



Town of Medway
Conservation Commission
155 Village Street, Medway MA 02053
(508) 533-3292

Approved: 4/28/16

Meeting Minutes: April 14, 2016
Town Hall, Sanford Hall

Call to Order: – With a quorum, this meeting was called to order by Chairman Travalini at 7: 31p.m.

Members and Staff:

Chairman Dave Travalini, Ken McKay, Scott Salvucci, Brian Snow, David Blackwell, and Conservation Commission Agent Bridget R. Graziano.

Review Agenda:

Conservation Agent Bridget Graziano said she would like to add a discussion item on 135 Holliston Street to the agenda. The property has been listed for sale. There is an Enforcement Order on the property.

Chairman Travalini moved that the Conservation Commission add a discussion item on 135 Holliston Street to the Agent's Report; Mr. Snow seconded; and with no discussion; All ayes 5-0-0.

Meeting Minutes:

Chairman Travalini made a motion to approve the meeting minutes from February 11, 2016 as amended; Scott Salvucci seconded; and with no discussion; All ayes 5-0-0.

Chairman Travalini made a motion to approve the meeting minutes from March 24, 2016 as written; Scott Salvucci seconded; and with no discussion; All ayes 5-0-0.

Request for Certificate of Compliance – 9 Little Tree Road (DEP #216-0815):

Agent Graziano explained that the previous owner of the property agreed to several action items including removing cement piles from behind the shed and adding native 8-10 plantings. Agent Graziano also recommended covering the dark dyed mulch with composted leaf mulch. This item was not completed. The current property owner was in attendance of

the meeting and asked if this is required. The Commission discussed whether the current owner still needed to add the composted leaf mulch. They agreed that the plants in that area will survive as long as it is no longer disturbed and additional mulch could be obtained from the transfer station (town) and should be placed down. However, the Commission would not hold the Certificate of Compliance request for this to be completed.

Chairman Travalini moved that the Conservation Commission issue a Certificate of Compliance for 9 Little Tree Road (DEP# 216-0815); Scott Salvucci seconded; and with no discussion; All ayes 5-0-0.

Request for Certificate of Compliance – 9 Summer Street (DEP#216-0776):

Brian Snow excused himself from this discussion at 7:41PM.

Agent Graziano explained that the property is owned by Exelon. There was a release of oil in the 1980's but it wasn't reported until some date in 2000 when a filing under the Massachusetts Contingency Plan was completed by Exelon. They have been monitoring the soil and migration over the last 16 years. 18,000 gallons of oil was released. Jim Borrebach from OHI Engineering, Inc. attended the meeting on behalf of Exelon. He said his company is the licensed site professional (LSP) for the project. He explained that (2) 12 inch recovery wells were installed around 2010. They were installed to increase the recovery rate of the light non-aqueous phase liquid (LNAPL) oil on the groundwater. He said they extract oil and groundwater from those recovery wells about 8-12 times per year. He said the particular monitoring wells show product sometimes but it is less than one inch. He said they test additional wells on the property periodically. He said when liquid is identified it is vacuumed out of the wells, pumped into a tank, and removed from the site. Mr. Borrebach said the groundwater flows to the south. He said they will continue to make periodic visits with the vacuum truck until the site achieves a status of permanent closure under MCP. The Commission clarified that they are only voting on the Certificate of Compliance for the installation of the wells.

Chairman Travalini moved the Conservation Commission issue a Certificate of Compliance for 9 Summer Street (DEP #216-0776); Mr. Blackwell seconded; No discussion; All ayes 4-0-0 (Brian Snow was not present).

Brian Snow returned to the Commission at 7:54PM.

Request for Certificate of Compliance – 22 Broad Acres (DEP # 216-0543):

Agent Graziano said she delineated the wetland and moved the required bound to the appropriate 25 foot line. She said there is an interesting rip rap area along the slope that was not likely on the approved plan and was installed after construction of the house to assist with run-off/erosion issues. She reported that the property owners have not disturbed beyond their lawn area or into the 25 foot No Disturb setback. Agent Graziano said that she recommends granting compliance with the Order of Conditions but that condition #38 and #40 are ongoing conditions to be noted in the issuance of the Certificate of Compliance.

Chairman Travalini moved that the Conservation Commission issue a Certificate of Compliance for 22 Broad Acres (DEP # 216-0543) with ongoing conditions #38 and #40 to be recorded as perpetual conditions; Mr. Snow seconded; and with no discussion; All ayes 5-0-0.

Public Hearing #1 - 3 Independence Lane (DEP # 216-0684):

Chairman Travalini opened the hearing, continued from 3/31/16 meeting with no quorum. Jim Lane of 5 Independence Lane (the applicant) and Dan O'Driscoll of O'Driscoll Land Surveying (applicant's representative) attended the meeting and presented the proposed project. Mr. Lane is the owner of 3 and 5 Independence Lane. The plans revised date is March 23, 2016. In 2004, there was a plan to build a home at 3 Independence Lane but the home was never built. Mr. Lane would now like to develop the lot. Mr. Lane said there was an Order of Conditions in 2004 and in 2010 where he set stone bounds along the 25 foot no disturb line and received a Certificate of Compliance for the work on the lot. The proposal is very similar to what was approved in 2004 but the house will be smaller. Agent Graziano said she just wants to make sure the stormwater management system can handle another house. Mr. O'Driscoll said it should because this house is smaller than the house that was proposed in 2004. Mr. O'Driscoll said Dave Faist (the original Engineer who designed the subdivision) and he designed the drainage system. Mr. O'Driscoll said likely Mr. Faist still has the calculations and can provide these. Agent Graziano said she would like this information. The Commission discussed the need for a drywell design and testing that the dry well could be installed with the water table. The Commission said having a stamped plan will be a condition of the Order. Agent Graziano made the following recommendations:

- That there is a condition about what will be planted and the quantity. The Commission recommended one tree with understory.
- Erosion controls need to be added.
- One more bound needs to be added in the vicinity of B12.

Chairman Travalini asked for Public Comments. An abutter Mr. DelGeino expressed concerns about the new home disturbing the wetlands. The Commission said the wetlands were previously delineated and the area was scrutinized during the first review of the subdivision. This lot was already permitted for a home. Mr. Snow asked to add a no blasting condition. The Commission said they want either the stormwater calculations or a test pit showing that the dry well may be installed per groundwater separation requirements.

Chairman Travalini moved that the Public Hearing is continued to 7:45 p.m. on April 28, 2016; Mr. Snow seconded; and with no discussion; All ayes 5-0-0.

Discussion #1 – 129R Lovering Street (DEP #216-0857):

Donna Kelleher (future owner of unit #33) said she is in process of buying Unit 33 in Millstone Village and would like to add a screened porch. The Commission discussed previous discussions they have had with the builder/developer and said they told the builder previously that they would not approve any additional amendments to the original approved plans. Agent Graziano provided the Commission with a new plan by GLM Engineering. The plan does not have a stamp on it and does not include design calculations. Mr. Snow said he wants new calculations for each new request. Agent Graziano said the individual amendments are difficult because the stormwater calculations have already been done and all the requested amendments are hard to monitor and keep track of. Mr. Snow explained that adding roofs changes the calculations. The Commission explained that several amendments have already been made and if additional individuals come before the Commission to request a similar item the calculations won't work and there will be issues with stormwater. Chairman Travalini said typically the builder overestimates the size of the homes so that the calculations work but in this case they didn't do that. There was discussion about what was approved and what has been amended. A previous amendment allowed a porch on the rear of the unit, but now this has been converted into another part of the house and then there are not request to add a porch. Ms. Kelleher said the porch that was previously approved is actually a 4 season room. The Commission noted that no decks or patios were approved. The Commission said Ms. Kelleher was misinformed by the builder that she could add a patio or a deck. Mr. Snow said there are no modifications outside of the footprint per the existing Order of Conditions. Mr. Snow recommended that Ms. Kelleher get a copy of the Order of Conditions and compare it to what she has been promised by the builder. They asked Ms. Kelleher to speak with the builder and have the builder come before the Commission and make these request as it is unfair to ask each individual homeowner to try to request these items. The Commission agreed that this is not a minor Amendment and will require a Public Hearing.

Ms. Kelleher also asked to discuss the removal of the old car that is in the 0-25' no disturb setback. Agent Graziano said they often don't ask them to remove it because it could cause more damage. The Commission said this is an issue for the property owner and he needs to make this request with the request for the porch. The Commission told Ms. Kelleher to have the builder come before the Commission to discuss the removal of the car.

Chairman Travalini moved that this request be submitted as an amendment at a Public Hearing; Mr. Snow seconded; and with no discussion; All ayes 5-0-0.

Public Hearing #2 – 13 & 15A Fisher Street (DEP #216-0862):

The applicant did not attend the Public Hearing.

Chairman Travalini moved to continue the Public Hearing to 7:45PM at the April 28, 2016 meeting; Mr. Blackwell seconded; and with no discussion; All ayes 5-0-0.

Public Hearing #3 - 39 Alder Street (DEP #216-0863):

Dan O'Driscoll of O'Driscoll Land Surveying (the applicant's representative) presented the Notice of Intent which was required to be filed under the Enforcement Order issued March 17, 2016. He said they are requesting to remove a pile of fill in the buffer zone. Agent Graziano said she reviewed the wetland delineation line from wetland flag #100-#109. Agent Graziano said there is an open cesspool at WF #105 that needs to be flagged or covered to reduce public safety concerns. The Commission said the cesspool should be added to the plan and made secure under the Order of Conditions. A surviving condition should be a siltation barrier at the 100 foot buffer zone line to prevent a soil washouts into the buffer zone. Mr. O'Driscoll said he was told the fill was from the subdivision under construction at Williamsburg Way. Once the pile is removed the area should be seeded. This Notice of Intent only includes approval of flags #100-#109. The Commission asked that the fill be tested before the soil is used on site or moved.

Chairman Travalini moved to close the Public Hearing; Mr. Snow seconded; and with no discussion; All ayes 5-0-0.

Discussion #2 – 30 Main Street:

The property owner John Moscaritolo, Scott Trufant and Tony Biocchi attended the meeting with the property owner. Agent Graziano received a complaint from an abutter about tree removal within the 100' buffer zone of a wetland resource. Agent Graziano reported that she just received a request from mosquito control about dredging the swale on the property. The

Commission discussed the operation of the catch basin. The Agent noted that the dredge material needs to be removed from the site as there is no place for storage where it would not wash into the wetlands during rain events. The Commission said it is ok if the stone remains to be placed on the property, if mosquito control would separate the stone from the soils/spoils. The Commission also discussed the vernal pool that is on the property. Mr. Moscaritolo also asked the Commission about trees that are leaning onto his property. The Commission advised Mr. Moscaritolo to speak with his neighbor about the tree removal that are not trees on his property. He could also follow-up with a certified letter to his neighbor noting that he believes there are trees on his property that are of public safety issue and should be removed. The Commission asked the property owner to let the Town know when mosquito control dredges the swale. Mr. Moscaritolo asked if the Commission would allow mosquito controls to use the dredge material to fill the Vernal Pool, the Commission said no this could not be done.

Discussion #3 – Brentwood Drainage (DEP#216-0822):

David Damico of DPS was present. Agent Graziano reported that the Town is replacing catch basins on Lee Lane and the drainage line out to a headwall culvert and across Route 109. The Commission only allowed the headwall with rip rap outlet. Agent Graziano reported that on March 28, 2016 while they were working on the area and dewatering the Agent, Mr. Damico and Mr. Holder (DPS Director) realized the stream was filled with silt and sediment. Silt sacks were installed in the catch basins and dewatering bags were installed before it was discharged into catch basins. Agent Graziano reported that the water did eventually clear up. Agent Graziano said she would like the wetlands cleaned out before the project is finished and the street swept. She said erosion controls were set on April 8, 2016. Agent Graziano plans to do a site visit in the near future.

Discussion #4 – Review ZBA Comprehensive Permit for 40B Housing Development:

The Commission was asked to send a letter to the ZBA on the Comprehensive Permit 40B Housing Development discussing their position on the request for Wetlands Bylaw Waivers . The first Public Hearing is scheduled for May 4, 2016. Agent Graziano said the Commission should review the Comprehensive Permit. The Commission needs to decide whether they are waiving their fees under the applicants request in Section 9 of the permit request. She noted that it is possible to just waive the fees associated with the affordable housing units. The Commission asked how many units are within the jurisdiction of the Commission. The Agent replied that it is at least 90% of the units are within the Commission's jurisdiction. Mr. Biocchi noted that as a former ZBA member it is important for the Commission to put their position in writing. This is going to be a very labor intensive project and each unit needs to be reviewed by the Commission. Agent Graziano said she would like to have a representative

from the Conservation Commission at each ZBA meeting and the members could rotate their appearance. The Commission agreed that they do not want to waive the fees or the Bylaws or the required setbacks within the Bylaws. Agent Graziano will draft the letter for the Commission's review.

Agent's Report:

- Agent Graziano drove by 75 Lovering Street and saw they were cutting down a tree adjacent to the wetlands. The tree was already cut down. She spoke with the property owners and asked them to use leaf mulch from the transfer station to stabilize the area and to stop any other work. The property owners after speaking with the Agent and understanding the regulations will be plantings rhododendrons and adding leaf mulch to the area.
- 17 Priscilla Road is adjacent to 75 Lovering Street. There is a landscaping company at this property. There are huge soil piles in the buffer zone. The permit did not allow everything that is going on at the property. The Commission asked Agent Graziano to follow-up with Building Inspector Jack Mee on this.
- 135 Holliston Street is for sale. Agent Graziano will follow-up with Town Counsel on whether the Order of Conditions can be recorded. A fine was just issued. Possibly attach Enforcement Order to the Assessor's record. Also a copy of the Enforcement Order can be sent to the realtor and the realtor will need to disclose to potential buyers.

Adjournment:

With no further business before this Commission, a motion was made by Brian Snow, seconded by Scott Salvucci to adjourn at 10:22PM.

Respectfully Submitted,

Michelle Reed
Interim Night Secretary

Documents Presented at the April 14, 2016 Public Meeting

All documents shall be kept in the Conservation Commission Office files.

Requests for Certificate of Compliance

- 9 Little Tree Road
 - Pictures taken by the Agent
 - Letter from Land Planning, Inc., dated February 19, 2016 requesting a Certificate of Compliance
 - Request for Certificate of Compliance
 - Application Summary draft by Agent Bridget Graziano updated 4/13/16
 - Emails from Agent Bridget Graziano to Michael Damon dated February 19, 2016 and April 7, 2016
 - Order of Conditions, DEP #216-0815 issued on April 18, 2013
 - Plans titled, “Certified AS Built Pool Plot Plan” by Land Planning, Inc. Dated February 19, 2016
- 9 Summer Street
 - Request for Certificate of Compliance stamped in March 23, 2016
 - Application summary by Bridget R. Graziano
 - Pictures taken from site visit on March 31, 2016
 - Plan titled, “As-Built Exelon Medway Station” by OHI Engineering, dated March 14, 2016
 - Order of Conditions DEP #216-0776 issued on May 6, 2010
- 22 Broad Acres Farm Road
 - Request for Certificate of Compliance stamped in April 11, 2016
 - Application Summary by Bridget R. Graziano
 - Plans titled, “Conservation As-built Plan of Land in Medway, MA” by Colonial Engineering, Inc. dated April 5, 2016 revised April 13, 2016

Public Hearings

- Public Hearing #1
 - WPA form 3 Notice of Intent filed on March 2016
 - Plans titled, “Notice of Intent Plan Lot 16 Independence Lane Medway, MA” by O’Driscoll Land Surveying Co., dated March 10, 2016, revised March 23, 2016
 - Application Summary by Bridget R. Graziano
- Public Hearing #2 – n/a as this hearing has no testimony
- Public Hearing #3

- WPA Form 3 Notice of Intent filed on March 31, 2016
- Plans titled, “Plan to Accompany a Notice of Intent Lot 2/No. 39 Alder Street Medway, MA” by Daniel O’Driscoll, dated March 28, 2016
- Application Summary by Bridget R. Graziano

Discussions

- Discussion #1
 - Letter to Stephanie Merchandetti dated March 10, 2016
 - Plans titled, “Lot 33 Millstone Drive Kellehen Screen Porch Detail, dated April 12, 2016
 - Plans titled, “Revised House Locations Units 14-17 Millstone Village Medway, MA “ by GLM Engineering, Inc, dated December 8, 2016 and new revised plans submitted at meeting dated
 - Picture of car in buffer zone and wetlands at 33 Millstone Drive
- Discussion #2
 - Letter from Bridget R. Graziano, Conservation Agent to Mr. Moscaritolo, dated March 29, 2016
 - Email from Caroline Haviland of Norfolk County Mosquito Control, dated April 13, 2016

Pictures from the site visits March 4 and 18, 2016
- Discussion #3
 - Plan titled, “Brentwood Drainage Improvements Lee Lane” by Haley and Ward, Inc, dated April 2013
 - Pictures from site visit by Bridget R. Graziano dated March 28, 2016, April 5, 2016 and April 8, 2016

Agent Report

- 75 Lovering Street
 - Site Visit report sheet from April 7, 2016
 - Pictures taken by Agent Bridget R. Graziano April 7, 2016
- 17 Priscilla
 - Site Visit report sheet from April 7, 2016
 - Pictures taken by Agent Bridget R. Graziano April 7, 2016