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CONSERVATION COMMISSION
LOWELL, MASSACHUSETTS
June 9, 2021

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 virtually using Zoom.

Members Present: Chairwoman Varnum, Commissioner Buitenhuis, Commissioner Downs, and Commissioner Standish

Members Absent: Commissioner Lovely, Commissioner Dillon

Others Present: Jess Wilson, Associate Planner; Peter Cutrumbes, Assistant Planner

CALL TO ORDER

Meeting called to order 7:01 pm.

ORDER OF BUSINESS

CONTINUED BUSINESS

Enforcement Order

Douglas Quist
1345 Lawrence Street
Lowell, MA 01852

Violation Location: 1345 Lawrence Street 01852

Tree cutting and fill dumping within the 100-ft buffer zone to bordering vegetated wetlands without permission from the Lowell Conservation Commission. The applicant is requesting that the Conservation Commission rescind the outstanding EO.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

None

Notice of Intent

City of Lowell, Department of Planning and Development

Chris Hayes

50 Arcand Dr, 2nd Floor

Lowell, MA 01852

DEP #206-0805

Project Location: 100 Industrial Ave, 211 Plain Street, and 211.1 Plain Street, 01851

A Notice of Intent (DEP #206-0805) has been filed by the City of Lowell to construct a multi-use path along River Meadow Brook. The path would be located within the 100 foot buffer zone and Riverfront area. The DEP number has been issued and so the Commission must vote to issue an Order of Conditions.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum noted that a lengthy discussion was had at the previous meeting regarding this application.

Motion:

B. Buitenhuys motioned and P. Downs seconded the motion to release the Notice of Intent. The motion passed unanimously, (5-0).

Enforcement Order

Tim Thet

1 Sheffield Street

Lowell, MA 01854

Violation Location: 1 Sheffield Street, Lowell MA 01854

Brush and tree removal within the 100 ft.-buffer zone and 100-year flood plain without Conservation Commission approval.

On Behalf:

Sophia Thet

S. Thet updated the commissioners on the status of mitigation efforts, and informed the commissioners that they have scheduled to rent a wood chipper on June 21.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum asked S. Thet to elaborate on their plan.

S. Thet clarified that the wood chipper would be dropped off at the property and that they intend to do that labor themselves.

L. Varnum agreed that using a wood chipper is a good approach and suggested continuing the application until July.

B. Buitenhuys recused himself from the project, and noted that put the Commission under quorum.

L. Varnum asked the Applicant to send the plans to DPD staff.

S. Thet and L. Varnum discussed the location of the property line. S. Thet stated that she is not exactly sure where it is.

Motion

None

Enforcement Order

Steve O'Neill

5 Sheffield Street

Lowell, MA 01854

Violation Location: 5 Sheffield Street, Lowell MA 01854

Brush and tree removal within the 100 ft.-buffer zone and 100-year flood plain without Conservation Commission approval. NEW BUSINESS

On Behalf:

Steve O'Neill

S. O'Neill stated that he was unaware of the activity taking place on his property.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum stated that the two properties are adjoining and it is unclear where the property line is.

S. O'Neill stated that he also does not know where the property line is.

B. Buitenhuys asked if S. O'Neill had any plot plans or as-built drawings.

S. O'Neill stated that he had none handy.

L. Varnum asked if S. O'Neill had and resources that may be able to help with the effort to remove brush and replant to stabilize the slope and asked if he had a dumpster.

S. O'Neill stated that he did not and would have to rent one.

L. Varnum confirmed with S. O'Neill that he was not involved in the cutting, and asked if he would be amenable to replanting on his property.

S. O'Neill said he could talk to the neighbor about it, and reiterated that he had nothing to do with the infraction and is not even sure if his property is actually involved. He stated that if the neighbor does not take care of it, than he will step up.

L. Varnum suggested the property line be measures and the enforcement order left open for now.

Motion

None

NEW BUSINESS

Request for Determination of Applicability

Jason Sheehan

97 Hovey Street

Lowell, MA 01852

Project Location: 97 Hovey Street 01852

Construction of a front porch and second floor addition to an existing residential structure within the 100 foot buffer zone to a protected wetland.

On Behalf:

Jason Sheehan

J. Sheehan described the proposed scope of work and stated that he does not expect to have a considerable environmental impact in his experience as an environmental consultant.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum inquired about erosion control measures and suggested a silt fence on the wetland line, 20 – 25 feet out to keep heavy equipment out.

J. Sheehan agreed and stated that he would use hay bales to delineate the wetland area.

P. Downs asked about footings.

J. Sheehan clarified that they are using the existing foundation, with just a few footings to support the addition of a front porch.

L. Varnum asked if there would be any piles of loose soil.

J. Sheehan stated that if there are, they will be away from the wetlands and secured with tarps and hay bales. He estimated the project timeline to be about 6 months.

B. Buitenhuys suggested getting the footings done as soon as possible.

L. Varnum noted that there would be little disturbance to the resource area.

Motion

B. Buitenhuys motioned and W. Standish seconded the motion to grant a negative three determination. The motion passed unanimously (5-0).

OTHER BUSINESS

Executive Session with the Law Department to Discuss Outstanding Litigation

The commissioners closed the public hearing portion of the meeting and went into Executive Session.

Minutes

May 26, 2021

P. Downs motioned, and B. Buitenhuys seconded the motion to approve the May 26, 2021 minutes. The motion passed unanimously, (5-0).

ADJOURNMENT

The meeting adjourned at 8:00pm.