

CONSERVATION COMMISSION

LOWELL, MASSACHUSETTS

September 28, 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, Kevin Dillon, Perry Downs, Stephen Laput

Members Absent: Bradley Buitenhuis

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

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:

L. Varnum said the applicant sent in a continuance request to the next meeting this afternoon. L. Varnum said the applicant submitted a rebuttal to the peer review on their study. L. Varnum said there was a prior continuance because the peer review had not been reviewed by the Commission yet.

L. Varnum said she was not convinced the BSC group was rebutted. L. Varnum said she believes the filing will require an NOI. L. Varnum said applications with the extent of data should be an NOI.

Motion:

P. Downs motioned, and K. Dillon seconded the motion to continue the application to the October 12th Conservation Commission meeting. The motion passed unanimously, (4-0).

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:

K. Dillon said there is not enough info for a decision and he would like the applicant to appear and discuss the material the shed is made of. P. Downs agreed.

Motion:

P. Downs motioned, and K. Dillon seconded the motion to continue the application to the October 12th Conservation Commission meeting. The motion passed unanimously, (4-0).

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:

D. Ricker said DPD received correspondence that the violator is working to complete a contour plan. K. Dillon said he would like the violator to be in attendance at the next meeting.

NEW BUSINESS

Notice of Intent

Robert H. Kierce
55 Gagnon Road
Lowell, MA, 01854

Project Location: 55 Gagnon Road, Lowell, MA, 01854

A Notice of Intent has been filed by Robert Kierce to construct a new garage and to pave a new driveway on the lot, both within 100 feet of a Bordering Vegetated Wetland (BVW).

Speaking on Behalf:

K. Garneau, Applicant's Representative

K. Garneau said the proposal is to build a garage/storage area with driveway. K. Garneau said they are now aware a driveway would require a Variance so they are not currently seeking to build an additional driveway.

Speaking in Favor:

None

Speaking in Opposition:

Michael Ibrahim, 17 Dean Drive

M. Ibrahim asked if the addition will make his property more prone to flooding. M. Ibrahim said his only concern is a potential impact on the wetland that could impact flooding on his property.

K. Garneau discussed the location of the addition and said it would not impact flooding on his property.

P. Downs said the plan includes a silt fence that will prevent sediment from entering and filling the wetland, and won't impact the water in the creek. L. Varnum said that the applicant will be monitoring the work to ensure the wetland is not impacted, and if he thinks the wetland is being impacted he should contact DPD.

Discussion:

K. Dillon asked how close the addition will be to wetland. K. Garneau said the garage will be 42 feet from the wetland at its closest.

L. Varnum said the Commission typically prefers construction be out of the 50 foot buffer from the wetland. L. Varnum said there is a large yard and the wetland is off-site and she does not see any danger for the wetland. L. Varnum said the Commission likes to see a silt fence. K. Garneau said the silt fence is included on the plan and it will be used. K. Garneau said all excavation can be done from the front of the property. K. Garneau said the structure will be on a slab foundation with a wooden structure.

L. Varnum said she does not believe the location will be an issue as it relates to the wetland.

K. Dillon said he does not see how this project would impact flooding on the abutters property, L. Varnum agreed.

Motion:

P. Downs motioned, and K. Dillon seconded the motion to close the public hearing. The motion passed unanimously, (4-0).

P. Downs motioned, and K. Dillon seconded the motion to approve the project and issue the City of Lowell Standard Order of Conditions. The motion passed unanimously, (4-0).

Request for Determination of Applicability

Bob Muldoon

121 Concord Street

Lowell, MA 01852

Project Location: 526 Wentworth Avenue, Lowell, MA, 01852

A Request for Determination of Applicability has been filed by Robert Muldoon to repave an existing driveway and walkway.

Speaking on Behalf:

Bob Muldoon, Applicant

B. Muldoon said his plan is to repave his existing driveway at the same elevation.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum asked if the old pavement will be removed. M. Muldoon said it will be removed and disposed of off-site. L. Varnum asked if any other materials besides pavement will be added to the site. B. Muldoon said he will be using new gravel. L. Varnum asked if they will have to go down deeper than removing old pavement. L. Varnum said the Commission wants the existing elevation to be maintained. B. Muldoon said he is not going deeper, he is removing the existing asphalt and leveling it off with gravel. L. Varnum asked if the pavement will have the same elevation. B. Muldoon confirmed.

P. Downs asked if the paving is over the exact area that is already paved. B. Muldoon confirmed.

Motion:

K. Dillon motioned to issue a negative 3 determination with the following condition:

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

P. Downs seconded the motion. The motion passed unanimously, (4-0).

OTHER BUSINESS

Minutes

September 14, 2022

P. Downs motioned, and S. Laput seconded the motion to continue the minutes to the October 12th Conservation Commission meeting. The motion passed unanimously, (4-0).

ADJOURNMENT

K. Dillon motioned to adjourn, seconded by P. Downs, the motion passed unanimously, (4-0). The time was 7:34PM.