

CONSERVATION COMMISSION
LOWELL, MASSACHUSETTS
JULY 14, 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 Downs, and Commissioner Standish, Commissioner Buitenhuis and Commissioner Dillon

Members Absent: Commissioner Lovely

Others Present: Francesca Cigliano, Senior Planner; Jess Wilson, Associate Planner; Peter Cutrumbes, Assistant Planner

CALL TO ORDER

Meeting called to order 7:06 PM

ORDER OF BUSINESS

NEW BUSINESS

Enforcement Order

Westminster Village
1276 Pawtucket Boulevard
Lowell, MA 01854

Violation Location: Riverbank across from 1276 Pawtucket Boulevard

The violator engaged in brush and soil removal along the bank of the Merrimack River in order to create their own beach. They are also storing a floating dock, a chair, and a kayak along the river.

On Behalf: Janet Ivanoff, Property Manager

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion: L. Varnum asked if Westminster Village was aware of the violation. Janet Ivanoff said they cleaned up the area, got the ID of the violator and returned his items to him. L. Varnum asked if activity has stopped. J. Ivanoff said the violator lived in a separate complex across the street from the riverbank. Westminster Village have asked their regular LPD detail, which tours the property 4 days a week, to

look for signs of trespassing and have also put up no trespassing signs L. Varnum asked what can be done to ensure erosion control? K. Dillon asked if there were any plants in the area? P. Cutrumbes answered that there is short shrub vegetation, and that replanting would be helpful to hold the soil in place J. Ivanoff asked if there was any vegetation in particular the Commission would like to see planted. L. Varnum replied that they would like to see short shrubbery, no invasive species, and plantings roughly every 5 feet. K. Dillon asked what the native shrubs in the area are. L. Varnum answered with honeysuckle, and B. Buitenhuis listed dogwood, azalea, hydrangea, and plethora. L. Varnum recommended looking at the MACC website. L. Varnum asked that DPD staff stay in touch with Ms. Ivanoff and ask for follow up.

Motion: Motion to ratify by W. Standish, seconded by P. Downs. The vote was unanimous (5-0).

Request For Determination Of Applicability

Lee Butler
159 Alcott Street
Lowell, MA 01852

Project Location: 159 Alcott Street

A Request for Determination of Applicability has been filed by Lee Butler for tree, and bush removal within the 100 year flood plain, and within the 100 foot buffer zone of a Bordering Vegetated Wetland (BVW).

On Behalf:

Speaking in Favor: Lee and Lisa Butler

Speaking in Opposition:

Discussion: Lee Butler stated that they recently bought the house. The tree company they hired said that the trees are dead and should be removed, and informed the Butlers they will need to seek Conservation Commission approval. Lee said that they want to take down the trees and replace them with bushes. L. Varnum said she visited the site and agrees with the assessment of the trees, and asked what they will do with the stumps. Lee said the tree company will grind the stumps. L. Varnum said that the trees beyond their face should not get taken down, and Lee stated that that was not in the plans. W. Standish said he agrees a silt fence should be installed. P. Downs agreed. W. Standish said there should be a planting plan, and proposed having the boundary of the wetlands staked. L. Varnum said she thinks the natural line is very distinct.

Motion: P. Downs proposed a negative 3 determination with the requirement of a silt fence at the back limit of the work area. Seconded by W. Standish. Unanimous. (5-0)

Request For Determination Of Applicability

Bernard Bergeron
108 Dunbar Avenue
Lowell, MA 01854

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Project Location: 108 Dunbar Avenue

A Request for Determination of Applicability has been filed by Bernard Bergeron to resurface a driveway and other paved areas on the subject property within the 100-ft buffer zone to Clay Pit Brook.

On Behalf:

Speaking in Favor:

Speaking in Opposition:

Discussion: B. Bergeron said the previous pavement was removed due to the poor condition it was in. L. Varnum asked if the new pavement will be the same elevation and if any new pavement would be going in. B. Bergeron said yes it is the same elevation, and that no new pavement was going in. W. Standish expressed contentment with the project. L. Varnum asked if the pavement is going to be one layer or two. B. Bergeron said they will put a binding layer over the crushed stone, and then a second coat, and that the total pavement would be around 3-4 inches thick.

Motion: K. Dillon motioned for a negative 3 determination, which was seconded by P. Downs. Unanimous (4-0), after the departure of Commissioner Buitenhuys.

Emergency Certification

Robert Burns

128 Billerica Street

Lowell, MA 01852

Project Location: 128 Billerica Street

An Emergency Certification was issued due to flooding of neighboring properties as a result of recent rain events and continued beaver activity. The work will entail 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.

On Behalf:

Speaking in Favor:

Speaking in Opposition:

Discussion: Motion to ratify by W. Standish seconded by P. Downs. Vote was unanimous (4-0).

Emergency Certification

New York Street ROW (end of dead-end street)

Lowell, MA 01854

Project Location: New York Street ROW

An Emergency Certification was issued due to a fallen tree damaging a retention wall. The retention wall keeps the area from flooding. The work will entail the removal of the tree and debris and repair of the wall.

On Behalf:

Speaking in Favor:

Speaking in Opposition:

Discussion:

Motion: P. Downs motioned to ratify, seconded by W. Standish. Vote was unanimous (4-0).

CONTINUED BUSINESS

Notice of Intent
Matthew LeLacheur
30 Perron Way
Lowell, MA 01854
DEP# 206-806

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.

Discussion: L. Varnum asked if the applicant had anything to add since their appearance at the last meeting. M. LeLacheur said he has looked into 3 different spots to plant some trees and asked for City assistance identifying native species. L. Varnum confirmed that the applicant is still planning on infiltration trenches going the length of the driveway, and M. LeLacheur said yes.

Motion: Motion to close the public hearing by P. Downs seconded by K. Dillon. The vote was unanimous (4-0). W. Standish motioned to add two conditions: continuation of straw waddles for the length of the driveway and replantings of any vegetation that is taken out. 4-0 unanimous.

OTHER BUSINESS

Executive Session with the Law Department to Discuss Outstanding Litigation

Minutes

June 23, 2021: Motion to approve by K. Dillon, seconded by P. Downs. Vote was unanimous (4-0).

ADJOURNMENT

Motion to adjourn by P. Downs seconded by W. Standish. Vote was unanimous (4-0).