

CONSERVATION COMMISSION

October 15^h, 2020

Minutes to the Meeting/ Hearing

Roll Call:

Tennis Lilly- Present
Rachel Torres- Present
Eric Lundquist- Present
Mary DiMauro- Present

Also Present:

Jorge Martinez, Minute Taker- Present
Daniel McCarthy, Land Use Planner- Present

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

CONTINUED CASES

*Notice of Intent
543 Andover Street
The Morin-Cameron Group, Inc*

Present to address the members of the board was Jill Griffiths.

Mr. Lilly stated that a site walk had been done. He stated that a public hearing had been conducted and that he believed that the public meeting had not been closed, but rather continued because the case did not have a Department of Environmental Protection (DEP) file number. He asked Mr. McCarthy if a file number had been issued or if there were any updates. Mr. McCarthy then stated that he had gotten a response from the DEP this afternoon and they stated that they did not receive it. He then stated that the checks have cleared and all copies had been sent. He stated that he sent a memo two weeks ago and they took a look using the database, not the copies that were submitted.

Mr. McCarthy mentioned that he knows the number that will be issued. He stated that this can go forward. He then mentioned that the applicant must comply with any conditions set forward by the DEP. He then stated that he does not see any conditions forthcoming.

Ms. Griffiths then stated that what will actually be issued by the DEP is a Restoration Order of Conditions. She then stated that it is a standard, but she believes that there will not be any special conditions from DEP.

Mr. Lilly then stated that he would like to state for the record that Ms. Torres was present. Mr. Lilly then brought Ms. Torres up to speed. He then stated that there is no DEP file number.

Mr. Lilly stated that he is comfortable with moving the case along. He then asked all of the other board members if they agreed, which they did.

Ms. Griffiths then stated that she has worked with the Massachusetts Historical Commission and that they asked for some follow-up materials. She stated that two info packets had been sent to the Massachusetts Historical Commission and Lawrence Historical Commission. She then stated that they made some slight design changes to help address some of the concerns in regards to the bolt holes that are going to be drilled into the historic granite stone of the dam abutments. She then stated that they had tried to minimize the size of the holes and make sure that the impact can be reversible. She then stated that they changed the type of attachment anchors that need to be used. Ms. Griffiths then added that the holes are much smaller now. Mr. Lilly then stated that the commission appreciated their efforts to preserve the historic integrity of the dam.

Mr. Lilly then stated that normally the commission does not move forward without comments from the DEP or a file number. He stated that there have been several occasions where they did this and it ended up becoming a problem. He also stated that whenever the commission does this, it always seems to be a favor which looks favorably on the commission.

Ms. Griffiths stated that she is waiting to do what is the most comfortable option for the board. She stated that she would be more than willing to wait.

Mr. Lilly then stated that this project is very beneficial to the environment and would be good for the river ecology. He stated that most of the time proposals of this nature cause minimal impacts to the resource area or buffer zone, but that is not the case here. He added that he is comfortable with moving forward and issuing an Order of Conditions as long as the other commissioners have no objections.

Mr. Lilly then stated that he would like to first close the public meeting and have a motion from someone in order to close it.

Upon a motion made by Mr. Lundquist and seconded by Ms. Torres, the members of the commission voted unanimously to close the public hearing.

The following condition was presented to the applicant:

1. Applicant must abide by all conditions set forth by the Department of Environmental Protection.

Upon a motion made by Mr. Lundquist and seconded by Ms. Torres, the members of the commission voted to issue the Order of Conditions.

Discussion then ensued regarding virtual meetings and how they stymie public participation.

Discussion ensued regarding the Lawrence Historical Commission and their input regarding the project.

30-32 Alma Street

Alberto Martinez, 57 Dartmouth Street, Lawrence, MA 01841

Present to address the members of the commission was Max Guerrero.

Mr. Lilly stated that the parcel of land in question was originally proposed for redevelopment and has been identified on the FEMA floodplain map as being within the 100 year flood zone, which makes it land bordering land subject to flooding under the State Wetland Protection Act. He also stated that the land is within the 500 year flood zone. He then stated that the developer has received a Letter of Map Amendment (LOMA) that FEMA had accepted, showing that the property itself is above the 100 year flood plain which for the purposes of the Wetland Protection Act means that it is not considered bordering land subject to flooding.

He then stated that as a result, this matter is now under the jurisdiction of the commission. He stated that this is under the pre-construction review. He added that the question is how many cubic feet of flood storage is lost in the 500 year flood elevation.

He then stated that the commission does have some flexibility on how to proceed. He then gave Mr. Guerrero the floor.

Mr. Guerrero stated that a duplex will be built if permitted; he then added that there will not be any basements in the home. He then stated that he has a sight plan that had been drawn. He added that he believes that he will not have any issues, especially without basements. He added that right across the street there is a structure that is three to four years old that has not had any issues. He added that the house he is speaking about does not have a basement either.

Mr. McCarthy then stated that according the LOMA and the elevation certificate, the lowest point on the parcel is at 52.1 feet. He added that this is two feet higher than the base average and that two feet above the average goes into the 500 year flood plain. He added that the elevations for the 500 year flood plain are probably less than two feet.

Mr. Lilly then stated that these figures are most likely guesses, but that the guess may not be far off. He then added that the problem is that the location of the 500 year flood elevation is unknown. He then stated that he is very surprised that the maps that he had reviewed did not have the 500 year flood elevation listed.

Mr. McCarthy then stated that the ending is identified. He stated that it ends on Park Street. He added that throughout the neighborhood there were highpoints and low points as well.

Mr. Lilly then asked if the city had someone who handled GIS matters. Mr. McCarthy stated that the city did not. Mr. Lilly then stated that the board should make finding and gathering more information regarding the 500 year flood elevation. He stated that the applicant probably is not too far off, perhaps 500 feet.

Mr. Lilly then stated that he wanted to put on the record that the term “500 year flood plain” does not necessarily mean that the area will flood once every 500 years, but rather it is the statistical analysis of what the odds are in any given year.

Mr. Lilly then gave an example and stated that if someone were to buy a house with a 30 year mortgage then there is a 26% chance that the home will flood. He added that the question is not if a 500 year flood is coming, but when. He then stated that the city has had three, 100 year floods in the past 35 years and storm events are intensifying which drive localized flooding in the neighborhood. He then stated that considering all of the data, the likelihood of a 500 year flood event happening is high. He then stated that this is why the commission has raised the standards on “how border land subject to flooding is defined”.

Mr. Lilly then stated that in this case the commission cannot tell the applicant that they need to have a certain amount of flood storage on site. He then stated that if the commission were to tell the applicant to do so, then it would be questionable if the applicant could do so without lowering the site which would put it back in the 100 year flood plain. He added that doing so would be counterproductive.

Mr. Lilly then stated that the commission does have some flexibility on how to proceed. He stated that they could allow development within the 500 year flood plain without compensation if storing water on site could not be achieved.

Mr. Lilly then stated that he has seen some conceptual of the site and noticed that there are tropical ferns. He then asked if there is a formal landscaping plan for the site. Mr. Guerrero stated that there will be a landscaping plan for the site.

Mr. Lilly stated that the Alma and Brownfield are has the least amount of tree canopy in the entire city for a residential area. He then stated that the city can provide some trees, which can deter people parking in the front yard as well. He stated anything that can be done to keep greenspace should be done.

Mr. Lundquist then stated that he would like to echo the concern that there are neighborhoods that are over-paved in the city. He then stated that he is extremely concerned about the amount of permeable surface, he stated that he would like the commission to do all that they can to reduce the impermeable surface in the city.

Mr. Lilly then stated that he would like to do anything that he can to keep the storm water on-site. He added that he does not want to create a lot of hardscape that would increase the storm

water runoff. He stated that when this happens more storm water is added to the storm water systems and then transferred into the Spicket River which will just exacerbate the problem.

Ms. DiMauro stated that she agrees with the statements made by Mr. Lilly. She stated that he made some good points.

Ms. Torres then stated that she is still absorbing as much information as she can and she does want to keep as much greenspace in as possible.

Mr. Lilly then stated that this case is an RDA, therefore since the property in question is outside of land subject to flooding that would mean that a negative determination needs to be issued. He then asked if a condition can be attached to the negative determination.

Mr. McCarthy stated that there are two alternatives, the first being that the work described in the request is within an area subject to protection, but will not remove, fill, dredge or alter that area. The second is work described in the request is within the buffer zone as defined, but will not alter an area subject to protection therefore said work will not require filing of a Notice of Intent subject to the following conditions. He then stated that this would be the determination used if the commission decides to impose conditions for erosion control, silt sacs and other measures.

Mr. Lilly then asked where the roof drainage is going to be. Mr. Guerrero stated that the engineers will do a drain on the inside that will go to a drain system inside the parking lot. Mr. Lilly then stated that this has been done in the neighborhood and is very effective. He stated that this method puts the storm water where it needs to go, which is into the ground for storm water discharge. Mr. Guerrero then stated that the gutters and downspouts will go directly into the drain. Mr. Lilly asked if the gutters and downspouts were on the plans or something that will be included. Mr. Guerrero then stated that Frank Giles is working on these plans and will adding another connection than what is depicted on the plans.

Mr. McCarthy then stated that there is a storm water management ordinance being amended as we speak and that the requirement is any residential lot over 5,000 square feet has to satisfy the storm water requirements of the city which is to keep 100% of the storm water on site. Mr. Lilly appreciated the input and stated that one thing that may be helpful is a rain garden at the end of the driveway. He then stated that rain gardens or a swale at the end of the driveway would be very attractive and are both good ways to keep the storm water from the driveway on site.

Mr. Lilly then stated that the second option that Mr. McCarthy listed would be the best bet.

The following condition was then presented to the applicant:

1. Applicant must install erosion control measures during construction.
2. Updated roof and driveway plans must be provided.
3. Landscaping plan must be submitted.

Upon a motion made by Ms. DiMauro and seconded by Mr. Lundquist, the members of the commission unanimously decided to issue a negative determination.

Upon a motion made by Mr. Lundquist and seconded by Ms. Torres, the commission unanimously decided to adjourn the public meeting.