

Section 140-050 Regulations Concerning Conduct of Operations

1. In considering any such application, the Commission shall consider the effect upon the premises and adjacent property, upon property values, health, safety, public welfare and any effect upon the future of the premises involved.
2. The Commission may approve the plan only when it is satisfied that the following conditions will be complied with in the undertaking of such excavation:
 - a. All operations, including screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises between the hours of 7:30 a.m. and 5:30 p.m., seasonal time only, Monday through Friday inclusive and Saturday 7:30 a.m. to 12:00 noon. No operation is to take place on Sundays and the following holidays: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day, except with special permission of the Commission or the Zoning Enforcement Officer. Equipment and machinery shall not be started prior to 7:30 a.m. (*Amended Effective: June 20, 1985; Amended Effective: August 25, 2003*)
 - b. No stationary machinery shall be erected or maintained within one hundred feet (100') of any property line, permit area line or street line, except in the industrial area and this only with the express written consent of the Commission after its having examined the site plan showing the premises and those adjacent to it.
 - c. No excavation shall take place within fifty feet (50') of any property or highway line regardless of elevation, and no shrubbery, grass or trees shall be removed from the fifty-foot (50') strip until restoration begins.
 - d. When the depth of the excavation exceeds twenty feet (20'), the distance from the property line or highway line shall be increased not less than one foot (1') for each additional vertical foot of excavation. The maximum depth of the cut shall not be greater than a vertical distance of thirty feet (30'), and if excavation exceeding a vertical distance of thirty feet (30') is desired, a second cut shall be made beginning no closer than twenty feet (20') from where the first cut ends. If the property is used for a commercial excavation, quarrying or mining operation, a maximum cut of fifty feet (50') shall be allowed, and the distance to a second cut shall be made beginning no closer than thirty feet (30') from where the first cut ends. These distances shall apply to all succeeding cuts. (*Amended Effective: November 24, 2003*)
 - e. Staking by a surveyor licensed to do business in the State of Connecticut shall be required at all corners of the permit area, with secondary staking forty-five feet (45') inside the permit area, in a manner acceptable to the Commission, in order to maintain the fifty-foot (50') setback.
 - f. When excavation and removal operations, or either of them, are completed, or if a permit has expired and/or has not been renewed, the excavated area shall be graded to within twenty-five feet (25') of the

permit line, adjacent property line and/or highway lines, so that the slopes and disturbed areas shall be no steeper than one to three (1:3) (vertical to horizontal), but if the excavated area consists of stable material the slope may have a grade of one to two (1:2) vertical to horizontal. In stone quarries or where ledge is encountered, steeper slopes may be permitted, provided a properly maintained heavy wire fence, at least six feet (6') height, is erected and maintained at the top of the slope by the owner and/or operator. A layer of topsoil shall be spread over the excavated areas, except exposed rock surfaces, to a minimum depth of three inches (3"), in accordance with the approved final grading plan. The Commission may approve other such methods in writing in advance of the final restoration. The area shall then be seeded with suitable grass mixtures containing at least fifty percent (50%) permanent grasses. If benching of the site exists as provided in subsection d., then the benched areas may be maintained as a final grade, provided that the benches are seeded and trees are planted on each bench. This restoration shall take place within one (1) calendar year following the completion of work or the expiration or non-renewal of a permit, unless the Commission allows a longer period of time or there is intent by the owner or operator to resume excavation or removal operations and apply for renewal of a permit for that area within a reasonable period of time. Said area shall be maintained and all bonds shall remain in force until the area is stabilized for at least two (2) years and approved, in writing, for release by the Commission, provided that the Commission may determine that the area is sufficiently stable that the part of the bond that covers that area may be released in less than two (2) years. (*Amended Effective: November 24, 2003*)

- g. No building except a field office or temporary shelter or machinery, shall be erected on the premises, and no screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises in any zone, except as may be permitted by the Commission. Any such building, shelter or machinery shall be removed from the premises within thirty (30) days of the completion, expiration or non-renewal of a permit. (*Amended Effective: June 20, 1985*)
- h. At all stages of operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent the harmful effects upon surrounding properties or roads. Any lockage of drainage ditches or culverts, or materials from trucks, or erosion on any highway, shall be immediately removed by the owner or operator of the site. Should the Commission be required to cause the removal of such material, for the safety of the public or for any other reason, the cost of such work shall be paid by the owner and/or operator of the site.
- i. During the period of excavation and removal barricades, fences or a grassed berm, at least six feet (6') in height, shall be erected, as deemed necessary by the Commission or the Zoning Enforcement Officer, for the protection of pedestrians and vehicles. As well, such barricades, fences or berms may be required to further buffer adjacent properties from the

operation.

- j. At no time shall overhang be permitted on any face, and at no time shall slopes in excess of one to two (1:2) (vertical to horizontal) be present on any face, except the face where active excavation is being carried on. (*Amended Effective: November 24, 2003*)
- k. During the period of excavation and removal, the owner and/or operator of the site shall provide, at his own expense, such special police, flagmen, barricades and fences, for the protection of pedestrians and vehicles, as deemed necessary by the Commission or the Zoning Enforcement Officer, to protect the public health, safety, convenience and property values.
- l. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of any access road within the area of operation shall be treated to minimize dust. The Commission may require a road, hard surfaced, to allow settling of the loads and to ensure further control of dust.
- m. Proper measures shall be taken to minimize the nuisance of noise and dust or rock. Such measures may include limitations upon the stockpiling of excavated materials upon the site, except that the stockpiling of materials obtained from commercial quarrying or mining on the same site shall be not prohibited. Every loaded truck leaving the site shall be covered. Material may not be stockpiled higher than sixteen feet (16'), but the stockpiling of materials obtained from a site used for commercial quarrying and mining activities may be allowed by the Commission up to a height of forty feet (40'). (*Amended Effective: June 20, 1985; Amended Effective: November 24, 2003*)
- n. The owner and/or operator shall be liable for the cost of repairing any damage to any public highway resulting from its operation.
- o. Such other appropriate safeguards as the Commission may deem necessary to protect the public health, safety, convenience and property values.