

NATURAL RESOURCES COMMISSION
Meeting Minutes
February 2, 2022

Pursuant to the notice filed with the Town Clerk, a virtual public meeting of the Natural Resources Commission was held on Wednesday, February 2, 2022 at 7:00 pm. The following Commissioners were present: Sarah Grimwood, Acting Chair, Greg Higgins, Nick Pappas, and Gary Kleiman. Chair Nardi was absent. Natural Resources Director Delia Kaye, Assistant Natural Resources Director Colleen Puzas, and Natural Resources Administrative Assistant Karen Bockoven were also present.

APPROVE MEETING MINUTES <ul style="list-style-type: none">• November 17, 2021
DIRECTOR'S UPDATE
NEW APPLICATIONS <ul style="list-style-type: none">• SPANG & SCHONBRUN, 1679 Lowell Road, RDA• CHEKLER, 2112, NOI
CLOSE and ISSUE <ul style="list-style-type: none">• NASHOBA BROOK BAKERY, 152 Commonwealth Avenue
OTHER BUSINESS <ul style="list-style-type: none">• Ralph Waldo Emerson Memorial Association, 18 Cambridge Turnpike (portion) Conservation Restriction Purchase and Sale Agreement

Acting Chair Grimwood called the meeting to order at 7:00 p.m. She stated that the NRC meeting was being audio-recorded and requested that anyone from the public recording the meeting so inform the Commission.

APPROVE MEETING MINUTES

Commissioner Pappas moved to approve the November 17, 2021 NRC meeting minutes, as amended. Commissioner Kleiman seconded. Commissioner Higgins abstained. **VOTE 3-0** by Roll Call Vote: Pappas, Aye, Kleiman, Aye, Grimwood, Aye.

DIRECTOR'S UPDATE

- The Assabet River Bluff Preservation Project is proceeding well. The Community Preservation Committee (CPC) recommended \$1,000,000 for the joint housing and open space land acquisition. The survey plan has been completed, and the Land and Water Conservation Fund grant application has been submitted. The Concord Land Conservation Trust (CLCT) and the Sudbury Valley Trustees (SVT) are actively fundraising for the land acquisition. Contributions for the housing portion of the acquisition be made to the Concord Housing Development Corporation.
- Land Manager Will Holden attended one day of a two-day jumping worm conference last week. Director Kaye attended the second session. Commissioner Pappas also attended the conference. Jumping worms are not a new invasive worm but have been around for decades. They are very destructive particularly, in forested ecosystems, though the same

can be said for European earthworms. Prevention is important because there is currently not a good control for them. To help keep the worms out of landscape people should check new plant soil, compost, and mulch. People can also put soil, mulch, and compost under plastic and solarize it. Neither cocoons nor worms can survive temperatures of 104 degrees for 24 hours. People should be aware and keep an eye out for them.

Commissioner Pappas suggested contacting CPW. Director Kaye confirmed that she would be in touch with them to monitor the composting site. Commissioner Pappas said the main take away he got from the conference was that there was a high risk of jumping worms in compost because they live in the leaf layer. He was doubtful that the compost materials reach 104 degrees.

Commissioner Grimwood asked how long jumping worms stay in egg form. Commissioner Pappas replied that in New England climate the cocoons over winter and hatch in the spring. Cocoons are extremely difficult to find. Director Kaye said cocoons can survive for up to two years.

NEW APPLICATIONS

Request for Determination of Applicability, Spang and Schonbrun, 1679 Lowell Road, RDA File #22-2

Acting Chair Grimwood opened the meeting seeking approval to construct a roofed porch, deck, and patio 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
- Site Plan prepared by Dickinson Architects, LLC revised January 31, 2022.

Homeowners Eliza Spang and David Schonbrun and Bill Dickinson of Dickinson Architects attended tonight's meeting. Mr. Dickinson said the homeowners would like to construct a farmer's porch on the front of the house. They would also like to construct a deck and patio in the back of the house, both of which will be outside the 50-foot NBZ. He explained that a portion of the front porch (290s.f.) will be within the 100-foot BZ. To mitigate for the 290 s.f. disturbance, they will plant three evergreens. Acting Chair Grimwood asked if the three trees were native. Mr. Dickinson confirmed that was correct. The homeowners will confirm with Natural Resources staff prior to planting.

Acting Chair Grimwood inquired about outdoor lighting. Mr. Dickinson said recessed can lighting will be installed in the porch ceiling. Acting Chair Grimwood said outdoor lighting should be low-lumen, wildlife friendly bulbs, and mounting light fixtures low to the ground. She noted that there is a potential vernal pool nearby and wildlife may be affected by the light. Mr. Dickinson said the vernal pool is on the opposite side. Mr. Schonbrun said they turn their lights off at 10:00 pm every night and they will continue that practice. Acting Chair Grimwood clarified that she was referring to the lights at the back of the house. Mr. Dickinson said no new lighting is proposed for the deck. Director Kaye said if that is the case no condition is necessary. Commissioner Higgins said lighting installed in the future should also be wildlife friendly. Mr. Schonbrun asked if they were to agree to put lighting on timers with a reasonable turnoff so the lights do not affect the vernal pool prior to final approval or construction would that be satisfactory. Commissioner Kleiman said the concern is less with the timing and more about the quality of the light bulb.

Mr. Dickinson said construction materials will be stockpiled on the driveway.

There were no public comments.

Commissioner Kleiman moved to issue a Negative Determination of Applicability #3 with the following conditions: 1) A pre-construction site visit shall be held with DNR staff and the Contractor to review erosion controls and limits of work; 2) Stockpiling shall occur outside the 100-foot Buffer Zone; 3) Any future outdoor lighting on the northwest deck shall consist of low-lumen, wildlife friendly bulbs, and lighting fixtures shall be mounted low to the ground; and 4) 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 Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Higgins, Aye, Pappas, Aye, Kleiman, Aye, Grimwood, Aye.

Notice of Intent, Chekler, 2112 Main Street, DEP File #137-*

Acting Chair Grimwood opened the meeting seeking approval to replace existing septic system within the 200-foot Riverfront Area to the Assabet River and within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Proposed Plan prepared by Innovative Septic Design, Inc. revised December 22, 2021.

Homeowner Eugne Chekler, Matthew Marro of Matthew Marro Environmental Consulting, and Evan Carloni of Innovative Septic Design attended tonight's meeting. Mr. Marro said the project is for septic replacement which is within the 100-foot BZ. The project does meet the exemption criteria in the 200-foot Riverfront. Three trees will have to be removed. They will provide tree protection for the trees that are remaining. Erosion controls will be installed around the limit of work. Acting Chair Grimwood asked if the BVW was flagged. Director Kaye replied that flags were not evident, however, flagging was done for a prior filing. The flagging is close enough that reflagging wouldn't be necessary for the septic project, but the Commission include a finding that the wetland boundaries as shown on the plan are not approved under this filing.

Mr. Marro explained that he contacted Alicia Gailen, the outreach coordinator for the DEP Northeast Region office because she had a comment about an extra filing fee needed for the Riverfront. He told Ms. Gallon that he did not believe it would be required for the multiplier because the work was exempt under the River's Act. Ms. Gailen said if the work is within the BZ than the multiplier would still apply. Mr. Marro subsequently sent out an additional check.

Acting Chair Grimwood asked for a chart including the three trees that are going to be removed and what mitigation will be provided. Mr. Marro replied that they are in the process of doing that. Director Kaye asked whether the tree furthest from the leaching field could be retained. Mr. Carloni said the tree needs to be removed because of the proximity to the leaching field.

There were no public comments.

The Applicant agreed to continue the hearing to February 16, 2022 pending revised plans and issuance of a DEP number.

CLOSE AND ISSUE PERMITS

Nashoba Brook Bakery, 152 Commonwealth Avenue, DEP File #137-1587

Acting Chair Grimwood reopened the hearing seeking approval to remove and rebuild an existing concrete walkway and install new water and sewer connections within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to the Nashoba Brook, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Commissioner Kleiman moved to close the hearing and issue an Order of Conditions for DEP File #137-1587 with Findings A, B, C, D, and E, Standard Conditions 1-20, and Special Conditions 21-52. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Higgins, Aye, Pappas, Aye, Kleiman, Aye, Grimwood, Aye.

OTHER BUSINESS

Ralph Waldo Emerson Memorial Association, 18 Cambridge Turnpike (portion) Conservation Restriction Purchase and Sale Agreement

Director Kaye said 2021 Town Meeting approved the purchase of a conservation restriction over Lot 1 (0.68 acre parcel) of the larger Emerson House parcel. This purchase secures the location of the Emerson-Thoreau Amble connecting to Lot B which the Town acquired in 2019 from the Emerson Association. Director Kaye explained that the action in front of the Commission tonight is to vote to authorize the NRC to enter into that Purchase and Sale Agreement with the Emerson Association and to authorize Interim Town Manager Kerry Lafleur to execute the Purchase and Sale Agreement.

Commissioner Higgins moved to enter into a record of vote of the Town of Concord Natural Resources Commission on February 2, 2022.

At a duly called public meeting of the Town of Concord Natural Resources Commission on February 2, 2022, the Commission voted as follows:

- (1) To approve the Purchase and Sale Agreement by and between the Ralph Waldo Emerson Memorial Association and the Commission for the Commission's acquisition of a Conservation Restriction on a portion of that certain property known as 18 Cambridge Turnpike, Concord, Massachusetts, consisting of approximately .68 acres and shown as C.R. Area 29,619 S.F. 0.68 AC. ± on that certain plan entitled "Conservation Restriction Plan of Land in Concord, Massachusetts" prepared by Stamski and McNary, Inc., and dated November 22, 2021; and
- (2) To authorize the Town Manager to execute the Purchase and Sale Agreement in the form presented to the Commission at its February 2, 2022 meeting.

Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Higgins, Aye, Pappas, Aye, Kleiman, Aye, Grimwood, Aye.

Susan Bates (NRC Liaison to Select Board) attended tonight's meeting. She wanted to remind everyone that there is an election tomorrow regarding funding for the middle school project and for filling a one-year term position on the school committee.

Commissioner Higgins moved to adjourn. Commissioner Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Higgins, Aye, Pappas, Aye, Kleiman, Aye, Grimwood, Aye.

This meeting adjourned at 7:35 p.m.

Respectfully submitted,

Karen Bockoven
Administrative Assistant

A video of the meeting can be seen by clicking this link or entering it into a web browser:
<https://www.youtube.com/watch?v=344bqvtPQPo>