



# Inland Wetlands Board

## APPROVED/ REVISED MINUTES

### AGENDA

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

February 13, 2020

Members Present: Susan Baker (Vice Chair)  
Tim Bishop  
Tracey Miller  
Alan Pilch  
Kory Salomone (Secretary)  
Patricia Sesto (Chair)  
Dave Tatge

Also Present: Beth Peyser, Inland Wetlands Agent & Conservation Enforcement Officer  
Aarti Paranjape, Office Administrator/ Recording Secretary  
Carroll Brewster, Ridgefield Conservation Commission.

At 7:01 p.m. Chair Ms. Sesto, called the meeting to order. The members of the Board identified themselves for record.

### PENDING ITEMS

**1. #2019-070-SR:** Summary Ruling Application per Section 7.5 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations for a pond dredging for a property located at **257 Peaceable Street** in the RAA zone. *Statutorily received on October 15, 2019. Owner: Robert Daher. Applicant: New England Aquatic Services LLC. Discussion.*

Applicant has withdrawn the application.

### 2. Regulations review.% Chair

The Board members reviewed current wetlands regulations and discussed the sections which need to be amended.

Ms. Sesto began by asking Ms. Peyser what guidance CT DEEP and others offer on the topic of upland review areas. Ms. Peyser responded DEEP is supportive of a 100-foot upland review area, citing larger distances are difficult to work with. Further, activity-specific upland review areas are discouraged. Discussion ensued.



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Ms. Sesto polled the group and the consensus was to pursue a 100-foot up land review area, and a 150-foot upland review area for the major watercourses already called out in the regulations and for vernal pools. The chart associated with Section 4.5 would be deleted.

Members discussed the current exemption status of septic systems repairs in upland review areas and determined this practice should be discontinued. Under current practice, there is no oversight for erosion and sedimentation controls, evaluation and mitigation for lost vegetation, and/or a determination that the proposed location is the best balance between constructing a viable system and protecting wetlands. It was noted this balance is often achieved as the best soils tend to be furthest from the wetland. An emergency approval procedure can also be incorporated into the regulations to ensure the review process does not hold up forward progress on repairing failures. The emergency approval could be applied to broken pipes, etc., too.

The Board questioned the “Development Application” provision and evaluated the reasoning to automatically issue a permit for work done without a permit, as long as the site was stable. Members stated some level of look-back is appropriate, but how far back was difficult to determine. With GIS dating back to 2012, it is reasonable for staff to be able to use this as an enforcement tool. This section of the regulations is to be removed.

The “Drainage Easement” section was discussed. It was the consensus of the members to eliminate this section. DPW should be able to plan ahead and not need this accommodation. If there is a failure or other emergency, the proposed new section to facilitate such situations would provide the needed relief.

Sections 1-3 of section 6.2 are to be deleted.

The fee for after the fact permitting was broached. Members debated the purpose of a higher fee and how this may or may not discourage a violator from coming forward. Conversely, does a higher application fee act as a deterrent. The fee structure is intended to cover the cost of the Board’s work, including staff time. Since handling violations takes much more staff time, a higher fee is justified. It was the consensus of the members to have higher application fees for violations.

Ms. Peyser addressed the application packet applicants are provided. Members agreed more documentation is needed and the regulations should reflect this. Regulations of other towns would be reviewed to formulate our own. As application requirements are not determined by statute, staff and the Board would retain the ability to waive requirements for projects as warranted. Section 7.5.j will be deleted.

It was suggested the regulations include some level of description to assist prospective applicants self-identify which type of permit, administrative, summary, or plenary, they should pursue. Consensus on what the descriptions would be was not reached.

Fee schedules of other towns would be assessed. Ridgefield’s fees are quite low and upward adjustment was agreed on. Ms. Peyser was asked to gather information from surrounding towns and, using mock development scenarios, compares their fees to ours.



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The fee schedule is currently part of the regulations. This is undesirable since any change to the fees would equate to a change in the regulations.

Members and Ms. Peyser discussed their visions of what constitutes administrative, summary, and plenary level application. Conditions such as the extent of clearing and/or grading, quality of the wetland, and proximity to the wetland and watercourse were considered important. However, no definitive guiding principles could be determined. To ensure staffs are interpreting application levels consistent with the Board's intent, all administrative applications will now be included on the agenda for information purposes.

Ms. Peyser will send the edits to the members to review via email before the March meeting.

### NEW ITEMS

### BOARD WALKS

March 08, 2020

### REQUESTS FOR BOND RELEASES/REDUCTION

No bond releases.

### CORRESPONDENCE

- Resubdivision application: 183 Great Hill Rd.
  - The application was submitted too late for acceptance at this meeting. The date of the next regularly scheduled meeting will be its date of acceptance.

### MINUTES

#### **For approval:**

Mr. Salomone motioned and Ms. Baker seconded to approve the January 09, 2020 minutes. Motion carried 7-0-0.

Mr. Pilch and Ms. Miller questioned the wording in the January 23<sup>rd</sup> minutes and requested staff review the text associated with the Governor's Street parking lot. The minutes will be resubmitted for approval at the next meeting.

#### **For distribution:**



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### **PUBLIC HEARINGS**

No public hearing scheduled.

With no other business and given the draft revisions to the regulations will not be available in enough time prior to the next scheduled meeting, the February 27<sup>th</sup> meeting is cancelled. Applications received in advance of February 27<sup>th</sup> will have a receipt date of February 27<sup>th</sup> in accordance with the regulations.

Hearing no further discussion, Ms. Sesto adjourned the Meeting at: 8:55 p.m.

Respectfully submitted,

Aarti Paranjape