

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
August 23, 2022

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

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

No one came forward at this time.

Regulatory Hearings

• Request for Determination of Applicability; Mary S. Cleven; Summer Street (Map 84/Block 334/Lot 3) Mary S. Cleven/Applicant and Property Owner

Legal Notice read. Work is for the removal of vegetation, extension of a fence 90 feet.

Ms. Cleven, 31 Billerica Rd. explained they now own most of the parcel behind their property, which was purchased from the Town. Their neighbor owns the other part, to address their encroachment of a pool. Now that they own the land, they want to clean it up, and add fencing to prevent future dumping of debris by the public. The land also abuts Summer St. Ms. Cleven would also clean up the invasive and dead vegetation.

The fence will not be in the wetlands. Martel Tree Service can remove much of the debris from the street.

Mr. Koonce confirmed the trees will be removed by a crane, and he would add a Special Condition that excess excavated soil is to be removed at the same time.

There were no comments received from the audience.

Motion: by Mr. McLachlan to approve the Request for Determination of Applicability for the property at Map 84, Block 334, Lot 3 with a Negative Three Determination, and a Special Condition that any excess excavated soil be removed from the site, as presented. Seconded by Mr. Bischoff. **Motion carries, unanimous, 7-0.**

• Notice of Intent; Spencer Industries, LLC; 194 Tyngsboro Road Kristan Farr/Hancock Associates, Inc., representing Applicant

Legal Notice Read. Work is to demolish an existing single family home, and construct a new home, with associated landscaping.

Kristan Farr explained the existing home is in poor condition, and the new home will be on the same footprint. No tree removal needed, maybe one by the proposed garage. The new home will be on a slab, not a full foundation.

Mr. Gibbs requested some type of barricade along the back of the property to keep debris out of the wetland.

Mr. Koonce advised this is considered redevelopment of degraded riverfront area. There will be less impervious surface by 5SF. Removal of the old foundation is an improvement. The existing home was built in the 1880's, and the new home must be kept to the same footprint. The applicant was requested to pin the corners of the new foundation to be verified prior to construction. Erosion controls should be installed along the driveway to keep water from Tyngsboro Rd. away from the work area.

No comments were received from the audience.

The Historic Commission has supported the project.

Motion: by Mr. McLachlan to close the Hearing for 194 Tyngsboro Rd. Seconded by Mr. Swenson. **Motion carries, unanimous, 7-0.**

Motion: by Mr. McLachlan to issue a Standard Order of Conditions for 194 Tyngsboro Rd., with three Special Conditions to pin the corners of the foundation to be reviewed prior to construction, to install a barrier along the back of the property during demolition, and to install erosion control along the driveway to prevent storm water runoff from Tyngsboro Rd. onto the site. Seconded by Mr. Gibbs. **Motion carries, unanimous, 7-0.**

• Notice of Intent (cont'd from 07.26.22); DH Property Holdings, LLC; 270 Billerica Road Kasey Ferreira/Howard Stein Hudson, representing Applicant

The applicant has requested continuing to September 13, 2022.

Motion: by Mr. Gibbs to Continue the Hearing for 270 Billerica Rd to September 13, 2022. Seconded by Mr. Tymula. **Motion carries, unanimous, 7-0.**

Discussion

120 Gorham St. Enforcement Order

Property owner Keith Silva was present. He is building an addition. A Notice of Intent was filed in 2018 for a pool. Mr. Koonce reviewed the prior application, and believed the addition appeared to be outside jurisdiction. Mr. Koonce saw site today, and the addition is in the buffer zone. Mr. Silva will file another Notice of Intent application. A lot of excavation has been done for the addition and to control drainage. The soil is piled up to wetland line, and is 7-8 feet high. The wetlands need to be delineated. The soil needs to be moved as soon as possible.

The enforcement order was issued today. Silt fence needs to be installed, construction materials need to be moved, and a wetland scientist needs to be hired.

Mr. Silva presented plans for the work he is doing. He had a certified plot plan which was shown to the Commission. He has no issues with the request.

The pool request is still open. The pool has been installed.

An Enforcement Order will be issued. A new Notice of Intent will be filed by September 13, 2022. Soil needs to be moved, and Mr. Silva showed where it would be moved. Most of it will be removed from the site.

Motion: by Mr. McLachlan to approve the Enforcement Order for 120 Gorham St. as drafted. Seconded by Mr. Tymula. **Motion carries, unanimous, 7-0.**

• Possible acquisition of 4.17 acres on Old Westford Road for open space (vote possible)

This is the site where a horse and cow were kept for many years. A stream goes right through the middle of the property. It is not contiguous to any other conservation parcel.

It would be very hard to develop. It is surrounded by busy roads, and it is too small for a wildlife refuge. There is not much interest in acquiring this parcel from the Commission for conservation purposes.

Motion: by Mr. Bischoff that the Chelmsford Conservation Commission declines the offer for a 4.17 acre parcel on Old Westford Rd. Seconded by Mr. Vines. **Motion carries, unanimous, 7-0.**

Continual Business

Land Management

• Update on Warren-Pohl Reservation

- Discussion on re-visiting timeline for transfer of care, custody, and control from Select Board to Conservation Commission (vote possible)

Mr. Bischoff reported that the request for \$23,000.00 from the Community Preservation Committee was supported and approved by the Committee. Funding will come from the Open Space Capital Improvement Account, therefore, no Town Meeting approval is required.

A presentation was given to the Select Board last night at their meeting. They questioned when the Conservation Restriction document would be finalized, and Mr. Bischoff advised them that it could be up to another year. Discussion about the transfer of the care and custody of the property was deferred until after tonight's meeting.

The DPW is still removing three trees and installing signage. Work is ongoing. There is potential for a Grand Opening Ceremony, perhaps an announcement on the town website in September or October.

Mr. Vines will order the granite sign tomorrow, and will get a quote for two granite poles as well. The granite poles will be 6-7 inches wide, and seven feet long.

(Mr. Swenson left the meeting at 7:45PM)

Mr. McLachlan reminded the Commission that the beavers are building dams on the site, which is helping with the water situation.

The Conservation Restriction document is being reviewed by Town Counsel.

The request to transfer care and custody of the property can wait until after the Conservation Restriction is finalized, to comply with the Town Meeting article language. The warrant article will be removed from the Town Meeting Warrant for the 2022 Fall Town Meeting.

Other business:

Mr. McLachlan announced that a proposed meeting with the Town of Carlisle to understand how water levels are managed at Hart Pond has been rescheduled.

(Mr. Swenson returned to the meeting at 7:52PM)

Historically, the water levels were adjusted and controlled by the Cranberry Bog farmer. Cranberry farming is no longer being done, and the Carlisle side of the bog is drying out, according to the Carlisle Conservation Agent. The boards on the dam are controlled by Chelmsford now. Carlisle has asked whether some water could be brought down to Carlisle.

Mr. Stanway is asking if COSS can rebuild the walkways at Wright Reservation. Work would be done as Eagle Scout projects. Mr. McLachlan is concerned that this could be some very large projects for Eagle Scouts, and could be very expensive. Mr. Bischoff will meet with Mr. Stanway to discuss further.

Agent's Report

• 08.25.22 DEP site visit to Freeman Lake re: appeal of Order of Conditions 129-0929

This visit will be a boat trip. One member of the Commission should be there. Solitude Lake Management may be responsible for answering questions on behalf of the Town, as the Town's consultant.

The Appeal alleges this work does not qualify as an ecological limited project. Also, the plan was not provided to the Commission to clearly show the problem areas to justify the treatment with herbicides.

It is anticipated that DEP will issue a superseded Order of Conditions.

Weather has impacted plant growth this year. There are many less plants.

Mr. McLachlan and Mr. Bischoff will attend this meeting.

For Approval/Signature

• Minutes of August 9, 2022

There were no Minutes to approve this evening.

Other Business:

Mr. Bischoff asked the Commission how to dispose of the hay in the barn at the Warren-Pohl Reservation which is 5-6 years old. Some will be kept for erosion control. There are about 50 bales. Mr. Bischoff will ask COSS if they can use it for the scarecrow festival in the center.

Mr. McLachlan asked if access to the reservations should be limited because of drought conditions. (fire hazards). DCR is closing many sites in eastern MA, and is not allowing any open fires at all. Currently in Chelmsford no fires are allowed without permit anyway.

Mr. Koonce announced that a representative from Chelmsford Youth Soccer will be at a future meeting to renew and discuss their MOU.

Adjourn

Next Meetings September 13, 2022 September 27, 2022

Motion: by Mr. McLachlan to adjourn the meeting at 8:13 PM. Seconded by Mr. Gibbs. **Motion carries, unanimous, 7-0.**

Respectfully submitted,
Vivian W. Merrill

Supporting documents:

-Applications for Request for Determination and for Notices of Intent