

## **Excavation of Material Study Committee**

February 22, 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, Edward Angley, Russ Appleyard, Marc Garrett, Betsy Hall, Malcolm MacGregor, David Malaguti and Jack Risso.

Staff Member: Lee Hartmann

Mr. Wick opened the meeting.

### **Minutes**

Mr. Angley moved to accept the minutes of February 1, 2016. Mr. Malaguti seconded the motion. The vote was 7-0-1, with Mr. MacGregor in abstention.

### **Earth Removal Bylaw**

Mr. Wick opened a general discussion about possible components of the earth removal bylaw.

Mr. Angley handed out an outline of topics.

Mr. Malaguti said that we should allow gravel removal in industrial and commercial districts. In the smaller “village center” residential districts gravel removal should be related to an end use. He thought that increasing the current 10 cubic yard threshold to somewhere between 2,000 and 2,500 made sense.

Mr. Garrett agreed with exempting projects that require the removal of between 2,000 and 2,500 cubic yards.

Mr. Garrett moved to include language in the bylaw that the removal of up to 2,500 cubic yards of material is exempt from the Zoning Permit and Special Permit processes. Mr. Malaguti seconded the motion. The motion passed 6 in favor and 2 in opposition.

The committee discussed the concept of allowing earth removal to occur in commercial and industrial zones when associated with a fully designed and permitted end use.

Mr. Hartmann suggested also building earth removal evaluation and approval standards into the special permit process. He noted that the committee will eventually be discussing appropriate setback and buffering standards.

Mr. Garrett moved to allow earth excavation in the Light Industrial and Commercial zones when associated with a fully designed and permitted end use and to include earth removal evaluation and approval standards into the special permit process. Mr. Angley seconded the motion. The vote was unanimous.

Mr. Garrett suggested exempting earth removal activities from the special permit process when associated with existing farms. He said that a maximum volume cap could be added. He also suggested including a requirement that the operation have a USDA approved farm plan.

Ms. Hall noted that the Carver bylaw provides the following agriculture exemption. *Removal necessary for normal cranberry related activities or other agricultural uses as defined under M.G.L. c131, s 40, 310 CMR 10.04: (a) land in agricultural use, (b) normal maintenance of land in agricultural use, and (c) normal improvement of land in agricultural use. This agricultural-related work is further defined as earth necessary to maintain or improve the applicants/owner's contiguous or non-contiguous land for agricultural purposes, and does not include the removal of earth for sale, trade or other considerations. This practice must use best management practices as outlined in the Natural Resources Conservation Service Conservation Practice Standard "Land reclamation, Currently Mined Land", Code 544 or the Natural Resources Conservation Service Conservation Practice Standard "Critical Area Planting" Code 342, as determined by the E.R.C. Notification of this practice must be given to the E.R.C. in a timely manner. This also includes the removal of earth for sale, trade or other considerations, under this section, less than 1,000 cubic yards per year.*

Mr. Wick said that the Carver exemption does not protect earth removal where sale or trade is involved.

Mr. Risso stated that the cranberry industry at some point will be profitable again. New cranberry bogs may be built and the removal of gravel to construct such bogs should not be subject to the special permit process.

Mr. Garrett said that the bylaw should require any cranberry operation seeking permission to remove gravel to have a USDA approved farm plan. Expansion of a bog that does not have an approved farm plan should trigger a special permit.

Mr. Garrett moved to include a provision requiring cranberry operation seeking to sell gravel to have a USDA approved farm plan. Ms. Hall seconded the motion. The vote was 6-0-1 with Mr. Angley abstaining.

The committee agreed to hold its next meeting on Monday, March 7<sup>th</sup> at 5:30 p.m.

The meeting was adjourned at 7:00 p.m.

Respectfully Submitted,

Lee Hartmann, AICP  
Director of Planning & Development

Approved: