

SECTION 14 - EROSION AND SEDIMENTATION CONTROL PLAN

THE PURPOSE of an Erosion and Sedimentation Control Plan is to minimize soil erosion and sedimentation that is caused by construction activity. The intent of such a plan is that water run-off, erosion and sedimentation shall not cause problems on the developed property or on downstream properties.

The Commission shall require an Erosion and Sedimentation Control Plan when any of the following conditions exist:

- 1) Construction of a road.
- 2) One or more new building lots are created.
- 3) The disturbed area of the subdivision is cumulatively more than one-half acre.
- 4) Construction activities that disturb or would likely disturb soil are located within 100 feet of any wetlands or on slopes exceeding 8 percent.

To be eligible for certification, a Soil Erosion and Sedimentation Control Plan shall contain proper provisions to adequately control 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, as amended. Alternative principles, methods and practices may be used with approval of the Commission.

The Erosion and Sedimentation Control Plan shall contain, but not limited to:

A. A narrative describing:

- 1) The development;
- 2) The schedule for grading and construction activities including:
 - a) Start and completion dates;
 - b) Sequence of grading and construction activities;
 - c) Sequence for installation and/or application of soil erosion and sediment control measures;
 - d) Sequence for final stabilization of the project site.
- 3) The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
- 4) The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
- 5) The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
- 6) The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- 7) Contact information of the responsible design professional.

B. A site plan map at a sufficient scale to show:

- 1) The location of the proposed development and adjacent properties;

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- 2) The existing and proposed topography including soil types, wetlands, watercourses and water bodies;
- 3) The existing structures on the project site, if any;
- 4) The proposed area alterations including cleared, excavated, filled or graded areas and proposed structure, utilities, roads and, if applicable, new property lines;
- 5) The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
- 6) The sequence of grading and construction activities;
- 7) The sequence for installation and/or application of soil erosions and sediment control measures;
- 8) The sequence for final stabilization of the development site.

C. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent. For example, the Commission may require testing such as surface water quality sampling and analysis before, during and after construction to assure protection of existing watercourses. The costs for such additional information or services shall be borne by the subdivision owner.

The Commission may require that plans for soil erosion and sediment control be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control, 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.

The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented.

The Erosion and Sedimentation Control Plan shall be prepared by a professional engineer licensed in the State of Connecticut.

The Commission shall certify that the Erosion and Sedimentation Control Plan complies with the requirements and objectives of these regulations or deny certification when the development proposal does not comply with these regulations. The Commission may accept the North Central Conservation District's certification of the Erosion and Sedimentation Control Plan as its own certification. The Commission's approval of the Subdivision Plan shall constitute the certification of the Erosion and Sedimentation Control Plan attached to it, subject to any conditions or modification required by the Commission.

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Nothing in these regulations shall be construed as extending time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.

Prior to the Commission's approval and certification of the Erosion and Sedimentation Control Plan, the plan may be referred to the Bolton Inland Wetlands Commission, the Town Engineer, the North Central Conservation District and/or other review agency or consultant for review and comment. The Erosion and Sedimentation Control Plan, when approved by the Commission, shall be considered an integral part of the Subdivision Plan, and shall be filed in the Town Hall at the time the subdivision is filed.

The subdivision owner's engineer shall provide a cost estimate of the measures to control soil erosion and sedimentation for review and approval by the Commission. A separate financial guarantee to cover the proposed estimated costs of measures required to control soil erosion and sedimentation as specified in the certified plan shall be required in a form acceptable to the Commission and the agent, providing the financial guarantee is in accordance with the provisions specified under Section 15 of these regulations.

Site development shall not begin until (A) the Erosion and Sediment Control Plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional, and (B) the financial guarantee is in place.

Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan. Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the subdivision owner to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained. The Commission may require that such progress reports be prepared by a professional engineer, a certified soil scientist or other qualified professional, as approved by the Commission, and at the expense of the subdivision owner.

If during development the Commission's agent determines that the Erosion and Sedimentation Control Plan is deficient, because of unforeseen site conditions, the subdivision owner shall make any corrective changes to control measures as directed by the Commission's agent.

SECTION 15 - FINANCIAL GUARANTEES

15.1 FINANCIAL GUARANTEES FOR COMPLETION OF PUBLIC IMPROVEMENTS

Before the Commission endorses the final Subdivision Plan, all required public improvements must be constructed as approved by the Commission and formally accepted by the Town of Bolton, or the Commission may require a financial guarantee for the completion of the public improvements as described below. The Commission shall accept cash bonds, passbook or statement savings accounts and other financial guarantees other than surety bonds including, but not limited to, letters of credit, provided such financial guarantee is in a form acceptable to the Commission and the financial institution or other entity issuing any letter of credit. The financial guarantee provided to the town shall be in the amount equal to the actual construction cost of the public improvements as determined by the Commission upon the recommendation of the Town Engineer plus a 20% contingency amount. In estimating the amount of the financial guarantee, the subdivision owner's engineer shall include the costs of the following items:

- a) The construction and installation of all required public improvements including storm drainage systems, roads and pavements, sidewalks, curbs, utility lines, trees, grading, surface restoration, setting of monuments, as-built drawings
- b) The inspection and testing of construction activities and materials by a qualified independent third party. The cost estimate shall describe the quantity and cost of each inspection and testing item.

At the discretion of the person posting such financial guarantee, such financial guarantee may be posted at any time before all approved public improvements and utilities are completed, except that the Commission may require a financial guarantee for erosion and sediment control measures prior to the commencement of any improvements as set forth in Section 15.3. No lot shall be transferred to a buyer before any required financial guarantee is posted or before the approved public improvements and utilities are completed to the reasonable satisfaction of the Commission or its agent. For any subdivision that is approved for development in phases, the financial guarantee provisions of this section shall apply as if each phase was approved as a separate subdivision.

The financial guarantee instrument shall not expire, nor shall such instrument or cash guarantee be released by the Town prior to the effective date of acceptance of the public improvements by the Town. Except for a cash guarantee, that instrument shall state the date when all public improvements are to be completed to the satisfaction of the Commission. All such improvements shall be completed within five years after the Commission approves the Subdivision Plan or within any extension of such construction period authorized by the Commission in accordance with Connecticut General Statutes 8-26c or with a Special Act. If the improvements are not completed and approved by the established date, the Town may call the financial guarantee to the extent required to fund such completion.

If the person posting a financial guarantee under this section requests a release of all or a portion of such financial guarantee, the Commission or its agent shall, not later than sixty-five (65) days after receiving such request:

- a. release or authorize the release of any such financial guarantee or portion thereof, provided the Commission or its agent is reasonably satisfied that the improvements for which such financial guarantee or portion thereof was posted have been completed; or
- b. provide the person posting such financial guarantee with a written explanation as to the additional improvements that must be completed before such financial guarantee or portion thereof may be released.

15.2 FINANCIAL GUARANTEE FOR THE MAINTENANCE OF PUBLIC IMPROVEMENTS

As a condition of the Town's acceptance of the public improvements, the subdivision owner shall provide to the town a financial guarantee for the maintenance of public improvements to ensure that funds are available to the Town to maintain or repair the public improvements. The Commission may accept surety bonds and shall accept cash bonds, passbook or statement savings accounts and other financial guarantees other than surety bonds including, but not limited to, letters of credit, provided such financial guarantee is in a form acceptable to the Commission and the financial institution or other entity issuing any letter of credit. The amount of the financial guarantee for the maintenance of public improvements shall be 20 percent of the original amount of the financial guarantee for the completion of public improvements. If there was no financial guarantee for the completion of public improvements, the amount of the financial guarantee for the maintenance of public improvements shall be 20 percent of the amount calculated as for such financial guarantee.

The financial guarantee for the maintenance of public improvements shall be in full force and effect for a period of one year after the date that the public improvements are determined to be complete by the Commission, or on the effective date of the acceptance of improvements by the Town, whichever is later.

If the person posting a financial guarantee under this section requests a release of all or a portion of such financial guarantee, the Commission or its agent shall, not later than sixty-five (65) days after receiving such request:

- a. release or authorize the release of any such financial guarantee or portion thereof, provided the Commission or its agent is reasonably satisfied that the improvements for which such financial guarantee or portion thereof was posted have been completed; or
- b. provide the person posting such financial guarantee with a written explanation as to the additional improvements that must be completed before such financial guarantee or portion thereof may be released.

If the Town identifies a need to maintain or repair the accepted public improvements, the subdivision owner shall complete such maintenance or repair work within 30 days of being notified by the Town. If the condition needing maintenance or repair presents a potential risk to the public or the environment the subdivision owner shall begin such maintenance or repair work within 24 hours of being notified by the Town. The Town may approve other, longer time limits.

If the needed maintenance or repair work is not completed to the satisfaction of the Commission within the above time limits, such conduct shall constitute a default of the performance guarantee for the maintenance of public improvements, and upon written notice by the Commission to the subdivision owner of such default, the Town may call the financial guarantee in order to complete such maintenance or repair work.

15.3 EROSION AND SEDIMENTATION CONTROL BOND

Before any soil disturbance occurs and construction of public improvements commences, the subdivision owner shall provide a financial guarantee to ensure that erosion and sedimentation controls are adequate. The Commission shall accept cash bonds, passbook or statement savings accounts and other financial guarantees other than surety bonds including, but not limited to, letters of credit, provided such financial guarantee is in a form acceptable to the Commission and the financial institution or other entity issuing any letter of credit. The interest accrued on such an account shall belong to the subdivision owner if funds from the account are returned to the subdivision owner.

This financial guarantee shall remain in effect until the completion of all public improvements as certified by the Town Engineer, and until the Town Engineer certifies that the site is stable and the erosion and sedimentation controls are no longer necessary. The amount of the financial guarantee shall be equal to the greater of one hundred ten percent (110%) of the cost, as estimated by the developer's qualified engineer and acceptable to the Commission upon the recommendation of the Town Engineer. Such bond shall include erosion and sedimentation controls associated with the installation of public improvements, including, but not limited to, installation of silt fence or hay bales, temporary erosion control measures, topsoil, final grading and seeding, straw mulch and /or erosion blankets, provided that there is no duplication of such measures encompassed by the financial guarantee for the completion of public improvements.

If the person posting a financial guarantee under this section requests a release of all or a portion of such financial guarantee, the Commission or its agent shall, not later than sixty-five (65) days after receiving such request:

- a. release or authorize the release of any such financial guarantee or portion thereof (with interest, if a cash bond), provided the Commission or its agent is reasonably satisfied that the

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erosion control measures for which such financial guarantee or portion thereof was posted have been effective and are no longer required, or

b. provide the person posting such financial guarantee with a written explanation as to why that person has not complied with the approved erosion and sedimentation control plan, and / or why supplemental measures are needed before such financial guarantee or portion thereof may be released. Any interest accrued on any cash bond submitted shall be deemed part of the cash bond.