

Chelmsford Conservation Commission  
Town of Chelmsford  
50 Billerica Rd. Chelmsford, Ma 01824  
Meeting Minutes  
May 4, 2021  
Approved June 1, 2021

Meeting held via Zoom.

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

**Members Absent:**

**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, May 4, 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-continued**

**10 Technology Drive, wetland boundary determination**

The site walk has been completed, and none of the Commissioners had questions or concerns with the delineations.

There were no questions received from the audience.

**Motion:** by Mr. Garrahan to approve the Request for Determination of Applicability for 10 Technology Dr., and the defining of the wetland boundaries as presented. Seconded by Mr. Gibbs.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. Swenson: Aye

Mr. McLachlan: Aye

**Motion carries, unanimous.**

### **Request for Determination of Applicability-new**

#### **260 Old Westford Road, regrading**

Legal Notice read. The applicant is the Town of Chelmsford.

Assistant Public Works Director Steven Jahnle explained this work is to regrade three ball fields at Roberts Field. This work is necessary to help prevent flooding. Work will include installing fencing around the area of the three ball fields. The existing paths behind the ball fields will remain. The closest point of work to the wetland is 30 feet.

There were no questions received from the audience.

The Conservation Agent's report indicated the use of erosion controls, and the prohibition of any chemical fertilizers.

**Motion:** by Mr. Garrahan to approve the Request for Determination of Applicability for 260 Old Westford Rd. with a Negative 3 Determination, and with the Special Conditions that erosion controls are maintained, and no use if any chemical fertilizers, as presented. Seconded by Mr. Gibbs.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. Swenson: Aye

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. McLachlan: Aye

**Motion carries, unanimous.**

### **Notice of Intent-new**

#### **Heart Pond, aquatic invasive treatment**

Legal Notice read. The applicant is the Town of Chelmsford.

Mrs. Guertin advised that DEP has not issued any file number or comments, therefore, this Hearing will require a Continuance.

Keith Gazelle, Solitude Lake Management Company, explained that this is a continuing treatment program for Heart Pond. Treatment has been ongoing for many years, and is now a maintenance item for the sustained control of invasive aquatic plants.

Pam Rivard, First Lane, stated that treatment started in 2011. Residents along the lake are provided with educational material to mitigate damage to the lake. Mitigation costs up to \$40,000/year just for fan wort. Treatment types depend on which weeds they are targeting. The average cost is will range from \$3-6,000.00 annually. The Town pays most of the costs. Residents pitch in for second treatments, which run about \$3,500.00. Ms. Rivard is now the president of the Heart Pond Association.

Mr. Garrahan questioned whether this treatment would have any impacts to fish and amphibians. Mr. Gazelle advised the risk is negligible, as the treatment is not toxic to fish. The risk to not kill too many plants at one time in order to maintain oxygen in water. They are only treating a portion of the lake at this time. They are targeting curly leaf pond weed and there is fan wort present.

Ms. Rivard explained that people can bring in carry-on boats. There is no boat ramp. The Association asks people to make sure there aren't any weeds on their boats. Water fowl also help spread the weeds.

There were no further questions from the Commission.

Steve Christopher will notify downstream residents when work begins.

There were no questions from the audience.

Mr. Gazelle will follow up with DEP.

**Motion:** by Mr. Garrahan to continue the Hearing for Heart Pond to May 18, 2021. Seconded by Mr. Tymula.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. Tymula: Aye

Mr. Swenson: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

**Motion carries, unanimous.**

**Notice of Intent-continued**

**314 Dunstable Road, six lot single family subdivision**

Katie Enright, Howard, Stein, Hudson, stated a site walk was done after the last meeting. An Environmental Report was done by a licensed professional, as this was a dumping ground. This report was sent to the Commission, the Board of Health, and the Planning Board, and is 305 pages. A summary of the report was e-mailed yesterday.

Mr. McLachlan did not receive this e-mail, nor the report.

Ms. Enright summarized that the testing determined that there may be pockets of debris. Fourteen unwitnessed test pits for drainage were done on one lot, and 6 more lots still need to be tested. About 20 more tests will be done for the septic systems. These tests will be witnessed by the Town Engineer. There may be minimum pockets of material, as one pit had a piece of vinyl siding in it. Nothing else turned up, so any debris may have been removed, or is buried deeper. There was some surface trash uncovered, but this will have minimal impacts.

The Planning Board has approved the project.

The applicant has provided a complete response to the eleven DEP comments. Plans were revised accordingly. The DEP response included information on maintaining a 401 water quality certificate, which will be addressed through a deed restriction. Wetland flags have been verified and replication plans were provided, and flood plain compensation was shown. Details of the stream crossing were provided. Banks were clarified, Bordering Vegetated Wetland impacts were described, and the Alternatives Analysis was updated. DEP could still appeal an Order of Conditions, if one is issued.

Ms. Enright explained how the septic and perc tests are evaluated. Mill River Consulting will represent the Board of Health as a witness for these tests.

Licensed Site Professional Tom Williamson will respond if any material is found during construction to determine how to dispose of the material.

Much of the site will be disturbed because of the development.

Discussions with the Town of Westford are still ongoing. A detention pond will be maintained by the association owner of that parcel which is in Westford.

A Homeowners' Association will be responsible for the maintenance of the drainage easement. An Operations and Maintenance Plan and annual reports would be required.

A waiver of the 25-foot buffer will be needed near the culvert.

The project will include three infiltration ponds.

There were no comments received from the audience.

**Motion:** by Mr. Garrahan to waive the 25-foot No Disturb buffer requirement at the stream crossing near the culvert. Seconded by Mr. Vines.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. Tymula: Aye

Mr. Swenson: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

**Motion carries, unanimous.**

**Motion:** by Mr. Garrahan to issue an Order of Conditions for 314 Dunstable Rd. with a Standard Order, as well as the Special Conditions that the Conservation Agent and the Board of Health be notified if there are any findings during digging, that the Conservation Agent be notified prior to the start of the culvert and stream crossing work, and at the start of work in each lot that the Conservation Commission has jurisdiction in, that weekly status reports be supplied, and that the Homeowners Association will be notified of the requirement to submit annual operations and maintenance reports to the Conservation Agent, 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**

#### **Eagle Scout Project at Crooked Spring**

Eagle Scout candidate Seth Rigby explained that his proposed project is to improve conditions in a trail area by the creek near Route 40, at Crooked Spring Reservation. Walkers end up going into the road. Mr. Rigby's project is to make a walkway over the creek to keep people off the road. The walkway will rest on concrete piers, with gravel underneath. There will be no wood on the dirt. Some clearing of invasive plants, downed trees and branches will also be done. Mr. Rigby anticipates about \$500-600.00 in costs, all to be fundraised. The project will require no excavation. Mrs. Guertin advised an RDA will not be required, as minor disturbance is allowed. This project will improve the trail, and makes walking safer.

Fundraising will include hosting a car wash, and some additional donations.

The project will take 5-10 people to construct and move. Mr. Rigby wants to purchase wood as soon as possible. He anticipates that work should be done by the end of July.

The Commission agreed that this is a much needed project, and was willing to donate 300.00 to the project.

**Motion:** by Mr. Garrahan to approve the donation of \$300.00 to Seth Rigby for the construction of a wooden walkway over a stream at Crooked Spring Reservation. Seconded by Mr. Vines.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. Tymula: Aye

Mr. Swenson: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

**Motion carries, unanimous.**

**Motion:** by Mr. Bischoff to approve the Proposal to construct a wooden walkway over the creek at Crooked Spring Reservation, as presented. Seconded by Mr. Tymula.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. Tymula: Aye

Mr. Swenson: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

**Motion carries, unanimous**

### **Chelmsford Resolution to Address Climate Change (Bern Kosicki)**

Mr. Kosicki is with the Chelmsford Climate Action Team. This presentation will also be done at Town Meeting. The Resolution was shown. The goal is to have net zero carbon emissions by 2050. Massachusetts has committed to this goal as a state a year ago.

The Town Meeting action will acknowledge that participation on a state level is necessary and planning needs to begin now. A volunteer committee will be created to advise the Town of specific steps to do. The committee will make recommendations to assess, develop a plan, promote actions, and provide yearly recommendations.

Chelmsford has supported past “green” programs. The State will use incentives to help municipalities reach this goal.

Mr. Kosicki requested a finding of support for the Resolution from the Commission.

Mr. Bischoff reported that the Select Board thought about consolidating some less used committees for this effort. Anything to add trees and protect wetlands will be beneficial.

The new committee would report to the Select Board.

There were no comments received from the audience.

**Motion:** by Mr. Vines to recommend support of Article 28 of the Spring 2021 Town Meeting Warrant, the Resolution to Address Climate Change, as presented. Seconded by Mr. Garrahan.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Tymula: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. Swenson: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

**Motion carries, unanimous**

#### **MVP Grant support (Christina Papadopoulos)**

Mrs. Papadopoulos explained that this will fund work for the “Farms One” area.

There were no further questions from the Commission.

**Motion:** by Mr. Gibbs to support the Town’s request for a Grant Application under the Municipal Vulnerability Program for \$150,000.00 for the “Farms One” area, as presented. Seconded by Mr. Vines.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. Swenson: Aye

Mr. Tymula: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

**Motion carries, unanimous**

#### **Continual Business**

##### **Willis Drive property**

The DPW has advised that it doesn’t want to be involved in removing private property.

The Town Manager has advised that the Town could take resident’s property from public property if the Commission has the funds to enforce it.

Additional signs listing land use regulations will be posted. Enforcement of the regulations could include fines as well as the taking and disposal of personal property.

Discussion will be continued.

The Commission was advised that a series of parcels on Willis Drive and Shore Drive are to be conveyed to the Conservation Commission at this year's Spring Town Meeting. A map of the parcels was shown.

### **Land Management**

#### **Warren-Pohl – update**

Mr. Bischoff reported that the Warrant Articles to fund parking improvements at this parcel were presented to the Select Board at their meeting last night.

Future updates can be posted on the Town website. Mrs. Guertin will coordinate.

Mr. McLachlan reported that the Chelmsford Water Department is installing a new fire hydrant this week.

Electricity has been restored.

The Chelmsford Conservation Land Trust presented a first draft of the proposed Conservation Restriction which outlines allowed and prohibited activities on the site. Mr. McLachlan, Mr. Bischoff and Mr. Garrahan will coordinate and develop a response to the document.

### **Other Reports**

At Russell Mill there were three trees donated by the New England Malayalee Association. Several COSS members planted the trees. About 20 association members also helped.

There will be an Eagle Scout project at the Native Plant Park at Russell Mill to build a fence.

COSS member Ken Dews wants to clean up the brush behind the fire gate at Russell Mill, perhaps to the fences. Then all the groups can decide whether to open the road back up. The Commission supports this work, as opening the road would provide overflow parking.

### **Parcel donation**

This is a landlocked parcel off Bentley St., and consists of about 1.7 acres. It is not near any other conservation land.

### **Agent's Report**

Commissioners were reminded to come to Mrs. Guertin's office to sign documents.

### **Approve Minutes**

No minutes were approved this evening.

### **Adjourn**

**Motion:** by Mr. Garrahan to adjourn the meeting at 8:53PM. Seconded by Mr. Vines.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. Swenson: Aye

Mr. Tymula: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

**Motion carries, unanimous.**

**Next Meetings:**                      **May 18**    **June 1**

Respectfully submitted,  
Vivian W. Merrill

Supporting documents:

- Applications for Request for Determination of Applicability and Notices of Intent
- MVP Grant application
- Eagle Scout Project Presentation
- Climate Change Resolution Presentation
- Parcel Map