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CITY OF MELROSE

CONSERVATION COMMISSION

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Chair

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Melrose Conservation Commission Minutes for April 16, 2026

Present: Paul Moore, Jason Jancaitis, Charles McCabe, Emily Anderson and Associate member Dorian Rose and Cole Lepler

Absent: Michael Paiewonsky, Forrest Tiedeman, Craig Molway, and Associate member Cole Lepler

Staff present: Ingrid Winkler

Vice Chair Moore opened the public meeting at 7:31 pm. All members participated in person.

Public Comment: None

Review of Minutes/Correspondence:

Conservation Commission members reviewed draft minutes from the March 19, 2026, meeting.

Motion made by Mr. Moore to approve meeting minutes for the March 19, 2026, meeting, seconded by Mr. McCabe. Motion was approved 4-0.

Public Hearing:

Notice of Intent – DEP # 217-0236 – Burnett & Laurel Streets Stormwater Management Improvements Project

Continued from March 19, 2026

Owner/Applicant: City of Melrose

Project Location: Multiple parcels on Burnett and Laurel Streets (between Wheeler Ave and Sycamore Rd)

Documents Submitted: Notice of Intent (01-23-2026) and Permit Set of Plans

Project Description: Filed as an Ecological Restoration Limited Project within Bank, BVW, Land under Water Body and Waterway (LUW), Bordering Land Subject to Flooding (BLSF), 100-ft Buffer Zone to Bank and BVW, and 15-ft No Disturbance Zone (NDZ) and 20-ft No Construction Zone (NCZ) under the City's wetland Ordinance for the purposes of stormwater management, flood mitigation, wetlands enhancement and habitat improvement.

At applicant's request, the hearing is continued until the next meeting on May 21, 2026.

Public Hearing:
Request for Determination of Applicability

Applicant/Owner: City of Melrose

Project Location: Ell Pond Park

Representatives: Alexandra Gaspar and Lin Ye of Weston & Sampson Engineers, Inc.
(W&S)

Documents Submitted: Request for Determination of Applicability (RDA) (03-26-2026), including Project Plan, Project Maps and Wetland Delineation Report

Project Description: Proposed excavation of up to fourteen test pits and three soil borings to support planning and design efforts as part of the larger Ell Pond Park Stormwater Improvements Project, resulting in temporary impacts to the 100-ft buffer to resource areas and to BLSF.

Applicant is seeking a negative Determination. Ms. Ye and Ms. Gaspar went over the proposed plan.

Ms. Ye said that they were planning to do this work in early May. Up to fourteen test pits, approx. 4 ft x 8 ft x 10 ft deep, would be excavated by City of Melrose Department of Public Works (DPW) personnel. The test pit locations were selected based on where stormwater management best management practices (BMPs) are planned. The soils will be logged by a W&S soil evaluator and immediately backfilled before starting the next test pit. Each test pit is anticipated to take about 1 hour and all test pits should be completed within 2 to 3 days.

Soil boring locations were selected based on baseball field lighting locations. The City's drilling subcontractor will advance the soil borings using mats to protect ground surfaces. Each soil boring will create a 4-in or a 7-in diameter hole (depending on the technique used by the contractor) and be approx. 35 ft deep. Sediment and runoff will be minimized and controlled by using fiber rolls or similar measures around drilling locations and using silt sacks at catch basins as needed. Borings will be backfilled with excavated material as practicable.

Ms. Gaspar discussed impacts to resource areas. Since the entire site is within BLSF, all test pit and soil boring locations are within BLSF. Three of the test pits and one of the soil boring locations are within the 100-ft buffer to jurisdictional resource areas, but none fall within the 15-ft NDZ or 20-ft NCZ. The proposed activities will result in minimal impacts to wetland resource areas and associated buffer zones.

W&S has scheduled the work to avoid practice times when the fields are in use. Several Commissioners asked about the surface restoration of the test pits and suggested resodding instead of reseeding grass to restore playing fields for immediate use and avoid uneven playing surfaces.

Motion made by Mr. Moore to close the public hearing, seconded by Mr. Jancaitis. Motion was approved 4-0.

Motion made by Mr. Moore to approve the Determination of Applicability as a Negative 5 (area described is subject to jurisdiction but is an exempt "minor" activity (exploratory borings necessary for planning and design purpose)), seconded by Mr. Jancaitis.

Roll Call Vote:

Paul Moore – Y; Jason Jancaitis – Y; Charles McCabe – Y; Emily Anderson – Y.

Motion was approved 4-0.

Discussion:

48 Burnett Street – Staff received a complaint about unpermitted work in the rear of the property on February 19 and had visually confirmed this from the street. There are wetlands on-site and the property is partially within the 100-yr floodplain. As part of their plans for an extensive renovation of the existing house on the property, the property owners had hoped to fill in a portion of the backyard and plant grass, as had been done on neighboring properties decades ago.

The property owners said that they had brought in and deposited two dump trucks of fill in the backyard and that some trees had been removed from that area. During a site visit with several Commissioners, property owners Lucas Marthos and Kelvin Pogeba, and staff, Mr. Moore requested that the pile of fill be relocated away from the resource area to the front of the driveway and ensure that it was property stabilized and covered, that erosion and sedimentation controls be installed, including silt fencing and straw wattles, and that staff be notified when these tasks were complete.

Staff drove by the property a few days after the site visit to check if any progress had been made with the relocation of the pile of fill and installation of erosion and sedimentation controls. Staff observed active demolition work underway and a large pile of demolition debris staged adjacent to a dumpster on the driveway, in close proximity to the wetland resource areas, presenting a significant risk of sedimentation and potential contamination to the adjacent resource areas, especially since the erosion and sedimentation controls still had not been installed. Also, the pile of fill was not visible in the front or rear of the property.

A follow-up letter was sent, via certified mail and e-mail, directing the property owners to take the following immediate actions:

- Cease any further site disturbance until proper erosion and sedimentation controls are installed;
- Install appropriate erosion and sedimentation controls immediately in accordance with best management practices;
- Remove or properly contain all demolition debris to prevent migration into wetland areas;
- Provide photographic documentation supporting the property owners' claim that the previously identified fill material was removed off-site;
- Submit the name and contact information of the wetland consultant retained for this project.

The property owners responded promptly and sent photos and a preliminary report from their wetlands consultant. While the photos provided showed heavy equipment near the area of fill, they did not provide proof of removal from site and, based on a visit to the site on April 9, there still appeared to be fill within the resource area. No erosion and sedimentation controls had been installed at that time.

On April 14, the property owners notified staff that the materials for the erosion and sedimentation controls were being delivered and would be installed by the next day.

The property owners were asked to attend this meeting to discuss what work has been done and next steps required to bring the property into compliance. Lucas Marthos and Jorge Moraes of Next Home Builders Corp. were in attendance.

Silt fencing and straw wattles were installed; however, Mr. Moore noted that the silt fencing was installed incorrectly with a space between the bottom of the fence and the top of the soil so that the fence is not catching silt. It is very important to correct this to protect the wetlands. The site owners said they would address it first thing tomorrow.

Mr. Moore asked about the status of the formal wetlands report. Wetlands restoration will need to be done and that will require an NOI.

Mr. Moore explained that an RDA would need to be filed for the installation of the deck. The photos provided by the property owners did not conclusively show that the two truckloads of fill that had been dumped were removed from the site, but the property owners said that the fill was in fact removed off site.

Mr. Moore asked about any trees that may have been removed. Any trees that were removed may have to be replaced when the wetland restoration happens.

Mr. Moore suggested filing just the one NOI to cover all of the work that will need to occur on the property, including wetland restoration and reconstruction of the deck, and suggested seeking assistance from their wetland consultant to prepare the NOI.

Mr. Moraes asked if the lawn in the backyard could be extended into the wetlands by filling them. Ms. Anderson pointed out the lot is not large enough to recreate any wetlands that are filled elsewhere on the property.

Mr. McCabe reminded everyone of the larger Stormwater Management Improvement Project that is in the design phases for the area around Burnett Street that will hopefully improve conditions at the property and improve the yard.

Mr. Moore reminded the owners to reach out to the Conservation Commission before doing any work in wetlands areas. The next immediate steps are to install the silt fence properly, get the formal report from the wetland scientist, and put together an NOI for wetland restoration and include deck construction.

Japanese Knotweed on Conservation land on Maple Terrace – Last year, Mr. Paul Brett, 16 Maple Terrace, inquired if he could treat Japanese Knotweed on Conservation land across the street from his house, at his own expense. The Conservation Commission expressed its support for this idea so long as any work was done by a professional with all proper permitting and approvals from the City and the Commission. After multiple discussions with the City Solicitor, she suggested that Mr. Brett submit a plan showing the proposed work to get advice on permitting requirements (NOI vs. RDA), with the possibility of waiving WPA filing fees (and the City covering the fee for the legal notice). Once Mr. Brett gets approval from the Commission, the City Solicitor will work out an agreement with his contractor to allow access to Conservation land to do the approved work.

Mr. Brett submitted a letter to the Commission describing his plans since he was unable to attend this meeting in person. Mr. Brett has consulted with Ecological Land Management to come up with his plan, which includes cutting Japanese Knotweed in late June and once or twice more in

the fall, focusing on the areas along the roadway on his and his neighbors' properties as well as the Conservation land across the street. For now, Mr. Brett is not proposing to use herbicides. He would need to coordinate with his neighbor to the south and with Malden's Conservation Commission to address portions of the neighbor's property that are in Malden.

After some discussion, the Conservation Commission determined that an RDA would be appropriate, provided the treatment is within the buffer zone only, and recommended having Ecological Land Management flag the wetlands and the areas that will be treated, avoiding the 15-ft no disturb zone for wetland resource areas. If Mr. Brett is treating invasive vegetation on Conservation property, the Commission would waive the local fees for filing the RDA.

Encroachments onto Conservation land – The City received an anonymous report of a sport court being constructed on Conservation land behind 10 Elmcrest Circle. When staff went to look, there was no construction on Conservation land; however, there was an apparent encroachment onto Conservation land. Based on aerial photography, it appears that the current owners of 10 Elmcrest Circle have added a putting green and a fence to abutting Conservation land behind their property. A shed on Conservation property that was existing when the parcels were donated to the Conservation Commission in 2014 appears to be used by the owners of 10 Elmcrest Circle. Staff will send a letter to the owners of 10 Elmcrest Circle regarding reported work within the buffer zone and let them know about the apparent encroachment.

Other item not on the agenda:

On April 15, 2026, DPW was alerted to an apparent sewer backup in the woods off Swains Pond Avenue. Wastewater was visible and the smell of raw wastewater was noted by a former DPW employee who notified both DPW and MassDEP.

DPW quickly determined that it was sewer backup in the line that runs from the Hawthorne Street/Cliff Street area to Swains Pond Avenue across Conservation land, north of Swains Pond. The sewer pipe was completely blocked and wastewater was surcharging out of a manhole cover. A contractor was called in to clear the blockage using a 700-ft hose from Swains Pond Avenue (the City's 500-ft hose was not long enough to reach the blockage).

The Director of DPW followed up with Steven Ross from MassDEP Environmental Strike Force, who had also called the Health Department. Mr. Ross advised Ms. Proakis Ellis to call the Section Chief to find out more about any reporting requirements. Earlier today, Ms. Proakis Ellis spoke with Dave Butler from MassDEP Northeast Region who said that the 24-hr notification requirement for a sanitary sewer overflow had been met and no further notifications are required.

The Conservation Commission recommended notifying the public that there may have been a spill affecting the pond as a courtesy, even if it is not legally required. Staff will pass this recommendation along to Ms. Proakis Ellis.

Community Clean-up Day - organized by Keep Melrose Beautiful scheduled for Saturday, June 6, 2026, 9 am -12 pm. Staff will send out reminders, including to list Trail Stewards and other volunteers.

Fishing Line Recycling Signs and Decals –Mr. Glenn Blackburn of Mothership of All Design, a local Melrose design and graphics company, made improvements to the design for the sign and decals to be used with the fishing line recycling receptacles to be placed around Swains and Ell Ponds. Mr. Blackburn came up with a logo for the Conservation Commission which was widely admired and appreciated by the Commissioners.

The next regularly scheduled meeting will be May 21, 2026, at 7:30 PM.

Motion made by Mr. Moore to adjourn, seconded by Mr. McCabe. Motion was approved 4-0.

Meeting adjourned at 8:45 PM.

Pursuant to the 'Open Meeting Law, M.G.L. 39, 23B, the approval of these minutes by the Commission constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Commission as to the completeness or accuracy of such statements.