



CITY OF MELROSE

CONSERVATION COMMISSION

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Melrose Conservation Commission Minutes for September 21, 2017

Present: Susan Murphy, Michael Paiewonsky, Kevin Anderson, Aaron Weieneth, Kate Hickey and Zachary Drench

Absent: Richard Doucette

Ms. Murphy called the meeting to order at 7:30 PM.

Minutes:

Motion by Mr. Drench to approve the minutes from July 20, 2017. Mr. Weieneth seconded the motion and it was voted 6-0 in favor.

Invoices:

Invoice from Solitude Lake Management for Pond Treatment Contract - \$9,325.00 total (3 of 5 tasks from contract)

Motion by Mr. Weieneth to approve payment of the invoice. Seconded by Mr. Anderson and it was voted 6-0 in favor.

Invoice for Melrose Conservation Commission's half of the shared table with the Friends of the Middlesex Fells at the Victorian Fair - \$97.50

Motion by Ms. Hickey to approve payment of the invoice. Seconded by Mr. Anderson and it was voted 6-0 in favor.

Discussion:

31 and 35 Water Street Encroachment—Bob and Ellen Collins, 31 Water Street; Michael and Cynthia Irish, 35 Water street and Ward Alderman Peter Mortimer were present. Ms. Murphy provided some background information on how Staff discovered the encroachments and sent letters to 31 and 35 Water street, notifying them of the encroachments, an aerial photo showing the assessor's lot lines and instructions to remove the encroaching items from the conservation land. The abutters contacted their ward alderman (Peter Mortimer). A meeting took place at City Hall on September 13th with Peter Mortimer, Susan Murphy, Robert Van Campen and Eric Devlin to discuss the issue and potential options, such as the possibility of a license. Aerial photos have made

the Commission increasingly aware of this type of encroachment issue, (staff passed around the aerial photos to the Commission).

Bob Collins- Lived here for 22 years, at the time of purchase he was told his land extended to the shed. Believes he has title insurance but not sure. We have been paying property taxes on the shed itself (property tax record card submitted showing shed value submitted) and confirmed by city Solicitor.

Ellen Collins- Background in landscape architecture and biology, questions accuracy of the tax map and aerial photo.

Michael Irish- Lived here for 24 years, has removed dumped materials on the land over the years. The land didn't look like conservation land when they purchased the property.

Cynthia Irish- Raised garden beds were there when they moved in, they've spent significant time caring for the area. There is a chain link fence between their property and 31 Water street that runs out to the shed as well.

Ms. Murphy- The Commission is unable to simply sell the property, strong protections for conservation lands exist. Peter Mortimer- A land swap isn't possible since they are just homeowners, requests that the Commission grant a revocable license understanding that the new owners of the property upon sale will have requirement to have a full survey done with boundaries. Ms. Murphy- Alternatively, if the property hadn't been conservation land, it would have likely become homes by now, abutters are fortunate that it is conservation land. Open to accommodating the use if there is a clear path to its end of use as well. A precedent will be set and a Commission policy will be necessary. A recurring issue if we don't require a survey boundary.

Mr. Paiewonsky- How would you ensure that the new owners are aware of the property boundary and end of licensed use?

Mr. Drench- We could require a reference to the license be recorded in the chain of title. A portion of the property is conservation land and certain requirements would be triggered by conveyance. It will be challenging to create the proper format, but seems possible.

Mr. Paiewonsky- Condition that the property be returned to its natural state? Possible requirement for structure maintenance and repair?

Ms. Hickey- This is the first time you've seen a parcel map for your property in 22 years? Is there an access point to the larger conservation land through here?

Mr. Collins- I just get my tax bill and pay it, Embankment near road is pretty high, not really an entrance to the conservation land.

Mr. Anderson- Do you have title insurance? Mr. Collins- I think I do, person I used to deal with has left the business and I'm not sure who my contact person is now.

Ms. Murphy- A condition of the license will be to require that a survey be done prior to the sale of either property. Concerns are how to put the license in the chain of title, will confer with Rob Van Campen to spearhead effort. Requirements of transfer (removal of structures) Commission needs to have something on file with all parties involved and assurances that the situation will be remedied as the property is transferred.

Mr. Paiewonsky- Simplest solution seems to be to just require that all the structures be removed from the conservation land.

The Commission will need to research the potential license and revisit at a later date.

Towners pond deed restriction- Staff discovered that deed restriction on boating at Towners pond has expired. No need to adjust anything. Only need to revisit if boating becomes a problem.

Fall Trail Cleanup- Date set for a Commission trail cleanup on Sunday October 15th at 9am. Meet at Flagg Acres parking lot. Staff will notify the volunteer list and coordinate with DPW for any debris removal post cleanup. Staff has received input from last cleanup and recent trail users that some vegetation trimming is necessary.

Next Meeting:

The next scheduled meeting will be Thursday, October 19, 2017 at 7:30 PM.

Adjourn

At 8:50 PM Mr. Anderson moved to adjourn, seconded by Mr. Drench and it was voted 6-0 in favor.

Approved

Date.

Pursuant to the 'Open Meeting Law, ' 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.
