

What does and does not require a Wetland Activity Implementation Permit or Clearance Form?

Portions of Lewisboro Wetlands Regulations pertaining to activity requiring permits or clearance forms.

For entire document refer to Town Code: <http://www.lewisborogov.com/towncode/index.html> ; Search: "wetland" and read or print section 217 and appendices A & B.

Definition of: REGULATED ACTIVITY OR USE — Any activity or use within a wetland, watercourse and/or buffer area not specifically determined by the Planning Board or the Wetland Inspector to be an allowable activity as set forth in § 217-5B of this chapter, or a prohibited activity as set forth in § 217-5A of this chapter, is a regulated activity as set forth in § 217-5C and requires the prior issuance of a written activity permit from the Planning Board, as well as an activity implementation permit from the Wetland Inspector, in accordance with the standards and procedures of this chapter. **Regulated activities and uses include, but are not limited to:**

- (1) Placement or construction of any structure, driveway or roadway.
- (2) Any form of draining, dredging, excavation or removal of material, either directly or indirectly.
- (3) Any form of dumping, filling or depositing of material either directly or indirectly.
- (4) Installation of any service lines or cable conduits.
- (5) Introduction of any form of pollution, including but not limited to the installation of a septic tank or fields, the running of a sewer outfall or the discharging of sewage treatment effluent or other liquid wastes into or so as to drain into a wetland, watercourse or buffer area.
- (6) Alteration or modification of natural features and contours.
- (7) Alteration or modification of natural drainage patterns.
- (8) Construction of dams, docks or other water control devices, pilings or bridges, whether or not they change the natural drainage characteristics.
- (9) Installation of any pipes or wells.
- (10) Clear cutting of any area of trees.
- (11) Removal or cutting of any vegetation except permitted selective cutting.
- (12) Deposition or introduction of organic or inorganic chemicals, including pesticides and fertilizers.
- (13) Any agricultural activity which involves drainage or excavation of a wetland.
- (14) Any other activity that may impair the natural function(s) of a wetland, watercourse or buffer area as described in § 217-1 of this chapter.

§ 217-5. Prohibited, allowable and regulated activities.

A. **Prohibited activities.** The following activities are prohibited as indicated:

- (1) Placement of a sewage disposal tank or plant or septic field within any wetland or watercourse.
- (2) Direct discharge of untreated stormwater runoff into a wetland or watercourse.
- (3) The placement of aboveground or underground chemical storage facilities or bulk petroleum storage tanks within a wetland, watercourse or buffer area.
- (4) Animal feed lots or pens or manure storage within a wetland, watercourse or buffer area.
- (5) Deposit or fill consisting of construction and demolition materials, asphalt or other materials within a wetland, watercourse or buffer area.

B. **Allowable activities and uses not requiring a permit or clearance form.** The following activities and uses may be conducted without a permit or clearance form being issued pursuant to the standards and procedures of this chapter, to the extent that they are not prohibited by this or any other law, ordinance, rule or regulation; and such activities do not require structures, grading, filling, draining or dredging, except as allowed below:

- (1) Normal ground maintenance of existing landscaped areas and residential gardens, including mowing of existing lawn areas and the trimming and removal of dead or diseased vegetation.
- (2) Selective cutting, provided stumps are left in place and work is accomplished without the assistance of any motorized vehicle.
- (3) Repair or replacement, in-kind, of walkways, terraces, patios, walls, seawalls, fences, driveways and roadways, provided that the height, size and/or spatial extent (i.e., no increase in the area beyond the existing footprint) of the affected area does not change and appropriate erosion controls are maintained.
- (4) Public health activities, orders and regulations of the Westchester County Department of Health and/or New York State Department of Health for emergencies only, with prior notification to the Planning Board.
- (5) Recreational activities, not involving new or expanded land disturbances or structures, and recreational fishing, hunting, swimming and boating as otherwise permitted or allowed.
- (6) Activities of farmers and other landowners as set forth in § 24-0701(4) of the Environmental Conservation Law.
- (7) Normal building or structure maintenance activities, including periodic pumping of septic tanks and interior and building or structure exterior repairs and improvements which do not enlarge or expand the building or structure, or require excavation, filling, or other similar disturbances and alterations (temporary or permanent).
- (8) Seasonal installation and removal of docks. (Does not include the construction or installation of new, expanded or enlarged docks).
- (9) Normal maintenance and repair of existing swimming pools, tennis courts and other existing recreational facilities. The development or establishment of new or expanded recreational facilities and/or uses is a regulated activity.

C. **Regulated activities requiring an activity implementation permit.**

- (1) The following regulated activities shall require an activity implementation permit as issued by the Wetland Inspector:
 - (a) All authorized regulated activities pursuant to an approved activity permit, as issued by the Planning Board.
 - (b) Deck, porch or fence accessory to a single-family residence, utilizing hand-dug support posts, provided there is no machine activity or grading, and excess fill is removed or spread under deck, porch or fence and stabilized.
 - (c) Swimming pools accessory to a single-family residence located no closer than 50 linear feet to a wetland or watercourse, including associated grading.
 - (d) Terrace or patio accessory to a single-family residence, with a ground footprint area of less than 500 square feet and located no closer than 50 linear feet to a wetland or watercourse, including associated grading.
 - (e) Repair of existing septic disposal facilities.
 - (f) Permitted single-family residential building additions, structural alterations, replacements, or detached accessory structures not exceeding a ground footprint area of 600 square feet and located no closer than 50 linear feet to a wetland or watercourse, including associated

grading, provided that associated grading or land disturbance is less than 10,000 square feet in spatial extent and maximum fill or cut is limited to no more than an increase or decrease of two feet from the elevation of existing grade.

- (g) Permitted single-family residential accessory uses located no closer than 100 linear feet to a wetland or watercourse, including associated grading, provided associated grading or land disturbance is less than 10,000 square feet in spatial extent and maximum fill or cut is limited to no more than an increase or decrease of two feet from the elevation of existing grade.
 - (h) Any activity requiring Planning Board review and approval which the Planning Board duly refers to the Wetlands Inspector for disposition, including any conditions thereto.
- (2) At the discretion of the Wetlands Inspector, the review and approval of any of the regulated activities set forth in Subsection C(1) above may be referred to the Planning Board for its review and action.
 - (3) Appeals of decisions by the Wetlands Inspector shall be made to the Planning Board in writing within 30 days. The Planning Board may review all appeals in accordance with the procedures pertaining to an activity permit.

D. Regulated activities requiring an activity permit.

- (1) The following regulated activities shall require an activity permit as issued by the Planning Board, prior to the issuance of an activity implementation permit by the Wetland Inspector:
 - (a) Any regulated activity in a wetland or watercourse proper, except as set forth in § 217-5B of this chapter.
 - (b) Any regulated activity in a wetland, watercourse or buffer area not delegated to the Wetland Inspector for review and approval as set forth in § 217-5C of this chapter.
 - (c) All regulated activities ancillary to a corresponding application to the Planning Board for site development elan approval, special permit approval or subdivision approval.
 - (d) All nonresidential development activities in wetlands, watercourses or buffer areas.
 - (e) All new single-family residential development on an undeveloped or vacant parcel, including all principal and accessory site improvements, land uses, buildings and structures in or affecting wetlands, watercourses or buffer areas.
- (2) The Planning Board, upon findings that a proposed action is consistent with the activities as set forth in § 217-5C subject to Wetland Inspector approval, may refer any regulated activity subject to its review and approval for disposition by the Wetland Inspector, and may attach conditions thereto.

The words in the above document were copied from the Lewisboro Town Code on July 15, 2005 by the Lewisboro Conservation Advisory Council as an aid to home owners. For the most current wording, the Town Code should be checked.