

RECEIVED

2020-10-28

9:30 AM

TOWN OF CHELMSFORD

PATRICIA E. DZURIS

TOWN CLERK

Chelmsford Conservation Commission
Town of Chelmsford
50 Billerica Rd. Chelmsford, Ma 01824
Meeting Minutes
September 15, 2020
Approved October 20, 2020

Meeting Location: Virtual Meeting

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

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 video recorded via the Zoom Platform and Chelmsford Telemedia.

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, September 15, 2020, at 7:00 P.M. to consider the following applications:

Open Session / Citizen Concerns

No one came forward at this time

Regulatory Hearings

Notice of Intent-new

24-30 Second Lane, new single family home

Legal Notice was read. Patrick Larkin is the applicant.

Mr. McLachlan noted the new building is within 50 ft. of the wetland. He cited section 155A of the bylaw, which prohibits buildings within 50 feet unless the building is smaller than 144 SF. The lot is greater than 40,000SF.

Mr. Larkin stated he was filing under section 155E of the bylaw. Mr. McLachlan countered that the application states that a building will be torn down and a new building will be constructed. This is not a reconstruction or alteration of a building. The new building has a different footprint.

Mr. Larkin stated that two buildings are being removed, and he considers this already disturbed area.

The Commission is using the Building Commissioners definition of reconstruction.

Mr. Larkin feels other properties have been allowed to do what he is doing, and it has happened on both properties abutting this property to the left and right. Both buildings were demolished and new structures were rebuilt, not using the same footprint.

Audience Comments:

Pam Rivard, First Lane, asked for clarification on which two buildings were being demolished, and where the new home would be placed.

Mr. Larkin explained that he wants to demolish all four homes and rebuild four homes. This hearing is for the one closest to the pond. The new building is close to where the existing home is.

Susanne Lawlor, 32-33 Second Lane explained that there is a right-of-way between her home and the applicant's property. The setbacks may prohibit this construction, and this should be heard by the Zoning Board of Appeals.

Mr. Vines asked why the building could not be pushed back, outside of the 50-foot buffer.

Mr. Larkin responded that the location was chosen due to the grading on the site. He wants a walk-out basement, and wanted to minimize how much excavation he needed to do. Regarding the portion of the building within the 50-foot buffer, about half would be on piers, the other half would be on a foundation.

Waivers would be needed on the 30 and 50 foot buffer zones.

Mr. Garrahan suggested that the Hearing be continued to allow the applicant to modify the plan.

This will be a single family home.

Mrs. Rivard explained she was concerned with grade to the pond. They've worked hard to protect the health of the pond. Mr. McLachlan explained that silt fences or straw waddles would be required to prevent erosion and material going into the pond, and that no fertilizers would be allowed post construction.

Mrs. Rivard asked if all the trees would be removed. Mr. McLachlan advised that there is no bylaw controlling removal of trees on private property. Mrs. Guertin added that a NPDES permit may be required if clearing is being done for over an acre.

Mrs. Rivard confirmed that the parcel is 1.4 acres, and lots of clearing has been done.

Motion: by Mr. Garrahan to continue the Hearing for 24-30 Second Lane to October 20, 2020.

Seconded by Mr. Bischoff.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Tymula: Aye

Mr. Swenson: Aye

Mr. Bischoff: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Notice of Intent- continued

236-240 Groton Road, residential subdivision

Katie Enright, Howard, Stein, Hudson, spoke for applicant Northstar Realty.

Plans have been redesigned to accommodate the Planning Board, abutters and Conservation Commission concerns. Each lot has a duplex on it. Two houses by Burton Lane have been moved. Everything is now outside of the National Grid easement area. The road is shorter, and drainage areas were consolidated. The applicant wants to preserve as many trees as possible. No work will be done in the isolated wetland and the tree line will remain. There are 12 lots on the subdivision road. The retention pond is larger, and most work is now outside the 50 foot buffers.

Mrs. Enright will forward the Planning Board letter from the Town Engineer to Mrs. Guertin electronically.

There will be a homeowners association which will be responsible for annual maintenance and reporting.

Snow storage areas described, each lot is over ½ acre. A sidewalk is proposed for only on one side of the road.

The Commission supported the revisions.

The construction sequence plan was described. The applicant is going to sell the land to a developer, who will be aware of Board notifications of any changes.

Sewer tie in has been secured, and would be tied in to the lines near Scotty Hollow. The applicant may consider septic systems, but that is not the plan at this time. Construction would most likely start next year.

The Commission was concerned that the project would be started, but not completed. Mrs. Enright explained a NPDES permit would be secured because of the extent of the tree clearing.

Audience comments:

John Deardon, 223 Groton Rd. asked whether Groton Rd. would be dug up to install the sewer and water lines. He was advised that these upgrades would be needed to accommodate the development. In light of the sewerage moratorium, this project would be allowed to be connected to the sewer system.

Mrs. Guertin reviewed the Town Engineer's letter, and is satisfied with it. She had no requests for any Special Conditions.

Motion: by Mr. Garrahan to issue a Standard Order of Conditions for 236-240 Groton Rd., with no Special Conditions. Seconded by Mr. Vines.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Tymula: Aye

Mr. Swenson: Aye

Mr. Bischoff: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Notice of Intent-continued

44 Central Square, construct a 32 unit condominium

The applicant has requested continuance to October 6, 2020, as the entire plan has to be re-engineered.

Motion: by Mr. Garrahan to continue the Hearing for 44 Central Square to October 6, 2020.

Seconded by Mr. Vines.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Tymula: Aye

Mr. Swenson: Aye

Mr. Bischoff: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Request for Certificate of Compliance-new

DEP# 129-0586, 5 Morning Glory Circle

Mrs. Guertin reported that this work was completed in an Order from 2002. The home and cul-de-sac are constructed and are not encroaching the wetland. The property was sold.

Motion: by Mr. Garrahan to issue a Certificate of Compliance for DEP #129-0586, 5 Morning Glory Circle, as presented. Seconded by Mr. Gibbs.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Tymula: Aye

Mr. Swenson: Aye

Mr. Bischoff: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Request for Certificate of Compliance-new

DEP#129-0481, 7 Technology Drive

Mrs. Guertin reported that this building was constructed in 1998. The building is for sale. No new work has been done. There is no encroachment, and everything looks good.

Motion: by Mr. Garrahan to issue a Certificate of Compliance for 7 Technology Drive, DEP #129-0481, as presented. Seconded by Mr. Bischoff.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Tymula: Aye

Mr. Swenson: Aye

Mr. Bischoff: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Discussion

Blaisdell/Alcorn area beaver issue

There is a culvert by the bike path in this area. All the houses are on stilts, as there is flood plain. This has been an ongoing issue, as every year there are calls. The trouble is that DPW cannot get equipment in, so the work is done by hand, and the beavers can reconstruct their dams within 12 hours. Clearing has been done frequently. DPW will continue to monitor the situation.

Continual Business

Land Management

-Russell Mill Reservation

Mr. McLachlan reported that the DPW has installed a fire gate at Noble Dr., and NEMBA is constructing two excavation routes. They will have markers every ¼ mile, and they are paying for the signs. They are

working with Deputy Fire Chief Mike Donahue on trail design. There is no lock on the fire gate at this time. DPW was thanked for paying the cost of the fire gate.

COSS has developed a proposal to construct a native garden in the Mill Pond Reservation in the area near the Mill House which was sold to a private developer. They will continue to do invasive plant removal. They would like to build a walkway through the property, and also to construct a small boat launch on Russell Mill pond. Volunteers will do all the work.

A Notice of Intent will be needed for the dock to be installed, which will be a scout project.

Mr. Bischoff reported that costs are uncertain at this time, but are expected to be minimal. The shed will be repaired. Paths will be similar to what is at Sunny Meadow Farm.

Canoe or kayak use on pond is supported by the Commission. Use regulations will need to address conditions there, such as no storage of boats, no fire pits, etc.

Motion: by Mr. Garrahan to give tentative approval for a native plant garden at Russell Mill Reservation, to include the filing of a Notice of Intent for a dock installation. Seconded by Mr. Vines.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Tymula: Aye

Mr. Swenson: Aye

Mr. Bischoff: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Agent's Report

The Town Manager is organizing a group to research what can be done on the Warren Pohl property now that the Town owns it. There will be a conservation restriction written to protect the property. It is unknown who will hold the restriction at this time.

Fall Annual Town Meeting has a Warrant Article to acquire a sliver of property near the Warren-Pohl property across the street from the Wright Reservation. This piece of land could have the potential for parking expansion. A Sub-committee will consider parking and what will happen here. The sub-committee has not been formed yet. Mr. Bischoff may be asked to represent the Commission's interests. No one is sure what will happen with the hay field, and invasive plants are starting to grow in. There remains a potential for trails, or more community gardens.

The group so far consists of Phil Stanway, Karl Bischoff, Becky Warren, Mike Raisbeck, Steve Mayotte, Max Winter and Bernie Ready. A public input session will be held at Sunny Meadows, beginning

at 10:00AM this Saturday and Sunday; announcements will be posted. A draft document has been created. More input is welcome. Comments should be sent to Mr. Bischoff.

Mr. McLachlan noted that other conservation restrictions are held by the Chelmsford Land Trust. He would prefer that the parcel not be commercially farmed.

Mrs. Guertin wished to provide an update regarding the property at 75 Willis Drive. Mr. Vines went by and saw stone being dumped to fill in some washout area. No one is parking there.

Mrs. Guertin was not aware of a complaint about heavy equipment storage on Acton Rd.

Approve Minutes

There were no Minutes to approve this evening.

Adjourn

Next Meetings October 6th

October 20th

Motion: by Mr. Garrahan to adjourn the meeting at 8:15PM.

Roll Call vote:

Mr. Gibbs: Aye

Mr. Vines: Aye

Mr. Tymula: Aye

Mr. Swenson: Aye

Mr. Bischoff: Aye

Mr. Garrahan: Aye

Mr. McLachlan: Aye

Motion carries, unanimous.

Respectfully submitted,
Vivian W. Merrill

Supporting documents:

-Applications & supporting documents for Request for Determination, Notices of Intent, and Request for Certificate of Compliance