

**TOWN OF STURBRIDGE
PROCEDURES FOR OBTAINING OR RENEWING AN
EARTH REMOVAL PERMIT**

1. The applicant shall submit a completed application, in duplicate, to the Town Clerk. The Town Clerk shall transmit one copy of the application, including the date and time of filing, forthwith to the Board of Selectmen. The application shall include:
 - a) Four copies of a registered plan fulfilling all the requirements of Sections 3.09 and 3.12 of the Sturbridge General Bylaws, including the area to be excavated.
 - b) Four copies of a land reuse plan, as provided in Section 3.13(1) of the Sturbridge General Bylaws.
 - c) Filing Fee -- \$500 (\$25 for renewal)
2. The Board of Selectmen shall forward one copy of the application and plans to the DPW Director/Town Engineer and the Planning Board for their review.
3. The public hearing shall be advertised and conducted in accordance with Chapter 40A, Sections 9 and 11. The applicant is responsible for notifying abutters within 300 feet of the property line via certified mail, return receipt requested, as per a current abutter list obtained from the Assessor's Office. The applicant is also responsible for paying the actual public hearing notice cost.
4. If a Special Permit is granted by the Board, a performance bond, the amount to be determined by the Board of Selectmen, shall be filed in accordance with Section 3.19 of the Sturbridge General Bylaws before any work commences on the site.
5. After the vote of the Board granting said Special Permit, the Board has 14 days to file notice of their decision with the Town Clerk and transmit a copy of said decision to parties of interest (per M.G.L., Chapter 40A, Sections 9 and 11) as well as provide a copy of said decision to the Building Inspector and Town Engineer. After expiration of the statutory 20 day appeal period, the applicant shall pick up the original decision in the office of the Town Clerk and file it with the Worcester District Registry of Deeds in order for the permit to be effective.
6. Earth Removal Special Permits may be revoked in accordance with Section 3.20 of the Sturbridge General Bylaws.

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF STURBRIDGE**

Date: _____

The undersigned hereby petitions the Board of Selectmen for a Special Permit for Earth Removal as provided for in Chapter 3, Sections 9 through 20, of the Sturbridge General Bylaws.

New Application _____ Renewal _____ (Check one).

Describe briefly the scope of operations/work:

For property located at: _____

Owned by: _____

Registry of Deeds: Book _____ Page _____

Currently Zoned: _____

Petitioner: NAME _____

ADDRESS _____

STATE _____ ZIP CODE _____

TELEPHONE _____

SIGNATURE _____

Town Clerk

Date & Time

**CHAPTER THREE
ENVIRONMENTAL**

3.0 ABANDONED MOTOR VEHICLES

3.1 No person shall accumulate, keep, store, park, place, deposit or permit to remain upon exterior premises owned by him or under his control, any dismantled, unserviceable, junked or abandoned motor vehicle or parts thereof, unless he has a valid license to do so under the General Laws.

3.2 Whoever violates or continues to violate this bylaw after having been notified by registered mail of such violation shall be punished by a fine as follows:

1st Offense - Verbal or Written Warning

2nd Offense - \$25.00

Each Successive Offense - \$50.00

3.3 Each day during which such violation is permitted to continue shall be deemed a separate offense.

3.4 WAKES

No person shall operate any boat or other vehicle in such a manner as to create a wake during periods of high water on Quamquasit Lake (South Pond). High water is defined as water that is at or above 601' above sea level.

3.5 LITTER

3.6 No person shall place or cause to be placed upon public or private land not owned by the responsible party, litter, trash, earth, construction or other materials without the land owner's consent.

3.7 Whoever violates this bylaw shall be punished by a fine of \$200.00, according to MGL Ch. 40 § 21D.

3.8 Each day during such violation is permitted to continue shall be deemed a separate offense.

3.9 EARTH REMOVAL

The removal of sand, gravel, sub-soil, top-soil or earth and the processing and treating of said materials shall be conducted only by a permit issued by the Board

of Selectmen. This bylaw is being applied in conjunction with Chapter Nine of the Zoning Bylaws.

This chapter shall not apply to the following:

- (A) The excavation of a foundation or site preparation for a new structure, for which a valid Building Permit is in force.
- (B) The grading and/or landscaping in connection with the construction of a new structure.
- (C) The construction or reconstruction of a residential driveway if otherwise permitted.
- (D) The excavation and grading in connection with construction of a subdivision as approved by the Planning Board.
- (E) The removal of less than fifty (50) cubic yards in a twelve (12) month period.
- (F) The grading in connection with a bona-fide agriculture operation.
- (G) The Board of Selectmen may approve the removal of sand, gravel or earth in excess of fifty (50) cubic yards but not to exceed two thousand (2000) cubic yards on a one-time basis under the following conditions:
 - (1) The application must be accompanied by a plan or plans showing:
 - (a) The property lines
 - (b) The area to be excavated
 - (c) The distance from the property lines to the area to be excavated
 - (d) The approximate contours before and after excavating
 - (2) The excavation is to be at least twenty (20) feet from the lot lines unless the Board of Selectmen deems otherwise.

3.10 The Board of Selectmen may, after public hearing for which notice has been given by publication and posting as provided in MGL Ch. 40A, grant a permit for the removal of more than fifty (50) cubic yards in a twelve (12) month period.

3.11 Removal of sand, earth or gravel and the processing and treating of said materials shall be conducted only by a permit from the Board of Selectmen. This chapter shall not apply to such operations which are incidental to and in connection with the construction of a building on a lot.

3.12 Any application for a permit for the removal of sand, earth or gravel or for the processing and treating of said materials shall be accompanied by a Site Plan

depicting the land to be affected by such operation. In addition to complying with the Minimum Site Plan Requirements of Section 3.09, the Site Plan shall indicate the following:

- (A) Contours at intervals of not more than ten (10) feet.
- (B) A placement of at least four (4) inches of compacted topsoil over all excavated, filled or otherwise disturbed surfaces and seeding with a perennial cover crop, re-seeded as necessary to ensure uniform growth and soil surface stabilization.
- (C) Finished grades are not to exceed a slope of one (1) foot vertical to two (2) feet horizontal; and
- (D) Existing removal area(s) and the proposed area(s) for removal in the immediate future.

3.13 Any permit granted for the removal of sand, earth or gravel or for the processing and treating of said materials shall contain the following mandatory conditions.

- (A) Removal and processing operations shall not be conducted closer than fifty (50) feet to a public street or to any property line.
- (B) All equipment, except mobile equipment, for sorting, washing, crushing, grading, drying, processing, and treating or other operation machinery, shall not be used closer than one hundred (100) feet from any public street or from any adjoining property lines.
- (C) Any access to excavated area or areas in the process of excavation shall be adequately posted with KEEP OUT - DANGER signs.
- (D) Any work or bank that slopes more than thirty (30) degrees downward adjacent to a public street shall be adequately fenced at the top.
- (E) A substantial fence shall be provided enclosing the excavation or quarry where any excavation or quarry will extend under original ground level or will have a depth of ten (10) feet or more and create a slope of more than one (1) foot vertical to two (2) feet horizontal. Such fence shall be located ten (10) feet or more from the edge of the excavation or quarry, and shall be at least six (6) feet in height.
- (F) Adequate provision is to be made for drainage during and after the completion of operations.
- (G) Adequate lateral support shall be maintained for all adjacent properties.
- (H) The use of explosives shall be done in accordance with the regulations for storage and handling of explosives as published by the Massachusetts Department of Public Safety and the Sturbridge Fire Department.
- (I) Provision shall be made for the adequate control of dust during operation.
- (J) There shall be replacement of at least four (4) inches of compacted topsoil over all excavated, filled or otherwise disturbed surfaces. There shall also

be seeding with a perennial crop, re-seeded as necessary to ensure uniform growth and soil surface stabilization.

- (K) Finished grades shall not exceed a slope of one (1) foot vertical to two (2) feet horizontal.
- (L) It is recognized that the land reuse of a removal site is in the public interest. Therefore, land reuse plan(s) must be submitted to the Board of Selectmen for approval subject to the regulations set forth in the following paragraphs:
 - (1) The Board of Selectmen may require that up to three (3) approved alternative future land reuse plans be submitted for such land as is used for the extraction of earth, sand, gravel and rock.
 - (2) Said land reuse plan and its implementation applies to the conversion of the abandoned site and its planned reuse, including landscaping and erosion control. It is, therefore, required that any land reuse plan correspond to a situation which could reasonably occur in the immediate future zero (0) to five (5) years, and be revised as necessary as to the existing physical character of the removal area changes.
 - (3) The land reuse plan or any part thereof which reasonably applies to an area which has been abandoned from removal use shall be put into effect within one (1) year of the abandonment of said operation.
 - (4) A bond in an amount stated by the Board of Selectmen shall be posted to ensure the satisfactory implementation of the reuse plan.

3.14 Excavation and grading shall be executed in such manner as not to result in holes, depressions, stagnant water, soil erosion, drainage or sewerage problems or other conditions which would depress the land values or impair the property for use for which it has been zoned.

3.15 Finished slopes in excavated areas shall not exceed one (1) foot vertical to two (2) feet horizontal.

3.16 Except in the case of dams, swimming pools, or where retaining walls are to be constructed, no removal or excavation shall be within fifty (50) feet of any street or property line.

3.17 Unless the property to be graded is located in an industrial district, no earth excavating machinery or trucks shall be stored within 300 feet of any property line or street line, and no machinery for sorting, grading, crushing or for other processing of the excavated material shall be erected, except a temporary shelter for machinery or office.

3.18 After excavation or removal, the premises shall be cleared of debris, a top layer of topsoil of at least four (4) inches in depth shall be spread over the finished subgrade, and the final surface shall conform to the proposed finished contours and grades. No areas shall be excavated in such manner that the finished grade is below the water table.

3.19 PEFORMANCE BOND

A Performance Bond, in form and amount specified by the Board of Selectmen, shall be filed with the Treasurer of the Town of Sturbridge, and said bond shall specify the time within which the work under the permit is to be completed and shall guarantee satisfactory performance of the work.

3.20 EXPIRATION AND REVOCATION OF PERMITS

Expiration - Any permit issued by the Board of Selectmen as herein described shall expire within two (2) years of the date of the permit, but may be renewed by the Board of Selectmen for an additional period of time if the Board deems such action satisfactory.

Revocation - The Board of Selectmen may revoke the permit and may take other action as shall be necessary either against the permittee or surety in the bond, to cause completion of the work forthwith in accordance with the terms of the application and permit, if the work or excavating, removal, grading or re-grading is not being performed in accordance with said forms.

3.30 FOREST HARVESTING

It is strongly recommended that the harvester follow the practices in the latest edition of the Massachusetts Best Management Practices of Timber Harvesting Water Quality Handbook.

3.31 NOTIFICATION REQUIRED

The Town shall be notified for selective harvesting of forest products on more than four acres of land in any twelve month period and for clear cutting on more than two acres of land.

3.32 PROCEDURE {Amended STM 2-26-18 Art. 50}

No logging operation shall commence unless the landowner has received the Board of Selectmen's written consent (the "Certificate of Approval"). The landowner shall