

Chelmsford Conservation Commission  
Town of Chelmsford  
50 Billerica Rd. Chelmsford, Ma 01824  
Meeting Minutes  
June 14, 2022  
Approved July 26, 2022

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

**Members Absent:** John Swenson

**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; Town of Chelmsford Department of Public Works Facilities; 84 Billerica Road (Center School Playground) Steve Callaghan/Town of Chelmsford Department of Public Works Facilities, representing Applicant**

Legal Notice was read. Brian Milicsi, Bingham & Whitman Associates, spoke for the Applicant. The request is to construct a new playground.

Existing playground areas will be removed, and new equipment will be installed. Resource areas and existing playground areas were shown. The new playground is outside of the 100 foot buffer. The request is to remove existing structures within the buffer areas.

There were no additional questions from the Commission.

The work will be completed by August 12, 2022.

No public comments.

**Motion:** by Mr. McLachlan to approve the Request for Determination of Applicability for 84 Billerica Rd. with a Negative Three Determination, as presented. Seconded by Mr. Gibbs.  
**Motion carries, unanimous, 6-0.**

**• Request for Determination of Applicability; Odd Fellows Project LLC; 41-44 Central Square Homan Baiany/Property Owner, representing Applicant**

Legal Notice read. Work is to enclose an open area under the existing building using cinder blocks and a cement base, with cement board siding.

Mr. Baiany explained the work will include some cleanup to the brook. Work will take a day or two. Photos of the area were shown. The retaining wall is owned by the Town. The building abuts the top of the wall. An open section under the building will be enclosed.

The wall is already deteriorating, and stones are in the brook. They are hoping to mitigate future erosion.

The staging will be in the brook for a day or two, and will be removed with trash and debris. The land will not be altered by this work.

An HVAC system has been installed in the building. Plumbing and electrical are being done. Mr. Baiany hopes to finish the siding and window installation by next week. The residential side should be done in 5 months.

No comments were received from the audience.

**Motion:** by Mr. McLachlan to approve the Request for Determination for 41-44 Central Square with a Negative Three Determination, as presented. Seconded by Mr. Vines. **Motion carries, unanimous, 6-0.**

**• Request for Determination of Applicability; Sastry Dwivedula; 10 Cove Street Tom Bloch/Morgan Exteriors, representing Applicant**

Legal Notice read. The request is to construct a 20'x12' sunroom on concrete footers with a 72SF deck.

Discussion was tabled due to technical difficulties.

**• Request for Determination of Applicability; Massachusetts Electric Company; 103 Willis Drive ROW Michael Toohill/Coneco Engineers and Scientists, representing Applicant**

Legal Notice Read. Work is for the relocation of pole #24, across the street to the right-of-way.

Travis Miller of Coneco Engineers spoke for Mass Electric. The work is to relocate a utility pole across the road, which will help with clearance on Willis Drive. Work is within the 25 foot no-disturb buffer. This project qualifies as a limited exempt project. This is a request under the local bylaws. The Right-of-Way is previously disturbed, with no vegetation. There will be minor trimming to move the wires.

Erosion controls will be installed. Work will take less than a week. Verizon owns the old pole, and will remove it.

Excavated material will be used to stabilize the pole, excess material will be removed from the site. The new pole is more than 10 feet from the water. Erosion control will be left as long as necessary. The old pole will be removed. Any contractor will need to contact the Conservation Agent when doing the work. Most of the other poles are already on the water side of the road.

Audience comments:

Wanda Dunn, 60 Willis Dr., stated that beavers live under the proposed pole location, under the embankment. DPW has removed them many times, and the pole will be undermined.

Mr. Miller will review with National Grid. Mr. Koonce did see past filling efforts, and erosion is a concern. Mr. McLachlan is concerned about how National Grid handles this kind of situation.

**Motion:** by Mr. McLachlan to waive the 25-foot no-disturb buffer requirement. Seconded by Mr. Vines. **Motion carries, unanimous, 6-0.**

**Motion:** by Mr. McLachlan to approve the Request for Determination for 103 Willis Drive Right-of-Way with a Negative Three Determination, and a Special Condition that the Conservation Agent is notified to attend an onsite meeting. Seconded by Mr. Vines. **Motion carries, unanimous, 6-0.**

**• Notice of Intent; Town of Chelmsford; Freeman Lake Dominic Meringolo/SOLitude Lake Management, representing Applicant**

Legal notice read. Work is for the aquatic management of invasive plants using herbicides at Freeman Lake.

Dominic Meringolo of Solitude Lake Management acknowledged the company was hired by the Town. The proposed program is similar to what is done on Heart Pond to mitigate several non-native invasive aquatic plants. This is a 78 acre pond. There are native species still in the lake which will repopulate. They are proposing a whole lake treatment the first year. There will be minimal effect to native plants and they will rebound. This will be an ongoing program to include annual monitoring. Future treatments will be spot treatments in problem areas.

DEP, EPA and the Dept. of Agriculture have reviewed the application, and Solitude has the appropriate licenses to use the products proposed in the treatment.

People will be asked to not go into the lake for a period of time while the herbicide is applied.

Mr. Tymula asked about the condition of Heart Pond. An audience member stated “it’s horrible”.

Mr. Meringolo acknowledged that it's impossible to eradicate the non-native plants completely. The work is an ongoing process.

The chemicals are liquid and pelleted. A boat is used to put the chemicals in the water. Booster treatments are done 3-4 weeks apart.

The pond is fed by springs and a brook through a spillway. The pellets release herbicide over a period of time (4-6 weeks) which maintains the concentrations. The outflow will not be stopped to prevent impacts to other downstream areas. They want to start treatments as soon as possible. Plants being targeted include Fanwort, Curly Leaf Pond Weed and Eurasian Milfoil. Dead plants sink to the bottom and deteriorate.

Mr. McLachlan asked how long people would need to be off the lake, as it's very busy. There is no association managing this lake. Mr. Meringolo responded that there are no required restrictions to use the product. DEP requires orange posters be installed, and they will do this. Fish and wildlife are not impacted by the chemicals. Dosing of the chemicals protects the native species. Water lilies will disappear but will come back next year. Impacts to Stony Brook and Merrimack River are minimal as the chemicals are very diluted by the time they get there, therefore making no impact.

Chemical concentrations will need to be maintained for 60-90 days. Samples are taken to monitor conditions. Usually two boosters are given, 2-3 weeks apart, after initial treatment, based on response to the plants. Spring and Fall surveys are done which allows for planning. Hand-pulling is not effective for fanwort due to its root system, but can be considered for small areas.

A copy of the licenses from DEP can be supplied once it is received. This usually takes a week or two.

#### Audience comments:

Dave Christopher, 26 Fifth Lane, offered his assistance to the Town as he has been dealing with this for 10 years on Heart Pond. The survey from 2018 is still ok to use as conditions were bad then, and will not improve without treatment. He thought May was the time to do this, not June or July. He asked whether someone from the Town would be present during treatment. Solitude did a great job on Heart Pond. DPW Director Christine Clancy stated that a representative from the Storm Water Department would be available during treatment. Mr. Koonce agreed that efforts to keep people off the beach and out of the water will be a challenge; cones may need to be used.

Peter Severance, 48 Middlesex St., sent an email with his concerns, and added that he understands that weeds are inconvenient. High rainfall contributed to high growth because of excess nutrients coming in. He is an Aquatic Etymologist. He snorkeled a section of the lake, and noticed missing information on the Notice of Intent. He reviewed 1200 feet on east shore, and south by the Water Dept. and noticed Robins Pond Weed and Bass Weed was predominant. Coon Tail was present. Taipe Grass was present in areas. Flat Stemmed Pond Weed was there, and he noticed Milfoil in the deeper water. The littoral zone is not full of invasive species. He read some legislative language, and doesn't think the Notice of Intent as presented meets the standards of documentation required. Areas by Stony Brook are enriched. Some areas

are not part of the problem. He showed a short video of what he noticed while diving. There are a lot of Asian clams in the water. There are other videos on YouTube. Stony Brook supplies nutrients and plants to Freeman Lake. Herbicide will get into Stony Brook, and it will need to be closed off. Flouridone impacts harmful algae, and cyano bacteria will increase. He recommended only doing spot treatment instead.

Wanda Dunn, 60 Willis Dr., stated that she managed the Lake Association in 1995, and a report that was done about the lake during her tenure needs to be reviewed. Stony Brook is a filter for Freeman Lake. No chemicals should be used in the inlet. The town was given a copy of this report. She uses a well for water. Chemicals will impact her well. Weeds are a cyclical event. A similar situation happened in late 90's because of geese and heavy rains. The plants will decompose. Treatment will deplete oxygen from the fish. She urged the Commission to look at the report.

Mr. Severance added that you don't want plants dying during growing season, as it will increase bacteria as the plants die off. He questioned how many septic tanks are around the lake.

Mr. Meringolo agreed to forward the 2018 report to the Commission. He showed a drawing of the distribution of the invasive plants in 2018. Most of the plants are on the west side of the lake. Other previously mentioned species were noted in the report. The proposed chemicals will not affect many of the natives, and the ones it does affect always come back. The chemicals have been used for many years, and the effects are known.

Mr. Koonce suggested that given the magnitude of opinions he would recommend hiring a peer reviewer. This will cause delays, but may be necessary.

Mr. Meringolo agreed that if they do not treat before the end of June, they will be delayed until next year. There would be no impacts to drinking water or septic systems. Water wells will not be impacted, there should be no algae blooms. There is a clear need to manage these plants. Sonar is not as effective. The goal was to manage all of the areas of the lake. Spot treatments are not as effective.

DEP comments and permitting have not been received. Town Meeting has approved the funding.

**Motion:** by Mr. Gibbs that the Commission decide whether to take action on this Hearing, or continue the discussion. Seconded by Mr. Vines. Discussion confirmed that the Commission was divided. **Motion carries, unanimous, 6-0.**

**Motion:** by Mr. McLachlan to issue an Order of Conditions to allow Solitude Lake Management treat Freeman Lake as presented. Seconded by Mr. Vines. Mr. Bischoff opposed, all others in favor. **Motion carries, 5-1.**

Mr. Garrahan advised the audience that an appeal process was available. Wanda Dunn provided a copy of a previous report to Mr. Koonce.

• **Notice of Intent (cont'd from 05.10.22); Michael & Tara Purrington; 32 Fifth Lane Michael Purrington/Applicant and Property Owner**

Mr. Purrington advised the site visit was done, and plans were revised to show the drywell has been moved further away from his neighbor's well, trees to be removed have been marked, and more detail on how drainage and runoff would be managed off the deck. Gutters would catch the water, and direct it to the drywell. Calculations were provided in a letter from his engineer. Mr. Koonce noted that the plans were not clear. Mr. Purrington explained the gutter system will be similar to what is used around the rest of the home. Two of the tree stumps will remain, and the third will be ground down. The second addition is outside the 50 foot buffer. An existing structure and deck will be removed by hand.

Mr. Koonce requested a preconstruction meeting before work begins.

**Motion:** by Mr. McLachlan to issue a Standard Order of Conditions for 32 Fifth Lane, with no Special Conditions, as presented. Seconded by Mr. Vines. Mr. Tymula abstained, all others in favor. **Motion carries, 5-0.**

• **Notice of Intent (cont'd from 05.24.22); John Faneros; 13 (aka 9) Acton Road Katie Enright/Howard Stein Hudson, representing Applicant**

Katie Enright of Howard, Stein, Hudson advised that revised plans have been submitted. Negotiations with The Grist Mill Condominiums have failed, and no work will be done on their property. The Planning Board

A proposed rain guardian does not provide infiltration, and so was removed and replaced with a small rain garden called a focal point which will allow them to meet the phosphorus removal requirement.

Vegetation in the riverfront area and one other area will be removed, other areas will be planted with shrubs. Invasive plants and maple saplings will be removed. Standing trees will remain.

A total of 17000 SF impervious area is being removed. Two drywells, underground infiltration, and the focal point are all seen as significant improvements in the riverfront area.

Both peer reviewers are still looking at the latest revisions. Planning Board member Nancy Araway has signed off on the landscaping plans.

Mr. Koonce requested to see a schedule for plantings, particularly in the invasive restoration area. He felt the restoration of degraded riverbank area should be done before the rest of the construction, which is not typical. Discussion with the contractor will be needed to see what can be done; this can be done at a preconstruction meeting. The area is very tight.

Peer review is being finalized. Final letters are pending. Mr. Koonce is working on developing Special Conditions.

Mr. McLachlan asked for an update for plans for a public walkway mentioned in the Center Village Master Plan. There is an easement for a future brook walk, but currently, the area can't be accessed.

No additional comments were received from the audience.

**Motion:** by Mr. McLachlan to continue the Hearing for 13 (aka 9) Acton Road to June 28, 2022. Seconded by Mr. Tymula. **Motion carries, unanimous, 6-0.**

**• Request for Determination of Applicability; Sastry Dwivedula; 10 Cove Street Tom Bloch/Morgan Exteriors, representing Applicant**

Tom Bloch spoke on behalf of the applicant. The project is to construct a 12' x20' sunroom with a 9'x8' deck. There will be very little disturbance. Staging area and material storage will be away from resource area.

Mr. Koonce requested a Pre-construction site meeting.

**Motion:** by Mr. McLachlan to approve the Request for Determination for 10 Cove St., with a Negative 3 Determination, and Special Conditions that erosion controls be added to the plan, and a pre-construction meeting be held between the contractor and the Conservation Agent, as presented. Seconded by Mr. Gibbs. **Motion carries, unanimous, 6-0.**

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

Katie Enright spoke on behalf of the applicant to request a Continuation, as no additional information has been received from National Grid. She will follow up with their representative tomorrow.

Mr. McLachlan noted that the National Grid easement area is a mess.

**Motion:** by Mr. McLachlan to continue the Hearing for 1-104 Turnpike Rd. to June 28, 2022. Seconded by Mr. Vines. **Motion carries, unanimous, 6-0.**

**Discussion**

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

Notices are now being published in the Lowell Sun. Mr. Koonce will advise if there are any hardship considerations.

**Continual Business**

**Land Management**

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

The kiosk was delivered to the DPW and needs to be delivered to site, some rocks will be moved to accommodate trails. Trails have been mowed.

There will be a meeting with the Chelmsford Land Conservation Trust on this Thursday to discuss the Conservation Restriction document.

The DPW should start work in August on parking lot. A shed was removed from the site and delivered to Sunny Meadow Farm.

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

**Motion:** by Mr. McLachlan to continue discussion of the designation of two wildlife reservations on Riverneck Rd. and Smith St. to June 28, 2022. Seconded by Mr. Vines. **Motion carries, unanimous, 6-0.**

**• Update on raft/dock on Willis Road land**

Some abutters were present.

The raft is still on site, and a direct abutter did not respond to Mr. McLachlan's message. Wanda Dunn was asked to inquire. Mrs. Dunn advised that one of the drums on the raft needs repair, and it is not known when it can be repaired.

The Commission agreed that the revised deadline to get the raft in the water is June 30, 2022, or the DPW can be asked to remove it.

Mr. McLachlan acknowledged Mrs. Dunn for her help with Freeman Lake issues.

**For Approval/Signature**

**• Minutes of May 10, 2022**

The Minutes were not ready for approval.

**Agent's Report**

No further information was provided at this time.

**Adjourn**

**Next Meetings: June 28, 2022                      July 12, 2022**

**Motion:** by Mr. Gibbs to adjourn the meeting at 9:30 PM. Seconded by Mr. Tymula. **Motion carries, unanimous.**

Respectfully submitted,  
Vivian W. Merrill

Supporting documents:

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