

Chelmsford Conservation Commission  
Town of Chelmsford  
50 Billerica Rd. Chelmsford, Ma 01824  
Meeting Minutes  
April 11, 2023

**Members Present:** Chris Garrahan, Marc Gibbs, Karl Bischoff, David McLachlan, John Swenson, Peter Spawn

**Members Absent:** William Vines

**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**

**• Chris Nitchie/Tetra Tech, Inc.: Request for Emergency Certificate for Immediate Response Action (IRA) at 20 Boston Road**

Mr. Spawn is recusing himself from this matter.

Mr. Koonce reported that a large oil tank was removed from the parking area. Oil plumes were seen in a nearby stream. Even after the tank removal, the oil sheen remains. The tank was found between Lincoln Liquors and Andiamo Restaurant. There is a drainage easement with a headwall and culvert existing in the area as well. DEP was consulted, and they recommended the emergency certificate.

DEP and the Chelmsford Fire Department responded to a complaint about an oil odor in this area and monitored the situation for several months. There are no records of a tank being installed, and it was found through ground penetrating radar. Monitoring wells were installed to rule out a plume. Ground water is minimally impacted, and would pass a risk assessment. After rain, a sheen is still present, and must be addressed. It appears to be diesel fuel that has been in the environment for many decades. It does not appear to be runoff from parking lot, as it appears to be emerging from under the headwall. It does not appear to be surface water. There could be a pocket of oil behind or under the headwall. The tank had a capacity of 2000 gallons. The tank was pulled out in 2019, and there were pinholes at the bottom of the tank, but the soil tested clean.

Another theory was a gas spill from 25 years ago; however, there is no evidence of oil in the exterior wells, so this is not the cause.

The state believed this was not a significant issue, and did not tell the property owner, Winstanley Properties, about it. They just monitored the situation. Mr. McLachlan was concerned that the Conservation Commission was never notified of this situation.

Mr. Nitchie explained the tank was very close to the headwall. The drainage utilities are all new, and no one knew this tank was there. A truckload of soil was removed. The plan is to excavate behind the headwall and removing any thing they find. Wells 6 & 12 are the only wells showing anything at all.

There are no paper records anywhere.

Mr. Nitchie expects work to take a week-one day for excavation, and removing impacted soil, then backfilling.

Mr. Koonce recommended a Special Condition for the installation of erosion control, and to send the final report to the Commission.

Monitoring wells will remain until DEP is satisfied the problem is resolved. This will be at least a year, with quarterly reports. The Commission will be sent a copy of all reports. Monitoring could be longer.

The plan is to excavate to the top of ground water; this will depend on what is found. Anything dewatered would be pumped into a vacuum truck.

**Motion:** by Mr. McLachlan to approve the Emergency Certificate for 20 Boston Rd., as presented, with the Special Condition to install erosion control, to notify the Conservation Agent before work starts, and to send all quarterly and final reports to the Conservation Commission. .  
Seconded by Mr. Gibbs. **Motion carries, unanimous, 7-0.**

### **Regulatory Hearings**

#### **• Request for Determination of Applicability; Town of Chelmsford DPW; Camper's Trail, Trevor Collins/Town of Chelmsford DPW, representing Applicant**

Legal Notice read, work is for the installation of two new catch basins with underground cross drains.

Mr. Collins explained the work is being done to fix puddling and make sure water gets to the catch basins. There are no catch basins now. Runoff goes to a pond next to the roadway. Low points at the leeching frame and grate basins will treat the water before it gets to the pond. Camper's Trail goes all the way around the pond.

Catch basins will be about 8 feet deep. A pump will be installed at 4 feet, with a leech grid above it. A diagram of how the basin is constructed was shown. Work should take two days to complete.

The pond is privately owned and is well maintained. The Commission agreed the work is needed. Mr. Collins stated the basins will be cleaned twice per year, along with all the other basins in Town. Roads are swept twice per year, too.

Recommended Conditions include providing 48 hours advance notice, and to perform the work at low or no flow conditions, remove all unused material, and to stabilize the disturbed slopes with rip rap.

All work is in the right-of-way on Camper's Trail.

There were no comments received from the audience.

**Motion:** by Mr. McLachlan to close the Hearing for Camper's Trail. Seconded by Mr. Bischoff.  
**Motion carries, unanimous, 7-0.**

**Motion:** by Mr. McLachlan to approve the Request for Determination of Applicability for Camper's Trail with a Negative Three Determination and the Special Conditions to include providing 48 hours advance notice, and to perform the work at low or no flow conditions, remove all unused material, and to stabilize the disturbed slopes with rip rap. Seconded by Mr. Vines.  
**Motion carries, unanimous, 7-0.**

**• Request for Determination of Applicability; Town of Chelmsford DPW; Pine Hill Road Trevor Collins/Town of Chelmsford DPW, representing Applicant**

Legal notice read, work is to install a new catch basin and under drains.

There is an existing catch basin on the south side of the road; water discharges across the street. Ground water is coming out of the sewer cover. In winter, freezing has damaged the sewer structures. Installing a 300 foot under drain that will capture water and make it go to the existing system to prevent water coming up through the sewer system.

This Request will have the same conditions as the previous hearing. This design has been used commonly, and usually works.

Work should take 3-4 days. Excess material will be removed. Work will be done this summer.

Mr. Koonce agreed this catch basin is collecting surface water, and will improve the wetland.

There were no comments received from the audience.

**Motion:** by Mr. Bischoff to close the Hearing for Pine Hill Rd. Seconded by Mr. Gibbs. **Motion carries, unanimous, 7-0.**

**Motion:** by Mr. McLachlan to approve the Request for Determination of Applicability for Pine Hill Rd. with a Negative Three Determination and the Special Conditions to include providing 48

hours advance notice, and to perform the work at low or no flow conditions, remove all unused material, and to stabilize the disturbed slopes with rip rap. Seconded by Mr. Bischoff. **Motion carries, unanimous, 7-0.**

• **Request for Determination of Applicability (cont'd from 03.28.23); Town of Chelmsford DPW; Several locations Anthony Repucci/Town of Chelmsford DPW, representing Applicant**

Mr. Reppucci explained that the risk factor used by Weston & Sampson was based on 11 categories. The list was read into the record. Scores were calculated, and the factor was determined.

For project # 25, the approximate estimate for construction is \$450,000-500,000, not including engineering fees.

Projects are re-evaluated every year. Anticipated work depends on the situation and available funding.

Mr. Koonce visited all of the sites last week, which took about 5 hours. CU252 on Acton Rd. by Sunny Meadow Farm to repair a connection made years ago. The Chelmsford Land Trust holds a Conservation Restriction on that area; therefore Trust approval is also needed. Farming operations will be improved with this work. A pipe is broken, and the area is very wet. Work can be permitted under an agricultural exemption. The Land Trust will be notified.

North Rd. is the priority project at this time.

Special Conditions will be the same conditions as the previous two hearings, as well as another condition that there should be no erosion caused by the testing and the Conservation Agent can be present during testing.

There were no comments received from the audience.

**Motion:** by Mr. Spawn to close the Hearing for Town of Chelmsford, various locations. Seconded by Mr. Swenson. **Motion carries, unanimous, 7-0.**

**Motion:** by Mr. Spawn to approve the Request for Determination of Applicability for Town of Chelmsford, various locations, with a Negative Two and Three, and the Special Conditions to include providing 48 hours advance notice, and to perform the work at low or no flow conditions, remove all unused material, to stabilize the disturbed slopes with rip rap, that there should be no erosion caused by the testing and that the Conservation Agent can be present during testing. Seconded by Mr. Swenson. **Motion carries, unanimous, 7-0.**

**Discussion**

Dylan Archambault, co-owner of a new business Dylan and Pete's Ice Cream, which will include a fleet of ice cream trucks. He has the property by the Chelmsford Forum where Anthony's Loam used to be at 5 Walters St. Mr. Archambault is looking to install electrical receptacles to charge the equipment in the trucks overnight.

A photo shown of the ditch. The Town GIS shows a minor wetland. The Commission agreed they were comfortable allowing Mr. Koonce to oversee the work administratively. Mr. Archambault will follow up with Mr. Koonce.

### **Town Meeting Warrant Article for 2 Shore Drive**

A photo shown of the existing driveway installed on Conservation land. The proposal is to grant an easement to the residents at 2 Shore Drive so they can keep the driveway, as it has been there for years. A GIS map of the Conservation land was shown. This is a four acre parcel. Easements were granted for several similar situations around the Warren-Pohl Reservation.

The easement language was shown. The issue was discovered by the new property owner's mortgage company.

**Motion:** by Mr. McLachlan to approve granting the easement to the new owner of 2 Shore Drive, Donald Spencer. Seconded by Mr. Swenson. **Motion carries, unanimous, 6-0.**

Mr. McLachlan stated he expects to see other situations like this in this area, as there are many small town owned parcels, and the boundaries are not clearly delineated. Mr. Spawn noted that-no permits are needed for a driveway, just a road opening permit. No one knows when this driveway was installed.

### **• Draft Conservation Restriction Alexan Chelmsford (Conservation Agent)**

Melissa Robbins and Mark Baranski were present by Zoom.

For the project at 255 Princeton St., the Planning Board required conveyance of a Conservation Restriction for a 6.7 acre parcel of land. This is a large wetland area in the front of the larger 32 acre parcel.

Mr. Koonce made minor changes to the draft document. K is recommending this be managed and monitored by the property owner, and that the property owner help fund the monitoring.

Town Counsel has not finished their review. Atty. Robbins indicated she had no issues with the proposed changes, and she can discuss contributions for the monitoring with the applicant. A consultant can be hired for the monitoring; an estimate can be obtained for further discussion. A baseline report is also needed. Atty. Robbins can talk to the engineers about preparing a document, as they have extensive knowledge of the parcel.

Mr. McLachlan recalled there have been a number of discussions about this part of the parcel and what it would be used for. Atty. Robbins advised the provisions he sent to her are pretty common. There are permitted and prohibited actions, similar to what was done for the Warren-Pohl Reservation. Annual reports should be completed indicating there have been no deviations from the baseline document.

Mr. McLachlan noted people walking the site could make alterations not suitable in a wildlife refuge. AS an example, trails are specifically not allowed here. Invasive management will still be needed.

More discussion will be had. The Conservation Restriction document must be issued prior to the first occupancy permit.

Mr. Garrahan called a five minute break at 8:21PM. Recess. The meeting was resumed at 8:24PM.

• **Letter of support for "Low Impact Development" guidelines MVP grant application (Peter; vote possible)**

Mr. Spawn reported that he has been working with the DPW and the Community Development Office to apply for a grant through the Municipal Vulnerability Preparedness Program (MVP), which the Town has participated in on several prior occasions. This application is due by May 5, 2023. The request is to fund a consultant to develop a sustainable design manual that can be used by the Town.. The DPW, Planning Board as well as developers and engineers could benefit from this information. This Commission could consider using or recommending some of the proposed guidelines.

The Commission was asked to participate and provide input in the project, which should take about 9 months to complete. The Commission was asked to sign a letter of support, or commitment letter to submit with the application. A draft of a letter was sent to the Commission for comment and review, and was read into the record. Mr. Koonce was willing to edit and sign the letter.

**Motion:** by Mr. Spawn to support the drafted letter of support for an MVP Grant application, as presented, to be signed by the Chair and Conservation Agent. Seconded by Mr. Swenson. **Motion carries, unanimous, 6-0.**

The final draft of the letter will be presented at the April 25<sup>th</sup> meeting.

**Continual Business**

**Land Management**

• **Update on Warren-Pohl Reservation Agent's Report**

The Conservation Restriction document is still being reviewed, and minor changes are still being worked through.

Aerial mosquito treatments were being done by the state as permitted by the Warren-Pohl families for years. Treatments are sprayed over Chelmsford, Billerica and another town. The staging for the material was always done at Warren-Pohl. Now, rocks need to be moved so the operation can go through. The Board of Health approved the actions, and the DPW supported it. Mr. Koonce was notified of the activity today. Mr. McLachlan was very concerned that other departments are allowing actions on conservation land.

The Commission agreed that this operation will need to happen this year, but in the future, maybe not. Having helicopters on the land is a concern. Mr. Spawn was concerned about what is being sprayed. The activity is exempt from an NOI, as it is addressing a danger to the public. The activity is a two day

operation. People access the site from many locations now, where this was not allowed when the land was private property.

The Commission is suggesting the staging area be moved, because the site is now a public site. This discussion would be coordinated through the Town Manager's office with the Board of Health.

The new provider for the granite sign has indicated the sign will not be ready until May or June. Anyone wishing to visit the vendor should coordinate with Mr. Vines, as it's a great place to visit.

**Other:**

The site visit at Crooked Spring reservation on April 1, 2023 went very well.

A visit to Russell Mill Reservation was proposed for May 6, 2023, starting at 9:00AM. This site has many uses and trails, and there is much to see.

A work session will be scheduled for May 2, 2023, to discuss the goals in the Open Space Master Plan.

Mr. Koonce received a request from a person to do a very small amount of mineral extraction at the Lime Quarry. He will ask how much material would be taken and what the purpose of the extraction would be, as this practice is strongly discouraged. More information will be forthcoming.

The Hearing for 201 Boston Rd. will be on the agenda for the April 25, 2023 meeting.

Oil company trucks have been noticed on a property on Littleton Rd. and have been present there for an extended time. The nearby wetlands have been flagged, therefore an RDA is expected. Mr. Koonce will follow up.

**• Oxbow Associates Rivermeadow Brook Wildlife Refuge vernal pool proposal**

Discussion tabled, as more Information from Oxbow is awaited.

Turtle eggs were found near the Pohl's pool. Animals are breeding in the pool that National Grid damaged in their right-of-way easement area.

**For Approval/Signature**

**• January 24, 2023; February 14, 2023; February 28, 2023; March 28, 2023**

On the January 24, 2023 Minutes-there was a question on the difference in value of the land on Wilson Lane. The difference in value is a value for legal fees was added in the warrant article language. The price of the land is \$29,000, the warrant article reflects legal fees of \$6,000.00, for a total of \$35,000.00.

**Motion:** by Mr. McLachlan to approve the Meeting Minutes of January 24, 2023, as presented. Seconded by Mr. Gibbs. **Motion carries, unanimous, 6-0.**

**Adjourn**

**Next Meetings April 25, 2023 , May 2, 2023 (Working Session), May 9, 2023**

**Motion:** by Mr. Swenson to adjourn the meeting at 8:53PM. Seconded by Mr. Spawn. **Motion carries, unanimous, 6-0.**

Respectfully submitted,  
Vivian W. Merrill

Supporting documents:

- Applications for Regulatory Items, and an Emergency Certificate
- Draft Minutes