

88-B / 07

Hearing Sep 25

8.1.2



# MERRIMACK ENGINEERING SERVICES, INC.

PROFESSIONAL ENGINEERS • LAND SURVEYORS • PLANNERS

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June 19, 2007

Handwritten initials: J.B.

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

RE: Special Permit  
Watershed Protection District  
Erin Way Subdivision  
Off 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 three (3) lots to be serviced by a new roadway to be built off Brandy Brow Road, will be serviced with septic systems and individual wells, and 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 site 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 development complies with the 10% impervious development constraint and the area of the lot on which the proposed house is to be developed does not have an existing slope in excess of 15%.

The plans specify and depict the existing and proposed elevations of the ground as well as other characteristics. Development of the houses is not within 500' of a waterbody outlined in 255-18.1D(3)(a)[5]. Further, the plans depict the location of erosion and sedimentation control to be used on the site during construction.

The project, as proposed, requires no Federal or State permits, requires Planning Board Subdivision Approval (applied for and pending, subject to the Special Permit Decision), approval by the Haverhill Conservation Commission under a Notice of Intent Filing (that application will be made after Special Permit Decision), local Board of Health septic system approval (that application will be made after Special Permit Decision) and the local Building Permit, issued by the Building Inspector. It is anticipated that the design of each element of the project will comply with the requirements of each issuing authority.

Erin Way  
5/26/07

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The analysis of the development 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 development in accordance with S255-18.1E(5),(6). The report recommends that Lot 2 and 3 have installed, as part of the septic system, a denitrification unit capable of treating the system effluent to less than 10 mg/L prior to discharge to the leaching field. The applicant is further proposing to implement that as a condition to Lot 1, 2 and 3 development.

The Haverhill Planning Board normally requires the applicant to covenant, and the applicant hereby agrees to covenant, that no toxic and hazardous materials per section 255-18.1 be stored on the site and further, that lawn fertilizers not be used.

The Conservation Commission requires 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.

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Erinway Road

Honorable Michael J. Hart, President  
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In consideration of the above, we request the Haverhill City Council issue a Special Permit for the proposed development in the Watershed Protection District.

Very truly yours,

MERRIMACK ENGINEERING SERVICES

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

cd

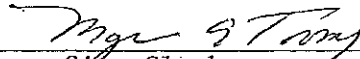
IN CITY COUNCIL: August 14 2007  
REFERRED to PLANNING BOARD and  
VOTED: that COUNCIL HEARING BE HELD SEPTEMBER 25 2007  
Attest:

  
\_\_\_\_\_  
City Clerk

IN CITY COUNCIL: September 25 2007  
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:

  
\_\_\_\_\_  
City Clerk

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

  
\_\_\_\_\_  
City Clerk

IN CITY COUNCIL: March 25 2008  
POSTPONED to JUNE 10 2008  
Attest:

  
\_\_\_\_\_

Attest:

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

Attest:

*Mr. G. Terry*  
City Clerk

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

Attest:

\_\_\_\_\_  
City Clerk

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

Attest:

*Mr. G. Terry*  
City Clerk

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

Attest:

*Mr. G. Terry*  
City Clerk

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

Attest:

*Mr. G. Terry*  
City

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

Attest:

*Mr. G. Terry*  
City Clerk

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

Attest:

Assistant City Clerk

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

Attest:

*Mr. G. Terry*  
City Clerk

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

Attest:

\_\_\_\_\_  
City Clerk



CITY OF HAVERHILL  
MASSACHUSETTS 01830

RECEIVED

2011 AUG 22 A 10:29

CITY CLERKS OFFICE  
HAVERHILL, MASS  
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: Erin Way 462-203-12

August 19, 2011

(Project Name)

(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

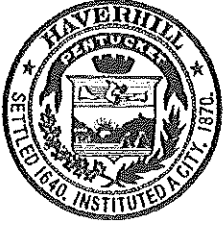
is twenty (20) business days after the 10 / 18 / 2011 Planning Board Meeting.

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.

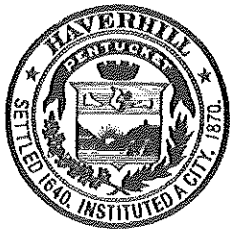
### **F. Design and operations guidelines.**

(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.



# Haverhill

John A. D'Aoust, Water Treatment Plant Manager  
Water/Wastewater Division  
Phone: 978-374-2385 Fax: 978-374-2400  
jdaoust@haverhillwater.com

October 5, 2011

To: William Pillsbury, Planning Director

CC: Robert Moore, Environmental Health Technician  
Les Godin, Health Inspector

From: John D'Aoust, Water Treatment Plant Manager

Re: Brandy Brow Road, Special Permit Application  
Map 462, Block 203, Lot 6

The Haverhill Water Department (HWD) has been reviewing the submitted information from the applicant's engineer and the city's peer review consultant, MHF Design Consultants and Horsely Witten Group respectively.

The HWD is of the opinion that the applicant should take the necessary measures as required by the Haverhill Board of Health to mitigate the nitrogen loading coming from the proposed house lots. This should be done not only for the private drinking water wells but for the protection of the downstream public water supply as stated by Horsely Witten.

The issue of private drinking water well contamination now, or in the future, should bear some consideration by the City Council as part of the special permit process. If the proposed wells are, or become contaminated with levels of nitrate or other regulated contaminants exceeding drinking water quality standards the city may have to extend water service to these lots. This extension would be approximately 2,700 feet long, crossing into Merrimac, MA with an estimated construction cost of \$340,000. The HWD recommends that any future water system expansion required to solve a well contamination problem should be funded by the applicant or through a 100 percent betterment and not from the water user rates.





# 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: Five Form A lots (Brandy Brow road) 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 Five form A lots on Brandy Brow Road.**



# Haverhill

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

June 7, 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: Erin Way (Brandy Brow road) watershed special permit--**

The current status of these applications is that after the city council granted the continuation of time until June 7, 2011, the applicant has continued to work on the project deficiencies. On Friday May 27, 2011 the applicant 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 August 23, 2011.

**Recommendation: Allow the continuance to August 23, 2011 for the watershed special permit for the Erin Way project.**