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CONSERVATION COMMISSION
375 MERRIMACK STREET
LOWELL CITY HALL
LOWELL, MASSACHUSETTS 01852
February 26, 2020

Note: These minutes are not verbatim. For further detail, video recordings are available at the Pollard Library, second floor reference desk or online at www.LTC.org.

Members Present: Chairwoman Varnum, Commissioner Biedron, Commissioner Dillon, Commissioner Buitenhuis, and Commissioner Downs

Members Absent: Commissioner Lovely

Others Present:
Jared Alves, Associate Planner

CALL TO ORDER
7:00p.m.

ORDER OF BUSINESS

CONTINUED BUSINESS

Notice of Intent

City of Lowell
375 Merrimack Street
Lowell, MA 01852
DEP# 206-0797

Project Location: Old Ferry Road/Varnum Avenue Intersection 01854

A Notice of Intent has been filed by the City of Lowell for the roadway intersection improvements by constructing a roundabout at the Varnum Avenue and Old Ferry Road intersection with associated drainage, sidewalk, and landscaping improvements. The proposed project will affect Bordering Land Subject to Flooding.

On Behalf:

Christine Clancy, DPW Commissioner, City of Lowell

Chairwoman Varnum noted that the Commission gave a two-week continuance at the request of the City to give abutters time to review the project. She asked if there was any new information.

Ms. Clancy confirmed that the City has no updates.

Offered Comments:

Steve O'Neill, Property Owner/Abutter

Mr. O'Neill said he is still concerned about the one manhole for the extra 6,000 sq. ft. of hot top. He is concerned about the flooding potential.

Discussion:

Chairwoman Varnum said several engineers have reviewed the plans. The area on the other side isn't doing anything to relieve the stormwater condition except what happens naturally. She feels like it is a good use of the land, especially since it's Water Department land. They have reviewed the compensation. It's within the requirements. She asked if anyone from the public would like to speak.

Commissioner Biedron said the Commission asked VHB if one catch basin was sufficient during the first meeting. Their engineer said yes. She did some math and agrees. It looks like less water.

Motion:

K. Biedron motioned and K. Dillon seconded the motion to close the public hearing. The motion passed unanimously, (5-0).

K. Biedron motioned and B. Buitenhuis seconded the motion to issue a Lowell Standard Order of Conditions. The motion passed unanimously, (5-0).

Enforcement Order

Paul and Peter Kalogerakos
74 Webber Street
Lowell, MA 01851

Violation Location: 74 Webber Street 01851

Construction of a shed on the Bank of Black Brook and within Bordering Land Subject to Flooding without a permit from the Lowell Conservation Commission.

On Behalf:

Angela Kalogerakos
Paul Kalogerakos

Ms. Kalogerakos said she would speak on behalf of her father Paul. She said that the shed has been there since before they bought the house. They did so 5 years ago. They wouldn't have built a shed there. It hasn't been an issue. A concern was that it was being held up by wood. But steel bars and cement at the property hold it up. She is trying to understand the next steps. Moving the shed may be costly. Demolishing it may be costly. Her father is retired and has various medical bills.

Offered Comments:

None

Discussion:

Chairwoman Varnum said she thought it was creatively constructed. Considering the slope, she is not sure how stable it is. She is concerned about erosion from stormwater coming off the roof. Concern about erosion and sediment entering the brook. A flat area causes a lot of flooding. She looked at the plot plan of the property and it appears that there is not a whole lot of choices as to where to put it. The wetlands bylaw has a 50-ft. setback from

a resource. The state law has a 25-ft. riverfront area. It looked like the shed is right on the edge of the resource. They could perhaps provide a 25-ft. area from the top of slope. If there was some place to relocate the shed. It's not on a foundation.

Ms. Kalogerakos said it's not really on a foundation. It tilts more so towards the back yard. They didn't build it.

Chairwoman Varnum said she wouldn't want to see them lose the shed. She would like to have it pulled back 20-ft. from the resource area. The resource area means the area affected by water issues.

Commissioner Biedron said an Enforcement Order might not have been the right approach. There are many examples of things in the wrong place. She asked for possibility of moving the shed.

Ms. Kalogerakos said he doesn't need the shed. They didn't touch the house when they redid it inside. It was already there. He is happy to take it down and put a small shed on the side of the yard. Will need some time to save the money to take it down. Have a 6-month timeline to demolish it by the fall.

Chairwoman Varnum said you wouldn't want to disrupt the yard today with mud season. Not saying that it needs to happen instantly. She wishes she had a chance to review how stable the slope is. If it has been there five years and it is level.

Ms. Kalogerakos said it is pretty sturdy. They believe the previous owner was using the brook to water his plants. That's why it was so close.

Chairwoman Varnum said they would take notice of what Commissioner Biedron said. There are sheds all over the city. Especially this time of year. There's a shed at the next house that is even closer to the Brook. She can appreciate that if they bought it that way and not actively disturbing that part of the yard, she might question whether it needs to move. They did want to point out that it's something that needs watching even for their own safety.

Ms. Kalogerakos said absolutely. Either way he wants to get rid of it. It's just time. He was prioritizing the house. It's not going anywhere. Has been there for so long. Worst case it even leans more toward the yard, even if it were to fall, it would end up in the yard. He does want to take it down.

Commissioner Biedron said that if Mr. Kalogerakos plans to remove the shed, he could just come back to the Commission and let them know how to do it.

Chairwoman Varnum said that if they want to remove it, then they would be disturbing some of the soil at the top of the slope. If they want to put up a different shed, then would want to know where it would go in the yard.

Commissioner Dillon asked about how large the shed is.

Commissioner Biedron said it looks like 6x10 or 8x10.

Mr. Kalogerakos said it's 14x8.

Commissioner Biedron said they can't move it with people.

Ms. Kalogerakos said they haven't touched it since they bought the house.

Commissioner Dillon said it seems like they get this situation a lot. People buy home within a wetland and no one really ever tells them the need to follow the Wetlands Protection Act. It seems like they keep getting cases like this.

Chairwoman Varnum said it's only really new construction of a shed that concerns her.

Commissioner Downs said it has been around for potentially a really long time. Not causing any problems right now.

Commissioner Biedron said that if Mr. Kalogerakos decides whenever, to remove it, and then need to come before Commission. To make sure nothing falls in the water. And if wants to erect new shed, then tell them.

Commissioner Buitenhuys said that if shed comes down, they will need to keep trash out of river and leave the concrete block in place. From looking at a photo, he said it looks easy to separate the concrete from the steel. No reason to remove the concrete, it's there already, not causing any problems.

Commissioner Biedron said it's probably stabilizing the slope

Commissioner Buitenhuys said it would be an erosion risk to remove.

Chairwoman Varnum said it would look better to leave the shed there.

Motion:

K. Biedron motioned and B. Buitenhuys seconded the motion to rescind the Enforcement Order. The motion passed unanimously, (5-0).

NEW BUSINESS

OTHER BUSINESS

Minutes

January 22, 2020

P. Downs motioned and K. Dillon seconded the motion to approve the January 22, 2020 minutes. The motion passed unanimously, (5-0).

February 12, 2020

K. Biedron motioned and B. Buitenhuys seconded the motion to approve the February 12, 2020 minutes. The motion passed unanimously, (5-0).

Other

K. Biedron motioned and B. Buitenhuys seconded the motion to cancel the March 11, 2020 meeting.

ADJOURNMENT

K. Dillon motioned and P. Downs seconded the motion to adjourn the meeting at 7:22pm. The motion passed unanimously, (5-0).