

Meeting Minutes, Jan 5, 2021

Malden Conservation Commission

Attending:

- M. Burne
- K. Zmijewski
- I. Slavitt (Acting Chair)
- K. Mazonson
- K. Kaba
- P. Buckley

Non-voting

- R. Roseen (Clerk)

Absent:

- G. Laskey

Vacant seats: 0

A virtual meeting of the Malden Conservation Commission (“ConCom” or “Commission”) was held via Zoom video call.

1. The meeting was called to order at 7:03 PM. The roll was called and it was determined that a quorum was present.

RDA - MBTA Right-of-Way Operated by Keolis Commuter Services

2. A motion was made and seconded to open the hearing for the Request for Determination of Applicability for the review of wetland map(s) along the railroad right-of-way (ROW) within Malden as part of the renewal of the five-year Vegetation Management Plan (VMP). A voice vote was taken and the motion clearly passed.
3. Clary Coutu, Director of Environmental Services for Keolis Commuter Services, and Matt Donovan for Fair Dermody Consulting Engineers gave a brief overview and goals of the VMP, the site, and the maps included in the RDA application.
4. Mr. Burne asked Mr. Donovan and Ms. Coutu if they were aware of MACC’s and MSMCP’s guidance recommendations for these RDA filings by Keolis.
5. Ms. Coutu said she issued a guidance document to all the commissions in September of 2020, in which it states how Keolis interprets the guidance from MACC and MSMCP and added that they want to be more transparent with the communities they service or go through.

6. Mr. Slavitt asked what kind of work would be exempt from a positive 5 determination.
7. Ms. Coutu said that they are looking for mechanical and chemical controls, but mostly the chemical spraying only happens in these very limited areas and if the areas don't need to be sprayed then they won't and is based on a yearly interval. She added that if there is no vegetation encroaching on the railroad, the area is wet, or if the areas don't need to be sprayed then they won't be sprayed. She added that this is for the safety of the track structure and the public and has to abide by federal regulations.
8. Mr. Slavitt asked if she could talk more about the mechanical controls.
9. Ms. Coutu said that a majority of the railroad in Malden does not have large trees or overhanging branches so it would mostly be brush control close to the ground.
10. Mr. Slavitt asked about the determinations made by Malden's neighboring communities.
11. Ms. Coutu and Mr. Donovan said that Everett issued a negative 2 determination, Melrose issued a negative 5 determination citing 10.03 & 10.58 exemptions, Saugus issued a negative 2 determination.
12. Mr. Mazonson asked if the map that was prepared for this application checked with a more recent FEMA map stating that FEMA maps can possibly change.
13. Ms. Coutu said that the FEMA flood maps represent areas that over time can be flood zones depending on the zones and built up areas you have. They look at the resource areas as they are now, stating that even in areas without any restrictions they won't spray if there was a recent rain event where there are puddles present. They use layers from USGS and MassGIS.
14. Mr. Mazonson asked about the chemicals used and how harmful they are to people.
15. Ms. Coutu said that any chemical is potentially harmful to humans, but the chemicals used are chemicals approved by the state for use in sensitive areas. She added that they cannot use chemicals that have not been approved by the state and the chemicals that are approved for use are listed in the VMP and that these approved chemicals go through an extensive process of approval by the state.
16. Mr. Mazonson said he was worried about the close application to neighborhoods.
17. Ms. Cloutu said that they have best practices for areas that see a lot of foot traffic such as platforms, stations, and even railroad crossings. She added that contractors are bound by legal obligations to follow these and stated that the public has the right to request an investigation by the state if they feel in any way that the chemical application has an impact on them.
18. Mr. Buckley asked if they do not spray high trafficked areas at all or just during certain times of the day
19. Ms. Coutu said that it is difficult in highly populated areas especially around Boston that they cannot really spray and rely mostly on mechanical means, but added that they can sometimes angle and put the booms of the sprayer close to the ground and just deploy mechanical means. She said they will not spray near stations or platforms.
20. Mr. Buckley asked if any one is notified when spraying happens.

21. Ms. Coutu said that the Board of Health, the Board of Selectmen, and the Commission are notified of the Yearly Operating Plan. In the Plan is the list of chemicals being used that year and that it is very difficult to have an exact date for spraying operations due to weather and ability to get track time, however it can be expected that spraying will happen sometime in the second and fourth week of May. She also added that a public notice does go out 10 days before the Yearly Operating Plan begins and the chemical application season begins and can be found in the Boston Globe.
22. Mr. Slavitt asked about if any surrounding communities have had a local provision/ordinance or by-law that would affect these RDA applications.
23. Ms. Coutu said that the MBTA as a state agency is not subject to local by-laws.
24. Mr. Slavitt asked if other communities have added conditions about trees, mentioning that Malden has little tree canopy and this is an issue that is central for many of our residents.
25. Ms. Coutu said that maybe fewer than 10% of communities have significant concerns about similar issues because they have trust lands or conservation trusts adjacent to the track structure. She added that they have had various discussions about how they identify trees and the methods used to take trees down that need to be taken down. There is a high level of safety risk for trees that may fall on to the tracks which could cause derailments and further damage and/or injury to the public. She added that they use a process for evaluating the health of the tree/canopy and only remove the trees and branches that pose a significant risk to the operations of the railroad.
26. Mr. Burne went on to ask about the map provided and whether there are any other resource areas given the map does not show anything other than riverfront area. Also if they have been delineated if the Commission is able to see those reports or maps.
27. Ms. Coutu said that these maps have been delineated and told the Commission that if members would like to field verify the markers along the tracks shown in the map, it can be arranged to receive training to be able to go on the railroad and see.
28. Mr. Burne asked when the last time a field verification had been done in Malden.
29. Ms. Coutu said she has been with the railroad for eight years and she has not done that.
30. Mr. Burne and Ms. Coutu continued discussing the possibility of conducting a field visit.
31. A motion was made and seconded to continue this hearing to the next meeting to allow time for public comment and a site visit by Commission members. A voice vote was taken and clearly passed.

Adjournment

32. A motion was made and seconded to adjourn. A voice vote was taken and clearly passed. The meeting was adjourned at 8:24 PM.

View full recorded meeting at: [ConCom Meeting - Zoom](https://cityofmaiden.zoom.us/rec/play/FSNCKD0BCVImDgXv6BqJAtpuj7qnITKg6S1pmxrr!znzCuoO5gIKP7ZlUGlr5VB1SvjOO8IZzgFW_qux.TrxXwqfKsevd523G?continueMode=true)
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