

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
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; Town of Chelmsford; 45 Adams Street (Varney Playground) Steve Callaghan/Town of Chelmsford Department of Public Works Facilities, representing Applicant**

Legal Notice was read.

Playground Coordinator Steve Callaghan explained that this playground is 22 years old, and needs to be replaced. There is a very small area that is in the 100-foot buffer. This area will need some grading when the new equipment is installed. A swale will direct water to the woods, in the direction of Freeman Lake.

Mr. McLachlan noted there are water runoff issues on Russell Rd., possibly coming from Cart Path, and he wants to ensure there will be no impacts to this area. Mr. Callaghan stated the erosion is coming from the hill. Three catch basins will catch and redirect water, also to the woods, in the direction of Freeman Lake, not Russell Rd.

Mr. Koonce also noticed a major erosion problem in this area, and he agreed this work will help alleviate that situation. He did not review the calculations for the storm water management, as that is usually done by the Town Engineer.

Mr. Garrahan suggested a possible site visit. Storm water calculations are being completed by Hancock Associates. The Commission suggested continuance until the Engineer could be present to clarify drainage and erosion concerns.

A site visit will be coordinated for a Tuesday evening, possibly 5PM on May 3, 2022.

There were no comments received from the audience.

Motion: by Mr. McLachlan to Continue the Hearing for 45 Adams St. to May 10, 2022, subject to a site walk. Seconded by Mr. Gibbs. **Motion carries, unanimous, 7-0.**

• **Request for Determination of Applicability; Langsy Thavone & Putheavy Pirun; 32 Rainbow Avenue Christopher Lucas/Lucas Environmental, LLC, representing Applicant**

Legal Notice was read. The request is for the construction of a 12'x16' three season porch, to the rear of an existing dwelling.

Paul Campbell, Chess Engineering, and Joe Orzol of Lucas Environmental spoke on behalf of the applicant.

The porch is on an existing pad foundation. This area is in the 100 foot buffer. There are no additional disturbance or runoff concerns. Mr. Orzol described the resource areas, and their proximity to work areas. No vernal pools or flood zones on the site, however, it is in an aquifer protection area.

Contractor Bob Lafleur advised that piers will be installed where needed, within the concrete footprint.

Mr. Koonce stated he met with another representative of the contracting company, who said there would be no disturbance to the concrete. The piers will be installed where the concrete is, as they do not know what the footing is like. Some concrete may be removed, and erosion controls are not shown on the plan. This will be conditioned into the Order. Roof runoff is to be determined, and will need to be confirmed prior to construction.

Mr. Vines noted that the piers need to be added to the plan.

Mr. Gibbs requested clarification on the demolition process and equipment.

There were no comments received from the audience.

Revised plans will be required prior to construction.

Motion: by Mr. McLachlan to approve the Request for Determination of Applicability for 32 Rainbow Ave. with a Negative Three Determination, subject to the Conditions that revised plans be submitted that show the nature of the foundation be clarified, erosion controls be added to the plan, and confirmation of roof runoff handling. Seconded by Mr. Vines. **Motion carries, unanimous.**

• **Request for Determination of Applicability; Bob Diaz; 19 Northview Avenue, Brad Egan/MEF Contracting, Inc., representing Applicant**

Legal notice read. Property Owner Bob Diaz explained the project is for the replacement of an existing deck and footings.

Brad Egan, MEF Contracting added that the existing deck is falling apart, and the footings are not adequate. Some are buried, others have heaved. The replacement deck will be in the same area. 12” waddles will be installed as erosion control. A small excavator will replace footings. Straw Waddles will be added to the plan.

A construction sequence was included in the application.

Excess material will be removed from the site. Fourteen precast footings will be installed for the new deck. Old footings will be removed. Mr. Gibbs suggested leaving some of the old footings as the area is in the 50-foot buffer. No tree removal needed.

There were no comments received from the audience.

Motion: by Mr. McLachlan to approve the Request for Determination of Applicability for 19 Northview Ave., subject to revised plans showing erosion controls. Seconded by Mr. Bischoff. **Motion carries, unanimous.**

• **Notice of Intent; John Faneros; 13 (aka 9) Acton Road Katie Enright/Howard Stein Hudson, representing Applicant**

Legal notice read. The request is to demolish an existing building, and to construct a new building to contain 18 townhouse units, with a new access to Acton Rd.

Katie Enright, Howard, Stein, Hudson, described existing conditions. The building is currently vacant, and plans have changed many times. Conditions on abutting properties were summarized. The latest plan reduces impervious surface. The original plan was for 32 units, however, that developer abandoned his plan.

New plans are for a three story building, with green space. There will be 28 parking spaces. Runoff will be treated and outleted to the brook. Currently, storm water sheet flows to the brook. The Storm water management system was described. Riverfront standards were reviewed. An Operation & Maintenance Plan is in the application. A sewer system will accommodate waste water.

Engineering review was done by Beta Group, a peer review contractor. Soil testing will be done later this week, as the applicant just received permission to do it.

Invasive removal could be proposed near the brook, about 30 feet past the property line. A plan for continued invasive plant management is to be developed, and could have a planting plan. This plan will try to be coordinated with the Grist Mill Condominium Association.

Mr. Gibbs was very concerned that stream maintenance at the Grist Mill has not been done. The brook is in poor condition.

A site walk will be done.

Erosion controls will be installed. Test pits will be done later this week. Several dead trees need to be removed. Six other trees are to be removed, and an evergreen buffer is proposed to be installed. Two large trees can be saved. A landscaping plan is to be finalized. Mr. Bischoff suggested removing all of the Norway Maple Trees.

Snow storage will be on the paved surfaces, excess snow will be removed.

A three foot tall retaining wall is proposed for the rear of the property. Demarcation at the rear of the property can be a sign of a sort to be determined.

Plans will be revised again to reflect comments received from the peer reviewer. Laura Cross from Beta Group summarized their recommendations. DEP has not responded with any comments to date.

Mr. McLachlan agreed the proposal so far will improve the environment around the stream.

A Waiver of the 50-foot buffer will be needed, as the closest point to the wetland is 44 feet.

No comments were received from the audience. A revised letter will be received from Beta Group in time for the next meeting on May 10.

Motion: by Mr. McLachlan to continue the Hearing for 13 (aka 9) Acton Rd. to May 10, 2022, with a Site Walk on May 3, 2022 to start at 6:00PM. Seconded by Mr. Gibbs. **Motion carries, unanimous.**

- **Notice of Intent (cont'd from 03.01.22); Town of Chelmsford; 1-104 Turnpike Road Bridget Myers/Howard Stein Hudson, representing Applicant *** The Applicant has requested a continuance to May 10th *****

There was no discussion on this matter.

Discussion

- **Amending Willis Drive & Sixth Avenue Conservation Property Land Use Regulations to allow temporary storage of rafts (cont'd from 03.15.22; vote possible)**

A revised document was provided to Commissioners. Mr. McLachlan described the revisions. A raft can be no larger than 15'x15'. Other changes make the document easier to read.

Motion: by Mr. McLachlan to approve and adopt the revised Willis Drive & Sixth Avenue Conservation Property Land Use Regulations to allow the storage of a raft no larger than 15'x15' from December to March, as presented. Seconded by Mr. Vines. **Motion carries, unanimous.**

- **Reservations to be designated as Wildlife Refuges (cont'd from 03.15.22; vote possible)**

The property by River Meadow is not conservation land, it is town owned and under the jurisdiction of the Select Board. Management of the property has not been given to the Conservation Commission. Changing this would require a Town Meeting vote. Mr. Koonce supports doing the work to get this process started.

- **Unleashed dogs at Cranberry Bog Reservation**

Mr. Koonce received an email from Joan Kosik, and he will speak with the Animal Control Officer about solutions, which may include additional signs regarding the leash law.

- **Clear-cutting of Priority Habitat in Meadowbrook electric distribution line (Conservation Agent)**

Mr. Koonce sent photos of the situation to the Commissioners. The peer reviewer for the Turnpike Rd. project noticed this activity. Work was done in the National Grid easement area, and goes through vernal pool areas.

Wetland flags are going to be restored, and a restoration plan is being developed by Zoo New England. Mr. Koonce suggested asking National Grid to fund this activity, as well as the restoration of the vernal pools. Natural Heritage may also be willing to help out. The hope is to get National Grid to be cooperative, rather than reactive, as they consider this normal maintenance in their easements.

Mr. Koonce agreed to put together a package of information, and approach National Grid about work in sensitive areas, including restitution and restoration.

Motion: by Mr. McLachlan to authorize the Conservation Agent to coordinate with National Grid for the restoration of disturbed vernal pool areas in the Meadowbrook Electric Distribution Line Easement Area. Seconded by Mr. Gibbs. **Motion carries, unanimous.**

• **Status of turtle projects in Meadowbrook area**

A report from Zoo New England is awaited. A turtle protection plan was supposed to be completed. There are multiple conflicts between the owner's rights, vs. environmental protection.

Joel Luna, 10 Carter Dr., was in the audience. He advised the neighborhood received a letter indicating work was going to be done in this area. He asked if the clearing was part of their maintenance. Numerous mature trees were removed, which is normally not routine maintenance. Their goal may be to plant shrubs. The restoration plan will sort this out.

Mr. Koonce requested that Mr. Luna send him an email with the additional areas where there is priority habitat. They will discuss further.

Continual Business

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

Mr. Koonce indicated he receives regular communication from the developer. A site plan still has not been shown to the Commission.

Mr. Koonce agreed to provide file to the Commission. Mr. McLachlan would like to clarify the parking areas.

Land Management

• **Update on Warren-Pohl Reservation**

Driveway and parking area work (Conservation Agent)

Purchase of kiosk

Oxbow Associates proposal for vernal pool certification and turtle nesting survey

Mr. Koonce reported that the erosion control installation for the driveway work is still anticipated to begin in the next two weeks. Some trees will come down first. Hopes within the next couple of weeks. DPW scheduling is ongoing, and will be determined.

Mr. Bischoff has been researching kiosks. Kits and build plan sample photos were shown. The Commission can fund the purchase of the kiosks. Other kiosks at other reservations will need to be replaced at some point, and there is a desire to have consistent kiosks across all reservations. Mr. Koonce summarized available funds and their allowed uses.

Motion: by Mr. McLachlan to authorize the purchase of one kiosk for the Warren-Pohl Reservation, as presented. Seconded by Mr. Vines. **Motion carries, unanimous.**

A request was also made to certify a vernal pool on the property.

Motion: by Mr. McLachlan to authorize approval of \$2,500.00 to Oxbow to certify a vernal pool at the Warren-Pohl Reservation Seconded by Mr. Bischoff. **Motion carries, unanimous.**

Mosquito spraying will be done tomorrow.

The Gadbois abutter easement is in good shape for Town Meeting.

The report from Land Stewardship is still awaited. The consultant is waiting for more surveying information from the Town.

Mr. Bischoff spoke with Dale Williams last week to notify him about the new format required by the State for the Conservation Restriction document.

Earth day is Friday; Commissioners were encouraged to participate in local activities.

For Approval/Signature

- **Certificate of Compliance 129-0855 (14 Lakeside Avenue)**

The project was for a new garage, which was built 4-5 years ago. Mr. Koonce reviewed the work, and there are no issues.

Motion: by Mr. McLachlan to approve a Certificate of Compliance for 14 Lakeside Avenue, as presented. Seconded by Mr. Vines. **Motion carries, unanimous.**

Other Business

Mr. Gibbs asked to see the Certificate of Compliance file for the Grist Mill Condominium Development. Mr. Koonce will obtain and provide this information.

A Motion was needed to Continue the Hearing for Turnpike Rd.

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

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

Motion: by Mr. Gibbs to approve the Meeting Minutes of March 1, 2022, as presented.
Seconded by Mr. Swenson. **Motion carries, unanimous.**

Agent's Report

No further discussion at this time.

Adjourn

Next Meeting: May 10, 2022

Motion: by Mr. Tymula to adjourn the meeting at 9:30PM. Seconded by Mr. Bischoff. **Motion carries, unanimous.**

Respectfully submitted,
Vivian W. Merrill

Supporting documents:

- Application for Notice of Intent and Certificate of Compliance
- Kiosk information for Warren-Pohl Reservation
- Revised Regulations for Willis Dr. & Sixth Ave.
- E-mail from Joan Kosik
- Draft Minutes