



MEDWAY CONSERVATION COMMISSION MEETING

Sanford Hall, Town Hall

155 Village Street, Medway, MA 02053

7:30 P.M.

Minutes

December 10th, 2015

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on December 10th, 2015 at Sanford Hall. In attendance were members Dave Travalini, Ken McKay, Brian Snow, Mr. David Blackwell, Mr. Scott Salvucci, Conservation Commission Agent Bridget Graziano, and Sreelatha Allam, Night Board Secretary

- The meeting was called to order at 7:33 P.M.
- Conservation Commission Chairman, Mr. Travalini asked the members if there are any additional items to be added to the agenda.
 1. Update on 72 Main Street- Agent's Report

A motion was made by Mr. Travalini to add update on 72 Main Street to the agent report, seconded by Mr. Salvucci. All were in favor.

Approval of September 2, 2015 and September 10, 2015 CONCOM meeting minutes-

- *A motion was made by Mr. Snow to approve the minutes from September 2, 2015 meeting as amended; it was seconded by Mr. Salvucci. All were in favor. Mr. Blackwell abstained.*
- *A motion was made by Mr. Snow to approve the September 10, 2015 minutes as amended; it was seconded by Mr. McKay. All were in favor. Mr. Salvucci and Mr. Blackwell abstained*

Request for Certificate of Compliance-

- **46 Hill Street – Request for Certificate of Compliance DEP #216-098 (expired): proposed construction of single family home with septic and other associated utilities-**

Currently this property is on sale. There is an order of conditions issued in 1980's. Originally it was a big lot but was divided into three lots. Only one out of the three lots is under CONCOM jurisdiction. At this time, applicant is looking for partial release of 46 Hill Street only (Map4- Lot008). Additionally applicant has requested a fee waiver. Agent stated that this lot should not have been recorded with the Order of Conditions.

 - ✚ *A motion was made by Mr. Travalini to reduce the by-law fee to \$50 from \$200, for 46 Hill Street (DEP# 216-098), seconded by Mr. Salvucci. All were in favor.*
 - ✚ *A motion was made by Mr. Travalini to issue a partial Certificate of Compliance for 46 Hill Street (DEP# 216-098), seconded by Mr. Snow. All were in favor.*

- **54 Fisher Street – Request for Certificate of Compliance DEP #216-0743 (expired): proposed construction of septic system (done with expired permit)-**

Steve Donatelli from Shea Engineering attended the meeting with the applicant Thomas Price. Proposed work to replace the septic system was completed without a permit. Original was filed in 2007. Septic system work began in October 2015 but the Agent was not informed for inspection. Mr. Price explained and apologized for his lack of knowledge/ information about the process for obtaining a certificate of compliance before commencing the work. Members reiterated that the disturbed area must be completely stabilized and it will be included in the conditions. Agent stated that the area must be re-seeded in spring to make it stable.

✚ *A motion was made by Mr. Travalini to issue a Certificate of Compliance for 54 Fisher Street (DEP# 216-0743), seconded by Mr. Salvucci. All were in favor.*

✚ *A motion was made by Mr. Travalini to issue a Non punitive enforcement order for 54 Fisher Street (DEP# 216-0743) with the condition that the lawn be re-seeded in spring 2016, seconded by Mr. Salvucci. All were in favor.*

Public Hearings

Public Hearing #1 – 59 Winthrop Street Notice of Intent (DEP #216-08XX) Proposal to construct a single family home with associated utilities, driveway and landscaping-

Mr. Paul De Simone attended the meeting with the applicant, Paul Zonghi. Project will commence in spring 2016. Property has town sewer and water. No septic work will be done. Work will be conducted 5' above the flood plain. There will not be grading past erosion control. Agent stated that as mitigation measures straw bales with silt fencing (trenched) must be provided. Erosion controls detail must be provided on the plans. Mr. DeSimone stated that a tree might be removed as part of the project. Agent stated that the Orders do not approve filling of BLSF.

A motion was made by Mr. Travalini to continue 59 Winthrop Street (DEP# 216-08XX) to January 14, 2016 at 7:45 P.M.; motion was seconded by Mr. Snow. All were in favor.

Continued (10/22/15, 11/12/15) Public Hearing #2– Woodland Street Map Lot Abbreviated Notice of Resource Area Delineation (DEP#216-0859)-

Mr. Simone presented this item. Vernal Pools specialist, Mr. Dan Wells attended the meeting with the applicant. Applicant claims that all the streams on the property are intermittent streams. With regards to the question whether the conditions are dry because of drought conditions, there has not been any official announcement from DEP. Mr. Wells stated that all performance standards have been followed per CMR 310.10.5a. Necessary steps were taken to document that there are no perennial streams on the property. Report with results from the vernal pool study will be submitted in spring 2016. Members stated that any proposal to alter the wetlands will certainly be reviewed.

Abutter Questions:

- ❖ *Kurt Schaefer, 13 Fairway Lane-* Asked if pictures were taken at various locations on the property. Response was that they were taken at different spots. He asked if it was looked for blockages and the response was no. Asked if anyone from CONCOM verified the pictures presented by the applicant. Mr. Travalini visited the site with Mr. Art Allen and Mr. McKay. Agent received the permission to enter the site the day before this meeting. Mr. Schaefer

requested CONCOM to properly ensure that the stream on the property is an intermittent but not perennial stream.

- ❖ *David Dahlheimer, 21 Fairway Lane-* Mr. Dahlheimer stated that he seconds Mr. Schaefer's comments.

According to Mass DEP, drought conditions cannot be declared unless 7-8 of their critical indicators are met.

A motion was made by Mr. Travalini to accept the abbreviated Notice of Resource Area Delineation for (DEP# 216- 0859), seconded by Mr. Snow. All were in favor.

Continued (9/2/15, 9/10/15, 9/24/15, 10/22/15, 11/12/15) Public Hearing #3 Notice of Intent- 259, 261, 261R, 263 Village Street (DEP File #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 the 200' Riverfront Area-

Applicant was not present at the meeting. A request was made to have a special meeting on December 30th and the Commissioners opposed. It was agreed that a letter will be sent denying permission to hold a special meeting on December 30, 2015.

A motion was made by Mr. Travalini to continue (DEP# 216-856) to January 14, 2016 at 7:45 P.M., seconded by Mr. Snow. All were in favor.

Discussions:

Discussion #1 – Possible Violation 158 Holliston Street Michael Narducci fill within jurisdictional areas and proposed work for two lots with expired Order of Conditions (DEP #216-0661, #216-0662) –

Agent received a call from Mr. Tony Biocchi informing about fill being trucked onto the site of 158 Holliston Street property possibly within the wetland resource area/buffer zones. There is concrete in the fill. Mr. Narducci agreed to haul the fill from this particular portion of the site. Ms. Graziano made a site visit with Mr. Biocchi. She reported that all wetland flags were gone and she delineated part of the wetlands. Area where there is recently placed fill seems to be outside CONCOM's jurisdiction. However it is a large pile that could erode into the buffer zone. Both lots have expired order of conditions. It's a WPA violation. It's been agreed that a violation letter will be mailed and a Notice of Intent should be filed.

Discussion #2- Proposed Amendment to Order of Conditions DEP #216-0844 for 2 Lantern Lane-

Applicant was not present at the meeting.

Discussion #3- Request for amendment to the Order of Conditions DEP# 216-0857 for changes to single family units-

Mr. Rob Truax from GLM Engineering attended the meeting. He represented the applicant Steve Veinecasa. Applicant proposed changes to the original approved plans and requested this amendment to the original Order of Conditions be considered as a minor change. CONCOM agreed that the change to the Order of Conditions, dated October 15, 2015, is a minor modification to the approved plans. Members stated that any more amendments in future will not be entertained.

A motion was made by Mr. Snow to accept the minor amendment, seconded by Mr. Travalini. All were in favor.

Discussion #4 – Review of agreement of with Conway School, vote and sign

- + A motion was made by Mr. Travalini to accept the agreement of the Conway School dated 12-4-2015, seconded by Mr. Salvucci. All were in favor. Mr. Snow left the room when this motion was made.*
- + A motion was made by Mr. Travalini to allow Ms. Graziano to sign the agreement of the Conway School, seconded by Mr. Salvucci. All were in favor. Mr. Snow left the room when this motion was made.*

Discussion #5– Ratify Enforcement Order issued November 17, 2015 to Scott and Sharon Whelan at 6 Hunter Lane-

A motion was made by Mr. Travalini to ratify the Order for 6 Hunter Lane, seconded by Mr. Salvucci. All were in favor.

Agent Report

- **Review of the opportunity to accept a CR for Salmon Retirement Community 259, 261, 261R, 263 Village Street-**
CONCOM agreed to accept and police the Conservation Restriction (CR) for Salmon Retirement Community. They will not be overseeing the maintenance but will stipulate the regime.
- **135 Holliston Street Enforcement Order non-compliance-**
Agent stated that the applicant did not meet the May 31, 2015 deadline. Letter will be sent in certified mail giving 30 days to respond.
- **Update on 72 Main Street-**
Ms. Graziano presented the pictures to the commission. She will ask the applicant to attend the January 14, 2016 meeting.

A motion was made by Mr. Travalini to adjourn the meeting, seconded by Mr. Snow@ 9:38 P.M. Unanimous.

Respectfully submitted,

Sreelatha Allam
Minutes Clerk

Documents Presented at the December 10, 2015 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Certificate of Compliance-

- **46 Hill Street – Request for Certificate of Compliance DEP #216-098 (expired):** proposed construction of single family home with septic and other associated utilities
 - ❖ WPA Form 8A – Request for Certificate of Compliance for 46 Hill Street
 - ❖ Plot plan of Land in Medway and Holliston prepared by GLM Engineering Consultants, dated June 12, 1986
 - ❖ Plot plan of Land in Medway/ Holliston, prepared by Development Service Company, dated May 25, 1993.
 - ❖ Application Summary for 46 Hill Street (DEP# 216-098) dated August 6, 2015.
 - ❖ Order of Conditions dated February 18, 1986
- **54 Fisher Street – Request for Certificate of Compliance DEP #216-0743 (expired):** proposed construction of septic system (done with expired permit)-
 - ❖ Application Summary for Certificate of Compliance for 54 Fisher Street (DEP# 216-0743) dated December 3, 2015.
 - ❖ WPA Form 5- Order of Conditions for 54 Fisher Street
 - ❖ WPA Form 8A- Request for Certificate of Compliance for 54 Fisher Street (DEP# 216-743) dated 07/07.

Public Hearings

Public Hearing #1 – 59 Winthrop Street Notice of Intent (DEP #216-08XX) Proposal to construct a single family home with associated utilities, driveway and landscaping-

- ❖ Application Summary for 59 Winthrop Street dated November 25, 2015.
- ❖ Plan titled, “Plot Plan of Land In Medway, MA” by Colonial Engineering, dated November 24, 2015
- ❖ WPA Form 3 Notice of Intent for 59 Winthrop Street.

Continued (10/22/15, 11/12/15) Public Hearing #2– Woodland Street Map Lot Abbreviated Notice of Resource Area Delineation (DEP#216-0859)

- Plan titled, “Stream Location Plan of Land in Medway, MA” by Colonial Engineering, Inc., dated October 6, 2015
- WPA Form 4A Abbreviated Notice of Resource Area Delineation stamped received October 9, 2015
- Pictures July 2015

Continued (9/2/15, 9/10/15, 9/24/15, 10/22/15, 11/12/15) Public Hearing #3 Notice of Intent- 259, 261, 261R, 263 Village Street (DEP File #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 the 200' Riverfront Area-

Discussions:

Discussion #1 – Possible Violation 158 Holliston Street Michael Narducci fill within jurisdictional areas and proposed work for two lots with expired Order of Conditions (DEP #216-0661, #216-0662) –

- ❖ Medway CONCOM site visit notes for 156, 158, 160, 162 Holliston Street

Discussion #2- Proposed Amendment to Order of Conditions DEP #216-0844 for 2 Lantern Lane-

- ❖ Letter from McClure Engineering titled, “DEP #CE 216-0844: Amendment to Order of Conditions for 2 Lantern Lane (Lot4-Pine Meadow II) Medway, MA” dated November 17, 2015
- ❖ Medway Conservation Commission Order of Conditions (minor amendment to Order of Conditions) for 2 Lantern Lane (Map 55 Lot 020) dated December 11, 2015.
- ❖ WPA Form 5- Order of Conditions for 2 Lantern Lane
- ❖ Medway Conservation Commission original Order of Conditions for 2 Lantern Lane (Map 55 Lot 020) dated May 14, 2015.

Discussion #3- Request for amendment to the Order of Conditions DEP# 216-0857 for changes to single family units-

- ❖ Medway Conservation Commission Order of Conditions (minor amendment to Order of Conditions) for 129R Lovering Street (Map 20 Lot 004) dated December 11, 2015.
- ❖ Plan titled, “Revised House Locations Units 14-17 Millstone Village Medway, MA” prepared by GLM Engineering Consultants, Inc. for Elite Home Builders LLC dated December 8, 2015.

Discussion #4 – Review of agreement of with Conway School, vote and sign

- ❖ Conway School preliminary proposal/ agreement document dated 12-4-2015.

Discussion #5– Ratify Enforcement Order issued November 17, 2015 to Scott and Sharon Whelan at 6 Hunter Lane-

- ❖ WPA Form 9- Enforcement Order for 6 Hunter Lane.
- ❖ Attachment to an Enforcement Order issued on November 23, 2015 by Medway CONCOM to Scott and Sharon Whelan regarding unauthorized alterations at 6 Hunter Lane, Medway, MA
- ❖ Site as-built plan for 6 Hunter Lane, prepared by Borderland Engineering, Inc. for Scott Whelan, Medway, MA.

