



MEDWAY CONSERVATION COMMISSION MEETING
Sanford Hall, Town Hall
155 Village Street, Medway, MA 02053
7:30 P.M.
Minutes
January 22th, 2015

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on January 22th, 2015 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 7:39 P.M.

Approval of Minutes-

Motion made by Mr. Travalini to approve the CONCOM meeting minutes for 12-12-2014, seconded by Mr. McKay. Unanimous.

Motion made by Mr. Travalini to approve the CONCOM meeting minutes for 01-08-2015, seconded by Mr. McKay. Unanimous.

Request for Determination of Applicability

2 Homestead Drive – Removal of 3 trees within the buffer zone – Mr. Frank Schuldt, the property owner/applicant was present at the meeting. Mr. Schuldt moved into the Town of Medway in January 2002. Mr. Schuldt requested to seek the Commission's approval to remove three maple trees in the wetland buffer zone. The Agent conducted a site visit. She reported that the trees are located on the edge of the lawn before entering into the forested wetland area. The proposed work is outside the 25foot no-alteration zone, approximately 35 feet from two small wetland resource areas. The Agent reported the presence of brush piles and material and stated that they need to be removed, that Mr. Schuldt agreed to remove.

Motion made by Mr. Travalini to issue a negative Determination of Applicability noting a positive 5, negative 3 for 2 Homestead Drive with additional conditions being that applicant has agreed to access the work zone through the existing lawn, at no time will the machinery enter the natural buffer zone or the 25 feet no-alteration zone, there will not be any overnight storage of the equipment in the 100 feet buffer zone during or after construction, trees shall not be chipped, stumps shall be left in the ground and all tree debris shall be removed from the ground as there is no allowance for tree slash in the wetlands. The Commission is not requiring mitigation plantings as there will be no loss of canopy or erosion control due to the loss of trees. Mr. McKay seconded. Unanimous.

Certificate of Compliance

3 Cardinal Circle (DEP# 216-491) – construction of a single family home – Ms. Karen Jennings Flynn, attorney for the former owner, Bruce Coughlin of 3 Cardinal Circle was present at the meeting. The property was sold this summer. Ms. Flynn stated that a seventeen year old Order of Conditions surfaced during the sale of the property. A commitment was made at that time that the seller's agent, Ms. Flynn will follow up with CONCOM to understand the specifics of the Order and to determine whether the Order of Conditions is applicable to the 3 Cardinal Circle or not. She said if the Order applies to 3 Cardinal Circle then a Certificate of Compliance will be requested. Ms. Flynn stated that there are two references in the Order of Conditions that refer to 190 Holliston St., and Lot 4 Cardinal Lane. Ms. Flynn expressed that the Order of Conditions does not apply to 3 Cardinal Circle. CONCOM member, Mr. Travalini stated that there is a possibility that a mistake was made by the developer, Mr. Rob Costello at that time. The CONCOM Agent stated that after review of the files and the site it was her professional opinion that the Order of Conditions 216-0491 was for the development of the lot for 3 Cardinal Circle. She reported that she completed a site visit and found that the two required wetlands markers were missing. The Agent, Ms. Graziano stated at the meeting that the developer placed one of the bounds on the wrong side of the property, however, it is her recommendation that the one marker be moved to the correct side of the wetland and have an additional marker added Mr. Travalini suggested that the marker needs to be removed and placed in the right location. The Agent will make a site visit in spring of 2015 to ensure this was completed. **Motion made by Mr. Travalini to continue the Request for Certificate of Compliance for 3 Cardinal Circle (DEP #216-491) to March 26, 2015 meeting, seconded by Mr. Biocchi. Unanimous.**

140 Main Street (DEP #216-835) construction of single family home—The CONCOM Agent, Ms. Graziano completed a site visit to the property in January 2015 as a response to the request for a Certificate of Compliance. Mr. Coras was in attendance at the site visit. She stated that three markers are installed on the 25 feet line at wetland flags 2, 7, and 9 with Letter "W". There is erosion from roof run-off and the site is not stable. Ms. Graziano recommended that the site should be re-seeded in spring and native meadow mix needs to be applied. She suggested issuing a partial Certificate of Compliance for the driveway, house, and the utilities.

Motion made by Mr. Travalini to issue a partial certificate of compliance for 140 Main Street (DEP# 216-835) on the house, driveway, the utilities and the granite markers, seconded by Mr. Biocchi. Voted Unanimously

Public Hearings

Abbreviated Notice of Resource Area Delineation (DEP# 216-841) – Winthrop Street, Woodland Street, Map 15 Lot 19, Map 15 Lot 1, Map8 Lot 19, Map9 Lot 58, Map8 Lot 16, Map19 Lot 005, Map14 Lot5

CONCOM member, Mr. Travalini stated to the public in attendance that tonight's public hearing is for the review of wetlands delineation. The Commission will open the hearing to comments and questions only

pertaining to wetlands after the applicant has presented, the Commission and the Agent have asked questions and completed their review. He stated that at this time there will be no discussion of future plans for this site. He explained that the applicant is appearing before the Commission to seek approval for delineation of wetland line only. Mr. Travalini stated that any questions within the purview of Planning and Zoning Boards will not be entertained. All the submitted meeting materials are public documents and will be available at the town offices of the Town Clerk and Conservation Commission. The applicant, Mr. Mounir Tayana was present at the meeting with Mr. Paul DeSimone of Colonial Engineering, the applicant's representative/engineer. Mr. DeSimone stated that the wetland lines on the west side of the property have already been approved. The applicant is before the Commission to seek approval of wetland delineation on the east side of the property. The State and Town fee were paid by the applicant for the town ANRAD. He asked for clarification on the Town fee to be paid to inspect the wetland flags. Mr. DeSimone stated that a consultant will be retained by the Town to inspect the flags and the fee for the task is estimated at \$1700. A check for \$2500 was submitted by the applicant to address any overages in the related work. Mr. DeSimone asked if the CONCOM Agent will be involved in inspecting the flags and if a separate fee needs to be paid for the Agent's time. The Agent stated that she will be inspecting the flags with the consultant, Mr. Arthur Allen. CONCOM member, Mr. Travalini asked the other members of the Commission about requesting a peer review on this project. Commission members agreed and Mr. McKay stated that the timing of the peer review is also important Because of the possible presence of vernal pools and the time of year needed to inspect these pools.

Motion made by Mr. Travalini to invoke MGL Chapter 44 Section 53G pursuant to provisions under the Medway General Bylaw Article XXI regulations Section 2 General Provisions, line 9. The Commission requested the applicant to provide funds for peer review of (DEP# 216-841) Abbreviated Notice of Resource Area Delineation, and that the Consultant will be hired by the Town of Medway. Mr. Biocchi seconded. Voted Unanimously.

CONCOM member, Mr. Travalini asked the members in the room if there were any questions with regards to this agenda item. The following are the questions asked by some of the abutters:

1. Gary Neubauer- 4 Olhson Circle- Mr. Neubauer asked, "When is it a good time to check the wetlands and does the time of year matter?" Mr. Travalini said that according to regulations, wetlands are determined by soils and vegetation. Wetlands can be determined as long as a soil auger can get into the ground. A soil auger is used in order to review soil colors at a particular depth. It can be determined whether soils are hydric during dry season. Wetlands are determined by the extended saturation of water irrespective of the seasons. Mr. Neubauer asked if any consideration will be given for natural habitats. Mr. Travalini said that a project such as this one will have to be reviewed by Natural Heritage Program under the Massachusetts Endangered Species Program (MESA) requirements if Vernal Pools are present or rare species habitat.
2. Kurt and Ellen Schaefer – 13 Fairway Lane- Mr. Schaefer report that there is a stream flowing through the property and noted his concerns for how this will affect the wetlands. Mr. Travalini

talked about intermittent and permanent streams and what the protection is for each. Intermittent streams are seasonal and usually dry up during summer. Permanent streams are given more protection than intermittent streams. If there are any streams flowing through the property they will be identified as part of this application. Ms. Ellen Schaefer asked a question about vernal pools. Mr. Travalini replied that the Town of Medway Bylaw requires a 100 feet of no-disturb and according to state laws if the vernal pool exists within the wetlands then protection is given to the wetland line. If the vernal pool is in the upland then state law provides protection to the vernal pool itself. The Town Bylaw is more protective of the vernal pools than state laws. Ms. Schafer talked about general water related issues in the area and expressed her concern as to how this project will impact the issue. CONCOM member, Mr. Biocchi stated that if the project becomes a reality then the applicant will be required to submit a plan depicting how the excess water in the property will be navigated and managed.

3. Sara Sheehan- 7 Woodland Road- Ms. Sheehan property is within 100ft of the applicant's property line. She inquired about her rights to have a surveyor within 100 feet of this project within her property line. Mr. Travalini replied that Ms. Sheehan has no right to enter the applicant's property without his permission. She inquired her rights to know the survey results conducted by the applicant. Mr. Travalini responded that the results will be part of the project report and they are public records.
4. Gallerani- 5 Woodland Road- Mr. Gallerani asked if there are wetlands flags on a portion of his property, does that mean that it's the beginning of wetlands lines. He noted that there is a 3 feet diameter pipe passing through his property that drains into the wetlands. If any work is done within 100 feet of that line, he is concern it will flood the entire neighborhood. Mr. Travalini replied that wetland flags can only be placed on the applicant's side of the property. If need be, these lines could be flagged in the adjacent properties with the property owners permission.
5. Dennis Crowley, Board of Selectman- Mr. Crowley requested CONCOM member Mr. Travalini to explain the next steps since most of the residents in the room are not acquainted with the process. Mr. Travalini explained that the area will be reviewed by the wetland scientists when there is no longer snow on the ground and soils can be sampled. A peer reviewer was hired for this task will represent the Town of Medway and assist the Agent in the review. Upon the completion of the review, CONCOM members will walk the site with the Peer Review Consultant and the Agent. When the report is complete, the Commission will vote on it and close the hearing. Another filing will be required should the applicant decide to build on the property. Notification will be sent to the abutters within 100' of the parcel of land proposed for construction that is within the jurisdiction of the Commission. Mr. Crowley also requested Mr. Travalini to provide some insight about the delineation lines on the Howe Street and Olhson Circle. Mr. Crowley asked if there is a possibility to have the multiple plans presented at the meeting to be combined into a single graphic on an 8.5" x 11" size paper. The drawing should depict lines that have been flagged and accepted by the Commission and the lines that will be flagged this time. Mr. DeSimone suggested that a single graphic can be produced showing the lines that have been flagged in the past and current flags after the task is completed. It will be a 24" x 36" size paper.

6. Brian and Laurie Bishop-23 Olhson Circle- Mr. Bishop asked as to what it means if some of the wetland lines have already been flagged. Mr. Travalini explained that those lines were reviewed by the Town hired Consultant back in early 2014 and a report was provided to the Commission, who voted to approve an amended wetland line. CONCOM members inspected and approved the delineation lines. These lines are not subject to further review at this time. Mr. Bishop then asked if the delineation be done by the same Consultant who flagged the lines on Howe Street and Olhson Circle area. Mr. Travalini replied that it will be the same Consultant.
7. Mike Flannagan- 11 Howe Street- Mr. Flannagan asked if the Massachusetts Department of Environmental Protection (MassDEP) maps and the town maps match with regards to the wetland delineation lines. CONCOM Agent, Ms. Graziano explained that the maps do not match since the Town maps are more updated than the state maps and the state maps are digitized sketches taken from aerial photography not ground truthing
8. Dan and Barbara Strachan- 11 Fairway Lane- Ms. Strachan asked what CONCOM's authority is if the applicant decides to bypass the Town Boards and approach the State to get the project underway. Mr. Travalini explained that it is an individual process and the Zoning Board of Appeals (ZBA) has the authority to waive or not waive the Town Bylaws based on information provided by each board, committee or commission. If the applicant seeks Chapter 40B Planning Statute then CONCOM will exercise state's regulations, if ZBA waives the Town Bylaw for wetlands. CONCOM member, Mr. Biocchi who is also a Town of Medway ZBA member stated Chapter 40B statute does not trump CONCOM or Zoning Bylaws. Even if Chapter 40B is invoked the applicant will have to appear before the ZBA and CONCOM.

There was discussion about the difference in State and Town of Medway regulations on vernal pools.

9. Diane Keene- Olhson Circle- Ms. Keene asked the reason for doing this exercise. The Commission responded.

Motion made by Mr. Travalini to continue Abbreviated Notice of Resource Area Delineation (DEP# 216-841) to February 12, 2015 meeting at 7:45. Mr. Biocchi seconded. Voted Unanimously

Notice of Intent - 76 Village Street (DEP # 216-842) - Proposal to construct an addition to the existing single family dwelling –

Mr. Mark Cooperman from Eco Terra Design and Consulting representing the property owner/applicant and Kenneth Carlson the property owner/applicant were present at the meeting. Mr. Cooperman stated that 76 Village Street property is located in 100 year Flood Zone (under the WPA Bordering Land Subject to Flooding). The applicant is proposing a two story addition off the corner of the house. Notice of Intent has been filed and the applicant does not have the final plans completed. Piers are being considered for foundation. Construction is easily accessed either directly behind the house off the driveway or straight off

the street. If pre-cast concrete is used stock piling will be kept at a minimum. Once completed the first level will have open flow for the conveyance of flood water. CONCOM member, Mr. Travalini enquired if there is any vegetation on the site. Since the impact to the flood plain is minimal, a letter will be submitted by the applicant requesting the Commission to waive the Bylaw. The Commission is willing to grant a waiver of the performance standards for construction with Bordering Land Subject to Flooding.

Motion made by Mr. Travalini to issue Order of Conditions for (DEP# 216-842), 76 Village Street, with the additional condition being that excavated material shall be removed within a day and only stockpiled with the driveway on filter fabric with compost sock to block soils from travelling into street, access through the site be through the driveway, Order of Conditions will be withheld until the Commission receives a letter requesting a waiver for Town Bylaw for Section 7 in two days, access though the site shall be through driveway, Town Bylaw will be waived for Section 7. Mr. McKay seconded voted unanimously.

Discussions-

Discussion #1 -135 Holliston Street Violation- The property owner's son, Mr. Shane Brady was present at the meeting to provide a status update on the site cleaning of materials from the wetland resource. Mr. Travalini and Mr. McKay visited the property on January 18, 2015. Mr. Travalini stated that tires and other equipment have been removed. As discussed at an earlier CONCOM meeting, Mr. Biocchi reached out to Mr. Mike Narducci to discuss the shed related issue. Mr. Biocchi did not receive a response from Mr. Narducci. The shed was originally on the property known as 2 Fern Path originally owned, developed and sold by Mr. Narducci. This shed was knocked down and discarded within a wetland resource and the property of 135 Holliston Street, leaving the property owners with a violation. It's been agreed by the Commission that the Agent will send a letter to Mr. Narducci on behalf of CONCOM to appear before the Commission to discuss the removal of the shed from 2 Fern Path property and discarding it in the wetlands. Brush piles and trailer must be removed. The Agent, Ms. Graziano stated that a list of to-do items will be sent to Mr. Brady with deadlines. Mr. Travalini said if a good faith effort is made by Mr. Brady in completing small increments of removal of the materials and fill from within the wetland resource and therefore, the Commission due to time and situational constraints is willing to allow this removal to continue over the life of the 2 year Enforcement Order. Ms. Graziano's recommendations include removal of debris, fill material, and wetland and buffer zone restoration. All materials within wetland resource as discussed at site visits and during meetings must be removed by hand and disposed with proper disposal procedures. Any remaining equipment must be placed in approved locations outside the 100 foot buffer zone. Property owner, Mr. Brady will schedule site visits with the Agent to discuss the work progress.

Discussion #2 -Choate Park Invasive removal and tree planting- The Agent, Ms. Graziano reported to the Commission that Mr. Fred Sibley is planning to plant Sycamore Tree in the project area. CONCOM members reiterated that Mr. Sibley was directed not to plant Sycamore as it is not considered a native plant. It was agreed by the members that a letter by Mr. Travalini will be sent to Mr. Sibley explaining the same.

Discussion #3 -Review of WPA Fund Account, accountability for this fund and potential uses- The CONCOM Agent, Ms. Graziano reported to the Commission about the budget meeting she attended. She prepared the budget with various line items on CONCOM's spending. The Agent's wages at 26 hours/week is included in the budget. She generated \$6000 in revenues the past year and projected to generate \$12,000 in revenue this year. She asked the Commission if the Town of Medway paid for the members to attend MACC classes. Mr. Travalini replied that the Town paid for the classes in the past. There was discussion about the usage of WPA funds. Ms. Graziano will inform that the funds will be used for open space, land management, field equipment, computers and purchase of programs, legal fees.

Agent Report

Need for new Commission member- No update was provided by the Agent.

Commissioner's Report

Potential candidate for open Commission seat- Mr. Travalini stated that Mr. Bill Dowling expressed his interest in becoming a CONCOM member. Mr. Dowling was at the meeting as an abutter for DEP # 216-841.

Motion made by Mr. Travalini to adjourn the meeting, seconded by Mr. Biocchi @ 10:18 P.M. Unanimous.

Respectfully submitted,

Sreelatha Allam
Minutes Clerk

Documents Presented at the January 22, 2015 Public Meeting

All documents shall be kept in the Conservation Commission Office files

Request for Certificate of Compliance

2 Homestead Drive – Removal of 3 trees within the buffer zone –

- WPA Form 1 – Request for Determination of Applicability
- Application Summary for 2 Homestead Drive
- Medway Conservation Commission Findings and Conditions Document
- GIS map

Certificate of Compliance

3 Cardinal Circle (DEP# 216-491) –

- WPA Form 8A- Request for Certificate of Compliance
- Application Summary for 3 Cardinal Circle
- WPA Form 5 – Order of Conditions DEP 216-0491 issued on
- Plot Plan titled,

140 Main Street (DEP #216-835)-

- Application Summary for 140 Main Street completed by the Agent
- WPA Form 5 – Order of Conditions DEP 216-0735 issued on
- WPA Form 8A- Request for Certificate of Compliance

Public Hearings

Abbreviated Notice of Resource Area Delineation (DEP# 216-841) –

- Letter from Mr. Arthur Allen on the subject of Peer Review
- GIS maps of subject area
- WPA Form 4A- Abbreviated Notice of Resource Area Delineation
- Plot plans titled,

Notice of Intent - 76 Village Street (DEP # 216-842) –

- Application Summary for 76 Village Street completed by the Agent
- GIS map
- Notice of Intent Rec'vd 1/8/15
- Plot Plans, titled ““Site Plan 76 Village Street Medway, Massachusetts” by Grady Consulting, dated December 23, 2014.