

AN ORDINANCE ESTABLISHING THE PLAINVILLE SOIL EROSION AND SEDIMENT CONTROL REGULATIONS

The Legislature of the State of Connecticut has in Connecticut General Statutes Sections 22a-325 to 22a-329, inclusive, delegated the responsibility to municipal governments to adopt regulations designed to minimize soil and water erosion, to control sediment and to control problems therefrom, all to promote the public health, safety and general welfare of its citizenry.

THEREFORE BE IT ORDAINED, by the Town Council of the Town of Plainville in meeting duly assembled, that pursuant to Connecticut General Statutes Sections 8-2, 8-13d and 8-25, the following regulations are adopted:

SECTION 1. PURPOSE AND INTRODUCTION.

1.1 These regulations are intended to minimize soil erosion, water erosion, and sedimentation that occur as a result of residential, industrial or commercial development within the Town. Further, the regulations are to protect soil, vegetation, and embankments; to promote aesthetics and recreational areas; and to protect and promote fish and wildlife habitats.

1.2 These regulations are site specific, and are dependent upon topography, disturbed area size, concentration and direction of water runoff, soil characteristics, vegetation cover and time of year.

SECTION 2. DEFINITIONS.

2.1 "Certification" means a signed, written approval by the Planning and Zoning Commission that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.

2.2 "Commission" means the Planning and Zoning Commission of the Town of Plainville, Connecticut.

2.3 "County Soil and Water Conservation District" means the Hartford County Soil and Water Conservation District established under Subsection (a) of Section 22a-315 of the General Statutes.

2.4 “Development” means any construction or grading activities to improved or unimproved real estate.

2.5 “Disturbed Area” means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

2.6 “Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

2.7 “Grading” means any excavating, grubbing, filling (including hydraulic fill) or stock piling of earth materials or any combination thereof, including the land in its excavated or filled condition.

2.8 “Inspection” means the periodic review of sediment and erosion control measures shown on the certified plan.

2.9 “Sediment” means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

2.10 “Soil” means any unconsolidated mineral or organic material of any origin.

2.11 “Soil Erosion and Sediment Control Plan” means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

SECTION 3. ACTIVITIES REQUIRING A CERTIFIED EROSION AND SEDIMENT CONTROL PLAN.

3.1 A soil control and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half acre.

SECTION 4. EXEMPTIONS.

4.1 A single family dwelling that is not part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

SECTION 5. EROSION AND SEDIMENT CONTROL PLAN.

5.1 To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation, and reduce the danger from storm water 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 (1985), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

5.2 Said plan shall contain but not be limited to:

- A. A narrative describing:
 - 1. the development
 - 2. the grading and construction schedule, including:
 - a. start and finish dates;
 - b. sequence of grading and construction activities;
 - c. sequence for installation and/or application of soil erosion and sediment control measures;
 - d. sequence for final stabilization of the project site.
 - 3. design criteria for proposed soil erosion and sediment control measures and storm water management facilities
 - 4. the construction details for proposed soil erosion and sediment control measures and storm water management facilities
 - 5. the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities
 - 6. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

B. A site plan map at a sufficient scale to show:

1. the location of the proposed development and adjacent properties;
2. the existing and proposed topography, including soil types, wetlands, water courses and water bodies;
3. the existing structures on the project site, if any;
4. the proposed area alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines;
5. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
6. the sequence of grading and construction activities;
7. the sequence for installation and/or application of soil erosion and sediment control measures;
8. the sequence for final stabilization of the development site.

C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

SECTION 6. MINIMUM ACCEPTABLE STANDARDS.

6.1 Plans for soil erosion and sediment control 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 (1985), as amended. Soil erosion and sediment control plans shall result in a development that: minimizes erosion and sedimentation during construction; is established and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

6.2 The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exemptions when requested by the applicant if technically sound reasons are presented.

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 runoff unless an alternative method is approved by the Commission.

SECTION 7. ISSUANCE OR DENIAL OF CERTIFICATION.

7.1 The Planning and Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

7.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapter 124, 124A, or 126 of the General Statutes.

7.3 Prior to certification, any plan submitted to the municipality; may be reviewed by the County Soil and Water Conservation District which may make recommendations concerning such plan, provided such review shall be completed within 30 days of the receipt of such plan.

7.4 The Commission may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

SECTION 8. CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

8.1 The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any site plan or modified site plan, shall be required to be covered in a performance bond.

8.2 Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

8.3 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

8.4 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

SECTION 9. INSPECTION.

9.1 Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission shall also 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.

SECTION 10. SEVERABILITY.

10.1 The provisions of this Ordinance are declared to be severable, and the invalidity of any portion thereof shall not affect the validity of the remainder.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall take effect on July 1, 1985.

Adopted by Town Council June 17,1985