

CONSERVATION COMMISSION
LOWELL, MASSACHUSETTS
August 11, 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 Buitenhuys, Commissioner Lovely, Commissioner Dillon, Commissioner Downs, and Commissioner Standish

Members Absent: None

Others Present: Dylan Ricker, Assistant Planner

CALL TO ORDER

Meeting called to order 7:01 PM

ORDER OF BUSINESS

CONTINUED BUSINESS

Enforcement Order

TRS Chous & Tao Realty

26 Sheldon Street

Lowell, MA 01851

Violation Location: 535 Pawtucket Boulevard 01854

Removal of a tree within the 100 year floodplain without permission from the Conservation Commission. The applicant is requesting the Conservation Commission rescind the outstanding Enforcement Order

On Behalf:

Khounh Huynh, Property Manager

K. Huynh stated that when he removed the trees he was unaware that he needed Conservation Commission approval, and said that new trees have been planted.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum stated that the planting plan agreed upon by the Commission and property owner was the planting of 5 trees. L. Varnum said that she visited the property and 5 trees have been professionally planted. K. Huynh confirmed that the trees were professionally planted by an arborist.

L. Varnum said that the Commission will watch the property for 2 years to ensure the plantings do not die, if they die they will have to be replanted. L. Varnum stated that she supports rescinding the Enforcement Order.

L. Varnum added that there is a pile of debris behind the house and asked the property manager to remove this debris since it is located in the 100 year floodplain.

K. Dillon stated that the plantings appear to match the planting plan.

Motion:

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

NEW BUSINESS

Notice of Intent

Chantho Mo
138 Martin Street
Lowell, MA 01854

Project Location: 138 Martin Street 01854

The applicant is seeking to construct an addition to a single-family home within the 100 year floodplain. The applicant has proposed to demolish an existing addition at the rear of the property and construct a larger addition. **MassDEP has not received this application yet, and the applicant is aware that it must be submitted to MassDEP, therefore MassDEP has not assigned a number to this project yet.**

On Behalf:

Michael Corda, Applicant's Representative

M. Corda stated that the applicant is seeking permission to remove an existing addition and install a new, larger addition. The 120 square foot addition is dilapidated and they are seeking approval for this project.

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum said that the existing addition is basically a deck, and currently does not have a roof. M. Corda stated that the deck previously had a roof but it fell in the winter. L. Varnum asked for clarification about the size and dimensions of the addition.

M. Corda explained the updated plans, including the proposed dimensions of the addition.

L. Varnum stated that the entire property is located in the 100 year floodplain and was concerned that the application did not include floodplain elevations. L. Varnum requested that the applicant provide cubic footage of the space being taken up by the existing and proposed structure. L. Varnum added that there does not appear to be any stormwater compensation for the new addition on the lot, and every change below the floodplain elevation must be compensated for.

B. Buitenhuis said the Commission is looking for foot by foot changes based on the existing and proposed conditions. B. Buitenhuis added that he wanted to know how the additional pervious area was being compensated for.

L. Varnum stated that the applicant has increased the pervious surface by paving the driveway without Conservation Commission approval. M. Corda said that there is roughly 3000 square feet of paving on the lot.

L. Varnum said the subject property is in an area where during a previous flood residents had to be rescued by boat, and said there may need to be a stormwater report due to the impact on the floodplain.

B. Buitenhuis asked whether the paving was permitted by the City. D. Ricker confirmed the applicant did not receive Conservation Commission approval for the paving. L. Varnum added that this is something that the Commission would be looking for stormwater compensation for.

L. Varnum stated that MassDEP can override the Commission's decision if an adequate stormwater plan is not submitted.

W. Lovely said there is still no DEP File # so the applicant should review the feedback and provide the additional plans. W. Lovely explained that the Commission would want the 100 year floodplain noted on the plans, as well as the current and proposed flood storage compensation and floodplain elevations, along with plans on how to ensure the property is not losing net flood storage. W. Lovely stated that the Commission wants to see flood infiltration on the property, and said that the applicant should provide these materials to the Commission.

Motion:

B. Buitenhuis motioned, and W. Standish seconded the motion to continue the petition to the September 8, 2021 Conservation Commission meeting. The motion passed unanimously, (6-0).

Request For Determination Of Applicability

Khut Pin

6 Baltimore Avenue

Lowell, MA 01851

Project Location: 6 Baltimore Ave 01851

The applicant has applied to construct a carport within the 100-foot buffer zone of a Bordering Vegetated Wetland.

On Behalf:

None

Speaking in Favor:

None

Speaking in Opposition:

None

Discussion:

L. Varnum stated that the carport is not going to permanently attached to the ground and the structure is at least 75 feet from the wetland.

Motion:

B. Buitenhuys motioned, and K. Dillon seconded the motion to grant a Negative 3 determination. The motion passed unanimously, (6-0).

OTHER BUSINESS

Minutes

July 14, 2021 Minutes

K. Dillon motioned, and W. Standish seconded the motion to approve the July 14, 2021 minutes. The motion passed unanimously, (6-0).

ADJOURNMENT

Motion to adjourn by P. Downs, seconded by K. Dillon. The motion passed unanimously, the time was 7:29 PM.