

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
April 6, 2021
Approved May 18, 2021

Meeting held via Zoom.

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

Members Absent: Karl Bischoff

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

PAN AM Right of Way, wetland resource area determination

Legal Notice was read.

Keith Morse, applicant, is the consultant for the Pan Am Railroad. They are in the process of updating their 5-year Vegetation Management Plan. The last plan expired in 2020. The goal is to identify no-spray zones in their right-of-ways. During the spraying application process, Mr. Morse rides with the applicator to ensure the plan is followed.

An Operation Plan and a letter will be sent to the Commission to explain what is being sprayed, and what chemicals are being used. The Commission has 45 days to respond with any concerns. Sprays are approved by the Department of Agriculture. The area being sprayed is 20 feet wide; each nozzle can be controlled individually. There are about 3.5 miles of track in Chelmsford.

They do not spray within 10 feet of water, wetland, or water district well areas. No spraying is done if it is too windy.

Mr. Garrahan advised that he is abstaining from the vote, as he is an abutter near the tracks.

A Determination 2A states the Commission agrees with the delineations as presented, as the delineations are being done for vegetation management purposes, and no actual flagging has been done.

There were no comments received from the audience.

Motion: by Mr. Vines to approve a Request for Determination of Applicability for PAN AM Right of Way Vegetation Delineation with a Negative 2A Determination. Seconded by Mr. Tymula.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Swenson: Aye

Mr. Tymula: Aye

Mr. Garrahan: Abstained

Mr. McLachlan: Aye

Motion carries.

Notice of Intent-continued

314 Dunstable Road, six lot single family subdivision

The applicant has requested continuance, as their Licensed Site Professional is still working on 21E pollution application.

Motion: by Mr. Gibbs to continue the Hearing for 314 Dunstable Rd. to April 20, 2021.

Seconded by Mr. Swenson.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Swenson: Aye

Mr. Tymula: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Notice of Intent-new

11 Plum Street, new two-family home

Legal Notice read.

Gregory Signini is the Applicant. Brian Milisci, Whitman & Bing, spoke for the applicant.

The applicant wishes to raze an existing dwelling and build a new home. The project is a redevelopment, and meets the setback standards. Erosion controls will be installed around the work area.

Audience Comments:

Linda Carney, corner of Hildreth and Plum St, advised that this property drops significantly in the back to the brook. All the trees that held the embankment in place have been removed. She asked how erosion into the brook would be prevented.

Mr. Milisci explained the area of work is 50-60 feet from where the slope starts. The Conservation Agent was not notified of the tree removal, and she agreed the area will need to be stabilized. Mr. Signini stated that only two trees were removed. Ms. Carney acknowledged there was one very large tree removed in the back. Mr. Signini advised that grass will be planted; no more trees would be installed.

Motion: by Mr. Garrahan to issue a Standard Order of Conditions for 11 Plum St., as presented, with the Special Condition that all erosion control barriers must remain in place for one year's growing season. Seconded by Mr. Tymula.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Swenson: Aye

Mr. Tymula: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Notice of Intent-new

28 Wildwood Street, new single-family home

Legal notice read.

Glenn Kohl is the Applicant. Brian Milisci, Whitman and Bing, spoke for the applicant. He stated that over two years ago a Notice of Intent was filed for a three lot subdivision. This previous Order expired. The project was started, one roadway off Cypress St. was constructed, and one house where the applicant resides was built. Tonight's request is for Lot 2A, to construct a home, with associated grading, utilities and driveway. Lot 2A is the area of a previous enforcement order which required a stone wall be installed at the 25 foot No-Disturb buffer line. The proposed work is very similar to what was previously approved. An existing office building and greenhouse will be razed to make space for the new home. The new home will be situated between the 50-100 foot buffer zones. The adjacent slope will be lessened.

Audience Comments:

Tracy Reinhold, abutter on Woodbine St. advised that no work has been done to change the slope, and some Poplar trees are growing there. The building is in front of the slope, and the slope should be addressed. It is very steep, and has a sudden drop.

Mr. McLachlan requested that erosion controls be installed to prevent runoff to the slope.

James Faria noted that on the plans, the roadway looks like it crosses into the 50 foot buffer. The building appears to be entirely outside the 50-foot. Mr. McLachlan advised that a paved driveway is allowed within the 50-foot, but not within the 30-foot buffer. Mr. Garrahan requested that the corner of the foundation closest to the 50-foot buffer be pinned and reviewed by the Conservation Agent prior to construction to ensure it is beyond the 50-foot buffer. Mr. Faria asked whether there was still a plan for a third house. Mr. Kohl stated there is a lot 2B, however this lot is not part of this application. An A&R plan is available that shows this third lot. Mr. Faria asked whether there were any violations in the construction of the first house. Ms. Guertin advised the file is still open, and no Certificate of Compliance has been requested yet. If violations were found, they would need to be addressed as part of the COC process.

Motion: by Mr. Garrahan to issue a Standard Order of Conditions for 28 Wildwood St., with the Special Conditions that the building foundation closest to the 50-foot buffer line should be pinned and reviewed by the Conservation Agent prior to construction, and that erosion control barriers are to be installed along the hill between the house and Woodbine St. during construction.

Seconded by Mr. Swenson.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Swenson: Aye

Mr. Tymula: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Discussion

Art installation proposal-Cranberry Bog

Rose Christian was not present to discuss her request to hang a flag display from trees at the Cranberry Bog Reservation.

Ms. Guertin and several Commissioners had questions and concerns about what was being hung from the trees, and whether this might hinder wildlife movement. There were concerns about vandalism, wind damage, and how long the flags would be displayed and maintained.

Ms. Christian will be asked to attend the April 20, 2021 meeting.

Willis Drive Conservation Land recurrent issue

A letter was received from a resident, alleging abuse of the area at the foot of Sixth Ave. The site has its own use regulations. Swimming, boat use and limited boat storage are allowed. The property is available for use by all Chelmsford residents.

Property storage may need to be addressed if it is happening long term, which is not allowed. Residents are allowed to maintain the property, if they wish.

The property may need more signage. Commissioners were asked to visit the site over the next week. Mr. McLachlan suggested requiring boat removal by November of each year.

A question about erosion may be runoff from the road.

Discussion to be continued at the next meeting.

Continual Business

Land Management Warren-Pohl – update

Town Meeting will be held on June 17, 2021. A funding request for parking lot amenities will be addressed at that time.

Trail locations will be finalized, signs and posts will be confirmed. An abutter encroachment still needs to be addressed regarding a garage and driveway.

The name of this reservation will most likely be the Warren-Pohl Reservation. Becky Warren is designing a sign program describing the history of the parcel. The location of the granite sign will be discussed further. Fencing by the brown condos will be installed. Two fire gates are to be installed.

The Conservation Restriction is still being developed. Mr. McLachlan described some of the information that will be included in the document. State approval of the document could take up to a year.

Cranberry Bog

There is a board installed in the spillway without authorization which could impact water levels. A 12-inch board was dropped in, where a 6-inch board is the standard allowed size board. The currently dry conditions avoided any impacts to the dam. The larger board has been removed.

Agent's Report

Commissioners will sign paperwork as required.

Approve Minutes 2/16, 3/2, 3/16

Tabled to the next meeting, as the documents were not included in the packets.

Adjourn

Motion: by Mr. Garrahan to adjourn the meeting at 8:32PM. Seconded by Mr. Tymula.

Roll Call vote:
Mr. Gibbs: Aye
Mr. Vines: Aye
Mr. Swenson: Aye
Mr. Tymula: Aye
Mr. Garrahan: Aye
Mr. McLachlan: Aye
Motion carries, unanimous

Next Meetings: **April 20th** **May 4th**

Respectfully submitted,
Vivian W. Merrill

Supporting documents:
-Applications for Notice of Intent & Certificate of Compliance
-Letter regarding Willis Drive