

## CHAPTER 125 EROSION AND SEDIMENT CONTROL REGULATIONS

### **Section 125-010 Purpose**

The purpose of this section is to establish standards and procedures for erosion and sediment control in the development of all parcels where the disturbed area of development is cumulatively more than one half (1/2) acre with the exception of a single-family dwelling that is not part of a subdivision. (*Effective: January 14, 2000*)

### **Section 125-020 Definitions**

1. Certification means a signed, written approval by the New Milford Zoning Commission that a soil erosion and sediment control plan complies with the applicable requirements of these regulations. (*Effective: October 3, 1985*)
2. Commission means the Zoning Commission of the Town of New Milford.
3. County Soil and Water Conservation District means the Litchfield County Soil and Water Conservation District established under Subsection (a) of Section 22a-315 of the General Statutes.
4. Development means any construction or grading activities to improved or unimproved real estate.
5. Disturbed Area means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
6. Erosion means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
7. Grading means any excavating, grubbing, filling, (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition. (*Effective: October 3, 1985*)
8. Inspection means the periodic review of sediment and erosion control measures shown on the certified plan.
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.
10. Soil means any unconsolidated mineral or organic material of any origin.
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 125-030      Activities Requiring a Certified Erosion and Sediment Control Plan**

1. A soil erosion 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 (1/2) acre.
2. Exception. A single-family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

**Section 125-040      Contents of Erosion and Sediment Control Plan**

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. *(Effective: October 3, 1985)*
2. Said plan shall contain, but not be limited to:
  - A. A narrative describing:
    1. The development.
    2. The schedule for grading and construction activities, including:
      - a. Start and completion 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. The 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.
  3. A site plan map at a sufficient scale to show:

- A. The location of the proposed development and adjacent properties.
  - B. The existing and proposed topography, including soil types, wetlands, watercourses and water bodies.
  - C. The existing structures on the project site, if any.
  - D. The proposed are alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and if applicable, new property lines.
  - E. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities.
  - F. The sequence of grading and construction activities.
  - G. The sequence for installation and/or application of soil erosion and sediment control measures.
  - H. The sequence for final stabilization of the development site.
4. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

**Section 125-050      Standards for Review of Plan**

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 stabilized and protected from erosion when completed and does not cause off-site erosion and/or sedimentation.
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 exceptions when requested by the applicant if technically sound reasons are presented. (*Effective: October 3, 1985*)
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 125-060      Procedures for Approval of Plan**

1. The New Milford Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of the regulation or deny certification when the development proposal does not comply with these regulations. (*Effective: October 3, 1985*)
2. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.
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 that such review shall be completed within thirty (30) days of the receipt of such plan.
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 125-070      Conditions Imposed on Plan**

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 modified site plan, may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Chapter 175 of the regulations.
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.
3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
4. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

**Section 125-080      Inspection Procedures**

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 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.