

TOWN OF BROOKFIELD
ZONING REGULATIONS

Natural Resources Removal - § 242-302A&B

§ 242-302. Natural resources removal.

A. General requirements and exceptions:

There shall be no excavation or removal in any district of earth, loam, humus, topsoil, sand gravel, clay, stone, soil, subsoil or other earth product without a permit from the Zoning Commission, except when such excavation or removal is limited to the following:

- (1) Necessary excavation resulting from a bona fide residential construction operation being executed on the premises or for the installation of foundations, driveways, sewers, waterlines, electric or gas service, sidewalks, fences or walls which may or may not be in connection with the construction of a building or addition thereto for which a building permit has been issued.
- (2) Necessary excavation grading for a subdivision road for which plans have been approved by the Planning Commission of the Town of Brookfield.
- (3) The removal by or for the owner from one part of his property to another of topsoil or subsoil when such removal is for the purpose of landscaping, farming or otherwise improving the property to a maximum of six hundred (600) cubic yards of material.
- (4) Material that may be otherwise excavated in any one (1) calendar year without the required permit in an amount not to exceed one hundred (100) cubic yards.

B. Application for a permit:

Application for an excavation permit shall be made by filing with the Zoning Commission or the Town of Brookfield the following information:

- (1) A map drawn to scale by an engineer or surveyor registered to practice in the State of Connecticut showing the following:
 - (a) The property on which the excavation is to be made.
 - (b) The location of all buildings on the property.
 - (c) Adjacent roads and the location of proposed access roads to proposed excavations.

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- (d) At the option of the Commission, existing and proposed contours in the area to be excavated and in the surrounding area within twenty feet (20') of the excavation, shown on the a map drawn to scale containing not more than one hundred feet (100') to the inch and with contour lines at intervals of not more than five feet (5').
 - (e) Adjacent property ownership within one hundred feet (100') indicated.
 - (f) Existing and proposed drainage on the premises, if any, including the proposed level and area of any impounded water.
 - (g) The location and design of structural and non structural sediment control measures, such as diversions, waterways, grade stabilization structures, debris basins, check dams, water breaks, silt fences and the like; and the location of temporary and permanent erosion control measures.
- (2) A written statement with the following information:
- (a) The approximate starting and completion dates, number and types of trucks, machines to be used and hours of operation.
 - (b) The kind and amount of material to be excavated.
 - (c) The safety precautions that are to be taken.
 - (d) The purpose of the excavation or removal.
 - (e) The types and number of buildings to be erected.
 - (f) The sequence of operations, including time periods for major development phases, temporary and permanent sediment control measures to be employed, specifications for temporary and permanent vegetative and structural stabilization, and general information relating to the implementation and maintenance of the sediment control measures, including the name of the individual responsible for implementing the plan.
 - (g) Details of regrading the revegetation at the conclusion of the project or at the conclusion or such phases of the project as the Commission may require.
- (3) If the application is approved, the applicants (contractors or owners) shall file a bond in accordance with Section 242-705 B. of these regulations. *[eff. 4/17/03]*

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- (4) The application must be filed with the Zoning Commission before any operations are started and no excavation shall be started until the application is approved and the bond filed with the Commission.
- (5) The application must be signed by the persons intending to carry out the excavation operations and also the owner of the property if the excavation is not being carried out by the owner.
- (6) The Commission may waive in whole or in part the requirements of this section where they are not deemed necessary for reasonable review of the application.

C. Conditions of approval and/or renewal:

- (1) The Zoning Commission may approve the application and issue a permit for a stated period not to exceed twelve (12) months. Such permit may contain such conditions as the Commission determines necessary to protect the health, safety, general welfare and best interest of the town and its residents. Such permits may be renewed for successive stated periods, none of which shall exceed twelve (12) months. The fees for a required public hearing per Paragraph D below, and the fees for an annual permit shall be in accordance with the Zoning Commission Fee Schedule (see appendix) which may be revised from time to time to reflect current administrative costs. Annual permit fees are payable to the Town of Brookfield, on the anniversary date in advance. Such permit shall automatically terminate upon failure to pay the annual fee with thirty (30) days of the anniversary date of the permit. *[8/23/01]*
- (2) A permit may be granted or denied by the Commission after consideration of the public health, safety and general welfare, the comprehensive plan of development, soil erosion, drainage, impact upon the water table, lateral support slopes and grading of abutting streets and land, effect on land values and uses in the area, damage to existing landscape and traffic access and safety. A permit may be granted only if the Commission finds compliance with the following conditions: *[amended 5/8/86]*
 - (a) The excavation will not result in the creations of any sharp declivities, pits or depressions, soil erosion or fertility problems or depressed land values.
 - (b) There must be a minimum of two hundred (200) linear feet sight line clearance in both directions at point of truck access onto a Town road, unless, in the opinion of the Commission, safety factors indicate otherwise.

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- (c) The area of truck access onto a Town road must be permanently established at the same grade as the Town road for a minimum distance of sixty feet (60').
 - (d) The Town road at point of truck access must have a minimum width of traveled portion of twenty feet (20').
 - (e) The point of truck access onto a Town road must be so situated and constructed so as to ensure that no trucks will back onto or off of the Town road.
 - (f) Compliance with § 242-602D of this chapter relative to erosion and sediment control.
- (3) For the health, welfare and safety of the residents of the Town of Brookfield, no work of any nature shall be performed under any permit granted under the terms of these regulations except between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and 7:00 a.m. and 12:00 noon on Saturday, except that sand may be loaded to be used upon roads in the Town of Brookfield when ice or other conditions exist to endanger travel.
- (4) No excavation shall be carried out in such a manner as to result in bank slopes in excess of the normal angle of repose of the exposed soil as determined by the Commission. During the course of excavation, the contractor shall maintain side slopes as directed by the Commission. The Commission may, at any time during the course of the excavation, insist that the area be sloped and graded if, in its opinion, a hazard exists.
- (5) The top of all slopes shall be at least twenty feet (20') from any adjacent property line or right-of-way or boundary of any street or highway and at least one hundred feet (100') from any occupied dwelling, unless specifically set out in the excavation permit to the contrary.
- (6) At all stages of the operation, proper drainage shall be provided to prevent the collection of water, and the excavator must erect proper barricades or fences for the protection of pedestrians, vehicles, children and others.

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- (7) When approved excavations are completed, or a substantial portion thereof, the area must be graded so that no slope or gradient shall be steeper than one foot (1') to two feet (2') (vertical to horizontal). The above requirement shall not apply to open-faced rock cuts. Such cuts shall be finished at a angle not to exceed two feet (2') to one foot (1') (vertical to horizontal) so as to preclude the falling of loosened material or the risk of rock/earth slides. The top of all such cuts shall be protected with suitable fencing approved by the Commission. When completed, the excavated area shall be covered with a four-inch layer of topsoil and seeded with a combination of fast-germinating and perennial grass so as to prevent soil erosion and to maintain said area until it is stabilized and approved by the Commission. *[amended 5/8/86]*
- (8) The premises shall be excavated and graded in conformity with the excavation permit as approved. Any deviation from the permit as filed shall be cause for the Commission to revoke said permit and claim performance bond.
- (9) Truck access to the excavation shall be so arranged as to minimize nuisance to surrounding properties, and such access on the premises shall be provided with a dustless surface.

D. Hearing and notice:

Before the issuance of a permit under these regulations, the Commission may hold a public hearing after giving due notice of same in a newspaper having a substantial circulation in the Town of Brookfield, which notice shall set forth the name of the applicant, location and owner of the property and the nature of the application; except that, at the discretion of the Commission, the public hearing may be waived. *[amended 2/2885, 8/23/01]*

E. Damage to roads:

Any permittee or agent thereof who shall cause damage to any road or roads in the Town of Brookfield shall immediately be liable to the Town for repairing said damage, which shall be under the supervision of the Board of Selectmen of the Town of Brookfield.

F. Processing:

Noscreening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises unless located within an appropriate zoning district where such may be permitted within this chapter. No fixed machinery shall be erected or maintained within three hundred feet (300') of any property line or street line.