



TOWN OF RIDGEFIELD Inland Wetlands Board

APPROVED/REVISED MINUTES

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

April 27, 2023

Members present: Susan Baker, chair; Tim Bishop, vice chair; David Smith; Carson Fincham; Chris Phelps; Tracey Miller

Members absent: Alan Pilch, secretary

Also present: Caleb Johnson (IW Agent); Jason Williams; James McManus; Jay Klarsfeld; Richard Lipton; Tracy Chalifoux; Sheri Preece; Lee Bussinger

I. Call to order:

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

II. Public Hearing(s)

- IW-23-6, 0 Ethan Allen Highway, G10-0057**, Plenary Ruling Application for construction of thirteen multi-family residential buildings, one community meeting house, outdoor pool amenity space, stormwater management system, vehicular access using existing entrance which crosses onto this site via newly constructed stream channel crossing, associated site work within the upland review area of wetlands and watercourses. *Owner/Applicant: Ridgefield Professional Office Complex LLC. For receipt and scheduling a sitewalk and Public Hearing.*
<https://ridgefieldct.viewpointcloud.com/records/90987>

Ms. Baker read the legal notice and Caleb Johnson read the list of documents received.

Ms. Baker noted that she did not find the required Biological Narrative about ecological communities, function of wetlands or watercourses and effect of proposed activities. Mr. McManus replied that he had submitted this information on March 25. Mr. Johnson confirmed that the document was not among the materials that he listed at the outset of the hearing.

Ms. Baker asked the Board to comment on whether they felt that peer review was needed for this application. Discussion ensued and members were in favor of having peer review for both Engineering plans and Biological issues. Mr. Bishop repeated that both reviews were being requested for the record.

Ms. Baker said that in light of the missing Biological Narrative document in order to proceed with the peer review process the presentations from the applicant would be held off until the May 11 meeting and the public hearing would be continued to that date.

Mr. Lipton asked to clarify the timing of the future meetings in light of the simultaneous application to Planning and Zoning. He asked for information on costs and whether the engineer that P&Z was planning to use for their peer review would be the same.

The public hearing was continued to May 11, 2023.

II: Application(s) for Discussion:

- 1. (Continued) IW-23-8: 36 Old Mill Road;** Summary Ruling Application for pond dredging, construction of sediment forebays, stream armoring and mitigation plantings for wetlands enhancement. *Owner: Phillip Pilla. Applicant: Tracy Chalifoux.* <https://ridgefieldct.viewpointcloud.com/records/90835>

Ms. Chalifoux reviewed the updates to the plans from the previous meeting. The armoring of the inlet stream was reduced and coir logs will be used to stabilize some of the area. Additional planting along the northern bank in the form of Carex was added, and the area that is to receive some of the dredged material will be planted with a conservation seed mix and mowed only twice a year. Additional trees and shrubs were added on the west side of the pond.

Ms. Miller thanked the applicant for the additional work, and Mr. Bishop also commended it.

Ms. Miller motioned and Mr. Bishop seconded to Approve the Summary Ruling Application with Standard and Special conditions. Motion carried unanimously.

- 2. (Continued) IW-23-9: 46 Minute Man Rd.** Summary Ruling Application for first and second floor addition on the existing deck footprint within the upland review area of wetlands. *Owner: Lee & Sheri Preece. Applicant: Rick DePalma.* <https://ridgefieldct.viewpointcloud.com/records/91080>

Ms. Preece reviewed the planting plan as Mr. DePalma was unable to attend due to technical problems. She reviewed the area to be planted and said that the plan was to do the planting after completion of the project. This would likely be in the spring of 2024.

Ms. Preece also mentioned a problem with road work on Minute Man Road that was spilling gravel and debris into the stream on her property. Mr. Johnson will review this problem separately with the Highway Department.

Mr. Miller motioned and Mr. Smith seconded to Approve the Summary Ruling Application with Standard and Special conditions. Motion carried unanimously.

III: Application(s) for Receipt:

- 1. IW-23-17; 23 New Street.** Summary Ruling Application for tree planting in wetlands and rebuild the rubble wall within the upland review area of the wetlands.

Owner/Applicant: Juliana Starbuck. For receipt and scheduling a sitewalk and discussion.

<https://ridgefieldct.viewpointcloud.com/records/91596>

2. **IW-23-18; 27 Abbott Avenue.** Plenary ruling application for construction of apartment complex, associated parking and drainage infrastructure within the upland review area of the wetlands. *Owner: Alimi Veton. Applicant: Brain Carey. For receipt and scheduling a sitewalk and Public Hearing.*

<https://ridgefieldct.viewpointcloud.com/records/91085>

3. **IW-23-19; 60 Langstroth Dr.** Summary Ruling Application for installation of inground pool, patio and planting and associated site work within the upland review area of the wetlands. *Owner/ Applicant: Ashlie Miller. For receipt and scheduling a sitewalk and discussion.*

<https://ridgefieldct.viewpointcloud.com/records/91250>

Ms. Baker reviewed starting dates for the applications, with 23 New Street scheduled for May 11, 60 Langstroth Drive for May 25, and Public Hearing for 27 Abbott Avenue scheduled at June 08, 2023. The sitewalks will be held on Sunday prior to the Thursday Meeting.

Mr. Phelps Motioned to receive the above three applications. Ms. Miller seconded. Motion carried unanimously.

IV: List of Ongoing Enforcement by Agent:

V: Other Business:

1. **IW-21-16: 28 Nutmeg Ct.** Planting Plan Bond Release

Mr. Johnson went to the site and presented photographs of the tree planting. All of the trees appeared to be thriving after two years.

Ms. Miller commented that the trees appeared to be smaller in caliper than was indicated on the plans, but felt that as the trees looked to be doing well that we could accept them.

Mr. Bishop motioned and Mr. Fincham seconded to approve the full release of the bond.

2. **IW-22-23: 131 Seth Low Mountain-** Bond posting

Mr. Bussinger claimed that due to the cost of the planting plan, it would be a hardship for him to post the full bond at this time.

Ms. Baker suggested that the board could consider accepting a warranty from the company that would be installing the plants that they would replace any plants that did not survive for the first year. Mr. Bussinger would then post a 50% bond for the second year. There was

general agreement from board members and Mr. Bussinger will provide the warranty as soon as possible. The board will review again at the May 11 meeting.

3. Webinar on Invasive Species presented by NVCOG (Naugatuck Valley Council of Governments)

Mr. Bishop reported that he and Mr. Johnson had attended this webinar and found it helpful.

4. Utility companies and IWB jurisdiction

Mr. Fincham is continuing to review this issue. He is interested in pursuing some legal answers and wondered if progress had been made. Ms. Baker reported that she had contacted Attorney Janet Brooks, who frequently presents information on legal issues at CACIWC meetings. Ms. Brooks contacted Ms. Dew and indicated that this matter would have to be pursued via legal action and that chances of success were on the low side.

Mr. Fincham clarified that perhaps there is a difference between “invasive” work such as dredging, filling, and “noninvasive” work such as tree cutting.

The board felt that getting further information should be pursued.

Carson reached out separately to the EPA administrator for our region and was told that there are no exemptions for anybody at the federal level for dredging and filling. How this flows down to the state level is not clear.

VI: Approval of Minutes:

- **Inland Wetlands Meeting:** March 23, 2023; April 13, 2023
- **Sitewalk Minutes:** April 11, 2023; April 23, 2023

There was some confusion about the dates of these meetings that appeared on the agenda. It was confirmed that Mr. Phelps and Ms. Miller were not at the IW March 23 meeting; Mr. Fincham and Mr. Pilch were not at the IW April 13 meeting; the April 11 sitewalk meeting was only attended by Ms. Baker; and Mr. Smith and Ms. Miller were not at the April 23 sitewalk meeting. A formal vote was not taken so all of these minutes will need to be approved at the May 11 meeting.

VIII: Adjourn

Hearing no further business, Ms. Baker adjourned the meeting at 8:17 P.M.

Submitted by

Susan Baker, Chair

