

Town of Raynham, Massachusetts

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2/8 Natural Resources

2/8.1 May, 1975 **By-Law for the removal of any soil, loam, sand or gravel**
 May, 1978

May, 1979

2/8.1.1 Administration

1. The provisions of this by-law shall be enforced and administered by the Board of Selectmen, hereafter referred to as the Board.

2/8.1.2 Removal of Soil, Loam, Sand, Gravel, Quarry, or Other Earth Materials

1. The removal of soil and loam from any land in the Town of Raynham is permitted subject to the restrictions and conditions of this by-law.
2. The removal of soil, loam, sand, gravel, or other earth materials from land in any district which falls within the superimposed Inland Wetlands or Coastal Wetlands districts is prohibited, except where such removal is in connection with dredging being carried out by a governmental agency.

May 30, 1979 The removal of soil, loam, sand, gravel or other earth materials is prohibited in Residential A and Residential B zoning districts, except such removal as is allowed in Paragraph 3.

2/8.1.3 Exceptions.

The removal of earth material in any of the following operations shall be exempt from this section:

- a. The removal of less than 10 cubic yards of material in the aggregate in any year from any one lot.
- b. The transfer of material from one part of a lot to another on the same lot.

c. The removal of material necessarily excavated in connection with lawful construction of a building, structure, street, driveway, sidewalk, path, or other appurtenance provided the quantity of material removed does not exceed that actually displaced by the portion of such buildings, structures, streets, driveways, sidewalks, or paths or other appurtenances below finish grade.

2/8.1.4

For the removal of soil, loam, sand, gravel, quarry, or other earth materials other than that specifically exempt above, and for the processing and treating of earth materials, the following conditions shall govern:

a. Removal operations shall not be conducted closer than 200 feet to a public street.

b. All equipment for sorting, washing, crushing, grading, drying, processing and treating, or other operation machinery, shall not be used closer than 100 feet from any public street or from any adjoining lot line.

c. Off-street parking shall be provided. The off-street parking shall be utilized by all related vehicles.

d. Any access to excavated areas or areas in the process of excavation will be adequately posted with KEEP OUT -DANGER SIGNS.

e. Any work or bank that slopes more than 30 degrees downward adjacent to a public street will be adequately fenced at the top.

f. Adequate provisions are to be made from drainage during and after the completion of operations.

g. Lateral support shall be maintained for all adjacent properties.

h. The use of explosives shall be done in accordance with the regulations for storage or handling of explosives as published by the Commonwealth of Massachusetts.

i. All operations shall be conducted in such a manner so as to comply with the laws of the Commonwealth of Massachusetts regulating water pollution and air pollution.

j. Before approval of a permit for any excavation, the owner shall file a performance bond, or deposit money, or other negotiable securities in an amount determined by the Board to be sufficient to cover costs of all, or any part of cleaning the site upon completion of work, such as removing stumps, large boulders, general clean-up, and other miscellaneous debris.

k. Before granting approval, the Board shall find that the proposed operation will not be injurious or dangerous to the public health, will not produce noise, dust or other effects observable from adjacent property in amounts seriously objectionable or detrimental to the normal use of the property will not result in a change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted and will not have a material adverse affect on the water supply, health, safety of persons living in the neighborhood or on the use of other amenities of adjacent land.

1. The permit issued shall be granted only to the owner of record and shall not be transferable. No permit shall be issued for a period of more than one year. The permit may be re- issued in the same manner. The permit shall expire at the end of the year.

m. In granting a permit hereunder, the Board shall impose reasonable conditions specially designed to safeguard the neighborhood and the Town, which may include conditions as to the overall operations set forth above and as relating to the site plan and land reuse plan requirements set forth in the paragraphs in triplicate below.

2/8.1.5 Site Plans.

Site plans shall be filed in triplicate with the Board for any land which is used or intended to be used for the extraction of sand, gravel, rock and associated earth materials. Site plans of the removal areas shall be prepared by a registered professional engineer or a registered land surveyor at a scale of 40 feet to the inch and shall be in accordance with and indicate the following':

a. Lot lines and ownership.

b. Existing topography and proposed elevation at 2-ft. contour intervals.

c. Names of abutters as found on the most recent tax list.

d. Adjacent public streets and private ways.

e. Proper provisions for safe and adequate V water supply and sanitary sewerage and for temporary and permanent drainage of the site.

f. A location plan at a scale of 1" to 1,000'.

g. Plan for regrading of all parts of the slopes resulting from such excavation or fill.

h. Plan for replacement of at least four inches of topsoil over all excavated, filled, or otherwise disturbed surfaces and seeding with a perennial cover crop, re-seeded as

necessary to uniform growth and soil stabilization.

May 27, 1975 Also the planting of seedling trees of the proper kind, suitable to the soil conditions, this to help slow the process of erosion which may occur, also to slow evaporation of any water from snow or rain in the area.

i. Proposed lateral support to all adjacent property.

j. Proper provision for vehicular traffic, service roads, control of entrances and exits to highways.

k. The relation of future buildings, temporary buildings, and operations machinery to the removal areas.

1. Delineation of removal areas and depths.

m. Provisions for a substantial fence enclosing the excavation or quarry will extend under original ground level or will have a depth of ten feet or more and create a slope of more than one foot in two feet. Such a fence shall be located ten feet or more from the edge of the excavation or quarry, and shall be at least six feet in height.

n. Method of removal.

o. Distance of excavation to street and lot lines.

p. Disposition of boulders and tree stumps.

q. Cleaning, repair, and/or resurfacing of streets used in the removal activities which have been adversely affected by the removal activities.

r. The active gravel removal operation area shall not exceed a total area of five acres at any one time.

2/8.1.6 Land Restoration Plan(s).

Land restoration plan(s) must be submitted to and approved by the Board subject to the regulations set forth in the following paragraphs:

a. The Board may require up to three approved alternative future land restoration plans submitted for such land as is used for the extraction of sand, gravel, rock, and

associated earth materials. It is recognized that land restoration of the removal areas is in the public interest.

b. Said land restoration plan and its implementation applies to the conversion of the abandoned site and its planned restoration. It is therefore, required that any land restoration plan correspond to a situation which could reasonably occur in the immediate future (zero to five years), and be revised as necessary as the existing physical character of the removal area changes.

c. The land restoration plan or any part thereof which reasonably applies to an area which has been abandoned from the removal use shall be put into effect within one year of the abandonment of said operation.

2/8.1.7 Bonding.

The Board shall require a bond or other security to insure compliance with its conditions of authorization, unless, in a particular case it specifically finds that such security is not warranted and so states its decision giving the reason for its finding.

2/8.1.8 Penalties.

The penalty for the violation of this section of this By-law, or the removal of any soil, loam, sand, or gravel within the Town of Raynham without a permit hereunder, except as herein before provided, shall be as follows:

- For each violation one hundred dollars.

May 15, 1978 b. For each subsequent offence, one hundred dollars, and/or revocation of the permit, at the discretion of the Board.

c. Each unit or removal, used to remove soil, loam, sand, or gravel, such truck load of any size from the original site, constitutes a separate offence under this By-Law.

2/8.1.9 Permit procedures:

a. No such permit shall be issued except upon written application, therefore, to the Board with a copy thereof to the Planning Board and Conservation Commission.

b. Such application shall be accompanied by such filing and publication fee as the Board may reasonably determine.

c. Within ten (10) days after receipt of such application the Board shall fix a reasonable time for a hearing upon such application and shall cause the notice of the time and place of such hearing thereof and of the subject matter, sufficient for identification, to be published in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and shall also send notice by mail, postage prepaid, to the petitioner and to the owners of all property deemed by the Board to be affected thereby, as they appear on the most recent local tax list, and to the Board of Health, Water Commission, Planning Board, and Conservation Commission of the Town. At the hearing any party, whether entitled to notice thereof or not, may appear in person or by agent or by attorney.

d. The Planning Board may, in its discretion, investigate the case and report in writing its recommendations to the Board. The Board shall not take final action on such application until it has received a report thereon from the Planning Board, or until said Planning Board has allowed thirty (30) days to elapse after receipt of such plan without submission of a report.

2/8.1.10 Existing Operations.

Any existing sand or gravel removal activity operating under a permit issued by the Board may continue until the expiration of the permit thereof; provided that no such permit shall issue: (1) If such removal shall adversely affect the water table or the natural or engineer drainage in the town; or (2) if such removal shall create unreasonable noise, dust, fumes, or other effects which are detrimental to the public health or public welfare. Discontinuance for more than twelve (12) consecutive months shall be deemed to constitute abandonment.

2/8.1.1 No night operations will be permitted, after 5.00P.M. and before 7.00A.M. The invalidity of any section or part hereof of this By-law shall not affect the validity of any other section or part hereof otherwise valid.

2/8.2 Water Resources

Storage of gasoline near water supplies and area ponds and brooks.

Deleted November 24, 1988

2/8.2.1 Storage of Liquid Petroleum Products for Sale or Use

Every underground storage system of liquid petroleum products for sale or use shall be contained in a monitored secondary containment system. Such system shall comply with all current rules and regulations of the Town of Raynham Board of Health. A plan of said installations shall be furnished to the Water District in which the application is made.

(Added November 24 1987)

2/8.2.2 By-law pertaining to the flow of natural water in the Town of Raynham.

No natural water course shall be changed by construction, excavation, or filling unless suitable drainage facilities and easements acceptable to the Highway Surveyor are supplied.