Excavation of Material Study Committee
March 21, 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, Marc Garrett, Betsy Hall, Malcolm MacGregor and Michael Main.

Staff Member: Lee Hartmann

Mr. Wick opened the meeting.

The committee discussed a possible requirement that end uses must be fully permitted prior to the commencement of earth removal and how that would impacts a project that requires several years of excavation.

The consensus of the committee was to require a fully permitted end use in all cases. If codes and standards change, the owner will have to revise their plans as necessary.

Minutes

Mr. MacGregor moved to accept the minutes of March 7, 2016. Ms. Hall seconded the motion. The vote was 6-0-1, with Mr. Malaguti in abstention.

Earth Removal Bylaw

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

Mr. Appleyard noted that the committee has focused on gravel removal but we should not forget about topsoil which protects (through filtering) our aquifer.

Mr. Garrett agreed. It's a preservation issue. Soil must be kept on-site.

Mr. Malaguti noted that in some cases there can be little or no topsoil.

Mr. Main recommended adding language that new topsoil shall be provided in such cases. In a case where a foot of topsoil exists on-site then a foot of topsoil should be put back.

Mr. Wick stated that the requirement made sense except for when the end-use is such as a parking lot or cranberry bog.

Mr. MacGregor said that projects located in an aquifer protection Zone II may need additional topsoil.

Mr. Garrett suggested requiring test pits to identify topsoil and subsoil composition, depth of gravel as well as depth to groundwater.

Mr. Malaguti noted that the bylaw should allow for test pits or borings. A boring may be a better option if there is say a 30 foot cut.

Ms. Hall suggested using the following language from Huntington, Massachusetts.

Test Digs *-Dimensions of test digs shall be such that a fifty pound sample can be obtained at depths specified by an engineer. In no case shall the depth of the pit be more*

than twelve feet (Mass Highway Dept. Standard Specifications 190.73). No test pit shall exceed 12 cubic yards of total earth disturbance.

Anyone proposing to do test dig(s) shall file a Test Dig Notification Form with the Planning Board, at least 14 days prior to the proposed dig. Notification Forms will be made available from the town's Administrative Assistant. The Notification Form shall contain the signature(s), name(s) and address(es) of the applicant(s), the legal owner(s) of the property, and corporate officers, if different. Any Notification Form shall be submitted to the Planning Board by certified mail or hand delivery. The Notification Form shall include a non-refundable filing fee of $50.00, payable to the Town of Huntington. A Notification Form shall not be considered complete unless the filing fee is included.

Upon receipt of the Notification Form, the Planning Board shall arrange a pre-dig site inspection. The applicant will be notified in advance of the time of inspection and will be encouraged to participate in that inspection. Upon completion of the dig(s), the applicant shall notify the Planning Board, who shall schedule a post-dig inspection to determine site condition. (Amended May 5, 1999) Following the completion of the post-dig inspection, the Planning Board shall provide the applicant, the Conservation Commission and the Zoning Board with a statement of their findings. Any further digging will require a new application process. The applicant shall have a period of six months to file a Special Permit Application, or to reclaim the site. In the event that the Special Permit Application is denied, the applicant shall reclaim the site within six months.

Mr. Garrett suggested a test pit density of 3 pits per 50 acres.

The consensus of the committee was to add a test pit requirement to the bylaw.

The consensus of the group was to require a minimum depth to groundwater of 5 feet for non-cranberry related operations.

The consensus of the committee was to:

1. Exempt from the zoning permit review process the removal of up to 200 cy that is associated with single family and two-family dwellings; and
2. Exempt from the zoning permit review process the removal of up to 1,000 cy that is associated with multi-family, commercial and industrial uses.
3. Set the following exemptions:
    a. Up to 2,500 cy of earth removal associated with an agricultural use; and
    b. Exempt earth removal necessary for the construction of Title V septic systems and building foundations.

Mr. Garrett said that the purpose of an earth removal bylaw is to allow for the reasonable and partial removal of earth and to protect the environment.

Ms. Hall said that the bylaw should include penalties assessed daily.

The committee discussed the possibility of including a maximum cut provision.

Ms. Hall stated that including requirements for buffers from public ways is important.

Mr. Garrett suggested adding language to identify some person (possibly Planning Director) or entity (possibly Planning Board) that reviews zoning permits and determines if a special permit is required.

The committee agreed to hold its next meeting once staff has prepared a draft bylaw.

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

Respectfully Submitted,

Lee Hartmann, AICP
Director of Planning & Development

Approved: