

CONSERVATION COMMISSION
Minutes of a Meeting – January 19, 2023

The City of Methuen Conservation Commission held a hybrid meeting via in-person and Zoom video conferencing (VC) on January 19, 2023, at 7:00 p.m. in the Searles Building 2nd floor conference room, 41 Pleasant Street, Methuen MA 01844. Present for this meeting were Matt Davidson, Chairman; Ken Sateriale, Secretary; Sandra Boulay, Financial Secretary (arrived at 7:12 p.m.); and Commissioners Leah Santone, Christopher Parsons, Cara Seaman, and David DiZazzo. Also present were Conservation Officer (CO) Joseph Giarrusso, and Head Clerk Jodie Furey.

The Chairman, Matt Davidson, opened this meeting and announced that Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted via remote means, in accordance with applicable law. This means that members of the public body as well as members of the public may access the meeting via virtual means. The meeting may be accessed remotely via Zoom video conferencing (VC) by contacting the Conservation Office. When required by law or allowed by the Chair, persons wishing to provide public comment or otherwise participate in the meeting, may do so by in-person attendance, or by accessing the meeting remotely, as noted above. For this meeting, members of the public who wish to listen/watch the meeting may do so in the following manner: To be contacted by phone or by VC, please contact the Commission Office. In the event that access and participation is not achieved, then the Commission will post, on the City of Methuen website, an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting. The following are actions, comments, and concerns regarding the information submitted for the Commission's meeting of January 19, 2023.

I. NOTICES OF INTENT:

A. Notices of Intent – DEP File #219-1278 – MCC File #22-010 – (VPOB) Hampshire Road – Julio Romero – Norse Environmental Services, Inc. (TABLED from 1/5/2023)

Ms. Furey read a memo from Maureen Herald of Norse Environmental dated 1/18/2023, requesting that this item be tabled to the February 16, 2023 meeting.

A motion was made by Mr. DiZazzo; seconded by Mrs. Santone; so voted **UNANIMOUS** to **TABLE** the above item to the meeting of February 16, 2023.

B. Notices of Intent – DEP File #219-1280 – MCC File #22-012 – 1 Frost Avenue – Five C Construction, LLC – Civil Design Consultants, Inc. (TABLED from 1/5/2023)

The file in order, a motion was made by Mrs. Seaman; seconded by Mr. Sateriale; so voted **UNANIMOUS** to **ACCEPT** the above Notices of Intent.

The Notices of Intent filed by Five C Construction, LLC., with plan by Civil Design Consultants, Inc., dated December 5, 2022, revised January 3, 2023 is for the proposed construction of two (2) single family dwellings with an associated paved driveway and utilities within the Riverfront Area and 100' Buffer Zone of Bordering Vegetated Wetlands associated with Bradley Brook, a perennial stream. The project also appears to be subdividing an existing lot into two lots.

In review of the submitted Notice of Intent and plan, and **revised plans dated January 3, 2023**, I have the following comments:

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- The submitted plan are not properly stamped by a Massachusetts Registered Professional Engineer, Land Surveyor, Architect or Landscape Architect and required by the Rules and Regulations. **(The applicant's revised plans added the require stamp and signature)**

- It appears that there is only one lot and that the applicant has not subdivided the property. The applicant should provide proof of the filing or approval for subdivision of the property. **(The applicant has submitted for the "ANR" and received approval on December 9, 2022.)**

- The submitted plan should provide a proposed "Stone Construction Entrance", providing the location and detail showing the proposed design standards of this structure. This information is required for proper review and permitting. **(The revised plans now provide the location and detail of the proposed Construction Entrance.)**

The submitted plan should provide the location of proposed material and soil stockpiling area(s), as required in the Rules and Regulations. This information is required for proper review and permitting. **(The revised plans now provide the location of the proposed stockpile area**

- The submitted plan should provide detailed information on the removal of the existing foundation and pool, including the methods of proper disposal. Additional information is required for proper review and permitting. **(The revised plan, Sheet D-1 added #7 which covers the demolition of the existing structures.)**

- The plan shows proposed "Post and Rail Fence and Wetland Buffer Signs" but the detail information on Sheet "D-1" shows a detail for a proposed "Wetland Buffer Sign and Post." The correct detail information is required for proper review and permitting. **(The revised plans have not provided a detail of the proposed Post and Rail Fence.)**

- The proposed plan Sheet WPP-1 shows a "Proposed Riverfront Improvement" Area with a reference to Note # 9. The information provided is lacking and puts the responsibility to design this area on the Conservation Commission and/or its staff. The design of this area should be done by the Applicant and/or it design team. The correct detail information is not adequate to properly review and permitting this project. **(The revised plans now provide a series of notes under "Landscape Notes" but it is insufficient and does not allow for a proper review and permitting, e.g., the plan must include the number of plants, their species, sizes, and locations of proposed plantings associated with the plan.)**

The submitted "Stormwater Management Summary" report does not provide an Operation and Maintenance plan for the proposed dry well chambers.

A memo from Stephen Gagnon, The City of Methuen Engineering Administrator, stated that all Engineering issues have been satisfactorily addressed.

NB: Mr. Giarrusso added a final comment stating the post and rail fence should follow the line associated with the Riverfront restoration, which was not included in his initial report to the commission as well as to the applicant.

The chairman opened it up to public participation, which there was none.

A motion was made by Mrs. Seaman; seconded by Mr. Sateriale; so voted **UNANIMOUS to CONTINUE** the above item to the meeting of February 16, 2023.

II. CALL TO ORDER: The Chairman called the meeting to order at 7:12 p.m.

III. ACCEPTANCE OF AGENDA / AMENDMENTS (IF ANY): A motion was made by Mrs. Seaman; seconded by Mr. Sateriale; so voted **UNANIMOUS to ACCEPT** the agenda as posted.

IV. ACCEPTANCE OF MINUTES: A motion was made by Mr. Sateriale; seconded by Mrs. Seaman; so voted **UNANIMOUS to ACCEPT** the minutes of January 5, 2023.

V. NEW BUSINESS:

A. Request for Determination of Applicability – MCC File #23-002 – 58 Danton Drive – Brian Martinelli for Dish Wireless

The applicant, Brian Martinelli for Dish Wireless has filed Requests for Determinations of Applicability for the installation of 3 antennas on the existing cell tower. Also add a 5x7' steel pad for equipment on an existing concrete pad. Trenching and running new conduit from the utility pole may be required but if that is the case erosion control techniques will be used to protect the resource areas which includes, Bordering Land Subject and Flooding and Bordering Vegetated associated with Peat Meadow.

Mr. John Andrews from Centerline Communications was present to answer any questions from the Commission. At this time the commission did not have any comments or questions.

A motion was made by Mrs. Seaman; seconded by Mr. Sateriale; so voted **UNANIMOUS to ISSUE** a Negative 3 Determination under the State and Local with the following special conditions:

1. Work shall conform to description of work submitted with Request for Determination of Applicability on file with Methuen Conservation Commission.
2. A 48-hour written notice shall be given to the Methuen Conservation Commission prior to any activity on site.
3. **Before work may begin**, erosion control shall be installed as shown on the submitted plans. Installation of erosion control shall be inspected and approved by the Conservation Commission or its agent.
4. Any changes made or intended to be made to the above referenced plans shall require the owner or his successor in interest to inquire in writing of the Methuen Conservation Commission whether the proposed change is significant to the interests of the Act/Ordinance.
5. Members and agents of the Methuen Conservation Commission shall have the right to enter and inspect the premises to evaluate site conditions for compliance and to require the submittal of any data deemed necessary by the Commission for that evaluation.

VI. OLD BUSINESS:

A. Enforcement

(1) EO – 22-001 – 31 Salem Street – Gladymar Garcia & Oscar Martinez

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Mr. Giarrusso reported that the applicants stated to him that they need more time to complete the work that they had pledged to perform. They stated that they are still in the process of working with contractors. Mr. Giarrusso suggested the homeowner should be submit an as-built plan prior to the submission of a restoration plan.

Mr. Giarrusso and the commission agreed that at the next meeting on February 2, 2023, the homeowner should provide documentation that they have their consultant in place, and provide an expected time table for completion of the work to be done.

The applicants' Engineer Dennis Griecci from Andover Consultants was not present at this meeting for any questions.

The commission has placed this item on the February 2, 2023 Conservation agenda.

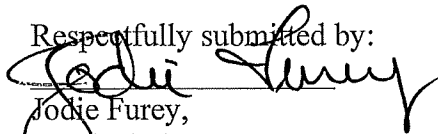
VII. CONSERVATION OFFICER'S REPORT: There was no additional information on the Conservation Officer's report.

VIII. OTHER BUSINESS:

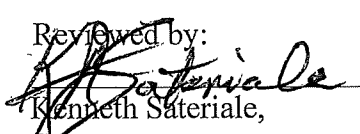
There was no other business at this time.

IX. ADJOURN: A motion was made by Mrs. Boulay; seconded by Ms. Santone; so voted, **UNANIMOUS to ADJOURN** the meeting at 7:32 p.m.

Respectfully submitted by:


Jodie Furey,
Head Clerk

Reviewed by:


Kenneth Sateriale,
Secretary

Approved on:

2-2-2023
Date Approved