



# CITY OF HAVERHILL CONSERVATION COMMISSION MEETING MINUTES



**MEETING DATE: THURSDAY, OCTOBER 3<sup>rd</sup>, 2024**

Ben Domaingue told the Commission that he will also be recording the meeting.

“Pursuant to Chapter 2 of the Acts of 2023 this meeting of the Haverhill Conservation Commission, including the list of public hearings, will be conducted via remote participation. No in person attendance of members of the public will be permitted but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the order. A reminder that persons who would like to virtually attend this meeting while in progress can properly do so by joining the meeting at the following URL: <https://us02web.zoom.us/j/84291820471> (Passcode 206268). Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so during a portion of the hearing designated for public comment by using the raise hand button and waiting for the chair. I hereby call this meeting of the Haverhill Conservation Commission to order under MGL Chapter 131 Section 40 under the City of Haverhill municipal ordinance Chapter 253 on this 3<sup>rd</sup> day of October 2024.”

**Present:** Evan Barman (EB), Lisa DeMeo (LD), Jen Rubera (JR) Clerk Tom Wylie Ed. D. (TW), and Chairperson Fred Clark (FC)  
**Absent:** Oliver Aguilo (OA) and Harmony Wilson (HW),  
**Also Present:** Robert E. Moore Jr., Environmental Health Technician (RM)

“At this time the Commission wishes to inform you that should an item of business be acted upon on this meeting and you wish to be notified in writing that an appeal has been filed, you must give your name and address to the Conservation Dept staff immediately following the action of that item of business so that you may follow the appeal process. You may submit your name and address via email to [conservation@cityofhaverhill.com](mailto:conservation@cityofhaverhill.com). Please identify your items of interest in the subject line. Thank you for your cooperation in implementing this policy. Please note that this meeting is being recorded. As always, the Conservation Dept. staff is available to answer any questions pertaining to all the Commission's actions.”

## CONTINUANCES & WITHDRAWALS

**2.1. #33-1576 James E. Young, Jr. for 0 Crystal St (Parcel ID: 576-435-20-1)** Tree clearing associated with construction of horse paddocks and grading.

Summary: FC read comments/recommendations from RM.

Action: EB made a motion to move this item to October 24<sup>th</sup>. Seconded by LD. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved.

**2.2. #33-1575 MDK Realty, Inc. for 111 Avco Rd (Parcel ID: 764-1-3)** Construction of two building additions and expansion of the gravel yard area

Summary: FC read comments/recommendations from RM.

Action: EB made a motion to move this item to October 24<sup>th</sup>. Seconded by LD. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved.

**4.4. Certificate: #33-1476 Civil Design Consultants, Inc. for 890 North Broadway**

Summary: FC read comments/recommendations from RM.

Action: LD made a motion to move this item to October 24<sup>th</sup>. Seconded by EB. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved.

**4.5. Certificate: #33-1279 Civil Design Consultants, Inc. for 890 North Broadway**

Summary: FC read comments/recommendations from RM.

Action: LD made a motion to move this item to October 24<sup>th</sup>. Seconded by EB. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved.

## PUBLIC HEARINGS

### 1. REQUEST FOR DETERMINATION OF APPLICABILITY

None Scheduled

### 2. NOTICE OF INTENT

**2.3. #33-1577 Boston Gas Company for 284 Winter St** (Parcel ID: 307-2-1) Proposed site remediation associated with past manufactured gas facility

#### Plans and Documents

- Notice of Intent Application, dated 9.19.24, Anchor QEA

Summary: Billy Jo Gauley with Anchor QEA from 154 Bachelor Street in West Newbury gave a project overview. LD asked if they are going to replace the proposed treatment plant surface. BJ said she wants to return the site to existing conditions. LD asked if they took the flow of the river with the damn removed into consideration. BJ said yes. TW asked to clarify the staging area and asked if the carwash will be closed. BJ explained and said there are some anticipated closures of the car wash. TW asked if they are in contact with the planners for the Little River Damn. BJ said yes. BJ said the river work is just a temporary cap that will be installed this fall/winter and should be removed by spring 2026. The damn work will start next spring. They want to decrease concentrations of contaminants in the soil so there are less impacts to the river. EB asked if the foundation is still in place? Charlie Linberg said yes, and they will not be taking out parts of it. CL explained that there are DNAPLs on this site. EB asked about the specific contaminants they are trying to collect. FC asked if they test the groundwater after? CL said yes. RM said he wants something in writing if they decide to use herbicides on the surrounding plants. RM asked about the life expectancy of the boom, BJ said that will eventually go away. Right now, it is maintained and replaced as needed. RM asked why there is an uptick in the sheen? BJ said they are monitoring it; they have cameras out there. BJ said there is occasional releases from the sediment itself. BJ's own opinion is that a significant amount of material is coming from the wall. RM had many questions about the process. RM asked if they have looked at the structure of the wall and the varying phases? BJ said Geotech is monitoring the status of the wall. EB voiced potential concerns and said he would be happy to look at the plan in the end based on his experience. FC read comments from RM. RM wanted to add that he wanted that finalized second opinion.

Action: LD made a motion to accept RM's recommendations to have an expert review by the next meeting. Seconded by EB. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved. RM also made a second motion to move this to the October 24<sup>th</sup> meeting. Seconded by EB. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved.

**2.4. #33-NOI JR Builders for Broadway/Emma Rose Circle** (Parcel ID: 539-439-9A & 39D) Construction of a 24-lot subdivision

#### Plans and Documents

- Notice of Intent Application, dated 9.19.24, MEI
- "Definitive Plan Set", dated 9.19.24, MEI
- "Stormwater Report", dated 9.19.24, MEI

Summary: TJ Melvin from Millennium Engineering gave a project overview. TW asked how close this is to the river? TJ said the closest is just under 100' away. TW asked if there is river access/trails in this area? They are not proposing any other trails/no plans for dock access. FC asked what the plan is for the open space? The plan is to have the city take over the open space, RM agreed. LD asked if there is trailhead parking – RM said there will be side of road parking. FC read comments/recommendations from RM.

Action: LD moved to accept RM's recommendations and have it moved to the October 24<sup>th</sup> meeting. Seconded by EB. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved.

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

None Scheduled

### OTHER BUSINESS (Non-Hearing Items)

#### 4. EXTENSIONS AND CERTIFICATES

##### **4.1. Extension: #33-1506 BWC Camp Brook, LLC for 1050 Hilldale Ave**

Summary: FC read comments/recommendations from RM.

Action: EB moved that we issue a one-year extension permit, establishing a new expiration date for the Order of October 6, 2025. Seconded by LD. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved.

##### **4.2. Extension: #33-1509 Rob Landry for Hilldale Ave**

Summary: FC read comments/recommendations from RM.

Action: LD recommend issuance of a 3-year Extension Permit, establishing a new expiration date for the Order of October 7, 2027. Seconded by EB. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved.

##### **4.3. Certificate: #33-1567 Russell Corr for 35 Lincolnshire Drive**

Summary: FC read comments/recommendations from RM.

Action: EB made a motion to issue a Complete Certification with the inclusion of Conditions #58-68 as Ongoing Conditions. Seconded by LD. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved.

##### **4.6. Certificate: #33-1520 James Arnette for 571 East Broadway**

Summary: FC read comments/recommendations from RM.

Action: LD moved to issue a Complete Certification with the inclusion of Conditions #63-79 as Ongoing Conditions. Seconded by EB. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved.

##### **4.7. Certificate: #33-1039 Todd & Mariane Giampa for 145 Hoyt Rd**

Summary: FC read comments/recommendations from RM.

Action: EB moved to issue a Certificate of Compliance identifying this ORAD as expired. Seconded by LD. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved.

##### **4.8. Certificate: #33-1062 Todd & Mariane Giampa for 145 Hoyt Rd**

Summary: FC read comments/recommendations from RM.

Action: LD moved to issue a Partial Certification for this lot only, with the inclusion of Conditions #VIII.1 through VIII.12 as Ongoing Conditions, to include all recommendations from RM. Seconded by EB. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved.

##### **4.9. Certificate: #33-607 Compliance Initiative for 680 East Broadway**

Summary: FC read comments/recommendations from RM.

Action: EB made a motion to issue a Certificate of Compliance invalidating this expired Order, to include all recommendations read into the record by RM. Seconded by LD. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved.

#### 5. ENFORCEMENT

**5.1. Return to Compliance – Al Oram for 695 Crystal Street**

Summary: FC read comments/recommendations from RM.

Action: LD made a motion to issue a letter stating the site has been returned to compliance. Seconded by EB. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved.

**5.2. Enforcement Order: Carla Tavaréz & Amaurys Rivera for 97 Eudora Street**

Summary: FC read comments/recommendations from RM. Carla Tavaréz asked for clarity on the fence position and number of shrubs needed. RM said just email him when the stakes are in the ground and a representative from the commission can go out there and look at it. EB asked about the vegetation behind the fence and pulling that out. RM said they can scatter it throughout the restoration zone.

Action: EB made a motion to accept RM's comments with the addition of scattering the vegetation that was removed and thrown behind the fence. Seconded by LD. Clerk called roll: EB-yes, LD-yes, JR-yes TW-yes, FC-yes. Motion passed 5-0-2. Approved.

**6. MISCELLANEOUS**

None Scheduled

**7. ACCEPTANCE OF MINUTES**

CC Wylie reviewed and approved draft minutes for the 09/12 meetings. EB accepted the minutes. Seconded by LD. Clerk called roll: OA-yes, EB-yes, LD-yes, HW-yes, TW-yes, FC-yes. Motion passed 5-0-2. Approved.

**8. ADJOURN**

Meeting adjourned.