

**METHUEN CONSERVATION COMMISSION**  
**Minutes of Meeting – October 14, 2009**

The City of Methuen Conservation Commission held a public meeting on October 14, 2009, at 7:30 p.m. in the Searles Building Second Floor Conference Room. Present for this meeting were Suzanne M. Lamoureux, Chairperson, John Wilkens, Vice Chairperson, Christopher Parsons, Secretary, George Kazanjian, Financial Secretary and Commissioner Sandra Boulay. Also present were Joseph T. Giarrusso, Conservation Officer and Head Clerk, Dianne A. Dewan. Absent was Commissioner Isabel Tourkantonis.

Due to the extended time of the joint public hearing, the Chairperson called the regular meeting to order at 9:00 p.m.

**I. CALL TO ORDER:** The Chairperson called the regular meeting to order at 9:00 p.m.

**II. 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.

**III. ACCEPTANCE OF MINUTES:** Minutes of 09/03/2009 and 09/17/2009 had not been reviewed at this time.

**IV. OLD BUSINESS:**

A. Enforcement

1) EO #08-002 – 115 North Street – Morin

Mr. Giarrusso updated the Commission on the site noting that it is stable and in compliance at this time. He will check it further in a year.

2) EO #09-005 – Emerald Pines, Phase I

AND

3) EO #09-006 – Emerald Pines, Phase II

The above enforcement issues were discussed together for the project as a whole. In addition to the Conservation Officer's report, the failure to mow the wet meadow was added to the list of things not in compliance.

Curtis Young of Wetlands Preservation noted that he would look into that issue. Natural Heritage still has a cease and desist from station 15+ on. They are awaiting the M ESA filing to address their concerns. The design plans need to be completed and they are looking at other mitigation options. When the permit is approved, it will allow work from station 15+ to station 24+. They are filing a draft to get the 30-day time frame started.

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Mr. Giarrusso updated the Commission on the status of the violations with respect to DEP as outlined in an e-mail dated September 30, 2009 from Elizabeth Sabounjian.

The applicant, Mr. Kady, noted that he has been held up by cease and desists and will not be able to get that work done this year. He will start up again in the spring.

Mr. Wilkens expressed his feeling that he wants the project to look like the plan.

A lengthy discussion followed on the over cutting plan. There is limited mitigation and areas that were not to be touched or not permitted to be touched need bonding. Information needs to be provided on the significance of the cutting and how it will be addressed.

Mr. Young noted that natural regeneration is the best for regrowth of the over cut areas. The Pines are coming back and there is no reasonable way or good solution to replace the canopy as was original.

Mr. Giarrusso noted that the Commission wants a more accelerated regrowth and they may need a mitigation plan. They need to address the areas in the 20' no disturb zone, other areas not proposed as cutting areas and impacted Bordering Vegetated Wetlands in the Isolated Wetland. He asked when they would get that information. He also needs a better plan with a scale.

Mr. young noted that he would provide a scaled plan. There is no specific area that needs mitigation as the natural re-vegetation s doing well.

Mr. Giarrusso noted that he would be providing the Commission with a finalized enforcement order when he has received the necessary plan and information.

These items will remain on the agenda for the Commission's meeting of November 5, 2009.

B. Certificate of Compliance/Bond release – DEP File #219-961 – MCC File # 05-017 -  
The Village at Russell Farm - Homestead Village, LLC – SFC Engineering Partnership, Inc.

Ms. Lamoureux read comments from the Conservation Officer's report and a memo dated October 14, 2009 from the 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 this project.

C. Extensions to Order of Conditions - DEP File #219-961 – MCC File # 05-017 -  
The Village at Russell Farm - Homestead Village, LLC

As the Certificates of Compliance were issued above, there was no need for Extension permits.

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D. Extensions to Order of Condition – DEP File #219-966 – MCC File # 05-021 – 210 Howe Street – Toll Brothers Inc.

A motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ISSUE 1 year Extension Permits to the above noted Orders of Conditions as requested.

E. Certificates of Compliance – DEP File # 219-1033 – MCC File # 07-009 – 93B North Lowell Street – Charles Farelli – Stowers Associates Inc.

Ms. Lamoureux read comments from the Conservation Officer's report and a memo dated October 14, 2009 from the City Engineering Department.

A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to ISSUE Certificates of Compliance and RELEASE the bond for this project.

F. Discussion of DEP File #219-1066 – Lot 29, Cornelie Road – Kevin O'Brien  
AND

G. Discussion of DEP File #219-1065 – Lot 30, Cornelie Road – Kevin O'Brien

Pat Seekamp of Seekamp Environmental presented the plans to the Commission that were approved under the State Superseding Order of Conditions and asked how to present it under the local Order of Conditions.

Mr. Giarrusso noted that in looking at the design, it still does not meet the Commission's regulations.

The Commission agreed that the applicant could either wait of the outcome of the appeal to Superior Court or refile the project with the Commission.

H. Order of Conditions/Bond – DEP File #219-1074 – MCC File # 09-005 – 19 Country Lake Road – Gregory Doyle

A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; 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 (N/A.), #33 to read N/A and adding the following:

**Findings:**

The Notices of Intent submitted by Gregory Doyle with plan prepared by Stowers Associates Inc., dated June 11, 2009, revised September 11, 2009 is for the management of vegetation within Bordering Vegetated Wetlands associated with Forest Lake.

**Special Conditions:**

A. This Order shall allow the maintenance cutting of vegetation as shown on the approved plan. This cutting shall be done once a year (in late summer, August - September), with the height of

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cut being approximately 4' high. Commission shall be notified 48 hours before seasonal cutting may be done.

B. All slash shall be properly disposed of off site.

C. 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.

I. Order of Conditions/Bond – DEP File #219-1078 – MCC File # 09-008 – 83 Hampstead Street – Steven Douglass

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; 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 (N/A.), #33 to read as shown on plan and adding the following:

**Findings:**

The Notices of Intent submitted by Steven Douglass with plans prepared by James O'Day, PE dated 9-8-09 is for the proposed construction of a retaining wall and the re-grading of the section of existing yard associated with the proposed retaining wall, which will impact Buffer Zones associated with Hawkes Brook.

A. Before any work is done, the Contractor shall meet with the Conservation Officer to review the Order of Conditions, Construction Sequence, Compliance of Conditions and time table for the project.

B. **Before ANY activity on the site may begin**, erosion control consisting of double staked hay bales and silt fencing shall be installed at the limit of work as shown on the approved plan. The Conservation Commission or its agent shall inspect it before work may begin.

C. 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. Should dewatering be required for the construction, the Commission shall be notified and shall approve the methods used.

V. **INSPECTOR'S REPORT:** In addition to his written report, Mr. Giarrusso noted the following:

1) Mr. Giarrusso explained a situation at 4 Darrens Way where the dwelling was damaged in a fire and needs to be torn down and rebuilt. It was originally built under an Order of Conditions and he feels it can be demolished and reconstructed under a Request for Determination of Applicability, which has already been filed and will be on the next agenda.

The property owner, Matt Conlon explained his dilemma with winter fast approaching and a tight time frame for demolition of the structure. His contractor Larry Palmisano explained that they would use the existing foundation to rebuild. They will also be installing erosion control to

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protect the Resource Area. As the next meeting is three weeks away, they asked the Commission's permission to raze the structure and begin the work now.

A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to ALLOW the work to take place before the Determination is issued.

2) Mr. Giarrusso explained the changes in the FEMA maps and some of the issues and flaws with the new maps.

3) Mr. Giarrusso explained a problem with the Gleason Street site and the issue of flood panels being in non-compliance with the approved plans. The Commission agreed to a 30 day time fame to correct the situation or an Enforcement Order will be issued.

4) Mr. Giarrusso noted that the City Engineering Department has reviewed the plan for the "Brenda Bench" and boulder benches and determined that there would be no significant loss of flood storage with the placement of the bench and boulder. The Commission agreed to allow the installation of the benches.

**VI. OTHER BUSINESS:** There was no other business at this time.

**VII. ADJOURN:** A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to ADJOURN the meeting at 10:09 p.m.

Respectfully submitted by:

Reviewed by:

Approved on:

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Dianne A. Dewan  
Head Clerk

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Christopher Parsons,  
Secretary

11/05/2009  
Date Approved