



**MEDWAY CONSERVATION COMMISSION MEETING**  
**155 Village Street Sanford Hall,**  
**Medway, MA 02053**  
**June 13, 2019**  
**7:30 P.M.**

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on June 13, 2019 at Sanford Hall, Medway, MA. In attendance were members, Dave Travalini, Brian Snow, David Blackwell, Ken McKay, Kevin Downing, Bridget Graziano, ConCom Agent, and Tracy Rozak, Recording Secretary.

Absent: Scott Salvucci, Dayna Gill

*The meeting was called to order by the Conservation Commission Chairman, Mr. Travalini at 7:40pm.*

Mr. Travalini asked the members of the board if there were any additional items that anyone would like to add to the agenda. Mr. Blackwell added a discussion about Idlybrook. Agent Graziano asked the Commission if they wanted to discuss the letter she received from Salmon's arborist discussing the impact to trees at the retaining wall at the crossings. The design isn't able to be implemented to save the trees in the field. It cuts into their root system. It was decided that this could wait until the next meeting.

**Request for Certificate of Compliance**

- **Kelley Street Map 32 Lot 049 (26 Kelley Street) DEP #216-0846 – proposed single family home, driveway (wetland crossing), utilities, landscaping**

*Mr. Travalini Made a motion to issue a Certificate of Compliance for Kelley Street Map 32 Lot 049 (26 Kelley Street) DEP #216-0846 for work never commenced. Mr. Snow seconded the motion and it was voted to approve 5-0-0.*

- **7 Causeway Street DEP #216-0893– proposal for installation of in-ground pool, pool house and associated fencing**

Agent Graziano stated everything was done according to the plan. The granite bounds were put in and the plantings have been put in near the basketball area.

***Mr. Travalini made a motion to issue a Certificate of Compliance for 7 Causeway Street DEP #216-0893 with the following conditions in perpetuity 13, 14, 15, 16***

13) The applicant must dispose of the pool water off-site in a legal fashion through the use of a pump truck to remove the water from the site. At no time shall any pool water be pumped and/or released from the pool into any wetlands resources, riverfront, or the buffer zone associated with any of these resources. This condition shall remain in perpetuity.

14) The applicant shall be plant a total of 10 native shrubs at top of new basketball court per approved site plans. The native shrubs shall be (5) *Rhododendron maximum* – Rhododendron and (5) *Kalmia latolia* Mountain Laurel. Alternative native species may be approved by the Agent and or the Commission prior to planting. The Agent and/or the Commission shall determine the number and location of the planting which shall be marked in field prior to planting and approved by the Agent and/or the Commission. This location shall have plantings in perpetuity in order to protect wetlands from run-off and erosion.

15) The applicant shall install into the ground three (3) granite markers 4” x 4” markers 25’ from the wetland flags #17-1, #17-3, and #17-5 (along the 25’ No Disturb zone), with the letter “W” on the marker must be at least 2 feet above ground level and at least 4 inches square, as depicted in approved site plans. Granite markers shall have the side with the “W” facing toward the existing dwelling. Locations of markers shall be located in field with wooden stake and approved by agent prior to installation. These markers shall remain on site permanently and may not be removed by the present or any future property owner. This condition shall remain in perpetuity.

16) *No use of pesticides, herbicides, fungicides or insecticides* is permitted within the Buffer Zone and only the use of slow-release organic granular type fertilizer is allowed in the Buffer Zone. This condition shall remain in perpetuity.

***Mr. Snow seconded the motion and it was voted to approve 5-0-0.***

- **272 Village Street (partial request for the existing dwelling)– proposal to construct a two family dwelling, stormwater, driveway and landscaping**

Agent Graziano stated this lot was originally subdivided and this Certificate of Compliance is for the second lot that did not have any construction on it. This is only releasing the lot at 272 Village Street.

***Mr. Travalini made a motion to issue a partial Certificate of Compliance for 272 Village Street DEP #216-0855 for no work done. Mr. Blackwell seconded the motion and it was voted to approve 5-0-0.***

**Request for Determination of Applicability**

- **11 Applegate Road (RDA-19-15) proposed removal of 6 white pine trees within the 25’ no disturb zone**

***Mr. Travalini made a motion to continue 11 Applegate Road (RDA-19-15) to the 6/27/19 meeting at 7:30pm. Mr. Snow seconded the motion and it was voted to approve 5-0-0.***

- **9 Holbrook Street (RDA-19-18) proposal to remove 16 hazardous tree from the 25' – 100' buffer zone and the 200' Riverfront Area**

***No one was present for this hearing. Mr. Travalini made a motion to open the hearing for 9 Holbrook Street (RDA-19-18) proposal to remove 16 hazardous tree from the 25' – 100' buffer zone and the 200' Riverfront Area***

Agent Graziano stated she did not think the trees looked sick or dying. However, she has a letter from Stumpy's Tree Service that states there are 12 trees that are hazardous as they have the potential to cause damage during a storm. (7 have mechanical problems and the other trees will have a problem if those trees are removed). Agent Graziano read the letter from Stumpy's. Mr. Graziano stated she did a site visit and noticed there were a couple of trees that were leaning.

***Mr. Travalini made a motion to continue 9 Holbrook Street (RDA-19-18) to the June 27, 2019 meeting at 7:45pm. Mr. Blackwell seconded the motion and it was voted to approve 4-0-0.***

***\* Mr. Snow abstained from this vote.***

#### **Request for Extension in the Order of Conditions**

- **49 Adler Street (DEP #216-0837) proposed addition to the existing commercial building for Lawrence Waster**

Mr. Keith Lawrence was present for the hearing and stated he is asking for an extension of three years. Agent Graziano stated the Conservation Commission gave them a two year extension two years ago that is now expiring. The Commission is concerned that the old flags won't be visible and may have to be flagged again. Mr. Lawrence stated he does not want to have to flag the area two times as it is expensive. Mr. Downing stated he should get the flags done three months before construction so they will still be visible. Agent Graziano stated she would like to do a site visit and check on the flags.

***Mr. Travalini made a motion to extend the Order of Conditions for 49 Adler Street (DEP #216-0837) for two years until June 12, 2021. Mr. Snow seconded the motion and it was voted to approve 5-0-0.***

#### **Discussion # 1 Ratify Enforcement Order for 21 High Street clearing within 25'-100' of wetland resource**

Agent Graziano stated she received a complaint about noise. Apparently the renters used a bobcat and did some clearing and made a small dirt bike track. The 25 foot area is protected but there is damage up to the 25 foot line. She asked the renters to come to the meeting tonight. She issued an order to the owner but can issue a ticket to the renter (violator). Agent Graziano will check with the Town Counsel to see if she can issue the enforcement order to the renter.

***Mr. Snow made a motion to ratify the Enforcement Order for 21 High Street depending on what town council advises. Mr. Blackwell seconded the motion and it was voted to approve 5-0-0.***

## **Discussion # 2 - Tree Protection Bylaw Proposal**

Mr. Travalini stated he looked over a number of different Tree Protection Bylaws. He felt they all seemed a little skimpy but are designed to be this way. The specifics of the cost of replacement can be determined later. He suggested they review the town of Concord's Tree Protection Bylaw which he thinks has more specifics and is user friendly. The town of Arlington has a one for one replacement policy. The tree warden is responsible for enforcing this. It was suggested that they have a designated tree area and they discussed possible locations. Mr. Travalini will make edits to the one that Dayna edited and pass it on to Agent Graziano.

## **Discussion #2 – 51 Alder Street Hydraulic Fluid Release Eversource (NY drilling)**

Agent Graziano stated she was notified of the release and went out and did a site visit. There was an environmental specialist already on site. Agent Graziano asked that all the swamp mats be removed from the site and the soil underneath to be tested on site. Agent Graziano scheduled a site visit with Mr. Snow for June 14, 2019. If needed, she will issue a cease and desist order. Agent Graziano will contact Mass DEP as well. Agent Graziano stated the company stated they will dispose the used swamp mats but she heard from another source that they are not planning to throw out the used swamp mats but reuse them. Mr. Snow advised that she should get that in writing.

## **Discussion #4- Review of possible Conway School Project and funding**

***To be discussed at the next meeting.***

## **Public Hearings Public Hearing #1 – 149 A Holliston Street Abbreviated Notice of Resource Area Delineation (DEP #216-0935) proposal to review a wetland delineation performed by NES**

***Per the request of the applicant, Mr. Travalini made a motion to continue 149 A Holliston Street Abbreviated Notice of Resource Area Delineation (DEP #216-0935) to the June 27, 2019 meeting at 7:45pm. Mr. Snow seconded the motion and it was voted to approve 5-0-0.***

## **Public Hearing #2 – 26 Kelley Street Notice of Intent (DEP #216-0936) proposal to construct a single family home with a crossing, wetlands replication, driveway, utilities, landscaping**

Mr. Travis Brown from Andrews Surveying and Engineering was present for the hearing. He stated they refreshed the wetland flags. The wetland specialist agreed with everything except 59R. The original location was moved back. He stated 63AR and 63B instead of going straight out bumps into the site a little requiring a little more fill. Agent Graziano asked about wetland flag # 56. She stated she would like to meet with the commission and the wetland scientist on

site to discuss it as there is a lot of cinnamon fern and red maple. It shows signs of being a wetland area. The commission scheduled a site walk for Wednesday, June 19, 2019 at 5:30pm. Agent Graziano stated David did a wetlands breakdown for the replication. Agent Graziano will need an updated one.

***Mr. Travalini made a motion to continue 26 Kelley Street Notice of Intent (DEP #216-0936) this to June 27, 2019 at 7:45pm. Mr. Snow seconded the motion and it was voted to approve 5-0-0.***

**Public Hearing #3 – 21 Trotter Drive Notice of Intent (DEP #216-0937) proposal to construct 6, 900 square foot addition to the existing commercial building with associated parking, stormwater management system, restoration of buffer zone and wetland resource**

Mr. Peter Bemis and Mr. Bob Marzilli from Marzilli Associates were present for the hearing. Mr. Bemis stated there is a street that bears off into a residential area. This is an 11 acre site and the wetlands were flagged by Scott Morrison from EcoTec Inc. He stated there is a parking lot that extends down the side, a drive way goes into the back and storage in the back, a stone cutting saw and parking lot extends in an erratic pattern. Wetlands form off the back of the site and into the residential area. He stated they filed an NOI for activities in the buffer area and for land disturbance to pave the parking lot. They have a single parking lot- parking on each side, they will add another bay with parking, handicap parking to the right, and move the entrance door over. There is an existing transformer already there and they will work around it. The employee parking area will be expanded and a gate to control traffic. There will be new pavement with new berms to collect stormwater. He stated they have an erosion control barrier around the whole site. There will be a new conduit system to carry stormwater to the discharge area. Front parking will have a new collection system with catch basin; they will treat stormwater with a receptor retention prior to discharge. There was a previous enforcement order for prior activities but he worked with staff to establish it as a permanent preservation zone. They plan to put in permanent granite markers in the area. There will be some landscaping improvements to the right side to protect the abutters. Some spruce and green arborvitae will be planted in that area. Stormwater treatment systems, rip rap overflow, rip rap aprons construction entrance apron and all the usual things. Erosion control details. Stand alone plan- this is a SWPPP which outlines methods and procedures and long term maintenance for the facility. They also submitted stormwater calculations.

Mr. McKay asked if he knows how much the wetland line has changed since the original plan was made. Agent Graziano stated she is not ensure about how much it changed. She noted that she planned to address the original violation and find the new wetland line prior to any commencement of work. They are also addressing the bounds in the landscape areas. Agent Graziano stated there are still some areas in the wetlands that need to be pulled back and there are also some plantings and irrigation that go into the 25 foot no touch zone. Agent Graziano stated they have started to address some of the items but other things still need to be addressed. During the site visit, they found some other issues as well. Agent Graziano stated they need to

establish some preconstruction restrictions. The commission will need to do a site visit. Agent Graziano asked if they would like to get the stormwater started. Yes they would. She will get them a proposal and a number and she will need a check to her office. Any portion of the funds not used would be returned to them with interest. Agent Graziano mentioned that under our regulations, the commission can have a no build setback in a zone 2. She needs a formal waiver request from them. Agent Graziano asked if they would like to set up a site visit now. They scheduled a site visit for June 24, 2019 at 6pm. Agent Graziano asked about the 30 foot green belt on one of the plans. What is that? Mr. Bemis stated that is a buffer for the neighbors.

***Per the request of the applicant, Mr. Travalini made a motion to continue 21 Trotter Drive Notice of Intent (DEP #216-0937) this to the June 27, 2019 at 7:45pm. Mr. Snow seconded the motion and it was voted to approve 5-0-0.***

**Public Hearing #4 – 39 Main Street Notice of Intent (DEP #216-0938) proposal to constructed a 190 unit apartment complex with stormwater management system, parking, roads, landscaping, and utilities**

***Per the request of the applicant, Mr. Travalini made a motion to continue 39 Main Street Notice of Intent (DEP #216-0938) to the June 27, 2019 meeting at 7:45 pm. Mr. Blackwell seconded the motion and it was voted to approve 5-0-0.***

**Public Hearing #5- Medway Wetlands Regulation Amendments**

Agent Graziano noted the sections of the draft amendments that are highlighted in green are things she added, yellow sections were from Arlington's plan. The sections in red are from Medway. They discussed the best way to add comments for a group discussion.

***Mr. Travalini made a motion to continue to Medway Wetlands Regulation Amendments to the June 27, 2019 meeting at 7:45pm. Mr. Blackwell seconded the motion and it was voted to approve 5-0-0.***

**Approval of Meeting Minutes**

1/10/19, 1/24/19, 2/14/18, 2/28/19, 3/14/19, 3/28/19, 4/11/19, 5/9/19, 5/23/19

**Agent Report**

Review the CPC proposal for funding

**Chair Report**

Mr. Travalini stated he will be attending the Energy Committee meeting next week. A selectman will be attending the meeting and they will be discussing solar panels.

**Idlybrook Discussion-** They are resurfacing some areas in the existing parking area. They cannot expand the lot.

## **Adjourn**

*Mr. Downing made a motion to adjourn the meeting at 9:51pm. Mr. Blackwell seconded the*

## **Documents Presented at the June 13, 2019 meeting**

All documents shall be kept in the Conservation Commission Office files

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

- **Kelley Street Map 32 Lot 049 (26 Kelley Street) DEP #216-0846 – proposed single family home, driveway (wetland crossing), utilities, landscaping**
  - No plan, no work commenced
  - WPA Form 8b granting Certificate of Compliance
- **7 Causeway Street DEP #216-0893– proposal for installation of in-ground pool, pool house and associated fencing**
  - WPA Form 8A submitted by the Applicant
  - Plans titled, “Final As- Built Plan 7 Causeway Street Medway, MA” by GLM Engineering, dated 5-21-19
- **272 Village Street (partial request)– proposal to construct a two family dwelling, stormwater, driveway and landscaping**
  - No plans, this house was existing and on the original lot
  - WPA Form 8B draft by the Agent

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

- **11 Applegate Road (RDA-19-15) proposed removal of 6 white pine trees within the 25’ no disturb zone**
  - WPA Form 1 submitted
  - Letter from Arborist
  - Had drawn plan
- **9 Holbrook Street (RDA-19-18) proposal to remove 16 hazardous tree from the 25’ – 100’ buffer zone and the 200’ Riverfront Area**
  - Stumpys Proposal
  - Stumpys assessment letter
  - Hand drawn sketch

### **Request for Extension in the Order of Conditions**

- **49 Adler Street (DEP #216-0837) proposed addition to the existing commercial building for Lawrence Waste**
  - No materials submitted

**Discussion # 1 - Ratify Enforcement Order for 21 High Street clearing within 25’-100’ of wetland resource**



- Form WPA 9 issued on June 3, 2019 with supporting Bylaw Attachment
- Pictures from Agents site visit on May 23, 2019

## **Discussion # 2 - Tree Protection Bylaw Proposal**

- Draft Bylaw by Dayan Gill May 9, 2019

## **Discussion #3 – 51 Alder Street Hydraulic Fluid Release Eversource (NY drilling)**

- Pictures from site visit dated

## **Public Hearings**

### **Public Hearing #1 – 149 A Holliston Street Abbreviated Notice of Resource Area Delineation (DEP #216-0935) proposal to review a wetland delineation performed by NES**

- not discussed continued

### **Public Hearing #2 – 26 Kelley Street Notice of Intent (DEP #216-0936) proposal to construct a single family home with a crossing, wetlands replication, driveway, utilities, landscaping**

- WPA Form 3
- Plans titled, “Conservation Plan” by Andrew Survey and Engineering, dated March 18, 2019
- Wetlands Sketch no date
- Letter from B&C Associates Inc dated June 4, 2019

### **Public Hearing #3 – 21 Trotter Drive Notice of Intent (DEP #216-0937) proposal to construct 6, 900 square foot addition to the existing commercial building with associated parking, stormwater management system, restoration of buffer zone and wetland resource**

- WPA form 3 – “Notice of Intent for #21 Trotter Drive” by Engineering Design Consultants, Inc, dated April 8, 2019
- Plan titled, “ 21 Trotter Drive a Site Plan in Medway, MA” by Engineering Design Consultants, Inc” dated April 8, 2019
- Stormwater Report titled, “ Stormwater Calculations for 21 Trotter Drive a Site Development located Medway, MA 02053” by Engineering Design Consultants, Inc” dated April 8, 2019
- Lands Disturbance Permit dated April 8, 2019

### **Public Hearing #4 – 39 Main Street Notice of Intent (DEP #216-0938) proposal to constructed a 190 unit apartment complex with stormwater management system, parking, roads, landscaping, and utilities**

- WPA Form 3

- Plan titled, “39 Main Street Site Plan of Land” by Legacy Engineering, dated March 26, 2019 Stormwater Management Report, by Legacy Engineering, dated March 26, 2019

**Public Hearing #5- Medway Wetlands Regulation Amendments**

- Draft dated June 13, 2019