

NATURAL RESOURCES COMMISSION
Meeting Minutes
January 9, 2019

Pursuant to the notice filed with the Town Clerk, the meeting of the Natural Resources Commission was held at 141 Keyes Road, first floor conference room, Concord, MA at 7:00 p.m. on Wednesday, January 9, 2019. The following Commissioners were present: Greg Higgins, Chair, Judy Zaunbrecher, Lynn Huggins, Jeff Adams, and Ed Nardi. Natural Resources Director Delia Kaye and Natural Resources Administrative Assistant Karen Bockoven were also present.

Chair Higgins opened the meeting at 7:00 p.m. in accordance with the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and the Concord Wetlands Bylaw.

APPROVE MEETING MINUTES <ul style="list-style-type: none">October 17, 2018 and November 7, 2018
DIRECTOR'S REPORT
CONTINUED TO JANUARY 23, 2019 <ul style="list-style-type: none">DAVIS, 513 Strawberry Hill Road, NOILEMONIAS DEVELOPMENT COMPANY, INC., 2160 Main Street, ANRAD
NEW APPLICATIONS <ul style="list-style-type: none">PILGRIM NOMINEE TRUST, 83 Pilgrim Road / New Public Meeting, NOIBAKER POND, LLC, 1075 Lowell Road / New Public Meeting, RDAFRITZ, 33A & 353 Elm Street / New Public Meeting, ANRAD
CERTIFICATES OF COMPLIANCE <ul style="list-style-type: none">ELIGIUS HOMES, 48 Ayrshire Lane (Lot 1-C)
OTHER BUSINESS <ul style="list-style-type: none">Recommendation to the Select Board pursuant to M.G.L. Ch. 61B for a Notice of Intent to Sell and Convert use from Recreational to Residential - Bergwall & Laura, 82 Shadyside Avenue, Parcel 4248-1-1
ADMINISTRATIVE APPROVALS <ul style="list-style-type: none">FITZGERALD, 310 Main Street: Tree RemovalCOMEAU, 44 Harrington Avenue: Tree Removal

APPROVE MEETING MINUTES

Commissioner Adams moved to approve the October 17, 2018 NRC meeting minutes, as amended. Commissioner Zaunbrecher seconded. All so voted.

Commissioner Adams moved to approve the November 7, 2018 NRC meeting minutes, as amended. Commissioner Zaunbrecher seconded. Commissioner Huggins abstained. All so voted.

DIRECTOR'S REPORT

- The Conservation Restriction (CR) regarding the gift of land from the White Pond Associates is very close to being finalized. It has been favorably reviewed by the state and now the Land Trust and White Pond Association will sign. It will then go to the Select Board for their approval. This should happen within the next couple of weeks. The baseline documentation report has also been finalized and has been sent to the White Pond Association for review.

Director Kaye said that agriculture will be permitted but the White Pond Associates will not permit any fencing, including temporary fencing, wells, or any other structures. Director Kaye said that the ability to improve the access driveway and provide stormwater management has been included as allowed uses.

- Director Kaye discussed recent correspondence she has received concerning vandalism on the None Such lot of the Emerson CR within the Estabrook Woods. This CR allows public access but access may be revoked if conservation values are diminished. Commissioner Adams said that two signs in the Hugh Cargill area have also been damaged recently. And, there was a stone wall disassembled in the same area recently that the homeowners are concerned about.
- Director Kaye advised the Commission that the Town is looking to deed 20,000 s.f. of the Gerow parcel to the Housing Authority to construct a small two-bedroom house for affordable housing, which would require NRC approval. The house may infringe into the 50-foot No Build Zone (NBZ). The Town would like to carve out a 30-foot wide easement for a driveway to cross over the Bruce Freeman Rail Trail. Director Kaye said that the Town is exploring the possibility of the legality of constructing on the easement. Commissioner Zaunbrecher said that when she went to walk on the Gerow property, there are No Trespassing signs. Director Kaye thought those may there for safety reasons while work is being done.

TO BE CONTINUED TO JANUARY 23, 2019 (NO DISCUSSION)

Notice of Intent Application, Jefferson Davis, 513 Strawberry Hill Road, DEP File #137-1451

Chair Higgins reopened the hearing for an after-the-fact filing for clearing vegetation, restoration with native plantings and invasive species management, and approval to construct a gravel walking path within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved to continue the hearing until January 23, 2019. Commissioner Adams seconded. All so voted.

Abbreviated Notice of Resource Area Delineation Application, Lemonias Development Company, Inc., 2160 Main Street, DEP File #137-1460

Chair Higgins reopened the hearing for confirmation by the Natural Resources Commission of the Bordering Vegetated Wetland delineation, Mean Annual High Water of the Assabet River, and Bordering Land Subject to Flooding elevation.

At the request of the Applicant, Commissioner Huggins moved to continue the hearing until January 23, 2019. Commissioner Adams seconded. All so voted.

NEW APPLICATIONS

Notice of Intent Application, Daniel Aho, Trustee, Pilgrim Nominee Trust, 83 Pilgrim Road, DEP File #137-1462

Chair Higgins opened the hearing seeking approval to demolish and reconstruct a single-family house within Bordering Land Subject to Flooding and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Existing Site Plan prepared by Places Associates, Inc. dated November 29, 2018.

The Applicant, Gregg Aho, and John Boardman of Places Associates attended tonight's meeting. Mr. Boardman explained that there is an existing house and shed on the property. The parcel is 2.2 acres and backs up to the Sudbury River. They are proposing to demolish the existing house and shed and construct a new house. Mr. Boardman said that the existing house is within the 100-year floodplain and a portion of the new house will also be within the 100-year floodplain. They have provided the required compensatory storage. Chair Higgins asked what is the nature of the disruption in the 25-50 foot buffer zone. Mr. Boardman said very little, the area is basically lawn. The house is in disrepair and the site overall is overgrown. The area of fill would be graded and returned back to lawn and landscaping as it was previously. Director Kaye asked if they were proposing to bring lawn up to the limit of the erosion controls. Mr. Boardman replied that the limit of work and the limit of lawn would be at the erosion controls. He explained that there is 10,000 s.f. on the other side of the haybales that was historically lawn and they are proposing to allow it to grow back naturally. Commissioner Zaunbrecher asked what is growing there now. Mr. Boardman replied that there probably are invasives. Mr. Boardman said that they were planning to restore the 25-foot No Disturb Zone and the work area. He said he does not want to get into a situation where they are doing invasives removal on two acres of property, which is untenable for a project of this size. However, they could identify some areas that the Commission thinks would be appropriate. Commissioner Huggins said a mitigation plan would be helpful in understanding what is out there now. The Applicant should get a wetland scientist to prepare a plan to identify the invasives and any proposed plantings and then staff can go out in the field and review. Mr. Boardman agreed.

Commissioner Adams inquired about the 4-foot proposed path. Mr. Boardman said he believes that they are going to withdraw that from the project. The idea was to have a walking path to the river. He believes there is probably already a path there. They will leave what is there.

Chair Higgins asked how many trees were being removed. Mr. Boardman said not that many. He pointed to the plan to show where trees were being removed. Chair Higgins asked the Applicant to consider what trees they may be keeping. He suggested that any trees that look problematic be considered for removal so a new homeowner does not have to request the Commission's approval. The Planning Board has requested trees be planted along the property line to create a buffer for trees that are being removed within the side setback. Mr. Aho said that the Planning Board was concerned about the pine trees that were coming out between the old house and the neighbor's house. They believe it would be nice to maintain a buffer.

Mr. Boardman explained that everything drains to the back and will continue to drain towards the back. Mr. Boardman said that based on what he has seen on the site, the water table is roughly at what the basement floor elevation is. They are raising the house a couple of feet so they do not have issues with flooding.

Commissioner Zaunbrecher asked if they were going to install feno markers to demarcate the edge of lawn from the naturalized meadow. Chair Higgins said he thought demarcating the line was important.

Director Kaye asked about reducing the driveway width. Mr. Boardman said the Planning Board made a recommendation that they reduce the pavement width. Mr. Boardman said they are meeting

with the Zoning Board of Appeals (ZBA) tomorrow evening and then they will provide revised plans to show all suggested recommendations made by the boards.

The Applicant agreed to continue the hearing until January 23, 2019.

Request for Determination of Applicability Application, Baker Pond, LLC, 1075 Lowell Road, RDA File #18-25

Chair Higgins opened the hearing seeking permission to remove vegetation and establish a native meadow within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Request for Determination of Applicability Application; and
- Map 1A dated December 19, 2018.

Jon Wolf, Property Manager at 1075 Lowell Road, attended tonight's meeting. Mr. Wolf said that the property owners would like to remove the arborvitae hedge. He explained that it will be easier to pull the arborvitae out now while the ground is frozen. Mr. Wolf said they should be able to remove most of the root balls, which they will recycle, and then chip the arborvitae. Erosion controls will be installed.

Mr. Wolf pointed out on the map where part of an existing lawn is being treated with fertilizer, herbicide, and fungicide. The plan in the future is not to treat the lawn at all. They will be filing another landscape plan as part of a larger filing at a later date.

Commissioner Adams asked if the existing stone gravel walkway will be removed. Mr. Wolf said at this time he is only looking for approval to remove the arborvitae and the pea stone walkway. Mr. Wolf will not be doing anything with the lawn in the 'allee' at this time. Commissioner Zaunbrecher asked if there would be much bare ground once the shrubs and gravel are removed. Mr. Wolf said they can smooth out and backfill with loam. The property owners want to plant a wildflower seed mix. A waiver request was submitted for working in the 25-foot No Disturb Zone.

There were no public comments.

Commissioner Zaunbrecher moved to close the hearing and issue a Negative Determination of Applicability #3 with the following conditions: 1) A preconstruction site visit shall be held to review erosion controls and the limit of work; 2) All work to be done when the ground is frozen; and 3) After the project has been completed, the Applicant shall submit a letter to the NRC stating that all work has been conducted in accordance with all conditions of this Determination of Applicability. Any changes from the RDA shall be described. Commissioner Adams seconded. All so voted.

Abbreviated Notice of Resource Area Delineation, Matt and Chandler Fritz, 33A & 353 Elm Street, DEP File #137-1463

Chair Higgins opened the hearing seeking confirmation by the Natural Resources Commission of the Bordering Vegetated Wetlands delineation.

List of plans and documents discussed at this meeting:

- Abbreviated Notice of Resource Area Delineation Application; and
- Abbreviated Notice of Resource Area Delineation Plan prepared by Snelling & Hamel Associates, Inc. dated December 5, 2018.

Mark Cooperman of EcoTerra Design & Consulting attended tonight's meeting. Mr. Cooperman explained that 33A Elm Street is a vacant lot that was purchased by Matthew and Chandler Fritz when they purchased 353 Elm Street. They are currently trying to confirm the wetland line for an upcoming master landscape plan which will result in a lot of improvements to the parcel. Mr. Cooperman said that the wetland was flagged by Wetland Scientist David Burke on behalf of Snelling & Hamel Associates. Mr. Cooperman said it appears that Mr. Burke did soil testing at all the flags. Mr. Cooperman described the topography of the parcels.

Director Kaye said there is a pipe into the wetland from one of the sump pumps which will need to be removed. Leaf debris dumped by a neighbor will also need to be removed. Mr. Cooperman said they will remove the debris on their side. Director Kaye will follow up with the neighbor to remove the debris on the other side.

There were no public comments.

Commissioner Zaunbrecher moved to close the hearing and issue an Order of Resource Area Delineation for Matt and Chandler Fritz, 33A & 353 Elm Street, DEP File #137-1463 with Finding 1. Commissioner Huggins seconded. All so voted.

CERTIFICATES OF COMPLIANCE

Eligius Homes, 48 Ayrshire Lane (Lot 1-C), DEP File #137-326

Commissioner Zaunbrecher moved to issue a Certificate of Compliance for Eligius Homes, 48 Ayrshire Lane (Lot 1-C), DEP File #137-326. Commissioner Nardi seconded. All so voted.

OTHER BUSINESS

Director Kaye explained that 82 Shadyside Avenue has been in Chapter 61B for recreational use. A Notice of Intent to Sell has been received to convert the use from recreational to residential. The property is a 7.4 acre parcel listed for sale at \$1,825,000. It is bounded to the south by Minute Man National Historical Park and to the east by Massport. It does not border any conservation land and it is not listed in the Town's Open Space Plan or any master planning documents as a priority parcel for acquisition. A small amount is within two BioMap2 areas. Approximately 1/3 is mapped as within the Wetland Conservancy District. All of the parcel falls within a Zone II Well Protection Area. Director Kaye recommended that the NRC recommend that the Select Board not exercise its right of first refusal to purchase the property.

There were no public comments.

Commissioner Huggins recommended that the Town not exercise its right of first refusal under Chapter 61B to purchase the property at 82 Shadyside Avenue, Parcel 4248-1-1 because of the high purchase price combined with the lack of adjacency to any other conservation parcels and not being identified as a priority parcel for natural resources. Commissioner Zaunbrecher seconded. All so voted.

Administrative Approvals:

- **310 Main Street: Tree Removal**

Director Kaye said there are three trees in the inner riparian and outer buffer zone that the homeowner would like to remove. One tree is a kousa dogwood that was never pruned. It

had a zipline attached that damaged the tree. There is also a Norway maple tree with extensive damage. The third tree is a yellowwood with a damaged trunk. All trees will be flush cut. In addition, the homeowner would like to remove a snag. Director Kaye asked if the homeowner would leave a 5-foot high snag for wildlife. The homeowner would like the ability to remove the whole snag but would consider leaving some of it. Approval was granted.

- **44 Harrington Avenue: Tree Removal**

Director Kaye said that the homeowner would like to remove a tree that an arborist has identified as problematic. The homeowner, who has received approval to remove a number of trees on the property last year, has not removed any trees yet. This tree that they are requesting to remove is not a hazard to the house but may fall in the road. Approval was granted.

Commissioner Zaunbrecher moved to adjourn. Commissioner Huggins seconded. All so voted. This meeting adjourned at 8:00 p.m.

Respectfully submitted,

Karen Bockoven
Administrative Assistant