



MEDWAY CONSERVATION COMMISSION MEETING
Sanford Hall, Town Hall
155 Village Street, Medway, MA 02053
7:30 P.M.
Minutes
November 7th, 2013

The Medway Conservation Commission held its regularly scheduled meeting on November 7th, 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- September 19th, and October 17th 2013- **Motion made by Mr. Murphy to approve the September 19th, and October 17th meeting minutes, seconded by Mr. Biocchi. Unanimous**
- **Discussion Items-**
 1. **7 Iarussi Way Lot 4 (DEP File # 216-672 & 689)** - Certificate of Compliance Request- Present is Joyce Hastings, from GLM Engineering. Ms. Barry informed the commission that there are two requests for certificate of compliance since there are two files open. The file # 216-672 is a close-out and the certificate of compliance for file # 216-689 is being requested since the property is being sold. She reported that no work was done on the property. Ms. Hastings explained to the Commission that a notice of intent (NOI) was filed initially and the Commission had issued an Order of Conditions that had expired. Ms. Barry said that she cannot recommend a complete certificate of compliance based on her site visit. She reported that the owners had a sign up which said Habitat Area, Medway Conservation Commission. They did not go beyond the limit of work on the backside. She reported that there is a patio which is more than 70 ft. away from the wetland.

The location of the infiltration chamber has been changed so that it is away from the wetland.

Motion made by Mr. Travalini to issue a Certificate of Compliance for DEP file # 216-672 based on the fact that work was not completed and never started, seconded by Mr. McKay. Unanimous.

Motion made by Mr. Travalini to issue partial Certificate of Compliance for DEP file # 216-689, all the conditions pertaining to the RDA will apply, seconded by Mr. Biocchi. Unanimous.

2. Continued Request for Determination of Applicability (RDA) – 97

Milford Street - Carneiro– Property owners Mr. Alex Carneiro and Mrs. Sonia Carneiro were present at the meeting. Mr. Travalini confirmed with Ms. Barry if the Carneiro’s were explained about floodplain and its characteristics. Mrs. Carneiro said that the house is on a 100-year floodplain and said that she was confused as to why the house was built (built in 1969) if the area is a floodplain. Mr. Travalini explained that the Wetlands Protection Act came around 1970 and before that there were no rules for wetlands and floodplains. He said that in order to fill the floodplain, an adjacent area to the plain should be compensated and that there is not much the Conservation Commission can do due to the rules and the location of the yard. Mrs. Carneiro asked if they could plant grass in the area and Mr. Travalini agreed. Ms. Barry said that the Carneiro’s cannot bring in any fill and that the topography cannot be changed.

Motion made by Mr. Travalini to issue negative Determination of Applicability with the condition that if grading is done on the site in the floodplain there will be no new material brought in and that silt fence be installed and left until planting is done , seconded by Mr. Biocchi. Unanimous.

3. 23B Fairway Lane-Notice of Intent (NOI) (DEP File#216-830)- Present is

Mr. Steve Dexter, Colonial Engineering representing the property owners David and Jodi Eller. The Eller’s want to construct an in-ground pool, associated patio and grading within the 100 ft. buffer zone to Bordering

Vegetated Wetland (BVW). Mr. Dexter proposed a 20x40-foot pool in the rear of the property with a concrete patio around it. He said that erosion controls will be provided at the 25ft. limit and no major trees will be disturbed in the area. Ms. Barry stated to the Commission that she tried and made a site visit to the property but could not completely inspect the pool area because of an Alaskan dog on the property. Mr. Travalini decided to make a site walk with other members of the Commission. He stated that the dog should not be present during the Commission's visit. Site walk was scheduled for November 10th at 3:30 PM.

Motion made by Mr. Travalini, to continue DEP # 216-830, seconded by Mr. Biocchi. Unanimous.

Notice of Intent-10 Overlook Drive (DEP File # 216-831)-Present is Mr. Bill Halsing representing Andrea Cormier. Mr. Cormier owned this lot for about 20 years and she plans to build a single family home, garage, associated utilities including sewer, grading, and landscaping within the BVW and the 100 ft. buffer zone to BVW and Inland Bank. Mr. Halsing reported that the first choice for the sewage disposal on the property was a septic system, but the soil system was inadequate for a septic system under current conditions. The other alternative is the connection to a public sewer system. The previous agent, Karon Skinner Catrone had asked Mr. Halsing to contact the DEP regarding the matter. The DEP's response was that the connection will be permitted by the wastewater section as long as it does not present a wetlands problem. The regulations require that a septic system cannot be installed if a sewer connection is not available. The owner of the property has inquired with the neighbors to obtaining easements to accommodate a sewer pipe; no mutually acceptable agreements were reached. An amicable alternative would be to install the force main along Overlook Drive, Sun Valley Road and Holliston Street. But the Department of Public Services does not allow forced main in the Town's right of ways. Mr. Halsing said that the alternative of connecting the existing town sewer system located on Holliston Street was explored. This option resulted in crossing the wetlands. He said that the proposed work within the resource area will be accessed from Overlook Drive and from Holliston Street. The excavation for the sewer connection will be done using a mini excavator.

The goal is to minimize the wetland disturbance. Mr. Travalini asked about the timeline and the information about the entity(s) who flagged the wetlands. Mr. Halsing reported that it was done by Northeast Ecological Services in 2008. Ms. Barry reported that she made a visit and that there were wetlands across the street that were flagged. She said that the entire project is in the 100ft buffer zone including the street work. Mr. Biocchi asked if the original sub-division plan for the property was available. Ms. Barry said that she could only find the plan for the original 10 Overlook Drive. Mr. Travalini said that the sub-division plan will not exist since it was pre Wetland Protection Act period. Mr. Travalini said that 1400 Sq. Ft. of disturbance will be caused. Mr. Halsing said the top layer will be scraped with roots and seeds on one side and a trench dug on the other side. Compost Sock will be the siltation barrier. Ms. Barry reported that the wetland line appeared to be accurate. She said that it is a forested wetland and there is no water in the drainage swall. The project can be completed without taking the trees down. Based on the site plan, she is not convinced that it is the shortest route through the wetlands. She talked about a de-watering plan and Mr. Halsing stated that there is a dewatering statement on the plan. He said that if dewatering needs to occur, then a sump will be dug either in the foundation in the backyard and will be encompassed with silt sock. He said that sewer needs to run relatively straight if it's possible. Ms. Barry asked how far the nearest tie end street was from the sewer. She said the stream was culverted on both sides of the property and then comes back to a natural stream in the center and through the wetland.

Present is Mr. Victor Sloan (abutter) – Mr. Sloan owns the 136 Holliston Street property. His parents bought the house in 1972 and Overlook Drive was not completed at that time. He said that the entire area was wetlands. Around 1975 the area was filled-in illegally and a foundation hole was dug up. He said that he was never notified about the current construction plan. He received a call from Mr. Cormier about 9 months back saying that he needs easement across Mr. Sloan's property to put in the sewer system. A plan was sent to him with a little piece of the pipe passing through the corner of his property. Mr. Sloan conveyed that he ok to give easement to Mr. Cormier provided that the pipe is hooked up to his sewer system. Mr.

Cormier did not agree to the idea. He said that the notion of not being able to go across the property without disturbing the wetlands is false. Mr. Sloan said that he is willing to cooperate with Mr. Cormier .Mr. McKay enquired about the depth of the pipe and it is 3ft.

Present is Mr. Matt Roy (abutter) - Mr. Roy lives at the 6 Oakland Drive. He said that the area is very wet and that he was concerned about the effects on his property if any changes to the wetlands took place. He talked about standing water, and sump-pumps in the basements. Mr. Travalini explained that implementing this project should not have any negative impacts on their properties. Mr. Travalini said that it is in the purview of the Commission to ask the owner; Mr. Cormier to get a cost analysis performed analyzing the options proposed by Mr. Hansing and Mr. Sloan. Mr. Hansing clarified with Mr. Sloan about his requirement of running the sewer pipe in his property and hook up to the sewer system. Mr. Travalini confirmed with Mr. Sloan if the Commission could walk on his property during the site visit. Mr. Sloan agreed.

Present is Scott Carr (abutter) - He said that he agrees with Mr. Sloan's option. Mr. Travalini asked if the land filling was done by Mr. Cormier or somebody else. Mr. Biocchi asked Ms. Barry if there was any paperwork from the town that cited any individual to pull the filling out. Ms. Barry replied no. She said that there is statute of limitations and the issue is well beyond it. Mr. Murphy enquired if there was any deed restriction.

Mr. Frank Gatulis (abutter), who lives across the street from 10 Overlook Drive lot, reiterated that he has no objections with the plan but has similar concerns the other abutters expressed. He moved to the area in 1974 and never had any water problems for 10 – 15 years until the Red gate estate and the Church were built. Water started pouring across the street from the culvert. He currently has lot of water collected at the back of his property. He expressed that the current plan for 10 Overlook Drive might make it worse for his and the other properties. Mr. Travalini stated that nothing will change because the Mr. Cormier's plan is not raising the wetlands. It's a 4" pipe that is being put. He said the Commission's preference would be not to

see any disturbance to the wetlands during the installation process. He said Mr. Cormier is working within the guidelines of the laws in the proposal. He said that there was nothing he saw in the paperwork and plan that dictates the Commission to stop Mr. Cormier from moving ahead with the plan. He said the current water problems the abutters are facing might be because of the swampy Red gate estate. There is high water table in the area. He told the abutters that Mr. Halsing will talk to his client about the recommendations made by the Commission and will appear in front of the Conservation Commission in a few weeks. Site walk has been scheduled for November 10th at 2:30 PM.

Motion made by Mr. Travalini to continue DEP # 216-831 to the December 5th meeting, seconded by Mr. McKay. Unanimous.

RDA- 13 Dean Street- Present is Dana R. Clow, Civil Engineer from Advanced Concepts representing the property owners Edna P. & Emily C. Fahey. This Request for Determination is requesting for wetland resource area jurisdiction determination under the MA WPA and Medway Bylaw. The work proposed includes demolition of existing deck and staircase associated with 13 Dean St. (a single family home built in 1989) and reconstruction of deck and staircase within the 100-foot buffer zone to BVW within existing lawn and structures. Mr. Clow presented to the Commission the wetland delineation plan prepared by Ms. Judith Schmidt. He stated that the deck is 31 ft. from the wetland line that Ms. Schmidt had delineated and that the location is outside the 25 ft. buffer zone. The edge of the lawn is the wetland line. Mr. Clow said that the owners Mr. and Mrs. Fahey plan to tear down the existing elevated deck replace it in the same location in the same dimension which by itself will not need the RDA. At the ground level immediately under the deck a concrete pad will be built. The proposed pad will be 9 ft. 3 in. wide, extends 10ft. from the house foundation. 3 footings in the current deck will be removed and replacement of the footings would disturb the ground area. He said that the plan showed the silt fence decal or compost sock as two options for erosion control. Mr. Clow wanted to know if the Commission had a preference. Mr. Travalini stated that filter mitt is the preferred option for erosion control.

Motion made by Mr. Travalini to issue negative determination of applicability for 13 Dean Street as per plans with the siltation control to be filter mitt and that all excavated material that is not re-used to be removed from the site, seconded by Mr. Biocchi. Unanimous.

102 Winthrop St ANRAD (DEP File#216-821) - Mr. Paul Simone was presented at the meeting to inquire the Commission about the Wickett Property. He said to the members that the matter was continued in the earlier meeting. Mr. Biocchi asked if it is essential to post an item on the agenda if it has been continued from earlier meeting. Mr. Travalini said that this item should be put on the agenda for the next meeting (December 5th, 2013).

Motion made by Mr. Travalini to continue ANRAD DEP File # 216-821-102 Winthrop St to the December 5th meeting, seconded by Mr. McKay. Unanimous.

Jennifer Bosselman- Conservation Commission Member

Recommendation- Present is Ms. Bossleman – She expressed her interest to be more involved with the town of Medway. She introduced herself and the members welcomed her. She has been living in Medway since 2007. She is a Chemical Engineer with a minor in Environmental Engineering and had worked in the industry since 1993. She currently works at Harvard University. Mr. Travalini asked her if she was aware of Conservation Commission background and rules. Mr. McKay said that Commission is a four member board with a quorum of three. The members agreed that Ms. Bosselman was well qualified for the position and stated that they would make a recommendation to the Board of Selectment to appoint her for the position. Ms. Barry was asked to write a letter to Ms. Kennedy, Town Administrator making the recommendation to the Board of Selectman.

Mr. Murphy stepped down after making the recommendation for Ms. Bosselman as the new Commission member.

57 Fisher Street Lot 2 (DEP File #216-739) - Certificate of Compliance Request- Ms. Barry reported that everything was done according to the plans

except that the owners were to have a landscape area and they decided to keep it natural and stabilized. She stated that the owner had a tiny stock pile area 50+ feet away from the buffer zone.

Motion made by Mr. Travalini to issue Certificate of Compliance for DEP # 216-739, 57 Fisher St. Lot 2, seconded by Mr. McKay. Unanimous.

6 Independence Lane (Parcel D Open Space) – Deed Acceptance- Ms. Barry reported to the Commission about her site visit to the parcel. She reported that there is a 6ftx 3in. diameter PVC pipe which seemed like it did not have any purpose and the storm water goes directly into the pool. There is a monitoring well and maybe the pipe is from that well. She said that there is no reason for the Commission not to accept the deed for the parcel.

Motion made by Mr. Travalini to accept the deed for 6 Independence Lane parcel, seconded by Mr. Biocchi. Motion was opposed by Mr. McKay.

257, 261-265 Village Street (DEP File # 216-731)-Re-Sign Extension Permit- Ms. Barry reported that Mr. Einis on Village Street had applied for Notice of Intent (NOI) application. She had verbally issued a cease and desist order to stop all work. Mr. Biocchi said that Mr. Einis had completely disturbed the place and that everything that was cleared was part of the wetland. Ms. Barry said that the wetland that was approved with the DEP File # 216-731 showed the wetland further back. Mr. Travalini stated that an enforcement order should be issued and it has to be documented. The enforcement order should state that all the work has to be stopped and that all wetlands on the property need to be restored. He said that Mr. Einis should appear before the Commission and this issue has to be discussed before the NOI is worked on. Ms. Barry said that a restoration plan can be made as a requirement. Mr. Travalini said that the last time the wetlands were flagged it was done by Mr. Einis' attorney who might not be qualified to do that task. Mr. Einis had already crossed his 5000 Sq. Ft. limit for disturbing the wetlands. Mr. Travalini asked Ms. Barry to issue a written

enforcement order and suggested that she should be accompanied by someone when the order is served.

Ms. Barry said that at the same site an extension permit was issued for the original project. She said that the Einis's did not have the original so they could not record the extension for the permit. She had asked the members that the extension permit needs to be re-signed since it has not expired yet according Massachusetts Permit Extension Act. Mr. McKay did not agree to sign automatically unless it was requested again. Ms. Barry said that a request was made already and that it is ok to re-sign the permit. The members re-signed the extension permit.

NOI- 25 Main Street – This item was presented in the August 15th 2013 Commissionmeeting by Mr. Biocchi. He had stepped down before this item was presented to the Commission. Ms. Catrone the previous Agent mistakenly got the paperwork signed by Mr. Biocchi as one of the signatures for thisOrder. Mr. Biocchi wanted to go on record to convey that his name was crossed out on the application and that he did step down when the item was presented.

Motion made by Mr. Travalini to adjourn the meeting, seconded by Mr. McKay. Unanimous.