



MEDWAY CONSERVATION COMMISSION MEETING

Sanford Hall, Town Hall

155 Village Street, Medway, MA 02053

7:30 P.M.

Minutes

October 17th, 2013

The Medway Conservation Commission held its regularly scheduled meeting on October 17th, 2013 at Medway Town Hall, Sanford Hall. In attendance were members Dave Travalini, Glenn Murphy, Ken McKay, Tony Biocchi, Conservation Commission Agent Patty Barry and Sreelatha Allam, Night Board Secretary

- Call to order
- Approval of Minutes- October 3rd 2013- **Motion made by Mr. Murphy to approve the October 3rd meeting minutes, seconded by Mr. Biocchi. Unanimous**
- **Discussion Items-**
 1. **6 Independence Lane (Parcel D Open Space) – Deed Acceptance-** Present is Ms. Susie Affleck-Childs, the Town of Medway Planning Director to talk about the open space parcel at the Ishmael Coffee Estate Sub Division also known as Parcel D at 6 Independence Lane. This parcel which was a part of the Ishmael

Coffee Estate sub division plan was identified as an open space in 2004. Ms. Affleck-Childs presented a map to the members of the Commission showing the details of the parcel. The parcel is 58,000 Sq. Ft. In 2004 Conservation Commission agreed in principal to accept 3 parcels D, E, and F. Two parcels have been accepted to date and Parcel D is the last one to be accepted which is the most challenging of all. Ms. Affleck-Childs said there was an order of conditions, a super ceding order of conditions, an enforcement order, and monthly monitoring for about two years as part of enforcement. Mr. McKay talked about the lawsuit associated with the parcel. A document from June 20th, 2010 indicated that on June 17th, 2010 the Conservation Commission voted and made a finding that the vernal pool was functional and that Parcel D could be accepted as open space for conservation purposes. Ms. Affleck-Childs requested the commission to accept the deed and vote. This is the standard procedure the town counsels will have the Commission do. The previous Conservation Commission agent, Ms. Skinner-Catrone visited the site this summer and a note from July 18th states that the vernal pool on the property is functional. Mr. Travalini stated that the note also mentions that Ms. Catrone observed a pipe in the ground flowing towards the parcel with possible grey water. Mr. Travalini asked Ms. Affleck-Childs if she had any knowledge about the matter for which she said no. Mr. Travalini said that the enforcement order was still in effect under the by-law. He said stated that the Commission had voted to lift the enforcement order, and that there was a functional vernal pool in June 2010. He stated that the town can accept the deed irrespective

of whether the Commission votes to accept the parcel as a conservation land or not. Ms. Affleck-Childs responded by saying that the Conservation Commission needs to accept the deed. Mr. Travalini stated that the commission should look into the pipe coming into the parcel before it votes. Mr. Travalini stated that the town should find out from the owner of the property about the pipe in the town's interest. Mr. McKay said that he was in favor of accepting this since it was a gem of a resource. It was an endangered species habitat that the owners of the property completely neglected resulting in a failed process. Mr. Travlini asked why the town had not accepted the deed since the Commission had voted on it three years ago. He said that the town should recommend the parcel before the Commission can accept it. Before the deed is signed, Mr. Travalini wants the town to find out more about the pipe coming into the property. If the pipe is sitting in the ground then it should be removed. Mr. Biocchi stated that the pipe might be coming into the parcel from Parcel 4. Mr. McKay asked why the town was interested in pursuing this for which Ms. Affleck-Childs replied that the parcel was part of the development plan and that the town wants to see this through. Ms. Affleck-Childs will work with Ms. Barry to inquire about the pipe in the parcel; therefore the Commission tabled the deed acceptance until the on November 7th, 2013 Conservation Commission meeting, pending the results of Ms. Barry's investigation of the pipe.

2. **136 Main Street (DEP # 216-99) – Certificate of Compliance Request-** Present is Paul DeSimone of Colonial Engineering, Inc.

to request a Certificate of Compliance for 136 Main Street. Mr. Travalini stated that the previous Conservation Commission agent Ms. Skinner-Catrone investigated this and that there was a certificate of compliance issued already. Ms. Barry concurred and stated that the Complete Certificate of Compliance was recorded for DEP # 216-99 on March 16th 2009. Mr. DeSimone requested a copy of the certificate.

3. **Continued RDA – 97 Milford Street - Carneiro**– Property owners Mr. and Mrs. Alex Carneiro were not present at the meeting. Mr. Travalini reported that he made a site visit on October 9th 2013. He stated that there are wetlands in the area and that the location where the Carneiro’s want to level off is above the wetland area. He suspects that the area might have been a farm before since the soil is all black and seems to be churned out. He did not find anything that said that it was wet for a long period of time. Mr. Travalini stated that leveling the area should not be a problem as long as they provide some protection to the wetland area. **Motion made by Mr. Travalini to continue the hearing to the November 7th, 2013 meeting, seconded by Mr. Murphy. Unanimous.**
4. **102 Winthrop St ANRAD (DEP File#216-821)** - Ms. Barry will call the Consultant to find out the status.
5. **23B Fairway Lane-Notice of Intent (NOI) (DEP File#216-830)** - Mr. DeSimone was present to request for a NOI application review.

Since the item was not posted on the agenda the NOI and Order of Conditions could not be issued. For a question asked by Mr. DeSimone about the procedure of having the public hearing item on the agenda, Mr. Travalini stated that the purpose of the hearing should be clearly specified in the agenda. Members of the Commission decided that the discussion on this matter will be made after the item is put on the agenda and the legal advertisement placed in the Milford Daily as required by state law. This item will be reviewed on the November 7th 2013 Conservation Commission Meeting.

Motion made by Mr. Biocchi, seconded by Mr. Murphy to adjourn the meeting, Unanimous.