



## MEDWAY CONSERVATION COMMISSION MEETING

Sanford Hall, Town Hall

155 Village Street, Medway, MA 02053

7:30 P.M.

Minutes

March 10th, 2016

The Medway Conservation Commission (CONCOM) held its regularly scheduled meeting on March 10th, 2016 at Sanford Hall. In attendance were members Dave Travalini, Ken McKay, Scott Salvucci, Brian Snow, David Blackwell, and Sreelatha Allam, Night Board Secretary

- The meeting was called to order at 7:36 P.M.
- Mr. Snow joined the meeting at 7:51 PM.
- Chairman, Mr. Travalini asked the members if there are any additional items to be added to the agenda. There were none.

### Approval of Meeting Minutes- 9/2/2015, 1/28/2016, and 2/25/2016-

- A motion was made by Mr. Travalini to approve meeting minutes from September 02, 2015 as amended. The motion was seconded by Mr. Salvucci and voted to approve 4-1. Mr. Blackwell abstained.
- A motion was made by Mr. Travalini to approve meeting minutes from January 28, 2016, as amended. The motion was seconded by Mr. Salvucci and voted to approve 4-0.
- A motion was made by Mr. Travalini to approve meeting minutes from February 25, 2016 as amended. The motion was seconded by Mr. McKay and voted to approve 4-1. Mr. Salvucci abstained.

### Request for Certificate of Compliance-

- 9 Little Tree Road- Request for Certificate of Compliance (DEP# 216-815) for the construction of in-ground pool- Decision was made to delay/postpone this item until the plantings are in and the area is established.

### Public Hearings

Continued (9/2/15, 9/10/15, 9/24/15, 10/22/15, 11/12/15, 12/10/15, 1/14/16) Public Hearing #2 Notice of Intent- 259, 261, 261R, 263 Village Street (DEP File #216-854) - 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 cottages, 6 detached cottages, two story medical office building and a pavilion with associated wetlands crossings, parking, utilities, lighting, grading and storm water management system within the 100' buffer zone, bordering land subject to flooding, and the 200' Riverfront Area-

Members went over the Order of Conditions with Mr. Oates from CONECO Engineering before closing the hearing. Updates to the language and certain requirements were made at the meeting. The revised/updated document will be final and considered as the official Order of Conditions. The following are some of the conditions where

1. Condition#19- Language will be revised to say no trash dumpsters will be allowed within 100' of vernal pool.
2. Condition#22- There will be 200,000 yards (approx.) of cubic fill. Applicant will provide an alternative sampling plan to the Commission once the source of the fill is determined. Condition shall include, the sample needs to be collected by a Licensed Site Professional (LSP) or their Agent and a letter should be drafted confirming that the fill material meets the standard.
3. Condition#41- Applicant stated that construction sequencing of Phase2 and Phase3 will be combined. They offered to submit a revised plan combining phases 2 and 3 or to make a note on the existing plans. Agent asked to provide the plans during the pre-construction meeting.
4. Condition#46- Applicant stated the phasing plan will be slightly modified.
5. Condition#53- "Trash Dumpsters" will be eliminated from the condition.
6. Condition#65- A de-watering plan (sketch) shall be submitted by the applicant to be approved by CONCOM or its Agent.
7. Condition#130- This condition will be removed.
8. Storm water Condition- 8- Language will be revised to say Water quality in intermittent streams and vernal pools shall not differ....
9. Annual reports will be submitted to CONCOM in perpetuity.
10. Storm water Condition- 150- After pre-construction activities will be followed by infrastructure construction
11. Miscellaneous condition 169- Members indicated that management plans for trails in Medway will be prepared in the future. An invasive management plan will also be created describing methods to manage and maintain the plants in and along the trails.
12. Miscellaneous condition 170- Sodium Chloride will not be used for de-icing.
13. Miscellaneous condition#171 shall be removed.

**A motion was made by Mr. Travalini to close the hearing on (DEP# 216-854) Notice of Intent- 259, 261, 261R, 263 Village Street. The motion was seconded by Mr. Snow and voted to approve 5-0. All were in favor.**

## **Discussions-**

**Discussion #1 – 30 Main Street Review of Violation Notice vote on enforcement action-** Agent received a complaint from a resident about removal of vegetation from wetlands and presence of chip piles. Complaint was made by the resident who lives next to 30 Main Street. The Agent received permission from this resident take pictures. She observed that a tree was removed and presence of chip piles. Pictures were presented to the Commission. The Agent contacted the owner of 30 Main Street, Mr. John Mascaritolo but has not received any response. A violation letter was sent to Mr. Mascaritolo.

**Discussion #2- 39 Alder Street review of Enforcement Order with possible amendment-**

Mr. Dan Driscoll from Driscoll Engineering was at the meeting representing the applicant Mr. Paul Yorkis. An enforcement order was issued in 2014 for 39 Alder Street. Upon Mr. Yorkis's request, Mr. Driscoll made a site visit on 01-05-2016 and provided a report to the Commission. He stated that there is a 1700 Sq. Ft. of pile in the buffer zone. Edge of the pile is 65 feet from the edge of the wetlands. Currently work is being done to remove the pile. Members stated that any work on the pile including moving it cannot be done until a new Notice of Intent is filed. They expressed dissatisfaction about the applicant's delay in addressing the issue. A decision was made to bring this topic with the Town Counsel.

**A motion was made by Mr. Snow to request access to Town Counsel via Board of Selectmen/Town Administrator to discuss possible litigation options and assessed penalties for the violation of the enforcement order for 39 Alder Street which was originally issued in August 2014. Motion was seconded by Mr. Travalini and voted to approve 5-0. All were in favor.**

**Discussion #3- 129-R Lovering Street- inspection report and compliance under the Order of Conditions-** Agent stated that four inspectional reports have not been submitted by the applicant. She received the reports after making multiple requests and then threatening issuing an Enforcement Order at which time she finally received them. Order of Conditions required a submission every two weeks or after a 0.5" storm event. Applicant has not been diligent in submitting the reports as required. She requested that they attend the 3-10-2016 CONCOM meeting and didn't receive any response. Commission made a decision to send a letter reminding them of their responsibility to follow the schedule for submissions. Deadlines shall be included in the letter and ask that the applicant appear before the Commission if any changes occur to the design of the proposed units.

**Discussion #4 – Review of wetlands alterations at Idylbrook recreation areas from trespass with a motor vehicle-** Members made a decision that the offender should buy wetland seed mix and plants and plant them in the month of May as compensation to the damage done.

#### **Agent Report-**

- **MACC materials for running an effective office-** Agent asked the members if there is any interest to see meeting agenda reformatted. Members stated they are ok with the current format.
- **Conway School Stakeholders Meeting review of presentation-** Agent received good feedback from the second stakeholders meeting. Presentation will be uploaded on the Medway website and Medway Board of Selectman website soon. Final presentation will be made in the next four weeks.
- **Upcoming Agent leave and preparation-** In Ms. Graziano's leave of absence, Ms. Karen Skinner Catrone will be filling in 15 hours per week from May 10th –August 15th. She will primarily work on issuing permits. Any work overflow will be directed towards the Commission. Agent asked that a wetlands expert be hired to review large projects as part of Peer Review under Chapter 44 s. 53G.
- **Ideas for proposed project for the FY17 State Budget funding-** There was discussion on potential CONCOM projects that could be included in the FY17 earmark requests. \$75,000 is the maximum allowable amount that could be requested. Agent suggested using funds for the Medway link trail, land management project, or baseline documentation for open space parcels. Baseline documentation includes surveying the lots, inserting stakes in the ground. There is a land management plan that comes with the documentation. Mr. Travalini expressed interest in funding some of the recommendations coming out of the Conway School project. Funds could also be used to conduct Iarussi Way survey, amphitheater survey, or CSX survey.

#### **Chair Report-**

- **135 Holliston Street Enforcement Order follow-up-** This item was not discussed at this meeting.

**A motion was made by Mr. Travalini to adjourn the meeting, seconded by Mr. Blackwell @ 9:55 P.M.  
All were in favor.**

Respectfully submitted,

Sreelatha Allam  
Minutes Clerk

## Documents Presented at the March 10, 2016 Public Meeting

All documents shall be kept in the Conservation Commission Office files

### **Public Hearings-**

**Continued (9/2/15, 9/10/15, 9/24/15, 10/22/15, 11/12/15) Public Hearing #3 Notice of Intent- 259, 261, 261R, 263 Village Street (DEP File #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 cottages, 6 detached cottages, two story medical office building and a pavilion with associated wetlands crossings, parking, utilities, lighting, grading and storm water management system within the 100' buffer zone, bordering land subject to flooding, and the 200' Riverfront Area**

- Draft Order of Conditions: Findings and Conditions for Salmon Retirement Community, DEP File# 216-0854, dated March 31, 2016
- Tetra Tech memo to Ms. Susan E. Affleck -Childs (Re: The Willows at Medway, ARCPUD Subdivision Review, Medway, MA) dated August 5, 2015, revised Nov. 2015, January 7, 2016, and March 3, 2016.

### **Discussions-**

#### **Discussion #1 – 30 Main Street Review of Violation Notice vote on enforcement action-**

- Medway CONCOM Violation Notice of Massachusetts Protection Act Regulations and The Medway General Wetlands Protection Bylaw (Article XXI) - Issued to John Moscaritolo, 30 Main Street, Medway, MA dated March 1, 2016.
- Email from Lindsey Rockwood dated March 9, 2016.
- Handwritten permission letter dated March 2, 2016 to access the property adjacent to 30 Main Street.
- Medway CONCOM Site visit summary sheet.

#### **Discussion #2- 39 Alder Street review of Enforcement Order with possible amendment-**

- WPA Form 9 Enforcement Order for 39 Alder Street
- Attachment to an Enforcement Order issued on August 14, 2014 by Medway CONCOM to Mr. Paul Yorkis regarding unauthorized alterations at 39 Alder Street.
- Soil pile location map dated January 5, 2016. Prepared by O' Driscoll Land Surveying Co. for Paul G. Yorkis

#### **Discussion #3- 129-R Lovering Street- inspection report and compliance under the Order of Conditions-**

- WPA Form5 – Order of Conditions for 129R Lovering Street
- Order of Conditions- Findings and Conditions for 129R Lovering Street (DEP File # 216-0857) dated October 26, 2015

### **Chair Report-**

#### **135 Holliston Street Enforcement Order follow-up-**

- CONCOM site sit summary for 135 Holliston Street dated 12-14-2014.