

Melrose Conservation Commission

Minutes for July 1, 2010

Present: Susan Murphy, Kevin Anderson, Joe Nerden and Richard Doucette

Absent: Kate Hickey and Steve Locke

Staff: Kathy Morgan

The Chairperson called the meeting to order at 7:35 PM

New Correspondence

A copy of the new Open Meeting law was given out to all members.

Certificate of Compliance

325 Swains Pond Ave. (217-0164)

Mr. Steward, the homeowner, was present. At the last Public Hearing, Mr. Doucette thought that the wall depicting the limit of activity, the location of the erosion controls, had been extended back farther than what was approved. Mr. Steward said the wall had been extended because the area had been disturbed to create an access road and the wall was extended to maintain and stabilize that area. He said that the area is now stabilized and the wall, showing the limit of activity, will always be there in perpetuity. Mr. Steward said they don't plan to do any work beyond the wall. No additional setbacks were outlined in the Order of Conditions other than what is shown on the approved plan. The plan shows the wall 8' from the edge of wetlands.

Mr. Doucette moved to issue a Certificate of Compliance for work satisfactorily completed. Mr. Anderson seconded the motion, and it was voted unanimously in favor.

7:45 PM Public Hearings

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

John Thomas, Jr., from Beals & Thomas and Michael Interbartolo, Chairman of the Parks Commission were present as the applicants. A sign-in sheet is attached for those others in attendance. The Chairperson began the hearing by explaining to the public that this Public Hearing was only for A Notice of Resource Area Delineation, which is to establish and delineate the wetlands at the property and not for any specific project. A feasibility study was done. Mr. Thomas went over the resource areas. The first resource area they looked at was the bordering vegetated wetland associated with First Pond. The second area reviewed in a counter clockwise direction is the Hole #17, isolated vegetated wetland under the local bylaw. There is a potential vernal pool located, east, IVW #1, where a number of field analysis was done to look at vernal pool species and confirmed that there were no vernal pool species in

that location. Shown in purple is the one potential vernal pool that they did find species within there that did meet the criteria for certification. They have shown the local associated 200' buffer zone to a vernal pool. Also associated with that is a BVW, 51-59 flags with a 100' buffer delineated. Next there is an intermittent stream channel, meeting the criteria for the Wetlands Protection Act as well as the local Ordinance, shown at flags 59 – 87, heading down towards Towners Pond. IVW #3, flags 98-106. The tower area, located between holes #11 and #12, north and east, of #12, flagged the edge of what is considered a pond because of the volume and area of it. An intermittent stream channel runs between them that doesn't flow very often, but does have a hydrologic connection, so associated with that is a buffer zone.

Mr. Doucette said that he recalled some thick vegetation within the area of the pond and he asked Mr. Thomas if he is considering that vegetation within the pond area, and therefore, doesn't have it's own bvw. Mr. Thomas concurred and said the resource area itself will have bordering land subject to flooding and have wetland species, such as common reed, cattails, so there is a wetland trench to those ponds. Mr. Doucette asked if the intermittent stream had its own flags. Mr. Thomas said yes, flag 59, just beyond the vernal pool itself and then down to flag 87, down towards Towners Pond. Mr. Doucette asked if that was the edge of the stream channel, but the edge of vegetation. Mr. Thomas said in most cases they are wetland flags, and there are a couple that are labeled "B", bank flag, where the wetland disappears.

Mr. Thomas said the first wetland flag is off the parking area near Flagg Acre where a drainage pipe exists and then the wetland resource area follows the edge of the pond. Mrs. Murphy was concerned with where the stream channel from First Pond to Towners was on the plan and how far away the IVW #3 is located and if it was hydrologically connected. Mr. Thomas said the topography in that area goes up and down, so it may be a little hollow. Mrs. Murphy would like the line brought up farther. Mr. Thomas said that is way beyond their limits for the project.

Mr. Doucette asked who did the delineation. Mr. Thomas said John Thomas, Jr. and Stacie Minnehan. Their qualifications were sent earlier. Mr. Anderson asked about the markings for the ledge in the area. Mr. Thomas said they didn't flag the ledge they just surveyed it. There is a lot of ledge in the area. Mr. Anderson asked if areas where the Slope Protection Act would come into play were looked into. Mr. Thomas said, no. Mr. Nerden questioned the intermittent stream disappearing. Mr. Thomas said what he thinks is happening is that it's finding its way through the rocks.

Mr. Doucette advised the audience that members of the Commission have been out to the site 2 – 3 times, one of those times being in April. Mr. Nerden asked if IVW 2 extends under the fair way? Mr. Thomas said, very close. Mr. Nerden asked if there was a hydrologic connection? Mr. Thomas said, no, because it is an isolated wetland. Members talked about a ditch or catch basin in the area of Hole #16. Mr. Nerden said it would be nice to see how the hydrology works in the area. Mr. Doucette noted that topography work was done and that there is another sheet showing the context of the area. A water elevation of 174.4 was taken at certified vernal pool #1270, but they are not asking the Commission to agree with this area because it is not within the project boundary.

Mr. O'Connell said that IVW not determined to be a certified pool. What would trigger a peer review. Mr. Nerden said he would like to have a peer review. Mr. Doucette said that he has looked at many vernal pools and he feels they have done their job, but would go along with the Commission's decision. He said that now would not be a good time of year to evaluate a vernal pool. He agreed that the determination should be accurate, because the established line would be good for three years.

Mr. Whipple, at 93 Altmont, said he is concerned for safety reasons. He asked if Stacie is a wetland scientist. Mr. Thomas said, yes. He asked if the Commission could extend the buffer zones because it is a sensitive area. Chair advised him that the buffer zones are outlined in the Ordinance and are not discriminatory.

Ms. Blumenthal, at 50 Stillman Rd., asked about the peer review and what the constraints involved are? Chair said, the Commission would have to have a finding to justify continuing the proceedings over 21 days. Mr. Nerden said that he would like a peer review to verify the wetland lines and the hydrology.

Alderman Mortimer noted some areas of concern. He said that in the area of Hole 17 there is a spring that exists and comes down into First Pond. He also said that he believes there is a vernal pool in the area of Coffers Dam towards Towners Pond. He also said that at the bottom tip of First Pond is an intermittent stream which was not identified. He would also be interested to learn the hydrology of the area. He spoke of a cave with running water. Alderman Boisselle said that he was disappointed that a third party wasn't used, and would also like to see a report from a hydrologist to show the interconnections.

John McDonald, 219 Laurell St., feels that there is a conflict of interest to have the same consultant as the previous study that was done. He would like the Parks Commission to go back and review park areas. He wants the Commission to reject the study and have them do another comprehensive study of the whole park. Mrs. Murphy said that there is no grounds to do that now. The Commission can decide to have a peer review done. Members discussed having a peer review. Mr. Anderson said it may be necessary to have a second phase for a hydrology study. Mrs. Murphy said the applicant could start with his representative to supply hydrology information. She said there are a lot of isolated wetlands and would like to see how the drainage flows. Mr. Interbartolo, Chair of the Parks Commission asked if she meant just the surface water? The applicant was asked to give topography and drainage patterns.

A site visit was scheduled for July 8th at 5:30 PM at Mt. Hood Golf course, to meet at the tot lot.

Mr. Anderson moved to continue the Public Hearing to the site visit at Mt. Hood Golf course and after that to August 19th in the Mayor's Conference Room. Mr. Nerden seconded the motion, and it was voted unanimously in favor.

99 Penny Road (217-0176)

The owner, Arthur Giangrande, and Paul Zanotti, were present. Mr. Giangrande is looking to get an Occupancy Certificate from the Building Inspector and, therefore, needs to get a signoff from Conservation. Members reviewed pictures taken of the site earlier in the day and discussed what still needs to be taken care of for a Certificate of Compliance;

1. Clean up detention basin to left of Patriot Way
2. Association Agreement which outlines maintenance for detention pond (Planning has a copy within their documents).

Mr. Nerden commented on the swale that runs down Patriot Way. Mr. Giangrande said they are putting curbing along the roadway. Mr. Nerden asked that haybales be placed on the rip rap along the lot line until the curbing is done. Mrs. Murphy and Kathy will settle administratively with the Building Dept. for an occupancy permit. Mr. Giangrande will submit a letter stating that the new buyer is aware of the open Order of Conditions.

Trails

Alderman Boisselle asked if the Parks Commission is working with the Conservation Commission on the trails at Mt. Hood. Mrs. Murphy said there have been some talks and that NEMBLA has been brought in. Mr. Boisselle said that NEMBLA may be moving into the Mt. Hood trails because they might have been kicked out of Lynn Fells. Mrs. Murphy said she personally hasn't seen any damage to the trails and doesn't feel that the Commission should keep out special groups.

East Knoll (217-0180)

New plans were submitted dated June 16, 2010. Matt Shuman will stamp plans when his stamp comes in.

Mrs. Murphy moved to close the Public Hearing and issue an Order of Conditions with the standard conditions, plus a special condition as discussed at the last meeting. Mr. Anderson seconded the motion, and it was voted 3-1, Mr. Nerden against.

Invoices

Minutes

Mr. Doucette moved to approve the minutes of January 21st, March 18th, April 1st, April 15th, 2010. Mr. Anderson seconded the motion, and it was voted unanimously in favor.

10 Windsor St. (217-112)

Mrs. Murphy moved to issue a Certificate of Compliance for 217-112, as amended. Mr. Anderson seconded the motion, and it was voted unanimously in favor.

Adjourn

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

Approved _____ Dated _____