

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
January 4, 2022
Approved February 1, 2022

Members Present: David McLachlan, Karl Bischoff, John Swenson, William Vines, Chris Tymula

Members Absent: Chris Garrahan, Marc Gibbs

Others Present: David Koonce-Conservation Agent

Meeting was called to order at 7:00PM by Mr. Bischoff.

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 hand recorded via the Recording Secretary, and televised by Chelmsford Telemedia.

Open Session / Citizen Concerns

No one came forward at this time.

Regulatory Hearings

Notice of Intent-Continued

Thanh Le, 30 Russell Rd.

Atty. Phil Eliopoulos, 9 North Rd., was present on the applicant's behalf.

Hooshman Afshar, TAJ Engineering, submitted revised plans with the changes requested at the previous meeting. The Town Engineer has reviewed the storm water calculations, and her comments have been addressed. Test pits were completed, locations were shown, and the high water table was clarified. One leaching chamber was relocated, and an additional chamber will be installed by the home, for a total of three leaching chambers. Erosion control barriers were described, as were changes to the drainage system. Street sweeping during construction is being requested, and will be accommodated.

The property has an area of a ½ acre, so it is exempt from a SWIF filing. The memo from the Town Engineer was read into the record.

Mr. McLachlan requested that the leaching chambers be constructed before the construction is started, and this is noted in the construction sequence document. Areas of disturbance and placement of erosion control were clarified. Mr. McLachlan noted that regarding the topography, there is a 30 foot drop behind the home on this property. The hill goes across this property and the home on Cart Path, and possibly another home.

Mr. Vines agreed that leaving the existing impervious area in the front of the property is the better way. Additional hay bales are also a good mitigation method against runoff. The applicant should keep the Conservation Agent involved as work is being done, as potential washout is still a very big concern. Mr. Vines was satisfied with the changes as presented.

The new retaining walls will now be poured reinforced concrete, cast in place. Using blocks creates too much disturbance. The wall width will be 30” as opposed to the customary 24 inches.

Emails received from abutters were read into the record.

Sarah Madden, 16 Russell Rd., felt that the swamp is flooding because of the existing retaining wall. Previously common wildlife is not seen anymore, and she hopes for more landscaping. She is also concerned about mudslides during construction. Ms. Madden feels the leaching chambers are not adequate because water table is very high. Other general information was submitted to support her concerns. This additional development will destroy the wetland further, including continued bird and bat displacement n.

Annamarie Bourassa, 26 Russell Rd., supported Mr. Le’s care of his property. She does not see more traffic, and roadways have not been blocked when other homes have done work with no issues. A tree removed in front of the property was dead, and needed to go as it was a hazard. She supports this project.

Mr. Koonce recommended three Special Conditions: The Town Engineer has offered to coordinate with the contractor on the installation of the leaching chambers; submission of a more detailed site excavation and backfilling stabilization plan is needed for the rear of the house during construction, subject to Mr. Koonce’s review; and submission of more detailed construction sequence for the retaining walls will need review.

No work on the existing retaining wall is proposed. Erosion control measures can be left in place until the landscaping is fully grown in, which could be up to a full year.

The general wetness of the general area around Russell Rd. will be discussed at the next meeting.

Audience comments:

Marsha Davenport, 52 Groton Rd. explained that her property is ruined from storm water runoff. The leaching basins should help this project.

Barbara Madden, 16 Russell Rd., requested that the Commission & Conservation Agent watch this project very carefully as it progresses. Mr. McLachlan suggested that Ms. Madden lobby to get Russell Rd. as an accepted road to get increased storm water mitigation efforts. She doesn’t want people speeding down the road, so she was comfortable with the poor condition of the road.

Motion: by Mr. McLachlan to close the Hearing for 30 Russell Rd. Seconded by Mr. Vines.
Motion carries, unanimous.

Mr. Vines summarized and confirmed how site visits will be coordinated. Mr. Koonce added a Special Condition for the submission of regular weekly status reports from the contractor be submitted to his office. Mr. Afshar agreed they would support this condition, as it can only help.

Motion: by Mr. McLachlan to issue a Standard Order of Conditions for 30 Russell Rd., with the additional Special Conditions that the Town Engineer coordinate with the contractor on the installation of the leaching chambers; submission of a more detailed site excavation and backfilling stabilization plan subject to Mr. Koonce's review; submission of more detailed construction sequence for the retaining walls subject to review, and the submission of regular weekly status reports from the contractor be submitted to the Conservation Agent's office. Seconded by Mr. Tymula. **Motion carries, unanimous.**

Discussion

Continual Business

Update on the Oddfellows Building (DEP file 129-0891)

Mr. Koonce announced that the work sequence submitted to him wasn't exactly followed by the contractor's employees, however, nothing negative has occurred, and no debris was found in the Brook's water. Future reports have been requested. The issue appears to be a miscommunication between the contractor and his employees.

Update on tree removal at 14 Lovett Lane

Mr. Koonce reported that the notification letter was mailed to the property owner last Monday, and the owner called him yesterday. He was able to see the property today. Work to extend the lawn is in the Commission's jurisdiction. The closest point to the resource area was 55 feet. An "After the Fact" filing for a Request for Determination and vegetation plan will need to be submitted. The contractor, Marty's Landscaping, also called Mr. Koonce. Tommy's Tree Service was a subcontractor for this work. The owner of Marty's Landscaping stated the he spoke with Mr. McLachlan, who gave verbal permission to do the work. Mr. McLachlan advised that he never gave permission to do any work. The contractor was supposed to be present at tonight's meeting, but was not.

Mr. Bischoff and Mr. McLachlan advised they both spoke with the contractor after the trees were removed. The contractors do not feel a filing should be required. Mr. Koonce feels there is no threat to the wetland, however, straw waddles should be installed. The contractor feels they had the proper approval for tree cutting and stump removal. The property owner is agreeable to do the RDA filing, however, she will need help with the vegetation plan. Mr. Koonce will follow up with the landscaping company to assist the property owner with the filing, and to install some mitigation for erosion control before the Spring. The slope is not severe.

The Commission agreed that the contractor does a lot of work in town and should have been aware of the proper procedure to follow.

Beth Logan, 36 Lovett Lane, asked that a formal letter be sent to both companies explaining the proper procedures. Mr. Koonce agrees with the concept, and he would consider sending the letter after this

situation is resolved. Ms. Logan maintained that the contractor is well known enough in the neighborhood to realize the neighbors had concerns. Mr. Koonce agreed to follow up.

Land Management

Warren-Pohl Reservation Update, Discussion on Official Site Name

Mr. Koonce is in the process of addressing DEP comments.

Agent's Report

Mr. Bischoff reported that COSS hosted a public walk on January 1, 2022 at the Cranberry Bog Reservation which was well attended. Mr. Bischoff attended, and will continue to coordinate with Mr. Stanway on behalf of the Commission.

Mr. McLachlan announced that the development project on Riverneck Rd. will be coming before the Commission, probably in February. The project is to construct a new distribution center. Mr. Koonce is working with the Town Manager to retain a peer review consultant for the wetland delineation. Mr. McLachlan explained there is a wetland of 44 acres by Rt. 495 & Carter Drive, and the proposed center is at the eastern end of the 44 acre parcel.

For Approval/Signature

Minutes-December 7, 2021

Mr. Vines clarified a statement on Page 5, in the 4th paragraph, regarding the Planning Board's denial of some work to the building in the back of the property, not the Oddfellows Building.

The revised version with Mr. McLachlan's comments was not printed for tonight's meeting, and will be sent to the Commission.

Vote to approve was tabled.

Adjourn

Next Meeting: January 18, 2022

February 1, 2022

Motion: by Mr. McLachlan to adjourn the meeting at 8:00PM. Seconded by Mr. Vines. **Motion carries, unanimous.**

Respectfully submitted,
Vivian W. Merrill

Supporting documents:
-Application for Notice of Intent
-Draft Minutes