

ERB
Approved
12/2/09



Town of Northborough

Earth Removal Board

Wednesday, September 30, 2009

Present: Janet Sandstrom, Anthony Ziton, Fred Philcox, and Nick Howorth

Absent: Tom Beals

Also Present: Fred Litchfield-Town Engineer; Eileen Dawson-recording Secretary; Dimitrios and John Voyiatzis – 73-85 West Main Street; Steve Poole – Lakeview Engineering; Peter Carlino – CBA; Wayne Kimball – Kimball Sand; Chris Panagiotidis – Difonte and Panagiotidis, LLC; and Charles Pepper – 15 Liberty Drive.

At 7:32 pm, Ms. Sandstrom called to order the Earth Removal Board meeting.

Review Minutes of September 2, 2009:

Board members discussed the minutes of September 2, 2009 and had no changes.

Mr. Philcox motioned, Mr. Howorth seconded, and it was unanimously voted, “To accept the Minutes of September 2, 2009.”

Public Hearings:

7:10 pm Renewal Permit Application

Jimmy Voyiatzis

73-85 West Main Street, Map 63, Parcels 11, 12, 13 for Permit # 2008-13.

Mr. Voyiatzis gave the abutter list and signature cards to Mr. Litchfield. Mr. Poole explained the several attempts to contact 1 abutter - the assessor’s office did not have this abutter on the required list of abutters. Board members discussed and agreed that due diligence occurred in trying to contact all abutters.

Mr. Poole explained the plans for the property including the 2-stage detention basin. Mr. Poole explained that Mass Highway has not issued a permit yet to tie into the Route 20 drainage system. Mr. Poole explained the delay in meeting with the ZBA for the requested permit application.

Mr. Litchfield explained the details of the Conservation Commission’s issuance of a negative determination with erosion clean up conditions. Board members asked questions and expressed concerns with site run off if Mass Highway does not approve a permit for the applicant to tie into their drainage system on Route 20. Mr. Litchfield commented on the Amended Earth Removal plan, his preference of tying into the drainage system on Route 20, and the amended site plan being better than the previous plan for erosion control.

Board members asked questions related to the anticipated timeframe for getting the site buttoned up for the winter. Mr. Poole and Mr. Carlino agreed that two weeks are needed

for the site work (with or without the Mass Highway permit) to stabilize for the winter. Board members requested the applicant come before the Earth Removal Board on November 4, 2009 with an update and status report on obtaining a Mass Highway permit and a ZBA permit). Mr. Litchfield and Board members discussed the town's bylaw requiring that all roadwork be done by December 1st. Board members agreed that Mr. Litchfield must obtain verbal or written authorization from Mass Highway by October 9th; otherwise, the applicant would need to button up the site for the winter by this date. Mr. Poole agreed to call Mass Highway tomorrow, seek a status update, and ask them to communicate in writing to Mr. Litchfield.

Ms. Sandstrom asked for audience sharing. Mr. Pepper, abutter at 15 Liberty Drive, asked questions about the stability of the site. Mr. Poole, Mr. Litchfield, and Board members discussed that the site has been stable, but the fine silt run-off onto Route 20 has been the erosion control issue.

The Earth Removal Board agreed to issue an Amended Earth Removal Permit with the following conditions: applicant will use grass matting or hydro seed, instead of cutting the back hill - add crushed rock and hydro seed that area, applicant's attendance and update required at the November 4th meeting, and the site must be stabilized by the November 4th meeting. Board members discussed the bond amount and agreed to leave at \$10,000. Board members discussed reserving the right to change the bond amount at the next meeting if the Board deems necessary.

Mr. Philcox motioned, Mr. Howorth seconded, and it was unanimously voted, "To amend the Earth Removal Board permit with the new site plan for 73-85 West Main Street, Map 63, Parcels 11, 12, 13 with the bond amount remaining the same at \$10,000 with the following conditions: site stabilization to the satisfaction of the Earth Removal Board and Town Engineer, safety fence secured, applicant complies with Conservation Commission requests, Mass Highway permit approved for sewer drainage system or site stabilization(as is) by October 9th, applicant's attendance and status report at the November 4th meeting, and the Earth Removal Board reserves the right to change the permit if necessary."

Mr. Litchfield agreed to contact Mr. Fouracre (abutter not on assessor's list) with an update and information regarding the November 4th meeting.

8:10 pm Renewal Permit Application

Kimball Sand

250 Southwest Cut-off, Map 106, Parcel 3 for Permit # 2008-10.

Mr. Kimball gave the abutter list and signature cards to Mr. Litchfield. Mr. Kimball explained the desire to renew and continue the Earth Removal Permit with no changes from the last permit. Board members asked questions about the site. Mr. Kimball answered questions regarding water – explained the successful containment and holding areas for drainage on the site. Mr. Litchfield and Mr. Kimball discussed that the water has been contained on the site, but there will be a need for a drainage system next year. Board members and Mr. Kimball discussed the tenants for the Loop wanting occupancy in the spring of 2011. Board members discussed the bond amount and agreed to the bond of \$47,000 remaining the same.

Mr. Howorth motioned, Mr. Ziton seconded, and it was unanimously voted, "To renew the Earth Removal Permit for Kimball Sand, 250 Southwest Cutoff, Map 106, Parcel 3, with the bond amount at \$47,000."

Old Business:

Loop and Avalon Bay – discussion and monthly reports. Board members received the monthly reports; no discussion.

Board members discussed:

- Copley Woods - Mr. Litchfield agreed to touch base with applicant and ask him to come before the Board.
- 11 Monroe Street - need to renew permit at the next meeting.
- Signature Homes -Planning Board reviewing and evaluating default and bond; Mr. Litchfield commented that there is no update at this time.
- Hudson Street (Peter Stone's property) - the poured foundation is now gone, Mr. Litchfield agreed to get an update.

New Business:

Mr. Litchfield discussed the two new permit applications on next month's agenda: Tony Abu for 290 & 276 West Main Street Rear and Bigelow Nurseries for 455 Main Street.

Mr. Litchfield gave an update on the new web-site that the Earth Removal Board will be able to access and use for information. Mr. Litchfield explained the details and the GIS department's assistance to help launch.

FYI:

Tentative date for the next meeting Wednesday, November 4, 2009. Board members discussed and agreed to meet on November 4th at 7:30 pm. Board members agreed to meet at 7:00 pm beginning in January 2010.

Bond Releases: (none at this time)

Adjourn:

Board members agreed that no further business needed to be discussed.

Mr. Philcox motioned, Mr. Howorth seconded, and it was unanimously voted, "To adjourn the Earth Removal Board meeting."

The Earth Removal Board meeting ended at 8:38 pm.

Respectfully submitted,

Eileen Dawson
Board Secretary