

CONSERVATION COMMISSION

LOWELL, MASSACHUSETTS

February 8, 2023

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, Brad Buitenhuys, Kevin Dillon, Perry Downs, Stephen Laput

Members Absent: None

Others Present: Dylan Ricker, Associate Planner

CALL TO ORDER

A quorum of members was present, and L. Varnum called the meeting to order at 7:01pm.

ORDER OF BUSINESS

CONTINUED BUSINESS

Enforcement Order

City of Lowell
1365 Middlesex Street
Lowell, MA 01851

Violation Location: Land adjacent to 52 Lawrence Drive, Lowell, MA 01852 (Latitude: 42.652579
Longitude: -71.314128)

The City of Lowell has substantially cut back trees on the bank of the Merrimack River along the Riverwalk.

On Behalf:

Paul St. Cyr, DPW Director

P. St. Cyr said DPW is in the process of engaging with a certified arborist and they intend to conduct a site visit. P. St. Cyr said they intend to check whether there is new growth in the spring.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum said the Commission was looking for someone to assess the damage and see what can be done to ameliorate the damage.

L. Varnum said the proposed action plan to visit in the spring is reasonable. L. Varnum asked if there is a designated tree care person for the City. P. St. Cyr said there is a tree foreman and staff that respond to issues with trees typically in the roadway and they typically respond to safety issues. P. St. Cyr said the City also has a contractor for tree service to deal with additional tree issues across the City.

L. Varnum expressed concern that the City did not consult with the Conservation Commission prior to cutting the trees.

K. Dillon asked if there will be a professional arborist present at the site visit. P. St. Cyr confirmed this and said he is waiting for a date and said it would be in the coming weeks.

B. Buitenhuys asked if the City or the contractor cut the trees. P. St. Cyr said the contractor completed the work. B. Buitenhuys expressed concern that the contractor was not aware and said the contractor should be made aware of the violation.

S. Laput asked if the contractor was authorized by the City, P. St. Cyr confirmed they were authorized. S. Laput noted that MACC offers courses regarding MWPA and suggested DPW staff take courses to become aware of regulations surrounding protected areas.

P. St. Cyr agreed and noted DPW is always looking for opportunities to provide training for staff.

S. Laput explained the benefits of the MACC courses.

Motion:

P. Downs motioned, and S. Laput seconded the motion to continue the Enforcement Order to the March 8th Conservation Commission meeting. The motion passed unanimously, (5-0).

Request for Determination of Applicability

Stephen Pilioglos
1449 Middlesex Street
Lowell, MA 01851

Project Location: 1449 Middlesex Street 01851

A Request for Determination of Applicability has been filed by Stephen Pilioglos to install a generator and dumpster pad at 1449 Middlesex Street. The proposed work is located in the 100-year floodplain and within 100-ft. of a protected wetland.

On Behalf:

Stephen Pilioglos, Applicant

S. Pilioglos explained the revised plans. S. Pilioglos said there is a raised area in the back corner of the lot where soil can be removed to make up the difference from the flood volume displaced by the generator pad.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuys said the revisions satisfy the intent of the Commission's request. P. Downs agreed, and said off-setting the flood volume loss in this area works.

Motion:

B. Buitenhuys motioned, and S. Laput seconded the motion to issue a Negative 3 Determination. The motion passed unanimously, (5-0).

NEW BUSINESS

Request for Determination of Applicability

Global Montello Group Corp.

15 Northeast Industrial Road

Brandford, CT, 06405

Project Location: 980 Chelmsford Street, 01851

A Request for Determination of Applicability has been filed by Global Montello Group Corp to extend the tunnel entrance to a car wash by approximately 30 feet. The proposed work would be within the 100 foot buffer zone to bordering vegetated wetlands.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum said she has questions on the project. L. Varnum said she conducted a site visit and it appeared that several trees would need to be removed rather than 1 tree proposed to be removed by the applicant. L. Varnum said she has concerns about additional impervious materials which should be compensated for and suggested using pervious concrete.

B. Buitenhuys requested a stormwater report to ensure runoff will not be going into the wetland. L. Varnum agreed.

Motion:

P. Downs motioned, and S. Laput seconded the motion to continue the application to the February 22nd Conservation Commission meeting. The motion passed unanimously, (5-0).

Request for Determination of Applicability

Lowell National Historical Park

67 Kirk Street

Lowell MA 01852

DEP #206-0771

Project Location: Canal Walkway between Canal Street and Central Street – GIS 1125-111

A Request for Determination of Applicability has been filed by Lowell National Historical Park to replace an existing section of canal walk including the replacement of the concrete canal walk, resetting of brick pavers, railing refurbishment, and general masonry repairs between 111 Central Street, 30 Market Street, and 86 Market Street. The proposed work is located within 100 feet of a protected wetland.

On Behalf:

George Little, National Park Architect

G. Little said the project is a 3 month project which will take place from late March to June. G. Little said the walkway is cantilevered over the canal. G. Little said there pavers which are hazardous to walk on, and the walkway is being replaced with the exception of the steel substructure.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum asked about sediment control. G. Little said there will be scaffolding in the canal and the debris will be collected. L. Varnum asked if vehicles can enter and asked how the debris will be taken out. G. Little said he believes they will be wheelbarrowing out the debris and there is a request for a dumpster in the lot near the bank and parking garage.

B. Buitenhuys said having the walkway open again will be great.

Motion:

P. Downs motioned, and S. Laput seconded the motion to issue a Negative 3 Determination. The motion passed unanimously, (5-0).

OTHER BUSINESS

10/26/2022 Meeting Minutes

12/14/2022 Meeting Minutes

B. Buitenhuys motioned, and K. Dillon seconded the motion to approve the meeting minutes for the October 26, 2022 and December 14, 2022 Conservation Commission meetings. The motion passed unanimously, (5-0).

ADJOURNMENT

P. Downs motioned and S. Laput seconded the motion to adjourn the meeting. The time was 7:30PM.