

**METHUEN CONSERVATION COMMISSION**  
**Minutes of Meeting – January 4, 2007**

The City of Methuen Conservation Commission held a public meeting on January 4, 2007, at 7:00 p.m. in the William Quinn Public Safety Building, Sanborn Hall. Present for this meeting were John Wilkens, Vice Chairperson, Christopher Parsons, Secretary, George Kazanjian, Financial Secretary, and Commissioners Sandra Boulay and Alan Golobski. Absent was Suzanne Lamoureux, Chairperson. Also present were Joseph Giarrusso, Conservation Officer and Head Clerk, Dianne A. Dewan.

In the absence of the Chairperson, the Vice Chairperson called the meeting to order at 7:00 p.m.

**I. NOTICES OF INTENT:**

A. Notice of Intent – MCC File #06-023 – 21 Howe Street – Cingular Wireless – ENSR  
(Tabled from 12/07/06)

As requested in a letter dated January 4, 2007 from John Zimmer of ENSR, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to TABLE the hearing to the meeting of February 1, 2007.

B. Notices of Intent – DEP File #219-1016 – MCC File # 06-024 – 8 & 10 Cloville Avenue - Anita Padarat / Roque Pena – Bioengineering Group (Con't from 12/07/06)

The Vice Chairperson re-opened the public hearing for this project. A letter dated January 2, 2007, from Nick Wildman of Bioengineering Group requesting the public hearing be continued to January 18, 2007, was read for the record by Mrs. Dewan. There was no public input at this time.

A motion was made by Mr. Parsons; seconded by Mr. Golobski; so voted, UNANIMOUS to CONTINUE the hearing to the meeting of January 18, 2007.

C. Notices of Intent – DEP File #219-1018 – MCC File # 06-026 – 222 Pelham Street – Michael Sabbagh for Lebanese Community Housing for the Elderly, Inc. – W. C. Cammett Engineering, Inc. (Tabled from 12/21/2006)

The file in order, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ACCEPT the Notices of Intent.

Dennis Hamel of Cammett Engineering presented the plans for two additions to an existing structure at 222 Pelham Street. There will be no filling of any wetlands. All work is within the 100' Buffer Zone. There will be a total increase of only 85 square feet of impervious areas, which is not significant.

Mr. Wilkens read comments from the Conservation Officer's report noting the requirement to file for a Zoning Variance and a memo dated December 6, 2006, from the City Engineering Department.

Mr. Hamel noted that the application has been submitted to the Zoning Board of Appeals and is scheduled for the January 31, 2007, meeting.

Public Input:

Deborah Fiorillo of 5 Princeton Street, also representing her mother, Arlene Wilson at # 9 Princeton Street expressed her concerns with the affects of the ongoing construction on her property and the effects on the wildlife and topography. They are experiencing severe flooding in the back yards. She provided a picture showing the flooding conditions. She feels that any additional movement of dirt, soil or land, it will further hinder the wildlife and plant life and cause an increase in flooding. Her concerns with further reiterated in letters dated December 4, 2006 from herself and her mother Arlene Wilson, which were read for the record by Mr. Parsons. She welcomed the Commission to walk her property to see the conditions. Even the beavers have relocated further downstream on Princeton Street.

Mr. Giarrusso will check the area for beaver dams.

As requested by Mr. Hamel, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to CONTINUE the hearing to the meeting of February 1, 2007. A copy of Mr. Giarrusso's comments will be sent to Mr. Hamel as requested.

D. Abbreviated Notice of Resource Area Delineation – DEP File #219-1019 – Lots 1 & 72 Sevoian Drive – RKACO LLC – Seekamp Environmental Consulting, Inc. (Con't from 12/21/06)

The Vice Chairperson re-opened the public hearing for this project. A letter dated January 4, 2007, from Mike Seekamp of Seekamp Environmental requesting the public hearing be continued to January 18, 2007, was read for the record by Mrs. Dewan. There was no public input at this time.

As requested, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to CONTINUE the hearing to the meeting of January 18, 2007.

E. Notices of Intent – DEP File #219-1022 – MCC File # 06-028 – 596 Lowell Street – Brooks Properties III, LLC – SFC Engineering Partnership, Inc. (Tabled from 12/21/2006)

The file in order, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ACCEPT the Notices of Intent for this project. David Jordan of SFC Engineering Partnership Inc. presented the plans for an additional parking area at 596 Lowell Street in the form of a grass pave parking surface, which is a structural grass system that will allow for parking of vehicles. He supplied an informational pamphlet of the grass system to be installed and explained the installation process to the Commission. He also noted that the trees that will be displaced would be removed and replanted just beyond the grass paved parking surface. The curbing will be reset to be an inch above the existing pavement to maintain the water flow on the existing parking lot so that it will go into the same system as is there now.

Mr. Giarrusso noted that it has not been 30 days since NHESP received the Notice of Intent and the Commission needs to wait for their comments as this proposal is changing what they originally required for the planting plan.

Mrs. Dewan read memos dated December 19, 2006 and January 3, 2007, from the City Engineering Department noting no issues at this time.

Public Input:

Michael Birch of 589 Lowell Street noted his concerns that oil leaking from cars and other debris will affect the groundwater and river. He has had increased flooding on his property since they finished the pavement on this property. He suggested they look at other alternatives such as using the grassed area at the other end of the building or purchase the day care center. He also noted that there is visitor parking for a dozen cars in the front of the building and, on any given day, there is never more than several cars there. He asked why that area couldn't be used for additional parking. He feels that alternatives should be looked at.

Mr. Jordan responded noting that in terms of the alternatives; they had taken a look at that and would not have proposed work within these resource areas if there were other possibilities that would have kept them from having to come in front of this Commission. There is not enough room at the other end of the building due to lot line restriction and zoning setbacks for parking from property lines and buildings. Brooks also owns the property next door, but it is an active daycare on a separate parcel. There are wetland resources at the rear of that property that would have had to be addressed. They believe this proposal is the most environmentally responsible.

Mr. Wilkens questioned Mr. Birch's other concern this project resulting in more water impact to his property.

Mr. Jordan noted he does not see that happening. They are quite a distance from his property and they are taking a grass surface that exists now and it will be a grass surface afterwards. He does not see any impact to Mr. Birch's property.

Mr. Giarrusso noted that this grass area is isolated in comparison to the others and the Commission should weigh the potential for oil spill. There will be some degree of treatment by the grass and vegetation itself, but obviously any substantial spill would now not be captured and treated through the drainage system, but perk straight in. He suggested that Mr. Jordan provide any other information to the Commission that may be helpful as far as procedural responses and maintenance.

Further public participation:

Vita Abdoo of 528 Lowell Street, abutters to the East of this property, explained that part of this problem is a police problem, but the affect of the project is what she wants to point out regarding Conservation issues. The parking area at 596 Lowell Street has become quite a popular hot spot for driveway things and "burnouts" and she is concerned with the contaminates associated with these activities. This new grassed parking area will only add a new experiment for them to try. There also has been a decrease in the amount of wildlife in the area and she does not want to see this negatively impacted. Her major concern is the debris from what is going on in the parking lot and she fears the expanded parking area will exacerbate it.

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Mr. Giarrusso noted that if Mrs. Abdo would put her notes into some type of letter to the Commission, he could then forward it to the Police Chief in the hopes of better interest from his department. He himself will check out the debris issues on the site to see if it would be appropriate to require better maintenance as part of this project.

Mr. Jordan noted that he would speak to the owner/tenant regarding use of the visit parking in the front of the building.

As requested by Mr. Jordan, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to CONTINUE the hearing to the meeting of February 1, 2007.

F. Notices of Intent – DEP File #219-1021 – MCC File #06-029 – 83 Hampstead Street – Steven Douglas – Norse Environmental Services, Inc.

The file in order, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ACCEPT the Notices of Intent for this project. Steven Eriksen of Norse Environmental Services presented the plan for the management of nuisance wetland vegetation (Phragmites) in the rear yard. The vegetation is a fire/safety hazard to the residence. They would cut the Phragmites to knee height two to three times a year.

Mr. Wilkens read comments from the Conservation Officer's report. The Commission is awaiting comments from NHESP.

In response to Mrs. Boulay's question, Mr. Eriksen noted that the proposed herbicide treatment was off the table and would not be used.

There was no public input at this time.

Mr. Eriksen requested that the hearing be continued to allow for a response from Natural Heritage and that it not be necessary for him to attend the meeting if there were no negative comments. The applicant will attend the hearing. The Commission agreed that it was not necessary for Mr. Eriksen to attend the meeting.

As requested, a motion was made by Mr. Parsons, seconded by Mr. Kazanjian; so voted, UNANIMOUS to CONTINUE the hearing to the meeting of January 18, 2007.

G. Notices of Intent – DEP File #219-1023 – MCC File #06-030 – 181 Pelham Street – Leonard Thomas/Pelham Street Realty Trust, LLC – Wetlands Preservation Inc.

The file in order, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ACCEPT the Notices of Intent for this project. Jennifer Vicich of Wetlands Preservation Inc., along with Chris Tymula of MHF Design presented the plans for the construction of a grocery store with car wash, gas station and associated site appurtenances. She noted that no work is proposed within the 50' Buffer Zone or within the 100-year floodplain.

Comments were read from the Conservation Officer's report and a memo dated January 4, 2007 from the City Engineering Department noting 17 issues.

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Ms. Vicich noted that they would have responses on all of these issues for the next meeting and will clarify the location of erosion control with respect to the 100-year floodplain elevation.

Mr. Giarrusso noted that the Commission needs comments from Natural Heritage. He also recalls many borings being done on the site outside of the Commission's jurisdiction. This information should be provided to Engineering.

Ms. Vicich noted that they would address the issues and also submit a construction sequence.

Hearing no public input at this time and as requested by the applicant, a motion was made by Mr. Kazanjian; seconded by Mr. Parsons; so voted, UNANIMOUS to CONTINUE the hearing to the meeting of February 1, 2007.

**II. CALL TO ORDER:** The Vice Chairperson called the regular meeting to order at 8:22 p.m.

**III. ACCEPTANCE OF AGENDA / AMENDMENTS (IF ANY):** A motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ACCEPT the Agenda as posted.

**IV. ACCEPTANCE OF MINUTES:** There were none ready for acceptance at this time.

**V. OLD BUSINESS:**

A. Enforcement Issues – no enforcement issues were discussed at this time.

B. Certificates of Compliance/Bond Release – DEP File # 219-1005 – MCC File # 06-013 – 201 Wheeler Street - Heritage Builders, Inc. – Engineering Alliance, Inc. (Tabled from 12/21/2006)

Upon recommendation of the Conservation Officer and City Engineering Department, a motion was made by Mr. Kazanjian; seconded by Mr. Parsons; so voted, UNANIMOUS to ISSUE Certificates of Compliance and RELEASE the bond for the above noted project.

C. Request for Insignificant Change – DEP File #219-949 – MCC File #05-002 – 508 Lowell Street – Peter Budish – Andover Consultants Inc.

The applicant, Peter Budish, explained his request to phase the construction of the dwelling under the above noted filing as outlined in a letter dated December 20, 2006 from Patrick Bower of Andover Consultants.

As neither the Conservation Officer nor the City Engineering Department had any issues with the request, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to grant the change, finding it Insignificant.

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D. Certificate of Compliance on Determination of Applicability – MCC File # 05-019 – Lot 5D, Ayer Street – Charles F. Perrault

Upon recommendation of the Conservation Officer, a motion was made by Mr. Parsons; seconded by Mrs. Boulay; so voted, UNANIMOUS to ISSUE a Certificate of Compliance for the above noted project noting that the markers will remain in perpetuity.

E. Bond Reduction – MCC File # 04-023 – Acorn Lane – Heritage Builders Inc.

Upon recommendation of the City Engineering Department, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to REDUCE the bond to \$13,300 for the above noted project.

F. Orders of Conditions/Bond – DEP File # 219-1020 – MCC File # 06-027 – 16 First Avenue – Deborah E. Burch - Merrimack Engineering Services, Inc. (Tabled from 12/07/2006)

A motion was made by Mrs. Boulay; seconded by Mr. Parsons; so voted, UNANIMOUS to ISSUE Orders of Conditions with standard boiler plate, with General Condition # 4 changed from 1 to 3 years under the local, #24 (the applicant has requested that the required bond be waived.), #33 to read 50' and adding the following:

**Findings:**

The Notice of Intent filed by Deborah Burch and plans by Merrimack Engineering Services, Inc. dated October 27, 2006, revised December 21, 2006, are for the proposed construction of a grass swale and replacement of an existing block retaining wall and wooden dock which will result in alterations to the following resource areas: Bank (approximately 37.5 linear ft) and Buffer Zones associated with Forest Lake. The submitted plan proposes to install erosion control along the north side of the property to contain any possible impacts to the abutter.

And Special Conditions:

A. **Before any work is done**, erosion control shall be installed as shown on the approved plan. The Conservation Commission or its agent shall inspect it before work may begin. (In cases of high water, the project may be phased to allow for the proposed swale to be constructed.)

B. **The proposed retaining wall work may ONLY be done in low water conditions** to allow for proper installation of required erosion control.

C. The Applicant shall be required to remove all erosion control located in the lakefront within 72 hours (three days) of completion of the retaining wall.

D. Prior to any field changes, a written request to include drawings shall be submitted for review and approval by the Commission and/or its agent.

E. The Methuen Conservation imposes a bond requirement bond in the amount of \$ 4,800, but suspends the posting of the bond so long as there is no change in the ownership of the subject premises. The Conservation Commission shall be notified, in writing, within ten (10) days of any instance where any individual or entity transfers, in whole or part, and of its right, title or interest to the land which is the subject of this Order of Conditions, or in the instance where any shareholder of a corporation transfers any stock, or in the case of any nominee/realty trust where there is a change in the beneficiaries. Said Notice of Transfer when filed with the Methuen Conservation Commission shall contain the name, address, and telephone number of the new owner/transferee.

Effective as of the date of transfer, the suspension of the requirement of a performance bond shall be revoked, requiring the bond to be in place forthwith. At the time of transfer, ALL activity on the site shall cease and desist until such time that the bond has been posted and proper documentary proof of said bond submitted to the Conservation office verifying the same is effective and in place.

Failure to comply with the foregoing shall result in fines not less than \$100.00 per day that the site is in violation

**VI. INSPECTOR'S REPORT:** (see written report)

**VII. OTHER BUSINESS:**

1. Acceptance of Conservation Easements - there were none.
2. Acceptance of Performance Bonds – there were none.
3. Emergency Certifications – there were none.
4. Correspondence – there was none.

**VII. ADJOURN:** A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to ADJOURN the meeting at 8:35 p.m.

Respectfully submitted by:

Reviewed by:

Approved on:

\_\_\_\_\_  
Dianne A. Dewan  
Head Clerk

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John Wilkens,  
Vice Chairperson

01/18/2007  
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Date Approved