

**INLAND WETLANDS  
and  
WATERCOURSES REGULATIONS  
Town of Ridgefield, Connecticut**

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## **SECTION 1 - TITLE & AUTHORITY**

**1.1 - Authority.** In accordance with the provisions of Section 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, the Ridgefield Inland Wetlands Board hereby establishes regulations concerning certain activities within wetlands and watercourses as hereby defined. These controls are hereby declared to be an overlay to any other zoning district and the regulations, restrictions and requirements contained herein shall be in addition to those applicable within said districts.

**1.2 - Intent.** The inland wetlands and watercourses of the Town of Ridgefield are in an indispensable and irreplaceable but fragile natural resource with which the citizens of Ridgefield have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant adverse impact on the environment and ecology of the Town of Ridgefield, and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the Town for its citizens now and forever more. The preservation and protection of the wetlands and watercourse from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of Ridgefield. It is, therefore, the purpose of these regulations to protect the citizens of Ridgefield by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by:

- (1) Minimizing their disturbance and pollution;
- (2) Maintaining and improving water quality in accordance with the highest standards set by federal, state and local authorities;
- (3) Preventing damage from erosion, turbidity or siltation;
- (4) Preventing the loss of fish and other beneficial aquatic organisms, wildlife, vegetation and the destruction of the natural habitats thereof;
- (5) Deterring and inhibiting the danger of flood and pollution;
- (6) Protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values;

- (7) Protecting the Town of Ridgefield's potable fresh water supplies from the dangers of draught, overdraft, pollution, misuse and mismanagement; and
- (8) Requiring permits for regulated activities to avoid, minimize and mitigate potential adverse impact to the maximum extent possible.

These regulations provide for an orderly process to balance the need for the economic stability of the Town of Ridgefield and the use of its lands with the need to protect its environment and ecology, in order to forever guarantee to the people of the Town, the State and the Country the safety of such natural resources for their benefit and enjoyment, and for the benefit and enjoyment of generations yet unborn.

**1.3 - Title.** These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Town of Ridgefield."

**1.4 - The Inland Wetlands Board.** The Ridgefield Planning and Zoning Commission was designated the Inland Wetlands Board of the Town of Ridgefield and was authorized to promulgate, to enact and to administer these regulations in accordance with the decision of the special town meeting held on June 5, 1974.

## **SECTION 2 - DEFINITIONS**

**2.1 - Construction of Language.** For the purpose of these regulations, the following terms, phrases and words shall have the meanings herein. When not inconsistent with the context, words used in the present tense include the future, and the singular include the plural; the word "shall" is mandatory; the word "may" is permissive; and the words "used for" include "arranged for," "designed for," "intended for," or "occupied for." In the case of any difference of meaning or implication between the text of these controls and any caption, illustration, summary, table or illustrative table, the text shall control. In interpreting expressions and terms used in these regulations, the Board may rely on the latest available unabridged edition of *The Merriam-Webster Dictionary of the English Language*.

The words "these regulations," "the regulations," "said regulations," "the wetland regulations," and "said wetland regulations" shall be deemed to refer to the "Inland Wetlands and Watercourses Regulations" of the Town of Ridgefield herein contained and as the same may, from time to time, be modified and amended.

### **2.2 - Definitions.**

Act means the Inland Wetlands and Watercourses Act, Sections 22a-36 through 22a-45 of the Connecticut General Statutes, as amended.

Agency means the Inland Wetlands Board of the Town of Ridgefield.

Board means the Inland Wetlands Board of the Town of Ridgefield.

Board member means a duly elected member of the Inland Wetlands Board of the Town of Ridgefield.

Bog means a poorly drained area containing an accumulation of organic material and characterized by an association of plants recognized as bog species. Bogs are usually distinguished by evergreen trees and shrubs underlain by peat deposits, poor drainage, and highly acidic conditions.

Buffer area has the same meaning as “Upland Review Area”. (*IWB Amend. of 4/4/06, effective 4/14/06*)

Clear cutting means the removal of 50% or more of all trees having a diameter of two (2) or more inches, measured at a height of four feet from the ground surface. (*IWB Amend. of 4/17/18, effective 5/4/18*)

Commissioner of Environmental Protection means the Commissioner of the State of Connecticut Department of Environmental Protection.

Continual flow means a flow of water which persists for an extended period of time; this flow may be interrupted during periods of drought or during the low flow period of the annual hydrological cycle, June through September, but it recurs in prolonged succession.

Deposit includes, but shall not be limited to, fill, grade, dump, place, discharge or emit.

Discharge means emission of any water, substance, or material into the waters of the State whether or not such substance causes pollution.

Disturbing the natural and indigenous character of the land means that the activity will significantly alter the inland wetland and watercourses by reasons of removal or deposition of material, clear cutting, alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourse or the natural habitat.

Estimated cost means cost of design, labor, work, materials, construction and development of regulated activity or an operation or use that may be a regulated activity.

Farming means use of land for the growing of crops, raising of livestock or other agricultural use.

Feasible means able to be constructed or implemented consistent with sound engineering principles. (*IWB Amend. of 9-13-05, effective 9-23-05*)

Grubbing means digging to remove or uproot trees or stumps. “Major Grubbing” means the grubbing of trees or stumps having a diameter of two (2) feet or more at ground surface, or any grubbing that results in the disturbance of an area equaling or exceeding 100 square feet. (*IWB Amend. of 4/4/06, effective 4/14/06*)

Inland Wetlands Agent means an individual duly appointed and designated by the Board to carry out its functions and purposes. For the purposes of these regulations the “Agent” or the “Officer” shall mean the “Inland Wetlands Agent.”

Inland Wetlands Map means the “Designated Inland Wetland and Watercourses of the Town of Ridgefield, (Composite Soil Map).”

Intermittent watercourse means those waterways which are characterized by non-persistent flow. For the purposes of these regulations, intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics:

1. Evidence of scour or deposits of recent alluvium or detritus.
2. The presence of standing or flowing water for a duration longer than a particular storm incident.
3. The presence of hydrophytic vegetation.

*(IWB Amend. of 9-13-05, effective 9-23-05)*

License means the whole or any part of any permit, certificate of approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Board.

Management Practice means a practice, procedure, activity, structure or facility designed to prevent or minimize pollution or other environmental damage or to maintain or enhance existing environmental quality. Such management practices include, but are not limited to: erosion and sedimentation controls; restrictions on land use or development; construction setbacks from wetlands or watercourses; proper disposal of waste materials; procedures for equipment maintenance to prevent fuel spillage; construction methods to prevent flooding or disturbance of wetlands and watercourses; procedures for maintaining continuous stream flows; confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected. *(IWB Amend. of 9-13-05, effective 9-23-05)*

Marshes are areas with soils that exhibit aquic moisture regimes that are distinguished by the absence of trees and shrubs and are dominated by soft-stemmed herbaceous plants. The water table in marshes is at or above the surface throughout the year, but seasonal fluctuations are encountered and areas of open water six (6) or more feet in depth are common.

Material means any substance, solid or liquid, organic or inorganic, including but not limited to soil, sediment, aggregate, gravel, clay, bog, mud, debris, sand, refuse or waste.

Municipality means the Town of Ridgefield. For the purposes of these regulations the words “town” and “community” means the Town of Ridgefield.

Ordinary High Water Mark means a mark on the land caused by the presence and action of water, which presence and action is so common and usual and so long continued in all ordinary years so as to mark upon the land a distinction between the abutting upland and the watercourse. Such mark may be found by examining the bed and bank of any watercourse and ascertaining thereon an abrupt change in the characteristics of soil and vegetation or slope of the land. *(IWB Amend. of 7-11-00, effective 7-21-00)*

Permittee means the person to whom such permit has been issued.

Permit means the whole or any part of any license, certificate or approval or similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Inland Wetlands Board.

Person means any person, firm, partnership, corporation, association, company, organization or legal entity of any kind, including municipal corporations, governmental agencies or subdivisions thereof.

Pollution means harmful thermal effect, or the contamination or the rendering unclean or impure of any waters of the Town of Ridgefield by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise, so as to directly or indirectly come in contact with any waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity.

Prudent means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity. Cost may be considered in deciding what is prudent, and further, a mere showing of expense will not necessarily mean an alternative is imprudent. *(IWB Amend. of 9-13-05, effective 9-23-05)*

Regulated activity means any operation within or use of a wetland or watercourse involving grubbing, removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetland or watercourse, but shall not include the activities specified in subsection 4.1 and 4.2 of these regulations. Furthermore, the activities listed in Section 4.5, when occurring or proposed to occur within the distances from wetlands and watercourses specified in that section, are regulated activities. In accordance with the procedures set forth in Section 4.5, the Board may rule that any other activity located within uplands is a regulated activity. *(IWB Amend. of 12-14-99, effective 12-24-99) (IWB Amend. of 4/4/06, effective 4/14/06)*

Regulated area means any wetland, watercourse or buffer area as defined in these regulations.

Remove includes, but shall not be limited to, drain, excavate, mine, dig, dredge, suck, bulldoze, dragline or blast.

Rendering unclean or impure means any alteration of the physical, chemical or biological properties of the waters of the State including but not limited to change in odor, color, turbidity or taste.

Riparian Buffer Zone means a vegetated transitional area, located between a *natural* stream/river or *any* lake/pond and land which aids in protecting the watercourse/waterbody from adjacent land use, thereby enhancing both the quality of water from stormwater runoff and reducing pollution. (*IWB Amend. of 4/17/18, effective 5/4/18*)

Significant activity means any activity, including, but not limited to, the following activities which may have a significant impact or major effect on the area for which an application has been filed or on another part of the inland wetland or watercourse system:

1. Any activity involving a deposition or removal of material which will or may have a significant impact or major effect on the regulated area or on another part of the inland wetland or watercourse system; or
2. Any activity which substantially changes or has the potential to change the natural channel or may alter the natural dynamics of a watercourse system, or
3. Any activity which substantially diminishes or has the potential to diminish the natural capacity of an inland wetland or watercourse to support desirable fisheries, wildlife, or other living organisms; or to prevent flooding, supply water, assimilate waste, facilitate drainage, provide recreation or open space; or to perform other functions; or
4. Any activity which causes or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse; or
5. Any activity which causes or has the potential to cause substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area; or
6. Any activity which causes or has the potential to cause pollution of a wetland or watercourse; or
7. Any activity which destroys or degrades, or has the potential to destroy or degrade unique wetlands or watercourses having demonstrable scientific or educational value; or
8. Any activity which causes or has the potential to cause destruction, degradation or impairment or pollution of an aquifer.

Soil Scientist means an individual duly qualified in accordance with the standards set by the Federal Office of Personnel Management (formerly the United State Civil Service Commission). (*IWB Amend. of 9-13-05, effective 9-23-05*)

Submerged lands means those lands which are inundated by water on a seasonal or more frequent basis.

Swamp means an area with a water table at or near the surface of the ground throughout most of the year and containing vegetation dominated by an association of trees and/or shrubs recognized as swamp species.

Town means the Town of Ridgefield.

Uplands means any land not designated as “wetlands” or “watercourses” under the definitions of section 2.2 of these regulations. (*IWB Amend. of 12-14-99, effective 12-24-99*)

Upland Review Area means the area of land specified in Section 4.5 of these regulations, wherein any “regulated activities” will require a permit from the Inland Wetland Board or the Inland Wetland Agent. (*IWB Amend. of 12-14-99, effective 12-24-99*)

Vernal Pool means a body of water, natural or manmade, existing within a depression or basin, consisting of soil or other geological and organic materials, that: (1) contains water for approximately two months of the year during the growing season, (2) lacks a permanent outlet stream, (3) lacks any fish population, and (4) dries out by late summer in most years. In order to qualify under this definition, the pool must support at least one of the following obligate species of similar fauna, including, but not limited to: spotted salamander; Jefferson salamander; marbled salamander; wood frog; eastern spadefoot toad; fairy shrimp. The pool may also support the blue-spotted salamander; pickerel frog; northern spring peeper; gray treefrog; eastern American toad; spotted turtle; snails; fingernail clams; mosquito larvae; predatory caddisflies.

(*IWB Amend. of 9-7-99, effective 9-17-99*)

Waste means sewage or any substance, liquid, gaseous, solid or radioactive, which may pollute or tend to pollute any of the waters of the State.

Watercourse means rivers, streams, brooks, waterways, lakes, ponds, swamps, marshes, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town of Ridgefield or any portion thereof not regulated pursuant to Section 22a-28 through 22a-35 of the General Statutes, as amended.

Wetland means land, including submerged land, contained within or bordering upon the Town of Ridgefield, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture (USDA). Such lands are generally shown for informational purposes only on a map filed in the Office of the Town Clerk entitled “*Designated Inland Wetlands and Watercourses of the Town of Ridgefield, (Composite Soil Map)*,” scale 1”=1,000’, dated December 1973. The aforementioned map is the composite mapping compiled and drafted from the document and photos under the all-inclusive title of *Special Soils Report: Soil Survey, Town of Ridgefield, Connecticut and Soil Interpretations for Urban Uses*, prepared in 1970 by the U.S. Department of Agriculture Soils Conservation Service. In each instance, however, the actual character of the soil shall determine whether the land in question is subject to regulation. Such areas may

include filled, graded, or excavated sites which possess a saturated soil moisture regime as defined by the USDA Cooperative Soil Survey.

### **SECTION 3 - INVENTORY OF REGULATED AREAS**

**3.1 - Mapping.** The map of regulated areas, entitled “*Designated Inland Wetlands and Watercourses of the Town of Ridgefield (Composite Soil Map)*,” delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection in the offices of the Town Clerk and the Inland Wetlands Board. In all cases, the precise location of regulated areas shall be determined by the actual character of the land, the distribution of wetland soil types, and locations of watercourses. Such determinations shall be made by field inspection and testing conducted by a Soil Scientist where soil classifications are required, or where watercourse determinations are required, by other qualified individuals.

**3.2 - Petition to Amend Boundaries.** Any property owner who disputes the designation of any part of his or her land as a regulated area on the Inland Wetlands Map may petition the Board to change the designation. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall provide proof that the designation is inapplicable. Documentation in accordance with Section 14 of these regulations may be required of the property owner when the Board requires an accurate delineation of regulated areas.

**3.3 - Inventory of Regulated Areas.** The Inland Wetlands Board or its Agent shall inventory and maintain current records of all regulated areas within the Town of Ridgefield. The Board may amend its map from time to time as information becomes available relative to more accurate delineation of wetlands and watercourses within the Town. Petitioners shall bear the burden of proof for all requested map amendments. Such map amendments are subject to the public hearing process outlined in Section 14 of these regulations.

### **SECTION 4 - PERMITTED AND NON-REGULATED USES**

**4.1 - Permitted Activities.** The following operations and uses shall be permitted in inland wetlands and watercourses as of right:

- a. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three (3) acres or less, essential to the farming operation. The provisions of this section shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, or the mining of topsoil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
- b. A residential home, (i) for which a building permit has been issued or (ii)

on a subdivision lot, provided the permit has been issued or the subdivision has been approved by the Planning and Zoning Commission as of the effective date of the promulgation of these regulations, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subsection unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as of right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographic contours, house and well locations, location of septic system and driveway, and approval dates or other necessary information to document his entitlement;

- c. Boat anchorage or mooring, excluding dredging or dock construction;
- d. Uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot size permitted anywhere within the Town of Ridgefield and containing a residence. Such incidental uses shall include the maintenance of existing structures and landscaping, but shall not include the removal or deposition of substantial amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse;
- e. Construction and operation, by water companies as defined by Section 16-1 of the Connecticut General Statutes or by municipal water supply systems as provided for in Chapter 102 of the Connecticut General Statutes, of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with water supplies except as provided in Sections 22a-401 and 22a-403 of the Statutes; and
- f. Maintenance relating to any drainage pipe which existed before the effective date of these regulations or July 1, 1974, whichever is earlier, provided such a pipe is on property zoned residential but which does not contain hydrophytic vegetation. For the purposes of this subsection, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place.

**4.2 - Permitted Activities provided they do not disturb the Character of the Land.**

The following operations and uses shall be permitted as non-regulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

- a. Conservation of soil, vegetation, water, fish, shellfish and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife and silviculture management practices.
- b. Outdoor recreation including the use of play and sporting areas, golf

courses, field trails, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing and cross-country skiing where otherwise legally permitted and regulated.

**4.3 - Activities in Wetlands and Watercourses.** All activities in wetlands and watercourses involving filling, excavation, dredging, clear cutting, grading and excavation or any other alteration or use of a wetland or watercourse not specifically permitted by this Section shall require a permit from the Agency in accordance with Section 7.0 of these regulations.

**4.4 - Permitted and Non-Regulated Operations or Uses.** To carry out the purposes of this section, any person proposing to carry out a permitted or non-regulated operation or use of a wetland or watercourse, which may disturb the natural and indigenous character of the land, shall, prior to commencement of such operation or use, notify the Agency on a form provided by it and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or non-regulated use of the land or watercourse. The Board or its Agent shall rule that the proposed operation or use is a permitted or a non-regulated use or operation or that a permit is required. Such ruling shall be in writing and shall be made no later than the next regularly scheduled meeting of the Board following the meeting at which the request was received. The designated Agent for the Agency may make such ruling on behalf of the Board at any time.

**4.5 - Special Provisions: UPLAND REVIEW AREA BOUNDARIES**

The Board finds that the activities listed in the table below, when occurring within the specified distance from a wetland or watercourse, may cause significant adverse impacts to the wetland or watercourse unless the activities are properly controlled and managed. Therefore, the activities listed in the table shall be deemed to be regulated activities, requiring a permit from the Board or its agent, when they occur within the prescribed distances. (*IWB Amend. of 4/4/06, effective 4/14/06*)

<b>Regulated Activities in Uplands shall include but are not limited to:</b>		<b>Within distances measured from:</b>	
	<b>ITEM</b>	<b>Wetlands</b>	<b>Watercourses</b>
(a)	Buildings used for the storage of animal manure, toxic or hazardous substances	75'	100'
(b)	Leaching system for subsurface sewage disposal installations	50'	75'
(c)	Commercial parking lots	50'	75'
(d)	Roadways/Accessways (edge of travelway)	50'	50'
(e)	Commercial structures, multifamily residences, and additions to all such structures	75'	100'
(f)	Single-family residence (new)	50'	75'
(g)	Outbuildings and additions to single family structures	50'	75'
(h)	Tennis courts and swimming pools	50'	50'
(i)	Driveways, edge of shoulder	25'	25'
(j)	Limit of fill, cut, grading, and other alteration	50'	50'
(k)	Clear cutting and/or grubbing as defined in Sec 2.2, when a stand alone activity or as part of any activity not set forth in subsections (1) – (j) above. ( <i>IWB Amend. of 4/17/18, effective 5/4/18</i> )	100'	100'
	Regulated Activities adjacent to Significant Rivers (see paragraph below)	100'	100'

For all uses listed in the above table, the Upland Review Area for regulated activities shall be extended to one hundred feet (100') as measured from the ordinary high water mark of the following significant watercourses:

- Titicus River
- Norwalk River
- Silvermine River
- Saugatuck River
- Mamasasco Lake \* (*IWB Amend. of 1/9/07, effective 1/19/07*)

For the purpose of making the above measurement, the listed rivers shall commence at the locations described below:

- A. *Titicus River* – northerly side of the Titicus River Bridge under North Salem Road (a.k.a. Route 116) opposite Saw Mill Hill Road

- B. *Norwalk River* – westerly side of the Norwalk River Bridge along Danbury Road (a.k.a. Route 35) at the flood control dam.
- C. *Silvermine River* - southerly side of the Silvermine River Bridge under Whipstick Road, just west of Perry Lane.
- D. *Saugatuck River* – easterly side of the Wataba Lake Dam outlet.

*\*Applicants seeking permits for regulated activities in the watershed of Mamasasco Lake shall consider the “Guidelines for the protection of Mamasasco Lake” and the “Operation and Maintenance Guidance for Low Impact Development Best Management Practices” found in appendices A and B of these regulations. The Inland Wetlands Board and/or its designated agent(s) may require one or more of the recommendations in these documents as conditions in reviewing and approving permit applications for regulated activities in “Region #1” (the 100-foot upland review area) and “Region #2” (The Watershed), referenced in these guidelines.*

*(IWB Amend. of 7-11-00, effective 7-21-00) (IWB Amend. of 4/4/06, effective 4/14/06)(IWB Amend. of 1/9/07, effective 1/19/07)*

Additional Review Areas:

In issuing any permit, the Board may require any regulated activities to be conducted even farther from a wetland or watercourse than the designated upland review area distances if it finds, on the basis of the record, that the greater distance is needed to protect wetlands and watercourses from unreasonably adverse impacts. In so finding, the Board may consider such landscape factors as steep slopes, erosive soils, important wetland buffer vegetation and other resources.

In addition to the foregoing, the Board may regulate any activity in uplands if it determines, in writing, that such activity is causing or may cause the obstruction, alteration or pollution of a wetland or watercourse, provided that the Board may make such determination only after providing an opportunity for a hearing, as long as at least ten (10) days prior to the hearing, written notice is given to the owner of the land on which the activity is being conducted or is proposed to be conducted.

Administrative Review:

As authorized in Section 13.1 of these regulations, permits for regulated activities occurring within upland review areas and completely outside of designated wetlands and watercourses may be issued by the Inland Wetland Agent when, in the Agent’s judgment, the proposal will not be detrimental to nor will it endanger the adjacent wetland and/or watercourse. An application under Section 13.1.1(a) is required for such activity.

Septic System Repairs:

The Board finds that, although the construction or repair of a septic system in an upland review area may pose certain risks to wetlands and watercourses, the repair of existing septic systems, under the following circumstances, should generally be permitted in the exercise of the balancing test prescribed by Section 22a-36 of the Connecticut General Statutes. Therefore, the repair of an existing septic system and the use of a previously designated septic-system reserve area shall not be deemed to be a regulated activity when all of the following criteria are met:

- (1) The Ridgefield Health Department, Connecticut Department of Health, or Connecticut Department of Environmental Protection has determined, in writing, that the system must be repaired, and a copy of such notice is provided to the Board or its Agent;
- (2) The repair will be conducted entirely outside of any wetland or watercourse;
- (3) The repair will not result in any expansion of capacity to accommodate any building addition or intensification or expansion of any existing use;
- (4) The Board or its Agent is given written notice of intent to commence the proposed repair no later than ten (10) days prior to its commencement, or if the Ridgefield Health Department, Connecticut Department of Public Health, or Connecticut Department of Environmental Protection orders the repair to be commenced in less than ten (10) days from the date of the order, within two (2) days after the issuance of such order.

*(IWB Amend. of 12-14-99, effective 12-24-99, for Significant Rivers) (IWB Amend. of 4/4/06, effective 4/14/06)*

Development Application – Approvals for Work that has been Completed without Permits:

If the Inland Wetlands Agent finds that an activity that may have been in violation of the IWWR has occurred, e.g. the construction of a deck, shed, or home addition within the upland review area of wetlands, and the property owners are now submitting a Development Application to remedy the situation;

- (1) If applicants are seeking approval after the work has been completed and the ground has been fully stabilized, no wetlands permit is necessary; however, the applicant must submit a wetlands delineation prior to being granted wetlands sign-off on the Development Application if the work appears to be within or near the upland review area of wetlands and/or a watercourse,
- (2) If the property owner can prove that the activity occurred prior to the adoption of the Upland Review Area Boundaries as defined and effective on April 14, 2006, no wetlands delineation is necessary for this approval.

*(IWB Amend. of 7-5-17, effective 7-14-17, #2017-028-A)*

Drainage Easements –Exception at the Discretion of the Inland Wetlands Agent for work under the Jurisdiction of the Town of Ridgefield by the Town of Ridgefield Department of Public Services

In the event that the Town of Ridgefield proposes to maintain a drainage easement with work to be completed by the Town of Ridgefield (typically the Department of Public Services) located within an area where they are currently operating heavy machinery, in a time sensitive manner, maintenance may be authorized by the Inland Wetlands Agent without submitting an application to the Inland Wetlands Board if the proposed activity is deemed to not have significant negative impact by the Inland Wetlands Agent.

*(IWB Amend. of 10-23-2018, effective 11-09-2018, #2018-056-A)*

## **SECTION 5 - ACTIVITIES REGULATED BY STATE OR FEDERAL AGENCIES**

**5.1 - Permits Required.** In addition to any permit or approval required by the Agency, the Commissioner of Environmental Protection or the U.S. Army Corps of Engineers shall regulate activities in or affecting wetlands or watercourses subject to the following jurisdictions:

- a. Construction or modification of any dam pursuant to Sections 22a-401 through 22a-410 of the General Statutes, as amended. Any person receiving a dam repair or removal order from the Commissioner of the DEP under Section 22a-402 of the General Statutes shall not be required to obtain a permit from the Inland Wetlands Board for any action necessary to comply with such order pursuant to Public Act 92-162;
- b. Construction, encroachment or placement of any obstruction within stream channel encroachment lines pursuant to Sections 22a-342 through 22a-349 of the General Statutes, as amended;
- c. Construction or placement of any structure or obstruction within the tidal, coastal or navigable waters of the State pursuant to Sections 22a-359 through 22a-363 or in designated tidal wetlands pursuant to Sections 22a-28 through 22a-35 of the General Statutes, as amended;
- d. Diversion of the waters of the State including withdrawals of surface or groundwater in excess of fifty thousand (50,000) gallons per day or any surface waters of the State where tributary watershed area above the point of diversion is 100 acres or larger pursuant to Sections 22a-365 through 22a-378 of the General Statutes, as amended;
- e. Discharge into the waters of the State pursuant to Sections 22a-430 of the General Statutes, as amended;
- f. Discharge of fill or dredged materials into the wetlands and watercourses of the State pursuant to Section 401 of the Federal Clean Water Act, as amended, for activities regulated by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.

**5.2 - State Agency Permits.** The Commissioner of Environmental Protection shall have exclusive jurisdiction over regulated activities and other activities, in or affecting wetlands or watercourses, undertaken by any department, agency or instrumentality of the State of Connecticut, except any local or regional board of education, after an advisory decision on such license or permit has been rendered to the Commissioner by the wetland agency within the thirty-five (35) days after receipt by the Commissioner of such application, whichever occurs first.

**5.3 - Exclusive Jurisdiction.** The Commissioner of Environmental Protection shall have exclusive jurisdiction over tidal wetlands designated and regulated pursuant to Sections 22a-28 through 22a-35 of the General Statutes, as amended by Public Act 91-308.

## **SECTION 6 - REGULATED ACTIVITIES**

**6.1 - Permits Required.** No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands Board of the Town of Ridgefield.

**6.2 - Regulated Activities.** No person shall conduct any regulated activity within an inland wetland or watercourse which requires zoning or subdivision approval without having obtained a valid zoning or subdivision approval, special permit, site plan approval, or variance or other documentation establishing that the proposal complies with the Zoning Regulations or the Subdivision Regulations of the Town of Ridgefield.

- (1) **Site Plan Approval Involving Regulated Activity.** If a site plan approval application under Section 324.0 of the Zoning Regulations involves an activity regulated pursuant to Sections 22a-36 to 22a-45, inclusive, of the General Statutes as amended and pursuant to Section 6 and defined under Section 2 of these Regulations, the applicant shall submit an application for a permit to the Inland Wetlands Board or its Agent not later than the day such application is filed with the Planning and Zoning Commission or its authorized agent.
- (2) **Special Permit Application Involving Regulated Activity.** If a special permit application under Section 312.0 of the Zoning Regulations involves an activity regulated pursuant to Sections 22a-36 to 22a-45, inclusive, of the General Statutes as amended and pursuant to Section 6 and defined under Section 2 of these Regulations, the applicant shall submit an application for permit to the Inland Wetlands Board or its authorized agent not later than the day such application is filed with the Planning and Zoning Commission or its authorized agent.
- (3) **Subdivision or Resubdivision Application Involving Regulated Activity.** If a subdivision or resubdivision application pursuant to the Subdivision Regulations involves an activity regulated pursuant to Sections 22a-36 to 22a-45, inclusive, of the General Statutes as amended and pursuant to Section 6 and defined under Section 2 of these Regulations, the applicant shall submit an application for permit to the Inland Wetlands Board or its authorized agent not later than the day such application is filed with the Planning & Zoning Commission or its authorized agent.

**6.3 - Agency to Regulate.** The Board shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands, watercourses or regulated areas and

any other regulated activity, unless such operation or use is permitted or is non-regulated pursuant to Section 4 of these regulations.

**6.4 - Violations.** Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Board, or operating under a permit that has expired or has been revoked, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed under Section 13 of these regulations and any other remedies provided by law.

## **SECTION 7 - APPLICATION REQUIREMENTS**

**7.1 - Application Required.** Any person wishing to undertake a regulated activity or to renew a permit to conduct such activity, shall apply for a permit on a form entitled “Town of Ridgefield - Inland Wetlands Board - Application for Permit.” An application shall include an application form and such information as prescribed by subsection 7.5 and, in the case of a significant activity, by subsection 7.6 of these regulations. Application forms may be obtained from the Planning & Zoning Office.

**7.2 - Subdivisions and Resubdivisions.** If an application to the Town of Ridgefield Planning and Zoning Commission for subdivision or resubdivision of land involves land containing a wetland, watercourse or buffer area as defined under Section 2 of these regulations, the applicant shall submit an application to the Inland Wetlands Board, in accordance with this section, no later than the day the application is filed for the subdivision or resubdivision.

**7.3 - Information to be Submitted.** All applications for permits shall contain information necessary for a fair and informed determination of the issues.

**7.4 - Pre-Application Meeting.** The applicant and the Board’s Agent may hold a pre-application meeting to determine whether or not the proposed application involves a “significant activity”. To reach such determination, the applicant shall submit all the information detailed under subsection 7.5 below. Whenever possible, that determination should be reached during the pre-application meeting and the reasons for such determination shall be entered into the records of the Board.

**7.5 - Summary Application.** All applications shall include the following information in writing or on maps or drawings:

- a. The applicant’s name, home and business address and telephone numbers.
- b. The owner’s name, address and telephone number and written consent if the applicant is not the owner of the property involved in the application.
- c. Applicant’s interest in the land.
- d. Names and addresses of adjacent property owners.
- e. The geographical location of the property which is to be affected by the proposed activity and a description of the land in sufficient detail to allow identification of the inland wetlands, watercourses and buffer areas; the

area(s) (in acres or square feet) of wetlands, watercourses and buffer areas to be disturbed, soil type(s) and wetland vegetation.

- f. A written statement describing the proposed activity and its purpose.
- g. A site plan showing existing and proposed conditions in relation to wetlands and watercourses. The site plan shall incorporate a Class A-2 survey of the property prepared by a registered Connecticut Land Surveyor and shall include contours at two-foot intervals and all man-made improvements and significant natural features. This plan shall also incorporate an erosion and sedimentation control plan including narrative and accompanying details.
- h. Maps and details depicting the proposed activity including cross-sections and similar plans and/or profiles; and, as applicable, the amount and kind of material proposed to be removed or deposited and the type of proposed construction and/or alteration. Details shall include depth to which removal or deposition operations are proposed and angle of repose of all slopes including deposited material and sides of channel or excavations resulting from the removal operations.
- i. A written and/or charted plan detailing anticipated commencement and completion dates and all other significant interim construction stages.
- j. A detailed estimate of all construction costs.
- k. Alternatives considered by the applicant and why the proposal to alter wetlands set forth in the application was chosen. These alternatives shall be diagrammed on a site plan or drawing.
- l. Certification that the applicant is familiar with all the information provided in the application and is aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information.
- m. Authorization for Board members, town agencies and staff to inspect the property, at reasonable times, both before and after a final decision has been issued.
- n. Any other information the Agency deems necessary to the understanding of what the applicant is proposing.
- o. Submission of the appropriate filing fee based on the fee schedule established in Section 18 of these regulations.

The Board or its Agent may recommend to the applicant to submit additional information deemed necessary to further understand the nature and extent of the proposal.

The Board or its Agent may waive the submission of a Class A-2 survey when, in their judgment, such survey is not necessary in view of other supporting material.

**7.6 - Plenary Application.** If the proposed activity involves a significant activity as determined by the Agency and defined in Section 2 of these regulations, additional information, based on the nature and anticipated effects of the activity, including but not limited to the following, is required:

- a. Site plans for the proposed use or operation and the property which will be affected which show existing and proposed conditions, wetland, watercourse and buffer area boundaries, land contours, boundaries of land ownership, proposed alterations and uses of wetlands and watercourses, and other pertinent features of the development, prepared by a professional engineer or land surveyor licensed by the State of Connecticut.
- b. Engineering reports and analyses and additional drawings to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to watercourses and the proposed erosion and sedimentation control plan.
- c. Mapping of soil types consistent with the categories established by the National Cooperative Soil Survey of the U.S. Soil Conservation Service (the agency may require the applicant to have the wetlands delineated in the field by a soil scientist and that the field delineation be incorporated onto the site plans).
- d. Description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed regulated activities on these communities and wetland functions.
- e. Description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative, and a description of why each alternative considered was deemed neither feasible nor prudent.
- f. An analysis of materials to be deposited within the affected property, including (1) volume in cubic yards, (2) nature and description of materials, (3) explanation of how the affected property will be protected from the erosion or leaching of deposited materials.
- g. Measures which mitigate the impact of the proposed activity. Such measures include, but are not limited to, plans or actions which avoid destruction or alteration of wetland or watercourse functions, recreational uses and natural habitats, which prevent flooding, degradation of water quality, erosion and sedimentation and obstruction of drainage, or which otherwise safeguard water resources.
- h. A biological evaluation of any marsh, swamp or bog or other wetland within the affected property describing (1) dominant botanical species, rare, threatened or endangered species and forest age classes of flora, (2) habitat value and diversity of the affected property for all wildlife species, (3) depth of water table below surface or level of water if inundated, and

(4) an evaluation of the probable effect of the proposed activity upon the ecosystem and the living organisms they support.

- i. If the proposed activity or use will affect a watercourse lying within, partly within or flowing through or adjacent to the affected property, the applicant may be required to submit a report describing the present watercourse characteristics and the probable effect of the proposed activity or use including but not limited to (1) pH levels, (2) turbidity or solids in parts per million, (3) bacteria count in coliform per millimeter, (4) flow, if any, in cubic feet per second, (5) pre- and post-development drainage calculations for 10, 25, 50 and 100-year storms of twenty-four (24) hour durations.
- j. A full and detailed description of the proposed construction or the erection of structures on the affected property including blueprints, engineering and architectural plans or designs where available and reasonably obtainable. Such description shall include the purposes of such construction, use or activity.
- k. A list of other property owners whose rights or interests may be or will be affected by the proposed activity or use.
- l. Additional fees as detailed under Subsection 14.3 plus reimbursement for the cost of legal notice(s) publication.

The Board retains the right to waive the submission of any of the above information when such information does not apply to the activity or circumstances. Conversely, the Agency may request additional information and material when such additional submission is deemed necessary in considering an application.

**7.7 - Impact on Adjoining Municipality.** The applicant shall certify whether:

- a. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
- b. Traffic attributable to the completed project site will use streets within the adjoining municipality to enter or exit the site;
- c. Sewer or water drainage from the project site will flow through and impact the sewage or drainage system within the adjoining municipality; or
- d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

**7.8 - Existing Permits - Renewals and Revisions.** Any application to renew or amend an existing permit shall be filed with the Agency in accordance with Section 11.4 of these regulations at least sixty-five (65) days prior to the expiration date of the permit. Any application for renewal or amendment shall be prepared in accordance with this section provided:

- a. The application may incorporate the documentation and record of the

- original application;
- b. The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit;
  - c. The application shall describe any changes in facts or circumstances involved with or affecting wetlands or watercourses or the property for which the permit was issued;
  - d. The Agency may accept an untimely application to renew a permit if the authorized activity is ongoing and allow the continuation of work beyond the expiration date if, in its judgment, the permit is likely to be renewed and the public interest or environment will be best served by not interrupting the activity; the application shall describe the extent of work completed at the time of filing and the schedule for completing the activities authorized in the permit;
  - e. The Board shall evaluate the application pursuant to Section 10 of these regulations and grant the application as filed, grant it with any terms or limitations, or deny it.

**7.9 - Report to the Commissioner.** A reporting form shall be completed during the application process which provides the Commissioner of the Department of Environmental Protection with information necessary to properly monitor the inventory of State wetlands. The reporting form shall be part of the application and the following information shall be provided by the applicant: name of the applicant; location and name of the project; project and site description; area of wetlands and/or linear feet of watercourse proposed to be altered. The Agency shall be responsible for the remaining information and any corrections on the form and for filing it in accordance with Section 22a-39-14 of the Inland Wetlands and Watercourses Regulations of the Department of Environmental Protection.

**7.10 - Number of Copies.** Unless otherwise directed in writing by the Inland Wetlands Board or its Agent, and except as otherwise specified, ten(10) copies of all material described under Sections 7.5 and 7.6 and/or as may be requested by the Board shall be submitted to comprise a complete application suitable for acceptance by the Board.

## **7.11 - OTHER APPLICATION REQUIREMENTS**

**7.11.1 - Notice by Applicant to Adjoining Municipality.** When an application to conduct a regulated activity is within a wetland or a watercourse any portion of which is within five hundred (500) feet of the boundary of another municipality, the applicant shall be responsible to give written notice of the application by certified return receipt requested mail to the inland wetland agency of such other municipality on the same day that the application is submitted to the Ridgefield Inland Wetlands Board.

**7.11.2 - Notice by Applicant to Water Company.** When an application is made to conduct a regulated activity within an inland wetland or watercourse any portion of which

is within the watershed of a water company as defined by Section 16-1 of the Connecticut General Statutes, it shall be the responsibility of the applicant to notify the water company of the pendency of such application providing that such water company has filed a map showing the boundaries of the watershed on the Ridgefield land records and with the Ridgefield Inland Wetlands Board. Notice by the applicant shall be by certified return receipt requested mail and shall be mailed within seven (7) days of the date of the application.

### **7.11.3 – Notice by Applicant to Holders of Conservation or Preservation**

**Restrictions.** For any permit application involving property subject to a conservation restriction or preservation restriction, the following shall apply:

- a. For purposes of this section, “conservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of the land described therein, including, but not limited to, the state or any political subdivision of the state, or order of taking such land whose purpose is to retain land or water areas predominantly in their scenic or open condition or in agricultural, farming forest or open space use.
- b. For the purposes of this section, “preservation restriction” means a limitation, whether or not stated in the form of a restriction, easement, covenant or condition, in any deed, will or other instrument executed by or on behalf of the owner of land, including, but not limited to, the state or any political subdivision of the state, or in any order of taking of such land whose purpose is to preserve historically significant structures or sites.
- c. No person shall file a permit application, other than for interior work in an existing building or for exterior work that does not expand or alter the footprint of an existing building, relating to property that is subject to a conservation restriction or a preservation restriction unless the applicant provides proof that the applicant has provided written notice of such application, by certified mail, return receipt requested, to the party holding such restriction not later than sixty days prior to the filing of the permit application.
- d. In lieu of such notice pursuant to subsection 7.11.3 c., the applicant may submit a letter from the holder of such restriction or from the holder’s authorized agent, verifying that the application is in compliance with the terms of the restriction.

## **SECTION 8 - APPLICATION PROCEDURES**

**8.1 - Complete Applications.** Applications submitted to the Board pursuant to the provisions of Section 7 of these regulations shall be submitted on forms provided by the Board which shall be available at the Planning & Zoning Office. Unless specifically

modified by the Board, the applications shall be considered complete only when accompanied by proper fees and all listed and additionally prescribed material and information. *(IWB Amend. of 9-13-05, effective 9-23-05)*

**8.2 - Incomplete Applications.** Incomplete applications may be denied by the Board or may be withdrawn by the applicant.

**8.3 - Date of Receipt.** The date of receipt of a petition, application, request or appeal shall be the day of the next regularly scheduled meeting of the Board, immediately following the day of submission of such petition, application, request or appeal to such Board or its Agent or thirty-five (35) days after such submission, whichever is sooner. *(IWB Amend. of 9-13-05, effective 9-23-05)*

**8.4 - Referral to Other Agencies.** Upon receipt and acceptance of an application the Board may refer it for input, comments and recommendations to the Ridgefield Health Department, to the Conservation Commission, to the U.S. Soil Conservation Service and/or to any other local, state or federal agency or official deemed appropriate. Failure of said local, state or federal agency or official to report its findings and recommendations within thirty (30) days of the date of such referral shall neither delay nor prejudice the deliberation of the Board.

**8.5 - Notice by the Board to Adjoining Municipality.** The Inland Wetlands Board, in accordance with Connecticut General Statutes Sections 8-7d(f), shall notify the Clerk of any adjoining municipality of the pendency of any application, petition, appeal, request or plan concerning any project on any site which:

- a. Any portion of the property affected by the decision of the Board is within five hundred (500) feet of the boundary of the adjoining municipality;
- b. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter and exit the site;
- c. A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or
- d. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application, petition, appeal, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on such application, petition, request or plan. *(IWB Amend. of 9-13-05, effective 9-23-05)*

**8.6 - Summary Application.** the Board shall render its decision within sixty-five (65) days of the receipt and acceptance of a Summary Application under the provisions of Section 7.5 or any extension thereof. The Board shall notify the applicant within fifteen (15) days thereafter and cause notice of its decision to be published in a newspaper having general circulation within the Town of Ridgefield.

**8.7 - Plenary Application.** The Board shall duly advertise and commence a public hearing within sixty-five (65) days of the receipt and acceptance of a Plenary Application submitted pursuant to the provisions of Section 7.6 of these regulations. The hearing shall be completed within thirty-five (35) days of its commencement. Notice of public hearings shall be published as described under Section 9 of these regulations. *(IWB Amend. of 9-13-05, effective 9-23-05)*

**8.8 - Action on Plenary Applications.** The Board shall render its decision on any Plenary Application submitted pursuant to the provisions of Section 7.6 of these regulations within thirty-five (35) days from the date in which a public hearing in connection thereto has been completed.

**8.9 - Extensions Permissible.** The applicant may consent to one or more extensions of any of the periods specified above and under Section 11 of these regulations provided the total extension of all such periods shall not be longer than the sixty-five days, or the applicant may withdraw the application. *(IWB Amend. of 9-13-05, effective 9-23-05)*

**8.10 - Failure of Agency to Act.** If the Board fails to act on any application, petition or request within the period specified under subsections 8.6, 8.7 and 8.8 of these regulations or any extension thereof, the applicant may file such application with the Commissioner of Environmental Protection who shall review and act on the application in accordance with Section 22a-42a.(c) of the Connecticut General Statutes. Any costs incurred by the Commissioner in reviewing such application shall be paid by the Town of Ridgefield and any fees that would have been paid to the Town if such application had not been filed with the Commissioner shall be paid to the State.

**8.11 - No Approval by Default.** Failure of the Inland Wetlands Board or the Commissioner to act within any of the periods specified in these regulations or any extension thereof shall not be deemed to constitute approval of the application.

**8.12 - Request for Additional Information.** The Board may at any time during the sixty-five day period for Summary Application under Section 7.5 or prior to or during the public hearing for Plenary Application under Section 7.6 request of the applicant additional information relative to the application. In no event, however, shall the Board exceed the respective time limits prescribed for action, unless consented by the applicant.

**8.13 - Public Inspection.** All applications shall be available for public inspection during regular business hours.

## **SECTION 9 - PUBLIC HEARINGS**

**9.1** – The Inland Wetlands Board shall not hold a public hearing on an application unless (1) the Board determines that the proposed activity may have a significant impact on wetlands or watercourses; (2) a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the Board not later than fourteen days after the date of receipt of such application, or (3) the Board finds that a public

hearing regarding such application would be in the public interest. The agency may issue a permit without a public hearing provided no petition provided for in this section is filed with the Board on or before the fourteenth day after the date of receipt of the application. Such hearing shall be held no later than sixty-five days after the receipt of such application. All applications and maps and documents relating thereto shall be open for public inspection. At such hearing any person or persons may appear and be heard and may be represented by agent or by attorney. *(IWB Amend. of 9-13-05, effective 9-23-05)*

**9.2** - Notice of the public hearing shall be published at least twice at intervals of no less than two (2) days, the first not more than fifteen (15) days and not fewer than ten (10) days, and the last not less than two (2) days before the date set for the public hearing. Said notices shall be published in a newspaper having general circulation within the Town of Ridgefield.

**9.3** - Notice of any public hearing for a wetlands application shall be mailed by the applicant to owners of property within one hundred (100) feet of the subject property, whether inside or outside of the Town of Ridgefield, at least ten (10) days prior to the scheduled hearing. For each notice sent, the applicant shall obtain a “Certificate of Mailing” or “Return Receipt” (for Certified Mail) from the United States Post Office, and shall provide such proof to the Inland Wetlands Board no later than the hearing date. *(IWB Amend. of 9-13-05, effective 9-23-05, and Amend. Of 11/15/11, effective 11/24/11)*

- a. The notice shall include a description of the project, and the date, time and place of the hearing.
- b. The last-completed Grand List of the Town Assessor, as of the date of mailing, shall be utilized to determine the owner of each property and if such information is not readily available that fact shall be made known to the Board.
- c. For corporations listed with the Office of the Secretary of State, the listed individual owners or the office of the corporation shall be notified.
- d. For common interest communities, the homeowners’ association president and the property manager shall be notified, as well as the owner(s) of any units in buildings located within 100 feet of the property line of the lot where the regulated activity is proposed.

**9.4** - In the case of an application which is subject to the notification provisions of subsections 7.11 and 8.5 of these regulations, a public hearing shall not be conducted until the clerk of the adjoining municipality(ies) has received notice of the pendency of the application. Proof of such notification shall be entered into the hearing record.

## **SECTION 10 - CONSIDERATIONS FOR DECISION ON APPLICATION**

**10.1 - Relevant Information and Date.** In making its decision on an application, the Board may consider the following:

- a. The application and its supporting documentation;
- b. Public comments, evidence and testimony from a public hearing;
- c. Reports from other agencies and commissions including but not limited to the Town of Ridgefield:

1. Conservation Commission
  2. Planning and Zoning Commission
  3. Building Official
  4. Health Department
  5. Inland Wetland Agent
  6. Town Engineer
- d. The Board may also consider comments on any application from the Fairfield County Soil and Water Conservation District, the Housatonic Valley Council of Elected Officials, or other regional organizations, agencies in adjacent municipalities which may be affected by the proposed activity, or other technical agencies, organizations or consultants which may undertake additional studies or investigations.
- e. Non-receipt of comments from agencies and commissions listed in 10.1.c above within the prescribed time shall neither delay nor prejudice the decision of the Agency.

**10.2 - Standards and Criteria for Decision.** In carrying out the purposed and policies of Sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provision thereof, the Board shall consider all relevant facts and circumstances in making its decision on any application for a permit, including but not limited to the following:

- a. The environmental impact of the proposed regulated activity on wetlands or watercourses;
- b. The alternatives to the proposed action including a consideration of prudent and feasible alternatives which might have a less detrimental effect on wetlands or watercourses and which could feasibly attain the basic objectives of the activity proposed in the application. This consideration should include, but is not limited to, the alternative of requiring actions of a different nature which would provide similar benefits with different environmental impacts, such as using a different location for the activity.
- c. The relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;
- d. Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect,

enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources. This requires recognition that the inland wetlands and water courses of the Town of Ridgefield are an indispensable, irreplaceable and fragile natural resource, and that these areas may be irreversibly destroyed by deposition, filling, and removal of material, by the diversion, diminution or obstruction of water flow including low flows, and by the erection of structures and other uses.

- e. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property, including abutting or downstream property, which would be caused or threatened by the proposed activity, or the creation of conditions which may do so. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and wildlife and their habitat, loss of unique educational value, loss or diminution of beneficial aquatic organisms and wetland plants, the dangers of flooding and recreational and other public and private uses and values of wetlands, watercourses and buffer areas to the community.
- f. The impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.
- g. Measures which would mitigate the impact of any aspect of the proposed regulated activities. Such measures include, but are not limited to, actions which would avoid adverse impact or lessen impacts to wetlands and watercourses and which could be feasibly carried out by the applicant and would protect the wetland's or watercourse's natural capacity to support fish and wildlife, prevent pollution and flooding, supply water, control sedimentation, prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space.

**10.3 - Feasible & Prudent Alternative.** In the case of an application which received a public hearing pursuant to a finding by the Board that the proposed activity may have a significant impact on wetlands or watercourses, a permit shall not be issued unless the Board finds on the basis of the record that a feasible and prudent alternative does not exist. In making this finding, the Board shall consider the facts and circumstances set forth in Section 10.2 of these regulations. This finding and the reasons therefore shall be stated on the record in writing.

**10.4** In the case of an application which is denied on the basis of a finding that there may be feasible and prudent alternatives to the proposed regulated activity which have less adverse impact on wetlands or watercourses, the Board shall propose on the record in writing the types of alternatives which the applicant may investigate provided this subsection shall not be construed to shift the burden from the applicant to prove that he is entitled to the permit or to present alternatives to the proposed regulated activity.

**10.5** For purposes of this section, (1) “wetlands or watercourses” includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) “Habitats” means areas or environments in which an organism or biological population normally lives or occurs.

**10.6** A municipal Inland Wetlands Agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.

**10.7 - Documents of Record.** In reaching its decision on any application after a public hearing, the Board shall base its decision on the record of that hearing. Documentary evidence or other material not in the hearing record shall not be considered by the agency in its decision. A conclusion that a feasible and prudent alternative does not exist does not create a presumption that a permit should be issued. The applicant has the burden of demonstrating that his application is consistent with the purposes and policies of the Inland Wetland and Watercourses Regulations of the Town of Ridgefield and sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.  
*(IWB Amend. of 9-13-05, effective 9-23-05)*

**10.8** – In the case of an application where the applicant has provided written notice pursuant to subsection 7.11.3 c. of these regulations, the holder of the restriction may provide proof to the Inland Wetlands Agency that granting of the permit application will violate the terms of the restriction. Upon a finding that the requested land use violates the terms of such restriction, the Inland Wetlands Agency shall not grant the permit approval.

**10.9** – In the case of an application where the applicant fails to comply with the provision of subsection 7.11.3 c. or d. of these regulations, the party holding the conservation or preservation restriction may, not later than fifteen days after receipt of the actual notice of permit approval, notify the Inland Wetland Agency of the applicant’s failure to comply with subsection 7.11.3.c or d. of these regulations. The Inland Wetlands Agency shall, in accordance with Section 11.6 of the IWWR, reverse the permit approval upon a finding that the requested land use violates the terms of such restriction.

## **SECTION 11 - DECISION PROCESS, NOTICES, PERMIT VALIDITY AND EXTENSIONS, REVISIONS TO PLANS**

**11.1 - Period for Decision.** After review of all information submitted, the Board shall, within thirty-five (35) days from the date on which the public hearing was completed or, if no public hearing was held, within sixty-five (65) days of the date of receipt of the application:

- a. Grant a permit in accordance with the application, as subsequently amended if that be the case; or
- b. Grant a permit with conditions or limitations designed to carry out the intents of these regulations; or
- c. Deny the permit.

The Board does not have the authority to table or reject an incomplete application. However, an application deemed incomplete by the Board may either be withdrawn by the applicant or may be denied by the Board.

Failure of the Board to act within any period specified herein, or any extension thereof, shall not be deemed to constitute approval of the application.

**11.2 - Reasons for Decision.** The Board shall state upon its record the reasons for its decision and, in the case of any public hearing, such decision shall be based fully on the record of such hearing and shall be in writing and shall incorporate a statement relative to the consideration of feasible and prudent alternatives.

**11.3 - Notices of Decision.** The Board shall send notice of its decision to the applicant and any named parties to the proceeding within fifteen (15) days of the date of the decision by certified mail, return receipt requested. The Board shall cause notice of its decision to be published in a newspaper having general circulation within the Town of Ridgefield within fifteen (15) days from the date of its decision. A copy of all Board decisions shall be forwarded to the Commissioner of Environmental Protection in forms as may be prescribed by the Commissioner.

In any case in which such notice is not published by the Board within such fifteen day period, the applicant may provide for the publication of such notice within ten (10) days thereafter.

If an activity authorized by the Board also involves an activity or project which requires zoning or subdivision approval, a special permit or variance, a copy of the Board's decision shall be forwarded within fifteen (15) days of its decision to the Planning and Zoning Commission or the Zoning Board of Appeals, as applicable.

**11.4 - Validity of Permits and Extension.** Any permit issued under these regulations shall be valid for five (5) years. Any regulated activity approved by the Board shall be completed within one (1) year from the time such activity is commenced unless otherwise specified by the Board. The Board may establish a specific sequence or schedule which the permittee must follow in executing the approved regulated activity and may further require that the activity proceed in stages, with each stage completed and appropriately stabilized before commencement of the next stage. The Board may extend the time period of the original permit provided such period shall not extend beyond ten (10) years from the date such permit was granted.

No permit shall be assigned or transferred without the written permission of the Agency.

Requests for the extension of any permit granted pursuant to these regulations shall be submitted in writing and in accordance with the requirements of Section 7.8 of these regulations. The applicant shall be responsible for defraying all required legal notice costs.

All permits issued by the Board are subject to and do not derogate any present or future rights or powers of the Board or the Town of Ridgefield, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the property or activity.

**11.5 - Bond.** If a performance bond is required pursuant to the requirements of Section 12 of these regulations, no permit shall be issued and no activity shall commence until the required bond has been posted with the Board or its Agent.

**11.6 - Inaccurate Information.** In rendering its decision the Board has relied in whole or in part on information provided by the applicant, including the public hearing. If such information subsequently proves to be false, deceptive, incomplete or inaccurate, the Board may modify, suspend or revoke the permit it had issued.

**11.7 - Permits by Other Agencies.** If the activity authorized by the Board pursuant to these regulations involves an activity or project which requires zoning, subdivision or other approvals under the provisions of chapters 124 and 126 of the Connecticut General Statutes, no work pursuant to the wetland permit shall commence until such approval(s) is (are) obtained.

**11.8 - Erosion & Sedimentation Control.** The permittee shall take such necessary steps consistent with the terms and conditions of the wetland permit to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands, watercourses and upland review areas. Prior to the initiation of any permitted activity, erosion and sedimentation control facilities shall be installed according to DEP Publication 34, "2002 Connecticut Guidelines for Soil Erosion and Sediment Control", as it may be amended. *(IWB Amend. of 9-13-05, effective 9-23-05)*

**11.9 - Revision to Plans.** Activities authorized hereunder shall be completed as prescribed in plans and drawings provided by the Board. Revisions to approved plans shall be submitted to the Inland Wetlands Agent for review and recommendations. The Agent shall submit the proposed revisions for consideration and action by the Board.

## **SECTION 12 - BONDS AND INSURANCE**

**12.1 -** Following approval of an application but before any activity authorized by the permit commences, the applicant, developer, successor or assigns may, at the Board's discretion, be required to file a performance bond with such surety in such amount and in a form prescribed by the Board. When prescribed, the full bond amount shall remain in force for, at least, the period required to complete the authorized work; it may be released in part or in total, or may be claimed on default at the end of the permit's expiration period prescribed by the Board under the provisions of Section 11.4 of these regulations.

The applicant, successor or assigns may request an extension of the permit period provided such request is submitted forty-five (45) days prior to its expiration date.

**12.2** - The bond or surety shall be conditioned on compliance with all provisions of these regulations and the plans, terms, conditions and limitations established by the Board upon approval of the permit.

**12.3** - The Board may require the applicant to certify that it has public liability insurance against liability which might result from the proposed operation of use of the wetlands or watercourses covering any and all damage which might occur within two (2) years of completion of the operations, in an amount to be determined by the Board commensurate with the regulated activity.

## **SECTION 13 – ENFORCEMENT**

**13.1 - Inland Wetland Agent.** These regulations shall be administered and enforced by the Board’s Inland Wetlands Agent. The Agent is hereby authorized to inspect the property except a private residence, issue notices of violation or cease and desist orders and to carry out other actions or investigations necessary for the management and enforcement of these regulations.

**13.1.1(a)** –The Board may delegate to its duly authorized Agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetlands or watercourses provided such agent has completed the Comprehensive Training Program developed by the Commissioner of Environmental Protection pursuant to Section 22a-39 of the Connecticut General Statutes. Requests for such approval shall be made on a form provided by the Board and shall contain the information listed under Section 7.5 of these regulations and any other information the Agent may reasonable require.

**13.1.1(b)** – The Agent shall, within ten days of the date of such approval, publish, at the applicant’s expense, notice of the approval in a newspaper having a general circulation in the Town wherein the activity is located or will have an effect. Any person may appeal such decision of such Agent to the Board within fifteen days after the publication date of the notice and the Board shall consider such appeal at its next regularly scheduled meeting. Any person may appear and be heard at the meeting held by the Board to consider the subject appeal. The Board shall, at its discretion, sustain, alter, or reject the decision of its Agent or require an application for a permit in accordance with Section 7 of these regulations.

**13.2 - Periodic Inspections.** The Board or its Agent may conduct regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations and, when so authorized by the Board, may prescribe additional measures necessary to carry out the intent of the permit issued.

**13.3 - Violations.** If the Board or its Agent finds that any person is conducting or maintaining any activity, facility or condition which is in violation of these regulations or any permit issued pursuant thereto, the Board or its Agent may:

**13.3.1 – Issue a Cease & Desist for activity where no permit has been issued / Schedule Show Cause Hearing within 10 days of the issuance of the Cease & Desist**

(a) Issue a written order by certified mail, return receipt requested, to such person conducting activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition.

(b) Within ten (10) calendar days of the issuance of such order the Board shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect.

(c) The Board shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing render its decision and notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Board shall publish notice of its decision in a newspaper having general circulation within the Town of Ridgefield. The original order shall be effective upon issuance and shall remain in effect until the agency affirms, revises or withdraws the order as provided hereto. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to Section 22a-44(b) of the Statutes, as amended.

**13.3.2 – Issue Notice of Intent to Suspend or Revoke a Permit, for non-compliance with conditions / hearing required prior to decision**

(a) Suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including the application plans. Prior to revoking or suspending a permit the Board shall issue notice to the permittee, personally or by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action.

(b) The Board shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with the permit and any and all requirements for retention of the permit.

(c) The Board shall consider all the facts presented and, within ten (10) days of its decision, notify the permittee by certified mail if the permit has been suspended, revoked or may be maintained. The Board shall publish notice of the suspension or revocation in a newspaper having general circulation within the Town of Ridgefield.

**13.3.3 – Issue Notice of Violation of the Regulations / Order to Remedy / No hearing required**

(a) Issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Board, and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands, watercourses or buffer areas. The Agency may request that the individual appear at the next

regularly scheduled meeting of the Board to discuss the unauthorized activity, and/or provide a written reply to the notice, or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in subsection 13.3.1(a) above and/or any other enforcement proceedings provided by law.

**13.4 - Penalties.** Any person who commits, takes part in or assists in any violation of these regulations may be fined not more than one thousand dollars (\$1,000) for each offense. Each violation of these regulations shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. As provided under Section 22a-44 of the Statutes, the violator may be responsible for the payment of fees and for the reimbursement of costs associated with such enforcement action.

In addition, the Board, at its discretion, may require site restoration.

## **SECTION 14 - AMENDMENTS AND FEE SCHEDULE**

### **14.1 - Amendments by the Board.**

**14.1.1** - These regulations and boundaries may, from time to time, be amended, changed or repealed by the Inland Wetlands Board after a public hearing in relation thereto is held by the Board, at which hearing interested parties and citizens shall have an opportunity to be heard and written communications may be received.

**14.1.2** - Notice of the time and place of said hearing shall be published in the form of a legal advertisement appearing in a newspaper having general circulation within the Town of Ridgefield at least twice at intervals of no less than two (2) days, the first no more than fifteen (15) days nor less than ten (10) days, and the last not less than two (2) days before such a hearing. All materials including maps and documents relating to the petition shall be open for public inspection. *(IWB Amend. of 9-13-05, effective 9-23-05)*

**14.1.3** - A copy of the proposed regulation or boundary shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such hearing and it may be published in full in such a newspaper. A copy of the notice and the proposed regulations or amendments thereto, except determinations of boundaries, shall be provided to the Commissioner at least thirty-five (35) days before such hearing.

**14.1.4** - Regulations of changes therein shall become effective at such time as is affixed by the Board, provided a copy of such regulation, boundary or change shall be filed in the office of the Town Clerk of the Town of Ridgefield.

**14.1.5** - Whenever the Board makes a change in these regulations or boundaries it shall state upon its records the reasons why the change is made.

**14.1.6** - An application filed with an Inland Wetlands Agency which is in conformance with the applicable inland wetlands regulations as of the date of the decision of such agency with respect to such application shall not be required thereafter to comply with any change in inland wetlands regulations, including changes to setback and buffers, taking effect on or after the date of such decision and any appeal from the decision of such agency with respect to the grounds that such a change has take effect on or after the date of such decision. The provisions of this subsection shall not be construed to apply (1) to the establishment, amendment or change of boundaries of inland wetlands or watercourses or (2) to any change in regulations necessary to make such regulations consistent with the provisions of Chapter 440 of the General Statutes as of the date of such decision.

### **14.2 - Petitions to Amend.**

**14.2.1** - Any party in interest may submit a petition in writing to amend these regulations and/or boundaries of a wetland. The petition shall:

- (1) Identify the applicant and real party in interest, the basis for his interest

in the matter presented in the petition, and the petitioner's address. The petition shall set forth such terms, descriptions, maps or other matter as to precisely determine the reasons and the scope of the change proposed in the petition.

- (2) The Board may require the petitioner to present documentation by a soil scientist that the land in question does not have a soil type classified by the National Cooperative Soils Survey as poorly drained, very poorly drained, alluvial or flood plain. Such documentation includes a map of the land in question signed by a soil scientist on which the flag locations defining the boundaries of the regulated soil types are depicted. Watercourses shall be delineated by a soil scientist, geologist or other qualified individual.
- (3) The petition shall be accompanied by fees as detailed in the fee schedule under Subsection 14.3 of these regulations.
- (4) The Agency may request the petitioner for such additional information and explanations regarding the petition and secure aid of experts and other advice as it may deem essential to achieve an understanding regarding the petition.

**14.2.2** - Upon receipt and acceptance of a complete petition as set forth above, the Board:

- (1) Shall set a public hearing within sixty-five (65) days of the receipt of the complete application.
- (2) May refer the petition and contents thereof for review and comments to any local, regional, state or federal agency that the Board may deem necessary. Said agency or agencies shall, if deemed appropriate, report its findings and/or recommendation at or before the date set for the public hearing. Failure to report at or before the date set for the public hearing shall mean that the agency does not object to the proposed amendment.
- (3) Shall post notice of the time and place of such hearing, and shall furnish notice of the petition to the Town Clerk in accordance with the requirements prescribed under subsections 14.1.2 and 14.1.3 of these regulations, respectively.

*(IWB Amend. of 9-13-05, effective 9-23-05)*

**14.2.3** - The petitioner may consent to one or more extensions of any period specified in this subsection provided the total extension of all such periods shall not be for longer than sixty-five (65) days or may withdraw such petition. *(IWB Amend. of 9-13-05, effective 9-23-05)*

**14.2.4** - The Board shall act upon the changes requested in such petition within sixty-five (65) days after the completion of such public hearing. At such hearing, any person or persons may appear and be heard and may be represented by agent or attorney. Failure by the Board to act within any time period specified in this subsection or any extension thereof shall not be deemed to constitute approval of the petition. *(IWB Amend. of 9-13-05, effective 9-23-05)*

**14.2.5** - Amendments or changes shall become effective at such time as is affixed by the Board, provided a copy of such regulation, boundary or change shall be filed in the office of the Town Clerk of the Town of Ridgefield. The Board shall inform the Commissioner accordingly.

**14.2.6** - Whenever the Board makes a change in these regulations or boundaries it shall state upon its records the reasons why the change was made.

**14.3 - Fee Schedule.** The following schedule of fees shall apply:

<b>Single Family Lot (existing) Improvements &amp; Additions</b>	<b>Base Fees</b>
Summary Ruling	\$150
Plenary Ruling	\$350
<b>Single Family Lot (New Construction)</b>	
Summary Ruling	\$350
Plenary Ruling	\$600
<b>Ponds and Streams</b>	
Dredging – Maintenance	\$200
Dredging and Enlargement of Pond	\$300
Stream channel/embankment work	\$200
<b>Subdivisions</b>	
Base Fee	\$500
Plus \$300 per lot containing wetlands or watercourses	
<b>Commercial, Residential Multifamily</b>	
Summary Ruling	\$450
Plenary Ruling	\$700
<b>Public Hearings</b>	
50% of initial (base) application fee	
<b>Inspections, Violations and Monitoring</b>	
Inspection by request	\$25
Inspections for Violations	\$75
Additional inspections for corrective action	\$100/trip
Monitoring – Summary and Plenary	\$100

<b>Administrative Permit Fee</b>	\$50
<b>Petition to Amend the Regulations or Map</b>	\$250
<b>Legal Notice Fee (Required for all applications)</b>	\$30
<b>REVISION or RENEWAL for Existing Permit</b>	\$100
<b>State Fee (SEPARATE CHECK REQUIRED)</b>	\$30

The Board may charge additional fees at any time during the review process, to retain outside consultants to review applications and petitions for regulated activities, and to monitor construction to insure compliance with approved plans. Said fees shall be determined by the Board and/or the Inland Wetland Agent from written estimates prepared by the consultants on the basis of the anticipated cost of the review. The additional fees shall pertain to projects whose size, complexity and/or potential impact requires specialized assistance and expertise. The Board may require that the applicant deposit an amount equal to 150% of the estimated consultant fees. The applicant shall be reimbursed for any unused funds. *(IWB Amend. of 6-6-00, effective 6-16-00)(IWB Amend of 12/11/01, effective 12/21/01)*

In addition to the fees listed above, the applicant, petitioner or violator, whichever the case may be, shall be responsible to defray the cost of publishing the required legal notices.

When an action of the Board is appealed to the Superior Court, the Board shall furnish a copy of the index of the record at no charge to the Plaintiff, and will charge copying costs for the record at the following rate:

- (a) For copies of any transcripts in the return of record, certified:
  - \$1.00 per page plus
  - \$1.00 for the certification
- (b) For copies of all other exhibits and documents in the return, non-certified:
  - \$0.50 per page
- (c) For all documents or maps in excess of standard sized (up to 11"x17", or special documents that must be copied by an outside service:
  - at cost

Checks covering the corresponding fees shall be made payable to the "Town of Ridgefield."

*(IW Amend. of 5/17/05, effective 5/17/05)*

## **SECTION 15 - APPEALS**

Appeals from actions of the Inland Wetlands Board shall be made in accordance with the provisions of Section 22a-43 of the Connecticut General Statutes as amended. Notice of such appeals shall be served upon the Agency and the Commissioner of the Department of Environmental Protection.

## **SECTION 16 - CONFLICT AND VALIDITY**

**16.1 - Conflict.** Where there is a conflict between the provisions of these regulations and the provisions of any other applicable ordinance, regulation or section of these regulations, the provisions of that ordinance, regulation or section of these regulations which imposes greater restrictions and standards on the use of wetlands, watercourses and buffer areas shall govern.

**16.2 - Validity.** If any section, subsection, paragraph, subdivision, clause or provision of these regulations shall be adjudged invalid, such adjudication shall apply only to the section, subsection, paragraph, subdivision, clause or provision so invalidated and the remainder of the regulations as they now and hereafter exist shall be deemed valid and in effect.

## **SECTION 17 - OTHER PERMITS**

Nothing in these regulations shall obviate the requirements for the applicant, successor or assigns to obtain any other assents, permits or licenses required by law or the regulations or ordinances of the Town of Ridgefield, the State of Connecticut and the Government of the United States including any approval required by the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. Obtaining such assents, permits or licenses shall be the sole responsibility of the applicant, successor or assigns.

## **SECTION 18 - REPEALER, ADOPTION AND EFFECTIVE DATE**

**18.1 - Repealer.** The existing Inland Wetlands and Watercourses Regulations shall be repealed as of the effective date of these regulations.

**18.2 - Adoption.** The Inland Wetlands Board hereby adopts this document which, as of its effective date, shall be known as the **“INLAND WETLANDS AND WATERCOURSES REGULATIONS OF THE TOWN OF RIDGEFIELD.”** Amendments, additions, deletions, modifications and changes enacted subsequent to the effective date of these regulations shall be inserted in this volume after enactment and shall become part thereof as of their corresponding effective date.

**18.3 - Effective Date.** The effective date of these regulations shall be **January 6, 1995.**

(Regulations were adopted by the Inland Wetlands Board at its meeting of December 6, 1994)

## Table of Amendments

<b>Section</b>	<b>Amendment</b>	<b>Adopted</b>	<b><u>Effective</u></b>
2.2	Add definition of “Vernal Pool”	9/7/99	9/17/99
2.2	Add definition, “Uplands”	12/14/99	12/24/99
2.2	Add definition, “Upland Review Area”		
2.2	Amend definition, “Regulated Activity”		
2.2	Add definition “Ordinary High Water Mark”	7/11/00	7/21/00
2.2	Add definition - “Feasible”; amend “Intermittent Watercourse”; add definition - “Management Practice”; add definition - “Prudent”; Amend “Soil Scientist”	09/13/05	09/23/05
2.2	Amend “Buffer Area”, “Clear cutting”, and “Regulated activity”	04/04/06	04/14/06
4.5	Amend ¶ 1 and 2 under “Special Provisions”	12/14/99	12/24/99
4.5	Amend by adding ¶ for “Significant Rivers”	7/11/00	7/21/00
4.5	Amend –upland review area boundaries; Additional Review Areas, Administrative Review and Septic System Repairs	04/04/06	04/14/06
4.5	Amend-“Special Provisions: Upland Review Areas” add Mamanasco Lake	01/09/07	01/19/07
8	Application Procedures Sec. 8.1, Sec. 8.3, Sec. 8.5, Sec. 8.7 and Sec. 8.9	09/13/05	09/23/05
9	Public Hearings Sec. 9.1 and Sec. 9.3	09/13/05	09/23/05
10	Considerations for Decision on Application Sec. 10.2, Sec. 10.3, Sec. 10.4, Sec. 10.5, Sec. 10.6, Sec. 10.7 (formerly 10.4)	09/13/05	09/23/05
11	Decision Process, Notices, Permit Validity and Extensions, Revisions to Plans Sec. 11.8	09/13/05	09/23/05
13.1.1(a) and 13.1.1(b)	Add new Add new	04/04/06 04/04/06	04/14/06 04/14/06

14	Amendments and Fee Schedule Sec. 14.1.2, Sec. 14.2.2, Sec. 14.2.3 and Sec. 14.2.4	09/13/05	09/23/05
14.3	Amend by adding consultant fees	6/6/00	6/16/00
14.3	Amend by adding consultant fees	12/11/01	12/21/01
	Appendix "A" Incorporated	01/09/07	01/19/07
	Appendix "B" Incorporated	01/09/07	01/19/07
7.11.3	Notice Required for Conservation and Preservation Easements	07/21/09	07/24/09
10.8 and 10.9	Add new Add new	07/21/09	07/24/09
9.3	Notice requirements for public hearings	11/15/11	11/24/11
4.5	Amend by adding approvals for work w/out permits	07/05/17	07/14/17
2.2 and 4.5	Amend definition of clear cutting Amend clear cutting in chart	04/17/18	05/04/18
2.2	Add definition for Riparian Buffer	04/17/18	05/04/18

**APPENDIX A**  
*(IWB Amendment 01/09/07, Adopted 01/19/07)*  
**GUIDELINES for the PROTECTION OF MAMANASCO LAKE**

***Regions of Lake Watershed Protection:***

Region #1 - *Shoreline and Shoreline Protection Area*, which includes the lake surface to a point 100.0 ft landward, and;

Region #2 - The remainder of the watershed beyond Region #1

**Land Development Criteria - Existing and Undeveloped Land**

The following guidelines for lake water quality protection are developed from a review of the literature and land use practices employed by other communities. They include both Regions #1 and #2. Land use guidelines for each area are presented below.

**LAKE PROTECTION GUIDELINES – Region #1**  
Shoreline and Shoreline Protection Area

Region #1 is the most critical and most developed, therefore, having the greatest potential to impact on lake water quality. The primary objectives within this area on both developed and undeveloped parcels are the creation of a vegetative littoral zone (0 - 3 feet in depth) and upland buffer to filter surface runoff before it enters the lake. [See illustrations in the Appendix, for typical site plan examples.] To achieve this, the following is proposed.

1. A dock (floating or fixed) and beach area is permitted. The beach area should not exceed 25% of the parcel's lake frontage.
2. On undeveloped parcels, a 10.6-meter (35 ft.) wide minimum vegetative buffer component consisting of 50% coarse grasses, wildflowers or other acceptable herbaceous growth and 50% shrubs and trees is proposed.
3. If a clearing is made for lake access through a vegetative buffer, a path 4-6' in width made at an angle through the vegetative buffer would decrease the likelihood of runoff. The surface of the path should be porous (i.e., wood chips, stone dust, gravel or other acceptable pervious non-polluting material).
4. On any existing developed parcel the same 10.6-meter wide buffer is recommended. When site restrictions preclude this from being achieved, a 4.5-meter (15 ft.) wide minimum upland vegetative buffer component consisting of 50% coarse grasses, wildflowers or other acceptable herbaceous growth and 50% shrubs and trees is recommended.
5. On existing developed parcels where site conditions preclude the creation of a 4.5-meter wide vegetative upland buffer, one-third or five (5) feet of the buffer may consist of aquatic emergents planted in the shallow littoral (normal high water mark to a 3 foot depth) of the lake.
6. Clearing of vegetation for a view corridor should be limited to 25% of a parcel's shoreline length. It is recommended that clear cutting of vegetation on individual lots be limited to a maximum of 25% of the lot area.

7. Vertical clearing of vegetation should be limited to one-third the height of the tree canopy.
8. It is recommended that walkways, docks, beaches and boathouse be developed in the view corridor.
9. It is recommended that landowners employ current Best Management Practices (see Appendix B) to control sediment and erosion consistent with the *2002 Connecticut Guidelines for Soil Erosion and Sediment Control* (DEP Bulletin 34), as may be amended.
10. Control post-development peak rate of stormwater runoff to predevelopment rates for a 2-year storm. Infiltration is the preferred method for control, but other methods may be acceptable. No direct discharges of stormwater runoff to the lake are permitted without pre-treatment to remove 80% of the total suspended solids (TSS) contained in the runoff.

### **LAKE PROTECTION GUIDELINES – Region #2**

1. It is recommended that clear cutting of vegetation on individual lots be limited to a maximum of 25% of the lot area.
2. It is recommended that clearing of natural vegetation (native species of trees shrubs and herbaceous plants) on individual lots be limited to a maximum of 75% of the lot area. Use of native plant species for landscaping is encouraged.
3. It is recommended that impervious coverage be kept to a maximum of 8%. Impervious area (i.e., roof, drives, concrete patios) in excess of 8% of the lot area should, where practical, be controlled to predevelopment rates for a 2-year storm. Infiltration is the preferred method for control, but other methods may be acceptable. No direct discharges of stormwater runoff to stormwater systems are permitted without pre-treatment to remove 80% of the TSS.
4. An 8-meter (26 ft) wide minimum upland vegetative buffer component consisting of 50% coarse grasses, wildflowers or other acceptable herbaceous growth and 50% shrubs and trees should be provided adjacent to all wetlands and watercourses. Site conditions (e.g., steep slopes) may warrant greater vegetative buffer widths.
- 5.

#### **Additional Recommendations for Entire Watershed – Guidelines**

##### **Improvements to infrastructure like roadways and drainage systems**

- Employ current BMPs for upgrading storm water systems consistent with the Connecticut guidelines (DEP Bulletin 34), as may be amended.
- Cleaning of catch basins, large particle separators, plunge pools, etc., once per year in Region #2 and twice per year (fall and spring) within Region #1.

##### **Turf Grass Management**

- Testing of topsoil from at least 40% of developed parcels every three to five years to make homeowners aware if excessive fertilization is occurring. The goal is a

more judicious use of fertilizer to reduce the amount of nitrogen and phosphorous entering the lake.

Note: Soil samples to be collected from higher priority areas first and sampling staggered, annually from Region #1 then to Region #2. Connecticut Agricultural Station will analyze samples free of charge.

### **Septic System Maintenance**

- It is recommended that septic tanks be cleaned by a licensed septic cleaner every three to five years.
- File report with health department to renew discharge permit.

### **Riparian Buffers**

- Develop five (5) meter wide (16.4 feet) riparian buffer at a minimum wherever possible.

### **Entire Watershed**

- Subdivisions of two or more lots should comply with current Subdivision regulations for pre and post development peak rates of runoff.
- On-site sewage disposal systems should comply with current State and Town of Ridgefield Health codes. In situations where existing site limitations preclude meeting the current standards, every effort should be made to comply, including the use of innovative and alternative sewage disposal methodologies approved by the State of Connecticut, Department of Health and Addiction Services.
- Erosion and sediment control plans should be prepared in accordance with current *Connecticut Guidelines for Soil Erosion and Sediment Control* (DEP Bulletin 34). for all land alteration activities regardless of the area of disturbance.

### **Implementation**

The Town of Ridgefield Inland Wetlands and Watercourse Agency regulates land use activities within the Town's inland wetlands and watercourses and the upland review area associated with these resources under Section 4.5 of their regulations. Current Inland wetland regulations provide additional protection of named waterways within the community. Lake systems such as Mamasco Lake are equally susceptible to land use impacts and are worthy of additional protection. Thus, implementation of these Guidelines is proposed through the Town of Ridgefield Inland Wetlands and Watercourses agency as part of the existing permitting process.

## **APPENDIX B**

*(IWB Amendment 01/09/07, Adopted 01/19/07)*

### **Operation and Maintenance Guidance for Low Impact Development Best Management Practices**

The following guidance is provided for the operation and maintenance of the Low Impact Development (LID) stormwater Best Management Practices (BMPs). The guidance is intended for the use of both the residential homeowner and the staff of the municipal department responsible for the maintenance of structures within the public rights of way.

This guidance may change from time to time as LID source treatment practices change and operational experience with the systems develops. This document should then be revised to reflect any changes to these practices.

#### **Biofiltration:**

##### **1. “Rain Garden” - Bioretention System**

Source treatment of stormwater runoff is accomplished around residential structures by means of infiltration using existing and amended soils. Plantings of native vegetation within the biofiltration systems maintain the infiltrative capacity of the system, provide soil stabilization, and the attenuation of nutrients and potential nonpoint source pollutants.

#### **Management actions include the following:**

1. Annual inspection and repair of or replacement of treatment components.
2. Twice per year (spring and fall) inspection of trees and shrubs to evaluate health, removal and replacement of dead or dying plants, pruning of the diseased or broken plants.
3. Treatment of diseased vegetation with appropriate low-toxicity chemicals (herbicides, pesticides).
4. Weed annually and prune shrub vegetation until vegetation is established to improve appearance, generally two to three years (growing seasons).
5. Replace mulch to cover exposed soil area with removal and replacement of mulch every two to three years. Mulch depth not to exceed three (3) inches. Use single pass large mulch.
6. Sample soil for fertility every three years. Addition of limestone one or two times per year to maintain proper pH is recommended. Field or laboratory testing for pH is acceptable.

## **2a. Grassed Lined Swales**

Grassed lined swales provide transmission of post-development runoff as well as filtration and infiltration of stormwater runoff. The turf environment also removes nutrients and other pollutants from runoff via physical filtration and nutrient attenuation prior to discharge.

Management actions include the following measures:

1. Cut grass weekly or as needed to a height of 2.5-3 inches. Leave clippings in place to provide fertilizer for new growth.
2. Reseed swale with appropriate grass seed mixture and application rates as needed to insure that no bare spots develop.
3. Sample soil for fertility every three years. Addition of limestone one or two times per year to maintain proper pH is recommended. Field or laboratory testing for pH is acceptable.
4. Inspect turf grass for insect and weed infestation and evidence of disease and apply appropriate Integrated Pest Management (IPM) control measures for control.
5. Inspect swale regularly for evidence of rill development. Pack rills with sandy till, compact and apply 4-6" of settled top soil, reseed with turf mix, mulch and water as needed until grass is established (70% coverage).

## **2b. Grassed Lined Swale /Infiltration Level Spreader**

The grassed lined swale/infiltration level spreader is designed to accept pre-treated runoff from impervious surfaces associated with development. Runoff is infiltrated into the ground with excess flows discharged via overland sheet flow. The turf environment also removes nutrients and other pollutants from runoff via physical filtration and nutrient attenuation prior to discharge.

Management actions include the following measures:

1. Inspect the surface of the trench surface regularly (monthly) to insure surface is free of debris and the discharge is flowing via sheet flow and not concentrated.
2. Inspect the discharge lip area for low points and down gradient flow areas for active scour or soil erosion. Repair scour and rills with compacted sandy till, reseed, if turf grass and mulch.
3. Inspect turf area down gradient of swale regularly for evidence of rill development. Pack rills with sandy till, compact and apply 4-6" of settled top soil, reseed with turf mix, mulch and water, as needed, until grass is established (70% coverage). If forest litter, re-apply four (4) inches of composted leaf mold and apply erosion control blanket (netting) in accordance with manufactures directions as needed to prevent scouring.
4. Cut grass weekly or as needed to a height of 2.5-3 inches. Leave clippings in place to provide fertilizer for new growth.

5. Inspect swale twice per year (early spring and late fall), evaluate sediment depth and/or accumulation of organic debris (leaves, etc). Remove leaves to prevent matting of grass and dispose of properly. Remove accumulated sediment by hand, when depth of sediment is greater than 4" (1/3 depth of swale). Dispose of sediment off site in approved upland area.
6. Reseed swale with appropriate grass seed mixture and application rates, as needed, to insure that no bare spots develop.
7. Sample soil for fertility every three years. Addition of limestone one or two times per year to maintain proper pH is recommended. Field or laboratory testing for pH is acceptable. Apply organic slow release fertilizer based on results of fertility tests.
8. Inspect turf grass for insect and weed infestation and evidence of disease and apply appropriate Integrated Pest Management (IPM) control measures for control, as needed.

### **3. Stormwater Wetland**

The treatment wetland is designed to accept stormwater runoff from impervious surfaces. The system is created with an inlet forebay (3 - 4 feet deep) and shallow (6-18" deep) outlet pool to trap sediment and provide habitat for aquatic organisms. A shallow pond and wet meadow environment in the floor of the wetland is intended to provide biological and physical filtration of runoff prior to discharge. Some runoff storage capacity for flood flows is also provided in the system by means of a control outlet structure. The basin is planted with sedges, rushes and grasses as well as woody shrubs to provide soil stabilization, filtration and wildlife habitat.

Management actions include the following measures:

1. Annual inspection of the forebay and inlet/outlet structure and removal of accumulated sediment when sediment depth in the forebay reaches 50% (1.5 – 2.0 feet) of the depth of the forebay. Frequency of cleaning varies from 3-7 years depending on loading rate.
2. Replacement of any diseased or dead vegetation within the basin with native species, as per the approved plan and by the Inland Wetlands Board.
3. Removal of any invasive plants, as identified by the current listing of Invasive Species compiled by the State Arboretum. These shall include, but not be limited to, purple loosestrife (*Lythrum salicaria*), common reed (*Phragmites australis*), multiflora rose (*Rosa multiflora*). Removal shall be by hand, shovel or pulling, treatment of cut stump within 20 minutes of cutting or spraying of foliage with a 1-2% solution of Rodeo™.
4. Inspection of the outlet pool and outlet structure and removal of sediment when sediment depth reaches 50% of the depth of the pool.
5. Inspection and clearing of debris from the basin floor, inlet and outlet structures every six-months.

6. Inspection of the basin to insure sheet and baseline stream flow through the wetland.
7. Repairs to any obvious soil erosion of the sidewalls or floor of the basin.
8. Repairs to the inlet and outlet structures, as needed.

#### **4. Infiltration Level Spreader**

The infiltration level spreader is designed to accept pre-treated runoff from impervious surfaces associated with dwelling development. Runoff is infiltrated into the ground and flows via overland sheet flow toward the pond

Management actions include the following measures:

1. Inspect the surface of the trench surface regularly (monthly) to insure surface is free of debris and the discharge is flowing via sheet flow and not concentrated.
2. Inspect the discharge lip area for low points and down gradient flow areas for active scour or soil erosion. Repair scour and rills with compacted sandy till, reseed, if turf grass and mulch. If forest litter, re-apply four (4) inches of composted leaf mold and apply erosion control blanket (netting) in accordance with manufactures directions as needed to prevent scouring.

#### **5. Stone Trench Drains**

Trench drains are provided at the rear of residential dwellings to collect surface flows and roof runoff and infiltrate the runoff into the surrounding soil matrix. Excess runoff not infiltrated into the soil is transferred to the stormwater collection system for pre-treatment prior to discharge.

Management actions include the following measures:

1. Inspect the surface of the trench surface regularly (monthly) to insure surface is free of debris and accepting surface runoff.
2. Areas of ponded water over the stone inlets indicate blockage in the stone or collection pipe. Excavate stone and expose collection pipe to determine reason for blockage. Snake pipe or replace stone as needed.
3. Check points of discharge into the stormwater piping system to insure free flow of discharge from collection pipe. Clean or repair as required to re-establish proper flow.

#### **6. Vegetative Filter Strip**

The vegetative filter strip is designed to accept stormwater runoff from the grass lined level spreader, roof runoff and sheet flow. The system is created to restore historically impacted riparian/wetland environments, trap sediment, infiltrate runoff, provide wildlife habitat and provide a natural floral transition from upland to wetland. The system is planted with herbaceous plants and shrubs to provide for long-term soil stabilization, seasonal nutrient uptake by plants and maintain the soil's infiltration capacity.

Management actions include the following measures:

1. For the first three growing seasons inspect the system twice per year (late spring and early fall). Replace any diseased or dead vegetation within the system with native species, as per the approved plan and by the Inland Wetlands Board.
2. Long-term, removal any invasive plants, as identified by the current listing of Invasive Species compiled by the State Arboretum. These shall include, but not be limited to, purple loosestrife (*Lythrum salicaria*), common reed (*Phragmites australis*), multiflora rose (*Rosa multiflora*). Removal shall be by hand, shovel or pulling, treatment of cut stump within 20 minutes of cutting or spraying of foliage with a 1-2% solution of Rodeo™.
3. Repair any obvious soil erosion (i.e., rills, gullies). Pack rills with sandy till, compact and apply 4-6" of settled top soil, reseed with turf mix, mulch and water, as needed, until grass is established (70% coverage). If forest litter, re-apply four (4) inches of composted leaf mold and apply erosion control blanket (netting) in accordance with manufactures directions as needed to prevent scouring.
4. Only organic slow release fertilizers shall be applied based on the results of soil fertility tests.

**Stormwater Structures:**

**1. Catch Basins with Deep Sumps and Hooded Outlet**

Catch basins with four (4) foot deep sumps and outlet baffles are intended to collect stormwater runoff from the driveways, streets, parking areas and provide partial sediment removal and collection of floatables with discharge of flows to treatment other BMPs before discharging.

Management actions include the following measures:

1. Inspect basins twice per year and remove accumulated sediment and debris from the basin with a vacuum truck. Clean basin when sediment levels reach 24 inches in depth within the sumps.
2. Inspect the outlet baffles (snouts) to insure proper attachment to wall of basin, repair as need in conformance with manufactures installation instructions.
3. Check inlet and outlet pipes for blockages and clean and repair, as needed.
4. Clean inlet grates of leaves each fall to permit proper flow into basins and minimize the amount of leaf litter entering the system.

**2. Large Particle Separators (hydrodynamic separator)**

Large particle separators (LPSs) are provided to remove suspended sediment, floatable debris and other solids and adsorbed pollutants from the stormwater stream draining from travel surfaces (roads, drives, parking areas).

Management actions include the following measures:

1. Inspect structures quarterly for the first three years of operation initially to determine the accumulation rate of sediment and debris within the structures.
2. Based on accretion rates, establish an inspection and cleaning schedule for the LPSs.
3. Maintain the structures in accordance with the manufactures guidelines.

**3. Drop-Inlet Structures**

Drop-inlet structures are intended to create shallow pools to pond water, entrap water borne sediment, reduce the erosion of stream beds and banks, and provide a stable transition in stream elevations. The structure incorporates the use of both structural (stone) and biotechnical (engineering fabric, vegetation) soil stabilization measures.

Management actions include the following actions:

1. Inspect pools behind the stone drop structure twice per year for the first three years of operation initially to determine the accumulation rate of sediment and debris within the structures. Based on accretion rates, establish an inspection and cleaning schedule for the pools.
2. Remove accumulated sediment and debris with a vacuum truck or with hand labor. Clean basin when sediment levels reach 50% of the pool depth.
3. Inspect the outlet structure during cleaning for breaches and damage, and repair as needed to maintain flow in the center of the structure.
4. Inspect the stream bed down gradient of the structure for evidence of scour, and re-armor as needed to prevent further scouring.
5. Inspect the vegetation along the banks and re-seed or replace dead and diseased to prevent soil erosion and long-term stability.

**Disposal of Sediment and Debris:**

Disposal of debris and sediment removed from any of the structures must be in accordance with all applicable local, state and federal regulations. On-site disposal of sediment and debris is not recommended.