

METHUEN CONSERVATION COMMISSION
Minutes of Special Meeting – November 25, 2008

The City of Methuen Conservation Commission held a public meeting on November 25, 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, and Commissioner Sandra Boulay. Also present were Joseph Giarrusso, Conservation Officer and Head Clerk, Dianne A. Dewan. Financial Secretary, George Kazanjian and Commissioner Isabel Tourkantonis were absent.

The Chairperson called the regular meeting to order at 7:10 p.m. in the 2nd floor conference room as the roof in Sanborn Hall was leaking.

All of the following agenda items were tabled from the meeting of November 20, 2008, as there was no quorum for that meeting.

I. NOTICES OF INTENT:

A. Notices of Intent – DEP File # 219-1062– MCC File # 08-014 – 137 Pelham Street – Saragas Dimetrios / Heavenly Investments LLC – RAM Engineering (Con't from 10/02/08)

The Chairperson re-opened the public hearing for the above noted project.

Hearing no public input at this time and as neither the applicant, nor his representative were present and no correspondence had been received requesting a continuance, a motion was made by Mr. Parsons; seconded by Mrs. Boulay; 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.

B. Notices of Intent – DEP File # 219-1061 – MCC File # 08-013 – 7 Dale Street – David Theroux - Stowers Associates, Inc. (Con't from 11/06/08)

The Chairperson re-opened the public hearing for the above noted project and Hugh Dunkley of Stowers Associates, Inc. presented the revised plans and addressed concerns of the last meeting noting that he submitted a complete detail of the ramp and floating dock. The site plan has been revised to show the dock design. The dock will be removed from the water by December 1st of every year. The site plan been revised to show the dock does not rest on the riverbed. They have received a letter from NHESP noting there will be no adverse affects. The dock will be stored behind the house for winter storage.

Ms. Lamoureux 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. Parsons; 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.

METHUEN CONSERVATION COMMISSION
Minutes of special meeting – November 25, 2008

C. Notices of Intent – DEP File #219-1066 – MCC File # 08-016 – Lot 29, Cornelia Road – Richard Campbell – Seekamp Environmental Consulting, Inc. (Tabled from 11/06/08)

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

The Chairperson opened the public hearing and Patrick Seekamp of Seekamp Environmental Consulting Inc. presented the plans for the construction of a single family dwelling with associated clearing, grading and appurtenances, such as deck and utilities within 10' of existing Bordering Vegetated Wetlands. The applicant is proposing to install erosion control consisting of double-staked hay bales and silt fence and a split-rail fence with signage at the limit of work. They have requested a waiver request for the 50' setback requirement under the local bylaw.

In response to Mr. Giarrusso' comments received this evening, he clarified that the applicant is Richard Campbell of 6 Dracut Street, Methuen, MA 01844. They also had some documentation as to the owner being Richard C. Campbell giving permission to Seekamp Environmental to submit this filing tonight that was to have been included that was referenced in the Notice of Intent. He submitted a copy of this letter. He continued noting that Mr. Giarrusso's comments notes that this is not a buffer zone project. Lot 29 as they have it designed and filed is a buffer zone project.

Mr. Giarrusso noted that unfortunately as they are trying to do double-duty with the plan, and on this plan, it is proposing to put erosion control on lot 50. The erosion control is in the resource area. This is for this specific filing and if this information is submitted as shown, it has to be reviewed accordingly. One thing he noticed from looking at this, the erosion control proposed for this Notice of Intent does not take into consideration the wetlands that are on Lot 30. Because this is specifically an application that should stand on its own, he would say that they need to provide proper erosion control associated with all the wetlands on lot 30 because as proposed right now, you are showing grading in a resource area.

Mr. Seekamp noted that he is seeing the ghost shadows from the adjacent lot.

Mr. Giarrusso noted that it is proposed grading and he saying that it is a buffer zone project, but is showing impacts with the filing. If they want to change the way they are filing it, then they could leave information that shows it, but right now there is conflicting information.

Mr. Seekamp noted that there are two lots with the same builder. The assumption here is that Mr. Campbell would likely doing these both congruently. He understands the point and they can make sure that they delete this information so they are not confusing this particular file, which is for Lot 29.

Ms. Lamoureux noted that the grading still extends onto the other lot and they cannot build that without resource area alteration on that plan.

Mr. Seekamp noted that they would show a grading line that makes sure that the grading does not extend beyond the edge of lot 29.

METHUEN CONSERVATION COMMISSION
Minutes of special meeting – November 25, 2008

Ms. Lamoureux read comments from the Conservation Officer's report for the record then asked for public input. There was none. She then read a memo dated November 19, 2008 from the City Engineering Department.

Mr. Seekamp noted that they would revise the plan and address the issues according to tonight's comments and requested a continuance to the meeting of December 18, 2008.

A motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to CONTINUE the hearing to December 18, 2008.

D. Notices of Intent – DEP File #219-1065 – MCC File # 08-017 – Lot 30, Cornelia Road – Suzanne Bradley – Seekamp Environmental Consulting, Inc. (Tabled from 11/06/08)

The file in order, a motion was made by Mr. Parsons; 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 Patrick Seekamp of Seekamp Environmental Consulting Inc. presented the plans for the construction of a single family dwelling with associated clearing, grading and appurtenances, such as deck and utilities within 27' of existing Bordering Vegetated Wetlands after the filling of 1,331 square feet of Bordering Vegetated Wetlands with replication of 1,354 square feet of Bordering Vegetated Wetlands off site on what is know as Lot 50. The proposed dwelling will be located in an area that is presently Bordering Vegetated Wetlands. The applicant is proposing to install erosion control consisting of double-staked hay bales and silt fence and a wooden split-rail fence with signage at the limit of work. He is aware that they have a replication area that is below the 2 to 1 ratio as required under the local regulations. He implores the Commission to allow less replication in order to balance the wild life habitat in the buffer. They have some trees and shrubs in the area that would actually provide a nice buffer. They do, however, have enough room on lot 50 to meet the 2 to 1 standard that is required under the City of Methuen's By-Law. They have filed for a waiver request allowing this. If the Commission prefers, they can resubmit this lot with a stand alone grade line which ties in back up into the existing lot 30.

Ms. Lamoureux read comments from the Conservation Officer's report and a memo dated November 19, 2008 from the City Engineering Department.

Mr. Giarrusso noted that he needs corrected information to determine if the filing fee is correct.

Mr. Seekamp added that they have filed with the Zoning Board of Appeals and have the variances for each lot. They are prepared to provide them with the supplemental packet.

Hearing no public input at this time and as requested by Mr. Seekamp, a motion was made by Mr. Wilkens; seconded by Mr. Parsons; so voted, UNANIMOUS to CONTINUE the public hearing to the meeting of December 18, 2008.

METHUEN CONSERVATION COMMISSION
Minutes of special meeting – November 25, 2008

- II. CALL TO ORDER:** The Chairperson called the regular meeting to order at 7:48 p.m.
- III. ACCEPTANCE OF AGENDA / AMENDMENTS (IF ANY):** A motion was made by Mr. Parsons; seconded by Mrs. Boulay; so voted, UNANIMOUS to ACCEPT the agenda as posted.
- IV. ACCEPTANCE OF MINUTES:** There were no minutes ready for acceptance.
- V. OLD BUSINESS:**
- A. Orders of Conditions/Bond – DEP File # 219-1040 – MCC File # 07-015 – Lot 16, Old Ferry Road – HB & CS LLC

A motion was made by Mrs. Boulay; seconded by Mr. Parsons; so voted, UNANIMOUS to ISSUE Orders of Conditions with Standard Boiler Plate, General Condition # 4 changed from 1 to 3 years under the local, #24 to require a bond in the amount of \$888,100 as recommended by the City Engineering Department, #33 to read as shown on the plan, #48 shall reference Special Condition “E” and adding the following:

Findings:

The Notice of Intent filed by HB & CS LLC and plans (Sheets 1 thru 4 of 4) dated April 28, 2008, revised October 21, 2008 by Merrimack Engineering Services, is for the proposed clearing and grubbing of the identified site within the Buffer Zone to Bordering Vegetated Wetlands associated with Bare Meadow Brook.

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. Copies of the "**NPDES Stormwater Management for Construction Activities Permit**" and "**Stormwater Pollution Prevention Plan,**" shall be submitted at this time.
- B. Before ANY activity on the site may begin,** the limit of work SHALL be staked in the field. The Conservation Commission or its agent shall inspect it before work may begin.
- C. Before ANY activity on the site may begin,** the applicant shall submit 4 sets of plans addressing issues stated in the Engineering Divisions Letter dated November 6, 2008, and the requirement of guard rails, including location and details. This information will be reviewed by the Conservation Officer and a letter of approval will be issued before work may begin.

METHUEN CONSERVATION COMMISSION
Minutes of special meeting – November 25, 2008

D. A copy of the foundation(s) 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 plans.

E. The applicant shall comply with the approved Stormwater Pollution Prevention Plan, and Operation & Maintenance Plan, dated May 6, 2008. 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.**

F. ALL work shall follow approved phasing plan, and if at anytime the approved erosion control methods fail to maintain a stable site, the applicant/property owner shall take all necessary means to stabilize the site and control turbid runoff.

G. 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.

B. Orders of Conditions/Bond – DEP File #219-1063 – MCC File # 08-015 – 64 & 76 Swan Street – Jackson Redevelopment, 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 \$35,100 as recommended by the City Engineering Department, #33 to as shown on the plan, #48 shall reference Special Condition “B” and adding the following:

Findings:

The Notice of Intent submitted by Christina Minicucci / Jackson Redevelopment, LLC with plans by Merrimack Engineering Services, Assoc., Inc. (Sheets 1 thru 3 and 5 of 5) dated April 14, 2008, revised September 29, 2008, and (Sheet 4 of 5) revised October 17, 2008 is for proposed demolition and reconstruction of buildings and associated parking area. The proposed project will result in alteration to Buffer Zone associated with Inland Bank and Bordering Vegetated Wetlands associated with the intermittent stream known as Bloody Brook. 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. Copies of the **"NPDES Stormwater Management for Construction Activities Permit"** and **"Stormwater Pollution Prevention Plan,"** shall be submitted at this time.

METHUEN CONSERVATION COMMISSION
Minutes of special meeting – November 25, 2008

- B. The applicant shall comply with the approved Stormwater Pollution Prevention Plan, and Operation & Maintenance Plan, dated August 22, 2008. 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. Applicant shall be required to obtain all required permits for the demolition of the existing building, before the removal of the buildings may be allowed.
- E. A copy of the foundation(s) 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 plans.
- 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. Should dewatering be required for the construction, the Commission shall be notified and shall approve the methods used.
- C. Amended Order of Conditions – DEP File #219-1035– MCC File # 07-011 – 254 Broadway / 4 Gleason Street – Methuen Assisted Living LP

A motion was made by Mrs. Boulay; seconded by Mr. Parsons; so voted, UNANIMOUS to ISSUE Amended Orders of Conditions with the following:

Findings:

The request for Amendment to Notice of Intent submitted by Methuen Assisted Living LP with plans by Merrimack Engineering Services, Inc. dated April 30, 2008, revised October 20, 2008 is for approval of the proposed redesign of site drainage and flood storage and an electric transformer relocation at the project site from the approved Order. It should be clearly noted that the existing limit of work will not be changed.

Plan(s) Entitled: "Proposed Retail/Office Space"

Sheet 1 of 6 – Title Sheet

Sheet 2 of 6 – Existing Conditions

Sheet 3 of 6 – Area Master Plan

Sheet 4 of 6 – Layout and Materials

Sheet 5 of 6 – Grading & Utilities Plan

Sheet 6 of 6 – Details

All plans dated April 30, 2008 revised October 20, 2008, signed and stamped by Robert C. Daley, PE# 31650 on file with Methuen Conservation Commission.

METHUEN CONSERVATION COMMISSION
Minutes of special meeting – November 25, 2008

Special Condition(s):

A. This Amendment shall **not** supersede the existing special conditions or approved plans cited in the Order. The above referenced plans shall be added to those in the original Order of Conditions issued on 6/27/2007. All other plans, conditions and limit of work shall remain the same.

VI. INSPECTOR'S REPORT: Mr. Giarrusso added the following to his written report:

1) Mr. Giarrusso noted that there was a lack of communication with the clerk of the works and contractor on the City's East Capitol Street project. He repeatedly told them they could not clear the site until erosion control was installed. He made a decision to override the clerk of the works and told the contractor that any wetland issues have to go directly through him. If it is not approved by the Commission or himself, he has no authority to do anything other than what is in the Order. The clearing was done in violation of the Order.

The Commission instructed Mr. Giarrusso to issue a Notice of Violation and fine the contractor for every day he is non-compliance of the order.

Mr. Giarrusso noted that he will check the site tomorrow and if it is in compliance, he will cease the fines as of today.

2) He is continuing to put together his report to issue some type of Enforcement Order for Emerald Pines. Part of the problem is that the inspectors for the 401 permits are looking at things in a limited way, so when they put in the wrong design on the roadway, as long as the stay within the same impacts approved, DEP doesn't care and it does not get flagged to Conservation. As requested by Commissioner Parsons, he is also looking at the requirements of mowing the wet meadow.

3) The Commission just received an abutter notification yesterday from Lawrence for a meeting November 18th for the construction of the Manchester Street Park on the former Lawrence Thermal Conversion Facility. There will be a 3' thick soil cap in the area and work within the Riverfront Area.

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

VIII. ADJOURN: A motion was made by Mr. Wilkens; 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

Suzanne M. Lamoureux,
Chairperson

Date Approved