



MEDWAY CONSERVATION COMMISSION MEETING

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

7:30 P.M.

Minutes

September 25th, 2014

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on September 25th, 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.
- Mr. Biocchi arrived at 7:32 PM

Meeting Minutes:

Motion made by Mr. Travalini to approve the August 28, 2014 meeting minutes with changes as discussed at the meeting, seconded by Ms. Bosselman. Unanimous.

Request for Determinations of Applicability

1 James Street –Proposal to repair existing well and construct a shed/pump house

Present is the applicant, Mr. Kavi Siegel. Mr. Siegel presented the proposal for the shed and the pump house at the August 28, 2014 CONCOM meeting. He stated the additional proposal includes an access point from Milford Street, where the Department of Public Works (DPS) has required a paved 13 foot apron in order to eliminate impacts to Milford Street. Mr. Siegel presented to the Commission, the revised plan for the addition of the entrance way from Milford Street. He explained that the garden will be shifted slightly to accommodate the shed which will be built on part of the garden. The limit of work is 34 feet from the Bordering Vegetated Wetland. The Commission asked the Agent if the project would have any negative impacts on the wetlands and the Agent confirmed that there are no negative impacts on the wetlands. The Agent stated that she would not recommend approving the wetland line and recommended issuance of a positive 2b, 5 and negative 3 determination.

Motion made by Mr. Travalini to issue a positive 2b, 5 and negative 3 determination for 1 James Street, with additional conditions that:

1. Before the work commences the limit of work barrier will be established using compost sock (straw wattles, not permitted) to extend around the area of well that is to be repaired. Erosion control line will follow limit of work as marked on the plan titled, "1 James Street shed". Filter mitt may be used in the portion of the south side of the limit of work. The Conservation Agent shall be notified when this barrier is in place, prior to the commencement of any work, so that she may make an inspection.

The Conservation Commission reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.

2. All cement for concrete pad for the shed must be hand mixed on site or carried from the cement truck (parked outside 100' buffer zone). At no time shall heavy equipment enter into the buffer zone.
3. Roof run-off from the shed shall not be directly discharged into the wetland resource and/or its buffer zone. Final inspection of the shed for roof run-off shall be conducted by the Agent or Conservation Commission.
4. All disturbed area within the 100' buffer zone shall be seeded post-construction. All seeded area must be established and stable prior to the removal of the erosion control line. The applicant must contact the Conservation Administrator/ Agent or a member of the Conservation Commission for approval to remove the erosion control line and review seeded area for establishment of vegetation, **seconded by Mr. McKay Unanimous.**

Mr. Biocchi arrived at 7:40 PM.

20 Charles Street – Proposal to construct a sunroom addition (12'x16') to the existing dwelling- Present is Mr. Todd Allen, representing the applicants Bob and Nancy Campana.

Mr. Allen presented the proposal to build a 12'X 16' sunroom off the west end of the property. Wetlands are located on the north side of the house. The proposed sunroom is approximately 39 feet off of the granite marker which in turn is 25 feet from the edge of the wetland for a total of 64 feet. Sunroom will be placed on eight footings dug by hand, materials removed from the holes will be placed in a wheel barrow and will be removed from the work site. Building materials will be placed at the side of the road away from the wetland area and moved into place when installed. There will be no additional run-off and downspouts will be directed into the existing rainwater irrigation system which is used to water the lawn. The Commission asked the Agent of any concerns with the project. Agent reported that a site visit was conducted on August 29, 2014. Typical items such as stock piling, run-off, and handling of materials were reviewed.

Motion made by Mr. Travalini to issue a positive 5 and negative 3 determination for 20 Charles Street with following conditions:

1. All proposed footings should be dug by hand and all concrete needed for footings must be mixed on site. At no time are cement trucks or any other vehicles approved to enter into jurisdictional areas.
2. All run-off from the new addition shall be tied into the existing irrigation system which pull all roof run-off into a septic tank for irrigation uses. Any alterations of jurisdictional areas shall be restored and the Commission shall be notified of the alteration immediately.
3. Any excavated materials which cannot be used shall be stored on site in a location outside of the buffer zone, or disposed of using best management practices. Construction materials and debris will remain out of the buffer zone at all times. There shall be no stockpiling of earthen material, no

refueling of equipment, and no storage of equipment in the 100' buffer zone before, during, or after construction.

4. Any areas within the 100' buffer zones shall be restored to previous conditions, lawn. These areas must be stabilized immediately after construction has ceased, **seconded by Mr. Biocchi.**
Unanimous.

60 Walnut Lane – Proposal to install an above ground pool and associated deck

Present is Ms. Joyce Hastings of GLM Engineering, Inc. the applicants consultant and Mr. Tarbox the property owner. Ms. Hastings presented to the Commission a proposal to construct a deck for an above ground pool within the 50-100 feet buffer zone. The above ground pool will be located behind the current dwelling attached by a deck to the existing deck. The entire pool and the deck will be built on the existing lawn and landscaping. The new deck will be built to allow access to the pool and will not extend beyond the northerly side of the pool. It will be located 55 feet away from the closest point of the wetland. Access will be provided from the existing driveway. Filter mitt/compost sock will be used as the erosion control barrier. The work for grading will include taking the grass and the top soil and leveling the area. There will not be any stock piling and any disturbed areas will be seeded. Ms. Hastings explained that there will be no backwashing since cartridge system will be used. In emergency situations, when the pool liner slices down to a low level and if the water needs to be drained, it will be drained through a pump truck. During any winterization procedures a skimmer will be used to close the pool instead of draining it. CONCOM member, Ms. Bosselman asked about the addition of chemicals to the pool. Ms. Hastings explained that the pool will be a chlorine pool with low level of chlorine. A Member inquired about the footings on the deck. Ms. Hastings responded that there will be footings placed into the ground for the deck. There will be some areas where stone will be put under the deck. It was noted that any water that comes down will go into the stones and will not run over the grass. The Agent reported that site visits were made twice. One of the site visit was with Ms. Hastings since there were two wetlands line shown. Soil test pits were conducted and the Agent confirms the wetland line.

Motion made by Mr. Travalini to issue a positive 2a and negative 3 determination for 60 Walnut Lane with the following conditions:

1. **Preconstruction Condition-** The applicant shall submit manufacturer's information regarding the use of a closed pool filtration system proposed to use. At a minimum, the filtering system shall not require "backwashing" or other discharges of pool water (that moves pool water anywhere on the property outside of the pool or filter system) be made for operation, cleaning, maintenance or repair of the system. The Commission and/or the Agent must approve the use of this system prior to construction.
2. Before the project commences, a limit of work barrier will be established using compost sock (straw wattles not permitted) and with the addition of silt fencing where the grading for the pool will take place. Erosion control line will follow limit of work as marked on the plan titled "Proposed Pool

Plan 6 Walnut Lane, Medway, Massachusetts” by GLM Engineering, dated September 10, 2014. The filter mitt may be used on in the portion of the south side of the limit of work. The conservation Agent shall be notified when tis barrier is in place, prior to the commencement of any work, so that she may make an inspection. The Conservation Commission reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.

3. No direct or indirect discharges of pool water are permitted on the lot, including but not limited to discharges from routine pool maintenance, backwashing of pool filters and/or draining of the pool. Pool water must be managed within a closed system. Pool water requiring disposal shall be pumped into a truck and hauled off-site for disposal and/or otherwise removed and disposed of off-site in a legal fashion.
4. Any materials which cannot be used should be stored on site in a location outside of the buffer zone, or disposed of using best management practices. Construction materials and debris will remain of the buffer zone at all times. There shall be no stock piling of earthen material, no refueling of equipment, and no storage of equipment in the 100’ buffer zone before, during, or after construction.
5. All disturbed areas within the 100’ buffer zone shall be seeded post-construction. All seeded area must be established and stable prior to the removal of the erosion control line. The applicant must contact the Conservation Agent for approval to remove the erosion control line and review seeded areas for establishment of vegetation
6. All footings shall be hand dug and the cement shall be hand-mixed or carried from a wheel barrow from the cement truck. The cement truck shall be outside of the 100’ buffer zone, **seconded by Mr. Biocchi. Unanimous.**

Public Hearings:

Continued Notice of Intent – 257 Village Street (DEP File # 216-832) – Proposal to install an e-one pump unit, force main, and sewer manhole structure

Present is the engineer, Mr. John Spink with the applicant/property owner, Mr. Einis. Mr. Spink presented to the Commission the historic lawn line represented at the bottom of the presented plan. He explained that the proposal for lawn area is to come 15’ off the bottom of the deck and parallel with the back of the house, this will limit impacts to wetland resources. The proposed septic outflow will be underneath the concrete slab in the back of the house. The existing 1000 gallon failed septic tank will be abandoned. The outflow will be diverted sideways out towards the new proposed development to the west. New Septic line will be put across parallel to the back of the house. Proposal is to fence the area “B” on the plan and clean the area south of that which currently has a dumpster and other material. The Commission and Mr. Einis discussed that loam has not been removed but disturbed. Fence will be put across and minimal material will be removed and the area will be left as is. Area C and D on the plan will be a maintainable lawn and tree line. The driveway will be re-paved, landscaping and the lawn will be fixed. Any additional work after, under Conservation Commission’s purview, will be considered as a new wetland delineation and new order of

conditions. CONCOM Chairman, Mr. Travalini enquired about the proposed new development and the Agent reported that she was contacted by phone about the existing order of conditions on the property, seeking direction about moving forward with a new proposed project idea which is the construction of an assisted living community. A site visit by Conservation Commission has been scheduled for October 1, 2014 around 5:00PM. The Agent asked how the Conservation Commission would arrive to the findings if there is no agreement between the buffer zone and the wetland. The members reiterated that the site visit is important to make that determination.

Motion made by Mr. Travalini to continue the 257 Village Street (DEP File # 216-832) to 7:45 P.M. at the October 23, 2014 meeting at the request of the applicant, seconded by Ms. Biocchi. 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 9, 2014 meeting, seconded by Ms. Bosselman. Unanimous.

25 Milford Street DEP # 216-722 and #216-811- subdivision proposal and roadway-

Present is Mr. Paul DeSimone. Mr. DeSimone stated that there were two open approved proposals for subdivisions but they have not been constructed. The properties have been re-configured and it will continue to stay as a single lot. The Agent reported that a site visit was made and confirmed that no work has been done. Mr. DeSimone requested the Conservation Commission to close the project with no action since the project never commenced for DEP# 216-722 and DEP3 216-811.

Motion made by Mr. Travalini to issue a certificate of compliance for 25 Milford Street (DEP File # 216-722 and #216-811) since the work never commenced, seconded by Ms. McKay. Unanimous.

Emergency Certification –

4 and 6 Holbrook Street – public safety threat hazardous tree removal

The Agent reported that both 4 and 6 Holbrook Street properties had hazardous trees that were touching and leaning over the existing single family home. The Agent made a site visit and requested the property owners to submit pictures. The Agent presented to the Conservation Commission an aerial view of the properties associated with the wetlands. The Agent stated that trees requested for removal at 4 Holbrook property are approximately 10' from the wetland. The trees will be cut and the stumps will be left in place. Both the properties will be using the services of the tree removal company, Stumpy's. The Agent reported that 6

Holbrook property had 3 *Acer rubrium* and 2 *Pinus strobus* trees leaning over the house and are approximately 10'-15' from the house. The three red maples are 6" in diameters and two pines are 12" in diameter and the closest point is 15' from the wetland. 6 Holbrook had red maple with 12" and 4" diameter trees. The Agent asked the property owners of 4 and 6 Holbrook properties to file after the fact Request for Determination of Applicability with the Conservation Commission.

Motion made by Mr. Travalini to ratify emergency certification for 4 Holbrook Street, seconded by Mr. McKay. Unanimous.

Motion made by Mr. Travalini to ratify emergency certification for 6 Holbrook Street, seconded by Mr. Biocchi. Unanimous.

Discussion Items:

- 1. 12 Canal Street Enforcement Order** – Present is Ms. Nicole Hayes, the property owner of 12 Canal Street Ms. Hayes presented an aerial view of the property and few other pictures from the site. She explained to the Commission that during a spring storm, one of the limbs of a large 12" diameter Box elder, three stock tree fell into the Charles River which abuts Ms. Hayes property. It pulled the rest of the tree from the bank. The limb was chain sawed which eventually fell into the river. The river was 6'-8' deep at that time. Due to the depth of the river, Ms. Hayes was unable to remove the limb from the river. She explained that her intention was to cut and remove the tree limb that fell into the river. Once it was cut, the limb fell into the river and Ms. Hayes was physically unable to remove it from the river. At the present time since the river is 6" – 12" deep, Ms. Hayes stated that she will be able to remove the limbs out of the water. The Commission discussed the state of the banks from any disturbance. MS. Hayes stated that the banks are completely vegetated and they were never disturbed. Ms. Hayes reported that she was asked by the Agent to come before the Conservation Commission before she completed any action to remove the fallen limb from the water. The Commission asked Ms. Hayes if she will be able to remove the limb without any help. She stated that the limb will be cut by hand into smaller pieces and removed. It was noted that a Conservation Commission member, Mr. Travalini and the Agent made a site visit on the other side of the property. There was discussion about different ways the fallen limb could be cut, removed and moved from the site efficiently. The Agent stated that the current enforcement order is to file the notice of intent for restoration. She asked if the order needs to be amended with the authority and direction provided by the Conservation Commission to Ms. Hayes for the removal of the fallen limb. The enforcement order will be amended to cut to allow the removal of the the branches and the wood from the bank and the river. The Conservation Commission asked Ms. Hayes to remove the limb from the river and the site by November 2014. Ms. Hayes stated that she will inform the Agent once the work has been complete and the Agent will make site visit to confirm the same.
- 2. DEP# 216-731 Extension to the Order of Condition typographical error 257 Village Street–**

The Agent reported that the Attorney for Mr. Einis property called her and stated that the extension to the order should be valid for a period of two years instead of one year and that this was possibly a clerical error. The earlier meeting minutes recorded that the order was issued for one year. Mr. Jeff Robinson is the potential buyer of the property who explained to the Agent that he has aplan is to

build an assisted living community. Mr. Robinson intended to come before the Conservation Commission to request an extension of the Order but this was discussed and decided against. The Agent recommended that a new Notice of Intent should be filed since the project is a new project and he cannot apply for a new project with an open Order. The Agent noted that Mr. Robinson might file for work never commenced for Certificate of Compliance for Mr. Einis's property and new notice of intent will be filed.

3. Gary Jacob presenting an update on American Chestnut Orchard

Mr. Jacob is a member of American Chestnut Foundation. He explained to the Commission that the foundation had been breeding American chestnut that resist the blight fungus. He explained that this work started at the national foundation in Virginia 15 – 20 years ago. State chapters were created and pollen was sent to different chapters. These pollen pollinate the mother trees and the nuts are harvested. There are thirty orchards in the state of Massachusetts. The orchard that Mr. Jacob manages on the Conservation land represent five mother trees. Out of 100 trees it is likely that two trees will develop resistance to the blight fungus. An agreement was made few years between the Conservation Commission and the orchard to use the Conservation land for this purpose. Mr. Jacob periodically appears before the Commission to give a status update. The nuts from the trees that have displayed resistance to blight will be planted in the other orchards. Biological and DNA tests are conducted on the trees as part of the process. Mr. Jacob agreed to accompany the Conservation Commission members in their site visit to the Choate Park on October 1st.

4. 39 Alder Street Enforcement Order Paul Yorkis

This item has been moved to the October 9 2014 CONCOM meeting at the property owners request through his Attorney.

5. Trails at Medway Athletic Fields- The Agent made a site visit with Ms. Tina Wright, Mr. Jim Wickis and Mr. Mike Francis to look at the location and the plots of the new trail around the fields. The Agent reported that the trails were designed on someone else's property. She had requested the Town Hall to put a hold on the project. The Agent met with Mr. Tom Holder, Gale Associates, and few others from R.A.D Sports to discuss re-designing. There is a new proposed plan to install a grass swale, rip rap, and check dam to reduce /stop discharging of the field the storm water from both the fields into the trail. Planting plan approved by the Agent includes sweet fern, low bush blueberry, meadow sweet, and maple leaf viburnum. These plants will be planted in the areas where there has been lot of run-off. The Agent reported that trail will try to have itADA compliant.

Agent's Report:

Choate Park Vegetation management- Present is Mr. Fred Sibley. He described the existing conditions of the area at Choate Park where he explained a proposed plan to remove the invasives and vines and to prepare an area to plant a Sycamore tree in the buffer zone. It was explained that to prevent erosion, wood chips will be placed as soon as the vines and the invasives are uprooted. On the brook side of the project, there is access to wood chips. The Conservation Commission Chairman, Mr. Travalini and the Agent made a site visit on September 17, 2014. Mr. Travalini stated that there are natives and invasives in the area and reiterated that the CONCOM commission cannot permit the removal of native species and authorize the planting of the non-native Sycamore tree. There was some discussion about planting a few of the American Chestnut trees. Commission reiterated that one of the main functions of the Commission is to protect the

resource areas. Site visit has been scheduled for October 1, 2014 around 4:00PM. Mr. Sibley expressed his intention to plant the tree before the winter of 2014. Since the Town of Medway does not have procedures in place to allow certain general work, the Agent raised the question about the procedure Commission would be adopting if permission were to be given to perform the work in the buffer zone. Mr. Travalini stated that it would have to be done via a notice or request.

**Motion made by Mr. Travalini to adjourn the meeting, seconded by Ms. Bosselman @ 10:00 P.M.
Unanimous.**

Respectfully submitted,

Sree Allam
Minutes Clerk

Documents Presented at the September 25, 2014 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Determinations of Applicability:

1 James Street-

- WPA Form 1 – Request for Determination of Applicability
- WPA Form 2 – Determination of Applicability
- Medway CONCOM Findings and Conditions Summary
- Application Summary for 1 James Street

20 Charles Street-

- Medway Conservation Commission Findings and Conditions Summary
- WPA Form 1 – Request for Determination of Applicability
- WPA Form 2 – Determination of Applicability

6 Walnut Lane-

- Medway Conservation Commission Findings and Conditions Summary
- WPA Form 2 – Determination of Applicability
- Copy of the RDA (WPA 1form) including the proposed pool plan

Public Hearings:

Continued Notice of Intent – 257 Village Street (DEP # 216-832)

- Site work and conditions plan

Emergency Ratification:

4 Holbrook Street-

- WPA Emergency Certification Form

6 Holbrook Street-

- WPA Emergency Certification Form

Discussions:

12 Canal Street Enforcement Order-

- Medway CONCOM Enforcement Order
- Pictures from the site taken by the Agent and property owner, Ms. Hayes

