



**MEDWAY CONSERVATION COMMISSION MEETING**  
**Sanford Hall, Town Hall**  
**155 Village Street, Medway, MA 02053**  
**7:30 P.M.**  
**Minutes**  
**September 22nd, 2016**

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on September 22nd, 2016 at Sanford Hall. In attendance were members Dave Travalini, Ken McKay, Brian Snow, Scott Salvucci, and David Blackwell, CONCOM Agent Bridget Graziano, and Sreelatha Allam, Night Board Secretary

- The meeting was called to order at 7:35 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-***  
None approved.

**Request for Extension to Order of Conditions-**

- **104 Fisher Street (Dover Lane Lot#2) DEP# 216-0802- request for extension of Order of Conditions for construction of single family home, associated utilities, driveway and landscaping**

The original application is for the sub-division at 104 Fisher St. Property is owned by Mr. Andrew Rodenheiser. The extension on the Order of Conditions is being requested for one individual lot with a single family home. The existing Order of Conditions expires on 10/15/2016. Request is for a three year extension. CONCOM Agent, Ms. Graziano made a site visit and reviewed the wetland flags. She said the flags look fine without any discrepancies. Some vegetation has been cleared and the erosion control lines are up.

***A motion was made by Mr. Snow moved grant the extension to the Order of Conditions for 104 Fisher Street (Dover Lane Lot#2)-(DEP# 216-0802) for a period of three years, seconded by Mr. Travalini. All were in favor (5-0-0).***

**Public Hearings-**

**Public Hearing #1- continued (from 8/25/2016, 9/8/2016) 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-**

The Town Collector/Treasurer, Ms. Joanne M. Russo attended the meeting per the request of agent Graziano and also in attendance was the property owner, Mr. Louis Cheschi per the request of Agent Graziano. Medway TownCounsel asked CONCOM Agent to notify the property owner and the Collector/ Treasurer that the Commission will be discussing the proposed project for a property that is in delinquency with regards to payment of taxes and therefore, may be denied under the Medway General Bylaw. Ms. Russo stated that the property is in tax title foreclosure and noted that she is trying to work out a forbearance plan for the payment of taxes through a payment plan. She said the monthly payments must be kept up until the entire amount is paid. The Commission noted that they have the ability to revoke the permit for non-payment of taxes. Mr. Halsing of Land Planning Inc, the Applicant's representative was not in attendance, he has been presenting the proposed project at the previous two meetings. Mr. Cheschi was asked if he wanted to continue the hearing to the next meeting or if he wanted CONCOM to make a decision. Ms. Graziano stated that once the hearing is closed, additional testimony will not be allowed or heard. Mr. Cheschi requested the Commission make a decision on the materials received at the previous two hearings and this hearing. He stated he will not be available to attend the next meeting due to health reasons. The Agent noted that someone must be present at the next meeting to accept the Order of Conditions through a signature. Mr. Cheschi agreed to have Mr. Halsing of Land Planning attend and act on his behalf.

*A motion was made by Mr. Travalini to close Public Hearing #1 (DEP# 216-0876), seconded by Mr. Snow. All were in favor 5-0-0.*

**Public Hearing #2- continued (from 9/8/16) 129-R Lovering Street NOI DEP (216-08XX) Millstone Development proposed development of 13 single family units and 2 two family units for a new sub-division**

*Per applicant's request, a motion was made by Mr. Travalini to continue public hearing #2 (DEP# 216-08XX) to October 13th, 2016 at 7:45 PM, seconded by Mr. Snow. All were in favor 5-0-0.*

**Public Hearing #3- continued 7/14/2016, 7/28/2016, 8/11/2016, 8/25/2016) 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-**

*Per applicant's request, a motion was made by Mr. Travalini to continue Villa Drive Extension (DEP#216- 865) to October 13th, 2016 meeting at 7:45PM, seconded by Mr. Snow. All were in favor 5-0-0.*

**Public Hearing #4- (continued from 8/25/2016) 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-**

*Per applicant's request, a motion was made by Mr. Travalini to continue Villa Drive Extension (DEP#216- 873) to October 13, 2016 meeting at 7:45PM, seconded by Mr. Snow. All were in favor 5-0-0.*

**Public Hearing #5- (continued from 8/25/2016) Notice of Intent Villa Drive Lot#2 Map 49 and Lot 032 (DEP# 216-0874) proposal to construct a single family home, driveway, landscaping**

*Per applicant's request, a motion was made by Mr. Travalini to continue Villa Drive Extension (DEP#216- 874) to October 13, 2016 meeting at 7:45PM, seconded by Mr. Snow. All were in favor 5-0-0.*

**Public Hearing #5- (continued from 8/25/2016) Notice of Intent Villa Drive Lot#3 Map 49 and Lot 032 (DEP# 216-0875) proposal to construct a single family home, driveway, landscaping**

*Per applicant's request, a motion was made by Mr. Travalini to continue Villa Drive Extension (DEP#216- 875) to October 13, 2016 meeting at 7:45PM, seconded by Mr. Snow. All were in favor 5-0-0.*

#### ***Discussion-***

***Discussion #1- Vote to issue Order of Conditions for Notice of Intent Candlewood Dr. & Island Road (DEP# 216-0872) Emergency access, sidewalk repair, and detention pond maintenance-***

CONCOM made a decision to deny the proposal to install proposed emergency access road, clear vegetation within 100' buffer zone to a BVW and intermittent stream, the BVW and bordering land subject to flooding based on the following reasons:

- ❖ Applicant has not met the burden of proof to demonstrate compliance with 310 CMR 10.02 (1) by depicting all jurisdictional area on plans.
- ❖ Applicant has not met burden of proof to demonstrate compliance with 310 CMR 10.03(2), the applicant has not provided any evidence of whether wetland resources are proposed to be altered, filled, or dredged and whether Bordering Land Subject to Flooding is proposed for fill and compensatory storage
- ❖ Applicant has not met the burden of proof to demonstrate compliance with 310 CMR 10.57 (4) and whether the proposed project will impact the resource area

Agent stated that Mr. David Faist attended the August 25<sup>th</sup> (first hearing on the proposal) meeting to discuss the proposal. However, they did not attend the September 8<sup>th</sup> 2016 CONCOM meeting. Members stated that the applicant and/or the project team also missed attending couple meetings (July 28, 2016 and August 11, 2016). Agent stated that this item was not on the agenda of those two meetings. Mr. Snow suggested the

denial letter should also include the dates the applicant / project team have not attended the meeting or requested continuances in spite of being on the agenda. It should be noted that Mr. Faist who attended the August 25<sup>th</sup> 2016 meeting was not contracted by the applicant to conduct the work. Mr. Travalini stated that adequate information on the proposal was not presented to the Commission to make a decision. They also don't have the authorization to continue the item to future meetings. Hearing cannot be closed since a continuance has not been requested.

***A motion was made by Mr. Travalini to issue Order of Conditions for (DEP# 216-0872) due to lack of information requested for presentation at this hearing, Applicant has not requested a continuance, non-compliance with 310 CMR 10.02 (1), 310 CMR 10.03 (1)(a) (1)(2)(3), 310 CMR 10.03 (2), 310 CMR 10.57(4), under Medway General Bylaw, Section 2 (General Provisions, line 3), Section 7, Section 3.03(3), Section 3.02(1), Section 3.04(3), Section 3.04 (1)(a), Section 8.02, specifically, lines 4,6,7,8,9,11,12,13,14, and 18, seconded by Mr. Snow. All were in favor.***

The Order of Conditions expired and the proposal lacks a Certificate of Compliance. Mr. Travalini discussed with the Commission his meeting with Ms. Suzy Affleck Child. Abutters raised their concerns with the project to the Planning Board. Planning Board informed the applicant that the road cannot be released without a Certificate of Compliance from CONCOM. Since the existing Order of Conditions expired, applicant is working off of the old Order of Conditions. CONCOM informed the applicant about the new Bylaw that did not exist when the old Order of Conditions were issued. Applicant is not willing to go through the process again. Members discussed issuing a violation notice for the open Order.

***A motion was made by Mr. Snow to issue a violation notice to Pine Ridge Development, seconded by Mr. Travalini. All were in favor.***

***Discussion#2- Review of draft letter to ZBA on updated proposed plans for the development known at Timber Crest Estates off of Fairway Lane, Holliston Street, Winthrop Street, and Fern Path-***

Members went over the draft letter to ZBA. ZBA requested updates from CONCOM whenever the plans are revised. Agent stated that the test pit calculations or the stormwater report have not been submitted. There was also discussion on the proposed project exceeding 5,000 square feet of wetland resources alteration.

***Discussion#3- Request for support letter for John Root to be awarded the cultural Grant for work to hold an Edibles Walk-*** Mr. Root contacted Ms. Graziano to request CONCOM's endorsement on one of his gardening programs so that he can apply for a cultural council grant. Mr. Travalini stated that the Commission should meet with Mr. Root before a decision can be made. He asked Ms. Graziano to send a letter to Mr. Root to ask him attend a CONCOM meeting and explain his request.

***Discussion#4- Review of correspondences with the EPA on the multi sector permit requirement for Exelon Project-***

***Agent Report-***

- ❖ ZBA meeting is on October 5, 2016.
- ❖ DEP site visit scheduled on 10/12 around 3:00PM. Mr. McKay and Mr. Blackwell can attend the visit.

*A motion was made by Mr. Salvucci to adjourn the meeting at 8:55 PM, seconded by Mr. Snow. All were in favor.*

Respectfully submitted,

Sreelatha Allam

## **Documents Presented at the September 22, 2016 Public Meeting**

All documents shall be kept in the Conservation Commission Office files

### **Request for Extension to Order of Conditions-**

- **104 Fisher Street (Dover Lane Lot#2) DEP# 216-0802- request for extension of Order of Conditions for construction of single family home, associated utilities, driveway and landscaping-**
  - Agent Application Summary for 104 Fisher St. dated 09/08/2016
  - WPA Form 5 – Order of Conditions

### **Public Hearings-**

- **Public Hearing #1- continued (from 8/25/2016, 9/8/2016) 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-**
  - Medway Order of Conditions for 13 and 15A Fisher Street dated August 25, 2016
- **Public Hearing #2- continued (from 9/8/16) 129-R Lovering Street NOI DEP (216-08XX) Millstone Development proposed development of 13 single family units and 2 two family units for a new sub-division**
  - Letter to Mr. Steve Venincasa (Elite Home Builders, LLC) from Medway Planning Board, dated September 12, 2016.
  - Email copy with subject, “RE: Millstone Village”, dated September 14, 2016 from Mr. Rob Truax, GLM Engineering
  - Letter (copy) from GLM Engineering titled, “Interim Drainage As-Built Plan”, dated April 27, 2016 to Medway Planning Board.
  - Routing Diagram, printed 4-27-2016.
  - Letter (copy) from Tetra Tech titled, “Millstone Village” dated April 14, 2016
  - Email (copy) from Mr. Steven Bouley (Tetra Tech) titled, “Millstone Village” dated September 20, 2016
- **Public Hearing #3- continued 7/14/2016, 7/28/2016, 8/11/2016, 8/25/2016) 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-**
  - None
- **Public Hearing #4- (continued from 8/25/2016) 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-**
- **Public Hearing #5- (continued from 8/25/2016) Notice of Intent Villa Drive Lot#3 Map 49 and Lot 032 (DEP# 216-0875) proposal to construct a single family home, driveway, landscaping**
  - WPA Form 5- Order of Conditions for Pine Ridge Drive, LLC

## **Discussions-**

***Discussion #1- Vote to issue Order of Conditions for Notice of Intent Candlewood Dr. & Island Road (DEP# 216-0872) Emergency access, sidewalk repair, and detention pond maintenance-***

- CONCOM Order of Conditions for project site: Candlewood Drive & Island Rd, Map 1 Lot 078A (DEP# 216-0872)

***Discussion#2- Review of draft letter to ZBA on updated proposed plans for the development known at Timber Crest Estates off of Fairway Lane, Holliston Street, Winthrop Street, and Fern Path-***

- CONCOM draft letter to Zoning Board of Appeals dated October 3, 2016

***Discussion#3- Request for support letter for John Root to be awarded the cultural Grant for work to hold an Edibles Walk-***

- Email (copy) from Mr. John Root dated September 14, 2016
- Testimonials (copy) for Mr. Root