

TOWN OF STERLING
Earth Removal Bylaw Review Committee
September 17, 2019

Present: Shaun Francis, Carl Corrine, Domenica Tatasciore & Sarah Culgin

Absent: Jeff Donaldson & Matt Marro

Minutes from the Meeting

Meeting was called to order at 2:00 p.m.

The Minutes for August 27, 2019 meetings were tabled to the next meeting.

Attendee Patrick Fox addressed the Committee and spoke as a resident and not in his capacity as Chair of the ZBA. From his review of the ERBRC's draft, he recommends the following:

- That the Permit Granting Authority be the Board of Selectmen;
- Remove the conflicting and confusion provision of the Protective Bylaw's Section 6.2.2.2.a.4. pertaining to Use Variances as the criteria for the Findings of Fact can rarely be satisfied in addition to earth removal operations in the use table and definition;
- Rethink the 1,000 cubic yard threshold;
- Revisit the violation section in addition to the statute limitations on violation fees;
- Rework language dealing with grandfathered mining/quarrying operations.

Attendee Joe Curtin addressed the Committee and spoke as a resident and not in his capacity as Vice Chair of the ZBA or a member of the Sterling Municipal Light Board. Mr. Curtin provided the Committee with an overview of the draft earth removal bylaw history and evolution and discussed his draft version of the bylaw, which the Committee is in receipt of.

From his review of the ERBRC's draft, he recommends the following:

- Difficulty and confusion regarding Protective Bylaw's Section 6.2.2.2.a.4. pertaining to Use Variances as the criteria for the Findings of Fact;
- Consideration of a maximum cubic yard limit for earth removal, but noted the reality that each site is unique;
- The proposed Performance Standards are not quantifiable;
- The wording of earth movement between contiguous lots was confusing;
- Review of §63-7 I. of the draft bylaw regarding the depth of the existing seasonal high groundwater table (4 ft. vs. 8 ft.);
- Rethink the 1,000 cubic yard threshold;

- Limiting the amount of time (ie. 12 months) where earth removal is permissible in certain zoning districts, such as Neighborhood Residential.

The Committee discussed the location of the earth removal bylaw being in the General Bylaw versus the Protective Bylaw and Ms. Culgin mentioned that its continued placement in the General Bylaw was supported by Town Counsel.

The cubic yard threshold was discussed by Ms. Culgin, Mr. Corrine and Mr. Francis and they agreed that this would be brought up as a discussion point at the next meeting.

Ms. Tatasciore posed the question of if the Performance Standards would instead be reworked into a Project Impact Report. It is for the ERBRC's consideration.

Mr. Francis told the Committee that he had a discussion with Steve Powell of Powell Stone & Gravel and his recommendation was that the Committee consider adding a section to include the maximum number of acres that could be worked on at one time. He instructed Mr. Francis that the typical number is around 5 acres.

The Committee acknowledged receipt of two draft bylaw versions written by Jim Gettens and Joe Curtin, independently, for their review and consideration.

Date and time for next meeting: Tuesday, October 1, 2019 at 2:00 p. m.

The meeting was adjourned at 3:45 p.m.