

MINUTES

MELROSE CONSERVATION COMMISSION

January 4, 2007

The meeting came to order at 7:30 p.m.

Present from the Commission were: Kevin Anderson, Susan Craig-Gerson, Richard Doucette, Susan Murphy and Matt Pecci.

Absent from the Commission was Steve Locke.

There was no public present for the meeting.

Correspondence

Resignation letter from Commissioner Paul Locke. The Commission will be looking for a new member.

Letter regarding the Certificate of Compliance for Nine Bow Street. This is the case where we had lost the file, and they had lost the file and used the as-builts for the Certificate of Compliance.

Advertising material from the New England Environmental Group

Mass Wildlife Newsletter

A notice regarding Pre-Disaster Mitigation Under Flood Mitigation Grant Program

Land & People Magazine

MACC Newsletter. Chairman Murphy has sent in the updated membership list and all of the Commissioners should be receiving it soon.

Grant Training Program information packet for managing forests

Advertising material for getting the National Wetlands Newsletter

EOEA State of our Environment 2006

A publication by Harvard University of Wild Life, Woodlands and Visions for the Forests of Massachusetts

Friends of the Fells Newsletter

Previous Mass Wildlife News

Invoice

An invoice BSC Group for services on the Middle School. They have been assisting us during the wetlands replication work in the amount of \$219.64.

Motion

Commissioner Craig-Gerson motioned to approve and pay the invoice to the BSC Group in the amount of \$219.64 for services done at the Middle School, seconded by Commissioner Anderson, voted unanimously.

Mass Map Grant Program Update

Chairman Murphy updated the Commission on the Mass Map Grant Program, which the Commission has applied to get a copy of Arch View under a program where they provide it to Conservation Commissions and non-profit organizations for \$400 for a two-year license and technical support. Chairman Murphy received a letter stating that the Commission was eligible and that the next stage is a phone interview, which is to basically find out what level we are and our computer expertise. The interview is going to happen on Monday morning, the 8th. Hopefully, soon after that, we will get our GIS. In the meantime, Chairman Murphy got a book on GIS that came with the educational piece of this software and got a hold of what there also is in the Planning Office. Chairman Murphy made a couple of maps. One has the FEMA flood plain and DEP wetlands areas, which was done by DEP. Jane Pitts, from the Planning Office, had done a layer of the open space in Melrose, and Chairman Murphy divided it up as to what was conservation and not. It is not totally accurate from the conservation part. The wetlands that DEP interpreted from it are smaller than we know that is there. The parcel data is in and that is something to start with when we do get our GIS. Hopefully, if we hire someone, we can start getting our permits in a database, and we can then link that to the GIS. This program will be on the laptop.

Conservation Administrator Position

We had five applicants, one of which dropped out after we spoke with him. The last three all have some strengths and some weaknesses. There is Erin Madden, who has very strong office skills and feel she is sharp enough and that she would be able to pick up some of the other stuff. Also, there was Mike Bruce, who is a young kid, a pleasant guy, not as strong with the office skills but would be good going out in the field. Lastly, there was Leonardo Fernandez. He seemed to have a bit of both, and he seemed very detail-orientated and seemed to be able to handle the office work and also has some knowledge. He lives in Canton and works Framingham and are afraid that he would never be here. Chairman Murphy is leaning towards hiring Erin but there seemed to be

some mixed feelings. Since our last meeting, Richard had a chance to sit down with Erin and invited me along, and I think he didn't have any objection to hiring her. While the Commission hasn't had too many permits coming in, Chairman Murphy has had a chance to think about where the Commission is and where it needs to go. Right now, Chairman Murphy feels that we need help with the office stuff, but in a couple of years when it is all set, we aren't going to really have that need any more and don't want to be in the position that we have somebody that we can't utilize any more. Chairman Murphy was thinking about presenting the job to Erin by explaining that the Commission was still trying to figure out how to fund the new position and don't know what will happen with our budget in the future. Present it to her that she has good office skills but not necessarily the scientific skills, and since we can only say that we have the funds for two years, we will need to assess at that point. For now, present it as a two-year term position and say that in January of 2009, we will have to reevaluate the budget; and if she is willing to take the position under those circumstances, we would like to have her work for us. The Commissioners agreed that it sounded like a good idea and to write it out. The Commission agreed to offer to Conservation Administrator position to Erin at a rate of \$16 an hour and that after looking at the Commission's needs and funding that the position can only be committed to for two years.

Ordinance

Chairman Murphy passed around copies of the Ordinance to the Commissioners. The Ordinance was given back to Mayor Dolan last June. The mayor was given the first draft about a year ago and then there were one or two changes. It has been before the Aldermen back in August. but then the Aldermen sent it to the Planning Board, the Planning Board had three meetings discussing it and then talked with Chairman Murphy. Chairman Murphy would like to trim it down a bit, which came from the Planning Board, who knows a lot of this. It is a bit confusing to people and would be nice to have it be more clear. There are a few areas that may need to be reviewed and have some changes.

Page 1, Paragraph 2 – This is about the extent of the buffer zone. The Wetlands Protection Act does not have a buffer to land subject to flooding. When we used the MACC model By-Laws, we realized that the MACC model By-Laws does have a buffer zone apply to land subject to flooding. We had many long discussions about keeping that in or if we shouldn't. The Commission talked with MACC as well. We ended up wanting to leave it in even though they may want to take it out because a lot of things that we require are things that the city should be doing as a whole, doing sediments controls, better storm water controls so we agreed to leave it in. We may not want that permitting load because it will be creating a whole different class of people. Also, if someone's drainage system doesn't actually drain into the flooding area and then they are not impacting it. Using it as a buffer zone, just may not make sense to have it be 100 feet out because they may be not impacting it. It will be creating people who don't even know that they are subject it. There may be people who don't and won't even know that they are within 100 feet of a flood plain, and also, the flood plain is set by an elevation that if they are 54 feet above someone's property it makes it not as obvious that they are within

100 feet. Chairman Murphy is inclined to change this section. The Commission agreed to delete this section.

Last Sentence – These buffer zones, however we are defining them, are subject regulation by the Commission to the same extent as to the resource area. There is a concern about the buffer zone being treated like it was a resource area and is that what we really want to do? The Commissioners agreed to take this language out. I will have to reword it to take the flooding language out. It is going to read, “Land within 200 feet from a vernal pool or within 100 feet from resource areas other than land subject to flooding are subject to regulations”.

Page 3, Consulting Fees – It was questioned as to whether or not those fees would cover what would need to be done. The Commission hired the BFC Group, for the Middle School project, out of the Commission’s budget. What they did was very small; the estimate was about \$2,500. The Commission inquired as to what would fit into the project costs and asked if land value was different and would need to provide some guidance as to what a project might cost and what is eligible. It says – “The estimated entire project, including, but not limited to, resource areas, building design and construction, set perforation landscaping and all site improvements”. That clearly does not include the price of the land. If these numbers are good, we can try them out of awhile; and if they don’t work, rewrite them. It is not the amount that is really the concern but how it is managed. There is really no direction as to how it will be used. The Commission agreed to leave it.

Page 5, Submission Requirements – This section may have too much and maybe we should include all of it. The Commission agreed to leave it as is.

Page 7, Section 6, Setbacks – The Planning Board was a bit confused about the difference between the No Disturbance and No Construction. Commissioner Doucette pointed out that the statement in Paragraph Two “alterations of any kind are prohibited in a No Construction Zone”. That does make it seem like a No Disturb Zone. We can probably take that sentence out. We could just make one zone and take out alterations or any kind is prohibited in the No Construction Zone and say no buildings. It was asked if during the drafting if No Disturbance was under No Construction. Chairman Murphy explained that No Disturbance was supposed to be natural vegetation, don’t put a lawn in, and No Construction was supposed to be, don’t build a deck or a new building. That is how it was defined. The value of having all of this in an Ordinance is that we are in a position that when people say to meet my front yard setback, I need to put my house this close to the wetland and we right now don’t have any basis to say to get a variance because we have a setback too and this is why we need to have a setback in the Ordinance. The Commission will have a stronger stand on the issue. The Commission agreed to combine the two and make one statement. It was agreed to take out the alterations sentence and to make it clearer to say No Buildings. We can say that lawns and landscaping are permitted in this zone but no structures or buildings thereto are permitted in the No Construction Zone.

Page 8, Section 6.2, Requirements – The Commission agreed to leave this section as is.

Page 8, Section 6.4, Storm Water Management – The Commission can change it to say that we need to meet the Storm Water Policy. DEP doesn't require you to do calculations for a one-year storm.

Page 8, Section 6.5, Wetlands Replacement & Restoration – The Commission really doesn't see too many wetland replacement projects in Melrose. The Commission agreed to take out this section.

Certified Mail – This would require people to send things to the Commission by Certified Mail. The Wetlands Protection things have to be sent by Certified Mail. We can change this to either or. Chairman Murphy will find out what the state language is.

Page 14, Definitions – The Commission included also farming and/or destroying of plant life also including cutting or trimming of trees and shrubs as an alteration. The Commission agreed to take out the word including.

Page 16, Definitions -- Also, the Planning Board and Commissioner Doucette noted that we should take out the minimum size that DEP has for a pond, and we don't need to put anything in. A pond is any body of water. The Commission agreed to use the DEP figure.

Nine Bow Street

Bow Street is the file that was lost. The property owners did some work in their backyard. We issued them an Order of Conditions that just had the DEP standard Order of Conditions and referenced the as-built plans. Now, is the time to vote on Certificate of Compliance saying that it is in accordance with the as-built plans.

Motion

Commissioner Anderson motioned to issue a Certificate of Compliance to Nine Bow Street, seconded by Commissioner Doucette, voted unanimously.

Ongoing Projects

Chairman Murphy would like everyone to take on an ongoing project.

Rudolf Street and Maple Terrace: Chairman Murphy

Patriot Way: Commissioner Doucette

17 Burnett Street: Commissioner Craig-Gerson

Mt Hood: Commissioner _____

(THE TAPE ENDS)

Adjourn

The meeting adjourned at 9:20 p.m.

Motion

Commissioner Craig-Gerson motioned to adjourn the meeting at 9:20 p.m., seconded by Commissioner Pecci, voted unanimously.

Respectfully Submitted,

Meredith L. Beauchesne, Secretary