



CITY OF MELROSE

CONSERVATION COMMISSION

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Melrose Conservation Commission Minutes for December 21, 2017

Present:, Richard Doucette, Kevin Anderson, Michael Paiewonsky, Aaron Weieneth, Susan Murphy and Zachary Drench

Absent: Kate Hickey

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

Minutes:

Motion by Mr. Drench to approve the minutes from November 16, 2017. Mr. Doucette seconded the motion and it was voted 6-0 in favor.

Correspondence:

MACC Dues increase notice - 2% increase for 2018-2019

Ducks Unlimited 2018 Calendar

Commissioner Kevin Anderson submitted letter of resignation from the Commission. A letter of appreciation was presented to Mr. Anderson for his 11 years of service on the Commission.

Discussion:

31 & 35 Water St Encroachment – license update - Ward 6 Alderman Peter Mortimer, Robert Collins and Ellen Collins, Michael Irish and Cynthia Irish were present. Ms. Murphy described the past history of the site, the assessor's office has attempted to produce something that would be acceptable for recording at the registry of deeds to essentially put any subsequent owners of the property on notice that the shed and other materials were not on their property. Nothing useful has been able to be produced so far. Ms. Collins has contacted the mortgage bank but has been unable to obtain a copy of the mortgage survey that had been conducted at the time.

Ms. Murphy stated that the Commission has an option to issue a letter that could be recorded that states that the current owners have permission from the Conservation Commission to use the property until it is sold. This would only be discoverable by a competent title search, wouldn't be obvious that the shed and other materials were not on

the property they would be purchasing. The former discussion with the Commission was to pursue a license if there was a path to ensure the property would be restored to its natural state. No satisfactory method has been found yet.

Mr. Mortimer- The continued use of the property by the abutters doesn't block access to the surrounding conservation land, only knotweed and poison ivy currently grow on the area that the Collins's and Irish's have been using. The Commission needs to view this in a human context, the Assessor's office simply hasn't caught up yet with all cases. It had previously been understood that the potential license was nearly ready. The Commission should keep this item open on the agenda for several years as the assessor's office catches up to it.

Ms. Murphy- The city Solicitor hasn't expressed any concern of liability for the City by allowing the continued use of the property. Mr. Doucette- Do you use the shed? Ms. Collins- yes, we put a hasp and lock on it. The grassed area isn't seeded, just doesn't have any trees on it. Mr. Doucette- Option to have them cease all maintenance of the portion of the yard on Conservation land, making the area visually not appear to be part of the property anymore. Once the shed ceases to be useful, notify the Commission for help to remove the structure. The letter should have a component requiring the disturbed area to be restored back to a natural state. The Commission is open to hearing requests to use herbicides for invasive vegetation removal and the maintenance of access paths.

Mr. Drench- A recorded letter with a proper affidavit would need a defining description of the property to make this avenue workable. A defining characteristic or feature is necessary. Plan A would be to have a professional survey with physical features, this could potentially cost thousands of dollars. Plan B is for a slow reversion over time with visual barriers (signs and/or cessation of maintenance of yard area). There is potential for further creep onto conservation land from a license also.

Mr. Devlin, Staff- The abutters don't seem to see any value in the land, not willing to pay for survey. The Commission has explored many options to resolve this, all of which negatively affect the Commission. There is no compromise here since the abutters don't seem to be interested in giving up anything. When I discovered this issue, the public conservation land behind these two properties appeared to be private property by the presence of several structures. I saw this as a conversion of public property to exclusive private use and sent a letter to each property instructing them to remove their belongings from the conservation land.

Ms. Murphy- (directed to owners of 31 and 35 Water St) Are you willing to collectively put up any money for a survey? Mr. and Ms. Collins along with Mr. and Ms Irish- Not interested in paying anything, never discussed before.

Ms. Murphy- No one wants to pay for a survey and we have not found an acceptable method to accomplish the goal of putting a future owner on notice that they are encroaching on Conservation land. An option exists to issue a letter saying that the Commission is not going to grant you permission to use the Conservation land, no plans from the Commission to pursue enforcement action. Staff will put together a letter stating that the Commission is not granting their request for a license.

Motion by Mr. Drench, seconded by Mr. Anderson and voted 0-6 to grant a license to 31 Water Street and 35 Water Street. Request to Grant a License denied, letter to follow.

Request for Certificate of Compliance – 9 Angela Circle - Submitted by Barry Reed Jr.

Staff visited the site on December 11, 2017 and viewed the area with the applicant. Photos presented from site visit to the Commission. Original application plan reviewed and compared to the as built plans. Work appears to match plans, Staff alerted the Commission to a construction yard/ commercial operation on abutting property 48 Slayton Rd. Staff will follow up with the building department to check on this. Send letter requesting opportunity to walk site with owner and notice that any potential expansion of the toe of slope will require a filing of a Notice of Intent with the Commission

Motion by Mr. Doucette, seconded by Mr. Anderson and voted 6-0 to Issue Certificate of Compliance.

Open Space Projects update - Tabled to next meeting, no updates.

Trail Map Updates, improvements and Stewardship - Staff will maintain a master trail map for further mark up. One of the trails currently depicted on the trail map goes through the newly developed lake rd house. That trail will need to be removed or relocated on a future map.

Stream Crossing Standards – Any new stream crossings in Melrose will need to meet the DEP standards at a minimum. The City Ordinance may need to be revised to reference the Mass DEP stream crossing handbook for performance standards. Staff shared photos of Hillside park/ Maple Terrace stream with Commission for reference.

The next scheduled meeting will be Thursday, January 18, 2018 at 7:30 PM.

Adjourn

At 9:00 PM Mr. Weieneth 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.
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