

**CONSERVATION COMMISSION**  
**Minutes of a Meeting – January 5, 2023**

The City of Methuen Conservation Commission held a hybrid meeting via in-person and Zoom video conferencing (VC) on January 5, 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 Leah Santone, Christopher Parsons, Cara Seaman, and David DiZazzo. Also present were Conservation Officer (CO) Joseph Giarrusso, and Head Clerk Jodie Furey. Matt Davidson, Chairman, was on an excused absence. Sandra Boulay, Financial Secretary was absent.

The acting Chairman, Ken Sateriale, 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 5, 2023.

**I. NOTICES OF INTENT:**

**A. Amendment to Orders of Conditions – DEP File #219-1248 – MCC File #20-007 – 18-20 Ayers Village Road – Sonny Valley, LLC – Greenman Pedersen, Inc (Con't from 12/1/2022)**

Ms. Furey read an email dated 12/21/22 from Chris Tymula of GPI requesting that this item be continued to the June 1, 2023 Conservation Commission meeting.

A motion was made by Mrs. Seaman; seconded by Mr. DiZazzo; so voted **UNANIMOUS to CONTINUE** the above item to the meeting of June 1, 2023.

**B. Notices of Intent – DEP File #219-1269 – MCC File #22-003- 80 Hampstead Street – Eddy Guzman – Andover Consultants, Inc. (Con't from 12/15/2022)**

Dennis Griecci from Andover Consultants was present via Zoom and requested that this be continued to the meeting of February 2, 2023.

A motion was made by Mr. DiZazzo; seconded by Ms. Santone; so voted **UNANIMOUS to CONTINUE** the above item to the meeting of February 2, 2023.

**C. Notices of Intent – DEP File #219-1278 – MCC File #22-010 – (VPOB) Hampshire Road – Julio Romero – Norse Environmental Services, Inc. (TABLED from 12/15/2022)**

Ms. Furey read a memo from Maureen Herald of Norse Environmental dated 1/4/2023, requesting that this item be tabled to the January 19, 2023 meeting.

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A motion was made by Mr. DiZazzo; seconded by Mrs. Santone; so voted **UNANIMOUS to TABLE** the above item to the meeting of January 19, 2023.

**D. Notices of Intent – DEP File #219-1279 – MCC File #22-011 – 49 Ayers Village Road – Karen Nadeau – Williams & Sparages, LLC (TABLED from 12/15/2022)**

Ms. Furey read an email dated 1/4/2023 from Gregory Hochmuth of Williams & Sparages requesting that the above item be continued to the meeting of February 2, 2023.

A motion was made by Mrs. Seaman; seconded by Mr. DiZazzo; so voted **UNANIMOUS to CONTINUE** the above item to the meeting of February 2, 2023.

**E. Notices of Intent – DEP File #219-1280 – MCC File #22-012 – 1 Frost Avenue – Five C Construction, LLC – Civil Design Consultants, Inc. (TABLED from 12/15/2022)**

Ms. Furey read an email dated 12/21/2022 from Tom Schomburg of Civil Design requesting that the above item be tabled to the meeting of January 19, 2023.

A motion was made by Mrs. Seaman; seconded by Ms. Santone; so voted **UNANIMOUS to TABLE** the above item to the meeting of January 19, 2023.

**II. CALL TO ORDER:** The acting Chairman called the meeting to order at 7:06 p.m.

**III. ACCEPTANCE OF AGENDA / AMENDMENTS (IF ANY):** A motion was made by Mrs. Seaman; seconded by Ms. Santone; 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 ACCEPT** the minutes of December 15, 2022.

**V. NEW BUSINESS:**

**A. Request for Determination of Applicability – MCC File #23-001 – 110 Salem Street – Jeffrey Mallenfant**

The Request for Determinations of Applicability filed by Jeffrey Mallenfant, is for the proposed construction of an 55' x 42' detached garage and paved drive associated with an existing single family dwelling within the Riverfront Area and Buffer Zone of Bordering Vegetated Wetlands associated with an perennial stream, (no name) that flows into Harris Brook. The proposed project will construct the garage and paved drive within a section of riverfront and buffer zone that is presently being maintained as lawn. The proposed limit of work and erosion control at its closest will be 40' from the resource area that is located to the north on abutting property.

A motion was made by Mrs. Seaman; seconded by Mr. DiZazzo; so voted **UNANIMOUS to ISSUE** a Negative 2 Determination under the State and Negative 3 Determination under the Local with the following stipulations:

1. No work shall be undertaken until the Final Determination has been recorded in the Registry of Deeds or Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Determination shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work

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is to be done. In the case of registered land, the Final Determination shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Methuen Conservation Commission on the form at the end of this Determination prior to commencement of the work.

2. **Before ANY activity on the site may begin**, the Contractor, job supervisor, and City Engineer shall meet with the Conservation Officer to review the Determination of Applicability, Construction Sequence and timetable for the project. At this time, the contractor shall review any issues with the location of stockpile areas.

3. A 48 hour written notice shall be given to the Methuen Conservation Commission prior to any activity on site.

4. Before ANY activity on the site may begin, erosion control shall be installed at the limit of work as shown on the approved plan by Andover Consulting dated December 1, 2022. The Conservation Commission or its agent shall inspect it before work may begin.

5. A copy of the foundation certification(s) showing the location of the foundation(s) and **cellar floor and/or top of foundation elevation(s)** 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 plan and shall include the location of installed erosion control and wetland flags.

6. All building materials shall be stockpiled in the front of the property.

7. 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.

8. 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.

9. 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.

10. Upon completion of this project, a letter stating that the work has been completed in compliance with the Determination of Applicability shall be sent to the Commission.

## **VI. OLD BUSINESS:**

### A. Enforcement

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

Mr. Giarrusso stated the applicants stated that they need more time to complete the remedial work that they had pledged to perform. They stated that they had encountered issues that slowed down the process of working with any contractors. The applicants' Engineer Dennis Griecci from Andover Consultants was present at this meeting for any questions.

The commission has placed this item on the January 19, 2023 Conservation agenda.

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

At this time the applicant was unable to receive the engineering report so the commission is placing 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:** Mr. Giarrusso announced to the Commission that Head Clerk Jodie Furey’s last day as Head Clerk would be on January 20, 2023. He also thanked her for her service.

**IX. ADJOURN:** A motion was made by Mrs. Seaman; seconded by Ms.Santone; so voted, **UNANIMOUS to ADJOURN** the meeting at 7:27 p.m.

Respectfully submitted by:

Reviewed by:

Approved on:

\_\_\_\_\_  
Jodie Furey,  
Head Clerk

\_\_\_\_\_  
Kenneth Sateriale,  
Secretary

\_\_\_\_\_  
Date Approved