

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
March 2, 2021
Approved April 20, 2021

Meeting held via Zoom.

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

Members Absent: Chris Tymula

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 19, 2021, at 7:00 P.M. to consider the following applications:

Open Session / Citizen Concerns

No one came forward at this time.

Regulatory Hearings

Request for Determination of Applicability-new

16 Third Avenue, replace retaining walls

Please check the name on this one-it wasn't clear, and the applicant is not the homeowner.

Legal Notice was read. The applicant is Scott Collier.

Ms. Collier explained there is an existing two level timber retaining wall which will be replaced with an Allen block wall system. There will be 2 individual walls, one lower, and one is higher, just like the original walls. The new walls will also have a drainage feature. The grade will remain the same. Erosion

controls will be installed at the base of the lower wall. The lower wall will be constructed first, and then the upper wall. The work has not been scheduled yet, and will be weather dependent.

Ms. Collier will get back to the Commission on how the water will drain, and where the water will go. Mr. Vines advised that usually the walls self-drain.

The Commission agreed this is a much needed improvement.

Work should take 2-4 weeks to complete.

No comments were received from the audience.

Motion: by Mr. Garrahan to approve the Request for Determination of Applicability for 16 Third Ave. with a Negative 3 Determination, and with the Special Conditions that erosion controls are installed at the base of the retaining wall, and upon confirmation that there will be no adverse drainage impacts to Willis Drive from runoff, as presented. Seconded by Mr. Vines.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. Swenson: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Amended Notice of Intent-new

24-30 Second Lane, new single family home

Legal notice read. Patrick Larkin is the applicant.

Mr. McLachlan noted that the proposed pavilion is not in the legal notice, and the plans in front of the Commission tonight is what will be acted on.

Mr. Larkin explained that his last proposal was to keep a structure and build an addition. This proposal is to raze all of the buildings at 30 & 28 Second Lane, and build an entirely new home and deck outside the 50 foot no-build buffer zone. There will be a walkway alongside the structure, and the driveway has been shortened. Two drywells are to be installed. A French drain will direct runoff to the drywells.

The Commission had no issues with the proposed house.

Regarding the pavilion, Mr. Larkin stated this would be in the area of the previous house, in response to landscaping concerns because it is close to the pond. He would install pavers, and he intended to retain the old fire place of the house that is being razed. He would build an open roofed structure around the fire place, consisting of four pillars to hold up the roof.

Mr. McLachlan questioned whether the pavilion would be considered a building. If so, it is still within 50 feet of the wetland. The pavers should be pervious, and there may be a need to create compensatory flood plain replication.

Mr. Larkin was willing to eliminate the pavilion, as it is within all three buffer zones.

The Commission was advised that it can act on the house, without approving the pavilion, as it's not in the legal notice. Mr. Garrahan stated that he would support the house, but no waivers of any of the buffer zones.

A waiver would still be needed to remove the house.

Mr. Larkin explained that the old house will take some time to remove, about 2-3 days, as the material needs to be moved up the hill. Erosion controls will be installed around the pond side to keep debris out of the pond.

Mrs. Guertin advised that the Commission's vote will be to approve the site plan only, and not the landscaping plan. The landscaping plan will be revised to eliminate the pavilion. Work to repair the retaining walls is on the site plan.

Mr. Larkin was advised that no chemical fertilizers could be used close to the pond, and he is to maintain a natural area within 25 feet of the pond.

Audience Comments:

Pam Rivard, First Lane, asked if abutters would be notified of any future developments on this parcel. She is still concerned about the landscaping plan. The previously approved ANRAD noted an area that is a seasonal vegetated wetland basin, which is close to the new house. There is a 12 foot drop in this area, and Ms. Rivard asked how it will be protected. The basin gets water every year. Mr. McLachlan recalled that there is an isolated wetland area that was not considered significant, as it was very small, so it will not be protected other than the erosion control barrier around the whole site. Ms. Rivard stated she is happy to see the home is moved behind the 50 foot buffer.

Mr. Hague noted there is area that will cause erosion from runoff, about 12 feet away from the proposed home. A rain garden plan was discussed at a meeting in November. Mr. McLachlan stated that the work area being discussed tonight is not in the area of the proposed rain garden, and this is a separate project. Runoff from the separate project would be considered when that project is presented.

Ms. Rivard requested that the public be allowed to see the revised landscaping plan. She confirmed through Mr. Larkin that the retaining wall along the water would be manually repaired, with no use of machinery. Mr. Larkin also confirmed that the landscaping plan would be the same plan without the pavilion.

Motion: by Mr. Garrahan to issue a Standard Order of Conditions for 24 Second Lane, without the landscaping plan, to include the Special Conditions that use of chemical fertilizers is not

allowed, that a 25 foot natural vegetated area between pond and the site activity be maintained, and that the applicant will submit a revised landscaping plan eliminating the proposed pavilion to the Conservation Agent prior to release of the Order, as presented. Seconded by Mr. Vines.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. Swenson: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Motion: by Mr. Vines to waive the 25-foot No-Disturb buffer requirement for 24 Second Lane for retaining wall repair, and to remove two existing cabins, as presented. Seconded by Mr. Vines.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. Swenson: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Ms. Rivard noted that 30 Second Lane is 3 feet from her boundary. She was advised that she would be notified when Mr. Larkin meets with the Building Inspector for a demolition permit.

**Notice of Intent-old
reopen 140 Westford Street, drainage ditch maintenance**

Legal Notice was read.

Town Engineer Christina Papadopoulos explained the DEP has requested changes. This is technically an intermittent stream, not a ditch. No alterations of the bank are being done. The work hasn't changed, but the way it is being permitted is being changed. The DEP is considering this project a restoration, eligible for an RDA.

There were no further questions from the Commission.

Audience Comments:

Tony Omobono, 6 Longmeadow Rd. explained he supports this project, and cleaning this stream is a good thing. He noted that the plans refer to easements, and he was not aware of any easements on private property. No easements are listed on his deed, so he would like to understand this. Ms. Papadopoulos explained that the parcel diagonally behind him has the closest easement. There is another one on Bentley Rd. The pipes in his yard need to be taken care of by the Town. The work would be done in the summer, when it is drier. Abutters will be notified just as they are starting work. Mr. Omobono requested one

week's notice, and would like to be notified prior to any tree cutting or limbing. Ms. Papadopoulos agreed to his conditions.

Ms. Papadopoulos stated the debris being removed is mostly yard waste, road sand, and downed trees. Mr. McLachlan cited a need to educate residents, as many times, they just aren't aware this is a problem.

Notice of Intent-old
reopen 272 Old Westford Road, drainage ditch maintenance

Legal Notice was read

Town Engineer Christina Papadopoulos explained this is the same situation as the previous hearing. The DEP is requesting the same changes; this is an intermittent stream, and there will be no alteration to bank or BVW. The work is considered restoration.

A resident of 282 Old Westford Rd. was available, and indicated he had no concerns with this work.

Notice of Intent-new
31 Amble Road, drainage ditch maintenance

Legal notice was read.

Town Engineer Christina Papadopoulos described the work area as being from 31 Amble Rd. to 300 Pine Hill Rd. This is a similar project to the previously presented projects. This area is also a perennial stream. They are not allowed to remove the trees or any naturally occurring material. Yard waste and sediment will still be removed, in order to restore the natural flow of the water. There is no alteration of river bank area proposed, but there is replacement of land under water.

Special Conditions to be included in an Order:

- The Conservation Agent is to be notified prior to work on each section
- Work will be delayed if conditions are too wet
- If there is any water, it must be diverted
- Work is to be done using hand tools only
- Prior notice of work is to be provided to impacted residents

Audience Comments:

A resident at 30 Amble Rd. asked whether work would be focused on the culvert. Ms. Papadopoulos advised they will walk the ditch, and debris will be removed. A couple of drains may need attention.

Motion: by Mr. Garrahan to issue a Standard Order of Conditions for 31 Amble Rd., with the Special Conditions that the Conservation Agent will be notified prior to work on each section, work will be delayed if conditions are too wet, if there is any water, it must be diverted, work is to be done using hand tools only, and prior notice of work is to be provided to impacted residents, as presented. Seconded by Mr. Vines.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye
Mr. Bischoff: Aye
Mr. Swenson: Aye
Mr. Garrahan: Aye
Mr. McLachlan: Aye
Motion carries, unanimous.

Discussion

Red Wing Farm event request

Ms. Guertin received a request for the use of Red Wing Farm for a wedding to be held on September 4, 2021. Approximately 40-50 people will attend, between 1:00-5:00PM. There will be a porta potty, tent and chairs. There will not be any fires, and the applicants will clean up after the event.

The public will still be allowed access to the reservation. Parking will most likely be at the Byam School.

There were no further questions or concerns from the Commission, and the request is supported.

Continual Business

Land Management

Mr. Bischoff announced that he has been taking the MACC training, and finds it useful.

Warren-Pohl – update

Mr. Bischoff announced that the CPC funding application for the parking and driveway work at 95 Boston Rd., for \$30,000.00. will be heard at Town Meeting. This will be presented first, and then the Wright Reservation parking lot expansion will be presented.

Mr. McLachlan reported that a complete budget will be presented to the Commission at the next meeting. The total budget is \$55,000.00, and will include funding from the Wright trust fund, the Conservation Commission, and the Community Preservation fund. The Commission will need to approve the uses of the funds from the Wright trust fund.

A letter to abutters to the Wright Reservation will be written to explain the work being done. This will be shared with the Commission when it is ready.

Two kiosks will be made. Becky Warren will create interpretive displays for the site.

The Conservation Restriction document is being developed.

Other Reports

Surprisingly, there were no reports of downed trees after the windstorm yesterday.

Forest thinning at Thanksgiving Forest was done years ago. This needs to be considered for other reservations as a standing project.

Trees at Wright Reservation need to be analyzed in more depth. This area once housed a tree nursery.

GPS work will be done in the summer to update the trail maps.

An abutting sliver of land to the Wright Reservation recently acquired by the Commission will have a trail put on it at a later date. The Commission could consider use of Wright trust funds for this work as well.

The site walk currently scheduled for 9:00AM on March 13, 2021 may be delayed if there is snow on the ground.

Agent's Report

There was no discussion at this time.

Approve Minutes

February 2, 2021

This document was approved at a previous meeting.

Adjourn

Motion: by Mr. Gibbs to adjourn the meeting at 8:26PM. Seconded by Mr. Vines.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. Swenson: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

Motion carries, unanimous

Next Meetings: March 16, 2021 April 6 may be delayed due to the Town Election

Respectfully submitted,
Vivian W. Merrill

Supporting documents:

-Applications for Notices of Intent

-Draft Minutes