



CITY OF MELROSE

CONSERVATION COMMISSION

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Melrose Conservation Commission Minutes for June 15, 2023

Present: Emily Anderson, Charles McCabe, Craig Molway, Paul Moore, Jason Jancaitis, Michael Paiewonsky and associate member Sydney Hy.

Absent: Forrest Tiedeman

Staff present: Eric Devlin

potential associate Commissioner Dorian Rose was also present, pending City Council approval.

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

Minutes

May 18, 2023 meeting minutes reviewed for approval.

Motion by Mr. Paiewonsky to approve the May 18, 2023 minutes, as written. Second by Mr. Molway.

Roll Call vote: Emily Anderson - yes, Jason Jancaitis – yes, Charles McCabe – yes, Craig Molway – yes, Paul Moore – yes, Michael Paiewonsky - yes, Forrest Tiedeman – absent.

6-0 in favor

Invoices:

Staff provided copies of two invoices from the two contracted pond treatment vendors for review. A combined roll call vote was taken for simplicity with the intention for two separate motions to approve both invoices. Two separate motions are shown below to clarify this intention.

Solitude Lake Management – Ell Pond chemical treatment permit- \$250.00

Water & Wetland, LLC – Swains Pond and Towners Pond (Permit, initial survey and water samples) - \$1900.00

Motion by Mr. Paiewonsky to approve payment of the Solitude Lake Management – Ell Pond chemical treatment permit invoice for \$250.00. Second by Mr. McCabe.

Roll Call vote: Emily Anderson - yes, Jason Jancaitis – yes, Charles McCabe – yes, Craig Molway – yes, Paul Moore – yes, Michael Paiewonsky - yes, Forrest Tiedeman – absent.

6-0 in favor

Motion by Mr. Paiewonsky to approve payment of the Water & Wetland, LLC – Swains Pond and Towners Pond (Permit, initial survey and water samples) for \$1900.00. Second by Mr. McCabe.

Roll Call vote: Emily Anderson - yes, Jason Jancaitis – yes, Charles McCabe – yes, Craig Molway – yes, Paul Moore – yes, Michael Paiewonsky - yes, Forrest Tiedeman – absent.

6-0 in favor

Public Hearing:

Notice of Intent- (DEP# 217-0225) 79 Greenwood Street –

Laura Hamadeh (Applicant) David Crispin and Kyle Merchant (representatives for applicant from BSC group) and Russel Busa were present.

Mr. Crispin – The existing house was built in 1956. New foundation plan for this project, essentially a raze and replace for the house. The existing house has a 4-foot-wide concrete walkway behind it and a wooden deck. New house is within the existing house and walkway footprint and noted that the existing house has settled with the first-floor level differing by 0.9 feet from the front to the rear of the building. A geotechnical survey was conducted on the house for the foundation.

No proposed net change in impervious surface and no change in runoff. Modular construction proposed.

24” diameter red maple noted on plan as in declining condition, proposed for removal with replacement with 1 native species tree in the back of the property. Estimated at about 30% dead.

Invasive Japanese Knotweed vegetation control note on plan – mowing control method propose. Mowing over long enough period of time can work to control it.

March 2010 photo of the house, presented as the flood of record for the site showing flood waters up to back door of the existing house.

Site is mapped as FEMA flood zone A with no base flood elevation. 73.25’ Base Flood Elevation established on previous filing for abutting property (79 Messenger Ct). Letter of Map Amendment (LOMA) from 61 Messenger Ct provided as well indicating 70.9’ flood elevation.

Helical piles proposed for house foundation with a crawl space. Crawl space will have flood doorways that open to allow flood water to enter and leave the space, no storage or equipment located in crawl space. Remove 300 Square feet of existing impervious surface area from existing driveway.

Ms. Anderson – Any calculations submitted for amount of water flow through the proposed flood doorways on the crawl space? MassDEP didn’t allow these doors to be used on a larger project, the regulations state it must be unrestricted flow.

Mr. Crispin- flood doorways are composed of 12”x18” panels, approx. 4 or 5 expected across the back and would require building department approval. Compliance is intended, this plan is FEMA compliant. Breakaway panels are another option, the doors are the preferred option. The Crawl space is pitched to drain out toward the back and prevent moisture from entering the upper floor. No equipment to be located in the crawl space, only sewer line, moisture protection and insulation. Crawl space will only be 2-2.5 feet high.

Deck elevation – 4 feet above ground and supported on posts.

Ms. Hamadeh – All abutters received notices about the project. Lived at this location for 25 years.

Motion by Mr. Paiewonsky to close the public hearing and issue an Order of Conditions for 79 Greenwood Street with standard special conditions and additional special conditions on invasive management mowing interval once a week, at minimum, for 3–5-year period and appropriate invasive species disposal method to prevent spread. Second by Mr. Jancaitis.

Roll Call vote: Emily Anderson - yes, Jason Jancaitis – yes, Charles McCabe – yes, Craig Molway – yes, Paul Moore – yes, Michael Paiewonsky - yes, Forrest Tiedeman – absent.

6-0 in favor

Notice of Intent- (DEP# 217-0226) 129 Tremont Street-

Devin Herrick and Amanda Gaal of Weston and Sampson, Joan Bell (applicant) and Elena Proakis Ellis were present.

Ms. Herrick – The Existing synthetic turf at the Fred Green field (the high school football field) has reached the end of its useful life and must be replaced. The existing turf carpet will be removed and replaced with in-kind material. The existing crumb rubber infill material will be reused and supplemented, as required. 83,498 square foot temporary impact, no flood storage lost, no grade changes proposed and no mapped wildlife habitat within the limit of work.

Mr. Paiewonsky – What types of problems develop over time that cause the fields to need to be replaced?

Ms. Gaal- The infill material shifts and some material is lost. Turf carpet fibers break down over time from field use. 15-20-year lifespan for synthetic turf carpet. Monthly grooming of infill to relevel fields.

Mr. Moore- Any alternative infill materials researched? As mentioned, some of the infill material goes missing and we don't want that to end up in the pond. What is the expected lifespan of alternate products such as walnut shells?

Ms. Proakis Ellis- More natural materials were looked into, would be pursued further if the infill needed to be replaced along with the carpet. Less environmentally friendly to remove and replace it now with new material at this point if the existing crumb rubber still had remaining life. The natural alternative infill material was approximately something like \$50,000 more on a \$500,000 project.

Infill material lifespan for crumb rubber is usually 30 years. Consider alternative infill material at next carpet replacement since the carpet life is 15-20 years.

Infill material cost wasn't a huge cost factor of this project. Seemed to have a larger environmental impact to remove the existing material with remaining lifespan, dispose of it and replace with additional new material.

Ms. Bell – Walnut shell and cork were two alternative infill materials that were looked at, both have a shorter expected lifespan than the crumb rubber. 7–10-year lifespan on them. Fields were unplayable in certain weather conditions.

Mr. Molway – Crumb rubber is essentially ground up recycled tires, the use of crumb rubber could be framed as tires being stored in close proximity to a wetland. The Mayor of Boston has recently banned use of artificial turf in Boston citing the toxic effects of PFAS. The use of this material near a wetland will have an impact.

Public Comment

Megan McDonough, 185 main street – Natural turf costs vs artificial turf costs? Heat island impacts? PFAS? MA legislature may be considering legislation banning artificial

turf statewide.

Ms. Gaal – PFAS is detected as a component of synthetic turf as a byproduct of a lubricant used in the manufacturing process. Low detection rate and is not one of the 32 PFAS chemicals currently monitored by DEP and EPA. Lab tests have consistently shown detection levels below or slightly above the detection levels, low enough that levels are estimated by laboratories currently.

Similar Financial cost for Synthetic and artificial turf fields over time. Artificial turf fields must meet GMAX standards for safety, natural turf fields do not.

Mr. McCabe – Heat Island effect impact of artificial turf?

Ms. Gaal – Synthetic turf does run hotter than natural turf, overall. Shade could be provided closer to players and ensuring player hydration. Lighter color infill materials could also be used to lessen heat island effect, not applicable for this project since existing infill material to be reused.

Ms. Proakis Ellis – The limit of work is the footprint of the field, not really much opportunity at this location to increase tree canopy in the immediate area. City and DPW /Parks departments are looking for other opportunities within the City as a whole to increase the tree canopy.

Mr. Jancaitis – What is the expected timeframe for the project? Jetting drain pipes to nearest structure, is the plan to Vector out any obstructions/debris?

Ms. Proakis Ellis – Bid construction this summer, carpet already purchased. Have the turf ready to play on by the fall.

A potential suggested condition could be to specify jet out from the outlet towards the field.

Infill alternatives were more expensive than the crumb rubber.

Mr. Moore – Has the supplemental infill material already been purchased by the City?

Ms. Bell- A percentage of the infill was part of the contract as part of the cost of materials. Field needs to be at a certain GMAX level to be playable. The field was currently at that standard when it was last tested.

Ms. Anderson – Is stockpile area shown outside of the floodplain large enough? Is a SWPPP being prepared?

Suggested condition to require a SWPPP for the site.

Ms. Gaal – Storage area was expanded to reflect infill material storage during carpet removal & replacement.

Mr. Moore - Would like to see more information on natural infill alternatives for infill materials. Not comfortable voting in favor of this project, currently, without that information. There is an opportunity to remove this material 15 years earlier now.

Ms. Proakis Ellis- Filing is consistent with Bordering Land Subject to Flooding performance standards. No grade changes proposed.

Motion by Mr. Paiewonsky to close the public hearing and issue an Order of Conditions for 129 Tremont Street with standard special conditions and additional special conditions for jet out drainage system debris from the outlet towards the field, SWPPP required for site, submittal of percentage infill replaced report and submittal of infill lifespan test results. Second by Mr. Molway.

Roll Call vote: Emily Anderson - yes, Jason Jancaitis – yes, Charles McCabe – yes, Craig Molway – no, Paul Moore – no, Michael Paiewonsky - yes, Forrest Tiedeman – absent.

4-2 in favor, Mr. Moore and Mr. Molway were opposed.

Discussion:

Request for Extension of Order of Conditions – 0 Swains Pond Ave/Hillside Park/Patrick's Place

Thorsen Akerly of Williams & Sparages and Sean Szekely, applicant were present. Mr. Akerly stated that the applicant has requested a 2-year extension for the current order of conditions (217-0208) that expires on June 24, 2023. This project is a (9) lot subdivision. Mr. Akerly shared a copy of the site plan. Lots 1,2,3 and 4 have been completed and stabilized. Lots 7,8 and 9 have also been built. Lots 5 and 6 are the only two remaining lots that have not been sold and constructed yet. Some final stabilization in the buffer zone in the back of lot 7 still to be done. Subsurface infiltration system has been installed. The applicant intends to sell the last two lots and the applicant anticipates that they will be sold and begin construction in the Spring. The replication area is fully grown in now-American cranberry bush was substituted in due to lack of availability of one of the other specified species.

Staff believed it was substituted for the Speckled Alder from the planting plan when the area was planted last spring (April 2022).

Mr. Akerly - No annual stormwater management inspection reports or seasonal monitoring reports have been submitted to the commission yet. Williams & Sparages has been contracted by the applicant to perform the inspections and reports and intends to complete those inspections and submit the reports to the Commission. On their schedule to complete it. The replication area was fully stabilized.

Mr. Moore- The City Wetlands ordinance specifies that the Commission can only issue a single 1-year extension for a project.

Mr. Szekely – 5 of the 9 homes have residents that have moved in plan to establish the Home Owners's Association and transfer the management responsibilities to them once all of the lots are sold. Applicant is responsible for stormwater management until that point.

Public Comment:

Sasha Simone - 43 Highland Ave – Has the applicant submitted evidence to the Commission that the stormwater management system has been maintained?

Staff – The applicant was required in the Order of Conditions to submit an annual stormwater maintenance report to the Commission, no report has been submitted yet.

Mr. Paiewonsky- Have you been cleaning the catch basins on the site?

Mr. Szekely- yes, will provide inspection report to the Commission.

Motion by Mr. Paiewonsky to issue a one-year extension for the Order of Conditions DEPFile#217-0208. Second by Mr. Jancaitis.

Roll Call vote: Emily Anderson - yes, Jason Jancaitis – yes, Charles McCabe – yes, Craig Molway – yes, Paul Moore – yes, Michael Paiewonsky - yes, Forrest Tiedeman – absent.

6-0 in favor

Public Comment period rules for the Conservation Commission –

Mr. Moore provided a revised draft of the public comment period policy.

Staff – Plan is to see if there were any other edits/comments from the rest of the Commission members and if it looks appropriate, staff will submit to the Solicitor's office for review and next steps on how to adopt the policy. Clarification on what rules for a public hearing/public meeting and opinion on how we would best adopt them. The policy should be posted on the City website and possibly include a link to policy on future agendas.

Draft edits to the policy:

PUBLIC COMMENT POLICY

The Commission welcomes the opportunity during the Public Comment portion of its Agenda to hear from members of the Public. To ensure the ability of the Commission to discuss its business and hold its meetings in an orderly and peaceable manner, while also providing the opportunity for public input on the business before it, the following rules and procedures are hereby adopted:

1. During each regularly scheduled meeting, the Commission shall open the floor for Public Comment according to the Agenda.
2. Speakers during Public Comment will begin their remarks by stating their first and last name, and town of residency for the record. All remarks will be addressed through the Chair of the meeting.
3. Speakers during Public Comment must only address topics within the scope of jurisdiction of the Commission, and shall be out of order if said speaker addresses other issues.
4. Individual speakers during Public Comment are limited to speak for a total of three (3) minutes per person. Large groups addressing the same topic are encouraged to consolidate their remarks and/ or select a spokesperson to speak during Public Comment.
5. All speakers are encouraged to present their remarks in a respectful manner.
6. Public comment is not a discussion, debate, or dialogue between individuals and the Commission. It is an individual's opportunity to express an opinion on topics within the jurisdiction of the Commission. Comments made during Public Comment do not reflect the views or opinions of the Commission.
7. Members of the audience shall not interrupt or speak over recognized speakers or the discussion of the body. Individual speakers must also refrain from shouting while delivering remarks during Public Comment. Those who are warned and persist will be required to leave the meeting by the Chair.
8. Physically disruptive or physically threatening conduct is forbidden.
9. The Chair of the meeting will not interrupt speakers during Public Comment who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not Constitutionally protected because it constitutes true threats and incitement to imminent lawless conduct.
10. Verbal comments will also be curtailed by the Chair once they exceed the time limits outlined in paragraph 4 of this policy and to the extent, they address topics outside the jurisdiction of the Commission as required under paragraph 3.

Edits were accepted and passed on to the City Solicitor for review. Staff to also seek clarification from the City Solicitor on two additional questions: whether the same public comment policy could serve for both public hearings and public meetings for consistency.

What steps are necessary for the Commission to formally adopt the policy and posting

requirements for future meetings, once adopted.

Victorian Fair

Sunday, September 10th, 2023. Staff wanted gauge interest in having a table at the Victorian Fair. Past comments on the new location on the side street isn't a great location, low traffic to the table. Commission members were open to sharing a table with another group.

The next regularly scheduled meeting will be July 20, 2023 at 7:30 PM.

Motion by Mr. Paiewonsky to adjourn. Mr. Moore seconded the motion and it was voted 6-0 in favor.

Adjourn

9:08 PM 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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