

BOARD OF SELECTMEN
MAY 10, 2004
REGULAR SESSION MINUTES
“APPROVED”

Present: Thomas D. Hartnett, Chair; George F. Dillon, Jr., Vice Chair; John L. Saball, Clerk (arrived at 6:50 p.m.); Peter S. Cunningham, Member; Virginia C. Wood (arrived at 7:00 p.m.), Member; and Administrative Officer Jean E. Kitchen.

The meeting was called to order at 6:35 p.m.

Earth Removal Exemption - DeerHaven Subdivision, Skyfield Drive, Map 127, Parcel 27

Attorney Robert Collins, Earth Removal Inspector Michelle Collette and Mr. Paul Fitzgerald were present for this portion of the meeting.

Attorney Collins stated Mr. Moulton wanted to leave a certain amount of loam and take the excess to his other sites. Ms. Collette stated the Earth Removal Committee had walked the site and recommended 2,200 cubic yards of material removed. Ms. Collette reviewed the Earth Removal Committee recommendations. Attorney Collins stated the applicant would aim to stabilize everything in August. Mr. Dillon asked what was to happen to the site the trailer was located on. Attorney Collins stated the entire area would be loamed including the site of the construction trailer. Mr. Cunningham stated the application had requested 2,800 cubic yards and the ERC was recommending 2,200 cubic yards. Attorney Collins stated the 2,200 cubic yards were adequate. Mr. Dillon asked if there was a conflict with trucks during school hours. Ms. Collette suggested 9 a.m. to 2 p.m. Attorney Collins stated Mr. Moulton would not be able to remove all the materials by the end of June. Ms. Collette stated the hours are usually the recommendation of the Police Chief. Attorney Collins stated 9 to 2 would be fine. Mr. Fitzgerald expressed concern regarding the children playing in the street during the summer months. Attorney Collins stated if the hours of operation are 9 a.m. to 2 p.m. until school ends, the applicant would need the date extended until September 30, 2004. Ms. Collette stated the stockpile would need to be stabilized in June; and confirmed the hours of operation would be 9 a.m. to 2 p.m. during school hours (and September); and no operation during July and August.

Mr. Cunningham moved to approve a Certificate of Exemption to the Earth Removal By-Law, Chapter 134, Section 10, for David Moulton, Fox Meadow Realty Corp., for the removal of 2,200 cubic yards of loam located on Skyfield Drive, as shown on Assessors Map/Parcel 127/27 to include the following conditions:

1. *No operating on site before 7:00 AM or after 5:00 PM.*
2. *Material taken off site limited to 9:00 AM to 2:00 PM. during school days. No operating during July and August.*
3. *The roadway must be cleaned at the end of the workday.*
4. *No operating on weekends or holidays.*
5. *Applicant shall notify the Earth Removal Inspector prior to commencement of removal of material from the site.*
6. *Slope of stockpiles not to exceed 2:1*
7. *Appropriate dust control measures to be undertaken.*
8. *Applicant must ensure traffic flow is not impeded during operation.*
9. *The amount of material to be removed will not exceed 2,200 cubic yards. The remaining 1,000 cubic yards contained in the two existing stockpiles shall remain for the final restoration of the disturbed area where the construction trailer is located.*
10. *The 1,000 cubic yards of material moved from the Smith Farms subdivision to the Deer Haven subdivision should not be considered "excess" material generated by this project and should remain on the site.*
11. *After the 2,200 cubic yards of excess material have been removed, the applicant shall submit certification by a Registered Land Surveyor that the stockpile remaining on the site contains 1,000 cubic yards of material for restoration of the site.*
12. *The applicant shall schedule an inspection with the Earth Removal Inspector as soon as all excess material has been removed and the remaining material is still stockpiled.*

- 13. *The existing stockpile must be stabilized as soon as possible with seed or mulch hay to prevent dust problems.*
 - 14. *All material shall be removed no later than September 30, 2004*
 - 15. *The disturbed area with the stockpiles and construction trailer must be stabilized with vegetation prior to acceptance of the streets as public ways.*
- Seconded by Mr. Dillon. 4 in favor, 1 absent.*

350th Committee RE: Use of Legion Hall

Mr. Don Black was present for this portion of the meeting.

Mr. Black stated the 350th Committee was requesting the exclusive use Legion Hall and would like an Information area to be set up, which will be manned by senior volunteers and generate sales. Mr. Black stated the Veterans' Agent and Maintenance Department would still be able to utilize the building. Mr. Cunningham expressed a need to know who uses the building. Mr. Black stated the Committee would need the building 2005 on a full-time basis from Thanksgiving (2004) until September 11, 2005 and have use of the building until December 2005. Ms. Kitchen stated she would put the item on the next agenda and get feedback from Town Clerk Onorina Maloney. Mr. Hartnett thanked Mr. Black for all the work the Committee has done.

Finalize Cell Tower Agreement

Ms. Kitchen would put the item on the following week's agenda and invite Mr. Tom Delaney, Ms. Michelle Collette and Mr. Jim Patierno.

Review /Approve Regular Minutes of May 3, 2004

Mr. Cunningham moved to approve the Regular Session Minutes of May 3, 2004, as amended. Seconded by Mr. Dillon. Unanimous vote.

Administrative Officers Report

Ms. Kitchen will contact Lisa Pelletier regarding the rail trail hay bales.

Mr. Cunningham moved recess to Annual Town Meeting at 7:20 p.m. Seconded by Mr. Saball. Unanimous vote.

Approved: _____
John L. Saball, Clerk

Respectfully submitted by,
Kathleen Newell, Office Assistant
for Jean Kitchen, Administrative Officer

Date Approved: May 17, 2004