



**MEDWAY CONSERVATION COMMISSION MEETING**  
**155 Village Street Sanford Hall, Medway, MA 02053**  
**April 26, 2018**  
**7:30 P.M.**

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on April 12, 2018 at Sanford Hall. In attendance were members Dayna Gill, David Travalini, David Blackwell, Scott Salvucci, Ken McKay, Margery Queenan, Bridget Graziano and Tracy Rozak, Recording Secretary. \*Brian Snow arrived at 7:45pm

Absent Members: None

- Mr. Travalini called the meeting to order at 7:35 p.m. Mr. Travalini asked if anyone would like to add anything to the agenda. Mr. Travalini stated he would like to add a quick discussion about the Wetland Protection Act. No one else had anything to add.

*Mr. Travalini made a motion to add a discussion about the Wetlands Protection act to the agenda. Ms. Gill seconded the motion and it was voted to approve 6-0-0 \* Mr. Snow abstained from the vote.*

**Request for Determination of Applicability**

**27 Broken Tree Road (RDA-17-17) - proposal to remove 17 trees from the 0-100' buffer zone**

Mr. and Mrs. Anthony Alvino, the homeowners were present for the meeting. Mr. Alvino stated he would like to remove 7 trees not 17 as originally stated in the proposal. Mr. Alvino stated they would just like to remove the trees on the side of the house and stump them to make room for a children's swing set. The trees that are there are Red Oaks and White Pines. Ms. Graziano stated there are 6 trees not 7, one White Pine in the middle of the lawn, one behind it and a cluster of two Pines and two Oaks. The trees are 59 feet from the wetland. Ms. Graziano does not feel that removing these trees will have any impact to the wetlands. Mr. Travalini explained the town has a 25 no cut zone from wetlands so all the cut trees have to be taken away and not left in the wetlands. Mr. Alvino asked if he can plant different shrubs or bushes in this area. Mr. Travalini stated yes as long as they are native to the area and he should email the names of the shrubs he plans to plant to Ms. Graziano for review and approval. Mrs. Alvino asked if they can bring in more fill to level off the area. Mr. Travalini stated yes they can bring in some fill to level it off. Ms. Graziano stated they should use an 8 inch compost sock to protect the fill from eroding toward the wetland. Mr. Alvino stated he will not touch the trees on the left side. He stated there is a culvert with a stream that kids spray painted on and asked if he could paint over it with grey paint. Ms. Graziano stated they should call DPS and ask them to come look at it. Mrs. Alvino asked if they could relocate their shed to the left of the where the shed is now. They will put it up on cinder block and will put grass down where the shed was located. Ms. Graziano stated they will need to stake out the area and have her look at it before they do any work to be sure it is not in the 25 foot no touch zone.

*Mr. Travalini made a motion to issue a positive 5, negative 3 for RDA 17-17 proposal to move 7 trees from the buffer zone. The applicant will use a compost sock and the trees will be marked and approved by the Agent before any work is done. In addition, the shed will be staked out and approved by the agent prior to moving it. Ms. Gill seconded the motion and it was voted to approve 6-0-0. \* Mr. Snow abstained from the vote.*

**Public Hearing #1 – (continued 4-12-18) Notice of Intent (DEP #216-0917) 13 Phillips Street proposal to construct an addition to the existing dwelling**

Mr. Willis and Mr. Dan O'Driscoll were present for the meeting. Ms. Graziano stated she has reviewed the plan and is fine with it. Mr. Travalini asked if the applicant and his representative have read the draft Order of Conditions and have any questions with regards to the conditions within the Order. The applicant and his representative agreed to the proposed conditions.

*Mr. Travalini made a motion to close the hearing for Notice of Intent (DEP #216-0917) 13 Phillips Street. Mr. Snow seconded the motion and it was voted to approve. 7-0-0*

*Mr. Travalini made a motion to issue a Notice of Intent for Notice of Intent (DEP #216-0917) 13 Phillips Street. The Commission hereby finds that the work proposed for the construction of a detached garage for an existing single family home was reviewed at a public hearing where the applicant has presented evidence sufficient to demonstrate that the proposed activity shall have no impact on this wetlands resource and meets the provisions under #!) CMR 10.02 (2) (b) & (3), 310 CMR 10.53 (1) and Medway General Bylaw Article XXI Regulations and the performance standards under Section 3.04 and 5 (specifically 5.06 for 25 Waiver). Additionally, the Commission finds that the applicant has met the performance standards under the Medway General Bylaw Article XXI Section 21.2 (b) waiver of the 25' No Disturb Setback, as the Applicant has agreed to restore the 25' No Disturb Zone to its original form prior to construction. Mr. Snow seconded the motion and it was voted to approve 7-0-0.*

**Public Hearing # 2 Notice of Intent (DEP #216-0918) 68 Oakland street proposal to install a replacement septic system and abandonment of the existing failed system**

Mr. George Mihov the applicants representative from Guerriere and Halnon and Mr. and Mrs. James Mayer the property owners and applicants were present for the hearing. Mr. Mihov stated this proposal is for a 3 bedroom house with an old cesspool. The applicants would like to upgrade the system and bring it up to code. He stated he has discussed the project with Ms. Graziano. The system was intended as a two trench system but has to be changed to one long trench to stay out of the 25 foot buffer zone. They will use siltation fencing and compost socks. Ms. Graziano stated they need to extend it all the way to the house. Mr. Travalini asked where they will access the area from. He stated they should access it from the left side, the south east corner of the house or patio. Mr. Travalini asked where the stock piles will be located. Mr. Mihov stated they will have a stockpile area in the front of the house. Ms. Graziano stated this house is located in a Zone II for drinking water which has a 75 foot No Disturb setback under the wetland regulations for Medway. Ms. Graziano asked they install granite bounds at the 25 foot line at wetland flags # 2, 4 and 5. She also stated that the plan has to be stamped by a land surveyor.

Mr. Travalini explained they will leave the hearing open until the next meeting in order to draft an Order of Conditions and have the applicant review to ensure there are no issues with the proposed conditions.

***Mr. Travalini made a motion to continue to Notice of Intent (DEP #216-0918) 68 Oakland Street to the May 10, 2018 meeting at 7:45 pm. Mr. Snow seconded the motion and it was voted to approve 7-0-0.***

**Public Hearing # 3 Notice of Intent (DEP#216-09XX) 11, 13, 15, 17 Fairway Lane Timber Crest Estates Access Road proposal for access road construction for subdivision and proposed new sewer line (extension)**

Mr. Mounir Tayara, the applicant, Mr. Jim Pavlik, Outback Engineering, Mr. Dan Wells, Goddard Consulting and Mr. Tony Biocchi were all present for the hearing. Mr. Pavlik stated this is the missing link for the Timber Crest Project. They have filed a separate NOI for this and have notified the abutters. The reason for proposing this emergency access road was to avoid a major wetland crossing at Road I. Mr. Pavlik stated that Goddard Consulting flagged the wetlands on the right side of the lot, there is a catch basin that drains out to the street to the north and goes into the Fairway lane discharge system. They propose a 15 foot paved road to the east side of the house and some grading will be necessary. They are proposing a rain garden at the south east corner of the site to catch run off. Mr. Pavlik stated the commission previously approved a septic directly behind the house which is shown on the plan. The plans show a new sewer line from Road H that will be tied off to the east and west to provide future tie ins for 11, 15 and 17 Fairway Lane. Mr. Travalini asked what exists next to the BVW. Mr. Pavlik stated there is nothing to the east but there is a chain link fence front he middle eastern portion of the house that extends further past the road and south. Mr. Travalini asked if the house will stay on the lot. Mr. Pavlik stated yes it will.

Ms. Graziano stated there are mature trees there that surround the wetlands. Mr. O'Driscoll stated the inside of the fenced area is pretty disturbed. Ms. Graziano asked how many trees will be removed? Ms. Graziano stated the commission members should go out and look at the area. Mr. Travalini asked if anyone in the audience had any questions.

Mr. Dan Strachan of 11 Fairway Lane was present at the hearing and stated he lives next door and his property is fairly flat and he is concerned about the water running into his yard. He stated that before the drain was put in that his yard would often get flooded. The commission members looked at the water tables. Mr. Travalini asked Mr. Salvucci if he thought the rain garden is large enough to handle the amount of water. Mr. Salvucci stated he thinks it is sufficient. Mr. Strachan asked the Commission to explain what a rain garden is. Mr. Salvucci stated a rain garden is basically a shallow depression with loamy sand and mulch over it that holds the peak run off from a rain event. In a large rain event, it will spill over into the wetlands. Mr. Travalini stated there should be a detention pond in the area that slowly releases the water. Mr. Travalini stated it is the responsibility of the applicants' engineer to design the storm water system so the conditions are not worse than they were previously. He stated that Tetra Tech will also review the plan and approve it or ask for revisions if needed. The town engineer needs to approve and sign off on the plan as well.

Mr. and Mrs. Stephen Maliniak of 14 Fairway Lane were present at the hearing and asked if the wetland drain that is currently there will remain where it is. Mr. Travalini stated yes. Mr. Strachan stated there are other alternatives instead of a paved road there are other options to make it more aesthetic. It has been done in the town before and he could show the Commission some pictures if needed. He stated there is one off of Nealon Lane. Mr. Tayara stated the Fire Chief is the one that is requiring him to put in a paved road. He stated that the Fire Chief explained that a paved road is better because during a snow storm his guys cannot see the grass creed. He feels pavement holds up much better. Mr. Tayara stated he is willing to use another material if the Fire Chief states it is acceptable. Mr. Biocchi stated that paved roads do hold the weight of a fully loaded firetruck better. Ms. Graziano will write a letter to the Fire Chief recommending a gravel road be used instead and see what his response is.

Ms. Graziano asked about the position of the plants in the rain garden. She asked if there is an easement and how this work with 13 Fairway Lane and the maintenance required. Ms. Graziano stated the plans need to say that mulch will be double shredded. She also stated that the long term pollution plan needs to reference as well as the maintenance for the other NOI. Ms. Graziano stated the maintenance plan needs to address things like if the plants die will they be replaced and how often will the mulch be changed. She stated erosion controls need to be set up around the rain garden during construction and the straw waddles be removed from the plans. Ms. Graziano stated the plan discusses how the snow will be pushed but it should also have a designated snow area. She stated there should be a site walk scheduled to look at the total mature tree loss. Ms. Graziano noted that the Commission approved the wetland line but not the line on William Prices land that has not been approved. She also stated any portions of this project that is not applicable under 40B requires a 25 foot no touch line. The Commission members scheduled a site walk for Wednesday, May 2, 2018 at 5:00 pm at 13 Fairway Lane.

Ms. Graziano suggested an idea about switching the access road with the main road.

Mr. Tayara stated the sewer lines are on the 40B filing with the ZBA. It is on the approved plans by the ZBA. They are just putting in the sewer line infrastructure but not hooking it up to the houses. The new homeowners will have to connect their own sewer lines. They will have to file under the by-law.

Mr. Strachan asked if he will have a problem down the road with getting his portion of the proposed sewer connection approved. Mr. Snow stated they will have to file under the by-law. Ms. Graziano stated she will speak to the Fire Chief about using grass creed and will talk to the legal team about the easement with neighbors.

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

***Mr. Travalini made a motion to continue Notice of Intent (DEP#216-09XX) 68 Oakland Street to the May 10, 2018 meeting at 7:45 pm. Mr. Blackwell seconded the motion and it was voted to approve 7-0-0.***

**Public Hearing # 4— continued 9/14/17, 10/26/17, 11/9/17, 12/11/17, 12/28/17, 1/11/18, 2/8/17, 2/22/18, 3/8/18, 3/22/18,) Notice of Intent DEP #216-09xx (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**

Mr. Tayara stated he received a nine page comment list two days ago and they have many questions and concerns which they would like to address. There was some confusion over comments to points and comments to counter points. He feels it would be best to meet with Ms. Graziano and address each one. Mr. Travalini stated Mr. Tayara should set up a meeting with Ms. Graziano between now and the next meeting to discuss each question and clarify.

Ms. Graziano stated that Tetra Tech will be ready for the May 10, 2018 meeting. They also need to discuss the additional peer review and the extra cost. Mr. Tayara stated he is fine with that.

Mr. Tayara stated he is still waiting for the stormwater report so he does not have anything else to present to the Commission tonight. Mr. Travalini asked if anyone else had any questions or comments. There were none.

***Mr. Travalini made a motion to continue Notice of Intent DEP #216-09xx (Timber Crest Estates) Fairway Lane, Fern Path, Woodland Road, 102 Winthrop Street, 13 Ohlson Circle, 165 Holliston Street Map to the May 10, 2018 meeting at 7:45 pm. Ms. Gill Dana seconded the motion and it was voted to approve 7-0-0***

## **Meeting Minutes**

Approval of minutes 1/11/18, 3/8/18, 3/22/18, 4/12/18

No minutes were approved at this time.

## **Discussion #1 - 287 Village Street review of unpermitted work in the buffer zone**

Ms. Graziano stated the owner of the property is Mike Powers. She put an aerial picture of the property onto the projector screen when reviewing another property and saw the progressive disturbance of the buffer zone and possible Riverfront Area through the construction of a concrete pad, then a structure was constructed on this pad including a what seemed to be a deck. She stated contacted Mr. Powers and performed a site visit which included Jack Mee, the Building Commissioner and Beth Hallal the Health Director. Mr. Powers explained that the large white concrete foundation shown in the picture was always there under dirt and grass and he just built the structure on top of it. Mr. Mee did his inspection and was fine with everything. Ms. Graziano stated that if the concrete foundation did already exist then there would be no impact to the wetlands. If in fact it was new then this would require a permit. There is a smoker under the concrete slab with a deck above. Ms. Graziano stated the wetlands are 20 feet away from the new wood heater output area and over 200 feet away from the Charles River. Ms. Graziano stated she asked them to remove the soot material from that area. Mr. Travalini stated that Mr. Powers should file a RDA if the foundation already existed or file a NOI if it is a new foundation. If it was new it would have required a building permit and the Commission would have had to sign off on the building permit. Ms. Graziano recommended that the Commission schedule a site walk to view the property.

## **Discussion # 2 - Wetland Protection Act**

Mr. Travalini stated he is frustrated with the Wetland Protection Act and is concerned that there is not enough being done to protect vernal pools and the area around them. He stated there are many studies that show construction has a serious effect on the amphibians that live in and around vernal pools. He feels they should write a letter to Senator Spilka about this. They should ask Amy for advice. Ms. Graziano stated she will draft the letter to Senator Spilka.

**Agent Report**

Nothing to report at this time

**Chair Report**

Nothing to report at this time.

**Adjourn**

Ms. Queenan made a motion to adjourn the meeting at 10:37 pm. Mr. Snow seconded the motion and it was voted to approve 7-0-0.

\* Next Scheduled Public Meeting: May 10, 2018 at 7:30PM- Sanford Hall, Town Hall 155 Village Street, Medway, MA 02053

Respectfully submitted,

Tracy Rozak

## **Documents Presented at the April 26, 2018 Public Meeting**

All documents shall be kept in the Conservation Commission Office files

### **Request for Determination of Applicability**

27 Broken Tree Road –RDA-17-17 proposal to remove 17 trees from the 0-100’ buffer zone

- WPA Form 1
- Plans titled, Plot Plan of Land in Medway, MA” by GLM Engineering Consultants, dated May 21, 1999 with hand drawn location of the trees proposed to be removed
- Town of Medway Maps Online with Ortho photos 2015
- 25’ waiver request

### **Public Hearing #1 – (continued 4-12-18) Notice of Intent (DEP #216-0917) 13 Phillips Street proposal to construct an addition to the existing dwelling. Causeway Street**

- WPA Form 3
- Plans titled, “ Plan to Accompany Notice of Intent 13 Phillips Street Medway, MA” by O’Driscoll Land Surveying Co., dated February 23, 2018

### **Public Hearing # 2 Notice of Intent (DEP #216-0918) 68 Oakland street proposal to install a replacement septic system and abandonment of the existing failed system**

- WPA Form 3
- Plans titled, “Plan to accompany Notice of Intent 13 Phillips Street Medway, MA” by O’Driscoll Land Surveying Co., dated February 23, 2018

### **Public Hearing # 3 Notice of Intent (DEP#216-09XX) 11, 13, 15, 17 Fairway Lane Timber Crest Estates Access Road proposal for access road construction for subdivision and proposed new sewer line (extension)**

- WPA Form 3
- Wetland Border Report 13 Fairway Lane- DEP Wetland Delineation Forms by Goddard Consulting dated February 20, 2018
- Drainage Report by Outback Engineering, dated March 15, 2018
- Long Term Pollution Prevention Plan by Outback Engineering, date March 15, 2018 within the drainage calculations
- Plan titled “Notice of Intent 11, 13, 15, 17 Fairway Lane in Medway, MA” by Outback Engineering, dated March 15, 2018

### **Public Hearing # 4– continued 9/14/17, 10/26/17, 11/9/17, 12/11/17, 12/28/17, 1/11/18, 2/8/17, 2/22/18, 3/8/18, 3/22/18,) Notice of Intent DEP #216-09xx (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**

- List of plans for PH #3 are attached