



Kara Keefe Mullin
Assistant City Manager/Acting DPD Director

R. Eric Slagle
Director of Development Services

CONSERVATION COMMISSION
LOWELL, MASSACHUSETTS
April 14, 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 Downs, and Commissioner Standish

Members Absent: Commissioner Buitenhuys, Commissioner Dillon

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

CALL TO ORDER

Meeting called to order 7:00pm.

ORDER OF BUSINESS

CONTINUED BUSINESS

NEW BUSINESS

Notice of Intent

City of Lowell, Department of Planning and Development

Chris Hayes

50 Arcand Dr, 2nd Floor

Lowell, MA 01852

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

A Notice of Intent 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.

On Behalf:

Chris Hayes, City of Lowell, Neighborhood Planner

Speaking in Favor:

Sharon Galpin, Friends of the Bruce Freeman Rail Trail, asked what happens if something comes up during construction, and does not fit into the approved Notice of Intent. The Commissioners said that minor changes

can warrant minor modifications where the Commission decides whether the changes warrant a new NOI or can be added onto an existing order.

Jane Calvin, Lowell Parks and Conservation Trust, said that when she walked the property Monday morning, there was an abandoned truck with no license plate. She is also wondering whether Gervais has provided information regarding the railroad ties and large pile of vegetation from when they did their initial paving. C. Hayes asked for the location of the truck. J. Calvin said it is located on Industrial Ave end close to the cement wall. C. Hayes said that there are railroad ties that the city is planning to remove. J. Calvin said that there is a long line of cars lined up along River Meadow Brook bank and asked whether the trail would be situated between the cars and the brook. C. Hayes said that the cars would be moved according to Gervais. L. Varnum noted the site plan shows the trail between the cars and the brook. C. Hayes said Gervais would be reaching out regarding a minor modification to their plan.

Emily Teller, Friends of the Bruce Freeman Rail Trail, asked if more paving would be done. E. Teller said the area between the trail and the river should not be paved. C. Hayes said he agreed. The Commissioners continued to discuss the areas that would be paved with C. Hayes and E. Teller.

Speaking in Opposition:

None

Discussion:

L. Varnum said no trees are proposed to be taken down. She sees the whole thing as an improvement to the present condition. She did have a question as to whether people would be able to access through intermediate spots.

J. Calvin said there would be access to the rail trail where the Lowes sign is.

L. Varnum asked who would be responsible for maintaining the grassy areas alongside the trail. F. Cigliano said she was not sure. L. Varnum suspected City of Lowell DPW would be responsible.

W. Lovely said that as a Commission, they are concerned with increases of sheet flow. There is a slight increase in peak storm events, but it is not significant. He does not see this project as increasing sheet flow or reducing ground water quality.

L. Varnum thought the NOI was pretty well-done but was wondering whether people would be surrounded by chain link fence as they travel through the trail. W. Lovely said he thought there was at least one break in the fence. W. Lovely does not see any impacts to the resources.

L. Varnum said it would be a low impact project. This is not an area with a lot of residential abutters.

C. Hayes said that they are close to the rail bed so there's not much more runoff than the existing rail bed. W. Lovely asked C. Hayes to confirm whether the trail would be completely fenced off. He is concerned about inhibiting wildlife corridors. C. Hayes said that Gervais would be installing a fence to delineate the pathway from the parking lot. This would part of their (Gervais') NOI, not this NOI. As part of this project, there is no new fencing proposed.

L. Varnum asked about maintenance of the trail, such as sweeping and mowing. C. Hayes said that this would be the City's responsibility, but that Lowell Parks and Conservation Trust would supplement.

L. Varnum asked about access points along the trail. C. Hayes discussed adding a condition of approval contingent on outstanding easement agreements.

Motion:

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

W. Lovely motioned to approve this project with a standard City of Lowell OOC with the following special conditions:

1. The applicant shall verify that the project aligns with the special conditions of the OOC at the adjacent Gervais property, specifically with respect to fencing and the wildlife corridor; and
2. This approval is contingent on obtaining approval from an adjacent property owner for the remaining one hundred (100) ft. of work to be performed as outlined in NOI.

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

THIS PROJECT DOES NOT YET HAVE A DEP# AND WILL BE ON THE AGENDA FOR THE 4/28 CONSERVATION COMMISSION MEETING FOR AN ADDITIONAL VOTE

Request for Determination of Applicability

Pan Am Railways
170 Iron Horse Park
N. Billerica, MA 01862

Project Location: Pan Am Railways Tracks

A Request for Determination of Applicability has been filed by Pan Am Railways to request verification of sensitive areas as they pertain to the Massachusetts Wetlands Protection Act (MWPA), and the Massachusetts Department of Agricultural (MDAR) Pesticide Board Regulations.

On Behalf:

Keith Morris

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum said that each time they cross water, there is a no spray zone. K. Morris confirmed. L. Varnum asked if the spray loses potency as it runs off. K. Morris explains the mechanism they will use to spray the area. K. Morris said that once the spray hits the ground it does not go anywhere. They will spray once a year. K. Morris recommends issuance of a positive 2a determination.

Motion:

W. Lovely motioned to issue a Positive 2a Determination. The motion was seconded by P. Downs and passed unanimously, (4-0).

OTHER BUSINESS

Executive Session to Discuss Ongoing Litigation

Minutes

March 10, 2021
March 24, 2021

W. Lovely said that he had reviewed the March 10 minutes and had no comments. The March 24 comments were fine but there was a typo where the previous minute approvals were left in. F. Cigliano said that staff would make that revision. W. Lovely motioned to approve minutes with the aforementioned revisions. The motion was seconded by P. Downs and passed unanimously, (4-0).

ADJOURNMENT

W. Lovely motioned and W. Standish seconded the motion to adjourn the meeting. The motion passed unanimously, (4-0). The time was 8:18PM.