



MEDWAY CONSERVATION COMMISSION MEETING
155 Village Street Sanford Hall, Medway, MA 02053
October 11, 2018, 2018 - 7:30 P.M.

The Medway Conservation Commission (CONCOM) held it's regularly scheduled meeting on October 11, 2018 at Sanford Hall. In attendance were members David Travalini, David Blackwell, Marjorie Queenan, Dayna Gill, Ken McKay, Scott Salvucci, Bridget Graziano, Conservation Agent and Tracy Rozak, Recording secretary.

Absent Members: Brian Snow

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. There was nothing to add.

Mr. Travalini asked the board members to take a vote on something he read in the Town Counsel about open meetings. He stated the board or commission can nominate one person to read and review the meeting minutes and have that person vote to approve them. He would like someone to volunteer to do this.

No one volunteered to take this task on. The review process will remain the same.

Request for Determination of Applicability

• 54 R (Adams Street) RDA-19-06) proposal to install footbridge over small intermittent stream

Mr. Paul Atwood, from the Trail Club Task Force and Alex Green, member of troop 367 were present for the meeting. Mr. Green stated he is completing his Eagle Scout project. Mr. Green stated there is a stream along the Adams street trail that has a temporary crossing. They would like to build a more permanent structure over the stream. They will make it a little longer than the current bridge to cover the one end that tends to flood a little. Ms. Graziano hopes they can coordinate with George Lee to be able to go through his property. They are going to build the bridge on site but no cutting will be done on site. It is about 22 feet long. Mr. Atwood stated the beaver dam at Winthrop Street has significantly impacted this whole area with backed up water. They will place the wood bridge onto cement patio pavers. Mr. Travalini asked if this bridge is strong enough to hold the weight. Mr. Jim Wieler stated the current design can hold up to 4000 pounds. They may use 4 x 12 boards.

Mr. Wieler stated Caroline Williams from the Girl Scouts could not be here tonight but is planning a similar footbridge over the next canal east of the park. He stated they will be planning for a notice of intent for a 35 foot boardwalk. He stated the received a quote from the last contractor but it will have to go out to bid. They will be working with Ms. Graziano on this

notice of intent. They would also like to build two overlook stands where you can look out over the wetlands.

Ms. Graziano stated the following conditions will apply. All cutting of materials will be done off site, the Conservation Office will be contacted to do a site visit once the bridge is complete and installed and that none of the proposed work will change the grading or shading of any vegetation.

Mr. Travalini made a motion to issue a positive negative 3 determination of applicability for 54 R Adams Street- RDA-19-06) with the following conditions.

All cutting of materials will be done off site, the Conservation Office will be contacted to do a site visit once the bridge is complete and installed and that none of the proposed work will change the grading or shading of any vegetation. Mr. Blackwell seconded the motion and it was voted to approve 6-0-0.

Mr. Travalini made a motion to add RDA# 19-05 27 Broken Tree Road to the agenda as it was advertised in the Milford Daily for a public hearing. Mr. Blackwell seconded the motion and it was approved 6-0-0.

- **RDA# 19-05- 27 Broken Tree Road proposal to perform grading and additional tree removal within the buffer zone**

Mr. and Mrs. Alvino were present for the meeting and stated they are seeking approval for work that was approved last spring. Mr. Alvino stated they are asking for additional trees to come down, bring in loam, flatten out the yard and create a natural retaining wall with rocks. He stated there are loose rocks behind the house and the trees were taken down so it is kind of barren. They would like to make a natural rock boundary and flatten the back yard a bit as it is steep now.

Mr. Travalini stated he does not agree that this project can be done and protect the wetlands under a Request for Determination of Applicability (RDA). He thinks too much loam would have to be brought in, about 2-4 feet worth of loam which would require a retaining wall not a natural rock wall. He feels the water could wash into the 25 foot buffer and into the wetlands. Mr. Alvino stated it will cost about \$2,500 to get the area surveyed and a plan made. Mr. Alvino asked if there a chance this project can still get denied. Mr. Travalini stated he cannot say for sure but if he comes back with a suitable plan that protects the wetlands then there shouldn't be any problems. Mr. Alvino asked if they decide to just take a couple of trees down and plant grass is that ok or would they have to re-apply for a new RDA. Ms. Graziano stated that under the original RDA, they had agreed there would be slight grading of the lawn up to the tree stumps. They should complete that and could amend the RDA tonight or they could file a Notice of Intent for the grinding down of the stumps, all the grading and the retaining wall. The applicant decided to have five trees taken out and come back in the spring with a new RDA for everything else. Ms. Graziano recommended they ask their consultant/engineer if what they want to do is even possible before they draft up a whole new plan. They will know if it's even feasible.

Mr. McKay made a motion to approve a positive 5, negative 3 amendment to RDA# 19-05 for 27 Broken Tree Road. Ms. Gill seconded the motion and it was voted to approve 6-0-0.

Request for Certificate of Compliance

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

Mr. Graziano stated this is still under a continuance and they have a waiver from the property owner who is working with the installer to rectify issues surrounding the installation of the system.

Mr. Travalini made a motion to continue 68 Oakland Street (DEP #216-0918) to the October 25, 2018 meeting. Ms. Gill seconded the motion and it was voted to approve 6-0-0.

- **3 Independence Lane (DEP #216-0864) – Request for full certificate of compliance for construction of single family home, driveway and associated utilities**

Mr. Jim Lane from MMY, LLC was present for the meeting. Ms. Graziano stated there were plantings in the front side yard that had to meet two growing seasons requirement for inspection and survival. Ms. Donovan the Conservation Intern did a site visit and took pictures and stated that everything looks fine.

Mr. Travalini made a motion to grant a certificate of compliance based on the agent recommendation with the following perpetual conditions 14, 15 and 16 to remain. Ms. Gill seconded the motion and it was voted to approve 6-0-0.

Request for Extension to the Order of Resource Area Delineation and Order of Conditions

- **272 Village Street (DEP # 216-0855) -proposed duplex home with associated driveway and landscaping**

Ms. Graziano stated this project got a late start but they requested a 30 day extension prior to the expiration date. They are close to finishing the project but would like a one year extension.

Mr. Travalini made a motion to issue a one year extension for 272 Village Street (DEP # 216-0855). Mr. Salvucci seconded the motion and it was voted to approve 6-0-0.

Ms. Graziano stated the applicant is also requesting the fee be reduced \$50 dollars. It was originally \$1,000 dollars but they are near the end of this project so the fee would be exorbitant at this point.

Mr. Salvucci made a motion to reduce the fee from one thousand dollars to fifty dollars for 272 Village Street (DEP # 216-0855). Ms. Gill seconded the motion and it was voted to approve 6-0-0.

Request for extension of order of conditions- Route 109 Main Street (DEP #216-0848) - proposal to construct

Per the applicant's request, Mr. Travalini made a motion to issue an extension for Route 109 Main Street (DEP #216-0848) for two years. Mr. Blackwell seconded the motion and it was voted to approve 6-0-0.

Discussion # 1 - Review of Boardwalk proposal for future Notice of Intent filing for Medway Link Trail

This was discussed earlier in the meeting.

Discussion # 2 - Request for minor amendment to Order of Conditions - Choate Park- for the removal of additional trees and grading within the buffer zone.

Mr. DJ Chagnon from CBA Landscape Architects LLC was present for the meeting. Mr. Chagnon stated the area is below the ball field. They had 18 inch end grader trees surveyed, but did not have the 9 inch and 11 inch trees surveyed. They want to create an ADA accessible area from the parking lot. The erosion control and silt fence line are shown on the plans and are inside the 25 foot buffer zone. As they graded the area out, the existing and the proposed grade change differs somewhat. They basically removed the top edge of the grading and they realized the two hickory trees would not survive as it was wiping out their root systems. The silt fencing and erosion controls were up hill before this and now have been moved downhill. They are not getting any washouts in that area. They looked into if a small knee wall made sense but by the time you excavate you've taken out most of the slope.

Mr. Travalini asked if they plan to plant some native trees. Mr. Chagnon stated they put down a wildflower seed mix and they could replace the two trees that they removed. Ms. Graziano stated they are doing a considerable amount of plantings. Mr. Travalini stated he felt this is definitely a minor amendment and stated we can leave it as is and see how it is doing in the spring.

Mr. Travalini made a motion to allow for a minor amendment to DEP #216- 0908- Choate Park for the removal of two trees. Ms. Queenan seconded the motion and it was voted to approve 6-0-0.

Discussion # 3 Vote to accept the Conservation Restriction for 259, 261, 261R, 263 Village Street for the Salmon Adult Retirement Community

This was not ready for review yet.

Discussion # 4 -Review outstanding enforcement and violations

Mr. Venincasa, the owner of the Millstone Retirement Community Development was present for this discussion. Ms. Graziano stated she issued an enforcement order on October 3rd 2018. The order requested Mr. Venincasa's presence at this meeting and for him to come up with a plan to

rectify the issues. Ms. Graziano stated the intern drafted a document that outlined all of the outstanding issues and this letter was sent return /receipt by certified mail to Mr. Venincasa,.

Ms. Graziano stated that the erosion controls need maintenance and some are damaged and cannot hold the sediment back and in certain location sediment is within the 0-25' No Disturb Zone. The streets and catch basins have not been swept daily and the biweekly reports have not been submitted. She noted there were some blowouts of sediment into the 25 foot buffer and that landscaping seems to have been done within the 25' No Disturb Zone. One (authorized) patio was removed and one patio is currently in question as to whether it was covered under the Order of Conditions approved plan. She stated there have been many rain storms and there has been some flooding, during this time, the contractors punched holes in the catch basin siltation sacks, which is a violation of the Order, as these were required to be in place at all times during construction. Putting holes within these protection devices violates the conditions of the Order. She has received a complaint from a residents with regards the flooding and how it is addressed.

Mr. Venincasa, stated this is a development of 80 units and all but 5 units have been completed already. The area in question just needs to have the top coat done. Mr. Venincasa, stated the resident complained because the water does not infiltrate into all the catch basins at the same rate. These silt sacs were installed less than two weeks ago and we got a lot of rain and it flooded. One of his employees poked a hole into the silt sac to release some of the water which was not a good idea and they won't do that again. They did have a vacuum truck come out and vacuum the worst catch basins. He stated the catch basins are designed to hold 48 inches and there was only 3 inches of silt in the worst catch basin. Mr. Venincasa, stated he has had zero siltation into the wetlands and the area has been cleaned up. He doesn't understand what his violation is.

Mr. Travalini stated he can have the Agent go out tomorrow and see if the area has been cleaned up. If not, he is in violation and the Agent can issue a cease and desist order. Mr. Travalini stated there can be no silt in the no disturb zone, this is not authorized or permitted. Mr. Venincasa, feels there is no sediment in the no disturb zone. He thinks he has complied with everything, there are no sediments in the no disturb or wetlands and that stated his development is absolutely beautiful.

Mr. Travalini stated that the Agent did a site visit and took pictures of everything that she found. He needs to comply with everything that the Agent found and outlined in the letter that was sent to him. He also needs to submit biweekly reports. The Agent will do another site visit on Monday, October 16, 2108 to see if he has complied and if not a cease and desist order will be issued.

Mr. Travalini made a motion to ratify the enforcement order for the Millstone Development. Mr. Salvucci seconded the motion and it was voted to approve 6-0-0.

Public Hearing #1 – Notice of Intent DEP #216-0XXX West Street (Map Lot) New England Power proposal to perform exploratory borings within a wetland resource and 25' no disturb zone

The applicant was present for the meeting but was missing an abutters notice and the dates that the notices were sent out.

Mr. Travalini gave the applicant a few minutes to make some phone calls to see if he could locate the missing information. The applicant was not able to obtain the information at this time and the abutters will need to be re-notified and a new hearing scheduled.

Public Hearing #2–(continued 8/9/18 no quorum, 8/23/18) Abbreviated Notice of Resource Area Delineation (DEP #216-0923) 31 and 37 West Street (Phase II of Glen Brook Way)

Mr. Cameron Lawson, from Environmental Consulting and Restoration was present for the hearing. He stated they discussed the resource areas at the last meeting on August 23, 2018. All the resource areas were confirmed by a previous ORAD. He stated they reviewed the site in August with Ms. Graziano and they made a few revisions and are seeking approval. Ms. Graziano stated she changed two flags and she is fine with the plan.

Mr. Travalini made a motion to approve the Abbreviated Notice of Resource Area Delineation (DEP #216-0923) 1 and 3 West Street (Phase II Glenn Brook Way). Ms. Gill seconded the motion and it was voted to approve 6-0-0.

Public Hearing # 3 – 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 applicants request, Mr. Travalini made a motion to continue 123 Main Street Notice of Intent (DEP #216 -0920) to the October 25, 2018 meeting at 7:45 pm. Mr. Blackwell seconded the motion and it was voted to approve 6-0-0.

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) 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)

Per the applicants request, Mr. Travalini made a motion to continue Notice of Intent (DEP #216-0918) 11, 13, 15, 17 Fairway Lane Timber Crest Estates Access Road to the October 25, 2018 meeting at 7:45 pm. Mr. Blackwell seconded the motion and it was voted to approve 6-0-0.

Public Hearing # 3 –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

Per the applicants request, 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 Map to the October 25, 2018 meeting at 7:45 pm. Mr. Blackwell seconded the motion and it was voted to approve 6-0-0.

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, 8/10/18, (continuance only) 8/23/18, 9/13/18, 9/27/18

5/10/18 and 8/10/18 Meeting Notes (continuance only)

*Mr. Travalini made a motion to approve the 5/10/18 and 8/10/18 meeting notes as submitted. Ms. Gill seconded the motion and it was voted to approve 5-0-0. *Ms. Queenan abstained from 8/10/18 vote.*

4/26/18 and 5/18/18 Meeting Minutes

Ms. Gill made a motion to approve the 4/26/18 and 5/18/18 meeting minutes as submitted. Ms. Queenan seconded the motion and it was voted to approve 6-0-0.

7/11/18 and 8/23/18 Meeting Minutes

*Mr. Travalini made a motion to approve the 7/11/18 and 8/23/18 meeting minutes as submitted. Mr. Blackwell seconded the motion and it was voted to approve 5-0-0. * Ms. Queenan abstained from the 7/11/18 vote and Ms. Gill abstained from 8/23/18 vote.*

Agent Report

Ms. Graziano stated she has been spending a lot of time on enforcements and doing a lot of babysitting. Millstone and Applegate are the biggest. Choate Park and Route 109 projects have also had issues. Gray Squirrel is wrapping up soon.

Chair Report

Ms. Queenan made a motion to adjourn the meeting at 10:06 pm. Mr. Blackwell seconded the motion and it was voted to approve 6-0-0.

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

Respectfully submitted by

Tracy Rozak, Recording Secretary

Documents Presented at the October 11, 2018 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Determination of Applicability

- 54 R (Adams Street) RDA-19-06) proposal to install footbridge over small intermittent stream
 - Eagle Scout Service Workbook– Bridge Construction
 - WPA Form 1 – Alex Green
- 27 Broken Tree Road RDA 19-05 proposal for grading and additional tree removal
 - WPA Form 1 with associated plans and other drawings
 - Pictures taken by the Agent on October 10, 2018

Request for Certificate of Compliance

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

This items was not discussed.

Meeting was continued, no documents presented.

- 3 Independence Lane (DEP #216-0864) – Request for full certificate of compliance for construction of single family home, driveway and associated utilities
 - WPA Form 8A
 - Pictures taken by the Agent
 - Plan titled, “ As Built Plan Lot 16 No. 3 Independence Land, Medway, MA” by O’Driscoll Land Surveying, dated August 23, 2018

Request for Extension to the Order of Resource Area Delineation and Order of Conditions

- 272 Village Street (DEP # 216-0855) -proposed duplex home with associated driveway and landscaping
 - Letter of Request for Extension from Larry Rucki

Request for Extension to the Order of Conditions

- Route 109 Main Street (DEP #216-0848) -proposal to construct

No materials submitted

Discussion # 1 - Review of Boardwalk proposal for future Notice of Intent filing for Medway Link Trail

- **GIS drawing of proposed locations**

Discussion # 2 - Request for minor amendment to Order of Conditions - Choate Park- for the removal of additional trees and grading within the buffer zone

- Document titled, “Request for Minor Amendment to Approved Plan Choate Park, by Denis Chagnon, dated September 27, 2018
- Plans titled, “Choate Park Section Through Path at 202” by CBA Landscape Architects, LLC, dated October 11, 2018
- Plans titled, “Improvement to Chaote Park, Site Plan Submission Existing Landscape Inventory & Removals Sheet 2” by CBA Landscape Architects, LLC, dated 11-7-17 Sheet L3.3

Discussion # 3 - Vote to accept the Conservation Restriction for 259, 261, 261R, 263 Village Street for the Salmon Adult Retirement Community

This was not ready for review yet.

Discussion # 4- Review outstanding enforcement and violations at the Millstone Adult Retirement Community

- Enforcement Order issued October 3, 2018 with supporting documents
- Picture taken by the Agent October 3, 2018 with site notes

Public Hearing #1 – Notice of Intent DEP #216-0XXX West Street (Map Lot) New England Power proposal to perform exploratory borings within a wetland resource and 25’ no disturb zone

Hearing was not opened, no documents presented.

Public Hearing #2–(continued 8/9/18 no quorum, 8/23/18) Abbreviated Notice of Resource Area Delineation (DEP #216-0923) 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
- DEP Delineation Forms dated

Public Hearing # 3 – 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

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) 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)

Hearing was continued, no documents presented.