

CONSERVATION COMMISSION

LOWELL, MASSACHUSETTS

May 24, 2023

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, Brad Buitenhuys, Kevin Dillon, Perry Downs, Stephen Laput, Garrett Beaulieu, Marie Burns

Members Absent:

Others Present: Dylan Ricker, Associate Planner

CALL TO ORDER

A quorum of members was present, and L. Varnum called the meeting to order at 7:01pm.

ORDER OF BUSINESS

CONTINUED BUSINESS

Enforcement Order

City of Lowell
1365 Middlesex Street
Lowell, MA 01851

Violation Location: Land adjacent to 52 Lawrence Drive, Lowell, MA 01852 (Latitude: 42.652579
Longitude: -71.314128)

The City of Lowell has substantially cut back trees on the bank of the Merrimack River along the Riverwalk.

On Behalf:
None

Discussion:

B. Buitenhuys said a decision can't be made until DPW or the arborist is in attendance. B. Buitenhuys expressed frustration that the DPW director is still not in attendance and said he would request a law opinion at next meeting to see how the DPW Director can be forced to attend. K. Dillon and P. Downs agreed.

Motion:

B. Buitenhuys motioned, and K. Dillon seconded the motion to continue the Enforcement Order to the 6/14 Conservation Commission meeting. The motion passed unanimously (7-0).

Request for Determination of Applicability

Collegiate Charter School of Lowell
1857 Middlesex Street
Lowell, MA 01851

Project Location: 1857 Middlesex Street, 01851

A Request for Determination of Applicability has been filed by the Collegiate Charter School of Lowell to remove the existing grass field and install a new turf field within the 100-foot buffer zone of a protected wetland.

On Behalf:

Brie Sullivan, Applicant's Representative

B. Sullivan said the school is located on the South side of where the Rourke Bridge crosses the Merrimack. B. Sullivan said there is the River and a resource area on the property. B. Sullivan said the existing grass and topsoil up to a depth of 15-16 inches will be removed. There will be crushed stone over underdrains, this will provide stormwater management, and explained the approximate thickness of the field. B. Sullivan said the design will allow the rainwater to infiltrate through the field to the ground. B. Sullivan said there is not an increase in flow, but there is increased infiltration. B. Sullivan said between the field and river is a rail line which they are not going near. B. Sullivan said there would be no changes to the driveway. B. Sullivan said the proposed work is approximately 85 feet from the wetland.

In Favor:

None

In Opposition:

None

Discussion:

L. Varnum asked about the water table in the area. B. Sullivan said borings were done, and said that that info can be provided to the Commission if requested. L. Varnum asked for more info, B. Sullivan said this does not appear to be an issue and said it was about 4-5 feet.

P. Downs asked why the applicant chose turf instead of natural grass. B. Sullivan said they are only representing the applicant, and are not sure what was considered by the applicant.

L. Varnum asked how soil will be disposed of that is removed. B. Sullivan said this will be removed off-site. B. Sullivan said the school said most of the soil was imported and noted they haven't had success growing grass. B. Sullivan said no soil will stay on-site and it will be taken off-site.

L. Varnum asked for the lifespan of synthetic turf. B. Sullivan said anywhere from 10-15 years depending on maintenance and usage. B. Sullivan said when it is replaced it is only the top turf layer that is replaced. L. Varnum asked if there would be any toxins released via runoff. B. Sullivan said no toxins would runoff. B. Sullivan said the turf undergoes rigorous testing, and per toxicologists PFAS are not released.

L. Varnum asked if there are any adverse health effects from using or being near the field. B. Sullivan said this is well studied and there is no proven adverse health impacts. S. Laput agreed and said in his experience based on the amount of fertilizer needed for grass and gas needed to cut grass there is not a bigger negative impact for turf vs grass. B. Sullivan noted PFAS are in fertilizers.

K. Dillon asked where rubber pellets needed to maintain turf will be stored, and said if there was a water event the pellets could be washed away. B. Sullivan said if it is on the track it is possible that some will wash away, but the pellets are heavier than water and said the water will flow into the field. K. Dillon asked whether crumb rubber will be stored on-site other than what is in use in turf field. B. Sullivan said the crumb rubber is not supposed to be stored outside and should be stored inside, and added this is the requirement of the manufacturer, and shouldn't be left outside.

Motion:

P. Downs motioned, and K. Dillon seconded the motion to issue a negative 3 determination with the following condition:

1. Any extra crumb rubber on-site shall be stored inside.

The motion passed unanimously, (7-0).

NEW BUSINESS

Request for Determination of Applicability

David Hok and Linda Ham
116 West Street
Lowell, MA 01850

Project Location: 116 West Street, 01850

A Request for Determination of Applicability has been filed by David Hok and Linda Ham to cut down trees within the 100-foot buffer zone of a protected wetland.

On Behalf:

None

In Favor:

None

In Opposition:

None

Discussion:

L. Varnum said she visited the property and a discussion with the applicant would be beneficial. L. Varnum noted that some of the trees were in bad condition and potentially dangerous.

Motion:

P. Downs motioned, and S. Laput seconded the motion to continue the application to the 6/14 Conservation Commission meeting. The motion passed unanimously, (7-0).

Amended Notice of Intent

Greener Group, LLC
123 Bolt Street
Lowell, MA 01852

Project Location: 123 Bolt Street, 01852

An Amended Notice of Intent has been filed by Greener Group, LLC at 123 Bolt Street/. The applicant seeks to construct a new contractor garage, relocate a salt storage building, and make improvements to the access drive and parking area. The applicant received prior NOI approval and is requesting an Amended NOI per direction of MassDEP. The site is within the 100-foot buffer zone of a protected wetland and in the FEMA 100-year floodplain.

On Behalf:

Catherine Flood, Applicant's Rep

C. Flood said the NOI was previously approved by the Commission, but MassDEP appealed. C. Flood said they met on site with DEP and made changes to address their concerns, and are applying for an amended NOI per DEP direction.

Matt Hamor, Applicant's Rep

In Favor:

None

In Opposition:

None

Discussion:

L. Varnum asked about the two proposed changes. M. Hamor said DEP wanted an operation and management plan which is in the stormwater report. M. Hamor said the OM plan takes into account all drainage in the area and addresses the maintenance of the systems moving forward. M. Hamor said they also want to ensure all runoff on the structure can be managed. M. Hamor said these are the only changes. M. Hamor said they created updated plans and stormwater report which was approved by DEP. M. Hamor said DEP recommended they obtain an amended NOI approval rather than a superseding OOC.

L. Varnum asked what changes the applicant is requesting. M. Hamor said the new decision should make reference to the revised plan and revised stormwater report.

L. Varnum said she is supportive as the plans were acceptable for DEP, and would support amending decision to include updated plan and stormwater report.

Motion:

B. Buitenhuys motioned, and G. Beaulieu seconded the motion to approve the amended NOI with the following conditions:

1. Any special conditions imposed on the previous approval shall apply to the amended approval;
2. The applicant shall comply with the standard Lowell Order of Conditions; and

3. The applicant shall follow the revised plans dated 2/21/2023, and the revised stormwater report with O&M Plan.

The motion passed unanimously, (7-0).

Amended Notice of Intent

Bill Renaud
PO Box 58
Dracut, MA 01826

Project Location: 105 Martin Street, 01854

An Amended Notice of Intent has been filed by Bill Renaud at 105 Martin Street. The applicant proposes to construct a new single-family home in the 100-year floodplain. The applicant received prior NOI approval and is requesting an Amended NOI per direction of MassDEP.

On Behalf:

Paul Campbell, Applicant's Representative

P. Campbell explained the proposed project. P. Campbell said the Commission approved the original plan, but DEP appealed. P. Campbell said DEP is requiring a chart showing the displacement and compensation at each elevation. P. Campbell said the revised plan was provided, and the compensation area is the same. P. Campbell said DEP approved the revised plan, and recommended they file for an amended NOI.

In Favor:

None

In Opposition:

None

Discussion:

L. Varnum asked if there is the same compensation just displayed differently. P. Campbell confirmed. P. Campbell said the property would be within 5 inches of flood water in a 100 year flood, less than typical. P. Campbell said compensation was provided and the plan is more or less the same as what was proposed before. P. Campbell noted the lot is fairly flat and DEP request the chart, and the volume of the piers used to hold up the deck.

Motion:

B. Buitenhuys motioned, and P. Downs seconded the motion to approve the amended NOI with the following conditions:

1. Any previous conditions with the approval shall apply to the amended approval;
2. The applicant shall comply with the Lowell Standard Order of Conditions; and
3. The applicant shall follow the revised plan dated 2/10/2023.

The motion passed unanimously, (7-0).

Enforcement Order

Commonwealth of Massachusetts
251 Causeway Street, Suite 600
Boston, MA 02114

Project Location: 300 Pawtucket Boulevard, 01854

The Commonwealth of Massachusetts has removed trees without Conservation Commission approval within the 100-foot buffer zone to the Merrimack River riverfront area.

On Behalf:

None

Discussion:

L. Varnum noted the Commission received a reply from DCR stating that they believed the trees were dangerous or dead and were removed.

K. Dillon said regardless of the necessity the tree removal still requires Conservation Commission approval. K. Dillon requested the violator be notified they must make application to the Conservation Commission to get approval to remove trees, and requested a letter be sent to the violator

Motion:

B. Buitenhuys motioned, and K. Dillon seconded the motion to ratify the Enforcement Order with the intention of sending letter to DCR. Motion passed unanimously, (7-0).

K. Dillon motioned, and B. Buitenhuys seconded the motion to rescind the Enforcement Order. The motion passed unanimously, (7-0).

Request for Determination of Applicability

Jennifer Williams
72 Heritage Drive
Lowell, MA 01852

Project Location: 72 Heritage Drive, 01852

A Request for Determination of Applicability has been filed by Jennifer Williams seeking to reconstruct a deck within the 100-foot buffer zone of a protected wetland.

On Behalf:

Jennifer Williams, Applicant

J. Williams said there is a waterway to the side of the property and the river is further back. J. Williams said she recently purchased the home, and the existing deck was unstable and needed to be removed. J. Williams said she is seeking to reconstruct a deck of the same size. J. Williams said new pilings will need to be put in.

In Favor:

None

In Opposition:

None

Discussion:

K. Dillon asked about the pilings. J. Williams said some have been pulled out, but new footings will be needed. K. Dillon said the Commission would like the same dimensions of the deck.

B. Buitenhuis said the concern is to ensure soil does not get into wetland. B. Buitenhuis said soil should be stabilized as soon as possible and any loose soil after work should be moved out of the buffer zone, or off the property.

Motion:

K. Dillon motioned, and S. Laput seconded the motion to issue a negative 3 determination. The motion passed unanimously, (7-0).

OTHER BUSINESS

4/12/2023 meeting minutes

Motion:

B. Buitenhuis motioned, and P. Downs seconded the motion to approve the 4/12/23 meeting minutes. The motion passed unanimously, (7-0).

ADJOURNMENT

B. Buitenhuis motioned, and G. Beaulieu seconded the motion to adjourn. The motion passed unanimously. (7-0). The time was 7:48pm.