

Topic: Ridgeline Protection; Overlay District
Resource Type: Regulations
State: Connecticut
Jurisdiction Type: Municipal
Municipality: Town of Avon
Year (adopted, written, etc.): 2002
Community Type - applicable to: Suburban; Rural
Title: Town of Avon Ridgeline Protection Overlay Zone
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Abstract

This overlay district was adopted to protect ridgelines for the conservation of environmental attributes including ground water quality, ground water recharge and wildlife habitat, and in order to prevent erosion. It provides for a setback area from the ridgeline as specified by a qualified professional. The setback area is designated on a map prepared by the Commission.

Resource

SECTION IX SPECIAL REGULATIONS

5. RIDGELINE PROTECTION OVERLAY ZONE 1. Purpose

The purpose of this section is to protect Traprock Ridges in order to preserve their unique environmental attributes, their groundwater recharge function, and the visual and historic assets of these distinctive ridgeline areas.

2. Definitions

For the purpose of applying the provisions of this section, the terms below shall be defined as follows:

ALTERATION - A change or rearrangement in the structural parts of a building, the movement of all or any part thereof, or the substantial reconstruction thereof, in order to produce a substantial change in appearance, character, or construction. It also means an enlargement, whether by increase in height, coverage, volume, or floor area.

BUILDING - Any structure other than (A) a facility as defined in Section 16-50i of the Connecticut General Statutes or (B) structures of a relatively slender nature compared to the buildings to which they are associated, including but not limited to chimneys, flagpoles, antennas, utility poles, and steeples, provided such structures are accessory to a building or use permitted by these regulations and not the principal use or structure on the lot.

CLEAR-CUTTING - The harvest of timber in a fashion which removes from any 200-square-foot or larger area all or substantially all trees measuring 2 inches or more in diameter at a height of 4 feet.

DEVELOPMENT - The construction, reconstruction, alteration, or expansion of a building equal to or greater than 100 square feet in area.

PASSIVE RECREATION - Nonmotorized recreation not requiring development as defined herein, nor requiring any clear-cutting or alteration of the existing topography, nor any activity regulated pursuant to this section. Such passive recreation shall include but not be limited to hiking, bicycling, picnicking, and bird-watching.

QUARRYING - The removal, excavation, processing, or grading of stone, fill, or other earth products, regardless of the methods utilized (e.g., blasting, crushing, excavation equipment). Earth which is to be removed as may be necessary to construct a basement for a single-family home or regrading which may be necessary to install an on-site subsurface sewage disposal system shall not be considered quarrying. Any other removal shall be subject to all other pertinent sections of this regulation.

RIDGELINE - The line on a traprock ridge created by all points at the top of a 50 percent or greater slope (2 horizontal for each vertical unit of distance), which slope is maintained for a distance of at least 50 horizontal feet measured perpendicular to the contours of the slope, and which consists of surficial basalt geology. All slopes disturbed by human intervention shall be measured as they existed immediately prior to such disturbance, as best such pre-existing conditions can be determined by available topographic maps or other records.

RIDGELINE SETBACK AREA - The area bounded by (B) a line that parallels and is placed a horizontal distance of 150 feet off the more wooded side of all ridgelines as defined herein and (B) that lowest contour line created where less than a 50 percent slope (2 horizontal for each vertical unit of distance) exists for a distance of 50 horizontal feet on the rockier side of all ridgelines as defined herein. This area is generally shown as an overlay to the official Zoning Map.

SELECTIVE TIMBERING - The removal of no more than ten percent (10%) of the total number of living trees or no more than 10% of the total number of trees in excess of 6 inches in diameter within that portion of any ridgeline setback area located on the lot on which such removal is to occur. The ten percent limitation shall be cumulative from the effective date of these Ridgeline Protection Overlay Zone regulations.

TRAPROCK RIDGE - Talcott Mountain and Pond Ledge Hill

VISUAL IMPACT OBSERVATION POINTS - Off-site locations within the Town of Avon from which proposed activities within a ridgeline setback area may reasonably be expected to be visible.

3. Delineation of Regulated Areas

The Commission may prepare, for illustrative purposes, a map that generally and approximately delineates the ridgelines and ridgeline setback areas as defined herein. However, the precise location of the boundaries of ridgeline setback areas shall be determined and governed by measurements made on the affected properties in accordance with the definitions in Subsection 2. The actual presence and location of ridgeline setback areas as determined by qualified professionals shall govern the applicability of this regulation to a proposed development. A Qualified professionals@ shall include, as relevant, licensed land surveyors and geologists. In cases where a landowner or applicant disputes the designation of any land as a regulated area, he or she shall have the burden of proving that designation inapplicable. The Zoning Enforcement Officer or any other agent of the Commission may make a determination based on mapping and field observation that the area in question does not meet the criteria required to be within the ridgeline setback area and, therefore, does not require a special permit from the Commission.

4. Special Exception Requirements

In addition to any other permit, special exception or other approval required under these regulations, a special exception shall be required for any development or clear-cutting activities proposed for or occurring within a ridgeline setback area, except that a special exception under this section shall not be required for the following activities:

- a. Emergency work necessary to protect life or property.
- b. Activities for which a complete zoning application was filed prior to the effective date of the Ridgeline Protection Overlay Zone regulations, provided that such application was approved and the approval remains in effect.
- c. Selective timbering.
- d. Passive recreation.
- e. Building additions that cumulatively do not exceed a building footprint of 1,500 square feet in area, measured from the date of adoption of this amendment, when added to homes which were in existence as of the effective date of this regulation. Clear-cutting shall be allowed without special permit only in the area required to accommodate the actual footprint of the proposed addition plus an area extending 15 feet from the outside walls of the addition. This exemption shall not apply to any homes which have been constructed as

part of a prior subdivision approval granted by the Commission which contained conditions placing limits on tree clearing and/or requiring the preservation of trees.

- f. Maintenance of property which may include tree trimming and/or the cutting of a select number of trees to maintain views which were in effect as of the date of the adoption of this regulation. In an effort to document existing views, a property owner may present photographic evidence or survey data to the Office of the Town Planner. This information along with any other data which a property owner may choose to provide shall be kept on file in the Office of the Town Planner. This documentation may be provided at the option of the property owner.

5. Standards For Granting a Special Exception For Activities Within Ridgeline Setback Areas

In addition to the requirements of Article VIII of the Zoning Regulations, the Commission shall require compliance with the following:

- a. That adequate safeguards have been taken to minimize the visual impact of proposed activities as viewed from public highways, public parks, or other areas accessible to the general public. Visual impacts may include but are not limited to unnatural gaps, cuts, projections, or other obviously artificial alterations of existing natural tree lines, ridgelines, prominent topographic features, or rock formations; the use of materials which by their color, reflectiveness, finish, size, or orientation disrupt the natural or historic character of a ridgeline; the size, height, shape, and location of buildings; the height, intensity, coverage, and glare from proposed lights. Such safeguards may include but are not limited to (a) restricting the removal of trees and other vegetation, (b) requiring supplemental landscaping, (c) restricting structure colors and reflectivity of windows and roofs, (d) requiring buffers and setbacks from ridgeline, (e) restricting exterior lighting, (f) limiting the height and mass of structures, and (g) requiring utilities to be installed below ground. The Commission may require that clear-cutting occur in a staggered or other pattern that reduces the visual impact of such cutting and may further require that clear-cutting be staged over a period of time to allow for regrowth of remaining vegetation. Additionally, the Commission may regulate the location, and require the relocation, of proposed buildings to reduce visual impact. Whenever possible, development and clear-cutting within 75 feet of any ridgeline, as defined in these Ridgeline Protection Overlay Zone Regulations, shall be avoided. The Commission may also require the installation of flags, balloons, or other on-site markers prior to a decision on any application in order to allow evaluation of visual impacts as seen from various vantage points.
- b. That the viability of the area as a wildlife resource (habitat, breeding ground, foraging area, migratory pathway, etc.) is protected. Steps to protect these areas may include but are not limited to restricting the size of lawn areas or other clearings; restricting clear-cutting to certain seasons of the year or to certain areas, patterns, methods of removal; or applying other restrictions that it deems necessary to minimize the impact on wildlife and wildlife habitats. The Commission may require an analysis of the potential impacts of the proposed activity on wildlife, such analysis to be prepared by a qualified biologist.

- c. That the groundwater quality and recharge potential of the area is preserved. The Commission may require an analysis of the possible impacts of the proposed activity on groundwater quality and recharge. In order to minimize such impacts, the Commission may require restrictions on the size or location of septic systems; the use of biofilters, detention ponds, retention ponds, and other methods of storm water management that protect surface and subsurface waters; the regulation of the storage, handling or usage of hazardous materials or waste, including but not limited to fertilizers, pesticides and herbicides; and any other restrictions or limitations which the Commission may reasonably deem appropriate.
- d. That areas of archaeological and historic importance have been identified and adequate steps have been taken to preserve and/or record these areas.
- e. That the stability of the ridgeline is protected and that erosion potential is kept to a minimum by minimizing changes to the existing topography, preserving existing vegetation, requiring the revegetation of disturbed areas, and requiring the installation and maintenance of sedimentation and erosion control structures as needed. Steps to protect the stability of the ridgeline may include but are not limited to requiring retaining walls or other methods to minimize the cutting and filling of slopes; requiring reforestation or landscaping of quarries upon reaching finished grade or of other areas disturbed by development or clear-cutting; and requiring that driveways, roads, and other improvements requiring grading shall be approximately parallel to existing contours.

6. Site Plan Requirements

An application for any Special Exception required under subsection 4 and 5, foregoing, shall be accompanied by the following site plan information. The Commission may waive the requirement for all or a portion of this information upon a finding that it is not essential to determining compliance with the Special Exception Criteria contained in Section 5.

- a. The applicant shall submit a plan showing the proposed or existing location of each structure, road, driveway, and other man-made feature on the lot. The plan shall show the maximum first-floor topographic elevation and the maximum elevation of the highest point of each building and structure.
- b. The applicant, in consultation with the Town Planner, shall provide a list of visual impact observation points. These points shall be located through mapping and field observation. The applicant shall place aerial markers at points corresponding to the highest point of each proposed building and structure. The applicant shall provide photographs taken from visual impact observation points of the development site with aerial markers in place. The Commission shall verify the visual impact areas and may add other areas to be analyzed for visual impact in addition to proposed structure sites, including sites of proposed or existing roads, driveways, and other man-made features.

c. The applicant shall provide a map showing the location of all existing trees having a diameter of 6 inches or more at a height of 4 feet. The map shall be prepared by a licensed land surveyor and shall be certified to A-2 standards of accuracy.

d. Where existing vegetation is insufficient to provide, in the judgment of the Commission, adequate visual screening of visual impact areas on a particular lot, the applicant shall prepare a landscaping plan specifying the location, number, type, species, and size of plant and tree material that will be added to the lot. The plan shall be designed to screen those portions of the visual impact areas that will be observable from the visual impact observation points.

e. The applicant shall submit a plan with appropriate graphics and color renderings, specifying methods and mechanisms of minimizing the visual impacts of existing and proposed structures, roads, driveways, and other man-made features. Such methods and mechanisms shall include but are not limited to the following:

(1) Restrictions on structure and roof colors to earth tones, which shall include a range of colors including brown and black, but shall not include bright or bold colors.

(2) Restrictions on the height of structures whenever the height is expected to exceed the height of the existing or proposed vegetation screening it from the visual impact observation points at a point in time 5 years from the time of the installation of plant material.

7. Prohibited Operations and Uses in Ridgeline Setback Areas

The following shall be prohibited in the ridgeline setback areas.

- a. Quarrying.
- b. Lighting poles 10 feet or more in height. All lights shall be designed to prevent excessive glare off the property.
- c.. Air conditioning, heating, or ventilating equipment that projects above the plane of any roof surface, other than accessory chimneys.

8. Financial Security

The Commission may require, as a condition of approval of any application for activities within a ridgeline setback area, that the permittee post a bond with surety, letter of credit, or other form of financial security acceptable to the Commission, in order to assure compliance with the provisions of these regulations and with the terms and conditions of the approval.

- Last Updated: Tuesday, Mar 12, 2002