

**NATURAL RESOURCES COMMISSION**  
**Meeting Minutes**  
**June 17, 2020**

Pursuant to the notice filed with the Town Clerk, a virtual public meeting of the Natural Resources Commission was held on June 17, 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.

<p><b>APPROVE MEETING MINUTES</b></p> <ul style="list-style-type: none"> <li>• April 10, 2020 and April 15, 2020</li> </ul>
<p><b>TO BE CONTINUED WITHOUT DISCUSSION TO JULY 1, 2020</b></p> <ul style="list-style-type: none"> <li>• <b>SHAW</b>, 43 Old Bedford Road, NOI</li> <li>• <b>WALSH</b>, 150 Garfield Road, NOI</li> </ul>
<p><b>CONTINUANCES</b></p> <ul style="list-style-type: none"> <li>• <b>REYNOLDS</b>, 42 Shore Drive, NOI</li> </ul>
<p><b>NEW APPLICATIONS</b></p> <ul style="list-style-type: none"> <li>• <b>SILVER HILL ASSOCIATION</b>, 22A &amp; 25A Silver Hill Road, NOI</li> <li>• <b>JAMESAPOLLOS</b>, 141 Commerford Road, NOI</li> <li>• <b>BENTLEY BUILDING CORPORATION</b>, 111 Ripley Hill Road, ANRAD</li> <li>• <b>CONCORD CHILDREN'S CENTER</b>, 250 OLD Bedford Road, ANRAD</li> <li>• <b>ELLIOTT</b>, 54 Westford Road, RDA</li> <li>• <b>MAHONEY</b>, 27 Commerford Road, AMENDED OOC</li> </ul>
<p><b>EXTENSION REQUESTS</b></p> <ul style="list-style-type: none"> <li>• <b>SILVER HILL ASSOCIATION</b>, 22A &amp; 25A Silver Hill Road</li> <li>• <b>DIMOCK</b>, 79 Commerford Road</li> </ul>
<p><b>CLOSE and ISSUE PERMITS</b></p> <ul style="list-style-type: none"> <li>• <b>LYONS</b>, 42 Birch Drive</li> </ul>
<p><b>OTHER BUSINESS</b></p> <ul style="list-style-type: none"> <li>• Review Draft Climate Action Plan</li> </ul>
<p><b>ADMINISTRATIVE APPROVALS</b></p> <ul style="list-style-type: none"> <li>• <b>CONCORD LAND CONSERVATION TRUST</b>, 115X Lowell Road, Trail Improvements</li> <li>• <b>STEARNS</b>, 124 Tarbell Spring Road, Tree Removal</li> <li>• <b>MARDIS</b>, 22 Monsen Road, Tree Removal</li> </ul>

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.

Chair Higgins attended the Chair Breakfast this morning. The following was discussed:

- The 2229 Main Street Committee is writing their final report which they hope to submit the Select Board by the end of year. A survey will be conducted within the next two weeks.

- Phase 2B construction of the BFRT is set to begin shortly.
- The Finance Committee chair reported that they have voted affirmatively on everything in front of them except for the Warner's Pond dredging and the Gerow Park Improvements.
- Town meeting will be scheduled in September, outside at the High School.

### **APPROVE MEETING MINUTES**

Commissioner Huggins moved to approve the April 10, 2020 NRC meeting minutes, as amended. Commissioner Zaunbrecher seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

Commissioner Huggins moved to approve the April 15, 2020 NRC meeting minutes, as amended. Commissioner Zaunbrecher seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

### **TO BE CONTINUED TO JULY 1, 2020**

#### **Notice of Intent Application, 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 Zaunbrecher moved to continue the hearing to July 1, 2020. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

#### **Notice of Intent Application, Katie Walsh, 150 Garfield Road, DEP File #137-1524**

Chair Higgins reopened the hearing seeking approval to remove trees and regrade the backyard within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Zaunbrecher moved to continue the hearing to July 1, 2020. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

### **CONTINUANCES**

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

Chair Higgins reopened the hearing seeking approval to replace the existing dock and stairs within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Molly Obendorf of Stamski and McNary attended tonight's meeting. Ms. Obendorf said the plan has been revised to include a silt curtain around the dock. No stockpiling will be necessary. They will obtain a Chapter 91 license prior to installing the dock. Chair Higgins stated that the NRC is ready to issue their permit, but needs to wait until Natural Heritage completes their review. Ms. Obendorf replied that they would like to keep project open until they hear from Natural Heritage.

The Applicant agreed to continue the hearing to July 1, 2020 to allow time for Natural Heritage to review and comment.

### **NEW APPLICATIONS**

#### **Notice of Intent Application, Silver Hill Association, 22A & 25A Silver Hill Road, DEP File #137-1527**

Chair Higgins opened the hearing seeking an aquatic management and maintenance program for Silver Hill Pond in Land Under Waterbodies and Waterways, and invasive species control in Bordering Vegetated Wetlands and Bordering Land Subject to Flooding.

List of plans and documents discussed at this meeting:

- Notice of Intent Application.

David Roach of All Habitat Services and Paul Vancutsem, President of the Silver Hill Association, attended tonight's meeting. Mr. Roach explained that the project involves management of a 5.4 acre pond with an average depth of about 5 feet. The deepest portion ranges between 9 and 12 feet. The pond has had issues with both floating weeds, submersed weeds, algae, as well as emergent weeds and Phragmites. The primary issue plaguing the pond are the floating weeds: watershield and water lily. Excessive growth is shading out larger amounts of surface area and is creating a considerable amount of biomass. The Association has been working to manage the problem with benthic barriers, and hand harvesting, which have not been that productive. Although benthic barriers work well, it is not in the interest of the pond to cover the entire bottom growth with benthic barriers, and watermeal and duckweed cover much of the pond surface. Also, in the wetland headwater, there is a ½-acre colony of Phragmites. Herbicide was applied approximately 10 years ago to the stand with limited success, as a multi-year commitment is needed. Considerable control occurs during the first two years, then the third year is typically a cleanup and then ongoing maintenance. Treatment for floating plants is generally the same. They recommend applying a foliar application of Imazamox (Clearcast) to the Phragmites stand. This herbicide is classified as non-toxic to birds, fish, algae and aquatic invertebrates. It is the only herbicide on the market that has been granted a tolerance exemption for food crop residues, shell fish, fish, crustaceans, and irrigated crops. They have modeled that the pond itself at high flow is about ¾ of a gallon per second. Currently, at this time of year, the water is not flowing. The volume would dilute the product below drinking water standards. Mr. Roach said they are looking for a short-term solution for a couple of years to manage the Phragmites and collapse the watershield and lily population to a manageable level. They have had success in other bodies of water with controlling Phragmites and replacing with native vegetation.

Chair Higgins asked what analysis has been done of the water for phosphorous and nitrogen. Mr. Roach said they have conducted a water analysis. Mr. Vancutsem said the most recent testing was done at the end of the summer in 2019. Everything is pretty stable. Director Kaye requested that the information be included as part of the application so the NRC can review. Mr. Vancutsem agreed.

Chair Higgins asked for clarification as to how the aeration system works. Mr. Vancutsem replied that there are four bubblers and it is limited, only covering small areas.

Chair Higgins asked what was causing the growth of nuisance plants. Mr. Roach said the summary of water quality results included in their Notice of Intent application did not show elevated phosphorus or nitrogen levels, and that the development around the pond may have contributed to inputs from the watershed. Bubblers are helpful but will work better if they can remove the dense cover of plants. Mr. Vancutsem said they have looked into potential sources. There is not a lot of residential fertilizer use. One concern is the drainage from the road, and they are working with CPW to upgrade the stormwater management system. Another concern was potential runoff from a neighboring farm, and the farm agreed to install some physical barriers to reduce pollutant loading. Chair Higgins asked if the Town road drains into one of the catch basins directly without being treated. Mr. Vancutsem replied that that was his understanding. They have been told that when the second part of Monument Street is repaved, their subdivision would be done also. Director Kaye said that a commitment from the neighborhood that they will reduce the use fertilizers and pesticides will help make a difference. It would also be helpful if all the abutters had a vegetative buffer including the common land at the beach. Chair Higgins asked how often will they monitor and do treatments. Mr. Roach replied it is usually a two-part treatment per season. They will do portions they can reach first and then work inwards.

In response to Commissioner Zaunbrecher's question about the typical herbicide approach for Phragmites, Director Kaye explained that stem injection treatment is standard on small stands. CLCT submitted an application a few years ago for a herbicide stem injection to treat Phragmites, which was only marginally successful, and they recently received approval for a foliar treatment.

Commissioner Zaunbrecher noted that the Applicant also has an Extension Request to be heard this evening. Director Kaye said that the current permit will expire this month and the Applicant wanted to be sure that they could continue to remove invasives by hand in the event that they did not receive approval in time on the current permit application.

Chair Higgins asked what the known impacts of using the proposed chemicals and treatments are on amphibians. Mr. Roach said Clearcast is well known for its safety, but bathing would not be good during treatment. Very little herbicide will actually contact the water surface. They usually see a good rebound of any suppressed native plants. Chair Higgins asked how many years of treatment will be needed. Mr. Roach replied that generally the impacts are significant in first and second year. The third year usually involves cleanup. Ongoing management would probably be needed. Chair Higgins asked that once the vegetation dies do they let it rot and drop to the bottom of the pond. Mr. Roach said that in the case of the pond itself, there is no need to remove the vegetation as it becomes part of the food chain. In the case of the Phragmites, would look at the possibility of hand cutting to remove the first year biomass, depending on how tall the plants are. At this point, they anticipate treatment later in the fall. The preferred technique is to cut the dense stems over the winter, reducing the biomass, and treat the regrowth next spring. Once they obtain a valid Order of Conditions, they will apply with DEP for a license to apply chemicals in the water.

Director Kaye said that an ACT vegetation survey was submitted in 2009, which should be updated to reflect current conditions. She asked for more information on beneficial bacteria, where has it been used, and where will it be effective. Mr. Roach said that is not part of their current application and they will submit a filing at a later date if that approach is pursued.

Mr. Roach said that hand cutting of Phragmites will consist of gas powered trimmers to cut the pieces into sections no greater than one foot in length. The small pieces will then be left in place to

decompose. Many invertebrates feed on the phragmites. Director Kaye asked that they provide that information in written format for the record. She asked what the flush rate of the pond is to confirm that herbicides are effective. Mr. Roach they are relying on a foam foliar surface contact, which happens within a couple of hours. The plants absorb the chemical very quickly and react very quickly. It is much different than trying to control submersed weed. Chair Higgins asked what the half-life of the herbicide is. Mr. Roach replied that it breaks down readily with a four-hour half-life breakdown.

There were no public comments.

The Applicant agreed to continue the hearing to July 22, 2020 to allow additional information to be provided.

**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.

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 10, 2020.
- Letter from Michelle, Palumbo, homeowner

The Applicant, John Jamesapollos, attended tonight's meeting. Mr. Jamesapollos read a letter on behalf of the homeowner, Michelle Palumbo. Mr. Jamesapollos asked if he could explain some of the inconsistencies in the project narrative in order to avoid any misunderstandings in their proposal. First, the handicap ramp because of a 9-foot elevation change from the driveway to the main living level is required to be approximately 162 feet in length. The 125 feet cited in the proposal only accounts for the elevation change for the handicap accessibility and not for the rest stops and platform entry required. Second, the plan used the term "proposed addition" but the narrative uses the term "gable end extension". These terms refer to the same proposed structure. The letter correctly described the culvert connection under the driveway as a 6-inch stone passage but in the narrative and several other places it was described as a 12-inch culvert. That was an uncorrected error from the initial survey.

Mr. Jamesapollos explained that the root system for three trees located at the existing garage/driveway will be compromised during excavation of the proposed driveway. They were advised by Dave Crossman of B & C Associates that the trees should be removed. A 14-inch dbh locust tree is leaning towards the house. There is also a 20-inch oak tree that is dead and diseased. These trees are hazardous given the proximity to the house. These trees are now noted to be removed on the plan. The pine in the middle of these three trees is healthy and will remain. In his report, Mr. Crossman recommends mechanical or mini backhoe removal of the invasives (10,142 s.f.) in the front area. Mr. Jamesapollos said that a siltation barrier at the upper border of the lower vegetated wetland will protect the wetland during the entire excavation, and tree protection will be employed.

Mr. Jamesapollos described the site as a 2.3 acre lot with a dwelling, paved driveway, pool, shed, patio, and septic system. The house and entire driveway are within the 100-foot Buffer Zone. The driveway is in disrepair because of tree root damage. Vegetative coverage of the site includes lawn, landscaped areas, woodland, and some native plants and significant wetland vegetation throughout the entire property. Much of the property is also within 200-feet of the Riverfront Area. The property is adjacent to the Town-owned Baptist Brook conservation land. The front door and garage of the existing dwelling are at a basement level and there are no handicap accessible routes between the existing driveway and the entrances to the main living level of the dwelling. Mr. Jamesapollos said the proposed project is to add a driveway as close to the existing disturbed area in the front/east side of the property as practical. The proposed driveway will be gravel and will require a small landscape wall to counter an elevation change at edge of the house. Under the existing driveway are utilities (gas, electric, water). The utilities will be lowered to be adequately beneath the proposed driveway as needed. After consulting with Stamski and McNary, it was determined that the most sensible place to put the addition was over the existing patio. They are also proposing a handicap accessible walkway deck that will tie into the existing deck of the house. An additional landscape wall is being proposed along the west and north sides of the pool to provide a level handicap accessible land area at grade level. Due to the degraded condition of the roadway adjacent to the wetlands they are proposing the installation of a 4-foot gravel stone shoulder to stabilize the road shoulder (approximately 155 feet). They would like to relocate the HVAC units to the side of the house. They propose to repair the existing bituminous driveway and restore the hydraulic connection under it to replicate the existing porous stone passage. Two 4-inch pipes will replace the 6-inch stone passage.

Chair Higgins asked the Applicant to address the issue of the Riverfront Area alteration, which is nearly 25%. Mr. Jamesapollos said that when they looked at the entire project they have a lot of Riverfront Area intrusion that occurred prior to any of the current regulations. The driveway represents a significant portion. There is no way to get to the house without going through the Riverfront Area. There are hurdles because of the location of the existing house. Chair Higgins asked if they could diminish the existing driveway that comes into the existing garage. Mr. Jamesapollos said they cannot meet the current 5,000 s.f. regulation. Chair Higgins asked what alternatives were considered in terms of the impact of the Riverfront Area. Mr. Jamesapollos replied the parking spot at the top is enlarged to allow egress for handicap accessibility (24 feet). Chair Higgins asked if this was for ADA compliance. Mr. Jamesapollos said the goal would be for van accessibility. The additional piece would be the need for handicap accessibility.

Commissioner Zaunbrecher inquired about the 12-foot width of the new driveway, which is wider than the current driveway. Mr. Jamesapollos said it was because of grade changes and the slope issue which is the maximum that the Building Department would allow. It would be more as a safety issue to have the gravel driveway be a bit wider in the event of any slipping or sliding during the winter months. Director Kaye said that the driveway could be narrower and still be ADA compliant. Commissioner Zaunbrecher said more research would be helpful with regard to ADA requirements.

Commissioner Nardi commented that the radius of the proposed driveway seems broad. Mr. Jamesapollos said the purpose was to be able to make a left-hand turn towards the existing garage. Chair Higgins said it is important to see that other alternatives were investigated in order to reduce impact.

Chair Higgins asked what the purpose was for the gravel shoulder within 25-foot NDZ. Mr. Jamesapollos said the report from Stamski and McNary said it would stabilize and protect the small area of the wetlands from erosion. A lot of damage occurs during winter plowing. Cars on the side of the road also contribute to the erosion. Chair Higgins commented that plow trucks will churn it up regardless. Mr. Jamesapollos said that would be a maintenance issue on their part. They are open to suggestions from the NRC.

Commissioner Zaunbrecher asked what was the reasoning for replacing the 6-inch culvert at the bottom of the driveway. Mr. Jamesapollos said currently it is sunken in a few different areas and may be unstable. It will replicate what is happening today but will be more stable. Chair Higgins asked why they were using 4-inch pipes. Mr. Jamesapollos said they are proposing two 4-inch pipes to be 3-inches apart to maintain a wider mouth for less opportunity for obstruction. Chair Higgins commented that it would seem that a 4-inch pipe would clog more than a 6-inch pipe. Mr. Jamesapollos said that a smaller pipe would prevent larger animals from living in the pipes. Chair Higgins asked what the flow was in the spring. Mr. Jamesapollos replied that from what they have observed the flow is low. There is a steady trickle in April. He explained that Stamski and McNary sized the piping and he can ask them for clarification.

Mr. Jamesapollos informed the Commission that the distribution box for the septic system was replaced in November 2019. Chair Higgins requested that information be noted on the plan.

Chair Higgins asked if the stone at the end of the driveway was in the right-of-way. Mr. Jamesapollos confirmed that they will need to get CPW approval.

Director Kaye noted that the table of existing and proposed Riverfront Area alterations needs to be revised so that there is no increase within the Riverfront Area. Mr. Jamesapollos said that early in the planning process they looked at ways to keep everything at a net neutral. Different alternatives need to be noted in the narrative and on the plans. He will review with from Stamski and McNary.

There were no public comments.

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

**Abbreviated Notice of Resource area Delineation Application, Bentley Building Corporation, 111 Ripley Hill Road, DEP File #137-1529**

Chair Higgins opened the hearing seeking confirmation of the Bordering Vegetated Wetlands delineation from the Natural Resources Commission.

List of plans and documents discussed at this meeting:

- Abbreviated Notice of Resource area Delineation Application; and
- Resource Area Delineation Plan prepared by Stamski and McNary, Inc. dated May 27, 2020.

Chair Higgins explained to the public that the purpose of this project was to review the wetland delineation only as no development has been put forward for review.

Molly Obendorf of Stamski and McNary attended tonight's meeting. Ms. Obendorf said the Bordering Vegetated Wetland was delineated by Mr. Crossman of B & C Associates delineated. Chair Higgins said that staff has reviewed the flagging and approves.

There were no public comments.

Commissioner Zaunbrecher moved to issue an Order of Resource Area Delineation for DEP File #137-1529 with one Finding. Commissioner Nardi seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

**Abbreviated Notice of Resource area Delineation Application, Concord Children's Center, 250 Old Bedford Road, DEP File #137-1530**

Chair Higgins opened the hearing seeking confirmation of the Bordering Vegetated Wetlands delineation from the Natural Resources Commission.

List of plans and documents discussed at this meeting:

- Abbreviated Notice of Resource area Delineation Application; and
- Resource Area Delineation Plan prepared by Stamski and McNary, Inc. dated May 27, 2020.

Chair Higgins explained to the public that the purpose of this project was to review the wetland delineation only as no development has been put forward for review.

Molly Obendorf of Stamski and McNary attended tonight's meeting. Ms. Obendorf said the wetlands were delineated by David Crossman of B & C Associates. Chair Higgins said that staff has reviewed the flagging and approves.

Commissioner Zaunbrecher moved to issue an Order of Resource Area Delineation for DEP File #137-1530 with Finding 1. Commissioner Nardi seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

**Request for Determination of Applicability Application, Ben Elliott, 54 Westford Road, RDA File #20-5**

Chair Higgins opened the hearing seeking permission to demolish an existing 5-bay garage within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Request for Determination of Applicability

Applicant Ben Elliott attended tonight's meeting. Mr. Elliott informed the Commission that there is a garage between the wetland and the chicken coop that is falling down, which will be taken down with heavy equipment, loaded into a dumpster, then removed.

There were no public comments.

Commissioner Zaunbrecher moved to issue a Negative Determination of Applicability #3 with the following conditions: a pre-construction meeting will be held on site before demolition begins, disturbed areas to be loamed and seeded, and a letter to be submitted to NRC when work is complete. Commissioner Nardi seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

**Request to Amended Order of Conditions, Caroline and Christopher Mahoney,  
27 Commerford Road, DEP File #137-1506**

Chair Higgins opened 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.

List of plans and documents discussed at this meeting:

- Amended Order of Conditions; and
- Wetland Permitting Plan revised by Caroline and Christopher Mahoney dated June 16, 2020.

The Applicants, Christopher and Caroline Mahoney, attended tonight's meeting. Mr. Mahoney explained that currently there is a 2-foot overhang for the existing house. They would like to construct the same overhang for the addition that recently received NRC approval. Some of the overhang is proposed within the 50-foot NBZ, and additional mitigation will be provided.

Commissioner Huggins noted that the Applicants submitted a waiver that meets with their policy.

There were no public comments.

Commissioner Zaunbrecher moved to issue an Amended Order of Conditions for DEP File #137-1506 to allow an increase of the roof line into the 50-foot NBZ. Commissioner Huggins seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

**EXTENSION REQUEST**

**Silver Hill Association, 22A & 25A Silver Hill Road, DEP File #137-1062**

The project involves a 5-year aquatic management and maintenance program for Silver Hill Pond in Land Under Waterbodies and Waterways, and invasive species control in Bordering Vegetated Wetlands and Bordering Land Subject to Flooding.

Commissioner Huggins moved to approve a one-year Extension Permit for the Order of Conditions DEP File #137-1062. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

**Dimock, 79 Commerford Road, DEP File #137-1394**

The project involves the construction of a three-season porch and reconstruction and extension of an existing deck within the 200-foot Riverfront Area to Baptist Brook and within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Commissioner Huggins moved to approve a one-year Extension Permit for the Order of Conditions DEP File #137-1394. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

## **CLOSE AND ISSUE PERMITS**

### **Lyons, 42 Birch Drive, DEP File #137-1528**

Chair Higgins reopened 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.

Commissioner Huggins moved to close the hearing and issue an Order of Condition for DEP File #137-1528 with Findings A and B, Standard Conditions 1-19, and Special Conditions 20-50. Commissioner Nardi seconded. It was **UNANIMOUSLY VOTED** by Roll Call Vote: Higgins, Aye, Huggins, Aye, Nardi, Aye, Pappas, Aye, Zaunbrecher, Aye.

### **Administrative Approvals:**

- **Concord Land Conservation Trust, 115X Lowell Road, Trail Improvements**  
Director Kaye said CLCT would like to replace the double plank boardwalk on the portion of the trail through wetlands as it is approximately 30 years old and beginning to fail. Approval was granted.
- **Stearns, 124 Tarbell Spring Road, Tree Removal**  
Director Kaye said the homeowner proposed to remove two dead pine trees, within the 25-foot NDZ, and close to the house. Staff does not have any concerns. The stumps will remain. The homeowner, Laura Stearns, said a crane will be used to remove the trees. She would also like to remove a dead hemlock when the equipment is on site. She will plant some native shrubs in the yard. Approval was granted.
- **Mardis, 22 Monsen Road, Tree Removal**  
Director Kaye said the NRC had approved the removal of two dead pine trees for this property a few weeks ago. In the meantime, the arborist has identified a broken blue spruce which the homeowner would like to remove as well. They will replace with native shrubs. Approval was granted.

## **OTHER BUSINESS**

### **Review Draft Climate Action Plan**

Director Kaye said that Kate Hanley, Director of Sustainability, received a grant to prepare working on the Climate Action Plan. She is working in concert with Town staff and members of the public. Chair Higgins said the Climate Action Plan was discussed at the Chair Breakfast and Ms. Hanley would appreciate feedback. Chair Higgins asked that if anyone had any comments to submit them as soon as possible.

Chair Higgins said this is largely based on renewable energy in order to move away from fossil fuels. Concord buys clean energy. Is there a plan for the entire country to do this as well or is this just Concord because we have the money and a private electric company? Commissioner Pappas said he was on the Climate Action Advisory Board. He explained that the intent is for many other communities to provide leadership. Concord does provide leadership because they are able to.

Commissioner Zaunbrecher said that some areas that have public utilities that customers have options to buy clean energy. Chair Higgins asked what happens if there is no tax credit. Commissioner Pappas said that the cost of solar is going down through new technology. Commissioner Zaunbrecher said that the State of Massachusetts has aggressive goals along with funding to help other communities that aren't as well-funded as Concord. Commissioner Pappas commented that the coronavirus pandemic has changed things temporarily. One observation is that the goals about public transportation are much different. Commissioner Zaunbrecher commented that wetlands function as a carbon sink and a natural way to sequester carbon. It would be helpful to highlight and educate Town citizens about wetlands and helping reduce the impacts of climate change. Chair Higgins recommended that Commissioner Zaunbrecher forward that comment to Kate Hanley.

Commissioner Huggins said there is a statement on page 31 that 30% of Concord's open space is protected from development. Is that 30% land open space or 30% because it is permanently protected and would otherwise be undevelopable because it is a wetland or river, etc.?

Commissioner Zaunbrecher said that when the Town looked at who owned the land and how much was protected open space between the Town of Concord and other entities, including the federal and state government, there was land that would not be built on because it was protected.

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

This meeting adjourned at 9:08 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://www.youtube.com/watch?v=nbG7mtGCvbY&list=PL1TTzrWEKOOImahd64BNDRcMg6lzsntlhS&index=7&t=0s>