

Jeanne Guthrie

From: Michael Lesser
Sent: Thursday, December 14, 2023 1:53 PM
To: Rick Novak; Jeanne Guthrie
Cc: Jeremy Marsette; Sherborn Conservation; Courtney Ek; Joyce Hastings
Subject: Regulation/Condition about Fill Quality for Farm Road Homes and Greenwood Homes: Current and Revised Draft

TO: ZBA

FROM: Michael Lesser, Conservation Commissioner

DATE: December 14, 2023

RE: Regulation/Condition about Fill Quality for Farm Road Homes and Greenwood Homes: Current and Revised Draft

The ConCom October 31, 2023 comments on Farm Road Homes recommended that the ConCom regulation about fill quality is used for ZBA project conditioning as the Town does not seem to have any other fill quality regulation. TetraTech review has recommended that fill quality be conditioned. It is important that this condition be included in any comprehensive permit for Farm Road Homes and Greenwood Homes as this regulation is only part of our local wetlands by-law/regulations. The current regulation is further below.

ConCom is working on revising its fill regulation. For your consideration and use in conditioning, below is the current version of the ConCom revised regulation draft. ConCom is still working on this draft and will be opening this draft for public comment/review and possible revision in 2024 before adoption. This revision is more specific in terms of the required testing for quality.

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[Conservation Commission DRAFT – 12/12/2023]

Fill

All fill used in connection with any project under the jurisdiction of the Commission will be clean fill, containing no garbage, refuse, rubbish, industrial or commercial or municipal fill or waste, demolition debris, or septic sludge, including, but not limited to lumber, wood, stumps, invasive plants, plaster, wire, rubbish, asphalt, coal, slag, asbestos, pipes, lathe, paper, cardboard, glass, metal, tires, ashes, appliances, motor vehicles or parts of any of the foregoing. Furthermore, no fill containing levels of oil or hazardous materials above RCS-1 Reportable Concentrations and GW- 1/S-1 Method 1 Risk Based Standards, as described in the Massachusetts Contingency Plan (MCP, 310 CMR 40.0000) environmental regulations as revised, will be used.

The source of any fill will be made known in writing to the Commission at least one week prior to placement at the site. A certification statement from the material supplier shall be provided stating that the fill material is free of debris and contamination as stated above, and that the source is not a disposal site under the MCP, 310 CMR 40.0000.

If more than 20 cubic yards of imported fill material will be brought on site, in addition to the above certification, sampling by a qualified environmental professional and analytical laboratory characterization testing of each source of material shall be required, with comparison of the data to the RCS-1 Reportable Concentrations and an opinion by an environmental professional as to whether the material meets the

town's standards (below RCS-1) and the Massachusetts anti-degradation provisions in the MCP 310 CMR 40.0032(3). This data and opinion shall be provided to the Commission for review. Analytical testing shall be completed by a certified laboratory and shall include MCP 14 metals, volatile organic compounds (EPA Method 8260), semi-volatile organic compounds (EPA Method 8270), extractable petroleum hydrocarbons (EPH) and volatile petroleum hydrocarbons (VPH), PCBs and pesticides (EPA Method 8081 and 8082) and asbestos. The Commission reserves the right to require additional analyses.

Additional samples and analytical test data and certifications shall be provided if at any time the consistency of the offsite material changes in the opinion of an agent of the Commission. In addition, not less than one complete suite of analytical testing will be completed for every 100 cubic yards of material imported to the site. Chemical laboratory data on the imported materials will be submitted to the Commission throughout the course of the work.

Crushed stone, peastone and clean septic sand related to septic fields or soil absorption systems will be exempt from all analytical testing requirements but shall be free of all debris.

On a project-specific basis, the Commission can waive any requirements.

All fill shall be properly compacted to adequately stabilize the soil and as part of ensuring that there is no erosion, washout from precipitation, and windblown dust. Erosion control measures and best management practices shall apply to all soil management, excavation, and temporary staging and stockpiling areas.

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[current Conservation Commission regulation 5.3]

Fill

All fill used in connection with any project under the jurisdiction of the Commission will be clean fill, containing no garbage, refuse, rubbish, industrial or commercial or municipal fill or waste, demolition debris, or septic sludge, including, but not limited to lumber, wood, stumps, plaster, wire, rubbish, pipes, lathe, paper, cardboard, glass, metal, tires, ashes, appliances, motor vehicles or parts of any of the foregoing. No fill containing levels of oil or hazardous materials above GW-1/S-1 Method 1 Standards, as described in the Massachusetts Contingency Plan (MCP) environmental regulations as revised, will be used in connection with any project under the jurisdiction of the Commission.

The source of any fill will be made known in writing to a member of the Commission at least one week prior to placement at the site. All environmental reports and results of chemical testing of such fill will be filed with the Commission at this time. The Commission reserves the right to require specific additional chemical testing of fill by a third party, at the applicant's expense, prior to placement at the site.