

CONSERVATION COMMISSION



LAWRENCE MASSACHUSETTS

Voting Members

Mary DiMauro

Eddie Rosa

Administrative Assistant

Anne-Marie Nyhan-Doherty

Chairman

Tennis Lilly

Land Use Planner

Daniel A. McCarthy

CONSERVATION COMMISSION

June 19, 2018

Minutes to the Meeting/Hearing

Roll Call:

Mary DiMauro	- Present
Eddie Rosa	- Present
Tennis Lilly	- Present

Also Present:

Daniel McCarthy, Land Use Planner

Anne-Marie Nyhan-Doherty, Administrative Asst. to the Land Use Boards

Upon a motion made by Mr. Rosa and seconded by Ms. DiMauro, the Commission unanimously voted to open the public meeting.

New Business

Mr. Lilly indicated that site walks had been taken for the following agenda items.

Notice of Intent

Brian Pena/City of Lawrence

Re: Haverhill St./South Broadway/Fulton St.

Upon a motion made by Ms. DiMauro and seconded by Mr. Rosa, the members unanimously voted to open the public hearing.

It was agreed that the first presentation would be in regards to the Haverhill St. location.

Mr. David Moering, PE, Project Engineer, and Ms. Chelsea Durante of Woodard and Curran were present to address the members.

Mr. Moering explained that his project includes drainage improvements on Haverhill St. and South Broadway. He reviewed the site plan for the members and showed where the installations would take place. This information is on file within the Notice of Intent at the Planning Dept.

Ms. Durante explained the existing conditions and the proposed conditions and pointed out the wetland areas. She showed where the project is within the buffer area.

Mr. Lilly stated that with taking into account the climate change, these improvements will be in place for the next 100 years. He said his only concern is with the excavation and the removal of trees, etc. He noted that the aggressive species should be removed and perhaps River Birch planted in its place.

Mr. Rosa stated that there is a huge Mulberry tree and it should be replaced with the same type of tree of the same ecological value. He asked what their restoration plan was.

Mr. Moering stated that there is a contingency clearing and restoration plan in place.

Mr. Joseph Vamico, 11 Lorenzo Rd., Lawrence, MA, a member of the audience, stated that he owns 9-11 Haverhill St. He said in front of the yard there is a sewer catch basin and he asked if they would be tying into that as part of the project.

Mr. Moering stated that the project does not include that area. However, he would look into it.

Mr. Vamico told of the problems that he experiences now.

Mr. Lilly stated that this work would be taking a load off of the combined system.

Mr. Moering referring back to the site plan, he pointed out specific trees.

Mr. Vamico asked if any soil samples have been done at the site since the site housed a former oil company.

Mr. Moering told of the budget for this project.

Mr. Lilly stated that the Conservation Commission should be the second call after the Licensed Site Professional (LSP) and that work (soil sampling) would require another separate Notice of Intent. He also stated that the habitat restoration has to be implemented and if not, it would destabilize the bank.

With no more discussion,

Upon a motion made by Mr. Rosa and seconded by Ms. DiMauro, the members unanimously voted to issue the Order of Conditions with following additions:

- 1. There would be a pre-construction site meeting held with the Commission and Land Use Planner.***
- 2. There would be a post installation site walk.***

Mr. Moering stated that the project will go out to bid in August and the open cut will be anticipated in 2019.

2 Broadway

Mr. Moering stated that this project is similar to the last. He described the work for the members.

Mr. Lilly told of the problems with excavating Atlantis trees. He recommends Vegetated Control Services and also suggested using River Birch in the replanting process.

Mr. Pat Donohue, ENEL, a member of the audience, stated that a 15'-20' buffer radius is needed around the canal area.

There were no further questions.

Upon a motion made by Mr. Rosa and seconded by Ms. DiMauro, the members unanimously voted to issue the Order of Conditions with following additions:

- 1. There would be a pre-construction site meeting held with the Commission and Land Use Planner.*
- 2. There would be a post installation site walk.*

Upon a motion made by Mr. Rosa and seconded by Ms. DiMauro the member's unanimously voted to close the public hearing.

BOARD BUSINESS

*Discussion on Enforcement Order
Roger Farah
Re: 29 South Canal St.*

Mr. McCarthy cited two Order of Conditions that had been issued relative to the above named applicant/property. One Order was for the remediation of the site and the second was for the parking lot project including habitat restoration. A \$5000.00 completion bond was supposed to be in place.

Mr. Lilly pointed out that none of the above noted work had been started.

Mr. McCarthy stated that the Inspectional Services Dept. is also issuing citations for Mr. Farah allowing the parking of trucks on the property.

Mr. Lilly stated that Mr. Farah has not remediated the site although Mr. Farah's Licensed Site Professional (LSP) had said that it would be happening this past spring. The habitat restoration has not commenced either.

Discussion ensued.

Mr. Lilly stated that the Commission should begin some enforcement action and Mr. Farah should be required to post a bond with proof being brought to the Land Use Planner and secondly a timeline should be required.

Discussion ensued on the cost of certain trees. Mr. Rosa asked why the bond amount should be only \$5000.00 whereas he estimated the cost to be approximately \$250.00 per tree.

Mr. McCarthy stated that he was concerned that Mr. Farah's LSP no longer worked for him.

Mr. Lilly suggested that a letter be sent prior to the next meeting to Mr. Farah and his LSP and his attorney that would require immediate posting of a completion bond, a firm date that the remediation will begin and a date when the redevelopment project will start. Mr. Lilly stated that he had no confidence in his willingness to do this project.

Mr. Lilly stated that the letter should also point out that no redevelopment or reuse of the site should be started without the remediation first taking place. He said that an Enforcement Order could be sent rescinding or revoking the first Order of Conditions so Mr. Farah would no longer have permission to complete his project.

Mr. McCarthy stated that a fine could also be assessed.

Upon a motion made by Ms. DiMauro and seconded by Mr. Rosa, the members unanimously voted to send the letter to Mr. Farah, his LSP and his attorney indicating the following:

- 1. immediate posting of a completion bond is required*
- 2. a firm date that the remediation will begin will be established,*
- 3. a date when the redevelopment project will start will be established, and*
- 4. no redevelopment or reuse of the site should be started without the remediation first taking place*

Mr. Lilly asked that 70 Bay State Rd. be placed on the next agenda.

BOARD BUSINESS

Mrs. Doherty distributed a copy of the Commission's financial report and their membership cards from MACC.

Mr. Lilly stated that it had been brought to his attention that Mrs. Doherty's stipend had not increased in many years, thus he was suggesting an increase.

A short discussion took place.

Upon a motion made by Ms. DiMauro and seconded by Mr. Rosa, the members unanimously voted to increase Mrs. Doherty's stipend from \$150.00 per month to \$250.00 per month effective in June.

Mrs. Doherty thanked the members.

Miscellaneous

The Board discussed the possibility of meeting at 5:30PM instead of 7:00PM. It was agreed that a 5:30PM start time would be established when it did not interfere with the applicant's ability to attend the meeting.

With no further matters for the members' consideration,

Upon a motion made by Mr. Rosa and seconded by Ms. DiMauro, the members unanimously adjourned this meeting.