

Charlemont Earth Removal Committee
Continued public hearing on gravel operation permit application
8/16; 9/13; 11/1/ 2016
Hawlemont Cafeteria

Minutes 11/1/16

Members present: Sarah Reynolds, Chair; Bill Harker, Cons. Commission;; Gisela Walker, Planning Board; Rob Lingle, Board of Health, absent due to illness

Applicants: Mr. Richardson; Mr. Ned Childs

Members of the public: Bill Stephens, Dan Miller, Tom Shields, Sue Annear,

Chair, SR, opened the continued Public Hearing on the application by Mr. Childs for a permit for their gravel pit behind the Fairground at 6.30pm. She explained that the reason for the continuance had been the lack of detailed information required for the application and expressed the hope that the applicant would be able to provide this so a permit could be voted on at the next hearing.

The first issue to be addressed was access from the gravel pit across the fairgrounds to a public road.

The applicant provided a letter from the Board of Selectmen permitting such access along the back track of the fairground for one year. The member verified on the map that all understood the same route and agreed that the issue was resolved. SR made it clear that in case the permission was revoked the permit would need to be re-negotiated. The town will received per this letter a \$2 fee per truckload.

Abutter Stephens' wish to limit the use of the deeded right-of-way through his property to residential use only was not granted as the Committee has no right to negotiate rights-of-way between landowners.

Next issue related to the footprint of the gravel pit. Again the applicant had no map identifying the footprint in 2 foot intervals on a topo map, only a tax map. SR pointed out the importance of such a map for a valid application. It was decided to have another site visit with the Committee and then to mark the footprint and identify the GPS points jointly.

In that context the issue of the buffer zone arose. The bylaw requests a 100' buffer from the lot lines. The applicant feels that as a pre-existing operation they cannot be held to such a setback that would deprive them of a certain amount of product if strictly enforced. GWalker is opposed to starting the slope into the pit at the lot line of the fairground. A look at the map shows that there are stretches where the buffer can be maintained and stretches where compromise would be required. B Harker suggested that certain areas be brought into compliance by backfilling with waste material. A better map will allow a clearer identification of those stretches. Benchmarks will be established.

Estimated total yield of the gravel pit acc to the applicant will amount to less than 10,000 yds/year.

Next issues were sloping and grading of the pit itself to avoid ponding, flooding and erosion. There was agreement on a 1% pitch from the deepest point in the pit to the drainage point in the south end to allow for enough shallow area for the water seepage and slow and steady run-off out of the pit.

There was no information yet from DEP about the intermittent stream exiting the pit area.

Re. groundwater monitoring the applicant agreed to insert a permanent monitoring pipe to allow water table monitoring.

SR made the applicant aware of the max. hours of operation allowed in the bylaw which brought up the point of crushing. The applicant hopes to have their main product be Title 5 sand but should crushing be a good idea they would be renting equipment and this might go on for a week or two and we can re-visit this when we do the details of the permit.

Re the importation of materials the applicant foresees the need – when it comes to reclamation – of importing woodchips or sawdust or papermache to encourage the growth of grass as there is very little topsoil left in the old pit. Again, the applicant pointed out that ultimate goal is to put the land into a topographical shape that makes it attractive to be sold and not to extend the operation by importing asphalt or rock. Insurance/liability coverage will be provided through Mr. Richardson's business and cover negligence on his part.

Abutter D Miller asked about the option of requiring bonding to protect the downstream abutters who had been hurt in the 1987 flood.

The applicant thought that the cost of bonding would be prohibitive and would not ultimately pay for 'Acts of God' anyway. The Chair will look into it with town counsel. The applicant promised to provide the missing information before the next hearing.

The date for the – hopefully - final hearing was set for November 29 at 4 pm with the site visit scheduled for 2.30 at the site.

SR moved to close the hearing at 8.25, GW 2nd, all in favor.

Documents used: ERC bylaw; letter from town re access across gravel pit; application;