AMENDMENTS TO THE ZONING REGULATIONS  
EFFECTIVE: MARCH 14, 2013

1. Add new Section 2.4 Foundation, Setback and Location Verification as follows and renumber rest of Art I, Section 2 accordingly:

2.4 Foundation, Setback and Location Verification  
After foundation, footings or piers are poured and before any further construction, the ZEO may require an “As-Built” Class A-2 survey where in the ZEO’s judgment it is needed to determine compliance with these Regulations or permit approval. This survey shall provide information and measurements necessary to certify to compliance with the requirements in question.

2. Revise existing Section 2.4 (to be renumbered 2.5) as follows:

2.5 A. Certificate of Zoning Compliance  
No building or structure or structural addition hereafter erected shall be occupied or used, in whole or in part, for any purpose until a Zoning Certificate of Compliance has been issued by the ZEO stating that the premises or building complies with these Regulations and permit approval.

B. As-Built Plan. The Commission or the ZEO shall have the authority to require the applicant to submit, prior to issuance of a Certificate of Zoning Compliance, an “As-Built” survey prepared by a Registered Land Surveyor where it is determined such a survey is needed to certify compliance with the Zoning Regulations and permit approval.

3. Revise existing remaining section numbers: 2.5 becomes 2.6; etc.

4. Revise Art XI – Definitions. Delete existing definition of Building Height and substitute the following definition and illustration
The above illustrates the method of calculation of Building Height for various types of roof forms. It also illustrates the method of calculation of the average elevation of the finished grade within 10 feet of the walls of the building.

**Building Height** - The vertical distance from the average elevation of the finished grade within 10 feet of the walls of the building to the highest point of a flat roof (including parapet), to the roof deck line for a mansard roof, or to the mean height between the eaves and ridge of the roof for a gable, hip, or gambrel roof.
Add a new Section 5. to Article X as follows:

5. Excavation and Grading

5.1 For the purpose of this regulation the following definitions of Excavation or Grading shall apply:

**Excavation** – With regards to a Special exception: The removal from a parcel, by any means whatsoever, of rock, minerals, topsoil, gravel, sand or other earthen products.

**Grading** – Any filling, grubbing, moving, stockpiling of earthen materials or other activity that alters the natural contours of the parcel.

5.2 All excavations, grading and filling shall conform to the following regulations. The placement of more than 100 cubic yards earthen material or clean fill on a lot shall be subject to these regulations. Except as specified in Section 4.3 below, all excavations, filling and grading shall require a Special Exception.

5.3 The following activities shall not require a Special Exception.

A. Excavation and grading necessary for the construction of a building or other structure that has a valid zoning and building permit. This includes excavation and grading relating to the construction of driveways, septic systems and other utilities approved as part of the zoning and building permit process.

B. Excavation and grading necessary for the development of a parking area for which Commission approval has been obtained.

C. Excavation and grading necessary for the development of the roads, utilities, and building lots in accordance with an approved subdivision plan.

D. Excavation and grading necessary for the normal operation of a cemetery or operation of a Town facility and other excavation and grading by the Town for Town purposes and uses.

E. Excavation of less than 100 cubic yards of material within five calendar years.

F. Grading of a total area of less than 20,000 square feet (regardless of phasing) within five calendar years.
Even though these activities do not require an Excavation and Grading Special Exception, these activities shall comply with the standards found in *Connecticut Guidelines for Soil Erosion and Sediment Control* as amended.

5.4 Along with an application for a Special Exception and a Site Plan the following information, based on an A-2 survey, shall be submitted.

A. The boundaries of the property in proximity to the area where the excavation and/or grading is proposed and the area to be excavated or graded.

B. The existing contours in the area to be excavated or graded and proposed contours after completion of the work. The existing contours shall be prepared from an actual field survey based on benchmarks noted and described on the survey and drawn to a scale of not less than 1 inch equals 40 feet with a contour interval not to exceed five (5) feet.

C. The existing and proposed drainage in the area of excavation and grading during and after the excavation or grading. The application shall also document any drainage easements or flowage rights.

D. The existing and proposed structures on the premises.

E. The location of proposed driveways, roads, fences, gates and storage areas for topsoil, excavated materials or any other stored materials.

F. A vicinity map at a scale sufficient to show all streets, driveways, schools, parks, and zone boundaries within 1,000 feet of the property's boundaries.

5.5 Additional Information. In addition to any other information required, the applicant shall provide, at a minimum, the following:

A. The proposed days and hours of operation;

B. The location of the excavation and/or grading;

C. The methods of excavation and/or grading proposed for the site;

D. The location and frequency of any proposed blasting;

E. The proposed location of any large scale machinery, trailers or other operations on the site. The term includes, but is not limited to, screeners, conveyor belts, crushers, backhoes, loaders, excavators and dump trucks;
F. An estimate of the number and types of trucks and the number of axles that are proposed to enter or leave the site each day; and

G. The approximate number of acres to be excavated and/or graded per year, the cubic yards of earthen material to be removed per year, the estimated duration of the operation, and the estimated depth of excavation below the existing grade;

H. A plan for the restoration of the site that includes the location of the areas to be restored, the schedule for the restoration and a list of the type and amount of the plant material to be used; and

I. Any other information that the Commission determines is necessary and relevant to the application.

5.6 Setbacks. No excavation shall take place within fifty feet of any property line except where the Commission determines that such excavation would:

A. Improve sight lines on existing roadways;

B. Provide a more appropriate system of stormwater drainage; or

C. Provide a more usable area for future development when excavation is complete.

5.7 Screening. Where necessary to protect the surrounding properties, the Commission may require a landscape buffer and/or an earthen berm. Existing vegetation and natural topography shall be preserved for screening where feasible.

5.8 Slopes. Finished slopes shall not exceed a one-foot vertical to three-foot horizontal slope. Fences, guardrails, or embankments shall be provided where necessary for the protection and safety of vehicular and pedestrian traffic.

5.9 Topsoil. No topsoil is to be removed from the property unless specifically authorized by the terms of the Special Exception.

5.10 Processing. No sorting, crushing, reducing, refining, or other processing of the excavated material shall be done on the parcel except as specifically authorized by the terms of the Special Exception which shall be limited to the processing of materials from the site for use only on the site. No material may be brought onto the property for sorting, crushing, reducing, refining or other processing.

5.11 Drainage. At all stages of operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects.
upon surrounding properties. The excavation and grading procedures and methods shall be in compliance with the Connecticut Department of Energy and Environmental Protection's regulations governing the discharge of stormwater and dewatering wastewaters from construction activities.

5.12 Restoration. At the completion of all excavation and grading, the property shall be in such condition that it can readily accommodate uses permitted by these regulations and will not adversely impact the surrounding properties. The area disturbed by the excavation and/or grading is to be restored by the spreading of topsoil (which may be imported to the site for this purpose) and the planting of suitable ground cover including perennial grasses, shrubs, and legumes. The following regulations shall govern the restoration.

A. Topsoil shall be stored on the property for re-spreading to a minimum depth of 4 inches over the excavated area. The area for the storage of topsoil shall be shown on the plans approved by the Commission. All stockpiled topsoil shall be seeded with appropriate perennial grasses and surrounded by appropriate erosion controls.

B. Following the re-spreading of topsoil, the area is to be seeded with a suitable ground cover and maintained until the area is stabilized.

C. No sharp declivities, pits, or depressions shall remain after restoration. No accumulation of boulders or debris shall remain on the surface after restoration.

E. Restoration is to occur so that no more than five (5) acres of land (regardless of phasing) is subject to excavation or grading and/or without topsoil at any one time. The Commission may increase the five acre maximum if the Commission determines that where due to unusual circumstances the five acre maximum does not provide sufficient space for the excavating or grading operations.

5.13 Issuance of Special Exception

A. To protect the character of the surrounding neighborhood and/or the environment, the Commission may:
   - restrict the hours of operation, the type of operation, the types and location of equipment, limit the use of explosives or any other aspect of the operation that may have adverse impacts on the surrounding properties;
   - provide for increased buffering of surrounding properties;
   - limit access to the property to or from specific roads.

B. The Commission shall require a performance bond be posted with the Town of Sharon to guarantee completion of all work necessary to fulfill
the terms of the Special Exception including the site restoration. The amount and form of the bond shall be determined by the Commission. No excavation, grading or other work shall commence until the bond has been accepted by the Commission.

C. The Special Exception shall be renewed by the applicant every two years from the date of issuance. The Special Exception shall not be renewed unless the work undertaken to date conforms to the approved Special Exception.

D. In renewing a Special Exception for an existing, legally non-conforming excavation or grading operation, the Commission may impose such conditions as would bring the operation more nearly into conformance with these Regulations.