



**MEDWAY CONSERVATION COMMISSION MEETING  
155 Village Street Sanford Hall, Medway, MA 02053  
September 27, 2018 - 7:30 P.M.**

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on September 27, 2018 at Sanford Hall. In attendance were members David Travalini, Marjorie Queenan, Brian Snow, Dayna Gill, Ken McKay, Bridget Graziano and Tracy Rozak, Recording secretary. Kat the intern was also present.

Absent Members: David Blackwell, Scott Salvucci

*Mr. Travalini called the meeting to order at 7:37 p.m. Mr. Travalini asked if anyone would like to add anything to the agenda.*

*Ms. Graziano stated she would like to add a discussion about the Girl Scout and Eagle Scout bridge projects.*

*Mr. Travalini made a motion to add a discussion about the Girl Scout and Eagle Scout bridge projects to the agenda. Mr. Snow seconded the motion and it was voted to approve 5-0-0.*

**Request for Determination of Applicability**

- **30 Milford Street-Proposal to install a natural gas line (120 feet) from the road  
Request for Certificate of Compliance**

Mr. Chris Sanderson from Merrill Engineering was present for the meeting. He stated this is a proposal to install gas service to 30 Milford Street. A new house has been constructed on the property and they will tie into the existing main by open trench method. Erosion controls will be put in place before any work starts. The connection is within the 100 foot buffer. The trench will be backfilled and the area restored after completion.

Ms. Graziano stated the front of the yard is landscaped with a lawn and the driveway in place. Their proposal has an erosion control on the other side of the road but she would like them to add an 8 inch compost post and a silt sock in the catch basin.

*Mr. Travalini made a motion to issue a positive 5, negative Determination of Applicability for 30 Milford Street with the conditions that they use an 8 inch compost sock and a silt sock in the catch basin. Mr. Snow seconded the motion and it was voted to approve 5-0-0.*

- **68 Oakland Street – proposal to install a replacement septic system  
DEP # 216 09-18**

Ms. Graziano stated she received a waiver for the 21 day decision on the Certificate of Compliance. She stated they are having significant erosion issues and a lot of work needs to be

done. They had a breakout into the 25 no touch that needs to be cleaned up. The new owner granted the waiver and is working with the installer on all of the outstanding issues. She would like to continue this until the next meeting.

***Mr. Snow made a motion to continue 68 Oakland Street DEP # 216 09-18 to the October 11, 2018 meeting at 7:30 pm. Ms. Gill seconded the motion and it was voted to approve 5-0-0.***

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

- **31 Main Street (DEP #216- 0898) proposal to construct a single family home with associated utilities**

Ms. Graziano stated they constructed a single family home with driveway and utilities. They have a steep slope off of the driveway and they have sediment that needs to be pulled back before they can do the grading. The erosion controls are still up and the site is not completely stable. Ms. Graziano did not receive a request for a waiver from them.

***Mr. Snow made a motion to deny the Determination of applicability for 31 Main Street (DEP #216- 0898) because granite bounds were not installed, erosion controls were not removed, and there were erosion issues on the slope to the wetland resource. Overall the applicant is not in compliance with the Order. Ms. Gill seconded the motion and it was voted to deny 5-0-0.***

### **Request for Extension to the Order of Resource Area Delineation and Order of Conditions**

- **Winthrop Street Fairway Lane (DEP #216-08 - extension requested for one year**

Ms. Graziano recommends the board deny it and add the new isolated wetland to the plan and resubmit the plan. You don't need the ORAD because that is for designing the plan.

***Mr. Travalini made a motion to deny the extension to the Order of Resource Area Delineation for DEP #216- 0821- Winthrop street. Mr. Snow seconded the motion and it was voted to deny 5-0-0.***

- **272 Village Street (DEP #216-0855) -proposed duplex home with associated driveway and landscaping**

Mr. Graziano stated they never requested a letter or submitted the fee.

### **Discussion #1 Request for minor amendment to Order of Conditions DEP #216-0908 for the removal of additional trees and grading within the buffer zone**

Mr. Travalini stated he went out to the site on Sunday and still could not find the trees. Mr. Bob McGee was present for the meeting and stated the trees were removed on Tuesday. Mr. Travalini stated the trees were supposed to be flagged in pink so he could look at them. Mr. McGee stated the town of Medway is looking for a minor amendment to the order of conditions for the removal of two trees that were not on the original plans. The town of Medway will take down 2 trees that are in the way of the construction of the ADA walkway. They will leave the stumps in to hold some of the soil and will replant two hickory trees. He stated on the grading

plan they had to make an ADA compliant walkway. Some of the tree roots were compromised and they felt it was necessary to take down those trees for safety reasons so they could not wait for Mr. Travalini's site visit. Ms. Graziano showed pictures of the site to the audience. Mr. McGee stated they will bring up the grade and soften the slope so it will not look like a dirt wall. Mr. Snow stated it will be unstable and will need landscaping. Mr. McGee stated the slope goes up about 15 feet and down 10 feet. Mr. Snow stated their current plan does not have integrity and would like to see a plan from an engineering designer. Mr. McGee stated they were keeping the roots in for stability but could they could take them out.

Ms. Graziano stated she will set up a site visit and the applicant will bring a revised plan for the October 11, 2018 meeting.

**Discussion # 2 Request for a vote to expend \$3,500 from the Wetlands Protection Act for the continued use of an intern for 12 hours per week for 3 months**

**Discussion # 3 Review Draft of Conservation Restriction for Salmon Retirement Community (no vote to accept), vote to push to EEOA for review**

*Mr. Travalini made a motion to expend \$3,500 from the Wetlands Protection Act for the continued use of an intern for 12 hours per week for 3 months. Ms. Gill seconded the motion and it was approved 5-0-0.*

**Discussion # 3 Review Draft of Conservation Restriction for Salmon Retirement Community (no vote to accept), vote to push to EEOA for review.**

*Mr. Snow made a motion to accept the Conservation Restriction language for the Salmon Retirement Community that was reviewed by council and they will pass it on to EEOA. Ms. Gill seconded the motion and it was voted to approve 5-0-0.*

**Discussion # 4 – vote to ratify the Enforcement Order of 9 Applegate Road for collapse of authorized retaining wall within the 0 – 25 no disturb zone**

Ms. Graziano stated that the retaining wall totally blew out during the last storm. They are cleaning it up.

*Mr. Snow made a motion to ratify the Enforcement Order for 9 Applegate Road. Ms. Queenan seconded the motion and it was voted to approve 5-0-0.*

**Public Hearing #1 (continued from 7/26/18, 8/9/18 no quorum, 8/23/18) 123 Main Street Notice of Intent DEP #216-09-20) for a proposal to install a water main connection**

*Per the applicant's request, Mr. Travalini made a motion to continue 123 Main Street Notice of Intent (DEP #216-09-20) to the October 11, 2018 meeting at 7:45pm. Mr. Snow seconded the motion and it was voted to approve 5-0-0.*

**Public Hearing # 2 continued (4/26/18, 5/10/18, 5/24/17, 6/14/18, 6/28/18, 7/11/18, 7/26/18, 8/9/18 no quorum, 8/23/18) 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)**

Ms. Graziano was not able to complete the Order of Conditions.

*Mr. Travalini made a motion to continue Notice of Intent (DEP #216-0918) 11, 13, 15, 17 Fairway Lane Timber Crest Estates Access Road to the October 11, 2018 meeting at 7:45pm. Ms. Queenan seconded the motion and it was voted to approve 5-0-0.*

**Public Hearing # 3 –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, 5/24/17, 6/14/18, 6/28/18, 7/11/18, 7/26/18, 8/9/18 no quorum, 8/23/18) 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**

Mr. Mounir Tayara was present for the hearing and stated that all of the technical issues have been resolved. Mr. Sean Reardon from Tetra Tech was also present for the hearing and stated that at the last meeting the applicant was asked to consolidate all the information and create a new version instead of working with many different versions. He stated that all the details and labels have been addressed to our satisfaction. He feels it is consistent and meets the standard.

Ms. Graziano asked if the phasing plan was consistent with the storm water regulations. Mr. Reardon stated yes that in the phasing plan underneath each phase it lists the BMPs that will serve each particular phase. Ms. Graziano had asked for a water budget of the redirection of stormwater run-off and had asked Mr. Reardon to confirm that there would be no loss to the hydrology of the vernal Pools. Mr. Reardon stated they reviewed it and feel there won't be any significant change. Ms. Graziano also asked if the table that is set up will work. Mr. Reardon stated they came up with a schedule of lots and the infiltration systems are more reflective of an achievable plan. They have reviewed it and feel that they are practically achievable.

Mr. Travalini asked if anyone had any questions. Ms. Cindy Malinak, 14 Fairway Lane asked about the calculations. Mr. Reardon stated the original calculations related to the roadways and not the roofs. We stated that they had to prove the project will work and that they must consider the roofs. So they came up with an infiltration system for each house. Most of the lots are within jurisdiction so these lots will have to have a test pit done to see where the water table is and the nature of the soils.

Ms. Laurie McKay, 106 Winthrop Street asked if there are any changes in the plans due to the finding of wetlands near her house. Mr. Travalini stated we are discussing stormwater right now. Mr. Mike Dorman asked about the stormwater drain off- will it affect the neighboring lots as Ms. McKay's lot is very low. Mr. Reardon stated they have met the standards and they don't expect any impacts to the water tables. Mr. Travalini asked if they accounted for the driveways. Mr. Pavlik stated they are included as part of the impervious areas. Mr. Reardon stated those lots are pretty small and they aren't really able to expand too much and change the surface. Mr. Travalini stated they will also address the lots as they come before the commission for permitting.

Ms. Graziano mentioned at the last meeting that there was a notation that states this does not include the lots but this was only on the grading sheets but needs to be on every sheet. Also the language should not say individual houses but should say individual lots on every single page.

Ms. Graziano stated Art and Dan reviewed the isolated vegetated wetland and that needs to be added to the plan. Mr. Reardon confirmed there is no grading near it.

Mr. Allen stated the new isolated wetland appears to get seasonally surcharged from a well on lot #106 but gets just surface ponding seasonally. This does not pond more than 6 inches and is roughly 1000 square feet and it is clearly isolated. The boundary will be defined by Mr. Allen and there shouldn't be any impact.

Ms. Graziano asked about the wetlands replication and stated the wetlands replication is required by conditions and has to be completed prior to or in conjunction with.

Ms. Graziano asked about the number of retaining walls in the 0-15 buffer. Mr. Pavlik stated Chris sent her a response by email. Mr. Pavlik stated the 0-15 buffer area is 88 linear feet and 306 feet in the 15-100 buffer area. Mr. Pavlik stated they will double check the numbers.

Ms. Graziano stated the commission had for a tree clearing plan at the July 11, 2018 meeting and she cannot find this. She needs to know how they are going to clear, what time of year, all at once or will it be phased. Mr. Tayara stated they have submitted the phasing plan.

Mr. Dan Strachan, 11 Fairway Lane asked about the sections and asked if we could put each section up on the screen so the audience can see what exactly you are talking about. There are 4 phases on each side and according to the ZBA they can only do two at one time. This plan shows the progression. Mr. Pavlik stated the first phase will be off of 102 Winthrop Street – the first phase which will include construction of homes at some point but roadway infrastructure comes first. The roads to service these homes include the sewer line and go out to Ohlsen Street. Mr. Pavlik stated they only want to put in a silt fence once.

Ms. Amy Kwesell, KP Law stated the tree clearing plans shows the limit of work for the whole project and this is a problem it should be just the clearing needed for the construction of the project presented under the NOI not subsequent possible proposed projects. Mr. Pavlik stated this clearing plan matches the grading and drainage plan. Ms. Kwessel stated there are significant issues of clearing right up against a wetland if you do not need to.

Mr. Reardon stated they need extra space to construct the roadway. Ms. Graziano stated they are in the 15 foot which is not consistent with the buffer plan. Ms. Kwesell stated the applicant has been told at numerous meetings to stay out of the 0-15. Why is the stockpiling within the 0-15 or directly adjacent to it? Mr. Reardon asked that the Commission give them some guidance on this. They are out of the 15 foot buffer zone but do you want them to be 30 feet out? Mr. Travalini stated sometimes they will have to be right up to the 15 foot buffer because of the roads but in other spots there are other options to put the stockpiling away from the 15 foot buffer.

Mr. Pavlik stated he will delete sheet 41 (showing house lots) and replace with a clearer phased plan that doesn't include the sequencing plan. He will edit 41 and 41A.

Ms. Graziano noted that on sheet 21 the wetland is labeled as isolated wetland. Please explain. Mr. Pavlik stated he will take another look at that as it might be a typo.

Ms. Graziano stated she reviewed the Plans titled August 1, 2018 showing the 0-15 impact that includes grading, crossing and the lots and she found 21 discrepancies in the 0-15 and 2 are for the crossing and 1 is for HDD. The major one is at the T at Fairway Lane which has grading but was labeled as utility crossing but it is not. Mr. Snow suggested that Ms. Graziano give the list to the applicant for them to review and they can recalculate the numbers.

Mr. Tayara stated he would like to go over all of these discrepancies right now. Ms. Graziano reviewed the sheets and stated sheet 19 nothing, sheet 20 shows the grading is over the line. Mr. Pavlik stated the silt fence is on the line but they can move it another foot. Number 3 was for the end of T road, but the end of driveway but should be labeled common driveway and utilities. Sheet 21 road C grading by the cul-de-sac, 5 is down Road E and the neck of cul-de-sac. #6 end of Road D labeled for lot but should be for cul-de-sac. Sheet 22 is the crossing. Sheet 23 a lot was mentioned. #8 infiltration basin, # 8, 9 is the crossing. 10 and 11 are at Road F for retaining walls, 12 is the Fairway Lane, 13 is Infiltration basin, 14 is double infiltration basin, 15 retention pond 8A, 16 they have, 17 at Road F at the certified vernal pool. And the 18 dry detention basin 10, 19 Water quality swale, 20 grading along the roadway above Route 109, 21 Road E number 6 is fixed but not fixed on the landscape plan.

Ms. Graziano made a comment about the generator on sheet 20. Mr. Snow stated the generator is north of the filtration basin. Mr. Snow asked how the generator will be powered. Mr. Pavlik stated it will be gas or propane. Mr. Snow asked if it is serviceable or should it be closer to the access road. Mr. Reardon stated it should be near the lift station and this is ok.

Someone from the audience asked where the three 3 generators are located, how noisy will they be and how often they will be used. Mr. Tayara stated they are for emergencies only if the power goes out. Mr. Pavlik pointed out where they are on the projector screen. One is on the west side, one is in a remote location not near any houses and the third is near Holliston Street in the back woodland area. Mr. Snow stated the generators cannot use diesel fuel. It has to be gas or propane.

Ms. Amy Kwesell requested a change to the plan where it states- future public ways and red buildings are affordable units. She would like those two comments removed.

Mr. Tayara stated since the technical and engineering issues are completed. The big issues left are the 0-15 buffer work and the connectivity between the vernal pools and lack of uplands in between. Mr. Tayara looked at all of the 0-15 buffer and stated starting with the first one, they can build some walls and pull it out of the 15 foot. The second area can be tightened up and may use a retaining wall. In the other area they can put a small retaining wall and pull it back. At the crossing they cannot move back from the 0-15. They cannot move back from the utility area. Mr. Snow asked if they could move back the horizontal drilling a few feet. Mr. Tayara stated that is not a problem. The shared driveway off of Fairway Lane has a retaining wall and they can pull it back a little. Another area they can push back and build a small retaining wall. The detention basin should not be a problem as they can push the grading in. Basically Mr. Tayara stated any areas with grading can be solved by creating retaining walls. There are only two areas where

they cannot push back and they are asking the Commission for some leeway. Ms. Graziano stated they need to account for the additional work area needed to put the retaining walls in.

The other problem is the area near the vernal pools/ upland area. Mr. Tayara asked if he removed everything in the area near the vernal pools/upland area would that be ok with the Commission. The Commission discussed the implications of this proposal.

Mr. Travalini asked about lots 124 and 125. Can they be combined into one lot, cut it off and move the house over. Mr. Tayara stated the lot is too small to do that. Mr. Tayara stated he will remove those lots if they can have closure on this. He will eliminate Road G and lots 124 and 125. Ms. Graziano would need to evaluate that. Mr. Sean MacEvoy Fairway Lane stated he is concerned about permitting the infrastructure separately from the houses. His fear is when it comes time to permit the houses many of them will need work into the 15 foot buffer. The commission may deny a lot and then he can come back and say well you let me put in these roads. Also he hears the applicant asking if his proposal makes things better but we should be asking if it is an improvement. Mr. Snow stated we can't always get exactly what we want but we can get closer to an acceptable solution that meets the performance standards.

Someone from the audience asked Ms. Kwesell how the town perceives a development that gets developed in phases where you can work on two phases at a time. What if none of the lots sell as a 40B. Mr. Travalini stated that is a question for the Zoning Board not for the Conservation Commission. He asked what if a road is put in and then he can't sell them. Ms. Kwesell stated they would have to get a modification to the plan from the ZBA and it would change with whatever the economy can support. Mr. Reardon stated that is why a phasing plan is put in place.

Mr. Dave Dahlheimer, 21 Fairway Lane asked how we settled on the 15 foot buffer. Mr. Snow stated it is usually 600 feet but this is not enforceable and they have no regulatory authority on this. We normally enforce a 25 foot buffer but with a 40 B project, the bylaws goes out the window. Then we have to decide what amount of feet will survive on an appeal. Mr. Allen commented on the 15 foot buffer. He felt 15 feet would be upheld in an appeal and that it is a reasonable setback for this site. Mr. Travalini states the 15 feet give critters the best chance for survival if a project is going to go in. The DP permits protecting vernal pools only up to the wetland line. This is not ideal but it is what we have to work with. Mr. Snow stated it could go to a zero foot buffer.

Ms. Graziano stated that she has a comment from Andrew Hamilton, 7 Fairway Lane that he is concerned about testing the fill and wants the commission to uphold their conditions.

Mr. Travalini stated the applicant will have a revised plan and that will address all the concerns.

Mr. Tayara proposed a solution to the fill concerns. What if he gets a certification from each place where he plans to get the fill? Mr. Snow stated he should have someone look at the fill when he finds the place he wants to buy the fill from. Mr. Tayara stated but this needs to be listed in the conditions now. Mr. Snow stated the fill material will not come from the same source over the years. Mr. Tayara stated yes he is aware of that and he will get certification from each and every one. Mr. Tayara wants the condition to say he will use an approved source each time. Mr. Tayara will check with his consultants on this.

***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 to the October 11, 2018 meeting at 7:45 pm. Mr. Snow seconded the motion and it was voted to approve 5-0-0.***

**Approval of minutes**

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.

**Agent Report**

Ms. Graziano stated the Eagle Scouts and Girl Scouts are proposing two bridges with RDAs, no vegetation below them just small intermittent streams and the bridges are removable. They should go to CPC for funding.

**Chair Report**

**Adjourn**

***Ms. Queenan made a motion to adjourn the meeting at 11:07 pm. Ms. Gill seconded the motion and it was voted to approve 5-0-0.***

Respectfully submitted by

Tracy Rozak, Recording Secretary

### **Documents Presented at the September 27, 2018 Public Meeting**

All documents shall be kept in the Conservation Commission Office files

#### **Request for Determination of Applicability**

- **30 Milford Street-Proposal to install a natural gas line (120 feet) from the road  
Request for Certificate of Compliance**
  - WPA Form 1 Colombia Gas RDA-19-04
  - Plans titled, “Wetland Delineation Overlay Plan”, dated August 2018 by Merrill Engineering
- **68 Oakland Street – proposal to install a replacement septic system  
DEP # 216 09-18**

Hearing was continued, no documents presented.

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

- **31 Main Street (DEP #216- 0898) proposal to construct a single family home  
with associated utilities**
  - WPA Form 8A
  - Plans titled, “Conservation As Built Plan of Land in Medway, MA” by Colonial Engineering, dated September 19, 2018

#### **Request for Extension to the Order of Resource Area Delineation and Order of Conditions**

- **Winthrop Street Fairway Lane - extension requested for one  
Year**
- **272 Village Street (DEP #216-0855) -proposed duplex home with associated  
driveway and landscaping**

Hearing was not opened, no documents presented.

#### **Public Hearing #1 (continued from 7/26/18, 8/9/18 no quorum, 8/23/18) 123 Main Street Notice of Intent DEP #216-09-20) for a proposal to install a water main connection**

- WPA Form 3
- Plans titled, “Proposed Water Line Plan of Land in Medway, MA” by Colonial

Engineering, dated May 1, 2018

**Public Hearing # 2 continued (4/26/18, 5/10/18, 5/24/17, 6/14/18, 6/28/18, 7/11/18, 7/26/18, 8/9/18 no quorum, 8/23/18) 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)**

- WPA Form 3
- Wetland Border Report 13 Fairway Lane -DEP Wetland Delineation Forms by Goddard Consulting, dated February 20, 2018
- Drainage Report by Outback Engineering, dated March 15, 2018
- Long Term Pollution Prevention Plan by Outback Engineering, dated March 15, 2018 within the Drainage Calculations
- Plan titled, “Notice of Intent 11, 13, 15, 17 Fairway Lane in Medway, MA” by Outback Engineering, dated March 15, 2018

**Public Hearing # 3 –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, 5/24/17, 6/14/18, 6/28/18, 7/11/18, 7/26/18, 8/9/18 no quorum, 8/23/18) 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**

- Document titled, “Proposal for Vernal Pool Monitoring Survey” by Goddard Consulting, dated September 18, 2018
- Documents/letters titled, “Timber Crest Estates Subdivision Review” by Tetra Tech, date September 20, 2018
- Untitled plan showing the new IVW location