

Melrose Conservation Commission

Minutes for December 3, 2009

Present: Susan Murphy, Richard Doucette, Kate Hickey, and Joe Nerden

Absent: Keith Fleming, Kevin Anderson and Steve Locke

New Correspondence:

Email from 58 Crescent Lane, Malden

Email from Anthony Sacco – Thesis on Fells Reservation

Patriot Way Homeowner's Assoc. Trust

Friends of the Fells Newsletter

Mrs. Murphy advised members that information on the Mt. Hood Feasibility study is available on the Parks Dept. website.

Hydro-raking was completed at Towners Pond and pictures were circulated. The pond looks great, but the site preparation and the logistics of the process should have been communicated better with ConCom, DPW, and Aquatic Control, something to work on should it be done again.

Public Hearings

8 Windsor Street (217-0177)

Paul Marchionda, from Marchionda Associates, was present along with the owner and applicant, Mr. Procopio. Mr. Marchionda explained the history of the site. The site has no bordering vegetated wetland, but is within a floodplain. In 1995, the 100 yr. floodplain was exceeded twice and was later determined to be at elevation 67. Compensatory flood storage was provided for two houses, #8 & 12, but only one house, at 12 Windsor was built. A certification was made in 2002 that the compensatory flood storage provided met the requirements for grading and the two houses.

John Dunn, 25 Farwell Ave., submitted a letter from Judy Reese, 7 Windsor St., who couldn't be present. His recollection was that there was only a partial Certificate of Compliance issued for the work done; and he said that fill has been placed on lot 12. He said that Mr. Procopio said that he wasn't going to do any more work after the one house. Mr. Dunn is concerned that the work authorized in the original Order should be completed prior to the Commission issuing another Order. Mrs. Murphy read out loud the partial Certificate of Compliance that was issued in 2002 and advised the audience that a partial Certificate of Compliance was issued only because one house was built and not the two proposed in that Order of Conditions.

Dennis Taylor, 273 Howard Street advised members that during the Mother's Day storm the lot was under water; and stated that he had to install dry wells when he built his addition. Mrs.

Murphy explained how the amount of storage is calculated for a compensatory storage area. She told them that this lot is within a floodplain, but has no adjacent BVW, where Mr. Taylor's property does have bordering vegetated wetland. There was some concern from the abutters about flooding occurring if a new house were to be built on the empty lot. Mrs. Murphy said that the approved footprint of the house is the same as the one previously approved and compensation for the flood storage for that house was calculated into the amount of area needed in the compensatory flood area. Mr. Marchionda said that the previous plans were actually based on a half a foot lower. Mr. Doucette questioned whether other lots have done any filling since the certification. It was mentioned that 12 Windsor had installed an in ground pool. Mr. Doucette reviewed the file on 12 Windsor and found that a permit had been issued for the pool.

Mr. Doucette moved to close the Public Hearing, seconded by Ms. Hickey, and voted: 4-0.

Mr. Nerden moved to issue an Order of Conditions with the standard VII conditions. Mr. Doucette seconded the motion; and it was voted: 4-0.

Discussion Items

99 Penny Road (217-0176)

Mr. Paul Zanotti was present to discuss with members a temporary alteration to the approved Order of Conditions. The contractor installing the foundation feels that it is going to be too difficult because of the elevations on the site to come in from the top of the property and would like to get approval from the Commission to temporarily access the site from off of Penny Rd. Mr. Zanotti said the work should only take 2 1/2 days and haybales will be installed for erosion control. Mr. Zanotti said he will be there every day. A rip rap entrance will be made for the temporary entrance and then graded back. Mr. Nerden didn't feel as though their plan was clear enough and thought this should have been discussed during the open hearing phase. Mrs. Murphy said that the cross section shows that the water would flow out into Penny Road. She also thought the plan was too vague. Members denied the request to temporarily access the site from Penny Road.

77 Swains Pond Ave. – Enforcement Order

Mr. and Mrs. Hancock were present. Mr. Hancock brought members up to date on the progress at the site. Ms. Basbanes, his wetland consultant was present at the site when the work was done. The elevation was brought down to the wetland level and seeded with a Winter Rye and some other wetland seed mix. Haybales were installed in the stream to stop siltation from coming down from above the waterfall. Mr. Hancock said he and Leah Basbanes had 4 – 5 dams within the brook. He said Leah said he could take out some of the dams once the stream settled. He removed two of the haybale dams because the water was overflowing the stream channel. Mr. Hancock was told that some kind of siltation should be placed above the water fall to keep the silt back. Mr. Hancock was asked to make sure the stream doesn't

get silted and if silt does accumulate, to remove the silt with a shovel. Members talked about monitoring the site. Mrs. Murphy will send out a letter to the Hancocks advising them that the area should remain stable and that frequent monitoring by the wetland consultant is required. Mr. Hancock was told that he would need to pay the remainder \$160.00 of the \$320.00 fine that was imposed on him in June, 2009, because the work wasn't done on time.

17 Burnett Street (217-0153)

Mrs. Murphy has spoken with Mr. Wohlen, the owner, who advised her that, in light of the work that the city will be doing in front of his house and their willingness to allow him to tap into their drainage, he now plans to do the work outlined in the Order of Conditions and would like to request an extension for another year.

Mr. Nerden moved to grant a one year extension to expire January 4, 2011. Mr. Doucette seconded the motion, and it was voted: 4-0.

67 Greenwood Street (217-0169)

ComTank, the contractor at the site will be asked for an update on the site.

Adjourn

Mr. Doucette moved to adjourn the meeting at 9:30 PM, seconded by Ms. Hickey, and voted unanimously in favor.

Approved _____ Dated _____