



*Select Board Regular Session Minutes
Swampscott High School
200 Essex Street, Room B129
June 7, 2023 6:00 PM*

Received by Town Clerk
July 18, 2023, 3:40pm

*David Grishman, Chair
Katie Phelan, Vice Chair
Mary Ellen Fletcher
Peter A. Spellios
Douglas Thompson*

*Sean R. Fitzgerald
Town Administrator
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SELECT BOARD MEMBERS PRESENT: DAVID GRISHMAN, MARY ELLEN FLETCHER, KATIE PHELAN, PETER SPELLIOS, DOUG THOMPSON

MEMBERS ABSENT: NONE

OTHER TOWN OFFICIALS PRESENT: SEAN FITZGERALD, TOWN ADMINISTRATOR, AMY SARRO, DIRECTOR OF FINANCE & ADMINISTRATION, MARZIE GALAZKA, DIRECTOR OF COMMUNITY DEVELOPMENT, EARTH REMOVAL ADVISORY COMMITTEE REPRESENTATIVES: JOSEPH MARKARIAN, CHAIR, TED DOOLEY, GARY BARDEN, TONIA BANDROWICZ, JOHN PICARIELLO; SWAMPSCOTT CONTRIBUTORY RETIREMENT REPRESENTATIVES: NANCY LORD, THOMAS DRISCOLL, CHAIR, JOHN BEHAN, VICE CHAIR, KEVIN BREEN, ROBERT POWELL AND AMY SARRO

OTHERS: HOLCIM-NEER, INC. REPRESENTATIVES: ATTY. AARON ROSENBERG, TANYA TAYLOR, JARRETT TEMPLE, & CHRIS DRUCAS

A. PUBLIC COMMENTS: TA FITZGERALD DISCUSSED AN UPDATE ON KING'S BEACH. THERE HAS BEEN COLLABORATION WITH STAKEHOLDERS. HE HOSTED CONGRESSMAN MOULTON, MAYOR NICHOLSON, THE TOWN'S LEGISLATIVE & CITY OF LYNN'S LEGISLATIVE BODIES. HE HAS SPENT HIS SWAMPSCOTT TENURE LOOKING AT WAYS TO IDENTIFY THE TECHNICAL FEASIBILITY OF ADDRESSING HOW TO DEAL WITH THE WATER QUALITY. WE NEED OUR STATE AND FEDERAL OFFICIALS TO HELP FUND THE UV DISINFECTION SYSTEM. BACTERIA LEACHES INTO THE BEACH FROM SEWER PIPES. HE FEELS THAT A PIPE THAT GOES OUT DEEP INTO THE OCEAN WILL BE BETTER. I'VE SHARED WITH OUR STAKEHOLDERS, INCLUDING THE NEW SECRETARY OF ENVIRONMENTAL AFFAIRS THAT WE NEED A PARTNER IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT. MAYOR NICHOLSON HAS DONE AN EXTRAORDINARY JOB PULLING EVERYONE TOGETHER. WE RECEIVED \$5MM LAST YEAR. OUR STATE REPRESENTATIVES ARE WORKING HARD. WE WILL CHECK IN AGAIN SOMETIME MID-JULY/EARLY AUGUST, AFTER SECRETARY TEPPAR HAS A CHANCE TO LOOK AT OUR FEASIBILITY STUDY AT WHICH POINT WE NEED TO MOVE TO A PRELIMINARY DESIGN, INCLUDING LOCATION, FUNDING. WE'VE HAD ADVOCACY WITH NON-PROFIT GROUPS AS WELL AS FROM CITIZENS IN SWAMPSCOTT AND LYNN. THERE WILL BE AN UPDATE IN JULY, INCLUDING FUNDING FOR SOURCE ELIMINATION. WE'VE SPENT \$6MM BUT THERE'S A LOT MORE WORK TO BE DONE.

ANDREA AMOUR, 15 SHERIDAN RD.: APPRECIATE ACKNOWLEDGING KING'S BEACH. SHE RUNS SAVE KING'S BEACH FACEBOOK PAGE. THEY MEET EVERY FEW MONTHS TO PULL TOGETHER THE MOST RECENT INFORMATION. KEY CONCERNS: THERE'S NOT ENOUGH TRANSPARENCY TO THE PUBLIC ABOUT THE PROBLEM. THERE NEEDS TO BE MORE PUBLIC AWARENESS, INCLUDING THAT 92% OF DAYS STACY'S BROOK IS UNSAFE; WE'RE GETTING CLOSE TO HAVING A REAL SOLUTION, WE'RE HERE TO HELP WE GET THERE BUT CAN'T UNLESS WE KNOW WHAT'S HAPPENING; WE'RE GETTING FATIGUED LISTENING TO THE LACK OF FUNDS. SHE'S MEETING WITH JENNY ARMINI NEXT WEEK TO TALK TO HER ABOUT FUNDING.

MAURA LAU, 15 OUTLOOK RD.: EXPRESSING CONCERNS ABOUT TOWN MEETING, HOW DIFFICULT IT IS TO BE RECOGNIZED WHEN SHE WANTED TO SPEAK ARTICLE 12. SHE HAS SPECIAL FEELINGS ABOUT HADLEY, FEELS THE POST-WORK WAS NOT COMPLETE, CAME TO USING IT AS A BOUTIQUE HOTEL TOO QUICKLY. SHE RECOMMENDS THAT THE BOARD BE MORE TRANSPARENT.

B. NEW AND OLD BUSINESS (POSSIBLE ACTION/VOTES OF THE BOARD)

- 1. READING & ADOPTION OF THE PRIDE MONTH PROCLAMATION:** MS. PHELAN READ THE 2023 PRIDE MONTH PROCLAMATION. THERE WAS AN INCREDIBLE EVENT LAST SATURDAY. A NUMBER OF PEOPLE RAN IN THE ROAD RACE AND STAYED DESPITE THE RAIN. MR. SPELLIOS: WHAT HAPPENED ON TOWN HALL LAWN WAS EVIDENCE OF HUMANITY. WE HAD A TRANS-MALE STAND UP & SAY HE'S HERE BECAUSE HE FEELS WELCOME IN SWAMPSCOTT. THE TOWN ADMINISTRATOR AND

STAFF HAVE MADE THE TOWN WELCOMING AND INCLUSIVE. HE DISCUSSED THAT THERE ARE STATES WHERE THIS IS NOT ALLOWED. HE IS PROUD OF THE EVENT, PROUD OF TA FITZGERALD AND PROUD OF THE TOWN. TA FITZGERALD SPOKE ABOUT THE NEED TO FACE HATRED WITH LOVE & CARE. WE ALL HAVE A RESPONSIBILITY TO DO BETTER. THESE ARE THE TOWN'S VALUES.

2. **HISTORIC COMMISSION UPDATE & DISCUSSION REGARDING PITMAN HOUSE & GENERAL GLOVER HOUSE:** NANCY SCHULZE, CHAIR OF THE SWAMPSCOTT HISTORIC COMMISSION, UPDATED THE SELECT BOARD ON THE PITMAN HOUSE AND GENERAL GLOVER SITES. THE PITMAN HOUSE IS AT 35 PITMAN ROAD, THE COMMISSION WOULD LIKE TO REHABILITATE THIS PROPERTY TO PROVIDE AFFORDABLE HOUSING. THE COMMISSION WOULD LIKE TO MOVE THE ORIGINAL 1800s PITMAN HOUSE (NOT THE ADDITION) TO 7 HILLSIDE AVE. AND HAVE BEEN WORKING WITH HABITAT FOR HUMANITY, WHICH NOW HAS AN OPPORTUNITY TO PURCHASE THE SITE. DEMOLITION IS SCHEDULED TO BEGIN AUGUST 1, 2023. THEY ARE CONCERNED THERE ISN'T TIME TO APPLY FOR, AND BE GIVEN, A FRIENDLY 40B BEFORE AUGUST 1ST. THE COMMISSION IS WORKING WITH A NUMBER OF PARTNERS TO SAVE THE HOUSE. WE NEED A FRIENDLY 40B TO ALLOW 4 UNITS ON A NON-CONFORMING LOT AND ENVISION PRESERVING THE EXTERIOR, RENOVATING THE INTERIOR. COMMUNITY DEVELOPMENT HAS LOOKED AT THE LOT AND THE POTENTIAL, INCLUDING ZONING. THERE WAS A BRIEF DISCUSSION ABOUT MOVING THE HOUSE — HOW TO FUND IT AND GET ZONING APPROVED. THE AFFORDABLE HOUSING TRUST FUND (AHT) IS IN SUPPORT AND HABITAT HAS SUBMITTED A DRAFT PROPOSAL TO THEM. MR. SPELLIOS SUGGESTS MOVING IT TO A TOWN OWNED PARCEL TEMPORARILY UNTIL THE ZONING ISSUE CAN BE RESOLVED AND FUNDING SOURCES HAVE BEEN FOUND.

THE GENERAL GLOVER HOUSE WAS BUILT IN THE 1750s. THE COMMISSION HAS SUBMITTED A PROPOSAL TO LEGGAT McCALL TO PRESERVE THE ORIGINAL HOUSE AND ELL IN PLACE AND BELIEVE THEY'VE PRESENTED LEGGAT McCALL WITH AN OPPORTUNITY THEY DIDN'T KNOW THEY HAD. PROPOSALS ARE TO KEEP THE HOUSE AS IS AND BUILD AROUND IT OR MOVE BUILDING ONE BY 70', WHICH WOULD ALLOW THE GLOVER HOUSE TO STAY WHERE IT IS. MR. GRISHMAN: WOULD THAT PUSH MORE UNITS INTO SALEM OR MARBLEHEAD? MS. SCHULZE: IF WE MOVE THE HOUSE EITHER WAY, IT'LL BE IN SALEM OR MARBLEHEAD.

MS. MARY DeCHILLO SPOKE IN FAVOR OF BOTH OF THESE PROJECTS, ASKING IF ENGAGING THE DEVELOPERS AND ASKING THEM TO BE PARTNERS AND PERHAPS HELP FUND THEM. MS. PHELAN AGREES, SHE WOULD LIKE TO SEE A DATABASE OR RECORD OF PROPERTIES IN TOWN THAT, IF THEY SHOULD BECOME AVAILABLE, SHOULD BE PRESERVED. TA FITZGERALD: SALEM IS USING SOME OF THEIR ARPA FUNDS TO BUY SOME PROPERTIES TO PRESERVE AND USE FOR AFFORDABLE HOUSING. THE TOWN HAS A RIGHT-OF-FIRST REFUSAL FOR BLYTHEWOOD BUT NEEDS FUNDING.

3. **6:30 P.M. — JOINT MEETING WITH EARTH REMOVAL ADVISORY COMMITTEE (ERAC) & PUBLIC HEARING RE: HOLCIM-NER INC. (AGGREGATE INDUSTRIES — NORTHEAST REGION) ANNUAL EARTH REMOVAL PERMIT:** UPON **MOTION**, DULY MADE BY MARY ELLEN FLETCHER, SECONDED BY KATIE PHELAN, IT WAS UNANIMOUSLY **VOTED** TO OPEN THE SELECT BOARD PUBLIC HEARING: ALL IN FAVOR: YES. ANY OPPOSED: NO. MOTION CARRIES.

MR. MARKARIAN, ERAC CHAIR, CALLED THE ERAC PUBLIC MEETING TO ORDER AND STATED: THE PERMIT IS A REVOLVING DOCUMENT THAT CHANGES AS CIRCUMSTANCES REQUIRE. A LOT OF ISSUES ARE BROUGHT UP BY BOTH HOLCIM-NER AND ERAC. HOLCIM REPRESENTATIVES ATTEND ERAC MEETINGS AND ARE VERY KNOWLEDGEABLE. THERE WERE MINOR CHANGES ON THIS PERMIT, WHICH TAKES EFFECT JULY 1, 2023. HOLCIM AND ERAC ARE IN AGREEMENT IN REGARD TO THE PERMIT AND BLASTING PARAMETERS. MR. SPELLIOS WOULD LIKE THIS PERMIT TO BE REVIEWED BY TOWN COUNSEL. ATTY. ROSENBERG STATED THAT HOLCIM CAN CONSIDER QUESTIONS AND RESPOND IN WRITING, THERE HAVE BEEN CONVERSATIONS WITH ERAC AND THE TOWN'S COUNSEL ABOUT SETTLING AND THEY SUBMITTED A WRITTEN SETTLEMENT PROPOSAL IN 2022 BUT ARE STILL WAITING FOR A RESPONSE. THEY ARE INTERESTED IN HAVING A SETTLEMENT CONVERSATION. MR. SPELLIOS: THIS IS NOT APPROPRIATE TO DISCUSS LITIGATION. TA FITZGERALD ASKED HOW MUCH AI EARNED IN 2020, 2021 & 2022. ATTY. DRUCAS STATED THAT IS PROPRIETARY INFORMATION AND HE DOES NOT HAVE ANSWERS. ATTY ROSENBERG REQUESTED THAT QUESTIONS BE PUT IN WRITING AND THEY WILL RESPOND IN WRITING. MR. SPELLIOS WILL ENTERTAIN AN IDEA TO EXTEND THE CURRENT PERMIT BECAUSE HE DOESN'T THINK TWO WEEKS IS LONG ENOUGH FOR THE BOARD TO BE READY. SOME CHANGES ON

THE PERMIT WERE INITIATED BY ERAC, OTHERS WERE PROPOSED BY AI TO BRING THEIR RESPONSIBILITIES CLEARER. THERE ARE TWO PARTS: ONE WE HAVE AN AGREEMENT ON. SECTION 10, BLASTING, WE'VE HAVEN'T AGREED ON. ATTY. SIMMS HAS BEEN PRESENT AT SOME OF ERAC'S MEETINGS. KP LAW HASN'T SEEN THE FINAL DRAFT OF THIS PERMIT. MR. PICARIELLO FEELS 60 DAYS IS LONG ENOUGH BECAUSE 90 DAYS MAY AFFECT THE DUST STUDY WHEN AI'S NEW EQUIPMENT COMES ONLINE IN AUGUST. TA FITZGERALD FEELS 60 DAYS IS REASONABLE AND GIVES THE BOARD TIME TO HOLD MEETINGS. MS. BANDROWICZ SUGGESTS THE BOARD LOOK AT THE PERMIT EXCEPT FOR SECTION 10 AND SEND ANY QUESTIONS TO ERAC. MR. SPELLIOS WOULD LIKE TO CONTINUE THE HEARING TO 6/21 AND NOT EXTEND THIS YEAR'S PERMIT. MR. GRISHMAN CAN'T COME ON 6/21; PUBLIC HEARING WILL BE CONTINUED TO MONDAY, JUNE 26TH, 7:00 PM. ATTY. DRUCAS COMMENDED ERAC, STATING THAT THEY'VE WORKED HARD AND HAVE COMMUNICATED WITH AI. HE WOULD LIKE TO OFFER A TOUR OF THE QUARRY TO THE NEW SELECT BOARD MEMBERS. MR. SPELLIOS DOESN'T BELIEVE NEIGHBORHOOD CONCERNS HAVE GONE AWAY AND FEELS THE TOWN REGULATES OTHER BUSINESSES MORE SEVERELY THAN THE QUARRY. HE ALSO INVITED NEIGHBORS TO ATTEND THE NEXT MEETING AND ASK QUESTIONS.

UPON **MOTION**, DULY MADE BY DOUG THOMPSON, SECONDED BY KATIE PHELAN, IT WAS UNANIMOUSLY **VOTED** CONTINUE THE PUBLIC HEARING TO MONDAY, JUNE 26TH, 7:00 PM: ALL IN FAVOR: YES. ANY OPPOSED: NO. **MOTION CARRIES.**

4. **7:00 P.M. – JOINT MEETING WITH SWAMPSCOTT RETIREMENT BOARD:** MR. DRISCOLL CALLED THE CONTRIBUTORY RETIREMENT BOARD TO ORDER AT 8:15 PM AND READ A STATEMENT ABOUT THE MISSION OF THE BOARD. MR. POWELL DISCUSSED THE FINANCES. THERE ARE 60 COMMUNITIES WHICH HAVE APPROVED THE 2% COLA, INCLUDING SOME THAT ARE MUCH WORSE OFF FINANCIALLY THAN SWAMPSCOTT. THERE ARE CURRENTLY 248 RETIREES. MS. SARRO WAS THE DISSENT VOTE ON THIS. IT HAS NO IMPACT ON FY24 WITH ALL OF THE IMPACT HAPPENING IN 2031. MR. THOMPSON IS IN SUPPORT. MS. FLETCHER: WE'RE LOOKING AT \$80K IN FY25 AND \$800K IN FY31. WHAT ARE THE INCREASES IN HEALTH INSURANCE TOO? WE'RE LOOKING AT BETWEEN 4%-7% ANNUALLY. MS. SARRO: SINCE 2019, WE'VE HAD INCREASES 4.6% AND UP TO 8%. MR. DRISCOLL: WE'VE BEEN STRUCTURING AND MAKING CHANGES USING ACTUARIES. WE USED TO BE AT 9% BUT HAVE LOWERED TO 7% AND HE FEELS THE TOWN DOES VERY WELL ON RETURNS. MR. SPELLIOS WOULD LIKE TO INVITE FIN COM TO COME TO A MEETING TO DISCUSS THE IMPACT ON THE TOWN'S FINANCES. MS. PHELAN AGREES AND WOULD LIKE TO HEAR WHAT FIN COM HAS TO SAY. BECAUSE MS. SARRO VOTED NO, IT CONCERNS HER ABOUT THE IMPACT OF THIS. WE TAKE MUCH PRIDE IN THE TOWN'S FINANCIAL POSITION, WHICH HAS ALLOWED US TO DO THINGS OTHER COMMUNITIES CAN'T. TA FITZGERALD STATED THAT IT IS MS. SARRO'S JOB TO LOOK AFTER TAXPAYERS AND HE DOESN'T BEGRUDGE ANY OF THE FUNDS WE SPEND ON RETIREMENT. HE ASKED THE RETIREMENT BOARD TO LOOK AT EXTENDING THE FUNDING SCHEDULE TO HELP THE TOWN. WE CAN FIGURE THIS OUT BUT WE NEED HELP. WE NEED TO TAKE PRESSURE OFF THIS LINE ITEM WHICH WILL BE \$300,000 MORE NEXT YEAR. MS. FLETCHER STATED THAT THESE INDIVIDUALS WORK HARD FOR THE TOWN AND THIS SHOULD GO TO FIN COM. MR. BREEN: IT'S A SMALL AMOUNT PER INDIVIDUAL BUT GROWS DUE TO COMPOUNDING. THE BOARD IS CONCERNED ABOUT MANAGING AND BEING A GOOD FIDUCIARY FOR THE TOWN AND ASKS THAT THE SELECT BOARD DISCUSSES THIS WITH FIN COM BEFORE THE END OF THE FISCAL YEAR. THERE WAS A BRIEF DISCUSSION ABOUT INCLUDING FIN COM AND HAVING THE RETIREMENT BOARD COME BACK BEFORE THE SELECT BOARD.

UPON **MOTION**, DULY MADE BY KEVIN BREEN, SECONDED BY ROBERT POWELL, THE RETIREMENT BOARD UNANIMOUSLY **VOTED** TO ADJOURN AT 8:59 P.M.: ALL IN FAVOR: YES. ANY OPPOSED: NO. **MOTION CARRIES.**

UPON **MOTION**, DULY MADE BY PETER SPELLIOS, SECONDED BY KATIE PHELAN, IT WAS UNANIMOUSLY **VOTED** CONTINUE THE PUBLIC HEARING TO MONDAY, JUNE 26TH: ALL IN FAVOR: YES. ANY OPPOSED: NO. **MOTION CARRIES.**

5. **DISCUSSION & UPDATE ON HADLEY SCHOOL, HAWTHORNE BY THE SEA AND 12-24 PINE STREET RFPs:**

- i. **12-24 PINE ST:** GEO TECHNICAL & ENVIRONMENTAL TESTING COMPANIES HAVE FINISHED ON SITE TESTING AND WE ARE EXPECTING RESULTS IN A FEW WEEKS; WE HAVE A DRAFT RFP BEING REVIEWED BY TOWN COUNSEL AND ANTICIPATE THAT IT'LL BE ON OUR NEXT MEETING FOR THE FIRST OF TWO READINGS. DUE DILIGENCE AND CLOSING DATE ARE 7/17.

- ii. **HADLEY SCHOOL:** WE ARE IN THE PROCESS OF ENGAGING A CONSULTANT TO DRAFT AN RFP TO HAVE OUT TO MARKET BEFORE THE END OF SCHOOL SO WE'RE ABLE TO GIVE TOURS AUGUST THROUGH OCTOBER.
- iii. **HAWTHORNE:** WE'LL BE POSTING ONLINE THE RESULTS OF A QUESTIONNAIRE THAT WAS SUBMITTED TO TOWN MEETING TO GET A SENTIMENT ABOUT THE FUTURE USE OF THE HAWTHORNE SO PEOPLE CAN SEE WHAT TOWN MEETING MEMBERS RESPONSES ARE.

6. **ELECTION OF OFFICERS:** ELECTION OF CHAIR & VICE CHAIR. MR. SPELLIOS APPRECIATES HOW MR. GRISHMAN HAS STEPPED UP SINCE MR. DUFFY STEPPED DOWN. I HOPE TO REVISIT ELECTIONS AS IT IS CRAZY TO ASK A NEWLY ELECTED BOARD MEMBER TO SIT IN ON TOWN MEETING.

UPON **MOTION**, DULY MADE BY PETER SPELLIOS, SECONDED BY DOUG THOMPSON, IT WAS UNANIMOUSLY **VOTED** TO ELECT MR. DAVID GRISHMAN AS CHAIR AND MS. KATIE PHELAN AS VICE CHAIR FOR FISCAL YEAR 2024: ALL IN FAVOR: YES. ANY OPPOSED: NO. MOTION CARRIES.

C. VOTES OF THE BOARD

1. APPROVAL OF THE CONSENT AGENDA

CONSENT AGENDA ITEMS:

- 1. DISCUSSION & VOTE FOR SWAMPSCOTT YACHT CLUB, 425 HUMPHREY STREET, ENTERTAINMENT LICENSE APPLICATION
- 2. VOTE TO APPROVE A ONE-DAY LIQUOR LICENSE FOR BRUCE PARADISE, 60 BAY VIEW DR., SWAMPSCOTT, MA, FOR AN EVENT ON FRIDAY, JUNE 23RD, LINSKOTT PARK, 5:00 PM – 7:00 PM
- 3. VOTE TO APPROVE MINUTES OF THE REGULAR MEETING OF APRIL 12, 2023
- 4. VOTE TO APPROVE MINUTES OF THE REGULAR MEETING OF APRIL 19, 2023
- 5. VOTE TO APPROVE MINUTES OF THE REGULAR MEETING OF APRIL 24, 2023
- 6. VOTE TO APPROVE MINUTES OF THE REGULAR MEETING OF MAY 3, 2023
- 7. VOTE TO APPROVE MINUTES OF THE REGULAR MEETING OF MAY 9, 2023

MS. FLETCHER ASKED TO TAKE THE ENTERTAINMENT & LIQUOR LICENSE REQUESTS OFF OF THE CONSENT AGENDA.

UPON **MOTION**, DULY MADE BY KATIE PHELAN, SECONDED BY DOUG THOMPSON, IT WAS UNANIMOUSLY **VOTED** TO APPROVE THE MINUTES LISTED ABOVE AS AMENDED: ALL IN FAVOR: YES. ANY OPPOSED: NO. MOTION CARRIES.

MS. FLETCHER: IS THIS A RENEWAL ENTERTAINMENT LICENSE FOR THE YACHT CLUB. IT'S A PRIVATE CLUB, 70% TOWN RESIDENTS, 30% NON-TOWN RESIDENTS. SHE SKED TO HAVE THE APPLICATION REVIEWED AND SIGNED BY SOMEONE WHO HAS REVIEWED IT.

MS. FLETCHER: REGARDING THE ONE-DAY LIQUOR LICENSE: DOES LINSKOTT PARK HAVE TO BE CLOSED? (NO); IF NOT, WHAT PREVENTS SOMEONE FROM DRINKING OUTSIDE OF THE PERIMETER? SHE IS UNCOMFORTABLE WITH THIS IN AN UN-FENCED IN AREA. THERE WAS A DISCUSSION ABOUT ROPING OFF AN AREA WHERE ALCOHOL WILL BE SERVED & DRANK AS WELL AS USING WRIST BANDS TO IDENTIFY PEOPLE OVER AGE 21. PARADISO IS SERVING AND HAS TIPS CERTIFIED BARTENDERS. MR. GRISHMAN: ADD WRISTBAND REQUIREMENT AND GET A RULING FROM CHIEF QUESADA ABOUT WHETHER THIS IS A GOOD IDEA AND HOW IT CAN BE MONITORED. MR. THOMPSON IS OK WITH WRISTBANDS AND MR. SPELLIOS BELIEVES WE NEED A POLICY FOR THIRD PARTIES TO USE PUBLIC SPACES.

UPON **MOTION**, DULY MADE BY PETER SPELLIOS, SECONDED BY DOUG THOMPSON, IT WAS UNANIMOUSLY **VOTED** TO APPROVE THE ONE-DAY LIQUOR LICENSE REQUEST FOR BRUCE PARADISE FOR FRIDAY, JUNE 23RD, 5PM – 7PM, AT LINSKOTT PARK. PROVISIONS INCLUDE A POLICE DETAIL AND WRIST BANDS: ALL IN FAVOR: YES. ANY OPPOSED: NO. MOTION CARRIES.

D. TOWN ADMINISTRATOR REPORT

- i. THERE ARE OUTPATIENT MENTAL HEALTH REFERRAL SERVICES AND OTHER RESOURCES AVAILABLE.
- ii. THE TOWN IS WORKING WITH MISSION ON THE BAY TO STABILIZE THE WALL AND TO ENSURE THEY CAN SAFELY REOPEN.

- iii. HAS BEEN WORKING WITH THE HISTORICAL COMMISSION CHAIR ON THE GLOVER & PITMAN HOUSES & HOW TO KEEP THEM.
- iv. DISCUSSED THE WORK AT TOWN MEETING WITH STAFF AND THANKED THEM FOR THEIR HARD WORK.
- v. FY 23 IS WRAPPING UP; WE'RE LOOKING AT UNEXPENDED FUNDS. A SPENDING FREEZE WAS IMPLEMENTED IN JANUARY.
- vi. I DISCUSSED CAPITAL PLANNING WITH STAFF; WE ARE REACHING OUT TO CIC TO START THE FY25 CAPITAL PLAN AND TO START A 30 YEAR VISION.
- vii. WE WILL PROVIDE A DETAILED REPORT ON WATER & SEWER REPAIRS NEEDED.
- viii. DISCUSSED BROADENING THE HAWTHORNE PLANNING EFFORTS WITH MARZIE INCLUDING WORKING WITH CIVIC & FAITH-BASED GROUPS
- ix. MET WITH REACH ARTS OFFICERS TO DISCUSS THEIR CONCERNS & CHALLENGES.
- x. ZONING ARTICLES APPROVED AT TOWN MEETING HAVE BEEN SENT TO THE AGS OFFICE FOR REVIEW.
- xi. THE TOWN HALL GARAGE WILL BE REPAIRED SOON.
- xii. THERE WILL BE A STEEL DROPPING CEREMONY FOR THE NEW SCHOOL; THERE'S A NEIGHBORHOOD MEETING TO DISCUSS TRAFFIC CHANGES WHEN THE SCHOOL OPENS.
- xiii. MICHAEL BISON HAS BEEN HIRED AS THE NEW ASST. TOWN CLERK.
- xiv. HR HAS POSTED THE JOB FOR A NEW FIRE DEPT. ADMIN ASST.
- xv. HR & I HAVE BEEN WORKING WITH STAFF TO REVIEW EVALUATIONS.
- xvi. I'VE HAD MEETINGS WITH HEIDI WHEAR TO DISCUSS CHALLENGES AT THE SENIOR CENTER.
- xvii. RECREATION IS BUSY — THERE ARE QUITE A FEW EVENTS COMING UP IN JULY.
- xviii. DPW IS BUSY PLANTING FLOWERS AND TREES AROUND TOWN.
- xix. I MET WITH THE SECRETARY OF ENVIRONMENTAL AFFAIRS RECENTLY TO DISCUSS THE KING'S BEACH CLEANUP & FUNDING.
- xx. THANK YOU TO VSO MIKE SWEENEY AND TOWN STAFF FOR THE MEMORIAL DAY EVENTS AS WELL AS A THANK YOU TO MR. GRISHMAN FOR HIS REMARKS AND CONGRATULATIONS TO GEN'L ANDREA BENNETT FOR HER PROMOTION.
- xxi. POLICE PROMOTIONS AND FIRE HIRING IS ONGOING. THERE WAS A DISCUSSION ABOUT THE LENGTH OF TIME IT TAKES TO HIRE CANDIDATES. IF WE KNOW THE STATE POLICE ARE HOSTING A TEST, WE SHOULD RESCHEDULE THE TOWN'S.

E. SELECT BOARD TIME

Ms. Fletcher: 1) Rabies clinic is tomorrow, 4-6, at DPW; 2) would like an executive session as quickly as possible regarding ERAC; 3) abatements are completed, new software has been purchased and they're reviewing neighborhoods as promised.

Mr. Grishman: 1) thinks we need to look at a few things in town – big projects: look at charter, have a charter review committee, talk about historic preservation, affordable housing, having community preservation in Town.

Ms. Phelan: the rainbow crosswalks are a welcome mat for all. They're a wonderful talking point for parents to kids. I'm proud of them, it's a physical representation that people are reminded of how to treat people. TA Fitzgerald: the idea was presented to him by a Swampscott teacher. DPW went out and mobilized quickly and made it happen. The hope was that it would be a surprise and would make people think.

Mr. Spellios: appreciates Mission but would like to understand 1) do we have the copy of the structural engineer's report of the wall with a certified engineer's stamp, the wall that hasn't been touched? There's a posting from DEP that says they didn't pull the right permits when they built the restaurant. We are fortunate no one was walking on the beach. 2) what assurances do we have that it will get done? TA Fitzgerald: has been clear that the temporary wall system will be safe and will have an engineer's stamp. He told the restaurant owners that the town will inspect it monthly. They are working with the chapter 91 permitting. He expects to have a letter tomorrow certifying that the entire wall is structurally sound.

Mr. Thompson: nothing to add.

UPON **MOTION**, DULY MADE BY Mary Ellen Fletcher, SECONDED BY Katie Phelan, IT WAS UNANIMOUSLY **VOTED:** TO ADJOURN AT 10:04 P.M.: ALL IN FAVOR: YES. ANY OPPOSED: NO. MOTION CARRIES.

TRUE ATTEST,

DIANNE MARCHESE, ADMINISTRATIVE ASSISTANT TO THE TOWN ADMINISTRATOR & SELECT BOARD

MINUTES APPROVED BY THE SELECT BOARD ON July 12, 2023

ATTACHMENTS:

TA REPORT

Historical Commission Presentation

Aggregate Industries Permit & Permit Changes

Pride Month Proclamation



PRIDE MONTH

PROCLAMATION BY THE SELECT BOARD

WHEREAS: OUR NATION AND OUR COMMUNITY WERE FOUNDED ON THE PRINCIPLE OF EQUAL RIGHTS FOR ALL AMERICANS; AND

WHEREAS: SWAMPSCOTT IS COMMITTED TO BEING AN INCLUSIVE COMMUNITY AND WELCOMING OF ALL PEOPLE, REGARDLESS OF THEIR SEXUAL ORIENTATION AND GENDER IDENTITY AND RECOGNIZES THAT WE ARE A DIVERSE COMMUNITY, ENRICHED BY THIS DIVERSITY, INCLUDING THOSE THAT ARE LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUESTIONING; AND

WHEREAS: THE TOWN OF SWAMPSCOTT SUPPORTS THE RIGHTS OF EVERY CITIZEN TO EXPERIENCE EQUALITY AND FREEDOM FROM DISCRIMINATION; AND

WHEREAS: THE MOVEMENT TOWARD EQUAL RIGHTS FOR LESBIAN, GAY, BISEXUAL AND TRANSGENDER (LGBT) PEOPLE TOOK A HISTORIC TURNING POINT ON JUNE 28, 1969, IN NEW YORK CITY WITH THE ONSET OF THE STONEWALL RIOTS; AND

WHEREAS: WE WILL NEVER FORGET THAT 21-YEAR-OLD MATTHEW SHEPARD, A COLLEGE FRESHMAN AT THE UNIVERSITY OF WYOMING WAS BRUTALLY ATTACKED IN AN ACT OF HOMOPHOBIC VIOLENCE IN 1998, WHERE HE WAS ABDUCTED, BOUND, ROBBED AND PISTOL-WHIPPED BY TWO LOCAL MEN BEFORE BEING LEFT FOR DEAD AFTER BEING TIED TO A FENCE IN A FIELD OUTSIDE OF TOWN IN FREEZING WEATHER FOR 18 HOURS; AND

WHEREAS: VIOLENCE AGAINST THE LGBTQ+ COMMUNITY CONTINUES TO BE A CRITICAL ISSUE IN THE UNITED STATES, WITH VIOLENCE TOWARD TRANSGENDER AND GENDER NON-CONFORMING PEOPLE FACING INTENSELY CONCERNING TRENDS; AND

WHEREAS: WHILE THERE HAS BEEN REMARKABLE PROGRESS TOWARDS ACCEPTANCE AND EQUALITY IN RECENT YEARS, MEMBERS OF THE LGBTQ+ COMMUNITY IN THE UNITED STATES AND AROUND THE WORLD STILL FACE AN UNACCEPTABLE LEVEL OF DISCRIMINATION AND VIOLENCE. THIS INCLUDES LGBTQ+ PEOPLE WHO ARE NOT SAFE AT HOME AND THOSE WHO DO NOT HAVE A HOME IN WHICH TO STAY; AND

WHEREAS: WE MUST PUSH BACK AGAINST THOSE WHO THREATEN THE SAFETY OF LGBTQ+ RESIDENTS AND CHALLENGE OUR PROGRESS; WE MUST CONTINUE TO MAKE THE CASE THAT ALL HUMAN BEINGS SHARE SOMETHING FUNDAMENTAL IN COMMON — ALL OF US WANT TO BE LOVED AND ALL OF US WANT TO LOVE; AND

WHEREAS: SWAMPSCOTT CELEBRATES ITS DIVERSE LGBTQ+ COMMUNITY AND IS COMMITTED TO ENSURING EQUALITY FOR ALL OUR RESIDENTS, EMPLOYEES AND VISITORS; AND

WHEREAS: THE PEOPLE OF SWAMPSCOTT'S LGBTQ+ COMMUNITY ARE A VITAL PART OF ALL FIELDS AND PROFESSIONS AND CONTRIBUTE TO A STRONGER AND WELCOMING SWAMPSCOTT; AND

WHEREAS: WE HAVE IMPROVED ATTITUDES OF SOCIETY BY ENCOURAGING INCLUSIVENESS THROUGHOUT OUR COMMUNITY AND CELEBRATING PRIDE MONTH; AND

NOW, THEREFORE, BY VIRTUE OF THE AUTHORITY VESTED IN THE TOWN ADMINISTRATOR AND EACH OF THE BELOW SELECT BOARD MEMBERS IN THE TOWN OF SWAMPSCOTT, WE HEREBY PROCLAIM THE MONTH OF JUNE AS

PRIDE MONTH

IN THE TOWN OF SWAMPSCOTT, MASSACHUSETTS AND ENCOURAGE ALL FAITH BASED AND NON-PROFIT ORGANIZATIONS, RESIDENTS, BUSINESSES, AND PUBLIC INSTITUTIONS TO ACKNOWLEDGE, HONOR,

VALUE AND CELEBRATE LGBTQ+ PEOPLE AND ENCOURAGE EVERYONE TO TREAT OTHERS WITH MUTUAL RESPECT AND UNDERSTANDING.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND CAUSED TO BE AFFIXED THE GREAT SEAL OF THE TOWN OF SWAMPSCOTT, MASSACHUSETTS, THIS 3RD DAY OF JUNE 2023

SWAMPSCOTT SELECT BOARD



DAVID GRISHMAN
VICE CHAIR



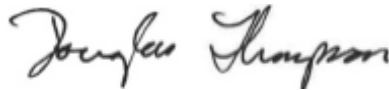
MARY ELLEN FLETCHER



CATHERINE PHELAN



PETER SPELLIOS



DOUGLAS THOMPSON



SEAN FITZGERALD
TOWN ADMINISTRATOR



Two Historic Preservation Efforts in Swampscott

The “Samuel Cloon Pitman House” 35 Pitman Road &
“The General John Glover House” 299 Salem Street

Nancy Lusignan Schultz, Ph.D.
Chair, Swampscott Historical Commission
Select Board Meeting

June 7, 2023



UPDATE #1

35 Pitman Road

An Affordable Housing and Historic Preservation Opportunity

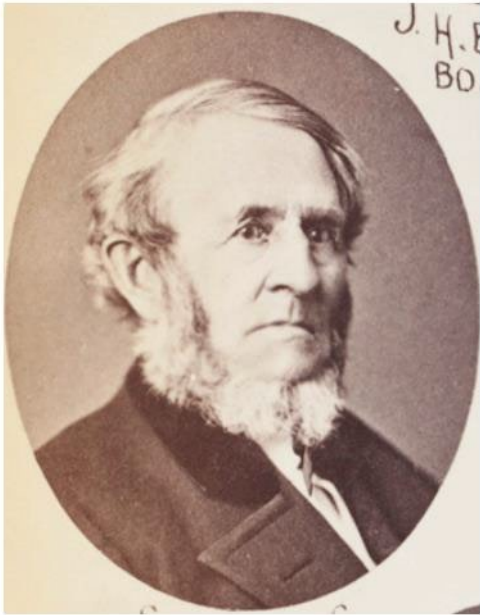
“Rehabilitating historic properties to provide affordable housing is a sound historic preservation strategy.”

---U.S. Department of Housing and Urban Development's (HUD's) Office of Policy Development and Research (PD&R) 2007



The Pitman Farm and house, northwest rear view, Essex Street, 1912

Samuel Cloon Pitman, Town Founder



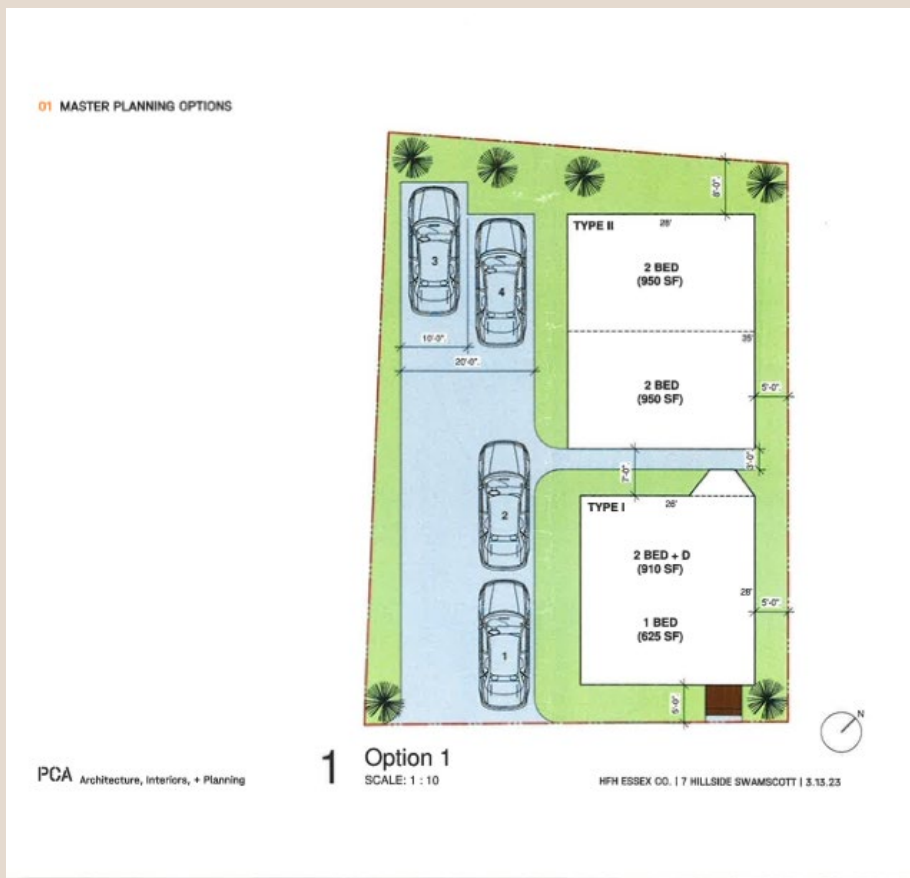
Born in Salem, MA 1811
Married Caroline Stetson 1833
Moved to "Upper Swampscott" farmhouse
1847
Swampscott separates from Lynn 1852
Pitman drafts bylaws and serves as Selectman &
Town Moderator
Extolled for his prize-winning pears 1852
Surveyor of Highways for over a decade
Massachusetts House of Representatives 1877



Farmhouse built on site c. 1800

Desired Parcel for Relocation

7 Hillside Ave, located less than 2000 feet from 35 Pitman Road



GOALS & CHALLENGES

- *Swampcott Historical Commission (SHC) is working to save the historic original portion of 35 Pitman Road

- *SHC deemed building “preferably preserved” on October 18, 2021.

- *Begins partnership with Essex County Habitat for Humanity to move oldest portion of the house for adaptive reuse as affordable housing.

- *After a lengthy process, Habitat for Humanity has an option to purchase 7 Hillside pending successful permitting of the project.

Key Obstacle: TIME! Site control given to Winn in April. Friendly 40B process takes 15-18 months. *Demolition scheduled to begin August 1, 2023*



Update #2

The General John Glover House

A proposal has been submitted to Leggat McCall urging them to preserve the original 1750s era house and ell in place. The house could be saved by altering the design of Building One by 70 feet.



General Glover Inn
SWAMPSCOTT, MASSACHUSETTS

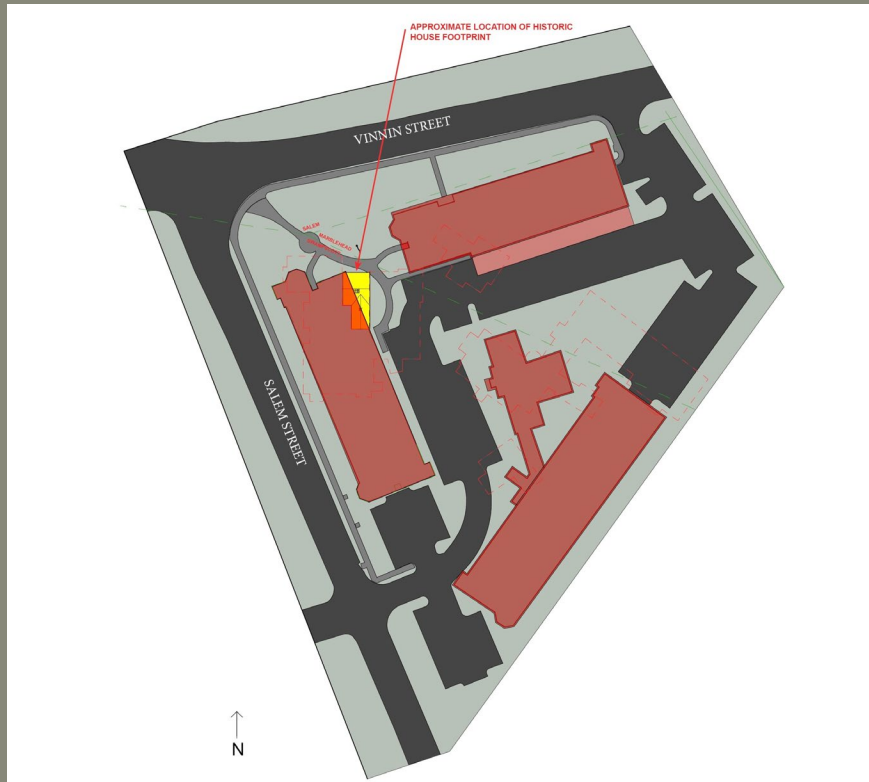
Route 1A. State Highway.

the three towns — Swampscott

and Marblehead meet.

A Proposal to Preserve in Place

THE HOUSE IN RELATION TO CURRENT
DESIGN OF BUILDING ONE



PROPOSAL TO MOVE BUILDING ONE
SOUTH BY 70 FEET

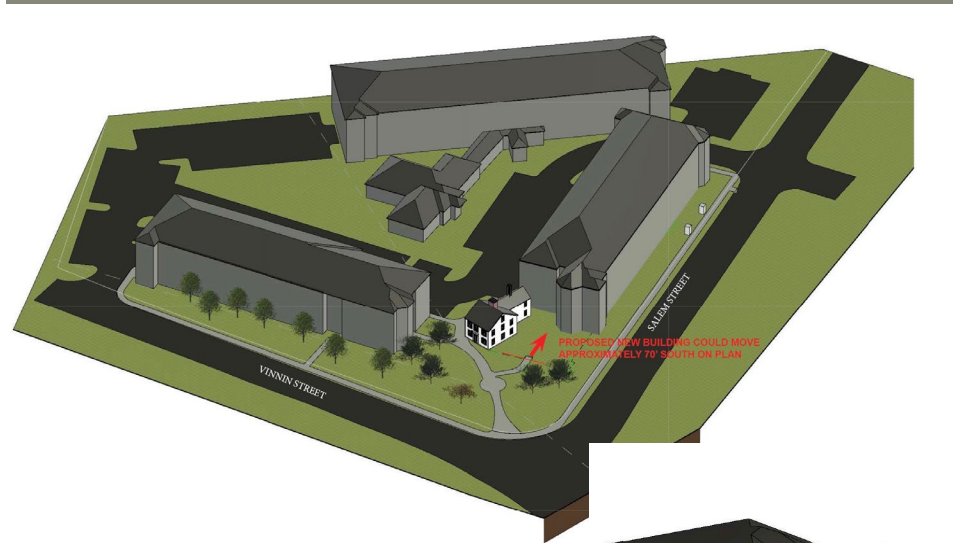


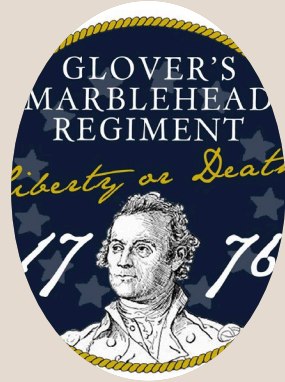
DIAGRAM SHOWING THE HOUSE
PRESERVED IN PLACE ON SITE



Partners working to save the Glover House



SWAMPSCOTT HISTORICAL
SOCIETY



GLOVER'S REGIMENT
MARBLEHEAD



TOWN OF SWAMPSCOTT



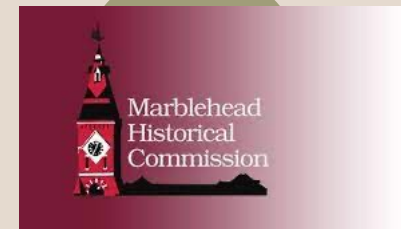
ESSEX COUNTY REV 250



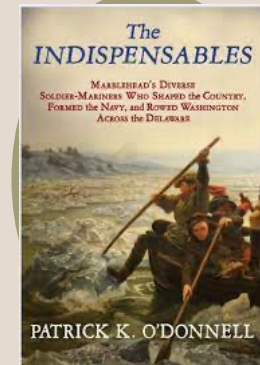
ESSEX NATIONAL
HERITAGE COMMISSION



AMERICAN BATTLEFIELD
TRUST



MARBLEHEAD HISTORICAL
COMMISSION



PATRICK O'DONNELL,
HISTORIAN & AUTHOR OF
THE INDISPENSABLES

Summary

Habitat for Humanity successfully renovated this historic house in Peabody for affordable housing.

Relocating and renovating the Pitman House would give us four affordable units and preserve an 1800 era house connected to an important town founder. *Time challenges make Pitman the most endangered historic house in Swampscott.*

Preserving the General John Glover House in place would add authenticity and history to the interest and allure of the “Glover Residences at Vinnan Square” --especially as we engage in events leading up to the 250th anniversary of the American Revolution in 2026!



Renovation of 5 & 12 Park Street, demolition & construction of 14 Park St for a total of 8 affordable housing units

The background features a light gray base with large, soft-edged organic shapes in muted red and olive green. A thin white line outlines a shape on the right. In the top left, there is a faint sketch of a leafy branch.

thank you

MEMORANDUM

TO: Select Board Members
FROM: ERAC
RE: 2023-2024 Permit Changes
DATE: May 30, 2023

What follows is a summary of changes to the 2023-2024 Holcim-NER, Inc. Earth Removal Permit recommended to the Select Board by ERAC compared to the prior year's permit.

Dates were changed to reflect the 2023-2024 permit year.

Holcim - NER, Inc. is successor to Aggregate Industries as owner/operator of the Quarry. Throughout the permit, the words Aggregate Industries and the abbreviation AI have been replaced with either Holcim - NER, Inc. or the word Holcim.

Section 1 Excavation Area

The Development Plan of Land indicating the area of proposed excavation during the coming permit year is updated. Included is a new Quarry Cross-Section Plan.

Section 2 Street Sweeping

The extent of Danvers Road required to be street swept was more clearly defined as from the Danvers Road bridge to the golf driving range.

Section 3 Dust

Language was added requiring Holcim to operate in accordance with its October 5, 2021 Dust Management Plan.

Language was added requiring notification if the on-site wheel wash becomes mechanically disabled (for four hours or more) during Quarry operating hours.

Section 4 Particulate (Air) Monitoring

A consultant is required to develop a wind rose diagram annually. Holcim will now receive a copy of the diagram so that the diagram can be included in its permit application.

The Select Board will continue to select the air quality consultant at its sole discretion, with input from ERAC. Added was also "with recommendations from Holcim" which replaces language that the Select Board may solicit recommendation from Holcim.

Omitted was the requirement that Holcim fund a G. L., c. 44, s. 53G1/2 account to pay for consultant services. Included instead was language specifying that the town engage the consultant, inform Holcim of quotes for services and forward invoices for services to

Holcim which shall be Holcim's responsibility to pay. The Town Treasurer signed-off on this process.

The schedule for Fugitive Dust tests was modified. Holcim is in the process of completing \$25 million of quarry improvements. ERAC wants air quality tests conducted after commissioning of the improvements and once the quarry is in full operation. Three tests are specified which will establish a benchmark against which future years' tests will be measured. The first test scheduled after 30 days and within 45 days of commissioning. A second and third test will be conducted in November and May. The timing of tests in future years will be established in that year's permit.

Section 5

Noise

Language was added requiring Holcim to operate in accordance with its February 2022 Draft Noise Management Plan.

The Select Board will continue to select the consultant at its sole discretion, with input from ERAC. Added was also "with recommendations from Holcim" which replaces language that the Select Board may solicit recommendation from Holcim.

Omitted was the requirement that Holcim fund a G. L., c. 44, s. 53G1/2 account to pay for consultant services. Included instead was language specifying that the town engage the consultant, inform Holcim of quotes for services and forward invoices for services to Holcim which shall be Holcim's responsibility to pay. The Town Treasurer signed-off on this process.

The schedule for Noise tests was modified. Holcim is in the process of completing \$25 million of quarry improvements. ERAC wants noise tests conducted after commissioning of the improvements and once the quarry is in full operation. Three tests are specified which will establish a benchmark against which future years' tests will be measured. The first test scheduled after 30 days and within 45 days of commissioning. A second and third test will be conducted in November and May. The timing of tests in future years will be established in that year's permit.

Previously Holcim was required to deliver noise test data, results and recommendations to the ERAC and the Select Board within 10 days of receipt. Now that the town engages the consultant, the noise test report will be delivered simultaneously to ERAC, the Select Board and Holcim.

Section 9

Hours of Operation

A new section "a" was added emphasizing that during the period from Memorial Day to Labor Day, the hours of operation, as it relates to primary crushing, secondary crushing and drilling, shall be limited to 7:00 am to 6:00 pm Monday through Saturday. Hours of operation outside of this period remain unchanged.

Section 10

Blasting

a. Wording that restricts Holcim to 50 blasts per year was amended, on ERAC's initiative, by limiting Holcim to 50 blast days during the permit year. This change is intended to clarify confusion on counts when periodically a single blast materializes at

the same time in more than one location within the quarry. The limit of two blast days per week remains.

Litigation issue: Holcim has proposed that only "production" blasts count toward the 50 blast limit and no limit be placed on site development blasts which are typically less frequent and smaller in magnitude. Moving to blast days would seem to make a distinction between production blasts and site development blasts unnecessary.

e. This clause involves peak particle velocity (ppv) which is a *litigation issue*. Holcim has proposed increasing this limit to 0.75"/s. While ERAC is receptive to discussion on this topic, no change was made. The restriction in the recommended permit for ppv remains at 0.50"/s.

g. This clause involves air overpressure frequency which is a *litigation issue*. Holcim has proposed increasing this limit from 130 dB to 133 dB. While ERAC is receptive to discussion on this topic, no change was made. The restriction in the recommended permit for air overpressure remains at 130 dB.

k. This clause establishes the maximum depth of a charge which is a *litigation issue*. Holcim has proposed increasing this limit from a depth of 50, without regard to a subdrill, to 60 feet including subdrill. While ERAC is receptive to discussion on this topic, no change was made. The restriction in the recommended permit for charge depth remains at 50 feet.

Section 11 Seismograph Monitoring and Reporting

The Select Board will continue to select the consultant at its sole discretion, with input from ERAC. Added was also "with recommendations from Holcim" which replaces language that the Select Board may solicit recommendation from Holcim.

Omitted was the requirement that Holcim fund a G. L., c. 44, s. 53G1/2 account to pay for consultant services. Included instead was language specifying that the town engage the consultant, inform Holcim of quotes for services and forward invoices for services to Holcim which shall be Holcim's responsibility to pay.

Section 12 Suspension of Blasting

a. In this clause the word "or" was inserted in place of the word "and". The clause now reads, "a. Failure of Holcim to comply with air-overpressure or ground vibration limits established under this permit;

b. The wording of this clause was changed **from:** "Blasting endangers the stability of or causes damage to adjacent structures, slopes or utilities" **to** "Blasting with reasonable certainty caused damage to adjacent structures, slopes or utilities."

c. The wording of this clause was changed **from:** "Failure of AI to comply with reasonably established blasting parameters provided in concert with ERAC and the Blasting Consultant" **to** "Failure of Holcim to comply with blasting parameters as set out in Section 10 of this permit."

d. This clause was considered a repeat of authority elsewhere in the permit to suspend blasting and was omitted in its entirety. It read "Any other reasons as determined by the Fire Department and Blasting Consultant."

Section 14 Water Discharge

Reference to the issuer of a storm water discharge permit was changed to the Federal Environmental Protection Agency from the National Pollutant Discharge Elimination System, which is no longer active.

Section 15 Buffer Zone

Language in the section was reworded with the intent to clarify that lands owned by Holcim located outside the quarry operation will remain in an undeveloped state until quarry closure. The sentence "In no event shall the Buffer decrease in size" was considered unnecessary and was omitted in its entirety.

Section 24 Meeting with Residents

The previous requirement that Holcim meet annually with residents in the month of March is effectively waived in this permit. Given Holcim's position that it cannot publicly speak to litigation-related issues, it was agreed that a meeting with residents any time soon would not be productive. Once the litigation is resolved, a resident meeting will be scheduled.

Section 25 Pre-Blast Surveys

ERAC has a list of approximately 75 residential properties that might be affected by quarry operations. This section states that ERAC will receive notice of ownership changes and forward the information to Holcim which will offer a new survey.

Section 28 Violations

This section remains unchanged.

Litigation issue. In the instance of a violation of this permit, which persists after a notice to cease, the Select Board may call a show cause hearing after four days. Holcim proposes to increase to 30 days the period after which a hearing can be held.

TOWN OF SWAMPSCOTT, MASSACHUSETTS

EARTH REMOVAL PERMIT
FOR
HOLCIM-NER, INC.

July 1, 2023 – June 30, 2024

The Select Board of the Town of Swampscott (“the Town”) pursuant to the Town Earth Removal By-Law, Article XIII, and the recommendations of the Earth Removal Advisory Committee (“ERAC”), and all other applicable powers and authority vested in the Select Board, hereby grant this Earth Removal Permit (“Permit”) to Holcim-NER, Inc. (“Holcim”), formally Aggregate Industries Northeast Region, Inc., for operations occurring at its quarry located in Swampscott, Massachusetts (the “Quarry”), for the period from July 1, 2023 to June 30, 2024, upon the terms and conditions set forth herein. This Permit incorporates by reference Holcim’s permit application and materials submitted therewith, but only to the extent that such application and materials are consistent with the terms and conditions of this Permit.

All documentation that is required to be submitted to the ERAC shall be forwarded to the Select Board’s Office. All submitted documents shall be posted on the Town Website and shall be available for public viewing at the Swampscott Town Hall by contacting the Town’s Office of Community Development.

1. Excavation Area. The area of proposed excavation shall be limited to the areas designated on the plan submitted by Holcim entitled “2023-2024 Development Plan of Land in Salem & Swampscott, MA,” dated March 30, 2023 and “Quarry Cross-Section Plan in Salem, MA,” dated March 31, 2023, prepared for Holcim by Hancock Survey Associates, 185 Centre Street, Danvers, MA 01923. If the areas designated for excavation are modified during the period of the current permit, Holcim shall provide updated plans to ERAC. After review by ERAC and approval the Select Board, the areas of proposed excavation shall thereafter be limited to the modified areas designated on the updated plans for the remaining period of the permit. If actual excavation exceeds the areas designated on the original or modified plans, Holcim shall notify ERAC as soon as possible but no later than two days after the event. Any excavation outside an area designated shall result in the immediate cessation of work in that outside area and a public hearing before the Select Board.

2. Street Sweeping. In accordance with its October 5, 2021 Dust Management Plan (Attachment No. 1 to this permit), Holcim shall street sweep, clean all dirt and debris from the Danvers Road bridge to the golf driving range, all quarry roadways, the Danvers Road bridge on Essex Street to the Lynn/Swampscott line and the Danvers Road bridge to Alvin Road at least once every week, or more often if needed per request of ERAC or the Swampscott Town Administrator. Sidewalks along the above-mentioned roads shall be maintained clean of stones and dirt spillage. Freezing weather will waive this sweeping requirement but shall not relieve Holcim of its requirement to keep the aforementioned areas cleaned of dirt and debris spillage. Sweeping is expected to be curb to curb unless a parked car is in the way.

3. Dust. Holcim shall operate within local, state and federal standards concerning safe levels of dust and in accordance with its October 5, 2021 Dust Management Plan. Holcim shall use reasonable efforts to reduce dust emanating from the quarry and its roads to a minimum, including but not limited to:
- a. Holcim shall operate the automated wheelwash at all times, weather and maintenance permitting, and all vehicles (exempting passenger vehicles and pick-up trucks) shall pass through the wheelwash prior to exiting the Quarry. Should maintenance be required on the wheelwash, the Select Board and ERAC shall be notified. If during the periods that the wheelwash is required to be operational it becomes mechanically disabled for an extended period (4 or more hours in any day) Holcim should use its best efforts to provide a substitute spraying of vehicles exiting the Quarry until such time as the wheelwash becomes operational again; and
 - b. Holcim shall investigate and submit to ERAC and the Select Board a plan for improved dust control at entranceway to quarry. Such plan shall be submitted with Holcim's application for the next permit and a requirement to implement such plan shall be included as a requirement of that permit.
4. Particulate (Air) Monitoring. To maintain compliance with any applicable local, state and federal air pollution control requirements, including Massachusetts Air Pollution Control Regulations, 310 CMR 7.00, upon direction of the Town, perimeter particulate monitoring and analytical testing pursuant to established and accepted protocols shall be conducted by an independent, professionally trained air quality consultant to test for concentrations of suspended particulates at a minimum of four appropriate perimeter Quarry locations: one upwind of the quarrying and other sand/gravel operations, one downwind, and two at crosswinds. The consultant shall determine the predominant wind directions at the Quarry on an annual basis and develop a wind rose diagram that is presented in the annual permit application to ERAC, Holcim and the Select Board. The consultant conducting the testing for the term of this Permit shall be chosen by the Select Board at its sole discretion with input from ERAC and recommendations from Holcim. ERAC shall provide Holcim the quote for services and all related invoices for which Holcim is responsible.

The Fugitive Dust (PM₁₀) tests shall be conducted three times during this Permit's term (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) during peak operational periods between the hours of 6 A.M. and 10 P.M., with prior notice to the Board of Health, Select Board, and ERAC. In permit years thereafter, testing shall be conducted in accordance with that year's permit conditions.

Holcim shall conduct Heavy Metals tests once a year. Testing protocol and frequency for subsequent years will be established by the Board of Health based on the results of the first full year of testing.

The particulate samples shall be sampled for and submitted for analytical testing of the following: (1) Fugitive Dust (PM₁₀) and (2) Heavy Metals; including: antimony, arsenic, beryllium, cadmium, chromium, cobalt, copper, lead, mercury, manganese, nickel, selenium and

zinc. Testing for both will be in accordance with the 40 CFR 50, Appendix J FRM methodologies. The particulate testing results shall be summarized in a table and compared to National Ambient Air Quality Standard (NAAQS). Test results that have concentrations in excess of the selected occupational or residential exposure standards shall mandate corrective changes by Holcim to reduce such levels below the standards. All corrective changes must be accomplished within 90 days of the receipt of the results, unless a longer period is approved by Select Board with input from ERAC.

All consultant reports of testing and analysis results shall be delivered simultaneously to ERAC and Holcim. Corrective measures taken by Holcim shall be submitted to the Select Board and ERAC in a supplemental report within 30 days of the implementation. All particulate testing records shall be maintained by Holcim, shall be attached to its annual permit application, and shall be available for public viewing at Town Hall and on the Town Website.

Upon receipt of new information, and after review by ERAC and the Select Board, and consultation with Holcim, the Select Board may require reasonable dust sampling and testing in addition to the air monitoring requirements above. Depending on test results, testing frequency can be reviewed.

5. Noise. Holcim shall operate within local, state and federal standards concerning safe levels of noise and shall use reasonable efforts to reduce noise emanating from the Quarry to a minimum. In order to accomplish this, Holcim shall establish and implement the following:

- a. Noise Management Plan. Holcim shall operate in accordance with its February 2022 draft Noise Management Plan (Attachment No. 2 to this Permit). Holcim shall prepare an ongoing noise management plan that includes: (1) the applicable local, state and federal noise standards; (2) the actions Holcim will take if such noise standards are exceeded; and (3) activities that are unacceptable and not allowed because they are expected to exceed the noise levels. The Noise Management Plan shall document the remedial actions taken by Holcim when applicable standards are exceeded as well as establish a plan for further reducing noise levels at neighboring properties. The Noise Management Plan shall also include a process for addressing neighborhood complaints of high noise levels. This Noise Management Plan shall be approved by ERAC.
- b. Noise Testing. To evaluate noise levels produced by quarry operations, an independent, professionally trained consultant will conduct testing three times in the current permit year (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), with each occurring during full operations, and with advance notice to ERAC and the Select Board. In permit years thereafter, testing shall be conducted in accordance with that year's permit conditions. During such testing, noise shall be monitored continuously for a period of at least 24 hours during representative quarry operations. The results of testing may warrant, upon approval by ERAC and the Select Board, less testing in future permits. The consultant conducting the testing for this permit term shall be chosen by the Select Board at its sole discretion with input from ERAC and recommendation from Holcim. ERAC

shall provide Holcim the quote for services and all related invoices for which Holcim is responsible.

- c. Noise Report. Noise testing data, results, and recommendations shall be delivered simultaneously to Holcim, ERAC and the Select Board.

Upon receipt of documented noise complaints, and after review by ERAC and the Select Board, and consultation with Holcim, the Select Board may, during the term of this Permit, require additional noise testing and abatement to address the specific noise complaints.

6. Fences. Holcim shall maintain a perimeter fence around the exterior of the Quarry to protect the safety of the surrounding neighbors and prevent public access to the rim of the Quarry. Holcim shall maintain the integrity of its perimeter fence and patrol the fence as needed, no less than once every month, and make repairs within 48 hours of identifying or receiving notice that a portion of the fence has been breached. Further, Holcim should maintain the areas such that there shall not be access under any fencing.

7. Indemnity. Holcim agrees to hold the Town harmless for any damages arising from the Earth Removal Operation. In addition, Holcim will provide a Certificate of Insurance for at least one million dollars, single limit, naming the Town as an additional insured. Holcim shall defend, indemnify and hold harmless the Town and its officers, agents, and all employees from and against claims arising directly or indirectly from the Earth Removal Operation. Further, Holcim shall defend, indemnify and hold harmless the Town with respect to any damages, expenses, or claims arising from or in connection with any of the work performed or to be performed under this Permit. This shall not be construed as a limitation of the Holcim's liability under this Permit or as otherwise provided by law.

8. Trucks and Access Routes and Methods.

- a. All vehicles exiting the facilities excluding passenger vehicles and pickup trucks that are hauling material shall be tarped as required by Massachusetts regulations.
- b. All trucks carrying material from the Quarry shall be instructed by Holcim to seek the most expeditious route as practical in avoiding residential streets and neighborhoods to their destination from the Quarry.

9. Hours of Operation. The following hours of operation are conditioned upon the continued commitment of Holcim to institute noise abatement improvements and general overall improvement in the operation of the business. Said hours of operation shall be strictly adhered to during the term of this Permit.

- a. For subsections b., c., and d., below, during the period from Memorial Day to Labor Day over the term covered by this Permit, the hours of operation shall be limited to 7:00 AM to 6:00 P. M. Monday through Saturday.
- b. Primary Crushing Plant. The primary crushing plant may crush stone between the hours of 7:00 A. M. and 9:00 P. M. Monday through Friday. Saturday crushing hours will be 7:30 A. M. to 4:00 P. M. Loaders, trucks and other motor vehicles associated

with this plant shall not operate in the quarry before the 7:00 A. M. and 7:30 A. M. starting times.

- c. Secondary Crushing Plant. The secondary crushing plant may crush stone between the hours of 7:00 A. M. and 9:00 P. M. Monday through Friday. Saturday crushing hours will be between 7:30 A. M. and 4:30 P. M.
- d. Drilling Operations. Drilling operations may be conducted between the hours of 7:00 A. M. and 7:00 P. M. Monday through Friday. Saturday drilling hours will be between 7:30 A. M. and 4:00 P. M.
- e. Blasting Operations. All blasts must be scheduled to be shot between the hours of 10:00 A. M. and 2:00 P. M. Monday through Friday to avoid thermal inversions. Weather and safety considerations may supersede this time frame. Blasting shall not occur on severely overcast days unless early weather forecasts had indicated favorable conditions.
- f. Quarry Stockpiling Operations. The Quarry Stockpiling and moving of materials may be conducted between 6:00 A. M. and 10:00 P. M. Monday through Friday. Saturday hours for stockpiling will be between 7:30 A. M. and 4:30 P. M.
- g. Customer Sales. The sale of materials and loading of trucks that exit the Quarry shall be between the hours of 6:00 A. M. and 10:00 P. M. Monday through Friday. Saturday hours for sales shall be between 7:00 A. M. and 4:30 P. M. Trucks will not proceed beyond the employee entrance prior to 6:00 A. M. on weekdays and 7:00 A. M. on weekends. Holcim shall limit operations after 5:30 P.M. Monday through Friday to service contracts for Governmental Agencies on public projects that require serving those contracts after 5:00 P.M. On such occasions where customer sales will occur after 5:30 P.M., Holcim shall restrict the use of Essex Street by said trucks. Via electronic mail correspondence and phone, Holcim will notify the Town Administrator and the Chairman of the ERAC not less than twenty-four hours in advance of any such occasion and will provide information on which public projects require the sale of materials after 5:00 P.M. and the volume of truck traffic and will maintain logs for these trucks based on an hourly basis. The day-to-day impact of the after 5:00 P.M. sales and trucking operations shall be monitored by the ERAC and reported to the Select Board.
- h. Manufactured Sand Plant. The Manufactured Sand Plant (MSP) may operate between the hours of 7:00 A.M., and 10:00 P.M., Monday through Friday, and Saturday operating hours of 7:30 A.M., and 4:30 P.M. However, the MSP may operate longer hours upon request to, and written approval and monitoring by ERAC, provided ERAC is satisfied that such extended operating hours shall not be disruptive to the neighbor's quiet enjoyment of their property. Should ERAC at any time during the approved extended operating hours permitted hereby, determine through the review of neighborhood complaints or based upon ERAC's own observations, that such operating hours are disruptive to the neighbors quiet enjoyment, ERAC in its sole discretion after a meeting, shall order through its Chairman by telephone, facsimile, or in writing that said extended hours are revoked. Holcim shall

immediately, upon receipt of notification, cease and desist operating the MSP during the extended hours. In all instances of the request by Holcim for such extended hours, ERAC shall notify the Select Board at least seventy-two (72) hours prior to the granting to any such extension of operating hours.

- i. **Sunday and Holiday Hours.** No Sunday or Holiday hours are permitted except as provided in subparagraph 9.i., or upon written approval from the Select Board or its designee. The term “Holidays” includes the following: New Year’s Day, January 1; Martin Luther King Day, (3rd Monday of January); President’s Day, (3rd Monday of February); Patriot’s Day, (3rd Monday of April); Memorial Day Observed, (4th Monday of May); Independence Day, July 4; Labor Day, (1st Monday in September); Columbus Day, (2nd Monday in October); Veteran’s Day, November 11; Thanksgiving Day, (4th Thursday in November); and Christmas Day, December 25. If a Holiday falls on a Saturday or Sunday, then the Holiday will be observed in accordance with Massachusetts law. Holcim may designate the Friday after Thanksgiving as a Holiday in place of a listed Holiday upon written notice to the Select Board prior to working on the listed Holiday.
- j. **Quiet Time.** No trucks or equipment larger than $\frac{3}{4}$ ton are allowed in the Quarry past the bin area from 10:00 P. M. to 6:00 A. M. It is agreed and understood that this is the neighbors’ quiet time. All equipment and production plants may undergo warming-up, cooling down, oiling, greasing, preventative maintenance, and general repairs outside of the permitted hours; however, if it is determined that the related noise has become unreasonable, this provision shall be subject to interim revisions.
- k. **Crushing Plants.** The Primary Crushing Plant and/or Secondary Crushing Plant may operate longer hours during the period from Memorial Day to Labor Day upon completion of noise mitigation improvements such as:
 - a. acoustically enclosing the two HP-400 crushers;
 - b. acoustically enclosing the 7-foot crusher and all chute sections above it;
 - c. completing alternative noise mitigation improvements which have been submitted to, and approved by the ERAC, and filed with the Select Board; or
 - d. completing a noise study using protocols agreed to by ERAC and Holcim, and filed with the Select Board.

Upon completion of such noise mitigation improvements, the Primary Crushing Plant and/or Secondary Crushing Plant may operate longer hours upon request to, and written approval and monitoring by the ERAC, provided ERAC is satisfied that such extended operating hours shall not be disruptive to the neighbors’ quiet enjoyment of their property. Should ERAC at any time during the approved extended operating hours permitted hereby, determine through the review of neighborhood complaints or based upon ERAC’s own observations, that such operating hours are disruptive to the neighbors quiet enjoyment, ERAC in its sole discretion after a meeting, shall order through its Chairman by telephone, facsimile, or in writing that said extended hours are revoked. Holcim shall immediately upon receipt of notification cease and desist operating the Primary Crushing Plant, and/or Secondary Crushing Plant, during the extended hours. In all instances of the request by Holcim for such extended hours, ERAC shall notify the Select Board at least seventy-two (72) hours prior to the granting to any such extension of operating hours.

10. Blasting. All Blasting will be performed in accordance with 527 CMR 1.0 Massachusetts Comprehensive Fire Prevention Code, referred to as the Code and adopts and incorporates the provisions of the National Fire Protection Association (NFPA) 495 Explosives Materials Code and all other applicable local, state and federal regulations and requirements. In the event of any conflict, the stricter requirement shall govern. Blasting occurring in Salem but impacting Swampscott shall be subject to this Permit

- a. Holcim will be limited to 50 blast days per year, and not more than two per week; however, it may submit a request, for ERAC review and Select Board approval, to perform an additional blast based upon market demand. Approval of such request shall not be unreasonably withheld;
- b. Holcim will ensure that the blasting company maintains a Blaster's Log that includes all listed requirements 1 thru 18 of 527 CMR 1.0:65.9.14.1.3 for each blast;
- c. Blast hole diameters shall not exceed 4" for blasts;
- d. Blast patterns shall be designed to direct ground vibration energy away from the nearest residential areas, whenever possible;
- e. In consideration of potential human annoyance, ERAC has adopted 527 CMR 1.0:65.9.13 Alternative Allowable Vibration Levels with Holcim to ensure that the ground vibrations limits with a maximum intensity of motion in the vertical, longitudinal and transverse directions, measured in the ground at any building or other structure that shall not exceed 0.5 inches per second of peak particle velocity (ppv). Should a blast have vibration results above 0.5"/s, AI shall alert within ERAC 48 hours, and Holcim shall have the blasting company perform a formal review to identify the reasons for the higher vibration and to recommend improvement actions.
- f. Blast designs shall be engineered to achieve ground vibrations having a dominant frequency of equal to or greater than 30 Hz;
- g. Holcim will maintain the air-overpressure to not exceed 130 dB at any occupied structure. Air-overpressure monitoring shall take place at the nearest residential or business structures susceptible to damage or claims of annoyance. Measurements of blast-induced air-overpressure shall be done in accordance with ISEE - Field Practice Guidelines for Blasting Seismographs 2015;
- h. Flyrock Control – Holcim shall implement methods and procedures as required to protect abutting public roadways, residential/commercial properties and the general public from flyrock. Holcim must be prepared to place blast mats and completely cover the blast area to prevent such occurrence. As per 527 CMR 1.0: 65.9.8.4, blasting mats shall be required if the material to be blasted lies within 100 feet of a highway, an inhabited building or structure not under the control of the project;
- i. In addition to 527 CMR 1.0:65.9.8.4 thru 12, Holcim shall implement the following site safety and security procedures as necessary depending on the location of the blast:

1. Lightening detection;
 2. Worker safety meetings prior to each blast;
 3. Fire Department, at the expense of the Holcim on site during every blast;
 4. Provide designated access points and safe areas and sentry locations around blast area;
 5. Charged Hole Area: posted, guarded and barricaded;
 6. Warning Signals: three (5 minutes), two (1 minute), one (all clear);
 7. Closest Street: closed to vehicle and pedestrian traffic;
 8. Shot Cast Control (flyrock): matting and blast rock berms, if necessary; and
 9. Handle misfires in accordance with I.M.E. Safety Library Publication 17.
- j. Blasts that exceed the maximum allowable ground vibration limits or air-blast limit as establish in this permit, or eject flyrock beyond the designated safe zone and or property line shall be immediately reported to ERAC and the Fire Department. If the vibration limits or air overpressure limits are exceeded, Holcim shall, prior to the next blast, forward to ERAC and the Fire Department a written statement describing the cause of the exceedance and present blast design modifications that will prevent an exceedance on future blasts, suspension and/or fines in accordance with G.L. c. 40, § 21(17);
- k. Size of any blast/area of blast/depth of charges is limited to 50 feet each

11. Seismograph Monitoring and Reporting. Holcim is required to submit to the Town weekly seismograph report readings which may be posted on the Town's Website. ERAC shall review with Holcim the selection and monitoring of the seismograph reading vendor.

Holcim shall use at least four seismographs to monitor each blast. Placement, set-up and use of seismograph monitoring equipment will be as specified by the manufacturer and delineated in the ISEE Field Practice Guidelines for Blasting Seismographs, 2015 and also referenced in CMR1.0: 65 NFPA 495 11.1.4. The operator shall describe the precise location of the seismograph relative to the nearest house or structure, the precise distance to the closest blast hole, field conditions, and setup procedures in the monitoring record for each blast. One seismograph shall be placed 50 Nichols Street; a second seismograph shall be placed at 13 Weatherly Drive; a third seismograph shall be placed at 451 Essex Street; and a fourth seismograph shall be placed at 1 Red Jacket Lane. The location of these seismographs may be relocated and/or one additional seismograph may be added if requested by residents or required by the Town, the location to be determined prior to the blast by the appropriate representatives of the Town and Holcim. Any change in seismograph location(s) shall be made upon consultation with the appropriate representatives of the Town.

Independent Consultant - An Independent Blasting Consultant, as approved by ERAC and/or Fire Department personnel shall, on an annual basis, review the seismograph records from the preceding year and make design recommendations to maintain vibration levels below required limits, and to minimize the impact from vibrations and air blasts on the surrounding neighborhood, during the upcoming year based on the locations at which Holcim intends to blast. At the beginning of each calendar year of blasting, representatives of Holcim, the licensed Blaster, and the Independent Consultant shall meet with the Swampscott Fire Department to review the quarry's blasting plans for the upcoming year.

The consultant shall be chosen by the Select Board at its sole discretion with input from ERAC and recommendation from Holcim. The ERAC shall provide Holcim the quote for services and all related invoices for which Holcim is responsible.

Report- The Independent Blasting Consultant shall prepare a report that will be included in renewal application submitted pursuant to Section 19 of this Permit. The report shall, at a minimum, include a summary table of all pertinent blast design and monitoring data from each blast performed during the previous year. The report shall also include a summary graph of the peak particle velocity versus frequency in a form approved by the Fire Department for all blasts, and include the vibration limits given in these conditions. The report shall describe the blast design factors that were successful and those that were not successful in achieving compliance with ground vibration and air-blast limits. If ground vibrations or air blast levels exceed the applicable limits, the report shall describe the cause of the violation and blast design modifications that were used to prevent violations in future blast events. If flyrock occurred, the report shall describe the design modifications that were used to prevent future incidents. The report shall also evaluate each blast for which a written complaint was filed with Town. For each such blast, the report shall identify the main factors in the blast design that could have caused the complaint, and provide blast design recommendations to reduce the likelihood of similar complaints from future blast events.

12. Suspension of Blasting – Due to imminent public safety concern, blasting operations may be suspended by order of the Fire Department in the event of a flyrock occurrence and by Select Board upon recommendation of ERAC or the Fire Department for any of the following reasons:

- a. Failure of Holcim to comply with air-overpressure or ground vibration limits established under this permit;
- b. Blasting with reasonable certainty caused damage to adjacent structures, slopes or utilities; or
- c. Failure of Holcim to comply with blasting parameters as set out in Section 10 of this permit.

Blasting operations shall not resume until the ERAC has approved the Holcim's revised blasting plan with modifications correcting the conditions causing the suspension. Additionally, fines may be imposed in accordance with G.L. c 40, §21(17).

13. Federal Test Results. Holcim shall provide ERAC with copies of all test results and reports from the FEDERAL MINE SAFETY and HEALTH ADMINISTRATION that are currently conducted at the Quarry. Copies of all tests are to be forwarded to ERAC and will be posted on the Town website.

14. Water Discharge. Holcim shall provide ERAC and the Board of Health with copies of all results of the monitoring presently being performed pursuant to its current stormwater discharge permit issued by the Federal Environmental Protection Agency (EPA). Copies of the monitoring reports are to be forwarded to ERAC and will be posted on the Town website.

15. Buffer Zone. Attachment No. 3 to this Permit ("Exhibit Plan of Holcim-Ner, Inc.

Owned Properties,” dated March 22, 2023) shows land owned or occupied by Holcim in Swampscott. For safety purposes and to provide a buffer to noise and dust emanating from the earth removal operations in the Quarry, Holcim 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. Holcim granted an easement to the Town of Swampscott for the purposes of passive and active recreation for a parcel of land within the Buffer Zone.

16. Emergency Contact Personnel. Holcim shall provide ERAC, the Swampscott Fire Department and the Select Board with the names and telephone numbers of two representatives that can be contact in the event of a problem or when otherwise deemed necessary. ERAC shall be promptly notified of any changes to the designated Holcim representatives.

17. Closure Planning. In compliance with the previous permit, Holcim prepared and provided to the Select Board in December 2018 a “Scope of Work” for development of long-term plan to close the quarry (“Closure Plan”). The “Scope of Work” provides for review of the existing site operating conditions and the potential reuse options and fill alternatives every five years until such time as it is determined the life expectancy of the Quarry is such that a Quarry Closure Plan is needed. When it is determined that a Quarry Closure Plan is needed, Community Development and Zoning issues in the two municipalities will need to be assessed and addressed by the parties. This assessment will be reviewed by Holcim and will assist in determining the final Quarry Closure Plan. Holcim will utilize planning and engineering professionals as needed to develop the Quarry Closure Plan, a process that is anticipated to take 12 to 18 months. Representatives of Holcim, upon reasonable notice, and at times convenient to the parties, shall meet to discuss and revise as necessary the “Scope of Work” and/or the resulting Closure Plan.

Prior to the implementation of the Quarry Closure Plan, and within 120 days after the issuance of this Permit, Holcim shall deliver a surety bond or a Letter of Credit to the Town in the amount of \$ 500,000 to insure that, in any event, the existing operation will be sufficiently and adequately closed with all equipment removed and the area made safe upon the cessation of use. Any closure of the quarry shall be at Holcim’s sole cost and expense, in accordance with all applicable laws, and in a safe and environmentally controlled process to manage long-term safety, security, and maintenance of the Property. This obligation shall survive the termination of this Permit

18. Official Visits. ERAC, as well as other Town representatives shall be allowed access to all parts of the Holcim property for all reasonable or necessary purposes after providing reasonable notice to Holcim, unless immediate access is needed in response to an emergency. All Town representatives will report to the Scale House and/or the Quarry office upon entering the property.

19. Expiration and Renewal. This Permit shall expire at 12:00 midnight on June 30, 2024. If Holcim intends to seek a renewal of this Permit, its application together with the appropriate supporting data must be submitted to ERAC not later than March 31, 2024. Holcim must be in substantial compliance with this Permit before a new permit or an extension or renewal of this Permit will be granted. The Permit application supporting documentation shall include, at a minimum, the following:

- a. A topographic survey plan of the Quarry prepared by a Registered Land Surveyor including the current elevations at the various points of depth in the Quarry;
 - b. A proposed plan for the upcoming year which will project the area of the Quarry reasonably anticipated by Holcim to be subject to blasting, drilling, and excavation for the upcoming year;
 - c. A map showing property lines, names and addresses of all abutting property owners within three hundred (300) feet of the property line, including those across any streets;
 - d. A detailed description of any unresolved complaints made by residents during the previous year and Holcim's planned response to such complaints;
 - e. Air Quality Tests and other monitoring required to be performed by the terms of this Permit;
 - f. Report of the independent blasting consultant required by Section 5 of this Permit;
 - g. An updated aerial photograph of the Quarry; and
 - h. A list of company Holidays for the term of the permit to be included as an appendix to the permit.
20. Surety Bond. Holcim shall provide a surety bond in the amount of \$100,000.00 to insure compliance with the terms, conditions, limitations and safeguards of this Permit, and to indemnify the Town for any harm to any well, road, wetland or other resource caused by Holcim's operations including without limitation for the equipment used on the premises and all ancillary activities. The requirement of a surety bond shall not be deemed to be the Town's exclusive remedy in the event of any breach of this Permit by Holcim nor in the event of any intentional wrongdoing or any negligent act or omission by Holcim or by any person or entity for whose conduct Holcim may be held responsible.
21. Permit Fee. A fee in the amount of \$500.00 shall be paid by Holcim for the administration of this Permit and the Earth Removal By-Law on which it is based. This fee may be reduced at the sole discretion of the Select Board.
22. Landscaping. Holcim is required to maintain and replace, as necessary, any and all landscaping and plantings in all areas where landscaping and plantings are used for screening of the Quarry from public view, including but not limited to the perimeter of the Quarry along Danvers Road.
23. Inspections of Property. Holcim shall conduct quarterly visual surveys of all of Holcim properties, including without limitation the areas in the Buffer Zone as identified in paragraph 15, and will remove any trash, or other dumped materials and maintain the Buffer Zone property in its present condition.
24. Meeting with Residents. At a date to be determined by ERAC and Holcim, Holcim shall meet with residents for the purposes of discussing issues relating to operations at the Quarry.

25. Pre-Blast Surveys. Based on information provided by the Town Assessor's Office to ERAC, Holcim shall send an 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.

26. Damage Claim Report. In the event that a claim of damage is filed with the Fire Department, Holcim, or its subcontractor, Holcim shall review the blast design and monitoring records and prepare a summary of findings report. All damage claims shall also be filed with ERAC and the Select Board. The report shall contain all relevant information relating to the blast, including but not limited to, a graph sufficient to measure and evaluate a blasting exposure at specific locations for all blasts, in a form approved by the Fire Department, and includes the vibration limits given in these conditions. A separate graph shall be made for each residence that files a written claim of damage. If insufficient data are available at a given residence to make such a graph, Holcim shall prepare graphs of peak particle velocity versus scaled distance and air-blast overpressure versus scaled distance and use them to estimate probable vibration levels and air-blast overpressure level at the residence. A copy of this report and all findings shall be provided to the claimant, the Fire Department, ERAC, and the Select Board. Holcim shall send copies of all Claim Reports (referenced below) and supporting materials to ERAC within 14 days of receipt. Holcim shall also provide all responses to any claim to ERAC contemporaneously when sending to the Claimant and/or Insurance Company. Holcim's annual permit application shall include a list of claims made in the previous year, the number of claims granted (with details) and the number of claims denied (with details).

27. Damage Claims. Holcim shall maintain a record of each blast-related claim of property damage that is filed with the Fire Department, Holcim, or a subcontractor and the current status of the claim. The record of each claim shall include a written summary of each visit made to the property to evaluate the claim, all blast vibration measurements made at the property to evaluate the claim, evaluation by the blaster's insurance company or its adjuster, and all correspondence between the blaster's insurance company (and/or adjuster) and the property owner. Damage Claims may be filed at any time and any claimant may have access to Holcim's blasting records. Claimants shall submit any claim by using the Claim Report established by ERAC and include all required documents as stated on the Claim Report.

28. Violations. In addition to any specific noted violations and remedies herein, the Select Board, if it concludes that there has been a violation of this Permit, shall send to the permit holder or other offender, by hand delivery or certified mail to the address stated on the initial application, a notice ordering a cessation of the improper activities. In the event that the permit holder persists in such violations, the Select Board may notify the permit holder by mail or posting as stated above, of a hearing to be held not less than four (4) days thereafter to show cause why said permit should not be revoked, and following said hearing, may in its discretion, revoke or amend the permit. Additionally, the Select Board may impose penalties for violations in accordance with G.L. c. 40, § 21(17).

List of Attachments

1. October 5, 2021 Dust Management Plan

2. February 2022 Noise Management Plan
3. Exhibit Plan of Holcim-Ner, Inc. Owned Properties,” dated March 22, 2023

SIGNATURE PAGE TO FOLLOW.

SWAMPSCOTT SELECT BOARD

David Grishman,

Doug Thompson

Peter Spellios

Katie Phelan

Mary Ellen Fletcher

The BOARD OF HEALTH concurs with the terms and conditions of this Permit and will cooperate with the Select Board in its enforcement.

Marianne Speranza-Hartmann, Chairman

Stephanie Goodman

Emily Cilley

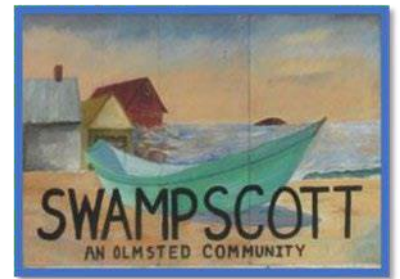


Town of Swampscott

Office of the

Town Administrator

Elihu Thomson Administrative Building
22 Monument Avenue Swampscott, MA 01907



Sean R. Fitzgerald

Tel: (781) 596-8850

Swampscott Select Board
Town Administration Building
22 Monument Avenue
Swampscott, MA 01907

RE: JUNE 7TH REPORT TO THE SELECT BOARD

Dear Select Board:

I am pleased to be able to offer the following report on programs and initiatives that are on-going in the Town of Swampscott, as well as some updates on a variety of things that have happened since my last report.

HEALTH

Per the Board's recent concerns regarding mental health services available in Town, I reached out to Health Director Jeff Vaughan. The following are links to the Town's website. Anyone in need of mental health guidance, can call Swampscott Police at (781) 595-1111 (non-emergency) or by dialing 9-1-1.

- <https://www.swampscottma.gov/home/news/interface-free-outpatient-mental-health-referral-service>
- <https://www.swampscottma.gov/police/pages/covid-19-social-service-information>
- https://www.swampscottma.gov/sites/g/files/vyhlif1296/f/uploads/covid_resource_guide.pdf
- <https://www.masshelpline.com/>

MISSION ON THE BAY WALL

This past week, dozens of trucks with rubble have been loaded onto Kings Beach to stabilize the Mission on the Bay seawall for a short-term stabilization of the seawall. This design and project was approved by DEP and the Swampscott Conservation Commission as an emergency repair to help stabilize the wall system from further erosion.

We are helping get them through the process and have helped facilitate their dealing with DEP. The temporary emergency repair involves placing large 3-foot rocks in a pile in front of the wall over the collapsed section. The rock pile will extend approx. 20 ft beyond the collapsed section to help brace the weakened portions of the existing wall still standing. The rock pile will be constructed in a manner of a 1/1 slope rising approx. 20 feet vertically and 20 feet horizontally in front of the collapsed section. Once the rock pile is placed concrete forms will be placed in front of the foundation of the restaurant and flowable concrete fill will be pumped into the void under the foundation. I've attached an engineered plan drafted by GeoEngineers and a summary provided by Frank Pochopin, from Intralux Construction, provided additional details.

Building Commissioner Steve Cummings and Town Staff over the last week have reviewed this temporary repair for the Mission Seawall. Steve and Swampscott's Conservation Commission, DPW, and Fire Department are dealing with Mission on the Bay's structural engineers that specialize in seawall and marine construction.

HISTORIC GLOVER FARM

Last weekend, I worked with the Chair of the Historical Commission on the draft of the attached letter to Leggat & McCall Properties. I have had several calls with staff from Leggat & McCall and we are looking to set up a meeting to explore the feasibility of saving the Glover House. Attached, please find a copy of the letter, signed by the chairs of the Select Board, Planning Board, and Historical Commission.

This letter pertains to the preservation of the home of one of our nation's most significant Revolutionary War Hero, General John Glover. I did share with Leggat & McCall that we would welcome an opportunity to meet

with them and discuss how we can continue our extraordinary public/private partnership with Leggat & McCall Properties.

ANNUAL TOWN MEETING

I held a staff meeting with Town Departments heads and we discussed the work that was put into coordinating the three nights of this year's Town Meeting. I thanked them all and do believe we have a great team that is dedicated to addressing a myriad of complexities and projects, budgets and complicated initiatives. I am proud of the leadership, teamwork and collaboration among staff and elected officials—never meant to be easy, as if it is something isn't right.

With this, the FY 23 Budget is wrapping up and we are looking to freeze a few more departmental expenditures as we focus on bringing the budget to close within appropriation. Both the Police and Fire Budgets were frozen back in February as they both will end the year in the red. We are expected to have some tailings in the budget, and we will get a hand on this analysis over the next two weeks.

CAPITAL PLANNING

I did stress to staff to start thinking about capital planning; future needs, having a 30-year vision for the capital needs of all of the Town buildings, parks, vehicles, roads, water and sewer will give our long-range financial planning the foundation it needs as we address the promise or peril of master planning. We are looking to finalize the capital plan by October, well in advance of the budget development.

Over the last two weeks, I have spent quite a bit of time reviewing the response for the AI lawsuit. We have stepped through hundreds of complaints that they have filed and provided a response. This will be filed next week.

HAWTHORN DESIGN

I met with Marzie to review some broader outreach for the Hawthorne Visioning—we have had two successful events but we are seeing some similar cohorts of folks so we need to see how we can work with civic and faith-based groups in Town to get a broader swath of public input and engagement.

Candidly, I am looking for a bigger idea that can help us all celebrate this unique opportunity and site.

REACH ARTS

I will be meeting next week with Officers from Reach Arts. I anticipate that there are challenges with meeting some of the capital needs for the property that they are obligated to address. I did ask Max Kasper and Steve Cummings to evaluate the property in advance of meeting with the Reach Art team.

ZONING ARTICLES FROM TOWN MEETING

I met with Town Clerk Jared LaLiberte who has finished up town meeting reports for the Attorney General's review. The Zoning and General Bylaw amendments were submitted to the AG Wednesday evening.

FACILITIES UPDATE

I met with Max Kasper to review several projects. This week, we received bids for Town Hall garage slab project. We should have a contractor on board next week and we will be clearing out the basement of the garage over the next few weeks. Max is busy getting the schools ready over the summer for next fall including fire alarms, flooring in middle school, library. We are moving forward with the construction of the new school and the steel is being erected but we have had a few issues with steel deliveries. (We have addressed this with the GC.) There will be a Steel dropping ceremony sometime in June (school kids will sign it). Currently, Max is coordinating a neighborhood meeting to discuss roadway improvements in June. Max also let me know that the Middle school gym floor is lined for Pickle ball.

HR UPDATE

I met with Pete Kane to finalize interviews for the Assistant Town Clerk and have presented a conditional offer to a Swampscott resident Michael Brison. Mike will be joining our staff as of June 12th. The new Administrative Assistant position for the Fire Department has been posted now as well with the intention of filling that no

earlier than July 1. We are also in the process of annual reviews for all Department Heads and self-evaluations have been submitted and I will meet with staff over the next two weeks to review these evaluations and discuss goals.

COA UPDATE

I met with Heidi Whear to discuss the COA budget—Heidi is seeking additional funding as they have a demand for more programming and funding for staff. There are significant financial pressures facing the Town with staffing as there is a dramatic demand for staff and some of our salaries are not competitive in the municipal marketplace.

RECREATION

This is a busy month for Recreation as our new sailboats new paddleboards were delivered last week. Here are a few additional updates:

- Still raising funds for fireworks & summer concert series. Raised \$1100 for fireworks. Donate \$100 or more, get free t-shirt or purchase for \$25; Raised \$1000 or more, get a blanket if donate over \$50.
- 6/3 - 4PM, Pride 5K run – 1st 75 people to sign up get a water bottle; 5-7 beer garden, food trucks, flag raising, tables, stage set up, NAGLY, SURE, speeches, Chiefs will be asked to speak
- 6/10 Marine & Harborfest, noon-5 on Fisherman's beach. Mechanical shark new this year. Danielle got a grant for it. Blessing of the fleet, music, food
- 6/15 Juneteenth, 3-5, celebration – food, games on lawn
- 6/25 – Strawberry festival & parade. Kicks off summer concert series.
- June – pickle ball courts will be lined.

DPW UPDATE

I have met with Gino several times this week to review a number of projects and initiatives. As a follow up to the SB meeting on Wednesday, the Town has been working on a detailed study of our Water, Sewer, and Stormwater Systems status of repair. This is a comprehensive report with some significant cost estimates that we are reviewing at this time. The key deliverables are:

1. Review Swampscott Water, Sewer, and Drain System Assets
2. Assess System Risks and Consequences
3. Determine Town Priorities
4. Summarize Proposed Projects and Cost Estimates
5. Compile 20/30 Year Capital Improvement Plan
6. Review Funding and Develop Rate Model

As discussed on last week, I will provide the Board a presentation later in June and summarize the priorities.

Additionally, Gino is also working with DOT on Route 1A paving project is going on. There will be another 2 weeks of work and he is hoping it will be done by end of June. We are currently working on bumping out sidewalks on Humphrey to help our small businesses.

DPW planted 37 trees this week and has handed out leaflets to residents asking for help watering the new Trees. DPW staff is working to clean up the cemetery and have planted 1800 geraniums before Memorial Day.

I have also been coordinating meetings with the SPD, SFD, DPW and Community Development to review the Speed tables and we are eager to follow up with the SB to get these installed as we all believe that these will help keep Swampscott citizens safer during a time of increasing risks to pedestrian safety.

KING'S BEACH

This week, I met with Mayor Nicholson of Lynn and Rep Armini and Executive Office of Energy and Environmental Affairs Secretary Tepper to discuss the King's Beach Clean-up efforts. We asked for her support, advocacy, and leadership for funding for the UV treatment system for King's Beach.

MEMORIAL DAY

My thanks to Mike Sweeney, Swampscott's Veterans Agent for all the work and coordination for the Memorial Day events this past weekend. Thank you to David for Speaking on Monday and to all for the efforts to support Swampscott Families who have carried the burden of supporting our FREEDOMS as we honor their extraordinary legacy and supreme sacrifices this past weekend. Swampscott is a special community, and this past weekend is one of just many reasons why this is such a special place to live.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Sean R. Fitzgerald". The signature is stylized with a large, sweeping initial "S" and "F".

Sean R. Fitzgerald
Town Administrator