



# Medfield Conservation Commission

Town Hall · 459 Main Street · Medfield, Massachusetts 02052-2009

## Minutes of Public Meeting, July 20, 2023, at 7:00 pm

*This meeting was held virtually via Zoom.*

**Members Present:** Chair Deborah Bero, John Woodhull, Michael Perloff, Kirsten Poler, Bobby Kennedy

**Members Absent:** Cat Scott

**Staff Present:** Interim Agent Bob Hartzel

**Others Present:**

At approximately 7:00 pm, Chair Deborah Bero called the Conservation Commission meeting to order and performed a roll call for attendance.

### I. Announcements

- The Conservation Commission is actively seeking to fill openings for both full Commissioner Members and Associate Commissioners. Applicants should submit a letter of interest to both the Town Administrator and Conservation Commission.
- All Conservation Commission meetings are remote; however, the office is still open. Please call ahead if you need to come in.
- DEP has announced that we are out of drought status. Mr. Kennedy explained the watering ban and how it is tracked through a rain gauge.

### II. Hearings

#### 1. Enforcement – 13 Juniper Lane

Ms. Bero summarized the complaint from a neighbor and reported the removal of trees within the buffer zone. An Enforcement Order (EO) was issued to the property owner at 13 Juniper Lane. Mr. Harzel shared his screen and discussed the pictures and the trees that were cut down. Mr. Hartzel discussed that a wetland delineation was done in 2021 and it stopped at the owner's property boundary. Mr. Hartzel explained that if it had continued just a few feet onto the adjacent property the wetlands would have curved closer to where the trees have been removed. The owners intend to remove an abandoned pipeline and build a garage. In 2021 when Dave Henkels did the delineation, there was no discussion of the removal of trees or the abandoned pipeline. It appears that the building of the garage is within the buffer zone, however, the removal of the trees was not. The EO states that the property owners must not to do anything further until a revised wetland delineation is completed and a mitigation planting plan is submitted by August 14, 2023. Ms. Bero discussed leaving the EO to be signed by Commissioners at Town Hall.

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Mr. Woodhull made a motion to ratify the enforcement order on July 14, 2023.

Mr. Kennedy seconded the motion

**Roll Call Vote:** 5-0-0 (Mr. Kennedy: aye; Ms. Poler: aye; Mr. Perloff: aye; Mr. Woodhull: aye; Ms. Bero: aye.)

## 2. NOI –2 Linden Court

Ms. Poler made a motion to continue this hearing at the applicant's request to the August 3, 2024 hearing without discussion.

Mr. Kennedy seconded the motion.

**Roll Call Vote:** 5-0-0 (Mr. Kennedy: aye; Ms. Poler: aye; Mr. Perloff: aye; Mr. Woodhull: aye; Ms. Bero: aye)

## III. Minutes

The minutes are moved to August 3, 2023.

## IV. Updates/Discussions

1. **Medfield Wetland Bylaw Fees:** Ms. Bero discussed the fees on the Medfield Wetlands Bylaw application. She stated that the fees need to be increased for site visits and violations. She read the second page of the application and discussed the fee for field inspections and violations. Mr. Woodhull agreed that these fees need to be increased. Ms. Bero discussed the process to change the fees on the application.

Mr. Hartzel discussed the 2010 fee form that needs to be updated. He discussed the \$25 dollar fee for "Preparation of Legal Notices for Public Hearing". Mr. Hartzel explained that he is working with Maria De La Fuente and Cara Wise at Town Hall to help determine an updated accurate fee based on the current cost for legal ads in the Hometown Weekly.

2. **Medfield Rail Trail:** Mr. Hartzel discussed the Medfield Rail Trail and the beaver flow devices and footbridge/stream crossing that were installed without a permit. These structures were installed by Christian Donner of the Friends of the Medfield Rail Trail. Mr. Hartzel discussed the options of either filing an Enforcement Order (EO) or requiring permitting after-the-fact. The Town of Medfield, through the Medfield Select Board, is the responsible party for the activities related to the Rail Trail property.

Mr. Woodhull stated he saw more beaver dams downstream. Ms. Bero stated that the Rail Trail is under the care custody and control of the Select Board. She believes that an EO should be issued to state that work is being done on the Rail Trail without permitting and to prompt a response. Mr. Perloff stated that an EO is reasonable and that the beaver deceivers have not been installed and therefore may cause problems. Mr. Woodhull agrees that there needs to be an EO. Mr. Kennedy is concerned about potential flooding to properties in the vicinity of the Rail Trail. Ms. Bero thinks that the EO will start a conversation on the issues related to management of the Rail Trail. Ms. Poler asked about the level of ongoing communication that was occurring between Mr. Donner and Ms. Trierwieler with regard to the management of the Rail Trail. Ms. Bero stated that she believes that there is no communication between the Town and the people installing structures without permitting on the Rail Trail. Ms. Bero stated that a condition of the

recent permitting for the Rail Trail specified that the Conservation Commission should be notified if water levels were observed to be rising.

Ms. Poler made a motion to issue an EO primarily to start a conversation and to specify a published hearing date to present and discuss the next steps.

Mr. Woodhull seconded the motion.

**Roll Call Vote:** 5-0-0 (Ms. Poler; aye; Mr. Kennedy; aye; Mr. Perloff: aye; Mr. Woodhull: aye; Ms. Bero: aye.)

3. **Medfield State Hospital Project/Trinity Development:** N/A

4. **DPW:** N/A

5. **31 Minuteman Road - Tree pruning request**

Mr. Hartzel stated that the property owners would like to prune back a tree presenting a safety risk. A site inspection by CEI staff confirmed that the limbs are a safety risk. The owners have since clarified that they do not want to remove the tree, only the dead limbs.

Mr. Hartzel believes that this is a good example of why the Town should have a more detailed tree removal policy. As a general policy, Mr. Hartzel asked if the Commission was in favor of allowing limited tree pruning in buffer zone without an RDA, only for a tree that has already been inspected by the Conservation Agent and is confirmed as a safety risk. Mr. Perloff agreed that this is sufficient for pruning of limbs. Mr. Woodhull also agreed. Ms. Poler agrees that this should be accepted, however, there should be a more comprehensive tree removal policy in place. Ms. Bero believes that there should be a tree removal policy, but this instance is acceptable as a site visit was conducted. Ms. Bero believes that the Commission should be able to vote on the limbing to move forward in this case but also pending a policy to be put in place to authorize Mr. Hartzel to independently approve all limbing/pruning of trees for now.

Mr. Woodhull made a motion to authorize the limbing on 31 Minuteman Road.

Mr. Kennedy seconded the motion

**Roll Call Vote:** 5-0-0 (Ms. Poler; aye; Mr. Kennedy; aye; Mr. Perloff: aye; Mr. Woodhull: aye; Ms. Bero: aye.)

Mr. Woodhull made a motion to authorize Mr. Hartzel as the Interim Agent to make independent decisions that do not need to be brought to the Commission regarding tree pruning/limbing requests. Provided that a site visit is conducted, that limb pruning reasonably limited, and that best management practices are employed by the homeowner.

Mr. Kennedy seconded the motion

**Roll Call Vote:** 5-0-0 (Ms. Poler; aye; Mr. Kennedy; aye; Mr. Perloff: aye; Mr. Woodhull: aye; Ms. Bero: aye.)

6. **Pond Management:** Ms. Bero stated that she attempted to communicate with Solitude before June 30, 2023 regarding the pond maintenance, but Solitude did not respond in time and no pond maintenance actions were scheduled that would use the pond maintenance budget. Ms. Bero stated that the Town decided to use the pond maintenance fund to cover consultant fees. She stated that the Town did this without discussing it with the Commission. Ms. Bero said that there is approximately \$4,600 in the WPA funds that can only be used for enforcement of the Wetlands Protection Act and salary fees. Ms. Bero stated that Ms. De La

Fuente is going to be providing monthly financial statements to ConCom and Ms. Bero would like to have a meeting once a month to discuss the budget and issues that may be surfacing. Ms. Bero stated that there are approximately six meetings between now and the opening of the Warrant Committee, which should allow enough time to get a plan in place to present a budget plan for ConCom. Ms. Bero asked if there is a special article that they want to be listed for to include items such as signs for ConCom properties. Ms. Bero stated that ConCom's allocated funding has been the same for about ten years and currently does not cover all expenses. Ms. De La Fuente has asked if there is anyone on the Commission that would like to subscribe to the electronic version of MACC (a \$20 reimbursable expense). The paper copy which is a \$60 expense, which is not reimbursable. Ms. Bero advised Commission members to keep track of this and to submit for reimbursement as soon as possible when received. Ms. Bero would like to make sure that everyone on the commission looks at the current budget closely. Mr. Kennedy stated that the costs and responsibilities for pond management should be clarified among Town departments and boards, as the DPW does not see this as part of the ongoing DPW budget.

**7. Charles River Valley Trails Team:**

Mr. Woodhull discussed the purpose of the Charles River Valley Trail Team. Mr. Woodhull stated how they would like to connect the Shattuck Reservation with the Cedar River Reservation. He explained that this trail would run through the conservation land that is in ConCom's care and custody. Mr. Kennedy mentioned that this had been presented before by a boy scout and it did not go well. He suggested contacting the abutters first before it goes in depth. Mr. Hartzel discussed the related permitting steps, including submittal of a Notice of Intent. Ms. Bero stated that this project would have to be submitted for review the same way that any other applicant would be required to for the use of ConCom property. Mr. Kennedy suggested making this an agenda item for an informal discussion and making sure that there is an article published for a better response from the abutters, etc. Mr. Hartzel stated that it is not a requirement to notify the abutters and this would be considered a pre-permitting consultation with the Commission. Mr. Kennedy believes that it would be beneficial to notify the abutters first to get an idea of how this can or cannot be processed.

**V. Adjournment**

Mr. Kennedy motioned to adjourn the meeting at approximately 8:30 pm.

Mr. Woodhull seconded the motion.

**Roll Call Vote: Roll Call Vote:** 5-0-0 (Ms. Poler; aye; Mr. Kennedy; aye; Mr. Perloff; aye; Mr. Woodhull: aye; Ms. Bero: aye.)

Respectfully submitted,  
Cara Wise, Administrative Assistant