



CITY OF HAVERHILL CONSERVATION COMMISSION MEETING MINUTES



MEETING DATE: THURSDAY, June 3, 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/81373110414> (Password: 599206). 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), Jen Rubra (JR), and Neil Frasca PG (NF)
Absent: None
Also, Present: Robert E. Moore, Jr., Environmental Health Technician (RM) and Nicole Gray Minutes Clerk

1. REQUEST FOR DETERMINATION OF APPLICABILITY

None Scheduled

2. NOTICE OF INTENT

2.1. #33-1484 MDK Realty Trust for 111 Avco Rd (Parcel ID: 764-1-3) Expansion of outdoor operations area

Plans and Documents:

- Staff Meeting Notes, 10.22.2020, 06.03.2021
- NOI Application, 8.19.2020 (W&S)
- Stormwater Report, 8.19.2020, revised 4.29.21, 5.3.21, 5.20.21 (W&S)
- Site Plan, 8.19.2020, revised 3.16.21, 4.29.21, 5.20.21 (W&S)
- MassDEP Comment Letter, 9.16.2020
- Stormwater Addendum & Response to MassDEP, 3.16.2021 (W&S)
- CEI Peer Review Comments, 3.29.21 and 5.24.21
- Response to Peer Review Comments, 4.29.21 and 5.20.21 (W&S)
- Geotechnical Report, 5.31.2016 (KMM)
- Test Boring Logs, 10.9.2015 (Soil Exploration)

Summary: Gregg Hochmuth and Peter Blaisdell of Williams and Sparages are presenting. The proposal is to add a small addition to the rear of the building. They would level off the area where the parking lot currently is. There is a small bordering vegetative wetland in that area. They are working with Curt Busto for the storm water review. They had comments from DEP about filling in a wetland. The main source of hydrology is storm water, it is not a high value wetland. They will create another wetland area to replace

that. The applicant owns a large portion of land on the Merrimack River adjacent to Greenbelt land, if the Order of Conditions is issued, they will deed this to the city. TW asks for a visual of the Greenbelt which is already conservation land also known as the Gottsman Riverfront Conservation Area. RB asks how big the area is in open space along the river, it is approximately 90,000 sq ft. He also asks who has control of the Gottsman area which is owned by Essex County Greenbelt. RB would also like 50,00 sq ft towards the property so that the stream could be protected. NF asks what the property to the left is, Gregg explains he doesn't know, and the RM explains it is owned by Constantine Scrovanis which it is being used for paint ball. RB asks RM about the outflow condition from the property to the left into the stream channel., at this point RM says nothing currently. Curt Busto worked with Peter and the main concerns where the bank stabilization which includes a stone diaphragm, the outlets have level spreaders. That disperse flow. Then the maintenance because of infiltration trench and stone diaphragm they will need to maintain it on a regular basis. He also recommends for the fill soil samples are collected to be sure it meets soil type B needed that drains well for the infiltration system to work.

Action: RB motions to issue an OOC with conditions consistent with those recently applied to the Edwards Vacuum and Monogram Foods projects and to include all the points by RM read into record by HW. PL has joined for this. FC seconded. TW calls role. RB-yea; JR-yea; NF-yea; PL-yea; FC-yea; TW-yea; HW-yea. Motion passed 7-0-0.

2.2. #33-1488 Neck Road Management LLC for 293 Neck Rd (Parcel ID: 762-1-5) Construction of a 21,900-sf commercial addition

Plans and Documents:

- Staff Meeting Notes, 11.12.2020, 06.03.2021
- NOI Application, received 10.29.2020 (RAM)
- Stormwater Management Report, dated 10.28.2020, revised 4.29.21, 5.19.21 (RAM)
- Site Plan Set (3 Sheets), 10.27.2020, revised 4.29.21, 5.19.21, 5.25.21 (RAM)
- Revised Plan Sheet 2 of 3, 11.12.20 (RAM)
- Revised Stormwater Checklist, 11.12.20 (RAM)
- Revised Stormwater Project Narrative, 11.12.20 (RAM)
- Operations & Maintenance Plan, 12.08.20, revised 5.19.21 (RAM)
- Soil Suitability Assessment Report, 01.14.21 (Parker)
- CEI Peer Review Comments, 1.25.2021, 5.7.21
- Cover Letter, 5.19.21 (RAM)

Summary: Bob Masys from RAM Engineering is presenting. The proposal is on Neck Rd in the undeveloped portion. There is an existing building there and they will put a small addition in the back. There is a small area of local jurisdiction wetlands they would fill in. Dr. Greg Moore is on as well. TW is looking for a no disturb zone visual. Curt Busto is on and explains there is no pretreatment needed and one trench has been moved from the edge of the pavement to provide vegetated area to pretreat runoff to remove sediment. He is satisfied with revisions and has no additional comments. They meet the 25ft no disturbance zone on the 50 ft no disturbance they do clip it in a few areas, they will add replication areas in return. RM discusses the plan which includes the adding on of the addition with loading docks. It is a pallet company. Generally, the shape stays the same as the existing paved surface. From storm water standpoint there is existing trenches from the original building which will continue to be used. For the new building, it also has a perimeter infiltration trench to handle runoff from the loading area as well as another area as well. HW asks what we have done for demarcation for similar projects, RM says they have used signage. RM thinks

markers along the way which would include a boulder row, or a sign every 50ft something to delineate. TW asks near Shelley and Neck Rd what will the stored trucks be doing? BM explains they will be there for a short time while they unload or get loaded. As for the wetland replication, Dr. Moore discusses. It is 2,885 sf. All shrubs will be 18"-24" tall, there will be 6 Dogwood, 6 Arrowwood planted. With a typical monitoring plan. Also, there is Purple Loosestrife, an invasive plant, on site and should be monitored.

Actions: FC moves to issue an OOC with conditions consistent to the Edwards Vacuum and Monogram Foods projects and to include all the recommendations from RM read into record by HW. To include the barrier to demarcate the edge of no disturb zone to include post with signage and disbursed boulders. PL seconded. TW calls role. RB-yea; JR-yea; NF-yea; PL-yea; FC-yea; TW-yea; HW-yea. Motion passed 7-0-0.

2.3. #33-NOI 333 North Broadway RT for North Broadway (Parcel ID: 563-13-3 & -4) Construction of a single-family house

Plans and Documents:

- Staff Meeting Notes, 6.3.21
- NOI Application, 5.20.21 (RAM)
- Site Plan, revised 5.18.21 (RAM)

Summary: Greg Hochmuth from Williams and Sparages discuss the proposed single-family house. The dwelling and driveway are outside of the 100' buffer zone. There is no proposed encroachment in the 25' no disturbed zone. The lot slopes about 3' down to the wetlands. HW would like to propose standard post and rail fence, TW agrees.

Action: TW moves to approve the issuance of an OOC approving this project with conditions typical for buffer zone house lots. To include the notes read into record by HW and include the post and rail fence as an appropriate barrier to demarcate the approved limit of disturbance for the future homeowner. PL seconds. RB had technical difficulties HW confirms he heard the talk about the post and rail, he did not however, he has read the notes and is ok with it. TW call's role. RB-yea; JR-yea; NF-yea; PL-yea; FC-yea; TW-yea; HW-yea. Motion passed 7-0-0.

2.4. #33-NOI James Khoury for 47 Old Yankee Rd (Parcel ID: 573-1-17E) Construction of a garage, sunroom, pool, and related features

Plans and Documents:

- Staff Meeting Notes, 6.3.21
- NOI Application, 5.24.21
- Site Plan, 5.31.21 (MDJ)

Summary: James Khoury is on to discuss his proposal for an addition of a sunroom, deck, detached garage, gazebo, shed, in ground pool and fence. RM came out and recommended a wetland consultant. Mr. Khoury hired Lea Basbanes, came and delineated the property which was closer than they thought. The grass has been used as a yard for the past 28 years and hopes to continue to be able to use it that way as well. The 25' buffer is the edge of the grass. He is requesting the fence be installed at .0 of the buffer zones, around the entire land. He would like to extend the deck by 8' with a new deck attached on side. A 24'x22' pavilion, a 12'x16' detached garage and a 12'x8' shed. All items are outside of the 25' buffer zone. However, the saltwater pool is inside the 25' buffer zone. The filter will be in the shed to allow if any backwash or drainage needed a hose will reach 100' which is close to public road. HW confirms the house is within the 100' and the year the house was built which is 1993. HW asks RM if they have had pools within the 25' zone, he confirms that it has happened. HW discusses with Mr. Khoury what is needed to move forward.

They need wetland flag numbers to show the existing limit of lawn, site plan with erosion control and infiltration. RM discusses limit of lawn that needs to be added in. The edge of lawn should be included on the plan. As for the pool, the fill will be spread to level off the back area. The paver walkway will be 400 sf pavers around the pool. HW asks if the pool could be pulled in a different area. Mr. Khoury discusses it would be too close to the house or the bulkhead so there are no other options. To discharge water, he would need to have a 100' hose toward the street. HW discusses fencing and signage around the wetlands, so any future owner would see that there is wetland. RM discusses abutters like what Mr. Khoury is doing and would like to see what it looks like after.

Action: RB moves to issue an order of conditions consistent with homeowner improvements to include pools and garages, contingent upon a revised plan with an existing limit of lawn and amenities to conditions to include all comments by RM read into record by HW. PL seconded. TW call's role. RB-yea; JR-yea; NF-yea; PL-yea; FC-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. Extension: #33-1439 Gabriel Brewster for 1181 West Lowell Avenue

Action: RM moves to issue a 3-year Extension Permit. FC seconded. PL is off call. TW call's role. RB-yea; JR-yea; NF-yea; FC-yea; TW-yea; HW-yea. Motion passed 6-1-0.

4.2. Certificate: #33-1416 Vanasse Hangen Brustlin, Inc. for 165 Water Street

Action: Lauren Caputo with VHB updates that there was a rip wrap area put in along edge of wall next to the Merrimack for stabilization, as well as some traffic jersey barriers along the road. Also flood counts were taken and they were matched against what they were supposed to be. RB moves to issue of a Complete Certification with the inclusion of Ongoing Conditions #61-77. FC seconded. TW call's role. RB-yea; JR-yea; NF-yea; FC-yea; TW-yea; HW-yea. Motion passed 6-1-0.

5. ENFORCEMENT

5.1. Enforcement Order: John Micue for 93 Carleton Street

Action: RB moves to send this to the DEP for Enforcement. PL seconded. TW call's role. RB-yea; JR-yea; NF-yea; PL-yea; FC-yea; TW-yea; HW-yea. Motion passed 7-0-

5.2. Enforcement Order: Robin & Russell Corr for 35 Lincolnshire Drive

Summary: Robin and Russell Corr are on the call to update. They purchased this property this year, behind her property there is an intermittent stream they are aware of. The couple who owned the property where elderly and there where trees that had fallen and were blocking the area. After speaking with neighbors TW call's role. RB-yea; JR-yea; NF-yea; PL-yea; FC-yea; TW-yea; HW-yea. Motion passed 7-0- about taking down some trees to clean it up. There was a pine tree that was dead and being choked by a vine as well as an ash tree. A neighbor down the street was concerned that they were blocking the stream. Robin discusses what they took and what was in that area. They were trying to clean up the area, there were trees that were already cut that they were cleaning up. Since the incident they have educated themselves and have replanted arrow wood, bay berry, gray dogwood. They have invited RM back to the house to see what they have done since he was last day. RM has not been out since, however he will by early next week. He asks how many, and she has done at least 15-16 replanting's. TW asks what happened to the trees that where cut, Russell wood chipped it and the stumps are still there.

Action: TW moves to confirm work has occurred and determine that there is no need for further action. JR seconds. TW call's role. RB-yea; JR-yea; NF-yea; PL-yea; FC-yea; TW-yea; HW-yea. Motion passed 7-0-0.

6. MISCELLANEOUS

None Scheduled

7. ACCEPTANCE OF MINUTES

None Scheduled

8. ADJOURN

9:13 PM TW motioned to adjourn. RB seconded.