

II: Public Hearing:

- 1. #2020-058-SR, 4 Black Pine Ridge Road** application to construct a single family residence and associated sitework within the upland review area of wetlands. *Owner/Applicant: Ashlar Historic-Restoration, LLC. Statutorily received on November 12, 2020. Site walk on December 10, 2020. 65 days to render a decision is January 14, 2020.*

Mr. Pilch recused himself.

Mr. Jewell gave an overview of the application. He stated the applicant notified all abutter of the public hearing and sent watershed notifications according to statute. He informed the members the parcel, lot 8, is part of a re-subdivision which was approved in 1999.

He added the application was raised to a Plenary Ruling as the Board determined there is potential for significant negative impact on the wetlands.

A stump survey was submitted showing trees cleared in July of 2020. The trees are outside of the 50' upland review area that was in place at the time the activity occurred. The stump survey shows the clearing is approximately 60 feet away from the wetlands at its closest point. The



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wetlands regulations were amended in September 2020 to expand the upland review area to 100 feet, which prompted the applicant to submit a Summary Ruling application.

On December 10, the Summary Ruling application was presented to the Board. When the Board determined the proposed activity may include significant activities, they raised the Summary Ruling to a Plenary Ruling.

The applicant has submitted the additional information requested by the Board which includes a stump survey showing the original wetlands delineation, the updated wetlands delineation report, the revised location of the proposed dwelling, and the environmental impact analysis. The impact analysis supports the determination made by the applicant that proposed activity will have no negative impact on the wetlands and certainly not a significant impact on the wetlands.

Mr. McManus, soil scientist, said he delineated the wetlands in October of 2020. The assessment showed overgrown invasive species which will be removed manually. He stated there will be no direct impact to the wetlands. The indirect impact would be due to construction, but the applicant proposes robust erosion and sediment controls. No trees were taken out from the wetlands. There is an adequate vegetative buffer to protect the wetlands. There will be diligent monitoring of the erosion controls and on site stormwater system. Mr. McManus certified there will be no adverse and no significant impacts on the wetlands.

Mr. Ralph Gallagher said any site disturbance involved does not have an impact to the wetlands. The stormwater management and erosion and sediment controls are according to the Town standards. The dwelling has been relocated to the north toward the building setbacks and is 67 feet away from the wetlands.

Mr. Gallagher confirmed the stormwater management system will capture a twenty-five-year storm. The runoff will be captured from both the driveway and the roof of the house. Further, the footing drain bypasses the overflow of the stormwater management.

Mr. Douglas Clark stated that according to DEEP, this site is not listed on the Natural Diversity Database. He presented the planting mitigation plan. He proposes a thirty-foot buffer area. The plan includes a 3000 square foot swath of New England wetland mix grasses, which includes sedges, bluestems, and panicums. Witch hazel and viburnum will also be planted.

The limit of lawn is demarcated by the placement of boulders along the edge of the lawn and planted buffer.

Ms. Sesto expressed concern regarding the limit of lawn along the eastern end of the development envelope, which appears to be closer to the wetlands. She suggested the limit of lawn be established just below the septic system and connect the infiltrator discharge point.



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She added the limit of lawn south-west of the wetland should be marked with boulders parallel to wetland flags 1-4. Understory trees like *Cornus florida* and shadblow should be added in the planting plan along most of its length.

Ms. Miller suggested planting 7-8 understory trees.

Ms Sesto called for public comments. There were none.

Hearing no further remarks, Ms. Sesto closed the public hearing at 8:01P.M.

III: Discussions:

The Board took applications ready for discussion out of order.

Mr. Pilch was reseated.

2. **#2020-072-SR, 824 Ethan Allen Highway** application to remedy an existing violation (File # 2020-059-WV) which includes installation of three drains within the upland review area of the wetlands. *Owner: Golf 824 Roger Knick. Applicant: Roger Knick. Site walked on January 10, 2021. 65 days to render a decision is February 13, 2021.*

Mr. Scott Ferguson informed the Board of his professional experience. He gave an overview of the work he performed at the property, saying the drain lines were installed to address drainage issues and collect of surface water. The drain line will have filter sox at the end of the pipes, which will be replaced as needed. Silicon rubber sheets will be used to cover the drains during the application of fertilizers and pesticides. He said during the heavy rains the surface waters run off into the wetlands, so he concluded the collecting the drainage on the greens would be no different. He added that the property has problems with goose droppings.

Mr. Ferguson said there is a three-foot riparian buffer along the river. The four-inch discharge pipes discharge into this buffer

.

Ms. Sesto informed the applicant that typically a minimum of fifteen feet buffer area is needed to protect water quality.



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Ms. Baker asked what kind of fertilizers were being applied? She also expressed concerns about the pipe daylighting so near the watercourse.

Mr. Fergusson said he only uses organic fertilizers, which are nitrogen based and doesn't use phosphorus. 22-0-20 fertilizers are applied.

Ms. Miller inquired about the type of fescue used near the buffer. She added the pipe should be directed away from the watercourse. Daylighting the pipe away from the river will help the overall health of the river as the buffer will absorb the nitrogen before it enters the water and lessen the chance for thermal pollution. She suggested sedges and rushes work well.

Discussion ensued regarding the value of installing a rain garden or level spreader back from the riverbank. Mr. Pilch concluded a level spreader, set 15 feet off the riverbank would be more suitable to the site conditions.

The Board requested the following updates be presented at the next meeting, scheduled for January 28, 2021.

1. Revised plans to show the three discharge points pulled back 15 feet from the top of the bank and discharging into a level spreader.
2. The area of the level spreader be planted thickly with sedges and rushes
3. A riparian buffer fifteen feet deep along either side of the Norwalk River where feasible.

Ms. Peyser reminded the applicant and board the upland review area is 150' from the edge of the Norwalk River, not 100 feet as has been referenced.

Mr. Fergusson agreed to respond to the suggestions and recommendations of the Board and will submit the revised plans prior to the meeting on January 28, 2021.

3. **#2020-073-SR, 134 Branchville Road** application to construct a single family home and associated site work, including installation of septic and drainage system within the upland review area of the wetlands. *Owner: AMD Homes. Applicant: Richard Szenkuti (CV Building concepts, Inc). Site walked on January 10, 2021. 65 days to render a decision is February 13, 2021.*

Mr. Thomas Nelson, P.E., Mc Chord Engineering, gave an overview of the property. He informed the Board the property is approximately two acres. The uplands are predominantly lawn and an existing stone wall borders the lawn- at the wetland boundary. The proposed single family residence has four bedrooms and is located in the northwest corner of the lot. The plans show the septic system and underground detention system to the south of the residence. Fill will be required due to ledge. The detention system will improve the water quality and capture the stormwater runoff from the house and majority of driveway. There is an overflow to a level



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spreader. All the work proposed is within the existing lawn area and nothing is proposed beyond the existing stonewall. Proper erosion measures are proposed which will mitigate any impact during the construction. The existing stonewall will continue as the demarcation of lawn.

Mr. Pilch inquired about the limit of future lawn. He expressed concern that the stone wall is very close to the wetlands. He suggested moving the limit of lawn closer to the proposed silt fence.

Mr. Nelson responded the existing stone wall is a clear demarcation of the limit of the lawn. He added the owner wants to maintain the historic lawn area marked by the stonewall.

Ms. Sesto countered that the entire development has been brought up to present day standards. Protection of wetlands should be no different. The extent of lawn is no longer appropriate. Mr. Pilch described the post construction topography will not mimic the current flat landscape. Planting south of the septic and infiltrators will not impact the view shed.

Ms. Miller suggested a no-mow seed mix, which is a mix of fescues. These could be interspersing with daffodils to address aesthetic goals.

Ms. Sesto suggested no mow vegetation and planting understory trees.

Mr. Nelson agreed to present defined mitigation plantings at the January 28, 2021.

- 4. #2020-074-SR, 137 Ethan Allen Highway** application to mitigate existing field and create a space for beer garden within the upland review area of the wetlands. *Owner: Robert & Nancy Kaye. Applicant: Robert Kaye. Site walked on January 10, 2021. 65 days to render a decision is February 13, 2021.*

Mr. Rob Kaye presented the application, stating they propose a beer garden and area of meadow restoration. The beer garden will have picnic tables and a nearby pollinator pathway garden. The parking area, which has a prior approval, will accommodate beer trucks and the food trucks. Lighting will be limited to string lights.

Mr. Pilch inquired about the 1,700 square-foot planted buffer area near shown on the plans.

Mr. Kaye described the overgrown area and plans for pollinator pathway plantings with no grading involved. The lawn area will all be fescue.

Ms. Miller motioned to approve the Summary Ruling Application as presented. Mr. Bishop seconded. Motion carried 7-0-0. The publication date is January 21, 2021 and effective date January 22, 2021



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1. **#2020-058-SR, 4 Black Pine Ridge Road** application to construct a single family residence and associated sitework within the upland review area of wetlands. *Owner/Applicant: Ashlar Historic-Restoration, LLC. Statutorily received on November 12, 2020. Site walked on December 10, 2020. 65 days to render a decision is January 14, 2021.*

Mr. Pilch recused himself.

Ms. Sesto acknowledged the stump survey submitted indicated that the clearing of the trees was beyond the regulated area.

Following points were discussed:

- Realignment of the limit of lawn east of septic system and just below the discharge points.
- Mark the lawn limit by placing boulders parallel to and offset by 50 feet along the western end of the wetland between flags 1-4.
- Revise the planting plan to include 8 understory trees in the planted buffer.
- Require a bond in an amount sufficient to cover the retail, installed cost of the planting plan. The bond shall be held for 2 years. The plantings need to be completed within 6 months of seeking a Certificate of Occupancy.
- Engineer should certify that the infiltration system is constructed according to the plans submitted.
- Engineer will certify that the soil is decompacted according to NY or VA standards.
- The mitigation plan shall be modified to clearly show the limit of lawn demarcated by the placement of boulders at the outer edge of the buffer plantings. Two-man boulders shall be placed 15-20 feet on center.
- The agreement filed on the land records shall include a clear statement describing the presence and purpose of the demarcation boulders

Ms. Sesto motioned to direct staff to draft a resolution of approval with the discussed conditions. Mr. Salomone seconded. Motion carried 6-0-0.

5.Fee Structure update. c/o Mr. Pilch

Mr. Pilch has been researching the wetlands application fee structure of neighboring towns. He described how the towns' application fees are based on the scope of work and not just type of work. Some fees were calculated on the basis of the disturbed area. Fees are also generated from inspections. He said Ridgefield's fees are on the lower end as compared to neighboring towns. Ms. Peyser stated that Town of Ridgefield has monitoring fees and failed inspection fees.

Ms. Sesto suggested adding "after the fact" fees. She agreed "add-on" fees can be included to better reflex the complexity of work.



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The Board consensus was to include higher fees for after-the-fact permit applications and violations and additional fees based on the scope of the work.

Mr. Pilch will draft a fee schedule based on the format of base fees with the add-on fees dependent upon the scope of work.

III: New Submissions:

Ms. Baker motioned to receive the below two applications, scheduled site walks on January 24, 2021 and discussion on January 28, 2021, Ms. Miller seconded. Motion carried 7-0-0.

1. **#2020-077-SR, 28 Nutmeg Court** application for installation of inground pool and associated sitework within the upland review area of the wetlands. *Owner: Ralph Frickel. Applicant: William J. Osanitch, Pool building Company. For receipt and scheduling a sitewalk.*
2. **#2021-001-SR, 21 Powderhorn Drive** application to install an in ground swimming pool, patio and associated sitework within the upland review area of the wetlands. *Owner/Applicant: Blaine Langberg. Authorized Agent: Ralph Gallagher Jr. PE. For receipt and scheduling a sitewalk.*

V: Administrative Approvals:

#C-20-3, 12 Neds Mountain Lane, approved on **12/23/20** with conditions for partial demo plus home additions and associated sitework within the Upland Review Area of wetlands. All proposed activity is further than 50' from the wetlands boundary.

VI: List of Ongoing Enforcement by Agent:

- 10 Kendra Court; #2020-079-WV

V: Approval of Minutes:

- **Inland Wetlands Meeting** – December 22, 2020



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Ms. Baker motioned to approve Inland Wetlands Board minutes as submitted, Mr. Tatge seconded. Motion carried 6-0-1, with Mr. Salomone abstaining.

- **Sitewalk Meeting**

-December 06, 2021

Mr. Pilch motioned to approve Sitewalk Minutes as submitted, Ms. Baker seconded. Motion carried 6-0-1, with Ms. Miller abstaining.

-January 10, 2021

Ms. Baker motioned to approve the sitewalk minutes. Mr. Tatge seconded. Motion carried 6-0-1, with Mr. Bishop abstaining.

VI: Adjourn

Ms. Peyser informed the Board of her resignation from position of full time Inland Wetland Agent to pursue a new job. Her last date of work is February 01, 2021. She mentioned that during the transition period, she may be available for few hours each week. All members congratulated Ms. Peyser.

Hearing no further discussion, Ms. Sesto adjourned the meeting at 9:53 P.M.

Respectfully submitted by,

Aarti Paranjape

Recording Secretary