

NATURAL RESOURCES COMMISSION
Meeting Minutes
June 19, 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, June 19, 2019. The following Commissioners were present: Greg Higgins, Chair, Lynn Huggins, Ed Nardi, and Nick Pappas. Commissioner Zaunbrecher was absent. Delia Kaye, 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.

APPROVE MEETING MINUTES
<ul style="list-style-type: none"> • April 9, 2019
DIRECTOR'S REPORT
TO BE OPENED ON JULY 10, 2019
<ul style="list-style-type: none"> • ALUSTA CONSTRUCTION, 721 Old Bedford Road, NOI
TO BE CONTINUED TO JULY 10, 2019
<ul style="list-style-type: none"> • CONCORD CULINARY, 430 Old Bedford Road, NOI • BARBARESI, 40 Coppermine Road, NOI
CONTINUANCES
<ul style="list-style-type: none"> • MassDOT/Highway Division, Bruce Freeman Rail Trail, Phase 2B, NOI • BENTLEY BUILDING CORPORATION, 1709 Monument Street, NOI
NEW APPLICATIONS
<ul style="list-style-type: none"> • ANDERSEN-MILLER DESIGN, 52 Simon Willard Road / New Public Meeting, NOI
MINOR MODIFICATION
<ul style="list-style-type: none"> • TOWN OF CONCORD, Cambridge Turnpike Improvements Project
CERTIFICATES OF COMPLIANCE
<ul style="list-style-type: none"> • CARUSO, 76 Hawthorne Lane • FIRST SPRING CORPORATION, 396 Great Meadows Road • BENTLEY BUILDING CORP., 144 Park Lane • HERRIES, 327 Commonwealth Avenue
EMERGENCY CERTIFICATION RATIFICATION
<ul style="list-style-type: none"> • TOWN OF CONCORD, 56Y Lexington Road
OTHER BUSINESS
<ul style="list-style-type: none"> • 47 Warner Street, Easement Acceptance • Black Birch II, Forest Ridge Road, Conservation Land Conveyance
ADMINISTRATIVE APPROVALS
<ul style="list-style-type: none"> • O'CONNELL, 403 Simon Willard Road, Tree Removal • DUPONT, 140 Hunter's Ridge Road, Deck Removal • COMCAST, 1024 Main Street, Conduit Repair • NIKOEL, 1134 Main Street, Soil Borings • CUOCO, 66 Wayside Road, Tree Removal

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

APPROVE MEETING MINUTES

The April 9, 2019 minutes were tabled to the July 10, 2019 NRC Meeting.

DIRECTOR'S REPORT

- Director Kaye informed the Commission that June 17th was the scheduled opening for White Pond beach but the Town was unable to open the beach because of a blue-green algae bloom. This bloom occurred earlier than in previous years.
- A celebration to honor Marion Thornton will be held this Saturday at Heywood Meadow at noon. The church service will be held prior at the First Parish Church.

TO BE OPENED AT JULY 10, 2019 (NO DISCUSSION)

Notice of Intent Application, Gregg Aho, Alusta Construction, 721 Old Bedford Road, DEP File #137-1477

The Applicant is seeking approval to demolish and reconstruct a single-family house, replace the existing septic system, remove two sheds and gravel area, and replace existing patio and stone walls within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved to open the hearing at the July 10, 2019. Commissioner Nardi seconded. All so voted.

TO BE CONTINUED TO JULY 10, 2019 (NO DISCUSSION)

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 Huggins moved to continue the hearing until July 10, 2019. Commissioner Nardi seconded. All so voted.

Notice of Intent Application, William Barbaresi, 40 Coppermine Road, DEP File #137-1472

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

Commissioner Huggins moved to continue the hearing until July 10, 2019 and to authorize up to \$4,000 for a third party review in accordance with M.G.L. Ch. 44, §53G. Commissioner Nardi seconded. All so voted.

CONTINUANCES

Notice of Intent Application, Susan McArthur, Mass DOT – Highway Division, Bruce Freeman Rail Trail, Phase 2B, DEP File #137-1474

Chair Higgins reopened the hearing seeking approval to construct a 0.6-mile, 12-foot wide paved asphalt multi-use trail with pavement milling mulch or paved shoulders, trail pavement markings and signage, new pedestrian/bicycle bridges over Route 2 and Nashoba Brook, a wildlife crossing under Route 2, stormwater and drainage improvements, micro-milling and hot-mixed asphalt of Route 2, earthwork, landscaping, and other items incidental to construction of the rail trail within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to Nashoba Brook and Fort Pond Brook, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Construction Plans prepared by Greenman-Pedersen, Inc. dated June 6, 2019;
- Wildlife Corridor Grading Plans prepared by Greenman-Pedersen, Inc. dated June 6, 2019; and
- Notice of Intent Supplemental Materials prepared by Greenman-Pedersen, Inc. dated June 6, 2019.

Susan McArthur of MassDOT and Brian Myers of Greenman-Pedersen, Inc. attended tonight's meeting. Mr. Myers described the areas that will be impacted by the project and indicated on the plan where the 25-foot NDZ and 50-foot NBZ were located. Mr. Myers provided pictures of another project to illustrate what the modified rockfill will look like. The wingwalls at the crossing openings will be loamed and seeded. The riprap is necessary to ensure the stability of the structure and prevent erosion and scouring. Mr. Myers said that the grading for the slopes for this project will be 1 ½ to 1.

Director Kaye said that the riprap is not very conducive for wildlife to traverse. Chair Higgins said if rock was not going to be used what will be used. Mr. Myers said it will be much different once compost mulch is added and the grass grows. Director Kaye said it will still be difficult for small wildlife to navigate. Director Kaye asked if the concern was that Nashoba Brook will overtop and scour the wildlife culvert approaches. Mr. Myers said the riprap will help stabilize and prevent scour. Director Kaye suggested evaluating the culvert approach substrates at other wildlife crossings along Route 2. Mr. Myers was in agreement.

Ms. McArthur said that the Nashoba Brook culvert replacement is not on the Transportation Improvement Plan (TIP) currently so modifying the bridge to provide wildlife access is not feasible at this time. However, it may be in the near future. Ms. McArthur read a letter stating the bridge now meets statutory requirements and the weight restriction has been lifted. She will forward this information to Director Kaye. Ms. McArthur said she was told that any work that may be necessary is cosmetic or guardrail work. She said that if and when the bridge is replaced they will evaluate the feasibility of improving wildlife habitat connectivity. Director Kaye thought the bridge was a more suitable location for a wildlife crossing. Chair Higgins asked what was the clearance between the groundwater elevation and the top of the wildlife culvert. Mr. Myers replied that the clearance will be approximately 3 feet.

Mr. Myers clarified information that was presented at the last meeting. Mr. Myers said that the shoulders would be made from sustainable, recycled materials with binding materials. It would not

be like pavement. He explained that the big difference between the materials they will be using and stone dust is larger so the guardrail posts do not erode.

Chair Higgins asked that since they are doing some invasives are they planning on replanting. Director Kaye said that although the Applicant has a proposed planting plan that it does not include the areas where invasives will be removed. Those areas will need plantings so invasives will not grow back.

There were no public comments.

The Applicant agreed to continue the hearing until July 10, 2019 to allow additional information to be provided.

Notice of Intent Application, Mark White, Bentley Building Corporation, 1709 Monument Street, DEP File #137-1476

Chair Higgins reopened the hearing seeking approval to install a sprinkler system, foundation drain, and grading associated with the construction of a new dwelling within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Sewage Disposal Plan prepared by Stamski and McNary, Inc. revised June 6, 2019.

The Applicant, Mark White, and Molly Obendorf from Stamski and McNary attended tonight's meeting. Ms. Obendorf said at the last meeting that the NRC requested that they show all the sprinkler lines to confirm they were located outside the 50-foot NBZ. It was also requested that the foundation drain outlet be moved out of the 50-foot NBZ. Ms. Obendorf said they are proposing a mini rain garden at the outfall. Director Kaye requested that the rain garden not be mulched and to keep it natural.

There were no public comments.

Commissioner Huggins moved to close the hearing and issue an Order of Conditions for Mark White, Bentley Building Corporation, 1709 Monument Street, DEP File #137-1476 with Finding A, Standard Conditions 1-19 and Special Conditions 20-45. Commissioner Nardi seconded. All so voted.

NEW APPLICATIONS

Notice of Intent Application, Matt Andersen-Miller, Andersen-Miller Design, 52 Simon Willard Road, DEP File #137-1478

Chair Higgins opened the hearing seeking approval to reconstruct and enlarge an existing detached garage, reconfigure the associated driveway, remove trees, and landscape within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Existing Garage Drawing Plans prepared by Andersen Miller Design revised on June 13, 2019.

Homeowner Aubrey Bout and Matt Andersen-Miller of Andersen-Miller Design attended tonight's meeting. Mr. Miller showed the NRC pictures of the existing detached garage, which was built in the 1940s or the 1950s. He said the garage is adjacent to the wetlands and is dilapidated. The homeowners would like to enlarge the garage and bring it up to code. The existing garage does not have gutters or downspouts and all water flows towards the wetlands. The existing garage sits mostly within the 50-foot NBZ and includes a 500 s.f. concrete driveway used as a basketball court. They will be replacing the concrete with permeable granite pavers. A gravel path will go around the structure. A stone retaining wall to replace an existing pressure treated retaining wall is proposed. They are taking out a significant number of Norway maples and ten non-invasive trees. They will replant 27 new native trees. Underneath the canopy they will plant native shrubs and plants suitable for wooded areas.

Chair Higgins asked why they were not building the garage closer to house. Mr. Miller replied that they did not build closer because of a 6% average grade change. Chair Higgins asked if they could move the garage more towards the walkway. Mr. Miller said they did not want to because they want to preserve five very large pine trees. It made sense to keep the footprint of the existing structure because of the connection to the street, the elevations, and also an existing utility pole.

Mr. Miller explained that the new structure will have gutters and downspouts connected to drywells. Asphalt paving will be replaced with gravel. With regard to the tree preservation bylaw, rather than paying the fee for the removal of ten trees they will be replanting 27 trees. Director Kaye said that the current plan does not show the native plantings and a revised plan will have to be submitted. Mr. Miller agreed to do so. Director Kaye also requested a proposal on invasives removal and replanting.

There were no public comments.

The Applicant agreed to continue the hearing until July 10, 2019 to allow additional information to be provided.

MINOR MODIFICATION

Town of Concord, Cambridge Turnpike Improvements Project, DEP File #137-1416

Director Kaye said two minor modifications to the plan are requested. At the nursery, additional unsuitable materials were discovered, so the proposed number of parking spaces is being reduced from six to the three that were originally there. The BVW impact will be reduced by 190 square feet. The second modification is to the wetland replacement area. The NRC had previously approved a 1.5 to 1 mitigation area. The wetland was flagged high, and the replacement wetland would not connect well hydrologically. They will bring the elevation down to 132 in order to connect it more to the water elevation and create a basin at 132.5. This means that the square footage for wetland replacement will be reduced from 3,500 s.f. down to 2,770 s.f., which still provides greater than 1:1 replacement. DEP and the Army Corps have indicated that they will also approve the modifications.

Commissioner Huggins moved to issue a Minor Modification for Town of Concord, Cambridge Turnpike Improvements Project, DEP File #137-1416. Commissioner Nardi seconded. All so voted.

CERTIFICATES OF COMPLIANCE

Caruso, 76 Hawthorne Lane, DEP File #137-1156

Commissioner Huggins moved to issue a Certificate of Compliance. Commissioner Nardi seconded. All so voted.

First Spring Corporation, 396 Great Meadows Road, DEP File #137-1360

Commissioner Huggins moved to issue a Certificate of Compliance. Commissioner Nardi seconded. All so voted.

Bentley Building Corporation, 144 Park Lane, DEP File #137-1305

Commissioner Huggins moved to issue a Certificate of Compliance. Commissioner Nardi seconded. All so voted.

Herries, 327 Commonwealth Avenue, DEP File #137-1448

Commissioner Huggins moved to issue a Certificate of Compliance. Commissioner Nardi seconded. All so voted.

EMERGENCY CERTIFICATION RATIFICATION

Town of Concord, 56Y Lexington Road, Beaver Dam Breach

Director Kaye received a few calls inquiring about Mill Brook backing up and causing flooding. Bill Kenney found a beaver dam at Kenney Farm that was causing the farm fields to flood. The Board of Health has issued a permit to trap the beavers.

Commissioner Huggins moved to ratify the Emergency Certification for Bill Kenney to perform a controlled beaver dam breach. Commissioner Nardi seconded. All so voted.

OTHER BUSINESS

47 Warner Street, Easement Acceptance

Director Kaye reminded the Commission that the homeowner received an Order of Conditions to demolish and rebuild a single-family dwelling. She has had benches constructed from trees from the property. The benches are for the public to use and enjoy. Director Kaye said that the Aley's have done great work removing invasives and they are also building turtle nesting mounds.

Commissioner Huggins believes the homeowner should be recognized for going above and beyond what was requested. The NRC agreed.

Commissioner Huggins moved to accept the easement as proposed for 47 Warner Street. Commissioner Nardi seconded. All so voted.

Black Birch II, Forest Ridge Road, Conservation Land Conveyance

As part of the Alternative Planned Residential Development approval at Black Birch II (Sweet Birch Lane), the developer is gifting 5.4 acres to the Town under custody of the NRC.

Commissioner Huggins moved to accept the conservation land conveyance granted by Black Birch Development Partners, LLC, on June 4, 2019, as shown on Plan No. 646 of 2017 recorded at the Middlesex South Registry of Deeds. Commissioner Nardi seconded. All so voted.

Administrative Approvals:

- **O'Connell, 403 Simon Willard, Tree Removal**
Director Kaye informed the Commission that a tree within the Riverfront is hanging over the house and should be removed. Approval was granted.
- **Dupont, 140 Hunters Ridge Road, Deck Removal**
Director Kaye said the approval is for a post installation. She has already given the homeowner permission to remove a portion of the cantilevered deck that was unsafe. The post will be installed by hand. Approval was granted.
- **Nikoel, 1134 Main Street, Soil Borings**
Director Kaye explained that the property owner would like to conduct some exploratory borings within paved areas of the site, within the 100-year floodplain. Approval was granted.
- **Comcast, 1024 Main Street, Emergency Conduit Repair**
Comcast needs to replace conduit at Concord Greene. The direct buried cable is currently in water and residents are having problems with the quality of their cable. Erosion controls will be used and the work is expected to take one day. Approval was granted.
- **Cuoco, 66 Wayside Road, Tree Removal**
A tree on the property fell onto another tree, which is leaning towards the house deck. Approval was granted to cut and remove the fallen tree from the top of the slope.
- **Town of Concord, 10B Wright Road, Tree Removal**
Removal of a damaged tree in the outer buffer zone on Town conservation land that is leaning over the property owners yard. A second tree is entangled with bittersweet that the homeowner will remove. Approval was granted.

Commissioner Huggins moved to adjourn. Commissioner Nardi seconded. All so voted. This meeting adjourned at 8:17 p.m.

Respectfully submitted,

Karen Bockoven
Administrative Assistant