

**METHUEN CONSERVATION COMMISSION**  
**Minutes of Meeting – January 22, 2009**

The City of Methuen Conservation Commission held a public meeting on January 22, 2009, 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, George Kazanjian, Financial Secretary, and Commissioner Sandra Boulay. Also present were Joseph Giarrusso, Conservation Officer and Head Clerk, Dianne A. Dewan. Commissioner Isabel Tourkantonis was absent.

The Chairperson called the meeting to order at 7:05 p.m.

**I. NOTICES OF INTENT:**

- A. Notices of Intent – DEP File #219-1066 – MCC File # 08-016 – Lot 29, Cornelia Road – Richard Campbell – Seekamp Environmental Consulting, Inc. (Con't from 12/18/08)

The Chairperson re-opened the public hearing for the above noted project and Attorney Christopher Zacharer, 9 Central Street, Lowell, MA, stated that he was here representing the developer, Kevin O'Brien, and then introduced Patrick Bower, the project engineer and Patrick Seekamp, the Environmental Engineer from Seekamp Environmental. He then turned the microphone over to Mr. Seekamp for review of the project and what has been changed to date and what is going forward.

Patrick Seekamp noted that the last time they were here they had a fairly lengthy discussion regarding the design of Lot 29, some of which were some additional things that they could look at to try further reduce some of the proposed work and see if they could make this lot a little better. They had received comments from the Conservation Officer and have put together supplemental information for this. The first item is that they have done a fairly lengthy alternative analysis for Lot 29 on a point-by-point basis of Methuen's Rules and Regulations regarding how you approach and analyze alternatives. This lot is a Buffer Zone project and the proposed house is a thousand square feet. They have gone to the Zoning Board of Appeals and received variances. It is a 15,200 square foot lot. There is really only so far that they can go to pull the house and driveway and appurtenances forward before they are pushing non-conformance for that. Alternatively, there is not much more that they are going to be able to do on this lot to reduce the amount of buffer zone work. They have however, gotten DEP's comments back on Lot 29 and they were related to further trying to reduce the amount of buffer zone disturbance at the back of the lot. DEP has issued a file number for this project and recommend some type of demarcation at the back. They have pulled the proposed clearing and grading back and now have 17' between the backside of the proposed deck and the proposed split rail fence. They feel this is a reasonable compromise on their part as this is not a big back yard. This plan now shows the split rail fence, erosion control and reduction in grading to satisfy the DEP's concerns on Lot 29. He explained the alternative analysis conclusion being that this is a 1,000 square foot house and there is very little they can do to further reduce. They think it would be unreasonable given the market for lots in the area and the configuration of this particular lot to further reduce that as essentially you would a structure that would likely not be

METHUEN CONSERVATION COMMISSION

Minutes of meeting – January 22, 2009

able to be sold. They feel they have taken the efforts to do that and reduced the amount of buffer zone disturbance on Lot 29, pulled activities out away from the wetland boundary. The Rules and Regulations under Methuen's By-Law does and can for extenuating circumstances or circumstances where they can show that the house size is reasonable and there is an unreasonable, undue disturbance to the lot, it can be allowed under the By-Law Rules.

Additional, they have submitted a Wildlife Habitat Assessment for Lot 29, dated January 9, 2009, as part of the requirements under the By-Law. Trying to assess true wildlife habitat value on such a small area, 15,000 square foot, is often difficult. They base it on physical features, stratification of the structure that is out there and current wildlife use as well as what is happening in the overall area, the adjacent wetlands, residential areas and how the lot is situated with respect to roadway corridors, and connectivity to big, large open wetland areas. They have provided that analysis. He explained the analysis in detail referring to the vegetation and past land use of the area, including wildlife. The conclusion of the Wildlife Habitat Assessment is that it does not provide significant wildlife habitat area.

Ms. Lamoureux asked if the plan on view and being referenced has been submitted to the Commission.

Mr. Seekamp noted that the plan would be submitted tonight. It was revised primarily to reflect the comments from the DEP and satisfy their concerns.

Ms. Lamoureux then read comments from the DEP noting that the applicant has not pulled back the limit of work to the 182 line as recommended. She also read a memo dated January 15, 2009, from the City Engineering Department and comments from the Conservation Officers report.

Mr. Parsons noted his asked if DEP is satisfied with the changes made to address their comments.

Mr. Giarrusso noted that the DEP only comments on the original submittal.

Mr. Seekamp stated that they made their changes to satisfy the comments that the received from the DEP. Those comments typically are suggestions for the Commission to consider in their review of the project.

Mr. Parsons noted for the record that, in the past, any time development is allowed this close to the wetland line, it has been nothing but a headache for the Commission, as far as violations and filling in wetlands, even if there have been markers out there.

After revised plans were submitted and hearing no public input at this time, a motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; 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.

METHUEN CONSERVATION COMMISSION  
Minutes of meeting – January 22, 2009

B. Notices of Intent – DEP File #219-1065 – MCC File # 08-017 – Lot 30, Cornelia Road –  
Suzanne Bradley – Seekamp Environmental Consulting, Inc. (Con't from 12/18/08)

The Chairperson re-opened the public hearing for the above noted project and Patrick Seekamp of Seekamp Environmental submitted revised plans for Lot 30 with the purpose to address comments of the DEP regarding grading at the rear of the lot. There is a new erosion control line and split rail fence with 17' dividing the house from fence. It is in line with the proposed line on Lot 29. The effectiveness is both to reduce the proposed buffer zone disturbance on Lot 30 as well as to further reduce the filling from approximately 1,300 square feet on lot 30 to 937 square feet. They have also revised in kind, the proposed grading for the wetland replication area on Lot 50, which is a part of this application to reflect a slightly reduced disturbance on that area. They have maintained the 2 to 1 required ratio of wetland filling to wetland mitigation required under the City of Methuen's Wetlands Protection By-Law. The new plan reflects a mitigation area of a size of a 2 to 1. They have submitted supplemental information on Lot 30. Again an Alternative Analysis has been prepared specific for this proposed development on Lot 30. It is similar in respect to the Alternatives Analysis they did for Lot 29. They have a 1,000 square foot house. They have issues with the lot size. Lot 30 is approximately a 16,000 square foot lot. They have a fair amount of wetland area at the back of the lot. They feel that any further reduction in the house size would render this effectively not a reasonable alternative. They made the alternative, in addition to reducing the buffer zone disturbance at the back, putting up the split rail fence and further reducing the wetland filling. The issues are outlined point by point in the Alternative Analysis as to how they cannot necessarily change the current design, how they cannot meet the 50' By-Law setback and ever be able to build on this site. They feel that because these wetlands and the buffer areas, which he will get into in a minute regarding its current habitat conditions, this represents, what he would call a significant habitat destruction as a result of balancing construction and a house on this lot with the preservation of the remaining buffer zone and wetland areas at the back of the lot. The site, the surrounding area, as they stated consistently with the other lot, there is a lot of activities. It doesn't necessarily make this a significant wetland resource that the City of Methuen has. The buffer area, a lot of this area, again Lot 30 in like in kind to the area has a lot of somewhat low value invasive shrubs. It also has a treed and forested habitat, but the result of their alternatives analysis, in a nutshell and in conclusion, is that the house is reasonable. It is a reasonable size house for the surrounding area. Work within the buffer won't result in an impact to the resource area. They have provided a barrier and a reduction in the rear of the lot to further try to protect the wetlands at the rear and balance out the need for access and a small back yard at the rear of the house. The BW impacts have been mitigated in 2 to 1 fashion, which is consistent with what the Commission requires in their By-Law. They have provided a planting plan that reconstructs the structural habitat and the integrity of the wetland resource are being filled over in the same approximate stretch of forested and wetland habitat. The species that they have selected for the wetland mitigation are consistent with the species they save. They are not bringing in the invasive shrub and buying species that predominate out there. They are replacing those with some higher value shrubs and trees, which will develop into a better, more valuable wildlife habitat. They feel, with the mitigation, they have balanced the wetland loss to more than the wetland area that is lost with a 2 to 1 mitigation. They have also submitted a wildlife habitat assessment for Lot 30. Again, it is a small lot. They have discussed the land use history, the vegetative cover types. These are all consistent with all

METHUEN CONSERVATION COMMISSION  
Minutes of meeting – January 22, 2009

those that he has already discussed. They have one other cover type on this lot, which is cover type 3, a typical to what they had on lot 29. Cover type 3 is basically a scrub shrub portion of the wetland, which is predominantly devoid of the over, story trees, so they have a slightly different type of wetland system as a result of the extending back. The scrub shrub is nothing more than a low shrubby portion of the wetland that is probably typical of the old way of farming and gardening activities and has not rebounded in a force that habitat and/or has been cut more recently than the area on Lot 29. The other issue on the habitat characteristics is that they have the same proximity to the 213-roadway corridor. The same proximity to the neighborhoods south of Reservoir Hill and Howe Street. They have the same relative proximity to the City's landfill area as well. The typical habitat and wildlife usage is the same thing; suburban and urban wildlife small wood lot, small mammals, rodents and things of that nature and birds that flit in and out. A lot of that and most of which will remain, and still can be utilized and will still be utilized consistent with all the other residential development that hasn't affected those wildlife habitats from currently using this area and the broader area. They have provided a locus map that shows a nice overview and prospective as to where these lots fall in relation to the greater development areas around as well as the undeveloped areas. They have provided a revised wetland mitigation plan as well that reflects the new 2 to 1 size of the mitigation as well as the additional trees and shrubs to fill in the areas, the additional square footage of mitigation. Last time they were here, there was a discussion about them needing to provide information on how they would get to the wetland mitigation that they are proposing; the actual route. They have attached a sketch to their revised wetland mitigation plan, which shows the direction they will come off Cornelie Way. They have an existing water line, which is getting tied into the road over by the City dump. They will come down off the slope. They will go off the existing wood road that is there, make a right hand turn, go into the woods, excavate out the wetland mitigation area and back out the way they came. Anything that needed to be seeded as a result of tracks disturbing the soil surface would be done. This area is part of the water line construction and is an appropriate way to get to the mitigation area. It would not constitute any additional disturbance be done. He turned it back to the Commission for questions and comments.

Ms. Lamoureux read comments from DEP, a memo dated December 16, 2008, from the City Engineering Department and comments from the Conservation Officer's report.

Mr. Parsons noted his same comments as for Lot 29.

Hearing no public input at this time, a motion was made by Mr. Kazanjian; seconded by Mr. Wilkens; 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 7:40 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.

**IV. ACCEPTANCE OF MINUTES:** A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ACCEPT the minutes of 12/18/2008 as written.

METHUEN CONSERVATION COMMISSION  
Minutes of meeting – January 22, 2009

**V. OLD BUSINESS:**

- A. Extensions to Orders of Conditions – DEP File #219-596 – MCC File# 97-065 – Hampstead Street – Rajender Malhotra (RIT Corporation)

Upon recommendation of the Conservation Officer, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to GRANT one (1) year extensions to the Orders of Conditions.

- B. Bond Seizure – MCC File# 97-065 – Hampstead Street – Rajender Malhotra (RIT Corp.)

Ms. Lamoureux noted receipt of a letter from the bank stating that they would renew the letter of credit upon issuance of the extension. No action is needed at this time.

- C. Bond Reduction – MCC File # 97-065 – Hampstead Street – Rajender Malhotra (RIT Corp.)  
Meisner Brem Corporation

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to REDUCE the bond to the amount of \$31,400 as recommended by the City Engineering Department.

- D. Extensions to Orders of Conditions – DEP File # 219-742 – MCC File # 00-043 – 5 & 7 Village Road – Sam Ameen

Upon recommendation of the Conservation Officer, a motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to GRANT one (1) year extensions to the Orders of Conditions.

- E. Certificates of Compliance/Bond Release – DEP File #219-963 – MCC File # 05-019 – 74 Riverdale Street – Ventre Partners Nominee Trust – Andover Consultants, Inc.

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

- F. Orders of Conditions/Bond – Notices of Intent – DEP File #219-1069 – MCC File # 08-020  
580 Howe Street – Paul M. Grelle

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ISSUE Orders of Conditions with Standard Boiler Plate, General Condition # 4 changed from 1 to 3 years under the local, #24 waived, #33 to read in front of the property and adding the following:

METHUEN CONSERVATION COMMISSION  
Minutes of meeting – January 22, 2009

**Findings:**

The Notice of Intent submitted by Paul M. Grelle and plan entitled “Plot Plan” dated 11/10/2008, prepared by Gloral Associates is for the construction of an addition to existing dwelling approximately 45’ from the edge of Bordering Vegetated Wetlands. Erosion control has been proposed within the limits of the existing yard, approximately 28’ from the Resource Area.

**Special Conditions:**

- A. **Before a building permit may be signed off and/or ANY activity on the site may begin,** erosion control shall be installed as shown on the approved plan. The Conservation Commission or its agent shall inspect and approve installation before work may begin.
- B. A dumpster(s) will be used for the construction debris to prevent materials from blowing into the resource area(s).
- C. Existing grading shall not be changed as the result of the proposed addition
- 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. Should dewatering be required for the construction, the Commission shall be notified and shall approve the methods used.
- G. Bond Release – MCC File # 08-012 – 106 Lowell Blvd.- Ilias Sitmalidis

For reasons outlined in a letter from Ilias Sitmalidis, a motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to RETURN the BOND for this project.

**VII. OTHER BUSINESS:**

- 1. Emergency Certificate – 09-001 – Frye Road & East Capitol Street – Mass. Mosquito Control

Ms. Lamoureux read letters dated January 22, 2009 from Emily DW Sullivan of Northeast Massachusetts Mosquito Control explaining the need for an Emergency Certificate to alleviate problems at the above noted locations.

After a brief discussion, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ISSUE an Emergency Certificate as requested with the provision that all requirements of the Natural Heritage Endangered Species Program be adhered to.

- 2. Election of Officers

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to NOMINATE and ELECT Suzanne M. Lamoureux as Chairperson. Ms. Lamoureux accepted.

METHUEN CONSERVATION COMMISSION  
Minutes of meeting – January 22, 2009

A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to NOMINATE and ELECT John Wilkens as Vice Chairperson. Mr. Wilkens accepted.

A motion was made by Mr. Kazanjian; seconded by Mr. Wilkens; so voted, UNANIMOUS to NOMINATE and ELECT Christopher Parsons as Secretary. Mr. Parsons accepted.

A motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to NOMINATE and ELECT George Kazanjian; as financial Secretary. Mr. Kazanjian accepted.

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

1) Mr. Giarrusso updated the Commission on the bonds for the Emerald Pines projects, noting that the bank has failed to submit the original letters of credit. He recommends that a stop work order or Enforcement Order be issued with the caveat that all erosion work associated with maintenance and stabilization of the site be allowed and no work may commence until the bonds have been submitted.

A motion was made by Mrs. Boulay; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ISSUE the Enforcement Order as noted above.

At the request of the Conservation Officer, Ms. Lamoureux read, for the record, a letter dated January 22, 2009, from Attorney Vincent Manzi to Karen Sawyer, Director of Economic & Community Development.

**VIII. ADJOURN:** A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to ADJOURN the meeting at 8:05 p.m.

Respectfully submitted by:

Reviewed by:

Approved on:

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

\_\_\_\_\_  
Suzanne M. Lamoureux,  
Chairperson

02/19/2009  
Date Approved