



CITY OF MELROSE

CONSERVATION COMMISSION

City Hall, 562 Main Street
Melrose, Massachusetts 02176
Telephone - (781) 979-4312
Fax - (781) 979-4290

Melrose Conservation Commission Minutes for July 18, 2019

Present: Mike Paiewonsky, Richard Doucette, Kate Hickey*(left at point indicated), Ryan Sloan, Aaron Weieneth and Paul Moore*(appointment pending)

Absent: Susan Murphy

Staff present: Eric Devlin

Public attendance- refer to minutes file for attendance sheet.

Mr. Doucette opened the public meeting at 7:30pm.

Minutes- Mr.Doucette requested a clarification if a specific Base Flood Elevation was referenced in the materials submitted by (Wakefield Conservation) thought was more accurate be included in the record. No specific elevation was submitted in the file.

Motion by Mr. Doucette to approve the minutes from June 20, 2019, Mr. Sloan seconded the motion and it was voted 5-0 in favor.

Invoices-

New member name tag- Invoice was received for more than initial estimate. \$38.09 is the final invoice price for the name tag.

Motion by Mr. Doucette to approve the \$38.09 invoice from W.B. Mason for the name tag, Mr. Weieneth seconded the motion and it was voted 5-0 in favor.

Victorian fair table- Invoice for the 2019 Conservation table at the Victorian fair. \$210.00

Motion by Mr. Doucette to approve the \$210.00 invoice from Melrose Chamber of Commerce for the space and table at the 2019 Victorian fair, Mr. Weieneth seconded the motion and it was voted 5-0 in favor.

MACC member dues- Invoice for the FY2020 Member dues for the Massachusetts Association of Conservation Commissions. \$682.00

Motion by Mr. Doucette to approve the \$682.00 invoice from MACC for the annual member dues, Mr. Weieneth seconded the motion and it was voted 5-0 in favor.

Public Hearing:

Dep#217-0207 299 Swains pond Ave- Chris Sparages and Thorson Akerly, (Williams and Sparages), Maryanne O'Donnell, applicant present. Mr. Sparages described the property, assessor map G5, house was constructed in 2006 and the lot abuts Towners pond. Thin area of BVW along the edge of the pond and the rear yard. All of the proposed project is within the buffer zone to the pond. Another resource area on the property is land subject to flooding on the rear of the property. Other locations on the property were considered for the proposed in-ground pool and patio. Front lawn has been considered. Side yard has large rock outcroppings.

Original Order of Conditions for the construction of the house had a condition for no additional clearing beyond the edge of the rear lawn (which the approved plan indicates is approximately 65 feet from the edge of pond). This area appears to have been cleared at some point after 2007.

The certificate of compliance issued for the property included a number of ongoing conditions: Condition IV paragraphs 2 and 4 and Condition V paragraphs 1 and 2. These sections were not specified as perpetual conditions in the original OOC. They were likely selected as ongoing conditions because of additional clearing that occurred once construction started at the site, as a way to restore the buffer zone.

Condition IV paragraph 2 [Between the edge of lawn and the edge of wetland resource area, depicted as net hatch on the permit site plan dated November 4, 2004 and revised December 13, 2004, the developer shall be permitted to remove; any dead trees, trees of 8" dbh or less, brush, vines and understory growth; and selectively prune limbs on remaining trees up to a height of 25 feet above grade as necessary to provide a view of Towners Pond. No tree or brush removal is allowed within the wetland resource area.]

Condition IV paragraph 4 [Future owners of the property shall be allowed to install and maintain turf lawn to the limits depicted on the approved plan. Between the limit of lawn and edge of wetland the owner shall be allowed to maintain the area by selective pruning of branches to maintain the view of Towners Pond. No tree or brush removal is allowed within the wetland resource area. The groundcover of the area between the limit of lawn and wetland resource shall remain in its natural state. Planting of lawn or mowing of this area is not permitted.]

Condition V paragraph 1 [Within thirty (30) days of the completion of this project, or within after the commencement for the following growing season, all disturbed areas shall be permanently stabilized with rapidly growing cover and sufficient topsoil to assure long term stabilization of disturbed areas. Continued maintenance for this area, in a manner, 'which assures permanent stabilization and precludes any soil erosion, shall be the responsibility of the owner of record of this property. This condition is ongoing and does not end upon the completion of

this project or the issuance of a Certificate of Compliance.]

Condition V paragraph 2 [The type and application of pesticide shall be limited to those allowed by the Massachusetts Pesticide Regulations, and must be low Phosphorous in content. This condition is ongoing and does not end upon the completion of this project or the issuance of a Certificate of Compliance.]

A 2' deep infiltration trench is proposed along the edge of the proposed spa on the plan. This trench is proposed right at the line depicting the edge of the land subject to flooding boundary. The proposed activity is approximately 28.6' away from the wetland edge at its closest location. A detailed buffer enhancement planting plan with numbers of specific plantings and locations should be submitted prior to the next meeting for review. The Proposed pool area on the plan is not in the floodplain, with the proposed retaining wall immediately adjacent to the mapped floodplain boundary on plan.

Continued to next meeting on August 15 pending detailed enhancement planting plan

77-79 Messenger Court

John Ogren, Hayes Engineering, Brian McGrail, attorney for applicant present. Mr. Ogren presented an updated plan showing a single family home that was discussed at the last hearing. An overlay of the previous flood map and potential future flood map was shown. The same flood elevation of 70.9' was used in the new plan based off the two LOMAs that were submitted in the filing. Photos were submitted that showed flooding at 71.52' and 71.69'. Flood drain study prepared by Wright-Pierce conducted in Wakefield. 73.25' BFE determined by that report. Report is not tied to any specific event. Wakefield project on Germano Way, submitted over 30 years ago and conducted by Hayes Engineering. That study established a 73.39 BFE at that time for Germano Way/Drive.

The Draft flood data is not public yet, still in preliminary draft phase/ municipal comment period. No digital copies exist, paper only. Mr. Ogren took a photo of the paper map and attempted to overlay it over the existing map. Mr. Doucette- Difficult to accept 70.9' elevation given that there are several data points available and this appears to be the lowest one.

Elaine Vreeland, Wakefield Conservation Commission- submitted a packet to the Commission that explains their opinion that the property is in the floodplain. The July 9, 2018 FEMA draft floodplain map. Part D- FEMA flood information is presumed accurate, rebuttable by an engineer. FEMA map has no base flood elevation; USGS has a draft of the new map.

Mr. Doucette- If the 73.25' elevation was used, what would you do on the site? Mr. Ogren- The house and driveway location would remain the same, compensatory storage would need to be provided in the area towards the railroad tracks. Mr. McGrail- Important that Commission use a reasonable elevation, other houses may need flood insurance if elevation set too high.

Public comment

Arthur Defabio 53 Greenwood St. – 217-002 partial old file in City records archives for this site. Portion of a detailed drainage study in files from previous project, pg 26 of report lists BFE as 73+/- . Melrose DPW was concerned with drainage capacity of existing culverts in that study. 2013 study by Wright-Pierce establishes 73.25' BFE. Final Report by Wright-Pierce lists BFE as either 73.24' or 73.28'. Photos of historic flooding not at peak, taken after residents had secured their homes/belongings. The Steel house was evacuated in the Mother's day storm, 3 feet of water inside that building that made the elevator inoperable.

A topo map from the City engineering records shows that the elevation of the lowest point on Ashburton pl. as 70.3'. Three feet of water inside the steel building would be 73.3'. Photos of floods submitted for record. Flood map has homes on Greenwood st in Wakefield removed from the floodplain, photos show properties flooding in 2010 storm. He believes there is a problem with the FEMA map elevations, different on both sides of the flood basin. Storm water cascades over 83 Messenger Ct. 3 LOMAS in the mapped flood plain for the area. One LOMA used 67' elevation? Mr. Ogren- In process to get data from FEMA LOMAS that they used. Mr. McGrail- other elevation numbers used/exist other than the 73' elevation.

Aaron Sather 61 Messenger Ct- Issue that the lowest elevation used for the area.

Stanley Gryglik 14 Ashburton pl- Final plan for this, can it be changed? Mr. Doucette- Not final until the plan is voted on and approved, it can be changed up until then. The final plan is referenced in the Order of Conditions. Photos submitted of flooding from 1992, 1996, 1998, 2006 and 2010. More floods observed after Germano Dr development was completed. Photos of the 2006 Mother's day storm taken from front porch. March 14 storm had a tree fall and crush his car, took out power lines on the street. Lots of debris on the site, wants photos to be added permanently to the City file. Illegal fill placed on the site historically, applicant is required to maintain road to 61 Messenger Ct, road is not currently not well maintained. MBTA is likely required to be made aware of the potential compensatory storage excavation.

May Cadigan 67 Greenwood st- Commission will pick the flood plain elevation? Mr. Doucette- A number will be decided on, Commission either accepts their number or picks one.

Mr. Weieneth described the process to establish BFE in floodplain as "best information available".

Susan Sutter 71 Greenwood St- Question on why Messenger Ct is not a street, very narrow. Mr. Doucette- That is a question best answered by the Planning Board or DPW, Commission doesn't address streets. City Council may have answer or be able to direct to the appropriate board.

Elaine Vreeland Wakefield Conservation Agent- Germano Dr. BFE is 73.39' in their files. Different elevations have been submitted, cited regulation 310 CMR 10.57(2)(a)(3). TR-55 engineering method described as method used.

New information received at this meeting to review, continue to next meeting.

Applicant suggested delay until September meeting to compile additional information,

will check in with Conservation Agent prior to August meeting date to confirm request to continue to September meeting or if materials are ready for the August 15 meeting.

Motion by Mr. Doucette to continue the hearing to either the next meeting on August 15 or the following meeting on September 19, seconded by Ms. Hickey. Vote 5-0

Additional materials expected for next meeting:
Updated details on FEMA LOMA elevation data
Multiple BFE values received, data to indicate correct value

Discussion

Open Space subcommittee –Had first meeting on July 15, seeking a champion for Open Space acquisition by the City. Several pathways available. Another meeting in September possible with hope to invite the potential champion to that meeting. Should be done on a meeting with a lighter agenda.

*Ms. Hickey left at this point

Ell Pond additional treatments – There has been a bloom of filamentous algae and considerable submersed vegetation growth in the pond this year. Numerous complaints received about appearance of the pond. Staff has discussed options with pond management company and received an estimate for an additional algaecide and herbicide treatment this season to address the extra growth. Request to have management company schedule treatment in a manner to prevent a mass die off of vegetation that would lead to a drop in dissolved oxygen levels and possible fish kill. Potential new associate Commissioner Melissa Riley has some Water Chestnut hand pulling experience.

Motion by Mr. Doucette to approve the additional algae and herbicide treatments (\$1,195 and \$1,200). Mr. Weieneth seconded the motion and it was voted 4-0 in favor.

Weed Watcher training update- DCR had 3 people come to the training. 3 Commission member and the Commission staff were present along with a few volunteers. Saturday, August 3 date set for volunteer hand pull, 9am-12pm. Solitude lake management should be conducting their hand pull either immediately before or after the volunteer pull. Staff is attempting to coordinate the two events.

The next scheduled meeting will be Thursday, August 15, 2019 at 7:30 PM.

Motion by Mr. Weieneth to adjourn. Mr. Doucette seconded the motion and it was voted 4-0 in favor.

Adjourn
9:30PM adjourn

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.