

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
March 15, 2022
Approved April 19, 2022

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

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.

Regulatory Hearings

• Request for Determination of Applicability;

Country Creamery & Coffeehouse;

272 Old Westford Road

Katie Enright/Howard Stein Hudson, representing Applicant

Legal Notice read.

Ms. Enright explained that this work is for an upgrade of sewer service and the installation of a grease trap. The property is a 500 SF store on a quarter acre lot. The store has new owners who want to offer soft serve ice cream, which requires installation of a grease trap, per the Board of Health.

The sewer line location and trap location were shown. Erosion controls have been installed. All work is on existing pavement.

Motion: by Mr. McLachlan to approve the Request for Determination of Applicability for 272 Old Westford Rd. with a Negative Three Determination, with the Special Conditions that the Conservation Agent will meet with the contractor prior to the beginning of work, and that additional erosion controls be installed. Seconded by Mr. Vines. **Motion carries, unanimous.**

Discussion

• Request for Certificate of Compliance

77 Concord Road (129-0832) (Conservation Agent)

Mr. Koonce explained the Order of Conditions for the construction of the house was issued in 2016. A separate Order was requested for a swimming pool at the last meeting.

Katie Enright, of Howard, Stein, Hudson was present with the homeowners.

Ms. Enright explained the property is not ready for a Certificate of Compliance. There is an outstanding list of issues, and the builder sold the property without the Certificate being issued. The wetland line has changed, and was reflagged. New wetland was created when a sump pump was installed which was not previously approved. Other areas have dried up and are no longer wetland. Buffer lines have now changed. Tree lines were changed during construction, and the yard has expanded over time. The new owners want to rectify the mistakes made by the builder. No blueberry bushes were planted as previously requested; however, the rock swale by the driveway is working well. Bittersweet has killed numerous trees at the rear of the property, and the owners want to remove all of it. Most of the trees are in the 25 foot no-disturb buffer zone. A shed was installed 13 feet from the wetland, and is on blocks. This can be moved if requested.

Ms. Enright requested the Commission's input on how to make things right.

Mr. Koonce requested an alternatives analysis on the location of the sump pump which is needed for the basement. There is potential for impact to the adjacent property. Moving it to the southwest would create additional disturbance. Ms. Enright suggested a location where the water could move, and not pool as it does now.

There are 5-7 trees which would need to be removed, as they are dead; a willow is almost dead and should be removed. The property owners would like to replace the trees.

Some delineation is still needed at the 50 foot buffer line, which has now changed. The pool order requires delineation at the 25-foot buffer line.

Invasive and tree removal will require an RDA filing. The 8'x10' shed will need to be moved as well.

Mr. McLachlan offered to let the applicant borrow the Commission's bittersweet removal tool to help with the roots.

The Commission was supportive of using the previous buffer lines for the delineation, and moving the sump pump outlet to another proposed location. The Order of Conditions for the house is expired, so the movement of the pump line would require an Enforcement Order, which is less expensive than doing a completely new filing, and doesn't impact the deed to the property.

The property owners will return for a formal hearing at a future meeting

• Amending Willis Drive & Sixth Avenue Conservation Property Land Use Regulations to allow temporary storage of rafts (vote possible)

Mr. McLachlan sent proposed amendments to the Commissioners. A raft is temporarily stored on conservation land for the winter. The Commission supported allowing this use, as the raft will go back in the water when the winter is over.

Mr. McLachlan read his proposed changes into the record. Temporary boat storage would be allowed from April 1-November 30, after which they must be removed from the property. The raft could be stored on the property from December 1-March 31. No boats can be stored over the winter.

Enforcement is a separate issue not being discussed tonight. Neither the Commission nor the Town of Chelmsford would not be responsible for damage or loss to private property.

The revised document will be forwarded to the Commissioners again. There will not be a vote taken until full review of the revised regulations is done.

There may be an erosion concern where the boats are being launched. Mr. Koonce will visit the site and advise.

• Reservations to be designated as Wildlife Refuges (vote possible)

Mr. McLachlan summarized his research to create two additional wildlife refuges on Conservation reservations.

One existing refuge is the Bobby Greenwood Reservation off Concord Rd., which has 32 acres. There is no public parking at the present time. This refuge was established in 2011. Trails are not maintained, but do exist.

Mr. McLachlan felt the Town has an obligation to create refuges to manage and protect wildlife.

Two locations are proposed: the Black Brook Wildlife Refuge is a 16 acre parcel on Smith St. and abuts 32 acres of Chelmsford Center Water Department land. The parcel is mostly marshland, and has no parking or trails. The Rivermeadow Wildlife Refuge is 44 acres between Rt. 495 and Riverneck Rd, near the Rt. 3/Billerica Rd. intersection currently being rebuilt. This parcel also abuts Center Chelmsford Water Department land. Access is by Dawn Drive, and some residents do use it. Zoo New England is doing a turtle habitat study in this area. Some residents have been using the parcel for dirt biking activity.

These sites are not used by the public frequently. Mr. McLachlan proposed to allow walking on the existing trails and allow ADA motorized vehicle uses. There would be no passive recreation, no fires, no making more trails, no cutting of trees, no vandalism, and no hunting or commercial use. Other prohibited uses were listed. These are all currently prohibitions on all the reservations. The two proposed refuge sites are not maintained at all. No dogs would be allowed.

Commissioners were asked to look over the presentation materials, and make recommendations. There may be opportunities for public input.

There will be more discussion at the next meeting.

- **Update on Residential Tree Regulations**

Mr. McLachlan reported that the Tree Committee has not discussed this topic yet. The goal is to encourage the planting of native trees on private property.

- **Moving meeting night to second and fourth Tuesdays of the month (Conservation Agent; vote possible)**

Mr. Koonce reported that this was a request from Telemedia personnel due to a scheduling conflict from May to August. Mr. Koonce would support this as a permanent change, as it would eliminate scheduling conflicts on Town election nights. Mr. Koonce will confirm there are no other meeting conflicts and that a room will be available. This change will be effective starting in May.

Continual Business

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

Mr. Koonce reported there is some exterior work occurring, but not on the wetland side. However, the work is still in buffer zone. An e-mail response indicated that the contractors are preparing to install vinyl siding on the building.

Mr. McLachlan requested conformation of the parking areas for the parcel.

Mr. McLachlan listed other areas in Chelmsford Center where development could happen, as Jack Handley has sold his building, and there are proposals for 9 Acton Rd. and the old Mobil gas station site.

Land Management

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

Mr. Bischoff reported that a new template for Conservation Restriction documents was issued in November 2021, which they learned about last week. The document is being revised again, and will be discussed further. The baseline study is still being worked on.

The Order of Conditions for parking lot is being re-sent to DEP, with a new date of issuance to comply with the 10 business day appeal period. The original order was e-mailed, but not certified mailed, which has now been done.

- **Minutes of February 1, 2022 and February 15, 2022**

Town Counsel reviewed and supported the revised draft minutes for February 1, 2022.

Motion: by Mr. McLachlan to approve the Meeting Minutes of February 1, 2022 and February 15, 2022, as presented. Seconded by Mr. Swenson. Mr. Tymula abstained from approving February 1, 2022, all others in favor. **Motion carries.**

Agent's Report

There were no further reports at this time.

Adjourn

Next Meetings April 19, 2022

Motion: by Mr. Bischoff to adjourn the meeting at 8:18 PM. Seconded by Mr. Tymula. **Motion carries, unanimous.**

Respectfully submitted,
Vivian W. Merrill

Supporting documents:

- Application for Request for Determination of Applicability
- Draft Regulations for Willis Drive.
- Draft Minutes