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CONSERVATION COMMISSION
LOWELL, MASSACHUSETTS
June 23, 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 Buitenhuis, Commissioner Lovely, Commissioner Dillon, Commissioner Downs, and Commissioner Standish

Members Absent: None

Others Present: Fran Cigliano, Senior Planner; Dylan Ricker, Assistant Planner; Peter Cutrumbes, Assistant Planner

CALL TO ORDER

Meeting called to order 7:07 pm.

ORDER OF BUSINESS

CONTINUED BUSINESS

Enforcement Order

Douglas Quist
1345 Lawrence Street
Lowell, MA 01852

Violation Location: 1345 Lawrence Street 01852

Tree cutting and fill dumping within the 100-ft buffer zone to bordering vegetated wetlands without permission from the Lowell Conservation Commission. The applicant is requesting that the Conservation Commission rescind the outstanding EO.

On Behalf:

Douglas Quist, Property Owner

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

The Commissioners commented that the owner had removed all the materials from the buffer zone.

Motion:

B. Buitenhuis motioned to rescind the Enforcement Order. The motion was seconded by K. Dillon and passed unanimously, (6-0).

NEW BUSINESS

Request for Determination of Applicability

Jeannine L. Dufresne

46 Lexington Ave

Lowell, MA 01854

Project Location: 46 Lexington Ave 01854

The applicant is seeking to replace and extend an existing driveway within the 100-ft. buffer zone to bordering vegetated wetlands.

On Behalf:

Jeannine Dufresne, Property Owner

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum asked if they had considered gravel instead of asphalt. J. Dufresne said that they need to use a snowblower to remove snow so gravel would not be an option. L. Varnum discussed her concerns about a new driveway in the flood plain and confirmed that the applicant will remove the existing driveway before installing the new driveway. L. Varnum and B. Buitenhuis said that it would be preferable if the new driveway could be at the same level and not higher than the existing driveway.

W. Lovely said that if the new driveway is no higher in grade than the previous driveway, then it is a non-issue for the Commission.

L. Varnum said that the Commission could add a condition that the final grades will be the same as the existing grades.

Motion:

B. Buitenhuis motioned and W. Lovely seconded the motion to grant a Negative III determination with a condition that the top grade of the driveway remains the same as the existing driveway. The motion passed unanimously, (6-0).

Request for Determination of Applicability

Paul & Barbara Copley

45 Meghann Lane

Lowell, MA 01852

Project Location: 45 Meghann Lane 01852

The applicant is seeking to install a 18' x 9' x 5.2' above ground pool within the 100-ft. buffer zone to the Merrimack River.

On Behalf:

Paul & Barbara Copley, the Applicants

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum said that the Commission has historically viewed above-ground pools as temporary structures. B. Buitenhuys added that for pools, the Commission adds a standard condition requiring the applicant to avoid draining the pool water toward wetlands. The applicant should pump the pool into a low area so that it can percolate into the ground prior to hitting the wetland area. The applicants stated this would not be a problem.

Motion:

W. Lovely motioned and W. Standish seconded the motion to grant a Negative III determination with the condition that the applicant shall drain the pool into a low elevation area so that it can percolate into the ground rather than run into the resource area. The motion passed unanimously, (6-0).

Notice of Intent

Matthew LeLacheur

30 Perron Way

Lowell, MA 01854

DEP# not yet available

Project Location: 39 Perron Way 01854

The applicant is seeking to construct a two-car garage to an existing single-family home within the 100-ft buffer zone to bordering vegetated wetlands. The applicant proposes moving the existing driveway and installing an infiltration trench along the driveway and along the rear drip edge of the garage. The applicant is also seeking to remove several trees as part of the NOI. **MassDEP has not assigned this project a DEP # yet.**

On Behalf:

Michael Seekamp, Applicant's Representative

Matt LeLacheur, the Applicant

Speaking in Favor:

M. Seekamp said that he had delineated the wetlands last year. They are proposing to build a 2 car garage and move the driveway slightly toward the wetland. The closest the garage will be to the wetland is 73 feet. They will be connecting the garage to the house with a mudroom/breezeway. The applicant would also like to have a few trees removed. Some of the trees will be on an abutting property, but the applicant has letters from the abutters giving permission to remove the trees. They also have a letter from an arborist stating that the trees pose a threat to the structure. M. LeLacheur added that the trees could be a falling hazard.

Speaking in Opposition:

None

Discussion:

L. Varnum noted that the Commission had received an email stating that an infiltration trench is not required by stormwater staff for this type of project. L. Varnum said that she is still concerned about salt running into the wetland without an infiltration area. M. LeLacheur said that he does not use salt but would still want to install the trench. B. Buitenhuys added that he would still like the trench to be included. L. Varnum said that she noticed hay bales were included on the plan for erosion control, but the Commission would prefer if straw wattles were

used instead. W. Lovely noted that promoting infiltration and avoiding sheet flow is best practice. M. LeLacheur said he has no objection to this.

W. Lovely asked how many trees would be removed. M. LeLacheur said 9, but that 5 are inside the 100 ft. buffer zone and 4 are outside the buffer zone. W. Lovely suggested replacement to minimize canopy loss.

W. Stnadish noted that continuing the erosion control along the length of the driveway would be preferable. B. Buitenhuys requested that they add four native trees to the plan, along with straw wattles, prior to the next meeting.

L. Varnum noted that they have a nice line of native trees along the driveway that should not be disturbed, with nice variety of birches, maples, and oaks.

Motion:

W. Lovely motioned and B. Buitenhuys seconded the motion to continue to the July 14 Conservation Commission meeting. The motion passed unanimously, (6-0).

Request for Certificate of Compliance

Boott Mill Developer LLC
One Washington Mall, Suite 500
Boston, MA 02108
DEP #206-0689

Project Location: 130 John Street 01852

The applicant is seeking a Certificate of Compliance for DEP #206-0689 for the Boott Mills development.

On Behalf:

Jon Rudzinski

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum said that they are discussing a Boott Mill development from 2012. W. Lovely noted that no as-built plan was submitted, and would like to confirm the scope of work. L. Varnum noted that a letter from an engineer could substitute for the as-built plan.

F. Cigliano said that there is not a good paper trail for the project in the office.

L. Varnum and W. Lovely said that they would want to see a letter from an engineer confirming that what was constructed does not substantially deviate from the approved plans.

Motion:

W. Lovely motioned and P. Downs seconded the motion to issue the Certificate of Compliance upon receipt of a letter from an engineer stating that the project was constructed in accordance with the approved plans and Order of Conditions. The motion passed unanimously, (6-0).

Request for Determination of Applicability

Timothy and Valerie Higgins
148 Corey Street

Lowell, MA 01851

Project Location: 148 Corey Street 01851

The applicant is seeking to expand their existing driveway within the 100-ft buffer zone to bordering vegetated wetlands.

On Behalf:

Tim and Valerie Higgins

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum said that this property is adjacent to a ponding area near Technology Drive. L. Varnum said she had driven out there and noticed that there seems to be a huge depression area. T. Higgins said that they are looking to extend the driveway to an area that they had purchased from their neighbor.

W. Lovely clarified that this property is not in the flood plain, only within the buffer zone to wetlands. B. Buitenhuys noted that the Commission does not have concerns about raising the grade of the driveway since they are not in a flood zone. W. Standish said that erosion control and infiltration should be kept in mind. An infiltration trench would be beneficial.

Motion:

B. Buitenhuys motioned and W. Lovely seconded the motion to grant a Negative III determination with the following conditions:

1. The applicant shall include a 3 x 3 ft. fabric-wrapped infiltration trench along the length of the driveway to prevent sheet flow from entering the wetlands; and
2. Erosion control (straw wattles) shall be installed downhill of the work area until construction is complete.

The motion passed unanimously, (6-0).

OTHER BUSINESS

Minutes

June 9, 2021

W. Lovely motioned and B. Buitenhuys seconded the motion to approve the June 9 meeting minutes. The motion passed unanimously, (6-0).

ADJOURNMENT

W. Lovely motioned and K. Dillon seconded the motion to adjourn the meeting. The motion passed unanimously, (6-0).