

Appendix B

Vernon Regulatory Review Memorandum



MEMORANDUM

TO: Technical Advisory Committee, Tankerhoosen River Watershed Management Plan and Town of Vernon Land Use Commissioners

FROM: Erik Mas, P.E., Fuss & O'Neill, Inc.

DATE: June 9, 2008

RE: Stormwater and Low Impact Development (LID) Regulations in the Tankerhoosen River Watershed –Vernon Regulatory Review

1.0 INTRODUCTION

Fuss & O'Neill is working with the Friends of the Hockanum River Linear Park, Inc., in collaboration with its project partners (Town of Vernon Planning Department, Town of Vernon Conservation Commission, North Central Conservation District, Hockanum River Watershed Association, Rivers Alliance of Connecticut, Inc, and the Belding Wildlife Trust) to prepare a Watershed Management Plan for the Tankerhoosen River watershed. The watershed plan will identify action items that can be implemented by the watershed municipalities and private groups to protect and improve the health of the Tankerhoosen River watershed, which is a particularly valuable natural resource, demonstrated by the Class A water quality in the upper regions of the watershed that harbor the Belding Wild Trout Management Area, one of only two such Class I areas east of the Connecticut River.

A key element of the Watershed Management Plan is to identify potential land use regulatory mechanisms (i.e., new or modified land use regulations) that can be implemented by the watershed towns to better manage stormwater runoff associated with land development within the watershed. Many Connecticut communities are in the process of developing new or modified land use regulations that incorporate Low Impact Development (LID) and related stormwater management approaches to address stormwater quantity and quality objectives. Communities, including Vernon, are faced with a mandate to meet State and Federal Phase II stormwater permit requirements under the National Pollutant Discharge Elimination System (NPDES) program, as well as addressing local concerns about the damaging effects of increased impervious cover and uncontrolled stormwater runoff from land development and suburban sprawl. An opportunity exists for the Town of Vernon to develop and implement an ordinance or other regulatory mechanism to satisfy Phase II stormwater regulatory requirements, while also strengthening the existing land use controls to protect natural resources within the Tankerhoosen River watershed.

This memorandum summarizes our review of Vernon's existing land use regulations and related planning documents that pertain to stormwater management and natural resource protection issues, as well as potential approaches for developing regulatory mechanisms to incorporate improved stormwater management, including LID concepts and opportunities to reduce impervious cover, into the Town's land use regulations. The information presented in this



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technical memorandum is intended to facilitate a discussion of these issues during the upcoming workshop meeting with the Tankerhoosen River Management Plan Technical Advisory Committee and the Town of Vernon land use commissioners.

2.0 EXISTING REGULATORY MECHANISMS

Fuss & O'Neill reviewed the following documents and information provided by the Town, which are the primary regulatory mechanisms and related planning documents that address stormwater management and related natural resource protection issues in the Town of Vernon:

- Subdivision Regulations,
- Zoning Regulations,
- Inland Wetland and Watercourses Regulations,
- Plan of Conservation and Development.

2.1 Subdivision Regulations

The Town's subdivision regulations (effective date: May 8, 2007) regulate the division of a tract or parcel of land with the purpose of sale or building development. The subdivision regulations address street and lot layout, water supplies, sanitary sewage facilities, stormwater drainage, utilities, open space, street widths, grades and construction, and other necessary improvements. The following is a summary of specific sections of the subdivision regulations that relate to stormwater management and natural resource protection issues.

- Section 5 - Standards for Maps and Plans: This section specifies requirements for maps and plans submitted with subdivision applications, including Site Development Plans, Construction Plans, and Grading Plans. Existing and proposed watercourses and stormwater management systems are required to be shown on the Site Development Plan. Grading Plans are required to include notations and details on erosion and sedimentation control methods.
- Section 6.1.3 - General Improvements, Open Space to be Dedicated: The Planning and Zoning Commission may require the set aside of Open Space as part of a subdivision where the Commission finds the existing land applicable to one or more of the following:
 - The policies and objectives of the Plan of Conservation and Development
 - Areas sensitive to development
 - Prime and important farmland soils
 - Natural Diversity Database Areas as updated by the Connecticut Department of Environmental Protection
 - Unconsolidated Aquifers and Aquifer Protection Areas
 - Areas indicated for future community facility needs
 - Existing open areas and significant cultural and natural resources
 - Potential open space system



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- Land Use Plan and Strategy
 - Significant natural and cultural resources inventory
 - Viable vernal pools verified by the Town of Vernon Vernal Pool Study or by a qualified licensed professional
- Section 6.1.3.2 - General Improvements, Location of Open Space: The protection and preservation of the Hockanum River, Ogden Brook, Tankerhoosen River, Gage's Brook, Railroad Brook, Walker's Reservoir East, Walker's Reservoir West, Valley's Fall's Pond, or a Vernal Pool indentified by the Town, is considered a priority when the parcel being subdivided contains portions of the aforementioned watercourses.

When the parcel being subdivided contains portions of land that would allow for the connection of the Shenipsit Trail, Hockanum River Trail, Risley Pond Trail, Land Trust Trail, Belding Path, Hockanum River Linear Park, Box Mountain Greenway, Talcottville & Tankerhoosen Trail/open space system, Ellington Trail System, Tolland Trail System, Bolton Greenways, Manchester Greenways, other potential greenway, linear park, or trail identified in the POCD or by the Department of Parks and Recreation, the provision and connection of these amenities shall be a priority in the design and or location of Open Space.

- Section 6.1.3.3 - General Improvements, Size of Open Space: When Open Space is required, the minimum recommended amount of Open Space to be provided is 12% of the total area of land to be subdivided, 15% of the total area of land if the location of the subdivision is identified in the Land Use Plan and Strategy of the POCD, and 20% of the total land area if the location of the subdivision is identified as a Priority Area for Open Space Protection of the POCD.
- Section 6.1.3.4.3 - General Improvements, Open Space Standards: Any land to be dedicated as Open Space shall be left in its natural state by the subdivider and shall not be graded, cleared, disturbed, or used as a temporary or permanent repository for stumps, brush, earth, building materials, debris, detention ponds, or basins.
- Section 6.4 - Lot Grading and Drainage: Grading plans shall be submitted where substantial grading is required in order to provide a buildable site and shall employ standards and methods equal to or exceeding those set forth in the Erosion and Sediment Control Handbook (USDA, SCS, Storrs, Conn., 1976). Lot drainage should be coordinated with the general storm drainage patterns for the area, and drainage should be designed to avoid concentrated stormwater to adjacent lots.

Comment: Contains an outdated reference to a previous version of the State Erosion and Sedimentation Control Handbook. Revise the language to reference the current CT Erosion and Sedimentation Control Guidelines, as amended



- Section 6.5.1.1 - Street Grading and Improvement: Roads shall be related appropriately to the topography, and streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets.

Comments: consistent with fitting the development to the topography. Building sites above the grade of the streets provides opportunity for use of roadside swales. Consider adding a provision to allow elimination of curbing for roads for grades less than 5% to encourage the use of vegetated swales and similar LID stormwater management systems.

- Section 6.6.6 - Cul-de-sac or Dead-End: Cul-de-sac pavement shall be a uniform 45 foot radius except when an island is used, in which case the outside radius shall be 50 feet with an island radius of 20 feet.

Comment: The radius of cul-de sacs should be the minimum required to accommodate emergency and maintenance vehicles. Consider smaller cul-de-sac radius of (30 to 40 feet), or alternative designs such as hammerheads, to reduce impervious cover, such that the design allows for continuous turning movement of the largest fire fighting vehicle used by the Town of Vernon. Also consider encouraging the use of LID bioretention/rain gardens in cul-de-sac islands for stormwater management.

- Section 6.7.1 - Design Standards, Road Width: Table 1 contains minimum pavement width for collector (32 ft), local (28 ft), and limited local roads (28 ft).

Comment: Design residential streets for the minimum required pavement width needed to support travel lanes; on-street parking; and emergency, maintenance, and service vehicle access. Consider pavement widths of between 24 and 28 feet, if such a reduction will not negatively impact public safety or emergency response. Refer to Table 4-3 in the Connecticut Stormwater Quality Manual for potential variation in residential roadway widths based on terrain and development density.

- Section 6.7.2 - Design Standards, Curbs: Curbs shall be required on all new streets and shall conform to construction and design standards in the Appendix of the regulations.

Comment: The requirement for curbs on all new roads appears to preclude the use of curbless roads and open vegetated channels for stormwater management.

- Section 6.9.1 - Drainage and Storm Sewers, General Requirements: The developer shall be fully responsible for constructing adequate facilities for the control, collection, conveyance and acceptable disposal of storm water, other surface water and subsurface water, whether originating within the sub- division area or in a tributary drainage area.

- Section 6.9.2.2 - Drainage and Storm Sewers, Location of Stormwater Facilities: The applicant may be required to dedicate either in fee or by drainage or conservation easement, land on both sides of existing watercourses to a distance to be determined by the Commission.



- Section 6.9.3 - Drainage and Storm Sewers, Drainage Discharge: The discharge of all storm water from a subdivision shall be into suitable streams or other acceptable and suitable storm water drainage facilities having adequate capacity to carry the additional water. Sufficient and adequate facilities shall be constructed on private lots wherever necessary to prevent the flow of surface drainage from the property on which it originates onto adjacent property in sufficient quantity, concentration or velocity to cause damage or create a nuisance on adjoining property.

Comment: The Subdivision Regulations do not include post-development peak flow, volume control, or stormwater quality requirements.

- Section 6.9.3 - Drainage and Storm Sewers, Drainage Design: Designs shall be based on the maximum ultimate development of the entire watershed as permitted by the Zoning Regulations. On watersheds one square mile or over, the design of culverts, bridges and through watercourses shall be based upon not less than a 100-year storm. On watersheds of less than one square mile, the design for the through drainage system shall be for no: less than a 50-year storm. The drainage system for roads, including catch basins, inlets, pipes, underdrains and gutters within or abutting the subdivision shall be designed for not less than a 10-year storm.

Drainage ditches will, in general, not be permitted where it is feasible to install underground pipe.

Comment: This requirements restricts the use curbless roads and roadside vegetated swales in lieu of traditional curb, gutter, and piped drainage.

- Section 6.12.1 - Sidewalks: Sidewalks shall be required in all subdivisions on at least one side of all new streets, unless waived by a three-quarters vote of all members of the Commission, and may be required on both sides at the discretion of the Commission.

Comment: Sidewalks required on two side of the street increase impervious cover. Where practical, consider locating sidewalks on only one side of the street and reduce sidewalk width to 3 or 4 feet. Grade sidewalks to the front yard rather than to the street. Consider using alternative materials such as pavers, stone dust, or pervious concrete.

- Section 6.14 - 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 one-half acre. 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.

Comment: Construction of single family dwellings that disturb an acre or more of land are subject to state and federal NPDES Phase II Stormwater Program requirements. Consider amending the single family exemption to indicate that the exemption only applies to single family dwellings that do not disturb 1 or more acres of land.



- Section 6.14.3 - Erosion and Sediment Control Plan: 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.

Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as out-lined 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.

- Section 6.14.6 - Conditions Relating to Soil Erosion and Sediment Control: A performance bond may be required for the estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan.
- Section 13 - Rear Lots: This section includes provisions for greater residential development flexibility, particularly where a site has an unusual lot line or natural resource configuration or where rear lot development would promote or enhance the protection of valuable natural resource features.

Comment: This concept is consistent with LID principles to protect and preserve natural features of a site.

2.2 Zoning Regulations

Site development in the Town of Vernon must comply with the Vernon Zoning Regulations (effective date: May 8, 2007). The following is a summary of specific zoning regulations that relate to stormwater management and natural resource protection issues.

- Section 3.4 - General Provisions, Collection and Disposal of Storm Drainage: Proper provision shall be made for collection and disposal of storm water from roofs and parking areas through a pipe system connected to existing storm drains or carried to a natural watercourse or to an on-site area approved by the Town Engineer in compliance with the recommendations of the latest edition of the "Stormwater Quality Manual" of the Connecticut Department of Environmental Protection (DEP).
- Section 3.18 - General Provisions, Building Above or Below Center Line of Road: Any lot or parcel of land with the top of foundation more than five (5) feet above or below the center line grade of the road opposite the midpoint of the front foundation wall requires a detailed site plan showing the existing and proposed topography, driveways, storm drainage, and other information.



- Section 3.25 - General Provisions, Sidewalks: Sidewalks shall be installed for all new developments in all areas, unless waived by a three-quarters vote of all members of the Commission.
- Sections 4.1 through 4.25 - Use Districts, Setbacks and Lot Dimensions: These sections specify minimum setbacks and lot dimensions for various use districts in the Town of Vernon.

Comment: Minimum setbacks and frontage distances can increase impervious cover. Front yard setbacks, which dictate how far houses must be from the street, can extend driveway length. Large side setbacks and frontage distances influence the road length needed to serve individual lots. Review current setbacks and lot dimensions for potential to relax side yard setbacks and allow narrower frontages to reduce road length and site imperviousness, and to relax front setback requirements to reduce driveway length and lot imperviousness.

- Section 7 - Cluster Development: Developers may vary the lot size requirements in Residential 40 and Residential 27 zoning districts, leaving a substantial area free of building lots (i.e., "cluster" development). The land area not allocated to building lots and streets shall be permanently reserved in open space and be readily usable for recreation or conservation.
- Section 12 - Off-street Parking and Loading: Section 12.1 specifies parking ratios, which are the number of parking spaces that must be provided for particular uses. The Planning & Zoning Commission may reduce the number of off-street parking spaces which must be installed provided that the required number of spaces is reduced by no more than 20%, the number of spaces will not result in an increase of on-street parking, and the developer pays a fee of \$500 for each space eliminated (fee-in-lieu of parking). Section 12.3 specifies the minimum stall dimensions for off-street parking and truck loading spaces, which already appear to be at or near recommended minimum values.

Comment: Parking ratios typically represent the minimum number of spaces needed to accommodate the highest hourly parking rate at the site. In many cases, parking ratios far exceed parking demand, which refers to the number of spaces actually used for a particular land use. Parking ratios often result in far more spaces than are actually required because ratios are typically set as minimums and not maximums. This results in excessive impervious cover for many land uses. Existing parking ratios should be reviewed to see if lower ratios are warranted and feasible. The required parking ratio for a particular land use should be enforced as both a maximum and minimum to limit excess parking space construction and impervious cover. Consider allowing the Commission to approve parking lots with more spaces than the allowed maximum provided all of the spaces above the maximum number are composed of a pervious surface, and where adequate stormwater management is provided. Also consider parking spaces held in reserve for phased developments, thereby avoiding the situation where unnecessary parking is not constructed if future phases of development do not occur.



Shared parking is another strategy that reduces the number of parking spaces needed by allowing adjacent land uses to share parking lots, particularly when parking demands occur at different times during the day or week. Section 12.3 appears to allow for shared parking for non-residential uses, although it is unclear if the Town actively promotes shared parking. Where shared parking is used, the Zoning Regulations should require a corresponding reduction in parking spaces.

Also consider adding language to Section 12 that references specific stormwater management and landscape design standards in the Connecticut Stormwater Quality Manual, local stormwater management design manual, other sections of the Zoning regulations, or new/modified local stormwater management and LID regulations.

Model zoning regulations for parking were developed in 2003 for communities in northwestern Connecticut through a study sponsored by the Northwestern Connecticut Council of Governments (NWCCOG), the Litchfield Hills Council of Elected Officials (LHCEO), and the Connecticut DEP. This document provides a good starting point for reviewing and modifying local zoning regulations for parking to address impervious cover and stormwater management issues.

- Section 18 – 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 one-half acre, except for a single family dwelling that is not a part of subdivision of land, which is exempt from these soil erosion and sediment control regulations.

Comment: The section of the Zoning Regulations is consistent with the Erosion and Sediment Control Plan requirements (Section 6.14) of the Subdivision Regulations. Construction of single family dwellings that disturb an acre or more of land are subject to state and federal NPDES Phase II Stormwater Program requirements. Consider amending the single family exemption to indicate that the exemption only applies to single family dwellings that do not disturb 1 or more acres of land.

- Section 19 – Rear Lots: This section includes provisions for greater residential development flexibility, particularly where a site has an unusual lot line or natural resource configuration or where rear lot development would promote or enhance the protection of valuable natural resource features.

Comment: This section of the Zoning Regulations is consistent with Section 13 of the Subdivision Regulations.

2.3 Inland Wetlands & Watercourses Regulations

The Town of Vernon Inland Wetlands and Watercourses Regulations (effective date: October 2, 2006) regulate the removal or deposition of materials and the construction, obstruction, alteration, or pollution of wetlands and watercourses in the Town. The regulations make provisions for the protection, preservation, maintenance and use of inland wetlands and watercourses by minimizing their disturbance and pollution, maintaining and improving water



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quality in accordance with federal, state, and local authority, and preventing damage from erosion, turbidity, or siltation as well as preventing the loss of beneficial aquatic organisms.

- Section 2 – Definitions, Regulated Activity: Regulated activities include any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses. Any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing, or removing of material and discharging of stormwater on the land within the following *upland review areas* is a regulated activity:

Resource	Upland Review Area
Wetland and Watercourse	100 ft.
Hockanum River, Ogden Brook, Tankerhoosen River, Gage's Brook, Railroad Brook, Walker Reservoir West, Walker Reservoir East, and Valley Falls Pond	200 ft.
Other	Agency Discretion*

*The Commission may rule that any activity that alters the existing rate or quality of any stormwater discharge conveyed to a Regulated Area or is likely to impact or affect wetlands or watercourses is a Regulated Activity. The Commission may rule that any other activity whether located within or outside the Regulated Area that is likely to have an affect on the wetlands or watercourses is a Regulated Activity.

Additionally, the Commission may rule that any activity that alters the existing rate or quality of any stormwater discharge conveyed to a Regulated Area or is likely to impact or affect wetlands or watercourses is a Regulated Activity.

- Section 2 – Definitions, Significant Activity: A “significant activity” includes any activity involving a deposition or removal of material which will or may have a substantial adverse effect on the Regulated Area or on another part of the inland wetland or watercourse system or an activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system or substantially diminishes the natural capacity of an inland wetland or watercourse to support desirable biological life, prevent flooding, supply water, assimilate waste, facilitate drainage, and/or provide recreation and open space, or any activity which would results in degrading a watercourse or the surface and/or groundwater of an inland wetland, such degradation to be measured by the standards of the Water Compliance Division of the Connecticut Department of Environmental Protection.
- Section 4.3.2 – Fee Schedule: A technical review may be required by a consultant for certain regulated activities, including those that are within 200 feet of a watercourse of concern (including the Tankerhoosen River and its major tributaries), regulated activities proposed in a use district where the proposed activity exceeds the impervious coverage thresholds established in such districts, as well as parking space, building square footage, disturbance, and other thresholds.



- Section 4.3.4 - Application Procedure: Any person wishing to undertake a Regulated Activity must submit an application to the Commission. The application must include a map showing the location of the site, the nature and extent of the proposed activity, the location of the Regulated Areas, existing and proposed structures, two-foot elevation contours, all drainage to be engineered, areas where material may be deposited or removed, all proposed construction within Regulated Area, areas of significant vegetation. The application must also include a detailed description of the activity, a map drawn by a licensed surveyor if the proposed activity exceeds ½ acre, the names and address of property owners within 500 feet of the proposed activity, and any reasonable measures which would mitigate the impacts of the Regulated Activity.
- Section 4.5 - Evaluation of Proposed Activities: This section specifies the information and criteria upon which the Commission makes its decision on an application. Section 4.5.2 includes factors related to erosion, siltation, and leaching; adverse effects on water quality and aquatic life; the likelihood of any changes in the velocity, volume, or course of water flow, or in the water table, and any consequences such changes may have for the capacity of the wetland or watercourse to help control flooding and to purify and supply water; and the existing and desired quality and use of the water in and near the affected area.

Comment: The evaluation criteria do not contain specific stormwater management standards and do not reference available design guidance such as the Connecticut Stormwater Quality Manual or local design guidance. The regulations also do not require or recommend the use of LID practices to meet stormwater management objectives.

- Watercourse Buffers: Section 4.5.2.12 states that the Commission may require the provision of a buffer along a watercourse if proposed activities and/or development may create negative impacts on a watercourse that could be prevented or mitigated by provision of a buffer, as described in "Appendix B. Design Standards Recommended for a Watercourse Protection Buffer." The watercourse buffer design standards state that in areas where vegetated buffers do not exist, or are of limited width, consideration should be given to the creation of a buffer area. Newly created buffers should include canopy or shade trees, shrubs, and herbaceous plant species suited to the local habitat in three (3) zones of plantings. The recommended minimum width of a watercourse buffer is one hundred (100) feet measured horizontally from the banks of the watercourse and fifty (50) feet measured horizontally related to intermittent watercourses.

The recommended watercourse protection area with landscape buffer may be reduced when (1) an engineered stormwater management and pollution control system employing technical best management practices (BMP) in compliance with the Connecticut Department of Environmental Protection (DEP) "Stormwater Quality Manual: is provided to treat run-off from a development site; (2) the site is served by a public sewer system; and (3) a reduction of the river protection buffer depth would not result in a significant potential adverse impact to the watercourse.



2.4 Plan of Conservation and Development

The Vernon Plan of Conservation and Development (June 2001) presents a detailed strategy for open space conservation and preservation, including increasing the amount of preserved open space as well as creating linkages between open space areas. The Plan identifies priority open space preservation areas along the Hockanum and Tankerhoosen River corridors.

A series of neighborhood meetings were held as an initial phase of the POCD. Several common themes emerged at public meetings. The themes associated with the protection of open space and watercourses included:

- Need to preserve open space for perpetuity in a positive, planned manner with adequate financial resources devoted to this program. A goal of 20% open space might be considered
- Retail development should be limited to prevent Vernon from becoming another Manchester in the Route 84 corridor or like the Berlin Turnpike along other major corridors in Town.
- The water quality of the Town's lakes and rivers as well as groundwater should be protected.

In addition to the currently-implemented Zoning Regulations, Subdivision Regulations, and Inland Wetlands and Watercourses Regulations, the Open Space section of the POCD also recommends adoption of a Hockanum River and Tankerhoosen River Protection Overlay District. Such a district would establish a contiguous and parallel buffer strip on either side of these rivers and would supplement the inland wetland and underlying zoning regulations, with the added provision that the land within the buffer areas and the river itself would remain in a natural, undisturbed state.

3.0 OBSERVATIONS & PRELIMINARY RECOMMENDATIONS

Based on our review of the Town's existing land use regulations and planning documents that pertain to stormwater management and natural resource protection, we offer the following observations and preliminary recommendations for discussion during the upcoming workshop meeting with the Tankerhoosen River Management Plan Technical Advisory Committee and the Town of Vernon land use commissioners.

3.1 Observations

The Town has a number of land use regulations that regulate construction and post-construction stormwater runoff from new development and redevelopment activities, and provide for protection of natural resources. The local regulations are particularly strong in terms of erosion and sediment control (as well as consistent between the various regulations), open space protection, and regulating activities that can potentially affect wetlands and watercourses, including requirements for watercourse buffers. However, there are several areas where the regulations and design standards and guidance could be strengthened through amendments or



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new regulations to clarify and strengthen stormwater management requirements and better promote the use of LID principles.

1. Stormwater Management Standards and Design Manual

The Town land use regulations do not contain specific stormwater management standards. The Zoning Regulations reference the recommendations and design guidance contained in the Connecticut Stormwater Quality Manual, while the Subdivision Regulations indicate that stormwater systems shall be designed by methods approved by the Town Engineer. The Inland Wetlands and Watercourses Regulations do not contain specific stormwater management standards and do not reference design guidance such as the DEP Stormwater Quality Manual or local design standards, except for instances when the applicant requests reduction in the watercourse buffer width requirements.

While the Connecticut Stormwater Quality Manual contains hydrologic sizing criteria (for water quality, quantity, groundwater recharge, etc.) and detailed design guidance for specific stormwater treatment practices, it does not prescribe a set of stormwater standards due to the lack of state-wide stormwater regulations. The Connecticut Stormwater Quality Manual does contain many LID principles in addition to more traditional end-of-pipe stormwater controls. However, it does not contain more recently developed guidance on LID design methods and clear incentives for developers to use LID over traditional stormwater management methods, such as LID credit systems which have been adopted by communities in recent years. Another drawback of relying solely on the DEP manual is that the information in the manual may eventually become outdated and lacking in areas of new or emerging stormwater management issues, as DEP does not plan to revise the manual in the foreseeable future.

Although the Vernon land use commissions are encouraged to use the Connecticut Stormwater Quality Manual to review applications, an alternative approach is to develop a local stormwater and LID manual to complement the DEP stormwater manual. A local manual could reference applicable sections of the DEP manual and take advantage of the existing design guidance, but also include more detailed guidance and stronger emphasis on LID practices and include specific stormwater standards tailored to the characteristics and needs of the Town. The Town land use regulations could also reference the local stormwater design manual, thereby serving as a single, unifying guidance document that could be updated without the need for major revisions to the Town land use regulations. Several other Connecticut communities have chosen this approach, including Tolland, which has developed a LID and Stormwater Management Design Manual, in addition to amendments to the Tolland Subdivision and Zoning Regulations. The Town of Greenwich is also in the process of revising its outdated drainage manual to incorporate stormwater quality elements and LID principles. Greenwich is also considering adopting a stand-alone ordinance or modifying its local land use regulations to implement the provisions of the new manual.

2. Local Regulatory Mechanism

As indicated in the introduction section, an opportunity exists for the Town of Vernon to develop and implement new or revised regulations to satisfy Phase II stormwater regulatory



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requirements, while at the same time incorporating LID principles and addressing natural resource protection issues. The Town's existing land use regulations address some of the elements of the post-construction stormwater management "regulatory mechanism" required by the DEP Phase II Stormwater program. However, none of the existing regulations, either individually or collectively, addresses post-construction stormwater management in a comprehensive manner as required by the Phase II program. Additionally, the Town may want to consider regulating stormwater runoff from projects that may not currently be subject to Town land use regulations but which are known to be a source of stormwater quality and drainage issues (such as single family residential redevelopment outside of the Upland Review Area).

Two general approaches exist for implementing a comprehensive stormwater regulatory mechanism to meet Phase II stormwater program requirements and to incorporate LID principles and other specific community objectives. One approach involves developing a new stand-alone stormwater ordinance that could be incorporated into the Vernon Town Code and implemented by a single department or commission such as the Engineering Department. This approach has been used by Stratford and other communities throughout southern New England. An alternate approach would be to implement more comprehensive stormwater management/LID requirements in a new section of the Zoning Regulations and maintain the responsibility for administering the stormwater/LID provisions with the Planning and Zoning Commission. Such an approach has been used by Tolland and Guilford, Connecticut. Elements of both approaches are summarized as follows:

a. Stand-Alone Stormwater Ordinance

- Adopt a new stormwater ordinance as part of the Vernon Town Code. The ordinance could be similar to the draft ordinance which is provided in Attachment A of this memorandum and is based upon a model ordinance endorsed by the DEP. Typically, a new stormwater ordinance is a more efficient and effective way to address the Phase II Stormwater program regulatory mechanism requirement than separate revisions to the individual municipal land use regulations that are currently in place. The stormwater ordinance would apply to post-construction stormwater runoff from new development and redevelopment projects that disturb greater than a threshold value that could be selected by the Town. The Phase II General Permit requires that the ordinance apply to projects that would disturb one or more acres. Vernon could consider an alternative applicability threshold to ensure that the requirements would apply to in-fill development projects and other smaller land disturbance activities with the potential for drainage or water quality impacts. The sample draft ordinance provided in Attachment A would apply to all projects that disturb 5,000 square feet or more. Other applicability thresholds could be considered as well. The ordinance should incorporate by reference the technical standards and design guidance contained in a local stormwater manual and/or the Connecticut Stormwater Quality Manual, as amended.



- The stand-alone stormwater ordinance could be administered by the Engineering Department, which would initially receive stormwater management permit applications for land disturbance activities subject to the ordinance. Stormwater Management Plans would then be reviewed by one or more of the applicable land use commissions (Planning and Zoning Commission or Inland Wetlands Regulatory Commission) with jurisdiction or expertise over the proposed project. Projects that do not fall under the jurisdiction of the Planning and Zoning Commission or the Inland Wetlands Regulatory Commission would be reviewed solely by the Engineering Department for compliance with the ordinance. This administrative structure places responsibility for stormwater management plan review on those agencies that already perform regulatory reviews (P&Z and IW), but consolidates authority for the stormwater ordinance under a single department (Engineering). A drawback to this approach is that the Engineering Department would bear the responsibility for administering the permit program and would likely require additional staff resources.
- The Town could consider creating a dedicated “stormwater inspector” position within the Engineering Department. The stormwater inspector would be responsible for conducting stormwater inspections during and after construction of stormwater facilities in support of the new ordinance, as well as augment the related inspection capabilities of Building Inspector and Zoning Enforcement Officer.
- Short-term funding for administration of the post-construction stormwater ordinance and other elements of the Town’s Phase II program would most likely come from taxes and application fees. The Town could investigate implementation of a service charge-based system, such as user fees or a stormwater utility. However, these funding sources are often difficult to implement due to public resistance. Stormwater utilities have been established in Chicopee, Massachusetts, Burlington, Vermont, and elsewhere throughout the U.S. Stonington, Connecticut has investigated the feasibility of a stormwater utility. Several other Connecticut coastal communities are undertaking DEP-funded demonstration projects to explore the feasibility of developing and implementing a stormwater utility. Vernon may also explore the feasibility of a stormwater utility or similar stormwater service charge, although this would likely be a long-term potential funding source.

b. *Incorporation of Stormwater Management/LID Requirements in Zoning Regulations*

- Incorporate a new post-construction stormwater management and LID section into the existing Zoning Regulations. The new section could be similar to the stand-alone example ordinance in terms of applicability thresholds, exemptions, and general stormwater management standards and LID principles. Specific stormwater management standards and design guidance should not be included in the regulations, but rather in a local stormwater manual to avoid the need for



significant future amendments to the regulations when the standards or design guidance are revised. A copy of the recent amendment to the Town of Tolland Zoning Regulations, which added a new LID section, is included as Attachment B of this memorandum.

- In addition, the Zoning Regulations could be modified to potentially require a Stormwater Management Plan for a proposed activity that only requires a Building Permit, such as a single-family dwelling, if it results in the disturbance of one or more acres (the Phase II permit minimum requirement) or a lower threshold selected by the Town. The following sample language is an excerpt from the Guilford Zoning Regulations:

Stormwater Management Plans shall be prepared for any Site Plan, Coastal Site Plan (CAM) or Special Permit Application in accordance with 273-75.F(3) of this Code. Furthermore, for an Application for Certificate of Zoning Compliance (Building Permit) for any new single family dwelling, the Town Engineer, or the Environmental Planner may require that a Stormwater Management Plan be prepared, all or in part, as required by 273-75.F.(3) when he/she has determined that the development if the single family dwelling may have an adverse impact on stormwater quality.

This approach consolidates stormwater management review within the Planning and Zoning Commission through the existing site plan and special permit application review process. The Subdivision and Inland Wetlands and Watercourses Regulations would also need to be modified to require a Stormwater Management Plan consistent with the Zoning Regulations.

3. LID Incentives and Obstacles

Although recent studies demonstrate that LID practices can reduce project costs and improve environmental performance, the perception still exists that site development using LID is more expensive than traditional approaches to stormwater management. Initial project costs may be higher in some cases than those for conventional design. However, significant savings are typically realized due to reduced costs for site grading and preparation, stormwater infrastructure, site paving, and landscaping (USEPA, Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices, EPA publication number 841-F-07-006, December 2007).

Many states and local communities have adopted LID credit systems as an added incentive for developers to use LID, and in particular non-structural measures, to ultimately reduce the size and cost of structural stormwater management systems.

LID Site Design Credits encourage environmentally sensitive site design and LID techniques for managing stormwater that minimize impervious surfaces and preserve natural hydrologic conditions. The credits allow project proponents to reduce or eliminate the structural stormwater BMPs otherwise required to meet certain stormwater standards by implementing LID site design techniques according to a prescribed set of standards. The Tolland LID Design



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Manual includes such an LID credit system. Attachment C of this memorandum contains an example LID Site Design Credit System that is also being considered by the Town of Greenwich.

Local land use regulations often contain design standards that preclude or limit the use of certain LID practices, particularly the use of curbless roads and roadside vegetated swales. Traditional curb-and-gutter systems convey stormwater with virtually no treatment or attenuation. Open vegetated channels remove pollutants by allowing infiltration and filtering to occur, and encourage groundwater recharge, which can reduce the volume of stormwater generated from a site. Traditionally, the use of curbless roads and vegetated open channels has been discouraged and, in many instances, specifically prohibited in local land use regulations and drainage design manuals, due to concerns over maintenance problems, pavement stability, and potential nuisances such as mosquitoes. Many of these concerns can be addressed through careful design and integration of open channels along streets.

The Vernon Subdivision Regulations contain provisions that limit the use of curbless roads and roadside vegetated swales. The Subdivision Regulations require curbs on all new streets and do not permit drainage ditches where it is feasible to install underground pipe. The Town should evaluate the underlying reasons for these restrictions and determine if the Subdivision Regulations should be amended to encourage the use of curbless roads and roadside swales, consistent with LID principles.

4. Local Regulations and Impervious Cover

Impervious cover in a watershed is a strong indicator of the overall quality of streams and aquatic ecosystems. The correlation between watershed impervious cover and stream indicators is due to the relationship between impervious cover and stormwater runoff, since streams and receiving water bodies are directly influenced by stormwater quantity and quality. As impervious cover increases, overall stream health declines.

A goal of LID, which is a form of alternative site design, is to reduce impervious cover, disconnect impervious surfaces from the storm drainage system, and preserve natural site features. Local land use regulations and design requirements were typically not developed with impervious cover in mind. Rather, they evolved from perceived consumer demand, safety concerns, and land availability, often resulting in more impervious cover than is necessary due to expansive parking lots, wide streets, and large-lot subdivisions with little conserved natural areas and open space.

Communities interested in adopting LID and alternative sit design principles need to re-evaluate local land use regulations to overcome these challenges. Based on our review of the Vernon Subdivision and Zoning Regulations, some of the key design parameters that strongly influence impervious cover are already at or near optimal levels (e.g., off-street parking stall dimensions and configuration), while others should be reviewed to determine if further refinement is warranted and feasible (e.g., cul-de-sac design, road width, sidewalks, parking ratios).



3.2 Preliminary Recommendations

This section contains preliminary recommendations based on our review of the existing land use regulations and planning documents, as well as our observations discussed in the previous section. These recommendations are intended to facilitate a discussion with the Technical Advisory Committee and Vernon land use commissioners during the upcoming workshop meeting, and to serve as a starting point and basis for further refinement and implementation.

1. *Town Design Manual*

- Develop a Town stormwater and LID design manual. A local manual should reference applicable sections of the Connecticut Stormwater Quality Manual to take advantage of the existing design guidance, but also include more detailed guidance and stronger emphasis on LID practices and include specific stormwater standards tailored to the characteristics and needs of the Town (see Recommendation 2). The Town land use regulations should also reference the local stormwater design manual, thereby serving as a single, unifying guidance document that could be updated without the need for major revisions to the land use regulations.
- Include a section of the design manual that addresses stormwater retrofits for redevelopment and drainage system upgrade and maintenance projects. Stormwater retrofits for residential and commercial redevelopment projects are an important element for the Town's stormwater management strategy given the level of existing development in the Town. Stormwater retrofits also present an opportunity to implement lot-level LID strategies as opposed to larger end-of-pipe controls where land may not be available for stormwater management facilities.
- Incorporate/reference stormwater quantity and conveyance sections of the Connecticut DOT Drainage Manual for consistency with state drainage standards.

2. *Stormwater Management Standards*

- Develop and incorporate into the Town stormwater design manual a set of stormwater management standards, which would become regulatory standards referenced by the existing Town land use regulations and/or new stormwater ordinance (see Recommendation 3). Development of stormwater management standards would allow Vernon to establish clearer, specific standards that all projects must meet in order to obtain local land use permits. The stormwater standards could include LID requirements, complement the hydrologic sizing criteria in the *Connecticut Stormwater Quality Manual* and be tailored (using variable minimum performance standards) to protect specific water bodies or sensitive resources in the Town of Vernon. An example set of stormwater management standards is included in Attachment D.



3. *New or Modified Stormwater Regulations*

- Develop and implement new or revised stormwater regulations to 1) satisfy Phase II Stormwater Program regulatory requirements, 2) encourage or require LID principles to be implemented for development projects in Vernon, and 3) address other local drainage and natural resource protection issues identified by the Town. Two potential approaches have been identified – 1) a new stand-alone stormwater ordinance, or 2) addition/amendments to the existing Zoning Regulations.
- Form an advisory committee or workgroup consisting of representatives from the various land use commissions and selected Town departments to further evaluate and select the best approach for Vernon, including key decisions regarding:
 - If a new, stand-alone stormwater ordinance is selected, which department or commission will have responsibility for administering the program (i.e., the “Stormwater Authority”)?
 - Which projects and activities will the new ordinance apply to (i.e., applicability)?
 - How will applications be received and reviewed?
 - Who will be responsible for inspections and enforcement?
 - Will additional staff be required to handle the increased workload to review and process applications?

4. *Other Amendments to Existing Regulations*

Subdivision Regulations

- Amend Section 6.4 to reference the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, as opposed to the outdated reference to the 1976 version of the Erosion and Sediment Control Handbook.
- Section 6.5.1.1 (Street Grading and Improvement): Consider eliminating the curbing requirement for roads with grades less than 5% to encourage the use of vegetated swales and similar LID practices.
- Section 6.6.6 (Cul-de-sacs): Consider smaller cul-de-sac radius of (30 to 40 feet), or alternative designs such as hammerheads, to reduce impervious cover, such that the design allows for continuous turning movement of the largest fire fighting vehicle used by the Town of Vernon. Also consider encouraging the use of LID bioretention/rain gardens in cul-de-sac islands for stormwater management.
- Section 6.7.1 (Design Standards, Road Width): Consider pavement widths of between 24 and 28 feet, if such a reduction will not negatively impact public safety or emergency response. Refer to Table 4-3 in the Connecticut Stormwater Quality Manual for potential variation in residential roadway widths based on terrain and development density.



- Section 6.7.2 (Design Standards, Curbs): Consider eliminating the curbing requirement for roads with grades less than 5% to encourage the use of vegetated swales and similar LID practices.
- Section 6.9 (Drainage and Storm Sewers): Modify these sections to reference stormwater management standards and LID principles contained in a stand-alone stormwater ordinance or new section of the Zoning Regulations, and/or the Town stormwater design manual.
- Section 6.9.3 (Drainage Design): Amend this section to allow the use of roadside vegetated swales designed in accordance with the Town stormwater design manual.
- Section 6.12.1 (Sidewalks): Consider requiring sidewalks on only one side of the street and reduce sidewalk width to 3 or 4 feet. Grade sidewalks to the front yard rather than to the street. Consider using alternative materials such as pavers, stone dust, or pervious concrete.
- Section 6.14 (Certified Erosion and Sediment Control Plan): Amend the single family exemption such that the exemption only applies to single family dwellings that do not disturb 1 or more acres of land, which is consistent with the Phase II Stormwater Program regulatory requirement.

Zoning Regulations

- Section 3.4 (General Provisions): If the Town develops a local stormwater design manual, change the reference to the Connecticut Stormwater Quality Manual to the Town manual.
- Sections 4.1 through 4.25 (Use Districts, Setbacks and Lot Dimensions): Review current setbacks and lot dimensions for potential to relax side yard setbacks and allow narrower frontages to reduce road length and site imperviousness, and to relax front setback requirements to reduce driveway length and lot imperviousness.
- Section 12 (Off-street Parking and Loading): Review existing parking ratios to see if lower ratios are warranted and feasible. The required parking ratio for a particular land use should be enforced as both a maximum and minimum to limit excess parking space construction and impervious cover. Consider allowing the Commission to approve parking lots with more spaces than the allowed maximum provided all of the spaces above the maximum number are composed of a pervious surface, and where adequate stormwater management is provided. Also consider parking spaces held in reserve for phased developments, thereby avoiding the situation where unnecessary parking is not constructed if future phases of development do not occur.



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Clarify Section 12 of the regulations to encourage the use of shared parking. Where shared parking is used, the Zoning Regulations should require a corresponding reduction in parking spaces.

Consider adding language to Section 12 that references specific stormwater management and landscape design standards in the Town stormwater manual and/or the Connecticut Stormwater Quality Manual.

- Section 18 (Activities Requiring a Certified Erosion and Sediment Control Plan): Amend the single family exemption such that the exemption only applies to single family dwellings that do not disturb 1 or more acres of land, which is consistent with the Phase II Stormwater Program regulatory requirement.

Inland Wetlands and Watercourses Regulations

- Section 4.5 (Evaluation of Proposed Activities): Add language referencing the stormwater management standards and LID principles contained in the Town stormwater manual and/or the Connecticut Stormwater Quality Manual.



ATTACHMENT A
Draft Model Stormwater Ordinance

DRAFT

POST-CONSTRUCTION STORMWATER ORDINANCE (CITY NAME)

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1.0 PURPOSE AND AUTHORITY

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with post-construction stormwater runoff. Proper management of stormwater runoff will minimize damage to public and private property, reduce the effects of development on land and wetlands, control stream channel erosion, reduce local flooding, improve water quality, and maintain after development, as nearly as possible, the pre-development runoff characteristics.

The provisions of this ordinance are pursuant to Connecticut State Statutes 7-148 (c) (8) (A)¹, 8-2 (a)², 8-25³, and 22a-36 to 22a-45 inclusive⁴, and 8-2(b)⁵ and shall apply to all development occurring within the incorporated area of (City Name), Connecticut. The application of this ordinance and provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. The agencies defined in Section 2.0 as the

¹ Municipal Powers: The municipality has the power to “Provide for the protection and improvement of the environment including, but not limited to, coastal areas, wetlands and areas adjacent to waterways in a manner not inconsistent with the general statutes.

² Regulations: The zoning commission is authorized to adopt regulations “...to secure safety from ...flood and other dangers; to promote health and the general welfare...”

³ Subdivision of land: Authorizes the zoning commission to see “...that proper provision shall be made for... drainage...” and “that proper provision shall be made for protective flood control measures...”

⁴ The Inland Wetlands and Watercourses Act.

⁵ “In any municipality that is contiguous to Long Island Sound the regulations adopted under this section shall be made with reasonable consideration for restoration and protection of the ecosystem and habitat of Long Island Sound and shall be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris in Long Island Sound. Such regulations shall provide that the zoning commission consider the environmental impact on Long Island sound of any proposal for development.”

“Responsible Authority” shall be responsible for the coordination and enforcement of the provisions of this ordinance.

1.1 Incorporation by Reference

For the purpose of this ordinance, the Connecticut Stormwater Quality Manual (as amended) is incorporated by reference by (City Name), Connecticut and shall serve as the official guide for stormwater principles, methods, and practices.

2.0 DEFINITIONS

A. For the purpose of this ordinance, the following definitions describe the meaning of the terms used in this ordinance:

- (1) "Adverse impact" means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.
- (2) "Agricultural land management practices" means those methods and procedures used in the cultivation of land in order to further crop and livestock production and conservation of related soil and water resources.
- (3) "Applicant" means any person, firm, or governmental agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.
- (4) "Aquifer" means porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.
- (5) "BMP (Best Management Practice)" means a structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.
- (6) "Clearing" means the removal of trees and brush from the land (i.e., removal of vegetative cover) but shall not include the ordinary mowing of grass
- (7) "DEP" means the Connecticut Department of Environmental Protection.
- (8) "Design Manual" means the most current edition of the Connecticut Stormwater Quality Manual that serves as the official guide for the stormwater management principles, methods, and practices.
- (9) "Detention structure" means a permanent structure for the temporary storage of runoff, which is designed so as not to create a permanent pool of water.
- (10) "Develop land" means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, municipal, or institutional construction or alteration.
- (11) "Direct discharge" means the concentrated release of stormwater to tidal waters or vegetated tidal wetlands from new development or redevelopment projects in the Critical Area.
- (12) "Disturb" or "Disturbance" means any activity consisting of the removal of vegetation, topsoil, or overburden, or the placement of topsoil, spoil, or other material, as defined in the Guidelines.

- (13) "Drainage area" means an area that contributes runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline.
- (14) "Easement" means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.
- (15) "Exemption" means those land development activities that are not subject to the stormwater management requirements contained in this ordinance.
- (16) "Extended detention" means a stormwater design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream channels from frequent storm events. Methods for designing extended detention BMPs are specified in the Design Manual.
- (17) "Extreme flood volume" means the storage volume required to control those infrequent but large storm events in which overbank flows reach or exceed the boundaries of the 100-year floodplain.
- (18) "Flow attenuation" means prolonging the flow time of runoff to reduce the peak discharge.
- (19) "Grading" means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.
- (20) "Groundwater recharge volume (GRV)" means that portion of the water quality volume used to maintain groundwater recharge rates at development sites. Methods for calculating the groundwater recharge volume are specified in the Design Manual.
- (21) "Guidelines" means the Connecticut Guidelines for Soil Erosion and Sediment Control, as amended, or as may be amended, established pursuant to Section 22a-328 of the Connecticut General Statutes.
- (22) "Infiltration" means the passage or movement of water into the soil surface.
- (23) "Off-site stormwater management" means the design and construction of a facility necessary to control stormwater from more than one development.
- (24) "On-site stormwater management" means the design and construction of systems necessary to control stormwater within an immediate development.
- (25) "Peak runoff attenuation" means controlling by structural practices the volume to prevent an increase in the frequency of out of bank flooding generated by development.
- (26) "Primary treatment practice", as defined in the Design Manual, means a stormwater treatment practice that is capable of providing high levels of water quality treatment as a stand-alone measure.
- (27) "Redevelopment" means any construction, alteration, or improvement exceeding five thousand (5,000) square feet of land disturbance performed on sites where existing land use is commercial, industrial, municipal, institutional or multifamily residential.
- (28) "Responsible Authority" means employees, members, or designees of (City Name) (Agency Name). Other responsible agencies under this ordinance include:
 - (a) The Inland Wetlands and Watercourses Commission for stormwater runoff impacting wetlands and watercourses. (For the purposes of only this paragraph, the definition of "wetlands" and "watercourse" is the definition used in the most current version of the Inland Wetland and Watercourses regulations of (City Name).

- (b) The Engineering Division of the Department of Public Works for stormwater runoff from public roads and sidewalks.
 - (c) The Planning Commission and Zoning Commission for all other stormwater runoff.
- (29) “Responsible Official” means (City Name) Director of Public Works (“Director”).
- (30) "Retention structure" means a permanent structure that provides for the storage of runoff by means of a permanent pool of water.
- (31) “Retrofitting” means the construction of a structural BMP in a previously developed area, the modification of an existing structural BMP, or the implementation of a nonstructural practice to improve water quality over current conditions.
- (32) “Secondary treatment practice”, as defined in the Design Manual, means a stormwater treatment practice that may not be suitable as stand-alone treatment because is not capable of meeting the water quality treatment performance criteria in the Design Manual or has not yet received the thorough evaluation needed to demonstrate the capabilities for meeting the performance criteria in the Design Manual.
- (33) "Sediment" means soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.
- (34) "Site" means:
- (a) For “new development” any tract, lot or parcel of land or combination of tracts, lots, or parcels of land, which are in one ownership, or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.
 - (b) For “redevelopment” the area of new construction as shown on an approved site plan or the original parcel. Final determination of the applicable area shall be made by the Responsible Authority.
- (35) "Stabilization" means the prevention of soil movement by any of various vegetative and/or structural means.
- (36) "Stormwater management" means the selective use of various management measures to effectively address the adverse water quality and quantity impacts of urban stormwater runoff.
- (37) "Stormwater Management Plan" means a set of drawings or other documents that describe the potential water quality and quantity impacts associated with a development project after construction. A stormwater management plan also identifies selected source controls and treatment practices to address those potential impacts, the engineering design of the treatment practices, and maintenance requirements for proper performance of the selected practices.
- (38) “Stormwater Treatment Practice”, as defined in the Design Manual, means a measure constructed for primary treatment or secondary treatment of stormwater runoff.
- (39) “Stream Channel Protection” means restricting peak flows from storm events that result in flow conditions where the stream is flowing to the full extent of its banks so the damaging effects to the channel of increased runoff from urbanization can be reduced. Methods for calculating stream channel protection are specified in the most current edition of the Design Manual.

- (40) "Variance" means the modification of the minimum stormwater management requirements for specific circumstances such that strict adherence to the requirements would result in necessary hardship and not fulfill the intent of this ordinance.
- (41) "Waiver" means the relinquishment from stormwater management requirements by the Responsible Authority for a specific development on a case-by-case review basis.
- (a) "Quality stormwater management waiver" includes water quality volume and groundwater recharge volume design parameters.
- (b) "Quantity stormwater management waiver" includes stream channel protection, peak runoff attenuation, and extreme flood volume design parameters.
- (38) "Watercourse" means any natural or artificial stream, river, brook, lake, pond, marsh, swamp, bog, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, wash, and all other bodies of water, natural or artificial, vernal or intermittent, public or private in and including any adjacent area that is subject to inundation from overflow or flood water.
- (39) "Watershed" means the total drainage area contributing runoff to a single point.
- (40) "Water quality volume" means the volume of runoff generated by one inch of rainfall on the site.

3.0 APPLICABILITY

3.1 Scope

No person shall develop land for residential, commercial, industrial, municipal, or institutional uses without having provided stormwater management measures that control or manage runoff from such development, except as provided within this section. The stormwater management measures must be designed consistent with the Design Manual and constructed according to an approved plan for new development or the policies stated in Section 3.4 for redevelopment.

3.2 Exemptions

The following development activities are exempt from the provisions of this ordinance and the requirements of providing stormwater management, except as noted:

- A. Development of single family residential property that results in the disturbance of less than one (1) acre of land, not including projects less than one (1) acre that are part of a larger common plan of development or sale that will ultimately disturb greater or equal to one (1) acre must conform to the requirements presented in Section 4.4.
- B. Agricultural land management practices;
- C. Any activity that will disturb an area less than five thousand (5,000) square feet over the total project;
- D. Maintenance of existing landscaping, gardens or lawn areas associated with a single family dwelling;
- E. Repair or replacement of an existing roof of a single family dwelling;
- F. Construction of utilities (gas, water, electric, telephone, sanitary sewer, etc.) other than drainage, which will not alter terrain, ground cover, or drainage patterns;

- G. Emergency repairs to any stormwater management facility or practice that poses a threat to public health or safety, or as deemed necessary by the Responsible Authority.

3.3 Waivers / Watershed Management Plans

- A. Stormwater management quantity control waivers may be granted by the Responsible Authority to projects when the Responsible Authority determines that circumstances exist that prevent the reasonable implementation of quantity control practices.
- B. Stormwater management quality control waivers granted by the Responsible Authority apply to:
 - (1) In-fill development projects where implementation of stormwater management quality controls is not feasible;
 - (2) Redevelopment projects if the requirements of Section 3.4 of this ordinance are satisfied; or
 - (3) Sites where the Responsible Authority determines that circumstances exist that prevent or make unnecessary the reasonable implementation of quality control practices.
- C. Waivers must be requested in writing one week in advance of the regular meeting of the (Responsible Authority Agency Name) in a manner prescribed by the Director of Public Works.
- D. Waivers granted must:
 - (1) Be on a case-by-case basis;
 - (2) Consider the cumulative effects of the waiver policy; and
 - (3) Reasonably ensure the development will not adversely impact stream quality.

3.4 Redevelopment

- A. All redevelopment projects shall reduce existing site impervious area by 20%. Where site conditions prevent the reduction of impervious area, then stormwater management practices shall be implemented to provide quality control for at least 20% of the site's impervious area. The elements and principles of stormwater quality control are noted in the Design Manual.
- B. Where conditions prevent impervious area reduction or on-site stormwater management, the Responsible Authority may consider practical alternatives including:
 - (1) Watershed or stream restoration;
 - (2) Retrofitting; or
 - (3) Other practices approved by Responsible Authority.

3.5 Variance

The Responsible Authority may grant a written variance from any requirement of Section 4.0 (Stormwater Management Criteria), of this ordinance if there are exceptional circumstances applicable to the site such that strict adherence will result in unnecessary hardship and not fulfill the intent of this ordinance. A written request for variance shall be provided to the Responsible Authority and shall state the specific variances sought and reasons for their granting. The Responsible Authority shall not grant a variance unless and until the person developing land provides sufficient justification.

4.0 STORMWATER MANAGEMENT CRITERIA

4.1 Minimum Control Requirements

- A. The minimum control criteria established in this section and the Design Manual are as follows:

- (1) Shall require that the groundwater recharge volume, water quality volume, and peak runoff attenuation for the 2-year frequency storm event be used to design BMPs according to the Design Manual. Control of the 10-year frequency storm event is required according to the Design Manual. Control of larger storm events may be required at the discretion of the Responsible Authority if a flooding problem exists and downstream floodplain development and conveyance system design cannot be controlled.
 - (2) Shall require that the groundwater recharge volume, water quality volume, and stream channel protection sizing criteria be used to design BMPs according to the Design Manual.
 - (3) The Responsible Authority may require more than the minimum control requirements specified in this ordinance if hydrologic or topographic conditions warrant or if flooding, stream channel erosion, or water quality problems exist downstream from a proposed project.
- B. Stormwater management and development plans where applicable, shall be consistent with adopted and approved watershed management plans or flood management plans as approved by the DEP.

4.2 Stormwater Management Measures

The structural and nonstructural stormwater management measures established in this ordinance shall be used, either alone or in a combination, in developing a stormwater management plan.

- A. Nonstructural Stormwater Management Measures.
- (1) The following nonstructural stormwater management practices shall be applied according to the Design Manual to minimize increases in new development runoff:
 - (a) Natural area conservation;
 - (b) Disconnection of rooftop runoff;
 - (c) Disconnection of non-rooftop runoff;
 - (d) Sheet flow to buffers;
 - (e) Grass channels; and
 - (f) Environmentally sensitive development and Low Impact Development (LID) practices;
 - (2) The use of nonstructural stormwater management practices shall be encouraged to minimize the reliance on structural BMPs.
 - (3) The minimum control requirements listed in Section 4.1 of this ordinance may be reduced when nonstructural stormwater management practices are incorporated into site designs according to the Design Manual.
 - (4) The use of nonstructural stormwater management practices may not conflict with existing State or local laws, ordinances, or policies.
 - (5) Nonstructural stormwater management practices used to reduce the minimum control requirements must be recorded and remain unaltered by subsequent property owners. Prior approval from the Responsible Authority shall be obtained before nonstructural stormwater practices are altered.
- B. Structural Stormwater Management Measures.

- (1) The following structural stormwater management practices or “Stormwater Treatment Practices” shall be designed according to the Design Manual to satisfy the applicable minimum control requirements established in Section 4.1 of this ordinance.
 - (a) Primary Treatment Practices, including stormwater ponds, stormwater wetlands, stormwater infiltration practices, stormwater filtering practices, and water quality swales.
 - (b) Combination of primary treatment practices and secondary treatment practices.
 - (c) Multiple secondary treatment practices, at the discretion of the Responsible Authority.
 - (2) The performance criteria specified in the Design Manual with regard to general feasibility, conveyance, pretreatment, treatment and geometry, environment and landscaping, and maintenance shall be considered when selecting structural stormwater management practices.
 - (3) Structural stormwater management practices shall be selected to accommodate the unique hydrologic or geologic regions of the state.
- C. Alternative structural and nonstructural stormwater management practices may be used for new development water quality control if they meet the performance criteria established in the Design Manual. Practices used for redevelopment projects shall be approved by the Responsible Authority.
- D. For the purposes of modifying the minimum control requirements or design criteria, the owner/developer shall submit at the request of the Responsible Authority an analysis of the impacts of stormwater flows downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed development upon a dam, highway, structure, or natural point of restricted stream flow. The point of investigation is to be established with the concurrence of the Responsible Authority.

4.3 Specific Design Criteria

The basic design criteria, methodologies, and construction specifications, subject to the approval of the Responsible Authority, shall be those of the Design Manual.

4.4 Single Family Residence Lot Level Controls

Construction of single family residences that results in the disturbance of less than 1 acre of land must minimize or disconnect impervious area runoff from the public storm drainage system by implementing stormwater management measures designed in accordance with the Design Manual. The applicant shall submit evidence on a form prescribed by the Responsible Official that the requirements of Section 4.4 have been met prior to issuance of a building permit.

5.0 STORMWATER MANAGEMENT PLANS

5.1 Review and Approval of Stormwater Management Plans

- A. For any proposed development, the developer shall submit a stormwater management plan or waiver application to the Responsible Authority for review and approval, unless otherwise exempted. The stormwater management plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which stormwater runoff will be managed from the entire development. The Responsible Authority shall

review the plan to determine compliance with the requirements of this ordinance prior to approval. The plan shall serve as the basis for all subsequent construction.

- B. Notification of approval or reasons for disapproval or modification shall be given to the applicant within [time frame] after submission of the completed stormwater plan. If a decision is not made within [time frame] the applicant shall be informed of the status of the review process and the anticipated completion date. The stormwater management plan shall not be considered approved without the inclusion of the signature and date of signature of the responsible official on the plan.

5.2 Contents of the Stormwater Management Plan

- A. The developer is responsible for submitting a stormwater management plan that meets the design requirements of this ordinance. The plan shall be accompanied by a report that includes sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. An engineer licensed in Connecticut shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan. If a stormwater management plan involves direction of some or all runoff off of the site, it is the responsibility of the developer to obtain from adjacent property owners any easements or necessary property interests concerning flowage of water. Approval of a stormwater management plan does not create or affect any right to direct runoff onto adjacent property without that property owner's permission.

The minimum information submitted for support of a stormwater management plan or application for a waiver shall be as follows:

- B. Reports submitted for stormwater management plan approval shall include:
 - (1) A brief narrative description of the project;
 - (2) Geotechnical investigations including soil maps, borings, site-specific recommendations, and any additional information necessary for the proposed stormwater management design;
 - (3) Descriptions of all watercourses, impoundments, and wetlands on or adjacent to the site or into which stormwater directly flows;
 - (4) Hydrologic computations, including drainage area maps depicting pre development and post development runoff flow path segmentation and land use that demonstrate compliance with Section 4.0 of this ordinance;
 - (5) Hydraulic computations;
 - (6) Structural computations;
 - (7) Hydrologic sizing criteria computations according to the Design Manual; and
 - (8) Any other information required by the Responsible Authority.
- C. Construction drawings submitted for stormwater management plan approval shall include the following:
 - (1) A vicinity map;
 - (2) Topography survey showing existing and proposed contours, including the area necessary to determine downstream analysis for proposed stormwater management facilities;
 - (3) Any proposed improvements including location of buildings or other structures, impervious surfaces, storm drainage facilities, and all grading;

- (4) The location of existing and proposed structures and utilities;
- (5) Any easements and rights-of-way;
- (6) The delineation, if applicable, of the 100-year floodplain and any on-site wetlands;
- (7) Structural and construction details for all components of the proposed drainage system or systems, and stormwater management facilities.
- (8) All necessary construction specifications;
- (9) A sequence of construction;
- (10) Data for total site area, disturbed area, new impervious area, and total impervious area;
- (11) A table showing the hydrologic sizing criteria volumes described in the Design Manual;
- (12) A table of materials to be used for stormwater management facility planting;
- (13) All soil boring logs and locations;
- (14) A maintenance schedule;
- (15) Certification by a Connecticut certified engineer that all stormwater management construction will be done according to this plan;
- (16) An as-built certification signature block to be executed after project completion; and
- (17) Any other information required by the Responsible Authority.

5.3 Preparation of the Stormwater Management Plan

- A. A professional engineer licensed in the State shall design and prepare a stormwater management plan as necessary to protect the public and the environment.
- B. If a stormwater treatment practice requires either a dam safety permit from DEP or approval from the Inland Wetlands and Watercourses Agency, the Responsible Authority shall require that a professional engineer licensed in the State prepare the design.

6.0 PERMITS

6.1 Permit Requirement

A building permit may not be issued for any parcel or lot unless a stormwater management plan has been approved or waived by the Responsible Authority as meeting all the requirements of this ordinance. Where appropriate, a building permit may not be issued without:

- A. Recorded easements for the stormwater management facility and easements to provide adequate access for inspection and maintenance from a public right-of-way;
- B. A recorded stormwater management maintenance agreement;
- C. A cash bond; and
- D. Permission from adjacent property owners as necessary.

6.2 Permit Fee

A non-refundable permit fee will be collected at the time the stormwater management plan or application for waiver is submitted. The permit fee will provide for the cost of plan review, administration, and management of the permitting process, and inspections by the Responsible Authority of all projects subject

to this ordinance. A permit fee schedule shall be established by the Responsible Authority based upon the relative complexity of the project and may be amended from time to time.

6.3 Permit Suspension and Revocation

Any building permit issued by the Responsible Authority may be suspended or revoked after written notice is given to the permittee for any of the following reasons:

- A. Any violation(s) of the conditions of the stormwater management plan approval.
- B. Changes in site runoff characteristics upon which an approval or waiver was granted.
- C. Construction is not in accordance with the approved plan.
- D. Noncompliance with correction notice(s) or stop work order(s) issued for the construction of the stormwater management facility.
- E. An immediate danger exists in a downstream area in the opinion of the Responsible Authority.

6.4 Permit Conditions

In granting the plan approval, the Responsible Authority may impose such conditions that may be deemed necessary to ensure compliance with the provisions of this ordinance and the preservation of the public health and safety.

7.0 CASH BOND

The Responsible Authority shall require from the developer a cash bond prior to the issuance of any building permit for the construction of a development requiring a stormwater management facility. The amount of the security shall not be less than the total estimated construction cost of the stormwater management facility. The bond required in this section shall include provisions relative to forfeiture for failure to complete work specified in the approved stormwater management plan, compliance with all of the provisions of this ordinance, and other applicable laws and regulations, and any time limitations. The bond shall not be fully released without a final inspection of the completed work by the Responsible Authority, submission of "as-built" plans, and certification of completion by the Responsible Authority that the stormwater management facilities comply with the approved plan and the provisions of this ordinance. A procedure may be used to release parts of the bond held by the Responsible Authority after various stages of construction have been completed and accepted by the Responsible Authority. The procedures used for partially releasing performance bonds must be specified by the Responsible Authority in writing prior to stormwater management plan approval.

[1) a cash bond posted within the Town treasury or 2) a surety bond that the town could investigate/approve. Language should be consistent with language currently under review/development by Town Counsel.]

The bond requirement under this ordinance may be waived by the Responsible Authority provided that a bond is required by another agency in the amount equal to or greater than the total estimated construction cost of the stormwater management facilities for the project.

8.0 INSPECTION

8.1 Inspection Schedule and Reports

- A. The developer shall notify the Responsible Official at least 48 hours before commencing any work in conjunction with the stormwater management plan and upon completion of the project when a final inspection will be conducted.
- B. The developer shall retain a professional engineer licensed in the State to conduct inspections. Written inspection reports shall be made of the periodic inspections necessary during construction of stormwater management systems to ensure compliance with the approved plans.
- C. Written inspection reports shall be provided by the developer's engineer to the Responsible Authority on a standard form provided by the Town.
- D. The owner/developer and on-site personnel shall be notified in writing when violations are observed. Written notification shall describe the nature of the violation and the required corrective action.
- E. No work shall proceed until the Responsible Authority approves the work previously completed. The inspector shall provide the developer and Responsible Authority with the results of the inspection reports as soon as possible after completion of each required inspection.

8.2 Inspection Requirements During Construction

- A. At a minimum, inspections shall be made and documented at the following specified stages of construction:
 - (1) For stormwater ponds:
 - (a) Upon completion of excavation to sub-foundation and when required, installation of structural supports or reinforcement for structures, including but not limited to:

- (i) Core trenches for structural embankments
 - (ii) Inlet and outlet structures, anti-seep collars or diaphragms, and watertight connectors on pipes; and
 - (iii) Trenches for enclosed storm drainage facilities;
 - (b) During placement of structural fill, concrete, and installation of piping and catch basins;
 - (c) During backfill of foundations and trenches;
 - (d) During embankment construction; and
 - (e) Upon completion of final grading and establishment of permanent stabilization.
- (2) For stormwater wetlands – at the stages specified for pond construction in 8.2 A (1) of this section, during and after wetland reservoir area planting, and during the second growing season to verify a vegetation survival rate of at least 50 percent.
- (3) For infiltration trenches:
- (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems and observation wells;
 - (c) During placement of geotextiles and all filter media;
 - (d) During construction of appurtenant conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures; and
 - (e) Upon completion of final grading and establishment of permanent stabilization;
- (4) For infiltration basins – at the stages specified for pond construction in 8.2 A (1) of this section and during placement and backfill of underdrain systems.
- (5) For filtering systems:
- (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems;
 - (c) During placement of geotextiles and all filter media;
 - (d) During construction of appurtenant conveyance systems such as flow diversion structures, pre-filters and filters, inlets, outlets, orifices, and flow distribution structures; and
 - (e) Upon completion of final grading and establishment of permanent stabilization.
- (6) For open channel systems:
- (a) During excavation to subgrade;
 - (b) During placement and backfill of underdrain systems for dry swales;
 - (c) During installation of diaphragms, check dams, or weirs; and
 - (d) Upon completion of final grading and establishment of permanent stabilization.
- (7) For nonstructural practices – upon completion of final grading, the establishment of permanent stabilization, and before issuance of use and occupancy approval.
- (8) For secondary treatment practices, including subsurface manufactured devices:

- (a) During excavation to subgrade;
 - (b) During placement and backfill of treatment unit;
 - (c) During construction of appurtenant conveyance systems such as diversion structures, pre-filters and filters, inlets, outlets, and flow distribution structures; and
 - (e) Upon completion of final grading and establishment of permanent stabilization;
- B. The Responsible Authority may, for enforcement purposes, use any one or a combination of the following actions:
 - (1) A notice of violation shall be issued specifying the need for a violation to be corrected if the stormwater management plan noncompliance is identified;
 - (2) A stop work order shall be issued for the site by the Responsible Authority if a violation persists;
 - (3) Bonds or securities may be withheld or the case may be referred for legal action if reasonable efforts to correct the violation have not been undertaken; or
 - (4) In addition to any other sanctions, a civil action or criminal prosecution may be brought against any person in violation of the Stormwater Management subtitle or this ordinance.
- C. Any step in the enforcement process may be taken at any time, depending on the severity of the violation.
- D. Once construction is complete, as-built plan certification shall be submitted by a professional engineer licensed in the State to ensure that constructed stormwater management practices and conveyance systems comply with the specifications contained in the approved plans. At a minimum, as-built certification shall include a set of drawings comparing the approved stormwater management plan with what was constructed the Responsible Authority may require additional information.

9.0 MAINTENANCE

9.1 Maintenance Inspection

- A. The owner (or the developer during construction) shall ensure that all stormwater management systems are inspected for performance of preventative maintenance. Inspection shall occur during the first year of operation and at least once every 3 years thereafter. In addition, a maintenance agreement between the owner and the Responsible Authority shall be executed for privately owned stormwater management systems as described in 9.2 of this section.
- B. The owner (or the developer during construction) shall maintain inspection reports for all stormwater management systems.
- C. Inspection reports for stormwater management systems shall include the following:
 - (1) The date of inspection;
 - (2) Name of inspector;
 - (3) The condition of:
 - (a) Vegetation or filter media;
 - (b) Fences or other safety devices;

- (c) Spillways, valves, or other control structures;
- (d) Embankments, slopes, and safety benches;
- (e) Reservoir or treatment areas;
- (f) Inlet and outlet channels or structures;
- (g) Underground drainage;
- (h) Sediment and debris accumulation in storage and forebay areas;
- (i) Any nonstructural practices to the extent practicable; and
- (j) Any other item that could affect the proper function of the stormwater management system.

(4) Description of needed maintenance.

- D. After notification is provided to the owner of any deficiencies discovered from an inspection of a stormwater management system, the owner shall have 30 days or other time frame mutually agreed to between the Responsible Authority and the owner to correct the deficiencies. The Responsible Authority shall then conduct a subsequent inspection to ensure completion of the repairs.
- E. If repairs are not undertaken or are not done properly, then enforcement procedures following 9.2 C of this section shall be followed by the Responsible Authority
- F. If, after an inspection by the Responsible Authority, the condition of a stormwater management facility presents an immediate danger to the public health or safety, because of an unsafe condition or improper maintenance, the Responsible Authority shall take such action as may be necessary to protect the public and make the facility safe. Any cost incurred by (City Name) shall be assessed against the owner(s), as provided in Section 9.2 C.

9.2 Maintenance Agreement

- A. Prior to the issuance of any building permit for which stormwater management is required, the Responsible Authority shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by a private stormwater management facility. Such agreement shall provide for access to the facility at reasonable times for regular inspections by the Responsible Authority or its authorized representative to ensure that the facility is maintained in proper working condition to meet design standards.
- B. The applicant and/or owner shall record the agreement in the land records of (City Name).
- C. The agreement shall also provide that, if after notice by the Responsible Authority to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner(s) within a reasonable period of time (30 days maximum), the Responsible Authority may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties. This may be accomplished by placing a lien on the property, which may be placed on the tax bill and collected as ordinary taxes by the County/Municipality.

9.3 Maintenance Responsibility

- A. The owner of the property on which work has been done pursuant to this ordinance for private stormwater management facilities, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with approved plans.

- B. A maintenance schedule shall be developed for the life of any stormwater management facility and shall state the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be printed on the approved stormwater management plan.

10.0 APPEALS

Any person aggrieved by the action of any official charged with the enforcement of this ordinance, as the result of the disapproval of a properly filed application for a permit, issuance of a written notice of violation, or an alleged failure to properly enforce this ordinance in regard to a specific application, shall have the right to appeal in a manner prescribed in the regulations and procedures of the Responsible Authority and the State of Connecticut.

11.0 SEVERABILITY

If a court of competent jurisdiction holds any portion of this ordinance invalid or unconstitutional, such portion shall not affect the validity of the remaining portions of this ordinance. It is the intent of (City Name) that this ordinance shall stand, even if a section, subsection, sentence, clause, phrase, or portion may be found invalid.

12.0 PENALTIES

Any person convicted of violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) or imprisonment not exceeding 1 year or both for each violation with costs imposed in the discretion of the court. Each day that a violation continues shall be a separate offense. In addition, the Responsible Authority may institute or cause to be instituted injunctive, mandamus or other appropriate action or proceedings of law to correct violations of this ordinance. Any court of competent jurisdiction shall have the right to issue temporary or permanent restraining orders, injunctions or mandamus, or other appropriate forms of relief.

13.0 EFFECTIVE DATE

And be it further enacted, that this ordinance shall take effect [number] days from the date it becomes adopted.

ATTACHMENT B

Tolland Zoning Regulation Amendments
Low Impact Development

ARTICLE XXIV LOW IMPACT DEVELOPMENT

The Town of Tolland requires that Low Impact Development techniques be implemented on all development projects within the boundaries of the Town to protect high quality wetlands, watercourses, open water bodies and other sensitive areas from the impacts of point and non-point sources of storm water due to land development projects.

The concept of Low Impact Development (LID) utilizes many tools to reduce the impact of development on the environment. A primary benefit of LID is a better balance between Conservation of Natural Resources, growth, ecosystem protection and the public health.

A. Goals of Low Impact Development

- Preserve Open Space within developments by using Cluster and Open Space subdivision standards as found in Section 170-38 of these regulations.
- Incorporate natural site elements (ridge lines, significant trees, open meadows, suitable soils for infiltration, wetlands and streams) into the design as features.
- Minimize land clearing and disturbance and increase natural landscape buffers at the limit of development to improve storm water management.
- Incorporate decentralized storm water management systems in to the site design, treat storm water runoff at its source, disconnect impervious areas.
- Maintain pre-development Times of Concentrations for post-development runoff Maintain sheet flow to the maximum extent possible, avoid concentrating runoff, reduce runoff volumes by infiltration.
- Provide water quality treatment to remove pollutants from storm water, pollution, modify human activities to reduce the introduction of pollutants into the environment.
- Encourage public education and participation in environmental protection within the community

B. Benefits of Low Impact Development

There are many benefits associated with the use of Low Impact Development for all of the stakeholders in the development field. The three stakeholders in the development field are the environment, the municipality, and the developer. The benefits of LID for each stakeholder are stated below.

1. Environmental Benefits:

- Preserve the biological and ecological integrity of natural systems through the preservation of trees and natural vegetation,
- Protect the water quality by reducing sediment, nutrient and toxic loads to wetland/watercourse aquatic environments and also terrestrial plants and animals.

2. Municipality Benefits:

- Increase collaborative public/private partnerships on environmental protection by the protection of regional flora and fauna.
- Balance Growth needs with environmental protections.
- Reduce municipal infrastructure and utility maintenance costs (roads, and storm water drainage systems)

3. Developer Benefits:

- Reduce land clearing and earth disturbance costs, reduce infrastructure costs (roads, storm water conveyance and treatment systems)
- Reduce storm water management costs by the reduction of structural components of a drainage system.
- Increase quality of building lots and community marketability.

C. Low Impact Development Strategies

1. Vegetation and Soils:

- Retain native forest cover on undeveloped sites, restore vegetated area on previously cleared sites when possible as vegetation captures rainfall, thus increasing evapotranspiration and infiltration.

2. Site Design:

- Define and locate Critical Resource areas, such as wetlands/watercourses, unusual forest features, and soils with moderate to high infiltrative capacities, locate roads, driveways, parking areas, home sites and other buildings away from critical resource areas
- Minimize impervious surfaces such as roads, driveways, parking areas, and roof tops. Eliminate direct discharges of runoff from impervious areas to wetlands and watercourses

3. Storm Water Management:

- Reduce reliance on the use of traditional storm water collection and conveyance systems (catch basins, pipes, and detention basins) and use small scale storm water management systems, such as bioretention, and rain gardens. Integrate source storm water controls during the design process.
- Create a site design that slows runoff from rainfall events and increases the amount of time that runoff stays on the site. Incorporate multiple Low Impact Development treatment systems in a treatment train to increase the redundancy of the system to reduce the possibility of system failure

4. Education and Maintenance

- Develop reliable long-term maintenance protocols for LID systems with built in enforcement provisions.

- Educate homeowners, building owners and landscape contractors on the appropriate maintenance requirements for LID systems

D. Types of LID Storm Water Systems:

1. Vegetated Systems:

- Vegetated Buffers, Rain Gardens, Bioretention Systems, Water Quality Swales (wet and dry), Grass Filter Strips, Vegetated Level Spreaders, and Vegetated Roofs

2. Infiltration Systems:

- Soil Amendments, Surface Sand Filters, Underground Sand Filters, Gravel Infiltration Trenches, Underground Infiltration Systems, (large diameter perforated PVC pipes and galleries), and Tree Wells

3. Surface Treatment Systems:

- Permeable Pavement, Permeable Concrete, Concrete or PVC Pavers with gravel or grass surface

4. Storm Water Ponds and Wetland Systems:

- Wet Ponds, Multiple Ponds in series, Gravel Wetland Systems, Micropool extended detention pond, Shallow Wetlands, Pond/wetland system, and Extended detention ponds

Refer to Town of Tolland Design Manual for more information on individual systems.

References:

1. Low-Impact Development Design Strategies – An Integrated Design Approach
Prepared by: Prince George’s County, Maryland; Department of Environmental Resources, Programs and Planning Division; June 1999
2. Low-Impact Development Hydrologic Analysis
Prepared by: Prince George’s County, Maryland; Department of Environmental Resources, Programs and Planning Division; July 1999
3. LOW IMPACT DEVELOPMENT – Technical Guidance Manual for Puget Sound; January 2005
Prepared by Puget Sound Action Team * Washington State University Pierce County Extension
4. 2004 Connecticut Stormwater Quality Manual by the Connecticut Department of Environmental Protection
5. 2002 Connecticut Guidelines for Soil Erosion and Sediment Control by The Connecticut Council on Soil and Water Conservation in Cooperation with the Connecticut Department of Environmental Protection

ATTACHMENT C
Example LID Site Design Credit System



LOW IMPACT DEVELOPMENT (LID) SITE DESIGN CREDIT SYSTEM

DRAFT

The Low Impact Development (LID) Site Design Credits encourage environmentally sensitive site design and Low Impact Development techniques for managing stormwater that minimize impervious surfaces and preserve natural hydrologic conditions. The credits allow project proponents to reduce or eliminate the structural stormwater BMPs otherwise required to meet Standards 3 and 4 by directing stormwater runoff to qualifying pervious surfaces that provide recharge and treatment.

Available LID Site Design Credits

There are five types of LID credits that can be obtained:

- Credit 1 – Natural Area Conservation,
- Credit 2 – Environmentally Sensitive Development,
- Credit 3 – Rooftop Runoff Directed to Qualifying Pervious Area,
- Credit 4 – Roadway, Driveway or Parking Lot Runoff Directed to Qualifying Pervious Area,
- Credit 5 – Sheet Flow to Buffer.

The credits may be used to reduce the required Groundwater Recharge Volume (GRV) and the required Water Quality Volume (WQV) provided that any pervious surfaces used to treat and infiltrate stormwater runoff meet the requirements set forth herein. A proponent of a project that is eligible for the site design credit is required to comply with all other applicable stormwater management standards. The application of these credits does not relieve the design engineer or reviewer from the standard of engineering practice associated with safe conveyance of stormwater runoff and good drainage design.

Not Eligible for Credits

The LID Site Design Credits may not be applied to reduce the required Groundwater Recharge Volume and the required Water Quality Volume:

- At sites where stormwater runoff is directed to non-permeable soils, such as bedrock and soils classified as Hydrologic Soil Group D; and
- At sites with urban fill, soils classified as contaminated pursuant to the Connecticut Remediation Standards Regulations, and soils with seasonal high groundwater – groundwater elevation within 2 feet of the land surface.

Sites with land uses with higher potential pollutant loads are not eligible for Credit No. 2.

Sites with land uses with higher potential pollutant loads are eligible for Credits 3 and 4, provided that no runoff from the areas or activities that may generate runoff with higher potential pollutant loads is directed to the pervious surfaces used to satisfy the credit, and provided further that the proposal satisfies all the other requirements set forth herein.



Runoff from metal roofs is only eligible for Credit 3 when the metal roof is located outside a recharge areas for public water supplies (groundwater and surface water supplies) and the building is not used for industrial purposes.

Runoff from green roofs is not eligible for Credit 3.

1. Natural Area Conservation Credit

A credit is given when natural areas are conserved at development sites, thereby preserving predevelopment hydrologic and water quality characteristics. A simple WQV credit is granted for all conservation areas permanently protected under conservation easements. Under this credit, the design engineer can subtract the conservation areas from the total site area when computing the water quality volume. The volumetric runoff coefficient, R, is still based upon the percent impervious cover for the entire site. As an additional incentive, the post-development curve number (CN) for all natural areas permanently protected can be assumed to be woods in good condition when calculating the total site CN.

Minimum Criteria for Credit:

- The area shall not be disturbed during the construction process.
- The area shall be protected from having the limits of disturbance clearly shown on all construction and mitigation plans and shall be delineated in the field.
- The area shall be located within an acceptable conservation easement or other enforceable instrument that provides perpetual protection of the area.
- The area shall be located on the development project site.

2. Environmentally Sensitive Development Credit

This credit is given for environmentally sensitive site design techniques that “cluster development” or reduce development scale, to leave a significant amount of the site undisturbed in its natural state. If a site is designed, constructed, operated and maintained in accordance with the requirements of this credit, the credit eliminates the need for structural practices to treat the WQV (Standard 4) and GRV (Standard 5) for low density or cluster residential developments.

Minimum Criteria for Credit:

Single Lot Development

- Total site impervious cover is less than 15%.
- Lot size shall be at least 1 acre.
- Rooftop runoff is disconnected in accordance with the criteria listed in Credit 3 and qualifying pervious areas are used to convey runoff from roads and driveways instead of curb and gutter systems in accordance with the criteria listed in Credit 4.

Multiple Lot Development

- Total site impervious cover is less than 15%.
- Lot size shall be at least 1 acre if clustering techniques are not used.



- If clustering techniques are used, the average lot shall not be less than _____ square feet, which is the minimum residential lot size as identified in the Town of _____ Building Zone Regulations.
- Rooftop runoff is disconnected in accordance with the criteria listed in Credit 3 and qualifying pervious areas are used to convey runoff from roads and driveways instead of curb and gutter systems in accordance with the criteria listed in Credit 4.
- A minimum of 25% of the site is placed in a natural conservation area maintained by an acceptable conservation easement or other enforceable instrument that provides perpetual protection of the area.

3. Rooftop Runoff Directed to Qualifying Pervious Area Credit

This credit is available when rooftop runoff is directed to a qualifying pervious area where it can either infiltrate into the soil or flow over it with sufficient time and reduced velocity to allow for filtering. Qualifying pervious areas are relatively flat locations, where the discharge is directed via sheet flow and not as a point source discharge. The credit may be obtained by grading the site to induce sheet flow over specially designed flat vegetated areas or bioretention areas that can treat and infiltrate rooftop runoff. If rooftop runoff is adequately directed to a qualifying pervious area, the rooftop area can be deducted from total impervious area, therefore reducing the required WQV and the size of the structural treatment practices.

Minimum Criteria for Credit:

- To take credit for rooftop disconnection associated with a land use with higher potential pollutant loads, the rooftop runoff must not commingle with runoff from any paved surfaces or activities or areas on the site that may generate higher pollutant loads.
- Disconnection shall cause no basement seepage.
- The contributing area of the rooftop to each disconnected discharge point (gutter pipe) shall not exceed 1,000 square feet.
- The length of the qualifying pervious area shall be 75 feet or greater.
- The width of the qualifying pervious area (in feet) shall be equal to or greater than the roof length. For example, if a roof section is 20 feet wide by 50 feet long (1,000 ft² roof), the width of the qualifying pervious area shall be at least 50 feet.
- Dry wells, rain gardens, or other filtration/infiltration treatment practices may be utilized to compensate if the disconnection length is less than 75 feet.
- Although they may abut, there shall be no overlap between qualifying pervious areas. For example, the runoff from two 1,000 square foot sections of roof must be directed to separate qualifying pervious areas. They may not be directed to the same area.
- The lot must be greater than _____ square feet.
- The slope of the qualifying pervious area shall be less than or equal to 5%.
- Where provided, downspouts must be at least 10 feet away from the nearest impervious surface to discourage reconnection to the stormwater management system.
- Where a gutter/downspout system is not used, the rooftop runoff must be designed to sheet flow at low velocity away from the structure housing the roof.
- Qualifying pervious areas should be located on relatively permeable soils (HSG "A" and "B"). A soil evaluation by a Registered Professional Engineer or soil scientist is required to confirm the soil type. The soil evaluation shall also confirm that the depth to groundwater is 2 feet or more and that the long-term saturated hydraulic conductivity of



the soil is at least 0.17 inches/hour. The soil evaluation must identify the soil texture, Hydrologic Soil Group and depth to groundwater. For saturated hydraulic conductivity, use Rawls Rates for the actual location where the qualifying pervious area is located.

- If a qualifying pervious area is located in less permeable soils (HSG "C"), the water table depth and permeability shall be evaluated by a Registered Professional Engineer to determine if a spreading device is needed to sheet flow stormwater over vegetated surfaces.
- To prevent compaction of the soil in the qualifying pervious area, construction vehicles must not be allowed to drive over the area. If it becomes compacted, the soil must be amended, tilled and revegetated to restore its infiltrative capacity once construction is complete.
- The qualifying pervious area may not include any wetland areas.
- The qualifying pervious area must be owned or controlled (e.g., drainage easement) by the property owner.
- For those rooftops draining directly to a buffer, only the rooftop disconnection credit or the buffer credit may be taken, not both.

4. Roadway, Driveway or Parking Lot Runoff Directed to Qualifying Pervious Area Credit

Credit is given for practices that direct runoff from impervious roads, driveways, and parking lots to pervious areas where plants provide filtration (through sheet flow) and infiltration into the soil can occur. This credit can be obtained by grading the site to promote overland vegetative filtering and infiltration. This credit is available for paved driveways, roads, and parking lots associated with all land uses, except for high-intensity parking lots that generate 1,000 or more vehicle trips per day or runoff not segregated from land uses with higher potential pollutant loads.

Disconnected impervious areas can be subtracted from the site impervious area when computing the WQV. In addition, disconnected impervious surfaces can be used to reduce the GRV.

Minimum Criteria for Credit:

- The maximum contributing impervious flow path length shall be 75 feet.
- The length of the qualifying pervious area must be equal to or greater than the length of the contributing impervious area.
- Dry wells, rain gardens, or other filtration/infiltration treatment practices may be utilized to compensate if the site cannot meet the required length of the qualifying pervious area.
- The width of the qualifying pervious area shall be no less than the width of the contributing impervious surface. For example, if a driveway is 15 feet wide, the qualifying pervious area width shall be no less than 15 feet.
- The entire qualifying pervious area shall be on a slope less than or equal to 5%.
- The impervious area draining to any one discharge location cannot exceed 1,000 square feet.
- Qualifying pervious areas should be located on relatively permeable soils (HSGs A and B). A soil evaluation is required to confirm the soil type. The soil evaluation shall also



confirm that the depth to groundwater is 2 feet or more, and that the long term saturated hydraulic conductivity of the soil is at least 0.17 inches/hour. For saturated hydraulic conductivity, use Rawls Rates for the actual location where the qualifying pervious area is located.

- If a qualifying pervious area is located in less permeable soils (HSG C), the water table depth and permeability shall be evaluated by a Registered Professional Engineer to determine if a spreading device is needed to sheet flow stormwater over vegetated surfaces.
- To prevent compaction, construction vehicles must not be allowed to drive over the qualifying pervious area. If compacted, the soil must be amended, tilled, and revegetated once construction is complete to restore its infiltrative capacity.
- Runoff from driveways, roadways and parking lots may be directed over soft shoulders, through curb cuts, or level spreaders to qualifying pervious areas. Measures must be employed at the discharge point to the qualifying pervious area to prevent erosion and promote sheet flow.
- The qualifying pervious area may not include any wetland areas.
- The qualifying pervious area must be owned or controlled (e.g., drainage easement) by the property owner.
- For those rooftops draining directly to a buffer, only the rooftop disconnection credit or the buffer credit may be taken, not both.

5. Sheet Flow to Buffer Credit

This credit is given when stormwater is effectively treated by a natural buffer to a stream or forested area. Effective treatment is achieved when pervious and impervious area runoff is discharged to a grass or forested buffer via overland flow. The use of a filter strip is recommended to treat overland flow in the green space of a development site. This credit includes subtracting the area draining by sheet flow to a buffer from the total area in the WQV calculation and the area draining to the buffer contributes to the GRV requirement.

Minimum Criteria for Credit:

- The minimum stream buffer width (i.e., perpendicular to the stream flow path) shall be 50 feet as measured from the bank elevation of a stream or the boundary of a wetland.
- The maximum contributing path shall be 150 feet for pervious surfaces and 75 feet for impervious surfaces.
- The average contributing overland slope to and across the stream buffer shall be less than or equal to 5%.
- Runoff shall enter the stream buffer as sheet flow. A level spreading device shall be utilized where local site conditions prevent sheet flow from being maintained.
- The credit is not applicable if rooftop or non-rooftop disconnection is already provided (i.e., no double counting).
- Stream buffers shall remain unmanaged other than routine debris removal.
- Buffers shall be protected by an acceptable conservation easement or other enforceable instrument that provides perpetual protection of the area.

ATTACHMENT D
Example Stormwater Management Standards



STORMWATER MANAGEMENT STANDARDS

DRAFT

The following stormwater standards establish minimum stormwater management criteria for all development and redevelopment activities in the Town of _____ and reflect the unique natural resources and development characteristics of the Town of _____. These standards encourage groundwater recharge and reduce the potential for stormwater discharges to cause or contribute to pollution of surface water and groundwater. The standards also promote low impact development (LID) techniques, the removal of illicit discharges to stormwater management systems, and improved operation and maintenance of stormwater BMPs. The standards are also consistent with the recommended stormwater management approaches and design guidance contained in the Connecticut Department of Environmental Protection *Connecticut Stormwater Quality Manual*.

Standard 1: Stormwater Management Practices

Stormwater Management Practices shall be used to meet the conditions below for control of peak flow and total volume of runoff, water quality protection, and maintenance of on-site groundwater recharge.

- A. Stormwater management practices shall be selected to accommodate the unique hydrologic and geologic conditions of the site.
- B. Proponents shall demonstrate how the proposed control(s) will comply with these standards, including the control of peak flow and total volume of runoff, protection of water quality, and recharge of stormwater to groundwater. The proponent must provide design calculations and other back-up materials necessary.
- C. At the discretion of the Stormwater Authority, stormwater management systems shall incorporate designs that allow for shutdown and containment in the event of an emergency spill or other unexpected contamination event.
- D. Pumping of stormwater is prohibited as part of a proposed stormwater management system design because of the significant runoff volumes, maintenance requirements, standby power requirements, and overflows associated with large storms. All other feasible approaches must be investigated to avoid the use of pumps for stormwater management. If the event the Stormwater Authority determines that pumps are necessary, the proponent must submit required backup information as described in the _____ Stormwater Drainage Manual.

Standard 2: Low Impact Development

- A. Project proponents must consider the use of environmentally-sensitive site design and Low Impact Development (LID) techniques to reduce runoff rates, volumes, and pollutant loads. The proponent shall demonstrate why the use of environmentally-sensitive site design and LID techniques is not possible before proposing to use traditional, structural stormwater management measures. Such environmentally-sensitive site design and LID techniques include, but are not limited to:

- a. Identify, map, and preserve the site's natural features and environmentally sensitive areas such as wetlands, native vegetation, mature trees, slopes, drainageways, permeable soils, flood plains, woodlands and soils to the greatest extent possible;
- b. Minimize grading and clearing;
- c. Delineate potential building envelopes, avoiding environmental resource areas and appropriate buffers by clustering buildings and reducing building footprints;
- d. Develop methods to minimize impervious surfaces, and protect and preserve open space. Reduce impervious surfaces wherever possible through alternative street design, such as omission of curbs and use of narrower streets, shared driveways and through the use of shared parking areas;
- e. Lengthen flow paths and maximize sheet flow;
- f. Use nonstructural, low-tech methods including open drainage systems, disconnection of roof runoff, and street sweeping where possible;
- g. Use native plant vegetation in buffer strips and in rain gardens (small planted depressions that can trap and filter runoff);
- h. Use drought-resistant vegetation;
- i. Manage runoff using smaller, decentralized, low-tech stormwater management techniques to treat and recharge stormwater close to the source in place of a centralized system comprised of closed pipes that direct all the drainage from the entire site into one large detention basin.
- j. Integrate management techniques into the site design to create a hydrologically functional lot or development site, including but not limited to grass swales along roads, rain gardens, buffer strips, green roofs, tree box filters, use of amended soils that will store, filter and infiltrate runoff, bioretention areas (rain gardens), rain barrels and cisterns, and permeable pavement.

[NOTE: An "LID Site Design Credit" is available to encourage proponents to incorporate LID techniques in their projects. In exchange for directing runoff from roads and driveways to vegetated open areas, preserving natural areas on development sites, or directing runoff to landscaped or undisturbed areas, the LID credit system allows developers to reduce in size or eliminate the traditional BMPs used to treat and infiltrate stormwater. By using this credit, proponents can reduce the volume of stormwater subject to the Water Quality and Groundwater Recharge Standards. The proposed LID Site Design Credits include:

- Credit 1 – Natural Area Conservation
- Credit 2 – Environmentally Sensitive Development
- Credit 3 – Rooftop Runoff Directed to Qualifying Pervious Area
- Credit 4 – Roadway, Driveway or Parking Lot Runoff Directed to Qualifying Pervious Area]



Standard 3: Protection of Natural Hydrology

[NOTE: These standards are further reinforced through the LID Credit System.]

- A. Site disturbance shall be minimized. The area outside the project disturbance area shall be maintained at natural grade and retaining existing, mature vegetated cover. The project disturbance area shall be depicted on the design, construction, and mitigation plans and shall be delineated in the field prior to commencing land disturbance activities. The project disturbance area shall include only the area necessary to reasonably accommodate construction activities.
- B. Soil compaction on site shall be minimized by using the smallest (lightest) equipment possible and minimizing travel over areas that will be revegetated (e.g., lawn areas) or used to infiltrate stormwater (e.g., bioretention areas). In no case shall excavation equipment be placed in the bottom of an infiltration area during construction.
- C. Development shall follow the natural contours of the landscape. A grading plan shall be submitted as part of the site plan review process showing both existing and finished grades for the proposed development. The original, natural grade of a lot shall not be raised or lowered more than 10 feet at any point for the construction of any structure or improvements. Retaining walls must comply with the requirements of the Building Zone Regulations. Basements that reach grade should be constructed as walk-outs.
- D. No ground disturbed as a result of site construction and development shall be left as exposed bare soil at project completion. All areas exposed by construction, with the exception of finished building, structure, and pavement footprints, shall be decompacted (aerated) and covered with a minimum thickness of six inches of non-compacted topsoil, and shall be subsequently planted with a combination of living vegetation such as grass, groundcovers, trees, and shrubs, and other landscaping materials (mulch, loose rock, gravel, stone).
- E. Priority shall be given to maintaining existing surface waters and systems, including, but not limited to, perennial and intermittent streams, wetlands, vernal pools, and natural swales.
- F. Where roadway or driveway crossings of surface waters cannot be eliminated, disturbance to the surface water shall be minimized, hydrologic flows shall be maintained, there shall be no direct discharge of runoff from the roadway to the surface water, and the area shall be revegetated post-construction.
- G. Roadway and driveway crossings over streams shall comply with the Connecticut Department of Environmental Protection *Stream Crossing Guidelines* (as amended) to accommodate high flows, minimize erosion, and support aquatic habitat and wildlife passage.

Standard 4: Post-Development Peak Discharge

- A. Stream Channel Protection – The two-year, 24-hour post-development peak flow rate shall be (a) less than or equal to 50 percent of two-year, 24-hour storm pre-development



peak flow rate and (b) less than or equal to the one-year, 24-hour storm pre-development peak flow rate. This Standard may be waived under certain conditions, as described in the *Connecticut Stormwater Quality Manual*.

- B. Conveyance Protection – The 10-year, 24-hour post-development peak flow rate shall not exceed the pre-development peak flow rate for all flows within internal and external conveyance systems associated with stormwater treatment practices.
- C. Peak Runoff Attenuation – The 10-year and 25-year, 24-hour post-development peak flow rate shall not exceed the pre-development peak flow rate for all flows off-site. This Standard may be waived for sites that discharge to a large river, lake, estuary, tidal waters, or land subject to coastal storm flows, as described in the *Connecticut Stormwater Quality Manual*.
- D. Emergency Outlet Sizing - size the emergency outlet to safely pass the post-development peak runoff from the 100-year storm in a controlled manner without eroding the outlet works and downstream drainages and property.
- E. Measurement of peak discharge rates shall be calculated using point of discharge or the downgradient property boundary. The topography of the site may require evaluation at more than one location if flow leaves the property in more than one direction. Calculations shall include runoff from adjacent upgradient properties. A proponent may demonstrate that a feature beyond the property boundary is more appropriate as a design point.
- F. A downstream hydrologic analysis must be performed to determine whether peak flows, velocities, and hydraulic effects are attenuated by controlling the 2-year, 10-year, 25-year and 100-year, 24-hour storms. This analysis must be performed at the outlet(s) of the site and at critical downstream locations (stream confluences, culverts, other channel constrictions, and flood-prone areas) to a confluence point where the site drainage area represents 10% of the total drainage area above that point.
- G. The proponent shall provide pre- and post-development total runoff volumes. The post-development total runoff volume shall be equal to 90 to 110 percent of the pre-development total runoff volume (based on a 2-year, 10-year, 25-year, and 50-year, 24-hour storms). Calculations shall include runoff onto the project site from adjacent up-gradient properties.



Standard 5: Water Quality

- A. Stormwater management systems shall be designed to remove 80% of the average annual post-construction load of Total Suspended Solids (TSS). This standard is met when:
 - a. Suitable practices for source control and pollution prevention are identified in a long-term pollution prevention plan, and thereafter are implemented and maintained;
 - b. Stormwater management practices are sized to treat the Water Quality Volume or Water Quality Flow;
 - c. Appropriate pretreatment is provided in accordance with the _____ Stormwater Drainage Manual; and
 - d. Stormwater treatment practices are maintained as designed.

- B. Compliance with the groundwater recharge requirements under Standard 6 shall be considered adequate to meet the treatment standards specified in 5.A above for the Groundwater Recharge Volume.

Standard 6: Groundwater Recharge

Loss of annual recharge to groundwater shall be eliminated or minimized to the maximum extent practicable through the use of infiltration measures including environmentally sensitive site design, low impact development techniques, stormwater management practices, and good operation and maintenance. At a minimum the annual recharge from the post-development site shall approximate the annual recharge from the pre-development or existing site conditions. Infiltration of stormwater runoff from land uses with higher potential pollutant loads near or to a critical area is prohibited. A discharge is near a critical area if there is a strong likelihood of a significant impact occurring to a critical area, taking into account site-specific factors.

- A. For all areas covered by impervious surfaces, the total volume of recharge that must be maintained shall be calculated as follows:

[NOTE: The NRCS classifies soils into four hydrologic groups A thru D indicative of the minimum infiltration obtained for a soil after prolonged wetting. Group A soils have the lowest runoff potential and the highest infiltration rates, while Group D soils have the highest runoff potential and the lowest infiltration rates. The prescribed stormwater volume that is required to be infiltrated must be determined using existing site conditions and the infiltration rates set forth below.

Hydrologic Group Volume to Recharge (x Total Impervious Area)

Hydrologic Group	Volume to Recharge x Total Impervious Area
A gravels, sand, loamy sand or sandy loam	0.6 inches of runoff
B silty loam	0.35 inches of runoff
C sandy clay loam	0.25 inches of runoff
D clay, silty clay loam, sandy clay, silty clay	0.10 inches of runoff

For each NRCS Hydrologic Group on the site, the volume that must be recharged equals the recharge volume above multiplied by the total area within that NRCS Hydrologic Group



that is impervious. Infiltration of these volumes must be accomplished using appropriate BMPs. These BMPs include bioretention areas, rain gardens, dry wells, infiltration basins, infiltration chambers and galleys, infiltration trenches, leaching catch basins, and vegetated filter strips. Roof runoff may be infiltrated without any treatment, and that infiltrated volume may be used to satisfy the total recharge volume and reduce the water quality volume.

To size infiltration BMPs, proponents may use either the static method or the dynamic infiltration method. The static method assumes that the entire volume is discharged to storage instantaneously, is easy to calculate and generally results in a larger recharge volume than the dynamic method. The dynamic method assumes that the recharge BMP is infiltrating as it fills and requires certain technical calculations that take this recharge into account when sizing the infiltration BMP.]

- B. When designing infiltration BMPs, adequate subsurface information needs to be obtained. Infiltration systems must be installed in soils capable of absorbing the recharge volume (i.e. not D soils). Surface infiltration structures must be able to drain fully within 72 hours. In addition, there must be at least a three-foot separation from the bottom of the infiltration structure and the seasonal high ground water table or bedrock/ledge. Soils under BMPs shall be scarified or tilled to improve infiltration.
- C. Pre-Treatment Requirements – All runoff must be pretreated prior to its entrance into the groundwater recharge device to remove materials that would clog the soils receiving the recharge water. Pretreatment devices shall be provided for each BMP, shall be designed to accommodate a minimum of one-year's worth of sediment, shall be designed to capture anticipated pollutants, and be designed and located to be easily accessible to facilitate inspection and maintenance.
- D. Infiltration of stormwater may be prohibited or subject to additional pre-treatment requirements, at the discretion of the Stormwater Authority, for 1) land uses with higher potential pollutant loads (see Standard 7), 2) areas with soil or groundwater contamination such as brownfield sites, and 3) public drinking water aquifer recharge areas, wellhead protection areas, or water supply intake protection areas.

Standard 7: Land Uses with Higher Potential Pollutant Loads

Stormwater discharges from land uses with higher potential pollutant loads require the use of specific source control and pollution prevention measures and specific stormwater management practices, approved by the Stormwater Authority for such use.

- A. The following uses or activities are considered “high-load areas,” with the potential to contribute higher pollutant loads to stormwater, and must comply with the requirements set forth in this section.
 - a. Areas within an industrial site that are the location of activities subject to the DEP Industrial Stormwater General Permit (except where a No Exposure Certification for Exclusion from the General Permit has been executed)
 - b. Vehicle salvage yards and recycling facilities
 - c. Auto fueling facilities (gas stations and other facilities with on-site vehicle fueling)



- d. Exterior fleet storage areas (cars, buses, trucks, public works equipment)
 - e. Exterior vehicle service, maintenance and equipment cleaning areas
 - f. Commercial parking lots with high intensity use (1,000 vehicle trips per day or more). Such areas typically include fast food restaurants, convenience stores, high turnover (chain) restaurants, shopping centers and supermarkets.
 - g. Road salt storage facilities (if exposed to rainfall)
 - h. Commercial nurseries
 - i. Non-residential facilities having uncoated metal roofs with a slope flatter than 20 percent.
 - j. Outdoor storage and loading/unloading of hazardous substances or materials
 - k. Facilities subject to chemical inventory reporting under Section 312 of the Superfund Amendments and Reauthorization Act of 1986 (SARA), if materials or containers are exposed to rainfall)
 - l. Marinas (service, painting and hull maintenance areas).
 - m. Confined disposal facilities, disposal sites, landfills or wastewater residuals landfills if stormwater that may come into contact with the confined disposal area, disposal site, landfill or wastewater residuals landfill may cause or contribute to the discharge of pollutants to wetlands, surface waters or ground water or otherwise result in a release or threat of release
 - n. Other land uses and activities as designated by the Stormwater Authority
- B. In addition to implementation of BMPs for designing site-specific stormwater management controls, high-load areas shall provide a stormwater pollution prevention plan (SWPPP) describing methods for source reduction and methods for pretreatment.
- C. If a high-load area demonstrates, through a SWPPP, the use of BMPs that result in no exposure of regulated substances to precipitation or runoff or release of regulated substances, it shall no longer be considered a high-load area.
- D. Infiltration of stormwater from high-load areas are prohibited within critical areas (see Standard 8). Infiltration of stormwater from high-load areas outside of critical areas (see Standard 8) is allowed. For such discharges, proponents should use one pretreatment BMP, one terminal treatment BMP, and one infiltration BMP.
- E. For high-load areas, the following stormwater management practices may be used for treatment only if lined or sealed: Sand Filters/Organic Filters (may also be used for pretreatment), Wet Retention Basins, Detention Basins, Constructed Wetlands, Bioretention Areas, including rain gardens (underdrain required).

Standard 8: Critical Areas

- A. Critical Areas are defined as:
- a. Shellfish growing areas,
 - b. Bathing beaches,
 - c. Recharge areas for public water supplies (groundwater and surface water supplies),
 - d. Any listed water bodies and wetlands as designated by the Town of _____.



- B. The stormwater BMPs approved for discharges to or near critical areas shall be designed to treat the Water Quality Volume (WQV) for the post-development site. These practices are included in the *Connecticut Stormwater Quality Manual* and the _____ Stormwater Drainage Manual. These stormwater discharges require the use of a treatment train that provides 80% TSS removal prior to discharge. This treatment train shall include at least one pretreatment BMP, one terminal treatment BMP, and one infiltration BMP.
- C. Infiltration of stormwater from high-load areas are prohibited within critical areas.

Standard 9: Parking

- A. Snow may not be plowed to, dumped in, or otherwise stored within 15 feet of a wetland or waterbody, except for snow that naturally falls into this area. Snow storage areas shall be shown on the site plan to comply with these requirements.
- B. At the discretion of the Stormwater Authority, parking spaces may be required to be constructed of a pervious surface (i.e. grass, pervious asphalt, pervious pavers).
- C. Infrequently used emergency access points or routes shall be constructed with pervious surfaces (i.e. grass, pervious asphalt, pervious pavers).

Standard 10: Redevelopment

- A. Redevelopment projects are defined to include the following:
 - a. Maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems and repaving;
 - b. Development, rehabilitation, expansion and phased projects on previously developed sites; and
 - c. Remedial projects specifically designed to provide improved stormwater management.
- B. Redevelopment of previously developed sites must meet Standards 3, 4, 5, and 6 to the maximum extent practicable as determined by the Stormwater Authority. To make this determination the Stormwater Authority shall consider the benefits of redevelopment as compared to development of raw land with respect to stormwater. All projects involving redevelopment or reuse activities shall also improve existing conditions.
- C. For all redevelopment projects, new stormwater controls (retrofitted or expanded) must be incorporated into the design and result in a reduction in annual stormwater pollutant loads from the site. Proponents of redevelopment projects shall make full use of all opportunities for controlling the sources of pollution and to incorporate environmentally sensitive site design and low impact development techniques. This is particularly important for constrained redevelopment sites where it is not possible to install BMPs that treat the entire water quality volume. All redevelopment projects shall also incorporate measures that will address water quantity issues by reducing the peak and total runoff from the site and by increasing groundwater recharge. Actions to improve existing conditions should address known water quality and water quantity



problems such as documented failures to meet the Surface Water Quality Standards, low stream flow, or repeated flood events.

- D. Redevelopment activities shall not infiltrate stormwater through materials or soils containing regulated or hazardous substances or areas with soil or groundwater contamination.
- E. The portion of a property that is currently undeveloped is not a redevelopment and thus does not fall under Standard 10. Any development on previously undeveloped portions of a property must comply fully with all of the other Stormwater Management Standards.

Standard 11: Construction Erosion and Sediment Control

- A. A plan to control construction related impacts, including erosion, sedimentation, and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation, and pollution prevention plan) must be developed and implemented in accordance with the *Connecticut Guidelines for Soil Erosion and Sediment Control* (as amended).
- B. All development, regardless of the area of disturbance, must implement erosion and sedimentation controls prior to and during construction.

Standard 12: Easements

- A. Where a site is traversed by or requires construction of a watercourse or drainageway, an easement of adequate width may be required for such purpose.
- B. There shall be at least a 10-foot wide permanent maintenance easement corridor on each side of any stormwater management system element, as well as at least a 10-foot wide temporary construction easement corridor contiguous with the boundaries of the permanent easement. For systems using underground pipes, the maintenance easement may need to be wider, depending on the depth of the pipe.

Standard 13: Operation and Maintenance

- A. A long-term Operation and Maintenance (O&M) Plan shall be developed and implemented to ensure that stormwater management systems function as designed. This plan shall be reviewed and approved as part of the review of the proposed permanent (post-construction) stormwater management system and incorporated in the Stormwater Management Plan. Execution of the O&M Plan shall be considered a condition of approval of a stormwater management permit application. If the stormwater management system is not dedicated to the town pursuant to a perpetual offer of dedication, the Stormwater Authority may require a project proponent to establish a homeowners association or similar entity to maintain the stormwater management system. For high-load areas or activities under Standard 7, the O&M Plan shall include implementation of a SWPPP.



- B. The O&M Plan shall at a minimum identify:
 - a. Stormwater management system(s) owners;
 - b. The party or parties responsible for operation and maintenance including how future property owners will be notified of the presence of the stormwater management system and the requirement for proper operation and maintenance;
 - c. The routine and non-routine maintenance tasks to be undertaken after construction is complete and a schedule for implementing those tasks;
 - d. Plan that is drawn to scale and shows the location of all stormwater BMPs in each treatment train along with the discharge point;
 - e. Description and delineation of public safety features; and
 - f. Estimated operations and maintenance budget.
- C. The stormwater management system owner is generally considered to be the landowner of the property, unless other legally binding agreements are established.
- D. The proponent shall include with the stormwater management permit application a mechanism for implementing and enforcing the O&M Plan. The proponent shall identify the lots or units that will be serviced by the proposed stormwater BMPs. The proponent shall also provide a copy of the legal instrument (deed, homeowner's association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of stormwater BMPs. In the event that the stormwater BMPs will be operated and maintained by an entity, municipality, state agency or person other than the sole owner of the lot upon which the stormwater management facilities are placed, the proponent shall provide a plan and easement deed that provides a right of access for the legal entity to be able to perform said operation and maintenance functions, including inspections.

[NOTE: It is recommended that the stormwater management permit include a condition requiring that the responsible party provide a copy of the permit approval and the legal instrument to each unit or lot owner at or before the purchase of each unit or lot to be serviced by the stormwater BMPs.]

- E. The owner shall keep the O&M Plan current, including making modifications to the O&M Plan as necessary to ensure that BMPs continue to operate as designed and approved. Proposed modifications of O&M Plans including, but not limited to, changes in inspection frequency, maintenance schedule, or maintenance activity along with appropriate documentation, shall be submitted to the Stormwater Authority for review and approval within thirty days of change.
- F. Parties responsible for the operation and maintenance of a stormwater management system shall keep records of the installation, maintenance and repairs to the system, and shall retain records for at least five years.
- G. Parties responsible for the operation and maintenance of a stormwater management system shall provide records of all maintenance and repairs during inspections and/or upon request.
- H. When the responsible party fails to implement the O&M Plan, including, where applicable, the SWPPP, the municipality is authorized to assume responsibility for their

implementation and to secure reimbursement for associated expenses from the responsible party, including, if necessary, placing a lien on the subject property.

Standard 14: Stormwater Management Plan

- A. All stormwater management permit applications must include a Stormwater Management Plan. This plan shall document how the proposed project complies with the stormwater standards and must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the State of Connecticut.

Standard 15: Illicit Discharges

- A. All illicit discharges to the stormwater management system are prohibited.

[NOTE: The stormwater management system is the system for conveying, treating, and infiltrating stormwater on site including stormwater best management practices and any pipes intended to transport stormwater to the groundwater, a surface water, or municipal separate storm sewer system. Illicit discharges to the stormwater management system are discharges that are not entirely comprised of stormwater. Notwithstanding the foregoing, an illicit discharge does not include discharges from the following activities or facilities:

- Landscape irrigation,
- Uncontaminated groundwater discharges such as pumped groundwater, foundation drains, water from crawl space pumps, and footing drains,
- Irrigation water,
- Lawn watering runoff,
- Residual street wash water,
- Discharges of uncontaminated air conditioner condensate,
- Discharges of flows from fire fighting activities,
- Discharges containing no chemical additives (including chlorine) from the flushing of fire protection systems, and
- Naturally occurring discharges such as rising groundwater, uncontaminated groundwater infiltration, springs, and flows from riparian habitats and wetlands.]