

NATURAL RESOURCES COMMISSION
Meeting Minutes
February 20, 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, February 20, 2019. The following Commissioners were present: Greg Higgins, Chair, Judy Zaunbrecher, Lynn Huggins, Jeff Adams, and Ed Nardi. Delia Kaye, Natural Resources Director, was 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">December 19, 2018, January 9, 2019, and January 23, 2019
DIRECTOR'S REPORT
TO BE CONTINUED TO MARCH 6, 2019 <ul style="list-style-type: none">CONCORD CULINARY, 430 Old Bedford Road, NOI
NEW APPLICATIONS <ul style="list-style-type: none">HBC, LLC, 285 Elm Street and 3A Crescent Road / New Public Meeting, AMENDED NOIMIDDLESEX SAVINGS BANK, 64 Main Street / New Public Meeting, RDA
EXTENSION REQUEST <ul style="list-style-type: none">MassDOT, Bruce Freeman Rail Trail, Phase 2C
CLOSE and ISSUE <ul style="list-style-type: none">PILGRIM NOMINEE TRUST, 83 Pilgrim RoadMIDDLESEX SCHOOL, 1400 Lowell Road
CERTIFICATES OF COMPLIANCE <ul style="list-style-type: none">JOHNSON, 211 Park Lane
OTHER BUSINESS <ul style="list-style-type: none">Barretts Mill Farm, 52A Barretts Mill Road, High Tunnel Construction47 Warner Street, Easement
ADMINISTRATIVE APPROVALS <ul style="list-style-type: none">LAMBDA DEVELOPMENT COMPANY, INC., 218 Elsinore Street: House DemolitionLITTLE, 130 Buttricks Hill Road: Tree Removal

APPROVE MEETING MINUTES

Commissioner Zaunbrecher moved to approve the December 19, 2018 NRC meeting minutes, as amended. Commissioner Adams seconded. All so voted.

Commissioner Adams moved to approve the January 9, 2019 NRC meeting minutes, as amended. Commissioner Zaunbrecher seconded. All so voted.

Commissioner Adams moved to approve the January 23, 2019 NRC meeting minutes, as written. Commissioner Huggins seconded. Commissioner Zaunbrecher abstained. All so voted.

DIRECTOR'S REPORT

- Director Kaye asked the Commissioners to send her any additional comments regarding the Hartwell Meadow Conservation Restriction for 1767 Lowell Road and she will pass that information onto the Concord Land Conservation Trust.
- A subcommittee, the Concord Sustainable Energy Committee (CSEC), is hosting a Sustainable Landscaping Fair on May 18th from 10 am to 2 pm at the Willard School. CSEC has asked the NRC to host a table and Director Kaye plans to attend. She asked the Commission to let her know whether they would be able to join her. She would like to develop a native plant brochure in time for the fair.
- The Natural Resources offices will be renovated during March and April. The office will be closed on Thursday, February 28th and Friday, March 1st so that staff can move to the 2nd floor conference room during the renovations. Renovations should be complete by the beginning of May.
- Director Kaye said she will be piloting two pollinator meadows around Town. The first one will be at Heywood Meadow, working with the Heywood Meadow Stewardship Committee (HMSC) and Commissioner Huggins. They will develop a 700 s.f. pollinator meadow at the confluence of the paths on the west meadow. Director Kaye explained that site preparation is important. The Conservation Crew will rigorously weed the area over the summer in order to get it ready for planting in the fall. The following year it will be mowed every six to eight weeks. This will kill off the remaining annual weeds and allow the perennial natives to continue to establish a root system. Director Kaye said the year after that should produce a robust meadow.

Commissioner Adams asked about the orange flags that were previously in that location. Director Kaye responded that was where approximately 300 butterfly milkweed and 15 New Jersey tea were planted in 2016. However, because of the drought, only half of the plants survived but they are setting seed.

The second site would be at Barretts Mill Farm, in front of the red barn. The approximately 4,000-square foot area between the two curb cuts appears to be suitable and there is the added benefit of developing a pollinator meadow adjacent to farmland. There is an old stone foundation that was for an old farm stand that they will work around. At this site, the approach will be to remove the trees and vegetation and then solarize the soil to prepare the ground for the pollinator meadow. Ten trees consisting of dead and dying ash, slippery elm, and grey birch will be removed within the area, working with a local arborist to use the site for a chainsaw safety training site. Next, the invasive shrubs will be removed. The farmers will place greenhouse grade plastic on the ground over the summer that will kill all seeds underneath. DNR staff will seed the site in the fall and the site will be mowed the following year. She will make signs to inform the public. The farmers will also inform people visiting the farmstand.

COMMISSIONER COMMENTS

Chair Higgins wanted to confirm that the projects the Natural Resources Division has submitted for CPC funding are still supported by the NRC. Commissioner Zaunbrecher said there is some confusion on the Warner's Pond Dredging Project, which gets mistaken with the Gerow property improvements. Chair Higgins said there is also an Article about the transfer of a portion of the Gerow land to the Housing Authority. He asked if the NRC is in favor of a house being built on the Gerow property should the question be raised at Town Meeting. The NRC agreed that they support the idea but would need to see the plans first.

Commissioner Huggins noted that the Warrant doesn't contain any other items of interest to the Commission. The Commission concurred.

TO BE OPENED AND CONTINUED TO MARCH 6, 2019

Notice of Intent Application, Zur Attias, Concord Culinary, 430 Old Bedford Road, DEP File #137-1436

Chair Higgins reopened the hearing seeking approval to construct a seven-unit Planned Residential Development with associated driveway, soil absorption system, grading, utilities, and community gardens within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Zaunbrecher moved to continue the hearing for Zur Attias, Concord Culinary, 430 Old Bedford Road, DEP File #137-1436 until March 6, 2019.

Commissioner Nardi seconded. All so voted.

NEW APPLICATIONS

Amendment to Order of Conditions, John Hills, HBC, LLC, 285 Elm Street and 3A Crescent Road, DEP File #137-1449

Chair Higgins opened the hearing seeking approval to amend the Order of Conditions to relocate the proposed house on Lot 2 within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Lot 3 Site Plan prepared by Ducharme & Dillis Civil Design Group, Inc. revised on January 31, 2019.

Seth Donohoe of Ducharme & Dillis Civil Design Group and Scott Hills of HBC attended tonight's meeting. Mr. Donohoe explained that they have filed an Amendment to the Order of Conditions for Lot 2. Originally they had proposed to put the house entirely out of the Buffer Zone. However they shifted it 11 feet to the west and the house is now proposed in the outer Buffer Zone. To mitigate for work in the Buffer Zone they are proposing a mix of yews, firs, and rhododendrons along the driveway. There are no other changes to the site, drainage design or any infrastructure relating to the two houses.

Chair Higgins inquired about the additional trees that they want to remove. Mr. Donohoe said they have provided a table. The majority of the trees along the frontage are Norway maples which are being removed as invasive species. The areas subject to the Town's Preservation Tree Bylaw have been reviewed by the Town's arborist.

Mr. Hills said that during his preconstruction site visit on Lot 3 with Assistant Director Capone they did find one additional tree which had a lot of rot which was approved for removal. They left the stump in place.

Commissioner Adams said that as further mitigation that the Applicant incorporate native plantings in any areas of substantial invasive removal to achieve a 90% native cover within three years.

There were no public comments.

Commissioner Adams moved to the close the hearing and issue an Amended Order of Conditions for John Hills, HBC, LLC, 285 Elm Street and 3A Crescent Road, DEP File #137-1449 with Finding A, Standard Conditions 1-19 and Special Conditions 20-56. Commissioner Huggins seconded. All so voted.

Request for Determination of Applicability Application, Middlesex Savings Bank, 64 Main Street, RDA File #19-1

Chair Higgins opened the hearing seeking approval to construct a retaining wall, handicap parking, and expand walkways with associated grading, landscaping, and stormwater improvements within the 200-foot Riverfront Area to the Mill Brook and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Request for Determination of Applicability Application;
- Proposed Conditions Plan prepared by DGT Associates dated February 6, 2019;
- Site Details Plan prepared by DGT Associates dated February 6, 2019;
- Proposed Site Plan prepared by Catherine Oranchak/Landscape Architect revised on February 20, 2019;
- Demolition Plan prepared by Catherine Oranchak/Landscape Architect revised on February 20, 2019; and
- Site Details Plan prepared by Catherine Oranchak/Landscape Architect revised on February 20, 2019.

Bert Corey and Tim McGrail of DGT Associates, and Landscape Architect Catherine Oranchak attended tonight's meeting. Mr. Corey explained that the project involves widening the handicap parking, expanding walkways, and constructing a retaining wall for seating and landscape improvements. The trees that are in poor condition will be removed as well as invasive plants. There are approximately 10 trees and a few shrubs that they are proposing to remove and replace. They are also proposing a small rain garden which will collect any roof runoff from the Visitor Center. Mr. Corey said that some existing grass will be replaced with plantings. Commissioner Huggins asked for further explanation on the handicap area. Ms. Oranchak said the Visitor's Center attracts a lot of people to the grassy area. She explained that when they decided to formalize the space, they added a seatwall so more people can be accommodated in the space. They then decided to add a paved space as a pull-off for either wheelchairs or strollers to be out of the travel way.

Chair Higgins asked if they would be providing any bike racks in addition to what the Visitors Center provides. Ms. Oranchak said at this time they do not have any plans to add additional bike racks.

There were no public comments.

Commissioner Zaunbrecher moved to close the hearing and issue a Negative Determination of Applicability #2 and #3 with the following conditions: 1) A preconstruction site visit shall be held to review erosion controls and the limit of work; 2) Erosion controls consisting of 9-inch biodegradable straw wattles shall be installed around the limit of disturbance; 3) Silt sacks shall be installed in all catch basins; 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 Huggins seconded. All so voted.

EXTENSION REQUEST

MassDOT, Bruce Freeman Rail Trail, Phase 2C, DEP File #137-1322: 1-year extension for all outstanding work, final planting, and seeding.

Commissioner Adams moved to approve a one-year Extension Permit for the Order of Conditions for all outstanding work, final planting for MassDOT, Bruce Freeman Rail Trail, Phase 2C, DEP File #137-1322. Commissioner Huggins seconded. All so voted.

CLOSE AND ISSUE PERMITS

Daniel Aho, Trustee, Pilgrim Nominee Trust, 83 Pilgrim Road, DEP File #137-1462

Chair Higgins reopened 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.

Commissioner Huggins moved to close the hearing and issue an Order of Conditions for Daniel Aho, Trustee, Pilgrim Nominee Trust, 83 Pilgrim Road, DEP File #137-1462 with Findings A, B and C, Standard Conditions 1-19 and Special Conditions 20 -51. Commissioner Adams seconded. All so voted.

Middlesex School, 1400 Lowell Road, DEP File #137-1464

Chair Higgins reopened the hearing seeking approval to construct three faculty residences, new parking and driveway, new access walkways, stormwater management facilities, site utilities, and landscaping, portions of which work is within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Commissioner Zaunbrecher moved to close the hearing and issue an Order of Conditions for Middlesex School, 1400 Lowell Road, DEP File #137-1464 with Finding A, Standard Conditions 1-19 and Special Conditions 20-46. Commissioner Huggins seconded. All so voted.

CERTIFICATES OF COMPLIANCE

Johnson, 211 Park Lane, DEP File #137-1317

Commissioner Adams moved to issue a Partial Certificate of Compliance for Johnson, 211 Park Lane, DEP File #137-1317. Commissioner Huggins seconded. All so voted.

OTHER BUSINESS

Barretts Mill Farm, 52A Barretts Mill Road, High Tunnel Construction

Director Kaye said the NRC previously approved construction of two high tunnels and a greenhouse for the Barretts Mill farmers. The greenhouse and one of the high tunnels have been constructed and the second tunnel will be completed in the spring. Director Kaye said that the farmers would like to install two additional high tunnels for summer production of crops like cucumbers, peppers, and tomatoes, as well as extended season production of crops such as lettuce, spinach and kale. They will also be growing long-season crops such as ginger and lemongrass. The farmers would also like to construct a shed around the recently installed well to use for protection of the wellhead as well as to protect a small water tank and to have extra storage. The shed would be placed in the same vicinity as the hoop houses.

Commissioner Huggins moved to approve the construction of two additional high tunnels and a shed over the well. The shed shall be built on blocks, sonotubes, or other temporary foundation. Commissioner Adams seconded. All so voted.

47 Warner Street Easement

Director Kaye said last year the NRC approved the demolition and construction of a house at 47 Warner Street. The homeowners had proposed giving a 20-foot wide Easement from Warner Street to the edge of the pond, but have concerns about people accessing the pond. They would like to pull the Easement back 15 feet from the pond's edge and install a fence so it is clear to people that they do not have access to the pond. The Easement would be for a bench for people to sit and enjoy views on the pond. The Easement was not a condition of receiving approval from the Commission and was not part of any mitigation with regard to the project but something the homeowners thought would be nice to offer the public. The Commission expressed concern with structures such as a fence close to the pond and suggested perhaps the Easement wasn't necessary. They asked Director Kaye talk with the homeowners and determine if an Easement is viable.

Administrative Approvals:

- **Lambda Development Company, Inc., 218 Elsinore Street, House Demolition**

Director Kaye said this is a very minor project for the demolition of a house from the outer Riparian Zone. The river is across the street and approximately 190 feet away. The new house would be constructed slightly further away from the river. Approval was granted.

- **Litle, 130 Buttricks Hill Road, Tree Removal**

Director Kaye said there are three trees the homeowners would like to remove. One tree has already partially fallen down. Director Kaye informed the Commission that her office received a call from someone who heard tree work being done. When she went to visit the property she was told that the Litle's have an approved plan to maintain their property. She asked that a copy of that plan be sent to her but hasn't received anything yet. Commissioner Huggins thought there was a violation in the past for this property for this same reason. Director Kaye said she would look into that. Director Kaye said that she advised the landscape company that additional manicuring work that they would like to do would require approval from the Commission. Approval was granted for the removal of the trees.

Commissioner Adams moved to adjourn. Commissioner Zaunbrecher seconded. All so voted. This meeting adjourned at 7:40 p.m.

Respectfully submitted,

Karen Bockoven
Administrative Assistant