Melrose Conservation Commission

Minutes for November 4, 2010

Present: Susan Murphy, Kevin Anderson, Kate Hickey, Joe Nerden, and Richard Doucette (8:30)

Absent: Steve Locke

Staff: Kathy Morgan

The Chairperson called the meeting to order at 7:30 PM

Continued Public Hearings

1 Indian Hill Lane (217-0181)

Mr. Pawlina, from ATP and the Fogarty's were present. Since the files and a lot of information was missing on this site, Mr. Pawlina did as the Commission asked and further researched the site, looking into the Registry of Deeds and looking through the DEP files. He discovered in the DEP files that there was a Notice of Intent dated January 1994 for several lots in the subdivision. A Superceding Order was issued September 9, 1994, and disputed by the developer for Condition #33. DEP then issued a Final Order of Conditions. After the FOC , the developer at the time, filed for the location of the house on Lot #2 and a deck at the rear of the house with a line of boulders. In 1998, the builder, asked DEP to move the house location a couple of feet back. There was a 10' setback established with DEP, which they would like to go by. Mr. Pawlina said that the pond was designated as isolated land subject to flooding, in 1984 it became a drainage easement and one month later there was a conservation restriction. Mr. Pawlina said that it seems that Melrose ConCom was left out of the correspondence loop once the SOC was issued. There is no Certificate of Compliance for the SOC. Permanent markers referred to in the SOC were never installed.

Mr. Anderson asked when the applicant purchased the property. Mr. Pawlina said the applicant bought the property in 1998, and built the house a year later. The survey on the plan provided by Mr. Pawlina is from a mortgage plan. Ms. Murphy said previously disturbed sites have been held to 8' for landscaping. A 10' setback was established in the FOC approval.

David McLaughlin, 5 Indian Hill Lane told the Commission that the area always had wetlands, and there was always a pond with fish, maybe even turtles. When the development went in, it was not brought to the correct grade. He said there is an intermittent stream behind him and one pond flows to the other through the stream. His lot had to be blasted to bring the grade down. The subdivision was originally proposed as a

ten lot subdivision but was rejected by the City. The developer came back with a nine lot proposal that was rejected; and he then went to the State and was approved.

Mr. Anderson moved to close public comment, seconded by Ms. Hickey; and then voted unanimously in favor.

Mr. Pawlina said he would like to remove the stones and re-delineate the wetland line before the 10' buffer is established and then go forward with the other steps proposed. He said the stones are going to be moved for the project any way. Ms. Murphy asked if it was all the cobblestones from the edge of the pond up to the house. Mr. Nerden said he would rather continue the hearing and get a plan back showing the delineation before approving work to go forward. Ms. Murphy summarized what the Commission would want done to move forward: issue an Order of Conditions to allow work to be done as outlined in Mr. Pawlina's plan and procedures outline A, B & C, the wetland line to be delineated and a member of the Commission to review the line and approve a plan at the next meeting. Boundary to be marked as outlined in the FOC.

The wetland scientist report was referred to for suggested plantings. Mr. Pawlina said they would like the Order of Conditions to be issued so they can buy and install the plantings before it gets too late in the season.

Mr. Anderson asked if it was the applicant's intention to close out the FOC. Mr. Pawlina said, no. Mr. Doucette advised the applicants that if the FOC is recorded they may have a problem when they go to sell.

Members discussed having the delineation done under an Enforcement Order and discussed the wording for the steps to be taken.

Mr. Fogarty stated his frustrations of having further meetings. He feels that they could delineate the line and stay 10' away. Ms. Murphy said that a problem exists and needs to be taken care of.

Mr. Doucette moved to issue an Enforcement Order tomorrow pending review of the language between Mr. Doucette and Mr. Nerden for steps to be taken. Mr. Anderson seconded the motion; and it was voted 5-0.

Bills & Invoices

Mr. Anderson moved to pay the bill from Cassidy Construction in the amount of $2,600.00 for installing the recycled asphalt in the Flagg Acres parking lot; seconded by Mr. Nerden, and voted unanimously in favor.

Grant Money

Ms. Murphy talked with the City Auditor, Mr. Delarusso, about grant money the Commission received from a Lakes & Pond Grant, discovered on the 2007 budget sheets in

the amount of $10,509.99, that now is no longer available. Mr. Delarusso asked Ms. Murphy to find the paperwork on the grant. Ms. Murphy told him she would do due diligence to find the grant information.

Adjourn

Mr. Anderson moved to adjourn the meeting at 10:00 PM. Mr. Nerden seconded the motion, and it was voted 5-0 in favor.