

MELROSE CONSERVATION COMMISSION

**December 4, 2008
Mayor's Conference Room**

The Meeting Came to Order at 7:34 p.m.

Present from the Commission were: Kevin Anderson, Keith Fleming, Steve Locke, Susan Murphy and Joseph Nerden.

Present from the Pubic were: Edward Cassidy, Arthur Giangrande and Philip Morgan.

Minutes

The November 20, 2008 minutes will be reviewed by the commissioners and approved at the next meeting.

Correspondence

U-Mass Extension Program Brochure
Year-End Report from Aquatic Control Technologies
Advertisement for the Smart Growth Energy Conference.

7:50 p.m. – Continued Public Hearing **105 Penny Road** **Request for Determination**

Mr. Giangrande, the developer, was present and informed the commission that BMC has cleaned out the catch basins and that the tarp had been removed. At the top of the swale, someone had dropped gravelly sand in the trench. Mr. Giangrande called that person, and they were supposed to come out and remove it this week; but it hasn't been removed yet. Commissioner Doucette visited the site early today and was satisfied that the work he had outlined previously had been corrected. There was a question as to whether both shoulders were to have rip rap. Mr. Giangrande left a message for Rick Cantone today to talk about the riprap. Mr. Giangrande feels that the rip rap is harder to maintain and would rather loam and seed both shoulders. He plans to pave the road in the spring. There was some discussion if an additional condition should be added to the Determination about the stabilization of the shoulders and the materials to be used.

Commissioner Nerden asked how he plans to keep up the maintenance of the detention pond. Mr. Giangrande said that it is mostly dry. Chairman Murphy stated that it does get a flow. Commissioner Nerden inquired as to who plows the existing road. Mr. Giangrande said that he still owns the roadway and maintains it. The commissioners reviewed the plan that was in the file but it does not appear to be the most current plan. Mr. Giangrande told Chairman Murphy that he would send over a plan as soon as possible. Chairman Murphy asked Mr. Giangrande if he would be coming before the

commission again for the other lot before the spring. Mr. Giangrande was not sure and wanted to tie this portion up. Commissioner Anderson noted that he had not been part of the original hearing and felt he couldn't vote on the issue. Unfortunately, without Commissioner Anderson's vote there was not a quorum present, and the public hearing will be continued until January 15, 2009 at 8 p.m. Chairman Murphy requested that a new plan get to the commission early, at least no later than January 4, 2009, so that members could review it prior to the January 15, 2009, meeting. Chairman Murphy will try to touch base with Rick Cantone to get his input on the riprap.

MOTION

Commissioner Nerden motion to continue the public hearing for 105 Penny Road to January 15, 2009 at 8 p.m., seconded by Commissioner Fleming, voted unanimously.

Clifton Park **Land Swap**

On November 30, 2008, Commissioners Fleming and Locke visited the property at Clifton Park. Commissioner Locke questioned whether this was a swap for 1,200 square feet or 2,700 square feet. Mr. Cassidy confirmed that the land was between 2,500 to 2,700 square feet, 45 by 60 roughly. Commissioner Locke, raised some issues of concern; 1) that the neighbors be made aware of what's going to see if there are any concerns in the neighborhood, 2) look into getting a conservation easement on the parcel so that no building can occur, and 3) a title check be done to make sure that this was tax title land and not donated land. Chairman Murphy clarified that it was tax title land. It was also mentioned that this exchange be at no cost to the city. Commissioner Fleming had visited the site and saw how the homeowner was thinking in terms of squaring off his lot. There didn't seem to be any opposition to the swap, but the property would need to be surveyed prior to a final approval and an actual plan submitted, with an ANR processed through Planning. Neighbors should be notified with a courtesy notice for a public hearing to be held. Chairman Murphy suggested a "No Building" Restriction instead of an easement be added and that it would be worked out with the City Solicitor. Mr. Cassidy thanked the commission for their time and help with this matter.

As an added note Commissioner Nerden wrote in an email to the Commission: In the interest of full disclosure, I want to make you all aware that as an employee of MassDEP I had a prior case directly involving Mr. Cassidy. I did not readily make the connection as to why he looked familiar at the prior meeting and It wasn't until at the end of the land swap discussion when Mr. Cassidy acknowledge me directly, before leaving, that I realized how I knew him. The initial case settlement was about 18 months ago and has no bearing on wetlands or conservation matters but nonetheless is still an active case with MassDEP.

In order to eliminate any appearance of conflict of interest I recues myself from all further participation regarding this matter

Discussion Items **Meeting Schedule for 2009**

The meeting schedule for the 2009 calendar will remain the first and third Thursdays of each month. If there is nothing pressing, then a meeting may be cancelled.

77 Swains Pond Avenue

The Conservation office will be sending the homeowner at 77 Swains Pond Avenue, Michael Hancock, a letter advising him that it appears there is work being done to a stream channel on his property, in violation of the Wetlands Protection Act. Mr. Hancock will be advised in the letter that the issue will be discussed at the January 15, 2009, meeting and his attendance is requesting. He will also be encouraged to hire a wetland professional to delineated the extent of any resource areas on his property.

Public Present – Philip Morgan **Concerns**

Philip Morgan was present from the public and wanted to bring a couple of matters to the attention of the commission. There is a renovation project going on at the old Red Cross building on Main Street with a commercial dumpster out back, not too far from the water's edge. Mr. Morgan suggested posting Watershed Appreciation signs to help stop dumping in the area. There is a telephone pole still down behind the Knoll from the Mother's Day storm. There is also a crosswalk sign about ten feet out in the water down behind the Skateboard Park. Chairman Murphy asked Mr. Morgan if he had called Public Works regarding any of these issues. Mr. Morgan told Chairman Murphy that he has not. Chairman Murphy asked Mr. Morgan to call Matt Shuman, in Public Works, or send a note. Mr. Morgan also mentioned that the headwall at Bennis Brook is full of litter. Also at the gate installation site, there was various litter left behind; ie, a trailer hitch, cones, etc. Chairman Murphy thanked Mr. Morgan for all of his help

Ell Pond Drainage **Pond Levels**

Commissioner Anderson has been in touch with Bob Beshara and received an email back from him detailing the leveling of the pond, which members reviewed. Commissioner Anderson feels that Mr. Beshara should attend the January 15, 2008, meeting to talk about the pond level, and is going to send Mr. Beshara an e-mail. The DPW has been collecting data and organizing for a plan. One question is why is it 48 hours to make an adjustment for an anticipated rain event? The commission discussed the possibility of having a Day Marker installed so that people would know the levels of the pond.

37 Mt. Vernon Street **Trees on Conservation Land**

The Commission received an email from the owner of 37 Mt. Vernon St. about some dead trees on Conservation property that were hanging over his property. DPW went out to Mt. Vernon Avenue and didn't find any problems there. The homeowner contacted Aldermen Infurna who asked Commissioner Locke to meet with the homeowner on site. After talking with DPW and some research, it turns out that neither 37 Mt. Vernon St. or 37 Mt. Vernon Ave. are Conservation property. Chairman Murphy will contact Alderman Infurna.

There was some discussion about having signage on Conservation parcels in an attempt to halt littering. Kathy will ask the Circuit Rider to query surrounding towns to see what kind of signs are used and get back to the Commission at the January 15th meeting.

Trail Maintenance

The commission discussed having another clean-up day for the trails. Chairman Murphy spoke to the Hoover school principal and he is very excited. Commissioner Locke offered to be the contact for the school. Commissioner Fleming mentioned that there was a lot of trash, pavers, fallen trees, wire bond cement, etc. Commissioner Locke can spread the word through the school and the neighborhood and will get people involved in a clean up day.

Invoice

An invoice for secretarial services for Meredith Beauchesne for six hours in the amount of \$90.

Motion

Commissioner Nerden motioned to approve and pay the secretarial invoice to Meredith Beauchesne in the amount of \$90, seconded by Commissioner Fleming, voted unanimously.

Adjourn

The meeting adjourned at 9:15 p.m.

Motion

Commissioner Nerden motioned to adjourn the meeting at 9:15 p.m., seconded by Commissioner Fleming, voted unanimously.

Respectfully Submitted,
Meredith L. Beauchesne, Secretary