

Town of Sterling
Earth Removal Board
Meeting Minutes 8/16/17

Members Present: Russell Philpot, Chairman, Michael Pineo, Vice-Chair, John Kilcoyne, Clerk, Mike Rivers, Dolores Rich (arrived shortly after start of meeting).

Agenda:

- 1) Chairman Philpot opened meeting and hearing for a new permit at 8:05 AM.
- 2) Robert Berube was present and spoke briefly about his project. He indicated the project was being worked during the normal hours permitted, dust controls were in place and he was aware of his obligations to the neighborhood and Town.

Shawn Francis from the neighborhood spoke on his groundwater concerns, mainly that if 2 to 3 feet of topsoil were removed it could contaminate the aquifer.

Roger Williams, a neighbor, also spoke on old cars which were on the site and have been removed. He indicated that 1,000 yards of soil have been removed with 10,000 to 15,000 yards still to go. He also said there was too much noise.

A proposed remedy to the dust was to spread road grindings on the ground at the construction entrance.

Jim Magay, another neighbor indicated that the noise was a pain starting from 6 to 7 am and into the day and that the rock hammer causes most of the noise.

Peder Peterson spoke and reminded the board that the applicant is required to send certified notice to all abutters within 300 feet of property being worked on. Notices were provided with the certified mail from the list of abutters provided from assessors office.

Mr. Kilcoyne mentioned the letter from the building inspector, which Mr. Berube addressed and indicated he is removing imported material in compliance with the letter.

Mr. Rivers brought up groundwater issue which was addressed by the Chair and Mr. Pineo regarding groundwater requirements.

General discussion took place on mitigation measures for the noise and dust and to a lesser degree the groundwater issue.

The following limitations were proposed and agreed to by Mr. Berube:

- Trucking only on Saturdays,
- Owner will address noise issues and dust issues using road grindings,
- Owner to communicate to drivers to keep the speed to a minimum at all times,
- Other conditions will be adhered to as specified in the permit.

- J. Kilcoyne moved to accept permit request, second by R. Philpot, **vote unanimous**, with Ms. Rich abstaining.
- 3) Ann DeMarais Permit Item. A courtesy letter for permit renewals was sent to Ms. DeMarais, so she was not present today and action on the request was postponed.
- 4) 38 Clinton Road Item. Dolores Rich recused herself from this discussion. At previous meeting a “trespass” complaint was made by Ms. Rich with supporting photos and a letter from a local surveyor, Ross & Associates. Ms. Rich of 60 Clinton Road provided the board with the above items.

Discussion followed on the history of the project and the current trespass violations and what to do about the rocks causing the violation. Other items discussed were poor lot markings and alleged storm water runoff on to the neighbor's property.

The Board decided that the following requirements would be needed to be made by the owner:

- a) Buffer zone fencing with 5 foot setback and 4 foot height,
- b) Better lot line markings,
 - c) Staking out the septic systems, and
 - d) Remove the rocks from the abutter's property/trespass issue.

The Chairman will write a letter listing the above requirements to the owner, which if not met with a reasonable time frame still to be determined, the project will be suspended until such requirements are met to the satisfaction of the Board.

M. Pineo moved to approve the requirements, J. Kilcoyne second, **vote unanimous** with Ms. Rich abstaining.

- 5) Ms. Rich returned to the Board for duration of meeting.
- 6) Meeting adjourned at 10:12 AM, no new meeting date set.

Submitted by: John Kilcoyne, Clerk