

CONSERVATION COMMISSION
Minutes of a Meeting – March 16, 2023

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The City of Methuen Conservation Commission held a hybrid meeting via in-person and Zoom video conferencing (VC) on March 16, 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; David DiZazzo, Vice Chairman; Ken Sateriale, Secretary; Cara Seaman, Financial Secretary; and Commissioners Christopher Parsons, Sandra Boulay, and Leah Santone. Also present was Conservation Officer (CO) Joseph Giarrusso and Temporary Head Clerk, Dianne A. Dewan.

The Chairman, Matt Davidson, 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 March 16, 2023.

I. NOTICES OF INTENT:

- A. Notices of Intent – DEP File # 219-1282 – MCC File # 23-001 – 155 Woodburn Drive – John Arsenault – Stowers Associates Inc. (CON'T from 02/16/23)

The Chairman re-opened the public hearing and Hugh Dunkley of Stowers Associates, Inc. presented the plans revised March 1, 2023 for the above project. They have addressed all the Conservation Officer's concerns made in his report of 2/16/23.

The Chairman asked if there was any public input at this time.

Scott Flagg of 151 Woodburn Drive, a direct abutter, stated that he has an existing French drain and asked if there would be any work done on the line of shrubs on his property.

Mr. Giarrusso explained the limit of work does not go beyond the applicant's property line.

John Arsenault, owner and contractor for the project site, stated that the bushes are overgrown onto his property and he would like to just trim the bushes back.

Cathy Hoyt of 159 Woodburn Drive, also a direct abutter on the opposite side, asked about her bushes on the other side of the property. Mr. Flagg did not object.

Mr. Arsenault noted that he would also only trim the bushes on her side. Mrs. Hoyt did not object.

David MacDonald of 147 Woodburn Drive asked about the delineation of the wetlands in the area.

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Mr. Giarrusso explained that the wetlands have been verified on the project site only, not the whole neighborhood.

Mr. MacDonald expressed concern with the proposed work potentially exacerbating existing drainage issues in the area.

Mr. Giarrusso noted that the work proposed will be creating more of a buffer from the wetlands to better protect the Resource Area.

Len Hoyt of 159 Woodburn Drive asked what the time frame was for the project.

Mr. Giarrusso explained the timeframe for issuing the permit and any appeals. Once the applicant has received any and all other necessary permits, he may begin the work.

Hearing no further public input at this time, a motion was made by Mrs. Boulay; seconded by Mr. Parsons; so voted, UNANIMOUS to CLOSE the public hearing for this project. The Commission now has twenty-one (21) days in which to issue their decision.

B. Notices of Intent – DEP File 3 219-1281 – MCC File # 23-002 – 141 Harris Street – Joseph Laliberte – Norse Environmental Services, Inc. (CON'T from 02/16/23)

The Chairman re-opened the public hearing for the above project and Maureen Herald of Norse Environmental services, Inc. presented the project plans revised 3/16/23 and a Restoration Plan to address issues of the Conservation Officer and the City Engineering Department. Although not shown on the project plan, the cellar floor elevation will be at an elevation of 154 feet.

Mr. Giarrusso read the City Engineering Department's memo of 3/16/23 in which Mr. Gagnon stated that his issues have been adequately addressed, and he recommended requiring a bond in the amount of \$15,100.

Hearing no public input at this time, a motion was made by Mr. Parsons; seconded by Mr. Sateriale; so voted, UNANIMOUS to CLOSE the public hearing for this project. The Commission now has twenty-one (21) days in which to make their decision.

C. Abbreviated Notice of Resource Area Delineation – DEP File # 219-1283 – Lowell Boulevard (Map 320, Block 166, Lot 12) – William Ahearn – Cornerstone Land Associates, LLC (Tabled from 03/02/23)

As requested in an e-mail dated March 13, 2023, from Kenneth Lania of Cornerstone Land Associates, LLC, a motion was made by Mr. DiZazzo; seconded by Mrs. Seaman; so voted, UNANIMOUS to TABLE this hearing to the meeting of April 6, 2023.

D. Notice of Intent – DEP File # 219-1284 – 804 Riverside Drive – Massachusetts Department of Transportation – Greenman-Pedersen, Inc.

The file in order, a motion was made by Mr. DiZazzo; seconded by Mr. Sateriale; so voted, UNANIMOUS to ACCEPT the Notice of Intent for the above noted project.

The Chairman opened the public hearing and Lindsey DiTonno of Greenman-Pedersen, Inc. presented the plans with a slide show of the project site for the above noted project, which was

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filed only under the Massachusetts Wetlands Protection Act (WPA), M.G.L Chapter 131 Section 40, for work associated with repairs to existing drainage outfalls within the Riverfront Area associated with the Merrimack River along Riverside Drive. Mass DOT proposes to perform repairs and improvements to two (2) existing drainage outfalls that are currently in failing condition and are causing severe erosion at the discharge locations. The scope of work includes the repair of existing eroded channels, installation of drainage structures, and construction of stabilized outfalls and drainage channels to repair the area and to provide an outfall system which can adequately convey the drainage discharges from the roadway.

The Project will result in alteration of 6,193 square feet in the outer riparian zone (100' - 200') and 2,465 square feet in the inner riparian zone (0' - 100'), for a total of 8,658 square feet of Riverfront Area. It will also require work within the 100-foot Buffer Zone to Bordering Vegetated Wetland (BVW). No alteration of other wetland resources areas is proposed. As a maintenance and repair effort related to an existing public roadway and drainage system, drainage easements, and water conveyances, the project is submitted as a Limited Project in accordance with the provisions of 310 CMR 10.53(3)(f) and 310 CMR 10.53(3)(k) of the Wetlands Protection Act (WPA).

Mr. Giarrusso noted in his report that those regulations exempt Mass DOT from having to notify abutters of the project, but nonetheless, Mass DOT published a legal notice advising the general public of the project. The submitted Notice of Intent does not clearly describe how the proposed project will be done and the plans do not show stockpiling locations or staging areas to maintain a safe work site. M. Giarrusso stated that these issues will be resolved in a pre-work meeting between himself and Mass DOT prior to the commencement of work.

The Chairman asked for public input at this time.

Jean Marion of 804 Riverside Drive expressed his concerns with the flooding and drainage issues in the area. Ms. DiTonno addressed the concerns to the satisfaction of Mr. Marion.

Mr. DiZazzo requested that the American Elm trees be eliminated from the Plant Schedule (sheet 5 of 24) and one more of each of the other five species added. Ms. DiTonno agreed to implement that request.

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

- II. **CALL TO ORDER:** The Chairman called the regular meeting to order at 7:38 p.m.
- III. **ACCEPTANCE OF AGENDA / AMENDMENTS (IF ANY):** A motion was made by Mr. Sateriale; seconded by Mrs. Boulay; so voted, UNANIMOUS to ACCEPT the Agenda as posted.
- IV. **ACCEPTANCE OF MINUTES:** A motion was made by Mr. Sateriale; seconded by Mrs. Boulay; so voted, UNANIMOUS to ACCEPT the Minutes of 3/2/2023 as written.
- V. **NEW BUSINESS:**
 - A. Request for Determinations of Applicability – MCC File # 23-004 – 15 Washington Street – New England Power Company – BSC Group, Inc.

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Alison Milliman of BSC Group, Inc. presented the plans along with pictures of the impacted areas for the addition of a retaining wall along the southern fence line (124 linear feet) and southeastern fence line (38 linear feet) 10' to 25' from the existing crushed stone apron, expansion of the chain link fence within the retaining wall, including associated fill, and one (1) security pole replacement at the Substation located at 15 Washington Street in order to accommodate the upgraded assets in the substation yard. Erosion control techniques will be used to protect the Bordering Vegetated Wetlands.

A motion was made by Mrs. Seaman; seconded by Mr. DiZazzo; so voted; UNANIMOUS to ISSUE a Negative 3 Determination under the State and Local with the following 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 (UPDATE)

Mr. Giarrusso reported that he has spoken with the property owner's engineer and wetlands consultant and has been informed that they will be submitting an as-built/restoration plan for the May 4, 2023 meeting.

A motion was made by Mrs. Seaman; seconded by Ms. Santone; so voted, UNANIMOUS to place this Enforcement on the May 4, 2023 agenda for further review and discussion.

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

- 1) Hybrid Meeting Status - Mr. Giarrusso reported that the bill to extend the timeframe for conducting hybrid meetings to March of 2025, has passed the Massachusetts House of Representatives and Senate.

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2) Clerk Position Update – Mr. Giarrusso reported that interviews will start next week and hiring will depend on the Mayor’s status.

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

IX. ADJOURN: A motion was made by Mr. Sateriale; seconded by Mrs. Boulay; so voted, UNANIMOUS to AJOURN the meeting at 7:51 p.m.

Respectfully submitted by: -
Amy Priante-Walkowicz
Amy Priante- Walkowicz
Head Clerk
Transcribed by Dianne A. Dewan
Temporary Head Clerk

Reviewed by:
Kenneth Sateriale
Kenneth Sateriale,
Secretary

Approved on:
7-6-23
Date Approved