

**NATURAL RESOURCES COMMISSION**  
**Meeting Minutes**  
**May 20, 2020**

Pursuant to the notice filed with the Town Clerk, a virtual public meeting of the Natural Resources Commission was held on May 20, 2020 at 7:00 p.m, in accordance with the Commonwealth of Massachusetts Executive Order of March 12, 2020 Suspending Certain Provisions of the Open Meeting Law. The following Commissioners were present: Greg Higgins, Chair, Lynn Huggins, Ed Nardi, Nick Pappas, and Judy Zaunbrecher. Natural Resources Director Delia Kaye, Assistant Natural Resources Director Colleen Puzas, and Natural Resources Administrative Assistant Karen Bockoven were also present.

<b>TO BE OPENED AND CONTINUED WITHOUT DISCUSSION TO JUNE 3, 2020</b> <ul style="list-style-type: none"><li>• <b>JAMESAPOLLOS</b>, 141 Commerford Road, NOI</li></ul>
<b>TO BE CONTINUED WITHOUT DISCUSSION TO JUNE 3, 2020</b> <ul style="list-style-type: none"><li>• <b>SHAW</b>, 43 Old Bedford Road, NOI</li></ul>
<b>NEW APPLICATIONS</b> <ul style="list-style-type: none"><li>• <b>TOWN OF CONCORD</b>, 369, 38A &amp; 40A Commonwealth Avenue, NOI</li><li>• <b>WIENER</b>, 20 Bow Street, NOI</li><li>• <b>MARY ANN THOMPSON ARCHITECTS</b>, 261 Park Lane, NOI</li><li>• <b>ESCOBEDO</b>, 188 Fairhaven Road, NOI</li><li>• <b>CORE STATES GROUP</b>, 1134 Main Street, NOI</li><li>• <b>REYNOLDS</b>, 42 Shore Drive, NOI</li></ul>
<b>CERTIFICATES OF COMPLIANCE</b> <ul style="list-style-type: none"><li>• <b>VOUROS</b>, 260 Annursnac Hill Road</li><li>• <b>SOBAN</b>, 40 MacMillan Drive</li></ul>

Chair Higgins opened the meeting 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.

**TO BE OPENED AND CONTINUED TO JUNE 3, 2020**

**Notice of Intent Application, John Jamesapollos, 141 Commerford Road, DEP File #137-1535**

Chair Higgins opened the hearing seeking approval to repair and expand an existing driveway, repair the driveway culvert, construct a 3-season porch, extend a roof gable, construct an accessible walkway/deck, and install a gravel shoulder within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Nardi moved to continue the hearing until June 3, 2020. Commissioner Zaunbrecher seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

**TO BE CONTINUED TO JUNE 3, 2020**

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

Chair Higgins 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 Nardi moved to continue the hearing until June 3, 2020. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

**NEW APPLICATIONS**

**Notice of Intent Application, Town of Concord, 369, 38A & 40A Commonwealth Avenue, DEP File #137-1522**

Chair Higgins opened the hearing seeking approval to construct a municipal recreation center, associated activity center/event barn, and walking trails; remove trees, and conduct invasives species control, and install plantings within Bordering Land Subject to Flooding 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 Plans prepared by Greenman-Pedersen, Inc. dated May 6, 2020; and
- Stormwater Report prepared by Greenman-Pedersen, Inc. dated May 2020.

Alexander Patterson of ESS Group, Robert White of Greenman-Pedersen, Deputy Town Manager Kate Hodges, Recreation Director Ryan Kane, and Facilities Director Ryan Orr attended tonight's meeting. Mr. Patterson explained that the Applicant would like to construct a municipal recreation facility consisting of an event barn, restroom facility, walking trails, associated parking, and utilities. They will provide stormwater management and vegetation management throughout the site.

Deputy Town Manager Hodges stated that the Town and the community have been working together on this property and believe that the plans, schematics, and renditions represent the best use for both open space and passive recreation. Considerations for this project included the proximity to West Concord, Warner's Pond, and the Bruce Freeman Rail Trail (BFRT). Other considerations were landscaping, open access to the water view, sustainable plantings, and sustainable infrastructure in both the stormwater management and compostable toilets. Deputy Town Manager Hodges thanked the NRC for their time this evening.

Mr. White explained that the site includes 1,000 feet of shoreline on Warner's Pond. The pond would be the main attraction for visitors to enjoy the view. He said the parking entrance drive will be for both this recreation area and for people parking to use the BFRT. He stated that at the end of the parking area is where the recreational facility will be located. Compostable toilets will be installed in the bathrooms. They are proposing trails that will look very natural. The trails will either be hardpack or bituminous, depending on the level of anticipated use. A portion of the trail and overlook is within the 50-foot NBZ. There is a section on the shoreline that has some erosion that they would like to revegetate. Mr. White explained that for stormwater management they are proposing a natural landscape that will still fulfill the requirements for stormwater management. Wet meadow plants and native species will be planted around the stormwater areas. The site has

good drainage. Mr. White stated that the new buildings will be outside the 100-foot buffer. Mr. White said at a later date they will be submitting a request to the NRC for shoreline access. They would like to be able to provide boat access for visitors. They will propose an area outside the 50-foot NBZ for boat storage.

Chair Higgins asked if Phase II would be just a boat ramp and dock. Deputy Town Manager Hodges explained that originally their plan included a boardwalk along the shoreline and a fishing pier. Those items have been removed from the plan. There is a strong community desire for swimming, but the community may not want to spend the money to dredge the pond for swimming. In addition, since the original plans were drafted, the Town has acquired the White Pond parcel, where swimming is provided. Deputy Town Manager Hodges said boat access would be key for this site.

Chair Higgins asked if the western portion of the site would remain natural. Deputy Town Manager Hodges replied that they would like to work with the Trails Committee to blaze trails. There are some unofficial trails there now, and she thought it would be nice to clean them up and construct a loop. The paths remain a natural surface.

Chair Higgins said the Notice of Intent application narrative noted that there will be 52 parking spaces. Mr. White replied that also includes 17 parking spaces for the BFRT across the ROW. Chair Higgins asked what kind of impact will be created with that many visitors. Mr. White said they took an area of the site that they felt comfortable putting parking. The site itself dictated how many parking spaces would be appropriate. They also looked at the utilization of the event barn and the occupancy for the barn which is approximately 100 people. Deputy Town Manager Hodges said that even before the event barn was considered, Recreation Director Ryan Kane expressed interest in having programs that related to nature, trails, exploration, and nature classes. Those components were also factored into how many parking spaces they needed for drop in and drop off. Recreation Director Kane said they would like the community to have access to the park and not just to use event barn.

Commissioner Pappas expressed concern about an event barn that would be used for other things besides recreational activities. Mr. White replied that the event barn is a seasonal structure, not a year-round facility. The vast majority of use for the site is walking, sitting on the shore, and viewing nature. Chair Higgins stated that it was the NRC's responsibility to ensure that the wetland buffer zones are not adversely affected by proposed work. He asked how the event barn will be managed, concurrent with people visiting the site for recreational purposes and using the BFRT. Recreation Director Kane explained that GPI designed the barn so it would not intrude into the park. Deputy Town Manager Hodges said people would have to apply for a permit. Community feedback showed that residents would be interested in snowshoeing, cross-country skiing, and ice-skating. The building would not have any heat or water. There will also not be any on-site cooking facilities. Ms. Hodges said they are considering partnering with the Umbrella Arts Center.

Commissioner Zaunbrecher said she is concerned that a lot of parking may attract too many people which may degrade the natural resources on the site. Deputy Town Manager Hodges said she understands Commissioner Zaunbrecher's concern, however, they have had many discussions with people in the community and businesses in West Concord. The park would be a hybrid between a conventional park and what NRC properties are like. People want a playground and a place for fishing and boating. Commissioner Zaunbrecher said people may not understand the impact to the

shoreline. She reiterated that she is concerned about too much parking. The NRC's role is to protect natural resources within their jurisdiction. Chair Higgins said the Commission wants people to have a good experience but they also want to ensure that the sensitive areas are maintained. A good management plan is needed.

Chair Higgins requested that a plan be submitted to identify any trees larger than 6 inches that will be removed and to identify the species. Mr. White said there are no major landmark trees. They will look at hairpin area to see what needs to be cleared and note on a plan. The trees in the some areas of the woods need a little trimming. The work would be minimal. They are envisioning that large areas of the woodland will remain untouched.

Chair Higgins asked what was being anticipated in terms of usage for the trails, and whether bicycles or motorbikes will be allowed? Mr. White replied that they will use different materials depending on use. The only bicycle trail will be located in the northern area near the recreation area, next to the BFRT. Mr. White explained that they may need to install a paved path for maintenance purposes for the recreation structure but will it be for staff use only. They will install bollards to prevent vehicles going beyond the parking spaces. Commissioner Pappas said minimal signage will be important. Mr. White affirmed. They want to keep the site as natural looking as possible.

Commissioner Pappas asked what will the barn be used for. Deputy Town Manager said that will partially be dictated by what the Board of Health allows. The type of barn they are proposing would not function for caterers. Commissioner Pappas said some catering services do not cook on site. Mr. White replied that some things are code driven. They will provide an outline to answer those questions.

Commissioner Zaunbrecher said that some funding was provided by the CPC and asked how much of the proposed work within the NRC's jurisdiction is dependent upon the upcoming CPC warrant article. Deputy Town Manager Hodges responded that \$200,000 is available for this year. She said Town Meeting will likely go forward in September and the warrant requests an additional \$500,000. She explained that the work applied for through CPC is for the composting toilet and the pathways that connect to the BFRT. The Town has \$1.4 million to get started. Chair Higgins asked if the septic system was included. Deputy Town Manager said it will be a grey water leach field which is different from a traditional septic system. Mr. White explained that the majority of the project will go out to bid with construction to start in late summer or early fall. Additional funding through CPC and Town Meeting will be primarily for the building complex. That work will go out to bid separately.

There were no public comments.

The Applicant agreed to continue the hearing to June 3, 2020 to allow additional information to be provided.

**Notice of Intent Application, David Wiener, 20 Bow Street, DEP File #137-1518**

Chair Higgins opened the hearing seeking approval to replace the front porch, driveway, walkways, and retaining walls within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to Mill Brook, and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Landscape Plan prepared by Fisher Design Group revised April 29, 2020.

Homeowners David and Sara Wiener, and David Fisher of Fisher Design Group attended tonight's meeting. Mr. Fisher said that most of the proposed project is within the 100-foot Buffer Zone. The homeowners would like to upgrade the front porch, replace the existing concrete block wall, repair an unsafe walkway, and replace the existing driveway. They would like to replace the driveway in the same configuration and excavate a little bit of the hillside to enlarge the driveway, which would allow additional parking. The new driveway section will consist of dry laid granite cobble which would allow surface water to infiltrate. They will also install the granite cobble at the bottom of the driveway. They will be replacing the front steps. They are proposing to remove invasives on site and replace with native species. They would also like to rebuild the stonewall to make it safer and add stairs in the middle using large flat stones as steps.

Chair Higgins stated that any work within the public right-of-way needs approval from Concord Public Works (CPW). Mr. Fisher was aware of that. He wanted approval from NRC before he reached out to CPW.

Chair Higgins requested that the engineer (Stamski and McNary) stamp the site plan with topography. Mr. Fisher agreed to have it added by Stamski and McNary.

There were no public comments.

Commissioner Nardi moved to close the hearing and issue an Order of Conditions for DEP File #137-1518 with Findings A, B, C, and D, Standard Conditions 1-19, and Special Conditions 20-55, upon receipt of revised plans by Friday stamped by Stamski and McNary. Commissioner Pappas seconded. **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

**Notice of Intent Application, Maryann Thompson Architects, 261 Park Lane, DEP File #137-1523**

Chair Higgins opened the hearing seeking approval to convert an existing garage into a studio with associated utilities remove two sheds, construct a new shed, and convert an existing chicken coop to a shed within 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:

- Notice of Intent Application; and
- Proposed Site Plan prepared by Perley Engineering LLC dated April 28, 2020.

Homeowners David Lax and Ilana Manolson, Kyle Cormier of Oxbow Associates, and Zac Cardwell of Maryann Thompson Architects attended tonight's meeting. Mr. Cormier said that the homeowners would like to convert the existing garage into a studio. This will require installing utilities and relocating a gas meter. Any fill removed for the installation of utilities will be taken off site. Other proposed work includes removing two existing sheds and replacing with a single shed. The homeowners would also like to remove an existing chicken coop and replace with a shed. The shed will be placed on a concrete pad. Because this work is in the 100-year floodplain, they will install a breakaway flood vent to allow unimpeded flow through of water.

Chair Higgins asked what the flood storage volume will be. Mr. Caldwell replied that they do not have a specific design yet for the shed. However, the footprint will be approximately 130 s.f. Chair Higgins said flood storage calculations need to be provided.

There were no public comments.

The Applicant agreed to continue the hearing to June 3, 2020 to allow additional information to be provided.

**Notice of Intent Application, Kelly Escobedo, 188 Fairhaven Road, DEP File #137-1526**

Chair Higgins opened the hearing seeking approval to demolish a single-family dwelling and associated structures within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Plot Plan prepared by Hancock Associates dated May 5, 2020.

Jacob Lemieux of Hancock Associates attended tonight's meeting. Mr. Lemieux said the Applicant would like to demolish the house and garage. All materials will be removed from the site. Clean fill will be used to backfill. There will not be any tree removal.

Chair Higgins requested that the 50-foot NBZ and all wetland flags be noted on the plan. Mr. Lemieux will provide a revised plan. In addition, Chair Higgins requested that all machinery used be brushed off so invasives are not transferred to the next job site. Mr. Lemieux said they will make a notation to clean all machinery at the end of the day.

There were no public comments.

The Applicant agreed to continue the hearing until June 3, 2020 to allow additional information to be provided.

**Notice of Intent Application, Core States Group, 1134 Main Street, DEP File #137-1536**

Chair Higgins opened the hearing seeking approval to demolish an existing structure, and construct a new structure with associated utilities, drainage, parking, and remote ATM's within Bordering Land Subject to Flooding and the 200-foot Riverfront Area to the Assabet River and an unnamed tributary to the Assabet River.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Preliminary Site Plan prepared by Core States Group dated April 28, 2020.

Property owner Joseph Tomaino, Alan Roscoe of Core States Group, and Wetland Scientist Gregory Hochmuth attended tonight's meeting. Mr. Roscoe explained that the ½ acre site is located at the intersection of Main Street and Baker Avenue. It was the former Citizen's Bank property. The site is almost entirely within Bordering Land Subject to Flooding (BLSF) and Riverfront Area. The proposal is to demolish the existing building (approximately 1,300 s.f.) and construct a new building (approximately 2,200 s.f.). They will install handicap accessible ramps and sidewalks. One of their goals is to reduce the amount of impervious cover. They will compensate for flood storage loss. The plan is to keep as much as possible the existing utilities and drainage on site. There will be

no new encroachments towards the resource area. The proposed work is all within areas already altered and disturbed. Erosion controls will be installed.

Chair Higgins said calculations are needed for the fill volume and for existing and proposed impervious areas. Mr. Roscoe replied that they will revise their plans with this information. Chair Higgins asked if it was their intent to keep the existing stormwater structure that drains into the Town system, and whether anyone has inspected the drainage system to assess its functionality. Mr. Roscoe explained that the existing parking lot is drained with a series of network catch basins before it is discharged out to the street. They believe they can preserve the function of the back parking lot catch basin. Also, they will install gas traps for any catch basins that do not have them.

Mr. Roscoe said they still need to file with the ZBA. They wanted to address issues with the NRC first. Chair Higgins asked that Mr. Roscoe inform them if the ZBA is requiring a site visit. Director Kaye suggested that the NRC could visit the site individually. Mr. Tomaino said it would be okay to walk property any time.

There were no public comments.

The Applicant agreed to continue the hearing to June 3, 2020 to allow additional information to be provided.

**Notice of Intent Application, Dianne Reynolds, 42 Shore Drive, DEP File #137-1531**

Chair Higgins opened the hearing seeking approval to replace the existing dock and stairs within the 100-foot Buffer Zone to Bank and 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. dated May 6, 2020.

Molly Obendorf of Stamski and McNary attended tonight's meeting. Ms. Obendorf said the project involves the replacement of two sets of stairs and a dock within the existing footprint. The work will be done by hand. The existing stairs are pressure treated wood and will be replaced with pressure treated wood. Per staff comments regarding adequate erosion control for the dock, they will be installing a silt curtain. Also per staff comments, they will provide details of how the contractor will access the site. No heavy equipment will be used. No stockpiling of materials will be required. Any disturbed areas will be re-seeded. They will update the plan with this information. Ms. Obendorf stated that they still need to obtain a Chapter 91 license for the dock. Ms. Obendorf said they will submit a Request for a Certificate of Compliance to close out a prior Order. Chair Higgins asked if the existing pilings were concrete. Ms. Obendorf believes the pilings are concrete and will check to see if they will remain.

Carmen Jaquier of 38 Shore Drive informed the NRC that the contractor for this project, Kevin Kelly, did a similar project at her property about five years ago and that he is very knowledgeable.

The Applicant agreed to continue the hearing until June 3, 2020 to allow additional information to be provided.

**CERTIFICATES OF COMPLIANCE**

**Vouros, 260 Annursnac Hill Road, DEP File #137-1488**

Commissioner Zaunbrecher moved to issue a Certificate of Compliance for DEP File #137-1488. Commissioner Nardi seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

**Soban, 40 MacMillan Drive, DEP File #137-270**

Commissioner Zaunbrecher moved to issue a Certificate of Compliance for DEP File #137-270. Commissioner Nardi seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

Commissioner Zaunbrecher moved to adjourn. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

This meeting adjourned at 8:51 pm.

Respectfully submitted,

Karen Bockoven  
Administrative Assistant