

Excavation of Material Study Committee

March 7, 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, Michael Main, Jack Risso and Richard Serkey.

Staff Member: Lee Hartmann

The Committee welcomed their newest member, Michael Main.

Mr. Wick opened the meeting.

Mr. Hartmann reminded the committee members that they need to be sworn in by the Town Clerk.

Minutes

Mr. Angley moved to accept the minutes of February 23, 2016. Mr. Risso seconded the motion. The vote was 6-0-2, with Mr. Main and Mr. Serkey in abstention.

The committee discussed Ms. Hall's requests that:

- 1.) All concepts to be discussed at meetings will be made available through the agenda several days before a meeting so that members may have time to research the concepts contained in the agenda item.
- 2.) Any motion that is made that does not refer to an agenda item will be tabled until the following meeting so that members may have time to research the concepts contained in the motion.

Mr. Angley was generally supportive of Ms. Hall's suggestions.

Mr. Wick felt that having to vote on all items would really slow the process down.

Mr. Garrett suggested making motions on items that are relatively straight forward. He noted that all votes could be modified at a later time.

Ms. Hall agreed that not all items need to be voted through such a process only the important ones.

Mr. Hartmann suggested that the committee approve some items by consensus without formally voting.

Earth Removal Bylaw

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

The committee discussed possible thresholds for single, two-family, multi-family and commercial and industrial land.

It was suggested that the committee build an exemption in for earth removal that is subordinate to a municipal use.

Mr. Appleyard recommended requiring an alternative analysis to demonstrate that the earth removal is the minimum necessary.

Mr. Main suggested setting a review threshold for requiring peer review.

Mr. Hartmann said currently staff sends all gravel removal proposals to Beals and Thomas for peer review.

The committee discussed earth removal in the Rural Residential areas of Town.

Mr. Hartmann said that the committee has three options.

1. Allow commercial earth removal operations by special permit regardless of any end use.
2. Allowing earth removal only if it is incidental, subordinate and objectively necessary to prepare a site for an end use.
3. Prohibit earth removal all together.

Ms. Hall asked the committee to focus on the current intent section of the bylaw.

Mr. Main noted that the intent section is considered by the Zoning Board but it is subjective.

Mr. Angley said that he did not think that the Town should have an outright prohibition of earth removal in the Rural Residential Zones.

The consensus for the committee (Mr. Angley in opposition) was to prohibit commercial mining in the Rural Residential Zone.

Mr. Serkey thought that including an alternative analysis made sense. Mr. Garrett, Ms. Hall, and Mr. Main were supportive of the suggestion.

The committee agreed to include a provision that earth removal work cannot start until after the end use is fully permitted (local and state).

Mr. Serkey asked about earth removal projects that take several years to complete. It may be difficult because of code and law changes to fully permit an end use five or six before it is built.

Mr. Hartmann suggested adding a provision for longer term projects that allows the Zoning Board of Appeals flexibility to extend the end use permitting requirement to a more appropriate time.

The committee agreed to discuss at the next meeting the threshold for requiring a zoning permit for earth removal.

The committee agreed to hold its next meeting on Monday, March 21st at 5:30 p.m.

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

Respectfully Submitted,

Lee Hartmann, AICP
Director of Planning & Development

Approved: