

Melrose Conservation Commission

Minutes for October 21, 2010

Present: Susan Murphy, Kevin Anderson, Kate Hickey, Richard Doucette, Joe Nerden and Steve Locke

Staff: Kathy Morgan

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

Bills & Invoices

A bill in the amount of \$518.00 was received for the FY11 membership in MACC..

Mr. Nerden moved to pay the membership invoice from MACC in the amount of \$518.00.

Ms. Hickey seconded the motion; and it was voted unanimously in favor.

Minutes

Mr. Nerden moved to approve the minutes of January 21, 2010, as corrected. Mr. Doucette seconded the motion; and it voted unanimously in favor.

Mr. Doucette moved to approve the minutes of June 3, 2010, as amended. Ms. Hickey seconded the motion; and it voted unanimously in favor.

Mr. Doucette moved to approve the minutes of July 1, 2010. Mr. Nerden seconded the motion; and it voted unanimously in favor.

Mr. Nerden moved to approve the minutes of July 8, 2010. Mr. Anderson seconded the motion; and it voted unanimously in favor.

Mr. Doucette moved to approve the minutes of September 16, 2010. Mr. Anderson seconded the motion; and it voted unanimously in favor.

Correspondence

- **Mystic River Watershed – Superfan.** Ms. Murphy explained to members that the Mystic River Watershed is looking to get individuals from each community to spread the word of the ongoings of the group and give some feedback. Kathy was asked to correspond with them and forward their incoming emails to the Friends of the Commission group, which she is doing already. A request for a volunteer within the Friends of the Commission will be sent to attend meetings and act as co-Superfan.
- **Wildlife Brochure**
- **Friends of the Fells**

- **DCR yearly Operational Plan**

Sewer Relocation Borings

DPW advised the Commission that they plan to do borings at the High School for a future project to relocate the sewer line, now under the High School football field (to change alignment to go around the field). The borings will be 6" wide and 20' deep. All material that can, will be put back in the hole and any remaining will be taken off site.

Continued Public Hearing

Mt. Hood Golf Course – ANRAD (217-0179)

Present for the hearing was; Joan Bell, Superintendent of Parks, Michael Interbartolo, Chairman of the Melrose Park Commission, Curt Young, from Wetlands Preservation, Inc. and Robert Weidknecht and Stacy Minihane from Beals & Thomas. Chair reviewed what has happened so far with the project; the initial Public Hearing with presentation from Beals & Thomas, a site visit, selection of a peer review consultant - Curt Young from WPI, a report was submitted from WPI, a response back from Beals & Thomas and WPI's response to Beals & Thoams' response. Mr. Young gave the Commission a presentation on his report outlining the areas on Beals & Thomas' plans. He said it is a very good delineation and that only one flag was changed, although some were torn off. He connected flags 52 & 51 to establish the BVW. Mr. Young explained that there were some areas that were designated Isolated Vegetated Wetlands. He feels that IVW 2 and IVW 4 are hydrologically connected, not isolated and, therefore, should be listed as BVW. He said that IVW 3 wraps offsite.

Vernal Pool Classification – VP1, he said would not be certifiable because only one wood frog was sighted and that would not be enough under the standards from National Heritage. Another vernal pool in the area is on private property and, therefore, has not been determined.

Floodplain – Mr. Young said there is no elevation for the floodplain at First Pond and there could be potential for BLSF (Bordering Land Subject to Flooding). He said there is a buffer zone associated with bank for the pond close to the Club House.

Pond 1 & Pond 2 – Mr. Young said that to the east the two ponds are somewhat connected by a rip rap stream channel, which is close to flat and may flow either way. He said the delineation and setbacks look good, although there may also be land under water and bank on site that have not been determined. Stacy Minihane from Beals & Thomas said the wetland to the west was not identified as a vernal pool. There was a misunderstanding of the buffer to the vernal pool. She said the 200' would go offsite. She said they are only asking that the outer edge be confirmed. Beals & Thomas representatives said that the plan will be changed to reflect the correct 200' buffer to the vernal pools, whether the vernal pools are certifiable or not. Mr. Nerden questioned the site in terms of flooding. Mr. Young said that First Pond would be the only concern because Pond 1 & 2 are so steep that any

flooding would stay close. He said the parking area is of concern. Chairman Interbartolo said that First Pond has controls for flooding.

Mr. Weidknecht from Beals & Thomas suggested that if the plan goes forward and work is required near First Pond, the Commission would need a determination. Mr. Doucette suggested approving the plan but stating on the plan or in the ANRAD that "does not include BVW 3". Chairman Interbartolo suggested confirming the flagging but not the determination of the vernal pool and would need to revisit depending on work in that area.

Mr. Nerden wanted a note inserted in the revised plan outlining what is not being approved.

Mr. Nerden moved to continue the Public Hearing to November 18, 2010 at 7:45 PM. Mr. Anderson seconded the motion and it was voted unanimously in favor.

Public Hearings

1 Indian Hill Lane (217-xxxx)

Tom Paulina, from ATP, was present along with the homeowners, the Fogartys. Mr. Pawlina advised members that this house was part of a subdivision from the 90's and the Fogarty's bought the property in 1998. Mr. Pawlina said the owners are looking to sell the house and would like to improve the backyard. Stone was placed in the back over filter fabric down to the wetland pond. A copy of the subdivision plan was shown. The wetlands were recently delineated and 9 flags are shown on the bank of the pond. Stones that run from the back of the house down to the ponding area, have slowly migrated down into the ponding area. Mr. Pawlina proposes to install grass as far down to the wetland as possible. He says that neighbors have installed grass down to the wetlands edge, supposedly under a wetland permit. The owners would like to take the stone back out of the wetlands and establish a 4' BVW. They would install silt fence and haybales. They would like to remove all stones 1-3" in diameter and the filter fabric underneath, re-grade with a rake and apply 4 inches of loam and sod. Once the sod has taken, they would then take out the silt fence and haybales and replace with an 18" high by 2' wide fieldstone wall.

Mrs. Murphy advised members that prior to filing for this work the homeowners were under an Enforcement Order to remove the cinder block wall along the edge of the pond that they had started building. The homeowners have been very cooperative and removed all the materials. Mrs. Murphy asked Mr. Pawlina if the elevations have been surveyed. Mr. Pawlina said the contours have been transposed from the original site plan. Ms. Murphy asked about contours and topography because she questioned as to whether there is a rise before the headwall, and the ponding in the wetland, whether there is a blockage. Mr. Pawlina said he believes there is some collected debris and that could be part of the removal process. He believes the area is a pool of some depth year round. Mr. Pawlina said that whatever removal is done is going to be done by hand. Ms. Murphy asked if there is a

drainage easement? Mr. Pawlina believed the headwall was on city property, but later realized that it is on the Fogarty's property. The plans show a conservation restriction, but not a drainage easement. Mr. Pawlina doesn't know whether there is a conservation restriction on the deed. The previous filing for this site is missing from the Conservation files so it's unclear how far the house was proposed from the edge of wetlands. There is mention in the Community Planning determination that a member of the Conservation Commission was present at some of the meetings and that there was a Superceding Order issued from DEP.

Scott Kenworthy and his brother Eric were present. They abut this property at Lots 6, 7, & 8 Boden Road. Scott said that he is not against the project, but if the cinder block wall was not discovered, the wall would be up now. He said that other neighbors didn't grade their property as approved and he's not sure of the elevations. Also, he said town water is going into the wetlands from the sprinkler systems. He doesn't feel that the homes were built to spec. He stated his concerns about them taking materials out of the wetlands

Ms. Murphy said that the Commission would want to assure that a Certificate of Compliance has been issued on the prior filing from MCC and a Certificate of Compliance for the Superceding Order from DEP. More information is needed regarding the previous filing perhaps from DEP or the Registry of Deeds.

Patricia Finney, Indian Hill Lane, stated her concerns with the flow of water into the culvert. She says that the builder was cognizant of the wetlands and went through the proper channels, but the Fogarty's house was not built by the same builder as the rest of the subdivision.

There was some discussion about removing debris, and whether there is a blockage or bottleneck in the stream flow that is resulting in the high water level. It was decided that no work should take place.

Mr. Doucette moved to continue the Public Hearing to November 4, 2010, at 7:45 pm, seconded by Mr. Nerden, and voted unanimously in favor.

Certificate of Compliance

1 Patriot Way/99 Penny Rd. (217-0176)

Arthur Giangrande, the developer and Mr. Vogel, the new homeowner were present. Mr. Giangrande said there is some minor ponding, a dip of about 2-3 inches, on the left side of the house just below the retaining wall. He said it is minor and doesn't affect the overall grading of the site, just a low spot. On the original plans, three walls were shown, now shown is two small walls and the grading is flatter, done Mr. Giangrande said, to halt the runoff. Members were in favor of the new grading. Mr. Vogel said that the water was ponding and came through his casement window into the basement. Mr. Giangrande said that was after Mr. Vogel tried to fix it. Mr. Giangrande said the ground is too wet now, but

he will fix it. Mr. Vogel said he had a landscaper out and was told that the pressure on the walls would cause the walls to break. Mr. Giangrande said that when the yard gets a little harder, he will go in and cut down the grade so it flows around the house. He said the erosion from the walls will stop once the ground has settled. Mr. Giangrande said Mr. Vogel's issues are just minor issues and don't affect the general project. Mr. Vogel said he doesn't expect it to be perfect, but disagrees that the ground needs to settle and he has a report from an expert. The report says that frost could make the walls worse. Mr. Giangrande said he will fill the gaps where the soil is coming out. Ms. Murphy said that the site is unstabilized and there is additional work to be done on the grading and it would be premature to issue a Certificate of Compliance at this point. Mr. Giangrande said that he has gone above and beyond what was expected of him by placing stone on both sides of the driveway. Members discussed the materials used in the walls and said that if filter fabric wasn't used within the boulder wall, material will continue to wash through. Mr. Giangrande will come back to request a Certificate once the work is completed.

Melrose Towers

Mrs. Quigley sent an email to the Commission about her prior attendance at a Commission meeting where the residents of the Towers stated their concerns about the wetlands encroaching into the pavement at the complex. The DPW has been approved to go in and cut down the reeds in the fall, and it was said that round up can be used on the weeds growing up in the pavement

Adjourn

Mr. Anderson moved to adjourn the meeting at 9:45 PM, seconded by Mrs. Hickey, and voted unanimously in favor.