

NATURAL RESOURCES COMMISSION
Meeting Minutes
August 14, 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, August 14, 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.

APPROVE MEETING MINUTES <ul style="list-style-type: none">• May 1, 2019 and June 5, 2019
DIRECTOR'S REPORT
TO BE CONTINUED TO SEPTEMBER 4, 2019 <ul style="list-style-type: none">• CONCORD CULINARY, 430 Old Bedford Road, NOI• WESTCHESTER COMPANY, INC., Lot 2A Keuka Road, NOI• BARBARESI, 40 Coppermine Road, NOI
CONTINUANCES <ul style="list-style-type: none">• BEAULAC, 649 Cambridge Turnpike, NOI
NEW APPLICATIONS <ul style="list-style-type: none">• TOWN OF CONCORD, 135/157 Keyes Road & 1149 Main Street, NOI• BRAGDON, 103 Alden Road, NOI
CLOSE and ISSUE <ul style="list-style-type: none">• MASSACHUSETTS PORT AUTHORITY, 777 Virginia Road
ADMINISTRATIVE APPROVALS <ul style="list-style-type: none">• NICHOLS, 440 Walden Street, 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

Commissioner Zaunbrecher moved to approve the May 1, 2019 NRC meeting minutes, as amended. Commissioner Huggins seconded. All so voted.

Commissioner Zaunbrecher moved to approve the June 5, 2019 NRC meeting minutes, as amended. Commissioner Nardi seconded. Chair Higgins abstained. All so voted.

DIRECTOR'S REPORT

- First round interviews for the Assistant Natural Resources Director were conducted today. Out of 56 applicants who applied eight people have been interviewed. Second round

interviews will take place the last week in August with the goal of having someone on board by the end of September.

- Recorded deeds for the Emerson land and the Black Birch land have been received. Director Kaye will coordinate with the Concord Land Conservation Trust (CLCT) to develop a Conservation Restriction for the Emerson parcel because that acquisition was funded, in part, with CPA monies.
- White Pond was closed today. This is the third closing this summer because of blue-green algae. Commissioner Zaunbrecher said that the state has warned people about dogs drinking water. Director Kaye said that when the Town beaches are closed notices are posted.

COMMISSIONER COMMENTS

- Commissioner Zaunbrecher explained that River Stewardship Council awards are given out annually. This year, the Beeuwkes received an award for the Brewster Woods donation to the Massachusetts Audubon Society. Beth Baryames received an award for the invasives removal and new trail work she did at Cousins Park. Director Kaye commented that Trails Committee Chair Bob White would be a good candidate for the award for all his work on Town trails and other conservation projects. The NRC agreed.
- Chair Higgins said he attended a River Stewardship Council (RSC) meeting to obtain their feedback on four potential sites for a pedestrian bridge over the Assabet River. The site closest to the MBTA is the most favorable to the RSC.

TO BE CONTINUED TO SEPTEMBER 4, 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 September 4, 2019. Commissioner Zaunbrecher seconded. All so voted.

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

The Applicant is 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 September 4, 2019. Commissioner Zaunbrecher seconded. All so voted.

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

The Applicant is 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 September 4, 2019. Commissioner Zaunbrecher seconded. All so voted.

CONTINUANCES

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.

List of plans and documents discussed at this meeting:

- Site Plan prepared by Ashkar Engineering & Surveying received on July 16, 2019.

Michel El-Ashkar of Ashkar Engineering & Surveying attended tonight's meeting. Mr. El-Ashkar stated that construction will be outside of the 50-foot NBZ but within the 100-foot BZ. The existing leaching field will remain but they will be replacing the septic tank and pump. The terrain is flat and no additional grading will be necessary. Mr. El-Ashkar said they will plant new trees to replace any trees removed during construction. Three other trees will be planted in wetlands where there are currently invasives. They have submitted an invasives removal and planting plan.

There were no public comments.

Commissioner Zaunbrecher moved to close the hearing and issue an Order of Conditions for Matthew Beaulac, 649 Cambridge Turnpike, DEP File #137-1479 with Finding A, Standard Conditions 1-19, and Special Conditions 20-54. Commissioner Nardi seconded. All so voted.

NEW APPLICATIONS

Notice of Intent Application, Town of Concord, 135/157 Keyes Road and 1149 Main Street, DEP File #137-1482

Chair Higgins opened the hearing seeking approval to rehabilitate the Lowell Road and Assabet Sewer Pump Stations within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to the Assabet River, 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;
- Concord Wastewater Pump Station Rehabilitation and Improvement Project Plan Set prepared by Kleinfelder dated August 2, 2019.

Alan Cathcart, Water and Sewer Superintendent, Valerie Doerrer, Public Works Engineer, and Courtney Eaton of Kleinfelder attended tonight's meeting. Mr. Cathcart stated that both the Lowell Station and the Assabet Station were built in the 1950s and refurbished in the 1980s. Both stations are overdue for repair.

Ms. Eaton said most of the equipment at the Lowell Road Station needs to be replaced. A majority of the work is within the pump station itself. All work is outside of the 100-foot Buffer Zone but within the 200-foot Riverfront area. The generator will be pulled out and connectivity work conducted. The driveway will be torn up during construction and will be replaced in kind. An electrical conduit will be installed. They will try to protect as many trees as possible. Invasives on both sides of the pump station will be removed and an invasives management plan has been submitted. There are a few small trees they would also like to remove.

The floodplain is at elevation 120.3. The generator will be installed about one foot above that. The parking lot is between elevations 119.5 and 119.9 feet. Therefore, a small compensatory storage mitigation area is proposed.

At the Assabet Road Station, different options to upgrade the facility were considered, minimizing as much as possible any work in the 50-foot NBZ. Currently there are no pumps in the below ground wet well and they are proposing to install submersible pumps. Ms. Eaton explained that the purpose of a wet well is for storage volume for the pumps to run. The pumps are under the building and hard to maintain and also need to be updated. The footprint will remain the same. The only change is that the two manholes will be installed above grade so operators can easily access and maintain the pumps. They are also requesting permission to add 105 s.f. of additional pavement for easier truck access for maintenance, in an area that is hard packed ground because of equipment use.

Commissioner Pappas asked if septic trucks went on site and if gravity fed lines went into the wet well. He also asked if submersible pumps would be the only pumps on site and no pumps in the building. Ms. Eaton said that was correct. They will remove the existing pump in the building and fill the pit with compressed dirt. They will replace the standby generator in kind. There will be upgrades to the heating and cooling system, ventilation system, and electrical system to bring everything up to code. The exterior of the building will get a facelift as well.

Commissioner Pappas asked if natural gas was at the site. Mr. Cathcart replied that the Town has considered natural gas for the future but diesel was more practical in this case.

Mr. Cathcart clarified that septic trucks don't go onsite. Any necessary maintenance is handled by Town staff.

Commissioner Zaunbrecher asked how often the wet wells are cleaned out. Mr. Cathcart replied that the wet wells are cleaned at least quarterly.

Chair Higgins asked if both projects would be done simultaneously. Mr. Cathcart replied that it depends on the contract and the size of the company. The work is anticipated to start in late summer/early fall of next year.

Ms. Eaton informed the Commission that along the bank, only short grasses are present in the understory. They are proposing 10:1 mitigation along the bank to mitigate for new impervious in the 50-foot NBZ. She said that because of the slight decrease in flood storage, they will bring the top of the wet well out of the ground about six inches. For work in the 50-foot and 100-foot Buffer Zone they are proposing a 1:1 mitigation. A table has been provided. A waiver for work within the

50-foot NBZ has also been submitted. Ms. Eaton said they will need to remove four dead pine trees. They will replant with four Arbor vitae to provide screening.

Chair Higgins asked if anyone uses the site for canoe access. Director Kaye responded that there are spaces at Dino's which were required to provide access, though she believes that they don't receive much use for access. Mr. Cathcart said they are trying to work with abutters to provide screening for the well site, and also work with Director Kaye on signage so people know where to park and put in canoes.

Commissioner Zaunbrecher asked if any hazardous materials in the pumps need to be removed. Mr. Cathcart responded that oil will be drained from the pumps.

There were no public comments.

Commissioner Nardi moved to close the hearing and issue an Order of Conditions for DEP File #137-1482 with Findings A, B, C, and D, Standard Conditions 1-19, and Special Conditions 20-52. Commissioner Zaunbrecher seconded. All so voted.

Notice of Intent Application, Jessica and Christopher Bragdon, 103 Alden Road, DEP File #137-1481

Chair Higgins opened the hearing seeking approval to construct a deck within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application;
- Plot Plan prepared by Summit Surveying Inc. revised on August 1, 2019.

Homeowner Jessica Bragdon and Susan McArthur of McArthur Environmental Consulting attended tonight's meeting. The original design extended the deck into the 50-foot NBZ but the plan has been revised to pull the deck out as far as possible. However, approximately 11 s.f. of the deck is still within the 50-foot NZ, which will be mitigated at a 10:1 ratio with native plantings. They have submitted a waiver for the work.

Chair Higgins asked that the plan be noted to show that the proposed deck will not encroach any closer to wetlands.

There were no public comments.

Commissioner Huggins moved to close the hearing and issue an Order of Conditions with Findings A and B, Standard Conditions 1-19, and Special Conditions 20-50 pending receipt of revised plans. Commissioner Zaunbrecher seconded. All so voted.

CLOSE AND ISSUE PERMITS

Massachusetts Port Authority, 777 Virginia Road, DEP File #137-1483

Chair Higgins reopened 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.

Commissioner Huggins moved to close the hearing and issue an Order of Conditions with Findings A, B, C, and D, Standard Conditions 1-19, and Special Conditions 20-51. Commissioner Zaunbrecher seconded. All so voted.

OTHER BUSINESS

Director Kaye informed the NRC that a new finding has been added to the list of special conditions regarding the 50-foot No Build Policy. Director Kaye will be keeping a list of all projects allowed to do work in the 50-foot NBZ.

Administrative Approvals:

- **Nichols, 440 Walden Street, Tree Removal**

Director Kaye informed the Commission of a linden in the outer Buffer Zone that the homeowner would like to remove because of safety concerns. Approval was granted.

Commissioner Huggins moved to adjourn. Commissioner Pappas seconded. All so voted. This meeting adjourned at 8:02 pm.

Respectfully submitted,

Karen Bockoven
Administrative Assistant