

NATURAL RESOURCES COMMISSION
Meeting Minutes
January 22, 2020

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 22, 2020. The following Commissioners were present: Greg Higgins, Chair, Lynn Huggins, and Ed Nardi. Natural Resources Director Delia Kaye, Assistant Natural Resources Director Colleen Puzas, and Natural Resources Administrative Assistant Karen Bockoven were also present. Commissioners Zaunbrecher and Pappas were absent.

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 16, 2019
TO BE CONTINUED TO FEBRUARY 5, 2020 <ul style="list-style-type: none">ROBB, 55 Musterfield Road, NOISHAW, 43 Old Bedford Road, NOIWEDGE, 109 Heaths Bridge Road, NOINASHAWTUC COUNTRY CLUB, 1844 Sudbury Road (Lot 1), NOINASHAWTUC COUNTRY CLUB, 1844 Sudbury Road (Lot 3), NOI
DIRECTOR'S REPORT
CONTINUANCES <ul style="list-style-type: none">LEMONIAS DEVELOPMENT CORPORATION, 2160 Main Street, NOIMCGINN, 95 Coolidge Road, NOIMAHONEY, 27 Commerford Road, NOIMASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION, 90B Walden Street, NOIGAETZ, 321 Nashoba Road, NOI
NEW APPLICATIONS <ul style="list-style-type: none">ASSABET NOMINEE TRUST, 2194 Main Street, NOINASHOBA BROOKS SCHOOL, 200 Strawberry Hill Road, RDA
MINOR MODIFICATION <ul style="list-style-type: none">VOA CONCORD ASSISTED LIVING, INC., 68 Commonwealth Avenue
CLOSE and ISSUE <ul style="list-style-type: none">AWALT and CONLEY, 396 Great Meadows Road
OTHER BUSINESS <ul style="list-style-type: none">1440/1450 Main Street - PRD Recommendation to the ZBABike Policy DiscussionCapital Planning Discussion

Chair Higgins stated that the NRC meeting was being audio-recorded. He requested that anyone from the public recording the meeting so inform the Commission.

APPROVE MEETING MINUTES

Commissioner Huggins moved to approve the October 16, 2019 NRC meeting minutes, as amended. Commissioner Nardi seconded. All so voted.

TO BE CONTINUED TO FEBRUARY 5, 2020

Notice of Intent Application, George and Nancy Robb, 55 Musterfield Road, DEP File #137-1500

Chair Higgins reopened the hearing seeking approval to construct an addition to the existing single-family dwelling, modify the septic system, and install a vegetated stormwater drainage swale within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved continue the hearing until February 5, 2020. Commissioner Nardi seconded. All so voted.

Notice of Intent Application, Harold and Susan Shaw, 43 Old Bedford Road, DEP File #137-1504

Chair Higgins reopened the hearing seeking approval to construct a garage within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved continue the hearing until February 5, 2020. Commissioner Nardi seconded. All so voted.

Notice of Intent Application Hugh Wedge, 109 Heaths Bridge Road, DEP File #137-1511

Chair Higgins reopened the hearing seeking approval to replace two existing decks, expand an existing garage, construct a new garage, install pea stone and a stonewall in the existing patio area, prune overgrown vegetation, remove and replace an existing green house with an enclosed porch, and remove trees within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to the Sudbury River, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved continue the hearing until February 5, 2020. Commissioner Nardi seconded. All so voted.

Notice of Intent Application, Nashawtuc Country Club, 1844 Sudbury Road, DEP File #137-1509 (Lot 1)

Chair Higgins reopened the hearing seeking approval to construct a single-family dwelling and associated driveway, septic system, utilities and grading within Bordering Land Subject to Flooding and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved continue the hearing until February 5, 2020. Commissioner Nardi seconded. All so voted.

Notice of Intent Application, Nashawtuc Country Club, 1844 Sudbury Road, DEP File #137-1510 (Lot 3)

Chair Higgins reopened the hearing seeking approval to construct a single-family house dwelling and associated driveway, septic system, utilities, and grading within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved continue the hearing until February 5, 2020. Commissioner Nardi seconded. All so voted.

DIRECTOR'S REPORT

- Director Kaye and Assistant Director Puzas attended a cyanobacteria workshop at the University of New Hampshire hosted by the Cyanobacteria Monitoring Collaborative. The workshop was very informative with new information on standards and approaches to monitoring.
- The MACC annual workshop will be held on February 29th; interested Commissioners should contact Karen to register.
- Staff is developing a trail book to incorporate all trail guides into one book. Developing the book will be in-house, with assistance from volunteers, and the layout and printing will be done professionally.
- Chair Higgins mentioned a letter received from Todd Benjamin, chair of the Capital Planning Task Force (CPTF) requesting NRC input on capital planning projects. Jane Hotchkiss (Select Board liaison) said this is a new initiative but not part of the Finance Committee. The goal is to look at all the capital of projects in Town through one lens and to get an idea of how to stage projects over a period of time. The Town and School Department would be working together. Ms. Hotchkiss was not aware that a letter had been sent out to the NRC from the CPTF. Commissioner Huggins asked what would be the NRC's role because that needs to be defined. Ms. Hotchkiss suggested that the NRC a list of projects related to what the NRC would like addressed.

CONTINUANCES

Notice of Intent Application, Lemonias Development Corporation, 2160 Main Street, DEP File #137-1470

Chair Higgins reopened the hearing seeking approval to construct one single-family dwelling, two septic systems, and a common driveway within the 200-foot Riverfront Area to the Assabet River and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Common Driveway Plan prepared by Stamski and McNary, Inc. revised January 7, 2020.

Kurtis Platteel of Stamski and McNary attended tonight's meeting. Mr. Platteel stated that the Planning Board and ZBA closed the project at their meeting last evening. There is still one minor change with regard to the septic system per the Board of Health because the septic system was too close to the deck.

There were no public comments.

The Applicant agreed to continue the hearing until February 5, 2020 for the Board of Health to approve the project.

Notice of Intent Application, Paul McGinn, 95 Coolidge Road, DEP File #137-1502

Chair Higgins reopened the hearing seeking after-the-fact approval for clearing vegetation and native plant restoration within Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, Land Under Waterbodies and Waterways, the 200-foot Riverfront Area to the Sudbury River, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Homeowners Paul McGinn and Karen Donahue, and Brian Butler of Oxbow Associates, attended tonight's meeting. Mr. Butler explained that the changes to the narrative were for plantings recommended by staff for the understory, which will include marsh fern, three-way sedge, and woodgrass rather than sensitive fern to supplement the regrowth of buttonbush. Feno markers will be installed where needed. Director Kaye suggested reviewing an appropriate mow line in the field.

Chair Higgins said if the homeowners want to burn a pile of brush it needs to be done outside the 25-foot NDZ.

There were no public comments.

The Applicant agreed to continue the hearing until February 5, 2020 to allow for additional information to be provided.

Notice of Intent Application, Caroline Mahoney, 27 Commerford Road, DEP File #137-1506

Chair Higgins reopened the hearing seeking approval to construct two additions and a deck within the 200-foot Riverfront Area to Baptist Brook and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Wetland Permitting Plan prepared by Stamski and McNary revised January 6, 2020.

Homeowner Caroline Mahoney and Kurtis Platteel of Stamski and McNary attended tonight's meeting. Mr. Platteel said they are proposing 1:1 mitigation. An area to remove invasives was located and they will replace with natives (approximately 50 plants). They will remove the requested leaf pile and will install siltation barriers around the stockpile area.

Ms. Mahoney asked if they can decide the mix of natives and how large plants need to be. Director Kaye replied that locations can be determined at the pre-construction site visit. There is no requirement for size. Smaller plants are easier to establish than larger plants. There were no public comments.

The Applicant agreed to continue the hearing until February 5, 2020 to allow for additional information to be provided.

Notice of Intent Application, Massachusetts Department of Conservation and Recreation, 90B Walden Street, DEP File #137-1507

Chair Higgins reopened the hearing seeking approval to perform ADA compliant connections between the Route 126 crosswalk, the bathhouse and the main beach; remove existing bathhouse and replace with new accessible bathhouse; install associated utilities; improve stormwater management; and landscape improvements within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Plan Set (pages 1, 2, 11, 14, 15, 22, 29, 33, L-5.02 and C-005) prepared by BSC Group revised January 10, 2020.

Alexandra Echandi of BSC Group, Nathaniel Tipton of the Massachusetts Department of Conservation and Recreation (DCR), and Cullen Meves of Crosby, Schlessinger, Smallridge (CSS) attended tonight's meeting. Ms. Echandi informed the Commission that they have submitted a waiver request and have updated their plan set to include an updated planting plan and table to show the breakdown of the mitigation being proposed. The amount of impervious surface for the foundation is decreasing. They will provide 10:1 mitigation for disturbance in the 50-foot NBZ and will also restore degraded slopes. They will stabilize slopes with Flexterra and coir log matting. They will also install erosion controls along the top of the wall. The coir logs will be left in place; silt fencing will be removed once the site is stable. The required Stormwater Pollution Prevention Plan will specify regular inspections within 24 hours of a 0.25-inch rainfall, and every days. They will also monitor new plantings.

Mr. Tipton explained that CPW raised a concern that no easement over Route 126 exists for the sewer line. The street is state numbered but Town owned. They are waiting for the Select Board to review and approve.

Mr. Tipton said a portion of the project will start this spring, and the second phase is anticipated to be completed in the fall.

There were no public comments.

The Applicant agreed to continue the hearing until February 5, 2020 at which time the Commission anticipates issuing an Order of Conditions.

Notice of Intent Application, Kenneth Gaetz, Jr., 321 Nashoba Road, DEP File #137-1512

Chair Higgins reopened the hearing seeking approval to construct a replacement septic system, an addition, and garage within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Proposed Soil Absorption System Plan prepared by Whitman & Bingham revised January 9, 2020.

Homeowner Kenneth Gaetz and Anthony Cleaves of Whitman & Bingham attended tonight's meeting. Mr. Cleaves provided a letter to the Commission explaining changes they made since the last meeting. They have reduced the size of the addition in the back of the house. The screen porch has been relocated outside the 50-foot NBZ. The porch is no longer proposed. Updated plans now show the construction access and extended erosion controls. A wetland scientist has prepared an invasives removal and native replanting plan. Mr. Cleaves stated that the homeowner would like to widen the driveway to accommodate the size of garage. Mr. Cleaves said there will be a reduction in the amount of impervious surface because they will not be constructing a front porch.

There were no public comments.

The Applicant agreed to continue the hearing until February 5, 2020 at which time the Commission anticipates issuing an Order of Conditions.

NEW APPLICATIONS

Notice of Intent Application, Gregg Aho, Trustee, Assabet Nominee Trust, 2194 Main Street, DEP File #137-1513

Chair Higgins opened the hearing seeking approval to demolish an existing building and construct two single-family homes within the 200-foot Riverfront Area to the Assabet River and 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Site Plan of Land prepared by Thompson-Liston Associates, Inc. dated December 31, 2019.

Applicant Gregg Aho and James Tetrault of Thompson-Liston Associates attended tonight's meeting. Mr. Tetrault said the 1.28-acre site backs up to the Assabet River. Goddard Consulting has flagged the wetlands. The Applicant would like to demolish the existing building, remove the existing pavement and divide the property into two lots in order to construct two houses. The existing site currently has 9,600 s.f. of impervious surface, none of which is infiltrated. The new lots with the houses and driveways would consist of 5,600 s.f. of impervious surface. New roof runoff will be infiltrated via drywells. They will install Feno markers to demarcate that no mowing will occur beyond a certain point. Staff recommended that straw bales and silt fencing be used for erosion controls given the extent and duration of the work. Chair Higgins asked to note that on the plan. Mr. Tetrault said they would like to stockpile materials towards the front of the property and they will note that on the plan as well. Commissioner Nardi asked that they note the piping on the plan to the Cultec chambers.

Mr. Aho said there are two large pine trees behind the existing structure that are leaning towards the building. They would like to cut the trees and leave the stumps. Chair Higgins said to note that on the plan. He also requested that the information regarding riprap be removed from the plan. Mr. Tetrault will revise the plan. Mr. Aho said they have not started the ANR process with the Planning Board yet. Director Kaye noted that the NRC approval would need to occur after the ANR plan has been recorded.

There were no public comments.

The Applicant agreed to continue the hearing until February 19, 2020 to allow for additional information to be provided.

Request for Determination of Applicability Application, Nashoba Brooks School, 200 Strawberry Hill Road, RDA File #20-1

Chair Higgins opened the hearing seeking approval for grading and general construction activities 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;
- Existing Conditions Plan prepared by Oak Consulting Group dated January 2, 2020; and
- Drainage and Erosion Control Plan prepared by Oak Consulting Group dated January 2, 2020.

Tom Hughes of Hughes Environmental Consulting and Sean Malone of Oak Consulting Group attended tonight's meeting. Mr. Hughes stated that he flagged the wetlands last fall. The Discovery Barn project is outside the Buffer Zone. However, there is a discrepancy with his findings from an earlier ORAD plan, and some construction activity may occur within the outer Buffer Zone.

There were no public comments.

Commissioner Huggins moved to issue a Positive Determination of Applicability #2b and a Negative Determination of Applicability #3 with conditions to include: 1) a pre-construction meeting to review the erosion controls and limits of work, and 2) following completion of the project, the Applicant shall submit a letter to the NRC confirming that all work was conducted in accordance with the approved plan. Any changes shall be described. Commissioner Nardi seconded. All so voted.

MINOR MODIFICATION

VOA Concord Assisted Living, Inc., 68 Commonwealth Avenue, DEP File #137-1452

Director Kaye stated a temporary kitchen and storage is needed in the outer Riverfront Area while the existing kitchen is upgraded. The Fire Department has approved the access.

Commissioner Huggins moved to issue a Minor Modification as discussed for DEP File #137-1452 to allow the installation of a temporary kitchen and storage within the Riverfront Area. Commissioner Nardi seconded. All so voted.

CLOSE AND ISSUE PERMITS

Awalt and Conley, 396 Great Meadows Road, DEP File #137-1497

Chair Higgins reopened the hearing seeking approval to construct an addition and deck, and conduct invasive species removal within Bordering Land Subject to Flooding and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

There were no public comments.

Commissioner Huggins moved to close the hearing and issue an Order of Conditions for DEP File #137-1497 with Findings A, B, and C, Standard Conditions 1-19, and Special Conditions 20-60. Commissioner Nardi seconded. All voted.

OTHER BUSINESS

1440/1450 Main Street - PRD Recommendation to the ZBA

Chair Higgins recused himself and left the room for this matter because he had previously been involved with the sale of the property.

Commissioner Huggins stated that she had some non-substantive items that she would provide to Director Kaye.

This discussion was tabled to the February 5, 2020 NRC meeting due to a lack of quorum of voting members.

Bike Policy Discussion

Director Kaye said she will discuss a possible bike policy with staff from other Town departments that manage land. Chair Higgins thought it would be a good idea to get input from other departments but not to have a separate policy. The bike community should provide some information and input as well. Director Kaye will reach out to other departments and update the NRC at a future meeting.

Commissioner Nardi moved to adjourn. Commissioner Huggins seconded. All so voted. This meeting adjourned at 8:29 pm.

Respectfully submitted,

Karen Bockoven
Administrative Assistant