

NATURAL RESOURCES COMMISSION
Meeting Minutes
July 24, 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 24, 2019. The following Commissioners were present: Greg Higgins, Chair, Judy Zaunbrecher, Lynn Huggins, Ed Nardi, and Nick Pappas. 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.

<p>APPROVE MEETING MINUTES</p> <ul style="list-style-type: none"> • May 1, 2019 and May 15, 2019
<p>DIRECTOR'S REPORT</p>
<p>TO BE OPENED ON AUGUST 14, 2019</p> <ul style="list-style-type: none"> • TOWN OF CONCORD, 135/157 Keyes Road and 1149 Main Street, NOI • BRAGDON, 103 Alden Road, NOI
<p>TO BE CONTINUED TO AUGUST 14, 2019</p> <ul style="list-style-type: none"> • CONCORD CULINARY, 430 Old Bedford Road, NOI • BARBARESI, 40 Coppermine Road, NOI • WESTCHESTER COMPANY, INC., Lot 2A Keuka Road, NOI • BEAULAC, 649 Cambridge Turnpike, NOI
<p>CONTINUANCES</p> <ul style="list-style-type: none"> • ALUSTA CONSTRUCTION, 721 Old Bedford Road, NOI • PISANO, 73 Monument Street, NOI
<p>NEW APPLICATIONS</p> <ul style="list-style-type: none"> • MASSACHUSETTS PORT AUTHORITY, 777 Virginia Road, NOI
<p>EXTENSION REQUEST</p> <ul style="list-style-type: none"> • MASSACHUSETTS PORT AUTHORITY, 777 Virginia Road
<p>CERTIFICATES OF COMPLIANCE</p> <ul style="list-style-type: none"> • WINSTANLEY, 35 Attawan Road • SYMES DEVELOPMENT, 140 Commerford Road
<p>EMERGENCY CERTIFICATION</p> <ul style="list-style-type: none"> • MYERS, 116 Estabrook Road
<p>OTHER BUSINESS</p> <ul style="list-style-type: none"> • Land Manager Position Discussion
<p>ADMINISTRATIVE APPROVALS</p> <ul style="list-style-type: none"> • DONAHUE, 50 Squaw Sachem Trail, Tree Removal • EBERLE, 6 Wright Farm, Tree Removal • WYSOPAL, 38 Annurnsnac Hill Road, Tree Removal

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

The May 1, 2019 minutes were tabled to the August 14, 2019 NRC Meeting.

Commissioner Huggins moved to approve the May 15, 2019 NRC meeting minutes, as written. Commissioner Nardi seconded. Commissioner Zaunbrecher abstained. All so voted.

DIRECTOR'S REPORT

- Director Kaye has received 45 applications so far for the Assistant Natural Resources Director position. Nine people will be invited for an interview. The first round of interviews will be on August 12th.
- Tom Tidman, Natural Resources Director for the Town of Acton, will be assisting staff for up to four hours a week while Director Kaye is on vacation.
- Director Kaye showed the NRC pictures of the Cambridge Turnpike Improvement project and said the project is progressing. Director Kaye was on site today to look at the bridge work. Dewatering at the bridge will take place within the next week with bridge construction starting after that.

OTHER BUSINESS

Land Manager Position Discussion

Chair Higgins asked if the Commission had any comments regarding the draft letter to be submitted to the incoming Town Manager regarding a Land Manager position that the NRC is recommending. Commissioner Huggins noted a few edits. Chair Higgins would like to have a recommendation available so all Commissioners can sign within the next few days. Director Kaye said the purpose for this request is to have someone who could assist with conservation land management and implement trail maintenance. Director Kaye stated that Concord has over 1,400 acres of conservation land. Chair Higgins and Commissioner Huggins said that the public is using and enjoying the Town's conservation lands and maintaining the properties requires a significant effort. Commissioner Huggins said for the last three years the Town Manager was requested to fund a part-time position to assist the Natural Resources office with maintaining and upholding the lands for public use. The Commission feels that a full-time position is what the NRC needs comparable to other towns such as Lincoln, Amherst, and others. Commissioner Huggins noted that currently there are two summer staffers hired each year which is insufficient to manage Concord's conservation lands. She commented encouragement from the public would be appreciated.

TO BE CONTINUED TO AUGUST 14, 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 Huggins moved to continue the hearing until August 14, 2019. Commissioner Zaunbrecher 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 Huggins moved to continue the hearing until August 14, 2019. Commissioner Zaunbrecher 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.

At the request of the Applicant, Commissioner Huggins moved to continue the hearing until August 14, 2019. Commissioner Zaunbrecher seconded. All so voted.

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

Chair Higgins reopened 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.

At the request of the Applicant, Commissioner Huggins moved to continue the hearing until August 14, 2019. Commissioner Zaunbrecher seconded. All so voted.

CONTINUANCES

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

Chair Higgins reopened 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:

- Sewage Disposal Plan prepared by Stamski and McNary, Inc. revised on July 16, 2019.

Paul Kirchner of Stamski and McNary attended tonight's meeting. Mr. Kirchner said in accordance with NRC comments from the last meeting, the shed and landscape fabric will be removed. As requested, they have noted on the plan where the Fenox markers and erosion controls will be installed. They have also clearly identified the Buffer Zones. They have submitted a waiver for the proposed deck within the 50-foot NBZ. They have also submitted a waiver for work within the 25-foot NDZ.

There were no public comments.

Commissioner Zaunbrecher moved to close the hearing and issue an Order of Conditions for DEP File #137-1477 with Findings A and B, Standard Conditions 1-19 and Special Conditions 20-52. Commissioner Nardi seconded. Commissioner Huggins abstained. The motion passed 4-0.

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

Chair Higgins reopened 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:

- Site Plan prepared by Snelling & Hamel Associates, Inc. dated July 12, 2019;
- Proposed Site Plan with Area Calculations prepared by Battle Associates, Inc. revised on July 18, 2019; and
- Schematic Backyard Landscape Plan prepared by Elizabeth Hanna Morss, Landscape Architect, revised on July 12, 2019.

Brian Butler of Oxbow Associates, John Battle of Battle Associates, and Landscape Architect Elizabeth Morss attended tonight's meeting. Mr. Battle said the surveyor has quantified the square footage of invasives on the property. They have also incorporated the stormwater calculations. Mr. Butler said they have submitted a waiver for work both within the 25-foot NDZ and the 50-foot NBZ which includes stormwater management, the stone wall, and garage. The area of disturbance is approximately 500 square feet. Currently there is an outlet pipe behind the garage that takes untreated water from the catch basin from the driveway and discharges downhill. Water will now be directed to a catch basin and infiltrated. Mr. Butler said that there are three areas of mitigation and restoration. The primary area is on the slope where at present there is a mixture of native and non-native invasives. Mr. Butler said that Director Kaye pointed out to them an area of porcelainberry that needs to be removed.

Ms. Morss said they will be removing multi-flora rose and honeysuckle from the slope and replace with highbush blueberry, winterberry, or redbud dogwood. They will keep existing trees and remove burning bush and bittersweet and replace with mostly native plants. Erosion controls will be installed on the top of the slope near the wall and at the bottom of the slope. All work will be done with a skid steer and mini-excavator. They will use a wetland seed mix from New England Wildflower for any of the disturbed areas that need an undercover. Director Kaye asked whether a skid steer to remove invasives was the only option because the plants are large. Ms. Morss said they can put plates down to protect the ground. Director Kaye suggested that a wetland scientist or a landscaper who has invasives removal experience be on site while the work is being done. Ms. Morss agreed.

There were no public comments.

Commissioner Zaunbrecher moved to close the hearing and issue an Order of Conditions for DEP File #137-1480 with Findings A, B, and C, Standard Conditions 1-19 and Special Conditions 20-52. Commissioner Nardi seconded. The motion passed 4-0.

NEW APPLICATIONS

Notice of Intent Application, Massachusetts Port Authority, 777 Virginia Road, DEP File #137-1483

Chair Higgins opened the hearing seeking approval to make improvements to the perimeter fence including installation of a wildlife deterrent skirt along the bottom of the fence within Bordering Vegetated Wetland, Bordering Land Subject to Flooding, the 200-foot Riverfront Area to Elm Brook and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Permitting – General Notes, Legend, and Key Plan prepared by Hoyle, Tanner & Associates, Inc. dated June 18, 2019.

James Stolecki of Massachusetts Port Authority and Nils Gonzalez of Hoyle, Tanner & Associates attended tonight's meeting. Mr. Stolecki said that Massport is continuing to replace security fencing at the Hanscom Field airport. They are replacing fencing in Concord, Lincoln, and Bedford. Fencing is needed to secure the entire airport not only for trespassing reasons but to prevent animals from burrowing underneath the fence. Mr. Stolecki said that impacts to the resource areas are temporary. After work is completed the ground will be restored to its original condition. There will be approximately 21 feet of temporary alteration to Bordering Vegetated Wetland (BVW) and Bordering Land Subject to Flooding (BLSF). Mr. Gonzalez explained where they will be fixing fence and installing the wildlife skirt. The skirt will be attached to the bottom of the fence and buried six inches underground. The contractor will probably use a skid steer to dig the trench; six inches deep and approximately 3 ½ feet wide. The fence will then be installed and soil returned. Disturbed areas will be reseeded with a conservation wetland seed mix.

Commissioner Zaunbrecher asked how long the materials last. Mr. Gonzalez replied it was a fairly new practice but believes the galvanized fence cable lasts a long time. In some places they only need to repair fencing but skirt will be added. Mr. Gonzalez said that the old fencing will remain in place until replacement fencing is installed. They need to make sure the property remains secure at all times.

Chair Higgins asked if a waiver was needed. Director Kaye said that because the work is temporary a waiver is not required.

Commissioner Huggins inquired when the work will be done so it would not interfere with the season for ground nesting birds. Mr. Gonzalez said the work will be done in September and October.

Mr. Stolecki has submitted a request to Natural Heritage for their review.

The Applicant agreed to continue the hearing until August 14, 2019 to allow time for Natural Heritage to review and comment.

EXTENSION REQUEST

Massachusetts Port Authority, 777 Virginia Road, DEP File #137-1366

Mr. Stolecki explained that funding was a problem that is why they need an extension.

Commissioner Huggins stated that Massport has several projects that need to be closed out. Mr. Stolecki said funding has been a problem which is why the projects have not yet been completed. The Order of Conditions for DEP File #137-440 (culvert repair) was never recorded. He will do some research regarding that project. Mr. Stolecki explained that every five years they

conduct a Vegetation Management Plan update, so DEP File #137-1004 is due for an update within the next month and then they will close that Order Conditions. Director Kaye asked that DEP File #137-1366 be closed out within six months after completion. Mr. Stolecki said he will do some research regarding the status of DEP File #137-1009 and #137-1166. He said that DEP File #137-1384 is ready to be closed out.

Commissioner Zaunbrecher moved to approve a one-year Extension Permit for the Order of Conditions for DEP File #137-1366. Commissioner Huggins seconded. All so voted.

CERTIFICATES OF COMPLIANCE

Winstanley, 35 Attawan Road, DEP File #137-1453

Commissioner Huggins moved to issue a Certificate of Compliance for DEP File #137-1453. Commissioner Zaunbrecher seconded. All so voted.

Symes Development, 140 Commerford Road, DEP File #137-1269 (partial)

Chair Higgins recused himself and left the room for this matter because he had previously been involved with the sale of the property.

Director Kaye explained that most of the units at the 22-unit PRD are constructed and the Applicant is ready to convey 29 acres of conservation land. Town Counsel has advised that the land is ready to be conveyed to the NRC. Director Kaye has walked the perimeter with the surveyor to ensure that bounds are in place and that there are no encroachments.

Commissioner Zaunbrecher moved to issue a Partial Certificate of Compliance for DEP File #137-1269. Commissioner Nardi seconded. All so voted.

EMERGENCY CERTIFICATION

Meyers, 116 Estabrook Road, Beaver Deceiver Installation

Director Kaye recommended the Commission approve beaver deceiver installation to equalize the unnatural water level created by beavers who have built a dam which is clogging the spillway at Buttricks Pond. Water is overtopping onto the trail. Director Kaye met with the contractor and a wetland consultant on site. She explained that the work will be similar to work previously done at Fairyland and Punkatasset. Mr. Callahan will install a pond leveler system with a pipe and fencing exclusion to prevent the beavers from re-damming the pipe.

Commissioner Zaunbrecher moved to issue an Emergency Certification for installation of a beaver deceiver at 116 Estabrook Road. Commissioner Nardi seconded. All so voted.

Administrative Approvals:

- **Donahue, 50 Squaw Sachem Trail, Tree Removal**

Director Kaye said three red maple trees were damaged during construction and now need to be removed. The homeowner would also like to remove a cluster of ash trees that are in bad shape. Commissioner Huggins recommended planting three replacement trees. Approval was granted with a request to plant three additional native trees in the Buffer Zone.

- **Eberle, 6 Wright Farm, Tree Removal**

Director Kaye said there are three trees in the 25-foot NDZ that the homeowner wants to remove. They are concerned about damage to the house if the trees fall. Approval was granted.

- **Wysopal, 38 Annursnac Hill Road, Tree Removal**

Director Kaye said a large willow fell that needs to be removed. Tom Tidman conducted a site visit and there is also a hemlock that was damaged when the willow tree fell which should also be removed. Approval was granted.

Commissioner Huggins moved to adjourn. Commissioner Zaunbrecher seconded. All so voted. This meeting adjourned at 8:06 pm.

Respectfully submitted,

Karen Bockoven
Administrative Assistant