



MEDWAY CONSERVATION COMMISSION MEETING

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

7:30 P.M.

Minutes

October 9th, 2014

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on October 9th, 2014 at Sanford Hall. In attendance were members Dave Travalini, Jen Bosselman, Ken McKay, Tony Biocchi, Conservation Commission Agent Bridget Graziano, and Sreelatha Allam, Night Board Secretary

- Call to order at 7:30P.M.

Request for Determinations of Applicability

91 Village Street –Proposal to install a perimeter fencing and shed within the 25’ no alteration zone to an isolated wetland-

Mr. Sean Weddeke, the applicant and property owner, stated the proposed plan to build a fence along the perimeter of the back and side of the property and a shed approximately 12’X24’ on cement blocks in the yard by the garage. He noted that the reason for constructing perimeter fencing is that there is access to the river from the back of the property and he has concern for his children’s safety.

Mr. Weddeke continued to explain the reason for the proposed location of the fencing (which is within the 25 feet no-alteration zone) is because the applicant will have difficulty installing power to the shed if it was built in a location outside the 25’ no alteration zone. The Agent stated that a site visit was made on October 9, 2014 and reported that it’s an isolated wetland flagged which had been flagged as a wetlands for the addition on the dwelling in 2012. She reported that the proposed shed and fence is located 12 – 14 feet from the isolated wetland and is within bordering land subject to flooding. As a mitigation measure for the addition, the entire property had to be re-graded to provide the compensatory flood storage for BLSF. Therefore, the applicant must show that there will be no alteration (or addition of fill) to Bordering Land Subject to Flooding. Conservation Commission Chairman, Mr. Travalini inquired if there was any other location to construct the shed that would not require work within the 25’ no alteration zone, as this requires a waiver of the Bylaw regulations. . There was some discussion about alternative locations for building the shed other than within the 25’ no alteration zone. The CONCOM members stated that there needs to be a compelling reason to build the shed in the proposed location. The Agent reiterated to the Commission that a reason for waiving the Medway by-law to allow the applicant to build within the 25’ no alteration zone should be provided if the Commission decides to give permission to build the shed. Mr. Travalini stated that the filing should be for a Notice of Intent but not for Request for Determination of Applicability since the applicant proposes to alter land that’s under CONCOM’s jurisdiction. The applicant requested that the open Request for Determination of Applicability be approved for the installation of the fence only but not the shed. Mr. Weddeke agreed to submit a letter to the Commission expressing his intent to remove the request for building a shed, in order to have the request for installation of fencing to be permitted. The Commission

agreed that in order to better understand the proposed plan, a site walk has been scheduled on October 13, 2014 around 2:00 PM.

Motion made by Mr. Travalini to issue a negative request for determination for 91 Village Street, with the sole condition that the applicant submit a letter withdrawing the construction of the proposed shed from the plans, seconded by Mr. McKay. Unanimous.

Public Hearings:

Notice of Intent – 1 Sherwood Drive (DEP File # 216-839) – Proposal to construct a single family home and wetlands crossing-

Present is Mr. Paul DeSimone of Colonial Engineering, the applicants representative and the property owners Mr. and Mrs. Speiss. Mr. DeSimone stated that the owners met with the earlier CONCOM Agent, Karon Skinner Catrone. Ms. Catrone made a site visit and confirmed that there are no wetland issues involved with the property but agreed that the property owners would need to file a Notice of Intent for the proposed work. He noted that there is a 1 ft. deep swale is passing through the property. The current CONCOM Agent, Ms. Graziano made a site visit and confirmed that there are no wetlands on the property. The proponent's proposed plan is to install two 12" diameter pipes for the driveway crossing to the proposed single family dwelling. It was noted that a proposed single family dwelling, driveway, landscaping and utilities were proposed for this lot. Mr. DeSimone noted that straw wattles will be used to control sediment run-off. He noted that there is a possibility that the water table might be high on the property and it is unclear if there will be a basement or this will be on a slab. The Agent made a suggestion to relocate the driveway to the eastern portion of the property to avoid the bank crossing and asked the reason for the driveway crossing the jurisdictional areas. An abutter asked about the number of trees that will be taken down. The Agent stated that it's one of the questions included in the list of concerns given to Mr. DeSimone. The Agent stated that the limit of work is not shown in the presented plan and asked that revised plan must include the limit of work. The Agent also asked if the sewer and water crossings could be relocated if the driveway is relocated. The Agent noted that there is a jurisdictional resource located on this property, which the reason for this is filing and that this resource meets the definition of a bank under 310 CMR 10.54 of the Massachusetts Wetlands Protection Act Regulations. CONCOM Chairman, Mr. Travalini suggested make a site visit before any decision can be taken. A site visit has been scheduled for October 15, 2014 around 5:00PM. He then asked that Mr. DeSimone submit a plan that provides all the information requested by the Agent and the Commission during this meeting.

Motion made by Mr. Travalini to continue 1 Sherwood Drive (DEP File # 216-839) to 7:45 P.M. at the October 23, 2014 meeting, seconded by Mr. McKay. Unanimous.

Notice of Intent – 9 Howe Street (DEP File # 216-840) – Proposal to construct an addition to a single dwelling and new deck-

Present is the contractor Mr. Steve Poole of Lakeview Engineering the applicants representative with the applicant/property owner Mr. John Bonarrigo. The pProposed plan includes an addition in the rear of the existing dwelling. The existing deck will be demolished and a new addition and deck will be constructed. The Agent reported that the existing wetland location is approximately 63 ft. from the corner of the deck. It was noted that the 25 feet buffer passes through the existing shed. Any overnight parking or construction equipment will be outside the 100 feet buffer zone. The Agent reported that the applicant had answered her questions and that a revised plan has been submitted. The Agent stated that in addition to the proposed special conditions, some native plantings should be planted around the back of the shed as a mitigation measure for the lost area of the buffer zone.

Motion made by Mr. Travalini to issue an order of conditions for 9 Howe Street (DEP File # 216-840) as per plans with an additional condition that native plants be planted around the back of the shed (east side), seconded by Ms. McKay. Unanimous.

Request for Certificate of Compliance

7 Iarussi Way (DEP # 216-762) – construction of single family dwelling, driveway, landscaping and utilities-

Motion made by Mr. Travalini to continue the request for certificate of compliance for 7 Iarussi Way (DEP File # 216-762) to the October 23, 2014 meeting, seconded by Ms. Biocchi. Unanimous.

12 Canal Street

- **Amendment to the enforcement order – Ratify**

The Agent stated that her amendments the Enforcement Order of 12 Canal Street based on the discussion with the property owner at the meeting of September 25, 2014.

Motion made by Mr. Travalini to ratify emergency certification for 12 Canal Street, seconded by Mr. Biocchi. Unanimous.

- **Review compliance with Amended Enforcement Order-**

The Agent presented to the Commission pictures of 12 Canal Street. CONCOM Commission made a decision that the applicant, Ms. Hayes shall appear before the Commission next spring to provide a status update of the area. The Agent will email the applicant and inform her about the Commission's decision to close the order at that time after examining the extent to which the slope re-vegetates. Mr. Travalini stated that the Commission will allow Ms. Hayes to close the order earlier than that if there is a need to do so.

Discussion Items:

1. 39 Alder Street Enforcement Order Paul Yorkis –

Present is Mr. Phil Jack an Attorney representing Mr. and Mrs. Paul Yorkis. Mr. Jack stated that the property owners would like to discuss the enforcement order and said that Mr. Yorkis has every intention to stay compliant with the Conservation Commission process, policies and law. He was responsive when the Agent made the site visit. Mr. Yorkis did not understand why he was not asked to appear before the Commission before the Enforcement Order was issued. CONCOM member, Mr. Travalini stated that the order was issued because there was a violation. Mr. Jack explained that unloading the fill in the 100' buffer zone was unintentional and that the fill has been moved since the Agent's initial site visit. It's not clear if there is any violation at this time. CONCOM member, Mr. McKay stated that it is important to check the status of the buffer zone to make any determination. Mr. Travalini explained that the only legal access into the property will be through the filing of Notice of Intent. The Agent stated CONCOM's concern about the source of the fill. Mr. Jack stated that affidavits from Mr. Yorkis and the truck driver recorded under oath about the source of the filling (from Williamsburg way) will be submitted to the Commission. To Mr. Travalini's question about the pile in the property, Mr. Jack explained that the land will be sold for development purposes in the next few years and this fill was to assist in the possible development of the lot. Mr. Jack stated that a formal Request for Determination of Applicability will be filed with CONCOM.

Ms. Bosselman departed at 8:58 PM.

2. DEP# 216-792 Lot#2 Summer Valley Lane – Proposed amendment to approve plans under the Order of Conditions-

Present is Mr. Daniel A. O' Driscoll of O' Driscoll Land Surveying Co. representing the applicant, Michael Fasolino of Fasolino Home Improvements. A Notice of Intent Plan for Lot 1 and Lot 2 and an as-built plan for Lot 2 has been submitted to the Commission. The plan shows the location of the proposed dwelling and the as-built location of the dwelling built upon Lot 2. The as-built location of the foundation is super imposed over the proposed plan. Mr. Driscoll stated that a finger like piece of wetlands was discovered on the property when the project was built few years ago. Notice of Intents for both lots were filed at the same time and CONCOM issued an Order of Conditions for Lot 2 and withheld the conditions for Lot 1 pending the inspection of the lake piece on the property. The location of the foundation has moved to the north further from the wetlands and thus a minor amendment for Lot 2 Order of Conditions is being requested. The Agent stated that the Commission does not have to go through a formal procedure for a minor amendment under the regulations for Orders of Condition. The Agent requested the applicant to submit a letter to the Commission with the new plan and Order of Conditions. Mr. Travalini stated that the as-built plan for Lot 2 must be submitted with the original and revised date on the plan.

Motion made by Mr. Travalini to accept the amendment to DEP# 216-792 Lot#2 Summer Valley Lane upon receipt of a revised plan with the actual date, seconded by Mr. McKay. Unanimous.

3. Review of Conservation Restriction for Millstone Subdivision-

The Agent sent the Conservation Restriction document to the CONCOM members after making edits with the Town of Medway Legal Counsel. CONCOM member, Mr. Travalini's comments about signs were included in the document. The Agent reached out to the Millstone Developer's attorney to understand the meaning of signs under prohibited acts. Once the Commission completes its edits of the document, it will be sent to the Millstone Developer's attorney who further sends it to the Town Counsel. The Agent stated that the Commission should look into Native Wild Meadow Preservation field area. A preliminary review was made by the Agent and a recommendation was made that the area will be good for nesting birds. The agent will add to the document some of the language discussed on this topic and how the meadow area shall be managed.

4. **GIS grant status updates and vote to approve expenditure of funds from Conservation Trust Fund for Arc GIS-**

CONCOM was issued a grant to purchase Arc GIS license for the Conservation Office for a reduced cost \$400 dollars under the MACMAPP grant program with Environmental Systems Research Institute (ESRI). Commission needs to vote to expend the monies under the Conservation Trust Fund (CTF). Agent stated that the Commission could use the monies from the CTF and this fund could be used for any uses permissible under Massachusetts General Laws Chapter 48C and GIS is one of them.

Motion made by Mr. Travalini to approve the use of \$412.50 from Conservation Trust Fund to procure ArcGIS software and pay towards the training as needed, seconded by Mr. McKay. Unanimous.

Agent's Report:

Open Space Committee Meeting update-

The Agent met with the Open Space Committee to discuss few options where the Agent could get involved and help the Town of Medway with her skills on Conservation Land management and development. She reported that the discussion also included compiling all the open spaces in the town and prioritize them for management and functionality under the Open Space Plan. The Town of Medway purchased land with Community Preservation Act money and one of the requirements is that individual Conservation Restriction (CR's) be developed for the properties purchased. CONCOM member, Mr. McKay stated that the type of land use for the purchased land has not been determined yet. Open Space Committee received a notice from the State about requiring a confirmation on the type of land use. The Agent agreed to continue working with the Open Space Committee on development of plans.

Commission and Meeting operations-

The Agent reported that any electronic recordings of the meetings must be archived for a period of two years. After some discussion, it's been decided that future CONCOM meetings will not be recorded electronically. However, the minutes will be typed by the Clerk when the meeting is in session.

Choate Park and American Chestnut Grove update-

The Agent reported that there is no update on this topic. A picture from open space committee showing the tree obstructing the Charles River Canoe area was presented to the Commission. There was some discussion about different ways to remove the tree from the location and the means of payment. The Agent stated that the area is accessible in low flow conditions.

**Motion made by Mr. Travalini to adjourn the meeting, seconded by Mr. Biocchi @ 9:35 P.M.
Unanimous.**

Respectfully submitted,

Sree Allam
Minutes Clerk

Documents Presented at the October 9, 2014 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Determinations of Applicability:

91 Village Street-

- WPA Form 1 – Determination of Applicability
- WPA Form 2 – Determination of Applicability
- Medway CONCOM Findings and Conditions
- Copies of plans
- Application Summary for 91 Village Street

Public Hearings:

1 Sherwood Drive-

- WPA Form 3 – Notice of Intent
- NOI Wetland Fee Transmittal Form
- Copy of the deed
- Copies of Cashier's Checks
- Copy of MassDEP Waste Site Cleanup map
- Proposed Structure and Utilities Plan
- Application Summary for 1 Sherwood Drive

9 Howe Street-

- WPA Form 3 – Notice of Intent
- NOI Wetland Fee Transmittal Form
- Copy of Abutter Notification Document
- Copy of Wetland Impact Summary
- Application Summary for 9 Howe Street
- Aerial map
- Medway CONCOM Findings and Conditions
- Revised Plan

Enforcement Order:

12 Canal Street-

WPA Form 9 – Enforcement Order

Discussions:

39 Alder Street Enforcement Order

- Letter and Public Records Request from Paul Yorkis
- Conservation Commission response to the letter and Public Records Request
- Copies of certified mail receipts
- WPA Form 9 Enforcement Order with attachment
- Copy of Email exchange dated July 11, 2014
- Conservation Commission Site Visit Document
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DEP #216-792 Lot#2 Summer Valley Lane-

- Notice of Intent Plan Lot1 & Lot2
- Lot 2 – As-Built Plan

Review of Conservation Restriction for Millstone Subdivision-

- Conservation Restriction Document

GIS Grant status updates-

- ESRI Quotation
- Executive Office of Energy and Environmental Affairs Letter