

METHUEN CONSERVATION COMMISSION
Minutes of Meeting – April 2, 2009

The City of Methuen Conservation Commission held a public meeting on April 2, 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, George Kazanjian, Financial Secretary, and Commissioner Sandra Boulay. Also present were Joseph T. Giarrusso, Conservation Officer and Head Clerk, Dianne A. Dewan. Absent were Christopher Parsons, Secretary and Commissioner Isabel Tourkantonis.

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

I. NOTICES OF INTENT:

A. Notices of Intent – DEP File #219-1072 – MC File# 09-003 – 101 Lindberg Avenue – 268 Broadway Realty Trust – Norse Environmental Services, Inc.

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

The Chairperson opened the public hearing and Maureen Hanley of Norse Environmental introduced Chris Tymula of MHF Design and handed out colored plans as well as photographs of the site. Ms. Hanley then presented the proposed project for the razing of existing structures, concrete pads, septic tank and construction of a new commercial building, associated parking and utilities and proposed extension of a sewer line. All work is proposed within Buffer Zones associated with existing Bordering Vegetated Wetlands. They are not proposing any work closer than the existing conditions which are approximately 10' from the wetland. They are requesting a waiver to do work within 35' of the wetland and significantly improve it. She also noted that a portion of the site is on MASS Highway land. The drainage that they are proposing will treat that area. The applicant is currently negotiating with MASS Highway to either obtain an easement from them or perhaps purchase the land or do some sort of land swap.

Ms. Lamoureux asked if the site is curbed.

Ms. Hanley noted that there is presently no Stormwater treatment on the site.

Ms. Lamoureux clarified her question that when they redevelop, is going to be curbed.

Ms. Hanley noted that it is proposed to be curbed.

Ms. Lamoureux then asked how the water that is over on the existing pavement off of their site going to be treated.

Ms. Hanley turned the question over to Mr. Tymula who explained that the actual portion that is on MASS Highway property would not actually be treated. It is the intent right now to keep

METHUEN CONSERVATION COMMISSION
Minutes of Meeting – April 2, 2009

everything on the actual parcel of land owned by the applicant. There is no work proposed off site at this time. If an agreement can be worked out with MASS Highway and they do purchase a piece of that land, they will come back to the Commission with a revised plan.

Ms. Lamoureux read comments from the Conservation Officer's report and a memo dated March 31, 2009 from the City Engineering Department.

Mr. Wilkens noted that on the checklist for the Stormwater report, it states that they are reducing the impervious area. Does that mean that they intend to remove the hot top on the abutting property?

Ms. Hanley noted that they are not proposing that at this point. The applicant would like to obtain some sort of easement from MASS Highway. They are currently trying to address that with them.

With regard to the MASS Highway situation, Mr. Giarrusso noted that his past experience, especially with what is going on with Route 93, is that they are going to need all of their easement area. He suggests to the Commission that they might want to incorporate restoration of that area as it was graveled almost up to the edge of the wetland without permits. The Commission's other alternative would be to issue an Enforcement Order. As this is State property, they do not want DEP deciding that it is a good idea unless the applicant wants to spend more money on penalties knowing how DEP is with penalties these days. He suggests that the applicant consider a restoration as part of this project. This would illustrate that they are really doing a reduction in impervious area because realistically, even though they are trimming things up, it is pretty much an apples for apples situation with impervious area at this point. It is also restoring an area that should be considered in violation.

Ms. Hanley noted that they would consider that and speak to the applicant about it.

Mr. Wilkens asked if there was a 21E performed and is there a waste sump in the building.

Ms. Hanley and Mr. Tymula stated not to their knowledge.

Mr. Giarrusso noted that they are removing tanks and relocating their diesel tank, which is above ground. He has not been in the building and did not know if there is a waste sump in the building.

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 May 7, 2009 as requested by Ms. Hanley.

II. CALL TO ORDER: The Chairperson called the regular meeting to order at 7:23 p.m.

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

METHUEN CONSERVATION COMMISSION
Minutes of Meeting – April 2, 2009

IV. ACCEPTANCE OF MINUTES: A motion was made by Mrs. Boulay; seconded by Mr. Wilkens; so voted, UNANIMOUS to ACCEPT the minutes of 03/19/09 as written.

V. OLD BUSINESS:

A. Extensions to Orders of Conditions – DEP File #219-992 – MCC File # 06-003 – 210 Howe Street (Phase III) – The Neve-Morin Group, Inc. (Tabled from 03/19/09)

As requested in a letter dated April 1, 2009, from Greg J. Hochmuth of The Neve-Morin Group a motion was made by Mrs. Boulay; seconded by Mr. Wilkens; so voted, UNANIMOUS to TABLE this request to the meeting of April 16, 2009.

B. Extensions to Orders of Conditions – DEP File #219-967 – MCC File # 05-022 – Emerald Pines – R & D Development Realty LLC

The Conservation Officer, Joseph Giarrusso noted the applicant is looking for three (3) year extensions to the Orders and updated the Commission on the status of the project. Under these Orders of Conditions, they have done approximately 800' of road and have worked on several houses as part of this phase. There is much more associated with these Orders that needs to be completed.

Mr. Kazanjian made a motion to issue a one (1) year extension to the Orders of Conditions. Mr. Wilkens seconded the motion for discussion.

Mr. Wilkens asked how long this was going to take and do they really need three (3) years and is there anything that could happen within that three-year time span that would be to the Commission's detriment.

Mr. Giarrusso noted that for a project this size they need at least three (3) or more and unless the Commission they were drastically going to change the rules and regulations, no.

Mr. Kazanjian noted that he is still only comfortable with a one year after all they have been through with the bond. He feels three years is too long.

Mr. Wilkens rescinded his second and Mrs. Boulay made a seconded to Mr. Kazanjian's motion for a one year extension. The vote was tied and so failed.

Mr. Wilkens made a motion to issue three (3) year extensions to the Orders. There was no second to the motion.

Mr. Giarrusso reminded the Commission that they would be coming in tentatively for the next meeting to deal with Enforcement issues. The Commission has the ability to keep them under a tight leash, whether it is through one-year extensions or the enforcement. They have been put under a very tight leash under the State Water Quality determination that was issued under their enforcement.

METHUEN CONSERVATION COMMISSION
Minutes of Meeting – April 2, 2009

Mr. Wilkens made a motion to TABLE this request to the next meeting on April 16, 2009. The motion was seconded by Mrs. Boulay and voted UNANIMOUS.

C. Bond Seizure – MCC File # 03-041 – Shannon Estates – Paul Russell

The applicant, Paul Russell was present and noted that the bond expires on the 14th of this month and the next meeting is the 16th. His issue is that Sovereign Bank is the one issuing the bond and he cannot tell them what to do. Sovereign Bank is now Bank of Santana and the people that he normally deals with and signs, don't have that capability any longer. Everything with them now has to go through committee after committee. The bond is secured against his primary residence and he knows that they have come out and done an appraisal on it. All the paperwork is there. It is just a matter of them finalizing it which should be on the 7th or 14th. He cannot guarantee that it would be issued on the 14th.

Mr. Giarrusso recommends that the Commission make a motion to seize the bond should the bond not be issued by a specific time and date.

After further discussion, Mr. Kazanjian made a motion to shut the site down on the 14th should the bond not be in place with no further work to take place until the proper bond has been submitted. The motion was seconded by Mr. Wilkens and so voted, UNANIMOUS. The applicant will come back for the April 16, 2009 meeting.

D. Request for Change – DEP File #219-1053 and MCC File # 08-004 – Contract 26A Lowell Street – Camp Dresser & McKee Inc.

Mr. Giarrusso noted that this is the sewer project associated with the Town of Dracut. He explained that the change is that instead of putting hay bales and silt fence along the roadway trench, they have requested to use only silt fence. He updated the Commission on the progress of the project.

Mr. Kazanjian noted his feeling that the Commission should stick to the original plan.

Mr. Wilkens noted that some of the residents were upset regarding the impact of erosion control to their lawns.

Mr. Giarrusso explained that the normal standard for this type of job would not be to use both. The approved plan shows excessive erosion control that was not necessary.

After Ms. Lamoureux read a letter dated March 20, 2009, from Krista P. Larsen of CDM, Mr. Wilkens made a motion to APPROVE the Insignificant Change to allow the use of silt fence only, except in areas where Mr. Giarrusso deems it necessary for the use of both hay bales and silt fence. The motion was seconded by Mr. Kazanjian and voted UNANIMOUS.

METHUEN CONSERVATION COMMISSION
Minutes of Meeting – April 2, 2009

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

- 1) Mr. Giarrusso noted that there is situation on Route 97 at 8/10 Ayers Village Road. The Commission had previously allowed for some work to be done there, which included some restoration work of an existing wetland ditch system. The property owner thought he would do it a little better than what was approved, by putting a pipe in where the resource area existed and then gravel over it. Mr. Giarrusso was checking the site for abatement and noticed that it looked different from his last inspection. He notified the assessor that there were some issues and gave them what they needed. He presented the pre-existing conditions plan with the area of alteration highlighted and a photo of the site. The property owner is now aware of the violation and is willing to work with the Commission under his supervision to rectify the situation. He asks that the Commission allow him to proceed in this manner and place this on the agenda for the 2nd meeting in May for an update.

The property owner was present and agreed to the above.

- 2) Mr. Giarrusso noted he will be putting together the beginning of enforcement for Emerald Pines. He is putting in a call to Natural Heritage to find out what is endangered.

VII. OTHER BUSINESS: There was no other business at this time.

VIII. ADJOURN: A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to ADJOURN the meeting at 7:52 p.m.

Respectfully submitted by:

Reviewed by:

Approved on:

Dianne A. Dewan
Head Clerk

Suzanne M. Lamoureux,
Chairperson

May 21, 2009
Date Approved