



CITY OF MELROSE

CONSERVATION COMMISSION

Melrose Conservation
Commission

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Melrose Conservation Commission Minutes for December 18, 2014

Present: Susan Murphy, Richard Doucette, Aaron Weieneth, Kevin Anderson, and Kate Hickey

Absent: Michael Paiewonsky

Ms. Murphy, as Chair, called the meeting to order at 7:30 PM.

22 Leonard Rd.

A meeting was held in the Mayor's Conference room with the Mayor, Mrs. Fredericks, Alderman, Peter Mortimer, Susan Murphy, and DPW representatives. It was concluded that an arborist would be hired to go out to the Conservation land next to 22 Leonard Rd. and determine if the trees were a safety hazard, dead or could be trimmed back further without endangering them. A site visit was held at the Conservation land to review the condition of the trees. Steve Devoe, an arborist from Valley Crest Tree Care Services, was present along with two DPW representatives, Mrs. Fredericks, Alderman Peter Mortimer and Kathy Morgan from the Conservation Commission. Mr. Devoe submitted a report to the Commission and after some discussion members agreed to go along with the arborist's recommendations, but would like to review the site later for other plantings or other trees to replace those taken down. DPW will be notified to post notices on the 1st and 3rd tree to come down and the Commission will decide in the spring what to replace with.

Mr. Scenna was asked about the process and if there would be a tree hearing. Mr. Scenna advised that the trees to be removed would be marked. If there were any objections, a meeting would be held on site and if any issues could not be worked out there would be a formal hearing. He said he could get trees for the site when they order trees in March.

Public Hearing

1 Mill Road – Request for Determination

Andy Street, the City Engineer, John Scenna, DPW Superintendent, Rob Van Campen, City Solicitor, and George Pucci, Attorney for the Insurance Company for the City, were present. Mr. Street reviewed the site and went over the history of the site. ATP Environmental flagged the wetlands, roadway, and existing conditions. The end of the driveway is to be flared and widened. A new 24" pipe will replace the existing 18" pipe. The driveway will be raised and gravel put over it. The invert will be kept at the existing level. The original proposal called for a tree to be removed. The tree will remain now. There will be a flared area at the end of the pipe with riprap. A report was submitted outlining the watershed in the area.

Mr. Doucette commented on the length of the 20' pipe. Mr. Street said it is the same size as the

pipe currently in place. They will be extending the pipe for flared ends. Because of the widening of the driveway, causing a loss of wetlands, with no replication proposed, members felt they couldn't approve the project as proposed. Mr. Pucci explained the many ways that the City was at fault with the altering of the wetlands. He has come to a settlement with the plaintiff and feels if the City had to go back to court, it could be detrimental to the City. The plaintiff is adamant on getting a 16' driveway. Members felt if they approved, it would be appealed by DEP.

Mr. Anderson asked the Attorney if there was any clause if the determination was challenged by DEP would that ruin the settlement?

Mr. Weieneth said full transparency is best. The Request for Determination says no widening, but there is. He would encourage the City to file a NOI and supply a hydraulics analysis report with an accompanying study to determine no downstream impacts. If the Commission were to approve the project as is, it may be subject to future scrutiny from DEP.

Mr. Doucette asked if there was a time limitation. Mr. Pucci said he has to go back to court on January 6th. He said, if DEP appeals, then the plaintiff would have to deal with that.

Mr. Weieneth asked Mr. Street if the city has studied downstream. Mr. Street said, no, they did not go all the way down.

Members felt the best way to resolve the problem was to issue an Enforcement Order to remedy the unauthorized placement of the pipe which resulted in flooding the property. The Commission would like the City to look further downstream and report on any impacts.

Mrs. Murphy moved to issue an Enforcement Order requiring the City to fix the drainage at 1 Mill Road which would include replacing the 18" pipe with a 24" pipe and include replication of any filling of wetlands and impacts of downstream, the exact wording to be determined within the week. Mr. Doucette seconded the motion; and it was unanimously voted in favor.

The City will withdraw the Request for Determination. Mr. Street was asked to submit his withdrawal in writing.

Minutes

Mr. Doucette moved to approve the minutes of October 2, 2014, October 16, 2014 and October 16, 2014, Executive Minutes. Mr. Weieneth seconded the motion; and it was voted unanimously in favor.

Knox Trail entrance cleanup

Mrs. Murphy will review the trees marked and after approval, Valley Crest Tree Care Services will be hired to remove the downed trees and those marked on site.

Mr. Doucette moved to adjourn the meeting at 9:15 PM, seconded by Mr. Anderson; and voted unanimously in favor.

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
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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.