April 5, 2018

Rutland, MA Earthworks Board
Meeting Minutes – April 5, 2018

Members present: Peter Craine, Norm Anderson, Glenn Kauppila, Kate Gervais
Members absent: Butch Nadeau
Guests: none

Meeting was called to order by Peter Craine at 6:33 PM.

Meeting Minutes
The meeting scheduled for March 1 was previously cancelled, and the meeting scheduled for March 15th was cancelled to comply with OML, as the agenda was not able to be posted in time due to weather.

Peter corrected the date to February 22.
Line within “Discussion, continued,” paragraph 6, was changed to “process for obtaining certified list from BOA”. “by BOA” was struck from following sentence.

Norm moved to accept the minutes from the February 22nd meeting as amended.
2nd: Glenn
Vote: Unanimous at 6:39 PM

Discussion
Peter welcomed new member, Kate Gervais.

Election of Secretary:
Norm nominated Kate to the office of Secretary; Kate accepted.
2nd: Glenn
Vote: Unanimous at 6:42 PM

There has been no further correspondence from IT regarding the board’s email address. The board will be able to be reached at both earthworks@townofrutland.org, and earthworksboard@townofrutland.org. Peter will continue to follow up on this.

There are no updates on the open Earth Removal permit. Peter will continue to follow up.

Mission statement development:
Norm provided portion of zoning by-laws for language suggestions. Glenn advised that noise, dust, vibration, and lighting will all come into play during active earthworks projects. Glenn brought up MSHA (Mine Safety and Health Administration) and advised that they may have some level of jurisdiction over earthworks projects. Noise and safety were specifically mentioned. Discussion took place regarding the structure, content, and complexity of the mission statement. It now tentatively reads: “The Earthworks Board writes and reinforces by-laws and regulations to enforce the safe and effective movement of earth entering, leaving, and within the towns borders.”

Earth Removal By-law modification:
Peter deleted §4(A)5, as it was incorrect. In the event that earth removal is required by Town, State, or Federal law or regulation, a permit is still required, but the Earthworks Board may not deny it. Peter added to §5(B), and noted that we still need to define “parcel”. Glenn brought up that more definitions are necessary, to eliminate alternate interpretations. Norm stated that there are accepted definitions of some terms, and that those should be used when possible. §5(A)4 was discussed in regards to thresholds for protection of wildlife habitat. “… in any form” was generally regarded as far too broad, and too open to misuse. In §6, Norm made grammatical corrections, and Peter advised that there does not yet exist a form. It was asked how specific a location is necessary for §6(A)1, as technology now allows users to be quite precise. The definition of abutters, with radius, will
be included in list of defined terms. In §6(A)13, Glenn believed “scoping” should be “landscaping”, and that the line should read “finished grade level and landscaping.”

Peter stated that for site visits (relevant to §6(A)15), Earthworks Board members fall under the Town insurance policy, not the landowner’s insurance policy, and that insurance liability and safety are not valid reasons for keeping you off property with an active Earth Removal permit.

Discussion of Earth Removal By-law modification stopped at §6(B).

**Application Submissions:**
None

**Hearings:**
None

**Correspondence / Email:**
None

**Other Business:**
None

**Next Meeting:**
The board will next meet on April 19, 2018 at 6:30 PM at the Community Hall Annex.

**Adjournment:**
Norm moved to adjourn the meeting.
2nd: Glenn
Vote: Unanimous at 8:36 PM.

Respectfully submitted,

Kate Gervais