September 6, 2018

Rutland, MA Earthworks Board
Meeting Minutes – September 6, 2018

Members present: Peter Craine, Norm Anderson (at 6:42pm), Kate Gervais, Glenn Kauppila
Members absent: Butch Nadeau
Guests: Sco Landgren

Meeting was called to order by Peter Craine at 6:34 PM.

Meeting Minutes
Peter made one clerical correction on page 2.
Glenn moved to accept the minutes of the April meeting with correction.

2nd: Peter
Vote: Passed (Peter, Glenn, and Kate in favor, Norm not yet in attendance) at 6:36 PM

Discussion
Peter found a folder in Conservation Commission records containing references to earlier versions of Earth Removal Bylaw, and previously issued permits. A version was reviewed and approved by the Attorney General in 1978 that included language referencing permits not being necessary when another board has approved earth removal. Peter will make copies for current Earthworks Board members for future consideration.

Norm Anderson arrived at 6:42 PM

Earth Removal Permit Application
Glenn moved that the application be adopted by the board.

2nd: Kate
Vote: Passed, unanimously @ 6:45 PM

Earth Removal Permit
Peter asked Norm for a permit template, e.g. septic, home occupation, senior housing. Norm will find and modify.

Application for Earth Removal Permit Continuation
Scott suggested that boxes be added to the original application for annual renewals, as using the original form forces a review of each project on at least an annual basis, and accommodates board turnover.

Peter will add a section to the form for renewals.

Glenn suggested we require signage with permit number (akin to DEP signage) to reduce questions or complaints.

Hearing Notice
Norm recommended we require the fee for notice with the application. The board should create standard language as a template to provide to whomever is determined will be responsible for filing notice.

Norm stated that the Planning Board has had good luck with the Landmark, and alternatively, the Telegram. He also suggested that the notice contain the enabling language from the by-law. It was determined that the template language should include the name of applicant, description of the area affected (legal description, street address, or lot and parcel), the time/date/location of hearing, and the subject matter.

Peter will draft a notice template.

Correspondence / Email
An email was received from Abby Benoit on behalf of the BOS that Boards and Commissions that occupy the Annex should forward to her a list of their space and office needs. This comes in response to a proposal by the RRECC to expand into the annex. Norm asked that the board request a filing cabinet to replace the cardboard box that currently houses the board’s files.

**Discussion, cont’d**

**Goals of Regulation**

Peter asked what does the board want to permit, what does the board not want to permit, and does the board wish to have levels/thresholds. Overall, what does the board wish to accomplish with regulation. Norm and Glenn offered that goals should be to avoid disaster, offer reasonable protection to the environment, and to resolve issues that arise related to earth removal projects. General discussion around earth removal occurred, including whether the board wants to address importation, and/or movement within town. It will be necessary to determine enforceability - from where does the “teeth” of enforcement originate, and how is it granted? An Earth Movement By-law would be ideal in that it would cover removal, importation, and movement within town. It will be necessary to determine if such a by-law is allowable, or prohibited, by MGL. The Like-Kind Soil By-law will need to remain separate.

Norm asked if the board could review other municipalities’ by-laws. Peter will provide.

Peter will ask legal counsel if the board is okay to write regulation, or must it write by-laws? It was agreed that regulation is much easier to adopt to what is learned in the process.

Peter confirmed that any other necessary permits will be the responsibility of the landowner/applicant, and language can be included stating same. It can also be included that the applicant must be permitted by all other jurisdictional boards before the Earth Removal permit may be granted.

Peter asked that for the next meeting, members consider earth movement regulation, format, what would trigger it, and what would happen in response.

**Application Submissions**

None

**Hearings**

None

**Other Business**

None

**Next Meeting**

The board will next meet on September 20th, at 6:30 PM at the Community Hall Annex.

**Adjournment:**

Norm moved to adjourn the meeting.

2nd: Glenn

Vote: Passed, unanimously at 7:45 PM.

Respectfully submitted,

Kate Gervais