

Section 32

Soil Erosion and Sediment Control

32.1 **Statutory Authorization:** The legislature of the State of Connecticut has, in CGS Section 8-2, delegated the responsibility to local zoning commissions to adopt regulations requiring proper provision for soil erosion and sediment control and certification of any Soil Erosion and Sediment Control Plan. In order to carry out these objectives, the following requirements and standards have been adopted as part of the Zoning Regulations of the Town of Clinton.

32.2 **Exemptions:** The following activities shall be exempt from submission of a Soil Erosion and Sediment Control Plan:

- 32.2.1 A single-family dwelling that is not part of a subdivision.
- 32.2.2 Cultivation of the soil for the production and harvesting of crops.

32.3 **Definitions:** As used in these Regulations, the following words and terms shall be defined as follows:

- 32.3.1 **Certification:** A signed, written approval by the Zoning Enforcement Officer that a Soil Erosion and Sediment Control Plan complies with the applicable requirements of these Regulations.
- 32.3.2 **Development:** Any construction or grading activities to improved or unimproved real estate.
- 32.3.3 **Disturbed Area:** An area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.
- 32.3.4 **Erosion:** The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- 32.3.5 **Grading:** Any excavation, grubbing, filling (including hydraulic fill), or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
- 32.3.6 **Inspection:** The periodic review of sediment and erosion control measures shown on the certified plan.
- 32.3.7 **Sediment:** Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site or origin by erosion.
- 32.3.8 **Soil:** Any unconsolidated mineral or organic material of any origin.

32.3.9 Soil Erosion and Sediment Control Plan (Erosion Plan): A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is multimedia to, a map and narrative.

32.4 Activities Requiring a Certified Soil Erosion and Sediment Control Plan (hereinafter called "Erosion Plan"): Whenever a proposed activity shall cause disturbance of an area cumulatively in excess of ten thousand square feet (10,000 sq. ft.), an Erosion Plan is required.

32.5 Soil Erosion and Sediment Control Plan:

32.5.1 Certification: To be eligible for certification, an Erosion Plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from stormwater runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

(Amended 10/1/2013)

32.5.2 Said Erosion Plan shall show the name and address of the proposed use, the name and address of the owner/agent of the property, and the name and address of the developer, if different from the owner, and shall contain, but not be limited to:

(a) Narrative: A copy of a narrative describing:

(1) Proposed alteration of the area to be developed.

(2) The schedule for grading and construction activities, including:

(i) Start and completion dates

(ii) Sequence of grading and construction activities

(iii) Sequence for installation and/or application of soil erosion and sediment control measures

(iv) Sequence for final stabilization of the project site

(3) The design criteria for proposed soil erosion and sediment control measures and stormwater management facilities.

(4) The construction details for proposed soil erosion and sediment control measures and stormwater management facilities.

(5) The installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.

- (6) The operations and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.
- (7) A contingency or revisited Erosion Plan when inspection of the site indicates unforeseen erosion or sedimentation problems.
- (8) The name and address of the engineer or contractor responsible for the monitoring of operational and maintenance procedures for erosion and sediment control. Provided it is practical to do so, the narrative may be printed on the site plan.

(b) Site Plan Map: A copy of the site plan, drawn at a scale of one inch equals forty feet (1" = 40'), showing the name and address of the owner of the lot, the name and address of the developer, if different from the owner, date and scale and including, without being limited to, the following:

- (1) The location of the proposed development and adjacent property owners.
- (2) Existing structures on the project site, if any.
- (3) Contours at two-foot (2') intervals.
- (4) Existing and proposed topography, including soil types, wetlands, watercourses and water bodies.
- (5) Proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines.
- (6) Location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities.
- (7) Sequence of grading and construction activities.
- (8) Sequence for installation and/or application of soil erosion and sediment control measures.
- (9) Sequence for final stabilization of the development site.

(c) Any other information deemed necessary and appropriate by the applicant or requested by the ZEO.

32.6 Minimum Acceptable Standards:

32.6.1 Erosion Plan shall be developed in accordance with these Regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. Such Erosion Plan shall result in a development that:

(Amended 10/1/2013)

- (a) Minimizes erosion and sedimentation during construction.
- (b) Is stabilized and protected from erosion when completed.
- (c) Does not cause off-site erosion and/or sedimentation.

32.6.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (2002), as amended. The ZEO may grant exceptions to these standards when requested, in writing by the applicant, if technically sound reasons are presented and may seek the advice and guidance of the Connecticut River Coastal Conservation District prior to granting any such exceptions.

(Amended 10/1/2013)

32.6.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of run-off unless an alternative method is approved by the ZEO. The ZEO may seek advice from the Connecticut River Coastal Conservation District as to the adequacy of any proposed alternative method.

(Amended 10/1/2013)

32.7 Issuance or Denial of Certification:

32.7.1 The ZEO shall:

- (a) Certify that the Erosion Plan, as filed, complies with all the requirements and objectives of these Regulations, or
- (b) Deny certification of an Erosion Plan that does not meet the requirements and objectives of these Regulations.

32.7.2 The ZEO shall keep a record of its decisions, including the reasons for arriving at its conclusions.

32.7.3 Nothing in these Regulations shall be construed as extending the time limits for the approval of any application under CGS Chapter 124.

32.7.4 Prior to certification, any Erosion Plan submitted to the ZEO may be forwarded for review to the Middlesex County Soil and Water Conservation District which may make recommendations concerning such Plan, provided however, that such review shall be completed within thirty (30) days of the receipt of such Erosion Plan by the Middlesex County Soil and Water Conservation District.

32.7.5 The ZEO may forward a copy of the development proposal to the Inland Wetlands Commission, the Town's Engineer, or other review agency or consultant for review and comment.

32.8 Conditions Relating to Soil Erosion and Sediment Control:

- 32.8.1 Performance Bond: Performance Bonds guaranteeing the control of soil erosion and sedimentation as certified in the Erosion Plan. (Refer to Section 8: Bonding)
- 32.8.2 Site development shall not begin unless the Erosion Plan is certified, a Zoning Permit issued and the control measures and facilities scheduled for installation prior to site development are installed and functional.
- 32.8.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified Erosion Plan.
- 32.8.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified Erosion Plan.

32.9 Inspections: Inspections shall be made by the ZEO during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The ZEO may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

32.10 Amendments to Erosion Plan: In the even a contingency plan has not been submitted or does not provide for unforeseen substantive changes in the Erosion Plan, written request may be made to the ZEO for an amendment to the certified Erosion Plan. The request shall contain, but not be limited to:

- 32.10.1 A description of the changes requested.
- 32.10.2 Any technical changes necessitated thereby.
- 32.10.3 Contingency control measures or facilities to be installed and maintained.
- 32.10.4 Changes in scheduling.
- 32.10.5 Any other information which the applicant or ZEO may deem necessary to a proper consideration of the request for amendment, together with, if necessary, additional maps or drawings.