

NATURAL RESOURCES COMMISSION
Meeting Minutes
August 30, 2023

Pursuant to the notice filed with the Town Clerk, a public meeting of the Natural Resources Commission was held on Wednesday, August 30, 2023 at 7:00 p.m., at 141 Keyes Road, First Floor Conference Room. The following Commissioners were present: Ed Nardi, Chair, Sarah Grimwood, and Gary Kleiman. Commissioner Pappas and Commissioner Kemeza were absent. Natural Resources Director Delia Kaye, Assistant Natural Resources Director Bert Comins, and Natural Resources Administrative Assistant Karen Bockoven were also present.

PUBLIC COMMENT
APPROVE MEETING MINUTES
<ul style="list-style-type: none"> • May 17, 2023 and June 7, 2023
COMMISSIONER COMMENTS
DIRECTOR'S UPDATE
TO BE CONTINUED WITHOUT DISCUSSION TO SEPTEMBER 20, 2023
<ul style="list-style-type: none"> • THE DARTMOUTH GROUP, 1024 Main Street, NOI
TO BE OPENED AND CONTINUED WITHOUT DISCUSSION TO SEPTEMBER 20, 2023
<ul style="list-style-type: none"> • PRESSMAN, 256 Bedford Street, NOI
TO BE CONTINUED WITHOUT DISCUSSION TO OCTOBER 11, 2023
<ul style="list-style-type: none"> • 166 COMMONWEALTH AVENUE CONCORD LLC, 166 Commonwealth Avenue, NOI
CONTINUANCES
<ul style="list-style-type: none"> • GOULET & LINNIK, 311 Garfield Road, NOI • THERIAULT, 1266 Monument Street, NOI
NEW APPLICATIONS
<ul style="list-style-type: none"> • COMCAST, 1024 Main Street, RDA • WOOD, 241 Barretts Mill Road, NOI • WARD, 103 Pilgrim Road, NOI • CROSSPOINT ASSOCIATES, INC., 768 Elm Street, NOI • BAILEY, 460 Garfield Road, NOI
EXTENSION REQUEST
<ul style="list-style-type: none"> • CONCORD GREENE, 1024 Main Street
CERTIFICATES OF COMPLIANCE
<ul style="list-style-type: none"> • SCOTT, 96 Old Bedford Road • BAILEY, 460 Garfield Road
OTHER BUSINESS
<ul style="list-style-type: none"> • Grady Flinn, Eagle Scout Project (Brister Freeman Marker) • Heywood Meadow Stewardship Committee Appointment: David Bell, 1657 Monument Street for a term to expire May 31, 2024
ADMINISTRATIVE APPROVALS
<ul style="list-style-type: none"> • TOWN OF CONCORD, 28A Laws Brook Road, Trail Improvements

Mr. Nardi called the meeting to order at 7:00 p.m.

PUBLIC COMMENT

None.

APPROVE MEETING MINUTES

Mr. Kleiman moved to approve the May 17, 2023 NRC meeting minutes, as amended. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

Mr. Kleiman moved to approve the June 7, 2023 NRC meeting minutes, as written. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

COMMISSIONER COMMENTS

None.

DIRECTOR'S UPDATE

- The Conservation Crew has finished up for the season. Land Manager Will Holden will continue to keep the conservation properties maintained.
- Ranger DeAnna Collins is out on a work-related injury.
- Bob White, Trails Committee Chair, and trail stewards have been working at the Old Rifle Range restoring some of the historical signage. Ms. Kaye said before World War I, the property was used as a training ground. She explained that some retaining walls have been installed around the target butts to protect them from being further covered with soil. Mr. Comins is working with CPW Engineering for the survey, design, and permitting services for the narrow section of trail at the Old Rifle Range. The goal is to widen the trail to allow two people to comfortably pass.
- The water bars at West Concord Park at the Blue Jay Drive access have been installed. The trail was regraded for better out slope to resolve the gullying issues.
- Boy Scout Lincoln Green, as part of his Eagle Scout project, installed five new water bars at Punkatasset. Staff will schedule an invasives management workshop at Punkatasset in mid-September.
- The review committee evaluating the Warners Pond Dam Removal Preliminary Design has reviewed the proposal received and recommended hiring EA Engineering. Director Kaye said she is developing the contract now. A neighborhood group discussion originally scheduled for the first week in September will be rescheduled.
- CPA applications are due on September 8th. Mr. Comins is working on the application to replace the steps at the Hillcrest conservation land. The application includes the survey, design, permitting, and cost estimates. The plan is to go back next year to request CPA funding for construction. A CPA application will also be submitted for wall replacement at Heywood Meadow near Mill Brook. A project at the Barrett's Mill farmhouse may also be submitted, to add a second bedroom to the one-bedroom unit of the 2-unit farmhouse.

- Concord Ag Day will be held on September 9th from 10 am to 12 noon. Natural Resources will table again with CLCT.
- The Art Ramble was installed at the Hapgood Wright Town Forest and will run through November.

TO BE CONTINUED TO SEPTEMBER 20, 2023

Notice of Intent, The Dartmouth Group, 1024 Main Street, DEP File #137-1634

At the request of the Applicant, Mr. Kleiman moved to continue the hearing to September 20, 2023. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

TO BE OPENED AND CONTINUED TO SEPTEMBER 20, 2023

Notice of Intent, Pressman, 256 Bedford Street, DEP File #137-1652

At the request of the Applicant, Mr. Kleiman moved to open and continue the hearing to September 20, 2023. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

TO BE CONTINUED TO OCTOBER 11, 2023

Notice of Intent, 166 Commonwealth Avenue Concord LLC, 166 Commonwealth Avenue, DEP File #137-1643

At the request of the Applicant, Mr. Kleiman moved to continue the hearing to September 20, 2023. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

CONTINUANCES

Notice of Intent, Goulet & Linnik, 311 Garfield Road, DEP File #137-1647

Rich Kirby of LEC Environmental and Tim Lee of Tim Lee Landscape Design attended tonight's meeting. Since the last meeting they have received comments from DEP and staff, and have submitted revised plans to address these comments. Mr. Kirby said they are waiting to hear from CMLP about putting the utility lines underground. In addition, specifics regarding the seed mixtures to be used in the various mitigation areas, Feno markers installed outside 25-foot NDZ, and information regarding the existing retaining wall have all been noted on the revised plans. The homeowners would like to rebuild and raise the existing boulder wall up to the 50-foot NBZ to a max height of four feet.

Mr. Kirby said in response to a DEP comment about invasives removal, impacts to the BVW resulting from porcelain berry removal have been reevaluated. They determined a 5:1 ratio of square feet of plant removed per square foot of soil disturbed could be used to calculate actual impacts to the BVW. Using this calculation, managing invasives in the entire area would result in 1,700 sf of impacts to the BVW. Mr. Nardi asked Ms. Kaye if she was okay with this calculation. Ms. Kaye agreed with the calculation.

Mr. Kirby said staff has requested the proposed annual mow occur in late fall (November) through early spring (April) and they have noted this revision on the plan.

Dr. Grimwood asked which Norway maples were being removed. Mr. Lee replied that three Norway maples along the driveway are proposed for removal. Mr. Kirby said they will also be removing the burning bush. Details are noted on the plan.

There were no public comments.

Dr. Grimwood moved to close the hearing and issue an Order of Conditions for DEP File #137-1647 with Findings A, B, and C, Standard Conditions 1-20, and Special Conditions 21-59. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

Notice of Intent, Theriault, 1266 Monument Street, DEP File #137-1649

Nathanial Cataldo of Stamski and McNary attended tonight's meeting. Mr. Cataldo said based on the discussion from the last meeting and staff comments, they have noted on the plan that invasives behind the existing fence will be removed by hand and disposed of offsite. A tree protection detail has also been added to the plans. The NRC did not have any questions or concerns.

There were no public comments.

Mr. Kleiman moved to close the hearing and issue an Order of Conditions for DEP File #137-1649 with Finding A, Standard Conditions 1-20, and Standard Conditions 21-53. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

NEW APPLICATIONS

Request for Determination of Applicability, Comcast, 1024 Main Street, RDA File #23-10

Paul Dewsnap of Dewsnap Engineering and Dave Flewelling of Comcast attended tonight's meeting. Mr. Dewsnap said there is a damaged cable at building #19. They are proposing to install a four-inch conduit in the ground and then put the wire into the conduit. Mr. Nardi asked how deep the trench will be. Mr. Flewelling said they will dig down two feet using a small machine (trench bucket) or hand dig any areas where a small machine cannot be used. Mr. Kleiman asked if the work will be inside the straw wattles and away from the resource area. Mr. Flewelling confirmed that was correct.

There were no public comments.

Mr. Kleiman moved to issue a Negative Determination of Applicability #3 with the following conditions: 1) A pre-construction conference will be held with DNR staff prior to commencement of work; and 2) after the project has been completed, the Applicant shall submit a letter to the NRC stating that all work has been conducted in accordance with all conditions of this Determination of Applicability. Any changes from the RDA shall be described. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

Notice of Intent, Wood, 241 Barretts Mill Road, DEP File #137-1651

Nathanial Cataldo of Stamski and McNary and Angie Verge of Angie Verge Landscape Design attended tonight's meeting. Mr. Cataldo noted that Spencer Brook runs along the western side of the site and that most of the site is within 200-foot Riverfront Area. There is also an associated BVW and BLSF. Mr. Cataldo said that work is proposed behind the house within the outer 100-foot Riverfront. Mr. Cataldo said they will be removing a retaining wall and planting 905 sf. of new plantings. He said there are two sheds on site, one within the 25-foot NDZ, and the second on a concrete pad within the 50-foot

NBZ. The shed within the 25-foot NDZ is being removed and that area will be loamed and seeded. The other shed will be replaced with a new shed installed on the existing concrete slab. Mr. Cataldo said tree protections requested by staff have been noted on the plan, the arborvitae shrubs will be removed and replaced (1:1 ratio) with native plants, and waivers for work within the 25-foot NDZ and 50-foot NBZ have been submitted.

Ms. Verge said she has worked with both the Planning Division and Engineering Division to develop a good plan to minimize soil disturbance.

There were no public comments.

Mr. Kleiman moved to close the hearing and issue an Order of Conditions for DEP File #137-1651 with Findings A, B, and C, Standard Conditions 1-20, and Special Conditions 21-53. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

Notice of Intent, Ward, 103 Pilgrim Road, DEP File #137-1653

Homeowner Eric Ward attended tonight's meeting. Mr. Ward said his project involves replacing the heating system with heat pumps, insulation inside the roof envelope, new siding, new windows, and replacing the existing porch (approx. 200 sf.) with a slightly larger porch (approx. 340 sf.). He would also like to construct a set of stairs off the porch for access to the backyard. He said the new porch will encroach into the 100-foot BZ (approximately 120 sf.) and he is proposing to mitigate that work with native plantings in an area that is currently lawn. Mr. Comins asked Mr. Ward to add a detail to the plan showing that the cantilevered portion of the porch will be above the flood zone elevation. Mr. Ward said he will also provide a narrative with additional information that DEP requested.

There were no public comments.

The Applicant agreed to continue the hearing to September 20, 2023 to allow additional information to be provided.

Notice of Intent, Crosspoint Associates, Inc., 768 Elm Street, DEP File #137-1650

Kerry McCormack of Crosspoint Associates, Brian Butler of Oxbow Associates, Brandon Li of Kelly Engineering Group, and Vesna Maneva of Halvorson Tighe Bond Studio attended tonight's meeting. Mr. McCormack informed the Commission that the lease for the Paparazzi Restaurant has expired and Crosspoint Associates is under agreement to purchase the property. Most of the site is impervious with only a small amount of landscaping and no stormwater water management. Currently the water sheet flows to the back of the site into wetlands. The septic system has been in failure for years.

Mr. McCormack said their proposal is to raze the 8,000 sf. Building and redevelop the site. Their plan includes landscaping, paving, stormwater improvements, a new septic system, four tenant buildings, and outdoor seating amenities. Mr. McCormack said currently there are 143 parking spaces on the property and they plan on reducing that number to 115. Mr. McCormack said if a new restaurant goes in, they will need to provide 115 parking spaces. He said no leases have been signed yet but they would like the flexibility to have approval for a restaurant to possibly lease a space. Mr. Nardi noted that zoning only requires 95 spaces and asked the applicant to consider allocating for future parking but not actually building them now to keep more permeable surface. Mr. McCormack replied that potential tenants are looking for parking for their business and for their employees and they have worked hard to reduce the amount of pavement, will provide many plantings, and that their proposed project will be a big improvement to the site.

Mr. Butler noted the different resources areas and said they will put in native plantings within the regulated resource areas. Existing invasives species are typical to the area. Mr. Butler said the project will provide an improvement over existing conditions.

Mr. Li reiterated that there is no stormwater management on the site. Currently, the water sheet flows on the pavement and drains to the north of the site into wetlands. There are two paved swales. Mr. Li said they have designed a stormwater management system that fully complies with Massachusetts DEP Stormwater Management Standards. A bioretention swale will replace the existing paved swale and roof runoff will be picked up by subsurface recharge systems. In the front parking lot, they will install deep sump catch basins as well as a proprietary water quality device which will drain to the back of the property, another area of pavement will drain into a rain garden. The new limit of pavement will be outside the 25-foot NDZ there will be 7,761 sf. reduction of pavement in the 100-foot BZ, and a 4,173 sf. reduction of pavement in the 200-foot Riverfront area. During construction resource areas will be protected with erosion controls (silt socks) installed along the entire rear of the site and silt sacks in all the catch basins. The septic system will be completely replaced and installed at the front of the site. Mr. Li said that grease traps, septic tanks, and sewer manholes will all be located outside the 75-foot BZ. Snow storage will be outside the 50-NBZ.

Ms. Maneva said all proposed plants are native. She explained that the sunny area to the north will have appropriate plants for that area and the bioswales will have a combination of native shrubs, grasses, and perennials. The front of the property (outside the 100-foot BZ) will also have native plantings and the existing vegetation along the edge of the property next to the hotel will remain. They chose a diverse species of plants that will be low maintenance. They will need to mow several times a year during the first few growing seasons. After the meadow is established, mowing will be done only once a year. A mowing schedule will be provided.

Mr. McCormack informed the NRC that peer review for traffic study and stormwater is required. They also need to present their project to the Planning Board.

Mr. Butler wanted to clarify a few comments that Mr. Comins noted. He said that snow storage will be located outside 50-foot NBZ. Mr. Nardi asked about the size of the snow storage. Ms. Kaye was concerned that most of the snow storage is in the landscaped islands. Mr. McCormack said normally the snow is piled on the pavement and then scheduled to be moved off site. Ms. Kaye said the Commission typically includes that as a special condition and that any snow outside the designed snow storage areas will need to be moved off site.

Mr. Butler asked, if necessary, can they apply spot treatment to the invasives within the bioswale and meadow areas. Ms. Maneva said herbicide is needed to treat knotweed. Ms. Kaye agreed. She said the NRC usually does not allow herbicide spraying but the Commission has allowed spraying in the past for some larger infestations. She said stem injection may be a good option. Mr. Nardi requested a narrative outlining the method for removing invasives.

Mr. Li said the proposed rain garden extends past the existing pavement by about three feet. If they were to move it towards the right that would reduce the berm from the curb to the rain garden. They would like to have a five-foot berm that would allow for 12-inch river stone along the edge before the elevation drops. They could reduce the berm from five feet to two feet.

Ms. Kaye requested that the erosion controls be relocated around removal of the paved swale and a waiver from the 25-foot NDZ provided. She also requested that the jute netting be replaced with an alternative because it can trap wildlife. Ms. Kaye said Flexterra was successfully used for the White Pond slope restoration project.

There were no public comments.

The Applicant agreed to continue the hearing to September 20, 2023 to allow additional information to be provided.

Notice of Intent, Bailey, 460 Garfield Road, DEP File #137-1654

Homeowners David and Jane Bailey and Kenneth Lania of Cornerstone Land Associates attended tonight's meeting. Mr. Lania explained that there is an intermittent stream that runs along the rear of the lot. BVW was flagged along the base of the slope to the rear of the house. He said that staff had inquired about the existing deck and whether or not it was built after the original Order of Conditions was issued in 1983. Mr. Lania said the original house plans show the deck. A copy of the original plan and pictures from 1984 were shown to the Commission. Mr. Lania said the homeowners would now like to replace their existing deck because of safety concerns, using the existing sonotubes. Mr. Lania said the homeowners are also requesting approval to construct an addition. Three trees close to the addition are proposed for removal, one within the 50-foot NBZ and the other two within the 100-foot BZ. The trees to be removed and those to be protected are noted on the plan.

Mr. Lania said utility work will be needed to reconnect the new electric and gas lines. Two Cultec chambers to collect recharge will be installed and five native trees will be planted as mitigation for the proposed work. Stockpiling will be located outside the 100-BZ and will be staked on site. Ms. Kaye requested that this information be noted on the plan. Mr. Lania said staff also noted that a newly constructed footbridge over an intermittent stream was constructed. Mr. Bailey explained that the new footbridge replaced an existing footbridge as part of a historical path that has been used by Brigham Farm to access this particular property. He said the bridge was constructed so it could be easily moved if needed because of weather conditions.

There were no public comments.

The Applicant agreed to continue the hearing to September 20, 2023 to allow additional information to be provided.

EXTENSION REQUEST

Concord Greene, 1024 Main Street, DEP File #137-1475

The project involves removing dead and dying trees and replanting trees and shrubs within Bordering Land Subject to Flooding, the 200-foot Riverfront Area of a tributary to the Assabet River and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Sonja Kreh of the Dartmouth Group attended tonight's meeting. Ms. Kreh said there are 10 more plants they need to put in the ground, and they also need to replace 12 plants which died because of the drought last year. Three more trees are in poor health and may need to be replaced within the next three years. Ms. Kreh said one of the sugar maples on the shore of the pond behind building #19 is failing and will also need to be replaced. She said they will select plants and trees that were listed on the 2019 approved plan.

There were no public comments.

Dr. Grimwood moved to approve a three-year extension for DEP File #137-1475. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

CERTIFICATES OF COMPLIANCE

Scott, 96 Old Bedford Road, DEP File #137-795

Mr. Kleiman moved to issue a Certificate of Compliance for DEP File #137-795. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

Bailey, 460 Garfield Road, DEP File #137-127

Mr. Kleiman moved to issue a Certificate of Compliance for DEP File #137-127. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

OTHER BUSINESS

Grady Flinn, Eagle Scout Project (Brister Freeman Marker)

Boy Scout Grady Flinn of Troop 132 attended tonight's meeting. Mr. Flinn said he is continuing to work on his Eagle Scout project in conjunction with the Robbins House and is requesting approval to install a plaque at the Town Forest to raise awareness of African-American and anti-slavery history in Concord. He explained that the Brister Freeman family owned an acre of land that is now part of the Hapgood Wright Town Forest. The NRC reviewed a draft of the language for the plaque. Mr. Flinn would like to install the plaque at Brister's Hill at the entrance of the Harry Beyer Trail so the sign is visible to visitors as they first walk through the trail. His design for the sign includes a QR code which will open a set of audio excerpts read by high school students. Mr. Flinn would also like a portion of the plaque to include braille. The text on the plaque contains about 55 words that provide a short anecdote about the area and the logo for the Robbins House. He is trying to raise the profile of the Robbins House as well.

Mr. Nardi said this project captures an important moment in time and it will be a great educational experience for a lot of people. He thanked Mr. Flinn for his wonderful and important project.

Mr. Flinn informed the Commission that he has researched different types of signs. He said the sign regarding rules at Fairyland consists of an 18-inch by 24-inch aluminum sign mounted on a wooden backing (about 2-inches thick) with post in the ground. He is thinking of doing something like that and is working with a graphic designer to make the sign something that would attract attention. The proposed sign size is vertical (12-inch by 18-inch). The post will be installed four feet above ground and two feet below ground. Before he begins installation, he will get Dig Safe approval. Mr. Nardi asked if a brass plaque was possible which would last longer. Ms. Kaye said another option may be to use a brass or bronze plaque embedded in a stone. Mr. Flinn said that a QR code may not make this a feasible option and that aluminum fits better with his budget but he is open to other ideas. Mr. Nardi said that may be a better option because wooden posts and backing will eventually rot. Ms. Kaye can discuss options with Mr. Flinn offline. Mr. Kleiman asked if the height of the post was considered for people who are shorter or in a wheelchair. Mr. Flinn will get some information about that. Dr. Grimwood said a shorter post will also make the signage better for younger children.

The NRC thanked Mr. Flinn for all the work he has done for this important project.

Jen Turner, Executive Director of the Robbins House, said she and members of the Robbins House are proud of Grady and his project and the outstanding job he has done.

Mr. Flinn thanked the NRC. He also thanked Ms. Kaye for all her help.

Heywood Meadow Stewardship Committee Member Appointment

Mr. Kleiman moved to appoint David Bell, 1657 Monument Street, for a term to expire May 31, 2024. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

Administrative Approvals:

- **Town of Concord, 28A Laws Brook Road, Trail Improvements**

Ms. Kaye requested after-the-fact approval for the installation of two water bars and slope grading at West Concord Park. Approval was granted.

At 9:10 pm, with no further presentations or public comment, the Chair adjourned the meeting.

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=r-mm8BfZm3g&list=PL1TTzrWEKOOmVv84OJSDa6rdv9_Uu7NrN&index=1