

METHUEN CONSERVATION COMMISSION
Minutes of Meeting – August 17, 2006

The City of Methuen Conservation Commission held a public meeting on August 17, 2006, at 7:00 p.m. in the William Quinn Public Safety Building, Sanborn Hall. Present for this meeting were Suzanne Lamoureux, Chairperson (arrived at 7:10 p.m.), John Wilkens, Vice Chairperson, Christopher Parsons, Secretary, George Kazanjian, Financial Secretary, and Commissioners Sandra Boulay (arrived at 7: 20 p.m.) and Alan Golobski. Also present were Joseph Giarrusso, Conservation Officer and Head Clerk, Dianne A. Dewan.

In the absence of the Chairperson, the Vice Chairperson called the meeting to order at 7:00 p.m.

I. NOTICES OF INTENT:

A. Notices of Intent – DEP File #219-972 – MCC File #05-028 – Mauna Kea Way (off Atkinson Street) – Greenview, LLC – Meisner Brem Corporation (Con't from 06/15/06)

AND

B. Notices of Intent – DEP File #219-976 – MCC File #05-029 – Lot 1, Mauna Kea Way – Greenview, LLC – Meisner Brem Corporation (Con't from 06/15/06)

AND

C. Notices of Intent – DEP File #219-975 – MCC File #05-030 – Lot 2, Mauna Kea Way – Greenview, LLC – Meisner Brem Corporation (Con't from 06/15/06)

AND

D. Notices of Intent – DEP File #219-974 – MCC File #05-031 – Lot 3, Mauna Kea Way – Greenview, LLC – Meisner Brem Corporation (Con't from 06/15/06)

AND

E. Notices of Intent – DEP File #219-973 – MCC File #05-032 – Lot 4, Mauna Kea Way – Greenview, LLC – Meisner Brem Corporation (Con't from 06/15/06)

As the applicant was not present yet, a motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to TABLE items A thru E above until later in the meeting.

F. Notices of Intent – DEP File #219-926 – MCC File # 04-026 – Whisper Meadow (Carriage Way, Miller & Lippold Streets) – DC Development Group LLC - Seekamp Environmental Consultants Inc. (Con't from 08/03/06)

The Vice Chairperson re-opened the public hearing for the above noted project and Karl Dubay of MHF Design presented revised plans to address concerns outlined in the Conservation Officers report and Engineering memo from the last meeting.

Ms. Lamoureux arrived at the meeting taking the Chair at this point, the time being 7:10 p.m.

A brief discussion was held on the Neighborhood Drainage Overview Plan, Construction Sequence, stockpile location and Easements. The O & M Plan will be addressed with the City Engineering Department.

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Mrs. Boulay arrived at this point, the time being 7:20 p.m.

Ms. Lamoureux referenced a memo dated August 14, 2006, from the City Engineering Department and response memo from MHF Design Consultants to Steve Gagnon dated August 17, 2006 in response to Engineering's August 9, 2006, review comments. She noted that Mr. Giarrusso's comments have also been addressed.

Mr. Dubay noted that he believes that today's submittal addresses all the remaining issues and requested that the hearing be closed.

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

G. Notices of Intent – DEP File #219-1009 – MCC File # 06-015 – 24 Varniai Street – Kevin M. Flatley (Con't from 08/03/06)

The Chairperson re-opened the public hearing for the above noted project and the applicant, Kevin Flatley asked if and how the Bordering Vegetated Wetlands are affected by the dock project.

Ms. Lamoureux read comments from the Conservation Officer's report in response to Mr. Flatley's question. The Commission agreed with Mr. Giarrusso's comments.

Mr. Flatley asked for guidance on where he should go from here to fulfill what the Commission is asking him to do.

Ms. Lamoureux noted that the Commission is not saying that what he is doing is going to be detrimental. They are just saying that there is an impact there.

Mr. Flatley asked if there were anything further that he has to do.

Mr. Giarrusso explained that just because an impact is stated as far as the dock goes, doesn't mean that it's not a permissible project. What it means is that it is something that the Commission has to weigh. In this situation, even though there is a 4' impact to the bank, it is not a significant impact because of the type of bank that it is. There is nothing additional that he needs to provide to the Commission.

Mr. Flatley asked for a clarification on what the 4' impact is.

Mr. Giarrusso explained the impact referencing the plan noting that it is an acceptable alteration for the project.

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

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H. Notices of Intent – DEP File #219-100? - MCC File #06-017 – Kristen Lane – Great Eastern Construction LLC – Christiansen & Sergi, Inc.

As requested in a letter dated August 16, 2006, from Christiansen & Sergi, a motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to TABLE the public hearing to the meeting of September 7, 2006.

A motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to take items A thru E off the table.

A. Notices of Intent – DEP File #219-972 – MCC File #05-028 – Mauna Kea Way (off Atkinson Street) – Greenview, LLC – Meisner Brem Corporation (Con't from 06/15/06)
AND

B. Notices of Intent – DEP File #219-976 – MCC File #05-029 – Lot 1, Mauna Kea Way – Greenview, LLC – Meisner Brem Corporation (Con't from 06/15/06)
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C. Notices of Intent – DEP File #219-975 – MCC File #05-030 – Lot 2, Mauna Kea Way – Greenview, LLC – Meisner Brem Corporation (Con't from 06/15/06)
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D. Notices of Intent – DEP File #219-974 – MCC File #05-031 – Lot 3, Mauna Kea Way – Greenview, LLC – Meisner Brem Corporation (Con't from 06/15/06)
AND

E. Notices of Intent – DEP File #219-973 – MCC File #05-032 – Lot 4, Mauna Kea Way – Greenview, LLC – Meisner Brem Corporation (Con't from 06/15/06)

As no representative was present for items A thru E above, a motion was made by Mr. Kazanjian; seconded by Mr. Wilkens; so voted, UNANIMOUS to CLOSE the public hearings. The Commission now has 21 days in which to make their decisions. They will not be made this evening.

II. CALL TO ORDER: The Chairperson called the regular meeting to order at 7:35 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, amending Other Business to include #5. Change of meeting dates.

IV. ACCEPTANCE OF MINUTES: There were no minutes ready for acceptance.

V. NEW BUSINESS:

A. Request for Determination of Applicability – MCC File #06-014 – 144 Pitman Street - Todd Silverio

Amy Silverio submitted a copy of the legal notice and presented the plan for an addition to her house within the Buffer Zone of Bordering Vegetated Wetlands.

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

- **Before Building Permit may be signed off**, erosion control consisting of double-staked hay bales shall be installed at the limit of work as confirmed by the Conservation Officer in the field. Installation shall be inspected and approved by the Conservation Commission or its agent.
- 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.
- All materials shall be stockpiled in the front of the property.
- Existing grades shall not be altered as a result of the proposed work.

VI. OLD BUSINESS:

A. Enforcement Issues

2. EO # 06-001 - 117 Hampshire Road - Iannuccilli

Mr. Giarrusso explained the violation to the Commission, referencing his site inspection report. He was accompanied by Mr. Wilkens and Mr. Parsons. He explained that initially viewing the site from abutting property, his assumption was that this was a dredge and fill violation. After walking the property with the property owner, Mark Iannuccilli, and researching the aerial photos, he found that historically there was a ditch system that works its way through the property to several wetland systems. He found that the property owner dredged and maintained those existing ditch systems on a portion of the property. Also, there was some mounding that was done in order for family to use the area for ATV activity and some yard waste was dumped in the area. In breaking down the violation, it is more a violation of poor communication and what the standards are rather than a blatant violation to manipulate the land. The property owner is here this evening to work with the Commission.

Mr. Parsons noted that he does not necessarily think that the removal of all the dredged soils is necessary. The spoils that continue to flow into the low area where the isolated wetland and potential vernal pool are should be removed, but some of the spoils in adjacent areas are already growing vegetation. His concern is more of that isolated area being starved of water.

Mr. Wilkens noted that the spoils should be removed and the grading should be accurate to take advantage of the ditching system that is there already so you can catch the flow from the upside where the spoils were. Right now things are being re-directed.

In response to Ms. Lamoureux's question of what reasonable direction the Commission can take, Mr. Giarrusso noted that from now on, Mr. Iannuccilli would have any future maintenance reviewed by the Commission and proper permits obtained. As for the dredged spoils, he thinks

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that there are some spots that there is not a significant amount of material as in other areas. The large piled areas should be removed as it holds back water and potentially impacts certain areas that would sheet flow the opposite way as well. That can be done with the supervision of staff through a schedule before things get wet back out there because the reality of it is the reason those ditches are there are because of the seasonal high ground water as well as past agricultural management. Mr. Iannuccilli has agreed to remove the yard waste. The Commission needs to look at the issues associated with his son's ATV activities. In looking at the area, there were historically some trails out there and from a regulatory standpoint, have a right to be there. The Commission needs to work with the property owner so that there is better management of what is being done for riding out there so that some of the more sensitive areas are avoided and protected.

Ms. Lamoureux noted that she is looking at what is going to get done between now and the next meeting.

After some discussion, the Commission directed Mr. Giarrusso to oversee the work to be done out there. All the spoils shall be removed by the next meeting with heavy equipment. In some areas, he may feather the spoils as they have a natural seed bank in them. Mr. Iannuccilli shall meet with Mr. Giarrusso to coordinate the work to be done.

Ms. Lamoureux clarified the items to be addressed before the next meeting as; meeting with the Conservation Officer to plan the removal or relocation of the dredged materials (spoils) which can be either removed or feathered out depending on what is appropriate for what is there; remove yard waste out of jurisdictional areas and; no intrusion of ATV's into jurisdictional areas unless it is on an established trail.

A motion was made by Mr. Wilkens to above requirements; seconded by Mr. Parsons; so voted, UNANIMOUS.

Mr. Iannuccilli shall call the office and set up a time for next week to meet with Mr. Giarrusso.

1. NOV – 06-013 - 113 Pleasant Valley Street – Nasr
- AND
3. EO # 06- 002 - 111 Pleasant Valley Street – Owen

Mr. Giarrusso noted that there are pictures in his report showing the two sites above and noting the all the materials in violation have been properly removed from both properties. The pipes on 113 Pleasant Valley Street have been removed from the edge of the brook area and it is his opinion that no further action is necessary.

- B. Certificates of Compliance/Bond Release – DEP File #219-886 – MCC File # 03-040 – 105 Pleasant Valley Street – Applebee's International/Public Storage, Inc. - Merrimack Eng. Services, Inc. (Tabled from 08/03/06)

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As requested in correspondence dated August 17, 2006 from Merrimack Engineering Services, a motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to TABLE this until the meeting of September 7, 2006.

C. Certificates of Compliance/Bond Release – DEP File #219-979 – MCC File # 05-035 – 492 Lowell Street – Dennis Houlihan – Conrad C. Nuthmann, P.E.

Ms. Lamoureux read correspondence from the City Engineering Department dated August 14, 2006 and comments from the Conservation Officer's report.

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ISSUE Certificates of Compliance and RELEASE the Bond.

D. Certificates of Compliance/Bond Release – DEP File #219-900 – MCC File # 04-002 – 40 Myrtle Street – Charles Ripley – New England Engineering Services, Inc.

Ms. Lamoureux read correspondence from the City Engineering Department dated August 14, 2006 and comments from the Conservation Officer's report.

A motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to ISSUE Certificates of Compliance and RELEASE the Bond.

E. Certificates of Compliance – DEP File #219-986 – MCC File # 05-039 – 4 Durso Avenue – William & Sharleen Feole – New England Engineering Services, Inc.

Ms. Lamoureux read correspondence from the City Engineering Department dated August 14, 2006 and comments from the Conservation Officer's report.

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ISSUE Certificates of Compliance.

VII. INSPECTOR'S REPORT:

VIII. OTHER BUSINESS:

1. Acceptance of Conservation Easements – There were none.
2. Acceptance of Performance Bonds – There were none.
3. Emergency Certifications – 116 Lowell Boulevard

Mr. Giarrusso explained the need for the Emergency Certificate to alleviate a condition at 116 Lowell Boulevard where the ancient cess pool was high tech where it had an outflow directly into the Merrimack River. He feels that an Emergency Certificate is warranted to alleviate an unhealthy condition. The design of the new system will not result in a loss of flood storage.

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Ms. Lamoureux read a letter dated August 16, 2006 from the Board of Health noting that the existing septic system has failed to meet the Title V requirements. She also referenced correspondence from Engineering Design Consultants along with a plan showing the proposed replacement system.

A motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to ISSUE the Emergency Certificate for installation of the replacement septic system.

4. Correspondence – There was none.

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

1. Mr. Giarrusso explained that the owners of 54 Lincoln Street want to install an inground swimming pool and there are wetlands on abutting property. He explained the wetland system referencing aerial photos of the area. They are approximately 50’ from the wetlands with a fence in between. They have to file, but he asks if it is permissible to have them file a Request for Determination of Applicability or do they need to file a Notice of Intent. The Commission was amenable to the filing of a Request for Determination of Applicability.

VIII. OTHER BUSINESS:

5. Change of Meeting Dates – Ms. Lamoureux noted that due to conflicts with the Commission’s meetings and the Master Plan Committee in October, she has received permission from Karen Faust, Director of Economic & Community Development to change the Commission’s meeting dates to Wednesday night for the month of October. The meetings will be on October 4th and October 18th with the deadlines changed appropriately. Availability of the Sanborn Hall needs to be verified.

A motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to change the meeting dates as noted above. Notification shall be sent to all the engineering consultants along with the Commission.

IX. ADJOURN: A motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ADJOURN the meeting at 8:17 p.m.

Respectfully submitted by:

Reviewed by:

Approved on:

Dianne A. Dewan
Head Clerk

Suzanne M. Lamoureux,
Chairperson

April 19, 2007
Date Approved