

Section 6.03 Excavations

- A. **Excavation Permit Required.** The excavation and/or processing of on-site or off-site materials on any parcel shall not be allowed without an Excavation Permit issued in conformance with the provisions of ~~Appendix A~~ of these Regulations.
- B. **Exemptions:** The provisions of this section and the requirements to obtain an Excavation Permit shall not apply to the cases set forth below. However, these exemptions do not eliminate the need to obtain any and all other approvals and/or permits that may be required from any other local, state, and/or federal regulatory agencies (i.e., Town of Sterling Inland Wetlands and Watercourses Agency, Connecticut Department of Energy and Environmental Protection (DEEP), U.S. Army Corps of Engineers) that may have jurisdiction over the activity.
1. Necessary excavation, grading or removal in direct connection with the lawful construction on ~~the a~~ lot, of buildings, foundations, roads, driveways, parking areas, storm drainage, utility services, fences, walls, swimming pools or other bona fide construction projects, provided that a detailed site plan and soil and erosion control plan are submitted for approval to the Zoning Enforcement Officer prior to any earth material excavation. A written statement specifying the hours and days of the week when the excavation, grading or removal is to be conducted and estimating the number and kind of trucks and other equipment to be used shall be submitted. Such excavation and removal shall not be more than five hundred (500) cubic yards from any lot.
 2. Excavation, grading or removal of not more than five hundred (500) cubic yards of earth materials where the Commission determines, upon submission of an application for such determination, that such activity is reasonably necessary for agricultural purposes or for landscaping. Nothing in this subsection shall relieve the applicant of the requirements for preparing a sediment and erosion control plan if the area of disturbance exceeds one-half acre.
 3. Excavation, processing, grading or removal of less than one hundred (100) cubic yards of earth materials during any twelve (12) month period.
 4. Excavation, processing, grading or removal of earth materials resulting from any Town municipal project.
- ~~A. **Excavation Permit Requirements**~~
- C. **Applicability:** An Excavation Permit application shall be submitted for those excavation activities designated in Section 6.03 of these Regulations.
- D. **Intent:** The intent of these excavation regulations includes (a) providing for the protection and improvement of the environment including, but not limited to, air quality, wetlands, ground water quality, and areas adjacent to waterways; and (b) protecting the public health and safety including, but not limited to, minimizing unnecessary soil erosion and sedimentation, providing for slope stabilization and proper grades; and (c) preventing excessive noise and detrimental traffic patterns and congestion. These excavation regulations will require the orderly removal, movement and/or processing of earth materials, while providing for the re-establishment of finished grades and the placement of suitable cover to allow re-vegetation while regrading in such a manner to allow for reasonable future use of the land being disturbed.

Text Amendment Excavation Permit by Commission through Site Plan Approval 7/16/23

~~102 Authority: In accordance with Section 8-12 of the Connecticut General Statutes, the Commission hereby designates the Sterling Board of Selectmen ("Selectmen") as its enforcement agent for administering, permitting, and enforcing this section of the Zoning Regulations.~~

E. **EXCAVATION PERMIT CRITERIA:** The ~~Selectmen~~, Commission in considering the application for an Excavation Permit and arriving at its decision, shall consider the following criteria:

1. that the proposal is adequately served by an appropriately designed and sufficient water supply, and sanitary facilities;
2. that the use(s) and any associated structure(s) be arranged, constructed, and operated in a manner that protects the health, safety and welfare of the citizens of Sterling;
3. that transportation services are adequate and no traffic congestion or undue traffic generation will result that would cause a deleterious effect on the local welfare or the safety of the general public;
4. that the use and any associated structure(s) will be in harmony with the appropriate and orderly development of the zoning district in which it is proposed to be situated, and that it will not be noxious, offensive, or detrimental to the area by reason of odors, fumes, dust, noise, vibrations, appearance, or other similar reasons;
5. that no adverse effect will result to the character of the district, property values, historic features, or prosperity of the immediate neighborhood;
6. the preservation of the character of the immediate neighborhood in terms of scale, density, intensity of use; and
7. that no significant impact on environmental resources will result.

G. **GENERAL PROCEDURES AND DOCUMENTATION:** ~~Excavation Permit applications shall be referred to the Selectmen for review and action immediately upon submission to the Planning and Zoning Commission.~~ Any application for an Excavation Permit must include a Site Plan in accordance with Section ~~112~~. After an Excavation Permit and accompanying Site Plan are approved, the Zoning Enforcement Officer shall be authorized to issue a zoning permit.

1. **Submission:** The application for an Excavation Permit shall be made on a form provided for that purpose and obtainable in the Town Hall and shall be accompanied by such site plans, documentation and information as provided elsewhere in these Regulations. The application shall be submitted to the Land Use Office for official receipt by the Planning and Zoning Commission. ~~and the Land Use Office shall promptly refer the application to the Selectmen for further processing and action.~~ It is the responsibility of the applicant to provide a complete application, and incompleteness of an application may be grounds for denial.

a. Excavation Permit applications may be submitted by the owner(s) of the subject property; the prospective purchasers of such property, provided consent of the current owner of record accompanies the application; or an existing or prospective lessee or licensee of the current owner of record, provided the consent of the owner accompanies the application.

~~b. The applicant must file a copy of the completed application and all necessary maps and Site Plans, showing all the information required by these Regulations, with the Town Clerk for public inspection no later than the date upon which the application is filed with the Land Use Office.~~

H. **Time Frame for ~~Selectmen~~ Commission Action.**

Text Amendment Excavation Permit by Commission through Site Plan Approval 7/16/23

1. The ~~Selectmen~~ Commission shall process the Excavation Application within the period of time permitted for site plan decisions under Section 8-7d(b) of the Connecticut General Statutes (i.e., within 65 days after the official date of receipt of the application by the Commission). The applicant may consent to one or more extensions of time for the Selectmen to render their decision provided the combined period of all such extension(s) shall not exceed a total of sixty-five (65) days.
2. On an Excavation Permit application involving an activity regulated pursuant to Sections 22a-36 to 22a-45 of the Connecticut General Statutes, inclusive:
 - a. the ~~Selectmen~~ Commission shall wait to render their decision until the Inland Wetlands Commission has submitted a report with its final decision; and
 - b. the time period for a decision ~~by the Selectmen~~ shall expire no earlier than thirty-five (35) days after the decision of the Inland Wetlands Commission.

I. **Application requirements.** A complete application shall consist of the following:

1. a completed application form [original + ten (10) copies];
2. a list of all owners of property located within three hundred (300) feet of the parcel or parcels to be excavated, including names of all the property owners, street address per the Assessor's map and Assessor's map(s), and parcel number(s) for each property.
3. fee paid in full.
4. ten copies of a Site Plan per Section ~~112~~ 7.04 of these Regulations.
5. in addition to the Site Plans, a plan or plans including a 1:1000-scale location map; property and zone boundaries; the location and height of all existing and proposed buildings and uses; the location of all existing and proposed parking and loading areas; the location and description of all proposed open spaces, conservation easement areas, screening and buffers; an Erosion and Sedimentation Plan per Section 7.04 ~~113~~, and the names of all owners of abutting parcels.
6. Ten copies of elevations of any proposed buildings and structures, showing all sides; and
7. any additional information the ~~Selectmen~~ Commission may require demonstrating conformity to these Regulations. Failure to submit additional information requested ~~by the Selectmen under this Section 104.3, Section 112 or 113 within the period of time allowed for a decision on the application shall~~ be grounds for denial of the application. Additional information may be required to be submitted to ~~the Selectmen and/or their~~ designated consultants or staff. Such information may include but not be limited to traffic, noise, vibration, environmental, hydrogeological, and/or air quality information and analysis.

J. **NOTIFICATION OF ABUTTERS BY APPLICANT**

No later than the date of submission of any application for an Excavation Permit, the applicant shall send a notice of the application to each of the owners of all property located within three hundred (300) feet of the parcel(s) proposed for the excavation activities, and to each owner of property utilizing a shared driveway located within one hundred (100) feet of the subject parcel(s). The notices shall be mailed by certified mail, return receipt requested. The notice shall identify the parcel or parcels on which the excavation activities are proposed, provide a general description of the proposed excavation activities, ~~state that the application is to be considered by the Board of Selectmen of the Town of Sterling, and list the dates of all Board of Selectmen meetings that have been scheduled to occur within 90 days after the date of filing of the application.~~ Evidence of such mailing, in the form of United States Post Office (certified mail/return receipt), shall be submitted to the Land Use Office not less than seven (7) calendar days after submission of the application. Failure

Text Amendment Excavation Permit by Commission through Site Plan Approval 7/16/23

to provide notice or to submit proof of notice as required herein shall be sufficient reason for the Selectmen to deny the application.

K. REVIEW AND DECISION

1. The ~~Selectmen~~ Commission shall review each proposed Excavation Permit application according to the requirements of this section and other applicable regulations. ~~If the Selectmen, upon their initial review of the application, determine that the excavation activities proposed in the application are reasonably likely to have detrimental impacts on the safety, environmental quality, character, security, or other existing qualities of the general area in which the relevant parcel or parcels are located, they shall request from the applicant a 65-day extension of time to render their decision pursuant to Section 104.2 of these Regulations. The Selectmen may, but shall not be obliged to, cause a legal notice of any meeting at which they will be considering the application to be published in a newspaper having general circulation in the Town of Sterling. The Selectmen may also accept public comment at any such meeting, but they shall not be obliged to do so.~~

~~105.2 The Selectmen shall give due consideration to any report or testimony received during or before any of their meetings from the public, the Commission, or any other agencies or officials.~~

2. Before approving an Excavation Permit, the ~~Selectmen~~ Commission must determine that:
 - a. the Excavation Permit application is complete and is in conformance with the applicable provisions of these Regulations; and
 - b. the applicant has demonstrated that the application as proposed satisfies the applicable criteria in Section ~~103~~ 6.03 E of these Regulations.

~~If the time for the Selectmen to render a decision on any Excavation Permit application is about to expire and the applicant has not yet demonstrated to the satisfaction of the Selectmen that the application satisfies the criteria for approval, the Selectmen may deny the application without prejudice, in which event the applicant may file a new application for the same proposed uses.~~

- c. In approving an Excavation Permit application, the ~~Selectmen~~ Commission may require such conditions or modifications they believe are reasonable and necessary to satisfy the criteria for approval and to protect or promote the public health, safety, welfare, property values, and the environment.
- L. **CONDITIONS AND SAFEGUARDS:** Any conditions or safeguards attached to the granting of an Excavation Permit shall remain with the property as long as the use is in operation, regardless of any change in ownership of the property.
- M. **ENDORSEMENT AND FILING:** Within ninety (90) days after the ~~Selectmen's~~ approval of an Excavation Permit and Site Plan, the applicant shall submit to the Land Use Office two (2) sets of final plans, one on mylar and one (1) on paper. Such plans shall ~~be identical to those approved by the Selectmen, except that they shall~~ incorporate any conditions or modifications required in the ~~Selectmen's~~ approval. Such plans shall be signed and sealed by the surveyor, engineer or other professional who has participated in the preparation of such plans. No such permit shall be finally issued, nor the permit and mylar recorded following endorsement by the Town

Text Amendment Excavation Permit by Commission through Site Plan Approval 7/16/23

Officials as required, by the applicant, until all conditions of approval have been met and no less than fifteen (15) days has elapsed following publication of the notice of approval.

~~If such plans are found to be in accordance with the final approval, the First Selectmen shall endorse such plans.~~ The endorsed mylar plans shall be filed by the applicant in the land records no later than ninety (90) days after the approval ~~by the Selectmen~~, except that the ~~Selectmen~~ Commission may act to extend this filing period for an additional ninety (90) day period upon the request of the applicant, and the conditional plan approval shall remain valid until the expiration of such extended time. Any request for an extension must be received ~~by the Selectmen~~ within the original 90-day period for filing for the plans and any associated contingent approval to remain valid.

Any Excavation Permit not so filed or recorded within the prescribed time shall become null and void without any further action by the ~~Selectmen~~ Commission.

1. No Excavation Permit shall be effective until a notice of approval, ~~endorsed by the First Selectmen~~, containing identification of the subject property and description of the approved activity, including conditions attached to such approval; the section of these Regulations authorizing such activity; and the name of the property owners of record has been filed in the land records of the Town of Sterling. Prior to filing the notice, any legal documents required as a part of the approval shall be filed in the land records (or submitted in a recordable form).
 - a. An Excavation Permit shall only authorize the particular use or uses specified in the ~~Selectmen's~~ approval.
 - b. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards ~~approved by the Selectmen or its staff~~ shall be a violation of these Regulations and the ~~Selectmen~~ Commission shall have the authority to revoke the Excavation Permit at any time the operation is found to be in noncompliance with the Excavation Permit.
 - c. Following approval of an Excavation Permit ~~by the Selectmen~~, any amendment, change, expansion or modification of the proposed plans or buildings:
 1. may be approved by the Zoning Enforcement Officer only if the revisions involve minor changes to the location or arrangement of parking or landscaping or minor changes to the building(s) or structure(s); ~~or~~
 2. ~~shall require further review and approval of the Selectmen and may, at the Selectmen's discretion, be:~~
 - a. ~~authorized by the Selectmen without a modified application only if such proposed amendment, change, expansion or modification is determined by the Selectmen to be minor in nature; or~~
 - b. ~~subject to the requirement of submitting a modified application if such proposed amendment, change, expansion or modification is found to be substantive in nature.~~
- N. **Time Limit:** Each permit granted under these Regulations shall be valid for a period of five years or for such shorter periods as may be requested by the applicant or fixed by the Commission ~~Selectmen~~. At the written request of the applicant, ~~the Selectmen~~ the Commission may by majority vote renew the Excavation Permit without requiring a new application for a total period not to exceed ten years when the applicant presents to them a copy of the approved maps and plans, prepared by and bearing the signature and the seal of a Surveyor, showing that

Text Amendment Excavation Permit by Commission through Site Plan Approval 7/16/23

the excavation, processing, grading and/or removal is progressing as approved. ~~In addition the Selectmen may require that any site plan involving construction of drainage features shall also bear the seal and signature of an Engineer showing that the construction of drainage features is progressing or has been completed as approved.~~

1. Annual reviews of all Excavation Permits shall occur between January-March following the first full year of the permit. Information required for review shall include but not be limited to updated survey depicting contours and or existing spot elevations as accepted by the town engineer, proposed contours, photographs of the site, water quality or noise data (if requested by the Commission). Operators that have hauled less than 100 yards over the course of the year may submit a letter from their engineer or surveyor indicating this fact in lieu of a new survey. The Commission may impose additional conditions, or modifications on the original permit which appear necessary or desirable based on the history of the operation.

O. **Surety:** Before an Excavation Permit approval is finally endorsed and granted, the applicant shall file surety in the amount and types approved by the ~~Selectmen~~ Commission. The term of all commercial surety shall for the full term of the permit. All surety shall be in a form satisfactory to the Town's Legal Counsel and Treasurer and be in an amount and form ~~approved by the Selectmen as~~ sufficient to guarantee completion of those sediment and erosion control items specified ~~by the Board~~ and in conformity with the provisions of these Regulations or any amendments thereto in force at the time of filing. The actual final surety approved by the ~~Selectmen~~ shall be held by the Town Clerk and/or Town Treasurer who shall not be authorized to release such surety until written certification has been received ~~from the Selectmen~~ that all of the requirements of these Regulations have been fully satisfied. The surety amount shall include amounts adequate to cover the cost of installing and maintaining necessary soil and erosion controls during the excavation operations and shall include costs for the final site restoration including import of additional topsoil and subsoil to sites deficient in the stockpiling and reserving of such materials for the purposes of the final site grading, restoration, and long term site stability to prevent long term erosion and sedimentation nuisances. A portion of the surety for sediment and erosion control to be posted with the Town shall be in the form of cash to be deposited in an account set up solely and maintained by the Town Treasurer. The amount of this cash surety shall be approved ~~by the Selectmen~~ in consultation with the Town Engineer. In addition, the applicant shall provide surety for any public improvements required by the ~~Selectmen~~ that have not been completed prior to the signing and filing of the permit. ~~The final amount and type of surety for the required public improvements shall be as determined by the Selectmen.~~

1. **Return of Surety:** Upon completion of the excavation, processing, final grading and removal including completion of any required public improvements in accordance with the terms of a permit and after all of the disturbed portions of the site required to be revegetated have grown adequately in a second growing season to a dense cover of grass as required under these Regulations, the applicant may apply ~~to the Selectmen~~ for return of the residual final surety held by the Town as provided for in these Regulations, and if ~~the Selectmen is~~ satisfied that the work has been completed as required, the residual final surety shall be returned to the applicant less any costs incurred by the Town which remain unreimbursed, but otherwise the surety shall remain in full force and effect.

a. If at the completion of the permit period and if two growing seasons have not occurred; the applicant may petition ~~the Selectmen~~ to extend the surety period for 1 year after

Text Amendment Excavation Permit by Commission through Site Plan Approval 7/16/23

completion of the excavation (including loaming/topsoil and seeding) to ensure that the site has been permanently re-vegetated.

2. **Municipal Operations:** The ~~Selectmen~~ Commission may waive the application requirements of Section R. Site Plan Requirements, ~~112~~, the procedure set forth in Section G. General Procedures and Documentation ~~104~~, the bond requirements of Section O. Surety ~~109~~ and the application and inspection fees required in Section P. Fees ~~110~~ in connection with excavation activities conducted on any lot solely by or on behalf of and for the municipal purposes of the Town of Sterling. A municipal excavation, however, shall meet all of the standards and conditions of Section S. Soil Erosion and Sediment Control Plan ~~113~~ through V. Site Plan Evaluation and Standards for Review ~~116~~.
- P. **Fees:** The applicant shall pay all fees in accordance with the Town of Sterling Fee Ordinance. Including:
- i. An application fee.
 - ii. A review fee. If the cost to process and review the application exceeds fee the Applicant shall pay all associated costs incurred by the Selectmen and/or Town prior to the issuance of a final permit.
 - iii. No fee shall be charged to any official municipal agency of the Town of Sterling.
 - iv. Fees periodic site inspections ~~in an amount approved by the Selectmen~~.
 - v. The applicant shall also pay the cost for the ~~Selectmen's~~ designated agent(s) to supervise any public improvements and/or any remediation mandated ~~by the Selectmen~~ during the permit period pursuant to this Regulation.
 - vi. In accordance with the Town Fee Ordinance, when one half of the supervision deposit has been expended by the Town, the applicant shall replenish the deposit amount to that amount originally set ~~by the Selectmen~~ at the time of approval within thirty (30) days of receiving a written notice of that fund's deficient balance from the Town. Failure to adequately maintain a positive fund balance will constitute grounds for revocation of the permit approved. Any excess funds left over at the successful end of such permitted work will be returned to the applicant.
- Q. **Penalties:** Any violation of these Regulations shall be subject to such fines, penalties and other remedies as may be allowed by state law. Each separate day in which a violation continues shall be deemed to be a separate violation. Failure to maintain the facility as approved, including but not limited to slope stability, setbacks and/or erosion and sediment control, exceeding the limits or depth of excavation; exceeding the permitted hauling rates or annual volumes; or any non-permitted material processing, shall constitute a violation of the Regulations and be subject to the above provisions.
- R. **Site Plan Requirements**
2. **Procedure:** A site plan in conformance with Section 7.04 shall be submitted with any application for an Excavation Permit or expansions or additions to such facilities beyond the limits of a previous approval. ~~The Selectmen shall require that~~ Such plan(s) shall be

Text Amendment Excavation Permit by Commission through Site Plan Approval 7/16/23

prepared in accordance with the requirements of the State of Connecticut by a Surveyor and an Engineer licensed in the State of Connecticut.

3. **Site Plan Ingredients:** Site plans shall be drawn at a scale of at least one inch (1") equals forty feet (40') and shall be on sheets 24 inches by 36 inches and shall clearly show, to the satisfaction of the Board, the following information: Site Plans for Excavation Permits shall also include the following.

- a. Name and address of the applicant.
- b. Address of the property and the name of all owner(s) of record.
- c. Map scale, north arrow, date of drawing and all revision dates, and name of the licensed professionals responsible for preparing the plan.
- d. Property boundaries shall be surveyed in accordance with the requirements of Section 20-300b-2.(b).(1) or Section 20-300b-2.(b).(2) of the Regulations of the State of Connecticut (Class A-2 Survey) unless a previously prepared survey which was prepared to those standards including monumentation is submitted with the application including all dimensions and lot area.
- e. The location of all residential, commercial, and industrial buildings and accessory structures within two hundred (200) feet of the property line.
- f. The nature of uses on adjacent and nearby properties within one thousand (1,000) feet at 100 or 200 scale mapping.
- g. The surrounding general topography within one thousand (1,000) feet at contour intervals not exceeding ten feet at 100 or 200 scale mapping.
- h. Locations of all existing and proposed buildings and uses within the site, including but not limited to, signs, driveways, parking and loading areas, and abutting streets; poles, hydrants, towers and other utility appurtenances; areas to be used for exterior storage and type of screening and/or processing to be provided.
- i. Contour lines at two (2) foot intervals (Class T-2 or T-3) within the limits of disturbance and extending a minimum of fifty (50) feet beyond the proposed limits of disturbance. The existing and proposed contours shall be shown for the entire area to be disturbed. In addition, the proposed depth of excavation shall be shown including detailing its relationship with the existing seasonal high ground water table determined by adequate seasonal water monitoring conducted during the high water table period of February 1st through May 31st, based on actual field data. Topography taken from USGS Quadrangle interpolation is not acceptable. A design drawing(s) including cross sections, with before and after elevations shown, of all proposed excavation activities shall be submitted and reviewed. The proposed volume to be excavated shall be calculated, by phase if applicable, and be reported on the plan set.
- j. ~~Existing and proposed drainage structures on the property and those off the property that may be affected by the proposed facility. Details including grading and invert elevations for all drainage structures shall be shown.~~
- k. All proposed restoration measures to be taken upon completion of the excavation operation, including the type, size and location of any proposed plantings and vegetative cover shall be shown.
- l. Hours of Operation: All days and hours of operation proposed by any application shall be shown on the plan submitted and shall be restricted to those approved by the Selectmen. Commission.
- m. The number of truck trips, and days and hours of hauling proposed shall be presented by the applicant, shown on the plan, and shall be limited to those approved by the Selectmen. Commission.

List of Holidays
Schubert
C.B.S.

~~n. The boundaries of all wetlands and watercourses on the property as field delineated by a Certified Soil Scientist shall be shown. All wetlands shall be field located.~~

- o. The plans shall contain a signature block for the ~~First Selectmen~~. Chairman or Secretary. This block shall also contain a space for an expiration date for the permit and a signature block to verify that the Town Engineer has reviewed the final plan and determined that it conforms to the approval conditions.
- p. The applicant's Engineer shall prepare construction cost estimates for (a) soil and erosion controls including final site stabilization and drainage improvements; and (b) any public improvements proposed.

S. **Soil Erosion and Sediment Control Plan:** A Soil Erosion and Sediment Control Plan shall be submitted with any application under this Section when the disturbed area of such development is cumulatively more than one-half acre. The soil erosion and sediment control plan shall contain proper provisions to adequately control stormwater runoff on the proposed site based on the best available technology and conform to Section 8 Erosion and Sediment Control Plan of 7.04 Site Plans. Such principles, methods, and practices necessary for certification are found in the "2002 Connecticut Guidelines for Soil Erosion and Sediment Control" DEP Bulletin 34, as may be amended, and the 2004 Connecticut Stormwater Quality Manual available from the Natural Resources Center of the Connecticut Department of Energy and Environmental Protection (DEEP), as may be amended. Alternative principles, methods and practices may be used with prior approval of the ~~Commission Selectmen~~. All such plans shall provide for a zero increase in runoff and volume for all statistical storms up to a 100-year storm and full containment of all sediment and runoff from the entire area of disturbance. The applicant's Engineer shall provide storm water computations for the 2, 5, 10-, 25-, 50- and 100-year design storms and provide a narrative summary.

1. The Soil Erosion and Sediment Control Plan shall include the following:

a. A narrative describing:

1. The proposed site activity.
2. The schedule for grading and construction activities including:
 - i. Start and completion dates;
 - ii. Sequence of grading and construction activities;
 - iii. Sequence for installation and/or application of soil erosion and sediment control measures;
 - iv. Sequence for final stabilization of project site.
3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
4. The construction details and the installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.
5. The operations and maintenance program for the proposed soil erosion and sediment control measures and stormwater management facilities.
6. The name and twenty four (24) hour contact information for the party responsible for monitoring and maintaining the erosion and sediment controls shall be included on the plans in the narrative.



b. A map of at least one inch (1") equals forty feet (40') showing:

1. The location of the proposed development and adjacent properties;
2. The existing and proposed topography including the soil types, wetlands, watercourses and water bodies (all inland wetland boundaries shall be field located

based on field determinations conducted by a Certified Soil Scientist and not reproduced from a soil survey base map – the site plan shall include a signature block for Soil Scientist certification);

3. The existing structures on the project site, if any;
4. The proposed area alterations including cleared, excavated, filled or graded areas and proposed structures, utilities, road(s), and if applicable, new property lines;
5. The location of and design details for all proposed soil erosion and sediment control measures;
6. The sequence of grading and construction activities;
7. The sequence for installation and/or application of soil erosion and sediment control measures;
8. The sequence for final stabilization of the development site;
9. The words “Certified by the Soil and Erosion Control Board” with designated space for the date and signature of the Chairman of that Board.

~~e. The narrative required in Section S.(a) may be included on the map described in Section 113.1(b) if room allows it without affecting the readability of the map. The items required to be mapped in Section 112.1(b) may be depicted on the site plan map required in Section 112 if the readability of the site plan is not affected.~~

- d. The estimated costs of temporary measures required to control soil erosion and sedimentation, as specified in the certified plan, shall be covered in a cash surety, or other acceptable financial surety acceptable to the Sediment and Erosion Control Board in accordance with the provisions specified under Section 109 of these Regulations.
- e. The ~~Sediment and Erosion Control Board~~ Commission or its designated agent shall periodically conduct inspections to verify compliance with the certified plan and that the control measures are properly performed or installed and maintained. The Board may require the applicant’s Engineer to submit progress reports which show that the soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being correctly operated and maintained; and that adequate separation has been maintained between the bottom of the excavation and the highest seasonal groundwater table elevation determined or predicted.

T. **Public Improvements:** Existing streets servicing the proposed site shall be of sufficient width and design to accommodate said activity and shall contain adequate sightline and drainage measures as to not adversely impact public safety, existing town drainage, and/or abutting property(s). If the existing street(s) cannot accommodate the proposed activity without adversely impacting public safety, the applicant shall be responsible for improving the condition of said street(s). Drainage and other improvements required as a result of the proposed activity shall be constructed in accordance with the Town’s Public Improvement Specifications. Public improvements required ~~by the Selectmen~~ shall be paid for and constructed by the Applicant. A permit shall not be valid until all of the public improvements have been constructed, inspected and approved and/or a surety has been posted with the Town. ~~in a form and amount acceptable to the Selectmen.~~

U. **Waivers:** The ~~Selectmen~~ Commission may, upon written request by the applicant, waive and/or reduce one or more of the site plan ingredient requirements (not the excavation standards) if the applicant can show, to the satisfaction of the Commission ~~Selectmen~~, that the information is not needed to reach a decision on the application.

V. Site Plan Evaluation And Standards For Review

The ~~Selectmen~~ Commission shall review all site plans and other documentation submitted with an application for an Excavation Permit for compliance with the following standards and criteria:

1. The excavation, grading or removal shall be carried out in accordance with the maps and plans ~~as approved by the Selectmen~~ within the exterior limits shown thereon.
2. The final site plan/reclamation plan shall not result in sharp declivity, pits or depressions, or soil erosion, drainage, or water supply, or sewage problems or conditions which would conflict with the reasonable reuse and development of the parcel for which the permit is requested.
3. At all stages of the work, proper drainage shall be provided to avoid stagnant water, soil erosion problems, excessive run off, silting of streams and damage to public and/or private property, streets or drainage facilities.
4. Truck access to the lot and the work area shall be so arranged as to minimize traffic hazards on streets and to avoid nuisances to residents of the neighborhood.
5. Any necessary grading for driveway sightline distances shall be completed before any permit activities take place on site. The construction of a new driveway will also require compliance with the Driveway Ordinance and shall require a separate permit under the terms and conditions of that Ordinance.
6. No excavation shall occur within one hundred (100) feet of an abutting street or property line, except for driveway access. ~~The one hundred (100) feet may be reduced to fifty (50) feet with the use of appropriate buffers (i.e., landscaping, earthen berms) at the discretion of the Selectmen. In addition, excavation, grading or removal within such distance of an abutting property line may be permitted if written approval from the adjoining owner is received by the Selectmen.~~
7. There shall be no processing of materials such as screening, sifting, washing or crushing, within two hundred (200) feet of any property line or one thousand (1,000) feet from a residential structure, whichever is greater, except where such processing already exists or in connection with, continuation of, or renewal of a previously approved excavation, as approved under the zoning code or prior excavation ordinance operation that has not lapsed within the last ten (10) years. In such instances, the Commission Board may grant setback reductions as follows for properties with frontage on Connecticut State Route 14:
 - a. Setback from a property line may be reduced to one hundred (100) feet provided the subject adjacent property is undevelopable within one hundred (100) feet of the common boundary.
 - b. Setback from a residential structure may be reduced to five hundred (500) feet provided the processing operation is sufficiently screened with vegetation, has an elevation difference of at least fifty (50) feet or a combination of these criteria deemed sufficient by the Board.

All processing machinery permitted in association with the existing permit shall be removed from the parcel upon termination of the permit or the end of the operation.

Text Amendment Excavation Permit by Commission through Site Plan Approval 7/16/23

8. No excavation activities shall be allowed within two hundred (200) feet of any residential dwelling or commercial building, whether such structure is on the same lot or on an adjacent lot. ~~unless adequate alternative safety and environmental measures have been proposed by the applicant and are approved by the Selectmen and/or a written waiver has been provided to the Selectmen by the owner of any such structure.~~
9. Where fueling of vehicles will be performed on site, a fuel pad and accessories shall be designed and installed in order to capture and prevent any fuel spillage from contaminating any ground water or surface waters.
10. The work shall be limited to the hours and days of the week that are approved ~~by the majority vote of the Selectmen~~ in order to avoid nuisances to residents of the neighborhood.
11. Proper measures shall be taken to minimize nuisances from noise, dust, vibration, and flying debris. Suitable fences or other barricades shall be provided around the excavation to protect pedestrians and vehicles ~~to the satisfaction of the Selectmen.~~
12. Upon completion of the work authorized, the ground area excavated or otherwise disturbed areas shall be prepared or restored as follows:
 - a. Such area shall be evenly graded to slopes not exceeding one foot rise for three feet of horizontal distance or to such lesser slope necessary for soil stability, safety, and reasonable reuse and development of the parcel, ~~unless the Selectmen determine, upon sufficient evidence, that steeper slopes, reinforced slopes, or soil retaining structures may be safely used.~~
 - b. Adequate drain ways of gradual slope shall be provided to assure drainage. In addition, the area shall be evenly graded with sufficient slopes to assure adequate drainage of the area, so that stagnant pools of water and soil and erosion nuisances will be avoided.
 - c. There shall be no excavation, grading or removal below an elevation of four (4) feet above any ledge, and/or seasonal ground water, unless the applicant can demonstrate to ~~the Selectmen~~ that the excavation does not adversely affect groundwater and/or the reuse of the parcel.
 - d. All soil debris and all loose boulders shall be buried or removed from the lot. However, stumps and other landscape clearing debris shall not be buried on the site unless approved by the State of Connecticut Department of Energy and Environmental Protection (DEEP). Proof of a permit issued by the DEEP to bury stumps shall be provided. ~~to the Selectmen.~~ Areas proposed for such stump disposal shall be clearly shown on the plans.
 - f. The top layer of any arable soil (classified as top soil and/or loam), to a depth of not less than four inches with a suitable underlying subsoil layer of eight inches, shall be retained on the parcel and spread over the entire disturbed area with any large stones removed, and the area shall then be fertilized, limed, seeded with a perennial grass, mulched and maintained until the ground has been completely stabilized with a dense cover of grass and there exists no danger of erosion unless as provided for in a final site plan approved of by the ~~Selectmen~~ Commission for a permitted site use. This provision shall not apply to the areas of ponds or

Text Amendment Excavation Permit by Commission through Site Plan Approval 7/16/23

to exposed areas of ledge existing prior to the work or created as a result of the excavation activity previously approved. ~~by the Selectmen.~~

13. Other Documentation:

- a. Applications involving bedrock removal requiring blasting, crushing, hammering, and/or splitting shall provide a professionally prepared written report outlining the need for and the impact of such activity on the existing surface water flows, existing water supply wells, seasonal ground water table levels, and neighboring properties along with the necessary precautions to be taken to avoid any adverse impacts. Any blasting activities shall also require a separate permit issued by the Fire Marshal.
 - b. Applications involving significant truck traffic (i.e. 25,000 cubic yards annual excavation or 15 or more trucks per day) shall provide a detailed traffic study, impact analysis, and mitigation plan to avoid any adverse impacts resulting from the activity proposed. The ~~Selectmen~~ Commission shall determine the scope of said traffic/impact/mitigation plans or studies.
 - c. A dust containment and mitigation plan shall be submitted for approval ~~by the Selectmen~~, such plan to include the resolving of any processing impacts proposed.
 - d. The applicant shall comply with the requirements of the Department of Energy and Environmental Protection (DEEP) with regards to stormwater permitting. Evidence of compliance with those permits shall be provided to ~~the Selectmen~~ prior to commencing excavation.
14. Offsite Materials: There shall be no importing, processing, or re-internment of offsite materials such as gravel, stone, rock, loam, or silt unless specifically authorized by the Commission~~Selectmen~~ and only thereafter as part of a permit request granted. The general burial of onsite and/or offsite land clearing wastes, building or site demolition material is prohibited.