

CONSERVATION COMMISSION

LOWELL, MASSACHUSETTS

August 10, 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, Brad Buitenhuys, Perry Downs, Stephen Laput

Members Absent: Kevin Dillon

Others Present: Dylan Ricker, Associate Planner

CALL TO ORDER

A quorum of members was present, and L. Varnum called the meeting to order at 7:00pm.

ORDER OF BUSINESS

CONTINUED BUSINESS

Enforcement Order

S&R Corporation

706 Broadway Street

Lowell, MA 01854

Violation Location: 204 River Road, Lowell, MA, 01852

An Enforcement Order has been issued at the subject property for dumping fill within 100-feet of the riverfront area on the Merrimack River without Conservation Commission approval.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum asked about the process for fining under the wetlands ordinance. D. Ricker explained that the violator can be fined under the Lowell Zoning Ordinance. S. Laput said it was his understanding it would have to go through the City Solicitor.

B. Buitenhuis recommended beginning fines if the violator does not appear at the next Commission meeting.

Motion:

B. Buitenhuis motioned, and P. Downs seconded the motion to continue to enforcement order to the September 14, 2022 Conservation Commission meeting. The motion passed unanimously, (4-0).

Request for Determination of Applicability

Andrew Goddard

327 Davis Street

Northborough, MA 01532

Project Location: 10 Toupi Lane, Lowell, MA, 01854

A Request for Determination of Applicability has been filed by Andrew Goddard to determine whether there are resource areas subject to the Wetlands Protection Act on the site. **The applicant has requested a continuance to the September 14th Conservation Commission meeting.**

Speaking on Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

P. Downs motioned, and B. Buitenhuis seconded the motion to continue the application to the September 14, 2022 Conservation Commission meeting. The motion passed unanimously, (4-0).

Enforcement Order

Wat Lao Mixayaram of NE, Inc.

45 Bernier Street

Lowell, MA 01852

Violation Location: 45 Bernier Street, Lowell, MA, 01852

An Enforcement Order has been issued at the subject property for tree removal within the 100-year floodplain and within 100-feet of a protected wetland. The applicant has replanted two trees at the request of the Commission and is seeking to have the Enforcement Order rescinded.

Speaking on Behalf:

Donald Andresen, 45 Bernier Street

D. Andresen said the ornamental trees were planted at the request of the Conservation Commission and said they are being watered. D. Andresen noted staff conducted a site visit and confirmed the trees were planted. D. Andresen said the trees were Red Bud trees.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

B. Buitenhuys motioned, and S. Laput seconded the motion to rescind the Enforcement Order. The motion passed unanimously, (4-0).

NEW BUSINESS

Request for Determination of Applicability

Jimmy Nouvong

511 Princeton Boulevard

Lowell, MA, 01851

Project Location: 511 Princeton Boulevard, Lowell, MA, 01851

A Request for Determination of Applicability has been filed by Jimmy Nouvong to install an 8' x 12' shed within the 100-year floodplain.

Speaking on Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum summarized the proposal and said she would like to know the plans for the proposed shed. L. Varnum expressed concern if the applicant were to use a foundation for the shed. L. Varnum said she has used a vinyl tent instead of a shed and it has worked.

B. Buitenhuys said this should be treated like other floodplain issues. P. Downs expressed concern about a potential foundation for the shed. B. Buitenhuys said any addition to the floodplain needs flood compensation.

L. Varnum asked if there was an alternative location on the site. D. Ricker said this is the only location allowable by zoning. B. Buitenhuys said the shed is as far out of the floodplain as possible, but he has concerns.

L. Varnum said there are concerns it may float away in a flood. L. Varnum said the tents are sturdy and less dangerous. The Commission expressed concern, but would like more information from the applicant.

Motion:

B. Buitenhuys motioned, and P. Downs seconded the motion to continue the application to the September 14, 2022 meeting. The motion passed unanimously, (4-0).

Request for Determination of Applicability

120 Mount Vernon St, LLC

863 Winter Street

North Andover, MA 01845

Project Location: 948 Lakeview Avenue, Lowell, MA, 01850

A Request for Determination of Applicability has been filed by 120 Mount Vernon St, LLC to repave the existing driveway and obtain a curbcut within the 100-year floodplain.

Speaking on Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum said the existing driveway is sunken and cracked. L. Varnum said if the driveway were the same height as the sidewalk she would have no issues with the application.

B. Buitenhuys said the driveway should remain the same level. P. Downs and S. Laput agreed,

Motion:

B. Buitenhuys motioned to issue a negative 3 determination with the following condition:

1. The new driveway shall be the same level as the existing driveway.

S. Laput seconded the motion. The motion passed unanimously, (4-0).

OTHER BUSINESS

Minutes

July 13, 2022 Meeting Minutes

B. Buitenhuys motioned, and S. Laput seconded the motion to approve the July 13, 2022 meeting minutes. The motion passed unanimously, (4-0).

ADJOURNMENT

P. Downs motioned to adjourn, seconded by S. Laput, the motion passed unanimously, (4-0). The time was 7:25PM.