



MEDWAY CONSERVATION COMMISSION MEETING
Medway Middle School - 4 B Holliston Street
Medway, MA 02053
January 11, 2018
7:30 P.M.

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on January 11, 2018 at the Medway Middle School. In attendance were members, Danya Gill, Brian Snow, David Blackwell, Dave Travalini, Scott Salvucci, Ken McKay, Margery Queenan, Bridget Graziano, CONCOM Agent and Tracy Rozak, Recording Secretary.

* David Blackwell and Brian Snow arrived at 7:44 pm and missed the first vote.

Absent Members: None

- The meeting was called to order by the Conservation Commission Chairman, Mr. Travalini at 7:38pm. Mr. Travalini asked the members of the board if there were any additional items to be added to the agenda. There were none.

Request for Certificate of Compliance

76 Village Street DEP #216-0842 Proposal to construct an addition (completed)

No one was present for this meeting. Ms. Graziano stated this proposal is for an addition to an existing dwelling that is within the 100 foot flood plain and they were going to do footings for the addition to reduce the impact on the flood plain. Ms. Graziano visited the site and took pictures. She recommends a full certificate of compliance. Mr. Travalini asked if anyone had any questions. There were none.

Mr. Travalini made a motion to issue a Certificate of Compliance per the agent's recommendation for 76 Village Street DEP #216-0842. Ms. Gill seconded. All were in favor.

**** Mr. Blackwell and Mr. Snow were not present for this vote.***

Request for Certificate of Compliance

129 R Lovering Street (RDA-17-11) proposal to construct a natural walking trail at the Millstone Community Development

Ms. Joyce Hastings from GLM Engineering Consultants was present for this meeting. Ms. Hastings stated that all work will be outside of the buffer zone with an existing crossing over the wetland. It will run through the field outside of the development. This area will be mowed a few times per year. It will be flagged and the conservation agent will do a site walk to ensure everything is ok. Ms. Graziano stated she has reviewed the trails and the revised plan that shows all work is outside of the 25 foot buffer zone. There is one area that comes close to the wetland and the property line and this will be staked. Ms. Graziano stated that when she walked the path she saw some goldenrod, but mostly oriental bittersweet and it was minimal for that area. They

will be clearing the materials that are not imperative to the wetland area. Ms. Graziano stated the applicant will stake the area and have the agent check it again. They will only cut vegetation to form a 4 foot by 5 foot wide natural trail. Ms. Hastings stated that it will mostly be bittersweet that is taken down and they will stake what they plan to cut and Ms. Graziano can review for approval. Ms. Graziano asked about the maintenance of the field and stated the condo association is responsible for maintaining the field and they need to show the commission a plan of how they will do that. If the area is just clipped, it will grow back. It should be clipped and dipped in glyphosate. This information should be put into the continuing maintenance plan. Ms. Hastings stated that she will do that. Ms. Graziano stated she will add a condition that they show how they will manage the oriental bittersweet. Ms. Graziano proposed the following conditions:

1. There shall be no change in grade or addition of fill to the wetland resource or any buffer zone areas for the construction of the proposed trail. Trail shall use the existing cart path for wetland crossing and where available, which requires no additional work or alteration of the existing crossing other than removal of invasive species in order to clear a path for the trail.
2. Applicant shall stake out the proposed trail prior to construction where the applicant shall then request the Agent and/or Commission to complete a site visit in order to approve the staked line (should be as shown on the approved plans).
3. Applicant shall only cut the necessary vegetation to form a 4'-5' trail which shall remain composed of natural materials, this permit does not authorize additional materials for construction of the trails.
4. Once the trail staked location is approved by the Agent and/or the Commission work may commence. Once work is completed the applicant shall request review by the Agent and /or the Commission to ensure all work was performed according to the approved plans and conditions of the Determination of Applicability.

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

Mr. Travalini made a motion to issue a positive five, negative three Certificate of Compliance with the conditions noted at this meeting for 129 R Lovering Street (RDA-17-11). Ms. Gill seconded. All were in favor.

Public Hearing #1 (continued from 4/27/17, 7/27/17, 9/28/17) 0 Applegate Road Map 32 Lot 016 Notice of Intent (DEP# 216-0891)

Ms. Joyce Hastings from GLM Engineering Consultants was present for this meeting. Ms. Hastings explained that they filed the NOI to have an open order of conditions for the completion of the roadwork. The previous order had expired and they wanted to keep it open. They have updated the stormwater management plan and submitted it to Ms. Graziano but she has not had a chance to review it yet. Ms. Graziano asked if it would be possible to get an update on the stormwater for the next meeting. Ms. Hastings stated she is not sure if she will have all that information for the next meeting. Ms. Graziano stated she is concerned if the applicant has accounted for additional square footage. Ms. Hastings stated she would investigate but she needs time to research and view the site. Some of the buildings have open permits right now. Ms. Graziano asked that the infiltrators be put in and she knows that they have been put in at two of the houses. Things they don't know will have to be accounted for in the stormwater report. Ms. Graziano will accompany the building inspector when he visits the sites.

Mr. Travalini made a motion to continue 0 Applegate Road Map 32 Lot 016 Notice of Intent (DEP# 216-0891) to the January 25, 2018 meeting at 7:45pm. Mr. Snow Brian seconded. All were in favor.

Public Hearing # 2 0, 1, 2, 3, Glen Brook Way and 33 West Street Notice of Intent Map 65 Lot 25 and 26 and Map 66 Lot 001 and 002 (DEP # 216-0911)

There was no one present for this meeting. Ms. Graziano stated she drafted the order and sent it to Mr. Altobello and Ms. Jennifer Van Campen and she emailed back that she are fine with the order. Mr. Travalini asked if anyone has any questions. There were none.

Mr. Travalini made a motion to close the hearing for 2 0, 1, 2, 3, Glen Brook Way and 33 West Street Notice of Intent Map 65 Lot 25 and 26 and Map 66 Lot 001 and 002 (DEP # 216-0911). Mr. Snow seconded. All were in favor.

Mr. Travalini made a motion to issue a Notice of Intent for 2 0, 1, 2, 3, Glen Brook Way and 33 West Street Notice of Intent Map 65 Lot 25 and 26 and Map 66 Lot 001 and 002 (DEP # 216-0911) and stated that the Commission hereby finds that the work proposed for construction of 6 rental unit buildings, road, utilities/driveway/parking area/play area and stormwater management system within 200' Riverfront Area and 100' buffer zone of Bordering Vegetated Wetland was reviewed during the public hearing process, where the applicant presented evidence sufficient to demonstrate that the proposed activity shall have no net impact on this wetlands resource and meets the provisions under 310 CMR 10.02 (2)(b) and (3), 310 CMR 10.05 (4), 310 CMR 10.58 (4) (d) and Medway General Bylaws Article XXI Regulations and the performance standards under Sections 3 and 5. It was noted that all conditions of this Order must be met in order to meet the above mentioned provision. Ms. Gill seconded. All were in favor.

Public Hearing # 3 Notice of Intent DEP #216- 0914 (Timber Crest Estates) Notice of Intent DEP#216-0914 Fairway Lane, Fern Path, Woodland Road, 102 Winthrop Street, 13 Ohlson Circle, 165 Holliston Street Map

Mr. Travalini went over the ground rules for this hearing and stated that the applicant will make their presentation then the experts will make their comments. The commission will then make their comments and ask questions. After that anyone in the room can come up and direct any questions to the commissioner not the applicant. Mr. Travalini requested that anyone that will make a comment needs to sign in on the sign-up sheet at the back of the room.

Mr. Jim Pavlik from Outback Engineering was present for the meeting and stated that at the last meeting they were tasked with the question if they had a limited access project or not. Mr. Pavlik stated they provided response letters from Goddard Consulting and Outback Engineering and an opinion letter from the applicant's attorney Mr. Watsky. The other plans that are being presented tonight are based on the commission's request to look for ways to reduce the impact on the wetlands. Mr. Pavlik stated they have taken that to heart and he met with the Medway Fire Chief and it was suggested that they eliminate a crossing at road I. The Fire Chief stated they have to have an emergency access road but suggested they could reduce the emergency access road from 20 feet to 15 feet wide. He stated they also reduced the emergency access road out to Ohlsen Circle. The net result of these two changes was that they reduced the wetland disturbance by 5,000 square feet. They also relocated two wetland flags that Mr. Allen requested that they move. Another significant change was to the roadway crossing # 3 at Holliston Street. Mr. Pavlik stated they added an 18 inch culvert to accommodate any surface run off that might occur. He stated they also relocated the replication area for that crossing based on comments from Mr. Allen. He stated they also received some follow up comments from Mr. Allen and Ms. Graziano in the last day but they have not had time to review them yet.

Mr. Scott Goddard, Wetlands Consultant from Goddard Consulting was present for the meeting and stated at the last meeting they were asked to determine if this was a limited access project and they did their best to answer in the affirmative. Mr. Goddard stated that they have substantiated this with the response letters and are treating this as a limited access project. He feels they have demonstrated how they will minimize the impact on the wetlands. Mr. Goddard stated they cannot move forward with this project until it is clarified if this is a limited project or not. He thinks it would be helpful to all parties to advance past the limited project discussion.

Mr. Goddard asked the commission if they thought it would be helpful if they presented a limited crossing analysis tonight to better equip the commission to see where they were coming from. Mr. Snow stated that it would be helpful to give an overview of the project this far for the benefit of the audience members as well. Mr. Goddard asked Mr. Watsky to share his legal opinion on that.

Mr. Mathew Watsky, Attorney for the applicant was present for this meeting. Mr. Watsky stated there was a question about a separate Order for a subdivision that was approved in the 1990s to the north of this project. The question was raised if this order precludes this project. He stated that the order of conditions has absolutely no bearing on this project. Number 1- it needs to have a specific condition in it that is binding on all future developments to that project. Number 2- this property was not held in common ownership with the property from the 1990s.

Mr. Watsky also stated there was a question raised if there is a limit to only one crossing coming into a big piece of property. He stated the way that the DEP policy is written it is clear that multiple crossings are permissible and are needed to access the upland area of the property. Mr. Watsky stated that the Zoning Board of Appeals agreed that multiple crossings are necessary because of the multiple upland areas. He stated this is a 170 acre property unlike a small 5 acre property which might have only 1 crossing. This is a very large property and there is no other alternate means to get to the upland area. Mr. Watsky stated the numbers of crossings are necessary and this project has been revised considerably and they feel they have reduced the impact to the wetlands to the maximum extent possible.

Ms. Graziano stated she will address the comments made by Mr. Pavlik's presentation. Ms. Graziano stated she has asked for the revisions to the erosion controls and she has still not seen that yet. Ms. Graziano thanked the applicant for reducing their impact on the utility line and limiting their drilling and noted that horizontal drilling is a significantly better option. She has some additional comments and in her opinion she feels they could reduce the wetland impact even more if they shifted the proposed drilling line. She stated that this type of horizontal directional drilling needs a FRAC OUT plan (contingency plan) under the water quality Certification 401 DEP that addresses the specific procedures for drilling of fluids that come to the surface, the storage of supplies and the clean up plan if there were a spill in jurisdictional areas. As far as the roadway alternative at crossing # 2, Ms. Graziano stated she met with the Medway Fire Chief and in her opinion the impacts could be further reduced using reasonable alternatives. Ms. Graziano stated that it does not meet the criteria under CMR 310 CMR 10.53 (3). Specifically, she believes that there are two areas of just fill not crossings after crossing #2 that are direct fill and they need to be assessed under 310 CMR 10.55 (4). In regards to crossing # 2 and the emergency access road, she stated she met with Mackenzie Leahy, Administrative Assistant and this might an amendment back to the Zoning Board of Appeals based on their traffic study that showed a certain amount of cars exiting at certain times especially during rush hour. Making this an emergency access road would be blocked with a gate so that might be an issue. Ms. Graziano also stated that Mr. Allen mentioned there were approximately 33 close proximity wetland resource impact areas. She feels there are 38 locations where the proposed project will affect the Bordering Vegetated Wetland. A wetland scientist will put wetland flags at the start of the wetlands and every 100 feet. One area also shows grading into the bordering vegetated wetland that has not been accounted for.

The Mr. Watsky asked Ms. Graziano for clarification. He asked if she was talking about the impacts to the roadways. Ms. Graziano stated she is talking about the impacts to everything- roadways, stormwater and the units.

Mr. Snow suggested we deal with the larger conceptual issues right now and not get into the smaller details right now. Ms. Graziano stated she feels that there can be further reductions made to meet the performance standards under 10.53 (3)(e) and 10.55(4). Ms. Graziano feels there is significant structure within the inner buffer zone which is of great value to the wetland resource. Additionally, Ms. Graziano stated she is concerned about the access road and units in that they completely encircle the vernal pools and they are within 100 feet of a vernal pool habitat. The loss of shade from mature canopy will decrease moisture and water temperatures. Ms. Graziano stated that based on her comments about erosion control, adding the FRAC OUT plan for horizontal drilling, moving the line to avoid wetland impacts, and changes to crossing # 2 does not contribute to 310 CMR 10.533. She also stated that the regulation is not an entitlement to wetlands crossing but a regulation for the commission to consider wetland crossings that may exceed the 5,000 square foot threshold so that the 5,000 square foot threshold under 10.55 (4) does not in fact cause a taking of the property. It is in the commission discretion to issue an order of conditions if and when the applicant proves that all reasonable alternatives have been proposed to the commission.

Ms. Graziano stated that she and Mr. Allen had made comments about reducing lot size to lessen the impacts. Additionally, they have not received any go ahead on the peer review of having an expert review the wetlands crossing. She stated they have suspended the stormwater management review as they have not received any go ahead at this time. She would also like to go over grade changes with respect to the roadway and how that affects the wetland resources. Also, she noted that Alternative # 1 and # 2 were not submitted to the commission until December 20, 2017. Additionally, the board has not had time to review the habitat concerns about the vernal pool habitat. She does not feel that evidence has been presented showing that the vernal pools will not be affected by the proposed project. She also noted that portions of Woodland Road are identified on the Conservation Assessment Prioritization System (CAPS). She would like to reserve the right for additional comments on the wetlands replication plan as they have not got to that part yet. They reserve the right to do this later.

Mr. Arthur Allen, Wetland Specialist from Eco Tech was present for the meeting and has many comments about the revisions. Mr. Allen stated that the focus tonight is on the limited project status and he will defer to the commission on that issue.

Ms. Amy Kwesell, Esq. from KP Law was present for the meeting and stated she reviewed Attorney Watsky's letter and listened to his comments tonight and she thinks it's important to note that the 310 CMR 10.53, limited project provision is a discretionary provision and it is not an entitlement. She feels some of the comments made tonight make it sound like this is an entitlement and it is not. She stated an evaluation is required by the commission to determine whether it will have an impact on the resource area. Ms. Kwesell referred to the Raymond Johnson case in that the commission can deny the project even if they meet the criteria. Case law requires an examination of alternatives and the commission will decide if the impact is suitable or not. The Zoning Board of Appeals (ZBA) is the permit granting authority under Chapter 40B that allows contractors to circumvent all local laws and regulations. They ZBA can waive certain requirements. The Wetlands Protection Act is not encompassed in that. The ZBA does not supersede the Wetland Protection Act at all. The Conservation Commission has to look at other alternatives. Ms. Kwesell noted that the DEP has held in numerous cases when there is a discretionary function that alternatives are extremely important. Also the program policy # 88-2 does state that multiple crossings are allowed. However, in Attorney Watsky's letter it states that in the LeBlanc case they permitted plural crossings. She reviewed the case and feels that is not

correct and that they do not reference plural crossings. She stated she has reviewed the LeBlanc case and found only one crossing which is a bridge. Another important thing the limited project policy specifically states the magnitude of the impacts and to the interest of the act. The commission does not just say ok you meet certain requirements so therefor this is a limited project. There has to be a full evaluation of stream data and numbers etc. Right now, in her opinion, she does not feel there is enough information for the commission to make a decision on limited project.

Mr. Art Allen addressed the issue of vernal pools clusters and their significance and how they differ from one single vernal pool. Ms. Graziano stated that the DEP specifically defines vernal pool clusters and she had Mr. Travalini read the following text taken from the DEP website. Ms. Graziano will send the link to this document to the applicant:

Vernal Pool Clusters

The importance of protecting upland habitat adjacent to and between vernal pools is widely recognized in scientific literature. Projects altering wetland resource areas can disrupt existing migration routes of amphibians and reptiles between vernal pools, or between vernal pool habitat and other wetlands or upland nesting areas. The wetland regulations limit jurisdiction to vernal pools and the 100 foot habitat zone are within a wetland resource area. Studies have documented, however, that areas beyond the 100 foot habitat zone are biologically important for breeding amphibians and other vernal pool using species. Studies demonstrate the importance of preserving habitat connectivity between pools to support viable populations of amphibians. Habitats surrounding vernal pools contribute to the maintenance of the vernal pool hydro period and the quality of the aquatic habitat to ensure successful breeding. Avoiding new stormwater impacts, remediating existing to vernal pools, and preserving undisturbed habitat around clusters of vernal pools will foster the continued viability of these ecosystems. Knowing the location of vernal pools and vernal pool clusters in the community can help ensure that municipal land-use planning efforts incorporate appropriate stormwater management designs, consistent with TMDL requirements, that can best preserve, protect, and restore these essential ecosystems. The criteria used to define verbal pool clusters on Mass DEP's maps include:

- *The presence of two or more vernal pools (certified or mapped by NHESP)*
- *Good connectivity between pools with few obstacles to amphibian migration (i.e. roadways, building, etc.)*
- *A requirement that the pools be within 400 meters of each other to protect migratory and dispersal distances for juvenile and adult poll breeding amphibians.*

Ms. Graziano reported that she measured the distance of the 4 certified vernal pools and two are within 200 feet of one another and the other two are 400 feet from one another. All together they connect in less than 400 meters thus meeting that requirement.

Mr. Travalini asked if anyone had any questions or comments. Mr. Art Allen stated he has comments in his letter but they don't all pertain to the limited project status. Mr. Ken McKay asked Mr. Watsky if this parcel was part of the previous parcel. Mr. Watsky stated they were not in common at the time of the subdivision. He stated it was multiple parcels owned by multiple owners and none of it was related to the subdivision at all. Mr. Watsky stated that the parcel to the north of the land that is being subdivided now and the lots that are fronting on existing Fairway Lane were acquired by Wicket Development in 1998 subsequent to the subdivision approval. The other land was acquired in 1993. The parcel to the northwest of this parcel was acquired in December 2014. It was not held in common ownership. Mr. Watsky stated this is a red herring as the

ownership does not apply to the upland area because they have no other reasonable alternative to access the upland area.

Someone from the audience yelled out a comment and Mr. Travalini instructed them not to do that and reminded them they will have a chance to speak at the end.

Ms. Kwesell stated that Mr. Wicket owned the lots at one time. Mr. Travalini stated that back in the 1990s, people could not subdivide their own land and then state they need a 5,000 square foot disturbance for this piece and a 5,000 disturbance for this one. Mr. Travalini asked Mr. Crowley what is the Street name behind his house. Mr. Crowley stated it is Homestead and it was constructed back in the 1990s. Mr. Travalini stated the Zoning Board of Appeals does not speak for the Conservation Commission. He stated we take into account their opinions but do not have to agree with them. Mr. Travalini is very concerned about the clustered vernal pools. All these vernal pools will be surrounded by houses and roads and the vernal pools will cease to function. He stated that once you cut the trees down and they don't get enough shade that it will be detrimental to the vernal pools. Ms. Graziano stated that she reviewed the meeting minutes from Zoning Board of Appeals meeting and she could not find anywhere where that stated they "require" crossings. The information was presented to the ZBA but they did not require them. Mr. Travalini stated he has serious issues with this being a limited project and has problems with crossing # 2 and # 3. He stated as one vote on the commission he would be willing to accept a limit crossing on crossing # 1 but not for crossing # 2 and crossing # 3. Ms. Gill stated they still need more information to determine if this is a limited project.

Mr. Art Allen commented on the regulations stating that the 5,000 foot discretionary is the threshold and you cannot exceed it. He stated the three crossings would not be approved under the 5,000 foot discretionary only if it created a hardship. Mr. Snow gave an example if the developer created a development on the outside then later builds houses on the inside. Would that be a hardship? The developer could have made access to the land instead of putting a house in the way. Mr. McKay stated that another alternative would be to not do a 40B and asked if that has been considered. Mr. Pavlik stated this is a residential property which would require another subdivision that would likely involve a similar road lay out.

Ms. Graziano stated she received over 20 comment letters from the public and abutters. Some of those people could be potentially here tonight. Mr. Travalini opened the discussion to the audience for comments. He asked them to come up and speak into the microphone.

Ms. Maliniak of 14 Fairway Lane addressed the ZBA comment. She stated she was at the ZBA meeting and stated that whenever any questions were brought up regarding conservation issues they were immediately shut down. The ZBA said those issues would be brought before the CON COM and that CON COM would have the final say. She also stated she heard tonight that Mr. Wicket did not own the property that borders Fairway Lane. She stated that her and their neighbors properties were accidentally built on that land and they were all sued by Mr. Wicket and paid a lot of money to buy that property from Mr. Wicket. She stated they have lived there since about 1997-1998. Mr. Snow stated that they would need to research the legal documents.

Mr. Nicolas Fare of 3 Howe Street stated he has only lived there for about a month but stated he reviewed the package of information from the town website. He stated the vernal pools were all highlighted on the cover sheet but are not accurately depicted. They all disappear when you try to blow them up so you cannot accurately measure the distances. He also stated that a number of the locations are within 100 feet of vernal pools which he understands to be protected by the federal government. He asked if the Federal EPA has been brought in. He also stated there are about 7 other potential vernal pools that would need to be certified before any development occurs near them. He asked if this has been done or not. In addition, he stated he was a volunteer firefighter and has grave concerns about the emergency access road being built as small as possible.

He feels this puts families at risk and is not a good idea. He also stated that when Mr. Watsky referenced the DPE program policy 88-2 and the wording that he put in is correct the word is and, “and the planning board acquired” not or so he thinks this point is mute. Also, he referenced policy 82.2 where they talk about other means of practical alternatives, in CMR 3149.06 it talks about access to dwelling units and associated utilities and it gives two different examples- one if less than 5,000 feet it is presumed practical to do culvert stands or bridges. If over 5,000 feet to use spans or need bridges. He stated he does not see any bridges on the plan today probably because bridges are expensive.

Mr. Travalini stated you’re only allowed to protect within 100 feet of a wetland resource area. If it is upland area the state does not protect it so they cannot enforce it. In addition, the state does not protect potential vernal pools until they are certified.

Mr. Allen mentioned that the Army Corps of Engineers in section 404 states that vernal pools do not have to be certified to be protected by them. If they have a direct impact within 500 feet of known vernal pools they need preconstruction notification. The Army Corps mitigations are different from DEP requirements and are usually more stringent. Mr. Travalini asked how often the Army Corps of Engineers would send something like this back to the commission. Mr. Allen stated that all projects of this scope usually go through a simultaneous permitting process so that they don’t have to go back and forth between the commission and Army Corps of Engineers.

Mr. Travalini asked the applicant why they haven’t brought this to the Army Corps of Engineers. Mr. Tayara stated that they started the process with the Army Corps of Engineers. Mr. Travalini asked how can they make a decision if they will be back here after the Army Corps of Engineers makes their comments. Mr. Watsky stated the applicant is allowed to come before the commission and not required to go before the Army Corps of Engineers. Mr. Watsky also stated he wanted to address a couple of things. One was that he gave an exact quotation regarding the “plural crossings”. Mr. Watsky referenced the LeBlanc case and stated they cannot keep constantly sending this back before the commission multiple times. He stated that they have revised this project dramatically already and believes this project complies with the standard. We are not saying this is a discretionary decision it is a decision that has regulatory authority. He stated we are aware that the commission talked about a peer review of a hydrologist and from a storm water specialist. He stated it was his understanding that the applicant is willing to proceed with that but the commission stated it was not needed. He also stated that Mr. Travalini stated he would have a hard time approving crossing # 2 and # 3 which means he has enough information and he has reached a conclusion and could close this meeting now. Mr. Travalini stated he said he is only one vote and he stated he needs more information proving that the vernal pools are not being harmed. As it stands now, the evidence suggests the vernal pools will be killed. The applicant needs to prove this will not happen. Ms. Kwesell stated that the applicant has not had a peer review done on the flow of water for the effect on the vernal pools and they should. Mr. Travalini stated their plans don’t show anything about water flow and how the vernal pools could possibly survive.

Mr. Snow stated it is not up to the Commission whether the applicant choose to toggle between regulatory authorities. If the applicant now chooses to continue without applying to the Army Corps of Engineers that is their choice due to poor planning.

Mr. Sean MacEvoy of 31 Fairway Lane stated he submitted many comments via letter and won’t go into all those comments but told a brief story about an elderly man that showed up at his door step one day years ago. It was Mr. Wicket and he was asking people for signatures to purchase a piece of property and he stated I developed all this land and I know all about it.

Mr. Graziano stated that in addition to the people who gave their comments tonight, she has received comments on DEP 216-0914 from the following addresses: 188 Holliston Street, 1 Diane Drive, 11 Fairway Lane, 24 Fairway Lane, 21 Fairway Lane, 7 Fairway Lane, 22 Ohlsen Circle, Lauren Mullen of Granite street, 120 Winthrop Street, 21 Oak Street, 15 Ohlsen Circle, 5 Cider Mill Road, 9 Curtis Lane, 26 Fairway Lane and 22 Fairway Lane.

Mr. Goddard stated that at the conclusion of the last meeting, we were left with the charge to try and convince the commission that this project should be considered for limited project status. He stated that tonight we have presented a slightly different picture as we are presenting this project as a limited project and perhaps there is a little more we can do on our end but the questions coming out tonight are far more detailed than just the limited status project. We want the ability to respond appropriately to these lower level comments so they can be considered in the global perspective. Mr. Snow responded that his recollection of the last meeting was that the applicant thought it best that we rectify some of the overarching things like regulatory issues and limited project status. Mr. Snow stated that the commission recommended that the applicant not do anything until we can figure out if this is a limited project or not. Mr. Pavlik stated that his recollection is that the commission was pretty much requesting us to answer that question. Mr. Tayara stated he reviewed the video last night from the last meeting and stated it was the board's decision that they figure out if this is a limited status project. He stated they had no other choice. Mr. Watsky suggested a continuation so they can address the questions and technical issues that were raised tonight. Mr. Goddard stated they would like to proceed with the stormwater review. Mr. Snow asked Ms. Graziano if they should continue with the stormwater review now in case there are any design changes. Mr. Tayara stated he thought the \$7,086 dollars for Tetra Tech included the storm review and the stream crossings as well. Ms. Graziano stated she will look into that and let him know.

Mr. Snow stated they as a Commission, they should make a decision if they feel that they can allow the project to continue based on the design that we have. Mr. Travalini stated they do not have enough information about these crossing and the vernal pools. If they can prove that these crossings, houses and roads are not going to impact the vernal pools then they have met the standards that we have to consider. We do not have that information yet. Ms. Kwessil stated the applicant has the right to try and convince the commission. Mr. Travalini also stated that the applicant claims that Mr. Wicket didn't have control over this property therefore he didn't create his own hardship. Now some of the abutters on Fairway Lane are coming forward tonight saying Mr. Wicket was aware. We will have to look up the lawsuit that was mentioned. It sounds like he created his own hardship and that is not our problem. You will have to prove to me that he didn't do that. Mr. Travalini stated if Mr. Wicket owned the property between 11 and 19 and then built houses on them he basically cut off his access and we don't have to rectify his mistake. Mr. Travalini stated that they will have to research the lawsuit that was mentioned. Mr. Watsky stated they will look into it and get us more information but this is a red herring because there was no clause about future owners on in it. Ms. Graziano stated she thinks access could be made from 13 or 15 Fairway Lane. She also stated there is a limited work line shown off site that she does not think the abutters were notified of. Mr. Watsky stated that is for the sewer easement. Ms. Kweseel stated she would like a copy of he stated they will provide it.

Mr. Nicolas Fare asked why the public ways are listed on the cover sheet. Mr. Travalini stated if this project goes through they can prohibit further development on that land. Ms. Graziano stated they would not be able to claim a limited project again. Ms. Kwesell stated that roads might be accepted by town meeting as private roads but will be later turned into public roads and the town would be responsible for them.

Mr. Travalini asked if anyone had any questions or comments. Ms. Graziano stated they need to come up with a construction plan and respond to the questions they received today from the Commission and staff. Ms. Graziano stated a week is not enough time for them to review and provide comments before the next hearing. Their lawyer asked how long it will take the peer reviewers to have their report because they need time to

review and respond as well. Mr. Allen stated that it will take a while and the February 8th meeting might work. Mr. Watsky stated they will target February 8th and if they need more time they will request a continuance.

A woman from the audience stated that Ms. Graziano missed a few letters when she mentioned the letters she had received. Specifically noted were 8 Fairway Lane and 14 Fairway and a few others from Diane Drive. Ms. Graziano stated she will check her records and make sure all the letters are accounted for.

Mr. Travalini made a motion to continue Notice of Intent DEP #216- 0914 (Timber Crest Estates) Notice of Intent DEP # 216-0914 to the February 8, 2018 meeting at 7:45 at Sanford Hall. Mr. Snow Brian seconded. All were in favor.

Ms. Graziano stated that the commission and the applicant agreed to have the February 8, 2018 meeting at Sanford Hall at 7:45 pm.

Meeting Minutes

No meeting minutes to review at this time.

Discussion #1 DEP #216-0854 Salmon Retirement Community Sign Conservation Restriction (CR) Application based on vote to approve CR.

Ms. Graziano stated we have to provide municipal certification that the conservation restriction being placed on Salmon Retirement is in the best interest of the public. The commissioned reviewed and signed the certification.

Agent Report

Nothing to report at this time.

Chair Report

Nothing to report at this time.

Ms. Queenan made a motion to adjourn the meeting at 10:28 p.m. Mr. Snow seconded. All were in favor.

Next Scheduled Public Meeting: January 25, 2018 at 7:30PM* Sanford Hall, Town Hall
155 Village Street, Medway, MA 02053

Respectfully submitted,

Tracy Rozak

Documents Presented at the January 11, 2018 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Certificate of Compliance

76 Village Street DEP #216-0842 - proposal to construct an addition (completed)

- WPA Form 8a
- Application summary from Agent
- Plans titled, “

Request for Determination of Applicability

129 R Lovering Street (RDA-17-11) proposal to construct a natural walking trail at the Millstone Community Development

- WPA form 1
- Application Summary from the Agent
- Plans titled, “ Proposed Walking Path Millstone Village Medway, MA” by GLM Engineering Consultants, dated January 2, 2018

Public Hearing #1 – (continued from 4/27/17, 7/27/17, 9/28/17) 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

Public Hearing #2 – (continued from 10/12/17, 11/9/17,) 0, 1, 2, 3 Glen Brook Way and 33 West Street Notice of Intent Map 65 Lot 25 and 26 and Map 66 Lot 001 and 002 (DEP #216-09xx) proposal to construct 6 multi-family residential structures with driveways, children’s play area, parking areas, landscaping, stormwater management infrastructure and associated utilities

- WPA Form 3
- Plans titled, “Glen Brook Way” by Merrill Engineering, by Metro West Collaborative dated April 24, 2017
- Plan Sheet, C301 dated June 30, 2017
- Document titled, “Stormwater Management Report” by Merrill Engineers and Land Surveyors, dated June 26, 2017

Public Hearing #3– continued 9/14/17, 10/26/17, 11/9/17, 12/11/17) 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

- WPA Form 3
- 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
- Document titled, “Wildlife Habitat Evaluation: Water and Sewer” by Goddard Consultants, dated September 7, 2017
- Document titled, “Storwmater Report” by Outback Engineering, Inc, dated September 7, 2017 □
Document titled, “Groundwater Mounding Calculations Timber Crest Estates Medway, MA” by Outback Engineering, Inc, dated September 7, 2017