

Meeting Minutes, Feb 2, 2021

Malden Conservation Commission

Attending:

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

Non-voting

- R. Roseen (Clerk)

Absent:

- G. Laskey
- P. Buckley

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 7:02 PM. The roll was called and it was determined that a quorum was present.

Approval of Minutes

2. A motion was made and seconded to approve the minutes from the last two sessions.
3. A voice vote was taken and clearly passed. **RESOLVED** that the minutes from the December 15, 2020 and January 5, 2021 meetings were approved.

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

4. A motion was made and seconded to continue 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.
5. Mr. Slavitt asked the project representative to give a quick summary of the project/ VMP.
6. Mr. Donovan gave a summary of the VMP.
7. Mr. Slavitt asked Mr. Burne to give a brief summary of the site visit some members of the commission took on January 8, 2021.

8. Mr. Burne gave a quick summary of the site visit.
9. Mr. Slavitt asked Mr. Donovan which exemptions in the RDA that Keolis is seeking.
10. Mr. Donovan said that a Negative 5 Determination allows for certain applicable exemptions such as 10.02 and 10.58.
11. Mr. Donovan also said that a Positive 2a Determination can be included with the Negative 5 Determination.
12. Mr. Slavitt asked what the Positive 2a entails.
13. Mr. Donovan said that it is just a confirmation that the wetland maps provided are accurate.
14. Mr. Slavitt asked Mr. Burne if he saw any areas of special concern.
15. Mr. Burne said that after the site review he felt comfortable that the commission could issue the determination.
16. Mr. Slavitt asked if there were any members of the public that were on the call that have any questions or comments for Mr. Donovan on this RDA. There were no questions or comments.
17. A motion was made and seconded to issue a Negative 5 Determination citing as an exemption 310 CMR 10.02 (2)(a)(2):

“activities conducted to maintain, repair or replace, but not substantially change or enlarge an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sewer, telephone, telegraph and other communication services, provided said work utilizes the best practical measures to avoid or minimize impacts to wetland resource areas outside the footprint of said structure or facility.”

and a Positive 2a Determination.
18. A voice vote was taken and clearly passed. **RESOLVED** to close the hearing and issue the Determination of Applicability (DOA) with the determinations discussed.

RDA- 100 Commercial St. Malden

19. A motion was made and seconded to open a hearing for a Request for Determination of Applicability (RDA) for the completion of an environmental remediation project under the Massachusetts Contingency Plan (MCP) on the property located at 100 Commercial St. Malden. A voice vote was taken and clearly passed.
20. Note: Mr. Burne has recused himself from this RDA hearing.
21. Charles Lindberg from GZA introduced himself as the representative for Mass Electric Company(national Grid) this project. Kim Degutis also from GZA and Aaron Townsley and Corey Shutzman from National Grid were also representing the project.
22. Mr. Lindberg gave a brief overview and background info on the project. The goal of the project is to achieve a condition of no-significant risk to human health and the environment and to get to a permanent solution.

23. Mr. Lindberg provided information into each part of the proposed project: in situ stabilization (ISS), an engineered barrier (EB), and excavation and backfill of localized areas of soil. He also noted that all work is subject to best management practices (BMP).
24. Mr. Slavitt asked why they submitted an RDA instead of an NOI for this work.
25. Mr. Lindberg said because they don't believe there will be any significant impact to the resource area as a result of this project. Ms. Degutis added that the areas of disturbance within the buffer zone are temporary.
26. Mr. Slavitt asked if the property owner would be open to having members of the commission conduct a site visit.
27. Mr. Mazonson asked what the time frame is for this project.
28. Mr. Lindberg said that it is currently expected to start this summer and take just under a year to finish. He added that it needs to be sequenced so the site can remain operational as it currently is.
29. Mr. Mazonson asked why it has taken 40 years for this to almost be finished.
30. Mr. Lindberg said that it is not unusual for complex sites like this to take 30 years or more to get to a permanent solution.
31. Mr. Mazonson asked who is responsible for checking the impact on the Malden River after they are done.
32. Ms. Degutis stated that the Malden River is completely culverted through the site and is completely enclosed. Mr. Lindberg added that within the Land Disturbance Permit issued by the City of Malden Engineering that sedimentation controls have to be monitored throughout the project and some post project monitoring.
33. Mr. Mazonson asked if there were any plans for National Grid moving out of the site anytime in the near future.
34. Mr. Townsley stated that there are no plans to move.
35. Mr. Zmijewski asked if this project is solving an immediate risk.
36. Mr. Lindberg said that there is no immediate risk under current conditions. However, MCP requires them to work towards a permanent solution.
37. Mr. Slavitt asked if a project like this comes with any sort of covenant for possible future property owners.
38. Mr. Lindberg said that under the MCP there is a requirement for a site like this to place a "activity and use limitation" which is effectively a deed restriction that requires any future owners be notified. He added that there are other specifics such as with the EB, it is to be inspected every year and submit some sort of memorandum.
39. Mr. Kaba asked if there is any significant hazardous material that they expect to find.
40. Mr. Lindberg said that the most hazardous material that they know they will find is a residual coal tar material. Added that they have collected hundreds of samples over the years so they think they have a good idea as to what they will find.
41. Mr. Slavitt asked if there were any members of the public that had any questions or comments.

42. Mr. Slavitt informed the representatives that the Commission would like to schedule a site visit with as many members as are able to make it.
43. A motion was made and seconded to continue this hearing to the next meeting currently planned for March 2nd. A voice vote was taken and clearly passed.

Chairman Vote

44. The Commission decided to table this item until the next meeting.

Informal Presentation for Fellsmere Park Improvement Project

45. Mr. Slavitt told the Commission that Prisco Tammaro will give the commission background and context to this proposed park improvement project and that this is not a hearing and there is nothing for the commission to vote on.
46. Mr. Tammaro told the Commission that there is a plan to submit an application to the Community Preservation CommitteeCPC for a master plan for Fellsmere Park.
47. Mr. Tammaro said that they would like the Commissions to review a draft of the master plan and provide any input but specifically for the pond issues.
48. Mr. Tammaro asked for some sort of letter of recommendation from the commission to include with their application to the CPC.

Adjournment

49. A motion was made and seconded to adjourn. A voice vote was taken and clearly passed. The meeting was adjourned at 8:08 PM.