

NATURAL RESOURCES COMMISSION
Meeting Minutes
April 6, 2022

Pursuant to the notice filed with the Town Clerk, a public meeting of the Natural Resources Commission was held on Wednesday, April 6, 2022 at 7:00 p.m., at 141 Keyes Road, First Floor Conference Room. The following Commissioners were present: Ed Nardi, Chair, Sarah Grimwood, Greg Higgins, Gary Kleiman, and Nick Pappas. Natural Resources Director Delia Kaye and Natural Resources Administrative Assistant Karen Bockoven were also present.

APPROVE MEETING MINUTES <ul style="list-style-type: none">February 2, 2022, February 16, 2022, and March 2, 2022
COMMISSIONER COMMENT <ul style="list-style-type: none">2229 Main Street Site Remediation Update
DIRECTOR'S UPDATE
TO BE OPENED AND CONTINUED WITHOUT DISCUSSION TO APRIL 20, 2022 <ul style="list-style-type: none">KOWALOFF, 228 Park Lane, NOIMcINTYRE, 99 Dalton Road, NOI
TO BE CONTINUED WITHOUT DISCUSSION TO APRIL 20, 2022 <ul style="list-style-type: none">LIMPAECHER, 61 Black Duck Road, NOI
NEW APPLICATIONS <ul style="list-style-type: none">FREDETTE, 286 Barretts Mill Road, NOICAIN, 65 Adin Drive, RDABURR, 287 Lindsay Pond Road, NOIGILLIS, 80 Alford Circle, NOI
ADMINISTRATIVE APPROVALS <ul style="list-style-type: none">WARD, 128 Garfield Road, Bog Bridge
OTHER BUSINESS <ul style="list-style-type: none">Updated Tree Removal and Replacement PolicyWarrant Article Review – Articles 25, 26, 30, 34, 35, 46, and 47Concord Land Conservation Trust, Proposed Well Installation, Hubbard Brook Conservation

Chair Nardi called the meeting to order at 7:00 p.m. He 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 February 2, 2022 NRC meeting minutes, as amended. Commissioner Higgins seconded. Chair Nardi abstained. **VOTE 4-0** by Roll Call Vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye.

Commissioner Pappas moved to approve the February 16, 2022 NRC meeting minutes, as amended. Commissioner Higgins seconded. Chair Nardi abstained. **VOTE 4-0** by Roll Call Vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye.

Commissioner Pappas moved to approve the March 2, 2022 NRC meeting minutes, as amended. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

COMMISSIONER COMMENTS

2229 Main Street Site Remediation Update

Chair Nardi noted that the NRC discussed proposed remediation about six months ago when Pam Rockwell provided a presentation to the Commission. Commissioner Pappas, liaison to the 2229 Main Street Committee, said he prepared a memo which he provided to Director Kaye. Commissioner Pappas said the conversation regarding remediation of the groundwater has taken place for over two years. The results have been better than expected in some places. This summer, the contractors will begin staging the remediation of the contamination present in the soil, sediments, and below foundations at the site. Contaminants include depleted uranium, PCBs, and other toxic chemicals. Most of these will be removed and disposed of off-site. Commissioner Pappas said there is an ecologically intact sphagnum bog adjacent to a holding basin and cooling pond, both of which were significantly contaminated. The basin and pond are adjacent to the bog which is something the NRC should be concerned about.

Director Kaye showed various slides of the site while Commissioner Pappas stated the following:

- A. The site contains a sphagnum bog and wetland areas that would be appropriate for conservation purposes. There are some contaminated areas within the bog, but there is no exposure pathway to the contamination that poses a risk to human health, and remediating that small area would destroy significant portions of the bog. The bog will not be remediated but it is stable.
- B. Ground Penetrating Radar discovered underground metal objects adjacent to the bog. Test pits in that area found fragments of metal fencing that had previously separated the bog from the adjacent areas. No metallic objects of concern were found.
- C. Extensive remediation is planned for the contaminated areas adjacent to the bog. Some of the contaminated areas are outside the bog, but within the wetland. These areas may also become staging space for cleanup of the holding basin. Areas where trees are removed, or flat paths are created may connect to trails on the site in the future, so it is important to be mindful of locating them too close to sensitive areas.
- D. Upslope from the areas mentioned above is a large flat area that formerly housed buildings and paved parking lots. Some work will be done in this area and the contractors plan to do some work to handle stormwater. Details on the stormwater management plan are not yet finalized but the contractors have suggested using the cooling pond for drainage. The town should evaluate plans so that it does not create problems for any future development. Stormwater drainage could adversely affect the bog and wetlands, but especially the bog.

Commissioner Pappas suggested a site visit. The NRC agreed. Commissioner Kleiman, co-chair of the 2229 Main Street Reuse Committee, said a site visit now would be the time for the NRC to engage and understand the cleanup plans. He said over the next four or five years, Concord will discuss the opportunities, barriers, and prospects to redevelop the site. He noted that careful studies have been done looking at what the pollution at the site is and what remediation should be. Now that cleanup is about to begin it is important for the NRC to represent nature. Commissioner Kleiman said it was the 2229 Main Street Reuse Committee's recommendation that the western section remain natural with some walking trails and passive recreation. Director Kaye said possible site visit dates to consider are April 13, 20, or 27 which are the next three Wednesdays. Director Kaye will follow up with a doodle poll.

DIRECTOR'S UPDATE

- There was good participation in the annual Concord Cleanup event. CPW crews will be assisting in picking up the trash and recycling bags.
- The Natural Resources Division is partnering with the Concord Land Conservation Trust for the third annual Garlic Mustard Pull next month.
- Cooler Concord is hosting a sustainability festival on April 30th at the Main Library front lawn. Natural Resources will provide a table for resources on pollinator plants and invasives.

TO BE OPENED AND CONTINUED TO APRIL 20, 2022

Notice of Intent, Kowaloff, 228 Park Lane, DEP File #137-1595

Chair Nardi opened the hearing seeking approval to convert an existing breezeway to an addition; construct a porch, patio, and deck stairs; and replace an existing deck within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Grimwood moved to continue the hearing to April 20, 2022. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Notice of Intent, McIntyre, 99 Dalton Road, DEP File #137-1594

Chair Nardi opened the hearing seeking approval to construct an attached garage, covered porch, and screened porches; and install a subsurface infiltration chamber within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Grimwood moved to continue the hearing to April 20, 2022. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

TO BE CONTINUED TO APRIL 20, 2022

Notice of Intent, Limpaecher, 61 Black Duck Road, DEP File #137-1578

Chair Nardi reopened the hearing seeking approval to construct an addition, convert an existing deck into a sunroom, extend the rear deck, and remove failing retaining wall within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Grimwood moved to continue the hearing to April 20, 2022. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

NEW APPLICATIONS

Notice of Intent, Fredette, 286 Barretts Mill Road, DEP File #137-1590

Chair Nardi opened the hearing seeking approval to remove a wooden deck, shed, portions of a paved driveway, and retaining walls; install an in-ground swimming pool, pool house, boardwalk, stone patio, retaining walls, vegetable garden, fencing, and stone steppers; repave a driveway, and relocate a playset within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to Spencer Brook and an unnamed perennial tributary to Spencer Brook, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetland.

List of plans and documents discussed at this meeting:

- Notice of Intent Application;
- Site Plan prepared by Eaglebrook Engineering & Survey, LLC dated February 9, 2022;
- Stormwater Analysis & Calculations prepared by Eaglebrook Engineering & Survey, LLC dated February 9, 2022;
- Existing & Proposed Site Plan Set prepared by Dan Gordon Landscape Architects revised March 25, 2022.

Homeowners Stephen and Heather Fredette, Andrea Kendall of LEC Environmental Consultants, Chris Rucinski and Dan Gordon of Dan Gordon Landscape Architects, and Ben Minnix of Eaglebrook Engineering attended tonight's meeting. Ms. Kendall said the project involves new and updated site amenities associated with a single-family house with the goal of providing a new outdoor living experience and creating a more seamless opportunity for the homeowners and their children to explore natural resources on their property. North of the site is the Concord Rod & Gun Club property. South of the property is conservation land. Around the house is lawn and landscaped areas. Spencer Brook flows southeasterly along the westerly property boundary and an unnamed brook flows into a pond through a concrete structure and then flows back out. Ms. Kendall said the pond on the property was constructed between 1940 and 1957 which was determined based on historical arial photos. There is an existing embankment separating the pond from the river. She said there is also an existing path around the pond.

The project involves replacing a patio and elevated deck, installing a pool and poolhouse, and a bridge to provide a loop trail around the pond. Ms. Kendall noted an existing shed and deck within the 50-foot NBZ. They will relocate an existing compost pile which is currently within the 25-foot NDZ. She said several trees including a dead tree will have to be removed to install the proposed swimming pool. To make the pedestrian loop around the pond the homeowners want to utilize the existing concrete wall and planks to complete the loop.

Ms. Kendall said to mitigate some of the impervious areas they would like to install a subsurface infiltration area. The homeowners would like to install an enclosed vegetable garden and create a lawn pathway that can provide more circular movement around the house. The homeowners are also proposing to install a new stonewall with a break in the wall for a path to access Barretts Mill Road.

Installing the swimming pool and pool house will require connecting utilities from the house for the pool equipment, which will require reconfiguring the existing driveway. The pool and poolhouse will be outside the 50-foot NBZ. Gravel will be put around the pool house to allow infiltration of runoff. Pavers will also be installed around the pool. The runoff will be pitched so that it goes into a proposed rain garden. The homeowners would like to create a woodland path to access a proposed footbridge, which would connect to a bermed pathway. Ms. Kendall noted that the proposed patio will replace an existing deck. She said mitigation will be provided for all the new impervious surfaces. The area where lawn is being removed will be replaced with ferns and other herbaceous cover, shrubs, and native trees. She noted that additional plantings will be put around the house.

Ms. Kendall said compensatory flood storage will be provided to offset the impacts to the floodplain from the patio and stairs. Calculations were reviewed and confirmed by Ben Minnix. Ms. Kendall explained that there will be an overall decrease in impervious surface (8 s.f.) within the 25-foot NDZ. This calculation was done without taking into consideration the footbridge. The areas where they will remove lawn in the 25-foot NDZ and 50-foot NBZ will be replaced with a conservation seed mix. She said mitigation is being provided for the increase of impervious areas within 100-foot BZ. She said they are under the 10% allowance for work within the 200-foot Riverfront Area.

Chair Nardi said there are a lot of pieces to the project and thanked Ms. Kendall for the explanation. He noted that CPW Engineering has provided comments and requested that the overall cut and fill calculations be done in AutoCAD to capture the actual cubic footage. Mr. Minnix replied that they calculated volumes at each interval within the work area with AutoCAD. Chair Nardi asked how they calculated if the work was only happening halfway through an elevation. Mr. Minnix said he can recalculate those areas. Director Kaye said the flood storage areas are correct but the volumes are not. She said the flood storage calculations should be on the site plan prepared by the engineer. Mr. Minnix said they will revise the plan.

Chair Nardi explained additional mitigation plantings are needed to offset work in the 50-foot No Build Zone. He noted that witch hazel is a shrub and not a tree so the spacing needs to be revised. Director Kaye explained that 11 trees within the NRC's jurisdiction including one dead tree are being removed. The 11 trees that are being removed should be replaced in addition to any trees proposed to offset new impervious surfaces. Ms. Kendall said she would look into that. Mr. Gordon said they will provide additional trees/plantings to meet the mitigation requirements.

Chair Nardi said CPW Engineering had a question about the pool and how they determined it was impervious. Mr. Minnix replied that the pool is considered an impervious surface but there is no increase in runoff. Normally there is about 8 inches from the water in the pool to the top of pool which allows room for rain and evaporation of water will allow for storage. Mr. Minnix said that probably in a 100-year storm event there would be over 8 inches of rain causing some overflow. They considered this when they were considering installing the rain garden. Commissioner Higgins said runoff is a factor with impervious surfaces but it also means that nothing can grow. Ms. Kendall

replied that was accounted for when determining required mitigation. Chair Nardi believes the comment from CPW Engineering was there may be some overflow during a 100-year storm event. Therefore, CPW is requesting that the rain garden be increased to offset that. Mr. Minnix said they will revise their calculations.

Chair Nardi asked for additional information about the footbridge. Ms. Kendall replied that the footbridge will be 4 feet wide supported by helical piles screwed into the ground by hand. Disturbance to the land will be minimal both during and after construction. The bridge will be approximately 3 ½ feet above the ground. Ms. Kendall said because of the south sun she does not believe vegetation below the decking will be impacted. The Commission expressed concern with the structure in wetlands and the 25-foot NDZ. Ms. Kendall said installation of footbridges, boardwalks or the like is a limited project. Even though this is for private use it would provide safe access for the homeowners' children. Ms. Kendall said they are hoping the NRC would consider the balance they are trying to achieve.

Director Kaye asked the Commission if they would find it helpful to do a site visit. The NRC agreed. Director Kaye will send a doodle pool.

There were no public comments.

The Applicant agreed to continue the hearing until May 4, 2022 to allow additional information to be provided.

Request for Determination of Applicability, Cain, 65 Adin Drive, RDA File #22-6

Chair Nardi opened the meeting seeking confirmation that the project is outside jurisdictional wetland resource areas. Work consists of constructing an addition.

List of plans and documents discussed at this meeting:

- Request for Determination of Applicability Application; and
- Wetland Permitting Plan prepared by Stamski and McNary, Inc. dated February 10, 2022.

Robert Melvin of Stamski and McNary attended tonight's meeting. Mr. Melvin said the homeowner would like to build an addition off the northeast portion of the house. To the north of the site is an intermittent stream but no BVW in this vicinity, so the intermittent stream is not regulated and therefore no BZ projected onto the site.

There were no public comments.

Commissioner Kleiman moved to issue a Negative Determination of Applicability #1, #4 and #6 confirming that the area is not within jurisdiction, and that proposed work is not within an Area subject to protection under the Act (including the Buffer Zone) or the Concord Wetlands Bylaw. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Notice of Intent, Burr, 287 Lindsay Pond Road, DEP File #137-1596

Chair Nardi opened the hearing seeking approval to replace an existing septic system within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and

- Sewage Disposal Plan prepared by Stamski and McNary, Inc. dated March 9, 2022.

Robert Melvin of Stamski and McNary attended tonight's meeting. The proposed project is to replace an existing septic system within the 100-foot BZ. The closest point to the BZ is 73 feet from the tank, and 75 feet from the leaching field. The site is very limited as to where they can put septic. They considered different options to keep out of the 100-foot BZ but in some places, utilities were in the way. They also they tried to find locations where they would not have to remove any trees or vegetation.

George Jakobsche of 39 Old Farm Road asked what the purpose of the 100-foot Buffer Zone if a waiver is allowed. Director Kaye explained that the 100-foot BZ is a protective zone around wetland resource areas and some activities can damage wetland resource areas, such as fertilizing lawns and cutting trees. The 100-foot BZ was established under the Wetland Protection Act. The state subsequently expected local communities to implement their own wetland bylaws to further protect the wetland resource areas. Director Kaye said the Town of Concord has a 25-foot No Disturb Policy which the Commission strongly enforces, allowing only activities which are restorative in nature. The NRC also has a 50-foot No Build Policy which is to prevent structures from being constructed too close to wetlands. She explained that work within the 50-100 buffer is looked at as a limited disturbance area where activities may be permitted but would require mitigation. Installing septic systems is common because people need them to have a functional home. Mr. Jakobsche asked how long the project would last. Mr. Melvin said the Board of Health has approved the project. The project will probably take a few months, and this would include landscaping.

Commissioner Grimwood moved to close the issue and issue an Order of Conditions for DEP File #137-1596 with Finding A, Standard Conditions 1-20, and Special Conditions 21-50. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Notice of Intent, Gillis, 80 Alford Circle, DEP File #137-1593

Chair Nardi opened the hearing seeking approval to expand an existing sunroom and garage, and construct a raised patio within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Plan prepared by Jarvis Land Survey, Inc. dated February 24, 2022.

Homeowners Scott and Lindsay Gillis attended tonight's meeting. Mr. Gillis said their proposed project includes expanding an existing sunroom and garage and constructing a raised stone patio between the 50-foot and 100-foot BZ. Mitigation will be provided.

Chair Nardi asked for clarification for the proposed bio-retention areas. He said grading is not indicated on the plan. Mr. Gillis said the bio-retention areas could be referred to as rain gardens. He explained within one of the rain gardens is a reinforced concrete pipe conveying stormwater from Alford Circle along with snow and de-icing chemicals. This area is unvegetated, constantly wet, heavily shaded, and provides no infiltration of any significance to the adjacent wetlands. Mr. Gillis said to protect the wetlands they thought it would be a good idea to vegetate this area. CPW Engineering approved and encouraged revegetating this area. Mr. Gillis explained that the intention is to take this unvegetated area and plant native species. Chair Nardi said although rain gardens are

a good idea, they are not a substitute for mitigation which is required for impervious work for the site. Mr. Gillis asked what type of mitigation would be appropriate to mitigate the 573 s.f. of additional impervious surface. Chair Nardi said that it is not the Commission's responsibility to suggest mitigation, however, such things as removing lawn or invasives within jurisdictional areas and replanting with native trees and plants is commonly proposed. Mr. Gillis said they could remove the lawn and plant native shrubs and understory plants. He noted that runoff from the road will still be a problem. Chair Nardi said the proposed mitigation needs to be shown on a plan with type of plantings, number, and spacing. Mr. Gillis said that information is provided in the narrative but they will note on the plan. Chair Nardi said erosion controls need to be installed to encompass the limit of work and be noted on the plan. Commissioner Grimwood requested that any invasives removal be noted on the plan. Mr. Gillis said there is small area of pachysandra near the wetlands that he would be happy to remove. Commissioner Grimwood noted that hostas are not native and could not be counted as mitigation.

Commissioner Higgins said typically contours are noted on a plan. He said more detail about the rain garden is needed. Chair Nardi explained that putting all information on an engineered plan provides a reference for the contractor.

Commissioner Higgins asked why the NRC would allow eliminating 573 s.f. of lawn but will not recognize a rain garden that might filter saltwater coming from the road into the wetlands. Director Kaye noted that the NRC encourages infiltration for new impervious surfaces. Additional details about the rain garden are needed, such as confirming that it can accommodate the volume of runoff from Alford Circle. Commissioner Higgins said additional information would help the Commission determine if it could be considered mitigation. Mr. Gillis said he believes doing work near the concrete pipe will do more for the wetlands than cutting out a piece of lawn and planting native shrubs. He plans on doing the replanting work himself. He will outline the area of work and will take before and after photographs. Chair Nardi said that would be good but the information still needs to be put on a plan. Mr. Gillis will provide requested information.

Chair Nardi said there is an old DEP project file that needs to be closed out. Director Kaye explained the outstanding permit is for the original house construction. She will talk to Mr. Gillis offline about submitting a Request for Certificate of Compliance.

The Applicant agreed to continue the hearing until May 4, 2022 to allow additional information to be provided.

Administrative Approvals:

- **Ward, 126 Garfield Road, Bog Bridge**

The Concord Land Conservation Trust (CLCT) has an easement over Mr. Ward's property at 126 Garfield Road with a seasonally wet area along the trail that they propose to bridge. The bridge will consist of a double plank walk with planks set on either half rounds or 6 x 6-inch pressure treated lumber. If supports are needed they will either use streamers spiked into support logs or half pipes.

Commissioner Pappas asked if the NRC was concerned about pressure treated lumber. Director Kaye said pressure treated wood is better than it used to be and it no longer contains arsenic. She said the Town still uses pressure treated lumber, but also uses cedar, locust or other non-treated lumber where possible.

Commissioner Kleiman asked if the project discussed earlier tonight would be allowed to install a bog bridge. Director Kaye replied that the earlier project was for a structure over a brook. This project is to install a bog bridge on a trail. The trail is also for public use. Commissioner Grimwood asked if the bog bridge would be protecting the wet area. Director Kaye confirmed that this bog bridge is to protect a seasonally muddy spot. Commissioner Kleiman said there is a public benefit for this project.

Ned Perry of 362 Bedford Street noted that bog bridges go over muddy areas such as paths that get broken down by bicycles. A bridge is installed over water.

Approval was granted.

OTHER BUSINESS

Updated Tree Removal and Replacement Policy

Chair Nardi said Director Kaye has updated the NRC's tree policy for the Commission's review. He noted that the Planning Board's Tree Preservation Bylaw provides an option "in lieu of" planting trees to pay a fee to the Town, at a significant cost. He doesn't necessarily agree with the metrics but it is a good starting point for discussion. Commissioner Pappas said he doesn't like buying a way out of a problem because it does not directly protect the wetland values. Commissioner Kleiman said the tree replacement should have a 6-inch minimum DBH (diameter at breast height). He said it would be good for the NRC to be consistent with the Town's Tree Preservation Bylaw in several other ways. He agreed with Commissioner Pappas that the current fee structure for mitigation by the Town under the Tree Preservation Bylaw does not result in significant protection, because the fees are not high enough to act as a significant disincentive. He recognizes that there are some practical difficulties in trying to mitigate an entirely wooded lot that may be within the 100-foot BZ and if the Town could determine if mitigation was not possible, feasible, or practical then a monetary buyout option could be available. Commissioner Pappas doesn't think that is practical given the cost of houses and land in Concord. Commissioner Kleiman said it may get people thinking. Commissioner Higgins said currently the NRC wants replacement of trees for the ones being removed. Maybe there are other mitigating factors the NRC could consider such as electric. Commissioner Pappas said it is the NRC's obligation to protect the wetlands, not to promote sustainability options. Commissioner Higgins said policies of the NRC are not parallel to the Town's Tree Protection Bylaw. The NRC is trying to protect wetlands. Chair Nardi felt people are already moving towards other sustainable options such as heat pumps.

Chair Nardi said that prohibiting stump grinding in the 25-foot NDZ which is noted in Director Kaye's draft is a common sense modification.

Commissioner Higgins believes there is an economic burden to new homeowners wanting to remove trees because they are hazardous. In some instances, the previous homeowner or developer didn't take down because of the cost. Chair Nardi said there is a section about mitigation for hazardous trees.

Commissioner Higgins noted there was a typo on page 3 item 4 “must be” is noted twice. Chair Nardi said on page 2 first sentence “may require” should be “will require”. The next sentence allows NRC discretion.

Mark White of 233 Independence Road said he is the owner of Bentley Building Corporation and AWMW, LLC. He believes that the revised policy is geared towards existing houses. He asked what is the burden for wooded, undeveloped lots with on-site septic systems as compared to Town sewer. He will be submitting an application to the NRC for parcels at the end of Sunnyside Lane that fit that description. Based on information that his engineer provided and based on the policy for work within the 50-100 BZ, that would mean he would have to plant 60 two-inch trees in the jurisdictional area. He said the Town’s Tree Preservation Bylaw only pertains to the zoning setbacks and not the building envelope. Mr. White carefully reviews the cost of trees. For the lots on Sunnyside that he will develop, the cost for trees could be anywhere between \$35,000 and \$40,000 per lot. Mr. White said he would like the NRC to consider keeping the policy that is already in place (1:1 mitigation) for the outer Buffer Zone, and using the proposed policy for disturbance between the 25-50 BZ. He said they are starting to install more electric heat pumps and induction stoves in new houses that he is constructing, and hopefully this is the right path moving forward.

Director Kaye stated what is currently in the draft proposal. The policy encourages homeowners to leave a snag, provide 1:1 mitigation, or plant shrubs to mitigate removal of dead trees. Removal of healthy trees would require 50% caliper replacement. Director Kaye noted that invasive trees such as Norway maples provide carbon sequestration, shading, raptor perches, cover and other values, and she felt that mitigation should be required at perhaps 25%. Commissioner Kleiman said he was okay with the mitigation levels but he is sensitive to Mr. White’s point about property being buildable and that the NRC shouldn’t make a buildable lot unbuildable. He said there is a setback requirement in the Tree Preservation Bylaw which the NRC is not proposing in their policy and asked whether the NRC should consider mitigation only for trees in the setback between the 50-100 BZ. He wondered if maybe there should only be mitigation for trees in the setback versus the buildable area of the lot.

Mr. White said that the tree count for the Sunnyside Lane was based upon what they believe the footprint of the house will be. He explained that he does not clear cut his lots. He sees the value environmentally and financially in keeping trees. He said the Commission also needs to remember that trees planted as mitigation need a place to grow and not be crowded or become a hazardous tree in 15 to 20 years. Commissioner Kleiman said for Sunnyside Lane he thought it might be an unreasonable burden to mitigate onsite for all the trees to be removed to build on the lots since the lots are mostly wooded.

Commissioner Higgins agreed with Commissioner Kleiman’s suggestion about the setback. Commissioner Kleiman suggested that the NRC’s policy align with the Town’s Tree Preservation Bylaw. Commissioner Higgins was not in favor of NRC’s tree policy aligning with the bylaw. He said when a policy change like this is made it can get very finite and take away discretion from all the parties. If the tree policy is approved, it would put a financial burden on homeowners. He noted that the Tree Preservation Bylaw was presented and approved at Town Meeting, and felt that the NRC should let the public know their intent even though it is only a policy. Mr. White agreed that the citizens should be aware.

Mark Gailus of 62 Prescott Road said it would be good to inform the public about the NRC's draft tree policy so there is more public input and other ideas about how to balance all interests.

Director Kaye asked the NRC how they would like to proceed. Chair Nardi recommended that each Commissioner provide their comments to Director Kaye to incorporate into the draft and discuss how to make available to the public. She suggested putting a legal notice in the Concord Journal or an article in the newspaper to obtain public input. Director Kaye noted that a policy does not require Town approval, but has little legal standing. People have generally been very respectful in regards to the NRC's policy and hopes that will continue.

Warrant Article Review – Articles 25, 26, 30, 34, 35, 46, and 47

Article 25 – Assabet River Bluff Preservation Project

Chair Nardi stated that the NRC has reviewed the plans. He was in support. Commissioner Pappas was in strong support. Director Kaye asked if the Commission wanted to make a statement at Town Meeting. If so, she will draft something up for review. The NRC would like Director Kaye to draft a statement on their behalf. Commissioner Pappas moved to support Article 25 at Town Meeting. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Article 26 – Community Preservation Committee Appropriation Recommendations.

Commissioner Kleiman moved to support Article 26, Community Preservation Committee Appropriations, at Town Meeting. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Article 30 – Scenic Roads General Bylaw

Commissioner Higgins said this pertains to the public right-of-way. He believes it would be beneficial for the NRC to have control over trees, etc. He is in support of the article but feels that the NRC does not need to vote. The Commission agreed that they are in support of the article but it does not raise to the level that they need to take a vote.

Article 34 – Citizen Petition Zoning Map Amendment (Residence A & Industrial Park B Zoning District Boundary)

The NRC took no position.

Article 35 - Citizen Petition: Zoning Bylaw Section 10 Planned Residential Development Update

Chair Nardi said he briefly read the Planning Board's position which was that this may dissuade this type of building. He thought the Planning Board voted no action on this article. It was Commissioner Kleiman's opinion that this article should be deferred to the Planning Board and not individual citizen petitions. Citizens should have to go through the Planning Board process. The NRC took no position.

Article 46 – Citizen Petition: Reformatory Branch Trail Feasibility Study

Commissioner Grimwood moved that the NRC take no action. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Article 47 – Citizen Petition: Preserve Concord’s Reformatory Branch Trail

The NRC took no position.

Concord Land Conservation Trust, Proposed Well Installation, Hubbard Brook Conservation

Joan Ferguson of the Concord Land Conservation Trust (CLCT) and Steve Verrill of Verrill Farms attended tonight’s meeting. Ms. Ferguson explained that Mr. Verrill wants to install a well at the Hubbard Brook Farmfield, where the NRC holds the Conservation Restriction. Ms. Ferguson explained that under the “reserved rights” section there are subsections that allow underground water and electrical lines and seasonal use of above ground pipes and other irrigation equipment to water crops. The CR also states that “except for fences, troughs for livestock, and utility lines of irrigation equipment nothing shall permit the construction of any structures, including without limitation any barn, garage, shed or greenhouse, stable or indoor riding”. Ms. Ferguson said at the time the CR was drafted it was very difficult to cover all the eventualities that might arise in the future. The system that Mr. Verrill would like to install would be considered irrigation equipment. Chair Nardi agreed but asked how big the control panel and shed would be. Ms. Verrill said it would be approximately 4 feet wide and 5 feet high. Commissioner Kleiman said the work proposed appears to be within the intention of the CR. The NRC agreed.

Commissioner Higgins moved to approve the irrigation well as proposed on Hubbard Brook Farmfield. Commissioner Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

At 9:47 pm, with no further presentations or public comment, the Chair adjourned the meeting.

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/results?search_query=Concord+Natural+Resources+Commission