

METHUEN CONSERVATION COMMISSION
Minutes of Meeting – March 4, 2010

The City of Methuen Conservation Commission held a public meeting on March 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 7:05 p.m.

I. NOTICES OF INTENT:

A. Notices of Intent – DEP File # 219-1071 – MCC File # 09-001 – 57 Chase Street – William Gallant – Andover Consults Inc. (Con't from 02/04/10)

The Chairperson re-opened the public hearing for the above noted project and Pat Bower of Andover Consultants Inc. presented the revised plan to address the 1/28/10 comments from the City Engineering Department and the Conservation Officer's report of February 4, 2010.

Ms. Lamoureux read a memo dated March 2, 2010, from the City Engineering Department noting that their issues have been addressed.

Mr. Giarrusso referenced his report for remaining issues, which he felt could be conditioned. He reiterated that the local Notice of Intent Form "A", Section 10, still was incomplete. The areas associated with this work would be Bank, Floodplain, and Land Under Water. The state form does not list Land Under Water.

There was a short discussion on why Land Under Water needs to be included in areas altered.

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

B. Notices of Intent – DEP File #219-1081 – MCC File # 09-009 – Lot 1, Atkinson Street – Joseph Fisichelli – Meisner Brem Corporation (Con't from 02/18/10)

The Chairperson re-opened the public hearing for the above noted project and read an e-mail request dated March 4, 2010 from Joseph Fisichelli to continue the hearing to the meeting of March 18, 2010.

Mr. Giarrusso noted that as a result of a site walk, 4 flags on the new flag line need to be moved up-gradient and shown on a revised plan.

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 the meeting of March 18, 2010.

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II. CALL TO ORDER: The Chairperson called the regular meeting to order at 7:15 p.m.

III. ACCEPTANCE OF AGENDA / AMENDMENTS (IF ANY): A motion was made by Mrs. Boulay; seconded by Mr. Kazanjian; 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 02/18/10 as written.

V. NEW BUSINESS:

A. Request for Determinations of Applicability – MCC File# 10-001 – 33 Appaloosa Drive – Dennis Johnson – Soilsmith

Doug Smith of Soilsmith submitted a copy of the legal notice and explained the proposed project for a septic system upgrade within the Riverfront Area and 100 Buffer Zone of Bartlett Brook.

A motion was made by Mr. Kazanjian; seconded by Mr. Wilkens; so voted, UNANIMOUS to ISSUE a Negative 3 Determination under the local and a Negative 5 Determination under the State citing 310 CMR 10.58 (6) (c) with standard boiler plate, # 2 and 7 waived under the state and # 7 under the local to require a letter upon completion and adding the following special conditions:

- **Before any work is done**, erosion control consisting of silt fencing shall be installed as shown on the approved plan. The Conservation Commission or its agent shall inspect it before work may begin.

- **Before any work is done**, a copy of the Board of Health approval shall be submitted to the Commission. The applicant shall comply with all Title V requirements.

- **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. Certificates of Compliance – DEP File #219-1068 – MCC File # 08-018 – 6 Beechwood Drive – Ashley Kazanjian/Saba Hashem – Andover Consultants Inc. (Tabled from 02/18/10)

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

B. Certificates of Compliance – DEP File #219-1060 – MCC File # 08-012 – 106 Lowell Boulevard – Markos D. Zygouris

Markos Zygouris was present for this request for Certificates of Compliance on the above noted project.

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Ms. Lamoureux read comments from the Conservation Officer's report noting no work ever commenced under these Orders. Any further work on the property would require the filing of new Notices of Intent.

A motion was made by Mr. Wilkens; seconded by Mrs. Boulay; so voted, UNANIMOUS to ISSUE Certificates of Compliance noting no work ever commenced on the project.

C. Certificates of Compliance/Bond Release – DEP File #219-926 – MCC File # 04-026 – Miller & Lippold Streets & Carriage Way – D.C. Development Group, LLC – MHF Design Consultants, Inc.

Per letter dated March 3, 2010 from Christopher Tymula of MHF Design Consultants, Inc. a motion was made by Mrs. Boulay; seconded by Mr. Kazanjian; so voted, UNANIMOUS to TABLE this until the meeting of March 18, 2010.

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

1) Mr. Giarrusso noted that he is submitting a grant application for some work to be done at Forest Lake and he feels it would be appropriate that the Commission submit a letter of support for this. The grant would be to have a study done on how the lake is doing after all the improvements that were done as part of the initial feasibility study that was done in 1989 and all the work that the City has done as well as to determine whether or not there is an aquatic vegetation issue and to come up with a proper management plan for Forest Lake.

VIII. OTHER BUSINESS: Emerald Pines Update

Mr. Giarrusso updated the Commission on the status of Emerald Pines after the heavy rains. He walked the site on Friday and found that there was minor erosion and some limited impacts. He returned on Monday to see if any work had been done and found that there was no activity other than what he had done the week before. He called Mr. Kady on Tuesday and discussed what is going on. They are still trying to work out a deal with the bankruptcy court. The court will make a decision. There is another hearing date planned for this month. At that point they will either accept the plan that they come up with or they will allow the auction to occur. Mr. Kady has been working with certain people to come up with the necessary capitol to satisfy the courts and the bank. In talking with Libby Sabounjian and Natural Heritage people, the damage is not significant enough to go out and have people that aren't really doing much of anything do more of what they are doing already which is nothing. At this point they are going to monitor the situation. He is finishing up the Notices of Violation report showing the damage. Mr. Kady stated that he would have some work done when he came back from California. He will be checking the site next week to see if that work has been mitigated.

IX. ADJOURN: A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to ADJOURN the meeting at 7:30 p.m.

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Respectfully submitted by:

Dianne A. Dewan
Head Clerk

Reviewed by:

Sandra Boulay,
Secretary

Approved on:

03/04/2010
Date Approved