



**MEDWAY CONSERVATION COMMISSION MEETING**  
**Medway Senior Center**  
**76 Oakland Street, Medway, MA 02053**  
**7:30 P.M.**  
**Minutes**  
**September 2nd, 2015**

The Medway Conservation Commission (CONCOM) held a special meeting on September 2nd, 2015 at Medway senior Center. In attendance were members Dave Travalini, Ken McKay, Brian Snow, Scott Salvucci, Conservation Commission Agent Bridget Graziano, and Sreelatha Allam, Night Board Secretary

**Discussions**

- The meeting was called to order at 7:36 P.M.
- Conservation Commission Chairman, Mr. Travalini asked the members of the board if there are any additional items to be added to the agenda.
  - Add to Agent's report a discussion item on a potential article (authored by Medway Open Space Committee) about hiring an engineer to design the trail system on a parcel of land proposed to be purchased by the Town of Medway.  
**Motion was made by Mr. Travalini to add the above item to the agenda, seconded by Mr. Snow. All were in favor.**
  - Mr. Travalini requested to add in the Chair's report, a discussion on the Canoe landing/ Eagle Scout project.  
**Motion was made by Mr. Travalini to add the above item to the agenda, seconded by Mr. Snow. All were in favor.**

**Abbreviated Notice of Resource Area Delineation-**

**Continued Public Hearing #1 – Abbreviated Notice of Resource Area Delineation (5/28/15, 6/13/15, 7/9/15, 8/13/15) - Exelon 9 Summer Street and 34 West Street (DEP# 216-0849)-**

CONCOM member, Mr. Snow recused himself and sat in the audience.

Jeremy Fennell of Epsilon Associates was present at the meeting representing their client Exelon Power. The original ANRAD was submitted in May 2015. Final plans have been drafted after communicating with Ms. Graziano and Mr. Art Allen. All the filing procedures were followed and the abutters were notified about the project. Mr. Allen (Town of Medway peer review consultant) reviewed the site and provided his

findings and recommendations in a report submitted to the Commission. The comments and recommendations were discussed. The revised plans adequately address his recommendations. CONCOM Chair, Mr. Travalini asked the audience if there were any questions/comments related to the project. Ms. Graziano conducted two site visits (5/12/2015, 5/19/2015). She stated that revisions made during the site visit(s) are added to the final plans. Abutter, Tracy Stewart, 21 Lovering Street asked if drought conditions have any impact on the location of wetland lines. Mr. Travalini explained that dry weather conditions could possible impact the status of perennial streams but not the location of wetland lines. He noted that wetland lines are determined from vegetation and soils, which provide indicators of hydric conditions. These conditions are not lost for one dry season, it may take 10 year or more of dry conditions to change the status of wetlands. An abutter asked if a site walk will be scheduled when the project is in the construction phase. Members stated that the decision to conduct another site walk will be dependent on the request made by the applicant and the general nature of the project. Mr. Travalini stated that a site visit might be conducted if the Commission deems it is necessary.

**Motion was made by Mr. Travalini to issue an ORAD for (DEP# 216-0849) for the plan title “Wetland Delineation Resource Area Delineation Plan” by Beals and Thomas, dated August 12, 2015, for Exelon 9 Summer Street and 34 West Street. It was seconded by Mr. Salvucci and voted to approve 3-0.**

**Commission member, Mr. Snow stepped back to the Commission after the completion of the Exelon Public Hearing #1.**

#### **Request for Determination of Applicability-**

- **5 Brookside Road – Removal of trees within riverfront area of Chicken Brook-**

**Motion was made by Mr. Travalini to continue 5 Brookside Road to the September 10, 2015 meeting at 7:30PM. Motion was seconded by Mr. Snow and it was voted to approve 4-0.**

- **24 Coffee Street (RDA-16-04) Proposal to construct an addition to the existing dwelling (24' x 26')**

The builders Ms. Livia Giovani, Alan N. Nye were present at the meeting representing the applicant Susan and Sergio Gomez. The applicant presented a proposal to add an addition to the existing dwelling of 400 Sq. Ft. on the main floor and an additional 400 Sq. Ft. in the basement. This was reviewed by the Agent and determined that the proposed addition is 84' from wetlands resource located across the two-way street. Ms. Giovani stated that all erosion control measures have been addressed with the Agent and the Agent noted her concerns with Ms. Giovani has addressed in the filing. The Agent asked that all stock piling will be done behind the house, compost sock be placed at the limit of work along Coffee Street, and all areas of disturbance be seeded post-construction.

**Motion was made by Mr. Travalini to issue a Negative 3 and Positive 5 Determination of Applicability for 24 Coffee Street (RDA 16-04) , with the conditions as stated by the Agent. The motion was seconded by Mr. McKay and it was voted to approve 4-0.**

## **Public Hearings**

**Continued Public Hearing#2- Notice of Intent (5/28/15, 6/25/15, 7/23/15, 8/13/15, 8/27/15) – 257 Village Street (DEP# 216-832)**

**Motion made by Mr. Travalini to continue (DEP# 216-832) 257 Village Street to the September 10, 2015 meeting at 7:45PM at the request of the applicant. The motion was seconded by Mr. Salvucci and it was voted to approve 4-0.**

**Public hearing#3- Notice of Intent – 259, 261, 261R, 263 Village Street (DEP# 216-856)- Proposal to construct an Adult Retirement Community consisting of one main residence building for medical care, 60 assisted living and 56 independent living residential units and 15 attached garages**

**Motion was made by Mr. Travalini to continue (DEP# 216-856) to the September 24, 2015 meeting at 7:45PM at the request of the applicant. The motion was seconded by Mr. Snow and it was voted to approve 4-0.**

## **Discussions**

**Discussion #1- 43 and 49 Lovering Street Violation Notice Review of dumping in 0-100' buffer zone of bordering vegetated wetlands**

CONCOM Agent received an email from Mr. Doug Downing of 2 Heritage Drive reporting about dumping of lawn clippings, leaves, and grass within the 100' buffer zone on the condominium property. A site visit was conducted on 07/20/2015. Pictures of the location were presented to the Commission members. It was reported that the dumping was done by the property owners of 43 and 49 Lovering Street properties per the letter from Mr. Downing. A violation notice was sent to the residents of these properties. Ms. Jennifer Stone, 49 Lovering Street was present at the meeting. She stated that the dumping was done without understanding the wetland regulations and the property lines. Ms. Graziano stated that the property owners must clean the area. Mr. Salvucci asked if the dumping creating any blockage to the watershed runoff, the Agent stated that she was not aware of any blockage. Mr. Downing stated that the dumping activity has been happening for a while. He expressed his concern about the area adjacent to the condominium property being inundated with excess water if there was a leak on Lovering Street. The dumped lawn clippings and grass might block the flow of the excess water and hence the area will be inundated. Ms. Graziano suggested that the lawn clippings be removed by hand and with the use of a wheel barrow. The 43 Lovering street property owners have been contacted but they did not attend the meeting. Mr. Downing requested that signage be

placed in the vegetation area. Decision was made that the existing violation order will be amended to an Enforcement Order to include that the lawn clippings must be removed in the buffer zone with the use of a wheel barrow. The amended Enforcement Order will be sent to 43 and 49 Lovering Street owners. Ms. Graziano will schedule a visit to the 49 Lovering Street site.

### **Discussion #2 – 129-R Lovering Street – Review of Millstone Adult Retirement Community proposal for irrigation wells and Review of Order of Conditions**

The Agent explained that there was a proposed amendment to the approved plans under DEP #216-0735. The amendment consisted of the proposal to install a irrigation well which was initially in CONCOM's jurisdiction (within 25' buffer zone) has been removed and is no longer part of the project proposal. Now the property owners and their Attorney are present for review of expired Order of Conditions DEP #216-0735 and re-filing of the Notice of Intent in order to continue work at the site. Attorney Louis Levine, representing Steve Venincasa and his partner (builder) was present at the meeting. The original Order of Conditions (issued in 2007) for this development expired in July of 2015 and a new filing must be completed in order to legally continue work on this site in the jurisdiction of the Commission. The applicant claimed that an amount of \$7000 (\$6000 to Town of Medway + \$1000 to the State) was paid towards filing fee in 2007 for the Notice of Intent, this was not vetted. Ms. Graziano stated that a new NOI must be filed in order to continue work on the project. Under the new regulations, the fee to the State is \$13,500 and an additional \$27,500 (under new Medway Wetland by-law). Applicant requested a waiver or reduction of the fee of the local by-law since there is no change in the project scope. CONCOM members discussed the option where the filing fee could be calculated based on the remaining work in the project. However, there was concern about setting precedence to projects with similar situation. The Agent stated that according to DEP rules, the project should be terminated (a cease and desist issued) for any work within jurisdictional areas. She made an agreement with the DEP that the applicant will file RDA's for individual housing units until an NOI is filed. Mr. Travalini asked if the location and the size of the boxes (on the plans adjacent to wetlands) with individual units are different from the ones filed in the expired NOI. Mr. Snow stated that the Commission could considered reducing the fee for the work not yet completed. Ms. Graziano stated that the new fee does not include the houses that are already built and she has agreed to consider Duplex units as category 2 instead of category 3 which also reduces the fee numbers. It was decided that the applicant will create a matrix of the proposed work and completed work with the help of Ms. Graziano and Ms. Hastings. The matrix will identify the extent of work completed verses work not-completed. The applicant requested if the new NOI could be filed with the State fee (\$13,500) included. The town fee will be included once the amount has been determined. Ms. Graziano stated that the applicant should submit the plans with the NOI filing and include all fees. A determination on the town fee will be made and the Commission will have a discussion at the September 10, 2015 meeting.

### **Discussion #3 - Review of letter to Conway School for Ecological Study of Briggs Management Area-**

The draft letter (with goals and scope of work approved by CONCOM on August 13, 2015) will be sent to the Conway School of Design as a proposal for the ecological study. It has been approved by the Open Space Committee at the September 1, 2015 meeting. The Agent will present the letter to CPC to request for monies to fund the study. Letter will be presented to the Medway Selectman on September 14, 2015.

## Agent Report-

- **Ordering of wetland brochures-** There are approximately fifty wetland brochures readily available. There was discussion if there was a need to order additional brochures. Decision was made not to print any new brochures. Ms. Graziano will scan the brochure and make it available on the website.
- **165 Main Street violation and letter-** On a visit to the Mill Site on a separate matter, Ms. Graziano noticed a significant amount of lawn clippings, landscape materials, large garbage bags, tables, dumped on the property. There is a landscaping company renting/leasing on the property owned by Mr. John Greene. A telephone call was made to enquire about the dumping. He was informed that it is a violation of Medway by-law. Per the phone discussion, a violation letter was sent to Mr. Greene.
- **Kenney Drive Apartment Complex Violation:** A mattress from one of the apartments was infested with bed bugs. It was discarded into the wetlands upon receiving information about an inspection by the Board of Health. A picture of the mattress in the wetlands was taken by the CONCOM Agent. The apartment is being fumigated to eliminate the bugs and it will be recommended from the exterminators to remove the mattress.
- **Engineering Services/ Scope of Work for proposed trails in Medway:** The Medway Open Space Committee drafted a scope of work for to hire engineering services for the design of trails that will stretch from Adam Street parcel to Iarussi Way. Ms. Graziano stated that a parcel on the proposed path to these trails is under the care and custody of CONCOM. Ms. Graziano reviewed the scope and provided her comments. She requested the members to review the scope and the locations of the trails.

## Chair Report

### **Review and sign Eagle Scout Project at Breshanahan's Landing**

Mr. Travalini noted that he visited the property of 57 Village Street Breshanahans Landing with Tina Wright of Open Space Committee to review work needed to be completed. He noted that he agreed to the removal of some brush near the fishing area and that the boom needs to be removed from the lot. The Agent agreed to contact Mass Boating about removing the boom and cleaning all the brush piles from the tree removal due to construction.

**Motion was made by Mr. Travalini to adjourn the meeting. The motion was seconded by Mr. Snow and it was voted to approve at 10:10 P.M.**

Respectfully submitted,

Sreelatha Allam  
Minutes Clerk

**Documents Presented at the September 02, 2015 Public Meeting**  
All documents shall be kept in the Conservation Commission Office files

### **Abbreviated Notice of Resource Area Delineation-**

- **Continued public hearing #1 – Abbreviated Notice of Resource Area Delineation (5/28/15, 6/13/15, 7/9/15, 8/13/15) - Exelon 9 Summer Street and 34 West Street (DEP# 216-0849)-**
  - Letter dated August 10, 2015, revised August 15, 2015)with comments and recommendations from Mr. Arthur Allen (Town of Medway, Wetland Scientist)
  - Email from Mr. Angelo Colace (dated August 24, 2015)
  - Email (dated August 3, 2015) from Mr. Arthur Allen with results from the site walk
  - Email (dated August 11, 2015) from Ms. Graziano to Mr. Fennell Jeremy

### **Request for Determination of Applicability-**

- **5 Brookside Road – Removal of trees within riverfront area of chicken brook- (materials provided at the August 27, 2015 meeting)**
- **24 Coffee Street (RDA-16-04) Proposal to construct an addition to the existing dwelling (24' x 26')** (materials provided at the August 27, 2015 meeting)–
  - WPA Form 1 for 24 Coffee Street
  - Application Summary for 24 Coffee Street Agents Review
  - Plans titled, “Plan Showing Existing Conditions 24 Coffee Street, Medway, MA Norfolk Country” by O’Brien Land Surveying dated May 12, 2015 with hand drawing

### **Discussions**

- **Discussion #2 – 129-R Lovering Street – Review of Millstone Adult Retirement Community proposal for irrigation wells and Review of Order of Conditions –**
  - WPA Form1- Request for Determination of Applicability
  - Draft WPA Form 2 – Determination of Applicability
  - Copy of flood insurance rate map
  - Copy of Town of Medway, Mass GIS map for 129 –R Lovering Street
  - Copy of the plan with proposed building locations prepared by GLM Engineering (dated August 28, 2015)
- **Discussion #3 - Review of letter to Conway School for Ecological Study of Briggs Management Area-**
  - Draft letter on behalf of CONCOM to the Conway School of Design (dated September 17, 2015)
  - Draft copy of the proposed Scope of Work to be performed for Adams Street Management Area

### **Agent Report-**

- **Engineering Services/ Scope of Work for proposed trails in Medway:**
  - Scope of services – Engineering Consultant (revised draft dated September 8, 2015)
- **165 Main Street violation and letter-**
  - Letter from NRG Concepts Inc. (dated September 1, 2015)