

Minutes of Meeting – September 21, 2006

The City of Methuen Conservation Commission held a public meeting on September 21, 2006, at 7:00 p.m. in the William Quinn Public Safety Building, Sanborn Hall. Present for this meeting were Suzanne Lamoureux, Chairperson, John Wilkens, Vice Chairperson, Christopher Parsons, Secretary, George Kazanjian, Financial Secretary, and Commissioner Sandra Boulay (arrived at 7:10 p.m.). Absent was Commissioner Alan Golobski. Also present were Joseph Giarrusso, Conservation Officer and Head Clerk, Dianne A. Dewan.

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

I. NOTICES OF INTENT:

A. Notices of Intent – DEP File #219-1008 – MCC File #06-016 – Parcels 5 & 48, Zanchi Way - Glendora McIlwain Putnam – Stowers Associates, Inc. (Con't from 09/07/06)

The Chairperson re-opened the public hearing for the above noted project and Hugh Dunkley of Stowers Associates presented the revised plan and letter from Basbanes Associates to address the issues of the last meeting.

The Chairperson read comments from the Conservation Officer's report

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. The Commission now has 21 days in which to make their decision. It will not be made this evening.

B. Notices of Intent – DEP File #219-1012 – MCC File #06-019 – 210 Howe Street – Neve Holdings, Inc. as Trustee of North Shore Methuen Holdings Nominee Trust – The Neve-Morin Group, Inc. (Tabled from 09/07/06)

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.

Mrs. Boulay arrived at this point, the time being 7:10 p.m.

The Chairperson opened the public hearing and John Morin of the Neve-Morin Group, Inc. presented the plans for the construction of a maintenance building at 210 Howe Street. He noted that revised plans had been submitted this past Monday for details that were added with regards to the drainage and Stormwater mitigation. Additional dry well detail locations are shown on the site plan. A hydrologic analysis with Stormwater management was submitted as well. He submitted a waiver request along with the alternative analysis and a report dated August 1, 2007 from the biologist, Bruce Gilday. He expects the hearing to be continued to allow for review of the information submitted.

The Chairperson read comments from the Conservation Officer's report, a memo from the City Engineering Department dated September 7, 2007 and the file number notification letter dated 9/11/2006 from DEP.

Mr. Giarrusso asked why they are proposing the maintenance building in this area rather than the previous location.

METHUEN CONSERVATION COMMISSION
Minutes – Meeting of September 21, 2006

Mr. Morin explained that all that area is going to be utilized for something else. The Commission will also see that filing as well.

Mr. Giarrusso noted that as it is a maintenance building it will have floor drains and they need to be shown and comply with state regulations for them.

Mr. Morin explained that his client is looking to use environmental units, which are prefabricated buildings. They would be located inside the maintenance building. That is why they do not show an area outside. They hope to have it narrowed down to the exact design and location some time next week. He will provide information on oil, fuel, waste oil and fertilizer storage to the Commission.

Hearing no public input at this time, a motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to CONTINUE the hearing to the meeting on Wednesday, October 4, 2006.

C. Notices of Intent – DEP File #219-1014 – MCC File #06-020 – 10 Cloville Avenue – Roque Pena – 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.

The Chairperson opened the public hearing and Hugh Dunkley of Stowers Associates Inc. presented the plan for an inground pool within the 200' Riverfront Area associated with Bradley Brook.

The Chairperson read comments from the Conservation Officer's report. His concern of a fence location being shown on the plan can be conditioned in the Orders.

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.

D. Notices of Intent – DEP File #219-1013– MCC File #06-021 – 116 Lowell Boulevard – Nicki Valcke – Engineering Design Consultants, Inc.

As requested in a letter dated September 20, 2006, from Engineering Design Consultants, a motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to TABLE the public hearing for the above noted project to the meeting of October 4, 2006.

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 item H by adding the words Bond Release.

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

V. OLD BUSINESS:

METHUEN CONSERVATION COMMISSION
Minutes – Meeting of September 21, 2006

A. Enforcement Issues

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

Mr. Giarrusso updated the Commission noting that he walked the site after the last meeting and there was a communication glitch with the property owner on how to take care of the spoils. He will be calling when the work is done for another inspection.

2. NOV #06-004 – 9 Rivers Edge Place - Doherty

Mr. Giarrusso explained that this is in connection with item B below and there is some question of payment and the property owner's engineering has not made it to the site as of this time. This item should be tabled to the next meeting.

3. NOV #06-014 – 25 Hampshire Road – Estes Express

Mr. Giarrusso noted that Estes Express is in the final stage of addressing the abandonment of the illegal structures and he is waiting for return calls regarding the status of that work.

4. EO #05-006 – 2 Karen Way - Fredette

Mr. Giarrusso noted that he has inspected the site and found that the property owners are respecting the requirements of the Commission, but there is not sufficient growth at this time. He suggests that this be tabled to next summer to allow for proper regrowth.

5. NOV #06-016 – Venice & Brentwood Roads – Bay State Gas

Mr. Giarrusso explained that they have already flagged the wetlands and are working on putting together the proper filing to do the work in jurisdictional areas.

B. Partial Certificates of Compliance – DEP File #219-419 – MCC File # 94-012 – 9 Rivers
Edge Place – John Doherty – Christian & Sergi (Tabled from 09/21/06)

Ms. Lamoureux read a letter dated September 21, 2006 from Jennifer McCarthy requesting this be tabled to the meeting of October 4, 2006.

A motion was made by Mr. Parsons; seconded by Mr. Kazanjian; so voted, UNANIMOUS to TABLE this item to the meeting of October 4, 2006 as requested.

C. Certificates of Compliance Bond Release – DEP File #219-932 – MCC File #04-030
Lot 1, Danielian Way – Dancross Realty Trust – The Neve-Morin Group, Inc. (Tabled from
09/07/06)

Ms. Lamoureux read comments from the Conservation Officer's report and a memo dated September 21, 2006.

METHUEN CONSERVATION COMMISSION
Minutes – Meeting of September 21, 2006

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ISSUE the Certificates of Compliance and RELEASE the bond for the above noted project.

D. Certificates of Compliance Bond Release – DEP File #219-931 – MCC File #04-031
Lot 2, Danielian Way – Dancross Realty Trust – The Neve-Morin Group, Inc. (Tabled from 09/07/06)

Ms. Lamoureux read comments from the Conservation Officer's report and a memo dated September 21, 2006.

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ISSUE the Certificates of Compliance and RELEASE the bond for the above noted project.

E. Certificates of Compliance Bond Release – DEP File #219-930 – MCC File #04-032
Lot 3, Danielian Way – Dancross Realty Trust – The Neve-Morin Group, Inc. (Tabled from 09/07/06)

Ms. Lamoureux read comments from the Conservation Officer's report and a memo dated September 21, 2006.

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to ISSUE the Certificates of Compliance and RELEASE the bond for the above noted project.

F. Request for Insignificant Change – DEP File #219-952 – MCC File #05-007 – 24 Varniai Street – Kevin Flatley – Stowers Associates, Inc.

Ms. Lamoureux read comments from the Conservation Officer's report and a memo dated September 19, 2006 from the City Engineering Department.

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to GRANT the Insignificant Change.

G. Certificates of Compliance/Bond Release – DEP File #219-952 – MCC File #05-007 –
24 Varniai Street – Kevin Flatley – Stowers Associates, Inc.

Ms. Lamoureux read comments from the Conservation Officer's report and a memo dated September 19, 2006 from the City Engineering Department.

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

H. Certificates of Compliance/Bond Release – DEP File #219-977 – MCC File # 05-033 – 251
Hampstead Street – Eugene Leahy – O'Neill Associates

Ms. Lamoureux read comments from the Conservation Officer's report and a memo dated September 19, 2006 from the City Engineering Department.

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

In response to Mrs. Dewan's question, Mr. Leahy verified that the bond should be sent to Michael Gatlin, Esq.

I. Request for Insignificant Change – DEP File #219-997 – MCC File # 06-007 – Lot B, West Street – Joseph Fisichelli – Stowers Associates Inc.

Hugh Dunkley of Stowers Associates Inc. presented the plan for changes to grading and the driveway.

Ms. Lamorueux read a memo dated September 19, 2006 from the City Engineering Department noting they had no issues with the requested change.

A motion was made by Mr. Wilkens; seconded by Mr. Kazanjian; so voted, UNANIMOUS to GRANT the Insignificant Change as requested.

J. Orders of Conditions/Bond – DEP File #219-1011 – MCC File #06-018 – Lot 4, Porter Avenue –Jeffco Inc.

A motion was made by Mr. Wilkens to ISSUE Orders of Conditions 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 \$5,500, #33 to read as shown on the approved plan, #48 to reference Special Condition C and D and adding the following:

Findings:

The Notice of Intent filed by Jeffco Inc. with plan by Andover Consultants Inc., dated August 16, 2006 is for the proposed construction of a single family dwelling and associated utilities which will result in the alteration of 3,012 sq/ft of Riverfront Area associated with the Merrimack River. The proposed project site will be near the actual habitat of state-listed dragonflies the Commission should refer to Natural Heritage Program letter dated September 15, 2006. Erosion control consisting of double staked hay bales and Conservation markers shall be used to control the limit of work and prevent future encroachment.

And Special Conditions:

- A. **Before any work is done**, erosion control shall be installed. Any missing wetland flags shall be replaced at this time. The Conservation Commission or its agent shall inspect it before work may begin.
- B. 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 the same scale as the approved plan and include the location of installed erosion control and wetland flags.

- C. **Before Occupancy Permit may be issued**, permanent Conservation Markers consisting of pressure treated 4"x4" posts with easement markers available at the Commission Office shall be installed every 20 feet along the limit of work and as shown on the approved plan. 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 fine not less than \$100.00 per day and requirement of restoration of impacted vegetation.***
- D. To ensure that any future owner(s) of this lot has been properly informed of the existence of the Conservation Markers on their property and the critical importance that they perform in protection habitat associated with state-listed dragonfly species and that NO activity within the restricted area, a notice to this effect shall be included in both the purchase and sales agreement for the property and any deed prepared for the property. A form signed by the buyers acknowledging they understand these restrictions shall be submitted to the Commission, **before final occupancy permit may be issued. This condition call be maintained in perpetuity for any future owners beyond the original owner.**
- E. 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.
- F. 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.

The motion was seconded by Mr. Parsons for discussion after which special condition D was changed to read:

To ensure that any future owner(s) of this lot have been properly informed of the existence of the Conservation Markers on their property and the critical importance that no work or activity take place within the protected habitat area associated with state-listed dragonfly species. A notice to this effect shall be included in both the purchase and sales agreement for the property and any deed prepared for the property. A form signed by the buyers acknowledging they understand these restrictions shall be submitted to the Commission, **before final occupancy permit may be issued. This condition call be maintained in perpetuity for any future owners beyond the original owner.**

The motion and second was then voted, UNANIMOUS with changes noted above.

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

1. Mr. Giarrusso noted that the property owner at 24 Varniai Street, Kevin Flatley, has submitted an appeal to DEP on File # 219-1009. He takes exception to some of the language in the conditions. Thru e-mails, Mr. Flatley has noted his intention to appeal at both the local and state levels. Therefore, they have been forwarded to the City Solicitor who has instructed the Commission and staff to refer all contact to him as Mr. Kazanjian was contacted by Mr. Flatley prior to his appeal.

Mr. Kazanjian noted for the record that he is not nor has ever been an advocate for Mr. Flatley.

Ms. Lamoureux noted that this would then not be further discussed under public forum.

METHUEN CONSERVATION COMMISSION
Minutes – Meeting of September 21, 2006

2. Mr. Giarrusso noted that the Commission had permitted work at 488 Lowell Street along the bank of the Merrimack River and the property owner jumped the gun and installed erosion control consisting of siltation fence. The water that was being held back at the Lowell dam has been released and the erosion control is now under approximately 3 feet of water. The bank area is now disturbed and there is no value to the silt fence that was installed. This situation warrants an enforcement order, but the problem is the site needs to be stabilized and the project completed. He has informed the property owner that they will have to armor it to the point where it is stable so they can come in and complete the job properly at low water or come in with innovative methods of erosion control so they can work in a wet environment and still protect the river. He suggests they come to request an Insignificant Change for the changing of types of erosion control and containment of the site. He will be contacting the property owner with this requirement.
3. Mr. Giarrusso noted that while walking several sites with City Engineering staff, he came upon a violation of tree cutting and stockpiling of slash in the Resource Area on City property on Frye Road near an outlet to the drainage system by what appears to have been done by abutters. He informed the Mayor of the violation and possible action that the Commission will be taking against the violators.
4. Mr. Giarrusso elaborated on the request outlined in a memo dated 9/12/06 from Frank Russo, Chief Engineer for the City of Methuen regarding an East Capitol Street wetland area.

A motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to ALLOW test pits in the wetland area to determine feasibility for the installation of a gravity fed sewer line with the requirement that the Conservation office be notified 48 hours prior to the work, the Commission and/or its agent is on site during test pits and any disturbed areas be properly re-stabilization.

5. Mr. Giarrusso noted that he has been working with St. Mary's cemetery to catch illegal dumpers and ancient practices.

VII. OTHER BUSINESS:

1. Acceptance of Conservation Easements - There are no easements at this time.
2. Acceptance of Performance Bonds – The Commission signed a covenant for 210 Howe Street and a Surety Bond for 488 Lowell Street.
3. Emergency Certifications – There are no emergency certifications at this time.
4. Correspondence – There was no correspondence to be read at this time.

VIII. ADJOURN: A motion was made by Mr. Kazanjian; seconded by Mrs. Boulay; so voted, UNANIMOUS to ADJOURN the meeting at 8:10 p.m.

Respectfully submitted by:

Reviewed by:

Approved on:

Dianne A. Dewan
Head Clerk

John Wilkens,
Vice Chairperson

March 1, 2007
Date Approved