

APPLICATION # _____

(Soil Removal under Planning and Zoning Regulations - effective date 4/15/63, ammended 9/4/83)

**PLANNING AND ZONING COMMISSION
EASTON, CONNECTICUT**

DATE _____

Application is hereby made for a permit to excavate and remove soil materials as follows:

Location of property:

Area of property:

Size of Area to be excavated:

Type of materials to be removed:

Quantity of materials to be removed:

Dates of Commencement and completion
of Excvation and removal work:

Equipment to be used:

Name and address of power of attorney:
(if different from owner)

Name and address of Contractor:

Name of Purchaser of Materials:

Purpose of Excavation and Removal*:

Signature of Applicant

Fee: \$

*Map must accompany this application showing detail required by pertinent zoning regulations of the Town of Easton.

7.5 EARTH MATERIALS REMOVAL: (MOVED FROM ART 6 11/93)

7.5.1 SPECIAL PERMIT: No person shall within the Town excavate or otherwise remove soil, loam, clay, sand, gravel, rock or any other natural material (hereinafter collectively referred to as "materials") for sale or use on any premises other than on the premises from which the materials are taken (except from land owned or leased by the Town) unless a permit for such removal has first been obtained pursuant to these Regulations.

7.5.2 APPLICATION: The Commission shall grant permission for the removal of materials only after receipt and consideration of a written application submitted by the owner/user of the premises on which the materials are located.

7.5.2.1 The application shall state the commencement and completion dates for the proposed work, the extent and location of the removal operation, the effects it will have when completed on the grades and the other physical features of the premises, the name of the proposed remover if different from the owner and such other information as the Commission may request.

7.5.2.2 The Commission may request an informal meeting with the applicant in order to obtain additional information about the proposed project.

7.5.2.3 Maps and plans of the project, if requested by the Commission, shall show the following:

- A. the location and exterior limits of the area to be excavated or graded, property lines and streets adjoining the lot and the names of owners of property adjoining the premises;
- B. existing contour lines on the premises to be excavated or graded, drawn to a scale of one inch equals 40 feet and with a contour interval not exceeding 2 feet;
- C. proposed contour lines within the area to be excavated or graded, drawn to a scale 1 inch equals 40 feet and with a contour interval not exceeding 2 feet;
- D. existing and proposed drainage on the premises and existing rivers, streams, water courses, ponds and swamps on or within 200 feet of the premises;
- E. proposed vehicular access to the premises and any proposed work roadways;
- F. the location on the premises of any wooded areas, rock outcrops and existing and proposed buildings and structures; and
- G. an estimate of the number of cubic yards of material to be excavated, graded or removed.

7.5.3 PROCEDURE: Within 60 days after receipt of a complete application, the Commission shall hold a public hearing on the application. Within 65 days after the public hearing, the Commission shall approve the application, approve it subject to modifications or disapprove the application. The applicant may consent in writing to an extension of time for action on the application. The Commission may request the applicant to submit additional information. Notice of a public hearing shall be published in a newspaper having a substantial circulation in the Town at least twice, at intervals of not less than 2 days, the first not more than 15 days nor less than 10 days, and the last not less than two (2) days before the hearing. The grounds for disapproval of an application shall be

stated by the Commission in its records. Failure to submit additional information requested by the Commission shall be grounds for disapproval of the application.

7.5.4 FACTORS TO BE CONSIDERED BY COMMISSION: In arriving at its decision, the Commission shall be guided by and take into consideration the public health, safety and general welfare and particular consideration shall be given to the following factors:

- A. Soil erosion by water and wind;
- B. Drainage;
- C. Soil fertility;
- D. Lateral support slopes and grades of abutting streets and lands;
- E. Land values and uses;
- F. Road traffic;
- G. Environmental protection;
- H. Sewage;

(1) Such other factors as may bear upon and relate to the coordinated, adjusted and harmonious physical development of the Town.

7.5.5 CONDITIONS OF APPROVAL: If, after examining the application, the map provided for in Paragraph 7.5.2 and the premises, the Commission shall be of the opinion that the proposed excavation and removal of topsoil or subsoil materials will not create conditions inimical to the public health, welfare and safety, and will not result in the creation of any sharp declivities, pits or depressions, soil erosion or fertility problems, depressed land values, or create any damage to the environment or drainage or sewage problems or other conditions of danger, the Commission may grant in writing permission to excavate and remove the materials. Alternatively, the commission may grant permission with stipulations, or may deny permission without prejudice.

7.5.5.1 OPERATION: The owner or person in charge shall so conduct the operations that there shall be no sharp declivities, pits or depressions and in such a manner that the area shall be properly leveled off, cleared of debris, and graded to conform with the contour lines and grade as approved by the Commission.

7.5.5.2 NO MACHINERY TO BE ERECTED: No sorting, grading, crushing or other machinery for the treatment of excavated material shall be maintained or erected on the premises from which permission to excavate and remove materials may be granted.

7.5.5.3 STORAGE OF TOPSOIL: The owner of the premises or the person in charge of the excavation and removal of materials when permission has been granted, shall not take away the top layer of arable soil for a depth of at least six inches, but such top layer of arable soil to a

depth of six inches shall be suitably set aside for retention on the premises, and shall be re-spread over the premises when the excavation and removal of the materials has been completed pursuant to the levels and contour lines and map approved by the Commission.

7.5.5.4 HOURS OF OPERATION: Excavation or removal operations shall be conducted during daylight hours on weekdays (except holidays) only.

7.5.5.5 BOND: The applicant shall file with the Commission cash, a savings account or surety bond, in form and with surety acceptable to the Town in an amount to be determined by the Town Engineer and approved by the Commission to assure the faithful performance of the work in accordance with the provisions of this Section. The bond shall also guarantee to the Town reimbursement for the cost of any repairs to Town or State roads that may be necessitated because of damage caused by transport of the excavated materials.

7.5.5.6 TIME LIMIT: Any permit issued by the Commission under the provisions of this Section shall expire no later than one year from the date of its issuance but may be extended by the Commission for good cause shown for such additional period as the Commission may determine.

7.5.5.7 LIABILITY INSURANCE: The applicant shall obtain and maintain public liability insurance with limits of not less than \$300,000.00 for personal injury and \$100,000.00 for property damage and shall furnish a certificate of insurance to the Commission. In the event of cancellation of this insurance, the permit shall terminate.

7.5.5.8 ACCESS BY TOWN: The Commission and Zoning Enforcement Officer, or their authorized agents, shall at all times have reasonable access to the premises for the purpose of inspection and determination of compliance with this Section; the Commission may require the applicant to submit periodic reports, prepared by a licensed land surveyor or civil engineer, showing the status and progress of the work.

7.5.6 REVOCATION OF PERMIT: If it shall appear to the Commission or the Zoning Enforcement Officer at any time after the issuance of a permit under the provisions of this Section and prior the completion of the work thereunder that the work is not in accordance with the permit, the Commission or the Zoning Enforcement Officer, as the case may be, shall notify the permittee of any such violation by registered mail, return receipt requested, and the permittee shall cease all such work until the permittee shall show cause to the Commission that the permittee shall be allowed to resume such work. If the permittee shall the Commission may revoke the permit and take such other action as shall be suitable against the permittee and/or the surety on the permittee's bond.

7.5.7 PENALTIES: Any person, firm or corporation who shall violate any provision of this Section shall be subject to penalties and fines in accordance with the General Statutes of the State of Connecticut. Any such penalties shall be in addition to and shall not preclude the right of enforcement by injunction or other lawful means or the collection of damages for the violation of these Regulations.

7.5.8 DAMAGE TO ROADS: Any person who obtains a permit and who shall cause any damage to any Town road shall be liable for the cost of repairing the damage and shall reimburse the Town for such cost immediately upon demand by the Town.

7.5.9 EXEMPTIONS: The provisions of this Section shall not apply to the excavation and removal of materials from one part of an owner's land to another part of the same tract or parcel of land of the owner when such excavation and removal is not for the purpose of selling materials and is done as part of any one or more of the following projects:

- A. A bona fide agriculture or farming project;
- B. A minor landscaping project;
- C. The construction or alteration of a building or structure on the premises and excavating or grading incidental thereto provided a building permit has been issued for such construction or alteration;
- D. The construction, improvement or changing of contours or grades of proposed roads or of lots approved by the Commission, in accordance with a subdivision plan.
- E. The construction of a wall, driveway, road, fence, pond, watercourse, swimming pool, tennis court, recreational facilities, sewage system or drainage or water facilities, or public utility lines or services pursuant to a permit issued by the Commission when necessary.
- F. The excavation and removal offsite of subsoil materials incident to the excavation of basements or cellars, or the installation of footings, foundations, tennis courts, swimming pools, or inground sewage disposal systems unless the total amount of all of the above on a single lot exceeds 200 cubic yards.

7.5.10 SAFETY MEASURES: Any person engaged in excavating and removal of topsoil or subsoil materials pursuant to a permit issued under this Section shall exercise such suitable dust control and safety precautions including the employment of special policemen to direct traffic and the posting of adequate warning signs as may be required by the Commission.

7.5.11 FEES: The application fee for a permit issued under this Section shall be \$150.00. If the Commission shall approve the application and issue a permit, the applicant shall pay to the Town an inspection fee equal to \$2.00 for each 500 yards of material, or fraction thereof, to be excavated, graded or removed.

7.6 SALE OF ALCOHOLIC BEVERAGES BY TAX EXEMPT CLUBS

(Moved from Art 6 11/93)

A club as defined under Section 30-1 of the Connecticut General Statutes shall be eligible for a special permit for the sale of alcoholic beverages at its premises pursuant to a club permit as defined under such Statutes if it complies with the following conditions and all other applicable provisions of these regulations.

7.6.1 Organization & Membership:

- A. The club shall be in existence for at least ten years at the time of the application, a tax exempt organization under Section 505(c)(3) of the Internal Revenue Code and its purposes shall be primarily for the benefit of the residents of the Town of Easton.
- B. Membership in the club may not exceed 200 for all classes of members.

SPECIAL PERMIT APPLICATION PACKET
EASTON, CONNECTICUT

Dear Applicant:

This Special Permit Application Packet has been compiled to help you, the applicant, comply with the Zoning Regulations and obtain a timely decision on your proposal.

In Easton, a special permit application is expedited through the Planning and Zoning Commission. State Statutes require that a public hearing will be held within sixty-five (65) days following official receipt of the application. At the close of the hearing the Commission will have sixty-five (65) days to render a decision on the application.

Because of the increasing demands on Commission and staff time, the stated process must be adhered to strictly. The Commission can no longer accept additional supporting data from the applicant after the application has been accepted. You will receive a decision on the application based on the initial record you submit with the application. Upon request you may obtain a copy of department comments prior to the public hearing.

If the application is believed to be deficient for any reason, e.g., incomplete application form, failure to provide notices for adjacent property owners, omitted site plan data, it may be denied by the Commission. Upon written request the applicant may obtain an extension of each period in the process equal to the original time period.

The enclosed items are designed to act as a detailed resource for your use throughout the application process. The packet includes the required forms and checklists as required by the Planning and Zoning Commission. If you have additional questions after reading this packet, the Commission staff is available to help you every Monday, Wednesday and Friday morning from 9-12 noon. Please make a note of these times and call the Commission staff at 268-6291 in Town Hall to make an appointment.

SPECIAL PERMIT APPLICATION PROCESS

A. APPLICATION

1. Submission

Applications may be submitted to the Planning and Zoning Commission office in Town Hall from 9 AM - 12 Noon every Monday, Wednesday and Friday.

2. Review for Completion

The application will be reviewed for completion by the Commission staff upon receipt. The Commission staff will notify the applicant whether the application is complete in accordance with the Zoning Regulations.

3. If it is determined that an Inland Wetland Permit is required the applicant should begin that process immediately. A required Inland Wetland Permit must be obtained prior to approval of the subdivision application by the Planning and Zoning Commission.

B. REVIEW

1. After the application has been received the Commission has sixty-five (65) days in which to hold the public hearing. During this time the application is reviewed by Commission staff, Town departments, and adjoining towns and Regional Planning Agencies, as required.

2. Revisions and Corrections to Application

An accepted application must be completed, including revisions and corrections of minor deficiencies, twenty (20) days prior to the Public Hearing. This affords the public and Commission members the

opportunity to inspect the proposal prior to the Public Hearing.

3. Comments and Extensions

The ~~applicant~~ may obtain a copy of review comments prior to the public hearing upon request at the Commission office. Also, the sixty-five (65) day time period in which to hold a public hearing after application receipt may be extended by the applicant up to an additional sixty-five (65) days.

C. NOTICE OF PUBLIC HEARING

1. Notice to Surrounding Property Owners

The applicant must provide to the Commission stamped, addressed envelopes to each of the owners of property within 250 feet of any portion of the lot on which the proposed special permit is located.

2. The Planning and Zoning Commission is responsible for publication of the legal notice in the newspaper, and for notification of any other parties, as required.

D. PUBLIC HEARING

1. Applicant Responsibilities

The applicant is required to give a formal presentation of the proposal at the beginning of application consideration at the public hearing.

2. Review Comments

All comments from Commission members, town departments, other towns and Regional Planning Agencies are entered into the Minutes.

3. If an Inland Wetland Permit is required, the granted permit along with any attached conditions must be entered into the records. If a decision on the Inland Wetland Permit has not been made, an extension of up to thirty-five (35) days may be granted by the Planning and Zoning Commission.

4. Deadline and Extension

The public hearing must be completed within thirty (30) days. If it is reconvened, proper public notice must be published. The applicant may extend the time for a public hearing for an additional thirty (30) days.

E. DECISION

1. Approval and Approval with Modifications

If the plan is approved, or approved with modifications, several conditions must be met:

- a. A final plan, complete with all modifications, must be signed by the Planning and Zoning Commission Chairman.
- b. Endorsements must be obtained from all other agencies, as required, e.g., Health Department, ConnDOT, Water Pollution Control Authority.
- c. Bond must be posted by the applicant, if needed (see G. BOND).
- d. The final plan must be filed with the Town Clerk and Town land records within 90 days after the time for taking appeal has expired. The Commission must endorse the map prior to filing of the plan.

account, or an irrevocable Letter of Credit from a bank.

3. The bond will be released upon certification by the First Selectman on completion of all public utilities and streets and all improvements in substantial accordance with the subdivision plan. The site shall be inspected by the Zoning Enforcement Officer and the Town Engineer and any other Town official, as required, prior to endorsement by the First Selectman.

SPECIAL PERMIT APPLICATION

Planning & Zoning Commission
Easton, Connecticut 06612

Application Number _____

Location of Property - Street & Number _____

~~Assessor's Map No.~~ _____

Parcel No. _____

Applicant _____ Owner _____

Address _____ Address _____
(forward notice)

Engineer _____ Surveyor _____

Type of Sewage Disposal _____ Type of Water Supply _____

Zoning District _____

Number of Feet of New Road Construction (if required) _____

Wetland: Does this application require a permit from the Inland Wetlands Agency: Yes/No

Notice: If a wetland permit is required, this application will not be acted upon until the wetland permit is obtained.

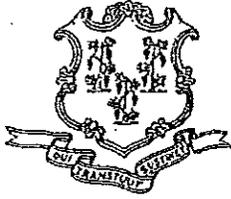
The applicant understands that this application is to be considered complete only when all information and maps are submitted in accordance with Section V of the Subdivision Regulations for a Subdivision Plan for the Town of Easton, Connecticut. Failure to submit a complete application and maps may result in denial of the application by the Commission.

Signature of Record Owner _____ Telephone _____

Signature of Applicant _____ Telephone _____

Application and Documents Submitted: Date: _____

By: _____
For the Commission



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

RECEIVED

OCT -2 PM 12:24

PLANNING CLERK

OCT 05 2006

September 2006

To: Municipal Clerk
RE: Public Act 06-53 Notification Process and Packet

EASTON PLANNING &
ZONING COMMISSION

The Connecticut Department of Public Health (CTDPH) would like to notify you of a new requirement of applicants to town commissions concerning protection of sensitive public drinking water supply source areas. We have developed the enclosed map of your town that delineates these source areas, as well as a simple web based notification form for applicants to utilize.

Effective October 1, 2006 The Commissioner of the CTDPH must be notified by applicants before a municipal Zoning Commission, Planning and Zoning Commission, Zoning Board of Appeals or Inland Wetlands Commission for any project located within a public water supply aquifer protection area or watershed area. The enclosed Public Act No. 06-53, modified Connecticut General Statute Sections 8-3i and 22a-42f, requiring this additional notification as water companies have been required to be notified since 1989. Any forms of past notification to the water companies are not changing with this new CTDPH notification requirement.

The process that an applicant must follow to satisfy the new CTDPH notification requirements is:

1. Refer to the enclosed map to determine whether your project falls within a public water supply aquifer protection area or watershed area;
2. Go to the CTDPH website at <http://www.dph.state.ct.us>.
3. Click on "Programs and Services".
4. Click on "D" and then "Drinking Water Section"
5. Click on "Source Water Protection" on the right hand side menu.
6. Follow the link to the Notification Process.
7. Submit the form by clicking on the "submit" button.

To ensure that the applicant is engaged in this process, we suggest town officials add the notification requirement to your check lists for filing site plan, subdivision, wetland and zone change applications, petitions, requests or plans; as well as posting the change of notification requirement at the town hall. Town websites may insert a link to our web based notification.

Please make the enclosed map available to applicants and treat the map as sensitive data.

We also invite you to attend free training on October 24, 2006 developed for town planners and local health officials to discuss the development process for new public water systems and the protection of public drinking water supplies. Please see the attached announcement and additional information at our website. Please forward this information to your town's inland wetland, zoning and planning commission members as well as board of appeal members and aquifer protection regulation commission members.

Feel free to contact Laurie Giannotti (860-509-7356) or me with any comments or questions.

Sincerely,

Lori Mathieu
Supervising Environmental Analyst
Drinking Water Section

Enclosures: Source Water Protection map; P.A. No. 06-53; notification form; save the date training, Article from The Habitat.

Phone:

(860) 509-7333

Telephone Device for the Deaf: (860) 509-7191

Public Water Supply Watershed or Aquifer Area Project Notification Form

REQUIREMENT:

Within seven days of filing, all applicants before a municipal Zoning Commission, Planning and Zoning Commission, Zoning Board of Appeals or Inland Wetlands Commission for any project located within a public water supply aquifer or watershed area are required by Public Act No. 06-53 of the CT General Statutes to notify The Commissioner of Public Health and the project area Water Company of the proposed project by providing the following information.

To determine if your project falls within a public water supply aquifer or watershed area visit the appropriate town hall and look at their *Public Drinking Water Source Protection Areas* map. If your project falls completely within or contain any part of a public water supply aquifer or watershed you are required to complete the following information.

Note: You will need information obtained from the *Public Drinking Water Source Protection Areas* map located in the appropriate town hall to complete this form.

Step 1: Have you already notified The CT Department of Public Health (CTDPH) of this project? No Complete Steps 2 - 6

Yes, I have notified DPH under a different project name

OR I have notified DPH under the same name but in the year _____, Complete Steps 4 - 6.

Step 2:

1. Name of public water supply aquifer your project lies within _____.
2. Name of public water supply watershed your project lies within _____.
3. Public Water Supply Identification number (PWSID) for the water utility that manages the watershed or well(s):
CT _____.
4. Project Town _____.

Steps 3: For 1-5 check all that apply

1. My project is proposing:
 - Industrial (factory)
 - Commercial (business)
 - Agricultural (farm, field, nursery)
 - Residential (housing - single or multiple family)
 - Recreational (trail, ball field, complex)
 - Transportation improvements (road widening or relocation, parking lot expansion)
 - Institutional (school, hospital, nursing home etc)
 - Quarry/Mining
 - Zone Change, please describe _____
 - Other, please describe _____
2. The total acreage of my project site parcel is:
 - 5 acres or less
 - Greater than 5 acres
3. My project site contains, abuts or is within 50 feet of a:
 - Wetland(s)
 - Stream
 - River
 - Pond or lake



Substitute Senate Bill No. 313

Public Act No. 06-53

AN ACT CONCERNING PROTECTION OF PUBLIC WATER SUPPLY SOURCES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 8-3i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

(a) As used in this section "water company" means a water company, as defined in section 25-32a, and "petition" includes a petition or proposal to change the regulations, boundaries or classifications of zoning districts.

(b) When an application, petition, request or plan is filed with the zoning commission, planning and zoning commission or zoning board of appeals of any municipality concerning any project on any site [which] that is within the aquifer protection area delineated pursuant to section 22a-354c or the watershed of a water company, the applicant or the person making the filing shall provide written notice of the application, petition, request or plan to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application, petition, request or plan is made and with the planning commission, zoning commission, planning and zoning commission or zoning board of appeals of such municipality or the aquifer protection area has been delineated in accordance with section 22a-354c, as the case may be. Such notice shall be made by certified mail, return receipt requested, and shall be mailed [within] not later than seven days [of] after the date of the application. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

(c) Notwithstanding the provisions of subsection (b) of this section, when an agent of the zoning commission, planning and zoning commission or zoning board of appeals is authorized to approve an application, petition, request or plan concerning any site [which] that is within the aquifer protection area delineated pursuant to section 22a-354c or the watershed of a water company without the approval of the zoning commission, planning and zoning commission or zoning board of appeals, and such agent determines that the proposed activity will not adversely affect the public water supply, the applicant or person making the filing shall not be required to notify the water company or the Commissioner of Public Health.

Sec. 2. Section 22a-42f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2006*):

When an application is filed to conduct or cause to be conducted a regulated activity upon an inland wetland or watercourse, any portion of which is within the watershed of a water company as defined in section 25-32a, the applicant shall provide written notice of the application to the water company and the Commissioner of Public Health in a format prescribed by said commissioner, provided such water company or said commissioner has filed a map showing the boundaries of the watershed on the land records of the municipality in which the application is made and with the inland wetlands agency of such municipality. Such notice shall be made by certified mail, return receipt requested, and shall be mailed [within] not later than seven days [of] after the date of the application. The water company and the Commissioner of Public Health, through a representative, may appear and be heard at any hearing on the application.