

## **SECTION 18**

### **REGULATION OF EARTH MATERIAL OPERATIONS**

- 18.1 The purpose of this section is to provide the regulations for the preservation of a cover-crop on the land to prevent erosion, and to control any earth material operations that may create a safety or health hazard to the public or the adjacent property owners, or be detrimental to the immediate neighborhood or the Town of Haddam. The covering of earth material operations may be done with the top four inches of soil removed therefrom, and furnishing new topsoil or loam from off the premises will not be required. Excavations which uncover ledge or rock outcrops need not be covered or seeded.
- 18.2 The filling, removal, excavation or mining of mineral, sand, gravel, clay, bedrock, peat, loam or topsoil (herein referred to as “Earth Material Operations”) is permitted in all zones, with the exception of the land designated as the “Gateway Conservation Zone,” after issuance of a special permit by the Planning and Zoning Commission.
- 18.3 The following filling, removal, excavation or mining activities are permitted in all zones, including the Gateway Conservation Zone, without a special permit provided no permanent damage is done to the landscape:
- A. Valid non-conforming uses;
  - B. Foundation, trench and related site excavation performed after the issuance of a building permit; and
  - C. Removal in connection with the landscaping and grading of land for a purpose for which a building permit is not required, provided that such removal shall not exceed 300 cubic yards of material.
- 18.4 In addition to the customary special permit and site plan requirements as set forth in Section 15 and 14 of these regulations, the following information is required:
- A. Estimate of the amount of material to be filled, removed, excavated or mined.
  - B. Plan showing area to be filled, removed, excavated or mined.
  - C. Existing and proposed drainage of the site.

- D. Proposed truck access to the excavation.
- E. An estimate of the number and types of trucks and other machinery to be used on the site, hours of operation and the location and types of any buildings to be erected.
- F. Final grading plan.
- G. Erosion and Sedimentation Control Plan showing measures to be taken both during and after earth materials operations.

18.5 The following conditions must be met for earth material operations:

- A. Failure to comply with the plans as approved and any deviation from the plans shall be cause for the Planning and Zoning Commission to revoke the permit.
- B. The applicant shall post a performance bond with the Town Treasurer in an amount approved by the Planning and Zoning Commission as sufficient to guarantee conformity with the provisions of the permit issued hereunder.
- C. No fixed machinery shall be erected within 50 feet of any property or street line.
- D. No earth material operation shall take place within 50 feet of any property owner's line except by written consent of abutting property owner or within 50 feet of a street line if below the established grade of the street.
- E. No buildings except a field office or temporary shelter for machinery shall be erected on the premises except as may be permitted in the Zoning Regulations subject to approval by the Planning and Zoning Commission.
- F. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- G. During the period of filling, removal, excavation or mining, barricades or fences shall be erected as are deemed necessary by the Planning and Zoning Commission for the protection of pedestrians and vehicles. At no time shall an overhang be permitted.

- H. Truck access to earth material operations shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of access road within the area of operation shall be treated to minimize dust.
  - I. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the stockpiling of excavated materials on the site.
  - J. When earth material operations are completed, the site shall be graded so that slopes in disturbed areas shall be no steeper than one on two (vertical to horizontal). A layer of topsoil shall be spread over the excavated or filled area, except exposed rock surfaces, to minimum depth of four inches in accordance with the approved final grading plan. The area shall then be seeded with suitable cover-crop.
- 18.6 A permit issued under this section shall expire two years from the date of issuance unless renewed by the Planning and Zoning Commission. The Planning and Zoning Commission shall not renew or extend any permit unless the operator is able to show that the excavation already completed conforms with the plan of operations as approved.
- 18.7 Application for a special permit to conduct an earth material operation shall be made to the Planning and Zoning Commission by the property owner or his authorized agent on forms available at the Land Use Office. Such application shall be accompanied by the appropriate fee.