

Town of Sterling

Earth Removal Board

Meeting Minutes 06/18/2019

Chairman Rivers called the meeting to order at approximately 6:30pm followed by The Pledge of Allegiance

Members present: Rivers, Kilcoyne, Mosley, Rich, Miller

Members Absent: None

Chairman Rivers commented meeting is subject to recording, Mosley recording for purposes of minutes, Mr. Rivers also recording.

Rivers commented it was time to reorganize the board. He moved that Mr. Kilcoyne become chairman, Rivers vice-chairman and Mosely will continue to be responsible for taking minutes. Mosley seconded the motion, vote to approve was unanimous.

Mr. Kilcoyne took over as chairman.

DISCUSSION of 68 HEYWOOD ROAD.

Kilcoyne reviewed the recent email correspondence regarding whether or not a variance from ZBA was required for this site. At the last meeting he commented that we would ask town counsel their opinion regarding the need. Carolyn Murry's email indicated that although the by-laws are not totally clear, she did not think a variance was necessary because the site preparation is for a single family house and septic. A note from Ross Perry, who talked with Sarah Culgin, indicated she was comfortable with the opinion of counsel. However, she requestd a letter from Mr. Simpson's engineer stating that the earth removal is directly connected to the site preparation and construction of the single family dwelling. With that, Mr Perry's note said she would be comfortable saying a variance was not required.

Mr. Donaldson, representing abutters asked to see the original emails from Ms Murry and Ms Culgin. He was given a copy of Ms Murray's email and was informed the comments from Ms Culgin were via phone call with Ross Perry.

Mr. Simpson provided a letter from his engineer stating the removal of earth from the site is required for the construction of the single family dwelling.

Kilcoyne commented that one of the concerns of abutters is that the material is removed and the house never built. He asked if Mr. Simpson would consider posting a bond tied to completion of the project as a condition of the permit. Mr. Simpson said he would be willing to post a bond. He also commented that if earth removal was his main intent, he would have proposed a dwelling with a larger footprint but the house he is proposing is very simple.

Rivers commented that once complete, the elevation of the new house will be closer to the elevation of existing homes and terrain than it is now. He thinks what Mr. Simpson is trying to do makes sense as long as it gets completed.

Kilcoyne commented that the site needs a large amount of grading but the entire site is not being lowered. There was discussion about approval from National Grid still being required as it pertains to their easement through the property. Kilcoyne suggested that a condition be added to the permit that nothing can be done until the National Grid approval is received. Mr. Simpson said he was OK with the condition as long as it applied only to removal of material within the National Grid easement. That would mean he could remove material outside of the easement once this permit is granted.

Mr. Donaldson commented that does this mean none of this work can begin subject to the decision of the building inspector regarding the need for a variance. Kilcoyne commented correct.

Mr. Simpson stated he would be willing to shorten the term of the permit from a year to 5 months to reinforce his desire to complete the project. The board felt that since there is so much unknown with when National Grid approval timeframe the term of the permit should be the standard 1 year. Mr. Simpson commented that National Grid could require expensive site adjustments that might halt the project. He also commented that National Grid slope requirements are 2-1, same as the earth removal permit, and he intends to meet those requirements.

Mr. Simpson offered not to conduct work on Saturdays.

The permit application was reviewed. Mr. Simpson was willing to comply with all conditions except 5,11,13 and 14.

Rivers asked where is the site going to be below the abutters. Mr. Simpson showed on the plan where it is below the Donaldson property. Kilcoyne clarified that this is a condition of the permit, not part of the by-law. Rivers commented that that this condition was also waived for the 38 Clinton Road project.

Mr. Donaldson raised the issue of lateral submit and commented it is a civil action and that it will be pursued.

Rivers asked if any part of the site will be steeper than it was before. Mr. Simpson said no.

Mr. Simpson said the loam is being stockpiled.

The amount of the bond was discussed. The ERB has not requested bonds before so this is a new condition for the permit. The condition needs to be specific, but ERB has no one to establish the amount. Rivers asked if \$20,00 was reasonable, Mr Simpson agreed and the other board members thought that was agreeable.

Other conditions of the permit, in addition to the bond, need to cover the need to get the National Grid approval and no earth removal can occur within their easement until approval is received. Another condition of the permit will be that subject to the building inspector determining that a variance is not required for this site and the earth removal is required for the construction of the single-family dwelling.

Rivers summarized that conditions 1,3,4,6,7,8,9,10,12,15 and 16 will be YES.

Mr. Donaldson commented that people continue to trespass using the lot for parking and accessing the property. Mr. Simpson will put up a cable and mark the front boundary with no trespassing signs. Rivers asked that some be put on the back as well.

Kilcoyne will write up the permit with the additional conditions as noted .

Rivers commented that if the plans change Mr. Simpson will have to come back to the board.

Rivers moved to approve the permit with additional conditions as noted for one year. Second made by Kilcoyne and motion was approved unanimously.

Primary haul road will be north on Heywood, East on North Row to Route 12. Some material may go to another site Mr. Simpson is working on. Mr. Simpson will put down calcium chloride to help keep dust down.

Mr. Simpson presented the board with a permit request for another location, Northeast Blvd. The site had a permit but it has lapsed. This request will require a public hearing. Mr. Simpson will do the mailing to abutters, ERB will handle the advertising. Hearing will have to be in July, after the week of July 4th, tentatively July 16th at 6:30.

APPROVE MINUTES

Rivers moved to approve minutes of meeting held February 15, 2019, second by Mosley. Approved unanimously with Kilcoyne and Miller abstaining.

Rivers asked that the April 25, 2019 minutes be modified to indicate that going back to 2002, permits for the Demarais property off Chocksett road that we have copies of, do not indicate blasting.

Mosley moved to approve the minutes for meeting held April 25, 2019 with the modification requested by Mr. Rivers. Second by Rivers with unanimous vote to approve with Miller and Rich abstaining.

Mosley moved to approve minutes of meeting held June 3, 2019. Second by Rich with unanimous vote to approve with Rivers abstaining.

Rivers moved to adjourn at 7:35pm, Miller second and motion passed unanimously.