

**NATURAL RESOURCES COMMISSION**  
**Meeting Minutes**  
**July 10, 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, July 10, 2019. The following Commissioners were present: Greg Higgins, Chair, Judy Zaunbrecher, Ed Nardi and Nick Pappas. Commissioner Huggins 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.

<b>APPROVE MEETING MINUTES</b> <ul style="list-style-type: none"><li>• April 9, 2019 and May 1, 2019</li></ul>
<b>DIRECTOR'S REPORT</b>
<b>TO BE CONTINUED TO JULY 24, 2019</b> <ul style="list-style-type: none"><li>• <b>CONCORD CULINARY</b>, 430 Old Bedford Road, NOI</li><li>• <b>BARBARESI</b>, 40 Coppermine Road, NOI</li></ul>
<b>CONTINUANCES</b> <ul style="list-style-type: none"><li>• <b>MASSDOT/HIGHWAY DIVISION</b>, Bruce Freeman Rail Trail, Phase 2B, NOI</li><li>• <b>WESTCHESTER COMPANY, INC.</b>, Lot 2A Keuka Road, NOI</li></ul>
<b>NEW APPLICATIONS</b> <ul style="list-style-type: none"><li>• <b>ALUSTA CONSTRUCTION</b>, 721 Old Bedford Road, NOI</li><li>• <b>CONCORD GREENE CONDOMINIUM ASSOC.</b>, 1024 Main Street, NOI</li><li>• <b>BEAULAC</b>, 649 Cambridge Turnpike, NOI</li><li>• <b>PISANO</b>, 73 Monument Street, NOI</li><li>• <b>TRIESCHMAN</b>, 397 Strawberry Hill Road, NOI</li></ul>
<b>CLOSE and ISSUE</b> <ul style="list-style-type: none"><li>• <b>ANDERSEN-MILLER DESIGN</b>, 52 Simon Willard Road</li></ul>
<b>EXTENSION REQUESTS</b> <ul style="list-style-type: none"><li>• <b>MIDDLESEX SCHOOL</b>, 1400 Lowell Road</li></ul>
<b>CERTIFICATES OF COMPLIANCE</b> <ul style="list-style-type: none"><li>• <b>BRIGIOTTA</b>, 41 Lowell Road</li><li>• <b>GRANDBOIS</b>, 37 Fielding Street</li></ul>
<b>ADMINISTRATIVE APPROVALS</b> <ul style="list-style-type: none"><li>• <b>ALEY</b>, 47 Warner Street, Propane Tank Installation</li><li>• <b>TOWN OF CONCORD</b>, 203 Walden Street, Tree Removal</li><li>• <b>LONG</b>, 261 Monsen Road, Tree Removal</li></ul>

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.

**APPROVE MEETING MINUTES**

Commissioner Zaunbrecher moved to approve the April 9, 2019 NRC meeting minutes as written. Commissioner Nardi seconded. All so voted.

The May 1, 2019 minutes were tabled to the July 24, 2019 NRC meeting due to a lack of quorum of voting members.

### **DIRECTOR'S REPORT**

- Director Kaye informed the Commission that the Emerson acquisition was moving along and the closing date is scheduled for July 25, 2019.

### **TO BE CONTINUED TO JULY 24, 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 until July 24, 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.

At the request of the Applicant, Commissioner Zaunbrecher moved to continue the hearing until July 24, 2019. 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:

- Bruce Freeman Rail Trail Phase 2B Plan Set prepared by Greenman-Pedersen, Inc. revised June 2019.

Brian Myers of Greenman-Pedersen, Inc. attended tonight's meeting. Mr. Myers informed the NRC that they have changed the approaches for the wildlife corridors. The approaches will consist of filter fabric with pea stone. The substrate will be four inches of loam and seed. Modified rock will be used on steep slopes but it will be a much smaller area. Director Kaye commented that it was a big improvement.

There were no public comments.

Commissioner Zaunbrecher moved to close the hearing and issue an Order of Conditions for Susan McArthur, Mass DOT – Highway Division, Bruce Freeman Rail Trail, Phase 2B, DEP File #137-1474 with Findings A, B, C, D, and E, Standard Conditions 1-19 and Special Conditions 20-64. Commissioner Nardi seconded. All so voted.

**Notice of Intent Application, Steve Marsh, Westchester Company, Inc., Lot 2A Keuka Road, DEP File #137-1461**

Chair Higgins reopened the hearing seeking approval to construct a single-family home, with an associated garage, patio, driveway, grading, and utilities within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Plan prepared by Markey & Rubin revised on June 21, 2019; and
- Invasive Species Management Plan prepared by Goddard Consulting revised on June 24, 2019.

Mark Arnold of Goddard Consulting attended tonight's meeting. Mr. Arnold said they have revised their plans so that all structures are outside the 50-foot NBZ. The invasives species management plan has also been revised to include additional mitigation. They believe they comply with wetland standards and the bylaw standards for work within the Buffer Zone.

Chair Higgins asked if they were adding fill onto Keuka Road right-of-way for the septic system. Mr. Arnold replied yes. Director Kaye said the Board of Health requires a 5-foot setback. Mr. Arnold replied that was a question for the Planning Department. Director Kaye said the Health Department issues that permit. Mr. Arnold said he will look into that.

Commissioner Zaunbrecher said according to what she sees on the plan, the patio and driveway are within the 50-foot NBZ. Mr. Arnold said they are very close but not over. The Applicant is aware of this requirement and will make sure they do not cross over the 50-foot NBZ. Commissioner Zaunbrecher recommended that it be noted on the plan. Mr. Arnold will have that information clearly noted on a revised plan. Director Kaye noted that would apply to any roof overhangs and gutters as well.

Mr. Arnold informed the Commission that they included the Hosmer Meadow Development to show how Lot 2A Keuka Road ties into that subdivision.

Chair Higgins inquired about the driveway traversing the proposed meadow. Mr. Arnold replied that the driveway will tie in at the edge of the pavement. They will be grading but not making it lawn. Director Kaye said there is an approved plan with an area that is proposed as meadow within the Buffer Zone. This application seeks to alter that approved meadow area with a new impervious surface. She asked how the NRC can approve something that conflicts with an already approved plan. Mr. Arnold said the Commission could issue an order for the house only and have lawn all around the house. A second order could be issued that would allow for a patio. Chair Higgins stated it would be different if there was a superseding order on the lot in question. However, this is on another piece of land which the Applicant is requesting to have a driveway on. Mr. Arnold stated that for this project, the driveway will be coming off the corner.

Commissioner Zaunbrecher asked about the meadow. This project would create extra impervious within the 100-foot Buffer Zone. Director Kaye responded that the meadow for the 4-lot subdivision approved the meadow to comply with stormwater management. Mr. Arnold said there are other areas within the right-of-way that they could propose to overlay to offset the meadow. Director Kaye said that DEP has a concern with the Applicant changing an approved plan and the plan should first be amended because what they are asking for with this application conflicts with the approved plan. Mr. Arnold said they will check the stormwater plans and how they can balance the meadow area.

There were no public comments.

The Applicant agreed to continue the hearing until July 24, 2019 to allow for additional information to be provided.

### **NEW APPLICATIONS**

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

Chair Higgins opened the hearing 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.

#### **List of plans and documents discussed at this meeting:**

- Notice of Intent Application; and
- Sewage Disposal Plan prepared by Stamski and McNary, Inc. revised on July 1, 2019.

Chair Higgins requested that in the future plans identify the Buffer Zones more clearly.

Applicant Gregg Aho and Paul Kirchner of Stamski and McNary attended tonight's meeting. Mr. Kirchner said most of the property is within the 100-foot Buffer Zone. The plan is to demolish the existing house and construct a new house. The new house will be constructed further away from wetlands. The new septic tank will be within the Buffer Zone. The new driveway will be smaller but gravel will be removed and replaced with lawn. The house will be larger but there will be a reduction in the total amount of impervious surface. The patio and landscape walls will be rebuilt. Two sheds will be removed.

Chair Higgins asked that the filter paper next to shed be removed and the area seeded with a native seed mix. Mr. Aho said they are planning to remove debris on site. Director Kaye asked Mr. Aho to mark areas on the plan and to provide a planting list. Commissioner Zaunbrecher requested that the location of the feno markers be shown on the plan to show the edge of lawn. Chair Higgins asked that the edge of lawn be straightened. Mr. Aho agreed to do so.

There were no public comments.

The Applicant agreed to continue to continue the hearing until July 24, 2019 to allow additional information to be submitted.

**Request for Determination of Applicability Application, Concord Greene, Condominium Association, 1024 Main Street, RDA File #19-6**

Chair Higgins opened the hearing seeking permission to repair balconies within the 200-foot Riverfront Area of a tributary 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:

- Request for Determination of Applicability Application; and
- Existing Conditions Plan prepared by The Jillson Company, Inc. dated February 7, 2019.

Lynn Tetrault, Property Manager for Concord Greene Condominium Association, attended tonight's meeting. She informed the Commission that there are many units that need decks repaired. The condominium units are over 40 years old and weather has deteriorated the decks. When soffits were removed they discovered a lot of damage. The original decks were cantilevered design and new posts to support them will be hand dug. They will be hand digging with shovels. No heavy equipment is involved. They will dig four feet down and install a header, precast sona tubes and then the posts. All decks are planned to be repaired within three years.

There were no public comments.

Commissioner Nardi moved to close the hearing and issue a Negative Determination of Applicability #3 and 4 with the following conditions: 1) A preconstruction site visit shall be held to review erosion controls and the limit of work; 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 Zaunbrecher seconded. All so voted.

**Notice of Intent Application, Matthew Beaulac, 649 Cambridge Turnpike, DEP File #137-1479**

Chair Higgins opened the hearing seeking approval to construct an addition, replace the existing septic system, and repave the existing driveway within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Site Plan prepared by Ashkar Engineering dated June 18, 2019.

Applicant Matthew Beaulac and Patrick Grant of NativeTec attended tonight's meeting. Mr. Grant said they are proposing to construct an addition, replace the existing septic system and repave the driveway. The septic has to be moved because of the addition. All work is outside of the 50-foot NBZ. They have received Board of Health approval. There will be no major grading of the site.

Chair Higgins explained mitigation is required for the addition and tree removal. He also noted that there is yard waste in the wetlands that should be removed. Chair Higgins suggested discussing with staff what types of plants they could propose for mitigation. Mr. Grant agreed.

Chair Higgins said plans should be updated to correctly show Buffer Zones. Mr. Grant will correct the plan. Director Kaye said that they will also want to update the numbers for pervious and impervious surfaces based on the revised line. This will help determine how much mitigation is

needed. Director Kaye suggested straw bales or 12-inch straw wattles rather than a silt fence and that this be noted on the plan.

There were no public comments.

The Applicant agreed to continue the hearing until July 24, 2019.

**Notice of Intent Application, Gary Pisano, 73 Monument Street, DEP File #137-1480**

Chair Higgins opened the hearing seeking approval to construct an addition and retaining walls and to remove an existing garage within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application;
- Drainage Analysis prepared by Frederick W. Russell, Jr., P.E., dated June 25, 2019;
- Site Plan prepared by Snelling & Hamel Associates, Inc. dated June 24, 2019;
- Schematic Backyard Landscape Plan prepared by Elizabeth Hanna Morss Landscape Architect dated June 25, 2019; and
- Stormwater Mitigation Plan prepared by Frederick W. Russell, P.E. dated June 24, 2019.

John Battle of Battle Associates, Brian Butler of Oxbow Associates, and Landscape Architect Elizabeth Morss, attending tonight's meeting. Mr. Battle explained that the homeowners want to build a small addition. The existing garage will be removed and a new garage built under the proposed addition. In order to save two trees they want to preserve the foundation of the existing garage.

Ms. Morss informed the Commission that the existing lawn is about four feet towards the house from where the proposed retaining wall will be located. Ms. Morss explained that the entire slope is overgrown with tall and broken shrubs, invasives, and non-invasives. The slope will be revegetated with native plant materials. Chair Higgins stated that a waiver would have to be submitted for any work within the 50-foot NBZ. He said the NRC would be looking for mitigation as well.

Commissioner Zaunbrecher asked how the retaining wall work would be done. Ms. Morss replied that walls will be built from the toe of the slope and would be dry-laid. Chair Higgins asked that a management plan be provided. Ms. Morss said they are providing mitigation on the slope but she has discussed mitigation with Director Kaye and there are some other invasives near the meadow area that they can also remove. Mr. Butler said there are also some invasives behind the garage they can remove. Chair Higgins requested that they measure the areas in order to quantify how much mitigation they could provide. Director Kaye asked that they measure the square footage for the work within the 50-foot NBZ.

Mr. Battle indicated on the plan where the snow storage will be located. Commissioner Pappas asked if there was a snow management plan because the current location looks challenging. Mr. Battle said that they have discussed that. He noted that the driveway is on the north side of the house and shady.

Mr. Battle asked if they could get permission to construct the addition separately from the other items that need to be finalized. The Commission said it has to be part of all one project. Director Kaye recommended straw wattles be added at the base of the slope where plants will be removed. She asked about the pipe behind the garage. Mr. Butler explained that in order to provide drainage

there is an 18-inch catch basin, 14-16 inches deep. It has a 4-inch PVC pipe that daylights to the side of a hill. There is no sump pump or treatment. They will install an underground infiltration system in the yard which will capture a 100-year event with an emergency outflow. Chair Higgins said a waiver for work in the 50-foot NBZ needs to be submitted for this work.

There were no public comments.

The Applicant agreed to continue the hearing until July 24, 2019 to allow additional information to be provided.

**Request for Determination of Applicability Application, Karl Trieschman, 397 Strawberry Hill Road, RDA File #19-7**

Chair Higgins opened the hearing seeking approval to relocate the existing driveway 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
- Wetland Permitting Plan prepared by Stamski and McNary, Inc. dated June 20, 2019.

Commissioner Nardi stated that he knows Mr. Trieschman but does not believe he has a conflict.

Karl and Audrey Trieschman attended tonight's meeting. Mr. Trieschman explained that they would like to relocate a portion of the existing driveway and relocate the curb cut. They are working with a landscape architect to provide mitigation. The road is much busier than it was 30 years ago and they need better sight lines to exit the driveway.

Chair Higgins asked if the Police Chief or Town Engineer have provided approval. Mr. Trieschman replied that the Engineering Department supports their request. He said that they will install cobblestones. No trees will be removed.

There were no public comments.

Commissioner Zaunbrecher moved to issue a Negative Determination of Applicability #3 with the following conditions: 1) A preconstruction site visit shall be held to review erosion controls and the limit of work; 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 Nardi seconded. All so voted.

**CLOSE AND ISSUE PERMITS**

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

Chair Higgins reopened 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.

Commissioner Nardi moved to close the hearing and issue an Order of Conditions for Matt Andersen-Miller, Andersen-Miller Design, 52 Simon Willard Road, DEP File #137-1478 with

Finding A, Standard Conditions 1-19, and Special Conditions 20-45. Commissioner Pappas seconded. All so voted.

### **EXTENSION REQUEST**

#### **Middlesex School, 1400 Lowell Road, DEP File #137-1347**

Commissioner Pappas moved to approve a one-year Extension Permit for the Order of Conditions for the culvert replacement for Middlesex School, 1400 Lowell Road, DEP File #137-1347. Commissioner Nardi seconded. All so voted.

### **CERTIFICATES OF COMPLIANCE**

#### **Brigiotta, 41 Lowell Road, DEP File #137-1459**

Commissioner Nardi moved to issue a Certificate of Compliance for Brigiotta, 41 Lowell Road, DEP File #137-1459. Commissioner Zaunbrecher seconded. All so voted.

#### **Grandbois, 37 Fielding Street, DEP File #137-1320**

Commissioner Nardi moved to issue a Certificate of Compliance for Grandbois, 37 Fielding Street, DEP File #137-1320. Commissioner Zaunbrecher seconded. All so voted.

#### **Administrative Approvals:**

- **Aley, 47 Warner Street, Propane Tank Installation**

Director Kaye said that Ms. Aley originally filed for a permit to tear down an existing house and construct a new house. She also gave an easement for public access to view the pond. Ms. Aley had two benches made out of the trees that were cut down during construction. She is now requesting permission to install an 18-inch propane tank for gas for the house because tying into a gas service has proved to be prohibitively expensive. She is also requesting permission to construct a patio in front of the house and remove spruce tree. The patio is in the 50-foot NBZ but within the footprint of the former screened porch. The Commission felt that this additional work would have been approved with the original filing and approval was granted.

- **Town of Concord, 203 Walden Street, Tree Removal**

Director Kaye said that there are up to a dozen trees leaning over the Annex, where materials and equipment are stored, which have been requested for removal. Approval was granted.

- **Long, 261 Monsen Road, Tree Removal**

Director Kaye said that the homeowners would like to construct a shed, and are requesting permission to remove two pine trees and a scrub oak tree in the location of the proposed shed. The homeowners will be submitting a filing at a later date to request permission to put a fence in the corner of the property. The homeowner will landscape along the length of the property with native plantings. Approval was granted.

Commissioner Zaunbrecher moved to adjourn. Commissioner Nardi seconded. All so voted. This meeting adjourned at 8:35 p.m.

Respectfully submitted,

Karen Bockoven  
Administrative Assistant