

**SECTION 9
EARTH EXCAVATION, FILLING AND GRADING**

9.0 PURPOSE

The purpose of this Section to regulate the excavation and removal of sand, gravel, stone, loam, dirt and other such earth materials and to regulate the hauling and depositing of earth materials onto properties within the Town of Granby. Such regulation is necessary to minimize situations that may have a negative impact on the Town and surrounding properties, while the activity is occurring and following its completion. Further, these regulations are designed to assure that the final grades are stable and blend naturally into the surrounding area and to assure that the land remains suitable for appropriate future uses, while reducing traffic hazards and nuisances often associated with the excavation, filling and hauling of earth products.

9.1 APPLICABILITY

This Section 9 is applicable to all properties within the Town of Granby, regardless of zone.

9.2 SCOPE

The cubic yards of material specified below are cumulative from the date of adoption of the regulation.

9.3 Permitted without a permit:

9.3.1 On a lot of less than 1 acre, the excavation of earth or the filling of land is permitted without a permit provided that no more than 150 cubic yards of earth are placed on or removed from the lot.

9.3.2 On a lot of 1 acre or more, the excavation of earth or the filling of land is permitted without a permit provided that no more than 300 cubic yards of earth are placed on or removed from the lot.

9.4 Permitted following the issuance of a Zoning Permit:

9.4.1 A zoning permit, issued by the Zoning Enforcement Officer, is required for any excavation or filling of land in excess of that permitted within Sections 9.3.1 and 9.3.2 above, to a maximum of 5,000 cubic yards.

9.4.2 The application for a zoning permit shall include a plan designed to the satisfaction of the Zoning Enforcement Officer and as required herein.

**SECTION 9
EARTH EXCAVATION, FILLING AND GRADING**

9.5 Permitted following the issuance of a Special Permit:

The excavation of earth or the filling of land is permitted only upon the issuance of a Special Permit by the Planning and Zoning Commission where more than 5,000 cubic yards of earth are to be placed on or removed from any lot, except as provided below.

9.6 Permitted following the issuance of a Building Permit:

The excavation of earth or the filling of land is permitted upon the issuance of a Building Permit for a residential home provided that no more than 7,000 cubic yards are placed or removed per any one lot.

9.7 Permitted following the issuance of a Septic System Installation or Repair Permit by the Farmington Valley Health District:

The excavation of earth or the filling of land is permitted upon the issuance of a permit by the FVHD for septic system installation provided that no more than 3,000 cubic yards of earth are placed or removed per any one lot.

9.8 Plan Requirements:

Any plan involving the deposition or removal of more than 2000 cubic yards, or any plan which proposes that more than 500 cubic yards of material will be placed or excavated from any land area containing less than one acre, will require a plan prepared by a PE or LA.

9.9 Exemption where the Commission has approved Subdivision, Special Permit or Site Plan Applications:

A separate Excavation and Removal Special Permit application shall not be required where the activity is part of the approval of a Subdivision, Special Permit or Site Plan Application. The Commission may require the separate submission of a separate Excavation and Removal Special Permit application where the amount of material exceeds 30,000 cubic yards or where the Commission determines that the proposed Excavation and Removal is the primary part of the Subdivision, or site plan application. Additionally, the Commission may permit the temporary use of earth material processing, screening or crushing equipment in conjunction with an approved subdivision, provided a specific time limit is established for such use.

**SECTION 9
EARTH EXCAVATION, FILLING AND GRADING**

9.10 Exemption where the Inland Wetlands and Watercourses Commission has approved the construction or maintenance of a Pond:

A separate Excavation and Removal Special Permit application shall not be required where the Inland Wetlands and Watercourses Commission has approved the construction of a new pond or dredging or modification of an existing pond, provided that the total amount of material does not exceed 7,000 cubic yards, or if the material does not leave the site.

APPLICATION REQUIREMENTS

9.11 Plans which detail the proposed activity shall contain all applicable information as outlined in Section 4.0 of these Zoning Regulations. The Commission may require additional information based on the scope, location or special concerns related to the proposal.

9.12 Special Criteria for Earth Excavation, Filing and Grading

The Building Official, Zoning Enforcement Officer or Planning and Zoning Commission shall approve the plan and grant the permit only when satisfied that the following conditions are understood by the applicant and that they will be complied with in the undertaking of such excavation or filling:

- a. That the premises will be excavated and graded in conformity with the plan as approved.
- b. That Sedimentation and Erosion Control will be designed and installed in accordance with Section 8.7 of these Zoning Regulations.
- c. That no excavation or filling will take place within 25 feet of any property line without the written consent of the abutting land owner(s). The Commission or Zoning Enforcement Officer may increase this distance to not more than 50 feet based on specific site conditions, proposed slope, location of surrounding structures and need for additional buffering.
- d. That the existing top soil will remain on site as necessary for the restoration of the property upon completion.
- e. That at all stages of operations, proper drainage will be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- f. That during the period of excavation and removal, barricades or fences will be erected as are deemed necessary by the Zoning Enforcement Officer for the protection of pedestrians and vehicles.

SECTION 9
EARTH EXCAVATION, FILLING AND GRADING

- g. That truck access to and from the site will be so arranged as to minimize danger to traffic and nuisance to surrounding properties and that any access road used to service the operation will be provided with a dustless surface.
- h. That feasible and prudent measure will be taken to minimize the nuisance of noise and dust. Upon review of the application the ZEO may require specific measures necessary to reduce the anticipated level of noise and dust. Upon inspection of the operation, the ZEO may also require further measures to reduce the level of noise and dust. Such noise measures may include limiting the use of engine braking assist systems such as "jake brakes", adjusting the work areas during certain periods of the day, modifying work practices to limit back-up alarms, delaying the clearing of vegetation, requiring the creation of temporary earthen berms and other such measures as determined by the ZEO. Measures to control dust may include the regular watering of the site or specific areas of the site, the application of chlorides; the mulching of exposed areas; adjusting the scheduled clearing and grubbing; prioritizing the replanting of vegetation; early hydro-seeding and other such measures as determined by the ZEO.
- i. That upon completion, the excavated or filled area will be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal/vertical), unless, after review by the Town Engineer it is determined that the soil condition can support a slope up to 2-1 (horizontal/vertical) and it is further determined that such slope is appropriate for the area.
- j. That a layer of topsoil of a quality and depth approved by the Town Engineer will be spread over the disturbed area, except exposed rock surfaces, in accordance with the approved contour plan. The depth of the top soil shall not be less than 4 inches and the area shall be seeded with a perennial rye or other approved grass and maintained until the area is stabilized.
- k. That there will be no earth material processing, screening or crushing equipment on the site, except as outlined in Section 9.9 and as allowed within an Industrial zone.
- l. That where an application for excavation or filling involves adjoining properties, the properties may be considered under a single application.
- m. That activity shall not commence before 7:00 am and shall terminate not later than 6:00 p.m.

SECTION 9
EARTH EXCAVATION, FILLING AND GRADING

- n. That no operations are permitted on Sundays or established federal holidays.
- o. That a bond may be required to assure proper completion of the project and guarantee the replacement, improvement or repair of the Town infrastructure which may be damaged by the operation. The amount of such bond will be established after a review by the Town Engineer.
- p. All feasible and prudent steps shall be taken to assure that the operation continues to comply with the above criteria throughout the period of the operation. Upon a determination by the ZEO that the operation is not in compliance, the operation shall immediately cease and the operation shall not be allowed to continue until written approval is provided by the ZEO. Such written approval shall not be provided without a written documentation of the issues which led to the cessation of the operation and the resolution of the issue. Any operation that continues following a notice to cease shall be subject to the remedies and sanctions provided by the Connecticut General Statutes and Section 10.1 of the Granby Zoning Regulations.
- q. A Zoning Permit will remain in effect for a period of 90 days, after which it shall become void. The ZEO shall not issue a new permit without the subsequent filing of a map which shows, through the report of a professional engineer, that the excavation already completed conforms to the plan of operations as approved.

9.13 Special Permit Applications:

In addition to the above criteria, when considering Special Permit applications under this Section, the Commission shall review the criteria of Section 8.2 and apply it with the understanding that the Excavation and Filling activity is temporary and base the determination on the proposed condition of the property in its completed state. The Commission shall consider any appropriate action necessary to limit the length of any operation and take other additional measures as necessary to limit the negative impacts on surrounding properties and may deny any application where it finds that the proposal will result in an unusual hardship or exceptional difficulty on the Town and/or the area residents. In its review the Commission shall consider the following additional items:

- a. Potential soil erosion and sedimentation affecting all land and bodies of water both on-site and off-site.
- b. Effects on drainage and groundwater table.
- c. Lateral support slopes, grades and elevations of abutting streets and properties.

SECTION 9
EARTH EXCAVATION, FILLING AND GRADING

- d. Effect of the operation and any related traffic circulation and road condition on streets serving the parcel under consideration.
- e. Any decision issued by the Inland Wetlands and Watercourses Commission.
- f. Any recommendation or approval of the Connecticut Department of Transportation or Department of Energy and Environmental Protection and/or the U.S. Army Corps of Engineers.
- g. Any recommendation of the Town's Engineer, Director of Public Works Department, the Conservation Commission, and the Director of Community Development.
- h. The scope and duration of the project and temporary and long term effects on surrounding properties.

9.14

Approved Applications:

In approving an application the Commission shall exercise its authority to minimize any negative effects that the proposed operation may have on the Town and the area residents.

1. In approving an application the Commission shall take appropriate action to limit the length of any operation and shall specify the time period within which an excavation, or filling, activity shall be completed, but in no event shall the time period of the approval exceed two (2) years. An approved permit shall then expire on the date set by the Commission or two (2) years from the start date set by the Commission unless such permit is renewed by the Commission. The Commission shall not renew or extend any permit unless the operator is able to show, through the report of a professional engineer, PE that the excavation already completed conforms to the plan of operations as approved.
2. The Commission may require the applicant to submit periodic reports, prepared by and bearing the seal of a professional land surveyor or engineer, showing the status and progress of the work.
3. As a condition of any special permit, the Commission may require that the applicant furnish a performance and/or maintenance bond, acceptable to the Commission in form, amount, and surety, securing to the Town of Granby the faithful performance of the work proposed, pursuant to both the provisions of this or other applicable sections of these regulations and to the specific conditions of approval.

SECTION 9
EARTH EXCAVATION, FILLING AND GRADING

4. No bond shall be released until:
 - a. The Commission receives an as-built survey prepared by a professional land surveyor that the project has been completed according to approved plans and conditions attached thereto;
 - b. The Commission is satisfied the work has been completed as required;
and
 - c. Disturbed areas have been appropriately graded and stabilized with vegetation to result in erosion-free conditions.