



Diane N. Tradd
Assistant City Manager/Director

R. Eric Slagle
Director of Development Services

CONSERVATION COMMISSION
LOWELL, MASSACHUSETTS
January 13, 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 Lovely, Commissioner Dillon, Commissioner Buitenhuys, Commissioner Downs, and Commissioner Standish

Members Absent: None

Others Present: Christine McCall, Director of Economic Development; Jess Wilson, Associate Planner

CALL TO ORDER

7:00 PM

CONTINUED BUSINESS

Enforcement Order

Duel State Investments LLC

15 Mannion Pl

Littleton, MA 01460

Violation Location: 25 Clifton Street 01852

Enforcement Order for fill dumping and storage of construction materials within the 100-year flood plain.

On Behalf:

Ken Lania, Representative for Applicant

Speaking in Favor:

None

Speaking in Opposition:

Denise Roy, Abutter

Discussion:

Mr. Lania explains where the fill was brought in. Chairwoman Varnum asks why new fill was brought in. Mr. Lania states that it was left over fill from the construction site. Chairwoman Varnum asks when the construction

is slated to begin. Mr. Lania states that the property owner would like to obtain the permits to begin construction in May.

Chairwoman Varnum wants to see the remediation occur and then see the applicant submit a Notice of Intent for any work within the floodplain.

Commissioner Lovely confirms that the fill on the site is 186 SQ FT, maximum depth 2", 31 cubic feet, 1 cubic yard. This is approximately one wheel barrel full of fill. Commissioner Lovely states that for the NOI, the applicant is likely going to find the appropriate compensation on site to accommodate any construction.

Ms. Roy states that additional fill was put on the site, even after the cease and desist. She asks if there is a setback from the 100-year floodplain. Mr. Lania explains that floodplain does not have a buffer zone, however, there is a buffer from bordering vegetated wetland. There is no bordering vegetated wetland on this property.

Commissioner Lovely asks if the applicant has filed a building permit; Mr. Lania states that no applications have been applied for at this time. Commissioner Lovely states that projects will require additional approvals outside of the Lowell Conservation Commission.

Ms. Roy states that this property owner does not seem to care about Lowell rules and regulations. She further states that he tells the Board (s) one thing and neighbors a different story. Ms. Roy is frustrated because neighbors have to be vigilant to make the City aware of wrong doings.

Mr. Lania states that the property has been staked and requests that the Commissioners conduct a site visit. Mr. Lania states that he will commit to ensuring his client does that right thing and follows all rules.

Ms. Roy is frustrated that work continued on site after the "cease and desist" order. Mr. Lania ensures that all work he is involved in, will follow the rules and will not add additional water to your property, without treating it first.

Chairwoman Varnum states that the EO should not be lifted tonight as the fill has not been removed. She encourages the Commission to attend a site visit.

Motion:

Commissioner Buitenhuis motioned and Commissioner Lovely seconded the motion to allow removal of fill by hand within the existing staked area and to continue the EO to the next meeting to confirm the staked line and review the topography pans to see if additional fill needs to be removed. The motion passed unanimously, (7-0).

Request for Determination of Applicability

Daniel Dean
125 Totman Street
Lowell, MA 01854

Project Location: 125 Totman Street 01854

A Request for Determination of Applicability has been filed by Daniel Dean to expand an existing driveway within the 100-ft buffer zone to bordering vegetated wetlands (BVW).

On Behalf:

Daniel Dean, Applicant & Property Owner

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Mr. Dean shares his screen to show the hand drawn plan he had approved by Mike Stuer. Mr. Dean walks the Commission through the plans.

Chairwoman Varnum asks for the distance between each boulders; Mr. Dean states that they are 5' apart. Ms. Varnum wanted to know what the distance between the boulders & the wetland. Mr. Dean states that there will be about 8' between the boulder and the drop off to the wetland.

Ms. Varnum asks if the applicant is over building. Mr. Dean states that he needs the area to be able to turn vehicles around; he does not plan on parking vehicles.

Chairwoman Varnum asks if the applicant will hire a contractor or if he will do this work. Mr. Dean states he will do this work. The boulders will be placed on the driveway, not the crushed rock.

Commissioner Lovely states that he would issue a Negative 3 determination. This is based on the feedback provided by Mike Stuer and plan presented by property owner at the meeting.

Commissioner Buitenhuis would like to see some filter fabric prior to the crushed stone: dig the trench, lay the black filter fabric in the trench, then fill with crushed stone. The purpose being that there is groundwater and can percolate up.

Commissioner Standish states that installation of the fabric will help with maintenance. He suggests he should google infiltration trench detail. Mr. Dean states that he thought the fabric would require more maintenance, the Commission states that fabric will help reduce maintenance requirements.

Commissioner Buitenhuis states that he can do three sides of fabric, or four sides, 6" inches down. Mr. Dean says he would install a silt fence. Chairwoman Varnum wants a silt fence on the low end. Mr. Dean says he would do this during the driveway work.

Mr. Dean agrees to all conditions and will update the plan to be included on the driveway permit application. Commissioner B. states that we don't want the driveway to slope to the wetland.

Motion:

Commissioner Lovely motioned and Commissioner Buitenhuis seconded the motion to issue a Negative 3 Determination with a special condition to install a filter fabric in the drainage trench. The motion passed unanimously, (6-0).

Notice of Intent

Corey Schutzman
Boston Gas Company
40 Sylvan Road
Waltham, MA 02451
DEP #206-0804

Project Location: Lowell Area Gas Modernization Project 01851

A Notice of Intent (DEP#206-0804) has been filed by Boston Gas Company for a proposed gas pipeline replacement including a section underneath the Lowell Connector and Interstate 495 using Horizontal Directional Drilling (HDD) techniques and along an existing corridor adjacent to US Route 3. The wetland resource areas include Inland Bank, Riverfront Area, Bordering Land Subject to Flooding, Land under Wetlands and Waterways, and bordering vegetated wetlands (BVW). Black Brook and River Meadow Brook are within or adjacent to the project area.

On Behalf:

Corey Schutzman, Applicant
Siona Patisteas, Representative for Applicant
Jessica Wall, Attorney for Applicant
Jeff O' Donnell, Professional Engineer that certified the drawings

Speaking in Favor:

None

Speaking in Opposition:

Jay Mason
Jon Grossman, Varnum Ave
Neil Dale

Discussion:

Commissioner Lovely reiterates the project to date. The Commission is not charged with if this project should go forward or not, but is charged with minimizing impacts to the wetlands. This is Lowell Conservation Commission jurisdiction. Commissioner Standish concurs. Commissioner Buitenhuis states that the risks to the wetlands outweigh the natural benefit to the gas company and our constituents using this service. He doesn't support the angle that it is outside of our jurisdiction as a necessary project as a whole. Commissioner Dillon would like the applicant to explain the different routes and why the current route was chosen.

Ms. Schutzman reviewed the alternative analysis.

Ms. Patisteas stated they looked at 7 different routes in Lowell, one being the existing route. Ms. Patisteas states that there was a letter from the City of Lowell that it was not preferred to go through City streets (plus cost increase).

Commissioner Lovely confirms that this upgrade is needed for enhanced inspections and that they should focus comments on whether or not we agree the mitigation and minimization that the applicant is proposing. Commissioner Buitenhuis states that the necessity of this project has been covered by our public hearings.

Chairwoman Varnum asks if the trench proposal is the original intent or is it one of those things you changed around. Ms. Schutzman states that it is the design.

Commissioner Standish asks how long this method takes. The project will take a year to get everything in the ground. He has concerns that 75' is a lot. National Grid states that it is a safety measure, additional surface area and major equipment helps spread that impact so we are not compacting soils and negatively impacting vegetation. Commissioner Standish asks where else this measure has been used before so that the Commission can see how it is recovery. Ms. Schutzman states that she cannot think of an explanation off the top of her head, but this is a BMP they have used for years. 75' is standard industry practice, Ms. Patisteas references the FERC manual.

Commissioner Lovely states that significant mature trees that are on the periphery that can be given due consideration. National Grid commits to a walk down to preserve trees.

Ms. Wall states that the 75' buffer we are talking about, we have had this conversation with state regulators.

Commissioner Standish states that this is a big project and we don't want to rush. Commissioner Buitenhuis states that he would want a tree inventory – we would ask for this for other projects of this size. Commissioner Varnum agrees.

Commission Dillon confirms that the project total is \$42 million dollars. How much of that is going towards to the reforestation mitigation plan? National Grid could provide as part of a condition.

Commissioner Lovely wants to know what the overall % of mitigation is for this project. This would be helpful context for the Commission and the community. Ms. Schutzman states that the project takes 1 year, and there is 5-10 years of monitoring. Restoration far outweighs project work. She also states that there will be an in lieu fee to the Army Corp.

Commissioner Lovely asks about the 401 permit. Ms. Schutzman states that they are in process and recently had a site walk with DEP. They are confident that they will be mitigating properly. Commissioner Lovely asks National Grid if Lowell Conservation Commission comments are consistent and align with comments from other permitting agencies. National Grid confirms.

Commissioner Lovely asks about historical and cultural protections and asks National Grid to address those areas. There is a protection plan for Middlesex Canal.

The Commissioners engage in a back and forth discussion about what the Commission is looking to ask for and other state agencies. Commissioner Lovely states that it is important to hear that the City is not an outlier and is asking the right questions. Commissioner Standish is concerned that things that are important to the City will be overlooked at a state and federal level.

National Grid is committing to working with the City and sites that the order of permits is not in their control. However, there have been ongoing opportunities for local comments and feedback.

Mr. Mason appreciates that National Grid responded to the Sustainability Council provided. He makes clear that he is speaking as a Lowell resident, and not as a representative. He states that the initial public meeting was over 2 years ago and the public has not been able to provide input to this project. There are overriding environmental issues in this project and do not speak to the purview of the Conservation Commission. I would like to bring up DPU into the future of gas companies, docket #2080. It talks about looking at what the future of gas is as it relates to a current climate change bill. Mr. Mason is concerned about a lot of regrowth of invasive in the 75' buffer area if National Grid does not replant.

Mr. Grossman asks why the gas company is going through a wetland, rather than the parking lot. Property rights are the prevailing issue and its privately owned property. Ms. Schutzman states we can't do what they don't want there. We have been negotiating landowners for years to have the property rights they do have. National Grid would prefer the pipeline in the parking lot, too. It is a straight line. It is not in wetlands, it is around the parking lot.

Commissioner Buitenhuis wants confirmation to put it in the parking lot. Commissioner Buitenhuis asks about easements in perpetuity National Grid. He does not doubt the due diligence, but he would like proof. Commissioners ask what plan the Commission should look at to confirm what is being said.

National Grid attempts to explain temporary v. permanent easements and how they were not able to negotiate with the private property owner.

Mr. Grossman asks for Mr. Mason's question about invasive species to be addressed. Chairwoman Varnum asks about the risk of invasive species.

National grid states that it is incorporated into the mitigation plan. We cannot take on wholesale removal of all invasives. We certify we do not spread invasive species. But we cannot remove what is existing.

Commissioner Lovely confirms that there is no sunset provision. National Grid is confirmed to seeing restoration through and will come back to the Commission if modifications are required. Commissioner Lovely asks about a reporting frequency and is the Commission a recipient of that report? It is at least annual report with an annual monitoring report. The first year is a quarterly report; the next stages are a yearly monitoring. Commissioner Lovely confirms that the LCC is a recipient of that report. National Grid is open to a condition. Commissioner Lovely states that we should not have to be chase down a report but if it is built into, a report and we are a recipient, that would require National Grid to be proactive. Commissioner Lovely states that Commissioner Standish is correct; it is the local communities that are heavily impacted and often have to chase down large projects to be constructed as permitted.

Commissioner Lovely requests Commission participation in the tree inventory. National Grid is committed to this to the maximum extent practicable. The Commission would like to be part of the pre-construction meeting and tree inventory. Commissioner Lovely states that he does not want to micromanage the project.

Commissioner Dillon and Commissioner Standish would like to schedule a site visit before issuing a permit.

Chairwoman Varnum and Commissioner Standish would like a plan for the site visit.

Commissioner Lovely asks when National Grid plans to mobilize. National Grid confirms March.

Commissioner Lovely proposes issuing a permit with Standard Order of Conditions, plus site visit. What's the risk? Allows project to go forward, with two special conditions.

Mr. Dale cites concerns about impact on a wetland pond that does not need to be done. Adds that the National Grid site be included in the site walk on Friday.

Motion:

Commissioner Lovely motioned and Commissioner Standish seconded the motion to continue the petition to the 1/27/21 meeting. The motion passed unanimously, (6-0). The Commission scheduled a site visit on Friday 1/15/2021 @ 2:30 P.

NEW BUSINESS

Request for Determination of Applicability

Paul Bergman, PE c/o

Canterbury Village Condominiums

55 Lake Street, 4th Floor, Suite 5

Nashua, NH 03060

Project Location: 54-132 Boylston Lane 01852

A Request for Determination of Applicability has been filed by Canterbury Village Condominiums to install a new drainage system around three sides of the condominium building that will drain into an existing detention pond at 54-132 Boylston Lane. The work would be occurring within the 100-ft buffer zone to bordering vegetated wetlands.

On Behalf:

Paul Bergman, Applicant

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Chairwoman Varnum discusses the proposed project with Mr. Bergman. Mr. Bergman states that this is an insurance policy for foundation drains to prevent future groundwater issues. As far as we know, the lines are working fine and require no maintenance –no leaves or debris to be concerned with. All they see is groundwater.

Chairwoman Varnum does not see a need for additional information. Mr. Bergman stated that Fran Cigliano and Mike Stuer walked the project site that day and reported their findings and recommendations.

Motion:

Commissioner B. motioned to issue a Negative III Determination, seconded by Commissioner Standish. The motion passed unanimously, (6-0).

Request for Certificate of Compliance

Joseph Clermont c/o

Jose Realejo & Rosa Realejo

9 Nicole Drive

Lowell, MA 01851

DEP # 206-0431

DEP #206-0303

Project Location: 9 Nicole Drive 01851

The applicant is seeking Certificates of Compliance for two OOCs, one being an initial OOC (DEP #206-0303) and the second being a superseding OOC (DEP #206-0431). The applicants recently sold their home and were not aware of either OOC until they attempted to sell their home.

On Behalf:

Joseph Clermont, Representative for Applicant

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Attorney Clermont requests that the Conservation Commission close out these outdated Order of Conditions from many years ago.

Commissioner Lovely confirms that it was a standard order of conditions. Attorney Clermont states that there are no special conditions.

Chairwoman Varnum confirms that it was built per the Orders. And does not see an issue. She states that she wish she understood what the OOC relates to. Attorney Clermont states that it has been 20 years with no issue.

The Commission confirms that these COC's will release the entire subdivision.

Motion:

Commissioner Lovely motions and Commissioner Standish seconded the motion to issue two Certificates of Compliance for DEP#206-0431 and DEP#206-0303. The motion passes unanimously, (6-0).

Request for Determination of Applicability

Joseph Clermont c/o
Coalition for a Better Acre, Inc.
517 Moody Street, 3rd Floor
Lowell, MA 01854

Project Location: 555 Merrimack Street 01854

A Request for Determination of Applicability has been filed by the Coalition for a Better Acre to redevelop the parcel into a mixed-use building and reconstruct the existing parking lot. The project is within the 100-ft buffer zone to the Bank of the Western Canal.

On Behalf:

Joe Clermont, Attorney for Applicant
Brian Geaudreau, Representative for applicant
Russell Pandres, CBA

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Chairwoman confirms that the proposed project has not changed since the original permit. CBA was not able to secure funding to move forward with the project.

Mr. Pandres gives a brief update on CBA and the proposed project. Mr. Geaudreau reviews the proposed stormwater practices, meeting DEP standards and Lowell standards.

Chairwoman Varnum asks about the partnership with the NPS. Mr. Pandres states that there is nothing solid, but we want to make improvements to that area.

Motion:

Commissioner Buitenhuis motioned and Commissioner Standish seconded the motion to issue a Negative 3 Determination. The motion passed unanimously, (6-0).

Order of Conditions Extension

Marshall Field (Proprietors of the Locks
And Canals of Merrimack River)
9 Central Street
Lowell, MA 01852
DEP #206-0666

Project Location: Pawtucket Canal near 9-15 Kyan Street 01851

OOB Extension Request to the Order of Conditions (#206-0666) issued for Immediate Response Action (IRA) activities conducted under the Massachusetts Contingency Plan in the Pawtucket Canal adjacent to Kyan Street. The existing OOB will expire on December 29, 2020.

On Behalf:

Billie-Jo Gauley, Anchor QEA, Representing National Grid

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Ms. Gauley states that the work is monitoring activities to ensure the cap and boom system installed are maintained. We do maintenance activities to maintain the system. Chairwoman Varnum confirms there is no change in activity to what was approved. This is a continuation of the work we have been doing the past few years.

Commissioner Lovely asks about the purpose.

Motion:

Commissioner Lovely motions to continue to extend for a 3-year period, Commissioner Dillon seconded the motion. The motion passed unanimously, (6-0).

OTHER BUSINESS

Minutes

December 9, 2020

Commissioner Lovely motions to table these minutes for the next Conservation Commission meeting. He would like staff to make the minutes more concise.

ADJOURNMENT

Commissioner Lovely motions to and Commissioner Standish seconded the motion to adjourn the meeting. The time was 10:05 PM. CONSERVATION COMMISSION

LOWELL, MASSACHUSETTS

January 13, 2021

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Due to the COVID-19 pandemic, this meeting was held virtually using Zoom.

Members Present: Chairwoman Varnum, Commissioner Lovely, Commissioner Dillon, Commissioner Buitenhuys, Commissioner Downs, and Commissioner Standish

Members Absent: None

Others Present: Christine McCall, Director of Economic Development; Jess Wilson, Associate Planner

CALL TO ORDER

7:00 PM

CONTINUED BUSINESS

Enforcement Order

Duel State Investments LLC

15 Mannion Pl

Littleton, MA 01460

Violation Location: 25 Clifton Street 01852

Enforcement Order for fill dumping and storage of construction materials within the 100-year flood plain.

On Behalf:

Ken Lania, Representative for Applicant

Speaking in Favor:

None

Speaking in Opposition:

Denise Roy, Abutter

Discussion:

Mr. Lania explains where the fill was brought in. Chairwoman Varnum asks why new fill was brought in. Mr. Lania states that it was left over fill from the construction site. Chairwoman Varnum asks when the construction is slated to begin. Mr. Lania states that the property owner would like to obtain the permits to begin construction in May.

Chairwoman Varnum wants to see the remediation occur and then see the applicant submit a Notice of Intent for any work within the floodplain.

Commissioner Lovely confirms that the fill on the site is 186 SQ FT, maximum depth 2", 31 cubic feet, 1 cubic yard. This is approximately one wheel barrel full of fill. Commissioner Lovely states that for the NOI, the applicant is likely going to find the appropriate compensation on site to accommodate any construction.

Ms. Roy states that additional fill was put on the site, even after the cease and desist. She asks if there is a setback from the 100-year floodplain. Mr. Lania explains that floodplain does not have a buffer zone, however, there is a buffer from bordering vegetated wetland. There is no bordering vegetated wetland on this property.

Commissioner Lovely asks if the applicant has filed a building permit; Mr. Lania states that no applications have been applied for at this time. Commissioner Lovely states that projects will require additional approvals outside of the Lowell Conservation Commission.

Ms. Roy states that this property owner does not seem to care about Lowell rules and regulations. She further states that he tells the Board (s) one thing and neighbors a different story. Ms. Roy is frustrated because neighbors have to be vigilant to make the City aware of wrong doings.

Mr. Lania states that the property has been staked and requests that the Commissioners conduct a site visit. Mr. Lania states that he will commit to ensuring his client does that right thing and follows all rules.

Ms. Roy is frustrated that work continued on site after the "cease and desist" order. Mr. Lania ensures that all work he is involved in, will follow the rules and will not add additional water to your property, without treating it first.

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Request for Determination of Applicability

Daniel Dean
125 Totman Street
Lowell, MA 01854

Project Location: 125 Totman Street 01854

A Request for Determination of Applicability has been filed by Daniel Dean to expand an existing driveway within the 100-ft buffer zone to bordering vegetated wetlands (BVW).

On Behalf:

Daniel Dean, Applicant & Property Owner

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Mr. Dean shares his screen to show the hand drawn plan he had approved by Mike Stuer. Mr. Dean walks the Commission through the plans.

Chairwoman Varnum asks for the distance between each boulders; Mr. Dean states that they are 5' apart. Ms. Varnum wanted to know what the distance between the boulders & the wetland. Mr. Dean states that there will be about 8' between the boulder and the drop off to the wetland.

Ms. Varnum asks if the applicant is over building. Mr. Dean states that he needs the area to be able to turn vehicles around; he does not plan on parking vehicles.

Chairwoman Varnum asks if the applicant will hire a contractor or if he will do this work. Mr. Dean states he will do this work. The boulders will be placed on the driveway, not the crushed rock.

Commissioner Lovely states that he would issue a Negative 3 determination. This is based on the feedback provided by Mike Stuer and plan presented by property owner at the meeting.

Commissioner Buitenhuis would like to see some filter fabric prior to the crushed stone: dig the trench, lay the black filter fabric in the trench, then fill with crushed stone. The purpose being that there is groundwater and can percolate up.

Commissioner Standish states that installation of the fabric will help with maintenance. He suggests he should google infiltration trench detail. Mr. Dean states that he thought the fabric would require more maintenance, the Commission states that fabric will help reduce maintenance requirements.

Commissioner Buitenhuis states that he can do three sides of fabric, or four sides, 6" inches down. Mr. Dean says he would install a silt fence. Chairwoman Varnum wants a silt fence on the low end. Mr. Dean says he would do this during the driveway work.

Mr. Dean agrees to all conditions and will update the plan to be included on the driveway permit application. Commissioner B. states that we don't want the driveway to slope to the wetland.

Motion:

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Notice of Intent

Corey Schutzman
Boston Gas Company
40 Sylvan Road
Waltham, MA 02451
DEP #206-0804

Project Location: Lowell Area Gas Modernization Project 01851

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On Behalf:

Corey Schutzman, Applicant
Siona Patisteas, Representative for Applicant
Jessica Wall, Attorney for Applicant
Jeff O' Donnell, Professional Engineer that certified the drawings

Speaking in Favor:

None

Speaking in Opposition:

Jay Mason
Jon Grossman, Varnum Ave
Neil Dale

Discussion:

Commissioner Lovely reiterates the project to date. The Commission is not charged with determining if this project should go forward or not, but rather is charged with minimizing impacts to the resources within its jurisdiction (e.g., wetlands). Commissioner Standish concurs. Commissioner Buitenhuis states that the risks to the wetlands outweigh the natural benefit to the gas company and our constituents using this service. He doesn't support the angle that it is outside of our jurisdiction as a necessary project as a whole. Commissioner Dillon would like the applicant to explain the different routes and why the current route was chosen.

Ms. Schutzman reviewed the alternative analysis.

Ms. Patisteas stated they looked at 7 different routes in Lowell, one being the existing route. Ms. Patisteas states that there was a letter from the City of Lowell stating that the City preferred not having the pipeline go through City streets (plus cost increase).

Commissioner Lovely confirms that this upgrade is needed for enhanced inspections and that the Commission should focus comments on whether or not we agree the mitigation and minimization that the applicant is proposing. Commissioner Buitenhuis states that the necessity of this project has been covered by our public hearings.

Chairwoman Varnum asks if the trench proposal is the original intent or is it one of those things you changed around. Ms. Schutzman states that it is the design.

Commissioner Standish asks how long this method takes. The project will take a year to get everything in the ground. He has concerns about clearing a 75' wide corridor of trees. National Grid states that this is a safety measure and the additional surface area will help to minimize soil compaction with the heavy equipment, which will reduce impacts to vegetation. Commissioner Standish asks where else this measure has been used before so that the Commission can evaluate the likely potential for recovery. Ms. Schutzman states that she cannot think of an explanation off the top of her head, but this is a best management practice (BMP) they have used for years. 75' is standard industry practice, Ms. Patisteas references the FERC manual.

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Commissioner Standish states that this is a big project and we don't want to rush. Commissioner Buitenhuis states that he would want a tree inventory – we would ask for this for other projects of this size. Commissioner Varnum agrees.

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Mr. Mason appreciates that National Grid responded to the Sustainability Council provided. He makes clear that he is speaking as a Lowell resident, and not as a representative. He states that the initial public meeting was over 2 years ago and the public has not been able to provide input to this project. There are overriding environmental issues in this project and do not speak to the purview of the Conservation Commission. I would like to bring up DPU into the future of gas companies, docket #2080. It talks about looking at what the future of gas is as it relates to a current climate change bill. Mr. Mason is concerned about a lot of regrowth of invasive in the 75' buffer area if National Grid does not replant.

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Commissioner Lovely confirms that there is no sunset provision. National Grid is confirmed to seeing restoration through and will come back to the Commission if modifications are required. Commissioner Lovely asks about a reporting frequency and is the Commission a recipient of that report? It is at least annual report with an annual monitoring report. The first year is a quarterly report; the next stages are a yearly monitoring. Commissioner Lovely confirms that the LCC is a recipient of that report. National Grid is open to a condition. Commissioner Lovely states that we should not have to be chase down a report but if the Commission is a recipient, then we can track progress of the wetland recovery post construction. Commissioner Lovely also agrees with Commissioner Standish's concern that it is the local communities that are heavily impacted and often have to chase down large project developers to ensure that they are being constructed as permitted.

Commissioner Lovely requests Commission participation in the tree inventory. National Grid is committed to this to the maximum extent practicable. The Commission would like to be part of the pre-construction meeting and tree inventory. Commissioner Lovely states that he does not want to micromanage the project.

Commissioner Dillon and Commissioner Standish would like to schedule a site visit before issuing a permit.

Chairwoman Varnum and Commissioner Standish would like a plan for the site visit.

Commissioner Lovely asks when National Grid plans to mobilize. National Grid confirms March.

Commissioner Lovely proposes issuing a permit with Standard Order of Conditions, plus site visit. What's the risk? Allows project to go forward, with two special conditions.

Mr. Dale cites concerns about impact on a wetland pond that does not need to be done. Adds that the National Grid site be included in the site walk on Friday.

Motion:

Commissioner Lovely motioned and Commissioner Standish seconded the motion to continue the petition to the 1/27/21 meeting. The motion passed unanimously, (6-0). The Commission scheduled a site visit on Friday 1/15/2021 @ 2:30 P.

NEW BUSINESS

Request for Determination of Applicability

Paul Bergman, PE c/o
Canterbury Village Condominiums
55 Lake Street, 4th Floor, Suite 5
Nashua, NH 03060

Project Location: 54-132 Boylston Lane 01852

A Request for Determination of Applicability has been filed by Canterbury Village Condominiums to install a new drainage system around three sides of the condominium building that will drain into an existing detention pond at 54-132 Boylston Lane. The work would be occurring within the 100-ft buffer zone to bordering vegetated wetlands.

On Behalf:

Paul Bergman, Applicant

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Chairwoman Varnum discusses the proposed project with Mr. Bergman. Mr. Bergman states that this is an insurance policy for foundation drains to prevent future groundwater issues. As far as we know, the lines are working fine and require no maintenance –no leaves or debris to be concerned with. All they see is groundwater.

Chairwoman Varnum does not see a need for additional information. Mr. Bergman stated that Fran Cigliano and Mike Stuer walked the project site that day and reported their findings and recommendations.

Motion:

Commissioner B. motioned to issue a Negative III Determination, seconded by Commissioner Standish. The motion passed unanimously, (6-0).

Request for Certificate of Compliance

Joseph Clermont c/o
Jose Realejo & Rosa Realejo
9 Nicole Drive
Lowell, MA 01851
DEP # 206-0431
DEP #206-0303

Project Location: 9 Nicole Drive 01851

The applicant is seeking Certificates of Compliance for two OOCs, one being an initial OOC (DEP #206-0303) and the second being a superseding OOC (DEP #206-0431). The applicants recently sold their home and were not aware of either OOC until they attempted to sell their home.

On Behalf:

Joseph Clermont, Representative for Applicant

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Attorney Clermont requests that the Conservation Commission close out these outdated Order of Conditions from many years ago.

Commissioner Lovely confirms that it was a standard order of conditions. Attorney Clermont states that there are no special conditions.

Chairwoman Varnum confirms that it was built per the Orders. And does not see an issue. She states that she wish she understood what the OOC relates to. Attorney Clermont states that it has been 20 years with no issue.

The Commission confirms that these COC's will release the entire subdivision.

Motion:

Commissioner Lovely motions and Commissioner Standish seconded the motion to issue two Certificates of Compliance for DEP#206-0431 and DEP#206-0303. The motion passes unanimously, (6-0).

Request for Determination of Applicability

Joseph Clermont c/o

Coalition for a Better Acre, Inc.

517 Moody Street, 3rd Floor

Lowell, MA 01854

Project Location: 555 Merrimack Street 01854

A Request for Determination of Applicability has been filed by the Coalition for a Better Acre to redevelop the parcel into a mixed-use building and reconstruct the existing parking lot. The project is within the 100-ft buffer zone to the Bank of the Western Canal.

On Behalf:

Joe Clermont, Attorney for Applicant

Brian Geaudreau, Representative for applicant

Russell Pandres, CBA

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Chairwoman confirms that the proposed project has not changed since the original permit. CBA was not able to secure funding to move forward with the project.

Mr. Pandres gives a brief update on CBA and the proposed project. Mr. Geaudreau reviews the proposed stormwater practices, meeting DEP standards and Lowell standards.

Chairwoman Varnum asks about the partnership with the NPS. Mr. Pandres states that there is nothing solid, but we want to make improvements to that area.

Motion:

Commissioner Buitenhuis motioned and Commissioner Standish seconded the motion to issue a Negative 3 Determination. The motion passed unanimously, (6-0).

Order of Conditions Extension

Marshall Field (Proprietors of the Locks
And Canals of Merrimack River)
9 Central Street
Lowell, MA 01852
DEP #206-0666

Project Location: Pawtucket Canal near 9-15 Kyan Street 01851

OOB Extension Request to the Order of Conditions (#206-0666) issued for Immediate Response Action (IRA) activities conducted under the Massachusetts Contingency Plan in the Pawtucket Canal adjacent to Kyan Street. The existing OOB will expire on December 29, 2020.

On Behalf:

Billie-Jo Gauley, Anchor QEA, Representing National Grid

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Ms. Gauley states that the work is monitoring activities to ensure the cap and boom system installed are maintained. We do maintenance activities to maintain the system. Chairwoman Varnum confirms there is no change in activity to what was approved. This is a continuation of the work we have been doing the past few years.

Commissioner Lovely asks about the purpose.

Motion:

Commissioner Lovely motions to continue to extend for a 3-year period, Commissioner Dillon seconded the motion. The motion passed unanimously, (6-0).

OTHER BUSINESS

Minutes

December 9, 2020

Commissioner Lovely motions to table these minutes for the next Conservation Commission meeting. He would like staff to make the minutes more concise.

ADJOURNMENT

Commissioner Lovely motions to and Commissioner Standish seconded the motion to adjourn the meeting. The time was 10:05 PM.