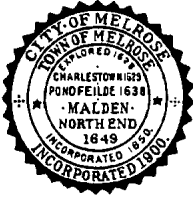


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CITY OF MELROSE

CONSERVATION COMMISSION

MICHAEL PAIEWONSKY
Chair

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Melrose Conservation Commission Minutes for March 20, 2025

Present: Chair Michael Paiewonsky*, Paul Moore, Forrest Tiedeman, Jason Jancaitis, Charles McCabe, Emily Anderson, and Associate members Kaitlyn Calhoun and Dorian Rose*.
(* arrived at 7:42 pm, also noted below)

Absent: Craig Molway was absent.

Staff present: Ingrid Winkler

Mr. Moore opened the public meeting at 7:35 pm. All members participated in person.

Public Comment: None.

Review of Minutes:

Conservation Commission members reviewed draft minutes from February 13, 2025, meeting.

Motion made by Mr. McCabe to approve meeting minutes for the February 13, 2025, meeting, seconded by Mr. Tiedeman. Motion was approved 5-0.

Public Hearing: Request for Determination of Applicability – City of Melrose – Pine Banks Park - To determine whether the placement of temporary chain link fencing around a contaminated soil area within the buffer zone at Pine Banks Park is subject to the Wetland Protection Act and its regulations and the Melrose Wetlands Ordinance.

Mr. James Parker of Nangle Consulting Associates was present on behalf of the City of Melrose and The Pine Banks Park Foundation, Inc. Temporary chain link fence was installed on December 12, 2024, to address a potential Imminent Hazard (IH) condition associated with the detection of elevated levels of lead in soil within 12 inches from surface grade that triggered the two-hour Reportable Conditions threshold for park visitors aged 0-6. The soil samples were collected as part of the final phase of a four-phase comprehensive closure program at Pine Banks Park. The installation of the temporary fencing was undertaken with approval from the Massachusetts Department of Environmental Protection (MA DEP) and in accordance with the Massachusetts Contingency Plan (MCP) as an Immediate Response Action (IRA). MA DEP had allowed additional assessment to take place to better define the contaminated areas required to be fenced off. *

Mr. Moore inquired about ground disturbance during installation and ground clearances for passage of wildlife. According to Mr. Parker, there was minimal ground disturbance, and no heavy equipment was used. All work was done by hand, and the fencing is secured with stanchions and sandbags, slightly raised allowing for passage of small wildlife. Mr. Tiedeman asked how long the fence would remain in place. Mr. Parker said that there is no definite timeline but that they are working toward a permanent solution for this area of Pine Banks Park.

Motion made by Mr. Moore to close the public hearing for temporary fencing placed at Pine Banks Park, seconded by Mr. Tiedeman. Motion approved 6-0.

Motion made by Mr. Moore to issue a Negative 3 Determination, seconded by Mr. Tiedeman. Motion approved 6-0.

Public Hearing: Request for Determination of Applicability – City of Melrose Parks

Department – To determine whether the areas and activities of vegetation management around Ell Pond and the installation of concrete pads for park benches are subject to the WPA and its regulations and the Melrose Wetlands Ordinance.

Mr. Rob Carillo, Superintendent of Parks and Open Spaces, was present. The RDA pertains to the management of vegetation, including trees and invasive species, around the buffer zone of Ell Pond and includes the placement of concrete pads for park benches along the walkway at Ell Pond Park.

Mr. Moore suggested submitting a Notice of Intent (NOI) with an Operations and Maintenance (O&M) plan which would cover this type of vegetation management and avoid the need for frequent RDAs. Ms. Anderson expressed concern about approving concrete pads under an RDA. Mr. Paiewonsky stressed that any work would be overseen by the City's arborist as well as members of the Conservation Commission (or its agent).

Motion made by Mr. Paiewonsky to close the public hearing for vegetation management around Ell Pond and installation of concrete pads for park benches, seconded by Mr. McCabe. Motion approved 6-0.

Motion made by Mr. Paiewonsky to issue a Negative 3 Determination with the conditions of removing or reusing the existing concrete pad and that one of the new benches be dedicated as a memorial to Eric Devlin, seconded by Mr. Jancaitis. Roll call vote: MP – Y; PM – N; FT – Y; JJ – Y; CM – Y; EA -N. Motion approved 4-2.

Public Hearing: Request for Determination of Applicability – Keolis Commuter Services -

To confirm that the boundaries of wetland resource areas along the MBTA Right-of-Way (ROW) as part the 5-year Vegetation Management Plan (VMP) renewal (2026-2030) are accurately delineated. Mr. Matt Donovan of Benesch was present via zoom on behalf of Keolis. Keolis is seeking a determination of Positive 2a to confirm the maps and Negative 5 for work under exemptions 310 CMR 10.03(6)(b) and 310 CMR 10.58(6)(a).

Mr. Donovan described the physical and chemical vegetation control activities described in the VMP and the sensitive zones along the railroad ROW depicted on the submitted maps, as required by the ROW Management Program under 333 CMR 11.00. The maps and sensitive zones have not changed from previous submissions, which were approved in the past.

Keolis' Yearly Operational Plan (YOP) includes chemical applications during the late summer months (brush program) and in the fall (roadbed program). The roadbed program is designed to control weeds in the ballast section and shoulder, yards, switches, signals, and grade crossings. The brush program is designed to prevent regrowth of trees and woody vegetation in areas adjacent to the roadbed. Chemical treatment is restricted in sensitive areas as defined in 333 CMR 11.04. There are three stretches of sensitive (or limited spray) areas along the railroad ROW through Melrose. These areas receive the roadbed program once a year and never receive the brush program. The remainder of the railroad ROW through Melrose has no chemical restrictions and receives the roadbed and brush programs.

The Commissioners had questions about the herbicides used for chemical vegetation control. Mr. Donovan explained that the Department of Agricultural Resources (DAR) provides a list of herbicides that have been approved for use in sensitive areas by DAR and MA DEP and regulates all aspects of application including rates, drift control, etc. Application is done by licensed applicators and in the presence of environmental monitors.

The Commissioners also questioned why Keolis had appealed its previous Determination of Applicability (DOA) in 2020. Keolis filed similar appeals following DOAs in dozens of other communities in Massachusetts. These appeals are currently in the adjudicatory process.

Motion made by Mr. Paiewonsky to close the public hearing for MBTA ROW VMP, seconded by Mr. Moore. Motion approved 6-0.

Motion made by Mr. Moore to issue a Positive 2a Determination for resource delineation and a Negative 5 Determination for work under exemptions 310 CMR 10.03(6)(b) and 310 CMR 10.58(6)(a), seconded by Mr. Tiedeman. Motion approved 6-0.

Discussion:

110 Penney Road - On behalf of the Conservation Commission, staff sent repeated requests to the property owner to stabilize the site where soil had been disturbed during previous unpermitted work. Specifically, the Commission requested that the homeowner apply a layer of straw mulch on the sloped area and install a row of filter fabric, backed by staked straw bales or wattles, along the limit of activity between the disturbed areas and the wetland. The homeowner did not respond to the requests and as of March 4, it did not appear that any site stabilization had been attempted.

Per the suggestion of the City Solicitor, the Conservation Commission sent a Notice of Violation letter to the property owner on March 5, 2025, notifying the property owner that soil stabilization is required by March 21, 2025, and requesting that the Conservation office be contacted by March 17 with a compliance update and to further discuss long term stabilization plans. If the Conservation Commission was not notified by March 17, then the Commission may schedule a public meeting to determine whether the violations still exist and whether fines should begin to be issued.

On March 13, the homeowner called staff to confirm that his contractor was installing silt fencing and that the straw mulch would be put down by the weekend. As of March 20, there was no straw mulch on the disturbed area. The deadline for compliance is March 21.

155-157 Main Street - A garage behind the property at 155-157 Main Street is encroaching (located almost entirely) on a City-owned Conservation parcel on Mount Vernon Avenue. Staff sent a certified letter to the property owner of 155-157 Main Street regarding this encroachment issue on January 30. Staff tracked the letter, but no authorized recipient was available at that address. Staff resent the letter to the new mailing address of the property owner on February 19 and received confirmation of delivery from USPS on March 11. The property owner has not contacted staff to discuss the encroachment issue as of March 20. Staff will attempt to contact the homeowner again.

Clean-Up Day – In coordination with Keep Melrose Beautiful, the Conservation Commission will participate in a community cleanup day scheduled on April 26. The Commissioners decided to focus their efforts on the Penney Road area where incidents of illegal dumping have risen again.

MHA parking lot and sidewalk asphalt repairs – A contractor for the Melrose Housing Authority (MHA) reached out to staff with questions regarding permitting requirements for asphalt repairs in parking lots and sidewalks at two MHA properties within the FEMA floodplain. At 910 Main Street, the parking area needs extensive repairs. At 1 Nason Drive, a walkway needs to be repaved for the safety of the residents. A Notice of Intent (NOI) will be required for each of these projects.

Pond Maintenance updates:

At the last meeting, the Conservation Commission approved a plan to conduct water quality testing at Ell Pond this spring. The contract with Water & Wetlands was signed and sampling is scheduled to take place on or around March 27.

Dumpling on Penney Road:

Ongoing issue of dumping along Penney Road. Staff will meet with directors of Office of Planning and Community Development, the Police Department, Department of Public Works and Information Technology to discuss what can be done about this problem.

Other items:

WPA filing fees were last discussed in February of 2023 according to meeting minutes, but it is not known when these fees were last updated or adjusted. Ms. Anderson noted that in Boston, the fees are based on the cost of the project. Staff will conduct a filing fee review for discussion at the next meeting.

Staff prepared a draft encroachment policy based on those for Newton and Weston. This will be on the agenda for next month's meeting.

The next regularly scheduled meeting will be April 17, 2025, at 7:30 PM.

Motion made by Mr. Paiewonsky to adjourn, seconded by Mr. Tiedeman. Motion was approved 6-0.

Meeting adjourned at 9:15 PM.

Pursuant to the 'Open Meeting Law, M.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.