



EARTH REMOVAL BOARD

MEETING Minutes

Tuesday January 19, 2016 7:00 PM

Meeting started: 7:00pm

Attendance: Al Peloquin (Chairman), Leonard Mort (Vice Chair), Tom Brown, Anna Lewandowski, Mary Krumsiek and Nancy Young (Secretary/ Assistant)

Absent: (All in Attendance)

Guests:

Meeting Subjects:

- 1) Call to Order
- 2) Approval of November 17th meeting minutes
- 3) Review Bylaws and Rules & Regulations
- 4) 2016 State Ethics
- 5) Adjournment

I. Call to Order:

Al Peloquin called the meeting to order.

II. Approval of Meeting Minutes from November 17th 2015:

Not approved by the board and on hold until next meeting February 16th 2016. Al Peloquin made a motion to delay the approval on the minutes, Tom Brown second the motion and all were in favor.

III. Review Bylaws and Rules & Regulations:

Anna Lewandowski: Page 3. #9 *Initial and final grade plans shall require re-submittal, if changes from prior plan submissions have occurred.* If applying for a Continuation permit, clearly mark site plan as such. (c). the following data shall be included as part of each submitted. **Incomplete or illegible plans shall be returned.** (The previous notations discussed at the meeting by Anna Lewandowski were already part of the "FORMS NEEDED WITH APPLICATION" she misinterpreted the bold printing for highlighting)

Continuing to page (6) section 5. FEES FOR INCOMPLETE APPLICATIONS; the Applicant shall be required to pay an additional non-refundable application fee of \$100.00. Continuing to page (7) section 9. VIOLATIONS, section (a). "Earth Removal Bylaw will result in a "verbal" then a "follow up written" violation of \$100.00 per day per violation. Continuing to section (b). "STOP ORDER" it should be a "STOP WORK ORDER", continuing to page 8 section 12 APPEAL TO CHANGE OR MODIFY PERMITS (a). "for a fee for \$100.00" was added in, continuing to page 14 ENGINEERING FUND ACCOUNT, "the Applicant will pay \$1000.00 to the town, each developer will have their own funding account, once it reaches below \$500.00 they have to add to it" and at the end "Ninety (90) days following the boards issuance of a Certificate of Completion, any excess amount in the account attributable to that project, shall be repaid to the Applicant. If the original applicant is no longer available the funds will revert to the Town of Millbury's General Funds Account.

Al Peloquin: Questions how the accounting has been taken over the last couple of years, why Katie is doing what she's doing recording and finding it to be just one account, we want it to be a little more detailed and have it broken down so that we know that the developer is low on his funds whether it be for engineering fees or any fees in general that we accessed to them has to be identified, we don't have that currently, we have to meet with Katie again to make her aware that this is the way the committee wants to run this thing. **Tom Brown:** Intervenes; we need two accounts for each applicant, one for the application

fee and one for the engineering fee, because the engineering fee is going to be up and down as needed whereas the application fee comes in and goes into the General Fund, so that should come in and we should have it documented by a piece of paper or a check showing I came in I filed my permit here's the fee so the town got that money for the year, applicable, and then the engineering fee is separate and as our engineer goes out we draw down on it and when they hit less than \$500.00 on it we go back and ask to renew. Anna Lewandowski: speaks; after reviewing this I think we have to make a final acceptance of it and somehow or another see that it's put on the agenda for the town meeting because it has to be accepted at the town meeting with the corrections and changes and I don't know if we have to draw that up as article or what but we do have to have it accepted.

Al Peloquin: Intervenes; an article to say that Bylaws and Rules & Regulations have changed in accordance with the Millbury Laws or Regulations, we need to approve it in front of the town meeting. Anna Lewandowski: Intervenes; I don't know if we do that through the selectman's office, how would you do that, do you know Mary? Mary Krumsiek: Intervenes: I would think so, Mr. Spain? Anna Lewandowski: Intervenes; this is January, I imagine it will be closing pretty soon, they close it like in March, since we made the corrections on that it's got to be approved so that can just go through.

Discussed Through the Board: Establishing the Earth Removal Board was approved at the town meeting, the board sets their own Rules & Regulations the Bylaw has to be approved at the town meeting and no changes were made with the Bylaw

Al Peloquin: Suggests going through the Bylaw to be sure it is what the board wants for 2016. Comments on the "General" statement; the removal of more than five hundred cubic yards of soil within a 12 month period as provided in the following sections, (the developer has to be active within that year to remove 500 cubic yards of material and if not they don't really fall into the category of needing a permit if they don't remove any material. Example: If the developer has a 2 to 3 different phase type project the first year the developer doesn't need to remove any material, six months into the second year they need to start removing material, then the board needs to act.) Al suggests not to have a time limit in place. (Example: The board wouldn't be concerned if the developer was taking out 500 cubic yards the first, second or third year, the board knows the project is still active). It is suggested that the "within a twelve-month period" to be removed and in its place "until completion of the project", also suggested; "which must be secured and active" placed on the second line between permit and hereinafter example: from any land in the Town without first obtaining a permit, which must be secured and active, hereinafter called a Removal Permit, from the Earth Removal Board. Also suggested; the word "soil" noted after 500 cubic yards should be changed to "all material". Al Peloquin: Page 13, Bond Calculations; it's based on R.S. Means Site Work and Landscape Cost Data for "2004", we need to find out what these current rates are. Contacting Site Engineering and getting Margaret involved, she may have a copy of this "Means" book therefore getting an update on these figures. Contacting Margaret of Site Engineering for further discussion at the next meeting.

IV. 2016 State Ethics:

Leonard Mort has already provided his copy with another board, the other members still have to fill out the state ethics exam somewhere between now and the end of March and every year.

V. ADJOURNMENT:

Al Peloquin made a motion to adjourn, Tom Brown seconds the motion; all were in favor

Adjournment ¹ (ASKED FOR)

At 8:00 PM

Next Meeting February 16, 2016 @ 7:00 PM

- 1.) Revisit Bylaws and Rules & Regulations
- 2.) Possibly Margaret from Site Engineering



TUES., JAN. 19, 2016

Signature of Attendees and Approval for Minutes

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Al Peloquin - Chair Person: 

Leonard Mort - Vice Chair Person: 

Tom Brown - Member: _____

Mary Krumsiek - Member: _____

Ann Lewandowski - Member: 

Nancy Young - Secretary/ Assistant: _____

Comments: _____

