



STAFF REPORT

Staff Contact: Gary Haynes, Planner

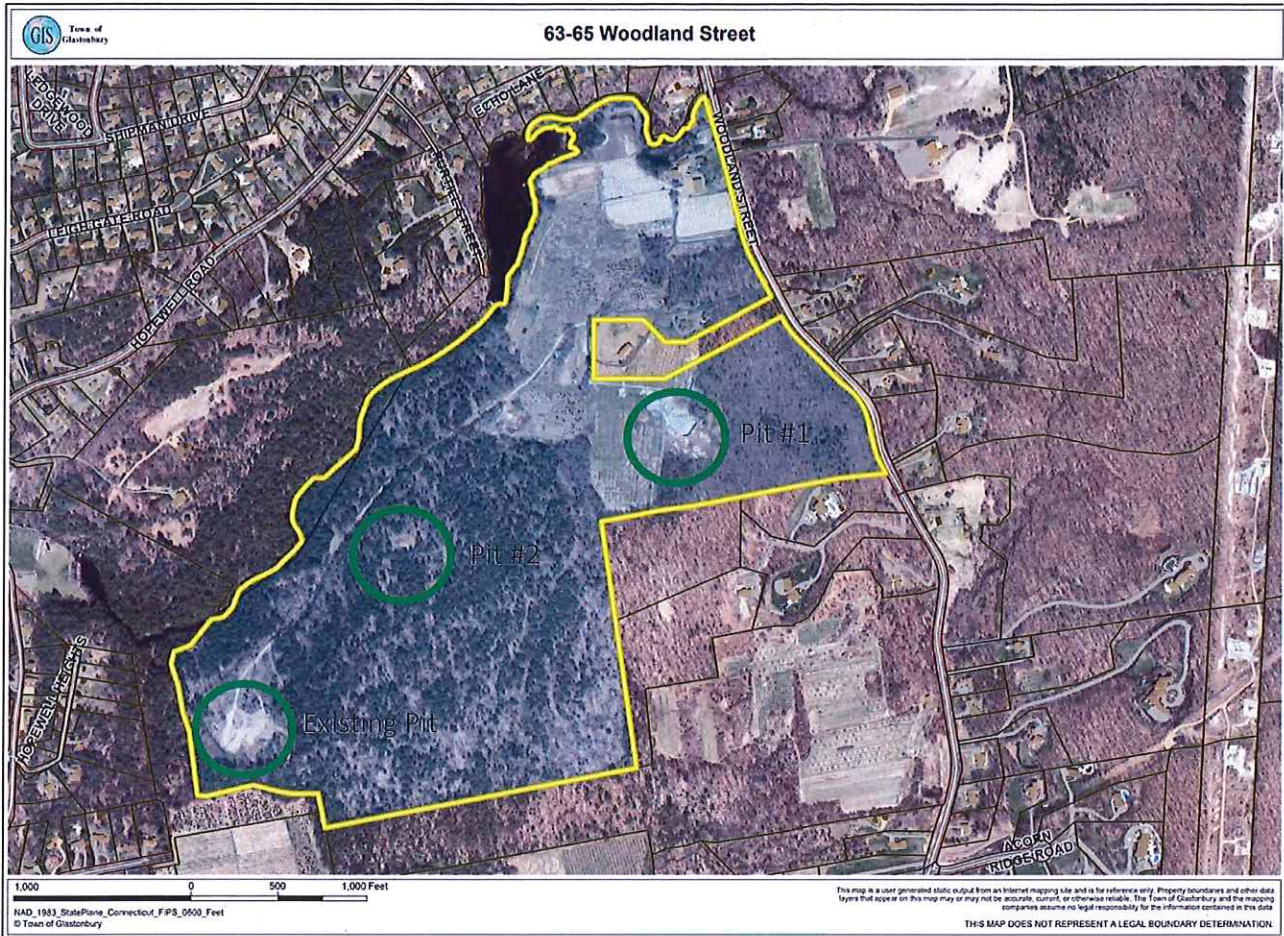
OFFICE OF COMMUNITY DEVELOPMENT

Tel: (860) 652-7510

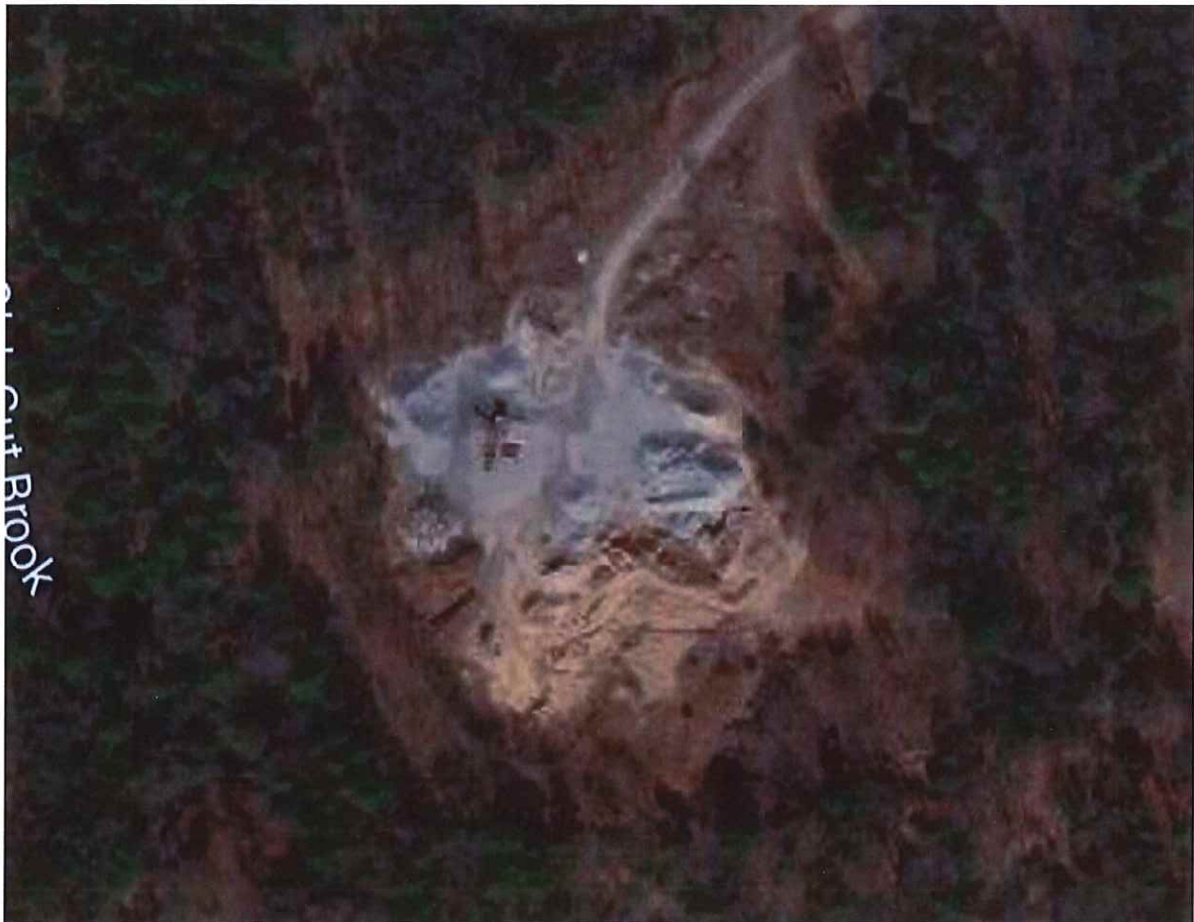
Email: planning@glastonbury-ct.gov

Application Type: §6.2 Excavation Permit	Submittal Date: July 11, 2023
Meeting Date: August 22, 2023	Date of Receipt: July 18, 2023
Agenda Item: Public Hearing # 1 & 2	Public Hearing Deadline: September 21, 2023

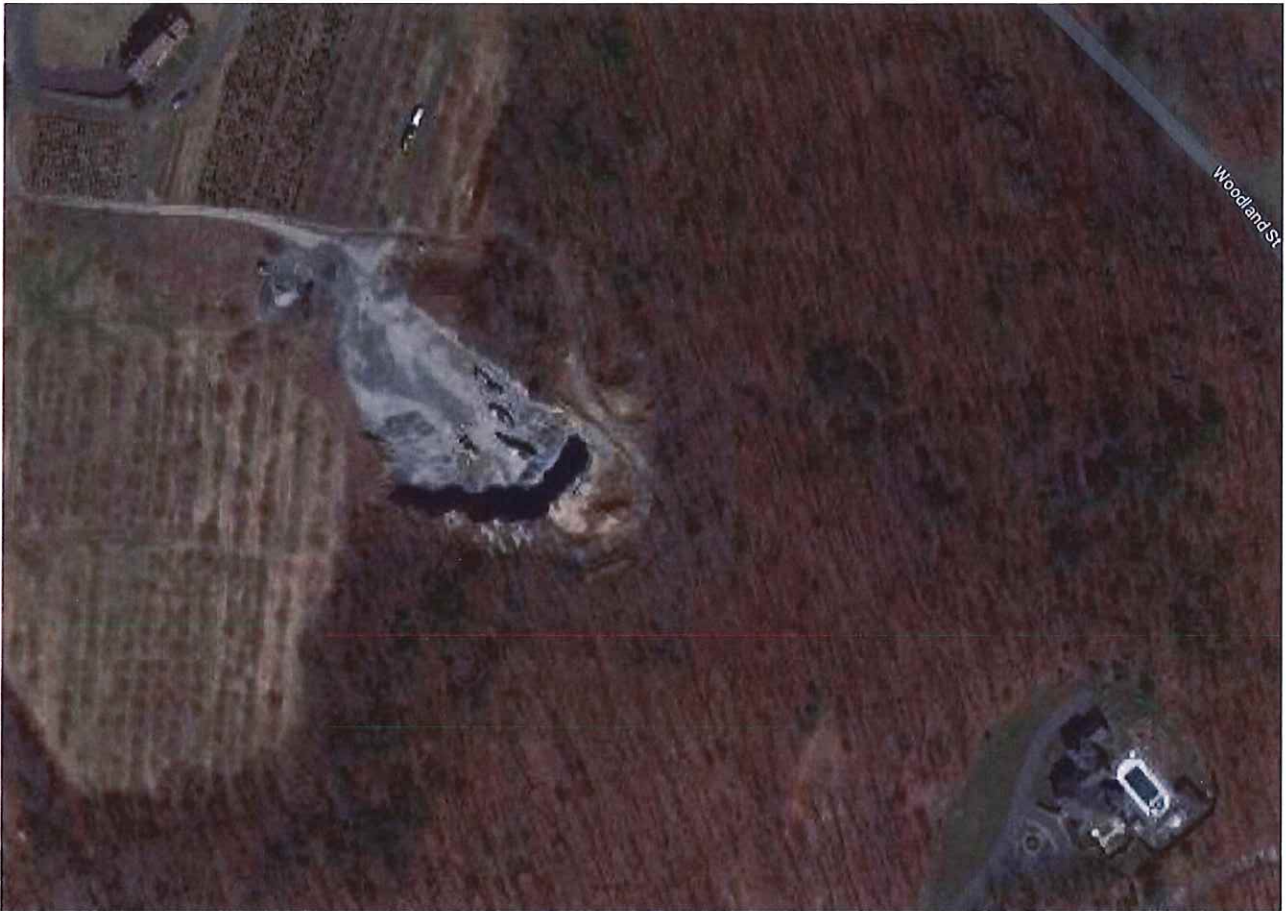
<p>Proposal Address: 63-65 Woodland St</p> <p>Applicant: John and Paul Cavanna</p> <p>Owner: Paul Cavanna</p> <p>Proposal: Excavation Permit Renewal</p> <p>Zone: Rural Residence Zone/ Groundwater Protection Zone 1</p> <p>Existing Land Use: Excavation/Agriculture</p> <p>Attached for Review:</p> <ul style="list-style-type: none"> • Abutter Letter Certification • Department Memos • Site Plan • Draft Motion 	<p><u>EXECUTIVE SUMMARY</u></p> <ul style="list-style-type: none"> • The applicant is seeking Special Permit under Section 6.2 Excavation Permit for 63 Woodland Street. <p><u>Excavation Area 1: Phase 1 and 2 (Front Pit)</u></p> <p>Phase 1 is 1.25 acres and phase 2 is 1.72 acres. Applicant anticipates removing 3 feet of overburden and excavating 86,370 cubic yards of gravel and granite.</p> <p><u>Excavation Area 2: Phase 1 and 2 (Middle Pit)</u></p> <p>Phase 1 is 2.02 acres and phase 2 is 2.44 acres. Applicant anticipates removing 3 feet of overburden and excavating 82,500 cubic yards of gravel and granite.</p> <p><u>Existing Excavation Area: (Rear Pit)</u></p> <p>Approved in 1985 existing excavated area is 2.39 acres of the approved 7 acres. Received approval for renewal May 5, 2023.</p>
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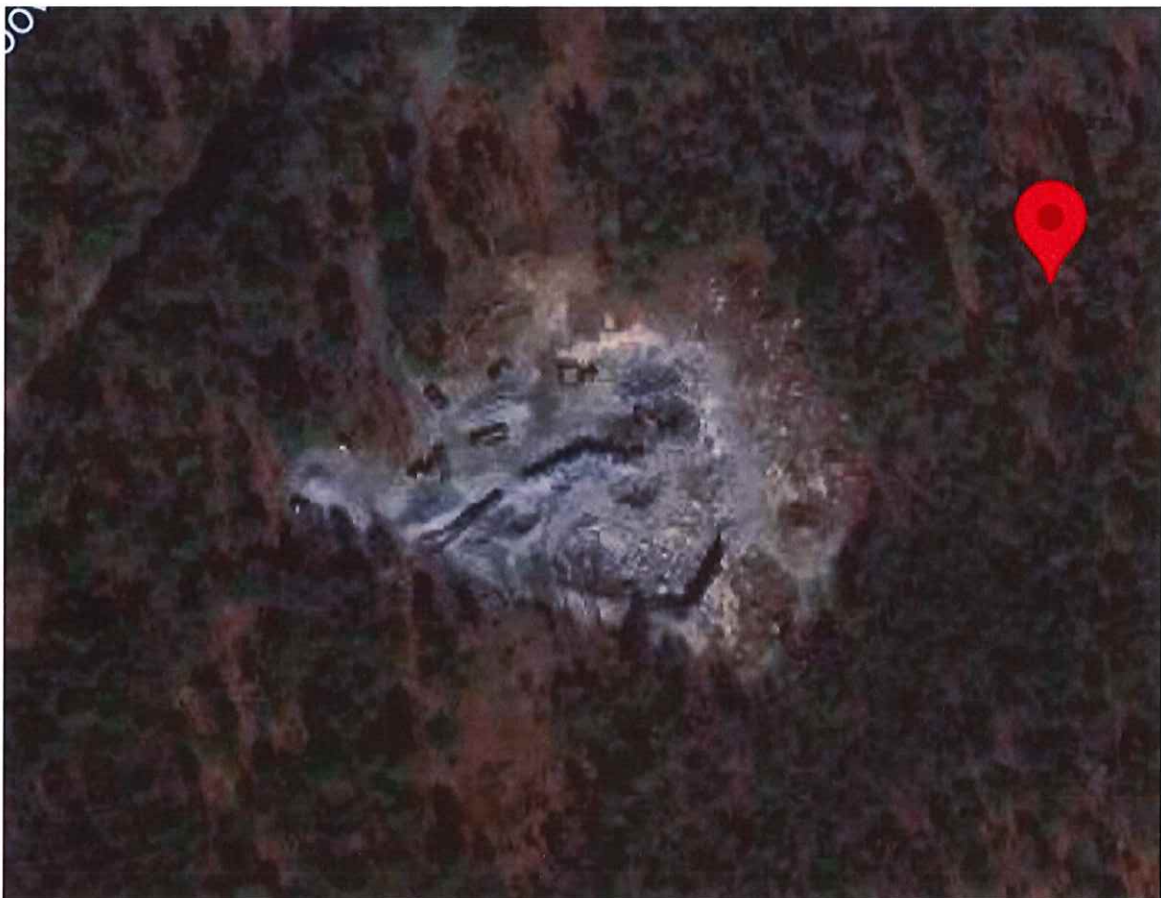
Overall Parcel



Existing Pit Approved in 1985 (has been renewed every 2 years)



Excavation Pit # 1 Front Pit: Excavation Pit Started Without Permit



Excavation Pit # 2 Middle Pit: Historical Pit Area used back in 1790, 1930, and 1960 (reopened in 2019)

SITE DESCRIPTION

The subject site is approximately 177 acre lot located on the east side of Woodland Street in the Rural Residence (RR) Zone. Access to the site is via a curb cut off on Woodland Street leading to an existing gravel haul road that heads southwest toward the excavation site in the southwest corner of the property.

ADJACENT USES

Single family residences abut the property to the north and west. Farmland abuts the property to the east and south. Excavation Pit #1 (Front Pit) is within 800 to 975 feet of single family residences. Excavation Pit #2 (Middle Pit) is within 1,800 to 2,200 feet of single family residences.

PROPOSAL

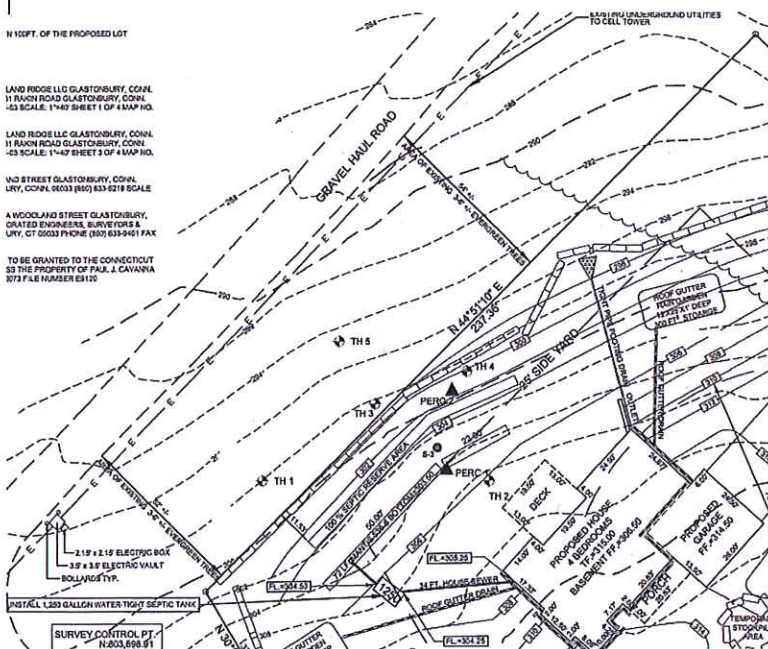
Excavation pit # 1 (front pit) applicant is proposing removing 3 ft of overburden and excavating 86,370 cubic yards of gravel and granite. Excavation pit # 2 (middle pit) applicant is proposing removing 3 ft of overburden and excavating 82,500 cubic yards of gravel and granite. Proposed hours of operation are the same for what was approved for the existing pit (rear pit), Monday-Friday 7am to 4pm; Saturdays 9am to 4pm (excluding state holidays).

PLANNING AND ZONING ANALYSIS

Applicant plans are missing a restoration plan per Section 6.2.4, which require within 30 days of completion of excavation operation that a minimum of 4" topsoil be added to excavated area and reseeded. For this reason all overburden shall be saved on site and not removed or sold. It should also be identified if there is enough overburden onsite needed for restoration purposes.

Applicant has two rock face quarries that do not meet the no slopes being left at 3:1 slopes. Proposed rock faces are as tall as 50 ft. Applicant shall consult with experts to ensure these rock faces are safe and shall consider if any safety measures shall be installed such as fencing to restrict access.

A newly subdivided lot 89 Woodland is being constructed and the property line is within 50 ft of the excavation access road. The area between property line and access road is planted with sporadic evergreen trees that are sold by the farm. A landscape plan should be submitted and a proper evergreen screen shall be designed, maintained, and protected for as long as the excavation operation continues. Planting plan and notes should be added to finalized plans and approved by the office of Community Development.



89 Woodland Landscape Buffer between Excavation Haul Road

Per section 6.2.11 applicant shall submit monthly trucking reports.

Current blasting permits submitted to Fire Marshal office give very little information. According to our records 2020 (5) blasts occurred, 2021 (6) blasts, 2022 (9) blasts, and so far in 2023 (2) blasts. Applicant should submit blasting reports on a quarterly basis identifying date of blast, pit location, weather conditions (including cloud cover), ground vibration inches/second, and decibels of the blast. As the number of blasts have increased, we have received more complaints from residential neighbors. Comparing blasting reports to the blasting complaints will help us track blasting complaints, and identify which pit areas we are receiving complaints from and track seismic activity during the blasting events. Commission may want to consider limiting the number of blasting events per year to limit the disturbance and nuisance to the adjacent residential areas.

Commission may want to require applicant post a performance bond per Section 6.2.10 to be approved by Engineering and Community Development to ensure completion of the restoration plan.

Staff also strongly suggests as there is potential of 3 active pits that the set approval date be May 5, 2025 to align with the expiration date of the existing pit (rear pit). This will ensure that come renewal time, the applicant can come in for renewal on all three pit areas, and implication of excavation activities can all be evaluated at same time.

With the aforementioned additions to plans and suggested conditions staff recommends approval of the application for both excavation area #1 (front pit) and excavation area #2 (middle pit). By limiting number of blasts, tracking blasting events and complaints, receiving monthly trucking reports it will become easier for the Town to evaluate the impact of the excavation operations.



Town of Glastonbury

Community Development

DRAFT MOTION

TOWN PLAN AND ZONING COMMISSION

SECTION 6.2 EXCAVATION SPECIAL PERMIT

APPLICANT/OWNER: PAUL CAVANNA
80 WOODLAND STREET
SOUTH GLASTONBURY, CT 06073

FOR: 63-65 WOODLAND STREET

MOVED, that the Town Plan and Zoning Commission approve the application of Paul Cavanna for a Section 6.2 Excavation Special Permit - for excavation in the "Front Pit" Excavation Area 1 - 63 Woodland Street - Rural Residence Zone and Ground Water Protection Zone 1.

in accordance with plans submitted from Bushnell Associates LLC for 63 Woodland St Revision date 5/23/23:

1. In compliance with:
 - a. The following conditions:
 - i. Applicant shall add landscaping plan to provide evergreen screening between 89 Woodland and the excavation access road. Area shall be designed, maintained, and protected for as long as the excavation operation continues. Landscaping plan and notes added to finalized drawings shall be approved by the office of Community Development.
 - ii. Add location of the overburden stockpile and note that overburden shall remain on site and saved for restoration purposes.
 - iii. Applicant shall add details of restoration plan to finalized plans to show compliance with Section 6.2.4 per approval of Engineering and Community Development.
 - iv. Applicant shall post a Performance Bond to be approved by Engineering and Community Development to cover the cost of implementing the restoration plan.
 - v. As Phase I is completed and regraded, restoration shall be done in accordance with Section 6.2.4 shall include:
 1. Application of at least 4" of topsoil;
 2. Seeding shall be sowed at a rate of not less than (3) pounds of seed for every thousand square feet of area.
 3. Upon completion of phased restoration, it shall be inspected by Town Staff

Re:

Date

- vi. Erosion and sedimentation control measures, dust control, and restoration methods shall be subject to review and amendment by the Environmental Planner.
- vii. Applicant shall submit monthly trucking report per Section 6.2.11.
- viii. Applicant shall submit quarterly blasting report identifying date of blast, pit location, weather conditions (including cloud cover), ground vibration in inches/second, and decibel levels of the blast.
- ix. Number of blasts allowed per year shall be limited to no more than _____?
- x. The operating schedule shall be as follows:
 - 1. Monday through Friday (exclusive of State holidays) 7:00 a.m. to 4:00 p.m. and Saturday 9:00 a.m. to 4:00 p.m.;
 - 2. Equipment Start-up and /or idling on or adjacent to the site shall not be permitted prior to the approved hours of operation.
- xi. Accumulated sediment deposits shall be removed from the sedimentation basins as needed or as directed by the Environmental Planner, in order to maintain the sediment storage capacity of the basins.
- xii. This Special Permit shall expire May 5, 2025.
- xiii. Portable processor is permitted in association with the excavation operation (use of processor originally approved 2001).

2. In adherence to:

- a. The Police Department's memorandum.
- b. The Fire Marshal's memorandum dated August 9, 2023.
- c. The Health Department Director's memorandum dated August 8, 2023.

APPROVED:

TOWN PLAN & ZONING COMMISSION

August 22, 2023

ROBERT J. ZANLUNGO JR., CHAIRMAN



Town of Glastonbury

Community Development

DRAFT MOTION

TOWN PLAN AND ZONING COMMISSION

SECTION 6.2 EXCAVATION SPECIAL PERMIT

APPLICANT/OWNER: PAUL CAVANNA
80 WOODLAND STREET
SOUTH GLASTONBURY, CT 06073

FOR: 63-65 WOODLAND STREET

MOVED, that the Town Plan and Zoning Commission approve the application of Paul Cavanna for a Section 6.2 Excavation Special Permit - for excavation in the "Middle Pit" Excavation Area 2 - 63 Woodland Street - Rural Residence Zone and Ground Water Protection Zone 1.

in accordance with plans submitted from Bushnell Associates LLC for 63 Woodland St Revision date 5/23/23:

1. In compliance with:
 - a. The following conditions:
 - i. Applicant shall add landscaping plan to provide evergreen screening between 89 Woodland and the excavation access road. Area shall be designed, maintained, and protected for as long as the excavation operation continues. Landscaping plan and notes added to finalized drawings shall be approved by the office of Community Development.
 - ii. Add location of the overburden stockpile and note that overburden shall remain on site and saved for restoration purposes.
 - iii. Applicant shall add details of restoration plan to finalized plans to show compliance with Section 6.2.4 per approval of Engineering and Community Development.
 - iv. Applicant shall post a Performance Bond to be approved by Engineering and Community Development to cover the cost of implementing the restoration plan.
 - v. As Phase I is completed and regraded, restoration shall be done in accordance with Section 6.2.4 shall include:
 1. Application of at least 4" of topsoil;
 2. Seeding shall be sowed at a rate of not less than (3) pounds of seed for every thousand square feet of area.
 3. Upon completion of phased restoration, it shall be inspected by Town Staff

Re:
Date

- vi. Erosion and sedimentation control measures, dust control, and restoration methods shall be subject to review and amendment by the Environmental Planner.
- vii. Applicant shall submit monthly trucking report per Section 6.2.11.
- viii. Applicant shall submit quarterly blasting report identifying date of blast, pit location, weather conditions (including cloud cover), ground vibration in inches/second, and decibel levels of the blast.
- ix. Number of blasts allowed per year shall be limited to no more than _____?
- x. The operating schedule shall be as follows:
 1. Monday through Friday (exclusive of State holidays) 7:00 a.m. to 4:00 p.m. and Saturday 9:00 a.m. to 4:00 p.m.;
 2. Equipment Start-up and /or idling on or adjacent to the site shall not be permitted prior to the approved hours of operation.
- xi. Accumulated sediment deposits shall be removed from the sedimentation basins as needed or as directed by the Environmental Planner, in order to maintain the sediment storage capacity of the basins.
- xii. This Special Permit shall expire May 5, 2025.
- xiii. Portable processor is permitted in association with the excavation operation (use of processor originally approved 2001).

2. In adherence to:

- a. The Police Department's memorandum.
- b. The Fire Marshal's memorandum dated August 9, 2023.
- c. The Health Department Director's memorandum dated August 8, 2023.

APPROVED: TOWN PLAN & ZONING COMMISSION

August 22, 2023

ROBERT J. ZANLUNGO JR., CHAIRMAN

Applicant: John and Paul Cavanna

Property: 63-65 Woodland St, Glastonbury

Application: Special Permit for Excavation – Area-1, Phases 1 and 2 (Front Pit)

Date: July 12, 2023

Paul Cavanna is the owner of the above reference Property. The Property is located in the Rural Residential (RR) Zone and contains approximately 177 acres. The Property has been owned by the Cavanna family since 1903 and is operated primarily as a farm (the Cavanna Farm), specializing in apples, Christmas trees and strawberries. In addition, sand, gravel and rock has been historically removed from the Property.

One excavation area, depicted on the attached plans as “Existing Excavation Area (2.39 acres) (approved area 7+/- acres)” (hereinafter referred to as the “Rear Pit”), has been in operation since 1985 when the initial special permit for the area was first granted. The Rear Pit has been in continuous operation since that date, with renewal permits being issued every 2 years. The most recent renewal was issued on May 5, 2023.

A second excavation area, depicted on the attached plans as “Excavation Area-2 Phase-1 (2.02 acres) and Phase-2 (2.44 acres)” (hereinafter referred to as the “Middle Pit”), has been in operation since before the adoption of the Glastonbury Zoning Regulations. The Middle Pit constitutes a preexisting and legally protected Nonconforming Use and it is the subject of a separate application being submitted simultaneously with this application.

The purpose of this application is to seek a Special Permit for a third excavation area, in the area depicted on the attached plans as “Excavation Area-1, Phase 1 (1.25 acres) and Phase 2 (1.72 acres)” (hereinafter referred to as the “Front Pit”).

Access to the Front Pit will be provided via the existing gravel haul road shown on the attached plans.

The limits of the Front Pit, including all stockpile areas, are 100 feet from the Property boundary and the area is buffered by an established wooded area. The applicant anticipates removal of approximately 3 feet of overburden and approximately 86,370 cubic yards of gravel and granite (Glastonbury Gneiss) from the Front Pit. Applicant’s portable processor will be used to crush rock as needed.

Hours of operation will be: Monday – Friday 7:00 am to 4:00 pm; Saturdays 9:00 am to 4:00 pm (excluding state holidays), consistent with the hours of operation at the Rear Pit.

Blasting may be required from time to time in connection with the removal of rock. All blasting will be in strict compliance with state and federal requirements. Applicant currently engages

Connecticut Explosives Co., Inc. to perform any necessary blasting operations on the Property and anticipates using them for future blasting associated with this excavation area. A representative from the company will be present at the public hearing to discuss standard blasting protocols.

Applicant: John and Paul Cavanna
Property: 63-65 Woodland St, Glastonbury
Application: Special Permit for Excavation – Area-2, Phases 1 and 2 (Middle Pit)
Date: July 12, 2023

Paul Cavanna is the owner of the above reference Property. The Property is located in the Rural Residential (RR) Zone and contains approximately 177 acres. The Property has been owned by the Cavanna family since 1903 and is operated primarily as a farm (the Cavanna Farm), specializing in apples, Christmas trees and strawberries. In addition, sand, gravel and rock has been historically removed from the Property.

One excavation area, depicted on the attached plans as “Existing Excavation Area (2.39 acres) (approved area 7+/- acres)” (hereinafter referred to as the “Rear Pit”), has been in operation since 1985 when the initial special permit for the area was first granted. The Rear Pit has been in continuous operation since that date, with renewal permits being issued every 2 years. The most recent renewal was issued on May 5, 2023.

A second excavation area, depicted on the attached plans as “Excavation Area-1, Phase 1 (1.25 acres) and Phase 2 (1.72 acres)” (hereinafter referred to as the “Front Pit”), is the subject of a separate application being submitted simultaneously with this application.

A third excavation area, *the area that is the subject of this application*, depicted on the attached plans as “Excavation Area-2 Phase-1 (2.02 acres)” (hereinafter referred to as the “Middle Pit”), has been in operation since before the effective date of the Glastonbury Zoning Regulations (1973). As far back as the 1790s, rock was removed from the Middle Pit to build the Brainard Pond dam. Since the 1930s, sand, gravel and rock has been removed by the Cavannas from the Middle Pit for use on the farm, as well as for retail sale. Rock was sold from this Middle Pit in the 1960s for the construction of Hopewell Road. Overburden from the area has periodically been stripped over the years and the owner has been removing rock again, since 2019.

As the Middle Pit was in existence and in actual operation since before the adoption of the Zoning Regulations, it is legally protected as a Nonconforming Use and it cannot be abrogated or eliminated by regulation. Reserving applicant’s claim to continue the Nonconforming Use, the applicant makes this application in recognition of the Town’s ability to exercise reasonable regulation over the use if the interest of the public so requires. See Taylor v. Wallingford Zoning Board of Appeals, 65 Conn. App 687 (2001).

Access to the Middle Pit will be provided via the existing gravel haul road shown on the attached plans.

This application proposes to expand the existing operations within the Middle Pit into Phase 2, approximately 2.44 acres immediately adjacent to the existing excavation (i.e., the area shown as Phase 1). The limits of this excavation area, including all stockpile areas, are over 400 feet from the Property boundary and the area is buffered by significant, established wooded areas. The applicant anticipates removal of approximately 3 feet of overburden and approximately 82,500 cubic yards of gravel and granite (Glastonbury Gneiss) from the Phase 2 area. Applicant's portable processor will be used to crush rock as needed.

Hours of operation are: Monday – Friday 7:00 am to 4:00 pm; Saturdays 9:00 am to 4:00 pm (excluding state holidays), consistent with the hours of operation at the Rear Pit.

Blasting may be required from time to time in connection with the removal of granite. All blasting will be in strict compliance with state and federal requirements. Applicant currently engages Connecticut Explosives Co., Inc. to perform any necessary blasting operations on the Property and anticipates using them for future blasting. A representative from the company will be present at the public hearing to discuss standard blasting protocols.



Town of Glastonbury

FIRE MARSHAL'S OFFICE • (860) 652-7526 • FireMarshal@glastonbury-ct.gov

TO: Gary Haynes; Planner

FROM: Michael Makuch; Fire Marshal

DATE: August 9, 2023

RE: August 22nd Planning and Zoning Meeting

The Fire Marshal's Office has done a review of records relating to the excavation activity at 63 Woodland Street, specifically of the blasting permits and activity, which is the only work scope that our office has purview over.

The blasting contractor has applied for permits as follows: (2020-5 permits, 2021-6, 2022-9 as reported by the previous fire marshal), and to date in 2023-2 permits. The blasting contractor is well known and respected in the industry and has a good record with our office.

Blasting activity state-wide is prone to cause local reaction and complaints, due to the nature of the work, and the discomfort felt by the energy released in blasting. This energy is felt as ground vibration, as well as noise. This operation is no exception, having garnered complaints in each of the above years:

In reaction to a recent complaint (June 2023), this office reviewed seismic data from both the April and June blasts. This data was gathered by the third-party monitoring contractor, hired by the quarry property owner. Review of this data found that the operation is within regulations and industry practices. There are no known procedural or operational violations.

Additionally, while reviewing the concerns with the blaster, he offered that while the design of his blasting is producing results within limits, he prefers to stay further under the limits for air-blast (experienced as noise and concussion) and plans to redesign his blast timing to reduce the results/effects further.

Respectfully,

Michael Makuch
Fire Marshal



Town of Glastonbury

GLASTONBURY POLICE DEPARTMENT • TEL (860) 633-8301 • FAX (860) 652-4290

CHIEF OF POLICE
Marshall S. Porter

CAPTAIN
Mark Catania

To: Town Plan and Zoning Commission

Re: Excavation Permit for 63 Woodland ST for two pit areas.

Members of the Police Department have reviewed the plans for the Excavation pit areas at 63 Woodland St. The Police Department has no objection to this proposal.

Sincerely,

Marshall S. Porter
Chief of Police






Town of Glastonbury

HEALTH DEPARTMENT • TEL (860) 652-7534 • FAX (860) 652-7533 • Health@glastonbury-ct.gov

Memo

August 8, 2023

To: Shelley Caltagirone, Director Planning and Land Use Services

Fr: Wendy S. Mis, Director of Health 

Re: Paul and John Cavanna
63 Woodland Street, Section 6.2 Excavation Permit

This office has received a Proposed Excavation Plan dated 12/29/22, last revised 5/23/23 by Bushnell Associates LLC for 63 Woodland Street.

The excavation operation must maintain erosion checks and windblown sediment controls. No additional sanitary impact is anticipated with this excavation, and approval with respect to CT Public Health Code is forwarded for Commission consideration.

NOTICE TO ADJACENT PROPERTY OWNERS

Please be advised that the Glastonbury Planning and Zoning Commission will hold a public hearing on two (2) Applications of Paul and John Cavanna for Special Permits for the Excavation of Earth Products, pursuant to Section 6.2 of the Zoning Regulations, for property located at 63 Woodland Street.

The hearing will be held on Tuesday, August 22, 2023 at 7:00 pm via Zoom and in person in the Council Chambers, 2nd Floor, Town Hall, 2155 Main Street, Glastonbury.

One Special Permit would include the excavation of a 2.97 acre portion of the premises (referred to as the "Front Pit"), and would include the removal of approximately 86,370 cubic yards of material.

A second Special Permit would involve the expansion of a pre-existing nonconforming excavation site to include the excavation of an additional 2.44 acre portion of the premises (referred to as the "Middle Pit"), and would include the removal of approximately 82,500 cubic yards of material.

Copies of the applications and site plans are on file in the Zoning Office at the Town Hall and are available for public inspection.

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Paul J. & Catherine Cavanna
80 Woodland Street
S Glastonbury, CT 06073-2715

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Palmieri Family Trust & CT Palmieri and LP Greenwood, Co Trustees
273 Woodland Street
S Glastonbury, CT 06073-2722

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Glastonbury, CT 06033-6523

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580 Hopewell Road
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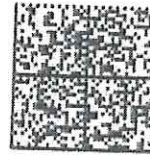


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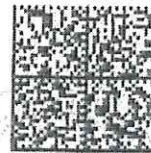
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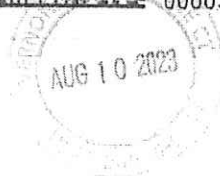
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