



MEDWAY CONSERVATION COMMISSION MEETING
Sanford Hall, Town Hall
155 Village Street, Medway, MA 02053
7:30 P.M.
Minutes
February 23rd, 2017

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on February 23rd, 2017 at Sanford Hall. In attendance were members Dave Travalini, Ken McKay, Brian Snow, Scott Salvucci, David Blackwell, and Dayna Gill, CONCOM Agent Bridget Graziano, and Sreelatha Allam, Night Board Secretary

- The meeting was called to order at 7:35 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.

Meeting Minutes-

11/10/2016-

A motion was made by Mr. Travalini to approve the meeting minutes of 11/10/2016 as amended, seconded by Mr. McKay. Ms. Gill abstained.

Request for Certificate of Compliance-

72 Main Street (DEP# 216-0852)- Request for (partial) Certificate of Compliance for the construction of 3 commercial buildings with associated storm water management system, parking, retaining wall, and all associated utilities-

A motion was made by Mr. Travalini to continue (per applicant's request) DEP# 216-0852 to March 9th, 2017, seconded by Mr. Snow. All were in favor.

Request for Determination of Applicability-

259, 261, 261R 263 Village Street – Request for Determination of Applicability RDA-16-24 proposal to perform soil testing that will require temporary wetland resource crossing-

Mr. Jonathan Novak, Coneco Engineers & Scientists attended the meeting to discuss the RDA. He provided an overview of the proposed work. Twelve test pits and eight borings will be made for the geotechnical exploration for the main campus building structures. Some of the test pits are for foundation(s). There is a single crossing of swamp mats over the intermittent stream (shown on the plans along with the actual flag

locations). The submitted plans show the proposed and alternate routes. Mr. Novak met with Ms. Graziano on site to determine the anticipated path for the borings/ test pits. Ms. Graziano stated that regardless of the crossing, the original proposed path results in lesser impacts to the wetland. Mr. Travalini asked if Path 2 on the plans will pass through the areas that the applicant is proposing not to disturb and Path 1 is the area that will eventually be disturbed. Mr. Travalini said that equipment should not be allowed on Path 2 since the proposed plan is to disturb areas along Path 1. Mr. Novak responded that a total of three machines (2 drill rigs and a mini excavator) will be used and the applicant does not anticipate any clearance issues. Tree limbs will be cleared on a need basis. There will be two primary access points to the site. A GZA representative will be on site to navigate the equipment operators during the entire operation. The Area will be brought back to existing conditions after the test pits are completed. Agent inquired about the time frame for conducting the test pits/ borings. Mr. Snow inquired about the proposed boring method(s) the applicant anticipates to use. He asked if auger boring or wash boring methods will be used. He expressed concern with mud and water being dumped in the area during the process. Mr. Travalini said that some of the locations are fairly close to the 25' no-touch area. Mr. Novak stressed that none of the borings or test pit locations are within the 25' no-touch zone. Temporary sediment control will be provided along test pit locations 2, 9, and 11, three closest to the 25' no-touch zone. To prevent any potential impact to the wetlands, Mr. Snow recommended wrapping the area in silt fence and remove the sock once the work is completed. He said release of mud and water should be restricted within the compost sock.

The approved Order of Conditions include the following:

- Prior to the commencement of the work, the applicant shall notify the Commission two days in advance to complete the proposed work.
- Rubber tired vehicles will be used for all access points. No machinery will be stored overnight or after daily operational hours within the 25' no-touch zone.
- Wetland crossing shall not be completed if the storm total is over 1/2 inch of rain within three days of a storm event.
- Applicant shall schedule a time after geotechnical investigation is complete to review all locations where wetland resources and jurisdictional areas were crossed to ensure that no wetland resources were impacted from testing and anything found shall be mitigated.
- Requirement for placing swamp mats and other protective measures approved by the Commission and Agent to cross wetlands.
- Path shall be staked out prior to testing to ensure that appropriate path is taken by the operators
- Appropriate length of compost sock shall be provided with the release of mud and water restricted to the sock. Additionally, sock will be used for protective measures when digging test pits 2, 9, and 11
- All test pit locations shall be brought back to the original conditions after the testing is complete
- Copies of all boring and test pit logs shall be provided to the Commission

A motion was made by Mr. Travalini to issue a positive 5 negative 3 determination of applicability for 259, 261, 261R 263 Village Street , (RDA-16-24) with conditions stated above, seconded by Mr. Snow. All were in favor.

10 Lovering Street – Request for Determination of Applicability RDA-16-25 proposal to install an above ground pool with associated utilities-

Property owner, Ms. Amanda Reagan attended the meeting to discuss the RDA. Proposed work includes building an above ground 24' x 54' pool that is 85' from the BVW. There is room to move the pool back by 5 feet but Ms. Reagan expressed concern about getting close to the property line. Bob cat equipment will be brought in (on the other side of the house where there is no wetland) if excavation more than a foot is anticipated to install the pool. She said clay or sand will be put underneath the ground pool. If pool needs to be cleaned/ emptied, water will be pumped out but will never be drained into the wetland/ yard. Ms. Graziano noted that the pool will be built on the existing lawn and there are 15' feet of trees between the intermittent stream and where the lawn starts. Driveway is on the side where the wetland is.

Conditions in the Order of Conditions are as follows:

- Compost sock shall be provided at the limit of work.
- Any disturbed areas within the buffer zone shall be reseeded in order to stabilize the area.
- Current or future property owner shall not discharge any water from the pool into the buffer zone or into the resource areas.
- Pool water shall be removed using a pump truck

A motion was made by Mr. Travalini to issue a positive 5 negative 3 determination of applicability for RDA-16-25 with additional conditions that any discharge from the filter not be directed into wetlands; all excavated material should either be used or taken away from the site, seconded by Mr. Snow. All were in favor.

Public Hearings-

Public Hearing #1- Notice of Intent- 11 Applegate Road (Map 32 Lot 15) DEP #216-0887 - proposal to construct a single family home with associated utilities, landscaping, and driveway-

Ms. Joyce Hastings from GLM Engineering representing the applicant Ralph Costello attended the meeting to discuss the Notice of Intent. Abutter notification green cards were provided to Ms. Graziano. Ms. Hastings provided the history and overview of the NOI application. NOI was filed for two lots in the Applegate Farms sub division. It's a 12 lot sub division that was initially approved in 2007. Few street lots were also approved during that time. However, only two houses were constructed in the sub division about six years ago. It is anticipated that most of the houses will be built this year. 2007 NOI for the sub division was filed (expired now) due to the location of the detention basin outlet in the 100' buffer zone. Ms. Hastings said that all drainage structures, curbing, and detention basin are in place. Per the Agent's recommendation, road was swept (receipt submitted) and catch basins cleaned in January 2017. She said a certificate of compliance may be requested as the work on the detention basin outlet if the work is complete, stabilized, and is performing at the level it was designed for. Ms. Hastings was at the meeting to discuss the NOI for the two lots on the existing sub division. The two lots in discussion are adjacent to the detention basin on one side.

In Lot 6B a single family dwelling is proposed. Roof infiltration is proposed for each of the houses. Five wetland bounds along the 25' buffer zone is proposed. The ridge between both the lots will be leveled down up to 6' to build the house. Both the lots are connected to the street sewer. Wetland flagging was done when the sub division was originally proposed. They were delineated again in November 2016. Ms. Graziano visited the site and provided her recommendations. The sub division has a SWPPP that requires weekly reports. However, contractors did not submit the reports in the past. Ms. Hastings committed to providing weekly reports moving forward. She stated that there are issues that need to be addressed and a recent inspection has shown stock piles on individual lots specifically on Lot 10. Erosion control barrier needs to be fixed at that location. Ms. Hastings said, storm drains were designed for proposed houses and Ms. Graziano wanted to ensure that the drains were designed based on the size of the dwelling. Ms. Hastings did analysis to check on Ms. Graziano's concern. Ms. Gill stated that there are significant puddle issues in Lot 10 area. Ms. Graziano added that the siltation sacs were not properly checked with sedimentation discharge from the two additional lots. These lots were sold to another developer. She along with Tetra Tech consultant (working for Planning Board) recommended adding trap rock to construction entrances, compost sock siltation fencing at those two lots, conduct street sweeping, and pull siltation sacs in the catch basins. She stated that it's an ongoing issue and it becomes more prevalent during fall season. Erosion control and siltation fence were installed in January 2017. She has not visited the site to confirm that her concerns/ recommendations have been addressed. Her main concern is with the lots that are outside of CONCOM jurisdiction. Ms. Hastings said that improvements at Lot 11 are complete but work at Lot 10 needs to be completed. The original NOI for the storm water basin and the road is expired and does not have a Certificate of Compliance. Ms. Hastings reiterated that all work needed under that NOI has been completed and requested that it should be closed. Mr. Travalini said with the current puddle issue it cannot be considered as complete. Given the past history on the site, he said CONCOM is reluctant to trust the developer. He expressed concern that two more lots (within CONCOM jurisdiction) are being added to the NOI that will add more burden to the storm water system. Mr. Snow said that he is ok with the plan as proposed but he is concerned with the bigger issue where the drainage from the site. Ms. Graziano said she cannot confirm if the storm water system is in compliance until Tetra Tech reviews it. Members were reluctant to issue the Certificate of Compliance. Ms. Hastings said that the applicant will not request for COC on the outstanding order until the work on the detention basin and storm water system is totally complete. Ms. Hastings said there are erosion controls (silt sock) on all the downhill slopes. Mr. Snow suggested that each lot and house on the plan should have a house and driveway impervious surface allotments. All the lots in the sub division could be taken into CONCOM jurisdiction based on the sediment load into the system. He also said the NOI on the two lots will not be approved until the outstanding order is closed or re-filed. Ms. Hastings agreed to file for Order of Conditions and notify the abutters. Mr. Snow said that the goal should be to resolve as many outstanding issues as possible and the request for the new Order of Conditions should be limited to the remaining work (to raise all the structures to the final grade and complete the pavement work). Members agreed to issue a partial Certificate of Compliance for the detention pond and open a new request for the pavement work and raising new structures. Full Certificate of Compliance will be issued when the entire work is complete.

A motion was made by Mr. Travalini to continue the Notice of Intent- 11 Applegate Road (Map 32 Lot 15) DEP #216-0887 to March 09, 2017 at 7:45PM, seconded by Mr. Snow. All were in favor.

Public Hearing #2- Notice of Intent 9 Applegate Road (Map 23 Lot 62) DEP #216-0888 – Comments for public hearing #1 are applicable to public hearing #2.

A motion was made by Mr. Travalini to continue Notice of Intent 9 Applegate Road (Map 23 Lot 62) DEP #216-0888 to March 09, 2017 at 7:45PM, seconded by Mr. Snow. All were in favor.

Public Hearing #3- (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) Notice of Intent Villa Drive Extension Map 49 and Lot 032 (DEP# 216-0865) Proposed construction of a 200 +/- roadway extension and associated utility, earthwork and landscaping-

A motion was made by Mr. Travalini to continue public hearing #3 (DEP# 216-0865) to March 09th, 2017 at 7:45 PM, seconded by Mr. Snow. All were in favor.

Public Hearing#4- continued (from 8/25/16, 9/22/16, 10/13/16, 10/27/16, 11/10/16, 12/8/16) 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

A motion was made by Mr. Travalini to continue public hearing #4 (DEP# 216-0873) to March 09th, 2017 at 7:45 PM, seconded by Mr. Snow. All were in favor.

Public Hearing #5- continued (from 8/25/16, 9/22/16, 10/13/16, 10/27/16, 11/10/16, 12/8/16) 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

A motion was made by Mr. Travalini to continue public hearing# 5 (DEP# 216-0874) to March 09th, 2017 at 7:45 PM, seconded by Mr. Snow. All were in favor.

Public Hearing #6- continued (from 8/25/16, 9/22/16, 10/13/16, 10/27/16, 11/10/16, 12/8/16) 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

A motion was made by Mr. Travalini to continue public hearing# 6 (DEP# 216-0875) to March 09th, 2017 at 7:45 PM, seconded by Mr. Snow. All were in favor.

Discussions-

Discussion #1- Review of the proposed boardwalk at Chicken Brook for the Adams Street Link Trails – Jim Wieler (Open Space) attended the meeting with Paul Atwood to discuss the proposed boardwalk at chicken brook. Mr. Wieler provided the history and overview of the proposed work. Open Space has been working with Beal's + Thomas on this project and CPC funds have been appropriated. Goal is to have the trail from the high school across chicken brook and eventually out to Lovering Street. Toughest part of the project is navigating the boardwalk across chicken brook. The proposed design is significantly longer than

what was anticipated initially. The plans were re-drawn and boardwalk was extended so that it is approximately at the same elevation at both ends. Mr. Atwood said the boardwalk will be ADA compliant. Ms. Graziano explained DEP requirements where 1:1 replication is required if any disturbance is caused to wetland resources including plant life. Mr. Wieler said the challenge is more in the ramp area and become more evident when the boardwalk gets close to the herbaceous layer. The boardwalk is way off the streams at that point. Ms. Graziano said the area is still wetlands at that point and that the end point hits the edge of the wetlands. Part of the discussion was to schedule a site walk. A NOI will eventually be filed to start the proposed work. A site walk was scheduled for Sunday 2/26/2017 around 11:20 AM. Mr. Wieler also talked about three boardwalk bridges (8'x4') that need to be built relatively soon.

Discussion#2- Review and vote on Annual Report 2016-

A motion was made by Mr. Travalini to issue the annual report as prepared, seconded by Ms. Gill. All were in favor.

Discussion #3- Review of revised Timber Crest plans submitted to ZBA for comment by the CONCOM-

Updated/ revised plans were submitted on January 30, 2017 with supplemental drainage calculations and amendments removing two lots included. Locations where the proposed project impacts > 15' buffer zones were shown on the plans. She said wetland crossing underneath the roads for the vernal pools will be provided to the Commission. CONCOM has already submitted comments on April 29, 2016 and October 3, 2016. She said commission could also provide comments to ZBA on the revised plans. Members said Commission has not changed its comments. A response will be drafted to ZBA informing that the Commission upholds its comments issued on April 29th and October 3, 2016. Ms. Graziano added that an operations and maintenance plan, long term pollution prevention plan, treatment train for drainage calculations have not been submitted by the applicant to date. Two test pits show ground water estimates at less than 2'. Effort has not been made to change the limit of work, to protect wetland resources, and delineations continue to be incomplete as plans develop and change. She will add the above described points in the draft letter. She added that in order to conduct vernal pool study this season, applicant needs to appear before CONCOM in at least four weeks. It was agreed that timeline specifics for vernal pool evaluations and determinations will also be included in the letter.

A motion was made by Mr. Snow to authorize Ms. Graziano to draft a letter to ZBA stating that CONCOM continues to uphold its comment dated April 29th, and October 3, 2016, seconded by Mr. Salvucci. All were in favor.

Agent Report-

Review of access use of Conservation Land by the Community Farm- Melissa Kelley, Clerk at Medway Community Farm attended the meeting with Mr. Atwood to discuss this item. At present, the farm's access is off of Mr. Atwood's driveway. Request is to use Idyllbrook to access Mr. Atwoods fields this land is under the control of CONCOM. Members asked if the request is for using farm vehicles only. To a question on compensation, Ms. Kelley said Mr. Atwood is compensated for using his driveway. Mr. Travalini said CONCOM lands are public lands for public use and the request is for private use which might lead to potential liability issues. Ms. Graziano said CONCOM has a right to ask for a fee for utilizing Conservation land. She said CONCOM land could be leased and the Commission could enter into an agreement with the

farm. Ms. Graziano said, per town counsel's direction, regardless of CONCOM's decision on the matter, it needs to enter into a license agreement with the town with insurance information, indemnification clause included. Mr. Atwood said Community Farm is operating on town property and that the insurance and indemnification clause have already been addressed under that agreement. Mr. Snow's concern was with creating a private use on CONCOM land. He supported the idea of granting a license to the farm. Ms. Kelley said the farm relies on the use and access to the piece of property in discussion for producing the volume of food that the farm needs to produce to meet the demand. Mr. McKay raised concern on the amount of vehicle traffic in the area where kid's presence is very active. To that point, Mr. Atwood explained that the farm activity starts at 7:30 AM and ends by 3:00PM and that kid's activities occur between 4:00 PM – dusk. Members discussed holding public forums to notify the public. Considering the level of effort needed to draft the lease/ license agreement, members felt that the fee for the preparation of the document should be charged to Community Farm. Ms. Graziano will provide the cost estimate for the preparation of the agreement to Ms. Kelley.

A motion was made by Mr. Snow to adjourn the meeting at 10:15PM, seconded by Mr. Salvucci. All were in favor.

Respectfully submitted,

Sreelatha Allam

Documents Presented at the February 23, 2017 Public Meeting

All documents shall be kept in the Conservation Commission Office files

259, 261, 261R 263 Village Street – Request for Determination of Applicability RDA-16-24 proposal to perform soil testing that will require temporary wetland resource crossing

- Copy of RDA and plan set for Salmon Health and Retirement Community dated January 23, 2017, prepared by Coneco Engineer & Scientists

10 Lovering Street – Request for Determination of Applicability RDA-16-25 proposal to install an above ground pool with associated utilities

Public Hearing #1 – Notice of Intent 11 Applegate Road (Map 32 Lot 15) DEP #216-08xx - proposal to construct a single family home with associated utilities, landscaping, and driveway

- WPA Form 3 for 11 Applegate Road
- Plans titled, “Proposed House Location Plan 11 Applegate Road (lot 6B) Applegate Subdivision Medway, Massachusetts” by GLM Engineering, dated January 21, 2017
- Notice of Intent Narrative to Medway Conservation Commission, by GLM Engineering, dated January 22, 2017

Public Hearing #2 - Notice of Intent 9 Applegate Road (Map 23 Lot 62) DEP #216-08xx - proposal to construct a single family home with associated utilities, landscaping, and driveway

- WPA Form 3 for 9 Applegate Road
- Plans titled, “Proposed House Location Plan 9 Applegate Road (lot 5B) Applegate Subdivision Medway, Massachusetts” by GLM Engineering, dated January 21, 2017
- Notice of Intent Narrative to Medway Conservation Commission, by GLM Engineering, dated January 22, 2017
- Agent’s Application Summary for 9 Applegate Road