

Zoning Board of Appeals Meeting Minutes
May 21, 2007 7:00 p.m.
Northfield Town Hall

Members Present: Ed Shearer, Chair, Marguerite Lentz, Clerk, William Forrest, Mary King, Samuel Richardson, Raymond Clark (alternate) Robert Barnes (alternate - arrived 7:10 pm), Erin Jaworski (alternate), and Vivien Venskowski (Assistant to the ZBA).

Lane Representatives present: Meagan Mares and Patrick Paul, Plant Manager

The Chair opened the meeting at 7:08 pm. He read the application from Lane Construction for the annual 3-year renewal. He asked Mares to give an update regarding the old access road, reclamation and the hydro-seeding. She spoke and presented maps for the members to view.

Jerry Wagner presented photos from the walkabout for the ZBA members to review.

The Chair asked if the members had any questions. There was general discussion about the Lane's project, that Lane was a good neighbor and doing a good job. The members discussed the Lane application approved in June of 2004.

A motion was made by the Chair and after discussion withdrawn. Forrest asked that Clark vote in his place, as he had not attended the walkabout on May 19, 2007.

On a motion by Clark seconded by Richardson it was unanimously approved on a roll call vote (Shearer/yes, Lentz/yes, King/yes, Richardson/yes, Clark/yes) to continue to grant to Lane Construction a special permit to surface mine 40 acres of contiguous parcels in five acre increments as shown on Attachment E, the Gravel Pit Expansion Plan, dated 2/19/04 with conditions:

All special permits issued by the Northfield Zoning Board of Appeals are issued subject to the rules, regulations and conditions as specifically set forth in the Protective Bylaw for the Town of Northfield, Massachusetts are incorporated into this Special Permit and made a part thereof. In addition to the referred rules the following regulations pertain:

- 1. All waterways, brooks, swamps, wetlands and areas of surface drainage located within the area to be mined, or adjacent thereto, shall be returned to the condition as they existed prior to the commencement of the mining operation.**
- 2. Blasting or the use of any explosive for the purpose of conducting surface mining operation shall not be permitted.**
- 3. There shall be no transportation of foreign (or natural/artificial) materials from without the mined area into the mined for the purpose of burial therein.**

4. The hours of operation of the mined area shall be from 7:00 am to 7:00 pm and only from Monday through Saturday. There shall be no Sunday operation.
5. The water table as it exists prior to the mining operation shall not, in any way be disturbed or altered, nor shall said mining operation be conducted in such a manner as to cause the raising and lowering of the existing water table, increase contamination, increase or decrease the volume of water or the direction of the flow.

In addition to the rules, regulations and conditions set forth above, Lane Construction Corporation by the acceptance of a Special Permit, **IRREVOCABLY ACCEPTS FULL RESPONSIBILITY** for any and all damages that may be created by its mining operation to be conducted within the confines of Exhibit E and in addition to that any area within one-half mile radius of the outer boundaries of Exhibit E plus the present boundaries for the William Roberts Farm and the Stanley Wickey Farm.

This **IRREVOCABLE ACCEPTANCE OF RESPONSIBILITY** however shall be limited to any damage caused to sources of potable water presently existing and presently serving as a source of potable water to occupants located within the area above defined. This acceptance including either correcting the damage caused by acts of repair or replacement to the source or system so damaged or the payment of monies to the person or parties so damaged in full satisfaction thereof.

In order to limit the responsibility as set forth above, Lane Construction shall have the right, at its own cost or expense, to test the quantity and/or quality of the potable water source affection of each user within the defined area. The testing shall be done by a certified, independent water testing company who shall file and record its finding with the Town Clerk of Northfield, Massachusetts. The said findings shall include the flow rate, the quality and quantity of water found to exist and serving as a source of potable water supply to each user within the defined area. This testing shall be conducted and completed and filed with the Town Clerk prior to the commencement of any mining operation or in preparation thereof to be conducted with the area defined in Attachment E.

The Chair advised Mares and Paul of the 20-day appeal period after the Notice of Decision is submitted to the Town Clerk. The public meeting was closed at 7:40 pm.

The Chair noted that there would be discussion of the Rice Special Permit and inclusion/deletion of Condition number 5. The members discussed the condition and other situations in Town relative to Article 11.01 and the removal of fill.

The Chair read a memo from Susan Draves dated May 16, 2007/Clerical Error in Rice Decision relative to notes from a discussion with Town Attorney Joel Bard regarding condition number 5 being inadvertently included in the decision for the Rice Special

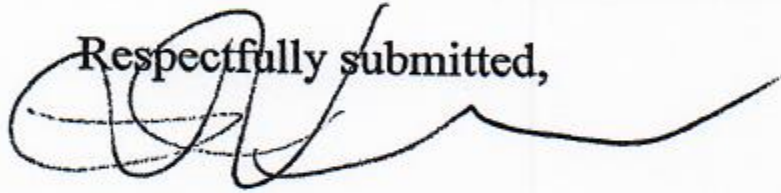
Permit. The members discussed the memo and suggested amended Notice of Decision be submitted to the Town Clerk.

On a motion by Richardson, seconded by Lentz, it was unanimously voted (all in favor/no opposition) to declare that there was an error made in drafting the conditions of the Rice Special Permit on February 28, 2007.

Following the guidelines from Attorney Bard (memo from Susan Draves dated May 16, 2007) on a motion by Lentz seconded by Forrest it was unanimously voted (all in favor/no opposition) to delete the original text of Condition number 5 in the original Rice Special Permit and replace it with the word "deleted".

There being no further business to discuss, on a motion by Shearer seconded by Lentz, it was unanimously voted to adjourn at 8:40 pm.

Respectfully submitted,



Vivien Venskowski
Administrative Assistant
Zoning Board of Appeals