

MELROSE CONSERVATION COMMISSION

September 3, 2009

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

Draft Meeting Minutes

Present from the commission were: Susan Murphy (Chair), Kevin Anderson, Joe Nerden, Keith Fleming

Absent from the commission were: Richard Doucette, Kate Hickey, and Steve Locke

Present from the public were: Michael Nguyen, Tim Powers (Stantec), and Paul Morgan

Commissioner Anderson sat in as Chairman for the evening.

MINUTES

MOTION

Commissioner Nerden motioned to approve the June 4, 2009 meeting minutes with edits from Chairman Murphy and Commissioner Anderson, seconded by Commissioner Fleming, unanimously approved.

MOTION

Commissioner Nerden motioned to approve the June 18, 2009 meeting minutes with edits from Commissioner Anderson, seconded by Chairman Murphy, unanimously approved.

MOTION

Commissioner Nerden motioned to approve the July 23, 2009 meeting minutes with edits from Commissioner Anderson, seconded by Chairman Murphy, unanimously approved.

CORRESPONDENCE

Friends of the Fells Newsletter
Mass Wildlife Newsletter
MACC

CASSIDY LAND SWAP

Commissioner Nerden recused himself from the matter for the discussion and/or vote but will keep the quorum.

Mr. Cassidy came before the commission last spring. His lot is 11,000 square feet, B-13-045. There is a lot behind him, to the south, B-13-084 which was owned by another party. Mr. Cassidy eventually purchased the lot from the neighbor. To the north of Mr. Cassidy's property, Lot B-13-085 is owned by the Conservation Commission. The commission has been to Mr. Cassidy's property for a site visit. Mr. Cassidy would like to keep the left-hand portion, (as viewed looking from Clifton Park) and in exchange, take from B-13-085, a triangular piece. Mr. Cassidy is now here with an endorsed ANR plan. . This land swap requires an unanimous vote from the Conservation Commission and then approval from the Aldermen. After the Aldermen's vote, it would proceed to the General Court. Mr. Cassidy was before the commission to confirm that he was all set to move forward to step two.

Members agreed that the Commission and the City would gain significantly over what it is giving up. The commission agreed to vote, but with Mr. Nerden abstaining, members were unsure, procedurally, whether it would satisfy the requirement for a unanimous vote with only three voting members, would it, in effect, be deemed a majority vote of the Commission. Denise Gaffey, in Planning will get a legal opinion.

MOTION

Commissioner Anderson motioned to approve the plan as presented and previously discussed, Commissioner Fleming seconded, Voted: 3-1-0, Commissioner Nerden abstained from the vote.

99 PENNY ROAD RDA – Driveway & Grading

Arthur Giangrande, the owner, was present. The plan refers to the address number on the original RDA plan, Penny Rd., which is the lot that Patriot Way was built on. This lot is correctly referred to as 99 Penny Rd., which was the address in the legal ad. Mr. Giangrande is proposing to build a single-family home with a driveway out to Patriot Way. A small portion of the driveway and some grading falls within the 100' buffer. Runoff will flow into the detention pond on the corner of Patriot Way and Penny Road.

Chairman Murphy would like a NOI because of the grading and also because of the steep hill. There have also been previous issues with sediment reaching the stream and storm water runoff from the previous project, involving Mr. Giangrande and the subdivision as a whole.. The contours to the detention basin are steep. Mr. Giangrande stated that the area would be stabilized with loam and grass. Chairman Murphy inquired as to what barriers would be used because

there are concerns about the run-off down the hill into the wetlands. Commissioner Nerden agreed with Chairman Murphy that the lot is steep and that the lot should be permitted under a Notice of Intent. Mr. Giangrande expressed his concerns about holding up the project having to file a NOI

The commission agreed that a Notice of Intent is needed for the proposed project. Chairman Murphy told Mr. Giangrande that she would work with him or his engineers to get the project in for the September 17th hearing so the project wouldn't be held up. The commission told Mr. Giangrande that they would like to review the plan before the meeting on the 17th and that the plan should show the catch basins, the detention pond, the resource area/buffer zone delineations, and more adequately, address the Commission's concerns.

MOTION

Commissioner Nerden motioned to issue a Positive 1 Determination, seconded by Chairman Murphy, unanimously approved.

9 BOW STREET RDA – Deck & Fence

Michael Nguyen, the homeowner, was present and gave a brief overview to the commission. This particular house was the last house built on the street, and all of the drainage in the area is directed to the backyard of this property. The backyard has an area that stays wet most of the year. Mr. Nguyen is here tonight to request a determination of the wetlands in connection with a proposed new fence, (continuing the fencing around his yard and to block off the area in the backyard that ponds.) He is also proposing to build a 17' x 15' deck off the back of his house with concrete sonar piles. Commissioner Anderson asked if any fill was going to be added behind the house. Mr. Nguyen stated, no.

The commission felt the fence blocking the wet area would protect the wetland. Commissioner Nerden asked Mr. Nguyen what his schedule was for the fence and deck. Mr. Nguyen told the commission that there was no set date because he was going to be doing the work himself. The commission agreed that they would like to schedule a site visit to look at the area. A site visit is scheduled for Saturday, September 12, 2009 at 9 a.m.

MOTION

Commissioner Nerden motioned to have a site visit on Saturday, September 12, 2009 at 9 a.m. and to table the hearing until Thursday, September 17, 2009 at 7:45 p.m., seconded by Commissioner Fleming, unanimously approved.

Melrose Middle School (217-133) Wetland Replication Certificate of Compliance

Chairman Murphy and Commissioner Doucette had a site visit with the wetlands scientist and were satisfied with the replication. The soils were satisfactory, and the plants were finally taking

hold. The required 2:1 ratio has been met. The commission received a letter dated August 6, 2009 from Stantec with the confirmation survey transposed on a plan. Commissioner Anderson asked the commission if there were any questions or comments. Commissioner Nerden inquired as to the long-term maintenance and growth of the plants. Commissioner Nerden asked if there was an O&M Plan that would carryover. Stantec suggested that the O&M Plan would be standard for typical storm water with the current state guidelines. Chairman Murphy told the commission that the original Order of Conditions did not have any special conditions. Commissioner Nerden suggested that the site be inspected annually with the DEP guidelines and that language should be put in the Certificate of Compliance. Chairman Murphy suggested sending a letter to the city for thanking them for all of their hard work over the years and to ask the city to have that in the O&M. The commission discussed the possibility of putting a letter in writing to have a clear message so that there would be no future problems.

MOTION

Commissioner Anderson motioned to issue a Certificate of Compliance for the Middle School with ongoing conditions, drainage structures shall be inspected annually, on or before June 1st and maintained in accordance with the Massachusetts Storm Water Guidelines, seconded by Commissioner Fleming, unanimously approved.

287 Swains Pond Avenue (217-141) Certificate of Compliance

A Certificate of Compliance was not issued for the original house lot that was subdivided to create 3 lots. The only work on that lot was the driveway relocation. Chairman Murphy has been to the site and there are no apparent problems.

MOTION

Chairman Murphy motioned to issue a Certificate of Compliance for 287 Swains Pond Avenue, Lot #6, seconded by Commissioner Nerden, unanimously approved.

OTHER ITEMS

The commission briefly discussed the plans for hydro-raking of Towners Pond by Aquatic Control Technology. The raking is scheduled to begin sometime in the fall.

INVOICE

An invoice for secretarial services in the amount of \$97.50 for Meredith Beauchesne.

MOTION

Chairman Murphy motioned to approve and pay the invoice for secretarial services to Meredith Beauchense in the amount of \$97.50, seconded by Commissioner Fleming, unanimously approved.

INVOICE

An invoice for \$483 for MACC subscriptions.

MOTION

Chairman Murphy motioned to approve and pay the invoice for \$483 for the MACC subscriptions, seconded by Commissioner Nerden, unanimously approved.

INVOICE

An invoice in the amount of \$4,950.00 for Aquatic Control Technology.

MOTION

Chairman Murphy motioned to approve and pay the invoice in the amount of \$4,950.00 to Aquatic Control Technology, seconded by Commissioner Nerden, unanimously approved.

ADJOURN

The meeting adjourned at 8:45 p.m.

MOTION

Commissioner Anderson motioned to adjourn the meeting at 8:45 p.m., seconded by Commissioner Nerden, unanimously approved.

Respectfully Submitted,

Meredith L. Beauchesne, Secretary