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State:	Connecticut
Jurisdiction Type:	Municipal
Municipality:	Town of Ellington
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Community Type – applicable to:	Suburban; Rural
Title:	Town of Ellington Earth Excavation Ordinance
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Abstract

This law requires that excavation and removal or importation of more than 1,000 cubic yards of earth within any zoning district over one year, from any single parcel of land, requires a special permit. A detailed erosion control plan and a final landscaping plan must be submitted before the permit can be issued. A sufficient amount of topsoil must be set aside and not removed from the premises. Excavators must keep sound levels within prescribed limits, restrict hours of operation, buffer the work site, and control truck access to minimize danger, among other conditions.

Resource

TOWN OF ELLINGTON CT EARTH EXCAVATION
CODE OF THE TOWN OF ELLINGTON CT
Chapter 230: Zoning

§ 230-27. Earth excavation. [Amended 10-2-1988; 10-23-1995]

A. A special permit shall be required for the removal, processing, and importation of sand, stone, gravel, loam, peat, peat moss, concrete, asphalt, and similar materials and the processing of materials extracted from the premises in any zone, provided that the following conditions can be met. In addition to these conditions, the Commission shall also be guided by the purpose of these regulations as set forth in § 230-1 and special permit review criteria as presented in § 230-7F of these regulations.

(1) Erosion control. A detailed erosion control plan shall be submitted in accordance with Article IX of these regulations.

(2) Wind erosion and dust control. Proper measures shall be taken to minimize the nuisance from dust and wind erosion at storage areas, yards, access roads, service roads, or other untreated open areas within the lot.

(3) Working slopes. Upon completion of the workday, proper measures shall be taken to restore a slope not exceeding one vertical to 1 1/2 horizontal to the area excavated or otherwise disturbed ground. Alternatively, the Commission may approve as part of the application satisfactory terracing arrangements to ensure the safety and stability of the working slopes. Finished slopes shall not exceed a slope of one vertical to three horizontal. Fences or embankments shall be provided if necessary for the protection and safety of vehicular and pedestrian traffic.

(4) Minimum setbacks. All excavation, removal, or grading shall be located at least 100 feet from any property line unless a plan for removal is coordinated with the owner of an adjacent tract and approved by the Commission. The Commission may approve grading up to a public street, road, or highway right-of-way. There shall be no stockpiling of materials within 100 feet of any property line, public street, road, highway, or right-of-way. No fixed machinery shall be erected or maintained within 200 feet of the property or street line.

(5) Topsoil preservation. A sufficient amount of topsoil shall be set aside on the premises for respreading to a minimum depth of four inches over the excavated area in accordance with the approved grading plan. Such topsoil stockpile shall not be sold or removed from the premises.

(6) Buffering. When deemed applicable by the Commission, the applicant shall provide a fence or suitable barrier for the purpose of minimizing objectionable noise and screening operations from the view of highway traffic and neighboring property owners.

(7) Landscaping. A final landscaping plan shall be prepared for each phase by the applicant of a commercial gravel operation and approved by the Commission. This plan shall contain a suitable notation indicating that at the completion of the gravel removal operation the area shall be seeded with suitable grass mixture containing at least 50% permanent grasses and maintained by mulching, repairing and reseeding until the area is stabilized. However, the Commission may approve other ground cover alternatives. In the instance where a plan is to be implemented in phases, each phase shall be landscaped accordingly prior to the start of any work within a subsequent phase. However, where final restoration is not possible because of cold weather conditions, the Commission may allow work to begin within a subsequent phase, provided that an acceptable schedule is agreed to. All material and labor costs to implement such a plan shall be included in Subsection A(8), Bonding, below.

(8) Bonding. Before a permit is granted under this section, the applicant shall file a bond in a form acceptable to the First Selectman and in such amount as the Town Engineer deems sufficient to ensure the faithful performance and completion of the work in accordance with provisions of this section. Additional bonding may be required to assure that any materials deposited on site will not result in any environmental problems. Such

bonding shall be in a form acceptable to the First Selectman and in such amount as determined by the Town Attorney.

(9) Hours of operation. Earth excavation operations shall be conducted only between 7:00 a.m. and 5:00 p.m. and shall be restricted to weekdays (Monday through Friday) and Saturday between 7:00 a.m. and 1:00 p.m. and shall not operate on legal holidays.

(10) Control points. In order to ensure that the site is graded in accordance with the approved plan, vertical and horizontal control points shall be set up around the entire perimeter of the parcel.

(a) Such control points shall be:

[1] Noted on the approved plan.

[2] Spaced no farther than 200 feet apart.

[3] Set in the ground with iron or steel stakes at least 3/4 inch in diameter and 30 inches in length.

(b) In addition, the applicant shall be required to provide the Zoning Enforcement Officer with as-built drawings six months after the issuance of the permit to demonstrate compliance with the approved grading plan. Any deviation from the approved plan shall be a violation and cause for revocation of the permit.

(11) Sound-pressure level. The sound-pressure level of any machinery used in conjunction with an earth removal operation shall not exceed the decibel level stated below. Sound-pressure level shall be measured with a standard A-scale sound-level meter (slow response) manufactured according to the United States of America Standards Institute (USASI) Standard S 1.4 - 1961, as revised, which has been calibrated in accordance with USASI standards. The microphone used to measure the loudness of a noise shall be placed at any point on the property line but no closer than five feet to any wall nor less than three feet from the ground.

(a) Allowable noise levels shall be as follows:

[1] For a lot, or an approved phase of operation contained within a lot, which does not abut a residential zoning district or lot containing an existing residence: 66 dBA.

[2] For a lot, or an approved phase of operation contained within a lot, which does abut a residential zoning district or lot containing an existing residence: 55 dBA.

(b) No operation which produces vibrations at or above human perceptibility at any property line shall be allowed.

(12) Truck access. Truck access to the excavation site 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 prevent dust. Where the Commission finds that principal roads to be used by gravel trucks are below minimum Town road, the road will meet these minimum standards. In this instance the applicant will first obtain approval from the Board of Selectmen to make said improvements.

(13) Structures. No building shall be erected on the premises except as may be permitted in these regulations.

(14) Phasing. Where a plan is to be implemented in phases, no phase shall be greater than seven acres in area.

(15) Inspections. The site operator, at his or her own expense, shall provide evidence acceptable to the Town Engineer that all materials imported to the excavation site and premises are environmentally safe and that such materials will not contribute to the pollution of ground or surface water supplies or result in any other environmental hazard.

B. Expiration of permit. Any special permit issued under this section shall expire on the first Monday of November following the date of issuance unless renewed by the Commission annually for a period up to five years. Renewal of the permit may be refused unless the operator is able to show, by report of an engineer documenting as-built conditions, that the excavation already completed is in conformity with the plan approved by the Commission. Effective with the adoption of these regulations, all existing operations shall make application for permit renewal in accordance with these regulations such that a hearing may be scheduled on November 7, 1988.

C. Activities requiring a special permit under this section. The following activities require a special permit under this section:

(1) Excavation and removal of more than 1,000 cubic yards of material within any zoning district over a period of one year from any single parcel of land recorded in the office of the Town Clerk.

D. Site plan requirements. In addition to the site plan requirements listed in § 230-23C of these regulations, eight copies of a grading plan certified by a registered land surveyor and a professional engineer licensed in the State of Connecticut shall be submitted which contains the following:

(1) The quantity of materials to be removed within the limits of the proposed excavation, removal, filling, or grading and the location of processing equipment.

(2) Storm drainage data showing drainage areas and estimated runoff of the area to be served by existing drainage facilities, together with detailed plans and specifications of all proposed drainage facilities and other protective devices to be constructed in connection with proper drainage of the premises, both during and after construction of the operation.

(3) All other data necessary to ensure compliance with Subsection A(1) through (15) of this section.

(4) The applications shall be accompanied by a list of all property owners within 500 feet of any portion of the tract of land which is to be excavated.

(5) Existing contours at no less than two-foot intervals in the area to be excavated and proposed contours. The map shall extend the property line 100 feet beyond the excavated area.

(6) An estimate of the number and types of trucks and other machinery and equipment to be on site and types of any buildings to be erected.

(7) Proposed truck access to the excavation site.