



# CITY OF MELROSE

## CONSERVATION COMMISSION

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### Melrose Conservation Commission Minutes for March 17, 2022

**Present:** Eugenia Gibbons, Ryan Sloan, Jason Jancaitis, Michael Paiewonsky and Paul Moore

**Absent:** Chris Redfern and Gwendolyn Orford

**Staff present:** Eric Devlin

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

#### Minutes-

February 17, 2022 meeting minutes reviewed for approval.

**Motion by Mr. Paiewonsky to approve the February 17, 2022 minutes, as amended.  
Second by Ms. Gibbons.**

**Roll Call vote:** Eugenia Gibbons- yes, Jason Jancaitis – yes, Paul Moore – yes, Gwendolyn Orford – absent, Michael Paiewonsky- yes, Chris Redfern –absent, Ryan Sloan- yes.  
5-0 in favor.

#### **Continued Public Hearing:**

Notice of Intent (217-0214) 36 Slayton Rd – Peter Ogren and Robert Bell were present. Mr. Bell thanked the Commission members for working with the applicant. Mr. Ogren – Calculated the Rawls rate for the soils under the house and the infiltration chambers. Entire 10- year storm calculation made for storage. Eight (8) c-100 cultec infiltration chambers now proposed based on the calculations.  
A revised plan was submitted with a shaded area extending about 40 feet from the edge of Slayton Road to just beyond the 104 contour line across from the proposed driveway added to indicate the proposed temporary re-fueling area during construction.  
Staff read off Special condition #4 for the Environmental Monitor.

4.The applicant shall identify a qualified Environmental Monitor(s) and submit their qualification to the Melrose Conservation Commission (MCC) for review and approval. The name and telephone number of this person shall be provided, in writing, to the MCC prior to the start of work. The Environmental Monitor shall be on site during:

- a. Installation of all erosion controls.
- b. All phases of driveway construction and all related culverts and water/sewer

service lines.

c. Construction of wetland replacement area.

d. Excavation for and construction of house foundation, Cultec/infiltration chambers, 1,000 gal storage tank, and drinking water well.

e. A minimum of weekly visits during all other times during the construction period (until all disturbed soils have been stabilized to the satisfaction of the Environmental Monitor). Additional visit by the Environmental Monitor required after 1-inch or greater rain events.

f. Daily observation by the Environmental Monitor shall not be required during periods of house erection and interior finishing (assuming that is not occurring simultaneously with other activities listed above and assuming that the Environmental Monitor is satisfied with the condition of the erosion control and general soil stability at the site.).

The Environmental Monitor(s) shall send weekly erosion control inspection reports and reports following any storm event of ½ inch of rain or greater, to the Melrose Conservation Commission.

#### Public Comment:

Renee Lin, 32 Slayton Rd - The new plan shows a much larger footprint for the house than the last plan. Very little room for error on this plan. Asked for examples of issues that might come up during construction and called out that wetland replication area is near the public roadway (Slayton Rd) and would be subject to road salt and other chemicals. Question on Snow removal along the driveway and if neighbor on opposite side of proposed replication area was aware of this location for the replicated wetland.

Mr. Paiewonsky stated that there are lots of potential issues during a construction project. Environmental Monitor special condition was added to ensure, as best they can, that these issues are prevented or addressed when they occur. The law requires 1:1 replication, applicant has proposed almost 3:1.

Mr. Ogren – A pre-construction meeting is required to ensure that the contractor is aware of the Order of Conditions and that the contractor has experience working on sites that are this close to wetland resource areas. Salt would be the largest chemical influence from the roadway on the replication area. Snow storage on the downstream side of the Driveway/causeway.

Mr. Sloan read off special conditions 16-20 and perpetual special conditions related to snow.

16. All culvert replacement and new culvert construction work shall be scheduled for low flow periods/conditions (typically mid-summer) to avoid periods of high groundwater or high flow rates and prevent potential for flooding.

#### Post-Construction

17. Following construction of the wetland replication area and prior to other work on the site, the Environmental Monitor(s) shall certify to the Commission that the area has been constructed in compliance with the Order of Conditions. Such certification shall be accompanied by an as-built plan showing the limits of the replication area and final grades as surveyed by a licensed land surveyor, which meet grades shown on the plans approved in this Order of Conditions.

18. Seasonal monitoring reports shall be prepared by the Environmental Monitor and submitted to the Melrose Conservation Commission for the wetland replication area. Monitoring reports shall describe, using narratives, plans, and color photographs, the physical characteristics of the wetland replication areas with respect to stability, soil characteristics, survival of vegetation and plant mortality, aerial extent and distribution, species diversity and vertical stratification (i.e. herb, shrub and tree layers). A total of six monitoring reports for the replication area shall be submitted over a three-year period. The monitoring reports shall be submitted for the growing season by June 15 and December 15 of each year of the monitoring period (2 inspection reports per growing season - Late spring and fall end of growing season inspections).

19. Wetland regulation (310 CMR 10.55 (4) (b) (6), requires that at least 75% of the surface area of the replacement area be re-established with indigenous wetland plant species within two growing seasons. If monitoring data indicates that this objective cannot be met, a corrective plan of action shall be submitted to the Melrose Commission for approval and implemented under the supervision of the Environmental Monitor(s).

20. Operation & Maintenance plan for the Replication/Comp. Storage area and culverts to be provided to the Melrose Conservation Commission.

Perpetual Special conditions:

5. No chemical deicing products or sand shall be used on the project site during or after construction for the control of ice and snow on parking areas or driveways and any arrangement for snow removal shall stipulate so. This Condition shall remain in force permanently and shall not expire with the issuance of a Certificate of Compliance.
6. All snow removal from the causeway/driveway shall be conducted to limit, as much as practicable, placement of snow within wetland resource areas. Snow shall only be permitted to be stored on the downstream side of the causeway. This Condition shall remain in force permanently and shall not expire with the issuance of a Certificate of Compliance.
7. Chemicals, including, without limitation, fertilizers, herbicides and pesticides shall not be used within 15 feet of any wetland, stream or river. This Condition shall remain in force permanently and shall not expire with the issuance of a Certificate of Compliance.

Stuart Lin, 32 Slayton Rd – Question on the February 8<sup>th</sup> plan. A corner of the proposed house is in the no construction line.

Mr. Ogren- Corner of the proposed house is about 2' away from the no construction line. The heavy line on plan is actually the elevation 106 contour line, fainter dashed line is the no construction zone line on plan.

Mr. Paiewonsky – Order of Conditions is attached to the Deed, stays with the property and the Conservation Commission can enforce it.

Mr. Bell stated that perpetual conditions are taken seriously in the real estate world.

**Motion by Mr. Paiewonsky to close the public hearing. Second by Mr. Jancaitis.**

**Roll Call vote:** Eugenia Gibbons- yes, Jason Jancaitis – yes, Paul Moore – yes,

Gwendolyn Orford – absent, Michael Paiewonsky- yes, Chris Redfern –absent, Ryan Sloan- yes.  
5-0 in favor.

**Motion to approve 217-0214 36 Slayton rd project and issue and Order of Conditions with attached special conditions. Second by Mr. Jancaitis.**

**Roll Call vote:** Eugenia Gibbons- no, Jason Jancaitis – yes, Paul Moore – no, Gwendolyn Orford – absent, Michael Paiewonsky- yes, Chris Redfern –absent, Ryan Sloan- yes.  
3-2 in favor. Ms. Gibbons and Mr. Moore opposed.

**Discussion:**

Annual election of officers for Commission – Staff requested nominations for officers roles of Chair, Vice Chair, Clerk and Treasurer. Mr. Paiewonsky was nominated for Chair, Mr. Moore was nominated for Vice Chair, Staff was nominated for Clerk and Mr. Sloan was nominated for Treasurer.

**Motion by Mr. Paiewonsky to accept the nominations for the officers. Second by Ms. Gibbons.**

**Roll Call vote:** Eugenia Gibbons- yes, Jason Jancaitis – yes, Paul Moore – yes, Gwendolyn Orford – absent, Michael Paiewonsky- yes, Chris Redfern –absent, Ryan Sloan- yes.  
5-0 in favor.

MACC Environmental Handbook annual subscription - \$15/member- Staff stated that the Commission had about \$40 left in the education line item. Two members could get access to the MACC handbooks with this. Two members to be signed up now, sign up the rest for access to handbook in the new fiscal year. Mr. Paiewosnky and Mr. Jancaitis to be signed up now.

Solitude Contracts – All ponds treatment options and Ell pond WC contract- Staff stated that Solitude has not added the additional language from the City legal department to the water chestnut contract. They sent over an auto generated 1 year contract instead. Staff is still working with Solitude to see if they will send over a revised 3 year contract for the water chestnut treatment that allowed for funding uncertainty. Options to sign a revised 3 year with funding uncertainty language, sign contract as-is with subject to municipal budget approval added or sign the one year contract.

Mr. Sloan noted that there is a typo on page 5 of the 3 year contract. Solitude should fix this and add the subject to municipal budget approval language. Original language included 30 day and 90 day notice to terminate, this could be omitted. Questions whether signing the 1 year only contract would jeopardize the earmark funds from the state.

All ponds contract tasks 1,2,3 and options 1-8 discussed. Options 1,3,5,7,8 to be added to the 3 main tasks.

**Motion by Mr. Sloan to approve the all ponds contract with option 1,3,5,7,8 for the officers. Second by Mr. Moore.**

**Roll Call vote:** Eugenia Gibbons- yes, Jason Jancaitis – yes, Paul Moore – yes,

Gwendolyn Orford – absent, Michael Paiewonsky- yes, Chris Redfern –absent, Ryan Sloan- yes.  
5-0 in favor.

Eagle Scout trail project- Staff gave update on Hillside park trail and Flagg Acres kiosk repairs project. Project has been completed by Eagle Scout Candidate Charlie Dilman. Staff noted that one area has a very steep, unavoidable area. Staff requested one of the trail stewards to take a look at it and see if we could come up with a way to address it better. The Eagle Scout candidate stated to staff that he also wanted to put a geocache on the new trail somewhere to attract people to it. Needs approval from land owner for this. Staff will need to know where the geocache would go, ok as long as it isn't in a sensitive resource area or very far off of the trail.

Flagg Acres Melrose Cleanup day with Keep Melrose Beautiful Saturday, April 23-Keep Melrose Beautiful has done a very good job with this in the past years. Several Commission members will be there at the cleanup day.

The next regularly scheduled meeting will be April 28, 2022 at 7:30 PM.

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

Adjourn  
**9:58PM adjourn**

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Approved

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Date.

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| 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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