

METHUEN CONSERVATION COMMISSION
Minutes of Special Meeting – November 27, 2006

The City of Methuen Conservation Commission held a special public meeting on November 27, 2006, at 7:00 p.m. in the William Quinn Public Safety Building, Sanborn Hall. Present for this meeting were Suzanne M. Lamoureux, Chairperson (arrived at 7:20 p.m.), John Wilkens, Vice Chairperson, Christopher Parsons, Secretary, and Commissioners Sandra Boulay and Alan Golobski. Absent was George Kazanjian, Financial Secretary. 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.

All items on the agenda were tabled from November 16, 2006 due to a lack of quorum.

I. NOTICES OF INTENT:

A. Amendment to Notices of Intent – DEP File # 219-766 – MCC File #01-017 – Lot 5, McGrath Road – Portland Stone Ware – Andover Consultants Inc. (Con't from 11/02/06)

The Vice Chairperson re-opened the public hearing for the above noted project and Patrick Bower of Andover Consultants Inc. presented revised plans for lot 5 only. He explained the Operation and Maintenance Plan, which will be the responsibility of the property owner. He requested that the public hearing be closed.

Mrs. Dewan read a memo dated November 8, 2006 from the City Engineering Department noting all their outstanding comments have been addressed.

Mr. Giarrusso noted that, although all his comments have been addressed, the Commission has not received a comment letter from NHESP. He does not recommend closing the hearing until the letter has been received. He asked that the O & M Plan be faxed to NHESP for their review.

Hearing no public input at this time and as requested by Mr. Bower, Mr. Parsons made a motion that was seconded by Mrs. Boulay; so voted, UNANIMOUS to CONTINUE the hearing to the meeting of December 7, 2006.

The Vice Chairperson turned the Chair over to the Chairperson who arrived at this point, the time being 7:20 p.m.

B. Amendment to Notices of Intent – DEP File #219-948 – MCC File #05-003 – 68 Monroe Avenue – Susan DiPietro – Atlantic Engineering & Survey Consultants, Inc.

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

John Paulson of Atlantic Engineering presented the plans to amend the Orders of Conditions for the above noted project as outlined in his letter dated October 26, 2006 and shown on plan

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entitled Conservation Permit Plan dated the same. The property owner, Susan DiPietro was also present.

The Chairperson read comments from the Conservation Officer's report and a memo dated November 14, 2006, from the City Engineering Department.

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.

C. Notices of Intent – DEP File #219-1017 – MCC File #06-025 – 175 Tyler Street – Hary & Florence Bowden – Seekamp Environmental Consultants, Inc.

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

The Chairperson opened the public hearing and Jamie Delansky of Seekamp Environmental presented the plans for the replacement of a failed septic system within the 100' Buffer Zone to Bordering Vegetated Wetlands. He submitted a detail sheet of the proposed retaining wall associated with the leaching chambers.

The Chairperson read comments from the Conservation Officer's report and a memo dated November 14, 2006, from the City Engineering Department.

Mr. Delansky noted that the stockpile area would be within the limit of work. and Mr. Giarrusso noted the detail sheet was ok, but will have to be reviewed by the Building Department.

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.

II. CALL TO ORDER: The Chairperson called the regular meeting to order at 7:37 p.m.

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

IV. ACCEPTANCE OF MINUTES: 10/04/06, 10/18/06, 10/26/06 and 11/02/06

The Commission moved this item to the end of the meeting.

V. NEW BUSINESS:

A. Requests for Determinations of Applicability – MCC File #06-018 – 27 Warren Avenue - David & Robin Corsetto – Andover Consultants, Inc.

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Patrick Bower submitted a copy of the legal notice and presented the plans for a 20' by 24' addition to an existing dwelling approximately 89' from the Wetland Resource Area.

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

- **Before Building Permit may be signed off**, erosion control consisting of double-staked hay bales shall be installed as shown on the approved plan. Installation shall be inspected and approved by the Conservation Commission or its agent.
- 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.
- All materials shall be stockpiled in the driveway area.
- Existing grades shall not be altered as a result of the proposed work.

B. Requests for Determinations of Applicability – MCC File #06-019 – 11 Quail Run Drive - Gregory J. L'Heureux

The applicant, Gregory J. L'Heureux, presented the plans for the replacement of an existing deck with a new, slightly larger 10' x 16' deck located within the Buffer Zone of Bordering Vegetated Wetlands approximately 41.8' from the resource area.

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

- All surplus fill associated with the sono tube footings shall be disposed of properly.
- 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 or other methods acceptable to the Commission and/or its agent shall be used for disposal of construction debris.
- All materials shall be stockpiled in the front of the property.

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VI. OLD BUSINESS:

A. Enforcement Issues

1. NOV – 06-004 – 9 Rivers Edge Place - Doherty

Mr. Giarrusso explained that this Notice of Violation was issued to assist the property owner completing the grading. (See item B below)

B. Partial Certificates of Compliance – DEP File #219-419 – MCC File # 94-012 and # 95-023
9 Rivers Edge Place – John Doherty – Christian & Sergi (Tabled from 11/02/06)

Ms. Lamoureux read a memo dated November 14, 2006 from the City Engineering Department noting differences in the existing and proposed grading.

Mr. Giarrusso noted that as a result of the differences and some confusion on what was the approved plan, Christiansen & Sergi submitted some supplemental information that has yet to be reviewed by the City Engineering Department.

Ms. Lamoureux asked that the review by the City Engineering Department be expedited, as the property owners have been patient with the delays.

A motion was made by Mr. Parsons; seconded by Mrs. Boulay; so voted, UNANIMOUS to TABLE this item to the meeting of December 7, 2006.

C. Partial Certificates of Compliance – DEP File #219-312 – MCC File # 12-88-12 – 9 Rivers
Edge Place – John Doherty – Christiansen & Sergi

Mrs. Dewan explained that this is an old filing that got recorded at the Registry of Deeds that also needs Partial Certificates. The project was for condos on the site that were never built.

A motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to ISSUE Partial Certificates of Compliance for this project noting no work ever commenced.

D. Certificates of Compliance/Bond Release – DEP File #219-935 – MCC File # 04-027 -
67 Hampstead Street – Donald Pritchard – Ron Close, RPE

Ms. Lamoureux read comments from the Conservation Officer's report and a memo dated November 15, 2006, from the City Engineering Department.

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

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- E. Extensions to Orders of Conditions – DEP File #219-886 – MCC File # 03-040 – 105 Pleasant Valley Street – Public Storage

As recommend by the Conservation Officer in his report, a motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to EXTEND the Orders of Conditions for ONE year as requested for this project.

- F. Bond Seizure - MCC File # 03-040 – 105 Pleasant Valley Street – Public Storage

Ms. Lamoureux read comments from the Conservation Officer's report noting that the bond has been extended in a timely manner and there is no need for further action at this time.

- G. Extensions to Orders of Conditions – DEP File #219-887 – MCC File # 03-041 – Shannon Estates – Paul Russell

As recommend by the Conservation Officer in his report, a motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to EXTEND the Orders of Conditions for THREE year as requested for this project.

- H. Extensions to Orders of Conditions – DEP File #219-888 – MCC File # 03-042 – 7 Dale Street – Nancy & David Theroux

As recommend by the Conservation Officer in his report, a motion was made by Mr. Parsons; seconded by Mrs. Boulay; so voted, UNANIMOUS to EXTEND the Orders of Conditions for ONE year as requested for this project.

- I. Extensions to Orders of Conditions/Site Status – DEP File #219-678 – MCC File #99-040 – 268 Hampstead Street – Harnum Industries (Now Keith Guilmet)

As recommend by the Conservation Officer in his report, a motion was made by Mr. Parsons; seconded by Mr. Wilkens; so voted, UNANIMOUS to EXTEND the Orders of Conditions for ONE year as requested for this project.

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

- 1) Emerald Pines – Lot 5

Mr. Giarrusso explained that there is a situation on Lot 5, Emerald Pines in that earlier this year under his report, the Commission discussed the tweaking of this lot. At the time, the Commission determined it was not a major issue and felt it was appropriate to do an Insignificant Change prior to Occupancy Permit being issued. In the last week, the applicant, Lawrence Kady of R & D Development, was going through his paperwork and found a letter dated July 25th to the Commission requesting the change. The letter, however, was not submitted to the Commission. The house is now complete and they are ready for a closing and need the Occupancy Permit. He has just today submitted the request for Insignificant Change and asks

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that the Commission allow him to sign off on the Occupancy Permit so that he may go forward with the closing.

The Commission gave Mr. Giarrusso permission to sign off on the Occupancy Permit.

IX. OTHER BUSINESS:

1. Acceptance of Conservation Easements - There were none.
2. Acceptance of Performance Bonds – A covenant was signed for 210 Howe Street.
3. Emergency Certifications – There were none.
4. Correspondence – Ms. Lamoureux read a letter dated November 13, 2006 from the Commonwealth of Massachusetts, State Reclamation Board, the Northeast Massachusetts Mosquito Control and Wetlands Management District.

Mr. Giarrusso noted that this is in an area that is plagued by beaver activity and as a result, there is a large impoundment that has been created in this wetland system. He has been working on this area to control the population so that they can actually restore the existing wetland conditions prior to the beaver impacts so that the City can actually evaluate the soils and potentially try to do a sewer project that would require boring underneath that wetland system to prevent any direct impacts to the resource area. The impoundment would make it difficult for the city to do any borings. He does not believe any comments are necessary to Mosquito Control as their proposed work will benefit the area.

IV. ACCEPTANCE OF MINUTES: 10/04/06, 10/18/06, 10/26/06 and 11/02/06

Mrs. Dewan explained that the minutes for 10/18/06 and 11/16/06 were for no quorum meetings.

A motion was made by Mr. Wilkens; seconded by Mr. Golobski; so voted, UNANIMOUS to ACCEPT the minutes of 10/04/06, 10/18/06, 10/26/06 and 11/16/06 as written. The minutes of 11/02/06 have not been reviewed for acceptance at this time.

X. ADJOURN: A motion was made by Mrs. Boulay; seconded by Mr. Golobski; so voted, UNANIMOUS to ADJOURN the meeting at 8:10 p.m.

Respectfully submitted by:

Reviewed by:

Approved on:

Dianne A. Dewan
Head Clerk

Suzanne M. Lamoureux,
Chairperson

Date Approved