

Chelmsford Conservation Commission  
Town of Chelmsford  
50 Billerica Rd. Chelmsford, Ma 01824  
Meeting Minutes  
May 24, 2022  
Approved July 26, 2022

**Members Present:** Chris Garrahan, Marc Gibbs, John Swenson, William Vines, Chris Tymula

**Members Absent:** Karl Bischoff, David McLachlan

**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; Bill Askenburg; 260 Old Westford Road (Roberts Field) Bill Askenburg/Applicant, representing Roberts Field Advisory Committee**

Legal Notice Read. The request is for the removal of three benches, and to replace them with two different benches.

Mr. Askenburg, 185 Westford St., explained that there will be 17 granite benches added all around the park, four metal benches by the baseball fields, and one by the playground. Only two benches are in the Commission's jurisdiction. Existing benches are in poor condition. The Commission had no concerns or additional questions, and there were no comments from the audience.

**Motion:** by Mr. Vines to approve the Request for Determination of Applicability for 260 Old Westford Rd. with a Negative Three Determination, as presented. Seconded by Mr. Swenson.  
**Motion carries, unanimous, 5-0.**

**• Request for Determination of Applicability (cont'd from 05.10.22); Town of Chelmsford; 45 Adams Street (Varney Playground) Steve Callaghan/Town of Chelmsford Department of Public Works Facilities, representing Applicant**

The applicant has requested continuance as they are still working on storm water calculations.

**Motion:** by Mr. Vines to continue the Hearing for 45 Adams St. to June 14, 2022. Seconded by Mr. Swenson. **Motion carries, unanimous, 5-0.**

• **Notice of Intent (cont'd from 05.10.22); Michael & Tara Purrington; 32 Fifth Lane Michael Purrington/Applicant and Property Owner \*\*\* Applicant has requested a continuance to June 14th \*\*\* \*\* The site visit has been re-scheduled to June 7th @ 5:00 pm \*\*\***

**Motion:** by Mr. Vines to continue the Hearing for 32 Fifth Lane to June 14, 2022, and to re-schedule the Site Visit to June 7, 2022 at 5:00PM. Seconded by Mr. Swenson. **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**

Ms. Enwright and Atty. Philip Eliopoulos explained the applicant hasn't finished working with Grist Mill Apartments on mitigation, and negotiations and work are still pending. They will request continuance tonight. Planting, landscape plans and invasive removal plans are also pending. All the new information needs to be coordinated. The Planning Board is also continuing their Hearing.

Nancy Araway was in the audience and spoke on behalf of the Planning Board regarding landscaping.

The landscaper was very concerned about removing all of the Norway Maple trees from the site. There would be no trees left, and new trees would be very small. This condition will impact invasive plant growth and make it worse. Ms. Enright is requesting more information and guidance from the Commission.

Mr. Koonce advised he does not support cultivars in the riverfront restoration plan, but would support them in the landscape plan. He would support the removal of Norway Maples. The area will need a perpetual maintenance plan for the riverfront area.

The peer review representative from Beta Group was available via Zoom, and stated that she agrees with Mr. Koonce.

Planning Board member Ms. Araway stated her concern is that the plants are coming from a nursery. All the plants are cloned, and therefore a cultivar. There is a lot of variability with these plants. They can be huge and will outgrow their space and will need to be removed. Some of these trees carry a disease that would kill the apple trees across the street at Bartlett Park. She is requesting the Commission to reconsider the use of cultivars. This site needs a specific tree that will remain somewhat compact, and is disease resistant.

The Commission supported continuing to work on a solution, and agreed that removing all the trees is a concern, and there was no support for removing everything because of the length of time it takes to regrow. Norway Maple trees are considered invasive. The peer review representative agreed there are benefits to having a thick canopy, however, this can also block the growth of other native plants below it.

Mr. Tymula noted that removal of all the maples was not required for the Grist Mill project which abuts this property.

The majority of the trees are on the Grist Mill side. The Grist Mill association does not support removing all the trees. There are some on the applicant's property which can be removed. The peer reviewer advised she would support shrubs. Cultivars are still considered native species. Ms. Enright advised the applicant would remove all the Norway Maple trees on their lot only. For the restoration area, only the lower invasive plants would be removed, and replaced with other native plants. The trees would stay. Mr. Vines voiced support for this plan.

Mr. Gibbs stated he would support removing the damaged parts of the trees in the restoration area. He will provide more input when an agreement is reached.

Mr. Swenson questioned the proposed elms in the front of the property on the plan. These are proposed, and do not exist today. He was aware there were problems with certain elms. Ms. Enright surmised that these are most likely cultivars that are disease resistant.

Ms. Araway added that the Planning Board receives complaints about loss of privacy when trees are removed. People want the screening.

Audience comments:

Donna Ready, President of the Grist Mill Condominium Association agreed the Norway Maple trees were a concern and agrees it will take too long to rebuild the screening. Removing the invasive plants is reasonable, and the maple trees should be kept. Ms. Ready asked what the sequence of the work would be, as she would prefer doing the landscaping first, and then the building. That way the developer is watching over the plants as he is building. There is no written agreement yet, and they would want this.

The peer reviewer recommended that the maple seedlings be removed with the invasive plants.

Mr. Koonce requested the Commission's preference over the use of cultivars in the restoration areas.

MDAR has a list of acceptable chemicals which can be used in the riverfront area. This information would be included as a condition in a potential Order. Removal of knotweed can take up to seven years, and this will be included in the O&M Plan as an ongoing condition.

The applicant will return after negotiations and plans are completed, including the timing of activities.

Drainage calculations were updated after the test pits were done. Additional phosphorus removal will be needed.

**Motion:** by Mr. Vines to continue the Hearing for 13 (aka 9) Acton Rd. to June 14, 2022.  
Seconded by Mr. Gibbs. **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**

**Motion:** by Mr. Tymula to continue the Hearing for 1-104 Turnpike Rd. to June 14, 2022. the as presented. Seconded by Mr. Gibbs. **Motion carries, unanimous, 5-0.**

**Discussion**

**• Loss of Eagle-Independent for public hearing legal notices (cont'd from 05.10.22) – Conservation Agent**

The last print edition of the Eagle-Independent newspaper was on May 6, 2022. The cost to publish a Legal Notice in the Lowell Sun newspaper is more expensive. Mr. Koonce is willing and able to reduce the number of words, which will save applicants money. The Commission could authorize the Conservation Agent to waive the RDA filing fee for single family homes to help with the costs. State Regulation requires a printed legal notice, and the Sun is the only local newspaper remaining.

Further discussion will be had at the next meeting.

**• Grist Mill (11 Cushing Place; 129-0823) Certificate of Compliance (cont'd from 05.10.22) – Conservation Agent**

Mr. Koonce reviewed the Meeting Minutes, which indicated the property management agreed to clean up the trash in the stream. The Hearing occurred in 2016. Mr. Koonce will see if the audio recording for the meeting is still available.

Invasive management was not agreed to in the order, just removal of trash. Mr. Koonce will do a site visit.

Issues with Certificates of Compliance in general were discussed. A lot is dependent on closing attorneys, and the condominium issues.

**• Designation of Riverneck Road and Smith Street Reservations as Wildlife Refuges (cont'd from 04.19.22; vote possible)**

Mr. Koonce announced that most of the Riverneck Rd. parcels are under the Commissions care and control. He is still researching who has control of the Smith St. parcels.

The easement area for National Grid on the Riverneck Rd. property is already destroyed. Getting abutter coordination will continue to be a challenge.

Discussion continued to the next meeting to take a vote.

**Continual Business**

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

Mr. Koonce showed photo of the area right next to the brook. The developer is requesting permission to install staging in the brook in order to access the part of the building to install siding and fix the retaining wall. He will also clean the trash from the stream bed of the brook. Mr. Koonce agreed that enclosing an open area at the bottom of the building is a good idea, which will help with less trash accumulation. The degraded riverfront area needs new topsoil and grass. The staging impact will be negligible. The water is about a foot deep. Trash will be removed by hand.

The developer has noticed that storm water runoff is loosening the rocks on the main wall between the building and the brook. The wall belongs to the Town. Topsoil will not improve this situation, and he has suggested an impervious covering for that part of the wall. Mr. Gibbs suggested using a gutter and downspout system to channel the runoff and drain it. Storm water runoff should not sheet flow into the stream. Mr. Koonce will meet with the developer. A structural engineer should be looking at the wall, and the damage is occurring from the applicant's property. EPA has indicated their preference that nothing be done in or near the brook. They did not support the Town's concert for a public Brook Walk. There was agreement that the wall needs to be preserved, and the EPA could take up to 2 years to make a recommendation. The water has been sheet flowing for over a hundred years, and will need to be addressed. The Commission agreed it is not trained to make these decisions. The proposed down spouts will direct the water into the drainage system. There will be another RDA heard on June 14, 2022. Mr. Tymula requested to see a site plan. The Commission also requested the structure be secured better than it is now.

### **Land Management**

#### **• Update on Warren-Pohl Reservation (Conservation Agent)**

Mr. Koonce announced that the kiosk was delivered to the DPW today. The tree removal proposal was signed and returned to the contractor, he is waiting to find out when work will begin. Once the tree work is done, erosion controls will be installed. Then the parking lot work will be done.

### **For Approval/Signature**

#### **• Minutes of April 19, 2022**

**Motion:** by Mr. Gibbs to approve the Meeting Minutes of April 19, 2022, as presented. Seconded by Mr. Swenson. **Motion carries, unanimous, 5-0.**

### **Agent's Report**

No additional items were discussed at this time.

### **Adjourn**

**Next Meetings: June 14, 2022**

**June 28, 2022**

**Motion:** by Mr. Tymula to adjourn the meeting at 8:21PM. Seconded by Mr. Vines. **Motion carries, unanimous.**

Respectfully submitted,

Vivian W. Merrill

Supporting documents:

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