



**EARTH REMOVAL BOARD**

**MEETING Minutes**

**Tuesday May 17, 2016 7:00 PM**

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MILLBURY, MASS

**Meeting started: 7:00pm**

**Attendance:** Al Peloquin (Chairperson), Leonard Mort (Vice Chairperson), Tom Brown (clerk), Anna Lewandowski and Nancy Young (Secretary/ Assistant)

**Absent:** Mary Krumsiek

**Guests:** Margaret from Site Engineering, Bob Vigneaux, Tod Miles and Phil Miles from Elite Home Builders in regards to the Jessica J. Drive Extension and Town resident Larry Richards of 6 Lincoln Ave., in regards to 50 Howe Ave / Cobblestone Village.

**Meeting Subjects:**

- 1) Call to Order
- 2) Approval of April 19<sup>th</sup>, 2016 Meeting Minutes.
- 3) Elite Home Builders - Jessica J. Drive Extension
- 4) Margaret from Site Engineering – Site Reviews Update
- 5) Knapik Builders
- 6) Larry Richards of 6 Lincoln Ave. Co
- 7) Application Fees
- 8) Reorganization
- 9) Adjournment

**I. Call to Order:**

Al Peloquin called the meeting to order.

**II. Approval of April 19<sup>th</sup>, 2016 Meeting Minutes:**

After the board reviewed the minutes **Leonard Mort**; made the motion to approve the meeting minutes for April 19<sup>th</sup>, 2016 **Anna Lewandowski** second, all in favor 4 – 0.

**III. Elite Home Builders / Baggie Realtor Trustees – Jessica J. Drive Extension (Bob Vigneaux, Tod Miles and Phil Miles):**

Bob Vigneaux took to the podium; in detail he explained what the Jessica J Drive Extension project will entail. He explained that the project will be a low impact development and that they will be leaving all the material on site it will be a balance cut and fill, the project has open drainage and two retention basins, some of the material will be taken out of the roadway to bring the area to the proper elevation, most of the material being moved will be used almost right away; he continued to explained that the project is going to be built in phases, the first phase will require the most significant retention basin using up most of the material being taken from the roadway, he also explained due to construction requirements this material will be going back into the trenches therefore there might be a rock crusher on the site making clean material for the trenches.

With him he brought blue prints and charts to show the board what will be taking place on the property and where the retention basins and roadways will be placed, he continued that there will be 20 house lots and all has been approved by the planning and conservation boards these permits have all been signed off. The tree clearing should be starting in June and by late July and August it may be a good time to send the engineer up to take a look around and see how the construction is going.

#### **IV. Margaret from Site Engineering with the Site Review Update continuing from April 19<sup>th</sup> meeting:**

First developer discussed was Aggregate on Providence Road between the Millbury & Sutton line, Margaret met with Dave Lavallee, whom is the contact person for Aggregate, at the Aggregate site, he informed Margaret that Aggregate just want to keep the permit active but nothing is going on and don't perceive anything in the near future.

Murgo Trucking; they are selling the location and that it is under agreement, the town should be aware of this. They are currently moving screened loam but didn't explain what they were doing with it or where they were taking it, this has Al Peloquin concerned and would like Margaret to look further into this matter. They weren't sure of the status of their permit whether it has expired or not and Al has informed that it was going to expires in June.

Burbank Street; Nothing was seen out of the ordinary and the board hasn't heard of any complaints, they're still doing a lot of site work, they still have a big pile of crushed rock and screened loam, the site is very active however there is one area where there is some minor erosion that is off site, (Margaret presented to the board several photo's she had taken while visiting the site), and continues the storm drainage is contained.

Elite Home Builders; They are still waiting on the final approval from the DEP.

#### **V. Knapik Builders:**

Al Peloquin visited this site located on the corner of Greenwood Street and McCracken Road, (Kaninsky Property), there is a home already built and a second currently under construction, there was a lot of material on the site and that some of the material is being processed into loam, Al took pictures and discussed with a gentlemen on the site, Ron whom was running the excavator, Al talked with this gentleman and informed him that they were in violation with the Earth Removal Board and that they need to fill out an application for a permit, from Al's visual assessment this site is in excess of 500 cubic yards. Al was told that they would submit for an application but instead Al received a letter from Knapik's front office with their idea of what is on site for material, they're claiming they have a (200 x 120 x 1 foot, which equals 2400 cubic feet they converted that into cubic yards they come up with 888 cubic yards, the screened waste is what they're calling 15% or 133 cubic yards, the screened loam comes out to be 754 cubic yards, the loam for lawn is taking about 300 cubic yards. With the screened loam and the loam for the lawn Knapik is claiming they are only coming up with 454 cubic yards that they have taken out of that lot).

**Anna Lewandowski intervenes:** No matter what Knapik claims in their letter the Earth Removal Board has the authority to place a cease and desist on them until they come in and get this straightened out, the Earth Removal Board has their own engineers to go and survey the whole site to make their own determination.

Al Peloquin was going to contact "Ron" the next day, Wednesday May 18<sup>th</sup>, and inform him that they are in violation with the Earth Removal Board and they need to go through the process of an application and meet in front of the board; if not then the board will be in the process for a cease and desist.

**Tom Brown** made a motion to cease and desist with specific dates (no dates were mentioned) of all operations, (both lots and sides), because of the non compliance and that the cease and desist will remain in effect until such time they come in and present the board with their application and the boards engineer can take it from there.

**Al Peloquin intervenes:** The application fee is one thing and the engineering fee is another and Al is going to try and obtain both fees; \$500.00 application fee and \$1,500.00 engineering.

**Leonard Mort;** second the motion all in favor 4 – 0.



**VI. Larry Richards of 6 Lincoln Ave., in regards to Howe Ave / Cobblestone Village:**

He's been fighting this as much as possible because of the over flow plan and the water is coming into his back yard which is 1/3 of an acre and it's wet lands, they have spent over \$4,500.00 because the wet lands engineer and storm drainage engineer, after seeing the property, they said the water table for that area could not support that project in no way shape or form. Mr. Richards claims he was too late to bring this in front of the regional DEP in an effective manner so he wound up having to go to the judges level and he claimed all the judge really cared about was the legalities, he felt the judge didn't particularly care about the water table or the drainage flow, he claimed if he had a lawyer he would have a much better chance but his financial resources are very limited. His primary problem, not only the concern for his trees being wiped out and destroy that wet land or make a bigger one, but he's going to have water coming into his basement. The engineer he acquired created a 300 page document that was submitted to the DEP and was ignored by the DEP. Mr. Richards is asking the board to keep an eye on the construction there as much as the board can, he's concerned that the builders changed the wetlands, they're actually moving streams from one property to another. We're just trying to limit the damage and asking Margaret of site engineering to keep an open eye of what is going on during the construction

**VII. Application Fee's Discussion, Earth Removal Board Permit Application (ref. Page 2, 10) A. & B.):**

Al Peloquin opened the discussion and discussed amongst the board; Fee's that we're trying to access against developers, (Page 2, A), A nonrefundable application fee of \$500.00 shall accompany the application made payable to the Town of Millbury, (Page 2, B), The applicant shall submit with this application a "Review Fee" of \$1,000.00, to cover the costs of the engineering expenses incurred by the Town as part of the application review work, engineering expenses incurred by the Town as part of any changes or modifications requested by the permit holder to the permit and engineering expenses incurred by the Town in determining permit compliance at the termination of the permit period. **After final review and approval by the Earth Removal Board, any remaining review fees remaining available will be returned to the applicant.** It is this final statement on the application that Al Peloquin wants to discuss further with Katie Mckenna, he will be contacting her to attend the next scheduled meeting.

**VIII. Reorganization:**

Current Earth Removal Board Positions; Al Peloquin (Chairperson), Leonard Mort (Vice Chairperson) and Tom Brown (Clerk). **Anna Lewandowski** made a motion to reappoint the current officers presently in their same positions, as she stated; "they're working very well together and everything goes well". **Tom Brown** second the motion, all were in favor 4 – 0.

**Leonard Mort intervenes:** In his experience to follow through with the reorganization there are reorganization papers that the secretary for the board will have to acquire from the clerk's office that will need to be filed with the clerk's office with all the current officers names and contact information, there is also another form that the town clerk's office will need to be filled out with the future meeting dates for the Earth Removal Board which is generally the third Tuesday of every month. Anna Lewandowski asked the board to make a motion, Leonard Mort made the first motion, Al Peloquin second, the board was in favor 4 – 0.

**IV. ADJOURMENT:**

Leonard Mort: Made the motion to adjourn; Ann Lewandowski second the motion, all were in favor 4 - 0.

**Adjournment** was at 8:15 PM

**Next Meeting June 21, 2016 @ 7:00 PM**



*EARTH REMOVAL BOARD*

**Signature of Attendees and Approval for Minutes  
(Meeting Minutes from April 19, 2016)**

**Al Peloquin - Chair Person:** \_\_\_\_\_  
*[Handwritten signature]*

**Leonard Mort - Vice Chair Person:** \_\_\_\_\_

**Tom Brown - Clerk:** \_\_\_\_\_  
*[Handwritten signature]*

**Mary Krumsiek - Member:** \_\_\_\_\_

**Ann Lewandowski - Member:** \_\_\_\_\_  
*[Handwritten signature]*

**Nancy Young - Secretary/ Assistant:** \_\_\_\_\_

**Comments:** \_\_\_\_\_

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