

NATURAL RESOURCES COMMISSION
Meeting Minutes
July 7, 2021

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 7, 2021. The following Commissioners were present: Ed Nardi, Chair, Nick Pappas, and Gary Kleiman. Natural Resources Director Delia Kaye, Assistant Natural Resources Director Colleen Puzas, and Natural Resources Administrative Assistant Karen Bockoven were also present.

APPROVE MEETING MINUTES
<ul style="list-style-type: none"> • April 21, 2021
DIRECTOR'S UPDATE
TO BE CONTINUED WITHOUT DISCUSSION TO JULY 21, 2021
<ul style="list-style-type: none"> • GOMES, 1597 Monument Street, NOI • SHAW, 43 Old Bedford Road, NOI • FALLON CUSTOM HOMES & RENOVATIONS, 209 Musterfield Road, NOI
TO BE CONTINUED WITHOUT DISCUSSION TO AUGUST 11, 2021
<ul style="list-style-type: none"> • HERCHEK, 13 Garland Road, NOI
CONTINUANCES
<ul style="list-style-type: none"> • CONCORD CHILDREN'S CENTER, 250 Old Bedford Road, NOI • CALABRIA, 261 Heaths Bridge Road, NOI
NEW APPLICATIONS
<ul style="list-style-type: none"> • TOWN OF CONCORD, Monument Street (R.O.W), NOI • PASQUINA, 675 Monument Street, RDA • YATES, 62 Lee Drive, RDA • CONCORD LAND CONSERVATION TRUST, 11A Musketaquid Road and 16B Elm Street, NOI for Ecological Restoration • MARTI, 8 Union Street, RDA
EXTENSION REQUESTS
<ul style="list-style-type: none"> • COO, 140 Jennie Dugan Road
CLOSE and ISSUE
<ul style="list-style-type: none"> • TOWN OF CONCORD, 90Y Plainfield Road • TOWN OF CONCORD, Bruce Freeman Rail Trail Phase 2C
CERTIFICATES OF COMPLIANCE
<ul style="list-style-type: none"> • ALEY, 47 Warner Street
ADMINISTRATIVE APPROVALS
<ul style="list-style-type: none"> • HEYWOOD MEADOW, 150 Lexington Road, Invasives Removal • ANNURSNAC HILL ASSOCIATION, 65A Annursnac Hill Road, Bog Bridges • SLATTEBO, 455 Powder Mill Road, Tree Removal • DEMAKES, 78 Forest Ridge Road, Tree Removal

Chair Nardi called the meeting to order at 7:00 p.m. He stated that the NRC meeting was being audio-recorded and requested that anyone from the public recording the meeting so inform the Commission.

APPROVE MEETING MINUTES

The April 21, 2021 minutes were tabled to the July 21, 2021 NRC Meeting.

DIRECTOR'S UPDATE

- Director Kaye said a no swimming advisory has been posted at White Pond because a bloom has been observed floating around the pond. The beach will be closed until further notice. The information has been posted on News & Notices.
- Director Kaye said the crew has been harvesting water chestnut on the Sudbury River. They are going to also remove invasives at Heywood Meadow with a group of volunteers.

TO BE CONTINUED TO JULY 21, 2021

Notice of Intent, Gomes, 1597 Monument Street, DEP File #137-1558

Chair Nardi reopened the hearing seeking approval to construct new deck with a pool spa within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Pappas moved to continue the hearing to July 21, 2021. Commissioner Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Notice of Intent, Shaw, 43 Old Bedford Road, DEP File #137-1504

Chair Nardi reopened the hearing seeking approval to construct a garage within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Pappas moved to continue the hearing to July 21, 2021. Commissioner Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Notice of Intent, Fallon Custom Homes & Renovations, 209 Musterfield Road, DEP File #137-1567

Chair Nardi reopened the hearing seeking approval to demolish and reconstruct a single-family dwelling and replace an existing septic system, portions of which work are within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Pappas moved to continue the hearing to July 21, 2021. Commissioner Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Nardi, Aye.

TO BE CONTINUED TO AUGUST 11, 2021

Notice of Intent, Herchek, 13 Garland Road, DEP File #137-1565

Chair Nardi reopened the hearing seeking approval to remove an existing shed and construct a detached garage with associated paved driveway within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Pappas moved to continue the hearing to July 21, 2021. Commissioner Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Nardi, Aye.

CONTINUANCES

Notice of Intent, Concord Children's Center, 250 Old Bedford Road, DEP File #137-1562

Chair Nardi reopened the hearing seeking approval to construct a two-story building, parking lot, deck, fence, paved sidewalks, and hardscape within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Site Plan Set prepared by Stamski and McNary, Inc. revised June 22, 2021; and
- Stormwater Management Report prepared by Stamski and McNary, Inc. revised June 24, 2021.

Pat Nelson, Executive Director of Concord Children's Center, Molly Obendorf of Stamski and McNary, and Brooke Whiting-Cash of Lemon Brooke attended tonight's meeting. Ms. Obendorf explained that since last meeting with the NRC on May 5th, changes have been made to the plan based upon comments from various Town departments. One item that has changed was the moving of the exit drive. The Engineering Department was concerned about the distance to the intersection of Virginia Road and Old Bedford Road. Therefore, they increased the distance as recommended which slightly increased the impervious surface within the BZ. No changes were needed for the subsurface infiltration system. Ms. Obendorf said they have provided an impervious surface table per the request of the Commission.

Ms. Whiting-Cash said they reviewed the play area in the back of the property. She explained that they are extremely constrained by zoning setbacks and wetland buffer zones. The proposed building will be located outside the 50-foot NBZ except for a small incursion for a deck. Access is needed to get children from the classroom to the outdoor play area. There will be a separate play area for toddlers. Another area is for an outdoor classroom for specific activities. Space is needed for children who are on the spectrum and to make sure these children feel included with the other children. Ms. Whiting-Cash said the proposed plan provides a ramp route for all the children to access regardless of their physical needs. They are trying to keep the play area away from any of the neighbors' property lines. She said another possibility they considered would be to run the ramp on the outside of the sandbox. This would make the ramp more efficient but would make the students less integrated. She explained that any of the decks they are proposing would be pervious and would have gravel underneath. She believes that their original plan is the best for the center and their program. She explained that the ramps need to be ADA compliant. They are not required to have a guardrail, however, because the facility is for young children, they will be installing railings where necessary. Chair Nardi asked for mitigation for the ramps as much as possible. Ms. Whiting-Cash said they usually try to stay under the max allowed. Commissioner Pappas said the ramp will be on lawn and he does not consider that serious degradation. Ms. Whiting-Cash said the entire property currently is lawn. The play area will only be within existing lawn. The remaining lawn will be removed so they can install native plantings and a meadow. Commissioner Kleiman commented that the deck is pervious and would allow water to go through the boards.

Ms. Whiting-Cash said that is why they designed as a deck as compared to a more affordable concrete ramp.

Commissioner Kleiman said he was concerned about the size of the proposed building. He asked if the multi-purpose area (427 sf) at the front of the structure (interior) could that be reprogrammed to shrink the footprint of the building. Ms. Nelson replied that the multi-purpose area needs to be 42 sf per child. They are no longer allowed to prepare snacks in the classroom, therefore, they have designed an activity kitchen. She explained that children do help with snack preparation because that is part of the program and that is how learning takes place. Commissioner Kleiman said he believes the school is a benefit to the Town given the goals they have outlined.

Chair Nardi asked if CPW had finished their stormwater review. Ms. Obendorf said an initial review was done but she has not heard back yet on the second review. Director Kaye informed the Commission that CPW just before tonight's meeting did provide comments which were minor. Director Kaye will provide Ms. Obendorf with that information.

Chair Nardi asked the Applicant to provide wildlife-friendly lighting alternatives. Ms. Whiting-Cash said they provided that information per their Planning Board submission. She will provide that information to the NRC and staff as well. Chair Nardi requested that they use bulbs that are more environmentally friendly. Director Kaye suggested amber/LED lights. Ms. Whiting-Cash agreed and will provide that information.

Ms. Obendorf said they intend to add to the impervious table the amount of mitigation per BZ. Director Kaye said there is a discrepancy as to what was provided on the plan compared to what was listed on the chart. Ms. Obendorf explained there is a small portion of decking that is not included on the ramp over a portion of the deck (overlook) and that is why there is a 25 sf discrepancy in the 50-foot NBZ. She said 527 sf is the total amount of structure in the 50-foot NBZ which they intend to fully mitigate. Director Kaye said she can have a discussion about this offline with Ms. Obendorf. Director Kaye noted that there is almost a 4,000 sf difference to what is being proposed now and what needs to be provided. Ms. Whiting-Cash said the difference could be because the lawn is being removed. That was not calculated as part of the mitigation.

Commissioner Pappas said snow storage is being proposed near the 50-foot NBZ. He said staff will be conditioning that no storage will be permitted in the 50-foot NBZ. Any snow that cannot be stored outside the 50-foot NBZ should be removed from the site and lawfully disposed of. Director Kaye said it would be helpful to include some signage to indicate where the snow storage should be so anyone snow plowing will not go beyond that point. She said snow could also be put on the other side.

Chair Nardi said the NRC would like Feno markers installed to demarcate the "no mow" area. Ms. Whiting-Cash said they are fine with just the annual mow but they would like to mow three times a year for the first few years so the meadow can establish. They would like permission to mow the path about once a month to allow passage for the children. Director Kaye said it was okay to mow the path as often as they would like. They can mow meadow 2-3 times a year until meadow is established. Only annual mow will be allowed after that.

Tanya Gailus of 62 Prescott Road said she is sad about the removal of the tree near Virginia Road to accommodate parking. Can anything be done about that? Ms. Whiting-Cash said the tree to be

removed is a large oak tree that is in terrible condition. She explained that the majority of trees being removed are Norway maples. Many new trees will replace the trees being removed.

The Applicant agreed to continue the hearing until August 11, 2021 to allow additional information to be provided.

Notice of Intent, Calabria, 261 Heaths Bridge Road, DEP File #137-1569

Chair Nardi reopened the hearing seeking approval to demolish and rebuild a single-family dwelling, construct an attached garage, demolish an existing unattached garage and carport, relocate an existing septic tank and pump, and enlarge the paved driveway 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:

- Proposed Site Plan prepared by Sullivan, Connors and Associates revised June 24, 2021.

Homeowner Carl Calabria attended tonight's meeting. Mr. Calabria said they have added an invasives mitigation plan which includes replacing with native species. A civil engineer has recommended for the sump pump outlet to install a 2x2 pipe with 3-inch diameter stones and surrounded by native shrubs.

There were no public comments.

Commissioner Pappas moved to close the hearing and issue an Order of Conditions for DEP File #137-1569 with Findings A-D, Standard Conditions 1-19, and Special Conditions 20-55.

Commissioner Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Nardi, Aye.

NEW APPLICATIONS

Notice of Intent, Town of Concord, Monument Street (R.O.W.), DEP File #137-XX

Chair Nardi opened the hearing seeking approval to repair a culvert on Monument Street at Sawmill Brook within Bordering Vegetated Wetlands, Land Under Waterbodies and Waterways, Bordering Land Subject to Flooding, and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Sawmill Brook Culvert Repairs 2021 Plan Set prepared by Town of Concord, Engineering Division, dated June 22, 2021.

Charles Caron of Caron Environmental Consulting and Jason Gallant of Wright-Pierce attended tonight's meeting. Mr. Gallant explained that at the end of April a beaver dam clogged the culvert on Monument Street making the water level extremely high on the upstream side but low on the downstream side. The area was stabilized and the culvert was evaluated. It was determined that the upper section on the left side had to be replaced. Given the instability of the slope on the downhill side they also recommended doing some work in that area. A contractor was mobilized under an emergency order. The contractor has begun set up, however, no real work has commenced yet. Mr. Gallant said that the part of the culvert under the road has been inspected and it was determined that no replacement was necessary. Director Kaye said there is a 45-inch corrugated metal pipe on the upstream side partially in the stone box. That will be removed and replaced with

a precast box culvert. Mr. Gallant said there was a stone box culvert with a metal pipe. The metal pipe is what failed. They were very much supported by CPW, Director Kaye, and others.

There were no public comments.

Commissioner Pappas moved to close the hearing and issue an Order of Conditions for the Notice of Intent titled "Town of Concord, Monument Street, Sawmill Brook Culvert Repair, Concord, MA" as shown on the plans titled "Contract Drawings for Sawmill Brook Culvert Repairs 2021" prepared by Jason Gallant, P.E, last revised June 22, 2021, to be issued upon receipt of a DEP File Number. Commissioner Kleiman seconded. Commissioner Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Request for Determination of Applicability, Pasquina, 675 Monument Street, RDA File #21-11

Chair Nardi opened the meeting seeking approval to manage invasive species and plant native species within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Request for Determination of Applicability Application; and
- Proposed Scope of Work Plan prepared by Stamski and McNary, Inc. revised May 31, 2021.

Homeowner Megan Pasquina, Landscape Designer Maria Wheeler, and Landscape Designer Mary Kincaid attended tonight's meeting. Ms. Pasquina said she would like to do some landscape work which mostly involves the removal of invasive plants. She would like to clean up her property and bring it back to its natural state. Ms. Wheeler said the site is over 2 acres and is a beautiful piece of property which include wetlands, forested area, and meadow. However, there are lots of invasives. They analyzed property and carefully decided what would be best to make it beautiful. Invasives will be removed manually. At a later date (Phase 2) they would like to improve the upland area by removing the invasives and replanting with native plants.

There were no public comments.

Commissioner Pappas moved to issue a Negative Determination of Applicability #3 with the following conditions: 1) A pre-construction site visit shall be held with DNR staff and the Contractor to review erosion controls and limits of work; 2) Stockpiling shall occur outside the 100-foot Buffer Zone; 3) 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 Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Request for Determination of Applicability, Yates, 62 Lee Drive, RDA File #21-12

Chair Nardi opened the meeting seeking approval to conduct invasives removal and plant native species 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

Homeowners Jill and Robert Yates, and Ryan Corrigan of Parterre Ecological Services attended tonight's meeting. Mr. Corrigan explained that the site consists of dense areas of Japanese

knotweed, Norway maple trees, honeysuckle, and buckthorn. These invasives will be removed and replaced with native plants specified in their plan. Chair Nardi noted that staff has pointed out that there is a large Norway maple on site. It is recommended that the tree be taken down in order to prevent seedlings from continuously growing. Mr. Corrigan said he will discuss with the homeowners. The NRC said the homeowners will have the option to remove the tree in the future without submitting another filing.

There were no public comments.

Commissioner Pappas moved to issue a Negative Determination of Applicability #3 with the following conditions: 1) A pre-construction site visit shall be held with DNR staff and the Contractor to review erosion controls and limits of work; 2) All invasives shall be removed from the site and disposed of properly; 3) 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. In addition, the applicant may remove the large Norway maple. Any changes from the RDA shall be described. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Notice of Intent for Ecological Restoration, Joan Ferguson, Concord Land Conservation Trust, 11A Musketquid Road and 16B Elm Street, DEP File #137-1570

Chair Nardi opened the hearing seeking approval to conduct invasives species removal and management within Bordering Land Subject to Flooding, Bordering Vegetated Wetlands, and the 200-foot Riverfront Area of the Sudbury River.

List of plans and documents discussed at this meeting:

- Notice of Intent for an Ecological Restoration Project Application; and
- Invasive Plant Locations Plan prepared by Concord Land Conservation Trust dated June 14, 2021.

Joan Ferguson of the Concord Conservation Land Trust (CLCT) attended tonight's meeting. Ms. Ferguson explained that CLCT has owned the two parcels of land (6.1 acres) since 1965. One of the provisions of the gift of land was that the parcels be kept as open space. The parcels have always been mowed. They are trying to manage the property so they have both grass and wildflowers. Unfortunately invasives have been growing. They would like to control the buckthorn which has taken over. Ms. Ferguson said they have contracted with Parterre Ecological to cut and dab the buckthorn to control it.

There were no public comments.

Commissioner Pappas moved to close the hearing and issue an Order of Conditions for DEP File #137-1570 with Findings A-D, Standard Conditions 1-19, and Special Conditions 20-41.

Commissioner Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Request for Determination of Applicability, Marti, 8 Union Street, RDA File #21-13

Chair Nardi opened the meeting seeking approval to construct a new garage 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

- Conservation Plan dated June 15, 2021.

Homeowner Candice Marti attended tonight's meeting. Ms. Marti explained that the original garage was destroyed by a cherry tree that fell because of a storm. She explained a portion of the old garage was constructed outside the property line. The new garage will be constructed only on her property. Erosion controls have been noted on the plan. Director Kaye said the driveway will also be slightly expanded.

There were no public comments.

Commissioner Pappas moved to issue a Negative Determination of Applicability #3 with the following conditions: 1) A pre-construction site visit shall be held with DNR staff and the Contractor to review erosion controls and limits 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 Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Nardi, Aye.

EXTENSION REQUEST

Coo, 140 Jennie Dugan Road, DEP File #137-1443

The project involved constructing an addition within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Homeowner Melanie Coo attended tonight's meeting. Ms. Coo said she would like a one-year extension so she can complete invasives removal associated with her project. They lost some time due to the pandemic.

Commissioner Kleiman moved to approve a one-year Extension Permit for the Order of Conditions DEP File #137-1443. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Nardi, Aye.

CLOSE AND ISSUE PERMITS

Town of Concord, 90Y Plainfield Road, DEP File #137-1559

Chair Nardi reopened the hearing seeking approval to improve the vehicular access and boat ramp, construct ADA compliant picnic areas and walkways, and install a new stormwater management system within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Commissioner Kleiman moved to close the hearing and issue an Order of Conditions for DEP File #137-1559 with Findings A-D, Standard Conditions 1-19, and Special Conditions 20-51.

Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Town of Concord, Bruce Freeman Rail Trail Phase 2C, DEP File #137-1564

Chair Nardi reopened the hearing seeking approval to construct a 0.5-mile, 10-foot wide paved asphalt multi-use trail with dense graded crushed stone shoulders, trail pavement markings and

signage, stormwater and drainage improvements, earthwork, landscaping, and other items incidental to construction of the rail trail extending from Powder Mill Road to the Sudbury town line within Certified Vernal Pool Habitat and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Commissioner Kleiman moved to close the hearing and issue an Order of Conditions for DEP File #137-1564 with Findings A-D, Standard Conditions 1-19, and Special Conditions 20-58. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Nardi, Aye.

CERTIFICATES OF COMPLIANCE

Aley, 47 Warner Street, DEP File #137-1412

Commissioner Pappas moved to issue a Certificate of Compliance for DEP File #137-1412. Commissioner Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Nardi, Aye.

OTHER BUSINESS

Administrative Approvals:

- **Heywood Meadow, 150 Lexington Road, Invasives Removal**
Director Kaye informed the NRC that Land Manager Will Holden has organized a group of volunteers to remove invasives at Heywood Meadow. The summer crew and a local organization, Backyard Invasives Project, will be helping as well. They will focus on both sides of the meadow about 80 feet up and downstream of Mill Brook removing multi-flora rose, buckthorn, barberry, and honeysuckle. Clearing the invasives will better open up the visibility into Mill Brook. The work is scheduled for Monday, July 12th from 8:00 am to 12:00 pm. Approval was granted.
- **Annursnac Hill Association, 65A Annursnac Hill Road, Bog Bridges**
Director Kaye said Annursnac Hill Association is looking to install bog bridges within the common land trails. Some areas are wet. Approval was granted.
- **Slattebo, 455 Powder Mill Road, Tree Removal**
Director Kaye said the homeowner would like to remove an oak tree that is in outer BZ near her house. The tree has some base rot. The area is wooded and replacement would not be necessary. Approval was granted.
- **DeMakes, 78 Forest Ridge Road, Tree Removal**
Director Kaye said that the homeowner would like to remove two red oak trees and a white pine in outer Riverfront area. The area is wooded and replacement would not be necessary. Approval was granted.

Commissioner Pappas moved to adjourn. Commissioner Kleiman seconded. All so voted. This meeting adjourned at 8:14 p.m.

Respectfully submitted,

Karen Bockoven
Administrative Assistant