

# MELROSE CONSERVATION COMMISSION

## Meeting Minutes

April 19, 2007

7:40 p.m.

Present from the Commission were: Kevin Anderson, Susan Craig-Gerson, Michael Cronan, Steve Locke and Susan Murphy.

Present from the public were: Murry Barry, David Dickerson, Bernice Doherty, Kathy Driscoll, Ron Eddy, Robert Enlof, Peter Gianino, Kevin Haggerty, Lou Izzi, Daniel Lenehan, Margaret Redfern, James Renier, Leonard Sutter, Elizabeth Wallace and Mary Ellen Yarnett.

### Correspondence

Mass Wildlife News

Medcaffé & Eddy

Friends of the Fells

Ad for DEP Reporter

Eagle Scouts interested in working at Towners Pond. Commissioner Locke will talk with them and coordinate something.

### Request for Certificate of Compliance 73 Greenwood Street

**Chairman Murphy:** Please introduce yourself and sign-in.

**Mary Ellen Yarnett:** My name is Mary Ellen Yarnett, and I live at 73 Greenwood Street.

**Chairman Murphy:** The Order of Conditions was issued in 1995. As it is not unusual, the homeowner did not realize that they did not have a Certificate of Compliance until it came time to sell their house. I take it you were not able to put your hands on an As-Built?

**Mary Ellen Yarnett:** No, I apologize. With the move, we have things packed.

**Chairman Murphy:** We'll see what we can do without it. This is the lot. Greenwood Street heads up to Wakefield off of Franklin Street, and the wetland is really in Wakefield, except for the 100-foot buffer zone. This property does not have that much affected by the wetlands. There are some differences from the original plan, but it would be easier to see with an As-Built but it is probably not significant for purposes of the wetlands. This is the plan that was approved subsequently to approval of the plan. The previous owner had come in asking whether she had to file a new Notice of Intent because they thought it was going to be 74.5, but they discovered that the ground water was closer to the surface than they had thought so they raised up. So, the house is actually higher, and the driveway is in a different location. That was discussed at a meeting that we have the minutes of, and we determined that there was no new filing required. So, probably in connection with that change, there is some difference in the way that it is graded as you go back into the yard. There is a more level surface behind the house and then a small retaining wall that might be two-feet high and then it levels a little bit. So, there is a little bit more cut and fill than what is shown, but this area looks about the same. These are Willow trees here and over there and one had been taken down. There was a tree planted in this corner. So, besides some slight changes in the grading, it matches the plan as far as the house location and the driveway. This area wasn't disturbed too much since it is just wet. In my opinion, those changes are not significant, and there is no impact on the wetlands. I would recommend that we issue the Certificate of Compliance. I asked the homeowner to be here since there were some changes. I was hoping for the As-Built, they are actually the ones who built the house, but it was quite a long time ago now. Does anyone have any questions for her or me?

**Commissioner Anderson:** I hate to be practical but have the neighbors had concerns or issues?

**Mary Ellen Yarnett:** We have good neighbors and relationships with them. No issues have ever risen.

**Chairman Murphy:** It seems to drains back in here from looking at it.

**Commissioner Anderson:** I don't have any questions.

**Commissioner Craig-Gerson:** I guess that as long as the neighborhood is satisfied.

**Chairman Murphy:** We have never had any complaints except for people generally dealing with that it is wet and there may be mosquitoes. So, we have heard things from this neighborhood but nothing to do with issues regarding the drainage, mostly in terms with people wanting spraying done for the mosquitoes and such. There are no reports concerning drainage. That being the case, do I have a motion to issue the Certificate of Compliance on 73 Greenwood Street, DEP File Number, 217-97?

## **Motion**

**Commissioner Anderson motioned to accept that we issue a Certificate of Compliance for 73 Greenwood Street, DEP File Number 217-97, Commissioner Craig-Gerson seconded the motion, all in favor.**

**Chairman Murphy:** We will take care of signing that after our hearing. You will be all set. I will have to issue the paperwork and will get it to you as soon as I can. When is your closing date?

**Mary Ellen Yarnett:** The closing date is May 1<sup>st</sup> and have to bring it with me to the closing. Will I have this by next week?

**Chairman Murphy:** If you don't get it by next week, just give me a call and remind me. I will do it this weekend and will probably just drop it off at your house.

## **7:47 p.m. Continuance of Public Hearing for Cranmore Lane/Boardman Avenue Abbreviated Notice of Resource Area Delineation**

**Chairman Murphy:** We continued this for some time to allow some additional data to be collected by the applicant for the wetland delineation. We retained our own expert to go out and evaluate the wetland line so we would have another opinion as to the extent of the wetlands in the area. That was done on Friday, and Libby Wallace, the applicant's expert, went out in the field with our consultant. I believe that his results were on the form that you have tonight.

**Chairman Murphy:** I did not get those copies.

**Libby Wallace:** I didn't bring a whole bunch, but you can pass these around with the cover letter.

**Chairman Murphy:** I will spread them out and pass them around and take one for the file. Since you also collected some additional data and results from your site visit, could you please describe what you found in terms of additional data and then the results of your site visit?

**Libby Wallace:** Just for the record, my name is Elizabeth Wallace, Hayes Engineering. In answer to your question, before we went on the site visit with the Commission's consultant, I went out to the site in March; and I dug some soil holes with an auger just along the flags 15-39 or 40, just to see what kinds of soils were up-gradient of my flags. I did soils along the flags and submitted soil logs to the Conservation Commission. As I explained to the Conservation Commission, these soils are very shallow due to ledge and rockiness of the site. There wasn't much soil that I could look at. It was very shallow. You don't really have many layers to look at. A normal soil is really quite deep. In this case, there are lots of rocks and ledge. You are only getting about a foot or so of soil to

look at. I submitted the soil logs, which had dark brown to black soils. In my estimation, the soils were upland, three to seven feet from the flag. I did a number of soil holes at the flags as requested by the Conservation Commission. Really what you are looking at is the amount of organics, how deep the topsoil is, whether you see any indication of hydrology, do you see any surface water or do you see any rusty spots that are showing water moving up and down the soil. In my soil holes, I did not find any indicators of wetland soils. I found some organic soils, but the soils did not have the correct colors to indicate wetland soils.

**Chairman Murphy:** Maybe I could clarify for those of you who are not familiar. The way the wetlands delineation works, which is normally based on vegetation, and you can correct me if I am wrong, we had asked you to collect more data sheets in terms of the vegetation as well but it is some what unusually that there are some wetland plants and that are known to sort of move uphill from a wetland area. One is Sweet Pepper Bush, which is all over this site. There were areas here in which just doing a strict comparing vegetation test, the vegetation had a substantial amount of wetland vegetation so that the applicant faced fear of determination based on the other indicators of hydrology up the slope and in terms of the soils. I think we kind of skipped that step.

**Libby Wallace:** Basically, to delineate a wetland is that you look at the vegetation and you look at hydrology, you look at soils; and I went out and did vegetation plot at each flag that I was interested in. I compared the amount of upland vegetation to wetland vegetation and the wetland vegetation, more specifically, the Sweet Pepper Bush, was going up the slope. The Commission was questioning as to why the Sweet Pepper Bush, which is a wetland plant, was going up the slope while my flags stayed pretty much at the bottom of the slope. Here is the exercise that I did. The wetland vegetation that I saw and using the soils and other indicators to prove to the Commission that the wetland flags were placed correctly. So, the data sheets were submitted to the Conservation Commission, and they, again, questioned why the wetland vegetation was above my wetland line. They questioned why the soils were so dark in color. Normally, dark colored soils are considered wetland soils, but in this case, with the ledge and rockiness at the area, you necessarily don't focus on the darkness on the soil. You focus more on the hydrology and is it wet and are you seeing indicators that the water is going up and down. So, the Conservation Commission hired their consultant to review the soils at the wetland line to help the Conservation Commission figure out why the wetland was so low rather than going right along the wetland vegetation. So, we went out on the 13<sup>th</sup>, and Mr. Allan from EcoTech, came out with me to look at my flags and walked along the flags and sampled the soils right along the areas of the Conservation Commission's concern, which is pretty much Flag 15 to 44 or 45. During that site visit, the consultant took soil samples and looked at them and saw some areas that should be included. We added five flags, R1 and R2, were added to include a little area of organic material, which at that time was wet, so we included that area. That was one area that I excluded because it was dry at the time I was there. We made that change none-the-less. We also widen it a little by looping 39. So, this change included from going from 41 to R1 to R2 to the new position of R39 and excluded 40. We took out 40, and we moved back to existing 38. Again, we walked along the flags and took soil samples, and we looked at Flag 32 and

added R3 above it, just to include a little area of organic material again. 33 remained the same, but we excluded 32 and took out 32 and connected it directly from R3. We added R4 and connected it to 31. That, again, was to include some vegetation and organic material that we found in there that was still wet and sopping. We then walked along the line until we got to Flag 28, and we added R5 above it, three feet up, to include, again, the organic material. We connected that to 27 and that was fine with both of us, and we both agreed about those changes. I think Mr. Allen was satisfied with the rest of the line and walked along the rest of the line on our way out, and he took some soil samples. We did not make any more changes. We then went over to the area over by Carlida Road. We just took a brief look and made no changes over there. That constitutes the changes that were made to the line, five new flags; and we removed two flags and moved one flag. I think I got it all. With these changes shown on the plan that the buffer zone did not move. It was a small change, and the buffer zone was already far out.

**Chairman Murphy:** That whole section is in the buffer zone.

**Libby Wallace:** Yes, that whole section was going to be in the buffer zone anyway.

**Chairman Murphy:** I think that because we have so many interested parties, I will read the report into the record. This report is from the expert that we hired. His name is Arthur Allen, Vice President of EcoTech, which is located in Worcester. He is a certified, professional Soils Scientist and a certified Wetlands Scientist. He has very substantial credentials in soil science and in wetlands. I will read his substantive experts from his report.

**[THE REPORT WAS READ BY CHAIRMAN MURPHY.]**

**Chairman Murphy:** Do any of the Commissioner's have any questions for Ms. Wallace?

**Commissioner Anderson:** All of my questions have been addressed.

**Chairman Murphy:** Can I have a motion to open for public participation?

### **Motion**

**Commissioner Craig-Gerson motioned to open for public participation, seconded by Commission Anderson, all in favor.**

**Chairman Murphy:** Are there any members of the public that would like to ask questions or add their comments at this time? Please state your name and address.

**Len Sutter:** Len Sutter, I live on Arlington Road. What is the characterization of the vegetation that is going upland? Is that any indication that the wetlands are growing and the evolution is the first step or is it just sporadic spread?

**Chairman Murphy:** I think it is characteristic of Sweet Pepper Bush. From the way that I understand it from the experts that we have spoken to, that it is characteristic of Sweet Pepper Bush, although it is a wetland indicator plant, it does have a tendency when there are hillsides mixed with wetlands that it will spread up the slopes. That is the expert advice that we have received. It is just a matter of the behavior of this type of plant. That issue and the issue that it is shallow soils, lead us to hire an expert and have a second opinion in distinguishing these sorts of conditions to make sure that wasn't the case. That was one of my concerns and that we were looking at something that was under transition and, perhaps, that would be an explanation for it. I think we have clearly established through everyone that who has looked at it, and the fact that that is a characteristic of this plant, that it is simply a behavior of that type of vegetation. Do we have any other questions?

**Len Sutter:** With the buffer zone, what can and cannot happen within that buffer zone?

**Chairman Murphy:** The buffer zone is the extent of the Conservation Commission's regulations so if this applicant were to come up with a development plan that didn't have to touch anything within that 100 foot zone, then they wouldn't have to file with us. If they do want to do anything within that 100-foot zone, as part of whatever plans they may have for this property, they would have to file a Notice of Intent with us. This is a permit application that we would review whatever they are proposing for its impact on the wetlands and the resource area. I should note in addition that this is also in a FEMA flood zone, which then gives us separate grounds of jurisdiction over it. So, the wetland line isn't the end of the story. Within that 100 feet, they are allowed to build within 100 feet of the wetland; but they are subject to standards to protect the wetlands, and depending upon the size of the project, are subject to standards to control the storm water that runs off of the site.

**Daniel Lenehan:** Is that within your jurisdiction?

**Chairman Murphy:** That is within our jurisdiction. If any of the projects lies within the 100-foot buffer zone, then the project is within our jurisdiction.

**Daniel Lenehan:** What if none of it does?

**Chairman Murphy:** If none of it does, then they would not have to file with us. If they were not disturbing anything in that area, they wouldn't have to file with us.

**Daniel Lenehan:** What about the potential for the impact on that area?

**Chairman Murphy:** I understand what you are saying. If they are not altering anything that is within that 100-foot buffer or within the flood plain, they don't have to file a permit application with us. Our only involvement would be, if there were other permit applications that they would have to file if they were going to say subdivide, there is a subdivision process, we do act as an advisory board in those cases. We would provide advice in terms of what we think should be done with the land and to also protect those

areas. There are still avenues for us to provide advice, but in terms of us actually having authority over the areas, only if they are within the wetlands. It looks like the use of this property is going to involve a filing with us, but, again, if they don't do anything that is in our jurisdiction then they don't have to file.

**Len Sutter:** What are they planning?

**Chairman Murphy:** This meeting isn't about what they are planning. It seems likely that whatever plan, that it is going to come back before us.

**Kevin Haggerty:** Kevin Haggerty, 11 Cranmore Lane. I have a question about that is related to the changes that were made to the markings. I guess I got a little bit confused. I thought that one section of these were changed because it was wet on the last trip but was dry in earlier trips?

**Libby Wallace:** Yes. In some places along the line, the soils appeared wetter than when I initially flagged them, and we have now encumbered them with the flag and have included them as wetland.

**Kevin Haggerty:** My question is what is the practical indication of that and not so much to ask about building permits but it does change the delineation line and it reduces a very small fraction of uplands in that section of the property. Is there any part of the collaboration that the question, not saying that I would, but if I were to argue that all of that land is much wetter now that it was a week ago, if I was to argue that and that all of those lines were hypothetically moved a little but farther up, is there any practical implication of that?

**Chairman Murphy:** I will answer that in two ways. First of all, a wetland delineation shouldn't be dependent on a storm. One of the reasons why we had the Soils Scientist go in was because he was able to look at the soils and see if there were characteristics in the soil indicators that when it is wet, that soil remains saturated, and the reason why he is an expert in that area and has stronger credentials, with all due respect to Libby here, that he could do that. Certainly what Libby is saying that the particular swale, if she saw it when it was this wet, yes, she probably would have moved them up a little bit too. So, she didn't disagree with him making that suggested change, but I think that the expectation that he would have been able to have made that determination even if he was going out when it was dry. As a practical matter, if you want to make the argument that everything should be moved up, the way to do that is that there is an appeal process here. So, if we were to vote on this line and said that we have accepted this line, it can be appealed to DEP. You, as the abutters, have the right to do that. It is a practical matter as to building, it is really hypothetical in terms of what is practical and what they choose to do or not do with the property there is really no way for me to answer that question.

**Commissioner Anderson:** I think what you are getting at is that, if you look at the green line and how like serpentine it is, the practical implication that you are getting at, is that

there isn't one because the line tends to smooth out scribing the 100-foot buffer zone. You can see how much smoother that is.

**Kevin Haggerty:** Okay, thank you.

**Chairman Murphy:** It does have an impact on could they build anything in that area because they can't actually build on the wetland at least not without providing mitigation and in terms of wetlands some place else. So, it doesn't really have an impact on what the line is that we have jurisdiction over. It would have an impact in terms on what they are planning on building potentially.

**Kevin Haggerty:** I have one more question. Going upwards, there are some lines there. I believe that is going East and not on this property, and could be a vernal pool. Would that have any impact on this?

**Chairman Murphy:** That is a good question.

**Commissioner Craig-Gerson:** Do you know if it is a certified vernal pool?

**Kevin Haggerty:** I don't believe so.

**Chairman Murphy:** What we have been asked to do is to delineate the bordering vegetated wetlands and to the extent that there may or may not be a vernal pool off the property, I think that we would specially note, given that statement, that we are not addressing the question of whether there is a vernal pool there. I think it would be certainly looking into the certification process because that does attach some additional protection. I would include that in our decision that we are deciding on the bordering vegetated wetland, and we are not making any determination as to whether or not there maybe a vernal pool within any distance of the property or any evidence of that shown on the plan because we have not been presented with evidence on that, and we are not making that determination.

**Len Sutter:** These wetlands shifted by man, I see to the right that some of these wetlands could be drained onto that property to make this property on the left more useful?

**Chairman Murphy:** You mean this little piece?

**Len Sutter:** Could some of this be drained over to that area to make the property to the left more useful? Does man have the right to change these wetlands?

**Chairman Murphy:** The process by which some one would make that proposal. Let's say that that is something that they wanted to explore, hypothetically, then they would be proposing filling in a wetland, which is something that is really discouraged. They would be saying that they would fill it in here and we are going to create new wetland over there that is connected and that is how we are going to make up for it. Frankly, that is unlikely

that would be approved unless they had a really good reason for doing it. Besides, we would like it better over here is not considered a good reason to do it. It sort of has to be that they don't have a good alternative. So, there is a process by which that request could be made, hypothetically, it seems unlikely that we would ever approve that. It would require our approval. We have discretion to deny that type of a thing. We have the power to say we are not going to approve that.

**Murry Barry:** Murry Barry, Cranmore Lane. What is the white area in the center? Within the green area and that area where you have the brown is the overflow on the left?

**Chairman Murphy:** It is just a line showing 100 feet from the edge of the wetland because that is the extent of our jurisdiction.

**Murry Barry:** What constitutes the overflow?

**Chairman Murphy:** There is designation of an overflow area. This area is also a flood zone. We are not determining the extent of the flood plain in this hearing. The FEMA map flood plain snakes through here and only vaguely matches the topography. This is based on less detailed information. If they were to come forward with a proposal at any time to develop this property, they will have to actually give us better evidence as to where the FEMA flood plain line should be and that is going to be determined at a different time. That is not being determined in this proceeding. We are just determining the edge of the bordering vegetation

**Murry Barry:** So, the left green line over to the brown line, that is the 100 feet?

**Libby Wallace:** The brown to green line is the 100 feet of their jurisdiction.

**Murry Barry:** So, they could do something within that area plan as long as the plan correctly has drainage and piping and whatever else?

**Chairman Murphy:** There would have to be permits for erosion and sediment controls to where the wetlands would be getting filled in from that construction activity and all of the things that would go into a permit application.

**Murry Barry:** Technically they can't get in on the right side because there is no room there because there is nothing that could be done on that side.

**Chairman Murphy:** I can't say that. Someone may be trying to figure that out what can be done with that property, and we are not at the point now saying there is room or not.

**Libby Wallace:** I don't mean to interrupt. I am sure the abutters have all sorts of questions about what could possibly go in there, but we are only looking for a determination of whether the Conservation Commission approves of the wetlands flags that were put out there.

**Chairman Murphy:** Let me ask you this question. The question regarding the vernal pool was made in the area, if we were to resolve this today, we would have to resolve with the permission that we are not making determination one way or another as to whether there may be a vernal pool that is within the area shown on the plan. If you would like that determination to actually be made, we would have to continue it and research that. I guess that is a question for you and the applicant in terms of whether you would like to wait and have those issues determined.

**Len Sutter:** What is a vernal pool?

**Libby Wallace:** A vernal pool is an enclosed depression and it doesn't have any outlet or anything. It seasonally floods. It is a seasonally flooded pond. It has no fish in it. It is not a fish pond. It is just a little intermittently flooded depression area that is home to frogs and salamanders. Invertebrates live in that environment.

**Chairman Murphy:** If there are fish in it, salamanders can't spawn and then they are under special protection because, my understanding is that salamanders only spawn in one place and if they can't spawn in that place, you will lose that line of salamanders forever. So, they are subject to special protection.

**Libby Wallace:** In answer to your question, I prefer to have the Conservation Commission vote on the line tonight and close this out, and then will address the vernal pool issue if and when we come back with a proposal for construction.

**Kevin Haggerty:** At the first meeting, I was asked as a member of the community to go on the first site visit. I would just like to comment on what I saw. To all of the abutters that wanted to find out, the green line on the left-hand side is the line we walked on the site visit. All of the part, until it starts to curve, let's say 10 or 11 o'clock, the bank is quite steep, and have no expertise as to where the wetland line is and upland line is. I have confidence that it was processed the way it should. The Conservation Commission is acting on your behalf.

**Chairman Murphy:** So, do we have any other comments? I think that Libby is right. We are spending a lot of time here and are happy to do so but on the issue that is before us, the extent of the wetland line. So, are there any other questions or comments on that?

**Daniel Lenehan:** The issue of the vernal pool, will your ruling mention that at all as a condition or is it totally off of the table for this discussion?

**Chairman Murphy:** For us going forward, we are not proposing to do, and we will discuss it as a Commission, what I am proposing is to make clear is that all we are deciding is where the line is and are deciding that this in fact is the line for the bordering vegetated wetland. We will specifically note that we have not made a determination as to whether or not there maybe a vernal pool located in the areas as shown on the plan. There will be a notation that there may or may not be a vernal pool and will be addressed later.

**Daniel Lenehan:** A notation will be made?

**Chairman Murphy:** A notation will be made and determined later.

**Commissioner Cronan:** Everyone that speaked this evening, please sign-in on the sign-in sheet.

**Chairman Murphy:** Any one else? Can I have a motion to close public comment?

### **Motion**

**Commissioner Craig-Gerson motioned to close public comment, seconded by Commissioner Anderson, all in favor.**

**Chairman Murphy:** Any other questions or comments?

**Commissioner Anderson:** I agree with all of the foregoing and think that we have to deal with the issue at hand.

**Chairman Murphy:** The reason why I would like to specially address it is just because that area is shown on the plan, although, the reason why I have really focused on it is because it doesn't affect the buffer zone or anything on the actual property; but if it is a vernal pool, I think we would have to look at differently. It is worth mentioning now. Any other thoughts?

**Commissioner Cronan:** The changes were very minor, and I am satisfied.

**Chairman Murphy:** Can I have a motion?

### **Motion**

**Commissioner Cronan motioned to issue a Resource Area Delineation Order accepting the bordering vegetated wetland line as shown on the plan to accompany the abbreviated resource area delineation in Melrose, Massachusetts, revised April 16, 2007, with a notation that we are not making a determination as to whether or not there may be a vernal pool within the area shown on the plan, seconded by Commissioner Craig-Gerson, all in favor.**

**Chairman Murphy:** We have approved this wetland line and an Order will be going out. Once the Order is issued, there is an appeal period, it can be appealed DEP within ten days, and you can just contact us to get the forms if you are interested in doing that. Otherwise, thank you very much for your participation. Thank you, Libby.

**Libby Wallace:** Thank you.

**Public Meeting**  
**Request for Determination of Applicability for**  
**Rocky Mountain Spring Water Company**  
**for Construction of a Kiosk at**  
**Towers Plaza, 880-892 Main Street**

**Chairman Murphy:** We are going to hear the Request for Determination of Applicability for Rocky Mountain Spring Water Company for the construction of a spring water kiosk at Towers Plaza. The area is within the FEMA map flood plain. If you could, please introduce yourself.

**Ed Rose, Jr.:** Ed Rose, Jr., for Rocky Mountain Water Spring, and this is my Dad, Ed Rose, Sr.

**Chairman Murphy:** Do you have anything large enough that you could hold up? Could you please describe how you are going to do this? Just go with what you are proposing now. We have almost entirely new Commission.

**Ed Rose Sr.:** Several years ago, the question came up in a discussion about storage to compensate for a 12 by 14 building because it was in the flood plain. We are proposing storage prior to that in excess of the storage required. In this application, we followed advice and the previous comments, if you would, and raised the level of the building four inches under the building, and building will be on stilts. So, therefore, alleviating the need for storage and for causing any problems in the flood plain area.

**Chairman Murphy:** So, how high off of the ground is it going to be?

**Ed Rose Sr.:** Four inches.

**Chairman Murphy:** 54 is the flood elevation.

**Ed Rose, Sr.:** That is shown at that site and on the plan.

**Chairman Murphy:** Do you have room for the water below the building? The elevation at the bottom of the building is above 54. Or is it not? What is the elevation at the bottom of the building?

**Ed Rose Sr.:** Let's look at the survey and see.

**Chairman Murphy:** I am just having a hard time reading the plans, but I know that we discussed the concept of it

**Ed Rose Sr.:** It is shown on the map. I think the elevation is 54.1 if my memory serves me correct.

**Commissioner Anderson:** Is this actually in the flood plain?

**Chairman Murphy:** Yes, a flood plain.

**Commissioner Anderson:** Your structure is at 52.9 plus four inches?

**Ed Rose, Sr.:** That is correct.

**Commissioner Anderson:** So, you are displacing .85 feet?

**Ed Rose, Sr.:** At that point, it is 52.8 feet. So, we are raising the building four inches to allow the water to pass underneath.

**Commissioner Anderson:** You are displacing 75 cubic feet. So you need compensatory storage for the building, 12 by 14, by 75 cubic feet.

**Ed Rose, Sr.:** What elevation?

**Chairman Murphy:** 54 is the flood plain elevation.

**Ed Rose, Jr.:** Above 54.

**Ed Rose, Sr.:** 52 plus 4 is 56.

**Chairman Murphy:** Four feet, not inches.

**Commissioner Anderson:** There is a four-inch space. The bottom of the structure is at 53.25 and this area is displacing all of this floodwater.

**Ed Rose, Sr.:** Flowing through?

**Chairman Murphy:** If the building is at elevation 54, the building would be underwater.

**Ed Rose, Sr.:** The water would be going underneath it.

**Chairman Murphy:** Right, if the water is going underneath it, it was my understanding when we talked, that you were already required by the Building Department to raise that up. You have to be at 54 to be out of the flood plain.

**Commissioner Cronan:** Another eight inches.

**Chairman Murphy:** Nine inches.

**Ed Rose, Jr.:** It would be easier to make it higher.

**Ed Rose, Sr.:** We would excavate for the sonar tubes and cut down a foot underneath the building and fill it with stone.

**Chairman Murphy:** The problem is that you are not giving compensatory storage below where you are filling it in. I know what you are saying. I thought that the Building Inspector was requiring that anyway?

**Ed Rose, Jr.:** We will raise the building another seven inches.

**Chairman Murphy:** It would have to be another .75 feet. So, that is another nine inches.

**Ed Rose, Jr.:** So, a foot off of the ground. No problem.

**Chairman Murphy:** Should we continue this?

**Ed Rose, Sr.:** Can't you approve it contingent on that? Quite frankly, if the building is above the flood plain.

**Chairman Murphy:** There will still be an issue with some sort of posts coming up. That will be on the Order, an elevation of 54 or above. Do you think that we could issue an approval contingent upon the elevation of the bottom of the building being 54 or above?

**Commissioner Anderson:** Yes, the bottom being above 54 no problem.

### **Motion**

**Commissioner Craig-Gerson motioned to open for public comment, seconded by Commissioner Anderson, all in favor.**

**Ron Eddy:** My name is Ron Eddy. I live in the Melrose Towers. How deep was the water in the last big flood?

**Chairman Murphy:** I did not see that particular location in the parking lot. I have been told by people that the water actually did not go up this far. Because it is in the FEMA map flood plain, the only other alternative would be to go to FEMA and get them to change the flood plain line. We don't have any discretion to say even though FEMA says the elevation is 54 that we don't think that it is. We don't have that discretion. This is very much the outskirts of the flood plain. I don't have anything definitive one way or another.

**Ron Eddy:** The figure is important.

**Chairman Murphy:** The building will be a good foot off of the ground.

**Ron Eddy:** I don't think that is good enough for what the flood plain really is.

**Commissioner Anderson:** They could build this next week and the elevation that was just described and then it could flood. That flood could correspond with a 200-year flood. The only thing in place here is the 100-year flood elevation and that is established by the federal government. We can't select another elevation.

**Chairman Murphy:** We have to do it based on a 100-year flood and that is determined by FEMA for this location. That Mother's Day storm may have been greater than a 100-year flood. If it was greater and higher than the 100-year flood, if by definition, is going to be higher than what we are regulating to, we are regulating to the 100-year flood. We are not regulating to a 200-year flood or a 500-year flood. We are regulating to a 100-year flood. So, the fact that historically this has a higher water level, which has been seen on this site, as that has been the case, is not relevant to our decision because of what we are required to and that is to use the 100-year flood elevation. FEMA has determined that, and we have to use FEMA's number. There are areas in the city where FEMA has not set flood elevations and then we will use the historical data just because that is better than anything else that we have but when FEMA sets an elevation, we don't have the discretion to do that. We have to use their elevation. The only way to change that would be to work with FEMA to try to get that to change. By raising this building to 54, that is going to help in terms in case it gets to that level, it is still going to have a minimal impact. In terms of what we can do as a Commission, we have to work with 54.

**Ron Eddy:** What if it floods and impacts the products that are in this building, the products that people use for consumption?

**Chairman Murphy:** That is an issue for the Board of Health in terms of what would have to be done. The Board of Health is aware that this is a flood plain.

**Ron Eddy:** What if the water becomes contaminated water?

**Chairman Murphy:** Obviously, when these sort of issues arise in terms of flooding, all of these stores that sell food and stuff, there are issues for the Board of Health to deal with. This will be dealt with through the normal channels. These people would have to deal with the Board of Health on these issues. What we regulate is to make sure that the impact on the flood plain isn't going to make it flood any more or anywhere else. We don't have any authority with regard to food products if it floods. That is an issue for the Board of Health, and the Board of Health will deal with it. They don't need us to tell them that it is in a flood plain. They know that it is in the flood plain.

**Commissioner Cronan:** What we are focusing on is whether or not this building is within the flood plain itself. What we are seeing is that by raising the building above the level of the flood plain, it is not a health issue that we are looking at. That is up to the Board of Health.

**Ron Eddy:** You asked me to come. I think that you need to tell them that this is a flood plain. This is going to be a problem.

**Ed Rose, Sr.:** First of all, you are incorrect in your assumptions. The building itself is controlled by the Department of Environmental Protection. The building is approved and inspected, and the water is inspected every month. The Board of Health will receive a copy of that. It is not city water. It is pure spring water. It is brought in. It is kept in a completely contained environment in the storage. It is a 2,800 tank. All the piping is stainless steel. There is no surface inside that storage that would be touched by flood water or contaminated water. The tank is 12-feet high. Tests done are done by an independent laboratory, and the results are sent to the DEP. We have a 14-year flawless record with DEP. We have never had one, single solitary negative report in 14 years, and we have 32 stores.

**Ron Eddy:** I never implied that.

**Ed Rose, Sr.:** I understand that.

**Chairman Murphy:** We understand your comments and thank you. If you would like to talk to the Board of Health, you can do so. Our jurisdiction is only the impact the building could have on the flood plain. Does anyone else want to make a public comment?

**Margaret Redfern:** I am Margaret Redfern. Where is this structure going and next to what store? Where are we?

**Chairman Murphy:** At the Northern end of the plaza.

**Margaret Redfern:** Thank you. I just needed clarification.

**Chairman Murphy:** Any other questions or comments? Motion to close public participation.

### **Motion**

**Commissioner Anderson motioned to close public participation, seconded by Commissioner Craig-Gerson, all in favor.**

**Commissioner Cronan:** How will there be access to the building?

**Ed Rose, Jr.:** It is an unoccupied building. It will all be filled from the outside. The truck will pull in and plug-in on the outside. Basically, it is just a building to hold the tank to keep it away from people and contamination. There are no people in there or access in there. We will go in just to have it serviced and to clean the tank.

**Commissioner Cronan:** I am just concerned and want to make sure that there is going to be a large concrete stair.

**Ed Rose, Jr.:** We will just put up a step that would be temporary when we need access, and we will put it away back in the building when we done. It will be a temporary step. We don't want to make it easy for anyone to break-into the building.

**Chairman Murphy:** Any other questions? We have closed public comment.

### **Motion**

**Commissioner Craig-Gerson motioned to open public comment, seconded by Commissioner Anderson, all in favor.**

**Margaret Redfern:** Will there be any plastic bottles around?

**Ed Rose, Sr.:** You bring your own containers. This is a self-serve. You bring a one-gallon container or a five-galloon container and fill it yourself. You bring those to this store and put it under the spout and for \$1.25 get a five-galloon jug of spring water. People can also bring down one-gallon containers and pay a quarter a galloon. This is a bulk water transfer facility. If the city goes down, say there is a contamination in the city water line, we are certified as a back-up water supply for the City of Melrose.

**Chairman Murphy:** So, do I have a motion to issue a Negative Determination with a condition that building shall be above elevation 54 to keep out of flood plain?

### **Motion**

**Commissioner Craig-Gerson motioned to issue a Negative Determination with a condition that the building shall be above elevation 54 to keep it out of the flood plain, seconded by Commissioner Cronan, all in favor.**

**Chairman Murphy:** Thank you very much.

**Ed Rose, Sr.:** Thank you very much.

### **Public Hearing**

#### **Notice of Intent Submitted by City of Melrose for new Outlet at Ell Pond and Drainage Work at Melrose Towers**

**Chairman Murphy:** We will now begin the public hearing for the Notice of Intent filed by the City of Melrose for drainage work and improvement at Ell Pond and Melrose Towers. Would the applicant's representative please introduce himself?

**Ralph Souppa:** My name is Ralph Souppa. I am from CDM. We are the consultants for the city. I will make the presentation.

**Bob Beshara:** Before we proceed, my name is Bob Beshara, I am the City Engineer for Public Works. This is a combination of a long time coming for Ell Pond to get some

drainage relief. There are various drainage issues in the Ell Pond area. Everyone knows the Ell Pond area and what can happen there. There is flooding in the Towers, the middle school and Tremont Street. These projects are important for the city. We have received some grants from FEMA, which is exceptional for the city. The work that we are doing is for the outlet structure on Ell Pond adjacent to Main Street and are fortunate to have that location. We are fortunate to be able to web these two designs together in the one outlet structure. We have been given an easement from the Bank of America to allow us to access that location and are fortunate to start this project.

**Chairman Murphy:** Thank you, Bob.

**Ralph Souppa:** I would like to stress that there are three parts to this project. The first one is the outlet to Ell Pond and the other is the Towers' area and the third is Converse Lane. The focus is primarily on Ell Pond. You all know about the flooding on Ell Pond. The outlet and the work at the Towers is important here. First is the drainage, which has nothing to do with the wetland. The drainage program is to mitigate the problem. It will not solve the intense flooding that we have with these huge floods. The purpose is to mitigate the situation as best as the city can with funds and the grant from FEMA. The hope is to reduce the flooding in streets and to only occur on the very major storms. This is referred to as the Ell Pond Outlet. There is an outlet now between two small channels that runs out near a part of Main Street, runs down past Grove Street and out of the city. The culvert is a channel that was originally there for the pond, and over the last 100 years, the walls have built up, it is in the old brook that runs underneath the city, it is very insufficient. It has pipes on the bottom and different shapes of pipes. When the pond water rises, it has a problem getting to the outlet and getting out. The goal here with the grant by FEMA is to add an additional pipe outlet to the pond. It will be the size of a 48-inch diameter pipe. It will be coming from the same outlet point. The structure at the end and running out West Emerson and down Myrtle Street. It will be major construction. The work in the pond area, the area of the buffer zone, we will be doing a number of things here. One is to mitigate the problems. The problems occur because there is a bar rack there and debris gets hung up on it. The city does what it can to clean it but it is hard to keep up especially if there is a very big storm. It all jams up there and holds the water up. It will have seven inches or a foot of water in there during a big storm.

**Commissioner Anderson:** If I just may clarify, and am sorry to interrupt, but for the public, this whole thing is located very close to the Vietnam Veterans Memorial, across the street from the hospital. The bar rack is in the channel and have been by the site and it is a significant maintenance area for the City of Melrose

**Ralph Souppa:** The problem is that the water doesn't go down the channel easily and everything gets hung up. We will have wetlands mitigation issues here with hay bales and will show you with more detail what is going on at the outlet here. You can focus on this drawing. This is the direction of the flow now. There are stone walls out towards Main Street. What we are going to do is put in a much bigger bar rack in there and enable the city to get on top of it and rake it out. Also, the debris when it comes up to the

bar rack, will rise up along towards the slope. It will enable the city to get better access to it. Out the side, the water will flow through here down the 48-inch pipe. There will be a structure that we will put right here and the water will be coming from the pond to the bar rack and then goes out towards that direction. The normal water level of the pond is 44.7. There is a typographical error by the way, 47.4. The pipe will be at 42, which is actually lower than the current outlet, and we are going to put on a crest gate for that structure. The purpose of that gate will be to pre-determine what we have, and when the water rises, there will be a sensor that will sense that rise and will allow the gate to open up. As the water continues to stay high, the gate will continue to open up more and more, which would allow better flow of the pond. That would get the water going out of the pond. What happens now is that is that the water isn't going out of the pond. The goal here is to select a water level and have it be automatic so if it happens at four o'clock on Sunday, it will automatically open the gate to allow the water to get out.

**Commissioner Anderson:** The elevation of the stop logs is at 47?

**Ralph Souppa:** Yes. Those stop logs are not intended to be there except for maintenance. I do have additional sheets to show that.

**Commissioner Anderson:** One of my questions is how does this gate function?

**Ralph Souppa:** That is why I have additional copies. I have eight copies with me.

**Commissioner Anderson:** Okay. Thank you.

**Chairman Murphy:** How does this work?

**Commissioner Anderson:** The level sensor is that going to be pressure or ultrasonic?

**Ralph Souppa:** It will be hydraulic. Originally we considered just having a gate there, but that would then require the public works to come out and open the gate every time and then remember to close it. This will automatically regulate the pond level. When the pond is flooded and you have bigger storms, you have all of the water coming in. This is the real problem with the flooding at the Towers. It has to do with the ability of the water being able to get through the pond, and the pond being at a high elevation.

**Commissioner Anderson:** Just one more question. I know that there is some electrical conduit in the control plan for this and will there be stand-by power for this thing or will it have to be charged?

**Ralph Souppa:** There will be means for the Public Works to go in and open the gate manually without having the hydraulic fluid there. Also, there is a pump in there, and they can pump hydraulic fluid to raise or lower the gate.

**Commissioner Anderson:** So, the gate is light enough that it won't be a problem?

**Ralph Souppa:** The hydraulics will allow it.

**Chairman Murphy:** I think at some point we need to discuss possibly lowering the pond before the storm.

**Ralph Souppa:** It can be. The city will be able to select the level that you want the pond to operate at. So, as a storm is coming, they can choose to pick a lower elevation so the beginning will flow out. The city will have to get an understanding and sense it and time it right and establish a level to raise or lower the gate. Obviously, there is an environmental issue of lowering the pond, and you will get the opposite thing when it floods. So, you get a trade-off, which would you rather have occur.

**Chairman Murphy:** From this Commission's prospective, it might be better that the Public Works just doesn't make that decision on its own without any sort of guidance. Is there any plan to develop a policy for how these determinations will be made?

**Ralph Souppa:** There haven't been any discussions regarding that but think that it is up to the City of Melrose

**Chairman Murphy:** That may be something that we may be looking for as a Commission, to establish how these decisions are going to be made and having some moderating of how they are done.

**Bob Beshara:** From my perspective, I won't want to make that decision myself. I think it has to be a collaborative decision as to how to approach to lowering the pond, how confident we are of the storm. I don't want to make that decision myself

**Chairman Murphy:** We do need to know how the city is going to set the pond level and maybe what the Parks Department has to say about it.

**Bob Beshara:** This is going before the Parks Department next week. I would like to get together with Conservation, Denise Gaffey in the Planning Office and it might be appropriate to sit down and work-out how to work it out for the city and don't want to damage the pond.

**Ralph Souppa:** The maximum lowering capability is 1.7 feet maximum. We are also talking about dredging out in front of the outlet. Right now, there is a pile of debris that has built-out there.

**Chairman Murphy:** Could you show that?

**Ralph Souppa:** We are hoping to dredge out to elevation 42, which is lower than the outlet. We are hoping to get the debris out of that, allowing the water to get out.

**Commissioner Anderson:** Do you have particular concern about the whole thing?

**Chairman Murphy:** Do you mean the dredging part of it?

**Commissioner Anderson:** One question comes to mind is that if we pull all of that sediment out, how do you stabilize the slope surface? Are you going to have to taper that to fit the surrounding contours?

**Ralph Souppa:** Probably to form a natural taper.

**Commissioner Anderson:** So, we don't need to honor that in anyway?

**Ralph Souppa:** The bottom here is 43. We are looking at about 1.3 feet lower. Also, the walls go down deeper than that and some sloping off.

**Chairman Murphy:** It is surrounded by a silt curtain.

**Commissioner Anderson:** You would have to stabilize the sediment as you are pulling material out around the edges.

**Ralph Souppa:** It isn't very deep. You could walk right out there. It is important to get that out of there because it has been filling up over time.

**Commissioner Anderson:** Should we talk about the Towers?

**Ralph Souppa:** The Towers' area, as you all know, had a massive flood back last May, and we believe flooded to elevation 52 in that area, not to the 100-year flood, but 52 is major flooding area. The ground is at 48 or 49. Most of that was back-up water from flooding from the pond so by taking water out of the pond, we will improve the situation. What we also discovered was that about 30 years ago, there was a culvert that ran right through this building. A culvert was built around this and connected back in. There was also a 36-inch corrugated metal pipe put in here and that drains the water off the playing field and the wetlands and the water off of the parking lot. This has been buried in there for a long time, and the pipe is completely full of sediment and is taking no water at all. There is a headwall over here that is completely crumbled and the pipes are crushed there. So, what we are doing is basically replacing that pipe with another 36-inch pipe. There hasn't been a way for the water to get out. The water is coming from Melrose Street down this way. That is probably the problem with the pond flooding.

**Chairman Murphy:** The public will have an opportunity for comments. We would like to hear the whole presentation. Thank you.

**Ralph Souppa:** So, we are replacing the corrugated metal pipe with a 36-inch diameter pipe. What we are proposing is replacing the headwall, a little bit bigger of a headwall; it is a headwall with a concrete ware in front of it. It is built-up. It will go down under the pipe. So, that is the detail of the headwall. The ground is over here but the bottom of the pipe is lower than that so we will put in a concrete ware to hold the soils there so the water will go over the top and down and go out. This pipe is extremely shallow. There is

no depth there. So, in that regard, we have to make the headwall a little bit bigger outside here in order for it to hold back the soils. If you don't do that, the soils will go into the drain. This area drains into the existing city culvert, it is a five-foot high, six-foot high culvert that flows right under Melrose Street and right by the school and the Fellsway. That water sits there in the pipe. So, the purpose of this pipe is replace this pipe to get the water out of this area as best as we can. That is the best we can do because the water is so high. In terms of catch basin, we are going to add a couple of catch basins here. This is in the area where the problem is. We are also going to add a catch basin over here and rehook up the catch basin over here. We are adding a couple. There aren't sufficient drainage basins in other areas as well. We have to get the water through the drain. That is my presentation.

**Chairman Murphy:** Any questions from the Commission?

**Commissioner Craig-Gerson:** How long do you expect that concrete replacement to function?

**Ralph Souppa:** The concrete pipe?

**Commissioner Craig-Gerson:** Yes.

**Ralph Souppa:** The pipe itself about 75 to 100 years. Whether soils get into it and other material but that is why there is the lip.

**Commissioner Anderson:** Will there be a trash rack over the structure or some kind of a grading or something considering?

**Ralph Souppa:** It is a very difficult place to access. You would have to walk across the wetlands to get to it.

**Commissioner Anderson:** Okay, this is a relatively isolated place and that was a concern. I just saw the catch basin manhole. Is there a reason for that?

**Ralph Souppa:** Normally in drainage design, the purpose is not to have a grate on drain access. You have grates with the catch basins to catch the debris before it goes down and into the pond. It is done sometimes but only in cases where you have a real problem. You tend to do it in areas that don't tend to have a lot of debris coming to the high points. The existing catch basins, even though they are extremely shallow, they are not really catch basins. They are just inlet pipes. They don't catch debris like a catch basin.

**Chairman Murphy:** I just wanted to note that Nick Gove is here and had asked him to let us know what the Park's position was on being involved in the Ell Pond level. I think that Bob has already stated that we will open that decision up to as much participation as people feel that they want to give but if you have any comments.

**Nick Gove:** A similar presentation is going to be made to the Parks Department on May 9<sup>th</sup>, and the Parks Commission will make the formal decision then and wait to formally see it.

**Chairman Murphy:** Thanks Nick, and thanks for coming by. I have a question regulatory wise about this project being subject to the Storm Water Policy, the reason why there is no impervious surface proposed, we have already had DEP call us on the previous drainage for the middle school to Ell Pond but would have been subject to the Storm Water Policy and think there is an exemption for no new impervious. I just want some justification.

**Ralph Souppa:** The primary methodology that we use is that we do not fill in a new area, creating more impervious area. We would use catch basins that need guidelines that have a deep sump and have a trap on them. We are replacing the project by doing that, and by that way, we are enhancing the situation. It is getting an element of treatment that doesn't exist now even though we are not adding to the impervious surface.

**Chairman Murphy:** The point is to increase the rate of runoff, to bring it back to the design standard. I guess the question in terms of the Storm Water Policy is that are we increasing the rate of runoff to the pond, for example, from the Towers?

**Ralph Souppa:** I hope so.

**Chairman Murphy:** It would be our argument that the reason for the increase is because that is the way it is supposed to work and that it was not functional and that this is a restoration project rather than an increase.

**Ralph Souppa:** Yes.

**Chairman Murphy:** I am concerned about DEP.

**Ralph Souppa:** We do a lot of situations like this where we are trying to resolve flooding, environmental impact statements and all of that and we never run into an issue were are asked to do more than, we are actually doing that in this case, you build to those standards. We are meeting with FEMA next week on the project and also the Parks & Recreation Commission.

**Chairman Murphy:** Meeting with FEMA does not reassure me that DEP is going to be happy. I think that the project makes sense and just want to be prepared whether they raise the issue again with respect to this project.

**Ralph Souppa:** I don't know what types of features they would ask for us to do. We are doing it all.

**Chairman Murphy:** Any other thoughts from the Commission before we open for public comment?

**Commissioner Anderson:** Just one. As recognizing this as a contract, there was some mention of mitigation measures in Section Four. Are each and every one of these items going to be in the contract specifications or going to look to us as Commissioners to issue an Order of Conditions and then make it part of the contract?

**Ralph Souppa:** I assume that you have a general Order of Conditions

**Commissioner Anderson:** That is exactly right. For example, stock piling and extra sediments, that has to be in the contract. Just one more referring to your earlier point, do we expect significant dewatering? I wasn't as concerned with this one but with the more lengthy and involved construction at the Ell Pond outlet. That is a rather large project in this city. Do we expect a lot of dewatering?

**Ralph Souppa:** We are about four feet below the ground water table and mostly in the sand. We don't expect any problems with the water coming from the dewatering. There are no silts and clays, which is a real problem when you dewater. There will be a dewatering process and it will be a moving process.

**Commissioner Anderson:** Okay, so you will be using a Franck Tank?

**Ralph Souppa:** Yes.

**Commissioner Anderson:** The way this mitigation item reads almost lead me to believe that a MPDS watering permit will be obtained by the contractor. I expect that would be you?

**Ralph Souppa:** Yes, because of the length of the project.

**Chairman Murphy:** Most of this project is going to be managed on behalf of the city. Who will be hiring someone specifically for this project to do their construction management.

**Bob Beshara:** Yes.

**Chairman Murphy:** Usually with city projects, we end up dealing directly with the contractor and it has been a problem, and this time, we will be looking for the city to be making sure that this is being done correctly. I know that you appreciate that.

**Bob Beshara:** Yes.

**Chairman Murphy:** Do I have a motion to open for public comment?

### **Motion**

**Commissioner Craig-Gerson motioned to open for public comment, second by Commissioner Anderson, all in favor.**

**Chairman Murphy:** Please state your name for the record and sign-in.

**Peter Gianino:** My name Peter Gineno. I live at 570 Lebanon Street, right across from the hospital. I was wondering how the winter would affect this project with the decrease in temperature and ice and the mechanical motion of the gates, blocks of ice blocking up the grates and things like that?

**Ralph Souppa:** We are working with a company called Rodney Hunt. They are the designers for these gates, and they are designed to handle those pressures and are commonly used in this application on ponds. The sensor sits on the bottom of the ponds and is made for that.

**Chairman Murphy:** Any other questions?

**Dave Dickerson:** Dave Dickerson, with the Ell Pond Committee. A couple of questions. This sounds like a very good plan. Could you please tell us a little bit about the track record of the crest gates and over the long-term how much or how many problems or lack thereof for maintenance to make sure that the water level does not ever adversely damage the pond.

**Ralph Souppa:** I can't speak to that personally. I don't have an answer for that. All I know is that Rodney Hunt is a major manufacturer for these and that these are installed all over the place. If you want me to get some information about that sort of thing, I can do that for the committee.

**Chairman Murphy:** Do you know of any other ponds in Massachusetts that have incorporated this?

**Ralph Souppa:** I don't know.

**Dave Dickerson:** I am not criticizing. In the long-term at some point down the line, ten or 50 years, I am sure something mechanical will happen.

**Ralph Souppa:** Maintenance will be required and anything mechanical will be like that.

**Dave Dickerson:** Will there be any additional filing required or is dewatering around the structure going to be tied in?

**Ralph Souppa:** It is going to be up to the contractor how he is going to work. You will have to isolate parts of it and water to go out the channel. It is not deep. It is only about a foot deep.

**Dave Dickerson:** More importantly, where does the new pipe go?

**Ralph Souppa:** It is going to go back down and tie back into the same channel that goes on now onto Grove Street.

**Commissioner Anderson:** It is shown here.

**Bob Beshara:** Grove at Myrtle.

**Dave Dickerson:** So, you expect that you are bypassing the existing problems in the brook?

**Ralph Souppa:** The pond at 44.7. So, there are things in that channel that are higher.

**Bob Beshara:** We profiled the existing Ell Pond Brook and how it rises to Main Street and under the buildings and runs down that side of Main Street.

**Dave Dickerson:** With the job done and you will be replanting, maybe the Conservation Commission can take this as an opportunity, especially where it is near the shore, can consider it as a chance to repair the buffer zone? Maybe plant a native shore mix and improve the appearance.

**Ralph Souppa:** There is a stonewall. There really isn't a wetland in this area.

**Dave Dickerson:** Okay, now that I look at it, it goes right to the grassy area.

**Ralph Souppa:** Close to here and up. The attempt it to mitigate those types of situation. To make it less severe. There is no real way to solve the whole problem without spending tens of millions of dollars, probably pumping out the pond. There are too many buildings built on the flood plain.

**Bernice Doherty:** With all of the water the other night, I expected some type of flood down there the other night but it didn't happen. I was also going to ask if you have done this in other cities and towns and how does it work? Were the towns and cities happy with it?

**Ralph Souppa:** Every situation is different. You never get the exact same situation. We did the City of Beverly, which included a 48-inch pipe down the street at an area that used to flood three feet deep, 600 feet long and 400 feet wide and used the 48-inch pipe and a box culvert to the ocean and during that big storm last year, no water. Every situation is different.

**Bernice Doherty:** Do the sump pumps in the buildings help at all or do they have nothing to do with it?

**Ralph Souppa:** I don't know. The sump pumps are pumping out back into the water.

**Margaret Redfern:** I know this may sound like a crazy question but have there been studies amount of silt in that pond and was wondering if because there was so much silt maybe that would plug up the pipes and all. I have lived in this area all my life and was wondering if the silt would impact the water going through?

**Ralph Souppa:** I can't address any studies.

**Margaret Redfern:** Have there been studies?

**Bob Beshara:** Yes, there have been studies done on the pond and there is a lot of silt in the pond and it could be dredged but it could damage the plant life of the pond.

**Margaret Redfern:** You mentioned the drainage piping on the Towers and the overflow and how will that impact?

**Ralph Souppa:** The swale behind Building 49 and this area? That area was drained by the old pipe that was in the ground and all filled with sediment. When the pond is down, it will get the water out of there much faster. If Ell Pond were low enough, there will be no flooding of this area.

**Chairman Murphy:** What is the elevation?

**Ralph Souppa:** The elevation of the ground or the pipe?

**Chairman Murphy:** Ell Pond, 44.7.

**Ralph Souppa:** Ell Pond is at 44.7 and 44.7 is up in this pipe so this pipe will have water in it all of the time. That is part of the problem because of the soils here and everything comes off and fills up that pipe. That pipe will have water in it all of the time. This is the culvert downstream and has water in it all of the time, nine inches of water.

**Chairman Murphy:** Is the swale higher than the pipe?

**Ralph Souppa:** Yes, the top of the pipe is about 47 and some 46's. The parking lot is at elevation 48 and 49.

**Chairman Murphy:** Any other questions or comments from the public?

### **Motion**

**Commissioner Craig-Gerson motioned to close public comment, seconded by Commissioner Anderson, all in favor.**

**Chairman Murphy:** We would like to schedule a site visit. I have been out to the Tower's area recently. When can we do a site visit? Should be do an evening?

**Commissioner Anderson:** I looked at the Ell Pond situation today.

**Chairman Murphy:** Let's do 7 p.m. next week.

**Ralph Souppa:** It is hard to find the headwall. It is crumbled down and it is behind the fence.

**Chairman Murphy:** The site visit will be on Monday the 23<sup>rd</sup> at 7 p.m. at the Towers. We will meet in the Tower's parking lot.

### **Ordinance**

The Ordinance will be discussed at the May 7, 2007 meeting.

### **Cederwood Lane**

Commissioner Criag-Gerson is going to look into the matter.

### **Intersection of Clifton Park and Woodland**

Charles Serpa, the Resident Engineer, is a resident of Melrose and is concerned about a 22,000 square foot lot that the Conservation Commission owns. The lot is mostly rock but the lot has a bunch of fallen trees, maybe about a dozen. The trees are Ash. Mr. Serpa would like to clean-up the lot and cut-up the dead and fallen trees but wanted to speak with the Conservation Commission before doing so. The Commission agreed to take a look at the lot and would get back to Mr. Souppa.

### **Invoice**

An invoice in the amount of \$52.32 for the ad for the Request for Determination for Ell Pond.

### **Motion**

**Commissioner Anderson motioned to approve and pay the invoice for \$52.32, seconded by Commissioner Craig-Gerson, all in favor.**

**Adjourn**

The meeting adjourned at 10:15 p.m.

**Motion**

**Commissioner Craig-Gerson motioned to adjourn at 10:15 p.m., seconded by Commissioner Anderson, all in favor.**

Respectfully Submitted,

Meredith L. Beauchesne, Secretary