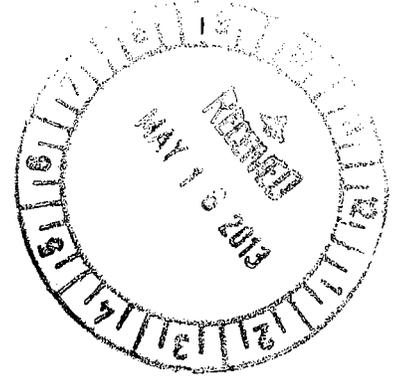




# FREETOWN SOIL CONSERVATION BOARD

TOWN HALL 3 NORTH MAIN STREET  
ASSONET, MASSACHUSETTS 02702



Soil Conservation Board  
Minutes of the Meeting June 11, 2012

Meeting called to order.

Present: Paul Sadeck, chairman; Jean Fox, Lisa Pacheco, Keven Desmarais, Maria Ternullo

Present: Atty. TJ Roskelly representing the plaintiffs, Atty. Diane Tillotson representing Cape Cod Aggregates, Corp., Atty. Jonathon Silverstein representing the Town of Freetown.

Notification of recording devices being used – Mr. Dugan & Comcast.

The Condition governing the Soil Permit was reviewed line by line and discussion followed making necessary changes. See below.

CONDITIONS GOVERNING SOIL CONSERVATION PERMIT ISSUED  
TO CAPE COD AGGREGATES ("CCA")

The following conditions must be met and followed in order for a soil removal storage, or processing permit to be justified.

1. A continuous bond certificate in the amount of \$4,000.00 (four thousand) per acre for a total of \$96,000 shall be filed with the Freetown Soil Conservation Board. Said bond shall remain in force until the site has been determined by the Board to conform to the conditions outlined in numbers 4, 5, 8 and 10 below.
2. A one-time charge, known as a "tipping fee" shall be made payable to the Town of Freetown. This tipping fee will be based on the rate of \$.25 cents per yard for each yard of material estimated to be removed from the site during the year. When the tipping fee is submitted, an estimate of the amount of material to be removed must also be included. CCA shall calculate the amount of the tipping fee on an annual basis and deposit the required amount annually. By January 31 of each year, CCA shall report to the Board the actual amount of material removed during the prior year. If estimate, by which the prior year's tipping fee was calculated, was lower than the amount of material actually removed during that year, CCA shall forthwith pay to the Town the difference, based on the rate of \$.25 cents per yard for each yard of additional material removed, above and beyond such estimate. CCA shall maintain a positive tipping fee balance at all times and shall adequately document the tipping fee calculations.
3. There shall be no soil, loam, sand, stone, or gravel removed from any part of the premises covered by this license which lies within three hundred (300) feet of the layout line of a street, (unless material removed is for house lot preparation) or way, or within twenty (20) feet of all property lines.
4. As soon as practical, and in accordance with good conservation practices, all stripped areas shall be graded and covered with topsoil and loam. Such grades as it slopes away from a street, or way, or property lines, shall be constructed so as to promote sustainable growth and prevent erosion. If the Board determines the reclamation to be inadequate, it may require such further reclamation measures as it reasonably determines to be necessary.
5. As soon as practical <sup>and</sup> in accordance with good conservation practices as soon as the loam is restored, it shall be planted with a suitable ground covercrop to prevent erosion of the surface. Retained subsoil and topsoil shall be re-spread over the area disturbed to a minimum depth of 4 inches. This soil shall be treated with the appropriate fertilizer per acre, and then seeded with a grass or legume mixture prescribed by a landscape design professional and approved by the conservation

district. Trees or shrubs of prescribed species shall be planted in order to provide screening, natural beauty, and to reduce erosion. The planted area shall be protected from erosion during the establishment period using good conservation practices.

6. The operations to be carried on under this license are to be conducted in such a way as to not interfere with the natural flow of any stream running through the premises. Any work within ~~100~~<sup>200</sup> feet of the stream requires the filing of a Notice of Intent, under the Wetlands Protection Act, M.G.L., 131, section 40.

7. No excavation shall be allowed closer than fifty ~~(50)~~<sup>200</sup> feet to a natural stream. This would require the filing of a Notice of Intent as specified in number 6 above.

8. Upon the completion of the operation, the land shall be left so that natural storm drainage leaves the property at the original storm drainage points, and so that the area of drainage to any one point is not increased. If the Board determines the reclamation to be inadequate, it may require such further reclamation measures as it reasonably determines to be necessary.

9. CCA will maintain a Stormwater Pollution Prevention Plan for the site that is the subject of this permit at all times. A copy of the plan will be filed with the Board.

10. No mounds of loam, gravel, stones, brush, sand, etc., are to be left at the completion of this operation or upon termination of this permit unless specified under the conditions of the permit.

11. All access roads leading to the public ways shall be treated with stone, watered, or treated with environmentally approved dust control substances. No oil shall be used to treat the access road. A 200 foot bituminous concrete access apron shall be installed.

12. Faces of banks shall be evaluated daily and when appropriate knocked down and sloped at the end of each day so as to prevent any over-hangs or straight faces.

13. Any individual Soil Conservation Board Member, or the full Board shall have the right to inspect the gravel operation at any time with an escort from CCA. All inspections must be performed in compliance with Mine Safety and Health Administration (MSHA) guidelines for the safety of Town Officials and Soils Board Members.

14. The hours of operation of the gravel area shall not exceed the hours of 7:00 a.m. to ~~6:00~~<sup>5</sup> p.m., Monday through Friday. Exceptions further restricting these hours can be made by the Soil Conservation Board with written reasons given. Examples of further restriction may apply to but not exclude: noise, traffic, erosion problems.

15. The conveyance of the property covered by this license shall result in the termination of the right to remove any further sand, stone, gravel, or loam under this permit and the premises shall be restored as provided above. This termination shall not be effective if prior to such conveyance, a bond conditioned on the full performance of all of the terms and conditions of this license and with sureties satisfactory to the Soil Conservation Board of

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*unavailable  
visit*

Freetown, is filed with such Board. Further, such termination shall not diminish CCA's obligations hereunder, including without limitation conditions 4, 5, 8 and 10.

16. Any plan submitted to the Soil Conservation Board should indicate the presence of any wetlands or protected areas as indicated by the Wetland Protection Act Regulations, M.G.L. Chapter 131, Section 40.

17. For those sites with suitable storage capacities, a general storage plan <sup>must</sup> ~~should~~ be outlined with future activity also shown.

18. Those operations involved with the processing of material with necessary water storage <sup>shall</sup> ~~should~~ so indicate the source, discharge, and recycling capabilities within its boundaries; and also <sup>shall</sup> ~~should~~ have a contingency plan regarding abutting properties in writing.

19. This permit is granted in conformity with the Soil Removal By-Laws accepted by vote of this Town on March 10, 1956, and amendments to the By-Laws on May 25, 1964, and April 26, 1966.

20. CCA will provide quarterly reports to be filed with the Freetown Soil Conservation Board that include details of the blasts and blast results, including seismograph locations and readings. A rough sketch plan will be provided showing the location of each blast relative to the working limits of the quarry hole.

Upon submission CCA will attend a review meeting and/or site visit with the Soil Conservation Board.

CCA acknowledges that the Soil Conservation Board reserves its right to hire an independent evaluator to review these quarterly reports and the annual reports required by condition 23 below. ~~Cost will be~~ *Tipping fees will be used for the cost*

21. CCA will maintain a neighborhood call list to notify any neighbors wishing to be notified prior to a blast. Notification will be by phone or email. *at least 24 hrs in advance for those who request*

*If blast is delayed 4 or for a period of 2 hrs after the cancellation CCA will*  
22. CCA will provide an annual plan, submitted by a registered engineer, updating the work and changes to the quarry. An updated baseline plan will be completed and submitted upon approval of this permit. This plan will include established quarry work limits as well as detailed elevations and anticipated areas of future work. *within 30 day*

*make all efforts to re notify neighbors who have requested notification*

CCA will install survey markers delineating the 24 acre limit of work to assist the Soil Conservation Board and other Town officials in matching the plan to the work on the ground. The location of the markers will be shown on the plan.

23. CCA will initiate an enhanced water monitoring program based upon the recommendations of the report issued to the Soil Conservation Board by Steve Smith of HydroGeoCycle. Specifically, CCA will add two new monitoring well to the south, install transducers to aid in water table monitoring, and sample on an annual basis for water quality

for compounds identified in the report. This data will be monitored and reviewed by a qualified consultant, such as Steve Smith of HydroGeoCycle who shall submit an annual report to the Soil Conservation Board. A Groundwater Monitoring Plan dated May 11, 2012 is attached to these conditions and fully incorporated herein by reference.

*Some things detected in Qtr report others in annual report*

24. CCA will investigate the issue whether there is support for the expressed concern that blasting at the CCA site causes or contributes to increased sedimentation in area wells and drinking water. Such investigation shall include, without limitation, investigation of the history of sedimentation in area wells, as well as regular pre and post-blasting sampling of well water in area homes. Such sampling shall at least include any area homes (within a 1/2 mile radius), whose owners request such sampling and provide reasonable access and cooperation in conducting the investigation. CCA will report its findings to the Board and to the Board of Health and in the event it is determined that the blasting at the site is a cause of sedimentation in wells or drinking water, will take appropriate remedial action.

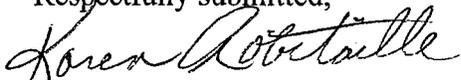
*All reports <sup>must</sup> ~~are~~ be submitted to Freetown Board of Health for review*

After the discussion with each attorney and board members regarding the conditions a motion was made by Mr. Desmarais to issue the permit with the conditions reviewed with given changes upon receiving all plans and reports to December 20, 2013. Seconded the motion, Ms J. Fox. Ms. Pacheco abstained. Motion carried.

Motion made by Mr. Desmarais to deny the revocation of the permit . Motion seconded by Ms. Ternullo. Ms. Pacheco abstained. Motion carried.

Motion made by Mr. Desmarais to adjourn at 8:12. Seconded by Ms. Fox. All in favor.

Respectfully submitted,



Karen Robitaille