

NATURAL RESOURCES COMMISSION
Meeting Minutes
February 5, 2020

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, February 5, 2020. The following Commissioners were present: Greg Higgins, Chair, Judy Zaunbrecher, Lynn Huggins, Ed Nardi, and Nick Pappas. Natural Resources Director Delia Kaye and Natural Resources Administrative Assistant Karen Bockoven were also present.

Chair Higgins opened the meeting at 7:00 p.m. in accordance with the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and the Concord Wetlands Bylaw.

APPROVE MEETING MINUTES <ul style="list-style-type: none">• November 6, 2019 and November 20, 2019
DIRECTOR'S REPORT
TO BE CONTINUED TO FEBRUARY 19, 2020 <ul style="list-style-type: none">• McGINN, 95 Coolidge Road, NOI• ASSABET NOMINEE TRUST, 2194 Main Street, NOI
TO BE OPENED AND CONTINUED TO MARCH 4, 2020 <ul style="list-style-type: none">• GAMBINO, 336 Lexington Road, NOI
TO BE CONTINUED TO MARCH 4, 2020 <ul style="list-style-type: none">• NASHAWTUC COUNTRY CLUB, 1844 Sudbury Road (Lot 1), NOI• NASHAWTUC COUNTRY CLUB, 1844 Sudbury Road (Lot 3), NOI
CONTINUANCES <ul style="list-style-type: none">• ROBB, 55 Musterfield Road, NOI• WEDGE, 109 Heaths Bridge Road, NOI• SHAW, 43 Old Bedford Road, NOI
MINOR MODIFICATION <ul style="list-style-type: none">• CONCORD PUBLIC WORKS, Cambridge Turnpike Improvements Project, NOI
OTHER BUSINESS <ul style="list-style-type: none">• Symes Development, 1440/1450 Main Street, PRD Recommendation to the ZBA• Gaining Ground, 38A Virginia Road, Reconstruct Pavilion
CLOSE and ISSUE <ul style="list-style-type: none">• LEMONIAS DEVELOPMENT CORPORATION, 2160 & 2142 Main Street• MAHONEY, 27 Commerford Road• MASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION, 90B Walden Street• GAETZ, 321 Nashoba Road
ADMINISTRATIVE APPROVALS <ul style="list-style-type: none">• AMBROSE, 934 Lowell Road, Tree Removal• MILLBANK TRUST COMPANY, 37 Main Street (9 Walden Street), Stair Replacement

Chair Higgins stated that the NRC meeting was being audio-recorded. He requested that anyone from the public recording the meeting so inform the Commission.

APPROVE MEETING MINUTES

Commissioner Zaunbrecher moved to approve the November 6, 2019 NRC meeting minutes, as written. Commissioner Nardi seconded. All so voted.

The November 20, 2019 minutes were tabled to the February 29, 2020 NRC meeting.

DIRECTOR'S REPORT

- Director Kaye informed the Commission that the MACC Annual Environmental Conference will be held on February 29, 2020. She asked that interested Commissioners contact Karen to sign up.
- A well-habituated coyote has been observed in several West Concord neighborhoods, prompting concern from residents. Director Kaye has invited MassWildlife NE District Manager Pat Huckery to give a presentation on living with coyotes. She presented two years ago and it was very well received. The workshop is scheduled at the Willard School on February 12th at 7:00 pm. The workshop will be taped so anyone not able to attend can view online through MMN.
- The Natural Resources Division submitted a MassTrails grant application last Friday to request survey and design funds to widen a narrow section of an Old Rifle Range trail. The Planning Division also submitted an application for the Assabet River Pedestrian Bridge.

TO BE CONTINUED TO FEBRUARY 19, 2020

Notice of Intent Application, Paul McGinn, 95 Coolidge Road, DEP File #137-1502

Chair Higgins reopened the hearing seeking after-the-fact approval for clearing vegetation and native plant restoration within Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, Land Under Waterbodies and Waterways, the 200-foot Riverfront Area to the Sudbury River, and 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 February 19, 2020. Commissioner Zaunbrecher seconded. All so voted.

Notice of Intent Application, Gregg Aho, Trustee, Assabet Nominee Trust, 2194 Main Street, DEP File #137-1513

Chair Higgins reopened the hearing seeking approval to demolish an existing building and construct two single-family homes within the 200-foot Riverfront Area to the Assabet River and 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved to continue the hearing until February 19, 2020. Commissioner Zaunbrecher seconded. All so voted.

TO BE OPENED AND CONTINUED TO MARCH 4, 2020

Notice of Intent Application, Peter Gambino, 336 Lexington Road, DEP File #137-1515

Chair Higgins opened the hearing seeking approval to construct an in-ground pool with associated patio and fence within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved to continue the hearing until February 19, 2020. Commissioner Zaunbrecher seconded. All so voted.

TO BE CONTINUED TO MARCH 4, 2020

Notice of Intent Application, Nashawtuc Country Club, 1844 Sudbury Road, DEP File #137-1509 (Lot 1)

Chair Higgins reopened the hearing seeking approval to construct a single-family dwelling and associated driveway, septic system, utilities and grading within Bordering Land Subject to Flooding and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved to continue the hearing until February 19, 2020. Commissioner Zaunbrecher seconded. All so voted.

Notice of Intent Application, Nashawtuc Country Club, 1844 Sudbury Road, DEP File #137-1510 (Lot 3)

Chair Higgins reopened the hearing seeking approval to construct a single-family house dwelling and associated driveway, septic system, utilities, and grading within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved to continue the hearing until February 19, 2020. Commissioner Zaunbrecher seconded. All so voted.

CONTINUANCES

Notice of Intent Application, George and Nancy Robb, 55 Musterfield Road, DEP File #137-1500

Chair Higgins reopened the hearing seeking approval to construct an addition to the existing single-family dwelling, modify the septic system, and install a vegetated stormwater drainage swale within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved to continue the hearing until February 19, 2020. Commissioner Zaunbrecher seconded. All so voted.

Notice of Intent Application Hugh Wedge, 109 Heaths Bridge Road, DEP File #137-1511

Chair Higgins reopened the hearing seeking approval to replace two existing decks, expand an existing garage, construct a new garage, install pea stone and a stonewall in the existing patio area, prune overgrown vegetation, remove and replace an existing green house with an enclosed porch, and remove trees within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to the Sudbury River, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Homeowner Jerry Wedge and Matthew Charpentier from Oxbow Associates attended tonight's meeting. Mr. Charpentier said in total, the project will alter 1,405 s.f. of 200-foot Riverfront Area. The pea stone within the 50-foot NBZ is no longer proposed. They are proposing to construct a stone wall within the 50-foot NBZ. This would require 2,405 s.f. of mitigation, however, they are proposing 4,500 s.f. of mitigation. Invasives will be removed using both mechanical and herbicide methods. They will plant 100 buttonbush in the wetland and 20 elderberry and blueberry shrubs in the upland, and seed the entire area with a native mix. Mr. Charpentier would like to assess the mitigation area with staff after the invasives have been removed and the native vegetation returns. Chair Higgins said that they need to quantify how many plants and the species type can be discussed with staff. Director Kaye asked what the timeframe was for invasives removal and replanting. Mr. Charpentier said invasives work would probably be done in late spring and replanting in the fall. Director Kaye said stems smaller than two inches should be removed by hand and anything larger can be cut and dabbed. No foliar spray should be used.

Mr. Charpentier said they need to remove four trees and one tree that is dead. They will replace with three paper birch and one sugar maple.

There were no public comments.

The Applicant agreed to continue the hearing until February 19, 2020 to allow for additional information to be provided.

Notice of Intent Application, Harold and Susan Shaw, 43 Old Bedford Road, DEP File #137-1504

Chair Higgins opened the hearing seeking approval to construct a garage 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 prepared by Rose Land Survey revised January 25, 2020.

Matthew Marro of Matthew Marro Consulting attended tonight's meeting. Mr. Marro said the homeowner would like to construct a 26-foot by 24-foot garage within existing lawn. He indicated where the planting area would be located near the existing gravel driveway. Mr. Marro said they are proposing a conservation seed mix for all disturbed areas. He chose that area because it would be good for runoff. Chair Higgins explained that the homeowner needs to provide a list of what types of plants and the quantity. More robust shrub planting is needed, and the planting information needs to be shown on the plan. Director Kaye asked that they provide a chart of the existing and proposed impervious surfaces. Chair Higgins requested that the snow storage area be removed from the 25-foot NDZ.

Chair Higgins said the proposed structure within the 50-foot NBZ is problematic, and alternatives such as an alternate location or smaller size needs to be evaluated. Mr. Marro will speak to his clients. He will also reach out to the Town's Building Commissioner for feedback. Chair Higgins requested waivers for any work within 25-foot NDZ and 50-foot NBZ.

Commissioner Huggins asked if the well on site was active or ornamental. Mr. Marro replied that it was ornamental.

Staff will provide Mr. Marro a list of the outstanding maps required for the filing. In addition, the revised location of the wetland flag needs to be noted on the plan, with buffer zones adjusted accordingly.

There were no public comments.

The Applicant agreed to continue the hearing until March 4, 2020 to allow for additional information to be provided.

MINOR MODIFICATION

Concord Public Works, Cambridge Turnpike Improvements Project, DEP File #137-1416

Stephane Cherduville, Public Works Engineer, attended tonight's meeting. Mr. Cherduville explained that during the Cambridge Turnpike construction, the Contractor discovered an outfall across from 537 Virginia Road does not function because of grades, creating more roadway runoff. They are proposing to add 500 feet of new piping to discharge at the new Mill Brook culvert. Several catch basins and a water quality structure are included in the design. At certain locations they will install perforated concrete pipes so more water will infiltrate before it reaches the culvert. The original watershed is about 10 acres, however, with a new road and curbing the watershed will diminish to about 2.1 acres. This will be the area of impervious surface that they will have to treat in order to get the 80% Total Suspended Solids (TSS) removal, which is provided by the proposed stormwater management structures.

There were no public comments.

Commissioner Huggins moved to approve a Minor Modification for DEP File #137-1416. Commissioner Zaunbrecher seconded. All so voted.

OTHER BUSINESS

Symes Development, 1440/1450 Main Street, PRD Recommendation to the ZBA

Chair Higgins recused himself and left the room for this matter because he is involved with future sales of the proposed development.

Acting Chair Huggins explained that the NRC will vote tonight to adopt recommendations for the ZBA. A quorum to vote was not available at the last meeting. Director Kaye has drafted a letter on behalf of the NRC to submit to the ZBA. The NRC agreed to several changes to the letter. Acting Chair Huggins explained that the letter captures what the NRC discussed at their January 8th meeting. Director Kaye will submit the letter to the ZBA tomorrow.

Christa Collins, 55 Highland, requested a copy of the letter which Director Kaye will provide.

Commissioner Zaunbrecher moved to accept the letter as amended. Commissioner Nardi seconded. All so voted.

Gaining Ground, 38A (317) Virginia Road, Reconstruct Pavilion

Elizabeth Elden of Gaining Ground attended tonight's meeting for approval to replace the existing 18-foot by 35-foot pavilion with a 20-foot by 30-foot structure.. She explained that the existing pavilion was constructed when Gaining Ground first began to farm the Thoreau Birthplace land. They propose to replace the structure to meet ADA requirements, slightly to the west and south of its current location.

There were no public comments.

Commissioner Zaunbrecher moved to approve the reconstruction of the pavilion for Gaining Ground, 38A (317) Virginia Road. Commissioner Nardi seconded. All so voted.

CLOSE AND ISSUE PERMITS

Lemonias Development Corporation, 2160 & 2142 Main Street, DEP File #137-1470

Chair Higgins reopened the hearing seeking approval to construct one single-family dwelling, two septic systems, and a common driveway within the 200-foot Riverfront Area to the Assabet River and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Commissioner Pappas moved to close the hearing and issue an Order of Conditions for DEP File #137-1470 with Findings A, B, and C, Standard Conditions 1-19, and Special Conditions 20-53. Commissioner Nardi seconded. All so voted.

Mahoney, 27 Commerford Road, DEP File #137-1506

Chair Higgins reopened the hearing seeking approval to construct two additions and a deck within the 200-foot Riverfront Area to Baptist Brook and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Commissioner Nardi moved to close the hearing and issue an Order of Conditions for DEP File #137-1506 with Findings A, B, and C, Standard Conditions 1-19, and Special Conditions 20-54. Commissioner Zaunbrecher seconded. All so voted.

Massachusetts Department of Conservation and Recreation, 90B Walden Street, DEP File #137-1507

Chair Higgins reopened the hearing seeking approval to perform ADA compliant connections between the Route 126 crosswalk, the bathhouse and the main beach; remove existing bathhouse and replace with new accessible bathhouse; install associated utilities; improve stormwater management; and landscape improvements within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Commissioner Zaunbrecher moved to close the hearing and issue an Order of Conditions for DEP File #137-1507 with Findings A, B, and C, Standard Conditions 1-19, and Special Conditions 20-60. Commissioner Nardi seconded. All so voted.

Gaetz, 321 Nashoba Road, DEP File #137-1512

Chair Higgins reopened the hearing seeking approval to construct a replacement septic system, an addition, and garage within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Commissioner Huggins moved to close the hearing and issue an Order of Conditions for DEP File #137-1512 with Finding A, Standard Conditions 1-19, and Special Conditions 20-53. Commissioner Zaunbrecher seconded. All so voted.

Administrative Approvals:

- **Ambrose, 934 Lowell Road, Tree Removal**
Director Kaye said that the homeowner is concerned about a white pine falling onto the driveway and electrical lines. The tree will be removed with a crane on the driveway. The homeowner would prefer not to leave a snag. The stump would remain. Approval was granted.
- **Millbank Trust Company, 37 Main Street (9 Walden Street), Stair Replacement**
Director Kaye explained that there is a dilapidated set of stairs that need to be removed. The footings will remain. The NRC requested that the contractor cut new lumber on a tarp to keep debris out of the brook. Approval was granted.

Commissioner Zaunbrecher moved to adjourn. Commissioner Huggins seconded. All so voted. This meeting adjourned at 8:03 pm.

Respectfully submitted,

Karen Bockoven
Administrative Assistant