

**TOWN OF SWAMPSCOTT
EARTH REMOVAL ADVISORY COMMITTEE (ERAC)
Minutes of January 25, 2021 Meeting
Elihu Thompson Administration Building
22 Monument Avenue
Swampscott, Ma. 01907**

EARTH REMOVAL COMMITTEE MEMBERS PRESENT: John A. Picariello, Chair; Tonia Bandrowicz, Gary Barden, Matt Therkelsen, Mike Proscia.

Participated via phone: Cabot Dodge

OTHER GUESTS: Kurt Hine, Jarrett Temple, Peter Bennett, Aggregate Industries and Chris Drucas, Counsel for Aggregate Industries, Town Representatives: Marzie Galazka, Director Community and Economic Development.

Meeting called to order 6:31 P.M.

Minutes of the October 19, 2020 meeting approved.

Following up on discussion from last meeting regarding Aggregate Industry's Annual Earth Removal Permit, J. Picariello confirmed that the timeframe for the permit will remain the same (July 1 – June 30).

Committee reviewed recommendations for blasting provisions provided by Jay Perkins, Brierley Associates, consultant to the town. At issue are blasting operation that cause human annoyance. J. Perkins suggested that ERAC adopt 527 CMR 1.0:65.9.13 (Alternative Allowable Vibration Levels) that should address the human annoyance related to vibrations. AI raised concern of a 0.5 limit on its operations, noting that this number is not based on scientific data but subjective and hence arbitrary. J. Perkins agrees with difficulty of setting a limit based on human perception (as opposed to building damage), that it is not based on scientific basis and is subjective, but he believes it could reduce complaints. Noted that in St. Louis case (where this number was used), quarry was in very urban setting with houses as close as 100ft. away (as opposed to Swampscott where closest house is 750 ft. away). J. Perkins also mentions that Boston has used a limit of 1.0, again not based on science.

The Aggregate Industries (AI) team requested additional time to review the blasting recommendations. There are many factors that go into blast design at the quarry, and AI is concerned that placing a restriction lower than allowed by state regulations might not solve the "human annoyance" issue and limiting the blasts to one per week will not yield the product needs of the AI operation.

G. Barden questioned if homeowners have a recourse if blasting limits are higher than allowed by state.

Discussion followed regarding complaint process and J. Picariello updated ERAC members on a new feature available on town website (<https://www.swampscottma.gov/>). SeeClickFix app allows residents the ability to report quality-of-life concerns directly to the town through custom service request categories, such as the quarry issues. J. Picariello further stated that this is a better option for residents to voice their

complains vs on social media, but residents should also call the Fire Department to formally file a complaint.

AI staff stated that they strive to do the best to minimize the impact of the blasts. Internal review is performed after a blast that has complaints. As recent as 01/25 social media posts blamed AI for several annoyance vibrations, yet there were no blasts in January and last blast was in December and received no complaints.

AI requested additional time to review paragraph 12 (Suspension of Blasting) and paragraph 17 (Closure Planning). AI is willing to set a reasonable amount of funds/bond to plan for and fund the closure of the quarry when the facility is no longer able to function as a production facility. AI maintained the position that they value this real estate and are committed to the restoration of this site when quarry operations are no longer an option.

Permit fee discussion continued. Town Administrator recommended to increase the annual permit fee from \$500 to \$5,000. ERAC believes that the fee should be tied to the cost to implement the permit and expenses incurred by the town. This year, ERAC held 16 meetings that focused on earth removal by law, AI permit review and renewal and to discuss how to improve the operations of AI and decrease the human annoyance factor.

Action items: provide the Town Administrator and Select Board members with an updated copy of the marked-up permit.

Next meeting TBD.

On **MOTION** by (Gary Barden) and **SECONDED** (Matt Therkelsen) it was **VOTED** by roll call to adjourn the meeting.

Roll call: John A. Picariello (YES), Tonia Bandrowicz (YES), Gary Barden (YES), Gary Barden (YES), Matt Therkelsen (YES), Cabot Dodge (YES), Mike Proscia (Yes).

Meeting adjourned 8:27 p.m.