

# **MELROSE CONSERVATION COMMISSION**

**May 7, 2009**

**The meeting came to order at 7:40 p.m.**

Present from the Commission were: Kevin Anderson, Richard Doucette, Keith Fleming, Kate Hickey, Susan Murphy and Joseph Nerden.

Absent from the Commission was: Steve Locke.

Present from the public were: Leah Basbanes, Craig Bennett, Kathy Driscoll, Denise Gaffey, Keith Gazaille, Louis Izzi, Tim Powers, Deborah Wadland and Rich Williams.

## **Melrose Middle School** **Certificate of Compliance** **(217-133)**

Denise Gaffney, City Planner and Tim Powers, from Stantec were present. The only issue remaining for issuance of the Certificate of Compliance is the replication area. Chairman Murphy stated that the wetlands replications area has not taken as a wetland. There has been some discussion about considering the area around the detention pond as the replication area. Tim Powers addressed the commission and said that a wetlands scientist has gone out to the site and looked at the edges of the detention pond and the replication area. The banks are supporting growth. Also, it was noted that it did grow in the non-growing season at 1:1 ratio, and it was mentioned that the state allows for a replication area to be at a 1:1 ratio. One theory is that the elevation is too high and that is why it is not taking and not supporting the wetland. The sequencing was also not done properly. The commission could ask that the wetland's elevation be brought down and then to try again. This project has been ongoing for too long and needs to be fixed. The commission asked for a 2:1 ratio and got 1:1, and the commission is not pleased with the end results.

Commissioner Doucette said it is a typical failed wetland replication and asked who was monitoring it during the construction. He would like more information from the wetland scientist, but would rather have the area dug out and the elevation brought down. He remarked that two years ago purple loosestrife took over the area, so it is some what wet, but invasive plants can't be taken into consideration for the 1:1. To summarize, Chairman Murphy stated that the commission is not opposed to the 1:1 ratio to get the Certificate of Compliance if the wetlands are surveyed and show that there is at least a 1:1. The city will be better off in the long-term if this issue is addressed and corrected now.

## **Oak Grove Village**

Oak Grove Village is looking to get their occupancy permit. Chairman Murphy said she will stop by the site just to confirm that everything is in compliance and, if so, sign-off.

### **755 Boardman Avenue Extension** **(217-XXX)**

Rich Williams, from Hayes Engineering and Attorney Lou Izzi, were present for the applicant. Mr. Williams is still working out the filing fee with DEP. Chair suggested they continue with the project and pay the fee based on what DEP feels is correct and file an RDA to appeal it later.

New drainage calculations, dated 4/30/09 and plans, dated 4/17/09, were submitted. Changes to the project include reducing the roadway and eliminating one sidewalk. All but two areas have been pulled out of the 15-foot No Disturb. The level spreader will be outside the 15-foot No Disturb and there will be some minor grading to get the water to flow from the level spreader to the wetland edge. A bobcat or an excavator will pull the material out. Chairman Murphy asked approximately how much, and Mr. Williams stated that it will be about five yards of material. Also, the riprap slope is going to be eliminated on the right-hand side of the road, because of the move in roadway, and will now be a 2:1 slope. A consultant for the Planning Commission is looking at the shape of the detention basins. The two houses within the buffer now have infiltration for a one year storm.

Commissioner Nerden asked if any more consideration had been given to an island in the middle of the cul-de-sac and asked where the drainage on the back houses would go. He would like them to go to more pervious areas. Attorney Izzi stated if it is needed, it could be done. Mr. Williams stated that the fire department could get around a circle if 50 feet in diameter. Mr. Williams stated that there would not be a spot in the island to allow any infiltration. Commissioner Murphy felt that it would still be worth putting in the island for the reduction of the impervious surface. Drainage will eventually all be channeled to the back pond and piping will run under a 10' easement. Commissioner Nerden asked what the depth of the pipe was, and Mr. Williams stated that it was four feet.

Commissioner Nerden suggested some type of a marker, such as corner stones, edge lining stones and/or a structurally permeable grid for truck access, be placed slightly above the grass to make travel more visible. The Planning Board has not made some final decisions and the applicant is waiting for the results and comments. An Operations and Maintenance Plan will be incorporated. There possibly will be mowing on the shoulder. Mr. Williams will send an addendum adding the TSS removal and O & M revised plan. Mr. Williams said the TSS removal is 80%. There will be some filtering because of the edge of the stone to help the water get out. After 72 hours, it will be down to groundwater. Chairman Murphy suggested maybe making the little pond bigger to

capture more to be more of a forebay. Mr. Williams agreed that it could be made a bit bigger. The pond would not be effective if it were deeper. The road cannot be moved but the center line has been moved to the left because of the decrease in the width and because of the removal of a sidewalk.

Kathy Driscoll, 23 Cranmore Rd. said that she has been dealing with collapsed pipes and feels the groundwater level has risen. She is concerned that she will have more drainage issues if this is added. Chairman Murphy told Ms. Driscoll that the alleged collapsed pipes are not this developer's problem and that the city is working on it and have been discussing the issues with Saugus. Chair mentioned that she spoke with the City Engineer and due to economic times, the project to correct Saugus collapsed drain pipes is put on hold. Chairman Murphy assured Ms. Driscoll that there will be no more water added to the property and that the rate of runoff will be the same. Ms. Driscoll asked about the removal of all of the trees and how that would affect the water. Chairman Murphy explained that detention areas have been added to mitigate the difference.

It was agreed that this discussion would be continued until June 4, 2009 at 7:45 p.m. and that the commission would like to receive the material for review by May 28, 2009.

### **MOTION**

**Commissioner Nerden motioned to continue the Boardman Avenue Extension hearing until June 4, 2009 at 7:45 p.m., seconded by Commissioner Anderson, voted unanimously.**

### **77 Swains Pond Avenue** **Notice of Intent – Barn Foundation**

Leah Basbanes, from Basbanes Wetland Consulting, was present representing Mr. Hancock. The notice to abutters was sent out regular mail instead of certified mail. Ms. Basbanes explained the rules for mailings to abutters under the Wetland Protection Act. It was agreed that the hearing would be continued in case any abutters who were not notified could attend the next , but tonight's hearing will continue and if any new abutters come to the next hearing the applicant will started over or review what was said. One neighbor present said she was notified. Mr. Bennett, said he was not notified.

Chairman Murphy advised the audience of the pending legal action regarding the area in front of 77 Swains Pond and stated that the location of the barn is not part of the area involved in the adverse land dispute. Mr. Bennett and his attorney Lou Izzi were present.

The barn is already in place, but the Building Inspector is requiring Mr. Hancock to reinforce the foundation. Mr. Hancock has to excavate out and down four feet and hand shovel out and place 3 ½ feet of cinder blocks and mortar. The Building Inspector is going to check the work every ten feet. After a section has been completed and checked, then Mr. Hancock can back fill. Commissioner Nerden asked what Mr. Hancock was

going to do with the soil. Ms. Basbanes stated that most of the soil would be used to back fill. Silt fence will be used for erosion control and tarps will be placed down. If Mr. Hancock hits water, he will dewater with a pump. Commissioner Nerden stated that the commission would like a specific de-watering plan. The commission expressed concern about this project ongoing for a long length of time. If done by the applicant/home owner, 14, ten-foot sections could take someone two years to complete the work. Ms. Basbanes stated that is not the intent of the applicant.

Chairman Murphy gave a rundown of what is needed from Ms. Basbanes;

1. Proof of certified mailings
- 2 A Dewatering Plan;
- 3 Kathy will communicate with the Building Inspector;
- 4 The relocation and disposal of any excess material;
- 5 How to protect the stream from flooding and direct flow and
- 6 Details for erosion control, dimensions shown on plan

### **MOTION**

**Commissioner Nerden motioned to continue the hearing for the barn foundation at 77 Swains Pond Avenue until June 4, 2009 at 8 p.m., seconded by Commissioner Anderson, voted unanimously.**

### **77 Swains Pond Avenue** **Enforcement Action**

Ms. Basbanes passed out the new Restoration Plan which was revised on April 16, 2009 and May 4, 2009. Chairman Murphy stated that there would be no stockpiling on site because of the ongoing litigation. Chairman Murphy explained that an Enforcement Order had been issued to Mr. Hancock for violations that had been made on the property. Mr. Hancock had to hire a wetlands consultant and the property has been flagged. The wetlands consultant then had to submit a Restoration Plan to the commission. The area has to be restored back and improvements made to the commission's satisfaction. The alteration of the stream is in question. Rocks have been added to the stream and some alterations have been made to the waterfall.

Commissioner Doucette asked how much volume there was. Ms. Basbanes said it was 3,100 square feet but not all altered by fill. The material will be moved out with a bobcat to a dump truck. A location has to be found where to dump the material. A Phasing and Inspection Schedule will be created and a plan showing dimensions for locations on site. Chairman Murphy read the Inspections and Construction Schedule.

Commissioner Doucette asked for an approximate time frame to remove the material. Ms. Basbanes believes a day or two at the most. The work will be done when the stream

has no flow. Unfortunately, this will have to be done in the summer. Chairman Murphy told Ms. Basbanes the commission would like specific details – when the work is to begin, a reasonable and limited window when the stream becomes dry, how long the work will take, where the fill will be dumped and what is the plan if the stream does not dry up. Chairman Murphy would like all finalized materials to the commission by May 28, 2009 for review.

### **MOTION**

**Commissioner Nerden motioned to continue the Enforcement Order for 77 Swains Pond Avenue until June 4, 2009 at 8:15 p.m., seconded by Commissioner Doucette, voted unanimously.**

### **Aquatic Control**

Keith Gazaille was present from Aquatic Control Technologies to discuss the treatment plans for the ponds. Towners Pond is a shallow pond and for maintenance herbicides are good but hydroraking removes plants for a period of time. A three-year plan could be drawn-up based on prioritizing the areas that need the most attention. A three-year plan is \$12,000 which is more than what is in the budget. One possibility to look into if hydro-raking is done is to see if the city would assist with the disposal to help cut down some costs. Commissioner Nerden inquired about the vacuum process. Mr. Gazaille explained the vacuum process. Mr. Gazaille also explained the process of a draw down in the winter and freezing it. The hydro-raking could be spread to a four-year plan to cut the cost down for each year. Unfortunately, some other ponds may have to suffer during this time. If First Pond is hydrdo-raked, it will help Towner's Pond. Chairman Murphy is going to speak with Joan Bell and discuss some possibilities with her regarding treatment of the ponds. The commission may have to forego treatments on Ell Pond for the next three years. If Towner's Pond does not get treated for the next three years, it will impact Swains pond and make matters worse. Option one is to not treat Towner's Pond at all and wait and see what happens, or option two is treat one year for Fanwort at Towner's Pond and then do a three-year schedule and skip Ell Pond for the three years. The commission discussed cutting Ell Pond because of technical terms and giving it back to the parks. Chairman Murphy thanked Mr. Gazielle for coming in.

### **Correspondence**

Friends of the Fells Newsletter

Mystic Messenger

TEC Associates – Railways and Right-Away Management Plan

### **Trail Map**

More information is needed for the contours. It was agreed that the commission should go in groups of two and walk the trails. There is no trail data for Mt hood, and Chairman Murphy will talk to Joan Bell. Also, there is no trail data from the DCR, and Chairman Murphy did ask Mike Ryan for the CD. Kate can redo the map. The map is progressing nicely.

### **Adjourn**

The meeting adjourned at 10:45 p.m.

### **MOTION**

**Commissioner Doucette motioned to adjourn the meeting at 10:45 p.m., seconded by Commissioner Anderson, voted unanimously.**

Respectfully Submitted,

Meredith L. Beauchesne, Secretary