

**TOWN OF SWAMPSCOTT
EARTH REMOVAL ADVISORY COMMITTEE (ERAC)
Minutes of March 28, 2022, Meeting**

**Elihu Thompson Administration Building
22 Monument Avenue
Swampscott, Ma. 01907**

This was a virtual meeting, with the following EARTH REMOVAL COMMITTEE MEMBERS present:

John Picariello, Chair, Tonia Bandrowicz, Ted Smith, Gary Barden, and Ed (Ted) Dooley.

OTHER GUESTS: Town Representatives: Marzie Galazka, Director Community and Economic Development and Jarred Temple, Aggregate Industries (AI).

Meeting called to order 6:35 P.M.

Jarred Temple stated that he is attending the meeting to discuss the permit, but only in listening capacity.

He stated that AI has most (90%) of what is needed to submit a renewal application for an Earth Removal permit. AI/he is also working with Hancock Eng. to update the Green Buffer map, but most likely the map will not be ready for the reapplication.

J. Picariello reminded J. Temple that the dust monitoring has not be completed as required by current permit. Permit states that dust study must be one three (3) times per year (permit year/cycle). Town contacted Spector Tech. to provide a detailed dust study. AI is not opposed to using them.

J. Temple provided an update on the \$26 million project that AI is planning to update all the equipment in the quarry; should be done by start-up of 2023. G. Barden asked if AI could provide information on what equipment is being replaced. J Temple was not sure if he can share that information. T/ Bandrowicz asked if he (AI) can forward to ERAC the information or plans that AI has given to the DEP for the air permit. J. Temple will check with AI staff and will get back to ERAC. J. Temple questioned if dust samples should be done on equipment that will be replaced, as there are measures in place for new equipment to improve operations and include build in dust control.

ERAC discussed proposed changes to the Earth Removal Bylaw. Bylaw needs overall changes but for this Annual Town Meeting, ERAC proposed and voted that the following changes be made (highlighted areas include the proposed changes) :

1. Change to the definition section:

SECTION 1. DEFINITIONS

(a) For the purposes of this by-law, "Earth Removal" shall include the removal **off site** of any form of soil, including without limitation, sod, loam, peat, humus, clay, sand, stone, gravel, rock, and ledge. **from its natural location, whether or not such material is moved from the lot to another location on the same lot or off the lot, by any means, including but not limited to, stripping, excavating, mining or blasting.**

(b) For the purpose of this by-law, "Board" shall mean Board of Selectmen **Swampscott Select Board**.

2. SECTION 3. EARTH REMOVAL PROCEDURE

(a) Permit Required - The removal of more than **400 cubic yards** of earth from any parcel of land shall, except as herein provided, be allowed only in accordance with a written permit issued by the Board. The Board may grant a permit for such removal and for structures accessory thereto in accordance with the procedure set forth herein. Any permit granted hereunder shall lapse within six (6) months if substantial use has not sooner commenced, except for good cause shown to the Board. No permit for removal shall be granted unless the Board finds that such removal (subject to the conditions imposed by the permit) will not be contrary to the best interests of the Town; and no removal operations subsequently undertaken under such permit shall continue if contrary to such interests. Removal of earth material shall be considered contrary to the best interest of the Town if it will:

3. SECTION 9. GENERAL ADMINISTRATION

* * *

(c) Upon the petition of the owner, permit holder, abutters, or upon its own initiative, the Board may hold a new hearing and reissue or modify the permit, subject to any conditions not in conflict with this by-law. **Any modification to a permit requires a new public hearing.**

* * *

SECTION 13. COMPLIANCE WITH OTHER RULES AND REGULATIONS

Notwithstanding any **of the foregoing rules and regulations provision of this by-law** or any rules and regulations adopted to pursuant to Section 1514, the applicant shall comply with all other applicable federal, state, and local laws, regulations, rules and guidelines, including the Massachusetts Wetlands Protection Act.

SECTION 14. EARTH REMOVAL ADVISORY COMMITTEE

The Earth Removal Advisory Committee (hereinafter referred to as the "Committee") shall be established as follows and have the following powers and duties.

(a) The Committee shall consist of five (5)seven **(7) voting members**, all residents of the town. One (1) member shall be chosen annually by the Board of Health. One (1) member shall be chosen annually by, and from, the Planning Board to serve a one-year term. One (1) member shall be chosen by, and from, the Conservation Commission to serve a one-year term. Three (3)Four (4) members shall be appointed by the Board initially for one-, two-, and three-year terms, respectively, and as their terms expire, their successors shall be appointed for terms of three-year terms. The terms of the members appointed by the Board shall begin and end at the Annual Town Meeting nearest to the date of their appointment and the third anniversary thereof, respectively. Any member may be appointed to succeed him- or herself. An excavation engineer shall be appointed as a non-voting member (**town residency not required**). Two (2)One alternate voting members shall be appointed by the Board for terms of three (3) years, or take any action related thereto.

* * *

SECTION 16. BLASTING

No blasting shall be allowed unless permitted, with conditions imposed, by the Fire Chief and otherwise in conformance with federal, state, and local law.

For non-quarry projects, eEach Permit issued hereunder shall restrict the number of blasting events and the period of time of blasting, and place other restrictions and conditions as determined by the Board.

Next steps regarding the dust study:

- Marzie will ask Spector for proposal;
- Jarred can provide the protocols that Tech would use to share will Spector;
- John & Marzie will contact Jay to see if he has recommendations for local dust consultant;
- Town will give Jared info on cost proposals and he will figure out how AI can pay for it (just can't use the process for payment that's in the permit, it's not workable).

On a motion by G. Barned and second by T. Smith meeting was adjourned at 7:46 p.m.