August 16, 2018

Rutland, MA Earthworks Board
Meeting Minutes – August 16, 2018

Members present: Peter Craine, Norm Anderson, Kate Gervais, Glenn Kauppila
Members absent: Butch Nadeau
Guests: Sco Landgren

Meeting was called to order by Peter Craine at 7:02 PM.

Meeting Minutes
Norm moved to accept the minutes of the June 7, 2018 meeting as written.
2\textsuperscript{nd}: Glenn
Vote: Passed, unanimously at 7:06 PM

Norm moved to accept the minutes of the July 19, 2018 meeting as written.
2\textsuperscript{nd}: Peter
Vote: Passed at 7:10 PM, Peter, Norm, Glenn in favor, Kate abstained due to absence.

Discussion
Enforcement of the By-law in Current Form
Peter would like to establish a process. Norm stated that, in all likelihood, enforcement would originate from a complaint, prompting the need for one or more members of the Earthworks Board to visit the site. There is some question as to what extent subdivisions are exempt, if any. Current Earth Removal by-law may conflict with MGL. Atty. George Kiritsy may respond to this, as it came up in an earlier meeting at which he was in attendance. Guest Sco Landgren emphasized that an Earth Removal Permit should be part of the Building Permit checklist.

Peter asked what would trigger the need for enforcement, and can the Earthworks Board issue an order to cease & desist? Scott responded that this points to a need for thresholds. Glenn responded that the amount of material expected to be removed could be included as a question on the application. Scott added that that it may be reasonable to require an Earth Removal permit application with every Building Permit Application, to allow the board to determine applicability of the Earth Removal by-law. Scott also suggested that the board should determine to which account the application fees, if any, will be deposited. Glenn suggested that questions could be added to the build permit checklist to determine if an Earth Removal permit would be necessary. Peter agreed and stated that putting the Earth Removal permit application on the Building Permit checklist may lengthen the process for the applicant on the front end but would likely simplify the process overall. It also allows the Earthworks Board to decide whether a permit, and therefore an application, would be warranted. Glenn added that for commercial and industrial building permits, the board could ask for earth removal information at the time of site plan approval, to determine Earth Removal By-law applicability.

Public Hearings
Peter asked the board whether it was necessary to know the final destination of soil that has been removed. Norm believed it was, at least in that the methods and route of transportation are important.

Form
Peter stated that the permit is valid for one year from date of approval. Scott offered that the board may want to request as-built as part of overall documentation. Glenn suggested that the language be changed from “finished level and grading” to “describe proposed changes”. Peter will finalize form for next meeting.

Renewals
Peter asked if a separate permit renewal form is necessary. Board agreed that a single page renewal form would be appropriate, but that a new application for a new permit would be required if the scope of work has changed.

Potential Enforcement Action
At the last meeting it was brought up that there is a party in town that may be “running a quarry”. Scott and Glenn believed they were familiar with the operation and that it was for screening of imported material. They believed it not to be enforceable under the Earth Removal by-law, but possibly a zoning issue. Per Norm and Glenn, no action appeared to be necessary by the Earthworks Board at this time.

*Future Regulations and Goals*
Peter stated that the Earth Removal By-law is enabled by MGL, and that a future Earth Importation By-law may not have same enabling MGL. This must be determined before Earth Importation By-law is written.

*Correspondence / Email*
None

*Application Submissions*
None

*Hearings*
None

*Other Business*
None

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

*Adjournment:*
Norm moved to adjourn the meeting.
2nd: Glenn
Vote: Unanimous at 8:12 PM.

Respectfully submitted,

Kate Gervais