



TOWN OF RIDGEFIELD Inland Wetlands Board

APPROVED/ REVISED MINUTES

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

July 09, 2020

Members present: Patricia Sesto, Chairman, Susan Baker, Vice Chairman, Kory Salomone, Secretary, Tim Bishop, Tracey Miller (Joined at 7:02PM), Alan Pilch, Dave Tatge

Also Present: Beth Peyser, Inland Wetlands Agent, Aarti Paranjape, Office Administrator, Jennifer Forbis, Brian Forbis, Raj Singhal, Jane Singhal, Kevin Cohen, Doug Carroll

I. Call to Order

Chair Sesto called the meeting to order at 7:01PM.

II: Discussions:

- a. **#2020-029-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 within the upland review area of wetlands at a property located at **192 Wilton Road West** in the RAA Zone. *Owner/Applicant: Jennifer and Brian Forbis.*

Members Baker, Pilch, Salomone, Bishop, and Sesto indicated they had visited the site.

Mrs. Forbis presented the application. She stated the pool is encroaching into the 50 foot upland review area from the intermittent watercourse on the property by about 13 feet. The area of disturbance will be encompassed by silt fence and access area for equipment is located on the north side of the driveway. She added the pool will be surrounded by lawn with no patio, only 12"-14" of coping. Some of the excavated materials will be used as fill around the pool and yard to fix uneven topography.

Ms. Sesto inquired if any trees will be removed in the process of constructing the pool. Ms. Forbis stated that according to the contractor, only one aging maple tree will be removed. Ms. Sesto questioned the impact on the trees to the north, noting they appear to be close to the pool.



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Mr. Tatge asked the homeowners to explain why the current location of the pool was chosen. Mrs. Forbis stated that after carefully examining their property, considering the location of septic and watercourses and proximity to deck, this location is best.

Mr. Pilch asked about the location of the pool fence and the full extent of the grading.

Mrs. Forbis said they have revised the survey since the last submission; the fill is going to be placed more towards the south and away from the watercourse. No additional fill will be brought on-site.

Ms. Sesto expressed concerns that the site plans lack necessary information pertaining to grading. There is no clear information as to where the fill will be placed, how deep the fill is. Further, where the stockpile is depicted, it and the proposed fill can impact the root systems. Plans do not include any mitigation. Mitigation could be to add plantings in the southeast corner of the property to filter the lawn runoff. The current plan lacks details and the Board cannot envision what is proposed. She added the plans should depict what trees are coming out and how the trees at the north end will be protected, the plans should show location of the pool fence.

Mrs. Forbis asked if the removal of trees requires Board approval. Ms. Sesto responded the trees in the regulated area do require the approval from the Board. Mrs. Forbis said only one tree is being removed. The other trees might be at least 15 feet away.

Mr. Forbis stated they expect the work to commence on July 27, 2020, and they were hoping to get the approval at this meeting.

Ms. Sesto poled Board members who concurred there was insufficient information to act on. Ms. Peyser asked the Board members what their expectations were for the mitigation plan the applicant should submit at the southeast corner of the property. Members agreed a 1:1 ratio of mitigation plan for what is being disturbed.

Ms. Sesto said that the southeast corner should show the mitigation plan to protect the watercourse and which will benefit the wetlands as well.

Board members-Mr. Bishop, Mr. Pilch, Ms. Baker and Ms. Miller agreed that the plans should show the details stated by Ms. Sesto. Ms. Miller agreed that the grading plan should include the fill location, the trees to be removed and the mitigation plan.

Mr. Salomone and Mr. Tatge agreed that the information stated by Ms. Sesto is necessary, but also wanted to pursue a way for the applicant to get an approval before their deadline of starting the project.

Ms. Sesto said the pool fence should be within the limit of the lawn and not in the wooded area. Mr. Forbis stated they can move the fence to the limit of lawn and move the pool to be no less than 25 feet from the trees trunks. He added the excavated earth material will be removed from



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the property and the mitigation plan with a 1:1 ratio. Board members suggested *Carex* species for the mitigation area as they are shade loving, good filters, and have persistent winter structure.

The discussion ensued and the Board agreed the following conditions to be included in the approval:

1. Pool fence will be positioned at the limit of the lawn and not into the woodland line.
2. Silt fence will be set at the periphery of the construction envelope - roughly 25 feet from the pool.
3. Mitigation plan will be 1:1 ratio for the disturbance.
4. Excavated material will be removed from the site.
5. Plantings will include native plants such as *Carex*.
6. Debris pile in the woods in the southeast corner to be removed.

Ms. Baker motioned and Mr. Tatge approved the summary ruling application with special conditions noted, along with the standard conditions of approval. Motion carried 7-0-0. The publication date is July 16 and effective date of July 17, 2020.

- b. #2020-030-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 at a property located at **10 Dillman Court** in the RAAA Zone. *Owner: Raj Singhal. Applicant: Nejame & Sons.*

Members Baker, Pilch, Salomone, and Bishop indicated they had visited the site.

Mr. Singhal and Mr. Cohen presented the application. Mr. Cohen stated the actual pool is not within the 50 foot regulated area; there will be a 3-4 feet walkway and construction activities within the 50 feet of regulated area.

Mr. Pilch asked if the pool fence shown is within the wetland area and would that be the final location. Ms. Sesto asked if the fence is going in the woods or on the lawn. She expressed concerns and suggested if the fence could be moved within the limit of the lawn and not encroaches into the wooded area. She asked if any trees were going to be removed.

Mr. Singhal agreed to put the fence at the limit of the lawn. He added the stonewall is where the lawn is limited. He added they do not propose any patio within the upland review area, only the walkway.

Mr. Pilch suggested a mitigation plan near the fringe of the lawn, at a ratio of 1:1, would be helpful. Ms. Sesto added the mitigation plan should include the plantings near the pool fence which will filter the runoff from the lawn before it enters the wetlands.



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Mr. Pilch expressed concern with the construction vehicle access point: the construction entrance should have silt fence on one side to prevent equipment from causing additional disturbance.

Ms. Sesto stated the conditions of approvals would include:

- 1) A revised site plan shall be submitted prior to the commencement of any on-site, permit related work and the revised plan should include:
 - a) The limit of the lawn;
 - b) The pool fence running parallel to the wetlands and at least five feet in front of the stonewall;
 - c) Buffer of plantings, five feet deep, should be planted along the fence, between the fence and the pool, and should consist of native species such as *Carex*. The extent of plants should at least equal a ratio of 1:1, area of disturbance in the regulated upland review area to mitigation area.
 - d) Silt fence shown to extend along the north side along the construction entrance.
 - e) The 3-4' proposed walkway long the eastern side of the pool.
- 2) No tree removal.

Ms. Miller motioned, and Mr. Bishop seconded, to approve the Summary Ruling application with special conditions cited, along with the standard conditions. Motion carried 7-0-0. Date of publication will be July 16 and effective date of July 17, 2020.

- c. #2020-032-SR: Summary Ruling application per Section 7.5 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations for hydro-raking 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.

Mr. Tatge recused himself.

Members Baker, Pilch, Salomone, and Bishop indicated they had visited the site. Mr. Carroll presented the application, explaining the scope of work. He stated they have hired a Solitude to do the hydroraking to remove organic debris from the lake bed. He added there is discussion of expanding the area of hydroraking to other interested property owners which front on the lake.

Ms. Peyser clarified the applicant has submitted an application to hydrorake along Crescent Drive. She said the scope of application in front of the Board includes removal of 200 cubic yards of sediment in the alcove near Crescent Drive. If the applicant has a larger scope of project in mind, additional materials must be submitted.



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Mr. Carroll agreed he will discuss what is in front of the Board and will submit a new application for the additional work.

Ms. Miller asked if the applicant can show on the map and delineate the outline and the staging area of the work and give more information as to what kind of equipment is used.

Discussion ensued and members agreed the applicant needs to submit additional detailed information demarcating clearly where hydroraking will take place, along with the staging area. Ms. Sesto asked if they were using a silt curtain of any kind. Mr. Carroll said the Solitude has not stated anything like that.

Mr. Pilch agreed some kind of turbidity curtain should be used. He added the applicant should ask Solitude as why they propose hydroraking versus any other type of method of removing the debris, as hydroraking is used for extracting plant growth, and not debris/sediment removal.

When asked how much depth will be added to the lake, Mr. Carroll said Solitude charges by hour of work and they are aiming to have 3-4 feet of debris removed.

The Board agreed the applicant should submit new detailed information with the narrative from Solitude, showing the area of work, including the map where the removal of debris will take place, the staging area or area where material will be deposited, edge of the waterbody and wetlands, and mitigation plan.

Ms. Sesto said the project should include the mitigation plan to repair disturbed areas. To which Mr. Carroll agreed, suggesting meadow seed mixes.

Mr. Bishop confirmed no new fill will be brought. Mr. Carroll agreed that no fill will be brought.

The applicant stated new information will be submitted for the August 27, 2020 meeting, but would like to hold open the option to return on July 23rd if he can gather the needed documentation.

d. Discussion on Administrative items. % IWA

Ms. Peyser discussed with the Board following administrative procedures.

1. Sitewalk: The meeting location is the first site on the agenda. The members should wait for five minutes for all the members and then start the walk.
2. Recusals: The member should state on the record if they are rescuing from the application discussion.



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3. Resolution of Approvals: Ms. Peyser told the members if the members have suggestions, edits for the draft resolution of approval, the members should submit their comments by end of Tuesday before the Thursday meeting to be incorporated into the Draft Resolutions. Comments submitted after Tuesday will be discussed on the meeting day. Ms. Sesto reminded members to communicate suggestions only with Ms. Peyser to avoid *ex parte* communication.
4. Public Hearing Procedure: No new information can be added once the public hearing is closed. Ms. Peyser informed the Board that if they have any questions or concerns, they should direct all queries to her and she can contact the applicant and the information can be provided before the public hearing is closed. This is essential to have the information be part of the record.

V: List of Ongoing Enforcement by Agent:

- 309 Bennetts Farm Road
- 66 Manor Road
- 9 Maplewood Road
- 488 North Street
- 145 Ridgebury Road

Ms. Peyser updated the members on the ongoing enforcement actions.

VI: Approval of Minutes:

- Site Walk Minutes - July 05, 2020

Mr. Pilch motioned, and Ms. Baker seconded, to approve the site walk minutes as presented. Mr. Tatge, Ms. Miller and Ms. Sesto abstained. Motion carried 4-0-3

- Inland Wetlands Meeting - June 25, 2020

Mr. Salomone motioned, and Mr. Bishop seconded, to approve the minutes as amended. Motion carried 7-0-0.



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VII: Adjourn.

Having no further business, the meeting was adjourned at 9:02PM.

Respectfully submitted by

Aarti Paranjape
Recording Secretary