



MEDWAY CONSERVATION COMMISSION MEETING

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

7:30 P.M.

Minutes

March 13th, 2014

The Medway Conservation Commission held its regularly scheduled meeting on March 13th, 2014 at Sanford Hall. In attendance were members Dave Travalini, Glenn Murphy, Ken McKay, Tony Biocchi, Interim Conservation Commission Agent Bridget Graziano, and Sreelatha Allam, Night Board Secretary

- Call to order at 7:36PM

Determinations of Applicability

- 1. 17 Delmar Road– Requesting to construct a detached garage and complete additional site work** – Present is Tracey Sharkey representing Guaranteed Builders and Developers. The project proposes to build a detached garage 76 ft. from the wetland area. Erosion control will be used as suggested by the commission at 60ft. from the wetland area. Pre-construction review was performed by Ms. Graziano, the conservation commission agent. Ms. Graziano reported that there is a slope towards the ponding area and the vegetation is consistent with hydric soils in that location and anything above that is lawn area. The excavator to dig for the foundation could go around on either side of the house. Ms. Graziano expressed concern about the topography in the area and the roof run-off from the garage. She suggested that the run-off should go into the gutters. Ms. Graziano asked if the commission required the home owners to do some mitigation buffer zone with some high bush blueberries or sweet pepper bush along the wetland area. Mr. Travalini suggested that 3-4 plants should be planted as mitigation to the buffer zone.
Motion made by Mr. Travalini to issue negative request for determination of applicability with conditions that erosion control is changed to straw bales and silt fencing, and that it should be extended on the northeast side, siltation barrier should be inspected by the conservation agent before the actual construction, seconded by Mr. McKay. Unanimous.
- 2. 40, 42, 44, 46 Adams Street – Request to change agricultural commodity qualifying under the Agricultural exemption** – Present is Ms. Brittney Sidway Overshiner, Executive Director, representing the Medway Community Farm. The proposed plan is to cultivate a portion of the hay fields at 40, 42, 44, and 46 Adams Street. Intention is to grow summer annual crops, traditionally

cultivate them particularly in this location because of its proximity to Medway High School. Ms. Overshiner said it could be a good volunteering opportunity and educational programming for the Medway high school students. At the Winthrop Street location there is a limitation to rotation of crops. Since an agricultural exemption is requested when there are wetlands or if the land is subject to flooding, the commission asked why a request is being made for agricultural exemption. Commission wanted to know if the planned work would affect the wetlands. According to the submitted plan, there will be farming done in the portion of the land that will be subjected to flooding. Mr. Biocchi said that the area is a flood zone and that there is some portion of wetlands that cut into the farm. Ms. Graziano confirmed to the commission that the request made by Ms. Overshiner falls under the category of agricultural exemption. Request for sales receipts from the farm owner could be one of the qualifiers. Aerial interpretation of the area showed that the farm is hayed or maintained fields. Commission is allowed to take the opinion of the citizens who have lived in the town of Medway or a considerable period of time to confirm that if the farm has been hayed. Commission can use their testimony as part of the agreement. Under the wetlands protection act there is no requirement that a certain amount of money has to be made on the land. It meets the requirements as long as the owner runs the business to make profit. Mr. Travalini said that haying the farm and selling the commodity to a friend does not qualify as running the farm for a profit. If the farm owner can show that the farm is being run as a business within the last five years then it counts for agricultural exemption. He said the regulation mandates that the farm should be run as a business to qualify for agricultural exemption. Ms. Overshiner worked with Karen Skinner Catrone, the previous CONCOM agent on this matter last summer. Ms. Catrone inspected the farm and made wetland lines. The commission or Ms. Graziano does not have any supporting documents. Mr. Travalini asked Ms. Overshiner to get some proof in the form of sales receipt confirming that the field was being run as a business in the last five years. Mr. Murphy said that if the town as an entity has proposed that the field has to be hayed, then the town is the business. Mr. Biocchi said that he could go on record to confirm that this field was a farm about ten years ago but he is not sure about its status in the last five years. Ms. Overshiner reiterated that their intention is not to cultivate in the wetland. Mr. Travalini suggested that the best course of action would be to do a site visit to determine if the field is qualified for agricultural exemption. The wetland line will be established during the site visit. Ms. Graziano said that portions of the farm might be in wetland and might be in flood zone.

Mr. Trindade representing the Board of Selectman expressed his support to the project and said that it is an outstanding opportunity to expand the use of the field. He said that he fully supports the project as long as it follows the guidelines of the wetlands protection act.

Motion made by Mr. Travalini to continue to the March 27th 2014 meeting, seconded by Mr. Biocchi. Unanimous.

1. **Continued Notice of Intent- 58 Oakland Street (DEP File # 216-833)** – Present is Ms. Joyce Hastings from GLM Engineering, representing the property owner Mr. Robert Callahan. Mr. Callahan’s proposal is to build a two-family dwelling. Ms. Hastings explained to the commission the amount and nature of work done on the property. Ms. Hastings said the clearing area is 9000 Sq. ft. in the buffer zone and that the grading will not be changed. Lawn will be from the rear of the house to forward. Bounds and roof drains have been added and split rail fence was put to act as a visible barrier to the buffer zone.
Motion made by Mr. Travalini to issue an order of conditions for DEP # 216-833 as per plans with two changes on the plan being that the proposed fence be moved up to the limit of work and that the hay bales on the plans be changed to straw bales, seconded by Ms. Murphy. Mr. Biocchi abstained.

2. **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 # 216-821) continued to the March 27th, 2014 meeting, seconded by Ms. Biocchi. Unanimous.

3. **Abbreviated Notice of Resource Area Delineation - 123 Main Street (DEP File # 216-833)** – Present is Ms. Brooke Monroe representing the applicants Thomas and Elizabeth Steeves. The applicant is requesting confirmation of Resource Area Delineation. There is 1600 Sq. ft. of linear wetland. The commission would be asking for a peer review under 53G regulations. A site visit was made in 2004 and a wetland determination was made at that time. Mr. Travalini said having a peer review will be a good option followed by the commissions site visit to make a determination. Ms. Graziano agreed to accompany the peer reviewer if time permits. She asked the commission if they required to have three quotes presented to select a peer reviewer or if they used an approved peer reviewer on a regular basis. Commission said that they do not do three quotes but they have to approve the reviewer. Mr. Travalini said that the commission had used Mr. Allan in the past. He said there are few reviewers that they wouldn’t approve otherwise the commission will consider other reviewers.
Motion made by Mr. Travalini to continue the 123 Main Street continued to the April 10th, 2014 meeting, seconded by Mr. Murphy. Unanimous.

Discussion Items:

1. **Jim Wickis Presentation on future projects at the Amphitheater – continued to March 13th meeting**
Present is Mr. Wickis, representing the open space committee. Project goal is to give handicap access down to the river and build a canoe/kayak launch. Mr. Wickis submitted a memo to the commission describing the project. The construction area for the project will involve wetland area. With the wheel chair access, a path will be put around the parking lot down to the river. To support the wheel chairs material will be compacted. The river bank is crossed by a drainage ditch that is

easy for a pedestrian to cross but too steep for wheel chairs. The project proponents suggest building an 8-12 in diameter pipe culvert. It will be covered with crushed stone to attain a flat and stable surface for wheel chairs to use. There is no flow in the ditch for most part of the year. For the canoe launch, there is an open spot along the river bank, with railroad ties serving as steps, down to the river's edge. This spot was used as a canoe launch earlier. Currently the steps are considered unsafe. As a possible solution, the steps will be rebuilt with landscape timbers and gravel fills. Commission member, Mr. Murphy said that the open space committee would like to have a letter from conservation commission supporting the Amphitheater project. Mr. Travalini said that the construction impact to the river front will be minimal compared to getting people onto the river front. He expressed the commission's support for the project. For a question about the funding source for the project, Mr. Wickis said as a next step the open space committee will have the Norfolk county engineers assess the cost. The committee will approach CPC for get their support which will be followed by a town meeting vote. Mr. Travalini said that a letter should be drafted asking the commission's approval to move forward with the project. He said that the commission does not object to either of the two projects and the members will sign the document. Ms. Graziano suggested few alternatives to get funding for the project. The committee could apply for the storm water grant called the 319 Grant through Environmental Protection Agency (EPA). This grant could be used to build trails, boat ramps. Geo web could be used for handicap accessibility. There are different types of boat ramps or kayak ramps that are better for run-off. Ms. Graziano said that the Norfolk county engineers have lot of experience in projects such as these and with the storm water grants. Mr. McKay said that the town of Medway in the past received a grant from the state for a canoe launch that possibly never got used. Mr. Wickis and Ms. Graziano decided to meet/communicate later on to further discuss funding options for the project.

2. Review Open Meeting Law –pertaining to site visits-

Ms. Graziano said that she will schedule site visits once the notice of intents come in. She will approach the commission to request for an additional site visit if there is a request made by the applicant. Mr. Travalini said the commission is not bound by the open meeting laws to schedule site visits in an open meeting. It doesn't have to be on the agenda of the meeting. He said it's up to the commission's discretion to decide the procedure for scheduling site visits. Mr. McKay said that it is a good practice for someone who intends to schedule a site visit to attend the concom meeting in person and schedule the visit. Ms. Graziano will send an email to the members of the commission when she schedules a site visit.

3. 2, 4 & 6 Little Tree Enforcement Order – Dissolution Discussion

Patty Barry, the earlier CONCOM agent, issued a 21D ticket for violation for 2, 4, and 6 Little Tree Rd. properties. Ms. Graziano found out that the ticket was not paid and no hearing has been scheduled. She said the commission could file criminal charges against the property owners. She asked if the commission should be issuing the ticket every 21 days since the owners did not pay the fine and have not scheduled a hearing. Ms. Graziano said she does not have any contact information since the properties are rented. Mr. Travalini said the Board of Health should be contacted about the situation. Since the notices were being sent to the renters but not to the owners, Mr. Biocchi said that should be it should be sent both to the renters and the owners of the property. To follow the procedure, the ticket and notices should be issued every 21 days. It's been decided that Ms. Graziano will be sending the ticket every 21 days until the issue is resolved.

4. GIS information for website-

Ms. Patty Barry, the earlier conservation commission agent worked on getting the data from Mass GIS uploaded to the people GIS. Ms. Graziano is currently working with People GIS to get more data uploaded so that the commission will have more accessibility to look at that data.

Respectfully submitted,

Sree Allam
Minutes Clerk

Documents Presented at the March 13, 2014 Public Meeting

All documents shall be kept in the Conservation Commission Office files.

Determinations of Applicability

1. 17 Delmar Road– Requesting to construct a detached garage and complete additional site work

- Plan titled, Plot Plan Showing Proposed 24' x 28' Detached Garage by Hawk Consulting, dated February 8, 2014
- Agent Application Project Summary

2. 40, 42, 44, 46 Adams Street – Request to change agricultural commodity qualifying under the Agricultural exemption

- Farming In Wetland Resource Areas, A guide to Agriculture and the Wetlands Protection Act dated January 1996
- Agents Application Project Summary
- WPA Form 1 for 40-46 Adams Street
- People GIS Plan of Map 29 Lot 7-10

Public Hearings

Continued Notice of Intent- 58 Oakland Street (DEP File # 216-833) –

- Notice of Intent by GLM Engineering Consultants, Inc, dated January 2, 2014
- Plan titled, Proposed Sewage Disposal System 58 Oakland Street by GLM Engineering Consultants, Inc, dated November 20, 2014

Abbreviated Notice of Resource Area Delineation - 123 Main Street (DEP File # 216-833) –

Discussion Items:

1. Jim Wickis Presentation on future projects at the Amphitheater – continued to March 13, 2014 meeting

- Document titled, Goals to Address the Amphitheater developed by the Open Space Committee 2014

2. Review Open Meeting Law –

- Open Meeting Law Guide, February 10, 2014