

Public Service Committee

Chairman Infurna, Wright, Boisselle
Absent: Heavey, Brodeur
Attending: Buonopane, Conn,
Seaboyer, Tramontozzi, Mortimer
In attendance: Conservation
Commission Chairman Susan
Murphy

Public Service Committee called to order by Chairman Infurna at 7:34 p.m. Alderman Boisselle motions to open Public Participation, 2nd by Alderman Wright. All in favor. No one comes forward. Alderman Boisselle motions to close Public Participation, 2nd by Alderman Wright. All in favor.

Order No. 07-008, Amending Melrose Revised Ordinances, Chapter 15, Article II by adding Section 15-10. Wetlands Protection Ordinance as set forth herein. Alderman Boisselle says the committee just received the packet of information this evening and has not had the chance to review it; he motions to place on hold, 2nd by Alderman Wright.

Chairman Infurna says the Conservation Commission Chairman is here and asks her to comment on the changes made since the last committee meeting. Ms. Murphy says in response to discussions with the Planning Board, the Conservation Commission would like to propose some modifications to the Ordinance currently before the Public Service committee. Specific suggestions of the Planning Board were to define calendar days versus business days, and to better define the term pond. Other changes made were in response to the Planning Board's confusion with respect to various provisions. The first substantive change is to increase the Commission's jurisdiction over resource areas substantially in Section 2 paragraph 2. Another modification clarifies the "No Construction" zone in Section 6A by stating that lawns and landscaping are permitted but buildings and structures are not. In Section 6.4 the volume of runoff was rather large, and it has been modified from "runoff from a 2-year storm" to "volume of 1 inch of runoff over the area of contributing impervious surface". Section 6.5 dealt with wetlands replications and was deleted in its entirety. The Conservation Commission will address it on an as-needed basis. Due to the Wetlands Protection Act, Section 7.1 was updated from having to notify abutters via certified mail (return receipt requested) to hand delivery of form of mailing providing proof of mailing. Lastly changes to several definitions were made in Section 11.

Alderman Conn asks how the proposal came about. Ms. Murphy says it came in response to particular needs in Melrose that are not well addressed by the state Wetlands Protection Act. There are many small wetlands that have been cut off from streams by the building of roads. The decrease in wetlands has resulted in the amount of flooding that occurs in Melrose. This proposal introduces set backs to wetlands that are not included in the state Act. Alderman Conn says the appeal process created in this ordinance goes to the superior court, and asks if that is the standard route to appeal; Ms. Murphy says yes. Alderman Conn asks if the review of the application by the Conservation Commission would be arbitrary and capricious; Ms. Murphy says yes. Alderman Conn refers to Section 3 and asks if hereunder the Conservation Commission is granted the ability to require that people seek permission to hire a consultant; Ms. Murphy says yes. Alderman Conn asks how many experts are needed in the application

process in Section 5.2. Ms Murphy says it is usually handled by a wetlands scientist and a civil engineer. Alderman Conn asks Ms. Murphy to describe the interaction of the No Disturbance Zone and the No Construction Zone in Section 6.1. Ms. Murphy says the No Disturbance Zone is measured 15 feet away from the wetland and the natural habitat must be maintained. It cannot have a lawn. The No Construction Zone is measured 20 feet away from the wetland and allows a lawn but no buildings. Alderman Conn asks if the Conservation Commission determine further setbacks. Ms. Murphy says it can on a case-by-case basis. Alderman Conn asks if the descriptions of Wildlife Habitat in Section 6.3 are statutory terms; Ms Murphy says yes. Alderman Conn asks if cutting down a tree would not constitute the loss of critical wildlife habitat; Ms. Murphy says no. Alderman Conn says Section 7.4 grants the power to the Conservation Commission to conduct investigations and asks what that entails. Ms. Murphy says it gives them permission to walk on land under application. The general practice is to notify the owners in advance. Alderman Conn asks if the investigation constitutes a walk-through or site testing. Ms. Murphy says that construction sediments must be kept on site for the Conservation Commission to view but that generally the inspection is not invasive. Alderman Conn asks what Section 10, Regulations, intends for the Conservation Commission to do to promulgate rules and regulations. Ms. Murphy says it is her understanding that the Conservation Commission would have to come before the Board of Aldermen for approval of any such rules and regulations. Alderman Conn asks what proportion of the City is covered by the expansion of the Conservation Commission's jurisdiction. Ms. Murphy says it is pretty minimal and mostly deals with buffers to vernal pools in the Fells and isolated wetlands. Alderman Conn asks about Section 14, Enforcement. Ms. Murphy says this would enable the Conservation Commission to ticket and issue fines to violators without going through the DEP process. Alderman Conn asks if public safety officials are able to assist in the enforcement; Ms. Murphy says this section was taken from a model and if the Conservation Commission needed assistance from the Police department they could get it.

Alderman Buonopane asks if the proposed ordinance changes the definition of wetlands as the state defines it. Ms. Murphy says this change makes it so that a wetland not located next to a stream becomes a jurisdictional wetland. Alderman Buonopane says it could be argued that many single homes would now become wetlands and that this definition could hinder people from doing work that is allowed today. He would hate to see the expansion of the Conservation Commission's jurisdiction used in the wrong way. His concern is that the definition in this Ordinance differs from the state's definition. Ms. Murphy says it is not the Commission's intent to change the way a wetland is determined nor is the definition expanding. This defines a wetland that may no longer be bordering a stream. Alderman Buonopane says he is very worried about this definition.

Alderman Boisselle says there is a difference between wetlands and flood plains in which many single family homes are located.

Alderman Boisselle motions to place the matter on hold, 2nd by Alderman Wright. All in favor.

Alderman Boisselle motions to adjourn, 2nd by Alderman Wright. All in favor.

Public Service adjourns at 8:09 p.m.

Finance Committee

Chairman Boisselle, Wright, Infurna,
Brodeur
Absent: Heavey

Finance Committee called to order by Chairman Boisselle at 10:10 p.m. Order No. 07-093, TRANSFER Amount: \$2,851.00 From: A/C #013012-547100 - Regional School Assessment To: A/C #015112-529000 - Health, Professional Services These funds are necessary to pay for the indoor air testing of the Hoover School.

Alderman Brodeur moves to recommend, 2nd by Alderman Infurna. All in favor.

Alderman Brodeur motions to adjourn, 2nd by Alderman Infurna. All in favor.

Finance Committee adjourns at 10:13 p.m.

There are no orders in the Committee on Legal and Legislative Matters to be acted on.

Maribeth Harrington
Clerk of Committees