Excavation of Material Study Committee

January 4, 2016 Minutes

Prepared by: Lee Hartmann

These minutes are not verbatim – they are staff's interpretation of what took place at the meeting. – Open Meeting Law – Section III.

Committee Members in attendance: Brian Wick, Russ Appleyard, Betsy Hall, David Malaguti, Jack Risso and Richard Serkey.

Staff Member: Lee Hartmann

Mr. Wick opened the meeting.

Minutes

Mr. Serkey moved to accept the minutes of December 7, 2015. Mr. Malaguti seconded the motion. The vote was 5-0.

Mr. Wick welcomed Mr. William Shaw from Associated Engineers of Plymouth, Inc., to the meeting.

Mr. Shaw said that gravel removal is grouped into four categories, each with different impacts:

1. Agriculture- May be exempt
2. Mining -Special permit use in the RR zone- Time may have passed- end use always required.
3. Subdivision Road Construction.
4. Industrial/Commercial when clearly incidental to end use.

He said that gravel removal could be an allowed use for commercial and industrial sites which have a fully engineered, designed and permitted end use such as a warehouse or office building. Such permits could require that all gravel removal occur within a short time period (less than 6 months). The unique aspect of this option is that total yardage and the time of operation should not be an issue. Commencement of work could potentially be tied to the issuance of a building permit.

Mr. Hartmann said that as an alternative to a fully permitted end use an option could still be made available to allow for a special permit that allows a property owner to prepare a commercial or industrial site for future use.

He felt that the Planning Board not the Zoning Board should have the ability to allow gravel removal when it is associated with the construction of a subdivision road.

Mr. Serkey asked Mr. Shaw about gravel removal proposals that are not associated with a commercial use, subdivision or agriculture.

Mr. Shaw said that residential uses and other uses such as solar fields should work with the land. The time may have come to prohibit major (non-agriculture) commercial excavation operations in the rural residential areas.

Ms. Hall noted that our job as town officials is to protect the interests of the Town. She recommended requiring a cash performance guarantee to ensure all work is completed.

Mr. Hartmann asked Mr. Shaw if the Town should define a maximum earth removal amount allowed in his by-right scenario in commercial or industrial zones of say 500,000 cy.

Mr. Shaw felt that tying it to a construction permit with a time to complete deadline would be adequate.

Mr. Malaguti noted that bylaws from many of the other Towns have either a 5 foot or 10 foot separation to the water table. He asked Mr. Shaw his opinion on what is an adequate separation.

Mr. Shaw noted that the type of end use is the most important factor related to groundwater separation and whether a site is tied into a municipal sewer system. In addition, Title V requires a five foot separation between the bottom of a septic system and groundwater.

Ms. Hall asked what an adequate separation between groundwater and a parking lot.

Mr. Shaw noted that the best management practices established by the Department of Environmental Protection provides an adequate level of protection to the groundwater and a 10 foot separation would be a good depth for such a use. He noted that most of the Industrial Park has a depth to groundwater of over 60 feet.

Mr. Appleyard reminded the committee about Mr. Wick's presentation where he noted that cranberry bogs should also operate using best management practices approved through a farm plan.

Mr. Skip Landers urged the committee to not include a public use exemption for county and town activities.

Mr. Malaguti asked Mr. Shaw what he thought would be the amount of gravel removed in a worst case removal and replacement septic system project.

Mr. Shaw said 2,000 cy or 2,500 cy to be safe.

Mr. Malaguti thought that 2,500 cy would be a better threshold than the current 10 cy limit.

Mr. Wick asked Mr. Shaw if there was anything else worth mentioning.

Mr. Shaw noted that 3 to 1 side slopes require the removal of more material and vegetation than would otherwise be required. In most cases 2 to 1 side slopes are acceptable if properly maintained.

Mr. Malaguti asked Mr. Landers if the current requirement limiting the area of work to 5 acres is a problem.

Mr. Landers said it's a significant issue when dealing with high cuts.

Mr. Hartmann said that the amount of a performance guarantee to revegetate a site is set by the Town's consulting engineer. A cash performance guarantee is preferable to a bond.

Mr. Serkey pointed out that gravel removal has certain environmental and residential impacts but it is also a very lucrative business.

Mr. Malaguti said that when the creation of a tailwater recovery pond involves the removal of tens of thousands cubic yards of material and cuts in excess of 70 feet it becomes more of a commercial gravel operation than an agricultural operation.

Mr. Hartmann suggested that in difficult cases the Town could require an analysis that looks at alternative locations where cuts could be minimized or require that the petitioner demonstrate there are no other feasible alternatives.

Mr. Malaguti agreed but noted such an analysis needs to be professionally reviewed on behalf of the Town.

Mr. Morrison said that he would like to show the committee an actual cranberry bog project that required the removal of two million cubic yards of gravel and why it makes sense.

The Committee agreed to invite Mr. Morrison at the next meeting as a guest speaker.

Mr. Hartmann said he would contact William Madden of GAF Engineers to attend the next meeting.

The committee agreed to hold its next meeting on Monday, January 11th at 5:30 p.m.

The meeting was adjourned at 6:50 p.m.

Respectfully Submitted,

Lee Hartmann, AICP
Director of Planning & Development