

METHUEN CONSERVATION COMMISSION
Minutes of Meeting – December 21, 2006

The City of Methuen Conservation Commission held a public meeting on December 21, 2006, 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 Commissioners Sandra Boulay (arrived at 7:35 p.m.) and Alan Golobski. Also present were Joseph Giarrusso, Conservation Officer and Head Clerk, Dianne A. Dewan.

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

- A. Notices of Intent – DEP File #219-1018 – MCC File # 06-026 – 222 Pelham Street – Michael Sabbagh for Lebanese Community Housing for the Elderly, Inc. – W. C. Cammett Engineering, Inc. (Tabled from 12/07/2006)

As requested in a letter dated December 21, 2006, from Denis M. Hamel of Cammett Engineering, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to TABLE the hearing for the above noted project to the meeting of January 4, 2007.

- B. Notices of Intent – DEP File # 219-1020 – MCC File # 06-027 – 16 First Avenue – Deborah E. Burch - Merrimack Engineering Services, Inc. (Tabled from 12/07/2006)

As neither the applicant nor her representative was present at this time, a motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to TABLE this item until later in the meeting.

- C. Abbreviated Notice of Resource Area Delineation – DEP File #219-1019 – Lots 1 & 72 Sevoian Drive – RKACO LLC – Seekamp Environmental Consulting, Inc. (Con't from 12/07/06)

The Chairperson re-opened the public hearing for the above noted project and read a letter dated December 18, 2006 from Michael Seekamp of Seekamp Environmental Services, Inc. requesting this hearing be continued to the meeting of January 4, 2007.

A motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to CONTINUE the hearing to the meeting of January 4, 2007 as requested.

- D. Notices of Intent – DEP File #219-10?? – MCC File # 06-028 – 596 Lowell Street – Brooks Properties III, LLC – SFC Engineering Partnership, Inc.

As requested in a letter dated December 14, 2006, from David R. Jordan of SFC Engineering Partnership, Inc., a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to TABLE the hearing for the above noted project to the meeting of January 4, 2007.

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- B. Notices of Intent – DEP File # 219-1020 – MCC File # 06-027 – 16 First Avenue – Deborah E. Burch - Merrimack Engineering Services, Inc. (Tabled from 12/07/2006)

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

The Chairperson opened the public hearing and Steve Stapinski of Merrimack Engineering presented the plans for the proposed construction of a grass swale and replacement of an existing block retaining wall and wooden dock which will result in alterations to Bank (approximately 37.5 linear ft) and Buffer Zones associated with Forest Lake. Mr. Stapinski submitted revised plans and dock information to address concerns outlined in the Conservation Officer's report, which was read for the record along with the City Engineering Department's memo of December 4, 2006.

Public Input:

Fred Wagner of 62 Bumpy Lane expressed his concern with oil and contaminants going into the lake via the grass swale.

Hearing no further public input or questions of the Commission, a motion was made by Mr. Kazanjian; 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 a decision. It will not be made this evening.

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. Kazanjian; seconded by Mr. Wilkens; so voted, UNANIMOUS to ACCEPT the Agenda as posted.

IV. ACCEPTANCE OF MINUTES: There were no minutes ready for acceptance.

V. NEW BUSINESS:

- A. Request for Determination of Applicability (state only) - Route 495 – Massachusetts Highway Department

Andrea Norton of MASS Highway submitted a copy of the legal notice and presented the plans for the proposed roadway resurfacing of sections of Route 495 which will be located within the Riverfront Area and Buffer Zones associated with Inland Bank and Bordering Vegetated Wetlands. She submitted a revised application along with a broader scope of work description.

A motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ISSUE a Negative 5 Determination under the state only, adding the local Standard Boiler Plate, waiving conditions #2 and 7 and adding the following special conditions:

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- **Before roadway resurfacing may begin**, the job supervisor shall review the locations of all resource areas and determine the limits of required erosion control and locations of proposed stockpile areas. They shall use a GIS resource area map that will document the scope of work and areas to be protected.
- **Before roadway resurfacing may begin**, erosion control consisting of double-staked hay bales shall be installed as determined in the field. The Commission and or its agent shall inspect installation before work may begin.
- All stockpiling of material shall be outside of the Commission's jurisdiction.
- Existing grades shall not be altered as a result of the proposed work.

VI. OLD BUSINESS:

A. Enforcement Issues

- 1) Mr. Giarrusso explained and presented photos of a violation that he found at 18 Sevoian Drive where the property owner encroached with activities beyond the limit of work that was posted with Conservation markers. The site has been restored and the violations addressed by the property owner as verbally required by Mr. Giarrusso.

A motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to ISSUE a Notice of Violation and a fine of \$100.

Mrs. Boulay arrived at the meeting at this point, the time being 7:35 p.m.

- 2) Mr. Giarrusso explained another violation by the property owner at 14 Sevoian Drive in which the property owner installed fencing without proper building permits, cleared and dumped debris within jurisdictional areas. He will be meeting with the property owners next week to go over the violation and options to bring the site into compliance.

A motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to ISSUE a Notice of Violation requiring restoration of the altered area.

- B. Certificate of Compliance on Determination of Applicability – MCC File # 06-001 – 149 Pelham Street – MacDonald's Corporation – Marceau Construction Corp.

Upon recommendation of the Conservation Officer, a motion was made by Mr. Kazanjian; seconded by Mr. Parsons; so voted, UNANIMOUS to ISSUE a Certificate of Compliance for the above noted project.

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- C. Certificates of Compliance/Bond Release – DEP File # 219-1005 – MCC File # 06-013 –
201 Wheeler Street - Heritage Builders, Inc. – Engineering Alliance, Inc.

As requested in a letter dated December 20, 2006, from Ralph Surianello of Heritage Builders, Inc., a motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to TABLE this request to the meeting of January 4, 2007.

- D. Request for Insignificant Change – DEP File # 219-887 – MCC File # 03-041 – Lot 3,
Shannon Estates – Paul Russell – Engineering & Surveying Services

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to DENY the requested change on Lot 3, for reasons outlined in a memo dated December 19, 2006 from Stephen J. Gagnon, Assistant City Civil Engineer.

- E. Request for Insignificant Change – DEP File # 219-887 – MCC File # 03-041 – Lot 9,
Shannon Estates – Paul Russell – Engineering & Surveying Services

Noting no objections in a memo dated December 19, 2006, from Stephen J. Gagnon, Assistant City Civil Engineer, a motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to GRANT the requested change on Lot 9.

- F. Amended Orders of Conditions – DEP File # 219-766 – MCC File # 01-017 – Lot 5,
McGrath Road – Portland Stone Ware

Mr. Parsons made a motion to AMEND the Orders of Conditions noted above for Lot 5 only, adding the following special conditions. The motion was seconded by Mr. Kazanjian; so voted, UNANIMOUS to add the following special conditions:

I. This Amended Order of Conditions shall be added to all other Orders of Conditions for DEP File #219-766 and MCC File # 01-017, including plans and special conditions, unless otherwise stated or required.

II. The supplemental Stormwater Management System – Maintenance Plan information for Lot “5” shall be incorporated with the existing plan and shall be in perpetuity and shall be referred to in ALL future deeds to these properties.

III. NO ACTIVITIES/ work shall be allowed on the site until all issues associated with the MESA program have been addressed, as referred to in the Division of Fisheries and Wildlife letter dated November 27, 2006, **NHESP Tracking No. 06-20603**. The Commission shall be copied on documents and plans associated with this review and approval.

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

- 1) Lot 8, Emerald Pines – the applicant, Lawrence Kady of R & D Development informally explained the requested change for Lot 8 on which he wishes to build a model home without the benefit of water and sewer at this time. It is the last lot in Phase I. They will be coming before the Commission in the near future to segment Phase II of the project. They would like not to build the temporary drive for this lot, but put the permanent road which falls under Phase II.

The Commission had no problems with the requested change, but required that a formal request for change on Lot 8, be submitted and approved before an Occupancy Permit may be issued.

- 2) Mr. Giarrusso explained to the Commission that they would be seeing a future proposal to segment Phase II. He has already met with Frank Russo, City Engineer and Mr. Kady to discuss the mechanics of the segmentation. Mr. Russo is looking at the aspects associated with the utilities, including the lowering of the sewer as they are looking to avoiding Washington Street and use Howe Street. They would be coming in for the proper filings and approvals down the road.

Mr. Kazanjian left the meeting at this point, the time being 8:10 p.m.

- 3) Mr. Giarrusso noted that he has a request of the maintenance manager of Mariner Nursing Home at the corner of Jackson Street and Ranger Road to replace an existing sign, shrinking it down in the same place. He asked the Commission if they want a filing for it. The Commission requested that Mr. Giarrusso handle it administratively.
- 4) Mr. Giarrusso noted that Mr. Budish of 508 Lowell Street has approvals to tear down his existing dwelling and replace it. He has come to the reality that he does not want to build such a big house at this time but would like to proceed by phasing the construction. He is looking to build a 28' by 34' modular home at first and then put a 20 ½' by 28' addition.

The Commission required that Mr. Budish submit a letter describing the phasing to be reviewed and voted at a future meeting.

- 5) Mr. Giarrusso noted the presence of Ms. Fitzpatrick, from Essex Aggie High School who is currently working on a project and needs some assistance from the Commission with certain aspects of the project. He will meet with her and head her in the right direction to obtain the information needed.

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VIII. OTHER BUSINESS:

1. Acceptance of Conservation Easements - There were no easements.
2. Acceptance of Performance Bonds – There were no bonds.
3. Emergency Certifications – There were none.
4. Correspondence – There was none.

IX. ADJOURN: A motion was made by Mr. Parsons; seconded by Mrs. Boulay; so voted,
UNANIMOUS to ADJOURN the meeting at 8:23 p.m.

Respectfully submitted by:

Reviewed by:

Approved on:

Dianne A. Dewan
Head Clerk

Suzanne M. Lamoureux,
Chairperson

Date Approved