

NATURAL RESOURCES COMMISSION
Meeting Minutes
June 9, 2020

Pursuant to the notice filed with the Town Clerk, a virtual public meeting of the Natural Resources Commission was held on June 9, 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.

CONTINUANCES <ul style="list-style-type: none">• TOWN OF CONCORD, 369, 38A & 40A Commonwealth Avenue, NOI
NEW APPLICATIONS <ul style="list-style-type: none">• LYONS, 42 Birch Drive, NOI• AWALT & CONLEY, 396 Great Meadows Road, NOI
CERTIFICATES OF COMPLIANCE <ul style="list-style-type: none">• REYNOLDS, 42 Shore Drive
ADMINISTRATIVE APPROVALS <ul style="list-style-type: none">• MARSH, 707 Barretts Mill Road, Tree Removal

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.

CONTINUANCES

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

Chair Higgins reopened 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.

Alexander Patterson of ESS Group, Robert White and Robert Headrick of Greenman-Pedersen, and Deputy Town Manager Kate Hodges attended tonight's meeting.

Chair Higgins asked if any proposed trails on the NRC property had been staked yet. Mr. Headrick replied no. Chair Higgins said trees on the trails need to be located. Mr. Headrick said they are prepared to stake the trails and locate the trees. Chair Higgins said the information needs to be put on a plan. He asked how long would it take to provide this information. Mr. Headrick said based on the surveyor's schedule, it would probably take 2-3 days to stake and then they can put the information on a plan.

Commissioner Zaunbrecher said she would be interested in understanding the proposed work in the NRC's jurisdiction because pond itself is under the care and custody of the NRC, and usage of the pond needs to be understood too. Abutters may also be interested.

Chair Higgins said clarification is needed as to which areas were going to be cleared of trees and where they are trimming trees. He stated that clearing and trimming are different. The plan notes that they would be trimming a 30-foot wide swath. Chair Higgins asked if they believe people will be walking off the trail. Mr. Headrick said people may walk off the trail. Commissioner Huggins asked why such a broad swath was necessary, and whether the path be relocated so it is not in the 50-foot NBZ. Any work within the 50-foot NBZ would require a waiver. The Commission's preference is that work be outside the 50-foot NBZ. Mr. White said they have relocated many of the trails so they will be outside of the 50-foot NBZ. He noted that the meadow area is within the 50-foot NBZ. A large Norway maple needs to be removed in order to make the trail handicapped-accessible. They need to go over the 50-foot line by about 10 feet. Mr. Headrick stated that they would like to remove dead material and smaller plants, and any hazard trees. Commissioner Pappas said removing dangerous trees would be okay but dead branches are good for wildlife. Chair Higgins recommended scheduling a site visit so the NRC can get a better understanding of the site.

Commissioner Zaunbrecher appreciated the points about the trees, however, why does the path and overlook need to be within the 50-foot NBZ. What is the benefit? Can the path be located back further? She believes there is a flat spot outside the 50-foot NBZ where they could put the trail. Mr. White replied that they do have a path in that location. People will want to get the water. Commissioner Zaunbrecher said that is her concern. She said that the overlook is for people to view the water not to get to the water. Mr. White said if you do not provide a path for people and dogs to get to the water they will probably create one on their own. Deputy Town Manager Hodges said part of this project was to provide access to the water. One of their earlier plans was to have an overseeing dock. The open meadow provides that. People could then walk down to the water. People will try to get to the water even if a trail is not provided.

Chair Higgins asked about the management techniques so people will not walk down the steep bank. Mr. White replied that doing a site visit will clear up some of these questions. He explained that a portion of the meadow down to the shore has erosion because of many years of use. They have plans to revegetate that area with native species appropriate for a shoreline buffer. On the downhill portion of the path they could install discrete wire fencing with cedar posts to keep people on the trail. Mr. White said beyond the footprint of the trail there are some dead white pine trees. They would like to remove those trees. This will provide a view to the pond. Once they stake the trails they may need to remove additional trees. Chair Higgins stated that is why this information needs to be shown on a plan.

Chair Higgins asked if the proposed trail within the 50-foot NBZ was a primary or secondary trail to the water. People coming from Commonwealth Avenue might use secondary trail the most. The NRC would prefer that people not use that trail. Mr. White said if they do revegetation of the invasives and install a wire fence with wooden posts that would guide people to the water. Chair Higgins said he is trying to balance something that would be a benefit to the public. Removing a significant amount of invasives would be beneficial to the site. If the project is done properly and the resources are protected, people will be able to enjoy this as a community resource. Commissioner Pappas said he is very concerned about balancing the natural state versus a

manufactured environment (buildings, trails, cars, boating). Chair Higgins reiterated the need for a site visit.

Commissioner Huggins said the NRC has many years of experience with waterfront issues, and the protection of the resource areas need to be carefully balanced with the desire of the public to access waterbodies.

Chair Higgins asked the Applicant if dogs will be required to be on leash. Deputy Town Manager Hodges replied that they have not made a decision because they did not believe it was in their jurisdiction. She would like the NRC's opinion and then they can discuss with Select Board. Chair Higgins said normally Applicants present a proposal and then the Commission will make a decision. A simple fence near the 50-foot NBZ will probably not keep dogs on the trail. This issue should not just be discussed with the NRC and the Recreation Department. The Commission has found that property within their jurisdiction that dogs can be detrimental. Commissioner Zaunbrecher said that the Concord Land Conservation Trust (CLCT) has had issues on some of their properties and had to close. The steep slope may be eroded from dogs and people going to water. The resource area needs to be protected. Mr. White said they can discuss with the Town and come up with a proposal that would be consistent with Town policies.

Mr. White said that the pathway that goes below the 50-foot NBZ will be paved so erosion will not occur. Deputy Town Manager Hodges said it is noted in the operational plan that bicycles, skateboards, etc. would not be allowed. The path would be for walking. Chair Higgins requested that information be noted on the plan.

Commissioner Huggins asked whether the parking lot be plowed during the winter months. If so, where is snow storage proposed? Deputy Town Manager replied that the lot will be plowed. They are proposing that snow storage close to the parking area for the BFRT. If there is a lot of snow, it will be removed from the site. They will not use any sand or salt. The area will be plowed primarily for emergency access. Chair Higgins asked that management items be addressed prior to the next NRC meeting.

Commissioner Nardi said although the parking lot plan is outside of the NRC's jurisdiction, he was surprised to see only one or two handicapped parking spaces. Mr. White replied that they would be okay with designating more spaces.

Mr. White said they are proposing an extensive nature based stormwater system. One of the Town's engineering requirements is to preserve water quality at all levels. They want to make the site look natural with plantings. There will be no direct flow of water from the parking lot or pavement into the pond. They worked very hard to be in compliance with the Town's standards.

Mr. White said the area in the woods behind the barn is where there is an emergent growth of young buckthorn. They have discussed the possibility of getting volunteers to hand pull the small buckthorn saplings. They would like to remove the invasives before construction. The vast tree canopy on the site will be preserved. Commissioner Zaunbrecher asked how they would manage the volunteers. If they are unable to get volunteers is their budget sufficient to pay for the buckthorn removal? Mr. White replied that the cost to remove would not be too much. Perhaps they could work with NRC staff, Trails Committee or other conservation volunteers who work on other sites around Town. Deputy Town Manager Hodges said they have received interest from students

and other folks in Town. She does not believe it will be difficult to get volunteers once it is safe to congregate in groups. Chair Higgins said the area where the invasives removal work will occur needs to be noted on a plan.

Commissioner Pappas said he concerned about what occasional use means regarding the event barn. If there are no limits to the types of usage it could get out of control. Chair Higgins said that the NRC will provide input to the Select Board when the time comes regarding usage of the event barn.

Commissioner Pappas commented that there are inconsistencies in the documentation with references to no food and drink and then there are references to food and drink. Food waste and trash must be placed within the facility dumpster. Having a dumpster is not keeping with the site's purpose. Deputy Town Manager replied that they have found that people do not take their waste. The Town's Parks and Playground Division will be tasked with checking the site at least once a day. During high peaks of the season, they will check twice a day to ensure that the trash is emptied and the trash receptacle is locked appropriately. They are confident they will have a good management plan. Commissioner Pappas wants to make sure this information will be documented.

Chair Higgins asked Mr. White if the site could be staked by Friday so a site visit could be scheduled. Mr. White said he will work with staff to schedule a mutually convenient time.

Commissioner Zaunbrecher asked the Applicant to stake the 30-foot buffer on each side of the trail. Mr. White said they could flag.

There were no public comments.

The Applicant agreed to continue the hearing to July 1, 2020 to allow for additional information to be provided.

NEW APPLICATIONS

Notice of Intent Application, Sean Lyons, 42 Birch Drive, DEP File #137-1528

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

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Conservation Plan prepared by Rober Survey dated July 26, 2019.

Richard Kirby of LEC Environmental Consultants attended tonight's meeting. Mr. Kirby said their proposal is to demolish an existing house and construct a new single-family house. The existing foundation will remain. No change in grade is proposed. They would like to remove a shed currently in the 25-foot NDZ, as well as a portion of the driveway that was used as a turnaround. There will be a reduction in the impervious area within the Buffer Zone from 19.2% to 17.2%. They will install 12-inch compost staked filter tubes for erosion control. Construction equipment will be inspected and cleaned at the end of each workday to eliminate the spread of invasive plants. No tree cutting is being proposed. Stockpiling and equipment will be stored on the driveway near the front of the house.

Chair Higgins said that all proposed work will be outside the 50-foot NBZ except for the removal of a shed and a portion of the driveway. Chair Higgins asked if there were any invasives on site. Mr. Kirby replied that there are not many invasives. However, there is some bittersweet growing in the back where there are some landscape islands. Also, the wooded area along the wetland boundary does have some sapling Norway maples that could be removed. Mr. Kirby believes Mr. Lyons would agree to removing the invasives. The property has not been maintained.

There were no public comments.

The Applicant agreed to continue the hearing to June 17, 2020 to allow for the shed and driveway removal to be added to the plan and issuance of a DEP number.

Notice of Intent Application, Elizabeth Awalt & John Conley, 396 Great Meadows Road, DEP File #137-1525

Chair Higgins opened the hearing seeking approval to conduct landscape improvements, realign and lower existing driveway, replace the existing stone and pine beam driveway turnaround retaining wall, and replace existing walkways within 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;
- Wetland Permitting Plan prepared by Stamski and McNary, Inc. dated May 14, 2020; and
- Phase 2 Planting Plan prepared by Alden Landscape Design dated May 14, 2020.

Molly Obendorf from Stamski and McNary attended tonight's meeting. Ms. Obendorf said that the project involves replacing two existing brick walkways with dry laid stone. The stairs to the left of the property near brick patio will be removed. On the right-hand side there are wood stairs which will be replaced with a pea stone tread. There is no safe way to get to the back of property. Therefore they are proposing a walkway from the stairs on the right-hand side to the back of the house. The walkway will consist of quartz stone edging and peastone. They want to do the same for another walkway that will lead to the driveway. Ms. Obendorf explained that the driveway is flat but drops off significantly on both sides. It is unsafe and causes erosion. They would like to lower the driveway about two feet to allow a sufficient shoulder on either side of the driveway. This will provide a safer means of going up and down the driveway. The shoulders will be grass. The current width of the driveway varies and they are proposing the entire driveway to be 10 feet wide. There will be a decrease in the total area of impervious on site. Near the driveway turnaround there is a 9-foot deteriorating retaining wall that is unsafe. Structural plans for the wall have been submitted for its replacement. Overall site landscape improvements will be done as well.

Chair Higgins noted for the record that the Applicant has submitted waiver for work both in the 25-foot NDZ and 50-foot NBZ. Chair Higgins said that the NRC cannot approve the project until the Board of Health has given their approval that lowering the driveway won't affect any of the septic components under the driveway.

Ms. Obendorf said they are waiting for full approval from Natural Heritage regarding turtle protection and the botanical survey.

Director Kaye said the homeowners are doing their projects in two phases, therefore, it would be helpful to see the construction phasing. Ms. Obendorf will provide phasing plans. Director Kaye said to also note by zone where invasives will be removed.

There were no public comments.

The Applicant agreed to continue the hearing to July 1, 2020 to allow for additional information to be provided.

CERTIFICATE OF COMPLIANCE

Reynolds, 42 Shore Drive, DEP File #137-1290

Commissioner Huggins moved to issue a Certificate of Compliance for DEP File #137-1290. Commissioner Zaunbrecher seconded. All so voted. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

Administrative Approvals:

- **Marsh, 707 Barretts Mill Road, Tree Removal**

Director Kaye said the homeowner has removed two trees in the Buffer Zone without being aware they were in the NRC's jurisdiction. He was concerned about the trees falling down on his house. Director Kaye said that he has been removing the bittersweet, and will continue to do so, which is overall benefit to the property. Approval was granted.

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

This meeting adjourned at 8:31 p.m.

Respectfully submitted,

Karen Bockoven
Administrative Assistant