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CONSERVATION COMMISSION  
LOWELL, MASSACHUSETTS  
May 26, 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](http://www.LTC.org).

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

**Members Present:** Chairwoman Varnum, Commissioner Dillon, Commissioner Buitenhuis, Commissioner Downs, and Commissioner Standish

**Members Absent:** Commissioner Lovely

**Others Present:** Dylan Ricker, Assistant Planner; Peter Cutrumbes, Assistant Planner

**CALL TO ORDER**

Meeting called to order 7:00pm.

**ORDER OF BUSINESS**

**CONTINUED BUSINESS**

**Enforcement Order**

Tim Thet  
1 Sheffield Street  
Lowell, MA 01854

Violation Location: 1 Sheffield Street, 01854

Brush and tree removal within the 100 foot buffer zone and 100-year flood plain without Conservation Commission approval.

On Behalf:

Sophia Thet, Homeowner

S. Tet stated that the home's address is listed as 41 Stockbridge Ave. S. Tet said that they are first time homeowners, and were unaware that they needed approval for the backyard to be cleared. S. Tet stated that they were clearing the lawn to create more space for their daughter to play, and they were unaware that the cutting went onto a neighboring property.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuis recused himself from the item.

L. Varnum clarified that the violation is related to the clearing of trees and brush as well as storing the brush within the 100 foot buffer zone of the Clay Pit Brook and in the 100 year floodplain. L. Varnum said that the first step toward remediation is the removal of the brush and trees that were cut down from the resource area.

L. Varnum stated that the Conservation Commission will need a plan for the restoration of the resource area. L. Varnum said the area needs to be stabilized and something needs to start growing to ensure the soil does not wash away when it rains. L. Varnum added that the remediation plan should include new plantings, especially along the banks of the brook, and requested a plan be submitted at the next Conservation Commission meeting.

W. Standish agreed with L. Varnum's description of the violation and proposed steps toward remediation.

S. Thet asked if she needed approval to add dirt to the backyard to level the yard. L. Varnum said that the entire yard is under Conservation Commission jurisdiction and extra fill cannot be added in a resource area. L. Varnum said that the yard can be flattened with Conservation Commission approval, but fill cannot be added.

K. Dillon agreed that fill cannot be added, and asked what type of vegetation was removed. S. Thet said that it was primarily brush removal along with some roots.

W. Standish said that the violator should come back with a plan, and the plan will be subject to floodplain rules, and said that safety measures, erosion controls, and plantings should be considered.

L. Varnum stated that the Conservation regulations are meant to help control potential floods, and S. Thet should continue to be in contact with DPD regarding remediation. L. Varnum said that an RDA is required for any new work being done in a resource area.

L. Varnum stated that the next Conservation Commission meeting is June 9, 2021, and this item will be placed on that agenda.

Motion:

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

**NEW BUSINESS**

**Request for Determination of Applicability**

Raymond O. Boateng  
87 Meadowview Drive  
Lowell, MA 01854

Project Location: 87 Meadowview Drive, 01854

Construction of a fence around the property, and add a pool within the 100 foot buffer zone of a protected wetland.

On Behalf:

Raymond Boateng, Applicant

R. Boateng stated that there are two projects being proposed, one is to construct a fence around the property, and the second is to construct a pool. R. Boateng said it is his goal to stay out of the 100 foot buffer zone as much as is possible.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum asked whether the fence or pool would go in first. R. Boateng said the pool would go in first, and the pool is 21 feet in diameter and is above ground.

L. Varnum asked what type of fence is being proposed. R. Boateng stated the fence is vinyl and will be 6 feet high.

L. Varnum asked if neighbors have fences. R. Boateng said the neighbors have fences that run along the property line, the left neighbor has a fence, and his right neighbor has a metal fence, but this fence does not run along the property line. R. Boateng added that the fence will be in place to protect from coyotes.

L. Varnum stated that she is concerned about wildlife near the wetland areas, and said that when coyotes go through yards they are typically just passing through. L. Varnum was concerned that the fence would be blocking off a wildlife corridor, and asked if there is a way for wildlife to pass.

R. Boateng said that between the neighbor's shed and the fence there is a space to allow wildlife to pass. L. Varnum confirmed that the neighbor does not have a fence in the back. R. Boateng said the space is 6 feet wide. R. Boateng clarified that only the posts on the proposed fence will be in the ground, there will be a space of around 6 inches below the fence for wildlife to pass.

B. Buitenhuis stated he is glad there is a pass through on one side, and there will be a pass through beneath the fence. Large enough for some animals, B. Buitenhuis and W. Standish stated they think the plan is good.

Motion:

W. Standish motioned, and B. Buitenhuis seconded the motion for a Negative III determination. The motion passed unanimously, (5-0).

**Request for Determination of Applicability**

Sandra Sargent  
56 Corey Street  
Lowell, MA 01851

Project Location: 56 Corey Street, 01851

Installation of a 15 foot above ground pool within the 100 foot buffer zone of a protected wetland.

On Behalf:

S. Sargent, Applicant

S. Sargent stated the proposal is to install a 15 foot round, above ground pool in the backyard of the property for their grandson.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum stated that the pool will be located in a cleared area, and the pool is a removable object, and she does not have any concerns.

B. Buitenhuys asked about drainage procedures for a pool in a wetland. S. Sargent said there will likely be minimal drainage.

W. Standish stated that the issue is with the chemicals and ensuring they do not get into the wetland. B. Buitenhuys said that the Conservation Commission typically does an advisement that the pool has chemicals in it and the applicant should try to get the water to infiltrate through the lawn rather than the wetland. B. Buitenhuys said that if the pool needs to do a full drain it should be drained to a catch basin, his only concern is shock chemicals getting into the wetlands.

Motion:

B. Buitenhuys motioned, and W. Standish seconded the motion for a Negative III determination. The motion passed unanimously, (5-0).

**Request for Certificate of Compliance**

Oak Residences LLC  
1250 Westford Street  
Lowell, MA 01851  
DEP #206-161

Project Location: 1250, 1260, 1270 Westford Street, 01851

Request for Certificate of Compliance for DEP#206-161 for construction of the Oak Residences at 1250 Westford Street.

On Behalf:

Jennifer DiCarlo, Applicant's Representative

J. DiCarlo stated the OOC was for apartments on Westford Street, the two buildings are about to be sold and they need to clean up title issues. The OOC was issued in 1985, the original engineer was contacted and an as-built plan was submitted to DPD. J. DiCarlo said that the engineer in a letter dated May 7<sup>th</sup> indicated that the project was completed in substantial accordance of the original plan.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum stated she does not have concerns and believes this is a necessary step. L. Varnum said she has not seen any violations as a result of the construction. B. Buitenhuys agreed with L. Varnum.

Motion:

B. Buitenhuys motioned, and Kevin Dillon seconded the motion to grant the Certificate of Compliance. The motion passed unanimously, (5-0).

## **Request for Certificate of Compliance**

City of Lowell

375 Merrimack Street

Lowell, MA 01852

DEP #206-0678, DEP #206-0698

Project Location: 221.15, 221.16, 221.17, 223.1, 341.1, 341.2, 369.1 Jackson Street, 01852

Request for Certificate of Compliance for DEP #206-0678, and DEP #206-0698 for the construction of a parking lot and Point Park at 341.1, 341.2, and 369.1 Jackson Street.

### On Behalf:

Christine McCall, Assistant City Manager / Director of DPD, City of Lowell

C. McCall stated that the City of Lowell is seeking the Certificate of Compliance because the property will be sold to a developer. C. McCall stated that an engineer has provided a report stating that the project was sufficiently completed.

### Speaking in Favor:

None

### Speaking in Opposition:

None

### Discussion:

L. Varnum stated that the subject parcel is a challenging parcel. C. McCall said that one of the parcels will be completely redeveloped, and portions of Point Park will remain, along with all of Utopia Park. The step to obtain the Certificate of Compliance will help clean up outstanding permits.

### Motion:

P. Downs motioned, and K. Dillon seconded the motion to grant the Certificate of Compliance for DEP #206-0678, and DEP #206-0698. The motion passed unanimously, (5-0).

## **Enforcement Order**

SteveO Nominee Trust

31 Anderson Drive

Tyngsborough, MA 01879

Violation Location: 5 Sheffield Street, 01854

Brush and tree removal within the 100 foot buffer zone, and 100 year flood plain without Conservation Commission approval.

### On Behalf:

None

### Speaking in Favor:

None

### Speaking in Opposition:

None

### Discussion:

P. Cutrumbes stated that this property is owned by Steve O'Neill, and is adjacent to 1 Sheffield Street. P. Cutrumbes said that the property owner could not appear at the meeting due to a prior engagement.

L. Varnum asked that the property owner be made aware of other party's steps to address the issue and to determine if he will of assistance. The property owner should also determine if their property was impacted by the tree and brush removal.

L. Varnum asked if there were 2 enforcement orders, P. Cutrumbes confirmed there were 2. L. Varnum said that each Enforcement Order should be on the agenda at the next Conservation Commission meeting.

Motion:

P. Downs motioned, and B. Buitenhuys seconded the motion to ratify the Enforcement Order. The motion passed unanimously, (5-0).

**OTHER BUSINESS**

**Minutes**

April 14, 2021 Executive Session

April 28, 2021

May 12, 2021

B. Buitenhuys motioned, and K. Dillon seconded the motion to approve the April 14, 2021 Executive Session minutes, April 28, 2021 minutes, and May 12, 2021 minutes. The motion passed unanimously, (5-0).

B. Buitenhuys announced that Saturday's clean-up will take place at Arch Street near the train tracks from 9am-noon.

**ADJOURNMENT**

B. Buitenhuys motioned, and K. Dillon seconded the motion to adjourn. The motion passed unanimously, (5-0). The time was 7:52pm.