

CONSERVATION COMMISSION

LOWELL, MASSACHUSETTS

January 12, 2022

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

Due to the COVID-19 pandemic, this meeting was held both in person and virtually using Zoom.

Members Present: Chairwoman Varnum (Zoom), Brad Buitenhuys, Kevin Dillon (Zoom), Perry Downs (Zoom), Weston Standish (Zoom)

Members Absent: Stephen Laput, William Lovely

Others Present: Francesca Cigliano, Senior Planner

CALL TO ORDER

The meeting was called to order by Chairwoman Varnum at 7:00 PM.

ORDER OF BUSINESS

CONTINUED BUSINESS

Notice of Intent

John Faneros
18 Mount Joy Drive
Tewksbury MA 01876

DEP #206-0810

Project Location: 19 Clifton Street 01852

A Notice of Intent has been filed by John Faneros to construct a new single family house within the 100-year flood plain.

On Behalf:

Ken Lania, Applicant's Engineer

Speaking in Favor:

None

Speaking in Opposition:

Raymond Goyette, 7 Clifton Street

R. Goyette said that he has lived in his home for a long time and that the property at 19 Clifton Street has been almost unbuildable. It was 90% in the flood zone. Leo White, their surveyor, had the flood lines changed. He would like to be fair. Everyone else will be coming in to build in the flood zone.

Denise Roy, 7 Clifton Street

D. Roy said that they had a meeting for 205 Billerica Street in 2017. I went back to my notes and they had a deck that would just be hitting the wetlands. The Board told them no and recommended that they put up a fence. I am confused as to why that did not go through but this could.

Discussion:

B. Buitenhuys explained the process of obtaining a Letter of Map Amendment (LOMA), as the applicant did. He explained that they are more precise than the original FEMA maps. That's why the line would change.

L. Varnum added that she too wonders whether the house location can be shifted. Compensation is often not as successful as you would hope. Question for Mr. Lania, is there any way to perhaps cut back the house to keep it outside of the floodplain?

K. Lania said that he looked at a number of scenarios and felt as though this size colonial with a single cell garage was most appropriate. Compensation areas will be completed prior to construction of the home.

L. Varnum said that lack of proper compensation could lead to real problems for neighbors.

B. Buitenhuys notes that L. Varnum brought up an interesting point about the need to have city standards for compensatory storage maintenance.

L. Varnum notes that a fence with a gate too small for vehicles to enter could be an option.

W. Standish thinks this may be an overreach. They have obtained a LOMA. Jurisdictionally, what is before them is well done. Because of that, he feels the plan was done legitimately and is well done. He does not think they should require the applicant add a fence.

D. Roy reiterated her concerns. The Commission emphasized the importance of neighbors continuing to look out and call staff if there are any issues.

Motion:

B. Buitenhuys motioned to close the hearing, seconded by W. Standish (5-0).

B. Buitenhuys motioned to issue a standard Lowell Order of Conditions with special conditions:

1. The applicant shall submit a plan of laydown areas where storage of materials and parking of vehicles will be taking place;
2. Silt barrier shall be installed at the outer edge of the fill area;
3. Cut and fill shall be completed first;
4. The construction fence currently in disrepair shall be re-established along the flood plain boundary at elevation 104;

5. No construction vehicles or materials shall be stored in the flood plain;
6. Excess fill shall be removed from the site;
7. Disturbed areas shall be stabilized as soon as practicably possible.

The motion was seconded by W. Standish and passed unanimously, (5-0).

Request for Determination of Applicability

Suelene Caetano
509 Wentworth Ave
Lowell MA 01852
Project Location: 509 Wentworth Ave 01852

A Request for Determination of Applicability has been filed by Suelene Caetano to construct a three-season porch within the 100-year flood plain.

On Behalf:

None in attendance.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

B. Buitenhuis motioned to continue the petition to the January 26 Conservation Commission meeting. The motion was seconded by K. Dillon and passed unanimously, (5-0).

NEW BUSINESS

Request for Certificate of Compliance

Massachusetts Electric Company
170 Medford Street
Malden, MA 02148
DEP #206-0783
Project Location: 53 Perry Street 01852

Request for Certificate of Compliance for the demolition project at 53 Perry Street.

On Behalf:

Lori MacDonald, Applicant's Engineer

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum noted staff conducted a site visit but was not able to enter because the area was gated and covered in snow. The work was completed in a steep bank area of the Concord River. She would not want to walk around there in present conditions. L. Varnum suggested postponement of one meeting to allow time to schedule a site visit.

L. MacDonald noted they have a key to the site so they can open the gate to conduct the site visit with staff.

Motion:

B. Buitenhuis motioned to continue the petition to the next Conservation Commission meeting on January 26, 2022. K. Dillon seconded the motion and it passed unanimously, (5-0).

Request for Determination of Applicability

Patricia Bowe
147 Wentworth Ave
Lowell, MA 01852

Project Location: 147 Wentworth Ave 01852

A Request for Determination of Applicability has been filed by Patricia Bowe for the proposed removal of four (4) trees within the 100-ft. buffer zone to bordering vegetated wetlands at 147 Wentworth Ave.

On Behalf:

Patricia Bowe, the Applicant

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum noted the trees seem to be in pretty poor condition. P. Bowe agreed. L. Varnum said Norway Maples tend to take over. L. Varnum noted that the trees are located almost 100ft from the wetland, so she does not have an issue with removing them. She would like to require adding replacement trees or shrubs closer to the wetland which is a bird sanctuary. Something for them to eat would be a wonderful replacement, even better than the trees they want to take down. L. Varnum said there are lists available of best shrubs for wildlife. Flowering ones are better for bees and fruited are better for birds. P. Downs noted he has no issues with the proposal.

Motion:

K. Dillon motioned to issue a Negative III Determination with the condition that the homeowner plant four (4) berry bushes and/or trees on the portion of their property adjacent to the wetland. W. Standish seconded the motion and it passed unanimously, (5-0).

Notice of Intent

Winn Companies

One Washington Mall, Suite 500
Boston, MA 02109

DEP #206-0811

Project Location: 27 Jackson Street 01852

A Notice of Intent has been filed by Winn Companies for the proposed redevelopment of the patio, entry walkway, and associated site work of an existing residential building at 27 Jackson Street within 100-ft of the Pawtucket Canal.

On Behalf:

Paul McManus, EcoTech
Kevin Quinn, Quinn Engineering

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum asked if stormwater runoff rates would increase. K. Quinn said they would not. It will be a net decrease in impervious areas. L. Varnum asked if any stormwater would be used to water the plantings and if there was any way to add an irrigation system that uses stormwater to irrigate plants instead of relying on manual watering. L. Varnum added that she would be interested in requiring a survival rate of 2 years, not 1 year as stated on the application. P. McManus said that the owners are invested in the beautification of the area, so they will not have a problem with the two year requirement.

L. Varnum asked if there would still be parking adjacent to the area. She does not know where snow was plowed in the past, but would like to know where it will be stored going forward. K. Quinn said that they are amenable to removing snow from the site.

W. Standish said that there is a missed opportunity for rain gardens here. K. Quinn said that his office has some experience with rain gardens and that they are difficult to maintain. L. Varnum wanted to add a condition about snow storage and survival standard of 2 years for plantings.

Motion:

W. Standish motioned to close the public hearing, seconded by B. Buitenhuys and passed unanimously, (5-0).

W. Standish motioned to issue a standard Lowell Order of Conditions with the following conditions:

1. The applicant shall submit a revised plan showing a designated location for snow storage on site. In the event of a large snow storm, snow shall be removed from the site. No snow shall be disposed of into the canal.
2. Plantings shall be maintained for at least 2 years and shall be replaced if any die within that period.

The motion was seconded by B. Buitenhuys and passed unanimously, (5-0).

OTHER BUSINESS

Election of Officers

P. Downs motioned and K. Dillon seconded the motion to nominate L. Varnum as Chairwoman and B. Buitenhuys as Vice Chair. The motion passed unanimously, (5-0).

Minutes

October 12, 2021 Executive Session meeting minutes

December 8, 2021 meeting minutes

W. Standish motioned and K. Dillon seconded the motion to accept both sets of minutes. The motion passed unanimously, (5-0).

ADJOURNMENT

B. Buitenhuys motioned and W. Standish seconded the motion to adjourn the meeting. The motion passed unanimously, (5-0).