



TOWN OF HOPKINTON

OFFICE OF THE PLANNING BOARD

TOWN HALL
18 MAIN STREET
HOPKINTON, MASS. 01748
(508) 497-9755

June 7, 2006

EARTH REMOVAL PERMIT

Application for an Earth Removal Permit submitted by Fletcher Granite Company, LLC, 534 Groton Road, Westford, MA, for removal of earth off **Lumber Street**, on land shown on Assessors Map R34 Block 16, Lot E.

The Planning Board held a duly noticed public hearing on the application submitted by Fletcher Granite Company, LLC (the "Applicant") for an Earth Removal Permit on May 8, 2006, continued to May 22, 2006 and June 5, 2006 pursuant to Chapter 96 of the Bylaws of the Town of Hopkinton, Earth Removal. The application proposed continuation of a granite quarry operation on a 16.5 acre site. The property is zoned Residence B and is located within the Water Resources Protection Overlay District. Previous Earth Removal Permits have been issued by the Town, with the most recent issued on May 13, 2004.

A waiver of the bylaw provision requiring a grade of 3:1 at the conclusion of the operation (Section 96-3. A.) was requested by the Applicant, due to the nature of a rock quarry with vertical face walls. A waiver of Section III B.6. of the Earth Removal Submission Requirements and Procedures Manual was requested, which requires the submission of an Environmental Impact Assessment. The Applicant stated that the quarry has been in operation in the present ownership for about 12 years and for many years before without substantial change in method of operation or adverse impact on the environment.

Comments and recommendations on the application were received by the Hopkinton Board of Health, Conservation Commission and Fay, Spofford & Thorndike, LLC, the Planning Board's consulting engineer. Issues raised in the correspondence received were discussed at the public hearing.

The Earth Removal bylaw, Section 96-6. B. contains the following Criteria for Issuance of Permits:

- A. The proposed earth removal conforms to the purpose of the bylaw.
- B. The earth removal operation on the permitted lot will not:
 - 1. Be injurious or dangerous to the public health or safety;
 - 2. Produce noise, dust, or other effects detrimental to the normal of adjacent property;

3. Have a material adverse effect on the health or safety of persons living in the neighborhood or on the use or amenities of adjacent land.
- C. The earth removal activity will not result in traffic conditions on roads in the area of the earth removal activity which will cause unsafe and dangerous conditions.
- D. The regulations contained in the bylaw will be complied with.

Findings and Votes of the Planning Board

After review of the information submitted and presented at the public hearing, the Planning Board voted at its meeting on June 5, 2006 to determine that the permit criteria contained in Section 96-6 of the Bylaw had been met, and to issue the Earth Removal Permit for the area shown on a plan entitled "Topographical Plan of Land" prepared by Guerriere & Halnon, Inc., dated January 2, 2004, with the following conditions:

1. The Applicant shall continue to maintain and periodically monitor the detention basin on the property in order to ensure it continues to be in good working order.
2. A permanent fence shall be maintained around the perimeter of the quarry, steel post and cables with wire mesh.
3. Proper and reasonable surface drainage shall be maintained at all times. There shall be no siltation, sedimentation or pollution of Echo Lake or the land owned by the Milford Water Company surrounding it.
4. At the conclusion of the operation or expiration of the permit, the whole area shall be covered with not less than 8 inches of loam and seeded with a suitable cover crop, except where ledge rock is exposed and the quarry itself, and all large stones and boulders which protrude above the finished grade shall be removed.
5. No debris or material shall be dumped into the quarry.
6. The hours of hauling on the public ways shall be limited to between the hours of 7:00 AM to 4:30 PM, Monday through Friday. Extreme caution and a slow rate of speed shall be exercised on the secondary streets, due to an increased number of homes in the area. A maximum of 3 loads per day may be removed, traveling Lumber St. in either direction.
7. The hours of operation at the site shall be 7:00 AM to 5:30 PM Monday through Friday, and 8:00 AM to 5:30 PM on Saturday. The Diamond Wire Saw may be operated beyond these hours unless a complaint is received by the Planning Board. If the Planning Board receives a complaint relative to the Saturday hours, the hours of operation on Saturday shall be changed to 8:00 AM to 1:00 PM. If complaints are received relative to use of the Diamond Wire Saw beyond the regular hours of operation, there shall be no further use of the saw beyond those hours. Use of a fuel and air torch is prohibited.

8. The period of quarry operation shall be from February 15 through November 30 each year. If the Planning Board receives a complaint relative to Saturday hours and the hours are eliminated, the operation shall be permitted year round without such restrictions.
9. The following truck routes shall be used when going to and from the site. The vehicle operators shall give due consideration to school bus traffic at all times.

From – Lumber St. to Granite St. to Hayden Rowe and south on Hayden Rowe;
To – North on Hayden Rowe to Granite St. to Lumber St.

From – Lumber St. southerly into Milford
To – Lumber St. northerly from Milford to the quarry.

10. The removal operation shall be restricted to the area shown on the plan entitled “Topographical” Plan of Land, prepared by Guerriere & Halnon, Inc., dated January 2, 2004.
11. The Applicant shall maintain the security of the area by placing large boulders in the road during periods when the quarry is not operated, or by means of a proper gate. During operation, a cable across the entrance will be acceptable.
12. The Applicant shall post a bond or make a deposit with the Town in the amount of \$12,000.00 to guarantee conformity with the provisions or conditions of the permit. The guarantee shall be deposited with the Town prior to commencement of operations under this permit. The Town may use the bond or deposit in the event that the Applicant does not comply with all of the terms and conditions of the permit and complete all restoration in a manner satisfactory to the Board and in accordance with the permit; significant public safety hazards exist which will not be addressed by the Applicant; or material environmental damage has resulted from the earth removal activity and remediation will not be addressed by the Applicant in a manner satisfactory to the Board.
13. In the event that any of the permit conditions are not faithfully observed and performed, the Board shall have the authority to revoke the permit at any time, in accordance with the provisions of the Earth Removal Bylaw.
14. The permit is not assignable.
15. The duration of the permit shall be June 7, 2006 to June 7, 2008.
16. No work shall commence under this permit until an Order of Conditions is received from the Conservation Commission, if a new Order of Conditions is necessary.

Mark A. Abate
Chairman

cc: Fletcher Granite Company, LLC

Fay, Spofford & Thorndike, Inc.
Town Clerk
Director of Municipal Inspections
Conservation Commission
Board of Health
Earth Removal Agent