

Meeting Minutes of Earth Removal Advisory Committee (ERAC), May 2, 2023

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Meeting called to order at 6:15 p.m.

Present were: John Picariello, ERAC Chairman; Joe Markarian, ERAC member; Tonia Bandrowicz, ERAC member, Gary Barden ERAC member and Attorney Adam Simms, representing the town of Swampscott.

Town staff present: Marzie Galazka, Community Development Director.

Representing Aggregate Industry were: Attorney Aaron Rosenberg and Attorney Chris Drucas, and Tanya Taylor, Aggregates Operations.

Update of school construction, blasting, dust complaints: Chairman J. Picariello provided an update on the new school project. Blasting work is almost complete. There were several complaints about dust and noise. Contractor is now utilizing a water buffalo spray to control dust from blasting and site work.

Review on blasting report from Jay Perkins- staff from Aggregate Industries (AI) has not seen the blasting report prepared by Jay Perkins. AI requested to table the discussion until they have an opportunity to review the report. M. Galazka to forward a copy of the report to T. Taylor and the AI team. Payment for blasting report will be processed by AI once they receive an invoice from town.

Initial review of AI application for renewal permit: ERAC continued discussion from last meeting regarding the following sections/paragraphs from the Annual Permit:

Paragraph 2 Street Sweeping – location of area on Danvers Road subject to street sweeping has been identified as Danvers Road Bridge to golf driving range. Sweeping will be done at least once per week as stated in the permit.

Paragraph 15 Buffer Zone – it was discussed that for safety purposes and to provide a buffer to noise and dust emanating from the earth removal operations in the quarry, AI will maintain ownership of such properties and, excluding those parts of the land that are part of quarry operations, shall maintain such properties in an undeveloped state until quarry closure.

Paragraph 17 Closure Plan - AI will submit a five year review of existing site operations conditions and the potential reuse options at the close of the year. Attorney Drucas stated that it will take some time to update the plan. No completion date has been set.

Paragraph 5B Noise Testing - To evaluate noise levels produced by quarry operations an independent, professionally trained air quality consultant will conduct testing three times in the current permit year annually (once within 30 days of, but not more than 45 days after, the commissioning of the plant upgrade planned for the summer 2023, once in November, 2023, and once in May, 2024).

Paragraph 25 Pre-Blast Survey – discussion followed regarding notification and process for qualified residents to obtain a pre-blast survey. AI could use sales reports from Town Assessor's Office to send information packet providing information and an offer for a pre-blast survey (similar to the

information packet the company sent on February 5, 2020) to any new residents at the addresses listed in the February 5, 2020 information packet).

Paragraph 14 Water Discharge – annual reports will be provided by AI to ERAC and Board of Health. Reference to the National Pollutant Discharge Elimination System has been removed from this paragraph.

ERAC expressed interest in, and need to hold an Executive Session to discuss items in the permit that are subject to litigation. The chair and town staff will seek guidance from KPLaw regarding open meeting law and ability to enter into an Executive Session.

ERAC proposed changes to the General Bylaws for the May 15 Annual Town Meeting that would update the definition section of the Bylaw, amend the amount of material removed that triggers Earth Removal permit and correct the number of ERAC members. T. Bandrowicz will represent ERAC at Town Meeting and make a motion on behalf of ERAC.

Vote on committee chairman- J. Picariello offered his resignation as the Chair, but will remain as a committee member. He requested nominations from the committee. Joe Markarian offered to serve. On motion made by G. Barden and seconded by T. Bandrowicz, it was unanimously voted to name J. Markarian as the new Chair of ERAC.

Dates for the next meeting were discussed and Tuesday, May 23, 2023 has been set as next meeting date.

Upon motion, duly made by G. Barden and seconded by T. Bandrowicz, it was unanimously voted to adjourn the meeting at 7:45 pm.