



## **TOWN OF RIDGEFIELD** **Inland Wetlands Board**

### **APPROVED/REVISED MINUTES**

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

September 10, 2020

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, Darcy Winther, Kim Czapla, Matthew Vogt, Carroll Brewster, David Sarath, James Scesa, Jim McManus, Nadine DeCioccio, Eric Elezovic, Craig Studer

#### **I: Call to order**

Chair Sesto called the meeting to order at 6:30P.M. She gave an overview of how the meeting will run and its procedures.

#### **II: Discussions:**

##### **1. DEEP Training: IWB. % Darcy Winther & APA. c/o Kim Czapla**

Kim Czapla, CT DEEP Aquifer Protection Area Program, presented an overview of the Aquifer Protection Program (APA) in the Town of Ridgefield. She explained what an aquifer is and stated the important role of the Aquifer Protection Agency members in protecting and promoting the values of aquifers.

She said the Connecticut's Aquifer program is designed to protect the major public aquifers from pollution by managing the specific land use activities occurring above and around aquifers. She added the program focuses on stratified drift aquifers and not bedrock aquifers. She gave a timeline of the Aquifer Protection Area Program in the State of Connecticut, which started in 1970's. She said by 2004 the APA State regulations were implemented. Within the State of Connecticut, there are 80 towns which have implemented the APA regulations. With the help of a short video she explained "What is an Aquifer?" The APA program requires mapping of the aquifer protection areas and, registering the existing activities which involve hazardous materials that could potentially contaminate the aquifers below. DEEP conducts training to give guidance on mapping and regulations to the municipalities. She informed the members about the responsibilities of water companies. She added that Ridgefield has proactively designated the APA and has adopted the APA boundary and regulations. Ridgefield has one state-defined aquifer area, named Oscaleta well field, which is in compliance with the State standards. She suggested agency can protect and assist the program in its own municipality by creating a



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separate webpage on the Town's website to distribute information such as members, meeting dates, minutes, agenda, a link it to DEEP's APA page. It was recommended all property owners located within the protected aquifer area are noticed. All agency members should have APA training. She discussed the different tools available on DEEP's website.

Ms. Sesto asked Ms. Czapla to explain the difference between the local and the state-defined aquifers in Ridgefield. Ms. Czapla informed that in the 1990's, Ridgefield's Planning and Zoning Commission proactively identified the importance of protecting the aquifers. The state-defined aquifer is determined by having at least 1,000 people served. She supported the local zoning authority protecting aquifers serving less than 1,000. Mr. Pilch asked about the proximity of non-hazardous activity near the well heads. Specifically, activities such as waste water discharges.

Ms. Czapla said DEEP has certain setbacks and the Department of Public Health has setbacks, as well, in order to protect the aquifers.

Ms. Sesto asked if there are any specific activities/ uses which should be avoided in the residential areas. Specifically, what threats come from common residential practices such as fertilizing and applying pesticides.

Ms. Czapla said DEEP has integrated pest management protocol, and the fact sheets on the webpage. She said the concerns are with the homeowners who uses hazardous material as part of their home occupation or hobbyist using improper disposal methods. She said all activities should be performed inside the buildings and not in open.

Ms Czapla said Ridgefield has very high quality aquifers which are primarily under residentially developed areas.

Ms. Sesto asked about the level of regulation in New York as Ridgefield's aquifer abuts the state of NY. Has DEEP mapped the aquifers in both the states and how both states can work together to protect them. Ms Czapla responded DEEP is working with the neighboring states.

Ms. Winther explained the responsibilities of the Wetlands Board. She said all the members should complete the online training for both wetlands and APA. Her discussion included the three questions shared by the Board members prior to the meeting.

a) Ability to review to regulate wildlife as a wetlands board:

Ms. Winther referred to Section 22-41 of the CT State Statutes, which discusses ecology, wildlife habitat, fisheries. In order to implement the law, the Board can consider some factors, if not all. She said that the Board can consider the habitat of aquatic plant and animal life. Section 22-42a(d)(1) talks about how the wetlands authorities can consider mitigation and restrict or condition an approval. She said the law protects the wetland and watercourses themselves and the Board needs to be able to connect activities and impacts



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in the adjacent uplands to adverse wetland impacts. She said the Board must rely on expert testimony in the record to come to a decision.

Ms. Miller asked if the Board can choose an expert or is it applicant who chooses the expert.

Ms. Winther said both parties can bring an expert. She added the Board can counter the expert of an applicant by hiring its own expert.

#### b) Feasible and Prudent Alternatives:

Ms. Winther referred to Section 22a-41, which addresses feasible and prudent alternatives. The Board can consider having prudent and feasible alternatives regardless of whether or not significant impacts are involved. She noted the words “significant impact” is not in the section that discusses feasible and prudent alternatives. The Board should adopt techniques, best management procedures, among other strategies when considering prudent and feasible alternatives.

She added if the Board member is acting as an expert, those credentials should be stated on record.

#### c) Upland Review Area:

Ms. Winther cited Section 22-42 a(f) which refers to upland review areas. There should be provisions in the town’s wetland regulations on how to regulate the uplands. The focus should be on the activity and the Board cannot prohibit activities in the upland review area.

#### d) Restrict and regulate?

Restrictions are the conditions or limitations on an activity. Section 22-41 addresses the restrictions.

“Regulate” is to apply the law or regulations which are laid out in the wetland regulations.

Ms. Winther ended her presentation by informing the members that the DEEP website will be undergoing an update and the online training will not be available. However, for those who have already signed up, there is a sixty-day to the complete the training.

## 2. (Contd.) #2020-032-SR: Summary Ruling application per Section 7.5 of the Town



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of Ridgefield Inland Wetlands and Watercourses Regulations for suction dredging 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 was recused.

Mr. Carroll presented the edited application, stating they are proposing suction dredging instead of hydrosucking. He explained the three areas where the dredging will take place. In response to questions, Mr. Carroll and Mr. Vogt indicated the dirt bags will be placed in areas vegetated with scrub growth, not on lawns, the area will be seeded with a conservation mix,

Dredging will take place in mid to late October and then the sediment-filled tubes will be dried in place. All but 49 cubic yards of material will be removed from the sites. The planting will take place sometime in spring or summer.

Turbidity curtains will be placed to prevent siltation beyond the work area.

Discussion ensued on conditions of approvals. The following conditions of approvals will be included in the adopted resolution along with standard conditions:

1. Bond for the erosion and sediment control will be submitted prior to commencement of work and will not include the cost of the turbidity curtain.
2. Planting plan will be submitted
3. Dredged soils will be spread within the nine months of commencement of each section.
4. No more than one section shall be dredged at a time.

**Mr. Pilch motioned to approve the summary Ruling application along with conditions of approvals as articulated, and Ms. Miller seconded. The motion carried 6-0-0 The publication date is September 17 and the effective date is September 18, 2020.**

**3. (Contd.) #2020-038-SR:** Summary Ruling application per Section 7.5 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations to remedy an existing violation (File # 2020-017-WV) which includes regulated activity in wetlands and the upland review area of wetlands without the appropriate permits for a property located at **9 Maplewood Road**. *Owner/Applicant: James & Danielle Scesa.*

**Mr. Tague was reseated.**

JimMcManus, JMM Soil Consultants, updated the members on the site meeting that occurred since the last meeting. He along with Ms. Peyser, visited the site to understand if the wetland



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had been filled. Ms. Peyser said it was difficult to define what parts of existing wetlands were disturbed due to the current activity. The boundary was not defined. She added it was not clear what was new disturbance and what was existing disturbance due to the current activity.

Mr. McManus supported this and said the wetlands, as defined on his soils report, were undisturbed. The drainage ditch was piped by the current owner and the site is more stabilized.

Ms. Sesto asked about the restoration proposal.

Mr. Scesa told the members he will be further addressing the erosion around the pond. He will create a buffer and present the list of plantings to be installed in a ten-foot mulched area surrounding the pond. Ms. Sesto was concerned that the runoff from the road is channeled through the pond via the new culvert and will be carrying pollutants, negatively affecting the pond's health. She said planting trees at the pond will help ameliorate the thermal pollution from the runoff.

Ms. Miller, landscape architect, suggested planting red maple trees and herbaceous plants. She acknowledged the planting list provided, but said it would be helpful to include the quantity of plants. She added that the east corner of the property falls under the NDDB (Natural Diversity Database) and the applicant should contact the DEEP for their recommendation.

Mr. Scesa stated he intends to clean the area and put a buffer of native plants as part of restoration.

The application will be discussed again on September 24, and applicant will provide the restoration planting plans.

**4. #2020-035-SR:** Summary Ruling application per Section 7.5 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations to remedy an existing violation (File # 2020-016-WV) which includes regulated activity in the upland review area of wetlands without the appropriate permits for a property located at **145 Ridgebury Road**. *Owner/Applicant: Eric Elezovic*

Mr. Elezovic presented the application. He said he moved the dirt from the upper side area of the front lawn to the rear of property to stabilize the slope. He installed a rail fence and did driveway work.

Ms. Sesto questioned the homeowner on the apparent expansion of the driveway.

Mr. Elezovic said the property has some drainage issues and the runoff from the road and uphill neighbors flows down his driveway. Although he did the driveway work hoping it would address the water issues, he confirmed that during heavy storms the property still encounters runoff.



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problems. Further, he was told by land use staff redoing his driveway would not require a permit. It is likely staff was referring to repaving, not expansion.

Ms. Peyser stated fill from front yard was placed in the rear of the home to level the edge of lawn and the soil delineation report confirms the wetlands were not filled.

Additional discussion confirmed the slopes have been stabilized, grass is growing, and one tree with fill around it is at risk of dying. Ms. Sesto suggested planting two native shade trees by flags 7 – 8, sized 2-2.5 inches in caliper, to mitigate for the impacted tree.

Ms. Sesto identified special conditions of approval to include an acknowledgement of the expanded driveway and the fill in the rear of property, and two native shade trees, sized 2 – 2.5 inch caliper shall be planted in the vicinity of flags 6-7- by October 15, 2020.

**Ms. Baker motioned, and Ms. Miller seconded, to approve the application with the special conditions of approval stated by Ms. Sesto. The motion carried 7-0-0. Publication date is September 17 and effective date is September 18, 2020.**

**5. #2020-037-SR:** Summary Ruling application per Section 7.5 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations to remedy an existing violation (File # 2020-020-WV) which includes regulated activity in the upland review area of wetlands without the appropriate permits for a property located at **309 Bennett's Farm Road**.  
*Owner/Applicant: Nadine DeCioccio.*

Ms. Peyser gave an overview of the application. The application is in response to a violation where the homeowner was clear cutting the steep slope at rear of the property facing Rainbow Lakes. At the time application was submitted the area had stabilized with the invasive species.

Ms. DeCioccio, owner, described the planting restoration plan, suggested by her landscape company Bates Farm.

Ms. Miller and Mr. Pilch identified themselves as landscape architects and suggested, due to the steep slopes, it would be better if they planted the shrubs recommended by Bates Farm at the bottom of the slope. The steep slope should then use seed mix with jute netting and coir logs on the top 2/3. Both suggested the herbaceous species will be a great choice. The coir logs at the bottom of the slope will prevent erosion and will hold the seeds.

Ms. Miller added that due to the steep slope, the netting could be challenging. She suggested doing a patch first and to see if it works. She supported the removal of the invasive bittersweet vines. Mr. Pilch also agreed and said the slope could be difficult to stabilize.



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Ms. Sesto stated the conditions of planting plan to be submitted to the staff for review and to be planted by April 20, 2021.

**Ms. Baker motioned to approve the Summary Ruling application, and Mr.**

**Salomone seconded. The motion carried 6-0-1, with Mr. Bishop abstaining. The publication date is September 17 and effective date of September 18, 2020.**

**6. #2020-046-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 and associated site work within the upland review area of wetlands at a property located at **13 Golf Court**. *Received on August 27, 2020. Owner/Applicant: Kaile Rudy Ferreira.*

Mr. Studer presented the application explaining the proposed pool is near the edge of wetlands. There will be boulders are proposed at the edge of wetlands. There will be plantings installed between the new retaining wall 25 feet from the wetland and the wetland boundary. All the construction is outside of the 25-foot setback of the edge of wetlands. The existing deck will have new stairs, which will be attached to the pool deck. The proposed pool is 16 by 32 feet with a 7 by 7 foot elevated spa. The wall is proposed between the driveway and the pool with a 3 feet retaining wall which will have planting and pool fence. Seven trees will be removed and includes one fallen tree and 3 dead trees. Mr. Studer described the planting plan as significant.

Mr. Pilch showed concern with the pool draw down at the end of season. He said the pool water could end up in wetlands.

Mr. Studer said he doesn't have any plan yet for the extracted water and would take suggestions. He said he could use a Cultec recharger.

Mr. Bishop asked what the type of patio material is proposed. He also identified his professional credentials and stated the chlorine discharge from the pool could be a concern to the well if it were infiltrated.

Ms. Sesto suggested the patio around the pool be pervious, as opposed to impervious. The concerns were also related to the roof leaders that presently reach the wetland via a small drainage ditch. She asked if the discharge could be directed to the Cultec unit, which will benefit the wetlands.

The discussion ensued regarding the stormwater and the Cultec system.

The Board will continue the discussion on September 24, 2020. The applicant will revise the plan to include means to infiltrate roof runoff and address the drawdown of the pool. The boulders will be relocated to the limit of lawn. Ms. Miller suggested a rain garden at the north end of the pool to address the pool deck runoff.

### III: New Submissions





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**1. #2020-051-SR:** Summary Ruling application per Section 7.5 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations for expansion of patio within the upland review area of wetlands at a property located at **45 Old Washington Road**. *Owner/Applicant: Wesley Gifford.*

**2. #2020-052-SR:** Summary Ruling application per Section 7.5 of the Town of Ridgefield Inland Wetlands and Watercourses Regulations to construct a single family residence and associated sitework including driveway within the upland review area of wetlands at a property located at property with **Assessor's ID: D-14-0087 at Ramapoo Road**. *Owner: Cohan George M. Trustee. Applicant: Michael o'Mahoney.*

**Mr. Tatge motioned, and Mr. Bishop seconded, to receive the two applications listed on the agenda. The motion carried 7-0-0. The discussion will be held on September 24, 2020 and a site walk was scheduled for September 20, 2020.**

#### **IV: List of Ongoing Enforcement by Agent:**

- 488 North Street

Ms. Peyser updated the Board regarding the ongoing violation. On August 28, 2020, she received an email from Kevin Zaway, Environmental Analyst for CT DEEP, who will draft a Notice of Noncompliance for the removal of material on state property. He has contacted the owner who has agreed to comply.

#### **V: Approval of Minutes:**

- **Inland Wetlands Meeting – August 27**  
The amendment included Ms. Miller's revised question to be asked to Ms. Winther during the training session.

**Mr. Pilch motioned, and Ms. Baker seconded to approve the minutes as amended. The motion carried 6-0-1. Mr. Tatge abstained.**

- **Site walk Meeting- September 06**  
Ms. Sesto stated the site walk minutes should reflect the consensus of the members to direct Ms. Peyser to process 56 Ivy Hill as an agent approval.

**Mr. Bishop motioned, and Mr. Salomone seconded to approve the minutes of the site walk as amended. The motion carried 7-0-0.**





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#### **VI: Adjourn.**

Hearing no further Chair Ms. Sesto adjourned the meeting at 10:07 P.M.

Respectfully submitted by,

Aarti Paranjape

Recording Secretary