



MEDWAY CONSERVATION COMMISSION MEETING
Sanford Hall-155 Village Street
Medway, MA 02053

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on September 28, 2017 at Sanford Hall. In attendance were members Danya Gill, David Blackwell, Brian Snow, Dave Travalini, Ken McKay, Margery Queenan, Bridget Graziano, CONCOM Agent and Tracy Rozak, Recording Secretary.

Absent Members: Scott Salvucci

- The meeting was called to order by the Conservation Commission Chairman, Mr. Travalini at 7:37 pm. Mr. Travalini asked the members of the board if there were any additional items to be added to the agenda. There were none.

Request for Certificate of Compliance

- **72 Main Street DEP #216-0852 proposal to construct 3 commercial buildings, stormwater, and parking area for commercial buildings**

Per the applicant's request, Mr. Travalini made a motion to continue 72 Main Street DEP #216-0852 to the October 12, 2017 meeting. Mr. Snow seconded and it was voted to approve the continuance 6-0-0.

- **5 Elm Street DEP #216-0881 proposal to construct a single family home with septic, landscaping, driveway**

Ms. Graziano stated everything is completed per the order of conditions. She showed pictures of the area that has been re-seeded and erosion controls in place.

Mr. Travalini made a motion to issues a certificate of compliance for 5 Elm Street DEP #216-0881. Mr. Blackwell seconded and it was voted to approve 6-0-0.

- **3 Independence Lane DEP #216-0862 proposal to construct a single family home with utilities, landscaping, driveway, mitigation**

Ms. Graziano stated everything was done in compliance. They added leaf mulch along the erosion control line after it was removed. Six plantings were put in the ground- sweet pepper bush, winter berry and clethra. Per the order of conditions, two growing seasons were required for these plants- they were put in this past April so they have had only one growing season. Ms. Graziano stated they look great. Mr. Travalini stated it has been a great year for growing but we don't know how next year will be and these plantings may not survive the second year.

Ms. Darlene Lane was present for the meeting and stated there are sprinklers in the area to keep them watered.

Mr. Snow issued a partial certificate of compliance for 3 Independence Lane DEP #216-0862 for all work that has been done with the exception that the second growing season has not happened yet. Mr. Blackwell seconded and it was voted to approve 6-0-0.

Ms. Graziano stated that the applicant will need to refile next year and Ms. Graziano will need to go out and do a site visit to check on the plants to see if they are all still alive.

- **4 Lantern Lane DEP #216-0883 proposal to construct a single family home with septic, driveway, landscaping and mitigation requirements**

The siltation fencing is in, signage has been put up and the grass is growing but it has not completely grown in at this point. Ms. Graziano stated that per the order of conditions, a second growing season is required. The plantings were 3 Quercus Alba and 3 Clethra Anifolia and 3 Kalmia Angus Folia. Ms. Graziano recommended only a partial certificate of compliance because two growing seasons have not passed yet. Gretchen recommends special conditions 7, 15, preconstruction and 18- 34.

Per the ConCom agent's recommendation, Mr. Snow made a motion to deny the full certificate of compliance and made a motion to issue a partial certificate of compliance because the second growing season has not occurred yet. Ms. Gill seconded and it was voted to issue a letter of denial 6-0-0.

Request for Determination of Applicability

- **(Continued from 9/14/17) 30 Main Street RDA-17-08 proposal to fill in non-jurisdictional wetlands, plant native species, add rip rap to stormwater discharge within the 0-100' of a Bordering Vegetated Wetland**

Mr. Tony Biocchi, 25 Main Street was present for the meeting as the applicant's representative. Mr. Biocchi asked if the Commission has seen the area and they stated that they have. Mr. Biocchi showed a picture of the area and stated that at the last meeting, it was decided that they needed a planting plan for rip rap and they discussed putting trees in to sop up water and they didn't know how much water would go into the area. It was decided to pull back some of the dirt to give more space for the water to come in and they will plant the red maples in that area.

Ms. Graziano stated the plan looks good but "Hybrid Blueberry" should be changed to High Bush Blueberry". Ms. Graziano also stated they should take out the cranberry and arborvitae. They took out the Hydrangeas and added Inkberry Ilex glabra and Vaccinium corymbosum Highbush Blueberry. They took out the gravel along the roadway. The rest of the Commission stated they were ok with the planting plan.

Mr. Travalini made a motion to issue a positive 5, negative 3 Determination of Applicability with the conditions that they comply with the recommendations for planting plan and Hybrid Blueberry be changed to High Bush Blueberry. Mr. Blackwell seconded and it was voted to approve 6-0-0.

- **17 Skyline Drive RDA-17-09 request for replacement septic system with abandonment of the old system**

Mr. Paul DeSimone was present as the applicant's representative. He presented the applications stated this house was built in a location here it was surrounded by wetlands and the transmission line. The house itself is outside of the 50 foot buffer zone and therefore there is not much room for the placement of the replacement septic system. The replacement system is proposed for There is a small retaining wall with a keeping tank under the walkway that holds the pump chamber. They are going to use a small stone bed. This is the only place to put in the system. They will remove and replace the old system and the new one will just be raised a little higher.

Ms. Graziano asked where they will put the stockpiles. Mr. DeSimone stated they will be in the front lawn near the roadway. Ms. Graziano asked that they extend the erosion controls south. Mr. DeSimone stated they would do that and they are planning to reuse the soil they take out and put it back in. They will be careful around the tree that is present in the yard. They anticipate this will take about a week.

Ms. Graziano stated she does not like flags # 6, 2 and 1.

Mr. Travalini made a motion to issue a positive 5, negative 3 with the following conditions

- 1. Before the project commences, a limit of work barrier will be established using compost (filter mitt (straw wattles are NOT PERMITTED) and trenched siltation fencing as depicted on the plan with an extension south per the Agents request. 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.***
- 2. There shall be no 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 (or limit of work). Stockpiles shall be surrounded by erosion controls in order to protect the soils from eroding into the street and the associated street catch basins.***
- 3. 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 line and review seeded areas for establishment of vegetation.***
- 4. All organic and non-organic materials within the 0-25' No Disturb Zone (buffer zone) shall be removed by hand to locations outside the 100' buffer zone.***

Mr. Snow seconded and it was voted to approved 5-1-0

Discussions

Discussion #1- 66 Village Street request for exemption for sewer maintenance

Ms. Magdalea Lefstedt from the Charles River Pollution Control District (CRPCD) was present for the meeting. She stated the district is requesting the proposed work to be exempt from the state and local regulations for work within the buffer zone and wetland resource related to the maintenance of the town's sewer line. CRPCD would like to perform maintenance to 27 man holes - from Elm Street on the north side following Village Street. It was stated that no excavation work is needed except for the 3 manholes that need a little excavation,

just 12- 18 inches to remove the brick chimney that is there and they will be done in less than one day. They will not be bringing in any vehicles into the wetland resource areas everything will be done by carrying equipment into resource areas to perform the repairs to the line. Mr. McKay asked about the neighboring property owners and access to these locations. Ms. Lefstedt stated CRCPD all have an easement

Mr. Snow made a motion to approve as proposed with the exemption for sewer maintenance. Ms. Gill seconded and it was voted to approved 5-1-0 with Mr. Travalini abstaining.

Ms. Graziano requested that in order to have the exemption apply CRCPD shall confirm to the following conditions.

The Town of Medway proposes the following BMP's are recommended measures: (1) Materials for the excavation at the three manholes will be stockpiled in buffer zones only (or placed on filter fabric and surrounding by erosion controls within jurisdictional areas) or removed from the site and erosion controls consisting of compost socks will be installed around the stockpiled material as needed to prevent erosion into wetland resource areas, (2) within jurisdictional areas where work is proposed compost socks shall be installed as erosion controls around the excavation areas, (3) proposed erosion controls are sufficient but the Commission and its Agent reserve the right to require additional erosion controls or amendments to the original proposed erosion controls pending review of all jurisdictional area prior to commencement of work and if there is a comprise of the existing, installed erosion controls, (4) machinery or vehicles are allowed only within passable areas that currently have access, and (5) there shall be no clearing of wetland vegetation.

Discussion #2 – Ratify Issued Enforcement Order 1 Gray Squirrel Circle for alteration of 0-100' buffer zone and unauthorized removal of Town's stormwater detention basin

Mr. and Mrs. Abenildo Neves were present for the meeting. Ms. Graziano stated she received a notice that there might be wetlands alterations and land disturbance of a vegetative bordered wetland on this property. Ms. Graziano issued an enforcement order for the property owners to stop work, establish an erosion control line and repair the Town's stormwater management system immediately. Drainage pipes had been installed through the head wall and the outlet of the catch basins to the wetland system, which violates the state and local laws, creating increase TSS removal discharge and wetlands alteration. Additionally, vegetation was removed from the buffer zone. The first request was to pull back all cut vegetation closest to the wetlands, establish a straw bale line and take out all pipes that were not part of the plan. The infiltration basin needs to be reconstructed to according to the approved Subdivision Plans from September 1996. The applicants stated the town never came and cleaned these areas and they did not know they were part of the towns infrastructure. Ms. Graziano stated the town of Medway will want an As Built plan that matches the existing grades and plan from 1996. Ms. Graziano stated they should have an engineer come out and sign stamp the plan.

Mr. Travalini made a motion to ratify the Issued Enforcement Order- 1 Gray Squirrel Circle for alteration of 0-100' buffer zone and unauthorized removal of Town's stormwater detention basin. Mr. Snow seconded and it was voted to approve 6-0-0.

Public Hearing #1 – (continued from 9/14/17) Notice of Intent 0 Oak Street and 11 R Winthrop Street Map 39-074, 39-074-0001, 39-078 Choate Park Improvements DEP #216-0908 – Proposal to redevelop and improve Choate Park by the following removal of existing septic system, replacement with sewer connection, upgrade the existing stormwater management system, new pavilion, playground reconfigured with splash pad, parking area to be removed and reconstructed (with enlargement), new additional trails, vegetation removal and

native plantings, grading, sidewalks, access stairs, viewing platform, nature climbing equipment, landscaping, bridge repair, and the removal of existing tennis courts

Mr. D.J. Chagnon, CBA Architect (town's representative) was present for the meeting. Mr. Chagnon stated he is here to present the revised plan. It has not changed too much since the meeting two weeks ago. The improvements were mostly to the ponds edge. The major changes were updating the graphics for better readability, creating additional habitat areas, adding a wild flower seed mix, regrade the trails in the woods, some sort of wet weather seed mix, create a 1/3 of a natural habitat area that is currently lawn or sand. The wildflowers about the path and there is also 3 feet of lawn that will be mowed regularly. The shrub plantings are just above the mean high water plan. There have been updates to the handling of the stormwater- they provided detailed cut and fill calculations and they have created 2300 cubic feet. Mr. Chagnon stated they also added a water quality unit and reconfigured the sewer a little bit because it was at such a tight angle. Mr. Chagnon also stated the town decided that the storage shed will be removed and this area will become wildflowers and shrubs. Tetra Tech issued a letter stating which types of pipes they preferred they use and Mr. Chagnon will send a copy to Ms. Graziano. Ms. Graziano stated she needs to see the manufacturer's maintenance plan and that their long term pollution plan needs to be updated to match the plan.

Mr. Travalini made a motion to continue Notice of Intent 0 Oak Street and 11 R Winthrop Street Map 39-074, 39-074-0001, 39-078 Choate Park Improvements DEP #216-0908 to the October 12, 2017 meeting at 7:45PM. Mr. Blackwell seconded. All were in favor.

Public Hearing # 2 – (continued from 9/14/17) Notice of Intent 24 Puddingstone Lane (DEP#216-0909) proposal to install in-ground pool with associated shed and fencing and restore wetlands resource alteration and 0-25' No Disturb Area to a natural state

Mr. Travalini made a motion to close the hearing for Notice of Intent 24 Puddingstone Lane (DEP#216-0909). Ms. Queenan seconded and it was voted to approve 6-0-0.

Mr. Travalini stated that the Commission hereby finds that the work proposed for the installation of an in ground pool with associated fencing and a pool house was presented at a public hearing where the applicant presented evidence sufficient to demonstrate that the proposed activity if conditioned shall have no impact on this wetlands resource and meets the provisions under 310 CMR 10.02 (2)(b) & (3) and Medway General Bylaw Article XXI Regulations and the performance standards under Section 3.0. Ms. Queenan seconded and it was voted to approve 6-0-0.

Public Hearing #3 - continued (from 6/8/17, 6/22/17, 7/13/17, 7/27/17, 8/10/17, 8/24/17, 9/14/17) 15 West Street Notice of Intent 15 West Street DEP #216-0900) Proposal to construction a cell tower with associated equipment pad and subsurface utilities

Mr. Michael Giamo, Cole and Robinson Attorney for Verizon Wireless was present for the meeting. Mr. Giamo stated that the Commission came out and did a site visit. They showed them where the jersey barriers would be moved to. They will clean up some of the rubble going down the hill. The excavation area is shallow and they will be replanted and they will restore the degraded area. Mr. Travalini stated the erosion controls need to be moved closer to the riverfront. He also wants to see the grade be restored because that area will become the riverfront area. Plantings need to be native species to the riverfront. Asphalt and debris needs to be removed. When they are done it should be a nice slope. After they are finished excavating the area, the ConCom agent needs to come out and do an inspection before the fill and plantings go in. Mr. Travalini stated they need a native mix that works in shade and sun.

Mr. Travalini asked what will prevent the dumping of materials over the jersey barriers. Ms. Graziano stated that you can put that as a condition in the order. Ms. Graziano showed aerial pictures of the area from the following years: 2017, 2016, 2015, 2009 and 2003.

Mr. Snow thinks they need to meet all conditions of # 5, not just parts of #5. Mr. Snow asked about the 1-1 restoration. Flood storage and restoration. Mr. Giamo stated they are putting up a 30 by 80 fence with a small pad for a propene tank and electrical unit. Mr. Giamo stated they are replicating 207 square feet and restoring a large area (1340 square feet) with plantings and also pulling out the berm as well. Mr. Snow stated it is considered a re-development of the area. Ms. Graziano stated that conditions A, B, C, & E needs to be met which they do meet. It is up to the Commission to decide if they meet condition D. Mr. Travalini stated they do not because they are not putting the cell tower as far away from the river front as possible. Mr. Travalini stated they have to meet all of the conditions of F because they do not meet the condition of D. Mr. Travalini stated they need to expand the area another 1000 square feet. It should be a total of 2400 square feet restored. The engineer stated he could move the jersey barriers back a couple of feet to meet the restored area. Mr. Giamo stated he needs to discuss this with the landlord.

Mr. Travalini made a motion to continue 15 West Street Notice of Intent 15 West Street DEP #216-0900) to the October 12, 2017 meeting at 7:45PM.. Mr. Blackwell seconded. All were in favor.

Public Hearing #4 – (continued from 4/27/17, 7/27/17) 0 Applegate Road Map 32 Lot 016 Notice of Intent (DEP# 216-0891) for a proposal by Ralph Costello for the completion and maintenance of an existing stormwater management system and roadway

Per the applicants request, Mr. Travalini made a motion to continue 0 Applegate Road Map 32 Lot 016 Notice of Intent (DEP# 216-0891) to the October 12, 2017 meeting at 7:45PM. Ms. Queenan seconded. All were in favor.

Public Hearing #5 – (continued from 8/10/17, 8/24/17) Abbreviated Notice of Resource Area Delineation 123 Main Street (DEP #216-0910) Proposal for the review of wetlands delineation

Per the applicants request, Mr. Travalini made a motion to continue DEP #216-0910 123 Main Street Abbreviated Notice of Resource Area Delineation to the October 26, 2017 meeting at 7:45PM.

Public Hearing #6 – Notice of Intent (Timber Crest Estates) DEP #216-09XX Fairway Lane, Fern Path, Woodland Road, 102 Winthrop Street, 13 Ohlson Circle, 165 Holliston Street

Mr. Travalini opened the hearing with all the green cards being present.

Mr. Tony Biocchi was present for the meeting. Ms. Graziano suggested they hold off on testimony and the Commission request a Peer Review under MGL c. 40 s.53G until such time as the wetland delineation and review of perennial stream information is completed and reviewed by the Commission. She proposes hiring Eco Tec, Inc. for the following;

1. Review delineation of additional wetland flags approximately 42 flags (possibly identification of other wetlands resources on adjacent properties, cost may be determined later based on review)
2. Review and consultation with report of whether the proposed project meets all the performance standards under 310 CMR 10.00

3. Review and consultation with report on the impact to the wetlands resources and certified vernal pools from the construction of the subdivision
4. Review and recommendation on the request to demote the perennial stream to intermittent
5. Review and report on the Wildlife Habitat evaluations and whether it meet the standards for 310 CMR 10.60
6. Attend necessary meetings for reporting and consultation on the proposed project – 5 meetings.
7. Site visits for wetlands delineation and with the Commission assume 4 site visits.

Ms. Graziano stated the cost for the proposed work is \$5,350 (including mileage). Additionally, Ms. Graziano recommends also hiring Tetra Tech to perform the Peer Review of the Stormwater Management System. She reported this was requested by Conservation but Tetra Tech did not get a cost proposal back in time for this meeting.

Mr. Snow made a motion to hire Arthur Allen of Eco Tech Inc. for a peer review and the applicant needs to supply the check under MGL c. 40 s. 53G before moving forward. Mr. Blackwell seconded and it was voted to approve 6-0-0.

Mr. Biocchi stated the signatures were secured and he will give them to Ms. Graziano. Ms. Graziano stated she also needs a copy of the power of attorney statement that Mr. Henry Wickett provided to Mr. Mounir prior to the Commission approving any Extension on existing permit for wetland delineations.

Mr. Travalini made a motion to continue Notice of Intent (Timber Crest Estates) DEP #216-09XX Fairway Lane, Fern Path, Woodland Road, 102 Winthrop Street, 13 Ohlson Circle, 165 Holliston Street Map to the October 26, 2017 meeting at 7:45PM.. Ms. Queenan seconded and it was voted to continue 6-0-0 with the applicant signature.

****This meeting will be held at the middle school.***

Meeting Minutes

Approval of minutes —1/26/17, 3/9/17, 5/11/17, 5/25/17, 6/8/7, 6/22/17

All of the above meeting minutes will be reviewed before the October 12, 2017 meeting.

Agent Report

- **DEP #216-0848 Route 109 Project-** Ms. Graziano is meeting with Mary Trudeau, Wetland Scientist on 9/29/17 for a site walk.

Chair Report

Nothing to report at this time.

Mr. Travalini made a motion to adjourn at 10:36 pm. Seconded by Ms. Queenan. All were in favor.

Respectfully submitted,

Tracy Rozak

Documents Presented at the September 28, 2017 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Certificate of Compliance

- **72 Main Street DEP #216-0852** proposal to construct 3 commercial buildings, stormwater, and parking area for commercial buildings
 - Nothing presented continued
- **5 Elm Street DEP #216-0881** proposal to construct a single family home with septic, landscaping, driveway
 - Plans titled, “As Built Plan located at 5 Elm Street Medway, MA” by Land Planning, Inc., dated August 28, 2017
 - WPA Form 8A
 - Letter from Lands Planning titled “5 Elm Street DEP File #216-0881” dated August 25, 2017
- **3 Independence Lane DEP #216-0862** proposal to construct a single family home with utilities, landscaping, driveway, mitigation
 - WPA Form 8A
 - Plan titled, “As-Built Plan Lot 16 No. 3 Independence Lane” by O’Driscoll Land Surveying, dated August 23, 2017
- **4 Lantern Lane DEP #216-0883** proposal to construct a single family home with septic, driveway, landscaping and mitigation requirements
 - WPA Form 8A
 - Plans titled, As – Built Plan of Land” by O’Driscoll Land Surveying, dated

Request for Determination of Applicability

- *(Continued from 9/14/17)* **30 Main Street RDA-17-08** proposal to fill in non-jurisdictional wetlands, plant native species, add rip rap to stormwater discharge within the 0-100’ of a Bordering Vegetated Wetland
 -
- **17 Skyline Drive RDA-17-09** request for replacement septic system with abandonment of the old system

Discussions

Discussion #1- 66 Village Street request for exemption for sewer maintenance

Discussion #2 – Ratify Issued Enforcement Order 1 Gray Squirrel Circle for alteration of 0-100’ buffer zone and unauthorized removal of Town’s stormwater detention basin

- Enforcement Order issued
- Plans titled, “Gray Squirrel

7:45PM Public Hearings

Public Hearing #1 – (continued from 9/14/17) Notice of Intent 0 Oak Street and 11 R Winthrop Street Map 39-074, 39-074-0001, 39-078 Choate Park Improvements DEP #216-0908 – Proposal to redevelop and improve Choate Park by the following removal of existing septic system, replacement with sewer connection, upgrade the existing stormwater management system, new pavilion, playground reconfigured with splash pad, parking area to be removed and reconstructed (with enlargement), new additional trails, vegetation removal and native plantings, grading, sidewalks, access stairs, viewing platform, nature climbing equipment, landscaping, bridge repair, and the removal of existing tennis courts

- WPA Form 3 and Notice of Intent Summary by CBA Landscape Architects, Samiotes, and CivilView dated August 24, 2017
- Stormwater Report by CBA Landscape Architects, Samiotes, and CivilView dated August 17, 2017
- Plans titled, Notice of Intent Improvements to Choate Park by CBA Landscape Architects, Samiotes, and CivilView, dated July 12, 2017

Public Hearing # 2 – (continued from 9/14/17) Notice of Intent 24 Puddingstone Lane (DEP#216-0909) proposal to install in-ground pool with associated shed and fencing and restore wetlands resource alteration and 0-25' No Disturb Area to a natural state

- Order of Conditions DRAFT

Public Hearing #3 - continued (from 6/8/17, 6/22/17, 7/13/17, 7/27/17, 8/10/17, 8/24/17, 9/14/17) 15 West Street Notice of Intent 15 West Street DEP #216-0900) Proposal to construction a cell tower with associated equipment pad and subsurface utilities

- WPA Form 3
- Plans titled, “Medway 2 MA 15 West Street, Medway, MA 02053” by Hudson Design Group, dated April 25, 2017 revised September 5, 2017
- Notice of Intent associated documents for reference

Public Hearing #4 – (continued from 4/27/17, 7/27/17) 0 Applegate Road Map 32 Lot 016 Notice of Intent (DEP# 216-0891) for a proposal by Ralph Costello for the completion and maintenance of an existing stormwater management system and roadway

- Nothing presented hearing continued

Public Hearing #5 – (continued from 8/10/17, 8/24/17) Abbreviated Notice of Resource Area Delineation 123 Main Street (DEP #216-0910) Proposal for the review of wetlands delineation

- Form 4A Abbreviated Notice of Resource Area Delineation
- Plans titled, “ Main & Elm Street ORAD Modification Plan of Land in Medway, MA” by Merrikin Engineering, dated September 3, 2015

Public Hearing #6 – Notice of Intent (Timber Crest Estates) DEP #216-09XX Fairway Lane, Fern Path, Woodland Road, 102 Winthrop Street, 13 Ohlson Circle, 165 Holliston Street Map

- WPA Form 3 with signature page
- Wetlands Replication Plan dated September 7, 2017 by Goddard Consultants
- Plans titled, Timber Crest Estates A Proposed Residential Development in Medway, MA, dated August 25, 2017 by Outback Engineering
- Notice of Intent Supplemental Document, dated September 8, 2017 by Goddard Consultants
- Intermittent Stream Documentation for Timber Crest Estates, dated September 7, 2017 by Goddard Consultants

- Detailed Wildlife Habitat Evaluation dated September 7, 2017 by Goddard Consultants
- Habitat Evaluation Water and Sewer September 7, 2017 by Goddard Consultants
- Drainage Report dated September 7, 2017 by Outback Engineering
- Groundwater Mounding Calculations dated September 7, 2017 by Outback Engineering