

3A9. EROSION AND SEDIMENT CONTROL

3A9.a. Removal of vegetation: No vegetation shall be stripped or earth removed in anticipation of construction until a building permit has been issued except when it is otherwise authorized by a certified Erosion and Sediment Control Plan approved by the appropriate town authorities.

3A9.b. Erosion and Sediment Control: When the disturbed area of a building or work site exceeds one half (1/2) acre, has a grade in excess of ten (10) percent or is a part of a subdivision approved before July 1, 1985, the builder shall file an Erosion/and Sediment Control Plan which shall be certified by the Zoning Enforcement Officer or the ~~Tolland County Soil~~North Central Conservation District as complying with the requirements of PA 83-388 as delineated in "Connecticut Guidelines for Soil Erosion and Sediment Control" (1985) as amended. Such plan shall include but not be limited to a map and narrative. For subdivisions approved after July 1, 1985, the Erosion and Sediment Control Plan may be wholly or partially available from the subdivision plan.

3A9.c. Bonding Financial Guarantee:

1. Bond Financial Guarantee Required. If a certified Erosion and Sediment Control Plan ("Plan") is required under section 3A9.b of these regulations, ~~no building permit shall be approved by the Planning and Zoning Commission or its agent no construction shall commence~~ until a ~~cash bond~~financial guarantee as required in Section 16A.4.i.b of these Regulations has been furnished to the Planning and Zoning Commission or its agent securing the actual implementation and maintenance of the Plan.
2. Form of Bond Financial Guarantee. All ~~cash bonds shall be submitted in the form of a check payable to the "Town of Bolton."~~Financial guarantees shall be in a form as required in Section 16A.4.i.b of these Regulations. ~~Each~~If a cash bond, each bond shall be deposited in a separate escrow account. Interest shall be paid in accordance with prevailing rates comparable to other Town accounts. The Town shall not guarantee a minimum interest rate to be paid on cash bonds.
3. Amount of Bond Financial Guarantee. The amount of the bond shall be equal to the greater of (1) one hundred ~~forty ten~~ percent (~~140110~~%) of the cost, as estimated by a qualified engineer and approved by the Commission or its agent, of all erosion and sedimentation controls required by the Plan, ~~or (2) five dollars (\$5.00) per lineal foot of control barrier called for by the Plan.~~
4. Posting of Bond Financial Guarantee; Release of Funds Guarantee. The ~~bond financial~~guarantee shall be posted, and those measures in the Plan that are scheduled for installation prior to development must be implemented, before any site work or disturbance whatsoever is begun on the lot that is the subject of the Plan. No financial guarantee or any portion thereof of the bond shall be released until the Commission or its agent shall determine that no further Town supervision of the Plan or its maintenance is required, such release to occur within 65 days of a request for such release, at which time the bond financial shall be returned, with interest if a cash bond. Should the Commission determine that such release is not warranted, the Commission or its agent shall notify the applicant of such non-compliance within 65 days of the request for release; ~~provided, however, that the Commission may, at its option, retain up to ten percent (10%) of the bond for a period of up to one year following completion of implementation of the Plan, to secure continued maintenance of the Plan.~~ Any interest accrued on ~~the~~any cash bond

~~submitted shall be deemed part of the cash bond, and shall be available to the Town for implementation and maintenance of the Plan.~~

5. Inspections and Increase in Bond Amount of Financial Guarantee. The Commission or its agent may make inspections during development to ensure that the Plan is being adequately implemented and maintained. If the Commission should determine that further erosion and sediment control measures are required, and the amount of the ~~bond~~ financial guarantee is therefore insufficient, the Commission may require an additional sum consistent with Section 3A.9.c.3 to be deposited as part of the ~~bond~~ financial guarantee.
6. Draw on Bond Financial Guarantee. If the Commission or its agent shall determine that unforeseen developments or emergencies require immediate remedial action, or that the Plan is not being properly and adequately implemented and maintained, the Town may, after due notice to the owner (or the developer, if the ~~bond financial guarantee~~ has been furnished by the developer), to the extent allowed by law, draw on the ~~bond financial~~ guarantee to defray the costs of any measures undertaken by the Town or any employee, agent or contractor hired by the Town, to address such an emergency or to implement or maintain the Plan. The owner and developer of any lot subject to a bond pursuant to this section shall be deemed to have granted permission to any Town employee or agent or any contractor hired by the Town to enter such lot for the purpose of taking any and all measures deemed necessary by the Commission to address such an emergency or to implement and maintain the Plan. The Town shall not be liable for any damage to real or personal property while undertaking to implement or maintain the Plan.
7. ~~Exemptions. Applicants for building permits for single family homes on lots that are not part of a subdivision are exempt from the bond requirements of Section 3A.9.c of these regulations.~~