

CONSERVATION COMMISSION

LOWELL, MASSACHUSETTS

April 27, 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, Vice-Chair Buitenhuys, Weston Standish, Kevin Dillon, Perry Downs, Stephen Laput, William Lovely

Members Absent:

Others Present: Serena Gonzalez, Assistant Planner and Francesca Cigliano, Senior Planner

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CALL TO ORDER

Chairwoman Varnum called the meeting to order at 7:02pm.

ORDER OF BUSINESS

CONTINUED BUSINESS

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 Mass Electric

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L Varnum asked about the barrels at the site. L Macdonald said they are used for plantings. L Macdonald said that they aren't actually barrels, rather they are like pipes used in a drainage system.

Motion:

P Downs made a motion to issue a certificate of compliance, seconded by K Dillon. Passed unanimously (5-0)

Emergency Certificate

24 Monarch St, 01854

An emergency certificate was filed on March 24, 2022 for Wachusett Wildlife to create a small breach in the existing beaver dams to allow water to flow and abate the emergency. This permit does not allow for whole dam removal. The commission must vote to ratify the Emergency Certificate.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

B Buitenhuys made a motion to ratify the emergency certificate, seconded by P Downs. Passed unanimously (6-0)

Notice of Intent

Aravind Srinivasan

34 Arcola St

Lexington MA 02420

DEP # 206-0813

Project Location: 87 Lafayette Street 01854

A Notice of Intent has been filed by Anka Homes, LLC to construct a single-family home and driveway within the 100-year floodplain. The applicant has requested a continuance to the May 11 meeting.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

B Buitenhuis made a motion to continue to May 11, seconded by P Downs. Passed unanimously (6-0)

Notice of Intent

Ian Ainslie

Meisner Brem Corporation

142 Littleton Road Suite 16

Westford, MA 01886

DEP # 206-0815

Project Location: 7 Avalon St 01854

A Notice of Intent has been filed by Ian Ainslie, on behalf of Donna Martin, to construct an addition to their home within the 100-Year FEMA Flood Plain and within 100 feet of Clay Pit Brook.

On Behalf:

Ian Ainsley, Engineer, Meisner Brem Corporation

Speaking in Favor: _

None

Speaking in Opposition:

None

Discussion:

L Varnum asked about the size of the piers. I Ainsley said they are 6 inches.

S Laput asked if under the addition will be gravel. I Ainsley confirmed. S Laput asked if under the addition would be used to park cars under. I Ainsley said no, it will be used for storage.

L Varnum asked for more information on the supports because there is not any on the plan. I Ainsley

Motion:

P Downs motioned to close the public hearing, seconded by K Dillion. Passed unanimously (6-0)

P Downs made a motion to issue a Lowell Sandard Order of Conditions with the condition that there be no stockpiling of materials near the brook and a detailed plan of the supports, seconded by B But. Passed unanimously (6-0)

Notice of Intent

Ken Lania

Cornerstone Land Associates

25 Dean Avenue

Dracut, MA 01826

Project Location: 157 Billerica St 01852

A Notice of Intent has been filed by Mr. Ken Lania, on behalf of Mr. John Faneros, to construct two additional housing units on the lot within 100 feet of a Bordering Vegetated Wetland (BVW).

On Behalf:

Ken Lania, Cornerstone Land Associates, Applicant's Representative

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L Varnum asked about the 105 contour. K Lania said that the filling will not be below the 100 year flood plain.

L Varnum asked if they have done test pits to test the soil. K Lania said that there was one done and the top 34 inches is fill and that below 34 inches to 101 inches is medium fine sand.

L Varnum asked if it is new paving or repaving. K Lania said there will be repaving and new paving and there is no anticipation of grinding the pavement.

B Buitenhuys asked if the 104 contour hits anywhere on the property. K Lania said it doesn't and that runs along the FEMA line but not on the property.

B Buitenhuys asked about stormwater requirements. K Lania said it was not required because the water does not enter the stormwater system.

Motion:

W Standish made a motion to close the public hearing, seconded by P Downs. Passed unanimously (6-0).

B Buitenhuys made a motion to issue a Lowell Standard Order of Conditions, seconded by K Dillon. Passed unanimously (6-0).

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

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

B Buitenhuys made a motion to offer a positive determination number 5, seconded by P Downs. Passed unanimously (6-0).

Request for Determination of Applicability

Brian Ruhlmann
265 Wentworth Ave
Lowell, MA 01852

Project Location: 265 Wentworth Ave 01852

A Request for Determination of Applicability has been filed by Brian Ruhlmann to replace an existing deck that is within 100 feet of a wetland.

On Behalf:

Lily Thomas, the applicant

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L Varnum said there should be no storing of materials within the 50 foot buffer. L Thomas agreed.

B Buitenhuys said that the soil must be restabilized as soon as possible after removing the concrete footings.

Motion:

P Downs made a motion to grant the project a negative 3 determination, seconded by K Dillon. Approved unanimously (6-0).

Request for Determination of Applicability

Saveun Keo
45 Hollis Street
Lowell, MA 01852

Project Location: 45 Hollis St 01852

A Request for Determination of Applicability has been filed by Saveun Keo to build a deck that is within 100 feet of a wetland and within the FEMA 100-Year Flood Plain.

On Behalf:

Saveun Keo, applicant

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L Varnum asked if the deck will wrap entirely around the house. S Keo said it will

L Varnum asked how high up the supports will be. S Keo said that it will be 4 feet off the ground with cement footings.

B Butienhuys said the footings should be 12 in concrete and protrude only slightly above the grass and then switch to wood.

L Varnum would like a barrier put up to prevent soil from going into the wetlands.

Motion:

P Downs made a motion to grant a negative 3 determination with the condition that they have erosion control, seconded by B Buitenhuys. Approved unanimously (6-0).

NEW BUSINESS

Request for Determination of Applicability

Jose Ribeiro
145 Woburn St
Lowell, MA 01852

Project Location: 534 Wentworth Ave 01852

A Request for Determination of Applicability has been filed by Jose Ribeiro to finish the basement and repave and expand the driveway at 534 Wentworth Ave. The property is located within the 100-year floodplain.

On Behalf:

Jose Ribeiro, applicant's representative

Speaking in Favor: _

None

Speaking in Opposition:

None

Discussion:

J Ribeiro says the water goes into the basement. L Varnum asked if there is a drainage system.

J Ribeiro says that there is a pump that takes the water out.

L Varnum said that you can't redirect water into the street and asked if there were storm drains.. J Ribeiro said there is not and they could put a drain at the end of the driveway.

B Butienhuys said you cannot fill the driveway without taking it from somewhere else on the site.

B Butienhuys said there is information missing, they need to address engineering comments, and that they need to know how much is filled in each contour.

Motion:

K Dillon motioned to continue to the May 25 meeting, seconded by S Laput. Passed unanimously (6-0).

Request for Determination of Applicability

Christopher Bethel
47 Joffre Street
Lowell, MA 01851

Project Location: 47 Joffre St 02851

A Request for Determination of Applicability has been filed by Christopher Bethel to repave an existing driveway and walkway that is within the 100 year flood plain and within 100 feet of a wetland.

On Behalf:

Christopher Bethel, applicant

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

C Bethel said there will be no elevation change, the plan is to remove the pavement off the site and to repave.

L Varnum asked if the driveway is being expanded. C Bethel said no.

Motion:

B Buitenhuys made a motion to give a negative 3 determination, seconded by K Dillon. Approved unanimously (6-0).

OTHER BUSINESS

Master Plan Steering Committee

DPD is looking to form a Master Plan Steering Committee that will help oversee the process and ensure public participation as a key element of the Master Plan. The Committee will consist of approximately 20-30 community members representative of Lowell's diverse population. A portion of the seats on the Steering Committee will be used as appointed positions that will include one representative from each of the various boards and committees. The Board will vote to appoint a member to the Master Plan Steering Committee from the Conservation Commission

K Dillon made a motion to nominate P Downs to the Master Plan Steering Committee, seconded by S Laput. Passed unanimously (6-0).

Minutes

March 23, 2022 Meeting Minutes

B Buitenhuys made a motion to approve the minutes, seconded by P Downs. Passed unanimously (6-0).

November 10, 2021 Meeting Minutes

B Buitenhuys made a motion to approve the minutes, seconded by P Downs. Passed unanimously (6-0).

ADJOURNMENT

B Buitenhuys made a motion to adjourn, seconded by P Downs. Passed unanimously (6-0).