

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
August 20, 2019
Approved September 17, 2019

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

Members Present: David McLachlan-Chairman Jack Souza, Chris Garrahan, William Vines, Marc Gibbs, Chris Tymula (left at 7:30PM)

Members Absent: April Mendez

Others Present: Katharine Guertin-Conservation Agent

Meeting was called to order at 6:30PM 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

Iva Mooney, 38 Proctor Rd., asked why the Commission's meetings aren't televised. Mr. McLachlan advised that this decision was not under the Commission's control. Ms. Mooney stated she'd heard that the Town of Carlisle has received notice from the Chelmsford Water District about proposed potential work on Barnes terrace. She was advised that the water district has not contacted the Commission to date, and if the work is not in the Commission's jurisdiction, they do not need to do so.

Regulatory

Notice of Intent-new

15 Balsam Drive, construction of addition

Legal Notice read. Steve Eriksen, Norse Environmental, explained that the request is to build a 16x22 addition where an existing deck is located. Material storage location will be on the right side of the property, and erosion controls will be installed.

There were no questions from the audience, and no additional questions from the Commission.

Motion: by Mr. Garrahan to issue a Standard Order of Conditions for 15 Balsam Dr., as presented, with Special Conditions to install erosion controls and to remove excess material from the site. Seconded by Mr. Tymula. **Motion carries, unanimous.**

Enforcement Order-continued

36 Turnpike Road, violation

Steve Eriksen, Norse Environmental, provided updated plans, and advised that an area for Compensatory Flood Storage areas were found in multiple places on the parcel. Trees were planted as requested, and are doing ok. The brick patio will remain where it is. Compensatory Flood Storage areas will be cut and then loam and seeded, and excess material will be removed from the site. CFS areas will be 100SF, 107SF, 165SF, 975SF, and 260SF, based on elevations in the various areas, for about 1500 Cubic feet total. Pat Flaherty would verify the correct volumes are there.

The Commission agreed that the plans can be filed under the Enforcement Order rather than a Notice of Intent. Work will be required to be completed by the end of September, and should be started right away.

Motion: by Mr. Garrahan to allow the work to create Compensatory Flood Storage for 36 Turnpike Rd. as presented, and to amend the Enforcement Order to allow the work to be completed by September 20, 2019, and to require the submission of new plans stamped by Pat Flaherty. Seconded by Mr. Souza. **Motion carries, unanimous.**

Accrued fines will be addressed after the work is done.

Violation-continued

Tobin Ave, access through wetland/clear cutting

Atty. Jeff Brown and Dan Heider were present on behalf of St. Johns Church. Older plans were provided to the Commission. Church land is controlled by the Archdiocese. They are aware that some land was clear cut, and boards were laid down without authorization. Trenching work for utilities was allowed. However, Mr. Harvey has not been responding to their requests for additional information.

Brian Goudreau of Hancock Associates is the project engineer, and Atty. Brown was informed that Mr. Harvey is not responding to him, either.

Mr. Harvey planted grass seed and installed black silt fencing as previously requested.

Atty, Brown maintained that at no time was permission granted to Mr. Harvey to use the Church's parking lot or to cross their land. No one at the church saw when the equipment was dropped off. Signs were installed in the wetland without the Commission's authority, also on Church property.

Two light fixtures and the bases were knocked over by a garbage truck. Mr. Harvey moved them to the left of the pathway. Republic Removal Services can be asked to remove them from the pavement without damaging the wetland again.

The existing vegetation is growing well.

Mr. Harvey is negotiating for an easement for access onto his property. Mr. Harvey was not present tonight.

When a Notice of Intent is filed by Mr. Harvey, the Church will be notified directly. Mrs. Guertin agreed to send available information on the restoration to Atty. Brown.

Discussion

Cranberry Bog dam

The Evaluation Report from Bingham & Whitman was provided to the Commission. The dam is not recognized by the state, so it is not subject to state regulations. The Town of Carlisle has been discussing what to do with their side of the bog. The bog was founded in 1890 by Boston Cranberry Company, and they were the ones that built the dam for their harvesting operation. The dam is no longer being maintained. The dam broke 15-20 years ago. The Town of Carlisle was asked to fund 50% of the repair, and they did not. The Town of Chelmsford repaired the dam. The dam needs repair again, but it is not being used.

Brian Milisci's recommendation was to cut all the trees on the dam. Some trees are two feet in diameter. It was recommended to annually review the status of the dam and continue to cut any growth. Holes created by animals need to be filled in. The Fire Dept. and Police Dept. can be asked about how high to leave the stumps on the trees to impeded motorized vehicle access. About 25 trees will need to be removed.

The other option is do nothing, and let the existing conditions remain. The last repair to the dam cost round \$18,000.00.

Residents want the dam preserved for scenic reasons. If the dam breaks, the reservoir would drain into Heart Pond over time, and a stream would remain. The area might revert to a marsh or wetlands.

Normal maintenance might cost about \$5,000.00 annually.

Mark Duffy traditionally monitored the level of the dam, however, he is no longer farming cranberries here.

Mr. McLachlan had previously advised the Town of Carlisle that if they need the water, then they need to maintain the dam. Mr. McLachlan agrees some of the trees need to be removed so they do not damage the dam any further. The Town of Carlisle is still reviewing their options for their part of the property. The Town of Carlisle receives state funding and water rights (365,000/gallons per day) which they would lose if they are not farming the land.

Mr. Tymula left the meeting at 7:30PM.

Audience comments:

Iva Mooney asked if the Chelmsford Open Space Stewardship (COSS) could cut the trees. Mr. McLachlan felt the trees are too big for COSS to handle. The work would require a Notice Of Intent filing. Mr. McLachlan agreed the scenic qualities are important, and should be maintained.

Ms. Mooney asked about establishing a logging system so people know when certain things need to be done. The Cranberry Bog hasn't been farmed in almost three years. She asked who is responsible for maintaining things in the bog. Mr. McLachlan wants to make sure the dam doesn't overflow and cause a flooding event. There are some fish in the reservoir.

Mr. McLachlan agreed to speak with the DPW about tree removal, and get some estimates, and help with putting together a plan. Mr. Milicsi will be asked to finalize his report for submission.

John Harrington, Chemsford Water District, was I n the audience and confirmed that a letter was sent to the Town of Carlisle; the Town has not responded yet. The District is looking into the feasibility of putting well fields on Barnes Terrace. Where the bog is not being farmed as a cranberry bog anymore, they requested Carlisle disclose the water withdrawal numbers, which was not supplied.

Main Street/Bradford Road area complaint

A resident of 114 Main St. has accused a neighbor on 4 Bradford of dumping in a drainage ditch and flooding her yard. The Bradford Rd. resident responded to a letter sent by Mrs. Guertin, and said they are not doing any work. The resident on Main St. contacted Weston and Sampson with a request to evaluate the stream at the Town's expense. A neighborhood letter was sent to abutters. A resident at 5 Aberdeen St. has filed a public records request. Previous situations at 5 Aberdeen St. were summarized for the Commission's information. Mrs. Guertin wanted to let the Commission know of the situation in case anything happened while she was away.

Continual Business

Mrs. Mendez will be asked to resign from the Commission due to lack of attendance, and Carl Bischoff will submit an application. Mr. McLachlan will coordinate the appointment with the Town Manager.

The policy document developed for Sixth Ave./Willis Dr, conservation areas will be expanded to include all of the Town parcels abutting Freeman Lake, which will total about 9 acres on four parcels. The Commission agreed with this action.

Documents for the next meeting was provided to the Commissioners.

Agent's Report

Nothing further was added at this time.

Approve Minutes

July 16, 2019

August 6, 2019

Motion: by Mr. Vines to approve the Meeting Minutes of July 16, 2019 and August 6, 2019, as presented. Seconded by Mr. Garrahan. **Motion carries, unanimous.**

Adjourn

Motion: by Mr. Garrahan to adjourn the meeting at 8:01PM. Seconded by Mr. Souza. **Motion carries, unanimous.**

Next Meetings September 3rd September 17th

Respectfully submitted,
Vivian W. Merrill
Recording Secretary

- Supporting documents:
- Notice of Intent Application and supporting documents
 - Enforcement Order supporting documents
 - Draft Report on the Cranberry Bog
 - Draft Minutes