

**REQUEST FOR CERTIFICATE OF EXEMPTION
EARTH REMOVAL BY-LAW, CHAPTER 134, SECTION 10 EXEMPTIONS**

Name of Landowner: _____

Address: _____

Telephone Number: _____

Location of Property: _____

Assessor's Lot: _____ Zoning District: _____

Definitive Subdivision plan, if any:

Quantity (in cubic yards) of material to be removed: _____
(Please attach supporting calculations)

Type of earth material to be removed: _____
(sand, gravel, rock, loam, muck, peat)

Reason for earth removal and why you believe it qualifies as an exemption:

Destination of material to be removed: _____

Description of reclamation plan: _____

(over)

Please attach 1 original and 9 copies of the sketch plan (with dimensions) showing Items 1 – 8 in the regulations.

I, _____, hereby agree that removal of earth materials from the above-referenced property shall be done in conformance with the Earth Removal By-Law, Chapter 134, Section 10 Exemptions, the Earth Removal Regulations, and with this application. I have read and agree to comply with the Earth Removal By-Law and Earth Removal Regulations.

Signature of Landowner

Date

For Select Board's Office Use

Date application received: _____

Application forwarded to departments for comment: _____

Comments received from:

Earth Removal Inspector: _____ Building Inspector: _____

Planning Board: _____ Conservation Commission: _____

Board of Health: _____ Highway Surveyor: _____

Police Chief: _____ Fire Chief: _____

Water Department: _____ Others: _____

Date of issuance of Certificate of Exemption: _____

Expiration date (one year from date of issuance): _____

**REGULATIONS TO THE EARTH REMOVAL BY-LAW
SECTION 134-10 EXEMPTIONS**

**Adopted by the Groton Select Board on April 6, 1992
And Amended on October 4, 1993 and June 21, 1999**

§239-12. Certificate of Exemption

- A. Prior to removing any earth materials from the premises under Chapter 134, Earth Removal, §134-10, Exemptions (Note: See Code of the Town of Groton, available in the Town Clerk's office.), the landowner shall submit a request for a certificate of exemption to the Select Board. Such requests shall include the information on the form entitled "Request for Certificate of Exemption" (Note: Forms are available in the Select Board's office in the Town Hall.) and a sketch plan (with dimensions) showing the following information:
- (1) Approximate location of property line.
 - (2) Approximate location of any existing or proposed structures.
 - (3) Approximate location of any wells (including those of abutters) within 100 feet of the area to be excavated.
 - (4) Approximate location of any existing or proposed sewage disposal systems (including those of abutters) within 100 feet of the area to be excavated.
 - (5) Identification of any area which normally collects standing water.
 - (6) Approximate location of any wetlands.
 - (7) Location of area to be excavated, filled or otherwise modified.
 - (8) Proposed or existing location of stockpiled material.
- B. If the quantity to be removed from the premises is more than 50 cubic yards, the applicant must demonstrate compliance with §134-10 of Chapter 134, Earth Removal, by submitting an explanation of the calculations used to arrive at the quantity of material to be removed. The amount of material to be removed in conjunction with new construction or subdivision roads shall be calculated and stamped by a registered land surveyor or professional engineer. The Select Board and its agents shall verify that the maximum quantity does not exceed that displaced by the portions of the building, walk, driveway, street or similar appurtenances below finished grade and is otherwise in conformance with the provisions of §134-10. The displaced earth material shall be stockpiled on the site and shall not be removed until construction of the structure has commenced. In the case of a subdivision, the material shall not be removed until the subdivision road has been paved. No material shall be removed from the premises until a certificate of exemption is granted by the Select Board, or its designee. (For quantities less than 50 cubic yards, see Chapter 134, Earth Removal, §134-11, Special permits.)

- C. A copy of the regulations on exemptions to Chapter 134, Earth Removal, shall be provided to each applicant when a building permit application is submitted to the Building Inspector. A copy of the regulations on exemptions shall be provided to the developer when an application for approval of a definitive subdivision plan is submitted to the Planning Board.
- D. The Select Board shall issue a certificate of exemption only if the final plan qualifies as an exemption under §134-10 of Chapter 134, Earth Removal. The Select Board shall consult with the Earth Removal Inspector, Earth Removal Advisory Committee, Building Inspector, Planning Board, Conservation Commission, Board of Health, Highway Surveyor, Police Chief, Fire Chief or any other appropriate licensing body prior to acting on the application. The Select Board shall act on the request for a certificate of exemption within 30 days of receipt of the application at the Select Board's office. Copies of the certificates of exemption shall be forwarded to the Earth Removal Inspector, Earth Removal Advisory Committee, Building Inspector, Planning Board, Conservation Commission, Board of Health, Highway Surveyor, Police Chief and Fire Chief. The application and certificate of exemption shall be kept on file in the Select Board's office. A certificate of exemption shall expire 1 year from the date of issuance.
- E. If the quantity of earth material to be removed from a site is 500 cubic yards or less from a single lot held in separate ownership from the adjoining lots, the Earth Removal Inspector shall issue a certificate of exemption only if the final plan qualifies as an exemption under §134-10 of the Earth Removal By-law. The Inspector shall act on the request within 14 days of receipt of the application in the Select Board's office. The application and certificate of exemption shall be kept on file in the Select Board's office. A certificate of exemption shall expire 3 months from the date of issuance.
- F. Strict compliance with these regulations may be waived when, in the judgment of the Select Board, such action is in the public interest and not inconsistent with the intent of Chapter 134, Earth Removal.