

6.4 GRADING

6.4.A Purpose

The requirements of this section are established to minimize the negative impacts to the environment, other properties, and other matters as may be applicable, due to, and to protect public health, safety and general welfare where threats thereto may be created or exacerbated by, grading activities.

6.4.B Reference Standards

The following reference standards and requirements shall apply, and the same are incorporated herein as applicable, in order of priority:

1. Applicable federal and state laws and regulations, and applicable local laws.
2. The provisions of any applicable federal or state regulatory approval or enforcement action.
3. These Regulations and the provisions of any applicable local approval or enforcement action.
4. Any standards, details, requirements, or other such documents issued by the Town Engineer or Director of Public Works and promulgated on the web pages associated with Engineering or Public Works on the Town website (www.bloomfieldct.gov).
5. The 2023 edition of the Connecticut Guidelines for Soil Erosion & Sediment Control (E & S Guidelines), issued by the Council on Soils and Water Conservation in collaboration with the Connecticut Department of Energy and Environmental Protection, (publication date of September 30, 2023,) including any amendments or supplements duly issued thereto. The provisions of this document are incorporated as required standards.
6. The 2023 edition of the Connecticut Stormwater Quality Manual (CT_SWQM), issued by the Connecticut Department of Energy and Environmental Protection (CTDEEP), (publication date of September 30, 2023,) including any amendments or supplements duly issued thereto. The provisions of this document are incorporated as required standards.

6.4.C Applicability

1. All grading activities shall be subject to these Regulations.

6.4.D Activities Allowed without Zoning Permit

1. Grading for farming operations involving one or more of:
 - a. Typical farm field operations associated with crop/pasture establishment.
 - b. Typical farm field operations associated with tending/maintaining crop/pasture area while the intended vegetation is growing/maturing/ripening.
 - c. Typical farm field operations associated with post-harvest activities.
2. Grading involving less than 100 cubic yards of earthen material. (Note for purposes of this §6.4.D, the term “earthen material” does not include tree or shrub vegetation above ground level.)

3. Grading involving less than 10,000 square feet in area of disturbed vacant land area.

6.4.E Activities Allowed with Zoning Permit Only (ZEO signoff or site plan, if otherwise required)

1. Grading involving more than 100 cubic yards [total] to 2000 cubic yards per acre of disturbed area of earthen material.
2. Grading involving 10,000 or more square feet of disturbed vacant land area.

6.4.F Activities that Require a Special Permit

1. Grading involving greater than 2000 cubic yards of earthen material per acre of disturbed area.
2. Grading involving the sum of both imported fill and exported earthen material greater than one of:
 - a. 1,000 cubic yards for less than one acre of disturbed area; or,
 - b. 1,000 cubic yards per acre of disturbed area up to 5,000 cubic yards; or,
 - c. Over 5,000 cubic yards total.
3. Onsite processing, including crushing or screening, of imported earthen materials or excavated earthen materials for, or with the intent of, exporting the processed material offsite.
4. Earth slopes steeper than 2 horizontal to 1 vertical.
5. Grading proposed not to meet the requirements of 6.4.H. 7 or 6.4.H.8.

6.4.G Additional Special Permit Considerations

1. Potential soil erosion and sedimentation issues.
2. Effects on drainage and groundwater.
3. Slope stability.
4. Effects of traffic generated by grading operations on traffic circulation or safety on adjacent streets.
5. Suitability of the scope of grading operations to the subject site location.
6. Proposed duration of grading operations.
7. Appropriate rights obtained from an adjacent property, as may be applicable.

6.4.H Overall Requirements

1. All grading hereunder regulated shall, as applicable, be in accordance with the E & S Guidelines and the CT_SWQM.

2. Where a permit is required hereunder to cover grading activities, such permit shall be obtained prior to commencing any such grading activities; and the applicant shall give the Commission's designated agent proper written notice of the intended commencement of such grading activities.
3. Grading activities shall utilize appropriate accepted industry standard techniques, methods, and means.
4. Earth slopes intended to be mowed by means typically readily available to a typical homeowner shall not exceed 3 horizontal to 1 vertical.
5. Earth slopes steeper than 3 horizontal to 1 vertical and rock slopes steeper than 1.5 horizontal to 1 vertical shall not exceed 6 feet in total height unless an engineering report, prepared and signed by an appropriately qualified Connecticut Professional Engineer, shall be submitted to, and its contents, after review, accepted by, the Commission or its agent. Such report shall evaluate stability for all applicable proposed slopes, including considering the potential interception of groundwater by cut slopes; and shall provide for the design of stabilization measures of such slopes as necessary or appropriate.
6. Rock slopes steeper than 1.5 horizontal to 1 vertical shall meet the requirements (except wall design) of §6.7.B (Retaining Walls), with the face of the rock slope being treated as the exposed face of a retaining wall.
7. Grading shall not alter the existing grades at side or rear property lines; or at front property lines on a rear lot.
8. The finished grade within 5 feet of any property line, measured perpendicular to such property line, shall not exceed 1 foot in elevation difference from the subject existing grade at the property line.

6.4.I Permit Standards and Conditions

1. For any grading operations where a zoning permit is required, the Commission may require the applicant to post an appropriate security bond, in a reasonable amount and form satisfactory to the Commission, for the stabilization and restoration, including establishment of appropriate vegetation, of the subject site in the event that the subject proposed work is not completed in a timely manner.
2. As a condition of approval for any grading special permit, the Commission may specify the overall time period within which the subject grading activities shall be completed. The Commission may, upon appropriate application to the Commission, grant one time extension period, of a length not to exceed the time period for the original condition, to be added onto the end of any original conditional time period granted under this provision. Any time extension considered beyond the scope previously set forth in this provision shall require an additional special permit approval.