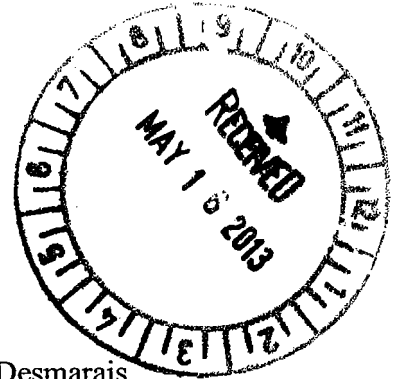




## FREETOWN SOIL CONSERVATION BOARD

TOWN HALL 3 NORTH MAIN STREET  
ASSONET, MASSACHUSETTS 02702

Soil Conservation Board  
Minutes of the Meeting April 26, 2012



Present: Paul Sadeck, Chairman, Jean Fox, Maria Ternullo, Keven Desmarais  
Absent: Lisa Pacheco

Also present Atty. Jonathan Silverstein, Kopelman & Paige, Town Counsel

Chairman Sadeck opened the public hearing regarding the permit for Cape Cod Aggregates. Mr. Sadeck introduced the board members to the public.

Mr. Sadeck made notice that recording devices are being used per the request of Ms. Dugan as well as Comcast for the Town. He then established the procedure to which the public will address their questions.

Ms. Diane Tillotson from Hemenway & Barnes, LLP, the attorney representing Cape Cod Aggregate addressed the public. "As you know, I represent Cape Cod Aggregates, Corp. in the litigation brought by a number of residents challenging the decision of the Board and in connection with the remand hearing. On behalf of CCA, I respectfully ask that you issue the requested permit and deny the request made by certain abutters by letter dated March 27, 2012 to revoke CCA's soil permit." She went on to say that CCA is requesting some waivers to the conditions issued with the permit and suggesting additional conditions be imposed on CCA to require careful monitoring of both blasting results and well water testing. Ms. Tillotson presented a packet of information to the board and referred to each section as Exhibit A ( set of conditions) Exhibit B ( ground water monitoring report from and GeoHydroCycle, Inc.) Exhibit C ( report from Richard Groll, Geologist). All document are attached to the minutes.

Mr. Richard Groll the geologist reviewing the blast vibration levels spoke to the public. In his report he noted that the twenty-four blasts conducted during 2011 were in compliance with the United States Bureau of Mines. His findings also noted that the level of vibrations were .22 inch per second at the frequency of 28 Hz. This level represents sixteen percent of the limit recommended by the United States Bureau of Mines.

Mr. Groll suggested that a quarterly report on the blasting as well as an annual report be conducted and submitted to the Town of Freetown Board of Health. An annual plan with survey markers on the plan and on the site should also be submitted.

Mr. Stephen Smith, GeoHydroCycle, Inc. addressed the public. Mr. Smith reviewed the groundwater data from the quarry wells and stated that the monitoring program can be improved through the use of transducers, which are electronic groundwater level measuring devices that also store the information. These devices would have the advantage to report daily changes in the groundwater.

The chairman asked the public to raise their hand to be recognized and give their name an address. Ms. Judith Hannah, 8 Amanda Rd.; Mr. Ted Quinn, 15 Leonard Ave.; Mr. Larry Kenney, 3 Amanda Rd. all addressed their questions regarding well water, damages to their existing wells and blasting concerns.

T. J. Roskelley the attorney for the plaintiffs addressed the board. One, he requested the board to revoke the permit granted to Cape Cod Aggregate due to the fact that they are in violation of the conditions. Two, the information presented had not been reviewed by the plaintiffs/ abutters. Three, the damages that have occurred as presented regarding the public have not been addressed. The board should protect the public from harm and make sure they are safe and compensated properly. Four, requested the board to have an independent scientific consultant review the data. Five, the water quality issue is critical. Six, a number of permit violations will occur on an extended three year permit.

Ms. Dugan from 168 Byrant St. asked the board to watch a video testimony from Darrel Jamison Vice President of the Pocasset Wampanoag Tribe and Well Technician. Mr. Jamison expressed in the video the possible damage to wells and the groundwater due to blasting. After viewing the video Ms. Dugan read a statement from "The Science behind blasting limits"

Chairman Sadeck expressed that the information presented needs to be reviewed and asked that the meeting to be continued to May 7<sup>th</sup>, 2012.

Atty. Roskelley objected and felt that a revocation vote to be taken. Atty. Tillotson stated that during litigation it was agreed upon to conduct a public hearing. Atty. Roskelley, The Court would not revoke the permit but requested the board to take a vote on revocation was agreed upon.

Mr. Desmarais informed the public that at the time of the original permit, conditions were not voted on individually. Rather the site plan was approved with those conditions that apply to the quarry operation as presented on the plan.

---

Motion made by Mr. Desmarais to continued the public hearing to May 7<sup>th</sup>, 2012 at 7:00 p.m. Seconded by Ms. Ternullo. All in favor.

Objection was made by resident not to close the public hearing. Mr. Desmarais clarified that the public hearing is not closed.

Motion made by Mr. Desmarais to adjourn. Seconded by Ms. Fox. All in favor.

All material submitted at this meeting are available for reviewing.

Respectfully submitted,

Karen Robitaille