

Conservation Commission Meeting
Virtual Meeting
June 4, 2020

Roll Call of Attendance: Peg Arguimbau, Chair, Meredith Avery, Alan Westman, Jon Wasserman, Keevin Geller, Stephen Cremer and Colin Barbera, were the members participating. Conservation Administrator John Thomas as well as Clerk, Linda Callan were also on the zoom meeting.

Potential speakers this evening: Will Schreefer, Chris Blesson, David Teter, Steven Luruso

The remote meeting started at 7:30pm

Arguimbau opened the meeting by reading Governor Baker's Executive Order of March 12, 2020. Per guidance from the State, Arguimbau noted that all votes would be taken by roll call.

Arguimbau recapped the last meeting with respect to the turf fields, explaining that no deliberation took place as the Commission was waiting for a decision on whether all 7 Commission members could deliberate and vote on the turf project. Guidance has been provided and Arguimbau noted that all Commission members can participate in the proposed turf fields project at the High School. On file is paperwork signed and submitted by two Commission members relating to this project.

7:30 P.M - Hearing Continuance: Notice of Intent - Sharon High School Fields;

Installation of Turf Fields, DEP #SE280-0617

Conservation Administrator, Thomas, reached out to Schreefer to see if he had additional information to share with the Commission.

Schreefer showed a power point presentation in which he outlined how he has met the burden of proof in his NOI application.

A few key points:

*Burden of proof. The applicant shall have the burden of proving, by a **preponderance of the credible evidence**, that the activity proposed in the NOI will **not negatively impact the resource area values protected by this bylaw.***

The applicant believes he has met burden of proof. The proposed work is located within the buffer zone; no existing vegetation will be cleared. The existing grass field will be replaced by turf; the existing track will remain; the existing gravel path, adjacent to the wetlands, will remain; work beyond the grass field is related to drainage; and the overflow will be in the existing gravel path located next to the field.

Schreefer also noted that the stormwater management proposed for the site meets MassDEP standards required for new development and that it mimics the existing conditions by providing recharge beneath the turf surface. He explained that there would be 12" plus stone section which will provide drainage for the area. As has been explained prior, any over flow (over 3.06" of rainfall) will disperse over the entire field, and the likely occurrence of overflow, may be once per year. Also noted was that runoff from the field matches the existing flow.

Schreefer believes they are meeting all performance standards (MassDEP as well as the Sharon Bylaws and Regulations). Work for the proposed project is restricted to cleared

areas only; they are maintaining existing, undisturbed vegetation located within the buffer, and will be providing MassDEP with a compliant stormwater design.

Further, over the course of several meetings, the applicant has presented numerous reports for the Commission to review. Schreefer also said that there are no specific standards provided in either the MassDEP or the Town of Sharon Rules and Regulations with respect to the materials being proposed for the turf field. There are no specific rules, regulations, calculations, or other info than can be provided to prove compliance for work regulated under the wetlands protection act as no standard exists.

Nitsch Engineering, Warner Larson Landscape Architects, David Teter Consulting and Weston & Sampson have all been involved in the process. If there are any additional questions, all consultants are on the call and available to answer.

Arguimbau then opened up the call to any comments from those in the audience.

Debbie Tatro, 10 Sturges Road. She wished to comment on the presentation by Schreefer. She understands that the landscape architect is following standards prior to knowing whether there may be PFAS in artificial Turf. She is concerned with infiltration of water under the field. Tatro noted that it is known that PFAS are water soluble and that they are able to travel with the water and travel through infiltration. She also inquired about a rebuttal report from Teter Consulting. She never saw that report and asked who received. Tatro believes that the previous presentation by the consultant for this project consisted only of industry talking points. It is her belief that there was no science behind any of the statements made. It is her belief that PFAS will be in the turf field. Further, she was confused by the statement Teter made about there being no flame retardants in turf and that he stated that he always made sure that there were no flame retardants in turf to be installed, yet, he then asked the landscape architect about flame retardants in turf, who responded, that there were, at times, the use of flame retardants.

Schreefer: A report on 1/27/19 Standing Building Committee meeting noted concerns which were raised in the Standing Building Committee meeting. The prepared report addresses concerns raised up to that point. That report was not intended as rebuttal to the last Commission meeting. Tatro asked who had access to the report. (it is available to anyone wishing to review).

Avery asked if this was new information and Arguimbau asked Schreefer if he could write an encapsulation to the rebuttal report.

Chris Blesson, Architect. The report being discussed was provided to the Standing Building Committee after its January 27th meeting. The report is a public document and has also been provided to Commission as part of the filing for this project. Blesson and his team do not believe anything new has come up.

Arguimbau: concerning the potential impact to the buffer zone, she inquired what would be the impact to the buffer itself, and what will be different with the buffer after completion of the project. The Commission is charged with protecting the natural wetland resources. There is a stream which leads into the lake. Arguimbau is concerned with water flowing into the lake from the turf field and according to the WPA Act, that is what the Commission is charged with protecting. Arguimbau then asked if there were any Commission members who wished to comment on potential impacts to the Resource Areas.

There was some confusion with Arguimbau's statement. She further clarified, that she believed there to be a change in character in the way the buffer would function if a turf field were to be installed. While looking at preponderance of the evidence, and evidence submitted from lots of people, Arguimbau explained that the Commission's focus should be on the resource area which the Commission is charged to protect.

Colin Barbera asked for clarification: He understands that the Town of Easton's water is contaminated. He also heard that the Sharon Water department believes that the contamination is not caused by the turf field. DEP is currently investigating, but has not made any determination of the contamination. Barbera would like this information prior to making any decisions. Arguimbau responded that the Commission needed to stay focused. She believed that it was dangerous for the Town Water Department to say contamination is not from turf field.

Avery responded that probably can't say definitively that PFAS came from the turf as PFAS comes from all over. There has been lots of time and research spent on both sides regarding the turf field. She believes that the focus should not be just on PFAS, but the Commission should look at the bigger picture, the potential impact to the buffer if a turf field were to be installed.

Westman: lots of information has been presented. There has been a lot of talk about the usage of fields in town. However, he believes that the Commission's purview is not about field usage, but rather, on the Commission's role to protect the wetlands. He is having a difficult time in coming to a decision. Lots of professionals, along with third party reviewers and reviewers of the third party have been hired by the Town.

Wasserman agrees with Westman. He believes the Commission should look at performance standards in bylaw. He is not having as hard a time with the preponderance of evidence as others. It is his belief that the filing meets performance standards, but what makes him nervous is that a lot of time has been put into this project. The town has spent a lot of money to get to the right answer, but what Wasserman is struggling with, is that it is hard to prove a negative. He acknowledges that PFAS are not good, but he does not believe, from information presented, that PFAS will come from the turf. He also is struggling to wrap his head around which direction to go. With regards to the stormwater report, and the data presented for the turf field, he does believe that the performance criteria have been met.

Cremer: spoke about comparing effectiveness of certain materials. Spoke about how lead paint was superior to today's paint, and how gasoline with alcohol is not as good as leaded gasoline. He is not convinced that something in synthetic may not be dangerous, and he can't approve something untested in the environment. He is strongly opposed to making a decision as it is his belief that there are alternatives/locations in town where a turf field is appropriate and where there would be less impact. He has found that there has been no evidence of safety presented and is concerned with potential dangers. He is also concerned with installation of turf at this location and the impact to the environment.

Geller –Agreed that the Conservation Commission is charged with protecting impacts to natural resources and to protect the resource areas.

The Town has hired consultants who have done a fine job presenting the information.

Geller is concerned with reacting to what we may think will happen instead of focusing on what, if any, impacts to the natural resources are. It is his belief that the proposal in front of the Commission meets performance standards for the project. Though many have opposed this project, it is Geller's belief that the arguments against the use of artificial turf are anecdotal. He does not believe it is the job of the Commission to make or enforce laws, but rather, to determine effects on the natural resources. Geller agreed with statement made by Wasserman, that it is not the Commission's purview of whether the natural grass is used or if turf is used, but our purview is the effect on natural resources. Based on what has been presented, Geller does not see anything to deny the project because of what could or might be in the future.

Arguimbau explained that the Commission has received a great many emails, of which the majority were not in favor of the project. Those against the field gave reasons such as environmental impact and concern for the lake; those in favor mentioned the need for more fields, benefit to athletes (77 against; 22-23 in favor). Arguimbau agrees that this is not an easy decision. Avery made a great point, in noting not to make PFAS the point of focus, but on what the resource area may look like as a result of this project. Arguimbau does not wish to be part of something which would result in a loss of a resource. She believes risking the character of the buffer is too steep.

Westman: Question for Chair of Standing Building Committee – if turf field is denied, will the current grass be torn up and redone? Westman noted that the maintenance of real grass ties into other concerns, including maintenance costs.

Wasserman: a couple of people mentioned another location in town. He was wondering if that option had been discussed. Arguimbau said that other locations have been discussed, but that it was not mentioned in the project scope for this project.

Arguimbau: Plenty of information has been presented, both from the hired consultants as well as from knowledgeable town residents. The specific location of the turf field is of concern. 8,800 square feet lies within the Commission's jurisdiction (buffer zone). The lake is located directly across the street. She believes Commissioners need to look at the potential harm to the resource area if a turf field is installed.

Avery: Consultants have done an excellent job. Trying to prove a negative is impossible. For her though, it comes back to even if there were no PFAS in the manufacture of the turf field, it comes down to the volume of plastic to be installed next to a resource area which is problematic. At this location, Avery does not believe that a "plastic" field is appropriate.

Cremer: concern with a statement architect made. He has reviewed the reports provided from both the applicant and Sustainable Sharon. He can't remember exactly the statement made, but noted that it was something to the effect that the architect is only delivering what the client (the Schools) has asked for, and that is why the recommendation is for a turf field and not grass. Cremer seriously doubts that a field at this location would be a benefit to the town.

Barbera: He has played on turf fields as well as coached. He is concerned with the grass blades potentially ending up in the lake and in the town's drinking water.

Judy Crosby, Condor Road, Member of Sharon School Committee. In response to has a turf field been looked at elsewhere: no, it was not considered. The project is a high school

project so to look elsewhere was not an option. By saying no to this project means that there will be no turf field in the near future as the Town would need to pass additional debt.

The existing grass field will need to be replaced and will cost a significant amount of money. The current field is unsafe. There will also be an added cost to bus athletes elsewhere.

Chris Blesson, Lead Architect in response to a statement made earlier by Cremer regarding a letter written. Blesson explained his firm was hired by the schools. They were his client. The letter in question was meant to be neutral and he takes exception of Cremer's comment.

Debbie Tatro: responding to Geller comments. Problem is high level of fluorine is indicative of the presence of PFAS. Further, Sustainable Sharon did not present anecdotal evidence. Letters presented to the Commission have all been peer reviewed.

Steve Smith, 1 Old Wolomolopoag Road. He did not intend to speak this evening. He is a member of the Standing Building Committee. His committee voted in favor of a turf field 7-3. He believes installation of a turf field is the right solution.

Arguimbau asked Commission if they would like to make a motion vote on turf field or if they would like to continue the hearing to the next meeting. She was not sure of the benefit to put off the vote, but it was up to the Commission.

Motion: to install turf field at the High School

Geller, Avery 2-5 (motion fails)

Roll call vote: Arguimbau – No; Avery – No; Westman – No; Cremer – No;

Wasserman – Yes; Barbera – No; Geller – Yes

The motion to allow the installation of turf field fails, with two in favor and 5 opposed.

Arguimbau thanked everyone for all the hard work put into this. She asked Blesson if should close the hearing (NOI) or will they go back to Standing Building Committee and file with another NOI. Arguimbau noted that the existing NOI can be amended. She will send tonight's vote over to the Standing Building Committee. She does not believe that a new filing needs to be submitted, but that the project can be amended using the same DEP file number.

Arguimbau asked Thomas to check with DEP for guidance on issuing a new number (close hearing), or could the hearing be continued. Either way, the project will be re-opened with an amended plan. For now, will leave the project open and to be continued. The next Commission meeting is scheduled for June 25th.

New Business:

John McGowan, 127 Beach Street. He will be filing an RDA for his proposed project to build a grade-level deck/platform on the lakefront parcel of his home. He provided a brief overview of his project: the platform surface will be composed of composite decking atop 2X6 framing and will be 24X20. He owns a 25 strip of land and the platform will run from lot line to lot line. The platform will sit approximately 10 to 15 feet from the water's edge.

The hearing for this project is scheduled for June 25th. Thomas will mark the proposed platform/deck and Commission members are encouraged to drive by the site.

McGowan informed Commission members that he purchased and built the home in 2018/2019. In building of his home, he went to great lengths for the home to be environmentally friendly, given its proximity to the lake and wetlands. He has discussed his proposed projects with abutters and they are supportive. The area has been rundown of late and McGowan would like to clean up the debris and build the deck/platform. He spoke with the prior Conservation Administrator about the proposed project.

Approval of meeting minutes dated May 21, 2020.

Edit: change sentence - from *grass* blades to *turf* blades.

Motion to accept minutes of May 21, 2020 as amended

Cremer, Wasserman 6-0-1 (motion passes)

Arguibau - Aye; Avery – Aye; Wasserman – abstain; Barbera – Aye; Westman – Aye;
Geller – Aye; Cremer - Aye

Lake Update:

Thomas noted that the lake is at 10 feet. For this time of year, the lake is a bit low. He has been monitoring the lake daily and explained that with lots of tree pollen accumulating in the water, he has been trying to flush it out. Additionally, it has not rained much in the past five to six weeks. He is hoping that there will be some rain this weekend. Other impacts to the level of the lake could be that with more people home now, it is possible that use of residential water could also be having an impact upon the lake level.

Thomas will continue to monitor the lake.

Briggs Pond: Thomas has been in contact with Esther Weiner regarding concerns she has with the level of water at Briggs Pond. According to Weiner, her property is seeing flooding due to the high water level of Briggs Pond. Thomas put in stakes at Weiner's property to monitor the water level. The Trustees of Briggs Pond met with Thomas and Weiner. Concern is that the depth of Briggs Pond is not that deep and they do not want to let out too much water. Trustees have agreed to work on developing a policy to better manage the Pond level with an understanding that the Trustees are responsible to all of the homeowners along Briggs Pond. Towards the end of summer, a water gauge will be installed. The Trustees will work on a policy and consult Thomas if needed.

The Planning Board is meeting on June 18th to review the bridge project on Maskwonicut Street. Hearing is for a scenic road. Commission members are encouraged to attend this meeting. This is a MADOT project and they don't need to present to the Commission, however, most utilities, out of courtesy, do present to the Commission. It is hoped that MADOT will install erosion control measures, but hearing is for a scenic road, and not environmental impact.

Thomas noted that MADOT has an exemption for bridge replacement projects, but believes this project extends beyond just a bridge repair. It looks as if eminent domain will come into effect with MADOT taking land to make the road wider. Grateful for O'Cain, Town Engineer, inviting us to the meeting, and hopefully MADOT will listen to concerns from Commissioners on the proposed project.

Other

Geller posed a question to those members who opposed the turf field. The proposed project at 127 Beach Street is looking to install a composite deck. Composite is plastic. Though the spec sheets show that the material is inert, who knows if that will be true in years to come? He believes Commission is walking a slippery slope. Arguimbau explained that each project is unique and that the Commission needs to review each project on its own merits.

Future Conservation Commission Meetings: July 2nd, August 6th. Wasserman noted that he will not be at the August meeting.

8:00 P.M Update at 363 Massapoag Ave

Thomas met with the land owner's mother. The land owner is stuck in Brazil and is not sure when he will be able to return. A contractor was hired to do yard work in the rear of property. Trees were cut down and work was done within wetland resource area. Thomas provided homeowner with names of two environmental scientists who can assist with remediation work. When a consultant is hired, Thomas will ask for a report on what will be proposed to restore the area.

8:40 P.M Permit Eyes, software program for the Commission

Thomas presented to Commission a web-based software program designed specifically for municipalities. The program would allow for the sharing of information and would assist in the permitting and licensing process more efficiently. Commission members asked about the cost of the program and how it would be beneficial to the office.

Funding. Would need to incorporate the initial cost as well as annual fee into the Commissions budget. A review of the budget would be needed to see if this could be funded. Thomas has been looking at fundraising options. Possibly an increase to our existing budget? It is hoped that the town would look favorably on the purchase of the software. Can also look to see if the Wetlands Protection Act money could be used to support the software. If wish to pursue, should see if the Software company would negotiate the fees.

Motion: to adjourn the meeting
Cremer, Westman 7-0-0 (motion passes)

Meeting adjourned at 9.21pm