



MEDWAY CONSERVATION COMMISSION MEETING

**Sanford Hall, Town Hall
155 Village Street, Medway, MA 02053**

7:30 P.M.

Minutes

November 12th, 2015

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on November 12th, 2015 at Sanford Hall. In attendance were members Dave Travalini, Ken McKay, Brian Snow, Scott Salvucci, David Blackwell, Conservation Commission Agent Bridget Graziano, and Sreelatha Allam, Night Board Secretary

Discussions

- Call to order at 7:32 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.
- Meeting Minutes-
 - ❖ **Motion was made by Mr. Salvucci to approve the meeting minutes from June 25, 2015, seconded by Mr. McKay. David Blackwell and Mr. Snow abstained.**
 - ❖ **Motion was made by Mr. Snow to approve the meeting minutes from July 09, 2015, seconded by Mr. Salvucci. All were in favor.**

Request for Determination of Applicability/ Request for Certificate of Compliance-

2 Fern Path (DEP 216-0826) – Request for Certificate of Compliance for the construction of single family dwelling-

The applicant, Mr. Paul Martin attended the meeting. There is an open amendment on an Order of Conditions that the applicant wants to close. The original Order of Conditions was issued for 2 and 4 Fern Path and Michael Narducci was the property owner at that time. The two properties were sold before the Certificate of Compliance was granted. Mr. Martin wants an addition to the existing driveway and to add a shed. Erosion control measures were not followed per the original order of conditions. Mr. Martin was asked to attend the CONCOM meeting to request for an amendment to the Order of Conditions to add the shed and addition to the driveway. There was a condition in the original order asking the removal of rock materials and to allow the area to grow naturally. At this time all the rock material has been removed, shed has been built, area is stabilized. Plantings have not been done yet. Mr. Martin was asked to do some plantings in the area.

A motion was made by Mr. Travalini to issue a Certificate of Compliance for 2 Fern Path (DEP# 216-0826), seconded by Mr. McKay. All were in favor. Mr. Snow abstained.

35-37 Summer Street (DEP 216-0458) - Request for Certificate of Compliance for the construction of sub-division known as The Little Road (parcel was included for the acceptance of land only)-

The Agent, Ms. Graziano discussed this item. There is an Order of Conditions for (DEP#216-0458) on 35-37 Summer Street property. She stated that this property was improperly included under the Order of Conditions for Little Tree Road sub-division. During the construction of Little Tree sub division a small sliver of land was given to the owners of 35 Summer Street. There is no construction of Little Tree sub division that happened on the two parcels. Agent requested that the Commission release the 35 – 37 Summer Street property from the order of conditions.

A motion was made by Mr. Travlini to issue a partial Certificate of Compliance for 35-37 Summer Street (DEP# 216-0458), seconded by Mr. Snow. All were in favor.

6 Hunter Lane – Request for Certificate of Compliance-

- DEP# 216-0331: Proposed construction of single family dwelling-
- DEP# 216-0575: Proposed construction of in-ground pool and associated fencing-

Mr. Dave Gordon from Thunder chase Environmental and the applicant Mr. Scott Whelan attended the meeting. The original order of conditions is from 1993. The single family dwelling is constructed according to the proposed plan from 1993 under DEP# 216-0331. Mr. Gordon marked the wetland lines and according to the review of the new line and the distances, wetland resources were filled. Pool construction was completed (in 2003) according to the plans but could have used the old wetland line. The line could have already been altered and wetland filled when the pool was built. There is a second order of conditions for the pool. It was recommended that plantings be done between the A-2 through A-6 wetland flags. Agent will prepare a non-punitive enforcement order with deadlines.

- ❖ *A motion was made by Mr. Travalini to issue a Certificate of Compliance for 6 Hunter Lane (DEP# 216-331), seconded by Mr. Snow. All were in favor.*
- ❖ *A motion was made by Mr. Travalini to issue a Certificate of Compliance 6 Hunter Lane (DEP# 216-575), seconded by Mr. Snow. All were in favor.*

6 Hunter Lane- (RDA-16-11) - Proposal for installation of septic system for single family dwelling-

Proposed work includes installation of replacement septic system and abandoning the old septic system.

A motion was made by Mr. Travalini to issue a positive 5 and negative 3 determination of applicability for 6 Hunter Lane (RDA-16-11) with the conditions that:

- ❖ **Before the project commences, a limit of work barrier will be established using compost (filter) to extend from the as prescribed on approved plans titled, “Septic Design Plan in Medway, Massachusetts, 6 Hunter Lane” by Borderland Engineering, Inc., dated October 10, 2015. The Conservation 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 Conservation Commission reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.**

- ❖ **There shall be no stockpiling of earthen material and refueling of equipment within the 100' buffer zone before, during, or after construction. 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 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. All seeded area must be established and stable prior to the removal of the erosion control line. The applicant must contact the Conservation Agent for approval to remove the erosion control and review seeded areas for establishment of vegetation, motion was seconded by Mr. Snow. All were in favor.**

Public Hearings

- **Public Hearing #1- Continued (10/22/15) Woodland Street Map Lot abbreviated Notice of Resource Area Delineation (DEP# 216-0859) –**

Mr. Paul DeSimone attended the meeting. Steve Dexter from Colonial Engineering did the study on the northerly property line. Ms. Graziano made a site visit with Mr. Dexter. Mr. DeSimone stated that dry soil conditions exist between the southern and northern end of the property line. Mr. Wells who conducted the study stated that there was no trace of water or moisture and water flow conditions are needed to delineate the bank. He also stated that there is no presence of vernal pool at this location. Ms. Graziano asked if the Fairway Lane culvert area was examined for wetness and Mr. Wells stated that he did not. Mr. Travalini asked if the dry season and hot summer contributed to the dry conditions. Mr. Wells stated that it is certainly a dry season but MassDEP has not officially declared it as a drought season. Members asked the applicant to re-submit the plans with topographic lines included. Ms. Graziano will contact all the abutters and walk upstream to verify current conditions.

Abutter Questions/Comments-

1. **Kurt Schafer, 13 Fairway Lane-** *Made a comment that average rainfall in Medway is 50" but year-to-date it's been 28". There is significant difference in the amount of rainfall. He stated that websites such as Rainfall weather, U.S. Drought moderate commission, declared Medway to be under moderate drought conditions. He requested the Commission to consider these before making a decision.*

Motion was made by Mr. Travalini to continue DEP # 216-0859 to the December 10, 2015 CONCOM meeting at 7:45 PM, seconded by Mr. Snow. All were in favor.

- **Continued Public Hearing#2- Continued (10/8/15, 10/22/15) 59 Winthrop Street (DEP# 216-0858) Abbreviated Notice of Resource Area Delineation –** Mr. DeSimone presented this agenda

item to the Commissioners. Plans have been revised per CONCOM's direction. Ms. Graziano reviewed and ok'ed the BVW and isolated wetland lines. October 29, 2015 plans with a scale of 1"=50' with the riverfront and BVW was approved by Ms. Graziano. However, isolated wetlands not shown on plans are deemed inaccurate.

Motion was made by Mr. Travalini to issue an Order of Resource Area Delineation (ORAD) for (DEP #216-0858), 59 Winthrop Street, seconded by Mr. Snow. All were in favor.

- **Continued (9/12/15, 9/10/15, 9/24/15, 10/22/15) Public Hearing #3- 259, 261, 261R, 263 Village Street (DEP# 216-856)-** 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 cottages, 6 detached cottages, two story medical office building and a pavilion with associated wetlands crossings, parking, utilities, lighting, grading, and storm water management system within the 100' buffer zone, bordering land subject to flooding, and 200' Riverfront Area-

Motion was made by Mr. Travalini to continue DEP# 216-856 to December 10th meeting at 7:45PM, seconded by Mr. Snow. All were in favor.

Discussions-

Discussion #1- Charles River Village Vote to accept open space parcel by Conservation Commission –

Ms. Susy Affleck Childs from Medway Planning and Economic Development attended the meeting. This is a 4 acre open space parcel at Charles River Village neighborhood. In February 2011 CONCOM agreed to the conveyance of this parcel. Developer is currently continuing with the project. Planning Board at its October 2015 meeting voted it's satisfaction for the development of a trail in the open space parcel. Ms. Graziano made a site walk with others and there is general satisfaction with the way the trail has been established. This parcel does not have an Order of Conditions associated with it. Request was made for CONCOM to accept the conveyance of the parcel. This parcel will be controlled by CONCOM.

A motion was made by Mr. Travalini to accept parcel B Charles River Village Development, seconded by Mr. McKay. All were in favor.

Discussion #2- Request to amend Order of Conditions DEP# 216-0839 proposal to enlarge the size of the approved garage- Mr. DeSimone represented the client. Members stated that the letter from the arborist is adequate and asked that the amendment include language stating that the garage is extended by additional four feet to the east. Certified arborist will send a letter to the Commission with the list of plantings. No revised plans are required and the original plan dated October 21, 2014 titled, "Proposed structure and utilities in Medway, MA was accepted by the Commission.

Motion was made by Mr. Travalini to issue an amendment to the original plans allowing the garage to be extended by additional four feet to the east, seconded by Mr. Snow. All were in favor.

Discussion # 3- Informal review of proposal for 51 Alder Street- Mr. Mark Cooperman represented the applicant and attended the meeting. He stated that resource area has been flagged and is consistent with old

lines. Proposal is to build an auto repair facility. Entire project will stay outside the 25' no-touch zone. Property line extends into the center of Alder Street. Storm water system will be kept as a sub-surface feature and minimum amount of parking will be provided.

Agent Report-

- **Tri-Valley Commons DEP 216-0852- 72 Main Street update-** Ms. Graziano's comments have been adequately addressed. It was agreed that a transition plan is needed for spring and summer.
- **165 Main Street Violation Notice update-** Ms. Graziano reported that Mr. John Greene cleaned the area that triggered the violation notice.

Motion was made by Mr. Travalini to adjourn the meeting @ 10:13 P.M., seconded by Mr. Snow. All were in favor.

Respectfully submitted,

Sreelatha Allam
Minutes Clerk

Documents Presented at the November 12, 2015 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Determination of Applicability/ Request for Certificate of Compliance-

2 Fern Path (DEP 216-0826) – Request for Certificate of Compliance for the construction of single family dwelling-

- ❖ Agent Application Summary for 2 Fern Path (DEP 216-0826) dated October 22, 2015.
- ❖ WPA Form 5- Order of Conditions for 2 Fern Path
- ❖ WPA Form 8A – Request for Certificate of Compliance for 2 Fern Path dated August 19, 2013.
- ❖ Special Conditions – CONCOM Amendment Order of Conditions # 216-0826 issued Original Order of Conditions issued 8-19-13.
- ❖ CONCOM letter to Mike Narducci rejecting the Certificate of Compliance dated July 25, 2014.
- ❖ Foundation as-built plan prepared by Lakeview Engineering Associates dated August 27, 2013.
- ❖ Building Permit Plan prepared by Lakeview Engineering Associates dated July 31, 2013.
- ❖ Letter from Paul Martin to Ms. Graziano dated July 18, 2014.
- ❖ Notes from 7-15-2014 site visit to 2 and 4 Fern Path.

35-37 Summer Street (DEP 216-0458) - Request for Certificate of Compliance for the construction of sub-division known as The Little Road (parcel was included for the acceptance of land only)-

- ❖ WPA Form 8A- Request for Certificate of Compliance for 35-37 Summer Street (DEP# 216-0458).
- ❖ Medway Order of Conditions dated 3-19-1998.
- ❖ Letter from Heaney & Small, LLP to Ms. Graziano dated November 3, 2015.

6 Hunter Lane- (RDA-16-11) - Proposal for installation of septic system for single family dwelling-

- ❖ WPA Form 1- Request for Determination of Applicability for 6 Hunter Lane
- ❖ Plans dated October 10, 2015 and titled “Septic Design Plan in Medway, MA” prepared by Borderland Engineering, Inc., prepared for Scott Whelan.
- ❖ WPA Form 8A- Request for Certificate of Compliance for 6 Hunter Lane dated June 30, 1993.
- ❖ Plans dated 10-14-2015, titled “Site As-Built Plan in Medway, MA”, prepared by Borderland Engineering, Inc., prepared for Scott Whelan, 6 Hunter Lane.
- ❖ Agent’s Application Summary (DEP# 216-0331, 0575) for 6 Hunter Lane dated October 27, 2015.
- ❖ WPA Form 5- Order of Conditions for 6 Hunter Lane.
- ❖ Agent’s Application Summary for 6 Hunter Lane (RDA- 16-11) dated October 27, 2015.
- ❖ Medway CONCOM Conditions for 6 Hunter Lane dated November 13, 2015.
- ❖ WPA Form 2- Determination of Applicability for 6 Hunter Lane.

Public Hearings

Continued Public Hearing#2- Continued (10/8/15, 10/22/15) 59 Winthrop Street (DEP# 216-0858)

Abbreviated Notice of Resource Area Delineation –

- ❖ Site Visit notes for 59 Winthrop Street dated 11/2/2015.
- ❖ Plan dated 09/09/2015, revised 10/21/2015, revised 10/29/2015, titled “ Plan of Land in Medway, MA” prepared by Colonial Engineering, Inc., prepared for Mr. Paul Zhongi

Continued (9/12/15, 9/10/15, 9/24/15, 10/22/15) Public Hearing #3- 259, 261, 261R, 263 Village Street (DEP# 216-856)-

Discussions-

Discussion #1- Charles River Village Vote to accept open space parcel by Conservation Commission –

- ❖ Memo titled “ Acceptance of Conveyance of Open Space Parcel at Charles River Village” from Susy Affleck Childs to Board of Selectman, dated 10/22/2015

Discussion #2- Request to amend Order of Conditions DEP# 216-0839 proposal to enlarge the size of the approved garage-

- ❖ Letter from Ryan Spiess to Medway CONCOM.
- ❖ Plans titled “Proposed Garage Plan of Land in Medway, MA” prepared by Colonial Engineering Inc., for Ryan and Jennifer Spiess, dated 10-28-2015.
- ❖ Medway CONCOM conditions for 1 Sherwood Drive dated 11-16-2015.
- ❖ Agent’s Application Summary for 1 Sherwood Drive (DEP# 216-0839) dated 10-30-2015.
- ❖ WPA Form 5- Order of Conditions for 1 Sherwood Drive
- ❖ Medway CONCOM- Order of Conditions- Part II- findings and conditions for 1 Sherwood Drive (DEP# 216-839)

Discussion # 3- Informal review of proposal for 51 Alder Street-

- ❖ Concept Plan for 51 Alder Street, Medway, MA prepared by Grady Consulting, LLC.