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CONSERVATION COMMISSION
LOWELL, MASSACHUSETTS
April 22, 2020

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 occurred virtually in a conference call format during the Massachusetts State of Emergency due to the COVID-19 pandemic.

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

Members Absent: Commissioner Biedron.

Others Present:
Fran Cigliano, Associate Planner

CALL TO ORDER
7:00 PM

ORDER OF BUSINESS

CONTINUED BUSINESS

NEW BUSINESS

Emergency Certification

City of Lowell
375 Merrimack Street
Lowell, MA 01852

Project Location: Flaggy Meadow Brook near to 20 Holt Circle, 175 Woodward Ave, and 57 Wellworth Ave

An Emergency Certification has been issued to allow a small breach of the existing beaver dams to allow water to flow and abate the emergency. This permit does not allow for whole dam removal. Repair and insert new beaver deceivers as needed. Humane trapping of beavers consistent with MGL c131 Massachusetts Divisions of Fisheries and Wildlife trapping regulations is permitted. Trapping to be completed by Rick Merchant, license L266.

On Behalf:

Christine Clancy, DPW Commissioner
Richard Merchant, Beaver Consultant

Offered Comments:

C. Clancy: DPW started brush removal on the 10th. Our consultant Rick Merchant started trapping last week, continues to observe and monitor beaver activity. Trapped 4 beavers in area. The brook is now flowing. The water levels that were observed have gone down which was the goal. We are continuing to monitor. Once the water levels go down, we need to go back into Woodward Ave to lower the beaver deceiver, same as upstream. Other location is 20 Holt Circle, concerns about flooding at Clay Pit Brook. Trapped 2 beavers, continuing to monitor.

Discussion:

L. Varnum: Interested in having the beaver deceivers back in working condition so we don't have to rely on lowering/opening dam to keep situation under control. Can you can install at Holt Circle?

C. Clancy: Install fencing to allow breach. A lot of time when we respond to the first call, we make sure fencing doesn't need to be unclogged. Definitely can reset them so that they are appropriately lined and enhance fencing so it would require less maintenance.

K. Dillon: Question about trapping.

Richard Merchant: Can't be relocated, it's against Massachusetts law. Have to be destroyed on site. Beaver trapping still in progress.

K. Dillon: How much longer will you be trapping?

R. Merchant: Still actively trapping at Clay Pit Brook, Holt Circle.

K. Dillon: Looking for one more beaver?

R. Merchant: Yes.

L. Varnum: May want to put in there that project will be complete when last beaver is trapped.

Motion:

B. Buitenhuys motioned and P. Downs seconded the motion to ratify the Emergency Certification and acknowledged that there is some remaining trapping to be done on-site, as well as adjustment to the beaver deceivers. The motion passed (5-0), with Chairwoman Varnum abstaining.

Order of Conditions (OOC) Extension

City of Lowell
375 Merrimack Street
Lowell, MA 01852

Project Location: 110 Industrial Ave E 01851

The applicant for 110 Industrial Ave E (DEP #206-0768) is requesting an extension to their Order of Conditions issued in May 2017. The approval is for the project as proposed on the Site Development Plan for Gervais Volkswagen on Industrial Ave, prepared by Whitman & Bingham Associates, dated May 22, 2017, with the associated drainage for each option. A maximum of ten (10') feet of additional pavement, with the appropriate fencing, shall be allowed to accommodate the Bruce Freeman Trail.

On Behalf:

Brian Milisci, Whitman and Bingham

Offered Comments:

B. Milisci: In terms of progress, nothing has really been started. Some of the paperwork has been followed through to finalize the easement for the rail trail. I believe the city has hired an engineering firm to design a portion of the rail trail and easement was integral to that. Should be signed any second now. We are here to ask for an extension for the Order of Conditions which expires in May.

L. Varnum: No changes to the design?

B. Milisci: No, just extension.

L. Varnum: You are seeking an additional three years?

B. Milisci: Yes.

In Favor:

Emily Teller, Bruce Freeman Rail Trail: Want to express support with no revisions. Important for the City of Lowell and the current users of the rail trail as it goes north across the highway and continues toward Target. Very happy with inclusion and support extension, hope easement can register soon.

Jane Calvin, Lowell Parks and Conservation Trust: Would like to speak in favor of this project. Trail will provide really important in regional trail network. Received grant to construct other half of trail that goes under the Lowell Connector.

E. Teller: Wanted to let Board know and others that one of the segments of the Bruce Freeman Rail Trail that was completed in West Concord received an award from a national organization. So you can see the level it has reached in the region, especially in this time where people need to get outside.

L. Varnum: Important trail, many people use that on a daily basis. Makes an important statement to include Lowell in this trail.

Kristen Sykes, Appalachian Mountain Club: Echo colleagues sentiment on this trail. Fills important gap. Appreciate the efforts of the Commissioners who are involved in this.

Lisa Arnold, Lowell Bikes Coalition: Echo sentiments of three colleagues. Important environmental project. Definitely support and excited to see project go forward and will bring people in Lowell and will help with the economic sense in Lowell because of people coming into Lowell. Will be great for the economy.

Betsy Goodrich, resident: Wanted to call in and express family's support for trail and extension and look forward to connection to downtown. Whatever you can do to make this happen we really appreciate it.

Discussion:

L. Varnum: Important extension.

W. Lovely: Have been following this for a number of years. Would like to see progress.

Motion:

W. Lovely motioned and K. Dillon seconded the motion to grant a three-year extension to the OOC. The motion passed unanimously, (6-0).

OTHER BUSINESS

Minor Modification: 83 Boulevard Street 01854

BSC Group, Inc. filed a Notice of Intent on behalf of Massachusetts Electric Company to demolish and rebuild the existing Boulevard Substation #77 at 82 Boulevard Street by expanding, upgrading, and conducting various system improvements. Outside of the existing substation property, they propose installing an underground conduit within the roadway of Boulevard Street. The entire subject property and a portion of the proposed underground conduit within Boulevard Street are within Bordering Land Subject to Flooding (BLSF). The applicant is seeking approval for a minor modification to the previously issued Order of Conditions.

On Behalf:

Melissa Kaplan, BSC Group: Reason for changes, during course of project, received new manufacturer drawings. Go over various changes and explain how they aren't changing the project. Additional platforms needed to access raised equipment. Platforms and stairs are constructed from metal grading, won't be additional fill there. Found that wall needed to be stronger to withstand flood loads.

Discussion:

L. Varnum: We did require a topographic map, didn't get that yet? In the OOC. Looking for one that's stamped and dated.

M. Kaplan: We can get that to you, not a problem.

L. Varnum: As far as the effect on abutters, there's going to be a height change but still sound reduction installed and looks like your flood elevation is actually pretty equal, original and proposed.

M. Kaplan: Correct.

L. Varnum: When is work expected to be done?

M. Kaplan: Got delayed slightly, scheduled to start this fall.

Orlando Martinez: We are planning to start the construction work at the substation a year from now, April 1, 2021. Construction will go 11 months or so. Looking to start April 1, 2021.

L. Varnum: Large trees?

M. Kaplan: We had a whole landscaping plan, visual simulations of how that would look.

L. Varnum: Looks completely reasonable and not minor but certainly involved all the issues we were interested first time around. Don't see any problems with allowing modifications as requested.

Motion

K. Dillon motioned and W. Lovely seconded the motion to approve the Order of Conditions minor modification. The motion passed unanimously, (6-0).

Minutes

February 26, 2020

April 8, 2020

P. Downs motioned and B. Buitenhuis seconded the motion to approve the February 26, 2020 and the April 8, 2020 meeting minutes. The motion passed unanimously, (6-0).

ADJOURNMENT

Chairwoman Varnum motioned to adjourn the meeting at 8:20 PM. The motion passed unanimously, (6-0).