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Title:	Town of Farmington Ridgeline Protection Zone
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Abstract

This law provides a very detailed set of regulations with the primary purpose of protecting the viewshed and natural beauty of the town. It uses specific geologic features that form the mountains to determine the boundaries of the protection zone.

Resource

Section 26: RIDGELINE PROTECTION ZONE

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

B. DEFINITIONS: For the purpose of applying the provisions of Section 26 the terms below shall be defined as follows:

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

BUILDING means any structure other than (A) a "facility" as defined in section 16-50i of the 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 means the harvest of timber in a fashion which removes all or substantially all, trees over two inches in diameter at breast height (4.5 feet above grade) from any ten square foot area.

DEVELOPMENT is defined as the construction, reconstruction, alteration, or expansion of a building.

LOT OF RECORD means a lot which either has been approved by the Farmington Town Plan and Zoning Commission for building purposes prior to the effective date of this regulation or a lot which was legally established and recorded in the Farmington land records prior to the effective date of this regulation.

PASSIVE RECREATION means non- motorized recreation not requiring "*development*," as defined herein, nor requiring any 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.

EARTH CHANGE means the removal, excavation, deposition, processing, or grading of stone, fill or other earth material, regardless of the methods utilized (e.g., blasting, crushing, excavation equipment).

RIDGELINE SETBACK AREA means the area bounded by: A) a line that parallels and is placed a horizontal distance of one hundred and fifty (150') feet off the lesser sloped side (typically the more wooded side) of all traprock (basalt) ridgelines as defined herein; and B) that lowest contour line created where less than a fifty (50%) percent slope (two horizontal for each vertical unit of distance) exists for a distance of fifty (50') horizontal feet on the more steeply sloped side (typically the more rocky side) of all traprock (basalt) ridgelines as defined herein. 82

SELECTIVE TIMBERING means the harvesting of not more than ten percent (10%) of the trees, not less than 6 inches (6") in diameter at breast height (4.5 feet above grade), within the ridgeline setback area on a lot for the commercial sale of lumber. The ten percent limitation shall be cumulative from the effective date of this regulation.

SELECTIVE CLEAR CUTTING means the removal or alteration of trees within the ridgeline setback area exclusively for the purpose of establishing, maintaining or enhancing a view from an existing or proposed residence.

TRAPROCK RIDGELINE means the line on Pinnacle Rock, Rattlesnake Mountain, Farmington Mountain and Talcott Mountain created by all points at the top of a fifty percent (50%) or greater slope (2 horizontal for each vertical unit of distance), which slope is maintained for a distance of at least fifty (50) horizontal feet measured perpendicular to the contours of the slope, and which consists of surficial basalt geology, identified on the map entitled "Surficial Materials Map of Farmington," a copy of which is on file in the Planning and Zoning office of the Town of Farmington (hereinafter, "Surficial Materials Map"). The Surficial Materials Map shall be deemed and construed to be illustrative only, and in individual instances, the actual surficial basalt geology may be as determined by

field observations, and other topographic maps, bedrock geologic maps, surveys, and other available information. Where no surficial basalt geology (unconsolidated, loose rock) exists, bedrock basalt geology shall be used to define the traprock ridgeline. All slopes shall be measured as preexisting prior to any disturbance by human intervention, existing or proposed, as best such preexisting conditions can be determined by available topographic maps or other records.

C. Delineation of Regulated Areas

The Town of Farmington shall prepare within three (3) months after the enactment of this regulation a map or series of maps which generally delineate the Ridgeline and Ridgeline Setback Area as defined herein (hereafter referred to as "the Ridgeline Map"). The definitions of Traprock Ridgelines and Ridgeline Setback Areas in these regulations shall govern for purposes of determining whether any area within the Town is in fact a regulated area. 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. "Qualified professionals" shall include, as relevant, licensed land surveyors, geologists, and/or geographers. In cases where an applicant disputes the designation of any part of his land as a regulated area, he shall have the burden of proving that designation inapplicable.

D. PERMITTED USES: Anything in this section to the contrary notwithstanding, the following operations and uses shall be permitted in Ridgeline Setback Areas, as of right, as set forth in Connecticut General Statutes Section 8-2(c), as amended:

1. Emergency work necessary to protect life or property. Emergency work shall include but not be limited to the removal or trimming of dead or dangerous trees. Prior to the commencement of such activity, a plan for conducting all emergency work shall be submitted to and approved by the Planning Department. 83

2. Establishment or construction of any commercial use or structure approved by special permit or by site plan approval prior to the effective date of this regulation, which approvals remain in effect. In the case of a site plan which was approved without a special permit such approval shall be deemed to remain in effect for a period not to exceed five years from the date of the adoption of this regulation, unless such time period is extended per Section 8-3(i) of the Connecticut General Statutes.

3. Maintenance of any use or structure existing on the effective date of this regulation. Maintenance shall not include any expansion or relocation of such use or alteration of structures as defined by this regulation.

4. Selective timbering subject to the following conditions:

a. The work shall be done or monitored by a registered forester as certified by the Connecticut Department of Environmental Protection.

b. Prior to commencing such activity a plan prepared by a registered forester for the work shall be filed with the Farmington Planning Department.

5. Grazing of domesticated animals in pasture areas existing only on the effective date of this regulation.

6. Passive recreation.

7. Earth changes conducted within an EE zone existing on the effective date of this regulation. Such earth changes are to be undertaken in accordance with any approved plan which is on file with the Town of Farmington prior to the effective date of this regulation.

8. Alteration of a building which existed prior to the effective date of this regulation or which was approved and constructed in accordance with this regulation subject to the following conditions:

a. Any expansion (by height, volume, coverage or floor area) shall not involve earth changes in an area occupied by tree cover and shall not cause clear cutting activity.

b. Such alteration shall not produce a substantial change in appearance or character of the building as viewed from below the ridgeline setback area. This determination shall be made by the Planning Department in consultation with the Commission.

c. A plan for such alteration shall be submitted to and approved by the Farmington Planning Department.

d. Such alteration shall not involve a cumulative floor area expansion greater than ten percent (10%) of the floor area of the building existing prior to the effective date of this regulation or the floor area approved by the Commission by special permit. 84

9. Selective Clear Cutting Subject to the following conditions:

a. Such clear cutting shall be limited to the cumulative removal or alteration of no more than ten trees less than ten (10") inches in diameter (4.5 feet above grade) from the effective date of adoption of this regulation or shall be done in accordance with a plan prepared by an arborist and approved by the Farmington Planning Department.

b. Such clear cutting shall not result in the removal of all trees within a 100 square foot area.

c. Such clear cutting shall not result in the creation of large treeless gaps along the top of the ridgeline.

d. Such clear cutting shall not result in the exposure of large areas of the building as viewed from below the ridgeline setback area.

In deciding to approve such plan, the Department shall give due consideration to the environmental impacts from such selective clear cutting as well as the implementation of lesser means in the establishment, maintenance or enhancement of a view such as the topping of trees or the removal of fewer or smaller trees.

10. Construction, relocation, alteration of an accessory building or use provided that such building or use is not visible as viewed from below the ridgeline setback area, such activity will not result in the removal or alteration of trees over 3 inches in diameter at breast height (4.5 feet above grade) and no trees will be removed or altered which are located between the principal building and the Traprock Ridgeline.

E. Uses Allowed only by Site Plan Approval. The following operations and uses shall be permitted in Ridgeline Setback Areas after receiving site plan approval from the Town Plan and Zoning Commission. An application shall be accompanied by the site plan information in section K. 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 conditions set forth in this section.

1. Alterations of buildings not permitted under Section D of this regulation subject to the following conditions:

a. Such alterations shall not involve a cumulative floor area expansion greater than twenty-five percent (25%) of the floor area of a building existing prior to the effective date of this regulation or the floor area approved by the Commission by special permit.

b. Such alteration shall not produce a substantial change in appearance or character of the building as viewed from below the ridgeline setback area.

c. Such alteration shall not result in the removal of trees greater than ten (10") inches in diameter (4.5 feet above grade) located within 75 feet of the Traprock Ridgeline as defined in this regulation. 85

2. Construction, relocation alteration of any accessory building or use provided that such building or use is less than 300 square feet in area.

F. Uses Allowed only by Special Permit. The following operations and uses shall be permitted in Ridgeline Setback Areas after receiving a special permit from the Town Plan and Zoning Commission. An application shall be accompanied by the site plan information in Section K. The Commission may waive the requirements for all or a portion of this

information upon a finding that it is not essential to determining compliance with the conditions set forth in this section. In addition to the specific requirements and standards listed below and in Section O. Article IV, Section 12 shall apply to application procedures, hearing and notice requirements.

1. Development except for alterations permitted by right or after site plan approval as set forth provided the following conditions are met:

a. No more than 40 percent of the portion of the lot within the Ridgeline Setback Area as defined in this section may be covered with impervious surfaces.

2. Earth Changes

3. Clear Cutting

4. Above Ground Utilities. However, this provision shall not apply to utilities which are accessory to the construction of a building permitted by this regulation.

G. Standards for Granting of a Special Permit within Ridgeline Setback Areas

In addition to the requirements of Article IV. Section 12., the Commission shall require compliance with the following:

1. 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 not be 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 the ir color, reflectiveness, finish, size, or orientation disrupt the natural or historic character of the ridgeline; the size, height, shape, and location of buildings; the height, intensity, coverage and glare from proposed lights. Such safeguards may include, but not be limited to restrictions on the removal of trees and other vegetation, requiring supplemental landscaping, restrictions on structure colors and reflectivity of windows and roofs, requiring buffers and setbacks from ridgeline, restrictions on exterior lighting and height limitations. The Commission may require that clear cutting occur in a staggered or other pattern which reduces the visual impact of the 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 require that buildings be clustered to reduce visual impact. The Commission may require the installation of flags, balloons, or other on-site markers to allow evaluation of visual impacts as seen from various vantage points. 86

2. 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 not be 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

other restrictions which may be 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 to be prepared by an Environmental Specialist or Biologist.

3. 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, but not be limited to, restrictions on the size or location of septic systems; the use of biofilters, detention ponds, retention ponds, and other methods of storm water management which protect surface and subsurface waters; and the regulation of the storage, handling or usage of hazardous materials or waste, including, but not limited to, fertilizers, pesticides and herbicides.

4. That areas of archaeological and historic importance have been identified, and adequate steps have been taken to preserve and/or record these areas.

5. 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 ridges stability may include, but not be 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. In reviewing any application for development or earth changes involving a lot of record and within 75 feet of the Traprock Ridgeline the Commission may allow less than full compliance with the restrictions set forth in this regulation on activities set within said 75 foot area where full application of such restrictions would have the effect of precluding development of a principal building on such lot consistent with the size of typical homes in the neighborhood. In addition, in reviewing an application for an accessory structure or use on a lot of record and within said 75 foot setback area, the Commission may approve such structure or use provided the Commission determines that such application complies with Section G 1-5.

As a result of applying these criteria, the Commission may alter the proposal in terms of height, size, design, and location and may control the extent and location of any tree clearing and/or earth change (grading, etc.). When blasting is proposed the Commission may require that minimal charges be used to protect the environmental quality of the ridge.

87

H. Prohibited operations and uses in Ridgeline Setback Areas. The following shall be prohibited in the Ridgeline Setback Area:

1. Development, earth changes, and clear-cutting within 75 feet of the Traprock Ridgeline as defined in this regulation, except for development, earth changes or selective clear cutting of or on any lot of record.
2. Underground storage tanks containing hazardous waste or materials including petroleum products.
3. Any other provision of these regulations to the contrary notwithstanding, no lighting poles shall be higher than 10 feet, and all luminaries shall be designed to prevent the visibility of the light source from off the property. The use of strobe lights on any antenna or other structure is prohibited.
4. Earth changes, which produces finished grades which are steeper than the pre-existing natural grades other than in EE zones.
5. Air conditioning, heating or ventilation equipment which projects above the plane of any roof surface, other than accessory chimneys.

I. Use Variances Prohibited.

In accordance with Connecticut General Statutes Section 8-6, no variance shall be granted by the Zoning Board of Appeals which would allow any use of land within the Ridgeline Setback Area which would violate any subset of this regulation.

J. Non-Conforming Buildings

Nothing contained within this regulation shall prevent the reconstruction of a building in existence prior to the effective date of this regulation provided such reconstruction conforms to the provisions found in Article IV Section 1B of these regulations, and such reconstruction does not produce a substantial change in appearance, character, or construction.

K. Site Plan Requirements

An application for site plan approval or special permit shall be accompanied by the following site information:

1. An A-2 survey showing the proposed or existing location of each structure, driveway and other man made feature on the lot, existing and proposed contours including the maximum height of all such structures.
2. The location of all wooded areas and those specific trees to be altered or removed.
3. Elevations of all proposed structures including materials and colors.

4. Where, in the opinion of the reviewing authority, existing vegetation is insufficient to provide adequate screening of visual impact areas on a particular lot, the applicant shall prepare a landscape plan specifying the location, number, type and size of plant and tree material that will be added to the property.

The Commission may require the applicant to provide field markers depicting the highest elevation of each proposed building or structure as well as photographs taken from off-site locations within the Town of Farmington from which proposed activities within a ridgeline setback area may reasonably be expected to be seen.