

SECTION 9 EARTH EXCAVATION

9.0 PURPOSE

The purpose of this Section to preserve the natural features of the landscape, keep the land suitable for appropriate future uses, prevent dangerous situations; such as, open pits, stagnant water bodies, excessive slopes and traffic hazards, and to prevent nuisances from removal operations which may affect the value and enjoyment of neighboring properties as well as protecting the public health and safety.

9.1 SCOPE

The excavation and removal of sand, gravel, stone, loam, dirt or other earth products may be permitted following the issuance of a Special Permit by the Commission, except that the following activities may be undertaken without a Special Permit provided no dangerous condition is created or one which damages the surrounding land or lowers its value:

9.1.1 Excavation, filling and removal of less than 200 cubic yards of material over a twelve- (12) month period from any lot or parcel provided that no more than 600 yards may be removed from the site without a Special Permit.

9.1.2 Excavation filling and removal in conjunction with the construction of public roads, sewer and water lines or in conjunction with any Town of Granby Public Works Project following a recommendation of the Town Engineer.

9.1.3 Excavation filling and removal only in connection with work on the premises for which a building permit has been issued or site plan approved.

9.2 SITE STANDARDS

9.2.1 Minimum Site Size

The minimum site size shall be one (1) acre, unless contiguous to an existing permitted mining operation.

9.2.2 Structures

All structures within a planned mining area shall be maintained so as to assure that they will not fall into disrepair, will not become dilapidated and will conform with all applicable local codes. All equipment, structures and footings (other than those specifically allowed in the permit to remain) shall be dismantled and removed by the mining site operator no later than six (6) months after termination of mining operations or expiration of the permit.

SECTION 9 EARTH EXCAVATION

9.2.3 Roads

All access roads from planned mining areas to public highways or streets shall be paved, treated or watered so as to control and minimize flying dust. Access routes to planned mining areas shall be aligned to minimize intrusion into residential neighborhoods. The operator of mining operations will sweep paved access roads regularly during periods of mining operation, at least once a month, to control and minimize flying dust.

9.3 OPERATING STANDARDS

9.3.1 Hours of Operations

Operations shall not commence before 7:00 a.m. local time and terminate not later than 6:00 p.m. local time. No operations are permitted on Sunday or legal holidays.

9.3.2 Dust

All storage areas, yards, service roads or other untreated open areas with the exception of stockpiles, within the boundaries of a planned mining area, shall be improved with landscaping, paving or other appropriate materials to minimize dust or other windblown air pollutants.

9.3.3 Waste Products

No waste products or process residues from a planned mining area shall be disposed of in any stream or other drainage system.

9.3.4 Safety

Safety regulations within the site and in surrounding areas, including observing posted traffic speeds, are to be strictly followed.

9.3.5 Spilling

To prevent spilling from vehicles and windblown air pollution, all truckloads of sand and gravel shall be covered with tarpaulin, or other suitable material. The permittee shall inform the truckers of this regulation.

9.3.6 Lateral Support

All operations shall be conducted in a safe manner, with respect to hazards to persons; physical damage to adjacent land or improvements; and damage to any street by reason of slides, sinking or collapse.

SECTION 9 EARTH EXCAVATION

9.3.7 Topsoil Preservation

Where topsoil is removed, sufficient tillable soil shall be set aside for respreading over the excavated area in accordance with the restoration plan. Topsoil stockpiles shall be treated to minimize the effects of erosion by wind or water and impact to public roads, streams or adjacent land uses and shall not be sold or removed from the property.

9.3.8 Overburden

All stockpiled overburden shall be in windrows or concentrated piles and stabilized in an acceptable manner so that it does not become a source of dust.

9.3.9 Banks

During the period when mining operation is halted for at least two (2) weeks, the banks of all excavations shall be maintained at a slope not greater than one and one-half (1 1/2) feet horizontal to one (1) foot vertical.

9.3.10 Screening

If required by the Commission, mining areas shall be screened by judicious use of plants and overburden material at the perimeter.

9.3.11 Roadside Landscape

Existing trees and ground cover along public road frontage shall be preserved, maintained and to the extent required by the Commission, supplemented by the selective cutting and transplanting of new trees, shrubs and other ground cover to the depth of the roadside setback.

9.3.12 On-Site Processing

The on-site processing of material without written approval of the Commission is permitted in the Industrial (I) Zone only.

SECTION 9 EARTH EXCAVATION

9.3.13 Excavation Limit

An adequate buffer, normally a minimum of fifty (50) feet in width between abutting property not in mining use and the limit of excavation and a minimum of eighty (80) feet in width from an existing street or highway and the limit of excavation, shall be provided. Excavation limits as permitted by the Commission shall be delineated on the site so that they are clearly visible. If an applicant wishes to excavate below finished elevations shown on the final approved plan, the applicant shall demonstrate that sufficient quantities of fill materials will be available to bring the elevations up to the final elevations required and shall provide for an increased bond sufficient to cover any cost of the fill materials.

9.3.14 Noise

Sound intensity level shall not exceed the levels recommended by the State of Connecticut for noise control. At a future date if the Town adopts its own standards for noise control and they are more stringent than the State Levels, the applicant's operation shall comply with the Town Regulations.

9.4 Filing

Applications for permits to operate gravel and sand mining shall be submitted for approval to the Commission in accordance with Section 8.2 and Section 4 of the Regulations. In addition to the site development requirements of Section 4, the application shall be supplemented by the following additional supporting documentation:

9.4.1 Base Map

The owner of the land, or authorized agent, shall submit a map prepared by an engineer or a land surveyor licensed by the State of Connecticut which shall:

9.4.1.1 Show the entire parcel of land owned by the applicant, with the area in question delineated;

9.4.1.2 Be drawn to 1 inch = 40 feet scale or 1 inch = 100 feet scale, based on the scope or size of a project;

9.4.1.3 Indicate existing contour lines of the project area, as well as all areas within 500 feet thereof, based on existing United States Geodetic Survey (U.S.G.S.). Said map shall also indicate the location of rock, if known, and ground water table within the planned mining area;

SECTION 9 EARTH EXCAVATION

- 9.4.1.4** Indicate two (2) benchmarks established from U.S.G.S. monumentation;
- 9.4.1.5** Show the location of all existing streets, roads, or highways on and within 500 feet of the permit premises;
- 9.4.1.6** Indicate the existing drainage of the permit premises including drainage provisions during the excavation or filling phases, as well as an erosion control plan if deemed necessary by the Commission;
- 9.4.1.7** Show all adjacent property owners;
- 9.4.1.8** Show the location of all structures, watercourses, utilities on the property and type of ground cover

9.4.2 HAUL PATTERN

The applicant shall submit a description of the routes, which the applicant's trucks and other equipment shall take to the nearest public street or highway and the public streets and highways within the Town, which shall be used. If the routes which shall be used cross any bridge on a Town highway, the applicant shall submit in writing the capacity of such bridge and the capacities of the trucks and other equipment which shall be used. The applicant shall inform independent purchasers of material of the haul routes established by the Commission.

9.4.3 OPERATION PLAN

An operation plan at the same scale as the base plan shall show:

- 9.4.3.1** Area of active excavation;
- 9.4.3.2** Area requested for excavation;
- 9.4.3.3** Area of active settling ponds and washing plant facilities;
- 9.4.3.4** Area proposed for settling ponds and washing facilities;
- 9.4.3.5** Area of existing treatment facilities and sand and gravel storage;
- 9.4.3.6** Area requested for treatment facilities and sand and gravel storage;

SECTION 9 EARTH EXCAVATION

9.4.3.7 Area of production facilities for resource-related industry;

The Commission reserves the right to require project stages to limit the amount of land to be denuded and stripped at any one time.

9.4.5 Restoration Plan

A restoration plan is required to ensure an orderly continuing restoration of all land permitted to be excavated for its resources; to prevent soil erosion which may menace life or limb, endanger property or affect the safety, usability or stability of any property;

and to prepare the mined land, by grading, fertilizing and planting on approximately an annual basis, for its ultimate reuse at the time limits set forth in the permit.

The plan for restoration shall be submitted in two parts: a general plan with a restoration contour and a description of restoration methods and materials proposed for renewal of topsoil and replanting. The general plan shall show:

9.4.5.1 General area of completely restored land;

9.4.5.2 General area of restoration underway;

9.4.5.3 General area proposed for restoration during period of special permit;

9.4.5.4 General area proposed for topsoil and overburden storage; and

9.4.5.5 Acreage for each item shown on the plan.

9.4.5.6 Final slopes may consist of standard variations of 2:1, 3:1 and 4:1 ratios. The Commission has final authority to approve the slopes;

9.4.5.7 A description of the methods and materials proposed for restoration of topsoil to the required fertility and the amount and type of planting shall be filed as part of the restoration plan.

9.4.6 Final Contours

A separate map at the same scale, as the base map showing final contours shall also be submitted.

SECTION 9 EARTH EXCAVATION

9.4.7 Joint Comprehensive Planning

The applicant shall review all approved development and restoration plans for properties abutting the one proposed to be mined. The applicant shall attempt to develop a final contour and a restoration plan that is compatible with approved plans for all abutting properties and shall identify those areas where the application is not compatible with plans for the surrounding area.

9.4.8 Bond

Before a permit or renewal is granted, the owner shall post a bond, meeting standard requirements set by the Commission and sufficient to insure full and faithful compliance with the provisions of these Regulations, including the final reseeded, grading and site restoration as required in the permit and these Regulations.

9.4.9 Additional Information

Any additional information required by the Commission shall be submitted with the application.

9.5 RESTORATION STANDARDS

9.5.1 Timing

Restoration shall be a continuing operation, subject to field review by the Town. Grading, topsoil replacement and replanting of the area designated for restoration shall continue during the permit period.

9.5.2 Slope

All banks shall be left in accordance with topography established in restoration plans, with no slope greater than two (2) feet horizontal to one (1) foot vertical.

9.5.3 Cover and Planting

Upon replacement of the topsoil, a ground cover acceptable to the Commission shall be planted to hold the soil.

9.6 INSPECTION

An application for a permit will include the right of the Town to inspect the proposed operations. The Town reserves the right of on-site inspection during the life of the permit.

SECTION 9 EARTH EXCAVATION

9.7 SUSPENSION OF PERMIT

If, during the life of any permit, any provisions or requirements of the approval or of the Regulations are violated, the Commission may suspend the permit until such time as the violations are corrected.

9.8 LENGTH OF PERMIT

The Commission shall stipulate the maximum length of time for which a permit shall be effective. In no case may a permit be effective for a period in excess of two (2) years unless the Commission grants a renewal following the submittal of a complete reapplication.

9.9 WAIVER OF REGULATIONS

Where an earth excavation operation is done in conjunction with an agricultural/farming use, or involves the removal of less than 50,000 cubic yards of material, the Commission may modify the requirements of Sections 9.4.1, 9.4.3, 9.4.5, 9.4.6 and 9.4.8.