



# CITY OF HAVERHILL CONSERVATION COMMISSION MEETING MINUTES



**MEETING DATE: Thursday, June 24, 2021, at 7:15 P.M. in City Hall Room 301**

Chairperson Harmony Wilson called the meeting to order under the Wetlands Protection Act, M.G.L. Chapter 131, Sec. 40, and City of Haverhill Ordinance Chapter 253.

**Present:** Chairperson Harmony Wilson (HW), Vice-Chairperson Ralph Basiliere (RB), Clerk Tom Wylie, Ed.D. (TW), Phil LaCroix (PL), and Jen Rubera (JR)

**Absent:** Neil Frasca PG (NF) and Fred Clark (FC)

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

This meeting location is equipped with a video screen with a connection to the City of Haverhill Geographic Information System, allowing the Commission to display GIS images of the agenda locations for all to see.

## **1. REQUEST FOR DETERMINATION OF APPLICABILITY**

None Scheduled

## **2. NOTICE OF INTENT**

**2.2. #33-NOI MED Properties, LLC for Peabody St** (Parcel ID: 728-704-8AA) Construction of 3-lot residential subdivision

### Plans and Documents:

- Notice of Intent, 4.12.21 (AC)
- Stormwater Report, 4.12.21 (AC)
- Definitive Plan, 4.12.21 (AC)
- CEI Peer Review #1, 6.22.21 (CEI)

Summary: With no one in attendance for item #2.1, RB motioned to move up item #2.2. TW seconded. HW delayed action on that item and opened the hearing for item #2.2. Dennis Griecci with Andover Consultants presented the project. The proposed parcel is approximately 8000 sf parcel, which is proposed for two lots to be developed and a 3<sup>rd</sup> lot to be developed in the future. The wetlands have been flagged by Seekamp Environmental Consulting. The plan for catch basins and stormwater discharge is discussed. HW asks to see the 25' and 50' markers. TW asks about the water coming off the properties. Dennis discusses where the water will go and that there will be granite curb, but a request for no sidewalks. Michael Arsenault (MA) is an abutter's son who is concerned with the drainage. With respect to the future lot, he is concerned that you can't go across wetlands. Dennis explains that there will be a roof infiltration system. MA is also concerned that the water will affect his land and that the drainage system will not be enough to hold these units. Michael Deluca (applicant) noted the work he has done in the neighborhood. RB asked about the delineated property line. Mr. Deluca said there was a lot line that was incorrect but has been fixed. RB asked for confirmation that the lot line, as it appears now, is correct and there are no disputes. Both Mr. Deluca and Mr. Arsenault agree. Tim O'Mullane (10 Peabody St) has concerns about the amount of wetlands determined in the study of the property in September, which was taken at a time of drought; asking if that will possibly affect the amount of wetlands which could make the project fall into different guidelines. RB tells him that they are going to look next week and decide. Sandi Young (3 Peabody St) asks about a

planning board meeting on the 14<sup>th</sup> and would like to know if the Commission's review must happen before that. HW explains they are separate. Sandi has concerns about the water coming off Salem St and she gets water at her property already. She says there is no drainage in that area. Mr. Deluca says that storm water will be collected on his property and will remain on that property. There will also be a fire hydrant on the property.

Action: With the consent of the applicant, and as read from the Staff Meeting Notes, HW recommends this hearing be continued in accordance with HCC Policy #2000-01, Deadlines for Information Submittal, to allow for comments to be addressed. The applicant is working towards a July 1<sup>st</sup> submittal, which would return this item to the Commission on July 15<sup>th</sup>. RB motioned to continue the hearing as recommended. PL seconded. HW called all those in favor. Motion passed 5-0-2.

**2.3. #33-NOI Rumpf & Associates for 401 Lowell Av** (Parcel ID: 569-2-2) Redevelopment of existing hotel site with new hotel & future commercial space

Plans and Documents:

- Notice of Intent, dated 6.10.21 (DeRosa)
- Stormwater Drainage Reported, dated 10.20.2016 (Bohler)
- Site Development Plans, revised 11.14.2018 (Bohler)

Summary: Evin Guvendiren (DeRosa Environmental) presented the proposed project of partial demolition of a portion of the old hotel structure and its replacement. This project was previously presented in 2016. The Order expired and the Applicant is looking to re-permit the original project. The new structure will be a 5-story hotel, with a potential future development pad in the middle of the site. HW read the Staff Meeting Notes into the record.

Action: RB motioned to issue an OOC approving this project with conditions consistent with those applied under #33-1403. PL seconded. HW called all those in favor. Motion passed 5-0-2.

**2.4. #33-1499 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, received 4.29.21 (GPR)
- Wetland Delineation Forms, received 4.29.21 (Marro)
- City Council Special Permit Application Letter, dated 4.8.21 (GPR)
- Solar Facility O & M Proposal, received 4.29.21 (Power Factor)
- Solar System Components, received 4.29.21 (Canadian Solar)
- Site Plan Set, dated April 2021 (GPR)
- Stormwater Management Report, dated April 2021 (GPR)
- Certificates of Mailing, stamped 4.30.21 (GPR)
- Stormwater Peer Review #1, dated 6.2.21 (CEI)
- Wetland Delineation Peer Review #1, dated 6.14.21 (Rimmer)

Summary: Kyle Burchard from GPR discussed the proposed project. Also in attendance were the landowners, Mr. and Mrs. Xenakis. Kyle passed out copies of materials for each person. He discussed at length the project and design details. He explained that they have reached out to the abutters from the previous meeting to discuss concerns and he believes they both have a better understanding now. HW asked about the pathway for the Whitter Tech students and the one used by the public that isn't really a public path. Kyle says they are scaling back the plan so people will not use this as a trailhead for the public. Mr. Xenakis explained no one uses it anymore, at one time ATVs and skidoos used to be used there. RB

disclosed Mr. Xenakis ran a fundraiser for the Vietnam Veterans Memorial Commission. RB is the Chair of the Commission, and he did get advice that there is no conflict of interest. RB asked Mr. Xenakis if he has allowed hunting. Mr. Xenakis said he allowed bow hunting. Kyle discussed changes made for the concerns of the abutters.

Action: With the consent of the applicant, and as read from the Staff Meeting Notes, HW recommended this hearing be continued in accordance with HCC Policy #2000-01, Deadlines for Information Submittal, to allow for comments to be addressed. The applicant is working towards a July 1st submittal, which would return this item to the Commission on July 15th. RB motioned this continuance. PL seconded. HW called all those in favor. Motion passes 5-0-2.

**2.1. #33-1498 John Micue for 93 Carleton Street (Parcel ID: 570-2-18) Construction of a garage Plans and Documents:**

- Notice of Intent, dated 4.20.21 (MES)
- Site Plan, dated 3.24.21, revised 5.25.21 (MES)

Summary: Back to this item, with still no one in attendance to represent the applicant. HW read into record comments by RM. RB commented that the applicant has not done anything asked of him, he has shown no respect, he has not provided the written alternatives analysis, and he will vote against this. He does not believe anyone should vote for this. TW asked if there was an alternative date discussed since Mr. Micue did not attend. RM says no. The Commission discussed their options. RM discussed the options and gave the Commission a few choices of how it could proceed. HW would like to have a conversation about the placement of the garage being in the 50'-No Build Zone. RM gave his opinion to continue but include conditioning it with the things they are requiring from Mr. Micue. HW read into record the notes and comments by RM.

Action: RB motioned to continue the hearing to the July 15<sup>th</sup> meeting, requesting RM to develop conditions for possible project approval and to again request the applicant submit a written alternatives analysis as discussed at the May 13<sup>th</sup> meeting. PL seconded. HW called all those in favor. 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**

**4.1. Certificate: #33-0817 Samuel Amari for 485 East Broadway**

Summary: The Commission issued this OOC in 1997 to regulate the installation of a seasonal, personal dock system and the construction of an access road from the residence to the river, including several wetland crossings and replication. RM inspected the site yesterday with CC. Basiliere. HW read the Staff Meeting Notes into the record.

Action: RB motioned to send a communication to the applicant and his engineer requesting the outstanding comments to be addressed and to continue this item to July 15<sup>th</sup>. PL seconded. HW called all those in favor. Motion passed 5-0-2.

**5. ENFORCEMENT**

None Scheduled

**6. MISCELLANEOUS**

None Scheduled

**7. ACCEPTANCE OF MINUTES**

**8. ADJOURN - 9:07 pm meeting adjourned.**