

Section 140-060 General and Specific Provisions

1. Every application shall contain full information regarding the preceding conditions, plus other such information as the Commission may require.
2. No more than four (4) acres may be opened up and excavated at one (1) time without specific authorization from the Commission.
3. Where leveling off is the intent of the permittee(s) and where doing so would improve the properties of both, the permittee(s) and the adjacent property owner(s) may, after formal application and approval by the Commission, excavate and grade within the fifty-foot (50') setback area.
4. Where there is an operation, either new or existing, adjacent to another operation, either existing or formerly mined, the Commission may require the owner(s) or operator(s) of the two (2) contiguous properties to mine through, removing the materials within the fifty-foot (50') buffer strips and blend the contiguous property lien into a common grade.
5. Before a permit is issued, the applicant and his operator shall post, separately, performance bonds in form and amount satisfactory to the Commission as surety conditioned on the carrying out of all above conditions and any other safeguards imposed. The Commission, as it deems fit, may require a cash bond or letter of credit or a combination of the two (2). (*Amended Effective: June 20, 1985*)
6. Permit approval may be granted in two (2) stages by the Commission:
 - a. Permit approval to the owner may be granted only after submission of all the required documents and requested information and the necessary public hearing.
 - b. Permit approval of the operator may be granted only after his furnishing to the Commission evidence of proper bonding and insurance.
7. No permit shall be issued by the Commission for a period exceeding three (3) years, but, upon application, the permit may be renewed by the Commission for additional three (3)-year periods, provided that within such three (3) year period the Commission may require the permit holder to submit another permit application if after inspection of the permit location the Commission decides to review the use of the property area covered by the permit. A fee of seven hundred fifty dollars (\$750.00) shall be paid for each permit and renewal. Areas previously worked upon for extraction of earth materials shall not be renewed for a period of five (5) years after closure. (*Amended Effective: June 20, 1985; Amended Effective: March 22, 1991; Amended Effective: July 18, 2005*)
8. Updated topo maps may be required by the Commission prior to renewal of any

permit.

9. The Commission, or the Zoning Enforcement Officer, may require as is topo maps at any stage of the operation.
10. An as-built topo map, done by a surveyor licensed to do business in the State of Connecticut, showing conformity with the requirements for restoration, may be required prior to the release of any bonds.
11. If the excavation is abandoned for three (3) years, or if no substantial activity, as determined by the Commission and the Zoning Enforcement Officer, takes place within three (3) years after the granting or renewal of the permit, the permit may be revoked. Prima facie evidence of activity shall be the excavation of three thousand (3,000) cubic yards of materials per year.
12. Failure to comply with the plans and conditions as approved, or any deviation therefrom, shall be a violation, and the Commission or the Zoning Enforcement may order the stoppage of all excavation, and the Commission may revoke the permit.
13. Said area shall be maintained and all bonding may be required to remain in force until the area is stabilized for at least two (2) years and approved in writing by the Commission for release. After the area has been initially graded, top soiled, seeded and fertilized in accordance with the provisions of these regulations, the Commission may, based on the review and recommendation of the Director of Public Works or other designated agent, accept substitute bonding of a lesser amount, but which would assure complete restoration. (*Effective: June 26, 1987*)