

## ***Town of Bethany -- Subdivision Regulations***

### **Section 13 Soil Erosion and Sediment Control Regulations**

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#### **13.1 Preamble**

The purpose of these regulations is to minimize soil erosion and sedimentation that occurs as a result of the construction of residential, industrial and commercial development. Accelerated soil erosion caused by land use changes necessitates costly repairs to gullies, washedout fills, roads and embankments. In addition, erosion destroys the soil's capabilities to support vegetation. The resulting sediment entering water bodies and wetlands is a major pollutant and reduces water quality and supply.

Aesthetic, recreational, and fish and wildlife habitat values are also degraded. Sediment deposition clogs storm sewers and road ditches, reduces channel capacities which can result in flooding, reduces water depth and volume, may cause subsequent erosion and may damage adjoining properties. The expense of sediment removal alone identifies prevention as the cost effective alternative. Therefore, pursuant to Public Act 83-388 of the Connecticut Legislature, these regulations are hereby promulgated.

#### **13.2 Definitions**

- a. Agricultural activities means the growing of food or floral crops for animal or human consumption and/or the raising of animals or fowl.
- b. Certification means a signed, written approval by the Bethany Planning & Zoning Commission, its designated agent or the New Haven County Soil and Water Conservation District, that a soil erosion and sediment control plan complies with the applicable requirements of these regulations.
- c. Commission means the Planning & Zoning Commission of the Town of Bethany.
- d. County Soil and Water Conservation District means the New Haven County Soil and Water Conservation District, established under subsection (a) of section 22a315 of the General Statutes.
- e. Development means any construction or grading activities to improved or unimproved real estate.
- f. Disturbed area means an area where the ground cover is destroyed or removed, leaving the land subject to accelerated erosion.
- g. Erosion means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- h. 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.
- i. Inspection means the periodic review of sediment and erosion control measures shown on the certified plan.
- j. Regulations mean any regulations adopted by a municipality pursuant to sections 8.2, 8.13d and 8.25 of the General Statutes.
- k. 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.

l. Soil means an unconsolidated mineral or organic material of any origin.

m. 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.

### 13.3 Activities Requiring a Certified Erosion and Sediment Control Plan.

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 onehalf acre.

### 13.4 Exemptions

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

### 13.5 Erosion and Sediment Control Plan

a. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provision to adequately control accelerated erosion and sedimentation and reduce the danger from storm water run off 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 (1984), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission.

b. Said plan shall contain, but not be limited to:

1. A narrative describing the:

a. Development project

b. Time schedule for:

1. All major construction activities indicating the anticipated start and completion of development.

2. An orderly sequence of creating and stabilizing disturbed areas.

3. Grading operations.

4. Applying erosion and sediment control measures and facilities onto the land.

5. Maintaining said control measures and facilities.

c. Design criteria, construction details, detailed installation/application procedures and maintenance program during and after installation of:

1. Soil erosion and sediment control measures.

2. Any storm water management facilities.

2. A site plan map at a scale sufficient to reveal:

- a. Existing and proposed topography including soil types, wetlands, water courses and water bodies.
- b. Proposed area alterations including property lines, existing and proposed structures, utilities, driveways and roads.
- c. Disturbed areas, identifying the extent of all proposed cleaning and grading activities.
- d. Location of and other detailed information concerning erosion and sediment control measures and facilities, including:
  1. Design details and/or specifications.
  2. Elements 1.b and 1.c required for Section 5 of the narrative.
  3. Any special notes or drawings for installation/operation.
  4. Any storm water management facilities.
3. Any other information deemed necessary and appropriate by the applicant or requested by the Commissioner or its designated agent.

#### 13.6 Minimum Acceptable Standards

- a. Overall planning for soil erosion and sediment control shall be performed using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Erosion and Sediment Control (1984) as amended. Planning shall result in a development that: minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause offsite erosion and/or sedimentation. Planning shall consider offsite effects as well as onsite effects.
- b. The minimum standards for individual measures are those in the Connecticut Guidelines for Erosion and Sediment Control (1984), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.
- c. The appropriate method as shown in Chapter 9 of the Connecticut Guidelines for Erosion and Sediment Control (1984), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

#### 13.7 Issuance or Denial of Certification

- a. 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 these regulations, or deny certification when the development proposal does not comply with these regulations.
- b. 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.
- c. 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 thirty days of the receipt of such plan.
- d. The Commission may forward a copy of the development proposal to the conservation and/or inland wetlands agency or other review agency or consultant, for review and comment.

### 13.8 Conditions Relating to Soil Erosion and Sediment Control

- a. The estimated costs of measures required to control soil erosion and sedimentation during and after development may be covered in a performance bond or other assurance acceptable to the Commission.
- b. 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.
- c. Planned soil erosion and sediment control measures and facilities shall be maintained in effective conditions to ensure the compliance of the certified plan.

### 13.9 Inspection

Municipal inspections during development shall ensure compliance with the certified plan, and that control measures and facilities are properly performed, installed and maintained. The Commission may require the applicant and/or consultant submitting the soil erosion and sediment control plan to verify through progress reports that control measures and facilities were installed according to the plan.

### 13.10 Effective

These regulations, and any amendments or changes hereto, shall be in full force and effect from the date established by the Commission in accordance with the Connecticut General Statutes.

### 13.11 Saving Clause

These regulations, and any amendments or changes hereto, shall be in full force and effect from the date established by the Commission in accordance with the Connecticut General Statutes.