

**NATURAL RESOURCES COMMISSION**  
**Meeting Minutes**  
**September 4, 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, September 4, 2019. The following Commissioners were present: Judy Zaunbrecher, Acting Chair, Lynn Huggins, Ed Nardi, and Nick Pappas. Commissioner Higgins was absent. Delia Kaye, Natural Resources Director, and Natural Resources Administrative Assistant Karen Bockoven were also present.

Acting Chair Zaunbrecher 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>DIRECTOR'S REPORT</b>
<b>TO BE CONTINUED TO SEPTEMBER 18, 2019</b>
<ul style="list-style-type: none"> <li>• <b>BARBARESI</b>, 40 Coppermine Road, NOI</li> </ul>
<b>TO BE OPENED AND CONTINUED TO SEPTEMBER 18, 2019</b>
<ul style="list-style-type: none"> <li>• <b>AUDI</b>, 185 Fitchburg Turnpike, NOI</li> <li>• <b>BARTKUS</b>, 1710 Lowell Road, NOI</li> </ul>
<b>CONTINUANCES</b>
<ul style="list-style-type: none"> <li>• <b>CONCORD CULINARY</b>, 430 Old Bedford Road, NOI</li> <li>• <b>WESTCHESTER COMPANY</b>, Lot 2A Keuka Road, NOI</li> </ul>
<b>NEW APPLICATIONS</b>
<ul style="list-style-type: none"> <li>• <b>O'SHAUGHNESSY</b>, 77 Coolidge Road, NOI</li> <li>• <b>AHIGIAN</b>, 39 Black Duck Road, NOI</li> <li>• <b>CONCORD ROD &amp; GUN CLUB</b>, 74 Strawberry Hill Road, NOI</li> <li>• <b>HICK</b>, 616 Main Street, RDA</li> </ul>
<b>EXTENSION REQUEST</b>
<ul style="list-style-type: none"> <li>• <b>GUND</b>, 112 Great Meadows Road</li> </ul>
<b>CERTIFICATES OF COMPLIANCE</b>
<ul style="list-style-type: none"> <li>• <b>ANNURSNAC HILL ASSOCIATION</b>, 18A College Road</li> </ul>
<b>ADMINISTRATIVE APPROVALS</b>
<ul style="list-style-type: none"> <li>• <b>GALINAT</b>, 62 Harrington Avenue, Tree Removal</li> </ul>

**DIRECTOR'S REPORT**

- A candidate for the Assistant Natural Resources Director position has been recommended to the Town Manager for approval. Pre-employment screenings need to be completed and the candidate is anticipated to begin by the end of the month.
- Conservation Coffees will resume next week. The meetings are usually the first Tuesday of every month but because of the Labor Day holiday the September meeting will be held on September 10<sup>th</sup>.
- The BFRT Phase 2C segment is now complete and a ribbon cutting ceremony will be held on September 27<sup>th</sup>. MassDOT just advertised Phase 2B, which the NRC recently permitted, including the bridge over Route 2, with construction anticipated to begin next spring and

substantial completion by November 2021. Phase 2D in Sudbury is close to completion of the 25% design. The section between Powdermill Road and the Sudbury town line will be constructed once Phase 2D is under construction.

- The annual OARS River cleanup is scheduled for September 14<sup>th</sup>.
- The MACC annual conference is scheduled for October 19<sup>th</sup>. Director Kaye asked the NRC to contact Karen if they would like to attend.
- Trails Committee Chair Bob White and the Conservation Crew recently completed a 16-foot long bridge at Baptist Brook at the Annursnac conservation land.
- MassDOT was not able to start the wetland restoration project at Town Forest in the spring because it was too wet. Director Kaye said that excavation started last week and will continue through the middle to end of October, including invasives removal and native replantings. The Emerson-Thoreau Amble along the cart path through the Town Forest is currently rerouted as this is the construction access to the site. Signs to direct people have been posted.

#### **TO BE CONTINUED TO SEPTEMBER 18, 2019**

**Notice of Intent Application, William Barbaresi, 40 Coppermine Road, DEP File #137-1472**  
Acting Chair Zaunbraecher 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 September 18, 2019. Commissioner Nardi seconded. All so voted.

#### **TO BE OPENED AND CONTINUED TO SEPTEMBER 18, 2019**

**Notice of Intent Application, Charles Audi, 185 Fitchburg Turnpike, DEP File #137-1490**  
Acting Chair Zaunbrecher opened the hearing seeking approval to install a septic tank and pump chamber 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 18, 2019. Commissioner Nardi seconded. All so voted.

**Notice of Intent Application, Paul A. Bartkus, Sr., 1710 Lowell Road, DEP File #137-1487**  
Acting Chair Zaunbrecher opened the hearing seeking approval to install a septic tank, pump chamber, and leaching field 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 18, 2019. Commissioner Nardi seconded. All so voted.

## CONTINUANCES

### **Notice of Intent Application, Zur Attias, Concord Culinary, 430 Old Bedford Road, DEP File #137-1436**

Acting Chair Zaunbrecher opened 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.

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

- Concord Culinary Homes Plan Set (sheets 1-8) prepared by Stamski and McNary, Inc. revised on July 28, 2019;
- Landscape Plan prepared by Kim Ahern Landscape Architects received on August 30, 2019;
- Stormwater Management Report prepared by Stamski and McNary, Inc. revised on July 28, 2019;
- Pre-Development Drainage Map prepared by Stamski and McNary, Inc. revised on July 28, 2019; and
- Post-Development Drainage Map prepared Stamski and McNary, Inc. revised on July 28, 2019.

George Dimakarakos of Stamski and McNary, Paul Mahoney of Mahoney Architects, Miles Connors of Parterre Ecological, and Kim Ahern of Ahern Landscape attended tonight's meeting. Mr. Mahoney said that originally eight units were proposed. It was then reduced to seven and now four are proposed. The farmhouse and barn will now be preserved. They are hoping to attract a diverse community including empty nesters and young families. All the originally proposed gardens will be retained. Some of the trails they are proposing will be open to the public. Mr. Dimakarakos said they tried to preserve the view from Bedford Road as well preserving a meadow. Mr. Dimakarakos said that it is worth noting that the revised plans now reflect that there will not be any structures or pavement in the Buffer Zone. A rigorous review of all the stormwater was conducted by the Engineering Department and a peer reviewer. Mr. Dimakarakos said that the drainage has been simplified. They are proposing two drainage basins, infiltration basins, roof drain drywells, catch basins, and proprietary CES units for treatment. Significant stormwater infiltration is proposed. The Board of Health has reviewed the septic plans and suggested only minor changes.

Ms. Ahern said her work is primarily around the proposed buildings and Mr. Connors will oversee invasives removal in the area of the proposed Conservation Restriction. She said they are trying to be respectful by keeping the same view towards the street from the site. The paddock will remain as it is currently. The fence along the property lines will be restored with new wood fence. They would like to use wood fencing throughout the property; around the gardens the fence will have wire as well. Ms. Ahern said that they have adjusted the locations of plantings with respect to new snow storage areas. The property will be seeded with a conservation seed mix with a meadow grass component. In some areas they will mow so children can play, however there will be no play structures. Closer to the buildings the meadow grass will be mowed but other sections will be left to grow and only cut annually to maintain an open meadow.

Acting Chair Zaunbrecher asked for confirmation on a 1:1 replacement for trees removed, sitewide. Ms. Ahern confirmed that and said that most of the trees to be planted are 3 ½ inch caliper (approximately 8-10 feet tall or taller depending on the species). In the Buffer Zone, only native species will be planted.

Mr. Connors stated that his company specifically deals with invasives removal and native restoration. They will be conducting a full restoration of the entire property, which includes removing all invasive species. They conducted a full inventory of the site and calculations for replanting were determined based upon the invasives in each area and the NRC's requirement for five feet on center spacing for native shrubs. Mr. Connors said that after the invasives management has been completed they will do restoration work. They will be implementing a greater number of plant species than currently exists on the site. Within the 25-foot NDZ they will plant 500 native shrubs and trees to create a dense thicket. Between the 25-foot and 50-foot Buffer Zone they will plant 119 native plants to replace the existing 69 invasive plants. The area between the 50-foot and 100-foot Buffer Zone will be left as-is because that is the area for the proposed open meadow and garden space.

Acting Chair Zaunbrecher thanked Mr. Connors for updating the plan and taking into account what had been requested from the Commission at the last meeting.

Commissioner Pappas asked how the invasives will be removed. Mr. Connors said they will pull by hand and cut and dab where necessary.

Acting Chair Zaunbrecher asked Mr. Connors to update the submittal dates and the timeline for planting on the plan. Mr. Connors replied that he will update that information.

Acting Chair Zaunbrecher stated there is a landscape wall at the 50-foot NBZ line. The NRC will include a special condition that the wall will have to be survey located prior to construction. Acting Chair Zaunbrecher also said that the Applicant will need to retain an environmental monitor during construction to make sure there are no impacts to resource areas. Mr. Dimakarakos explained that would be consistent with the Stormwater Pollution Prevention Plan (SWPPP) they have to prepare.

Acting Chair Zaunbrecher asked that the boundary markers for the Conservation Restriction areas be indicated on the plan. She said the NRC will accept the Conservation Restriction after the invasives are removed and any new plantings have established for one year. A baseline report will also need to be submitted.

Mr. Dimakarakos said they will clarify their plan to show both the existing fence and proposed fence locations.

Acting Chair Zaunbrecher said the community gardens are proposed within the 50-foot NBZ and asked how the Applicant will ensure that these are retained. Mr. Dimakarakos said the condominium documents will have a strict outline in the deed of what the areas are going to be and what will be required.

Acting Chair Zaunbrecher stated that a waiver will need to be submitted for invasives work within the 25-foot NDZ. A waiver is also required for the community gardens and associated fencing within the 50-foot NBZ. Ms. Ahern said they will be installing a split rail fence with wire around the community gardens. Acting Chair Zaunbrecher stated that the community gardens need to be organic and that should be a condition in the condominium association documents. She also stated that composting materials need to be outside the 50-foot NBZ.

Commissioner Nardi asked how to ensure that the condominium documents reference the NRC's decisions. Director Kaye replied that the Commission could review the draft condominium association bylaws.

Acting Chair Zaunbrecher acknowledged that the NRC received three letters from the public. One letter was from Cindy Mara with regard to a path and privacy along the path. Mark Gailus submitted two letters with regard to the trees in the upland. Acting Chair Zaunbrecher stated that the upland area is outside of the NRC's jurisdiction.

Acting Chair Zaunbrecher asked again that only new information be provided.

Tanya Gailus of 62 Prescott Road asked the NRC to consider the trees outside of the NRC's jurisdiction. She understands that the NRC does not have any legal obligation for anything outside their jurisdiction but the Planning Board would like to hear the NRC's view regarding the existing trees. Ms. Gailus said that the NRC does speak about other natural resource issues and projects in Town. She believes that the NRC could make it clear to the Planning Board should they approve the wetlands portion that that does not mean that the NRC is approving the removal of the other mature trees. Ms. Gailus said there has been a lot of discussion about the community gardens being organic. However, the community gardens are just for the use of the people living at the PRD and it is a misnomer to call them community gardens. The trade-off is the loss of many mature trees. There is no substitute by planting smaller trees to replace the mature trees. The neighbors are experiencing anxiety and depression because of the loss of the existing mature trees and many neighbors are moving out. Ms. Gailus commented that the empty nester units are big. She said that former Planning Board member Gary Kleiman said existing trees should be preserved because the view will not be the same without them. Ms. Gailus would like the NRC to consider all the mature trees and encourage the Planning Board to preserve trees. The PRD is not adding anything to the community. Ms. Gailus said the loss of the mature trees is causing a lot of harm to the neighborhood and what they are doing to replace the trees is not a benefit.

Acting Chair Zaunbrecher said that the NRC has discussed previously trees outside of their jurisdiction and the topics that Ms. Gailus has presented are the Planning Board's purview. Acting Chair Zaunbrecher explained that the plan presented tonight is an improvement and meets the NRC's standards. Acting Chair Zaunbrecher appreciated the comments from the public.

Commissioner Huggins commented that she also appreciated the public's comments. She said that the extensive amount of invasives removal that was being proposed and the substantial amount of native plantings (well above and beyond what would be required) would be a significant benefit to the community. She realizes that the removal of large trees can be startling, however, there are benefits from the NRC's perspective from the existing conditions.

David Negrin of 40 Bronson Way showed the Commission pictures of his property and all the trees that will be affected. He is hoping as many trees as possible can be saved. Some existing trees are 65-75 feet high. These tall trees are an advantage for him as well as to the new buildings being proposed. He was happy to hear Ms. Ahern say they are trying to save trees. Besides the beauty of the trees, he is also concerned about water loss and flooding. Mr. Negrin provided pictures of his property when it gets flooded because of high groundwater. He is also concerned about snow storage damaging any new proposed trees and asked whether a fence could be constructed to stop plows going beyond a certain point. Mr. Negrin informed the Commission that Janet Erne of 438 Old

Bedford Road is in the process of selling her property. Trees on Ms. Erne's property extend the entire length of the property. Mr. Negrin feels bad that Ms. Erne has to sell her property and that so many trees near her property are going to be removed. Mr. Negrin said that older trees take up much more water than younger trees. He hopes that the sizes of the new trees will be a mix of larger and smaller trees. Mr. Negrin said he would like a guarantee because he is susceptible to flooding since there are wetlands all around. Acting Chair Zaunbrecher said a guarantee cannot be provided but everything the NRC and Public Works does with regard to stormwater is to prevent flooding.

Acting Chair Zaunbrecher asked how calculations for snow storage was determined. Mr. Dimakarakos replied that calculations were done so that water drains into the stormwater system. They will not be directing it onto other properties.

Commissioner Huggins commented that there is a three-year time period where any landscaping plants would have to be replaced if they die. Mr. Dimakarakos said in their experience trees do survive even though they are next to snow storage. They design parking lots in major shopping plazas where they use de-icing chemicals and it is not problematic. Ms. Ahern added that the type of plants they select are sun, shade and/or salt tolerant.

Mark Gailus, 62 Prescott Road, said the only trees on the plans shown to be preserved are the two trees along Bedford Street and the trees within the Buffer Zones. The plans are very confusing. Mr. Gailus said conservation commissions are set up under an act that says they have a responsibility to inventory natural resources. One of the most valuable resources in his neighborhood are mature trees providing tree canopy, wildlife corridor, cleaner air, habitat for animals, etc. The NRC should advise other boards on natural resources issues.

Mr. Gailus appreciates the invasives removal, however, he agrees that calling the gardens "community gardens" is a misnomer. It would be setting a precedent by saying a large garden on a property is somehow a public benefit or considered open space. He considers that a big mistake. Mr. Gailus stated that with regard to a PRD at 1440 Main Street, Director Kaye submitted a comment letter to the Planning Board dated August 19<sup>th</sup> referring to open space and Conservation Restrictions. Mr. Gailus would like to see a similar letter advising the ZBA of the specific open space and Conservation Restriction to be considered in this PRD approval process.

Ms. Ahern said that they use the term open space even if it is a residential area. She explained that the revised landscape plan identified all existing trees. Mr. Gailus requested different colors be used to distinguish which trees/plants are existing and which are proposed.

Cindy Mara of 400 Old Bedford Road said she agrees with her neighbors about concern about water in the neighborhood. She would also like to save as many mature trees as possible. She noted that on her side of the property the landscape plan has changed dramatically and she liked the old plan better. She is concerned about the public having access along her entire property line. The new plan does not show plants going all the way down past the fence to the pond as the previous plan had proposed.

Mr. Connors explained that native shrubs and trees will be planted at the end of the fence line that Ms. Mara is concerned about. Ms. Mara asked if there would be any evergreens or rhododendrons. Ms. Ahern said that Arbor vitae and rhododendrons will be planted. Ms. Ahern said they will be

replacing the fence near Ms. Mara's property with a new fence. She said they were trying to keep the paddock as it has historically been. Ms. Mara is concerned that the path is now a straight line along her property line. Mr. Connors said that the path after the fence will be an earthen path. The open paddock area will be a meadow mowed once a year with a cut path.

Acting Chair Zaunbrecher suggested that Ms. Mara work with the Applicant regarding any minor changes such as changing the direction of the path.

Ms. Mara asked if a sign could be posted regarding tick-borne illnesses. Director Kaye said that was a question for the homeowners' association.

Mr. Negrin said he is concerned about the invasives being removed behind his property him with no privacy. Mr. Connors replied that a thicket of native trees and shrubs are proposed. Commissioner Huggins informed Mr. Negrin that the plants are identified on the Land Management Plan prepared by Parterre Ecological. Mr. Connors said he would be happy to speak with Mr. Negrin.

Ms. Gailus is concerned that when invasive trees and plants are removed that it will compromise other plants. Ms. Gailus stated that at the May 21<sup>st</sup> Planning Board meeting the Planning Board said they wanted to preserve trees near the paddock. She is also concerned that Mr. Negrin cannot be given a guarantee that there will not be a water problem.

Acting Chair Zaunbrecher explained that at NRC meetings, input is gathered from applicants, abutters, and other members of the public. The Commission relies on the expertise of staff and experts. The NRC does not want anyone's property to be flooded. The Commission cannot guarantee that because of weather that the hydrology will change. There are processes for appeals to board decisions.

Ms. Gailus commented that Director Kaye said that the Planning Board would like a recommendation from the NRC by September 10<sup>th</sup>. She asked why the Planning Board is in a rush to get a recommendation by September 10<sup>th</sup>. Acting Chair Zaunbrecher said it is up the NRC to decide when they are ready to submit recommendations to the Planning Board. Tonight the NRC is going to decide if they have collected enough information to move forward.

Acting Chair Zaunbrecher asked the NRC if they were in a position this evening to make a recommendation to the Planning Board that the plans presented meet the Commission's requirements under the bylaw. The NRC confirmed they were ready to make a favorable recommendation.

Commissioner Huggins moved that the NRC make a favorable recommendation to the Planning Board, however, they are not approving a final Order of Conditions until the final plans are submitted in time for the NRC's September 18<sup>th</sup> meeting. Commissioner Nardi seconded. All so voted.

The Applicant agreed to continue the hearing until September 18, 2018 to allow revised plans to be submitted.

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

Acting Chair Zaunbrecher opened 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 (Sheet 1) prepared by Markey & Rubin revised on August 9, 2019.

Applicant Steve Marsh, Jim D'Agostine of the Westchester Company, and Valovia Costa of Goddard Consulting attended tonight's meeting.

Acting Chair Zaunbrecher explained that there is an existing Order of Conditions for a four-lot subdivision off Keuka Road. Acting Chair Zaunbrecher asked the Applicant if he wanted to withdraw the application until an amendment to the PRD approval is submitted that would allow a fifth lot, or to bring in the entry road from the west side of Keuka Road. She explained that if the Applicant decides not to withdraw the NRC would deny the application. Mr. D'Agostine asked if they have the right to appeal. Acting Chair Zaunbrecher confirmed that was correct.

The NRC did not have any comments.

Mr. Costa stated that they have made all the necessary changes that the NRC has requested in relation to the Wetland Protection Act. Director Kaye said that they have put the Commission in an impossible situation. The Applicant is proposing to come off the four-unit PRD which the NRC cannot approve this application as it conflicts with the PRD approval limiting the development to four units unless additional stormwater management is provided. Acting Chair Zaunbrecher reiterated that the Applicant could withdraw the application. Mr. Marsh said they want the NRC to vote to deny their application. Acting Chair Zaunbrecher said that the Commission will deny the application based on the existing Order of Conditions which is for the four-unit PRD which does not allow a fifth unit.

Commissioner Huggins moved to close the hearing and deny DEP File #137-1461. Commissioner Nardi seconded. All so voted.

**NEW APPLICATIONS**

**Notice of Intent Application, Tenley O'Shaughnessy, 77 Coolidge Road, DEP File #137-1486**

The Applicant is seeking approval to construct two additions, a patio with associated retaining walls, and a screened porch; and to remove trees within the 200-foot Riverfront Area of the Sudbury 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; and
- Sewage Disposal Plan prepared by Stamski and McNary, Inc. revised on September 4, 2019.

Applicant Tenley O'Shaughnessy and Paul Kirchner of Stamski and McNary attended tonight's meeting. Mr. Kirchner stated that the ZBA has approved the portion of the project that is outside of the NRC's jurisdiction. The project involves the construction of two additions within the 100-foot Buffer Zone. Mr. Kirchner explained that most of the Buffer Zone was cleared of any natural vegetation. There are a few trees but no dense woodland. The new patio and retaining wall will be

similar to what is currently on the property. A small amount of the proposed driveway will be in the Buffer Zone. All components of the septic system will be outside the Buffer Zone. They have identified which trees will be removed on the revised plan. To mitigate for the tree removal they are proposing meadow areas. Mr. Kirchner said that the Applicant has contacted Miles Connors of Parterre Ecological to prepare an invasives management plan. Mr. Kirchner said he will identify the siltation barriers and types more clearly on the plan. Acting Chair Zaunbrecher requested that the 100-year floodplain be identified on the plan. Mr. Kirchner replied they would identify the floodplain. Acting Chair Zaunbrecher asked that a table regarding the increase in impervious area also be provided. This will be helpful in determining the amount of mitigation need. Mr. Kirchner agreed to provide a table on the plan.

Director Kaye asked about equipment access on the steep slope. Mr. Kirchner said the slopes are steep on both sides. He will identify the most logical access road. Acting Chair Zaunbrecher stated that a waiver needs to be submitted for any work with the 25-foot NDZ.

There were no public comments.

The Applicant agreed to continue the hearing until September 18, 2019 to allow for additional information to be provided.

**Notice of Intent Application, Edward and Robin Ahigian, 39 Black Duck Road, DEP File #137-1484**

Acting Chair Zaunbrecher opened the hearing seeking approval to construct additions and repair a deck within 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
- Permit Site Plan prepared by Eaglebrook Engineering & Survey, LLC dated August 20, 2019.

Benjamin Minnix of Eaglebrook Engineering & Survey attended tonight's meeting. Mr. Minnix explained the existing conditions. The Applicant is proposing to construct two additions to the house and reconstruct an existing wood deck. The deck will remain in the same location and the piles will be replaced. The total increase in square footage will be 225 square feet. The proposed work is within the 100-foot Buffer Zone. Mr. Minnix said a drainage pond was delineated in June or July of 2019. Wetland flags have been placed at the top of the wetland. During construction they will protect a wetland finger that comes into the yard. Mr. Minnix said that a catch basin filter will be installed even though he does not believe anything will reach the catch basin. Construction vehicles will use the existing driveway to access the site. Mr. Minnix said he outlined a proposed staging area outside the 25-foot NDZ. Additional materials will be stored outside the 50-foot NBZ. Mr. Minnix will provide an invasives species management plan.

There were no public comments.

The Applicant agreed to continue the hearing until September 18, 2019 to allow for additional information to be provided.

**Notice of Intent Application, Edward G. Rolfe, Concord Rod & Gun Club, 74 Strawberry Hill Road, DEP File #137-1485**

Acting Chair Zaunbrecher opened the hearing seeking approval to conduct dam repairs, replace two bridges, and remove trees within Bordering Land Subject to Flooding, the 200-foot Riverfront Area of Spencer Brook (Angiers Pond), 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;
- Bridge Replacements, Tree Removal, Paving, Dam Repairs Plan prepared by Gomez and Sullivan Engineers, D.P.C. dated August 19, 2019; and
- Staging Area Plan, Erosion Repair Plan and Detail, Tree List prepared by Gomez and Sullivan Engineers, D.P.C. dated August 19, 2019.

Rick Stewart of Gomez and Sullivan and Edward Rolfe of the Concord Rod & Gun Club attended tonight's meeting. Mr. Stewart explained that the club is proposing dam safety repairs at Angier's Pond. The improvements that are necessary are to repair two wooden bridges over the auxiliary spillway. They also need to replace the wooden bridge at the primary spillway. The bridges will be replaced in kind. All work will be done by club members. Minor paving also needs to be done. Mr. Stewart explained that last fall they did some repaving work and this year they want to repave the area between the two bridges and a small five foot strip area on the inside of the bridge. Both areas are already paved. Next to the primary spillway there was a small eroded area. Therefore, temporary repairs had been done. They put concrete caps and sandbags underneath the spillway. They want to pull the sandbags out in order to do a proper fix. They will be removing the sandbags and concrete and replacing some embankment fill material. On top of the fill they will be installing six-inch stone with some loose concrete which will tie the stone together. On the upstream side they are proposing larger stone (12-18 inches in diameter). Mr. Stewart said that for dam safety purposes they will be removing 23 trees on the downstream slope and one tree on the upstream slope to maintain the dam integrity. Roots create voids and then the water can go through the dam. Mr. Stewart indicated on plan where the erosion controls will be located. They would like to cut the trees this fall. They will need to remove the rootballs, bring in fill and compact to bring up to existing grade.

Acting Chair Zaunbrecher said the tree removal seems extensive and they seem to be far from the top of the dam. She asked how the number of removals was determined and suggested checking with the Office of Dam Safety to see if that many trees need to be removed. Mr. Stewart said he can check but the Office of Dam Safety will go with the recommendations they are making.

Commissioner Huggins asked what type of mitigation will be provided for the replacement of the trees without obstructing the integrity of the work. Director Kaye stated that they are proposing a native meadow mix in the disturbed areas. However, are there any areas around the pond with invasives that could be used for mitigation.

Mr. Rolfe said he believes that an inspection engineer recommended that trees be removed 20 feet out from the toe of the dam. All their property is under Chapter 61 and they are always conducting active forestry management. He is not sure if that can be considered mitigation. Putting plants back onto the dam is not recommended. Commissioner Huggins clarified that the NRC is trying to determine if there are other areas for mitigation.

Alan Carpenito of the Concord Rod & Gun Club said they are constantly removing bittersweet by hand. Commissioner Huggins asked that those areas be identified on the plan. Mr. Carpenito stated that every 10 years a dam safety inspection is conducted. Previous inspections have determined that trees have to be removed from the slope and 20 feet out from the toe of the dam. They have not addressed that for many years and that is why there are so many trees now that need to be removed.

Mr. Stewart explained that water does not have to be drained to remove the trees but since they are also doing the rootballs it will have to be drained down three feet. Acting Chair Zaunbrecher asked that other work be done during the low flow season. Mr. Rolfe said they would like to do some of the tree work and brush clearing as soon as all the permits have been approved.

Director Kaye asked the Applicant to revise the plan to note the riprap adjustment and to show an area of invasives removal that is within the resource area that could be counted towards mitigation.

There were no public comments.

The Applicant agreed to continue the hearing until September 18, 2019 to allow for additional information to be provided.

**Request for Determination of Applicability Application, Lori and Karl Hick, 616 Main Street, RDA File #19-8**

Acting Chair Zaunbrecher opened the hearing seeking approval to construct a screened porch 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
- Plan of Land prepared by Stamski and McNary, Inc. revised on September 4, 2009.

Jeffrey Adams of J.W. Adams Construction attended tonight meeting. Mr. Adams informed the Commission that in 2009 the homeowners had filed an application to the NRC for a rear patio. The project was approved and completed. Mr. Adams said for this project the air-conditioners will be to the east side of the property further away from the wetlands. The screen porch will require four sonotubes footings. Two of the footings are within the 100-foot Buffer Zone. The footings will be dug by hand and poured in the same day. They will backfill the holes the following day. No machinery will be used. Mr. Adams stated that the homeowners have been good stewards of the property. In 2017 they applied for a permit to continue removing invasives. They have been working with Parterre Ecological for the last few years to remove invasives and replant with native plants.

There were no public comments.

Commissioner Nardi moved to close the hearing and 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 Huggins seconded. All so voted.

## **EXTENSION REQUEST**

### **Gund, 112 Great Meadows Road, DEP File #137-1273**

David Zenk of Gund Partnership attended tonight's meeting. Mr. Zenk informed the NRC that this is a second request for an extension. Approval to build a barn was permitted but it has not been built yet.

Acting Chair Zaunbrecher asked why the barn had not been built. Mr. Zenk replied that the homeowners are still deciding what they want to do with the barn. Acting Chair Zaunbrecher said that the NRC grants extension for extenuating circumstances but does not like to continually grant extensions. Mr. Zenk said they are in the same position they were two years ago when the first extension was granted. The goal is to build the barn in the next two years. He does not anticipate having to come back for another extension. The Commission felt that one year should be enough time to complete the project.

There were no public comments.

Commissioner Huggins moved to approve a one-year Extension Permit for DEP File #137-1273. Commissioner Nardi seconded. All so voted.

## **CERTIFICATE OF COMPLIANCE**

### **Annursnac Hill Association, 18A College Road, DEP File #137-1447**

Commissioner Nardi moved to issue a Certificate of Compliance for DEP File #137-1447. Commissioner Huggins seconded. All so voted.

### **Administrative Approvals:**

- Galinat, 62 Harrington Avenue, Tree Removal  
Director Kaye explained that the homeowner would like to remove a small Norway maple that is hanging over the road. She would also like to remove a 12-inch poplar and some additional Norway maple saplings near the road. The work is in the outer Riverfront Area. Approval was granted.

Commissioner Huggins moved to adjourn. Commissioner Nardi seconded. All so voted. This meeting adjourned at 9:14 pm.

Respectfully submitted,

Karen Bockoven  
Administrative Assistant