

144-40 Excavation of earth products; Ponds

A. Excavation of earth products.

1.) Mining is prohibited in the Town of Hartland. No person shall strip, excavate, mine or otherwise remove, in any use district, soil, gravel, fill, or an earth product from the soil, except as required for the construction or alteration of buildings, structures, roads or infrastructures on the premises and excavation and/ or grading incidental thereto, or the construction of ponds in conformance with Subsection B.

2.) No such materials shall be removed from the premises, provided that where an approved residential, commercial or industrial building or development, other than the construction of ponds, requires more soil removal than can be utilized on or integrated into the premises or the subdivision in which it is located, as determined by the Planning Board, soil may be trucked off site after all requirements of the site are met. No such material shall be removed for sale or resale.

B. Regulations and restrictions applying to ponds

1.) Restrictions. No pond shall be constructed in the Town of Hartland except in conformance with this section and after obtaining a special use permit in accordance with the provisions of this section and such additional requirements as shall be determined by the Planning Board.

2.) Definitions. As used herein, the following terms shall have the meanings indicated:

Pond-any man made body of water, with a surface area greater than 100 square feet and/or a depth of more than 18 inches, except:

a.) Concrete or prefabricated swimming pools;

b.) Prefabricated or concrete decorative basins less than 18 inches in depth;

c.) Drainage retention or detention ponds specifies, necessary solely for drainage purposes, designed and/or approved as part of an approved site plan or subdivision development or otherwise mandated by the Town of Hartland.

3.) Districts where allowed. Ponds shall be constructed only in A (Agricultural), R-1 (One-Family Residential), and REC (Recreational) Districts.

4.) Dimensional Requirements; restrictions.

a.) Ponds may not be closer than 200 feet to any road right of way.

b.) Ponds shall not be closer than 100 feet to any property line.

c.) Ponds shall not be closer than 100 feet to any residential building.

d.) No pond shall be constructed in excess of two acres.

e.) No earth materials shall be removed from the premises on which the pond is constructed.

5.) Design standards; procedure.

a.) No pond shall be constructed without site plan approval by the Planning Board.

b.) All new ponds shall conform to the requirements of the Soil Conservation Service of the United States Department of Agriculture or its successor agency.

c.) The pond shall be designed by the SCS or by a licensed professional engineer.

d.) The site plan application shall be to scale and shall be accompanied by a pond design report meeting the following requirements:

1.) The report shall include site soil types and groundwater levels.

2.) The site plan shall reference SCS standards.

3.) The site plan shall indicate how the pond will maintain appropriate water depths.

4.) The site plan shall show any inflow or outflow piping / ditches and the location of any ditches, swales or watercourses on the site and shall detail side slopes.

5.) Any other information required by the Planning Board shall be included.

6.) Maintenance. All ponds shall be maintained so as to assure that they do not become offensive to neighboring properties by reason of stagnation, algae, and mosquito breeding and similar conditions.

C. The provisions of this 144-40 shall not apply to premises used solely to supply earth material to the Town of Hartland for Town purposes.