

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
June 28, 2022
Approved July 26, 2022

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

Members Absent: Karl Bischoff

Others Present: David Koonce-Conservation Agent

Meeting was called to order at 7:02PM 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

Peter Severance, 48 Middlesex St., was disappointed that the Notice of Intent for Freeman Lake was approved by the Commission, and that the plan for the lake done in 1985 was not followed. The lake is being over managed, and he feels the approved work will degrade the lake. He requested a motion to reconsider the decision.

Mr. Garrahan advised that his concern will be taken under advisement. Mr. McLachlan advised that the Commission was required to act of an application filed on behalf of the Town.

Mr. Severance feels the alternatives need further analysis. There should have been a more detailed plan, such as what was done in 1995.

Regulatory Hearings

• 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

Brian Goudreau, Hancock Associates, spoke on behalf of the Applicant.

More details regarding storm water management practices, calculations, and planning were provided as requested by the Commission. A test pit in the wooded area in the west side of the park was done. The project will be done in phases, starting with removal and replacement of the playground, new sidewalks,

and slopes and grass areas will be regraded. The project is being expanded to the east, to include the bath house. A grass swale between the baseball field and the playground will be installed, and there will be a secondary swale between the beach and the bath house. The bath house will have gutters, and these will help with erosion. Direct flow to the beach will be reduced by 75%, and runoff from a hundred year storm will be cut by 50%. Runoff is directed to the depressions, and then to the lake. Catch basins will collect and help slow the water down.

Phase 2 is the grading and paved areas for a walkway, and is part of this filing.

The hill will be loam and seeded. Re-contouring the hill will change the elevation by a foot in some areas.

Mr. Tymula asked about using rip rap in the swale instead of grass. Mr. Goudreau believes the water is low velocity, and rip rap is not needed. If there is an issue with future erosion, rip rap could be considered, and will be addressed through annual monitoring in the Operation and Maintenance plan.

Mr. Koonce asked about the frequency of maintenance for the catch basins, and he was advised that this would be done in the Spring and Fall, every year. Reports will be required to be submitted to the Commission.

Motion: by Mr. McLachlan to approve a Request for Determination of Applicability for 45 Adams St. (Varney Playground) with a Negative Three Determination, and a Special Condition to add erosion control information to the plans. Seconded by Mr. Vines. **Motion carries, unanimous, 6-0.**

• Request for Determination of Applicability; Kevin Oros; 94 Meadowbrook Road Tim Donohue/Iron Tree Service, representing Applicant

Legal notice read. The work is for the removal of 4 trees, 2 maples 2 yews, and removal of 3 branches from another tree.

Neither the Applicant nor his representative were present.

Mr. Koonce showed the plan, and noted that the trees are in the front of the house. The willow branches are on Conservation land behind the house. (Crooked Spring Reservation).

Work sequence described, will use a crane. Work is straight forward.

There were no comments received from the audience.

Motion: by Mr. McLachlan to approve a Request for Determination of Applicability for 94 Meadowbrook Rd. with a Negative Three Determination, as presented. Seconded by Mr. Tymula. **Motion carries, unanimous, 6-0.**

• Request for Determination of Applicability; James Sullivan; 40 Old Stage Road Jeffrey Hannaford/NDS, Inc., representing Applicant

Legal Notice read. Work is for the construction of a 12'x24' extension to an existing garage, removal of existing shed and relocation of a 12'x20' shed.

Jeff Hannaford was present by Zoom. The sheds are on conservation land, and the owner was not aware of their boundary. This was discovered during the survey. One is being removed entirely, the other will be relocated off of the conservation land. Pavement is being swapped for a roof. Impervious area will remain the same.

Detention areas in the front of the property are common to several homes in this area, and acts as storm water management. There are no catch basins, just chains of detention areas. Work will not impact the detention areas, and no other storm water management is proposed.

Once this work is done, the lot will be in full legal compliance.

No questions from the board. The shed will be moved professionally with minimal disturbance.

Mr. Koonce advised that there are encroachments in other areas of this 7 acre conservation land as well. He is still researching information on the parcel-it's town owned land, but may not be formally under the control of the Commission. Either way, encroachments may need to be addressed by either the Commission or the Select Board. A site visit was postponed due to weather and health reasons (Mr. Hannaford was sick). Mr. Koonce suggested continuing the Hearing until the site visit is done.

There were no comments received from the audience.

Motion: by Mr. McLachlan to continue the Hearing for 40 Old Stage Rd. to July 12, 2022.
Seconded by Mr. Gibbs. **Motion carries, unanimous, 6-0.**

• Notice of Intent; William & Tabitha Kelleher; 16 Pleasant Street; Gerald Foley, representing Applicant

Legal Notice read. Work is for the construction of a 24'x24' attached two-car garage and driveway extension, a precast concrete block retaining wall, and related grading and landscaping.

Gerry Foley, Tyngsboro, spoke on behalf of the applicant. He explained that the original Cape style home was built in 1953. The neighbor's house was built in 1988, and a land swap was also negotiated on the other side. Existing conditions shown. The backyard is very small, and slopes significantly. A retaining wall goes along rear and left side of the property, and will grade the yard to make it more useable. About 20 trees will be removed, 20 Oaks and 1 White Pine. The addition will add rooms and a 2 car garage. Soil is sand and gravel. Pool on the left side is proposed, and is outside of jurisdiction. A drain will be added from the garage and driveway. Street drainage on the right side was installed in the 1950's, and will not be impacted. Construction sequence provided. Excavated material will be used onsite.

The retaining wall will have various sized blocks, and will be 12 feet high in some areas. An engineer will stamp the wall design.

Runoff areas were clarified. Trees were not going to be replaced. The applicant was encouraged to plant some new trees.

The Conservation Agent will need to do another site visit as the wall is being constructed. This will be a Special Condition.

Mr. Gibbs asked if street drainage could be captured if the grass can have a berm to direct the water toward the back of the property, and not on abutting properties. He also voiced concern with rip rap and pressure behind wall from runoff. Mr. Foley stated the water will be leached through the stones, and may need an outlet. The engineer will be asked to look at this closely. Patio block around the pool will also direct more water to the back of the property.

Mr. Koonce noted that in addition to wall bleeding, taking down many mature trees is a concern, and he suggested a Special Condition that the trees cannot be taken down between February-July, during bird nesting season. The retaining wall should be constructed from the upland side, not the wetland side. Pool maintenance policy will be provided to the client. Salt water pool should not be discharged into the buffer area. DEP has not issued a file number yet. Hearing will need to be continued.

There were no comments received from the audience.

Mr. Tymula also recommended asking the contractor about an underground drain system for the wall, and addressing water pressure behind the wall.

Motion: by Mr. McLachlan to continue the Hearing for 16 Pleasant St. to July 12, 2022.

Seconded by Mr. Tymula. **Motion carries, unanimous, 6-0.**

• Notice of Intent (cont'd from 06.14.22); John Faneros; 13 (aka 9) Acton Road Katie Enright/Howard Stein Hudson, representing Applicant

Katie Enright was present for the applicant. Drainage calculations and Operations plans were finalized earlier today. Area of Alteration in Degraded Riverfront, Non-Degraded Riverfront, Invasive Management Area and Restoration of Riverfront Area, and another restoration area (Five areas in jurisdiction) were shown. Final reports were issued earlier today, and will be sent to DEP.

Mr. Koonce stated that proposed Special Conditions were listed in a letter from Beta Group. Invasive management area is about 3000SF. It will be a continuing maintenance issue. Mr. McLachlan stated that he wants to understand what the impacts of the Commission's requirements are having on the applicant. Ms. Enright advised that this number has not been quantified, and there will be regular reporting.

Special Conditions suggested by Beta Group were shown; Mr. Koonce is still going through the document. An 18” straw waddle may be difficult to obtain. He felt 8-9 “ is more standard, and silt fence will be installed. Clarification about construction substations was requested. A botanist will be required to monitor the planting plans anyway.

DEP comments have been addressed, Town Engineer comments are addressed.

Motion: by Mr. McLachlan to Close the Hearing for 13 (aka 9) Acton Rd. Seconded by Mr. Tymula. **Motion carries, unanimous, 6-0.**

Motion: by Mr. McLachlan to issue a Standard Order of Conditions for 13 (aka 9) Acton Rd., to include the Special Conditions in the letter of June 27, 2022 from Beta Group, and to change the diameter of the waddles to 9”, and to include other Special Conditions finalized by the Conservation Agent. Seconded by Mr. Tymula. **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 Discussion

Continuance requested, as National Grid is not responding to requests for information.

Motion: by Mr. McLachlan to continue the Hearing for 1-104 Turnpike Rd. to August 9, 2022. Seconded by Mr. Tymula. Mr. Vines was not present for this vote. **Motion carries, unanimous, 5-0.**

Continual Business

Williamsburg COC discussion:

Glenn Diggs, Chairman of the Williamsburg Condominium Association, was looking for the Operation and Maintenance Plan for the Riverbank Restoration work. There is a recorded Certificate of Compliance filed by Epsilon, and signed by Commission members. However, a signature page was attached to the Certificate, yet the Minutes of February 19, 2020 reflect a Motion to table the Certificate pending the clarification of the Operation and Maintenance Plan.

The Order of Conditions was issued in 2015-2016. An Operation and Maintenance Plan was issued in 2018 by Epsilon. The Certificate of Compliance was filed in 2019. The Wetlands Protection Act also changed its forms during the pandemic.

Members of the Condominium Association will be asked to attend the July 12, 2022 Commission meeting. There is a question of who will fund the maintenance-the Condominium Association or the Town. There was no agreement on this previously. There are two condominium associations involved in this process. The existing Operation and Maintenance Plan was not signed by either condo association.

Discussion to be continued.

Land Management

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

There will be a meeting with the DPW on July 7, 2022 prior to start of work. Trees are being removed this week.

The attorney for the Chelmsford Land Conservation Trust is reviewing the latest version of the Conservation Restriction document. Some exhibits need to be completed, two easements need to be added, and the inventory of the site needs finishing. The Water Department area also needs to be worked out.

• **Update on raft/dock on Willis Road land (Conservation Agent)**

The raft is in the water. It should be removed by December 1, 2022.

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

Both areas will not have formal trails, and it is anticipated that people will be in the areas, but their use will not be encouraged or promoted.

The Smith St. area has 16 acres next to Water Department land.

The Riverneck Rd. area is landlocked by Rts. 3, 495, and Riverneck Rd., and has about 44 acres. The Riverneck Rd. parcel can be accessed from Carter Dr. or Orleans St. There is turtle habitat here. Mr. Koonce is researching the parcel management, as it may be a combination of Select Board and Conservation Commission land. The Commission could ask the Select Board to allow the Conservation Commission to manage all of it.

Names for the refuges would be “River Meadow Brook Wildlife Refuge Reservation” and “Black Brook Wildlife Refuge Reservation”, with very simple signs. Use regulations will be only for wildlife exposures.

Motion: by Mr. Gibbs to approve the designation of the “River Meadow Brook Wildlife Refuge Reservation” and “Black Brook Wildlife Refuge Reservation”, as presented. Seconded by Mr. McLachlan. Mr. Vines was not present for this vote. **Motion carries, unanimous, 5-0.**

Approval/Signature

• **Certificate of Compliance 129-0909 (11 Plum Street)**

Paperwork will be signed at next meeting,
Site is stable and in good condition.

Motion: by Mr. Gibbs to approve the Certificate of Compliance for 11 Plum St., as presented. Seconded by Mr. Swenson. Mr. Vines was not present for this vote. **Motion carries, unanimous, 5-0.**

• **Minutes of May 10, 2022; May 24, 2022**

The only Minutes ready for approval were May 10, 2022. Mr. Koonce will review the spelling of Brian Goudreau's name as a potential correction.

Mr. Vines returned to meeting at 9:00PM.

Motion: by Mr. Vines to approve the Meeting Minutes of May 10, 2022, with the potential correction of a name spelling, as amended. Seconded by Mr. Swenson. Mr. Tymula abstained, all others in favor. **Motion carries, unanimous, 6-0.**

Agent's Report

Mr. Koonce announced that he has been tracking Operation & Maintenance Plans for previous projects, as requested by the Commission. The DPW has hired two interns for the summer and they are making good progress. Spreadsheets have been prepared. They are trying to contact responsible parties to let them know this is a requirement. They have received some positive response, and some applicants weren't aware of the requirements. Many will start doing the work. The project in the area of Triangle Motors was partially taken over by the State. Lockheed is being very cooperative.

Adjourn

Next Meetings July 12, 2022 July 26, 2022

Motion: by Mr. McLachlan to adjourn the meeting at 9:08 PM. Seconded by Mr. Swenson.
Motion carries, unanimous, 6-0.

Respectfully submitted,
Vivian W. Merrill

Supporting documents:

- Application for Request for Determination of Applicability, Notices of Intent, and Certificates of Compliance.
- Draft Minutes