

ARTICLE II, Section 14. Excavations

Revision 2-1-65
Adopted 2-8-65

Unless otherwise provided in this section, there shall be no removal from the premises in any district of earth, sand, gravel, clay, or quarry stone, except as surplus material resulting from a bonafide construction, landscape, or agricultural operation being executed on the premises, and provided that no permanent damage is done to the landscape.

14.1 In any district, top soil or loam may be removed from the area covered by a building or other construction operation provided that no less than six inches of topsoil or loam remains and provided that the entire area disturbed is seeded with a suitable cover crop or is put to cultivation.

14.2 Except in an industrial district, no stone crusher or other machinery not required for actual removal of the material shall be used.

14.3 The Zoning Commission may, after public hearing, and after receiving the recommendation of the Planning Commission, permit the removal of sand, gravel, clay, peat moss, or quarry stone, under the following conditions:

a. The applicant shall submit a plan showing existing grades in the area from which the above material is to be removed together with the finished grades at the conclusion of the operation. In the event that the applicant shall be unable to comply with his original plans by reason of encountering ledge, water or other material, he shall cease operations and resubmit his application to the Zoning Commission with corrected grading plans.

The plan shall provide for proper drainage of the area during the operation and after completion. No finished bank shall exceed a slope of one foot of vertical rise in two feet of horizontal distance. No removal shall take place within 20 feet of any property line.

c. At the conclusion of the operation, or of any substantial portion thereof, the whole area where removal takes place shall be covered with a suitable cover crop, as stipulated in Section 14.1.

d. Before a permit is granted under this section, the Commission shall require the applicant to post a bond with the Treasurer of the Town of Old Saybrook in an amount approved by the Commission as sufficient to guarantee conformity with the provisions of the permit issued hereunder.

e. In passing on such applications, the Commissions shall consider the effect of such removal on surrounding property.

f. The Commissions shall also consider the future usefulness of the premises when the operation is completed.

g. Such permits shall be issued for a period not exceeding one year and shall be renewable, with or without a Public Hearing, at the discretion of the Zoning Commission, providing applicant complies with the conditions of the original permit.

h. All existing gravel pit owners will, on or before March 1, 1965, make application to the Zoning Commission for a new permit under these regulations. In passing on such applications, all provisions of this section must be complied with with the exception of sub-section 14.3 (e).

The purpose and intent of these regulations as expressed in Article I, section 1, shall be adhered to.

14. A final approved plan of each new operation shall be filed by the owner or owners with the Zoning Commission or its agent prior to the commencement of the said operation.

ZONING COMMISSION
TOWN OF OLD SAYBROOK

NOTICE OF DECISIONS AND REASONS THEREFOR

Please take notice that the Zoning Commission of the Town of Old Saybrook, by decision dated February 8, 1965, after public hearing held February 1, 1965, has rendered the following decisions:

1. Has repealed Article II, Section 14, the Excavation statute and has adopted a new Article II, Section 14 which is attached hereto.

The reasons for the new Article II, Section 14 are:

- a. To more effectively control and regulate the removal of earth, sand, gravel, clay, peat moss, and quarry stones in the Town of Old Saybrook.
- b. To provide for further usefulness of property after excavation operations are completed.
- c. To remove certain ambiguities that have heretofore existed with regard to excavation regulations.

2. Has changed from Residence A Zone to Marine Commercial Limited Zone, property owned by the Essex Island Dock and Dredge Inc., situated in the Floral Park Area and being an island shown and designated on a map entitled "Map showing Island Property of Leopold F. Sepowsky, Floral Park Area, Old Saybrook, Conn., Nov. 14, 1963, G & T Consulting Engineers" which map is on file in the Town Clerk's office in Old Saybrook, Conn.

The reasons for said change are as follows:

- a. Apparently when property in this area was zoned, there was an omission on the part of the Zoning Commission not to have zoned this property as Marine Commercial Limited, as such a zone classification would be the highest and best possible use of land in this area.
- b. This change of zone was approved unanimously by the Planning Commission.

3. Has approved and issued a special permit for a heliport on property owned by Edwin B. Bond, under Zoning Regulations as expressed in Article I and Article III, Section 1, Sub-Section 9 C.

The reasons for approval are as follows:

- a. That application and site has been approved by the State and Federal Departments of Aeronautics and is in harmony with the intent of Zoning Regulations Article I and Article II, Section 1, Sub-Section 9C.

4. Has denied the petition of Paul Walgren, Jr. and Warren S. Newman for a change of Zone on property located on the Northerly side of Oyster River Cut-off and abutting the Oyster River, bounded and described as follows:

Northerly: by Oyster River and land now or formerly of Ethel Hanford;
Easterly: by land now or formerly of Ethel Hanford;
Southerly: by Boston Post Road, also known as Oyster River Cut-off;
Westerly: by land now or formerly of George K. Rapp.

Said property is now partly in Local Business Zone and partly in Residential A Zone.

(over)

Zoning Commission, Town of Old Saybrook

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The reasons for said denial are as follows:

- a. Disapproved by the Planning Commission.
- b. Question as to whether or not this type of land could be utilized properly for Local Business Zone.
- c. Land in question in area where Zoning Commission has refused previous applications.

The effective date of these decisions is March 1, 1965.

Dated at Old Saybrook, Connecticut this 23rd day of February, 1965.

Zoning Commission
Town of Old Saybrook

Ross L. Byrne, Chairman