

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
February 1, 2022
Approved March 15, 2022

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

Members Absent: Chris Tymula

Others Present: David Koonce-Conservation Agent, Town Counsel Paul Haverty

Others Present via Zoom: Town Engineer Christina Papadopoulos, Virginia Crocker-Timmins, Marcia Davenport

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

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

• David and Marcia Davenport, 62 Groton Road – Request for study on possible wetland encroachment

Town Counsel Paul Haverty explained this situation involves a neighbor dispute which has gone to court. He advised that the Commission should not be put in a position which would violate the court order, and if the discussion would cause a violation of the court order, the hearing should be shut down.

Mr. Koonce explained that the Davenports are concerned that their property is getting wetter, based on the growth of more vegetation and photos provided over the past 20 years. Mr. Koonce visited property, and there is a change in plant life which is consistent with the ground becoming wetter.

Marcia Davenport, 62 Groton Rd., stated their property is getting wetter, and the water table is rising. The grass is yellow and soaked, and there has been a decline in the presence of wildlife. The ground is totally soaked all the time and they can no longer walk in the yard. No plants will grow. They are requesting that something be checked out. All the trees in the area are dying, and she can see all the way to Russell Rd. Their existing garage was built in 1973, and the prior owner of the property has advised there was never flooding in the yard when he owned the property.

Dave Davenport explained they have resided at their home for 22 years. Over the years, a new drainage system was installed, and a sidewalk was installed, and they have had no issues with this work. He has no idea why their property is flooding. On Groton Road three new catch basins were installed. Sidewalks were raised, and the road was repaved. One house in the neighborhood was rebuilt in same footprint as previously.

Mr. Bischoff asked whether any engineers have evaluated the property. Mrs. Davenport stated landscapers and tree companies have looked at the yard, and flooding was noted. The garage needs to be raised. No engineering assessment has been done to date. In the last ten years, it has gotten very wet. Before that, there were no issues with water. The prior owner came to see the property last summer, and noticed vast changes in the land.

Mr. Koonce noted there is a USGS station in Acton which monitors ground water. There was a big spike in water in 2010, which is also when the problem was first noticed. There has been a slow rise in water since then, which was shown on a graph. He is not sure if these conditions are coincidental, but the trend is apparent. Looking at the Town's GIS database, he is not sure if similar situations are happening on other properties. There is a low spot in elevation in this area, and water flow appears to be coming from a nearby hill. Freeman Lake is at a 120 foot elevation. A property on Russell Rd. recently had water testing and the ground water level was at 123 feet. This could be a natural condition from Freeman Lake. The Davenports' property is at 120-122 elevation. Seasonal high ground water is getting higher, which is contributing to the plant death. Other properties on Russell Rd. are also at the 122 elevation.

Chair Garrahan questioned whether there were any mitigation efforts that could be done. Mr. Koonce felt it would depend on if there was a connection between the lake and the ground water. Potentially, the lake could be lowered, but there needs to be a study done first. The Davenports may need to hire a botanist to assess their property and see why the trees are dying. They could also have the ground water depth determined by an engineer. They may need a monitoring well. A hydrologist may need to assess the situation. Across Groton Rd., there is also a wetland at the 120 elevation. It is not known if these areas are linked or not. He has received some comments about dying vegetation on other properties, however, further research is needed. Other residents should contact him if they are experiencing similar issues.

Mr. McLachlan recalled that the State cleaned a stream north of the lake, which may have put more water in the lake.

More information is needed. Future updates will be forthcoming.

Regulatory Hearings

• Request for Determination of Applicability (After-the-fact filing);

Laura Chadwick; 14 Lovett Lane

Trina Teele, representing Applicant

Legal notice was read. Work was completed within a buffer zone, including clearing, regrading, and loaming. Photos of prior conditions were provided.

Ms. Teele advised that Ms. Chadwick moved to this property in April 2021. Other family members also live in Chelmsford. Ms. Chadwick suffers from Huntington's disease, and she was very concerned that the trees were going to fall on her home, and so she hired a company to remove them. The property was surveyed and staked, and a plot plan was prepared on September 29, 2021. Marty's Landscaping was contacted to remove the trees and remove the stumps. The work was done in October, 2021. Mr. Koonce contacted Ms. Chadwick in January, 2022 to advise that the work done was in a buffer zone. They did more research and found the buffer is on the property.

Straw waddles have been installed. Loam and hydro-seed will be installed in Spring 2022.

Mr. McLachlan confirmed with Ms. Teele that mostly pine trees were removed. Stumps were ground down, and will not be removed, but will be covered with loam. Ms. Teele was warned about possible severe erosion in the springtime, and the property may need more erosion controls installed.

Mr. Bischoff felt the surveyors were aware that trees were going to be taken down, and they should have been able to let the owner know she was in a buffer zone. Mr. Swenson agreed that the contractor should also have been aware of the situation.

Mr. McLachlan advised that the Commission has been responsive to tree removal when necessary. Trees are valuable. Ms. Chadwick stated she is willing to think about planting some trees in the future. Any future work could be reviewed by the Conservation Agent to make sure the work is outside the buffer. Mr. McLachlan described the minor activities that are allowed to happen in the buffer. He also recommended more erosion control on the Lovett Lane side of the property.

There were no comments received from the audience.

Motion: by Mr. McLachlan to approve the Request for Determination of Applicability for 14 Lovett Lane with a Negative Three Determination, as presented. Seconded by Mr. Vines. **Motion carries, unanimous.**

• Notice of Intent;

Town of Chelmsford; 1-104 Turnpike Road

Bridget Myers/Howard Stein Hudson, representing Applicant

Legal notice was read. Work is to construct a pedestrian bridge, and for upgrades to existing drainage.

Project Manager Bridget Myers explained that last year a sidewalk design was proposed and completed. There will be 3400 feet of additional sidewalk installed, going to Rt. 129. The sidewalk will be 5.5 feet wide on average.

A pedestrian bridge is proposed to be built over Rivermeadow Brook. The work is being funded through a grant and via the Town's sidewalk fund.

Howard, Stein, Hudson Civil Engineer Bob Messenger described existing conditions along Turnpike Rd. Curb and drainage systems will be upgraded and added in this area.

Temporary and permanent easements have been filed. Some are still pending.

The proposed plan shows locations of new sidewalk, catch basins, infiltration systems and outlets, and the pedestrian bridge. None of the work will impact the wetlands, and all is in the buffer zone. There will be a low retaining wall will be installed in one area. Infiltration will be contingent on the results of the test pits. This is being considered a limited project because of the amount of disturbance. Compensatory flood storage areas by Riverneck Rd. and Orleans St. were shown, even though they are not required. No comments have been received from DEP yet. There are a turtle species flagged in the area, and they will be a submission made to Natural Heritage. There is some work being done in the habitat area. Work includes adding 9200 cubic feet of fill, and the compensatory flood storage area will also be about 9200 CSF. Dewatering plans have not been completed yet for the brook area.

Construction plans were submitted electronically. Mr. Gibbs requested to see paper plans.

All the basins will be installed on the east side of the road.

The Town Engineer will review the storm water calculations. Historically, there has been a lot of flooding in this area. Flooding is not being addressed in this project.

Four trees will be removed. There were no plans to replace them, but it can be done.

Some Commissioners were not able to review the plans, and need to get the plans in order to review.

The bridge will be at the 109 elevation, which is slightly higher than the flood plain.

No waivers are being requested at this time. This will be double-checked, as much of the work is in the 25-foot buffer area.

A Turtle study is still pending, and Mr. McLachlan recommended against disturbing this work. He also recommended the applicant contact Zoo New England for coordination.

It was noted that one of the Compensatory Flood Storage locations are very close to the Mercury building, and the applicant should make sure this work does not get impacted by the proposed redevelopment project at that location.

The culvert was not assessed for water flow, and it is believed this work will not impact the culvert or the water flow.

Town Engineer Christina Papadopoulos stated she has not reviewed all of the calculations, however, preliminary review appears to be accurate. She will provide technical comments as she completes her review.

Mr. Koonce acknowledged that he didn't ask the applicant to print all the plans. He did request that a side view and inset view of the bridge be provided. There is no delineation of bank because there is a constructed bank/culvert. The side view will show the abutments and other details.

The sidewalk work will be done by the Town, and the bridge will be constructed and installed by a contractor.

A construction sequence and dewatering plan will be needed.

National Grid holds an easement in one of the compensatory flood storage areas and they will need to give permission to allow this work to be completed. The applicant will need to contact National Grid directly. More information is needed regarding the easement in order to determine whether compensatory flood storage is an allowed use. DEP may be the authority to determine whether any requirements could be waived in this matter.

There is also an issue of whether some conservation land needs to be converted into compensatory flood storage area. If so, this may require review under the MGL Chapter 97 process to determine whether flood storage is considered a conservation use.

Additional information is needed on the Natural Heritage application, and Zoo New England's input will be helpful in determining whether the work will improve the turtle habitat. Mr. Koonce agreed to also contact Zoo New England.

Motion: by Mr. McLachlan to continue the Hearing for 1-104 Turnpike Rd. Seconded by Mr. Gibbs. **Motion carries, unanimous.**

Discussion

• 2022 Conservation Agent goals

This document hasn't been done for a few years, but can be developed.

Mr. Koonce was asked to review past O&M plans to determine whether required annual reports have been filed, and to see if they indicate whether they are performing. These reports may need to be shared with the Storm Water personnel who are tasked with monitoring these situations.

The Open Space Inventory may need to be updated, as it hasn't been worked on since 2018.

Master Plans for nine of the Commission's Reservations will need updating, creation, or critiquing.

Updating all or some reservation trail maps with the DPW. This can be done over a period of time.

Mr. Vines agreed the Commission is not advised of the statuses of O&M plans and on the Orders of Conditions. He also requested paper plans be submitted with the Commission's paperwork for hearings.

Mr. Koonce advised he generally requests O&M plans as a perpetual condition, and he agreed this did not appear to be monitored prior to his employment. He agreed that if the reports are not submitted, it could result in a violation of the Order, can impact Certificate of Compliance issuance, or could trigger an enforcement order. Failure to report could be seen as a maintenance issue. Researching reports could be difficult for the older filings.

Mr. Koonce recommended and requested authorization for the management of the Commission's webpage, as many updates are needed there.

Commissioners suggested that land management plans need to be overseen. It was suggested to start out with the Warren-Pohl Reservation, which may need consultants and public input sessions.

Mr. Vines asked that the Commission be notified for construction site visits, in the event, any of the Commissioners want to participate. Mr. Koonce will accommodate this request. Following up on completed projects needs to be coordinated.

Mr. McLachlan will put together a document for the Commission's review.

• Selection of Commission member to serve on Master Plan Implementation Committee

Mr. McLachlan explained the 2010 Master Plan plan had an 8 person Implementation Committee. They would work with stakeholders to decide how or whether the plan is being followed, or whether the plan needed to be amended. This group met twice a month over a six month period. It is not known if the new committee will follow the same schedule.

Motion: by Mr. McLachlan to nominate Chris Tymula to the 2020 Master Plan Implementation Committee. Seconded by Mr. Gibbs. **Motion carries, unanimous.**

Continual Business

• Update on Odd Fellows (DEP File #129-0891) (Conservation Agent)

Mr. Koonce stated there was nothing new to report. He will reach out to the applicant again to request an updated work sequence.

Land Management

• Update on Warren-Pohl Reservation/For Approval/Signature

Mr. Bischoff reported there will be a meeting with the Chelmsford Water Department next week to discuss potential pump house locations on the property.

Two encroachments need to be addressed by Town Counsel. Easement approval will be needed, and will require Town Meeting approval.

Discussions regarding snow removal issues need to be worked out.

• **Certificate of Compliance #129-0871 (18 Janet Road)**

Mr. Koonce reported that all work is stabilized.

Motion: by Mr. McLachlan to issue a Certificate of Compliance for 18 Janet Rd., as presented. Seconded by Mr. Vines. **Motion carries, unanimous.**

• **Minutes of December 7, 2021; December 21, 2021; January 4, 2022**

Motion: by Mr. McLachlan to approve the Meeting Minutes of December 7, 2021, December 21, 2021 and January 4, 2022, as presented. Seconded by Mr. Vines. **Motion carries, unanimous.**

Agent's Report

• **Update on FY 2022 appropriation budget and wetland filing fee account**

Mr. Koonce reported that he had no concerns with what he found.

Mr. McLachlan stated that he doesn't understand the schedules which were provided electronically. It appears some information is missing, such as salary information.

Mr. Koonce summarized that about \$80,000.00 in wetland filing fees are available for the Commission's use for enforcement or peer review, administrative expenses, consultant fees, and possible certain legal fees. This money cannot be used for reservation management. The Commission has a separate account that can receive gifts and donations. There is another account with about \$50,000.00 for the Wright Reservation Trust Fund.

Other:

Mr. McLachlan reported that he and Mike Manse have filed an application with Natural Heritage to study the habitat for the Landing's Turtles by St. Joseph's Cemetery. Mr. Koonce can follow up with them.

Adjourn

Next Meetings: February 15, 2022

March 1, 2022

Motion: by Mr. Gibbs to adjourn the meeting at 9:28PM. Seconded by Mr. Bischoff. **Motion carries, unanimous.**

Respectfully submitted,
Vivian W. Merrill

Supporting documents:

- Application for Notice of Intent
- Draft Minutes