

**JOINT MEETING OF
MELROSE/MALDEN CONSERVATION COMMISSIONS
MAY 7, 2002
Malden City Hall**

Present - Melrose Conservation Commission: David Carpenter, David Valade, Paul Locke, Nancy Naslas, Susan Murphy

Sir #1: Paul Finocchio - P JF & Associates - 1 Gleason St. Medford MA
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#38 Crescent Lane/Arnone

Paul Finocchio, PJF & Associates: I am here on behalf of Richard Arnone who is here this evening, and who is owner of the property. This property is somewhat unique. It is located on the Malden/Melrose line and was part of a subdivision that was formerly signed by both the Malden and Melrose Planning Board back in November and recorded in the Registry of Deeds. We are filing a Notice of Intent, basically because we are within the 100 ft. buffer zone for the construction of a two family dwelling located in Malden. The entire wetlands of the site are located in Melrose and they are shown on the plan as flagged W1-W4. What we are proposing to do during construction is a row of hay bales and silt sits along here and those will be maintained throughout the project. . The house conforms to the requirements of the Malden zoning area, from the front yard, side yard and the yard set backs.

Robert DeMarco, Chairman of the Malden Conservation Commission: If there are any questions, please make yourself known because of the large number of commission members here tonight.

David Valade (Melrose Commission): I have a couple of comments. First is that there is demolition going on. It is an old garage right there, and I don't believe your hay bales extend as far as they should for that demolition project.

Richard Arnone, Millennium Development Group LLC: That was not part of it.

David V.: It is on the property line.

Paul Finocchio: That was blown down by the windstorm.

Richard Arnone: The intent was always to remove that building. The ideal scenario was to remove the building at the time of the construction, grade it out. The current owner of the home that abuts this property called me up about 1 ½ weeks ago and told me that the building had come down, it had fallen down. I don't know whether this is true or not, I just went by what he told me because I am not there, and I told him that we would be hopefully starting within thirty days or so and we would put it in the dumpster and cart it off before we started construction.

David V.: The appearance from being on the site isn't that it fell down, it was some sort of a demolition project. Whether it fell down or otherwise, the protection needs to extend the full area behind where you are doing the renovation. The second comment is based on the observation of the site. Your flags indicate more of a straight line for the wetlands and the vegetation appears more to come in following the contour line towards the hay bale.

Paul Finnochio: Do you have a copy of the wetlands report done by the biologist?

David V.: Yes

Paul F.: I followed this.

David V.: That is how its flags mark it. Its flags are on trees that are on a straight line. There was no tree to bring it in where the actual vegetation appears to be. I don't know whether he didn't want to put in a stake or otherwise, but it comes in more if you look where it says hay bale and silt fence from about the flag that is on the right side there. It turns in towards it and comes back out to the next flag, which is probably W3. Ultimately it doesn't affect the project because it is on the outside of it, but I think the delineation is slightly different than what you have there. In long term I prefer if you did draw upon that indicated because we are in essence saying that is where the line is and it will affect potentially what someone wants to do in the future.

Paul F.: I was just following the flags.

David V.: Exactly, and you have indicated exactly where his flags are and my guess, since the flags are normally put on trees or other things and not on a stake that is added, if the stake had been added it would have been indicated.

Robert DeMarco: You are saying that the building/garage came down on its own?

Richard Arnone: I wasn't present at the time that it either came down, or was blown, I don't know. I was only discussing this with the owner of the abutting property.

Mr. DeMarco: You are the previous owner?

Richard Arnone: I owned the abutting property. I sold that property and now I currently own this property.

Mr. DeMarco: When you owned that property, what was the condition of the barn?

Richard Arnone: Bad condition. The intent was always to remove it because first of all it straddled the lot lines. It was always noted that we were going to remove it. As a matter of fact, I obtained a removal permit from Paul John, the Building Dept., to do so,

but as I previously said I never got to it, and it has fallen down at some point in between the time that I sold the property.....

Glen Curtis: I own the abutting property now. The garage was structurally unsafe and posed a threat to my guys working there, so I went ahead from the last snow storm, I heard it actually almost ready to come down, so I went ahead and ripped it down before anyone got hurt. As part of the agreement, he was going to remove it as soon as he begun development, so I contacted him and he came and put a dumpster there and I was willing to get rid of it and that is where it stands.

Richard Arnone: And it will be removed. As I said before, to get rid of it at the time which I start construction makes the most sense.

Glen Curtis; I had men working there, and it posed a threat to my men if it fell, so I went ahead and made sure it came down so that would not happen.

Robert DeMarco: I understand your point. I just asked if there be a little more clarity. You are saying that it got blown down and he just said he called to tell you it came down.

Richard Arnone: After the fact, because as I said I am not there on a daily basis and I am not aware of the status of the structure. Somebody actually, I believe maybe Mark, the real estate broker, may have passed through there after a very windy time, where I think at that time he indicated it looked like it was on its way down based on that.

Glen Curtis: And it could come down at any time, and my guys were very leery at work there, so I took the problem out before it happened.

Richard Arnone: Regardless, there is a permit that is issued to remove it, and it will be removed once we start construction.

David V.: From my perspective, how it came down and otherwise, is not all that important, it is just that the hay bale line is to further extend beyond to protect it fully from the demolition and clean-up products as a result from the garage.

Richard Arnone: I agree 100% and it will be done.

Nancy Naslas: Could you please tell me what the limit of work will be on the wetland side of the property? Where will you stop your equipment from going any further without your hay bales and silt fence?

Paul Finnochio: Basically, we are carrying grading right up to approximately 15 ft. where marked on the site.

Nancy Naslas: Which is on the house side of the hay bales and silt fence line. So, viewing the property during the construction, you didn't see any work happening on the other side of the building?

Paul Finnochio: No

Nancy Naslas: All the proposed grading does not occur on the other side of the building?

Paul Finnochio: All the work is on the hay bale side down.

Nancy Naslas: David Valade mentioned the hay bales continuing. It looks like that would either have to go up your property line or onto your neighboring property, and you might want to discuss with them extending your hay bales to compensate for some of the work that they are doing on their property now. I don't know if that has come before your board, but they are working on an addition behind that property.

George Laskey: Are you doing an addition on it?

Richard Arnone: It has just been relined and the structure will all be the same. I gutted the inside.

Nancy Naslas: For a point of information and speaking with the men working on the site, it appears that you are doing the work within the footprint of the existing building. In Melrose our Building Inspector would have sent that to us for an RDA, and then they would have been able to do the work. There is a lot of work being done outside the property less than 50 ft. from the wetland area, so you might want to take a look.

Paul Finnochio: That will all be graded back. I took it out and I am going to bring it to the front.

Nancy Naslas: It is during the grading we generally like to see hay bales and silt fence.

Paul Finnochio: That is a separate issue. You might want to take a moment to speak with us after the meeting.

Nancy Naslas: It would be nice if they could tie their two together, it might be simple for both of them.

Robert DeMarco: A question on the construction of the dwelling. How large is the dwelling going to be?

Paul Finnochio: 26 x 44.

Robert DeMarco: And how deep are you planning on taking the base, the low grade right now? How big a foundation are you digging?

Richard Arnone: The full foundation is 2 car parking underneath the street.

George Laskey: Your basement floor is going to be 90.3, correct?

Paul Finnochio: Right. About 4 ft. up.

George Laskey: The lowest point is 10 ft., 79.6 .

Robert DeMarco: What is the deck going to be constructed of?

Richard Arnone: Pressure treated.

Robert DeMarco: There are certain types of pressure treated lumber which the conservation commission does not allow within that distance of the wetland.

Richard Arnone: Okay, identify the wood that you prefer to be there and we will be happy not to put it. I just need to know exactly what you want and we will be happy to put in what you do like.

Michele Doherty (Malden Conservation): The driveway is pitching back into the wetland area?

Paul Finocchio: Yes, straight towards the garage.

Robert DeMarco: Is Melrose concerned about the drainage coming back off of that driveway, sloping back into your section of the yard with an impermeable surface.

Michele: Actually that street will all run off into the driveway?

Paul Finocchio: There is no curbing on the sidewalk. There is no curbing on the street whatsoever.

Michele: On the elevation of the street to the right of the house, it seems like it is a little bit higher and then drops down.

Paul F.: It is slow right through here, and then it drops down.

Robert DeMarco: You are going to be driving some of the runoff that is coming down that area.

Paul Finocchio: We have a higher point and then it drops. There may be some some water coming down that should go in on the site as it does now. I will put up a berm. I am not sure what happens further down the street. Again, there is over 30 ft. on the back edge of the pavement towards the grassed area towards the left.

Nancy Naslas: I think the concern is that Crescent Lane is very steep and water is going to go running down this hill. We don't want to be catching more water coming in across the property.

Robert DeMarco: You are creating an impermeable surface on the driveway, so when it comes down you are going to be sending a lot more water into that back wetland than is currently going in there

Paul Finnochio.: Well, the only other way to do it is if run a berm across where the driveway comes down.

Robert: And that would remain the exact same water coming into that area to a certain point till the end of the berm. Where is your property on this?

Richard Arnone: On the driveway side from the street onto the left of it.

Nancy: Where is your driveway, Glen?

Glen: My driveway would run in-between the 2 houses.

Robert: So there are two driveways then, right next to each other?

Richard Arnone: No, we aren't going to have a driveway along the front of the house. The driveway is actually going to be into the garages underneath, so there is going to be less area, so there will be parking.

Robert DeMarco: Do you have parking on your right side of the house?

Glen: Yes, I have a driveway.

Robert DeMarco: So they are parallel driveways?

Richard Arnone: That would be achieved, proposed.

Michele: Your driveway is not in yet either?

Glen: My driveway is there.

Glen: When he puts his in, then it will be parallel.

Michele: Is there no grade on your driveway?

Richard Arnone: His grade is down towards the back as well. Everything on mine runs into the back.

Michele: Now when it rains, does water run down your driveway from the street?

Glen: Not a lot, it tapers off. There is no water in my basement.

Heather Marino, #28 Crescent Lane: At the present time, as you know there are no storm drains on the street, no sidewalks, it is a very narrow street and there are no sidewalks. Water comes down the hill, runs down my driveway and floods my backyard. It is gotten worse since Melrose has built at the other end of the wetland. Now what doesn't go down my driveway goes down my neighbor's driveway, and since he raised the level of his yard, it all ends up in mine.

Robert: Are you parallel right next to the house?

Heather: No, there is the proposed house, his house, her house and my house, and my house is the lowest, in fact, over the past several years the sewer system has backed up into my basement because I am fortunate enough to be at the lowest point. Water just runs down my driveway, runs in my front walk, and the 50 yr. or 100 yr. storms we had 2 or 3 years ago, my entire yard was underwater. I have had three grown living 30 ft. trees just topple right over and that was from suffocation.

George: Where the wetlands are behind your property, is the culvert in there? Where does the culvert start?

Heather: The culvert starts at my yard.

George: I was wondering if the culvert was behind your house, you could put a catch basin at the end of the driveway.

Richard Arnone: No, it doesn't come that far.

Benjamin Mayerson - 58 Crescent, which is two properties up the hill from the proposed addition. I have a prepared statement and I would also like to make another one after that if I may. This may sound a little off the side, but please bear with me:

“Orioles, Nut hatches, Flickers, Humming Birds, turkeys, are but a few of the unusual birds that used to frequent our wooded back yards of birched home and butternut trees. Over the 10 ½ years that my wife and I have been living on Crescent Lane, the frequency of business and numbers have been decreasing during the last several years as the density of housing have increased. Our young son loves to walk the watch the birds and we have been trying to teach him all the names, but perhaps that will be in vain. Now at this proposal, one of the last renamed visual pauses on our street will be gone. Each time another building goes up, another open space is lost forever and the habitat of residents and animals is squeezed further. The water pressure on our 100 year old street dwindles to half its normal some mornings as all the residents compete for the all limited volume and pressure that our old structure can provide, and today one fire hydrant now protects 25 households, one of the highest ratios around. When it rains, the drainage from the drainage from the hills has less and less ground to soak into as it is displaced by the new structures and the fill that has come with them. The occasional result is standing water on our lower land for longer periods of time, an increased mosquito population and a sense that the trees around the wetlands are losing their battle for survival. In the last

several years many trees have suddenly died. We recognize the property owners right to develop, but we feel some responsible constraints much be exercised to ensure the quality of life is not compromised beyond the need for quantity of tax base. A two family structure seems excessive for the scale of our neighborhood, and we ask that the commission carefully consider this proposal.”

Mr. Myerson: From my vantage point I have seen the ringer for wetland down below in Melrose go from nothing to six houses, and at that time the Melrose Conservation Commission, I believe, as well as the Engineering Dept., put some restrictions to improve the culvert that came off the hill from an 18 in. to currently 2.4, and that very successfully helps some of the drainage on the upper hill and delivers it all down into Heather’s backyard, and when Heather’s back yard reaches a sufficient capacity, it backs up into Susan’s backyard, and when it backs up from Susan’s backyard, with all due respect to you Glen, you have not been here very long, you will find out you will be well under water. I am way up on the hill, but I go down to the low lands, and my lower here has standing water as well. It hadn’t done that the 10-½ years I have been living there, and all of a sudden it has been happening over the last several years. It is a wonderful thing to own property; it is a great thing to be able to develop and build a house you want. I would ask if you are planning to live in this house, sir?

Mr. Arnone: No

Mr. Myerson: I think there needs to be some separation about the scale of the structure that is going in. I think there needs to be consideration about the density as we continue to choke off those wetlands. Like I said, my wife, Wendy, who sits next to me, and myself, we recognize people’s rights to develop their property, but we have lived through this development ongoing for the last 10 years, and the infrastructure of the street does not keep up with it anymore. We don’t have any water pressure anymore. I spoke with a city engineer. They told us “you are right; if 8 houses were going in all at one time, they would have enclosed a requirement upon the developer to improve the infrastructure of the street, but since all of these have come along piece meal, because more houses have been built on our street than just this one that is being proposed and this one that is being renovated, there have been 5 houses built on our street in the last 6 weeks, all plugged in to the water. The point being, is Crescent Lane is a very small, small street. Water stands on the street when it rains. Directly in front of your property, sir, I think you will find that you have a skating rink out there, as well as the city has attempted to mitigate the drainage issue, only to fail because there is simply no place to send the water. We don’t have catch basins. I propose, although I am not an expert, that the reason the sewerage backs up into Heather’s property, is because all the water that is now coming down goes into the sewer system, and that is what makes it back up into people’s basement. At some point somebody needs to realize that you can’t just keep putting more bricks in the bathtub, because the water continues to rise and to be flooded out.

Peter (Malden Conservation): This house is 26 ft. wide by 44 ft. wide. What is the frontage of the lot?

Mr. Finocchio: About 57 ft. and 10 ft. on the curb.

Mr. Arnone: The building does, as we stated, conform to all area and front requirements/setback.

Michele: Is this going to be sold as a two family?

Mr. Arnone: Yes, it is one structure, one family on the first floor and one family on the second floor.

Robert DeMarco: What material are you using for that 2 car parking area?

Mr. Finocchio: The driveway will be bituminous asphalt.

Wendy Mayerson , 58 Crescent: The house that is next to us, it appears a great big portion of the hill is going to be cut away. What is going to happen there? Where is the water going to go from up above. What is that going to do for the water flow? Once again, that's more earth that can absorb water. That will be gone. Is there a retaining wall, and that is not going to absorb water, so that's again another addition of water on to the property back into the wetlands.

Robert DeMarco: A retaining wall is just going to channel water somewhere.

Wendy: Exactly, so that earth is gone.

Paul Finocchio: Diagonally, cuddled on this side of the property there is a riprap wall replaced in back of the house which will be generally grassed area over on this side. Again, it is all flowing the same direction.

Michele: How high is that wall?

Paul Finocchio: 4 ft.

Michele: Is this going to be flat now? There is nothing in this area, right? Is it kind of a slope cut.

Paul Finocchio: It slopes from front to back.

David Valade: My comment in terms of the wall - two separate issues. By putting in the wall, it is actually going to clear the flat area that will absorb the water much better than the steep slope that is there. That doesn't change the fact that putting in the house will have less area to absorb this currently on the flatter side.

Peter: But it still channels the water to her backyard.

David V: Actually, looking at this, some of it may channel the water into the garage.

Rober DeMarco: But we also have the impermeable two car parking area, which is going to take away quite a bit and channel right back into that area.

Mr. Arnone: If that is the concern, I would be happy to put down a gravel pavement and that would allow for the water to drain, as long as the Building Dept. didn't have a problem with that, as long as Paul Johnson okays that.

David V: Ultimately, long term I am not sure gravel vs. asphalt would make a difference because the compaction of soil would stop the penetration anyway.

Heather: We are on a schedule to have the street swept. This is just to point out the smallness and the narrowness of the street. The schedule is that the street will be swept on the 2nd and 4th Friday of the month. Crescent Lane hasn't been swept since the fall. I think it is because the machine can't get up the street with the parked cars.

Michele: How wide is the street?"

Heather: In front of my house you and I could not drive pass each other.

Mr. Mayerson: There are two places where the street bottlenecks. One of them specifically is just up on the upper end of the property that we are discussing here, and at that point it is slightly, I do mean literally slightly wider than a fire truck. There have been times when we have not been plowed in the winter because they cannot get a plow up the street because of congestion of on street parking. What do you project the time line from start to finish on this project?

Mr. Arnone: 4 months.

Mr. Mayerson: When was the last time you were up there?

Mr. Arnone: Probably when they were flagging the wetlands, a month ago.

David Carpenter (Melrose Conservation Commission): What were the dimensions of the garage that was prior standing?

Mr. Finocchio: Approximately 18 x 16 sq.

Mr. Carpenter: I am kind of concerned with the impervious surface and how much runoff is going to increase. There was a building there, the garage, which was an impervious surface, and now that is going and there is going to be a new building. So what is the actual total net increase of impervious surface from the building, from the garage to the new structure.

Unnamed Malden Conservation Commission member: What was the flooring material of the garage:

Mr. Arnone: Dirt.

Glen: The garage sat right on the land and the house was pitched to the back.

Nancy: Is this going to be the last house on the street or is it just an empty house?

Robert DeMarco: Is this the last build able lot on the street?

Mr. Mayerson: You tell us. Unfortunately, I am here to report with enough money and enough consideration and proposals you can put another one in.

Peter: Is this a public way?

Mr. Mayerson: We are not on a public way. The city has had a long running dispute with us with all respect whether we are public or private.

Robert DeMarco: I would like to be a little more specific. The commission has authority within our area, but our area is simply to deal with the wetlands and waterway issues.

George: Where is the garage going to be underneath?

Mr. Arnone: Straight in front, right off the street.

Mr. Finocchio: Malden zoning requires no parking in the front of the house.

David V.: I have a suggestion that may help. First, in terms in of the runoff that may go ultimately into the garage. It would be worth considering putting a drain just going in some kind of drywell in the property, and in terms of the runoff from the roof, run those into drywells as well, and you won't be adding any net and new runoff that wasn't absorbed before.

Mr. Arnone: That is a good idea and probably can once we get into construction, the final grading will probably have to put up in front of the garage a drain that goes into drywell .

David V.: If the joint commission would agree that it is a good idea, you would accept that in condition that you run these things in the drywells?

Mr. Arnone: Yes.

Barbara Pelosi,- 37 Crescent Lane (right across the street): We have this big tree that has been there as long as I have been there which is 34 years. Are they going to take this down?

Mr. Arnone: Yes, if I didn't have to, I wouldn't. I am going to try to keep as many as possible. I can't relocate the house any other place.

Mr. Finoccho: If the commission wishes that we put in drywells, we can put them in.

Susan Small - 34 Crescent Lane: I just think everybody here cannot tell what is going to happen to the street or to that plot of land. I think everybody here should actually go out there and see the beautiful tree, you used to be able to look outside and see trees, but now neighbors have torn down trees and land is being destroyed. The amount of cars that are parked on the street is ridiculous. I think for a two family house that has additional parking, it is ridiculous. I am one of the few neighbors on the street that actually have a driveway. Every truck that comes on the road for construction, all trucks have to back up backwards to pick up trash, or to have furniture delivered. God forbid, an emergency happens. You have to come down and visit and look at the situation. It is just a beautiful street with trees on it. I hate to see all these destroyed. There are very few streets in the area that are like that.

Robert DeMarco: It is a beautiful area. I am very familiar with the area.

Nancy Naslas: Do you anticipate any excavation to watering? Do you know where ground water is on the property?

Nr, Finocchio: I don't know where the water is on the property. The house is actually above grade right now.

Nancy: And the bottom part is about 2 ft. below grade.

Michele: Is this a module home?

Mr. Arnone: It is actually a panelized pre-engineering.

Nancy: So you get all those trucks dropping off the panels?

Mr. Arnone: 2 trucks are coming to drop off the 2 loads. They come at separate times and they are flat beds.

Michele: Are you going to be responsible for the neighbor's land if something happens?

Mr. Arnone: Yes.

Michele: When that time comes would you just notify the neighbors just to say we have a truck coming in tomorrow. It is a courtesy so everybody knows what is going on.

Unidentified public attendee: Will you be responsible for neighbor's land if something happens? When that time could you notify the neighbors that a truck is coming down tomorrow?

Mr. Arnone: Yes that will be fine. If they want to put a list together of names and phone nos. and give it to me I will be happy to send a notice.

Mr. Mayerson: The two properties that were built directly across the street from us, the developer did fail to notify the abutters, as well as the city, and both the police and fire department shut him down when he crossed the street without notice and he had fake details. You cannot excavate the street to hook up to the utility, nor can you bring a vehicle that size in without blocking the street off.

Mr. Arnone: Actually, you can't excavate the street anyway without having police detail.

Robert DeMarco: This is not the issue. Feel free to have these conversations, but this is not the issue.

Mrs. Mayerson: Where do these issues get addressed?

Robert DeMarco: The Planning Board, the city engineer, and your city councilor.

George Laskey: On which side of the street is there water and which side is the sewerage on?

Mr. Arnone: It is on the closest to the property line.

George: On your side?

Mr. Arnone: Yes.

George: How expensive would it be to run a 12 in. pipe back down as far as that manhole with the catch basin at the bottom of this?

Mr. Arnone: I don't think it is economically feasible. It has to go all the way down and there are 3 or 4 lots down before you get there.

Peter: So that may be the only way to relieve the water problem.

Mr. Arnone: We proposed the dry wells, which would be helpful.

George: I don't think the drywells are going to help that much.

David V.: Actually, it is our point if the water tables are high, the dry wells may not help, but if the ground suffers it is going to absorb water anyway, so it is going to have to run off.

Peter: But if we ran a pipe, that would get the water down there.

David: From what the neighbors have said though, it would get it down to the place where it backs up and can't get into that culvert anyway.

Mr. Mayerson: It gets overwhelmed by the volume coming down off the hill.

David V.: It is probably like the pipe that was put next to Mr. Wilson's house on the abutted side.

Mr. Mayerson: That is correct.

Heather Marino: The water comes from a number of different directions.

George Laskey: Well, it comes from Swains Pond.

Heather Marino: When the Melrose properties went in, it diverted the water and now it goes a different way.

David Carpenter (Melrose Commission): When you are taking trees out, assuming for the moment that you get to that point, because the property slopes back, I would just like to make sure that you give due consideration as to how you are going to make sure the trees fall upland, because if they are falling into the wetland that is going to require a lot of muck around the wetland, chain saws, etc., to direction it.

David Valade (Melrose Commission): It will help you by putting a stipulation that work be performed on the wetland, and that would actually be work in the wetland. I have a question: if we agree you are going to do drywells and it sounds like something you are willing to do, I prefer to see the plans that include the dry well before we make a final decision. After we have considered everything here, I would like to propose at some future date, maybe the closest one is probably our next meeting which is May 16 in Melrose and continue it there.

Nancy: On that same topic, if we do have a continuation if that is agreed upon, then I would like to see more information regarding runoff and drainage across the property. Right now, I don't see any details for the parking areas, any cross sections for either the parking areas or the walls, the erosion controls, or I don't know if it is necessary or not, but any drainage or runoff calculations, because we are increasing impervious surface. If you are going to put in a dry well, we need to know how much water is going in it and if there is a place for the water to go.

Robert: In keeping with that, I would like to find out what the capacity of that culvert is at the end of the road. You are asking us to allow you to take down impermeable surfaces. You are asking us to allow you to add extra runoff into that back area, because no matter what you do, you are going to be diverting water off that road and into the back

area. You are going to be increasing the water flow into that culvert, and I don't want it to continue getting worse than it is.

Mr. Finnochio: I am not sure if the culvert is in Malden or Melrose.

Heather: The culvert starts in Malden.

Robert: Get any information you can on that culvert. Right now, all I am hearing is that the water is backing up. If you are telling me that you are going to add to it, then we need to know that ahead of time.

David: We are considering if you may not actually add to the culvert, you may actually just get it to the wetlands sooner. It sounds like it is running off two or three houses down into the back, so you might be just changing how it gets to the wetlands, so you might consider that when you look at it as well.

Susan Murphy (Melrose Conservation, directing her conversation to Sue Small, public attendee): We have gone out and looked at the area. We are just not going to make decision in a vacuum. We have gone out and we have looked at the street, and we have looked at the trees, but I wanted to assure you it is not something we took lightly. We have been out there.

Nancy: Just for the record, the Melrose Conservation Commission went out Saturday morning around 9 a.m.

Susan Murphy: The other question I had is ledge there, so that there is potentially blasting you will need done?

Mr. Arnone: No, actually we don't have a copy, but we did have a geological study done on the site, the Building Dept., and there is no blasting needed. If any, we will just be chipping. and there is fractions on this current expose. The stone is there. It might be easy to remove. We will back hoe and possible chip, but I can provide the commission with a copy of that report.

Barbara Pelosi: How many trucks are you going to have, and are they all going to come up at the same time?

Mr. Arnone: I have no idea. They will excavate first for the foundation, and then there will be two large trucks over a 2-month period that deliver material.

Barbara Pelosi: My car is right there. It is right in the street. There is no place to turn around if a truck wants to turn around.

Mr. Arnone: I know it is not appropriate for this hearing, but I would be happy to notify you 24-48 hours ahead of time before we have anybody show up there.

George Laskey: What if we made them with a catch basin and run a pipe down where the driveway is going and do a stone square down at the end and let it go into the wetlands, catch some of the runoff.

Nancy Naslas: I think that would be a good idea so long as they have a good understanding of how much water that would need to handle, and that would probably require a bit more drainage evaluation than is currently done.

Michele: Does that have to go into their deed so they maintain it?

David V.: We typically put that in the condition in perpetuity that they maintain that.

Mr. Arnone: I just want to comment that would require analysis of the whole entire subdivision, the whole neighborhood; that would be economically unfeasible really.

George: The drainage?

Mr. Finnochio: It would accommodate her comments about picking up water coming down the street.

Paul Locke (Melrose Conservation): What we are asking them to do is similar in putting in the dry well, but on their property, catching the water that is coming off the hill, whereas into hardly your parking area or into the driveway. We had talked earlier about having a dry well, which was brought in towards the back. I think it has gone a little bit further to ask them to put drainage in the tree itself.

David V.: Putting it in the driveway might be the best bet to drive water from going into the house.

George: Maybe at the lowest point?

Mr. Finnochio: You are talking about street runoff.?

George: Whatever is runoff coming in that driveway. If you have it now, most of your water is going to end up in that driveway.

Paul Locke: I think he is talking about the same suggestion that David has, having a dry well or some system of drainage to catch the water that comes down to the driveway and to reroute it to the back.

George: Yes, put a catch basin on the pipe, and just before it hits the wetlands, it will riff raff with some stone.

Mrs. Mayerson: Would that just encourage more water into the wetland, and isn't that what we are trying to avoid? If it is backing up in her garden, it seems like the wetland has already reach capacity.

George: But she is saying it is coming down the street and then going in your yard?

Mrs. Mayerson: But you are just encouraging it go back and then coming from both ways.

Robert DeMarco: If it hits the wetland sooner before getting, it is going to be absorbed as it heads down the hill. If it comes simply down the street and hits her yard, then you are right there is going to be the back up. But if we are catching some of the water.....

Wendy Mayerson: Some of the backup the other way now.

Robert: No, there is more absorption area before it gets to her yard in the back.

Wendy Mayerson: This saturation is occurring obviously from the runoff that comes down the course from the culverts from Melrose down into Heather's yard. This flooding condition is not just as a result of what goes into the driveway. It is what is just coming down the hill as well.

Heather: When there is a heavy storm from what I call the swamp running across my yard, I have a river across my yard.

Paul: I think we need to make it clear to regarding our expectations in that our authority is somewhat limited in that we cannot be required to solve the flooding problem of the community. That is what we are trying to do, but to the point that we need to make sure that the water coming off of his property doesn't move any faster or doesn't exacerbate the problem, doesn't make it any worse, and what we need to be concerned about is how the permeable surface that he is proposing will alter the flow and see if we can get the flow back to where it is currently. I think trying to alter the material that is coming off of the hill and running down the street now, (I haven't been out there in a flow), but it sounds like that material stays on the street and flows down the street in front of your house and down your driveway. If that is true, if it is coming down the street, I don't think it is appropriate to ask the proponent to alter or to divert that necessarily onto his property. We don't have the legal ability to do that.

Robert: I agree. What I will say is that as the water is coming down, the creation of impermeable surface is going to catch more, but we need to be able to control that amount.

David V.: We have asked them to put together a plan to do that.

Robert: Yes.

Dave C.: I guess one question that I would have to say is that the water that ends up in your yard comes down the hill right now. That is where it is coming from.

Heather: It comes from the hill and it comes from the swamp in Melrose, and since those new houses in Melrose have gone in, it has gotten worse.

David C: I guess what I am trying to figure out if more impermeable surface is created by this project, it doesn't do anything to the water that is already coming down the street into your yard. What I think we need to do is to make sure that the surface that he is creating doesn't create a higher velocity because all of the water that is coming down hill is going to end up in your yard, ultimately to the bottom of the hill, we have to make sure it is not coming down through his property faster or in greater quantities than would otherwise. I just think we should keep our minds on what it is we can do with the water that is coming down the hill. Some of it is going down his property; some of it is going down the stream. There is really not a whole lot we can do about the stuff that is already going down the street. We need to address what it is that this particular project is going to do to the sheet flow running off into the wetland now, and I think that we have presented a couple of ways that probably make sense.

Michele: What is next to your house. Is the next house lower?

Heather: No, he has raised the level of his yard, so whatever flows in my yard, flows into his yard, and then flows into my yard because his yard is higher.

Michele: When you are at your house, does the street keep going down or is it level? Are there no storm drains to catch all that storm water?

Heather: There is none on the entire street.

Mr. Mayerson: At the corner, at the bottom of Crescent Lane, where it turns into Mt. Pleasant Ave., on that corner if any of you are familiar, that entire area is just completely submerged under water for the entire winter season. It is not slush, it is standing water. If it is not standing water, it is a sheet of ice. Mr. Carpenter made a point that you can only address where this water is going, but I think the issue some of us have brought to this joint committee meeting, we are talking about taking a footprint of 26 x 42, plus a driveway, out of commission if you will, all due respect, where water can sink in, plus organic living things like trees that naturally absorb the water. If you eliminate the trees, you pave over or build a house with a roof; there is that much less square footage for the water to go in. It has to go somewhere. That seems to be an issue that these commissions are here to address, what happens to that additional water that can't go into the ground at its present location.

Robert: At this point, I think we have given you some thoughts to come back to us with and we are going to continue until the meeting two weeks from tonight, May 21 at 7 p.m.

Nancy (speaking to the public): This hearing will continue until that date and you will be welcome to come back when further questions will be addressed.

David V.: Make sure the applicant understands you don't have to any more notification. The state law says that anyone who is here who has shown interest and has heard when you are coming back covers your requirements.

Michele: And you will come back with new drawings?

Mr. Finocchio: You wanted drawings on the details on the drainage, and also for a 100 yr storm? What storms do you want to use?

Robert: For 5, 10, 25, and 100 year storms.

Susan: I would like to see the geological report.

David: Which is key too, because if you are going to propose putting in dry well, they won't help if you have a ledge in there.

Nancy: On the other hand, the difference of infiltration in the lawn and infiltration into level ledge needs our approval.

David C.: Do we want to ask to see another set of plans that have revised hay bale line and proposed drain?

David V.: I am quite confident putting in the conditions that it needs to go 30 ft. beyond that or whatever. They can't remove the garage without agreement with the neighbor's property anyway.

David V.: Please keep in mind they will consider any additional water is a result of putting the driveway in there, which may come to the street and on their property.

Mr. Finocchio: That water is going down there in the same spot.

David V.: The water coming down the street may need to be included in the drywell calculation if the water comes into the driveway and then into the drainage system. If they just measure the driveway, it may not be enough.

Voted: to continue this portion of the meeting until May 21.

Voted: to take a two-minute recess.

Robert: One of the discussions that came up was whether or not we could allow the driveway at this point to exist. What is the feeling on the Melrose Commission?

Susan Murhpy: I think I need a little bit more information about the drainage and whether a dry well might be effective. I am concerned about it.

Peter: He has the right to build something. It is exacerbating the problem. If we force the driveway not to exist, we force it into building a different structure.

David C.: I don't know what the building code says in terms of spaces per unit.

Robert: It is 4 for a two family.

David: Based on prior history of other subdivisions of property owners, that driveway is not too close to wetlands from what we have done before. Our primary concern I think is the velocity of the water coming off of it, and the net increase that may happen to the wetlands.

Peter: I would like a pipe from there to divert the volume.

David V.: But that won't really help. The problem right now is that culvert sounds like it is not big enough to handle the volume water that comes there, so all we are going to do is move the water to a place that actually could make it worse, because what is going to happen, and now that bark got through that pipe and then up above that rather than going into the wetland which is bigger, more open so it can spread out across a larger area.

Peter: If he puts a dry well at the front with a pipe going along side or under the driveway straight back into the wetland, won't that take care of it?

Michele: That will probably all back up and run back down the street.

David: It depends on how big the pipe is.

David C.: I think the problem is it is really steep. You have a very steep hill, you get a lot of rain down that thing and it is going to end up in her yard no matter what we do. The problem is whether we condition the project so that the water goes directly to her yard, which sounds like what would happen with a pipe because that culvert is not big enough to get it out of her yard, or we put it in the wetland. It is either going to go down the street, for instance if there were no impermeable surface there it would slow down a little bit and there would be some infiltration, but still a lot of it is going to end up in the wetland anyway, or what is not going to end up in the wetland is going to go down the street, and judging from what is under the property, if it is bedrock, then no matter what we do it is going down the hill. So I think compensating for the lost and besides there was a building there already, a small one.

Robert: The building there has very little bearing.

David C.: In terms of the roof, you just have to subtract them from the current impermeable surface.

David V: In a normal situation we would do that, but since it is in a current state....

Robert: In all reality, I wouldn't have given that building more than what we are taking away by putting the driveway. My feeling at this point in looking at it, is not just putting in an impermeable surface with the roof of a two family, which is a much bigger footprint than I would like to see, in any case he also has a driveway there that is also creating an impermeable surface.

David V.: That is assuming that it is permeable surface.

Robert: I am making an assumption just having walked the way and seen what kind of vegetation. That was my impression.

David V.: But I think with something like a dry well or riprap. I think the most important issue is to compensate for the infiltration. That is the best solution, and if dry wells can do it, then maybe that is the way to go. The second best alternative I guess would be to slow the velocity down into the wetland, which might be the pipe and the riprap right here.

Robert: Or a catch basin in the property just to hold x number of gallons of water.

Nancy: We haven't asked them what they are going to do with the area between the end of the driveway and the hay bales and silt fence. They are going to have to do some grading on the corner of the house there. That could be a good place for a retention/detention area, a grassed swale at the end that the water would have to overtop to get into the wetlands, and that would get the water then to wait.

David C: That is a very good idea. I hadn't thought of that. Maybe raise it up and on one end slope it back.

Nancy: That is because in looking at the picture, if it were up to me alone and not the Wetlands Protection Act and another commission, I would say it is too big a house and too much parking on such a small lot, and wouldn't it be nice if they could just put a swale down to the left side of the property, ending in a retention area.

Robert: My interpretation was that we could limit the size of the permeable surface that is going in there.

Peter: So we go back and force them to build a one family.

Susan C: Regarding the driveway, is it possible for them to have 4 cars parked underneath this house?

Robert: That is a possibility.

Peter: Maybe he is not going to have a basement.

Robert: Indirectly, if our decision requires a smaller house, we have that. We are not going out of way to shrink the size of his house, and believe me I never like to impede any type of reasonable construction, but if we make a requirement and the end result is that the house size is shrunk.

Paul Locke: He has the option of demonstrating to us the flow in the wetland velocity. If he can't demonstrate that, then I think we would certainly have the perfect right to eliminate that driveway.

David C.: The problem is that even with a single family home it is the same size; you haven't decreased the impermeable surface, except for the driveway, so how much does that gain? How big is the driveway?

Peter: It is as long as the house. It is a 42 - 44 ft. long driveway and probably 12ft. wide.

Paul: 2 cars from the house front back to back.

David: If we just make it bigger, 50 x 15, then it is 750 sq. ft.

Nancy: We voiced a lot of our concerns to the applicant and we just had a few new ideas pop up. Is anyone in regular contact with this applicant and would like to summarize the jest of this discussion? If not, I will be happy to give them a call and tell them the swale idea and how we do have concerns about the driveway and to incorporate that into his re-look at the drainage.

Olive Ave. Extension

Robert: This is the continuation of the joint meeting of the Malden Conservation Commission and the Melrose Conservation Commission on May 7. The next matter before the conservation commissions is the Olive Ave. Extension matter. At this point I am going to excuse myself due to a conflict of interest, which arose under a previous meeting, and I am going to ask, because of the presence of the chair of Melrose, to allow Nancy Naslas, Chair of Melrose, to please run the meeting.

Nancy Naslas: We will start with the presentation of the applicant.

Ben Smith, Civil Engineer registered in the State of MA, Allen & Major Associates located in 100 Converse Way, in Woburn: I am here tonight on behalf of Kevin Douglas, presenting the plan I believe you have all seen or heard about, for a single family house on a roughly acre and one-half parcel that actually straddles the town line between Malden and Melrose. It is a single-family residence. What we have proposed here, and on the plans that you have, is a common drive to serve an existing house, as well as the proposed house. Right now an A&R has been approved, splitting the lot. Right now the existing house is one large lot. It has been subdivided. It is shown on the proposed conditions plan, which is sheet 2. I understand that down stream flooding is a big concern of the residents and of the two commissions. We have been very careful to design this in such a way they are not going to be increasing the net rate of flow

discharging from the project. This project is at the downstream end of a watershed that is about 11 ½ acres. For those of you who were at one of the site visits, it extends all the way up to the peaks that you see, all the way around the site as you stand in the middle of it. During a large storm event, as the neighbors can attest, there will be a heavy flow coming down off the hillsides and travels through what was until recently just a flat portion of the lot, in fact it flows across the paved apron to an existing shed on the property. This lot has some history to it, as I think everyone here knows. Some work was done on the lot in conjunction with installing a sewer service, and material was pushed around by the contractor in an attempt to help out the property owner, and it was done improperly. Those issues we resolved with the Malden Conservation Commission. At our last meeting here, it was asked to relieve the flooding concerns of one of the neighbors, that a more defined channel be gouged out a little bit to prevent the formation of a large puddle that had been forming down the lower portion of the lot. In doing so, a channel is actually scraped out from the top of the site down to the bottom, and while I guess it doesn't really matter at the end of the day, I would just like to stress that up until very recently there was actually even a channel going through to the property. It is a flat area that experienced sheet flow during heavier storms, but remains dry during extended periods of the year. I have one of many pictures I took of the site. I wasn't taking this picture with the intent of proving that the water first runs dry. This is actually an area that commissioners in Malden may recall there is a big pile of brush that had been placed right in that area, so I was just documenting the fact that the brush had been taken away, but it also shows the stream on this particular day is dry. A number of the commissioners have been out on the site I believe at times when it was, in fact, dry. I just want to point out the fact that in case there are any questions about Rivers Act, etc. We are dealing with something that does not have a defined channel and it certainly doesn't reach river status.

Ben Smith (speaking about the photo): This view is standing right here looking towards the gully area. We are in the middle of the property looking to the east. This picture was taken in early March.

David Valade: I can confirm to this, this is the same stream that I believe runs through Mr. Rose's property, then Mr. Senier's property, and on some site visits to Mr. Senier's property, this stream has been dry.

David Carpenter: This is a decent photo just for the sake of clarity of looking down that way when it actually is wet.

Ben: We put together a pretty detailed drainage analysis. Again, it is only a single family house, but because of the flooding concerns we wanted to demonstrate to you that we are not going to have a negative impact on the people living down the street with this. We certainly don't want to contribute to any flooding problems, and we will be leaving this situation as it was before, this proposed single-family house. I have hit all of the rough points and if anyone has any questions, I would love to answer them.

Susan Murphy: When did that occur?

Ben Smith: Early last construction season. Mid-summer.

Susan Murphy: That was before your wetlands delineation was done.

Ben Smith: That is correct.

Susan Murphy: If you have a wetland at one end and wetlands at the other end, and in between it is not in its original condition, not having seen it before and not having information of the prior condition.....

Ben Smith: I understand your concerns, and a wetland scientist did use an auger to determine if the soils were hyper or not, and she reached the determination they are not. Also, the filling that was done on the lot turns out not to have been as substantial as certainly I feared when I first saw the lot. As I explained to the Malden Commissioners, when we went out there to restore it to its original condition, the excavator literally reached for its first bucket and starting pulling at the ground, and there is a plane where the original vegetation had been matted down under what had been dumped on top of it, and literally this massive dirt started sliding along this zone of vegetation. There is a very clearly defined stratum of vegetation that pulls exactly where existing grounds was, and we scraped back to that extent, stores some concerns from the abutters and some commissioners, we were asked to pull it back a smidge further, and we did that as well.

David V.: You stated, and having been there I can't confirm because it has changed, that there was no channel before, which was sheet runoff between the two wetlands. What you are putting in now is a channel. My concern is the velocity of the water should probably be a bit quicker through a channel, than through the sheet runoff, and could cause erosion where it enters the wetland on the west side of the property. I don't see anything in here, riprap or otherwise, that indicates how you are going to dissipate that velocity.

Ben Smith: That is an excellent point to bring up, and it is a little vague within the plans. The ideal situation, just in terms of esthetics and everything else, is that when this new channel is gouged out, we are going to find great soils and we can simply stabilize them with grass, and because the stream is intermittent or the flow pattern is intermittent in nature, it is not going to be a raging torrent for more than a day at a time, and that holds things together.

David V: Some thought needs to be given to whether putting a riprap in to dissipate damage, or something you can dissipate damage before the water softens the channel into the wetlands.

Ben: We would be willing to do it if that is something all of the commissioners wanted to see.

David V.: I can't speak for the rest of the commission, but I would strongly urge if you don't tell us how you are going to do it, we will tell you how to do it.

Ben: Just to let you know, it wasn't thrown together completely haphazardly. We did model the various storm events up to and including the 100 yr. storm events, and actually to address the question of the flow being pushed along further, what we have done is decrease the elevation of the channel up on the upper side, so it is, in fact, a flatter slope from here to here, which is how we are able to decrease the deep rate of flow by actually slowing the deep rate of flow from what is coming out of here marginally, so that the increase from impervious area is a wash basically. This is something that Allen & Major Associates was comfortable with on a scenario using grass, as long there are good soils underneath. However, as I say, riprap is not a large expense if that is something the commissioners wanted to suggest.

Nancy: There are some riprap areas. Is that just on the other side of the culvert?

Ben Smith: Yes, just at the entrances.

Nancy: You say that from this proposal there is no net increase in flow. What about volume?

Ben: There is a marginal net increase in volume, but I would just like to say it is a single family residence and we are technically exempt from the requirements of the Storm Water Management Policy. Now having said that, of course, we have made a very large effort, going so far as to prepare drainage report and to put this plan set together to show that we are doing everything we can to prevent downstream flooding.

Nancy: How far are our hay bales and silt fence lying from the wetlands?

Ben: Going on my experience out the field, they are probably 10 ft.

Nancy: Will that be your limit of work and your limit landscape on the property, because 10 ft. is not all that much when you do have a bit more space there.

Michele Doherty: I have pictures of the hay bales, but if you are going to put the house right near where the shed used to be.....

Ben: Yes, that is right, they ran them up a little further than that..

Michele: Right up to the shed.

Ben: I guess I wasn't very clear when I was talking to the contractor about where they went. He actually ran them way up in here for some reason. They are not hurting anything being there, so for right now those are extra bales if we have to repair something else with.

David V.: Based on your comments, I am having trouble figuring out the elevation of the drainage ditch, whether we call it drainage ditch intermittent stream or something else from the riprap on the down stream to the actual wetland.

Ben: There is a drop with 1 ft.

David V: Then that alleviates my concern. The riprap on both sides of the culvert area can dissipate enough water for 1 ft. drop over 1.5 ft. or so? I don't think you get enough velocity to harm it there.

Ben: Certainly, something that we could entertain is perhaps riprapping the lower portion and just to maintain the other portion of grass, and I guess the intent is also to put some landscaping up on the tops of the banks just to try to make it not a detriment to the site, but actually kind of a feature for the log, make it sort of stand out.

George: Besides riprap, what I would like to see is what Mr. Green did on Maple Terrace further downstream. He did the rocks, and then he did a pipe underneath his driveway, but what he did was he put the rocks in and it kind of slows the water down. He did a nice job. Another thing I have on the Board of Appeals decision, I don't know how they come up with this decision because it says "a paper street cannot be continued past a newly created lot", which basically the newly created lot is in Melrose. Why did the Board of Appeals give you permission to continue the street into Melrose. They had no authority to tell you.

Kevin Douglas: What they are saying is Melrose can't connect to the street. The purpose is so the street can come through. We don't intend to connect it to anything, but I think what they are trying to say here is the paper street cannot be continued past.

George: It cannot be continued into the wetlands, because that is all wetlands.

Ben: The paper street actually already exists right now, and Mr. Douglas is going to be restricting the deed on the property because he owns his interest to the property line.

George: I just don't want the street to go any further than it is now.

Mr. Douglas: We don't intend to.

George: Now you are going to do the common driveway?

Mr. Douglas: Yes.

Nancy: Right now the only painting that we are approving is what is submitted here on this plan. It stops before it gets to that wetland down there.

Ben: Absolutely. I put a little hammerhead down there in case some had to back in for some reason.

Nancy: The hay bales come this way, but it looks like you are going to be extending the end of that road, the edge of pavement a little.

Ben: A shade.

Nancy: It might be better to have the hay bales come in this way.

Ben: We would be happy to. They don't exactly follow the DPW delineation right now. We could have them say 5 ft. on the upland side for the entire delineated extent or something like that.

Nancy: We can condition that.

Michele Doherty: Are you putting a pumping station to tie into the sewer?

Ben: Similar to the one that was put on for the other property.

Michele: Do you know where this is going to be?

Ben: Not yet. It is such a flexible system, it can be put anywhere. The only stipulation I think is that it is 10 ft. off the building foundation.

George: On that pipe that goes up all that extension, how many pumping stations can that handle?

Ben: A rough number is it could service as many as 10. The thing is it can only go so small on the pipe diameter, and in a small storm you can use one of those. It can handle about 10 of them, so it is not that it is put in with the plan to attach more units in, it is just it can't go any smaller.

George: I just want to make sure. There is only one more house down there without sewerage, so I just wanted to make sure that theirs could be hooked on.

Michele: On the watercourse, is it going to be kind of the same way that it is now? It is just pulled back and grassed over.

Ben: It is being more defined. It is going to have a defined channel, for instance as you saw in front of the shed.

David V.: Right now about the concrete or asphalt in front of the shed, it is undefined from there up and you are going to define at the highway.

Ben: It is undefined basically the area covered by my hand. Up in here you can see where it goes somewhat, down here you can even see where the channel forms pretty clearly. In this area it is not defined. We are going to define a channel for it.

Susan Murphy: How deep a channel?

Ben: About 1 ft.

David C: Are you going to make it a facet of the landscaping? Is that how it is going to work?

Ben: No landscaping in it, but bushes up on the top of the banks. It is going to be a very shallow kind of thing. You will see it is there, approximately 3 ft. wide at the bottom with 3-1 slopes going up. So we are talking 9 ft. wide and 1 ft. deep basically, which is why we can say that this is going to not be increasing the rate of flow.

David C: If it is that wide and that shallow, I guess my concern is that people aren't going to know it is there. How is that channel going to be delineated, preserved in the future so it doesn't get filled in, walked on, stomped on, flattened up, fertilized in, dandelions in it.

David V: We will have a nice condition and perpetuity that it be maintained in an operable fashion. That doesn't mean that someone won't ignore it. What I have generally said when people have asked a question like this from the public is I remind the public that they are our eyes and ears. We can't be everywhere and if they see something like this that affects something we have asked to be done, please let us know.

Ben: We could put it down 1 ½ ft. deep.

Nancy: I would recommend looking at the stream along Mr. Rose's property. It is quite well defined there. I think he has a little cobble boundary to it. It looks nice, and then that way it looks like a stream and nobody is going to drive their lawnmower through it.

Ben: I haven't seen that.

Mr. Douglas: Just to tell you what I have done is we are doing work right now for a landscape architect. We are doing a job at another site and I have asked him to take a look at this because where it runs between the two properties, we want to accent it so it becomes an asset and not something we are trying to hide. We have asked him to take a look at it and try to design something so that when people come up they don't after a half an hour or fifteen minutes and say what is that. They are going to see it and they are going to say oh, that is nice. That is what we are trying to do anyway.

Nancy: So you are already planning to have a landscape architect?

Mr. Douglas: To give us some idea what we can do to make it a positive and not a negative.

Nancy: Well, perhaps would you mind if we made a condition that you went up and take a quick look at that before you implement a plan.

Mr. Douglas: Sure, no problem.

George: About 25 or 30 years ago there was a stone kind of culvert that ran through there before you bought the property that kind of defined just where the brook was.

Michele: I would like to say Mr. Douglas called me and we have been in constant phone conversations for the whole time, and I was there the whole time when they brought in nice clean loam and as soon as they put down the loam and graded it all off, it came out beautiful, dried up Eleanor's land instantly. He did do everything that he promised, and that day I did check with everybody and everything went good at the time. Hopefully, it will stay that way. I would like to thank him because he did hold up his end of the bargain.

Nancy: I will open it up to the public now if anyone has any further comments.

Eleanor Mire – 193 Olive Ave. Ext. - The problem I am having like we had before is the water pulling up over on both sides of the walkway at 195, and what you did you filled it in with loam, but there really is no drainage. I didn't fill it on my side. He filled it on his side, so you can see where it is coming up from underneath, and I don't know if you saw it, but there is a little stream or river that was running right in front of the property, and I would like to see better drainage. A lot of the water is coming up from underneath, and what has happened is it is coming up from underneath and running over this same side. You didn't really do anything for the drainage; you just moved the problem around. I think eventually that loam will be undercut if there is something running underneath there. It is just going to sink again and we are going to have the pooling up on both sides of the concrete walk.

Nancy: What has happened historically in that particular area. Is this something new since the site was disturbed or has it always been like that?

Eleanor Mire: It has been dried up, but once you brought in the backhoes, they disturbed the land and then we got a lot of water on both sides of the concrete walkway.

Ben Smith. There is an existing sidewalk right here that we have been referring to, and the sidewalk actually drops off on this side about 6 inches, and there is a natural depression that forms it. Mr. Douglas' contractor attempted to get rid of the puddles as Ms. Mire had been concerned the puddles were causing flooding in her basement.

Eleanor: And on the property too, to exist like an undermining.

Ben: Because this acts as a dam right here and there is a low spot right here, unfortunately without actually working on Ms. Mire's property there is no way to remove

a low spot on the topography, because the low spot simply exists there unfortunately. It wasn't created during the work that was on the lot. There is a low spot that is right there.

Eleanor: But it never really filled up the way it did with water. Sometimes you would get water in it, but it had been filled up and it stayed there during the spring. Then you went and filled it in with the loam and that kind of took care of the form on your side, but I kind of left my side to see what happened and that water you can see comes up and it is a steady flow. It is not like pooling up and staying there. It is almost like there is an underground spring coming up.

Nancy: So you think it is feeding it from underground?

David V.: And where does it drain off of?

Eleanor: It comes down here and it goes over to where that swamp land is on the other side of the road. When you were there, I don't know if you saw it run across the driveway of 195 and into where the swamp is?

Michele: My concern is when Mr. Douglas went in and graded everything off. Was all the underground springs, because when I was there early you could actually see all the water pumping up as part of the machine back and forth. It kept making it worse and worse. So when he brought the loam in and graded everything off, and cut it back dragged where the brook used to be, or in that general vicinity, it did stop. It cleared up Eleanor's land then and I have been back and forth since. I haven't seen the springs popping up because that is what I was worried about. It seems by making that channel back into where it kind of used to be, it did help out a lot. You are proposing to put a driveway there, right?

Ben Smith: A driveway all the way down here. The grade of this is not going to prevent water from going across it. We, in fact, design it so that it will allow a water drain.

Michele: Is it in the backside of the driveway?

Ben: Where it is a wetland away.

Eleanor: What are you going to put at the end of the driveway?

Ben: The pavement is just going to stop at a point. It is not going to be curved in any way. It is going to be pitched towards the channel.

Michele: Could I just suggest you put a little extra stone and pressure. Maybe that would help a lot and then that would find its own natural channel through the stone and to the end. It is only a suggestion, but I think that might help.

Paul: As you construct the driveway, what will be the base of the driveway? How deep are you going to be excavating out?

Ben: Per driveway 10-12 inches.

Paul: It will be pressure and gravel?

Ben: It will be quality bank run gravel.

Paul: That may help flow underneath that driveway.

Ben: I would like to address the ground water issue, if I may.

Bill: The only excavation work that has been done on the property was for the installation of the low-pressure sewer service that runs actually right parallel to the sidewalk. That trench was 4 ft. deep when it was excavated and was back filled with the original material. No excavation has been done on this site. All of the work that we have done was superficial, and involved the top soil layer, except for minor areas through here and a big pile of debris that was up in here and I described to you how those were cleared off. There wasn't extensive or any excavation done over most of the lot. One thing that did happen is because everything was worked up with the machinery going back and forth over it. Well, once you clear the brush off it and run over it with machines for two weeks, it takes a while for that material to settle back down and re-compact, and establish vegetation. During that period there are certainly changes in certain water characteristics. By that I mean the place was a muddy pit. However, it is already dried out as you have seen substantial.

Michele: I think plus from opening up that trench and running the sewer line, that just opened up a whole new valley for all the water and that is why Eleanor had so much problems on her side of the land. Once I think everything settles down, then you have to compact the driveway with all the stones.

Kevin Douglas: We also offered at the time when we were bringing loam in to fill the low spots, but Eleanor wanted to wait and see what was happening just by doing the outside. At this point, maybe it will be prudent when we do get there to fill that side and we will do that if you want us to.

Eleanor: What I wonder is just filling it going to take care of problems. If you just fill it, but the water is coming up from underneath it will eventually undermine again anyway. It would be better to have some kind of drainage on that spot, perforated pipe or whatever. If it is coming up from underneath, it is just going to eventually wash away land.

Mr. Douglas: I don't know the answer to the question. I don't know if that would help or not help. I am not sure.

Ben: It is a low spot and being filled in would only help it hydraulically. Part of the problem is surface water does collect there because it is a low spot, impounded by the

walk, and it appears that your property has subsided somehow, and whatever solution is adopted, I think as part of it, your greater opt is to just get to rid of that depression.

Eleanor: I was planning on that anyway.

David C: What is your construction time?

Mr. Douglas: We have never figured that out yet. We are wondering if there is going to be a permit.

David C.: From whatever the construction time is, if you guys are willing to work out, somehow we have to do a pilot test on whether or not putting loam in those parts and stuff works out. Maybe by the time you start getting a construction phase, you will know whether that has worked or not, so that might be just his way of expediting that solution, that way try out first off the bat if you guys can come to an agreement, and then when you get further down the pike if that doesn't work, then you can change your plans.

Eleanor Mire: Have these plan been filed with Malden yet, because this is different from the plans that I picked up with the driveway?

Ben Smith: I printed out a color one because it is easier to work with. This set of plans; we submitted I think 15 sets. This is a very old version, and only a conceptual layout; it wasn't met for our record plan. This plan set has been submitted to both municipalities.

Margaret Raymond, 170 Olive Ave. Ext.: I am really not an exact abutter. I am at the top of the hill and I was the last person on the sewer line, and then John connected after I had my house put in there. I remember this land when I first moved there. There were no cement sidewalks. You are talking about the wetlands over here, correct, and the stream surface in here? There was a channel, it is not that deep now, and pardon me for being contradictory, but you did push it back a little bit, and I am not blaming, but that is what happened. So now the area here has been already pushed back into this area. This area in here was a swamp. I always remember it that when you got down there, you swished, because that was how it was, you just swished there. Then, when they put the concrete sidewalk, well then it was just mushy on both sides. You could really walk on that because I had walked my dog down there on the hill behind, so originally when I saw the water it was coming down off of the rock. You are right, there was no stream beds up here, but it definitely circles down 5 – 6 ft. beyond that pond or whatever that is, and that is what I think of and this is all water that is going to be coming up. I worry about this stuff coming up, a water situation being down there, health-wise. We are not talking the best kind of a place to put a house. I live as I said at the top of the hill. Around the base of my house on the foundation is perforated pipe and rock because from the back of us where we live we get all this water. I have the most beautiful green grass. It is permanently watered, and I live at the top of the hill. Imagine what it is like at the bottom. I just find this hard to believe that this wetland you can talk about in this one area, when this whole place is marshy and spongy, and you are right, the vegetation that

comes up in here is part of that little creek there. I don't think anybody ever related it as a river, even a stream. It is a little creek in a dark surface. It comes from underground somewhere. It has got to come underground. There is a little more under water under there coming up in all these other areas, and I am not a Scientist. Math is my subject, I'm a math teacher. But they are related subjects and I have a feeling that this is going to be a problem, and I feel badly for Mr. Douglas. Actually, if he is going to put this kind of a proposal in and it is going to be a one family house, it would add to the way things look. This other building is really dilapidated, but you really have to give it a lot of thought. Right now we are in a drought situation because the earth is so dry that it is absorbing what's there. So what is going to happen when we are not? Like you say, if this is going to come over, somebody is going to have a problem down there with ice. How are they going to get up that little hill? Let me ask Eleanor how it is to come up the hill in the wintertime. It is bad. Thank you.

John Ronan - 172 Olive Ave.: I was just wondering how long and how wide is that driveway? There is no driveway there currently.

Ben Smith: That is correct. I can tell you that it is almost exactly 100 ft. up to its furthest stream up here and the width is 12 ft. at the bottom, and it widens up here to I think 20 ft.

John Ronan: I know this isn't a question for this board, but are shared driveways still allowed?

Ben: The driveway is going to have the benefit of an easement because Mr. Douglas owns both properties.

Mr. Ronan: Is the reason for the common driveway because you can't put in another driveway in because it is wet?

Mr. Douglas: I didn't want to put it down the road any further because there was a big concern. The meeting we had before with the Zoning Board, a major concern that was brought to out attention was how much further do you intend to bring that road, so that was one of the things we talked to these guys about and they came up with this as a solution. The reason the road can't go any further is because the water and the wetlands are there, and the hay bales are there.

Ben Smith: We do have the room to extend the driveway, and to just bring it to adjacent to the wetlands.

Mr. Ronan: And I know nobody here can rule on it, but we have been waiting for the plans and we haven't seen the plans yet. This is the first time we have seen the location of the house with all those poles to be where the shed was, and now we have a 100 ft., 12 ft., 100 ft. driveway that is shared what looks like probably about 40 – 45 ft. That dotted line is the edge of the wetlands, correct? And how far is that to the entry point of the driveway?

Ben Smith: It is about 35-40 ft. It winds about 20 ft.

Mr. Ronan: One of the things that we talked about at previous meetings, was the frontage on this so called paper street, and having a delineated line and having the proper frontage on the street. Now I always maintained that there wasn't a street, so how could it be frontage, but they said it is a paper street, and now we are at the point where we are losing 24 ft. as an entrance into two lots, where there is 165 ft., but we are jamming those entrances into 24 ft., and I think the reason is because of the wetlands.

Ben Smith: We explored both scenarios.

David V.: Getting involved with this you learn funny things later. A wetland isn't necessarily land that is wet. It can be wet, but not a wetland, and it can look pretty dry, but be wetland; and frontage and paper streets, they are all over the place, and it seems strange picking up frontage on the street that doesn't exist, but legally it does. Why are you putting entrance in 24 ft. when we have 155 ft.?

Ben: The answer to that is there is room to serve both lots by its own driveway. There is more than adequate room to do it right here. A driveway doesn't really have to be any wider than 8 ft. to serve the property. We have set plenty of room to do it. It could be done. It can add more impervious area to the site, and we think it is going to look less attractive. This is an option because of the situation where we have one owner of two lots, this is the route we chose to take.

Mr. Ronan: It has been documented that Mr. Douglas is going to sell 197 when the lot is subdivided, that has been intention, and he is building that as a spec house to sell it, and those two people more than likely will not know each other and then they may have a problem.

Mr. Douglas: There is going to be an easement.

David V.: You are right they may have a problem and that is beyond what we do here.

David V.: One of the things that will happen is the title search will find out. It won't be a total surprise.

Mr. Nonan: Where was that submitted and was it approved, does it need approval?

Nancy: Was it approved that there is a single driveway to two homes?

Mr. Douglas: It hasn't been submitted to anyone, so therefore it hasn't been approved as yet. We don't anticipate that is going to be a problem.

David V.: Along those lines, whomever they bring it to the Zoning Board of Appeals, I don't know exactly how it works, says no, you can't do this, that is a material change to the plan, which means we get to have another joint meeting and talk about it again.

Nancy: Nothing different can happen on this property other than what is submitted to us on paper and what we approved. If somebody wants to change the configuration of the driveway in the future, they need to submit to conservation again.

David C: Just from a legal prospective, whatever the agreement is going to be between the parties regarding the driveway, it is going to have nothing to do with the government of Melrose unless there is a change of plan, but if there is a requirement as that part of the structure is in Malden, if there is an approval that needs to be given it will probably be from one of the Malden agencies. If there is a change it is going to have to come back for a vote.

Michele: Regarding the driveway, is that a permanent plan for the driveway? My suggestion is where the concrete walk is, and it is in kind of tough shape anyway, and I am kind of thinking on the line of Eleanor's house, if we could take out that concrete walkway because how much grass is there?

Mr. Douglas: 4 ft.

Michele: Maybe it could extend, widen the driveway just a little bit to take up the space of the concrete walkway, almost like straightening it out, and that will give a little bit more grass on the other side, and maybe you will only have to widen the driveway 2 ft, kind of square it off.

Eleanor: We will continue to need that walkway, once the driveway is there.

Ben: 4 ft.

Mr. Douglas: That is probably something we could look at when we are over at the site. But no, the driveway will act as the walkway. The walkway is no longer needed and we could grab that area.

Peter: Why not take the walk out altogether and get rid of it. With the driveway there, there is no need for a walk.

Mr. Douglas: That might help your situation if that walkway wasn't there, if it was all loamed and seeded.

David V.: And it would prevent a future owner from violating things by removing it without talking to anyone first.

Michele: It is just a thought.

Peter: How do you get a fire truck up there?

Mr. Douglas: They back up the hill slowly to get out. It is no problem.

David V.: When we visited there, we all backed up the hill.

Ben: There will be a hammer down at the end that by using this driveway it will be 12 ft. wide. The people who live down here I don't think will experience trouble turning around.

Michele: That driveway is going to be pitched on your side, right Marilyn?

Ben: That is right. Pitched toward the drainage swale.

George: The paper street - Olive Ave. Ext., once it gets into Melrose, where does it end?

David V.: We don't know.

George: I can see concerns why we didn't want to have to put a driveway onto the second lot. My main concern was that they brought it into the wetland. That would give anyone on the Melrose side an excuse to hook that street together.

Nancy: Part of it is it does go through the wetlands, and it is conservation land in Melrose.

Michele: On the pump, the cover, etc., where is that going to be? Is that going to be to the left of the driveway?

Ben: The thing is there is much flexibility.

Michele: Well, that was already there.

Ben: It could be right next to it. It could be up in here. It is the beauty that exists, you can put it wherever you want as long as it is going to be off the foundation.

Michele: I was just thinking it is probably close to the driveway. What are you going to do with the entire fill when you dig out for the house and the driveway? Stockpile it?

Michele: Are you going to bring fill into the site?

Ben: There will be a little bit of fill between the foundation and the gouging out a decent water force. It will be clean fill and there is always a demand for it.

Michele: Does Melrose have any suggestions where to put it?

Paul: I think we want it to leave the site.

Nancy: If you are taking it out, take it off the property.

Nancy: Do you have any plans for excavation? Do you water it during construction?

Ben: We haven't gone as far as to determine what type of excavation. When that is being done, presumably there will be dewatering. We certainly welcome a condition that be done in such a way as not to introduce sediment.

David V.: We should probably do that on the whole site, whether they plan to do it or not, just throw in dewatering in the condition.

Michele: Are you going to have a perimeter drain?

Ben: I guess that would be up to Mr. Douglas at the time of construction.

Mr. Douglas: We are going to design something to make sure there is no water.

Michele: Where would something like that dump off into?

Ben: Towards the swale. Upstream reach, something like that.

Mr. Douglas: What is your format? Do you vote as two different bodies, or are you voting this as one body, and at what point is your vote going to take place?

David: I would suggest we issue two Order of Conditions, but jointly decide on the same thing, so that you don't have conflicting conditions.

George: We did this with Medford and we had both give OOC, but we decided on the same OOC.

Mr. Douglas: Any idea of what that time frame would be?

David V.: Do you have DEP #'s, because if you don't have those for us yet, I can't tell you until we get them?

Mr. Douglas: They haven't been issued to us yet.

David V.: That is a key part. We can't do anything until we have those.

Mr. Douglas: They have had the plans for 1 ½ weeks now. They may even have the numbers already and we may be able to get them by a simple phone call.

Michele: Did they say on our Cease & Desist Order that we have to fill out any special kind of papers that you need for DEP?

Mr. Douglas: Did you report it at the registry? We need something now to report to the registry saying it has been corrected.

David V.: I think the Cease & Desist says on it that it stays in place until you correct the situation or it is in OOC. You may want to check.

David V.: What we have done in the past is we have voted to approve it pending issuance of an OOC, then we don't even talk about the OOC until we get the DEP File #.

George: I would like to ask the Melrose Conservation if they have any problem with the pipe going underneath the driveway in the swale? One of your board members said he didn't want a pipe underneath the driveway.

David V.: My concern I addressed earlier was the increase of the velocity of the water, but I think the pipe and the riprap actually will slow it down.

George: You are talking about two different lots here, once they are sub-divided. Do we have to do two OOC, one for each of us?

David V.: Have they been legally sub-divided yet?

Mr. Douglas: We have the approval, but we haven't reported it.

David V.: What we have done in the past, they got the approval in Melrose before the Zoning Board of Appeals. When we issue it, it is still one lot. When they sub-divide it, the OOC goes for both lots.

Michele: We don't have a valid OOC right now. I don't want Mr. Douglas to be hung up on this because of something we did to hold him up.

David V.: Why don't when we consider the OOC, put specifically one of the conditions that would be that he fixed what we asked him to fix, and anything further like water will be fixed again.

George: One Order of Condition that I am going to recommend is that no new runoff can go onto an abutter's property, causing problems.

Nancy: Is there a general consensus among commissioners that we have enough information to at least vote on the matter now vs. requesting a continuance to get more information from him.

Voted: to approve this project pending issuance of an OOC.

We will prepare our OOC on May 21 when we meet jointly again. Hopefully, by then we will receive a DEP #. Please pass that number along to us when you receive it.

David C.: According to the wetlands regulations, 310 CMR 10.08 enforcement orders. 10.083 says an enforcement order issued by a conservation commission shall be signed by the majority of the commission, and situation requiring immediate action and enforcement order may be signed by a single member or agent of the commission if said order is ratified by the majority of the members at the next scheduled meeting of the commission.

Respectfully submitted,

Nancy Pritchard
Melrose Conservation Secretary