



CITY OF HAVERHILL CONSERVATION COMMISSION MEETING MINUTES



MEETING DATE: THURSDAY, October 7, 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/83080530977> (Password: 925418), 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), Fred Clark (FC), and Neil Frasca PG (NF)
Absent: Phil LaCroix (PL) and Jen Rubera (JR)
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 the written request of the applicant, HW recommended the opening of this hearing be deferred to the November 18th meeting. RB motioned to defer this hearing to the November 18th meeting. NF seconded. TW called role. RB-yea; FC-yea; NF-yea; TW-yea; HW-yea. Motion passed 5-0-2.

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

Action: With the concurrence of Owner, HW recommended a continuance to October 28th. RB motioned to continue to October 28th. NF seconded. TW called role. RB-yea; FC-yea; NF-yea; TW-yea; HW-yea. Motion passed 5-0-2.

PUBLIC HEARINGS

1. REQUEST FOR DETERMINATION OF APPLICABILITY

None Scheduled

2. NOTICE OF INTENT

2.2. #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 Application Materials, received 4.29.21, Page 3 revised 8.16.21 (GPR)
- O&M Proposal, received 4.29.21 (Power Factor)
- Site Plan Set, dated April 2021, revised 8.16.21, revised 10.07.21 (GPR)
- Stormwater Management Report, dated April 2021, revised August 2021, revised 10.07.21 (GPR)

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- Long Term Pollution Prevention Plan & Stormwater System Operation and Maintenance Plan, dated April 2021, revised August 2021, revised 10.07.21 (GPR)
- Wetland Determination Data Forms, dated 10.10.20 (Marro)
- Stormwater Peer Review, dated 6.2.21 (CEI)
- Delineation Peer Review, dated 6.14.21 (REC)
- Response to Peer Review Comments, dated 8.16.21 and 10.07.21 (GPR)

Summary: Kyle Burchard of Goldsmith Prest and Ringwall updated the Commission on the changes in the plans. He ran through a set of slides to show everyone where the changes were made. RB asked about an additional outfall to the no build zone, towards the abutters. Kyle explained the pipe was extended out, but it did encroach into the no build zone. TW asked how far into the buffer zone it will be, Kyle said about 70ft. Tyler Kimball of 791 East Broadway was bothered by the environmental impact of the land. He had a letter from Albert Duchemin of 235 Amesbury Rd allowing Tyler to speak on his behalf. Tyler texted RM a copy of the letter for the record. Mr. Duchemin has an existing driveway that he would like to off to be extended to provide access to the solar array rather than building a new road. Tyler explained that there will be no environmental impact to the grounds by doing this. RM noted that access would be preferred as it eliminated water running down the new driveway and potentially impacting abutters. There was some discussion about the temporary easement agreed to by Mr. Duchemin for construction and the last-minute nature of this new proposal. TW and NF expressed concerns for the last-minute nature of the possible change. Andrew Streit, one of the developers, said he sent out letters to all the abutters and has revised the designs 4-5 times after exchanging ideas with the homeowners. TW recommended they call the question on this to see if the commission is ready to vote. RM explained that, as the conservation commission, the job is to make the least amount of impact to the environment, and he believed the new proposal made by the abutter should be considered by the Commission. RM then discussed the process should the Commission continue the hearing to look at the new proposal. Kyle understood the principal but explained that things may not be able to be done in 3 weeks.

Action: HW read into record comments by RM. TW motioned, with permission from Kyle Burchard, that this item be continued for 3 weeks so the new recommendations may be fully examined. RB seconded. TW called role. RB-yea; FC-yea; NF-yea; TW-yea; HW-yea. Motion passed 5-0-2.

2.3. #33-1508 Glenn Fogarty for Linwood St (Parcel ID: 411-138-5) Construction of a single-family house

Plans & Documents:

- Notice of Intent Application, received 7.26.21 (MES)
- Wetland Replication Report, dated June 2021, revised October 2021 (Norse)
- HCC Local Application Form 3, Page 6, revised 7.27.21 (MES)
- Site Plan, dated 5.12.21, revised 9.2, 9.24, 9.30, & 9.30 (received 10.01) (MES)
- Certified Mail Receipts, received 8.3.21 (MES)
- Abutter Comments Memo & Photos, received 8.5.21 (Viselli/Canney)

Summary: Steve Stapinski was on the call to present the updates of the plans that were revised. They have altered the drainage, so that water would run down the driveway and into the wetland's replacement area. It would replenish the wetland replacement area; and they have modified the placement of the driveway away from the wetland edge. The botanist has modified the wetlands replacement plan to reflect the new size and she has added buffer zone plantings in the 25ft no disturb zone. They added a farmer's porch and will still meet the 50ft no build zone. They will add a spot elevation to accommodate the only comment on the design

by John Pettis the City Engineer. Lynn Viselli of 20 Blossom St asked about RM's comment about the water coming down the driveway. RM explained that the engineer has a wall above the grade of driveway and has pitched the driveway straight through the crossing area to a newly added rip rap spillway that will feed into the replication area. She also asked for confirmation that the culvert was sized correctly, and that the homeowner will be responsible to maintain the culvert. RM said he put all drainage concerns in his communications with the City Engineer. The City Engineer noted there is a berm along the roadway that keeps water in the roadway, and that he would like to see the driveway apron graded in a way that it does something similar. Lynn then asked if there will be 25ft markers on the lawn so any future owners know they can't expand. RM said they typically require them to be installed around the house. Lynn asked about the spring peepers and salamanders and vernal pool. RM discusses his findings. Paul Fitz (75 Linwood St) noted concerns about the driveway and amount of water that will run down the driveway and then into the stream which is in his back yard. He would like to know what will be done to avoid flooding in his back yard. Mr. Stapinski explained the driveway will slope across towards the wetland replacement area so the runoff from the driveway will flow through wetlands area and the species within the replacement area will take up most of the water before it gets to the stream. Mr. Stapinski noted that area will flow opposite of Mr. Fitz's house, where his yard is already a wetland. Mr. Fitz asked what guarantees he has against someone building this driveway and protection that his yard won't get worse from this. Mr. Stapinski explained a wetland isn't always a bad thing, wetlands lines change all the time and there is no way anyone can guarantee what nature is and isn't going to do; there is no control over the wetlands shifting. Mr. Fitz said his boundary has not changed and believes the water is going to go into the stream and affect his land. Mr. Stapinski explained the water is being moved from his side of the property to the other side.

Action: RB motioned to issue an OOC with all the conditions from RM which were read into the record by HW. FC seconded. TW called role. RB-yea; FC-yea; NF-yea; TW-yea; HW-yea. Motion passed 5-0-2.

2.4. #33-1510 MVRTA for 85 Railroad Av (Parcel ID: 712-684-8) Stabilization of eroding sections of the Merrimack River's right bank

Plans and Documents:

- NOI Application Materials, received 09.01.21 (Geosyntec)
- "Riverbank Stabilization Project" Site Plan Set, dated July 2021 (Geo)
- Stormwater Management Report, including O&M Plan, dated August 2021 (Geo)
- Wildlife Habitat Evaluation, dated 07.21.21 (Rimmer)
- NHESP Review Comments, 09.29.21

Summary: Daniel Bourdeau of Geosyntec and Marion Rambelle from CDW Consultants were on the call to present the updates. They will include in their specifications a requirement for the contractor to work with New England Wetland Plants to develop a custom mix for the seeds and plantings. TW wanted to be certain that as this project moves forward that there will be coordination with the project proponent at the abutting, former Ornsteen Heel property to protect the bank. Dan said there had not been any discussion about that. RB expressed concern with the position of the riverbank and the MVRTA building and would like to see this restoration project move forward as soon as possible.

Action: RB motioned to issue an OOC approving this project with the inclusion of all conditions submitted by the NHESP, as well as the conditions submitted by RM and read into record by HW. NF seconded. TW called role. RB-yea; FC-yea; NF-yea; TW-yea; HW-yea. Motion passed 5-0-2.

2.5. #33-NOI Hilldale Avenue, LLC for 1057 Main St (Parcel ID: 635-4-9) Construction of a single-family house on a proposed second lot and construction of a new garage for the existing house

Plans & Documents

- Notice of Intent Application, received 9.23.21 (RAM)
- Site Plan, dated 9.23.21, revised 9.27.21 (RAM)

Summary: Thor Akerley, a wetland scientist for William and Sparages, presented the project. The applicant proposes to subdivide the property into two distinct parcels, with one containing the existing house and the second to be developed with a new single-family dwelling. There was no proposed disturbance to the existing vegetated portion of the buffer zone except a small portion to square off the yard. The applicant also proposed the replacement of an existing garage with a new garage and an extension to the driveway to connect to the garage. Each driveway will be bordered with stone infiltration trenches and will be pitched toward those areas. The new house and garage will have roof runoff systems to capture and infiltrate the stormwater. The applicant proposed a conservation fence along the 25'-No Disturbance Zone with conservation markers. Work was proposed to comply with the 50'-No Build and 25'-No Disturbance Zones. DEP had not yet issued a file number.

Action: RB motioned to issue an OOC approving the project with the inclusion of all comments from RM as read into the record by HW and with the condition that the applicant address all issue, if any, identified by DEP. TW seconded. TW called role. RB-yea; FC-yea; NF-yea; TW-yea; HW-yea. 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

None Other Scheduled

5. ENFORCEMENT

None Scheduled

6. MISCELLANEOUS

None Scheduled

7. ACCEPTANCE OF MINUTES

RB moves to accept the meeting minutes for 02.18 and 06.03.2021 NF seconded. TW call's role. RB-yea; FC-yea; NF-yea; TW-yea; HW-yea. Motion passes 5-0-2.

8. ADJOURN - 9:09pm meeting adjourned