

MINUTES OF THE BOARD OF SELECTMEN'S CONSERVATION COMMISSION'S  
WORKSHOP SESSION

July 30, 2007

Present: Selectmen Glenn Trindade, Dennis Crowley, Richard Dunne, Andy Espinosa, Town Counsel Barbara St. Andre and FinCom Secretary Liz Langley were present. Conservation Commission Chairman David Travalini and Conservation Commission member Glen Murphy arrived at 7:30 p.m.

7:20 p.m. – Chairman Trindade called the workshop session to order in Sanford Hall of the Medway Town Hall. All stood for the Pledge of Allegiance.

**Approval and signing of warrant:**

- Chairman Trindade presented Warrant #4F and 4W dated August 2, 2007 for fiscal year 2008 to the Board for approval as read in the total amount of 4F-\$94,656.00 and 4W – \$19,394.38. Selectman Dunne moved that the Board approve the warrants as presented. Selectman Espinosa seconded; All ayes 4-0-0 (voted).

**Conservation Commission (Con Comm) Workshop:**

- Chairman Trindade stated that the purpose of this meeting was an open workshop to review the process and procedures of the Conservation Commission and with the expertise of Town Counsel's availability, develop an appropriate workflow process for enforcement of their existing procedures. He then requested that Chairman Travalini explain the role of this Commission.
- Chairman Travalini stated that their role is to administer and enforce the State's Wetland Protection Act in accordance with Town By-Laws.
  - The role also involves overseeing Town lands that are designated Conservation Lands.
  - He stated that all Building Permit requests require this Commission to inspect these locations for compliance of the aforementioned Act.
  - If any location is found to be in violation, their first mode of action is to contact the person via phone as most violators are unaware of any wrong-doing.
  - The restrictions state that no action can be taken within 100 feet of a vernal pool or wetland or 200 feet of a permanent stream.
  - He stated that an Eagle Scout is in process of developing a pamphlet explaining the function of this Commission.
  - He also stated that he is in possession of a Map of Medway with all locations under this Commission's domain shaded on this map.
  - He stated that ALL Building Permits must have this Commission's sign-off prior to any work beginning.
  - All applications are presented to the Con Comm at their meetings which occur every other Thursday.
  - The longest time for a permit to get approval would be six weeks depending on when it was submitted into the Office of the Town Building Inspector.
  - Medway is one of the few Towns in the surrounding area that does not employ an Agent to complete these inspections.
    - The current members of the Con Comm who are entirely Volunteers complete these inspections.

- Over the past 15 years, there has been one Agent employed part time who was let go due to inadequate performance.
    - The suggestion was made about the potential to share this function with a neighboring town like we currently do with Millis and the Animal Control Officer.
    - This position requires a specific skill set and level of education including a Graduate level degree.
    - Currently, each Building Permit requires a fee to be paid yet the Con Comm piece of the permit processing is not a fee for this service.
    - Chairman Travalini suggested that at the Fall Town Meeting, a fee be introduced to be implemented to support this process and possibly therefore fund a part-time Agent to be employed to facilitate this process.
  - Chairman Travalini also stated that the process for non-compliance is not currently in place to force those offenders found to be non-compliant to cease and desist.
    - The current By-Laws allow for a ticketing process at no more that \$300/day but there is not defined process, towns that have an existing process include Ashland and Andover
    - Discussion followed in which the Town Counsel stated that other Towns have a defined schedule of fines that prior to implementation must be presented before the Clerk Magistrate for approval.
    - Chairman Travalini stated that they have 2 forms of warnings:
      - Issuance of Enforcement Orders which can then proceed to either Criminal or Civil Court, this is also a matter of public record
      - Proceeding down the Criminal Court requires no cost to the town as these are sent to the Magistrate who decides whether or not to proceed; a decision to proceed would then involve a District Attorney become involved.
      - Proceeding down the Civil Court results in costs to the town as the Board of Selectmen (BOS) would need to access Town Counsel to decide if further procedure to Civil Court is warranted.
      - The second type of warning is an Enforcement Order
      - This stops all work on the project under non-compliance.
  - Chairman Trindade asked if the fees for Con Comm time which would hopefully allow hiring of a part-time Agent speed the approval process for Building Permits as the number of Building permits = the Number of Con Comm evaluations.
  - Chairman Travalini stated that there are other conditions that require the Con Comm to evaluate that the Wetlands Protection Act is being followed so they actually have more incidents of work than just the total number of Building Permits.
  - He then discussed “Order’s of Condition” in which the Building Permits are held until these conditions are deemed to be met by the Con Comm
    - These incidents can then result in a Request for Determination and Notice of Intent; Notices of Intent are rarely tied to a Building Permit but require action by the Con Comm
- Chairman Trindade stated that the following actions he feels are required based on this workshop meeting:
  1. Chairman Travalini work with Andy Rodenhiser and Andy Espinosa on technical system requirements to help support the aforementioned operational processes of the Con Comm.

2. A member of the Con Comm explores the Business Processes of Ashland and Andover regarding their current ticketing process with the intent of implementation of this process within Medway.
3. Town Counsel to review the law for ticketing and advise on verbiage and fine schedules
4. Update the Town Website with the pamphlet once it is completed
5. Investigate Resource sharing with surrounding towns.
6. Draft By-Law changes to start charging for a fee for service for the Con Comm permit reviews, etc.
7. Chairman Travalini proved the Map with Con Comm locations shaded to the Town Administrator so this may be scanned into the system.
8. Request from the Town Administrator an analysis of the number of Building Permits which would be the lowest predictor of Con Comm work to see if charging a fee for Con Comm service would cover a part time Agent.

*Based on the action items defined above and no further issues to be discussed, Selectman Trindade moved for a motion to adjourn this Workshop meeting at 8:50 p.m.; Selectman Espinosa initiated the motion to adjourn; Selectman Dunne seconded the motion; All ayes 4-0-0.*

Respectfully submitted,

Liz Langley  
Finance Committee Secretary covering due to illness