

## TOWN OF UPTON BY-LAWS

### **TITLE 3** **LAND USE**

#### **Chapter 1** **Earth Removal**

**Section 1** The removal of soil, loam, sand or gravel from any parcel of land not in public use in the Town of Upton except as hereinafter provided, shall be allowed only after a written permit therefor is obtained from the Board of Selectmen after a public hearing of which due notice is given.

**Section 2** A permit shall be required for the operation of any parcel of land as a sand or gravel pit regardless of when said pit began operations; all sand or gravel pits operating without a permit at the time this by-law amendment takes effect shall obtain said permit within one hundred twenty (120) days of the date this by-law amendment takes effect.; and no permit shall be required for the removal of soil, loam, sand or gravel from any parcel of land when incidental to and in connection with the construction of a building on the parcel.

**Section 3** In issuing a permit under this bylaw, the Board of Selectmen may impose conditions not specifically provided for herein as it may seem necessary for the adequate protection of the neighborhood and the Town. Any conditions imposed by the Board shall be attached to and made a part of the permit. The Board may, in its discretion, require a bond, certified check or other security for compliance with said conditions or as evidence of good faith, as to the completion of any proposed construction. The Board may, after a public hearing on proof of violation of any condition, revoke any permits so issued. No permit shall be issued under the provisions of this bylaw for a period of more than three years.

**Section 4** (Removal of Sand and Gravel) Sand and gravel may be removed from any parcel of land, except within 300 feet of a street, or way, and the Board of Selectmen may issue a permit therefor provided, however, that the Board shall impose such reasonable conditions as to the disposition of top soil and the reestablishment of ground levels and grades as it may deem necessary.

**Section 5** (Removal of Soil or Loam) Soil or loam may be removed from any parcel of land within such parcel determined by the Board to be unsuitable to agricultural use, and the Board may issue a permit for such removal; provided, however, that the Board shall in making such decision, obtain the recommendation of the appropriate Soil District Supervisor and the County Extension Director or Agent, or their successors, and their recommendations shall be made a part of the records of the Board. In issuing a permit, the Board may impose reasonable conditions as to the re-establishment of ground levels and grades.

**Section 6** Notwithstanding the provisions of the above, the Board may issue a permit for the removal of soil or loam from any parcel of land in the Town where such removal is incidental to and in connection with the construction of a road or other facility involving a permanent change in the use of the land. The Board shall issue no such permit unless it is reasonably satisfied that the construction will be completed and evidence thereof shall be made a part of the records of the Board.

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Section 7 (Removal within 300 feet of Streets) Soil, loam, sand or gravel may be removed from any parcel of land within such parcel lying within 300 feet of any street or way, provided a permit therefor has been issued by the Board after satisfactory evidence that such removal will not be seriously detrimental or injurious to the neighborhood; provided further that the Board shall impose reasonable conditions as to the method of removal, the re-establishment of ground levels and grades and the planting of the area to suitable cover, as it may seem necessary.

Section 8 A new road taking shall not be less than forty (40) feet in width and the roadway itself be not less than twenty (20) feet in width, with at least one (1) foot depth of good gravel on the surface.

### **Chapter 2 Zoning - Under separate cover**

### **Chapter 3 Motor Vehicle Storage**

No person shall suffer or permit two or more unregistered motor vehicles, or parts thereof, to remain on his premises and no person shall suffer or permit any unregistered or disabled motor vehicle, or parts thereof, to remain within 100 feet of any public way, unless a written permit be issued therefor by the Board of Selectmen. Said permit shall not be required for vehicles, or parts thereof, stored or garaged inside buildings.

### **Chapter 4 Public Way Access, Closing, Construction, Excavation**

Section 1 Except as otherwise provided by law no driveway or other access to a public way shall be constructed, and no other opening or closing, obstruction, construction, or excavation of, upon, along, over, under, or across a public way shall be made, except by written permit issued by the Road Commissioner.

Section 2 In issuing a permit under this by-law, the Road Commissioner may impose conditions regarding specifications for work and materials, liability and other insurance, or any other conditions, not specifically provided for herein, that in his judgment are necessary for adequate protection of the public way, the neighborhood, the public, or the Town. The Road Commissioner may require a bond, certified check or other security, to insure compliance with said conditions. All such conditions, and any such requirements for security, shall be attached to and made a part of the permit. All permit applications are to be made on forms provided by the Road Commissioner.

Section 3 Additional requirements as to driveways and other access:

No building permit shall be issued for the construction of any dwelling or other structure until the proposed location, composition, construction and grade of the driveway or other access pertaining thereto are approved in writing, on the application for said building permit, by the Road Commissioner; and no permit for the occupancy of any such dwelling or other structure shall be issued unless the