

NATURAL RESOURCES COMMISSION
Meeting Minutes
December 4, 2019

Pursuant to the notice filed with the Town Clerk, the meeting of the Natural Resources Commission was held at 141 Keyes Road, first floor conference room, Concord, MA at 7:00 p.m. on Wednesday, December 4, 2019. The following Commissioners were present: Greg Higgins, Chair, Lynn Huggins, Ed Nardi, and Nick Pappas. Commissioner Zaunbrecher was absent. Colleen Puzas, Assistant Natural Resources Director, and Natural Resources Administrative Assistant Karen Bockoven were also present.

Chair Higgins opened the meeting at 7:00 p.m. in accordance with the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, and the Concord Wetlands Bylaw.

APPROVE MEETING MINUTES <ul style="list-style-type: none">September 18, 2019
TO BE OPENED AND CONTINUED TO DECEMBER 18, 2019 <ul style="list-style-type: none">ROBB, 55 Musterfield Road, NOI
TO BE CONTINUED TO DECEMBER 18, 2019 <ul style="list-style-type: none">MASSACHUSETTS PORT AUTHORITY, 200 Hanscom Drive, NOI
TO BE CONTINUED TO JANUARY 8, 2020 <ul style="list-style-type: none">AWALT & CONLEY, 396 Great Meadows Road, NOI
CONTINUANCES <ul style="list-style-type: none">LEMONIAS DEVELOPMENT CORPORATION, 2160 Main Street, NOIMASSACHUSETTS DEPARTMENT OF CONSERVATION AND RECREATION, 90B Walden Street, NOIKEAN, 394 Monument Street, NOI
NEW APPLICATIONS <ul style="list-style-type: none">MCGINN, 95 Coolidge Road, NOI
CLOSE and ISSUE <ul style="list-style-type: none">CUOCO, 66 Wayside Road
ADMINISTRATIVE APPROVALS <ul style="list-style-type: none">PERRY, 123 Farmer's Cliff Road, Tree Removal

APPROVE MEETING MINUTES

Commissioner Huggins moved to approve the September 18, 2019 NRC meeting minutes, as written. Commissioner Nardi seconded. All so voted.

TO BE OPENED AND CONTINUED TO DECEMBER 18, 2019

Notice of Intent Application, George and Nancy Robb, 55 Musterfield Road, DEP File #137-1500

Chair Higgins opened the hearing seeking approval to construct an addition to the existing single-family dwelling, modify the septic system, and install a vegetated stormwater drainage swale within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Nardi moved to open and continue the hearing until December 18, 2019. Commissioner Pappas seconded. All so voted.

TO BE CONTINUED TO DECEMBER 18, 2019

Notice of Intent Application, Massachusetts Port Authority, 200 Hanscom Drive, DEP File #137-1496

Chair Higgins reopened the hearing seeking approval to update the existing airport-wide Vegetation Management Plan for the ongoing control and management of vegetated obstructions to navigable airspace at L.G. Hanscom Field within Bank, Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, the 200-foot Riverfront Area of Elm Brook, Certified Vernal Pool Habitat, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Pappas moved to continue the hearing until December 18, 2019. Commissioner Huggins seconded. All so voted.

TO BE CONTINUED TO JANUARY 8, 2020

Notice of Intent of Application, Elizabeth Awalt and John Conley, 396 Great Meadows Road, DEP File #137-1497

Chair Higgins reopened the hearing seeking approval to construct an addition and deck, and conduct invasive species removal within Bordering Land Subject to Flooding and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved to continue the hearing until January 8, 2020. Commissioner Nardi seconded. All so voted.

CONTINUANCES

Notice of Intent Application, Lemonias Development Corporation, 2160 Main Street, DEP File #137-1470

Chair Higgins reopened the hearing seeking approval to construct one single-family dwelling, two septic systems, and a common driveway within 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:

- Common Driveway Plan prepared by Stamski and McNary, Inc. revised November 18, 2019.

Paul Kirchner stated that three (2-inch) oak trees within the NRC's jurisdiction will have to be removed. They will replace the trees. If other trees need to be removed the contractor will contact staff.

Mr. Kirchner said that a dry well has been added for the new dwelling. The dry well is located within the access for the utility easement.

Mr. Kirchner said as requested by staff they will install Flexterra rather than jute matting for all disturbed slopes and have noted that on the plan.

Chair Higgins said that Director Kaye would like the Conservation Restriction boundary lines to be squared off. Mr. Kirchner agreed.

Mr. Kirchner said he added a note to the plan stating that the retaining wall will be modular. Chair Higgins said that because the wall will be over four feet, a structural engineer will need to design the wall. He asked Mr. Kirchner to note that on the plan.

Mr. Kirchner informed the NRC that he spoke with the Fire Department. They are fine with the location but are concerned about grass pavers that are made from plastic materials. Chair Higgins said Mr. Kirchner needs to get Fire Department approval. The turnaround area needs to remain open at all times.

Commissioner Huggins said the Planning Board needs to review prior to the NRC issuing a permit.

Mr. Kirchner said the septic plans will be completed this week.

The Applicant agreed to continue the hearing until January 8, 2020 to allow for additional information to be provided.

Notice of Intent of Application, Massachusetts Department of Conservation and Recreation, 90B Walden Street, DEP File #137-1501

Chair Higgins reopened the hearing seeking approval to perform ADA trail improvements, including grading and stabilization measures within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Walden Pond Thoreau House Site Trail Improvements Plan prepared by Crosby/Schlessinger/Smallridge, LLC revised November 21, 2019.

Alexandra Echandi of BSC Group, Nathaniel Tipton of the Massachusetts Department of Conservation and Recreation (DCR), and Cullen Meves of Crosby, Schlessinger, Smallridge (CSS) attended tonight's meeting. Ms. Echandi said as requested they have updated the Notice of Intent Application form and completed section D. 4. They will also install coir logs for the restoration area by the cove rather than log check dams. Ms. Echandi explained that two out of three drainage basins to be removed are within the corridor of the trail improvements and will be filled with stone. The third basin will be restored with seed mix. The plans have been updated with this information. DCR has submitted a monitoring plan. All plantings have a one-year warranty. Signage will be installed to inform the public which trails are open. They will also post this information online. No stockpiling will occur within any resource areas. They will detail on the construction plans the stockpiling locations. Ms. Echandi explained that they will not be transplanting any oak trees, just white pine seedlings. Sassafras will be planted instead of hickory. Natural Heritage has reviewed the project and determined that there is no impact to endangered species.

There were no public comments.

The Applicant agreed to continue the hearing until December 18, 2019 at which time the Commission expects to issue an Order of Conditions.

Notice of Intent Application, Lewis Kean, 394 Monument Street, DEP File #137-1499

Chair Higgins reopened the hearing seeking after-the-fact approval to construct a landscape wall within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to the Concord River, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Wetland Permitting Plan prepared by Stamski and McNary, Inc. revised November 22, 2019.

Paul Kirchner of Stamski and McNary attended tonight's meeting. Mr. Kirchner said they revised the plan to show the wall and patio, confirming that the wall is proposed within the prior approved patio location. Noted also on the plan is the 403 s.f. of compensatory floodplain storage. Mr. Kirchner informed the NRC that they will be attending the ZBA meeting on December 12th.

There were no public comments.

The Applicant agreed to continue the hearing until December 18, 2019 at which time the Commission expects to issue an Order of Conditions.

NEW APPLICATIONS

Notice of Intent Application, Paul McGinn, 95 Coolidge Road, DEP File #137-1502

Chair Higgins opened the hearing seeking after-the-fact approval for clearing vegetation and native plant restoration within Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, Land Under Waterbodies and Waterways, the 200-foot Riverfront Area to the Sudbury River, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application.

Homeowners Karen Donahue and Paul McGinn, and Brian Butler of Oxbow Associates attended tonight's meeting. Mr. McGinn said they purchased their house last spring and were told by the prior owners and neighbors that it was a practice to mow the field between the river and the properties in late summer or early fall. John Bordman did the work previously but the other property owners decided to hire a new contractor. Their property had not been mowed for several years and was the first property that was done.

Mr. Butler explained that straw wattles were installed immediately and the area was seeded with a native seed mix as requested by staff. Buttonbush had been cut to a stubble. The understory of the silver maples, red maples, and green ash was also cut. No trees were cut or damaged. Mr. Butler believes the buttonbush will rebound on its own. In the spring they will take some green sprouts of buttonbush along the river and headstart in a nursery (approximately 200 sprouts). Mr. Butler is not concerned about invasives growing because there is too much water. They will monitor and replant in August of next year. They will also monitor the understory and replant with plugs and fill in any bare areas. They will use a drone to monitor the site for two years.

Commissioner Huggins stated that the NRC would require that the site be monitored for three years.

Commissioner Huggins asked if they find any invasives such as purple loosestrife or buckthorn, to remove them by hand. Mr. Butler agreed and stated they will contact staff if another method of removal is necessary.

Chair Higgins said a waiver to do work within the 25-foot NDZ needs to be submitted. He also requested that the Applicant install markers to demarcate the mowing. Mr. Butler agreed.

Chair Higgins stated that a small pile of brush needs to be removed. Ms. Donahue asked if they could burn the brush. Commissioner Huggins said they will have to check with Fire Department and apply for a permit.

There were no public comments.

The Applicant agreed to continue the hearing until January 8, 2020 to allow for additional information to be provided.

CLOSE AND ISSUE PERMITS

James Cuoco, 66 Wayside Road, DEP File #137-1503

Chair Higgins reopened the hearing seeking approval to convert an existing deck to a screened porch within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Commissioner Huggins moved to close the hearing and issue an Order of Conditions for DEP File #137-1503 with Findings A and B, Standard Conditions 1-19, and Special Conditions 20-43. Commissioner Nardi seconded. All so voted.

Administrative Approvals:

- **Perry, 123 Farmer's Cliff Road, Tree Removal**

Assistant Director Puzas explained that the homeowner would like to remove a large pine tree that was struck by lightning and is in bad shape. An arborist said it should be removed. They will to use a crane to remove the tree itself from the site; the stump will remain. Approval was granted.

Commissioner Huggins moved to adjourn. Commissioner Nardi seconded. All so voted. This meeting adjourned at 7:53 p.m.

Respectfully submitted,

Karen Bockoven
Administrative Assistant