

CONSERVATION COMMISSION

LOWELL, MASSACHUSETTS

January 28, 2026

**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).

**This meeting was held both in person and virtually using Zoom.**

**Members Present:** Chair Brad Buitenhuys, Vice-Chair Kevin Dillon, Commissioner Perry Downs, Commissioner Marie Burns, Commissioner Paul Belley, Commissioner Kristen Ross-Sitcawich, Commissioner Roberto Ciccarelli

**Members Absent:**

**Others Present:** Peter Cutrumbes, Assistant Planner

**CALL TO ORDER**

B. Buitenhuys called the meeting to order at 7:00pm with a quorum of members present.

**ORDER OF BUSINESS**

**CONTINUED BUSINESS**

**Request for Determination of Applicability**

Keith Sor

15 Leverett Street

Lowell, MA 01851

Project Location: 36 Shirley Ave, 01854

A Request for Determination of Applicability has been filed by Keith Sor to construct an addition at 36 Shirley Avenue. The entirety of the work will take place within the FEMA 100-Year Flood Plain.

**On Behalf:**

Keith Sor, the contractor, appeared on behalf of the applicant. He presented the revised plan with the flood elevation.

**Speaking in Favor:**

None

**Speaking in Opposition:**

None

Discussion:

B. Buitenhuys says that he saw the flood elevation on the survey. Is that the elevation at the footing or the deck? K. Sor said it is from the footing. P. Downs asked how high the deck is off the ground? K. Sor said about 3 feet. P. Downs said it is just a post in the flood zone.

Motion:

K. Dillon motioned to issue a negative 3 determination. Seconded by M. Burns. The vote was unanimous (7-0).

**Enforcement Order**

Vatt Khmer Lowell and Khmer American Cultural Center  
66 Townsend Avenue  
Lowell, MA 01854

Project Location: 48 Townsend Avenue, 01854

An Enforcement Order has been issued for the removal of landscaping and trees within the 100-foot buffer zone of a wetland, and in the FEMA 100-year floodplain.

On Behalf:

Samkhann Khoeun from Vatt Khmer. He provided an updated planting plan for staff and the Commission. They have followed the directives from their previous meeting, They have also added an additional 5 American Sycamore trees. A total of 32 new trees have been planted. The sycamores were planted in the center of the property. 9 Dogwoods were planted at the rear of the property. 5 Dogwoods were planted along the border of the Dracut Cemetery. 7 Red Dogwood trees were planted midway through the property. 6 apple trees were planted along the wooded edges of the property. They are requesting the rescinding of the Enforcement Order.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuys said they have taken the Commissions comments from previous meetings. K. Dillon said the sycamores were one of the species he recommended. He asked if they plan on harvesting the apples from the trees. Sam said they are just for wildlife. M. Burns said she likes the choices made on the plan. Particularly noted the cross-pollinators using the apple trees.

Motion:

K. Dillon motioned to rescind. P. Downs seconded. The vote was unanimous (7-0).

**Notice of Intent**

New England Power Company  
170 Data Drive  
Waltham, MA 02451

**MASS DEP #: 206-0846**

Project Location: 32-41 Reiss Avenue, 01851

A Notice of Intent been filed by the New England Power Company to make accessway improvements and construct a stormwater detention basin at 32-41 Reiss Avenue. All work is within the 100-foot buffer zone of a Bordering Vegetated Wetland (BVW) and within Bordering Land Subject to Flood (BLSF).

On Behalf:

Bridget Hilgendorff from VHB. Noted they last went before the Commission in October. They have updated the planting plans and provided a response to staff comments. The planting plan contains native shrubs, trees, and seed mixes. There will be no demolition in Lowell. They provided an existing conditions plan.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuys noted that it is a thorough planting plan. Not much to rehash. M. Burns asked how many trees are being removed? Will it be a 1:1 replacement? B. Hilgendorf said they have to confirm the number but also noted that some of the existing trees are being removed because they are near the power line. B. Buitenhuys asked if the count and caliper of the trees removed could be added as a condition. K. Dillon concurred and expressed approval of the planting plan.

Motion:

P. Downs motioned to close the public hearing. R. Ciccarelli seconded. The vote was unanimous.

P. Downs motioned to issue a City of Lowell Standard Order of Conditions with the condition that the number and caliper of trees removed are sent to the Conservation Commission. M. Burns seconded. The vote was unanimous (7-0).

**Request for Determination of Applicability**

Carl Bahia

PO Box 143

Dunstable, MA 01827

Project Location: 105 Boulevard Street, 01854

A Request for Determination of Applicability has been filed by Carl Bahia to expand the existing back landing at 105 Boulevard Street. The work will take place within the 100-year FEMA Flood Plain.

On Behalf:

Carl Bahia, the contractor for the applicant, appeared on the half. The project includes relocating two foundation tubes, adding a new one, and expanding the back landing. He provided a new plan that shows 103.6 is the foundation elevation. The flood elevation is 102.2.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuys said it is all outside the flood plain. No other issues here.

Motion:

M. Burns motioned to issue a –3 determination. P. Downs seconded. The vote was unanimous (7-0).

**Notice of Intent**

MG Architects LLC

Patrick Myers

245 Lafayette Street, Unit 2B

Salem, MA 01970

**MASS DEP #: 206-0847**

Project Location: 35 Bowl Road Extension, 01851

A Notice of Intent been filed by the Patrick Myers to construct an addition at 35 Bowl Road Extension.

All work is within the 100-foot buffer zone of a Bordering Vegetated Wetland (BVW).

On Behalf:

The applicant asked to continue to the February 11 meeting.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuys said there is a case that approving this would not set a precedent. Believes there is a way they can consider approving special circumstances like these while also protecting the 25-foot buffer zone.

Motion:

M. Burns motioned to continue to the February 11 meeting. K. Dillon seconded. The vote was unanimous (7-0).

**Enforcement Order**

City of Lowell Department of Public Works

1365 Middlesex Street

Lowell, MA 01851

Violation Location: 73 Webber Street 01851

The violator has removed multiple trees and disturbed a large area of soil at 73 Webber Street. This work was done within the protected area of Black Brook.

On Behalf:

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

None

Motion:

P. Downs motioned to rescind the Enforcement order. Seconded by K. Ross-Sitcawich. The vote was unanimous (7-0).

### **NEW BUSINESS:**

#### **Emergency Certificate**

City of Lowell Department of Public Works

1365 Middlesex Street

Lowell, MA 01851

Project Location: 110 Industrial Ave

An emergency certification was issued to repair a water main break within 100-feet of River Meadow Brook.

On Behalf:

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

Motion:

K. Dillon motioned to issue the emergency certificate. M. Burns seconded. The vote was unanimous (7-0).

### **OTHER BUSINESS**

1/14/2026 meeting minutes

P. Downs motioned to approve. M. Burns seconded. The vote was unanimous (7-0).

*Election of Officers for 2026*

K. Dillon motioned to nominate B. Buitenhuys for Chair and P. Downs for Vice Chair. M. Burns seconded. The vote was unanimous.

**ADJOURNMENT**

K. Dillon motioned to adjourn. The time was 7:22 PM.