

AMENDMENTS TO THE HARTLAND ZONING REGULATIONS CONCERNING FARMINGTON RIVER PROTECTION OVERLAY DISTRICT

In accordance with Section 8-2 of Title 8 of the Connecticut General Statutes, and Article VIII of the Zoning Regulations of the Town of Hartland, Connecticut as amended and revised effective December 1, 1973, said Zoning Regulations are hereby further amended, as follows:

Section I-3 is amended by the addition of the following new definition:

The Farmington River Protection Overlay District (hereinafter “District”) is a protected corridor of land along the entire length of the Farmington River within the Town of Hartland consisting of the area within the edges of the river’s bed and a contiguous and parallel Buffer Strip as more specifically defined in Section IV-6.

Section IV is amended by the addition of the following new subsection 6:

FARMINGTON RIVER PROTECTION OVERLAY DISTRICT

The Farmington River Protection Overlay District shall be defined as the Farmington River (hereinafter the “River”) within the Town of Hartland and including the area within the edges of the River’s bed and contiguous and parallel buffer strip which together constitute a culturally significant and environmentally sensitive river corridor. All use and activities established after the effective date of this regulation shall be in accordance with the standards and requirements in this regulation which are established to accomplish the following publicly recognized purposes:

A - Purposes

- a. To establish standards and requirements for the use and conservation of the District in recognition of the River’s eligibility for designation under the National Wild And Scenic Rivers Act and in furtherance of the Town’s resolution dated February 25, 1991 to contribute to the regional conservation of the River corridor.
- b. To prevent any alterations to the natural flow of the River in order to maintain its ecological, recreational, aesthetic and other qualities such as documented in the Farmington River National Wild and Scenic River Study and other federal, State and local documents relating to the Farmington River.
- c. To prevent water pollution caused by erosion, sedimentation, nutrient and pesticide run-off, and waste disposal facilities and to encourage retention and enhancement of shore vegetation cover, including diversity of native species, age distribution, and ground cover density to provide a protected buffer and pollution filter strip along the River bank as required in other important riverine corridors and as recommended in numerous pollution prevention studies.
- d. To conserve the ecological, water supply and flood storage functions of the River’s flood plain, and related groundwater table and aquifer recharge areas and to protect life, public safety and property from flooding hazards, especially within the River’s flood hazard areas as defined and protected under the Flood Plain Overlay District Regulations.

- e. To protect valuable fisheries and wildlife habitat within and along the Farmington River, as cited in various documents including the Farmington Wild and Scenic River Study (Draft Eligibility Report, August, 1989) and the State Comprehensive Outdoor Recreation Plan.
- f. To conserve and enhance the natural scenic and topographic conditions in the River corridor and its environmental quality recognizing that these are vital to the economic and environmental health of the Town and, to preserve the natural scenic quality of the River by maintaining where possible screening of man-made structures from the River view.
- g. To carry out the recommendations of the Town Plan of Development and the State Plan of Conservation and Development and to prevent unnecessary or excessive expenditures of municipal funds for services and utilities which might be required as a result of improper development of land within the District.

B - Definition of the Boundaries of the District

The Farmington River Protection Overlay District shall consist of the West Branch of the Farmington River through the Town of Hartland and a contiguous and parallel Buffer Strip, defined as an area extending one hundred feet (100') measured landward and horizontally from both edges of the river bed as outlined on the map entitled, "Farmington River Protection Overlay District." The edge of the river bed is defined as that mark along the river's edge where the presence and action of waters are so common and usual, and are so long continued in all ordinary years, as to produce soil and/or vegetation types which are distinct from that of the abutting upland. Where there is a question or dispute over the District boundary, the Town's Building Inspector shall determine the precise location of the river bed and district boundary at any given location. Property owners who own land within the District shall not incur liability for any expense in determining the District boundary.

C - General

Applications for proposed activities within the District shall be subject to the following standards and requirements in addition to the Town of Hartland Zoning and Wetland Regulations. No site alterations, regrading, filling, or clearing of vegetation may be conducted prior to submission of an application for a zoning permit or Special Exception permit as required under these regulations, and any such alterations shall be a violation of these Regulations which shall be subject to the penalties provided under Connecticut General Statutes.

D - Basic Requirements and Limitations

Within this Overlay District all uses allowed in the underlying zoning district shall be subject to the following limitations unless otherwise provided for as a Special Exception or Permitted Activity under this regulation.

The following activities shall be prohibited within the District:

- a. construction of new building(s) or structure(s) or addition to an existing building or structure;
- b. construction of a new septic system (including septic tank, leach fields and reserve leach fields) or any other type of waste disposal system;
- c. dredging or removal of sand, gravel or other earth materials, including dumping or filling;
- d. cutting or removal of trees, shrubs or other vegetation within the Buffer Strip, or
- e. camping or outdoor fires within the Buffer Strip, unless conducted under permission from the particular landowner and in accordance with any other applicable ordinances of the Town of Hartland.

E - Special Exceptions

Uses and activities allowed in the underlying zoning district may be permitted by the Planning and Zoning Commission as a Special Exception subject to the above general requirements and limitations, the general standards and requirements of the Hartland Zoning Regulations, and only upon compliance with the following specific conditions, standards and requirements.

F - Special Exception for the development of a lot existing at the time of the adoption of this regulation, where there is no established principal building or use and which lot is otherwise in compliance with the Zoning and Subdivision Regulations of the Town of Hartland.

- a. Conditions: Where there is a lot which existed at the time of the effective date of this regulation which did not have an existing principal building or use, and provided that either of the following conditions are met, the Commission will approve development within the Buffer Strip as a Special Exception subject to the specific Standards and Requirements contained in subparagraph b. below:
 1. said lot does not contain sufficient depth a Buffer Strip as defined herein; or
 2. said lot contains sufficient depth for a Buffer Strip, but does not contain sufficient additional land to permit establishing a building or use of the lot as otherwise permitted in the underlying zoning district.
- b. Standards and Requirements
 1. The applicant shall: (a) submit a Site Plan in accordance with Hartland Zoning Regulations, and (b) provide documentation that proves that the above conditions apply to the land in question and that the proposed use or activity has been designed to minimize disturbance within the Buffer Strip.
 2. The Commission shall not permit a reduction of the Buffer Strip by more than is necessary to provide for the establishment of a principal building, structure or use permitted in the underlying zoning district and for necessary accessory buildings and structures.

3. In no case shall the Commission permit the total area within the Buffer Strip which is to be improved, regraded or disturbed to equal or exceed fifty percent (50%) of the total area of the Buffer Strip on any such existing lot.

G - Special Exception for the extension or enlargement of existing structures located on existing lots within the Buffer Strip.

- a. Conditions: Where there is a principal building or structure located within the Buffer Strip, and both the building or structure and the lot on which it is located existed on the effective date of this Regulation, the Commission will grant a Special Exception permitting such building or structure to be extended or enlarged within the Buffer Strip, subject to the following standards and requirements:
- b. Standards and Requirements:
 1. The applicant shall submit a Site Plan and shall also provide documentation proving (a) that the above conditions apply and (b) that the proposal is designed to minimize disturbance within the Buffer Strip, especially within the area between the River and the existing building or structure.
 2. In no case shall the Commission permit the existing and proposed area which is or will be improved, regraded or disturbed to equal or exceed fifty percent (50%) of the total area of the Buffer Strip on any such existing lot.
- c. Nothing in this section shall prohibit the ordinary repair and maintenance of existing buildings or structures within the District, provided all other applicable Town building and zoning regulations are complied with, and provided also that such repair and maintenance does not result in an extension or enlargement of existing structures.

H - Removal of Timber

The Commission may permit by Special Exception the cutting of timber for forestry management purposes provided that such cutting is performed in accordance with an approved forest management plan prepared by a qualified forester licensed in the State of Connecticut, which plan shall be submitted with the application. The Commission may impose any additional conditions deemed necessary in order to protect the District for the purposes stated in Section A above.

I - Removal of Vegetation for Filtered View of River

The Commission may permit by Special Exception the selective pruning or removal of trees, shrubs, and other vegetation to allow for the creation of a view of the River, provided that such shall only be a filtered view of the River designed to provide reasonable visual access to the

River while maintaining, to the greatest extent possible, a natural screen of man-made structures and objects and otherwise furthering the purposes of this regulation. Any application for a Special Exception Permit pursuant to this Section I shall include a specific plan for the proposed pruning or removal delineating the particular trees to be affected and the location of such trees within the Buffer Strip. Where such plan involves removal of any tree in excess of 4” in diameter at breast height, the plan shall be prepared by a qualified forester licensed in the State of Connecticut.

J - Special Exception for Municipal Improvement

The Commission may permit a Special Exception for a municipal improvement which unavoidably must encroach upon the Buffer Strip provided the Town demonstrates that there is no practical alternative for the provision of the needed utility or improvement outside of the District and that all reasonable measures will be taken to minimize the adverse impact of such improvement.

K - Special Exception for Fire Prevention Facilities

The Commission may permit by Special Exception the installation of a Fire Prevention Facility consistent with the other provisions of this Regulation.

L - Activities Permitted within the District Without a Zoning Permit

The following activities may be carried out within the District without the necessity of a zoning permit.

- a. The selective pruning or removal of trees or shrubs to:
 1. Maintain a pre-existing view of the River from a principle structure;
 2. Provide foot access to the River by means of an unimproved and unpaved path which meanders down to the River in accordance with the natural contours of the property in question;
 3. Remove dead, diseased, unsafe or fallen trees and noxious plants and shrubs in such a manner as to minimize disturbance of other vegetation within the area;
 4. Maintain, repair or expand an existing primary structure or accessory use as long as the vegetation is not removed within twenty feet (20') from the edge of a graded area; and
 5. For these purposes and wherever permitted under this regulation, selective pruning and/or removal shall be done in a manner that:
 - A. promotes stream bank stabilization and erosion control by maintaining stump and root structure to the maximum extent possible, and
 - B. provides the greatest possible screening of man-made structures and objects as seen from the River.

- b. Grading or other surface alterations necessary for an existing primary use of a lot, provided that it is done in such a way as to minimize disturbance of vegetation and of other natural features in accordance with the purposes of this regulation. In no case shall the area affected by such grading or alteration equal or exceed 50% of the area of such lot located within the Buffer Strip.
- c. Planting of perennial native species in the Buffer Strip is permitted and encouraged, especially where exposed soil and steep slopes exist, provided that such planting is otherwise completed in accordance with the other provisions of this Regulation.
- d. Other Permitted Activities:
 - 1. Surveying and Boundary posting.
 - 2. Non-intensive and non-commercial recreational uses not requiring structures, such as hunting, fishing and hiking.
 - 3. Family garden plots as accessory to a residential use.
 - 4. Continuation of a farming activity which is in existence as of the effective date of this Regulation.
 - 5. Emergency Operations.
 - 6. Fish and wildlife management practices according to a plan approved by the County Conservation Director.