



MEDWAY CONSERVATION COMMISSION MEETING
155 Village Street Sanford Hall, Medway, MA 02053
September 13, 2018 - 7:30 P.M.

The Medway Conservation Commission (CONCOM) held it's regularly scheduled meeting on September 13, 2018 at Sanford Hall. In attendance were members David Travalini, David Blackwell, Scott Salvucci, Marjorie Queenan, Brian Snow, Dayna Gill, Ken McKay, Bridget Graziano and Tracy Rozak, Recording secretary. Kat the intern was also present.

Absent Members: None

Mr. Travalini called the meeting to order at 7:37 p.m. Mr. Travalini asked if anyone would like to add anything to the agenda. No one had anything to add.

Request for Determination of Applicability

- **135 Main Street– proposal to install parking and stormwater**

Mr. Paul DeSimone was present for the meeting. Mr. DeSimone stated they have improved the area by raising the sidewalk and put a berm across the pavement. Water does not come on site from Route 109 anymore. There is a curb cut from Cottage Street. They removed pavement from building #135 to Cottage Street and will pave out to Cottage Street. The impervious area is about the same. They designed a shallow swale to get water coming off parking lot. Behind the swale is a berm and he will plant some trees on top. There is also a catch basin that was put in near Cottage Street. Some grading needs to be done on the parking lot because the street was raised about a foot. Mr. Salvucci asked what kind of trees will be planted in the berm. Mr. DeSimone stated the neighbor wanted a fence for blocking so he is not sure what trees would be best. The berm is about 2 feet above the swale. Mr. Travalini stated they are concerned about the stability of the trees. Small shrubs would probably be best because big trees might not be stable. Tree roots don't do well when they are buried. Mr. Travalini asked if they plan to keep the trees that are there now. Mr. DeSimone stated yes but they are not actually on the berm but near it. Mr. Travalini stated he should not plant trees on the berm. Shrubs would be more stable.

Ms. Graziano asked how much water they anticipate will come in to the south. There was a lot of water coming down through Route 109 during construction. Will it hit the swale and go into the neighbor's property. Maybe a rip rap is needed or a couple check dams. Ms. Graziano stated a rip rap at 199.0 would be a good idea. Ms. Graziano asked if the speedbump will push water to a different spot. Mr. DeSimone stated the purpose of the speedbump is to redirect the water away from the house and separate the two lots and slow cars down as they cut through. Ms. Graziano recommended 6-8 shrubs (roughly 110 feet). A tree every 8 feet or so. Ms. Graziano stated they would have to extend the erosion controls out to the 100' foot bumper and they should ask the neighbor if she would like them on her property as well.

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

- ***Mr. Travalini made a motion to issue a positive 5, negative 3 determination of Applicability for 135 Main Street—proposal to install parking and stormwater with the conditions that erosion controls will be a 12 inch compost sock and extended out to the 100' foot buffer line, planting of 12 native shrubs every 8 feet on center across the berm and add a rip rap pad at the end of the grass swale and all disturbed areas be reseeded post construction. Mr. Blackwell seconded the motion and it was voted to approve 7-0-0***

Request for Certificate of Compliance

- **6 Woodland Street – MLB -17-02 proposal to install a septic system (replacement)**

Ms. Graziano stated they have completed the septic system per the proposed plan. She stated she did a site visit and saw that they put down sod and seed in the back, removed the erosion controls and encompassed the seed area with the compost sock. All looks fine just wanted them to add leaf litter but she has not heard back from them yet.

Mr. Travalini made a motion per the Conservation agent's recommendation to issue a Certificate of Compliance for 6 Woodland Street –MLB 17-02 with the conditions 9 and 10 remain in perpetuity. Mr. Blackwell seconded the motion and it was voted to approve. 7-0-0.

- **1 Sherwood Drive (DEP #216-0839) proposal to construct a single family home**

Mr. DeSimone and Mr. Ryan Speiss were present for the meeting. Mr. DeSimone stated there is a recorded plan with the registry - plan book 635, page 19, that was recorded on 11-04-2014. Mr. DeSimone stated everything has been done, it is a gravel driveway, and the roof filtration is in. Lawn and shrubs have been planted. Ms. Graziano noted that condition # 16- where it states the property owner may remove invasive species (bittersweet and Japanese Knotweed). She stated there is so much that it would be impossible to remove it all. Ms. Graziano also stated this order has technically expired under the bylaw and it is too late for an extension. However the fee is the total cost of the NOI and she felt this was exorbitant. Mr. Speiss is requesting a waiver of the \$800 expired NOI fee and asked if he could just pay the \$200 fee.

Ms. Gill made a motion to waive the expired NOI fee of \$800 for 1 Sherwood Drive (DEP #216-0839). Mr. Snow seconded the motion and it was voted to approve 7-0-0.

Mr. Travalini made a motion per the Conservation Agent's recommendation to issue a Certificate of Compliance with ongoing conditions #13 and #15 for 1 Sherwood Drive (DEP #216-0839) . Mr. Snow seconded the motion and it was voted to approve 7-0-0.

Request for Extension to the Order of Resource Area Delineation

- Winthrop Street Fairway Lane - DEP #216-0821 -extension requested for one year

Discussion # 1

- Review plans for 9 Applegate Road DEP #216- 0888 amendment to the plan was made in the - 0888 amendment to the plan was made in the field without Commission approval

Mr. Nick Bevilacqua was present for the meeting. Ms. Graziano stated there is a retaining wall that was not under the original permit. The applicant has to decide if he wants to request an amendment and they would need a revised plan with the new retaining wall. Mr. Travalini stated the original lot sloped down into the wetlands. He asked how close to the 25 foot line is it. Ms. Graziano stated it is right between the wall and the erosion control line but it is not graded off.

Mr. Bevilacqua stated he put loam over the $\frac{3}{4}$ stone to stabilize the grass about a foot of it. They did not kick out the line.

Mr. Travalini asked Ms. Graziano if she feels the retaining wall likely affect the wetlands. Ms. Graziano stated it is not likely unless the hydrology changes.

Mr. Travalini stated the applicant will need to get an amendment for 9 Applegate Road DEP #216- 0888 with the condition that remains in perpetuity. Mr. Travalini stated he would like to see some plantings put in as we have been getting such heavy rain that just woodchips won't really stay put. He stated day lilies or any native species should work well.

Discussion # 2

- Vote to accept the parking easement for Millstone Adult Retirement Community

Ms. Graziano stated they accepted the trail but not the parking easement. Counsel reviewed it.

Mr. Travalini made a motion to accept the parking easement for Millstone Adult Retirement Community. Mr. Snow seconded the motion and it was voted to approve 7-0-0.

Discussion # 3

- Vote to ratify the Enforcement Order for 50 Alder Street DEP #216-0871 Order of Conditions and review erosion control installation resulted in wetlands and 0-25' alteration review of restoration plan

Ms. Graziano stated the applicant performed the actions under the Enforcement Order.

Mr. Travalini made a motion to ratify the Enforcement Order for 50 Alder Street- DEP #216-0871 Order of Conditions. Mr. Snow seconded the motion and it was voted to approve 7-0-0.

Discussion # 4

- Review of fill conditions for testing of fill with jurisdictional areas and adding this to the Regulations

Ms. Graziano added conditions that should be approved by the commission.

Discussion # 5

- Eagle Scout Project at 313 Village Street set up site visit to meet about documenting the trail

Ms. Graziano stated she will go out and look and take some pictures but would like a commission member to set up a site visit with the Eagle Scouts. It will be set up within the next month or so.

Public Hearing #1 (continued 8/9/18 no quorum, 8/23/18) Abbreviated Notice of Resource Area Delineation (DEP #216-09XX) 31 and 37 West Street (Phase II of Glen Brook Way)

Ms. Graziano stated this is for a Resource Area Delineation that was conducted in 2014 and approved in October 2014 by the Commission. When it was about to expire, the Commission granted a one year extension. That year is up. The Commission asked Mr. Art Allen from Tetra Tech for his opinion. Mr. Allen went back out to the site to review the conditions since it has been four years. Mr. Allen discovered an isolated wetland and flagged the isolated wetland and added a map to the plan. Mr. Allen stated this area did not meet the criteria for a wetland back in 2014. He did see some flags but most of them were missing or are unreadable.

After a brief discussion, it was decided to leave this open and have Scott from Goddard Consulting and Mr. Allen go out and take another look at the area to determine if the area is in fact an isolated wetland.

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

Per the applicant's request, Mr. Travalini made a motion to continue (DEP #216-09XX) 31 and 37 West Street (Phase II of Glen Brook Way) to the October 11, 2018 meeting at 7:45pm. Ms. Gill seconded the motion and it was voted to approve 7-0-0.

Public Hearing #2 (continued from 7/26/18, 8/9/18 no quorum, 8/23/18) 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- 0920) to the September 27th 2018 meeting at 7:45pm. Ms. Gill seconded the motion and it was voted to approve 7-0-0.

Public Hearing # 3 - 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) Notice of Intent (DEP #216-0919) 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 and Mr. Jim Pavlik were present for this hearing. Mr. Tayara stated he was expecting Sean to be here tonight because he has looked over everything.

Mr. Tayara asked if there were any issues with 13 Fairway Lane- the access road. Ms. Graziano stated they were waiting for the Fire Chief to review the easement language. He might have something to say about the language. Mr. Tayara asked if we can just use basic easement language that covers all maintenance of the easement. This seems more of a legal issue than a Fire Chief issue. Mr. Tayara stated he is proposing a gate on his side of the property and stated he spoke with the Fire Chief about this and he does not care. There will be signs that read Fire Lane and do not block. Mr. Tayara stated he does not think anything else is outstanding.

The board members reviewed the final plan. Mr. Pavlik stated the only thing they have changed is that they added a berm to reflect any potential snow storage and salt from entering into the rain garden.

Mr. Travalini asked if anyone had any questions. Mr. Dave Dahlheimer of 21, Fairway Lane stated that parcel was not part of the original plan that got approved from the ZBA. Ms. Graziano stated that parcel was approved but they did ask for a 15 foot no touch zone and that does not comply with that.

Mr. Travalini stated Ms. Graziano will draft a working order of conditions and once they are in agreement they will close the hearing at the next meeting.

Mr. Travalini made a motion to continue Notice of Intent (DEP #216-0919) 11, 13, 15, 17 Fairway Lane Timber Crest Estates Access Road to the September 27, 2018 meeting at 7:45 pm. Mr. Salvucci seconded the motion and it was approved 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, 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

Mr. Travalini stated they have the Stormwater plan but it has not been reviewed by Tetra Tech yet. Mr. Tayara stated they have been working with Sean and Jim to refine the plans to come to an acceptable plan. The last discussion was very positive. The biggest concern was the run off from the roofs. We now came up with a system they are happy with. Sean looked at the grades and the water table separation tables have all been done. All typos have been corrected. They are just waiting for Sean to review the plans. Mr. Tayara would like to start working on the order of conditions because there will be a lot of conditions.

Mr. Travalini reviewed the 14 points they discussed at the last meeting. Hydrology report for vernal pools, water budget, easement language, FRAC OUT plan. Mr. Tayara stated it was suggested they hire an independent contractor to do the FRAC OUT plan. Mr. Tayara stated each company has their own way of doing FRAC OUT plans and each are very expensive and he cannot do one now. He would like the Commission to condition it to say that he is required to present a FRAC OUT plan when it is needed.

Tetra Tech was also going to review the grading and water budget. Ms. Graziano stated she did not have a chance to review it yet. Everything has been sent out to Mr. Allen and Mr. Readon

for review. Possible bonding activity- Ms. Graziano sent it to Mr. Tayara and he stated he has one issue with it. There is bonding of 36,000 dollars for a number of things but it stated with the exception of the bridge- what does that mean? Does the bridge have to be bonded? Ms. Graziano stated that the Commission will not be bonding it because it will be bonded under the ZBA.

Stormwater questions about soil test pits. Mr. Tayara stated that has been done by Sean.

It was suggested that language needs to be added that we are not approving the actual lots on the plan. Mr. Pavlik stated this is noted on the cover sheet and that a second potential lot clearing during house construction (thinner blue line) and then they have labels wherever there is work within the buffer zone- outside of the green silt fence indicates no clearing without the approval of the Conservation Commission. Note # 4 also states the permitting is not for the actual lots. This is on every grading sheet. Ms. Graziano is okay with the language of note # 4.

The Canopy tree planting plan. Ms. Graziano stated any work within the 15 foot will have edge effects to the vernal pool habitat.

Applicant to provide landscaping plan. Mr. Tayara stated this has not been done as he doesn't understand what is needed. Ms. Graziano stated it needs to be conditioned that any trees around the buffer zone need to be native.

Vernal pool long term monitoring. Mr. Tayara stated that has been submitted to Ms. Graziano. Ms. Graziano will look to see if she has it.

Fill conditions. Mr. Tayara stated that systematically testing every 500 yards of fill is not feasible. He proposes that he will keep track of the origin of the fill and submit to random testing but systematically testing all that fill is unreasonable. It is already regulated by the state. Mr. Snow does not like that plan. If he could find a single source of fill that would be great. Mr. Tayara said that is very hard to find. Mr. Snow is concerned about potential contaminants in the soil. Mr. Tayara stated testing of every 2000 yards would be reasonable. Mr. Travalini stated Ms. Graziano cannot spend her time being a soil tester. Mr. Snow wants the soil source to be verified from where it has been collected.

Wildlife Crossing documents. Ms. Graziano stated this is in the final O & M plan and she needs to review it.

Clearing plan for roadwork only phased plan. That has been submitted and Ms. Graziano needs to review it.

Language to be discussed with Town Counsel Ms. Kwesell.

The total area within the 0-15' foot buffer. This is 2% of the 11 acres. Mr. Tayara stated he will get clarification as far as how much of the project is in the 0-15' buffer zone. Mr. Travalini stated the crossing and the utility crossing will come within 15 feet because it is unavoidable. Mr. Travalini stated there are quite a few other spots where they approach the 15 foot buffer. He stated that this is avoidable by moving the roads over a little bit to stay out of the 15 foot buffer zone. Mr. Tayara stated they have modified the plans many times but they are not willing to redesign the plan at this point.

Ms. Graziano stated that one of the vernal pools, #1760 near Road C has now been classified as a certified vernal pool and this needs to be labeled as such.

Mr. Tayara asked again if we could start drafting the order. Ms. Gill asked if it is worth drafting the order at this point. Ms. Graziano stated she believes that the proposed work within the 15 foot will be harmful to the wetlands and the vernal pool.

Mr. Travalini asked if any of the audience members have any questions.

Mr. Dave Dahlheimer, 21 Fairway Lane stated the drawings showed the buffer zones and areas of impact within 15 feet or 100 feet. What happens if those calculations are not 100% accurate, given everything is so close to the vernal pools. He also asked where the 15 foot threshold came from as he thought it was a 25 no touch zone. Mr. Snow stated they have allowed for minor adjustments and the applicant provided the plan with the 15 foot buffer. Mr. Tayara stated there were exceptions.

Ms. Cindy Malniak, 14 Fairway Lane asked if there are other projects in town where the 500 yards of fill was negotiated. Mr. Snow stated yes. She also stated there are 118 lots that are within the 15 foot buffer zone. Mr. Travalini stated they cannot discuss the lots. She stated none of us found a developer to develop this property. It is not our problem what the project costs or what conditions need to be met. This is the responsibility of the developer and he stated he is not willing to change the plan but wants to negotiate. The commission has the responsibility to protect wetlands. Mr. Travalini explained what they have the ability to enforce and what they do not.

Ms. Graziano submitted letters into the record from two abutters that could not be present at the hearing. Mr. Travalini read the letters from Mr. Andrew Hamilton and Mr. Sean MacEvoy to the audience. (See attachments)

Mr. Travalini made a motion to continue Notice of Intent DEP #216-0914 (Timber Crest Estates) Fairway Lane, Fern Path, Woodland Road, 102 Winthrop Street, 13 Ohlson Circle, 165 Holliston Street to the September 27, 2018 meeting. Mr. Snow seconded the motion and it was voted to approve 7-0-0.

Approval of minutes

4/26/18, 5/10/18 (continuation only), 5/24/18, 6/14/18, 6/24/18, 7/11/18, 7/26/18

No meeting minutes were approved at this meeting.

Ms. Queenan made a motion to adjourn the meeting at 11:02. Mr. Snow seconded the motion and it was voted to approve 7-0-0.

Documents Presented at the September 13, 2018 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Determination of Applicability

- **135 Main Street– proposal to install parking and stormwater**
 - WPA Form 1 – RDA -19-03
 - Plans titled, “Proposed Swale Plan of Land in Medway, MA” by Colonial Engineering, date September 12, 2018

Request for Certificate of Compliance

- **6 Woodland Street – MLB -17-02 proposal to install a septic system (replacement)**
 - WPA Form 8A
 - Plans titled, “Septic AsBuilt Plan of Land” by Colonial Engineering dated August 16, 2018
- **1 Sherwood Drive (DEP #216-0839) proposal to construct a single family home**
 - WPA Form 8A
 - Plans titled, “DEP NO 216-839 AsBuilt Plan of Land in Medway, MA” by Colonial Engineering, dated September 12, 2018

Request for Extension to the Order of Resource Area Delineation

- **Winthrop Street Fairway Lane - DEP #216-0821 -extension requested for one year**
 - Letter from Goodard Consulting, date August 10, 2018

Public Hearings

Public Hearing # 1 (continued from 8/9/18 no quorum) Abbreviated Notice of Resources Area Delineation (DEP # 216-09xx) 31 and 37 West Street (Phase II of Glen Brook Way)

- WPA 4A Form
- Plans titled, “Existing Conditions Plan (for 1 and 3 Glen Brook Way) 33 and 37 West Street Medway, MA’ by Merrill Engineering, dated July 15, 2018

Public Hearing #2 (continued from 7/26/18, 8/9/18 no quorum, 8/23/18)

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 were presented.

Public Hearing # 3 (continued (4/26/18, 5/10/18, *no quorum*, 5/24/18, 6/14/18, 6/28/18, 7/11/18, 7/26/18, 8/9/18 *no quorum*) Notice of Intent (DEP 216-0919) 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
- 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, dated 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, 4/12/18, 4/26/18, 5/10/18 *no quorum*, 5/24/17, 6/14/18, 6/28/18, 7/11/18, 7/26/18, 8/9/18 *no quorum*) 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

- Cover letter "Final Plans, Timber Crest Estates, NOI (DEP# 216-0914)" dated September 11th 2018 by Outback Engineering
- documents titled "Vernal Pool Hydrology Assesment, Timber Crest Estates" dated August 21, 2018 by Outback Engineering
- plans titled, "Pre Development Hydrology Boundary to Vernal Pools Timber Crest Estates" dated August 21, 2018 by Outback Engineering
- plan titled, "Stormwater Infrustructure plan, Timber Crest Estates" dated August 14, 2018 by Outback Engineering
- Documents titled "Long Term Storm Water Operation& Maintenance Plan& Pollution Prevention Plan, Timber Crest Estates" dated August 14, 2018
- Plan titled "Stormwater Infrustructure Plan east side Timber Crest Estates" dated August 14, 2018 by Outback Engineering
- plans titled" Construction Sequencing Plan west side Timber Crest Estates" dated August 23, 2018 by Outback Engineering
- plans titled" Construction Sequencing Plan west side Timber Crest Estates" dated August 23, 2018 by Outback Engineering
- documents titled "Final plan stormwater pollution prevention plan SWPPP, Timber Crest Estates" dated August 8, 2018 by Outback Engineering
- plan titled"final submittal sedimentation and eriosion control plan East Side, Timber Crest Estates" dated August 14, 2018 by Outback Engineering
- plan titled" final submittal sedimentation and eriosion control plan west side, Timber Crest Estates" dated August 14, 2018 by Outback Engineering
- documents titled" Final Drainage Report, Timber Crest Estates" dated August 14, 2018 by Outback Engineering