



CITY OF HAVERHILL CONSERVATION COMMISSION MEETING MINUTES



MEETING DATE: THURSDAY, MARCH 11, 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 and "joining" the meeting at the following URL: <https://us02web.zoom.us/j/81091551401> (Password: 596785). 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) late, Fred Clark (FC) and Nicole Gray Minutes Clerk
Absent: Neil Frasca PG (NF), and Joe DiPietro
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 verbal request of the Applicant's engineer, HW requested a motion to grant an open continuance in accordance with HCC Policy #2000-01, Deadlines for Information Submittal. RB motioned to grant an open continuance. FC seconded. TW called role RB-yea; FC yea; TW-yea; HW-yea. Motion passed 4-0-7.

2.2. #33-1490 Antonio Viola for Broadway (Parcel ID: 539-439-18) Construction of a single-family house

Action: At the request of the Applicant's engineer, HW requested a motion to continue this hearing to the April 1, 2021, meeting. RB motioned to continue the hearing to April 1, 2021. FC seconded. TW called role RB-yea; FC-yea; TW-yea; HW-yea. Motion passed 4-0-7.

PUBLIC HEARINGS

1. REQUEST FOR DETERMINATION OF APPLICABILITY

1.1. Diamond Properties Trust for 452 Lake St (Parcel ID: 571-1-13) Construction of a single-family house

Plans and Documents:

- Staff Meeting Notes, 3.11.21
- RDA Application, dated 2.24.21 (GPI)
- Site Plan (2 Sheets), dated 2.24.21 (GPI)
- Summary: PL joins at the start of this discussion. David Jordan of Reem and Peterson representing Diamond Properties Trust. Owner is looking to remove single family home last year the property was subdivided into two, one-acre parcels and are looking to build two single family dwellings. The wetlands have been delineated by Basbanes Wetland Consultants. David presents and discusses the proposed plan. One property will be tight to the 25' no build zone and will have a fair amount of

grading. The other sheds water towards the side lot not the wetlands. They are proposing runoff control by building with down spouts and will include details in the plan. This should address the runoff concerns along the driveway to get the water to the ground. HW did walk the property with RM. FC questions existing tree line would like to know how far back. It will be pushed back to the silt fence line to accommodate the grading for lots. Infiltrations will be dedicated on plan if needed. HW asks if existing leeching field with the house on the right. They will use the area where existing field was. They have been asked to remove the existing chambers which they will have to do to upgrade from a 3 to a 4 bedroom. Due to them being so close to road it is because of where the septic system is. RB is concerned that it is came in as an RDA versus an NOI, which HW mentioned as well. HW also would like to see plantings, fencing and signage as well as the water staying back on property due to flooding on Lake St. TW has concerns of drainage issues. They would propose to infiltrate runoff, with stone filter strip and pitch driveway to one side.

Actions: HW reads notes by RM into record. FC motions to move to a positive determination for an NOI with– Options #4 and 5. PL seconded. TW calls role. RB-yea; FC-yea; PL-yea; HW-yea; TW-abstains. Motion passed 4-0-3.

1.2. Diamond Properties Trust for 452 Lake St (Parcel ID: 571-1-13A) Construction of a single-family house

Plans and Documents:

- Staff Meeting Notes, 3.11.21
- RDA Application, dated 2.24.21 (GPI)
- Site Plan (2 Sheets), dated 2.24.21 (GPI)

Summary: Discussed above, HW read into record RM comments and recommendations from RM.

Action: HW reads into record notes by RM. FC motions to move to a positive determination for an NOI with– Options #4 and 5. PL seconded. TW calls role. RB-yea; FC-yea; PL-yea; HW-yea; TW-abstains. TW calls role. RB-yea; FC-yea; PL-yea; HW-yea; TW-abstains. Motion passed 4-0-3.

2. NOTICE OF INTENT

2.3. #33-1493 City of Haverhill for Newton Rd (Rt 108) and Amesbury Rd (Rt 110) at Kenoza Av Construction of intersection improvements

Plans and Documents:

- Staff Meeting Notes, 3.11.21
- Notice of Intent (including Local Form 3), February 2021 (GPI)
- Site Plan Set (18 Sheets), February 2021 (GPI)
- Stormwater Management Report (including OMP & LTPPP), February 2021 (GPI)
- NHESP Review (no adverse effects), 03.04.21

Summary: Sam Campbell with Christopher Stairs from Greenman and Peterson presents. Intersection at RT 110 and 108 is considered a high crash location. A road safety audit was conducted. Project limits start at Long Meadow RD to approximately 300 ft to Newton Rd and up Newton Rd about 300 ft. Proposed improvements include realignment of intersection to improve sight distance and provide a wider turning area for vehicles. A left turn lane will be added to Rt 110 to better facilitate turns and the intersection of Rt 108 will be squared up to Rt 110 and a left and right turn lane will be added. There will be project markings laid out to identify lanes, the roadway will be fully reconstructed and narrowed. New granite curbing is proposed to control run off in the street and drainage improvements to capture runoff. A sidewalk will be constructed on the north side of Rt 110 between Longview St and up Newton Rd. A sidewalk along

Winnekenni Park will be reconstructed and extended to the limit of work on Rt 110. A flashing pedestrian crossing is proposed. An access system will provide access to the park and adjacent to that a small parking lot is proposed. There is no impact to environmental resource areas. TW questions parking lot placement agrees there is need for improvement. RB agrees with TW that this is a much-needed improvement. PL is concerned with the road a dip going 110 east, asks if that will be taken out. The plan is they will raise the road 6-8 inches to tie in to 108 but are unable to raise 110 near Humphry St. So, it will be better but due to the homes they cannot do it all. PL also questions water concerns. They will add new catch basins and flip a catch basin to the other side of the road, but with the grading it is a challenge. Also, the granite curb should help as well with drainage flow. HW asks about the trees that are being planted. They do not have the answer at this time, they just submitted the plans, and they have a few conflicts with trees and utilities. The plan will be to remove the old trees and plant new ones that will not grow as high. The sidewalk is also buckling over there, and the water department has a 20-inch water main under this location. Kim McCullough at 414 Kenoza has a few concerns. She is wondering who will maintain the shoveling of the new sidewalks being installed. RM explains there is an Ordinance that residents need to maintain them. She also says plows do not like to plow near the granite sidewalk. She is concerned the plowing will be worse than it is now and if the homeowners must maintain the sidewalk the plows need to get closer to them. She also has a concern that parking for all the houses is being removed and installing a parking lot for Winnekenni which is further up the street. She expresses she requested that not to happen and she is not happy with that. She is looking for an explanation of how far up they are installing the new sidewalk. He explains there will be a 4' grass strip between the road and the sidewalk so it should help with her concerns of sidewalk snow removal. She asks about the water coming in from up the hill as well she has large puddles and has a concern with this. He explains the grades to force the water to flow and a catch basin is in the neighbor's house and that should alleviate potential build up. She asks who will clean out the debris in these sewers. She also asks if her driveway will be raised due to water issues, he explains that her driveway is being paved far back so they can have pitch so that should not happen. HW asks RM if there is anyone who she can follow up with someone pertaining to these questions since they are not really Conservation questions. RM suggests Highway, or Engineering and she may call 311 as well. She asks about the trees across the street to see if there will be any trees planted, he explains some will be removed due to poor condition.

Actions: HW reads into record notes by RM. TW moves to issue the Order of Conditions. PL seconded. TW calls role. RB-yea; FC-yea; PL-yea; HW-yea; TW-yea. Motion passed- 5-0-2.

2.4. #33-1494 Jeffrey Saab for Bailey's Ct (Parcel ID: 540-446-13) Construction of a single-family house Plans and Documents:

- Staff Meeting Notes, 3.11.21
- Notice of Intent Application Materials, received 2.24.21 (ESS)
- Site Plan, 2.17.21 (ESS)

Summary: Greg Saab from ESS (70 Bailey Ct) is presenting. He went to the Zoning Board prior to filing with Conservation to get a variance so they did not have to extend the road to build the house. They will access from the end of Bailey Ct. the buffer zone starts where wall is and drops down into existing property. There is an existing trail there. There will be a wetland fill and a culvert across the wetland. There will be a 2' storm trench on each side of driveway which is 12' wide. They will use a boulder wall or a large concrete block wall. The culvert is a 36" pipe will be buried halfway; the wall is under 4' high will have a natural bottom. There will be a roof drain infiltration system designed for this house. There will be a residential sprinkler system. There is a replication area to save existing trees. HW walked the site with RM, and she

concur with the proposed wetland replication. She would ask that he maintains as many of the mature trees as possible. There is a large pine tree with a nest. They are waiting to hear from Nation Heritage to speak about the protected species. She mentions the size of the driveway with UPS, and deliveries. He explains there is room to turn around, but they could use his mailbox he lives next door. She also asks about the lighting for the house, and he explains it will be typical house lighting, which can be pointed toward the driveway rather than out toward people; she mentions more concern about the species around. HW didn't see an abutters list, RM confirms there is one and Greg emailed a picture of the cards.

Actions: HW reads into record notes by RM. RB moves to Continue to 4/1/2021 as noted. PL seconded. TW calls role. RB-yea; FC-yea; PL-yea; HW-yea; TW-yea. Motion passed 5-0-2.

3. REQUEST TO AMEND A FINAL ORDER OF CONDITIONS

None Scheduled

OTHER BUSINESS (NON-HEARING ITEMS)

4. EXTENSIONS AND CERTIFICATES

None Scheduled

5. ENFORCEMENT

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

Plans and Documents:

- Staff Meeting Notes, 3.11.21

Summary: HW reads into record comments by RM See below.

- EO was issued for the installation of a paved spillway draining Route 97 runoff into Creek Brook.
- I met with MassDOT and City representatives to discuss this activity, as well as the need for drainage improvements on Broadway, between Computer and Research Drives.
- Over the next few weeks, the City will conduct sediment removal at multiple locations along this corridor and will install riprap spillways to better disperse roadway runoff and to reduce the volume of direct discharge to Creek Brook.
- MassDOT will replace the paved spillway with a riprap spillway with its repairs to the Creek Brook bridge this spring. Should this project be delayed, the spillway work will be completed by July 1st.

Actions: TW moves to allow the withdrawal of the EO with the understanding this work will be completed this spring. PL seconded. TW calls role. RB-yea; FC-yea; PL-yea; HW-yea; TW-yea Motion passed 5-0-2.

5.2. Enforcement Order: John Micue for 93 Carleton Street

Plans and Documents:

- Staff Meeting Notes, 3.11.21
- Notice of Violation, issued 11.26.2019
- Enforcement Directives, voted 12.5.2020 & 1.23.2020
- Enforcement Order, voted 3.5.2020
- Existing Conditions Plans, dated 2.29.2020, by MES

Summary: HW reads into record notes by RM see below. Mr. Micue is in attendance and says the everything is back to where it was prior to RM going by. He has planted over 30 trees in the back yard. Shrubs and other trees have been planted by property line. HW asks for clarification of property line. He says there is a stream and a few feet which is his line, but the neighbor (a landscaper) takes care of that area. HW asks if he has stopped mowing, he said he is not mowing like he used to, he has kids and needs to keep

it cleaned. As for the animal enclosures, he says they have been there since 2016 and was there before the request of delineation. He says he does not have wetland species or anything that is being affected. HW states it seems that things are going backwards and explains how he should be going forward and doing what was requested from him. TW asks if the animal enclosure is still in the wetland and explains that was number 1 on the enforcement letter. Mr. Micue says he is an old goat, and he can't be moved. HW explains nobody wants you to get rid of the goats, but it needs to be moved and they are trying to help assist him with that. He goes back and forth for a bit and says he doesn't have 150' in either direction to move them. HW discusses things and says they can go out and do a site walk. RB clarifies how it came before them and became an issue. RM clarifies that the goat enclosure doesn't meet the 150' set back. RM agrees to go out to do a site walk to see what he has done and what needs to be done. Mr. Micue goes back and forth about the variance meeting and believes everything was taken care of at the time of that meeting. TW suggests moving the question on this the recommendation remains the same. RB confirms the same and do the site walk. RM will get availability from the Commission to do the site walk next week if possible.

- Commission voted to issue the EO on March 5, 2020, for the following activities:
 1. Cutting and mowing of scrub shrub and herbaceous vegetation in a bordering vegetated wetland
 2. Excavation and commencement of construction of a barn/garage foundation in a BVW
 3. Installation of two underdrain systems in a BVW to dewater the wetland and drain water towards an intermittent stream channel
 4. Clearing of vegetation along an intermittent stream channel
 5. Regrading of an intermittent stream channel
 6. Construction of an animal enclosure and housing structures and the keeping of animals in a BVW
- The EO requires Mr. Micue to take the following actions:
 1. By March 26, 2020, remove the animal enclosure and related structures from the wetland. The enclosure and structures may be relocated to another position on the property that is outside the delineated wetland.
 2. By April 16, 2020, remove all stone and pipes installed as drains within the wetland and restore the loam layer with the existing loam material currently stockpile on the property.
 3. By April 16, 2020, remove all stone placed within the wetland for the barn/garage and restore the loam layer with the existing loam material currently stockpile on the property.
 4. By April 16, 2020, all surplus loam shall be relocated outside the boundary of the delineated wetland.
 5. All wetland areas shall be allowed to naturally revegetate. That is to say, no restoration plantings are required within the wetland; however, any areas of disturbance associated with the aforementioned removals shall be seeded with a native New England wetland seed mix to provide stabilization.
 6. Revegetation shall occur up to the "mowing line" that is evident in the reviewed 2008-2015 aerial photos. That is to say, you may continue to mow the western edge of the wet meadow (nearest your home), following the 2008-2015 mowing line.
 7. Plantings are not required along the first 100' of stream channel, measured upstream from the roadside culvert. By April 16, 2020, from that 100' mark upstream to the 200' mark, plant a row of shrubs along each side of the channel to replace removed vegetation. Shrubs shall be planted every 10', with each side alternated from the other. Shrubs shall be native New England wetland species and shall be a minimum of 36" in height. A minimum of 3 different species shall be planted.
 8. By April 16, 2020, install buffer zone protection measures to prevent future wetland encroachments. These measures shall consist of durable posts, such as a cedar fence post, placed every 50' along the

entire delineated wetland edge. Affixed to the posts shall be signage identifying the areas beyond these posts as "Protected Resource Areas".

- At its April 2nd meeting, the Commission extended these deadlines to May 28, 2020.
- At its May 28th meeting, the Commission granted additional time due to the early stages of the pandemic. The Commission noted that mowing of the wetland must be ceased.

Action: No formal action required. The Commission will do a site walk.

6. PLANNING DEPARTMENT BUSINESS

None Scheduled

7. MISCELLANEOUS

None Scheduled

8. ACCEPTANCE OF MINUTES

FC moves to approve the minutes for 9-10-2020 and 1-28-2021. PL seconded. TW calls role. RB-yea; FC-yea; PL-yea; HW-yea; TW-yea. Motion passed 5-0-2.

9. ADJOURN

RB motions to adjourn at 8:56 PM