

METHUEN CONSERVATION COMMISSION
Minutes of Meeting – November 1, 2007

The City of Methuen Conservation Commission held a public meeting on November 1, 2007, at 7:00 p.m. in the William Quinn Public Safety Building, Sanborn Hall. Present for this meeting were Suzanne Lamoureux, Chairperson, (arrived at 7:30 p.m.), John Wilkens, Vice Chairperson, Christopher Parsons, Secretary, George Kazanjian, Financial Secretary and Commissioner Alan Golobski. Absent was Commissioner Sandra Boulay. 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 7:05 p.m.

I. NOTICES OF INTENT:

- A. Notices of Intent – DEP File # 219-1016 – MCC File # 06-024 – 8 & 10 Cloville Avenue - Anita Padarat / Roque Pena – Bioengineering Group (Con't from 09/20/07)

The Vice Chairperson re-opened the public hearing for the above noted project and read a letter dated October 31, 2007 from Bioengineering Engineering Group noting their withdrawal from representing the applicant and a memo dated October 30, 2007 from the City Engineering Department.

Anita Padarat of 8 Cloville and representing Roque Pena of 10 Cloville Avenue requested that the public hearing be continued to the meeting of December 6, 2007 to allow for her to make a decision on how to go forward with the proposed project.

Hearing no public input at this time, a motion was made by Mr. Kazanjian; seconded by Mr. Parsons; so voted, UNANIMOUS to CONTINUE the hearing to December 6, 2007.

- B. Notices of Intent – DEP File # 219-1041 – MCC File # 07-016 – 50 Osgood Street – City of Methuen – Ambient Engineering, Inc. (Con't from 10/18/07)

The Vice Chairperson re-opened the public hearing for the above noted project and Bernard H. Hamill submitted revised stamped plans. He noted that he would also address issues noted in the Conservation Officer's report of November 1, 2007, read for the record by Mr. Wilkens.

Mr. Wilkens asked if this work would negatively affect the downstream area that is about to fail.

Mr. Hamill noted that it would ease the flow downstream and the flooding would go across rather than go downstream. He requested a continuance to the next meeting to address Mr. Giarrusso's concerns.

Hearing no public input at this time, a motion was made by Mr. Kazanjian; seconded by Mr. Golobski; so voted, UNANIMOUS to CONTINUE the public hearing the November 15, 2007.

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Ms. Lamoureux, the Chairperson arrived at this point taking the Chair at 7:30 p.m.

C. Amended Notices of Intent – DEP File #219-906 – MCC File # 04-007 – 969 Riverside Drive – 969 Riverside Drive, LLC – Meisner Brem Corporation (Tabled from 10/18/07)

The file in order, a motion was made by Mr. Kazanjian; seconded by Mr. Parsons; so voted, UNANIMOUS to ACCEPT the Amended Notice of Intent for the above noted project.

The Chairperson opened the public hearing for the above noted project and Martin Finch of Meisner Brem Corporation presented the plans revised to address previous issues and memos. Ms. Lamoureux read a memo dated October 26, 2007 from the City Engineering Department. Mr. Giarrusso agreed with the memo and site conditions.

Hearing no public input at this time, a motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to CLOSE the public hearing for this project. The Commission now has 21 days in which to make their decision. It will not be made this evening, as the Commission does not feel there are any environmental issues that warrant an emergency.

D. Notices of Intent – DEP File # 219-1045 – MCC File # 07-019 – Lot 13, 39 Greenside Way - Toll Brothers Inc. – The Neve-Morin Group, Inc. (Con't from 10/18/07)

The Chairperson re-opened the public hearing for the above noted project and John Morin of the Neve Morin Group, Inc. presented revised plans that have addressed all of Mr. Giarrusso's issues from the last meeting.

Hearing no public input at this time, a motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to CLOSE the public hearing for this project. The Commission now has 21 days in which to make their decision. It will not be made this evening.

E. Notices of Intent – DEP File #219-1046 – MCC File # 07-021 – 15 Old Ferry Road – KJA Realty Trust – LEC Environmental Consultants, Inc.

As requested in a letter dated November 1, 2007, from Richard A. Kirby of LEC Environmental Consultants, Inc., a motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to TABLE this hearing to the meeting of November 15, 2007.

II. CALL TO ORDER: The Chairperson called the regular meeting to order at 7:30 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: The minutes of 10/18/2007 were approved with a motion by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS.

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V. NEW BUSINESS:

- A. Request for Determination of Applicability – MCC File # 07-024 – 2 Reuter Place -
Pamela J. Fazio

George Fazio submitted a copy of the legal notice and presented the plans for the abandonment of an existing septic system and connection to existing sewer line within the 100' Buffer Zone of Bordering Vegetated Wetlands.

Hearing no questions of the Commission, a motion was made by Mr. Kazanjian; seconded by Mr. Parsons; so voted, UNANIMOUS to ISSUE a Negative 3 Determination with standard boilerplate, general conditions # 2 and 7 waived under the state and #7 under the local to require a letter upon completion and adding the following special conditions:

- **Before work may begin**, erosion control consisting of double staked hay bales shall be installed at the limit of work as reviewed by the Conservation Officer in the field. Installation shall be inspected and approved by the Conservation Commission or its agent.
- All stockpiling shall be located over 100' from existing resource areas.
- Applicant shall notify the Commission and the Board of Health to allow for the witnessing of the abandonment of the tank.
- The proposed work will not result in changes to existing grades.

VI. OLD BUSINESS:

- A. Enforcement Issues

1. NOV #07-011 – 160 Hampstead Street - Dube

Mr. Giarrusso updated the Commission on this violation noting that the property owner has not complied with the Notice of Violation within the required time frame. He has received a final draft report from Leah Basbanes and is waiting for some type of sketch.

Ms. Lamoureux read the Notice of Violation for the Commission. A motion was then made by Mr. Kazanjian; seconded by Mr. Wilkens; so voted, UNANIMOUS to ISSUE Enforcement Orders requiring compliance within 5 days of receipt of the Orders and fines of \$100 per day for each day of non-compliance.

- B. Certificates of Compliance/Bond Release – DEP File #219-845 – MCC File # 03-001 –
Summit Place – Daylor Consulting Group, Inc.

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

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C. Certificates of Compliance/Bond Release – DEP File #219-870 – MCC File # 03-027 –
Summit Place Offsite Sewer Improvements – Daylor Consulting Group, Inc

Ms. Lamoureux read a memo dated October 29, 2007 from the City Engineering Department in which they note the as-built plan does not include an finish grading and they are therefore unable to verify if the grading was completed in accordance with the approved plan.

Mr. Giarrusso noted that, from his field observations, he believes it has been graded appropriately and recommended the Certificates of Compliance be issued.

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

D. Certificates of Compliance – DEP File #219-808 – MCC File # 02-004 – 612 Forest Street -
Melissa Brisson Moreau

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 for the above noted project.

E. Amended Orders of Condition – DEP File # 219-888 – MCC File # 03-042 – 7 Dale Street –
David & Nancy Theroux

A motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to ISSUE Amended Orders of Conditions for the above noted project with standard boiler plate, general condition #4 under the local to be changed from one to three years (or as for as long as any extensions so issued) adding the following:

Findings:

The request for Amendment to the Order of Conditions submitted by Nancy Theroux with plans by Stowers Associates Inc. dated September 25, 2007 is for the proposed replacement of the existing building, which will result in the alteration of **Riverfront Area** (310 CMR 10.58) and Buffer Zone associated with the following resource areas: **Inland Bank** and **Land Subject to Flooding** (under the Local), associated with the Merrimack River.

And Special Conditions:

A. Before work may begin the applicant shall have a pre-construction meeting to review the construction/work sequence and timetable of the proposed work.

B. **Before ANY activity on the site may begin**, erosion control consisting of double-staked hay bales shall be installed as shown on the approved plan. The Conservation Commission or its agent shall inspect it before work may begin. This shall be maintained for the entirety of the project.

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C. A dumpster will be used for the construction debris to prevent materials from blowing into the resource area(s) and it shall be covered at the end of each workday.

F. Amended Orders of Conditions – DEP File #219-906 – MCC File # 04-007 – 969 Riverside Drive – 969 Riverside Drive, LLC

The Commission did not take any action on this item.

G. Certificates of Compliance/Bond Release – DEP File #219-906 – MCC File # 04-007 – 969 Riverside Drive – 969 Riverside Drive, LLC – Meisner Brem Corporation

The Commission did not take any action on this item.

H. Extensions to Orders of Conditions – DEP File #219-925 – MCC File # 04-023 – Acorn Lane – Heritage Builders Inc.

A motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to ISSUE One year extensions to the Orders of Conditions.

I. Bond Seizure – MCC File # 04-023 – Acorn Lane – Heritage Builders

Mrs. Dewan noted that the bond has been extended for one more year and there is no need to seize it.

VII. INSPECTOR'S REPORT: In addition to his written report, Mr. Giarrusso noted that the State Mosquito Control Division will be doing the work at Route 495 and 213 and there may be a need for the issuance of an Emergency Certification at the next meeting.

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

IX. ADJOURN: A motion was made by Mr. Kazanjian; seconded by Mr. Parsons; so voted, UNANIMOUS to ADJOURN the meeting at 7:55 p.m.

Respectfully submitted by:

Reviewed by:

Approved on:

Dianne A. Dewan
Head Clerk

Suzanne M. Lamoureux,
Chairperson

12/06/2007
Date Approved