



# CITY OF HAVERHILL CONSERVATION COMMISSION MEETING MINUTES



**MEETING DATE: THURSDAY, September 18th, 2025, at 7:15 PM.**

"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 18<sup>th</sup> day of September 2025. Role will be called for every vote this evening; will the clerk please call the role for attendance."

Present: Oliver Aguilo (OA), Evan Barman (EB), Fred Clark (FC), Lisa DeMeo (LD), Tom Wylie Ed. D. (TW), and Harmony Wilson (HW)

Absent: Jen Rubera (JR)

Also Present: Robert E. Moore, Jr., Environmental Health Technician (RM) and McKayla Arsenault (MA)

"At this time the Commission wishes to inform you that should an item of business be acted upon in 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@haverhillmass.gov](mailto:conservation@haverhillmass.gov). 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 audio and video recorded, participants may join this meeting remotely. Note: if technological problems interrupt the virtual meeting, the meeting will continue in person. As always, the Conservation Dept. staff is available to answer any questions pertaining to all the Commission's actions."

FC made a motion to move **Item 5.4 Enforcement Order:** Guy DiStefano, 31 King Street to the beginning of the agenda. Seconded by OA. Clerk called role: OA-yes, EB-yes, FC-yes, LD-yes, TM-yes, and HW-yes. Motion passed 6-0-1. Approved.

Summary: Guy DiStefano gave a project update on 31 King Street. HW read comments from RM. HW is concerned about site stabilization, and she would like to see hay bales and a silt fence installed by next meeting. GD said he is not sure if he will be able to stabilize the whole site by next meeting but HW said it should be a priority. GD will work on removing more fill, put up erosion control, and work with Maureen on the restoration plan.

Action: FC made a motion that GD will attend the next meeting and, in the meantime, he will complete installing erosion control and continue the restoration efforts. Seconded by LD. Clerk called role: OA-yes, EB-yes, FC-yes, LD-yes, TM-yes, and HW-yes. Motion passed 6-0-1. Approved.

## PUBLIC HEARINGS

### 1. REQUEST FOR DETERMINATION OF APPLICABILITY

#### 1.1. **Bergman & Associates, Inc. for 95 Eudora St (Parcel ID: 528-17-20) Construction of an ADU Plans & Documents**

- (1) RDA Application Materials, received 8.27.25
- (2) Site Plan, received 8.27.25

Summary: Paul Redmond from Birdman and Associates gave a project update. The wetlands are flagged, and the project is in development review. HW read comments from RM. LD and HW liked the idea of having a post and rail fence along the partial zone. Paul asked for the comments in writing.

Action: FC moved that they issue a Negative Determination to include all RM's comments read into the record. It should also include a post and rail fence along the no disturbance area. Seconded by EB. Clerk called role: OA-yes, EB-yes, FC-yes, LD-yes, TM-yes, and HW-yes. Motion passed 6-0-1. Approved.

**1.2. John Srybny for 888 Hilldale Avenue (Parcel ID: 585-435-24A) Construction of a detached garage**

**Plans & Documents**

(1) Request for Determination of Applicability, received 9.8.25

Summary: HW read comments/recommendations from RM. There were no comments from the Commission or the public.

Action: LD moved that they issue a Negative Determination with Option #2 to include all RM's comments read into the record. Seconded by FC. Clerk called role: OA-yes, EB-yes, FC-yes, LD-yes, TM-yes, and HW-yes. Motion passed 6-0-1. Approved.

**2. NOTICE OF INTENT**

**2.1. #33-1589 Tinh Vien Quan Am for 41.5 Kernwood Av (Parcel ID: 633-10-116A) Paving of temple parking area**

**Plans & Documents**

(1) Notice of Intent, received 7.17.2025

(2) Drainage Report, Civil Environmental Consultants, LLC, received 7.17.2025

(3) Site Plan, Civil Environmental Consultants, LLC, received 7.17.2025

Summary: HW read the previous comments in red, which outlined what the Commission needs from the applicant/engineer. HW asked him to circle back with the engineer on #4 A – D. RM was not able to review what was sent over from the engineer before the meeting. RM said they need to know the conditions of the fill material today.

Action: FC made a motion that they continue this item to the October 30<sup>th</sup> meeting to review the requested information. Seconded by LD. Clerk called role: OA-yes, EB-yes, FC-yes, LD-yes, TM-yes, and HW-yes. Motion passed 6-0-1. Approved.

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

None at this time

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

**4. EXTENSIONS AND CERTIFICATES**

**4.1. Certificate: #33-1158 Dorner Law & Title Services, PC for 68-74 River Street**

Summary HW read comments/recommendations from RM.

Action LD moved that they issue a Complete Certification to include notes A,B and C from RM. Seconded by OA. Clerk called role: OA-yes, EB-yes, FC-yes, LD-yes, TM-yes, and HW-yes. Motion passed 6-0-1. Approved.

**5. ENFORCEMENT**

**5.1.Enforcement Order: Rachel Cohen, 365 Broadway**

Summary: Edward Driscoll was present at the meeting. HW read comments from RM. ED explained the restoration plan to the Commission. RM explained how he would like a mix of species (3 or so each). There were no questions or comments on the restoration plan. ED also explained the fences they are proposing. TW asked to clarify that water will be able to flow under it, and that they will put badges on it. HW read RM's recommendations. There was discussion about the plantings and when RM will go out to inspect. HW read recommendations from RM. They discussed the demarcation and offset boundary.

Action: FC made a motion that they issue an Enforcement Order #3 requiring the property owners to take the actions as read into the record this evening, and to include demarcation of the resource area at 10' off of the resource area on the south side of the property line, and 25' on the north side. Seconded by LD. Clerk called role: OA-yes, EB-yes, FC-yes, LD-yes, TM-yes, and HW-yes. Motion passed 6-0-1. Approved.

**5.2. Enforcement Order: Reddie's Roadside Realty Trust, 365 Broadway (back land)**

Summary: HW read comments/recommendations from RM. ED asked if they can change the language from the consultant to RM doing the inspections. The Commission is comfortable with them sending in a one-year report but the consultant should give the final stamp of approval report two years out.

Action: FC moved that they issue an enforcement order #3 requiring the property owner to take the actions read into the record, which includes installing posts with signage at every 25' along the 25' no disturbance zones and within the next year the homeowner will submit a restoration monitoring report. The consultant will then submit a report two years after completing the job. Seconded by LD. Clerk called role: OA-yes, EB-yes, FC-yes, LD-yes, TM-yes, and HW-yes. Motion passed 6-0-1. Approved. (If they would like to proceed regarding a privacy fence – they are requesting an RDA be filed).

**5.3. Enforcement Order: Cioto & Johnson Development, LLC, 60 Railroad Street**

Summary: HW read comments/recommendations from RM.

Action: EB made a motion to accept the recommendations read into the record tonight regarding the restoration requirements. Seconded by OA. Clerk called role: OA-yes, EB-yes, FC-yes, LD-yes, TM-yes, and HW-yes. Motion passed 6-0-1. Approved.

**5.4. Enforcement Order: Guy DiStefano, 31 King Street**

Moved to the first item on the agenda.

**5.5. Enforcement Order: Kerry Zaloga and Shaun Prunier, 199 Brandy Brow Road**

Summary: HW read comments/recommendations from RM. SP and KZ were present and gave a project overview. SP asked where he is supposed to put the plants and RM said he can come out. KZ asked if they could cut down the Japanese Knotweed and RM said they could add an invasive species management plan.

Action: FC made a motion to approve RM's recommendations and to add a note that they are allowing the blueberry shrubs and removal of the Japanese Knotweed by hand. Clerk called role: OA-yes, EB-yes, FC-yes, LD-yes, TM-yes, and HW-yes. Motion passed 6-0-1. Approved.

**5.6. Enforcement Order: Louis Messina, 64 Old Ferry Road**

Summary: Louis Messina presented. HW read comments/recommendations from RM. An abutter (Richard) brought up the Enforcement Order from 2005 that said that the wetlands were supposed to be marked and that was not enforced. They will discuss it at the next meeting.

Action: FC moved that they issue an enforcement order #3, requiring the property owner to do all of RM's recommendations read into the record. Seconded by OA. Clerk called role: OA-yes, EB-yes, FC-yes, LD-yes, TM-yes, and HW-yes. Motion passed 6-0-1. Approved.

**5.7. Enforcement Order:** Judith Kimball Farm, LLC, Country Bridge Road

Summary: Owner said that he submitted a restoration plan. The Commission agrees with a replication plan. Owner is going to mark out the wetland and then RM is going to come inspect it. Brian Desmarais from 803 East Broadway asked the Commission where the distinction is between using a wetland scientist vs using your own knowledge. Is there a license they should have? The Commission stated that he has the proper background and if it is not up to their standards, he will need to hire a wetland scientist.

Action: FC moved that they issue an enforcement order #2 where the homeowner will delineate the disturbed area and will propose a replication area that RM will inspect. This will be completed by the next meeting. If the information is not sufficient, they will require a wetland scientist. Seconded by EB. Clerk called role: OA-yes, EB-yes, FC-yes, LD-yes, TM-yes, and HW-yes. Motion passed 6-0-1. Approved.

**5.8. Enforcement Order:** Judith Kimball Farm, LLC, 791 East Broadway

Summary: RM gave a project overview of the area. He explained how he would do vegetative swales so the woodchips is just a temporary measure that will be maintained. He would like to level it and seed it so it would be a natural swale like the other spots. Brian Desmarais from 803 East Broadway asked if it is common for the person who should have known the wetlands existed to be the one to tell you how to fix them? BD also stated that the MDAR last Cease and Desist in April recommends no grading, no gilling, no in or out. RM explained that the Commission protects wetlands and they are protecting the agricultural usage of the land.

Action: FC made a motion to issue an enforcement Order #2 which we will allow the homeowner to loam and seed and stabilize the areas at his own risk. They would like a follow up on the next meeting, with a more detailed follow up on 10/30. Seconded by EB. Clerk called role: OA-yes, EB-yes, FC-yes, LD-yes, TM-yes, and HW-yes. Motion passed 6-0-1. Approved.

**5.9. Enforcement Order:** Carina Kidd, 40 Craigie Avenue

Summary: Carina Kidd from 40 Craigie Ave. explained how she reached out to Christopher Lapoint from Greenbelt asking if there are any wetlands or conservation restrictions on this property and he said no. She had no idea there were wetlands there. There was a discussion about what Greenbelt does vs what the Commission does and explained why there was confusion. HW read RM's recommendations.

Action: FC made a motion to issue an EO #2 to include all comments read into the record from RM. Seconded by LD. Clerk called role: OA-yes, EB-yes, FC-yes, LD-yes, TM-yes, and HW-yes. Motion passed 6-0-1. Approved.

**6. MISCELLANEOUS**  
**NONE SCHEDULED**

**7. ACCEPTANCE OF MINUTES**

Summary: HW read comments/recommendations from RM.

Action: FC moved to accept the 08/28 meeting minutes. Seconded by LD. Clerk called role: OA-yes, EB-yes, FC-yes, LD-yes, TM-yes, and HW-yes. Motion passed 6-0-1. Approved.

**8. ADJOURN**

NO JEN



# CITY OF HAVERHILL CONSERVATION COMMISSION AGENDA



The Haverhill Conservation Commission will meet **Thursday, September 18, 2025, at 7:15 P.M.** under M.G.L. Chapter 131, Sec. 40 and City of Haverhill Ordinance Chapter 253. If postponed by the Commission, the meeting will be held on September 25, 2025, at the same time. This meeting will be held in-person at **4 Summer Street, City Hall Room 301, Haverhill, MA 01830.**

Meeting attendees will have the option to participate remotely by joining online using the following link: <https://tinyurl.com/HavConComHearing> (Meeting ID: 234 300 215 909 2 Passcode: PS6Fw6a4). Note if technological problems interrupt the virtual meeting, the meeting will continue in-person. For more information concerning this meeting, contact our office by email at [conservation@haverhillma.gov](mailto:conservation@haverhillma.gov) or calling (978) 374-2334 or go to [www.cityofhaverhill.com/departments/conservation\\_commission/home.php](http://www.cityofhaverhill.com/departments/conservation_commission/home.php).

MOVED UP #5A

Revised 9.8.25 – Added 1.2;

Revised 9.17.25 – Added 5.9

## PUBLIC HEARINGS

### 1. REQUEST FOR DETERMINATION OF APPLICABILITY

- NEG. W/ COND. 1.1. Bergman & Associates, Inc. for 95 Eudora St (Parcel ID: 528-17-20) Construction of an ADU  
NEG. W/ COND. 1.2. John Srybny for 888 Hilldale Avenue (Parcel ID: 585-435-24A) Construction of a detached garage

### 2. NOTICE OF INTENT

- C 10-30 2.1. #33-1589 Tinh Vien Quan Am for 41.5 Kernwood Ave (Parcel ID: 633-10-116A) Paving of temple parking area

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

None scheduled

## OTHER BUSINESS (NON-HEARING ITEMS)

### 4. EXTENSIONS AND CERTIFICATES

- COMPLETE 4.1. Certificate: #33-1158 Dorner Law & Title Services, PC for 68-74 River Street

### 5. ENFORCEMENT

- EO #3 5.1. Enforcement Order: Rachel Cohen, 365 Broadway  
EO #3 5.2. Enforcement Order: Reddie's Roadside Realty Trust, 365 Broadway (back land)  
EO #3 5.3. Enforcement Order: Cioto & Johnson Development, LLC, 60 Railroad Street  
C 10-9 5.4. Enforcement Order: Guy DiStefano, 31 King Street  
EO #1 5.5. Enforcement Order: Shawn & Kerry Prunier, 199 Brandy Brow Road  
EO #3 5.6. Enforcement Order: Louis Messina, 64 Old Ferry Road  
EO #2 / C 10-9 5.7. Enforcement Order: Judith Kimball Farm, LLC, Country Bridge Road - OVERLAY 2025 AERIAL W/ 2010 SOLAR PLAN  
" 10/30 5.8. Enforcement Order: Judith Kimball Farm, LLC, 791 East Broadway  
EO #2 5.9. Enforcement Order: Carina Kidd, 40 Craigie Avenue

### 6. MISCELLANEOUS

None scheduled

### 7. ACCEPTANCE OF MINUTES

### 8. ADJOURN

Signed, Harmony Wilson, Chairperson





# CITY OF HAVERHILL CONSERVATION COMMISSION STAFF MEETING NOTES



HAVERHILL CONSERVATION COMMISSION MEETING  
M.G.L. CHAPTER 131, SEC. 40, AND CITY OF HAVERHILL ORDINANCE CHAPTER 253  
THURSDAY, SEPTEMBER 18, 2025, AT 7:15 P.M. IN CITY HALL ROOM 301

## PUBLIC HEARINGS

### 1. REQUEST FOR DETERMINATION OF APPLICABILITY

#### 1.1. Bergman & Associates, Inc. for 95 Eudora St (Parcel ID: 528-17-20) Construction of an ADU

##### i) Plans & Documents

- (1) RDA Application Materials, received 8.27.25
- (2) Site Plan, received 8.27.25

*Christine Yancikows  
Sister Paulie  
Paul Bergman*

##### ii) Comments

- (1) The Applicant proposes removal of an existing detached garage that is partially located within the 50'-No Build Zone and the construction of an Accessory Dwelling Unit that will be located outside the NBZ.
- (2) Area of work is existing yard area. The net change in impervious areas in the buffer zone will be a negligible increase of 25sf.

##### iii) Recommendations

- (1) Issue a Negative Determination – Option #3 – with the inclusion of the standard conditions for additions, addressing such items as sediment control during construction and roof runoff recharge for the addition.
- (2) About half of the NDZ is a part of the existing backyard lawn. It appears in aerial photographs that this encroachment occurred sometime between 2017 and 2019 under the current ownership. The Determination should include a condition for typical post-and-rail fencing with signage to ensure protection of at least the remainder of this Zone, ~~unless the Commission deems it appropriate to restore the protection of this full Zone.~~

*NEG w/  
conditions*

#### 1.2. John Srybny for 888 Hilldale Avenue (Parcel ID: 585-435-24A) Construction of a detached garage

##### i) Plans & Documents

- (1) Request for Determination of Applicability, received 9.8.25

##### ii) Comments

- (1) Applicant proposes construction of a 30'x40' detached garage within the 200' Riverfront Area of Fishin' Brook on an existing flat gravel surface that looks to have been historically used for parking, equipment storage, and a pool shed. There are farm fields to the NW, W, and SW. And to the south, towards the brook, there is lawn/mowed field until the top of slope that leads down to the brook.
- (2) The south side of the garage footprint shown on the submitted plot plan scales at about 100' from mean annual high water, with the limit of the existing gravel pad at about 90'.
- (3) With respect to riverfront impacts, the existing gravel pad is seemingly of little habitat value and the loss of pervious surface may be replicated through the installation of a roof runoff recharge system.

LD/FC  
6-0-1

iii) Recommendations

- (1) Issue a Negative Determination – Option #2 – with the inclusion of the standard conditions for garages, addressing such items as sediment control during construction and roof runoff recharge for the new structure.

2. NOTICE OF INTENT

2.1. #33-1589 Tinh Vien Quan Am for 41.5 Kernwood Av (Parcel ID: 633-10-116A) Paving of temple parking area

Sha Vo, temple

i) Plans & Documents

- (1) Notice of Intent, received 7.17.2025
- (2) Drainage Report, Civil Environmental Consultants, LLC, received 7.17.2025
- (3) Site Plan, Civil Environmental Consultants, LLC, received 7.17.2025

ii) Comments – Previous Comments in Red

- (1) For the Commission's records, one full-sized print of the final plan should be provided.
- (2) The 2023 Enforcement Order (wetland filling) requires the Owner to file a final monitoring report with the HCC office by September 15th of this year with a request for a "returned to compliance" determination.

CONDITION (3) The Owner should file a Request for a Certificate of Compliance under DEP #33-1550 for the construction of the addition that was apparently completed in 2024.

- (4) Regarding the design of the drainage system, it is recommended the following additional information be provided:

- NO TEST PIT YET
- “  
SITE WAS FILLED  
NRCS MAY NOT BE  
RELIABLE
- (a) Depth to the estimated seasonal high water table within the footprint of the infiltration gallery. Specifically, is there a 2'-separation between the water table and the system bottom?
  - (b) Test pit data. The stormwater report reflects an infiltration rate in its calculations. Is this informed or assumed? It is known from past enforcement action on the property that fill material has been imported. An in-situ infiltration rate should be provided for the soils underlying the gallery to confirm accuracy of the calculations.
  - (c) Horizontal distances between lines entering and exiting the infiltration gallery should be maximized. Can the outlet line be moved to the southeasterly end of the system?
  - (d) The O&M Plan should be revised to include regular catch basin cleanings to prolong the effective life of the infiltration system.

FC/LD  
CONT  
10/30  
6-0-1

iii) Recommendations

- (1) The Commission received additional information this afternoon that has not yet been reviewed.

3. REQUEST TO AMEND A FINAL ORDER OF CONDITIONS

None at this time

OTHER BUSINESS (NON-HEARING ITEMS)

4. EXTENSIONS AND CERTIFICATES

4.1. Certificate: #33-1158 Dorner Law & Title Services, PC for 68-74 River Street

i) Comments

- (1) The applicant promptly addressed the comments discussed at the last meeting.

LD/OA  
6-0-1

ii) Recommendation

- (1) Issue a Complete Certification with the inclusion of the following:



- (a) Ongoing Conditions #1-20 from the OOC;
- (b) Condition #3 from Modification 2, regarding flood event response; and
- (c) The 7/31/2012 Stormwater O&M Procedures document.

## 5. ENFORCEMENT

### 5.1. Enforcement Order: Rachel Cohen, 365 Broadway

ED Driscoll presents  
R.C. attends

#### i) Comments

- (1) EO#2 issued for the clearing of vegetation within a protected resource area and its buffer zone.
- (2) Owner hired Williams & Sparages to delineate the wetland boundary in the vicinity of disturbance.
- (3) As requested at the August 28<sup>th</sup> meeting, W&S submitted a restoration plan this week for the impacted resource area along the rear property line and its 25'-No Disturbance Zone. I've discussed the plan with the consultant and find it to be more than reasonable to bring the site towards compliance.

#### ii) Recommendation

- (1) Issue EO#3 requiring the property owner to take the following actions:
  - (a) By October 30, 2025, the owner shall complete the restoration measures outlined in the "Proposed Restoration Plan", prepared by Williams & Sparages, and dated September 15, 2025, to restore and stabilize the impacted wetland along the rear property line and its 25'-No Disturbance Zone.
  - (b) By October 30, 2025, the owner shall install ~~a durable fence (e.g., post and rail)~~ <sup>posts</sup> with signage at 25'-intervals to prevent encroachment into and protect the site's wetland resource areas and 25'-No Disturbance Zone in the vicinities of the NW and NE rear property corners. Signage may be obtained from the Conservation Department Office and generally reads "Protected Resource Area". The Property Owners shall maintain all fencing and signage to ensure their continued functions.
  - (c) Immediately upon completion of the restoration and ~~fence~~ <sup>demonstration</sup> work, the owner shall schedule a site inspection with the Commission's staff and the wetlands consultant to verify the completion of work.
  - (d) Following the inspection, <sup>owner of</sup> the owner shall submit a baseline report to the Commission, prepared by the <sup>owner of</sup> wetlands consultant, documenting the completion of the initial restoration in narrative with representative photographs of the restoration areas.
  - (e) By September 15, 2026, the owner shall submit a restoration monitoring report to the Commission, prepared by the wetlands consultant. The report shall describe, using narratives, plans, and color photographs, the physical characteristics of the restoration areas with respect to hydrology, habitat value, and stability.
  - (f) By September 15, 2027, the owner shall submit a restoration monitoring report, prepared by the wetlands consultant. The report shall describe, using narratives, plans, and color photographs, the physical characteristics of the restoration areas with respect to hydrology, habitat value, and stability. Should the consultant find the restored areas to meet the General Performance Standards of the MA Wetlands Protection Act at this time, the report may be submitted with a written request for a "return to compliance" letter from the Commission.

10' Southside NDZ  
25' NDZ Northside

FC/LD  
6-0-1

**5.2. Enforcement Order:** Reddie's Roadside Realty Trust, 365 Broadway (back land)

**i) Comments**

- (1) EO#2 was issued for the clearing of vegetation within a protected resource area and its buffer zone.
- (2) Owner hired Williams & Sparages to delineate the wetland boundary in the vicinity of disturbance, which occurred immediately behind the owners' residence at 365 Broadway. The remainder of this lot was not delineated. Flagging was reviewed with the owner on site on July 24<sup>th</sup>. A change was found necessary in the SW corner of the lot to better reflect a clear hydraulic connection to the wetland below the culvert installed at 365 Broadway. Most of the land clearing occurred up to or near the wetland edge.
- (3) As requested at the August 28<sup>th</sup> meeting, W&S submitted a restoration plan this week for the impacted resource area along the property line shared with the residential lot and its 25'-No Disturbance Zone. I've discussed the plan with the consultant and find it to be more than reasonable to bring the site towards compliance.

**ii) Recommendations**

- (1) Issue EO#3 requiring the property owner to take the following actions:
  - (a) By October 30, 2025, the owner shall complete the restoration measures outlined in the "Proposed Restoration Plan", prepared by Williams & Sparages, and dated September 15, 2025, to restore and stabilize the impacted wetland along the property line with 365 Broadway and its 25'-No Disturbance Zone.
  - (b) By October 30, 2025, the owner shall install ~~a durable fence (e.g., post-and-rail)~~ <sup>posts</sup> with signage at 25'-intervals to prevent encroachment into and protect the site's wetland resource areas and 25'-No Disturbance Zone in the vicinity surrounding the new chicken coop and chicken pen area. Signage may be obtained from the Conservation Department Office and generally reads "Protected Resource Area". The Property Owners shall maintain all fencing and signage to ensure their continued functions.
  - (c) Immediately upon completion of the restoration and fence work, the owner shall schedule a site inspection with the Commission's staff and the wetlands consultant to verify the completion of work.
  - (d) Following the inspection, the owner shall submit a baseline report to the Commission, prepared by the wetlands consultant, documenting the completion of the initial restoration in narrative with representative photographs of the restoration areas.
  - (e) By September 15, 2026, the ~~owner~~ <sup>owner or</sup> shall submit a restoration monitoring report to the Commission, prepared by the wetlands consultant. The report shall describe, using narratives, plans, and color photographs, the physical characteristics of the restoration areas with respect to hydrology, habitat value, and stability.
  - (f) By September 15, 2027, the owner shall submit a restoration monitoring report, prepared by the wetlands consultant. The report shall describe, using narratives, plans, and color photographs, the physical characteristics of the restoration areas with respect to hydrology, habitat value, and stability. Should the consultant find the restored areas to meet the General Performance Standards of the MA Wetlands Protection Act at this time, the report may be submitted with a written request for a "return to compliance" letter from the Commission.

FC/LD  
6-0-1



**5.3. Enforcement Order:** Cioto & Johnson Development, LLC, 60 Railroad Street

**i) Comments**

- (1) EO#2 issued at the August 28<sup>th</sup> meeting approved the implementation of the Hughes Environmental Consulting Restoration Plan. The property owner has seeded and mulched the disturbed riverbank area.

**ii) Recommendations**

- (1) Issue EO#3 requiring the property owner to take the following actions:
- (a) The property owner shall continue with the implementation of the Restoration Plan prepared by Hughes Environmental Consulting, dated August 28, 2025. Should this property at 60 Railroad Street not be otherwise under a valid Order of Conditions approving alternative vegetation management within the area of impact subject to this enforcement action, the property owner shall comply with the following additional conditions listed immediately below.
  - (b) Immediately upon completion of the initial seeding and mulching the owner shall schedule a site inspection with the Commission's staff to verify the completion of work.
  - (c) Following the inspection, the owner shall submit a baseline report to the Commission, prepared by the wetlands consultant, documenting the completion of the initial restoration in narrative with representative photographs of the restoration areas.
  - (d) By September 15, 2026, the owner shall submit a restoration monitoring report to the Commission, prepared by the wetlands consultant. The report shall describe, using narratives, plans, and color photographs, the physical characteristics of the restoration areas with respect to the completion of 2026 actions outlined in the Restoration Plan, hydrology, habitat value, and stability.
  - (e) By September 15, 2027, the owner shall submit a restoration monitoring report, prepared by the wetlands consultant. The report shall describe, using narratives, plans, and color photographs, the physical characteristics of the restoration areas with respect to the completion of 2027 actions outlined in the Restoration Plan, hydrology, habitat value, and stability. Should the consultant find the restored areas to meet the General Performance Standards of the MA Wetlands Protection Act at this time, the report may be submitted with a written request for a "return to compliance" letter from the Commission.

EB/OK  
6-0-1

**5.4. Enforcement Order:** Guy DiStefano, 31 King Street

**i) Comments**

- (1) I visited the site with Mr. DiStefano today. While some soil has been removed from the impacted wetland, additional time is needed to complete this phase of work. The property owner will be in attendance this evening to discuss the status of the site.
- (2) At its August 28<sup>th</sup> meeting, the Commission requested the submittal of a proposed restoration seeding program that would stabilize the restored areas and immediate buffer zone this fall season. The proposal should include additional information for consideration pertaining to sediment control measures for the remainder of the property and a permanent buffer zone demarcation line. The Commission is awaiting this submittal.

**ii) Recommendation**

- (1) Through discussion with the Property Owner this evening, the Commission should develop a reasonable approach to both completing the fill removal and stabilizing the site for winter.

CONT 10-9  
SED. CONTROL  
BY 10-9

FC/LD  
6-0-1



**5.5. Enforcement Order:** Kerry Zaloga and Shaun Prunier, 199 Brandy Brow Road

i) Comments

*both attend*

- (1) NOV was issued on August 12<sup>th</sup> for the clearing of vegetation and regrading within 100' of a protected resource area. A site walk was conducted with the owners on August 15<sup>th</sup> to review the reported work. Vegetation clearing within a BVW, riverfront area, and 35'-No Disturbance Zone was found to have occurred as part of the owners' efforts to remove debris from the property from past ownership.
- (2) On August 26<sup>th</sup> staff met on site with Mr. Prunier and Mike Seekamp from Seekamp Environmental Services to review site characteristics and agree upon a wetland boundary. At the end of the visit, it was agreed that this matter could be continued for 3 weeks to allow Seekamp to prepare a proposal for restoration and invasives management.
- (3) Mike Seekamp subsequently submitted a proposed Restoration Plan for HCC review.
- (4) The Commission should determine whether it will require any restorative shrub plantings within the 35'-NDZ. If so, this requirement should be added to the recommended actions, below.

ii) Recommendation

- (1) Issue EO#1 requiring the property owners to take the following actions to restore the areas of impact:
  - (a) By October 30, 2025, the owners shall complete the restoration measures outlined in the "Restoration Plan", prepared by Seekamp Environmental Consulting, and dated August 27, 2025, to restore the impacted wetland and 35'-No Disturbance Zone/Riverfront Area.
  - (b) By October 30, 2025, the owner shall install durable posts with signage along the upland boundary of the 35'-No Disturbance Zone at 30'-intervals to prevent encroachment into and protect the site's wetland resource areas and the NDZ. Signage may be obtained from the Conservation Department Office and generally reads "Protected Resource Area". The Property Owners shall maintain all posts and signage to ensure their continued functions.
  - (c) Immediately upon completion of the restoration and signage work, the owner shall schedule a site inspection with the Commission's staff to verify the completion of work.
  - (d) Following the inspection, the owner shall submit a baseline report to the Commission, prepared by the wetlands consultant, documenting the completion of the initial restoration in narrative with representative photographs of the restoration areas.
  - (e) By September 15, 2026, the owner shall submit a restoration monitoring report to the Commission, prepared by the wetlands consultant. The report shall describe, using narratives, plans, and color photographs, the physical characteristics of the restoration areas with respect to hydrology, habitat value, and stability.
  - (f) By September 15, 2027, the owner shall submit a restoration monitoring report, prepared by the wetlands consultant. The report shall describe, using narratives, plans, and color photographs, the physical characteristics of the restoration areas with respect to hydrology, habitat value, and stability. Should the consultant find the restored areas to meet the General Performance Standards of the MA Wetlands Protection Act at this time, the report may be submitted with a written request for a "return to compliance" letter from the Commission.

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*(g) Owner may hand remove Japanese Knotweed in an ongoing manner in an effort to eradicate these species*

*and other invasives*



Richard Femino

**5.6. Enforcement Order:** Louis Messina, 64 Old Ferry Road

**i) Comments**

- (1) EO#1 was issued August 27<sup>th</sup> for the “clearing and stockpiling of mature trees within a bordering vegetated wetland, bordering land subject to flooding, and 200’ Riverfront Area associated with the Haverhill-Riverside Airport Brook, and related buffer zones”. A site visit was conducted with the property owner shortly thereafter. I would estimate the amount of wetland clearing and impact to be between 5,000sf and 10,000sf. While impacts are severe, we have the benefit of a 2003 site plan (#33-1114) to assist with identification of the wetland boundary. There does not appear to have been any fill imported to the site.
- (2) EO#2 was issued on September 5<sup>th</sup> for these activities and requiring attendance at tonight’s meeting.
- (3) Since our initial involvement on this violation, the owner has made significant progress on the removal of debris, recyclables, vehicles and so forth that were abandoned on the property. As of yesterday morning, there remained two trucks, a boat, a dumpster, and two debris piles on the site. There are also two piles of removed trees and other woody debris, some of which will be used in the restoration effort.
- (4) Mike Seekamp has submitted a Restoration Plan for discussion this evening. I met Mike on site Tuesday to discuss the proposal. While there remain some items/obstacles in the upland area, there appears to be more than sufficient room to immediately proceed with resource area restoration and site stabilization.

**ii) Recommendation**

- (1) Issue EO#3 requiring the property owner to take the following actions to restore the areas of impact:
  - (a) By October 30, 2025, the owner shall complete the restoration measures outlined in the “Restoration Plan”, prepared by Seekamp Environmental Consulting, and dated September 11, 2025, to restore the impacted resource areas. This work shall include the installation of sediment control barriers to contain the disturbed soils within the upland area and prevent their migration into the restored resource areas.
  - (b) By October 30, 2025, with the logs specified in the Restoration Plan, the owner shall install durable posts with signage along the upland boundary of the 10’-No Disturbance Zone (as conditioned under #33-1114) at 25’-intervals to prevent encroachment into and protect the site’s wetland resource areas and the NDZ. While the location of the NDZ on the site plan under DEP #33-1114 is primarily in the vicinity of the house, this Zone and its protective logs and signage requirements shall be extended along both sides of the driveway and to the front property line as part of this restorative action. Signage may be obtained from the Conservation Department Office and generally reads “Protected Resource Area”. The Property Owner shall maintain all posts and signage to ensure their continued functions. Should the logs decompose in time, they shall be replaced with post-and-rail style fencing along the same alignment (i.e., the 10’-No Disturbance Zone).
  - (c) Immediately upon completion of the restoration and signage work, the owner shall schedule a site inspection with the Commission’s staff and wetlands consultant to verify the completion of work.
  - (d) Following the inspection, the owner shall submit a baseline report to the Commission, prepared by the wetlands consultant, documenting the completion of the initial restoration in narrative with representative photographs of the restoration areas.

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- (e) By September 15, 2026, the owner shall submit a restoration monitoring report to the Commission, prepared by the wetlands consultant. The report shall describe, using narratives, plans, and color photographs, the physical characteristics of the restoration areas with respect to hydrology, habitat value, and stability.
- (f) By September 15, 2027, the owner shall submit a restoration monitoring report, prepared by the wetlands consultant. The report shall describe, using narratives, plans, and color photographs, the physical characteristics of the restoration areas with respect to hydrology, habitat value, and stability. Should the consultant find the restored areas to meet the General Performance Standards of the MA Wetlands Protection Act at this time, the report may be submitted with a written request for a "return to compliance" letter from the Commission.

**5.7. Enforcement Order: Judith Kimball Farm, LLC, Country Bridge Road**

**i) Comments**

(1) This matter was continued at the July 17<sup>th</sup> meeting until tonight. Since July 17<sup>th</sup>, the property owner accommodated a Commission site walk. Commissioners Wilson and Wylie attended with Rob Moore and Tyler Kimball. The Commissioners should note their observations for the record.

(2) As part of the 9-week continuance, the Commission required the property owner to survey the areas of resource area impact and to provide a proposed restoration plan for discussion this evening. The Commission is not in receipt of this plan.

**ii) Recommendation**

(1) With no new information, it is clear there is a need for discussion with the Property Owner this evening. No further recommendations are offered currently.

**5.8. Enforcement Order: Judith Kimball Farm, LLC, 791 East Broadway**

**i) Comments**

(1) See item #5.7.

**ii) Recommendation**

(1) See item #5.7.

**5.9. Enforcement Order: Carina Kidd, 40 Craigie Avenue**

**i) Comments**

(1) Staff met with Ms. Kidd on September 10<sup>th</sup> to review reported vegetation clearing within this property's protected wetlands. While the home on this property has approved permitting for a remodel, work on the land was originally proposed to be limited to some tree removal on the upland side of the house. The extent of vegetation clearing found during the recent site walk was well in excess of the initial proposal and has impacted a protected resource area and its buffer zone.

(2) EO#1 was issued to the property owner for the "clearing of vegetation within the buffer zone of a vegetated wetland".

**ii) Recommendation**

(1) Issue EO#2 requiring the property owner to take the following actions:

- (a) By October 9, 2025, the property owner shall hire a qualified wetlands consultant to delineate the wetland resource areas on this property and to approximate distances to boundaries where they may leave the property.



- (b) By October 9, 2025, the owner shall schedule a site inspection with the Commission's staff and the wetlands consultant to verify the proposed delineation and discuss restoration needs.
- (c) By October 30, 2025, the owner shall submit a proposed Restoration Plan prepared by the wetlands consultant for review by the Commission at its October 30<sup>th</sup> meeting. The property owner and/or the consultant shall attend this meeting to review the plan with the Commission. The property owner is strongly encouraged to submit this restoration plan as soon as possible, as the end of the growing season is near. The Commission, under this Order, allows its staff to authorize proposed site stabilization measures to be implemented prior to the October 30<sup>th</sup> meeting to protect the resource area from any further impacts.

**6. MISCELLANEOUS**

**7. ACCEPTANCE OF MINUTES**

TW reviewed minutes for 8/28 meeting. We recommend a vote to accept these minutes.

**8. ADJOURN**

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10:42