

Meeting Minutes, March 1, 2022

Malden Conservation Commission

Attending:

- G. Laskey
- K. Zmijewski
- I. Slavitt (Chair)
- K. Mazonson
- P. Buckley
- K. Kaba

Non-voting

- R. Roseen (Clerk)

Absent:

- M. Burne

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.

Approval of Minutes

2. This item was stricken from the agenda.

NOI - 100 Commercial Street DEP File Number: 210-0101

3. This is a continuation of the hearing from the January 4th and February 1st meetings.
4. Karen Staffier of VHB gave a brief overview of the project.
5. Ms. Staffier went over the memo dated Feb. 17, 2022 they sent the Commission on the remaining questions from the previous two meetings regarding the ownership and maintenance of the culverts and easements on-site.
6. Question 1: What are the culverts/easements located on-site? Answer: The West End Brook and Malden River culvert are located on-site.

7. Question 2: Who maintains the culverts? Answer: Both the City of Malden and DCR have the right, DCR does maintain the culvert.
8. Question 3: Are the culverts in good condition? Answer: Yes, they are in good condition.
9. There was a letter from the City Engineer, Yem Lip, in which the city notes that no proposed structures shall impose on the City easement.
10. Patrick MacDonald, Esq. appearing on behalf of Boston Gas Company gave input into the matter before the Commission and recommended that the Commission only focus on the City jurisdiction, not DCR.
11. Mr. Slavitt expressed that culvert maintenance is relevant to where the proposed structure is placed.
12. Mr. Laskey asked who owns the culvert?
13. Attorney MacDonald stated that DCR and the City of Malden have joint operational control.
14. Mr. Laskey asked if they were building on top of the culvert?
15. Attorney MacDonald stated that there is no building on top of the culvert, but modest encroachment on DCR easement.
16. Mr. Mazonson asked who owns the land above the culvert and how do we have the right to grant easements if we don't know who owns it?
17. Ms. Staffier stated the Boston Gas Company owns the parcel but the City and DCR have easements for the culverts located on-site.
18. The easements were granted or taken before the culverts were constructed and before Boston Gas Company owned the parcel, likely when Malden Redevelopment Authority owned the parcel.
19. Mr. Slavitt opened the hearing to public comment.
20. Karen Buck, 323 Forest St, Malden would like to hear more about the runoff from the parking lot. 80% of the runoff will be filtered through cascade filters. Asked if there will be restricted salt use or any other chemicals such as phosphorus or pesticides.
21. Ms. Staffier replied that they are complying with the MA Stormwater Standards and that minimal fertilizers/pesticides would be used and standard salt application is expected.
22. Ms. Buck asked will the fence be removed to the small area along the eastern side of the property to maintain that area.
23. Ms. Staffier replied that the fence will be moved to the property line allowing access to maintain this area.
24. Ms. Buck asked if there will be regular water quality testing?
25. Ms. Staffier replied that it is not planned or standard to do testing. However, they will keep maintenance logs.
26. Mr. Buckley asked if they will provide the approval letter from DCR?
27. Attorney MacDonald replied that they will send it to the ConCom once they receive it.
28. A motion was made and seconded to close the hearing.
29. A voice vote was taken and clearly passed.

30. A motion was made and seconded to issue an Order of Conditions for DEP File# 210-0101 with the following special conditions:
 - a. The Conservation Commission shall be notified at least 48 hours before work begins and given the opportunity to conduct a site visit.
 - b. Before work commences, the Conservation Commission shall be provided with all documents pertaining to DCR's consent regarding their easement.
 - c. No permanent structures are to be constructed within the City of Malden's easement located on-site.
 - d. The final versions of all Operation and Maintenance Plans are to be provided to the Conservation Commission as soon as practicable.

Adjournment

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