

CONSERVATION COMMISSION

LOWELL, MASSACHUSETTS

June 14, 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.

Members Present: Chairwoman Varnum, Brad Buitenhuys, Perry Downs, Stephen Laput, Garrett Beaulieu, Marie Burns

Members Absent: Kevin Dillon

Others Present: Francesca Cigliano, Senior Planner

CALL TO ORDER

A quorum of members was present, and L. Varnum called the meeting to order at 7:00pm.

ORDER OF BUSINESS

CONTINUED BUSINESS

Enforcement Order

City of Lowell
1365 Middlesex Street
Lowell, MA 01851

Violation Location: Land adjacent to 52 Lawrence Drive, 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:

Paul St. Cyr, DPW Commissioner
Coppinger Arborist

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum said they had an opinion from an arborist. Had requested DPW commissioner come in and provide an update. P. St. Cyr said now they have engaged an arborist that they will use for issues moving

forward. L. Varnum said the arborist said to let trees grow back naturally. Arborist said recommendation was to remove one liter per year on a multistep tree; that way it would maintain the height going forward. B. Buitenhuys said that the Commissioner wants to make sure trees live. Want to see trees regrow and thinned responsibility.

Arborist said that new growth upward could be weak. Will have to be managed going forward to get taller. Wait and see growth pattern. New growth might be very bushy and not the best form.

B. Buitenhuys emphasized protecting health of trees regardless of height. Arborist said it is tricky. Does not recommend treating wounds on trees or fertilizing them. Recommended an annual check in. P. St. Cyr said yes they would check in annually.

Motion:

P. Downs motioned and B. Buitenhuys seconded the motion to rescind the Enforcement Order with the condition that the DPW Commission check in with the Commission on the trees' recovery on an annual basis. The motion passed unanimously, (6-0).

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

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum noted that we need to be clear which trees they are. Trees are in poor condition and maybe somewhat dangerous. Thinking we could ask applicant to mark some with string/ribbon so that we can take a look.

Motion:

B. Buitenhuys motioned and P. Downs seconded the motion to continue the item to the 6/28 meeting. L. Varnum asked the applicant to mark the trees proposed to be removed prior to the next meeting.

NEW BUSINESS

Request for Certificate of Compliance

Walter E. Chambers
37 Birdie Lane
Wells, ME 04090

DEP #206-0541

Project Location: 168 Eighteenth Street 01854

The applicant has submitted a Request for Certificate of Compliance for the above-referenced property.

On Behalf:

Walter Chambers, Applicant's Representative

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

B. Buitenhuys motioned and P. Downs seconded the motion to issue the Certificate of Compliance. The motion passed unanimously, (6-0).

Notice of Intent

Steve Marshall

191 Freda Lane

Lowell MA 01854

DEP #206-082

Project Location: 191 Freda Lane 01854

The applicant is seeking to construct an addition to their home with 100-ft of a wetland (MassDEP #206-0822).

On Behalf:

Ian Ainslie, Applicant's Engineer

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum said that there is a 50-ft. no build zone. I. Ainslie said that he did not see this rule codified. Asked if there is mitigation or an alternative to allow for a reduced setback? Something to improve buffer. L. Varnum said that that is what she expected to see. She is surprised to have seen 43 feet. I. Ainslie said that he was not aware. L. Varnum said the Commission has jurisdiction over 100 feet. L. Varnum said that there are culverts connected to the wet area. Putting themselves at risk being that close. L. Varnum complemented a 200 year old healthy oak tree that would need to be removed to accommodate the new addition.

B. Buitenhuys said stormwater system design looks fine. P. Downs said that the no-build zone is something they have been strict about.

L. Varnum said drainage wasn't clear-seemed roof drains went down to a trench. B. Buintehuys and L. Varnum discussed the proposed stormwater systems with I. Ainsle.

P. Downs said cutting down the size of the addition by 10-ft would save the tree and get them out of the 50-ft buffer zone.

B. Buitenhuys said that they can fit two cars in 24 ft, why do they need 50ft for 3 cars? Applicant said 3 cars, lawn mower, 10ft interior addition.

I. Ainsle asked whether they could reduce the 50-ft setback in exchange for an environmental benefit? I. Ainsle suggested planting, markers of no further disturbance.

Motion:

B. Buitenhuys motioned and G. Beaulieu seconded the motion to continue the item to the 6/28 Conservation Commission meeting. The motion passed unanimously, (6-0).

Request for Determination of Applicability

Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 900
Boston, MA 02114

Project Location: VFW Highway 01854

The applicant is seeking RDA approval for a soil remediation and soil capping project. This item will be on the 6/14 Conservation Commission agenda.

On Behalf:

Kyle Backhus, DCR

Speaking in Favor:

K. Backhus said that there is fill with asbestos along the VFW highway. MassDOT required to report. As part of bridge project, MassDOT has remediated some of it. This is all on DCR parcel. Lowell sliver is outside their purview, DCR would like to cap last portion. 1500 sq. ft. Adjacent to pedestrian path.

L. Varnum asked about timeframe. K. Backhus said late summer/early fall. Will only take a few weeks. L. Varnum asked about erosion control. K. Backhus said yes it is already there from MassDOT but they will add more.

Speaking in Opposition:

None

Discussion:

None

Motion:

P. Downs motioned to issue a Negative III Determination, seconded by S. Laput, and the motion passed unanimously, (5-0-1) with B. Buintehuys abstaining.

OTHER BUSINESS

Minutes

P. Downs motioned and B. Buitenhuis seconded the motion to approve the meeting minutes from the 5/24 Conservation Commission meeting. The motion passed unanimously, (6-0).

F. Cigliano noted that a growth strategy workshop for the Lowell Forward comprehensive plan update will be taking place on June 21 at 6:30pm at the Lowell Senior Center. B. Buitenhuis noted training for urban forestry event and Lowell Litter Krewe will be taking place on June 25.

ADJOURNMENT

B. Buitenhuis motioned to adjourn, seconded by M. Burns (6-0). The time was 7:49PM.