



CITY OF MELROSE

CONSERVATION COMMISSION

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Melrose Conservation Commission Minutes for August 19, 2021

Present: Ryan Sloan, Kate Hickey, Eugenia Gibbons*(left at point indicated), Michael Paiewonsky, Paul Moore, Jason Jancaitis and Gwendolyn Orford*(newly appointed member)

Absent:

Staff present: Eric Devlin

Mr. Paiewonsky opened the Remote public meeting at 7:30pm and read the remote meeting notice. All members participated remotely.

Minutes-

July 15, 2021 meeting minutes. One error noted for amendment on page 2, wrong meeting date indicated and corrected.

Motion by Ms. Gibbons to approve minutes from July 15, 2021, as amended. Second by Mr. Sloan.

Roll Call vote: Eugenia Gibbons- yes, Kate Hickey- yes, Jason Jancaitis – yes, Paul Moore – yes, Michael Paiewonsky- yes, Ryan Sloan- yes and Gwendolyn Orford - present 6-0 in favor.

Public Hearing:

36 Slayton Rd- Peter Ogren of Hayes Engineering and Attorney Robert Bell were present on behalf of the applicant. Project was re-advertised and a new member quorum was established for this project. Mr. Ogren reviewed the previously presented materials and described the site history. Mr. Bell discussed the 1999 agreement between the City and applicant regarding access driveway to the property. He stated that City actions in the past had affected the value of the property and the settlement agreement requirement for property owner to file Notice of Intent and City settlement payment to property owner. Order of Conditions granted by the Commission, applicant never went forward with construction. He stated the City never made settlement payment.

*Mr. Ogren attempted to share a copy of the updated plan but lost his connection. (This item for postponed to a later point in the agenda while technical difficulties were resolved.)

120 Main Street National Guard Melrose Readiness Center- Stephen Powers of Samiotes Consultants Inc. and Michael Gauntreau, applicant present. Mr. Powers described the area/locus of the project. Site located at intersection of Sylvan street and Main street. Spot Pond Brook is an open channel at lower corner of the site plan. Brook travels under the southwest corner of the site via a culvert. A wetland scientist flagged various resource areas on the site. Riverfront area, 100-foot BVW buffer, 20-foot no-construction and 15-foot no-disturb zones depicted on plans. The proposed project consists of removal of existing paved areas and replacement in-kind. Mr. Powers detailed the disturbance for each zone. Existing encroachment into the 20' no construction zone to be removed. Reduction of impervious surface on the western and south sides of the plan. Compost filter socks to be used around existing catch basins. These are heavier and less likely to move on existing pavement. New drain manhole and water quality unit to be added to the site along with deep sump catch basins.

Mr. Paiewonsky- what type of water quality unit is to be used and clarification on discharge point?

Question on Northwest storage area on plan, Any hazardous materials to be stored here?

Mr. Powers- No hazardous materials proposed to be stored in that location. Suggestion that it could be added as a condition.

Mr. Jancaitis- Any known contamination on the site? LSP condition if contamination found.

Mr. Powers- No known contamination, several borings done, none found during tests. Staff had question on existing pavement area on plan that appears to be unpaved on the site visit. Area is just outside the main entrance gate facing Main street. Vegetation composition around existing retaining wall is currently filled with invasive vegetation, not grass as depicted on the plan.

Mr. Moore- Question on options to reduce salt discharge from de-icing strategy
Discussion followed among Commission members and staff for several conditions:

- 1.No storage of fuels/oil containers on site.
- 2.O&M plan amendment for all stormwater BMPs shall be inspected and cleaned out when they reach 15% minimum depth threshold. All stormwater BMPs shall be cleaned out annually at a minimum.
3. If an oily sheen is observed in soils during pavement removal, an LSP shall be required for remediation.

Motion by Mr. Paiewonsky to close the public hearing and issue a Standard Order of Conditions with special conditions, as written by staff. Seconded by Mr. Jancaitis.

Roll Call vote: Eugenia Gibbons- yes, Kate Hickey- yes, Jason Jancaitis – yes, Paul Moore – yes, Michael Paiewonsky- yes, Ryan Sloan- yes and Gwendolyn Orford - present 6-0 in favor.

36 Slayton Rd- Peter Ogren of Hayes Engineering and Attorney Robert Bell were present on behalf of the applicant. *Mr. Ogren rejoined the meeting and the Commission chair shared a copy of the plan for review. Mr. Ogren described the cross hatched areas as the proposed BVW disturbance for the driveway and the proposed BVW replication areas. Existing 30" clay tile culvert pipe on site that is to be inspected and cleaned out or replaced. Driveway to be modified / raised with addition of pre-cast blocks, stacked 2 high and pavement for road that is crowned. Previous Commission had concerns about

vehicles driving off the edge of the causeway. 101.5 max flood elevation observed in original agreement. 4 house lots in the original agreement, comp. storage area is proposed for the 4th lot now. 3,662 square foot wetland replacement / comp. storage area proposed. Cut/fill table on plan depicting flood storage elevations.

Hydrocad model for area was not completed for the site. Structure hydraulically connected to the project site on the Mt Hood golf course upstream is unique and difficult to reflect in models. Mr. Ogren stated that the City made changes to the stream at some point that caused this property to flood to a greater extent than previously. New water and sewer utilities to be installed under the driveway. Snow storage area shown on the downstream side of the causeway/driveway directly into the wetland resource area. Silt fence shown on plan (yellow line). New equalizer pipe (1'x 6' box culvert) to be located at the lowest (approx. mid-point) of the existing causeway to replicate existing condition. Fence and lawn area moved back out of the 15 foot no disturbance zone.

Mr. Paiewonsky- Complex site with contentious history, requested the hydrocad model and understand it is a complex system. Accept 101.5 as BFE. Requested the replacement of the the 30" clay tile pipe.

Mr. Ogren- The proposed driveway is now impervious pavement, not pervious pavement shown on original plan. 30" clay pipe can be replaced, often difficult to restore compaction around pipe during replacement with potential for water to go around the pipe if not correctly compacted in place.

Mr. Paiewonsky- Replication area of 3,662 square feet. Is entire area at or below elevation 100?

Mr. Ogren- yes

Staff requested wetland delineation data sheets, not in the file.

Mr. Sloan- Box culvert detail is a good addition to allow water flow to other side of BVW.

Mr. Moore- Snow storage concerns.

Staff requested specific examples of DEP permitted projects for direct snow discharge into BVW. Mr. Ogren suggested state highways as a possible comparison.

Ms. Gibbons- Enforcement question, who would be able to monitor this?

Mr. Ogren- Same person responsible for enforcement of sand and salt usage.

Mr. Moore- Request for staff and applicant to look for examples of other permitted projects that allow for snow discharge directly into a wetland resource area.

Mr. Paiewonsky- Construction sequence for this project?

Mr. Ogren- Construction sequence not completed yet, Will provide photos of a project with a similar driveway near Hayes engineering office for example. Driveway would be graded and binder course installed first until after the house is done.

Public comment-

Renee Linn-Abutter to the property. Questions raised about impacts to existing wildlife in the area, proposed driveway/causeway would bisect the existing wetland. Salt and sand likely to be used on the driveway and unintentionally discharged into the wetlands on two pockets. Would like the Commission to think of the scope of what needs to be protected and not protected.

Arthur Defabio- Comments on snow storage. Will they plow snow out towards street or in towards the house? Suggested that owner could use only sand/no salt and plow snow(and sand) to a specific area. This area would have sand accumulate over winter and be regraded each spring after snow melt.

Materials requested for next meeting:

- Clearly define separation for edge of work site disturbance along the driveway/causeway to prevent additional disturbance during construction.
- Construction sequence, as detailed as possible
- Alternatives analysis for snow removal/ examples of permitted projects with this snow removal/storage plan.
- Wetland delineation data sheets
- Replace the existing 30" clay pipe at top of driveway
- Both Commission and applicant will look for other projects with a similar approved snow disposal process directly into adjacent wetlands.
- Condition for future homeowner to driveway/causeway use and sediment removal.

Mr. Moore provided a copy of the updated DEP snow guidelines for staff to circulate around to the Commission and applicant.

Continuance requested by the Commission Chair and granted by Mr. Bell

**Motion by Mr. Paiewonsky to continue the hearing to the September 16 meeting.
Seconded by Ms. Gibbons.**

Roll Call vote: Eugenia Gibbons- yes, Kate Hickey- yes, Jason Jancaitis – yes, Paul Moore – yes, Michael Paiewonsky- yes, Ryan Sloan- yes and Gwendolyn Orford - present 6-0 in favor.

*Ms. Gibbons had to leave the meeting at this point.

Discussion:

77-79 Messenger Court LSP fill investigation report-Brian McGrail , attorney for the applicant, Pamela Roberto, applicant and Robert Bird, LSP of Envirotrac were present. Arthur Defabio had submitted a comment letter after reviewing the report.

Test pits 3 & 4 samples were combined approx. 25 feet apart from one another. Test pits 6 & 7 (45 feet apart) were also mixed. TP-1 summary report found great variability in soils and lead levels at tp-1 vary significantly along the site. TP-3 and 4 is comp storage area is to be extensively excavated. No sites selected with large pieces of debris present. All lead on site suspected source from the previous house. Exact location of historic home is unknown; it was torn down 45 years ago. TP-1 on mounded area, accumulated fill.

Mr. Paiewonsky- LSP is a highly specialized and regulated profession. Technical review of this report is going beyond our jurisdictional limits. Asked Mr. Bird why were these samples combined?

Mr. Bird- Analyzed 5 samples from the site, it is acceptable to combine samples from similar looking material. Lead is a common contaminant in urban environments, particularly around older New England homes along the drip line. EPA synthetic leaching standard used for lead leach test.

Brian McGrail-Dave Barret is under agreement to purchase the property and construct the single family home from the plan approved by the Commission. Debris on site to be removed. Mr. Barret will be requesting a building permit

Motion by Mr. Paiewonsky to accept the LSP findings and incorporate them into the Order of Conditions. Seconded by Mr. Jancaitis.

**Roll Call vote: Kate Hickey- yes, Jason Jancaitis – yes, Paul Moore – yes, Michael Paiewonsky- yes, Ryan Sloan- yes and Gwendolyn Orford - present
5-0 in favor.**

Invoices:

Legal Notice fee Melrose Free Press-\$143.83

Motion by Mr. Paiewonsky to approve the invoice for 143.83. Seconded by Mr. Jancaitis.

**Roll Call vote: Kate Hickey- yes, Jason Jancaitis – yes, Paul Moore – yes, Michael Paiewonsky- yes, Ryan Sloan- yes and Gwendolyn Orford - present
5-0 in favor.**

2021 Victorian Fair- September 12, 11-4. Staff will circulate a signup sheet with time slots for members to staff the table.

The next regularly scheduled meeting will be Thursday, September 16, 2021 at 7:30 PM.

Motion by Mr. Paiewonsky to adjourn. Mr. Sloan seconded the motion and it was voted 5-0 in favor.

Adjourn

9:55PM 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.
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