



## TOWN OF STERLING

### Earth Removal Board

Butterick Municipal Building, Room 202 5:30 p.m.

November 21, 2019

Present: Chairman John Kilcoyne, Dee Rich, Craig Miller

Absent: Mike Rivers

Non-Member Attendee: John Calcia, applicant.

### **Minutes from the Meeting**

*Meeting was called to order at 5:30 p.m.*

**Applicant:** Scott Hammond, represented by John Calcia for property at 31 Holden Road

Legal notices have been posted. We needed to advise the abutters and the abutters have been notified. Applicant needs to settle up with the Treasurer \$250 and a separate cost of \$4.80 for postage. He also needs to confirm with the Conservation Commission and have one more meeting with the Zoning Board regarding a variance. He plans to talk with the Building Inspector regarding any concerns the DCR might have.

### **Earth Removal Bylaw Discussion**

63-4 (A) "Any earth removal of less than an aggregate of 1,000 cubic yards in situ on a single lot within any 10 year period...." The bylaw committee's response is that the time frame is based on the date when an applicant gets an approval (a permit), as of that date, they have 5 years to complete the earth removal.

63-6 (D) The word "documentation" is being used to replace the words "traffic study".

63-7 (A) The Bylaw Committee unanimously agreed to leave out the term wild life since it is addressed in 63-7 (E).

63-11 (A) "As a condition of receiving a permit, the applicant authorizes the PGA and/or its engineering consultant to enter on the site to conduct inspections on behalf of the PGA. The PGA and/or its engineering consultant shall contact the applicant in advance to arrange such inspections." Ms. Rich's concern is that, since the applicant has been notified that an inspector is coming, the applicant could make changes to conform with the bylaw only to reverse these changes later. After much discussion, the Bylaw Committee agreed that due to issues over the privacy of ownership of property, the verbiage will remain as originally written.

Ms. Rich suggested that maybe a 24-hour notification might solve the problem? Mr. Kilcoyne will bring the suggestion back to the Bylaw Committee.

63-11C The verbiage regarding penalties is taken from the law: MGL Chapter 40, Section 21, Paragraph 17. It cannot be changed.

### **Approval of 10/24/19 Meeting Minutes**

Craig Miller moved to accept the October 24, 2019 meeting minutes. Dee Rich seconded and the vote was unanimous to accept.

### **Earth Removal Application Procedural Guidelines**

Patty Page from the Building Department provided Chairman Kilcoyne with an “Earth Removal Application Procedural Guidelines”. Once we know it is accurate, we can publish it. If the meeting members want to add anything to it let Mr. Kilcoyne know. The guidelines are in-depth and complex but needed for applicants to understand the steps required for earth removal projects.

The meeting was adjourned at 6:10 p.m.

**The next meeting:** Tuesday, Thursday, January 16, 2020 at 6:00 p. m. to discuss the Earth Removal Bylaw and the Procedural Guidelines