

Meeting Minutes of Earth Removal Advisory Committee (ERAC), March 6, 2023

Meeting called to order at 6:50 p.m.

Present were: John Picariello, ERAC Chairman; Joe Markarian, ERAC member; Gary Barden, ERAC member; Tonia Bandrowicz, ERAC member, joining virtually were ERAC member Ted Dooley.

Town staff present: Marzie Galazka, Community Development Director.

Representing Aggregate Industry were: Attorney Aaron Rosenberg, joining remotely, Chris Drucas, Legal Counsel; Tanya Taylor Aggregates Operations Manager; and Jarrett Temple, Region Manager, Land & Environment.

On a motion by member J. Markarian and seconded by T. Bandrowicz, minutes of the 02/06/23 meeting were approved unanimously.

Chairman Picariello requested a motion to take agenda items out of order and began the meeting with Item number 6 (an update on new school) before discussing an update on AI's Earth Removal Permit and work related to the permit. The Chairman summarized his visit to the school site.

Blasting at school site averages 4-5 blasts per day. The contractor sends email notifications to neighbors and residents that are on the notification list.

During a site visit Chairman Picariello noticed increased dust from crushers. He further noticed that the water supply was not connected. A request was made to wet the area. The contractor complied.

Chairman Picariello stated that a resident of 47 Greenway has a concern about a tree that is leaning into this property. AI was contacted and will determine if the tree is on its property. New quarry manager will contact the property owner. AI will provide ERAC and Town staff with an updated contact list.

Attorney A. Rosenberg, as in previous meetings, stated that the statements made during this meeting are without waiver of the company's claims in the pending litigation.

Chairman Picariello provided an update on the response from AI on the 17 questions that were submitted to AI regarding the permit and quarry operations. AI provided responses to 9 out of 17 questions. Written response was shared with ERAC members.

Discussion regarding quarry operation followed. Data from 2022 showed multiple blasts from same location. ERAC questioned whether the 50 blasts limit, as per permit, is based on location or blasts. G. Barden stated that blasts should be per day not location. T. Bandrowicz reminded members that, in the past, AI expressed interest in amending permit language to "50 production blasts" vs "50 blasts".

Attorney A. Rosenberg reminded ERAC that blasting parameters are part of the litigation and that the Select Board needs to be part of the conversation as part of the settlement negotiations. AI defined "Production Blasts".

ERAC would like to differentiate the types of blasts and the number of blasts that take place at the quarry. AI has done both types of blasts. T. Bandrowicz requested a definition for “Production Blast” and “Development Blast”. AI would like to discuss the process of counting blasts with the Select Board as part of the settlement of the litigation.

Discussion followed regarding the next permit. Should ERAC differentiate production vs development limits in the next permit? G. Barden suggested looking at public comments regarding blasts to determine the need to differentiate blasts.

ERAC requested blast data from 2021 and recommended that videos of blasts be longer to show the dust cloud. T. Taylor stated that AI shared 2021 data with Jay Perkins. Data and video will be share with the Chairman and he will share it with members once received.

The following responses are due from AI:

1. Dust Study/Management Plan – There was a discussion on waiting until new equipment’s on line before doing study.
2. Noise Management Plan (T. Bandrowicz asked when the flowchart /decision tree on noise testing would be submitted. AI will get back to ERAC with a response.)
3. Buffer Zone (par. 15) – list of properties owned by AI that will not be developed as a quarry. ERAC agreed to propose language for this par. of the permit.
4. Closure Plan – Chairman Picariello asked for a 5-year plan of mining. The permit requires AI to review the site and reuse option every five years (due this year) which ERAC has to review.

T. Bandrowicz requested an update on status of annual meeting with quarry neighbors required by par. 24 and there was agreement that this should probably wait until litigation was resolved. She also asked about how to updated par. 25 regarding pre blast surveys since AI’s contractor, PreSeis, has completed sending out packets to residents and doing surveys. There was a discussion of how best to notify new neighbors and AI said it will check with PreSeis, on how best to handle noitifications.

Upon motion, duly made by Joe Markarian and seconded by Gary Barden, it was unanimously voted to adjourn the meeting at 8:30p.m.