



MEDWAY CONSERVATION COMMISSION MEETING
Sanford Hall, Town Hall
155 Village Street, Medway, MA 02053
7:30 P.M.
Minutes
August 25th, 2016

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on August 25th, 2016 at Sanford Hall. In attendance were members Dave Travalini, Ken McKay, Brian Snow, David Blackwell, CONCOM Agent Bridget Graziano, and Sreelatha Allam, Night Board Secretary

- The 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. One item was added to the agenda-
Add "Follow-up Discussion on 9 Summer St (Exelon)" to Chairs Report
A motion was made by Mr. Travalini to add "9 Summer St." to the Chair's Report in the agenda, seconded by Mr. Snow. All were in favor.

Approval of Meeting Minutes- 08/11/2016

A motion was made by Mr. Snow to approve the meeting minutes of 8/11/2016 as presented, seconded by Mr. Blackwell. All were in favor.

Request for Determination of Applicability- Public Hearings-

- **Map/ Lot 71-027, 45-012, 45-048 Algonquin Gas (RDA-16-18) Request for Determination of Applicability for a proposal to perform geotechnical investigation-**

Jon N. Bonsall, representing Algonquin Gas attended the meeting with Mike Tyrell (TRC Environmental). He gave an overview of the proposed project to the members. Presentation on construction techniques and an in-depth review of the project will be presented at the time of NOI filing. Access to Northeast is being developed by three companies; Spectra Energy, National Grid, and Eversource. It's designed to address the existing pipeline constraints into New England area. Access Northeast is intended to address that issue. This is achieved through expanding/ upgrading the existing Algonquin system. In addition to reducing electric bills and repairs, this project intends to reduce emissions into the environment and increase the reliability of

the electric grid in New England area. About 95% of all Algonquin facilities will be adjacent to or within existing easements. Project commences in New Jersey and passes through New York, Connecticut, Rhode Island, and Massachusetts.

Mike Tyrell, TRC Environmental (Environmental Lead for Algonquin Project) -Project is at early planning stages. Geotechnical investigation will be conducted to help understand the feasibility of stream crossing and road crossing methodology. With that information pipeline location and limits of work will be established. An Notice of Intent (NOI) will be filed with CONCOM eventually for the construction of the line should it moved forward after testing is concluded. Geotechnical work will be conducted in four locations. Two locations are related to the possibility of the gas line crossing Charles River for which a horizontal directional drill will be proposed. These locations are within the riverfront area and buffer zone of BVW. The other two locations are related to Milford St. /Rt. 109. Borings are proposed directly off the road (within the buffer zone). Existing roads will be used for easy access and no new access roads are proposed at this time. Members asked if any of the horizontal drilling will be done in the ground water protection zone. Mr. Tyrell responded that this question will be addressed further along in the process. Bore holes will be 3-4 inches in diameter. Depending on the location, it might take 2-3 days to complete the work. The proposed project is presenting the proposal as qualifying for the WPA exemption under 310 CMR 10.05 but RDA was filed per Medway General Bylaws as there is no exemption under the Bylaw. The applicant plan is to do the geotechnical investigation as soon as possible once the permits are granted. He noted that if the project proceeds a NOI will likely not be filed until 2017. Mr. Tyrell stated that the proposed drilling mud for the bore holes will be contained and removed where needed. Holes will be grouted and material will be put back in. Any additional material will be removed from the site. Boring logs and geo technical report was requested to be submitted to the Commission once testing is completed.

A motion was made by Mr. Travalini to issue a negative request for determination, a negative 3 (under Medway bylaw) with conditions, negative 5 {under 310 CMR 10.02 (2)(b) (2)(g)} for (RDA-16-18) with conditions:

- ❖ Before the project commences, a limit of work barrier will be established using compost (filter) mitt to extend around all locations of the four proposed soil borings. The location of the erosion controls shall be staked in the field and reviewed by the Agent prior to drillings of borings. The CONCOM agent shall be notified when this 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 borings. Equipment may be kept on site within the limit of work line only. All excavated materials shall be immediately placed in a truck and hauled off the site. At no time may excavated materials be stored on site within the Commission's jurisdiction.***
- ❖ Geotechnical report and soil borings shall be submitted to Conservation Commission.***

for (RDA# 16-18) negative 3 with conditions, negative 5 under CMR (read the conditions from the handout), seconded by Mr. Snow. All were in favor.

9 Deerfield Road (RDA-16-19) Request for Determination of Applicability for a proposal to install a replacement septic system, septic tank, and pump chamber-

Robert Vey, Norfolk Engineering (BIG Septic???) represented the applicant, Mr. Michael Moschella. The proposed work is for a single family dwelling at 9 Deerfield Road to complete the replacement of a failed septic system. A new system is proposed in the back yard between 50' -100' buffer zone. The wetlands were flagged by AES. The Agent noted that the entire backyard has grass up to the stone wall. She also stated that she found dirt and grass clippings at the WF #1, 2, 3 which she requested be removed. This was completed by Mr. Vey and checked by the Agent. The Agent recommended that compost sock and siltation fence shall be used for erosion control with additional conditions.

A motion was made by Mr. Travalini to issue a negative request for determination positive 2B 5, negative 3 for 9 Deerfield Road (RDA# 16-19) with conditions that:

- ❖ Disturbed area near the shed shall be seeded as part of restoration plan*
- ❖ Before the project commences, a limit of work shall be established using filter mitt and siltation fence. CONCOM Agent shall be notified when this barrier is in place, prior to the commencement of any work so that she may make an inspection. The CONCOM reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.*
- ❖ There shall be no refueling of equipment within the 100' buffer zone before, during, or after construction. Equipment may be kept on site within the limit of work. Stockpiles shall be surrounded by erosion controls in order to protect the soils from eroding into the street and the associated street catch basins.*
- ❖ All disturbed areas within the 100' buffer zone shall be seeded post construction. All seeded area must be established and stable prior to the removal of the erosion control line. The applicant must contact the Agent for approval to remove the erosion control line and review seeded areas for establishment of vegetation, seconded by Mr. Snow. All were in favor.*

Request for Certificate of Compliance

140 Main Street (DEP# 216-0835)- Request for Certificate of Compliance (final from a partial) for the construction of a single family home, driveway, landscaping, and associated utilities only outstanding work is stabilization of yard/ landscaping

A partial Certificate of Compliance was issued to the property owner on January 15, 2015. At that time, there were run-off/stabilization issues, erosion control, in-sufficient grass growth, and two growing seasons has not passed for the planting of the Vaccinium corymbosum, which is required. The Agent noted that now

two growing seasons had passed and 6 of the 8 blueberries had survived and the Commission has required 5 be planted and under the Regulations 75% must survive. Therefore, the Agent recommended the Commission to issue a full Certificate of Compliance.

A motion was made by Mr. Travalini to issue a full Certificate of Compliance for 140 Main Street per Agent's recommendation with Condition #12 (no use of pesticides, fungicides or herbicides within the buffer zone or resource area) remaining in perpetuity, seconded by Mr. Snow. All were in favor.

Public Hearings-

Public Hearing #1- Notice of Intent Sorrento Lane "Lot#2" Map 45 Lot 39&41 (DEP# 216-0876) Construction of single family home, driveway, subsurface sewage disposal system, landscaping and utilities-

Bill Halsing, Land Planning Inc., represented the applicant, Louis Cheschi. Mr. Cheschi has applied some years back for a subdivision was approved by the Planning Board and Conservation. He noted that Bordering Vegetated Wetland (BVW) on the lot was approved by the Commission under this subdivision plan. This proposal is for the construction of a single family home with a septic system, town water, and associated driveway/landscaping. This is one of three proposed lots for this subdivision. The Commission noted that the plans call for a retaining wall (< 4ft.) is designed around the septic tank and there is a concern for alteration of the 25' buffer zone beyond this line. Mr. Halsing reported that all roof run-off would be directed into a infiltration system. The Agent informed the Commission that the lots has not been recorded at the Registry and are still under the "mother" parcel of 13/15A Fisher Street. Construction cannot commence until the lots are recorded appropriately. She stated that the subdivision plan should be recorded at the Registry of Deeds, provided to the Town's Assessor (assigned Lot and Map#) and given to CONCOM and recorded on appropriate Book and Page # for the Lot prior to the commencement of work. There was discussion on the validity of recording the same Lot twice. Ms. Graziano stated she will check the facts on this topic with Town Counsel. Members and the Agent went over the conditions in the Application Summary. The Commission discussed adding a stonewall on 25' no disturb zone line was discussed. Members asked the applicant to build a rock wall along 25' no disturb zone (opposite to flags 29A through 27), a granite bound opposite flag #30, and the roof infiltration system notation to show exact square footage. Compost sock behind the silt fence shows it going into 25' no alteration zone which is considered additional disturbance. Agent asked that be removed.

A motion was made by Mr. Travalini to continue public hearing #1 (DEP# 216-0876) to September 8, 2016 at 7:45 PM, seconded by Mr. Snow. All were in favor.

Public Hearing #2- Continued (8/11/16) Notice of Intent- Candlewood Dr. & Island Rd. (DEP# 216-0872), Emergency access, sidewalk, repair, and detention pond maintenance

Mr. David Faist attended the meeting on behalf of the applicant. He is working in conjunction with Mr. Dan O'Driscoll who was not available to attend the applicant other representative. Mr. Faist provided the history

of the project. In 1999, an inspection was done by VHB and the Town. In 2006, a Notice of Intent (NOI) was filed for the Village at Pine Ridge Condominium project and CONCOM issued Order of Conditions that never took place. That Order of Conditions has expired and no additional work may be done under this Order. Therefore, a new NOI is being filed to complete the work proposed in the original NOI. The proposed work is identical to the work proposed in 2006 NOI. There is an existing pathway between Island Road and Candlewood Drive, during the permitting process for the development known as Pine Ridge the time Fire Department met with the developer and the Planning Board to discuss the secondary access for emergency vehicles, this secondary access was then a requirement of the Fire Department for the approval of the permit. The Agent asked how the proposed access road would be constructed as this is absent from the NOI. Mr. Faist stated that the proposals was to provide 7ft of gravel on either side of the existing bituminous sidewalk. The proposed access is over an existing wetland crossing. Members asked if the crossing is adequate to sustain emergency vehicles. Mr. Faist said it will have to be determined since the last set of plans was created ten years ago. Mr. Faist noted that in addition the proposal is to complete cleanup of the existing storwater basin, as prescribed in the two letters from DPS to clean up the drainage system (part of the Planning Board Agreement) that will be addressed in this filing. Filing does not mention the extent (Sq. Ft.) of disturbance caused by the proposed work. Members stated the current plans are not sufficient to get Commission's approval. The Engineering techniques/ detail should to be presented showing that the crossing can support emergency vehicles. The Agent reported of some dumping (brush pile) in the area. She recommended removing the dumped material and having appropriate signage for dumping. Additionally, the Commission and the Agent noted the following items must be provided to the Commission; (1) vegetation management plan noting the restriction of the use of Pesticides, herbicides, or fungicides shall be restricted near water, (2) wetlands flags must be in the field and on the plans, (3) summary of the proposed work to construct the access, (4) topo elevation showing that the proposed work is not within the flood plain or filling the flood plain, (5) the proposed work for the cleaning of the detention basin needs to be defined and represented on the plans which was not noted in the NOI request, (6) letter from the current fire chief stating this proposal and access road is sufficient for emergency vehicles according to all CURRENT codes not 2006 codes, (7) that the existing crossing over the wetland can handle emergency vehicles and (8) the original Order of Conditions should be closed before a new one is issued per DEP guidelines. Members asked for paperwork indicating that the previous filing is closed or in compliance per DEP Guidelines. Revised plans should remove components that have already been completed and present the proposed work. Ms. Graziano will call the Fire Chief's office to request a letter indicating the crossing is adequate for use by emergency vehicles.

Abutter- Tom Anderson- 16 Candlewood Dr. – Mr. Anderson noted that an agreement to construct this emergency access was achieved in order to approve the construction of Pine Ridge. Nothing happened for a three year period. Residents have been pushing for secondary emergency vehicle access and are looking forward to the work being completed. He asked the timeline for Consultant response to CONCOM comments/ concerns. Planning Board committed to having the proposed work completed during the next construction season. Members asked the Consultant to provide a schedule to the Agent. Abutters can contact Ms. Graziano for information. Agent stated the proposed work needs a request for waiver for 25' no-touch and re-calculation of fee structure.

A motion was made by Mr. Travalini to continue public hearing #2-Notice of Intent- Candlewood Dr. & Island Rd. (DEP# 216-0872) to September 8, 2016 at 7:45 PM, seconded by Mr. Snow. All were in favor.

Public Hearing #3- continued 7/14/2016, 7/28/2016, 8/11/2016 Notice of Intent Villa Drive Extension Map 49 and Lot 032 (DEP# 216-0865) Proposed construction of a 200 +/- roadway extension and associated utility, earthwork and landscaping-

JP Connolley, Andrew Survey & Engineering the applicant's representative attended the meeting. Mr. Connelly stated he has been working with the Agent to review Peer Review proposals for this project as requested by the Commission at the August 11, 2016 meeting. He noted that his client supports the use of Eco Tec Inc by the Commission and plans to send a check as prescribed under MGL Ch.44 s.53G. The Agent noted that she requested 3 proposals for cost and that Eco Tec was the lowest cost with the appropriate credentials. Mr. Connolley and the Commission supported this assessment. Agent stated that Chapter (44) (53) (g) was invoked by the Commission and recommended that the process be kept transparent we have the discussion with the applicant at public meetings. She explained the process for obtaining and distributing the funds and that any unused monies will be returned to the client with interest included. It was agreed that Eco Tech will be performing the peer review. Members asked the Agent to handle this process administratively. Agent has received a letter from the client agreeing to the amount and the agency selected to perform peer review. Unless there is an objection from the client, this process will be dealt by the Agent. Any kind of coordination between Eco Tec Inc and the client will be done through CONCOM Agent. Consultant agreed to investigate the option of providing access via Kelly Drive since there is no zoning issue involved.

A motion was made by Mr. Travalini to continue Villa Drive Extension (DEP#216- 865) to September 22, 2016 meeting at 7:45PM, seconded by Mr. Snow. All were in favor.

Public Hearing #4- Notice of Intent Villa Drive Lot#1 Map 49 and Lot 032 (DEP# 216-0873) proposal to construct a single family home, driveway, landscaping, and associated utilities this proposal includes the request for a wetland crossing (alteration) for the construction of driveway-

A motion was made by Mr. Travalini to continue Villa Drive Extension (DEP#216- 873) to September 22, 2016 meeting at 7:45PM, seconded by Mr. Snow. All were in favor.

Public Hearing #5- Notice of Intent Villa Drive Lot#2 Map 49 and Lot 032 (DEP# 216-0874) proposal to construct a single family home, driveway, landscaping

A motion was made by Mr. Travalini to continue Villa Drive Extension (DEP#216- 874) to September 22, 2016 meeting at 7:45PM, seconded by Mr. Snow. All were in favor.

Public Hearing #5- Notice of Intent Villa Drive Lot#3 Map 49 and Lot 032 (DEP# 216-0875) proposal to construct a single family home, driveway, landscaping

A motion was made by Mr. Travalini to continue Villa Drive Extension (DEP#216- 875) to September 22, 2016 meeting at 7:45PM, seconded by Mr. Snow. All were in favor.

Discussions

Discussion #1- Jim Wieler review of proposed town trails, Millstone Development and Adams Street parcels

Mr. Wieler attended the meeting on behalf of the Trail Task Force Team where is explained that this group has been looking at the Millstone Development to obtain an easement for a trail to connect through this property to the open space area they have set aside in a Conservation Restriction. Mr. Wheeler came in to present the concept to the Commission before approaching Millstone Developers for easement to see if the Commission supports this. In the proposal, Town will construct the boardwalk across a portion of the wetlands. The proposed path has a man-made canal (30' wide) that will need a bridge and a wetland crossing. The Commission noted that the plan was conceived in 1999 and was part of the 2009 Master Plan for a trail system in the ecological corridor of Medway. This proposal re-routes the trail from the Iarussi Way wetland area. The new concept will skirt around the BVW (within 0 – 25' no-touch). Since it's a natural trail, it involves cutting the trees and some clearing. Trail Task Force Team intends to work with the Condo Association for file an NOI for the Order of Conditions. Members discussed the validity of the approach since the trail project is a town project and the Order of Conditions is for a private land/ownership. Members encouraged the Trail Task Force to pursue the original plan presented to the Commission earlier. To the question whether Commission will support the new concept presented at this meeting, members decided to walk the site before making a decision. Mr. Wheeler also talked about two Eagle Scout projects and a boardwalk that he wanted to walk with the Commission this fall. He presented another alternative where the trail passes behind the Luis Pond with a 10' bridge and couple of overlook areas. In the interest of moving the project forward, members suggested that task force should pursue the alternatives in phases and get CONCOM's approval. Member's expressed support to the project and stated that they will approve the use of Conservation land for trail purposes. Trail Task Force plans to attend the town meeting with estimates for boardwalk.

Discussion #2- Eversource Notice of Utility Maintenance Activities Station 446 Security Upgrades 34 West St, Medway, MA- proposed fencing and vegetation clearing review of request for exemption under WPA Regulation and Medway Bylaw for utility maintenance

Matthew A. Waldrip, Eversource Environmental Engineer attended the meeting. Utility Maintenance Activities are proposed at Station 446 off of West Street. A maintenance letter was submitted to CONCOM in early July 2016. The proposed work includes replacement of existing fence and clearing 33' of vegetation where Eversource is requesting a qualification of exemption under 310 CMR 10.02 (2) and the Medway General Bylaw Article XXI Regulations. The Agent expressed concerns with regards to 33' of vegetation clearing proposed as part of the work. She stated that maintenance and improvements of Utilities are exempt under Medway Bylaw if they meet the qualifications under the exemption but the 33' vegetation clearing

involves cutting the wetland resource areas and beyond the utilities existing footprint. Agent and Commission asked what the reason for 33' clearing beyond the fence line, when this has never been done before. Mr. Waldrip stated that clearing will be done to the extent needed visibility for security reasons. The 33' vegetation clearing is a result of vulnerability study conducted. Members asked the Agent to make a visit to the site with the Commission and for the applicant to draft a planting plan. The Commission noted that they are ok with removing any invasive's within the project limits. A site visit is scheduled on September 1, 2016 at 3:00 PM.

Discussion#3- 50 Alder Street (DEP# 216-0871) formally known as #51 Alder St. map and Lot# have remained the same) review and vote Order of Conditions (DEP# 216-0871)-

A motion was made by Mr. Travalini to issue the Order of Conditions for 50 Alder Street (DEP# 216-0871), seconded by Mr. Snow. All were in favor.

Discussion#4- 27 Charles Street request to amend Order of Conditions #216-0853- review process with Commission for validity, pull amendment

Members stated that the existing Order of Conditions for 27 Charles Street were not amended but have been closed with no work done. Applicant is allowed to fix the stairs on the side of the house. There is no new Order of Conditions for 27 Charles Street.

Discussion#5- 14 Oak St- Order of Conditions DEP# 216-0870 review order- moved to 9/8/16.

Discussion #6- 30 Main Street Compliance with Commission request for violation remediation, review letter and vote

A motion was made by Mr. Travalini to issue a letter to 30 Main Street stating that it is in compliance with said conditions from April 14, 2016 meeting, seconded by Mr. Snow. All were in favor.

Discussion#7- 272 Village Street (DEP#216-0855) review materials associated with the fill transported to the site without Commission authorization (letter from Jewel Environmental dated July 5, 2016) and new report from Tetra Tech on tracking soils into Village Street, email dated August 17, 2016

Agent received a call informing that fill was brought to 272 Village Street property in spite of the Order of Conditions. Ms. Graziano requested Ms. Grenier to make a site visit and informed her of a Condition in the existing Order that specifically states that fill cannot be brought into the property without it being approved prior to taking it to the site. There are specific conditions within the Order that calls for testing and review by the Commission and a likely LSP review. Ms. Graziano asked them to do the testing of the material that was brought in and they conducted their own testing via a LSP. Applicant did not follow Commission's

testing plan as the LSP ran a different testing schedule since the fill was brought from a farm. They had a LSP do the testing and analyze the fill. Members were ok with the approach used.

A motion was made by Mr. Travalini to adjourn the meeting at 10:45 PM, seconded by Mr. Snow. All were in favor.

Respectfully submitted,

Sreelatha Allam

Documents Presented at the August 25, 2016 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Determination of Applicability- Public Hearings-

- **Map/ Lot 71-027, 45-012, 45-048 Algonquin Gas (RDA-16-18) Request for Determination of Applicability for a proposal to perform geotechnical investigation-**
 - ❖ Agent's Application Summary for RDA-16-18 (Algonquin Gas Transmission Line), dated 08-09-2016
 - ❖ WPA Form 2- Determination of Applicability for Algonquin Gas Transmission Line
 - ❖ Plans titled, "Access to Northeast Project Q1-Loop Charles River 2 Town of Medway, Proposed Geotechnical Bore Location" by Spectra Energy dated 2016.

- **9 Deerfield Road (RDA-16-19) Request for Determination of Applicability for a proposal to install a replacement septic system, septic tank, and pump chamber-**
 - ❖ WPA Form1 Request for Determination of Applicability
 - ❖ WPA Form 2- Determination of Applicability for 9 Deerfield Road
 - ❖ Agent Application summary for 9 Deerfield Road (RDA 16-19) dated 08-15-2016
 - ❖ Medway Conservation Commission Order of Conditions for 9 Deerfield Road, dated 08-26-2016
 - ❖ Site Evaluation & Wetland Delineation report prepared by "Applied Ecological Sciences" dated August 10, 2016
 - ❖ Plans titled, "Moschella- 9 Deerfield Road, Medway, MA Septic System Repairs Site Plan and Design Specs" by Norfolk Engineering, dated August 3, 2016

Request for Certificate of Compliance-

- **140 Main Street (DEP# 216-0835)- Request for Certificate of Compliance (final from a partial) for the construction of a single family home, driveway, landscaping, and associated utilities only outstanding work is stabilization of yard/ landscaping-**
 - ❖ Agent's Application Summary for 140 Main Street dated August 16, 2016
 - ❖ WPA Form 8A- Request for Certificate of Compliance for 140 Main Street
 - ❖ Copy of the Order of Conditions for 140 Main Street

Public Hearings-

- **Public Hearing #1- Notice of Intent Sorrento Lane “Lot#2” Map 45 Lot 39&41 (DEP# 216-0876) construction of single family home, driveway, subsurface sewage disposal system, landscaping and utilities**
 - ❖ Application Summary for (DEP# 216-0876) dated July 25, 2016
 - ❖ Notice of Intent filing for Lot 2 Sorrento Lane
 - ❖ WPA Form 3- Notice of Intent for Lot 2 Sorrento Lane
 - ❖ Plan titled, “ Subsurface Sewage Disposal System”, by Land Planning, dated 6-22-2016

- **Public Hearing #2- Continued (8/11/16) Notice of Intent- Candlewood Dr. & Island Rd. (DEP# 216-0872), Emergency access, sidewalk, repair, and detention pond maintenance-**
 - ❖ Agents Application Summary for DEP# 216-0872 for Candlewood Dr. and Island Rd.
 - ❖ WPA Form 3- Notice of Intent
 - ❖ Plan titled, “Candlewood Dr. & Emergency Access Improvements in Medway Massachusetts” prepared by O’ Driscoll Land Surveying CO., Faist Engineering, prepared for CLAFCO Builders, dated March 28, 2006, revised May 10, 2006, May 25, 2006, and September 6, 2006.