

Meeting Minutes, August 12, 2021

Malden Conservation Commission

Attending:

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

Non-voting

- R. Roseen (Clerk)

Absent:

- P. Buckley
- 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.

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 June 1, 2021 and July 6, 2021 meetings were approved.

OOO Extension Fellsmere Pond DEP File #210-0073

4. A motion was made and seconded to open the hearing for the OOC extension request. A voice vote on the motion to open the hearing was taken and the motion clearly passed.
5. Joe Onorato from Water & Wetland gave a brief overview of his company and the current state of Fellsmere Pond.
6. Mr. Onorato explained that the OOC extension that was previously extended in the Fall of 2020 and was set to expire at the end of February 2021 was not expired due to paused tolling from the Governor’s emergency orders from the Covid-19 Pandemic. Mr. Onorato

laid out future options for management of the pond, including its water quality and algae/invasive plant management.

7. Mr. Zmijewski asked if there was money in the budget to get some baseline water quality testing done. Mr. Onorato replied that it would be a City question and that he would highly recommend it, and would help them make informed decisions for the pond.
8. Mr. Burne asked about the Curly Leaf Pondweed reproduction and if there is an opportunity to conduct treatment at the time of reproduction in order to reduce future impacts. Mr. Onorato replied that the Curly Leaf should be treated in April-May and added that many Cities wait until completely out in mid-June and at that time it is too late.
9. Mr. Burne asked if the Curly Leaf was an annual plant. Mr. Onorato replied that it is an annual plant and added that the seeds can lay dormant for years.
10. Mr. Burne and Mr. Slavitt asked if it was possible to create a longer term plan for the pond management. Mr. Onorato said that he needs water quality measurements in order to recommend any treatments and added that they could commit to a year-end report that describes the work that was completed during the year and what the plan is for the next year.
11. Mr. Onorato said that he would like to see a multi-year extension with a condition that an annual work plan be submitted and approved by the Commission before work starts.
12. Mr. Burne asked for Mr. Onorato's understanding of the existing order being valid until May of 2022. Mr. Onorato said that permits were tolled by MassDEP due to the emergency order in response to the pandemic from March 10, 2020 until June 15, 2021. How many days between March 10th and when the OOC extension was supposed to expire (February 27, 2021) gets added onto from the end of the emergency order. 344 days were added onto the extension, meaning that the current OOC extension does not expire until May 25, 2022. He added that he doesn't like to do work without the Commission knowing and being aware.
13. A motion was made and seconded to close the hearing. A voice vote was taken and clearly passed.
14. The Commission's consensus is that, due to the modified tolling, the current extension is still valid and work may be conducted immediately. Also it was agreed that a year-end report and extension request will be provided to the Commission well before the current extension is set to expire. The Commission will provide a letter confirming the tolling date and the new expiration date for the extension (see letter below).
15. A motion was made and seconded to provide a confirmation letter.¹ A voice vote was taken and clearly passed.

Associate Membership

16. This item was stricken from the agenda.

¹ See Appendix I for a copy of this letter.

Adjournment

17. A motion was made and seconded to adjourn. A voice vote was taken and clearly passed.
The meeting was adjourned at 8:02 PM.

To view the full recorded meeting please visit:

<https://cityofmalden.zoom.us/rec/play/WzAcxOKG5cPNElnMMGWpACCCIEGCEKzVXyvZ51VWt10IoMYj0HvEVRQ-A9behIIC4qCOvsuCykKpFIr4.z01ouutZFtLo914e?autoplay=true&startTime=1628808927000>

APPENDIX I – LETTER OF CONFIRMATION FOR WATER & WETLAND

August 13, 2021

MEMORANDUM

/S/ ISAAC SLAVITT

From: Isaac Slavitt, Chair
Malden Conservation Commission

To: Joe Onorato
Water & Wetland LLC

Subj: CONFIRMATION OF FELLSMERE POND OOC TOLLING

Refs: (a) Order of Conditions for Fellsmere Pond dated 28 Aug 2007
(b) Order of Conditions Extension dated 6 Sep 2017
(c) An Act to Address Challenges Faced by Municipalities and State
Authorities Resulting from COVID-19, Ch. 53 of the Acts of 2020
(d) Meeting of the Conservation Commission on 12 Aug 2021

Mr. Onorato,

In accordance with reference (c), we concur that the Order of Conditions (OOC) is not yet expired due to modified tolling. Until this OOC expires, you may carry out maintenance and pond management operations at Fellsmere Pond subject to the conditions laid out in reference (a).

As discussed in reference (d), we expect that you will keep us apprised, reengage with us well in advance of the expiration date, and come to that meeting with a longer term plan that can be discussed in its particulars.

Please do not hesitate to contact me with any questions.

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