

METHUEN CONSERVATION COMMISSION
Minutes of Meeting – February 1, 2007

The City of Methuen Conservation Commission held a public meeting on February 1, 2007, at 7:00 p.m. in the William Quinn Public Safety Building, Sanborn Hall. Present for this meeting were Suzanne Lamoureux, Chairperson, John Wilkens, Vice Chairperson, Christopher Parsons, Secretary, George Kazanjian, Financial Secretary, and Commissioner Sandra Boulay. Absent was Commissioner Alan Golobski. Also present were Joseph Giarrusso, Conservation Officer and Head Clerk, Dianne A. Dewan.

The Chairperson called the meeting to order at 7:00 p.m.

I. NOTICES OF INTENT:

- A. Notice of Intent – MCC File #06-023 – 21 Howe Street – Cingular Wireless – ENSR
(Tabled from 01/04/07)

As requested in a letter dated 02/01/07 from John Zimmer of ENSR, a motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to TABLE the public hearing for this project to the meeting of May 3, 2007.

- B. 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. (Con't from 01/04/07)

The Chairperson re-opened the public hearing for this project and Denis Hamel of W. C. Cammett Engineering presented revised plans dated 01/16/07 addressing the comments of the Conservation Officer from the meeting of January 4, 2007. Mr. Hamel also noted the receipt of the Zoning Board of Appeals approval for the project.

Ms. Lamoureux read comments from the Conservation Officer's report and asked for public input.

Public Input:

Deborah Fiorillo of 5 Princeton Street reiterated her concerns of the January 4, 2007 meeting, providing additional pictures of the flooding conditions to the Commission. She also informed the Commission that the sewer line is now in the wetlands.

Carl Squartrio of 30 Clinton Street noted that the beavers have chewed all the trees down and the sewer line is under water and the system smells. This has been ongoing since they started work on the site about 6 months to a year ago.

Mr. Giarrusso will contact the Department of Public Works tomorrow on the sewer issue and will speak to Mr. Squartrio later on the beaver issue.

METHUEN CONSERVATION COMMISSION

Minutes of February 1, 2007 meeting

Mr. Wilkens updated the Commission on the beaver issues in the area and Mr. Giarrusso verified that he has been managing two of the problem areas.

Hearing no further public input or questions of the Commission, 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.

C. Notices of Intent – DEP File #219-1022 – MCC File # 06-028 – 596 Lowell Street – Brooks Properties III, LLC – SFC Engineering Partnership, Inc. (Con't from 01/04/07)

The Chairperson re-opened the public hearing for the above noted project and David Jordan of SFC Engineering explained the treatment of runoff to the Commission and presented pamphlets of the proposed grass paver system. He also explained why the visitor parking could not be used for employee parking.

Ms. Lamoureux read a letter dated January 25, 2007 from the Natural Heritage Endangered Species Program and referenced the Hydrocarbon Removal Bioremediation information submitted by Mr. Jordan.

Mr. Jordan noted that he has informed the company of the activities taking place on the site after hours. Their security company is looking into the problem.

Public Input:

Michael Birch of 589 Lowell Street reiterated his concerns of an increased water table on his property and the debris on the project site. He felt that the applicant has not satisfactorily looked at alternatives to the proposed parking area.

Hearing no further public input or questions of the Commission, 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.

D. Notices of Intent – DEP File #219-1023 – MCC File #06-030 – 181 Pelham Street – Leonard Thomas/Pelham St. Realty Trust, LLC – Wetlands Preservation Inc. (Con't from 01/04/07)

The Chairperson re-opened the public hearing for the above noted project and Chris Tymula of MHF Design presented the plans revised 01/19/07 noting that they have reduced the parking and pavement area and all work is out of the floodplain and 50' no disturb zone.

Ms. Lamoureux read a letter dated January 17, 2007 from Natural Heritage & Endangered Species Program (NHESP), comments from the Conservation Officer's report and a memo dated January 31, 2007 from the City Engineering Department.

In response to Mr. Giarrusso's question, Mr. Tymula noted that he was not aware of the Conservation Officer's comments and asked that they be copied to him.

METHUEN CONSERVATION COMMISSION

Minutes of February 1, 2007 meeting

Jennifer Vicich of Wetlands Preservation Inc. noted that she has requested a site walk with NHESP and will notify the Commission of the date and time should they wish to attend.

Hearing no public input at this time or further questions of the Commission, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to CONTINUE the hearing to the meeting of March 15, 2007 as requested by Ms. Vicich.

E. Abbreviated Notice of Resource Area Delineation – DEP File #219-1019 – Lots 1 & 72 Sevoian Drive – RKACO LLC – Seekamp Environmental Consulting, Inc. (Con't from 01/18/07)

The Chairperson re-opened the public hearing for the above noted project and read a letter dated February 1, 2007 from Michael Seekamp of Seekamp Environmental requesting a continuance to the next meeting.

Hearing no public input at this time and as requested, Mr. Parsons made a motion that was seconded by Mr. Kazanjian and so voted, UNANIMOUS to CONTINUE the hearing to the meeting of February 15, 2007.

F. Notice of Intent – MCC File #07-001 – 248-250 Broadway – Joseph Fisichelli – Stowers Associates Inc.

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

The Chairperson opened the public hearing and Hugh Dunkley of Stowers Associates presented the plans for the razing of an existing building and proposed construction of a commercial building and associated grading and drainage, portions of which are located within the Buffer Zone of the 100 Year Floodplain under the local Ordinance.

Ms. Lamoureux read a memo dated January 30, 2007, from the City Engineering Department and comments from the Conservation Officer's report.

Hearing no public input at this time and no questions of the Commission, Mr. Wilkens made a motion to CLOSE the public hearing that was seconded by Mr. Kazanjian and so voted, UNANIMOUS. The Commission now has 21 days in which to make their decision.

II. CALL TO ORDER: The Chairperson called the regular meeting to order at 8:10 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: 01/18/07 minutes were accepted with a motion by Mr. Kazanjian; seconded by Mr. Wilkens; so voted, UNANIMOUS.

METHUEN CONSERVATION COMMISSION

Minutes of February 1, 2007 meeting

V. NEW BUSINESS:

- A. Request for Determination of Applicability – MCC File # 07-001 – 51 Osgood Street - Rena Falconi by CYN Environmental Services

Sylvia Kirsch of CYN Environmental submitted a copy of the legal notice and presented the plans for the proposed installation of monitoring well and mitigation as required by DEP as the result of a release of fuel oil that was within jurisdictional areas associated with the Spicket River.

Hearing no questions of the Commission, Mr. Parsons made a motion to ISSUE a Negative 3 Determination under the local Wetlands Protection Ordinance and a Negative 2 Determination under the State Wetlands Protection Act with Standard Boiler Plate, with standard condition #'s 2 and 7 waived under state, and #7 under the local to require a letter upon completion and adding the following special conditions:

- **Before any activity may commence on the site**, the applicant shall notify the Conservation Office a minimum of 48 hours before monitoring wells are installed.
- Existing grades shall not be altered.
- All stockpiling/storing of materials shall be in the front of the property to prevent debris from impacting the resource areas.

The motion was seconded by Mr. Kazanjian and so voted, UNANIMOUS.

VI. OLD BUSINESS:

- A. Enforcement Issues - There were no enforcement issues to discuss at this time.
- B. Extensions (3 years) to Orders of Conditions – 219-893 – MCC File # 03-047 – Old Ferry Road – Leonard D. Boddy Tr./Bulldog Nominee Trust

As back taxes are owed on the property and the Orders expired on January 15, 2007, Mr. Wilkens made a motion to DENY the Extension Permits. The motion was seconded by Mr. Kazanjian and so voted, UNANIMOUS.

- C. Insignificant Change – DEP File #219-911 – MCC File # 04-013 – Emerald Pines, Lot 8 – R& D Development

As requested by the applicant, Lawrence Kady of R & D Development, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to TABLE this request to the meeting of February 15, 2007.

METHUEN CONSERVATION COMMISSION

Minutes of February 1, 2007 meeting

D. Phasing/Segmentation – DEP File # 219-967 – MCC File # 05-022 - Emerald Pines – R & D Development

Lawrence Kady of R & D Development presented the segmenting plan to the Commission who did not have any issues with it.

Ms. Lamorueux read a memo dated January 31, 2007 from the City Engineering Department noting they had no objection to the concept of segmenting Phase II of the project, but had issues with utilities as currently proposed and therefore was unable to provide bond estimates until the utility issue is addressed.

Mr. Giarrusso noted that he is confused with the Engineering memo as he was under the impression from the meeting with the applicant and the Engineering Department that there were no issues.

As a result of this memo, Mr. Kady requested that this item along with item E below, be taken off the agenda until he can meeting with the City Engineering Department and resolve the issue.

The Commission agreed to this request.

E. Bond Phasing – MCC File # 05-022 – Emerald Pines – R & D Development

This item will be taken off the agenda until such time as the applicant requests it be put back on for consideration.

F. Orders of Conditions/Bond – DEP File # 219-1021 – MCC File # 06-029 – 83 Hampstead Street – Steven Douglas

A motion was made by Mr. Parsons; seconded by Mrs. Boulay, so voted, UNANIMOUS to ISSUE Orders of Conditions with standard boiler plate conditions 1 thru 12 and the following:

Findings:

The Notice of Intent filed by Steven Douglass and plan by Land Engineering Environmental Services, LLC dated October 5, 2006, are for the proposed cutting of Phragmites, twice a year, within a Bordering Vegetated Wetland and Land Subject to Flooding which will result in management of an area approximately 3,000 square feet in size.

And Special Conditions:

A. This Order shall allow the maintenance cutting of Phragmites as shown on the approved plan. This cutting shall be done twice a year (first cutting in May-June, and second cutting in September-October), with the height of cut being knee high (approximately 2' high).

B. All slash shall be properly disposed of off site.

METHUEN CONSERVATION COMMISSION

Minutes of February 1, 2007 meeting

C. 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.

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

- 1) Lot 1, Eagle Lane – Mr. Giarrusso explained the differences in the approved and proposed plan for this lot.

The applicant, Steve Doherty further explained that the house is being reduced from a 24' by 40' to a 24' by 36' dwelling with driveway on the left side. He requested the Commission allow the changes.

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to approve the changes, finding them Insignificant. No formal request will be required for this lot, but subsequent changes on other lots will require a formal request for Insignificant Change.

- 2) Mr. Giarrusso informed the Commission of the receipt of a copy of a Notice of Non Compliance issued to St. Mary-Immaculate Conception Cemetery at 6 Woodland Street for work within the Buffer Zone to Bordering Vegetated Wetlands resulting in the stockpiling of material such as soil, granite, old floral arrangements and leaf piles. DEP required that the site be stabilized within 48 hours and a draft Management Plan along with a schedule for implementation of the Management Plan be submitted to DEP. They also required that written notification be submitted along with pictures of the completed work.
- 3) Mr. Giarrusso requested that the Commission approve the use of funds from the Receipts Reserved Account for a new printer compatible to his new laptop computer as the old one cannot be connected to it.

A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to APPROVE the use of funds up to \$300 for this item.

- 4) The Superseding Order of Conditions for 24 Varniai Street has been received from DEP.
- 5) A copy of the draft settlement agreement has been received for Cornelia Road and will be copied to the Commission for their viewing.
- 6) Mr. Giarrusso asked the Commission if they want to purchase copies of the new Environmental Handbook for Conservation Commissioners. The office received one free Copy and additional books are \$65 per copy.

A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted by MAJORITY to APPROVE the use of funds to purchase nine (9) copies of the book. Mr. Wilkens voted against the purchase.

METHUEN CONSERVATION COMMISSION

Minutes of February 1, 2007 meeting

VIII. OTHER BUSINESS:

1. Acceptance of Conservation Easements – There were no easements to accept at this time.
2. Acceptance of Performance Bonds – There were no bonds to accept at this time.
3. Emergency Certifications – There were no emergency certifications to issue at this time.
4. Correspondence – There was no correspondence to be read at this time.

IX. ADJOURN: A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to ADJOURN the meeting at 8:50 p.m.

Respectfully submitted by:

Reviewed by:

Approved on:

Dianne A. Dewan
Head Clerk

Suzanne M. Lamoureux,
Chairperson

Date Approved