

BRIAN JADUL & PETER GIVEN
90 & 96 Lincoln Lane
ERB 02-1 & 02-2

MINUTES OF THE PUBLIC HEARING CONTINUATION
SUDBURY EARTH REMOVAL BOARD
TUESDAY, JANUARY 14, 2003

The Board consisted of:

Melinda M. Berman, Chairman
Richard L. Burpee, Clerk
Thomas W.H. Phelps
Elizabeth A. Taylor
Stephen A. Garanin

The public hearing was convened by the Chairman, Ms. Berman who noted the Board was in receipt of two letters, one dated December 31, 2002 from Mr. Jadul, the other dated January 11, 2003 from Mr. Given. Both letters requested the applicants be allowed to withdraw their applications without prejudice and that the filing fee for subsequent applications be waived.

Ms. Berman noted that Town Counsel has opined that because the amounts of earth proposed to be removed are substantially greater than what was originally stated in the application, that the applications should be withdrawn without prejudice and resubmitted and advertised as new applications.

With regard to the waiver of fees for the resubmissions, the Board noted that application fees are instituted to cover the costs of advertisings, mailings of hearing notices and decisions to abutters, as well as time spent by town officials in reviewing the applications for report. In this case, it is estimated that the time spent to date by Town Counsel, Town Engineer and the Building Inspector for site visits, review and follow-up has in all probability already exceeded the costs for the second submissions and justifies a vote to not waive the second set of fees.

The public hearing was closed.

The following motions were then placed and seconded:

MOTION: "To grant a request by the applicants, Brian and Dawnmarie Jadul, 96 Lincoln Lane, and Peter and Annette Given, 90 Lincoln Lane, to withdraw their applications without prejudice."

(Case ERB 02-1 – (Jadul) for an Earth Removal Permit to remove approximately 800 cubic yards from 96 Lincoln Lane)

(Case ERB 02-2 – (Given) for an Earth Removal Permit to remove approximately 500 cubic yards from 90 Lincoln Lane)

VOTED: In favor: 5 (unanimous) Opposed: 0

MOTION: "To disallow a request for waiver of filing fees for subsequent Earth Removal application for 96 Lincoln Lane and 90 Lincoln Lane."

VOTED: In favor: 5 (unanimous) Opposed: 0

Melinda M. Berman, Chairman

Richard L. Burpee, Clerk

Thomas W.H. Phelps

Elizabeth A. Taylor

Stephen A. Garanin