

Commission Members  
David Travalini, Chair  
Dayna Gill, Vice Chair  
Ken McKay  
David Blackwell  
Tara Kripowicz  
Michael Narducci  
Sean Green



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# TOWN OF MEDWAY

## COMMONWEALTH OF MASSACHUSETTS

### CONSERVATION COMMISSION

**Meeting Minutes**  
**Thursday, February 9, 2023 – Virtual Meeting**  
**Times are estimates only. Items may be taken out of order**  
**7:30 p.m.**  
Call to order

**Commissioners Present:** David Travalini, Dayna Gill, Ken McKay, Sean Green, David Blackwell, Mike Narducci

**Conservation Agent Present:** Bridget Graziano

**Community Members Present:** Tom Alexander, Brian Yurick, Julia Yurick

**Call to Order:** At 7:38PM, Mr. Travalini called the meeting to order. He confirmed the virtual presence of the following individuals. Blackwell: here, Gill: here, Green: here, McKay: here, Narducci: here and Travalini: here.

***Announcement – This meeting is being broadcast and recorded by Medway Cable Access***

Pursuant to the provisions of Chapter 107 of the Acts of 2022, an act which extends certain COVID-19 measures adopted during the State of Emergency, and under which public bodies retain the option of holding open meetings and hearings remotely until March 31, 2023, and in accordance with the Medway Select Board's remote participation policy as amended at its July 2, 2021, meeting, Conservation Commission members will be participating remotely.

**Commissioners Present:** David Travalini, Dayna Gill, Ken McKay, Sean Green, David Blackwell, Mik

#### **7:35 PM Review Agenda**

There were no topics that were not already anticipated by the Chair.

#### **Request for Certificate of Compliance**

**1 Iarussi Way (DEP #126-0970) -** proposal to install an inground pool and outdoor pavilion with patio

Tom Alexander was present to discuss this matter. Ms. Graziano stated she received the plan after working with the homeowner and everything was in compliance with the Order of Conditions. Ms. Graziano recommended issuing a Certificate of Compliance for DEP #126-0970 with the following conditions in perpetuity: 8, 9, 10 and 36. Mr. Travalini asked Mr. Alexander if he had anything to add. Mr. Alexander stated he did not and had completed multiple site walks prior.

**VOTE:** Mr. Travalini offered a motion to issue a Certificate of Compliance for DEP #126-0970 with

the conditions 8, 9, 10 and 36 to remain in perpetuity. Mr. Blackwell seconded this motion, which passed unanimously. Blackwell: aye, Gill: aye, Green: aye, McKay: aye, Narducci: aye and Travalini: aye. VOTE 6-0.

## **Discussions**

### **Discussion #1 - Review of proposed Tree Preservation Bylaw update, Vote to accept for Town Meeting submission**

Ms. Gill stated after the Monday meeting she updated the draft with the Commission's notes. Ms. Graziano noted the submissions for the Warrant are due on February 15th and a placeholder is ready. Ms. Gill shared the Bylaw draft on screen. Ms. Gill opened a discussion on the definitions of construction and demolition, land disturbance according to the Commission as well as the fee structure.

Ms. Gill stated when construction increases impervious surfaces by a certain percentage the Bylaw will go into effect. Mr. Travalini asked Mr. Narducci if that sounded reasonable for the definition of construction. Mr. Travalini shared they're not proposing the Bylaw go into effect for all tree removal, only within the zoning setbacks. Mr. Narducci suggested building a fence or removing trees on an empty lot would trigger the Bylaw here. Mr. Travalini noted they're not trying to prevent anyone from putting up a deck, pool, fence or addition to a house. Mr. Travalini recommended they should prevent construction applicants from clearing the lot to open space until an entire area has no trees, causing soil to wash into the road and fill the sewers. Mr. Narducci noted the jurisdiction should be up to the 100 foot buffer zone.

The Commission discussed triggers for the Bylaw in regards to increasing living space and lot clearing. Ms. Gill stated increasing the living space by 50% would be a reasonable trigger for the Bylaw. Mr. Green discussed reasons for someone to want to take down trees in the setbacks would include preventing large trees with experienced root systems from growing into a structure, or building a living addition, such as a sunroom. Ms. Gill proposed to define lot clearing as removal of 75% of the canopy or more, rather than by DBH which Mr. Narducci noted would require applicants to hire someone. Mr. Travalini stated it seemed reasonable and could be updated in the Bylaw at a later point. Mr. Green noted the canopy definition would require an aerial photo for documentation instead.

Mr. Travalini stated the Bylaw would be triggered if construction occurred within the zoning setback, which shouldn't be happening. Mr. Travalini noted if the Bylaw is still running in 5 to 10 years the Commission will have to update the fee schedule. The Commission discussed the fee schedule and language defining "gross floor area" regarding tree removal without prior permission. Mr. Travalini clarified a tree removal company cannot be charged because they are not the land owner. Ms. Graziano stated the commission should vote to submit the Tree Preservation Bylaw for the Spring Town Warrant for 2023 with amendments as the Conservation Commission is sponsoring it.

**VOTE:** Mr. Travalini offered a motion to submit the Tree Preservation Bylaw to the Select Board and the Finance Committee to be added to the May 2023 Town Warrant with amendments. Mr. Blackwell seconded this motion, which passed with five votes in favor, one against and zero abstentions. Blackwell: aye, Gill: aye, Green: aye, McKay: aye, Narducci: no and Travalini: aye. VOTE 5-1.

### **Discussion #2 – Ratify Enforcement Orders**

- 1 Gray Squirrel Circle

No one was present to address this matter. Ms. Graziano stated the order was issued on January 26, 2023.

**VOTE:** Mr. Travalini offered a motion to ratify the Enforcement Order issued by the Conservation Agent for 1 Gray Squirrel Circle on January 26, 2023. Mr. Blackwell seconded this motion, which passed unanimously. Blackwell: aye, Gill: aye, Green: aye, McKay: aye, Narducci: aye and Travalini: aye. VOTE 6-0.

### **7:45PM Public Hearings**

#### **Public Hearing #1- (con't 10/27/22, 11/10/22, 12/8/22, 1/12/23, 1/26/23) 9 Holbrook Street (DEP 216- 1020) Notice of Intent** proposal to remove 15 trees from the lot

No one was present to address this matter. Ms. Graziano stated the applicant had reviewed the Order of Conditions and requested the Commission to move forward with the Order.

**VOTE:** Mr. Travalini offered a motion to close the Public Hearing for DEP #216-1020 9 Holbrook Street with notice of intent to remove 15 trees. Mr. Blackwell seconded this motion, which passed unanimously. Blackwell: aye, Gill: aye, Green: aye, McKay: aye, Narducci: aye and Travalini: aye. VOTE 6-0.

**VOTE:** Mr. Travalini offered a motion to issue an Order of Conditions for DEP #216-1020 9 Holbrook Street with the following findings as outlined by Ms. Graziano. Mr. Blackwell seconded this motion, which passed unanimously. Blackwell: aye, Gill: aye, Green: aye, McKay: aye, Narducci: aye and Travalini: aye. VOTE 6-0.

#### **Public Hearing #2 – 0 Adams Street Map 29 Lot 020 – Notice of Intent (DEP #216-1021) -** proposal to construct an ADA compliant trail system at the Adams Street Meadow Area

Brian Yurick and Julia Yurick were present to discuss this matter. Ms. Graziano stated this Public Hearing is being presented by the Commission on the National Trails Fund Grant Program 2022. Ms. Graziano shared the Commission Office has been working on an existing trail to update it. The Commission is working to meet ADA standards for the trail in addition to updated parking and hopefully a wetland viewing platform. Mr. Travalini stated the plan is to finish the existing trail and add an ADA compliant extension to the trail which is within the commission's jurisdiction in the 100 foot wetland buffer. Ms. Graziano shared the Adams Meadow Accessible Loop Trail Plan on screen and pointed out the location of the trail in relation to the wetland and Medway High School. Ms. Graziano indicated the proposal shows the erosion control barrier and the trail will stay outside of the 25 foot no-touch area. Ms. Graziano shared there are two viewing platform options planned and the Commission will likely go with option B at one of the highest elevations within the loop trail to view the open field.

Ms. Graziano stated the Commission started working on this application in 2022 and received funding. She discussed that the federally-funded Massachusetts Recreational Trail Grant had a six month wait with concerns over impacting bat roosting and affecting migration. The project was flagged as a potentially archeological site, but the Commission decided against doing any digging and are instead bringing in materials to fill dips within the topography to meet accessibility requirements. Ms. Graziano shared there won't be any excavation besides in the parking area, and no excavation greater than two inches. Mr. Travalini stated the project is waiting for a bid for the

platform affordable to the commission. Ms. Graziano shared the viewing platform is going to bid, but can be done at any time due to it being outside the commission's jurisdiction and the ADA trail is ready to go and has full funding. She noted the project with time and construction materials is over \$200,000 in granted federal funding. Mr. Travalini requested questions. Ms. Yurick stated she wanted to understand how the trail would impact some flooding in the area. Ms. Graziano noted they are not putting down any impervious surfaces. The only concrete installed will be a minimal 8 feet x 8 feet wide surface in two places for vehicles. Mr. Yurick stated the couple's property is east of the high school and there are beavers and a significant amount of water extending to Winthrop Street. Mr. Yurick shared he is very concerned how it's going to affect their house a few years down the road. Mr. Travalini stated the amount of water they're seeing is due to beaver activity and explained the potential function of a beaver deceiver.

Mr. Travalini stated this trail is going in because there are currently no ADA accessible trails in the Town of Medway. The Commission is looking to make Medway a friendlier town to everybody and this trail has the gentle slope required. Ms. Yurick noted she works to advocate for children with special needs but the wetland has changed. There has been more water and it has been a concern in their neighborhood and they wanted to voice their concerns. Mr. Travalini discussed the two fields behind Medway High School created a lot of impervious surface that would flow water downhill to the wetlands behind Mr. Yurick and Ms. Yurick's property. Mr. Narducci stated he didn't think the trail would change the water amount and that the added gravel would help absorb water and filter the water going through.

Mr. Narducci shared along Winthrop Street the beavers have flooded what used to be people's backyards. Mr. Travalini reiterated the state does not allow trapping beavers anymore. The Commission discussed the possibility to help alleviate the flooding by replacing the turf fields with comparable soil materials. Mr. Green stated most of the new artificial turfs are under the same construction methods as impervious pavers with filtration fabric and he didn't think it would be that much of a difference if they replenished it. Ms. Graziano asked if she's making any changes to the plan. Mr. Travalini stated they should take out the platform near Adams street and leave the one at the high ground.

**VOTE:** Mr. Travalini offered a motion to continue Public Hearing #2 – 0 Adams Street Map 29 Lot 020 to the February 23, 2023 meeting at 7:45PM. Mr. Blackwell seconded this motion, which passed unanimously. Blackwell: aye, Gill: aye, Green: aye, McKay: aye, Narducci: aye and Travalini: aye. VOTE 6-0.

### **Meeting Minutes**

Approval of Minutes 8/25/22, 10/13/22, 1/12/23

This item was not addressed at this meeting.

### **Agent Report**

This item was not addressed at this meeting.

### **Chair Report**

This item was not addressed at this meeting.

**Motion to Adjourn:** At 9:02 PM Mr. Green motioned to adjourn. Mr. Blackwell seconded this motion, which passed unanimously. Blackwell: aye, Gill: aye, Green: aye, McKay: aye, Narducci: aye and Travalini: aye. VOTE 6-0.

**Documents Presented at the February 9, 2023 meeting**

All documents shall be kept in the Conservation Commission Office files

**Public Hearing #1- (con't 10/27/22, 11/10/22, 12/8/22, 1/12/23, 1/26/23) 9 Holbrook Street (DEP 216- 1020) Notice of Intent** proposal to remove 15 trees from the lot

- WPA Form 3
- Plans titled, "Tree Removal Plan 9 Holbrook Street" by GLM Engineering Consultants, dated August 5, 2022, revised January 25, 2023
- Letter from Ethical Tree Services, dated November 9, 2022 for 9 Holbrook Street NOI • Document titled, "Buffer Zone Enhancement Planting Plan 9 Holbrook Street" by Goddard Consulting, dated January 11, 2023

**Public Hearing #2 – 0 Adams Street Map 29 Lot 020 – Notice of Intent (DEP #216-1021) - proposal to construct an ADA compliant trail system at the Adams Street Meadow Area**

- WPA Form 3
- Plans titled, "Adams Meadow Accessible Loop Trail" by Beals and Thomas, dated January 12, 2023
- Town of Medway – 2021 Mass Trails Grant Application Project Summary
- 21021 Mass Trail Grant Applications Site Photos – Town of Medway
- 0 Adams Street - FirmETTE