

September 4, 2025

Medway Conservation Commission  
155 Village Street  
Medway, MA 02053

**Re: Request for More Information – NOI  
Landfill Cap Investigation  
46 Broad Street  
Medway, Massachusetts**

Dear Bridget,

On behalf of the Town of Medway Department of Public Works, Weston & Sampson Engineers, Inc. is hereby enclosing the requested responses to the following comments (shown in bold) issued via email on September 2, 2025:

**Wetland Resource – Delineation**

1. BVWA-6 revised BVWA-6R in field (agent hung new flag)
2. BVWA-7 added BVWA-7A – connect to BVWA-8
3. BVWA-13 revised BVWA-13R in field (agent hung new flag) connect to BVWA-14
4. BVWA-14A (added) connect to BVWA-14b connect to BVWA-16A (added)
5. BVWA-15 remove
6. BVWA-16A added connect to BVWA-14b
7. BVWA-16b added connect to BVWA-16a
8. BVWA-17 removed
9. BVWA-16b connect to BVWA-18
10. BVWB-10 R (revised)
11. BVWB-14a (Added) connect to BVWB-14b (added) connect to BVWB-15
12. BVWB-19 a (added) connect to BVWB-20R (revised)
13. BVWB-20R (Revised)
14. BVWB-21R (revised)
15. BVWB-22R (revised)
16. BVWB-25R (revised)
17. BVWB-29R (revised)
18. BVWB-38 needs to be rehung (flag on the ground)

1-18. W&S Response: Acknowledged. To be discussed further during next Conservation Commission hearing.

## 19. Provide DEP forms for BVWB-17-21

19. W&S Response: An ACOE data form for BVW B was included in the wetland delineation report. Please see Appendix G of the NOI submission.

### Riverfront Area

#### 20. Riverfront Area – Mean Annual High Water – how was Riverfront determined – was flagging completed

20. W&S Response: Per the wetland delineation report included in the NOI submission (Please see Appendix G of the NOI submission) the limits of the unnamed perennial stream were located outside of the investigation area were approximated for the purpose of estimating the extent of Riverfront Area that extends into the investigation area. The stream boundaries were approximated utilizing wetland data layers from MassGIS and aerial imagery as the stream was inaccessible at the time of the delineation due to the surrounding wetlands and outside the investigation area/property boundary.

### Bordering Land Subject to Flooding

#### 21. Bordering Land Subject to Flooding – topography to be added to the plans, there are no grades on the plans, was this shown as 143.9?

21. W&S Response: The line depicting Bordering Land Subject to Flooding is depicted at elevation 143.9. A figure showing the elevation grades is attached.

### Plan Comments

#### 22. Trees to be removed within the 0-25' buffer zone need to be marked and identified. Per Section 23

22. W&S Response: The Town of Medway would like to formally seek a waiver from Section 23: Vegetation Removal and Replacement. Per Section 29: Waivers *"The Conservation Commission may grant a waiver from these rules and regulations upon a preponderance of evidence presented by the applicant that any proposed work will have an overriding public benefit."*

This proposed test pit project seeks to cut any trees or woody vegetation identified on or within the landfill cap extents while the herbaceous material will remain. Trees and woody vegetation must be removed from the landfill cap in order to be in compliance with the vegetative cover standards of the Massachusetts Solid Waste Regulations. Per 310 CMR 19.112 (10)(a)(5), vegetative cover shall *"have root systems that shall not compromise the drainage layer or low permeability layer."* Any woody vegetation growing on the landfill cap can have root systems that extend below the cover thickness impacting the integrity of the cap. As a result, all cover vegetation must be herbaceous. The project does not seek to remove the herbaceous layer, vegetation growth will still be encouraged on the landfill cap. Only woody vegetation is to be removed.

The landfill is located within a MassDEP approved Zone II Wellhead Protection Area due to proximity of Town water supply well. Proper closure of inactive landfills protects public health and the environment by creating a barrier between the landfill contents and the surrounding environment, minimizing infiltration and erosion. It is critical that the integrity of the landfill cap be maintained in order to protect public health. In order to comply with the Massachusetts Solid

Waste Regulations and protect public health woody vegetation must be managed on the landfill cap and the extents of the cap need to be determined using test pits. As such the Town of Medway would like to formally seek a waiver from Section 23: Vegetation Removal and Replacement.

**23. Trees to be removed within the 25'-100' buffer zone need to be marked and identified. Per Section 23**

23. W&S Response: The Town of Medway would like to formally seek a waiver from Section 23: Vegetation Removal and Replacement. Per Section 29: Waivers *"The Conservation Commission may grant a waiver from these rules and regulations upon a preponderance of evidence presented by the applicant that any proposed work will have an overriding public benefit."* See response to Comment 22.

**24. Recommend noting the level of invasive species**

24. W&S Response: This proposed project does not include any invasive species management or cataloging of vegetation present on the landfill.

**25. File a Land Disturbance Permit – over 20,000 sq ft of land disturbance**

25. W&S Response: Acknowledged.

**26. Page 5-1 (Section 5.0) notes that areas of disturbance will be restored to pre-existing disturbance – please provide where the restoration plan is within the packet.**

26. W&S Response: No restoration plan was provided in the NOI submittal; however, restoration activities are described in Section 3.0 Proposed Scope of Work of the NOI (document page 18). As described in the first paragraph, asphalt areas will be patched using a cold-patch or skin / surface patch. As described in the fifth paragraph, herbaceous vegetation, if present, will be removed carefully, placed to the side of the hole then back over the test pit once finished.

**Wetland Resource Impacts**

**27. Areas needed to be cleared for test pits – Section 23 of the Regulations (Medway)**

27. W&S Response: The Town of Medway would like to formally seek a waiver from Section 23: Vegetation Removal and Replacement. Per Section 29: Waivers *"The Conservation Commission may grant a waiver from these rules and regulations upon a preponderance of evidence presented by the applicant that any proposed work will have an overriding public benefit."* See response to Comment 22.

**28. Areas of clearing in all resource areas need to be identified**

28. W&S Response: Table 4-1 of the NOI summarizes all impacts within resource areas including permanent impacts which are associated with tree/woody vegetation clearing. Please see Appendix A of the NOI submission.

**29. Landfill has steep slopes explain how the equipment will navigate these slopes**

29. W&S Response: As described in the fourth paragraph four of Section 3.0 (document page 18), "On the western slope portion of the landfill, we are proposing that the excavator track directly down the slope and into the tree line to complete proposed test pit locations. The excavator may travel along the tree line along the western slope to access proposed test pit locations depending on existing site conditions. On the eastern slope of the landfill, we are proposing that in less steep areas to the south, the excavator track directly into the tree line to complete proposed test pit locations. Along steeper areas from the south to the north, we are proposing that trees are removed to create a path to each test pit location or the excavator travels along the tree line to each locations."

**30. How are test pits being performed on-site through asphalt**

30. W&S Response: As described in the first paragraph of Section 3.0 (document page 18), "Test pits may be required in asphalt areas. In these areas the asphalt will be broken and placed next to the test pit area, the test pit will be excavated and backfilled, and the broken asphalt will then be placed and patched using a cold-patch or skin / surface patch."

**31. Wetland Bylaw Section 23- show all proposed trees to be removed, diameter, and then provide mitigation as prescribed**

31. W&S Response: The Town of Medway would like to formally seek a waiver from Section 23: Vegetation Removal and Replacement. Per Section 29: Waivers *"The Conservation Commission may grant a waiver from these rules and regulations upon a preponderance of evidence presented by the applicant that any proposed work will have an overriding public benefit."* See response to Comment 22.

**General Comments**

**32. Erosion controls will be needed for excavation near wetland resources**

32. W&S Response: As described in the fifth paragraph of Section 3.0 (document page 18), Prior to excavating test pits near the wetland areas, erosion controls will be placed down slope in accordance with Appendix J, Figure 5.

**33. Section 13 (Appendix E) page 01570-4 -notes straw wattles – this is in contradiction to the detail provided**

33. W&S Response: Straw wattles are proposed. A revised Figure 5 – Erosion Control Details is attached.

**34. Review and discuss with the Commission at the meeting the total extent of the proposed vegetation removal. For example, will new roads be maintained?**

34. W&S Response: Table 4-1 of the NOI summarizes all impacts within resource areas including permanent impacts which are associated with tree/woody vegetation clearing. This table will be shared at the Conservation Commission meeting. Proposed access roads, as shown on Figure 4, will not be maintained. These proposed access roads are temporary in nature and will not

serve any purpose after investigation activities have been completed. The existing access road running through the middle of the landfill footprint will continue to be maintained.

**35. The waiver request notes more vegetation removal, page 5-2, for removing woody vegetation. This is the proposed NOI for more than just the access to the test pits.**

35. W&S Response: The waiver request states that trees/woody vegetation must be removed in order to access and excavate the test pits as well as meet the requirements of the vegetative cover standards of the Massachusetts Solid Waste Regulations. The Town will need to do additional clearing of trees/woody vegetation as part of future phases of work to repair the intermediate/final landfill cap, if present, or if landfill cap construction is required by MassDEP. This additional clearing will be requested under a future NOI.

#### Operations and Maintenance Plan

**36. Are access roads proposed to be maintained?**

36. W&S Response: Proposed access roads, as shown on Figure 4, will not be maintained. These proposed access roads are temporary in nature and will not serve any purpose after investigation activities have been completed. The existing access road running through the middle of the landfill footprint will continue to be maintained.

#### Closure

**37. This application should be presented as a closure, 310 CMR 10.53(3)(p) (2)(f). This project shall state that no flow shall be restricted under 310 CMR 10.57(4)(a). this section notes restoration of all altered areas, to pre-existing hydrology and topography. 75% of the vegetation needs to be re-established with indigenous plants and wetland species. The restored areas that are no longer required to meet the requirements of 310 CMR 19.000.**

37. W&S Response: This application is not for closure of the landfill. MassDEP has not certified that any portion of the landfill had been capped. Refer to the attached letter issued by MassDEP to the Town of Medway dated November 25, 2024 and the email correspondence between the Town and MassDEP dated February 26, 2025.

**38. Can you send me all the DEP documents where they are requiring you to complete this work? We need to justify this under Land Fill Closure.**

38. W&S Response: Refer to the attached letter issued by MassDEP to the Town of Medway dated November 25, 2024 and the email correspondence between the Town and MassDEP dated February 26, 2025.

If you have any questions regarding this submittal, please contact me at 978-573-5802 or [herrick.devin@wseinc.com](mailto:herrick.devin@wseinc.com).

Very truly yours,

WESTON & SAMPSON

A handwritten signature in black ink that reads "Devin Herrick". The signature is written in a cursive, flowing style with a long horizontal tail stroke.

Devin Herrick, CWS  
Technical Specialist

## FIGURES



NOTES:

1. PROPERTY BOUNDARIES ARE REFERENCED FROM MASSMAPPER.
2. CONTOURS ARE REFERENCED FROM MASSGIS DATA LAYER: 1-FOOT ELEVATION CONTOURS FOR CENTRAL AND EASTERN MA DATED MAY 2023.
3. APPROXIMATE AREAS OF THE CAPPED AND UNCAPPED LANDFILL AND THE APPROXIMATE LIMITS OF THE IMPERVIOUS SEAL TRENCH ARE BASED UPON A 1981 FIGURE DRAFTED BY GREEN INTERNATIONAL AFFILIATES, INC.
4. EDGE OF WETLAND IS BASED ON A DELINEATION COMPLETED BY WESTON & SAMPSON ON 5/29/2025.

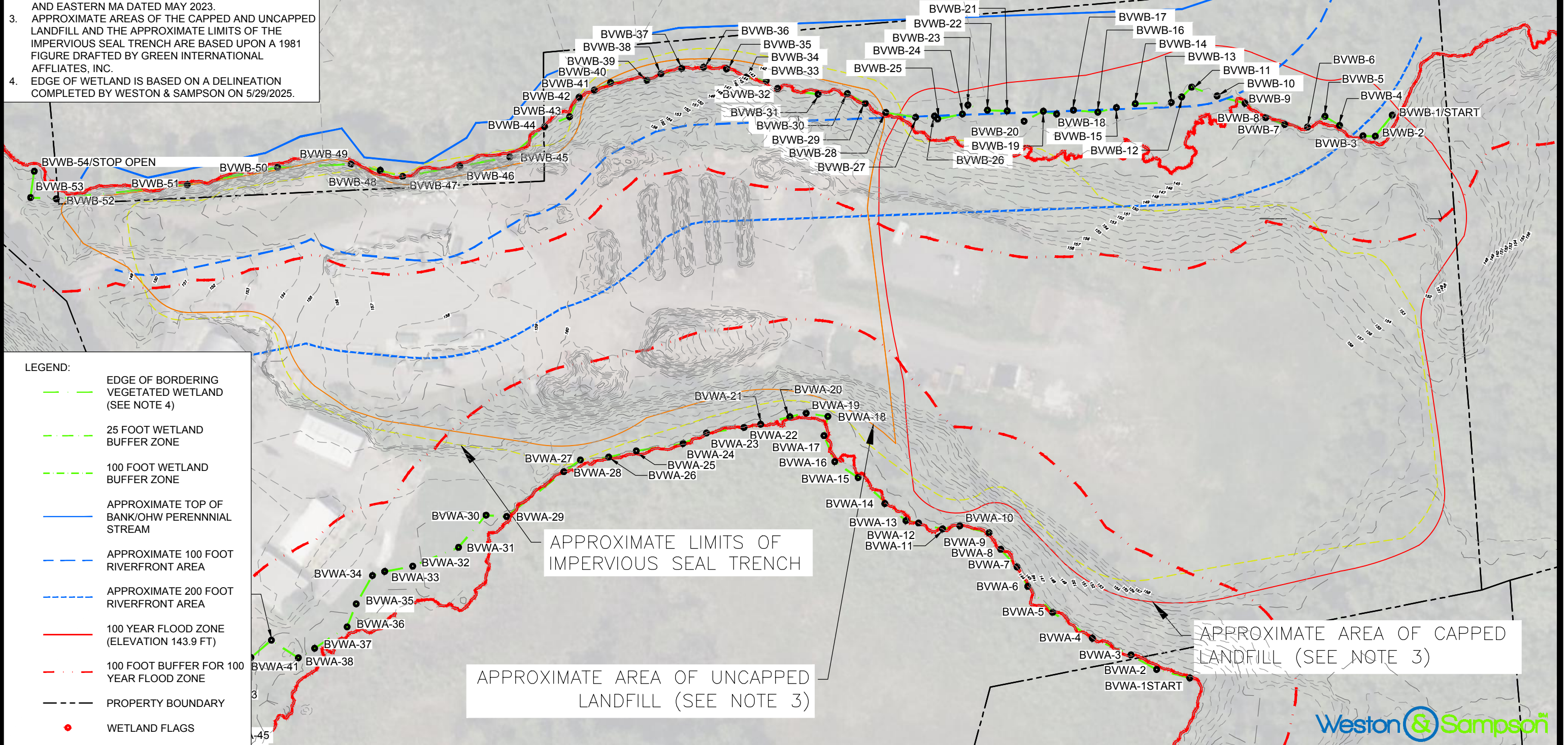
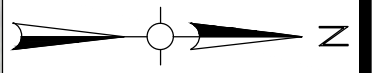
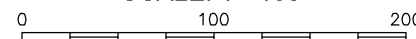


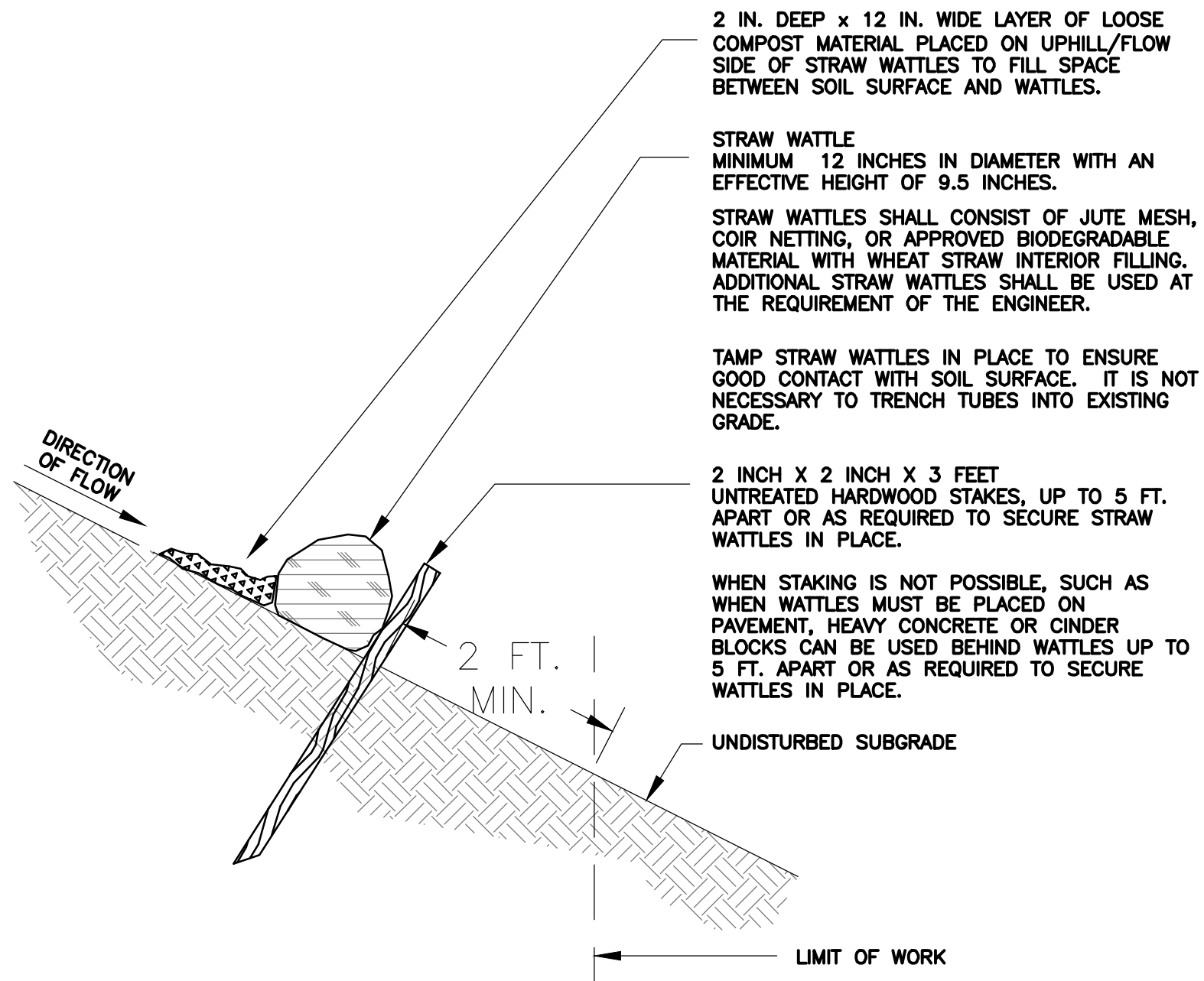
FIGURE 1  
MEDWAY LANDFILL  
MEDWAY, MASSACHUSETTS  
EXISTING CONDITIONS SITE PLAN  
SCALE: 1"=100'



Weston & Sampson<sup>SM</sup>



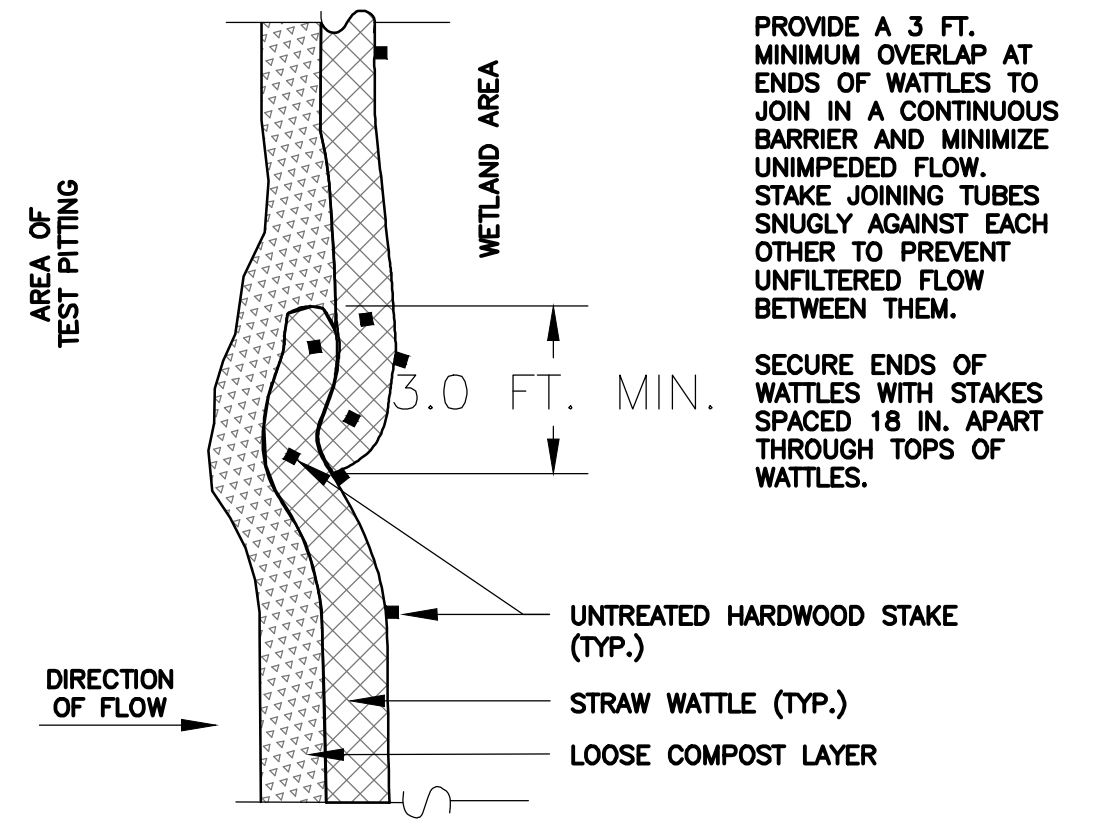
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PLAN VIEW

**GENERAL NOTES:**

1. PROVIDE A MINIMUM STRAW WATTLE DIAMETER OF 12 INCHES FOR SLOPES UP TO 50 FEET IN LENGTH WITH A SLOPE RATIO OF 3H:1V OR STEEPER. LONGER SLOPES OF 3H:1V MAY REQUIRE LARGER TUBE DIAMETER OR ADDITIONAL COURSEING OF STRAW WATTLES TO CREATE A FILTER BERM. REFER TO MANUFACTURER'S RECOMMENDATIONS FOR SITUATIONS WITH LONGER OR STEEPER SLOPES.
2. INSTALL TUBES ALONG CONTOURS AND PERPENDICULAR TO SHEET OR CONCENTRATED FLOW.
3. DO NOT INSTALL IN PERENNIAL, EPHEMERAL OR INTERMITTENT STREAMS.
4. CONFIGURE TUBES AROUND EXISTING SITE FEATURES TO MINIMIZE SITE DISTURBANCE AND MAXIMIZE CAPTURE AREA OF STORMWATER RUN-OFF.



PLAN VIEW - JOIN DETAIL

FIGURE 5  
MEDWAY LANDFILL  
MEDWAY, MASSACHUSETTS  
EROSION CONTROL DETAILS  
NOT TO SCALE

## CORRESPONDENCE



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

November 25, 2024

VIA ELECTRONIC MAIL

[ppelletier@townofmedway.org](mailto:ppelletier@townofmedway.org)

Peter Pelletier  
DPW Director  
Town of Medway  
155 Village Street  
Medway, MA 02053

Re: CERO-SWM – Medway Broad Street Landfill, Request for Information on Landfill Closure

Dear Mr. Pelletier:

The Massachusetts Department of Environmental Protection (“MassDEP”) Solid Waste Management program is responsible for ensuring compliance with the Site Assignment Regulations at 310 CMR 16.00 and the Solid Waste Management Regulations codified in 310 CMR 19.000. Proper closure of inactive landfills protects public health and the environment by creating a barrier between the landfill contents and the surrounding environment, minimizing infiltration and erosion.

On November 13, 2024, MassDEP conducted a scheduled inspection of the Broad Street Landfill (the “Landfill”). In preparation for the inspection a review of MassDEP’s files was conducted and, through that review, it was determined that no documentation exists in our records indicating whether the Landfill was fully capped. MassDEP did locate a figure that indicated the landfill had been partially capped in accordance with the June 1982 approved closure plan; however, no letter certifying that any portion of the landfill had been cap was located within MassDEP’s records. It appears several activities (Recycle Center/Transfer Station, Leaf/Yard Waste Collection and Composting, DPW storage, Police Department Firing Range, Helicopter Landing Area for Mosquito Control Project) may be occurring on or adjacent to the landfill. It’s important to confirm a final cap was constructed to allow these type of activities through a post-closure use permit approval.

This information is available in alternate format. Please contact MassDEP at 617-292-5500.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

Printed on Recycled Paper

Within 30 days of the date of this letter, please conduct a review of the Town's records with respect to landfill closure as well as any approved site uses and contact MassDEP with the results of that review. If reports/documents are available, please send them to me via email at [james.mcquade@mass.gov](mailto:james.mcquade@mass.gov) so that we can add them to the facility record.

If you have questions or comments at any time regarding this matter, please contact me at 617-448-4204. Thank you for your assistance.

Sincerely,



James A. McQuade  
Section Chief  
Solid Waste Management Program

Ecc: Derek Kwok, Medway Health Director ([dkwok@townofmedway.org](mailto:dkwok@townofmedway.org))

## McGuire, Matthew

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**From:** McQuade, James (DEP) <james.mcquade@mass.gov>  
**Sent:** Wednesday, February 26, 2025 5:39 PM  
**To:** Peter Pelletier  
**Cc:** Pigsley, MaryJude (DEP); Guglielmi, Dan (DEP); Stephanie Carlisle; Nolan Lynch; Volkerding, John (DEP); Cushner, Mary (DEP)  
**Subject:** [External] RE: Medway Landfill Record Search Update  
**Attachments:** 1991-09-30 - MEDWAY LF- CLOSURE New reg req closure plan and post closure plan 039486 (1).pdf

Hi Pete:

Thank you for your email message below. MassDEP appreciates the Town of Medway's efforts in attempting to locate a response to the attached letter from MassDEP. As discussed in our previous MS Teams discussions, MassDEP would like to have the Town of Medway conduct "test pitting" at the landfill to confirm the existence of a cap.

The permitting pathway to commence the test pitting would begin with a SW45 permit application submittal to MassDEP for our review and approval. I suggest we schedule a MS Teams meeting to discuss this in more detail prior to submitting the SW45 permit application (the Town of Medway may want to consider having your solid waste consultant participate in that meeting). Please let me know what dates/times you would be available and I can set-up the meeting.

Best regards,  
Jim McQuade

James A. McQuade  
Section Chief  
Solid Waste Management Program  
Massachusetts Department of Environmental Protection  
8 New Bond Street  
Worcester, MA 01606  
Tel: 617-448-4204

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**From:** Peter Pelletier <ppelletier@townofmedway.org>  
**Sent:** Wednesday, February 26, 2025 3:30 PM  
**To:** McQuade, James (DEP) <james.mcquade@mass.gov>  
**Cc:** Pigsley, MaryJude (DEP) <maryjude.pigsley@mass.gov>; Guglielmi, Dan (DEP) <Dan.Guglielmi@mass.gov>; Stephanie Carlisle <scarlisle@townofmedway.org>; Nolan Lynch <nlynch@townofmedway.org>  
**Subject:** Medway Landfill Record Search Update

Hi Jim

At this point we have exhausted our record search and have not found any correspondence to DEP or from DEP confirming closure of the landfill. Please let us know what the next steps will be.

Thanks  
Pete



Peter Pelletier

Director of Public Works

45B Holliston Street

Medway, MA 02053

Office: 508-533-3275

Mobile: 774-277-5712