

METHUEN CONSERVATION COMMISSION
Minutes of Meeting – November 6, 2008

The City of Methuen Conservation Commission held a public meeting on November 6, 2008, at 7:00 p.m. in the William Quinn Public Safety Building, Sanborn Hall. Present for this meeting were Suzanne M. Lamoureux, Chairperson, John Wilkens, Vice Chairperson, Christopher Parsons, Secretary, and Commissioner Sandra Boulay. Also present were Joseph Giarrusso, Conservation Officer and Head Clerk, Dianne A. Dewan. Financial Secretary, George Kazanjian and Commissioner Isabel Tourkantonis were absent.

The Chairperson called the regular meeting to order at 7:10 p.m.

I. NOTICES OF INTENT:

- A. Notices of Intent – DEP File # 219-1040 – MCC File # 07-015 – Lot 16, Old Ferry Road – HB & CS LLC – Merrimack Engineering Services (Con't from 10/16/08)

The Chairperson re-opened the public hearing for the above noted project and Stephen Stapinski of Merrimack Engineering Services submitted reduced copies of the plans to make it easier for the Commission to view. He noted that he has provided the additional calculations that Steve Gagnon has requested regarding the runoff and the capacity of the box culvert and also some recharge calculations. He spoke with Mr. Gagnon today and he indicated that he had a question about the recharge that they are providing. They treated the recharge as an infiltration trench and Mr. Gagnon's comment to him was that the stabilized earth that they have is not in the standard DEP Stormwater Management book. Mr. Stapinski noted that the book allows them to modify and to be innovative and to develop other facilities and cross sections that address the Stormwater Management recommendations. He has a copy of the State detail regarding infiltration trenches and the DEP standards have the crushed stone with a sand filter underneath them and what they did was, rather than paving the site, they are proposing to put crushed stone over gravel with a filter fabric underneath. He pointed out an area on the site that will be crushed stone, but in the future there will be a building there and pavement, so they did treat it as impervious area. The choice that they had to make, and they are not paving the roadway coming up either; it's a gravel roadway that will not be paved and it has a grass lined channel on the edges the whole way up so it is all low impact development and they have the rip rap and grass channels into the slope. They had GZA look at the slope and the soils and had soil borings done. Those were all submitted two meetings ago. GZA looked at it and said that based on the water table and the soil borings that, in fact, the design they have is appropriate. They elected not to pave the entire site; they elected to keep it crushed stone with the gravel filter and the filter fabric underneath it and keep it pervious rather than paved. They looked at the site that way in order to reduce the impervious area on the site. When the question came up about the Stormwater recharge, they said that it does not make any sense to provide separate Stormwater recharge trenches for the buildings themselves because in essence, the whole site is, in fact, a Stormwater recharge facility because they treated the crushed stone and the gravel with a curve number of about 70. In fact, they are not going to have that amount of runoff. They treated it that way to be conservative with the detention pond design and all the swales. They actually had a factor of safety built into it. If you really look at what they are going to have for runoff, it is not even going to approach that. It is really going to be more of a .3 or .4; very similar to what you would

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have in an infiltration trench. The stone and the gravel filter that they have there and the filter fabric really does meet the cross sectional criteria of the infiltration trench. He could not see providing separate infiltration system for the buildings. If the Commission feels that may be should be provided, then they could add one adjacent to the buildings, but he does not see it as being necessary or appropriate. It is a maintenance item that he does not think needs to be dealt with, especially given all the stone and gravel they have on the site. That was the comment from Steve Gagnon and the discussion he had with him. Mr. Gagnon thought it meets the cross section, but it doesn't look exactly like the book. Mr. Stapinski stated that is because it is deeper in the book and theirs is shallower. They have the gravel and they have the sand. Mr. Gagnon stated that the book had another layer of filter fabric on the top. Mr. Stapinski replied that theirs is only six (6) inches of stone. They only have the one layer of filter fabric. They say sand or filter fabric on the bottom, so they put one layer just like the cross section, so it is really no difference and if they were deeper and narrower, they would have it on the sides. This is wide, a couple hundred feet, so it doesn't make sense. There's no way to really wrap it on the edges. That is the discussion he had with Mr. Gagnon who recommend that he speak to the Commission about it. Mr. Gagnon also noted that he would like to see the box culvert at an angle to move it a little further away from the property line. They are willing to do that. Those were Mr. Gagnon's comments to him at 4:30 p.m. today.

Ms. Lamoureux asked to verify that the Stormwater Management is based on .7 runoff over the site.

Mr. Stapinski stated it was just on that particular portion. Then where there are grassed slopes, those are actually higher than that. That curve number is greater. At the building it is .98 and the area that is proposed to be paved is .95.

Ms. Lamoureux that asked if they are taking infiltration credits for these other areas.

Mr. Stapinski noted that the only infiltration credit they have taken is for the potential building and paving on the site. Other than that, they did not take it anywhere else.

Mr. Giarrusso noted that he had a discussion with Mr. Gagnon earlier in the day and about using parking lots as infiltration and his comment was to refer back to the Stormwater guidelines. He spoke to Mr. Stapinski briefly about what he presented tonight and he needs to look at how the Stormwater regulations look at a gravel parking facilities around the building doing double duty because he does not think it is a clear apples for apples situation because when you look at the gravel facilities around the building, there is potential for pollutants and compacting. He really can't say with five minutes of presentation in thought, whether or not realistically that turns this parking facility into an acceptable infiltration trench. It has a different design because it is a wider area, but realistically, does that change the dynamics of what they have out there from a conventional trench. One question he has is that if they are loading the area with water, does it jeopardize the stability of that building during a flash rain event. Will that make a situation that you have this load that now produces an unstable condition for a building that now is potentially floated because you have a hydric condition surrounding it.

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Mr. Stapinski noted that the other discussion he had with Steve Gagnon is that, if he did not feel comfortable with looking at it as an infiltration trench, then he should look at it as a porous pavement design. In terms of the pollutants, he would say that DEP no longer requires treatment of pervious pavement. He described a design he had done for the largest porous pavement facility that was done for the George Western Bakeries on Route 93 in Wilmington. The Wilmington Conservation Agent made a call to DEP, who in turn said that it was the ideal solution. It was finished a month ago and has been very successful. He noted that Mr. Gagnon pointed out the difference between that and this is that you can vacuum the porous pavement and this you can't. Mr. Stapinski agreed that is the only difference, but you don't have to vacuum this. He understands that it is not apples for apples, but they are not asking for it to be a full filter either. They are asking it to take the roof runoff water that doesn't need to be treated. The only BMP is the rooftop runoff.

Ms. Lamoureux read a memo dated November 6, 2008, from Stephen Gagnon, Assistant Civil Engineering for the City. There was some confusion as to one of the comments in the memo regarding the pretreatment of runoff. Rooftop runoff would not need pretreatment.

Mr. Stapinski noted that what that refers to is on the infiltration trenches; if you're putting that into the treatment stream, under the old regulations, before it went into the infiltration trench they wanted you to put a grass swale in. The grass swale did the 40% removal leading up to the infiltration trench, and then the trench did the rest of the work. He agreed to Mr. Gagnon's second comment regarding the angling of the box culvert.

Mr. Giarrusso noted his other concern is dealing with the slope. They are going to have equipment working in the area and he would like to see some type of guardrail installed to insure that they do not have any issues with equipment or other vehicles going off the edge.

Mr. Stapinski agreed to the guardrail.

Hearing no public input at this time, Ms. Lamoureux asked for the Commissions what they were comfortable with doing.

Mr. Giarrusso noted that if the Commission expects him to look into the question on whether or not a trench can be used as a pervious pavement parking facilities type of thing, he needs some time to research that or at least have a conversation with Mr. Gagnon who can research that or the Commission can decide if Mr. Stapinski has given an adequate explanation.

Ms. Lamoureux noted that she did not understand why and was upset that this has become an issue now when it has been in the plans for some time.

Mr. Giarrusso noted that if the trench is being used just for roof runoff, he does not disagree that it is less significant than if it was being used for the rest of the drainage design, because they are dealing with water that needs limited treatment.

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Mr. Stapinski added that they have taken no credit for infiltration whatsoever at the detention pond out of the sides even though the sides are above the water table. They have been very conservative.

Mr. Wilkens noted that it has a clay liner.

Mr. Stapinski noted that they added a clay liner as a result of a comment from Mr. Gagnon. Originally when they did it, they didn't take credit for it and then he came back as said if you are not taking credit for it, asked if they are treating this as an extended pond. Mr. Stapinski agreed and noted the bottom water table says that they should be clay lining the whole thing to be sure of that and that's what they did, but it didn't have to be given the soil material that is there anyway.

Ms. Lamoureux noted that Stormwater regulations have changed. It sounds reasonable to her, but she is not the one who is going to have to be comfortable with it.

Mr. Giarrusso noted that when he needs to investigate Stormwater regulations, that is what he has to do, as he does not have the luxury of using it on a daily basis.

Ms. Lamoureux asked Mr. Stapinski if he would be willing to give the Commission two weeks to straighten that out. It is his choice, he can say he wants to close it and they will close it.

Mr. Stapinski noted that his only concern is that nothing else comes up two weeks from tonight and then he would have to try to respond.

Ms. Lamoureux noted her displeasure at not having Engineering's concerns in a more timely fashion so that they could have been addressed for this meeting. If Mr. Stapinski feels comfortable with his engineering and that it has been addressed with Mr. Gagnon and he is ok with it based on his conversations with him, then it is clear what he should do.

Mr. Stapinski noted that he is not going to represent that Mr. Gagnon is ok with it. He had a discussion with him and he said it going to be up to the Commission to decide. That was the closing comment. He did not see a problem with the angle of the culvert, so that was not an issue. If the Commission is going to say they would like Joe Giarrusso to do a little research and make a call to DEP, then he would say ok to continue, but if the Commission is not going to have Mr. Giarrusso do anything, he does not think Steve Gagnon is going to do anything.

Ms. Lamoureux noted that if he wanted to close the hearing, she would still have Mr. Giarrusso look into it.

Mr. Giarrusso noted that he is going to look into it either way. The bottom line is that if Mr. Stapinski is comfortable with his design, then he should stand on that premise.

Mr. Stapinski noted the only comment he would have is that if it is not treated as porous pavement and it is treated really as an infiltration trench, and he did need a grass strip because the picture has a grass strip, he won't be able to add it, as he does not have room. If Mr.

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Giarrusso makes a phone call and depending on whom he speaks to, they may say you should add a grass strip adjacent to it. He can add a grass strip adjacent to the building and the runoff from the building falls on the grass strip and runs out of the grass strip into the pavement.

Ms. Lamoureux noted that could always be conditioned.

Mr. Stapinski continued noting that the worse case is that he is going to put a grass planter adjacent to the building. If the Commission can put a condition to that effect, he would just the soon close it. He requested the Commission close the hearing and asked the Commission to condition the plan that they angle the box culvert and put the grass strip around the building if they are requested to.

Mrs. Boulay made a motion that was seconded by Mr. Wilkens; so voted, UNANIMOUS to CLOSE the hearing for the above noted project. The Commission now has 21 days to issue their decision. It will not be made this evening.

Mr. Giarrusso noted that he would contact the DEP representative handling the project for input.

B. Notices of Intent – DEP File # 219-1061 – MCC File # 08-013 – 7 Dale Street – David Theroux - Stowers Associates, Inc. (Con't from 10/16/08)

The Chairperson re-opened the public hearing for the above noted project and read a letter dated October 27, 2008, from Stowers Associates Inc. requesting a continuance to the meeting of November 20, 2008.

Hearing no public input at this time, a motion was made by Mr. Parsons; seconded by Mrs. Boulay; so voted, UNANIMOUS to CONTINUE the hearing to November 20, 2008.

C. Notices of Intent – DEP File #219-1063 – MCC File # 08-015 – 64 & 76 Swan Street – Jackson Redevelopment, LLC – Merrimack Eng. Services, Inc. (Con't from 10/16/08)

The Chairperson re-opened the public hearing for the above noted project and Stephen Stapinski of Merrimack Engineering Services, Inc. presented the revised plans to the Commission for the above noted project, addressing concerns of the last meeting. He also described the wetland resources in the area and issues with flooding in the area and explained the proposed plans to alleviate some of the flooding with drainage improvements.

Ms. Lamoureux read a memo dated November 5, 2008 from the City Engineering Department noting they had no issues with the project.

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

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D. Notices of Intent – DEP File #219-10?? – MCC File # 08-016 – Lot 29, Cornelia Road – Richard Campbell – Seekamp Environmental Consulting, Inc.

AND

E. Notices of Intent – DEP File #219-10?? – MCC File # 08-017 – Lot 30, Cornelia Road – Suzanne Bradley – Seekamp Environmental Consulting, Inc.

Per letter dated November 3, 2008 from Seekamp Environmental Consulting, a motion was made by Mrs. Boulay; seconded by Mr. Parsons; so voted, UNANIMOUS to TABLE items D and E above to the meeting of November 20, 2008.

F. Amendment to Notices of Intent – DEP File #219-1035– MCC File # 07-011 – 254 Broadway/ 4 Gleason Street – Methuen Assisted Living LP – Merrimack Engineering Services, Inc.

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

The Chairperson opened the public hearing and Steve Stapinski of Merrimack Engineering presented the plan the proposed redesign of site drainage and flood storage and an electric transformer relocation at the Assisted Living facilities from the approved Order. It should be clearly noted that the existing limit of work would not be changed. The retail building will be smaller with some additional parking. This amendment will put the plans that were approved by the Planning Board in full compliance with the Order. The Stormwater Management did not change as a result. Two other things put onto the plan which came up during the construction of the ALF and after the previous amendment, was the installation of the transformer from the electrical. The original transformer was going to be on the right side of the building.

Mr. Giarrusso added that this transformer is designed differently in that it is a vault area that has the capacity should the transformer fail to hold all hazardous material.

Mr. Stapinski added that it is also designed to be above the hundred-year flood and fully water tight. As a result of a concerned abutter, they have provided a runoff by-pass by placing a 12” berm along the edge of the property line.

Mr. Giarrusso noted that there would be no loss of flood storage.

Ms. Lamoureux read a memo dated November 4, 2008 from the City Engineering Department.

Hearing no public input at this time, a motion was made by Mr. Wilkens; seconded by Mrs. Boulay; 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 8:00 p.m.

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

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IV. ACCEPTANCE OF MINUTES: A motion was made by Mr. Parsons; seconded by Mr. Wilkens; so voted, UNANIMOUS to ACCEPT the minutes of 10/02/08 and 10/16/08 as written.

V. NEW BUSINESS:

A. Request for Determination of Applicability – MCC File # 08-015 – 208 Wheeler Street - James Scott Mosher

James Mosher submitted a copy of the legal notice and presented the plans for the proposed repair of an existing failing septic system to an existing single-family dwelling that is located within the Buffer Zone of Bordering Vegetated Wetlands. The proposed limit of work is 61' and the new leaching system is 90' from the resource area as shown on the plan titled "Upgrade Plan of Subsurface Sewage Disposal System", dated 9/25/08.

Hearing no questions of the Commission, a motion was made by Mr. Wilkens; seconded by Mrs. Boulay; so voted, UNANIMOUS to ISSUE Negative 3 determinations with Standard Boiler Plate with standard 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:

- 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.
- B. **Before any work is done**, a copy of the Board of Health approval shall be submitted to the Commission.
- C. The Applicant shall provide the Commission with a 48-hour notice before abandoning the existing septic system. The applicant shall comply with all Title V requirements.
- 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.

VI. OLD BUSINESS:

A. Enforcement Issues

No enforcement issues were discussed at this time.

B. Insignificant Change - DEP File #219-1007 – MCC File # 06-014 - 1 Preston Street (formerly 28 Webb Street) – Daniel Theberge – Stowers Associates, Inc.

Hugh Dunkley of Stowers Associates Inc. present the request for change noting that the only change to the Order is that a little shed was relocated and the concrete pad is still there. Also, an open deck, bulkhead and open porch have been constructed in the rear of the dwelling all within the limit of work.

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A motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to APPROVE the Changes, finding them Insignificant.

C. Certificates of Compliance – DEP File #219-1007 – MCC File # 06-014 - 1 Preston Street (formerly 28 Webb Street) – Daniel Theberge – Stowers Associates, Inc.

Having approved the changes under item B above, a motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to ISSUE Certificates of Compliance for this project.

D. Certificates of Compliance – DEP File #219-1041 – MCC File # 07-016 – 50 Osgood Street City of Methuen – H-Star Engineering, Inc.

Upon recommendation of the Conservation Officer, a motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to ISSUE Certificates of Compliance for this project.

E. Extensions to Orders of Conditions - DEP File #219-961 – MCC File # 05-017 – The Village at Russell Farm off Merrimack St. – Homestead Village, LLC

Upon recommendation of the Conservation Officer, a motion was made by Mr. Wilkens; seconded by Mrs. Boulay; so voted, UNANIMOUS to ISSUE ONE (1) year Extension Permits to the above noted Orders of Conditions.

F. Certificates of Compliance/bond Release – DEP File #219-937 – MCC File # 04-038 – Lots 1 thru 4, Armstrong Avenue – Jeffco Corp. – Andover Consultants, Inc.

Ms. Lamoureux read comments from the Conservation Officer's report and a memo dated November 4, 2008 from the City Engineering Department.

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

G. Amended Orders of Conditions – DEP File # 219-961 – MCC File # 05-017 – The Village at Russell Farm off Merrimack St. – Homestead Village, LLC

A motion was made by Mrs. Boulay; seconded by Mr. Wilkens; so voted, UNANIMOUS to AMEND the Orders of Conditions for the proposed redesign of the approved drainage system as shown on plans by SFC Engineering Partnership, Inc. noted below, which shall be added to those referenced in the Amended Order of Conditions issued on 04/10/06.

Plan(s) Entitled: “*The Village at Russell Farm – Phase I off Merrimack Street*”

Sheet 1 of 2 – Revised Grading & Drainage Plan, dated 8/25/2008

Sheet 2 of 2 – Drainage Details, dated 8/25/2008

Both plans signed and stamped by David R. Jordan, PE# 34732 on file with Methuen Conservation Commission.

Adding Findings:

The request for amendment to the Orders of Conditions submitted by Homestead Village, LLC with plans by SFC Engineering Partnership, Inc. (Sheets 1 thru 2 of 2) dated August 25, 2008 is for the proposed redesign of the approved drainage system. The proposed project will result in alteration to Buffer Zone associated with Inland Bank and Bordering Vegetated Wetlands associated with an intermittent stream that is in the Merrimack River Watershed. Erosion control consisting of double-staked hay bales and silt fencing are proposed to prevent impacts to the resource areas.

And Special Condition:

A. The Stormwater Management Report for The Village at Russell Farm off Merrimack Street, Methuen, MA dated June 3, 2005, revised thru August 25, 2008, signed and stamped by David R. Jordan, PE# 34732 shall be added to those items listed in general condition # 26 of the Amended Order of Conditions issued on 4/10/2005. All other conditions and limit of work shall remain the same.

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

- 1) Mr. Giarrusso noted that there was some confusion on the bond reduction for Emerald Pines. There was an as-built that stated that there was work looking for a bond release down to station 24.0 and the Commission had only bonded to station 8.0. There was a discrepancy on what was being done on the site. Unfortunately, what has happened is that there are multiple jurisdictions that are monitoring this site and from a State perspective, they have an Order of Conditions that allows them to do work on the whole site. The State had said, including Natural heritage, that as long as you do not get to the first major crossing, that it is fine to do the work in that stage. Unfortunately, in the middle of this, things got delisted, so it became even more confusing on what was significant at that point because the upper section was Spotted turtle habitat and after spending more that \$ 200,000 to analyze something that no longer was significant. What you have is that there is an area that has been constructed as far as utilities and roadway with binder up to station 24.5. The submitted as-built shows a degree of utility installation, including a pump station that has not been permitted. The whole area has been cleared of all vegetation, which the Commission had only allowed in non-jurisdictional areas. They are now in the middle of requiring that Emerald Pines produce a cash bond up to station 12.25 and that the remaining area either get a cash bond or deed restriction, which would prevent any sale of lots, but give the Commission the bond required to stabilize and get the site back into compliance. His goal for the next meeting is to come up with a methodical list of things that, even if they are done, if they are not done in compliance with this Order, they either have to be removed and replaced or revisited with the Commission, which includes the pump station.

Ms. Lamoureux noted that she wants to make sure that there is money in a bond so that if somebody walks away from this tomorrow, that there is money to fix it.

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Mr. Giarrusso noted that there is a bond that would allow them to fix it up to station 8. That's why they are getting one for up to station 12.5. That's what is going to be done.

- 2) Mr. Giarrusso noted that the sewer project on East Capitol Street ran into a snag when he delineated the wetlands because they were a lot larger than CDM said they were. There is no a situation where they are going to have to come back to the Commission to amend the Orders of Conditions as the buffer zone project is now potentially going to be an impact project. He will be meeting with Frank Russo and David Polcari of CDM to review and discuss the findings.

VIII. OTHER BUSINESS: The Commission scheduled a site walk for Cornelia Road on Saturday, November 15, 2008 at 9:00 a.m.

IX. ADJOURN: A motion was made by Mr. Parsons; 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

Christopher Parsons,
Secretary

Date Approved