

## **Earth Removal Advisory Committee - October 19, 2017 Meeting Minutes**

**Time:** 7:15 PM – 8:30 PM    **Location:** Town Hall 2nd Floor Conference Room

**Members Present:** John Picariello, Chair; Cabot Dodge; Milton Fistel; Gary Barden; and Toni Bandrowicz

**Members Absent:** Katheryn White; George Potts; James Potts

**Others Present:** Robert Allen from Salem State University Communication Department to observe the meeting.

A quorum was determined to be present and the meeting opened.

### **441-445 Essex Street Project**

The Committee first discussed the application for an Earth Removal permit received on October 11, 2017 from Mr. Paul DiBiase for the Swampscott Living LLC development at 441-445 Essex Street. Mr. DiBiase had received an earlier Earth Removal permit from the Board for this particular project; however, as it expired mid August before all the work was completed, the owner had submitted this new application. Mr. DiBiase did not attend the ERAC's October 20, 2017 meeting so the Committee was unable to question him on the new permit application.

Raised at the meeting was a concern that the terms of the original permit had been changed without approval of the Board of Selectmen. The original permit provided that, with respect to "hours of operation," work could be conducted on the site only from "8 am to 12 noon on Saturdays." At some time after the issuance of this permit, the owner requested and was granted permission to operate until 4:00 pm on Saturdays. Discussion was had regarding the inconvenience of the neighbors to having work done on Saturday afternoon, as well as the fact that the change was also apparently not granted by the Board, nor discussion had with the Committee.

A motion was made by Gary Barden, seconded by Toni Bandrowicz, and unanimously approved by the Committee to send a letter, to be drafted by member Toni Bandrowicz, to the Selectmen outlining the Committee's concerns regarding the change to the original permit. A second motion was made by Toni Bandrowicz, seconded by Milton Fistel to recommend in such letter that the Board of Selectman issue a new permit and that the new permit include (1) all the requirements of the previous permit; (2) the hours of operation as in the original permit (i.e., only allow work from 8 am to 12 noon on Saturdays); and (3) a specific condition relating to dust control, as contained in the Earth Removal By-Laws Sections 3(g) and (i).

**Action Item:** Toni Bandrowicz will draft a letter to the Selectmen, to be signed by the Chair, including the items noted above.

### **Election of Officers**

The Committee then turned to the election of officers. The committee voted to elect John Picariellos as Chair, and Toni Bandrowicz as secretary.

### **Other Matters**

There was a brief discussion on the condition of Foster Pond and activities being undertaken by the Open Space and Recreation Plan Committee regarding the pond.

Meeting adjourned at 8:30 pm.

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