

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
June 23, 2020
Approved October 20, 2020

Meeting was held via Zoom

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

Members Absent:

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.

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, the Town of Chelmsford Conservation Commission will conduct a remote public hearing on Tuesday, June 23, 2020, at 7:00 P.M. to consider the following applications:

Open Session / Citizen Concerns

Mr. Garrahan requested holding a Moment of Silence in memory of Mark Grant, a former Commissioner, who passed away recently.

Regulatory Hearings

**Abbreviated Notice of Resource Area Delineation- new
6 & 24-30 Second Lane, approval of delineated wetlands and buffer zones**

Legal Notice read. Russell Waldron spoke on behalf of the applicant, Michael Larkin, of the Larkin Real Estate Group.

Mr. Waldron identified Bordering Vegetated Wetland and bank, as well as one isolated vegetated wetland resource area. Flagging was done in November 2019 and January 2020. He did not review GIS maps when the delineation was done. Mrs. Guertin has not been to the site.

The 30 foot buffer and flood zone was not shown on the plan.

Audience comments:

Pam Rivard, First Lane, advised there is a big wetland between their properties.

This plan was done on two lots, and she asked whether they both apply to this request as a whole, or as separate lots. The applicant does not own both lots.

Mr. McLachlan advised that the goal of this hearing is to identify where the wetland resource areas are located.

Ms. Rivard advised this inspection was done in the winter, and the property does flood in the spring and summer. Will the basin be protected as a wetland? The basin is not delineated on this plan.

Mr. McLachlan advised that a flooding area is not necessarily a wetland.

Motion: by Mr. Garrahan to schedule a site walk for 6 and 24-30 First Lane on June 29, 2020, at 6:00PM. Seconded by Mr. Bischoff .

Roll Call vote:

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Motion: by Mr. Garrahan to continue the Hearing for 6 and 24-30 First Lane on July 7, 2020. Seconded by Mr. Vines.

Roll Call vote:

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

/

Notice of Intent-new

128 Riverneck Road, replace and new installation of gas lines

Legal Notice was read. National Grid is the applicant requesting to replace existing gas lines.

Matt Hayward, Project Manager, explained the goal is to replace pipes in several towns. The new pipes will be equipped with a device inside the gas line that will allow them to see where problems are in the event of an issue.

A receiver device will be installed in Lowell, and there will be six separate pipeline projects between Lowell, Chelmsford and Tewksbury. Horizontal directional drilling will be done in multiple areas, and for about 2000 linear feet in the Riverneck Rd./Rt. 495 area. Some drilling will be done on private property, and the owner is aware this work will be needed.

An alternatives analysis was described in a presentation.

Corey Schutzman, Environmental Scientist for National Grid, described the resource areas around Black Brook, and four additional wetland areas which were flagged. Some of these areas are Chelmsford Water District land. Some excavation will be done in buffer zones, requiring temporary disturbance. Construction matting will be used in wetland areas, and additional Best Management Practices will be used whenever possible. Mr. McLachlan warned that Canal St. may not be able to support some of the heavy equipment being used. All disturbed areas will be monitored for one year after restoration.

A list of anticipated permits was provided and described.

Work is anticipated to begin in the Spring of 2021. Some work could be started in some areas as soon as September, 2020. Canal St. could be closed up to 48 hours, and the Water District and Fire Department are aware of this.

Motion: by Mr. Gibbs to waive the 25-foot No-Disturb buffer requirement for 128 Riverneck Rd.
Seconded by Mr. Tymula.

Roll Call vote:

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

There were no comments received from the audience.

Motion: by Mr. Garrahan to issue a Standard Order of Conditions with no Special Conditions for 128 Riverneck Rd., as presented. Seconded by Mr. Gibbs.

Roll Call vote:

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Notice of Intent-new

Boston and Concord Road, intersection reconstruction

Legal Notice read. Town of Chelmsford is the applicant. This request is to replace an existing corrugated metal culvert for this multi-road intersection.

George Mihov, Howard, Stein, Hudson, described overall work being done in this intersection. The roads will be widened and repaved. Work will include pedestrian crosswalks across several of the roads. The culvert travels under the intersection from Farley Brook. The new 4' x 8' culvert will be made of concrete. Deep sump catch basin locations were listed, and will lead into an underground infiltration system, and then water will flow into the wetland around Farley Brook. The culvert work should help alleviate existing flooding concerns in this intersection. Most of the impacts to resource areas will be temporary, and all work areas will be completely restored. Permanent impacts will be from the widening of the road. A 48 inch temporary bypass pipe will be installed while the new culvert is installed. Work will take place during two construction seasons. Traffic patterns will be altered so the roads do not have to be closed during construction. Compensatory flood storage will be created within this work.

There were no questions from the audience.

Motion: by Mr. Gibbs to waive the 25-foot No-Disturb buffer requirement for the Boston and Concord Road Intersection. Seconded by Mr. Bischoff.

Roll Call vote:

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Motion: by Mr. Garrahan to issue a Standard Order of Conditions with the clarification of including three growing seasons for the replication area, as presented. Seconded by Mr. Gibbs.

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Notice of Intent- new

236-240 Groton Road, residential subdivision DEP #129-0889

Legal Notice read. Applicants Wen Lan and Han Luc of Northstar Realty wish to construct a residential subdivision.

Katie Enright, Howard, Stein, Hudson spoke on behalf of the applicants. There are five small parcels consisting of 8 total acres, for which twelve duplexes are planned. Resource areas and buffer zones were identified. All homes are beyond the 50-foot buffers. Some fill is proposed in one of the low areas, which will continue to collect water. The proposed roadway and locations for deep sump catch basins were shown. There will be two detention areas. There are only three jurisdictional areas in this development for the Commission to rule on. The water table is very high in this area. A Homeowners Association will manage the storm water system.

Erosion controls are proposed around each home as it will be built. The Town Engineer has provided a list of comments, which will be addressed. The 460 SF isolated wetland becomes a 15,000 SF detention area for the entire development.

Audience Comments:

Mike Walsh, 7 Burton Lane, speaking as a resident, lives on the southeast side of this project. He has noticed more than a foot of standing water in the National Grid easement area in the spring, fall and winter seasons. Water is running down into this easement area, and the areas noted as Lot 2 and Lot 3.

In a previous RDA presentation, the Commission was advised their jurisdiction was only the isolated wetland. Mrs. Enright explained that soil and vegetation supported this.

Virginia Timmins, 28 Lovett Lane, speaking as a resident. She attended the previous RDA hearing, and other wetlands were identified, however, the Commission was only told about the isolated wetland. She would support a site visit to confirm where actual wetlands are located.

Beth Logan, former Commissioner, lives on 36 Lovett Lane, asked whether there is sufficient drainage being installed, due to runoff issues from Rt. 3. In addition, there is a turtle laying eggs in Ms. Timmins' yard. Mrs. Guertin noted there is no Natural Heritage mapped in this area, and the Commission's jurisdiction is only within 100 feet of a vernal pool.

Ms. Enright advised that runoff is not being increased. The detention area will hold the water back. She argued that the previous RDA was presented specifically to confirm the jurisdictional areas in preparation for development. The Commission determined they had jurisdiction because of the isolated wetland.

Another resident was not able to communicate.

The Commission agreed to complete a site walk, and Mrs. Enright will make the appropriate arrangements. Abutters were not guaranteed that the applicant would give them permission to attend, and a wetland scientist will be available for the visit.

Motion: by Mr. Garrahan to schedule a site walk for 236-240 Groton Rd on June 29, 2020 at 7:15PM. Seconded by Mr. Gibbs.

Roll Call vote:

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Motion: by Mr. Garrahan to continue the Hearing for 236-240 Groton Rd. to July 7, 2020.

Seconded by Mr. Bischoff.

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous

Enforcement Order-old

36 Turnpike Road, compliance confirmation

Mrs. Guertin reported that the applicant is requesting a Compliance Letter for this matter, so the case can be closed. An as-built plan has been submitted. The ten trees are healthy at this time. The site is stable and has been re-grassed.

The Commission was satisfied with the plan as presented. The most recent plantings are entering their third growing season. Previously issued fines were suspended at a previous discussion.

Motion: by Mr. Garrahan to accept the letter and presented plans for 36 Turnpike Rd. as being compliant in response to a previously issued Enforcement Order. Seconded by Mr. Vines.

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous

Chairman McLachlan requested a Motion to waive the fines previously issued, as the work completed was expensive for the property owner. Mr. Vines supported this proposal. Mr.

Garrahan supported leaving the fines suspended. Mr. Gibbs would support Mr. Garrahan's suggestion.

A new letter can be drafted. A new vote was taken on the previous Motion, which passed unanimously.

Motion: by Mr. Gibbs to send a letter to the property owner of 36 Turnpike Rd. advising him that the As-Built Plan will be accepted, and the Accrued Fines will be suspended for one more growing season to ensure the trees are established. Seconded by Mr. Garrahan.

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous

Request for Certificate of Compliance-new

DEP #129-0886, 10 Clydesdale Road

Mrs. Guertin reported the site is stable, and all work has been completed.

Motion: by Mr. Vines to issue a Certificate of Compliance for 10 Clydesdale Rd., as presented. Seconded by Mr. Gibbs.

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous

Request for Certificate of Compliance-new

DEP#129-0843, 1 Arlene's Way (44 Westford Street)

Mrs. Guertin reported that the single family home has been built, and the area is stable.

Motion: by Mr. Vines to issue a Certificate of Compliance for 1 Arlene's Way, as presented. Seconded by Mr. Gibbs.

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye
Motion carries, unanimous

Discussion

Mr. McLachlan reported that John Swenson has recently been appointed to the Commission, and should be available for the next meeting on July 9, 2020.

Town Meeting has approved funding of \$25,000.00 for tree removal work at the Cranberry Bog Dam. DPW will be asked to start this work, as well as the installation of a fire gate at Russell Mill Reservation.

Russell Mill emergency access

NEMBA will be asked to devise two extraction points at Russell Mill Reservation for emergency vehicle access, in light of recent reports of injured people not being accessible.

331 Boston Road-trash stockpiling

Mr. McLachlan received a complaint about 331 Boston Rd. being a trash collection site. The property owner will be contacted, and the Board of Health may be asked to provide an opinion.

24 Misty Meadow Road- right of first refusal

Warren-Pohl Farm-right of first refusal

Parlee Property-Pine Hill

The Board of Selectmen has requested input from the Commission on whether to exercise their rights of first refusal on these properties. All of the parcels are currently protected open space under Chapter 61A.

The Commission would receive 26 acres of the 41 acres of the Misty Meadow parcel.

The Parlee site would become a solar farm.

The Warren-Pohl Farm is 54 acres, and is abutting Wright Reservation.

The Commission would support the purchase of the Warren Pohl Farm, and would decline Misty Meadows and the Parlee property. The Commission would receive the 26 acres from Misty Meadows anyway under the proposed development plan. There were no audience comments received at this time.

Motion: by Mr. Bischoff to advise the Board of Selectmen and the Town Manager that the Conservation Commission is interested in acquiring the Warren-Pohl Farm for Conservation purposes, and is not interested in acquiring the Misty Meadows parcel as it would acquire 26 acres as a gift under the proposed development plan, and it is not interested in the Parlee property. Seconded by Mr. Garrahan.

Mr. Garrahan: Aye
Mr. Tymula: Aye
Mr. Gibbs: Aye
Mr. Vines: Aye

Mr. Bischoff: Aye
Mr. McLachlan: Aye
Motion carries, unanimous

Other business:

Three outstanding invoices from Oxbow are due, but were misplaced during the COVID shutdown.

Motion: by Mr. Tymula to authorize payment of \$2,473.23 to Oxbow Associates, as presented.
Seconded by Mr. Bischoff.
Mr. Garrahan: Aye
Mr. Tymula: Aye
Mr. Gibbs: Aye
Mr. Vines: Aye
Mr. Bischoff: Aye
Mr. McLachlan: Aye
Motion carries, unanimous

Bridge Street trees

Mrs. Guertin received a complaint there are 5 or 6 dead trees on the Lime Quarry abutting 77 Bridge St., and the property owner is requesting a response. The Town Manager will be asked to have DPW remove the trees, as the assistant Town Engineer have confirmed the trees are dead.

Mr. McLachlan requested adding a discussion at a future meeting about a different property that also abuts the Lime Quarry between Bridge St and RT. 495.

Motion: by Mr. Garrahan to authorize the Conservation Agent to notify the Town Manager that there are a number of trees at the Bridge St. end of the Lime Quarry that are posing a safety hazard to the resident at 77 Bridge St. Seconded by Mr. Vines.
Mr. Garrahan: Aye
Mr. Tymula: Aye
Mr. Gibbs: Aye
Mr. Vines: Aye
Mr. Bischoff: Aye
Mr. McLachlan: Aye
Motion carries, unanimous

Approve Minutes

Tabled.

Agent's Report

Mrs. Guertin and Mr. Gibbs did a site visit to the Cushing Place Apartment site. The culvert was supposed to be rip-rapped, and the area was done according to the plans. Aesthetically, Mr. Gibbs felt the

work does not look well done. Other areas were not cleared of invasive plants as was promised. The brook is not impacted by these plants, but it would look more well-kept. Further discussion can be done at the meeting on July 7, 2020.

Commission reorganization

Chairman

Mr. McLachlan advised that he was willing to be Chairman for another year, and he is considering retiring in three more years. There was no other interest.

Motion: by Mr. Vines to nominate Dave McLachlan as Chairman to the Conservation Commission. Seconded by Mr. Gibbs.

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous

Vice Chairman/Secretary

Mr. Garrahan was willing to assume this position for another year. There was no other interest.

Motion: by Mr. Vines to nominate Mr. Garrahan as Vice Chairman/Secretary to the Conservation Commission. Seconded by Mr. Gibbs.

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Bischoff: Aye

Mr. McLachlan: Aye

Motion carries, unanimous

Final Comment:

Mr. Vines asked Mr. McLachlan to see the new lighting installed at St. John's Church, as it appears more lighting was installed than was described. Mr. Harvey is working on the abutting lot.

Adjourn

Next Meetings

July 7th

July 21st

Motion: by Mr. Vines to adjourn the meeting at 9:48PM. **Motion carries, unanimous.**

Mr. Garrahan: Aye

Mr. Tymula: Aye

Mr. Gibbs: Aye
Mr. Vines: Aye
Mr. Bischoff: Aye
Mr. McLachlan: Aye
Motion carries, unanimous.

Respectfully submitted,
Vivian W. Merrill

Supporting documents:
-Applications for Regulatory Hearings
-Draft letter for 36 Turnpike Rd.