

TOWN OF SWAMPSCOTT, MASSACHUSETTS
EARTH REMOVAL PERMIT
FOR
AGGREGATE INDUSTRIES NORTHEAST REGION, INC.

July 1, 2019 - June 30, 2020

The Board of Selectmen (“the Selectmen”) 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 (“the ERAC”), and all other applicable powers and authority vested in the Selectmen, hereby grant this Earth Removal Permit to Aggregate Industries Northeast Region, Inc. (“AI”) for the period from July 1, 2019 to June 30, 2020, upon the terms and conditions set forth herein, intending to incorporate by reference AI’s application for this Permit 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 Selectmen’s Office. All submitted documents shall be available for public viewing and may be posted on the Town Hall bulletin board.

1. **Excavation Area.** The area of proposed excavation shall be limited to the areas designated on the plan submitted by AI entitled “2019-2020 Development Plan of Land in Salem & Swampscott, MA” prepared for Aggregate Industries by Hancock Survey Associates, 185 Centre Street, Danvers, MA 01923 dated March 14, 2019, stamped by Joseph M. Small, Professional Land Surveyor, and the “Quarry Cross-Section Plan in Salem, MA” for Aggregate Industries by Hancock Survey Associates, 185 Centre Street, Danvers, MA 01923 dated June 1, 2009 updated March 14, 2018 and stamped by Joseph M. Small, Professional Land Surveyor.
2. **Street Sweeping.** AI shall street sweep, clean all dirt and debris from the Danvers Road bridge to the 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 that trucks haul from AI, more often if needed per request of ERAC. 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 AI 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 and Noise.** AI shall operate within local, state and federal standards concerning safe levels of dust and noise and shall use reasonable efforts to reduce dust and noise emanating from the quarry and its roads to a minimum. AI shall operate the automated wheelwash at all times, weather and maintenance permitting, and that all vehicles shall pass through the wheelwash prior to exiting the Quarry. However, passenger vehicles and pick-up trucks are exempt from this requirement. Should maintenance be required on the wheelwash, the Board of

Selectmen 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) AI should use its best efforts to provide a substitute spraying of vehicles exiting the quarry until such time as the wheelwash becomes operational again.

4. Fences. AI shall maintain the integrity of its outer fence and patrol the fence as needed, however at a minimum of once every month, making repairs within 48 hours of any notice that a portion of the fence has been breached. Further, AI should maintain the areas such that there shall not be access under any fencing.

5. Indemnity. AI agrees to hold the Town harmless for any damages arising from the Earth Removal Operation. In addition, AI will provide a Certificate of Insurance for at least one million dollars, single limit, naming the Town as an additional insured.

6. Trucks and Access Routes and Methods.

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

7. Hours of Operation.

The following hours of operation are conditioned upon the continued commitment of AI 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. 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. 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 PM Monday through Friday

B. Secondary Crushing Plant. The secondary crushing plant may crush stone between the hours of 7:00 A. M. and 10:00 P. M. Monday through Friday. Saturday crushing hours will be between 7:30 A. M. and 4:30 P. M.; except, that during the period from Memorial Day to Labor Day covered by this Permit, the hours of operation shall be limited to 7:00 AM to 6:00 PM Monday through Friday.

C. Drilling Operations. Drilling operations may be conducted between the hours of 7:00 A. M. and 7 P. M. Monday through Friday. Saturday drilling hours will be between 7:30 A. M. and 4:00 P. M.

D. **Blasting Operations.** All blasts must be scheduled to be shot between the hours of 10:30 A. M. and 2:00 P. M. Monday through Friday. Weather and safety considerations will supersede this time frame. Blasting will be avoided on severely overcast days when early weather forecasts allow.

E. **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.

F. **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. AI 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. may be permitted. On such occasions where customer sales will occur after 5:30 P.M., AI shall restrict the use of Essex Street by said trucks. Via fax memo and phone AI will notify the Town Administrator, the Chairman of the ERAC, and copy to the ERAC secretary 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. The day to day impact of the sale of materials after 5:00 P.M. sales and trucking operations shall be monitored by the ERAC and reported to the permit granting authority (Selectmen).

G. **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, 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 the ERAC, provided the ERAC is satisfied that such extended operating hours shall not be disruptive to the neighbor's quiet enjoyment of their property. Should the 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, the 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, then AI shall immediately upon receipt of notification cease and desist operating the MSP during the extended hours. In all instances of the request by AI for such extended hours, ERAC shall notify the Board of Selectmen at least seventy-two (72) hours prior to the granting to any such extension of operating hours.

H. **Sunday and Holiday Hours.** No Sunday or Holiday Hours are permitted except as provided in paragraph I or upon written approval from the Chairman of the Board of Selectmen or his 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.

I. 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. It is agreed and understood that this is the neighbors' quiet time. **NO TRUCKS OR EQUIPMENT LARGER THAN ¾ TON ARE ALLOWED IN THE QUARRY PAST THE BIN AREA FROM 10:00 P. M. TO 6:00 A. M.**

J. 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 mitigations improvements such as:

- a. acoustically enclose the two HP-400 crushers; or
- b. acoustically enclose the 7-foot crusher and all chute sections above it; or
- c. upon completion of a alternative noise mitigation improvements; all of which shall be approved by the ERAC after review of Plans submitted to ERAC prior to substitution of a and/or b above.

Further, upon the completion of a noise study using the protocol established between ERAC and AI, which said protocol has been filed with the Board of Selectmen, 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 the ERAC is satisfied that such extended operating hours shall not be disruptive to the neighbors quiet enjoyment of their property. Should the 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, the 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, then AI 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 AI for such extended hours, ERAC shall notify the Board of Selectmen at least seventy-two (72) hours prior to the granting to any such extension of operating hours.

8. Seismograph Reports. AI is required to submit to the Town weekly seismograph report readings which may be posted on the Town Hall bulletin board. The ERAC shall review with AI the selection and monitoring of the seismograph reading vendor.

9. Federal Test Results. AI shall provide the 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 the ERAC and may be posted on the Town Hall bulletin board by the ERAC.

10. Water Discharge. AI shall provide the ERAC with copies of all results of the weekly testing presently being performed pursuant to its current discharge permit. Copies of the monthly reports are to be forwarded to the ERAC, Conservation Commission and the Health Agent, and may be posted on the Town Hall bulletin board by the ERAC.
11. Buffer Zone. All land owned or occupied by AI located in the highlighted greenbelt buffer as depicted on the plan previously submitted and on file with the Board and ERAC entitled "GREENBELT BUFFER" pages 1 thru 3 and drawn by the ERAC dated November 1, 1995 that is not presently disturbed, shall be maintained by AI undisturbed as the natural greenbelt buffer for safety and to buffer noise and dust emanating from the earth removal operation. In addition, AI will investigate the feasibility of acquiring the few odd parcels that are privately owned on the outlined map in order to preserve the existing natural greenbelt buffer between the Quarry and its residential neighbors.
12. Aerial Photography. AI shall provide the ERAC with an updated aerial photograph of the Quarry by November 30, 2020.
13. Emergency Contact Personnel. AI is required to furnish to the ERAC and to the Selectmen the names and telephone numbers of two representatives who are to be contacted in the event of a problem or when otherwise necessary.
14. Closure Planning. In compliance with the previous permit, AI prepared and provided to the Board of Selectmen in December 2018 a "Scope of Work" for development of long-term plan to close the quarry ("Closure Plan"). As the Quarry presently exists in the town of Swampscott and the City of Salem, discussion among these parties, as well as AI is necessary in developing a Closure Plan, and therefore, ERAC, a member of the Salem Planning Department and Salem City Councilor, Lisa Peterson, were involved in the preparation of the "Scope of Work". 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 AI and will assist in determining the final Quarry Closure Plan. AI 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 AI, 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.
15. Official Visits. The ERAC, as well as other Town Officials shall be allowed access to all parts of the AI property for all reasonable or necessary purposes. All Town Officials will report to the Scale House and/or the Quarry office upon entering the property.
16. Expiration and Renewal. This Permit shall expire at 12:00 midnight on June 30, 2020. If AI intends to seek a renewal of this Permit, its application together with the appropriate supporting data must be submitted to the ERAC not later than March 31, 2020. AI must be in

substantial compliance with this Permit before a new permit or an extension or renewal of this Permit will be granted.

17. Surety Bond. AI 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 AI'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 AI nor in the event of any intentional wrongdoing or any negligent act or omission by AI or by any person or entity for whose conduct AI may be held responsible.

18. Noise Testing and Abatement. During the term of this Permit the Board may require noise testing based upon substantiated complaints received by the Board not otherwise attributed. Such testing shall be coordinated by AI and the ERAC on behalf of the Board in keeping with past practices.

19. Dust Measurements. During the term of this Permit the Board may require dust testing based upon substantiated complaints received by the Board not otherwise attributed. Such testing shall be coordinated by AI and the ERAC on behalf of the Board in keeping with past practices.

20. Permit Fee. A fee in the amount of \$500.00 shall be paid by AI for the administration of this Permit and the By-Law on which it is based.


21. Easement Parcel. Notwithstanding the provisions of Paragraph 11 above, AI has granted an easement to the Town of Swampscott for the purposes of passive and active recreation for a parcel of land within the Greenbelt Buffer, consisting of approximately six acres, which parcel is shown as outlined in red on Page 3 of the Greenbelt Plan as approved in November of 1995, and as shown on Plate 12 in the Swampscott Assessors Maps.

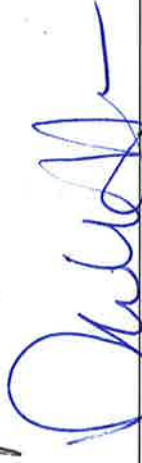
22. Landscaping. AI is required to maintain and replace, as necessary, any and all landscaping and plantings in all areas where landscaping and plantings were required under previous Permits, in an effort to preserve the conditions currently existing on their property, or as improved through the annual Permitting process.


23. Inspections of Property. AI shall conduct quarterly visual surveys of all of AI properties, including without limitation the areas in the Greenbelt Buffer, and will remove any trash, or other dumped materials and maintain the Greenbelt Buffer property in its present condition.

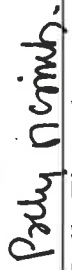
SIGNATURE PAGE TO FOLLOW.


THE BOARD OF SELECTMEN


Peter A. Spellios, Chairman


Donald M. Hause


Naomi Dreeben

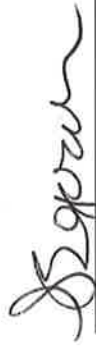

Polly Titcomb


Laura Spathanas

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


Marianne Speranza-Hartley, Chairman


Emily Cilley


Stephanie Goodman