



Medfield Conservation Commission

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Medfield Conservation Commission PUBLIC MEETING

Zoom

Minutes of Thursday, July 21, 2022 at 7:00pm

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

Members Absent: Cat Scott

Others Present: Sarah Raposa, Bob Hartzel, Liz & Alan Blair, Chris McCue Potts, Sue Buckley

Open Meeting/Roll Call: At approximately 7:06pm, Chair Deborah Bero called the Conservation Commission meeting to order.

Announcements

Virtual Meetings post July 15, 2022 – through March 31, 2023

Drought and Water Restrictions – Level 2 / significant drought

Agent Transition Period – Technical Support and Consulting Services – Bob Hartzel interim agent

Requests for Commission Action

- Request to Amend Order of Conditions (DEP Wetlands Program Policy 85-4 Amended Orders) Applicant: Dan Hennessey. Project Location: 10 Indian Hill Road. OOC issued August 6, 2021 for improvements and accessories to single-family home including an in-ground swimming pool and patio, tree removal, walkway, and shed. Presently proposed amendments to OOC include reduction of patio area, relocation of shed farther from resource, construction of screened porch in footprint previously approved for deck, and landscaping plan of native species. DEP File No. 214-0689. Scheduled for July 21, 2022 and continued by agreement to August 4, 2022. McCarthy made a motion to continue the hearing by agreement without discussion to August 4, 2022. Seconded by Darrell. Roll Call Vote: McCarthy = aye, Perloff = aye, Kennedy = aye, Darrell = aye, Poler = aye, Bero = aye. The Vote: 6-0.

- Request for removal of dead tree on Conservation Commission Property. Abutter Request. 39 Rocky Lane Property Location: Conservation Commission Property: Leighton Conservation Land. Discussion of next steps for tree removal.

- Ed Hinkley (tree warden) went out to look at the tree and reported that it didn't look like it would fall on the house, but the homeowners are concerned about the outdoor living space. Hinkley reported that the tree is dead, but there are no safety issues and no need to cut it down, but the homeowner is free to take it down at his/her own expense.
- Raposa to follow up.

Minutes

July 7, 2022 - Poler made a motion to approve the meeting minutes from July 7, 2022. Seconded by Darrell. Roll Call Vote: McCarthy = aye, Perloff = aye, Kennedy = aye, Darrell = aye, Poler = aye, Bero = aye. The Vote: 6-0.

Approved 10/6/22

Question from audience. Alan Blair, 41 Millbrook regarding a Request for Certificate of Compliance. Addressed by Interim Agent Robert Hartzel. See discussion under Administration, No. 2 (Commission referrals to consultant).

Administration

1. Commission Follow Up

- 230 Main Street NDA (not OOC as previously described) – due July 28, 2022, send any comments to Bero ASAP, commissioners to sign on Monday 7/27 or Tuesday 7/28.
- Lincoln Court COC – Bero still doing corrected Certificate of Compliance.
- Ponds – in process, Raposa updated that Flynn’s Pond was left off of the contract, so the contract is being amended.
- OSRP RFP – comments are invited on the draft RFP ASAP.
- OSRP Town Committee (Authority and Participation) – Conservation participant wanted by next meeting.
- MSH Enforcement and Monitoring/AUL/New Swale and RipRap/Stormwater – follow up on state monitoring report by August 4 or 18, 2022. Newly expanded driveway next to the laundry parcel and swales, to be followed up on.
- 48-49 Ledge tree – COCs and Drainage Easement – on hold, if anyone comes back about looking for certificates of compliance.
- Rail Trail Vegetation and Traffic – keep in mind
- Climate Change Response – no comments, deadline passed. Bero to follow up.

2. Commission Referrals to Consultant

- Norfolk Hunt Club Bridge/Trail. (Referred to Consultant) – Hartzel reported that Norfolk Hunt Club (NHC) proposes to improve some existing historic stream crossing structures or small bridges over perennial stream Mill Brook. A “draft” Request for Determination of Applicability (RDA) was submitted with some possible confusion that NHC would receive some kind of “pre review.” Hartzel sent email about the permitting process, including that the RDA cannot be put on the agenda until NHC submits its final (not “draft”) work product. Hartzel noted that two of the structures are on land that is associated with NHC and one is on town land, so there was an error on the paperwork submitted. The biggest concern is that the area has previously unpermitted structures, so the Commission needs to look at this as a brand-new request, entirely within wetlands and also within floodplains. The applicant plans to submit an RDA right away, but given the resources and impacts, it probably makes more sense to permit this as an NOI, however that is the Commission’s decision. Hartzel further noted that an RDA does not require the signature of the property owners on the DEP form. The applicant must notify the property owners of the proposed work, however. The Commission will wait for a substantially complete application from NHC and then will put that item on the agenda for review within the prescribed period. If work is proposed on town land, then the town (Select Board in this instance) would have to give permission for that work to proceed. \

- 35 Vine Brook Road. (Trees and/or Lawn Extension) (Referred to Consultant) – Hartzel reported that owners would like to remove trees within the 50 foot no-disturb zone, and they know now that they need to submit an RDA for that work. They also want to extend their lawn, and now understand there is a deed restriction on how far they can extend the lawn, which restriction was a condition in a previously issued Order of Conditions on this property. The Order of Conditions is at the town house and available for pick up by the homeowners who can decide whether to combine tree cutting and lawn extension in one project or abandon the lawn extension. McCarthy questioned whether the trees were a safety hazard to the home or occupants. Hartzel noted homeowner described trees as a hazard. Homeowners can contact an arborist.
- 142 South Street (Referred to Consultant) – Hartzel reported owners had inquired what might be regulated in terms of controlling invasive species in side yard abutting Horse Brook and in terms of trimming back vegetation in front yard. Hartzel visited homeowners and site and explained conditions and regulations. Homeowners understood side yard concerns and RDA process as explained. Trimming back front yard vegetation to keep in line with mowed lawn area is fine.
- 41 Millbrook (Referred to Consultant – COC) – In response to a question from the audience (Alan Blair of 41 Millbrook, Medfield) Hartzel noted that he did a final site inspection to confirm that construction was done according to the plan. One item required minor revision to a plan sheet to document as-built conditions. Hartzel forwarded a pdf file of the revised plan sheet to the Blairs (homeowners). The Blairs submitted a Request for Certificate of Compliance on July 20, 2022 with a check for \$200. Chair will put this on the agenda for Commission review on August 4, 2022

3. Permitting/Enforcement/Monitoring Updates

- Wilkins Glen – Bero noted Commission is addressing concerns if and as they come in from DEP, which is satisfied with Commission’s response to date.
- TARC License for Noon Hill Use (Event on August 6) – Bero noted license is all set, road race on August 6.
- Eagle Scout Project (Bay Circuit Trail Bridge Replacement) – Bero noted last update was Scout was trying to fundraise for the project.
- Algonquin Gas – no update.
- West Street/Dover Road – Millis Project – Bero noted it remains unclear if and when this work was permitted and by whom. Kennedy noted he contacted the contractors who were responsive and came right in to stabilize it (for stormwater purposes).
- 73 Noon Hill – Bero noted that she placed a follow up call in response to a reported concern, but no further communication received from caller.

4. Commission Upcoming and Ongoing

a. Permitting

Bero noted that there was no new information on these items. Rocky Woods project will require a visit in the fall to check on stabilization of disturbed areas.

- 40 Nebo Street. (Deck Replacement) July
- 87 Philip Street. (Pool) July/August
- 150 Harding Street. (No meaningful information to date) August
- 12 School Street. (No meaningful information to date) August
- 26 Rocky Lane. (Possible Land Donation)
- 39 Vine Brook (Easement?)
- Rocky Woods (Follow up on stabilization) Fall

b. Administrative

- Agent Position Update – Job posted on the town’s website, MACC, MMA. McCarthy noted her follow up with MACC and the number of open Agent positions in Massachusetts.
- Consultant Assistance During Transition – Hartzel updated Commissioners as noted.
- Upcoming Hearing Dates. Bero noted the August – September Hearing Dates and reported that applications currently scheduled for August 4, 2022 include Elm St., 26-30 Millbrook; 10 Indian Hill Rd. No applications noted for August 18 and September 1, 2022. Bero asked ed for expected attendance at identified upcoming meetings. Poler asked whether there would be opportunity during an upcoming Commission meeting to discuss how, if at all, prior decisions control future decision making (is there a concept of “precedent” that applies to Commission work). Bero noted that specific pending projects cannot be discussed absent posting and notice if and as required. The topic (for general discussion and without reference to pending applications) can be included as a future agenda item.

c. Other

- NRWA and CRWA Bero reported that both were to be scheduled in the fall to strengthen relationship with Conservation and get engaged with some community initiatives. Kennedy noted that he did a lot of work with NRWA.

d. Education

Bero and McCarthy noted the value of MACC programs, including luncheon webinars, with links and information on MACC website.

- July 13 MACC: Invasive Plants and Wetlands – Bero, McCarthy and Perloff attended July 13, 2022, there is a link to the webinar on the MACC website.
- July 20 MACC: Drafting OOCs (fundamentals unit) – Bero will send out the info on drafting effective orders of conditions

5. Commission Protocols/Procedures

- RDA vs. NOI. Bero suggested Commission look at DEP RDA and NOI forms to review the purposes and requirements for each permit. McCarthy recommended the MACC handbook as a useful resource.

At approximately 7:54pm, Kennedy motioned to adjourn the meeting. Poler seconded. Roll call vote: McCarthy = aye, Perloff = aye, Kennedy = aye, Darrell = aye, Poler = aye, Bero = aye. The vote: 6-0.

Respectfully submitted,
Kim Chandler, Administrative Assistant

#	Question	Asker Name
1	what about the request from 41 Millbrook road?	Liz & Alan Blair
2	it was dropped off yesterday with a check for \$200	Liz & Alan Blair
3	Aug 4th is fine.	Liz & Alan Blair
4	Is there a reason Elm Street (Colwell) isn't on the project list? Thanks, Chris Potts, 7 Curve.	Chris McCue Potts
5	Thanks Sarah!	Chris McCue Potts
6	No response needed -- Just an observation for ConComm, it would help to put future hearings on the list as published along with all of the other future topics -- esp. if an active case. It seemed odd that it was left off. Thanks, Chris	Chris McCue Potts