

MELROSE CONSERVATION COMMISSION

July 9, 2009

The Meeting Came to Order at 7:30 p.m.

Draft Meeting Minutes

Present from the commission were: Kevin Anderson, Richard Doucette, Keith Fleming, Kate Hickey, Susan Murphy and Joseph Nerden.

Absent from the commission was: Steve Locke.

Present from the public were: Bob Beshara, Darshan Jhaveri, Phillip Morgan, Evelyn and Salvatore Patania, John S., Matt Shuman and Mark Sleger.

INVOICE

An invoice for secretarial services in the amount of \$120 from Meredith Beauchesne.

MOTION

Commissioner Fleming motioned to approve the invoice for secretarial services in the amount of \$120, seconded by Commissioner Anderson, unanimously approved.

CORRESPONDENCE

2009 Middlesex Fall & Bulb Brochure
MA Congress Lake & Pond Newsletter
MA Wildlife Newsletter
Land & People

ArcNews

ArcUser

Two Board of Appeals Notices -- 386 Franklin St., Variance to enclose a porch and 482 Swains Pond Avenue to create a subdivision.

MINUTES

MOTION

Commissioner Anderson motioned to approve the May 7, 2009 meeting minutes, seconded by Commissioner Fleming, in all favor.

9 BOW STREET Certificate of Compliance DEP File #217-106

This is before the Commission for a Certificate of Compliance on the original house. An issue was raised that the building inspector received a complaint about possible fill being brought in. In his memo dated 6/24/09, he didn't believe there had been any fill brought in. The Commission went out to the site and found no such evidence. The house and land are stabilized. The grass on the property has always had a hard time growing because of the wet conditions. The tree that is shown in the pictures is dead.

MOTION

Commissioner Doucette motioned to issue a Certificate of Compliance for 9 Bow Street, DEP File #217-106, seconded by Commissioner Nerden, unanimously approved.

27 LEBANON STREET 30 x 30 Asphalt Pad Under Melrose Wetlands Ordinance

Mr. Alder had installed a 30 x 30 asphalt pad, a basketball court, on his property. Mr. Alder was unaware of the Melrose Wetlands Ordinance and did not know that he had to come before the Conservation Commission to perform the work. Mr. Alder is here to file with the commission. There are no issues to discuss and the area is stabilized. There was no change in the grade just some impervious surface was added.

Chairman Murphy asked if there were any comments from the public.

Mrs. Patania an abutter at 21 Maple Grove St, was concerned because many of the properties in that area have changed hands, and the new owners may not know about the conservation's rules and regulations; and asked the commission how word could be spread around to the abutters. The commission told Mrs. Patania that if she wanted to send any ideas or concerns that she could write a letter to the commission.

MOTION

Commissioner Doucette motioned to issue an Order of Conditions with general conditions, using the state form for 27 Lebanon Street, seconded by Commissioner Anderson, unanimously approved.

LEBANON STREET Traffic & Safety Improvements DEP File #217-0174

Bob Beshara and Darshan Jhaveri from the BETA Group were present on behalf of the city. Mr. Beshara addressed the commission. This project is part B of a Massachusetts Highway Project. The project will

begin near Robinson Funeral Home and will continue down Lebanon Street to Grove Street. New traffic signals will be installed, minor sidewalk improvements, etc. There will be some minimal work done adjacent to Ell Pond.

The scope of the project will encompass approximately 800 feet on Green Street and 3,100 feet from Main Street to Lebanon Street. There will be no widening. At the Main Street and Lebanon Street intersection, they will be creating more green space. The existing crosswalk will be rebuilt to meet ADA requirements (wheelchair ramp). Catch basins will be upgraded. Hay bales will be placed along the pond.

Commissioner Anderson asked if there would be any staging along or near the pond. Mr. Beshara said no. Commissioner Anderson asked what was wrong with the catch basins. Mr. Beshara stated that the catch basins were old and not deep. There will be manholes on the sidewalks and catch basins in the street and there will be no more drop-inlets.

Commissioner Nerden asked where the drain outlet to the pond is located. Mr. Jhaveri pointed out that the outlet comes out of the retaining wall, near the platform at the bottom of the steps. He stated that nothing is being added and that the work is just replacing the clay pipe and will connect to the trunk line to the existing outlet.

Commissioner Doucette asked why hay bales were going to be needed if the work is being done at the edge of the sidewalks. Mr. Jhaveri stated that because the ramps are going to be made ADA accessible there might be slight regrading. There may be minor disturbance and minor erosion. Also, the City would put up the hay bales and silt fences so that the contractor knows exactly where the line is (for the limit of work). The contractor will provide the plans for sediment and erosion control as part of their contract with the City. Commissioner Doucette inquired about the couple of trees that are close to the sidewalks and if work will be done around them. Mr. Beshara said yes.

Chairman Murphy asked if there were any questions from the public.

Phillip Morgan, 11 Sargent Street asked if all of the sidewalks were going to be concrete. Mr. Beshara said yes. Mr. Morgan expressed his concern that the hay bales and silt fences end up in the pond. Mr. Beshara stated that this location is visible to the police and he does not anticipate any problems.

Mr. Beshara told the commission that the work should take approximately one to one-and-a-half weeks to complete. Commissioner Nerden asked for confirmation that all catch basins would be cleaned out following completion of work. Mr. Beshara said yes.

MOTION

Commissioner Doucette motioned to close the public hearing, seconded by Commissioner Anderson, unanimously approved.

The Commission discussed the Special Conditions applicable to the project. Provisions of the Commission's standard special conditions were deleted that were not applicable to City projects, including provisions for transfer of ownership. The final provisions are set forth in the Order of Conditions as issued.

MOTION

Commissioner Nerden motioned to approve and issue an Order of Conditions with the special conditions as amended to the City of Melrose for the Lebanon Street Traffic and Safety Improvements, seconded by Commissioner Anderson, unanimously approved.

**PUBLIC HEARING
Bay State Road and Damon Avenue**

DEP File #217-0173

Bob Beshara and Matt Shuman were present from the city and explained the project to the commission. This is Phase 3 of construction. Phase 2 was done last year near Nelson Road and Clifford Street. A 36-inch drain will be tied in by the Hawes Avenue area and the drainage on Damon Avenue will be upgraded. There have been many discussions with the neighbors, and hydraulic modeling has been done as well. The wetlands overtop and cause major flooding. The inlet from the wetlands at Bay State and Damon is going to be increased from 18 to 30 inches, taking out the existing headwall and creating a swale at the same elevation. Chairman Murphy asked how often the wetlands overtop. Mr. Shuman stated with a one-year storm. Mr. Beshara stated that the wetland has overtopped three times since 1997. After the project, the wetlands will accommodate a five-year storm.

Mr. Beshara stated that roughly back in 1999, there was a FEMA project that was left incomplete. This project, unfortunately, created more problems with water for the neighborhood.

Excavation will be performed as part of the construction of the swale. It will be a 2-to-1 slope. The City will avoid taking out any trees. The trees in the area are approximately four inches in diameter. If some trees need to come out, they will be replaced and they will be matched. There is no change in the invert elevation. The city would like to begin the work in August or early September because the flow will be low. The project should take approximately one to two weeks even with the restoration. There will be no utility conflicts and there will be no stockpiling. There should be no dewatering. If there is dewatering, it is a pervious surface and will infiltrate or have catch basins with silt sacks to prevent sediment from filling in the catch basin. Hay bales will be used.

Commissioner Anderson asked if the 18-inch pipe collapsed. Mr. Shuman stated that they could not tell but indicated that the system is

undersized. Commissioner Anderson asked if the inlet had a bar rack. Mr. Shuman said there was a bar. Commissioner Nerden asked how the swale was going to be stabilized. Mr. Shuman stated that it would be a 2-to-1 slope with rip-rap. Mr. Beshara stated that the work would always be connected into the existing systems. Chairman Murphy confirmed that they would be able to connect and not go through the ditch. Mr. Beshara stated yes.

Commissioner Nerden expressed concern about stabilizing the rip-rap, noting that with a few storms, materials can become loose. Commissioner Nerden wanted details on the layout of the swale. Mr. Shuman stated that the swales would have filter fabric and crushed stone installed as a component of its construction.

Commissioner Nerden asked Mr. Beshara what went wrong with the FEMA project or what did FEMA not do that caused this project to have problems? Mr. Beshara stated that it was not built to the design.

Commissioner Nerden asked how the siltation would be handled in general. Mr. Beshara stated that there would be silt fabric in the catch basins. Discharge on the surface would be filtered with hay bales and crushed stone prior to the catch basin. Commissioner Nerden asked if someone would be on site to enforce the work. Mr. Beshara stated that the city has a full-time Construction Inspector and that he would be overseeing the project. Chairman Murphy stated that the commission has received complaints about sediment down stream from the earlier phase of the project. Mr. Beshara stated that he had received no complaints. Commissioner Nerden stated that there have been other complaints from abutters prior Commission meetings.

Chairman Murphy asked how de-watering would be handled. Mr. Shuman suggested a gravel filter berm, and Mr. Beshara suggested a silt sack on the end of the hose that would go into the basin.

Commissioner Anderson asked Mr. Beshara if he knew exactly what

work Saugus was doing or what work the state was doing on the Fells. Mr. Beshara stated that the DCR controls the Fells, and they are only doing minor street repairs. Commissioner Anderson mentioned the couple of bottlenecks by McLaughlin Insurance Company. Mr. Beshara said that to his knowledge, Saugus has cleaned out the drainage by Windsor for better flow.

Commissioner Nerden brought up the flooding issue with the golf course and that the golf course had been before the commission at the previous meeting because the stream is blocked with sediment. Commissioner Nerden expressed his concern about the bottlenecks downstream of the City's work and the golf course. Mr. Beshara did talk to the DCR and said they will only clean fallen trees and limbs out. Mr. Beshara has not been contacted by the golf course regarding the stream, sediment or flooding. Mr. Beshara suggested to the golf course to get the vegetation out before the spring. The golf course, once before, wanted the city to fund their dredging. Mr. Beshara has tried to meet with the golf course. Also, the golf course has not attended any of the city's meetings regarding these issues. The DCR needs to be called. Working with the DCR has been difficult. Many phone calls have been made by the City with no response coming from DCR.

Phillip Morgan, 11 Sargent Street, addressed the commission. Mr. Morgan had mentioned to the commission before that some signage would be an asset to protect the watersheds. For example, Wakefield has a sign. Mr. Beshara said that that could be done because of the EPA permit to re-stencil the road and catch basins. Chairman Murphy agreed that signs would be great.

MOTION

Commissioner Doucette motioned to close the public hearing, seconded by Commissioner Anderson, voted in favor.

The Commission stated it would issue the Order of Conditions at the

next meeting on July 23, 2009.

BOARDMAN AVENUE -- EXTENSION
DEP File # 217-0171

Louis Izzi, Esq. from Bell & Izzi and Rich Williams from Hayes Engineering were present on behalf of the Applicant.

Revised plans dated 6/25/09 were received from the applicant showing the right detention pond enlarged and located 12' off the Craft property. Some additional changes from Planning have not been incorporated into the plan. Mr. Williams addressed the commission. At approximately 4:30 p.m. today, a copy was received from the state with comments and a file number. Mr. Williams addressed all the DEP comments and all have been taken care of.

The Storm Water Management area to the right, as you enter, has been enlarged as much as could and held 12 feet off of the Craft's property volume is approximately doubled. An island has been added in the cul-de-sac and landscaping changes. Planning has asked them to identify the species of trees and will present there at the next Planning Board. Also, the rip-rap is being replaced in the swale.

Commissioner Nerden talked to the AECOM representative about enlarging the detention pond at the entrance to the site. The AECOM representative agreed that larger would be better.

Commissioner Nerden would like to have a permanent ground marker installed like granite stone or something durable to clearly identify the easement to the detention pond. Mr. Williams stated that Lot 9 is going to be subject to an easement deed and that it will clearly state that it needs to be left available for construction vehicles to access pond and that there could be signage or a marker.

Attorney Izzi stated that if the city does not take responsibility for the

stormwater systems, then the property owner will have a restriction or declaration in their deed. Commissioner Nerden expressed his concern that sometimes when things are written in a deed, the homeowner may not follow it or even be aware the language exists. Attorney Izzi has spoken to the Planning Board, and if not the city, it will be the homeowner and can be subject to the Commission's Order of Conditions. Mr. Williams stated that it could also be part of a covenant. Chairman Murphy suggested that the commission say "until such time the city takes over, the homeowner's association will be responsible".

Mr. Williams stated that they go back before the Planning Board on the 28th and then it should be final. Chairman Murphy asked if the commissioners had any more comments. Commissioner Doucette suggested referencing the final plans in the Order. Mr. Williams will submit the amended plans with a letter to the commission.

MOTION

Commissioner Doucette motioned to close the public hearing for the Boardman Avenue Extension, DEP File # 217-0171 and issue a decision within 21 days, seconded by Commissioner Anderson, unanimously approved.

Kathy is going to do a word document and send it to one commissioner. The document will then be sent around from commissioner to commissioner for edits and comments. The Order will be issued at the July 23, 2009 meeting.

CEDARWOOD LANE Certificate of Compliance DEP File #217-88

Mark Sleger, from Alan Engineering, was present and submitted an as-built plan from Otte & Dwyer, the engineers for the subdivision. There

was some discussion about having the catch basins cleaned out. Cedar Street has not been accepted by the city. The Certificate of Compliance will have an ongoing condition to have the catch basin cleaned out annually.

MOTION

Commissioner Nerden motioned to issue a Certificate of Compliance for the Cedarwood Lane Subdivision, seconded by Commissioner Doucette, unanimously approved.

MOTION

Commissioner Doucette motioned to amend and add the ongoing special condition for the catch basins to be cleaned out annually to the certificate, seconded by Commissioner Anderson, unanimously approved.

ELL POND DRAINAGE PROJECT Certificate of Compliance DEP File #217-0163

Commissioner Anderson has been to the site and all looks well. Pictures were passed around to the commissioners.

MOTION

Commissioner Anderson motioned to approve the Certificate of Compliance for the Ell Pond Drainage Project, seconded by Commissioner Doucette, unanimously approved.

There will be an ongoing condition--Crest Gate and General Maintenance, the vegetation at the Melrose Towers may be trimmed back annually in the fall and material will be disposed off of the site.

MOTION

Commissioner Anderson motioned to amend and add the ongoing special condition to the certificate, seconded by Commissioner Doucette, unanimously approved.

ADJOURN

The meeting adjourned at 10 p.m.

MOTION

Commissioner Anderson motioned to adjourn the meeting at 10 p.m., seconded by Commissioner Hickey, unanimously approved.

Respectfully Submitted,

Meredith L. Beauchesne, Secretary