

**REGULATIONS FOR MINING OR REMOVAL OF GRAVEL, SOIL OR LOAM
IN THE TOWN OF DIGHTON, MASSACHUSETTS**

1. Fees

- A. Filing fee to be \$500.00 to be paid upon application. Fee covers all advertising, notice mailings and hearing costs.
- B. Operating Fee to be \$1.25 (\$1.25) per yard removed. Fee to be paid annually in advance. Operator is responsible for estimating annual removal before permit or renewal is granted. Any overestimates may be applied to next year's fees and underestimates must be paid before renewal.
- C. Renewal Fee to be \$400.00 (Four Hundred Dollars) per year in addition to operating fees with a public hearing.

2. Bonds

- A. A performance bond of \$40,000.00 (Forty Thousand Dollars) per acre of operation will be required. Bonds must be presented to the Board before any operations begin and shall remain in force until such time as the Board finds that operation is complete and has been restored to a usable condition and all operating fees have been paid to the Town. A minimum of six (6) inches of loam is to be put back in area where gravel has been removed.

3. Engineering requirements to be paid by person seeking gravel permit

- A. Plot plans shall be prepared by a Registered Professional Civil Engineer or Land Surveyor.
- B. Plans to contain a topography showing the present contour and proposed final contour. Contour lines to be shown at 2-foot intervals.
- C. All boundary lines to be clearly shown on the plan and permanent boundary markers placed on the site.
- D. Elevation of water table to be established and no excavation to be below 7 feet above the maximum water table.
- E. Excavation shall at no time be lower than the running contour of the adjacent roadbed. (highest point of road as it abuts the lot where gravel is to be removed).
- F. Plan to show relationship to an existing wetlands and/or floodplain,

- G. A final topographical survey shall be required to finalize operating fees before the bond is released on a closed operation.
- H. A permit shall be required under this regulation for the removal of soil, sand or gravel in the course of excavation incidental to the construction of a building, but nothing herein shall affect the obligation of any person to take out a permit for such excavation so far as required by any subsequent building code. A permit shall also be required for the removal of soil, sand or gravel for use upon the same premises, or in the course of the ordinary and customary use of land for a farm, garden, nursery or cemetery and purposes incidental thereto, or in the case of a public park, playground, highway, school or of other land in public use. The Board may issue a special permit without a hearing for the removal of small quantities of soil, sand or gravel for any other purpose, which is not commercial.

4. Inspections

- A. Annual inspection shall be done by all Board members before renewal is granted.
- B. Periodic inspections shall be done by a committee of 3 (three) appointed by the Board. At least 2 (two) members are required to be present to make an inspection valid.
- C. All inspections shall be done at the discretion of the committee.

5. Meetings

- A. The soil Committee shall hold a meeting on the first Wednesday of January.
- B. The Board may call any other meeting it deems necessary.

6. Hours of Operation

- A. 7:30 a.m. to 5:00 p.m. Monday through Friday. NO HAULING GRAVEL ON SATURDAYS, SUNDAYS, OR HOLIDAYS.

7. Applicability of regulations

- A. Any removal of over 40 (forty) yards of material from a site or construction Site shall require a determination of applicability of the Soil Removal Regulations by the Soil Conservation Board or its Designee.
- B. No permit required for movement of soil within building site.
- C. Stockpiling of Materials by contractors will be done in Business Zone only.

- D. Screening permitted in business area with no dust problems affecting neighbors.
- E. Yearly permit required-listing of nature of stockpiles and subject to conditions as determined necessary by Board due to area location.

8. Issuing of permits for Mining

- A. A permit shall not be issued for the removal of soil, loam, gravel or sand within 300 feet of a public way or within 250 feet of a private way to public use, or within 250 feet of a dwelling house abutting upon such a way. There shall be no excavation within fifty (50) feet of property line. A permit shall not be issued for the removal of soil, loam, gravel or sand in any location if such removal will endanger the public health or safety or constitute a nuisance. IE: dust, noise, and other similar permit restrictions. Slopes to be excavated no steeper than a four to one (4 to 1) degree. Slopes, once established, are to be immediately seeded with grass seed or some like substitute (rye, hay, etc.).
- B. When the Board finds that any excavation hitherto made for the purpose of removing soil, loam, gravel or sand is maintained in such a way as to endanger the public health or safety or to constitute a nuisance, the Board shall take such steps as are authorized by law to protect the public health and safety, or to cause such nuisance to be abated.
- C. Before a permit is issued, the site from which the gravel is to be removed, is to be inspected by a majority of the Soil Conservation Board and the owner.
- D. No permit shall be issued in a thickly settled area.
- E. No other permit shall be issued in the same area where there is an existing permit in operation.
- F. If a permit is denied, the applicant will be sent a registered letter within 14 days, stating reasons for denial.

9. Canvas

- A. Trucks shall be covered at all times, if not, police notified and a citation to be Issued.

10. Truck routing

- A. Truck routing shall be routed by committee and also a limit on trucks in a given Area. A prior conference to be held with the Superintendent of Streets for the discussion of weight limits.

11. Removal of Gravel, soil or loam
 - A. No material shall be moved from lot to lot without a special permit.
12. Asphalt road leading to entrance of gravel pit
 - A. Road shall be cleaned daily by contractor. Spillage on roads of the contractor's Route shall be cleaned daily.
13. Enforced rules
 - A. Any regulations or permit restrictions that are not obeyed, the permit shall be revoked immediately. Operation shall cease until a public hearing is held.
14. Violations-Restoration of land
 - A. If a job is not completed on the specified date, a fine shall be imposed daily at a fee of \$300.00 per day. Upon viewing the site by the committee, they shall determine if the job has been completed to their satisfaction.
 - B. If it comes to the attention of the Board that there has been a violation of this Regulation, the Board shall send to the offender a written warning; and if he persists in such violation the penalties authorized by Chapter 352 of the Acts of the Massachusetts Legislature of 1951 shall be imposed and the penalty for removing soil, loam, sand or gravel in violation of this regulation shall be a fine of not more than fifty dollars for the first offense after such warning; not more than one hundred dollars for the second offense; and not more than two hundred for any subsequent offense. If the offender holds a permit issued under the regulation, such permit may be revoked.

The removal of sand, gravel, and soil from land in Dighton is prohibited until a permit authorizing such removal is issued by the appropriate authority.

No permit shall be issued until a public hearing has been held.

Notice of the hearing is to be published in at least one of the local newspapers 7 days prior to the hearing.

All abutters within 300 feet of the property are to be notified by registered or certified mail 7 days before the hearing.

The board has the authority to place specific conditions on all removal permits that it issues.

GOVERNANCE

THESE REGULATIONS ARE TO BE ADMINISTERED AND MANAGED BY A COMMITTEE CALLED THE SOIL CONSERVATION BOARD, CONSISTING OF THE THREE SELECTMEN AND FOUR APPOINTEES TO BE APPOINTED BY THE SELECTMEN ON A YEARLY BASIS.

UPON READING THESE REGULATIONS A SIGNATURE SHALL BE REQUIRED FROM ANY PERSON SEEKING A PERMIT. ORIGINAL SIGNED DOCUMENT SHALL BE RETAINED IN TOWN FILES AND A COPY GIVEN TO GRAVEL PERMIT PERSON OR PERSON'S/

(CONTRACTOR)

Amended on November 3, 2004 voted at the Board of Selectmen meeting, effective immediately.