

# MELROSE CONSERVATION COMMISSION

February 5, 2009

Meeting Minutes

Mayor's Conference Room

The meeting came to order at 7:35 p.m.

Present from the commission were: Richard Doucette, Keith Fleming, Kate Hickey, Steve Locke, Susan Murphy and Joseph Nerden.

Present from the public were: Robert Bell and Michael Hancock.

## **Correspondence**

Mass Wildlife Newsletter

Lakes & Ponds Association Newsletter

Update regarding 21 E Site – Hickory Street Construction Site and Conservation Land Cleanup. Cleanup activities have been concluded on the private lots. A report (RAO) was submitted to MassDEP. It is expected that the 3 lots will become the construction of 3 dwellings and utility work and roadway development will begin on Hickory St. The City will continue to address the conservation land by way of test pit excavation and monitoring well installation in order to formulate the eventual final remedy. The land was put into the care & control of the Conservation Commission but there are no resource areas on the parcel. It is anticipated that the excavation test pits will cause soil disturbance, however, this method is proposed given that all evidence suggests significant dumping around the fenced area.

## **Invoice**

An invoice for secretarial services for Meredith Beauchesne in the amount of \$105.00 from January 15, 2009 through February 5, 2009.

## **MOTION**

**Commissioner Nerden motioned to approve and pay the invoice for secretarial services to Meredith Beauchesne in the amount of \$105.00, seconded by Commissioner Fleming, voted unanimously.**

## **Bellevue Golf Course** **Extension Request (217-0154)**

The stream dredging is going to begin at Bellevue Golf Course next week. Hay bales will be put down, and there will be a filter fabric test tomorrow. Chairman Murphy will check on it on Friday and Monday. Commissioner Fleming offered to look at the site. Chairman Murphy will call Commissioner Fleming when she receives the call that it is all set. Representatives from Bellevue have said they may propose to do more work further down the stream or propose some kind of maintenance program in the future.

### **Budget**

The Aldermen have asked that all departments submit a 5% reduction of their FY09 budget for their FY10 budget. A reduction of \$1096.25 was submitted for the Conservation budget, reducing amounts in line items salary, the Conservation Maintenance fund, Education and Printing. There was a slight increase made to the Education line item, but the budget was still submitted within the 5% range.

### **36 Swains Pond Parcel**

Commissioner Locke addressed the commission regarding this parcel. This parcel was given to the commission. Commissioner Locke spoke with the Aldermen about it. The site is located on Swains Ponds down by the Malden end. The back part is covered as part of the Slope Protection and Special Permit Conservation Commission Restriction. It is in the works and is before the Board of Aldermen. After that, the commission can accept it. Commissioner Locke is going to take a look at the site.

### **7:45 p.m. Hearing**

#### **77 Swains Pond Avenue**

Mr. Hancock, the owner of 77 Swains Pond Ave., and Mr. Bennett, the neighbor abutting this property were present. Chairman Murphy read the Enforcement Order, with its additional stipulations, issued to Mr. Hancock, to members and advised them that Leah Basbanes, from Basbanes Wetland Consultant, has been hired by Mr. Hancock. Chairman Murphy read her letter dated 2/4/09 stating that she had been hired by Mr. Hancock to the Commission out loud. Ms. Basbanes also wrote to the Commission requesting a two month extension of the deadlines addressed in their letter to Mr. Hancock because of the snow cover. Mr. Hancock indicated that he is willing to comply with the Enforcement Order and members agreed that he has complied so far. It was also stated that should a further extension of time be required, a request should be made by March 19<sup>th</sup>.

Mr. Hancock addressed the commission briefly with a statement. Mr. Hancock said that the certified letter was only received three days prior to the meeting and that he was away. Mr. Hancock did pass around pictures to the commission. Mr. Hancock explained how there had been a barn on the property but that two trees had fallen on the barn and that the barn collapsed. Mr. Hancock described to the commission that at times he has had three feet of water in his cellar from the brook and that he did attempt to fix the brook. Mr. Hancock would like to work with the commission to figure out a solution to the brook. The applicant is in compliance with the order. Fines will be discussed at a later date. Chairman Murphy asked the commissioners if there were any other questions or comments. Chairman

Murphy wanted to change the February 19, 2009 date in the order to extend it until March 26, 2009 and that the March 5, 2009 draft Restoration Plan date be extended until April 9, 2009. It was noted and agreed that depending upon the ground cover and snowfall that if an additional extension was required that it be made by March 19, 2009.

**MOTION**

**Commissioner Nerden motioned to change the deadline of February 19<sup>th</sup> for a report delineating the areas of disturbance be extended to March 26<sup>th</sup> and the deadline of March 5<sup>th</sup> for preparing a draft restoration plan be extended to April 9<sup>th</sup>, seconded by Commissioner Fleming, voted unanimously.**

Commissioner Doucette reminded Mr. Hancock that no work could be done on the property. Mr. Hancock understood and agreed.

Chairman Murphy told the commission that she knows the consultant because she work part-time for North Reading and that if anyone on the commission has or feels that it could be a problem, to send her an e-mail and she will recues herself.

Kathy is going to call the fire department to get the two incident reports from the previous fires that were on the property of 77 Swains Pond Avenue.

The commission questioned if Mr. Hancock was trespassing on the Kennedy property. The commission can order Kennedy to have Mr. Hancock do restoration to the property. Kennedy could be in violation as well. Chairman Murphy is going to speak with Libby at the DEP about notifying the abutter and told the commissions that she spoke with Libby and that she had offered to give advice on the matter.

**Adjourn**

The meeting adjourned at 8:20 p.m.

**MOTION**

**Commissioner Nerden motioned to adjourn the meeting at 8:20 p.m., seconded by Commissioner Fleming, voted unanimously.**

Respectfully Submitted,

Meredith Beauchesne, Secretary