



## **MEDWAY CONSERVATION COMMISSION MEETING**

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

**7:30 P.M.**

**Minutes**

**April 10th, 2014**

### **Executive Session at 8:45 PM-**

**A motion was made by and seconded by, to enter into Executive Session in order to discuss the strategy with respect to litigation where open meeting may have a detrimental effect on the towns litigating position of the public body and the chair so declares [Green Acres]. On roll call, the vote was as follows:**

<b>VOTED:</b>	<b>Jen Bosselman</b>	<b>Yes</b>
	<b>Ken McKay</b>	<b>Yes</b>
	<b>Tony Biocchi</b>	<b>Yes</b>
	<b>Chairman David Travalini</b>	<b>Yes</b>

- **At approximately 8:45 P.M. the Board went into Executive Session. The Chairman stated that the Board will return to Open Session.**

**Azalea Drive in the Green Area: Present is the Town Counsel, Ms. Barbara Saint Andre.** The 45 lots, Green Acres subdivision was originally approved in 1988. Part of the sub-division is completed, parts of the development is not finished and at this time the road and stormwater detention parcel has not been accepted by town. Periodically Town of Medway has been going back to some of these sub-divisions and accepting the roads.. The Town has realized recently that there is some money available in the Shirley accounts in bank books. TD Bank has a subsidiary called APEX Heritage which acts as its development arm. APEX owns these accounts. Since it is a subsidiary of TD Bank, they hold the bank books for the original subdivision where the banks books were required under the Planning Board Site Plan Review Approval prior to commencement of development. Three of them are Planning Board bank books, and one of them is for Conservation Commission in the amount of \$6,400. Ms. Saint Andre said that the total amount of monies available in the bank books is not enough to finish the roads. It will still be \$10,000 short. One of the options for the town will be to pursue APEX for the full amount of what it would cost to finish the sub-division. APEX has agreed to release the monies available in the bank books as long as the town agrees to release them of the responsibility to complete the project. Town Counsel expressed that it would be a good offer for the town to accept since it will be much more expensive to pursue APEX to complete the project. The Planning Board is willing to accept the APEXs offer. Town Counsel asked if the Commission was willing to

accept the proposed settlement. The proposed settlement is that TD Bank will release the funds in all the four bank books to the town. Town could use the money complete most of Azalea Drive.. Mr. Travalini asked if the completion of the project involves activities such as cleaning of the detention pond. He said that there are a few detention ponds in the area that needed attention and cleaning. Town Counsel asked if the detention pond was part of the CONCOM Order of Conditions. Ms. Graziano read the original order of conditions which said “initial stabilization of man-made water way is critical to functioning of the system; therefore all construction of water ways will take place during dry period, will be down-stream”. An as-built plan was required in order for a Certificate of Compliance to be released. Town Counsel inquired as to whose responsibility was it to complete the as-built plan. She said a street acceptance plan will have to be made and that she was not sure if it was any different than the as-built plan. Mr. Biocchi said that the as-built would have been done by the developer after construction of the subdivision. Mr. Travalini said that the Commission cannot release the bank book if there is no Certificate of Compliance. Mr. McKay suggested that will be a good idea to inspect the detention pond. Town Counsel read a punch list from Tetra Tech; the proposed cul-de-sac will not be built, section of side walk in poor condition will be fixed, granite radius will be reduced, the drainage system will be flushed and cleaned, all structures and pipes as well as two large detention basins on summer street, north and south of azalea drive, the basins will be cleaned by moving vegetation if necessary and maintain proper functions. An as-built and street acceptance plans will be submitted for review. Mr. Travalini said that the punch list addresses CONCOM’s concern about cleaning the detention basins. Ms. Andre reiterated that in order for the roads to be accepted, someone will make a plan which will show where the street is, and this post likely can be considered the As–Built Plan for the subdivision. She said that the houses are not part of the as-built, but the streets are. Mr. Travalini stressed that the plan should include the detention basins since they were part of the original order of conditions.

**On a motion to authorize the release of the CONCOM bank book that’s held by TD Bank to the Town of Medway, in order to facilitate the repairs of the road, made by Mr. Travalini, and seconded by Mr. Biocchi, the roll call vote was as follows:**

<b>VOTED:</b>	<b>Tony Biocchi</b>	<b>Yes</b>
	<b>Jen Bosselman</b>	<b>Yes</b>
	<b>Ken McKay</b>	<b>Yes</b>
	<b>Chairman David Travalini</b>	<b>Yes</b>

**Motion made by Mr. Travalini to exit the executive session and resume the open session, seconded by Ms. Bosselman. Unanimous**

<b>VOTED:</b>	<b>Tony Biocchi</b>	<b>Yes</b>
	<b>Jen Bosselman</b>	<b>Yes</b>
	<b>Ken McKay</b>	<b>Yes</b>

**Chairman David Travalini Yes**

Respectfully submitted,

Sree Allam  
Minutes Clerk