

Town of Sterling
Earth Removal Board
Meeting Minutes 02/15/2019

Chairman Rivers called the meeting to order at 6:05pm followed by The Pledge of Allegiance

Members present: Rivers, Rich, Mosley, Philpot

Members Absent: Kilcoyne

Chairman Rivers commented meeting is subject to recording, Rivers and Mosley recording.

Motion to approve the agenda was made and seconded, unanimous vote to approve.

TAKE ACTION ON ONE YEAR RENEWAL OF EARTH REMOVAL PERMIT FOR 69 LEOMINISTER RD.

Rivers commented that there are no complaints on the site that the board is aware of. Mr. Philpot commented a site walk was made several years ago and there has not been a lot of activity on the site.

The renewal conditions are the same as the conditions approved the previous year, renewal fee is supposed to have been paid by the applicant.

Motion made by Philpot to approve renewal of permit from 3/19/2019 thru 3/18/2020, second by Mosley, approved unanimously.

REVIEW COMPLAINT FROM CURTE PLANTE-EBAN REALTY REGARDING EARTH REMOVAL PERMIT FOR PROJECT PERMITTED TO ANN DESMARAIS FOR PROPERTY LOCATED AT "OFF LEOMINISTER ROAD".

Neither the permit holder or complainant attended the meeting, both were invited but both were out of state.

Mr. Plante filed a complaint asking for a cease and desist order on the site during the recent heavy rains. Runoff from the permitted site was running onto Mr. Plante's property causing ponding water in his parking lot. Both Mr. Philpot and Mr. Rivers went to the site to observe the situation.

Rivers and Philpot agree that the combination of rain, snow melt and frozen ground caused the runoff. Additionally Mr. Philpot noted that Mr Plante's property is lower than the permitted property. Mr Plante stated in the complaint that this had happened several times over the last few years.

The permit holder was very responsive to the issue. They dispatched equipment to break the ice off the detention pond so it could hold more water and discharge appropriately. They also plan to build a berm to better manage heavy water flow when it occurs.

UPDATES ON 38 CLINTON ROAD PERMIT

Ms Rich recused herself as a board member for this discussion, she remained as a member of the public audience. Mr. Foley was invited to attend the meeting but he did not attend.

Mr. Rivers stated there is no update on the outstanding law suit. The board is waiting to hear if there are any issues.

The board is waiting on the report from the geotechnical engineer defining what areas of the site will be loamed and which areas are not suitable for loam. Mr. Foley told Mr. Rivers he might have that in March.

Delores Rich, 60 Clinton Rd commented from the audience that at least 7 different companies were hauling material from the site. She was concerned that it would be difficult to get an accurate accounting of material removed with so many companies. Mr. Rivers stated that the permit holder is not required to stipulate how much material is being removed by truck.

Mr. Rivers stated the Sterling Police were aware work had resumed but he stated the traffic plan is "questionable" with regards to management by the police. One abutter has commented that he had an issue with trucking but did want to file a formal complaint.

Delores Rich, 60 Clinton Rd., commented that there was framing work on the structure after hours. Mr. Rivers stated work on the structure is not under the control of the committee, only earth removal work is the responsibility of the committee. Ms. Rich said the swale added to the property had helped with water runoff onto her property.

APPROVAL OF PAST MINUTES

There was minor change to the minutes of the December 5th meeting. Motion and second to approve the updated minutes, vote was unanimous with Philpot abstaining.

UPDATES and CORRESPONDENCE

Rivers commented on some issues with communication within town hall. He sent an invitation to the Board of Selectman to meet and discuss the communication issues and public records request; response from the BoS was that they were too busy to meet. Mr. Rivers stated there was no response to date from the BoS on the Public Records Request. There was concern expressed that BoS was meeting on legal issues regarding ERB without ERB representation. Mr. Philpot stated that he believed meeting without subject of litigation present is in violation of the Open Meeting Law unless subject of litigation chooses not to attend.

The board reviewed the publicly available minutes from several BoS public and executive sessions that pertained to the ERB litigation that was pending at the time. Mr. Rivers and Mr. Philpot expressed concern with the BoS and Town Administrator intervening in issues pertaining to the ERB.

Mr. Rivers asked the committee approval to file another PRR regarding the BoS meetings and setting up and actions of the ERB By-law Review Committee. A motion was made and seconded to authorize Mr.

Rivers to seek whatever information necessary regarding the 38 Clinton Road project and the ERB review committee actions. vote to approve was unanimous.

Board discussed sending a letter to BoS requesting they formally approve BoS representative to the ERB. Motion was made and seconded, vote to approve was unanimous.

The board briefly discussed the draft of the new earth removal by law and comparison to the existing law and the original draft of changes to the by law developed prior to the creation of the ERB By-law Review Committee. There was discussion of the issues associated with a new by law being in the protective vs general by laws.

Motion to adjourn was made and seconded at 7:17, vote to approve was unanimous.