

NATURAL RESOURCES COMMISSION
Meeting Minutes
March 16, 2016

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, March 16, 2016. The following Commissioners were present: Greg Higgins, Chair, Jeff Adams, Lynn Huggins, Chip Poutasse, and Judy Zaunbrecher. Delia Kaye, Natural Resources Director, Lori Capone, 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.

Concord Public Works, Assabet Avenue / DEP File #137-1323	7:00 pm
Concord Public Works, Sleepy Hollow Cemetery, 34A Bedford St. / DEP File #137-1333	7:02 pm
Busa, 1266 Lowell Road / DEP File #137-1337	8:20 pm
Elton, 415 Lowell Road / DEP File #137-1161	8:40 pm

CONTINUANCES

Notice of Intent Application for the Town of Concord - CPW Engineering, Assabet Avenue, DEP #137-1323

Chair Higgins reopened the hearing to install two overflow pipes and rip-rap swales within Bordering Vegetated Wetlands, Land Under Waterbodies and Waterways, Bordering Land Subject to Flooding, the 200-foot Riverfront Area to the Assabet River, and 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 April 20, 2016. Commissioner Poutasse seconded. All so voted.

Notice of Intent for Concord Public Works for Sleepy Hollow Cemetery, 34A Bedford Street, DEP #137-1333

Chair Higgins reopened the hearing for approval to replace the existing 36-inch CMP culvert with a footbridge at the northwest side of Sleepy Hollow Cemetery, slip-line an existing 48-inch by 30-inch stone box culvert with a 24-inch HDPE pipe under the Reformatory Branch Rail right-of-way, and a culvert under a trail Bank, Land Under Waterbodies and Waterways, Bordering Land Subject to Flooding, Bordering Vegetated Wetlands, the 200-foot Riverfront Area of an unnamed perennial stream, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Comparison Conditions, Sleepy Hollow Wetlands, prepared by Concord Public Works, received on March 16, 2016;
- Stream Thread, Culvert C, Sleepy Hollow Wetlands, prepared by Concord Public Works, received on March 16, 2016;
- Correspondence from Edward Perry dated March 16, 2016;

- Correspondence from Natalie Owen and Ava Moore for Mrs. Erickson's Fifth Grade Class at Thoreau School dated March 29, 2013 and received on March 14, 2016;
- Correspondence from Cherrie A. Corey dated March 16, 2016;
- Correspondence from Richard Walton dated March 15, 2016; and,
- Correspondence from Bryan Windmiller dated March 14, 2016.

Richard Reine, Director of Public Works, William Renault, Public Works Town Engineer, and Nathan Chin, Assistant Public Works Engineer, attended tonight's meeting.

Mr. Renault orientated the Commission to the location of the four culverts within the Sleepy Hollow wetland system. Culvert A is an existing 36-inch corrugated metal pipe that conveys a perennial stream under the walking trail. Culvert B is a stone box culvert that goes under the Reformatory Branch Trail and acts as an equalizer pipe for the Sleepy Hollow wetlands system and the Borden ponds downstream at Great Meadows Road. Culvert C is located beneath the trail that bisects the Sleepy Hollow wetland system. Culvert D is located at the Reformatory Branch Trail, and conveys the perennial stream from Culvert A. Culverts A and B were blocked in 2007 by beaver activity which caused significant impoundments within this wetlands system. In the spring of 2015 during the spring thaw, Culvert A began to open back up again and partially flow and water levels significantly dropped. The current water levels are at 118.3. During summer of 2015, Concord Public Works staff and Natural Resources staff worked on a concept that would improve the hydraulic connectivity of the perennial stream and restore floodplain storage. Extensive surveying was done upstream and downstream of the culvert as well as within the wetland system collecting bank elevations, center line of stream, water levels, and streambed elevations. It was determined that the Wetlands Protection Act requirements as well as the Massachusetts Stream Crossing Standards could best be met by installing a pedestrian bridge at Culvert A. It was determined that an elevation of 117.1 would be consistent with downstream and upstream gradients. This would create a 117.5 foot water elevation within the wetland system. After the last hearing, Public Works staff and Natural Resources staff revisited the site to look at the expected water levels once the work is completed. Prior survey shots indicated deeper standing water sections should be there but which were not present so the design was modified to maintain deeper water in the northern section of the wetland. The outlet control structure proposed for Culvert B will be raised and a new outlet control structure installed at Culvert C. The northern section would be maintained at the current water level while the southern section would maintain a water level of 117.5 feet.

Chair Higgins noted that the NRC held a site visit today. He asked Mr. Renault to explain the proposed water elevation in relation to the wetlands in the northern section of the Sleepy Hollow wetlands. Mr. Renault stated that there are two ponds on the northern side of the Reformatory Branch that act similarly to the northern Sleepy Hollow wetland system, which are fed primarily by groundwater. These ponds contain stanchion pipes set at elevation 118.3. CPW believes that the proposed design will act similarly, maintaining the water elevation within the northern wetland system at 118.1, while still letting the southern wetland system flow as a perennial stream. Chair Higgins explained that the northern section has the best habitat for the Blanding's turtle.

Commissioner Adams asked if Culvert C would be a similar standpipe system. Mr. Renault replied that survey varied between 118.7 and 118.25 along the trail, with one soggy section. They do not want water cascading over the trail. Their approach would to set the standpipes

at a top elevation of 118.1, a couple of tenths below the grade of the trail so the top portion would dry out.

Chair Higgins commented that nesting herons are on site now and asked if CPW would consider not dropping the water elevation further until after July 15th to allow time for the young to fledge. Mr. Renault stated they would already be restricted by time of year to July 1st. He thinks they could start the project and not lower the water until July.

Commissioner Zaunbrecher asked if it would be possible to build up the trail higher. Mr. Reine responded that this was not proposed as part of this project. Maybe at a later date some half logs could be installed across the trail but that is not something they are proposing with this project.

Chair Higgins opened the hearing to public comments.

Bryan Windmiller, 65 Arrowhead Road, wanted to thank Rich Reine, Bill Renault, and the Natural Resources Commission for working on a resolution to try to protect as much wildlife habitat as possible. He also wanted to thank everyone that came to the meeting and who support wildlife and wildlife habitat. Mr. Windmiller pointed out the heron rookery and the semi-isolated section of the swamp used by the Blanding's turtle. Culvert A was what the beavers blocked in 2008 which raised the elevation of the impoundment by about 3 feet. Lots of wildlife took advantage of the opportunity that the beavers provided. Between 2008 and March of 2015 when Culvert A reopened, lots of wildlife moved in, including a heronry containing as many as 35 active nests. Hooded merganser, a rare bird in this area, nested in that area in significant numbers, tree frogs, green frogs, and many fish. The mosquito issue in that swamp was helped by the large number of fish in the swamp. Now at the lower water levels, there are discontinuous little pools that form in the tree holes and the tip ups behind the trees that toppled over, and no predators to eat the mosquitoes. The current situation is back to pre-2008 conditions. Mr. Windmiller came today to say he is in favor of the current proposal of maintaining approximately the current water level in the northern part of the swamp because that is where the Blanding's turtles are most productive. The Blanding's turtles need relatively deep water. They have radio tracked the turtles over the years and the turtles need water that is usually more than 2-feet deep. The heronry collapsed last year when the impoundment drained down. There was only half the amount of heron nests last year as compared to the year before. This year there are a few herons that came back. For two years Mr. Windmiller, Emilie Schuyler, and their colleagues from Grassroots Wildlife were able to take 4th graders from Concord, and children from other towns, to get to an area within about 50 yards to see the heron chicks when they were approaching fledging in June and the kids were releasing their turtles. That is gone now under the current scenario and will be gone under the current resolution. However, he felt that this is the best deal that will be put forward for turtles and wildlife at Moore's Swamp, which is why he is supporting it. He hoped in the future, that Concord may grow into a community that can make a little more room for wildlife in its midst. Inches of water matter as far as the wildlife that will live there. If it is possible to maintain the water levels at 118.3, Mr. Windmiller thinks that is preferable to 118.1. Mr. Windmiller noted his concern about overtopping the trail. However, over time it will be possible to shore up some of the trail. He is confident that Public Works will put in a functioning Culvert B and Culvert C so the wetland will be draining from two ends. Mr. Windmiller urged the Natural Resources Commission to push for the highest possible elevation.

Chair Higgins mentioned Peter Spring field which is where the Blanding's turtles lay their eggs, and the importance of maintaining a high water level in the northern section closest to this area.

Paul Bareford, 130 Martin Road, said that being the closest house to culvert A, he has a great interest in that culvert being rebuilt. Mr. Bareford wanted to thank Mr. Renault for his hard work. Mr. Bareford has a degree in soil and plant science and has lived at property for 35 years. Mr. Bareford stated that over the years the water has gone up and down, noting that 20 acres of trees, shrubs and ground cover has been lost. He supports the proposal and collected signatures from 64 citizens who are abutters who agree with the plan.

Joan Walsh, 45 Isaac Davis Road, said that for 35 years she has been a bird conservation biologist. She currently works for MassAudubon, but is speaking on her own behalf. Ms. Walsh discussed the arrival of the great blue heron at the swamp, which had to do with the trees dying in the swamp. She also mentions that last year that there was a bald eagle in the swamp. She believes a solution can be found to keep the swamp out of people's living rooms and also find a way to have herons there. She believes that the plan proposed is a good plan. Dead trees are still going to be standing there in 10 or 15 years. If a way can be found to accommodate the herons by having deeper pools of water, over time, they will come back. She hopes they can work together to make that happen. Ms. Walsh explained that in Georgia they installed 18-inch high flashing on the trees so raccoons could not climb the trees and depredate nests. She saw what looked like nine nests out there that were being refurbished and if we take a few precautions for the birds that come back this year, they will have a chance to survive from the raccoons. Maybe at a later date something else can be done to provide deeper pools to accommodate the herons.

David Masser, 296 Bedford Street, thanked everyone who has worked to preserve habitat and endangered species. Mr. Masser and his sister grew up across from Moore's Swamp. He presented a picture taken from his driveway many years ago showing the adjacent woodland. The woods were lush and teeming with life, creatures, and vegetation. Mr. Masser presented another picture that he took this morning from the same spot showing the trees in decline due to the high water elevation. The Massers are in support of the project and also in support of saving and protecting wildlife. Any initiative that is done should take into account all of the consequences.

Kathy Dia, 9 Thoreau Court, volunteers for Fish & Wildlife and also works part-time for MassAudubon. She pointed out that nature has created a wetland for us. Wetlands serve as a filter for pollution and also serve as flood control and they work better for flood control when wet. She wants to make sure that the actual problem is being addressed. She understands that yards are flooding and flood control is an issue. Ms. Dia wants to make sure there is an understanding of why the swamp is being drained and what goals are being achieved.

John Lee, Jr., 72 Minuteman Drive, stated he was here a few years ago when water was high and he liked it high but he said that he understands how homeowners feel. He is confused as to why this trail is the priority. If the water level needs to be maintained to protect homes and improve the situation, that should be part of the discussion not the trail being the focus.

Chair Higgins stated that they are not advocating doing this proposition to save a trail but are talking about the trail in the context that it serves as an earthen dam so that two different water elevations can be maintained within the wetland system.

Jeff Young, 264 Bedford Street, has lived here since 1997 and enjoys the wildlife in the area. His septic system is in his backyard and as water comes up it permeates the soil which compromises his septic system. Mr. Young stated that he is in favor of this compromise solution.

Jonathan Klein, 84 Minuteman Drive, asked whether there was a contingency plan if the beavers return. Mr. Renault responded that one of the reasons a bridge is proposed in lieu of replacing Culvert A in kind was to prevent beavers from blocking it back up. The other two culverts will have vertical structures that are hard for beaver to block. Mr. Klein expressed concern about beavers coming back and Mr. Renault responded that he did not anticipate that happening.

Sally Farrow, 69 Pleasant Street, stated that she had worked for 30 years teaching natural history and teaches children at Drumlin Farm. She was glad to hear that there are compromises, in favor of making sure we have diverse habitats for all animals. She advised the Commission of the need to keep fresh water local and not have it run off into the ocean. If the water stays in the landscape and naturally transpires to the trees, it has a cooling effect. This is a simple way we can counteract global climate change locally.

Anne Carpenter, 109 Minuteman Drive, commented that there does not seem to be any restraint on tearing down a 2 or 3 bedroom houses and replacing with a 4-6 bedroom houses which could be contributing to groundwater issues. Is someone going to be back here in 40 years and say we can sacrifice the west side of what is left of the north pond and we will keep the east side.

Dean Banfield, 73 Walden Terrace, wanted to commend Rich Reine and Bill Renault for their hard work but questioned the ability of maintaining a higher elevation in the northern pool. The source that will retain the upper water level is groundwater. His concern is that groundwater will seep under this esker and slowly even out the water elevations. Bryan Windmiller said he too has that concern. It is not clear that groundwater inflow is going to be high enough to maintain a higher water elevation in the northern pool.

Penny Staples, 2 Ridgeway Road, reminded everyone that we are stewards of Thoreau's legacy. While surveying Bedford Street and when he was not working on the roads, he would spend time in swamps. In Thoreau's journals, his famous statement "In Wildness is the Preservation of the World", was inspired by the swamps of this Town, not Walden.

Commissioner Adams commented that there has been terrific movement in the last couple of weeks. He shares the concerns raised about evaporation, ice in the winter, and additional lowering of the northern section. From the numerous site walks he has had recently, his understanding is that the deeper pools are not all that deep so we are at a precarious position for ideal Blanding's populations. He worries about August evaporation and getting shallower and not getting replenished in the fall and icing up and that is not good for the turtles. He understands the logic of 118.1 and could support that but would be more supportive of the maintaining water elevation of 118.3.

Commissioner Huggins agreed with Commissioner Adams that 118.3 would be wonderful although it may not be achievable here.

Commissioner Zaunbrecher stated that she knows that it is only a couple of inches but she has concerns because she has seen things breach and that would be catastrophic. She would like to see a project that would raise the trail in the future.

Commissioner Adams asked what happens if the northern end does not behave the way we thought and starts to drop to 117.5 and down to 117.1, impounding the area near the boardwalk which has been prime habitat over the last few years and is adjacent to the nesting site. He believes another project could come before the Commission to impound that space which in the big picture could be more supportive of the Blanding's population.

Commissioner Zaunbrecher discussed stopping the drainage of the northern swamp prior to construction. She would like to see that in the application. Commissioner Zaunbrecher also requested the time restrictions to protect the heronry be provided in writing.

Mr. Renault asked if the Commission would allow Public Works to start a little early on certain aspects of the project, specifically stopping the flow of culvert C now and monitoring the northern swamp to see how it responds.

Chair Higgins asked what was the duration of the project from start to finish. Mr. Renault answered that it would be 3 to 4 months because of the 2 different sites.

Mr. Reine replied that if they hear there is support from the Commission, they can have a conversation with the Endangered Species Program to request this. Mr. Renault commented that the Endangered Special Program will respond within a day of receiving plans. Public Works can start at Culvert C as soon as possible if the Commission wants them to stop the flow.

Commissioner Adams suggested that it may be a good idea to monitor that over the next month to see what happens. Commissioner Adams wanted it clarified that Public Works will submit a plan by Friday that incorporates the adjustments they spoke about tonight and that will be discussed at the next meeting.

Commissioner Zaunbrecher asked if an Order was needed to stop the flow between the north and south now. Director Kaye stated that this should not be done without an Order.

Mr. Renault agreed to the Commission continuing the hearing to March 30, 2016.

NEW APPLICATIONS

Notice of Intent Application for Francis V. Busa, 1266 Lowell Road, DEP #137-1337

Chair Higgins opened the hearing for approval to put land into agricultural production within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and,
- Topographic Plan of Land prepared by Stamski & McNary, dated January 12, 2016.

Francis Busa, a local farmer, and Leann Griesinger, of 1266 Lowell Road, attended tonight's meeting.

Mr. Busa presented his background as a local farmer. He would like to use a portion of the land at 1266 Lowell Road for some smaller plantings, mostly cut flowers, sunflowers, herbs, different types of basil, heirloom tomatoes, and heirloom eggplants. He is looking for an area that does not have a lot of cross-pollination because they make their own seeds. They also would like to plant kale, swiss chard, and celery. They do not use any pesticides or commercial fertilizers and have not for the last 25 years. If they do need plant food, they will use compost tea and organic fertilizer. Mr. Busa traditionally uses overhead irrigation but believes that will not be practical at this property. They will probably hand water using a garden hose and bring in their own water. They follow all organic guidelines but they are not certified.

Commissioner Huggins asked if a Community Supported Agriculture (CSA) would be involved at the property to which Mr. Busa responded that there would not be a farm stand or CSA on site.

Mr. Busa told the Commission that he may bring in native bees.

Chair Higgins commented that the property would be farmed up to the 25-foot No Disturb Zone (NDZ) and asked how that would be monumented. Mr. Busa advised that they would install rebar to demarcate the 25-foot NDZ.

Commissioner Adams inquired if the area was clear now. Mr. Busa responded that yes it is clear but there are invasives. There would be no seeding just transplanting.

Commissioner Adams asked if there is machine access from the street. Mr. Busa indicated that there was and in respect for the neighborhood no vehicles would be parked overnight.

Commissioner Poutasse asked if Natural Resources Commission had jurisdiction. Director Kaye explained that land within NRC jurisdiction left fallow for more than five years requires NRC approval to bring the land back into production.

Commissioner Adams moved to close the hearing. Commissioner Poutasse seconded. All so voted.

Request to Amend a Notice of Intent for Elton, 415 Lowell Road, DEP#137-1161.

Chair Higgins opened the hearing for approval to construct an in-ground swimming pool, pool house, hot tub, and patio; and enclose an existing deck within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Request to Amend Letter dated March 2, 2016;
- Sewage Disposal Plan prepared by Stamski and McNary, Inc., dated May 4, 2012 with Mylar overlay prepared by Redmond Design Group, dated February 5, 2016;
- Elton Residence Plan prepared by Redmond Design Group, dated February 5, 2016;
- Driveway Planting Stonewall Layout prepared by Redmond Design Group, dated February 5, 2016; and

- Indemnification Agreement dated October 29, 2014.

Susan Redmond and Rob Flaherty of Redmond Design Group, and Joshua Bath of Nashawtuc Architects, Inc. attended tonight's meeting.

Susan Redmond presented the proposed project and explained that they were unaware that the 50-foot No Build Zone (NBZ) extended into the work area because it was not properly identified on the plan, and asked that the Commission consider approving the project as designed.

Chair Higgins said that there appeared to be about 130 s.f. of hardscape within the 50-foot NBZ and asked for strategies that would accomplish the project while eliminating the structures from the 50-foot NBZ such as a different shape or narrowing of the pool. Ms. Redmond said she would review options with her client.

Commissioner Zaunbrecher inquired about the proposed landscaping with retaining walls within the 50-foot NBZ. Ms. Redmond responded that she could replace the proposed walls within the 50-foot NBZ with shrub plantings. Ms. Redmond asked if the plantings were okay in placement of the wall out front. Director Kaye clarified that native species should be planted. Ms. Redmond explained that around the pool there are very little plantings but they realize the Commission would prefer natives there also. Director Kaye also said there were a couple of trees leaning towards the project site that should be evaluated for removal.

Mr. Flaherty asked the Commission if two sections of retaining walls, pavers, or the fence could be within the 50-foot NBZ to which the Commission responded that all structures must be kept outside the no build zone.

Commissioner Adams raised an issue regarding the certification of the potential vernal pool on site. Director Kaye said that the Natural Resources Commission never received documentation that it was completed, which was required under the original Order of Conditions. Director Kaye inquired if anyone had been in contact with the developer. Director Kaye will put Dave Crossman in touch with the Applicant.

Commissioner Adams stated that often when they see submittals for work within the Buffer Zone, mitigation is proposed, such as invasive species management, to compensate for that proposed work and inquired if any consideration had been given to that. Ms. Redmond responded that they could look into that.

Ms. Redmond agreed to the hearing being continued to March 30, 2016 to incorporate the changes discussed tonight.

OTHER BUSINESS

Director's Report

- Director Kaye informed the Commission that the Select Board is seeking to establish a committee to look at parking and access issues to Estabrook Woods. The Select Board would like a member of the Natural Resources Commission, a Trail's Committee Member, and a Conservation Restriction Stewardship Committee member to serve on this committee. Commissioner Zaunbrecher asked if Estabrook Woods was conservation

land. Director Kaye responded that the majority of it is owned by Harvard University for their field research station. Punkatasset is conservation land. Commissioner Adams asked if it was appropriate to invite Harvard to participate. Mr. Lawson replied that they are going to invite Harvard and the Concord Land Conservation Trust.

- Mark Hansen is putting forward a Warrant Article for Town Meeting regarding the use of neonicotinoids, a pesticide that appears to have a negative effect on bees, even in very small doses. Mr. Hanson wants to form a committee for people to look at who is using it, the amount they are using, and to educate the public on the pros and cons of using this pesticide. Commissioner Zaunbrecher mentioned that it would be good to find out from the Environmental Protection Agency what are the specific chemical compounds that fall within this class, and look at what companies have registered pesticides that contain that class of compounds and what their brand names are. This information would be helpful for homeowners to inform their landscape companies. Commissioner Poutasse commented that this topic came up with the Agricultural Committee and that no one really knows how much is being used and by who, and if it were to be a town committee, people would be more willing to talk about it then just to a private group who were interested. Commissioner Zaunbrecher asked if farmers keep records of the type of pesticides they use. Commissioner Poutasse responded that they file this information with the State. Director Kaye said that for the lands the Town leases, they require records of all pesticides, restricted or not. Mr. Lawson added that if the Agricultural Committee and the Natural Resources Commission were to ask the Select Board, they would probably put together a short term focus group. Mr. Lawson commented that it might be a good idea if the Natural Resources Commission, Agricultural Commission, and Select Board got together to try to figure something out. Chair Higgins asked if that was something people were willing to do and Commissioner Zaunbrecher stated she would be willing to work on a subcommittee. Commissioner Poutasse will discuss this at the next Agricultural Committee meeting and Director Kaye will discuss this with the Board of Health. Mr. Lawson will get in touch with Carmen Reiss, the liaison for the Agricultural Committee.
- Director Kaye updated the Commission on the Concord Country Club's project permitted last fall. There are two vernal pools on site and the area is mapped for rare species habitat. Natural Heritage issued a no take for rare species on the project but there was no time of year restriction on the project. The vernal pools support blue spotted salamander which need to navigate through the work area. Director Kaye worked with the Country Club, Joan Ferguson, Bryan Windmiller, and Natural Heritage to ensure safe migration for the salamanders. Erosion controls were reoriented to provide critter gaps to allow passage.
- A Public Records Request was received by Director Kaye from Ned Perry in reference to the Sleepy Hollow Culvert Project. He has concerns about the relationship between Director Kaye and Bryan Windmiller and the NRC's role in contributing towards Bryan's research. Director Kaye explained that the Natural Resources Commission has given money to Bryan Windmiller since 2003 for research purposes, along with USFWS, the Carlisle Conservation Commission, MA DFW, the Land Trust, and other organizations. Mr. Perry requested all records between Director Kaye and Bryan Windmiller from January 2010 until present. Mr. Perry also requested records between Director Kaye

and William Renault, Public Works Engineer, regarding Sleepy Hollow between January 2015 and the present. Mr. Lawson advised the Commission that there may be a recent revision regarding the public records laws.

- Director Kaye advised the Commission that a South Meadow Condominium Association resident has raised concerns regarding the Conservation Restriction and public access, particularly as it relates to the future use of the Bruce Freeman Rail Trail. He is concerned that there will be encroachment on private property. Director Kaye stated that the restriction allows public access but not at the expense of the privacy of the residents or infringement on the agricultural use of the parcel. There is an elevated trail that is well used but it passes close by the homes, and a lower trail adjacent to the farm field which is separated from the upper trail by a thicket. The residents would prefer people to use the lower trail. Director Kaye has requested that the Association check with Steve Verrill, the farmer for the field, for any concerns about rerouting the public and dogs next to the field. Commissioner Poutasse inquired what signage would be used. Director Kaye replied that the Association should propose signage for Commission approval. Chair Higgins noted that everyone bought their condominium knowing where the trail was. Director Kaye commented that dogs go into the backyards of the condominium owners and people follow to clean up pet waste. Commissioner Huggins inquired if they could restrict that trail to dogs on leashes. Director Kaye responded that they could. Chair Higgins suggested that the condominium owners could put up no trespassing signs for the non-restricted land. Commissioner Huggins suggested that it would be a good idea to hear from condominium owners and to substantiate what the problem is before making a decision on where the trail should be located. Director Kaye will request the homeowners attend the next NRC meeting.

Administrative Approvals

- **Bing, 367 Thoreau Street: Tree Removal**
Director Kaye stated there were three trees removed in the 25-foot No Disturb Zone. There was storm damage and concern about trees falling on house. Two trees are on the Bing property and one tree is on school department property. The school has already taken care of one tree. Approval was granted.
- **Dionne, 24 Off Harrington: Tree Removal**
Director Kaye said there is a dead pine along the road within the outer 200-foot Riverfront Area to Second Division Brook that needs to come down. Approval was granted.
- **Heritage Pool and Racquet Club, 155 Old Bedford Street: Tree Removal**
Director Kaye explained that there is a fallen tree that is entwined with bittersweet and they are working with the school to remove the tree. It sounds like they will be able to come from the Ripley side and take it out. Approval was granted.
- **Ryan, 113 Adams Road: Screen in Porch**
The homeowner submitted a Building Permit signoff to screen in an existing deck within the 50-foot No Build Zone and Director Kaye requested he submit a Request for Determination of Applicability for approval. The homeowner requested that this be an Administrative Approval. Director Kaye informed the Commission that Mr. Ryan

provided a letter from Oxbow from 2003 that said it is not a wetland, but that Oxbow later flagged the area as a wetland for a project on Nimrod Road. There is no confirmation that the Natural Resources Commission agreed with the 2003 determination but the homeowner did receive a Special Permit in 2003 to construct the house. Chair Higgins recommended that Mr. Ryan file a Request for Determination of Applicability for this work.

Chair Higgins asked if there was any public comment. Mr. Lawson thanked the Commission and staff for the work that was done on Sleepy Hollow.

Commissioner Adams moved to adjourn. Commissioner Zaunbrecher seconded. All so voted. Meeting adjourned at 9:58 p.m.

Respectfully submitted,

Karen Bockoven
Administrative Assistant