



## Inland Wetlands Board

APPROVED/ REVISED MINUTES

### AGENDA

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

March 12, 2020

Members Present: Susan Baker (Vice Chair)  
Tim Bishop (arrived at 7:05PM)  
Alan Pilch  
Kory Salomone (Secretary)  
Patricia Sesto (Chair)

Members Absent: Tracey Miller  
David Tatge

Also Present: Beth Peyser, Inland Wetlands Agent & Conservation Enforcement Officer  
Aarti Paranjape, Office Administrator/ Recording Secretary  
Jack Kace, Ridgefield Conservation Commission  
Susan Consentino, Planning & Zoning Commission  
Brian Smith, Attorney, Robinson & Cole  
Mr. James McManus, MS CPSS JMM Wetland Consulting Services LLC  
Gloria Driscoll, Barnum Place resident  
Mack Reid, Ridgefield Press  
Steven Trinkaus, P.E.

At 7:00 p.m. Chair Ms. Sesto, called the meeting to order. The members of the Board identified themselves for record.

### NEW ITEMS

- #2019-076-AH:** Affordable Housing application under Section 8-30g of the Connecticut General Statutes (Affordable Housing) to construct a Multi-family development with nine (9) units, With three (3) units to be deed restricted as affordable for a property consisting of ± 1.17 acres located at **Turner Road & Barnum Place (Assessor's ID B01-0002)** in CDD Zone. Jurisdictional review, discussion and hearing.



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Ms. Peyser read the list of documents into the record.

Ms. Sesto described the circumstances that lead to the submission of the Turner Road application to Planning & Zoning Commission with no review by this board. Since none of the proposed activities were proposed within regulated wetlands, watercourses or upland review areas associated with the property the applicant was not required to submit a wetlands application to the Board. However, Ms. Driscoll, 9 Barnum Place submitted the documents stating that wood frogs are present in the vicinity and requested that the agency complete a jurisdictional review of this application.

Ms. Sesto added that the Board will not be discussing the application but will limit its discussion to submitted information to determine if the Board has jurisdiction.

Attorney Brian Smith, of Robinson & Cole representing Black Oak LLC, read his letter to the Board stating there are no wetlands within 125 feet of the property, there was no evidence the pictured frog came from the subject property, and potentially applicable case law was in fact, not applicable.

Ms. Sesto challenged the reasoning behind why Mr. Smith disregarded the applicability of the case law, noting the size of the property and whether the wetlands were on-site or off were not relevant as purported by Mr. Smith. Mr. Smith argued the quality of the vernal pools and the surrounding property in the South Bend case distinguishes it from this piece. He further maintained it is relevant that the wetlands are off-site.

Mr. James McManus, Soil Scientist said that in October he conducted a soils study and determined there are no regulated wetlands on the subject Turner Road property. Ms. Sesto asked Mr. McManus if the site was studied for possible habitat of wood frog. Mr. McManus stated he did not. Mr. Smith and Mr. McManus continued on to describe the area of the wetland believed to support breeding and the location of the woodlands they stated wood frogs would use.

Mr. Alan Pilch asked about the stormwater discharge proposed for the property and stated it would be regulated if it discharges to the wetland. According to Mr. Smith, the stormwater management plan includes bioretention basins for renovation prior to discharge to the system in Turner Road.

Ms. Sesto expressed appreciation for the predicament this late question of jurisdiction brings to the applicant and acknowledged the applicant did follow procedure and received a sign-off of no permit needed prior to submitting to P&Z.

Ms. Sesto called for public comment.



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Mr. Jack Kace of Ridgefield Conservation Commission expressed concerns regarding procedural matters.

Ms. Driscoll read her concerns regarding the sensitive nature of the wetlands and habitat needs of wood frogs and their relationship to wetland health. She submitted additional photographs to give spatial context to the picture of the wood frog previously submitted.

Ms. Sesto stated her and Ms. Peyser's efforts to contract Dr. Klemens on behalf of the Board do study the property and off-site wetland for the wildlife and habitat of wood frogs. As their budget cannot accommodate the expense, she requested a supplemental appropriation from the Board of Selectmen. They will take up the request at the March 18<sup>th</sup> meeting.

Ms. Sesto said the item will be continued on March 26, 2020 meeting.

2. **#2020-006-SR:** Summary Ruling Application per Section 7.5 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations for a three lot subdivision with no proposed disturbance within the regulated area, consisting of  $\pm$  50.94 acres for a property located at **183 Great Hill Road** in the RAA zone. *Statutorily received on February 27, 2020. Site walked on March 08, 2020. Owner/Applicant: Estate of Basha Szymanska. Authorized Agent: Steven Trinkuas, P.E. For discussion and possible action.*

Ms. Sesto introduced the application for a three-lot subdivision. Members of the Board who attended the site walk identified themselves, Mr. Bishop (walked separately, Mr. Pilch, Mr. Salomone.

Mr. Trinkaus presented the three lot re subdivision proposal, describing it as a portion of a much larger subdivision back in the early 2000's. The wetlands and watercourses are far removed from the proposed development and outside of the regulated areas. The application was submitted in accordance with the regulations that do not differentiate regulated activities or not in the case of subdivisions.

Mr. Pilch asked about stormwater runoff from the driveways, noting only the roof runoff is being treated. He expressed concern the driveway runoff will enter the road drainage and discharge to a wetland or watercourse without treatment. Discussion ensued. It was determined drainage from the upper portion of "former parcel 5" would be directed to the rain garden.

**Mr. Pilch motioned to approve the resubdivision application with a special condition that the driveway design for "former parcel #5" shall maximize the portion of proposed driveway runoff to be conveyed to the bio retention area indicated in the plan approval, along with standard conditions of approval, seconded by Mr. Salamone, and carried 5-0-0. The effective date is March 20, 2020.**



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- #2020-010-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. For receipt.*

**Mr. Salomone motioned to receive the pond dredging application, seconded by Mr. Bishop, and carried 5-0-0.**

- Voting of Minutes. % IW Agent

Ms. Peyser reminded members that if any member is not present at the meeting, they should abstain during the votes.

- #2020-012-PR:** Plenary Ruling Application per Section 7.6 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations for installation of a drainage pipe for driveway crossing wetlands for a construction of a single family residence at a property located at **20 Regan Road** in the RAAA zone. *Owner/Applicant: Rock Harbor Builders LLC. For receipt and scheduling a sitewalk and public hearing.*

**Mr. Bishop motioned and Mr. Salomone seconded to receive the Plenary ruling application. The site walk is scheduled on April 19, 2020 and the Public hearing is scheduled on April 23, 2020. Motion carried 5-0-0.**

### PENDING ITEMS

- Regulations review. % Chair

Members agreed to review the regulations and the edits will be sent to Ms. Peyser before the March 26, 2020. Once members have edited the regulations, the edited version will be sent to Attorney Beecher for the final review. After the final review the public hearing will be scheduled.

### BOARD WALKS

### REQUESTS FOR BOND RELEASES/REDUCTION

No bond releases.



## Inland Wetlands Board

### **CORRESPONDENCE**

### **MINUTES**

#### **For approval:**

#### **January 23, 2020.**

The minutes will be edited after listening to the audio tape.

#### **February 13, 2020**

**Mr. Pilch motioned to approve the February 13, 2020 minutes, second by Mr. Bishop and carried 5-0-0.**

Having no further business, Ms. Sesto adjourned the meeting at 8:05PM.

Respectfully submitted,

Aarti Paranjape