



CITY OF HAVERHILL CONSERVATION COMMISSION MEETING MINUTES



MEETING DATE: THURSDAY, MAY 13, 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/87377536782> (Password: 525307). 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), and Jen Rubera (JR)

Absent: Neil Frasca PG (NF)

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

CONTINUANCES & WITHDRAWALS

2.8. #33-1484 MDK Realty Trust for 111 Avco Rd (Parcel ID: 764-1-3) Expansion of outdoor operations area – The applicant has submitted additional information and is nearing completion of addressing peer review and DEP comments. With the applicant's written request, continue this item to June 3rd.

Action: At the written request of the applicant HW requested a motion to continue this hearing to June 13, 2020. RB moves to continue this meeting until June 3, 2021. PL seconded. TW called role RB-yearh; JR-yearh; PL-yearh; FC-yearh; TW-yearh; HW-yearh. Motion passed 6-0-0.

2.9. #33-1488 Neck Road Management LLC for 293 Neck Rd (Parcel ID: 762-1-5) Construction of a 21,900-sf commercial addition - The applicant has submitted additional information and is continuing to work towards addressing peer review comments. With the consultant's verbal request, continue this item to June 3rd.

Action: At the verbal request of the applicant HW requested a motion to continue this hearing to June 13, 2020. RB moves to continue this meeting until June 3, 2021. PL seconded. TW called role RB-yearh; JR-yearh; PL-yearh; FC-yearh; TW-yearh; HW-yearh. Motion passed 6-0-0.

PUBLIC HEARINGS

1. REQUEST FOR DETERMINATION OF APPLICABILITY

None Scheduled

2. NOTICE OF INTENT

2.1. #33-NOI Heather McMann & Kevin McCarthy for 34 Wharf Ln (Parcel ID: 471-5-8) Removal and replacement of a residential garage

Plans and Documents:

- Notice of Intent, received 4.30.21 (RAM)
- Site Plan Set (2 Sheets), 4.05.21 (RAM)
- Garage Photos & Renderings, received 5.03.21 (Applicant)

Comments: Robert Masys at RAM Engineering representing the applicants. They have proposed to remove an existing barn and foundation and build a new two-story addition including a garage under. The pavement will be increased a little bit which they will be putting stone filters around the driveway to collect the runoff. There is some compensatory storage due to filling in a little bit. In total they will fill in about 1060 cubic feet and will provide 1275 cubic feet which is 215 cubic feet more volume. The current building can not be rehabbed it needs to be taken down and rebuilt. Plans are put up for everyone to view. HW asks when they have done project near the river, they have had flow through for flooding will they be doing anything similar. Mr. Masys does show the vents through the garage for flow through on the plans. HW confirms there will be no place for them to be covered up- MR. Masys confirms.

Actions: RB moves to issue an OOC approving this project with the inclusion of comments read into record by RM. PL seconded. TW called role RB-yeah; JR-yeah; PL-yeah; FC-yeah; TW-yeah; HW-yeah. Motion passed 6-0-0.

2.2. #33-NOI Diamond Properties Trust for 452 Lake St (Parcel ID: 572-1-13 & 13A) Construction of two single-family houses

Plans and Documents:

- Notice of Intent, 4.28.21 (GPI)
- Site Plan Set (3 Sheets), 4.28.21 (GPI)

Summary: David Jordan from Greenman-Pedersen representing Diamond Properties Trust. Two single family homes proposed. At the last meeting they were going to put 2 septic tanks on the lots, now they are proposing to tie into city sewer. By doing this they can now move the houses closer to the street and further from the wetland. Both houses and lot grading occur in the buffer zone. The runoff from the roof will be collected from down spouts and infiltrated through chambers. A rain guard and bio retention area have been added to each lot. They have graded the front of the lots so the runoff from the driveways is directed to the rain garden areas. RB asks for clarification from RM on the rain gardens. RM explains the design is standard and believes this is a benefit so there is no flooding and icing at the property near the road. RM asks David to confirm. HW asks about the maintenance of the rain gardens and if the owners know they are to maintain the rain gardens. David believes there is a Deed notice that the builder must tell the homeowner about their responsibility.

Actions: RB motions to issue an OOC approving this project to include the comments made by RM in the meeting notes read by HW. PL seconded. TW called role RB-yeah; JR-yeah; PL-yeah; FC-yeah; TW-yeah; HW-yeah. Motion passed 6-0-0.

2.3. #33-NOI Solar Smart LLC for 139 Amesbury Line Rd (Parcel ID: 430-11-12) Construction of a large-scale, ground-mounted, solar energy system

Plans and Documents:

- Notice of Intent Application with Attachments, received 4.29.21 (GPR)
- Site Plan Set (13 Sheets), April 2021, received 4.29.21 (GPR)
- Wetland Field Data Forms, received 4.29.21 (Marro)
- Certificate of Mailing for Abutter Notification, received 4.30.21 (GPR)

Summary: Kyle Burchard with Goldsmith, Prest and Ringwall. The solar farm developer Andrew Streit of Power Factor was also on the call. Kyle presents the plan to show where the project will be. The project is adjacent to a large portion of the Whittier Regional Vocational Technical High School on two sides. The access for maintenance comes off Amesbury Line Rd through a portion of that property. Most of the project site is within the watershed of Millvale Reservoir. This is also in a Water Supply Protection District. The applicant has filed special permit applications with the City Council under the water supply ordinance and the solar facility ordinance. There are two wetland areas, A and B. The site is largely wooded. Wetland "B" was found to likely extend towards, and perhaps onto, the abutting Duchemin property. Additionally, a flow path was found crossing the site a little more than midway from Wetland "B" to "A" along the trail. The site is mostly wooded. There will be a gravel driveway and a turnaround for trucks going in to do maintenance. The intent is to grade the site as little as possible. As for storm water, there should be no increase to the net discharge throughout the site. After a lengthy discussion of the plans, there are also amenities they are offering. Some of which are reestablishing the existing car trail to get around the fence, a partnership with the technical advisor of the college to provide learning platforms with the students, a beekeeper Sam Amari, and plantings of special seeding areas for the bees. 757 trees will be cut, 707 of them will be stumped in place of that they will plant 50 trees. HW and TW attended the site visit, and she is in support of having the peer review for wetlands as well as the storm water. She is interested in the proposal of planting the 50 trees Kyle discussed. In lieu of planting on the property if it does not make sense to do that there could be a discussion of donating money to a potential tree fund. TW says it is a mammoth project to take out 750 trees and plant 50 in place does not seem like enough. His concerns are the trail is not public it is a trail across private property. The fencing needs to be high enough up that wildlife can get up underneath it. FC asks about the swales and who will manage them. Kyle explains they are reasonable slopes under the panels. They will cross and need to be slow when mowing but will work. TW also comments that the trees are not huge diameter trees and are not old growth and is a lot of clearing. Dan Yacubacci 205 Amesbury Rd is on the call. He explains he has lived there 30 years and it is wet. He is worried the drainage; he gets about the water coming down hill. He is concerned with the wetlands and where they say they land; he would like a walk through. HW explains they have a stormwater peer review, and they will request a wetland delineation. As for the public walk through it isn't something they do however, it would be up to the landowner. William Pepe of 199 Amesbury Line Rd. He abuts the right of way to the left. He says there is any water or significant amounts of snow. He has an elevated septic and leach field due to the water. He has 15 ft deep stone dry wells to keep water and ice out. Adding a gravel right of way when they plow that they will end up pushing it towards his property. He believes there are inconsistencies there are more wetlands than they have described. William is very concerned with the right of ways (gravel drive) RM has briefed him as well as Kyle discuss his concerns. There is a lengthy discussion and RM explains that peer review will be made aware of this concern. Tyler Kimball 791 East Broadway is on the call as well. He describes the land as being heavy clay and very wet and hard to hay. The property is an old apple orchard. He is concerned as well with the runoff and sheet it with solar panels along with the clay. RB would like to hear from the scientists and engineers since there are many concerns.

Actions: RB moves to continue in accordance with HCC Policy #2000-01, Deadlines for Information Submittal, to allow for the peer reviews to be conducted and any related design revisions to be made. TW seconded. TW called role RB-yeah; JR-yeah; PL-yeah; FC-yeah; TW-yeah; HW-yeah. Motion passed 6-0-0.

2.4. #33-1497 Steve Smolak for 86 Willow Av (Parcel ID: 768-779-9) Construction of a farm irrigation pond

Plans and Documents:

- Notice of Intent Application, dated 4.20.21 (MES)

- Site Plan, dated 9.24.19 (MES)

Summary: Steve Stapinski from Merrimack Engineering. Mr. Smolak has a farm to grow vegetables and is looking for a pond for irrigation. There is a wetland area in the back of his house adjacent to the farm. They are proposing to convert from a BVW into a land under water body. This would allow him to have water in the summer for his crops. RB visited the site and believed that in the long run will potentially meet the conditions. Currently the DEP comments outline numerous items that need attention. HW asks RM what the approach is with this project since they have not typically seen this type before. He explains there will still be the same square footage overall. HW read the staff meeting notes into the record, which include the table from SS showing the Resource Area Alteration fees.

Actions: RB moves to continue the hearing in accordance with HCC Policy #2000-01, Deadlines for Information Submittal, to allow for the aforementioned items to be addressed. FC seconded. TW called role RB-yearh; JR-yearh; PL-yearh; FC-yearh; TW-yearh; HW-yearh. Motion passed 6-0-0.

2.5. #33-1498 John Micue for 93 Carleton Street (Parcel ID: 570-2-18) Construction of a garage
Plans and Documents:

- Notice of Intent Application, dated 4.20.21 (MES)
- Site Plan, dated 3.24.21 (MES)

Summary: Steve Stapinski of Merrimack Engineering presented the project. Mr. Micue is looking to construct a garage on the right side of his barn. The potential to pave the driveway is being added. RB asks what Mr. Micue is looking for, he is looking for a continuance. TW asks as well looking for a timeline considering they have been working with him for a long time. Mr. Stapinski explains what he needs to do as to moving forward with this project. RB clarifies 3 weeks is the next meeting which Mr. Stapinski was looking for. RB asks HW to read into record the comments from abutters. Chris and Melissa Jones, the abutting property, are concerned with the high-water levels as is and would like inspections to ensure that the drainage does not go towards there land.

Actions: RB moves to continue the hearing in accordance with HCC Policy #2000-01, Deadlines for Information Submittal, to allow for the aforementioned items to be addressed. PL seconded. TW called role RB-yearh; JR-yearh; PL-yearh; FC-yearh; TW-yearh; HW-yearh. Motion passed 6-0-0.

2.6. #33-1496 Marwick Associates LLC for Creek Brook Dr (Parcel ID: 548-1-3C-2) Construction of a manufacturing facility

Plans and Documents:

- Staff Meeting Notes, 04.22.2021
- Notice of Intent Cover Letter, 04.08.21 (Beals)
- Notice of Intent Application Materials, 04.08.21 (Beals)
- Site Plan Set (26 Sheets), 04.08.21, revised 4.29.21 (Beals)
- Stormwater Management Report, 04.08.21, revised 4.30.21 (Beals)
- Operation and Maintenance Plan, 04.08.21, revised 4.30.21 (Beals)
- CEI Peer Review Email, 04.20.21 (CEI)
- CEI Peer Review Letter, 04.22.21 (CEI)
- Letter of Response to Peer Review, 04.29.21 (Beals)

Summary: Matthew Costa of Beals Associates shares the plans. They have made changes from feedback provided from the peer review. They have extended the walking trail to Creek Brook Dr. There are connections near Tattersall Farm. They are putting in a boardwalk with wooden railings to cross the intermittent stream. They also will be installing ten EV charging stations. They have switched to infiltration

systems and the type of chambers that they are using. They went with a shorter chamber and spaced them out to where they are doing a more fill so there is a buffer from that ground water. They added stone check dams, protection on outfalls for the outlets. Small edits to the reports in conjunction with the drainage changes. Curt Busto explains the drainage changes. He recommends a test pit in that specific location to confirm that there is separation, and that the system has no standing water. There is also a detention basin in the northwest corner, and they would like to test that as well. The culvert crossing should be submitted for approval as well. He believes overall it is a good design.

Action: RB moves to issue an OOC to include the comments and conditions (below) by RM read into record by HW. PL seconded. TW called role RB-yeah; JR-yeah; PL-yeah; FC-yeah; TW-yeah; HW-yeah. Motion passed 6-0-0.

- Final design of the driveway crossing culvert shall be subject to the approval of the HCC prior to construction. The culvert shall meet MA stream crossing standards.
- Final layout of the trail will be determined at the time of construction to avoid significant vegetation and related features. Layout shall be subject to the approval of the HCC.
- Development of the informational trail signage shall be a cooperative effort involving the HCC. This signage shall be installed prior to occupancy and in lieu of the typical wetland signage requirement.

2.7. #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, revised 4.28.21 (MEI)
- Stormwater Peer Review, 4.7.21 (CEI)
- Revised Plan Sheet 5 of 11, 4.7.21 (MEI)
- Letter of Response to Peer Review, 4.28.21 (MEI)
- Stormwater Report Addendum, 4.28.21 (MEI)
- Peer Review Letter #2, 5.7.21 (CEI)
- Proposed 25'-No Disturbance Zone Improvements Planting Table, received 5.10.21 (MEI)

Summary: TJ Melvin with Millennium Engineering. This is for a seven-lot multifamily subdivision. There are some disturbances within the 25ft buffer. Since the last meeting they have submitted a plan to include the mitigation plantings. In the back right there is a small portion that project of the 100 ft buffer that projects onto the site. Since the last meeting they received the peer review comments and addressed everything. Minor modifications have been made to the erosion plan, details around the fill of the infiltration area and increased the size of the riprap pad to ensure no erosion near the wetlands. Curt Busto is on as well and said it is a standard design. He recommends that the proposed drywells for the roof have the proper separation to ground water. He suggests test pits as well. Also, he wants to make sure the fill material meets the texture for the design.

Actions: RM motions to issue an OOC contingent upon the conditions and recommendations by RM read into record by HW. PL seconded. TW called role RB-yeah; JR-yeah; PL-yeah; FC-yeah; TW-yeah; HW-yeah. Motion passed 6-0-0.

3. REQUEST TO AMEND A FINAL ORDER OF CONDITIONS

None Scheduled

---Lost Zoom Connection---

---All parties rejoined meeting room except for CC. LaCroix---

OTHER BUSINESS (NON-HEARING ITEMS)

4. EXTENSIONS AND CERTIFICATES

4.1. Certificate: #33-1478 Debra Ann Trust for 55 & 57 Nettleton Avenue

Action: RB moves to I issue a Complete Certification to include the comments by RM read into record by HW. FC seconded, no Phil technical difficulties. TW called role RB-yeah; JR-yeah; FC-yeah; TW-yeah; HW-yeah. Motion passed 5-0-0.

---CC. LaCroix rejoins meeting room---

5. ENFORCEMENT

5.1. Enforcement Order: James Khoury for 47 Old Yankee Road

Summary: Mr. Khoury (owner) recently submitted a building permit application to construct an addition, a pool, garage, and other amenities. In September he hired a tree company to take down some trees. Through this process when RM went out, they found out there was wetlands. He hired Leah Basbanes delineate and the results where that the entire area is wetlands. He is now looking to use the buffer zone and the area he cleared had used that as the back yard. He is looking to just continue to use that as land to do a fence along to show the wetland area is. RB makes note he would like to see an NOI as well as HW. RB also agrees with RM recommendations. There were around ten trees and some low lining trees. His intent is to use the land up to the delineation and is asking to install the fence, so the wetlands are in back and continue to grow and move forward with his garage. RM discusses the restoration plan and a few suggestions of three soft wood and six shrubs along with the fencing demarcation.

Action: RB motions to take the comments tonight from RM regarding the restoration plan, which is the fence will be determined, three soft wood and six shrubs which will be planted before end of growing season and placing will be determined by Conservation. PL seconded (back on meeting). TW called role RB-yeah; JR-yeah; PL-yeah; FC-yeah; TW-yeah; HW-yeah. Motion passed 6-0-0.

6. MISCELLANEOUS

None Scheduled

7. ACCEPTANCE OF MINUTES

None Scheduled

8. ADJOURN

Adjourned 9:36 PM. TW moves to adjourn.