

METHUEN CONSERVATION COMMISSION
Minutes of Meeting – February 4, 2010

The City of Methuen Conservation Commission held a public meeting on February 4, 2010, 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, Sandra Boulay, Secretary, and George Kazanjian, Financial Secretary. Also present were Joseph Giarrusso, Conservation Officer and Head Clerk, Dianne A. Dewan. Absent were Commissioners Christopher Parsons and Isabel Tourkantonis.

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

I. NOTICES OF INTENT:

A. Amended Notices of Intent – DEP File #219-911 – MCC File # 04-013 – Emerald Pines Country Club and Estates – R & D Development Realty LLC – Wetlands Preservation Inc. (Con't from 01/07/10)

AND

B. Amended Notices of Intent – DEP File #219-967 – MCC File # 05-022 – Emerald Pines Country Club and Estates – R & D Development Realty LLC – Wetlands Preservation Inc. (Con't from 01/07/10)

The Chairperson re-opened the public hearings for items A and B above and read an e-mail dated February 3, 2010 from Curtis Young of Wetlands Preservation Inc. requesting the public hearings be continued to the meeting of February 18, 2010.

Hearing no public input at this time, a motion was made by Mr. Kazanjian; seconded by Mrs. Boulay, so voted, UNANIMOUS to CONTINUE the hearings to February 18, 2010 as requested.

C. Notices of Intent – DEP File # 219-1071 – MCC File # 09-001 – 57 Chase Street – William Gallant – Andover Consults Inc. (Con't from 01/07/10)

The Chairperson re-opened the public hearing for the above noted project and Pat Bower of Andover Consultants Inc. presented the revised information and plans noting that since the last meeting, he has discussed the work associated with the bridge with the applicant. He just received a copy of the City Engineering Department's comments and will be requesting a continuance to address them and comments of the Conservation Officer. The bridge is in disrepair right now. There is some scouring to the concrete abutment and there is some structural steel that needs to be added. The wearing surface needs to be repaired and/or replaced in some places. The work that needs to be done on the abutments and some steel work that needs to be done near those abutments can be very easily be done by hand. As far as impacts to the resource areas, he thinks it is just a matter of one or two people walking up and down the bank directly adjacent to the abutment in order to get underneath. They propose to wait until the late summer, early fall and work with Joe to find a time when it looks like the river will be at its lowest. They propose to put sandbag barrier in case they get a rainstorm to keep the concrete that has been placed safe. Work on the abutments

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will just be a person or two going down creating a form and pouring in some concrete, letting it set and removing the form and taking it topside. The disturbance to the ground will be minimal by hand shovel work to remove whatever sludge or muck is against the abutment. It can be put into drywall buckets and taken topside. The steel work can also be done by hand underneath. Any welding that needs to be done, the welder can be placed on top of the bridge and lines run down underneath. There are some structural steel pieces that will need to be presented over the side of the bridge and gathered underneath. It is the applicant's expertise and he will be doing the work himself and he assures him the work underneath can be done by hand. He is also willing to work with the Commission on the time frame for when the work can be done. It is hard to define impacts to the resource area because it is going to be a person walking back and forth. In his revised paperwork, he defines the work as a limited project.

Ms. Lamoureux asked Mr. Bower if he had an estimate of the amount of material that is going to have to be removed.

Mr. Bower noted that without getting in there it is hard to determine. There is some riprap that is against the abutment and stuff like that is against the abutment. The abutment is scoured because it is exposed to the water at times. They propose to expose one foot, take that much out into dry wall buckets and take it up to the top. They are not talking about yards of fill. They are talking about bucket loads of fill. If it ends up being more than that, it just ends up being a longer process.

Mr. Giarrusso noted that he does not doubt that this can be done by hand. Any project can be done by hand, but the reality is that work in specific resource areas as noted in the new plan is in Land Under Water. You are still working within floodplain because you are actually going to be removing areas that are in the floodplain and adding more abutment and so forth. He is not saying that this can't be permitted, but the Commission has to have some type of quantity to review for them to permit it. He suggests that he meet with Mr. Bower next week to go over the things that need to be highlighted so he can come up with some quantitative numbers. There will be both temporary and permanent alterations that need to be documented.

Mr. Wilkens suggested that they look into drawing down Mill Pond for a lower water level to facilitate the work.

Mr. Giarrusso noted that is complicated and the permit is good for three years so the Commission is not concerned with the applicant getting the work done in a certain time frame.

Ms. Lamoureux referenced the memorandum from the City Engineering Department dated January 28, 2010 and read comments from the Conservation Officer's report.

Hearing no public input at this time, a motion was made by Mr. Kazanjian; seconded by Mr. Wilkens; so voted, UNANIMOUS to CONTINUE the hearing to the meeting of March 4, 2010.

D. Notices of Intent – DEP File #219-1081 – MCC File # 09-009 – Lot 1, Atkinson Street – Joseph Fisichelli – Meisner Brem Corporation (Con't from 01/07/10)

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The Chairperson re-opened the public hearing for the above noted project and read a letter dated February 4, 2010, from Jeff Brem of Meisner Brem Corporation requesting a continuance.

Hearing no public input at this time, a motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to CONTINUE the hearing to the meeting of February 18, 2010.

E. Abbreviated Notice of Resource Area Delineation – DEP File # 219-1082 – 483 Howe Street
Central Catholic High School of Lawrence – Hancock Associates

Ms. Lamoureux read correspondence dated February 2, 2010, from John Dick of Hancock Associates requesting the public hearing be tabled to the meeting of February 18, 2010.

A motion was made by Mrs. Boulay; seconded by Mr. Kazanjian; so voted, UNANIMOUS to TABLE the public hearing to the next meeting on February 18, 2010.

II. CALL TO ORDER: The Chairperson called the regular meeting to order at 7:25 p.m.

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

IV. ACCEPTANCE OF MINUTES: A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to ACCEPT the minutes of 12/03/09 and 01/07/10 as written.

V. OLD BUSINESS:

A. Certificates of Compliance – DEP File#219-1068 – MCC File # 08-018 – 6 Beechwood Drive – Ashley Kazanjian/Saba Hashem – Andover Consultants Inc. (Tabled from 1/7/10)

As there would not be a quorum if Mr. Kazanjian stepped down, is tabled to the next meeting.

B. Bond Reduction – MCC File # 07-011 – 4 Gleason Street/254 Broadway – N. Pandelena Construction Co., Inc.

Per recommendation of the City Engineering Department as noted in their memo of February 3, 2010, a motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to DENY the Bond Reduction at this time.

C. Extension to Order of Conditions (2 years) – MCC File # 07-001 – 248/250 Broadway – Preferred Construction, LLC

Upon recommendation of the Conservation Officer, a motion was made by Mrs. Boulay; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ISSUE a two (2) year Extension to the Order of Conditions noted above.

D. Amended Orders of Conditions – DEP File #219-1035 – MCC File # 07-011 – 4 Gleason

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Street /254 Broadway – Methuen Assisted Living, LP

A motion was made by Mr. Wilkens; seconded by Mrs. Boulay; so voted, UNANIMOUS to ISSUE Amended Orders of Conditions for the above noted project with the following:

Findings:

The request for Amendment to Notice of Intent submitted by Methuen Assisted Living LP with plans by Henry Schadler Associates, P.C. dated November 12, 2009, and calculation by Szewczak Associates Consulting Engineers dated November 12, 2009 is for approval of the proposed corrections to the flow through panels and removal of existing lattice and screen presently in violation to the approved Order. The proposed amendment addresses the issues in noncompliance.

Special Condition(s):

*A. This Amendment shall **not** supersede the existing special conditions or approved plans cited in the Order. The above referenced plans shall be added to those in the original Order of Conditions issued on 6/27/2007. All other plans, conditions and limit of work shall remain the same.*

B. ALL approved corrective work associated with the flow through panels, and removal of existing lattice and screen presently in violation shall be completed within 60 days of the issuance of this amendment. Failure to comply with this condition shall result in a minimum fine of \$100.00 per day of noncompliance.

E. Orders of Conditions/Bond – DEP File #219-1079 – MCC File # 09-010 – Lots 11 & 12, Greenside Way – Grandview Realty Trust

A motion was made by Mr. Wilkens; seconded by Mrs. Boulay; so voted, UNANIMOUS to ISSUE Orders of Conditions with standard boiler plate, with General Condition #4, change from “one year” to “three years”, General Condition # 24 to be per Engineering Division’s letter, General Condition #33, to read as shown on the approved plans, General Condition #48, shall reference Special Condition D and adding the following:

Findings:

The Notice of Intent submitted by Grandview Realty Trust with plans by Neve-Morin Group, Inc., dated December 21, 2009 is for the proposed construction of two single family dwellings and associated driveways, and utilities within the Buffer Zone of a Bordering Vegetated Wetlands on lots 11 & 12. The proposed erosion control shall be installed a minimum of 50’ from the resource area.

Special Conditions:

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*A. **Before any work is done**, the Contractor and job supervisor shall meet with the Conservation Officer to review the Order of Conditions, Construction Sequence, Compliance of Conditions and time table for the project.*

*B. **Before ANY activity on the site may begin**, erosion control consisting of double staked hay bales and silt fencing shall be installed at the limit of work as shown on the approved plan. The Conservation Commission or its agent shall inspect it before work may begin.*

*C. A copy of the foundation certification(s) showing the location of the foundation and **cellar floor and/or top of foundation elevation** shall be submitted to the Commission and approved **before** final building permit is released. This plan shall include the location of wetland flags, installed erosion control and be at the same scale as the approved plans. Should the location of erosion control or limit of work vary from the approved plan, **ALL** work shall cease until the site is in compliance.*

*D. **Before Occupancy Permit may be issued**, proposed plantings (for Lot 11 only) and permanent post and rail fence shall be installed at the limit of work, Conservation markers shall be placed on ever other post with markers available at the Commission Office. Once installed, the Commission and/or its agents shall inspect them before permit is released. These plantings and markers shall be remain in perpetuity and **any violation of this condition shall result in fines of not less than \$100.00 per day and requirement of restoration of impacted markers and/or vegetation.***

E. 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.

F. 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.

F. Order of Conditions – DEP File #219-1080 – I-93 Rotary at Route 110/113 – Massachusetts Department of Transportation, Highway Division

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ISSUE an Order of Conditions under the State, and adding the following:

Findings:

The Notice of Intent and plans submitted by Mass DOT are for the proposed Geotechnical borings to collect soils information to assist in the design of the proposed ramps, retaining walls and noise barriers associated with the proposed Methuen Rotary improvement project.

Special Conditions:

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- A. *The Methuen Conservation Commission waives general condition # 8.*
- B. ***Before any work is done***, the Contractor and/or project supervisor shall meet with the Conservation Officer in the field and the route used by drilling equipment shall be flagged before clearing and sampling may begin.
- C. *The applicant shall submit a forty-eight (48) hour notice, in writing, which shall include the names, addresses, and business phone numbers of the project supervisor and his/her alternate prior to the commencement of any work on the site.*
- D. *All disturbed jurisdictional areas shall be stabilized by methods approved by the Conservation Commission and/or its agent.*
- E. *Proper disposal of all cast off soils shall be required.*

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

- 1) There is a situation with a deed restriction associated with Toll Brothers project on Pond Street. The property was sold before getting a release from the covenant as required by the deed restriction so they are in violation. He is going to speak to the City Solicitor on how these covenants are handled. He wants to make sure the Commission is covered and feels there should be some type of penalty for violating the covenant.
- 2) The two bonds for Emerald Pines have been extended until September 30, 2010.

VII. OTHER BUSINESS:

Ms. Lamoureux noted that the City Council, at their last meeting, approved through a first reading, to go back to the 10-year limit on people serving on Boards and Commissions, except if you can get a super majority of 6 votes from the Council. If that were the case, all the Commission would be gone except for Mrs. Boulay and Ms. Tourkantonis.

VIII. ADJOURN: A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to ADJOURN the meeting at 7:40 p.m.

Respectfully submitted by:

Dianne A. Dewan
Head Clerk

Reviewed by:

Sandra Boulay,
Secretary

Approved on:

Date Approved