



Town of Sterling Earth Removal Application

Fee: \$250
Review Fee: \$2,000*

Applicant and Site Information

Applicant: _____ Date: _____
Last First M.I.

Address: _____
Street Address Apartment/Unit #

City State ZIP Code

Phone: _____ Email _____

Owner(s): _____ Date: _____
(if different) *Last First M.I.*

Address: _____
Street Address Apartment/Unit #

City State ZIP Code

Phone: _____ Email _____

Removal Location: _____
Street Address Assessor's Parcel ID

Removal Information

Start Date: _____ End Date: _____

Material to be removed: Loam Soil Sand Gravel Stone Other _____

Purpose of Removal Operation: _____

Area to be Excavated (Acres): _____

Depth of Excavation (Below Existing): _____

Estimated Quantity (Cubic Yards): _____

Approximate Slope After Completion: _____

Distance/Edge of Excavation to Neighboring Properties or Ways: _____

Will there be Stockpiling of Materials: _____

What Equipment is Proposed for the Excavation and Haling Operation: _____

Equipment Stored On Site? _____

Anticipated Truck Traffic: _____

What are the Proposed Trucking Routes? _____

Disposal of Unwanted Materials: _____
(Rocks, boulders, stumps, brush, unwanted soil, etc.)

Environmental Concerns

Are there any Wetlands on or near the Site? _____

If Yes, How Will they be Protected? _____

How will the Land be Drained During Excavation Operations? _____

How will the Town be Protected from Siltation/Runoff? _____

Abuts DCR Property? _____

Permission

Applicant(s) and Landowner(s) hereby grant permission to enter the proposed Earth Removal operation site at any time to determine disposition of this application; to inspect the operation; to determine adherence to the conditions that allow the operation; and to ensure the work has been completed to the agreed standards. This permission is granted to any member of the Select Board, their designee(s), all other Town officials and their designee(s).

Disclaimer and Signature

I hereby certify under the penalties of perjury that the foregoing Earth Removal Application and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Planning Board will place notification of this Submittal in a local newspaper at the expense of the applicant in accordance with the requirements of the Public Meeting and Notification requirements.

Applicant: _____ Date: _____

Applicant: _____ Date: _____

Landowner: _____ Date: _____

Landowner: _____ Date: _____

Board Use Only Beyond This Point

Earth Removal Permit: Approved Denied Date: _____

Signatures of Select Board Members:

Tax Collector

Pursuant to the provisions of MGL Chapter 40, §57, certification that no debt is owed to the Town of Sterling.

***Review Fee:** *Per Massachusetts General Law (MGL) Chapter 44, Section 53G, the Select Board shall impose a Project Review Fee on new applications and those applications which require review by outside consultants due to the size, scale, complexity and impact of the project, or, because the Town lacks the necessary expertise to perform the review work related to the permit. Review fees shall be submitted with the application for deposit in an account established pursuant to MGL Chapter 44, §53G. (Please submit a W9 at the same time.)*

Excess fees in the account, including accumulated interest, shall be returned to the applicant or the applicant's successor in interest, at the conclusion of the review process.

Please provide as much information as possible (Continued)

63-7 Earth Removal Operation Criteria

		Waive	Req'd	Mitigation/Controls
A	Shall comply with the MA Endangered Species Act and the Wetlands Protection Act.			
B	Shall be respectful of and work with the natural topography in order to minimize, wherever appropriate, the amount of cut and/or fill on the premises.			
C	Shall not endanger the public safety, public health or constitute a nuisance.			
D	Shall not produce noise, dust, or other noxious effects beyond the lot lines of the property.			
E	Shall not result in the transportation of materials in such manner as to cause traffic congestion, dust, spillage, noise, or other nuisances, hazards or damage, particularly on residential streets or adjacent land.			
F	Shall not result in a change of topography or loss of ground cover that shall cause soil erosion, increased rate of stormwater runoff or adversely impact drainage on the site, adjacent streets or abutting properties			
G	Shall not cause pollution or particle infiltration to surrounding watercourses or groundwater			
H	Shall not result in the removal/stripping of loam in an amount that would leave less than six (6) inches of organic soil cover that shall be reseeded, unless waived by the PGA, to provide vegetative cover and be maintained until the area has been stabilized.			
I	Shall not create a slope greater than five (5) feet in height that exceeds 1 vertical unit to 2 horizontal units (1:2) and does not exceed twenty (20) feet in vertical height except when in <i>competent</i> bedrock as determined by a geotechnical engineer. In <i>competent</i> bedrock earth removal shall not create a slope greater than five (5) feet in height that exceeds 1 vertical unit to 1 horizontal unit (1:1) and does not exceed twenty (20) feet in vertical height.			
J	Shall not encroach a distance of ten (10) feet from any property line			
K	Shall have a lowest excavated point no less than six (6) feet above the existing seasonal high groundwater table except when incidental to the construction for which a building permit has been obtained. To ensure this depth the applicant shall, at applicant's expense, install observation wells in accordance with the designated agent of the Town of Sterling's Board of Health			

63-8 Site Standards, Requirements and Operations

Any deviations from the following standards and requirements shall be stated as conditions to and noted upon the permit.

63-8 (see bylaw for more detail). For non-exempted earth removal (per 63-3), the following is required:

		Yes	No
A	Initial Close-out or Reclamation Plan stamped by a Professional Civil Engineer attesting that all Earth Removal Criteria (63-7) that has not been waived shall be met for the duration of the earth removal.		
B	Upon completion, applicant shall provide a final Close Out or Reclamation Plan as stipulated by the Permitting Granting Authority (PGA), stamped by a Professional Civil Engineer, along with a report signed by a geotechnical engineer stating that the site has been inspected prior, during and upon completion and certifying the structural integrity of the site and related slopes as shown on the final plan.		
C	Provide the Town with a current certificate of liability insurance in the amount of \$1 million per occurrence and \$3 million in the aggregate. If work abuts Town-owned land or a Town accepted way, the certificate shall name the Town as an additional insured and continue to provide the Town with a current certificate.		

63-8 (Continued) Site Standards and Requirements

		Req'd	Waive	Modify*
1	Except for fire ponds as provided in §63-4 K, no area shall be excavated so as to cause the accumulation of free-standing water. Permanent drainage shall be provided as needed in accordance with accepted engineering and conservation practices. Measures shall be taken to insure that silting and sedimentation of nearby streams is not caused by a temporary or permanent drainage system on site. Drainage shall not lead directly into streams, ponds, abutting properties nor shall drainage from access roads drain directly onto public ways.			
2	If erosion control structures are utilized, these devices shall be in place and stabilized before excavation can begin in the affected area. These structures shall be inspected and maintained in accordance with the approved plan and the capacity of the structural device.			
3	If the earth removal operation occurs in phases, one phase shall be completed and seeded, unless waived by the PGA prior to the commencement of the next phase.			
4	Quarrying or mining operations shall be contained within the current property limits, as shown on the plan. The expansion to additional property must be authorized by a new permit by the PGA.			
5	During earth removal operations, a fence or suitable barrier shall be erected, as deemed necessary and approved by the PGA.			
6	Operations shall be conducted during the hours 7:00 A.M. to 5:00 P.M., Monday through Saturday. No earth is to be excavated or removed on Sundays or Massachusetts legal holidays. These hours of operation may be altered only upon written authorization of the PGA. Loaded trucks shall leave the premises only during permitted hours. All loaded vehicles shall be suitably covered to prevent dust and contents from spilling and blowing from the load.			
7	All trucking routes and methods may be subject to approval by the Chief of Police and the Superintendent of Public Works.			
8	Earth removal permits are only transferable upon approval of the PGA in its sole discretion and shall automatically expire on the earliest to occur of (i) one year from the date of issuance, (ii) completion of the earth removal for which it was issued, or (iii) at such time as may be specified in the permit. In no case shall a permit be issued for a period longer than one year. A permit may be renewed by the PGA in its sole discretion after evidence is presented that (i) all conditions of the expiring permit have been complied with and (ii) the work authorized under the permit was delayed for good cause. All renewal applications shall be filed not more than 90 days nor less than 30 days prior to the expiration of the then current permit and shall include a copy of the previous conditions of approval. When the applicant intends to increase the scope of the earth removal, a new application and public hearing shall be required.			

*Modifications attached in detail as needed.



Town of Sterling

Earth Removal Rules & Regulations

When an Earth Removal Permit is Required

(All new permits require a public hearing with abutter notification, legal advertisement, application and plans.)

- Quarry or mining operations (only permitted in the Light Industrial zoning district).
- Earth removal from a single lot/site unless exempted.
- When scope of existing permit increases in size

Exemptions

While the following does not require an earth removal permit, you are required to comply with the Earth Removal Operation Criteria set forth in §63-7 of the bylaw. In order to claim this exemption, the owner of the lot or site shall file a “notice of intent” with the Permit Granting Authority (PGA) indicating full compliance at a public meeting.

- Less than 1,000 cubic yards from single lot or site within any five year period that is not in connection with a building permit.
- From a single lot/site in connection with a building permit and quantity shall not exceed 110% of material displaced by below grade portion of construction.
- Installation of septic systems.
- From one parcel of land to a contiguous parcel, held in common ownership and located in town.
- Any parcel of land in an approved definitive subdivision plan.
- Parcels subject to Sterling’s site plan review process.
- Land falling within the Town’s Wetland Resource Area and buffer zones (governed by the Wetlands Protection Act), and construction/maintenance/repair of fire ponds shall be administered solely by the Town’s Conservation Commission.
- Existing earth removal operations prior to November 12, 1973.
- Land in public use, including extraction and processing for road maintenance material and safety.
- Customary use of agriculture of less than 1,000 cubic yards on single lot within five year period.

Permit Duration and Renewal

- Permits are one year in duration and may only be transferred upon approval of PGA at a public meeting.
- Renewals shall be reviewed at a public meeting without advertising or notifications and shall be filed not more than 90 days nor less than 30 days prior to the expiration of the current permit and shall include a copy of the previous conditions of approval.
- If the scope of earth removal increases, a new application and public hearing with notifications shall be required.

Violation/Fines

- Right of entry from the applicant and/or landowner for the PGA or its representative to enter said land, at any time, for inspections to determine compliance with the conditions set forth in the permit.
- For suspected/known violations, at a public meeting, PGA will address this with applicant and shall issue fines, require operator to cure violation, order cease and desist, revoke or suspend permit.
- For emergency cease & desist, PGA shall hold public hearing; permit may be revoked or revised.
- If violations persists, fines via MGL c.40, §21, Paragraph 17 (\$50 for 1st offense, not more than \$100 for 2nd offense & not more than \$200 for subsequent offenses); may also be enforced via MGL c.40, §21D and impose fines up to \$300.

Public Hearing

- After a complete new permit application and fees have been filed with the PGA, the application/plans will be sent for peer review. Once the review has been completed, a date and time for the public hearing will be set. (See §63-5 “Public Hearing” for details.)
- If the property/site in question is landlocked, all parcels that the applicant must travel through to get to the site will also be included in the Certified Abutters List.

Submission and Plan Requirements

(The PGA may, at its discretion, require any or all of the following. Additional information and documentation may also be required as necessary. The PGA has discretionary powers for waiver requests.)

- Any person wishing to obtain a permit to remove earth from a property within the Town shall file a completed application, filing fee, and peer review fee (MGL Chapter 44 §53G) with any required supporting data and maps with the PGA, as established in the regulations of the PGA.
- Four (4) copies of a plan, prepared and stamped by a Professional Engineer and Professional Land Surveyor, as well as a PDF of all materials, depicting the site, area of proposed alterations, wetlands, and other resource areas. Plans should include name, address and contact information for both owner and applicant; locus with north arrow showing zoning district and any overlay districts. All structures, property lines, test pit locations and/or observation wells (to demonstrate compliance with §63-7 K), vegetative cover, presence and relationship of all watercourses, wet areas, drainage, ponds, lakes, streams, and all other bodies of water including all sources of water supply, both public and private. Topographic lines at five-foot grade intervals carried 100 feet beyond limits of the proposed excavation must be included.
- Documentation and information related to the location of proposed earth removal site or sites. The type of earth to be removed, depth of excavation, estimate of total material to be removed, purpose of earth removal and the method of earth removal. Approved routes of transportation, duration of earth removal operations, phasing schedule and amount of material estimated to be removed per phase if applicable, the finished grade of the site, disposition of all rocks, boulders, stumps and brush, and estimated depth of normal high groundwater.

- A plan prepared showing topographic lines at five-foot grade intervals after the completion of the proposed excavating, and re-loaming of the area has been completed. The plan shall also include the watercourses, drainage, wet areas, streams, ponds, lakes and all other bodies of water including all sources of water supply both public and private. Included in the plan shall be completed information as to the re-grading, re-loaming, and reseeded of said area.
- Estimated quantities of each material to be excavated as calculated by a professional engineer.
- A statement from a professional engineer as to the estimated loam within the areas and the average depth thereof.
- The quantity of loam, which will be required to provide loam cover of at least six inches compacted upon termination of the removal work and what quantity will have to be brought to the site for such purposes.
- Documentation that includes information on placement of access roads, sight distance at the point of entrance onto public ways, proposed truck routes to and from the site, and estimated numbers of trucks per day entering and exiting the site.
- Drainage facilities, existing and final grades and an erosion-sediment control plan compatible with the Massachusetts Department of Environmental Protection Erosion and Sediment Control Guidelines.
- Application should include a narrative with the plan explaining existing and proposed conditions, as well as showing the lowest excavated point no less than six (6) feet above the existing seasonal high groundwater table. Also, please provide details on what you want to do and how you will be stabilizing (stabilization should be shown.)
- No application for an Earth Removal Permit shall be considered complete and shall not be acted upon, unless the Tax Collector of the Town of Sterling has certified, pursuant to MG.L. Chapter 40, §57 that no debt is owed to the Town by the applicant or by the owner.

Additional Documentation that May be Required

The Board may require the following additional information and documentation to accompany the application:

- A stormwater management plan that complies with the Massachusetts Department of Environmental Protection Stormwater Management Policy, together with supporting documentation prepared by a Professional Civil Engineer. The plan shall demonstrate that natural storm drainage is leaving the property at the original natural drainage points, so that (i) the total discharge at peak flow, and the area of drainage at any one point, is not increased, and (ii) the hydrograph of any post-development stream is the same as that of the pre-development stream.

This is a summary of the Earth Removal Bylaw and application process. For full details, please review the bylaw in its entirety. .