

**Stow Conservation Commission  
Minutes  
June 2, 2020**

A meeting of the Stow Conservation Commission was held on June 2, 2020 at 7:30 in the evening by remote Meeting VIA Zoom Videoconferencing in accordance with the Governors' Executive Order on Remote Meeting participation.

There were present: Jeff Saunders, Chair  
Serena Furman, Vice-Chair  
Andy Snow  
Andy Bass  
Matt Styckiewicz

Absent: Ingeborg Hegemann Clark

comprising a quorum of the Commission

Also present: Kathy Sferra, Conservation Coordinator  
Jacquie Goring, Conservation Assistant

**Minutes:** *Serena Furman made a motion to approve the minutes of May 19, 2020 as amended. Andy Snow seconded the motion and it passed 4-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Jeff Saunders, aye.*

**Farm License Renewal – Noonan Field – Steve Mong** – Sferra noted that the farm license for Noonan Field behind Arbor Glen is due for renewal. The Commission reviewed the updated license and agreed to the proposed flexibility on the timing of meeting with Steve Mong annually. The Commission also agreed to allow Sferra to sign the license renewal on their behalf. *Andy Snow made a motion to renew the farm license with Steve Mong for Noonan Field. Serena Furman seconded the motion and it passed 4-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Jeff Saunders, aye. Andy Snow made a motion to allow Kathy Sferra to sign the license renewal on behalf of the Commission. Matt Styckiewicz seconded the motion and it passed 4-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Serena Furman, aye, Jeff Saunders, aye.*

Andy Bass arrived at 7:38 PM.

**Review/Comment on Community Preservation Plan** – The Commission reviewed the Community Preservation Plan. Sferra noted that the hearing will be held on June 8, 2020 and reviewed the proposed additional comments regarding potential upcoming open space projects. *Andy Snow made a motion to approve the comments on the Community Preservation Plan. Andy Bass seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Jeff Saunders, aye.*

**Coordinator's Report**

- **June 30<sup>th</sup> Meeting** – Sferra requested to keep the June 30, 2020 meeting on the calendar if needed to work on decisions.
- **23-25 Hale** – Sferra informed the Commission that Brent Sigworth, owner of 23-25 Hale, will be selling the property and abandoning the permitted project to demolish and rebuild the house and other site work

with the exception of replacing the septic system. Greg Roy of Ducharme & Dillis, engineer for the project, wanted to confirm that a Certificate of Compliance could be issued if all that is done is the septic system work. Sferra will review the approved plans and confirm none of the mitigation work, including invasive species removal, was required for the septic system upgrade.

- **Arbor Glen Invasive Species Work** – Sferra informed the Commission that a resident of Arbor Glen had cleared land owned by the Association and the Conservation Commission to clear a view to the pond behind their unit. Sferra spoke with the resident and it was clear that he knew he should not have done the clearing without permission. Sferra noted that the Arbor Glen Homeowners Association would also like to do some invasive species work and plan to file for a permit. Sferra will schedule a site visit with Commission members by email.

- **Knotweed at Heath Hen Meadow Brook Conservation Area** – Sferra found a patch of knotweed at Heath Hen Meadow Brook Conservation Area near the brook. The Commission confirmed that staff could file for a knotweed removal permit and the Commission would review it. Serena Furman noted that she has a surplus of heavy metal mesh she will be using for her removal project on Red Acre Road and would be willing to share it. Sferra reviewed photos of the patch noting that she would like to get the small patch removed before it gets out of control.

- **Town Building Reopening** – Town Building has reopened on a limited basis by appointment only. Sferra reviewed some of the new protocols including Plexiglas screens at counters, one way staircases, and 25% occupancy for each office.

- **Temporary Dog Leash Advisory Update** – Sferra noted that the temporary dog leash advisory has been going well with most dogs being leashed or truly under direct control.

**Continuation – Notice of Intent – Eversource and Department of Conservation and Recreation – Underground Transmission Line/Mass Central Rail Trail** – Commission Chair Jeff Saunders reviewed the hearing procedure. Marc Bergeron, Epsilon Associates, provided an overview of the proposed project. Bergeron stated that the proposed combined Eversource underground transmission line and Department of Conservation and Recreation (DCR) Mass Central Rail Trail project will occur within Sudbury, Marlborough, Hudson and Stow and will be nine miles in total length with 350 feet of the project in Stow. Bergeron stated that the project will occur in two phases. Phase one will be completed by Eversource and include vegetation removal, removal of all existing rail lines and ties, installation of stormwater management features and drainage pipe, installation of underground utilities and gravel access road, and restoration of disturbed areas with native vegetation. Phase two will be completed by DCR and includes installation of all road crossing, safety rail fencing, additional safety plantings, and maintenance of the corridor including vegetation management. Bergeron stated that the proposed work in Stow will temporarily alter 3,420 square feet of previously disturbed River Front Area (RFA) and permanently alter 1,751 square feet of previously disturbed RFA for the foot print of the rail trail footpath. Bergeron added that all of the proposed alteration is located in the outer riparian zone, more than 100 feet from the adjacent water body. An additional 3,602 square feet of alteration will occur within the 100' buffer to bordering vegetated wetland and 9,246 square feet of 100' buffer to bordering land subject to flooding, under the Stow Bylaw.

Bergeron noted that the analytical results for soil and groundwater testing performed in 2018 that were requested at the last hearing and submitted to the Commission in a memo dated March 30, 2020. Bergeron addressed the question raised regarding the applicability of the Department of Environmental Protection (DEP) guidance document for best practices regarding exposure to soils during rail trail projects. Bergeron stated that in the July 2017 comment letter from DEP on the Environmental Notification Form (ENF) filed under the Massachusetts Environmental Policy Act (MEPA) by Eversource, DEP specifically recommended that Eversource consult and implement the best management practices

(BMPs) in the DEP rail trail guidance for the transmission line project. Bergeron stated that although the guidance was developed several years ago by DEP to address the growing number of rail trail projects in the State, the BMPs outlined in the guidance are relative for any project proposed in a railway corridor including underground utilities. Bergeron added that following the comments by DEP on the ENF, representatives of the project met with DEP staff to discuss the project in more detail. Bergeron stated that during the meeting DEP confirmed that the guidance does not provide any relief from requirements under the Massachusetts Contingency Plan (MCP), the regulations that dictate the cleanup of potentially contaminated areas in Massachusetts. Bergeron added that the DEP guidance provides a structured approach to development of railways to mitigate any potential risk to human health or the environment associated with former railway corridors. Bergeron stated that the DEP guidance is not a lesser standard but provides specific cleanup related parameters for work along rail lines. Bergeron noted that both DCR and Eversource have extensive expertise working in areas that may contain contaminated soils and groundwater subject to the DEP 21E program requirements. Bergeron added that the proposed project will follow all applicable site cleanup requirements including the DEP rail trail guidance.

The Commission noted that they received the additional information requested at the first hearing, including the available soil data, boring logs and analytical data. Saunders noted that the analytical data that was collected was generally for disposal characterization. Bergeron confirmed that fill will be brought in for the majority of the 350 foot section of the project in Stow. Bergeron added that according to the DEP rail trail guidance soils in the Stow portion of the project have been characterized as residential and only soils that meet those standards can be imported to the area. Dean Bebis, Eversource, stated that no additional soil samples are proposed to be collected and the soil samples collected in Hudson are very close to Stow. Bebis added that authorized residential clean fill will be used and soils from the Hudson portion of the project will not be used in Stow and Stow soils will not be reused outside of Stow. The Commission noted they would like to be notified if that changes and noted the anti-degradation provisions of the MCP.

Mike Hager, Eversource Project Manager, confirmed that temporary stockpiling may be needed for soils to be reused or staged for offsite removal. Hager noted that the construction platform will only be 22 feet wide for the duct bank work and there will not be room for significant stockpiling. Saunders noted that his questions regarding soil management are regarding the concern that the soils in Stow have not been characterized and the potential impacted soils along the rail bed. Saunders added that he also understands that DEP agreed with the use of the rail trail guidance for the project and the requirement to also follow MCP requirements. Bergeron noted that Eversource and DCR prioritize environmental stewardship and confirmed all site contractors will be required to follow a soil and groundwater management plan. All stockpiling will occur within the limits of the work zone and will be covered for dust control and surrounded by erosion controls at the base. Bergeron added that any soil imported to the site must also be residential to avoid degradation. Bebis confirmed the soil and groundwater management plan will be completed when the project is put out to bid. The Commission requested to be provided a copy of the plan for review. Bergeron confirmed that it is not expected that groundwater will be encountered during the project and dewatering will not likely not be necessary but the plan will have contingences for groundwater management. Denise Bartone, Eversource, confirmed that BMP manuals will be followed for dust mitigation including applying water or calcium chloride if visual dust is observed.

The Commission expressed concerns about tracking of soil onto the roadway. Bergeron confirmed a stone track pad is included on the plans at the project site entrances and daily street sweeping will occur as appropriate. The Commission noted that the soils have been characterized as residential and, while the area around the rail bed is mostly residential, asked for clarification on the soil in the rail bed being

characterized as residential. The Commission also discussed that analytical soil samples were not taken in Stow and concerns from the first hearing about per- and polyfluoroalkyl substances (PFAS). Saunders noted that the applicant is not obligated to look for contaminants that are not commensurate with the past use as a rail bed and analytical sampling of stockpiles could be done. Bergeron clarified that the DEP rail trail guidance classifies soils in four categories based on adjacent land use including residential or rural, stations and crossings, industrial corridors, or switches and repair yards. Areas classified as residential soils typically border historically residential or rural properties. Saunders noted that if the rail ties and any contaminated soil are removed from the site and clean fill material is brought in it could be viewed as a risk reduction.

The Commission noted the State Legislative Delegation letter to DCR regarding the project citing concerns that the project is being held to more lenient standards by following the DEP rail trail guidance meant for the construction of rail trails and not utility work. Bergeron stated that the guidance is not a lesser standard and is part of the MCP regulations and is a guidance developed specifically to manage soils along rail corridors. Bergeron added that the area was characterized as residential soils and with normal operation of a rail line, residual contamination is not a high risk. Bergeron added that the work is still subject to all the stringent regulations from the Bureau of Waste Site Cleanup (BWSC). Members of the Commission noted that is not in agreement with the congressional letter. Paul Jahnige, DCR, stated that if this proposed project did not include the utility work, soil would still be disturbed for the rail trail project. Jahnige added that the letter from the Legislation that was referenced is an advocacy letter and not based on the regulations.

Barry Fogel; Keegan Werlin LLP, on behalf of Eversource, noted that the MCP requires any party doing work that involves excavation of soils is on notice to be prepared to deal with contamination that might be encountered. Fogel stated that the DEP rail trail guidance adds a layer to the standard MCP requirements based upon the knowledge that rail road rights of way may have industrial history and need to be prepared for the management of contaminated soil and groundwater if encountered. Fogel also stated that Eversource and DCR have familiarity with both the requirements of the MCP and the DEP rail trail guidance. Fogel added that the MCP includes a provision for Utility-Related Abatement Measures which Eversource has experience with from performing excavations in roadways, industrial properties, and other rail road rights of way. Fogel confirmed that material brought into the site must meet the residential soil characterization and stated that the DEP rail trail guidance includes BMPs for excavation and soil reuse which do not replace the general requirements in the MCP. Fogel also stated that contamination in shallow soils are not mobilized from excavation and will not move in a greater fashion as compared to decades of exposure to the elements and won't become unstable. Fogel noted that those concerns were included in the Legislative letter and not reflective of science or DEP requirements. Fogel reiterated that members of the project met with members of the DEP BWSC and DEP commented on the ENF, Draft Environmental Impact Report (DEIR), and Final Environmental Impact Report (FEIR).

Saunders noted concerns about how the soil management or grading could cause erosion into resource areas. Fogel and Bergeron confirmed that Eversource BMPs include erosion controls around stockpiles and ensures proper erosion controls are in place and inspected weekly to stop any potential soil migration. The Commission noted that erosion controls are proposed in specific areas and not the entire length of the down slope side of the work area and requested that the limit of work be defined in the field. Bergeron stated that erosion controls were proposed where deemed appropriate and the limit of work could be staked out for the contractor. The Commission also noted the wetland delineation access issues and would like the resource areas marked in the field where feasible. Sferra noted that the work is proposed in the RFA and the RFA calculations are confined to the limit of work and would recommend

either straw wattle or construction fencing be used to delineate the work and staking may not be sufficient. Bartone confirmed straw wattle could be used to demarcate the limit of work in Stow. Bergeron confirmed there will be weekly Stormwater Pollution Prevention Plan (SWPPP) inspections and after rain events of a certain threshold and can copy the Conservation Commission staff on the weekly reports. Hager confirmed there will also be weekly construction meetings and Conservation Commission staff could be included and minutes will be provided if taken. Sferra noted that on larger projects staff will be in regular contact with the applicant and will attend construction meetings on an as needed basis. The Commission noted that staff are frequently contacted by residents during large projects and the more informed staff are the more responsive they can be.

The Commission noted that there may be a lapse in time between phase one and two of the project and requested more information on who will be responsible for site stabilization during that time. Bergeron stated that the site will be completely stabilized by Eversource at the end of phase one including reseeding all disturbed areas and stabilization of the fourteen foot wide gravel access road. Bergeron added that the plan is for DCR to come in after Eversource completes phase one to loam and seed two feet on either side of the access road and pave the center ten feet of the road and install the safety devices and plantings. Bergeron confirmed that if any lag between the two phases occurs, Eversource will be responsible for erosion control maintenance and inspection, maintenance of the access road, and vegetation management.

Bartone confirmed that Eversource will not use herbicide for vegetation management and will only use mechanical means of removal. Jahnige stated that DCR's first approach will be to mechanically control invasives and noted that they have explored other options including the use of herbivores but would like to maintain their ability to use herbicides as a last resort. Jahnige continued stating that herbicides would be applied by a licensed applicator and be used on knotweed or poison ivy growing into the corridor with the first attempt being cut and spray method. Jahnige added that he could not say foliar spraying would never be considered for poison ivy. Saunders noted that herbicides can be a useful part of the toolkit but expressed concerns about the resource areas and the Zone II wellhead protection area and would like herbicides to be avoided to the degree possible. Jahnige stated that the shoulders will be mowed and if there are significant issues with bittersweet and poison ivy and cut and paint method is not practical the Commission could be notified to discuss a solution. Sferra noted that Eversource is required to do an integrated vegetation management plan and yearly operation plan along utility corridors and asked if DCR is also required to do so. Jahnige stated that DCR has a basic operations and maintenance (O&M) plan but invasive control work would be done by their ecology staff who would have an integrated vegetation management plan. Sferra added that the Stow Conservation Commission reserves the right to use herbicides as a tool of last resort therefore it doesn't seem reasonable to impose another standard on a separate agency. Sferra also noted that DCR would be required to use a licensed applicator and the Commission could consider not allowing the use of restricted use pesticides and only allow general use pesticides which are commonly available and EPA registered. Jahnige stated that DCR would be happy to consult with the Commission before herbicides are used.

Sferra confirmed that the plans submitted with the application were only stamped on the cover sheet and the Commission could require revised plans that are stamped on every page. Revised plans could also include the straw wattle installed along the limit of work and designated stock pile locations. The Commission discussed if the project is to be considered a limited project and noted the comment letter including a citation from the Wetlands Protection Act (WPA) regarding requirements for a limited project crossing multiple municipalities to provide the total impact to resource area. Fogel stated that he is not familiar with such requirement and confirmed the project was submitted as a utility limited project. Fogel

confirmed that the project does not meet the 10% RFA alteration performance standard with the proposed twelve to thirteen percent permanent impact to RFA. The Commission noted that DEP acknowledged the project as a limited project and asked if everything was done to lower the permanent impacts to RFA. Bergeron confirmed that the project footprint has been designed as small as possible.

The Commission discussed the regulations citation from the comment letter regarding considering the total impact of the project across municipalities. Jahnige stated that the bike path regulations do not include the language cited in the letter. Fogel added that the performance standards for RFA are applicable adjacent to each waterbody, not the aggregate for the entire community which may have multiple RFAs associated with multiple resource areas. Fogel stated that he reviewed the regulations for public utility limited projects and the performance standards for bike paths and rail trails and noted that the limited project provision does not apply if RFA overlaps with another resource area, which is not the case in Stow. Fogel confirmed that the twelve to thirteen percent of permanent disturbance to RFA is only for Stow. Sferra stated that she also reviewed the regulations and could not find the citation. Gene Crouch, Vanasse Hangen Brustlin, Inc. (VHB), noted that although thirteen to fourteen percent of the RFA will be permanently disturbed, the RFA on the site is already degraded by the track and ballast. Crouch added that the proposed work will reduce the existing amount of disturbance by returning some of the disturbed area to a vegetated state resulting in a slight reduction in impacts. Sferra added that DEP commented when the file number was issued that a stormwater O&M plan should be submitted including how the proposed culvert will be maintained. Sferra noted that the Commission could require the O&M plan to be submitted and be allowed to review and comment.

Bhaird Campbell, 18 High Street, noted that a December 15, 2017 VHB memo identified the presence of coal slag in the Gleasondale area however the soil analytical results did not indicate the presence of coal slag. Campbell also asked if there was a Licensed Site Professional (LSP) overseeing the sampling, requested their name and contact information, and if the LSP believes the samples were representative of the soils in Stow. Bergeron confirmed Eversource is required to hire an LSP for this project and is working with Paul McKinlay of Weston and Sampson. Bebis added that Eversource is required to hire a third party LSP despite having LSPs on staff who review the work. Bebis noted that coal slag is generally inert and does not usually give off any sort of contaminants in the environment. Bebis added that the soil sampling was dictated by MADEP to characterize the soil to determine the potential exposure for construction workers. Bebis continued stating that in the industry, the proximity of the soil borings adjacent to Stow is standard practice and any LSP would use that data to characterize soils in Stow. The soil samples in Hudson were collected 300 feet from Stow.

Campbell noted that a photoionization detector (PID) was used to field screen soils and asked if a flame ionization detector would have been more appropriate for determining the presence of metals and hydrocarbons in soil. Bebis stated that the PID is a standard instrument used in the industry and instituted by MADEP to characterize soils for potential volatile organic compounds. The Commission noted that additional information regarding soil sampling provided by the applicant, including boring logs and sampling depths, are available on the Conservation Commission's website. McKinlay was present and noted that he was the LSP overseeing the sampling and would certify the results. McKinlay added that coal slag being present in the sample is something they accounted for and many samples were collected across the rail corridor and the results were fairly consistent. McKinlay continued stating that the data quality or usability is representative of the soils in Stow. McKinlay confirmed that the sample collection is based on field indications and samples with field indications of contamination were preferentially sent to the lab for analysis.

Michelle Soucy, 18 High Street, asked how much heat would be generated and emanate from the underground transmission line and if it would pose a threat to the public or wildlife. Hagar stated that there is a little bit of heat generated by the transmission line which will be encased in thermal concrete to absorb and mitigate heat and a thermal fluid fill is applied on top of the concrete so very little heat is emitted outside the duct bank to the surrounding environment.

Rebecca Cutting, Sudbury resident, requested clarification on how the rail bed soils would be reused or if they will be replaced. Bergeron stated that soils would be reused onsite where appropriate and clean material will be brought in otherwise. Cutting asked where the rail bed soils will be reused onsite and why the rail bed soils are characterized as residential. Bergeron stated that per the guidance, movement of soil will be minimized and like soils will be utilized or clean fill will be brought in where necessary. Bergeron added that both phases of the project have been designed to minimize disturbance and grading. Fogel clarified that during the desktop review to determine the best locations for soil and groundwater sampling, known 21E sites or active portions of the rail road right of way were identified and the different portions of the rail way were characterized based on the adjacent property use. Fogel added that the DEP guidance recommends limiting the relocation of soils from one portion of the rail way to another and only soils classified as residential or clean fill can be used in residential areas to comply with the anti-degradation provisions of the MCP. Bartone confirmed that per the DEP guidance clean fill will be put on top of any reused soil to provide protection to human health and the environment. The gravel access road will be covered with eight inches of gravel then DCR will add four inches of asphalt on the bike path. The shoulders will have eight inches of gravel and four to twelve inches of clean fill and loam, depending on the grade. Jahnige noted that per the DEP rail trail guidance, the former rail corridor will be covered and at the end of this project will be safer to the public and environment than it is today.

Raymond Phillips, Sudbury resident, asked a series of questions regarding if the Commission received and reviewed design plans required for projects funded through the Transportation Improvement Program (TIP) and if the rail trail design plans followed MassDOT guidance for the project. Jahnige clarified that the rail trail project will be funded by DCR and not through TIP funding. Jahnige also clarified that the rail trail plans were designed in accordance with American Association of State Highway and Transportation Officials standards which are consistent with the MassDOT design book for rail trails. Phillips continued stating his concerns that the project did not meet MassDOT design requirements for projects funded through TIP and recommended that the Commission reconsider permitting any project that has not provided required design guidance to assess the impact of that project.

Soucy noted that during the March 4, 2020 Stow Conservation Commission hearing Fogel stated that Eversource has the right to begin construction at their own risk once all required permits have been obtained. Soucy asked if the Supreme Judicial Court overturns the Energy Facilities Siting Board decision, how will the area be restored if work has begun. Fogel confirmed that any project applicant that obtains all of their permits in final form, even if subject to appeal, can proceed at their own risk unless any stay is imposed by jurisdictional authorities. Fogel added that if work has been done at their own risk and the decision is overturned, Eversource would be required to remove any utilities that had been installed and restore the area in accordance with the appropriate jurisdictional authority.

Margaret Costello, 537 Gleasondale Road, asked about the design detail of the transmission line crossing bridges in Hudson and expressed concern about how visible the transmission line would be in that area of Hudson that could be seen by Stow residents. The Commission noted that the question is outside of the Commission's jurisdiction. Hager confirmed that the Eversource outreach team would contact Costello directly with the bridge renderings.

Jim Gish, Sudbury resident, expressed concerns about the statement made earlier by Jahnige that the area would be better for public health and the environment once the project was done. Gish noted there will be a significant amount of excavation done, including areas outside of Stow, digging up soil that has been relatively stable for years and potentially releasing pollutants. Gish added that the proposed cover will be permeable in most places except where the bike path is paved. Fogel stated that any soil removed from the site for disposal will be an improvement and the potential for encountering contaminated soil has been planned for and will be managed in accordance with the MCP and DEP rail trail guidance. Fogel added that there will be no exposed soils that will create risk to human health and the environment when the project is completed.

Bill Schineller, Sudbury resident, noted that he is on the Board of Selectmen but was present as a citizen and asked if the Commission was aware of a joint Eversource and DCR project in Edgartown from September 2017 where Eversource historically did mechanical vegetation management and then used herbicides. The Commission stated they would look into it. Schineller asked if the Commission would be requiring additional testing for PFAS in the Stow portion of the rail way corridor noting the November 2019 DEP discovery of PFAS in surface water at Whites Pond. Saunders noted that the Commission is aware of the impacts at Whites Pond, the Cranberry well, and Chestnut Street wells in Hudson and are being regulated through DEP. DEP has assigned Release Tracking Numbers and are investigating Potentially Responsible Parties (PRPs). Saunders added that the Chestnut Street Zone II may reach within the Stow portion of the project and if a source was found along the railway corridor DEP would presumably contact the owner with a Request For Information. Schineller stated that Stow should ask or require Eversource to test for PFAS. Schineller also commented on the Legislative letter being referred to as an advocacy letter as if it is not material to the discussion. Jahnige apologized for the use of the term and stated that he meant to indicate that the letter was not part of the filing or part of the record. Fogel added that often times elected officials submit letters to be sure all Boards apply all performance standards in accordance with the regulations and was not submitted as evidence of any particular scientific or regulatory standard. Sferra clarified that the letter was sent to the DCR Commissioner and carbon copied to the Stow Conservation Commission and the Commission members have the letter and it is in the record, although not directed specifically to this hearing.

Campbell asked about the diameter and groundwater sampling techniques for the well in Stow. Campbell also noted that adhering to best practices and all standards had been frequently mentioned during the hearing and noted his concerns that Eversource has not done so including an unlocked and initialed well cap in Hudson and not notifying public safety during a road closure in 2017. Bebis confirmed the well in Stow is a two inch well and was sampled by low flow technique and filtered as standard practice to remove small particles of sediment and noted some analytical methods typically require filtering. Bebis added that public safety was notified and will be notified through street opening permits if applicable.

Costello expressed concerns about soil sampling not occurring in Stow, concerns about nearby Ferjulian's Farm and orchard chemicals, and the potential for PFAS in the railway corridor. Saunders noted that there is still potential to get more soil data and that it is unlikely there is PFAS associated with the railway corridor barring some sort of accident or fire. Saunders added that DEP has identified PRPs for the Cranberry well and believes they are doing a search for PRPs for the Chestnut Street well now. Saunders also noted that the applicant is not responsible to search for contaminants. Costello asked for the Commission scientific opinion why Ferjulian's would not have an effect on the railway corridor. Saunders stated that the farm is not part of the application and explained that the soils on the project site are of great concern to the Commission and have been the bulk of the hearing discussion.



Cutting noted the limited project regulations that were previously discussed regarding the total impacts to resource areas across municipalities. Sferra clarified that the citation Cutting is referring to relates to airport vegetation removal projects. Cutting expressed her concerns about soils in the rail bed being classified as residential and reviewed the MADEP rail trail guidance document noting that there are contaminants in the rail bed soils that should be considered, especially when analytical samples were not taken in Stow. Cutting added that she wanted the Commission to know that according to the guidance contamination is assumed to be present in the rail bed soils and characterizing the soil as residential is misleading. Fogel clarified that they have characterized the area as to where soils might be relocated based on adjacent land use following the guidance DEP gave during MEPA review.

Schineller stated that Sferra sent an advocacy letter to the siting board and Jahnige and Fogel stated that advocacy letters were not based in science. Sferra clarified that in June 2017 the Commission voted unanimously to send a letter to MEPA and the Energy Facilities Siting Board that Sferra signed on behalf of the Commission. The Commission reiterated that Sferra is not unilaterally issuing letters on the Commission's behalf and never will. Schineller noted a letter from former DCR Commissioner Leo Roy written to the siting board in support of the transmission line which he feels is also an advocacy letter. Schineller recommended that both the Commission and DCR withdraw both letters. Saunders clarified that the Commission has not stated that advocacy letters don't matter. Saunders clarified that the Commission's letter to MEPA and the siting board stated that the Commission was in favor of the underground transmission line verse the overheard alternative which Sferra issued on the Commission's behalf. Schineller requested that the minutes reflect that both Jahnige and Fogel had a problem with advocacy letters. Fogel stated that they do not have a problem with the letter but were characterizing the letters and did not request they be withdrawn from the record.

Jahnige thanked the Commission and the public for their comments. Saunders confirmed the Commission had no further requests for information from the applicant. Costello confirmed she would like the bridge details sent to her and Sferra agreed to coordinate. *Andy Snow made a motion to close the hearing. Andy Bass seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Jeff Saunders, aye.*

The Commission discussed procedurally when to review a draft decision and agreed the June 16, 2020 meeting is full and would review a decision at their June 30, 2020 meeting. Fogel confirmed the Commission does not need to issue a decision within 21 days due to the current COVID-19 legislation.

**Adjournment** – *Serena Furman made a motion to adjourn the meeting at 10:30 PM. Andy Snow seconded the motion and it passed 5-0 on a roll call vote: Andy Snow, aye, Matt Styckiewicz, aye, Andy Bass, aye, Serena Furman, aye, Jeff Saunders, aye.*

Respectfully submitted,

Jacquie Goring  
Conservation Assistant

**Materials Used during the June 2, 2020 Conservation Commission Meeting:**

Draft Minutes  
Noonan Field Farm License  
Draft Community Preservation Plan Comments

Site Plans, photos, and supporting materials for Eversource and Department of Conservation and Recreation Underground Transmission Line/Mass Central Rail Trail