



# CITY OF HAVERHILL CONSERVATION COMMISSION MEETING MINUTES



**MEETING DATE: THURSDAY, AUGUST 26, 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](http://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

**2.1. #33-ANRAD RKACO LLC for 1091 Broadway** (Parcel ID: 574-1-20) Verification of the validity of delineated wetland resource area boundaries

Action: With consent from the applicant, HW recommends a motion for the opening of this hearing be deferred to the September 16<sup>th</sup> meeting. RB moves to open this hearing September 16<sup>th</sup>. PL seconded. TW call's role. RB-yea; FC-yea; PL-yea; JR-yea; TW-yea; HW-yea. Motion approved 6-0-1.

**2.5. #33-1508 Glenn Fogarty for Linwood St** (Parcel ID: 411-138-5) Construction of a single-family house

Action: At the written request of the Applicant, HW recommends a motion to defer the opening of this hearing to the September 16<sup>th</sup> meeting. RB moves to defer the opening of this meeting to September 16<sup>th</sup> meeting. PL seconded. TW call's role. RB-yea; FC-yea; PL-yea; JR-yea; TW-yea; HW-yea. Motion approved 6-0-1.

**2.6. #33-NOI MVRTA for 123 Railroad Av** (Parcel ID: 712-684-8) Stabilization of eroding sections of the Merrimack River's right bank

Action: No action necessary currently. Item will be placed on agenda when a complete submittal is made.

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

Action: With the concurrence of Owner, HW recommends a continuance to September 16<sup>th</sup>. RB moves to continue this item until September 16<sup>th</sup>. PL seconded. TW call's role. RB-yea; FC-yea; PL-yea; JR-yea; TW-yea; HW-yea. Motion approved 6-0-1.

## PUBLIC HEARINGS

### 1. REQUEST FOR DETERMINATION OF APPLICABILITY

None Scheduled

## 2. NOTICE OF INTENT

### 2.2. #33-1505 The Procopio Companies for #19 & Unaddressed Railroad Av and 236 South Elm St (Parcel IDs: 711-4-4, 711-4-4A, 712-684-1, 711-4-2, 711-4-3, 711-4-2A, and 711-4-1) Construction of a mixed-use development and public park

#### Plans and Documents:

- Notice of Intent, 7.01.21 (Bohler)
- Drainage Report, 7.01.21 (Bohler)
- Proposed Site Plan, 7.01.21, revised 8.19 (Bohler)
- Compensatory Flood Storage Exhibits, 7.01.21 (Bohler)
- Presentation Materials Used by Bohler at 7.15.21 Meeting
- Peer Review Comments, 7.26.21 (CEI)NHESP Review Comments, 7.30.21 (NHESP)
- Response Letter to Peer Review Comments, 8.24.21 (Bohler)

Summary: Steve Martorano, Brad Johnson, and Matt Mvra from Bohler; Mary Rimmer from Rimmer Environmental; and Brian Vitale and Angelo Antidormi from Procopio attend. Steve discusses the proposed plan and changes. They also discuss the Natural Heritage comments, as well as the peer review comments from Curt Busto of CEI. They discuss the dock and the walkway and the riverbank with respect to comments from Natural Heritage. Brad Johnson goes over the design of the flood storage, and infiltration system was discussed at length. TW asks about the former gas station that was there, he wants to confirm if there is contaminated soil there. Steve explains it is not unusual being it was a gas station. There will be a Licensed Site Professional who develops a soil management plan with rules they will have to follow about treating, testing, where it can go and how much etc. This work will be done in conjunction with DEP. HW asks if the city will be handling the dog waste collection. Steve says the park will be turned over to the City. HW also asks what the importance of the dock is since there are some concerns with it. Steve and Brian confirm this element was from the beginning of the project planning; the idea was to create a public access launch point for the city. RB adds that he prefers that the area not be disturbed at all due to the river bottom issues. PL has concerns about the water build up under the train bridge. He would like to hear what changes will be done in that area. Steve said the roads will be brand new including under the bridge. HW says she would like to see this be continued, although Mr. Martorano would like to move forward with condition this evening due to deadlines for them. Peter Severance of Chelmsford, MA and the Merrimack River Watershed Ecological Project is in attendance and has questions about the bank and the impacts to the bank. He has concerns about the project and moving forward this evening as well. Mary Rimmer discusses some of his concerns as well as Mr. Martorano. TW asks if they continue to the 16<sup>th</sup> what the problem is for them. Brian discusses it is a closing deadline. RM noted this is not uncommon, but there was significant new information to review. HW reads into record comments from RM.

Action: RB moves to continue the hearing to September 16<sup>th</sup>. PL seconded. TW call's role. RB-yea; FC-yea; PL-yea; JR-yea; TW-nay; HW-yea. Motion approved 5-1-1.

### 2.3. #33-NOI Four Points Property Management for Hilldale Av (Parcel ID: 585-431-20-C6) Construction of 11 contractor-bay units

#### Plans and Documents:

- Notice of Intent Report, 6.22.21 (Landplex)
- Stormwater Report, 5.26.21, revised 8.16.21 (Landplex)
- Industrial Site Development Plan Set, 5.26.21, revised 8.16.21 (Landplex)
- Peer Review Comments, 7.29.21, 8.23.21 (CEI)
- Response Letter to Peer Review Comments, 8.16.21 (Landplex)
- Drainage Subcatchment Plans, revised 8.16.21 (Landplex)

Summary: Matt Hamor with Landplex Engineering presents. They have revised the plans addressing comments that came back from CEI. Curt Busto from CEI discusses the revisions of the design. Any follow up comments Curt provided should be addressed but would not substantially change anything on the plans. HW read into record comments by RM.

Action: RB moves to issue an OOC approving this project with conditions consistent to those applied to other recent industrial projects (e.g., Howland Warehouse, Edwards Vacuum, Bay State Pallet, and Rebars & Mesh). And to include all conditions provided by RM. PL seconded. TW call's role. RB-yea; FC-yea; PL-yea; JR-yea; TW-yea; HW-yea. Motion approved 6-0-1.

#### **2.4. #33-1506 BWC Camp Brook LLC for 1050 Hilldale Av (Parcel IDs: 585-431-22 & -22A)**

Construction of a large-scale, ground-mounted, solar energy system

##### Plans and Documents:

- Notice of Intent, 07.06.21 (B&T)
- Stormwater Management Report, 05.27.21, revised 8.25 (B&T)
- Hilldale Avenue Solar 2 Site Plan Set, 06.03.21, revised 8.25 (B&T)
- Peer Review Comments, 08.19.21 (CEI)
- Response Letter to Stormwater Peer Review Comments, 8.26.21 (B&T)
- Delineation Peer Review Comments, 8.26.21 (Rimmer)

Summary: Jeffrey Murphy with Beals and Thomas to discuss the updates on revised site plans which have been sent back to CEI for review. Andrew Gorman the Wetland Specialist walked the site with Mary Rimmer from Rimmer Environmental. The utility company is still reviewing the project. National Grid was prepared to file a Request for Determination of Applicability for the pole area connection work. RM suggested to Grid that this work would be permitted as part of the Order issued to BWC. Iain Ward from Sol-Ag, the farming consultant, discussed the livestock fencing for the project. HW read into record the comments by RM.

Action: RB moves to continue this hearing to the September 16<sup>th</sup> meeting. PL seconded. TW call's role. RB-yea; FC-yea; PL-yea; JR-yea; TW-yea; HW-yea. Motion approved 6-0-1.

### **3. REQUEST TO AMEND A FINAL ORDER OF CONDITIONS**

None Scheduled

#### **OTHER BUSINESS (NON-HEARING ITEMS)**

### **4. EXTENSIONS AND CERTIFICATES**

**4.2.** Extension: #33-1446 NETTTS for 1400 Hilldale Avenue

Action: Patrick Seekamp for Seekamp Environmental briefs the board. HW reads into record comments by RM. RB moves to issue an Extension Permit establishing a new expiration date of October 22, 2024, for the OOC. PL seconded. TW call's role. RB-yea; FC-yea; PL-yea; JR-yea; TW-yea; HW-yea. Motion approved 6-0-1.

### **5. ENFORCEMENT**

None Scheduled

### **6. MISCELLANEOUS**

None Scheduled

### **7. ACCEPTANCE OF MINUTES**

RB moves to accept the minutes for the 03.11, 04.08, 04.22, and 05.13.2021 meetings. PL seconded. TW call's role. RB-yea; FC-yea; PL-yea; JR-yea; TW-yea; HW-yea. Motion approved 6-0-1.

**8. ADJOURN:** TW moves to adjourn at 9:15pm. TW call's role. RB-yea; FC-yea; PL-yea; JR-yea; TW-yea; HW-yea. Motion approved 6-0-1.