



Board of Selectmen
Meeting Packet
April 20, 2021

Medfield Energy Committee Proposed Warrant Articles

Proposed Warrant Article #1

Community Choice Aggregation (“CCA”)

To see if the town will authorize the Board of Selectmen to initiate the process of seeking to **aggregate electrical load** through a Community Choice Aggregation Program (CCA) and **contract for Medfield residents** as authorized by M.G.L. 164, Section 134, and through CCA, **decrease greenhouse emissions** for the town’s residents by pursuing a percentage of Class I designated renewable energy that is greater than that required by the Massachusetts Renewable Portfolio Standard (RPS) or do or act anything in relation thereto.

Community Choice Aggregation (“CCA”)

► CCA - in summary

- ❑ An advantage of bulk electrical power purchase - potential savings for CCA plan participants (market conditions will prevail)
- ❑ More renewable energy than Eversource currently supplies
- ❑ Supports local renewable energy investments
- ❑ Competitive bidding process; selection only when advantageous to the town
- ❑ DPU-approved plan and Massachusetts Department of Energy Resources
- ❑ Residents can opt-out or back into the plan at any time, without penalty
- ❑ No impact on budget billing, other payment programs, or solar panel net metering credits
- ❑ Nearly half of Massachusetts cities and towns are engaged with CCA programs
- ❑ Certified broker manages bidding, no cost to the town; minimal oversight by town employees

Proposed Warrant Article #2

Medfield Net Zero Climate Goal

To see if the town will adopt the following resolution:

Greenhouse gas content of our atmosphere has increased alarmingly as a result of human activities with negative impact on our climate as evidenced by rising temperatures, rising sea level and ocean acidity, increased flooding with more intense and frequent storms, droughts, forest fires, other unpredictable weather patterns and increased health risks.

Therefore, the Town of Medfield **supports a goal** of eliminating or offsetting all greenhouse gas emissions originating in the Town by the year 2050 or earlier (known hereafter as the Net Zero 2050 goal); and **encourages** the Board of Selectmen, all Town Boards and Committees, and residents and businesses **to take action** in the furtherance of Medfield's Climate Goal by **developing a Net Zero Action Plan** by March 2022 that outlines specific strategies and sets measurable, attainable and realistic interim targets aligned with State and Federal goals, roadmaps and incentives; or do or act anything in relation thereto.

Medfield Climate Goals

► Climate Goals - In summary

- ❑ Affirm the State's Net Zero legislation
- ❑ Develop an action plan for reduction of greenhouse gas emissions in Medfield to Net Zero by 2050 or earlier with time-lined milestones
- ❑ Other local cities and towns are engaged with similar warrant articles; 72% of 504 responses to a Medfield Environment Action Fall survey supported Medfield adopting climate goals and developing a plan to help lead us there.
- ❑ Community outreach to
 - engage town residents and businesses
 - Inform about options (heat pumps, solar panels, electric vehicles) and State/Federal initiatives, incentives, grants
- ❑ Leverage action plan elements from State legislative sources
- ❑ Coordinate and share with other communities and organizations promoting Net Zero
- ❑ The plan will continue to evolve
- ❑ No financial request with this warrant article

Outreach

5 Public Forums, recorded on MEA <https://www.meamedfield.org>

Community Choice Aggregation

July 22, 2020 and March 30, 2021

Featured, from Green Energy Consumer Alliance,

Larry Chretien, Executive Director

Yaima Braga, Renewable Energy Procurement Director

Medfield Climate Goals

August 17, 2020 and April 5, 2021

Featured

Megan Aki, Clean Energy Analyst, Metropolitan Area Planning Council

Denise Garlick, Massachusetts State Representative

Forum to be held May 6, 2021

Will speak to both warrant articles, their relevance and importance to all
Medfield residents

Presentation before MEMO (April 29, 2021)

Q & A

Supporting Materials CCA

Community Choice Aggregation (“CCA”)

- ▶ **Monthly Eversource bill is split into 2 sections:**
 - ❑ ‘Delivery Services’ cost- power lines placement/maintenance/emergency repairs and administration, the latter including billing/payment
 - ❑ ‘Electric Supply Services’ cost -
 - power bought and distributed by Eversource under 6 month duration contracts, incorporating within its Basic Service Rate a cost for risk mitigation, -or-,
 - power procured by individual town residents through an alternative 3rd party provider, -or-,
 - power that may be procured and offered to Town residents should the town pursue a CCA program

Community Choice Aggregation (“CCA”)

► CCA - in greater depth

- ❑ Would allow the Town of Medfield to procure electric supply on behalf of its residents as an alternative to Eversource and other independent 3rd party power providers
- ❑ Supply would be contracted by competitive bid, managed by a State certified broker selected by the Town
- ❑ Broker’s cost would be blended into the pricing options, no cost to the Town; minimal oversight by town employees once established
- ❑ Opportunity to negotiate better pricing options than Eversource and to add more green, renewable energy sources than required by law for Eversource
- ❑ The CCA program is vetted by both the Massachusetts Department of Energy Resources and the Department of Public Utilities.
- ❑ CCA is authorized by the Massachusetts Utility Restructuring Act (1997)
- ❑ There is price transparency and consumer protection built in
- ❑ CCA does not commit the town to accept any bid if not beneficial to the Town and its residents
- ❑ Residents may opt-out (or opt back in), reverting to the Eversource Basic Service Rate or that of any other 3rd party provider, at any time without penalty
- ❑ Budget Billing or other payment programs will not be affected
- ❑ Net metering credits from solar panels will continue to be calculated on the Eversource Basic Service rate
- ❑ Nearly half of all Massachusetts cities and towns are engaged with CCA programs

Supporting Materials Climate Goals NET-ZERO

Medfield Climate Goals

► Massachusetts legislation signed by Governor Baker in March, 2021

- ❑ commits the State to achieve Net Zero emissions by 2050, and,
- ❑ authorizes the Secretary of Energy and Environmental Affairs (EEA) to establish emissions limits of no less than 50% for 2030, and 75% for 2040.

► Passing this article in Medfield will

affirm the Massachusetts legislation attending to Medfield's 'inventory' of greenhouse gas emissions (95% from passenger vehicles, town residences/businesses and municipal buildings) and commit ourselves to developing a Plan.

► Community outreach, an essential component

- Inform about opportunities and resources to reduce household greenhouse gas emissions affordably and, probably, with long term savings
- Identify incentives for procurement of energy saving and greenhouse gas reducing appliances, heating/cooling systems (heat pumps), passenger vehicles (electric), solar panels
- Provide knowledge about technologies relevant to achieving Net Zero and how these technologies are evolving

Medfield Climate Goals

► The Net Zero Action Plan will

- ❑ be a long term, time-lined roadmap of steps with incremental goals and priority actions that Medfield can take to reach Net Zero, aligned with State goals
- ❑ seek to engage all Town stakeholders including its residents, business owners, and town government
- ❑ be a living document with initial release in March 2022, requiring annual review/update reflecting progress, evolving technologies with related opportunities, and State/Federal initiatives, incentives, grants
- ❑ benefit from
 - communication with other towns seeking the same goals
 - State and other entities promoting clean energy and Net Zero goals (e.g. MassEnergize, Massachusetts Climate Action Network (MCAN), Massachusetts Clean Energy Center, (MassCEC), Heat Smart Alliance, Metropolitan Area Planning Commission (MAPC), others....

► Are we blazing the trail with a Warrant Article like this?

No, other local communities are developing similar Net Zero Action Plans: Acton, Arlington, Bedford, Boston, Brookline, Cambridge, Concord, Framingham, Lexington, Melrose, Medford, Natick, Newton, Wayland, Wellesley,...

Medfield Climate Goals

- ▶ **Do town residents agree with the need for this warrant article?**
72% of 504 responses to a Medfield Environment Action (MEA) Fall survey supported Medfield adopting climate goals and developing a plan to help lead us there.
- ▶ **What will the development and maintenance of this Plan cost the Town?**
No financial request is associated with passage of this Article. The Plan will be developed and maintained by volunteers from the Medfield Energy Committee and community at large in coordination with the Town.
- ▶ **Why does Medfield need a goal if the State is already doing this?**
The State plan to reach Net Zero recognizes a greenhouse gas inventory of emissions beyond that generated by Medfield's passenger vehicles, residential homes and small business/municipal buildings. Medfield can and will leverage relevant elements of the State plan.

Medfield Climate Goals

Finally.....

***“Goals are the first step towards
planning for the future”***

Elaine Houston, B.Sc., “Positive Psychology”

And.....

Medfielders have begun:
over 150 solar installations, 57 heat pumps, 48 all electric vehicles

**TOWN OF MEDFIELD
WARRANT FOR THE ANNUAL TOWN MEETING
2021**

| Article | Issue | Submitted By: |
|----------------|--|---|
| 1 | Accept Annual Reports | Board of Selectmen |
| 2 | Perpetual Care | Cemetery Commissioners |
| 3 | Revolving Funds | Board of Selectmen |
| 4 | PEG Access and Cable Related Funds | Board of Selectmen |
| 5 | Elected Official Compensation | Board of Selectmen |
| 6 | Personnel Administration Plan | Board of Selectmen |
| 7 | Operating Budget | Board of Selectmen |
| 8 | Municipal Building Capital Stabilization Fund | Capital Budget Committee |
| 9 | Transfer MSBA Dale Street Reimbursement to Municipal Building Capital Stabilization Fund | Board of Selectmen |
| 10 | Creation and Appropriation of Capital Stabilization Fund | Capital Budget Committee |
| 11 | Capital Budget | Capital Budget Committee |
| 12 | Authorize Vehicle Lease Purchase | Capital Budget Committee |
| 13 | Water Treatment Plant Bond Authorization | Water and Sewer |
| 14 | Water/Sewer Enterprise Fund Operating Budgets | Water and Sewer/DPW |
| 15 | Transfer of DOT Ride Sharing Funds | Board of Selectmen |
| 16 | Landfill Lease for Solar | Board of Selectmen |
| 17 | Town Garage Lease for Solar | Board of Selectmen |
| 18 | Authorize the BOS to enter into Town Garage Solar and Landfill PPA | Board of Selectmen |
| 19 | Approval of Solar PILOT Agreements | Board of Selectmen |
| 20 | Hinkley South | Board of Selectmen |
| 21 | Community Choice Electricity Aggregation | Medfield Energy Committee |
| 22 | Climate Goals/Resolution | Medfield Energy Committee |
| 23 | Rezone Parcel on Janes Avenue BI to B | Planning Board |
| 24 | Amend Table of Use Regulations: Adult only tobacco store | Planning Board |
| 25 | Food Trucks/Mobile Food Vendors | Planning Board |
| 26 | Table of Use Regulations Height and Bulk | Planning Board |
| 27 | Table of Use Regulations Height and Bulk (sheds) | Planning Board |
| 28 | Solar Photovoltaic Facilities Overlay District | Planning Board |
| 29 | Recommendation for Dale Street School Site Selection Amendment with MSBA | Citizens Petition (Ganem) |
| 30 | Bylaw Committee for School Building Committee | Citizen Petition (Potts) |
| 31 | Amend Stormwater Regulations Bylaw for MS4 Permit | Board of Selectmen |
| 32 | Adopt Scenic Road Designation for Elm, Plain, Farm, Nebo Streets, and Millbrook Road | Planning Board, ConCom, Historical Commission |

DRAFT 04/02/2021

| | | |
|----|--|--------------------|
| 33 | Retroactive Collective Bargaining Agreement Police | Board of Selectmen |
| 34 | Retroactive Collective Bargaining Agreement Fire | Board of Selectmen |
| 35 | Retroactive Front Line Employee Stipend | Board of Selectmen |
| 36 | Appropriation for a Prior Year Bill | Board of Selectmen |
| 37 | Free Cash | Board of Assessors |



Evelyn Clarke <eclarke@medfield.net>

Permission for Padmount Transformer Installation for Algonquin Gas Rectifier - NORTH MEADOWS ROAD MEDFIELD

1 message

Cosby, Christine M <[REDACTED]>
To: Evelyn Clarke <eclarke@medfield.net>

Wed, Apr 14, 2021 at 5:56 PM

Hello Evelyn,

Attached is a license to grant Eversource permission to install a new padmount transformer at the Algonquin Gas Rectifier site located at North Meadows Road, Medfield.

Algonquin Gas has already installed the rectifier and also the concrete pad for the new transformer.

Can you please have this signed and return to me.

Sketch drawings to follow.

Thank you,
Chris

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**TRANSFORMER LICENSE - NORTH MEADOWS ROAD MEDFIELD.docx**

33K



Evelyn Clarke <eclarke@medfield.net>

2 PLANS North Meadows Road, Medfield #2398970

3 messages

Cosby, Christine M [REDACTED]
To: Evelyn Clarke <eclarke@medfield.net>

Tue, Mar 9, 2021 at 3:22 PM

Hi Evelyn,

See attached 2 pages to the petitioning plans. Please call me when you can 508-577-6564

Thanks,

Chris

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 **MDF-NORTHMAA-2398970_All.pdf**
751K

Evelyn Clarke <eclarke@medfield.net>
To: Maurice Goulet <mgoulet@medfield.net>

Tue, Mar 9, 2021 at 3:48 PM

Hi Moe,

After talking with you, I talked with Chris Cosby, from Eversource. (She is a great gal and has been with Eversource for many years). What we discovered is that the "2 maps" that Eversource sent with their petition back in September did not show the whole plan.

Hence, Chris emailed new ones Tues. afternoon that are easier to read. So our conversation ended with I would email the new maps for you to review and then you should call Chris to determine if Eversource would need road opening permits from you

or building permit from Gary. How does that sound. Then you and Chris will figure out who should give Kathy Aruda, Algonquin gal a call. (Chris Cosby - cell [REDACTED])

Here's to hoping this drawn out project gets cleared up.

Thanks so very much.

Your friend, Evelyn

[Quoted text hidden]

 **MDF-NORTHMAA-2398970_All.pdf**
751K



Transformer License

Work Order # 2398970

The undersigned, owners of the premises at North Meadows Road, Medfield, Massachusetts, for consideration paid, grant to **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY**, its successors and assigns, the license and permission, from time to time as may be necessary to install, repair, renew and maintain a transformer, including, at the option of **EVERSOURCE ENERGY COMPANY** the replacement of said transformer with a transformer of different size and voltage, along with the necessary cables, conduits, wires, sustaining or protecting fixtures, and service connections attached thereto constituting a line for the transmission and distribution of electricity, in, upon, under, along and across said premises, and the right to enter upon said premises from time to time for the purpose of installing, repairing, renewing, maintaining, replacing and removing said line, the approximate location of said transformer and line being shown on the sketch attached hereto dated 5/22/2020

EXECUTED AS A SEALED INSTRUMENT this _____ day of _____, 2021.

Install PMH 27359 to provide service for Algonquin Gas Rectifier

Owner (Signature)

Owner (Printed Name)

PMH12666
150kVA
277/480V



SBX440



Cathodic Protection Unit
North Meadow Road, Medfield
Conduit Details
W.O.#02398970

SBX439



Note: Eversource to remove existing SBX440 and
Install new Fiberglass Base for PMH27358;13.8kV
Cable Switching Station

South Main Street

North Meadows Street

RT27

2-4"
+/-540ft

Note: Eversource to install 2-4" PVC:
- From PMH27358 to PMH27359 TL=540ft+/-

PMH27359
50KVA (ph B)
120/240V



Note: Eversource to Provide and Customer to
Install new fiber glass base Transformer Pad

Customer Note: Conduit Construction department request 24 hour advance
notice for all primary trenching or pad inspections; call 617.541.7071 and follow
the prompts to schedule inspections for ALL work orders. See Eversource
Specification C1100 for at duct installation. Note: Conduit crossing street/under
paved areas needs to be in concrete per Eversource Specifications

Charles River

10/188-7X



Circuit 456-H3
Conduit Details
ECSD: Kevin Kennedy

Alex Clarke
System Engineering
May 22nd, 2020
Page 1 of 3

PMH12666
150kVA
277/480V



PMH27358
C.S.S.



Cathodic Protection Unit
North Meadow Road, Medfield
Conduit Details
W.O.#02398970

SBX439



South Main Street

North Meadows Street

RT27

PMH27359
50KVA (ph B)
120/240V



340
+/-5ft

Rectifier
Pad



Note: Customer is responsible to furnish, install and size all secondary cables From PMH27359 to Rectifier Pad per NEC Code

Note: Eversource to make all connections at PMH27359

Charles River

10/188-7X



Circuit 456-H3
Secondary Details
ECSD: Kevin Kennedy

Alex Clarke
System Engineering
May 22nd, 2020
Page 3 of 3

AGREEMENT FOR SERVICES

Agreement made this 8 day of April, 2021 by and between the Town of Medfield, a duly-organized municipal corporation with administrative offices located in the Town House, 459 Main Street, Medfield, MA acting by and through its Board of Selectmen (hereinafter: "Town") and Rhona Kerans, LICSW, with a principal place of business at 59 Middlecot St. Belmont Ma (hereinafter: "Contractor"):

1. Services. Contractor will provide clinical oversight and supervisory services to employees of Medfield Outreach, as determined by its Director.
2. Price. \$100/hour.
3. Term. Ten hours of work between April 19 and June 30, 2021.
4. Performance of Work. Performance of Work. If applicable, the Contractor shall furnish all equipment, staffing and materials to accomplish the Program in strict conformity with all applicable Federal, State, and local laws, each of which is incorporated by reference and shall be responsible for obtaining all necessary approvals/permits as required for the performance of the Program.
5. Payment for Work. Contractor shall bill Town monthly and Town shall pay Contractor within thirty (30) days of its receipt of each bill.
6. Indemnification of the Town. The Town's liability hereunder shall be limited to the amounts due the Contractor for services actually rendered. The Contractor shall defend, indemnify and hold harmless the Town, its officers, boards, agents and employees to maximum extent permitted by law from any liability loss, damage, cost, charge, or expense resulting from any employees or third party contractor or suppliers claim for payment for wagers, labor, materials, goods or services rendered to Contractor or from any claim for injury to person or property, which may be made as a result of any act, omission or default on the part of the Contractor, or any of its agents or employees and will pay promptly on demand all costs and expenses of the investigation thereof, including attorney's fees and expenses. If any such claim is made, the Town may retain out of any payments, then or thereafter due to the Contractor a sufficient amount to protect the Town against such claims, costs and expenses.
7. Contractor's Standard of Care. In providing services under this Agreement, the Contractor will endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by LICSW performing clinical consulting, currently practicing under similar circumstances. Upon notice to the Contractor and by mutual agreement between the parties, the Contractor will, without additional compensation, correct those services not meeting such a standard.
8. Contractor's Personnel. The Contractor shall utilize only her employees and shall not utilize any third-party contractors without prior written approval of the Town.
9. Insurance. The Contractor shall provide a Certificate of Insurance showing evidence of Professional liability and General Liability, each with a minimum of \$1,000,000 and, in case of General Liability, naming the Town of Medfield as an additional insured, as well as motor vehicle liability insurance with the same minimum coverage and Worker's Compensation Insurance (per Statute).

10. Independent Contractor. The Contractor is an independent contractor and is not an agent or employee of the Town and is not authorized to act on behalf of the Town. The Town will not withhold Federal, State or payroll taxes of any kind, on behalf of the Contractor or the employees of the Contractor. The Contractor is not eligible for, and shall not participate in, any employee pension, health or other fringe benefit plan of the Town.
11. Successors and Assigns. This Agreement is binding upon the parties hereto, their successors, assigns and legal representatives. Neither the Town nor the Contractor shall assign or transfer any interest in the Agreement without the written consent of the other.
12. Inspection and Reports. The Town shall have the right at any time to inspect the records of the Contractor relative to the services provided to the Town pursuant to this Agreement. This shall include the right to enter upon any property owned or occupied by the Contractor, whether situated within or beyond the limits of the Town. Upon request the Contractor shall immediately furnish to the Town any and all written reports relative to such services arising out of its operations under this Contract during and/or after the termination of the contract.
13. Termination.

a. For Cause - The Town shall have the right to terminate this Agreement if (i) the Contractor's neglects or fails to perform or observe any of its obligations hereunder and a cure is not effected by the Contractor within seven (7) days next following its receipt of a termination notice issued by the Town, (ii) if an order is entered against the Contractor approving a petition for an arrangement, liquidation, dissolution or similar relief relating to bankruptcy or insolvency and such order remains unvacated for thirty (30) days; or (iii) immediately if the Contractor shall file a voluntary petition in bankruptcy or any petition or answer seeking any arrangement, liquidation or dissolution relating to bankruptcy, insolvency or other relief for debtors or shall seek or consent or acquiesce in appointment of any trustee, receiver or liquidation of any of the Contractor's property.

The Town shall pay all reasonable and supportable costs incurred prior to termination, which payment shall not exceed the value of services provided.

- b. For Convenience - The Town may terminate this Agreement at any time for any reason upon submitting to the Contractor thirty (30) days prior a written notice of its intention to terminate. Upon receipt of such notice, the Contractor shall immediately cease to incur expenses pursuant to this Agreement unless otherwise directed in the Town's termination notice. The Contractor shall promptly notify the Town of costs incurred to date of termination and the Town shall pay all such reasonable and supportable costs which payment shall not exceed the unpaid balance due on this Agreement.
- c. Return of Property - Upon termination, the Contractor shall immediately return to the Town, without limitation, all documents and items of any nature whatever, supplied to Contractor by the Town or developed by the Contractor in accordance with this Agreement.

14. Notice. Any and all notices, or other communications required or permitted under this Contract, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, be registered or certified mail or by other reputable delivery service, to the parties at the address set forth on Page 1 or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service.
15. Severability. If any term of this Contract or application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, legality, and enforceability of the remaining terms and conditions of the Contract shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
16. Governing Law. The performance of this Contract shall be governed, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts. Claims and Disputes and Resolution Procedure, Claims, Disputes, or other matters in question with the Town and Contractor or any other party claiming rights under this agreement relating to or arising from the Project, the Work, or interpretation of any terms of the Contract or Contract documents shall be resolved only by a civil action commenced in the Commonwealth of Massachusetts in either Superior Court Department, Norfolk Court, or the District Court Department, Dedham Division, of Massachusetts Trial Court; in the alternative, private arbitration or mediation may be employed if the parties mutually agree in writing to do so.
17. Entire Agreement. This Contract, including all documents incorporated herein by reference, constitutes the entire integrated agreement between the parties with respect to the matters described. This Contract supersedes all prior agreements; negotiations, either written or oral and it shall not be modified or amended except by a written document executed by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on this day and year first above written.

Rhona Kerans LICSW
Rhona Kerans, LICSW

Approved as to Form: _____

Town of Medfield, by its Board of Selectmen

Town Attorney

I certify that an appropriation is available in the amount of the Contract.

Town Accountant



5/23/20

CLAIMS-MADE SOCIAL WORKERS' PROFESSIONAL AND BUSINESS LIABILITY POLICY

RENEWAL

ALLIED WORLD INSURANCE COMPANY

023

A stock insurance company, incorporated under the laws of New Hampshire
1690 New Britain Avenue, Suite 101, Farmington, CT 06032 (1-800-421-6694)

THIS IS A CLAIMS MADE POLICY - PLEASE READ CAREFULLY

NOTICE: A LOWER LIMIT OF LIABILITY APPLIES TO JUDGEMENTS OR SETTLEMENTS WHEN THERE ARE ALLEGATIONS OF SEXUAL MISCONDUCT
(SEE THE SPECIAL PROVISION "SEXUAL MISCONDUCT" IN THE POLICY).

DECLARATIONS

POLICY NO: 5605-0165

ACCOUNT NO: MA-KERR590-0 05521527

ITEM 1. (a) NAME AND ADDRESS OF INSURED:

ITEM 1. (b) ADDITIONAL NAMED INSURED:

RHONA KERANS
59 MIDDLECOT ST
BELMONT, MA 02478

TYPE OF ORG: INDIVIDUAL

ITEM 2. ADDITIONAL INSURED:

ITEM 3. POLICY PERIOD: FROM: 08/23/20 TO: 08/23/21
12:01A.M. STANDARD TIME AT THE ADDRESS OF THE INSURED AS STATED HEREIN:

ITEM 4. LIMITS OF LIABILITY:

(a) \$ 1,000,000 PER-CLAIM-INSURING AGREEMENT A. (c) \$ 1,000,000 AGGREGATE
(b) \$ 1,000,000 PER-CLAIM-INSURING AGREEMENT B.(1) and B.(2) (d) \$ 35,000 PER PROCEEDING

ITEM 5. PREMIUM SCHEDULE:

| CLASSIFICATION | NUMBER | RATE | ANNUAL PREMIUM |
|--------------------------------|--------|--------|----------------|
| PROFESSIONALS DEFENSE LIMIT | 1 | 111.00 | 111.00 .00 |
| TOTAL PREMIUM: | | | 111.00 |

ITEM 6. RETROACTIVE DATE: 08/23/16

ITEM 7. EXTENDED REPORTING PERIOD
ADDITIONAL PREMIUM (if exercised):\$ 111.00

ITEM 8. POLICY FORMS AND ENDORSEMENTS ATTACHED TO THIS POLICY
APA-SW 00002 00 (06/14) APA-SW 00007 00 (6/14)

APA-SW 0000100 (06/14) THIS IS NOT A BILL. PREMIUM HAS BEEN PAID


AUTHORIZED COMPANY REPRESENTATIVE
American Professional Agency * 95 Broadway, Amityville, NY 11701

Feasibility Study Agreement Budget Revision Request No.3

TO: Director of Capital Planning
 FROM: Jeffrey J. Marsden, Ed.D., Superintendent
 Medfield Public Schools
 Dale Street Elementary School
 MSBA Project ID Number: 201701750005

DATE: April 6, 2021

RE: Feasibility Study Agreement (FSA) Budget Revision Request, NUMBER: 3

Pursuant to the Feasibility Study Agreement between the TOWN of MEDFIELD (the “District”) and the MASSACHUSETTS SCHOOL BUILDING AUTHORITY (the “Authority”), the District hereby requests a revision to the Feasibility Study Budget, Exhibit A, dated May 13, 2019, for the Dale Street Elementary School Project. As required, the District has provided the information outlined in the table below to indicate the Feasibility Study Budget categories (line items) affected, the amounts needed and the reasons for the proposed revision.

The District acknowledges and agrees that it will not seek reimbursement from the Authority for any costs that exceed the already approved line item limits set forth in Exhibit A until after the Authority has accepted this Feasibility Study Budget Revision Request, and the Authority’s ProPay system has been adjusted accordingly.

The District further acknowledges and agrees that in accordance with Section 3.3 of the Feasibility Study Agreement, any revisions to the Feasibility Study Budget will not result in an increase to the grant amount set forth in Section 2.1 of the Feasibility Study Agreement.

The District further acknowledges and agrees that the need for these revisions to the Feasibility Study Budget have been identified in the OPM monthly report as required pursuant to the Contract for Owner’s Project Management Services between the District and the OPM.

The District further acknowledges and agrees that all of the information contained in this Feasibility Study Agreement Budget Revision Request has been reviewed and approved by the TOWN of MEDFIELD’s School Building Committee, and it further certifies and acknowledges that the funds to pay for the costs associated with these proposed revisions are available as indicated by the signatures noted below.

The Total Budget in the Current Feasibility Study Budget, Exhibit A of the FSA dated May 13, 2019 is \$1,000,000.00

| From Class’ Code | From Classification Name | To Class’ Code | To Classification Name | Budget Revision Amount | Reason for transfer (Attach all supporting documentation, e.g., executed contracts, amendments and or supporting invoices for reimbursable expenses) | Amount Remaining in Other | Ineligible/Cost/Scope Items excluded from the Total Facilities Grant |
|------------------|--------------------------|----------------|--|------------------------|--|---------------------------|--|
| 0004-0000 | Other | 0001-0000 | OPM Feasibility Study/Schematic Design | \$40,926.68 | Transfer from Other to OPM Feasibility Study/Schematic Design to cover Reimbursable services for estimating, advertising and archeological due diligence for MHC | \$8,147.32 | |

By signing this Total Project Budget Revision Request, I hereby certify that I have read and understand the terms of this Request and further certify that the information supplied by the District in the tables is true, accurate and complete.

By: Michael Marcucci
Title: Chief Executive Officer
Date:

By signing this Total Project Budget Revision Request, I hereby certify that I have read and understand the terms of this Request and further certify that the information supplied by the District in the tables is true, accurate and complete.

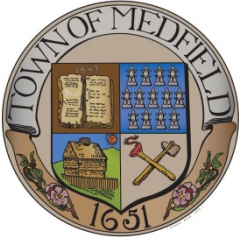
By: Jeffrey J. Marsden, Ed.D.
Title: Superintendent of Schools
Date: 4/12/21

By signing this Total Project Budget Revision Request, I hereby certify that I have read and understand the terms of this Request and further certify that the information supplied by the District in the tables is true, accurate and complete.

By: Jessica Reilly
Title: Chair of the School Committee
Date: 4/12/21

MASSACHUSETTS SCHOOL BUILDING AUTHORITY

By:
Title: Director of Capital Planning
Date:



MEMORANDUM

TO: Kristine Trierweiler, Town Administrator
Nicholas Milano, Assistant Town Administrator

FROM: Maurice G. Goulet, Director of Public Works

DATE: April 15, 2021

SUBJECT: Water Conservation Restriction Recommendation

On Friday, April 9, 2021, the Massachusetts Drought Management Task Force declared a Level 2 Significant Drought for the Southeast Region, which includes Medfield. We are now under state guidance to implement a water conservation restriction of handheld hose watering only for nonessential use. This guidance would prohibit residential irrigation, washing of cars, and other nonessential outdoor water uses.

At this time, the state guidance is not a mandate for Medfield. Medfield's Water Management Act permit states that we are subject to the streamflow in the Charles River and we are not below this streamflow trigger at this time. However, it is felt that the Town should implement water conservation efforts in good faith. On April 13, 2021, the Board of Water and Sewerage voted to recommend a Medfield Tier 2 water restriction which restricts nonessential water usage to Odd/Even days by address number. Regardless of restriction, nonessential outdoor water use is not allowed between the hours of 9:00 am and 5:00 pm on any day of the week when evaporation is at its highest.

Please note: If the State Declaration from the Massachusetts Drought Management Task Force continues past May 1, 2021, the Town of Medfield is required to further restrict nonessential water use to One Day per week, per our Water Management Act Permit (Medfield Tier 3 restriction).



Nicholas Milano <nmilano@medfield.net>

Drought Update for Southeast Region

Maurice Goulet <mgoulet@medfield.net>

Mon, Apr 12, 2021 at 6:45 AM

To: Bill Harvey <billharvey100@yahoo.com>, "Carpenter, Christian H." <chealeyc@yahoo.com>, Randal Karg <randal.karg@verizon.net>

Cc: Kristine Trierweiler <ktrierweiler@medfield.net>, Nicholas Milano <nmilano@medfield.net>, David Otoole <dotoole@medfield.net>, Chris Nelson <cnelson@medfield.net>, Tracey Klenk <tklenk@medfield.net>

Table 10: State Guidance on Nonessential Outdoor Water-Use Restrictions at Various Drought Levels

State Drought Condition (by Region)

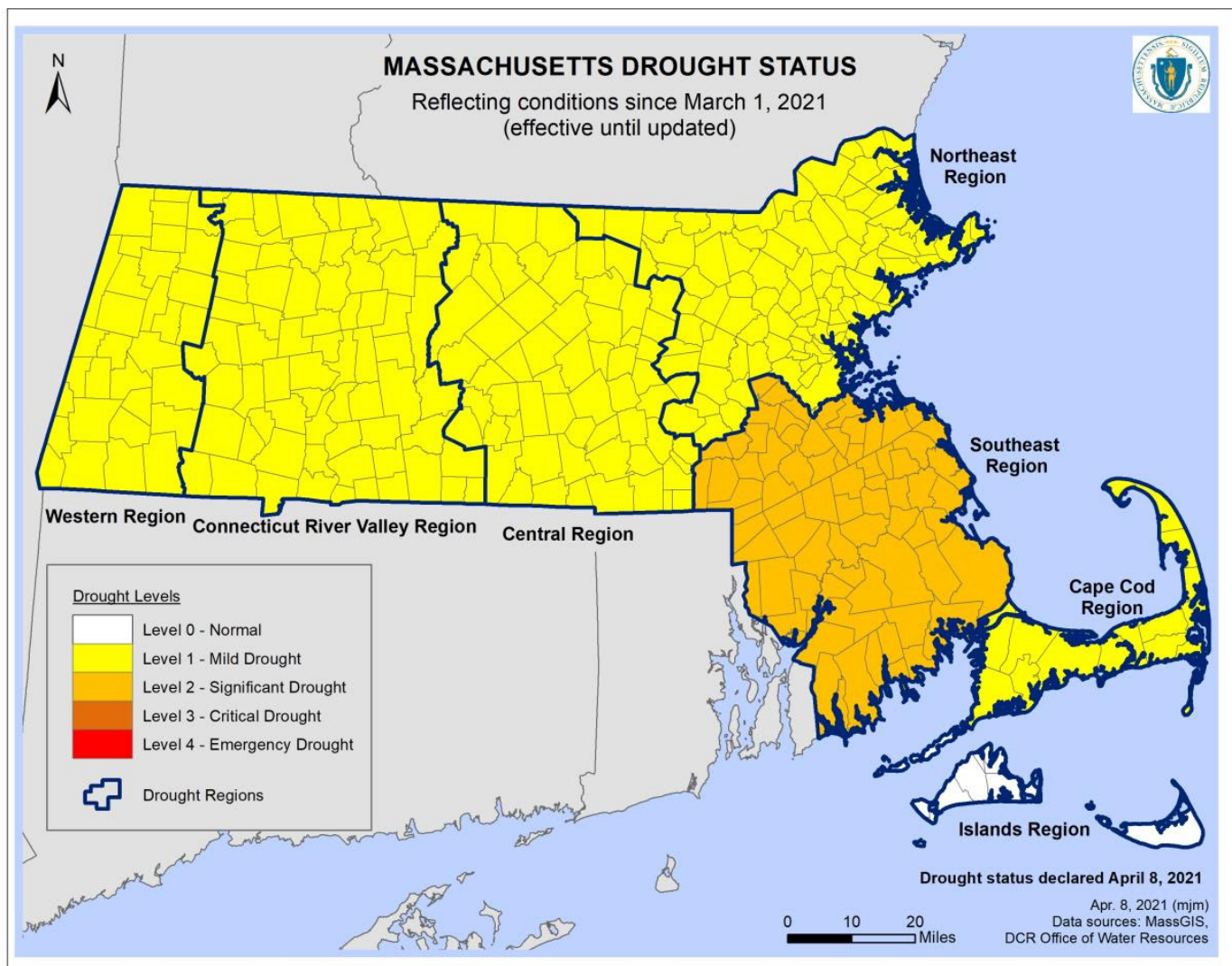
Nonessential Outdoor Water-Use Restrictions

Level 1 (Mild Drought) 1 day per week watering, after 5 p.m. or before 9 a.m.
(to minimize evaporative losses)

Level 2 (Significant Drought) Limit outdoor watering to hand-held hoses or watering cans, to be used only
after 5 p.m. or before 9 a.m.

Level 3 (Critical Drought) Ban on all nonessential outdoor water use
(Emergency Drought) Ban on all nonessential outdoor water use

Current Drought Status



With precipitation, streamflow, and groundwater below normal as the state enters the spring season, Energy and Environmental Affairs (EEA) Secretary Kathleen Theoharides declared a Level 2-Significant Drought in the Southeast Region of the Commonwealth, a Level 1-Mild Drought in the Western, CT River Valley, Central, Northeast, and Cape Cod Regions, and a Level 0-Normal Conditions in the Islands Region. Today's declaration elevates the March 2021 [declaration](#), which was a Level 1 in the Western Region of the Commonwealth, while all other regions of the state were in Normal Conditions.

To learn which drought region your city or town falls into, go to <https://www.mass.gov/service-details/drought-regions>.

Outlined in the [Massachusetts Drought Management Plan](#), a Level 2-Significant Drought warrants the convening of an inter-agency Mission Group to more closely coordinate on drought assessments, impacts and response within the government. A Level 1-Mild Drought warrants detailed monitoring of drought conditions, close coordination among state and federal agencies, and technical outreach and assistance to the affected municipalities. The declarations were the result of a recommendation issued by the state's [Drought Management Task Force](#), which is

composed of state and federal officials, and other entities. The taskforce will continue to meet until water levels return to normal in the affected regions.

As the Commonwealth enters into the growing season and more time is spent outdoors, EEA urges residents and businesses to reduce water use, select only native and drought resistant plants for new plantings, and limit outdoor watering to no more than one day a week for Level 1 regions, and handheld watering for Level 2 regions. Other water conservation tips include:

- Address leaks as soon as possible;
- Conduct water audits on larger buildings and businesses to identify leaks and potential water conservation opportunities;
- Minimize the size of where lawns are watered; and,
- Harvest rainwater for outdoor watering.

Water conservation measures will aid in the reduction of water use and safeguard water for essential needs, such as drinking water, fire protection services, habitat recovery and environmental needs, and sustained water supplies. For more information, please visit EEA's webpages on [indoor](#) and [outdoor](#) water use. While water supplies are currently doing fine, individuals are encouraged to also follow any additional watering requirements outlined by their communities' Public Water Supplier. Additionally, the Massachusetts Water Resources Authority (MWRA) water supply system is not currently experiencing drought conditions, as defined within its individual plan.

- [Upcoming meetings of the Drought Management Task Force can be found here](#)

--

Maurice G. Goulet

Director of Public Works
Medfield, Massachusetts

Department of Public Works

[55 North Meadows Road](#)
[Medfield, MA 02052](#)
[\(508\) 906-3003](#) office
[\(508\) 359-4050](#) fax
mgoulet@medfield.net
www.town.medfield.net

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Informational



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

and the Medfield Wetlands Bylaw, Chapter 290

A. General Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



From:

Medfield
Conservation Commission

To: Applicant

Scott St. Mary

Name

11 Quail Run

Mailing Address

Medfield

MA

02052

City/Town

State

Zip Code

Property Owner (if different from applicant):

Name

Mailing Address

City/Town

State

Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Quail Run - Plan View Exhibit 'A'

n/a

Title

Date

n/a

Title

Date

Title

Date

2. Date Request Filed:

March 17, 2021

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

The removal of three trees at 11 Quail Run. Trees shall be cut flush with the ground and no grinding or stump removal shall be done. The applicants are concerned for the safety of occupants and structure of the home caused by shading of the trees.

Project Location:

10 Quail Run

Street Address

75

Assessors Map/Plat Number

Medfield

City/Town

24

Parcel/Lot Number



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

☐ 1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

☐ 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

☐ 2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

☐ 3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

☐ 4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

☐ 5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

- ☐ 6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

- ☐ 7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- ☐ Alternatives limited to the lot on which the project is located.
- ☐ Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- ☐ Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- ☐ Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

- ☐ 1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
- ☐ 2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
- ☒ 3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
See attached.

- ☐ 4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

- ☐ 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- ☒ 6. The area and/or work described in the Request is not subject to review and approval by:

Medfield

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Wetlands

Name

Chapter 290

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

☒ by hand delivery on

☐ by certified mail, return receipt requested on

April 8, 2021

Date

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) and the property owner (if different from the applicant).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Authorization (cont.)

Signatures:

| | |
|---|--|
| Signature <u>George H. Darrell, Jr.</u> | Printed Name <u>GEORGE H. DARRELL, JR.</u> |
| Signature <u>Robert Kennedy</u> | Printed Name <u>Robert Kennedy</u> |
| Signature <u>Michael Perloff</u> | Printed Name <u>Michael Perloff</u> |
| Signature <u>Kirsten Poler</u> | Printed Name <u>Kirsten Poler</u> |
| Signature _____ | Printed Name _____ |
| Signature _____ | Printed Name _____ |
| Signature _____ | Printed Name _____ |

D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
**Request for Departmental Action Fee
Transmittal Form**

DEP File Number: _____

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

a. Street Address _____

b. City/Town, Zip _____

c. Check number _____

d. Fee amount _____

2. Person or party making request (if appropriate, name the citizen group's representative):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

4. DEP File Number: _____

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number: _____

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Instructions (cont.)

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.



**NEGATIVE
DETERMINATION OF APPLICABILITY**
Massachusetts Wetlands Protection Act, M.G.L. c. 131, sec. 40
Medfield Wetlands Bylaw, Chapter 290

Applicant: **Scott St. Mary**

Location of Project: 11 Quail Run
Medfield, MA 02052

PROJECT DESCRIPTION

The applicants propose to remove three (3) trees within the 50-Foot No-Disturb Resource Area and the 100-Foot Buffer Zone of a Bordering Vegetated Wetlands. The trees to be removed are hardwood trees. No grinding or disturbance of the ground is proposed.

SPECIAL CONDITIONS

1. All work shall conform to:
 - A. Title: Request for Determination of Applicability
 - Dated: Signed: March 15, 2021; Received: March 30, 2021
 - Signed by: Scott ST. Mary, owner
 - on file with: Medfield Conservation Commission
2. Any change from the approved plan must be reviewed by the Conservation Commission prior to the start of work. Any change in plan may require a separate filing of a Request for Determination of Applicability or Notice of Intent.
3. All work equipment related to the proposed project shall enter the site using the existing street/driveway/parking lot.
4. Erosion controls are waived for this project.
5. To prevent contamination of the aquifer supplying water to the Town, no herbicides, pesticides (except on the person), or any other harmful chemicals shall be used on that area of the site within the 100-foot buffer zone, and any fertilizers used on that part of the site shall be of the low-nitrogen variety.
6. No yard waste, including without limitation grass clippings, branches, leaves, bark mulch, and stones, shall be disposed of or placed in the off-site resource areas shown on the Plan.

7. The Conservation Commission reserves the right to require additional conditions if it deemed necessary to protect the resource areas and interests as defined in MGL Chapter 131 Section 40, 310 CMR 10.00 and the Medfield Wetlands Bylaw, Chapter 290.

8. The trees to be removed shall be cut to ground level, the root system shall remain in tacked without disturbance to the ground
9. Within 30 days of completion of the project, the site shall be inspected by the Commission or its agent.

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:214-0678

eDEP Transaction #:1270809

City/Town:MEDFIELD

and the Medfield Wetlands Bylaw, Chapter 290

A. General Information

1. Conservation Commission

MEDFIELD

2. Issuance

a. ☐ OOC

b. ☒ Amended OOC

3. Applicant Details

a. First Name SEAN

b. Last Name KAY

c. Organization

d. Mailing Address 10 QUARRY ROAD

e. City/Town MEDFIELD

f. State MA

g. Zip Code

4. Property Owner

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State

g. Zip Code

5. Project Location

a. Street Address 10 QUARRY ROAD

b. City/Town MEDFIELD

c. Zip Code

d. Assessors

59

e. Parcel/Lot#

099

Map/Plat#

f. Latitude 42.19967N

g. Longitude

71.292386W

6. Property recorded at the Registry of Deed for:

a. County

b. Certificate

c. Book

d. Page

NORFOLK

37032

420

7. Dates

a. Date NOI Filed : 9/3/2020

b. Date Public Hearing Closed: 9/17/2020

c. Date Of Issuance: 4/8/2021

8. Final Approved Plans and Other Documents

a. Plan Title:

b. Plan Prepared by:

c. Plan Signed/Stamped by:

d. Revised Final Date: e. Scale:

10 QUARRY ROAD

SITE PLAN OF

LAND IN

MEDFIELD 10

QUARRY ROAD

EXISTING

CONDITIONS

PLAN OF LAND IN

MEDFIELD

LEGACY

ENGINEERING

DANIEL J. MERRIKIN, PE

43309

11/11/2020

1" = 20'

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is

Massachusetts Department of Environmental
Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:214-0678

eDEP Transaction #:1270809

City/Town:MEDFIELD

significant to the following interests of the Wetlands Protection Act.

Check all that apply:

| | | |
|---|--|---|
| a. <input checked="" type="checkbox"/> Public Water Supply | b. <input checked="" type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Ground Water Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

2. Commission hereby finds the project, as proposed, is:

Approved subject to:

- a. ☒ The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- b. ☐ The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.
- c. ☐ The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a).

10
a. linear feet

Inland Resource Area Impacts: (For Approvals Only):

| Resource Area | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|--|---------------------|----------------------|----------------------|-----------------------|
| 4. <input type="checkbox"/> Bank | a. linear feet | b. linear feet | c. linear feet | d. linear feet |
| 5. <input type="checkbox"/> Bordering Vegetated Wetland | a. square feet | b. square feet | c. square feet | d. square feet |
| 6. <input type="checkbox"/> Land under Waterbodies and Waterways | a. square feet | b. square feet | c. square feet | d. square feet |
| | e. c/y dredged | f. c/y dredged | | |
| 7. <input type="checkbox"/> Bordering Land Subject to Flooding | a. square feet | b. square feet | c. square feet | d. square feet |

Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:214-0678

eDEP Transaction #:1270809

City/Town:MEDFIELD

| | | | | |
|---|-------------------|-------------------|----------------|----------------|
| Cubic Feet Flood Storage | e. cubic feet | f. cubic feet | g. cubic feet | h. cubic feet |
| 8. <input type="checkbox"/> Isolated Land Subject to Flooding | a. square feet | b. square feet | | |
| Cubic Feet Flood Storage | c. cubic feet | d. cubic feet | e. cubic feet | f. cubic feet |
| 9. <input type="checkbox"/> Riverfront Area | a. total sq. feet | b. total sq. feet | | |
| Sq ft within 100 ft | c. square feet | d. square feet | e. square feet | f. square feet |
| Sq ft between 100-200 ft | g. square feet | h. square feet | i. square feet | j. square feet |

Coastal Resource Area Impacts:

| Resource Area | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|--|---|----------------------|----------------------|-----------------------|
| 10. <input type="checkbox"/> Designated Port Areas | Indicate size under Land Under the Ocean, below | | | |
| 11. <input type="checkbox"/> Land Under the Ocean | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 12. <input type="checkbox"/> Barrier Beaches | Indicate size under Coastal Beaches and/or Coastal Dunes below | | | |
| 13. <input type="checkbox"/> Coastal Beaches | a. square feet | b. square feet | c. c/y nourishment | d. c/y nourishment |
| 14. <input type="checkbox"/> Coastal Dunes | a. square feet | b. square feet | c. c/y nourishment | d. c/y nourishment |
| 15. <input type="checkbox"/> Coastal Banks | a. linear feet | b. linear feet | | |
| 16. <input type="checkbox"/> Rocky Intertidal Shores | a. square feet | b. square feet | | |
| 17. <input type="checkbox"/> Salt Marshes | a. square feet | b. square feet | c. square feet | d. square feet |
| 18. <input type="checkbox"/> Land Under Salt Ponds | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 19. <input type="checkbox"/> Land Containing Shellfish | a. square feet | b. square feet | c. square feet | d. square feet |
| 20. <input type="checkbox"/> Fish Runs | Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | | | |

Massachusetts Department of Environmental
Protection

Bureau of Resource Protection - Wetlands

WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #:214-0678

eDEP Transaction #:1270809

City/Town:MEDFIELD

c. c/y dredged d. c/y dredged

21. ☐ Land Subject to Coastal Storm Flowage

a. square feet b. square feet

22.

☐ Restoration/Enhancement (For Approvals Only)

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c & d or B.17.c & d above, please entered the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

23.

☐ Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

a. number of new stream crossings

b. number of replacement stream
crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under

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Bureau of Resource Protection - Wetlands

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the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..

10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

" Massachusetts Department of Environmental Protection"
[or 'MassDEP']
File Number : "214-0678"

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order(the "Project") is (1) ☐ is not (2) ☒ subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a

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Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in

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the O&M Plan approved by the issuing authority.

- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions:

SEE ATTACHED.

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☐ Yes ☐ No

2. The Conservation Commission hereby (check one that applies):

a. ☐ DENIES the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw _____

2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b. ☒ APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw WETLANDS

2. Citation CHAPTER 290

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows:
SEE ATTACHED.

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E. Signatures

This Order is valid for three years from the date of issuance, unless otherwise specified pursuant to General Condition #4. If this is an Amended Order of Conditions, the Amended Order expires on the same date as the original Order of Conditions.

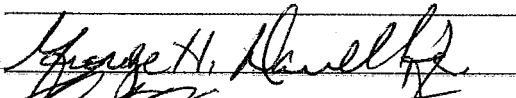
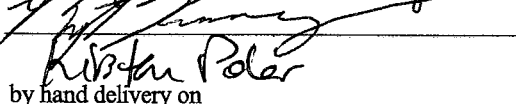
1. Date of Original Order

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

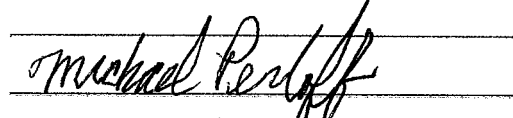
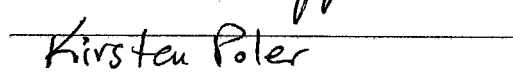
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:



Kristin Poler

☐ by hand delivery on



Kirsten Poler

☐ by certified mail, return receipt requested, on

Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

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G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

MEDFIELD

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

MEDFIELD

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

10 QUARRY ROAD

Project Location

214-0678

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

Rev. 4/1/2010

ORDER OF CONDITIONS
With Findings of Fact

File No. **214-0678**

Applicant: Sean Kay
Owner: Same
Location of Land: **10 Quarry Road, Medfield, MA 02052**
Assessor Map 59, Parcel 099

The following conditions supplement those on the attached Form 5 and apply to both the Massachusetts Wetlands Protection Act, Chapter 131, Sec. 40, its associated Rules and Regulations, 310 CMR 10.00 and the Medfield Wetlands Bylaw, Chapter 290 and its associated Rules and Regulations:

GENERAL CONDITIONS OF THE COMMISSION

19. This Order of Conditions (Order) applies to the applicant, the owner of the lot described in the Notice of Intent (Land), and the successors and assigns of each. Accordingly, applicant means the applicant, the owner, and the agents, successors, and assigns of each.

20. The work authorized hereunder shall be completed within one year from the date of issue. This Order may be extended by the issuing authority for one or more periods of one year intervals upon written request at least 30 days prior to the expiration date of the Order. [Bylaw]

21. Before altering any part of the Land, the applicant shall provide the Commission, in writing, with the name, work and home address, and work and home telephone number of each person responsible for supervising the project and complying with this Order; notify the Commission in writing of the date work will begin at least seven (7) days before it will begin; if the Commission so requests, meet on the site with the Commission, the project supervisor identified above, and other persons the Commission specifies to review the project and this Order, including siltation controls; and explain the requirements of this Order to the developer or contractor responsible for carrying out the project so that he understands them.

22. This Order shall be included by reference in all contracts, plans and specifications with

contractors and subcontractors dealing with the activity proposed in this Order and that are created or modified after the issuance date of this Order, along with a statement that this Order shall supersede any conflicting contractual arrangements, plans or specifications or requirements.

23. The applicant shall notify the Commission in writing within 30 days of any transfer in the title to the Land or any change in contractor or developers before the Certificate of Compliance is issued. The notice shall include the name, address, and telephone numbers of the new owner or new contractor or developer, as well as a statement made under the penalties of perjury that the new owner or new contractor or developer has been provided with a copy of this Order.

24. A copy of this Order shall be available on the Land at all times during the course of the activities described in the Notice of Intent for contractors and subcontractors to review and adhere to and for the Commission, the DEP, or the agents of either to review to check compliance.

25. The applicant shall provide a copy of this Order to the person or persons supervising the activity that is the subject of this Order, and will be responsible for ensuring that all persons performing the permitted activity are fully aware of the terms and conditions of this Order.

26. Any person performing work on the activity that is the subject of this Order is individually responsible for understanding and complying with the requirements of this Order, the Act, 310 CMR 10.00 and the Medfield Wetland Bylaw and Wetland Bylaw Regulations.

27. All work shall conform to the Notice of Intent, all plans, and all other documents, records, correspondence, and representations of the applicant as presented to and approved by the Commission.

28. If the applicant changes any aspect of the Notice of Intent, including the plans submitted with it, he shall notify the Commission in writing and shall cease work on the project until receiving a decision from the Commission. If the Commission deems the change significant, the applicant shall submit a new or Amended Notice of Intent, at the discretion of the Commission, with any necessary documentation, and obtain a new or amended Order. If the applicant, the owner, the Commission, or the agents of any of them find any error in the plans or information submitted by the applicant, the error shall be considered a change, and the applicant shall follow the procedures outlined above.

29. The Commission, the DEP, and the agents of either shall have the right to enter and inspect the Land to determine compliance with this Order and the right to require the submission of any data the Commission or DEP deems necessary for that determination. If the Commission or DEP determines, in its sole discretion, that a violation has occurred or is likely to occur, it shall notify the applicant and may order that work shall stop until the Commission or DEP approves measures to correct the violation.

30. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is the subject of this Order, and to procure all required permits or approvals.
31. All construction materials, earth stockpiles, landscaping materials, slurry pits, waste products, refuse, debris, stumps, slash, or excavate may only be stockpiled or collected in areas as shown and labeled on the approved plan(s), or if no such areas are shown must be placed or stored outside all resource areas and associated buffer zones under cover and surrounded by a double-staked row of straw bales to prevent contact with rain water.
32. No material of any kind may be buried, placed or dispersed in areas within the jurisdiction of the Commission by activities that are the subject of this Order, except as are expressly permitted by this Order or the plans approved herein.
33. There shall be no pumping of water from wetland resource areas.
34. This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.
35. If any unforeseen problem occurs during the work activity which affects or may affect any of the interests of the Massachusetts Wetlands Protection Act, ch. 131, sec. 40, or the Medfield Wetlands By-Law, Chapter 290, including but not limited to plans to conduct substantial blasting of bedrock or large rock formations or discovery of unanticipated soil conditions, the applicant shall notify the Commission immediately in writing (or if the Commission discovers the problem, the Commission shall notify the applicant), and the Commission may require an immediate meeting between the Commission, applicant, engineer, and contractor to determine whether any measures should be taken to protect the interests of the Act and, if so, the precise measures. The applicant shall then correct the problem or prevent a possible problem by using the measures that the Commission requires.
36. All biodegradable erosion control barriers (ECB) shall be installed according to the manufacturer's specifications. Any ECB installed as a tube (sock, log, etc.) shall include the installation of an orange construction fence or other highly visible devise, on the upland side of the tube.

Any silt fence used on a project site shall be entrenched 6 inches into the ground.

Any bales used as an ECB shall be straw bales. The applicant shall provide the Commission with verification that bales are composed of straw. All straw bales shall be double-staked, with

one stake angled through the top of a bale into the bottom of the bale next to it to ensure that the bales remain tight against each other. Straw bales shall be entrenched into the ground at least three (3) inches. Where the straw bales are required to be backed by silt fencing, the silt fencing shall be placed immediately on the edge of the bales closer to the resource areas and shall be entrenched six (6) inches into the ground. Grading towards straw bales shall be tapered so that it ends at the base of the bales; the straw bales shall not serve as temporary retaining walls. **Hay bales shall not be used.**

37. Loaming and seeding of all disturbed areas shall occur within 15 days of final grading. Barren areas shall be stabilized by temporary seeding if work on the project is interrupted by more than 30 days, unless the 30 days are in the winter. If the interruption occurs during winter, the applicant shall request, in writing, that the Commission determine whether temporary seeding should be done. Where necessary, the loaming and seeding shall be held in place with jute netting, cheesecloth, or straw. Because of the danger of introducing nutrients into resource areas, an applicant who proposes to use hydroseeding shall notify the Commission in writing and must obtain the written consent of the Commission.

38. Ground disturbed by work activity shall be stabilized with straw of at least three (3) inches in depth, seeding, loaming, suitable stone or other material.

39. All fill and excavated material shall be stockpiled in such a manner or far enough away from the resource area, under cover and surrounded by a double-staked row of straw bales to prevent contact with rain water and at a suitable location to prevent sediment from runoff from entering the resource area.

40. All stumps, brush, solid waste, and other debris shall be removed from the Land, including any found on the Land before the proposed activity begins and any debris specified by the Commission.

41. The applicant shall maintain construction debris and waste materials in compliance with all applicable laws, and shall keep the Land in a clean condition. He shall place refuse in containers at the end of every workday and shall empty them promptly when filled. He shall maintain records of the destination of all materials to be removed from the Land, including stumps, brush, debris, construction waste, excess fill, loam, and peat, and shall make them available to the Commission upon request. The Commission may require that it must approve in advance the disposal of such materials. Refuse, debris, and waste materials shall not be placed or left within any resource area or within any part of the buffer zone if they may alter the adjacent resource area.

42. During and after work on the project, there shall be no discharge or spillage of fuel, oil, or other pollutants onto any part of the Land. If stored on the Land, toxic materials (e.g., petroleum products, paints, thinners, etc.) shall be locked up at the end of each work day. The applicant

shall notify the Commission immediately if any discharge or spillage occurs.

43. In conjunction with the sale or other transfer of the Land or any part of it, the applicant shall submit to the Commission a signed and dated statement by the buyer or transferee that he is aware of resource areas and buffer zones in the vicinity of the property and this Order of Conditions and has received a copy of it.

44. This Order in no way implies, certifies, or guarantees that the property or adjacent or downstream areas will not be subject to flooding, storm damage, or any other form of damage from run-off, ground water, or other water. By accepting this Order, the applicant and owner agree on behalf of themselves and their successors and assigns to indemnify and hold harmless the Town of Medfield, its agents, employees, and residents, and the Commission, the DEP, and the employees, members, and agents of either for any damage caused by alterations undertaken on the Land pursuant to this Order; that the Town of Medfield, its agents, employees, and residents, and the agents, employees, or members of the Commission and the DEP shall not be responsible for maintaining any drainage system or detention or retention basins proposed in the Notice of Intent or required by this Order; and that the Town, its agents, employees, and residents, and the agents, employees and members of the DEP and the Commission shall not be liable for any damage if such systems or basins fail.

45. Every request for waiver or modification of a condition must be made in writing to the Commission, which may require a hearing on the request. No waiver or modification of any condition or any part of one shall be implied from the Commission's failure to discover or to take any action with respect to the applicant's non-compliance with any condition or with any part of one. The Commission's waiver of the applicant's compliance with any part of any condition shall affect only that part of the condition, and in all other respects the condition shall stand as though the waiver had not been made. Similarly, the Commission's waiver of the applicant's compliance with any entire condition shall affect only that condition, and in all other respects this Order shall stand as though the waiver had not been granted.

46. If a court or administrative agency declares any of these conditions or any part of one invalid for any reason, the invalidity shall affect only that condition or part of one declared invalid, and in all other respects the provision shall stand as though the invalid part of the condition had not been made, and no other portion of the condition, no other conditions, nor this Order as a whole shall be affected.

FINDINGS OF FACTS AND SPECIAL CONDITIONS

I. FINDINGS OF FACTS:

The proposed project is partially approved under this Order of Conditions (Order). The removal of five trees at 10 Quarry Road, Medfield, MA, Assessor Map 59, Parcel 099. The tree stumps are to be left in the ground by the tree removal company and all debris of the tree cutting shall be removed from the site. A sports court was included in the Notice of Intent. The sports court located within the 50-No Disturb Resource Area (Bylaw) was denied by the Commission.

The Notice of Intent was received on September 3, 2020. Notice of the public hearing was posted on September 16, 2020. The public hearing was held on September 17, 2020. The public hearing was closed on March 4, 2021. Due to the CoVid-19 pandemic, the public hearing was via ZOOM video media.

The applicant proposes the removal of approximately 5 mature trees within the 100-foot buffer zone of a Bordering Vegetated Wetlands (BVW) and 50-Foot No Disturb Resource Area (Bylaw). The proximity of the trees poses a danger to the house and residents at 10 Quarry Road. The trees will be cut at ground level and stumps to remain in place.

The sports court was denied by the Commission due to its location in the 50-Foot No-Disturb Resource Area. The applicant did not propose any alternative locations on the site for its construction.

The Commission finds that the work is significant to the following interests of the MA Wetlands Protection Act and the Medfield Wetland Bylaw: protection of 1) public and private water supplies, 2) groundwater supply, 3) flood control, 4) storm damage prevention, 5) prevention of pollution, 6) protection of fisheries, and 7) protection of wildlife habitat.

The Bordering Vegetated Wetlands on this property and the other resource areas in this area form an important part of a rich, extensive and beautiful wetland system that comprises other significant wetlands, marshes, and swamps. Subsequently the Commission finds that the resource - Bordering Vegetated Wetlands and 50-Foot No-Disturb Resource Area - are significant to the following interests under the Act and the Medfield Wetland Bylaw: protection of public and private water supplies, groundwater supply, drainage and flood control, prevention of storm damage, prevention of pollution and protection of fisheries and wildlife habitat. See 310 CMR Sec. 10:55 and the Medfield Wetlands Bylaw, Chapter 290.

The Commission's preeminent concerns are protecting Medfield's public water supply and groundwater supply by protecting the Neponset River, its tributaries, its aquifer areas and the associated wetlands--all hydraulically connected with the Sub-Watershed Areas and eventually

the Charles or Neponset Rivers watersheds and the Town wellfields--by keeping silt and nutrients out of them; and preserving the flood storage capacity of the Charles and Neponset, its tributaries, and the wetlands and floodplains associated with them.

The Commission also finds that an undisturbed forest buffer of at least fifty (50) feet between the edge of the area to be disturbed and the resource area (except riverfront area) is necessary to protect the resource areas. Undisturbed buffer zones reduce harm to wetlands / resource areas caused by adjacent development and other activities and provide essential habitat for wetlands species. The effectiveness of buffers increases with width, and buffers less than fifty (50) feet wide are generally ineffective in protecting wetlands. See "The Role and Function of Forest Buffers in the Chesapeake Bay Basin for Nonpoint Source Management," by Forestry Work Group of the Nonpoint Source Subcommittee, Chesapeake Bay Program, EPA Contract No. 68-WO-0043 (Feb. 1993); and the publications cited in the bibliography entitled "General References on Buffers," compiled by Robert Buchsbaum, Massachusetts Audubon Society: North Shore, including without limitation, "Vegetated Buffers in the Coastal Zone: A Summary and Bibliography," by A. Desbonnet *et al.*, Coastal Resources Center Tech. Rep. No. 2064 (Univ. of R.I. Graduate School of Oceanography, Narragansett, R.I., 1994) (concluding that even buffer zones 20 and 30 meters wide remove as little as 70 percent of sediments and pollutants), and "Wetland Buffers: Use and Effectiveness," by A.J. Castelle *et al.*, Washington State Univ. Dep't of Ecology, Pub. No. 92-10 (Olympia, Wash., Feb. 1992).

The Commission finds that the resource areas: Bordering Vegetated Wetlands and 50-Foot No-Disturb Resource Area (Medfield Wetlands Bylaw, Chapter 290) and the 100-foot buffer zone are significant for protecting ground water, preventing pollution, preventing damage from storms, storing flood waters, protecting fisheries and providing wildlife habitat. See 310 Code Mass. Regs. §10:55 and the Medfield Wetland Bylaw, Chapter 290.

Based on these Findings of Fact, the Commission imposes the following Special Conditions, which supersede any general conditions that conflict with them or that impose lesser requirements:

II. SPECIAL CONDITIONS:

47. General Condition 10, Page 4 of 10 * ELECTRONIC COPY, requires that a sign shall be displayed at the site not less than two square feet or more than three square feet in size, and that it shall read: **Medfield File No. 214-0678.**" The sign shall be located and the lettering made clear enough so that the sign can be read from the street in front of the proposed project. The sign shall not be attached to a live tree. The sign shall remain in place and visible until a Certificate of Compliance is issued for the activity.

48. No ECB is required for the tree removal located in the front of the house.

49. The applicant shall notify the Commission or its agent when the tree work is scheduled to be performed and the estimated time for completion.

50. The applicant shall identify the trees on-site that will be removed with plastic flagging tape or other identifying markers and notify the Commission when this is completed and ready for inspection.

51. At any time before, during or after tree removal, and until the issuance of a Certificate of Compliance, the Commission or its agent may require the applicant to modify, augment, restore or maintain erosion control measures associated with the activity that is the subject of this Order.

52. The applicant shall notify the Conservation Commission at least 48 hours prior to any activity on the site and shall provide the name(s) and telephone number(s) of all person(s) responsible for compliance with this Order.

53. Unless otherwise specified in this Order, all work shall conform to the following:

PLANS:

- | | |
|----------------------|--|
| A) <u>Title:</u> | Notice of Intent |
| <u>Dated:</u> | August 28, 2020; received: September 3, 2020 |
| <u>Signed by:</u> | Sean Kay, owner, August 28, 2020 and Scott Goddard, representative, August 28, 2020 |
| <u>on file with:</u> | Medfield Conservation Commission (MCC) |
| | |
| B) <u>Title:</u> | 10 Quarry Road, Site Plan of Land in Medfield, MA |
| <u>Dated:</u> | September 3, 2019; revised: September 6, 2019, July 25, 2019, final revision: November 11, 2020. |
| <u>on file with:</u> | MCC |
| | |
| C) <u>Title:</u> | 10 Quarry Road, Existing Conditions Plan of Land in Medfield |
| <u>Dated:</u> | August 8, 2020 |
| <u>on file with:</u> | MCC |

54. The Commission reserves the right to impose additional conditions on portions of this project to mitigate any impacts which could result from site erosion, or any noticeable degradation of surface water quality discharging from the site.

55. No yard waste, including without limitation grass clippings, branches, leaves, bark mulch,

and stones, shall be disposed of or placed in the resource area and described in the Notice of Intent

56. To prevent contamination of the aquifer supplying water to the Town, no herbicides, pesticides (except on the person), or any other harmful chemicals shall be used on that part of the lawn that is within the buffer zone, and any fertilizers used on that part of the lawn shall be of the slow-release organic granular type, low-nitrogen variety. This condition shall be referenced in any Certificate of Compliance issued for **10 Quarry Road, Medfield**

57. The "Findings of Facts" are incorporated as special condition #57 and given equal status as such.

58. Within thirty (30) days upon completion of the tree removal and final soil stabilization, the applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):

- (1) A Completed Request for a Certificate of Compliance form (WPA Form 8A) or a written request to the Commission for a Certificate of Compliance.
- (2) A letter, signed under the penalties of perjury, from a Registered Professional Tree Service certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist, and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted.

59. Pesticides, herbicides, fungicides, and fertilizers **shall not be used** within 100 feet of the wetlands. Organic pesticides, herbicides, fungicides and fertilizers may be used subject to the review and approval of the Conservation Commission. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.

60. De-icing chemicals (e.g. sodium, potassium, and calcium chloride) are prohibited on driveways located in wetland resource areas and buffer zones. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.

61. Only slow-release organic granular type, low-nitrogen fertilizers shall be used within the wetland buffer zone. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.

62. Dumping Prohibited: There shall be no dumping of leaves, grass clippings, brush, or other debris into the wetland resource area. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of

Compliance.

63. Additional Alteration Prohibited: There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s). This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.

64. Prior to the issuance of a Certificate of Compliance and/or upon the sale of the property to subsequent owners, the new owner shall provide a letter to the Conservation Commission acknowledging that he/she understands the wetland restrictions bound to this property. A copy of this letter shall accompany the written request for a Certificate of Compliance. This condition shall be an ongoing condition and **shall be recorded in the deed and on subsequent deeds.**

65. The following conditions: 56, 59, 60, 61, 62, 63, 64 and 65 shall run with the Land and be binding in perpetuity on all successors in title and assigns of the applicant. This Condition shall be noted on any Certificates of Compliance issued for this Order.

66. The applicant may submit a request to amend this Order to review an alternative location for the sports court.