



MEDWAY CONSERVATION COMMISSION MEETING

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

7:30 P.M.

Minutes

August 28th, 2014

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on August 28th, 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.
- Motion made by Mr. McKay to add 25 Jayar Rd, informal discussion for a future proposal, seconded by Ms. Bosselman. Unanimous.

Meeting Minutes:

Motion made by Mr. Travalini to approve the August 14, 2014 meeting minutes as amended, 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. Siegal presented the proposal for the construction of shed and pump house for well. He stated that there is a shallow well in the backyard of the property and it has been unused for 3-4 years.. He explained that the shed has been proposed to be built on a cement slab. The Commission asked the Agent to report on her site visit findings. The Agent reported that during the site visit on August 26, 2014, the wetland boundary was confirmed to be accurate, where it was determined that the limit of work is 34 feet from the Bordering Vegetated Wetland. The Agent’s recommendations include erosion controls in the repair area along the 30ft. line, consisting if compost sock only due to the topography being flat. She recommended that cement for slab be hand mixed and the bought to the area of the shed or carried from the truck in the driveway to the site and all dirt shall be piled within the erosion control area. There was some discussion about the applicant revising the plan for a building a curb cut and access from Milford Street to the project area. However, the Agent noted this was within the buffer zone and would need to be added to the plan. The applicant agreed to revise the plan for the addition of the entrance way from Milford Street and submit for the next meeting of September 11, 2014.

Motion made by Mr. Travalini to continue 1 James Street to the September 11, 2014, seconded by Mr. McKay. Unanimous.

Public Hearings:

Continued Abbreviated Notice of Resource Area Delineation- 102 Winthrop Street (DEP File # 216-821) - Present is Arthur Allen from Eco Tec and Mr. Steve Dexter. Mr. Allen completed the review of the 14-5 & 8-20 Winthrop Street parcels. Mr. Allen reported that the plans are accurate. There was discussion about pre-cast old manholes. The Agent reported to the Commission that two have been pulled out and there is a tree growing in the other one. The Agent recommended leaving it rather than pulling it out to prevent disturbance. Mr. Allen and the Commission asked the Agent if the leaf piles were still within the wetlands, as this was asked to be removed by the applicant. The Agent stated that the leaf piles are still present. Mr. McKay enquired about the presence of vernal pools in the property. Mr. Allen reported about a vernal pool delineated on the plan. He said, there are no isolated wetlands or vernal pools outside of the delineated wetlands. Mr. Travalini enquired about the two areas in the submitted map that were not delineated in the original plan. He asked if they were reviewed and inspected. The Agent expressed concern about how the wetland flags were numbered on the plan in particular about flag 1 and 66. Her concern was that it does not show the end to the vernal pool. Mr. Allen said that it's all contained within the vegetated wetland. He reiterated that the recommendation would to not approve the flags for the vernal pool. Mr. Travalini asked the Agent to exclude the vernal pools from BPW flags V1 through V72 since they are not being verified. The Commission agreed to not include in the ORAD approval, Vernal Pool- V series (vernal pool) V #1 - #18; V #66-#71, connect V#1 to V #72; and wetlands extend beyond flags WF # 230 and WF #1033R and these additional wetlands were not reviewed or approved.

Motion made by Mr. Travalini to approve the BVW delineation for the plans dated revised August 20, 2014, verified by Arthur Allen's report from August 22, 2014, for all the BVW flags excluding the vernal pool flags V #1 - #18; V #66-#71, connect V#1 to V #72; and wetlands extend beyond flags WF # 230 and WF #1033R, seconded by Mr. McKay. Unanimous

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, Mr. Einis. Mr. Spink reported to the Commission that Chris Lucas of Lucas Environmental, the applicant's representative, spoke with DEP on this matter and received mixed responses on the validity of the wetlands delineation as it relates to this particular project. Mr. Spink presented an aerial photograph from 2006 – 2007 that showed the backyard that existed at that time. Drawing with lines overlaying the site was presented to the Commission. Green lines in the presented drawing are wetlands, 50 ft. and 100ft. offset. According to Mr. Spink, the house and deck are located correctly, he noted the lot has been dug up from the front. Mr. Travalini reiterated that the above mentioned facts were known to CONCOM for a long time but that it does not mean the area which the Commission considers wetlands was not altered from its previous conditions, after it was left fallow for some years. At the site visit the Commission determined that the wetland line is right behind the deck of the property which means that the 25ft. no touch zone is in the middle of the house or the driveway. Applicant is requesting to obtain a usable 35-40ft. backyard off the deck with lawn and permanent fence. Mr. Travalini asked if the applicant was specifically asking for converting 35ft. of wetland into lawn. Mr. Spink talked about arriving at a compromise where the property will have a decent backyard. He said the septic System needs to be replaced. Mr. Einis said that it is a reasonable proposal and said that he wishes to sell the property. Mr. McKay enquired about the rules on

previous disturbances. The Agent said that if the area was originally a lawn and it can remain a lawn. However, if the wetland scientist and CONCOM determine that the area is a wetland then it must be flagged as a wetland and treated accordingly. According to regulations, if wetlands are altered, then it has to be replaced 1:1 for every square foot altered. It was noted that the backyard may have been lawn at one time but there was an altered on the part of Mr. Einis and the area was not maintained properly and reverted to meadow. Mr. Travalini said that smoothing/grading a wetland is illegal and that Mr. Einis smoothed out the area in the property which was originally a wetland. Mr. Einis said that the property is totally unsaleable without the backyard. Mr. McKay said that it is very difficult to see that a wetland resource is compromised. Mr. Travalini reiterated that he is not willing to set a precedence in this matter by allowing the request made by Mr. Einis. The Agent addressed the option for replication. The Agent suggested that the septic tank be moved and tie the line in the front of the house. Members clarified that sewer is not an issue in this matter. Mr. McKay stated that if the State DEP agrees with Mr. Einis's proposal then the Commission would comply with their decision. Mr. Travalini said that a plan with valid wetland line should be submitted to the Commission in order for this to move forward. He talked about considering replication on the adjacent parcel in case the applicant's petition is denied. For a question on the impact on the sewer line, Mr. Spink said it depends on the location of the wetland line. He said if the wetland line is where the Commission thinks it is, then it will impact the sewer line. Mr. McKay said the CONCOM will need time to discuss this petition. Mr. Einis reiterated that he willing to make a compromise by giving up some area of the property in turn the Commission will let the applicant have the wetland line as it shows on the plan.

Motion made by Mr. Travalini to continue the 257 Village Street (DEP File # 216-832) to 7:45 P.M. at the September 11, 2014 meeting at the request of the applicant, seconded by Ms. McKay. Unanimous.

- **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 September 11, 2014 meeting, seconded by Ms. Bosselman. Unanimous.

Emergency Certification –

- **Ratify Emergency Certification for installation of water flow device at culvert and limited breach for installation at 59 Winthrop Street-** The Agent reported that she met with Mr. Holder and Mr. Mike Callahan of Beaver Solutions on August 15, 2014 to review the blocked culvert. Mr. Callahan agreed that pipe could be installed with a trapezoidal fence to prevent the beavers from blocking up the culvert (water flow device). He requested a limited breach of the dam before the water flow device is installed. She noted that installation is scheduled for September 3, 2014. The Agent issued a Emergency Certification valid for 30 days to completed a limited breach for the installation of the water flow device. The Agent had a conversation with Laura from Fisheries and Wildlife to understand the definitions of dam and a beaver dam.

With the amount of water impounded, it could be considered a dam. She requested the Commission to agree with the issued permit and hence ratify it.

Motion made by Mr. Travalini to ratify the emergency certification for the installation of water flow device to breach the culvert at 59 Winthrop Street, seconded by Ms. Bosselman. Unanimous.

Discussion Items:

1. **Ratify/ Sign Enforcement Order 12 Canal Street** – The Agent reported that she issued an Enforcement Order of the cutting of vegetation along the Charles River and placement of that vegetation within the Charles River.

Motion made by Mr. Travalini to ratify the enforcement order to 12 Canal Street, seconded by Ms. Bosselman. Unanimous.

2. **New Member Search**– The Agent and Mr. Travalini did not have any update on this matter.
3. **25 Jayar Road Preliminary Discussion**- Present is the Mr. David Faist with the applicant Mr. John Solaris. Proposal is to build a shed to be used for tow truck storage and maintenance. An addition to the existing garage was made few years ago after seeking approval from CONCOM. Plan was submitted to the Commission with the 25ft. no-disturb and 100ft. buffer highlighted. In the current petition, the applicant proposes to build a 5000ft. building. Applicant is looking to confirm the orientation of the proposed building. Other than the CONCOM approval, applicant is looking for zoning and planning approvals. Mr. Heist eluded to the CONCOM by-law about the 75ft. no touch zone. Mr. Travalini expressed concern about the extent of impervious surface in the proposal and talked about run-off issues. Ms. Bosselman enquired about the use of the garage. Mr. Solaris said that the premises will be used for the maintenance of the trucks. He talked about the presence of a water separator in the existing building and said that the same approach will be used for the current proposal. Ms. Bosselman recommended having a spill tool kit, oil/water separator, and operation/maintenance plan for the separator to make sure that it's cleaned out periodically. The Agent said that if there is vehicle washing involved then there should be tight tanks in the building that needs to be cleaned periodically. A storm ceptor is suggested to remove hydro carbons and a shut off valve for the system. There was some discussion about letting the applicant work in the 25ft. no-touch zone. If the Commission denied the applicant to work in the 25ft no touch zone then the proposed plan would be to shrink the size of the building which will be 50x80ft or turn the building 90 degrees which will result in lesser storage space. Mr. McKay suggested that a site visit should be made after the plan is submitted.

Agent's Report:

1. **Village Street Canoe Ramp** – The Agent will make site visits with Ms. Tina Wright on August 29, 2014.
2. **Millstone Development Erosion Control Check**- The Agent completed a site visit on August 22, 2014. The Agent reported that she had provided a list of requirements to be completed in her last report after her site visit. This next visit was for a scheduled check on the conditions that were not in compliance. She noted that she had requested weekly reports

about phasing will be submitted as requested by the contractor. The Agent reviewed the outstanding conditions for compliance, Mr. Holder expressed concerns about the proximity of the erosion controls along the street to prevent run-off materials into the road and into the catch basins. Millstone Development was asked to re-evaluate with Mr. Holder and move the erosion control back after October 31, 2014. Mr. Graziano said that they might not comply with this approach. There is no concern about wetland lines and a special plan was requested with color coding for wetland lines. Mr. Travalini enquired the alternative of placing a second line of erosion control.

3. **Upcoming reviews 1 Sherwood Street-** Proposal is to alter a water course (intermittent stream) for the construction of a single family home. Property has changed hands within the family. The current owners plan to build a house after altering the intermittent stream.

**Motion made by Ms. Bosselman to adjourn the meeting, seconded by Mr. McKay @ 9:17 P.M.
Unanimous.**

Respectfully submitted,

Sree Allam
Minutes Clerk

Documents Presented at the August 28, 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 – Determination of Applicability
- WPA Form 2 – Determination of Applicability
- Medway CONCOM Findings and Conditions
- Application Summary for 1 James Street

Public Hearings:

Continued Abbreviated Notice of Resource Area Delineation- 102 Winthrop Street (DEP# 216-821)

- Letter from Eco Tec, Inc Arthur Allen, “Wetland Resource Area Peer Review Final Report dated August 22, 2014
- Wetlands plan titled, “Wetlands Plan of Land in Medway, MA (Sheet 1 & 2)” by Colonial Engineering, Inc dated August 20, 2014

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

- E-One Pump and Force Main Site Plan
- WPA Form 7 – Extension Permit for Orders of Conditions
- WPA Form 5 – Order of Conditions DEP #216-731 issued January 2007

Emergency Ratification:

59 Winthrop Street-

- WPA Emergency Certification Form

Discussions:

Ratify Enforcement Order, 12 Canal Street

- Medway CONCOM Enforcement Order WPA Form 9 issued August 28, 2014
- Attachments for Medway General Bylaw Article XXI issued August 28, 2014
- Cover Letter titled, Medway Conservation Commission Enforcement Order, from Conservation Commission Agent Bridget R. Graziano dated August 28, 2014