

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
February 28, 2023

Members Present: Chris Garrahan, Marc Gibbs (left at 8:56PM), Karl Bischoff, David McLachlan, John Swenson, William Vines, Peter Spawn

Members Absent:

Others Present: David Koonce-Conservation Agent

Meeting was called to order at 7:13PM by Mr. Garrahan. The delay was due to technical difficulties with the Zoom link.

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

• Michael Maszta, property owner; 26 Hoyt Drive: proposed retaining walls

A photo was shown, and Mr. Maszta was present. He wants to replace an existing retaining wall which is falling apart, and install an additional retaining wall to help address erosion issues on his property. The work area is very close to the 25-foot No Disturb buffer line by 2-3 feet. Mr. Koonce requested permission to allow filing by RDA.

The only heavy machinery will be work with an excavator. The bottom of the wall will be three feet high, and the top of the wall is 2 feet high. The walls would be about 55 feet long. The applicant would be doing the work himself.

Commissioners were split on whether to allow an RDA Filing, or require a Notice of Intent. A positive RDA determination would require a Notice of Intent filing.

The applicant will coordinate with Mr. Koonce, and will return with a formal filing.

• Robert Johnson, property owner; 0 Shore Drive: unauthorized Buffer Zone work

Mr. Johnson was present. Mr. Koonce met with him last week. Work was to install a small beach and he removed junk and debris. Some vegetation was cleared, and he installed a shed and walkway.

The beach and shed are within the 25 foot No Disturb buffer. The shed is at 18 feet. Mr. Johnson has hired a consultant to flag the wetland.

Mr. Johnson resides at 24 Shore Dr., and he stated he is now aware of his obligation. He wasn't aware he had to come before the Commission. The lot in question is down the street from his house.

Tires, paint cans, beer cans, lots of broken glass and syringes were removed. Mr. Johnson feels his work was an improvement.

The shed was installed in 2021. Sand was put down to cover up remaining broken glass. The shed will hold his boat and fishing equipment.

Mr. Johnson has been involved with the weed analysis on the lake. He let people borrow his boat to do part of the analysis, and donated money for the Notice of Intent appeal filing.

Mr. Koonce advised he could issue an Enforcement Order for either just the 25 foot or the 100 foot buffers. The Commission was asked whether there was a policy for new water access, as Mr. Johnson also wants to put a dock in.

The Commission needs to determine what they would allow, as the property owner could file either an RDA or a Notice of Intent. Mr. Garrahan indicated that he would prefer not to issue an Enforcement Order, as the owner is here.

Mr. Bischoff and Mr. Gibbs prefer the shed not be in the 25 foot buffer. The sand is pervious, and not harming anything. Mr. McLachlan noted that any docks have state regulations that must be followed. Mr. Vines Mr. Swenson and Mr. McLachlan agreed the shed should be moved. A waiver would be required to allow a dock. Mr. Spawn questioned whether wetland function could be restored through plantings to improve habitat. Mr. Johnson stated he did remove a lot of non-native invasive plants, which could be seen as an improvement. A wetland scientist will need to be consulted.

The proposed dock would be 15 feet long, and not floating. The removable dock would be wheeled in and out seasonally.

Motion: by Mr. McLachlan to direct Mr. Johnson to file a Request for Determination of Applicability for 0 Shore Drive. Seconded by Mr. Vines. **Motion carries, unanimous, 7-0**

Other:

Mr. Koonce received a call from a resident on Hart Pond requesting permission to remove a dying oak by Hart Pond. A photo was shown. The tree is close to the water, and is gutted in the middle. The tree is a danger to the beach and a nearby shack. The property owner just wants permission to remove the tree, and not file anything. The Commission would support an emergency removal. The stump would remain. Marquis Tree would cut the tree and drag it to Second Lane, where it would be removed.

Motion: by Mr. McLachlan to allow the Winthrops to remove an Oak tree, leaving the stump. Seconded by Mr. Vines. **Motion carries, unanimous, 7-0**

Regulatory Hearings

• **Notice of Intent; Doherty Building and Design (cont'd from 02.14.23); 20 Elm Street, Stamski & McNary, Inc., representing Applicant**

The applicant's representative could not get into the Zoom link.

Mr. Koonce explained the project has been re-designed to move the shed further from the river, and trenches were redesigned. The row of vegetation along the 100-foot buffer line will be blueberry bushes. There will be crushed stone filled trenches, also by the porch. This project will not be done until Barnes Terrace is built out.

Motion: by Mr. Bischoff to close the Hearing for 20 Elm St. Seconded by Mr. Gibbs. **Motion carries, unanimous, 7-0**

Motion: by Mr. McLachlan to issue a Standard Order of Conditions for 20 Elm St. with Special Conditions to install 6 blueberry bushes to delineate the 100-foot riparian wetland buffer line, and to place a crushed stone trench under the drip edge of the screen porch. Seconded by Mr. Swenson. **Motion carries, unanimous, 7-0**

Discussion: The subdivision has not been fully approved yet, just the ANR plan. A building permit would not be issued until the subdivision is finalized. The applicant still has several permits to obtain before he can build anything.

• **Request for Determination of Applicability (cont'd from 02.14.23); 250 Apollo Drive, LLC; 250 Apollo Drive Thomas Schomburg/Civil Design Consultants, Inc., representing Applicant**

Mr. Koonce's comments have been addressed. The applicant is still working with the Planning Board.

Work is further away than the 50 foot buffer area. The 50 foot line should be staked as a condition. A responsible party needs to submit inspection and maintenance reports for storm water management.

Mr. Swenson stated he looked at the site, and he supports the project.

Mr. Spawn had questions on the Operation & Maintenance plan, and needs more details. The plan was reviewed by DPW, under storm water management. Mr. McLachlan agreed the Commission needs to have better control of the Operation and Maintenance plans for any project, and a process needs to be established. The Commission has very little control over these plans since the institution of Storm Water Management regulations.

It was noted that a swale by Pile Drive does not function. The majority of the swale is in the Town right of way.

Mr. Gibbs suggested having O&M plans with a longer period of monitoring, such as 10 years. Very few reports exist on previously approved projects. Mr. Koonce is working on analyzing these reports.

The Commission noted there are cases where maintenance is not done, and the impacted areas become vernal pools, which are monitored more closely. Monitoring O&M plans and whether they pass to future owners also needs to be monitored.

Future meetings need to happen.

There were no comments received from the audience.

Motion: by Mr. Bischoff to close the Hearing for 250 Apollo Drive. Seconded by Mr. McLachlan. **Motion carries, unanimous, 7-0**

Motion: by Mr. Gibbs to approve the Request for Determination of Applicability for 250 Apollo Dr. with a Negative Three Determination, as presented. Seconded by Mr. Vines. **Motion carries, unanimous, 7-0**

• Notice of Intent; DIV Riverneck, LLC (cont'd from 02.14.23); 191, 195, 199, 201 Riverneck Road Zachariah Chornyak/Tighe & Bond, Inc., representing Applicant

The applicant has requested continuance to March 14, 2023.

Motion: by Mr. Bischoff to continue the Hearing for 191,195, 199, 201 Riverneck Rd. to March 14, 2023. Seconded by Mr. Swenson. **Motion carries, unanimous, 7-0**

Discussion:

• Order of Conditions 129-0931 (270 Billerica Road) draft Special Conditions

A draft document was provided to the Commissioners to review.

Mr. Spawn added some more Conditions. He based his comments on new EPA requirements under EPA general storm water permits. The Peer Review report also provided some guidance on suggested conditions. He liked the detail in the proposed Operations and Maintenance Plan. If the Commission agrees, these Conditions should be included in all future Orders.

Mr. Koonce added that the Conditions suggest working with the tenant rather than the owner. In the absence of a tenant, then implementation of the O&M Plan should go to the owner. For a multi-tenant building, there could be an O&M plan for each tenant.

Motion: by Mr. McLachlan to approve Special Conditions 1, 2, and 3, as presented, with the change that the phrase “and/or owner” be added after every reference to “tenant” throughout the document. Seconded by Mr. Vines. **Motion carries, unanimous, 7-0**

Mr. McLachlan suggested having a discussion about creating a list of common requirements to provide for the benefit of applicants. Mr. Spawn suggested getting someone in Town to monitor all of the outstanding Orders and Operations & Management plans.

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

Discussion tabled. This was not discussed.

• **Update on Conservation Commission Spring Town Meeting CPA warrant articles (Karl)**

Mr. Bischoff explained that the Wilson Lane acquisition was discussed and supported by the Community Preservation Committee at the January and February meetings.

Mr. Bischoff also met with the Town Accountant to discuss the request for transfer of funding from a Community Preservation Account to the Conservation Commission. The request was withdrawn, because there were other ways to get the funding from the CPA rather than having a separate account. The Commission has access to CPA funds specifically allotted to Open Space uses.

There will be further discussion on the status of the Conservation Commission's accounts.

Continual Business

Land Management

• **Update on Warren-Pohl Reservation**

The Conservation Restriction document is still pending.

Mr. Bischoff met with Andy Reid and the Chelmsford Water District to discuss wording in the Conservation Restriction on reserving a part the site as a future water source. This would be for a well, not a treatment plant. The language is intentionally vague at this time and can be revised later if needed. The intent is to keep the reference as a placeholder.

Mr. Bischoff will also meet with a member of the Sudbury Trustees to discuss options for invasive plant management at Warren-Pohl. This management process could take 8-10 years to establish.

The site walk at Wright Reservation walk went very well. Clean up was discussed, and much has been completed. Several additional damaged trees were found, one in particular has since fallen due to weight of snow. The trail was blocked and will be cleared.

An Oxbow Consultant proposal was received for two invasive plant management evaluations. One is for Warren-Pohl Reservation, and the other is for Wright Reservation. Funding will be requested through the Community Preservation Committee, and the Wright Trust Fund.

Motion: by Mr. McLachlan to approve the spending as quoted by Oxbow Associates as follows: An amount not to exceed \$5,000.00 to be requested from the Community Preservation fund to create an invasive plant management plan for the Warren-Pohl Reservation, and an amount not to

exceed \$6,500.00 to be requested from the Wright Trust Fund to create an invasive plant management plan for the George Wright Reservation. Seconded by Mr. Vines. **Motion carries, unanimous, 7-0**

• Placement of Chelmsford Public Library Land Acknowledgement/grant signs at selected reservations

Library Director Leslie Kimball indicated in a message to Mr. Koonce that they are getting ready to install the previously approved signs at multiple Conservation reservations. Some additional kiosks were proposed too. Mr. McLachlan did not support the installation of additional kiosks. He requested the signs be installed on the existing kiosks. The project would be reviewed in a year. Mr. Koonce will follow up with Ms. Kimball.

Agent's Report

Mr. Koonce is still awaiting the RDA application for 201 Boston Rd. He will follow up with the property owner again.

For Approval/Signature

• Minutes of January 10, 2023; January 24, 2023; February 14, 2023

Motion: by Mr. Bischoff to approve the Meeting Minutes of January 10, 2023, as amended. Seconded by Mr. Gibbs. **Motion carries, unanimous, 7-0.**

Adjourn

Next Meetings: March 14, 2023

March 28, 2023

Motion: by Mr. Bischoff to adjourn the meeting at 9:15PM. **Motion carries, unanimous, 7-0.**

Respectfully submitted,
Vivian W. Merrill

Supporting documents:
-Applications and Plans for Regulatory Hearings
-Draft Minutes