



MICHAEL PAIEWONSKY
Chair

CITY OF MELROSE

CONSERVATION COMMISSION

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Melrose Conservation Commission Minutes for June 18, 2026

Present: Paul Moore, Jason Jancaitis, Craig Molway and Emily Anderson.

Absent: Michael Paiewonsky, Forrest Tiedeman, Charles McCabe, and Associate members Dorian Rose and Cole Lepler.

Staff present: Ingrid Winkler

Vice Chair Moore opened the public meeting at 7:38 pm. All members participated in person.

Public Comment: None

Review of Minutes/Correspondence:

Conservation Commission members reviewed draft minutes from the May 21, 2026, meeting.

Motion made by Mr. Moore to approve meeting minutes for the May 21, 2026, meeting, seconded by Mr. Molway. Motion was approved 4-0.

Public Hearing:

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

Continued from May 21, 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 July 16, 2026.

Public Hearing:

Request for Determination of Applicability

Applicant/Owner: Derek Bates

Project Location: 10 Elmcrest Circle

Documents Submitted: Request for Determination of Applicability (RDA) (05-28-2026), including plot plan sketch, aerial photo, and invoice showing construction details

Project Description: Construction of an approximately 27 ft x 48 ft residential sport court in the backyard of this property within the 100-ft buffer zone to an isolated wetland area and certified vernal pool, protected under the Melrose Wetland Protection Ordinance (Ch. 231).

Members of the Conservation Commission and staff met with the property owner during a site visit on May 14 and recommended that he submit an after-the-fact RDA.

Mr. Bates, his wife Amanda, and his father were present at the meeting. Mr. Bates presented a brief history of his project. He explained that they had installed a sport court in their backyard for recreational purposes and were unaware of any Conservation requirements until they received a letter from staff regarding possible unpermitted work near wetland resource areas. He said that they were responsive to the Commission's requests, including allowing a site visit, hiring a surveyor for the plot plan, and submitted the RDA.

Mr. Moore mentioned the encroachment issue concerning a putting green (installed by the Bates) and a shed on abutting Conservation land. Mr. Moore mentioned that while the shed pre-dated conversion of the property to Conservation land, the putting green would need to be removed and he suggested removing the electric service to the shed as well. Mr. Moore expressed that his preference would be to remove the shed altogether since the Conservation Commission does not have the budget to maintain or remove the shed. He suggested that it might be in Mr. Bates' best interest to remove the shed, but that that might be something for future discussion.

The RDA covers only the sport court. Ms. Katie McCarron of 24 Elmcrest Circle, a neighbor, was also present. She is against the sport court and has concerns about runoff from the sport court into Conservation land toward the wetland area and Vernal pool, the net, and flying pucks and noise from the sport court. Some of her complaints do not fall under the Commission's jurisdiction. Mr. Moore asked if she had any photos or other evidence showing the runoff issue. Ms. McCarron said she does not have any documentation showing negative effect of the runoff.

Ms. Anderson asked about the drainage under the slab. Mr. Bates said the concrete slab is on top of 2 inches of crushed stone. Mr. Bates said he has been in contact with and is working with the City's Engineering Division. Mr. Moore suspects that Engineering will require some kind of infiltration system following the stormwater review.

Mr. Bates said that the Building Commissioner confirmed that the property complies with the open space requirements of the local zoning ordinance. However, a stormwater permit will be required through the Engineering Division, and because the sport court exceeds 1000 ft² of impervious area, a Major Stormwater Permit will be required. A Major Stormwater Permit must be prepared by a licensed engineer and include a stormwater management design with supporting drainage calculations.

Mr. Moore said that most likely some type of infiltration system will be required and Ms. Anderson added that such a system would require a Notice of Intent (NOI).

The Commission discussed issuing a positive determination for the RDA. Mr. Moore explained to Mr. Bates that a positive determination means that the area and/or proposed work of a project is subject to protection under the Wetlands Protection Act and therefore requires filing of a Notice of Intent (NOI).

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

Motion made by Mr. Moore to approve the Determination of Applicability as a Positive 4 (the work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to jurisdiction under the Act and therefore requires the filing of a Notice of Intent). Motion was seconded by Mr. Jancaitis.

Roll Call Vote:

Paul Moore – Y; Jason Jancaitis – Y; Craig Molway – Y; Emily Anderson – Y.

Motion was approved 4-0.

Discussion:

• **Possible encroachment onto Conservation land abutting 10 Elmcrest Circle**

According to the Commission's Encroachment Policy, "the Commission will likely require that the encroaching structures be removed by the owner of such structures. In addition, the Commission may require this area be renaturalized and may require that the cost of restoration be borne by the abutting landowner(s)."

Mr. Bates said that the survey of his property came back with some interesting information that he would like to look into further. The surveyor reportedly told the Bates that they own part of the Conservation land. Mr. Moore requested that Mr. Bates send any additional relevant information regarding the Conservation land and encroachment issue to staff before the next meeting for discussion at the next meeting.

• **Possible Enforcement Order**

Owner(s): 48 Burnett Street, LLC (Lucas Mathos and Kelvin Pogebea)

Location: 48 Burnett Street

Representative: Kate O'Donnell Wilkins of EcoTec, Inc.

Documents Submitted: Wetland Restoration Planting Plan and Grading Plan Sketches

At the time of the last meeting, the property owners had shared the final Wetland Resource Evaluation and a BVW Restoration Protocol prepared by their wetland consultant, EcoTec, Inc. and said they were in the process of preparing the NOI.

On June 3, Ms. Wilkins of EcoTec, Inc. reached out on behalf of the property owners to ask if the Commission might consider an RDA for the deck reconstruction (same footprint as existing deck) and minor expansion of the front porch roof as well as potentially consider a "friendly" Enforcement Order (EO) to complete the wetland restoration activities (that way restoration

work could start immediately) instead of doing the NOI filing.

Chair Paiewonsky had agreed that this would be appropriate. The property owners were properly notified and invited to attend this meeting. The RDA is anticipated to be on the agenda for next month's meeting.

Ms. Wilkins was present at the meeting to represent the property owners and discuss the restoration protocol, Wetland Restoration Planting Plan sketch, and Grading Plan Sketch. She recommended removal of the remaining fill and proposed a planting plan with plants that can tolerate wet conditions. Ms. Wilkins expressed concern that some of the proposed shrubs will have to compete with the very dense phragmites in the wetlands and may not survive. She proposed possibly planting fewer shrubs or moving them to the upper slope closer to the house and proposed stabilizing the site with a seed mix.

Ms. Wilkins said she suspects, based on the flood plain line shown on the grading plan, that some of the flood plain was also filled and recommended that the property owners pull back the fill about 5 ft from the wetland boundary to smooth out the floodplain line. The flood elevation is 104.1 based on a floodplain study.

A cooperative EO would allow the restoration work to begin right away. The Commission agreed that this seems like a reasonable approach. If approved by the Commission, Ms. Wilkins said she hopes to update the Commission at the next meeting that the restoration work is done and the site stabilized.

Ms. Anderson asked whether sufficient flood storage will be restored after the fill is pulled back to the line shown on the plan. Ms. Wilkins said that it is hard to say since we don't know where the line was before fill was deposited. It appears that this area has been filled historically and pulling the line back to above where fill is evident makes sense with the contours.

Motion made by Mr. Moore to issue the Enforcement Order as written with the attached restoration plan, seconded by Mr. Molway.

Roll Call Vote:

Paul Moore – Y; Jason Jancaitis – Y; Craig Molway – Y; Emily Anderson – Y.

Motion was approved 4-0.

- **Wetlands Protection Ordinance and enforcement procedure** – Mass DEP recommends “friendly” EOs as a path toward achieving compliance. The Melrose Wetlands Protection Ordinance (§ 231-14) is not conducive to issuing EOs and has some unusual requirements compared to other municipalities’ ordinances, bylaws, and enforcement procedures, the MACC Model Bylaw, and MA DEP enforcement guidance. The City Solicitor recommended amending the enforcement section of the Ordinance to better follow the MACC model and other municipalities’ procedures and suggested reviewing the Ordinance for other possible amendments. Ms. Anderson mentioned considering ResilientMass data and mapping and higher rainfall data. Mr. Moore mentioned reviewing pervious vs. impervious surfaces and how other City departments account for them. The Commissioners will review the current Ordinance and discuss making changes at future meetings.

- **Tree removal policy**

A resident had asked about the procedure to remove 7 dead ash trees on his property with trunk diameters ranging from 5 to 17 in, all located within the 100-ft buffer zone but outside of the 20-ft NDZ. They all died from emerald ash borer and have been confirmed as dead by an arborist from SavATree. Staff advised the property owner that an RDA would be required. In the past, staff had issued administrative approval letters to allow trimming or removal of single trees. A more formal tree removal policy was discussed and drafted in 2019. This policy was never adopted. The Commission discussed looking into this issue again.

- **Fishing line recycling receptacles**

Four fishing line recycling receptacles were assembled by a volunteer. The Commission discussed possible locations and installation of the receptacles and signs. The Commissioners agreed to install two receptacles around Ell Pond, one at Swains Pond, and one in the Flagg Acres parking lot near Towners Pond.

- **Summer Clean-ups**

According to Mr. McCabe, one cleanup day may suffice this year to remove water chestnuts from Ell Pond. He reported concerning amounts of fishing gear, floats, bottles, cans, trash, and fallen trees and limbs in the water. The Commission would like to address removal of trash and invasive and nuisance vegetation along the shore of Ell Pond. Staff has spoken with DPW and the tree warden regarding cleaning up around edges of Ell Pond, specifically the southeastern shoreline along Main Street and the gazebo park area.

Administrative Updates:

- **Pond maintenance update** – The free cash appropriation request to the Council Appropriations Committee was recommended at their June 4 meeting. Water & Wetlands submitted pond surveys and water quality sample results and completed a Sonar treatment at Towners Pond.
- **New and other items not reasonably anticipated at time of posting**
- **The next regularly scheduled meeting will be July 16, 2026, at 7:30 PM.**

Motion made by Mr. Moore to adjourn, seconded by Mr. Jancaitis.

Motion was approved 4-0.

Meeting adjourned at 9:00 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.
