

CONSERVATION COMMISSION

Thursday, January 21<sup>st</sup> 2021

Minutes to the Meeting/ Hearing

Roll Call:

Tennis Lilly, Chair- 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. Torres, the commission unanimously voted to open the public meeting.***

13 Wells Street & 354-358 Park Street  
The Morin-Cameron Group, Inc.

Mr. Lilly indicated that the applicant would like to continue their case until the next meeting.

16-18 Fitz Street  
Josue Garcia

Present to address the members of the board were Marcos and Lunara Devers and Josue Garcia.

Mr. Lilly stated that the lot in question is currently vacant, but there was once a home on the lot. He added that the home currently sits in the boundary of the 100 year floodplain, but is still within the 500 year floodplain. He then stated that the local ordinance defines land subject to flooding as anything within the floodplain. He added that the city is more aggressive than the state in this regard. He then stated that the flood zones reflect the odds of having a flood in that

area. He stated that the zones are in reference to what the odds are in any given year that the flood levels could reach that high. He added that if someone purchased a home on Willow Street with a 30 year mortgage there would be a 22% chance that they would experience a flood during that 30 year timespan. He added that the commission is trying to stay ahead of the game and regulate the flood zone.

Mr. Lilly then stated that a site walk had been performed and it was discovered that the location where the proposed building is to be placed has no physical connection to the Spicket River flood plain.

Mr. Devers then stated that the visit to the site addressed a lot of concerns and answered a lot of questions that were brought up by the commission. He added that mitigation measures need to be put in place to prevent damage to the resource areas. He then stated that an agreement needs to be made. He then added that the floating water that is on-site is not significant, but in the event that it becomes an issue the mitigation measures that will be installed will ensure that the matter does not become too much to handle. He then stated that he respects the commission's decision to enforce the 500 year floodplain regulations and that Frank Giles has come up with many ideas on how to place the various utilities that will have to go to the building.

Mr. McCarthy then stated that the water from the river is completely blocked off from the property and that as a result the project should require an RDA and not an NOI. He then asked Mr. Lilly what type of determination would need to be made.

Ms. Torres then stated that the fact that the building will not have a basement is new to her. She then stated that she was not aware of this.

Mr. Lilly then stated that in the event of a flood or heavy rain, water would have to flow up-hill which rarely happens. He then stated that there is no connection between the property to the Spicket River.

Mr. McCarthy then used an image displayed on Google Maps to show a nearby field that is made to turn into a place where the water can accumulate.

Mr. Lilly then stated that there were four storms in 2006 that showed the severity of floods and how drastic the floodplains can be.

Mr. McCarthy then stated that a negative three determination would be needed and then cited the language on the determination.

***Upon a motion made by Mr. Lundquist and seconded by Ms. DiMauro, the commission unanimously voted to issue a negative 2 determination.***

Review of OOC 197-193 Storm water Outflow Pipe at Haverhill Street and Spicket River-Landscaping

Mr. Lilly stated that the commission had issued an OOC permitting the installation of a new storm water outflow to replace the existing headwall and discharge pipe that was in a state of disrepair. He then stated that the pipe is right near the base of the bridge near the Greater Lawrence Family Health Center. He stated that there was a great deal of erosion on site and that a larger pipe had to be installed and that some storm water improvements were being done in the area. He stated that the new pipe was connected and that rip rap was placed around the pipe. He then added that it was unclear what type of restoration or mitigation was going to take place post construction. He added that several large trees would have to be removed and some of the smaller trees and vegetation would need to be removed as well to facilitate the installation of this pipe. He then stated that the location now contains a sea of rock as well as many invasive species of vegetation such as Japanese Knotweed and Oriental Bittersweet and Atlantis Trees.

He then stated that the commission always requires some form of restoration to be done whenever there is work done within a resource area, even if the work is relatively minor. He then stated that simply installing rip rap and gravel is not acceptable. He then stated that a site walk was performed before the meeting and the commission got the opportunity to visualize exactly what was going on. He then stated that his opinion would be that there should be some trees planted in the area in order to restore lost tree canopy and provide some bank stabilization as well. He then added that low-laying vegetation would also be appropriate for this riverfront area to provide some stability and habitat value. He then stated that the commission should stay focused on this area and that it may be a bit of a challenge in the future, but there needs to be some sort of restoration effort done in this area.

Mr. McCarthy then stated that he had spoken to the Water Commissioner, Milagros Puello in regards to this project and she stated that the city does not consider that project closed yet. She encouraged Mr. McCarthy to draft whatever conditions would be amenable by the commission.

He then asked Mr. Lilly when the commission made this determination. Mr. Lilly then stated that it was when Eddie Rosa was on the commission, perhaps 2019. Mr. Lilly then stated that it was a determination that was filed and not an Order of Conditions. He then stated that the main question is whether or not the matter is still open and whether or not the commission can place any conditions that they want. Mr. McCarthy then asked the commission how they would like to draft the language of the conditions. He then stated that the commission would at least want some landscaping requirements.

Mr. Lilly then stated that this location is similar to the work that had to be done to work proposed by Lawrence General. He then stated that they had to do some work within the river itself, but they also were told to install erosion controls. He then stated that a site walk was done and the commission helped point out the locations where trees should be planted. He then stated that the function of the commission is not to design these plans and projects, but to provide input.

Mr. McCarthy then stated that he would suggest that the commission impose a condition that the developers should submit a landscape plan and perform a site walk afterwards. Mr. Lilly stated that he would agree with that. Ms. DiMauro agreed, but she also questioned what would be done to address the trash all around the river and the property that it abuts. Mr. Lilly stated that normally a river cleanup is performed, but because of COVID-19 many things had been pushed

to the wayside including the river cleanup. He added that some individuals decided to go out and clean the Spicket River and some good work was done, but not enough that the city is accustomed to on Earth Day or other cleanups. He then stated that enforcement and cleanup is something that should be focused on by The Office of Inspectional Services. He then stated that when we as city officials see these types of instances occurring, we should take note of them.

Mr. McCarthy then stated that he had taken photographs of the location and will report on it and follow up with the Inspectional Services Department. He then stated that the owner of the home is a landlord who owns a lot of property. He added that he would make sure that this matter is addressed.

Mr. Lindquist then stated that there is room for many trees where the rocks and gravel currently lay. He then stated that he vaguely remembers that the commission did not tell the designers what to do, but they did make themselves available for any insight. He then stated that perhaps the designers what types of trees would be appropriate and where they could be placed. He then stated that there are currently many invasive that need to be addressed. He then stated that perhaps the best thing to do would be to install some competitive species that will drive the invasive species' out. He then stated that he believes that both trees and ground cover are 100% necessary. He then stated that if this does not happen then more invasive species' will take over the area.

Ms. Torres then stated that she had an opportunity to go to the site an hour before the meeting started and she did have a chance to look around, but she did not have an opportunity to see what the other commissioners are talking about. She then stated that she did see the other side of the river where there are wooden pallets and trash. She stated that all of this trash is almost falling into the river. She then stated that she is not sure what to look for as it pertains to drainage and other things and she could not tell what the certain types of foliage were.

Mr. Lilly then stated that the important thing in any built environment is that these issues of invasive species be addressed. He then stated that these invasive species do not have a high habitat value and have little value as a food source. He then stated that these invasive species do a great deal of damage to the native trees and destabilize the river bank. He then stated that when these species are found they need to be removed and replaced. He then stated that the commission can help fix these problems. He then stated that when work is done within a resource area, the commission imposes conditions that the applicants perform restoration work to ensure that the spot is left in better shape than when it was when it began.

Mr. Lilly then stated that he would like the city to reach out to the appropriate parties to see if the commission can make some recommendations regarding the ecological restoration. He then stated that a site walk could be done if it was necessary. He then stated that another topic for discussion was the parking lot across the street on the corner of Fulton Street and East Haverhill Street. He then stated that he had checked and noticed that the city's tree warden had resigned.

He then stated that the commission has regularly reviewed many of the matters that pertained to trees. He then stated that there are two items to be concerned with. The first being the parking lot and the fact that it does not comply with the cities landscape ordinance. He stated that there

should be trees and vegetation here. He then stated that the other is the fact that there is currently no entity within the city that governs trees. He then stated that there is no one present that can protect and maintain the trees that are protected by the shade tree laws set by the state. He then stated that the commission has facilitated two hearings for tree removals at the city's request.

He then stated that if the city does not have anyone to appoint as tree warden and the city does not have anyone qualified to be tree warden and people are reaching out to the commission to all tree related matters, the commission should be given some sort of decision making ability in this process. He then stated that as the Tree Commission they would have the responsibility of conducting public hearings and vote on requests to move trees. He then stated that taking on this responsibility would further empower the commission to make decisions. He then stated that this would be a good opportunity for the commission to come up with higher standards for the city of Lawrence. He then stated that the Mayor either needs to appoint someone as the Tree Warden or give the Conservation Commission the responsibility of a Tree Commission because there are people at the moment who have legitimate concerns.

He then gave an example of a woman who should be able to remove her tree, but cannot because there is no one who has that responsibility. Mr. McCarthy then stated that he called the resident today and informed them that they can cut the tree down. Mr. Lilly then stated that if the city is going to comply with state laws, the city needs to authorize someone to make these decisions. He stated that the commission can be the ones who do this, but the Mayor's office needs to make this decision. He then stated that he had sent a proposal to the mayor's office in the past and it was never acted on. He then stated that there is a vacuum in the decision making process that needs to be addressed.

Mr. McCarthy then stated that he believes that it is a good idea. He then stated that DPW Commissioner Brian Pena would probably support this decision. He then stated that his major concern is the fact that the commission may be biting off more than it can chew. He then stated that tree-related matters can end up taking up most of the meetings. He then stated that his suggestion would be that the commission be the appellate board in the process so that they can be the determining body if someone receives a decision from the tree warden that they do not agree with. He then stated that this may be a better idea than reviewing every tree in the city, which is a lot of work.

Mr. Lundquist then stated that he finds this to be an amenable solution so long as there is some sort of person or body that can address all tree-related issues in the meantime. Mr. McCarthy then stated that the commission would be the fallback option if that is the case. He then stated that if there is an active Tree Warden and that individual is doing their job then the commission would essentially just be resolving disputes.

Mr. Lilly then stated that he believes that people should keep in mind that the majority, up until this past year, of all of the tree removals have been dead or severely diseased trees that pose the public safety risk. In those cases there is no need to hold a public hearing. He then stated that the commission had a public hearing this past year in regards to the sidewalk replacement program which is being funded by the Columbia Gas Settlement where some trees needed to be removed to facilitate the sidewalk replacement. He then stated that according to state law, the

Conservation Commission was asked to hold a public hearing because no one else in the city had the relevant expertise to properly review the matter. He then stated that normally there are matters where trees are removed because they are a public safety threat, but often times there are more thoughtful tree removals where these trees are healthy and need to be removed for other circumstances. He then stated that these particular removals do require a public hearing, which the commission is in the best place to perform anyway. He then stated that the commission is in the best position possible to address the landscaping requirements as well. He then stated that in this instance, the commission would like to put together standards that people have to follow. Mr. Lilly then indicated that he will write up something for the mayor's office and circulate it sometime next week. ‘

***Upon a motion made by Ms. Torres and seconded by Ms. DiMauro, the commission voted unanimously to accept the meeting minutes from the previous two meetings.***

Discussion ensued regarding the past tree hearing for Greenfield Street and the current tree warden's status of employment within the city.

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