

**CONSERVATION COMMISSION**  
**Minutes of a Meeting – February 2, 2023**

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

In the absence of the Chairman, Mr. Sateriale, Secretary, chaired 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 February 2, 2023.

**I. NOTICES OF INTENT:**

- A. Notices of Intent – DEP File #219-1277 – MCC File #22-009 – (VP) Brentwood Road, Parcel ID 412-126B-123 – RKA Co., LLC - Norse Environmental Services, Inc. (CONTINUED from 12/15/2022)

Mr. Sateriale re-opened the public hearing for the above noted project.

Maureen Herald of Norse Environmental Services, Inc. presented the plan dated July 20, 2022, revised through January 10, 2023 as outlined on her letter of January 12, 2023.

In review of the submitted Notices of Intent, plan and revised information, Mr. Giarrusso had the following comments:

- The proposed plan has added two infiltration trenches to collect surface runoff. I would recommend that the Commission require that these be maintained and that the Applicant provide an Operation and Maintenance Plan to do so. This requirement can be conditioned under the OOC.
- It should be noted that there are two existing catch basins on Brentwood Road. Silt socks should be provided to protect each structure as part of the proposed erosion control. This requirement can be conditioned under the OOC.

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Chris Smith of 64 Ormonde Road asked if there was any encroachment on protected land.

Mr. Giarrusso noted that execution of the revised plan will not create an impact to any wetland resource areas and that, in his opinion, the applicant's plan has met all of the requirements of the Regulations. He then explained the appeal process to Mr. Smith.

Mrs. Dewan read the City Engineering Division's memo of January 26, 2023, in which Mr. Gagnon noted that he had no issues at this time.

Hearing no further public input, a motion was made by Mr. Parsons; seconded by Mrs. Seaman; so voted, UNANIMOUS to CLOSE the public hearing for this project.

B. Notices of Intent – DEP File #219-1269 – MCC File #22-003- 80 Hampstead Street – Eddy Guzman – Andover Consultants, Inc. (CONTINUED from 1/5/2023)

Mr. Sateriale re-opened the public hearing for the above noted project.

Hearing no public input at this time and as requested in an e-mail dated January 25, 2023 from Dennis Griecchi of Andover Consultants, Inc., a motion was made by Mrs. Seaman; seconded by Mr. DiZazzo; so voted, UNANIMOUS to CONTINUE the public hearing to the meeting of 2/16/2023.

C. Notices of Intent – DEP File #219-1279 – MCC File #22-011 – 49 Ayers Village Road – Karen Nadeau – Williams & Sparages, LLC (TABLED from 1/5/2023)

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

Mr. Sateriale opened the public hearing for this project.

Greg Hochmuth of Williams & Sparages LLC presented the plan, sheet 1 of 4, dated October 19, 2022, revised December 8, 2022, for the proposed replacement of an existing failing septic system within the 100' Buffer Zone of Bordering Vegetated Wetlands. The proposed system will be 18.9' from the existing Bordering Vegetated Wetlands with installation of erosion control within 6' of the resource area. A deed restriction has been placed on the property to alert future buyers that the septic system is an alternative technology.

In his original report, Mr. Giarrusso noted the following:

- The submitted plan does not provide a location of the proposed stockpile areas. This should be provided on the plan or no stockpiling of materials will be allowed in the Commission's jurisdiction. **(Revised plan addresses this concern.)**
- The proposed erosion control runs from one side of the house to the other. As proposed, the proposed erosion control, once installed, would not allow entry into the construction area. **(Revised plan addresses this concern.)**
- In review of the submitted plan, it is my opinion that detail information on the proposed septic system and retaining wall is needed to properly review and approve the proposed work. **(Revised plan addresses this concern.)**

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- In review of the submitted plan, no stockpiling areas are located on the plan. This information is required to be on the plan to allow for proper review and approval. **(Revised plan addresses this concern.)**
- As stated above, the applicant has failed to apply for Board of Health (BOH) approval. Therefore, the applicant should apply to the BOH before the Conservation Commission proceeds further with permitting under the Act. **(The applicant has received approval from the BOH; please refer to submitted BOH e-mail dated January 31, 2023.)**

Mrs. Dewan read a memo dated January 25, 2023, from Stephen J. Gagnon, Engineering Department Administrator noting that he has no issues at this time. He also noted that an allowance for a construction entrance has been added to the bond estimate to ensure compliance with the City's Stormwater Ordinance.

Hearing no public input at this time, a motion was made by Mr. Parsons; seconded by Mrs. Seaman; so voted, UNANIMOUS to CLOSE the public hearing for this project.

**II. CALL TO ORDER:** Mr. Sateriale called the regular meeting to order at 7:22 p.m.

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

**IV. ACCEPTANCE OF MINUTES:** A motion was made by Mrs. Seaman; seconded by Mr. DiZazzo; so voted, UNANIMOUS to APPROVE the minutes of 01/19/2023 as written.

**V. NEW BUSINESS:** There was no New Business at this time.

**VI. OLD BUSINESS:**

**A. Enforcement**

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

Via Zoom, Gladymar Garcia reported that she has successfully contracted to obtain the services of Andover Consultants, Inc., and is working with them to provide an as-built plan.

Mr. Giarrusso noted that he has confirmed a time to meet Wednesday 2/8/2023 at 9:30 a.m. with Andover Consultants, Inc., to walk the property and go over the issues associated with the enforcement order so they can provide an as-built plan and subsequent restoration plan. He will provide the Commission with an update at the next meeting.

**B. Certificates of Compliance – MCC File #13-004 – 210 Howe Street, Phase IV – Carriage Homes, LLC**

A motion was made by Mr. Parsons; seconded by Mrs. Seaman; so voted, UNANIMOUS to CONTINUE this item to the meeting of May 18, 2023, as requested in an e-mail dated February 2, 2023, from Dennis Griecchi of Andover Consultants, Inc.

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C. Extension of time for plantings – DEP File # 219-1257 – MCC File # 21-005 – 815 Lowell Street – Jesse Forcier

Mr. Forcier was present via ZOOM.

Mr. Giarrusso explained that the Commission had issued Orders of Conditions for the above noted address which required specific buffer plantings be installed prior to the issuance of an Occupancy Permit. Mr. Forcier is requesting that requirement be postponed until a later more appropriate planting time in order for him to obtain an Occupancy Permit immediately. The required Conservation Markers are in place, but the performance bond expired in August of last year.

Mr. Forcier noted that he spoke to his representative regarding the expired bond and both parties agreed to re-new he bond for one more year.

Mr. Giarrusso noted that the previous bond was not in the correct format. He will e-mail the correct format to Mr. Forcier this evening.

Mr. Sateriale asked for clarification that Mr. Forcier, in his letter of 1/25/23, is requesting a continuance for the plantings only, until July 1, 2023, and that no other change is being requested.

Mr. Giarrusso confirmed that the only changes would be to the extension of time for the plantings to allow him to sign off on an Occupancy Permit with the requirement that the plantings be installed by July 1, 2023, and that the Bond be renewed prior to signoff.

A motion was made by Mr. Parsons; seconded by Mrs. Seaman; so voted, UNANIMOUS to ALLOW the Occupancy Permit signoff once the bond has been renewed. Plantings shall be installed by July 1, 2023.

**VII. CONSERVATION OFFICER'S REPORT:** In addition to his written report, Mr. Giarrusso noted the following:

A. Emergency Certificate - # 23-001 – 28 West Street – City of Methuen

Mr. Giarrusso noted that he issued an Emergency Certificate for a failed sewer force main, which is allowing sewage to bubble to ground surface and flow onto the wetland west of the pump station at 28 West Street. Erosion control consisting of haybales and crushed stone diaphragms will be deployed to protect the wetland from sediment. The contractor shall setup a bypass pump to stop the flow of sewage and then replace the failed sewer force main. The CO requested that the Commission ratify the Emergency Certificate.

A motion was made by Mr. Parsons; seconded by MS. Santone; so voted, UNANIMOUS to RATIFY the Emergency Certificate for 28 West Street.

Mr. Giarrusso informed the Commission that Election of Officers will be placed on the February 16, 2023 agenda.

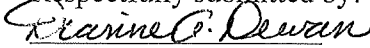
In response to Mr. Sateriale's question, Mr. Giarrusso stated that he believes the authority from the state to conduct meetings via ZOOM will expire in March of this year. He will check with the City Solicitor and update the Commission.

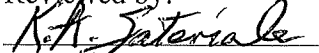
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In response to Mr. DiZazzo's question, Mr. Giarrusso stated that he is not sure if the MACC Annual meeting in March will be virtual, but will look in to it.

**VIII. OTHER BUSINESS:** There was no Other Business at this time.

**IX. ADJOURN:** A motion was made by Mr. Parsons; seconded by Mrs. Seaman; so voted, UNANIMOUS to AJOURN the meeting at 7:42 p.m.

Respectfully submitted by:  
  
Dianne A. Dewan  
Temporary Head Clerk

Reviewed by:  
  
Kenneth Sateriale,  
Secretary

Approved on:  
2-16-2023  
Date Approved

