

CONSERVATION COMMISSION

LOWELL, MASSACHUSETTS

October 12, 2022

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, Vice Chair Buitenhuis, Kevin Dillon, Perry Downs, Stephen Laput

Members Absent: None

Others Present: Peter Cutrumbes, Assistant Planner

CALL TO ORDER

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

ORDER OF BUSINESS

CONTINUED BUSINESS

Request for Determination of Applicability

Andrew Goddard

327 Davis Street

Northborough, MA 01532

Project Location: 10 Toupi Lane, Lowell MA 01854

A Request for Determination of Applicability has been filed by Andrew Goddard to determine whether there are resource areas subject to the Wetlands Protection Act on site.

On Behalf:

None

In Favor:

None

In Opposition:

None

Discussion:

None

Motion:

P. Downs motioned, with S. Laput seconding, to continue the application to the October 26 meeting. S. Laput requested for City staff to put pressure on the peer reviewer to complete the process. The vote was unanimous (5-0).

Request for Determination of Applicability

Jimmy Nouvong

511 Princeton Boulevard

Lowell, MA 01851

Project Location: 511 Princeton Boulevard, Lowell, MA 01851

A Request for Determination of Applicability has been filed by Jimmy Nouvong to install an 8' x 12' shed within the 100-year floodplain.

On Behalf:

Jimmy Nouvong and an assistant, helping Mr. Nouvong on translation, spoke on the shed. The Commission had previously requested information on what the shed was made out of. J. Nouvong indicated that it will be made out of wood.

In Favor:

None

In Opposition:

None

Discussion:

L. Varnum asked about the thickness of the wood paneling and if the shed is set on cement blocks. Mr. Nouvong's assistant said it is on a pressure treated wood foundation. P. Downs asked if that foundation is watertight. He said it may be but he isn't sure. B. Buitenhuys said that it will probably also have to be on cinder blocks, which would raise it out of the flood zone.

Motion:

P. Downs motioned, with B. Buitenhuys seconding, to issue a negative 3 determination with the condition that the shed is not permanently attached to a foundation. The vote was unanimous (5-0).

Enforcement Order

S&R Corporation

706 Broadway Street

Lowell MA 01854

Violation Location: 204 River Road, Lowell MA 01852

An Enforcement Order has been issued at the subject property for dumping fill within 100-feet of the riverfront area on the Merrimack River without Conservation Commission approval.

On Behalf:

Steven Ploof from S&R came to speak. He said that S&R has gone back to the site and taken out some of the dumped soil. S. Ploof said he would be willing to meet with City staff on site. He noted that the contours are as close as he could get, as he could not layer the GIS info onto AutoCAD, because it was in PDF format.

In Favor:

None

In Opposition:

None

Discussion:

B. Buitenhuys said that they should be able to layer it if they convert the PDF to an image file. He offered to make the conversion himself if staff cannot do it, and to send the file to him if staff

needs to. K. Dillon said they need to confirm the elevations are correct, and then the violator should seed before winter. B. Buitenhuis said that he would like electronic copies of the photos the violator has brought. P. Downs asked what was growing there before. The violator said it was mostly scrub. He said he could plant grass seed and hay it over winter. B. Buitenhuis asked for the slope. S. Ploof said around 2:1. B. Buitenhuis said they may want to consider landscaping in that area. K. Dillon said they don't want to wait too long, and want stabilization via planting to get done as quickly as possible. B. Buitenhuis said it should be seeded and hayed as quickly as possible, and that S&R should be allowed to proceed in this. B. Buitenhuis offered to do a site visit on Friday, October 14. K. Dillon can also attend.

Motion:

P. Downs motioned, with S. Laput seconding, to continue the Enforcement Order to the October 26 meeting. The vote was unanimous (5-0).

NEW BUSINESS

OTHER BUSINESS

Appointment of the Designated Member to the Community Preservation Commission

The Commission will vote to appoint a member to serve on the Community Preservation Commission.

Motion:

P. Downs motioned to renominate B. Buitenhuis to serve on the Community Preservation Commission. S. Laput seconded. The vote was unanimous (5-0).

September 14, 2022 and September 28, 2022 Meeting Minutes

Motion:

P. Downs motioned, with S. Laput seconding, to accept the minutes. The vote was unanimous (5-0).

ADJOURNMENT

B. Buitenhuis motioned, with P. Downs seconding, to adjourn the meeting. The vote was unanimous (5-0), and the meeting was adjourned at 7:37 PM.