

# Proposed Steep Slope Ordinance

## I. PURPOSE

The purpose of this ordinance is to regulate the intensity of use in areas of steeply sloping terrain in order to limit soil loss, erosion, excessive stormwater runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land.

## II. BACKGROUND

Disturbance of steep slopes results in accelerated erosion processes from stormwater runoff and the subsequent sedimentation of waterbodies with the associated degradation of water quality and loss of aquatic life support. Related effects include soil loss, changes in natural topography and drainage patterns, increased flooding potential, further fragmentation of forest and habitat areas, and compromised aesthetic values. It has become widely recognized that disturbance of steep slopes should be restricted or prevented based on the impact disturbance of steep slopes can have on water quality and quantity, and the environmental integrity of landscapes.

## III. APPLICABILITY

This ordinance shall be applicable to new development or land disturbance on a steep slope within the Town of Essex.

## IV. DEFINITIONS

“Disturbance” means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

“Impervious surface” means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

“Redevelopment” means the construction of structures or improvements on areas which previously contained structures or other improvements.

“Steep Slopes” means any slope equal to or greater than 20 percent as measured over any minimum run of 10 feet. Steep slopes are determined based on contour intervals of two feet or less.

## V. DESIGNATION OF AREAS

The percent of slope (rise in feet per horizontal distance) shall be established by measurement of distance perpendicular to the contour of the slope. The percent of slope shall be calculated for each two-foot contour interval. For example, any location on the site where there is a one-foot rise over a 10-foot horizontal run constitutes a 10 percent slope; a 1.5 foot rise over a 10-foot horizontal run constitutes a 15 percent slope; a two foot rise over a 10-foot horizontal run constitutes a 20 percent slope.

## VI. STEEP SLOPE LIMITS

For steep slopes any disturbance shall be prohibited except as provided below:

1. Redevelopment within the limits of existing impervious surfaces; and
2. *New disturbance necessary to protect public health, safety or welfare, such as*

*necessary linear development with no feasible alternative; to provide an environmental benefit, such as remediation of a contaminated site; to prevent extraordinary hardship on the property owner peculiar to the property; or to prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment. For example, redevelopment, within the footprint of existing impervious cover should be allowed to support efforts to revitalize development that has fallen into disrepair.*

The applicant shall demonstrate through site plans depicting proposed development and topography that new disturbance is not located in areas with a 20 percent or greater slope.

#### A. MINOR STEEP SLOPE AREAS

- 1. The applicable board or Administrative Officer may disregard a steep slope area that is less than one thousand (1,000) square feet in size if in their assessment of the total disturbed area where such action would be in the interest of good planning, not seriously impair the purposes of this chapter and would otherwise result in practical difficulties to the applicant.*
- 2. Where, however, the DRB(or Zoning Officer?) finds the area to be significant and of such size so as to constitute a substantial contiguous area to a steep slope, or finds that the impact of disturbing the steep slope may have a negative effect on an adjoining property, the DRB may consider them significant and subject to regulation under this chapter. In such case the area will be considered disturbance of a steep slope area.*
- 3. The DRB may disregard a steep slope area that is less than two thousand five hundred (2,500) square feet in size for the sole purpose of installing solar panels and/or a geothermal system, in a previously disturbed steep slope area such as grass or landscaping areas. This relief does not apply to steep slopes in natural wooded areas.*
- 4. The applicable board or Administrative Officer may disregard a steep slope area that is less than two thousand five hundred (2,500) square feet in size if the disturbance is for the purpose of replacing existing lawn areas or landscaping areas or performing maintenance work in these areas. The disturbance shall be in the interest of good planning, not change any existing drainage patterns, not seriously impair the purposes of this chapter and would otherwise result in practical difficulties*

#### B. Steep Slope Restrictions:

*Land that includes a slope equal to or greater than 15% that has a request to be developed and/or regraded or stripped of vegetation will require a permit. The percentage of land that can be developed varies depending on the steepness of the land.*

*The following limitations shall apply for disturbances greater than 1000 S.F.:*

- Land disturbance on slopes greater than 15% requires a permit;*
- On sloped areas from 15%-20% not more than 25% of the land area may be disturbed;*
- Sloped areas with a slope > 20% may not be disturbed.*

## VII. STEEP SLOPE DISTURBANCE APPLICATION CONTENTS

Where application for a building permit is being made on sites with steep slopes, the following shall be required:

A Steep Slope Disturbance plan shall be provided. The Steep Slope Disturbance Plan shall contain, at a minimum, the following items:

1. Existing and proposed topographic information using two-foot contour intervals for all steep slopes as defined above and within all areas contemplated for clearing and/or construction as described above.
2. Existing and proposed drainage patterns within one hundred (100) feet of the proposed lot under development.
3. Location of existing and/or proposed well and septic systems.
4. Details concerning architectural design and how the proposed construction will relate to, complement and minimize adverse impacts upon the existing natural features of the lot.
5. Location of all trees in excess of eight (8) inches in diameter.
6. ***Soil types contained on the lot with specific reference to highly erodible soils as defined by the United States Department of Agriculture Soil Conservation Service.***
7. All impervious areas including driveway locations, paved areas and details.