



TOWN OF RIDGEFIELD Inland Wetlands Board

APPROVED/REVISED MINUTES

July 22, 2021

Members present: Patricia Sesto, chair, Susan Baker, vice chair, Tim Bishop, David Tatge

Members absent: Tracey Miller, Alan Pilch, Kory Salomone, secretary

Also present: Andrew P. Hally, inland wetlands agent, Aarti Paranjape, office administrator; Matthew Mason, Gregory and Adams; Robert Jewell, Patrick Downend, Steven Sullivan, CCA LLC, James Ciaglo, Bershire Technology Inc.; Kate Throckmorton, Environmental Land Solutions; Mr. Gregory Giordano; Craig Studer, Donna Kulbert, Stephen Demarco, Brian Carey, Joe Shea, Felicia Clem.

I: Call to order

Ms. Sesto called the meeting to order at 7:00 P.M.

II: Applications for Discussion:

- 1. IW-21-27, 21 Bryon Avenue**, Summary Ruling Application and after-the-fact Permit Need determination for a corrective action for a violation within upland review area of wetlands. *Owner: Jennifer Kubick. Applicant: Matthew Mason.*

Mr. Mason addressed the questions raised by Board at the last meeting by submitting a supporting letter. He cited case law that establishes creating agricultural uses is covered by the term “expansion” in the statutes. Hence Kubicks will be allowed to pursue the use of farming and the clearing of trees is as of right according to the statutes.

Secondly, he explained why the lawn and shed are as of right of use for the farming activity. The homeowner needed access and storage for the farming activity. Further, landscaping is permitted as an incidental use associated with residential development.

Members expressed disagreement for the reasoning given for as of right activity. The extent of scrubby woodland cleared to create a lawn isn’t justified in and of itself because the use of gardening activity is now being proposed. The extent of clearing should relate to what is needed to pursue the garden.



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Ms. Sesto suggested replanting tree cover and shrubs behind the shed area and along the banks of the watercourse as restoration for clearing beyond the needs of the garden. The tree canopy provides buffer to the wetlands and soil stabilization and shading to the watercourse.

Mr. Mason will consult the homeowner and will return to the next meeting on August 26, 2021 with the updates.

2. **IW-21-29, 34 Bailey Avenue**, Summary Ruling application for remediation in the upland review area of the wetlands and construction of new building and parking area. *Owner: Bailey Rail and Granary LLC. Applicant: Robert R. Jewell, Esq.*
<https://ridgefieldct.viewpointcloud.com/records/82306>

Steve Sullivan gave an overview of the engineering aspect of the project. He said there is an existing easement for town drainage system which discharges into a swale at the east side of the property. He continued on to describe the various aspects of the proposal.

Mr. Jewell corrected an earlier statement about parking. They have calculated what they believe P&Z will require, but P&Z can impose its own discretion and modify the parking requirement of this mixed use building.

Ms. Sesto expressed concerns as the proposed parking spots are close to the watercourse which will have a negative impact on the watercourse. Without better direction from P&Z, this board cannot determine if there are prudent and feasible alternatives. Ms. Sesto preferred having the parking spaces near the rain garden as opposed to being adjacent to the watercourse.

Mr. Sullivan presented an alternative which would address Ms. Sesto's concerns.

The stormwater management system consists of catch basins, a hydrodynamic separator and rain garden. At least 80 percent of the total suspended solids will be captured. The Cultec system will take overflow from the rain garden. The post development peak flow will be less than predevelopment. The existing drainage ditch which is at the south end, will be armored with riprap and two stone check dams to control erosion.

The erosion measures will include double row of silt fence around the perimeter of property. Catch basin silt sacs and construction entrance is marked. The proposal significantly improves the site over the current conditions of stormwater management.



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Mr. Ciaglo presented the remediation plan. He said the current site has a typical fill of rubble, brick, ash, and other urban material. The southern part of the soil has heating oil impacts almost eight feet deep and impacting ground water. The impacted soil will be excavated and groundwater will be pumped into the frac tanks and then treated and discharged or hauled away as per DEEP regulations. DEEP prefers surface water discharge of the treated groundwater versus sanitary sewer discharge.

Mr. Bishop expressed concerns about the presence of metals over PMC levels given the close proximity to the watercourse. He inquired if any of the contamination was considered hazardous.

Mr. Ciaglo stated the only metal above the PMC level was lead. Approximately 3,000 cubic yard of impacted material will be removed from the site: there will be no stockpiling.

Discussion continued to August 26, 2021 meeting, applicant will provide the following information:

- Revised parking plan where the parking spots near the watercourse will be removed.
- Revise planting to accommodate the improved parking.

3. IW-21-30, 76 Tally Ho Road, Summary Ruling application construction of pool in upland review area of the wetlands. Owner: Gregory Giordano. Applicant: Sara DeMici.

Mr. Tatge recused himself.

Mr. Giordano gave an overview of the pool project. He had submitted the stormwater management plan, pool plans and wetlands map with the application. Applicant agreed to plant a buffer along the wetlands at the backside of the leaching fields at a depth of ten to fifteen feet. The buffer would consist of herbaceous growth to be mowed once a year.

Ms. Sesto suggested to putting two-man sized boulders at least 15-20 feet on center to mark no mow zone.



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Ms. Baker motioned to approve the Summary Ruling application with standard and special conditions, the condition that a 15 foot deep herbaceous buffer be established per testimony, and the work associated with the buffer completed within six months of seeking a Certificate of Occupancy. Motion carried 3-0-0.

Publication date is July 29, 2021 and effective date is July 30, 2021.

Mr. Tatge was reseated.

4. **IW-21-31, 136 Limekiln Road**, Summary Ruling application for remediation in the upland review area of the wetlands. *Owner: Thomas J McCarthy Trustee. Applicant: Donna Culbert.*

Ms. Culbert informed the Board that she is working with Ms. Throckmorton. Environmental Land Solutions.

Ms. Culbert described the project to spread the stockpiled wood chips along a pre-existing berm, 85-feet long by 5 feet-wide with the total of approximately 15 cubic yards. The wet July month has contributed to the natural vegetative growth around the pond. The existing path would stay five feet wide. Ms. Throckmorton stated she will supply a recommendation for native New England seed mix to be applied where the wood chips are stocked currently. The work will be completed by October, 2021.

Ms. Sesto stated following conditions:

- Excess wood chips to be removed from site.
- Wood chips will stay at the current width of the berm.
- New England seed mix will be applied where the chips are currently piled.
- Work to be completed by October 2021.

Mr. Bishop motioned to approve the Summary ruling application with special conditions stated and standard conditions. Ms. Baker seconded. Motion carried 4-0-0.

Publication date is July 29, 2021 and effective date is July 30, 2021.

5. **IW-21-33, 169 Nod Road**, Summary Ruling application for construction of inground pool in the upland review area of the wetlands. *Owner: Stephen & Joanna Chalaff. Applicant: Kate Throckmorton.*



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Mr. Studer gave an overview of the pool application, noting Ms. Throckmorton has added three more plants to the submitted planting plan.

Mr. Tatge motioned to approve the Summary Ruling application with standard and special conditions, plantings to be completed within six months of seeking a Certificate of Occupancy. Motion carried 4-0-0.

Publication date is July 29, 2021 and effective date is July 30, 2021.

6. **IW-21-34, 37 Griffith Lane**, Summary Ruling application for construction of detention basin in the upland review area of the wetlands. *Owner: Kenneth & Wendy Bradley. Applicant: Stephen Demarco.*

Mr. Demarco confirmed the application is for construction of retention basin and involves no tree removal.

Ms. Baker motioned to approve the Summary Ruling application with special and standard conditions. Mr. Tatge seconded. Motion carried 4-0-0.

Publication date is July 29, 2021 and effective date is July 30, 2021.

7. **IW-21-35, 48 Lewis Drive**, Summary Ruling application construction of pool in upland review area of the wetlands. *Owner: Joseph Grabowski. Applicant: Brian Carey.*

Mr. Studer represented the homeowner who is seeking a permit for a pool in the lawn area. He added a planting plan was submitted.

Mr. Carey stated he submitted the memo answering the concerns raised by Board at the site walk.

Ms. Sesto inquired about the mitigation planting and its relation to pool complex and the wetlands buffer area.

Mr. Studer stated the pool complex including the patio, is approximately 2,000 square feet. The plantings are around the pool and patio area which is in the buffer area are in addition to the plantings at the edge of wetlands. This exceeds the area of hardscape in the buffer.



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Ms. Sesto suggested to mark the lawn by two man boulders placed twenty feet on center. She added to add the native shade trees as opposed to the birch which cannot withstand storm conditions.

Mr. Bishop approved the Summary Ruling application with standard and special conditions including the two man boulders and the proposed birch trees shall be substituted with native shade trees. Mr. Tatge seconded. Motion carried 4-0-0.

Publication date is July 29, 2021 and effective date is July 30, 2021.

8. **IW-21-36, 193 Danbury Road, Summary Ruling application for construction of 2 pergolas over existing bocce courts within the upland review area of wetlands. Owner: Ridgefield Senior Center Foundation,- TOR. Applicant: Katherine Throckmorton.**

Mr. Tatge approved the Summary Ruling application with special conditions and standard conditions. Mr. Bishop seconded. Motion carried 4-0-0.

Publication date is July 29, 2021 and effective date is July 30, 2021.

III: Applications for Submission:

1. **IW-21-38, 63 Rockwell Road, Summary Ruling application construction of pool in upland review area of the wetlands. Owner: David & Deanne Robinson. Applicant: Frank Giacobbe. To receive, schedule a sitewalk and discussion.**
<https://ridgefieldct.viewpointcloud.com/records/82669>

Ms. Baker motioned to receive the above application, Mr. Tatge seconded. Motion carried 4-0-0.

Sitewalk scheduled is August 22 and discussion on August 26, 2021.

IV: Administrative Approvals:

None.

V. Ongoing Enforcement by Agent:



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- **33 Beaver Brook Road** - Cease and Correct Order – Show Cause Hearing, *Michael & Christine Caramadre*

The Board directed Mr. Hally to give the deadline of August 25 to submit a corrective application. Failure to do will result in the matter being referred to Town Counsel.

- **104 Haviland Road;** Ken Rosenfield & Jill Kerpcher.

Mr. Hally gave an overview of the violation where homeowner had done some tree work done and removed the fallen trees. The area is currently overgrown with the natural vegetation.

Ms. Sesto said in the spring she had noticed that area as being newly exposed woodland area and now the pictures show what could be one season's worth of herbaceous vegetation.

Mr. Hally said the homeowner proposes a deer fence, planting evergreens in front of it and creating a lawn in the exposed area.

Ms. Sesto stated a notice of Violation should be sent to them and they should present a wetland survey and planting plans in their proposal.

- **25 Hessian Drive;** Joseph & Patricia Shea.

Mr. Hally was informed about the complaint by the neighbor who was concerned about clear cutting adjacent to a pond. Approximately eight trees were cut in the highway right of the way and some near the lake front.

Mr. Shea informed that they had done some tree cutting and that some of the trees were dead.

Ms. Sesto stated that the homeowner has cleared the area which was wooded and had invasive species which required a permit approval.

Mr. Shea will submit a corrective application by August meeting.

- **34 Rustic Road;** Felicia Clem.

The homeowner is in a violation where town-owned land has been cleared and converted into the lawn and associated sitework within the wetlands review area.



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Mr. Jewell is representing the homeowner. He gave a brief overview of the property details mentioning the deeds and quit claims for that property and the access to private road. There are potentially complex legal details that need to be sorted through. He added the homeowner has removed the furniture placed in the area of violation.

Mr. Jewell will be back with the update at the next meeting.

- **799 North Street;** Peter Morritz

Mr. Hally informed the board that the homeowner is working on submission. The landscaper they hired has installed a silt fence along the disturbed soil and watercourse for stabilization.

VI: Other Business:

1. Turtle crossing signs on Farmingville Road:

Mr. Bishop stated he attended the Conservation Commission meeting and discussed the turtle signs. He informed the Board that the Conservation Commission has approved the installation of the signs. Mr. Bishop will be involved in the selection of signs which will be strategically placed on Farmingville Road and elsewhere in the town.

2. Election

Ms. Sesto asked the members to look for new candidates for the Board election in November as Messrs. Salomone and Tatge will not be running.

3. NRCS- Dam #2 update.

Ms. Baker gave an update on the NRCS meeting she attended on behalf of the Wetlands Board. The meeting was quite informative with engineers and experts in attendance to explain the reasoning for decommissioning the dam. She said that the First Selectman and the former town engineer, Mr. Fisher, are in favor of keeping the dam and bringing up to code. This option will cost more to the state versus decommissioning the dam.

She said that if the dam is decommissioned the wetlands in the great swamp area will be disturbed and could result in the spread of invasive species. Properties down grade would be affected by the 1,000 year storm.



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The discussion ensued as what Board could do. The members agreed, Ms. Baker, Mr. Bishop and Mr. Hally will send the comments to NRCS before the August 20, 2021 deadline regarding the Dam #2.

VII: Approval of Minutes:

Inland Wetlands Meeting – July 08, 2021

Ms. Sesto motioned, and Mr. Tatge seconded to approve the minutes as submitted. Ms. Baker abstained. Motion carried 3-0-1

Sitewalk Meeting- July 18, 2021

Ms. Sesto motioned and Ms. Baker seconded. Motion carried 4-0-0.

VIII. Adjourn

Hearing no further discussion, Ms. Sesto adjourned the meeting at 9:28 P.M.

Respectfully submitted by,

Aarti Paranjape
Recording Secretary