

NATURAL RESOURCES COMMISSION
Meeting Minutes
April 1, 2020

Pursuant to the notice filed with the Town Clerk, a virtual public meeting of the Natural Resources Commission in accordance with the Commonwealth of Massachusetts Executive Order of March 12, 2020 Suspending Certain Provisions of the Open Meeting Law was held on Wednesday, April 1, 2020 at 7:00 p.m. The following Commissioners were present: Greg Higgins, Chair, Lynn Huggins, Ed Nardi, Nick Pappas, and Judy Zaunbrecher. Delia Kaye, Natural Resources Director, Colleen Puzas, Assistant Natural Resources Director, 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.

| |
|---|
| NEW BUSINESS: Vote to Authorize Natural Resources Director to Sign on Behalf of Commission Members |
| APPROVE MEETING MINUTES |
| <ul style="list-style-type: none"> • January 8, 2020 and January 22, 2020 |
| TO BE CONTINUED WITHOUT DISCUSSION TO APRIL 15, 2020 |
| <ul style="list-style-type: none"> • SHAW, 43 Old Bedford Road, NOI • NASHAWTUC COUNTRY CLUB, 1844 Sudbury Road (Lot 1), NOI • NASHAWTUC COUNTRY CLUB, 1844 Sudbury Road (Lot 3), NOI • CONCORD COUNTRY CLUB, 246 Old Road to Nine Acre Corner, NOI |
| TO BE OPENED AND CONTINUED WITHOUT DISCUSSION TO MAY 6, 2020 |
| <ul style="list-style-type: none"> • GATTI, 150 Jennie Dugan Road, RDA |
| CONTINUANCES |
| <ul style="list-style-type: none"> • McGINN, 95 Coolidge Road, NOI • GAMBINO, 336 Lexington Road, NOI • GWIN, 296 Bedford Street, NOI |
| NEW APPLICATIONS |
| <ul style="list-style-type: none"> • CONCORD ANTIQUARIAN SOCIETY, 53-73 Cambridge Turnpike, RDA |
| MINOR MODIFICATION |
| <ul style="list-style-type: none"> • VOA CONCORD ASSISTED LIVING, INC., 68 Commonwealth Avenue |
| EXTENSION REQUESTS |
| <ul style="list-style-type: none"> • ANNURSNAC HILL ASSOCIATION, 57 Whits End Road • MEYERS, 116 Estabrook Road |
| EMERGENCY CERTIFICATION RATIFICATION |
| <ul style="list-style-type: none"> • COMCAST, 1024 Main Street |
| CERTIFICATES OF COMPLIANCE |
| <ul style="list-style-type: none"> • LITTLEFIELD, 90 Crowell Farm Road • MILLER, 300 Main Street |
| ADMINISTRATIVE APPROVALS |
| <ul style="list-style-type: none"> • LUX, 58 Southfield Road, Tree Removal • TOWN OF CONCORD, 90Y Plainfield Road, Bathhouse Demolition |

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.

Chair Higgins informed the public how to participate in the virtual meeting.

Vote to Authorize Director to Sign on Behalf of the Commission: Chair Higgins requested that the NRC give Director Delia Kaye authority to sign documents on their behalf during the State of Emergency to reduce the risk of COVID-19 transmission.

Commissioner Huggins moved to authorize Natural Resources Director Delia Kaye to sign the Concord Natural Resources documents on behalf of individual Concord Natural Resources Commission members. Commissioner Zaunbrecher seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

APPROVE MEETING MINUTES

Commissioner Zaunbrecher moved to approve the January 8, 2020 NRC meeting minutes, as amended. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

Commissioner Pappas moved to approve the January 22, 2020 NRC meeting minutes, as amended. Commissioner Huggins seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

TO BE CONTINUED TO APRIL 15, 2020

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 to continue the hearing until April 15, 2020. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

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 to continue the hearing until April 15, 2020. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

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 to continue the hearing until April 15, 2020. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

Notice of Intent Application, Gregory Cincotta, Concord Country Club, 246 Old Road to Nine Acre Corner, DEP File#137-1517

Chair Higgins reopened the hearing for after-the-fact removal of trees and earthwork disturbance associated with the construction of an irrigation pond within the 200-foot Riverfront Area of Jennie Dugan Brook.

At the request of the Applicant, Commissioner Huggins moved to continue the hearing until April 15, 2020. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

TO BE OPENED AND CONTINUED TO MAY 6, 2020

Request for Determination of Applicability Application, Mario and Emily Gatti, 150 Jennie Dugan Road, RDA File #20-2

Chair Higgins opened the hearing seeking approval to convert an existing deck to a screened porch, remove and replace an existing retaining wall, and construct a deck within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved to open and continue the hearing until May 6, 2020. Commissioner Nardi seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

CONTINUANCES

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.

Homeowner Paul McGinn attended tonight's meeting. Director Kaye said that she and Brian Butler of Oxbow Associates conducted a site walk on February 12th. Mr. Butler proposed installing the Feno markers at the edge of line of mowing.

Chair Higgins asked that the pile of slash between 25-foot NDZ and 50-foot NBZ be burned outside the 50-foot NBZ. Mr. McGinn stated that he did.

There were no public comments.

Commissioner Huggins moved to close the hearing and issue an Order of Conditions for DEP File #137-1502 with Findings, A, B, C, and D, Standard Conditions 1-19 and Special Conditions 20-48. Commissioner Nardi seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote**: Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

Notice of Intent Application, Peter Gambino, 336 Lexington Road, DEP File #137-1515

Chair Higgins reopened the hearing seeking approval to construct an in-ground pool with associated patio and fence within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Wetland Permitting Plan prepared by Stamski and McNary, Inc. dated January 22, 2020.

Chair Higgins noted that the Historic Districts Commission (HDC) has not yet given their approval of this project. If the HDC requires Mr. Gambino to submit a revised plan, he would need to file a new Notice of Intent application unless the Petitioner was willing to keep the hearing open. Mr. Gambino asked the NRC to issue an Order of Conditions tonight to maintain his construction schedule.

Chair Higgins stated that Mr. Gambino provided a planting area as mitigation.

Commissioner Zaunbrecher asked what type of fencing was being installed. Mr. Gambino replied that he has looked at other houses in his neighborhood and found that most houses have wooden fences. A wooden fence would be more fitting for the area. He said that HDC has not ruled on whether or not they would accept a black aluminum fence.

Commissioner Huggins moved to close the hearing and issue an Order of Conditions for DEP File #137-1515 with Finding A, Standard Conditions 1-19, and Special Conditions 20-53. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote**: Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

Notice of Intent Application, Joseph Gwin, 296 Bedford Street, DEP File #137-1516

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

List of plans and documents discussed at this meeting:

- Proposed Site Plan prepared by Perley Engineering LLC revised March 25, 2020.

Kyle Cormier of Oxbow Associates attended tonight's meeting. Mr. Cormier said other alternative spaces to construct the garage have been explored as requested by the NRC. As mitigation they are proposing an area of 560 s.f. of restoration within the 50-foot NBZ.

Chair Higgins reminded Mr. Cormier that the fencing within the 50-foot NBZ still needs to be removed. Mr. Cormier replied that it will be removed.

There were no public comments.

The Applicant agreed to continue the hearing until April 15, 2020 at which time the Commission anticipates issuing an Order of Conditions.

NEW APPLICATIONS

Request for Determination of Applicability Application, Robert Laverdure, Concord Antiquarian Society, Inc., 53-73 Cambridge Turnpike, RDA File #20-3

Chair Higgins opened the hearing seeking permission to install a basement waterproofing system 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
- Grading Plan prepared by DesignLAB Architects, Inc. dated March 10, 2017.

Norman Beland, Facilities Manager for the Concord Museum, attended tonight's meeting. Mr. Beland explained that the Concord Museum owns a single-family dwelling at southeast corner of the property. The house consistently experiences groundwater infiltration in several places in the basement so they would like to install a waterproofing system which will include a perimeter subfloor draining system equipped with two sump pumps. The trench will be dug within existing lawn for the drainage pipe. Mr. Beland said they will be installing a 4-inch PVC pipe to discharge into a 4-inch drywell.

Chair Higgins asked if someone had done the specifications as to how much water will discharge. Mr. Beland replied yes.

There were no public comments.

Commissioner Huggins moved to issue a Negative Determination of Applicability #3 with the following conditions: 1) Disturbed areas shall be loamed and seeded following construction and 2) 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 Pappas seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

MINOR MODIFICATION

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

Janice Weldon of Meridian Associates attended tonight's meeting. Ms. Weldon explained that they are requesting approval of the addition of a concrete pad for the HVAC equipment surrounded with a 6-foot high vinyl privacy fence. The pad is proposed in the outer Riverfront Area. They also propose a modification to the previously approved parking area to avoid damage the root system of an existing 30-inch tree. One parking space will be relocated and an additional parking space will be added. All work will be outside the floodplain.

Charles Gagnon, CEO of Volunteers of America, expressed his gratitude to the Town of Concord and its various departments for their assistance with this complicated and important project. Mr. Gagnon informed the NRC that their facility has had no positive cases of COVID-19 and they are doing everything possible to keep everyone safe.

There were no public comments.

Commissioner Huggins moved to issue a Minor Modification for DEP File #137-1452 for the concrete pad installation and removal of one tree in the Riverfront Area conditioned upon receipt of approval from ZBA, successful transplanting of three screening trees, and replacement of the cracked stone bound at the CR boundary. Commissioner Nardi seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

EXTENSION REQUEST

Annursnac Hill Association, Pond Management, 57 Whits End Road, DEP File #137-638

Director Kaye explained that the Annursnac Hill Association has been conducting pond management since 2001. They typically do a bi-annual treatment for algae growth and submit reports. They are requesting their 7th three-year extension to continue the pond management.

There were no public comments.

Commissioner Huggins moved to approve a three-year Extension Permit for the Order of Conditions for DEP File #137-638 for continued pond management, including annual reporting requirements. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

Meyers, Pond Management, 116 Estabrook Road, DEP File # 137-1390

Director Kaye explained that in 2017 an Order of Conditions was issued to Andrea Meyers control nuisance vegetation at Buttrick's Pond.

There were no public comments.

Commissioner Huggins moved to approve a three-year Extension Permit for the Order of Conditions for DEP File #137-1390 for continued pond management, including annual reporting requirements. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

EMERGENCY CERTIFICATION RATIFICATION

Comcast, 1024 Main Street, Repair existing underground conduits

Director Kaye said that Comcast needs to replace damaged underground cable for phone and internet service which is especially critical with the stay at home directive issued by the governor. The work is for service to buildings #2 and #14.

There were no public comments.

Commissioner Huggins moved to ratify the Emergency Certification to repair existing underground conduits at 1024 Main Street. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

CERTIFICATES OF COMPLIANCE

Littlefield, 90 Crowell Farm Road, DEP File #137-1049

Commissioner Huggins moved to issue a Certificate of Compliance for DEP File #137-1049. Commissioner Nardi seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

Miller, 300 Main Street, DEP File #137-1422

Commissioner Huggins moved to issue a Certificate of Compliance for DEP File #137-1422. Commissioner Nardi seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

Administrative Approvals:

- **Lux, 58 Southfield Road, Tree Removal**

Director Kaye said a declining cherry needs to be removed in order to install the drainage line for the rain garden. They will replace with a paper birch. Homeowner Dorothy Lux explained that they will plant the tree closer to the wetlands.

Commissioner Huggins moved to issue an Administrative Approval for 58 Southfield Road to remove the cherry and replace with a native paper birch closer to the resource area. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

- **Town of Concord, 90Y Plainfield Road, Bathhouse Demolition**

Director Kaye explained that the Town would like to demolish two bathhouses just outside the 100-foot Buffer Zone. The equipment that will be used will need access through the Buffer Zone. No dumpster will be needed on site and no tree removal is necessary.

Commissioner Huggins moved to issue an Administrative Approval for 90Y Plainfield Road for the bathhouse demolition. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

Commissioner Huggins moved to adjourn. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED by Roll Call Vote:** Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

This meeting adjourned at 7:58 pm.

Respectfully submitted,

Karen Bockoven
Administrative Assistant