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**Enforcement of Drainage Structure Maintenance Agreement for Bennetts Meadow Sub-Division**

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**From** Christopher Ingram <cingram84@gmail.com>

**Date** Thu 9/10/2026 7:16 AM

**To** Robert Hendrick <torpzchair@ridgefieldct.gov>; Aarti Paranjape <zoning@ridgefieldct.gov>

**Cc** Beth Ingram <beth.butler.ingram@gmail.com>

RECEIVED

SEP 10 2026

PLANNING & ZONING  
COMMISSION

Dear Ms. Paranjape and Members of the Planning & Zoning Commission:

We are writing regarding the continuing zoning and stormwater issues at 225 Bennetts Farm Road, specifically the impervious-surface exceedance, the required stormwater management report, the condition of RB #3, and enforcement of the recorded Drainage Structure Maintenance Agreement.

We respectfully request that this email and the Drainage Structure Maintenance Agreement be distributed to all members of the Planning & Zoning Commission, included in the Commission's official correspondence, and made part of the record for the next meeting.

#### Drainage Structure Maintenance Agreement

We have repeatedly requested that the Town and Planning & Zoning enforce the Drainage Structure Maintenance Agreement. The property has already been inspected by the Zoning Enforcement Officer and the Town's Inland Wetlands enforcement process has documented changes and alterations to RB #3.

The Agreement provides the Town and Commission with authority to inspect the drainage structures, determine compliance, and initiate the Agreement's notice and corrective-action process when noncompliance is found. At this point, we are asking the Town and Commission to fulfill those responsibilities and make a formal compliance determination. If RB #3 and its drainage structures are not being maintained in accordance with the Agreement and the approved drainage design, the applicable enforcement process should be initiated in order to protect the integrity and proper functioning of the stormwater management system established for the Bennett's Meadow subdivision and to protect subdivision property owners from potential drainage and flooding damage.

Despite our repeated requests, the Drainage Structure Maintenance Agreement and our request for enforcement were not addressed at the most recent Planning & Zoning meeting. We therefore ask the Commission to formally address the matter and provide a written determination as to whether the current conditions comply with the Agreement and, if not, what enforcement action will be taken.

The Agreement further makes clear that it does not limit the Town's or Commission's ability to exercise other enforcement rights available under applicable federal or state law, statute, ordinance, or regulation.

If the Town has determined that the Agreement will not be enforced, or that it does not apply to the current conditions, please provide that determination and the basis for it in writing.

#### Inland Wetlands and Civil Litigation Are Separate From Zoning Enforcement

We also want to make clear that the Inland Wetlands proceeding and our private civil litigation are separate from Planning & Zoning's review and enforcement of matters within its jurisdiction.

The Inland Wetlands Board is a separate municipal land-use authority addressing compliance with the Inland Wetlands and Watercourses Regulations. The fact that Inland Wetlands has an ongoing proceeding concerning RB #3 does not substitute for a determination by Planning & Zoning regarding matters within its own jurisdiction, including zoning compliance and the Drainage Structure Maintenance Agreement.

Our civil litigation concerns relief between private property owners, including our damaged drainage pipes and monetary damages to our property. It does not replace or suspend Planning & Zoning's independent responsibility to determine compliance with matters within its jurisdiction.

The existence of civil litigation should therefore not, by itself, prevent Planning & Zoning from determining whether RB #3 and its associated drainage structures comply with the approved subdivision drainage requirements and the Drainage Structure Maintenance Agreement, particularly where the property has already been inspected and changes and alterations to RB #3 have been documented through the Town's Inland Wetlands enforcement process.

Accordingly, we ask Planning & Zoning to exercise its own authority, make its own compliance determinations, and take whatever enforcement action is warranted within its jurisdiction. If the Commission or Zoning Enforcement Officer believes that the Inland Wetlands proceeding or our civil litigation prevents, limits, or otherwise affects Planning & Zoning's ability to act, please identify the basis for that position in writing.

## Stormwater Management Report and RB #3

At the most recent Commission meeting, it was stated that the property exceeds the applicable impervious-surface threshold and that a stormwater management report is required. However, no deadline was identified for submission of that report.

We ask that a prompt and specific deadline be established for submission of the stormwater management report.

The impervious-surface exceedance and RB #3 need to be evaluated together because they involve stormwater conditions on the same property. The additional impervious surface affects the amount and rate of stormwater runoff, while RB #3 is the retention basin intended to manage stormwater as part of the Bennett's Meadow subdivision drainage system.

Section 7.15 of the Zoning Regulations is particularly relevant to this review. The stated purposes of the stormwater requirements include avoiding "adverse and cumulative impacts to downstream properties and structures" and maintaining or improving existing drainage systems so as to prevent increases in downstream flooding. The regulation also addresses development and redevelopment activities including excavation, filling and grading and requires consideration of appropriate stormwater BMPs and Low Impact Development techniques. Given the substantial additional impervious coverage on this property, the documented changes to RB #3 and the drainage system, and the flooding already experienced at our downstream property, we ask that the required stormwater review expressly address these §7.15 requirements and determine whether the property, as it presently exists, complies with them.

As it exists today, RB #3 is no longer in its originally approved condition. The approved bioretention plantings have been removed, the basin area has been converted into a flat lawn, several mature trees have been installed using an excavator, and our drainage pipes located within the recorded easement in the basin remain damaged.

For that reason, the required stormwater management report should evaluate whether RB #3, in its actual current condition, can properly manage stormwater runoff from the property.

The report should evaluate the actual existing conditions, including total impervious coverage, existing grading and runoff, the current configuration and capacity of RB #3, its outlet structures, the associated drainage infrastructure, and how the conditions that exist today compare with the originally approved subdivision drainage system.

Our finished basement flooded in March 2026, resulting in substantial property damage. Until the increased impervious coverage, the altered condition of RB #3, and the damaged drainage

infrastructure are evaluated together, our property remains exposed to the potential for another flooding event.

### Outstanding Septic Review and After-the-Fact Approvals

There is also an unresolved Health Department review concerning the septic system in connection with the after-the-fact improvements on this property. The B100a remains outstanding. In addition, the septic system was omitted from the recently submitted property survey, raising a separate unresolved compliance issue that should be addressed before any final zoning approval or determination of compliance is issued.

Because the pool, patio, additional impervious coverage, grading, drainage conditions, and septic system are all part of the existing site conditions under review, we ask Planning & Zoning to coordinate with the Health Department and confirm that all required septic review and approval have been completed before issuing final zoning compliance or after-the-fact approval.

We also ask that a prompt and specific deadline be established for completion of the outstanding Health Department requirements, rather than allowing the after-the-fact application to remain unresolved indefinitely.

More broadly, we ask the Commission to address the enforcement implications of allowing unpermitted improvements to remain while an owner pursues after-the-fact approvals. The property now requires a stormwater management report because of its impervious-surface condition, the Health Department review remains outstanding, and there are documented changes and alterations to RB #3.

Without a firm deadline or meaningful enforcement consequences, there is little incentive for the property owner to promptly submit the required stormwater management report or bring the property into compliance. In the meantime, neighboring homeowners are left to bear the risk of another flooding event while an identified stormwater compliance requirement remains unresolved.

Accordingly, we ask the Commission and Zoning Enforcement Officer to make a formal determination as to whether the existing circumstances warrant issuance of a written zoning violation or other enforcement action. If the Town determines that no zoning enforcement action is warranted, we ask that the basis for that determination be provided in writing.

### Completeness of the Survey and Existing Drainage Conditions

We are also concerned that the most recently submitted property survey does not depict or identify RB #3 or the drainage easement across the property, even though both are material components of the approved subdivision drainage system and directly relevant to the Drainage Structure Maintenance Agreement.

These omissions are particularly significant because the existing drainage conditions continue to change. Heavy mowing equipment continues to operate directly over our drainage pipes within the basin, and the property owner has recently moved and removed stones that had previously been placed over the drainage structure grates. The drainage pipes themselves remain damaged.

These are not simply neighboring-property concerns. They are existing physical conditions affecting drainage infrastructure that should be considered in determining whether the subdivision stormwater system remains functional and whether the property can adequately manage the runoff associated with its impervious-surface exceedance.

We therefore ask the Commission to ensure that RB #3, the drainage easement, the drainage structures and the current condition of the pipes are accurately identified and independently verified as part of the required stormwater review. Any stormwater report should evaluate the property as it actually exists today, rather than assume that the originally approved drainage system remains intact and functioning as designed.

A final after-the-fact zoning compliance determination should not be based on a survey or stormwater analysis that omits material components or current conditions of the subdivision's drainage system.

#### Independent Engineering Review

We also request that the Town independently review the required stormwater management report rather than relying solely on the conclusions of the property owner's engineer.

We have concerns regarding the accuracy and completeness of information submitted on behalf of the property owner. Given those concerns, and because this drainage system affects other properties within the subdivision, independent verification is appropriate.

We request that the Town Engineer, or another qualified engineer who has not represented the property owner, review the stormwater report and supporting calculations and compare them against both the original approved subdivision plans and the actual existing field conditions.

That review should include the impervious-surface calculations, existing grading and elevations, runoff, the present configuration and capacity of RB #3, the removal of the bioretention plantings, the condition of the drainage pipes and outlet structures, and the conversion of the basin area to lawn.

We further request that no final after-the-fact zoning approval or zoning compliance determination be issued until the required stormwater report has been submitted and reviewed, any material deficiencies have been addressed, and all required Health Department review has been completed.

If the Town does not intend to conduct an independent engineering review, please explain how the information, assumptions, calculations, and existing conditions submitted by the property owner's engineer will be independently verified.

#### Requested Actions

At this point, we are asking for clear answers, specific deadlines, and a defined enforcement process. Please advise:

1. When the Town and Commission will make a formal determination as to whether RB #3 and its associated drainage structures comply with the Drainage Structure Maintenance Agreement and the originally approved subdivision plans;
2. What enforcement action will be taken if the current conditions do not comply with the Agreement;
3. Why our repeated requests for enforcement of the Drainage Structure Maintenance Agreement were not addressed at the most recent Commission meeting;
4. Whether Planning & Zoning agrees that the Inland Wetlands proceeding and our private civil litigation do not substitute for Planning & Zoning's own compliance and enforcement determinations within its jurisdiction and, if the Town takes a different position, the basis for that position;
5. Whether the removal of the bioretention plantings, conversion of the basin area to a flat lawn, condition of the drainage pipes, and other changes to RB #3 will be evaluated as part of the zoning and stormwater review;
6. The specific deadline for submission of the required stormwater management report;
7. Whether that report will evaluate the impervious-surface exceedance together with the current condition, capacity, and functionality of RB #3 and its associated drainage infrastructure;
8. Whether the Town Engineer or another independent engineer will review and verify the report, calculations, and existing-condition assumptions;
9. The deadline for completion of the outstanding Health Department/septic review;
10. Whether final zoning compliance or after-the-fact approval will be withheld until the required stormwater and Health Department reviews are complete and any required

corrective work has been addressed;

11. Whether the Zoning Enforcement Officer has determined that a written zoning violation or other enforcement action is warranted for the unpermitted work and outstanding compliance issues, and, if not, the basis for that determination; and
12. What enforcement action will be taken if the required reports, approvals, or corrective work are not completed within the established timeframes.

Finally, we request that the Drainage Structure Maintenance Agreement, RB #3, the impervious-surface exceedance, the required stormwater management report, the status of the after-the-fact zoning review, and our request for independent engineering review be placed on the agenda for the Commission's next available meeting.

We request an opportunity to address the Commission regarding these issues. Please confirm that this correspondence and the Drainage Structure Maintenance Agreement will be distributed to the Commission, included as official correspondence, and made part of the record for the next meeting.

To summarize, we are asking the Town and Planning & Zoning to exercise the authority available to them, fulfill the responsibilities provided for under the Drainage Structure Maintenance Agreement, establish clear deadlines for the outstanding compliance requirements, independently verify the stormwater engineering, determine whether RB #3 is functioning as approved, and address the condition of the drainage infrastructure before granting any final after-the-fact zoning approval. Neither a separate Inland Wetlands proceeding nor private civil litigation concerning our damaged pipes and property damage should substitute for the Town's own zoning compliance and enforcement process.

Thank you for your prompt attention to these requests.

Sincerely,

Chris and Beth Ingram

227 Bennetts Farm Road

Ridgefield, Connecticut