

METHUEN CONSERVATION COMMISSION
Minutes of Meeting – June 4, 2009

The City of Methuen Conservation Commission held a public meeting on June 4, 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. Notice of Intent – DEP File # 219-10?? – I-93 Northbound Exit 46 off-ramp and Intersection of Riverside Drive and Route 110 – Massachusetts Highway Department – TranSystems (Tabled from 05/21/09)

Per e-mail of June 1, 2009 from Ryan McNeill of MASS Highway, a motion was made by Mrs. Boulay; seconded by Mr. Kazanjian; so voted, UNANIMOUS to TABLE this public hearing for the above noted project to the meeting of July 9, 2009.

- B. Amended Notices of Intent – DEP File #219-911 – MCC File # 04-013 – Emerald Pines Country Club and Estates (off Howe Street) – Wetlands Preservation Inc. (Tabled from 05/21/09)

AND

- C. Amended Notices of Intent – DEP File #219-967 – MCC File # 05-022 – Emerald Pines Country Club and Estates (off Howe Street) – Wetlands Preservation Inc. (Tabled from 05/21/09)

Per letter dated June 3, 2009, from Wetlands Preservation Inc., a motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to TABLE the public hearings for items B and C above to the meeting of June 18, 2009.

- II. CALL TO ORDER:** Chairperson called the regular meeting to order at 7:10 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: The minutes of 05/07/09 and 05/21/09 were not ready for acceptance at this time.

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V. NEW BUSINESS:

- A. Request for Determination of Applicability – MCC File # 09-004 – 149 Edgewood Avenue - Jeffco Inc. – Stowers Associates Inc.

George Hughes presented the plan for the proposed razing of an existing 40' by 28' house and construction of a 40' by 28' two-family dwelling with decks located within the Buffer Zone of Bordering Vegetated Wetlands approximately 75' from the resource area. Erosion control is proposed approximately 50' from wetlands.

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ISSUE a Negative 3 Determination with Standard Boiler Plate with standard conditions #2 and 7 waived under the state and #7 to require a letter upon completion under the local and adding the following special conditions:

- **Before Razing/Building Permits may be signed off**, erosion control consisting of double-staked hay bales and silt fencing shall be installed at the limit of work shown on the submitted plan. Installation shall be inspected and approved by the Conservation Commission or its agent.
- All stockpiling shall be located as shown on the submitted plan.
- A copy of the foundation certification showing the location of the foundation and **cellar floor and/or top of foundation elevation** shall be submitted to the Commission and approved **before** a final building permit is released. This plan shall be at the same scale as the approved plan and shall include the location of installed erosion control and wetland flags.
- 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.
- **Before Occupancy Permit may be issued**, a vegetative barrier consisting of evergreen type shrub with a minimum height of 3', spaced 10' on center shall be planted 35' from the edge of Bordering Vegetated Wetlands. Once installed, the Commission and/or its agents shall inspect them before permit is released. This vegetative barrier shall be maintained 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 vegetation.**

VI. OLD BUSINESS:

- A. Enforcement - EO # 09-004 – Broadway / Gleason Street - Spada

Mr. Giarrusso updated the Commission on the site conditions, noting the fines are presently at \$4,500.

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- B. Extension to orders of Conditions – DEP File #219-998 – MCC File # 06-005 – 210 Howe Street (fairways maintenance) Merrimack Golf Club

Upon recommendation of the Conservation Officer, a motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ISSUE one-year extensions to the above noted Orders of Conditions.

- C. Orders of Conditions/Bond - DEP File #219-1062– MCC File # 08-014 – 137 Pelham Street Saragas Dimetrios / Heavenly Investments LLC

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 changed from 1 to 3 years under the local, #24 to require a bond in the amount of \$62,000 as recommended by the City Engineering Department, #33 to read as shown on the plan, #48 shall reference Special Condition “B” and adding the following:

Findings:

The Notice of Intent submitted by Saragas Dimetrios / Heavenly Investments LLC with plans by R.A. M. Engineering dated January 10, 2009, revised thru May 5, 2009 is for the proposed renovation of existing building with 8’ by 14’ addition on the rear of the building. The proposed project will result in alteration to Buffer Zone associated with Bordering Vegetated Wetlands and Bordering Land Subject to Flooding (under local only) associated with the Spicket River. Erosion control consisting of double-staked hay bales and silt fencing are proposed to prevent impacts to the resource areas.

Special Conditions:

- A. Before ANY activity on the site may begin**, the Contractor, job supervisor, and City Engineer shall meet with the Conservation Officer to review the Order of Conditions, Construction Sequence, Erosion Control plan and timetable for the project. At this time, the contractor shall review any issues with the location of stockpile areas.
- B. The applicant shall comply with the approved Stormwater Pollution Prevention Plan, and Operation & Maintenance Plan, as noted in condition #26. Copies of all drainage maintenance reports shall be available to the Commission upon request. **This condition shall remain in perpetuity and be referenced in the chain of title for the property.**
- C. **Before ANY activity on the site may begin**, the proposed erosion control located at the limit of work SHALL be installed in the field. The Conservation Commission or its agent shall inspect it before work may begin.
- D. 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.

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VII. INSPECTOR'S REPORT: Mr. Giarrusso had nothing to add to his written report.

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

IX. ADJOURN: A motion was made by Mr. Wilkens; seconded by Mrs. Boulay; so voted,
UNANIMOUS to ADJOURN the meeting at 7:20 p.m.

Respectfully submitted by:

Reviewed by:

Approved on:

Dianne A. Dewan
Head Clerk

Suzanne M. Lamoureux,
Chairperson

Date Approved