



MEDWAY CONSERVATION COMMISSION MEETING

Sanford Hall, Town Hall

155 Village Street, Medway, MA 02053

7:30 P.M.

Minutes

December 11th, 2014

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on December 11th, 2014 at Sanford Hall. In attendance were members Dave Travalini, Ken McKay, Tony Biocchi, Conservation Commission Agent Bridget Graziano, and Sreelatha Allam, Night Board Secretary

- Call to order at 7:37P.M.

Meeting Minutes:

Motion made by Mr. Travalini to approve the meeting minutes from 11/13/2014, seconded by Mr. Biocchi. Unanimous.

Motion made by Mr. Travalini to approve the meeting minutes from 11/25/2014 with the proposed changes requested by CONCOM agent, Ms. Graziano, seconded by Mr. McKay. Unanimous.

Request for Certificate of Compliance

3 Summer Valley Lane (formally 25 Summer Street) DEP# 216-792 – Construction of Single family home

Mr. David T. Faist of Faist Engineering was present to represent Mr. Michael Fasolino of Fasolino Home Improvements, the property owner. Mr. Faist stated that the applicant is seeking a Certificate of Compliance for the construction of road for subdivision, storm water detention basin, and single family home, with associated landscaping, utilities, and driveway. The property closing is scheduled for December 19, 2014 and the project is complete. Mr. Travalini asked the Agent if she completed a site visit and if so please report. She reported that there is erosion present on the top of the slope due to the heavy rains in the area and the lack of vegetation for stabilization. Mr. Faist noted that the area has been hydro seeded but there is little trace of grass growing. The Agent presented photographs from her site visit. Mr. Faist explained that the swale as shown in the photographs will allow the detention pond to overflow. It's a measure to address potential detention storm water over flow issues. The Agent stated that the swale is eroding towards the wetland area because there is no vegetation growing. She suggested cleaning the rip rap area of leaves as well, this area is supposed to remove sediments from stormwater before entering into the wetland. CONCOM member, Mr. Travalini stated that a Certificate of Compliance cannot be issued since this area is within the 100 foot buffer zone and the erosion might continue into the wetlands. There was discussion about issuing a partial Certificate of Compliance to the house and the driveway. Mr. Travalini was in

disagreement to issue a complete Certificate of Compliance. Decision was made that a complete Certificate of Compliance may be issued in spring 2015 when there is evidence of grass growing in the disturbed area within the Commission jurisdiction.

Motion made by Mr. Biocchi to issue a partial certificate of compliance for DEP # 216-792 , 3 Summer Valley Lane, for the location of the house and the driveway, seconded by Mr. McKay. Mr. Travalini opposed.

7 Freedom Trail (DEP #216-669)- Construction of single family home and construction of subdivision

Mr. Peter P. Guerrieri, the current property owner and applicant was present. He presented to the Commission noting that he purchased the property in May 2013 in short sale, where he was made aware of the open Orders of Conditions with Conservation Commission by the seller's agent at the time of purchase. He continued to explain that he was reassured that all Conservation issues had been dealt with and cleared. Now, Mr. Guerrieri stated that he is in the process of selling the property and recently came to find that there are still two Orders of Conditions open, one for the construction of the single family home and the other for the construction of the subdivision. Mr. Guerrieri claims that he was of unaware of this. He reported that when doing research with the Agent that an application for a Certificate of Compliance was requested but had been denied in the past due to the absence of two granite markers. Mr. Guerrieri stated that the two markers were installed with the assistance of the Agent, once this was discovered. He requested a letter of partial compliance on the sub-division for just his lot and a complete Certificate of Compliance. The Agent stated the presence of a superseding Order of Conditions that DEP had issued on the property for the subdivision and it was found that a Certificate of Compliance has been issued for DEP# 216-650 (sub-division). She suggested issuing a partial Certificate of Compliance under the Bylaw because it was not clear there was no Bylaw findings for the Order of Conditions, this will enable the 7 Freedom Trail property to be removed from the sub-division Order under the Bylaw findings. The Agent reported that the property owners at her requested installed the granite markers, where she flagged the wetland resource and the locations of the granite markers for the homeowners. She noted that the house was not placed according to the sub-division plan and the driveway was proposed where the markers were proposed (as shown in the proposed plan). Due to its close proximity to Lot1, the 7 Freedom Trail property (Lot10) was pushed towards the wetland on the north side of the property. CONCOM member, Mr. McKay inquired if there were any impacts on the wetlands. The Agent reported no but that the house has been constructed closer to the wetlands than approved which now required the granite markers to be within an small area of lawn. She added that the lot there is a possibility that future proposed work may not be permitted as there is lawn right ip to the 25ft. buffer No-Alteration Zone.

Motion made by Mr. Travalini to issue a Certificate of Compliance for DEP# 216-669, with ongoing conditions 36 and 37; that the granite markers shall be kept in perpetuity, and not dump anything in the wetlands, seconded by Mr. Biocchi. Unanimous.

Motion made by Mr. Travalini to issue a partial Certificate of Compliance for DEP # 216-650 as per Medway by-law, seconded by Mr. Biocchi. Unanimous

104 Fisher Street – DEP File # 216-0802- Construction of roadway and storm water management area for subdivision

Mr. Andrew S. Rodenhiser was present as the applicant and property owner. CONCOM Agent, Ms. Graziano reported that she conducted a site visit on December 11, 2014. She reported that the storm water basin washed out into the basin, its side is eroded and the water is showing signs of turbidity. There is minimal disturbance and portions of the site are not stabilized. Ms. Graziano stated that there are no potential issues with the roadway and indicated that there is a possibility that the order of conditions might not have been recorded in the past. Mr. Rodenhiser suggested rip-rapping the slope in winter as an interim measure and seeding the area in the spring. The Agent suggested issuing a partial certificate of compliance for the roadway.

Motion made by Mr. Travalini to issue a partial certificate of compliance for DEP# 216-0802, 104 Fisher Street for the roadway only, with the understanding that the detention basin will be rip-rapped during winter and the issue of full certificate of compliance will be addressed in spring 2015, seconded by Mr. McKay. Unanimous.

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

No one was present to represent the applicant. At the November 25, 2014 CONCOM meeting this item was on the agenda and was discussed with the applicant's representative from GLM Engineering, Joyce Hastings. There was discussion about two DEP #s associated with 7 Iarussi Way but only one DEP # for Order of Conditions had not been closed out. The Agent clarified that DEP# 216-689 was not added to the agenda because work associated with that DEP # never commenced and a Certificate of Compliance was already issued. For DEP# 216-762 the current home owner did some planting which resulted in piling of dirt on a slope towards the wetland. The Agent stated that there is no reason to believe that this dirt will move towards the wetland resulting in an alteration and the Certificate of Compliance should just be issued.

Motion made by Mr. Travalini to issue a certificate of compliance for DEP # 216-762, 7 Iarussi Way, seconded by Mr. Biocchi. Unanimous.

3 Cardinal Circle- DEP# 216-491 – Construction of a single family home

No one was present to represent the applicant. The CONCOM Agent, Ms. Graziano reported to the Commission that this request was made by Attorney Karen Jennings Flynn on behalf of the old seller of the property, Mr. Ralph Costello. Property has been sold and the existing order of conditions on the property have been accepted by the new owner. The Agent stated that there is some confusion about the Order of Conditions relating to the lot. She indicated a mistake in the order of conditions for the by-law portion where the lot is recorded as #4 instead of lot # 9, but that it is clear this Order of Conditions is related to the

construction of the single family dwelling at 3 Cardinal Circle. All the supporting documentation and approved Notice of Intent is for lot 9 (3 Cardinal Circle). The Agent requested the Commission to make the correction to the conditions pertaining to 3 Cardinal Circle and issue a condition to have markers in place, dirt pile be removed, pumpkins be removed in the 25 ft. buffer. She received a 21 day waiver from Ms. Flynn requesting the item to be continued to the next CONCOM meeting on January 8, 2015.

Motion made by Mr. Travalini to continue the request for Certificate of Compliance for (DEP # 216-491), 3 Cardinal Circle to January 8 2015 CONCOM meeting, seconded by Mr. McKay. Unanimous.

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

Motion made by Mr. Travalini to continue (DEP # 216-832), 257 Village Street to January 8, 2015 CONCOM meeting, at 7:45P.M., as requested by the Applicant, seconded by Mr. Biocchi. Unanimous.

Emergency Certifications-

4 Homestead Drive – Request to remove hazardous trees

The Agent reported to the Commission about the presence of one three clustered Acer rubrum (red maple) that are 15 feet from wetland resource. There is concern that the tree might fall on the house due to its location and condition. The Agent issued an emergency Certification to cut the tree down. She stated that the stump will not be removed and no machinery will be brought in, the tree will be climbed and felled. Commission member, Mr. McKay enquired if any violation was made by the property owner. The Agent stated the presence of a small sitting area in the wetland.

Motion made by Mr. Travalini to ratify the emergency certification for 4 Homestead Drive, seconded by Mr. Biocchi. Unanimous.

Discussions

135 Holliston Street- Violation

The Agent reported that a certified letter of violation was mailed and another letter was hand delivered to 135 Holliston Street property owner. She reported the existence of another Enforcement Order issued in April 2010 for the same lot for clearing and filling 2700 feet of wetlands. On her site visit to 2 and 4 Fern Path lots, the Agent reported observing some organic and non- organic materials dumped within a wetland resource located on 135 Holliston Street. Additionally, there has been a number of trees removed from the wetlands and buffer zone.. A violation order was issued by Ms. Graziano requesting the property owner, Ms. Lynn Grady to appear before CONCOM. The Agent is scheduled to meet with Ms. Grady's son on December 12, 2014 to discuss the issue.

2 Mayflower Lane and 5 Rob Way dumping of asphalt and violation notice requirements

This item was on November 25, 2014 CONCOM agenda. A site visit was made by the Agent, Ms. Graziano. She reported to the Commission that the dumping of asphalt occurred on 5 Rob Way property and not on 2 Mayflower Lane. Mr. David Newton property owner of 5 Rob Way reached out to the Agent via email and expressed concern about significant dumping of grass clippings, leaves, and brush in the buffer zone on his property along Mayflower Lane. He made a request via the email memo to bring the issue to CONCOM's attention and seek its opinion on how to handle the matter. A decision was made that the Agent will write a letter to the owners of 1 and 2 Mayflower Lane noting this portion of the property is owned by 5 Rob Way and is within the jurisdiction of the Conservation Commission and therefore must be removed immediately. This letter will be sent on behalf of CONCOM explaining the violation. Mr. Newton will be copied on the letter. It is expected that Mr. Newton will report to the Commission about the status of cleaning.

DCR Recreational Trails Grant

The CONCOM Agent, Ms. Graziano reported to the Commission about a Department of Conservation and Recreation (DCR) Recreational Trails Grant with a 50/50 funding match. She stated it is a competitive process and her willingness to apply for the grant and stated that the match can be provided in kind which includes services by DPS. Grant could be used to purchase parcels to build trails, to install kiosks, anything parking related but should be associated with trails. CONCOM member, Mr. Biocchi enquired if trails have to be identified before applying for the grant. CONCOM Chairman, Mr. Travalini stated that Choate Park trail could be a potential candidate for some updates. Parking on Iarussi way was discussed as an option. CONCOM member, Mr. McKay suggested linking Iarussi Way to Adams Street to Medway High School as an option to consider. Mr. Travalini suggested seeking Ms. Tina Wright's advice.

Agent Report-

Need for new Commission member- The Agent reported to the Commission that Medway Town Administrator was contacted and informed of the need for a new CONCOM member. Information will be posted in the local newspaper and announced in meetings.

New WPA Regulations 310 CMR 10.00 promulgated amendments- The Agent asked the members to attend a Wetlands Protection Act Regulations workshop in Bellingham, MA. There was some discussion about the amendments in the regulations. The Agent discussed the amended stream crossing standards for new culverts and replacements. Any new crossings will have to meet all the standards in the regulations. The Agent also reported the changes in standards for abutter notifications. For a project like an access road or a sub-division that's over a 1000 linear feet, abutters within 1000ft of the project must be informed.

Conway School of Design for Land Management proposal- The Agent reported that she has been working with Ms. Tina Wright of the Open Space Committee and Community Preservation Committee on the proposal. It will go in front of Community Preservation Committee (CPC) in January 2015.

**Motion made by Mr. Travalini to adjourn the meeting, seconded by Mr. McKay @ 9:25 P.M.
Unanimous.**

Respectfully submitted,

Sreelatha Allam
Minutes Clerk

Documents Presented at the December 11, 2014 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for certificate of compliance:

3 Summer Valley Lane (formally 25 Summer Street) -

- WPA Form 8A – Request for Certificate of Compliance
- Application Summary – 3 Summer Valley Lane
- Faist Engineering, Inc. request letter for Certificate of Compliance with attachment (photographs)
- WPA Form 5 – Order of Conditions for 25 Summer Street

3 Cardinal Circle -

- WPA Form 8A – Request for Certificate of Compliance
- Application Summary – 3 Cardinal Circle
- WPA Form 5 – Order of Conditions
- Plot Plan of 3 Cardinal Circle

7 Freedom Trail (DEP #216-669)-

- WPA Form 8A – Request for Certificate of Compliance
- Application Summary – 7 Freedom Trail
- WPA Form 5 – Order of Conditions
- Copy of Mortgage Inspection Plan
- Copy of Lot Development Plan for 10 Freedom Trail

104 Fisher Street-

- WPA Form 8A – Request for Certificate of Compliance
- Application Summary – 104 Fisher Street
- WPA Form 5 – Order of Conditions
- Copy of As-Built Plan

Discussions:

135 Holliston Street-

- Aerial Photograph
- WPA Form 9 – Enforcement Order
- Copy of the letter on behalf of CONCOM

2 Mayflower Lane and 5 Rob Way dumping of asphalt and violation notice requirements-

- Copy of Site visit
- Email copy from Mr. David Newton (owner of 5 Rob Way)
- Copy of Medway Police Department Incident Report
- Aerial map and photographs