

Section 5.7, WEST HILL POND PROTECTION OVERLAY DISTRICT

- A. Purpose: This regulation establishes standards and requirements for the use and conservation of land and water within the District in recognition of the valuable natural resource of the pond and the town wide recreational use and benefits of the West Hill Pond.

The purposes of the West Hill Pond Overlay District are to;

- Protect the environmental sensitive land areas surrounding the pond;
- Prevent activities which diminish the water quality;
- Prevent water pollution, including thermal pollution, caused by erosion, sedimentation, nutrient or pesticide runoff, and poorly sited waste disposal facilities;
- Enhance and preserve existing scenic and environmentally sensitive areas along the shoreline;
- Conserve shore cover, encourage native buffer plantings and environmentally sensitive development;
- Protect wildlife habitat within and along the shore of the pond;

B. Applicability

1. Site alterations, regrading, filling or clearing of vegetation, other than routine maintenance of existing lawns, shrubs, gardens, and other landscaping, within the West Hill Pond Overlay District shall be subject to the requirements of this regulation. New construction and replacement of existing structures above ground, underground and in the water shall be subject to the requirements of this regulation, except where existing structures are protected by Article 7 of these Regulations.

2. Nothing in this regulation shall prohibit the construction, installation, or maintenance of municipal storm drains, utility poles, or other municipal projects provided that the construction and design of these projects or utilities is done in a way as to minimize disturbance of vegetation and other natural features in accordance with the purposes of this regulation.

C. Greater Restrictions

All existing regulations including the Town's Floodplain Regulations and the Zoning Regulations applicable to the underlying R-4 District, shall remain in effect, except that where the West Hill Pond Overlay District imposes additional regulations, such regulations shall prevail.

D. Delineation

The West Hill Pond Protection Overlay District shall be superimposed on the R-4 Residence District. The West Hill Pond Protection Overlay District applies to the entire R-4 Residence District as shown on the New Hartford Zoning Map.

E. Activities Requiring a Zoning Permit

Activities regulated under Section 5.7 B. above that do not require a Site Plan Application or Special Exception Application, per Sections 5.7 F. and G., shall not be commenced until the

Zoning Enforcement Officer has issued a Zoning Permit for such activities in accordance with those Standards and Requirements of this Section 5.7 that apply to the proposed activity.

F. Activities Requiring a Site Plan

Any application involving the disturbance of more than 2,000 square feet at any given time, or any application where the total post-construction impervious surface coverage would exceed thirty (30%) percent of the total lot area, shall require a Site Plan approval by the Commission under the standards of Section 8.4 of these Regulations and in addition, the standards of this Section 5.7.

G. Standards and Requirements

All applications under this Section 5.7 shall be evaluated for compliance with the purposes of this Section as contained in Section 5.7.A, and specifically in accordance with the following.

1. Buffer Strip:

a. A buffer strip extending twenty-five (25) feet landward from the high water mark of the pond shall be required for all lots within the West Hill Pond Protection Overlay District. This buffer area shall be maintained if existing, and created whenever construction or site activity has been permitted on a lot in accordance with this Section 5.7. For those lots with existing structures within the buffer strip, the buffer shall be created on remaining land within the (25') twenty-five feet, whenever a construction or site activity is approved under this Section.

b. The buffer strip shall be planted with native vegetation which acts to trap sediments and nutrients before reaching the water. There shall be no impervious surface or mowed grass within the buffer strip.

c. No new buildings, building expansion or structures above or underneath the ground including septic systems are permitted within the twenty-five (25') foot buffer strip, except as permitted by Special Exception from the Zoning Board of Appeals in accordance with Section 7.1.B.2 of these Regulations

2. Driveways:

If not requiring Site Plan Review per section 5.7.F, new driveways or significant improvements to existing driveways to lakefront properties in the R-4 Residence District shall be constructed of appropriate materials based upon an approved site stormwater management plan prepared in accordance with Section 6.8 of these Regulations. All runoff from new driveways or significant improvements to existing driveways must be directed to an appropriate Low Impact Development stormwater management system to treat and, or infiltrate the runoff from the driveway surface.

3. Stormwater Quality:

a. A stormwater quality plan shall be submitted with every application for any site disturbance or construction on a lot following the standards of Article 6 Section 6.8 Stormwater Management Standards.

b. Foundation, footing and roof drains shall be designed to infiltrate the ground and to avoid direct discharge into the pond.

c. The stormwater quality plan shall include a schedule for site stabilization with plantings of native trees, shrubs for water filtration and approved ground cover.

d. During any site disturbance, all areas open for more than 7 days shall be covered with natural materials for stabilization. Site areas with slopes of 8% or greater shall be covered with erosion control blankets throughout the construction period.

e. Tree removal shall be limited in scope to the construction area. Clear cutting is not permitted. Tree replacement with approved species shall be outlined in the stormwater quality plan.

H. Docks:

a. All new docks shall be floating docks and all new docks shall be no longer than fifty (50') feet, provided that the Commission may, by Special Exception, allow longer docks if necessary to reach a water depth of four (4) feet above ordinary low water.

b. A "T" design of a dock accessory to residential uses shall not exceed a length of ten (10') feet.

c. No more than 10% of the area within the buffer strip defined in Section 5.7. G. shall be disturbed for dock installation.

d. All docks shall be removable structures and shall not be permanently affixed to the lake-bottom.

e. Only one dock is permitted per lot fronting on the lake, unless special exception is granted.

f. Docks shall be no wider than ten (10') feet; shall have no areas covered by any form of roof, including canopies or awnings; shall have no permanent appurtenant structures or fixtures, such as grills, benches, chairs, tables, or the like; and shall display no lights, other than minimal solar-powered safety lighting.

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SECTION 6.8 Effective October 1, 2016 STORMWATER MANAGEMENT STANDARDS

C. Site Stormwater Management Plan and Report

1. Plan Required

a. Where a Site Stormwater Management Plan is required, it shall be prepared by a State of Connecticut Licensed Professional Engineer or Landscape Architect where the design is allowed by their education, training, and provisions of state law; provided, however, that where the application requires only a Zoning Permit from the Zoning Enforcement Officer, the Officer may accept a Site Stormwater Management Plan that is prepared by persons who are not design professionals . A Site Stormwater Management Plan shall be prepared for every application for Zoning Permit, subdivision, site plan approval, and special permit, where such application results in any one (1) or more of the following:

- i. One (1) or more acres of land Disturbance.
 - ii. One (1) or more acres of impervious surface upon project completion. (Existing impervious surface shall be counted towards this requirement).
 - iii. Any commercial or industrial activity.
 - iv. Any application with three (3) or more dwelling units.
 - v. Any project involving a new road, Private Road, or Share Driveway serving three (3) or more lots.
 - vi. Any project where the impervious surface area after construction exceeds thirty percent (30%) of the total site area (existing impervious surface shall be counted towards this requirement).
 - vii. Any project requiring a Site Stormwater Management Plan in accordance with Section 5.7 of these Regulations.
- b. The following activities are exempt from these standards:
- i. Except in the R-4 District, development of a single family home and/or accessory uses on a lot of record. A lot of record is a lot that existed as of the effective date of these standards.
 - ii. Farming, a Farm Building, Farmers Market, or Farm Stand.
 - iii. When the Commission determines that the application relates to modifications of a previous approval or to new work on existing sites, where such modification or new work does not alter the stormwater runoff characteristics of the site.

2. Plan Contents - The plan shall contain an executive summary, drainage area maps, calculations, descriptions, and other data sufficient to demonstrate compliance with these standards. Such plan shall provide, at a minimum, the following information:

- a. Soil characteristics of the site.
- b. Location of the closest surface water bodies and wetlands to the site, and the depth to any ground-water or Aquifer areas on or adjacent to the site in those areas where stormwater facilities are proposed.
- c. Location and description of all proposed Stormwater control Best Management Practices (BMPs) for both construction activities and post-construction long-term Stormwater control.
- d. Proposed maintenance and operation manual or schedule for any trash hoods, Catch Basins, or other BMP devices used to prevent runoff, encourage sheet flow or infiltration, or treat Stormwater.
- e. Calculations of Stormwater Runoff rates, suspended solids removal rates, and soil infiltration rates before and after completion of the activity proposed in the application.
- f. A hydrologic study of pre-development site conditions. Hydrologic studies shall be prepared to a level of detail commensurate with the probable impact of the proposed activity and should extend downstream to the point where the proposed activity causes less than a five (5) percent change in the peak flow rates after peak flow attenuation.

- g. Calculations for sizing of pipes, swales, or other conveyance devices.
- h. Calculations for sizing riprap aprons, plunge pools, or other energy dissipation devices.
- i. Identification of the party responsible for maintenance of Stormwater BMP's.

3. Redevelopment Projects - Projects that redevelop an existing site will be exempt from meeting the requirements of these standards if they meet all of the following conditions:

- a. The total site impervious surface is reduced by at least twenty-five (25%).
- b. All existing Stormwater management controls are maintained.
- c. Runoff is managed in a way that does not cause erosion or concentration of flow.

4. Plan Note - The following note shall be placed on the design plans for each project requiring Stormwater treatment or storm water detention facilities. In cases of a subdivision, the note shall refer to individual lots that have such facilities. The design plans and/or subdivision plans containing the following note shall be filed in the town land records. "This property contains a stormwater treatment facility that is a condition of approval to develop the property and it shall be maintained by the property owner for the entire life of the project. The facility shall not be altered, except for maintenance as described in the facility's maintenance plan, without the approval of the regulatory agency granting the project approval."

5. Modification of Requirements

- a. The Commission or the Zoning Enforcement Officer, as the case may be, may modify or alter any portion of these standards when the applicant demonstrates, by written request, that such standard is unnecessary or counterproductive toward meeting the policies and principles.
- b. The Commission or the Zoning Enforcement Officer, as the case may be, may modify or alter any portion of these standards on a redevelopment project when the applicant demonstrates, by written request, that achieving such standard(s) is not feasible.

6. Aquifer Protection Area - Projects that fall within the Town's Aquifer Protection Area are required to comply with the Aquifer Protection Regulations in addition to these standards.

D. Design Standards

1. General Standards

- a. All Stormwater Facilities and conveyance facilities shall be constructed on property owned by the applicant or within suitable easements.
- b. All Stormwater discharges shall be designed and constructed in a manner that prevents erosion.
- c. Stormwater treatment shall be designed in accordance with the 2004 Connecticut Stormwater Quality Manual, as amended, or other applicable design standards such as the criteria established by the University of New Hampshire Stormwater Center.

d. All Stormwater facilities shall be designed in a manner that minimizes the need for complicated or overly frequent maintenance.

e. All Stormwater facilities shall be designed with adequate access for maintenance.

f. Stormwater Facilities may include, but are not limited to, one (1) or more of the following:

- Bio retention
- Oil/Particle Separators
- Catch Basins
- Permeable Paving Materials
- Catch Basin Inserts
- Porous Pavement
- Cisterns
- Pretreatment
- Deep Sump Catch Basins
- Rain Barrels
- Dry Detention Ponds
- Rain Gardens
- Filter Strip
- Stormwater Ponds
- Grass Drainage Channels
- Horizontal Gravel Wetlands
- Underground Detention
- Underground Infiltration
- Hydrodynamic Separators
- Vegetated Buffers
- Infiltration Practices
- Vegetated Roof Covers

2. Stormwater Treatment

a. Stormwater treatment shall be provided on all projects requiring Stormwater Management Plan.

b. Stormwater treatment shall be provided for the Water Quality Volume (WQV) as defined by the 2004 Connecticut Stormwater Quality Manual, as amended.

3. Peak Flow Control - Peak flow control for stream channel protection shall be provided in accordance with Section 7.6 of the 2004 Connecticut Stormwater Quality Manual, as amended.

4. Peak Runoff Attenuation (Storm Water Detention)

a. Peak runoff attenuation shall be provided on all projects that meet any one (1) or more of the following criteria:

i. Where the runoff from a development is directed to a channel or pipe system that is undersized or at capacity for a 10-year 24 hour storm under existing conditions.

ii. Where post-development peak discharge rates exceed one hundred ten percent (110%) of predevelopment peak discharge rates unless the discharge is to a large river (fourth Order Stream) or waterbody where the development area is less than five (5) percent of the watershed area upstream of the development site.

b. Peak runoff attenuation facilities (a/k/a detention facilities) shall be designed to control the peak post-development discharge rates from the 2-year, 10-year, 25-year, and 100- year storms to the corresponding pre-development peak flow rates.

c. The emergency outlet of a peak runoff attenuation facility shall be designed to pass the 100-year storm in a controlled manner without causing erosion. At least one (1) foot of freeboard shall be provided during the 100-year storm event.

E. Construction Standards

1. Construction Inspection

a. The Town shall have the right to inspect construction of any Stormwater Facility at reasonable times during construction. The Town may charge the applicant an application fee that covers the cost of inspections when inspections are performed by an outside consultant engaged by the Town.

b. The Town may require the permittee to have the construction of the Stormwater Facility inspected by a Connecticut Professional Engineer or Landscape Architect during construction to ensure it is constructed in compliance with the plans, specifications, and permit conditions.

2. Facility Construction - All Stormwater facilities shall be constructed in substantial compliance with the approved plans, specifications, and permit conditions.

3. Facility Certification and Record Drawings

a. When required by the Town, the permittee shall engage a Connecticut Professional Engineer or Landscape Architect to submit the following certification prior to any issuance of Certificate of Occupancy: I, a licensed (Professional Engineer Landscape Architect) in the State of Connecticut, hereby certify with my signature and seal, that the project known as

_____, for owner/applicant
_____, at (address) has been constructed in
substantial conformance with the approved plans, specifications, and permit conditions.

b. For any detention facility the applicant shall submit an as-built survey prepared by a Connecticut Land Surveyor to the Town prior to any issuance of Certificate of Occupancy. The as built survey shall show the facility location, contours, and all critical elevations of the outlet control structure.

4. Bonding - The Town may require that the applicant provide the Town with a bond in the amount of 100% of the estimated cost of the Stormwater Facility. The estimated cost shall be based on a detailed construction estimate prepared by an engineer or other qualified person and subject to the review of the Town Engineer. Bonds shall be provided in a manner acceptable to the Commission's Attorney. The Town of New Hartford may utilize the bonds to complete the Stormwater Facility in the event that the property owner fails to do so; to repair or remedy any such facility that is improperly installed or constructed; to provide additional measures where those implemented by the owner are insufficient to achieve the goals of this regulation; to perform maintenance that, following reasonable notice, the owner fails or refuses to perform; and to otherwise assure compliance with the requirements and objectives of this section. By filing a land use application with the Town of New Hartford, the property owner shall be deemed to have consented to access, upon reasonable notice under the circumstances, for such purposes.

F. Maintenance Standards

1. General Requirements

a. The ability of any Stormwater Facility to treat or detain Stormwater shall not be removed or diminished without the approval of the Commission.

b. The Responsible Party shall inspect Stormwater facilities on a regular basis as outlined in the maintenance plan.

2. Maintenance Requirements

a. The Responsible Party shall perform Routine Maintenance in accordance with the approved plan and permit conditions.

b. The Responsible Party shall identify Non Routine Maintenance requirements based on regular inspection of the Stormwater facilities. The Responsible Party shall perform Non Routine Maintenance on an as-needed basis.

c. All maintenance shall be performed in a timely manner.

d. The Responsible Party shall submit a signed statement to the New Hartford land use office once per year indicating that the Stormwater Facility has been properly maintained and is functioning as intended. The Town may require that the statement be signed by a Licensed Professional Engineer or Landscape Architect.

e. Failure to perform maintenance in accordance with the plan and permit conditions shall constitute a violation of the land use approval granted, and may result in enforcement action as authorized by applicable law, including the use of bonds to remedy any such violation. By filing a land use application with the Town of New Hartford, the property owner shall be deemed to have consented to inspections and remedial work by the Town or its agents following reasonable notice under the circumstances.

G. References

The following references provide more information on Low Impact Development techniques.

- Non-point Education for Municipal Officials (www.nemo.uconn.edu) • U.S. Environmental Protection Agency (www.epa.gov/owow/nps/lid)
- University of New Hampshire Stormwater Center (www.unh.edu/erg/cstev)
- USDA Natural Resource Conservation Service (www.ct.nrcs.usda.gov/el/educational_materials.html)

Section 7.1.B.2:

Additions may be made to a Nonconforming Structure provided such additions comply with these Regulations; provided that no such addition shall increase the height, Gross Floor Area, or other volume for that portion of a building located within a Required Minimum Setback specified for the subject District by these Regulations. The Zoning Board of Appeals may grant a Special Exception to allow for an addition within a Required Minimum Setback that is no closer to any property line than any portion of the existing structure, provided that where such addition is also within the Buffer Strip of the West Hill Pond Protection Overlay District, the square footage of any such additional shall be mitigated by an equal square footage of native vegetation within such Buffer Strip in accordance with Section 5.7.G.1 of these Regulations. In the case of a principal structure that is non-conforming as to the front setback, additions and one (1) accessory structure may be allowed to be built within the front property setback provided such addition or accessory structure is no closer than the principle non-conforming structure, the beginning date shall be the date of adoption of the regulation that made the structure non-conforming.