



## PLANNING BOARD • Town of Acton

MINUTES  
PLANNING BOARD MEETING  
MAY 18, 1981

CALL TO ORDER: 8:35

THOSE PRESENT: Mrs. Bayne (Chairwoman); members, Mr. Weare, Ms. McCarthy, Mr. Phillips; Town Planner, Mr. Dufresne; Mr. Crystall of Lycott Engineering; Mr. Callaghan, Town Counsel; Mrs. Resor, Selectman; Mr. Johnson, Building Commissioner; Ms. Lopes of the Minuteman; Mrs. Maxwell, Mrs. Petersen, Mr. Flood and Mr. Grinnell of the Board of Appeals; and Mr. Atkinson, concerned citizen from Silver Hill Rd.

EARTH REMOVAL: Mr. Flood, questioned at what point in a working subdivision should earth removal be permitted; should it be under a special permit; and who is responsible for the regulation and enforcement of proper removal? Mrs. Bayne voiced a question as to who is responsible for regulating the different phases in a subdivision under construction. Mr. Flood was concerned about the loam being removed by the builder to be sold for profit. He questioned whether this activity should be permitted, and if so shouldn't one of the Boards exercise some control over this activity.

Mrs. Maxwell raised a question as to whether earth removal in a subdivision is a "use" and thereby is it allowed in a residential area under the Earth Removal By-Law? Town Counsel answers to this by stating that earth removal during construction of a subdivision is an incidental or secondary activity and therefore not forbidden.

Mr. Callaghan mentioned a few of the objectionable features which are relevant considerations when permitting earth removal. He says that earth removal has impacts resembling strip-mining and that the heavy trucking associated with this activity cannot be regulated.

Mr. Dufresne stated that other than within the roadway area in a subdivision, the Planning Board has little, if any control over the removal of loam or other material. Mr. Crystall mentioned that the removal of sand, gravel and loam can affect the waters natural filtration process which is essential for eliminating pollutants. As a general consensus from the discussion and comments, there appeared to be a definite need for a better defined and restrictive Earth Removal By-Law, which clearly separates the gravel and sand type removal from the loam removal and strictly regulates that a specified amount of the removed loam be returned to where it came from, or a provision which prevents any removal of loam other than which is necessary for the construction of the building.

A specific concern of Mr. Johnson, the Building Commissioner, was the need to identify one specified board and/or official who is to be responsible for regulating and enforcing this By-Law.

In the months ahead, Planning Board member, Mr. Weare will be reviewing the Earth Removal By-law and will continue this communication between himself, the Town Planner, Board of Appeals, Building Commissioner and Town Counsel.

VOUCHERS: The following voucher was approved for payment by the Board:

The Planning Services Group \$7.00

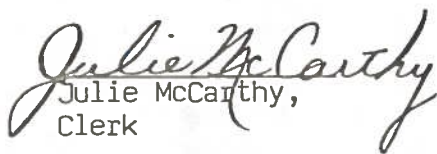
MOVED by Ms McCarthy second by Mr. Weare, all in favor.

MINUTES: The following minutes were approved as corrected by the Board:  
May, 11 1981.

MOVED by Mrs. Bayne, second by Mr. Weare, all in favor.

MEETING ADJOURNED: 11:00

Respectfully Submitted,

  
Julie McCarthy,  
Clerk

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