

ARTICLE IX-TOPSOIL SAND, GRAVEL OR OTHER NATURAL RESOURCES

1. General.

Loam, topsoil, sand, gravel, clay or stone may be excavated, or removed from any lot, and land may be regraded or filled, subject to Special Permit in accordance with Article XV of these Regulations and, in addition, the provisions of this Article IX.

2. Exceptions

- a. Excavation, removal, regrading or filling in conjunction with an approved Special Permit provided that the activities are clearly indicated in both the application and on the plans approved by the Commission and that no more than 1,000 cubic yard of material are deposited or removed.
- b. Excavation, removal, regrading or filling in conjunction with an approved subdivision grading plan provided that no more than 5,000 cubic yards of material are deposited or removed.
- c. Excavation, removal, regrading or filling in conjunction with and clearly essential to the construction or alteration of a building or structure on the same premises for which a building permit and/or health department permit have been issued provided that no more than 1,000 cubic yards of material is deposited or removed, exclusive of that earthwork falling within the area delineated by the footprint of the structure.
- d. Incidental excavation, removal, regrading or filling in connection with maintenance or landscaping, provided that no more than 250 cubic yards of material is deposited or removed.
- e. Agricultural excavation, regrading or filling operations provided that no more than 250 cubic yards of material are deposited or removed.

3. Application.

Before any Special Permit shall be granted a written application shall be submitted to the Commission by the property owner or by his authorized agent on forms provided by the Commission, together with maps and plans prepared by an engineer or surveyor licensed to practice in the State of Connecticut as prescribed by the State Board of Registration and showing the following:

- a. The boundaries of the property where the excavation, regrading, removal or filling is proposed and the area to be excavated or filled.
- b. Existing contours in the area to be excavated, regraded or filled and proposed contours after completion of excavation, regrading or filling, which contours shall be prepared from an actual field survey, based on benchmark noted and described on the map and drawn to a scale of not less than 50 feet to the inch with a contour interval not to exceed five feet.

- c. Existing and proposed storm drainage structures and the location of any drainage easements or flowage rights.
- d. If the site is in or adjacent to a Flood Plain Zone or Flood Hazard Area, methods of controlling or preventing flood damage.
- e. Methods of preventing soil erosion and siltation during and at the completion of the operation, as required by Article X of these Regulations.
- f. Names of the applicant and owner of the land.
- g. Existing rivers, streams, water courses and/or wetlands on or adjacent to the premises.
- h. Adjoining lot lines with names of owners of record, per the most recent Grand List, of adjacent land.
- i. Street lines and street names.
- j. Proposed vehicular access to a street.
- k. The location of any wooded areas, major trees and existing and/or proposed buildings or structures on the site.
- l. The Zoning District of the property and adjoining properties.
- m. An estimate of the number of cubic yards of material to be filled, excavated, graded, or removed and an estimate of the time necessary to complete the operation.
- n. An estimate of the number, types, and hours of operation of trucks and other machinery to be used on the site and the locations and types of any buildings, including temporary buildings, to be erected.
- o. The proposed hours of operation and the number and type of equipment and vehicles to be used in the excavation.
- p. Details of proposed blasting and storing of explosives.
- q. A reuse plan depicting how the property can be used for a use permitted in the zone upon the completion of the excavation. In doing so, the applicant shall demonstrate that the proposed grading plan represents the minimum disturbance to make the site useable in the future.

- r. The proposed haul route(s) to and from the excavation to the intended destination(s) for materials removed from or brought into the site.

4. Other Requirements of Application

- a. An application fee in accordance with these Regulations or Town Ordinances, as applicable.
- b. Submission of additional information on soil conditions, locations and depth of rock ledge, ground water conditions and other such information - before and after a proposed development - as is deemed necessary by the Commission to make a reasonable review of the application.

5. Standards.

The Commission may grant a Special Permit for a limited period of time, not exceeding two years, if it shall find that such excavation, regrading, removal or filling will not result in the creation of any sharp declivities, pits, or depressions, or create any drainage or sewage problems or other conditions which would impair the use of the property in accordance with these Regulations and that such excavation, regrading, removal or filling will be in harmony with the general purpose and intent of these Regulations. A Special Permit shall be granted only upon the following conditions:

- a. No screening, sifting, washing, crushing or other processing shall be conducted on the premises unless located in an industrial zone or unless approved as part of a Special Permit in accordance with this Article IX.
- b. No building shall be erected on the premises except as temporary shelter for machinery and for a field office which shall be removed on or before the time that the permit expires.
- c. There shall be no excavation within 20 feet of any street line or 20 feet of any other lot line, except to an elevation equal to or above the grade of an adjoining lot or street at the lot line or street line. The requirement prohibiting exhibiting excavation within 20 feet of a lot line shall not apply in the event that a joint application is filed by the adjoining property owners and approved by the Commission.
- d. Proper drainage shall be provided to prevent the collection and stagnation of water.
- e. No sharp declivities, pits, depression or soil erosion problems shall be created, and no slopes or banks will exceed one foot of vertical

rise to three feet of horizontal distance, unless expressly approved by the Commission.

f. Topsoil removed shall be stockpiled on the premises and shall be spread uniformly over the excavated or filled area and over exposed rock surfaces resulting from the excavation or filling to a minimum depth of four inches in accordance with the approved contour plan. No excavated rock will be stockpiled on the premises, except that to be used on-site for erosion control or landscape purpose.

g. When the excavation, regrading, removal or filling operations have been completed, the excavated, regraded, or filled area and other vegetated areas destroyed by the excavation, regrading, or filling process shall be seeded with a perennial rye grass or similar planting.

h. During the time of the operation, barricades or fences for the protection of the public shall be erected if deemed necessary by the Commission.

i. Truck access to the excavation shall be so arranged as to minimize danger to traffic, nuisance to surrounding properties, and such access on the premises shall be provided with a dustless surface.

j. The completed excavation, regrading or fill area shall not impair the future use of the property in accordance with these Regulations the slopes and banks will not impair good development and safe use of the property after the excavation or filling.

k. The premises shall be excavated, regraded or filled in conformity with the plan as approved.

l. All materials used as fill shall be noncombustible. Broken blocks, bricks, concrete, rocks and similar debris is allowable as fill when mixed with enough gravel or filler to create fill which is void of air pockets.

6. Procedures

a. The Commission may refer any application to the Regional Planning Agency, the Aquarian Water Company, the Department of Environmental Protection or any other department or agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matter that are of concern to it in connection with its own responsibility.

b. The Commission shall hold a public hearing on the application in compliance with requirements of the Connecticut General Statutes regarding Special Permits.

c. The Commission may, after the public hearing, grant a permit for a period of time of time not to exceed two years. The Commission may renew a permit at the time of expiration if the owner of the property or his authorized agent files with the Commission a report of an engineer or surveyor licensed to practice in the State of Connecticut certifying that the excavation, regrading or filling already completed conforms with the approved plans. Said renewal may be granted by the Commission in accordance with the procedures and standards of these regulations, based upon updated maps and data.

d. As an additional condition for granting of a special permit, the Commission may require the applicant to submit periodic reports of progress of the excavation, regrading, removal, or filling including contours and cross sections, prepared and certified by an engineer or a land surveyor licensed to practice in the State of Connecticut. If at any time the Commission finds that the excavation, regrading removal or filling is not being conducted or cannot be conducted in accordance with the plans as approved the Commission may, after notice and opportunity to be heard for the permit holder and property owner of record, revoke the permit.

e. The applicant shall file with the Commission a performance bond by cash, letter of credit, or passbook and in a form acceptable to the Commission, or its designated agents, in such amount as the Commission shall deem sufficient to insure the faithful performance of the work to be undertaken pursuant to the conditions of approval. No excavation, regrading, removal or filling operation shall begin until such bond is received by the Commission.

f. The Commission may approve any application for Special Permit under this Article IX subject to any conditions or modifications as will protect the public health, safety, and welfare. Such conditions may include, but are not limited to, hours and days of operation, specification of truck routes, and installation of landscaped buffers, dust control measures, soil testing for contaminants, and groundwater monitoring.

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