

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
February 14, 2023

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

Members Absent:

Others Present: David Koonce-Conservation Agent

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

No one came forward at this time.

**• Evan Belansky, Director, Community Development and Planning:
Grist Mill Condominiums post-construction status update**

Mr. Belansky reported that the project is occupied, as-built plans were submitted, and the project was closed out. The pedestrian bridge is still open, and he has a letter from the developer to install the bridge. This work will be done when other things are completed by the DPW. The Town received a Mass Works grant to do the upgrades to widen Cushing Place and install a brick sidewalk and to depress the utilities. The grant only paid to depress the utilities. DPW has to fund the rest of the work. There is now another project being proposed in this area, and the Town is waiting for an update from this developer. All these projects need to be coordinated. Mr. Belansky hopes the work will be done during the next five years. The letter of commitment will be forwarded to the Conservation Agent. The bridge has not been designed or fabricated pending receiving additional information on how it will be installed.

A Certificate of Compliance has not been issued yet.

Katie Enright came forward on behalf of Jay Finnegan, the original developer. The units can sell without a Certificate of Compliance. This usually depends on the closing attorney. Mr. Koonce noted there was no requirement in the Order at that time. The Orders he writes have more requirements. Ms. Enright has been asked to look into filing for a Certificate of Compliance on behalf of the developer.

Mr. Finnegan is committing to removing the items in the brook. The Conservation Agent can meet with him to flag these items, which can be coordinated with work being done on Acton Rd. The prior Conservation Agent suggested some of the items not be moved because it could damage the waterbed. Mr. Finnegan stated he is still willing help, even though he is no longer involved with the project.

Regarding invasive plant management-Ms. Enright was speaking with a consultant for the 9 Acton Rd. project, and a plan could be done for \$6-700.00. The consultant would do a site visit. The Condominium Association would do all the work. The Order of Conditions was recorded with the Registry of Deeds, and this can be forwarded to the Grist Mill board. The invasive plant management plan was not included in the Order, as it was never done.

Mr. McLachlan was surprised to hear a Certificate of Compliance was not needed. He was advised that no closing attorneys to date have ever asked for a Certificate of Compliance. There nothing in the Order about cleaning the brook, either. This could necessitate a new filing which would keep the issues separate. The invasive plant management and debris removal might have to be separate because of the way the Order was written.

Mr. Koonce advised that he heard from Commissioners that had concerns, and worked on it. Mr. McLachlan supported Mr. Finnegan's offer to clean the brook. And the Commission should continue to work with the Grist Mill board on the invasive plant management plan.

Everyone will continue to work in good faith to resolve these issues. Ms. Enright will have Mr. Finnegan contact the Conservation Agent about the brook clean up. The Grist Mill association will need to work on the invasive issue. Greg Hochman is the consultant that could assist with the invasive plant management plan. A Grist Mill board member asked whether their landscaper could handle the maintenance. There will need to be discussions with the consultant to learn what needs to be done.

Background on proposed Central Square Brook walk

Community Development Director Evan Belansky stated the information related to an easement was e-mailed to the Commissioners yesterday. The request is for the Commission to sign an acceptance of the easement for an area behind the Oddfellows building. Once accepted, the Town via the DPW would apply for a permit from the Commission to do the work on town and private property to construct this portion of the Brook walk. A concept plan was shown which shows the scope of the proposed work, to include a 30" gravel walkway similar to the Grist Mill Condominiums walk, and removal of invasive vegetation with replacement native plantings. The pocket park details are being worked out.

There will be a request for CPA funding of \$47,000.00 to do the proposed work.

The Center Village Master Plan provided the vision; implementation is happening a bit differently. The overall walkway is coming together a piece at a time. Mr. Spawn was in support of habitat preservation and public education opportunities. Mr. McLachlan noted that similar easements will be needed all the way to Summer St., over time. DEP objected to prior attempts to create a brook walk, and this proposal and strategy may help with their concerns, as it uses an exemption in the Act .because it's creating a public trail which uses the same provisions as allowed in the Act. Storm water management efforts by

developing the pocket park in the corner of the parking lot by removing the pavement will also help; details are being developed.

Mr. Gibbs asked whether a berm should be installed to keep storm water runoff from washing into the brook and eroding the trail. Mr. Belansky stated both sides of the trail are being planted with native plants, to create all low impact drainage. Work is still being designed. The Town DPW would maintain the easement area and trails. They may partner with a local garden club. The trail width of 30” is the maximum width to qualify for the exemption.

The CPA funding article is scheduled to be on the Spring Town Meeting warrant.

Motion: by Mr. McLachlan to approve the Easement for the area behind the Oddfellows Building, as presented. Seconded by Mr. Vines. **Motion carries, unanimous, 7-0.**

Regulatory Hearings

• Notice of Intent; Doherty Building and Design; 20 Elm Street Stamski & McNary, Inc., representing Applicant

Legal notice read. Work is to construction of a single family home, workshop, drainage, and utilities.

Aiden Schlotman was present via Zoom. The single family dwelling, workshop, foundation drain and well are all within the Riverfront area, and mostly outside the 100 foot buffer. Total alteration in the Riverfront area is 1585SF. DEP comments were received. The DEP felt the 100 foot buffer should all be no-disturb, and must be delineated. A small portion of the porch, the well foundation drain and patio are within the 100 foot. The septic system is totally outside any buffer area. Mr. Swenson noted that Barnes Terrace is not constructed yet, and would be 40 feet wide. Mr. Schlotman advised that another company is constructing the road, and it is outside the 200 foot buffer. Mr. Swenson likes the septic design.

Mr. McLachlan noted that GIS has a house on the lot already. Mr. Schlotman explained the existing home at 20 Elm St. will be subdivided, and this new home will be on its own lot after the subdivision. DEP comments are being addressed. Mr., Schlotman was not sure what work will be done in the workshop. Siltation barriers would remain until the project is complete.

Mr. Vines asked for a reason for the septic system. Mr. Schlotman stated that since the road hasn't been constructed, there is no connection to Town sewer there, and there are no plans to make a sewer connection. The road is only being constructed to accommodate this project. The paper road goes much further. Reserve trenches are on the plan in the event the proposed trenches cannot be used. No dewatering is anticipated. Excavated materials will be taken offsite by the contractor. The workshop will be built on a slab.

No trees will need to be removed, as the area is wide open. Delineation will be done with stakes in the ground every 50 feet. Gibbs requested bushes be planted along the delineated line so the homeowner knows where not to work.

Mr. Koonce noted that DEP has not reviewed the revised plans yet, and the Hearing should be continued pending DEP response. There should be roof runoff management added to the plan, such as a possible drywell or infiltrator for the house and the work shop. The Public Health Department's comments regarding the septic system are being addressed. An updated plan was sent to the Health Department. Final approval is pending. This system is outside the Commission's jurisdiction. Mr. Koonce requested copies of the correspondence from the Health Department.

There were no comments received from the audience at this time.

Motion: by Mr. McLachlan to continue the Hearing for 20 Elm St. to February 28, 2023.
Seconded by Mr. Gibbs. **Motion carries, unanimous, 7-0.**

• Request for Determination of Applicability; 250 Apollo Drive, LLC; 250 Apollo Drive Thomas Schomburg/Civil Design Consultants, Inc., representing Applicant

Legal notice read. Work is for the construction of a sediment forebay and associated utilities.

The existing site is 10.8 acres. There is Bordering Vegetated Wetland on the east side of the parcel. There is an existing drainage basin in this area. The proposal is to add 14,000SF to the drainage basin and to repave the parking lot for a reduction of 800 FT of impervious surface.

Mr. McLachlan asked whether this work would impact anything on Pile Drive.

There may be additional revisions to the overall plan, however, impact to resource areas will remain the same. Stamped plans are still needed. The existing edge of pavement will stay the same.

Mr. Koonce recommended a negative determination with the added Conditions of erosion control and storm water management, and annual maintenance reports being filed. The Commission should be sent a copy of these reports

There were no comments received from the audience at this time.

There are open items, therefore, the Hearing will be continued.

Motion: by Mr. Gibbs to Continue the Hearing for 250 Apollo Drive to February 28, 2023. .
Seconded by Mr. Swenson. **Motion carries, unanimous, 7-0.**

• Notice of Intent (cont'd from 07.26.22); DH Property Holdings, LLC; 270 Billerica Road Kasey Ferreira/Howard Stein Hudson, representing Applicant

Katie Enright of Howard, Stein, Hudson reported that the project economics have caused problems and the project needed to be changed.

Square footage was added to the building and parking lot. Infiltration was increased to meet phosphorus requirements. Beta Consulting has sent a letter to the Commission. The Planning Board is finalizing their Conditions.

Mr. Koonce supported the revisions, and would be comfortable drafting the Order of Conditions.

The applicant agrees with all of the peer reviewer's comments. A total of 8500 SF was added to building. The revisions result in less impervious surface. The closest point to the wetland is outside the 25-foot buffer, and is pavement. The building is outside the 50-foot buffer. Pavement does go into the 30-foot buffer in one small place, and one outlet is within the 25 foot buffer. Both areas are existing. Fire access has been approved. A traffic study was done, which reported 418 trips per day, both ways. There will be 181 parking spaces in the new lot.

A 25-foot waiver will be needed for the drainage outlet and one section of driveway. A 30-foot waiver will be needed for the driveway.

Audience Comments:

Chris Lavallee, 10 Edgewood St. made comparisons between this project and the proposed project on Riverneck Rd. This project has the potential to carry a higher pollutant load. Ms. Enright explained that the determination is based on the number of trips per day, per DEP. This road has less than 1000 trips per day. Mr. Lavallee added that another concern is that the tenant is unknown. The loading docks are next to wetlands. There are many components which could impact the pollution load. Ms. Enright added there is parking for 11 tractor trailers. Mr. Spawn asked what constitutes fleet vehicle storage. Ms. Enright indicated that both DEP and Beta Consulting did not have concerns with this. The drainage systems have shutoffs to help control spills. Mr. Spawn countered that if this was considered a high pollutant load project, would the drainage requirements be different? Ms. Enright maintained that they are using equipment included in an approved list.

Ruth Luna, 10 Carter Dr. advised that this project would have to register with the Underground Injection Control Program.

Snow storage is shown on a different page of the plan. New plans were submitted over a month ago.

Mr. Spawn requested additional plantings in the buffer zone. Mr. Koonce noted an invasive management plan was included in the NOI filing. Mr. Koonce is comfortable with closing the Hearing and issuing the Order of Conditions, as well as voting on the waivers

Motion: by Mr. McLachlan to close the Hearing for 270 Billerica Rd. Seconded by Mr. Vines.
Motion carries, unanimous, 7-0.

Motion: by Mr. McLachlan to waive 25 foot no-disturb buffer requirement at 270 Billerica Rd. for the edge of the driveway and at the out-flow, as presented. Seconded by Mr. Vines. **Motion carries, unanimous, 7-0.**

Motion: by Mr. McLachlan to waive the 30-foot no impervious surface requirement for 270 Billerica Rd. at the same corner of the building, as presented. Seconded by Mr. Vines. **Motion carries, unanimous, 7-0.**

A proposed Motion would be to issue the Standard Order of Conditions, with the Special Conditions to maintain the interior of the loading bays, noting the cleaning agent and where the water goes, and requiring submission of an interior operation plan for the interior of the bays, to prohibit any materials or flow be sent outside the building.

Other spill containment is usually done through the storm water management system and is addressed in the long term pollution prevention plan. This is a standard condition. The peer reviewer did not flag any concerns. Invasive plant management will also be listed as a Special Condition.

The Commissioners preferred the Special Conditions be drafted before approval.

Motion: by Mr. Bischoff to continue the Hearing for 270 Billerica Rd. to February 28, 2023. Seconded by Mr. Vines. **Motion carries, unanimous, 7-0.**

• Request for Certificate of Compliance 129-0903 (314 Dunstable Road; Katie Enright/Howard Stein Hudson)

Katie Enright, Howard, Stein, Hudson, requested the Commission to review the as-built plans to ensure all conditions are met. A stream was moved, and work in driveway was not shown in the Order. The Commission requested to continue this discussion to February 28, 2023 to review the documents for questions and concerns, and to get back to Ms. Enright as soon as possible.

• Notice of Intent; DIV Riverneck, LLC (cont'd from 01.10.23); 191, 195, 199, 201 Riverneck Road Zachariah Chornyak/Tighe & Bond, Inc., representing Applicant
(9:01PM)

Revised site designs were submitted to the Commission. Coughlin Engineering is the soil consultant. Continued work is pending. The Planning Board also has peer review concerns which are being worked out.

Kevin McHutchin of Tighe & Bond advised that major changes were at the front of property where the driveway was reconfigured, as well as other wellhead protection zone improvements. Landscaping plantings were added for rain gardens and in the rear of the property. Bike rack locations were identified.

Storm water management details were updated. Existing conditions were reviewed; there are two existing buildings now. One has no storm water management features, the other building has some features, but they are not compliant with today's standards. An existing basin is lower than the proposed basins by 18 inches.

The proposed site design was shown, and this design captures and treats a much bigger area for storm water runoff. The untreated runoff goes to the northwest of the site, via a 36" outlet. Currently, the treated water would also exit from an additional pipe. A different amount of water will go to the northwest toward the wetlands. The proposed design helps control flows during smaller storms. Mr. Spawn noted that the retention basins are designed for 100 years storm, yet the pipes are designed to handle a 25 year storm. Mr. McHutchin stated that flooding in a 100 year storm would still be directed toward the basin. Piping is often designed for smaller events as they are far more common. Ben Masik, Davis Company, advised that initial precipitation is all being treated, and total runoff is still going to be much cleaner.

There are three below ground systems, one rain garden, and one bio-retention system. There are plans for Compensatory Flood Storage, and 6 water quality units. Other features and changes were described, as well as how the water moves through the different sections of the site for the different types of storm events. Storm water modeling is based on how much runoff is happening, and how fast it infiltrates.

Soil testing should be done during the next month; the contract is still being finalized. The public is not allowed onsite during the tests for safety and liability reasons. Mr. Swenson requested to see the snow storage areas. They are shown on the revised plans which the Commission hasn't seen.

Mr. Spawn noted he did read through past reports, and noted some inconsistencies even with the revised design. Overflows would happen in greater than a two-year storm. Mr. Spawn will review the calculations further. A written narrative was added to the revised treatment plan, which Mr. Koonce has not received yet. He will let them know if he has any questions once he reviews it. Mr. Spawn requested to see specifics on the rain garden, as well as the Operation & Maintenance plan. He asked how long it would take for the biomass take to become functional, and how much filtering it would provide. He was referred to a DEP handbook and the landscape plan. The proposed bio-filters have been commonly used. Oil and grease removal from leaking trucks would be captured in pre-treatment in a hooded trap. Hydrodynamic separators also capture much of this debris. Baffles will internally bypass the system. Details are in the drawings that the Commission may not have received yet.

Soil testing is still to be done. The Town Engineer or peer reviewer will witness the tests. An Emergency spillway may be researched. Comments from the Water District are still awaited. None of the driveways are closer to the wetlands than was previously presented.

Mr. Vines asked how long a useful life on the bio-retention system would last. He was advised that it depends on the health of the plants and the extent of any spills. It is supposed to be inspected regularly, to make sure it drains like it's supposed to. If a severe spill occurs, a valve would be shut off to stop any water from going to the wetlands. A dedicated employee would be present to oversee and monitor these functions as part of the Operation & Maintenance plan.

Data was not available regarding how many soil tests will be done, DEP will make this determination.

Mr. Koonce advised the applicant will need to verify there is a legal right to drain this site onto Town land. Mr. Chornyak noted this drainage is happening now in existing conditions.

Audience:

Chris Lavallee, 10 Edgewood St., requested that any draft Conditions be created before the Hearing is closed, so they can comment. This project has a high pollution load from trucks and trailers. Spill containment is at the end of the flow with a single manual shutoff. If there is a spill, a heavy storm would add more water to the spill, creating more problems. Snow storage is only in the front of the building. There are concerns about spreading contaminants. He does not agree that this the best system for this type of use. He will send his written comments to the Commission and the applicant.

Robert Delaney, 22 McFarlin Rd, retired Water District Commissioner, noted the building is 40 feet away from the Zone One area. Pavement is 10 feet off the Zone One edge. The area needs to be delineated on the ground. He questioned elevations, as a tremendous amount of fill is being brought in. Additional information about monitoring wells and details on annual monitoring should be provided. Mr. Chornyak stated they are still working with the Water District, and the District can test the wells anytime they want. Work to remove existing pavement away from Zone One is still needed. The building is actually over 100 feet away.

Ruth Luna provided more letters to the Commission. Soil Type A is different when you are talking about recharge. Ms. Luna described the information in the report just submitted to the Commission. Discrepancies between the applicants design and elevations and the unknown soil issues will impact whether any of the systems will work. Peer review of the soil tests will help ensure the applicant's assumptions are correct. Snow storage is inadequate. Signage or barriers should be installed to keep snow out of the rain garden and bio-retention areas. Ms. Luna asked whether the sediment retention area was in the Compensatory Flood Storage area or not. She had the same concern with the bio-retention area, and whether it would be holding sediment also. She asked how the sediment would be disposed, and how the Zone One water area would be protected. There is conflicting data on whether the basin will hold ground water, and whether this practice would create a wetland in certain areas because the ground water is now becoming surface water. She noted the Planting Plan may not work if there is too much water. The eastern part of the site 191 is still forested. The low area may be an isolated wetland. More data is needed.

Mr. Koonce agreed that the applicant will need to verify whether the area in 191 Riverneck Rd. is or is not wetland.

Motion: by Mr. McLachlan to continue the Hearing for 191, 195, 199, 201 Riverneck Road to February 28, 2023. Seconded by Mr. Vines. **Motion carries, unanimous, 7-0.**

• Notice of Intent (cont'd from 03.01.22); Town of Chelmsford; 1-104 Turnpike Road Bridget Myers/Howard Stein Hudson, representing Applicant Discussion
The applicant has requested continuance.

Motion: by Mr. Bischoff to continue the Hearing for 1-104 Turnpike Rd to March 28, 2023.
Seconded by Mr. Gibbs. **Motion carries, unanimous, 7-0.**

Continual Business

Land Management

• Update on Warren-Pohl Reservation

Mr. Bischoff reported that work on the Conservation Restriction document is still pending.

On Saturday, February 18, 2023, there will be a site walk at Wright Reservation, participants will meet in the parking lot. There will be discussion about extending a walkway.

There could be a site walk in Chelmsford Center on the same day.

Mr. Bischoff is working with the Town Accountant on a funding request through the Community Preservation Committee. The CPC is meeting tomorrow night

Agent's Report

• Updates on 203 Boston Road and Shore Drive violations

The application for a Request for Determination of Applicability is almost completed. Mr. Koonce is still awaiting details on the work that was done.

A letter was sent to property owners on Shore Drive.

• Grant of Brook Walk Easement at 44 Central Square

Nothing was discussed at this time.

• Certificate of Compliance 129-0809 (10 Tracy Road)

Nothing was discussed at this time.

• Minutes of January 10, 2023; January 24, 2023

The term “hydrosomething” will be changed to “hydrologic”.
Approval tabled pending further review, as the meetings were very extensive.

Adjourn

Next Meetings February 28, 2023 March 14, 2023

Motion: by Mr. Bischoff to adjourn the meeting at 10:43PM. Seconded by Mr. Vines. **Motion carries, unanimous, 7-0.**

Respectfully submitted,
Vivian W. Merrill

Supporting documents:

- Applications and Plans for Regulatory Hearings
- Draft Minutes