

**SOUTH CENTRAL CONNECTICUT  
Regional Planning Commission**

**RPC  
Representatives**

**Bethany:**  
Michael Calhoun  
(Secretary)

**Branford:**  
Charles Andres

**East Haven:**  
Vacant

**Guilford:**  
Walter Corbiere

**Hamden:**  
Ryszard Szczepk

**Madison:**  
Christopher Traugh

**Meriden:**  
David White  
(Vice-Chair)

**Milford:**  
Anthony D. Sutton

**New Haven:**  
Kevin DiAdamo

**North Branford:**  
Frances Lescovich

**North Haven:**  
James Giulietti  
(Chair)

**Orange:**  
Vacant

**Wallingford:**  
Vacant

**West Haven:**  
Al Posey

**Woodbridge:**  
Vacant

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Thursday, February 11, 2016 RPC Meeting at 5:15pm in the SCRCOG Offices:  
127 Washington Avenue, North Haven, CT 06473

**AGENDA**

**1. Administration**

1.1. Minutes of the January 14, 2016 RPC Meeting

**2**

**2. Action Items**

2.1. Town of East Haven: Proposed Zoning Regulation Amendments pertaining to Section 48: Storm Water Management. Submitted by: Town of East Haven. Received: January 13, 2016. Public Hearing: March 2, 2016.

**4**

**3. Other Business**

*The agenda and attachments for this meeting are available on our website at [www.scrkog.org](http://www.scrkog.org). Please contact SCRCOG at (203) 234-7555 for a copy of agenda in a language other than English. Auxiliary aids/services and limited English proficiency translators will be provided with two week's notice.*

*La Agenda y Adjuntos para esta reunión están disponibles en nuestro sitio web en [www.scrkog.org](http://www.scrkog.org). Favor en contactar con SCRCOG al (203) 234-7555 para obtener una copia de la Agenda en un idioma distinto al Inglés. Ayudas/servicios auxiliares e intérpretes para personas de Dominio Limitado del Inglés serán proporcionados con dos semanas de aviso.*

127 Washington Avenue, 4th Floor West, North Haven, CT 06473

[www.scrkog.org](http://www.scrkog.org) T (203) 234-7555 F (203) 234-9850 [elivshits@scrkog.org](mailto:elivshits@scrkog.org)

**SOUTH CENTRAL CONNECTICUT  
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**DRAFT - Not yet approved by the Commission**

**MEETING MINUTES**

To: Regional Planning Commission  
From: Eugene Livshits, Regional Planner  
Subject: Minutes for Thursday, January 14, 2016 Meeting

**Present:** James Giulietti, Charles Andres, Christopher Traugh, David White, Michael Calhoun,  
Fran Lescovich, Benjamin Gettinger, Eugene Livshits

**1 Administration**

*1.1 Minutes of the December 10, 2015 RPC meeting.*

Motion to accept the minutes as presented: Christopher Traugh. Second: David White.  
Vote: Unanimous.

**2 Statutory Referrals**

*2.1 Town of Orange: Proposed Zoning Regulation Amendments pertaining to Article XVIII, Off-Street Parking and Loading*

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Christopher Traugh. Second: Michael Calhoun. Vote: Unanimous.

*2.2 Town of Wallingford: Proposed Zoning Regulation Amendments pertaining to Farm Winery*

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Motion: Michael Calhoun. Second: David White. Vote: Unanimous.

Motion to add Branford Open Space Letter of Support to RPC Agenda: Christopher Traugh. Second: David White. Vote: Unanimous.

*2.3 Town of Branford: Open Space Grant Application by the Branford Land Trust for the Acquisition of the Warner-Hull Property*

By resolution, the RPC has determined that the Branford Land Trust's acquisition of the 29-acre Warner/Hull property is consistent with the Regional Plan of Conservation and Development (POCD). The proposed application is consistent with the important goals identified in the Regional POCD of protecting environmentally sensitive land and passive open space recreation areas and maintaining comprehensive sustainable local habitats and ecosystems.

Motion: David White. Second: Fran Lescovich. Vote: Unanimous.

**SOUTH CENTRAL CONNECTICUT  
Regional Planning Commission**

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**3 Other Business**

3.1 Nomination of Officers and Executive Committee Members:

Chairman:	James Giulietti
Vice Chairman:	David White
Secretary:	Michael Calhoun

Executive Committee:

Kevin DiAdamo  
James Giulietti  
Charles Andres  
Christopher Traugh  
David White  
Michael Calhoun  
Fran Lescovich

Motion to accept slate of Officers and Executive Committee Members: Fran Lescovich. Second: Christopher Traugh. Vote: Unanimous

Motion to Adjourn: Michael Calhoun. Second: David White. Vote: Unanimous.

## **Referral 2.1: Town of East Haven**

### **Subject:**

Proposed Zoning Regulation Amendments pertaining to Section 48: Storm Water Management

### **Staff Recommendation:**

The Proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

### **Background:**

The Town of East Haven has proposed Zoning Regulation Amendments pertaining to Section 48: Storm Water Management. Low-Impact Development (LID) has been added to the definitions section. LID is a strategy to maintain or replicate predevelopment hydrology through the use of small scale controls integrated throughout the site to manage runoff as close to its source as possible. The standards are guided by the 2004 Connecticut Stormwater Quality Manual. The amendments clarify references pertaining to the Department of Energy and Environmental Protection from “D.E.P” to “D.E.E.P”. The goal of the regulations is for the Town of East Haven to be in compliance with the MS4 General Permit and help with the enforcement of the regulations.

In Section 48.5.7 the following language has been added “Rates of TSS removal after completion of proposed activity shall conform to Section 48.7.9 meeting a rate 80%.” Additional language has been added that state developments shall pursue LID standards and techniques to the extent possible. The stormwater management plan will have to include provisions for the handling and disposal of construction site discarded wastes, concrete truck washouts, chemical and sanitary wastes and litter. There is additional provisions included pertaining to violations and enforcement and penalties.

### **Communication:**

In researching this proposal, I notified the adjacent municipalities in the South Central Region.

Please mail to:

## RPC Referral Submission Form

South Central CT Regional Planning Commission

Re: RPC Referral  
South Central Regional COG  
127 Washington Avenue, 4<sup>th</sup> Floor West  
North Haven, CT 06473

### 1.) General Information:

Date Sent: 1-13-16

Subject: Zoning Regulation's Text Change

Applicant Name: Christopher Soto, East Haven Planning & Zoning

Property Address (if applicable): EAST HAVEN TOWN HALL  
250 Main ST

Town/City: East Haven, CT

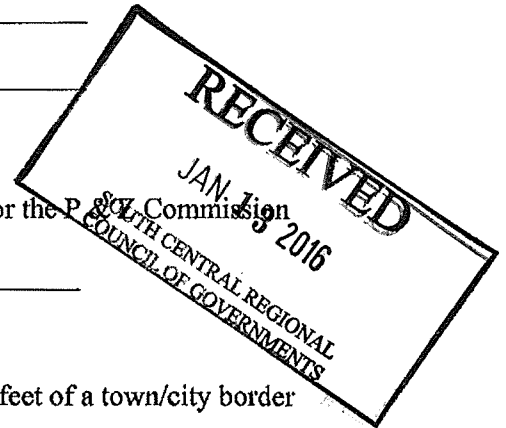
☐

Referral is from a private individual

☒

Referral is from the Town/City Planning Department or the Planning Commission

Public Hearing Date: March 2, 2016



### 2.) Statutory Responsibility:

☐

Application involves a subdivision of land within 500 feet of a town/city border

☒

Application involves a proposed change to a town/city zoning regulation

☐

If neither, applicant requests a voluntary RPC review for informational purposes

☐

Material is for informational purposes only; an RPC resolution is not necessary

☐

Other: \_\_\_\_\_

### 3.) Process:

☐

Material sent "Return Receipt Requested" (as required by law)

☒

Information on proposed change included

☐

Existing language included (if applicable)

### 4.) Preferred contact regarding this RPC referral:

Name: Christopher Soto

Telephone Number: 203-468-3349

E-mail Address: eh.zoning@gmail.com

Comments: \_\_\_\_\_

Questions: (203) 234-7555

**Proposed Text Changes to East Haven Zoning Regulations**  
**Section 48: Storm Water Management**

**Statement of Explanation**

The submitted text changes are needed in order to strengthen the Stormwater Management Section of the East Haven Zoning Regulations. These changes will be consistent with the goals identified in the Town of East Haven's Plan of Conservation and Development. More specifically the changes will encourage the use of low impact development and require the use of Best Management Practices to be consistent with Connecticut Water Quality Manual. These two criteria will help the Town in achieving its goals of ensuring a high quality of development as well as its environmental protection goals by better managing the Stormwater runoff created by new developments.

The proposed amendments will also help the Town in its enforcement of the regulations. The proposed text changes include language that will more clearly define violations of the Section 48: Stormwater Management and the penalties associated with a violation of this section. Additionally, some of the text changes being made will correct errors or update the name of CT Department of Energy and Environmental Protection (D.E.E.P.).

Ultimately, the proposed text changes will help the Town of East Haven come into compliance with the State of Connecticut's General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems ("MS4 General Permit"). The current language of Section 48: Stormwater Management needs to be updated to more clearly reflect the requirements for the Town's MS4 General Permit.

## **Proposed Text Changes to East Haven Zoning Regulations**

### **Section 48: Storm Water Management**

#### **Text Changes and Amendments**

- **ADD** to the Definitions section (48.2):
  - **48.2.5 Low-Impact Development (LID):** A site design strategy intended to maintain or replicate predevelopment hydrology through the use of small-scale controls integrated throughout the site to manage runoff as close to its source as possible. These design standards are guided by the 2004 Connecticut Stormwater Quality Manual as amended from time to time.
- **Amend** the enumeration of the definitions section (48.2) to reflect to the addition of (LID) definition at 48.2.5.
- **Amend** §48.3.1.1 “to submit to the registration to the Connecticut D.E.P.” to read “*to submit to the registration to the Connecticut D.E.E.P.*”
- **Amend** §48.3.3.1 “registration to the Connecticut D.E.P.” to read “*registration to the Connecticut D.E.E.P.*”
- **Amend** §48.5.2 “The D.E.P. ground” to read “*The D.E.E.P. ground*”
- **Amend** §48.5.2 “operation annual or schedule” to read “*operation annual maintenance or schedule*”
- **Amend** §48.5.7 “Calculations of stormwater runoff rates, suspended solids removal rates, and soil infiltration rates before and after completion of the activity being proposed in the application.” To read “*Calculations of stormwater runoff rates, suspended solids removal rates, and soil infiltration rates before and after completion of the activity being proposed in the application. Rates of TSS removal after completion of proposed activity shall conform to Section 48.7.9 meeting a rate of 80%.*”
- **ADD** §48.7.10: All developments shall pursue Low Impact Development standards and techniques to the extent possible. When a specific technique is possible and feasible, as compared to other alternatives, it shall be incorporated into the plan. Low Impact

Development standards and techniques are outlined in the 2004 Connecticut Stormwater Quality Manual, as amended from time to time.

- **ADD §48.7.11:** The stormwater management plan shall include provisions for the handling and disposal of construction site discarded wastes, concrete truck washouts, chemicals and sanitary wastes, and litter.
- **ADD §48.8 VIOLATION:** Failure to comply or implement any of the requirements of the Stormwater Management Plan or any other documents and provisions in connection with an approved application shall constitute a violation.
- **ADD §48.9 ENFORCEMENT and PENALTIES:** The Zoning Officer and/or Town Engineer and/or their agents are empowered to enforce any/all provisions of this section. Any noted violation by an authorized enforcement agent shall be abated immediately. The penalty for any violation of this section shall be a monetary fine in accordance with the provisions of Connecticut General Statute 8- 12 [C.G.S. 8-12] and/or Section 54 of these Regulations and/or the immediate halt to the operations until such time that the violation[s] are abated.



## **SECTION 48: STORMWATER MANAGEMENT**

**48.1 PURPOSE and AUTHORITY:** In accordance with the provisions of Chapters 98, 124, 126, 440, 444, and 446h of the General Statutes of the State of Connecticut, as amended, the Town of East Haven hereby adopts the following Stormwater Management Regulations for the following purposes:

Increased development, without proper consideration of stormwater impacts can be a significant source of pollution to Long Island Sound, its tributaries, and other waters of the State. Recognizing the State's water resources are valuable natural, economic, recreational, cultural and aesthetic resources. The protection and preservation of these waters is in the public and municipal interest and is essential to the health, safety and welfare of the citizens of the State. It is, therefore, the purpose of these Regulations to protect and to preserve the waters within the Town of East Haven from nonpoint sources of pollution through the proper management of stormwater flows and minimization of inputs of suspended solids, pathogens, toxic contaminants, nitrogen and floatable debris to these flows.

**48.2 DEFINITIONS:** For the purpose of this Ordinance, the following words and phrases shall have the following meaning(s):

**48.2.1 Aquifer:** a geologic formation, groups of formations, or part of a formation that contains sufficient saturate, permeable materials to yield significant quantities of water to wells and springs.

**48.2.2 B M P's: [Best Management Practices]:** techniques or structural devices that are effective, practical ways of preventing or reducing pollution.

**48.2.3 First flush of rain:** the initial runoff, usually the first inch of rain that contains higher pollutant concentrations than the subsequent runoff; due to the initial washing off of dry weather deposits in a significantly higher concentration than those washed off later in a storm. This effect is particularly pronounced with initial heavy rainfalls.

**48.2.4 Groundwater:** water found beneath the ground surface that completely fills the open spaces or voids between particles of sediment, and within rock formations.

**48.2.5 Impervious surface:** material or structure on, above or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

**48.2.6 Site:** a single parcel, together with any adjacent waters, which is the subject of an application for zoning approval, subdivision approval, coastal site plan review, or an inland wetlands permit.

**48.2.7 Sediment:** solid material, either mineral or organic, that is in suspension, is transported, or has been removed from its site or origin by erosion.

**48.2.8 Trash hood:** a feature in a catch basin which, by design, traps debris such as litter and keeps it from being discharged from the catch basin.

**48.2.9 Urban stormwater runoff:** precipitation that falls onto the surfaces of roofs, streets, paved driveways, patios, parking lots, roads and the grounds of developed areas; not absorbed by the ground or retained in its surface, but collects and runs off, thereby carrying a wide variety of pollutants such as (but not limited to) oil-based contaminants, heavy metals (copper and lead), nutrients and bacteria.

**48.3 APPLICATION REQUIRMENTS:** Any applicant, seeking an approval on a site plan, subdivision, re-subdivision, special exception, coastal site plan review and/or inland/wetland permit, pursuant to the East Haven Zoning and/or Subdivision Regulations shall include, as part of said application, a Stormwater Management Plan when:

**48.3.1** Said application pertains to a development or construction project disturbing five (5) or more acres of total land area...and/or:

**48.3.1.1** That, in the event of a proposed development or construction project projecting a total disturbance of five (5) or more acres; said applicant shall be further required to submit to the registration to the Connecticut D.E.P., under the General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities,...and/or:

**48.3.2** The submitted application pertains to any site having one (1) or more acres of impervious cover...and/or:

**48.3.3** The submitted application pertains to any new industrial or commercial project\*...and/or

**48.3.3.1** Any commercial and/or industrial project, having 5 (five) or more acres of contiguous impervious surface may require the submission of registration to the CONNECTICUT D.E.P. UNDER THE General Permit for the Discharge of Stormwater Associated with Commercial Activity, or the General Permit for the Discharge of Stormwater Associated with Industrial Activity, ...and/or

**48.3.4** the East Haven Planning and Zoning Commission requires the submission of a Stormwater Management Plan, pursuant to written findings that the activity being proposed in said application has the potential to cause significant nonpoint source pollution to ground or surface water drinking supplies, and/or to the waters of Long Island Sound, and/or to any other waters of the State. Such findings may be based upon a written request by the Commissioner of Environmental Protection.

**48.4** Upon a finding by the Commission, that the activity proposed in an application may result in significant, nonpoint source pollution to ground or surface water drinking supplies, or to Long Island Sound, or to any other waters of the State, said Commission may refer the application, including the "Stormwater Management Plan" to the Commissioner of Environmental Protection for a determination as to whether a discharge permit, under Section 22a-430 of the General Statutes, or other State authorization, is required.

**48.5 STORMWATER MANAGEMENT PLAN:** In the event that a Stormwater Management Plan is required as per Section 48.3 of these Regulations, said plan shall include, at a minimum, the following information:

**48.5.1** The soil characteristics of the site

**48.5.2** The D.E.P. ground and surface water quality classification of the site

**48.5.3** The location of the closest surface water bodies and/or wetlands to the site, and the depth to any groundwater or aquifer areas to the site.

**48.5.4** In the case of tidal waters, provide the mean high water and high tide elevations.

**48.5.5** The location and description of all proposed stormwater control “BMPs” (best management practices) for both the construction activities and for the post-construction, long term stormwater control.

**48.5.6** The proposed maintenance and operation annual or schedule for any trash hoods, catch basins, or other “BMP” devices used to prevent and/or treat stormwater

**48.5.7** Calculations of stormwater runoff rates, suspended solids removal rates, and soil infiltration rates before and after completion of the activity being proposed in the application.

**48.5.8** A hydrology study of pre-development site conditions. Said study shall be conducted at 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.

**48.6 EXEMPTIONS:** In an event that the Commission determines that the proposal will not have the potential to cause significant nonpoint source pollution to groundwater or surface water drinking supplies, or to Long Island Sound, or any other waters of the State, the Commission may waive submission of the requirements of subsections 7 and 8, listed in section 48.5

**48.7 STANDARDS and CRITERIA for DECISIONS:** In order to approve any application for which a Stormwater Management Plan is required, the Commission shall find that the submitted Stormwater Management Plan is consistent with the following criteria:

**48.7.1** Direct channeling of surface water runoff into adjacent ground and surface waters and tidal wetlands shall be prohibited.

**48.7.2** No net increase in urban stormwater runoff from the site shall result from the proposed activity

- 48.7.3** Design and planning for site development shall provide for minimal disturbance of predevelopment, natural hydrologic conditions, and shall reproduce such conditions after the proposed activity to the maximum extent feasible.
- 48.7.4** Pollutants shall be controlled at their source, to the maximum extent feasible in order to both contain and minimize contamination.
- 48.7.5** Stormwater management systems shall be designed and maintained to manage site runoff in order to eliminate surface and groundwater pollution, prevent flooding and, where required, control peak discharges and provide pollution treatment.
- 48.7.6** Stormwater management systems shall be designed to: collect, retain and treat the first inch of rain on site, so as to trap all floating material, oil and litter by means of oil and grit separators and trash hoods and other “BMP” techniques.
- 48.7.7** On site storage of stormwater shall be employed to the maximum extent feasible. On site storage methods include, but are not limited to landscaped depressions, grass swales, infiltration trenches and retention or detention ponds.
- 48.7.8** Stormwater runoff rates and volumes shall be controlled, by slowing runoff velocities and encouraging infiltration. Post development runoff rates and volumes shall not exceed pre-development rates and volumes. BMP methods for controlling runoff and encouraging infiltration include the minimization of impervious surfaces, minimization of curbing and collection, the use of grass or vegetative filter zones, landscaped depressions, dotted curb spacers, perforated pipes for conveying stormwater, establishment of buffers from streams, wetlands, and water bodies, and any combination of methods where appropriate.
- 48.7.9** Stormwater treatment systems shall be employed where necessary to ensure that the average annual loading of total suspended solids (TSS) following the completion of the proposed activity at the site are no greater than such loadings prior to the proposed activity. Alternatively, stormwater treatment systems shall remove 80% of TSS from the site on an average annual basis. BMP methods for stormwater treatment include infiltration through vegetative strips, grass swales and detention basins.