

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
May 10, 2022

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

Members Absent: Chris Tymula, Karl Bischoff

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

Carol Woods, 53 Brick Kiln Rd., stated she was told to come in tonight. She bought this property, and wants to demolish it and put a new house up. The house is over 75 years old. She was advised that she was in the wrong meeting, as she was looking to speak with the Historical Commission.

Regulatory Hearings

• Request for Determination of Applicability (cont'd from 04.19.22); Town of Chelmsford; 45 Adams Street (Varney Playground) Steve Callaghan/Town of Chelmsford Department of Public Works Facilities, representing Applicant

Mr. Callaghan was not able to attend this evening. A site visit was completed. Mr. McLachlan still feels a Notice of Intent filing is necessary.

Brian Geaudreau, Hancock Associates explained that the jurisdiction of the Commission was shown on a map. The work is manicured lawn and a small portion of the park itself. There is no change to topography. The limited amount of the work in the buffer zone qualifies the project for an RDA. Mr. McLachlan reiterated that there is a lot of runoff issues over the years. He is concerned about this work and work proposed in a future phase. He feels the runoff should be addressed before the playground work. Mr. Gibbs & Mr. Swenson agreed, stating this should all be addressed at the same time.

Mr. Geaudreau stated the majority of the water is coming from the ball fields.

Mr. Koonce stated he would support a negative determination, as the work is mostly grading in a buffer zone, and drainage is directed away from the lake.

There were no comments received from the audience.

Mr. Garrahan agreed that concern about the drainage is relevant, as the lake (beach) is frequently closed due to issues with runoff and water quality.

Mr. McLachlan explained that he wants to understand how the two systems are going to work together. He has not seen the calculations, and there are concerns about surface water. Incremental water flow needs to be kept out of the lake.

Mr. Geaudreau acknowledged that no soil testing has been done. Sand is expected, and water should go into the ground. Water flows from the ball fields toward the beach. This water will now be directed into a large swale, and directed toward the lake. Calculations can be sent, but are not required because they are only collecting water and redirecting that outside the buffer.

Mr. Garrahan suggested continuance to May 24, 2022, to present more information that addresses the Commission's concerns. Mr. Koonce advised the Commission could also hire a peer reviewer. Mr. Vines agreed with other Commissioners that the water from the hill erodes the beach, and this is a major concern. The Commission likes the project, but erosion is not being adequately addressed.

Motion: by Mr. McLachlan to continue the Hearing for 45 Adams St. to May 24, 2022, and that the applicant is requested to show how storm water runoff from the right side of the property will be addressed through the proposed swales. Seconded by Mr. Gibbs. **Motion carries, unanimous, 5-0.**

• Request for Determination of Applicability; Tom Sullivan; 14 Natalie Road CJ Martel/Martel Tree, representing Applicant

Legal notice read, the request is for the removal of six white pine trees to protect human safety and property.

Mr. Martel explained the trees are 60 feet from the wetlands. The trees are rotted and in poor condition. Stumps will remain in place. A crane will be used to help cut the trees.

There are no plans to replace the trees at this time. Mr. Martel agreed to mention a suggestion to replace with native trees. Replacement is not being required.

There were no comments received from the audience.

Motion: by Mr. McLachlan to approve the Request for Determination of Applicability for 14 Natalie Rd. with a Negative Three Determination, as presented. Seconded by Mr. Gibbs. **Motion carries, unanimous, 5-0.**

• Request for Determination of Applicability; Ursula Wong; 8 Pecos Circle CJ Martel/Martel Tree, representing Applicant

Legal notice read. The work is to remove seven trees and trimming an oak tree, for the safety of people and property in Riverfront Area. The trees are dying; falling branches are already causing damage to cars. Four of the trees are maples. Vehicles will be on the pavement, not vegetated areas.

Mr. Martel asked whether in the future he could submit paperwork for administrative approval instead of coming to the meetings, as a cost saving measure for his clients. The Commission agreed this could be considered on a case basis. The applicant will be asked to replace the trees, if possible.

Motion: by Mr. McLachlan to approve the Request for Determination of Applicability for 8 Pecos Circle with a Negative Three Determination, as presented. Seconded by Mr. Gibbs.

Motion carries, unanimous, 5-0.

• Request for Determination of Applicability; Town of Chelmsford; 41 Miland Avenue (Pump Station) Ryan Henley/Weston & Sampson, Inc., representing Applicant

Legal notice read. The proposal is to construct improvements to the station, valve vault, new pumps, new shed and instrumentation equipment.

Ryan Henley of Weston & Sampson explained the technical improvements to the station. All of the work is in existing disturbed area; erosion controls described. The work will reduce the impervious area of the station, and all work is in the existing right of way.

There are 41 pump stations in Chelmsford, all are being evaluated.

All equipment in the existing station is being replaced. The improved station will look similar to the Vincent Rd. pump station. The original station is 40-50 years old. The precast concrete building will be set on a slab.

There were no comments from the audience.

Motion: by Mr. McLachlan to approve the Request for Determination of Applicability for 41 Miland Ave., as presented. Seconded by Mr. Swenson. **Motion carries, unanimous, 5-0.**

• Request for Determination of Applicability; Brian Geaudreau; 105 Kristin Drive Ext. Brian Geaudreau/Applicant and Property Owner

Legal notice read. The request is to construct a 12' by 16' foot shed on cinderblocks.

Mr. Geaudreau is requesting to build a shed, which he will build. The shed will have 15 piers underneath. Resource areas described. No delineations have been done. Roof runoff will be handled by a drip edge over crushed stone. This is his personal property.

Work will take less than one day, and there will be minimal disturbance. No chemicals will be stored here, just tools.

There were no comments from the audience.

Motion: by Mr. McLachlan to approve a Request for Determination of Applicability for 105 Kristin Drive, as presented. Seconded by Mr. Vines. **Motion carries, unanimous, 5-0.**

• Request for Determination of Applicability; Paul A. Ayvazian; 16 Parker Road; Hooshmand S. Afshar/Taj Engineering LLC, representing Applicant

Legal notice read. Work is to construct a 24'x24' garage addition, a 10'x10' deck and driveway extension.

Mr. Afshar explained this will be a 2 car garage being added to an existing dwelling which is close to the 100 foot buffer. The garage will be on the edge of the buffer. A trench along driveway will be extended along the deck and around the back of the garage. There will be no adverse impact to the resource area. Erosion controls will be installed. Roof runoff will be directed toward the stone trench and the driveway. Revised plans will be submitted tomorrow.

Mr. Koonce requested a concrete berm around the floor to catch anything that might leak. Mr. Afshar will add this to the plan.

Audience Comments:

Badri Uppiladian, Jerridge Lane, asked if the roof line could be adjusted to accommodate solar panels in the future

Motion: by Mr. McLachlan to approve a Request for Determination of Applicability for 16 Parker Rd., with a Negative Three Determination, as presented. Seconded by Mr. Gibbs. **Motion carries, unanimous, 5-0.**

• Request for Determination of Applicability; Michelle & Matthew Nestor; 77 Concord Road Michelle & Matthew Nestor/Applicants and Property Owners

Legal notice read. Work is the relocation of PVC drain and boulders, and the removal of invasive non-native vegetation.

The plan presented was created after a discussion at a previous meeting in March, 2022. Buffer plantings are planned and will be native. There will be 8 spruce trees and 12 shrubs. Removed vegetation is bittersweet and dead trees. Invasive plant control will be an ongoing effort. Mr. Nestor was referred to the Town of Concord Conservation Commission website as a resource. Mr. McLachlan offered the use of the Commission's bittersweet removal tool.

The pool is still being built.

There was no comments received from the audience.

Mr. Koonce confirmed the border plantings. Mr. Nestor suggested several varieties that deer will not attack.

Motion: by Mr. McLachlan to approve the Request for Determination of Applicability for 77 Concord Rd. with a Negative Three Determination, as presented. Seconded by Mr. Vines.
Motion carries, unanimous, 5-0.

• **Notice of Intent (cont'd from 04.19.22); John Faneros; 13 (aka 9) Acton Road Katie Enright/Howard Stein Hudson, representing Applicant**

Motion: by Mr. Gibbs to continue the Hearing for 13 (aka 9) Acton Rd. to May 24, 2022 as presented. Seconded by Mr. McLachlan. **Motion carries, unanimous, 5-0.**

• **Notice of Intent (cont'd from 03.01.22); Town of Chelmsford; 1-104 Turnpike Road Bridget Myers/Howard Stein Hudson, representing Applicant Discussion**

Motion: by Mr. McLachlan to continue the Hearing for 1-104 Turnpike Rd. to May 24, 2022. Seconded by Mr. Vines. **Motion carries, unanimous, 5-0.**

• **Notice of Intent; Michael & Tara Purrington; 32 Fifth Lane Michael Purrington/Applicant and Property Owner**

Legal Notice read. Work is to construct additions to the residence, with associated landscaping and drainage.

Mike Purrington explained that one addition is on east side of the house. The existing foundation continues into the buffer. There is a living room and deck area, and he wants to replace both, and expand the living room a little. The addition will improve all the drainage, and it will have gutters with down spouts. A dry well will capture all the water in the 50 foot buffer. Mr. Purrington said he is very active with the Hart Pond Association. He may consider installing solar in the future. Erosion controls will be installed. The second addition is on the other side of the house, and will include a covered porch and a second story, and the existing foundation is also there. He is trying to address multiple water/mold issues which are impacting the structure. French drains and rock will handle roof runoff.

The home was built in 1975. The 50-foot no build does not apply because the home is older than 1990.

The existing foundation is already in the 25-foot no disturb buffer. Mr. Purrington wants to build the deck to the edge of the foundation, so he can seal off the foundation, and eliminate water issues. Photos were shown of existing conditions.

Mr. Koonce stated research is needed to determine how the foundation was allowed to come this close to the pond. Mr. Purrington stated the original plans confirm what is there now. A variance was granted for other non-conformities. Materials will be brought offsite, across the street.

Mr. McLachlan requested revised plans showing roof runoff.

Three large pine trees are close to the house, and may need to be removed. This would need to be added to the plan also. Two stumps can be left, a third would need to be removed. Other trees can be planted.

A neighbor has a concern about the dry well. Test pits will be needed, and a Cultec chamber needs to be designed. A site walk may be needed.

Mr. Koonce stated the Cultec chamber is very close to the neighbor's drinking water well. If the chamber is 10-15 feet from the well, this is a valid concern. The houses are very close together, and the lots are very narrow. Another site visit may be necessary. Moving it to the other side of the property may need to be strongly considered.

Audience comments:

A letter from Kelly Maniatacos, 36 Fifth Lane was read into the record. In 1975, a small cottage was replaced by the existing home. The foundation was built too close to the pond. The prior owner used the unfinished foundation as a patio, which later became a deck. Well contamination is a concern, as she has a shallow well which is her only water source.

Badri Uppiliappan, Jerridge Lane, suggested that homeowner think about future heating options that are not natural gas.

Kelly Manitakis, 36 Fifth Lane, has concerns about water contamination to her well. Her viewpoint to the pond is being impacted, she is working with Mr. Purrington to mitigate this. In 1969 there was a notice of purchase which stated the property had a 50 foot setback from the property line.

There will be a site walk on May 17, 2022, at 5:00PM. Mr. Purrington will ask his engineer to be present.

Motion: by Mr. McLachlan to continue the Hearing for 32 Fifth Lane to May 24, 2022, with a Site Walk on May 17, 2022. Seconded by Mr. Vines. **Motion carries, unanimous, 5-0.**

Discussion:

• Sustainability issues; standardized approval for geothermal installation – Badhri Uppiliappan & Bern Kowsicki/Clean Energy & Sustainability Committee

Dave Sperry & Marty Byrde were present via Zoom.

Mr. Kowsicki, 24 Garrison Rd., explained he wants to find common ground between the Clean Energy & Sustainability Committee and the Conservation Commission. His Committee will be working with other committees as well. Their goal is to get to net zero emissions by 2025. The Commission was asked to provide a point of contact for future communication. One goal is to have a shared goal toward reaching net zero emissions, which includes heating and cooling requirements. The Committee would like to have people (applicants) to start thinking about these things also. The Committee's intent is to bring awareness.

Geothermal technologies, including heat and AC pumps are not as efficient as what is commonly used, and tends to be more expensive. A lot of new construction is using this technology. Commissioners were asked to ask people about using this new geothermal/solar technology. Mr. Uppiliappan has asked the developers of 9 Acton Rd. and UMass West Campus developments to use this new technology in their plans.

There may be different areas for collaboration. The Commission was asked if some language could be added to Orders of Conditions as guidance, as Geothermal technology will be a big push toward reducing reliance on gas and oil. There will be financial programs to promote geothermal, similar to what is offered for solar functions. This is a time of transition.

Mr. Garrahan explained the Commission is environmentally conscious, and encourages trees, and green technologies. The Conservation Agent can look at rules and regulations to find opportunities. The RDA process may have some opportunities. Dialogue will continue between the two groups.

Mr. McLachlan stated that the Commission's authority comes from the Wetland Protection Act. Legislative action may be required to change bylaws. Town Meeting support may be needed to change some of the bylaws. There was a project on School St. that used geothermal technology, but it was not followed by the Commission.

The Committee will return with periodic updates, and work with the Conservation Agent.

• Loss of Eagle-Independent for public hearing legal notices – Conservation Agent

Mr. Koonce reported there will be no more print editions of the Eagle Independent Newspaper as of last week. No legal notices will be in their online edition. Legal notices are required by bylaw. They were economical to publish (\$50-60.00). The Lowell Sun charges \$250.-300.00 for the same service. This will impact all Boards that require public hearings. DEP is aware of the concern; a solution may require a legislative remedy. Town Counsel can be asked for input.

One simple solution would be to allow online legal notices. Mr. Koonce suggested that one possibility may be to add certain projects as exemptions, or allow the Agent to approve an application without having a hearing. The existing list of minor exemptions can be reviewed at the next meeting. This change will impact homeowners in particular; commercial developers not as much.

Select Board member Virginia Timmins was present in the audience, and had no comments.

Discussion will be continued.

• Status of Grist Mill (11 Cushing Place; 129-0823) Certificate of Compliance – Conservation Agent

A Certificate has not been issued for this project.

Special conditions were shown. Mr. Gibbs noted concerns with vegetation, trees and rocks in the brook. Special Conditions were read into the record.

Mr. Koonce will find the minutes from 2016 that discusses what was supposed to be done.

Representatives for the developer were invited to attend tonight's meeting, but they left after the Acton Rd. hearing was continued.

Mr. Gibbs recalled a conversation with the developer principal where there was supposed to be a 5 year plan with Winstanley for the mall development on Boston Rd. that was never followed up on.

Annual reports are never received.

Mr. Koonce was authorized to speak with the developer as well.

Continual Business

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

Mr. McLachlan was aware of a disagreement about parking spaces between Santander Bank and the Fiske House.

The project that was approved is not the project that is being developed. Mr. Koonce is reviewing the plans, but some work in the Commission's jurisdiction is not clear. This can be clarified when a Certificate of Compliance is requested, as this parcel has been subdivided into four lots.

Mr. Koonce reported that work looks good, erosion is controlled, and nothing is landing in the water or the wetlands.

Land Management

• Update on Warren-Pohl Reservation (Conservation Agent)

Mr. Koonce announced a news flash has been published on the Town website.

For work on the site, erosion control will be installed, and several trees will be removed. The DPW has not provided a time line yet. A kiosk has been ordered. Scott Ludwig is working on easements and survey work.

The final draft of the Conservation Restriction will be delivered to the Chelmsford Land Trust in the new format required by the State. They will review.

Mr. Vines reported that the public gardens near Vinal Square near the softball fields off Wotton St. look great.

For Approval/Signature

Minutes of March 15, 2022

Motion: by Mr. McLachlan to approve the Meeting Minutes of March 15, 2022, as presented.
Seconded by Mr. Vines. **Motion carries, unanimous, 5-0.**

Agent's Report

There were no further reports at this time.

Adjourn

Next Meeting: May 24, 2022

Motion: by Mr. Gibbs to adjourn the meeting at 9:37PM. Seconded by Mr. Swenson. **Motion carries, unanimous, 5-0.**

Respectfully submitted,
Vivian W. Merrill

Supporting documents:

- Application for Request for Determination of Applicability and Notices of Intent
- Draft Minutes