

METHUEN CONSERVATION COMMISSION
Minutes of Meeting – July 24, 2008

The City of Methuen Conservation Commission held a public meeting on July 24, 2008, 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, Christopher Parsons, Secretary, George Kazanjian, Financial Secretary, and Commissioners Sandra Boulay (arrived at 7:05 p.m.). Also present were Joseph Giarrusso, Conservation Officer and Head Clerk, Dianne A. Dewan. Commissioner Isabel Tourkantonis was absent.

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

I. NOTICES OF INTENT:

A. Notices of Intent – DEP File # 219-1016 – MCC File # 06-024 – 8 & 10 Cloville Avenue - Anita Padarat / Roque Pena (Con't from 05/08/08)

The Chairperson re-opened the public hearing for the above noted project and Ms. Padarat presented a petition asking for the City to help with the situation to the Commission signed by neighbors along with pictures of the drainage structure.

Ms. Lamoureux informed Ms. Padarat the Commission cannot entertain the petition and that the pond was functioning as designed.

Mr. Giarrusso explained that other sites have similar structures that meet Stormwater Regulations. The petition should be forwarded to the Mayor's office. He reminded Ms. Padarat that she purchased the house with the drainage structure on it.

Ms. Padarat felt that there was not enough water going through it and 6" stays in the bottom all the time. She wants a system that will be underground and joins the two pipes. Her engineer abandoned her without finishing the plans.

Ms. Lamoureux read correspondence from the City Engineering Department dated July 30, 2007, a letter from Bio Engineering dated September 18, 2007 and a subsequent memo dated October 30, 2007 from the City Engineering Department.

After a brief discussion on the design requirements, Ms. Lamoureux noted that the Commission needs to make sure that modifications to the design will meet the requirements and right now they do not have that.

Mr. Giarrusso explained Ms. Padarat's 3 options; find a new engineering firm, withdraw, or ask the Commission to close the public hearing and make a decision on what they have to date, which would probably be a denial. She could then appeal to the State.

As requested by Ms. Padarat, a motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ACCEPT the WITHDRAWAL without prejudice.

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- B. Notices of Intent – DEP File # 219-1040 – MCC File # 07-015 – Lot 16, Old Ferry Road – HB & CS LLC – Merrimack Engineering Services (Con't from 06/05/08)

The Chairperson re-opened the public hearing for the above noted project and Steve Stapinski of Merrimack Engineering Services presented revised plans, calculations and Phasing Plan to the Commission. He noted that he is in receipt of comments from the City Engineering Department on the revisions and requested that the hearing be continued to the meeting of August 21st in order to address these issues.

Ms. Lamoureux read comments from the City Engineering Department dated July 24, 2008, the Conservation Officer's report to which Mr. Giarrusso added his concern of the stabilization of area #4 and asked that a shrub layer be used rather than just grass.

Mr. Stapinski noted that he would speak to the botanist regarding the ground cover.

Hearing no public input at this time, a motion was made by Mr. Kazanjian; seconded by Mr. Parsons; so voted, UNANIMOUS to CONTINUE the hearing to the meeting of August 21, 2008.

- C. Notices of Intent – DEP File #219-1060 – MCC File # 08-012 – 106 Lowell Boulevard – Ilias Sitmalidis – Stowers Associates, Inc.

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

Hugh Dunkley of Stowers Associates presented the proposed project consisting of an addition to existing commercial building and property line fences within the Riverfront Area associated with the Merrimack River.

Ms. Lamoureux read comments from the Conservation Officer's report and a memo dated July 22, 2008 from the City Engineering Department.

In response to Mr. Giarrusso's comment, Mr. Dunkley noted that there is a note on the plan that any stockpiling would be off site.

Hearing no public input at this time, a motion was made by Mr. Kazanjian; seconded by Mr. Wilkens; 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.

II. CALL TO ORDER: The Chairperson called the regular meeting to order at 7:50 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: 05/15/08

A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted by MAJORITY to ACCEPT the minutes of 5/15/08 as written. Ms. Lamoureux abstained, as she was not present at that meeting.

V. NEW BUSINESS:

A. Request for Determination of Applicability – MCC File # 08-008 – 19 Country Lake Road - Gregory Doyle – Stowers Associates, Inc.

Hugh Dunkley of Stowers Associates, Inc. presented the plan for installation of sub drain and stabilization of area within the 100' Buffer Zone of Bordering Vegetated Wetlands associated with Forest Lake.

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

- Erosion control consisting of double staked hay bales have been installed at the limit of work as shown on the submitted plan. This was a requirement of NOV # 08-006 and were inspected and approved by the Conservation Officer as part of the violation. They shall be required to be maintained.
- Any future work within the Commission's jurisdiction shall be properly reviewed and permitted before work may be done.
- Grading shall comply with submitted plan.

The applicant, Mr. Doyle, asked what he could do with the boulders that had been dug out.

Mr. Giarrusso suggested either he take them off site or use them for a dry wall. Mr. Doyle should set up a time with him to walk the site to discuss this issue.

VI. OLD BUSINESS:

A. Enforcement Issues – there were none for discussion at this time.

B. Certificates of Compliance/Bond Release – DEP File #219-883 – MCC File # 03-035 - Lot 1, Eagle Lane – DC Development – Meisner Brem Corporation (Con't from 05/08/08)

Mr. Giarrusso updated the Commission noting that Basbanes Associates has not fully prepared the final report on the restoration area and the applicant has requested that this be tabled to the next meeting.

A motion was made by Mr. Kazanjian; seconded by Mr. Parsons; so voted, UNANIMOUS to TABLE this to the meeting of August 7, 2008.

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- C. Certificates of Compliance – DEP File #219-879 – MCC File # 03-034 – Eagle Lane (roadway/drainage) – DC Development – Meisner Brem Corp. (Cont' from 05/08/08)

After reviewing comments from Inspector's report, Mr. Kazanjian made a motion to issue Certificates of Compliance for the above noted project. The motion was seconded by Mr. Parsons and voted, UNANIMOUS. Issuance of the Certificates of Compliance automatically releases the performance bond.

- D. Certificates of Compliance/Bond Release – DEP File #219-937 – MCC File # 04-038 – Lots 1 thru 4, Armstrong Avenue – Jeffco Corp. – Andover Consultants Inc.

Ms. Lamoureux read comments from the Conservation Officer's report and a memo dated July 24, 2008 from the City Engineering Department.

Mr. Giarrusso noted that the applicant has verbally requested that this be continued to allow time to address the issues.

A motion was made by Mr. Kazanjian; seconded by Mr. Parsons; so voted, UNANIMOUS to CONTINUE this to the meeting of August 21, 2008. A copy of the Engineering memo is to be copied to Andover Consultants Inc.

- E. Orders of Conditions/Bond – DEP File # 219-1059 – MCC File # 08-011 – 101 Bradley Avenue – Jeffco Inc.

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ISSUE Orders of Conditions for the above noted project with standard boiler plate, general condition #4 of the local changed from one to three years, # 24 to require a bond in the amount of \$6,600, #33 to read as shown on approved plan, #48 to reference Special Condition C and adding the following:

Findings:

Jeffco Inc. has submitted a Notice of Intent with plan by Stowers Associates, Inc. dated June 4, 2008, for the proposed redevelopment of the site by razing the existing single family dwelling and construction of a new 50' by 28' dwelling within the Riverfront Area and Buffer Zones to jurisdictional areas associated with Bradley Brook, (a perennial stream). The existing dwelling is located approximately 14' from the top of back, while the proposed dwelling will be located approximately 77' from the top of bank. It should be noted that the site has an existing dwelling and yard that is being maintained up to the edge of the tree line shown on the above cited plan.

Special Conditions:

A. **Before work may begin**, erosion control consisting of double-staked hay bales shall be installed at the limit of work shown on the approved plan. Installation shall be inspected and approved by the Conservation Commission or its agent.

B. A copy of the foundation certification showing the location of the foundation and **cellar floor/or top of foundation elevation** shall be submitted to the Commission and approved **before** a final building permit is released. The plan shall include the location of the wetland flags and be at the same scale as the approved plan.

C. **Before Occupancy Permit may be issued**, permanent Conservation markers consisting of pressure treated 4"x4" posts with markers available at the Commission Office shall be installed every 20' along the approved limit of work. Once installed, the Commission and/or its agents shall inspect them before permit is released. These markers 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.**

D. 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.

E. 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.

VII. INSPECTOR'S REPORT:

1) Shaw Environmental – Bay State Gas letter

Gary Jacob of Shaw Environmental was present with Joseph Fiorante of Bay State Gas to present the Commission with a request as outlined in a letter dated June 25, 2008 from Mr. Jacob. Mr. Jacob noted that the work would take place within the paved street and there would be no alteration of values of resource areas.

Mr. Giarrusso noted that Morrison Court, although not shown as 100-year floodplain on the FEMA map, has in fact been under water during major storm events and felt that it should be considered as such.

After reviewing and discussing the above noted letter and attached supplemental information, a motion was made by Mr. parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to determine that the work proposed for the gas line replacement in Morrison Court is exempt from both local and State wetland regulations.

A motion was then made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNAIMOUS to determine that the proposal to provide gas service to St. Basils Seminary on East Street was exempt under State Wetland Regulations and, although within their jurisdiction, met the qualifications for Waiver from the local Wetlands Protection Ordinance and Rules and Regulations.

The Commission granted permission for Bay State Gas to proceed with the gas distribution projects presented in the June 25, 2008, letter from Shaw Environmental, Inc. and accepted it as the "notice". Bay State Gas will provide a minimum of 48 hours (2 business days) of notice for each site prior to commencing any work. Bay State Gas will also follow the Construction Methodology as presented in

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Appendix 2 of that letter, as minimum standards. In addition, should any substantial changes be required (e.g. curb-to-curb paving as compared to patching only the trench, or other difficulties) or new information come to light concerning the resource areas, Bay State Gas will inform the Commission within 48 hours of the event or prior to any planned changes.

Should other work locations become necessary during this construction season, Bay State Gas shall provide the appropriate information on the additional sites for review by the Commission.

2) Silverio – 676 Lowell Street

Mr. Silverio informed Mr. Giarrusso that there is a problem with a paved swale to the Merrimack River that has partially collapsed and the bank of the river is eroding. He recommends that stone be placed under his direction to direct the flow. This problem is jeopardizing Mr. Silverio's dock and the Bank of the Merrimack.

The Commission agreed that 6" or larger riprap stone be placed to stabilize the area under an Emergency Certificate.

3) Lot 7, Carriage Way (Whisper Meadows)

Mr. Giarrusso explained the difference in the proposed and as-built foundation for Lot 7 noting that the distance from wetlands changed from 73' to 42'. The driveway location has also changed. He feels this change warrants an Amendment to the Orders of Conditions.

Paul Dickey of DC Development explained his thought process so as to how he was staying 35' from the wetlands not realizing that it was a zoning setback and not a Conservation issue.

After some discussion on the difference and how changes will affect other lots in the sub-division, the Commission required that an Amendment be filed for Lot 7. They suggested that Mr. Dickey take a look at the other lots and perhaps file them all together in the request to amend.

4) Bare Meadow Brook Emergency Certificate Update

Mr. Giarrusso updated the Commission on the Emergency Certificate to breach a dam on the Battye property. He needs to include several step dams to the Emergency Certificate that he has found.

The Commission approved his request to add the step dams.

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

IX. ADJOURN: A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to ADJOURN the meeting at 8:55 p.m.

Respectfully submitted by:

Dianne A. Dewan
Head Clerk

Reviewed by:

Christopher Parsons,
Secretary

Approved on:

08/07/2008

Date Approved