



Town of South Hadley

PLANNING BOARD

TOWN HALL - 116 MAIN STREET
SOUTH HADLEY, MA 01075-2865
538-5011

(Mr. Ouelette picked up this copy)

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Town Planner

September 26, 2000

Mr. Leo Ouelette, President
Leo Concrete Service, Inc.
562 Prospect Street
Chicopee, MA 01020

RE: Earth Removal Permit for Map 54 - Parcel 20
(off Route 47 and Sullivan Lane)

Dear Mr. Ouelette:

The Planning Board has reviewed your request for an earth excavation permit to change the existing contour of property identified on Assessor's Map #54 as Parcel #20 and to reclaim/recontour adjacent land. Please be advised that the Planning Board has approved your application with the following conditions:

1. Referenced Materials and Terms: The applicant's application dated July 19, 2000 (including the two addendums) and the Plan of Land prepared by Durke, White, Towne and Chapdelaine dated June 24, 2000 (as updated August 30, 2000) are incorporated into and made part of this decision by reference. Said materials collectively are referred to as "the Approved Plan". Also incorporated into and made part of this decision are the minutes of the September 12, 2000 Planning Board meeting.
2. Duration of Permit: This permit is for five (5) years subject to possible revocation if the permittee is found to be in noncompliance with the conditions of this permit or with Section 7N6a on and/or Section 8(E) of the Zoning By-Law.
3. On-Site Monitoring Wells: In lieu of installing on-site monitoring wells, the permittee is to avoid damaging the existing wells identified on the approved plan. If any of

these wells are damaged, the permittee is to repair said damage such that the wells can continue to monitor ground water levels. Such repairs must be made within a time frame to be approved as part of the Planning Board's Annual or Special Review of the Permit. The Permittee does not hereby acknowledge permanent rights to or ownership of the wells by the Fire District.

4. Side Slopes: For the duration of the excavation permit and while the site is being excavated under a valid permit, the permittee must maintain side slopes no steeper than 2:1. Upon completion of the excavation work, the side slopes must be finished at a grade no steeper than 3:1.
5. Permit Fee: The total fee for excavation of Cell One is calculated to be \$18,700 based on a total quantity of 372,000 cubic yards. However, this permit is based on an estimated quantity of 200,000 cubic yards over the five year term of this permit. Accordingly, the permit fee is to be paid to the Town in the following manner:
 - a. In five equal payments of \$2,000.00 initially and at the time of Annual Review.
 - b. Prior to the fifth Annual Review (in year 2005), the permittee will provide the Town with his surveyor's calculation as to the quantity of earth which has been excavated based on a current survey of the site. If the quantity which has been excavated 1) is greater than 200,000 cubic yards, the permittee is to pay the Town a sum equal to the fee owed on the excess amount based on a rate of \$0.05 per cubic yard; or, 2) is less than 200,000 cubic yards, the Town will credit the excess amount already paid to the Town towards the future sums to be paid for an excavation permit on Cell One.
 - c. During the second five-year permit period (as authorized in item 6a below), the balance of the permit fee will continue to be paid at the rate of \$2,000.00 per year UNLESS the permittee does not proceed to excavate the site further or the Town and the permittee agree on a different amount based on a different quantity to be excavated in Cell One.
6. Future Permits To Be Granted: The Planning Board is presently granting only a five year permit for Cell One as delineated on the approved plan. However, the Board is committed to granting the following permits in the future:
 - a. A second five year permit to continue excavation in Cell One beginning in the year 2005 subject to the permittee adhering to the conditions specified herein; and,

- b. Excavation of Cell Two provided the conditions specified herein, especially the reclamation activities are satisfied.
- 7. Buffer: The permittee is to maintain an undisturbed buffer of no less than twenty (20) feet as shown on the approved plan.
- 8. Reclamation Standards: In undertaking the reclamation of the grandfathered (pre-existing pits) and both Cells One and Two, the permittee is to adhere to the following requirements:
 - a. Riverbottom soil for a depth of at least two (2) inches is to be supplemented by soil removed from the permitted area for a depth of no less than eight (8) inches.
 - b. Reclamation sites, after the aforementioned soil is applied, are to be seeded and used and maintained as hay fields.
 - c. No soil is to be removed from the excavation sites.
 - d. If bank erosion occurs, the permittee is to take necessary measures to properly stabilize the bank in a timely manner. Such measures and timetable may be established as part of the Board's Annual Review or a Special Review.
- 9. Reclamation Schedule: The permittee is to undertake the reclamation activities as follows:
 - a. At least ten (10) acres of the preexisting grandfathered pit area is to be reclaimed prior to any excavation beyond Cell One. The Permittee may maintain a sufficient area in the balance of the grandfathered pit area to provide the permittee with access to the active excavation area and some necessary equipment and storage area. (This reclamation remedies the Zoning violation which occurred when the applicant excavated a portion of Phase One without a permit.)
 - b. All of the excavated areas are to be reclaimed upon completion of Cells One and Two activities unless the Board has granted a permit to excavate any adjacent areas.
- 10. Delineation of Cell Boundaries: Prior to beginning excavation in Cell One under this permit, the permittee is to have the limits of Cell One delineated by a surveyor at no greater than two-hundred (200) feet intervals and at each change of direction. The delineation markers must be maintained at all times.
- 11. Limitation on Permitting Obligation: The Board is granting this permit and committing to issue future permits only in the areas identified on the Approved Plan as Cell One and Cell Two in Phase One. This permit does not convey in any way the

right or expectation that any other areas (including the area shown as "Future Earth Removal" on the Approved Plan) will be permitted. All areas beyond Phase One will be subject to the regulations in effect at the time an application is submitted to excavate such areas.

12. Not Transferable: This permit is not transferable to any entity for which Mr. Leo Ouelette is not the principal owner/operator. While a new permit subject to these same conditions will not be unreasonably withheld, the Board reserves the right to impose new conditions based on the new permittee's history and experience in the area and the industry.
13. Bond To Be Posted: A performance guarantee totaling two-thousand eight-hundred dollars (\$2,800.00) is to be placed with the Town of South Hadley as surety for the satisfactory compliance with Sections 7N6a. 1 & 2 and Section 8(E) of the Zoning By-Law. This guarantee, if in the form of a cash bond, is to be held in an interest-bearing account (interest to be for the Permittee).
14. Annual and Special Reviews: The permit is subject to a satisfactory Annual Review by the Planning Board to determine the permittee's continued compliance with the conditions of the permit and Zoning By-Law. If the Board determines the permittee is not in compliance or fails to pay the annual installment of the permit fee, the Board may suspend the permit until the permittee demonstrates compliance. The Board may also conduct more frequent Special Reviews if conditions so warrant.
15. Restrict Public Access: To fulfill the requirement of Section 7N6.a.1 of the Zoning By-Law, the permittee is to maintain the existing gated access.

The earth removal permit must be obtained at the Office of the Building Commissioner. Prior to commencing any excavation work, you must:

- a. Obtain the earth removal permit; and,
- b. Make the initial fee payment of \$2,000.00 (Condition #5); and,
- c. Post the performance guarantee of \$2,800.00 (Condition #13);
and,
- d. Have the limits of Cell One delineated at 200 foot intervals
(Condition #10).

Please note that we shall require and monitor for strict compliance with approved plan and conditions stated herein and in the Zoning By-Law.

This present permit approval is for a five year period; therefore, work is to be completed and the land brought to the predetermined grade on or before September 26, 2005. However, as provided for in the aforementioned conditions, the Board is committed to issuance of a subsequent permit to complete work in Cell One such that the deadline for completion can be further extended through September 26, 2010.

Joan B. Rosner
Joan Rosner, Chairman
South Hadley Planning Board

September 26, 2000
Date

RLH/JR/jp

cc: Pierre Van Belle, Building Commissioner
Bruce L. Leiter