

Excavation of Material Study Committee
September 26, 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, Malcolm MacGregor, Jack Risso and Richard Serkey.

Staff Member: Lee Hartmann

Mr. Wick opened the meeting.

Minutes

Mr. MacGregor moved to accept the minutes of September 12, 2016. Mr. Risso seconded the motion. The motion was approved (5-0).

Earth Removal Bylaw

Mr. Hartmann noted that at the last meeting Mr. Main had requested a better definition of incidental. He presented that following list of possible definitions:

1. Does not change the character of the principal use.
2. Is operated and maintained under the same ownership and use as the principal use.
3. Is subordinate in area to the main use.
4. Exists to support the principal use.
5. Is minor in significance to the primary use.
6. Is commonly established as reasonably associated with the primary use.
7. Is necessary to carry out the primary use.
8. Does not conflict with the intent of Section 205-18 (F).
9. Is minor in its net effect to that of the principal use, based on the amount of material to be removed and the time period over which it is to be removed.

The committee agreed to include items 5 through 9 in the definition of incidental.

The committee agreed to reduce the normal gardening or landscaping earth removal threshold from up to 200 cubic yards in a calendar year to 100 cubic yards.

The consensus of the committee was to accept the revisions to the draft bylaw as presented.

General Bylaw - Chapter 154 - Soil Removal

Mr. Hartmann stated that he reviewed various town meeting documents, Planning Board minutes, Board of Selectmen minutes and consulted with the Town Clerk and that he could find no evidence of how or why this bylaw was created. In addition, he found no evidence that the bylaw has ever been used.

The consensus of the committee was to take no action relative to the Soil Removal General Bylaw.

The committee agreed to look at the final draft bylaw at the next meeting. Mr. Hartmann agreed to create a PowerPoint presentation for the committee's review. Mr. Serkey volunteered to create a flow chart of the bylaw for the committee.

The meeting was adjourned at 6:55 p.m.

Respectfully Submitted,

Lee Hartmann, AICP
Director of Planning & Development

Approved: