



**TOWN OF MEDWAY  
COMMONWEALTH OF MASSACHUSETTS  
CONSERVATION COMMISSION  
Medway Town Hall 155 Village Street Medway, MA 02053  
Telephone (508) 533-3292**

**August 27, 2020 7:30 pm**

<b><u>Members</u></b>	Present	Absent	Arrive Late/ Leave Early	Step Down for Hearing?
David Travalini (Chair)	X			
David Blackwell	X			
Scott Salvucci	X			
Brian Snow		X		
Dayna Gill	X			
Ken McKay	X			
Keith Downing	X			
<b><u>Agent</u></b>				
Bridget Graziano	X			
<b><u>Consultant/Other</u></b>				

Call to order Announcement – This meeting is being broadcast and recorded by Medway Cable Access Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, no in-person attendance of members of the public will be permitted at this meeting. Board members will be participating remotely. For public hearings, access via Zoom is provided for the required opportunity for public participation. Members of the public who wish to watch the meeting may do so on Medway Cable Access: channel 11 on Comcast Cable, or channel 35 on Verizon Cable; or on Medway Cable’s Facebook page @medwaycable. Information for participating via Zoom is posted at the end of this Agenda.

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***Mr. Travalini called the meeting to order at 7:34 pm.***

Mr. Travalini asked if anyone had anything to add to the agenda. No one had anything to add.

**Request for Certificate of Compliance**

## **50 Alder Street DEP #216-0871 - construction of a commercial building with associated parking**

Ms. Graziano stated she spoke with Tetra Tech and everything looks good. There were just a few outstanding items and she went over these with Mr. Anza at the site visit yesterday. There were a few pieces of straw bales in the rear, the native plantings were not the same as the plan but are comparable, and there was a small piece of rip rap from the roof drain that is slightly over into the 25 foot.

Mr. Phil Anza was present for the meeting and stated he pulled this out of the buffer zone and the straw bales have been removed.

Ms. Graziano stated conditions # 69 through #76 will be in perpetuity. Mr. Anza stated that is pretty cut and dry and he is ok with it. Mr. Anza asked if he can plant more items over time around the perimeter of the parking lot towards Route 495. Mr. Travalini stated yes that is fine as long as they are native species.

***Mr. Blackwell seconded the motion and Ms. Gill, Mr. McKay, Mr. Salvucci and Mr. Downing all sated aye they were in favor and it was voted to approve 6-0-0.***

***Mr. Travalini made a motion to issue a full Certificate of Compliance for 50 Alder Street DEP 216-0871 with the following perpetual conditions 69-76.***

### ***Perpetual Conditions***

- 69) The annual maintenance or repair of drainage systems, stormwater management best management practices shall be the responsibility of the applicant/property owner. The design capacity, storm water management treatment capacity and structural integrity of these facilities shall be inspected and maintained annually.***
- 70) Dumping Prohibited: There shall be no burning or dumping of leaves, grass clippings, brush, or other debris in or into wetlands jurisdictional areas, or any component of the Stormwater Management System.***
- 71) Additional Alteration Prohibited: There shall be no additional alterations of areas under Conservation Commission jurisdiction without the required review and permit(s) under state and local wetlands protection laws and regulations.***
- 72) The documents titled, (1) Operations and Maintenance Plan Proposed Drainage System – During Construction, by EcoTerra, not date as part of May 2016 NOI and (2) Operations and Maintenance Plan Proposed Drainage System - Post Construction, by EcoTerra, not date as part of May 2016 NOI is attached to this document and shall be followed amended to restrict the use of only organic landscape/lawn management products. Snow and ice issues include that (a) deicing chemicals use should be minimized while ensuring safety, (b) snow storage shall be on paved areas only and will not adversely affect the storm water system.***
- 73) No use of pesticides, herbicides, fungicides or insecticides is permitted within the Buffer Zone and only the use of slow-release organic granular type fertilizer is allowed in the Buffer Zone.***

*74) No leaves, lawn clippings or landscaping materials, organic or non-organic may be placed within the wetland resource.*

*75) The applicant and its successors shall submit annual reports to the Medway Conservation Commission showing compliance with the document titled, Operations and Maintenance Plan Proposed Drainage System - Post Construction, by EcoTerra, not date as part of May 2016 NOI.*

*76) At no time shall the applicant or any successors of this property alter the 0-25' No Alteration zone (post restoration) without prior written permission/approval of the Medway Conservation Commission.*

**Mr. Blackwell seconded the motion and Ms. Gill, Mr. McKay, Mr. Salvucci and Mr. Downing all sated aye they were in favor and it was voted to approve 6-0-0.**

#### **Discussions Discussion 1 – Review Proposal for the Tree Bylaw**

***This was not discussed.***

#### **Discussion 2 - Glenn Brook Way DEP #216-0929 Review and vote on fill site for Order of Conditions compliance with condition # 47**

Ms. Graziano stated she spoke with Brian Snow and he said the fill is fine. Ms. Graziano also stated she went out to the site and felt the fill and it is granulated stone size. Tetra Tech stated it can be used as structural fill under foundations and she has this in writing.

#### **Discussion 3 – Review of Land Survey Plans from Iarussi Way Conservation Land with encroachments 7:45PM**

Ms. Graziano stated the commission voted to spend \$2800 to have the land around Iarussi way surveyed. She stated this area used to be an OSRD and a trail was put in half way. There is an encroachment as an abutter took out part of the trail and looks as if a pumpkin patch was put in. She is meeting with the homeowner tomorrow at 9am to tell him he needs to restore the area. She will also speak to the neighbors about cleaning up the areas that are town owned property.

#### **Public Hearing #1 – Notice of Intent (DEP #216-0963) Adams Street Map 28 Lot 015 proposal to construct a single family home with associated driveway, landscaping and utilities**

- WPA Form 3
- Plans titled, "Plan to Accompany Notice of Intent Lot 2 Adams Street in Medway, MA" by Dan O'Driscoll. dated August 7, 2020

Mr. Jim Wieler and Mr. Dan O'Driscoll were present for this hearing. Mr. O'Driscoll stated lot #1 was the original house. When they sold the house they subdivided the lot and it was surveyed by Eco Tech. They played around with a 34 by 26 foot print. There is town sewer but it will need a well. There is not a whole lot of grading. A ten foot offset to the 25 no disturb zone. The driveway comes out in front in a 12 foot wide existing opening in the stone wall.

Ms. Graziano stated she reviewed the plans and has some comments and will review the wetland line next week. Ms. Graziano asked if they are just using a filter mitt as the erosion control. Mr. O'Driscoll replied yes. Ms. Graziano stated they should use a 12 inch biodegradable compost sock and siltation fencing. She questioned the roof run off- how will it go back into the ground. He said he doesn't have the answer because the idea was to get the shape, he is not sure what the builders roofline is for that shape but he will look into that. Ms. Graziano stated DPW will review it and will want to know the pitch. Mr. O'Driscoll stated the road is higher- 201.4 and a contour of 200 even, not quite a third of the way down driveway.

Ms. Graziano asked about access and stockpiling. Mr. O'Driscoll stated he will have to talk with the builder but he thinks they will use the opening in the stone wall that is already there and the driveway would be the staging area. Mr. Travalini stated he is not crazy about using a split rail fence as a bound because they can rot away. Mr. O'Driscoll will propose a bound in that area. Ms. Graziano stated there are new regulations and she will send them out to him. Mr. O'Driscoll stated he will flag the limit of work and the 25 foot buffer zone before they come out for the site walk. Mr. O'Driscoll stated he will have it flagged before September 4<sup>th</sup>.

Mr. Travalini asked if anyone had any questions. Mr. Wieler stated there is an old cart path that went around the stone wall that they can follow and most of the vegetation is pine trees, 6-8 inches in diameter. Ms. Gill asked if there would be any patios or decks built. Mr. O'Driscoll stated he did not know but will get the answer for the next meeting. The Commission scheduled a site walk for September 9<sup>th</sup> at 10am.

***Mr. Travalini made a motion to continue Notice of Intent (DEP #216-0963) Adams Street Map 28 Lot 015 to the September 10, 2020 meeting at 7:45pm. Mr. Blackwell seconded the motion and Ms. Gill, Mr. Downing, Mr. McKay, and Mr. Salvucci all stated aye they were in favor and it was voted to approve 6-0-0.***

**Public Hearing #2 – Con't 8/13/2020) Notice of Intent (DEP #216-0962) 4 Fern Path – Proposal to install in ground pool (16' x 44') with associated patio, cabana, and fencing. Applicant has requested waiver for removal of 2 trees within the 0-25' No Disturb Zone**

- WPA Form 3
- Plans titled, "Proposed Site Plan for 4 Fern Path", dated July 20, 2020 by Allen Engineering & Associates

Mr. Tim McGuire from Goddard Consulting and Ms. Stacy O'Neil, homeowner of 4 Fern Path was present for the meeting. Mr. Goddard stated that at the last meeting, the commission asked for some

revisions to the plan. Mr. McGuire stated the trees that were proposed to be cut down will now just be trimmed. The erosion control line is now extended to the northern part of the site. Removal of pool water is not necessary according to the pool manufacturer. They added specific plantings by the equipment shed. They also changed the erosion control to compost sock as requested.

Mr. Travalini asked if anyone had any questions. Ms. Graziano asked where the play area will be placed. Ms. O'Neil stated it will be removed and the area leveled..

***Mr. Travalini made a motion to close the hearing 962 4 fern path. Mr. Blackwell seconded the motion and Ms. Gill, Mr. Downing, Mr. McKay, and Mr. Salvucci all stated aye they were in favor and it was voted to approve 6-0-0. Ms. Graziano read the following statement:***

*The Commission hereby finds that the work proposed for the installation of an in ground pool with associated fencing, landscaping, and a pool house/cabana was presented at a public hearing where the applicant presented evidence sufficient to demonstrate that the proposed activity if conditioned meets the provisions under 310 CMR 10.02 (2) (b) & (3) and Medway General Bylaw Article XXI Regulations and the performance standards under Section 25 and Section 26.*

***Mr. Blackwell seconded the motion and Ms. Gill, Mr. Downing, Mr. McKay, and Mr. Salvucci all stated aye they were in favor and it was voted to approve 6-0-0.***

**Public Hearing #3– (Con't 6/25/2020, 7/23/2020, 8/13/2020) 26 Kelly Street -Request for Amendment to Order of Conditions (DEP #216-0936) proposal to install utilities**

- Letter titled, "Request to Amend the Order of Conditions DEP File #216-0936 0 26 Kelley Street" by Andrews Survey and Engineering, Inc. dated May 18, 2020
- Plans titled, "Utility Connection Plan" by Andrews Survey and Engineering, Inc. dated April 27, 2020

No one was present for this hearing. Ms. Graziano stated she has not heard anything from the applicant since June 2020. Mr. Travalini stated they have not asked for a continuance so he is going to close the hearing.

**Mr. Travalini made a motion to close the hearing for 26 Kelly Street -Request for Amendment to Order of Conditions (DEP #216-0936) proposal to install utilities. Mr. Blackwell seconded the motion and Ms. Gill, Mr. Downing, Mr. McKay, and Mr. Salvucci all stated aye they were in favor and it was voted to approve 6-0-0.**

***Mr. Travalini made a motion to motion to deny the request for the amendment to the order of conditions for 26 Kelly Street due to the fact that no evidence has been submitted. Ms. Graziano read the following statement:***

***A. The Commission hereby finds that areas subject to regulation are Bordering Vegetated Wetlands, intermittent stream and their associated buffer zones.***

*B. The Commission finds that the property is not located within Priority Habitat of Rare Species or Estimated Habitat of Rare Species as defined by the Massachusetts Natural Heritage and Endangered Species Program.*

*C. The Commission finds that the applicant has not provided sufficient evidence or information for the Commission to describe the site, and the work or the effects of the proposed work on the interests identified in MGL c.131 s.40 (310 CMR 10.05(6) (c) to make a proper decision.*

*D. The Commission finds that the proposed work to perform Horizontal Directional Drilling under Bordering Vegetated Wetland will cause an adverse impact to the wetland resource based on the information submitted in the Request for Amendment to the Order of Conditions DEP #216-0936. The applicant was requested to supply the required information for the Commission to show the work would not impact the wetland resource and this information was not provided to the Commission. Specifically, the Commission requested the following, a Frac Out Plan, location of staging and proposed erosion controls for the protection of the wetland during construction.*

*E. The Commission finds that the applicant has not provided the required information to the Commission for the Request for Amendment (under DEP #216-0936). The limit of work was not clearly demarcated on the plans for the HDD. The Commission required information or summary as to how the installation of utilities would be completed without alteration to the wetland resource itself. The information is required for the Commission to determine if the applicant has met the required performance standard under 310 CMR 10.55(4). Therefore, the Commission does not have the proper information to make a finding under 310 CMR 10.00. The following information was requested on June 24, 2020.*

*F. The Commission finds that the applicant has not provided sufficient evidence or information for the Commission to meet the performance standard under MGL c.131 s.40 (310 CMR 10.55(4) (a) the presumption set forth in 310 CMR 10.55(3) has not been overcome, that any proposed work within the Bordering Vegetated Wetland shall not destroy or impair any portion of the said area. The Commission requested information on June 24, 2020 and to date August 13, 2020 there has been no response from the applicant to agree to supply the required information. The Commission never received information on the installation of the water line, specifically the construction procedures for installation through a wetland resource.*

*G. The Conservation Commission on June 24, 2020 requested the following information in order to make a decision under the Massachusetts Wetlands Protection Act and its Regulations 310 CMR 10.00 and the Medway General Bylaw Article XXI.*

- Provide the information to the Commission on how the contractor would perform Horizontal Directional Drilling (HDD) with a corner turn within the wetland resource. Provide the required information to understand the full scope of work for the proposed HDD.*

- *Provide a Frac Out Plan for the HDD.*
- *Provide the location of staging of equipment and site preparation. There are no locations identified on the plans submitted and no erosion controls shown for the protection of the wetland resource.*
- *How is the water line to be installed through the wetland (HDD?), there is no information here on the installation of the water line, this does not meet 310 CMR 10.55(4) performance standards and Section 3.02 (3) Bylaw*

*H. The Commission finds that the applicant has failed to show without written notice for the last meeting (July 23, 2020 and August 27, 2020) or any submission of materials requested by the Commission at the since June 24, 2020.*

*Mr. Blackwell seconded the motion and Ms. Gill, Mr. McKay, Mr. Salvucci and Mr. Downing all stated aye they were in favor and it was voted to approve 6-0-0.*

**Public Hearing #4 -(Con't 6/25/2020, 7/23/2020, 8/13/2020) 158 Holliston Street (DEP #216-0959) Notice of Intent and Land Disturbance Permit proposal to construct a single family home with associated utilities, driveway, landscaping and stormwater**

**Per the request of the applicant, Mr. Travalini made a motion to continue the hearing for 158 Holliston Street (DEP #216-0959) to the September 10, 2020 meeting at 7:45 pm. Mr. Blackwell seconded the motion and Ms. Gill, Mr. McKay, Mr. Salvucci and Mr. Downing all stated aye they were in favor and it was voted to approve 6-0-0.**

**Public Hearing #5 – (Con't 6/25/2020, 8/13/2020) 160 Holliston Street (DEP #216-0958) and Land Disturbance Permit proposal to construct a single family home with associated utilities, driveway, landscaping and stormwater management**

- WPA Form 3
- Plans titled, "160 Holliston Street Notice of Intent Plan of Land in Medway, MA" by Glossa Engineering, dated May 26, 2020 Land Disturbance Permit

***Per the request of the applicant, Mr. Travalini made motion to continue 160 Holliston Street (DEP #216-0958) to the September 10, 2020 meeting at 7:45 pm. Mr. Blackwell seconded the motion and Ms. Gill, Mr. McKay, Mr. Salvucci and Mr. Downing all stated aye they were in favor and it was voted to approve 6-0-0.***

**Public Hearing #6– (con't 2/13/2020, 3/26/2020, 5/14/2020, 6/11/2020, 6/25/2020, 7/2#216-0959) Notice of Intent and Land Disturbance Permit proposal to construct a single family home with associated utilities, driveway, landscaping and stormwater management 3/2020, 8/13/2020) 119A & B Main Street and 1 & 3 Elm Street (DEP #216-0948) Notice of Intent and a Land Disturbance Permit**

**proposal for construction of a single family home, two multifamily units, utilities, driveway, stormwater management systems**

- WPA Form 3
- 21 Day Waiver, signed Thomas Steeves, dated 12/12/19
- Notice of Intent Filing by Goddard Consulting, date December 12, 2019
- Waiver Request under Medway General Bylaw Article XXI, Section 21.2.b by Goddard Consulting, dated 12/12/19
- Plans titled, “The Corner of Elm and Main Plan of Lane Medway, MA” by Legacy Engineering, dated December 10, 2019, revised June 22, 2020
- Stormwater Report titled, “The Corner of Elm and Main Street for Medway, MA” by Legacy Engineering, dated December 10, 2019, revised June 22, 2020
- Supplemental documents titled, “Notice of Intent Supplemental Information” by Goddard Consulting, dated July 15, 2020
- Review letter titled, “The Corner of Elm and Main STormwater and Land Disturbance Review” by Tetra Tech Dated June 25, 2020

***Per the request of the applicant, Mr. Travalini made motion to continue 119A & B Main Street and 1 & 3 Elm Street (DEP #216-0948) to the October 8, 2020 meeting at 7:45 pm. Mr. Blackwell seconded the motion and Ms. Gill, Mr. McKay, Mr. Salvucci and Mr. Downing all stated aye they were in favor and it was voted to approve 6-0-0.***

**Public Hearing #7 – (con’t 3/12/2020, 4/9/2020, 4/23/2020, 5/14/2020, 6/11/2020, 6/25/2020, 7/23/2020, 8/13/2020) 165 Main Street Notice of Intent (DEP #216-0956) proposal to construct a 41 space parking lot**

- WPA Form 3
- Plans titled, “Site Plan Medway Mill 163-165 Main Street Medway, MA” by Guerriere and Halnon, dated February 14, 2020, revised May 13, 2020 La
- Land Disturbance Permit Application by Guerriere and Halnon, dated February 14, 2020
- Document titled, “Stormwater Report for Medway Mill Parking Expansion 163-165 Main Street Medway, MA” by Guerriere and Halnon, dated February 14, 2020, revised May 22, 2020
- Comment letter titled, “Comments from Tetra Tech: Medway Mill, 163-165 Main Street Medway, MA” by Guerriere and Halnon

***Per the request of the applicant, Mr. Travalini made motion to continue 165 Main Street Notice of Intent (DEP #216-0956) to the September 10, 2020 meeting at 7:45 pm. Mr. Blackwell seconded the motion and Ms. Gill, Mr. McKay, Mr. Salvucci and Mr. Downing all stated aye they were in favor and it was voted to approve 6-0-0.***

**Approval of Meeting Minutes 5/14/2020, 5/28/2020, 6/11/2020, 6/25/2020, 7/23/2020**

No meeting minutes were approved at this meeting.



**Agent Report**

**Chair Report**

**Adjourn**

***Ms. Gill made a motion to adjourn the meeting at 8:47 pm. Mr. Travalini seconded the motion and Mr. Blackwell, Mr. Salvucci, Mr. Downing and Mr. McKay all stated aye they were in favor and it was voted to approve 6-0-0.***

Respectfully submitted by,

Tracy Rozak

## **Documents Presented at the August 27, 2020 meeting**

All documents shall be kept in the Conservation Commission Office files

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

**50 Alder Street DEP #216-0871 - construction of a commercial building with associated parking**

**Discussions Discussion 1 – Review Proposal for the Tree Bylaw**

***This was not discussed.***

**Discussion 2 - Glenn Brook Way DEP #216-0929 Review and vote on fill site for Order of Conditions compliance with condition # 47**

**Discussion 3 – Review of Land Survey Plans from Iarussi Way Conservation Land with encroachments  
7:45PM**

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