

Conservation Commission Meeting
Virtual Meeting
November 2, 2023

This open meeting of the Sharon Conservation Commission was conducted remotely consistent with An Act Extending Certain COVID-19 Measures Adopted during the State of Emergency, signed into law on June 16th, 2021, and as amended and extended through March of 2025. These provisions allow public bodies to meet remotely if reasonable public access is afforded so the public can follow along with the deliberations of the meeting. For this meeting, the Conservation Commission convened by video/teleconferencing via Zoom, and members of the public were provided with access information so that they could follow the meeting remotely. All votes were conducted via roll call.

The remote meeting was called to order at 7:30 pm by the Chair, Peg Arguimbau.

Roll call was taken of members and staff present and included: Chair, Peg Arguimbau, Keevin Geller, Stephen Cremer, Jon Wasserman, and Susan Drisko. Alan Westman was not present. Staff present: Josh Philibert, Conservation Administrator, and Jana Katz, Conservation Clerk.

Members of the public in attendance: Eric Hooper, Adam Kran, Sarah Price, David Hearne, David Crosby, Chris Sokolowski, Frank Xia, Katie Gorman, Meredith Avery, Matthew Tavares, and Shepard Rainie.

7:30 PM	New Hearing	NOI 000 Upland Rd. (Tree Lane), Eric Hooper Town of Sharon, Water Treatment Plant, DEP#SE280-0653
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Arguimbau read the public notice that ran on October 26, 2023 in the Patriot Ledger advertising the hearing for a proposed Water Treatment Plant at 000 Upland Road (Tree Lane). DPW Superintendent, Eric Hooper, began the presentation on the Notice of Intent filed by the DPW for a proposed Water Treatment Plan located at 000 Upland Road (Tree Lane), DEP# SE280-0653. Sarah Price and Adam Kran from Environmental Partners joined Hooper in presenting the NOI to the commission. Many abutters and Sharon residents were also present for the hearing.

Hooper described the chronology that resulted in the filing before the commission. In 2020, MassDEP published Massachusetts Maximum Contaminant Level limits for public drinking water supplies. The perfluoroalkyl and polyfluoroalkyl substance (PFAS) levels in the town's water supply exceeded the upper allowable limit. Since then, the town implemented a temporary plant treating the water at Well #4.

The DPW has explored three potential sites for constructing a permanent treatment facility: Well #2, Well #3, and Well #4. The DPW also considered an additional option, tying into the Massachusetts Water Resources Authority (MWRA).

Initially, Well #2 at the entrance of Moose Hill Parkway was the first choice. The area would allow for a flat entrance to the well and a relative easy build. Upon further investigation, the proposed plan was a non-starter because the building's orientation would have placed the structure in the FEMA (Federal Emergency Management Agency) flood zone. Necessary measures to make the building compliant with flood zone regulations would require at least nine feet of fill to get the Water Treatment Facility out of the flood plain. Plans also included a basement which would add fill to the plans.

In total, the DPW considered two different plans for Well #2. The first option at Well #2 would have placed the entrance on a hillside within 100 feet of a Riverfront Area buffer and 100 feet within a wetland buffer. This design would have also necessitated a 9% grade on the access way. A proposed unrelated project in town with a lesser gradient at 8%, was recently deemed inaccessible and rejected. The second possibility at Well #2, at the entrance of Moose Hill Parkway, would have placed the building entirely within the Riverfront Area and FEMA Flood Plain. Neither alternative proposals continued to be realistic considerations.

Initial construction plans at Well #4, near Tree Lane, placed the building outside of the FEMA flood zone. However, proximity to abutters, and buffer zone encroachment presented challenges to the plan. An additional plan at Well #4, taking abutters' concerns into account, shifted the building's location to Well #4, Lot #1. Although the facility would remain outside of the flood plain, the entranceway would have been within the 200-foot riverfront area as well as resource areas, and buffer zones. Both orientations presented challenges at the Well #4 site.

Well #3 plans required directional boring to construct three separate connections across independent wetland and stream crossings. This option entailed high costs due to the distance the infrastructure would traverse. Additionally, risks associated with potential fracking and necessary directional boring made this an undesirable choice.

Cost analysis covered plans at all three well sites at roughly 90% of the design process. Although the slope at Well #2 was prohibitive, the proposal and cost assessment still included the plans. Of all three well sites, constructing the facility at the Well #4 site would be the least expensive. Hooper discussed the idea to connect into the MWRA. Although there are no wetland issues, it is cost prohibitive and the most expensive option.

Hooper concluded that the most reasonable option would be constructing a facility at Well #4 off Tree Lane. He informed members they have been through the Massachusetts Environmental Policy Act (MEPA) process. Within the NOI, the alternatives analysis addresses abutters input.

A noise study stated there would be no audible differences with a Water Treatment Plant on site. Hooper noted that noise concerns are not within the Conservation Commission's jurisdiction. Sound proofing will be incorporated into building design as will reflective paneling.

Sarah Price from Environmental Partners started a slide presentation beginning with the overall project background and overview. Presentation specifics detailed cost and resource impact comparisons. Also included: sediment and erosion controls, grading and stormwater management and site restoration.

To bring the town's water supply into compliance with regulation standards, a facility must be built. A "no build alternative" is not an option. In addition to reducing PFAS levels, Well #2 requires treatment for iron levels and Wells #2 and #3 for manganese. Currently, Well #2 is completely offline. The new facility will address all wells' treatment needs.

Price reiterated the location choices: Well #2 in the middle access road off Moose Hill Parkway, Well #3 on the other side of Beaver Brook off Farnham Road, and Well #4 at the north end of Tree Land. All sites plans include construction and water main connection. Well #3 plans, on

the other side of Beaver Brook, also includes directional drilling to connect water mains to the water treatment facility.

Price described options.

Well #2 site, Alternative A:

Option 2 – away from abutters; outside 75-foot no build wetland buffer zone; over 6,000 feet of new water main; issues with steep slope and steep access road; access road within FEMA 100-year flood elevation; federal requirements need at least three feet above the 100-year flood elevation.

Well #3 site, Alternative B:

Located on Farnham Road bordering a residential area on relatively flat, wooded terrain; building outside wetland resource areas; utility work within resource areas; 12,000 feet of new water main; directional drilling to facilitate three water mains crossing Beaver Brook.

Well #4 site, Alternative C:

Located on Tree Lane next to Well #4 bordering a residential area; within wetland resource area but outside of the 75-foot no-disturb wetland buffer zone and 100-year FEMA flood zone; short access road; approximately 5,000 feet of new water main, minimal tree clearing compared to other sites.

Price also explained proposed mitigation at Well #4: architectural enhancements to harmonize with the neighborhood, site grading to lower the finishing floor elevation of the building below Tree Lane, landscaping to improve visual aesthetics, reorienting the building away from Tree Lane in order to maintain additional vegetation, and a compact design. Resource area mitigation would include restoring existing impervious areas closer to Beaver Brook to pervious area, and moving existing facilities (generator) further from Beaver Brook.

Financial assessments calculated a May 2024 bid date. Well #4 estimated cost equaled \$36.34 billion. Considered less preferable, Well #2 and Well #3, both equaled between \$42 and \$43 million.

Price further detailed sediment and erosion controls, stormwater management plans, landscaping plans, and buffer zone impacts in Well #4 plans. Covered in the NOI, Price showed plans illustrating the water mains portion of the project. She also explained the directional drilling required for one pipe for each well bringing the water from Well #3 to Well #2 before they combine into one main and flow to Well #4.

After the presentation concluded, Arguimbau opened the meeting up to commission members for questions and comments.

Early in the presentation Price discussed the possibility that the EPA could continue to increase water quality regulations. In the next 6-12 months the EPA will research other chemicals and viable treatment options. Geller asked about the prospect of a hypothetical increase in regulations requiring updates to the town's water management plan. Price informed members that the EPA currently has a draft ruling to regulate additional PFAS compounds. The proposed

water treatment facility is based on the lowest detection level possible. However, as compounds are continuously regulated, it is not possible to anticipate specific future changes in regulations. PFAS was not considered a contaminant until 2020.

Hooper confirmed Price's response. Adding that the proposed treatment before the commission consists of activated carbon, (an industry standard) followed by a resin polisher, which is exceeds industry standards. Hooper also stated that the MWRA does not currently treat for PFAS even though they are present in the water supply. He suggested an operation like that would likely have to address contaminant levels in the future.

Wasserman asked for clarification about the wetland impacts at Well #2 and Well #4. Price said that constructing the facility at the Well #3 site would have no permanent impacts. Well #2 plans had the most wetland buffer and riverfront area impacts in the 50 and 75-foot buffer zone. Well #4 plans include a similar amount of impact in the 75 to 100-foot buffer.

Arguimbau asked for comparisons of water travel between the designs. She also wanted to know where the water would go from Well #3 without PFAS treatment. Hooper described the treatment in the Well #4 scenario noting the chemical makeup of the water from Well #2 and #3 is similar. The relatively high presence of iron and manganese in wells #2 and #3, in addition to the PFAS levels when combined, differ from Well #4 which only has concerning PFAS levels. A bypass main would bring Well #2 and Well #3 water to Well #4 for treatment before distribution.

Arguimbau followed up asking about the pipe configuration.

Hooper described one pipe bringing water from Farnham Road to Moose Hill Parkway and then onto Tree Lane in the Well #4 plans.

Well #3 plans show boring under Beaver Brook. Wells #2 and #3 need additional treatment. Well #4 does not. Separating Wells #2 and #4 pre-treatment reduces the added treatment volume and cost. A third pipe under Beaver Brook brings finished water to the distribution center.

Although Well #3 plans do not impact resource areas, there is added risk. All finished water goes under Beaver Brook to the distribution center. Any directional drilling complications with the distribution pipe would affect the entire water supply.

Wasserman asked if it was common practice to directionally drill a water main this size. Hooper stated that the town has successfully completed one directional project on Route 1 out of many project attempts. The owner's project manager has experience with directional boring including problems with it. The process involves a water jet leading the boring head. When water hits gravel the water bubbles up to the surface. Hitting rock requires rerouting the water main. Although Hooper does not anticipate hitting rock, it remains an unknown. Utility connections like cable, electricity, and gas utilize hydraulic directional boring.

Wasserman asked Price and Kran about Environmental Partners' experience with using a water jets and directional drilling for this type of water project. Price informed members that

directional drilling is practiced around the country for water pipes. Raw water will flow through 8” and 12” pipes. Mains carrying finished water will be larger.

Geller said he had used directional drilling under Beaver Brook on a residential construction, praising the timely process. Hooper noted that his project was not located in a wetland.

Arguimbau opened the meeting to public comments.

Meredith Avery of 36 Pine Grove Ave, an abutter to the Well #4 and former Conservation Commission member, addressed the meeting. She described discussions abutters to Well #4 have had with the Select Board, and the Finance Committee about mitigation. There will be a line item for half of a million dollars for mitigation. The Select Board understands the amount will increase as additional significant mitigation is proposed. Citing state regulations 10 CMR 10.58 regarding performance standards, Avery asserted that cost is only one consideration when reviewing the potential practicability of alternative plans. More importantly, applicant’s burden of proof refer to impacts on riverfront areas. Avery noted that the Conservation Commission has previously approved horizontal drilling with a frack out plan. She described the technology as “commonly used with deeper borings.” In closing, she stated that piping itself as a cost is a practicable alternative and still available. The WPA guides Conservation Commissions to select the alternative that does not impact a river front area. Avery believes that the NOI does not meet state regulations as is, and that the commission needs to prioritize them.

Hooper agreed with Avery’s comments regarding practicable alternatives and the WPA. Because cost is listed as the first consideration in both the WPA and RFA, Hooper said that it emphasized its importance. He stated that the financial assessment included projected drilling costs and the difference between totals is about \$6 million. As plans are still developing, he hopes to reduce RFA impacts with impervious surface reductions. He also verified that the \$5,000 in mitigation for direct residents at any of the sites accompanied the request made to the Finance Committee.

Frank Xia, an abutter to the Well #4 site, questioned the project cost calculation. He stated he sent correspondence to the DPW and the Finance Committee. Arguimbau said that because he had not sent anything to the Conservation Commission, the conversation should be continued at another time. Frank will e-mail Philibert to distribute the letters to members before the next meeting.

Katie Gorman of Pine Grove Avenue spoke about the neighborhood impacts with the design at Well #4. She attended a site visit with Select Board and stated the Well #4 proposal puts the building 58 feet from a property owners’ front yard. Gorman noted that the Well #3 plans would put the building 200 feet from property owners’ backyards. She urged the commission to review the wetlands impact in each scenario. Gorman believes the difference in cost to construct the facility at Well #4 does not warrant the permanent impact on the wetlands.

Shepard Rainie of 60 Upland Road asked for clarification regarding operational facility noise. Kran informed him there will be no difference than what exists now.

The hearing will be continued to November 16, 2023. Philibert will send out materials that come in individually.

David Crosby, the of the Water management Advisory Committee reiterated that Site #4 plans include two building orientations in efforts to accommodate abutters.

Members voted to continue the hearing to November 16, 2023 at 7:30 PM.

Motion: to continue the hearing on DEP#SE280-0653 for a Water Treatment Plant located at 000 Upland Road to the November 16, 2023 meeting at 7:30PM.

Cremer moved

Drisko seconded

Cremer – Aye, Drisko – Aye, Wasserman – Aye, Geller – Aye, Arguimbau – Aye

5-0-0 Motion Passed

Wasserman left the meeting at 8:54 PM.

8:55 PM	New Hearing	NOI 700 S. Main St., Chris Sokolowski Ninety-Five, LLC, Parking Lot Reconfiguration
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Arguimbau read a public notice regarding an NOI filed by Ninety-Five, LLC for a parking lot reconfiguration project located at 700 S. Main Street. Chris Sokolowski of Bayside Engineering and Attorney Matt Watsky were present on behalf of the applicant.

Sokolowski began the presentation with a brief introduction to the project. The previously developed lot currently has a shopping plaza and parking areas on it. The work proposed qualifies as redevelopment and is necessary to restripe the existing lot to conform to improvements to South Main Street altering the existing locations of the exits and entryways. The project is predominantly overlay with minimal full paving and some minor utilities' relocation. Stormwater improvements include catch basins and a pre-treatment unit installed prior to the discharged point. There will be a slight reduction in impervious area.

Sokolowski shared his screen showing the proposed reconfiguration, restriping, and new curb islands. The project is mandatory to facilitate South Main Street improvements modifying the entrances and exits. The red dashed lines illustrated areas of anticipated earth disturbance. The majority of the parking lot would be overlaid rather than full depth paving. All catch basins on site will feed into a treatment unit before discharging into Billings Brook. Sokolowski identified drainage manholes on the plan, saying additional infiltration is not practicable using the high ground water levels in proximity to resource areas and leaching facilities as examples of why.

He continued describing the erosion and sediment control which includes stabilization at the construction entrance. He shared the existing conditions and proposed plans. Much of the disturbance will be contained within the parking area. The NOI shows existing conditions and proposed conditions. Due to zoning requirements, plans include additional parking near Gavins Pond Road with related erosion measures.

Watsky continued the presentation, praised the plan, and explained why being in full compliance with infiltration was not practicable. The project as is, is about \$150,000 and does not include deep earth work. Adding infiltration improvements would also be challenging because there is not much depth to work with under the pavement, above the septic, and the seasonal high water elevation. A project on that scale would total closer to \$2 million.

Philibert asked for ground water data. He reminded that the Stormwater standard #3 for redevelopment requires infiltration improvements must be constructed to the maximum extent practicable. Philibert referenced discussions he had with the DPW who believe there is room to make additional improvements to the area.

Arguimbau discussed wetland flags, grading, and requested the groundwater data. The flagged elevations and a previous septic plan from 20 years ago that Peter O’Cain sent the applicants will be distributed ahead of the next meeting.

Members voted to continue the hearing to November 16, 2023.

Motion: to continue the hearing for a Parking Lot Reconfiguration located at 700 S. Main Street (Sharon Marketplace) to the November 16, 2023 meeting.

Drisko moved

Geller seconded

Cremer - Aye, Drisko - Aye, Geller - Aye, Arguimbau – Aye

4-0-0

9:22 PM	Discussion/Action Item	Encroachment, 3 Lily Lane Simon and Vlada Zilberman
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Simon and Vlada Zilberman were unable to attend the meeting.

9:23 PM	Discussion/Action Item	Digital Signature Usage
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Arguimbau described the process for facilitating the use of members’ digital signatures. A formal vote certified by the Town Clerk and then Registered with the Norfolk County Registry of Deeds would permit certain language and digital signatures to be used on signing official documents. Any originals that will be registered at the county will also need a wet ink signature from a staff member. Cremer asked if the protocol could be applied to Stormwater Authority issuances. Katz will look into the procedure. The topic was tabled for the night.

9:30 PM	Discussion/Action Item	Lake Update
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Philibert reported to members that there is still cyanobacteria present in the lake. Green accumulation along the shore at the Community Center beach may have occurred because the bottom of the lake is warmer than the top at this point in the year. The difference in temperature can bring phosphorous to the surface. Soon the colder temperatures should take care of the issue.

Cremer saw a man sampling chest deep water near the boat launch recently. The Recreation Department has inquired about the possibility of adding sand to the in proximity to the boat ramp.

9:33 PM	Discussion/Action Item	Conservation Administrator Update
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Philibert shared photos of the progress on the cranberry bogs.

A beaver has dammed up part of Middle Pond. Three large phragmites patches have been removed. Ducks are present. Billboards and rusty pipes were removed. Pit and mound work remains to be done.

9:38 PM	Other Business	Approve Minutes for October 19, 2023
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Motion: Motion to accept minutes for October 19, 2023 as amended
Moved Stephen
Drisko seconded
Drisko – Aye, Cremer – Aye, Geller – Aye, Arguimbau – Aye
4-0-0 Motion Passed

9:38 PM	Other Business	Adjournment
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Motion: Motion to adjourn

Cremer moved
Drisko seconded
Geller – Aye, Cremer – Aye, Drisko – Aye, Arguimbau – Aye
4-0-0 Motion Passed