



CITY OF HAVERHILL CONSERVATION COMMISSION MEETING MINUTES



MEETING DATE: THURSDAY, OCTOBER 24th, 2024

“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 24th day of October 2024.”

Present: Oliver Aguilo (OA), Lisa DeMeo (LD), Clerk Tom Wylie Ed. D. (TW), and Chairperson Fred Clark (FC)

Absent: Evan Barman (EB), Harmony Wilson (HW), and Jen Rubera (JR)

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. 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: TW made a motion to move this item to the Nov 14th meeting. Seconded by LD. Clerk called roll: OA-yes, LD-yes, TW-yes, FC-yes. Motion passed 4-0-3. Approved.

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

Summary: FC read comments/recommendations from RM.

Action: TW made a motion to move this item to the Nov 14th meeting. Seconded by OA. Clerk called roll: OA-yes, LD-yes, TW-yes, FC-yes. Motion passed 4-0-3. Approved.

2.4. #33-NOI JR Builders for 0 Broadway (Parcel ID: 539-439-9A & 39D)

Construction of an infiltration basin for a new residential subdivision

Summary: FC read comments/recommendations from RM.

Action: OA made a motion to move this item to the Nov 14th meeting. Seconded by LD. Clerk called roll: OA-yes, LD-yes, TW-yes, FC-yes. Motion passed 4-0-3. Approved.

2.5. #33-1497 Steve Smolak for 86 Willow Av (Parcel ID: 768-779-9)

Construction of a farm irrigation pond

Summary: FC read comments/recommendations from RM.

Action: TW made a motion to move this item to the Nov 14th meeting. Seconded by OA. Clerk called roll: OA-yes, LD-yes, TW-yes, FC-yes. Motion passed 4-0-3. Approved.

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

Summary: FC read comments/recommendations from RM.

Action: TW made a motion to move this item to the Nov 14th meeting. Seconded by OA. Clerk called roll: OA-yes, LD-yes, TW-yes, FC-yes. Motion passed 4-0-3. Approved.

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

Summary: FC read comments/recommendations from RM.

Action: TW made a motion to move this item to the Nov 14th meeting. Seconded by OA. Clerk called roll: OA-yes, LD-yes, TW-yes, FC-yes. Motion passed 4-0-3. Approved.

4.3. Certificate: #33-1557 Todd Fitzgerald for 30 Jaffarian Rd

Summary: FC read comments/recommendations from RM.

Action: TW made a motion to move this item to the Nov 14th meeting. Seconded by OA. Clerk called roll: OA-yes, LD-yes, TW-yes, FC-yes. Motion passed 4-0-3. Approved.

1. REQUEST FOR DETERMINATION OF APPLICABILITY

None Scheduled

2. NOTICE OF INTENT

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

Plans and Documents

- Notice of Intent, dated 8.29.24, Civil Design Consultants
- Drainage Report, dated 8.29.24, revised 10.11.24, Civil Design Consultants
- Site Development Plans, dated 8.29.24, revised 10.11.24, Civil Design Consultants
- Peer Review Letters, dated 9.25, 10.21, and 10.24.24, CEI

Summary: Meera Cousens from Civil Design Consultants gave a project update. Prior to occupancy of Phase 1, they would like to deed the land to Greenbelt so there are no delays. TW asked to clarify the land that would be given to Greenbelt, RM and MC clarified the parcel. MC explained how they are looking for approval for both Phase 1 and Phase 2, and gave an explanation of each phase. RM said there would be inspections after each phase, along with weekly monitoring. RM doesn't have any hesitations. There was discussion regarding the rip rap and slope on site. RM said they could condition that the Phase 1 rip rap be continued to the sediment control limits. RM and TW discussed a few of the recommendations. FC read comments from RM.

Action: TW made a motion to issue a new Order of Conditions which includes all the points raised in the meeting notes with particular attention to 6 points: the Certificate of Compliance dealing with

invasive species, open space transaction, expansion of rip rap, stabilizing the stream channel, and that they get a copy of the engineered copy for the slope. Seconded by LD. Clerk called roll: OA-yes, LD-yes, TW-yes, FC-yes. Motion passed 4-0-3. Approved.

3. REQUEST TO AMEND A FINAL ORDER OF CONDITIONS

None Scheduled

OTHER BUSINESS (NON-HEARING ITEMS)

4. EXTENSIONS AND CERTIFICATES

4.4. Certificate: #33-1568 Mark Abare for 100 Lake St

Summary: FC read comments/recommendations from RM.

Action: TW moved that they issue a complete certification with ongoing conditions as noted 58-70.

Seconded by OA. Clerk called roll: OA-yes, LD-yes, TW-yes, FC-yes. Motion passed 4-0-3. Approved.

4.5. Certificate: #33-1574 Massachusetts Electric Company for South Main St

Summary: FC read comments/recommendations from RM.

Action: TW moved that they issue a complete certification. Seconded by OA. Clerk called roll: OA-yes, LD-yes, TW-yes, FC-yes. Motion passed 4-0-3. Approved.

4.6. Extension: #33-1514 Haverhill Developers LLC for 895 Boston Rd

Summary: FC read comments/recommendations from RM.

Action: TW moved that they issue a 3-year extension with a new expiration of Dec 7th, 2027. Seconded by OA. Clerk called roll: OA-yes, LD-yes, TW-yes, FC-yes. Motion passed 4-0-3. Approved.

5. ENFORCEMENT

5.1. Enforcement Order: Devan McCarty and Taylor Day for 200 Forest Street

Summary: Devan gave an overview of what they did on the property. Taylor's father, Michael Day, said that he spoke with someone from the Conservation Commission that told him they are okay to cut. RM explained what is allowed/not allowed and showed pictures of the area. MD said that none of this was disclosed in the closing documentation. They discussed next steps. FC read comments/recommendations from RM. MD asked about the cost of this and RM told him there is flexibility based on what they purchase.

Action: TW moved that the Commission issue a new enforcement order to include the three bulleted items and comments from RM. TW also added a comment allowing the homeowners to remove invasive species in the area that may be obstructing the new plantings. Seconded by LD. Clerk called roll: OA-yes, LD-yes, TW-yes, FC-yes. Motion passed 4-0-3. Approved.

5.2. Enforcement Order: Patricia Jimenez and Hector Guevara Urbacz for 5 Harbor Drive

Summary: Patricia and Hector were present. RM gave an overview of what was done at the property. RM is going to provide them with a list of plants they can choose from to replant. FC read comments/recommendations from RM.

Action: TW made a motion to issue a new enforcement order per the meeting notes. Seconded by LD. Clerk called roll: OA-yes, LD-yes, TW-yes, FC-yes. Motion passed 4-0-3. Approved.

6. MISCELLANEOUS

6.1. Approval of 2025 Schedule

Summary: FC read comments/recommendations from RM.

Action: TW moved to accept the final calendar for public issuance. Seconded by LD. Clerk called roll: OA yes, LD-yes, TW-yes, FC-yes. Motion passed 4-0-3. Approved.

7. ACCEPTANCE OF MINUTES

Summary: FC read comments/recommendations from RM.

Action: OA approved the meeting minutes for the 10/3 meeting. Clerk called roll: OA-yes, LD-yes, TW-yes, FC yes. Motion passed 4-0-3. Approved.

8. ADJOURN

Prepared by Robert E. Moore, Jr., Environmental Health Technician