

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
May 9, 2023
Approved May 23, 2023

Members Present: Chris Garrahan, Marc Gibbs, Karl Bischoff, John Swenson, Peter Spawn, David McLachlan (via Zoom)

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

• Jana Olenio dba SUP YO Adventures: Request to access Freeman Lake from Commission land to conduct paddleboard classes

Ms. Olenio has been running similar classes for 10 years at Heart Pond. This year, there was a question over having children's classes, and she was advised by the Town Manager this would not be allowed. The adult classes will continue at Heart Pond. The Town Manager did not want classes happening at same time that the life guard was on duty for the general public.

The children's classes would be run from 10AM-1PM on Thursdays, and there would be two sessions. Some cars would need to park on Shore Dr. There are about 10 students expected, all over 7 years old.

An alternate location would be at the Legion, which has already given their permission to use their part of the lake.

Ms. Olenio can provide a Certificate of Insurance, and all instructors are certified. If the wind is over 10 knots, they don't go out in the water.

Mr. Koonce felt that emergency vehicle access would not be impeded in the area they would be using.

Classes start at end of June, to the second week in August, and just on Thursdays. There would be no parking on private property.

Mr. Bischoff suggested a review at end of the year to see if there were any issues. Ms. Olenio stated they do this in 10 other towns, and have never had any issues with police.

Motion: by Mr. Gibbs to approve a request by Sup Yo to access Freeman Lake from Commission land to conduct paddleboard classes from June to September, 2023, and to update the application with the appropriate dates and times. Seconded by Mr. Swenson. **Motion carries, unanimous, 6-0.**

• **Bobbie Marenghi, 110 Crooked Spring Road: National Grid tree clearing**

Mr. Koonce reported that several neighbors reported this activity. Photos were shown. The area of work is by the Parker Middle School, where a number of trees have been clear cut.

Utility companies have exemptions to access their utility lines. The area of removal was on Town property, and DPW Director Christine Clancy gave permission to remove them, as long as the trees are replaced somewhere else in Town. The wetland is right next to where the trees were removed. A lot of trees were removed. The Commission would like to be able to have more oversight in future projects. Work happened in the past 2 weeks, and was in the buffer zone.

Mr. McLachlan would like to speak with a representative from National Grid, about this site and the site off Riverneck Rd. where priority habitat was destroyed.

Mr. Koonce suggested working through Director Clancy, as she is also the Town's Tree Warden. This work is extreme and excessive. These are environmentally sensitive areas, and it appears that National Grid is doing whatever they want to do.

Mr. Gibbs noticed hay was being used on the Riverneck Rd. site. Director Clancy might have vegetation maintenance plans that can be referenced. Vital habitat guidelines are not being followed.

More information may be forthcoming.

Regulatory Hearings

• **Notice of Intent; Jayesh Master; 6 Doral Drive Kenneth Lania/Cornerstone Land Associates, LLC, representing Applicant**

Legal notice read. Work is for the construction of a garage addition with associated utilities.

Kenneth Lania spoke for the applicant; the structure will be a two story, two car garage addition. Two resource areas were identified and delineated. Riparian and flood areas were identified.

The existing driveway will be expanded slightly. Additional drainage will be a rain garden. Roof drainage systems described. They do not want to remove any trees. The area of work is close to Moore's Canal.

Erosion control will include hay bales and fencing, and will be inspected prior to the start of work. Excavated material will be removed from the site. No fill is being brought in. Elevations contributed to

how the garage was designed. Mr. Spawn suggested a retaining wall, however, he understands the premises. No trees are to be removed.

Mr. Lania noted that the exact same project was done across the street.

Mr. Spawn also suggested further consulting with Jim Martin from the Tree Committee to protect the tree roots.

DEP file number is pending, continuance will be needed. More work can be done during this time.

Mr. Lania explained the applicant's goal was to minimize disturbance, and improve the drainage issues, especially with snow storage.

Mr. Gibbs stated that he prefers to see the entrance from the front, and elevations should not be an issue. He doesn't support this plan as presented. Mr. McLachlan had no concerns. Mr. Garrahan supported the rain garden concept, as well as the preservation of trees. Mr. Koonce, likes the drainage improvements. Currently, storm water runoff is sheet flowing into the brook.

There were no comments received from the audience.

There will be an additional meeting with Mr. Lania, Mr. Koonce, and Mr. Martin.

Motion: by Mr. Bischoff to continue the Hearing for 110 Crooked Spring Rd. to May 23, 2023.
Seconded by Mr. McLachlan. **Motion carries, unanimous, 6-0.**

• Notice of Intent (cont'd from 04.25.23); Lighthouse School; 25 Wellman Avenue David Cowell/Hancock Associates, Inc., representing Applicant

Revised plans were provided to the Commission.

Brian Goudreau, Hancock Associates explained revisions were to clarify changes to drainage design, and a more detailed landscape plan. Proposed tree and bush species were listed. Mr. Garrahan appreciated this additional detail, and stated the school is a positive community resource.

Mr. Spawn loves the nature based design, and considered this as sustainable landscape design.

Nick Shaw, CEI, was present via Zoom, as a flood plain compliance consultant. Everything is in compliance with standards now, including Compensatory Flood Storage. Mr. Shaw saw no issues with the Operations and Management Plan as presented.

A SWIF will need to be submitted to the Commission prior to start of construction ,along with a land disturbance permit.

There were no comments received from the audience.

Mr. Bischoff noted that Douglas Fir trees are not native to New England.

Motion: by Mr. Bischoff to Close the Hearing for 25 Wellman Ave. Seconded by Mr. Gibbs.
Motion carries, unanimous, 6-0.

Motion: by Mr. Bischoff to issue a Standard Order of Conditions for 25 Wellman Ave., with no additional Special Conditions. Seconded by Mr. Spawn. **Motion carries, unanimous, 6-0.**

Discussion

• Heart Pond spillway maintenance

Heart Pond Association member Steve Christopher, 26 Fifth Lane, was present.

Mr. Koonce explained he received a call from the Conservation Agent in Carlisle after the boards were recently put back in the spillway. Residents were calling her about the reduction of water in Carlisle. There is no existing Order of Conditions, and there is no longer an operating cranberry bog since 2016. The Agricultural exemption has expired. A New Notice of Intent would be required. Mr. Koonce can consult with DEP.

Mr. Christopher explained the lowering is needed to protect the cement dam from the ice. He has been doing this for the past 20 years. He notifies appropriate parties in the fall, and has never had an issue in the spring. The water levels change the same way every year.

DPW would file the Notice of Intent; they may also take over the work of installing the boards. Mr. Christopher explained he gets the boards from DPW, and has no issues with continuing his volunteer work.

Mr. McLachlan agreed this activity has been happening for decades. Abutters go all the way to Mill Pond. The primary reason for building up the water at Heart Pond was to allow the cranberry bog to be flooded and harvested. In 30 years there has never been a reason to change this, and there have not been any emergencies. The Heart Pond Association has done an excellent job maintaining the pond, with the DPW's blessing.

Downstream abutters get concerned when they see their stream drying up. In Carlisle, there have been significant beaver problems. Mr. Christopher noted that over the last five years, the water takes longer to go down, as there are more beavers along Route 27. Not pulling the boards would create major problems. Changing the levels protects the spillway.

The sense of the Commission was that nothing has changed, and there is no reason to change current practice. Mr. Christopher stated that no major work is anticipated to be needed for the spillway, everything looks good .

Mr. McLachlan stated the water levels are being managed as a storm water management effort. He feels the DPW should be more involved, in the event the homeowners don't want to do this. DPW does maintain the spill way at Freeman Lake.

Discussion to be continued.

Continual Business

Land Management

• Update on Warren-Pohl Reservation

Mr. Bischoff reported that he is still waiting to hear back about any final comments regarding the Conservation Restriction document.

The granite sign quote was received, and it should be installed by June. A brass marker will need to be ordered.

Other:

The Russell Mill Reservation site walk went well. The reservation was very busy. The next day, a porta potty had been tipped over. The soccer group was alerted, and the company cleaned it up. The Public Health Department will inspect the site to make sure all is good.

The soccer group needs a new MOU, as the old one expired in December 2021. This will need to be updated. The NEMBA MOU will be looked into as well.

There have been parking issues on Saturdays during soccer season. A third parking lot can be opened if needed.

Mr. McLachlan found the language, and the MOU with Chelmsford Youth Soccer Association (CYSA) is technically still active. Termination notice has a 3 year time line. Continuation of the MOU is from year to year.

Mr. Koonce added that he received a request from a private company requesting permission to use Murphy Field. The requestor was directed to contact CYSA, who declined the request.

The NEMBA MOU is also year to year, but their termination notice is 6 months.

There were comments on social media regarding sculptures at Deep Brook Reservation. Mr. Bischoff went out to the site, and the art is not on Deep Brook. There is some on Scotty Hollow's property. The pieces are nice looking sculptures laid on rocks. There were 5 of them, and he felt they were very clever.

Town Meeting approved the parcel purchase on Wilson Lane. The closing should happen soon. There was also approval of \$50,000.00 in a CPA account that the Commission can use for capital improvements on properties under their care.

The easement on Shore Drive was also passed by Town Meeting.

Mr. Spawn reported the grant application for a Tree Master Plan is still being worked on. The idea of creating a Watershed Management Plan was discussed at the Commission's May 2, 2023 work session,

and Mr. Spawn encouraged that this be pursued in the future. Mr. Bischoff is following up with DPW Director Christine Clancy and the Tree Committee for the rest of the updates. Mr. Spawn will bring the implementation list up to the Tree Committee at their next meeting. Mr. Spawn avidly supports the collaboration between the Tree Committee and other departments and with residents.

Agent's Report

• Updates on 0 Littleton Road and 221 Littleton Road

Mr. Koonce reported that the owner of 0 Littleton Rd. did have the area delineated before he left on vacation. In the meantime, a storage container has been dropped off. The Commission recommended that the container needs to be removed.

A representative for the owner at 221 Littleton Rd. contacted Mr. Koonce. The property owner is conducting a retail oil delivery service on the property. They were not aware of the nearby wetlands. A site engineer has been hired; communication is ongoing. The attorney will try to be the next meeting. A Notice of Intent filing will be required. The building inspector told the owner this is an allowed use by right.

Other

The Lunas reported that ATV's are destroying the vernal pool area on Riverneck Road. Police may need to be involved. Signage may be needed. Not sure where they are coming from. Surveillance cameras may be needed. This is in the areas cleared by National Grid.

Chris Lavallee, Planning Board liaison, announced that the Planning Board will be reviewing draft policies. There are a couple of items that the Commission should weigh in on, and coordination will be needed. Mr. McLachlan supported this effort. Some of their policies will involve storm water, which may require more coordination between the Commission and the Planning Board, and the DPW. The Commission overwhelmingly supported all efforts at coordination, as this will be helpful when doing peer review for all the departments. There is a checklist that is updated frequently.

For Approval/Signature

• February 14, 2023; February 28, 2023; March 28, 2023; April 11, 2023

Mark returned from his break in the meeting on February 28, 2023.

Motion: by Mr. Gibbs to approve the Meeting Minutes of February 14, 2023, as presented.
Seconded by Mr. Bischoff. **Motion carries, unanimous, 6-0.**

Motion: by Mr. Gibbs to approve the Meeting Minutes of February 28, 2023, as amended.
Seconded by Mr. Bischoff. **Motion carries, unanimous, 6-0.**

Motion: by Mr. Bischoff to approve the Meeting Minutes of March 28, 2023, as presented.
Seconded by Mr. McLachlan. **Motion carries, unanimous, 6-0.**

Motion: by Mr. Bischoff to approve the Meeting Minutes of April 11, 2023, as presented.
Seconded by Mr. McLachlan. **Motion carries, unanimous, 6-0.**

Mr. Gibbs asked if July could only have one meeting. Mr. Koonce stated the Commission's schedule has been very busy.

Adjourn

Next Meetings May 23, 2023

June 13, 2023

Motion: by Mr. Spawn to adjourn the meeting at 8:55PM. Seconded by Mr. Swenson. **Motion carries, unanimous, 6-0.**

Respectfully submitted,
Vivian W. Merrill

Supporting documents:

- Applications for Regulatory Hearings.
- Draft Minutes