Medfield Insider – 1/26/2026

Plain St. 40B Hearings Return;
ConComm Focuses on Wetlands



At its Jan. 22 meeting, Conservation Commission held its first hearing on the **86 Plain St./40B project** specifically to evaluate its compliance with the state **Wetlands Protection Act.**

The discussion about the proposed project -- where **24 single-family homes (condo-type) with 6 designated as affordable** are slated for the **14.86-acre site** with five acres of wetlands – focused mostly on procedural/process-related steps.

As a result of previous Zoning Board of Appeals hearings, the following wetlands and septic concerns rose to the surface for further investigation and review:

- **Stormwater management** to reduce runoff, prevent flooding and improve water quality by controlling, collecting and treating rainwater or melted snow before it enters waterways and wetlands resource areas; and
- **Septic system management** to ensure nitrogen and phosphorus does not enter and overload wetlands resource areas on the property.

As an initial discussion item, applicant/attorney Steve Guard sought approval for a test pit (roughly four feet wide by five feet deep) to measure groundwater levels for the stormwater management design. After prolonged discussion about conditions and enforcement, the Commission approved the request.

Midway through the hearing the discussion became contentious after Commission Chair Deb Bero indicated a peer reviewer would be needed to guide it through the complex project. In response, Guard stated that commission was not entitled to hire a peer review consultant based on language in the **Zoning Board of Appeals decision on the Comprehensive Permit** for the 40B project approved in fall 2025.

Bero strongly objected to Guard's assertion, noting, "I read it (statute) differently, and I've explored it a tiny bit legally, and I have a different legal interpretation." She added, "I attended the meetings that you had with the Zoning Board of Appeals, and…there wasn't commenting on the wetlands portion of the project, because it (consultant TetraTech) anticipated a review by the Medfield Conservation Commission."

Guard responded, "I think my position is that the controlling document is the Comprehensive Permit. That's all I'm suggesting."

"If your position is that we don't have access to information that we think that we need to make, you know, an informed, thoughtful decision, then I guess we don't deny the information, we deny the project. That would be my position, but we can take it to a higher level," Bero said.

After further debate, Bero and Guard agreed to seek guidance from independent consultant and attorney Paul Haverty, who had been hired through a grant to help the Zoning Board of Appeals navigate the 86 Plain St. 40B process and provide technical assistance.

Commissioners agreed that a peer review consultant was needed given the complexity of the project, and then voted unanimously to hire Bob Hartzell, a principal scientist with Comprehensive Environmental Inc. (CEI) to serve as its peer reviewer
with a focus on Wetlands Protection Act review, Massachusetts stormwater standards and best engineering practices.

Hartzell was already familiar with the project since he was involved with delineating the wetlands on the site when it first came before the commission about two years ago. He also served as an interim conservation agent until Finn Kelley was hired.

While Guard stressed he needed to be on the record with his interpretation of the Comprehensive Permit and softened his stance about the commission's right to take that step, he would not commit to paying for the cost of the peer review consultant.

Commissioner Michael Perloff pointed out, "We're operating under the Massachusetts Wetlands Protection Act, which is the state law, and I believe that act entitles us to hire a consultant, and the consultant would be limited to issues of the state wetland protection law which are not the jurisdiction of the comprehensive permit in the Zoning Board of Appeals."

Based on other commissioner input, future hearings may take up at these additional topics:

- **A change in septic systems proposed for the project to remove nitrogen**. The original system noted in the plans was AdvanTex, but the plans now indicate Microfast will be used, even though the Massachusetts Department of Environmental Protection indicates Advantex has better performance, according to Commissioner John Woodhall.
- **Tree removal and impact on vernal pool wildlife**. It was noted the site is heavily forested, and removal of trees could have a negative impact on the vernal pool since it will impede the migration of wildlife between the areas.
- **Review of details on number of trees planned for removal and total increase of impervious surface resulting from driveways, sidewalks and structures** -- information that project representatives said wasn't available at the time.

Commissioners were especially concerned about the proposed septic system.

"It's something that, for me, will be quite important, because I think with the large number of people and the septic system so close to the wetland, getting good nitrogen removal will be quite important, and it looks like we've made it worse…clarifying that for us would be good," said Woodhall.

Commissioners Nick Tawa and Bobby Kennedy shared Woodhall concerns about a septic system designed for 150-200 residents, with Kennedy pointing out that high phosphorus levels could negatively impact the town if its state permit requirements are not met.

Guard had promised to have his septic expert present at a future Conservation Committee meeting. The commission ultimately voted to continue the hearing to **Thursday, Feb. 5.**