



MEDWAY CONSERVATION COMMISSION MEETING

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

7:30 P.M.

Minutes

August 14th, 2014

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on August 14th, 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 7:35P.M.
- Motion made by Mr. Travalini to add Beaver Dam and comment on Winthrop Street discussions to the meeting agenda, seconded by Mr. McKay. Unanimous.

Meeting Minutes:

Motion made by Mr. Travalini to approve the July 24, 2014 meeting minutes as amended, seconded by Mr. Biocchi. Unanimous.

Motion made by Mr. Travalini to approve the July 10, 2014 meeting minutes, seconded by Mr. Biocchi. Ms. Bosselman abstained.

Request for Determinations of Applicability

13 Ash Lane – Proposal for construction of 3 Seasons Porch (16'x 16') and deck (8x 7.5') - replacement septic System – Present is Ms. Lisa Rankin, and Mr. Jon Rankin. Proposal is to convert the existing 12'x12' deck into a (16'x16') three season porch with additional footings. Ms. Graziano made the site visit and reported that the 25' markers are in place and the wetland line was re-measured during the visit. Area has flat topography and Ms. Graziano requested the applicants to have the spreaders at the end of the gutter dispersal. To an inquiry about having erosion control, Ms. Graziano said that it is not necessary since there is no construction equipment being brought in.

Motion made by Mr. Travalini to issue a negative three request for determination incorporating the mitigation measures listed on the conservation report dated July 11, 2014, seconded by Mr. McKay. Unanimous.

Public Hearings:

Request to Amendment Order of Conditions 2 Fern Path (DEP # 216-0826) for the construction of a shed and expansion of the original proposed driveway within the 100-foot buffer zone to Bordering Vegetated Wetland and Inland Bank- Ms. Graziano reported that this agenda item has a similar situation as 4 Fern Path that was discussed by the commission at an earlier meeting. Mr. Paul Martin, the applicant

was requested that driveway run-off shall be pitched away from the wetland resource to allow run-off to enter into the right side of the driveway. Few native plantings shall be made available around the shed along the erosion control line. She reminded Mr. Travalini that his item was voted as an amendment and the commission agreed that the applicant could make amendments to the order of conditions because the proposed project is minor in scope. Commission is voting to add conditions 36 and 37 for the plantings and directing the driveway run-off.

Motion made by Mr. Travalini to close the hearing on DEP # 216-0826, seconded by Ms. Bosselman. Unanimous.

Motion made by Mr. Travalini to amend the order of conditions for DEP# 216-0826, to add conditions 36 and 37 under the header of mitigation, seconded by Mr. McKay. Unanimous.

Proposed Amendments to the Medway Wetlands Bylaw Regulations – Amendments to Sections 1-8 – Pages 32 through 37 from the Medway Conservation Commission Rules and Regulations document were presented to the members at this meeting. Section 8.05 (fee scheduling for filing) has been changed and any other section after 8.05 has been moved down. With this change 8.06 will be coordination with other boards. This was 8.05 in the earlier version presented to the commission at an earlier meeting. These changes were made as part of preliminary discussions at open meetings with CONCOM. Approved fee structure from the town by-laws has been removed and moved into CONCOM by-laws. As per the by-law requirement these regulations have been advertised for three weeks. Night Board Secretary, Ms. Allam enquired if the regulations were posted on the Medway website. Ms. Graziano responded that they were made available in the town clerk's office and the CONCOM office.

Motion made by Mr. McKay to close the hearing for the Medway Wetlands Bylaw Regulations, seconded by Mr. Biocchi. Unanimous.

Motion made by Mr. Travalini to add section 8.05 and all the subsequent sub-sections as written and further add these to the Conservation Commission Rules and Regulations, seconded by Mr. McKay. Unanimous.

Motion made by Mr. Travalini to move the current section 8.05 to section 8.06, seconded by Ms. Bosselman. Unanimous.

Motion made by Mr. Travalini to move the current section 8.06 to section 8.07, seconded by Ms. Bosselman. Unanimous.

Motion made by Mr. Travalini to move the current section 8.07 to section 8.08, seconded by Ms. Bosselman. Unanimous.

Motion made by Mr. Travalini to move the current section 8.08 to section 8.09, seconded by Ms. Bosselman. 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- The applicant has formally requested to be put on the August 28, 2014 meeting.

Motion made by Mr. Travalini to continue the 257 Village Street (DEP File # 216-832) to 7:45 P.M. at the August 28, 2014 meeting at the request of the applicant, seconded by Ms. McKay. Unanimous.

Continued Abbreviated Notice of Resource Area Delineation - 102 Winthrop Street (DEP File # 216-821) – Ms. Graziano contacted Mr. Paul DeSimone and received a check from him. Mr. Allen has started work on the project. He reported that the plan needs to be re-done to mark the areas that are wetland areas. These were not de-lined on the earlier plan. This information was sent to Mr. DeSimone and Ms. Graziano needs clarification on his response. Mr. Allen will attend the CONCOM meeting after he receives the revised plans. Since there was wetland alteration, Ms. Graziano will make a site visit.

Motion made by Mr. Travalini to continue 102 Winthrop Street (DEP File # 216-821) to the August 28, 2014 meeting, seconded by Ms. Biocchi. Unanimous.

Request for Certificate of Compliance:

- **7 Iarussi Way DEP # 216-762 – A site visit has been scheduled for August 26, 2014.**
Motion made by Mr. Travalini to continue the request for certificate of compliance for 7 Iarussi Way (DEP File # 216-762) to the August 28, 2014 meeting, seconded by Ms. Bosselman. Unanimous.
- **25 Summer St (Lot#1 and Road) DEP # 216-790 – Construction of Single Family home with sub-division road and landscaping and utilities-** Present is attorney Paul Kenney representing the property owner Michael Fasolino (Fasolino Home Improvements). To an inquiry about her comments being addressed, Ms. Graziano responded that comment #'s 33 and 38 have not been addressed. #38, wetland bounds are currently between flags A10 and A11 but the commission recommends that it be placed at flag A12. The reason behind CONCOM requesting the granite bound to be at flag A12 is to help Lot#2 in showing the distance. There is a large boulder and the applicant, Mr. Fasolino has agreed to move the boulder. Ms. Graziano has not seen the boulder but has seen the bounds. Mr. Biocchi expressed that machine has to be brought in to dig the boulder out and this would cause more disruption. Mr. Travalini said that having the bound at A10 is fine. Condition #33 requires evidence of maintenance of the storm water management system to be provided to CONCOM before December 1st of each year. Ms. Graziano reported that she did not see any earlier reports in the CONCOM office. Mr. Faist from Faist Engineering responded to Ms. Graziano via email after speaking with Mr. Fasolino. Mr. Faist reported that no maintenance reports were submitted to the CONCOM during construction and his engineering firm was not contracted to conduct inspections. Planning Board's consultant, Tetrattech did conduct inspections and records of those reports could be requested for documentation purposes. Condition #33 will be valid for the life of the order/permit. Ms. Graziano asked if the street will be accepted by the planning board and Mr. Kenny replied that it will always be a private way. She asked as to who will be responsible for the storm water management. Mr. Kenny said that there is a requirement by the planning board for the home owners association that they follow and abide. Mr. Travalini said that an inspection of the storm water system will be done to check for silt and tidiness. Ms. Graziano said the position of the house and the as-built plan has changed and suggested that CONCOM should review. The size of the house has been shrunk in the buffer zone. The distance to the 25' no touch has significantly increased. It changed from 40' to 20' closer to the no-alteration zone. Commission. The limit of work has stayed the same. Since the house is in the proximity of the 25' no touch zone the applicant will have to come in front of the CONCOM to request for an amendment. Mr. Travalini suggested the certificate of compliance can be issued and an amendment can also be requested. To an inquiry about the stability of the area by Mr. McKay, Ms. Graziano responded that it

was stable and hydro seeded. Soft wood mulch has been put within the limit of work. Mr. Biocchi said that he did not notice anything abnormal enough to see the difference. Mr. Travalini reiterated that he does not have issues with the location of the bound but he is concerned about the current location of the house which is in a wrong spot. Mr. McKay and Mr. Biocchi said that they would be ok with approving the plan as presented.

Motion made by Mr. Biocchi to issue Certificate of Compliance for 25 Summer St (DEP # 216-790). Mr. McKay seconded and it was voted to approve 3-1.

Discussion Items:

1. **12 Canal Street tree cutting**– Ms. Graziano reported that she made calls but did not receive any response. Two trees were cut down and thrown into Charles River. It was identified that Ms. Nicole Hayes was involved in cutting the trees. Commissioners asked Ms. Graziano to issue an enforcement order.
2. **New Member Search**– Ms. Graziano enquired about the potential new member for the commission. Mr. Travalini replied that he spoke with Mr. Crowley who said that there is someone who is interested becoming a member.
3. **Azalea Drive landscaping dumping** – Ms. Graziano made a site visit after she was informed that six truckloads of landscaping was removed. She reported that was not the case. It appeared that someone backed into the grass but not into the wetlands. She physically did not see anyone dumping except for a police dispatch from a resident complaining about dumping on town land. Mr. Travalini expressed that it good that someone is keeping an eye on this activity. Mr. Travalini asked Ms. Graziano to issue an enforcement order for this property.
4. **Ratify / Sign Enforcement Order 39 Alder Street**– Commission at July 24, 2014 meeting voted to issue an enforcement order to 39 Alder Street for fill within the buffer zone. The enforcement has been drafted by Ms. Graziano. There was specific discussion about delineating the wetlands and the commission wanted an ANRAD filed. Any fill within the jurisdictional areas requires sampling, property owner shall hire environmental consultants to collect soil samples and complete analytical testing of the fill materials from metal, VOC's, petroleum, semi- volatiles, etc. Wetlands need to be delineated. Any fill within the jurisdictional area should be tested. All copies of data should be presented to the commission one month from testing or publishing of the analytical data reports and results shall be tabulated and compared to the appropriate Massachusetts contingency plan. **Mr. Biocchi will not sign the order since he was not present at the meeting.**

Agent's Report:

1. **Village Street Canoe Ramp** – Mr. Travalini made a visit to the area on August 14, 2014. The boom is up and there was a washout into the river after the rainstorm on August 13th. The canoe ramp was built by the state. The siltation controls are working fine. A potential visit with the Medway DPS personnel was discussed. The water washes down from the road and collects on the ramp. Even if there are plantings in place, it will not stop from rain water collecting on the ramp. There is a possibility that with heavy rain storm might go over the grass. He suggested that where it is grass now, a berm can be built with plantings in and around it. That will stop most of the water going onto the ramp. If the berm is designed correctly, water could be funneled so that it goes off to the side where it is mostly wild. Plantings funds could be taken from the Conservation Trust Fund (CTF).

Mr. Travalini suggested that Friends of Choate Park or a Boys Scouts group can work on the project. Mr. Biocchi suggested that he would request Mr. Matt Fasolino to donate some plantings for the project.

2. **Review of Tri Valley Common Proposal (pre-filing)** – Ms. Graziano was asked by Suzy, the Medway town planner to provide comments on the pre-design site plan for tri valley commons. Her comments were announced at a meeting with the planning and zoning board. This meeting was attended by Mr. Biocchi. At the meeting there was some discussion about storm water on wetlands. Mr. Biocchi suggested multiple meetings with planning board considering the nature of the project which involves the opening a Firestone store. Ms. Graziano said that she made the comments not knowing the nature of the business in the project area. There is concern about spills on site. Ms. Bosselman added that under certain regulations depending on the amount of oil that will be stored on site, there needs to be a spill prevention countermeasure and control plan in place and it could be included in the order of conditions. Mr. Travalini said it could be a state requirement. Ms. Graziano said, for a site that could have a potential hazardous spill, a closed valve system is required for storm water. Mr. Biocchi added that among five businesses that are being proposed in the project area, three of them are auto businesses. Ms. Graziano said that CONCOM should be prepared for multiple meetings on this matter.
3. **Beaver Dam-** Ms. Graziano spoke with Dave D'Amico about the beaver dam issue. Mike Callahan agreed to write up the plan due to his familiarity with the site. Site visit has not been made yet. There was some discussion about the definition of a dam. Technically town of Medway has the right to clean the debris within the culvert.

Motion made by Ms. Bosselman to adjourn the meeting, seconded by Ms. Biocchi @ 9:15 P.M. Unanimous.

Respectfully submitted,

Sree Allam
Minutes Clerk

Documents Presented at the August 14, 2014 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Determinations of Applicability:

13 Ash Lane-

- Plan titled, “3 Season Porch addition Plan”
- WPA Form 2 – Determination of Applicability
- Medway CONCOM Findings and Conditions
- Application Summary for 13 Ash Lane

Public Hearings:

2 Fern Path (DEP # 216-0826)-

- Special Conditions- Amendment Order of Conditions
- Request letter from the applicant, Mr. Paul Martin
- Plan of the project area
- Application Summary for 2 Fern Path

Proposed Amendments to the Medway Wetlands Bylaw Regulations-

- Pages 32 through 37 from the Rules and Regulations of Medway CONCOM.

Request for Certificate of Compliance:

25 Summer Street-

- WPA Form 8A – Request for Certificate of Compliance
- Plan titled, “Lot 1 – As-Built Plan”
- Copy of an email between Ms. Graziano, Mr. Faist, and Mr. Fasolino dated August 12, 2014
- Application Summary for 25 Summer Street