

NATURAL RESOURCES COMMISSION
Meeting Minutes
May 15, 2019

Pursuant to the notice filed with the Town Clerk, the meeting of the Natural Resources Commission was held at 141 Keyes Road, first floor conference room, Concord, MA at 7:00 p.m. on Wednesday, May 15, 2019. The following Commissioners were present: Greg Higgins, Chair, Judy Zaunbrecher, Lynn Huggins, and Ed Nardi. 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.

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| APPROVE MEETING MINUTES <ul style="list-style-type: none">• April 3, 2019 |
| DIRECTOR'S REPORT |
| TO BE CONTINUED TO JUNE 5, 2019 <ul style="list-style-type: none">• CONCORD CULINARY, 430 Old Bedford Road, NOI• WESTCHESTER COMPANY, INC., Lot 2A Keuka Road, NOI |
| CONTINUANCES <ul style="list-style-type: none">• SEIBEL & CASHER, 198 Southfield Road, NOI• FABIO'S CONSTRUCTION, 70 Elm Street, Amended OOC |
| NEW APPLICATIONS <ul style="list-style-type: none">• FRITZ, 353 & 33A Elm Street / New Public Hearing, NOI• MassDOT, Bruce Freeman Rail Trail, Phase 2B / New Public Hearing, NOI• BARBARESI, 40 Coppermine Road / New Public Hearing, NOI• MATTWORKS, LLC, 445 Fitchburg Turnpike / New Public Hearing, Amended OOC |
| CERTIFICATES OF COMPLIANCE <ul style="list-style-type: none">• HUYETT, 1123 Monument Street |
| ADMINISTRATIVE APPROVALS <ul style="list-style-type: none">• TOWN OF CONCORD, 90Y Plainfield Road, Tree Removal• REIDEL, 324 Main Street, Tree Removal |
| OTHER BUSINESS <ul style="list-style-type: none">• 18 and 28 Cambridge Turnpike (Ralph Waldo Emerson Memorial Association land), Authorize Purchase and Sale Agreement |

APPROVE MEETING MINUTES

Commissioner Huggins moved to approve the April 3, 2019 NRC meeting minutes, as amended. Commissioner Zaunbrecher seconded. All so voted.

DIRECTOR'S REPORT

- The Concord Land Conservation Trust (CLCT) has extended an invitation to the NRC for an event that they are hosting on May 29 to acknowledge the generous gift of Brewster's Woods by Nancy and Reinier Beeuwkes.

- The White Pond Slope Restoration project is progressing well. Director Kaye will be meeting with the contractor on Monday to review proposed fence locations and review the areas that have been completed on the eastern side of Sachem's cove. Rather than using airline cable, Director Kaye suggested either cedar posts with heavy gauge rope or a split rail fence. The NRC preferred the split rail fencing option. One set of concrete steps has been removed and new timber steps have been installed. A site visit with the NRC will be scheduled for Wednesday, May 22nd at 8:00 am.
- The Town Forest restoration project to be undertaken by MassDOT for supplementary wetland mitigation associated with the Crosby's Corner Roadway Improvements project is slated to start the week of May 20th. Detour signs have been posted to notify people that the trail beyond the bridge of the amble will be closed to the public until 5:00 p.m. Signs have also been posted at Heywood Meadow and the farm field directing people to walk along Walden Street to re-enter the Town Forest. The cart path will be used for construction access. The restoration work is expected to take 6 to 8 weeks.
- Director Kaye and Commissioner Zaunbrecher will be attending the Sustainability Fair this Saturday from 10:00 a.m. to 2:00 p.m. Director Kaye will share the Native Plants brochure that she is developing once it is complete.

TO BE CONTINUED TO JUNE 5, 2019 (NO DISCUSSION)

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

Chair Higgins reopened the hearing seeking approval to construct a seven-unit Planned Residential Development with associated driveway, soil absorption system, grading, utilities, and community gardens within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved to continue the hearing until June 5, 2019. Commissioner Zaunbrecher seconded. All so voted.

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

Chair Higgins reopened the hearing seeking approval to construct a single-family home, with an associated garage, patio, driveway, grading, and utilities within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved to continue the hearing until June 5, 2019. Commissioner Zaunbrecher seconded. All so voted.

CONTINUANCES

Notice of Intent Application, David Seibel and Amy Casher, 198 Southfield Road, DEP File #137-1469

Chair Higgins reopened the hearing seeking approval to replace the existing pool, patio and retaining wall, and construct new walkways, fence, shed, and install new plantings 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.

List of plans and documents discussed at this meeting:

- Wetland Plan submitted by Stamski and McNary, Inc. revised on April 29, 2019; and
- Site Plan Set received from Sudbury Design Group dated May 3, 2019.

Homeowner Amy Casher, Peter Ferland of Sudbury Design Group, and Paul Kirchner of Stamski and McNary attended tonight's meeting. Ms. Casher explained that they changed the wall design and moved it back four feet closer to the pool. She said that the wall design was approved at the Zoning Board of Appeals (ZBA) hearing. Mr. Ferland said grading slightly changed and decreased the amount of fill in the floodplain. They have also provided a lighting plan and a planting plan. They will be removing an unhealthy 21-inch caliper scotch pine and will replace it with a tree on the provided list.

Director Kaye noted that the site plan used the base plan from a 2007 plan with NGVD 29 datum. In 2010, FEMA updated to the NAVD 88, and CPW requested that the current plan be updated to the NAVD 88 datum, which was conditioned by the ZBA.

There were no public comments.

Commissioner Zaunbrecher moved to issue an Order of Conditions for David Seibel and Amy Casher, 198 Southfield Road, DEP File #137-1469 with Findings A, B, and C, Standard Conditions 1-19 and Special Conditions 20-50. Commissioner Huggins seconded. All so voted.

Request for Amended Order of Conditions, Fabio Andrade, Fabio's Construction, 70 Elm Street, DEP File #137-1454

Chair Higgins recused himself and left the room because he may be involved in a future real estate transaction. Acting Chair Huggins reopened the hearing requesting an Amendment to the Order of Conditions for after-the-fact construction of a wall 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.

Applicant Fabio Andrade and Sally Meyers, Project Manager, attended tonight's meeting. Director Kaye asked Mr. Andrade to have the arborist mark the area under the tree where it will be aerated. Director Kaye referred to a picture she had taken of the slope where fill had been put in the floodplain. She said that before a Certificate of Occupancy can be issued Mr. Andrade will have to provide an as-built plan to show the grading matches the approved plan.

Acting Chair Huggins inquired about the western wall. Mr. Andrade replied that there will be a planting bed with mulch. Mr. Andrade is concerned about planting because the air-conditioning unit is there. Director Kaye said the air-conditioning unit is not on the plan. Acting Chair Huggins suggested to sod the area. Mr. Andrade agreed.

There were no public comments.

Commissioner Zaunbrecher moved to issue an Amended Order of Conditions for Fabio Andrade, Fabio's Construction, 70 Elm Street, DEP File #137-1454 with Findings A, B, and C, Standard Conditions 1-19 and Special Conditions 20-48. Commissioner Zaunbrecher moved to add a

condition to the Order to include that the air-conditioning condenser will be shown on the as-built plan and the area around the workspace will be sodded. (Special Condition #49) Commissioner Nardi seconded. All so voted.

NEW APPLICATIONS

Notice of Intent Application, Matthew and Chandler Fritz, 353 and 33A Elm Street, DEP File #137-1473

Chair Higgins opened the hearing seeking approval to reconfigure the existing driveway and implement a master landscape plan, including drainage improvements, within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Notice of Intent Project Plan Set prepared by EcoTerra Design and Consulting Group, LLC received on May 1, 2019.

Homeowner Matthew Fritz, Mark Cooperman of EcoTerra Design & Consulting, and Patricia Noto and Gigi Saltonstall of G2 Collaborative attended tonight's meeting. Mr. Cooperman said the wetlands were approved through a prior ANRAD. The restoration work is entirely within the resource area. They are proposing to remove some large Norway maples. In addition they would like to remove three other trees. Ms. Saltonstall said that the general layout of the site will remain the same. Across the entire site they will be removing invasives and adding new plants. They are also increasing plant bed areas, trimming down the existing driveway, and adding a crushed stone courtyard for additional parking. A deck off the back of the house will be removed and a new deck will be constructed on the side of the house. They will be removing the driveway that leads to the existing detached garage. Their goal is to enhance the health and beauty of the resource area.

Mr. Cooperman said that there are a number of invasive shrubs that will be removed. He informed the Commission that there is an existing basement pump that drains into the wetland. That will be removed and replaced with a drywell.

Commissioner Zaunbrecher asked if 20 hours of invasives removal would be enough.

Mr. Cooperman replied that they believe that is enough. They did not want it to be a never ending program. Mr. Cooperman said that the wetland extends onto the abutter's property which is loaded with invasives.

Mr. Cooperman said that the table provided shows that there is a 22% reduction in lawn area on the site. There will no longer be any lawn up to the wetlands. Pavement calculations show a net increase in square footage in pavement but what it does not take into account is that approximately 50% is now crushed stone.

Commissioner Zaunbrecher asked what will replace the existing driveway. Ms. Saltonstall said it will be replaced with mostly lawn and plant beds.

Commissioner Zaunbrecher asked if the existing fencing would be replaced or repaired. Ms. Saltonstall said there is fencing in a couple of different areas. They are not changing anything. They will do repair work if necessary. Currently there is a double gate at the entrance of a path. They will keep that gate but add a pedestrian gate for the path.

Julia Yoshida of 78 Elm Street asked what trees will be replacing the large Norway maples they are removing. Ms. Saltonstall said they will be planting black tupelo, serviceberry, red maple, a tulip tree, and some smaller native shrubs.

The Applicant agreed to continue the hearing until June 5, 2019 at which time the Commission expects to issue an Order of Conditions.

Notice of Intent Application, Susan McArthur, Mass DOT – Highway Division, Bruce Freeman Rail Trail, Phase 2B, DEP File #137-1474

Chair Higgins opened the hearing seeking approval to construct a 0.6-mile, 12-foot wide paved asphalt multi-use trail with pavement milling mulch or paved shoulders, trail pavement markings and signage, new pedestrian/bicycle bridges over Route 2 and Nashoba Brook, a wildlife crossing under Route 2, stormwater and drainage improvements, micro-milling and hot-mix asphalt of Route 2, earthwork, landscaping, and other items incidental to construction of the rail trail within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to Nashoba Brook and Fort Pond Brook, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application;
- Notice of Intent Plan Set prepared by Greenman-Pederson, Inc. received on May 1, 2019;
- Proposed Stormwater Management Report prepared by Greenman-Pederson, Inc. received on May 1, 2019; and
- Hydrocad Analysis prepared by Greenman-Pederson, Inc. received on May 1, 2019.

Susan McArthur of MassDOT, Brian Myers and Samuel Campbell of Greenman-Pedersen, and Laura Krause of BETA Group attended tonight's meeting. Mr. Myers explained this is the middle portion of the Phase 2B project of the Bruce Freeman Rail Trail (BFRT) which will connect Phase 2A in Acton with Phase 2C in Concord. Starting from the Acton line they will raise elevations to get over Route 2 and will be crossing Nashoba Brook. Mr. Campbell said that the major components of the project beside the trail itself are the construction of the pedestrian bridge over Route 2, the corridor under Route 2 and the Nashoba Brook replacement crossing. They will be removing an existing rail bridge, retaining the abutments, and constructing a new bridge at a higher elevation. Chair Higgins asked the Applicant to provide an artist's rendition of the bridge over Route 2.

No wetland impacts will occur. All impacts are in to the Riverfront Area associated with Nashoba Brook, Fort Pond Brook and Bordering Land Subject to Flooding (BLSF) just east of the Nashoba Brook crossing and at the northern opening of the wildlife corridor. The construction of the pedestrian bridge will have impacts to BLSF associated with grading to the proposed walls and permanent impacts to Riverfront area in approached sections. For the wildlife corridor under Route 2 they will have BLSF impacts at the north opening as well as Riverfront area impacts at both the north and south openings. Mr. Campbell showed the Commission the plan for the proposed Nashoba Brook replacement crossing. Currently there is an existing steel girder superstructure. The steel girder will be removed but the existing stone abutments will remain. Temporary Riverfront Area impacts are anticipated at the approaches. No in-water work is proposed. All work will be conducted above the Bank at the approaches.

Ms. Krause explained that there are two areas of temporary BLSF impacts. The first is associated with the north side of the wildlife corridor crossing (65 s.f.). The area will be restored following

construction. The second area of impact is a small corner (4 s.f.) associated with grading adjacent to the wall to bring the elevation back to existing grade. All disturbed areas will be restored using a native wildlife seed mix. The second resource area that will be impacted is the Riverfront Area. In total the impacts are 30,333 s.f. in several areas. They are considering the crossing over Nashoba Bridge as a footbridge, and therefore a limited project. The impact associated with the limited project are 14,981 s.f. The impacts that are not associated with the limited project are 13,485 s.f. and combined those constitute 8.3% of the Riverfront Area on site. The total Riverfront area on site is 185,116 s.f. Ms. Krause stated that the stream crossing standards are significantly higher than the existing structures. The span is 62 feet and has a large openness ratio compared to what is there now. Mitigation measures for the project include restoring the BLSF impacts, invasives species management, and erosion controls using compost filter tubes along the limits of work, and the for wildlife crossing.

Mr. Campbell explained that the trail is located on the abandoned Lowell secondary rail right of way. Currently there is no stormwater management on the right of way and the compacted footpaths. There is minimal infiltration under existing conditions. This is a redevelopment effort that has been designed to meet the stormwater standards to the maximum extent practical. No salt will be used in the winter months. Stormwater runoff will be conveyed via overland flow to existing discharge points and proposed swales along the edge of the path. Mr. Campbell said they are proposing one bio-retention area between stations 32 and 33. Pretreatment will be provided by a sediment forebay. Phase 2B as a whole includes two retention areas. The second retention area is on the Acton/Concord town line.

Chair Higgins asked if the bridge in Acton accommodated ambulances and will the bridge in Concord be for that purpose as well. Mr. Myers said it will accommodate an ambulance.

Jane Hotchkiss (Select Board) asked if the bridge would be similar to one in Acton. Mr. Myers replied that visually it will be. It will have the same sort of façade but it will be arched. Chair Higgins asked if the bridge would accommodate future Route 2 expansion. Mr. Myers said that they took that into consideration and there will be room to widen if needed. Chair Higgins asked if they could incorporate the wildlife passage into the Nashoba Brook crossing under Route 2, rather than create a separate wildlife passage. Mr. Myers said the Nashoba Brook bridge over Route 2 is not in need of replacement now and that it would be difficult to accommodate wildlife until that time. Director Kaye recommended when the bridge is replaced in the future the feasibility of widening the bridge so wildlife could use the shoulders as passage should be evaluated.

Chair Higgins asked when this project would begin. Ms. McArthur said that it will go out to bid in August but the project won't start until next spring. She said she will look into when the Nashoba Brook bridge is slated to be replaced.

Mr. Myers explained that milling mulch is recycled asphalt. Milling mulch has stronger properties to it and will not erode. They will be using milling mulch for Phase 2B.

Commissioner Zaunbrecher asked if the invasives near the parking lot next to the prison could be removed. Ms. McArthur said she would inquire.

Director Kaye asked about the purpose of rock fill in front of the wildlife crossing, which could be an impediment to wildlife accessing the culvert. Mr. Myers said they proposed something with

structural stability because the crossing is close to the northern side of the brook Ms. McArthur said it is called modified rock fill and she will look for photographs of places where it has already been used.

Director Kaye requested that the 25-foot NDZ and 50-foot NBZ lines be noted on the plan and a table of impacts provided within those areas.

The Applicant agreed to continue the hearing until June 19, 2019 to provide the requested revisions.

Notice of Intent Application, William Barbaresi, 40 Coppermine Road, DEP File #137-1472

Chair Higgins opened the hearing seeking approval to construct a drainage system within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Wetland Permitting Plan prepared by Stamski and McNary, Inc. revised May 2, 2019.

Paul Kirchner of Stamski and McNary attended tonight's meeting. Mr. Kirchner explained that there are significant drainage issues and a lot of ledge on the property. They want to infiltrate the water so the homeowners have a useable backyard. Mr. Kirchner said that on-site leaching catch basins are not working. Mr. Kirchner said they are proposing to install a few area drains with a sump pump connected to the drains, discharging to underground chambers at the base of the driveway. The soil in that area is good because it is sandy. The infiltration chambers will have an overflow infiltration trench with a stone pipe to allow the water to spread more evenly and provide additional infiltration. The chambers have been designed to handle a 100-year storm event for the on-site watershed. The pipes have been designed to transport water from draining onto the site from north of the property.

Director Kaye said the entire backyard is in a depression, but there is no upgradient stream connection so the isolated wetland is not regulated.

Chair Higgins asked if they were treating the entire watershed or just the water from the property. Mr. Kirchner replied that a lot of water from another property enters the Applicant's property. The proposed pipes will be able to transfer water but the chambers have only been designed to infiltrate the on-site watershed.

Commissioner Zaunbrecher asked where the water from the chambers will overflow. Mr. Kirchner said there is an existing culvert underneath the driveway that will convey the flow. They are not changing the natural draining characteristics of the site. Commissioner Zaunbrecher asked if the culvert was big enough to handle water in a large rain event. Mr. Kirchner said the pipes are 10-inches diameter. Chair Higgins said the overflow could sheet across the road creating a hazard, and asked why additional chambers were not being proposed. Mr. Kirchner said that in a large rain event the water is always going to be overflowing. He said they wanted to stay out of the 50-foot NBZ.

Chair Higgins asked why the pipes were not perforated on the run. Mr. Kirchner explained because it is so saturated. They are trying to help the surface so the yard is not wet. Commissioner Nardi suggested installing a perforated pipe with crushed stone underneath. Chair Higgins agreed. He is

concerned with so much water flowing to the bottom and surcharging over the road. He said the high school is a good example. Director Kaye asked about raising the grade of the yard rather than having an elaborate infiltration system that may be problematic for the road. Mr. Kirchner said they would need to use a significant amount of fill. Mr. Kirchner said that the house is a deck house and you cannot use too much fill near the house. He noted that at Test Pit 3, the elevation is 121 feet. A soil evaluation was done and it was noted that the surface is saturated at 121 feet. Mr. Kirchner said that at that elevation the area would have be built up a lot. Mr. Kirchner said that the culvert is covered up and probably clogged. It should be cleaned out.

Commissioner Zaunbrecher asked if trees could be planted to take up some water. Commissioner Huggins said it would take a lot of trees. Chair Higgins commented that there is a lot of ledge. Mr. Kirchner said that topography was not established for the entire road but he believes any water problems stay on the homeowner's driveway. Also, currently the sump pump discharges to the backyard.

Commissioner Zaunbrecher suggested installing a swale by the road. Mr. Kirchner responded that a swale by the roadway currently exists.

Director Kaye said full topography of the site should be done. The culvert under the driveway also needs to be evaluated to confirm that it's properly sized for the runoff. The chambers should be sized for the entire watershed not just the site. Mr. Kirchner said they did determine that they would need to install 100 chambers for the 9-acre watershed.

Director Kaye suggested the NRC conduct a site visit. The Commission agreed.

There were no public comments.

The Applicant agreed to continue the hearing until June 19, 2019 for the Commission to visit the site.

Request for Amended Order of Conditions, Matthew Hall, Mattworks, LLC, 445 Fitchburg Turnpike, DEP File #137-1431

Chair Higgins opened the hearing for the proposed request for an amendment to relocate the proposed office outside the 20-foot wide water easement within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Homeowner Matthew Hall and Paul Kirchner of Stamski and McNary attending tonight's meeting. The Commissioners did not have any concerns regarding the project.

Commissioner Nardi moved to approve the Amended Order of Condition, Matthew Hall, Mattworks, LLC, 445 Fitchburg Turnpike, DEP File #137-1431 with Finding A, Standard Conditions 1-19 and Special Conditions 20-45. Commissioner Zaunbrecher seconded. All so voted.

CERTIFICATES OF COMPLIANCE

Huyett, 1123 Monument Street, DEP File #137-1268

Commissioner Zaunbrecher moved to issue a Certificate of Compliance for Huyett, 1123 Monument Street, DEP File #137-1268. Commissioner Nardi seconded. All so voted.

Administrative Approvals:

- **Town of Concord, 90Y Plainfield Road, Tree Removal**

Director Kaye said the Town will be opening the White Pond beach soon and have concerns about nine trees, which were evaluated by Meyer Tree and found to be compromised. Eight of the nine trees are in the outer buffer zone and one just inside the 50-foot NBZ. In addition, the Town would like to install a 16-foot x 12-foot shed for equipment and storage, which is exempt as it is greater than 50 feet from wetlands. They would also like to install a 22-foot x 10-foot foot trailer (temporary) near the location of the existing float. The trailer will be used to house three bathrooms. Both structures will be outside of the 50-foot NBZ. Commissioner Zaunbrecher asked if the property had been transferred yet. Director Kaye replied that it has not been transferred but she believes that the Town has an agreement with the White Pond Association. Approval was granted.

- **Reidel, 324 Main Street, Tree Removal**

Director Kaye said the homeowner would like to remove two trees. One is a spruce that is growing up through an American elm and the homeowner would like to protect the elm. There is also a pine that has some damage at the top. An arborist recommends removing the two trees. The work would be done from the top of the neighbor's driveway. There is a small amount of invasives on the property that the homeowner will remove. Approval was granted.

OTHER BUSINESS

18 and 28 Cambridge Turnpike (Ralph Waldo Emerson Memorial Association land), Authorize Purchase and Sale Agreement

Director Kaye said the Commission has received a copy of the Purchase and Sale Agreement between the Town and the Ralph Waldo Emerson Association for the 6-acre purchase. The closing is scheduled for July 15, 2019 and a Phase 1 Environmental Site Assessment will be done prior to the acquisition. Director Kaye said that the Plan of Land prepared by Stamski and McNary should be noted in the vote as March 11, 2019, not February 12, 2019. Commissioner Huggins moved to approve the Record Vote of the Concord Natural Resources Commission dated May 15, 2019 as amended. Commissioner Zaunbrecher seconded. All so voted.

Commissioner Zaunbrecher moved to adjourn. Commissioner Nardi seconded. All so voted. This meeting adjourned at 8:56 p.m.

Respectfully submitted,

Karen Bockoven
Administrative Assistant