



TOWN OF SOUTHAMPTON

Southampton, Massachusetts 01073

Board of Health

BOARD OF HEALTH REGULATIONS

for the

USE OF EXPLOSIVES TO BREAK UP AND REMOVE ROCK OR ANY OTHER SUBSTANCE WITHIN THE TOWN OF SOUTHAMPTON

(Enacted May 23, 1995)

Any person or entity who wishes to use explosives to break up and remove rock or any other substance within the town of Southampton must first obtain a jointly-issued Permit from the Southampton Board of Health and the Southampton Fire Department. **No blasting shall be conducted within the Town of Southampton boundaries without first obtaining said jointly-issued Permit** to which will be appended an Order of Conditions prepared and issued by the Southampton Board of Health and the Southampton Fire Department which shall bind the Applicant to its terms and conditions throughout the full duration of the blasting activity.

The Applicant shall apply for the permit by letter, which shall include the name, experience, and qualifications on the Applicant to conduct the blasting activity, and include with the application a Blasting Plan for review and approval prior to issuance of the Permit and commencement of blasting. The Plan shall, at a minimum, contain the following:

- A. A 40-scale (or larger scale for street crossings and detailed work) plan showing the area location of all blasting and depth of ledge to be blasted at each location, including copies of any boring logs and test pit information which may be available.
- B. Volume of ledge to be removed from each location and means of final disposal of the ledge materials removed from the site(s).
- C. Detailed provisions for protective measures which will be taken by the Applicant and his Contractor to ensure that there will be no damage to existing public utilities or to private property (including but not limited to private potable well water supplies and building foundations) resulting from the blasting activity.

- D. Locations of seismographs, which shall be required during all blasting.
- E. Copy of public legal notice which shall be placed twice in the Daily Hampshire Gazette and the Springfield Union, Hampshire Edition; allowing at least seven days' interval between notices in each newspaper; and the second notice appearing at least seven days prior to blasting.
- F. Location on the Plan of all abutting properties with names and mailing addresses of all abutters.
- G. Copy of warning advisory letter which must be issued to all abutters by certified mail at least seven days prior to blasting; and to any other nearby property owners who, in the opinion of either the Applicant or the Southampton Board of Health and/or the Southampton Fire Department may be potentially adversely affected by the blasting activity.
- H. Copy of prior-day warning notice which must be issued to all parties described in "Item G" above. Said notice shall be issued to all subject property owners within 24 hours of blasting any given section of the work.
- I. Copies of any and all other communications (not specifically listed above) between the Applicant and potentially affected property owners.
- J. Format for public hearing on the Permit if a public hearing is deemed in the best interest of the residents of the Town, as determined by the Southampton Board of Health and/or the Southampton Fire Department. In determining whether to hold a public hearing, the Board and/or Department shall consider at a minimum, the size and location of the area to be blasted, the expected duration of the blasting operations, and the proximity of residential or other sensitive areas.

Approval of the Blasting Plan and issuance of the Permit by the Southampton Board of Health and the Southampton Fire Department shall not in any way relieve the Applicant and/or his Contractor from responsibility for damage to public or private property. The Applicant and/or his Contractor shall repair any and all such damage which may occur as the result of blasting, and shall, in a timely manner, restore said property to its original condition at no cost to the Town of Southampton or its inhabitants; and shall compensate the Town and/or its inhabitants for any associated losses or damages incurred as the result of the blasting.

The Applicant shall indemnify and hold the Town of Southampton harmless for any damages which may occur as the result of the blasting activity and shall provide three certified copies of insurance certificates (including the required "hold harmless" clause) in the dollar amounts of coverage required by the Southampton Board of Health and the Southampton Fire Department. The Town of Southampton also reserves the right to require a surety or performance bond

from the Applicant in an amount deemed by the Southampton Board of Health and the Southampton Fire Department to be sufficient to secure the costs of potential damages resulting from the blasting activity.

It shall be the Applicant's responsibility, as part of the blasting Plan, to determine, document, and establish the pre-existing condition of any and all public and private property prior to blasting if he wishes to contest the cause of claimed damages. In the absence of such pre-existing condition information, the damage claimed by the Town and/or its inhabitants shall be presumed to be caused by the blasting activity. Copies of all such pre-existing condition information, including but not limited to well water analyses, videotapes, etc., shall be provided to the Southampton Board of Health and the Southampton Fire Department prior to blasting.

Any and all expenses incurred by the Town or its inhabitants in processing damage claims, including legal, engineering, and other professional or technical service costs, shall be considered part of the damages and shall be paid for by the Applicant.

Careless or improper use of explosives or failure to immediately repair damages shall result in an Order to cease and desist further work and shall result in termination of the Permit.

The Southampton Board of Health and the Southampton Fire Department shall require an application fee which shall be set to cover the Town's estimated cost of monitoring the blasting activity to the extent deemed necessary. Any additional inspection and/or testing services necessary to ensure compliance with these requirements which are not included in the application fee shall also be paid by the Applicant to the Town of Southampton within thirty (30) calendar days of the Town's issuance of an expense voucher.

These regulations are in addition to, and not in replacement of, any applicable blasting regulations of the Commonwealth of Massachusetts or the federal government. Compliance with these regulations shall in no way relieve an applicant from compliance with such other regulations, including, but not limited to, the provisions of Chapter 148 of the General Laws and the regulations of the Board of Fire Prevention Regulations at 527 CMR 13.00, as the same may be amended from time to time.



TOWN OF SOUTHAMPTON

Southampton, Massachusetts 01073

Board of Health

BLASTING PERMIT APPLICATION NO. _____

PERMIT FEE: (To be set by Town after review of Application, based on estimated costs) \$ _____

ISSUING AUTHORITY: Southampton Board of Health and Southampton Fire Department

NAME OF APPLICANT: _____

ADDRESS OF APPLICANT: _____

TELEPHONE NUMBER: _____

DATE OF APPLICATION: _____

DURATION OF ACTIVITY: FROM _____ TO _____

QUALIFICATIONS: (ATTACHED)

BLASTING PLAN CHECKLIST: (To be completed by Applicant)

ITEM NO.	PLAN ITEM (Included as attachment to Application)	INCLUDED	MISSING
1	PLAN SHEETS OF BLASTING AREA WITH SUITABLE DETAIL		
2	LOCATION OF ALL ABUTTERS ON PLAN		
3	NAMES & MAILING ADDRESSES OF ALL ABUTTERS ON PLAN		
4	BORING LOGS AND LOCATIONS ON PLAN SHEETS		
5	TEST PIT INFORMATION AND LOCATIONS ON PLAN SHEETS		
6	VOLUME OF MATERIAL TO BE REMOVED (CUBIC YARDS)		
7	DISPOSAL MEANS OF MATERIAL REMOVED		
8	PROTECTIVE MEASURES TAKEN TO PREVENT DAMAGE		
9	SEISMOGRAPH LOCATION SHOWN ON PLAN SHEETS		
10	COPY OF LEGAL NOTICE TO BE PUBLISHED		
11	COPY OF CERTIFIED MAILING TO ALL ABUTTERS		
12	COPY OF PRIOR DAY WARNING NOTICE TO ABUTTERS		
13	OTHER COMMUNICATIONS WITH PROPERTY OWNERS		
14	PUBLIC HEARING PRESENTATION FORMAT (IF REQUIRED)		
15	CERTIFIED COPIES OF INSURANCE CERTIFICATES		
16	"HOLD HARMLESS" INCLUDED ON INSURANCE CERTIFICATE		
17	PRE-EXISTING CONDITION-VIDEOTAPES (TWO SETS)		
18	PRE-EXISTING WELL WATER ANALYSES (TWO SETS)		
19	OTHER UNLISTED BLASTING PLAN INCLUSIONS		

PERMIT ISSUANCE:

By affixing his/her signature below, the Applicant agrees to all terms, conditions, fees, and compliance with all applicable laws, rules, and regulations; including but not limited to the BOARD OF HEALTH REGULATIONS for the USE OF EXPLOSIVES TO BREAK UP AND REMOVE ROCK OR ANY OTHER SUBSTANCE WITHIN THE TOWN OF SOUTHAMPTON Enacted May 23, 1995:

Signature

Title

BOARD OF HEALTH: _____

FIRE DEPARTMENT: _____