

EX# 313-2

LEDYARD ZONING REGULATIONS - EXCERPTS

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Land Use Department

DEFINITIONS

EXCAVATION, MAJOR: The excavating or relocating or the movement of 300 cubic yards or more of topsoil, sand, gravel, clay, stone or other materials to, on, or from any lot.

PERMITS AND APPLICABILITY

3.6 PERMITS AND APPLICABILITY:

- D. Prohibited if not permitted:** Any use of land, buildings or structures not expressly permitted by these Regulations as a principal use in a particular Zoning District, or allowable as an accessory use to such a principal use, is prohibited in that District.
- E. Applicability of Other Laws:** Except as expressly provided herein, these Regulations operate independently from laws and regulations established by agencies other than the Commission. The fact that a use, including a building or other structure, may comply with these Regulations does not mean that it complies with all other applicable laws, regulations or other legal restrictions or requirements. Therefore, the issuance of any permit or approval by the Commission or its authorized agent(s) does not necessarily mean that a landowner has obtained all necessary permits or approvals for the use, or that the use may be lawfully established without such other permits or approvals.
- F. Conflicting Standards:** When two or more differing standards are provided in these Regulations for any use, the most restrictive provision shall apply.

TEMPORARY STONE CRUSHING EQUIPMENT

7.10 STONE CRUSHING AND TEMPORARY (PORTABLE) SAWMILLS

7.10.1 To facilitate the clearing of land on parcels that are actively being developed, temporary sawmills and stone crushing equipment may be utilized under the following conditions:

EXCAVATION

8.16 EXCAVATION (FILLING OR REMOVAL OF SOIL, GRAVEL AND STONE)

- 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 and requires a Plan of Operation.
- B. Filling, excavating, or the relocation of less than 300 cubic yards (per calendar year) of topsoil, sand, gravel, clay, stone or other materials in any district is allowed by a Zoning Permit issued by the Zoning Official (except if part of an approved construction site of a permitted building, part of a farming operation, or is an exempt activity as permitted by these regulations.)
- C. The sale, destination, or ultimate use of the removed topsoil, sand, gravel, clay, stone, or other materials does not determine whether a Zoning Permit or Special Permit is required.
- D. The purpose of these regulations is to insure the following:
 - 1. the landscape is not needlessly marred during and after operations;
 - 2. the work will not be a source of dust, pollution, and/or siltation;
 - 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; and
 - 4. the site will have future usefulness when the operation is complete.
- E. **Exception:** Provided the purpose stated above is satisfied, a permit is not required if the removal is associated with:
 - 1. construction or grading activity associated with an approved Site Plan for which a Zoning and/or Building Permit has been issued;
 - 2. maintenance or operation associated with a farm or farming activity provided the topsoil, subsoil, sand, gravel, clay, stone or other materials from the operation are stockpiled for the farm's future use and not sold or brought off site; or
 - 3. road construction where no additional permits or approvals are necessary from the Zoning Official.
- I. The use of explosive devices and rock crushing equipment may be limited as a condition of the permit.

N. 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. A twenty (20) foot wide by fifty (50) foot long tracking pad at the site entrance consisting of three (3) inch crushed stone shall be installed prior to the start of operations.
 3. For Excavations involving Special Permit approval, 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. If removal area is within sight of a Town/State Road, the Commission may require additional screening as part of a Special Permit approval. The Commission may require a similar screening if isolation of adjacent property is deemed necessary. No operation shall take place closer than fifty (50) feet from any wetlands, watercourse or waterbody.
 4. 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 Plan. The site shall be maintained until the area is stabilized;
 5. The active gravel removal area shall not exceed a total of ten (10) acres at any time.
 6. Temporary seeding, used to control erosion, is permitted during the time that the operation is being completed.
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7. All topsoil and subsoil shall be stripped from the operation area and stockpiled for use in site restoration.
 8. Any surface water flowing from the excavated area shall flow through appropriate sediment control devices before leaving the site.
 9. 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).

SITE DEVELOPMENT STANDARDS

9.2 SUSTAINABLE DEVELOPMENT

- C. **Performance Standards:** Uses shall be designed to minimize any injury or nuisance to nearby premises by reason of noise, vibration, radiation, fire and explosive hazard, electromagnetic interference, humidity, heat, glare, and other physical impacts that may be caused by the use. For Special Permit applications, the Commission may impose additional restrictions on the use if it determines, after a hearing for which the owner of the facility is given written notice that the physical impacts of the use are causing a nuisance to nearby properties.

The following performance standards shall apply to all uses of land subject to Chapter 9 of these Regulations.

1. No dust, dirt, fly ash or smoke shall be emitted into the air so as to endanger the public health, safety or general welfare, or to decrease the value or enjoyment of other property or to constitute an objectionable source of air pollution.
 2. No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air.
 3. With the exception of time signals and emergency signals and noise necessarily involved in the construction or demolition of buildings or other structures, no noise which is unreasonable in volume, intermittence, frequency or shrillness shall be transmitted beyond the boundaries of the lot on which it originates.
 4. With the exception of vibration necessarily involved in the construction or demolition of buildings or other structures, no vibration shall be transmitted beyond the boundaries of the lot on which it originates.
- E. **Environmental Protection:** In accordance with CGS §22a-19, uses that are subject to Commission review and approval shall be designed in such a manner as to avoid any unreasonable pollution, impairment or destruction of the air, water and other natural resources of the state.

9.3 LANDSCAPE DESIGN STANDARDS AND REQUIREMENTS

B. General Requirements:

3. To the extent possible, existing trees, vegetation and unique site features such as stonewalls, ledge faces, kettle holes, and boulder trains shall be retained and protected.

SPECIAL PERMIT CRITERIA

11.3.4 Special Permit Criteria: In considering an application for a Special Permit, the Commission shall evaluate the merits of the application with respect to all of the following criteria that the Commission may determine are relevant to the application. To the extent the Commission finds such criteria applicable, the applicant shall have the burden to prove:

- A. that the application is materially in conformance with all applicable provisions of these Regulations, including, but not limited to, the Site Design Requirements in Chapter 9, and that the standards for approval of any accompanying Site Plan application have been met;
- B. that transportation services would be adequate and that the uses would not cause traffic congestion or undue traffic generation that would have a deleterious effect on the welfare or the safety of the motoring public;
- C. that the proposed uses and structures would be in harmony with the appropriate and orderly development of the Zoning District in which they are proposed to be situated, and that the use(s) would not be noxious, offensive, or detrimental to the area by reason of odors, fumes, dust, noise, vibrations, appearance, or other similar reasons;
- D. that no adverse effect would result to the property values or historic features of the immediate neighborhood;
- E. that the character of the immediate neighborhood would be preserved in terms of scale, density, intensity of use, existing historic/natural assets/features and architectural design;
- F. In accordance with CGS §22a-19, that the proposed uses would not cause any unreasonable pollution, impairment or destruction of the air, water and other natural resources of the state; and
- G. that all proposed uses and structures would be consistent with future development as identified and envisioned in these Regulations and the Ledyard Plan of Conservation and Development.

11.3.5 Decision Considerations:

- A. Before the Commission may approve a Special Permit application, it must determine that the application satisfies:
 - 1. the Special Permit criteria in §11.3.4 of these Regulations; and
 - 2. all other applicable provisions of these Regulations.

INTERPRETATION OF ZONING REGULATIONS

“In construing a zoning regulation, it is our primary goal to ascertain and give effect to the intent of the local legislative body as expressed in the regulation as a whole.” *Essex Leasing, Inc. v. Zoning Bd. of Appeals of Town of Essex*, 206 Conn. 595, 601 (1988).

“It is a standard rule of construction that, whenever feasible, the language of an ordinance will be construed so that no clause is held superfluous, void or insignificant.” *Essex Leasing*, 206 Conn. at 601 (1988).

“The regulations are to be construed as a whole since particular words or sections of the regulations, considered separately, may be ‘lacking in precision of meaning to afford a standard sufficient to sustain’ them.” *Forest Const. Co. v. Plan. & Zoning Comm'n of Town of Bethany*, 155 Conn. 669, 679 (1967).

“When more than one construction is possible, we adopt the one that renders the enactment effective and workable and reject any that might lead to unreasonable or bizarre results.” *Newman v. Plan. & Zoning Comm'n of Town of Avon*, 293 Conn. 209, 214 (2009).

“We construe words and phrases according to the commonly approved usage of the language.... Where an ordinance does not define a term, we look to the common understanding expressed in dictionaries.” *Azzarito v. Plan. & Zoning Comm'n of Town of New Canaan*, 79 Conn. App. 614, 623 (2003).