



TOWN OF RIDGEFIELD

Inland Wetlands Board

ADOPTED RESOLUTION OF APPROVAL PLENARY RULING APPLICATION

Plenary Ruling application for construction of thirteen multi-family residential buildings, one community meeting house, outdoor pool amenity space, stormwater management system, vehicular access using existing entrance which crosses onto this site via newly constructed stream channel crossing, associated site work within the upland review area of wetlands and watercourses.

0 Ethan Allen Highway

Assessor's ID No: G10-0057

Applicant/Owner: Ridgefield Professional Office Complex, LLC

File # IW-23-6

NOW, THEREFORE BE IT RESOLVED, the Inland Wetlands Board of the Town of Ridgefield under Section 8.7 of the Ridgefield Inland Wetlands and Watercourses Regulations (IWWR) hereby approves the Plenary Ruling Application for construction of thirteen multi-family residential buildings, one community meeting house, outdoor pool amenity space, stormwater management system, vehicular access using existing entrance which crosses onto this site via newly constructed stream channel crossing, associated site work within the upland review area of wetlands and watercourses., located at 0 Ethan Allen Highway, Assessor's ID No: G10-0057, in accordance with the stipulations and conditions listed below:

Plans and Specifications:

1. Regulatory drawing set, dated March 3, 2023, prepared by SLR Consulting.
2. Proof of Notice by Applicant to South Norwalk Electric & Water, submitted March 6, 2023.
3. Proof of Notice by Applicant to the Commissioner of Public Health, submitted March 6, 2023.
4. Proof of notification of any conservation or historic easement holder on the subject property, submitted March 6, 2023.
5. Wetlands and watercourse delineation/soil report by a soil scientist, prepared by Down to

- Earth Consulting, LLC, dated January 23, 2023.
6. Drainage Report, dated March 3, 2023, prepared by SLR Consulting.
 7. Description of the ecological communities and functions of the wetlands or watercourses and the effects of the proposed regulated activities on these communities and wetlands functions, dated March 25, 2023, prepared by JMM Wetland Consulting Services, LLC.
 8. 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 of the alternatives, and a description of why each alternative considered was deemed neither feasible nor prudent, dated May 4, 2023, prepared by SLR Consulting.
 9. Analysis of materials to be deposited within the affected property, submitted April 21, 2023.
 10. Measures which mitigate the impact of the proposed activity, submitted April 21, 2023.
 11. Proof that notices of public hearing were mailed to all property owners within 100 feet of the subject property no less than (10) days prior to the hearing, submitted April 17, 2023.
 12. Written narrative of proposed activity, submitted on March 6, 2023.
 13. Location Map, submitted April 17, 2023.
 14. Plenary –Existing Conditions Site Plan, submitted April 17, 2023.
 15. Plenary - Erosion and Sedimentation Control Plan, submitted April 20, 2023.
 16. Plenary - Biological narrative of existing conditions and impacts, dated March 7, 2023, prepared by Haley Aldrich.
 17. Evidence of compliance with the Town of Ridgefield Drainage Manual, dated March 3, 2023.
 18. Wetlands Permit Fee Schedule, submitted March 7, 2023.
 19. Authorization Letter, dated April 11, 2023, prepared by Ridgefield Professional Office Complex, LLC.
 20. Legal Notice, dated April 13 and 20, 2023.
 21. Flagged Wetlands Area, submitted April 18, 2023.
 22. Plant Schedule, submitted April 20, 2023.
 23. Detention System, submitted April 20, 2023.

24. Site Report JMM Wetlands, dated May 8, 2023, prepared by JMM Wetland Consulting Services, LLC.
25. Open Space Declaration 901 Ethan Allen, dated February 28th, 2013.
26. Peer Review Consultant Fee – Biological Evaluation, dated May 15, 2023, prepared by Edward Pawlak.
27. Peer Review Consultant Fee – Engineer, dated May 12, 2023, prepared by Dainius Virbickas.
28. Extension Letter, dated May 25, 2023, prepared by Robert Jewell.
29. SLR Response to Inland Wetlands Board Comments, dated May 31, 2023, prepared by Jason Williams.
30. Engineer Peer Review Report, dated June 6, 2023, prepared by Dainius Virbickas.
31. Biological Evaluation Peer Review Report, dated June 5, 2023, prepared by Edward Pawlak.
32. Vegetated Buffer Zones Review of Literature Revised 4/26/2019, submitted June 8, 2023.
33. Extension letter, dated June 6, 2023, prepared by Ridgefield Professional Office Complex, LLC.
34. Correspondence – US Supreme Court Sackett v. EPA Water of USA, submitted June 13, 2023.
35. Correspondence 1, submitted June 14, 2023.
36. SLR – Wetlands Presentation, dated 6/16/2023, prepared by SLR Consulting.
37. Revised Drainage Report, dated March 3, 2023, revised June 16, 2023, prepared by SLR Consulting.
38. SLR Response to Biological Evaluation Peer Review, dated June 19, 2023, prepared by SLR Consulting.
39. Correspondence 2, submitted June 20, 2023.
40. Correspondence 3, submitted June 20, 2023.
41. Notarized Affidavit for Signage, dated June 7, 2023, prepared by Andrew Kenny.

42. SLR Response to Engineer Peer Review, dated June 18, 2023, prepared by SLR Consulting.
43. Correspondence 4, submitted June 21, 2023.
44. Correspondence from DEEP, submitted June 21, 2023.
45. Alan Pilch Resume, submitted June 21, 2023.
46. Biological Peer Review Report, dated June 22, 2023, prepared by Edward Pawlak.
47. SLR Response to Biological Peer Review Comments during Conference Call, dated June 22, 2023, prepared by SLR Consulting.
48. SLR Response to Wetland Commission Questions, dated June 22, 2023, prepared by SLR Consulting.
49. Tracey Miller Resume, submitted July 13, 2023.
50. Extension Letter, dated June 23, 2023.
51. Regulatory Drawing Set, dated March 3, 2023, revised May 31, 2023, revised June 20, 2023, revised June 26, 2023.
52. Biological Evaluation Peer Review Consultant Fee – Additional Materials, dated June 26, 2023, prepared by Edward Pawlak.
53. Revised Drainage Report, dated March 3, 2023, revised June 16, 2023, revised July 7, 2023, prepared by SLR Consulting.
54. Regulatory Drawing Set, dated March 3, 2023, revised, May 31, 2023, revised June 20, 2023, revised June 26, 2023, revised July 7, 2023.
55. Letter from Dave Goldenberg, dated July 3, 2023, prepared by Dave Goldenberg.
56. Summary of Changes – Site Plan and Drainage Report Submission, dated July 10, 2023, prepared by SLR Consulting.
57. Ridgefield Village Development Energy Analysis, submitted July 11, 2023, prepared by Marchetti Consulting Engineers.
58. Design Process Slides, submitted July 11, 2023.
59. Extension Letter, dated July 14, 2023, prepared by Ridgefield Professional Office Complex, LLC.
60. Engineer Peer Review Report, dated July 17, 2023, prepared by Dainius Virbickas.

61. Biological Evaluation Peer Review Report, dated July 26, 2023, prepared by Edward Pawlak.
62. SLR Response to Engineer Peer Review Comments, dated July 26, 2023, prepared by SLR Consulting.
63. Landscape Operations and Maintenance Manual, dated July 2023, prepared by SLR Consulting.
64. Revised Drainage Report, dated March 3, 2023, revised May 31, 2023, revised June 20, 2023, revised June 26, 2023, revised July 7, 2023, July 14, 2023 prepared by SLR Consulting.
65. SLR Response to Biological Evaluation Peer Review Comments, dated July 27, 2023, prepared by SLR Consulting.

Special Conditions:

1. Prior to the commencement of any on-site permit related activity, final site plans shall be submitted for review and approval by the Wetlands Board's Authorized Agent. Once approved, plans shall be submitted in both paper and digital formats. Final site plans shall reflect all testimony and discussion of the application and these conditions of approval.
2. Prior to the commencement of any on-site activity, an estimate for the retail, installed cost of the mitigation planting plan shall be submitted for the purpose of determining a bond amount. The estimate is subject to approval by this Board or its Authorized Agent.
3. Prior to the commencement of any on-site permit related activity, a cash performance bond of 120% of the mitigation planting plan estimate shall be submitted to the Planning and Zoning Department to ensure compliance with the conditions of this permit. The bond shall be submitted in the form of a check payable to the Town of Ridgefield. No portion of the bond shall be eligible for release until all conditions of this permit are satisfied and the Board has deemed the project to be in compliance with the approved plans.
4. The bond shall be eligible for release two full year(s) after the planting plan is fully implemented as verified by the Board's Authorized Agent and at least 80% of the planted material is thriving. Where possible, plantings are to be done as phases of the work are completed. Tree plantings must be managed to prevent deer browse. The plan shall be fully implemented within six months of seeking a Certificate of Occupancy.

5. A Soil Scientist, (possibly Jim McManus, MS, CPSS of JMM Wetland Consulting Services), shall examine and report monthly to the Wetlands Agent on the status of the wetlands protections during construction. Weekly monitoring will take place during Phase 1 of the project. The monitoring will specifically address sediment and erosion controls (S&E) – verifying that all proposed S&E structures are in place and operating as designed. Weekly meetings among the construction management team, general contractor, engineer, and the soil scientist will guarantee that all S&E controls are functioning as designed.
6. Site monitoring performed by a professional engineer or similar qualified individual to be selected by the Inland Wetlands Board or Town of Ridgefield Staff shall be ongoing during all phases of construction. A report is to be submitted weekly during Phase 1 of construction. Reports are to be submitted monthly, and immediately after a major storm event after Phase 1 construction is complete.
7. In conjunction with this permit and the need to properly implement the development on the site, to control and monitor the earth excavation activities and to protect adjacent properties, the roadway and Little Pond from erosion and sedimentation, and other negative construction-induced impacts, the applicant shall deposit funds with the Town of Ridgefield for inspection fees in an amount determined by the Director, Planning and Zoning, ZEO, and Inland Wetlands Agent, funds to be used by the Town to retain an independent engineering consultant (which may be the Commission’s peer review consultant) to inspect the site for erosion and sedimentation control and adherence to the phasing plans for construction.
 - a. During phases where the site work is active (esp. excavation, grading, blasting, site development for stormwater facilities, retaining walls, parking lots and building construction), inspections shall be conducted as necessary as determined by the Board’s consultant with reports to be provided to the Planning and Zoning Office;
 - b. Changes in the frequency of inspections and reports throughout the construction and active site development process shall be determined by the Director, Planning and Zoning, ZEO, and the Inland Wetlands Agent, in consultation with the Town’s consultant;
 - c. The developer shall make additional deposits to the Town of Ridgefield as needed to cover the cost of continued inspections.
 - d. The consultant engineer’s review inspections shall continue, at a minimum, until the Wetlands Certificate of Completion is issued for each building.

8. **Stormwater Management and Erosion & Sediment Control:**

1. As recommended by the Board’s professional consultant in File #IW-23-6 and in order to establish a baseline for water quality monitoring and for testing of water quality during and after construction, the following shall be implemented:
 - a. Sampling of TSS (total suspended solids) shall be performed at the two existing discharge points into Little Pond for six (6) months prior to construction, or to begin immediately after the adoption of this resolution if the project start date is less than six (6) months from the date of the approval;
 - b. Sampling shall be taken monthly and shall take place during storm events, following the standards and guidelines outlined in Sec. 5(c)(1) [“Turbidity Monitoring Requirements”] of

the CTDEEP “General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities”;

- c. An additional sampling point shall be established at a discharge location on-site following the creation of stormwater facilities, at a point in the Phasing sequence to be determined by the applicant’s engineer in consultation with the Town’s consultant, and in agreement with Town staff;
- d. Results shall be processed within twelve (12) hours of sampling, and a report of the results shall be submitted within forty-eight (48) hours to the Town (Planning and Zoning Office), and the Town’s professional consultant;
- e. Sampling shall continue during construction and development of the site and for an additional two (2) years following the issuance of the Certificate of Occupancy for the structures on the site;
- f. Unsatisfactory results taken at any time during the sampling as determined by the Town’s consultant, and upon notice to the applicant, its successors or assigns shall require the applicant, its successors or assigns, to take immediate action to implement corrective measures, maintenance and repair of the site facilities for stormwater control;
- g. At the end of the required testing period, the applicant, successor or assigns shall return to the Planning and Zoning Commission to determine the need, if any, for further testing.

9. In order to ensure proper implementation of the plans and compliance with the conditions of this approval for site construction and maintenance of erosion and sedimentation control, the applicant, its successors, or assigns, shall provide weekly reports by its own design engineer or Certified Professional in Erosion and Sedimentation Control to the Planning and Zoning Office following inspections on the site and after major storm events (1/2” of rainfall or greater), according to the CTDEEP Guidelines, to ensure clean discharge of storm water from the site and into adjacent wetlands. The frequency of inspections shall be determined on an as-needed basis by Planning and Zoning Department staff.

10. The Landscape Operations and Maintenance plan will be ongoing and will be the responsibility of the homeowner’s association after construction is complete. Trees in the upland review area not noted on the original plans to be removed may not be removed without Inland Wetlands staff approval, including after completion of construction, as part of the ongoing maintenance of the property.

11. Upon completion of construction activities, an A-2 survey "as-built" shall be submitted. A copy of this plan shall be submitted to the Board’s Authorized Agent for review and approval. A copy of the approved plan shall be submitted in both paper and digital formats.

Standard Conditions:

1. This permit expires on **September 1, 2028**. If the authorized activity is not completed on or before this date, said activity shall cease and, if not previously revoked or specifically extended, this permit shall be null and void.

2. **Prior to the commencement of any on-site permit related activity, the attached compliance statement shall be signed by the contractor engaged to perform the regulated activities and then returned to the Board office. This form shall serve as written notice to the Board as to when work is planned to commence.** The permittee shall also provide written notice to the Board upon completion of the regulated activities.
3. Prior to the commencement of any on-site permit related activity, erosion and sedimentation controls shall be inspected by the Board's Authorized Agent.
4. Prior to the commencement of any on-site permit related activity, a monitoring fee in the amount of \$100 (one hundred dollars) cash, or check made payable to the Town of Ridgefield, shall be submitted to the Planning and Zoning Department.
5. The permittee shall employ best management practices, consistent with the terms and conditions of this permit and provisions of the *Connecticut Guidelines for Soil Erosion and Sediment Control* (2002, as revised), to control storm water discharges, to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. For information and technical assistance, contact the Board's Authorized Agent. The permittee shall immediately inform the Board and its Authorized Agent of any problems involving wetlands or watercourses which develop during the course of, or which are caused by, the authorized work.
6. Any material, man-made or natural, which is in any way disturbed and/or utilized during work authorized herein, shall not be deposited in any wetland or watercourse, either on or off site, unless specifically authorized in this permit
7. This permit shall not be assigned or transferred by the permittee to any other party without the written consent of the Ridgefield Inland Wetlands Board.
8. This permit may be revoked or suspended if the permittee exceeds the conditions or limitations of this permit or has secured this permit through deception or inaccurate information.
9. This permit does not obviate the permittee's obligation to obey all other applicable federal, state and local laws or to obtain any applicable federal, state and local permits.
10. The Inland Wetlands Agent is authorized to approve minor modifications to the approved plans. If the Agent determines that a proposed modification warrants additional review, the Agent will instruct the applicant to present the modification to the Inland Wetlands Board for review.
11. In accordance with Sec. 22a-42a of the Connecticut General Statutes, the permit issued under the IWWR is valid for a period of five (5) years. Work shall be completed within five (5) years from commencement of construction activity unless otherwise authorized by the Board. The Board may grant an extension of the permit for a period not to exceed five (5)

additional years, provided that an application for such an extension is made prior to the expiration of the original five-year period.

12. Prior to the initiation of any disturbance on the site, erosion and sedimentation control measures shall be installed in accordance with the approved Plans and the *2002 Connecticut Guidelines for Soil Erosion and Sedimentation Control*, DEP Bulletin 34. Erosion and sedimentation control and standard construction practices shall follow the notes and details shown on the Plans, and ensure that:
 - a. There shall be no silty water leaving the site.
 - b. At a minimum, multiple layers of erosion control barriers are located at the most vulnerable points, and when applicable, include additional enhanced measures, per Planning and Zoning Department standards, effective September 1, 2018.
 - c. Erosion control measures are to be maintained and repaired throughout the construction process and until the site is fully stabilized, including inspection, repair and maintenance after significant storm events (1/2" of rainfall or greater), per the requirements in the *2002 Connecticut Guidelines*.
 - d. Inland Wetlands Agent shall reserve the right to require additional erosion control measures as needed throughout the construction process.

13. In granting this approval, the Board has relied on information and documentation submitted by the applicant and consultants, and if this information proves to be false, deceptive, incomplete and/or inaccurate, the permit may be modified, suspended or revoked.

Considerations and Reasons:

In evaluating this application, the Board considered the "Standards and Criteria for Decision" in Section 10.2 and "Feasible and Prudent Alternatives" in Section 10.3 of the IWWR and determined that, upon consideration of all of the credible evidence and testimony, the proposed activity will not have a detrimental effect on wetlands and watercourses located on or off-site, provided that the work is performed as described on the plans and as conditioned by this approval, and that there is not another alternative that is both feasible and prudent, provided that the project is completed in accordance with the requirements and conditions of this approval.

Approved:

Published:

Effective:

Expiration: