

Earth Removal Board  
Meeting Minutes  
December 18, 2012

Members Present Robert J. Barrell, David Eckhardt, John O' Brien, Vincent Vignaly

Members Absent Robert Ash

Also Present. Kevin LaClaire, Jane Erickson , Ethel Manahan, John Farnsworth C. J. Muello, Ken Boucher, Stu Crockel , William DeVarney

Chairperson John O'Brien opened the meeting at 7PM

The minutes of the Earth Removal Board held on July 9, 2012 were read and approved by unanimous vote.

Chairman John O'Brien opened the public hearing at 7 05 PM by reading the public notice advertised in the Worcester Telegram for the removal of earth at 12 & 20 Laurel Street and 38 Almanac Way. The plan was presented by John Farnsworth prepared for Baldarelli Brothers and owners of record Clark, Adams & Amaral.

Mr. Farnsworth forwarded the green cards ( evidence of notice to abutters by certified mail), list of abutters. A check in the amount of \$87.40 for the notice in the Telegram will be forwarded.

Mr.Farnsworth estimated that the earth removal may be 60,000 yards but at a minimum of 35,000 and 45,000 yards are to be removed which is approximately 1200 truck loads The removal of earth would take six months to a year to complete. The hours of operation will between 8AM and 4PM

The Mr. Eckhardt stated that the Conservation Commission has responded to a Request for Determination and issued an Order of Conditions on September 10, 2012.

The entry to the project shall be in an area along the boundary of the Clark and Adam common boundary. The access shall be gated and as indicated on the plan. The construction entry shall be bump and swale. Erosion control measures shall be implemented as needed.

Mr. Farnsworth stated that this will not be a pit but a property improvement. Access to the property will be properly maintained in accordance to the Earth Removal By-Law and the Order of Conditions.

The Earth Removal Board reviewed the plan titled EPR Plan PHASE 1 and noted the plan and or the application lacked the following required by the Earth Removal By-Law. Mr. Farnsworth generally responded to these comments and will provide updated plans and narrative to address these issues.

Section 3.2 notes that the plan should show proposed cover vegetation.

Section 3.4 notes the requirement for a performance bond or collateral, but none was submitted and the amount needs to be submitted for approval.

Section 3.8 notes that the Board is prohibited from issuing a permit for properties within the Aquifer Protection District. This area is in that District. Mr. Farnsworth noted that removal could take place "in association with a building permit" so intended to submit for a building permit. Clarification of this was requested by the Board.

Section 4.2 notes that excavation cannot occur within 15' of the estimated seasonal high groundwater level. The two boring depicted indicate excavation closer than 15' in these areas and Mr. Farnsworth will adjust the grading as needed. Mr. Vignaly noted that the application does not include adequate soil borings to establish the seasonal high groundwater level. The only two pits dug were in the back yards of 12 and 20 Laurel Street and were only 15 feet deep while the plan proposes to excavate to

over 50'. Mr. Farnsworth committed to doing additional boring and will better establish the water table level throughout the excavated areas.

Section 4.5 notes that a 50' perimeter buffer strip shall be preserved, but the plans show about a 5' buffer. Mr. Farnsworth noted that this plan maximized the removal of material from the site to present a 'worst case scenario' and would adjust the grading and provide an updated plan showing the required buffers.

Section 4.7 notes control of dust, but the plans do not show methods to control dust or erosion within or at the access points of the site.

Section 5.1 notes that the maximum slope shall be 3:1. The plans typically show 2.5:1 and up to 1:1 slopes. Mr. Farnsworth stated that in his experience he has found that these types of soil can safely be cut back to this slope, but since the bylaws set a minimum he will revise the plan to reflect that.

Section 5.3 notes that 6" of topsoil, seeding, and 2" mulch is to be used for restoration. This is not mentioned in the application package and Mr. Farnsworth will add appropriate information to the plan.

Section 6 notes limits to hours of operation, which are included on the application, but need to reflect potential conflicts with peak travel times and school bus transportation. A reduction in the hours of operation to minimize impacts will be submitted by Mr. Farnsworth.

Section 6 notes that proposed vegetation needs to be specified, but is not mentioned in the application package.

Mr. O' Brien opened the hearing for public comments:

Mr. Erickson of 32 Laurel Street expressed concern that the work did not provide the required buffer and the creation of a steep slope greater than is allowed in the bylaws.

Mr. LaClair of 33 Main Street who serves on the Transportation Committee discussed the hours of operation and the resulting traffic and possible hazard for school bus operations.

Mr. DeVarney of 45 North Main spoke to his concern of the lack of a buffer from his property.

Mr. Crockel asked what the impact on the operation if ledge was found. Mr. Farnsworth responded that he was not aware of any ledge in this area of town, but the additional borings should provide more definitive information.

Mr. Farnsworth responded that he could respond to these issues within a month.

Mr. Eckhardt moved that the hearing be continued until January 22, 2013 at 7PM. This motion was seconded by Mr. Vignaly and approved by unanimous vote.

In other business, the Board reviewed a response from the Building Inspector that the earth removal from 74-76 Maple Street, the site of a previously permitted operation, was in compliance with the Earth Removal Bylaw. The volume of loam removed from the site was done for the finish of the new proposed dwelling and is less than 1500 yards and therefore not in the purview of the Earth Removal Board.

Mr. Vignaly motioned to adjourn the meeting at 9:03, seconded by Mr. Eckhardt, and approved by unanimous vote.

Respectfully Submitted

Robert J. Barrell