

CONSERVATION COMMISSION

LOWELL, MASSACHUSETTS

June 10, 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.

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

Members Present: Chair Brad Buitenhuys, Vice Chair Kevin Dillon, Commissioner Perry Downs, Commissioner Roberto Ciccarelli, Commissioner Kristin Ross-Sitcawich

Members Absent: Commissioner Marie Burns

Others Present: Mary Brundage, Associate Planner

CALL TO ORDER

B. Buitenhuys called the meeting to order at 7:01PM

ORDER OF BUSINESS

CONTINUED BUSINESS

NEW BUSINESS:

Notice of Intent

FTO Realty Trust
109 Blanchard Road
Lawrence, MA 01843
DEP #: 206-0853

Project Location: 71 North Billerica Road, 01852

A Notice of Intent has been filed by the FTO Realty Trust to subdivide the property into 11 single-family dwelling units at 71 North Billerica Road. Portions of the project are within the 100-foot buffer zone of a Bordering Vegetated Wetland (BVW) and/or 100-year flood plain.

B. Buitenhuys recused himself.

On Behalf:

John F. Cox, Attorney

J. Cox described the property, which is mostly open, vacant grassy land. There is one old home which will be razed. The project was approved by the Planning Board with nine detailed conditions. The proposed 11 single family homes meet or exceed zoning requirements. J. Cox reviewed the staff memo

dated 6/3, noting that most departments did not have comments. Engineering and the Stormwater Team initially had concerns regarding the porous pavements. The applicant had worked with the city and agreed to establish an HOA to maintain the roadway. The road will be accepted as a public road with the city. He mentioned that homes will be add about \$80,000/year in taxes to the city. He mentioned that they have met neighbors on April 11 at the site. One of the neighbors agreed to put a fence with the boundary with his property on Hollis Street. The property is surrounded by single-family and two-family homes and a condo building. There were no adverse comments from DEP.

Matt Hamor, Landplex.

M. Hamor presented the plans showing the existing conditions, subdivision, layout and utilities. The grading extends to the west from the roadway to the BVW. The southerly property extends to culvert. There is 25 feet area of riverfront on Marginal Brook. He mentioned soil test have been conducted. The homes will have a flow through system foundations. He explained how the porous pavement works. It is a fully draining system into the groundwater. Water does not accumulate. The stormwater report demonstrates that the pre and post development runoff for the two-year, ten-year and 100-year storms. There was minimal change in runoff in the two-year and ten-year storms, and about a 50% reduction in a 100-year storm. The numbers are extremely low for this type of development due to the sandy soils. Extremely low numbers for this type of development. He mentioned there is a subsurface infiltration for three of the homes. An HOA agreement will be written in the deed for maintenance of the porous pavement. The developer will pay for it for the first few years. Granite posts will be posted to not plant trees in the drainage easement. He provided the Lowell Collegiate School as an example of porous pavement system that has been in place for ten years. It is not subject to frost heaves. He showed the erosion/sedimentation line. There is little to no impact to the BVW because of the way the water flows.

Discussion:

K. Dillon asked about how many trees would be removed and what is planned for replanting replacements. M. Hamor responded that he did not now the total number. K. Dillon stated that he likes to know that exact number of big trees that are 4 feet in diameter. M. Hamor estimated about 2-3 trees per lot.

P. Downs stated that he was impressed with the compensatory storage. He asked how often it needs to be vacuumed. M. Hamor responded that will be twice a year and that the HOA is required to have forms available to the stormwater team. P. Downs asked if an enforcement order could be placed if not maintained. M. Hamor responded yes. He added that the drainage swale will also have to be mowed a couple times a year.

K. Dillon expressed that his biggest concern was with the porous pavement. He asked what happens if the HOA dissolves. M. Hamor stated that the HOA can't dissolve. K. Dillon mentioned that where he has seen porous pavement that did not work out so well. M. Hamor offered other examples at Newhall Street. K. Dillon asked who takes care of that. M. Hamor responded that the city does. He also mentioned the NOVUS office parking lot as being porous pavement. He clarified that the other project was porous concrete which is a different system. M. Hamor stated that the best management practice that meets the MA stormwater standards.

. Meets MA stormwater standards.

R. Ciccarelli asked if that porous pavement system is similar to what is installed at residential homes. He mentioned is familiar with those. M. Hamor stated that they are all the same concept. R. Ciccarelli asked if there would be a pitch. M. Hamor responded that there will be a crown.

K. Ross-Sitcawich asked if drought was taken into the pre and post calculations. M. Hamor responded that drought would not have an impact. K. Ross-Sitcawich asked how we are going to be assured that the HOA is actually going to work together to ensure compliance with the terms of the deed. She also mentioned that the work done at the collegiate charter school had a nefarious effect on the neighbors in terms of flooding. M. Hamor was unaware of that they had a nefarious effect and stated that he knows that is an isolated wetland and that the houses are actually above that next to that parking area. K. Ross-Sitcawich stated that the neighbors did not have an issue before the school but now they do and have to pay out of pocket to remedy. She expressed concern about water displacement. M. Hamor stated that when it rains, the same water going in will be go into the ground the way it does it today. The water would be uniformly distributed.

R. Ciccarelli mentioned that the condo fees will have to be paid or there will be a problem. The association would have to ability to have some formal assessment on the property. R. Ciccarelli asked how we will know the maintenance has been done; will someone be able to check the maintenance logs. M. Hamor stated that the stormwater can check whenever they want. M. Hamor mentioned that with this project, the city will be doing the trash pick-up and snow removal. The HOA will only be responsible for the vacuuming and swale maintenance and at some point, the replacement of the road.

P. Downs asked what the lifetime of the porous pavement. M. Hamor said it would be 30-40 years. He added that the homeowners will want to take care of their asset, which includes the roadway.

K. Dillon asked about the properties in the 100-year flood plain. M. Hamor stated there will be three.

R. Ciccarelli asked if the properties be owner occupied. M. Hamor stated that they would be. R. Ciccarelli asked if there would be a deed restriction on investors buying them to rent. M. Hamor said they would not have control on how a person uses their home. The homeowner will still be subject to an enforcement order. The FEMA line will be on the certified plot plan so the homeowner will know they're in those three lots in the bordering land subject to flooding.

K. Dillon asked if there would be signage indicating where there are protected resources. M. Hamor responded that could add a couple more posts and the HOA can add verbiage pertaining to the areas of protected resources.

P. Downs opened up the hearing to the public.

Speaking in Favor:

None

Speaking in Opposition:

Sharon Marren, 109 Hollis St.

S. Marren stated that she has lived at her property for many years and has needed sump pumps to deal with flooding. She stated concern about more runoff. She asked if perc tests have been done. M. Hamor stated there was 2 test pits with perc tests done. She asked if the grading and leveling of the property will affect the water table and cause flooding in the abutting properties. M. Hamor stated that has been engineered to ensure that it does not. S. Marren asked if the system has been tested for New England

weather. M. Hamor responded yes. S. Marren asked if the groundwater will freeze. M. Hamor stated that the groundwater doesn't freeze. S. Marren asked if this was a public way with private service. M. Hamor stated that the water will be public. S. Marren asked who will be held accountable. P. Downs answered that the stormwater team will check and put an enforcement order on the property. The property won't sell with the enforcement order. M. Hamor added that lenders will be required to make sure that the HOA be current or they will not be able to lend on that property. S. Marren asked if the porous asphalt fails, who will be responsible to replace it. M. Hamor stated that the homeowners will have to repair or replace it. The operation and maintenance plan will be part of the deed that will be filed at the registry. S. Marren asked if the approval will require a replacement of trees within the wetland buffer zone. P. Downs mentioned that a planting plan can be a condition of the approval. K. Dillon asked how many trees were going to be taken down. P. Downs added that the larger trees are the bigger concern. S. Marren asked if the driveway will be porous. M. Hamor responded that only ones that are in the floodplain will be porous, the rest will be regular asphalt.

Cliff Jacques, 99 – 101 Hollis St.

C. Jacques stated that it was almost like large leach field under the pavement. C. Jacques asked about the organic material getting into the pavement. C. Jacques asked what will happen in bigger storms and where the snow was going to go to. He further asked about the chemicals are going to be used for road treatment and where would those chemicals going to go. M. Hamor stated the chemicals will go into the lawn. The snow will be distributed along the roadway. The salt will go through the porous pavement and be diluted which is the acceptable treatment for that. C. Jacques questioned that the water appears to be pitched to go down to the cul-de-sac. M. Hamor responded that the water goes through the pavement and would not pool. M. Hamor stated that they are required to meet the stormwater regulations and the stormwater reports have to be approved by MA DEP and the engineering department. C. Jacques asked what will happen to material such as grass clippings. M. Hamor stated that biodegradable material will not have an effect. M. Hamor stated that the system needs to be maintained and that there is an operation of maintenance. It will be maintained by the HOA. C. Jacques asked about if the durability on plowing would be the same. M. Hamor stated that it will be.

Elias Tsionis, 77 Hollis St.

E. Tsionis asked about the drainage and special requirements for it. M. Hamor stated that it is a set area that needs to be maintained so it will function as designed. M. Hamor explained that is a swale that will act as an emergency overflow. It is encompassed in the easement. P. Downs mentioned that it would another reason for an enforcement order to be put on the property. E. Tsionis asked about the status of the culvert, it's age and capacity. He asked if there was anything required for that culvert to function for additional developments. He stated that there has been sink holes that has led to flooding behind his property. P. Downs responded that DPW would inspect those culverts.

Donna McCarthy, 78 Hollis St.

D. McCarthy stated that her property is on the west side of the project and abuts the brook. She has lived for 50 years. She explained that during bad rainstorms that the brook goes to a lake. She asked if there was going to be any adverse effects to this project. M. Hamor stated there wouldn't be.

Ed Chaisson, 98 Geddes Drive, Tewksbury

E. Chaisson stated that in bad storms there is flooding in the neighborhood. M. Hamor pointed out the drainage on the map.

J. Cox added that the HOA and the conditions are important. They will be recorded at the registry and will go with the property. If there is a problem, people would report it to the city and it would be inspected. If there is an issue, it would be a violation of the special permit and subdivision approval. That would be the risk of a homeowner who just paid \$700,000 for a home. He empathized that the conditions on all approvals are important.

K. Dillon stated that he would like to see a report of all trees that are 2 feet in diameter and 4.5 feet in height as those would be substantial trees that are taking up the canopy. There would be a number that could be incorporated into replanting plan. M. Hamor offered that could be added as a condition.

Motion:

K. Dillon motioned to close the public hearing. K. Ross-Sitcawich seconded. The vote was unanimous (4-0).

K. Dillon motioned to continue to the 6/24 meeting. K. Ross-Sitcawich seconded. The vote was unanimous (4-0).

Request for Determination of Applicability

CSX Transportation
500 Water Street
Jacksonville, FL 32202

Project Location: Lowell Train Track Right-Of-Way

A Request for Determination of Applicability has been filed by CSX Transportation, Inc. regarding their plans for weed control via herbicide. The applicant is seeking to determine where the proposed work is located within the 100-foot buffer zone of a wetland resource area.

On Behalf:

Speaking in Favor:

Speaking in Opposition:

Discussion:

The applicant was unable to attend the hearing. B. Buitenhuys suggested that it should be continued.

Motion:

K. Dillon motioned to continue to the 6/24 meeting. P. Downs seconded. The vote was unanimous (5-0).

Request for Determination of Applicability

Woodland Park Town House Condominium Trust
18 – 124 Swan Street and 20 Woodland Drive
Lowell, MA 01852

Project Location: 18 – 124 Swan Street and 20 Woodland Drive, 01852

A Request for Determination of Applicability has been filed by Woodland Park Town House Condominium Trust to trim branches and remove trees. The proposed work is located within the 100-foot wetland buffer zone.

On Behalf:

Eric Kinglsey, Project Manager

E. Kingsley stated that the property is a heavily wooded area. The proposal is for regular maintenance of the trees on the property. Every year, a certified arborist determines what trees are concern for property damage or dangers to people. In some cases, the canopy can be lifted over the rooflines. Some trees will have to removed.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuis asked what the total count of trees for full removal is. E. Kingsley stated that it would be four major trees and a cluster of smaller birches. B. Buitenhuis asked if there was any capacity to replant to replace the trees being taken down. E. Kingsley said that could be discussed with the commission. He stated that is a heavily wooded area, and the proposed work will not aesthetically change the property in any way. B. Buitenhuis asked how far from the wetland are the trees being taken out. E. Kingsley responded one oak is about 20 feet away and a small cherry tree that is relatively close. E. Kingsely mentioned they have a significant number of trees on the property and haven't doing regular maintenance in a while but now have the budget to do so. B. Buitenhuis asked if the management was changing. E. Kingsley confirmed that the owner of Linear is retiring and closing down the business. Nicholas Michealangelo, president of the Woodland Park Condominium Association, stated that a new management company will be taking over starting July 1 and the plan will be to have a new tree maintenance program. K. Dillon noted that he would like to have pictures for next time.

Motion:

K. Dillon motioned to issue a -3 determination for the RDA. P. Downs seconded. The vote was unanimous (5-0).

Request for Determination of Applicability

University of Massachusetts

45 Lawrence Drive

Lowell, MA 01854

Project Location: 99 Perkins Street, 01854

A Request for Determination of Applicability has been filed by the University of Massachusetts Lowell for minor excavation to create flood storage within the FEMA 100-Year Flood Plain.

On Behalf:

Craig Thomas, UMASS Lowell

C. Thomas stated that the university is undertaking a series of economic development projects on series of parcels. This project was for 99 Perkins St. In 2013, the NOI was filed to improve the parking lot. At that time it was crushed stone. Today it is paved and lighted. It has been functioning but never came in for a certificate of compliance. DPD felt the best way to address given that they have an open NOI but it had lapsed. The additional work is outside the resource area. It was determined that submitting an RDA was the best strategy.

C. Thomas showed the original plan and as-builts and where the flood zone lines are. C. Thomas stated the current proposed work is outside the resource area. He is seeking a negative determination to do the work.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

B. Buitenhuys stated he no issue with this project.

Motion:

K. Dillon motioned to issue a –3 determination for the RDA. K. Ross-Sitcawich seconded. The vote was unanimous (5-0).

Enforcement Order

LM Properties, LLC
30 Sanderson Road
Lexington, MA 02420-2619

Project Location: 24 Stedman Street, 01851

An Enforcement Order has been issued to LM Properties, LLC for storage of vehicles, equipment, and materials located in the 100-foot buffer zone to Black Brook. Vehicles may be leaking onto impervious surface. They are stored on the uphill from Black Brook.

On Behalf:

Lucy (on Zoom), property owner, explained that she is working on updating their site plan. In the meantime, she has informed her tenants not to park on the gravel area and the tenants have agreed not to park there. B. Buitenhuys stated it sounded like a great start and something that he would like to hear from engineering and also get confirmation from DPD. B. Buitenhuys stated that if they are not parking on the dirt surface permanently then we don't have an issue. If they want to expand the parking area or do any other work, engineering will have to be involved.

K. Ross-Sitcawich asked if there is any signage for no parking. Lucy responded there is not. K. Ross-Sitcawich suggested that would be helpful. R. Ciccarelli added that the cars could be towed at the owner's expense. Lucy said they could put a sign up.

K. Dillon stated that it looks more like machinery parked there. B. Buitenhuys confirmed it was the tenants' equipment.

B. Buitenhuys explained that they will ratify the enforcement order which means the concern brought up was valid and set forth requirements that signage will be added and to have the vehicles removed from the gravel surface. Once evidence has been provided that area has been vacated and the signs are up, they will rescind the enforcement order.

B. Buitenhuys asked what the property owner was planning to do. Lucy responded that they are working with a wetland specialist to point out the wetlands and update the site plan and decide if they are going

to expand parking. Lucy asked what approvals would be needed. B. Buitenhuys responded that they would need to apply for an RDA. No work can be done without prior approval from the conservation commission.

Motion:

P. Downs motioned to ratify the Enforcement Order. K. Ross-Sitcawich seconded. The vote was unanimous (5-0).

OTHER BUSINESS

5/27/2026 meeting minutes

P. Downs motioned to approve the 5/27 meeting minutes. R. Ciccarelli seconded. The motion passed unanimously, (5-0).

ADJOURNMENT

K. Dillon motioned to adjourn. The meeting was adjourned at 8:46 PM.