

Section 7.0 ENVIRONMENTAL REGULATIONS

7.1 Environmental Performance Standards

7.1.1 Purpose

The purpose of this section is to insure:

- A. All properties in the City can be used without undue hindrance from activities on adjoining properties; and
- B. Activities that may be detrimental to the public health, safety or welfare are restricted.

7.1.2 Standards

- A. Vibration - Except for vibration associated with demolition, excavation, or construction, no vibration shall be discernible to human touch outside of the property where the vibration originates.
- B. Odor - No odor from any activity, except agricultural activities, shall be discernible to any objectionable degree outside of the property where the odor originates.
- C. Electromagnetic Radiation -
 - 1. No activity on a property shall interfere with the radio, television, telephone or other electromagnetic reception on another property.
 - 2. No dwelling unit shall be placed within 150 feet of any electric transmission line carrying a voltage greater than 50,000 volts.
 - 3. No electric transmission line carrying a voltage greater than 50,000 volts shall be placed within 150 feet of any dwelling unit.
- D. Heat - Heat shall not be discernible to human touch outside of the property on which the heat originates.
- E. Lighting - (See **Section 5.17**)
 - 1. The lighting on a property shall not interfere with vehicle or pedestrian travel on any public right of way.
 - 2. The lighting on a property shall not interfere with, or be a nuisance to, the reasonable use of another property.
- F. Hazardous Materials - Materials classified as hazardous by either the State of Connecticut or the U.S. Government shall be used, stored, manufactured, processed or assembled in accordance with all applicable City, State, and Federal regulations.
- G. Noise - Noise levels are regulated by the Torrington Area Health District. A violation of the Torrington Area Health District regulations regarding noise shall also be a violation of these regulations.

7.1.3 Regulations of Other Agencies

- A. At the time of application for a special exception, site plan, variance, certificate of compliance or certificate of occupancy, an applicant for any non-residential use shall certify that the use is, or will be, in compliance with all applicable regulations of the U.S. Environmental Protection Agency (EPA), the Connecticut Department of Environmental Protection

(DEP), the Connecticut State Department of Health (DOH), and the Torrington Area Health Department. Included with the certification shall be a list of all materials classified as hazardous by the US. EPA or the State DEP which will be used or stored on the parcel. The City Planner shall notify the appropriate federal, state or local agency of any complaint regarding the handling of hazardous materials.

- B. A copy of any monitoring reports required by the State Department of Environmental Protection, the State Department of Health, or U.S. Environmental Protection Agency shall be sent to the City's Planning and Zoning Department. A violation of any State or Federal regulation regarding hazardous materials shall also be a violation of these regulations.

7.2 Flood Hazard Regulations

7.2.1 Definitions

The following definitions are applicable only to this section of the regulations dealing with flood hazards.

Area of Special Flood Hazard - The Area of Special Flood Hazard is also called the Special Flood Hazard Area (SFHA). The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on the Flood Insurance Rate Map (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. SFHAs include, but are not necessarily limited to, the land shown as Zones A, A1-30 and AE.

Base Flood - The flood having a one (1) percent chance of being equaled or exceeded in any given year, also referred to as the one hundred (100) year flood, as published by the Federal Emergency Management Agency (FEMA) as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

Base Flood Elevation (BFE) - The elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

Basement - that portion of a building having its floor subgrade (below ground level) on all sides.

Building - any structure built for support, shelter, or enclosure for any occupancy or storage.

Cost - As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure shall be established by a detailed written contractor's estimate. The estimate shall include, but not be limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, detached structures such as garages, sheds, and gazebos.

Development - Any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions, alterations or substantial improvements to buildings or structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials; the storage, deposition, or extraction of materials; and the installation of public or private sewage disposal systems or water supply facilities.

Elevated building - a non-basement building built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.

Existing Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured home are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 19, 1972, the effective date of the floodplain management regulations adopted by the community.

Expansion to an Existing Manufactured Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA) - The federal agency that administers the National Flood Insurance Program (NFIP).

Finished Living Space - Finished living space can include, but is not limited to, a space that is heated and/or cooled, contained finished floors (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

Flood or Flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. the overflow of inland or tidal waters; and/or
- B. the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map (FBFM) - The official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated the regulatory floodway and special flood hazard areas in the community.

Flood Insurance Rate Map (FIRM) - an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the applicable risk premium zones.

Flood Insurance Study - the official report by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1.0) foot. For the purposes of these regulations, the term "Regulatory Floodway" is synonymous in meaning with the term "Floodway".

Floor - the top surface of an enclosed area in a building (including basement) - i.e. the top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally Dependent Facility - A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.

Historic Structure - Any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior)

or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an area meets the design requirements specified in Section 7.2.3 C. 2. of this regulation.

Manufactured Home - A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term also includes park trailers, travel trailers, recreational vehicles and other similar vehicles or transportable structures placed on a site for one hundred and eighty (180) consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision - a parcel, or contiguous parcels, of land divided into two or more manufactured home lots for rent or sale.

New Manufactured Home Park or Subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date, May 19, 1972, of floodplain management regulations adopted by the community.

Mean Sea Level - for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of the 1929 or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum (NGVD) - a vertical control, as corrected in 1929, used as a reference for establishing varying elevations within the floodplain.

New Construction - Structures for which the “start of construction” commenced on or after the effective date, May 19, 1972, of the floodplain management regulation adopted by the community and includes any subsequent improvements to such structures.

Recreational Vehicle – A vehicle which is: (a) built on a single chassis; (b) four hundred (400) square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Special Flood Hazard Area (SFHA) – see definition for “Area of Special Flood Hazard”.

Start of Construction - For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, substantial improvement or other improvement was within one hundred and eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erections of temporary forms; not does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Substantial Damage – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - Any combination of repairs, re-construction, rehabilitation, alterations, additions or other improvements to a structure, taking place over a three (3) year period, in which the cumulative cost equals or

exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. The market value of the structure should be (1) the appraised value of the structure (using the cost approach to value) prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. For purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

Variance - A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.

Violation - The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without required permits, lowest floor elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation - means the height in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riparian areas.

7.2.2 General Provisions

- A. Land to Which this Regulation Applies - This section shall apply to all areas of special flood hazards within the City.
- B. Basis for Establishing the Areas of Special Flood Hazard - The Areas of Special Flood Hazard, also called the Special Flood Hazard Areas (SFHA), identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for the City of Torrington, dated October 4, 1982, accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM), both dated April 4, 1983, and other supporting data applicable to the City of Torrington, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this regulation. Since mapping is legally adopted by reference into this regulation it must take precedence when more restrictive until

such time as a map amendment or map revision is obtained from FEMA. The SFHA includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FBFM. SFHAs are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the Flood Insurance Study (FIS) for a community. BFEs provided on Flood Insurance Rate Maps (FIRM) are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location. The FIRM, FBFM and FIS are on file in the Planning and Zoning Department, 140 Main Street, Torrington.

- C. Zoning Permit - A zoning permit is required prior to the commencement of any development activities in areas of special flood hazard.
- D. Compliance - No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this regulation and other applicable regulations.
- E. Abrogation and Greater Restrictions - This regulation is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. Interpretation - In the interpretation and application of this regulation all provisions shall be:
 - 1. considered as minimum requirements;
 - 2. liberally construed in favor of the governing body; and
 - 3. deemed neither to limit nor repeal any other powers granted under state statutes.
- G. Warning and Disclaimer of Liability - The degree of flood protection required by this regulation is considered reasonable for regulatory purposes and is based on scientific and engineering considerations.

Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This regulation does not imply that land outside the areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages.

This regulation shall not create liability on the part of the City of Torrington or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made there under.

- H. Severability - If any section, subsection, paragraph, sentence, clause, or phrase of this regulation should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this regulation, which shall remain in full force and effect; and to this end the provisions of this regulation are hereby declared to be severable.

7.2.3 Requirements for Flood Hazard Reduction

- A. General Standards - In all areas of Special Flood Hazard, the following provisions shall apply.
1. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 2. New construction and substantial improvements shall be constructed with materials resistant to flood damage.
 3. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 4. The bottom of all electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated at or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes. Utility connections that must be located below the BFE shall be designed so as to prevent water from entering or accumulating within the components during conditions of flooding.
 5. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the system into flood waters.
 7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 8. In any portion of a watercourse which is altered or re-located the flood carrying capacity shall be maintained.
 9. **Manufactured Homes** - All manufactured homes (including "mobile" homes and recreational vehicles placed on a site for 180 consecutive days or longer) to be placed or substantially improved, including those located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of a flood, shall be:
 - a. elevated so that the lowest floor is above the base flood elevation;

- b. placed on a permanent foundation which itself is securely anchored and to which the structure is securely anchored so that it will resist flotation, lateral movement, and hydrostatic and hydrodynamic pressures; anchoring may include, but not be limited to, the use of over-the-top or frame ties to ground anchors;
 - c. installed using methods and practices which minimize flood damage; elevation construction standards include piling foundations placed no more than 10 feet apart, and the provision of reinforcements for piers more than six feet above ground level; and
 - d. adequate access and drainage should be provided.
 - e. recreational vehicles placed on sites within a SFHA shall either (i) be on the site for fewer than 180 consecutive days, and (ii) be fully licensed and ready for highway use, OR (iii) meet all the general standards of Section 7.2.3 A. and the elevation and anchoring requirement of Section 7.2.3. A. 9 a-d. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
10. **Compensatory Storage** - The water holding capacity of the floodplain, except those areas which are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction or substantial improvements involving an increase in footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain. Storage shall be provided on-site, unless easements have been gained from adjacent property owners; it shall be provided within the same hydraulic reach and a volume not previously used for flood storage; it shall be hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
11. **Equal Conveyance** - Within the floodplain, except those areas which are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for the community, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure, are prohibited unless the applicant provides certification by a registered professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments shall not result in any (0.00 feet)

increase in flood levels (base flood elevation). Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage shall not be constructed in such a way so as to cause an increase in flood stage or flood velocity.

12. Above-ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated at or above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
13. New construction, substantial improvements, and repair to structures that have sustained substantial damage cannot be constructed or located entirely over water unless it is a functionally dependent use or facility.

B. Standards for Stream Without Established Base Flood Elevations and/or Flooding (Rev. 8/2/99)

1. The Zoning Enforcement Officer or Environmental Planner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to **Section 7.2.5.D** of this regulation, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City's FIRM meet the standards in Sections **7.2.3 A.** and **C.**
2. In A zones where base flood elevations have been determined, but before a floodway is designated, no new construction, substantial improvement, or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated development is considered cumulatively with the proposed development.
3. Should data be requested and/or provided, the City shall adopt a regulatory floodway based on the principle that the floodway must be able to convey the waters of the base flood without increasing the water's surface elevation more than one (1) foot at any point along the watercourse.

C. Specific Standards

1. In all areas of special flood hazard A, A1-30, AE, the following provisions shall apply:
 - a. *Residential Construction* - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least 1 foot above the base flood elevation.

- b. *Non-Residential Construction* - New construction or substantial improvement of any commercial, industrial, or non-residential structure located in Zone A, A1-30 and AE shall have the lowest floor, including basement, elevated to at least 1 foot above the level of the base flood elevation; or such structures may be flood-proofed at least 1 foot above the level of the base flood elevation in lieu of being elevated provided that, together with all attendant utilities and sanitary facilities, the areas of the structure below the required elevation are water tight with wall substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Zoning Enforcement Officer or Environmental Planner as set forth in **Section 7.2.4.C.**
- 2. Fully Enclosed Areas Below Base Flood Elevation - New construction or substantial improvements of buildings that include fully enclosed areas formed by foundation and/or other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the automatic entry and exit of flood waters to equalize hydrostatic flood forces on exterior walls. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - a. provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b. the bottom of all openings shall be no higher than one foot above grade; and
 - c. openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions;
 - d. electrical, plumbing, and other utility connections are prohibited below the base flood elevation; and
 - e. access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

3. Floodways located within area of special flood hazard are areas designated as floodways on the City's Flood Boundary and Floodway Map or as determined in **Section 7.2.2.B** of this regulation. - Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and have erosion potential no encroachments including fill and construction of substantial improvements and other development shall not be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that encroachment shall not result in any 0.0 feet increase in flood levels during currents of the base flood discharge.

7.2.4 **Administration** (Rev. 8/2/99)

A. **Designation of Administrator**

The Zoning Enforcement Officer is responsible for administering and implementing the provisions of this regulation.

B. **Certification**

Where required under this regulation, a registered professional engineer or architect shall certify that the designs and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this regulation. Such certification must be provided to the Zoning Enforcement Officer.

C. **Permit Procedures**

Prior to any development activities, application for a Zoning Permit shall be made to the Zoning Enforcement Officer on forms furnished by the Zoning Enforcement Officer. Such application shall be accompanied by two sets of plans drawn to scale showing, at a minimum, the property lines and location of the parcel; existing and proposed contours; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information shall also be submitted to the Zoning Enforcement Officer or Environmental Planner.

1. Application Stage

- a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures (**Section 7.2.3.C.1.a**);
- b. Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed (**Section 7.2.3.C.1.b**);
- c. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- d. A statement as to whether or not the proposed alterations to an existing structure meet the criteria of the substantial improvement definition;
- e. A statement as to whether there will be dry access to the structure during the 100-year storm event;

- f. Certification as to flood-proofing as required by Section **7.2.3.C.;**
 - g. Certification as the provisions of Section **7.2.3.C.2** governing fully-enclosed areas below base flood elevation, if the minimum design criteria in **Section 7.2.3.C.2** is not used;
 - h. Certification as to floodway heights, as required by **Sections 7.2.3.B. and 7.2.3.D.**
2. Construction Stage
Corrections required hereby shall be cause for issuance of a cease and desist order. Upon completion of the applicable portion of construction the applicant shall provide the Zoning Enforcement Officer with verification of the as-built lowest floor elevation, defined as the top of the lowest floor (including basement) **Sections 7.2.3.C.1.a and 7.2.3.C.1.b)** or, in the case of flood-proofed buildings, the elevation to which the flood-proofing is effective **(Section 7.2.3.C.1.b).**
3. Compliance
Deficiencies in the lowest floor elevations shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit an acceptable survey or failure to make corrections required hereby shall be cause for issuance of a cease and desist order.
4. Duties and Responsibilities of the Zoning Enforcement Officer
In the administration of this section, the Zoning Enforcement Officer shall perform the following duties, among others:
- a. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
 - b. Review all zoning permits to assure that the requirements of this regulation have been satisfied.
 - c. Advise permittee that additional Federal or State permits may be required, and if specific Federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the Zoning Permit. Such additional permit requirements may include, but not be limited to: Stream Channel Encroachment Line Permit, Water Diversion Permit, Dam Safety Permit, Corps of Engineers 404 Permit.
 - d. Notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
 - e. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

- f. Record elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with **Section 7.2.3.C.1.a** and **7.2.3.C.1.b**.
- g. Record the elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with **Section 7.2.3.C.1.b**.
- h. Obtain and maintain all certifications required under this section and assure that they meet the standards of **Section 7.2.4.B** hereof.
- i. Make the necessary interpretation, where needed, as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
- j. Obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source in order to administer the provisions of **Section 7.2.3.C** when base flood elevation data or floodway data not been provided in accordance with **Section 7.2.3.B**.
- k. Maintain all records pertaining to the provisions of this regulation.

7.2.5 Standards for Subdivision Proposals

In all special flood hazard areas the following requirements shall apply:

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- D. In Zone A, base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which are five acres or fifty lots, whichever occurs first.

7.2.6 Specific Situation Variances

- A. Buildings on an Historic Register
Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section, except for **Section 7.2.6.E** and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical character.
- B. Functionally Dependent Uses

Variances may be issued for new construction and substantial improvement and other development necessary for the conduct of a functionally dependent use provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meets the requirements of **Sections 7.2.6.E.**

C. Floodway Prohibition

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Conditions for Variances

1. Variances shall only be issued upon determination that the variance is the minimum necessary considering the flood hazard, to afford relief; and in the instance of a historic building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building.
2. Variances shall only be issued upon:
 - a. a showing of good and sufficient cause;
 - b. a determination that failure to grant the variance would result in exceptional hardship; and
 - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation up to amounts as high as \$25 for \$100 of insurance coverage.
4. The Zoning Enforcement Officer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

7.3 Sedimentation and Erosion Controls (Rev. 8/2/99)

7.3.1 Soil Erosion and Sediment Control Plan (rev. 12-16-2010)

- A. The Commission finds that trees and other vegetative ground cover play an important role in controlling erosion by: protecting the soil surface from the impact of falling rain; holding soil particles in place, enhancing the soil's capacity to absorb water; slowing the velocity of runoff; removing subsurface water between rain falls through the process of evapo-transpiration and improving infiltration rates.
- B. Therefore, for purposes of this Section, clear-cutting or removal of trees and other vegetative ground cover, regardless of whether stumps and root

systems are removed, shall be considered an erosion factor equivalent to grading and other forms of soil disturbance, and references in this section of soil disturbance and/or grading shall include clear-cutting or removal of trees and vegetative ground cover.

- C. A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is more than one-half acre.

7.3.2 Activities Requiring a Grading Permit (rev. 12-16-10)

- A. No person shall do any grading, stripping or otherwise disturb an area unless a valid grading permit is received from the Zoning Enforcement Officer. The following are the only exceptions:
 - a. agricultural use of land other than the creation of new pasture land;
 - b. an approved development where the disturbed area is cumulatively less than one-half acre;
 - c. a single family residence that is not part a subdivision.
- B. Even though no grading permit is required for the activities in Section A above, such activities shall comply with the standards found in Connecticut Guidelines for Soil Erosion and Sediment Control as amended. Failure to comply with these standards shall be a violation of these regulations. (rev. 4-23-05)

7.3.3 Grading Permit Application

- A. For all activities requiring a grading permit, an application obtained from the Planning and Zoning Office shall be submitted to the Zoning Enforcement Officer prior to beginning any activities. A soil erosion and sedimentation control plan shall accompany each application for a grading permit.
- B. A soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and to reduce the danger from storm water runoff on the proposed site. Such principles, methods and practices are found in the *Connecticut Guidelines for Soil Erosion and Sediment Control* as amended. Alternative principles, methods and practices may be used with prior approval of the Zoning Enforcement Officer. The soil erosion and sediment control plan shall contain, at a minimum, the following information (rev. 4/23/05)
 - 1. A narrative describing:
 - a. the development;
 - b. the schedule for grading and construction activities including: the start and completion dates; the sequence of grading and construction activities; the sequence for installation of soil erosion and sediment control measures; and the sequence for final stabilization of the project site;

- c. the design criteria for proposed soil erosion and sediment control measures and storm water management facilities;
 - d. the construction details for proposed soil erosion and sediment control measures and storm water management facilities;
 - e. the installation and application procedures for proposed soil erosion and sediment control measures and storm water management facilities; and
 - f. the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
- 2. A site plan at a sufficient scale to show the following:
 - a. the location of the proposed development and adjacent properties;
 - b. the existing and proposed topography including soil types, wetlands, watercourses, and water bodies;
 - c. the existing structures on the site;
 - d. the proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and, if applicable, new property lines; and
 - e. the location of, and design details for, all proposed soil erosion and sediment control measures and storm water management facilities.
 - 3. Any other information deemed necessary and appropriate by the applicant or required by the Zoning Enforcement Officer.

7.3.4 Review of Grading Permit Application

- A. All grading permit applications shall be either approved, approved with conditions, or denied within thirty days of receipt of a complete application. The Zoning Enforcement Officer may refer the application to the Litchfield County Soil and Water Conservation Commission or other agency or consultant for their review and comment. As part of any approval, the Zoning Enforcement Officer shall certify that the soil erosion and sediment control plan complies with these regulations. The thirty day review period may be extended an additional thirty days with the consent of the applicant. Failure to take action on the application within the allocated time period shall be deemed to be approval of the application as submitted.
- B. The Zoning Enforcement Officer shall deny the grading permit application unless the soil erosion and sediment control plan, as submitted, results in a development that:
 - 1. minimizes erosion and sedimentation during construction;
 - 2. is stabilized and protected from erosion when completed; and
 - 3. does not cause off-site erosion and sedimentation.
- C. If a grading permit application is denied, the Zoning Enforcement Officer shall state on the record the reasons for the denial.

- D. The decision of the Zoning Enforcement Officer may be appealed to the Zoning Board of Appeals.

7.3.5 Conditions Relating to Soil Erosion and Sediment Control

- A. As a condition of the approval of a grading permit, the Zoning Enforcement Officer shall require a performance bond in the form of a certified check, pass book, irrevocable letter of credit or bond from a company licensed by the State of Connecticut. The performance bond shall be sufficient to cover the estimated total costs of all measures required to install and maintain the controls as shown on the approved soil erosion and sediment control plan.
- B. Site development shall not begin unless the soil erosion and sediment control measures and facilities shall be installed as scheduled according to the approved soil erosion and sediment control plan.
- C. All control measures and facilities shall be maintained in effective condition to ensure compliance with the approved plan.

7.3.6 Inspection and Enforcement

- A. Inspections shall be made by the Zoning Enforcement Officer or during development to ensure compliance with the grading permit.
- B. In the event of violation of this regulation the Zoning Enforcement Officer or Environmental Planner shall serve a Notice of Violation to the property owner or the owner's designated agent. Upon receipt of such notification the property owner shall have twenty four hours in which to cease and correct such violation and comply with the provisions of this regulation. If the violation is not corrected within the twenty four hour period, the Zoning Enforcement Officer shall issue a Cease and Desist Order requiring the property owner to stop all work until the violations are corrected.
- C. In the event of failure to complete the required work or failure to comply with a Cease and Desist Order, the Zoning Enforcement Officer may order such work as is necessary to eliminate any danger to persons or property and to leave the site in a safe condition. The Zoning Enforcement Officer may authorize completion of all necessary temporary or permanent soil erosion control measures. Funds to do the work shall come from the performance bond.

7.4 Stormwater Management

7.4.1 Purpose

- A. The purpose of this section is to encourage development proposals to address drainage and stormwater issues related to new development and to incorporate Low Impact Development (LID) planning and design approaches in Torrington. This Section seeks to guide land use decisions and approaches in Torrington. The Section seeks to guide land

use decisions and does not replace any Federal, State, or local stormwater flow control and water quality treatment regulations.

B. Low Impact Development/Design (LID) is an approach to land use planning and project design that seeks to:

1. increase the ability of a developed site to effectively emulate pre-development hydrologic conditions, including without limitation, stormwater retention, water quality treatment, and infiltration functions;
2. Minimize overland stormwater runoff from a developed site;
3. Maximize the retention of trees, native vegetation, understory plants, and native soils;
4. Minimize soil disturbance;
5. Minimize the conversion of site surfaces from vegetated to non-vegetated surfaces; and
6. Maximize the quantity and use of appropriate native plants onsite.

7.4.2 Stormwater Management Plans (rev. 12-16-10)

For activities that require an erosion and sedimentation control plan, applicants shall also prepare a stormwater management plan. The Plan shall be prepared in accordance with the City of Torrington's standards, Specifications, Rules and Regulations. The *2004 Connecticut Stormwater Quality Manual* as amended provides guidance in the preparation of a stormwater management plan.

7.4.3 Performance Standards (rev. 12-16-10)

Land uses and developments shall conform to the following performance standards for stormwater management:

- A. No development shall result in a direct discharge of untreated stormwater, either on or off site.
- B. Post-development discharge rates shall not be greater than predevelopment discharge rates
- C. New development shall maximize recharge to groundwater
- D. New development shall be required to remove, onsite, no less than 80 percent of the annual total suspended solids generated from development runoff.
- E. Best management practices shall be maintained for appropriate periods of time.

7.4.4 Shared Stormwater Management Facilities (rev. 12-16-10)

When the Commission determines that engineering, aesthetics and economic factors make combined retention or other drainage facilities more practical, the Commission may permit several developers to construct joint facilities, provided that the maintenance agreement is filed on the land records for each property involved. The Commission may require bonding or the creation of a maintenance fund for combined retention areas.

7.4.5 **Maintenance** (rev. 12-16-10)

- A. All on-site facilities shall be properly maintained by the owner of such, so that they do not become nuisances.
- B. All stormwater control structures located on private property whether dedicated to the City or not, shall be accessible at all times for City inspection.
- C. Where runoff control structures have been accepted by the City for maintenance, access easements shall be provided.
- D. All projects shall have a Stormwater Management/Best Management Practice (BMP) Maintenance Agreement with the City of Torrington. This agreement shall be recorded in the Land Records of the City of Torrington.
- E. Reporting. All properties with a Stormwater Management Plan shall submit an annual report to the Planning and Zoning Commission on later than September 15th. The report shall comply with the City Requirements.

END OF SECTION 7