

**NATURAL RESOURCES COMMISSION  
Meeting Minutes  
March 1, 2017**

Pursuant to the notice filed with the Town Clerk, a 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, March 1, 2017**. The following Commissioners were present: Lynn Huggins, Chair, Greg Higgins, Jeff Adams, Chip Poutasse, and Judy Zaunbrecher. Delia Kaye, Natural Resources Director, and Natural Resources Administrative Assistant Karen Bockoven, were also present.

Chair Huggins 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.

Industrial Tower and Wireless, LLC, 1400 Lowell Road, DEP File #137-1364	7:00 pm
Walter Ohanian, The Grantham Group, LLC, 6X Winthrop St., DEP File #137-1374	7:00 pm
Nicholas and Julianne Herz, 80 Old Mill Road, DEP File #137-1381	7:00 pm
Town of Concord - CPW Engineering, Assabet Avenue, DEP File #137-1323	7:30 pm
Everett Bramhall, 607 Main Street, DEP File #137-1361	7:40 pm
Boston Gas Company d/b/a National Grid, 175-216 Sudbury Road, Grant Street & Grant Street Extension, RDA File #17-1	8:10 pm
Boston Gas Company d/b/a National Grid, 9-235 Musketaquid Road, Nashawtuc Road & Simon Willard Road, RDA File #17-2	8:20 pm

**CONTINUANCES**

**Notice of Intent Application for Industrial Tower and Wireless, LLC, 1400 Lowell Road, DEP File #137-1364**

The Applicant is seeking approval to construct a 120-foot tall monopole telecommunications tower, equipment shelters, generator, and utilities with associated tree removal within a fenced compound within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Higgins moved to continue the hearing until March 15, 2017. Commissioner Zaunbrecher seconded. All so voted.

**Notice of Intent Application for Walter Ohanian, The Grantham Group, LLC 6X Winthrop Street, DEP File #137-1374**

The Applicant is seeking approval to construct an 83-unit affordable assisted living facility with associated driveway, parking, drainage, grading, and utilities, portions of which work are within Bordering Land Subject to Flooding and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Higgins moved to continue the hearing until March 15, 2017. Commissioner Zaunbrecher seconded. All so voted.

**Notice of Intent Application for Nicholas and Julianne Herz, 80 Old Mill Road, DEP File #137-1381**

The Applicant is seeking approval to continue invasive species management and install native plantings within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Zaunbrecher moved to continue the hearing until April 5, 2017. Commissioner Higgins seconded. All so voted.

**Notice of Intent Application for the Town of Concord - CPW Engineering, Assabet Avenue, DEP File #137-1323**

Chair Huggins reopened the hearing seeking approval to install two overflow pipes and rip-rap swales within Bordering Vegetated Wetlands, Land Under Waterbodies and Waterways, 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:

- Drainage Improvement Drop Manhole Option; and
- Drainage Improvement Conveyance Option.

William Renault, Public Works Engineer was the presenter. He advised the Commission that in 2004, the Assabet Avenue entrance was moved from Route 2 as a joint project with MassDOT and CPW. A new access was installed at Barrett's Mill Road. As part of that design, CPW and MassDOT received a Superseding Order of Conditions to remove two outfalls from the Assabet River and install a series of infiltrators along the road. Now stormwater compounds over the catch basins and ends up at a low point in the roadway which turns Assabet Avenue in a lake. To remedy this, CPW identified two locations to outfall to. The initial design (Site 1) had two catch basins that would flow to a new dry well and then into a new infiltration chamber. It would then outfall to a swale about halfway down the bank of the Assabet River. The remaining portion of the slope would be stone riprap that would tie into the river at the bottom. Mr. Renault explained that the reason for the stone riprap was because the entire slope did not have any vegetation. They also had to file with Army Corps of Engineers and the National Park Service, through their River Stewardship Council who need to sign off on the plan because the Assabet River is classified as a Wild and Scenic river. The RSC had concerns with the view of the riprap stone on the slope and asked Public Works for alternatives. Mr. Renault said they are proposing to eliminate one of the outfalls and install a similar system with a drop manhole, which is acceptable to the Army Corps. wants. A second, more costly alternative would extend piping down Assabet Avenue and discharge further downstream. This alternative would cost \$100,000 more than the preferred alternative. Mr. Renault said the work will be done during the low flow season in July.

Commissioner Higgins commented this solution is better and something that could be applied elsewhere.

All Commissioners agreed that the project met the waiver requirements.

There were no public comments.

Jeff Adams moved to close the hearing. Judy Zaunbrecher seconded. All so voted.

**Notice of Intent Application for Everett Bramhall, 607 Main Street, DEP File #137-1361**

Chair Huggins reopened the hearing seeking approval to construct an addition and convert an existing covered porch into living space within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Landscape Master Plan prepared by Minglewood received on February 16, 2017;

- Project Narrative prepared by Minglewood received on February 17, 2017; and
- Wetland Permitting Plan prepared by Stamski and McNary, Inc. revised on February 23, 2017.

Everett Bramhall and Judy Bramhall, homeowners, and Angela Kearney of Minglewood Design, attended tonight's meeting. Ms. Kearney explained that almost the entire property is within the Buffer Zone (BZ) except for a small section along Main Street. They have taken a comprehensive look at the property and have added habitat restoration and a robust native planting plan. They are proposing to remove the existing 1,400 s.f. impervious driveway and install 500 s.f. garage and a portico. Also proposed is an approximately 2,600 s.f. porous pavers or pea stone driveway and walkway with a subbase to infiltrate water. There will be full drainage underneath. The two story porch will be converted to living space. One corner is within the 25-foot No Disturb Zone (NDZ). They also want to add a decorative roof shade within the 25-foot NDZ. They are proposing to remove six white pines and two Norway maples and replace with 24 native trees. All tree work is near Main Street in the outer BZ. They would like to remove 1,200 s.f. of lawn by hand and restore with native plants. This work would all be within the 25-foot NDZ. They also plan on removing by hand 2,000 s.f. of invasives and restore with native plants.

Chair Huggins asked if the garage was going to be used for cars. Mr. Bramhall replied that it will be built to take cars but it will be used to store a lawn mower and bicycles. Ms. Kearney said that the house does not have a basement.

Commissioner Higgins asked if the Applicant had any discussion with the Building Commissioner regarding the decorative overhang as to whether it would be considered in the setback. Mr. Bramhall said that he did speak with John Minty. Mr. Minty told him that if the overhang was made of wood it would be considered a structure. Commissioner Adams said if the Commission was looking at an application to build a new pergola in the 25-foot NDZ it would be considered a new structure which would not be allowed. Director Kaye noted that there is no ground disturbance within the 25-foot NDZ from the overhang. Chair Huggins commented that there is an enormous improvement proposed in the 25-foot NDZ with the removal of lawn and the plantings that are being proposed. Chair Huggins asked the Applicant to provide a waiver request. Director Kaye requested the detail regarding the full drainage and the subbase and an Operation and Management plan for the porous pavement.

There were no public comments.

The Applicant agreed to continue the hearing until March 15, 2017.

#### **NEW APPLICATIONS**

#### **Request for Determination of Applicability for Boston Gas Company d/b/a National Grid, 175-216 Sudbury Road, Grant Street & Grant Street Extension, RDA File #17-1**

Chair Huggins opened the hearing for approve to replace a natural gas main 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
- Resource Area and BMP Map prepared by Coneco Engineers & Scientists, Inc. received on February 15, 2017.

Jonathan Novak of Coneco Engineers & Scientists, Inc. attended tonight's meeting. Mr. Novak explained that they will convert the gas line from coated steel to plastic tubing. The same size will be used. The majority of the construction is within existing pavement. The feeder line to Crosby's Market is within the 100-foot BZ. Mr. Novak said it would be a parallel trench and the existing steel line will be abandoned in place. Commissioner Adams asked if the new trench could be closer to the parking lot pavement rather than the stream. Mr. Novak replied that could be put in as a condition. Director Kaye said that if any trees do come out or are damaged, it will be conditioned that they be replaced with native trees.

There were no public comments.

Commissioner Adams moved to the 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; 2) The new gas line shall be located as close to the pavement as possible; 3) The land covered by the Conservation Restriction shall be restored to pre-existing conditions following completion of work, including the replacement of any trees damaged by the construction with a native species to be approved by staff; and 4) After the project has been completed, the Applicant shall submit a letter and stamped as-built plan 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 Higgins seconded. All so voted.

**Request for Determination of Applicability for Boston Gas Company d/b/a National Grid, 9-235 Musketaquid Road, Nashawtuc Road & Simon Willard Road, RDA File #17-2**

Chair Huggins opened the hearing for approve to replace an existing natural gas main within the 200-foot Riverfront Area to the Sudbury 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
- Resource Area and BMP Map prepared by Coneco Engineers & Scientists, Inc. received on February 15, 2017.

Jonathan Novak of Coneco Engineers & Scientists, Inc. attended tonight's meeting. Mr. Novak explained the only area of jurisdiction is a small portion along the road and at the intersection of Simon Willard which is within the 200-foot Riverfront Area. Director Kaye asked the Applicant if he was aware of the culverts on Musketaquid Road. Mr. Novak said the gas line will go over the culverts. The lines will not go down more than 4 feet. If the lines go over something, flowable fill will be used to protect the line or they will insulate. Director Kaye requested erosion controls be placed around the culverts.

There were no public comments.

Commissioner Adams moved to the 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; 2) Construction shall occur during the dry season and/or a dewatering plan shall be submitted for review and approval prior to construction; and 3) After the project has been completed, the Applicant shall submit a letter 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 Higgins seconded. All so voted.

#### **CLOSE AND ISSUE PERMITS**

##### **Jessica Arado, 103 Virginia Road, DEP File #137-1377**

Commissioner Zaunbrecher moved to close the hearing and issue an Order of Conditions for Jessica Arado, 103 Virginia Road, DEP File #137-1377 with Findings A and B, Standard Conditions 1-19 and Special Conditions 20-37, as amended. Commissioner Adams seconded. All so voted.

#### **CERTIFICATES OF COMPLIANCE**

##### **Fenn School, 516 Monument Street, DEP File #137-1053**

Commissioner Zaunbrecher moved to issue a Certificate of Compliance for Fenn School, 516 Monument Street, DEP File #137-1053. Commissioner Higgins seconded. All so voted.

##### **Fenn School, 516 Monument Street, DEP File #137-1058**

Commissioner Zaunbrecher moved to issue a Certificate of Compliance for Fenn School, 516 Monument Street, DEP File #137-1058. Commissioner Higgins seconded. All so voted.

##### **Unisys Corp., 48B Fitchburg Tpke., 205 Hemlock St. & 14X Hemlock St., DEP File #137-1367**

Commissioner Higgins moved to issue a Certificate of Compliance for Unisys Corp., 48B Fitchburg Tpke., 205 Hemlock St. & 14X Hemlock St., DEP File #137-1367. Commissioner Poutasse seconded. All so voted.

#### **OTHER BUSINESS**

**The Trustees of Reservations:** Collaborative Management of Punkatasset.

Joanna Ballantine and David Santomena of The Trustees of Reservations (TTOR) attended tonight's meeting. Mr. Santomena informed the Commission that he attended most of the Estabrook Woods Access Study Committee meetings last year. One of the Committee's recommendation was that the Town work with the Trustees to create a parking lot on the Apthorp parcel at 873 Monument Street. He thought this was a terrific opportunity for TTOR and he hopes the Town feels the same way. Mr. Santomena said that when TTOR accepted the gift of the Apthorp property, they felt that it would be a gateway to Estabrook. It also had the potential to give the Trustees a presence in Concord. Mr. Santomena believes there is also a benefit to the Town and is proposing a joint management agreement for Punkatasset. TTOR would be willing to take responsibility for some of the stewardship of Punkatasset property and in return they would create a parking area at the Apthorp land.

Chair Huggins noted that she, Commissioner Adams, and Director Kaye had met with the Trustees, members of the Select Board, and the Town Manager in January to initiate a **dialogue on shared stewardship, and she thanked Mr. Santomena and Ms. Ballantine** for attending tonight's meeting. She asked whether the Trustee's board had provided an opinion on whether TTOR would charge for parking, which would be a non-starter for the Town. Mr. Santomena replied that the specific proposal would be to install a parking kiosk, as they have done at a number of their locations which enables them to provide parking to their members for free but to charge a fee to others. TTOR's revenue is not from the kiosks but from memberships. TTOR has a strong interest in growing their membership. TTOR understands the Town's perspective on the kiosk and they would like to work with the Town.

Mr. Santomenna said that TTOR could use the Apthorp property as a means of generating new memberships for their organization. Chair Huggins asked if the parking would be exclusively for people using Punkatasset and getting into Estabrook Woods or would it be used as satellite parking for the Old Manse. Mr. Santomenna said it would not be used for satellite parking because there is no capacity.

Ms. Ballantine explained that in addition to the revenue they obtain from kiosks and memberships, they would also need to raise funds to care for the property. If they are unable to proceed with a kiosk on the Apthorp parcel, TTOR would need to know what resources the Town would continue to provide.

Commissioner Poutasse asked how the kiosk operates. Ms. Ballantine said the kiosk is a machine with a picture of the property with a credit card pay system. Members aren't charged and non-members are charged \$5.00. There are no gates and few enforcement staff; it is an honor system. Ms. Ballantine said many people who use their properties end up joining. The information they are able to obtain by people joining or using the kiosks are where people are coming from and how frequently they use the property.

Commissioner Zaunbrecher asked how TTOR would publicize the property. Mr. Santomenna said they consider this property as a 'woodland reservation; which tends to draw from a smaller geography. This would not have the same draw as Castle Hill, Crane's Beach, or Fruitlands, which are considered 'destination properties'. TTOR does not envision a dramatic change to how much the property is currently being used.

Ms. Ballantine said TTOR is not in the parking lot business. They want to provide access to beautiful places and care for them with a high level of stewardship. They are willing to work with the Town to create parking on the lot. The TTOR vision and mission is to protect special places and provide safe access for the public and this would be part of their broader mission throughout Massachusetts. Of the 116 properties owned by TTOR, about two dozen are destination properties. The vast majority of their properties are for walking and hiking. TTOR's work with Concord goes back many decades with many CRs around Estabrook.

Commissioner Adams asked TTOR about their management resources and how they envision their resources could enhance and support the existing maintenance of the woods. Mr. Santomenna said they have not done a management plan or assessment of the property yet. They do not envision making sweeping changes in how the property is managed. He does not believe they would create more trails. Mr. Santomenna said their management vision would not be very different from the Town's. He thinks there are some benefits that they can bring as far as enhancing ecology, invasive management, and trail management. He believes TTOR can add some resources to make it an even better managed property.

Commissioner Adams commented that visits to TTOR properties were up by about 35%. He asked if those efforts to increase participation on their various sites might change Punkatasset, noting the Commission did not a desire to increase use at Punkatasset. Commissioner Adams asked how that matched with TTOR's mission. Mr. Santomenna said that most of the growth that they are seeing is across a suite of properties they call their "excite" properties. They have 27 or 28 reservations across the state that have the potential and capacity to support additional visitation and additional programming. An example is a new

camp at Appleton Farms in Hamilton and Ipswich. TTOR does not see Punkatasset as an exciting type of property.

Commission Higgins asked what is TTOR going to do with the building on Apthorp. Mr. Santomenna said the plans are for it to remain rented with two rental units. They would not turn the house into a visitor center and are advancing a visitor center at the Old Manse and it would not be practical to have two visitor centers. There is some deferred maintenance that needs to be taken care of, which they have been unable to do because of funding.

Mr. Santomenna distributed a copy of a plan for a preliminary design concept of a 16-space, unpaved lot with one way in and one way out. Engineering has not been done yet. The plan would need Site Plan Review and approval from the Planning Board. Plantings would be installed to buffer the existing house and other places deemed necessary and appropriate.

Chair Huggins explained that this discussion is still in the preliminary stages and noted that the NRC is pursuing options on other ways to resolve the parking problem on Monument Street.

Neil Rasmussen, Estabrook Road, asked if the parking lot would be plowed. Mr. Santomenna said yes. Mr. Rasmussen asked if the Malcolm Preserve in Carlisle was run by TTOR. Mr. Santomenna said it was jointly managed with the Town and the Carlisle Land Trust. Mr. Rasmussen asked if Punkatasset would be promoted in the same manner as the Malcolm Preserve. Mr. Santomenna said it would be. Mr. Rasmussen asked if there would be any handicapped parking. Mr. Santomenna said there would be two spaces. Mr. Rasmussen said the property is unique for handicap access since it is flat right to the water. Ms. Ballantine said that providing handicap access is very important to TTOR.

Ellie Bemis, 858 Monument Street, discussed the Conservation Restriction that the Trustees hold on Punkatasset. One clause says "construction of a parking area would be allowed on Punkatasset provided the grantor has determined that such is needed for public safety purposes and will not greatly increase the number of people using Parcel A, Parcel B and the Harvard land." Ms. Bemis believes this was written by the Trustees and the Town with the notion that Harvard owns the core of the property at Estabrook Woods. They do not want to increase the usage in a big way. Ms. Bemis recognizes that TTOR is interested in increasing their membership, which was also discussed at a breakfast meeting TTOR held with the Estabrook Woods neighbors. TTOR stated at that breakfast that there would be ten spaces at the most. Ms. Bemis said she knows there is a conflict between the Town wanting to replace anything lost at Estabrook, but it is critical for the use of the woods that parking not be increased and considering that Harvard could close down the woods if conservation values were compromised.

Lansing Old, 607 Lowell Road, noted a Zoning Board decision in 2008. The ZBA was advised that the TTOR's mission was to protect open space and land and that the applicant's goal for the property at 873 Monument Street is to maintain the existing home and property as it is.

Chair Huggins said that the discussion will continue and thanked the Trustees and the public.

Mr. Santomenna said if the Commission was inclined to designate a subset as a working group as a means of moving forward without needing to involve the whole commission at every

juncture, TTOR would be open to that. Chair Huggins said they would take that into consideration.

### **Black Birch I, Forest Ridge Road - Acceptance of Conservation Land**

Director Kaye reviewed the land proposed to be donated to the Town as required by Town Meeting and ZBA for the Alternative PRD off Forest Ridge Road and described as Parcel 6B and 6E on the plan entitled: "Open Space Plan, Forest Ridge Road, Concord, Massachusetts," prepared by Places Associates, Inc., dated August, 2015, revised May 9, 2016 recorded with the Middlesex South Registry as Plan No. 406 of 2016 (Sheet 2 of 3), as well as on the plan entitled: "Approval Not Required, Forest Ridge Road, Concord, Massachusetts," prepared by Places Associates, Inc., dated July, 2015, recorded with the Middlesex South Registry as Plan No. 651 of 2015 (Sheet 1 of 2).

Commissioner Adams moved:

- (a) To approve gift of and deed for the Property from Black Birch Development Partners LLC to the Town of Concord by and through its Natural Resources Commission, substantially in the form presented to the Natural Resources Commission at its March 1, 2017 meeting, with final changes to be made by the Natural Resources Director in her reasonable discretion in consultation with town counsel; and
- (b) To authorize the Natural Resources Director to take all actions on behalf of the Natural Resources Commission that are reasonably necessary, in the judgment of the Natural Resources Director, to complete the acquisition by gift of the Property, including without limitation signing closing forms, affidavits, documents and settlement statements.

Commissioner Higgins seconded. All so voted.

### **Warrant Article 28 - Guideline for Preservation of Public Access to Open Space. Petitioner: Kathryn Angell**

WHEREAS the Town desires, consistent with the preservation and protection of natural resources and the environment and the legitimate interests of private property owners and the Town, that reasonable public access to Concord's trails, forests, fields, rivers, and other open spaces should be preserved and, where possible, expanded or created;

THEREFORE, the Town urges the Select Board and Town Manager to adopt policies to require Town Officials, Committees, and Departments to use this principle as guidance and consider it a priority in their actions and deliberations, including any policies, decisions, negotiations, recommendations, and regulations that would or could affect public access to Concord's open spaces, or take any other action relative thereto.

Kathryn Angell, 267 Main Street, and Lisa Pohl, 75 Laurel Street, attended tonight's meeting. Ms. Angell distributed a copy of the revised motion. The changes have been highlighted. Ms. Pohl said that the primary change is that it is limited to public open spaces. Ms. Angell said that she believes there is a shared value within Town. Ms. Angell said that since this article was first proposed, they have been talking to a lot of people and have tried to be responsive

to questions. One question had to do with how private property is affected. They decided to make the article clear that it only pertained to Town owned and controlled land. They know this is not the only priority and it would have to be balanced with other priorities. Ms. Angell said that while the Town is doing a good job with public access to open space now, they are trying to look forward as to what may happen regarding public open space in the future. One example may be as the Town installs more solar arrays, they may want to use open space or cut off access. Chair Huggins asked the petitioners to define public access Ms. Angell said they were trying to not be too prescriptive and see open space as a broad general definition. It doesn't have to have so many square feet or a certain number of people or certain kinds of parking.

Chair Huggins asked what they meant by the word "legitimate". Ms. Angell said they put that word in there to reinforce the idea that these are legitimate interests. For example, if someone lives near a certain space or the Town has a concern about safety, these are legitimate concerns. Chair Huggins said that words that are undefined are confusing, and can lead to disagreements over interpretation.

Commissioner Adams thanked Ms. Angell and Ms. Pohl for their research. He asked if they have come across circumstances in the last 25 years or so where if this template had been applied to Town land how the potential to public access would have been different. Ms. Angell said in her opinion that there have been some open spaces created through Planned Residential Developments (PRD) that did not have a priority for public access. Director Kaye explained that a the Zoning Bylaw requires that PRD open space has to be open to members of the community but not necessarily to the public, but noted that even if open space wasn't provided it may have been discussed as part of the approval and not granted for various reasons. Director Kaye suggested that the petitioners consider requesting that the Planning Board consider a Zoning Bylaw revision that requires consideration of public access to open space when a PRD or residential cluster is approved.

Commissioner Adams said that there have been other conversations about the Town potentially acquiring land for other interests. He asked how this article would apply in situations where land is acquired for farming or schools purposes. Ms. Angell said public access would be one of the considerations. Ms. Angell said a good example would be Willow Guzzle. She said there is farming but still access to other land. Commissioner Higgins asked if there a sense that the Town is not doing this. Ms. Angell said there is not. Ms. Angell said this was developed to give the broader public a chance to weigh in. Commissioner Higgins questioned the need for the article. Ms. Angell said that moving forward things could change. Chair Huggins said that the Town's long range planning process, which is a public process, is one available forum to address this issue.

Commissioner Adams noted that the Comprehensive Long Range Plan (currently being updated) and the Open Space and Recreation Plan (which was updated last year) include clear guidance to consider public access to open space, and these documents are used by the NRC, Select Board and other committees, as roadmaps for their decisions. It would be helpful to understand how the language of this article would improve what is already published in those documents.

Ms. Pohl said she feels the article brings to the citizens on a day to day operations level for plowing, mowing, and making sure there is access to public open spaces. She said, for

example, there is no point building a parking lot at Punkatasset if it is not going to be mowed or plowed during peak seasons. During a recent snow storm, nothing was cleared at October Farm, Punkatasset, or Lowell Road at Chamberlin Woods. This article would give the Town Manager and Select Board the ability to allocate funds for plowing. Commissioner Higgins explained that mowing and plowing is already provided for in Town budgets.

Peter Gifford, 1171 Monument Street, asked who is going to determine what policies will be adopted. Ms. Angell said that the Select Board and the Town Manager have the flexibility to proceed as they see fit.

Ellie Bemis, 858 Monument Street, said she thinks the Article is confusing. Ms. Bemis said public access always comes up when someone donates land to the Town. She said some properties may have special habitats and perhaps there is another approach.

**Warrant Article 50: Request to Fund Limited Testing of Honey Bee Hives for Neonicotinoid Levels. Petitioner: Mark Hanson.**

To determine whether the Town will vote to appropriate the sum of \$4,000, or any other sum, to be expended by the Select Board's Pollinator Health Advisory Committee under the direction of the Select Board to compare the level of neonicotinoids in ten or fewer honey bee colonies up to five of which have collapsed and five which have survived, or take any other action relative thereto.

Mr. Hanson of 340 Holden Wood Road attended tonight's meeting. He started keeping bees in 1968 in Stow, and moved to Concord in 1987. In 1989, *Varroa* mites began causing problems for hives in Concord. In 2009 or 2010, he noticed his bees were having trouble finishing the season. The bees were also having trouble during the winter and sometimes the queen would die in February or March. In 2013, Mr. Hanson read a paper on neonicotinoids causing colony collapse disorder. Mr. Hanson said this matched what he was seeing with his hives. He called the golf course south of where he lives and asked what they used for pesticides and they do use neonicotinoids. Mr. Hanson decided not to keep bees any more. Last year Article 48 passed and he is hoping the committee will be formed.

Mr. Hanson said that Europe put a moratorium on the use of neonicotinoids in many field crops. Because of this, Europe has seen an improvement in the performance of their pollinators. The moratorium is still active. Mr. Hanson said the goal for testing is to give a benchmark and allow them to compare Concord to other cities and towns that have done testing. Mr. Hanson said the goal of Article 50 is to get funding. Mr. Hanson said the \$4,000 cost (10 tests at \$400 each) listed in the Warrant Article is an estimate from the state bee inspector. He would like to use Harvard because their tests are extremely accurate.

Commissioner Zaunbrecher asked what the Town's role is and what would the Town do with the information. Mr. Hanson replied that it would inform the Town what are the levels of neonicotinoids. Mr. Hanson said it would be good for a Town committee to do because maybe in addition to testing beehives, soil and groundwater could also be tested. Mr. Hanson believes the government's role is to provide an umbrella and to provide an open public repository for the information. He said it is harder for a private group as compared to having

government support. Mr. Hanson said bees are pollinators and important and he believes they deserve government protection.

Commissioner Adams said he was somewhat confused about Article 48 that was passed last year. Commissioner Adams thought a committee was established to focus on this issue. He asked if a committee should be established and address comprehensive educational programs in the community and a number of strategies to look at this matter. Commissioner Adams stated testing may be one tactical step. He asked if there were any examples where there have been Town expenditures for something similar. Mr. Hanson would like the committee to be part of the Town where open meeting laws apply. Mr. Hanson believes that without being completely open people may ask why they did not have input.

Debbie Barr said testing could provide a more active approach in addition to a committee. Chair Huggins commented that the NRC has a list of pollinators that they encourage when there are projects that require plantings.

Director Kaye said she participated in a discussion that Mr. Hanson had with Select Board member Alice Kaufman. Ms. Kaufman is developing the charge with Mr. Hanson, and there is a question which board or committee this committee would fall under, as well as a timeframe for completion. Director Kaye said that another possibility would be to contact BioCAN and see if this would be something they are interested in pursuing. Commissioner Zaunbrecher also suggested that Mr. Hanson write a letter to the Long Range Planning Committee on proper lawn and garden care.

Ellie Bemis, 858 Monument Street, suggested the committee be under the Agriculture Committee.

### **Director's Report**

- Director Kaye informed the Commission of an Estabrook restriction on land sold by Ellie Bemis' grandfather to Harvard.

Ms. Bemis explained how the restriction originated. Her grandfather sold some of his land to Harvard in the 1960s. Her grandfather and The Nature Conservancy put a restriction on the land that it be a nature preserve for research for Harvard. Since restrictions in those days were not infinite, this was a way of putting another layer on to make sure the property was always a nature preserve. The restriction was for 30 years, and then needs to be re-recorded every 20 years. The restriction has to be re-recorded on or before March 8<sup>th</sup> to retain its validity. Ms. Bemis would like to the Town to join this restriction so it will remain on record after she and her family are no longer alive.

Director Kaye suggested that Ms. Bemis provide a written request explaining the Notice of Restriction. Director Kaye thought there would be a benefit to the Town to sign the Notice of Restriction because the Town would hold a record of the restriction and could help to ensure that it is re-recorded every 20 years. Chair Huggins acknowledged that the issue was important.

- Director Kaye informed the Commission that Neil Rasmussen coordinated an Estabrook landowners meeting which she and Chair Huggins attended and which was a very

productive discussion. One of the concerns was about dogs and Estabrook becoming a regional dog park. Director Kaye noted that Punkatasset also sees higher than average dog waste. Director Kaye and Chair Huggins asked how the NRC felt about Punkatasset being a leash only dog area, which could reduce Estabrook's web presence as a regional dog park and is supported by the other landowners in the woods. Director Kaye said that Mattison is leash only during the nesting season to protect the ground nesting bobolink. White Pond is leash only because of eroded slopes. Chair Huggins suggested a subcommittee systematically evaluate all NRC properties. Chair Huggins does not believe one policy fits all but having a clear policy about dogs is needed.

After discussion, the NRC requested that this discussion be noticed as an agenda item for an upcoming meeting.

- Director Kaye, Joan Ferguson (CLCT), Christa Collins (SVT), Carlene Hempel (Trails Committee), and Marcia Rasmussen, Director of Planning & Land Management met to discuss open space possibilities for Junction Village. Ms. Rasmussen will be meeting with The Grantham Group tomorrow to discuss what the Town can do and in turn what Grantham will need to provide. The CR on the riverfront piece would be a benefit, but there isn't a great deal of conservation value for the open area on the other side of the development. Director Rasmussen will include \$50,000 for stewardship of the land in a CPA application. The Grantham Group, while they are doing construction, should remove debris, conduct initial invasive species work, and clear a trail. This will be on a plan to be presented at a future NRC meeting.
- Director Kaye received notice from Crooked Row Fields that they will not be able to farm the Rogers land this year. Director Kaye will contact people who have applied in the past to see if they are interested, as well as Ricky Marshall who farms nearby.
- Director Kaye has obtained three quotes to determine the feasibility for parking at Punkatasset with prices ranging between \$6,200 and \$14,500. Stamski and McNary was the lowest bid and will provide the designs within three weeks. The work will be funded through the Planning and Natural Resources Division's operating budgets.

Commissioner Adams moved to adjourn the Open Session and enter into Executive Session, not to return to Open Session. Commissioner Higgins seconded. All so voted. This meeting adjourned at 10:09 p.m.

Respectfully submitted,

Karen Bockoven  
Administrative Assistant