



## Medfield Conservation Commission

Town Hall · 459 Main Street · Medfield, Massachusetts 02052-2009  
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### Medfield Conservation Commission PUBLIC MEETING

Zoom

Minutes of Thursday, June 2, 2022 at 7:00pm

**Members Present:** Chair Deborah Bero, Michael Perloff, Mary McCarthy, Bobby Kennedy, Cat Scott, George Darrell, Kirsten Poler

**Others Present:** Scott Colwell, Rob Truax, Bob Hartzel, Elisha Musgraves, Joshua Katzman, Dan Kinne, James Chase, Jen Richards, Clair Meehan, Chris McCue Potts, Blake McDermott, Marie C, B Tracey, R Richards, Victoria Lia, Seth Meehan, Stephen Callahan

**Open Meeting/Roll Call:** At approximately 7:11pm, Chair Deborah Bero called the Conservation Commission meeting to order.

#### Announcements:

- Tier 4 Water Ban – well #6 is offline for repairs, serves the town with 50% or more of its water supply
- Agent Transition Period – no Conservation agent right now, trying to work out procedures and protocols

#### Continued Hearings:

- Request for Determination of Applicability

Applicant: Dave Baker, RK Centers

Project Location: 230 Main Street. Construction of a restaurant and associated features, including utility and stormwater installations within existing pavement, building construction, dumpster location and landscaping. Filing under the Massachusetts Wetlands Protection Act and the Medfield Wetlands Bylaw. Continued from May 19, 2022. DEP # \_\_\_\_\_. There is a request to continue to until June 16, 2022; no discussion.

Perloff motioned to continue at the applicant's request to June 16, 2022. Kennedy seconded. Roll Call Vote: McCarthy = aye, Perloff = aye, Kennedy = aye, Scott = aye, Poler = aye, Darrell = aye, Bero = aye. The Vote: 7-0.

- Notice of Intent

Applicant: Scott Colwell

Project Location: Elm Street, Parcel 33-087 (between No. 40 and 46). Construction of a single-family home, driveway and ancillary structures. Filing under the Massachusetts Wetlands Protection Act and the Medfield Wetlands Bylaw. Continued from April 21 and May 19, 2022. DEP # 214-0691.

- Present are applicant Scott Colwell, project engineer land surveyor Rob Truax and CEI (Comprehensive Environmental Inc.) consultants Bob Hartzel and Elisha Musgraves
- Truax – no new documents provided at this time, received the review from CEI and need to have a discussion prior to responding
- Hartzel summarized notice of intent for the project as a single home development in which

Approved 7/7/22

a field investigation documented a certifiable vernal pool on the site in accordance with MA Stormwater Standards (maximum extent practical).

- Met both the biological criteria for a vernal pool (minimum of 5 egg masses): noted 40 egg masses of obligate species as well as the physical criteria (well defined topographic depression, holding water, no observable outlet), so they need to fill out a form and submit it to the Natural Heritage of Endangered Species program.
- Standard #1, No New Untreated Stormwater Discharges – the application includes infiltration system, but no new untreated stormwater discharge, so it is not meeting the standards of total 80% TSS removal and 44% of that TSS is pretreatment, prior to discharging it to the ground water.
- Standard #4, Water Quality – non-compliance issue around treatment. Some of the treatment is calculated through the standard for the proposed imperious area, and there is a certain water quality volume that is required to be treated and what you base the size of your pretreatment device when discharging to critical areas, and that volume is not being met in the current design.
- Another criteria that is not being met for the infiltration device selected is the set back from the wetland which should be 100 feet.
- Standard #2, Peak Rate Control – NOAA Atlas 14 Precipitation Data is recommended and the most up to date, and based on what was provided, they are not able to confirm that peak rate will be managed for this site.
- Standard #6, Critical Areas – required to have 44% of TSS that's in the stormwater runoff removed in pre-treatment, so not only infiltrating the runoff, but also treating it.
- Want to have a working document with maintenance tasks scheduled for properly operating an infiltration trench.
- Another issue – steep slope next to the driveway side of infiltration trench is directly adjacent to the paved driveway area, need to ensure that adequate compaction of the underlayment and soils is done properly.
- Truax does not have any issues with the comments, but the concern is trying to meet the 44% of TSS removal before it gets into the infiltration trench along the driveway. The infiltration trench doesn't directly discharge into the wetland area (isolated along the side of the driveway). They do have the ability to make the trench larger to infiltrate more water, it's currently infiltrating for a 25 year storm. They can make it larger to bring it up to a 100 year storm, and they also have ability to make roof runoff infiltrates for a 100 year storm with the recharge going into the ground. Musgraves requested they upsize the infiltration trench to a 100 year storm, and that would negate the need for an overflow discharge port.
- Musgraves commented that the biggest concern with the runoff that close to the critical area is the pollutants that close to the vernal pool, such as runoff from fertilizers, pesticides and other lawn chemicals, as well as salt for the driveway. Truax and Colwell responded that the lawn area is small on the vernal pool side and can restrict it to organic fertilizers.
- Curbing the driveway is preferred, but they can't get driveway to slope towards the street. Everything slopes from Elm St. down into the site, but the driveway's cross-slope is away from the wetland, directing it to the other side of the driveway, discharging to the front yard beyond the vernal pool.
- Truax summarized that they would resubmit revised plans and documents to address the comments that were presented at this hearing – draining report that would spell out the sizing of the units, make sure they have all of the erosion controls that are necessary for the catch basin, have operations and maintenance plans for the roof recharge system and the driveway trench and how that would be maintained, no issues with restricting salt use, fertilizers or helping to have the pool certified (need longitude and latitude mapping for the

specific points that create the boundary of the vernal pool).

- Commissioners comments: McCarthy requested that the vernal pool be shown on the plan. Perloff said the bylaws specify a 100-foot buffer zone for the vernal pools (which is considered a resource area), would like to have engineering checks on the final slope of the driveway, review the construction details to make sure there is no erosion damage during construction, wants to know how the habitat around the vernal pool is planned to being restored. Commissioners would like to see another written submission. Bero asked if they require authorization to connect to the sewer line in the street; they are meeting with Water/Sewer to determine which way to run the sewer down the street.
- Hartzel said it would be helpful for them in order to complete and resubmit the plans, if the Commission could research any precedent or policy that Medfield has for work or alterations within the 100 foot buffer zone for a vernal pool.

Scott motioned to continue the hearing to July 7, 2022 with the agreement of all involved. McCarthy seconded. Roll Call Vote: McCarthy = aye, Perloff = aye, Kennedy = aye, Scott = aye, Poler = aye, Darrell = aye, Bero = aye. The vote: 7-0.

#### Request for Authorization to Use Conservation Land

- Request for Use of Noon Hill – August 6, 2022 (6:00 a.m. to 6:00 p.m.)

Applicant: TARC (Trail Animals Running Club), 49 Beryl St., Boston, MA 02131. (Annette Florczak and Laura Rizzi, Race Directors)

Proposed Use: Trail race. 40-mile or 31-mile race completed by running loops of a marked course.

- Joshua Katzman presenting – TARC founded by Medfield resident Chris Haley, who is the originator of this one-day race
- Have hosted race since 2012 (minus the 2020 Covid year)
- Parking and restrooms located at the Medfield Sportsman’s Club
- 125 participants running 30-40 miles, spread out over 10 mile trail over Noon Hill
- Course is flagged and then removed on established trails
- Respectful to non-race users of the trail
- Sweepers after the completion of the race to clear trash and signage
- Aggregate insurance policy of \$2 million – both race day policy and day-to-day policy
- Local EMT, fire and police have been notified, in case they are needed
- Covid protocols – individual servings of snacks and drinks
- Checking with town council if certificate of insurance includes the days prior to and/or after the race for course preparations/clean up.
- Race crosses Causeway St. twice – there will be signage or a volunteer to direct traffic
- Have heard back from DPW and fire and waiting on the Board of Health and the police

McCarthy motioned to authorize trail running club race for the use of Noon Hill for the proposed dates of August 4 – August 6, 2022, subject to conditions discussed at our meeting and an executed licensing agreement that may contain Board of Health, police, fire and DPW conditions. Poler seconded. Roll Call Vote: Darrell = aye, McCarthy = aye, Perloff = aye, Kennedy = aye, Scott = aye, Poler = aye, Bero = aye. The vote 7-0.

#### Minutes:

- May 19, 2022 – forthcoming

#### Administration:

##### 1. Commission Follow Up

- Lincoln Court – Certificates of Compliance sent out. Three incorrect certificates of

compliance that need to be corrected, sent to Commission for review, signed and resubmitted

- 136-138 South Street – Certificate of Compliance sent out with errors but doesn't need to be corrected
- 39 Quarry OOC – went out with some errors
- Eagle Scout Project (Bay Circuit Trail Bridge Replacement) – Mark Cerrel to have a non-project specific meeting with Alex Munz regarding engineering and liability
- Algonquin Gas – have not seen it
- Rail Trail Vegetation and Traffic – issue with vegetation and the Harding St. crossing, may want to send a letter to town administration that the Board shares concerns about the crossing. Concerns go to the police department, safety committee and the rail trail committee.
- Ponds – Kennedy updated:
  - Flynn's Pond – complaints about aesthetics and algae, working on getting an evaluation
  - Hinkley Pond – getting ready to open, pump and clean bottom, sand is being delivered
  - West St. bridge – company working on bridge didn't stabilize anything around the bridge, creating a probable erosion issue in the future. Permitting probably through Millis, but work is staged in Medfield. Need to investigate further.
- Climate Change Response – came in for individual responses, if anyone wants to do them
- MSH Outstanding Concerns – don't know if/when anything is coming back

## 2. Commission Upcoming

12 School Street – Notice of Intent (August)

10 Indian Hill Road – Request to Amend Order of Conditions (June/July)

40 Nebo Street – Notice of Intent or RDA for a deck replacement (July)

150 Harding Street – Notice of Intent or RDA (August)

## 3. Commission Admin

- Expiring Terms – Scott and McCarthy's terms expire in June 2022, appointments to extend terms need to go before the Select Board
- July Hearing Dates – July 7, 2022 will be Elm St.
- Agent Position – looking for an agent or consultant

**Upcoming Meeting Dates:** June 16, 2022, July 7, 2022

At approximately 9:09pm, Scott motioned to adjourn the meeting. Darrell seconded. Roll call vote: Darrell = aye, McCarthy = aye, Perloff = aye, Scott = aye, Kennedy = aye, Bero = aye. The vote: 7-0.

Respectfully submitted,

Kim Chandler, Administrative Assistant

#	Question	Asker Name	Answer
1	Hello. This is Josh Katzman, from TARC. I am filling in for Annette who unfortunately had to head to the hospital today.	Joshua Katzman	

2	We don't have access to the chat. We can only ask questions. Dan Kinne- 6 Carmen Circle.	dan kinne	
3	Ray & Jen Richards 40 Elm St	RRichards	
4	can you please repeat how to text you	scott colwell	
5	I cant log on Scott Colwell	Scott Colwell	Hi Scott, please accept the notification to be promoted
6	If the conservation committee approves this project, and then the request to hookup to town sewer is denied, would this project then need to come back to the conservation commission for another review? I would hope this is a yes given the substantial changes that would need to be made to the site to accommodate septic? Would the 3rd party independent consultants automatically be engaged to review this altered plan? Dan Kinne, 6 Carmen Circle	dan kinne	live answered
7	How would a builder who builds a house control what type of fertilizer is used or if a home owner uses salt on the driveway? I know Scott says it is for his child, but what about when they sell the home? Dan Kinne - 6 Carmen Circle	dan kinne	Your question and your previous question have been forwarded to the chair and she will address them.
8	Sewer ends at the end of Steven. The water does run by his lot. This is not factual.	dan kinne	
9	James Chase - 46 Elm St. Would like to iterate for anyone that hasn't seen the physical site that this is visually if not technically a wooded wetland shared by at least 4 families, possibly more. It seems a pretty borderline site to meet the laws that have been highlighted so far in this meeting, not withstanding additional comments from the comissioners. Beyond the technical elements here this will significantly alter both the neighborhood and the wooded wetland. Not in the interest of the neighrborhood and with significant impact to neighbors current land conditions	Anonymous Attendee	

10	<p>A big thanks to peer review for representing our town interests. No apology about an in-depth, multi-page analysis is needed, even for a single-family home. The Elm Street project site is deemed a critical area, in a Zone II Aquifer Protection District, and in the stressed Neponset River watershed, and should be scrutinized by our Conservation Commission to the largest extent possible. I agree with Michael Perloff's comments 100%. We should be following our town bylaws and not allow this project if it does not comply and puts our wetlands, wildlife habitat and water resources at risk. Each proposed project has unique circumstances, and this one is included. I would respectfully ask the applicant to refrain from bullying our commission, and I wish our commission would not apologize for doing nothing wrong. Chris Potts, 7 Curve St.</p>	Chris McCue Potts	
11	Water Does run by lot, not sewer	dan kinne	
12	Q1: Is it possible to ensure that salt and pesticides won't be used once the project is complete? Q2: Did CEI verify the wetland boundary?	RRichards	