

CONSERVATION COMMISSION

LOWELL, MASSACHUSETTS

January 14, 2026

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.

This meeting was held both in person and virtually using Zoom.

Members Present: Chair Brad Buitenhuys, Commissioner Perry Downs, Commissioner Marie Burns, Commissioner Paul Belley, Commissioner Kristen Ross-Sitcawich

Members Absent: Vice-Chair Kevin Dillon

Others Present: Peter Cutrumbes, Assistant Planner

CALL TO ORDER

B. Buitenhuys called the meeting to order at 7:00pm with a quorum of members present. He introduced the new Commissioner Kristen Ross-Sitcawich.

ORDER OF BUSINESS

CONTINUED BUSINESS

Request for Determination of Applicability

Keith Sor

15 Leverett Street

Lowell, MA 01851

Project Location: 36 Shirley Ave, 01854

A Request for Determination of Applicability has been filed by Keith Sor to construct an addition at 36 Shirley Avenue. The entirety of the work will take place within the FEMA 100-Year Flood Plain.

On Behalf:

Keith Sor, the contractor, appeared on behalf of the applicant.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuys noted they had spoken at a previous meeting about the impact to the flood zone. He does not see elevations on the plan from November 6. K. Sor said the survey gave them the elevation of the flood zone. B. Buitenhuys said it is noted as 100.7 ft, but we don't know if the elevation of the deck itself is in the flood zone. They need the elevation of the deck in relation to the flood zone. Right now, they do not know how much is being built in the flood zone. They need an elevation study from the survey.

M. Burns suggested using the Project Review comments as a guideline for the presentation.

Motion:

P. Downs motioned to continue to the 1/28 meeting, M. Burns seconded. The vote was unanimous (5-0).

Enforcement Order

Vatt Khmer Lowell and Khmer American Cultural Center
66 Townsend Avenue
Lowell, MA 01854

Project Location: 48 Townsend Avenue, 01854

An Enforcement Order has been issued for the removal of landscaping and trees within the 100-foot buffer zone of a wetland, and in the FEMA 100-year floodplain.

On Behalf:

No representative appeared.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

P. Downs motioned to continue to the 1/28 meeting. M. Burns seconded. The vote was unanimous (5-0).

Notice of Intent

New England Power Company
170 Data Drive
Waltham, MA 02451

MASS DEP #: 206-0846

Project Location: 32-41 Reiss Avenue, 01851

A Notice of Intent been filed by the New England Power Company to make accessway improvements and construct a stormwater detention basin at 32-41 Reiss Avenue. All work is within the 100-foot buffer zone of a Bordering Vegetated Wetland (BVW) and within Bordering Land Subject to Flood (BLSF).

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Applicant is requesting a continuance to the January 28 meeting.

Motion:

P. Downs motioned to continue to the 1/28 meeting. M. Burns seconded. The vote was unanimous (5-0).

Emergency Certification

City of Lowell

375 Merrimack Street

Lowell, MA 01852

Project Location: Webber Street Right-of-Way (Near 73 Webber Street), 01851

An emergency certificate was issued on October 17. The applicant cut the roadway around a sinkhole, engaged in excavation to assess the void, and installed mesh fabric and backfill.

On Behalf:

Evan Walsh, Executive Director for Wastewater Utility. Work was performed the week of November 17. Has pictures that can provided to the Commission.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

P. Downs motioned to ratify the Emergency Certification. K. Ross-Sitcawich seconded. The vote was unanimous (5-0).

Request for Determination of Applicability

Carl Bahia

PO Box 143

Dunstable, MA 01827

Project Location: 105 Boulevard Street, 01854

A Request for Determination of Applicability has been filed by Carl Bahia to expand the existing back landing at 105 Boulevard Street. The work will take place within the 100-year FEMA Flood Plain.

On Behalf:

Carl Bahia, the contractor for the applicant, appeared on the half. The project includes relocating two foundation tubes, adding a new one, and expanding the back landing.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuys asked how much of the work is in the flood zone. C. Bahia asked for clarification. B. Buitenhuys said there is a 100-Year flood zone set by FEMA. If the project is within the flood zone it is taking away from flood storage. P. Downs said if the deck is above the flood zone, it is fine, but they just don't have that information. B. Buitenhuys said they need an engineer to determine where the flood zone line is in relation to the structure.

Motion:

M. Burns motioned to continue to the 1/28 meeting. P. Downs seconded. The vote was unanimous (5-0).

Request for Determination of Applicability

City of Lowell
375 Merrimack Street
Lowell, MA 01852

Project Location: Jackson Street Right-of-Way (near intersection with Marston Street), 01852

A Request for Determination of Applicability has been filed by the City of Lowell for roadway and engineering improvements to the roadway on Jackston St near Marston St. The proposed work is located within the 100-foot buffer zone of Bank.

On Behalf:

Dan Cannata, environmental scientist at VHB. Minor City project. Engineering improvements at this intersection. Improves pedestrian and cycling amenities in the area. Upgrades sidewalks, ramps, and creates a drop off area for the Lowell Community Health Center. All drainage matters maintained. Proposing silt sacks for erosion control.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuys said they do not get involved to a large degree with the canals. As long as the erosion is controlled, it is fine. P. Downs concurred.

Motion:

P. Downs motioned to issue a negative 3 determination. K. Ross-Sitcawich seconded. The vote was unanimous (5-0).

Enforcement Order

Marina Kep and Boramy Sam
25 Rita Street
Lowell, MA 01854

Project Location: 25 Rita Street, 01854

An Enforcement Order has been issued for the removal of trees within the 100-foot buffer zone of a wetland.

On Behalf:

Boramy Sam and Marina Kep, the homeowners, appeared on behalf. M. Kep said they were trying to clear out and clean up some of the stuff that the neighbors had deposited on their property. They saw a few trees that were leaning towards the house, and they wanted to take them down.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuys asked how large the trees were. M. Kep said medium to small. They were not trying to damage anything. P. Downs asked how many trees they took down. M. Kep estimated 3 to 5. B. Buitenhuys said if the DBH is under 4 inches, they usually don't have issue. It looks like there may be 1 or 2 trees larger than that, but there are plenty of trees in the area. P. Downs noted a some of the trees looked like saplings. B. Buitenhuys said it sounds like they would have approved cutting down these trees anyway. P. Downs said they should just reach out to the office in the future.

Motion:

P. Downs motioned to ratify the enforcement order. K. Ross-Sitcawich seconded. The vote was unanimous (5-0),

P. Downs motioned to rescind the enforcement order. Paul Belley seconded. The vote was unanimous (5-0).

Request for Determination of Applicability

Peter Nolin
60 Aegan Lane
Lowell, MA 01854

Project Location: 60 Aegan Lane, 01854

A Request for Determination of Applicability has been filed by the Peter Nolin to repave and extend his driveway at 60 Aegean Lane. The proposed work is located within the within the 100-foot wetland buffer zone.

Commissioner Burns recused herself from this item

On Behalf:

Peter Nolin, the property owner appeared on behalf. Wants to repave what's existing, and a little further to the right.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuis said the distance to the wetland is the contributing factor for making paving decisions. Feels it is far enough. Has no issues. P. Downs asked to confirm the area to be paved. P. Nolin said it is the area that is currently gravel. P. Downs has no issue.

Motion:

P. Downs motioned to issue a negative 3 determination. P. Belley seconded. The vote was unanimous (5-0).

Notice of Intent

City of Lowell
375 Merrimack Street
Lowell, MA 01852

MASS DEP #: PENDING

Project Location: Billerica Street over Marginal Brook Bridge

A Notice of Intent been filed by the City of Lowell to replace a failing 10-foot span culvert with a 15-foot span culvert located on Billerica Street over Marginal Brook. All work is within the 100-foot buffer zone of a Bordering Vegetated Wetland (BVW) and inland bank, within the 25-foot riverfront area, and within the FEMA-100 Year Flood Plain.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

The applicant's representative, Emily Clickner, requested a continuance to the 2/11 meeting.

Motion:

P. Downs motioned to continue to the February 11 meeting. K. Ross-Sitcawich seconded. The vote was unanimous (5-0).

Notice of Intent

MG Architects LLC

Patrick Myers

245 Lafayette Street, Unit 2B

Salem, MA 01970

MASS DEP #: 206-0847

Project Location: 35 Bowl Road Extension, 01851

A Notice of Intent been filed by the Patrick Myers to construct an addition at 35 Bowl Road Extension. All work is within the 100-foot buffer zone of a Bordering Vegetated Wetland (BVW).

On Behalf:

Joshua Budd, the applicant's general contractor appeared on behalf. The project is a 19x22 foot first floor addition. It is for a client who has ALS.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuys noted that the 25 foot buffer cuts through the property and the proposed addition. There is no current City bylaw to prevent disturbing within the 25 foot buffer, but the Council may be presenting this soon. He recognizes the challenge for the applicant, and believes this is an opportunity to discuss a proposed a 25 foot no build zone.

P. Downs said that he generally agrees with the no disturb zone, but that this may be an important exception to the rule. It is difficult to codify exceptions. B. Buitenhuys asked if it could be moved to a different part of the property. J. Budd said no, because it has to be 19x22 to accommodate accessibility needs.

K. Ross-Sitcawich asked to clarify if the City currently has an ordinance. B. Buitenhuys said no, but he feels strongly that we use the buffers for a reason. M. Burns said the 25 foot no disturb zone creates a blurred line going forward for exceptional cases like this. Many illnesses can require wheelchair accommodations to some degree. She asked about the outcome of the meeting with the Chelmsford Conservation Commission. J. Budd said they passed it.

P. Belley asked about the proposed ordinance. B. Buitenhuys said that there is a council motion that will ask the Law Department to draft an updated ordinance. P. Belley asked if they continued the project until after the upcoming City Council meeting, could that help the issue? If the City Council shoots it down, it changes the situation. B. Buitenhuys agreed. J. Budd asked that if they were denied tonight, is there no path forward? B. Buitenhuys said the project would have to be substantially changed. B. Buitenhuys said the options are to ask for a vote, rescind the application, or continue the application.

J. Budd asked to continue to the 1/28 meeting.

Motion:

P. Downs motioned to continue to the January 28 meeting. K. Ross-Sitcawich seconded. The vote was unanimous (5-0).

NEW BUSINESS:

Emergency Certification

City of Lowell
375 Merrimack Street
Lowell, MA 01852

Project Location: 141 Woburn Street, 01852

An emergency certificate was issued on December 10. The applicant cut the roadway around a sinkhole, engaged in excavation to assess the void, and installed mesh fabric and backfill.

On Behalf:

Evan Walsh, Executive Director of the Wastewater Utility. The work was not performed, and they are here to withdraw. The work is weather dependent, and the recent cold snap has delayed work.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

None

Request for Determination of Applicability

Fidelis Carpentry
26 Beacon Street
Apt. 51C
Burlington, MA 01803

Project Location: 66 Hollis Street, 01852

A Request for Determination of Applicability has been filed by Fidelis Carpentry to remove an existing deck and construct a new deck in its place. The proposed work is located within the 100-foot wetland buffer zone.

On Behalf:

Jane Fidelis from Fidelis Carpentry, the contractor, appeared on behalf. They are removing an existing deck and constructing a new one in its place.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuys asked if it is getting bigger. J. Fidelis said it is actually getting smaller. B. Buitenhuys asked about the concrete footings and how many there will be. J. Fidelis said there will be 7 footings total, which is the same as the previous deck. B. Buitenhuys said there are roughly 30-40 feet from the wetlands. The goal here is to make sure that no soil during construction goes into the wetlands. Asked them to purchase straw wattles to block erosion from ending up in the wetlands. He has no further issues.

P. Downs said it is basically replacing in-kind.

K. Ross-Sitcawich noted this is an opportunity for the homeowner to have a safer structure due to upgrades in code over the years.

Motion:

P. Downs motioned to issue a negative 3 determination with the condition that the applicant use straw wattles for erosion controls. M. Burns seconded. The vote was unanimous (5-0).

OTHER BUSINESS

10/22/2025 meeting minutes

P. Downs motioned to approve. P. Belley seconded. The vote was unanimous (5-0).

Election of Officers for 2026

B. Buitenhuys asked to continue until 1/28 for the presence of Commissioner Dylan.

Revised meeting schedule for 2026

M. Burns motioned to approve and P. Downs seconded. The vote was unanimous (5-0).

Nomination of the appointee to the Community Preservation Committee

B. Buitenhuys asked to remain as the appointee. P. Downs motioned to nominate. M. Burns seconded. The vote was unanimous (5-0).

ADJOURNMENT

P. Belley motioned to adjourn. The meeting was adjourned at 7:54.