



MEDWAY CONSERVATION COMMISSION MEETING
155 Village Street Sanford Hall, Medway, MA 02053
April 12, 2018
7:30 P.M.

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on April 12, 2018 at Sanford Hall. In attendance were members Dayna Gill, David Travalini, Brian Snow, Scott Salvucci, Ken McKay, Margery Queenan, Bridget Graziano and Tracy Rozak, Recording Secretary. *David Blackwell arrived at 7:49 pm

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

- **2B Oak Street (RDA-17-15) proposal to install irrigation system at Thayer house in Riverfront Area**

Mr. Bobby McGee from the Town of Medway, DPS was present for the meeting. The Thayer Homestead committee asked him to put in a new irrigation system. Mr. McGee stated he had an architect design it and it went out to bid. The Conservation Committee reviewed it. The lower half of the parking lot is within 150 feet of the riverfront area and there will be irrigation pipes. They are requesting a variance for this. It was noted that they are over 150 feet away from Choate Park.

Mr. Travalini stated the water they will be using is part of the watershed. He feels this is a useless waste of water to make grass green during the summer then let it go brown. Ms. Graziano requested that they use compost socks along the outside so it doesn't run into the catch basins.

*Mr. Travalini made motion to issue a positive 5, negative 3 determination of applicability for 2B Oak Street (RDA-17-15) with the condition that siltation controls be installed at the edge of the parking lot downstream and be inspected by the Commission before any other work is done. Mr. Snow seconded the motion and it was voted to approve 6-0-0. * Mr. Blackwell was not present for the vote.*

- **8 Shaw Street (RDA-17-16) proposal to install fencing within the Riverfront Area**

Mr. Jeffrey Carcione and Ms. Maureen Carcione, the homeowners were present for the meeting. Ms. Graziano stated the Charles River is in the applicants' backyard and comes close to their neighbor's property. They would like to fence in their backyard for their children and their dogs.

There is an existing chain link fence and a small green house that they have agreed to remove and will let the area revegetate as much as possible.

Mr. Travalini made a motion to issue a positive 5, negative 3 determination of applicability for 8 Shaw Street (RDA-17-16) with the condition that the existing chain link fence greenhouse be removed and the area allowed to revegetate. Mr. Snow seconded the motion and it was approved 5-0-0. * Mr. Blackwell abstained from the vote.

**Public Hearing #1 – Notice of Intent (DEP #216-0916) 31 Causeway Street
proposal to replace the existing failed septic system and the abandonment of the existing system**

Mr. Paul DeSimone was present for the meeting. Ms. Graziano stated they did not have the erosion control inspection done before they started work and the health inspection of the tank was not done. Ms. Graziano asked for the following conditions: 12 inch compost socks are used and that the old fencing in the wetland and a leaf pile be removed. The area on the side of the house where the septic tank overflowed needs to be loamed and seeded. This needs to be established and checked by the agent before proceeding. Ms. Graziano also asked for a couple bounds between wetland markers #1-2 and # 8-9. Mr. Travalini asked if anyone had any questions. There were none.

Mr. Travalini made a motion to close the hearing for Notice of Intent (DEP #216-0916) 31 Causeway Street. Mr. Snow seconded the motion and it was voted to approve 7-0-0. Mr. Travalini made a motion to issue an order of conditions with the additional conditions that two markers be installed in the front area of the map, the area be loamed and reseeded, and the old fence in the wetlands be removed. Mr. Snow seconded the motion and it was voted to approve 7-0-0.

Public Hearing #2 – Notice of Intent (DEP #216- 0917) 13 Phillips Street proposal to construct an addition to the existing dwelling

Mr. Kevin Willis, owner and applicant and Mr. Dan O'Driscoll were present for the hearing. Ms. Travalini stated the green cards for Davidson and Sylvester are missing. Mr. Travalini stated they cannot open the hearing without them. Mr. Dan O'Driscoll went to his office and retrieved them. Mr. O'Driscoll explained that the owner would like to remove the current garage and install a new one. There is a wetland to the south in the 25 foot buffer zone and goes through a portion of the lawn and pool outback. Mr. Willis did plant four fruit trees as a natural buffer. The driveway will stay as he just needs more garage space. The whole area is lawn and there are no trees to cut down.

Ms. Graziano stated she needs a 25 foot waiver request letter (21.2B of the bylaw- temporary disturbance only). She will also need an amendment to the erosion control line because she found they only need to have 4 feet in order to put in a foundation. Mr. O'Driscoll will amend the erosion control lines and the agent will need to reflag the area and a giant leaf pile needs to be removed. Ms. Graziano asked about stockpiling and machinery. Mr. O'Driscoll stated the stockpile will be in the driveway and to the side of side of the driveway. Ms. Graziano stated

this needs to be on the plan and they need to use 12 inch biodegradable compost socks and siltation fencing. Ms. Graziano stated the pool water cannot go into the wetland when he winterizes it. Mr. Travalini stated he will not need to use granite bounds. There are gutters now then run onto the driveway and out into the lawn. Ms. Graziano stated it cannot go out into the wetlands. He can put crushed stone underneath the drip line. Mr. Travalini asked if anyone had any questions. There were none.

Mr. Travalini made a motion to continue Notice of Intent (DEP #216- 0917) 13 Phillips Street to the April 26, 2018 meeting at 7:45 p.m. Mr. Blackwell seconded the motion and it was voted to approve 7-0.0

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,) 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. Jim Pavlick from OutBack Engineering, Mr. Dan Wells from Goddard Consulting, Mr. Mounir Tayara, applicant and Mr. Matt Watsky, lawyer for the applicant were present for this hearing.

Mr. Pavlik gave an update on the changes since the last meeting. He stated they have made significant changes to the plan since the January 11, 2018 meeting. He stated at that time they had not received comments on the Stormwater Management Plan. They did receive feedback from Eco Tech and the Commission about their concerns to the vernal pools. Originally, they had three road crossings that totaled over 5,000 square feet and the significant changes are related to the roadway crossings to reduce the overall wetland impact to under 5,000 square feet. Originally, they were looking for approval under 10.53 Limited Project but now are looking for approval under 10.55 4(B) Bordering Vegetative Impacts. Mr. Pavlik stated the specific changes include the acquisition of an easement at 13 Fairway Lane which gives the project another access point which eliminates Road I and there was another roadway crossing for Road F off of Holliston Street. We had previously proposed a box culvert for an intermittent stream but now are proposing a steel bridge across there and this significantly reduces the wetland impact. Mr. Pavlik stated that back in September they had proposed 12,540 square feet of wetland fill and now with the alterations to the plan have further reduced the impact to the wetlands. They will use horizontal directional drilling at the two utility crossings so they will not alter any wetlands. The wetland alteration has now been reduced to only 3,408 square feet and the alteration is only at Road F. The other areas will be preserved except for some mature trees that will have to be cut down. Mr. Pavlick stated that all the other changes are broken down into 4 categories: 1) how they comply with the Stream Crossing Standards 2) the details about the Horizontal Drilling 3) how they comply with DEP Stormwater Management Standards and 4) details about the additional erosion controls they have implemented.

Stream Crossing Standards. Mr. Pavlik stated Massachusetts has a general standard that relates to the amount of openness under a culvert or span crossing the wetland, the latest revisions were based on Tetra Tech comments and have complied with the optimum standards at

crossing # 3 where the bridge is proposed. We are proposing to put in a poured concrete wall in the upland bank at the east side of the stream channel and on the west side of the crossing will be another retaining wall with some fill and a 68 clear span, steel premanufactured bridge that has over 7 feet of clearance. This exceeds the states optimum standards for stream crossings. At wetland crossing # 1 is an intermittent stream and about 8 feet wide, they propose to install a pre-cast concrete box culvert with footings on each side of the stream channels and retaining walls in the upland area and spanning across the stream. They will also bring water and sewer out to Olshlen Circle to connect to the existing town sewer lines. Originally there were 9 lots in this area and they are now proposing 4 lots with a common driveway. By eliminating 5 of the lots, the 2 vernal pools will be able to retain their mature vegetation and connect to the other 2 vernal pools. They will not be disturbing any BVW around the vernal pools.

Horizontal Directional Drilling. Mr. Pavlick stated that Road F to the east has a common drive for 4 houses. They will run sewer and water across from Road F and parallel to the utilities. They are preserving a 200 foot wide swath in this area. They pulled the work limit back on the east side. The new emergency road will connect to Road H, the road will be 15 feet wide and gated at both ends. We are filing this work under a separate NOI. To access this utility crossing, they will come off of Fairway Lane and set up the drilling rig and other support vehicles up on the other side. Once the pipe is installed, the remaining utilities in the upland area will be trenched. This will be set up at each stream crossing and there will be a temporary access road between them so as not to disturb the wetlands. They can provide a sample FRACA plan that is generic at this point until the contractor comes up with the details of the means and methods at these crossings.

DEP Stormwater Management Standards. Mr. Pavlick stated they received comments from Tetra Tech and have provided a number of additional details on the plan and are waiting for follow-up comments from them.

Additional Erosion Controls. Mr. Pavlick stated there were 308 locations that Ms. Graziano was concerned about. They took a closer look at the area and will provide retaining walls or are proposing 2-1 slopes to prevent erosion. They also have a draft of the Stormwater Prevention Plan for the commission to review tonight.

Ms. Graziano stated she has gone through the all the responses from Goddard Consulting from the January 11, 2018 hearing and stated she has several comments. They are listed below.

2.2 Ms. Graziano is uncomfortable with the erosion controls, there is a mish mash of erosion controls and it needs to be clear and consistent on the plans. They need to use compost socks, or double or triple staked in some of the areas.

2.3 There are still some unanswered questions that could get answered tonight. There are some turns in the line that she is not clear about. Ms. Graziano asked what happens when there is a turn in the line. Mr. Pavlik stated that on the west side of the first crossing, there is a trench and the HDD is intended to span this one wetland, a straight section, the next crossing would have an open trench and a drill rig set up. There are actually 3 short sections of drilling proposed. Ms. Graziano stated she will need a stockpile location there. Mr. Travalini asked what happens if

they hit a ledge. Mr. Pavlick stated they did some testing and did not encounter any ledges but can do additional test pits. If they hit a ledge, they would have to back out the drill and go around it and go in at a different direction. Mr. Travalini asked what is the size of the tunnel. Mr. Pavlick stated 12- 16 feet. Ms. Graziano is concerned about them hitting the vernal pools and draining them out as this has happened before with other construction projects. Mr. Snow stated they would need to see more detailed drilling plans. Ms. Graziano stated it was Test pit 9 A and 9 B where they had previously refused and had to move locations.

2.4 Ms. Graziano stated she appreciates the loss of the crossing but there are still roadways, retaining walls, and house lots with yards that are zero feet from the BVD wetlands. She can go over the details with them at a separate meeting. Their response was there won't be any effect but she has serious concerns about the edge effect, increase in water temperatures, changes to the plant community and the loss of mature canopy.

2.5 They went to the ZBA with the minor amendments to the access road but they may have to go back before the ZBA if there are more changes.

2.6 Ms. Graziano stated the response still has work at the zero line to the vernal pool habitat which have edge effects that will impact the vernal pools that have not been assessed. She has not received a response to this. There is also a 15 foot no touch on the plan which was made up for this project but a 25 foot buffer is necessary to protect the wetlands under CMR 10.531 A vegetated buffer needs to be maintained in order to inhibit the loss of shade, increase of water temperature and alteration of plant composition.

2.7 Ms. Graziano agrees the units have been reduced by 4.

2.8 Ms. Graziano There are additional lots that affect BVW and vernal pool habitat

2.10 Ms. Graziano the grading is outside the limit of work- these areas are less than 15 feet from BVW or vernal pools.

2.13 Ms. Graziano stated they have to have a Wildlife Habitat Evaluation that is not just for the immediate area affected, it has to take into account the connectivity and continuity of the area.

Ms. Graziano stated that Standard #6 labels vernal pools as class B waters and wetlands bordering are considered class B. Ms. Graziano quoted the text from the Stormwater Management handbook, volume 1, chapter 1, page 18 regarding outstanding resource waters. They need to incorporate the area of discharge near vernal pools. Also the response to comment 3.12 admits in her opinion that there is fragmentation and loss of habitat but it has been reduced.

Ms. Graziano stated that the erosion and sediment control plan shows traps #4, #13 and #15 as all temporary but this is prohibited under the Stormwater Management Standards. Also there are some stockpiles on the full set of plans but not on the other set. These need to be solidified. Snow disposal was on the first set of plans but not on the second set of plans. They need a snow management plan during construction and identify who will be in charge of that. Ms. Graziano is asking they remove straw waddles from the plan as they don't typically permit those in

Medway. The access road needs continuity about who will maintain these roads and needs signage for emergency vehicles.

Ms. Graziano recommends the project meet the best management practices set forth by Calhoun and Clemmons. They should model their design standards according to that. She would also like a phasing plan for the project to know when they will be working near the vernal pools as they may have to phase it around sensitive times.

Ms. Graziano had a few other comments. She stated the page discussing wildlife habitat protection guidance dated March 2006 by DEP specifically discusses the relationship between habitat and continuity in areas beyond the altered area. She also stated she has comments about individual lots. Mr. Travalini stated we can discuss the individual lots as they come up. Ms. Graziano stated there is a future erosion control line for the lots on the plan but it should be noted that the commission is not approving any work on the lots at this time.

Ms. Amy Kwesell, lawyer from KP Law was present and spoke about the limited project status. She stated that to be considered a limited project it has to be over 5,000 square feet. They are about 800 feet over. They did reserve the right to invoke the limited project provision. She thinks they would qualify at this point. Mr. Travalini agrees that there is not much else they could do.

Ms. Graziano had a question about Road F and the bridge cross section. Is all the BVW accounted for or just a portion of it? Sheet 23 has the summary. Ms. Kwesell stated there was a discrepancy on the NOI form and the comments we received on the alteration number.

Mr. Arthur Allen, from Eco Tech was present for the meeting and commented from his letter dated April 6, 2018. He acknowledged with the reduction, they don't trigger the water quality 401 but do have to comply with army core of engineers under 404. Comment #2 about directional drilling- he stated he has seen blowouts in wetlands requiring a major restoration of the area. Mr. Travalini stated they would need a detailed timing plan so that drilling is done at a dry optimal time. He also maintains that the number of lots and the configuration of the lots are driving the location of the roads and drainage to the setback line. There should be a minimum of a 15 foot buffer. Comment #9 has a separate NOI which he did not realize. Comment #10 there are discrepancies in the impacts in the revised NOI and the plans that need to be clarified. Also, the revised NOI was not signed or dated and did not have the property owners attached to it.

Ms. Kwesell stated the lots are driving where the roads are located but because this is a 40B they could do condos or town houses. They can't claim the road has to be where it is because of the lots. There are other options.

Mr. Travalini asked the commission if they had any other questions or comments. Mr. Snow stated that the overview of the plan, sheet 1 and all the sheets could use better labeling as they are difficult to track from one set to the next. Some items are labeled differently for the same item; this should be clarified and consistent throughout. The 15 foot no disturb line is one the plan but you disturbed it in 29 places- there needs to be a minimum set back area. As far as the lots, there are changes in zoning possible and he sees potential objection to some of the lots.

They show a lot, a house and paving but later if they are all different this could affect the stormwater calculations. He feels the work could be mitigated more. Also the emergency access could be reconfigured. Do they know what the minimum number of units would be to make this work. He would like to see best management practiced utilized near the vernal pools. The stockpile areas should be labeled as to what they are stockpiling. Some of them don't look large enough. He is not sure where the cuts and fills are and this should be labeled better. He also stated the fill brought into the site needs to be tested and approved by the commission before it is brought in.

Mr. Salvucci asked about the bridge. Was there an alternative analysis done for that. Mr. Pavlik stated they did provide an alternative analysis. He is concerned about the long term- who will own, inspect and maintain this bridge in the future and it might need to be replaced eventually. Mr. Salvucci asked if the town owns it are they aware of all the possible management requirements. Are there other alternatives? Mr. Pavlik stated the plans need to go before the ZBA. Ms. Gill stated she would like to go on a site visit to assess the area. Mr. Allen mentioned that he was at the site recently and stated he could hear a lot of wood frogs.

Mr. Travalini asked if any members of the audience had any questions or comments. Ms. Cindy Maliniak, 14 Fairway Lane stated she is concerned that everything she has read about alterations around a vernal pool doesn't give the vernal pools a chance. Animals can't breed and you move debris and then they have nowhere to go. This is the only habitat of its kind in this town. This property will be destroyed and she doesn't think this should happen. They were told that one tree would be put on each lot to make up for the trees lost but she feels that this does not make up for the losses. She stated the area is very wet and she is concerned about them drilling 12 feet down. Mr. Travalini stated they have to apply the law to these projects. The applicant has rights as well. Ms. Maliniak asked about contamination by fertilizer and run off going into the vernal pools. Mr. Travalini stated they can do something about that and the stormwater regulations are designed for those reasons. She also asked if Wildlife and Fisheries can do an evaluation. Mr. Travalini stated if this project falls within the rare species polygon than they will do an evaluation. Ms. Travalini stated that no one has reported that there are any rare species at this point.

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

Ms. Graziano stated she would like to schedule a site visit for the conservation members that have not seen the site. The applicant stated he and Mr. Pavlik would like to be there for that site visit. The commission scheduled the site visit for Thursday, April 19th at 4:30pm. They will meet at 13 Fairway Lane.

Ms. Kwesell stated she is concerned about the public future roads and stated the Commission cannot approve a public future road. They really need to see a maintenance plan for the road and the bridge.

Mr. Mounir Tayara asked if we should tackle the stormwater at the next meeting. Mr. Travalini stated that would be good plan. Mr. Tayara stated he would like to get Ms. Graziano's comments in writing.

Mr. Travalini made a motion to continue the hearing for Notice of Intent DEP #216-0914 (Timber Crest Estates) to the April 26, 2018 meeting at 7:45 pm. Ms. Gill seconded the motion and it was voted to approve 7-0-0.

Adjourn

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

Meeting Minutes

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

No minutes were ready for approval at this time.

Discussion #1 - Request for minor amendment to existing Order of Conditions DEP #216-0908 for 1 Choate Park Road

No one was present for this meeting. Ms. Graziano stated the applicant did not have to be present as this is just an amendment to the erosion controls. They are requesting this to be considered as a minor amendment. The erosion controls need to be moved before the dry well can go in.

Mr. Travalini made a motion to accept the new erosion control plan for (DEP # 216-0908) as a minor amendment. Mr. Blackwell seconded the motion and it was voted to approve. 7-0-0.

Discussion #2 - Ratify Enforcement Order for DEP #216-0887 11 Applegate Road construction of single family home

Ms. Graziano stated all of the lots have been sold off but a tree fell down in the erosion control area after the erosion controls were removed. The agent issued a cease a desist order placed on it. The property owner is going to get the area reconstructed and put up the erosion controls.

Mr. Travalini made a motion to ratify the enforcement order for DEP #216-0887 11 Applegate Road. David Blackwell seconded the motion and it was voted to approve 7-0-0.

Discussion #3 Reapprove meeting minutes of 5- 25-17 reviewed tape and incorrect

Ms. Graziano stated she reviewed the tape and found there were errors in the minutes. It stated the commission continued the hearing which was not true.

Mr. Travalini made a motion to amend the 5-25 -17 meeting minutes as noted. Mr. Blackwell seconded the motion and it was voted to approve 6-0-0. * Ms. Gill abstained from the vote.

Agent Report

Nothing to report at this time

Chair Report

Nothing to report at this time.

* Next Scheduled Public Meeting: April 26, 2018 at 7:30PM- Sanford Hall, Town Hall 155
Village Street, Medway, MA 02053

Respectfully submitted,

Tracy Rozak

Documents Presented at the April 12, 2018 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Determination of Applicability

2B Oak Street (RDA-17-15) proposal to install irrigation system at Thayer house in Riverfront Area

- WPA Form 1
- Application Summary by the Agent
- Plans titled, "Notice of Intent Improvements to: Choate Park" by CBA, Samiotes, and Civilview, dated July 12, 2017 and revised 9-22-17
- Plans titled, "Improvement to Choate Park Site Plan Submission" Sheet L4.0 by CBA Landscape Architects, dated 9-22-17
- Aerials with over lay of proposed work

8 Shaw Street (RDA-17-16) proposal to install fencing within the Riverfront Area

- WPA Form 1
- Application Summary by the Agent
- Plans titled, "Mortgage Inspection Plan 8 Shaw Street" by Plotplan.com, dated October 25, 2011 – Wetland not delineated
- Pictures from Agent April 2, 2018

Public Hearing #1 – Notice of Intent (DEP#216-0916) 31 Causeway Street proposal to replace the existing failed septic system and the abandonment of the existing system

- WPA Form 3 Notice of Intent
- Wetlands Delineation Forms (state) DEP Bordering Vegetated Wetlands (310CMR10.55) Delineations Field Data Form with letter from delineator Ivan Szilassy
- Plans titled, "Proposed Sewage Disposal System 31 Causeway Street, Medway, MA" by Colonial Engineering, dated 2-25-18

Public Hearing #2 – Notice of Intent DEP #216-0917) 13 Phillips Street proposal to construct an addition to the existing dwelling

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

Public Hearing #3– continued 9/14/17, 10/26/17, 11/9/17, 12/11/17, 12/28/17, 1/11/18, 2/8/17, 2/22/18, 3/8/18, 3/22/18) Notice of Intent DEP #216-0914 (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

- List of plans for PH #3 are attached