

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
January 5, 2021
Approved January 19, 2021

Meeting held via Zoom.

Members Present: David McLachlan-Chairman, William Vines, Marc Gibbs, Karl Bischoff, Chris Tymula, Chris Garrahan, John Swenson

Members Absent:

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

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, the Town of Chelmsford Conservation Commission will conduct a remote public hearing on Tuesday, January 5, 2021, at 7:00 P.M. to consider the following applications:

Open Session / Citizen Concerns

No one came forward at this time.

Regulatory Hearings

**Abbreviated Notice of Resource Area Delineation-new
10 Hildreth Street, wetland line and buffer determination**

Legal notice read. Michael Lefebvre is applicant.

Brian Goudreau and David Cowell of Hancock Associates were present.

Mrs. Guertin noted that there are multiple resource areas on the plan which trigger multiple setback requirements. Mr. Cowell agreed, stating there is a perennial stream, flood plain, and Bordering Vegetated Wetland areas on the parcel.

DEP comments were received; soil tests and data is being collected.

Mr. McLachlan requested the plan be split by the various resource areas. Mr. Cowell will provide separate plans for Flood, Riverfront and Bordering Vegetated Wetland.

The Commission agreed that a site walk will be needed, and there may be delays because of the winter season, where certain features cannot be seen at this time of year. All flags have been placed.

Mr. Tymula noted the Commission may need permission to enter from an abutter, as one wetland extends onto their property.

Audience Comments:

Paul Wood 16 Hildreth St., stated there may be a wildlife corridor under the power lines at the back of the lot. The slope may be greater than 5% going down toward the wetlands, which may impact runoff. There are a lot of turtles and other animals that live here.

Jeff Johnson, 26 Hildreth St., stated that all of the runoff heads to the vernal pools; he does not know if the pools are certified. The area is very wet, and heavy flooding does occur during significant rain events.

Linda Carney, 17 Hildreth St., noted that the Town has reached sewer capacity, and she is concerned about sewer being close to wetlands. Mr. McLachlan advised the Town is developing and adopting new sewer regulations, and the placement of sewer facilities would be considered by the Commission. The Center Water District would submit documentation that water can be supplied to the site. Ms. Carney noted that there are multiple power line easements on the parcel; Mr. McLachlan advised that easements would not impact delineation. Ms. Carney agrees there is a wildlife corridor here. She asked if abutters could attend the site walk. She was advised that they would need to have permission of the applicant, but they could watch from their land.

Motion: by Mr. Gibbs to meet for a site walk at 10 Hildreth St. on Saturday, January 9, 2020, at 9:00AM. Seconded by Mr. Tymula.

Roll Call vote:

Mr. Garrahan: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Tymula: Aye

Mr. Swenson: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Motion: by Mr. Vines to continue the hearing for 10 Hildreth St. to January 19, 2020. Seconded by Mr. Bischoff.

Roll Call vote:

Mr. Garrahan: Aye
Mr. Gibbs: Aye
Mr. Tymula: Aye
Mr. Vines: Aye
Mr. Swenson: Aye
Mr. Bischoff: Aye
Mr. McLachlan: Aye

Motion carries, unanimous.

Notice of Intent-continued

74 Parkerville Road, construct a new single-family home

Jeffrey Brem, Cloverfield Homes, provided revised plans that show contours and setbacks better and more clearly. Mr. McLachlan noted the slope to the lake is significant.

Mr. Brem reported that three homes and accessory buildings have been removed. Additional drainage features and a rain garden have been added, per an abutter's request. The Town Engineer had some corrections, and her letter can be read into the record. There will be 4 Cultec chambers installed. There will be no landscaping from the top of the slope to the pond. The Order of Conditions will be referenced in the deed to the property.

Mr. Gibbs asked about tree removal, and Mr. Brem admitted flagging has not been done. Two more trees in the buffer zone are slated to be removed. All the trees outside the buffer have been removed already. The rain garden will be able to accommodate the runoff from the driveway. There will be perimeter drains installed as well.

Audience Comments:

No one came forward at this time.

Motion: by Mr. Vines to issue a Standard Order of Conditions for 74 Parkerville Rd., with the Special Conditions that no chemical fertilizers will be used, and that the Town Engineer's requests will be complied with per her letter of January 5, 2021, as presented. Seconded by Mr. Gibbs.

Roll Call vote:

Mr. Garrahan: Aye
Mr. Gibbs: Aye
Mr. Vines: Aye
Mr. Swenson: Aye
Mr. Bischoff: Aye
Mr. McLachlan: Aye

Motion carries, unanimous.

Notice of Intent-continued

24-30 Second Lane, New single-family home

Patrick Larkin reported that a landscaping plan was requested by the Commission, and is now part of the plan. Special trenching along the driveway for runoff was also added to the plan. Erosion controls were enhanced for when other structures are removed. Eight trees will be planted along the abutter's property.

A surveyor revised the property boundaries, as requested by the abutter.

Mr. Gibbs requested clarifications of elevations on the plans. Roof runoff from the existing cabin will continue to fall on the ground. The new addition will have roof drains.

Mr. Garrahan reminded the applicant that no chemical fertilizers be used, and no landscaping is to be done in the 25 foot buffer.

The edge of the new building will need to be pinned at the 30 foot line.

Audience Comments:

A letter from Robert Haigh at 20 Fourth Lane was read into the record. Mr. Haigh feels that keeping the existing building skirts the building code. He is worried about erosion close to the water line. A new home could be built further back.

The existing cottage must remain as an anchor to the new home. This would be conditioned into the Order.

Pam Rivard, First Lane, asked whether the applicant would be seeking Planning Board approval for the new home, as it will be over 4,000 SF, combined. Mr. Larkin advised that he would discuss this with the Building Commissioner. Ms. Rivard indicated that the cottage is 3.5 feet from her property line, and they will need to get on her land to do the work. She asked whether she needed to provide written permission to do this. Some of the sewer and gas lines may be on her property, and she will ask the Building Commissioner about her rights there. She noted there is a well on the property where the new constructed is planned. What will happen to it? Was the test pit done to determine where the water table? Mr. Larkin advised the well could be capped and decommissioned. The foundation can only exist above the water table, per building code. Ms. Rivard further stated she is disappointed with the clear cutting of trees that has been done. This is aesthetically and environmentally not good for the pond. Mr. Larkin advised that some trees are planned to be planted.

Mr. Vines asked what the old house be used for, and how would it be upgraded. Mr. Larkin explained that currently, there are 2 bathrooms, 2 bedrooms, a kitchen, living room, and a den. The space will be reconfigured as spare rooms or a home office space. It is on concrete piers, and they will remain. There will be insulation put in underneath the dwelling. Windows and siding will be replaced, and roof will be replaced to match the new construction.

The Commission noted the following Special Conditions:

-the existing building must remain as long as the proposed building exists, and the structures need to be permanently attached.

- no chemical fertilizers are to be used between the building and the pond.
- the applicant is to pin the corner of the building at the 30 foot buffer line.
- the area within the 25 foot buffer must remain natural.
- The Conservation Agent must confirm the pinning of the footing before the foundation is poured.

It was also noted that a waiver for the 50 foot buffer was not needed because the addition is attached to an existing building.

Motion: by Mr. Gibbs to issue a Standard Order of Conditions for 24-30 Second Lane, with the Special Conditions that the existing building must remain as long as the proposed building exists, and the structures need to be permanently attached, no chemical fertilizers are to be used between the building and the pond, the applicant is to pin the corner of the building at the 30 foot buffer line, the area within the 25 foot buffer must remain natural, and the Conservation Agent must confirm the pinning of the footing before the foundation is poured. Seconded by Mr. Vines.

Roll Call vote:

Mr. Garrahan: Nay

Mr. Gibbs: Nay

Mr. Vines: Nay

Mr. Swenson: Nay

Mr. Bischoff: Nay

Mr. Tymula: Nay

Mr. McLachlan: Nay

Motion fails, unanimous.

The Commission explained that they felt the project is too large. The addition is much bigger than the existing building, and any new dwelling could be placed outside of the 50-foot buffer. Mr. Larkin appealed that a similar project was recently approved on Seventh Lane, yet this project is being denied as both a new structure and a reconstruction. He did not understand the Commission's reasoning.

Discussion

Willis Drive properties

The Commission agreed at a previous meeting that acquiring control of the parcels would be beneficial.

Motion: by Mr. Garrahan to notify the Town Manager that the Conservation Commission agrees to take control and management of the Town Owned parcels around Freeman Lake, as presented. Seconded by Mr. Bischoff.

Roll Call vote:

Mr. Garrahan: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Tymula: Aye

Mr. Swenson: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye
Motion carries, unanimous.

Continual Business

Agent's Report

Mrs. Guertin advised the Commission that the membership to MACC lapsed for lack of participation and interest several years ago. In 2020, there were no events due to the COVID 19 pandemic.

Motion: by Mr. Garrahan to authorize the Conservation Agent to acquire membership in the MACC for the Chelmsford Conservation Commission. Seconded by Mr. Vines.

Roll Call vote:

Mr. Garrahan: Aye

Mr. Gibbs: Aye

Mr. Tymula: Aye

Mr. Vines: Aye

Mr. Swenson: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Approve Minutes

October 20, 2020

Motion: by Mr. Gibbs to approve the Meeting Minutes of October 20, 2020, as presented.

Seconded by Mr. Garrahan.

Roll Call vote:

Mr. Garrahan: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Swenson: Aye

Mr. Tymula: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

November 10, 2020

November 24, 2020

Motion: by Mr. Garrahan to approve the Meeting Minutes of November 10, 2020 and November 24, 2020, as presented. Seconded by Mr. Vines.

Roll Call vote:

Mr. Garrahan: Aye

Mr. Gibbs: Aye

