



CITY OF HAVERHILL CONSERVATION COMMISSION MEETING MINUTES



MEETING DATE: THURSDAY, APRIL 8, 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/81836306853) and "joining" the meeting at the following URL: <https://us02web.zoom.us/j/81836306853> (Password: 743004). 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), Joe DiPietro (JD), and Neil Frasca PG (NF)

Absent: None

Also Present: Robert E. Moore, Jr., Environmental Health Technician (RM) and Nicole Gray Minutes Clerk

CONTINUANCES & WITHDRAWALS

2.2. #33-1484 MDK Realty Trust for 111 Avco Rd (Parcel ID: 764-1-3) Expansion of outdoor operations area - Continue to April 22nd

Action: At the request of the applicant, HW requested a motion to continue this hearing to April 22nd. RB moves to continue to April 22nd. PL seconded. TW calls role, RB-yea; FC-yea; JD-yea; NF-yea; PL-yea; TW-yea; HW-yea. Motion passed 7-0-0.

5.1. Enforcement Order: John Micue for 93 Carleton Street - Continue to April 22nd

Action: At the request of the applicant, HW requested a motion to continue this hearing to April 22nd. RB moves to continue to April 22nd. PL seconded. TW calls roll RB-yea; FC-yea; JD-yea; NF-yea; PL-yea; TW-yea; HW-yea. Motion passed 7-0-0.

PUBLIC HEARINGS

1. REQUEST FOR DETERMINATION OF APPLICABILITY

1.1. Chris Wurster for 30 Montvale St (Parcel ID: 778-797-17-4) Removal of trees for solar installation Plans and Documents:

- Staff Meeting Notes, 04.08.21
- RDA Application, received 3.19.21

Summary: Chris Wurster (owner) is on the call to discuss solar panels on back part of house. To make it efficient they would like him to take down 11 trees. TW asks what other alternatives were considered rather than taking down trees, HW concurs. HW asks why it was not considered to put panels on the garage on the front or back. Also, a lot of times the solar companies give you a quote on how many trees should be removed for maximum efficiency if he left the trees. He said it was right about 700 did not have the exact number. The garage faces the opposite direction and does not get full sun, it is the NW side. The company

never explained ground panels. NF asks if you don't take the panels down will it affect you. He explains the company told him that it may not be approved if the trees did not come down. HW explains it is not that they are not for solar, it is that there were so many trees already just taken down in that development. TW explains if they allowed the trees to be taken down, there are still so many trees in that area. Chris agrees but explains they do not cast the shadow on the house, it is basically the line first row that does. JD says if we do allow to take the trees down, he would need to maintain and as the trees go up and higher it would be a longer-term situation. He would like to see this as a last option. PL discusses he was going to do solar, and they were just going to trim the tree line and only need to maintain it again maybe once in 25 years. RB asks were the trees located near the protected areas. RM says it is about 100 ft from Peabody Brook. The largest tree is 26 inches in diameter and no more than 60 ft in height. RB asks if neighbors have called, RM replies no, and they do not need an abutters list. TW agrees with PL comment. PL asks the type of trees and if they are fast growing trees, RM says there are a few Norway Maple, Birch, Norway's grow fast but the others not too much. RB discusses if there is a middle ground to take out the Norway Maples, would they allow low coverage in place. TW, JD, HW, NF all agree to identify the problem trees and replace with low coverage. HW asks how bad the invasive in the area are, he says the not too bad a little knot weed.

Actions: HW reads into record notes by RM. RB moves to issue a Negative Determination of Applicability – Option #2 to include the standard tree removal conditions used in hazard tree circumstances. With a replacement of 15 trees to be planted as mitigation include three different indigenous species. PL seconded. TW calls roll RB-yea; FC-yea; JD-yea; NF-yea; PL-yea; TW-abstain; HW-yea. Motion passed 6-0-1.

2. NOTICE OF INTENT

2.1. #33-1495 Boston Haverhill LLC for 1240 Boston Rd (Parcel ID: 770-779-69) Construction of a multi-family subdivision

Plans and Documents:

- Staff Meeting Notes, 04.08.21
- NOI Application Materials, dated 3.17.21 (MEI)
- Stormwater Management Report, dated 3.12.21 (MEI)
- Definitive Subdivision Plan, dated 3.12.21 (MEI)
- Stormwater Peer Review, 4.7.21 (CEI)
- Revised Plan Sheet 5 of 11, 4.7.21 (MEI)

Summary: TJ Melvin from Millennium Engineering and Steve Paquette of Boston Haverhill LLC (applicant). TJ is presenting, the project is to create a seven-lot definitive sub-division. The dwelling on lot 7 is the existing dwelling. The plan is to construct the 480 ft road and lift the house and put it back on the lot. Then construct 6- 3 family dwellings on the six remaining lots. The road has been designed with the standards for the sub- division. City water and sewer. Drainage system, which includes putting catch basins, putting Contech CDS pre-treatment units and subsurface infiltration areas. Some areas are roof drywells and the other 2 treat the runoff from the road. Back left corner of the lot there are wetlands just off the property line with the 25 ft buffer. No structures within the 50 ft they are proposing some disturbances with in the 25ft area. They have revised the plan since the first submittal. There is an extension of wetland that comes out 78 ft of the back of property, and it clips the back right portion of the buffer. The wetland scientist discussed leaving the disturbance as it is shown and come up with a mitigation planting plan. HW asks to see the 25ft buffer again and asks about what the work will be. He discusses minor grading, a 2 ft draining wall and some rip rap for the storm water outlet. The square footage is roughly 500 ft.

Actions: HW reads into record notes by RM. RB motions to continue until April 22nd. PL seconded. TW calls roll RB-yea; FC-yea; JD-yea; NF-yea; PL-yea; TW-yea; HW-yea. Motion passed 7-0-0.

2.3. #33-1490 Antonio Viola for Broadway (Parcel ID: 539-439-18) Construction of a single-family house
Plans and Documents:

- Staff Meeting Notes 12.10.2020, 1.7.21
- NOI Application Materials, received 11.13.2020 (MES)
- Site Plan, dated 7.29.2020, rev 3.11.21, rev 3.24.21 (MES)
- Wetland Replication Report, dated July 2020 (Norse)
- Letter from Atty. Mark O'Connor to Clifford and Nancy Peters, 12.18.2020
- Letter from Abutter, Nancy Peters, to HCC, received 02.16.21

Summary: Mr. Stapinski of Merrimack Engineering, gives an update. Since they have met with the Commission and had the site walk with RM, they have spoken many times. He has discussed with the fire Department that they have access and that they would not bring a ladder truck down, they would have a provision of a small turn around so they can back the truck up and turn around. It was discussed that if Mr. Viola would add sprinklers in the house as well, then they did not have an issue with the plan. They submitted the provisions and he and RM discussed keeping the wetland forested. He did confirm with the gas company that if they are not inhibiting the cover over the gas pipes, they could work within the easement altering the grade a few inches. They would take the upland areas over the pipe to wetlands, regrading it and plant with wetland species. By relocating the wetlands, they can save the forested area. This plan was also submitted to our office. TW asks for comments on the lack of useable yard space to increase the potential of future violations at the property. Steve explains future enforcement can be avoided by fencing, walls or signage that would inhibit going toward the wetlands. HW mentions most of the Commission have walked the site. She has a hard time with almost 5,000 sf of wetlands being altered to build a 1600 sf house. In addition, the house has no yard and space, and she sees homeowners seeking leeway to build garage etc., or future violations. Personally, she is not comfortable with the idea of it. RB clarifies an abutters issue, which there is a letter on file for that. Bob and Joan Blacker of 5 Kristine Ln. has concerns about gas, and wetlands. She is there for follow up. Nancy Peters 984 Broadway has concerns of building behind her home will flood her home. She currently has a sump pump and says certain times of the year there are areas of mud and water. She thinks it will sink, and Mr. Viola would like her to remove her garage, sump pump and electricity. He would like to abut her driveway with his. She is concerned with the weight of the trucks and that they will sink. Also, her property being affected and the wildlife. TW asks the procedure of closing the hearing and if it is approved what is the procedure to re-open at next meeting. RM explains the procedure of 21 days to issue an order of conditions following the hearing. Typically, after the meeting is scheduled 2 weeks out which in this case it is 2 weeks out. RM will prepare their reasons for denying the project.

Action: HW reads into record notes by RM. TW motions to close hearing and schedule a vote on issuing an Order of Conditions on April 22nd meeting. RB seconded. TW calls roll RB-yea; FC-yea; JD-yea; NF-yea; PL-yea; TW-yea; HW-yea. Motion passed 7-0-0.

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, 4.8.21
- Notice of Intent Application Materials, received 2.24.21 (ESS)
- Site Plan, 2.17.21 (ESS)
- Wetland Replication Plan, 3.17.21 (BWC)
- NHESP Comment Letter, 3.30.21

Summary: Greg Saab is on the call. HW reads into record notes from RM. HW would like to see natural boulders and native plantings and some signage; have demarcation but blend in with the area. RB agrees. Mr. Saab is working with Dan Wells a turtle scientist. HW asks that he is ok with the natural boulders and the signs and Mr. Saab agrees.

Actions: RB moves upon receipt of a final plan that an Order of Conditions be issued with the stipulation conditions in terms by RM as submitted in tonight's meeting read into to record by HW. Contingent upon a final site walk with RM to determine the issue of boulders and signage. PL seconded. TW calls roll RB-yea; FC-yea; JD-yea; NF-yea; PL-yea; TW-yea; HW-yea. Motion passed 7-0-0.

3. REQUEST TO AMEND A FINAL ORDER OF CONDITIONS

None Scheduled

OTHER BUSINESS (NON-HEARING ITEMS)

4. EXTENSIONS AND CERTIFICATES

4.1. Certificate: #33-0663 Robert Hammond for 1231 Broadway

Action: RM moves to issue a Partial Certification identifying the subject property. FC seconded. TW calls roll RB-yea; FC-yea; JD-yea; NF-yea; PL-yea; TW-yea; HW-yea. Motion passed 7-0-0.

5. ENFORCEMENT

None Other Scheduled

6. PLANNING DEPARTMENT BUSINESS

None Scheduled

7. MISCELLANEOUS

7.1. Request from CC. Wilson to discussion Earth Day 2021

Summary: HW encouraged Commissioners to attend a planned clean-up of the Brandy Brow Road area on April 17th at 9:00am.

8. ACCEPTANCE OF MINUTES

None Scheduled

9. ADJOURN

MEETING ADJOURNED 8:40PM