

Chapter 161

SOIL EROSION AND SEDIMENT CONTROL

[HISTORY: Adopted by the Town of Somers effective 1-1-1981. Amendments noted where applicable.]

GENERAL REFERENCES

Flood and Erosion Control Board — See Ch. 29.
Building construction — See Ch. 88.
Driveways — See Ch. 104.
Inland wetlands and watercourses — See Ch. 211.
Subdivision of land — See Ch. 213.
Zoning — See Ch. 214.

§ 161-1. Findings; purpose.

The soil and vegetation of the Town of Somers are indispensable and irreplaceable natural resources. The soil and the vegetation are an interrelated system of nature essential to adequate control of surface and underground water, erosion and sedimentation. The preservation and protection of the soil and vegetation and watercourses for the Town of Somers from random, unnecessary and unregulated usage, disturbance or destruction is in the public interest in that it is essential to the health, welfare and safety of the citizens of the Town of Somers. It is therefore the purpose of the within chapter to protect the citizens of the Town of Somers by making provisions for the protection and preservation and maintenance and use of any land which is proposed to be subdivided, developed or changed in use.

§ 161-2. State and federal agencies.

It is the policy of the Town of Somers Planning Commission to encourage citizens to take advantage of the system of state and federal agencies with special knowledge and experience in the area of erosion and sedimentation control. Standards and specifications prepared by the Soil Conservation Service of the United States Department of Agriculture in Storrs, Connecticut are available in its Erosion and Sedimentation Control Handbook, as revised or replaced, which is on file in the office of the Town Clerk. The Tolland County Soil and Water Conservation District provides soil and water resources information and planning assistance to developers, citizens and agencies of the Town of Somers.

§ 161-3. Restoration of affected area.

Within the limitations provided by law, it is the policy of the Town of Somers to provide for the return of an area affected by a violation of this chapter to its condition prior to the violation, whenever possible.

§ 161-4. Plans and permits.

A. In the event that any owner or developer of land, in the course of any project that requires

Planning Commission approval or approval of Chapter 214, Zoning, shall intend to make changes in the contour of any land proposed to be subdivided, developed or changed in use by grading, excavation or the removal of the natural topsoil, trees or other vegetation thereon, said owner or developer shall obtain from the Planning Commission its approval of a plan which includes provision for erosion and sedimentation controls. Said plan shall take into account erosion, sedimentation, surface drainage, site hydrology, proposed activities and adjoining land uses and shall contain measures for prevention of erosion and siltation resulting from those changes. Said plans may be waived by prior determination of the Planning Commission or if it is found that such plan or plans are not needed. This section is in no way intended to diminish or obviate Article XII, Earth Removal and Filling, of Chapter 214, Zoning. [Amended 4-29-1996 by the Board of Selectmen, effective 5-23-1996]

- B. In the event that any owner or developer of land shall intend to make changes in the contour of any land proposed to be subdivided, developed or changed in use by grading, excavation or removal of the natural topsoil, trees or other vegetative covering thereon and said project does not require approval of the Planning Commission, said owner or developer shall first obtain a permit for such change from the Planning Commission. Such permit may require measures to be used by the owner developed in the control of erosion and sedimentation. In granting such a permit, there shall be taken into account any erosion, sedimentation, surface drainage, site hydrology, proposed activities and adjoining land uses which may result from said change. If in the opinion of the Planning Commission said change is of a nature or magnitude to make it advisable, the owner or developer may be required to submit a plan as described in Subsection A. The Planning Commission may waive the requirements for any plan or permit if it deems that such plan is not necessary.

§ 161-5. Effect on work in progress.

In the event that any owner or developer of land is making changes in the contour of land proposed to be subdivided, developed or changed in use by grading, excavation or removal or obstruction of the natural topsoil, trees or other vegetative cover thereon at the time of the effect of this chapter, said owner or developer shall obtain a permit for the continuation of such work from the Planning Commission within fifteen (15) days of the effective date of this chapter. The requirements of this section may be waived by the Planning Commission if the work being performed by the owner or developer of the land is to be completed within thirty (30) days from the effective date of this chapter, as determined by the Planning Commission, or if the changes are being made on land in a previously approved subdivision having received final approval or a section of a subdivision having received final approval. In granting or approving the permit, the Planning Commission shall apply the same criteria set forth in § 161-4 and may require the submission of a plan as provided by § 161-4.

§ 161-6. Exceptions.

- A. The provisions of §§ 161-4 and 161-5 shall not apply to individual homeowners engaged in activities incidental to the maintenance or improvement of their premises, such as home gardening and landscaping, unless the activity affects wetlands or watercourses.
- B. The provisions of §§ 161-4 and 161-5 shall not apply to farming, as defined in Section 1-1

of the Connecticut General Statutes, conducted by owners or operators of farms or nurseries, nor shall the plans called for in this chapter be required for persons conducting such farming so long as the earth movement activities involved in such farming are conducted according to the approved soil conservation practice of the Tolland County Soil and Water Conservation District.

- C. The provisions of § 161-4B shall not apply to an owner of a lot engaged in earthmoving activities in connection with the construction of a single-family residence thereon for his own occupancy, so long as such activity is completed within twelve (12) months of its commencement. For the purpose of this section, a "lot" is defined as a parcel of land with an area of less than two (2) times the minimum lot size as computed from Chapter 214, Zoning, in the district where said parcel is located. Said owner shall, however, be required to conduct his activities in accordance with soil conservation practices of the Tolland County Soil and Water Conservation District.

§ 161-7. Plan submission and content.

The owner or developer shall submit three (3) sets of plans for the control of soil erosion and sedimentation to the Planning Commission. Plans shall include measures to be taken to control erosion and sedimentation and shall describe in detail the methods and techniques to be employed. Such plans shall contain adequate measures for control of erosion and sedimentation and where necessary use the guidelines and policies contained herein.

§ 161-8. Standards and specifications.

- A. Measures, practices and principles used to control erosion and sedimentation shall as a minimum use standards and specifications of the Tolland County Soil and Water Conservation District. The following measures have been found to be effective in minimizing erosion and sedimentation and shall be included where applicable on the plan:
- (1) Stripping of vegetation, regrading or other development shall be done in a way that will minimize erosion.
 - (2) The development shall hold cut and fill operations to a minimum and ensure conformity with the topography so as to create the least erosion potential.
 - (3) Where feasible, natural vegetation shall be retained, protected and supplemented across the site, and as consistent with traffic safety, at corner lot locations.
 - (4) In disturbed areas, the duration of exposure shall be kept to a practical minimum.
 - (5) Disturbed soil shall be stabilized as quickly as possible.
 - (6) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
 - (7) The permanent (final) vegetation and structural erosion control measures shall be installed as soon as practical in the development.
 - (8) Sediment in the runoff water shall be kept at a minimum using such measures as diversions, vegetation, debris basins and sediment basins, silt traps or similar

measures until the disturbed area is stabilized.

- (9) Cut and fill slopes shall not be steeper than two to one (2:1) unless stabilized by retaining wall or cribbing except as approved by the Commission under special conditions.
 - (10) Adequate provisions shall be made to prevent surface water from damaging the cut face of an excavation or the sloping surfaces of fills.
 - (11) Cut and fill shall not endanger adjoining property.
 - (12) Fill shall be placed and compacted so as to prevent sliding and minimize erosion of the soil.
 - (13) Fill shall not encroach on natural water sources or constructed channels.
 - (14) Grading will not be done in such a way so as to divert water onto the property of another landowner without the express consent of the landowner and the Planning Commission.
 - (15) During grading operations necessary measures for dust control shall be exercised.
 - (16) Grading equipment will not be allowed to cross running streams except by bridge or culverts.
- B. Erosion, sediment and runoff control standards. No land shall be developed and no use shall be permitted which causes erosion, flood or sediment damage to properties being developed, surrounding properties or public waters. Runoff water shall be properly channeled into a storm drain, watercourse, ponding area or other suitable facilities.

§ 161-9. Watercourses and drainage.

All subdivisions of land and proposed land uses shall not alter natural watercourses, natural drainage in runoff areas or existing drainage and runoff areas unless suitable plans meeting the requirements of these regulations are submitted and approved by the Planning Commission. At the discretion of the Planning Commission, the plans may be required to be prepared by and certified to by a professional engineer licensed in the State of Connecticut. This section in no way shall diminish or obviate Chapter 211, Inland Wetlands and Watercourses, and the authority of the Somers Conservation Commission.

§ 161-10. Review and evaluation of plan.

The Planning Commission shall make the necessary review and evaluation of methods used on the plan and the overall effectiveness of the erosion and sedimentation control plan. During the construction phase the developer or owner shall, where necessary, as determined by the Planning Commission, consult his own engineer or soils scientist in order to ensure that the plans comply with the approvals given and shall be effective for the proposed activity under consideration. This section shall in no way limit the authority of the Planning Commission to make inspections and tests under this chapter.

§ 161-11. Inspections and enforcement.

- A. The Planning Commission is authorized to inspect the earthmoving activities or other activities described in §§ 161-4 and 161-5 of this chapter and the required compliance with the terms set forth in the approved plans.
- B. In the event that the earthmoving activity or other activities approved by the Planning Commission result in erosion and sedimentation or siltation, the Planning Commission is authorized to require the owner or developer engaged in such earthmoving activities or other activities to cease such activities and to require immediate temporary remedial measures until a plan provided by the developer or owner is provided for adequate, corrective action and is submitted to and approved by the Planning Commission.
- C. Inspection for the regulated activities shall be carried out by the Planning Commission for roadway and utility improvements in the areas to be approved as a road or drainage facility. Other areas of regulated activity in subdivided land or land not requiring new roadways shall be inspected by and are under the control of the Planning Commission.
- D. The Town Sanitarian is designated as the enforcement officer for the Planning Commission under this chapter.

§ 161-12. Fee.

The fee of twenty-five dollars (\$25.) shall be charged for each permit application made pursuant to this chapter. This fee will be waived when in the opinion of the Planning Commission it is not deemed to be warranted by the extent of the review involved.

§ 161-13. Penalties for offenses; enforcement.

- A. Any person violating any provision of this chapter and/or the possessor of land whereon such violation occurs shall be fined not more than twenty-five dollars (\$25.). In case of a continuing violation, each day of continuation thereof shall be deemed to be a separate and distinct offense.
- B. Enforcement of this chapter shall be in accordance with the Connecticut General Statutes, and the Court of Common Pleas or any court that may succeed to the jurisdiction of said Court shall have jurisdiction over such violation.

§ 161-14. Performance bond; time limit for completion of work; extensions.

- A. The developer or owner shall, where required by the Commission, provide a detailed estimate of the cost of the erosion and sedimentation control protection. This estimate shall form the basis for the value of a surety company bond to be filed with the Town Treasurer in the sum and form satisfactory to the Treasurer and the Commission. The bond shall be based upon the completion of the work within one (1) year of the date of approval of said plan.
- B. The Commission will consider applications for extension of time to complete improvements, provided that the term of performance of the performance bond is likewise extended by the surety company, when good faith of the land developer or owner is shown, in the opinion of the Planning Commission. The Commission may, where appropriate, reduce the amount of the original bond after work is partially completed upon application

from the developer or the owner. The developer/owner shall apply in writing for a release of the performance bond upon the completion and inspection and approval of the work.