

# CITY OF HAVERHILL CONSERVATION COMMISSION MEETING MINUTES



MEETING DATE: THURSDAY, August 7th, 2025

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

Present: Lisa DeMeo (LD), Jen Rubera (JR), Harmony Wilson (HW), and Tom Wylie Ed. D. (TW),

Absent: Oliver Aguilo (OA), Evan Barman (EB) and Fred Clark (FC) 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 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 <a href="conservation@haverhillmass.gov">conservation@haverhillmass.gov</a>. 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 using the passcode 759304. 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."

#### **PUBLIC HEARINGS**

- 1. REQUEST FOR DETERMINATION OF APPLICABILITY
  - **1.1.Caroline Pineau for 124-126 Washington St** (Parcel ID: 310-1-16) Addition to existing building within riverfront area

#### **Plans & Documents**

- (1) Request for Determination of Applicability, dated 7.3.2025
- (2) Architectural Site Plan, Scott M. Brown Architects, dated 7.3.2025
- (3) "Plan of Land," Merrimack Engineering Services, dated 6.30.2025

<u>Summary:</u> Matt Lange from Scott Brown Architects located at 48 Market Street Newburyport gave a project overview. TW asked if it will be closer to the river now, and ML said it would be increasing 12' out. LD asked if the Historic District is okay with the inspirational photos. ML said yes. Caroline from 25 Bradfield Drive spoke about the plan to bring the trash cans inside the stairwell to offset the 2 parking spaces they lease from the city. LD asked if there is a need for erosion control during construction? RM said it is under the standard regulations and RM would be involved. HW read comments from RM.

<u>Recommendations:</u> LD made a motion to Issue a Negative Determination – Option #2 with the inclusion of your standard site stability conditions and RM's comments. Seconded by JR. Clerk called role: LD-yes, JR-yes, HW-yes, FC-yes. Motion passed 4-0-3. Approved.

**1.2. Solect Energy Development for 100 Elliot St** (Parcel ID 459-2-13) Installation of a ground mounted solar array

#### i) Plans & Documents

- (1) Request for Determination of Applicability, dated 7.9.2025
- (2) Narrative Letter, Green Seal Environmental, LLC, dated 7.8.2025
- (3) "Partial Existing Conditions & Site Plan," Green Seal Environmental, LLC, dated 5.27.2025

<u>Summary</u>: Ken Lacourse from Select Energy located at 89 Hayden Row Hopkinton, MA gave a project overview. TW asked where this is on campus? KL explained. LD asked how many trees they are taking down? KL said mainly all of them (~15-18) and they are mostly oak with a significant diameter. This is state property and it will be used for the college. KL said he believes the college has a use for the wood. HW read comments from RM. Ken has not spoken to any of the building commissioners or boards as of yet. They plan on speaking to them and seeing if they should go through Development Review.

<u>Recommendation:</u> LD moved to include RM's comments as read into the record and also recommended that they issue a Negative Determination – Options 4 & 6, noting both the Act and local ordinance are not applicable to the project. Seconded by JR. Clerk called role: LD-yes, JR-yes, HW-yes, FC-yes. Motion passed 4-0-3. Approved.

#### 2. NOTICE OF INTENT

**2.1.#33-NOI Tinh Vien Quan Am for 41.5 Kernwood Ave** (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

<u>Summary:</u> Shai Wong presented for this project. TW asked RM to clarify the area that they want to be paved, RM explained. LD asked where the emergency outfall is going to be? RM responded. HW read comments from RM. HW asked if they need to end the COC for the other related project on the property. RM said not technically because it is a separate project, but it is ideal to get that. HW read recommendations from RM. RM said the person who designed the plan should answer all the mentioned questions. Pam from 1055 Washington Street clarified that the state has a file #.

<u>Recommendations</u>: LD moved to incorporate all of RM's comments and continue the item for 3 weeks to allow the applicant to address the aforementioned items. Seconded by JR. Clerk called role: LD-yes, JR-yes, HW-yes, FC-yes. Motion passed 4-0-3. 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: #33-1563 Evan Kelleher for 459 Lake Street

Summary: HW read comments/recommendations from RM.

<u>Recommendation</u>: LD made a motion to incorporate all RM's comments read into the record and to Issue a Complete Certification with the inclusion of Ongoing Conditions #63-74. This would also include Condition #60 to underscore the continued need to maintain the runoff collection area. Seconded by JR. Clerk called role: LD-yes, JR-yes, HW-yes, FC-yes. Motion passed 4-0-3. Approved.

**4.2.** Certificate: #33-1343 85 Water Street Redevelopment LLC for 85 Water Street

HCC Minutes Final 08.07.25, 4-0-3

Summary: HW read comments/recommendations from RM.

<u>Recommendation</u>: TW moved to issue a Certificate of Compliance invalidating this Order. Seconded by JR. Clerk called role: LD-yes, JR-yes, HW-yes, FC-yes. Motion passed 4-0-3. Approved.

#### 5. Enforcement

#### **5.1.** Enforcement Order: 1308 Broadway

<u>Summary</u>: HW read comments/recommendations from RM. There was discussion regarding the No Disturbance Zone and it was decided that they want to stay consistent with 25'.

<u>Action</u>: LD moved that they issue a new Enforcement Order to include all comments read into the record, and to incorporate at 25' No Disturbance Zone. Seconded by JR. Clerk called role: LD-yes, JR-yes, HW-yes, FC-yes. Motion passed 4-0-3. Approved.

#### **5.2.** Enforcement Order: 31 King Street

<u>Summary</u>: Owner of 31 King Street gave a project update. He said Norse Environmental walked the property and they want to meet with RM. Next step would be to rent an auger and conduct soil samples to see how to move forward.

Action: LD made a motion to incorporate RM's comments and issue an Enforcement Order with comments read into the record. The commission will look for an update on the August 28<sup>th</sup> meeting. Seconded by JR. Clerk called role: LD-yes, JR-yes, HW-yes, FC-yes. Motion passed 4-0-3. Approved.

#### 6. MISCELLANEOUS

None at this time.

#### 7. ACCEPTANCE OF MINUTES

Action: TW made a motion to approve minutes for 7/17 meeting. Seconded by LD.

#### 8. ADJOURN



# CITY OF HAVERHILL **CONSERVATION COMMISSION** AGENDA



The Haverhill Conservation Commission will meet Thursday, August 7, 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 August 14, 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 or calling (978) 374-2334 or go to www.cityofhaverhill.com/departments/conservation commission/home.php.

# REVISED – ADDED 4.2 **PUBLIC HEARINGS**

1. REQUEST FOR DETERMINATION OF APPLICABILITY

Make, Architect

1.1. Caroline Pineau for 124-126 Washington St (Parcel ID: 310-1-16) Addition to existing building within riverfront area

1.2. Solect Energy Development for 100 Elliot St (Parcel ID 459-2-13) Installation of a ground mounted solar array

2. Notice of Intent

2.1.#33-NOI 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 at this time.

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

4. EXTENSIONS AND CERTIFICATES

4.1. Certificate: #33-1563 Evan Kelleher for 459 Lake Street

4.2. Certificate: #33-1343 85 Water Street Redevelopment LLC for 85 Water Street

5. Enforcement

E.O. 5.1. Enforcement Order: 1308 Broadway

NOVEO. 5.2. Enforcement Order: 31 King Street , Gay Distagno

6. MISCELLANEOUS

7. ACCEPTANCE OF MINUTES

8. ADJOURN

Signed, Harmony Wilson, Chairperson 8:27pm



# 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, AUGUST 7TH, 2025, AT 7:15 P.M. IN CITY HALL ROOM 301

#### **PUBLIC HEARINGS**

- 1. REQUEST FOR DETERMINATION OF APPLICABILITY
  - **1.1.Caroline Pineau for 124-126 Washington St** (Parcel ID: 310-1-16) Addition to existing building within riverfront area
    - i) Plans & Documents
      - (1) Request for Determination of Applicability, dated 7.3.2025
      - (2) Architectural Site Plan, Scott M. Brown Architects, dated 7.3.2025
      - (3) "Plan of Land," Merrimack Engineering Services, dated 6.30.2025
    - ii) Comments
      - (1) Applicant proposes an addition to this building in the outer riparian zone of the Merrimack River. The area of work is currently developed with an exterior deck, paved surface, and appurtenant downtown business features.
      - (2) FEMA mapping shows the building is outside bordering land subject to flooding associated with the river.
      - (3) No impacts to the functions and values of the river are anticipated with this project.
    - iii) Recommendations
      - (1) Issue a Negative Determination Option #2 with the inclusion of your standard site stability conditions.
  - **1.2. Solect Energy Development for 100 Elliot St** (Parcel ID 459-2-13) Installation of a ground mounted solar array
    - i) Plans & Documents
      - (1) Request for Determination of Applicability, dated 7.9.2025
      - (2) Narrative Letter, Green Seal Environmental, LLC, dated 7.8.2025
      - (3) "Partial Existing Conditions & Site Plan," Green Seal Environmental, LLC, dated 5.27.2025
    - ii) Comments
      - (1) Applicant proposes installation of a 480 kW system on about 1.5 acres of existing lawn and landscaped area within the Northern Essex Community College parking lot system. It appears the system is only intended to service the school.
      - (2) The closest resource area to the work area is a bordering vegetated wetland about 300' east of the array.
      - (3) The existing drainage inlets within the lawn area appear to be preserved for continued future drainage usage. Although the campus is partly located with the Millvale watershed and is in close proximity to Kenoza Lake, the drainage system on the campus was designed to discharge outside of their watersheds.

(4) While there should be no direct discharge of stormwater from this project area into the potable water supply watershed, the project location is within an area of mapped Zone B. The applicant should consult with the Building Commission to determine applicability of the Water Supply Protection Overlay District zoning ordinance.

#### iii) Recommendations

(1) Issue a Negative Determination – Options 4 & 6, noting both the Act and local ordinance are not applicable to the project. + ABOVE

LD/JR 4-0-3

#### 2. NOTICE OF INTENT

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

#### 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

- (1) DEP has not yet assigned a file number. The applicant is working to resolve issues with application submittal to the agency. For the Commission's records, one full-sized print of the final plan should be provided.
- (2) The applicant seeks to pave the existing temple parking area which falls partially in the 25-ft NDZ and the 50-ft NBZ. Plans include details for two catch basins and a cultec treatment chamber.
- (3) The wetland shown on the site plan was previously filled by the Property Owner, leading to the issuance of an Enforcement Order in 2023. Fill was removed from the wetland later that year and the wetland has become revegetated. The Commission allowed encroachment into the 25'-NDZ to largely remain. A post-and-rail style fence was installed under that action to provide a barrier between the wetland and the gravel parking area on the property. The Enforcement Order requires the Owner to file a final monitoring report with the HCC office by September 15<sup>th</sup> of this year with a request for a "returned to compliance" determination.
- (4) As part of the 2023 enforcement action it was determined the Owner wished to pursue permitting for an addition to the existing home in the wetland buffer zone. The HCC issued an Order of Conditions in 2023 (#33-1550) to approve this project. The applicant has not yet filed for a Certificate of Compliance under this Order.
- (5) Regarding the design of the drainage system, it is recommended the following additional information be provided:
  - (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.

#### iii) Recommendations

(1) Continue the item for 3 weeks to allow the applicant to address the aforementioned items.

# 3. REQUEST TO AMEND A FINAL ORDER OF CONDITIONS

CONT 11-0-3

None at this time.

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

#### 4. EXTENSIONS AND CERTIFICATES

4.1. Certificate: #33-1563 Evan Kelleher for 459 Lake Street

#### i) Comments

- (1) The Commission issued this Order in 2023 to allow the applicant to construct his home with about 3,200sf of impact to the outer riparian zone of Creek Brook. The approval included a similar area of buffer zone impacts associated with the brook's BVW.
- (2) A final inspection was conducted on August 6<sup>th</sup>. The final as-built plan was submitted today. One feature that will require continued attention from the applicant is the function and stability of the runoff collection area located off the low point in the driveway. The owner is aware of this focal point.

#### ii) Recommendation

(1) Issue a Complete Certification with the inclusion of Ongoing Conditions #63-74. I also recommend the inclusion of Condition #60 to underscore the continued need to maintain the runoff collection area. LD/JR

### **4.2. Certificate:** #33-1343 85 Water Street Redevelopment LLC for 85 Water Street

#### Comments

(1) This Order was issued in 2015 for development of a condo building. Work never started and the Order has since expired. Per condition #30 of the force.

are obligated to obtain a Certificate of Compliance for this Order.

TWAR 40-3 Order has since expired. Per condition #30 of the recently issued DEP #33-1581, the applicants

#### ii) Recommendation

(1) Issue a Certificate of Compliance invalidating this Order.

#### 5. Enforcement

# 5.1. Enforcement Order: 1308 Broadway

#### Comments

(1) The resource areas on the property were delineated by Norse Environmental and were confirmed by HCC staff on July 22<sup>nd</sup> with the consultant and property owner present. The homeowner has allowed the wetland to regrow, but a buffer area for this wetland has not been established.

#### ii) Recommendation

(1) Issue a new Enforcement Order requiring the owner to take the actions listed below. The Commission should determine the depth of No Disturbance Zone to be applied to these actions to protect the impacted wetland.

(a) Beginning immediately, the Property Owner shall allow the area of bordering vegetated wetland mowing to naturally revegetate.

(b) To protect the impacted wetland and its **25**-No Disturbance Zone from future re-disturbance. the Owner shall install permanent monumentation to demarcate the boundary from above Flag W-1 to above Flag W-7. The type of monumentation shall be proposed by the Owner for the approval of HCC staff and shall be consistent with such typically used items as post-

- and-rail style fencing or boulders with plantings. Included with the monumentation shall be the installation of signage, at intervals of 50' or less, identifying the area beyond their bounds as "Protected Resource Area". The Owners shall maintain all monumentation and signage to ensure their continued functions. This work shall be completed by the October 20, 2025, HCC meeting.
- (c) By September 15, 2026, the Owner shall provide the HCC with an email monitoring report and photo log showing the progress of revegetation within the impacted resource area and buffer zone.
- (d) By September 15, 2027, the Owner shall provide the Commission with an email monitoring report and photo log showing the progress of revegetation within the impacted resource area and buffer zone. This final monitoring report shall serve as a final completion report and shall be submitted to the HCC as a request for a "return to compliance" letter from the HCC. Should the HCC find the restoration area not to meet the performance standards of the Wetlands Protection Act or the local wetlands protection ordinance, the HCC may require additional restoration measures at this time.

# 5.2. Enforcement Order: 31 King Street Gul Stefans & Hends

- i) Comments
  - (1) The owner has hired Norse Environmental to delineate the wetland boundaries in the vicinity of land disturbance. Our office made Norse aware that direct wetland filling appears to have occurred between the house and Route 495 and asked that this area be a particular point of focus.
  - (2) It is our understanding delineation work commenced this week and we are awaiting an update from Norse.
- ii) Recommendation
  - (1) Issue a new Enforcement Order requiring the owner to take the actions listed below.
    - (a) For review by the HCC at its August 28<sup>th</sup> meeting, the Property Owner shall submit to the HCC a proposal for wetland and buffer zone restoration. The proposal shall be prepared by the Owner's wetlands consultant and shall address such issues as fill removal, site stabilization, and site restoration and plantings.
- 6. MISCELLANEOUS
- 7. ACCEPTANCE OF MINUTES

TW reviewed minutes for 7/17 meeting. We recommend a vote to accept these minutes.

8. ADJOURN

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1) Preser MEETING DATE: 8/9/25 **VOTING SHEET** AGENDA ITEM/ADDRESS: 1.1 124126, Wash ST. STIPULATIONS OR CONDITIONS: MoTIA - negro, determin op Tin #2 9:20 Godl Tronde. V ASSUTAND AS. Sad MOTION SECONDED BY: RUBLING Yea Nay Abstain Absent MR. AGUILÓ: Abstain Absent Yea Nay MR. BARMAN: 1 Yea Nay Abstain Absent MRS. DEMEO: Yea Nay Abstain Absent MRS. RUBERA: MRS. WILSON: (chay-) ∠ Yca Nay Abstain Absent Yea Nav Abstain Absent MR. WYLIE: Absent-Yea Nay Abstain. MR. CLARK:

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