



**MEDWAY CONSERVATION COMMISSION MEETING**  
**155 Village Street Sanford Hall, Medway, MA 02053**  
**November 8, 2018**  
**7:30 P.M.**

The Medway Conservation Commission (CONCOM) held it's regularly scheduled meeting on November 8, 2018 at Sanford Hall. In attendance were members David Travalini, David Blackwell, Brian Snow, Marjorie Queenan, Dayna Gill, Ken McKay, Scott Salvucci, Bridget Graziano, Conservation Agent and Tracy Rozak, Recording secretary.

Absent Members: None

***Mr. Travalini called the meeting to order at 7:36 p.m.***

Mr. Travalini asked if anyone would like to add anything to the agenda. Ms. Graziano stated Caroline Williams, an Independent girl scout is here tonight to discuss the stream crossing project and she would like to be added to the agenda.

***Mr. Travalini made a motion to add the Girl Scout project to the agenda and Ms. Gill seconded the motion. It was voted to approve 7-0-0.***

Ms. Williams stated bridge #5 connects Millstone to 54 R Adams Street and there is a stream in the middle that needs to be crossed. She is proposing a small non-permanent bridge similar to the recent Boy Scout project. The bridge is 28 feet long and will need supports in the middle which she cannot do because they would have to be put into the stream. She asked the commission for suggestions. Mr. Travalini stated she could move the bridge location, but this might involve taking down trees. Ms. Graziano stated there is a trail there now that goes to the edge of the stream. Mr. Travalini stated they could move the end of the trail over a little and put plantings where the old trail end was. Ms. Graziano stated it is a forest area but not too dense, it has low vegetation and ferns. Ms. Gill stated the Commission should do a site visit and mark the trees that need to come down. Ms. Williams estimates the cost to be about \$500-600 and asked about funding possibilities. Ms. Williams will contact Ms. Graziano to set up a site visit.

**Request for Determination of Applicability**

- **25 Fairway Lane (19-07) proposal to install fencing within the 25'-100' buffer zone**

Ms. Karen Ertman was present for the meeting and stated she wants to install a fence in her back yard and part of the fence is going to go into the 25 foot buffer zone. She stated this area really kind of bows in. She stated Ms. Graziano did a site visit and measured to see if what she marked was accurate and she said that it was. Ms. Graziano stated the applicant could manipulate the placement of the fence to stay away from the buffer zone or otherwise they might have to do a Notice of Intent. Ms. Ertman asked what if she put the bound back in and went up the side of

the house and then down, not so much into the backyard and stay out of the 25 foot buffer zone. Would that be ok? Mr. Snow stated if she wants to stay within an RDA then she should come back with a better sketch of her new plan. Mr. Travalini suggested she could plant native plants such as blueberry bush or high pepper bush. Mr. Snow stated she could put a fence anywhere in her yard as long as it's within the existing lawn and outside of the 25 foot buffer zone.

***Mr. Travalini made a motion to continue 25 Fairway Lane (19-07) to the December 13, 2018 meeting at 7:30 pm. Mr. Salvucci seconded the motion and it was voted to approve 7-0-0.***

- **48 Adams Street (9-09) proposal to install a shed within the 25'-100' buffer zone**

*Ms. Graziano stated the applicant could not be at the meeting tonight but she is planning to install a shed 88 feet from the wetland area. Ms. Graziano asked the applicant if they could move the shed but it is not possible due to the gravel bottom.*

***Mr. Travalini made a motion to issue a positive five, negative three determination of applicability for 48 Adams Street (9-09). Mr. Snow seconded the motion and it was voted to approve 7-0-0.***

#### **Request for Certificate of Compliance**

- **68 Oakland Street (DEP #216-0918) – proposal to install a replacement septic system**

***Per the request of the applicant, Mr. Travalini made a motion to continue 68 Oakland Street (DEP #216-0918) to the Dec 13, 2018 meeting at 7:30pm. Ms. Gill seconded the motion and it was voted to approve 7-0-0.***

#### **Discussion #1 – Request for Amendment to Order of Conditions DEP #216-0913 135 Holliston Street proposal to install fencing at 25' buffer zone**

Mr. Joe Callahan representing DW Solutions was present for the meeting. He stated there was some illegal fill on the property from an old enforcement order. The new owners have remedied this and restoration is complete as prescribed under the Order of Conditions issued by the Commission. . Mr. Callahan stated they had a wetlands consultant present during the remediation. The monitoring plan has been submitted. Ms. Graziano stated the restoration looks good. Mr. Callahan stated the applicant now wants to put a small split rail fence (with a total of 8 bounds) along the 25 foot buffer line. Mr. Travalini stated the deck would be a minor amendment and the split rail fence would be a minor amendment but altering the number of bounds would be a major amendment.

***Mr. Snow made a motion to approve a minor amendment for DEP 216-915 135 Holliston Street to add deck as shown on the plan, but the granite bounds are still required, the applicant may add split rail fencing but cannot forego the granite bounds Mr. Salvucci seconded the motion and it was voted to approve 7-0-0.***

*Mr. Callahan stated the work on the outside of their house is being held up due to the open Order of Conditions. They need to do work on the stairs and make some changes to the exterior of the house. Mr. Snow stated if the size and dimensions of the stairs does not change there will*

*not be a problem. The applicant should file a building permit and if they say no, he should talk to Ms. Graziano about the reasons.*

*\*Ms. Gill left the meeting at 10:00 pm and was not present for Discussions #2 and # 3.*

**Discussion #2 – Vote to expend \$400 from the Conservation Trust Fund for the Arc GIS subscription**

*Mr. Travalini made a motion to expend \$400 from the Conservation Trust Fund for the Arc GIS subscription under chapter 48 C. Mr. Blackwell seconded the motion and it was voted to approve 6-0-0.*

**Discussion #3- Review Order of Conditions for DEP #216-0879 and conditions associated with wetland replication for confirmation on requirements**

Ms. Graziano stated this has been worked out. Exelon needs to supply reports and they stated they would.

**Public Hearing #1 – (continued from 10/25/18) Request for Amendment to the Order of Conditions DEP #216-0888 9 Applegate Road (Map Lot ) proposal to amend the existing Order of Conditions for work proposed up to the 25' line for the construction of a retaining wall**

Mr. Nick Bevilacqua was present for the hearing and stated he reviewed the conditions with Ms. Graziano and is ok with them.

Ms. Graziano stated the applicant shall complete restoration of the 0-25', No Disturb Zone altered during construction of the lot as depicted on the plan entitled "Retaining Wall Location Lot 5B Applegate Road Medway, MA" by GLM Consultants, dated October 25, 2018. The applicant shall plant thirty native shrubs as depicted on the plan titled "Retaining Wall Location Lot 5B Applegate Road Medway, MA" by GLM Consultants. Shrubs shall be planted 6-10' apart on center. If the applicant proposes other native shrubs to be planted, this requires approval of the Agent and or the Commission prior to installation. The applicant and all its successors shall meet all conditions required in the Enforcement Order issued by the Medway Conservation Commission on September 25, 2018 for all conditions that are not in conflict with this issued Order of Conditions DEP # 216-0888. The Commission shall vote that all conditions have been met prior to the issuance of a Certificate of Compliance for the work approved under this Order (DEP #216-0888).

*Mr. Gill made a motion to close the hearing for DEP #216-0888 for the property of 9 Applegate Road Mr. Snow seconded the motion and it was approved 7-0-0. Ms. Gill made a motion that the Commission hereby finds that the conditions under this order protects the Wetlands Act and the Medway General Bylaws. Mr. Salvucci seconded the motion and it was vote to approve 7-0-0.*

**Public Hearing #2 – (continued from 10/25/18) Notice of Intent DEP #216-0924 23 and 27 West Street (Map 65 and 66 Lot 028 and 004 respectively) New England Power for a proposal to perform exploratory borings within a wetland resource and 25' no disturb zone**

Ms. Graziano stated she reviewed the order with the applicant and they made some changes.

***Mr. Travalini made a motion to close the hearing for Notice of Intent DEP #216-0924 23 and 27 West Street. Ms. Gill seconded the motion and it was voted to approve 7-0-0.***

***Mr. Travalini made a motion that the Commission hereby finds that the work proposed to perform exploratory borings for structure 438 with the placement of swamp mats for work space associated with the project 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 310 CMR 10.02 (2)(b) & (3), 310 CMR 10.55 (4), 310 CMR 10.58 (4) and Medway General Bylaws Article XXI Regulations and the performance standards under Section 3.04 and 5. Ms. Gill seconded the motion and it was voted to approve 7-0-0.***

**Public Hearing #3 – (continued from 7/26/18, 8/9/18 no quorum, 8/23/18, 9/13/18, 9/27/18, 10/11/18, 10/25/18) 123 Main Street Notice of Intent (DEP #216-0920) for a proposal to install a water main connection**

***Per the applicant's request, Mr. Travalini made a motion to continue 123 Main Street Notice of Intent (DEP #216-0919) to the December 13, 2018 meeting at 7:45pm. Mr. Blackwell seconded the motion and it was voted to approve 7-0-0.***

**Public Hearing #4 - continued (4/26/18, 5/10/18, 5/24/17, 6/14/18, 6/28/18, 7/11/18, 7/26/18, 8/9/18 no quorum, 8/23/18, 9/13/18, 9/27/18, 10/11/18, 10/25/18) Notice of Intent (DEP #216-0918) 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. Tayara was present for the hearing and stated he has 3 requests. He asked if the reports can be submitted every 4 weeks instead of every 2 weeks. Ms. Graziano stated that two weeks is standard and she feels this is reasonable. Mr. Travalini stated the reports should be submitted every two weeks during active weeks but can be submitted every 4 weeks when they are not active. Mr. Tayara also stated that the conditions state the erosion controls need to be inspected by an Inspector and a Clerk of the Works- can this be the same person. Ms. Graziano stated yes, it can be the same person. Mr. Tayara stated that stockpiles existing for more than one day need to be covered and surrounded by hay bales. He asked what if there is a rain event and stockpiles are produced quickly. Can you change it to say active stockpiles need to be covered before every rain event or when the contractor will not be present the next day. Mr. Tayara asked if they can use wattles instead of hay bales. Ms. Graziano stated that wattles don't really do much and compost socks would be better. Mr. Tayara decided he will try using the 8 inch compost socks. The language will be changed to state that erosion controls for stockpiles may utilize 8 inch silt socks or other means approved by the Conservation Agent.

Ms. Graziano stated she has a new condition she would like to add that states if he accepts conditions under one order then he accepts the conditions for the other order. It ties the two projects together- DEP 216-0914 and DEP 216-0918. There was a brief discussion and Mr. Travalini decided to scratch that condition because the two projects are different. They also agreed on the use of Calcium chloride for snow melt and that one side of the access road will be gated.

Ms. Cindy Maliniak, of 14 Fairway Lane asked about the use of the emergency road during the construction phase. She asked if everything needed for construction will be stored on this road. Ms. Graziano stated the access road will not be used as an entrance, will only be used for emergency reasons. Mr. Travalini stated no they have staging areas just for that purpose. Mr. Tayara stated he has no intention of storing anything on that road.

*Per the applicant's request, Mr. Travalini made a motion to continue 123 Main Street Notice of Intent (DEP #216-0919) to the December 13, 2018 meeting at 7:45pm. Mr. Blackwell seconded the motion and it was voted to approve 7-0-0.*

**Public Hearing #5 – 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, 4/12/18, 4/26/18, 5/10/18, 5/24/17, 6/14/18, 6/28/18, 7/11/18, 7/26/18, 8/9/18 no quorum, 8/23/18, 9/13/18, 9/27/18, 10/11/18, 10/25/18) Notice of Intent DEP #216-0914 (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 was present for the hearing and asked about the Conservation Restriction (CR) area that was discussed at the last meeting. Mr. Tayara stated he got rid of that area and is now proposing to add a small area for safety reasons as shown on the plan with a red dotted line (shown on the projector screen).

Mr. Watsky was present for the hearing and asked what can be done while the Conservation Restriction (CR) is in place. He stated EEA is taking a long time with applications and the process can take 6 months to a year to approve. Can we put a restriction on the property without EOEEA oversight by using a deed restriction. There is a restriction in perpetuity for this that they could draft it and you could review and approve which would be effective immediately. Then the Conservation Restriction would take over for the deed restriction. Mr. Snow asked if during Pre-construction we could condition all the phases except the one he is working on. Mr. Tayara stated if the Secretary of State refuses to accept the CR then what happens. Can we condition it now and avoid this? Could we say a CR if suitable to both parties on a schedule. Ms. Graziano stated this has to be discussed with the Commissions Attorney. Ms. Graziano stated they would need an easement to gain access to the CR area to ensure the conditions of the CR are met. Mr. Tayara stated he can add an easement off of the 15 foot strip or straight in off of the street.

Mr. Tayara stated he has submitted everything except the moving of the stockpiles- he is waiting for the scanned plans with arrows. Mr. Tayara asked that Mr. Snow review it. Mr. Tayara stated he needs something in writing for the Zoning Board that states they discussed the possibility of having a walking path or trail (not a cleared or dredged path). It was noted there are paths under the high tension wires that people already walk on. Mr. Pavlik stated they submitted some adjustments for crossing #3 – they adjusted some of the alteration areas between the silt fence and retaining wall. Mr. Tayara asked if they can start working on the Order of Conditions. Mr. Travalini stated there is a spot near the vernal pool that needs signage regarding snow storage. Mr. Travalini stated they need more than just a sign.

Mr. Travalini asked the audience if they had any questions. Mr. Dave Dahlhiemer, 21 Fairway Lane asked about the Conservation Restriction. Is this the only area on the property that is being

considered for the CR and could there be other areas where the habitat could be protected. Mr. Snow stated this area is part of the negotiation where the roadway goes and the disturbance. Mr. Travalini stated there was a small cul-de sac that separated this area and Mr. Tayara eliminated that area to give the vernal pools more space to survive. Mr. Snow stated it was a trade but they can consider it. Mr. Dalheimer stated there is an area off of Fairway Lane that comes close to the vernal pool that should be considered.

***Mr. Snow made a motion to continue Notice of Intent DEP #216-0914 (Timber Crest Estates) to the December 13, 2108 meeting at 7:45pm. Mr. Blackwell seconded the motion and it was voted to approve 7-0-0.***

### **Adjourn**

***Ms. Queenan made a motion to adjourn the meeting at 10:03 pm. Mr. Salvucci seconded the motion and it was voted to approve 6-0-0.***

***Approval of meeting minutes 6/14/18, 6/24/18, 7/26/18, 9/13/18, 9/27/18, 10/11/18, 10/25/18***

***No minutes were approved at this meeting.***

### **Agent Report**

### **Chair Report**

### **Documents Presented at the November 8, 2019 Public Meeting**

All documents shall be kept in the Conservation Commission Office files

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

- **25 Fairway Lane (19-07)** Proposal to install fencing within the 25'-100' foot buffer zone.
- **48 Adams Street (19-09)** *proposal to install a shed within the 25'-100' buffer zone*

#### **Request for Certificate of Compliance**

- **68 Oakland Street (DEP #216-0918)** Proposal to install a septic system

**Meeting was continued, no documents presented**

**Public Hearing #1 – Request for Amendment to the Order of Conditions (DEP #216-0888 9 Applegate Road (Map Lot)** proposal to amend existing Order of Conditions for work proposed up to the 25' line for the construction of a retaining wall.

- Plans titled, “Foundation Certification Lot 5B Applegate Road Medway, MA” by GLM Engineering, dated August 27, 2018

**Public Hearing #2- Notice of Intent DEP # 216-0924 23 and 27 West Street (Map 65 and 66 Lot 028 and 004 respectively) New England Power** for a proposal to perform exploratory borings within a wetland resource and 25' no disturb zone.

- WPA Form 3
- Plans titled, “Line 315 Refurbishment Project- Exploratory Borings Environmental Resource Map” by BSC Group, no date

**Public Hearing # 3 – continued from 7/26/18, 8/9/18 no quorum, 8/23/18, 9/13/18, 9/27/18, 10/11/18) 123 Main Street Notice of Intent (DEP #216-0920)** for a proposal to install a water main connection

- WPA Form 3
- Plans titled, “Proposed Water Line Plan of Land in Medway, MA” by Colonial Engineering, dated May 1, 2018

**Hearing was continued, no documents presented**

**Public Hearing # 4 continued (4/26/18, 5/10/18, 5/24/17, 6/14/18, 6/28/18, 7/11/18, 7/26/18, 8/9/18 no quorum, 8/23/18, 9/13/18, 9/27/18, 10/11/18) Notice of Intent (DEP #216-0918) 11, 13, 15, 17 Fairway Lane Timber Crest Estates Access Road** proposal for access road construction for subdivision and proposed new sewer line (extension)

- Documents titled, “Notice of Intent for Timber Crest Estates Fairway Lane, 165 Holliston Street, 13 Ohlson Circle, 102 Winthrop Street and Woodland Road” by Goddard Consultants, dated September 8, 2017
  - Document titled, “ Wetlands Replications Plan” by Goddard Consultants, dated September 7, 2017
  - Document titled, “Intermittent Stream Documentation for Timber Crest Estates 165 and 167 Holliston Street” by Goddard Consultants, dated September 7, 2017
  - Document titled, “ Detailed Wildlife Habitat Evaluation” by Goddard Consultants, dated September 7, 2017
- plans titled, "Timber Crest Estates" by Outback engineering, dated August 25, 2017

**Public Hearing # 5 –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, 4/12/18, 4/26/18, 5/10/18, 5/24/17, 6/14/18, 6/28/18, 7/11/18, 7/26/18, 8/9/18 no quorum, 8/23/18) Notice of Intent DEP #216-0914 (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