

TOWN OF STERLING
Earth Removal Bylaw Review Committee
November 19, 2019

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

Barbara O'Connor attended, as minute taker.

Absent: Matt Marro and Jeff Donaldson

Non-member attendee: John Kilcoyne

Minutes from the Meeting

Meeting was called to order at 2:15 p.m.

Mr. Corrine moved to accept the minutes of the October 29, 2019 meeting, Mr. Francis seconded, all approved.

Ms. Tatasciore brought in pictures of tri-axel dump trucks which might be used at the town meeting to help people visualize what 1,000 cubic yards looks like.

The Committee agreed that the "Organization and Administration" item on the agenda would be postponed to the following meeting.

Discussion regarding responses to an email from Dee Rich, member of Earth Removal Board:

63-4A: "Earth removal of less than an aggregate of 1,000 cubic yards in situ on a single lot within any five year period (5)"

The Committee's response is that the time frame is based from the applicant's permit approval date; they then have 5 years to complete the earth removal project.

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

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

63-11A: "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 the applicant could make

changes to conform with the bylaw only to reverse these changes later. After much discussion, it was agreed that due to issues regarding liability on private property, the verbiage will remain as originally written.

63-11C: The verbiage regarding penalties is taken from the law: MGL Chapter 40, Section 21, Paragraph 17 clearly stipulates the fee schedule and it cannot be changed.

Discussion regarding responses to other email questions

“What about repeat applications for UP TO 1000 cubic yards under the current bylaw?”

Mr. Corrine responded that the conditions of the new permit will be based on the conditions of the original permit, notwithstanding any objections from the Board of Selectmen.

Permits requiring renewal would come before the Board of Selectmen (PGA). If 5 years have passed and the earth removal project has not been complete, if there are no changes to the original plan, there is no need for a public hearing.

Further discussion on this topic are found in Section 63-8-C-8.

TOPICS FOR NEXT 2 MEETINGS:

1. A Procedural Guideline List was drafted to navigate the existing earth removal bylaw process for applicants to follow. John Kilcoyne stated that the Procedural List for earth removal is very useful and must coincide with the wording of the Earth Removal Bylaw.
2. The topic of fire ponds from an email was postponed to the following meeting in order to obtain Matt Marro's input on the subject.
3. Another comment sheet regarding sections of the bylaw will also be discussed at the following meeting.

The meeting was adjourned at 3:10 p.m.

The next meeting: Tuesday, December 3 & December 17, 2019 at 2:00 p. m.