



TOWN OF LANCASTER, MASSACHUSETTS
BOARD OF SELECTMEN
Town Hall, 695 Main Street, P.O. Box 293
Lancaster, MA 01523-0293
Tel: 978-365-3326 Fax: 978-368-8486

Town Clerk's Office
Date & Time Received

**APPLICATION FOR SPECIAL PERMIT
REMOVAL OF EARTH PRODUCTS**

1. Applicant's Name: _____
2. Applicant's Address: _____
3. Name of Business or Concern (*If operating other than individual*): _____

4. Business Address (*If different than address listed under Question 2*): _____

5. Location of Property (*Street Address*): _____
6. Assessors' Atlas: Map/Sheet No. _____ Parcel No. _____ Lot No. _____
7. Location approximately _____ feet N S E W from the intersection with _____
8. Evidence of Property Ownership (*Attach Deed, Lease, other*): _____
9. Name and Address of Engineer or Firm Responsible for plans, specifications, compliance, etc? _____

10. Engineering plans and specifications prepared (*date*): _____

SCOPE OF WORK

11. Cubic yards to be excavated/removed from site: _____ Area: _____ Acres
12. Type of earth product(s): Peat _____ Loam _____ Gravel _____ Rock _____ Other _____
13. Proposed date of completion of excavation: _____ Of Removal _____
14. Duration of Request (*Minimum of 6 months; maximum of 24 months*): _____
15. Reason for Request: _____

16. Estimated cost for erosion control, grading, seeding, or reclamation: _____
17. Bond Required: _____
(To be determined by the Town)
18. Have you been issued a Special Permit for earth products removal before? Yes _____ No _____
 If yes, when was it last issued? _____ For what period? _____

THE FOLLOWING MUST BE SUBMITTED AS PART OF THIS APPLICATION:

1. Three (3) copies of a registered, engineered plot plan of the area showing existing grades and proposed finished grades and the distances from the excavation to the side and rear property lines.
2. Three (3) copies of the registered, engineered plot plan reduced to 11" x 17" on white paper.
3. Three (3) sets of engineering specifications.
4. Evidence of Property Ownership as required under Question 8.
5. **Check for Permit Application Fee** (\$250 for one (1) year; \$500 for two (2) years).
6. **Check for \$1,000 for Professional Engineering Review Fees.** The Applicant shall be required to forward to the Town any engineering costs exceeding the \$1,000 review fee estimate.

The applicant certifies that it has filed all state tax returns and paid all state and local taxes required by law and agrees to comply with the terms of its permit and applicable law, and all rules and regulations promulgated thereto. I further certify that the information contained in this application is true and accurate and also authorize the Permitting Authority or its agents to conduct whatever investigation is necessary to verify the information contained in this application.

Signed under the pains and penalties of perjury.

INDIVIDUAL, PARTNER OR AUTHORIZED CORPORATE OFFICER OR APPLICANT

DATE SIGNED _____

NOTE: The filing of this application does not permit the Applicant to remove earth products. Removal of earth products may not commence until the Board of Selectmen issues a special permit.

Additional Procedural Requirements

(Not Warranted as Complete)

- Applications for a Special Permit for removal of earth products must be on forms obtained from the Board of Selectmen.
- Earth Products Removal Special Permit Applications must be filed with the Town Clerk and a copy of the application, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the Applicant with the Board of Selectmen.
- The Board of Selectmen shall hold a public hearing within 65 days from the date of filing of such application.
- Notice of the public hearing shall be given by publication in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than 14 days before the day of the hearing and by posting such notice in a conspicuous place in the Town Hall for a period of not less than 14 days before the day of such hearing.
- Notice shall be sent by Certified Mail, Return Receipt Requested, to "Parties in interest", meaning the petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning board of the city or town, and the planning board of every abutting city or town.
- The cost to notify abutters and publishing legal notices in local newspapers shall be paid by the Applicant. The Applicant shall be notified of the total amount due the Town.
- The assessors shall certify to the Board of Selectmen the names and addresses of parties in interest and such certification shall be conclusive for all purposes. The Board of Selectmen may accept a waiver of notice from, or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five nor more than ten additional days to reply.
- Publications and notices shall contain the name of the petitioner, a description of the area or premises, street address, if any, or other adequate identification of the location, of the area or premises which is the subject of the petition, the date, time and place of the public hearing, the subject matter of the hearing, and the nature of action or relief requested if any. No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held in such city or town.
- The required time limits for a public hearing and action by the Board of Selectmen may be extended by written agreement between the Applicant and the Board of Selectmen. A copy of such agreement shall be filed with the Town Clerk.
- The decision of the Board of Selectmen shall be made within 90 days following the date the public hearing is closed.
- A special permit for earth products removal shall require a unanimous vote of the board (3/3).
- Any restrictions or conditions imposed by the Board of Selectmen shall be attached to the letter of permit and copies of said permit and attached restrictions shall be sent to:
 - Planning Board
 - Board of Appeals
 - Board of Public Works
 - Board of Health
 - Building Commissioner/Zoning Enforcement Officer
 - Chief of Police
 - Conservation Commission
 - Town Clerk
- Other requirements relating to the issuance of special permits are prescribed under the provisions of prevailing Massachusetts General Laws and any acts and resolves adopted thereto, the Bylaws of the Town of Lancaster, and all other rules and regulations promulgated thereto.