

Chelmsford Conservation Commission  
Town of Chelmsford  
50 Billerica Rd. Chelmsford, Ma 01824  
Meeting Minutes  
June 13, 2023

**Members Present:** Chris Garrahan, Marc Gibbs, Karl Bischoff, John Swenson, Peter Spawn, David McLachlan, William Vines

**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**

**• Andy Reid/Chelmsford Water District: Preliminary testing for possible municipal well on Rivermeadow Brook Wildlife Refuge**

Mr. Reid is the Chelmsford Water District's superintendent. The District is exploring potential locations where a well could be installed, and to see if this is even viable. They are looking to create a backup if another well should fail. There are 2 wells there now which are between 40-50 years old. The Canal St. wells are high in iron, and are not used as much as they used to be.

The Water District is asking the Commission for permission to explore the area.

Consultant Doug Denateles stated the proposal is to drill twelve two-inch exploratory test wells in an approximate straight line through the middle of the site. Mr. Swenson stated he supported the proposal. Mr. Spawn asked about water conservation efforts practiced by the District. He would be concerned about the impacts of this well on the wildlife habitat. Mr. McLachlan asked if access would be from Orleans St.; he would be opposed to any more disturbance after the clearing that National Grid did in their easement area, which is also priority wildlife habitat for turtles. Mr. Reid estimated that work should take about two months, and the District would like to start work as soon as practicable. Mr. Koonce requested a detailed work sequence to verify this activity would be considered a minor exemption. He also asked whether a Chapter 97 land conversion would be required if this goes thorough as a well site. The area is already rare species habitat. There would be much testing needed, and many permits. The District would need to cross the National Grid easement, and National Grid would need to grant permission to do this. Mr. Reid

explained they hope to be able to get 200-300 gallons of water a minute. They would probe about a dozen times in the ground, in about a 600 foot area. The District is trying to prepare for future development.

Mr. Denateles explained the drilling rig is 8 feet wide, 12 feet long, and 15 feet high. He does not feel they would need to remove any trees. This area would be considered the Concord River water shed.

Mr. Koonce stated he will need to check with Natural Heritage, and will verify whether any exemptions apply.

Audience comments:

Peter Severance, 48 Middlesex St., was in the audience and stated that he was concerned about impacts of the water withdrawal to wildlife. He would recommend a wildlife professional be present during drilling.

Joel Luna, Carter Drive., stated the District should scan the area to make sure there are no turtles there before testing is done.

**Motion:** by Mr. McLachlan to approve the Chelmsford Water District's request to drill in 12 locations to determine the capacity of water for the possible installation of a future water well at the Rivermeadow Brook Wildlife Refuge, subject to receiving review, advice and input from Natural Heritage and confirmation of an applicable exemption, as presented. Seconded by Mr. Swenson. **Motion carries, unanimous, 7-0.**

**• Freeman Lake issues; review draft RFP for update to 1995 Freeman Lake Diagnostic and Management Assessment**

Mr. Koonce explained that in the 1995 plan, a concern was the impact from upstream and watershed activities. It is time to update the study prior to addressing management issues on the lake, particularly treating nuisance vegetation in the lake. The DPW would manage the Request for Proposals. The budget for the project is coming from the funds originally set aside for the previous proposed treatment. There would be two public input sessions as part of the plan update.

Mr. McLachlan advised that public concerns have been noted regarding traffic and beach use. There is also some disagreement on how involved the Commission should be in this process. He felt the DPW should own this project. Mr. McLachlan feels the Commission should be a participant in the public input sessions, but not in charge of the planning process. Mr. Koonce felt the Commission should be kept in the loop directly as it would save time. Mr. McLachlan felt the Conservation Agent serves two roles. He provides expert information to the Commission, and he can be a consultant to the DPW. The Conservation Agent should not be acting on behalf of the Commission when working for the DPW as a consultant. Mr. Spawn indicated that he wants to be able to have a role in the discussions.

Mr. Garrahan asked Wanda Dunn to speak. She confirmed there are major concerns about overuse at Varney Park. Drivers are trying to use Willis Drive to access the park and beach (which is not possible), and they are speeding. Some visitors are using gas motors on the lake, which is prohibited. There are drug dealing issues as well. She suggested charging non-residents to use the park. There have always been noise issues, and people do not clean up after themselves. They are fishing on private property. The

conflicts are getting worse. More visitors are rude and belligerent. Mr. Koonce agreed to notify the Town Manager about these issues. Mr. McLachlan agreed that, this has been a problem since the dam was replaced. Federal funds were used in that project, which included the stipulation that no one can be excluded or charged to use the lake. Mrs. Dunn stated that she gave a dam safety report from 1995 to DPW Director Christine Clancy. That report states the Town owns the lake, and the DPW is the entity in charge of managing it.

The Commission agreed that the Request for Proposals should be managed by the DPW, with the Conservation Commission as a key stakeholder. Mr. Spawn will follow up with Mr. Koonce with some questions about the scope of work in the RFP.

Discussion to be continued.

### **Regulatory Hearings**

#### **• Notice of Intent; MassDOT; Tyngsboro Road from Vinal Square to Wellman Avenue Alyssa Jacobs/Epsilon Associates, Inc., representing Applicant**

Legal notice read. Work is to construct new ADA compliant sidewalks and crosswalks.

Alyssa Jacobs was present via Zoom. Work is along Route 3A, also known as Tyngsboro Rd. The area of work is about 2500 linear feet from Wellman Ave. to about 15 Tyngsboro Road, along the north portion of the roadway. Resource areas were identified. Work is within the state highway layout. Existing conditions were shown. Improvements were described. A DEP file number was assigned, no comments were received.

Some work is in flood plain. No filling is proposed. Some parts of this work can be considered a limited project. No mitigation or restoration would be required. There will be a slight increase in impervious surface, and the walks will be sloped to direct storm water runoff toward existing catch basins.

Mr. Bischoff asked whether any of the knotweed could be cleaned up as part of this project. Ms. Jacobs explained that the work is across the street from the plants.

Steve Solomon, Mass. DOT Project Manager, described where the catch basins are currently located. In response to Mr. Vines' question, the culvert by Deep Brook is not a part of this project. Mr. Vines advised there are flooding issues by Butterfield St. now, which will need to be addressed. Mr. Solomon reiterated that the storm water will be pitched so runoff goes to an existing structure. Cross walks will be across the side streets.

Mr. McLachlan recalled past flood events, and noted that 9000SF of permanent impact implies the flooding could be worse. This will not help the flood situation, even though trees are being protected and no trees will be removed, other than minor clearing only.

Mr. Spawn asked whether DPW could review the catch basin Operation & Maintenance program for the storm water system for this road. He also noticed that Google maps is showing more trees than what is on their photos. The proposed 2x4's are not adequate for tree protection. They need to protect the roots also.

Mr. Swenson asked if there would be future continuation of this project at another time. Mr. Solomon stated that at this time there are no plans to expand the sidewalk further north. Mr. Swenson added there is also a lot of flooding on Wotton St. Mr. Solomon added that an arborist will be consulted during construction to deal with tree protection.

There are no plans to repave the roadway as part of this project.

Public comments:

Joe Tierney, 3 Grant St, and member of the Vinal Square Strategic Action Committee, stated this committee supports this project, and they look forward to more work with Mass. DOT.

State Representative Rodney Elliot was in the audience, and he asked when will this work would be done. Mr. Solomon advised the contractor has several locations to work on in his contract. They are targeting late summer or fall 2023 to start, however, work may not begin until be until spring 2024. Announcements will be made closer to the time. It is unknown how long the work will take.

Mr. Vines stated he likes the project, but wants to address flooding on the side streets. DPW review could be beneficial. Mr. Gibbs agreed that more coordination could be helpful. Ms. Jacobs added that the Town's Storm Water Master Plan does address issues with Deep Brook in its action plans. Additional discussion can be had, but this is a sidewalk project.

State Rep Elliot introduced himself, and he looks forward to more opportunities to assist.

**Motion:** by Mr. Gibbs to send storm water information to DPW for review. Seconded by Mr. McLachlan. **Motion carries, unanimous, 7-0.**

**Motion:** by Mr. Vines to continue the Hearing for Tyngsboro Road to June 27, 2023. Seconded by Mr. McLachlan. **Motion carries, unanimous, 7-0.**

**• Notice of Intent; Todd Whelton-Wilkins; 287 Acton Road Maureen Herald/Norse Environmental Services, Inc., representing Applicant**

Legal notice read. Work is for the removal of driveway and walkways and for the construction of a garage, new driveway and associated utilities.

Ms. Herald added that work will also include landscaping, adding a retaining wall, deck, driveway infiltration, and a roof recharge area. This home was constructed in 1953. The addition is 24 feet away from a resource area, so they will request a waiver of the 25-foot No-Disturb buffer. Existing pavement is closer to the resource area and will be removed, therefore requiring a waiver for the 30 foot No-Impervious buffer also.

The Commission agreed this proposal is better than the last one. There are no plans to remove any trees for the addition. Some vegetation may need to be removed to improve the site line to the road.

Mr. Gibbs requested that the foundation be pinned, and straw waddles should be installed for erosion control.

There were no comments or questions from the audience.

**Motion:** by Mr. Bischoff to close the Hearing for 287 Acton Rd. Seconded by Mr. Spawn.  
**Motion carries, unanimous, 7-0.**

**Motion:** by Mr. McLachlan to issue a Standard Order of Conditions for 287 Acton Rd., with a Special Condition to extend the installation of straw waddles to the oak tree, and to pin the foundation. Seconded by Mr. Swenson. **Motion carries, unanimous, 7-0.**

**• Notice of Intent (after-the-fact filing; cont'd from 05.23.23); Keith Silva; 120 Gorham Street Susan McArthur/McArthur Environmental Consulting, LLC, representing Applicant**

Mr. Koonce stated landscaper addressed erosion issues, and the work looks really good. Grass has been planted. With recent heavy rain, there is some erosion, however, the grass is growing back. More seeding will be done. Hay bales will be installed. This Hearing should be kept open; progress is being made.

**Motion:** by Mr. McLachlan to continue the Hearing for 120 Gorham St. to June 27, 2023.  
Seconded by Mr. Swenson. **Motion carries, unanimous, 7-0.**

**Discussion**

**Continual Business**

**Land Management**

**• Update on Warren-Pohl Reservation**

Tabled.

**Agent's Report**

**• Updates on 0 Littleton Road, 221 Littleton Road, 35 Brick Kiln Road, 201/203 Boston Road**

0 Littleton Rd. : The property owner has moved the container outside the 25 foot buffer area. A surveyor has been retained; they are awaiting the plans. A Request for Determination of Applicability will be filed, and a restoration plan can be finished. This was due by June 15, 2023. Susan MacArthur will follow up.

221 Littleton Rd. is where oil trucks are parked.

The property owner's attorney was not present, and has not returned phone calls. Mr. Koonce recommends this be turned over to Town Counsel and to request that a Request for Determination of Applicability be filed for the storage of the trucks.

**Motion:** by Mr. Bischoff to direct the Conservation Agent to request that Town Counsel request the filing of a Request for Determination of Applicability from the Representative of the owner of 221 Littleton Rd. This application is due by July 11, 2023. Seconded by Mr. Gibbs. **Motion carries, unanimous, 7-0.**

35 Brick Kiln Rd. A revised Enforcement Order was delivered. Mr. Koonce has not been allowed to visit the property. Zoning issues are being resolved. He will keep following, as he needs to verify status of the clean-up and restoration.

201 Boston Rd.

The property owner's engineer is working on a Notice of Intent application. The application must comply with Storm Water requirements. Mr. Koonce expects the paperwork by the end of June, and he thinks this will be peer reviewed. Missing trees need to be addressed as part of the priority bio map.

## **Land Management**

### **• Update on Warren-Pohl Reservation**

Mr. Bischoff reported that the Conservation Restriction is very close to being finished. Easements are still being worked on. Property at 115 Parker Rd. is being surveyed. Once complete, the Commission will review the document to recommend approval by the Select Board, and then the document will be submitted to the State for approval.

The granite sign is still pending, a company member has been ill.

Mr. McLachlan announced the pollinator plants are coming in. Mr. Koonce added that Oxbow is starting the botanical inventory soon. The consultant was at Wright Reservation last week. Mr. McLachlan asked whether the Town Manager has been notified that the Commission is requesting that no mosquito control activity be allowed at Warren-Pohl Reservation.

Riverneck Rd.

Mr. Bischoff was contacted by Becky Warren because the Chelmsford Conservation Land Trust was bequeathed a ¼ acre parcel on Riverneck Rd., near a 9 acre Conservation parcel, by Canal Rd. An existing building was removed. The Land Trust want to plant a native garden, and name it the Burbank Garden. They are asking if they could put some parking near here, to benefit both parcels. There is a trail here. It looks like the proposed area has already been used as parking historically. Pollinator plants could be put here, as Warren Pohl is not ready for them yet.

Commissioners were asked to look at the area, and a vote is expected at the next meeting.

Mr. McLachlan asked Mr. Koonce about a property owned by Mr. Walsh being used for truck and trailer storage. He thinks the vehicles are in the wetlands. The back of the site is near Water District land. Mr. Spawn and Mr. Koonce did visit the parcel and wetland. The wetland does not look healthy. Mr. McLachlan recalled wetland filling about 15 years ago. Mr. Koonce will visit the area again.

Other:

Mr. Bischoff was aware of two potential property acquisitions-both abut Conservation land, and both are currently owned by two trusts. If the Commission is interested, a letter to indicate of interest could be sent to the owners. A sample letter can be prepared for the next meeting, to be discussed at future meetings.

Mr. Bischoff reported that during the Red Wing Farm site visit, a rail fence needs replacement in places. Mowing and caring for property is well done by the neighbors. CPA funding to repair the fence could be requested. A more detailed assessment is needed.

The deed to a property on Willis Rd. has been received. The Commission agreed the corners of the property should be marked. Pat Flaherty will be asked for assistance. More details will be coming.

• **Update on 18-20 Boston Road IRA**

Mr. Koonce stated he received an email from the licensed site professional stating the site at 18 Boston Rd. should be ready in September.

**For Approval/Signature**

• **Meeting minutes of May 23, 2023**

Amendments submitted by Mr. Spawn were reviewed.

**Motion:** by Mr. Bischoff to approve the Meeting Minutes of May 23, 2023, as amended to keep “enforcement order” as lower case, as the reference was not to a formal order. Seconded by Mr. Swenson. **Motion carries, unanimous, 7-0.**

The next meeting will include election of officers for the next Fiscal Year.

**Adjourn**

**Next Meetings: June 27, 2023**

**July 11, 2023**

**Motion:** by Mr. Gibbs to adjourn the meeting at 9:13PM. Seconded by Mr. Vines. **Motion carries, unanimous, 7-0.**

Respectfully submitted,  
Vivian W. Merrill

Supporting documents:

-Applications for Regulatory Hearings.

-Draft Minutes