

Town of Sterling

Earth Removal Board

Meeting Minutes August 6, 2015

Meeting was called to order by Russ Philpot at 10:00 am. Board members attending were Russ Philpot, Mike Pineo, Bob Cutler and David Mosley (alternate).

After the Pledge of Allegiance, Mr. Philpot led a discussion of the board members regarding the renewal of an earth removal permit for Rockbreakers LLC. Mr. Philpot discussed the legislation regarding renewals that allowed permits to be extended for up to 4 years as long as there were no changes to the basis of the permit. When Rockbreakers LLC bought the property they were told by the town that the earth removal permit fell under this legislature and was extended until 2016. M. Philpot read a letter from town counsel stating that when Rockbreakers LLC bought the property in 2014 they should have applied for a new permit under their name.

Mr. Compobosso, representing Rockbreakers LLC, was present at the meeting. Mr. Philpot commented that he and Mr. Compobosso are friends. Mr. Compobosso stated that Rockbreakers LLC is in the process of constructing buildings on the property and in order to get financing they need a valid earth removal permit.

Mr. Philpot reviewed condition 10 for earth removal permits which states that if contractor or owner changes a new permit must be applied for. Legal counsel has determined that the current permit, issued to Rockbreakers LLC as owner and contractor, can be extended until 2016 for the \$25 fee; a new permit must be applied for in 2016. Permit would be for the removal of soil, loam and rock.

Motion was moved by Mr Pineo to extend the current permit with all existing conditions , second by Mr. Cutler, vote to approve was unanimous.

Mr. Philpot entertained a question from the audience, Mr. Foley, regarding how does the public communicate with the board. He answered by saying the board meets as needed and that communication to the board should be made through the Town Administrators office. The board is working with the Town Adminstrators office to get this information on the website. Since there is a requirement that meeting notices for the ERB be posted two weeks in advance, it will usually be about 3 weeks from the point in time the board is aware of the need for a meeting and the meeting being held.

Mr. Foley also asked about the appointment of board members, commenting that the town website says the members are appointed by the selectmen. Mr. Philpot stated that the website is incorrect. Three, board members are appointed by the town committees they represent, the two members from the public are selected by the three committee selected members.

At 10:30 Mr. Philpot begin hearing two regarding the application for permit by Cutler Brothers LLC for the removal of sand and subsoil from 96-102 Leominster road and 49 Laurelwood road in order to bring the property to grade.

Board member Bob Cutler recused himself, selectman Maureen Cranson replaced him. Documentation for the notice to abutters was provide to Ms. Cranson. She confirmed that was consistent with the list of abutters.

Cutler Brothers LLC representative commented that the property is zoned commercial. The expect approximately 1500 yards of material to be removed via route 12.

Mr. Philpot commented that because the property is zoned commercial instead of light industrial, a variance must be obtained from the zoning board of appeals before an earth removal permit can be issued. Cutler Brothers asked for a continuance of the hearing to a later date.

Mr. Pineo moved for a continuance, second by Ms. Cranson, vote to approve was unanimous.

Meeting was adjourned at 10:40 am.