

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
June 15, 2021
Approved August 3, 2021

Members Present: David McLachlan-Chairman, Marc Gibbs, Chris Garrahan, John Swenson, Karl Bischoff, William Vines

Members Absent: Chris Tymula,

Others Present: Katharine Guertin-Conservation Agent

Meeting was called to order at 7:00PM by Chairman McLachlan.

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 audio and hand recorded via the Recording Secretary, and televised via Chelmsford Telemedia.

A Moment of Silence was held in memory of Bobby Greenwood, who recently passed away. Mr. Greenwood served for 30 years on the Commission.

Open Session / Citizen Concerns

No one came forward at this time.

Regulatory Hearings

Extension Request-new

DEP#129-0852, 7 Gorham Street

Atty. Melissa Robbins, Farrell & Robbins, requested a formal extension, as the current Order expired during the pandemic in 2020. This hearing and the Hearing for 50 Hunt Road were heard together.

The extension request for 7 Gorham St. is for 299 days, from March 10, 2020 to June 15, 2021, and the extension would move the expiration date to April 2, 2022.

Work to the rear of units still needs to be completed.

Extension Request-new

DEP#129-0844, 50 Hunt Road

Atty. Melissa Robbins also spoke to this project. The current Order expired on June 15, 2021. The extension request is to go through November 21, 2021, for a 150 day extension.

Motion: by Mr. Garrahan to approve the Extension requests for **DEP#129-0852, 7 Gorham Street and DEP#129-0844, 50 Hunt Road** for one year. Seconded by Mr. Vines. **Motion carries, unanimous.**

Plan Change-new

DEP#129-0899, 74 Parkerville Road

Jeffrey Brem, the developer, advised that revised plans were sent to the Commission members. The house was moved closer to the street and away from the wetlands by 26 feet as they wanted more back yard area. A Cease and Desist order was issued. The foundation had already been poured.

The Commission had no issues with the request.

There were no comments received from the audience.

Mrs. Guertin confirmed that the house will not have a walk out basement, but will have a bulk head.

Motion: by Mr. Garrahan to approve the change in plans for 74 Parkerville Rd., as presented. Seconded by Mr. Vines. **Motion carries, unanimous.**

Request for Determination of Applicability- new

175 Mill Road, construct a covered front porch, deck and two additions

Legal notice read.

Christine Farr, Hancock Associates spoke for applicant Rodrigo Balboni-Deoliveiri. Work will occur within 100 feet of a drainage swale. There will be no impacts to the wetland.

There were no further questions from any Commissioners. The house has been vacant for a long time.

Mr. Gibbs noted that no straw waddles were noted. Mrs. Guertin advised the wetland is across the street.

There were no comments received from the audience.

Motion: by Mr. Garrahan to approve the Request for Determination of Applicability for 175 Mill Rd. with a Negative Three Determination, as presented. Seconded by Mr. Swenson. **Motion carries, unanimous.**

Amended Notice of Intent-new

45 Richardson Road, construct two story addition, retaining wall and patio

Legal notice read.

Hoosman Afshar spoke for applicant Maria Palm. A Cease and Desist Order was previously issued.

Amended plan changes include the retaining wall and calculations for flood storage displacement were provided. All the sheds are being removed. They have reduced the number of piers supporting the addition by three. There will be three rows of three piers supporting the addition. There will be a walkway from the garage to the new addition. The patio has a roof, but no walls. The existing driveway will be repaired with 1" top pavement, with no extensions. Erosion controls will be installed. The site is already being cleaned and debris removed. No storage of materials will be done on-site.

Net flood storage displacement will be 53.7 cubic yards. They will create 57 cubic yards by removing all the sheds, therefore gaining 4 cubic yards of flood storage. Mr. McLachlan noted that the cross section of the piers will reduce flood storage as well, and this will need to be replaced. This observation was based on a prior application for a solar panel farm, where DEP counted the area of support tubes as displacement of flood storage area.

DEP has not commented on this application yet.

The patio is being constructed of pervious bricks.

Mr. Gibbs questioned the calculations, noting that many barns have dirt floors and have not been used as flood storage. Mrs. Guertin preferred to await DEP comments, as the floors are a grey area. Mr. Afshar described definition of a flood opening according to FEMA. The sheds are closed structures, and do not contribute to the flood storage. Therefore, he is creating storage by removing three sheds.

Mr. Garrahan agreed the area is prone to flooding. He saw a number of improvements, and he agreed with waiting for DEP comments, as this is a sensitive area.

Mr. Afshar will fill out page three of the DEP form, for Bordering Land Subject to Flooding.

There were no comments from the Town Engineer, and no comments from the audience.

The Town is evaluating underground PFAS chemicals in this area, however, this study will not impact the Conservation Commission discussion on the type of work being proposed.

Mrs. Guertin will follow up with DEP.

Mr. Vines asked whether excavating could worsen the chemical problem. He was advised that the Board of Health may need to address that issue.

Motion: by Mr. Garrahan to authorize the Conservation Agent to request information from the Board of Health on whether they are aware of any PFAS contamination at 45 Richardson Rd. Seconded by Mr. Bischoff. **Motion carries, unanimous.**

Motion: by Mr. Garrahan to continue the Hearing for 45 Richardson Rd to July 6, 2021. Seconded by Mr. Vines. **Motion carries, unanimous.**

Notice of Intent-continued

Heart pond, aquatic invasive treatment

The Hearing was previously continued due to waiting for DEP comments. Nothing has been received from DEP, nor has there been any response to the Town of Westford, either. The application is a basic filing, as this work is done every year. Work is scheduled to begin on Thursday, June 17, 2021.

A DEP file number was received.

The Westford Conservation Agent was concerned about special conditions. At this time, treatment will need to be kept 500 feet away from the Westford town line.

Motion: by Mr. Garrahan to issue a Standard Order of Conditions for the Heart Pond Aquatic Invasive Treatment, as presented. Seconded by Mr. Gibbs. **Motion carries, unanimous.**

Request for Certificate of Compliance-new

DEP# 129-0345, 77 Tyngsboro Road

Request for Certificate of Compliance-new

DEP# 129-0511, 81 Tyngsboro Road

Request for Certificate of Compliance-new

DEP# 129-0624, 81 Tyngsboro Road

77 Tyngsboro Rd. is the location for a gas station's pumps. The store is located at 81 Tyngsboro Rd. The entire gas station was built in the 1980's.

There have been no issues since the Orders were issued.

Motion: by Mr. Garrahan to issue Certificates of Compliance for DEP Files 129-0345, 129-0511, and 129-0624 for 77 and 81 Tyngsboro Rd., as presented. Seconded by Mr. Gibbs. **Motion carries, unanimous.**

Discussion

Frosted Elfin study on Conservation parcel (Old Stage Road)

The Frosted Elfin is a type of butterfly. There is a US Fish and Wildlife group that wants to study the larvae. Participants would go in at night with flashlights. Katie Nolan is the project coordinator. A copy of the study can be requested. Mr. McLachlan would like to share the study report with Zoo New England.

The Commission supports this study.

Zoo New England Turtle Project

Mr. McLachlan announced that the Commission previously gave permission to extend the turtle trail off Riverneck Rd, and this work has been completed. Mr. McLachlan anticipates receiving a report.

Continual Business

Willis Drive property

A copy of the Rules and Regulations for this property were posted at the site. The Commission is still working on what to do with excess material being stored here. A private raft is still being re-constructed.

Mr. Vines visited the site, and verified there is no eyesore. There is no storage near the shore. He had no issues with activity at the property.

Land Management

Warren-Pohl – update

Mr. Bischoff reminded the Commission that Article 27, which will provide funding for the proposed parking lot at the Warren-Pohl Farm, will be heard at Town Meeting later in June. Negotiations with the Chelmsford Land Conservation Trust regarding a Conservation Restriction are ongoing. A second revision to the document is being revised again. The grass has been cut in the field area, and a farm gate was delivered. Scott Ludwig is very familiar with the parcel, and continues to assist where needed. Mr. McLachlan proposed scheduling an Executive Session on July 6, 2021, to discuss the Conservation Restriction contract. Mr. McLachlan will make the presentations at Town Meeting. There are two articles involving Commission business-one for the parking area at Warren-Pohl Farm, and another is for the transfer of several parcels of land around Freeman Lake to the Commission.

Other Reports

An Eagle Scout candidate is continuing work on the pedestrian bridge at Crooked Spring Reservation.

A tent was installed in a trail in Thanksgiving Forest, and has been removed. A car was seen in the parking lot, and that has left as well. It was suspected the tent could have been a homeless person.

The Congregation Church was presented a proposal to sell its property between Oak Hill Reservation, Scotty Hollow Condominiums, Rt. 3 and Oak Hill Rd. The proposal was rejected.

NEMBA is installing emergency posts with numbers on them for identification in case of emergency, on two trails at Russell Mill Reservation. The work should be finished this summer.

Agent's Report

There were no further reports at this time.

Approve Minutes

No Minutes were approved at this time.

Commission elections-Chairman, Vice Chairman/Secretary

Votes taken tonight will become effective for July 6, 2021.

Mr. McLachlan announced that he did not want to be Chairman again.

Nomination: by Mr. Vines to nominate Mr. Garrahan as Chairman. Seconded by Mr. Bischoff.
Nomination was accepted by Mr. Garrahan.

There were no other nominations.

Nomination: by Mr. Garrahan to nominate Mr. Bischoff as Vice-Chairman/Secretary. Seconded by Mr. Gibbs. Nomination was accepted by Mr. Bischoff.

There were no other nominations.

Adjourn

Next Meetings: July 6 July 20

Motion: by Mr. Garrahan to adjourn the meeting at 8:04PM. Seconded by Mr. Vines. **Motion carries, unanimous.**

Respectfully submitted,
Vivian W. Merrill

Supporting documents:

-Applications for Request for Determination of Applicability, Notices of Intent, and Certificates of Compliance