



MEDWAY CONSERVATION COMMISSION MEETING

Sanford Hall, Town Hall

155 Village Street, Medway, MA 02053

7:30 P.M.

Minutes

March 24th, 2016

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on March 24th, 2016 at Sanford Hall. In attendance were members Dave Travalini, Ken McKay, Scott Salvucci, Brian Snow, David Blackwell, Conservation Commission Agent Bridget Graziano, and Sreelatha Allam, Night Board Secretary

- The meeting was called to order at 7:35 P.M.
- Mr. Snow joined the meeting at 7:37 PM.
- Conservation Commission Chairman, Mr. Travalini asked the members if there are any additional items to be added to the agenda.
There were none.

Approval of Meeting Minutes- 9/10/2015, 3/10/2016-

- A motion was made by Mr. Travalini to approve meeting minutes from September 10 2015. The motion was seconded by Mr. Snow. All were in favor. Mr. Blackwell and Mr. Salvucci abstained.
- A motion was made by Mr. Travalini to approve meeting minutes from March 10, 2016 as amended:
 1. The approval of September 2, 2015 minutes be amended to say, voted to be approved 4-1-0. Mr. Blackwell abstained.
 2. The approval of February 25, 2016 minutes be amended to say, voted to be approved 4-1-0. Mr. Salvucci abstained. The motion was seconded by Mr. Snow and voted to approve 5-0.

Request for Certificate of Compliance-

- **16 Skyline Drive – Request for Certificate of Compliance for construction of a single family dwelling (also request to reduction of fee for expired Order of Conditions)** - Property owner did not attend the meeting. Agent stated that this is part of an old Order of Conditions that was issued for the subdivision. Most of the households along Skyline Drive have partial Certificate of Compliance. The 16 Skyline does not have a Certificate of Compliance. There are no wetland resources and is not located within the Commission's jurisdiction. A site visit was made with the property owner on March 18, 2016. Agent

recommended issuing a partial certificate of compliance for the lot. The property owner owes a fee to the Commission. Agent asked the Commission to lower the fee (\$50) since a waiver has been requested by the applicant.

- A motion was made by Mr. Travalini to issue a partial certificate of compliance for (DEP#216-151), 16 Skyline Drive and also to reduce the bylaw fee from \$200 to \$50, seconded by Mr. Snow. All were in favor.

Discussions-

Discussion#1- Continued (9/2/15, 9/10/15, 9/24/15, 10/22/15, 11/12/15, 12/10/15, 1/14/16) Public Hearing #2 Notice of Intent- 259, 261, 261R, 263 Village Street (DEP File #216-854) - 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-

A motion was made by Mr. Travalini for (DEP# 216-854) that the Commission hereby finds that the work proposed for construction of an health care facility with main building, pavilion, cottages (all with associated roadways), storm water management system, wetlands replication, compensatory flood storage, two stream crossings (meeting the Stream Crossing Standards), was presented at a public hearing where the applicant has presented evidence sufficient to demonstrate that the proposed activity meets the provisions under 310 CMR 10.02 (2)(b) & (3), 310 CMR 10.05(4), 310 CMR 10.54 (4), 310 CMR 10.55 (4), 310 CMR 10.56(4), 310 CMR 10.57(4)(a) 1, 2, 3, 310 CMR10.58 (4), and 310 CMR 10.60 (1) and (2)(a-e) and Medway General Bylaw Article XXI Regulations and the performance standards under Section 3.01, 3.02, 3.03, 3.04, Section 4, Section 5 and Section 6. Additionally, the applicant demonstrated that the proposed work for the construction of trails and canoe launch within the 0-200' of the Riverfront Area will be mitigated for in the form of invasive species removal and planting of native vegetation (seeding herbaceous layer) to meet performance standards under 310 CMR 10.58 (4). The Commission granted a waiver of the 0-25' No Disturb Setback for disturbance for grading, this was agreed as the alternative for retaining walls would have impacted wildlife habitat and its functionalities in a greater capacity than allowing the retaining walls. The Commission required plantings and no use of these areas post-construction as mitigation for alteration of this setback. Therefore the Commission waived the 0-25' No Disturb in specific locations on the site, as noted on approved plans, this should not be construed as to allow work in all portions of the 0-25' No Disturb Setback, only approved locations noted on the plans shall be altered.

It was noted that all conditions of this Order must be met in order to meet the above mentioned provisions. The Commission additionally finds that the work must be conditioned to protect all interests of the MA Wetlands Protection Act and Medway General Wetlands Protection Bylaw.

Additionally, Medway CONCOM finds that the following conditions are necessary in order to protect the wetland resource for the duration of this proposed project. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced in the Special Conditions, section of this Order. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control. The motion was seconded by Mr. Snow and was voted to approve 5-0. All were in favor.

Discussion #2- 39 Alder Street ratify issued amended Enforcement Order dated March 17, 2016 and discuss matters with property owner Paul Yorkis- Mr. Travalini spoke with Medway Counsel regarding this matter. It was agreed that it's not worth using town's resources to handle this matter legally. It was suggested that the original order of conditions be re-issued with the current date and start issuing the 21D tickets. Package was mailed to Mr. Yorkis via certified mail. An email response was received from him and a payment has been made to the Clerk's office. Mr. Driscoll from Driscoll Engineering will be filing a Notice of Intent on April 14, 2016.

A motion was made by Mr. Travalini to ratify the new enforcement order for 39 Alder Street, seconded by Mr. Snow. All were in favor.

Discussion #3- 30 Main Street review of violation notice vote on Enforcement Action- Agent was contacted by the property owner and his representative. It was explained that the tree fell onto a power line. Pictures show wood chips everywhere without any vegetation around them. Rt. 109 run-off flows into the property and Town created the issue to the owner. Catch basin is full and needs to be fixed by the Town. Mr. Travalini stated that Mr. Holder should be informed about the catch basin issue at the property. Agent stated that any intrusion on the vernal pool and the swale needs to be addressed by the owner before DPW addresses the catch basin issue. A notice will be sent to the owner to attend the April 14, 2016 CONCOM meeting.

Agent Report-

- **Upcoming Agent leave and preparation-** Agent stated that Wickett property application has been filed with the Zoning Board of Appeals. She requested that one of the members attend the ZBA meetings and make a determination whether to waive the bylaw fee for 25' no-touch. It was agreed that Ms. Graziano will draft the letters to ZBA.

A motion was made by Mr. Travalini to adjourn the meeting, seconded by Mr. Snow @ 8:27 P.M. All were in favor.

Respectfully submitted,

Sreelatha Allam
Minutes Clerk

Documents Presented at the March 24, 2016 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Certificate of Compliance-

16 Skyline Drive – Request for Certificate of Compliance for construction of a single family dwelling (also request to reduction of fee for expired Order of Conditions)-

- Agent's Application Summary for 16 Skyline Drive (DEP# 216-151) dated March 16, 2015
- Medway CONCOM site visit record for 16 Skyline Drive, dated 3-18-16.
- Letter from Mr. Harold Williams to Ms. Graziano, dated 03-18-2016.
- WPA Form 8A- Request for Certificate of Compliance for 16 Skyline Drive, dated 3-17-1988
- Order of Conditions for PO Box 260, Medway, MA dated 3-17-1988.
- Proposed Sewage Disposal System prepared for Lot#3, Skyline Drive by East Coast Engineering, Inc., dated December 27, 1988.

Discussions-

Discussion#1- Continued (9/2/15, 9/10/15, 9/24/15, 10/22/15, 11/12/15, 12/10/15, 1/14/16) Public Hearing #2 Notice of Intent- 259, 261, 261R, 263 Village Street (DEP File #216-854) - 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-

- Draft Order of Conditions- Findings and Conditions for Salmon Retirement Community, DEP# 216-0854 dated March 31, 2016.

Discussion #2- 39 Alder Street ratify issued amended Enforcement Order dated March 17, 2016 and discuss matters with property owner Paul Yorkis-

- Email from Mr. Paul Yorkis to Ms. Graziano dated 03-24-2016.
- Town of Medway notice of violation dated 3-17-2016.
- Letter from Ms. Graziano to Mr. Yorkis (dated March 17, 2016) with regards to re-issuing the original enforcement order (dated 08-14-2014).
- WPA Form9- Enforcement Order for 39 Alder Street dated March 17, 2016.
- WPA Form9- Enforcement Order for 39 Alder Street dated August 14, 2014.
- Attachment to an enforcement order issued on August 14, 2014 by Medway CONCOM to Mr. Yorkis regarding unauthorized alterations at 39 Alder Street.

- Soil Pile Location for Lot2, No 39 Alder Street prepared by O' Driscoll Land Surveying Co. dated January 5, 2015.

Discussion #3- 30 Main Street review of violation notice vote on Enforcement Action-

- Medway CONCOM record of site visit to 30 Main Street
- CONCOM violation notice, issued to Mr. John Moscaritolo, 30 Main St dated 03-01-2016