

Melrose Conservation Commission

Minutes for November 19, 2009

Present: Susan Murphy, Kevin Anderson, Richard Doucette, Kate Hickey, and Joe Nerden (7:45 PM. Mr. Nerden was in attendance only for 99 Penny Rd. Cont. Public Hearing)

Absent: Keith Fleming and Steve Locke

Invoices:

It was decided to hold off on paying the bill for hydro-raking at Towners Pond by Aquatic Control for \$4,700.00 to see what the Parks & Recreation Dept. was billed for hydro-raking at First Pond since the two projects were coordinated together.

Gateway Media - advertising the legal ad for the Public Hearing for hydro-raking at Towners Pond and First Pond in the amount of \$39.24 (\$78.48 split with Parks & Rec.)

Mr. Anderson moved to approve the advertising bill in the amount of \$39.24, seconded by Ms. Hickey, and voted unanimously in favor.

New Correspondence:

Mass. Wildlife News

Letters to Mr. Hancock, 77 Swains Pond Ave.

Notices from Board of Appeals hearings – none which appear to be jurisdictional

Minutes:

Mr. Doucette moved to approve the minutes of October 29, 2009. Mr. Anderson seconded the motion, and it was voted unanimously in favor.

Certificate of Compliance

240 Howard Street (217-0168)

There was no representative present for the project but photos were supplied from the applicant.

Mr. Doucette moved to issue a Certificate of Compliance for file number 217-0168. Ms. Hickey seconded the motion, and it was voted unanimously in favor.

Continued Public Hearing

99 Penny Road (217-0176)

Tim Paris from Design Consultants was present and represented the applicants, Mr. Arthur Giangrande and Mr. Paul Zanotti, who were also present. Revised plans dated 11/2/09 were submitted along with Drainage Calculations, a Stormwater Analysis, and an O & M plan. Mr. Paris went over with members the drainage calculations and the construction sequence. Mr. Paris listed the items in the construction sequence:

1. Take care of the utilities, connecting from Patriot Way (work excludes water service connection);
2. Access the site from the upper end and get the building started after the area is stabilized;
3. Get the waterline out to Penny Road;
4. Complete the work in Patriot Way.

Dry wells will catch the initial runoff from the upper part of the site instead of having it flow all down the site to the catch basins. They plan to pitch Patriot Way with a skim coat of asphalt to get the runoff into the catch basins and re-work the rip rap. They have now shown the pipe on the plan that connects the two drainage systems on both sides of Patriot Way. It was reiterated that the city won't be taking over the roadway and catch basins and the neighbors will have to be responsible for their maintenance. Mr. Giangrande said an attachment on the deed could be arranged. He will look into it further with his attorney. Mr. Giangrande said that Goleene Bros. will be putting a crown in the road to direct water flow into the catch basins and in the spring, they will put curbing in. Final coat of pavement won't be laid until all of the subdivision homes have been built.

Mr. Nerden asked how deep the dry wells will be. Mr. Paris said 6' deep. Mr. Paris said that the perc. tests came out at 2"-3" per hour. Mr. Nerden asked if there is a contingency plan if they encounter ledge? Mr. Paris said they can make the dry wells shallower and larger.

Mr. Moore at 39 Dexter Road, said that he was pleased with the revisions to the plan, but is still concerned about the maintenance on the catch basins. Members will address this further in special conditions.

Mr. Anderson moved to close the Public Hearing, seconded by Mr. Nerden, and voted unanimously in favor.

Some of the drainage systems on Patriot Way are on common land, but the two dry wells, detention basin and stone swale on this lot are on private property and members discussed whether a homeowners association or the individual homeowner should be responsible for drainage maintenance. There is a covenant stating that Patriot Way is a private way. Mr. Giangrande will have his attorney forward a copy of the covenant for Commission members to

review. Members reviewed the special conditions and added additional conditions regarding the maintenance of the drainage systems. A copy of the Addendum to the Order of Conditions is as follows:

VIII. Additional Conditions

The engineer shall certify upon installation of the drywell that there is adequate depth to bedrock so that drywells will function as designed, and if not, provide a suitable redesign.

The owner of the lot shall be responsible for maintenance of the drainage structures and features located on the lot in accordance with the Operation & Maintenance plan, and this will be provided for in a deed restriction upon any transfer of the property. The Commission shall be provided with a copy of the covenant covering maintenance of the roadway prior to commencement of Phase III so that the Commission can ensure that maintenance of all drainage structures and features is adequately provided for. The Commission will not issue a Certificate of Compliance until it is satisfied that maintenance responsibilities are clearly defined and approved by the Commission,

The skim coat of asphalt provided for drainage shall be maintained until such time as the permanent pavement is installed.

Mr. Nerden moved to approve issuing an Order of Conditions with the additional special conditions as discussed. Mr. Anderson seconded the motion, and it was voted unanimously in favor.

Discussion Items

Drainage Work at Grove St., Burnett St., & Granite St.

Mr. Venturo at 88 Granite St., wanted to discuss the drainage structures in the roadway under repair at Grove St., Burnett St. and Granite St. Mrs. Murphy highlighted the corrections to be made to the drainage in the area under the work that the city proposed. Mr. Ventura said there is a problem with the sewer line too. He said he tried to speak with the DPW Dept. about it but, he said Matt Shuman didn't know anything about the sanitation line. When he built his house, he was told to put in a 6" line; and he has since had to change out most of his sanitation line.

Mr. Venturo said that Lou Gougeon, who built the house at 17 Burnett St., didn't build it the way it should have been built. Based on the original Order of Conditions, he violated all the rules and regulations. Mrs. Murphy said that a small amount of compensatory flood storage was filled but the Commission made the decision that the builder had met the regulations. Mrs. Murphy said that the compensation pond was built to size, but has enlarged because of settling and not because of excavation. Mr. Doucette said that after a Certificate of Compliance is issued, that's the end of the Conservation Commission's role. Mr. Venturo was advised to

consult with DEP to see what they have to say. Mrs. Murphy said that the second Order of Conditions that was issued will solve the problem and the work being done in the street should also help solve the problem.

77 Swains Pond Ave.- Enforcement Order

Mrs. Murphy will send Mr. Hancock, the owner, a letter advising him that he has violated the Enforcement Order because he has failed to meet the deadline of 11/15/09, has not made reasonable progress and failed to meet with his monitor. Mr. Hancock will be requested to appear at the December 3rd meeting, have his monitor advise the Commission that she's been on site, and that work must be completed by December 1, 2009. The remainder of the \$320.00 fine should be received at the Conservation office prior to or at the 12/3 meeting.

Adjourn

Mr. Anderson moved to adjourn the meeting at 9:00 PM, seconded by Ms. Hickey, and voted unanimously in favor.

Approved _____ Dated _____

Addendum to WPA Form 5 - Order of Conditions for 99 Penny Rd, DEP# 217-0176