



MEDWAY CONSERVATION COMMISSION MEETING
155 Village Street Sanford Hall, Medway, MA 02053
August 23, 2018 - 7:30 P.M.

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on August 23, 2018 at Sanford Hall. In attendance were members David Travalini, David Blackwell, Scott Salvucci, Ken McKay, and Tracy Rozak, Recording secretary. (Kat the intern was also present.)

Absent Members: Margery Queenan, Brian Snow, Dayna Gill, Bridget Graziano

- Mr. Travalini called the meeting to order at 7:35 p.m. Mr. Travalini asked if anyone would like to add anything to the agenda. No one had anything to add.

Discussion # 1 Review of enforcement Order Applegate Road with Ralph Costello Order of Conditions DEP # 216-0891 presence requested with in EO letter.

Mr. Travalini read Ms. Graziano's Enforcement Order letter to the public. The letter stated an Enforcement Order was issued August 9, 2018 after site visits showed the silt/sediment within the roadway is 2 inches thick and the catch basin siltation sacks are full. The applicant, Ralph Costello has failed to adhere to the Order of Conditions DEP # 216-0891 in following the Operations and Maintenance Plan through lack of Maintenance. This has caused this area to be in complete disrepair, a direct violation of the Order of Conditions DEP # 216-0891. Every rain event has caused two impacts to the existing stormwater and buffer zone/wetland resource. 1) Stormwater now collects and bypasses the Stormwater system, depositing sediments over the buffer zone. Bypassing all functions of the system rendering the site in noncompliance with the MA Stormwater Management Standards. 2) Sediments from site and roadway are now being deposited within the buffer zone and wetland areas not authorized for disturbance or fill. Notices have been issued on several occasions to Mr. Costello from this office and the planning office which are on record in our office.

Mr. Ralph Costello was present for the meeting and stated we have had heavy storms in the last 3 weeks with 3- 5 inches of rain in less than an hour. The topography has two streets coming down to a lower basin and the siltation sacks are full. He stated they had silt sacs in place but it did not control the water. If the water was clean it would have been fine but there are 6 properties that are under development at Applegate and they have not always put in construction entrances and they changed the grading on another but it was not stabilized. There is also a half acre cleared and the sediment cascaded down to the lot. A house on the other side is putting in a pool at a high elevation and sediment from his land rolled into the next property and he excavated about 20,000 square feet that had not been stabilized so that sediment came down into the sidewalk into the trench all the way depositing into # 10 Applegate. He said these were overwhelming flood conditions. He stated he has put in about 600 feet of new silt fencing and dug it in and put wobbles at the bottom on Monday. Mr. Costello stated he met with Ms. Graziano and Steve Bouley (Tetra Tech) and they said they looked fine but yesterday we had another flash flood and the same thing happened and he

was perturbed because his land was impacted by all the silt and water. He spoke to one of the homeowners (8 Applegate Road) who stated he lost a good portion of the loam he just put in. They also used hay bales and a berm was put up but that blew out as well because of the amount of water hitting it. He has cleaned out the silt sacs at least 3 times and the landscaper went out and put the silt fencing back up and moved some of the waddles around. Mr. Costello stated he is very frustrated and is not sure what else he can do at this point. He stated that the property owners have done some things to help but Ms. Graziano stated she was going to talk with the property owners as well.

Mr. Travalini stated he could put in a cheap seed mix to help stabilize it. Mr. Travalini stated he went to the site about an hour ago and there was still silt there and that should have been removed by now. Mr. Costello stated the silt has not yet reached the wetlands. Mr. Travalini asked if anyone had any questions. There were none.

Discussion # 2 Vote to ratify issued Enforcement Order for the Applegate subdivision DEP-216-0891 Order of Conditions

Mr. Travalini made a motion to ratify the Enforcement Order DEP # 216-0891 issued on August 8 2018. Mr. Salvucci seconded the motion and it was voted to approve 4-0-0.

Discussion # 3 Review plans for 9 Applegate Road DEP # 216-0888 amendment to the plan was made in the field without Commission approval.

Mr. Travalini read a statement from Ms. Graziano. He stated that the Commission (and Building Department) did not approve the retaining wall although it is within the limit of work. The Building Department and Conservation have requested no further work on the retaining wall (backfill) the property owners presence at this meeting. The retaining wall was not approved by the Commission or Building Department. Rindo Barese, Building Inspector has requested new (stamped) plans on behalf of both departments.

Mr. Travalini stated he has been to the site and saw that the siltation fencing is up. No one was present for this meeting. Mr. Travalini stated this discussion will be continued to the September 13, 2018 meeting. The Applicant will need to file an Amendment to the Order for the 9/13/18 meeting.

Discussion # 4 Vote to ratify enforcement order for 50 Alder Road DEP # 216- 0871 Order of Conditions and review erosion control installation resulted in wetlands and 0-25' alteration review of restoration plan.

Mr. Travalini stated a site visit was conducted with the Agent and applicant on 8/13/18 and a site visit conducted with the Agent and the Chair on 8/15/18. A pre-construction meeting was held with the Project Manager, Phil Chorchard from Joseph Construction and Joe Lafrance from Lafrance Site Work and they met with Town Officials on July 12, 2018 to review all preconstruction conditions including erosion controls. Lafrance Construction began installing erosion controls and placed them within 0-25' no disturb zone. Additionally, an excavator was driven through wetland and vegetation and trees removed from the 0-25' and wetland resources.

Mr. Phillip Anza was present for this meeting. He stated that on August 10, 2018 he went to the site and saw that someone put the silt fence into the buffer zone. He stated this person was spoken to and has been fired before the job actually started. He talked with Ms. Graziano and they went to the site and saw where the fencing was put into the buffer zone, a tree was cut down and an excavator driven into the buffer zone. The General Contractor is willing to meet with Ms. Graziano and do whatever she needs them to do before they move forward. The wetland flags have to be put back up and they will make them distinct from any other flags that might be out there.

Mr. Travalini stated that Ms. Graziano is asking that the enforcement order be ratified. Mr. Travalini made a motion to ratify the enforcement order for 50 Alder Road DEP # 216 0871. Mr. Salvucci seconded the motion and it was voted to approve 4-0-0.

Request for Determination of Applicability

- **12 Holbrook Street RDA-19-01 proposal to install a replacement septic system and abandon the existing system.**

Ms. Karen Keegan from Guaranteed Builders was present for the meeting and she is representing the applicant. Ms. Keegan stated the applicant is trying to sell the house and found that the septic system failed. The house is in the 50 foot buffer zone and was built around 1993. The proposed leach field will be where the old one is now. This is still for a 3 bedroom house as they are not expanding. It is outside of the 50 foot buffer and they are proposing using straw waddles. They are uphill of the work to be commenced, a stockpile area will be on the left hand side and no trees will be cut down. The new septic is pretty much going in the same place as the old septic was.

Mr. Travalini stated Ms. Graziano does not like waddles to be used and would like her to use a compost sock.

Mr. Travalini made a motion to issue a negative 3, positive 5 Determination of Applicability for 12 Holbrook Street RDA 19-01 with the condition that the straw waddles be changed to compost sock and be inspected by the Conservation Agent prior to construction. Mr. Salvucci seconded the motion and it was voted to approve 4-0-0.

- **76 Oakland Street RDA-19-02 proposal to expand the existing stormwater drainage system of the senior center parking lot into natural buffer zone for a Bordering Vegetated Wetland.**

Mr. David D'Amico, DPW Director was present for the meeting and read a letter from CBA Landscape Architects LLC regarding the original scope of work for the Senior Center Parking Lot. This letter was sent to Bridget Graziano, Conservation Agent and Bob McGee, Project Manager. Mr. D'Amico read the following letter:

The original scope of work for Oakland Park as directed to CBA by the town was not planned to include any work in the Senior Center lot, primarily due to restrictions from CPA funding. The area outside the property to the south, where there is believed to be a wetland based on field

observation and State GIS information, was therefore not precisely surveyed, and the survey information on the Senior Center lot focused primarily on the surface characteristics rather than the fine detail of the existing drainage. The catch basin under consideration, located in the corner of the Senior Center lot, had a sump, no oil/debris hood, and a pipe out to where daylights in the woodland approximately 75'-80' uphill of the wetland (with minimal spillway protection- see photographs).

EPFRAC and CBA had the Conservation Agent make an assessment whether areas of the site we knew would be affected (such the sandy pit in the center) constituted wetlands; they do not, per her determination. However, we did not at the time ask for the Conservation Agents input regarding the wetland to the south, other than to confirm that the scope as anticipated at the time was outside its buffer zones (which it was).

During Site Plan Review, the PEDB and their consulting engineer (TetraTech) noted that while no work was planned in the Senior Center lot, the catchment area of the existing drain structure in the corner of that lot included areas being improved, and therefore requested the addition of an inline Phosphorous Water Quality Unit (PWQU). Since that addition represented an improvement to an existing a stormwater structure within the existing footprint, no application to the Conservation Commission was necessary at that time. The intent was to leave the majority of the existing pipe from the catch basin, to where it daylights in the woodland, in place, and only excavate in that portion of pipe needed to place the PWQU, which was outside the buffer area of the wetland.

However, when the pipe was actually excavated, the existing inverts and pitch were shallower than surveyed, and the PWQU (which requires both cover over the pipe in and a drop across the structure) could not be used with the existing elevation and daylight location.

The proposed solution is to place the PWQU as planned, regrading slightly outside the expected buffer zone and replanting with a woodland seed mix and setting that structure as shallow as feasible. The replacement outfall pipe would then need to extend approximately 15' further into the woodland (putting the outfall about 65' from the wetland per the Conservation Agents' measurements) where it would have a properly constructed riprap spillway, and all excavated areas would be re-seeded with a woodland appropriate seed mix. All areas would be protected with the same compost filter sock and silt fence design approved by the ConCom for Choate Park (and being used elsewhere at Oakland).

Per Ms. Graziano's recommendation, Mr. Travalini made a motion to issue a negative 3, positive 5 Request for Determination for 76 Oakland Street, RDA-19-02. Mr. Salvucci seconded the motion and it was voted to approve 4-0-0.

Request for Extension to the Order of Resource Area Delineation

- **Winthrop Street Fairway Lane DEP # 216-0821 – Extension requested for one year**

Mr. Travalini stated he emailed Mr. Tayara and that he was fine with continuing this to the August 30; 2018 meeting. Mr. Travalini made a motion to continue Request for Extension to the

September 13, 2018 meeting. Mr. Blackwell seconded the motion and it was voted to approve 4-0-0.

Request for Certificate of Compliance

- 249 Village Street DEP # 216-0902 proposal to install replacement septic system

Per the Agents notes recommending to grant the Certificate of Compliance. Mr. Travalini moved to grant the Certificate of Compliance for DEP #216-0902. It was seconded by Mr. Blackwell and it was voted to approve 4-0-0.

Discussion # 5 Salmon Adult Community DEP # 216- 0854 amendment proposed to the Operations and Maintenance Plan for the addition of permeable pavement instead of pavers

Mr. Jeff Robinson from Salmon Health and Retirement was present for the meeting. Mr. Robinson stated they are proposing to convert 3,500 square feet of pervious pavers to pervious asphalt pavers at the beginning of the trail for maintenance purposes. It is easier to scrape and plow when it is flat. They will be able to keep it cleaner if it is a smooth surface. He stated the Planning Board approved it about a month and a half ago.

Mr. Robinson stated there is a sign that states there is no de-icing chemicals (salt, sand or de-icing) allowed on the pavers and permeable pavement and it is the same O & M plan. Mr. Robinson stated Tetra Tech reviewed it as well and did not request any changes.

Mr. Travalini asked if anyone had any questions. There were none.

Mr. Travalini made a motion to issue an amendment to the proposed Operations & Maintenance Plan for DEP # 216-0854 to change the 3,500 square feet parking lot from permeable pavers to permeable pavement. Mr. Blackwell seconded the motion and it was voted to approve 4-0-0.

Discussion # 6- Review of fill conditions for testing of fill within jurisdictional areas and adding this to the Regulations.

Mr. Snow requested this discussion and he is not here tonight. This discussion will be tabled until Mr. Snow is present.

Discussion # 7- Eagle Scout Project at 313 Village Street set up site visit to meet about documenting the trail.

Mr. Travalini stated he needs more information and tabled this discussion for another time.

Discussion # 8- Executive Session

This was not discussed.

Public Hearing # 1 (continued from 8/9/18 no quorum) Abbreviated Notice of Resources Area Delineation (DEP # 216-09xx) 31 and 37 West Street (Phase II of Glen Brook Way)

Mr. Cameron Larson from ECR was present for the meeting and stated they performed the delineation of the site. They are now focusing on two lots- 31 and 37 West Street. All confirmed by an ORAD in 2016. He stated he reviewed the flags with Ms. Graziano on August 7th and they made 3 revisions and those are shown on the plan here tonight dated August 16, 2018. Three flags were moved- A1 flag was moved 8 feet landward and Flags #204 and #205 were also moved landward.

Mr. Travalini made a motion to continue DEP # 216-09xx, 76 Oakland Street, to the September 13, 2018 meeting at 7:45 pm depending upon receipt of the DEP #. Mr. Salvucci seconded the motion and it was voted to approve 4-0-0.

Public Hearing # 2 (continued from 7/26/18, 8/19/18 no quorum) Notice of Intent 30 Wellington Street DEP #216-0922 proposal to construct a single family home with driveway, landscaping and associated utilities.

Mr. Paul DeSimone was present for the hearing and stated there are two signs that have the verbiage that Ms. Graziano requested. He also stated the hay bales were brought up to the corner of the house.

Mr. Travalini made a motion to close the hearing for DEP # 216-0922, 30 Wellington Street. Mr. Blackwell seconded and it was voted to approve 4-0-0.

Mr. Travalini stated the Commission hereby finds that the work proposed for construction of a new single family home was presented at a public hearing where the applicant presented evidence sufficient to demonstrate that the proposed activity, if conditioned appropriately under this Order, shall have no impact on this wetlands resource and meets the provisions under 310 CMR 10.02 (2) 9b) and Medway General Bylaw Article XXI Regulations and the performance standards under Section 3.04 and 5. Mr. Salvucci seconded the motion and it was voted to approve 4-0-0.

Public Hearing # 3 – 123 Main Street Notice of Intent (DEP # 216-0920) for proposal to install a water main connection

Per the request of the applicant, Mr. Travalini made a motion to continue (DEP # 216-0920) to the September 13, 2018 meeting at 7:45 pm. Mr. Salvucci seconded the motion and it was voted to approve 4-0-0.

Public Hearing # 4 continued (4/26/18, 5/10/18, no quorum, 5/24/18, 6/14/18, 6/28/18, 7/11/18, 7/26/18, 8/9/18 no quorum) Notice of Intent (DEP 216-0918) 11, 13, 15, 17 Fairway Lane Timber Crest Estates Access Road Proposal for access road construction for subdivision and proposed new sewer line (extension).

Per the request of the applicant, Mr. Travalini made a motion to continue Notice of Intent (DEP 216-0918) 11, 13, 15, 17 Fairway Lane Timber Crest Estates Access Road Proposal for access road construction for subdivision and proposed new sewer line (extension) to the September 13, 2018 meeting at 7:45 p.m. Mr. Blackwell seconded the motion and it was voted to approve 4-0-0.

Public Hearing # 5 – continued (9/14/17, 10/26/17, 11/9/17, 12/11/17, 12/28/17, 1/11/18, 2/8/17, 2/22/18, 3/8/18, 3/22/18, 4/12/18, 4/26/18, 5/10/18 no quorum, 5/24/17, 6/14/18, 6/28/18, 7/11/18, 7/26/18, 8/9/18 no quorum) Notice of Intent DEP #216 -0914 (Timber Crest Estates) Fairway Lane, Fern Path, Woodland Road, 102 Winthrop Street, 13 Ohlson Circle, 165 Holliston Street Map proposal to construct a subdivision roadway and infrastructures consisting of stormwater management system, and utilities

Per the request of the applicant, Mr. Travalini made a motion to continue Notice of Intent DEP #216 -0914 (Timber Crest Estates) Fairway Lane, Fern Path, Woodland Road, 102 Winthrop Street, 13 Ohlson Circle, 165 Holliston Street this to the September 13, 2018 meeting at 7:45 p.m. Mr. Blackwell seconded the motion and it was voted to approve 4-0-0.

Approval of minutes 3/22/18, 4/12/18, 4/26/18, 5/10/18 (continuation only), 5/24/18, 6/14/18, 6/24/18, 7/11/18, 7/26/18

No meeting minutes were approved at this meeting.

Meeting Adjourn

Mr. Salvucci made a motion to adjourn the meeting at 9:22 pm. Mr. Blackwell seconded the motion and it was voted to approve 4-0-0.

Respectfully submitted by,

Tracy Rozak

Documents Presented at the August 23, 2018 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Determination of Applicability

- **12 Holbrook Street RDA-19-01 proposal to install a replacement septic system and abandon the existing system**
 - **Packet titled, Request for Determination of Applicability by Guaranteed Builder and Developers Inc., dated (no date)**
 - **Plot plans titled, “Septic System Design Plan” by Guaranteed Builder and Developers Inc., dated June 27, 2018**
 - **Pictures by the Agent**

- **76 Oakland Street RDA-19-02 proposal to expand the existing stormwater drainage system of the senior center parking lot into natural buffer zone for a Bordering Vegetated Wetland**
 - **Plans titled, “Oakland Park Drainage and Utility Plan, by CBA Architects, dated October 2, 2017**
 - **Sketch titled, “Oakland Park” by Samiotes, dated July 27, 2018**
 - **WPA form 1 completed and submitted**

Request for Certificate of Compliance

- **249 Village Street DEP # 216-0902 proposal to install replacement septic system**
 - **Plans titled, “As Built Plan of Land in Medway, MA” by Colonial Engineering, dated August 2018**
 - **WPA form 8A**
 - **Pictures from Agent**

Public Hearing # 2 (continued from 7/26/18, 8/19/18 *no quorum*) Notice of Intent 30 Wellington Street DEP #216-0922 proposal to construct a single family home with driveway, landscaping and associated utilities.

Hearing was continued, no documents were presented.

Public Hearing # 3 – 123 Main Street Notice of Intent (DEP # 216-0920) for proposal to install a water main connection

Hearing was continued, no documents were presented.

Public Hearing # 4 continued (4/26/18, 5/10/18, *no quorum*, 5/24/18, 6/14/18, 6/28/18, 7/11/18, 7/26/18, 8/9/18 *no quorum*) Notice of Intent (DEP 216-0918) 11, 13, 15, 17 Fairway Lane

Timber Crest Estates Access Road Proposal for access road construction for subdivision and proposed new sewer line (extension).

Hearing was continued, no documents were presented.

Public Hearing # 5 – continued (9/14/17, 10/26/17, 11/9/17, 12/11/17, 12/28/17, 1/11/18, 2/8/17, 2/22/18, 3/8/18, 3/22/18, 4/12/18, 4/26/18, 5/10/18 *no quorum*, 5/24/17, 6/14/18, 6/28/18, 7/11/18, 7/26/18, 8/9/18 *no quorum*) Notice of Intent DEP #216 -0914 (Timber Crest Estates) Fairway Lane, Fern Path, Woodland Road, 102 Winthrop Street, 13 Ohlson Circle, 165 Holliston Street Map proposal to construct a subdivision roadway and infrastructures consisting of stormwater management system, and utilities

Hearing was continued, no documents were presented.