

# CONSERVATION COMMISSION



# LAWRENCE MASSACHUSETTS

## Voting Members

*Mary DiMauro*

*Eddie Rosa*

## Chairman

*Tennis Lilly*

## Administrative Assistant

*Anne-Marie Nyhan-Doherty*

## Land Use Planner

*Daniel A. McCarthy*

## CONSERVATION COMMISSION

October 16, 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 Ms. DiMauro and seconded by Mr. Rosa, the Commission unanimously voted to open the public meeting.*

## New Business

### Request for Determination

MKS Instruments, Inc., Marc Lamontagne

Re: 17 Ballard Way

Mr. Marc Lamontagne showed the site plan to the members. He explained that the company wishes to expand the building envelope and place a dock with a dumpster. Sedimentation controls were shown on the plan. The dumpster is currently on top of the paved driveway.

Mr. Lilly stated that although this is jurisdictional for the Commission it has zero impact. The addition is 3.5' high and is not located in the Bordering Land subject to flooding area.

Mr. McCarthy suggested a negative #3 determination be issued.

*Upon a motion made by Mr. Rosa and seconded by Ms. DiMauro, the members unanimously voted to issue a Negative #3 Determination which states that the work described in the Request is within the Buffer zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent. The Commission placed a condition of proper erosion controls are to be in place.*

## **BOARD BUSINESS**

### *Ratification of WPA Emergency Certification Form Columbia Gas*

Mr. Brian Kortum, Manager, Natural Resource Permitting Environmental, NiSource and Mr. Jason Lietz, NRP Principal, Natural Resources Permitting, Compliance, Nisource were both present to address the members.

Mr. Kortum explained that the Emergency Certification that had been previously issued was good for thirty days. However, they were now back asking for another thirty days. This is all in relation to the emergency work that is being done across South Lawrence.

Mr. Lilly stated that the impacts are minimal and he expected appropriate erosion controls around the staging areas if necessary. He said he would also expect that anything that had been damaged would be fixed.

Mr. Kortum stated yes noting that there would be replacement of trees where necessary.

*Upon a motion made by Ms. DiMauro and seconded by Mr. Rosa, the members unanimously voted to ratify the Emergency Certification that had been issued.*

### **Enforcement Order 39 South Canal Street Order of Conditions 0195-0185 Order of Conditions 0195-0189**

Mr. Roger Farah was present to address the members. He noted that the above named location is being used by Columbia Gas as a staging area. He stated that proper erosion controls are in place.

Mr. Lilly asked Mr. Farah for a timeframe for work that was permitted and the restoration work. He said that a Completion Bond had been required in an amount based on the cost of the replacement of the original habitat specifications.

Mr. Lilly asked Mr. Farah if the contaminated soil had been removed.

Mr. Farah stated that it had not yet been removed. He noted that he hoped that the work would begin in the spring. He said that the issue is where to dispose of the contaminated soil. He said he has received bids for the removal and they are high. He said the soil varies on the site as some is 2' down and some is 5' down.

Mr. Lilly asked if Mr. Farah would anticipate remediation in the spring then.

Mr. Farah answered yes.

Mr. Lilly asked about the parking lot.

Mr. Farah stated he did not know yet.

Mr. McCarthy noted that Mr. Farah would need a Special Permit from the Zoning Board of Appeals for a parking lot use. If the use was to be different than originally planned, Mr. Farah would have to return to the Conservation Commission with new plans.

Mr. Farah said that nobody seems to be interested in office space now so the parking lot may not be feasible for that use. He noted that there is a shortage of housing in the City.

Mr. Lilly stated that the Order of Conditions is good for three years. He said he had not yet seen the Completion Bond.

Mr. Farah stated that it took a little bit of time and there have been many emails and telephone calls to try to obtain the bond.

Mr. Lilly asked Mr. Farah if he could anticipate obtaining the bond by the end of the month.

Mr. Farah answered yes.

Mr. Lilly reminded Mr. Farah that the habitat needed to be restored.

Mr. Farah stated that the bushes and shrubs and ground cover are growing along with the invasive species. He said he would like to weed cut it. He told the members where the contamination lies.

Discussion ensued.

Mr. Lilly stated that he wanted a 25' buffer along the retaining wall until the remediation takes place.

Mr. Farah agreed.

Mr. Farah stated that he would have the bond before the end of the month and the remediation done by the springtime.

Discussion on 70 Bay State Rd.

The members agreed that this agenda item could be removed and it would be taken up sometime in the future.

*Minutes*

*Upon a motion made by Mr. Rosa and seconded by Ms. DiMauro, the members unanimously voted to approve the minutes of the July 17, 2018 and August 13, 2018 meetings.*

With no further matters for the members' consideration,

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