



# CITY OF HAVERHILL CONSERVATION COMMISSION MEETING MINUTES



**MEETING DATE: THURSDAY, JANUARY 4<sup>th</sup>, 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/87485463790> (Passcode 057573). Members of the public attending this meeting 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 4th day of January 2024.”

Present: Oliver Aguilo (OA), Phil LaCroix (PL), Jen Rubera (JR), Harmony Wilson (HW), Tom Wylie Ed. D. (TW), and Chairperson Fred Clark (FC)

Absent: Neil Frasca (NF)

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.”

HW makes a motion to move items 6.2 and 6.3 for discussion. Seconded by PL. Clerk called role: OA-yes, PL-yes, JR-yes, HW-yes, TW-yes, FC-yes. Motion passed 6-0-1. Approved.

## **6.2. Vanessa Johnson-Hall from Greenbelt to present CR for LAND Grant open space-Parsonage Hill**

Summary: Vanessa Johnson-Hall presented on the project, outlining the parcel, and explaining the conservation restriction. TW asked if the Mcpherson woodlot is all in MASS or not - it is all MASS. TW asked who is responsible for making trails and parking. Greenbelt would be responsible for everything, City would only need to enforce the conservation restriction.

## **6.3. Vanessa Johnson-Hall from Greenbelt to present CR for LAND Grant open Space-Crystal Street**

Summary: The City is working on acquiring these parcels from D&D Realty Trust. The City will own and will be responsible for managing the property. HW asked if they can be allowed to put up a gravel parking area. Vanessa agreed. She is going to work with RM to refine the draft.

## **CONTINUANCES & WITHDRAWALS**

### **5.1. Enforcement Order: James and Rebecca Ryan for 471 East Broadway – Restoration Update**

Action: HW motioned that they move this matter to the Feb 15th meeting. Seconded by TW. Clerk called role: OA-yes, PL-yes, JR-yes, HW-yes, TW-yes, FC-yes. Motion passed 6-0-1. Approved.

## **PUBLIC HEARINGS**

### **1. REQUEST FOR DETERMINATION OF APPLICABILITY**

#### **1.1. Bohler Engineering for Farrwood Dr (Parcel ID: 770-779-74) Exploratory test pits**

##### Plans and Documents

- Test Pit Exhibit, dated 12-14-23, Bohler
- Parcel ID Map, dated 12-14-23, Bohler
- Request for determination of Applicability Application, dated 12-14-23, Bohler
- Revised Test Pit Exhibit, dated 12-29-23, Bohler

Summary: Tim Hayes from Bohler Engineering presented from 45 Franklin Street. They want to conduct 14 exploratory test pits to see how they can manage stormwater. TW asked if all access would be from the end of Farrwood Drive - yes. TW asked RM if there are any abutter comments about this. RM said this is only a RDA at this time. HW read comments/recommendations from RM.

Action: TW moved the issuance of a negative determination to include all comments read into the record from RM. Seconded by PL. Clerk called role: OA-yes, PL-yes, JR-yes, HW-yes, TW-yes, FC-recused. Motion passed 5-1-1. Approved.

### **2. NOTICE OF INTENT**

#### **2.1. #33-1559 SPI Solar, Inc. for 239 Lovers Ln (Parcel ID: 463-206-6A) Construction of interconnection equipment for a proposed solar field**

##### Plans and Documents

- NOI Application Materials, dated 10-26-23, Hannigan
- Site Plan Set, revised 10-24-23, 12-18-23, 01-03-24, Hannigan
- Drainage Analysis, revised 10-24-23, 12-18-23, 01-03-24, Hannigan
- Color Site Plan Rendering, used by Hannigan at 11-16-23 hearing
- Abutter comments from Merrimack Engineering Services, received 11-16-23
- Peer Review Letters, dated 12-7-23, 01-02-24, 01-04-24, CEI
- Hannigan Response to Comments Letters, 12-20-23 and 01-03-24

Summary: Chris Anderson from Hannigan Engineering presented on this project. CEI peer reviewed their work and they are all in agreement now. Connor Sullivan from CEI from Alton, MA said all issues have been addressed. FC read comments/recommendations from RM.

Action: HW made a motion to issue an OOC to include all comments read into the record tonight. Seconded by PL. Clerk called role: OA-yes, PL-yes, JR-yes, HW-yes, TW-yes, FC-yes. Motion passed 6-0-1. Approved.

#### **2.2. #33-1561 100 South Kimball, LLC for 100 South Kimball St (Parcel ID: 728-708-2) Installation of an earthen berm**

## Meeting Minutes

Approved 1/25/2024, 5-0-2

### Plans and Documents

- Notice of Intent, 11.20.23, Hayes
- Site Plan, dated 11.15.23, Hayes
- Flood Storage Calculations, dated 1-2-24, Hayes

Summary: Peter from Hayes Engineering presented on this project. Last meeting, they proposed a NOI for an earthen berm, and there were a few things still needed. He addressed the three items that were included in the Memo from RM. RM said neither of those filing fee exemptions apply to this project. FC read comments/recommendations from RM.

Action: HW moved the issuance of an OOC to include all comments read into the record from RM tonight. Seconded by PL. Clerk called role: OA-yes, PL-yes, JR-yes, HW-yes, TW-yes, FC-yes. Motion passed 6-0-1. Approved.

### **2.3. #33-1560 City of Haverhill for 30 Nettleton Ave and 219 Lincoln Ave (Parcel ID: 408-2-4 & 408-2-5)** Construction of public river trail

#### Plans and Documents

- Notice of Intent, dated November 2023, GPI
- Preliminary NOI Plans, dated 11-21-23, GPI
- Revised Layout, dated 12-13-23, GPI
- NHESP Determination Letter, dated 12-26-23, DFW
- NOI Plans, dated 1-3-24, GPI
- Stormwater Narrative, dated 1-3-24, GPI
- Tree Removal table, dated 1-3-24, GPI
- Site Walk Plans, dated 12-13-23, GPI

Summary: Alexa Marquis presented from GPI out of the Wilmington Office. There was a site walk on December 13th, since the site walk, they have modified the alignment, reduced tree removal count, quantified cut and fill volumes and compensatory flood storage. NHESP approved the project. Jamie Falise from GPI reviewed the site plans. FC read comments/recommendations from RM.

Action: HW made a motion to issue an OOC approving the project with conditions consistent with those read into the record tonight. Seconded by PL. Clerk called role: OA-yes, PL-yes, JR-yes, HW-yes, TW-yes, FC-yes. Motion passed 6-0-1. Approved.

### **2.4. #33-1564 Joseph Rizza for 40 South Lakeside Ave (Parcel ID: 753-1-48)** Renovations and additions to existing house and septic system replacement

#### Plans and Documents

- Notice of Intent, dated 12-21-23, Level-Design Group, LLC
- Septic Design Plan, dated 11-28-23, Level-Design Group, LLC
- Site Plan, dated 11-28-23, Level-Design Group, LLC

Summary: Dan Campbell from Level Design group presented. He explained the project, and said DEP approved it. FC asked if there is an anticipated groundwater issue with the addition. DC said no. FC read comments/recommendations from RM.

Action: HW made a motion to issue an OOC to include all comments read into the record tonight from RM. Seconded by PL. Clerk called role: OA-yes, PL-yes, JR-yes, HW-yes, TW-yes, FC-yes. Motion passed 6-0-1. Approved.

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

None scheduled

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

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

#### **4.1. Certificate: #33-1496 Marwick Associates for 20 Creek Brook Drive – Edwards Vacuum**

FC read comments from RM. HW made a motion to issue a Complete Certification with the inclusion of Conditions #78 – 101 as Ongoing Conditions in addition to all comments read into the record. Seconded by PL. Clerk called role: OA-yes, PL-yes, JR-yes, HW-yes, TW-yes, FC-yes. Motion passed 6-0-1. Approved.

#### **4.2. Certificate: #33-1495 Boston Haverhill, LLC. for 1240 Boston Road/O’Leary Way**

Summary: FC read comments/recommendations from RM.

Action: HW made a motion to issue a Complete Certification with the inclusion of Conditions #81 – 97 as Ongoing Conditions to include all comments read into the record from RM. Seconded by PL. Clerk called role: OA-yes, PL-yes, JR-yes, HW-yes, TW-yes, FC-yes. Motion passed 6-0-1. Approved.

#### **4.3. Certificate: #33-1439 Gabriel Brewster for 1181 West Lowell Avenue**

Summary: FC read comments/recommendations from RM.

Action: HW made a motion to issue of a Complete Certification with the inclusion of Conditions #72 – 86 as Ongoing Conditions. Seconded by PL. Clerk called role: OA-yes, PL-yes, JR-yes, HW-yes, TW-yes, FC-yes. Motion passed 6-0-1. Approved.

### **5. ENFORCEMENT**

None other scheduled

### **6. MISCELLANEOUS**

#### **6.1. Election of Officers**

The Commission annually elects, at its first January meeting, the following officers: HW nominated Fred Clark to continue as chairperson. Clerk called role: OA-yes, PL-yes, JR-yes, HW-yes, TW-yes, FC-yes. Motion passed 6-0-1. Approved. FC nominated HW as vice chairperson. Seconded by PL. Clerk called role: OA-yes, PL-yes, JR-yes, HW-yes, TW-yes, FC-yes. Motion passed 6-0-1. Approved. HW nominated Tom Wiley as Clerk. Seconded by FC. Clerk called role: OA-yes, PL-yes, JR-yes, HW-yes, TW-abstain, FC-yes. Motion passed 5-1-1. Approved. HW nominated Fred as community Liaison. Seconded by PL. Clerk called role: OA-yes, PL-yes, JR-yes, HW-yes, TW-yes, FC-yes. Motion passed 6-0-1. Approved.

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

FC read comments from RM. HW approved 12.07.23 minutes. Seconded by PL. Clerk called role: OA-yes, PL-yes, JR-yes, HW-yes, TW-yes, FC-yes. Motion passed 6-0-1. Approved.

### **8. ADJOURN**