



MEDWAY CONSERVATION COMMISSION MEETING
Sanford Hall-155 Village Street
Medway, MA 02053
7:30 P.M.
DRAFT MEETING MINUTES
July 13, 2017

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on July 13, 2017 at Sanford Hall. In attendance were members Dave Travalini, Brian Snow, Scott Salvucci, David Blackwell, Margery Queenan, Bridget Graziano, CONCOM Agent, and Tracy Rozak, Night Board Secretary

Absent Members: Ken McKay, Dayna Gill

- The meeting was called to order by the Conservation Commission Chairman, Mr. Travalini at 7:33pm.
- 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 –36 Maple Street ratify enforcement order issued June 20, 2017 and discussion options for restoration

Mr. Peter Ciolek, owner 36 Maple Street was present at the meeting. Ms. Graziano stated that she received an anonymous note regarding tree removal at 36 Maple Street on her desk at the office. Ms. Graziano performed a site visit and found that several trees had been cut down. Ms. Graziano issued an enforcement order and met with Mr. Ciolek and reviewed what trees and vegetation had been removed from the 25 foot buffer zone. Ms. Graziano stated that approximately 8 feet had been disturbed in the 25 foot no touch zone.

Mr. Ciolek stated that the area in question is part of his yard that he had neglected. Mr. Ciolek stated that he knew there were swamps back there but did not know about the no touch buffer zone and though he could work up to the wetland. He stated that area used to have a nice lawn but was ruined by ivy and trees that kept leaning over that area. He stated that the trees that were cut down were getting blown over by wind and leaning over close to the house. Mr. Ciolek also stated that ivy has been growing on his lawn and ruined it.

Mr. Travalini stated the 25 foot no touch buffer zone has been around since the 1990s and ignorance of the law is not an excuse.

Ms. Graziano stated she would like the restored area to include native plants and shrubs in the 25 foot area such as high bush blueberry and sweet pepper bush. Ms. Graziano will stake out the area, 6 -10 feet on center and sketch out the plantings which will probably be about 3-5 shrubs. Mr. Travalini stated no fertilizer or mulch should be used in this area so that the area goes back to being native. Ms. Graziano stated the lawn can go right up to the 25 foot no touch buffer zone.

Mr. Ciolek asked about the area beyond that area which was once a leaching field and wondered if that had anything to do with the tests performed. Mr. Ciolek also stated that his property and his neighbor's property slope down the hill in some areas and some areas are higher than other areas. Mr. Travalini stated that 40 years ago, the conservation laws were not the same as today and they might have brought in soil to fill in some of those areas. Mr. Ciolek asked what he should do about the wind blowing on and bending the trees towards his house. He would like to have them cut down. Mr. Travalini stated that Ms. Graziano will go out and look at them but stated a certified arborist would need to certify that they were a danger to the house and should come out. Mr. Snow stated that Mr. Ciolek should file a Notice of Intent to take down the trees and he will have a hearing before the board.

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

Per Ms. Graziano recommendation, Mr. Travalini made a motion to ratify the enforcement order for 36 Maple Street issued on June 20, 2017. Mr. Snow seconded. All were in favor.

Discussion #2- 25 Winthrop Street Enforcement Order Progress Report

Ms. Graziano has been out to the site several times throughout the year and gave an update on recent site visits and progress pertaining to the Enforcement Order issued. Pictures were reviewed by the Commission. Ms. Graziano stated that the manure has been removed from the wetland area and they are making significant progress. They are composting some of the manure on site and trucking out the manure that has other debris in it like clumps of soil or pieces of wood. Ms. Graziano stated they are making a lot of progress and it is going very well. She will do another site visit with Jake on August 2nd at 11am. Mr. Salvucci asked if they fixed the culvert pipe yet. Ms. Graziano stated that it has not been done yet and she does have some concerns about the area collapsing near chicken brook. There is not any water backing up but you can see that every time it rains the area erodes out. Mr. Snow is concerned about the water ponding near the manure pile. Ms. Graziano stated that the area is still draining and she is not concerned at this time about its alteration of wetland resources but will continue to monitor.

Discussion #3 – 13/15A Fisher Street DEP #216-0847 (subdivision) proposed restoration plan for removal of trees within the 25' No Disturb Zone

Mr. Raymond Doiron was present at the meeting. Mr. Doiron stated he is currently working on construction of – 3 single family units on Sorrento Lane a proposed subdivision. They did erosion controls and put up a DEP sign under an Order of Conditions requirements. Ms. Graziano stated that a neighbor informed her that several trees had been cut down within the 25 foot buffer zone. Ms. Graziano did a site visit and found that 6 trees had been cut down on the opposite side of the erosion control line. She reported that the stormwater management system has been constructed and 3 foundations for the units are in place. Mr. Doiron stated that his partner told him that some of the trees were rotted and right on the silt fencing so they were cut down as they feared they would fall during construction. Mr. Travalini stated that his partner should have known this was not allowed due to the erosion control fencing and the issues Order of Conditions. They should have sought permission from the Commission if there were any questions before anything was cut down. Mr. Doiron stated that he agreed but was not on site the day the trees were cut down. Mr. Snow asked that Mr. Doiron ensure that his partner and the entire work crew are aware of the order. Mr. Doiron stated that he will do that and stated that he is willing to replace the trees. Ms. Graziano stated they should be replaced with small oak trees. Ms. Graziano stated the trees should be planted in the fall and she will mark up the plan and send it to Mr. Doiron.

Mr. Travalini asked if anyone has any questions about this matter. There were none.

Request for Certificate of Compliance

- **33 West Street DEP #216-0712** proposal to construct a subdivision

Ms. Graziano stated Mr. Zongi has an open order of conditions to remove materials and submit the As - Built. Mr. Zongi provided the plan and removed the materials. Ms. Graziano has pictures of the area. Mr. Snow stated the project is not yet completed as the subdivision has not been built yet. Ms. Graziano recommended issuing a certificate of compliance based on the received As-Built.

Per Ms. Graziano's recommendation, Mr. Travlini made a motion to issue a certificate of compliance as per the existing conditions plan of DEP #216-0712, 33 West Street received on July 7, 2017. Mr. Snow seconded. All were in favor.

- **67 Main Street DEP #216-0822** proposal for roadway and drainage work

Ms. Graziano stated that she does not have the As-Built plans yet for this project.

Mr. Travalini made a motion to continue DEP #216-0822, 67 Main Street to the next meeting on July 27, 2017 as they do not have the As-Built plans. Mr. Snow seconded. All were in favor.

- **36 Main Street DEP #216-0824** proposal for roadway and drainage work

Mr. Travalini made a motion to continue DEP #216-0824, 36 Main Street to the next meeting on July 27, 2017 as they do not have the As-Built plans. Mr. Snow seconded. All were in favor.

Public Hearing #1– continued (from 4/13/17, 4/27/17, 5/11/17, 5/25/17, 6/8/17, 6/22/17) 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

Mr. Ryan Donegan was present at the meeting. Ms. Graziano stated that Mr. Ryan Donegan was present at the last meeting and had all the paperwork they needed except for the final landscape plan which they have now submitted. Mr. Graziano has reviewed the plan and the post development plan that was added to the order of conditions and found everything to be in order.

Mr. Travalini made a motion to close the hearing for # 216- 0889, 20 Trotter Drive. Ms. Snow seconded and it was vote to approve 4-1-0.

Mr. Travalini moved that the Commission hereby finds that the work proposed for construction of addition to the existing commercial building with new loading dock, associated parking and loading areas, and stormwater management system within 100' of a Bordering Vegetated Wetland and 200' Riverfront Area was reviewed during the public hearing process. During which the applicant presented evidence sufficient to demonstrate that the proposed activity meets the provisions under 310 CMR 10.02 (2)(b) and (3), 310 CMR 10.05(4), and 310 CMR 10.58 (4) and the Medway General Bylaw Article XXI Regulations and the performance standards under Section 3.04 and 5. Additionally, the applicant has agreed to restore portions of the 100'–200' Riverfront area totaling 48,775 square feet. The total approved Riverfront Area alteration is 5,016 square feet which is less than 10% of the Riverfront. It was noted that all conditions of this order have been met. Mr. Snow seconded. Mr. Salvucci abstained from the vote. 4-1-0.

Public Hearing #2 – continued (from 6/22/17) 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. Travalini stated there were not enough Commission members present tonight for a vote. Mr. Snow noted this conflict and that he would not be stepping down so the Commission would have the quorum for a vote.

Mr. Jeremy Fennel from Excelon & Associates was present at the meeting and reviewed the amendment from the June 22, 2017 meeting. Mr. Fennell stated that they received the original order 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. Excelon is also requesting that Enbridge do its own permitting for the rest of the pipe.

Ms. Graziano asked if 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 close up the area. Ms. Graziano created an amendment for Excelon to review.

Ms. Graziano added this plan to section 7 of the plan. She also added 3 conditions: 100, 102, and 103.

Mr. Travalini asked if there were any questions. There were none.

Mr. Travalini made a motion to close the hearing for the amendment DEP # 216-0879, 9 Summer Street. The amendment proposes to extend the natural gas interconnection line to the existing Algonquin gas transmission pipeline.

Mr. Travalini moved that the Commission finds that the change to the gas line in the proposed amendment will not have an effect on the area and complies with Mass by laws 21 & Wetlands Protection Act, Article 21. Mr. Salvucci seconded. All were in favor.

Public Hearing #3 – Notice of Intent 33 Main Street DEP #216-0903 Paul Revere Estates Subdivision proposal to construct roadway, stormwater management system for 6 unit subdivision (lots not being approved, infrastructure only)

Mr. Dan Merrikin asked for a continuance to the next meeting. As per the applicants request, Mr. Travalini made a motion to continue DEP #216-0903 Paul Revere Estates Subdivision to the July 27 2017 meeting at 7:45PM.

Public Hearing #4 – Notice of Intent 85 Village Street DEP #216-0904 proposal to construct an addition to the existing single family dwelling and the addition of a porch

Mr. Dan Merrikin was present at the meeting and stated the work involves working in the flood plain. They want to build a one room addition 12 by 15 with a screen porch. There will be a total of 33 cubic feet of crawl

space under porch that will be dug out. Porch will have FEMA flood vents at ground level which will dissipate and recede out. The flood elevation is 138.3 and the first floor is 1.3 feet above the flood plain. Mr. Snow asked what will keep water from entering the crawl space and entering the basement. Mr. Macken stated the old foundation walls are present and are not connected to the crawl space. Ms. Graziano stated she is ok with the plans as presented.

Mr. Travalini asked if there were any questions. There were none.

Mr. Travalini made a motion to close the hearing for DEP #216-0904, 85 Village Street. Mr. Snow seconded. All were in favor.

Public Hearing #5- continued (from 6/8/17, 6/22/17) 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 to continue DEP #216-0900) 15 West Street to the July 27, 2017 meeting at 7:45PM. Mr. Snow seconded. All were in favor.

Public Hearing #6 – continued (from 6/8/17, 6/22/17) Notice of Intent 17 Trotter Drive (Map 54 Lot 004-0001) DEP #216-0901 Proposal to construct a 10, 000 sq. ft. office building, associated parking, and storm water management system

Mr. Mark Beaudry of Meridian Associates, the Applicants Representative and Ms. Meghan O'Brien from O'Brien and Sons the property owner were present at the meeting. Mr. Beaudry stated at the previous meeting, the site plan needed modifications and they wanted to talk to the commission about the plan changes and get their feedback.

They met with the planning and economic development board last week and the planning board requested they make a wider sidewalk and a larger buffer zone. Mr. Beaudry discussed the changes- the building stayed the original size as proposed but the driveway and parking to the north was 5 feet off the property line. So they reduced the parking area and slid the building 17 feet to the south to create a bigger buffer on the north side of the site. Mr. Beaudry also spoke with Dave D'Amico of Public Services about removing some pavement in the cul de sac bulb at the end of Alder Street and possibly taking the right of way bulb and have it become part of the property. This will result in a significant reduction of pavement by about 12 feet and they will not have to do wheel stops now. The 9 foot retaining wall on the east side of the site has been replaced with two 4 foot terrace walls with landscaping in between. The changes in the 100 foot buffer zone are not dramatic just that everything moved to the south a bit. All work proposed is in the outer buffer zone. Mr. Beaudry would like to finalize the design plan by the end of the month. They are still working on the stormwater management approach with Tetra Tech.

Mr. Travalini asked about the vernal pools. Mr. Beaudry stated Ms. Graziano had asked about the evaluation of the wetlands on the opposite side of Trotter Lane and the vernal pools. Mr. Beaudry stated the wetland delineation was done back in February. It appeared that the area about 100 feet north of the site might be a vernal pool but they did not evaluate it because it was so far away. Mr. Beaudry stated they would like to take a conservative approach and presume that it is a vernal pool and treat it up to the 100 foot buffer zone. Trotter drive and the side walk and curbing are between the project site and the wetland area. They don't feel that the outer buffer area will be degraded. 35 feet of the 20 foot driveway is in the buffer zone and the pavement in the turn-around area. The proposed vegetation is all native species. Mr. Beaudry would like to seek a waiver to complete the work in the outer buffer zone area. Mr. Beaudry stated that there are significant plantings in the area of the storm water bio basin and the house. A tree will be planted off of the chamber system area.

Mr. Travalini stated he was concerned for the critters/frogs that do get over the impediments and go to the other side of the street and find the lawn that they will not breed in the grassy area and could be run over by a lawn mower. Mr. Travalini would like to see more native plantings in the 100 foot buffer zone. Mr. Snow suggested native grass that doesn't get mowed regularly. Ms. Graziano suggested native meadow grasses that do not need to be mowed every week. Mr. Travalini also stated that mowing could be scheduled out of the breeding season. Mr. Beaudry said he will revise the landscape plan to show the native species. Ms. Graziano asked if the building will have a rubber roof. Mr. Beaudry stated that it will be rubber roof and not a galvanized metal roof which is not allowed within a Zone II. Ms. Graziano asked that the rubber roof be noted in the plan.

Mr. Salvucci asked about the grading along the north side. Mr. Beaudry stated it is sloped right now and will be off graded to the north and smoothed out a bit up to the property line. Mr. Salvucci will review the plan after Tetra Tech reviews it and make comments.

Ms. Graziano asked about the soil tests for depth to groundwater for the construction of the stormwater management system. Mr. Beaudry stated Tetra Tech suggested doing another test now during construction at the location of the chambers and they will. Ms. Graziano also asked about the results of the 3rd party study on the % of TSS removal for the proposed water quality unit to make sure the TSS removal was accurately calculated for in the treatment train. Mr. Beaudry stated Tetra Tech asked about the possibility of continuing the chamber system and combining the three basins instead of one bio basin. Mr. Travalini stated that it will just change the landscaping plan a bit. Mr. Beaudry asked if the Commission is amenable to granting the waiver for work within the 100' buffer zone to the vernal pool in order to move forward with the design and will fully the plan and send it to the commission and Tetra Tech next week. They would like a continuance to the next meeting on July 27, 2017.

Per the applicant's request, Mr. Travalini made a motion to continue DEP #216-0901, 17 Trotter Drive to continue to the July 27, 2017 at 7:45PM. Mr. Snow seconded the motion. All were in favor

Public Hearing #7 – (continued from 4/27/17) 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

Mr. Travalini made a motion to continue (DEP# 216-0891) 0 Applegate Road to the August 8, 2017 meeting. Mr. Snow seconded. All were in favor.

Meeting Minutes

None were ready to approve at this time. Mr. Travalini asked that only minutes that are ready for approval be put on the agenda in the future.

Discussions (continued)

Discussion #4- License Agreement with Medway Community Farm for crossing of Idylbrook Conservation Lands

No update yet.

Agent Report

- Route 109 Project review

Ms. Graziano spoke to Michel Burton about her concerns. She is drafting a list of items that need to be complied with and she has all the email addresses of the people involved on the 109 project and will email it to all of them. Mr. Travalini asked that Gretchen send them a letter requesting that they provide a contact list for all the people working on the project that lists their title/responsibilities, phone numbers and emails. Ms. Graziano states the order lists no open trenches at the end of the day, parking in designated areas only and the fueling schedule, etc. Ms. Graziano stated they are not getting any progress reports. Mr. Snow stated Ms. Graziano should include in her letter that they need to submit the progress reports ASAP or they will be shut down. Mr. Snow stated that there is an event at Choate Park on Saturday and the area is not secure.

Chair Report

Nothing to report.

Motion to adjourn at 9:30 by Ms. Queenan. Seconded by Mr. Snow. All were in favor.

Next Scheduled Public Meeting: July 27th at 7:30PM* Sanford Hall, Town Hall 155 Village Street, Medway,
MA 02053

Respectfully submitted,

Tracy Rozak
Night Secretary Conservation Commission

Documents Presented at the July 13, 2017 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Public Hearing #1– continued (from 4/13/17, 4/27/17, 5/11/17, 5/25/17, 6/8/17, 6/22/17) 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” 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 #2 – continued (from 6/22/17) 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

Public Hearing #3 – Notice of Intent 33 Main Street DEP #216-0903 Paul Revere Estates Subdivision proposal to construct roadway, stormwater management system for 6 unit subdivision (lots not being approved, infrastructure only)

Public Hearing #4 – Notice of Intent 85 Village Street DEP #216-0904 proposal to construct an addition to the existing single family dwelling and the addition of a porch

Public Hearing #5- continued (from 6/8/17, 6/22/17) 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 #6 – continued (from 6/8/17, 6/22/17) Notice of Intent 17 Trotter Drive (Map 54 Lot 004-0001) 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 #7 – (continued from 4/27/17) 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

- WPA Form 3
- Plans titled, “ Definitive Subdivision Applegate Farm Medway, Massachusetts” by GLM Engineering Consultants, Inc., dated January 12, 2007