



**LANCASTER BOARD OF SELECTMEN  
Special Meeting Minutes  
Of Monday, February 28, 2022**

**I. CALL TO ORDER**

Chairman Jason A. Allison called the meeting to Order at 6:00 P.M. until 8:30 P.M. via ZOOM™, offering a reminder that the meeting is being recorded.

Join Zoom Meeting

<https://us02web.zoom.us/j/87476166154>

Meeting ID: 874 7616 6154

*Roll call was taken, Alexandra W. Turner, present, Jay M. Moody, present, Jason A. Allison present.*

**II. APPROVAL OF MEETING MINUTES**

Mr. Moody moved to accept the minutes of January 19, 2022, and February 15, 2022. Ms. Turner seconded for discussion purposes. The minutes of January 19 had previously been tabled; Ms. Turner only received the revised minutes today so she would like to table them until the next meeting. Mr. Allison moved to amend the motion to accept the minutes of February 15, 2022. Mr. Moody seconded. *Vote taken, Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Ms. Turner moved to approve the Special Meeting minutes of April 26, 2021. Mr. Moody seconded. Ms. Turner noted that she would abstain, having not been on the Board at that time. *Vote taken, Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Abstain. [2-0-1]*

Because it was not time yet for the Public Hearing scheduled for 6:10pm, Chairman Allison asked Building Inspector Brian Gingras to update the Board on the status of United Ag. Mr. Gingras advised that they have hired an attorney, Tom Bovenzi of Leominster, as of this afternoon to work through the Zoning Board and Planning Board issues. Mr. Gingras has forwarded all appropriate documentation to Mr. Bovenzi. Mr. Nutting suggested putting this back on the agenda in a few weeks. Mr. Gingras stated that he has not heard from any of the abutters.

**III. SCHEDULED APPEARANCES & PUBLIC HEARINGS**

6:10 P.M. Public Hearing for Renewal of Earth Products Removal Application –

PJ Keating, Continued from January 3, 2022 and February 15, 2022.

Notice is hereby given that a Public Hearing will be continued on Monday, February 28, 2022 at 6:10 P.M. via ZOOM, to consider the application of P. J. Keating Company, 998 Reservoir Road, Lunenburg, MA, for renewal of a Special Permit To Remove Earth Products (overburden, rock, gravel, loam) from a parcel of land located south of the Lunenburg town line, west of Lunenburg Road, north of a N. E. Power Co. right-of-way and east of the Leominster city line, containing by survey 73.3 acres in Lancaster, further identified on the Lancaster Assessors' Maps as Map 1, Parcels 1 through 4 and Map 4, Parcels 1 through 6, and further delineated on Plan No. 18-D-3, sheets 1 to 4, dated January 19, 2005 and Plan No. 18-D-4, sheets 1 to 3, revised September 19, 2005, by S. J. Mullaney Engineering, Inc., 305 Whitney Street, Leominster, MA A copy of the Application and Engineering Plans may be viewed in the Select Board's Office, Prescott Building, 701 Main Street, Lancaster, MA between the hours of 9:00 a.m. and 4:00 p.m. Monday through Thursday. All persons interested in providing comment should attend and be heard.

Mr. Moody moved to continue the Public Hearing as per the notice above; continued from original date of January 3, 2022 and from February 15, 2022. Ms. Turner seconded. *Vote taken, Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Mr. Allison asked Kayla Larson from Tighe & Bond to present an update. Ms. Larson said that we did receive some resident questions that were forwarded to herself and to Keating. They have put together a little info session with answers and some good visuals to share. Ms. Larsen noted that Tighe & Bond is hired by the Town of Lancaster to help review earth removal permits. She noted that the first question received was about the inner workings of the Keating site, the daily operations, and how the sites are connected. (Google maps of the site shown).

Doug Vigneau from PJ Keating reviewed the day-to-day operations. He showed on the map the location of the quarry exit on Fort Pond Road that goes into the "haul road" where the filled trucks come up and cross Fort Pond Road. They go down the haul road and then continue on the right hand side to the "recycle yard." Then they go to the true processing area, they cross Leominster-Shirley Road. Then they end and the trucks back into the primary crushing area. They dump their load and the process begins, with the rock crushed within the stone plant to various sizes. Immediately after the haul truck empties its load, it comes back down, crosses over, goes down the haul road, and repeats. Mr. Vigneau offered to show the process to interested parties at any time. Mr. Robinson added that the recycling and processing area and the asphalt plant are in Lunenburg.

Ms. Larson next addressed questions about the evolution of the PJ Keating permit over time, showing on screen the oldest permit found, 2005-07 and the newest, which expired in January 2022. She said the "meat" of the permit is pretty similar, but over time the reporting frequency and number of inspections of the site have been increased. She wanted to highlight condition #12, the one in relation to the flow meter on the stormwater sump pump in the quarry. Originally, they required a meter to be placed on the stormwater pump that pumps water out of the site, up to the wetland on Fort Pond Road. More recently the requirement was increased to require two flow meters. One stopped working, but there are now two again on the site that are up and running. Another condition that has come up in recent meetings is about how often groundwater level

measurements are being taken. In the original permit, we set up the stipulations for starting this process, and in 2005 there was a hydrologic study which helped choose the location of the wells there. Again, are four clusters of three wells each for a total of 12 wells on site.

Ms. Larson continued, explaining the original permit went through PJ Keatings' hiring of a consultant and the Town's third-party review of the study to then install the wells. All of that has now been taken out of the permit because it was just the one time to set up this program. So now the permit reads that the well shall being measured monthly and reported yearly by March 15. And then, since 2005 there have been additional conditions added to the permit (conditions 27, 28, and 29) being that the Select Board can dictate repair or additional installation of monitoring equipment, if required; that the permit holder shall prepare and submit to the Select Board the current status of the rock quarry and their expectations for removal over the next two years in every permit cycle. So that's something that's now required with every permit renewal, which we've seen for this one. Other conditions on the permit are the same as they were in 2005.

Next, Ms. Larson addressed a submitted question about what the site will become at the end of the excavation. (Final restoration plan map shown on screen.)

Mr. Vigneau explained, "So with all quarries they fill with water naturally and that's what would occur at this location as well. When we get to the final (circa 2042) the quarry will naturally fill in with water, it will be entirely fenced in, there'll be no trespassing signs, just as there are today. And it will be left in a secured state. We certainly do not want anyone going in there; it's just a dangerous area to be around So it'll be fenced in with no trespassing signs. That's basically what the quarry will be at the at the end of the day. As far as all our other facilities that are not located in Lancaster they'll all be removed from the site and different land uses could occur at those locations, but for the property in Lancaster this is essentially what the quarry would look like.

Ms. Larson brought forth the next question, about the storm water that's collected on site. Where does it come to and where does it go when it leaves the site? (Another visual was shown, provided by Keating)

Mr. Vigneau explained that the visual showed the quarry watering pond at the most southern portion. That's where the water is pumped from. It's pumped in a hard pipe all the way up until it gets to (indicated location.) From there it passes under Fort Pond Road and discharges into a couple of small detention basins. Then it traverses on into the pond that's located there and then it traverses a number of wetland areas. So, from the exit of the quarry, basically it travels about 2.9 miles until the confluence with Easter Brook. (Drainage area shown.) You can see that the watershed area is large, about 14.2 square miles, and from there it goes into Lake Shirley. The contribution into Lake Shirley is very, very minimal to the overall amount of water that enters. Obviously we only periodically discharge, which makes it even less so.

Ms. Larson presented the next question about the depth of the wells and the depth of the current excavation. She explained that there was some confusion at the last meeting, and that we're talking about depth in terms of distance from the current ground level to the deepest point versus elevation above sea level. The deepest point of the excavation – the active excavation outside of the quarry – is around 234 feet above mean sea level. The deepest deep bedrock is approximately 180 feet,

so the deepest well is already 50 feet deeper than the deepest part of the excavation. In the next round of excavation, PJ Keating intends to go deeper, and at that point we will install a new well deeper than the deepest part of the excavation per the suggestion of The Town Administrator to further protect the Town. We've recommended adding a new permit condition that will stipulate a certain offset distance (20') that the deepest well has to be below the deepest part of excavations, so that we know just to better define that buffer area.

The next question was about the lifetime of the wells and how often they need to be replaced. As talked about in the previous meeting, those 12 wells are still the original well clusters. Jeff Thelen from Tighe & Bond answered, saying that installed monitoring wells basically last indefinitely, unless they're vandalized or damaged some way at the surface. They are unlikely to be damaged below grade. They are in solid rock that's not moving around so they basically last for the life of the quarry excavation. If there's a sense that there's an issue with the well, they can always be videoed down the hole to see if there's a problem of cracked casing or maybe the well screen portion of the monitoring well has silted in. But again, that's not likely, particularly in this case, since they're not extracting water samples from these wells, they are just monitoring the fluctuations of the groundwater elevation.

The next question was how much volume of bedrock is being disturbed or removed by Keating every year. Mr. Vigneau responded that they have been averaging 365,000 cubic yards per year. This is the amount anticipated for 2022-23, although it is expected to be less, because there is downtime due to machinery, maintenance, weather, and so forth.

The next question involved the transducers that measure the groundwater levels in the wells. Ms. Larsen explained that historically, pressure transducers were placed in the wells. These are pieces of mechanical equipment that measure the depth of water above them, and then transmit this reading to a cloud-based data collection system. A number of these were initially installed, but many have since failed because they've run out of battery life. Since these failures have occurred the well water depth has been measured by hand monthly as required by the permit. A question has arisen as to whether the permit could stipulate a more continuous reading, rather than the monthly reading. PJ Keating has already taken action by obtaining new transmitters that they will be installing, so it's the Select Board's discretion as to whether or not they want to update permit condition #25 to say that data will be collected hourly. We could also add a sub-condition requiring the new transducers to be installed by a certain date. Ms. Larson suggested that April 15 was a realistic date for having the transducers installed.

The next question was in regard to blasting. Mr. Vigneau, with Carl Low from A-One Blast, explained that they have three locations that they set up for every shot, with an additional moveable location that is sometimes used as needed. They emphasized that for every blast, reports are submitted to the Fire Department.

The next question was about the yearly groundwater monitoring report, and what rain gauges are being used to determine that. Ms. Larson explained that it's a known ring gauge at the Fitchburg Airport used by the National Oceanic and Atmospheric Administration (NOAA). Ms. Larson explained again that the report is required March 15 of every year, but the permit cycles expire January 25 every year. As a result, the permit application always shows data that is almost a year

old. It is proposed to move the requirement for the groundwater report to February 15, and possibly to move the permitting date to March, giving the engineers enough time to get the report in and review it before the permitting cycle.

The next question asked if, in general, more comprehensive study of this site is needed. Ms. Larson stated that she may have spoken incorrectly at the previous meeting; the site operations are not unusually complex, but the permitting requirements are stringent, with stipulations on groundwater reporting and monitoring. She noted that there had been resident requests for additional studies, not only of groundwater, but also air and noise. Ms. Larsen said that the question raised concerns the effect of this site on the surrounding neighborhood water supply.

Mr. Vigneau, using a map produced by Massachusetts DEP showed the zone of influence by various wells (available on Lunenburg's Water District website). Some of the wells shown on this map are in Lunenburg and are approved by the DEP. Ms. Turner asked about a particular image that appeared to be in Lancaster, but Mr. Vigneau explained that it was in Lunenburg and part of the public water supply in Lunenburg. Another well shown was the "Rockport" well. In response to Ms. Turner's question it was explained that the dotted lines on this particular map are political boundaries of the town.

This was the end of pre-submitted questions. Ms. Larson emphasized that questions can be asked at any time, not just during permit renewal period. Mr. Allison opened questions to the Select Board members.

Ms. Turner, explaining that she is familiar with the site, asked if the entire perimeter is currently fenced, if the fence was intact, and how high the fence is.

Mr. Vigneau said, yes, that the perimeter is entirely fenced and has been for a long time. He believes the fence to be six feet high. Ms. Turner stated that she did not notice it, but perhaps it was set far back in some areas; Mr. Vigneau said yes, it runs through the woods. After input from one of his team members, Mr. Vigneau noted that there are some gaps in the fencing in the back near the rear of the quarry by the power lines. He will do a perimeter walk and will remedy any safety issues, adding fencing if needed. PJ Keating will report back to the Select Board on the status of this issue. Mr. Wright noted that the fence is not complete, there are some missing sections at the back near the power lines. Mr. Vigneau will do another perimeter walk to check for missing sections and that will be remedied. Mr. Robinson concurred. They will report back to the Select Board.

Ms. Turner stated that she was disappointed to learn that many of the transducers had been out for so long although she is optimistic about the current repairs. She would like a timeframe as to when they will be fixed and running. Mr. Wright reported that if the order is placed tomorrow the parts needed will arrive by the end of March, and will be installed as early as possible in April. Mr. Vigneau noted that although some of the transducers are still running correctly, they will all be replaced. Mr. Wright asked that as new conditions are written, that consideration is given to the amount of time needed to replace the transducers/probes; for example, it would be reasonable to state that if one of them fails, PJ Keating will replace it in a month or six weeks, but not in an hour.

Ms. Turner stated that if currently five of twelve are working, that's a pretty high failure rate, and the reason that we had monthly monitoring was because they had failed. She continued, "we can't speak for future boards, but I think I think the Town's more than reasonable on that."

Ms. Turner stated that she appreciated Ms. Larson's explanation on where water goes but wanted to expand on this topic. She stated that the pond has gotten very brackish or dirty or filtered and then downstream. She asked if there was any kind of filtering and monitoring along the water, for the effluent from the quarry. Mr. Vigneau responded that yes, they do. Before they discharge, or when they wish to discharge, they monitor TSS (total suspended solids). He explained that this is the most important parameter to test for in order to mitigate silt from leaving the property and causing problems. Responding to a comment by Ms. Turner that the quarry had been in operation since 1966, Mr. Robinson noted that he has found quarry records back to the 1920's, and it may have been in operation prior to then. Continuing, Mr. Vigneau explained that discharge is tested for TSS, oil and grease, total suspended solids, polycyclic aromatic hydrocarbons, and dissolved oxygen, many of which are new parameters (with the exception of TSS) required by their permit from the United States Environmental Protection Agency (EPA). These tests were most recently done in fourth quarter 2021.

Ms. Turner asked if they have basins or areas to treat the water before it comes out or are they just monitoring. Mr. Vigneau responded that they do not treat the water that comes out of the quarry with any sort of chemical, and that recent tests show "non-detect" of materials that would be a problem. Ms. Turner asked what about filters. Mr. Lassila explained that this is not a requirement; DEP requires filtering when water has come from an impervious surface, i.e., roadways. He noted that the intersection of Fort Pond Road and Leominster-Shirley road where there are over 8,000 vehicles daily, and which also drains into the same area, noting that the discharge from PJ Keating is not the only source of water to that area, primarily to the town of Lunenburg, not Lancaster.

Ms. Turner noted that part of the presentation showed the seismic monitors, three in Lunenburg and one in Lancaster over by Brian Road. She suggests that not now but going forward it might be good to look at how to position others, because this is one of the complaints heard from residents. Mr. Lassila replied that actually two monitors are in Lancaster (one at 2425 Leominster Road and one at the intersection of Kaleva and Brian Roads) and one is in Leominster (Pioneer Park). There is also a mobile one that can be moved on request.

Ms. Turner brought up air quality, noting that recently PJ Keating had been assessed fines for air quality at their site, and that this was not monitored in the permit. She states that residents are concerned, and suggested that while she is aware that Fitchburg is being used, perhaps there are closer weather stations that might be used.

Mr. Vigneau stated that with Fitchburg Airport two miles from the quarry site and supported by NOAA, there was not a better option for weather readings. They do have a meteorological station on site, but not certified by NOAA, just for their own purposes. He is unfamiliar with the details of the air quality fines because they would have been assessed prior to his arriving at the quarry in 2019; he believes that the EPA was unhappy with some record keeping issues that were then rectified. Ms. Turner volunteered to send him additional details and suggested that perhaps additional monitors could be installed to better monitor air quality.

Chairman Allison recognized Board member Moody, who asked what the bond can be used for.

Mr. Vigneau stated that the bond is \$222,000, a number that was reached at some point by some combination of Keatings, the Town, and insurance companies. It gives money to the town should something happen, we go bankrupt or something like that. Then that \$222,000 would be used to ensure that the fencing around the quarry was appropriate or to remedy anything that's going on in Lancaster site. Mr. Moody thinks that perhaps the amount may need to be revised since it was determined 17 years ago. He also asked what would happen if Keating were to go bankrupt prior to the closing project. Mr. Vigneau introduced the President of PJ Keating, Derrick Hill, who agreed that with real estate values today we should probably all look at values. He suggested that worries about PJ Keating, as a publicly traded company, going bankrupt, are de minimis, at best, but they are certainly open to sitting and looking at what an appropriate bond requirement is that makes the town and then the residents comfortable.

Mr. Moody said that he would like to have that done. He also said that he is uncomfortable that things are coming up, like the transponders, and Tighe & Bond is letting them happen and has not told the Town. He stated that that's their job, and he's not sure they're getting it done on time. Ms. Larson of Tighe & Bond responded that she understands his concern with equipment not working on site, but it should be remembered that the transducers were never a requirement of the permit. They were something that Keating did above and beyond. So, they were technically always still needing their permit with those manual well measurements collected by hand on a monthly basis, so they weren't out of permit compliance. A lot of sites are measured by hand; it was only something Keating chose to make it easier for them to take those measurements remotely rather than in person.

Mr. Allison asked, "I have a question about this monitoring. So there's the monitoring option and then there's the by-hand monthly monitoring. What is that data used for?"

Ms. Larson explained that they're measuring the level of groundwater in the well and comparing it over time. They're also looking at weather patterns and any movement within the groundwater table, so that over time they would be able to see if the groundwater table was getting lower and might be something due to the Keatings operation. Jeff Thelan of Tighe & Bond continued, explaining that they're looking for a negative influence on the groundwater elevation that could be due to the quarry. Monitoring monthly should be sufficient. He went on to explain that the transducers are a nicety and seem to have about a ten-year life span.

Mr. Allison asked, "So this data is really used to create some sort of history, to create a model for you to understand the water within the well so that you can take action if needed?"

Mr. Thelen said that's correct, and during annual reports they provide charts of groundwater elevation fluctuations. They also look at this with precipitation data superimposed so you can see the influence of the three monitoring wells in each cluster.

Mr. Allison said that from what he can understand, monthly monitoring would seem sufficient.

Mr. Thelen said that this depends on what you're looking for; there are some sites that Tighe & Bond work with that require frequent monitoring because we're taking a look at a wetland site with some very sensitive plants and animals species, so we're doing data Collection every 15 minutes using pressure transducers because what we're looking for is responses to stormwater inputs to this wetland in response to precipitation events and seeing how the water elevations fluctuate in this wetland area. He added that the data is probably better with the transducers because you have a "much less granular data record of groundwater fluctuations when you're doing the graphing."

Discussion continued between Mr. Allison and Mr. Thelen, looking at the pros and cons of collecting data with different frequencies. Mr. Thelen's recommendation is using the transducers to collect data on a more frequent basis and then rely on the data collection and hand monitoring on a monthly basis to confirm the transducers are adequately recording the elevation changes. Mr. Allison offered pros and cons – do we stipulate in the permit that Keating must use transducers and provide hourly readings, when in the past they've installed transducers as an act of good faith, without being required to do so?

Mr. Vigneau said that he thought that one of the conditions that Tighe & Bond put into the permit was that transducers would be used and will record on an hourly basis. He said that this doesn't make it more difficult for Keating, but it does provide the hydrologist with better data.

Mr. Nutting added, that he thinks it's already in the permit, and he thinks that you have to be reasonable and ask that if one fails that they report it to our consulting engineer and provide them 60 days to replace it. He added that he thinks it would be reasonable to raise the bond to a half million dollars.

Ms. Turner stated, "I wanted to try to help out with my knowledge and historical perspective of this permit having been there way back. Actually I can give you some of the old permits before you've got yours, but the point of the monitoring wells, and the hydrogeologic study that Tighe & Bond did years ago, was mostly to protect the wells, and the ponds, the hydrogeologic resources in that area. And so it's not merely a business convenience. It's to protect our people, our public, and our environmental health. The other thing is, Jason, these haven't been in there for a year and going bad, these have been in for well over a decade. I would venture a lot longer than that and they've been they have been bad for longer than that, so if this has been a long standing thing and further it's some further, it is a relatively inexpensive, this is a serious company with good resources in it, and I have no intent, no hope to try to stop them from doing business. But my job, our job, is to balance Lancaster's needs and I'm sure that Mr. Robinson, and Mr. Hill and others here will do their best to make sure that Keating works well in the best interest of the company, But this is the ramifications if we see water -- Jeff could speak to this, but if things are not done prudently and we don't have monitoring, and people have accused them, of dewatering wells and water bodies. The repercussions are severe, or could be, but that's why we're working hard to try to come up with mutually acceptable conditions."

Mr. Allison recognized Anne Ogilvie (she/her) of 4 Turner Lane.

Ms. Ogilvie said, "I had a question about how much rock is coming out and how that's determined.



So I know that he said it was 365,000 cubic yards this year. You're going to increase it in 2022, I guess 540,000. So I mean that's a pretty significant increase there. It seems like it's curious about why the increase and how that decision is made and, then, is that going to impact the number of blasts. That leads into my second question. I did note that Carl Low at the last meeting said there were 22 blasts at the Lancaster quarry site last year, and I wanted to know if there is blasting being done in Lunenburg, and how many of those blasts were there. So those are questions for Keating and Carl Low, and then Mr. Nutting, I was hoping, if you wouldn't mind explaining your new permit condition that you suggested stating that the deepest part of excavation can't be greater than 20 feet deeper than the deepest well. I just would love to understand any background, you can provide on those figures and maybe Tighe & Bond suggested that to begin with, but I think if that sounds great I'd like to understand more and just also wanted to emphasize my support for the continuously monitoring sensors, the change of the monitoring of permit dates that have been mentioned, and I'd like to make a request that residents be involved and have some input into a remediation plan, as well as representatives from the Town because I appreciate what you provided I just wonder if that could be done a little bit differently, and perhaps provide some benefit instead of just being something that we have to fence people off from. Thank you very much."

Jeff Thelen of Tighe & Bond said that he thinks the recommendation is that the quarry go no deeper than to stay 20 feet above the deepest monitoring well zone, so we wanted to have 20 feet of monitor well below the deepest part of the quarry.

Mr. Robinson addressed the question regarding the amount of rock, explaining that they have to use sort of a best/worst case scenario in order to stay within requirements, so this is a safe number.

Mr. Robinson said that he did not have the Lunenburg blast data on hand but that he could get it and get back to the Town.

Mr. Nutting advised the Select Board that they need to review Tighe & Bond's recommendations, and if there are any other comments from the Board they need to put it in writing for the permit and put it on the next agenda so that the Board can read the permit prior to next week so that Keating will still have time to meet their opening schedule. Mr. Nutting suggested that this was the time, if there are amendments or changes, to get them on the record.

Ms. Turner said that she had some complicated language that she would like to suggest for consideration. The Board discussed whether or not to close the Public Hearing.

Mr. Vigneau suggested that it was only right to let PJ Keating hear about any new conditions that the Board wants to impose. He said that so far they would be amenable to any changes suggested, but that if the Public Hearing is closed and then onerous conditions are added before the vote, that would be a problem.

Mr. Allison agreed, stating that he would be in favor of a higher bond and is indifferent on the transducers and online monitoring versus manual monitoring. He likes the idea of 60 days to fix mechanical/electrical problems. He stated that there is no new information that leads him to believe that there is any problem.

Ms. Turner said, “ I won't lie that I am disappointed not just the transducers because that's one of the things. I've worked with Tighe & Bond for many years, and I was disappointed that when we began this hearing we were hearing things like, “everything's all set,there's no problems” and then probing questions by informed citizens revealed that there were actually things that we needed to pay attention to. We pay Tighe & Bond to be at, and it should be clear for everybody, that their payment for Tighe & Bond is paid for by the applicant. We have that bylaw, we do that traditionally with our permits, so this expense is not borne by the town, but the expense is meant to protect the public and environmental health of Lancaster. And there is big risk, not to be an alarmist, but if something goes wrong in a quarry it can go very wrong, Mr. Robinson has been very good and forthright and said and it's true. There's no other town I know, even towns such as Gloucester which had active quarries, don't allow quarrying now because of the risks. If you hit a fracture wrong, and PJ Keating has been very good about being careful of that, the results could be catastrophic. We have some of our most expensive homes up there, we're worried about tax base. Can you imagine what taxes would be or homes would be worth if they had little or inferior water? And people on Brian Road and Turner Road in that area have complained about that. I'm not blaming that on the quarry but, be clear about that, but I'm saying that's something that we need to safeguard and make sure, never mind our water bodies (illegible) So you mentioned Jason, you're not an expert in hydrogeology nor am I. I have learned a lot more about this for over 20 something years of looking at this in depth and I'm a self-avowed tree hugger, so I would... My suggestion, just as we have done with Town Counsel and we've talked about with other things, is maybe consider a fresh set of eyes. To look at this, and that we do allow PJ Keating to continue working, contrary to what Mr. Vigneau had said, I don't think this is we need to make these reasonable, because this is a business that drives the grist of a lot of little projects and other projects, but as far as Lancaster is concerned, this brings us no tax revenue. And in fact you could argue that the impact to our roads costs us more to host this than it doesn't. But permits, as we've talked to our Counsel in the past, permits are a right, they're not a privilege. But I think we all agree, from what we've talked about, that we've hosted this business I learned tonight, since 1923. And it's something that we, I hope, will continue to host, but I want to make sure that the safeguards....If you looked up PJ Keating, you understand that this business' revenues are well more than Lancaster. If we ever had to exercise, or fight on the bond, \$500,000 would not go -- it will go a lot further than \$222,000 -- but it wouldn't go far, and no they're not going to go bankrupt either, but I have seen many businesses -- I won't name names, but you know, a gas station and they'll spin off a gas station, for example, if there's environmental and just bankrupt that one, so we do have we do have to be extremely careful. So I really think that I wouldn't want to even develop the conditions here, I can suggest them, and we have some great people. I think Tighe & Bond's new conditions are much better, but I would suggest that that we have a fresh set of eyes look at that. For example, I'd like to see the elevations surveyed which could be really easy to do, so we can keep track and those things are very, very inexpensive to do now, we can do those with aerial drones. We talked about air quality, I suspect there will be some expense, but I would like to lock this permit down for a couple of years. I know, one of the suggestions was a short term permit just until we could get conditions all met and worked on, but for the interest of PJ Keatings' business stability and for the Towns' with measurable metrics -- not just the monitoring and, by the way, that transducers are easy, good to have, I'm sure you know and computer business many data points ... it's all automated, it's quite easy, and the reason they weren't included as much years ago is because the technology has caught up. So my suggestion would be not -- you probably don't want me talking about specific conditions at this point because none of us are have those expertise

-- and while I appreciate Tighe & Bonds, I think I would suggest that we approve a permit, and I can go, I have a motion but note with the conditions that we give, that we talk to Tighe & Bond and another firm, and then have some metrics, for example, 60 days, to come up with the conditions and plans. We post those, we send them for review to PJ Keating, making sure that the conditions are reasonable and amenable and as well, allow the public to comment on them. Then after a short period, a couple of weeks, we return those, our engineering firm will incorporate them, and then we adopt them. So a sample motion would be to talk about something like talk about recruiting that fresh set of eyes, looking at some engineering firms, choosing one, developing/doing a set a permits, subject to a 60 day plan, a couple week review, and then we vote at 90 days, and that would sustain us going forward. This permit has been around for a long time, with just minor tweaks and it's worked for the applicant, but there are certainly concerns, as we know, from our community.

Mr. Moody said that the other thing that we want to change is the date. Mr. Nutting stated that this is already in the Tighe & Bond recommendation. Mr. Moody said maybe go along with that and just get it to that point, and at that point make the decision for the two things and let them work.

Mr. Allison asked Mr. Moody, "Okay. Jay you're saying do the permit after we have the information. What information are you asking about?" Mr. Moody explained that dates should be adjusted so that going forward the Board will be reviewing the permit after they have received all the information.

Ms. Turner stated that she was confused by Mr. Moody's response, asking him if he intends to issue a two year permit and work with Tighe & Bond for two years.

Ms. Turner read her motion: "My motion, would be to approve the permit with the following conditions. The permit end date to be March 25, 2024. Subject to the conditions set forth after a peer review of the existing permanent with any new conditions incorporated as suggested by qualified peer review firm and approved by the Select Board. Said firm will develop the plan with cooperation and information from the applicant and town resources within 60 days of when we approve this motion. The proposed plan will be shown to the applicant and posted on the website. Input from all parties will be returned to the Select Board and incorporated as reasonable by the engineering firm and approved by the Select Board. Final changes shall be approved at a Select Board meeting approximately 90 days after this approval. Lancaster retains the right to revoke, rescind, or change conditions during the permit duration.

Mr. Allison stated, "So what I'm hearing you say is, just to summarize, you want to approve the permit as it, and give the Board basically 60 to 90 days to have a peer review done and come up with potentially a new set of stipulations in the permit."

Ms. Turner said, "Based on the scientists, yes, not based on us. We would have final say."

Mr. Allison asked who was going to pay for the peer review. Ms. Turner said that it would be just like Tighe & Bond, it would be at the applicant's expense. She explained that Mr. Nutting and the Board could look at firms including Tighe & Bond, and that this would not require an RFP like was developed for legal services. She would ask that whoever the engineering and environmental

company would be would obviously not be ethically conflicted and do other work in the industry.

Mr. Allison noted that we would have to get agreement from the applicant to pay for this third party review, and we would have to fit it in around a Special Town Meeting and a Town Meeting that's in flux.

Ms. Turner said yes, that the applicant understands that per our bylaw, that this is a requirement of our permitting, we do this routinely for permits by the Planning Board, Conservation, ZBA, and others. She stated that there are firms that have already researched and talk to, who are willing to do this and could do this, in actually a much tighter timeframe than this, but she wants to make sure that the applicant has enough time to respond and work.

Mr. Allison said that this sounds like we were asked to deliberate in open session, giving the applicant thoughts on where we are. He added that he hoped that at a minimum, Ms. Turner and Mr. Moody are motivated to allow the applicant to continue work to start the permit, however, Ms. Turner would like them to pay for an additional set of eyes to review the application.

Mr. Moody seconded Ms. Turner's motion.

Mr. Vigneau asked Chairman Allison to clarify where the applicant would be allowed to discuss the permit conditions, and noted that these conditions would apply to Lancaster only, not to the entire facility. Ms. Turner said that she understood that the purview of the Select Board was only Lancaster.

In response to procedural questions, Mr. Nutting stated that the whole thing needs to be voted on at the next meeting. He asked the applicant if he had an issue with paying for the peer review.

Mr. Vigneau said that they have no problem with the bylaw requiring that they pay for the peer review, and that they understood that it was reasonable to reimburse the Town for consultants necessary to make informed decisions, but he would like to know what the scope of the review would consist of that would be greater than what Tighe & Bond is already doing. He stated that it's all about water, and he thinks that they have proven beyond a reasonable doubt that they are not impacting folks' wells. He said that we could go back and forth forever, and you could search for someone who might have a conflicting opinion, but geologists and hydrogeologists from both Keating and Tighe & Bond have no evidence that wells are being impacted in any way. Mr. Robinson concurred. Mr. Vigneau said, "but if that's what it takes to make the Select Board feel more confident, then, I guess, we can do that, but again I think it's only fair that we know the scope of the work that the Town is asking them to do."

Ms. Turner replied, "Well, based on both Mr. Vigneau's and Mr. Robinson's response, if you're expecting the same results and there's nothing to worry about. We have, as best practice, been changing and examining our procurement, and our consultants and professionals. This has been, as you pointed out, a long relationship and, in fact, there was some reasons, I mean we've been with Tighe & Bond and, as I said, they're welcome to be invited to the table. I mean they may but we recently changed our Town Counsel for fresh eyes, and so this isn't a personal assault to you, to the applicant, to Tighe & Bond, but it is a best practice and it's suggested by the State and by

many others. So I don't think that you have anything to worry about. As far as the scope goes, I don't really think that you want three Selectmen who are at best novices. Because I'm good to err on the side of Conservative to protect the townspeople and the environment, so I may ask for things which I can, that are extremely restrictive. I think you would probably rather have a science and environmental firm, who has more education, tooling, and competency to help craft those for you. So you know don't ask me to write the conditions right now.

Mr. Vigneau replied that he understands her position, but if it can be worked out in relatively short order, and they were given the opportunity to review that scope of work, that would seem to be fair.

Ms. Turner noted that her motion included this and also granted the permit.

Mr. Allison asked the Board to entertain the motion.

Mr. Moody said that if we do that, would it be alright to have somebody from Keating at the table.

Ms. Turner re-stated her motion.

Ms. Turner moved to close the Public Hearing. Mr. Moody seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

#### **IV. BOARDS, COMMITTEES AND DEPARTMENTS REPORTS**

##### **Joint Meeting with Public Works Board to review and select a Public Works Board Member to fill the vacant seat, term to expire May 9, 2022.**

Chairman Allison opened a Joint Meeting with the Public Works Board with a roll call. Jay M. Moody, Present; Alexandra W. Turner, Present; Jason A. Allison, Present; John J. King, Present; Douglas A. DeCesare, Present.

Mr. Allison explained that there is an open seat on the Board of Public Works and there is one applicant, Walter Sendrowski.

Mr. DeCesare nominated Walter Sendrowski to fill the open seat on the Board of Public Works with a term to expire May 9, 2022. Mr. Allison seconded the nomination.

Ms. Turner noted that the bylaws call for the candidate to be interviewed; others agreed that Mr. Sendrowski is well known by all parties present. No interview or discussion was held.

*Mr. Allison called for the vote. Jay M. Moody, Aye; Alexandra W. Turner, Aye; Jason A. Allison, Aye; John J. King, Aye; Douglas A. DeCesare, Aye. [5-0-0]*

Mr. Sendrowski was welcomed to the Board of Public Works.

Ms. Turner moved to adjourn the joint meeting of the Select Board and the Board of Public Works. Mr. Moody seconded. *Jay M. Moody, Aye; Alexandra W. Turner, Aye; Jason A. Allison, Aye; John J. King, Aye; Douglas A. DeCesare, Aye. [5-0-0]*

<b>V. PUBLIC COMMENT PERIOD - NONE</b>
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6:00 P.M.      *Opportunity for the public to address their concerns, make comment and offer*  
6:10 P.M.      *suggestions on operations or programs, except personnel matters. Complaints or*  
                     *criticism directed at staff, volunteers, or other officials shall not be permitted.*

<b>VI. TOWN ADMINISTRATOR REPORT - NONE</b>
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<b>VII. ADMINISTRATION, BUDGET, AND POLICY</b>
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**1. Review Special Town Meeting Warrant (Town Administrator Nutting)**

Mr. Nutting reported that there are seven more articles for the Special Town Meeting (STM). The first four relate to transferring money and balancing the budget. One is to authorize the payment of an additional \$1,000 to the Assessor upon certification, similar to practice in place for the Town Clerk and the Treasurer. Two articles have to do with small amounts of money for easements, a prior year bill. We removed the last article because we didn't have sufficient facts; Mr. Nutting is comfortable that a six-week delay until Annual Town meeting will not present a problem.

Mr. Allison moved to approve the Special Town Meeting warrant. Ms. Turner seconded.

Ms. Turner announced that new language had been received from DCAMM at the 11<sup>th</sup> hour. Mr. Nutting has forwarded to Counsel. Ms. Turner would like it on the warrant at least as a space holder because it may need quick approval to be part of this legislative session. She asked the Board if they wanted to save space for this. Mr. Nutting said that if Counsel would allow the wording to correct language if needed. Ms. Turner stated that this would allow the Town to begin negotiation. Mr. Nutting thinks there's some homework to do, and suggested that it may not be possible before 3:00pm tomorrow; if Counsel could craft some generic language that might work, but it's not right to vote on an open-ended opportunity.

Mr. Moody thinks the DCAMM property is too big an opportunity to miss. Ms. Turner moved to direct Mr. Nutting to work with Town Counsel to come up with a generic space holder language to be incorporated by close of business tomorrow or by three o'clock tomorrow. Mr. Moody seconded.

Mr. Allison asked why this could not wait until the Annual Town Meeting. Mr. Nutting explained that it might be delayed in the legislative schedule. Mr. Nutting stated that this in no way obligates the town or the taxpayers to take any action yay or nay on whether to go ahead with a deal that would be at a future meeting.

Mr. Allison called for the vote; *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner,*

Aye. [3-0-0]

2. **Discussion on Town Seals to be placed on all town-owned vehicles (Moody) - TABLED**
3. **Discussion on charging fees for closure of town roads due to movie productions or other non-town functions. (Moody) - TABLED**
4. **Discussion on wireless security cameras at all entrances and doorways for the Prescott Building and Town Hall (Moody) - TABLED**
5. **Accept donation to the Select Board from Sterling-Lancaster Community Television, Inc. (SLCT) in the amount of \$1,200. - TABLED**

## **VIII. APPOINTMENTS AND RESIGNATIONS**

### **Appointments:**

Board of Appeals: - TABLED

- Eric Jakubowicz as Alternate Member term to expire June 30, 2024 (2 year term)
- Dennis Hubbard as Alternate Member term to expire June 30, 2022

### **Constable:**

Request from Ronald W. Knoll to serve as Constable for the Town of Lancaster.

Ms. Turner moved to appoint Ronald W. Knoll as Constable. Mr. Moody seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

### **Recreation Committee:**

- Victoria Fasel as member term to expire June 30, 2024

Mr. Allison moved to appoint Victoria Fasel as a member of the Recreation Committee, with a term to expire June 30, 2024. Ms. Turner seconded. Vote taken, *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

## **IX. LICENSES AND PERMITS - NONE**

## **X. OTHER/UNFINISHED BUSINESS - NONE**

## **XI. NEW BUSINESS - NONE**

*\*This item is included to acknowledge that there may be matters not reasonably anticipated by the Chair*

## **XII. COMMUNICATIONS**

- Select Board's next regular meeting will be held via Zoom on Monday, March 7, 2022, at 6:00pm

## **XIII. ADJOURNMENT**

Mr. Allison confirmed with Mr. Nutting that nothing else on the agenda was time-sensitive and that, having reached the time posted for adjournment of this meeting, the meeting could be adjourned with outstanding items moved to next meeting's agenda.

Mr. Allison called for a motion to table all remaining items on the agenda until the next meeting. Ms. Turner presented the motion; Mr. Moody seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Mr. Allison called for a motion to adjourn the meeting. Ms. Turner presented the motion; Mr. Moody seconded. *Jason A. Allison, Aye, Jay A. Moody, Aye, Alexandra W. Turner, Aye. [3-0-0]*

Respectfully submitted

Kathleen Rocco  
Executive Assistant

**APPROVED**

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Jay M. Moody, Clerk  
Approved and accepted: 3/7/2022