



MEDWAY CONSERVATION COMMISSION MEETING
Medway Middle School - 45 B Holliston Street
Medway, MA 02053
November 9, 2017 – 7:30 P.M.

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on November 9, 2017 at Sanford Hall. In attendance were members, Dayna Gill, Brian Snow, David Blackwell, Dave Travalini, Scott Salvucci, Ken McKay, Margery Queenan, Bridget Graziano, CONCOM Agent and Tracy Rozak, Recording Secretary.

Absent Members: None

- The meeting was called to order by the Conservation Commission Chairman, Mr. Travalini at 7:36pm. Mr. Travalini asked the members of the board if there were any additional items to be added to the agenda. Ms. Graziano requested to add the Charles River Pollution Control District's request to waive the fee for their Certificate of Compliance.
- *Mr. Travalini made a motion to add the request from the Charles River Pollution Control District to waive the fee for their Certificate of Compliance to the agenda. Ms. Gill seconded and it was voted to approve 7-0-0.*

Request for Certificate of Compliance

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

Mr. Richard Landry was present for the meeting. Ms. Graziano showed pictures to the committee from her previous visit that showed the seeds had not grown at that time. Ms. Graziano stated that on her most recent visit on 11/8/17 she noted that the seeds had started to grow. All the areas have been graded and seeded and the gullies from erosion have been filled in and jute mats placed down. There were some small areas at the top of the slope that needed to have some growth. In addition, one area had a blowout from the last storm and had become unstable where the soil ran into the 25 foot no touch zone.

Mr. Landry stated that some branches got blown down from the last storm and basically gouged the ground and it eroded in that one spot.

Ms. Graziano stated that the area referred to as the "trench" along the where the erosion control line had been removed and looked good and the hay piles had been removed as requested. One location on site still needed some of the hay removed.

Mr. Graziano stated she received letters from Mr. Landry and Mr. O'Brien, Attorney for Maryann Connaughton stating they support the issuance of the Certificate of Compliance with the minimal work that is required to be completed on the parcels. Ms. Graziano stated that the Commission could issue a partial certificate or leave it open until spring but she does not feel comfortable issuing a full certificate of compliance at this time because of the ownership of the other two parcels. The Agent noted that there is ownership questions here, as to who

will be left responsible for the additional work if Mr. Landry the applicant receives a Certificate of Compliance and separately the fact that the work is not completed as required in the Order of Conditions.

Mr. Landry stated he doesn't see why a full certificate of compliance cannot be issued at this time. He stated the site is 90% stable except for the one area they found today and that has been fixed. There are some more areas but they are very small. He thinks the area equals 3/1000th of 1 percent. He feels that by not issuing a full certificate of compliance it will create an undue burden given the condition of the site now.

Mr. Travalini stated the growth is sparse and it is starting to frost and the temperatures are getting below freezing so there will be no more grass growth this year. Mr. Landry stated that Tetra Tech also stated in an email that they felt the site was in suitable condition and there were no areas where erosion will occur. Mr. Travalini is not satisfied and feels the area is not fully stable. He can see why Tetra Tech would say the wall and basin are fine but they are not concerned about the wetlands in the same manner Conservation is. Mr. Travalini stated he thinks Mr. Landry has done the minimum amount of work but could have done more. He stated the area has already had one blow out and they had plenty of time to loam and seed this area from the date of completion and the new filing for Request for Certificate of Compliance.

Mr. Tim O'Brien was in the audience and stated he is in full support of Mr. Landry asking for a full Certificate of Compliance. He stated they will give their commitment that all of the maintenance issues will be taken care of this spring. Mr. Travalini stated that he does not have a lot of confidence that the area will be maintained. If he gives a full Certificate of Compliance then they have no control that the work will get done. Mr. Landry stated that he owes the commission an apology as he should have been more involved with the conservation aspect and kind of left it to the contractors and the engineers. He stated he has gotten more involved since the fall and will take care of what needs to be done.

Mr. Travalini made a motion to deny the Request for Certificate of Compliance 72 Main Street- DEP #216-0852 Proposal to construct 3 commercial buildings, stormwater, and parking area for commercial buildings. Mr. Snow seconded and it was voted to deny the request 7-0-0 based on the Agent report and the reasons mentioned at the meeting.

11 Little Tree Road (partial release) DEP # 216- 0458 part of the original subdivision plan, for a single family home.

Ms. Graziano stated the house is looking for a partial release from the subdivision Order of Conditions and the house itself is not within their jurisdiction. Ms. Graziano recommended a partial release as they have released units which are not within the Commission's jurisdiction from a subdivision Order of Conditions. She stated the stormwater management system may not be in compliance based on review in previous years. It was noted by the Agent that this subdivision is not on the town's sewer system and actual has its own private sewer system which it is also not clear it is in compliance. Mr. Snow stated there are 15-16 houses on this street and if they release this subdivision, their share of the burden goes to the other residents which have not been released. Mr. Snow stated if they let all the homeowners off they will not have the right to request the developer comply with the approved subdivision plan approved by Planning and Conservation for the subdivision not being in compliance. It was reported that the town does the snow plowing and pick up trash. Mr. Snow would like to table this issue and speak with the Town Counsel on the matter. Mr. Snow feels that whoever purchased these houses would have been aware of the Order of Conditions and other issues with the subdivision. The Order is the only way to make buyer aware.

Someone from the audience stated those houses have been there for about 25 years. Ms. Graziano stated they have actually been there for 19 years.

Mr. McKay made a motion to issue a partial certificate of compliance for 11 Little Tree Road (partial release) DEP # 216- 0458 part of the original subdivision plan, for a single family home. No one seconded the motion. Mr. Travalini stated they cannot proceed with that motion. Mr. Travalini made a motion to deny the partial certificate of compliance for 11 Little Tree Road (partial release) DEP # 216- 0458 part of the original subdivision plan, for a single family home Because the subdivision is not complete as designed. Mr. Snow seconded and it was voted to approved 6-0-1.

Public Hearing #1 (continued from 10/12/17) 0, 1, 2, 3 Glenn Brook Way and 33 West Street Notice of Intent Map 65 Lot 25 and 26 and Map 66 Lot 001 and 002 DEP #216-0911) Proposal to construct 6 multifamily residential structures with driveways, children's play area, parking areas, landscaping, stormwater management system infrastructure and associated utilities.

No one was present for this meeting. The applicant requested a continuance.

Per the applicant's request, Mr. Travalini made a motion to continue the Abbreviated Notice of Resource Area Delineation- 123 Main Street- (DEP #216-0911) to the December 14, 2017 at 7:45 p.m. Mr. Snow seconded and it was voted to approve 7-0-0.

Public Hearing #2 - DEP # 216-0912 16 Vernon Road proposal to construct an addition to an existing family home

Mr. and Mrs. Jacob Scoppetto (property owners) and Mr. Russell Pager, the Contractor were present for the meeting. Mr. Dan O'Driscoll the Land Surveyor (O'Driscoll Land Survey) was also present to present to the Commission. Mr. O'Driscoll reported that the proposed addition which will be a garage and the back part will be living space. He stated they filed a special permit with the Zoning Board of Appeals even though it is not approved yet. The proposed work is in the outer Riparian Zone. The Agent noted that there is a pile of landscaping debris, leaves and grass clippings within the buffer zone and inner Riparian Zone. She presented pictures showing these areas and the site. The Agent asked about access, stockpiling and the erosion control barriers. Ms. Graziano asked if the grading will change in the back and what materials will be used. I

Mr. Pager stated there will be a limited stockpile as there is not much dirt to be removed and if there is it will go off site. The property has a rising grade that will be removed so it will actually improve the area. Mr. Pager will calculate the area to be removed and leave only what needs to be removed or used. Mr. Travalini asked what happens if he calculates wrong and there is a lot more dirt to be removed. Mr. Pager stated that they will put it into the stockpile area. Mr. Travalini asked if anyone had any questions. There were none.

The Commission asked Ms. Graziano will write up the full order of conditions as there was enough information to close the hearing.

Mr. Travalini made a motion to close the hearing for DEP # 216-912- 16 Vernon Road -proposal to construct an addition to an existing family home. Ms. Gill seconded and it was voted to approve 7-0-0.

Mr. Travalini made a motion that the Medway Conservation Commission hereby finds that DEP # 216-912- 16 Vernon Road Notice of Intent can be properly conditioned to protect the interest of 310 CMR-10.584D and 310 CMR 10.022B and the Medway General Protection By law article 21, section 5 and 3.04 with the following extra conditions: that the siltation barrier will be composed of straw bales and siltation fencing, all yard clippings and debris will be removed from any jurisdictional areas and stockpiled materials will either

be used on site for the construction of the project or will be taken off site and not be left in jurisdictional areas. Mr. Snow seconded and it was voted to approve 7-0-0.

Public Hearing # 3 (continued from 8/10/17, 8/24/17, 9/28/17, 10/26/17) Abbreviated Notice of Resource Area Delineation 123 Main Street DEP# 216-0910 Proposal for the review of wetlands delineation

Mr. Scott Goddard from Goddard Consulting was present for the meeting. Mr. Goddard stated the Commission completed a site walk and hopefully they could see the water wants to go south and only goes into the street if the flow pattern is obstructed which is not the normal flow pathway. He looked at the previous ANRAD site plan and it did not connect this area to the catch basin. It went right past where the catch basin would be. Mr. Goddard feels this area is not a bordering vegetated wetland since there is no direct connection to the catch basin.

Mr. Travalini, Mr. McKay, Ms. Gill and Mr. Art Allen went on the recent site walk. Mr. Travalini stated there had been a lot of rain in the few days before and you could see erosion through the leaf piles into the street into the catch basin. Mr. Travalini stated he agrees with Mr. Allen's original determination and saw proof of that at the site walk. He feels the wall acts as a dam and some of the water goes into the street and some goes into the catch basin. All seven commission members agree with this as well.

Mr. Goddard stated that the last storm we had was greater than 2.5 inches which is considered an extreme event.

Ms. Graziano stated the commission could agree with C1 through C11 but disagree with A1-through A36 and agree it be labeled as a Bordered Vegetative Wetland.

Mr. Goddard stated he will modify the plan and consent to label it as Bordering Vegetative Wetland for the sake of expediency and update the site plan to show a hydraulic connection between A5 and A6 out to the catch basin.

Mr. Travalini made a motion to continue Abbreviated Notice of Resource Area Delineation, 123 Main Street DEP# 216-0910 Proposal for the review of wetlands delineation to the December 14, 2017 meeting at 7:45p.m. Ms. Gill seconded and it was voted to approve 7-0-0.

Public Hearing # 4 (continued 9/14/17, 10/26/17) Notice of Intent (Timber Crest Estates) Fairway Lane, Fern Path, Woodland Road, 102 Winthrop Street

No one was present for this meeting.

Per the applicant's request, Mr. Travalini made a motion to continue Notice of Intent (Timber Crest Estates) Fairway Lane, Fern Path, Woodland Road, 102 Winthrop Street to the December 14, 2017 meeting at 7:45 p.m. Mr. Snow seconded and it was voted to approve 7-0-0.

Public Hearing # 5 (continued from 4/27/17, 7/27/17; 9/28/17) 0 Applegate Road Map 32 Lot 016 Notice of Intent DEP # 216-891 for a proposal by Ralph Costello for the completion and maintenance of an existing stormwater management system and roadway.

No one was present for this meeting.

Per the applicants request, Mr. Travalini made a motion to continue 0 Applegate Road Map 32 Lot 016 Notice of Intent DEP # 216-891 for to the December 14, 2017 meeting at 7:45 p.m. Mr. Blackwell seconded. All were in favor.

Meeting Minutes

Approval of minutes

Mr. Travalini made a motion to approve the meeting minutes from the 6/8/17 meeting as amended. Mr. Snow seconded *and it was voted to approve 6-1-0.*

Mr. Travalini made a motion to approve the meeting minutes from the 7/13/17 meeting as amended. Mr. Snow seconded *and it was voted to approve 5-2-0.*

Mr. Travalini made a motion to approve the meeting minutes from the 7/27/17 meeting. Mr. Blackwell seconded *and it was voted to approve 5-2-0.*

Mr. Travalini made a motion to approve the meeting minutes from the 8/10/17 meeting. Mr. Snow seconded *and it was voted to approve 5-2-0.*

Mr. Travalini made a motion to approve the meeting minutes from the 9/14/17 meeting. Ms. Queenan seconded *and it was voted to approve 6-1-0.*

Mr. Travalini made a motion to approve the meeting minutes from the 9/28/17 meeting. Mr. Blackwell seconded *and it was voted to approve 6-1-0.*

Discussion #2- Request for Amendment to Dep #216-901 17 Trotter Drive proposal to construct a commercial building with stormwater management system, parking, utilities, and driveway (requesting minor modification and vote)

Mr. Garvin and Ms. Erin O'Brien were present for the discussion and stated that the O'Brien's decided to reduce the building size and made some minor adjustments. Mr. Garvin went over the changes which consist of making the building 13 feet shorter and less wide, the driveway was moved over a bit and they moved the parking closer to the building. They extended the right side and it has been shifted 5 feet to the left to allow for turning around in the loading area. The building elevation is now one foot higher and they removed the rear retaining wall – it had been a two tier terrace wall before now it is just one wall, and they removed the trench drain. They have not made any changes to the drainage or stormwater system.

Ms. Graziano stated she feels that these modifications are minor and the footprint is smaller and there are no changes to the stormwater.

Mr. Travalini asked if anyone had any questions. There were none.

Mr. Travalini made a motion that the Medway Conservation Commission hereby finds that all proposed amendments shall not adversely affect any wetland resource protected under the Massachusetts Wetlands Protection Act and the Medway General Bylaw, Article XXI and its Regulations. Mr. Travalini made a motion to issue an amendment to the Notice of Intent for minor modifications. Mr. Blackwell seconded and it was voted to approve 7-0-0.

Discussion # 3 DEPP #216-0879 - 9 Summer Street for a proposal to add a lay down locations within the 100" buffer zone (requesting minor modifications and vote).

*** Mr. Snow stepped down for this discussion.**

Mr. Pete Callahan and Mr. Dan Blakely were present for this the meeting. Mr. Callahan explained that he would like a meadow are within the buffer zone for storage of materials for the work approved under DEP #216-0879. As winter comes it will get more congested and this will open up the work area and make it safer. He stated they looked at several areas but this is the best place. Mr. Callahan proposed add filter fabric and cover with ¾" stone.. After the project they will return the area to its original natural meadow condition.

Ms. Graziano does not think this is a minor amendment as the limit of work is increasing, and the work is also going right up to buffer zone. She also would like to see all the restorations outlined and added to the Order of Conditions, as a condition.

Mr. Callahan stated they plan to use this area for storage and be out of there by May/June 2018. They had anticipated that they would be done before winter and that is why they are requesting a change now because there time frame has changed. Mr. Travalini stated he is concerned if they don't finish the project by spring they will end up killing everything under the fabric cover. Mr. Callahan stated there is no work being done there so there will be no run off, it is just storage of materials. Mr. Callahan stated the changes are to less than 5% of the total project so he feels it qualifies as a minor modification.

Mr. Travalini feels that these modifications are moderate and require a public hearing. They will need to see a complete updated plan and a restoration plan for the grass field.

Mr. Salvucci asked if they really need to use ¾ of the acre and go up to the 25 foot buffer. If they could use only 1/2 of an acre of land and stay away from the buffer zone then it would be considered a minor modification. Mr. Callahan stated they could but then they will have smaller trucks with more deliveries instead of larger trucks with fewer deliveries.

Mr. Travalini made a motion to issue a minor amendment for Dep #216-0879 - 9 Summer Street pending the receipt of a revised plan with more details that shows no work will be done 30 feet up to the buffer zone and the receipt of a promissory note from Exelon stating the area will be restored to its preexisting condition as a grass field. Mr. Salvucci seconded and it was approved 5-1-1.

****Mr. Snow returned to the Commission as a voting member.***

Discussion # 1 - Update on OSRP

Ms. Graziano stated that the next OSRP meeting is scheduled for November 21, 2017 and there will be additional Public Forum in February and April, and a Land Management exercise on a Saturday morning. Ms. Graziano stated that over 200 people responded to the OSRP survey that the Task Force put out. They are currently using GPS (Global Positioning System) to mark the trails right now. Ms. Graziano will send emails to the members to keep them updated on the public forums, workshops and meetings.

- **Route 109 DEP**

Mr. Travalini sent an email to them about the issues stating they need to remove the erosion controls from Chicken Brook and replace the siltation sacs. Mr. Travalini stated there were some bare earth spots. Ms. Graziano will check on this on this on Monday.

- **Choate Park**

Mr. Travalini stated that the bids came in much higher than expected. They need a total of 4.9 million. The town will contribute 2 million but they need more money. They are going to get \$350,000 from the state but need another \$550,000 to finish the project.

Chair Report

Nothing to report at this time.

Ms. Queenan made a motion to adjourn the meeting at 10:01 p.m. Ms. Gill seconded and it was voted to approve 7-0-0.

Next Scheduled Public Meeting: December 14,, 2017 at 7:30PM - Middle School, 45B Holliston Street, Medway, MA 02053

Respectfully submitted,

Tracy Rozak

Documents Presented at the November 9, 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
- 11 Little Tree Road (partial release) DEP # 216-0458 part of the original subdivision plan for a single family home

7:45 PM Public Hearings

Public Hearing # 1 (continued from 10/12/17) 0, 1, 2, 3 Glen Brook Way and 33 West Street Notice of Intent Map 65 Lot 25 and 26 and Map 66 Lot 001 (DEP #216-0911) proposal to construct 6 multifamily residential structures with driveways, children's play area, parking areas, landscaping, stormwater management infrastructure and associate utilities

- Nothing presented hearing continued

Public Hearing # 2- 16 Vernon Street Notice of Intent Map 48 Lot 003 (DEP # 216-0912) proposal to construct an addition to an existing family home

- WPA Form 3
- Plans titled "Plan to Accompany Notice of Intent 16 Vernon Road" by O'Driscoll Land Surveying dated October 26, 2017

Public Hearing # 3- (continued from 8/10/17, 8/24/17, 9/28/17, 10/26/17) 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 # 4 (continued from 9/14/17, 10/26/17) Notice of Intent (Timber Crest Estates) Fairway Lane, Fern Path, Woodland Road, 102 Winthrop Street, 13 Ohlson Circle, 165 Holliston Street Map proposal to construct a subdivision roadway and infrastructures consisting of stormwater management system and utilities

- Nothing presented hearing continued

Public Hearing # 5 (continued from 4/27/17, 7/27/17, 9/28/17) 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