

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
March 1, 2022
Approved April 19, 2022

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

Members Absent:

Others Present: David Koonce-Conservation Agent

Others Present via Zoom: Town Engineer Christina Papadopoulos, Paul Berthiaume-Howard, Stein, Hudson, Tim Donahue-Iron Tree Service

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.

Regulatory Hearings

• Request for Determination of Applicability;

Daniel Ralls; 7 Lakeside Avenue

Tim Donohue/Iron Tree Service, representing Applicant

Legal Notice read.

Request is for work within the 100-foot buffer for the removal of three trees in declining health.

Tim Donahue explained that two of the trees are Norway Maples, which are considered invasive. The larger tree is between 2 houses, and is losing branches. The other is near the garage. The third tree is a Paper Birch that has a dead leader, and would be unstable if part is removed so they want to remove the entire tree. No re-planting is proposed at this time. There is one other birch cluster on the property that appears to be healthy now. No stump grinding is planned.

Mr. McLachlan requested the Commission send a letter asking if other trees could be planted, even if somewhere else on the property.

There were no comments received from the audience.

Motion: by Mr. McLachlan to approve the Request for Determination of Applicability for 7 Lakeside Avenue with a Negative Three Determination, as presented. Seconded by Mr. Tymula.
Motion carries, unanimous.

• **Notice of Intent (cont'd from 02.01.22);
Town of Chelmsford; 1-104 Turnpike Road
Bridget Myers/Howard Stein Hudson, representing Applicant Discussion**
Commissioners were provided copies of the plans.

Bridget Myers summarized the work as the installation of 3300 linear feet of sidewalk curbing and drainage structures, and a small pedestrian bridge over the brook.

Bob Messinger stated the DEP comments were received, and the area is habitat for Landings and Wood turtles. A turtle protection plan needs to be submitted before work begins. Erosion controls must be removed after work is done. Zoo New England was contacted, and they provided additional information, and requested certain shrubs that should be planted in the Compensatory Flood Storage areas, and they agreed with the development of a turtle protection plan. The applicant is awaiting response from National Grid about an easement area in one flood storage area.

Diagrams of the proposed work were shown.

Waivers of the 25-foot no-disturb buffers will be needed in two areas.

Paul Berthiaume described work for the pedestrian bridge; the bridge will be supported by steel micro piles with a deep foundation. The existing fill will not support a bridge, hence the deep foundation. The bridge will be 8 feet wide, paved, and will be a steel stringer bridge design.

Mr. McLachlan asked whether the bridge was high enough to withstand the 100 year storm, and he was told the bridge will flood. To avoid being flooded, the bridge would have to be raised several feet, and retaining walls would be very high. It was noted that the street will flood also.

Catch basins should be cleaned quarterly. The drainage system structures were described.

Compensatory Flood Storage areas were shown. Access is still being worked out with National Grid and DEP. Mr. Koonce noted the Compensatory Flood Storage area is far away from the work area, because there is no other place to put it. This is a limited project, and Compensatory Flood Storage is not required. No trees will be removed, just some grading, if they can get permission to use the easement area for the Compensatory Flood Storage.

Most of the Zoo New England study area is closer to Dawn Drive. Some of the habitat is in the proposed work area near the water department building.

Mr. Koonce stated there may be two turtle protection plans in two different areas. Mr., McLachlan added that the turtle study has two more years to go, and it is hoped this work will benefit the turtle populations. Mr. Koonce advised the Commission that they may have to hire a consultant to write the Turtle Protection Plan, and quotes will need to be obtained.

Plantings will be native, and will comply with the Turtle Protection Plan.

Mr. Swenson advised that National Grid could deny their request, and this proposal may be premature. The company has denied work in other easement areas, and gated off their areas. This could take some time.

Mr. Swenson believed dewatering will be needed. The retaining wall will be poured concrete, in the water for about 100 feet.

The Town will maintain the storm water structures, and this will be coordinated through the Storm Water Division.

Test pits have not been completed yet. The engineer's report is not complete yet. The sidewalk will be contracted out. Mr. McLachlan questioned whether the Town Engineer's report presented a conflict of interest, as she is the project manager as well. Ms. Papadopoulos promised to maintain objectivity.

One fire hydrant will be moved, and eight drainage structures are being installed.

Mr. Koonce recommended continuing the hearing until National Grid responds to the easement request and DEP's comments are completed. The April 5, 2022 meeting will be cancelled due to the Town Election the same day.

There were no comments received from the audience.

Motion: by Mr. McLachlan to continue the Hearing for 1-104 Turnpike Rd. to April 19, 2022. Seconded by Mr. Tymula. **Motion carries, unanimous.**

**• Ratification of 02.22.22 Enforcement Order
235 Littleton Road**

Mr. Koonce saw the site today. All issues have been addressed, and were taken care of immediately. The Enforcement Order still needs to be ratified as part of the process. Mr. Costa's contractor was present with his engineer, Brian Milicsi of Whitman and Bingham Associates. The Commission had no further questions or comments.

Motion: by Mr. McLachlan to ratify the Enforcement Order for 235 Littleton Rd., as presented. Seconded by Mr. Vines. **Motion carries, unanimous.**

• Peter Morin: RDA vs. NOI filing for grease trap at 272 Old Westford Road

Mr. Koonce asked for the Commission's opinion in this matter, as he was not familiar with the Town's policy for this type of work. A proposed grease trap would be connected to the existing sewer line, as part of a Board of Health requirement.

Work is on existing pavement, and involves digging a hole for the trap and trenches for the lines, but is close to the wetlands. An RDA application has been submitted to be heard on March 15, 2022. Mr. Morin, the applicant, understood the Commission could decide to give a positive determination. Several Commissioners indicated they would support an RDA hearing, as this is a simple project. Katie Enright, of Howard, Stein, Hudson, explained the tank is a 4-foot manhole size, and is very compact. She doesn't anticipate dewatering being needed. The tank would be under the parking lot. An Operation & Maintenance Plan would be included in the hearing materials. There is a 20 foot span from the building to the edge of the brook. Silt fence and sock has already been installed.

The Hearing will go forward on March 15, 2022.

• **Andrew Krenning: Minor Exemption for in-ground pool and new deck at 14 Livery Road**

Discussion item.

Mr. Krenning was present.

Mr. Koonce explained that this appears to quality as a minor exemption under the Commission's guidelines, and he wanted to verify this with the Commission. Mr. Koonce also asked for clarification on whether there is a policy for erosion control for this situation.

This will be an in-ground salt water pool. No backwash is needed with this type of pool. Erosion controls will be installed by the contractor. The contractor should call Mr. Koonce after this is done.

An RDA filing will be needed for the three trees that will need to be removed. The pool is more than 50 feet from a resource area.

Mr. Koonce will continue to work with the applicant.

• **Raft storage on Conservation Commission property 18-41-23 (Willis Drive and Sixth Avenue)**

Koonce received a call from a resident who advised him that this has been a concern for a number of years. The raft is allegedly being stored on Town land. The raft owner is unknown, and there is very little information. Mr. Koonce asked the Commission for their input.

Mr. McLachlan reiterated there is a separate set of use regulations for this particular property, as local residents requested permission in 2011 to launch boats into the lake. Use after dusk is allowed at this location. Any permitted boat may be launched, and temporary storage of boats is allowed with conditions. Neighbors do maintain the site. Rafts are not specifically called out in the regulations. "Temporarily stored" is not defined. The raft was built 3-4 years ago by local kids, and it was repaired earlier last year and put back in the water. This winter, the raft has been stored on the property.

James Nuttery, 75 Willis Drive submitted a letter to the Commission, which was read into the record. The dock was built as an amenity by four families, and they wish to keep the dock there during the winter, and put it back in the water in the spring.

Technically, the storage violates the use regulations. Other people do leave boats on the property all winter.

Mr. McLachlan stated he would support storing the raft from December to April 1, if it is off to the side, and out of the way. Removing property has always been an issue. The boats being stored there do appear to be used on occasion.

Mr. Vines confirmed that this has been an issue for one person in the neighborhood. He knows the families involved, and he never sees an issue; the area is kept clean. He would support the storage of some equipment, as the neighbors use and enjoy the property. It is always clean when he sees it twice a week. He supports updating the regulations to allow the storage of the raft and the boats. The property is not being abused. The raft looks nice, but is very heavy.

Mr. McLachlan will draft the revisions to add language for the raft, and to define several terms in the regulations.

Continual Business

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

Mr. Koonce reported that the contractor is almost done with the demolition, and will be applying for permits for the exterior work. Mr. Koonce has advised the contractor of needed information.

The entire parcel was proposed to be split into several lots. It is not known whether the Planning Board has heard this request. The approved plans being worked on are what was approved when the condominium development was being proposed, and there was very little detail provided about this building or the Fiske House.

Land Management

• Update on Warren-Pohl Reservation For Approval/Signature

Mr. Bischoff announced that needed easements will be voted on at Spring Town Meeting. Videos were recently published describing the history of the property. The Conservation Restriction is still being finalized.

Land Steward Company will start the baseline document review at the end of March.

Work on the parking lot will be starting soon. Traffic mitigation at the end by Boston Rd. may still be needed. Some signs have been completed by the DPW.

Other Business:

Mr. McLachlan announced that he attended a Carlisle Conservation Commission meeting, and they want to address a fragmite problem on their side of the Cranberry Bog Reservation. Herbicide treatment is being proposed. Mature reeds will be removed by hand. Signage will be installed, and there will be at least three applications of herbicide in 2022. Mr. Koonce will be notified in advance of the work being done.

Mr. Koonce received a call from a resident who wants to flush a water softener system into the buffer zone. Mr. Koonce was not aware of what the impacts would be, and he will need to check with a DEP circuit rider. He will need more information on how much water will be discharged. Mr. McLachlan found information from Rhode Island, and they don't allow discharge within 100 feet of a wetland. There are no published regulations about water softeners. Mr. Koonce will continue to research.

The commission wished to thank the resident for reaching out to them.

• **Minutes of February 1, 2022**

A vote was tabled pending Town Counsel review of one section of the Minutes, and Mr. McLachlan provided some edits for this section.

Agent's Report

No further reports were provided at this time.

Adjourn

Next Meetings: **March 15, 2022** **April 5, 2022**

Motion: by Mr. Gibbs to adjourn the meeting at 8:47PM. Seconded by Mr. Swenson. **Motion carries, unanimous.**

Respectfully submitted,
Vivian W. Merrill

Supporting documents:

- Application for Request for Determination of Applicability and Notice of Intent
- Enforcement Order
- Resident letter
- Draft Minutes