

ARLINGTON TOWN MEETING
Special Town Meeting of October 2016

Substitute Motion for Article 10

I move the following substitute motion:

VOTED to amend the Zoning Bylaw, Section 11.03, in the following manner:

By inserting in the present text the word *or* between *sand* and *gravel* and deleting the words *quarry stone*; and

By adding the following words: *No quarry stone, rock, or ledge shall be removed except by permission of the ZBA, except for field stones, small boulders, and rocks which may be removed without the use of ram hoes, jackhammers, or other heavy equipment. Before granting such permission the ZBA shall receive, as part of the application, a site plan of the proposed work and hold a public hearing, notice of which shall be given (at petitioner's expense) to all property owners and residents within a 600 foot radius of the site. In granting permission for the removal of such quarry stone, rock, or ledge, the ZBA may impose such requirements as will give appropriate weight to the right of those affected to the quiet enjoyment of their homes. Notwithstanding the foregoing the ZBA may issue a permit without notice or a public hearing in these limited circumstances:*

(a) 50 cubic yards or less are to be removed, and/or

(b) the work can be done in one 8-hour day (or on several days for a total of not more than 8 hours.

For purposes of this section "permission" shall mean issuance of a special permit.

So that said section, as amended, will read as follows:

**Section 11.03 – Removal of Sand,
Gravel, Quarry, or Other Earth Materials**

No sod, loam, sand, or gravel shall be removed for sale (except when incidental to and in conformity with the construction of a building for which a permit has been issued in accordance with the Building Laws) except by permission of the ZBA. No quarry stone, rock, or ledge shall be removed except by permission of the ZBA, except for field stones, small boulders, and rocks which are to be removed without the use of ram hoes, pile drivers, jackhammers, or other heavy equipment. Before granting such permission the ZBA shall receive as part of the application a site plan of the proposed work and hold a public hearing, notice of which shall be given (at petitioner's expense) to all property owners and residents within a 600 foot radius of the site. In granting permission for the removal of such quarry stone, rock, or ledge, the ZBA may impose such requirements as will give appropriate weight to the right of those affected to the quiet enjoyment of their homes. Notwithstanding the foregoing, the ZBA may issue a permit without notice or a public hearing in these limited circumstances:

(a) 50 cubic yards or less are to be removed, and/or

(b) the work can be done in one 8-hour day (or on several days for a total of not more than 8 hours.
For purposes of this section “permission” shall mean issuance of a special permit.

Submitted by

John L. Worden III
Town Meeting Member,
Precinct 8

October 19, 2016