



MEDWAY CONSERVATION COMMISSION MEETING

Sanford Hall, Town Hall

155 Village Street, Medway, MA 02053

7:30 P.M.

Minutes

June 22, 2017

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on June 22, 2017 at Sanford Hall. In attendance were members Dave Travalini, Brian Snow, Ken McKay, David Blackwell, Margery Queenan, Bridget Graziano, CONCOM Agent, and Tracy Rozak, Night Board Secretary

Absent Members: Scott Salvucci, Dayna Gill

- The meeting was called to order at 7:37 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.

Discussion #1 - 25 Winthrop Street Ratify Amended Enforcement Order and review progress on site as specified by the Amended Enforcement Order issued 6/8/17.

After the 6/8/17 site visit, Ms. Graziano issued an amended enforcement order to Mr. Briggs for D & D Mulch to continue the work they are currently doing which included CONCOM's request to remove manure and brush from jurisdictional areas and establish and erosion control line protecting the wetland resources from the piles of debris and manure. The Commission has a cease and desist only allowing materials to be removed from site with no additional intake of materials to the site. There are no trespassing signs posted and the gate to the farm has been locked. Ms. Graziano stated that she saw Stumpy's Tree Service dump a load of trees/brush there last Wednesday because the gate was open Ms. Graziano asked for a police cruiser to come and enforce the order but Stumpy's Tree Service was gone by then. Ms. Graziano spoke with Stumpy's Tree Service and they were notified not to dump any materials there again.

Ms. Graziano asked that the amendment be ratified to allow D & D Mulch to continue their work. Mr. Snow asked that a formal request be sent to Stumpy's Tree Service along with a copy of the Enforcement Order. Mr. Snow asked that all contractors in the area be provided with a copy of the Enforcement Order. Mr. Snow asked that all future contractors be given a copy of the Enforcement Order. Ms. Graziano will issue a formal request and copy Mr. Snow.

Request for Certificate of Compliance

- **33 West Street DEP #216-0712** Proposal to construct a subdivision
Ms. Graziano stated that the original subdivision was never built but some work was started. Mr. Snow stated that they need to compare the original site plan to what it looks like now to ensure that any work that was done was in compliance with the original order. Mr. Snow and Ms. Graziano will schedule a visit to the site. Mr. Snow requested an as-built plans and all materials to be removed from the site, concrete, asphalt and tree debris.

Mr. Travalini made a motion made to continue to the July 13, 2017 meeting. Mr. Snow seconded and it was voted to approve.

- **65 Ellis Street DEP #216-0714** (partial) Proposal to construct a subdivision, roadway, stormwater (request to release house lot only)

The original plan expired and Mr. Ralph Costello would like to re-open the plan. The current house lot is not on wetlands so this would be a partial Certificate of Compliance just for the house lot.

A motion was made by Mr. Travalini to issue a (partial) Certificate of Compliance for 65 Ellis Street, DEP #216-0714, per Conservation Agents recommendation. Seconded by Mr. Snow. All were in favor.

Request for Determination of Applicability

- **5 Millbrook Road (RDA-16-30)** proposal to abandon the existing septic system and install a new septic system.

Mr. Brandon Faneuf, Wetland Scientist was present at the meeting representing Mr. Chris Harrigan. Mr. Faneuf stated that the existing septic system is located in the front yard of a single family house lot and built in 1994 and it needs to be replaced. The house is a Pre-Rivers Act home in that it was constructed on or before August 7, 1996. There are vegetative wetlands in the backyard, and an old retaining wall that borders Hopping Brook. The high water mark is pretty high and recent beaver activity was noted. The entire property is within the Riverfront area. All work will be done outside of the 100' buffer zone. About 2200 sq. ft. of the existing lawn is located in the outer right zone and some grading needs be done in the corner of the lot but will erode away from the wetland area. The owners will still be able to access the driveway and house. The owners would also like to preserve the existing red maple tree located in the front yard.

There is a Board of Health meeting scheduled for Monday but they cannot approve it until the Conservation Committee approves.

Ms. Graziano reviewed the standard conditions that need to be followed:

- Add siltation fencing to back up filter mitt
- No refueling of equipment within the 200 foot buffer zone
- All excavation piles should be stored outside of the buffer zone

Mr. Travalini motioned to issue a negative 3, positive 5, positive 2A determination of applicability with conditions listed above for 5 Millbrook Road (RDA-16-30). Seconded by Mr. Snow. All were in favor.

Public Hearings

Public Hearing #1- continued (from 6/8/17) 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

Per the applicants request, Mr. Travalini made a motion for a continuance for 15 West Street Notice of Intent 15 West Street DEP #216- 0900) until the 7/13/17 meeting at 7:45 pm. Seconded by Mr. Snow. All were in favor.

Public Hearing #2 continued (from 4/13/17, 4/27/17, 5/11/17, 5/25/17) Notice of Intent 20 Trotter Drive (Map 64 Lot 002) DEP #216-0889 - proposal to install paved parking area for new loading dock with stormwater drainage

The work proposed is for the construction of an addition to the existing commercial building with a new loading dock, associated parking and loading areas and stormwater management system within 100' of a Bordering Vegetated Wetland and 200' of Riverfront Area.

Mr. Peter Lavoie and Mr. Ryan Donegan, Owner of Merrimack Building Supply were present at the meeting. Mr. Lavoie presented their revised site plan which includes placing a barrier along the Riverfront and paved area. They propose putting a split rail fence up and restoring the portions of the 100' – 200' riverfront area behind the building and the approximately 5000 sq ft is proposed to be altered for the loading dock turn around. Mr. Lavoie stated they received a letter from Tetra Tech that they are satisfied with their revisions to the plan.

Ms. Graziano proposed a few changes to the plan:

1. Ms. Graziano is concerned that the plants they plan to put in the rain garden basin area will not survive. Ms. Graziano asked that they use Sweet Pepperbush (*Clethra alnifolia*) or Spicebush (*Lindera benzoin*) instead.
2. Ms. Graziano stated that the O & M plan is still not clear. She stated that the contractors on site need to fully understand the plan. A Long Term Pollution Plan will remain on the deed and shall be complied with in perpetuity needs to be clearly documented and added to the plan along with a

clear Operations and Maintenance plan. These are in order to maintain the life of the stormwater management system.

Merrimack Building Supply will revise their landscape plan and submit it to Ms. Graziano. Ms. Graziano will add conditions for compliance which should be part of the drafted O & M Plan and a Long Term Pollution Prevention Plan to the original order and send it to Mr. Lavoie for review. If the above conditions are acceptable they can close the hearing at the next meeting on July 13, 2017.

Mr. Travalini made a motion for continuance for Notice of Intent 20 Trotter Drive (Map 64 Lot 002) DEP #216-0889 to the July 13, 2017 meeting, seconded by Mr. Snow. All were in favor.

Public Hearing # 3 -(continued from 6/8/17). Notice of Intent 17 Trotter Drive (Map 54 Lot004-0001) DEP #216-0901) Proposal to construct a 10,000 sq. ft. office building, associated parking, and stormwater management system

Mr. Travalini made a motion for continuance for Notice of Intent 17 Trotter Drive (Map 54 Lot 004-0001) DEP #216-0901 to the July 13, 2017 meeting, seconded by Mr. Snow. All were in favor.

Public Hearing #4 Notice of Intent 249 Village Street (Map 69 Lot 019) DEP #216-0902 proposal to install a replacement septic system for an existing single family dwelling with abandonment of existing system

Mr. DeSimone was present as the applicant representative. Ms. Varrichonie was present in the audience. Mr. DeSimone explained the proposed system noting they performed perc testing in the front yard and found the water table was very high (102-103) and would cause a big mound. They tested the soil in the backyard and found the lowest to be 93. Therefore, the proposed system is an alternate system that would move the water line to the front to maintain the 10 foot separation from groundwater.

It was noted the Agent requested that Flag # 7 be moved and the plans amended to reflect this change. Mr. DeSimone noted that there will be a two foot retaining wall however, erosion control all are outside the 25' buffer zone.

Ms. Graziano requested the following conditions be met:

- Reference the standard conditions in the plan dated 6/21/17
- Need to use straw bales and install silt fencing
- Cannot dump leaves or brush
- No fungicides, pesticides, or herbicides may be used except for organic slow release this condition shall remain in perpetuity.

Mr. Travalini made a motion to approve and close Notice of Intent 249 Village Street (Map 69 Lot 019) DEP #216-0902 with the conditions listed above, seconded by Mr. Snow. All were in favor.

Public Hearing #5 –Request for Amendment to Order of Conditions 9 Summer Street Exelon Map Lot DEP #216-0879 proposal to extend the natural gas interconnection line to the existing Algonquin gas transmission pipeline

Mr. Jeremy Fennell from Exelon & Associates was present for this meeting, as the applicants representative. Mr. Fennell stated that they received the original Order of Conditions in October of 2016. The original plan shows the gas line in the northern part of the project enters the buffer zone and crosses wetlands into the wire transfer area. Enbridge (formerly Spectra) requested they take a more direct route so that less time is spent in the 25 foot no build zone. The request involves a short modification at the north end of the project's natural gas interconnection line where it ties into the Algonquin Gas Transmission Company (Enbridge gas transmission pipeline). This modification routes the pipe directly west from the aboveground wire-line piping area to the adjacent Enbridge gas transmission easement ("Enbridge easement"). The current route bends to the south before reaching the easement. Thus, the modification will result in less temporary construction impacts in the buffer zone to vegetated wetlands ("buffer zone") due to the shortened pipe length. Exelon is also requesting that Enbridge do its own permitting for the rest of the pipe.

Ms. Graziano asked if limit of work area could be minimized and the the erosion control area could be closed up so that there was room for the trucks to move around. Mr. Fennell stated that they would look into minimized construction in this area. Mr. Fennell would draft a new plan to reflect this and the Agent will draft an Order of Conditions for review.

*Mr. Travalini made a motion for a continuance for Request for Amendment to Order of Conditions 9 Summer Street Exelon Map Lot DEP #216-0879 to the July 13, 2017 meeting. Seconded by Mr. McKay. All were in favor. * Mr. Snow abstained from the vote.*

Public Hearing #6 continued (from 7/14/16, 7/28/16, 8/11/16, 8/25/16, 9/22/16, 10/13/16, 10/27/16, 11/10/16, 12/8/16, 1/12/17, 1/26/17, 2/9/17, 2/23/17, 3/9/17, 3/23/17) Notice of Intent Villa Drive Extension Map 49 and Lot 032 (DEP# 216-0865) Proposed construction of a 200 +/- roadway extension and as Associated utility, earthwork and landscaping

No Testimony

Per the applicant, Mr. Travalini made a motion for continuance for Notice of Intent Villa Drive Extension Map 49 and Lot 032 (DEP# 216-0865) for Notice of Intent Villa Drive Extension Map 49 and Lot 032 (DEP# 216-0865) to be continued to the July 13, 2017 meeting, seconded by Mr. Snow. All were in favor.

Public Hearing #7 - continued (from 8/25/16, 9/22/16, 10/13/16, 10/27/16, 11/10/16, 12/8/16, 1/12/17, 1/26/17, 2/9/17, 2/23/17, 3/9/17, 3/23/17) 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 the driveway

No Testimony

Per the applicant request, Mr. Travalini made a motion for continuance for Notice of Intent Villa Drive Lot #1 Map 49 and Lot 032 (DEP #216-0873 to be continued to the July 27, 2017 meeting, seconded by Mr. Snow. All were in favor.

Public Hearing #8- continued (from 8/25/16, 9/22/16, 10/13/16, 10/27/16, 11/10/16, 12/8/16, 1/12/17, 1/26/17, 2/9/17, 2/23/17, 3/9/17, 3/23/17) Notice of Intent Villa Drive Lot #2 Map 49 and Lot 032 (DEP #216-0874) proposal to construct a single family home, driveway, landscaping and associated utilities

No Testimony

Per the applicant, Mr. Travalini made a motion for continuance for Notice of Intent Villa Drive Lot #2 Map 49 and Lot 032 (DEP #216-0874) to be continued to the July 27, 2017 meeting, seconded by Mr. Snow. All were in favor.

Public Hearing #9 – continued (from 8/25/16, 9/22/16, 10/13/16, 10/27/16, 11/10/16, 12/8/16, 1/12/17, 1/26/17, 2/9/17, 2/23/17, 3/9/17, 3/23/17) Notice of Intent Villa Drive Lot #3 Map 49 and Lot 032 (DEP #216-0875) proposal to construct a single family home, driveway, landscaping and associated utilities

No Testimony

Per the applicant, Mr. Travalini made a motion for continuance for the Notice of Intent Villa Drive Lot #3 Map 49 and Lot 032 (DEP #216-0875) for a continuance to the July 27, 2017 meeting, seconded by Mr. Snow. All were in favor.

Meeting Minutes – were not reviewed

Discussion # 2 License Agreement with Medway Community Farm for crossing of Idlybrook Conservation Lands

Mr. Paul Atwood was present for the meeting. Mr. Atwood stated that The Medway Community Farm manager had some questions and concerns about the language regarding the ball fields. They are concerned how they will know when there are games and events at the fields. Mr. Snow suggested the wording be changed to state that the equipment used should only be moved before 6 am or after 7pm (or an agreed upon time). It was agreed that a schedule could be obtained from the Parks Commission and that the Farm would need to make reasonable assumptions on access during times when the Idlybrook fields are in use based on the license agreement. Ms. Graziano stated that

Ms. Potter, the Asst Town Administrator needs to review their insurance before they sign the license agreement.

Mr. Atwood will speak with the farm and clarify their concerns.

Agent Report

- **Applegate Subdivision**

Ms. Graziano gave an update and reported that Applegate is ramping up for # 9 and # 11 of the conditions. They have installed the erosion controls. Ms. Graziano did a re-check on June 13, 2017 saw an issue with the sediment eroding into siltation sacks and going into the roadway but this area is technically out of their jurisdiction. The DPW is constantly having to sweep this area of the road. Ms. Graziano spoke to Paul Mendez, an owner to two lots within the subdivision about buttoning up the area but when she re-checked this had not been done. Ms. Graziano also reported they have not been submitting their reports on time.

Mr. Snow stated that Ms. Graziano should send Mr. Mendez a letter requesting that the erosion control be fixed and he be made aware that previous erosions have resulted in violations. In addition, an enforcement order will be sent if the erosion control is not fixed within an adequate amount of time and they will not issue any more building permits until the problem is remedied.

- **Elm Street**

Ms. Graziano conducted a site visit and stated that they were dewatering the new dug septic into the catch basin. Ms. Graziano issued a verbal cease and desist order and they did stop. Mr. Snow suggested that the DPW should check the basin and bill them if any work is needed for the cleaning.

- **Sorrento Lane**

Ms. Graziano did a site check and noted that they had cut down six big trees behind the erosion control line. Ms. Graziano showed the committee pictures of the cut trees. Ms. Graziano also reported that they have not been submitting their inspection reports.

Mr. Travalini stated that Ms. Graziano should notify them to not cut down any more trees and that they have 5 days to submit the late reports (by 6/28/17) and request that they submit a restoration plan for the area within 25 feet of the no disturb zone before the next meeting on 7/13/17 or they will issue a Cease and Desist order.

Chair Report

- Stamp for signatures of the Commission

Ms. Graziano stated that she has not heard from North East yet but she will call them to check on it.

Ms. Queenan made a motion to adjourn the meeting at 9:21 pm, seconded by Mr. McKay. All were in favor.

Respectfully submitted,

Tracy Rozak, Recording Secretary

Documents Presented at the June 22, 2017 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Public Hearing #1- continued (from 6/8/17) 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
- Notice of Intent associated documents for reference

Public Hearing #2 Continued (from 4/13/17, 4/27/17, 5/11/17, 5/25/17) Notice of Intent 20 Trotter Drive (Map 64 Lot 002) DEP #216-0889 - proposal to install paved parking area for new loading dock with stormwater drainage

- WPA Form 3
- Plans titled, “Merrimack Building Supply Site Plan for 20 Trotter Drive in Medway, MA 02053” by Guerriere and Halnon, dated March 10, 2017
- Hydrologic and Hydraulic Report 20 Trotter Drive in Trotter Drive by Guerriere and Halnon, dated March 10, 2017

Public Hearing # 3 – (continued form 6/8/17). Notice of Intent 17 Trotter Drive (Map 54 Lot004-0001) DEP #216-0901) Proposal to construct a 10,000 sq. ft. office building, associated parking, and stormwater management system

- WPA Form 3
- Plans titled, “Notice of Intent Submittal, O’Brien & Sons Corporate Office” by Meridian Associates, dated May 23, 2017
- Stormwater Management Report for O’Brien and Sons Corporate Offices, by Meridian Associates dated May 23, 2017

Public Hearing #4 Notice of Intent 249 Village Street (Map 69 Lot 019) DEP #216-0902 proposal to install a replacement septic system for an existing single family dwelling with abandonment of existing system

- WPA Form 3
- Plans titled, “Local Upgrade Sewage Disposal System 249 Village Street Medway, MA by Colonial Engineering with stamp from Merrikin Engineering, dated May 26, 2017 with revised plan for wetland flag

Public Hearing #5 –Request for Amendment to Order of Conditions 9 Summer Street Exelon Map Lot DEP #216-0879 proposal to extend the natural gas interconnection line to the existing Algonquin gas transmission pipeline

- Letter from Epsilon dated June 8, 2017 requesting the amendment
- Plans titled, “West Medway II Facility by Beals and Thomas, dated May 11, 2017