

#### 12.4 Soil, Gravel and Stone Removal

- A. Filling, excavating, or the relocation of 300 cubic yards or more of topsoil, sand, gravel, clay, stone or other materials in any district is allowed by special permit.
- B. Filling, excavating, or the relocation of less than 300 cubic yards of topsoil, sand, gravel, clay, stone or other materials in any district is allowed by a zoning permit issued by the Zoning Official
- C. The purpose of these regulations is to insure that (1) the landscape is not needlessly marred during and after operations, (2) the work will not be a source of dust, pollution, and/or siltration, (3) the site will not be generally characterized by unsightliness as evidenced by open pits, rubble or other indications of completed digging operations which would have a deteriorating influence on nearby property values, (4) the site will have future usefulness when the operation is complete, and (5) the removal's effect on the public interest is acceptable.
- D. Exception. Provided the purpose stated above is satisfied, a permit is not required if the removal is associated with:
  - (1) Construction or grading for a permitted building, structure or activity where no additional permits or approvals are necessary from the Zoning Official and/or the Commission; or
  - (2) Maintenance or operation associated with ~~a farm or farming~~ agricultural activity provided the topsoil and subsoil from the operation area are stockpiled for ~~the farm's future~~ agricultural use and all material remains on the farm for agricultural use; and/or
  - (3) Road construction where no additional permits or approvals are necessary from the Zoning Official and/or the Commission.
- E. The sale, destination, or ultimate use of the removed topsoil, sand, gravel, clay, stone, or other materials does not determine whether a permit is required.
- F. Any removal of topsoil, sand, gravel, stone or other materials occurring beyond the stated extent of an existing operation shall be considered a new operation requiring a permit and subject to conditions contained herein.
- G. Bond. Before a permit is granted to an applicant starting any operation regulated under this Section, the applicant shall post a bond to the Town of Ledyard in an amount approved by the Commission to guarantee that the premises shall be excavated, graded and landscaped in conformance with the approved Plan of Operation.
- H. Deviation from the approved Plan of Operation, without the Zoning Official's, or Commission's approval, shall be a violation of these regulations.
- I. The use of explosive devices may be limited as a condition of the permit.
- J. The Commission may impose hours and days of operation as conditions of the permit.
- K. A permit for the removal of topsoil, sand, gravel, clay, stone or other materials shall expire after one (1) year.
- L. A renewal permit can be granted for one (1) year during the thirty (30) day period prior to expiration of an existing permit under the same procedure used for the initial approval. There is no limit on the number of times a renewal permit can be granted.
- M. The applicant for a permit shall:

- (1) Provide a completed application form indicating the nature and extent of the operation, the proposed land use with supporting data, a site plan, a plan for sediment and erosion control, and a Plan of Operations approved by a licensed Professional Engineer.
- (2) Certify to the Zoning Official that the site's use will be conducted in conformance with these regulations, the approved Plan of Operations, and the plan for sediment and erosion control.
- (3) For a permit renewal application, provide a report on the excavation operation prepared by a licensed Professional Engineer, which shall attest that the excavation, as completed to date, conforms to the approved Plan of Operation.
- (4) Pay the permit fee.

O. The Zoning Office may, but is under no obligation, to provide a reminder notice regarding an expiring permit for soil, gravel, and stone removal.

P. Operations:

- (1) The gravel bank floor area shall be graded not less than one percent (1%) or more than four percent (4%) to provide for surface drainage.
- (2) No removal shall take place within twenty-five (25) feet of a property line, nor within fifty (50) feet of a highway property line, such distances to be measured from the top of the bank, and if within sight of a Town/State road, may be required by the Commission to be screened. The Commission may require a similar screen if isolation of adjacent property is deemed necessary. No operation shall take place closer than a minimum of ~~fifty (50)~~ one hundred (100) feet from a stream, pond, or lake without IWWC approval and permit in accord with IWWC regulations.
- (3) Upon completion of operations, no bank shall exceed a slope of one (1) foot vertical rise in three (3) feet of horizontal distance. The disturbed area shall be covered with a minimum of four (4) inches of topsoil and graded. On completion of grading, the area will be limed, fertilized, and seeded in accordance with the approved site plan. The site shall be maintained until the area is stabilized;
- (4) Temporary seeding, used to control erosion, is permitted during the time that the operation is being completed.
- (5) The active gravel removal area shall not exceed a total of ten (10) acres at any time.
- (6) All topsoil and subsoil shall be stripped from the operation area and stockpiled for use in site restoration.
- (7) Any surface water flowing from the excavated area shall flow through appropriate sediment control devices before leaving the site.
- (8) If excavation has occurred below the seasonal high water table, the pond banks should be no steeper than a two to one ratio (2:1) or as otherwise approved by the IWWC.
- (9) Stone Crushing. No stone crusher or other device, except screens, not required for the actual removal of material shall be used in any District except in the Industrial Districts.