



MEDWAY CONSERVATION COMMISSION MEETING
Medway Middle School
45 Holliston Street, Medway, MA 02053
7:30 P.M.
Minutes
November 26th, 2013

The Medway Conservation Commission held its regularly scheduled meeting on November 26th, 2013 at Medway Middle School. In attendance were members Dave Travalini, Glenn Murphy, Ken McKay, Tony Bionchi, Jen Bosselman, Conservation Commission Agent Patty Barry and Sreelatha Allam, Night Board Secretary

- Call to order
- Approval of Minutes- November 7th 2013- Tabled.

- **Discussion Items-**

1. **Continued Notice of Intent – 23B Fairway Lane (DEP File # 216-830)** – Present is Paul De Simone. Mr. De Simone reported to the Commission that there were no changes in the construction plan for the property. Mr. Travalini stated that a site visit was made by him and other members of the Commission. He said the wetlands were as they were stated in the plan with a rise in the backyard and drop down towards the wetlands. Mr. Travalini asked about the siltation barriers and Mr. De Simone reported that straw wattles will be installed.

Motion made by Mr. Travalini to issue an Order of Conditions for DEP # 216-830, 23B Fairway Lane as per plans with the additional condition that all soils excavated during the construction of the pool be removed from the site, seconded by Mr. McKay. Unanimous.

2. **Request for Determination of Applicability – Lot 2 Tulip Way** – Present is Mr. Bill Halsing with Mr. and Mrs. Rich O'Brien. Request was made for wetland resource area jurisdiction determination under the MA WPA and Medway Bylaw. Work proposed includes grading, lawn and retaining wall installation associated with the construction of a new single family home located within the 100-foot buffer zone to bordering vegetated wetland. The construction of the home, driveway, patio and septic system

are all located outside of the buffer zone. Ms. Barry stated that the wetland line was initially established during the original sub-division. She checked the wetland delineation flags and concurs with the delineation. She said that the parcel is at the location where two storm water basins had been put and agreed that compost socks would be appropriate erosion controls. Ms. Barry asked for a Certificate of Compliance for the original sub-division and a partial Certificate of Compliance for the Lot 2 Tulip Way. Mr. Travalini stated that the siltation sock barrier be extended along the north side of the lot. Mr. O' Brien said that the siltation barrier has already been put in. Ms. Barry stated two conditions; Ms. Barry and the commission should be informed in writing one week prior to the work being started, and the second regarding having the siltation controls in place.

Motion made by Mr. Travalini to issue negative Determination of Applicability for Lot 2 Tulip Way with the two conditions stated by Ms. Barry be applied, seconded by Mr. Biocchi. Unanimous.

- 3. 6 Independence Lane (Parcel D Open Space)** – Deed Acceptance – This item came back on the agenda since the document signed in the October 17th 2013 meeting had two signatures only. The third member present in the meeting, Mr. McKay voted against the acceptance of the deed. The parcel was re-accepted again since there was not a majority of member signatures on the previous acceptance. Mr. Travalini stated that the Medway Planning Board had the expectation that the deed should be accepted by the Conservation Commission. He said that the applicant is looking to relieve some tax burden. Mr. Travalini said that he is ok to accept the deed for 6 Independence Lane. Mr. McKay informed to the Commission that his position on the matter has not changed.

Motion made by Mr. Travalini to accept the deed for 6 Independence Lane Parcel D, seconded by Mr. Biocchi, abstained by Ms. Bosselman, opposed by Mr. McKay.

Mr. Biocchi stepped down after the acceptance of 6 Independence Lane Deed.

- 4. Notice of Intent-257 Village Street (DEP File # 216-xxx)** – Present is Tom Roux, Civil Engineer with Mr. Einis. Mr. Roux explained to the Commission about the project which is the construction of a sewer pump unit, manhole and 6-inch sewer pipe along with driveway reconstruction, front walkway, grading and landscaping associated with an existing single family home within Bordering Vegetated Wetland and the 100-foot buffer zone to Bordering Vegetated Wetland. Mr. Roux said that the property has an existing 1000 gallon septic tank which needs to be connected to the sewer system. He said that

there is sewer available on Village Street but not in front of the 257 Village Street property. He spoke with the Sewer Commissioner about the issue. The Commissioner said that the Village Street cannot be dug up for this purpose due to utilities in the ground and it might have an impact on the traffic. Mr. Roux is proposing to run the force main along the back edge of the property and this was suggested about three years ago. The property line was off-set 40 feet and this resulted in going into the wetlands. The project was shut down both by the DEP and Conservation Commission. Mr. Roux showed the Commission the plan where the new waste water line will enter the grinder pump and the property line will be off-set just 5 feet. There will be a very small portion of wetland crossing in this plan. He was told by the Conservation Commission that the disturbance should be kept within 5000 Sq. Ft. He explained to the Commission that the off-set of 5ft. brings the wetland buffer zone disturbance to 4808 Sq. Ft. The impact of the actual wetlands is 182 Sq. Ft. Mr. Roux talked about five properties which have septic issues in the vicinity of 257 Village Street property. He proposed that a "Y" connection will be provided in the force main behind each one of these houses. A stub will be put in and whenever the property owners have a need to tie-in they could connect to the force main and empty into the sewer manhole. Sewer Commissioner did not want a hole to be dug into the sewer structure. Mr. Travalini explained that as part of rules and regulations the property cannot be divided into chunks. He also said that when the Notice of Intent was filed, the Commission was not informed about the contiguous properties that Mr. Einis owned. He said that during their site visit few years ago augurs were put in the ground indicating wetlands in the backyard and that they do not show up in the current plan. He questioned Mr. Einis about the construction equipment used to level the area. Mr. Einis replied that he had an existing order of conditions which allowed him to level the area. The weeds were taken out and the soil was not touched and it was not wetlands. Mr. Travalini recommended wetland delineation for the property. He reiterated that the area should be flagged by a wetland scientist. Ms. Barry said that under the enforcement order the property should be re-flagged to establish the boundaries and have the restoration plan together. Mr. Travalini explained that a 5000 Sq. Ft. disturbance is allowed and if it goes beyond the allowable limit due to a project requirement then replication needs to be done. Ms. Barry said that the work is limited in nature and that 192 Sq. Ft. of wetland area was proposed to be disturbed according to the delineation and 4,808 Sq. Ft. in the buffer zone. Mr. McKay asked if it should be an amendment to the existing order of conditions and Ms. Barry explained that it is entirely a new project. He asked them to read the by-laws and get acquainted with the rules. Mr. Travalini asked the audience if there were any concerns with the project.

Mr. Henry Ridikki (abutter), 252 Village Street- Mr. Ridikki asked the cost he would incur on his property if Mr. Einis's project was implemented. Mr. Travalini explained that it is not part of Conservation Commission discussion. Ms. Barry said that the filing fee has to be re-calculated.

Motion made by Mr. Travalini to continue the 257 Village Street (DEP File # 216-xxx) for additional information to the December 5th, 2013 meeting, seconded by Mr. McKay. Unanimous.

5. **257 Village Street Ratify Enforcement Order** - Motion made by Mr. Travalini to ratify the enforcement order for 257 Village Street issued on November 19th 2013, seconded by Mr. McKay. Unanimous.

6. **Request for Determination of Applicability – 58 Oakland Street**- Present is Ms. Joyce Hastings representing Mr. Robert Callahan. Ms. Hastings said that a request is being made for wetland resource area jurisdiction determination under the MA WPA and Medway Bylaw. Work proposed includes demolition of an existing single family home and patio, a portion of which is located within the 100-foot buffer zone to bordering vegetated wetland. A portion of the house sits within the 100 ft. buffer zone, erosion control barrier will be provided on the backside of the house as shown in the plan. All the staging and dumpsters will be outside the 100 ft. buffer zone. All the demolished material will be removed from the site. She said that a Notice of Intent will be filed in the next few weeks. Mr. Travalini asked about the existing cesspool. Ms. Hastings said that the intention is to demolish the abandoned house and then the notice of intent will be filed; the septic system will be properly abandoned. Mr. Travalini asked for how long the house was abandoned. Mr. Callahan stated that it was vacant for about two years and was damaged by fire.

Motion made by Mr. Travalini to issue a negative Request for Determination for 58 Oakland St, seconded by Mr. McKay. Unanimous.

7. **7 Little Tree Road (DEP File # 216-458) - Certificate of Compliance Request** - Present is Mr. Todd Lundin the new property owner requesting a partial request for Certificate of Compliance. Mr. Travalini asked Ms. Barry if there is an issue with issuing a partial certificate of compliance for the property. Ms. Barry said that it is a simple request for certificate of compliance. Mr. Lundin asked the Commission if he is allowed to have an invisible dog fence line. Mr. McKay said that it is fine as long as the fence is within the

yard area of the property. Plot plan is available and is associated with an isolated wetland.

Motion made by Mr. Travalini to issue Certificate of Compliance for DEP # 216- 458, 7 Little Tree Road, seconded by Mr. Murphy. Unanimous.

Mr. Biocchi stepped back in during the 7 Little Tree Road Agenda Item.

- 8. Conservation Commission Member (5 Vs. 7 members) - Discussion-**Mr. Travalini stated that there were some earlier discussions with the Town of Medway Selectman about reducing the size of the Conservation Commission from 7 members to 5 based on the performance. It was decided that quorum will be 3 for the Commission. He said that Conservation Commission is still a 7 member board which means that quorum will be 4. Mr. Travalini said that the town can reduce the size of the board to 5. Ms. Barry said that the Massachusetts Conservation Commission Act warrants a 3 to 7 member Board. Mr. Travalini wanted to find out from the town if the Commission could enroll members if they received new applications. Ms. Barry confirmed that the vote might take place on Monday, December 2nd 2013. Mr. Travalini said that the Commission should be able to encourage members who show interest to volunteer their time to the Commission. Mr. Travalini asked the members if they had any objection if the Board size was reduced to 5 and the members said that they would be OK with the arrangement as long as the Commission has the flexibility to enroll new members. Mr. Biocchi talked about having alternates for the Board but Mr. Travalini expressed that it might not be necessary.

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