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MERRIMACK ENGINEERING SERVICES, INC. *Hearing Sep 25*

PROFESSIONAL ENGINEERS • LAND SURVEYORS • PLANNERS

66 PARK STREET • ANDOVER, MA 01810 • (978) 475-3555, 373-5721 • FAX (978) 475-1448 • E-MAIL Info@merrimackengineering.com

June 19, 2007

AUG 02 2007

gg

Honorable Michael J. Hart, President
City of Haverhill
City Council
City Hall – 4 Summer Street
Haverhill, MA 01830

RE: Special Permit
Watershed Protection District
Roadway Improvements
Brandy Brow Road
Haverhill, MA

Dear President Hart:

Application is made herewith for issuance of a Special Permit in accordance with S255-18.1 Watershed Protection District of the City of Haverhill Zoning By-Law.

The proposed use, consisting of improvements to the existing roadway is described on the enclosed plans prepared by Merrimack Engineering Services, and further, the use and its impact on the Watershed is described in the accompanying report prepared by GZA dated December 1, 2006.

The roadway is located in the SC Zone and the use is permitted in that district. The use is permitted under Section 255-18.1 D(1)(a) as the design of the road is in an existing right of way, and as such is not subject to the 10% impervious development constraint of the By-Law.

The plans specify and depict the existing and proposed elevations of the road as well as other characteristics. Further, the plans depict the location of erosion and sedimentation control to be used on the site during construction.

The roadway improvements, as proposed, require no Federal or State permits, but does require approval by the City Engineer and by the Haverhill Conservation Commission under a Notice of Intent Filing and that permit has been issued. The design of each element of the road plan complies with the requirements of the Conservation Commission and the City Engineer.

Honorable Michael J. Hart, President
June 19, 2007
Page 2

The analysis of the road improvements performed by a geologist, hydrologist, soil scientist and Massachusetts Registered Engineer was completed by GZA. The report concludes that there will be no negative impact to the Watershed from the proposed improvements in accordance with S255-18.1E(5),(6).

The Conservation Commission and City Engineer require the use of Best Management Practices (BMP's) in the design of the stormwater drainage system including recharge of runoff, use of oil, grease and sedimentation traps and other methods to remove contaminants from the runoff and promote groundwater recharge. Those BMP's have been incorporated into this design.

As a result of the information provided, the technical aspects of the design and the proposed use, we believe the proposal:

- (a) Satisfies the design and operations guidelines set forth in § 255-18.1F; proposed uses under § 255-18.1D(3)(b) are not subject to this criterion;

Further, we believe the proposal:

- (b) Is in harmony with the purposes and intent of S255-18.1 and will promote the purposes of the Watershed Protection District;
- (c) Is appropriate to the natural topography, soils, and other characteristics of the site to be developed.
- (d) Will not, during construction or thereafter, have an adverse environmental impact on any water body or watercourse in the district; and
- (e) Will not adversely affect the quality or quantity of an existing or potential water supply.

In consideration of the above, we request the Haverhill City Council issue a Special Permit for the proposed roadway improvements in the Watershed Protection District.

Very truly yours,

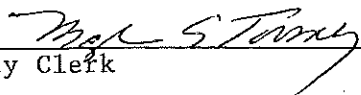
MERRIMACK ENGINEERING SERVICES

Stephen E. Stabinski, R.L.S.
Project Coordinator

IN CITY COUNCIL: August 14 2007

REFERRED to PLANNING BOARD & VOTED THAT COUNCIL HEARING BE HELD SEPTEMBER 25 2007

Attest:


City Clerk

HEARING OPENED and

On motion of Councillor Daly O'Brien that "Pursuant to Haverhill zoning ordinance Ch.255 18.1-H1 the Planning Department is hereby authorized to engage an outside consultant at the developers expense for purposes of receiving an evaluation of the proposed designs compliance with the watershed district requirements" and "that hearing be continued to January 15, 2008"

MOTION PASSED and DOCUMENT AMENDED and HEARING CONTINUED to JANUARY 15 2008

Attest:

Mary G. Torrey
City Clerk

IN CITY COUNCIL: November 10 2009
POSTPONED TO MAY 4 2010

Attest:

Mary G. Torrey
Assistant City Clerk

IN CITY COUNCIL: January 15 2008
POSTPONED to MARCH 25 2008

Attest:

Mary G. Torrey
City Clerk

IN CITY COUNCIL: November 10 2009
CONTINUE TO MAY 4 2010

Attest:

Mary G. Torrey
Assistant City Clerk

IN CITY COUNCIL: March 25 2008
POSTPONED TO JUNE 10 2008

Attest:

Mary G. Torrey
City Clerk

IN CITY COUNCIL: May 4 2010
CONTINUED TO SEPTEMBER 21 2010

Attest:

Mary G. Torrey
City Clerk

IN CITY COUNCIL: June 10 2008
POSTPONED to AUGUST 12 2008

Attest:

Mary G. Torrey
City Clerk

IN CITY COUNCIL: September 21 2010
CONTINUED TO JUNE 7 2011

Attest:

Mary G. Torrey
City Clerk

IN CITY COUNCIL: August 12 2008
POSTPONED to OCTOBER 21 2008

Attest:

Mary G. Torrey
City Clerk

IN CITY COUNCIL: June 7 2011
CONTINUED TO AUGUST 23 2011

Attest:

Mary G. Torrey
City Clerk

IN CITY COUNCIL: October 21 2008
POSTPONED to FEBRUARY 17 2009

Attest:

Mary G. Torrey
City Clerk

IN CITY COUNCIL: August 23 2011
POSTPONED TO OCTOBER 18 2011

IN CITY COUNCIL: February 17 2009
POSTPONED TO JUNE 23 2009

Attest:

Mary G. Torrey
City Clerk

IN CITY COUNCIL: June 23 2009
POSTPONED to NOVEMBER 10 2009

Attest:

Mary G. Torrey
City Clerk



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22 A 10:29

CITY CLERKS OFFICE
HAVERHILL, MASS.
CITY OF HAVERHILL
MASSACHUSETTS 01830

CITY HALL, ROOM 201
FOUR SUMMER STREET
HAVERHILL, MASSACHUSETTS 01830
TELEPHONE (978) 374-2330
FAX (978) 374-2315

~~XXXXXXXXXXXX~~

EXTENSION FORM

~~PLANNING BOARD~~ HEARINGS
CITY COUNCIL

RE: Roadway Improvements: 402-203-None
(Project Name)

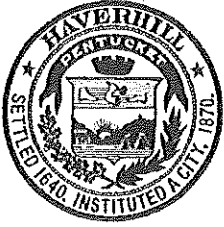
August 19, 2011
(Date)

Donald F. Borenstein, Esq.
for D&D Realty Trust consent to an extension of time
(Name of applicant/owner)

for filing of a decision with the Haverhill City Clerk to 11 / 15 / 2011, which
is twenty (20) business days after the 10 / 18 / 2011 Planning Board Meeting.

Signed,

Donald F. Borenstein / MAK
Authorized Signature
Michael A. Klass, Esq. for
Donald F. Borenstein, Esq.
Attorney for Applicant



Haverhill

Economic Development and Planning
Phone: 978-374-2330 Fax: 978-374-2315
wpillsbury@cityofhaverhill.com

October 14, 2011

TO: City Council President Michael J. Hart and members of the Haverhill City Council

FROM: William Pillsbury, Jr. Economic Development and Planning Director

SUBJECT: Brandy Brow road reconstruction-- watershed special permit--

The review of the watershed special permit referenced above is complete by both the peer reviewer and the city departments. The applicant has worked closely with the city and the peer reviewer to modify plans and the updated plans and reports are in your packages.

In as much as the applicant has committed in communications filed with the council to incorporate into final plans the issues raised by the peer reviewer, and has concurred with the requests of the City departments, I recommend that the final recommendation letters of the health department water department, city engineer and conservation along with the final recommendations of the peer reviewer be made conditions of the special permit that the watershed protection permits so conditioned be granted.

Recommendation: Approve the watershed special permit with the proposed conditions.

EXERPTS FROM ZONING ORDINANCE CH 255:19 WATERSHED PROTECTION OVERLAY DISTRICT

G. Criteria for approval by the special permit granting authority.

(1) In addition to the notice otherwise required under this chapter, the City Council as special permit granting authority shall give written notice of any special permit application within the Watershed Protection District to the Board of Health, Planning Department, Conservation Commission, Water, Wastewater, Engineering, Highway, and Building Departments (individually and collectively, "City Authority") and request a report and recommendation from each of the same. After notice and public hearing in accordance with the procedures in § 255-77 of this chapter, the City Council as special permit granting authority may grant such a permit provided that it finds that the proposed use:

[Amended 6-27-2000 by Doc. 79-C]

- (a) Satisfies the design and operations guidelines set forth in § 255-19F; proposed uses under § 255-19D(3)(b) are not subject to this criterion;
- (b) Is in harmony with the purposes and intent of this chapter and will promote the purposes of the Watershed Protection District;
- (c) Is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
- (d) Will not, during construction or thereafter, have an adverse environmental impact on any water body or watercourse in the district; and
- (e) Will not adversely affect the quality or quantity of an existing or potential water supply.

F. Design and operations guidelines.

(1) Except for one single-family dwelling and applications under § 255-19D(3)(b), each applicant for a special permit shall file as part of his application a report showing existing agricultural uses in existence at the time of passage of this section and approved by the Board of Health, prepared by a geologist, earth scientist, other qualified specialist in the field of chemistry and land disposal or registered professional engineer, which shall describe how the proposed use and/or structures satisfy the following items:

- (a) Safeguards. Provision shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage, or vandalism through measures such as: spill control provisions in the vicinity of chemical or fuel delivery points; secured storage areas for toxic or hazardous materials; and indoor storage provisions for corrodible or dissolvable materials. For operations which allow the evaporation of toxic or hazardous materials into the interiors of any structures, a closed vapor recovery system shall be provided for each such structure to prevent discharge of contaminated condensate into the groundwater.
- (b) Location. Where the premises are partially outside of a Watershed Protection District, site design shall, to the maximum degree possible, locate such potential pollution sources as on-site disposal systems outside of the District.
- (c) Disposal. For any toxic or hazardous wastes produced in quantities greater than those associated with normal household use, the applicant must demonstrate the availability and feasibility of disposal methods which are in conformance with MGL c. 21C.
- (d) Drainage. All increase in runoff generated on the site shall be recharged on-site in a manner demonstrated to assure full protection of the water quality and quantity in the Watershed Protection District. The City Council as special permit granting authority may require off-site disposal of said runoff if it is determined that either on-site recharge is infeasible because of site conditions or is undesirable because of risks to water quality from such recharge. Dry wells shall be used only where other methods are not feasible, and shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminants.

Purpose. The purpose of the Watershed Protection District is to:

- (1) Promote the health, safety and general welfare of the City;
- (2) Protect, preserve and maintain the existing and potential water supply and groundwater recharge areas within the City;
- (3) Preserve and protect the community against detrimental uses and developments in water supply recharge areas;
- (4) Conserve the natural resources of the City; and
- (5) Prevent the pollution of the environment.

JOHNSON &
BORENSTEIN, LLC

ATTORNEYS AT LAW

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Fax: 978-475-6703
www.jbllclaw.com
don@jbllclaw.com

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2011 AUG 22 A 10:29

CITY CLERKS OFFICE
HAVERHILL, MASS.

Mark B. Johnson (MA, NH, DC)
Donald F. Borenstein (MA, ME, NH)

Kristine M. Sheehy (MA)
Denise A. Brogna (MA, CA, NH)
Kathryn M. Morin (MA, NH, ME)
Lorri Gill Covitz (MA)
Leslie C. Carey (MA, RI)
Michael A. Klass (MA, NH)

Paralegals

Karen L. Bussell
Danielle R. Corey
Melanie J. O'Connell
Lianne Patenaude

August 19, 2011

Via facsimile (978) 373-8490 And First Class Mail

Michael J. Hart, President
Haverhill City Council
C/O MARIA - CITY CLERK'S OFFICE, RM 118
City Hall, 4 Summer Street
Haverhill, MA 01830

Re: Applicants: D&D Realty Trust
Projects: Erin Way: 462-203-12
Form A Lot: 462-203-5
Roadway Improvements: 402-203-None

Dear Mr. Hart:

This letter will confirm that the Applicant, D&D Realty Trust, has requested a continuance of the City Council's hearing of the above-referenced applications from August 23, 2011 to October 18, 2011.

This request aims to provide the Applicant with adequate time to review and respond to comments from the City on the supplemental materials that were previously submitted by the Applicant. The Applicant points to the recent positive progress in this matter, in further support of this request. I have enclosed the Extension Forms, signed on behalf of the Applicant to that effect.

If you should require anything further with regard to the requested continuances, please do not hesitate to contact me.

Very truly yours,
JOHNSON & BORENSTEIN, LLC

Donald F. Borenstein / MAK

Michael A. Klass for
Donald F. Borenstein

Enclosures

pc: D&D Realty Trust, *via 1st class mail*
David Jordan, P.E., MHF Design *via 1st class mail*
Haverhill City Council's Office *via 1st class mail and fax*
William Pillsbury, Haverhill City Planner *via 1st class mail and fax*



Haverhill

Economic Development and Planning
Phone: 978-374-2330 Fax: 978-374-2315
wpillsbury@cityofhaverhill.com

August 19, 2011

TO: City Council President Michael J. Hart and members of the Haverhill City Council

FROM: William Pillsbury, Jr. Economic Development and Planning Director

SUBJECT: Brandy Brow road reconstruction-- watershed special permit--

The current status of these applications is that after the city council granted the continuation of time until August 23, 2011, the applicant has continued to work on the project deficiencies. The applicant has submitted revised plans for review. The timing of his submission has not afforded the city departments, the city's peer review consultant, the Conservation Commission or the Board of Health time to review these new submissions.

The developer's attorney has indicated that he is aware that the timing of the most recent submissions does not afford the opportunity to review, so it is his intention to approve an extension of time and a request a continuance to the meeting of October 18, 2011.

Recommendation: Allow the continuance to October 18, 2011 for the watershed special permit for the Brandy Brow Road reconstruction project.



Haverhill Fire Department Fire Prevention / Investigation Unit



James J. Fiorentini
Mayor

Richard B. Borden
Fire Chief

D/C William F. Laliberty
Lieut. Richard Beaudoin
Insp. Steven Trocki

4 Summer St, Room 113
Tel: (978) 373-8460
Fax: (978) 621-4441

May 31, 2011

William Pillsbury, Planning Director
4 Summer Street, room 201
Haverhill, MA 01830

Re: Brandy Brow Road/ 462-203-12, 12-2 & 12-3/ 462-8-1-5/ Special Permit

The planning, design and construction of new buildings, renovation of existing buildings and structures to provide egress facilities, fire protection and built-in fire protection equipment shall be in accordance with 780 CMR; and any alterations, additions or changes in buildings required by the provisions of 527 CMR which in the scope of 780 CMR, 8th edition, shall be made in accordance therewith. (527 CMR 1.04(4) and 780 CMR 101.2)

Plans approved by the fire department are approved with the intent they comply in all respects to 780 CMR, 527 CMR, MGL Chapter 148 and any City of Haverhill ordinance. Any omissions or errors on the plans do not relieve the applicant of complying with applicable requirements.

I have reviewed the submitted plans for the address stated above and in the interest of public safety, have the following comments:

- Design standards should provide suitable widths to accommodate satisfactory access for police, fire, snow removal, sanitation and road maintenance equipment.
- Proper fire apparatus access, placement and operations require that the waiver request for twenty-four feet of paved roadway be denied.
- The roadway improvements for this proposed project must be approved for the normal local access roadway standard paved width of twenty-eight feet.
- Lot development notes (7) on sheet 4, the proposal that all new homes shall have NFPA 13D compliant sprinkler systems installed, is acceptable by the fire department.

Respectfully,

William F. Laliberty
Deputy Fire Chief