

MELROSE CONSERVATION COMMISSION

Meeting Minutes

March 1, 2007

7:32 p.m.

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

Present from the public were: Murry Bond, Jan Crafts, Barbara Eversole, James Fanikos, Kevin Hagarty, Louis Izzi, Fursey Keleghan, Arnold Konch, Daniel Lenehan, Jeannie Lenehan, Sanford Monstein, Paul Ormond, Elin Peterson, Ursula Renier, Lenny Suta, Libby Wallis and Ella Wiseman.

Correspondence

Mass Wildlife Newsletter

Notice of New Storm Water Pollution Guidance from the EPA

Friends of the Fells Newsletter

The city has received a grant for a Healthy Lawn & Landscape Workshop and will be spreading the word and encouraging people to attend.

Ordinance

Chairman Murphy appeared Monday night before the Board of Aldermen Public Service Committee and went on about 10:20 p.m. Preceding the Ordinance was the \$6 million bond for drainage repairs and it was a good introduction on why you need to protect wetlands. They showed a map from 1906 with the wetlands and now where they have been filled in and how the stream was covered and is now underground. The Ordinance will be before the Legislative Committee next, and they can't make any substantive changes and then before the full board. The only issue that seems likely to raise some question is whether our jurisdiction should extend to isolated wetlands as opposed to bordering vegetated wetlands. At least one of the Aldermen has some questions about that aspect of the ordinance.

Dana Street

Dana Street was also before the Planning Board that night and was continued once again. Dennis Gaffey in the Planning Office is eager have us sit down with her and Bob Beshara

from Public Works and try to at least come to some understanding about what is going to happen with the road. They are just not making any progress on it. It has been repeatedly continued since August 24, 2007 when our memo to the Planning Board was written. The issue just keeps lingering and getting continued and keeps getting more frustrating. The Applicant did not respond to our memo. They are very concerned about the road even though the road is not directly under their jurisdiction. It might be helpful for the whole process to discuss what the possibilities are for the road. The understanding is that they are concentrating on the lot now, and they wanted him to go and redesign it and the applicant has not done that yet.

Open Space and Recreation Plan

This was dated 2005. It has been in the Planning Office and is overdue to be submitted. Chairman Murphy did a bunch of edits to it, including, rewriting the Water Resource Section that was inaccurate and very vague. They would like a Letter of Support from the Commission. Chairman Murphy asked the Commissioners if they would like to vote on a Letter of Support or if the Commissioners wanted some time to review it. It was written in-house and was based on the prior 2000 Wetlands Space Plan. Commissioner Doucette would like to read it. Commissioner Anderson would like to read it as well, along with Commissioner Cronan. It was agreed that Commissioner Cronan was going to try to scan it to make it a smaller document and then forward it to the Commissioners. The Commission will take a vote for the Letter of Support at the next meeting.

Public Hearing 7:45 p.m.

Abbreviated Notice of Intent of Resource Area Delineation for the Property off of Carlida Road, Boardman Avenue and Cranmore Lane

Chairman Murphy: Thank you very much for coming. This will be the public hearing for the Abbreviated Notice of Intent for the property off of Boardman Avenue and Cranmore Lane. Chairman Murphy then read the legal notice that was published in last week's, February 22, 2007 issue of the Melrose Free Press. The way this is going to work is that we first allow the Applicant or their representatives to present the information that is part of the application and then if the Commission has any questions, we will ask them and then we will open the meeting up for public participation. Any of you that would like speak will have an opportunity to do so. We do ask that everyone that does speak to please sign-in so that we have your name for the record. We appreciate your patience here, and thank you for being quite while you were outside. I know that it is strange but it really does echo out there and can't hear in here and appreciate your cooperation with that. First, we will hear from the Applicant's representative.

Lou Izzi: Good evening. My name is Lou Izzi. I am representing Mark Hutchinson and Linda Bouman, his sister, in this application. I thought I would begin by giving a brief overview, somewhat of a historical overview, of this particular parcel. I know that many people here know the history. This particular parcel was purchased by Brad Hutchinson back in the 1960's and has been in the Hutchinson family since that time. The area shown here has a drainage easement granted to the city prior to Mr. Hutchinson's ownership. Since that point and time, a second drainage admission point was located by the city down Boardman Avenue.

Chairman Murphy: Excuse me, I know that you do have questions but am going to have to ask the members of the public, first of all do not ask questions directly of the applicant. Please let him make his presentation and then hold your questions until the end. Since we are such a large group, it will be hard to get through the hearing. So, I would appreciate that you keep them in mind and hold the questions until the time of public participation. I would appreciate it.

Lou Izzi: Perhaps, I should have begun by explaining that the purpose of this meeting tonight is to try to determine to date what is exactly on that parcel for wetlands. Like I said, this property has been in the Hutchinson family for many years. Back in the late 1960's or early 1970's, a subdivision plan was approved for actually 25-30 lots. That obviously did not take place. Nevertheless, the land has been there. I think that many people here know Brad and his family and the responsibilities they feel towards this community. They have had this land for all of these years. They pay their taxes on it. In many instances, that is often the case with vacant land, some people feel it is an opportunity for them to dump clippings, brush and in some instances some things that are more significant than that and something more inappropriate and throughout the entire time, the family has kept the property clear. I think, in the past, they have worked with Conservation to remove items from the land. So, that having been said, we are here this evening to determine exactly what is there for wetlands because as responsible members of the community, they obviously want to be sure that anything that is done on this land is under the advisement of the Conservation Commission, along with state rules and regulations. At this point, I am going to turn this over to Libby Wallis to speak with you about the plan itself.

Elizabeth Wallis: I am Elizabeth Wallis from Hayes Engineering. I am a Wetlands Scientist and flagged the wetlands here. As Lou was saying, our focus tonight is to specially have the Conservation Commission consider and approve our delineation of the wetlands. We need to define the wetlands and all wetland resource areas on the property so that if and when some future development is proposed, we know where those resource areas are. Tonight, we are not proposing any project at all, we are just looking at the wetlands. As you can see, there are significant wetlands on the lot. Anything between the green lines are considered wetlands under the Wetlands Protection Act. One line is flags 1-50 and the other line over by Carlida Road is flags B1-B19. The flags are proposed boundaries and I am guessing that the Conservation Commission will want to go out there and check my flags to make sure that they are correct. The edge of wetlands is relatively well-defined. The property is very hilly so that most of the wetlands are

moderately steep to moderately steep slopes, especially, here where it has been filled at the intersection of Cranmore Lane and Carlida Road. It gets a little bit flat up by the power lines, but, again, is very well-defined. The wetland is a combination of Maple Swamp and Fresh Water Wetlands with some Cattails. As Lou was saying, there are some drainage easements contained in this area. There is a drainage easement going off of here. I believe that the water is draining into the wetlands here. There is a little pipe draining into the wetlands over by Flag 12, and I guess we will see that at the site if the Conservation Commission decides that they want to go out there. This part of the drainage comes off of the slopes from the Northerly point of the site. On the Easterly point, the water comes off the hill by the power lines into the wetlands and it drains off through another pipe over by the power station down to the Crystal Pond Brooke and then finally down to the Saugus River. The uplands are mostly wooded and it does abut the power lines and the Western area between the property and Cranmore Lane and Arlington Road are residential. I ask the Conservation Commission if they have any questions or if they would like to schedule a site walk.

Chairman Murphy: When did you do the delineation?

Elizabeth Wallis: I did it last December.

Chairman Murphy: Could you describe the process that you went through because there are some members of the public that may not be familiar with wetlands delineation.

Elizabeth Wallis: Certainly. The way wetlands are marked out in Massachusetts are by the Two Parameter Method and by using certain kinds of vegetation that are attracted to wet situations, like your Swamp Maples and Cattails, wet loving plants and also by soils. In this case, it is really quite rocky and ledgey underneath the soil along the wetland boundary. I mostly used topography. Where does the wetlands turn into uplands? Here, right at the bottom of the slope. Basically, that is how I did it, by topography and vegetation and some soil samplings. We are looking for areas that exhibit indicators of groundwater and standing water and very wet conditions during the growing season. It was fairly mild when I went out there and had no problem getting into the soils. The only problem was the rockiness of the soil.

Chairman Murphy: You mentioned topography. It is difficult to tell from the submitted plans. I see five-foot contours. Can we get a plan with two-foot contours?

Elizabeth Wallis: Yes, I can try to get that.

Chairman Murphy: You can see that there is a steep slope to the left but can't really tell the topography of the lot.

Elizabeth Wallis: Basically, this is the higher portion with the valley going in between and can look into that. We just took this from a previous plan, a preliminary plan from the Morningside. Let's see what we can do.

Chairman Murphy: Any questions from other commissioners?

Commissioner Craig-Gerson: How big is this parcel?

[Elizabeth Wallis indicated she did not know the answer to that.]

Chairman Murphy: According to the Assessor, six and half acres.

Commissioner Craig-Gerson: How much of it is wetlands?

Elizabeth Wallis: I really haven't figured it out but maybe about half of it.

Chairman Murphy: Could the Commissioners please also state your name when you ask or answer a question?

Commissioner Doucette: You indicated that there was a pipe that enters the wetlands. Do you know first of all what size is it and where does it come from?

Lou Izz: I honestly don't know. This is the area where it is and have no analysis as to the size of the pipe.

Commissioner Doucette: I think that you pointed along the left of the wetlands line or was that another pipe?

Elizabeth Wallis: There are municipal pipes over by the electric lines.

Commissioner Doucette: I thought you pointed to the North.

Elizabeth Wallis: Sorry, it is a tiny pipe.

Commissioner Doucette: There is nothing upgradient of that.

Elizabeth Wallis: We really don't know where that goes. There are some manholes in here and pipes of some sort buried in there and am not exactly sure. I think there are some drainage facilities already buried.

Commissioner Doucette: I am assuming since it has been the same landowner for 30 plus years that they would know why there are drainage structures on the property.

Lou Izz: This particular spot was known to the owner with respect to the drainage easement. The discovery of the pipes closer to Boardman were discovered about 20 years ago, and there is no evidence of permission given to the city to allow drainage onto their property.

Commissioner Doucette: Are the lots on Arlington and Cranmore all developed?

Elizabeth Wallis: Yes.

Chairman Murphy: Any other questions or comments? May I have a motion to open for public comment.

Motion

Commissioner Craig-Gerson motioned to open for public comment, seconded by Commissioner Doucette, voted unanimously.

Chairman Murphy: I guess that we will try just taking hands and then if we need to we will start a list. What I would ask is that you address your comments to the Commission, and we will make note of any questions that you may have for the applicants and take those in turn. I will start over here. Also, if you could please state your name and sign-in on the sheet.

Arnold Koch: Arnold Koch here. I live on the corner of Cranmore Lane and Carlida Road for about 40 years. I believe that pictures are worth more than anything else. I would like to show Ms. Wallis photos from 2006, and this is from 1993, and your sticks would have been underwater at that time.

Chairman Murphy: If I could, as I said, please address your comments to the Commission. I would appreciate it.

Arnold Koch: We were just downstairs looking for Bob Beshara because he is the man that said that the area of Windsor Street to Cranmore and Carlida is a major flood zone, as we all know. Since the power company built their plant on Howard Street, they have filled in and have dug out about four-stories high of dirt which has been replaced with concrete on their property. That water can't seep in there and the water is worse than it was a year ago. So, the vegetation study in the areas may not be up-to-date in terms of that situation and that is all I have to say.

Chairman Murphy: Thank you.

Elizabeth Wallis: The flood plain line that we have scaled onto the plan and that would be those two dotted lines that go through the wetlands. We put it on there because it is shown on the FEMA map.

Chairman Murphy: What are the elevations?

Elizabeth Wallis: There were no elevations. That was taken from the FEMA map.

Chairman Murphy: For me, it is hard to tell from the picture where the water is going up. Could you please show Mr. Koch?

Elizabeth Wallis: It is right at the bottom of the slope.

Chairman Murphy: I am sorry, but it is better for the communications to come from the Commission. I appreciate your showing us interest.

Arnold Koch: We would like to go out and see the area.

Chairman Murphy: We will be going out to see the area and will let you know when that is going to be. Everyone will be welcome to at least be in the area, although it is up to the applicant as to if people can come on the site itself. I am going to continue with some people that raised their hands earlier and will get back to you.

Daniel Lenehan: My name is Daniel Lenehan. I live at 17 Cranmore Lane. I am assuming and wondering, if and when the previous plan was done years ago, would you compare this study to the other studies done in the past? I would like to see that. The other thing that I would like to know is I am sure that I heard that “it was December” and “growing season” in the same sentence. I have a real problem, even though I am not an engineer, but having this study done in December because I can’t imagine that will tell the tale. If you go by vegetation and trees and everything else, the healthy areas are all developed, and we all have yards that we maintain but some of the natural vegetation that might be there wouldn’t be. I am just wondering how accurate a picture you can get. I believe that study may have been done in January and not in December because we saw them out there and it was a very cool day.

Chairman Murphy: We can ask Libby, but I think that there were different times that people were out there.

Elizabeth Wallace: I went out on December 15, 2006, and it was a very mild day. I was out there a couple of times, and then the survey crew went out and located the flags.

Chairman Murphy: I think that it was the survey crew locating the flags back in January so they could be put on the actual plan. Obviously, there still could be an issue being December. I am going to have to ask everyone that is submitting pictures to mark them with your name and we will keep them in the file. If you are planning on submitting pictures, if you could do that, write your name and date so we know and keep track. On the issue as to whether there was a previous wetlands plan, I understand that it was some time ago. The zoning issue was back in the 50’s. Wetland lines when they are delineated are only good for three years because it is such a fluid situation. Even though it might be of interest, it is not going to give us any additional information. We have to go with the conditions that are there currently.

Commissioner Craig-Gerson: Survey flags and staking the wetlands are different. They are two different things.

Chairman Murphy: Libby, if you could just explain the delineating of the wetlands in December versus the springtime and how it works.

Elizabeth Wallace: The process of wetland flagging is the process of looking at the wetland vegetation, at the soils, at the topography and any other indicators that you see out there as to where the groundwater is regularly above or at the surface or near the surface on a regulator basis. Usually, I use the growing season. In December, on a lot like this, there are a lot of shrubs and fairly inundated at the base of slopes. You can generally see a line of change between a vegetation, a wetland vegetation and the upland vegetation. What you do is look for stained leaves and identify shrubs and trees at that time and you can see what kinds of species are available. I would say that as for accuracy, because it was such a mild December, it was almost like doing it in the summer because there was no snow and the ground was unfrozen. It was moist but not so much that you couldn't get around and look at the indicators on the ground. It was a high accuracy line. December is actually a better time to do it because you can see where you are going and don't have any leaves and can see the line of change as it goes up the hill. Wetland delineations tend to be more conservative because the positions that you find in the winter, lack of leaves, and other indicators. Usually during the summer, you have so many leaves and plant indicators that it is some times obscures the edge of staining and other indicators that you would see in the winter. So, if something is mapped out in the winter, it is probably more conservative and more up-gradient than you would probably get in the summer.

Commissioner Doucette: There are two data sheets in the application. Are there any others?

Elizabeth Wallace: There are no others, but I can give you more. The data sheets for the filing are Flags 45.

Commissioner Doucette: You do have others, they are just not here.

Elizabeth Wallace: That is correct.

Commissioner Doucette: Because it would be unusual to get an application with only two data sheets.

Chairman Murphy: I think we had one more hand during the first round.

Leonard Suta: My name is Leonard Suta. I live at 37 Cranmore Lane. I have a pipe running through my yard. The infamous pipe is a three-foot conduit steel pipe that drains into two storm drains in front of my house and also another storm drain across the street all going into the same conduit. There is an easement between my house and the house next door as it runs right through and dumps out into the swamp in the back. I moved there in 1981. In the late 70's, there was an 18-inch conduit pipe that collapsed and flooded my home. It is the lowest point in Cranmore Lane and in the whole neighborhood. All of the water runs down the hill and to that point. When that pipe had collapsed, the water filled the street, came into the house, tore the basement wall out and was four-feet deep. The city came in during the late 70's, the year 1979, and put in a

three-foot conduit just to take the amount of the water that comes down Cranmore from the whole neighborhood. There is an easement on my property for the pipe.

Chairman Murphy: Thank you for the information. Do we have others members of the public that would like to speak? I saw more hands.

Jim Fanikos: My name is James Fanikos. I live at 37 Carlida Road. I also have an easement that goes through my yard and it empties out into the so-called swamp area. A year or two ago, they put a camera through there to scope the pipe. I believe the camera was lost and never recovered. I believe that is what they told me. I have talked to Hayes during January when they were putting up the flags and talked to the surveyors about the wetlands and the amount of water back there. On Mother's Day last year, it came through my backyard and had a canoe to go out. I have been there 40 years and know that the power company has done a little bit of work back there. You probably have seen those manholes out there and know that the water levels are excessive because during that period I pumped for 14 days solid days with two pumps coming out my sump pump. That is all.

Chairman Murphy: Thank you very much.

Larry Baker: I was just wondering if those green lines showed the overflow?

Chairman Murphy: The green lines show what is the wetland. You can have flooding that can extend past the borders of the wetlands but it would not necessarily be the same line. The wetlands would be an area where there is water routinely for the soil to be saturated so a particular kind of plant group can grow in those conditions, that doesn't need a lot of air in the soil but can provide the saturated soils for a good part of the year. There are definitely areas in the city that flooded in the Mother's Day flood but were beyond the boundaries of what would be a wetland. A wetland is an area that is consistently wet for large parts of the year. There is also protection for land that is subject to flooding. What they are asking us to do here is not to determine that line. This is a line just to determine the extent of the line of the wetlands on the property. This particular proceeding is only about what is the extent of what the bordering vegetated wetland is. So, if there is a larger extent that would be land subject to flooding, that is something that would be considered down the road but is not part of this hearing tonight.

Larry Baker: I guess his motive here would be to determine the wetlands so he can put in cluster homes which would then effect the whole potential neighborhood which is a Class A-1 neighborhood. I hope when he does that, or if that is his plan, that he also considers that when he sold to people in that neighborhood, that if he told them "Oh, by the way, I am going to be putting in cluster homes".

Chairman Murphy: Thank you. I know there has been a history here of an issue of cluster zoning and know that a lot of you are very concerned about that. That is not something that is the scope of this Commission at all. We have nothing to do with that

but know that it is a concern of people. We have no say in it at all. I just want to point that out to everybody. Do we have any other comments?

Larry Baker: Why does he have to do this if he doesn't have a plan? Can you answer that for us?

Chairman Murphy: Obviously, this is something that someone does in preparation for something. This is something that is done for people to see what they can do with the land. I think that what the representative said is that they are not submitting any plans at this point and that this proceeding is only to determine where the wetland lines are and what hypothetical plan may be submitted in the future is not the subject of this Commission.

Sanford Monstien: My name is Sandford Monstein. My wife and I are located between Dave Driscoll and Len Suta. I will tell you one thing that during the famous storm we had a new swimming pool in my yard like everyone else. The water was so disgusting and it comes through the toilets and the water traps. We are considering finding somewhere else. My suggestion would be to have the Army Corps of Engineers come and do a legitimate study or in-depth study of this property. Thank you.

Chairman Murphy: Please sign-in.

Jeannine Lenehan: I know a lot of people in this room are concerned about the cluster housing but think that the people in this room are more concerned about their safety. I think that is the real reason why everyone is here. Mother's Day was a horrible time and was not the first time that this neighborhood has flooded. I think that the reason why you see so many here today is because this was like the last straw. A neighborhood can only bare so much on its back. What we really need is an acre of willow trees to soak up that water. We don't need any more vegetation coming down. We had our cellars flooded to the high heavens, which you pay thousands of dollars to have mold removed and other things for the safety of your own family. I am not sure that this neighborhood could bare the burden of a new neighborhood, even if it were a few homes. It is a lot for us to bear, and I think that the safety of this neighborhood is really what is at risk and that is really why we are all here.

Chairman Murphy: Do we have any other public comments?

Kevin Hagarty: My name is Kevin Hagarty. I live at 11 Cranmore Lane. My question was about the protected area because I fully don't understand that comment about the land being subject to flooding and could be subject to additional protections. Could you please explain that?

Chairman Murphy: Should there be a development approved and activity occurring either within a flood zone or within 100 feet of a wetland, the wetland line is determined through this process. Any construction activity in those areas would also have to come back before the Commission. We protect not just wetlands but regulate activities for land

that may be subject to flooding. One of the things that we would do is that we don't let people fill and raise the levels of the land in the flood zone because that would force the water onto neighboring properties. That is one of the regulations that is specific to land that is subject to flooding. It is not something that is at issue at this hearing. This is really about where the wetlands are, but that is another aspect of our jurisdiction that would come into play if and when a proposed construction would come forth in this area.

Barbara Eversole: My name is Barbara Eversole. I live at 39 Carlida Road. You had mentioned that a study was done years ago.

Chairman Murphy: I was saying that if there was a question about the plans from the the zoning proposal and that it was from the 50's, that the wetland lines do change over time and for this particular wetland line, we need to determine the wetland line and then if nothing happen for three years, they would have to come back.

Barbara Eversole: If you approve something, it is only good for three years.

Chairman Murphy: Right.

Paul Ormond: My name is Paul Ormond. I live at 25 Arlington Road. There was some mention of infrastructure that connects to the wetlands infrastructure up by the rock upland of the wetlands and draining out and leaving the wetlands. Is there anything that should be mapped to for the pipes and drains? Should those be delineated further to help with this wetlands delineation? I am not sure if that would contribute at all to this delineation.

Commissioner Doucette: Are you suggesting that behind your house there may be some additional wetland areas?

Paul Ormond: No, my question is that you mentioned infrastructure upland of the wetland. Is it necessary to determine those for accuracy to fully determine the delineation of the wetlands.

Commissioner Doucette: The answer is no. The wetland is where it is. It is a relatively simple process, and you can do it any time of the year. If there had been a lot of snow on the ground, that could have been a problem, but you can do it any time of the year. If the land owner was to come before us, the Planning Board or the Zoning Board with a specific development plan showing houses and roads or whatever, then they would need to have all of their drainage structures showing, but for determining where the wetlands are, which is all that they are here to do, you don't need any of that. They may need to do that at some point, but they don't need it at this point.

Chairman Murphy: Any more questions? Do we have any more comments from any one that hasn't spoken before?

Jan Crafts: My name is Jan Crafts. I live at 171 Boardman Avenue. I am an abutter to that property. Part of the issue here is that when we get a heavy rain, the rain pours down Boardman Avenue like a river and forms at the end of the street, which is a dead end, and the catch basins can't handle it. It pours down the side of my house and it all fills into the wetlands behind our homes. The water comes right to the middle of my property all of the time. I have been there 31 years and the flooding is worse than ever for that property, and I believe that it is a 100-year flood zone in there. If it only flooded once in 100 years, that would be nice. I believe it has flooded at least eight times that I know of in the last 30 years. I think some kind of study needs to be done regarding the flooding in that area before you can even consider what else might be done with that land. I think there are problems that need to be solved first before the ground is blasted, moved, filled in or whatever.

Chairman Murphy: Any other comments from the public?

Dan Lenehan: Dan Lenehan. I live at 17 Cranmore Lane. Just as a point of process to educate us, who ultimately says this is the delineation of the wetlands?

Chairman Murphy: That is the function of the Conservation Commission.

Dan Lenehan: Thank you.

Len Suta: You had talked about a study that Brad Hutchinson had back in 1981 to put some housing in there, where is that proposal?

Chairman Murphy: It is really not relevant to us. That would have been a zoning proposal and don't think that was ever before the Conservation Commission to my knowledge. I don't know if there were ever any plans done.

Jan Krafts: Back in 1981, I know that the attorney for the Hutchinson's was Robert Bell. Back at that time, they stated that it was four acres of wetlands. So, I don't know how that has changed over time.

Chairman Murphy: Do we have any other comments from the public before we close the public participation?

Elin Peterson: My name is Elin Peterson. I live at 52 Cranmore Lane. In this land, there are deer, foxes, hawks and wildlife. They are going to be affected by this and where are they going to go if something is developed? Who would you talk to about that?

Chairman Murphy: There are two parts to that. One is preserving the habitat. That is something that we try to do. It is one of the resource area values. There is also a process to determine if something is critical in that habitat, which is a state process. That is one of the things before construction and that would be one of the things that we would be

trying to protect, the wildlife habit value of an area that we can under the applicable law. That is something that is part of our charge.

Jeannine Lenehan: In determining the wetlands, is it the neighborhood's responsibility for us to get together and create our own independent study with another responsible engineer or does the city go out and do they hire somebody that would come and make that determination also? I know that as a neighborhood, we would be more than happy to pool our own money to create our own independent study.

Chairman Murphy: One of the things we will be discussing is how we are going to proceed with this and if we are going to hire an outside consultant. We will be discussing this after the public participation. Certainly, if the neighborhood were to determine that you would pool together and hire a consultant and submit it, that is something that we would consider if you provided us with that information. That is something within your rights to submit that to us, but we will be making the decision tonight about how we are going proceed in hiring someone or what we are going to do about that.

Jeannie Lenehan: Whatever your determination is, we would love to know so we would know how to proceed.

Chairman Murphy: Any other comments?

Dan Lenehan: I just have a question. On the map, you have the lot below, but what is the lot above? Is that owned by the city?

Chairman Murphy: It is the National Grid's property. Any more comments?

Murray Baker: I am Murry Baker. I would like to emphasis this overflow because with global warming we are seeing this a lot across the country, the rains are getting more and more pronounced and that would be something that we would want considered for the future.

Elin Wiseman: My name is Elin Wiseman. I live at 52 Cranmore Lane. You said you were going to make a decision tonight.

Chairman Murphy: I said that we would be discussing tonight whether we will want a continuation. Also, we will be discussing tonight if we are going to hire a consultant. We will not be making a decision on this tonight. The Commission will definitely conduct a site visit and will be continuing this hearing. We will be discussing that after the public participation section on how we are going to proceed, whether or not to hire a consultant and how we are going to go forward.

Elin Wiseman: You are going to go out there?

Commissioner Doucette: We will go out there.

Chairman Murphy: We are going to go out and conduct a site visit.

Elin Wiseman: During the rain?

Chairman Murphy: I did not say that. We are going to conduct a site visit.

Elin Wiseman: I am asking you, during the rainy season?

Chairman Murphy: We will probably not wait until the rainy season to do that but will discuss that after the public participation. As we said before, the extent of the flood plain is not the issue here. It is the wetlands. The wetland line.

Commissioner Doucette: The wetlands are based on the vegetation. So, we will go out and look at the vegetation. When they come back before us with a proposal to build houses or Jiffy Marts or whatever, we will then look at everything that relates to that. For now, we are just looking at where the vegetation is. That is all. That is all they have asked us to look at and that is their right.

Fursey Keleghan: Fursey Keleghan, I live at 146 Boardman Avenue. I was just wondering how far back from wetlands do you have to be to build?

Chairman Murphy: From the wetlands line, there is a 100-foot buffer zone where construction is permitted, but they have to receive a permit from us and we would put conditions on that and that would protect the wetlands. They can't actually fill in any of the wetlands but under the state law, they can build within the buffer zone to the wetlands subject to our putting conditions on the project.

Fursey Keleghan: Can they put a road on the wetland with drainage under there?

Chairman Murphy: There are some conditions where one could do that. It is discretionary if we would let someone fill in, but they would have to provide compensatory wetlands in another area. There are specific regulations what they can and can't do and there are limited areas where if needed to provide access that they can do it, but they have to provide compensatory wetland. So, that the overall area of the wetland does not decrease.

Fursey Keleghan: Thank you.

Chairman Murphy: Do we have any other comments from the public? Motion to close public participation.

Motion

Commissioner Cronan motioned to close the public participation of the meeting, seconded by Commission Craig-Gerson, voted unanimously.

Chairman Murphy: Clearly, we have to have a site visit. I think one thing we should discuss is whether to hire a consultant to review the wetland line. Do we feel we need to hire a consultant? I feel that we do.

Commissioner Doucette: I would like to hold off until I see the property and all of the data sheets. Generally speaking, when you have generally steep slopes, the vegetation changes very quickly and the edge of the wetland is very easy to determine. It is when you have a very gradual slope, you really don't even have a line, you have a band of a change of vegetation where there is a lot of opinion on where that line is. There is not a lot of flat ground left in Melrose, and my guess is that from looking at the pictures, it might be a very easy wetlands to delineate. I think there is always some additional comfort that the neighbors would have if there was another opinion given but really the only opinion that matters is our opinion, not somebody else that we hire. Everybody has an opinion. It is our job to protect the interests of everyone involved. If the Commission wants to hire somebody else, that is fine, I wouldn't oppose it. I would like to go forward and see the property and the data sheets because it may be a waste of money.

Commissioner Cronan: I would like to see the property.

Commissioner Locke: I agree.

Chairman Murphy: Let's schedule a site visit. Should we do a weekend? When are people around? How about early evening next Thursday the 8th?

Elizabeth Wallace: I am sure the abutters are wondering whether or not they can all come along on the site visit. The property owner has to approve the abutters coming onto the property. Might I suggest that you all pick one or two representative members to come along on the site walk and those representatives of the abutters can report back to everyone else. For sure, you can stand at your back door and see us walk around. I don't know what people think but that is what has been done in the past.

Chairman Murphy: I think it could be dangerous for this many people to try to come on the walk at one time. Are all of the members of the Commission available next Thursday, March 8, 2007 at 5 p.m.? Is it still light enough at 5 p.m.? We can meet at the intersection of Cranmore and Boardman. We will conducting a site visit, next Thursday, March 8th at 5 p.m. We will be meeting at the intersection of Cranmore and Boardman. It is not up to the Commission whether any member of the public be permitted onto the property that is solely up to the property owner. The property owner's representative has suggested that perhaps you all could agree on one or two people to walk the site with us and that would be more reasonable to suggest to the owner. That is up to you and just let us know at that time. You are all welcome to be at the corners of Boardman and Cranmore but in terms of going out to the site, we don't have the authority to let you do that. Our plan is for us to continue this to our next hearing on March 15, 2007 at 7:45 p.m. Can I have a motion?

Motion

Commissioner Doucette motioned to continue the hearing until March 15, 2007 at 7:45 p.m., seconded by Commissioner Craig-Gerson, voted unanimously.

Chairman Murphy: This hearing stands continued until Thursday, March 15, 2007 at 7:45 p.m., and in the mean time, we will be conducting a site visit. You are all welcome to attend at that time as well. Thank you very much for your attendance and cooperation.

Four Clover Circle

Commissioner Cronan is going to follow-up with the Certificate of Compliance for Four Clover Circle.

New Chair and Vice Chair

February was the month to elect a new Chairman. The Commission agreed unanimously that Susan Murphy continue as Chairman for another year. The Vice Chair runs the meeting when the Chair is absent. The Commission members nominated Commissioner Richard Doucette as Vice Chair. Chairman Murphy agreed to another year as Chair, and Commissioner Doucette agreed to a year as the Vice Chair.

MACC Conference

Commissioner Locke and Commissioner Craig-Gerson are going out to the MACC Conference and will give the Commissioners updates after the conference.

Adjourn

Motion

Commissioner Craig-Gerson motioned to adjourn at 9 p.m., seconded by Commissioner Cronan, voted unanimously.

Respectfully Submitted,

Meredith L. Beauchesne, Secretary