

CONSERVATION COMMISSION

Thursday, April 15th, 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- Absent

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.

Upon a motion made by Ms. Torres and seconded by Ms. DiMauro, the commissioners unanimously voted to take the 439 Broadway RDA out of order.

439 Broadway

Elias Kanj

Present to address the commissioners was Elias Kanj of 36 Belle Avenue, Lynn, MA. ‘

Mr. Kanj stated that he is looking to replace an existing gas line that used to run into the building.

Mr. Lilly then asked a question in regards to the zoning map that was sent electronically. Mr. McCarthy then stated that the building in question is located at an intersection. Mr. Kanj then stated that the line is running to an existing line which goes to his car dealership.

Mr. Lilly then asked if the new line would be replacing the existing gas line. He then asked if they would be following the same route. Mr. Kanj stated that they would.

Mr. Lilly then stated that this proposal sounds relatively straight-forward. He then asked the commissioners if they had any questions. Ms. Torres then stated that initially she wondered whether or not this gas line would be a replacement or a whole new gas line, but now she is reassured that it is a replacement. Mr. Kanj then stated that all documents and materials are with Mr. Martinez at the Planning and Economic Development Department.

Mr. Lilly then asked if the utility replacement is exempt. Mr. McCarthy then gave the criteria for the exemption.

Mr. McCarthy then stated that the matter would be a negative determination. Conversation then ensued in regards to which determination it would be.

Mr. McCarthy then indicated that the sidewalk is where the floodplain is.

Mr. Lilly then asked what the first option that was given was. Mr. McCarthy indicated that it was a negative three determination.

Mr. Lilly then read off the criteria for a negative five determination and the decision was made that a negative five determination would be more appropriate.

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

***South Broadway and Merrimack Intersection
TEC, INC***

Present to address the members of the commission were Peter Ellison of TEC and Jonathan Freeman of MassDot.

Mr. Ellison stated that he was present on behalf of the City of Lawrence in order to make the proposed public roadway project happen. He stated that it will be funded by TIP, the Transformation Improvement Program. He added that the purpose will be to provide transportation improvements at the intersection of South Broadway and Merrimack Street. He stated that the intersection will get a new traffic signal which will be replacing the one that is currently there which is outdated.

He added that the intersection will be repaved and there will be some minor drainage improvement done along the curb lines and there will be new concrete sidewalks put in as well. He then stated that the area of work is close to the river and there is a riverfront area. He then stated that at some point the buffer zone switches from 200ft to 25ft. he then stated that at some other point the project is within the 100 year buffer as well. He then stated that the nature of the work is one that involves transportation improvements and that the project will not involve

adding any impervious area as part of the project. He then stated that the sidewalks on the street are being fixed which is why an RDA was filed.

He then stated that there will be some mitigation done during the construction period as well as standard erosion controls between the limits of work and the resource area.

Mr. McCarthy then stated that these improvements are part of the West Merrimack Street improvements as a whole. He then stated that in 2018 a determination was provided for the project. He then stated that he would say that this project is the same as the previous one in scope and that the provisions placed on the previous order would be appropriate. He stated that a negative three and five determination would be appropriate.

Mr. Lilly then asked if any of the storm drainage structures are going to be reset. Mr. Ellison stated that several of the rims are going to be reset and adjusted to the new grid. He added that one new catch basin will be installed that will be deep, soft and hooded. He stated that it will be at the south-east corner of Merrimack and South Broadway and then there are two new special catch basins, but they are shallow structures that cannot be installed with hoods in that situation. He stated that these kinds of catch basins are installed due to utility conflicts.

Mr. Lilly then asked why deep sump pumps are not being put in and whether or not the entire stretch of Walcott Street is a public way because it looks almost like a driveway that anything. Mr. McCarthy then stated that it looks like a cut out that goes to the boating program that branches out into three separate parts and there are three different aspects of it. He stated that this is the one piece that goes beyond a restaurant and ends at the Commonwealth Science building.

Upon a motion made by Mr. Lundquist and seconded by Ms. Torres, the members of the commission voted unanimously to issue a negative three and negative five determination.

BOARD BUSINESS

Mr. Lilly then indicated that there was one matter on the agenda that he would like to discuss next meeting. He stated that this was in regards to the State Mosquito Control Program and there are a couple things to talk about in this instance.

He then stated that it is a conversation that needs to be had with the board of health as well. He stated that it is a long conversation that needs to take place that needs to be discussed with others because it is an enforcement matter.

Mr. Lilly then stated that there was an enforcement action on 29 South Canal Street years ago because the owner of the property had removed all of the trees in preparation of redeveloping the property. He stated that it was in the riverfront area and was also considered a Bald Eagle habitat that was supposed to be protected somehow. He stated that an enforcement action was pursued that would be resolved later with future submittals. He then stated that the owner put a bond to ensure the restoration would indeed take place. He then stated that the commission also issued an Order of Conditions approving remediation of the site which would have required he removal of the soil from three contaminated hotspots on site. He then stated that the Order of Conditions had

expired last May. He then stated that Roger Farrah has contacted him a week or so ago asking about the environmental status of the site because he wanted to do the work and remove the soil. He then stated that he needed to speak with the city in regards to what to do next with the property. He then stated that the site work that is being done on the property is being done without a valid Order of Conditions which is a violation of the Wetland Protection Act. He then stated that this is not the first time that the commission has worked with the developer in previous years and has already issued two previous enforcement orders with him. He then stated that the developer knows that he needs to comply with wetland regulations and that a licensed professional needs to prepare these various documents. He then stated that he believes that the work on-site needs to stop. He then stated that the developer needs to file an NOI and that someone needs to branch out to him and make him aware. He then stated that he believes that the commission needs to pursue an enforcement action against him.

Ms. Torres then asked if this is the same individual who she recognized from another matter in the previous years. Mr. McCarthy stated that it is.

Mr. McCarthy then stated that he believes that this is the third property that clear cut all of the trees on the edge. He then stated that two other properties, he clear cut every tree. He then stated that there were several enforcement orders on this property alone.

Mr. Lilly then stated that the commission needs to put some teeth into this enforcement order and perhaps seek some sort of monetary compensation. He then stated that it appears that the developer, Roger Farrah, does not seem to grasp the idea. Mr. McCarthy then stated that The Office of Planning and Development has been receiving calls from Mr. Farrah pertaining on what steps need to be taken, so he may not be working with a Registered Design Professional.

It was decided that the applicant must cease and desist all work and submit an NOI within 30 days. It was also decided that the applicant must be issued an enforcement order under the Wetland Protection Act as well as the City of Lawrence's local ordinance.

Upon a motion made by Ms. Torres and seconded by Mr. Lundquist, the members of the commission voted unanimously to issue an enforcement order, cease and desist order and advise Mr. Roger Farrah that he needs to submit an NOI within 30 days.

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