



CITY OF HAVERHILL CONSERVATION COMMISSION MEETING MINUTES



MEETING DATE: THURSDAY, FEBRUARY 18, 2021, AT 7:15 PM.

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020, Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Haverhill Conservation Commission was conducted via remote participation. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting were posted on the Commission's website. For this meeting, members of the public who wished to virtually attend the meeting did so by creating an account at [www.zoom.us](https://us02web.zoom.us/j/82980651042) and "joining" the meeting at the following URL: <https://us02web.zoom.us/j/82980651042> (Password: 148185). No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public could adequately access the proceedings in real time, via these technological means.

Present: Chairperson Harmony Wilson (HW), Vice-Chairperson Ralph Basiliere (RB), Clerk Tom Wylie, Ed.D. (TW), Phil LaCroix (PL), Fred Clark (FC), Neil Frasca PG (NF), and Nicole Gray Minutes Clerk

Absent: Joe DiPietro (JD)

Also, Present: Robert E. Moore, Jr., Environmental Health Technician (RM)

CONTINUANCES & WITHDRAWALS

2.1. #33-1488 Neck Road Management LLC for 293 Neck Rd (Parcel ID: 762-1-5) Construction of a 21,900-sf commercial addition

Action: At the request of the Applicant's engineer, HW requested a motion to continue this hearing to March 11, 2021. FC moves to continue to March 11, 2021. PL seconded. TW called role. RB-yea. FC-yea; NF-yea; PL-yea; TW-yea; HW-yea. Motion passed 6-0-1.

5.1. Enforcement Order: MassDOT for Route 97, Broadway at Creek Brook

Action: With the consent of MassDOT, HW requested a motion to continue this hearing to March 11, 2021. FC moves to continue to March 11, 2021. PL seconded. TW called role. RB-yea. FC-yea; NF-yea; PL-yea; TW-yea; HW-yea. Motion passed 6-0-1.

PUBLIC HEARINGS

1. REQUEST FOR DETERMINATION OF APPLICABILITY

1.1. MassDOT for River St near Lowell Av (Routes 110/113) Construction of pedestrian safety and accessibility improvements

Plans and Documents:

- Staff meeting Notes, 2.18.21
- RDA Application Materials, received 2.3.21 (BSC)

Summary: Susan McArthur with the BSC Group representing MASS DOT and Melissa Lenker with the Environmental Services section of MASS DOT. Susan shares her screen as she presents. They are proposing a 5 ½ ft wide sidewalk and concrete median be installed. They are changing signage and striping the roadway. They

are looking to install a bus stop as well, which would be a bench with a shelter over it. There will be an erosion control barrier to protect the wetland system nearby. It qualifies as a limited project. All work is proposed within existing pavement or grassy shoulders that have been previously disturbed. TW questions if there will be a pedestrian walkway and that it will be the only break in the concrete barrier. RB comments that he will be happy to support this as well as HW.

Action: FC motions to Issue a Negative Determination – Option 3 – with the inclusion of additional recommendations read into record by HW, see below. TW seconded. TW called role. RB-yea. FC-yea; NF-yea; PL-yea; TW-yea; HW-yea. Motion passed 6-0-1.

- During and following construction of this project, the Applicant shall ensure the continued NW to SE flow path of the drainage swale along the northerly limit of work.

2. NOTICE OF INTENT

2.2. #33-1489 PIP1 Haverhill LLC for Research Dr (Parcel ID: 548-1-10BB-1) Construction of a food processing and warehouse facility

Plans and Documents:

- Staff Meeting Notes 12.10.2020, 1.7.21, 1.28.21 NOI Application, including Stormwater Report, received 11.14.2020 (MES)
- Site Plan Set, dated 4.20.2020 (received 11.13.20), revised 1.23.2021, 2.01.21 (MES)
- Revised Plan Sheets 4, 6 (Drainage), & 6 (Utilities), dated 12.10.2020 (MES)
- CEI Peer Review Comments #1, 12.23.2020
- BMP Location Map, 1.28.2021 (MES)
- Revised Stormwater Report, 2.01.2021 (MES)
- Drainage Catchment Maps, 2.01.2021 (MES)

Summary: Kevin McCall of PIP1 is on the call and Steve Stapinski of MES is here to present. Matt Weisman, an abutter, is on the call as well. This project will bring 300 jobs to the city. This was originally Rich's Warehouse development on Computer Dr. It was prepared with utilities and drainage for the expansion of what is now the Magellan Building. Monogram will come as a tenant which he will construct. Trucks and automobiles will access from driveway on Research Dr. The parking is in front of building between a wetland which exists along Research Dr. and the proposed building. Loading area is on the right-hand side of the building. That will be used for deliveries. It will provide storage and food preparation. Due to the wetlands, they are proposing a retaining wall that will serve as a buffer, with a fence along to catch trash. They are providing wetland enhancements along wetlands to provide additional suitability for the animals and plants. They are covering a large ditch taking the water from Computer Dr to the Magellan site directing it into the wetland which it goes to now. Storm mitigation provided prior is no longer able to be used. They have provided a storm water infiltration system on the property. Several different systems collecting the roof water discharging into those systems. Also surface drainage collecting that and treating that with Stormceptors and infiltrating that as well. This will treat the storm water. They are proposing to waive the Commission's wetlands regulations. They have provided wildlife enhancements, by creating a wildlife crossing and doing work by removing box culvert to have flow from one wetland to the other that was separated. They have agreed to post a fee of 46,000 with the city to be used for Conservation purposes. TW requests to see a drawing for the property. Rob discusses and highlights the plans marking what was discussed by Steve. Curt Busto from CEI is also on for discussion. TW is concerned with the drop from the wall, which RM explains where it will be replaced. HW confirms TW did walk the site for the record. TW also asks about the wetland plantings; RM shows where they will go. RB did the site walk as well. He asks if RM has read the peer review and if he is comfortable with it. RM discusses there is a lot going on and he

has had a lengthy discussion about this with Curt and Steve. TW asks if the concerned abutters from Northeast Utility building was addressed, RM is comfortable that the Susan Weissman the owner of NorthEast Utility's concerns were looked at during the design. However, she did not attend the site walk as she was not able to.

Action: FC moves to Issue an Order of Conditions approving this project with conditions typical for commercial developments. Also, to include notes read into record by HW, see below. PL seconded. TW called role. RB-yea. FC-yea; NF-yea; PL-yea; TW-yea; HW-yea. Motion passed 6-0-1.

- **SECURITY.** Prior to the commencement of work on this site, the applicant shall post a cash escrow in the amount of \$46,582 with the City of Haverhill, under the control of the Conservation Commission. The escrow shall be used by the Commission to achieve quality compensatory mitigation for the permanent impacts to the No Disturbance and No Build Zones proposed by this project. The selected mitigation project(s) shall be at the Commission's discretion and shall meet objectives such as, but not limited to, wetland restoration, stream culvert replacement/upsizing, fish passage improvements, water quality improvements, climate change resiliency, buffer zone restoration, habitat connectivity, and land acquisition. Mitigation project(s) shall be located within the City of Haverhill and shall benefit the City of Haverhill's wetland ecosystems.
- **CONSTRUCTION SEQUENCING.** Prior to the commencement of work, the Applicant and/or his general contractor shall submit a written construction sequence to the HCC that details how the proposed infiltration system locations will be protected from soil compaction during the construction period.
- **CONSTRUCTION SEQUENCING.** [Language to be added to typical NPDES condition.] The Applicant shall provide the HCC with evidence that all "operators" (as defined in the NPDES Construction General Permit) have filed for coverage under the permit. The Applicant shall obtain authorization from the HCC prior to filing a Notice of Termination under the EPA permit.
- **CONSTRUCTION SEQUENCING.** Prior to the issuance of an occupancy permit and operation of this facility, the Applicant shall install emergency slide ditch gates in DMH A, DMH 10, and CB 8 to isolate potential spills within the closed drainage system and reduce the potential for impacts to the infiltration systems and wetland resource areas.
- **CONSTRUCTION SEQUENCING.** Prior to the issuance of an occupancy permit and operation of this facility, the Applicant shall provide the HCC with a final copy of the "Long-Term Stormwater System Operation and Maintenance Plan", including a final "BMP Location Map", and "Long Term Pollution Prevention Plan". These documents shall be finalized to include:
 - All revisions that may be required as a result of changes to construction.
 - The addition of final snow storage locations to the BMP Location Map. Snow storage locations shall be in areas that allow snowmelt to flow into the drainage system in order to receive proper treatment.
 - The addition of final emergency gates to the BMP Locations Map and a requirement for routine inspection and operation of these gates to maintain their functions.
 - Procedure for inspecting and maintaining the proposed box culvert and associated manholes.
- **CONSTRUCTION PERIOD EROSION, SEDIMENTATION, AND POLLUTION PREVENTION.** The Applicant shall remove sediment from the proposed silt sock when it reaches 2/3 the height of the sock.
- **CONSTRUCTION PERIOD EROSION, SEDIMENTATION, AND POLLUTION PREVENTION.** Silt sock shall be installed around all temporary soil stockpiles on site.

- **RESOURCE AREA ACTIVITIES.** Upon completion of construction of the perimeter retaining wall and prior to the issuance of an occupancy permit and operation of this facility, the Applicant shall complete the installation of wetland plantings along the base of the wall. As noted on Plan Sheet 13, planting species shall be consistent with those proposed by Norse Environmental in the Wetland Replication Report. Both tree and shrub species shall be planted at a ratio of 1 tree to 1.5 shrubs, with trees at 15' spacings and shrubs at 10' spacings. Trees shall be of 4-6' minimum size and shrubs shall be of 2-3' minimum size.
- **RESOURCE AREA ACTIVITIES.** Construction of the Broadway restoration areas (Plan Sheet 12), including but not limited to access, grading, and stabilization measures, shall be under the oversight of the Applicant's wetlands consultant and shall be subject to the approval of a Conservation Department Official.
- **STORMWATER.** The Applicant shall ensure the stormwater management design engineer is on site sufficiently throughout construction to inspect and direct the construction of all BMPs. Should the engineer find insufficient groundwater separation, poor soil infiltration conditions, ledge, or other conditions that would prohibit these BMPs from performing as designed, the Applicant shall submit a revised stormwater management design to the HCC in accordance with Special Condition #27. Prior to installation of the infiltration systems, the design engineer shall oversee an evaluation of the local soil texture and depth to groundwater to confirm adequacy to support the design. Unsuitable soil materials shall be removed from the infiltration system areas as detailed on the approved plan. The Applicant shall ensure a minimum groundwater separation of 2' between the bottoms of the infiltration systems (including stone) and the estimated seasonal high groundwater elevation. Should local soil texture or depth to groundwater be found inadequate, the Applicant shall submit a revised system design to the HCC for review. The Applicant shall schedule the attendance of an inspector from the City's Engineering Division during this evaluation.
- **ONGOING CONDITIONS.** Prior to the issuance of an occupancy permit and operation of this facility, and in conjunction with the proposed perimeter retaining wall, the Applicant shall install a 6'-high chain link fence to contain windblown debris on the site. In addition to the fence shown on the approved plans along the top of the wall, the fence line shall be extended beyond its northeasterly and southwesterly ends. At the northeasterly end, the fence shall continue to run between the existing guardrail and concrete retaining at this location to its terminus on the Applicant's abutting parcel (a distance of about 200'). A gate shall be installed to facilitate maintenance access to the sediment sump and gabion level spreader. At the southwesterly end, the Commission reserves the right to require up to an additional 100' along the sides of the driveway access following an inspection of final vegetation cover in this area. The O/O shall maintain the fence to ensure its continued function.
- **ONGOING CONDITIONS.** The Property Owner/Facility Operator is required to obtain the prior approval of the HCC for any exterior, vehicular fleet service/maintenance/cleaning or other "Land Use with a Higher Potential Pollutant Load" activity that might be additionally proposed on this site in the future.

3. REQUEST TO AMEND A FINAL ORDER OF CONDITIONS

None Scheduled

OTHER BUSINESS (NON-HEARING ITEMS)

4. EXTENSIONS AND CERTIFICATES

None Scheduled

5. ENFORCEMENT

None other scheduled

6. PLANNING DEPARTMENT BUSINESS

None Scheduled

7. MISCELLANEOUS

7.1. Request from John Micue to discuss a potential garage project at 93 Carleton Street

Summary: HW reads into record notes from RM. John Micue attends to discuss potential garage project. RM has the informal sketch up for everyone to view. John intends to remove shed and dog pen and on same footprint put garage there. He would like to move the shed and build the new garage since it is in line with house and makes sense since something was already there. Since this is an older home, it is already in what would be called the “no build zone”. HW takes a role call to see where the Commission stands with this. They are comfortable with the plan; however, PL wants to be sure it doesn’t encroach the 25’ zone HW states they typically don’t want to see any building in the 50’ zone however, he has an older home and the garage and shed are already in the 50’ zone. The Board prefer the NOI route to proceed. John explains that he can keep it out the 25’ zone with no issues. RM discusses the time frame and process to John, he said he will file for the NOI. John asks for clarification on NOI and the OOC which RM discusses along with his next steps to proceed.

Action: HW confirms Mr. Micue to reach out to RM and follow steps he outlined, and they will speak again following the NOI.

7.2. Discussion of Watershed Special Permit application filed by D & D Realty Trust for 0 Brandy Brow Rd

Summary: HW reads into record meeting notes to frame the conversation. TW agrees that it is an outrage to move forward with this but would love to see the city purchase the land. RB discloses that he has spoken with Mr. Ward from the water department. RB explains to add to this, there is a vernal pool and endangered species, he does not permit this request, he believes the best interest that the City purchase it for water shed protection. He believes the city would be best served from the city purchasing this for water shed protection. NF agrees there is no point in supporting this. PL does not see use for that as well. HW would like to propose a letter in support of preserving the property for watershed protection. RM has had quite a few conversations about the city purchasing the land. RM believes there is opportunity to purchase the property, on March 2nd there is a City Council hearing which we can submit the letter for.

Action: RB motions that we send a letter to City Council in opposition to granting a special permit and to urge them to purchase the water shed property. RM will write the letter on behalf of the Commission. TW seconded. TW called role. RB-yea. FC-yea; NF-yea; PL-yea; TW-yea; HW-yea. Motion passed 6-0-1.

8. ACCEPTANCE OF MINUTES

RB moves to accept meeting minutes for the 5.28.2020 meeting. PL seconded. TW called role. RB-yea; FC-yea; NF-yea; PL-yea; TW-yea; HW-yea. Motion passed 6-0-1.

9. ADJOURN

FC moves to Adjourn at 8:58 PM. PL seconded. TW called role. RB-yea; FC-yea; NF-yea; PL-yea; TW-yea; HW-yea. Motion passed 6-0-1.