



## MEDWAY CONSERVATION COMMISSION MEETING

Sanford Hall, Town Hall  
155 Village Street, Medway, MA 02053

7:30 P.M.

Minutes

December 5th, 2013

The Medway Conservation Commission held its regularly scheduled meeting on December 5th, 2013 at Sanford Hall. In attendance were members Dave Travalini, Glenn Murphy, Ken McKay, Tony Biocchi, Jen Bosselman, Conservation Commission Agent Patty Barry and Sreelatha Allam, Night Board Secretary

- Call to order
- Approval of Minutes- November 7<sup>th</sup> 2013. **Motion made by Mr. Murphy to approve the November 7<sup>th</sup> meeting minutes, seconded by Mr. Biocchi. Unanimous.**

1. **2 Fern Path (DEP File # 216-826) – Certificate of Compliance Request- Present is Mr. Michael Narducci.** Ms. Barry made a site visit to the property on December 3<sup>rd</sup>. 2 Fern Path is under agreement to be sold and a partial Certificate of Compliance is being requested. The driveway will be extended, it's not completely re-vegetated in the back and there is concrete bounds on both sides. Mr. Narducci stated that the entire yard has been seeded. Ms. Barry said that she will not recommend a complete Certificate of Compliance for the property. She said a Partial Certificate of Compliance can be issued with few conditions released. Out of 35 only 4-5 conditions can be released. Mr. Narducci said that he preferred a complete Certificate of Compliance. He said that the Siltation fence which is not in the wetland and orange fence will be removed before they freeze into the ground. Ms. Barry said that once the Certificate of Compliance is issued no further work will be allowed on the property. Mr. Travalini asked Ms. Barry if a certificate of compliance can be issued now and a RDA for the rest of the work. Ms. Barry said that Mr. Narducci can still sell the house with a partial Certificate of Compliance. She said that the driveway section has not been completely installed and reiterated that people buy properties with partial Certificate of Compliance. Mr. McKay said that it is a good idea to have the fence stay in place all winter. Mr. Travalini gave a choice to Mr. Narducci saying that the Commission can issue a partial Certificate of Compliance or Mr. Narducci can complete the pending work and come back before the Commission in two weeks to get the complete Certificate of Compliance. Mr. Narducci preferred a partial Certificate of Compliance.

**Motion made by Mr. Travalini to issue partial Certificate of Compliance for 2 Fern Path (DEP # 216-826), seconded by Mr. McKay. Unanimous.**

2. **4 Fern Path (DEP File # 216-825) – Certificate of Compliance Request- Present is Mr. Michael Narducci-** Mr. Narducci mentioned to the Commission that it has the same situation as the 2 Fern Path property. He said that his preference was to get a partial Certificate of Compliance. Ms. Barry said the grading needs to be completed within the 100 ft. buffer zone. Mr. Narducci said that grading in winter is not a good idea. She said that this site is not as established as 2 Fern Path.

**Motion made by Mr. Travalini to issue partial Certificate of Compliance for 4 Fern Path (DEP # 216-825) as per the recommendation of Ms. Barry, seconded by Ms. Bosselman. Unanimous.**

3. **Continued Notice of Intent – 10 Overlook Drive (DEP File # 216-831) -** Present is Mr. Bill Halsing from Land Planning, Inc. representing the property owner Andrea Cormier. Mr. Halsing said that the field data sheets were submitted to Ms. Barry. Cost Analysis was done comparing the installation of the sewer connection as designed versus going through Mr. Sloan's lot. He said the contractor was consulted to get reasonable numbers. The cost estimate for installation of the sewer pipe as designed is \$22,630 and adopting the alternative option involves wetland delineation. The construction cost for the alternative option goes up by additional \$6,000 to put a pump tank. Mr. Biocchi said that he did some research on the lot. The lot was deeded with the rest of the properties in the area and that it was a wetland at that time. Mr. Travalini stated that there is no evidence to prove that the lot is indeed a wetland and he reiterated that it is important for the Commission to see a previous order or minutes which says that the lot is a wetland. Mr. McKay asked what it means to test the age of the trees. Mr. Halsing said that the sub-division was approved in 1968. Ms. Barry reported that there is refusal of auger in the upland area at 14 inches. Mr. Travalini said that the permanent damage to wetlands is Minimum if the project is implemented. He said a requirement can be made by the Commission that at certain stages of trenching someone qualified should test the soil samples. Mr. McKay said that no blasting will be allowed without informing the board. Ms. Barry stated that currently DEP does not have any special comments about the project. Mr. Halsing reported that he had called DEP earlier to get their opinion about the project. Mr. McKay asked if the property owner or Mr. Halsing had a discussion with Mr. Sloan (abutter). For a question about easement, Mr. Travalini said that there is no easement on the property.

Present is Mr. Victor Sloan (Abutter) – Mr. Sloan said the area is definitely a wetland area and that's how he remembers from the topography maps of his deceased father. He asked the Commission if they had walked the property and Mr. McKay answered yes. He said that adopting his idea will help Mr. Cormier in selling a piece of property that should never be sold as wetlands. He said that the extra \$10,000 spent will be negligible when compared to what Mr. Cormier is getting out of this deal. Mr. Halsing asked Mr. Sloan if he is willing to pay the additional cost to hook the house to the new force main whose cost will be taken up by Mr. Cormier. Mr. Sloan said that what he is asking for is very small when compared to what he is offering. Mr. Biocchi said that the costs shown in the cost analysis sheet are soft costs only and the real cost of implementing this project will be much higher. He said that he will find out the real topography of the area and present it to the commission. Ms. Barry suggested an alternative option with two wetland crossings with boring underneath the

drainage tank. She asked if it was possible from engineering stand-point and Mr. Halsing said it could be done. He said boring can become a difficult task if they hit a big rock in the process. She said that the project cost might be more with this option but it will have less impact on the resource areas. She asked Mr. Halsing to submit data about the construction cost (not the engineering costs) involved and the disturbance that occurs with this approach. Mr. Halsing said that boring might be an issue because there are lot of rocks in the neighborhood. Mr. McKay suggested that the property owner should also work with Mr. Sloan (abutter) to come up with a compromise as well. Mr. McKay asked the commission if there was any plan to make a site visit and check the age of the trees. Ms. Barry said that she had seen the original sub-division plans for the area but has not seen any wetlands in them. Ms. Bosselman asked if the Commission could see the original topography maps for which Ms. Barry said that the past USGS maps could be looked into and that the soil boring data should have the details about all the layers of soil and their characteristics. The work on the property can be done in dry conditions. It will be supplemental information that will be requested from Mr. Halsing and the information from dry wells data should also be looked into. Mr. Halsing asked if he could get a written list of requirements from the Commission. Ms. Barry will email the list. Mr. Halsing and Mr. Sloan decided to talk after the meeting to come up with some workable alternatives. Mr. Halsing asked the Commission if all the requirements being requested by the Board will go away if Mr. Cornier made an agreement with Mr. Sloan. Mr. Travalini said that the Board would still want to see some mitigation measures taken for the roof run-off. Mr. Murphy asked about the Statute of Limitations on the property.

**Motion made by Mr. Travalini to continue DEP # 216-831 to continue to the December 19<sup>th</sup> meeting, seconded by Mr. Murphy. Unanimous.**

4. **Continued Abbreviated Notice of Resource Area Delineation- 102 Winthrop Street (DEP File # 216-821)**– Motion made by Mr. Travalini to continue the 102 Winthrop Street (DEP File # 216-xxx) continued to the December 19<sup>th</sup> , 2013 meeting, seconded by Mr. Murphy. Unanimous.
5. **Continued Notice of Intent- 257 Village Street (DEP File # 216-XXX)**– Motion made by Mr. Travalini to continue the 257 Village Street (DEP File # 216-xxx) continued to the December 19<sup>th</sup>, 2013 meeting, seconded by Mr. Murphy. Unanimous.
6. **RKG Associates- Land Use Boards & Commissions Organization Discussion- Present is Mr. Craig Seymour from RKG Associates-** Mr. Seymour said that the Town of Medway has hired RKG Associates to conduct an organizational and operational assessment of the Boards. The main intent is to understand the working of various boards in the town and see if there are any improvements that can be made. He said the goal was to get some sense individually and collectively on how the board works and how it works internally and with other activities in town. Mr. Seymour asked the following questions to the Commission:

- What are the primary responsibilities of conservation commission?  
 Mr. Travalini said enforcing the wetland protection act, the town by-laws, and regulations are the major responsibilities of the board. Mr. McKay said that the main agenda of the commission is to enforce the wetland protection act.
- What are the qualifications required for someone to become a member of the conservation commission?  
 Mr. Travalini said that there are not any particular requirements as such. He said the individual should be willing to put in his/her time, and learn about the wetland protection act which is not complicated. He talked about the Board's agent who does the initial work. He described the background of each member on the board and said having institutional knowledge of the town is an advantage. Mr. McKay said that the commission does not and cannot have a vision unlike other boards in town. He said that most of the board's work deals with evidence, wetland protection act, and rights of property owners. Mr. Travalini said that most of the other boards have discretion and they operate on precedent that they has been set. Conservation Commission is all about enforcing the law whereas the other boards in town enforce town by-laws. Mr. McKay said that the board members are the commissioners of the State of Massachusetts tasked with upholding the wetlands protection act, and the rights of the applicants under it.
- What are the preferred qualifications for an individual to become a member of the commission?  
 Keeping an open mind is important said Mr. McKay. A wetland Scientist might make a good candidate to be a member said Mr. Travalini. Ms. Barry said someone such as a wetland scientist, wetland consultant, and probably an attorney might be a good candidate for the commission.
- Is any training provided to the incoming candidates or would the members see a need to get some training, do some courses, or have someone come in to train the members in the subject?  
 Mr. Travalini said that he had taken classes on soils, de-lineation, and identification in the past. He had attended the annual Massachusetts Association of Conservation Commission (MACC) conferences. Ms. Barry said the updates of regulations and their interpretations are some important outcomes of the MACC conferences. She said the new MACC manual is available online. She will sign-up on behalf of the Commission so that all the members will have access to the manual. Mr. Travalini said that the town may pay for attending the conference.

- How does the process work or not work when a special permit or plan comes from the Planning Board?  
Mr. Biocchi said that the Planning Board does a good job in deferring to a consultant or the town engineer when there is a need. Mr. Travalini said that the town has not had a subdivision in a while except for a couple of houses. He said that the Planning Board understands that they need to abide by the Wetlands Protection Act. Mr. McKay said that initially Planning Board would submit plans that were fancy but that issue has been fixed.
- What kind of applications does the Board find challenging?  
Mr. Travalini quoted the example of 10 Overlook Drive application. Projects with plans to go through wetlands, applications with unhappy abutters can be challenging said Mr. Travalini. Mr. Murphy said that applicants who try to get away with the law in spite of knowing the protection act can pose a challenge. Ms. Barry said that she was asked about the Community Farm on Adams Street at one of the Board of Selectman's meeting. The town needs a permit to get the work done. Mr. Travalini said that a Request for Determination (RDA) will be needed if there are changing the use of it. He said that the rule is if they are paying it and getting money for it then its farming and if they decide to change the crop that should be fine; they do not need a permit. Mr. Murphy said that it's not always the priority of the other boards to keep up with the wetland protection act. Mr. Biocchi said that conservation commission is a well-equipped board with varying backgrounds of the members. Mr. Travalini said that the member recruiting process can be made better and the town should encourage the citizens to serve the community. He said the morale in some of the boards has not been high. It can be made better by for example having a year-end Christmas party with the Board of Selectmen present and thank all the members for their service and time on these boards.
- What is most challenging or problematic in the work that the members do?  
Understanding the nuances of the law, remembering what to apply in certain situations can be a challenge said Mr. Travalini. Mr. Murphy said that Mr. Travalini is good at what he does as the Chairman of the Board. More legal support and knowledge will be helpful said Mr. McKay. Mr. Travalini said that the Board of Selectmen has been good in getting the town counsel's advice/help whenever the Conservation Commission asked.
- What can be done to make the members job easier, better and more efficient?  
More staff to do the work that sometimes the members end up doing will be helpful said Ms. Barry. Based on the conservation commission act, the board is also responsible for open space protection, management and other things but the board does not have time to handle these tasks. Ms. Barry said that the complexity depends on the wants and needs of the town and the town manager. Mr. Travalini said that there is no unified plan and everything is done as a piece meal.

- What are the priorities of the Commission?

Mr. Travalini said that the commission never has or had one for which Mr. McKay said that the Commission cannot have one.

- Does the town have Joint Board meetings or all Boards meeting?

Mr. Travalini said that there was a proposal that floated around in the past. It did not take any form or shape. He said that some towns do have joint board meetings when there is a big project coming up.

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