

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
April 16, 2019
Approved May 7, 2019

Meeting Location: 50 Billerica Rd., Room 205, Chelmsford, Ma 01824

Members Present: David McLachlan-Chairman, Jack Souza, Chris Garrahan, William Vines, Mark Gibbs

Members Absent: April Mendez, Chris Tymula

Others Present: Katharine Guertin-Conservation Agent

Meeting was called to order at 7:00PM by Chairman McLachlan.

All documents referenced in these minutes are available for review at the Community Development Office, 50 Billerica Rd., Chelmsford Town Offices Building. This meeting was audio recorded and hand recorded via the Recording Secretary.

Open Session / Citizen Concerns

No one came forward at this time.

Regulatory

**Request for Minor Plan Change-new
Determination, 13 East Putnam Drive**

The applicant's representative explained that the original approval was to plant trees and install a retaining wall. The change request is to level off more of the yard, and make a lower retaining wall. The approved wall was 40 feet from the house to the 30-foot buffer, to a chain link fence. The original change in elevation was 10 feet. The proposed change in work will make the 14% slope to a 7% slope. A 70 foot span will have more fill. The retaining wall will be longer, and the chain link fence will be shorter. The applicant wants additional play area for their kids.

No comments were received from the audience.

Motion: by Mr. Vines to approve a Minor Plan Change to the Order of Conditions for 13 East Putnam Drive, as presented. Seconded by Mr. Souza. **Motion carries, unanimous.**

**Request for minor plan change-new
DEP#129-0860, Lamplighter Green sewer**

The applicant is changing the type of pipe they are using. No other changes are proposed.

Audience Comments:

Sam Poulten supports the change.

Motion: by Mr. Vines to approve the Minor Plan Change to the Order of Conditions for the Lamplighter Green Sewer Project, DEP#129-0860, as presented. Seconded by Mr. Gibbs. Mr. Garrahan abstained, all others in favor. **Motion carries, unanimous.**

Request for Determination of Applicability-new

344 Boston Road, lawn creation

Legal notice read. Matthew Mulrooney explained his request is for the removal of some trees on his property with associated grading and minor filling. The goal is to create more area for their kids to play in the yard and not in the driveway. They will be creating a change in grade by filling 3 feet in elevation for a 35-40 foot area by 60 foot area. Work is 55 feet from the wetlands.

Mrs. Guertin advised that erosion controls will need to stay in place until the area stabilizes.

No comments were received from the audience.

Motion: by Mr. Garrahan to approve a Request for Determination of Applicability for 344 Boston Rd., with a Negative 3 Determination and the Special Condition that erosion controls be installed around the work area. Seconded by Mr. Garrahan. **Motion carries, unanimous.**

Request for Determination of Applicability-new

7 Harold Street, garage addition

Legal Notice read. Adam Kleindienst explained his request is to add a garage and family room addition in the area of an existing deck, depending on cost. Another deck in back of the house might be removed and they think they want to add more living space. The existing house is 47 feet from the wetland; the 15 foot addition will make it 44 feet from wetland. The lot is undersized, therefore, the 50 foot buffer does not apply. The garage will have a foundation; the rear addition will be on piers with storage space underneath. Mr. Gibbs noted a 15' x 15' addition might require a foundation. Excess material will be removed from the site.

A final plan will be required, as the applicant is not sure what he is actually going to do. One addition will replace an existing deck, the other addition will be put on existing pavement.

Silt fence will be needed for both projects. The proposed garage will be 20'x24' feet, and cannot be closer than 25 feet to the edge of wetland. The applicant was advised that a certified plot plan will be needed for the foundation.

Mrs. Guertin agreed to hold the Determination until the final plan is received. She feels garage should be filed as a Notice of Intent.

No comments were received from the audience. The applicant is aware that if any changes are made, he needs to come back before the Commission.

Motion: Mr. Garrahan to approve a Request for Determination for 7 Harold St., with a Negative Three Determination for the 15' x15' rear addition (enclosed deck) with a Special Condition that it not be built closer than 25 feet to the wetland, and that it be installed on piers. The garage will need a Notice of Intent. Seconded by Mr. Souza. **Motion carries, unanimous.**

Request for Determination of Applicability-new

44 Old Stage Road, addition

Legal notice was read. Greg Cormier wishes to construct an addition to the back of the house, which will replace a deck. The 14' x 24' addition will be built on sono-tubes. The applicant will hand dig the holes.

No comments were received from the audience.

Motion: by Mr. Souza to approve a Request for Determination for 44 Old Stage Rd. with a Negative Three Determination. Seconded by Mr. Vines. **Motion carries, unanimous.**

Request for Determination of Applicability-new

86 School Street, new single family home

Legal Notice was read. Matt Stangel of Landtech Consultants spoke on behalf of Jeff Miller, the applicant. This lot has 44000SF; the existing dwelling was built in 1930. A perennial stream runs along the east side of the property. Due to the locations of multiple wetlands, buffer areas bisect the property with 95% of lot being in the Riverfront buffer. The new dwelling will meet most setbacks. The existing dwelling has been razed. The wetlands are located about 9 feet lower than the proposed house. The roof will not have any gutters, as the applicant feels they are a liability. Work will begin as soon as possible, and should take about 90-120 days to complete.

No comments were received from the audience.

Motion: by Mr. Vines to approve a Determination of Applicability for 86 School St. with a Negative Three Determination. Seconded by Mr. Gibbs. **Motion carries, unanimous.**

Re-sign Order of Conditions

Dep# 129-0865, 100 Wotton Street

The original paperwork was lost, and the applicant needs a new original.

Enforcement Order-continued

36 Turnpike Road, violation

Mrs. Guertin reported that Norse Environmental sent an email indicating that they are working on the filing, and are awaiting surveying work. Delays have been caused by bad weather. The Building Inspector has issued daily fines which have accrued to over \$10,000.00. Motor vehicles have been removed; however, the property still looks like a contractor yard.

A Notice of Intent application was supposed to be submitted at the end of March to be heard at tonight's meeting. Mr. McLachlan recommended issuing fines for conservation/wetland violations of \$100.00/day starting today, to a maximum of \$10,000.00. The property owner did not meet the deadline after multiple requests. The remaining Commissioners agreed, as the situation has not been resolved after a year of monitoring.

Sam Poulten spoke on behalf of the property owner, and explained that the delay was caused by the original wetland scientist not being able to do the work. Steve Eriksen of Norse Environmental has visited the site and completed preliminary surveys; the entire site is in flood plain. Mr. Eriksen cannot locate a suitable replication area on the site. An abutter has an appropriate area, however, that would require approval from the abutter. All the trees have been planted and are ready for inspection. The trucks are gone. At this point, Mr. Quay may need to remove the patio which cost him \$25,000.00 to install. Mr. Quay was not aware that he shouldn't have built the patio.

Mrs. Guertin and Mr. McLachlan reiterated that a filing could have been made requesting something, be it restoring the area, removing the patio, or something else. DEP will comment and make suggestions once an application is filed. The application can be denied, and Mr. Quay may still have to remove the patio. Mr. Poulten indicated that Mr. Quay will try to negotiate an easement with the abutter, and he will follow up with Mr. Eriksen.

Motion: by Mr. Garrahan to institute Wetland Violation Fines in the amount of \$100.00/day until a Notice of Intent application is filed by Quay Ho for unpermitted work at 36 Turnpike Rd. Seconded by Mr. Vines. **Motion carries, unanimous.**

Discussion

EPA Deep Brook usage

A group did work studying the brook last year, and they want to do it again in the second week of May. Mr. McLachlan requested a copy of last year's report.

Motion: by Mr. Garrahan to allow the EPA to complete an evaluation of Deep Brook. Seconded by Mr. Gibbs. **Motion carries, unanimous.**

Tree planting at Red Wing-Arbor Day

The Chelmsford Garden Club is requesting to replacing a dead tree at Red Wing Farm Reservation with a Hawthorn Tree as part of their Arbor Day Celebration.

Purple Beech Tree plantings will be planted on the same day at the Garrison House and Sunny Meadow Farm.

Motion: by Mr. Gibbs to allow the Chelmsford Garden Club to plant a Hawthorn Tree at Red Wing Farm Reservation on Arbor Day. Seconded by Mr. Garrahan. **Motion carries, unanimous.**

Ocean River Institute letter

Commissioners were asked to read this letter at their leisure. Basically, the request is to deter use of fertilizers on grounds. The concept could be promoted through the Water Department's annual letters.

Interns that sent the letter wish to make a presentation to the Commission at a future meeting.

Continual Business

Old Stage Rd., Resident Concern

Mr. McLachlan spoke with the Town Manager, who agreed this is a Town problem and has authorized the DPW to evaluate the request to remove the tree. This decision will not come from the Conservation Commission. Mrs. Guertin agreed to follow up with DPW.

On the issue regarding stream cleaning of Farley Brook, the DPW does annual stream maintenance. The stream is on the list and will be cleaned.

Land Management update

Mr. McLachlan reported that a tree growing on the Cranberry Bog dam has been removed by COSS. An evaluation of the dam is underway. Work should be done by end of June, 2019. Funding to pay for the evaluation is available in a Conservation Land Donation Account. Wright Reservation has a similar Trust Fund Account.

Mr. Garrahan volunteered to be the new Conservation Commission representative to the Community Preservation Committee. Mr. McLachlan advised that left over funding in the Oak Hill CPC account should be returned to the Community Preservation Committee.

Agent's Report

Paperwork was signed as required.

Approve Minutes

January 22, 2019

February 5, 2019

Motion: by Mr. Vines to approve the Meeting Minutes of January 22, 2019, as amended.

Seconded by Mr. Gibbs. **Motion carries, unanimous.**

Motion: by Mr. Vines to approve the Meeting Minutes of February 5, 2019, as presented.

Seconded by Mr. Gibbs. **Motion carries, unanimous.**

Adjourn

Motion: by Mr. Souza to adjourn the meeting at 8:25PM . Seconded by Mr. Gibbs. **Motion carries, unanimous.**

Next Meetings **May 7th** **May 21st**

Respectfully submitted,

Vivian W. Merrill
Recording Secretary

Supporting documents:
-RDA Applications and supporting documents