

and proper operation of these price scanning devices is another of the Sealer's duties.

The Weights and Measures official investigates consumer complaints that may be issued regarding weighing and measuring devices in the community that do not appear to be complying with legal standards. Upon investigation, whenever a failure of a device is found or failure of an establishment to comply with the weights & measures laws is discovered, immediate action is taken to facilitate compliance and, if necessary, the Sealer may issue civil citations or engage in criminal actions based upon these failures.

The following inspections were performed by the Sealer of Weights and Measures at more than 73 business establishments throughout the community: 105 weighing scales, 188 gasoline/diesel meters, approximately 42 bar code scanners, 600+ store shelf commodities, 10 fuel oil delivery trucks and a variety of other miscellaneous weighing and measuring devices... all "So That Equity May Prevail" in Concord.

NATURAL RESOURCES COMMISSION



From left: Stephen B. Verrill, Dean S. Banfield, Jeffrey W. Adams, Elissa J. Brown, George G. Lewis, Chair

The Natural Resources Commission (NRC) and staff would like to express their sincere appreciation to former Commissioner Jamie Bemis for her dedication and service, and to also welcome Jeff Adams as a new Commissioner.

The NRC and staff are responsible for the overall stewardship of the natural resources of the Town, and the establishment of Town environmental policy in con-

junction with the Selectmen and Town Meeting. The NRC administers the state Wetlands Protection Act (MGL Chapter 131, Section 40), Rivers Protection Act (MGL Chapter 258 of the Acts of 1996) and accompanying regulations (310 CMR 10.00), and the Concord Wetlands Bylaw and regulations. The NRC also plays an important role in open space planning pursuant to its authority under the Conservation Commission Act (MGL Chapter 40 Section 8c).

Wetlands Protection Act

The majority of Commission and staff time relates to administering and enforcing wetland regulations. The NRC reviewed 45 Notices of Intent, 9 Abbreviated Notices of Resource Area Delineation, and 12 Requests for Determination of Applicability, for a total of 66 new applications. The NRC received four requests to Amend an Order of Conditions, and two Requests to Extend an Order of Conditions. The NRC closed out many completed projects, issuing 32 Certificates of Compliance. DNR staff issued 36 administrative approvals for minor projects such as limited tree removal, deck construction, slope regrading, and stair repair. The NRC also began working with nine property owners to resolve new violations, including unauthorized tree removal and a beaver dam removal. Eight of the ten of the violations observed in 2010 have been resolved; the two identified late in the year are in the process of filing after the fact Notices of Intent. Efforts to resolve the violation identified in 2008 for industrial activities in wetlands are nearing completion and expected close out early next year.

No new appeals were filed in 2011. DEP upheld the Commission's decision on an appeal filed at the end of 2010 regarding parking lot improvements. Staff issued four Emergency Certifications, related to roadway flooding caused by beavers on Cambridge Turnpike and repair of two culverts at Route 117.

Projects of interest reviewed by the NRC this year include construction of a new public walking trail at Concord Riverwalk (1631 & 1641 Main Street) providing public access to the Assabet River; remediation work at the newly acquired Rogers Land at 6A Harrington Avenue; culvert replacement at Fairyland Pond; new athletic fields for Concord Academy at 153 Fairhaven Road; and commuter rail track work, including rehabili-

tation and/or reconstruction of the two river crossings, for the MBTA. Division staff performed numerous site visits to determine if proposed activities required NRC approval, to monitor ongoing construction for permitted projects, and to respond to violations.

NATURAL RESOURCES DIVISION

Delia Kaye, Natural Resources Director

Open Space Protection

The Town, in conjunction with the Concord Land Conservation Trust, successfully acquired 4.7 acres of land off Harrington Avenue for conservation purposes. Town Meeting authorized \$260,000 in Community Preservation Act funds to be expended toward the purchase price of \$450,000, and an additional \$50,000 for site restoration. The Land Trust committed \$240,000 from fundraising efforts. Proposed uses include agriculture, community gardens, and passive recreation. Farmed for many years until 2004, with frontage on the Assabet River, this parcel is adjacent to Second Division Brook Town conservation land and across the Assabet River from a parcel of restricted land associated with the Westvale Meadow Condominiums. Remediation work was completed soon after acquisition, and the second phase of restoration to bring the land back into agricultural use is expected to begin next year.

Conservation Restrictions: The NRC reviewed and recommended for approval Conservation Restrictions that will protect two important parcels in perpetuity. The Town granted a CR to the Concord Land Conservation Trust on the 3.7 acre parcel of land in West Concord acquired partially with Community Preservation Act funds. This land includes open upland, woodland, and frontage on the Assabet River. Dan Gainsboro granted a CR to the Town on a 1.7 acre parcel of wooded upland and wetland, also with frontage on the Assabet River.

Staff continued efforts to complete baseline reports on Town held CRs. Land Stewardship Inc. was contracted to complete 15 Baseline Documentation Reports (BDRs) and also provided training to the Conservation Restriction Stewardship Committee and DNR staff on how to develop BDRs and perform annual monitoring.

Natural Resource Management

The Division is responsible for the stewardship of ap-

proximately 1,320 acres of Town conservation land (including White Pond Reservation), maintaining 19 miles of trails, and mowing 84 acres to maintain trails and open meadows. Natural resource management also includes staff support to the seven NRC subcommittees, as well as coordinating with other local and regional stewardship initiatives.

Conservation Crew: Bruce McGarry and Christopher Wight performed trail maintenance, removed invasive exotic vegetation, mowed several acres of conservation lands, and conducted general maintenance on conservation lands throughout Town. The Crew removed the invasive aquatic water chestnut from Macone Pond, Warner's Pond, and Hutchins Pond, and continued the cooperative effort with US Fish and Wildlife, the Concord Land Conservation Trust, and the Town of Lincoln to remove water chestnut from the Sudbury River, aided by Concord Public Works. Terrestrial invasives were tackled along the stone wall at Heywood Meadow, and many invasive shrubs and saplings removed from Annursnac, Cousins Field, and the Emerson-Thoreau Amble. The Crew planted shrubs along the Amble that were purchased with a generous grant from the Garden Club. Jim Macone, with the assistance of the Crew, constructed a new bridge over the Mill Brook on land of the Ralph Waldo Emerson Memorial Association to connect the Emerson Thoreau amble with the Town Forest.

Intern: Brigit Arell began a 3-month internship in the Natural Resources office. Brigit is reviewing Town held CRs for completeness and comparing the data with the Town GIS system. Brigit will also be assessing other open space information to assist in preparing the new Open Space and Recreation Plan and will assist in identifying conservation lands suitable for farming.

Conservation Land Use Permits: The Natural Resources Director issued 21 Land Use permits to various groups using conservation lands including drag hunting with foxhounds, orienteering at Estabrook Woods, a variety of groups for field classroom purposes and ecological studies, camping on Scout Island, and the Musketaquid Arts and Environment Program Earth Day celebration. One educational workshop was held by the Association of Massachusetts Wetland Scientists at the Town Forest.

Invasive Species Control: DNR staff oversaw the second year of buckthorn control at the Old Calf Pasture conducted by the New England Wildflower Society. The Old Calf pasture is a historically significant open space, originally used as common pasturage for the Town, and home to a regionally significant rare violet population. In an effort to control the buckthorn while protecting the violet, DNR staff worked with NEWFS and Dr. Sally Zielinski to establish methods for buckthorn removal last year, and NEWFS continued the removal this fall. Ongoing efforts for invasive species control will continue in upcoming years.

Division staff continued working with other towns, organizations, and individuals in the Sudbury, Assabet, and Concord Rivers (SuAsCo) watershed to develop a strategic regional plan for invasive species management in the watershed and to promote collaborative approaches to achieve these priorities. In response to a Settlement Agreement to restore natural resources that were altered by mercury and other hazardous materials releases from the Nyanza site in Ashland, the State issued its Draft Restoration Plan/Environmental Assessment with 12 proposals. One of the proposals is a water chestnut and other aquatic invasive species removal effort in the Assabet, Sudbury, and Concord rivers and Heard Pond in Wayland. This 3-year project (longer if additional funding is available) is proposed to be over \$1 million of the \$3.7 million available for restoration funding. The control efforts would be coordinated by the SuAsCo Cooperative Invasives Species Management Area (CISMA), of which Concord is a member.

Conservation Restriction Stewardship Committee: The Town retained the services of Land Stewardship Inc. to prepare 15 Conservation Restriction baseline documentation reports (BDR's), and CRSC members reviewed reports as they were completed. Members of the CRSC worked diligently to complete the BDR's from the previous consultant, MassAudubon. The Committee has also undertaken monitoring on restrictions that have completed BDRs; as well as reviewed and commented on two new CRs. Members are G. Montgomery Lovejoy, Chair, Ann Colony, Lydia Rogers, and Emily Wheeler. Marilyn Hughes resigned earlier this year.



CRSC Members receive training from LSI on baseline and annual monitoring of Town CRs.

Heywood Meadow Stewardship Committee: The mission of the Heywood Meadow Stewardship Committee is to rehabilitate and preserve historic Heywood Meadow. The major focus this year has been to restore the 400 foot stone wall along Lexington Road. Seventy thousand dollars of Community Preservation Act funds were approved for the project by 2011 Town Meeting. In addition, the HMSC contributed \$3,500 and the Concord Independent Battery added \$1,500. Work began on the wall in October and much of the wall is expected to be completed before winter weather halts progress until the spring. A large group of volunteers participated in a spring cleanup, supplementing efforts from the Conservation Crew and CPW. The HMSC members are Joanne Gibson (Chair), Annette Bagley, Lola Chaisson, Susan Clark, Mary Clarke, Marion Grabhorn, Murray Nicolson, Marian Thornton and Sandy Smith. John Boardman and Win Wilbur resigned earlier in the year.

Mattison Field Stewardship Committee: The Mattison Field Stewardship Committee was disbanded as its charge has been fulfilled.

Mill Brook Task Force: The Mill Brook Task Force continued its efforts to restore Mill Brook by conducting biannual cleanups. The MBTF continued public awareness efforts through annual catch basin tagging and celebrated the 8th Annual Riverfest with an educational walk in the Town Forest. Members include: Allan Schmidt (Chair), Carol Gupta, Bruce MacAlpine, Lorna Mack, and Fran and John Neville.

Trails Committee: The Trails Committee completed blazing Annursnac and Punkatasset conservation areas and placed maps at entrance kiosks at White Pond and Old Rifle Range. Committee member Spence Borden cleared the rocks and mowed the open slope on Punkatasset Hill so it is in very good shape for skiing and sledging this winter, and resident Peter Gifford mowed the base of the slope and the old potato patch.

The Committee began measurements for the assessed trail at Tuttle Lane, working with staff and Matt Burne from the Walden Woods Project, and blazed a new trail from the new handicapped parking area to the entrance of the Brister's Hill Interpretive Site. The Bay Circuit Trail has been rerouted onto this section of the new assessed trail. Additionally, a sign post has been installed at Heywood Street directing BCT hikers through Heywood Meadow. The trail stewards program was in full operation during the year. The stewards have helped tremendously in monitoring Town conservation lands and have also participated in blazing sessions. A new type of blaze, "Leaving Concord Trails," has been created in response to concerns from some abutters of Town conservation areas; the signs should notify hikers when a trail leaves Town land. Members of the Committee: Ken Miller (Chair), Harry Beyer, Spence Borden, David Clarke, Jonathan Keyes, Ross Roberts, and Peter Siebert.

Warner's Pond Stewardship Committee: The Warner's Pond Stewardship Committee continued its efforts to assist ESS Group, Inc., the consultant hired to develop a Watershed Management Plan for Warner's Pond. Members of the Committee includes: Charles Simpson (Chair), Ruth Gerow, Dot Higgins, Carsten Nielson, and Maureen Swanson.

Wildlife Passages Task Force: The Wildlife Passages Task Force continues to monitor the four underpasses constructed under Route 2, and in September Lydia Rogers presented monitoring results at the International Conference on Ecology and Transportation in Duluth, MN. In another study, Noah Charney, a task force volunteer, field tested cameras that are able to photograph small mammals, amphibians and reptile species which have been difficult to identify to date. Results were presented in September at the Northeast Wildlife and Transportation Conference. The PBS children's program Curious George has been airing a segment about

the underpasses. Task force members are Dave Kay, Ron McAdow, Bob Metcalfe, Lydia Rogers, Dan Stimson, and Bryan Windmiller.

Blandings Turtle: The NRC continues its support of Dr. Bryan Windmiller's research on the Blandings Turtle, a threatened species with a substantial population at Great Meadows. Dr. Windmiller continued tracking radio-tagged turtles, protecting nests from predation, and headstarting hatchlings to increase survival rates.

Agricultural Leases and Community Gardens

Agricultural Leases: The Division continued to work with local farmers to retain land in agriculture, managing 13 agricultural leases in 2011 covering 211 acres of farmland, and supporting three community gardens.

Community Gardens: The long-standing tradition of community gardening continues to thrive under the helpful guidance of coordinators Jim Catterton and Rebecca Sheehan Purcell (Hugh Cargill); and Ray Andrews, Dale Clutter, and Elizabeth Elden (East Quarter Farms). Tracy Sharakan joined coordinator Kitty Smith for Cousins Garden.

Cousins Garden is fully subscribed with 29 families farming 20 plots (some half, some full). There is currently a wait list of 17 families. Cousins gratefully received several loads of donated compost from the Town as well as wood chips from two local tree farms, for the berry cooperatives and small perennial area.

In its third year, East Quarter Farms has become an established garden with over 60 plots that are plowed under every year, a row of no-till plots, and an area of perennial plots and plants such as blueberries, raspberries, strawberries, asparagus, and more. The beehive is surrounded by wildflowers and the herb garden provides a quiet place to enjoy the peacefulness of the place. EQF continues to receive much appreciated support from local farmer, Bill Kenney. And on a weekly basis, the gardeners donate significant amounts of produce to Open Table, a local food pantry.

The Hugh Cargill Community Garden is located on rich farmland bequeathed to the Town by Hugh Cargill in 1793 for the benefit of the poor in Concord, and has been a community garden since the early 1970's. The HCCG has grown over the years, and is now about 50 families working 75 garden plots. We are fully sub-

scribed, with several new gardeners this year. We have a midwinter gardeners' meeting and an annual spring sign-up meeting; guests are welcome.

This year's growing season was as close to "normal" as we get around here, and most gardeners had a very good year. We again donated vegetables to Open Table and flowers for the Town House and Stone Soup Dinner. Tropical Storm Irene put an end to the tomato season in late August with high winds and some rain, which was followed by a mild fall, with first frost in early October, snow in late October, and no serious freezes until late November.

Environmental and Educational Activities

The Division continues to sponsor the longstanding tradition of early morning Conservation Coffees held on the first Tuesday morning of most months at 7:30AM. These lively and stimulating gatherings of citizens, federal, state, and local officials provide an interesting and effective forum to exchange information, ideas, and concerns about conservation and the environment.

PLANNING BOARD

Chris A. Sgarzi, Chair
Mark Bobrowski, Vice Chair
Elisabeth Elden, Clerk
Matt Capofreddi
Doris Cole
Coleman Hoyt
John Shipe
Elise Stone

The Planning Board's authority is contained in MGL Ch. 41 "Improved Methods of Municipal Planning" and MGL Ch. 40A "The Zoning Act". Additional responsibilities are found in the Town Bylaws and the Town Charter.

Elise Stone completed her term on the Planning Board in 2011; the Board is grateful for her acumen and dedication to the Town. The Board welcomed new member Matt Capofreddi.

The Board held twenty-two public meetings and four public hearings. The hearings were for the following: zoning bylaw amendments to be considered by the 2011 Annual Town Meeting; zoning bylaw amendments to be considered by the April 2011 Special Town Meeting; adoption of MGL Ch. 44 Sect. 53G; and an amendment

to a special permit for a common driveway.

Residential development

Fifteen "Approval Not Required" (ANR) plans were submitted to the Board. Nine of these plans approved changes of lot lines that did not create additional building lots. The remaining six plans created six additional building lots.

Comprehensive permits

No Comprehensive Permit (Chapter 40B) applications were filed this year.

Commercial, institutional and other development

Eighteen site plan reviews were filed with the Board. Twelve plans received affirmative recommendations to the Zoning Board of Appeals. One plan (Fenn School) received an affirmative recommendation to the Building Commissioner. Two applications were withdrawn; one application (Concord Academy) is still under review by the Planning Board; and two applications (9 Independence Court and 341 Virginia Road) are still under review by the Planning Board for a recommendation to the Board of Appeals.

The Board made affirmative recommendations to the Zoning Board of Appeals on three special permits not linked to site plan review; an application for 494 Old Marlboro Road is pending.

In addition, the Board approved an amendment to an existing common driveway special permit.

Wireless Communication Facility applications

Six (6) of the aforementioned site plans submitted were for Wireless Communication Facilities. All six (6) applications received affirmative recommendations to the Zoning Board of Appeals. The locations for these were: two at 40Y (a/k/a 400) Annurnsnac Hill Road, two at 1400 Lowell Road (Middlesex School), 133 Old Road to Nine Acre Corner (ORNAC), and 509 Bedford Street.

Zoning amendments and Town Meeting actions

For the 2011 Annual Town Meeting, the Planning Board sponsored thirteen articles; eleven of which passed, two of which were not moved. Two of these amendments addressed issues identified by the Residence C Task Force: limiting the height of structures within the 3-foot side yard exception area and changing