

Excavation of Material Study Committee
June 20, 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, Ed Angley, Russ Appleyard, Betsy Hall, Malcolm MacGregor, Marc Garrett, Michael Main, David Malaguti, Jack Risso and Richard Serkey.

Staff Member: Lee Hartmann

Mr. Wick opened the meeting.

Minutes

Mr. Angley moved to accept the minutes of June 6, 2016. Mr. Malaguti seconded the motion. The vote was passed (9-0-1, Mr. Garrett abstaining).

Earth Removal Bylaw

Mr. Hartmann described the revisions made to the bylaw based on the committee’s June 6, 2016 meeting.

Mr. Garrett noted that terraces on 2 to 1 side slopes make sense but terracing on 3 to 1 side slopes will require bigger cuts.

Mr. Serkey described his suggested language:

B. Earth Removal Operations Requiring a Zoning Permit but not a Special Permit

*The earth removal is **Cranberry Cultivation Earth Removal** (See Definition in Section 205-3), provided that the projected volume of earth to be removed is not greater than _____ cubic yards, and provided further that:*

- (a) If **Building New Bog**, the Building Commissioner determines that the net present value of projected income from cranberries over a 10 year period is greater than the net present value of the earth to be removed therefrom, or*
- (b) If **Enhancing or Maintaining Existing Bog**, the Building Commissioner determines that the maintenance and improvement activities are consistent with practice standards promulgated by the Natural Resource Conservation Service.*

Mr. Garrett discussed the definition of sale. It should not include the sale of gravel to raise funds to improve or protect natural resources.

The committee discussed the merits of such a provision.

Mr. Angley noted that the sale provision only relates to cranberry operations.

Mr. Malaguti thought that adding such a provision is making the bylaw more complicated than is necessary.

Mr. Serkey noted that the goal of his suggested language is to limit the circumstances when a special permit is required of earth removal when associated with cranberry operations.

Mr. Wick noted that the vast majority of earth removal operations related to cranberry operations are under 100,000 cubic yards.

Mr. Wick said that he discussed the “net present values” concept with representatives of Farm Credit East. They said a very complicated process would be needed to make such a determination.

The consensus of the committee was to include the following exception from the special permit process.

*The earth removal is **Cranberry Cultivation Earth Removal** to expand, enhance or maintain existing cranberry cultivation facilities, provided that the projected volume of earth to be removed is not greater than 50,000 cubic yards, and provided further that the Building Commissioner determines that the activities are consistent with practice standards promulgated by the Natural Resource Conservation Service*

The committee discussed the concept of an end use requirement but took no action.

At the next meeting, the committee agreed to continue to review the overall bylaw, discuss the perception of member conflicts of interest and further consideration of end use requirements.

The committee agreed to hold its next meeting on July 11, 2016.

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

Respectfully Submitted,

Lee Hartmann, AICP
Director of Planning & Development

Approved: