



## **MEDWAY CONSERVATION COMMISSION MEETING**

**Sanford Hall, Town Hall**

**155 Village Street, Medway, MA 02053**

**7:30 P.M.**

**Minutes**

**August 13th, 2015**

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on August 13, 2015 at Sanford Hall. In attendance were members Dave Travalini, Ken McKay, Brian Snow, Scott Salvucci, Conservation Commission Agent Bridget Graziano, and Sreelatha Allam, Night Board Secretary

### **Discussions**

- Meeting was called to order at 7:36 P.M.
- Conservation Commission Chairman, Mr. Travalini asked the members of the board if there are any additional items to be added to the agenda.

There were none.

### **Approval of minutes of 4/23/2015 and 5/14/2015 -**

- A motion was made by Mr. Travalini to approve the minutes from 04-23-2015 meeting, seconded by Mr. Salvucci. All were in favor.
- A motion was made by Mr. Travalini to approve the minutes from 05-14-2015 meeting, seconded by Mr. Salvucci. All were in favor.

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

- **5 Brookside Road - Removal of trees within the Riverfront Area of Chicken Brook –**  
A motion was made by Mr. Travalini to continue 5 Brookside Road to August 27, 2015 meeting, seconded by Mr. Snow. All were in favor.
- **6 Clover Lane- Removal of in-ground pool by filling and grading within 100' buffer zone of BVW-** The applicant Mr. Michael Kaslosky was present at the meeting. Proposed work includes removing an in-ground pool 30 feet from BVW. Fill on the site will be used to fill up the pool. A site visit was conducted on 08-12-2015 by CONCOM Agent, Ms. Graziano to review the limit of work to wetland resource area(s) boundaries. She noted that there is an area close to wetlands where grass cannot be planted. Compost sock should be used for erosion control along the limit of work.

**A motion was made by Mr. Travalini to issue a negative 3 and positive 5 determination of applicability for 6 Clover Lane, with the condition that the limit of work shall be determined before the work is commenced, the compost filter mitt shall extend to the limit of work. The CONCOM Agent shall be notified when the barrier is in place, prior to the commencement of any work, so that she may make an inspection.**

**There shall be no stockpiling of earthen material and no refueling of equipment within the 100' buffer zone before, during, or after construction. All equipment may be kept on site within the limit of work line only.**

**All excavated material not used on site shall be immediately placed in a truck and hauled off site. At no time may excavated materials be stored on site within the Commission's jurisdiction.**

**All disturbed areas within the 100' buffer zone shall be seeded post construction and must be stabilized prior to the removal of erosion control line and if fill is needed then it has to meet the general specification of the Commission, seconded by Mr. Snow. All were in favor.**

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

##### **23B Fairway Lane - Construction of in-ground pool, patio, landscaping and fencing-**

Mr. Paul DeSimone was at the meeting representing the applicants David and Jodi Eller. The Agent conducted a site visit on August 7, 2015 with Mr. DeSimone. Ms. Graziano said the Pool moved northwest by 16'. The as-built plan was submitted to the Commission by the applicant. There was discussion about the discrepancy in the location of the pool on the ground Vs in the plans.

**A motion was made by Mr. Travalini to issue a partial Certificate of Compliance for 23B Fairway Lane with the stipulation that a full Certificate Of Compliance will be issued after the planting work is completed and stabilized, seconded by Mr. Snow. All were in favor.**

#### **Public Hearings**

##### **Continued Public Hearing#1- Abbreviated Notice of Resource Area Delineation (5/28/15, 6/13/15, 7/9/15) - Exelon 9 Summer Street and 34 West Street (DEP# 216-0849) - CONCOM**

member Mr. Snow stepped down for this agenda item. Ms. Graziano and Mr. Allen conducted a site visit to identify the wetland delineation line. However, the Commission members has not made a site visit. Hence this item was continued. A site visit is scheduled for August 22, 2015 around 8:00AM. Final plans have been submitted addressing the agent's and Art's comments. Charlie Meyer's gave some comments on the project. He stated that the plans do not show the 50 foot sound wall. He expressed concern about the amount of loadings and un-loadings of oil. Two maps are in conflict with each other with regards to the staging area. Mr. Travalini reiterated that CONCOM will only look at the wetlands lines at this point and that Mr. Meyer should come back when Exelon presents

the plan. Ms. Graziano requested for a special meeting on September 2, 2015 at 7:30 PM to discuss this item.

**A motion was made by Mr. Travalini to continue Exelon 9 Summer St. and 34 West St. (DEP# 216-0849) to September 2, 2015 at 7:30 PM at a location to be determined. The motion was seconded by Mr. McKay and it was voted to approve 4-1. Mr. Snow stepped back after the vote.**

**Continued Public Hearing#2 Notice of Intent (5/28/15, 6/25/15, 7/23/15) - 257 Village Street (DEP# 216-832)-Proposal to install an e-one pump unit, force main, and sewer manhole structure –**

Engineer Mr. John Spink was at the meeting with the applicant Mr. Einis. Mr. Spink stated that per CONCOM's direction new wetland lines were flagged. The request is to allow the applicant to use 15ft. from the back of the deck to wetland line to connect the house to the septic system. House was last occupied in 2005 and was rehabilitated since then. Historically the area had the house and the yard all the way up to the wetland line. No filling will be done in the no-touch area. Members stated that the Commission never approved the use of 15ft from the back of the deck for the proposed work. They noted that the NOI filed in 2013 is two years old. Per state regulations, members cannot review the application and re-filing of the NOI is necessary. As next steps, an amendment to the original NOI must be filed with CONCOM and MassDEP, revised plans with reference to all wetland lines must be submitted to DEP. A site visit was scheduled on August 19, 2015 at 8:00AM. Mr. Travalini asked the applicant to submit a written request for continuation if they know that they cannot attend the meeting.

**A motion was made by Mr. Travalini to continue (DEP# 216-832) to August 27, 2015 meeting at 7:45PM at the request of the applicant, seconded by Mr. McKay. All were in favor.**

**Public hearing#3- Notice of Intent – 259, 261, 261R, 263 Village Street (DEP# 216-8XX)- Proposal to construct an Adult Retirement Community consisting of one main residence building for medical care, 60 assisted living and 56 independent living residential units and 15 attached garages-** This item was not discussed since the abutters were not notified. Members will discuss this item at August 27, 2015 meeting after re-notifying the abutters and posting in the newspaper.

**Continued Public Hearing#4 (2/12/15, 3/26/15, 4/23/15, 5/28/15, 6/12/15) Abbreviated Notice of Resource Area Delineation (DEP# 216-0841)- Winthrop Street, Woodland Street, Map15 Lot19, Map15 Lot1, Map8 Lot19, Map9 Lot58, Map8 Lot16, Map1 Lot005, Map14 Lot5- Proposal to review wetland delineation line-**

On August 8, 2015, CONCOM members Mr. Travalini and Mr. McKay made a site visit to the property with Wetland Scientist Mr. Art Allen (Eco Tech). Initial walk was made on April 22, 2015 followed by another one on June 9, 2015. Final report was submitted to the Commission and it is available for public access and is a public record. Copy of the plans (hardcopy, softcopy) will be available to the public.

## Abutter Comments/Questions-

### 1. **13 Fairway Lane- Allen and Curt Schafer-**

- a. Asked if the plans get reviewed by the State. Members noted that the documents (plans, application, and supporting materials) in the first round get reviewed by MassDEP. Revised wetland line will be part of the NOI and DEP will receive that. However, they might or might not have comments on the submission.
- b. Asked when the wetland lines in the vicinity of the Wickett Property will be taken up for review. Members stated that for this filing they only look at the wetland lines within the proposed project limits. After a NOI is filed CONCOM will take into consideration the impact on the wetland lines in the vicinity of the project.
- c. MassDEP stated that if a vernal pool is not certified then it cannot be considered/ defined as a vernal pool. Members stated that the identified vernal pools cannot be certified since the current conditions are dry. They are not on the plans and the applicant has not requested to approve them. When a NOI is filed and the Commission is reviewing the proposed development then the impacts on vernal pools and other wetland resources will be examined.

### 2. **5 Howe Street-** Asked about the original dates when the flagging was done. Members replied it was done in October 2014. First site visit was made in April 2015.

### 3. **5 Cider Mill Road-** Kelly O' Rourke: Asked the changes in the wetland lines between the first submission and the latest submission of the plans. Is there a significant differential in the changes observed when compared with a similar project? Mr. Allen noted that revisions were made to 60 locations on the site. Several acres of wetlands have been added across the site. Without much topography it is a difficult site to delineate. The changes are typical to a project of this size and magnitude. There are a large number of vernal pools on the site and they were not submitted for verification as part of this application. However, locations of possible vernal pools have been identified and shown in the plans. There are five potential vernal pools on this site.

### 4. **11 Fairway Lane- Dan Strachan:**

- (a) Asked about state's threshold for replication and setbacks on wetlands. Requested information on the proposed development. Members stated that it is outside the purview of the current discussion. For the threshold question they noted that State generally requires replication in the ratio of 1:1. An alternative analysis must be conducted by the applicant if the proposed disturbance is over 5000 Sq. Ft. DEP, Army Corp of Engineers, and CONCOM get involved under this scenario. If it's less than 5000 Sq. Ft. then an appropriate replication is needed.
- (b) Asked the type of considerations CONCOM would give in case the proposed work will divert water into the abutting areas. Applicant will have to submit the storm water regulations along with the plans. These plans will show the amount of run-off into the wetlands and other measures adopted to control the amount of water entering into the wetlands.

5. **14 Fairway Lane- Stephen Malinak-** Asked about the next steps in the process. Members explained the process. Abutters within 100 ft. of the proposed work will be notified when the NOI is filed.
6. **Fairway Lane- Dave Dahlheimer:** Asked why the applicant was not asked to flag the vernal pools and potential streams on the property in addition to delineating the wetland lines. Members stated that at this point the applicant has the freedom/flexibility to decide what they want to show on the plans. They reiterated that any kind of approval at this juncture in the process does not mean approving any potential vernal pools and/or intermittent or permanent streams.
7. **Abutter 7-** Asked about the review process for the revised and submitted plans. Mr. Travalini said the intent was to only approve the wetland lines at the meeting.
8. **Dennis Crowley (Board of Selectman) -** Asked about setback requirements to the BVW. Members stated that DEP does not have particular setback requirements. The applicant is allowed to do the proposed work until the edge of the wetlands as long as there is no disturbance. Intermittent streams have the same protection as the BVW.  
**A motion was made by Mr. Travalini to issue an ORAD as per plans with the exception that this ORAD is not approving any vernal pools, and that CONCOM recognizes there is an intermittent stream on the site for (DEP# 216-0841), seconded by Mr. Snow. All were in favor.**

## **Discussions**

**Discussion #1- Vote findings for Notice of Intent (DEP# 216-0847) 13& 15A Fisher Street Map 45 Lot 039/041: The Haven Subdivision proposal for a three lot subdivision with roadway, storm water management system, and utilities-** Members reviewed the Order of Conditions. Mr. Travalini suggested one change in Page 6 of 22 (Condition 106 should be Condition 109).

**A motion was made by Mr. Travalini that the Commission hereby finds that the work proposed for construction of new subdivision road with 3 associated lots and storm management system within 100' of a BVW was reviewed during the public hearing process, where the applicant presented evidence sufficient to demonstrate that the proposed activity shall have no impact on this wetlands resource and meets the provisions under 310 CMR 10.02 (2)(b) and (3) and 310 CMR 10.05(4) and Medway General Bylaw Article XXI Regulations and the performance standards under Section 5. It was noted that all conditions of this Order must be met in order to meet the above mentioned provisions. The Commission additionally finds that the work must be conditioned to protect all interests of the MA Wetlands Protection Act and the Medway General Wetlands Protection Bylaw.**

**Additionally, the Medway Conservation Commission finds that the following conditions are necessary in order to protect the wetland resource for the duration of this proposed project. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced in the Special Conditions section of this Order. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice**

of Intent, the conditions shall control. The motion was seconded by Mr. Snow and it was voted to approve 4-0.

**Discussion#2- Review and vote on proposed scope of work for Conway School Proposal and proposed Conservation Land Objectives and Goals**

Ms. Graziano drafted the scope for proposed management goals on for Medway Open Space and CONCOM land. Ms. Tina Wright of Open Space Committee and CPC drafted the scope of work for Conway School. Both the scopes will be presented to the Open Space and CPC for votes. It will be presented to the Board of Selectman on September 22, 2015.

**A motion was made by Mr. Travalini to approve the proposed scope of work for Conway School and scope for proposed management goals for Medway Open Space and CONCOM lands, seconded by Mr. Snow. All were in favor.**

**Agent Report-**

- **Schedule Site Visit for ANRAD review of DEP#216-0849 9 Summer St. /34 West St. and training-** Site Visit was scheduled for September 22, 2015.
- **Village Street Canoe Launch Eagle Scout Project-** Ms. Graziano referred to an email seeking approval to use silver maples for planting. Members were ok with the idea.

**Motion made by Mr. Travalini to adjourn the meeting, seconded by Mr. Snow@ 10:10 P.M. Unanimous.**

Respectfully submitted,

Sreelatha Allam  
Minutes Clerk

## **Documents Presented at the August 13, 2015 Public Meeting**

All documents shall be kept in the Conservation Commission Office files

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

#### **5 Brookside Road - Removal of trees within the Riverfront Area of Chicken Brook**

- Agent's Application Summary for RDA for 5 Brookside Road dated December 18, 2014
- Medway Conservation Commission Findings and Conditions under the Medway General Wetlands Protection Bylaw (Article XXI) for 5 Brookside Road, dated August 14, 2015
- WPA Form 2- Determination of Applicability for 5 Brookside Road
- WPA Form 1- Request for Determination of Applicability for 5 Brookside Road
- "Plot Plan of Land in Medway, Mass." By GLM Engineering, dated 10-30-1989 with hand drawing locating the tree

#### **6 Clover Lane- Removal of in-ground pool by filling and grading within 100' buffer zone of BVW-**

- Agent's Application Summary for 6 Clover Lane, dated August 3, 2015
- "Plot Plan of Land in Medway, Mass." dated 1-28-64 by GLM Engineering
- Medway Conservation Commission Conditions under the Medway General Wetlands Protection Bylaw (Article XXI) dated August 14, 2015
- WPA Form 2- Determination of Applicability for 6 Clover Lane

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

#### **23B Fairway Lane - Construction of in-ground pool, patio, landscaping and fencing-**

- Agent's Application Summary dated August 6, 2015
- As-Built plans titled, " DEP# 216-0830 Conservation As-Built Plan of Land in Medway, MA" by Colonial Engineering
- Copy of WPA Form 8A- Request for Certificate of Compliance
- Letter from Colonial Engineering to CONCOM dated August 3, 2015
- WPA Form5- Order of Conditions for 23B Fairway Lane
- Special Conditions from Medway CONCOM for DEP # 216-830 dated 12-05-2013

## **Public Hearings**

### **Continued Public Hearing#1- Abbreviated Notice of Resource Area Delineation (5/28/15, 6/13/15, 7/9/15) - Exelon 9 Summer Street and 34 West Street (DEP# 216-0849) –**

- Conservation Agent's site visit notes for DEP# 216-0849 dated 5-12-2015
- Copy of Agent's email, "9 Summer St. / 34 West Street" dated August 11, 2015
- Copy of Agent's email, "Exelon Site Walk Results" dated August 03, 2015
- Memo from Arthur Allen Eco Tec, Inc. dated August 10, 2015
- Wetland Resource Area Delineation Plan, West Medway Plant Medway, MA, prepared by Beal's + Thomas, dated March 10, 2015, prepared for Exelon Power
- Wetland Resource Area Delineation Plans, West Medway Plant Medway, MA, prepared by Beal's + Thomas, dated February 18, 2015, prepared for Exelon Power

### **Continued Public Hearing#2 Notice of Intent (5/28/15, 6/25/15, 7/23/15) - 257 Village Street (DEP# 216-832)-Proposal to install an e-one pump unit, force main, and sewer manhole structure –**

- Site work and Conditions Plan, dated 9-25-2014, prepared by Spink Design, for Charlotte Realty LLC
- Agent's Application Summary for 257 Village Street, updated 8-13-2015

### **Public hearing#3- Notice of Intent – 259, 261, 261R, 263 Village Street (DEP# 216-8XX)- Proposal to construct an Adult Retirement Community consisting of one main residence building for medical care, 60 assisted living and 56 independent living residential units and 15 attached garages-**

- Agent's Application Summary for DEP# 216-08XX (Salmon Retirement) dated August 13, 2015
- Notice of Intent for Salmon Health and Retirement Community, prepared for Continuing Care Management, LLC, prepared by CONECO Engineers and Scientists, dated July 31, 2015

### **Continued Public Hearing#4 (2/12/15, 3/26/15, 4/23/15, 5/28/15, 6/12/15) Abbreviated Notice of Resource Area Delineation (DEP# 216-0841)- Winthrop Street, Woodland Street, Map15 Lot19, Map15 Lot1, Map8 Lot19, Map9 Lot58, Map8 Lot16, Map1 Lot005, Map14 Lot5- Proposal to review wetland delineation line-**

- Letter from Arthur Allen of Eco Tec, Inc. "Wetland Resource Area Peer Review Final Report", dated July 2, 2015
- Copy of email from Arthur Allen, "Wickett Property ANRAD", dated July 14, 2015
- List of Abutter/resident questions on ANRAD 216-0841- Wickett Land dated August 3, 2015
- Copy of email from Arthur Allen, "8-9-15 Site Visit- Wickett Property", dated August 10, 2015



- ANRAD DEP# 216-0841 Phase II Wetlands Plan of Land in Medway, MA prepared for Novus Homes LLC, prepared by Colonial Engineering, Inc. dated December 29, 2014 (revised June 19, 2015, July 2, 15, 2015, August 3, 2015)
- Letter from Arthur Allen of Eco Tec, Inc. “Wetland Resource Area Peer Review Final Report”, dated July 2, 2015 (revised August 13, 2015)

## **Discussions**

### **Discussion #1- Vote findings for Notice of Intent (DEP# 216-0847) 13& 15A Fisher Street Map 45 Lot 039/041: The Haven Subdivision proposal for a three lot subdivision with roadway, storm water management system, and utilities-**

### **Discussion#2- Review and vote on proposed scope of work for Conway School Proposal and proposed Conservation Land Objectives and Goals-**

- Listening to the Landscape, “Managing the Barber Reservation”, prepared for Sherborn Conservation Commission