

NATURAL RESOURCES COMMISSION
Meeting Minutes
February 16, 2022

Pursuant to the notice filed with the Town Clerk, a virtual public meeting of the Natural Resources Commission was held on Wednesday, February 16, 2022 at 7:00 pm. The following Commissioners were present: Greg Higgins, Acting Chair, Sarah Grimwood, Nicholas Pappas, and Gary Kleiman. Chair Nardi was absent. 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">December 1, 2021
DIRECTOR'S UPDATE
TO BE CONTINUED WITHOUT DISCUSSION TO MARCH 2, 2022 <ul style="list-style-type: none">TOWN OF CONCORD, NATURAL RESOURCES DIVISION, 2X Warner Street, 39A Commonwealth Ave., 28A Union St., 976 Barretts Mill Road, and 123B Elm St. , NOILIMPAECHER, 61 Black Duck Road, NOI
NEW APPLICATIONS <ul style="list-style-type: none">CHARNLEY, 14 Union Street, RDABOSTON GAS COMPANY, d/b/a NATIONAL GRID, Main Street and Harrington Avenue R.O.W., RDA
CLOSE and ISSUE <ul style="list-style-type: none">CHEKLER, 2112 Main Street
OTHER BUSINESS <ul style="list-style-type: none">Recommendation to the Select Board, M.G.L. Ch. 61A, Notice of Intent to Transfer Real Property, 754 Monument Street, Hutchins Land Co., LLCAcceptance of Confirmatory Agricultural Preservation Restriction, and Recommendation of Confirmatory APR Approval to the Select Board, 754 Monument Street, Hutchins Land Co., LLC
ADMINISTRATIVE APPROVALS <ul style="list-style-type: none">DIONNE, 24 Off Harrington Avenue, Tree Removal

Acting Chair Higgins 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

Commissioner Kleiman moved to approve the December 1, 2021 NRC meeting minutes, as amended. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Higgins, Aye.

DIRECTOR'S UPDATE

- A black bear was spotted in the Hill Street neighborhood, probably a youngster.

TO BE CONTINUED TO MARCH 2, 2022

Notice of Intent Application, Town of Concord Natural Resources Division, 2X Warner Street, 39A Commonwealth Avenue, 28A Union Turnpike, 976 Barretts Mill Road, and 123B Elm Street, DEP File #137-1585

Acting Chair Higgins reopened the hearing seeking approval to hydraulically dredge approximately 35,750 cubic yards of accumulated sediment from Warner's Pond, dewater sediments, dispose of sediments in an upland location, and improve the Warner's Pond boat access off Commonwealth Avenue. Activities are proposed in Bank, Bordering Vegetated Wetland, Land Under Waterbodies, Bordering Land Subject to Flooding, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetland.

At the request of the Applicant, Commissioner Grimwood moved to continue the hearing to March 2, 2022. Commissioner Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Higgins, Aye.

Notice of Intent, Limpaecher, 61 Black Duck Road, DEP File #137-1578

Acting Chair Higgins reopened the hearing seeking approval to construct an addition, convert an existing deck into a sunroom, extend the rear deck, and remove failing retaining wall within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Grimwood moved to continue the hearing to March 2, 2022. Commissioner Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Higgins, Aye.

NEW APPLICATIONS

Request for Determination of Applicability, Charnley, 14 Union Street, RDA File #22-3

Acting Chair Higgins opened the meeting seeking confirmation that the project is outside jurisdictional wetland resource areas. Work consists of demolishing an existing shed and constructing a 12-foot by 22-foot garage with overhang.

List of plans and documents discussed at this meeting:

- Request for Determination of Applicability Application; and
- Proposed Site Plan prepared by Landplex dated December 5, 2021.

Homeowner Hal Charnley and Dave Crossman of B & C Associates attended tonight's meeting. Mr. Crossman said the homeowner would like to construct a garage in the back left section of his property. He said an existing 10x10 foot wooden shed will be removed. Mr. Crossman explained that according to the Town's GIS map there is a Bordering Vegetated Wetland (BVW) behind 22 Union Street and 30 Union Street which projects a 100-foot Buffer Zone onto 14 Union Street. Mr. Crossman reviewed the properties at 22 and 30 Union Street and did not observe wetland resource areas. He said he reviewed the properties again to confirm there are still no wetlands behind the houses and the MBTA train tracks. He said behind 22 Union Street he found an American elm sapling and invasive species. He also noted that the elevation was higher at 22 Union Street compared to 14 Union Street. Director Kaye confirmed there is not a BVW that would project a buffer onto 14 Union Street.

There were no public comments.

Commissioner Pappas moved to issue a Negative Determination of Applicability #1 and #4 confirming that the area is not within jurisdiction, and that proposed work is not within an Area subject to protection under the Act (including the Buffer Zone). Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Higgins, Aye.

Request for Determination of Applicability, Boston Gas Company d/b/a National Grid, RDA File #22-4

Acting Chair Higgin opened the meeting seeking approval to replace 1,450 linear feet of an existing 2-inch steel gas main in Main Street between 1781 Main Street and Edgewood Road with a 6-inch plastic line and to replace 130 linear feet of an existing 2-inch plastic line in Harrington Avenue between the intersection with Main Street and 15 Harrington Avenue with a 2-inch plastic line within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to Second Division Brook, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetland.

List of plans and documents discussed at this meeting:

- Request for Determination of Applicability Application; and
- Plan Set prepared by The DDS Companies updated July 21, 2021.

Lori Macdonald of Coneco Engineers and Scientists attended tonight's meeting. Ms. Macdonald said the project involves replacing an existing 2-inch coated steel gas main in Main Street with a 6-inch plastic main starting at 1781 Main Street and extending down to Edgewood Road for a distance of approximately 1,450 linear feet. The project also involves replacing the existing 2-inch plastic main in Harrington Avenue starting at the intersection of Main Street to 15 Harrington Avenue. The proposed work is within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to Second Division Brook, and the 25-foot No Disturb Zone, 50-foot No Build Zone, and 100-foot Buffer Zone to Bank and Bordering Vegetated Wetland. The mean high-water mark was determined by digitizing the bank from ortho photos. The BVW was obtained through GPS field survey. Ms. Macdonald said the gas line along Harrington Avenue is considered exempt because it is an in kind replacement. A portion from the intersection of Harrington Ave, and Main Street north to 1781 Main Street is within the 200-foot RFA requires NRC review. Erosion controls will be installed prior to the start of construction. Catch basin silt sacks will be installed at the bottom of the slope and straw wattles will be put along the edge of the road within the right-of-way. The contractor will excavate a trench four feet down. Materials trenched will be cast to the side or put into a dump truck. Once the new pipe is installed the trench will be backfilled with 6 inches of sand. At end of each day, the trenches will be closed, covered, and the area swept. Ms. Macdonald said the existing line will be abandoned in place. Staging and stockpiling will occur outside jurisdictional areas. After the project is complete and the pavement is patched or paved, any disturbed areas will be restored to pre-existing conditions. Acting Chair Higgins asked what the duration of the project would be and if the neighborhood was notified. Ms. Macdonald replied she was not sure how long the project would take. The work is scheduled to start in 2022.

There were no public comments.

Commissioner Pappas moved to issue a Negative Determination of Applicability #2 and #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) Staked 12-inch straw wattles shall be installed as shown on the "Wetland Resource Area Plan;" 4) 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: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Higgins, Aye.

CLOSE AND ISSUE PERMITS

Chekler, 2112 Main Street, DEP File #137-1591

Acting Chair Higgins reopened the hearing seeking approval to replace existing septic system within the 200-foot Riverfront Area to the Assabet River and within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Commissioner Pappas moved to close the hearing and issue an Order of Conditions pending receipt of a DEP file number with Findings A, B, C, and D, Standard Conditions 1-20, and Special Conditions 21-49. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Higgins, Aye.

OTHER BUSINESS

Recommendation to the Select Board, M.G.L. Ch. 61A, Notice of Intent to Transfer Real Property, 754 Monument Street, Hutchins Land Co., LLC

Director Kaye said both items for discussion relate to a boundary correction regarding Hutchins Farm. One of the boundary lines erroneously included a residential shed within the APR boundary, which is not a permitted use of the APR land. Director Kaye explained that between 1989 and 1995, Hutchins Farm worked with the town and the state to place six Agricultural Preservation Restrictions over 67 acres at Hutchins Farm, forever preserving this land for agricultural purposes. The state and the town co-hold the APRs. The original parcel included the original boundary line. The state requested that the residential parcel be swapped out. The request is to transfer Lot AA (3,534 sf) out of the APR and Parcel BB (3,956 sf) replace it. Director Kaye said there are two action items needed by the NRC tonight. They are as follows: (1) Approve the Confirmatory APR for the new APR boundaries; and (2) Recommend to the Select Board to not exercise its right of first refusal to purchase the parcel being transferred out of the APR, which is also under Chapter 61A. Director Kaye said Parcel AA is part of the existing farm, and did not see an interest for the Town to purchase it.

Commissioner Kleiman moved to recommend that the Select Board not exercise its right of first refusal in accordance with MGL Chapter 61A for the parcel of land shown as Parcel AA on a "Plan of Land in Concord, Mass owned by the Hutchins Realty trust, The Oaktree Homestead LLC, 820 Monument Street Nominee Trust & Hutchins Land Co. LLC." dated January 14, 2019 by Perley Engineering LLC, recorded as Plan #444 of 2019 in the Middlesex South District Registry of Deeds, which Parcel AA contains, according to such plan, 3,534± square feet. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Higgins, Aye.

Acceptance of Confirmatory Agricultural Preservation Restriction, and Recommendation of Confirmatory APR Approval to the Select Board, 754 Monument Street, Hutchins Land Co., LLC

Commissioner Kleiman moved to accept the Confirmatory Agricultural Preservation Restriction shown as Area 6 on a “Plan of Land in Concord, Mass. Owned by Hutchins Realty Trust”, dated November 25, 1988, by David W. Perley, Civil Engineers, recorded as Plan #1404 of 1989 in the Middlesex South Registry of Deeds in Plan Record Book 20287, Page 63, EXCLUDING Parcel AA on a “Plan of Land in Concord, Mass owned by the Hutchins Realty trust, The Oaktree Homestead LLC, 820 Monument Street Nominee Trust & Hutchins Land Co. LLC.” dated January 14, 2019 by Perley Engineering LLC, recorded as Plan #444 of 2019 in the Middlesex South District Registry of Deeds and INCLUDING Parcel BB on said Plan #444 of 2019. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Higgins, Aye.

Administrative Approvals:

- **Dionne, 24 Off Harrington Avenue, Tree Removal**

Director Kaye said the homeowner would like to remove a 20-inch caliper maple that is failing and leaning towards the front of his house. Land Manager Will Holden looked at the tree and saw that it had bark inclusion and insect damage. The homeowner has a previous permit for driveway replacement which included planting some maple trees, and he will plant an extra one for this removal. Approval was granted.

Commissioner Pappas moved to adjourn. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Higgins, Aye.

This meeting adjourned at 7:33 pm.

Respectfully submitted,

Karen Bockoven
Administrative Assistant

A video of the meeting can be seen by clicking this link or entering it into a web browser:

https://youtube.com/watch?v=sHXALB7_AUg