

NATURAL RESOURCES COMMISSION
Meeting Minutes
March 30, 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 30, 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.

Keolis Commuter Services, MBTA Row, RDA File #16-3	7:00 pm
Town of Concord - CPW Engineering, 34A Bedford Street, DEP File #137-1333	7:01 pm
Minute Man National Historical park, 955 Lexington Road, DEP File #137-1334	7:15 pm
Damonmill Square Properties, LLC, 9 Pond Lane, DEP File #137-1307	7:25 pm
Anne and Jeff Elton, 415 Lowell Road, DEP File #137-1161	8:15 pm
Concord Land Conservation Trust, 892 and 70B Fairhaven Road, RDA File #16-4	8:55 pm
Linda Okurowski, 40 Squaw Sachem Trail, DEP File #137-1336	9:03 pm
Jonathan Sachs, 920 Sudbury Road, DEP File #137-1335	9:10 pm

Request for Determination of Applicability for Keolis Commuter Services , MBTA Row (Fitchburg Line), RDA File #16-3

Chair Higgins opened the hearing for approval to verify jurisdictional resource areas to perform vegetation control and management in the 200-foot Riverfront Area of the Sudbury and Assabet Rivers and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Huggins moved to continue the hearing to May 4, 2016. Commissioner Zaunbrecher seconded. All so voted.

CONTINUANCES

Notice of Intent for Concord Public Works for Sleepy Hollow Cemetery, 34A Bedford Street, DEP File #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, within 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:

- Sleepy Hollow Cemetery Pedestrian Bridge and Culvert Rehabilitation Project Plan, prepared by Concord Public works, revised on March 26, 2016.

William Renault, Public Works Engineer and Nathan Chin, Assistant Public Works Engineer attended tonight's meeting.

Mr. Renault explained that since the last hearing they have focused most of their work and energy on Culvert C, which is the trail culvert that bisects the wetland area. They have proposed a riser pipe set at an elevation of 118.1 to allow the northern portion of the wetland to retain a deeper pool of water. They need to construct a concrete cut-off seepage wall that would go through the embankment.

Commissioner Zaunbrecher asked what are the risks of the path not being able to withstand that hydrostatic pressure. Mr. Renault replied that they have about one foot of hydraulic head but the material of the trail is unknown. There is a thick mat of vegetation on the trail which should hold the sand and gravels together.

Commissioner Zaunbrecher asked what it meant regarding Item #3 on the front page of the plans that were presented. It states: "in case of discrepancy between the plan set notes and specifications, the specifications shall govern." Mr. Renault explained that it is a standard note that is on every bid set. Chair Higgins asked what would happen if there was a discrepancy between the plans and the specifications. Mr. Renault replied that the specifications govern. They typically incorporate the Order of Conditions as an attachment into the specification document.

Commissioner Poutasse commented that the previous plan had a lower water elevation for the northern portion of the wetland. Mr. Renault responded that they have modified Culvert B inlet structure consistent with the elevation at Culvert C. Both inlets will have a 118.1 elevation. Commissioner Poutasse asked if these structures were adjustable. Mr. Renault said he was not proposing flask boards because they have a tendency to leak. Commissioner Poutasse wanted to know if they would have to replace the whole vertical pipe if they wanted to change the elevation up and down. Mr. Renault replied that they would. Commissioner Adams asked if maintenance was principally keeping the top clean. Mr. Renault said yes, keeping the top clean and moving debris and sticks.

There were no comments from the public.

Commissioner Adams moved to Close and Issue for Concord Public Works, 34A Bedford Street, DEP File #137-1333 with Findings A-D, Standard Conditions 1-19 and Special Conditions 20-55 as amended. Commissioner Zaunbrecher seconded. All so voted.

Notice of Intent for Minute Man National Historical Park, 955 Lexington Road, DEP File #137-1334

Chair Higgins reopened the hearing for the approval to renovate the existing parking lot within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- FY14 Payment Improvements Plan, prepared by Allen & Major Associates, Inc., dated March 15, 2016;
- Operation & Maintenance Plan, prepared by Allen & Major Associates, Inc., revised March 18, 2016; and,
- Waiver Letter from Ryan Bianchetto of Allen & Major Associates., Inc., dated March 25, 2016.

Steven Chouinard of Allen & Major Associates, Inc., attended tonight's meeting.

Mr. Chouinard explained the plan changes since the last meeting. The plans include a new erosion control plan . They have also created a snow storage plan and a sequencing plan for construction. Snow storage is outside the 50-foot No Build Zone. They have included an infiltration trench to manage water coming off the paved surface. Commissioner Adams inquired if there was any piping in the trench. Mr. Chouinard replied that the trench is filled with crushed stone with no pipes.

A portion of the infiltration trench is proposed within the 25-foot NDZ. Mr. Chouinard believes they have met the four standards.

The Commission agreed with the project benefits as articulated by Mr. Chouinard.

Commissioner Poutasse wanted to confirm that there is no proposed use of herbicides, pesticides, or fertilizers in connection with this project. He referred to Special Condition 38 of the proposed Order which states: "proposed use of herbicides, pesticides or fertilizers within jurisdictional areas shall be reviewed and approved by the Natural Resources Commission and its agent prior to application". Mr. Chouinard responded that they are not proposing that but if some time in the future it is decided they need to do something they would come back to the Commission.

There were no comments from the public.

Commissioner Adams moved to close the hearing and Issue an Order of Conditions with Findings A and B, Standard Conditions 1-19 and Special Conditions 20-47. Commissioner Poutasse seconded. All so voted.

Notice of Intent Application for Damonmill Square Properties, LLC, 9 Pond Lane, DEP File #137-1307

Chair Higgins reopened the hearing for approval to repair and maintain an existing dam, stabilize the embankment, repair a section of wall, remove trees, and close the headrace and tailrace, a portion of which work is within 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.

List of plans and documents discussed at this meeting:

- Narrative for Notice of Intent prepared by Goldsmith, Prest & Ringwall, Inc. revised March 18, 2016;
- Site Layout, 9 Pond Lane, prepared by Goldsmith, Prest & Ringwall, Inc. dated June 2015;
- Site Plan, Damonmill Square Condominium, prepared by Stamski and McNary, Inc. dated October 1, 1984; and,
- Email correspondence from Bruce Ringwall of Goldsmith, Prest & Ringwall, Inc. dated March 30, 2016.

Bruce Ringwall of Goldsmith, Prest & Ringwall, Inc. and Chip Orcutt of Damonmill Square Properties, Inc, attended tonight's meeting.

Mr. Ringwall stated that they obtained a true and attested copy of the Order of Conditions for DEP File #137-185 and have recorded it. This has been provided to the Natural Resources Office along with a Request for a Certificate of Compliance and a letter outlining five items that differed from the approved plan including granite curbing and plantings islands not installed around the northern most section of parking, parking lights installed on trees instead of stanchions, and grading and drainage modifications. This work was performed prior to Mr. Orcutt's purchase of the property and since the Order of Conditions had not been recorded, his client had no knowledge of outstanding issues and requirements. Commissioner Adams asked if Mr. Ringwall, in his professional judgment, felt the intent of the plan had been met. Mr. Ringwall responded yes.

Previously there was discussion about the tree removal requirements for dam safety for trees within 20-feet of the dam. Mr. Orcutt went out with a shovel and crowbar to confirm where the edge of the dam is located. There are two blown down trees that are beyond the 20-foot line. They can leave these trees if the Commission so desires.

There are three sections of the stone wall that they want to repair. Two of the sections are missing stones that have fallen off the top from trees that have fallen. One area needs to have stone set which is currently below the water level. All of this work would be done during low flow conditions. They would also use sandbags around the area that they are going to work on at the time. He believes that the first two sections of work can be done from up above. With regard to the other area, if they need to dewater, they would dewater one section and then set in two large granite base stones and then build the stonewall up with granite blocks matching the other area. They would back the wall with fabric and crushed stone for drainage.

The trees against the retaining wall would be cut and stumps ground in place to prevent further disruption of the wall. Trees adjacent to the dam will be removed completely. The areas of the dam where there are holes would be filled with flowable fill and then capped off with concrete.

They have modified the section of the dam that is hanging on the other side of the Assabet River. Initially they had talked about pulling the whole thing out. Upon closer observation, they are not sure how far back into the embankment it goes. It does go onto the property at 36 Water Street. The owner of 36 Water Street would does not want work to disrupt his parking lot. Mr. Ringwall presented an email from Sven Olson, owner of 36 Water Street. Mr. Olson agrees with the revised approach to take down just the portion marked on the plan. Mr. Oslen wants insurance and a hold harmless agreement but has given authorization from him to move forward. Any voids would be filled with a concrete slurry to prevent water from getting underneath.

Chair Higgins asked if that area dried out in the summer. Mr. Orcutt answered that there is about a foot of water now but he believes it will be dry by the summer.

Mr. Ringwall explained that this particular project has been discussed numerous times dating back to approximately 2008 or 2009. During that time, Mr. Orcutt has worked with OARS and others, filed grants to look at removing the entire dam, and has not been successful in getting the necessary funds. Presently they are looking to do the maintenance that has been requested from the dam inspections and the Office of Dam Safety. They have not done a

Phase 2 study yet because they were hopeful that once everything is up to code, a Phase 2 study will not be necessary.

No additional information was provided regarding the effect of tree removal on cold water fisheries because Mr. Ringwall felt work was necessary and leaving the trees to fall down over time was more detrimental to the river and fisheries.

Commissioner Adams indicated that at the last meeting it was discussed that the stumps would stay to avoid disruption but now the proposal is to remove them. Mr. Ringwall said it would not be good to leave the stumps. In this instance, as the stumps rot, the voids created become conduits for water seepage, which you would not want.

Chair Higgins stated that there should be semi-annual inspections of the dam and asked if there was a maintenance plan moving forward. Mr. Ringwall informed the Commission that the next inspection is due in June and the dam will be inspected every six months.

Chair Higgins inquired about the water running under the building when there are hurricanes and asked if there were any ramifications from the water not having this outlet. Mr. Ringwall responded that a steel frame was put in place a while ago to discontinue flow through the race, but it is not properly sealed. Therefore, water is still getting in and that is what they are trying to fix.

Commissioner Adams asked Mr. Ringwall to discuss the invasive species management plan. Mr. Ringwall replied that it was a basic plan directed towards managing bittersweet. The same procedures would be used for any other invasive species that are present in the work area. They will manually remove as much invasive plant material as possible and maintain shoots as they come. Commissioner Adams wanted to know if that was part of the maintenance plan. Mr. Ringwall said that it was submitted as a separate document but he could include it in the maintenance plan.

Chair Higgins reminded the Commission that they had previously voted for a third party review of the project. Commissioner Poutasse responded that they had wanted to see some construction diagrams which have been provided. The other concern was regarding fisheries but Commissioner Poutasse does not feel trees are compatible with a retaining wall and recommends the Commission reverse their decision to require a third party review. Commissioner Adams stated that one of the concerns about the trees was the potential change in the water temperature adjacent to the stone wall. Biologist Dave Crossman's professional opinion was that water wasn't deep enough to have an adverse effect at the time of year when the work was proposed. Commissioner Adams questioned if there were other strategies to address that concern. Mr. Ringwall responded that in the summertime even when the water is away from the wall edges, the water is still flowing. It is not like it is a pond area or a stagnant section of the river. They have proposed numerous native shrubs that will provide some wildlife habitat. The only area that they could really plant trees is between the tailrace and the retaining wall in the front of the building. They can plant some trees between the building and Main Street. Mr. Ringwall did some research but did not come up with better options.

Commissioner Adams stated that this discussion has filled in some of his questions about the overall project but wondered about the value of a third party review to ensure, to the

landowner and the community, that the project is designed in the most environmentally sound manner. Commissioner Adams asked Director Kaye for her thoughts. Director Kaye responded that two proposals have been received from contractors who have experience in dam removal and restoration projects. The benefit of having a third party review is to have a second set of eyes from a firm with dam experience to evaluate to determine if the best strategies are being employed while also evaluating mitigation alternatives, particularly as it relates to the tree removal along the retaining wall. Commissioner Huggins asked that given the information that the applicant has provided subsequently, could the third party review have a narrower scope. Director Kaye replied that it could.

Commissioner Zaunbrecher asked for more information to better understand that removal of trees along the retaining wall would not cause the wall to be less stable than it is now. Mr. Ringwall explained that they would cut down the trees in sections, using a crane if necessary. If the base of the tree is far enough away from the wall, they would excavate the roots. The roots in or against the wall will be ground out to maintain the wall stability.

Commissioner Adams asked the Commission if there would there be significant feedback that would benefit the project from a third-party review. Commissioner Zaunbrecher responded that she is comfortable with the current proposal. Commissioner Adams agreed.

Commissioner Adams inquired if there were any other permits other than this Commission that need to be obtained. Mr. Ringwall replied that Fisheries & Wildlife, the Department of Conservation and Recreation and the Office Dam Safety have all approved the proposed work. Director Kaye asked Mr. Ringwall if he has inquired with the Army Corps of Engineers to see if a permit is needed. Mr. Ringwall did not check with them because they are not altering anything that the Corps would require a permit for. Director Kaye requested that that Mr. Ringwall confirm with the Army Corps and Mr. Ringwall stated he would.

Commissioner Poutasse moved to rescind the prior vote of having a third party review for this project. Commissioner Zaunbrecher seconded. All so voted.

Chair Higgins requested a construction detail for the rebuilt sections of wall. Mr. Ringwall stated he will provide a sketch.

Commissioner Adams wanted to know if they had quantified the area of invasives removal and how it will be addressed. Mr. Ringwall replied that all invasives along the wall would be removed. Commissioner Zaunbrecher asked if there is anything around the headrace they would want that taken care of as well. Mr. Ringwall did not remember that much being out there but he would check.

Commissioner Adams asked how the area adjacent to the retaining wall would be managed. Director Kaye recommended against managing invasives through mowing and suggested a more robust planting plan be developed to create a naturalized area adjacent to the river. Mr. Orcutt explained that it may be good to mow for the first 2 to 3 years because it may take a few seasons to get the invasives under control. Commissioner Adams suggested an annual mow to keep woody vegetation from re-establishing.

There were no public comments.

The applicant agreed to continue the hearing to the April 20, 2016 meeting.

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

Chair Higgins reopened 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:

- Elton Residence designed by Redmond Design Group dated March 30, 2016.

Susan Redmond and Rob Flaherty of Redmond Design Group, Joshua Bath of Nashawtuc Architects, and Anne Elton attended the meeting.

Ms. Elton, the property owner of 415 Lowell Road, stated that feedback she heard from the first meeting was they needed to move everything outside of the 50-foot No Build Zone (NBZ). They have addressed that with the design tonight. They did hear about the request to have an arborist look at the trees that were leaning towards the house and engaged an arborist to tag the trees that were both leaning and some that were diseased that will probably have to come down in the next couple of years.

Chair Higgins said that there were numerous trees that are being suggested to be taken down because they are diseased and affected. Susan Redmond responded that most of the trees are tall and they lean towards the house. Chair Higgins stated that this was a new house that was permitted and now the request is for the scope of the work to change.

Ms. Elton replied that she is less concerned about their impact on the proposed pool but is concerned with the many trees that are very tall and leaning towards the house. The trees would be a concern even separate from the rest of the project. They are not a factor or necessarily tied to the rest of the landscape work, but, while they are in there with big machinery they would like to take care of it. Chair Higgins inquired if there was a report from an arborist to understand their health and risk. Mr. Flaherty explained that the arborist tagged all the trees and listed them on the key. Commissioner Adams stated he was on the Commission for the original approval for the house construction and there was much time spent talking about this. At that time, they talked about all the trees on the property and they looked at them carefully. The approved tree removal was as a balance to the overall project, now the Commission is being asked to consider additional tree removal. The trees that are proposed to be removed are in the Conservation Restriction. Commissioner Adams asked how the Conservation Restriction addresses tree removal. Director Kaye said that the Commission has approved tree removal in CRs when they are a hazard.

Commissioner Adams believed that this area was within the rare species habitat and asked if they would have to revisit that as well. Director Kaye replied that that is something Natural Heritage should review.

Ms. Elton asked the Commission if they would like to perform a site visit. Commissioner Huggins said that it would be better to understand more of the background. Commissioner Huggins also said it would be helpful to have a survey plan to understand the various areas of protection. Commissioner Adams added that his recollection was all work was to stop at the 50-foot NBZ. Commissioner Huggins indicated that there is habitat value in retaining dead wood. Commissioner Huggins asked if there wasn't a pool proposal, would Ms. Elton still be

asking to remove these trees. Ms. Elton replied she would and there is still five acres of forested habitat. She feels the builders may have built the house too close to some tall trees or perhaps not worked with the Commission enough to push the boundary back enough. Mr. Bath explained that there is not a lot of backyard between the house and the tree line. Commissioner Huggins stated that was the balance that was achieved to subdivide into three lots. It was permitted as long as work was kept 50 feet from wetlands.

Commissioner Adams requested a survey plan, noting the work and its relation to the setback requirements. The Commission asked the 50-foot NBZ be staked in the field prior to performing a site visit. Ms. Elton explained that they measured from the house to each tree and Ms. Redmond noted it on the plan. Commissioner Adams reiterated the need for an engineered plan.

Mr. Bath would like to have some indication that they would be able to remove some of the trees before they went through the expense of having it surveyed. Ms. Elton does not want to have it surveyed again.

Commissioner Adams stated normally the Commission has a survey plan to review as opposed to a sketch. Commissioner Huggins explained that a plan might be useful if they get to a discussion of mitigation on this site for the pool work and the pool house structure that is being placed. Commissioner Adams agreed that a plan is necessary.

Chair Higgins recommended that they schedule a site walk and then reconvene.

Ms. Elton asked if the Commission was comfortable with the rest of the plan so they can move forward with that portion of the project. Chair Higgins responded that the Commission was not going to vote on a portion of the project.

A site visit was scheduled for Tuesday, April 5, 2016 at 8:00 a.m.

There was no public comment.

The applicant agreed to continue the hearing to the April 20, 2016 NRC meeting.

NEW APPLICATIONS

Request for Determination of Applicability for the Concord Land Conservation Trust, 892 and 70B Fairhaven Road, RDA File #16-4

Chair Higgins opened the hearing seeking permission to install three 10-meter by 10-meter deer exclosures for research purposes in Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, the 200-foot Riverfront Area to the Sudbury River and Well Meadow Brook and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Request for Determination of Applicability Application submitted by the Concord Land Conservation Trust, dated March 15, 2016.

Commissioner Huggins stated for the record that she has recused herself in the past from Concord Land Conservation Trust matters that have involved acquisitions but as there is no financial interest in this matter she does not feel the need to recuse herself.

Joan Ferguson, the Chair of the Concord Land Conservation Trust, attended tonight's meeting.

Ms. Ferguson stated that she is looking for a Request for Determination of Applicability for three deer exclosures in the Wright Woods as part of a research project by Brandeis in cooperation with Harvard Forest. The exclosures will be up for five years to assess effects of deer browse. There are deer exclosures in upland areas in New England but wetland areas are underrepresented.

Chair Higgins inquired about smaller animals being able to get through and under the fencing. Ms. Ferguson confirmed. Exclosures are located in the 100-year floodplain but not in the floodway.

Commissioner Zaunbrecher asked if the water flows through the exclosures and Ms. Ferguson responded yes.

Commissioner Adams commented that this was a great idea and is five or six years long enough for the vegetation to recover from deer browsing. Ms. Ferguson replied that that will be part of the study, to understand how deer are affecting Concord's woodlands.

Chair Higgins opened the hearing to public comments.

Tim Donahue, 50 Squaw Sachem Road, asked how they were going to monitor. Ms. Ferguson answered that the professors at Brandeis and Harvard Forest will be monitoring and documenting. The Concord Land Conservation Trust will also be checking.

Commissioner Adams moved to Issue a Negative Determination of Applicability #2 and #3 with the following conditions: 1) A preconstruction site visit shall be held to review the limit of work; 2) Following completion of the study or six years, whichever comes first, all fencing shall be removed and the site returned to pre-existing conditions; 3) Following completion of the project 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 and any findings shall be reported. Commissioner Poutasse seconded. All so voted.

Abbreviated Notice of Resource Area Delineation for Linda Okurowski, 40 Squaw Sachem Trail, DEP File #137-1336

Chair Higgins opened the hearing for confirmation from the Natural Resources Commission of the Bordering Vegetated Wetland delineation.

List of plans and documents discussed at this meeting:

- Abbreviated Notice of Resource Area Delineation;
- Letter from David W. Burke dated March 16, 2016; and,
- Wetland Location Plan prepared by Stamski and McNary, revised March 30, 2016.

Owner Linda Okurowski, attended tonight's meeting.

Ms. Okurowski informed the Commission that David Burke, wetland scientist, examined the property. Director Kaye performed a site visit and requested some changes. The plan submitted today shows with the revised wetland boundary

Chair Higgins opened the hearing to public comments.

Kristen First of 437 Nashawtuc Road, wanted to know how much of a change it is. Director Kaye responded that it was about 20 to 50 feet. Commissioner Adams added that now it is a more detailed survey because soils were reviewed as part of this delineation, and originally it was only flagged by vegetation.

Commissioner Adams moved to Issue an Order of Resource Area Delineation for DEP File #137-1336 approving the wetlands boundary that was presented at tonight's meeting with Finding 1. Commissioner Poutasse seconded. All so voted.

Notice of Intent Application for Jonathan Sachs, 920 Sudbury Road, DEP File #137-1335
Chair Higgins opened the hearing for confirmation from the Natural Resources Commission of the Bordering Vegetated Wetland delineation.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Wetlands Permitting Plan, prepared by Stamski and McNary, Inc., dated March 15, 2016 and revised on March 28, 2016.

Applicant, Jonathan Sachs, and Molly Obendorf of Stamski and McNary, Inc., attended tonight's meeting.

Ms. Obendorf presented the plan indicating the stream and the culvert that goes underneath Sudbury Road. The other side of the road was not documented and therefore the Riverfront Area is projected from the inlet of the culvert. On site also is a bordering vegetated wetland associated with the intermittent stream and projected Buffer Zone as well. The extent of the proposed work includes the removal of the two sheds and replacement of the existing well house to serve as both well house and a studio building. The footprint will remain the same. Also proposed is a drip edge to mitigate stormwater.

Commissioner Huggins asked about the water line. Ms. Obendorf responded that originally it was labeled as an irrigation line but it has been abandoned.

Commissioner Zaunbrecher inquired about a liquid propane tank near the studio on a pad outside which looks new. Commissioner Adams asked if there was a complete new foundation and whether the propane tank is within the 50-foot No Build Zone. Ms. Obendorf said that the project entails construction of a new foundation and the propane tank can be located outside the 50-foot NBZ. Mr. Sachs asked if it were okay to plant a few shrubs to hide the tank. Commission responded that natives would be good.

There were no public comments.

The applicant agreed to continue the hearing to April 20, 2016 to provide revised plans.

MINOR MODIFICATIONS

Mandel, 47 Old Bedford Road, DEP File #137-1314: Install Solar Array

List of plans and documents discussed at this meeting:

- Proposed Solar Array Plan prepared by Endless Energy, submitted on March 30, 2016.

Nabih Younis from Endless Energy, attended tonight's meeting. Mr. Younis informed the Commission that Mr. Mandel is in the process of building a new house and would like to install a solar array within existing lawn, a portion of which is in the outer Buffer Zone.

There were no public comments.

Commissioner Zaunbrecher moved to approve the Minor Modification. Commissioner Poutasse seconded. All so voted.

Division of Natural Resources, 6A Harrington Avenue, DEP File #137-1128: Well installation

Director Delia Kaye informed the Commission that she is looking into installing a well at 6A Harrington Avenue, the Rogers Land, which will be farmed by Crooked Row Fields alongside a small community garden. There are two proposed locations for a well, both outside of the 50-foot No Build Zone (NBZ). Director Kaye is seeking approval to explore these options and install a bedrock or shallow well outside the 50-foot NBZ.

Commissioner Adams asked how the cost of the shared use of electricity is divided between the parties. Director Kaye replied that there is electrical under the access easement which will have to be reconnected and metered. Sharing the cost is yet to be determined. Commissioner Poutasse inquired if there was funding for the well. Director Kaye responded that there is funding available and approval is in progress. Commissioner Poutasse asked where the available funding would come from. Director Kaye replied there is approximately \$50,000 from agricultural rent, an agricultural encumbrance for approximately \$7,700 and a community garden development encumbrance for \$5,000.

There was no public comment.

Commissioner Zaunbrecher moved to approve the Minor Modification. Commissioner Poutasse seconded. All so voted.

CLOSE AND ISSUE PERMITS

Notice of Intent Application for Francis V. Busa, 1266 Lowell Road, DEP File #137-1337
Chair Higgins reopened the hearing for approval to put land into agricultural production within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Commissioner Adams moved to close the hearing and issue Order of Conditions for DEP File#137-1337 for 1266 Lowell Road, with Findings A and B, Standard Conditions 1-19, Special Conditions 20-40, as amended. Commissioner Zaunbrecher seconded. All so voted.

OTHER BUSINESS

South Meadow CR and Public Access.

Yuval Erlich, 4 South Meadow Ridge, attended tonight's meeting. Mr. Erlich presented a photo of the buildings and where Jennie Dugan Brook is located. He believes that originally it was thought that the footpath would be as far as possible from the residences. He states that now the public walks on private property and uses a path that passes about 20 feet from their windows. The Association would like to create a buffer. The other stakeholder is Steve Verrill who has for the last 14-17 years been cultivating land in the CR. Mr. Erlich spoke to Mr. Verrill and Mr. Verrill agreed to grade another trail closer to the farmfield. The Association would

like to put signs and block the trail closer to the residences. There was a recent incident of a dog not on a leash jumping on an elderly resident. There is not much foot traffic now but the residents are concerned there will be more once the Bruce Freeman Rail Trail is completed.

Director Kaye explained that the CR provides public access which cannot interfere with residents' privacy or farming activities. Mr. Erlich commented that he read the general conservation rules and dogs should be on a leash. Director Kaye asked Mr. Erlich if they would restrict people from walking around the pond. Mr. Erlich said they would not. Commissioner Poutasse inquired if the existing path was on the edge of the CR. Mr. Erlich confirmed it was on the edge of the CR. Mr. Erlich said the Association would put up signs directing people accordingly. Commissioner Adams would like staff to approve the wording and size of the sign.

Chair Higgins opened the discussion up for public comments.

Peter Baty, 161 Ministerial Drive, asked if the CR pertained to any community garden. Chair Higgins responded that this CR did not.

Commissioner Zaunbrecher moved to allow the trail be moved down to the farm road and that signage is permitted to direct the public to use the farm road. The Commission reserves the right to review and revise the trail location in the future. Commissioner Adams seconded. All so voted.

Estabrook Woods Access Study Committee -Commissioner Huggins moved to recommend Jeffrey Adams as the NRC Representative to be appointed by the Select Board to the Estabrook Woods Access Study Committee. Commissioner Poutasse seconded. All so voted.

Administrative Approvals

- **Slattebo, 455 Powder Mill Road: Tree Removal/Limbing**
Assistant Director Capone said the office was notified of tree clearing. Upon inspection one storm damaged tree was removed. Additional dead wood was being pruned from other trees. All work was being conducted by hand. There is a good buffer of about 60-65 feet of wooded area between the house and White Pond. The trees work had no negative impact on the pond. Approval was granted.
- **CMLP, Installing new electrical lines and manholes in Sudbury Road and Main Street/Knox Trail.**
Assistant Director Capone said this was more of an exemption but wanted to make the Commission aware of it and wanted the Commission's feedback. Knox Trail needs to bring electricity by putting a new box and electrical lines in the road from Main Street to Knox Trail. CMLP also needs to install two boxes from either side of the river crossing on Sudbury Road in already disturbed areas and tie into the existing systems on either side of the river. The electrical line will be sleeved through the existing conduits. Approval was granted.
- **Gillis, 80 Alford Circle, Tree Removal and Stump Grinding**
Director Kaye reminded the Commission that last year they had approved Mr. Gillis to remove and flush cut eight trees in the Buffer Zone, which he did. Nine shrubs have been planted as mitigation. Mr. Gillis is now seeking permission to grind the stumps.

He would now like to remove three additional trees. Two of the trees have been identified as hazards by his arborist. Mr. Gillis agreed to plant three red bud or shadblow or other native trees. Two trees are in the 50-foot No Build Zone and one is in the outer Buffer Zone. Approval was granted.

- **Bemis, 28B Lowell Road, Irrigation Pump**
Director Kaye said John Bemis bought Ken Mariner's property at 28B Lowell Road. Mr. Bemis is seeking approval to install an irrigation pump at the river's edge to irrigate his fruit trees across Liberty Street. Commissioner Adams asked how Mr. Bemis was going to obtain approval from Public Works. Director Kaye explained that Mr. Bemis is in discussion with Public Works. Commissioner Huggins inquired if it was on a pad. Commissioner Poutasse commented that it was a machine usually on wheels. Director Kaye noted that this could be viewed as equipment rather than a structure and it would be temporary (seasonal). Approval was granted.

Director's Report

- Director Kaye reported a breach of the beaver dam on Cambridge Turnpike at Crosby's Pond.
- Director Kaye said Concord-Carlisle @ Play and the Concord Carlisle High School wanted to address the Commission regarding the shot put. Commissioner Adams suggested having a representative from CC@Play and the high school attend the next meeting.
- Director Kaye informed the Commission that the Natural Resources Division has been receiving calls regarding construction of the Bruce Freeman Rail Trail in Acton related to excessive tree removal near 2A and Nashoba Brook. She noted that staff will meet with the contractor prior to work on the Concord section to confirm what tree removal is permitted as part of the pre-construction meeting.
- Director Kaye presented pictures of Sleepy Hollow and the work that was done with the flashing of trees to protect the heronry.
- The Heywood Meadow wall is expected to be completed by Patriot's Day, but not the sidewalk, which should be completed by the end of April.
- Director Kaye informed the Commission that the Trail Committee would like to honor Harry Beyer for his extensive work with trails and accessibility. One idea was a bench along the assessed trail on Tuttle Lane. Another idea was naming the trail after him with a write up in the kiosk about his contributions. Commissioner Adams asked if this would set a precedent for the future. Commissioner Huggins said there is no policy for this and suggested a dedication in a trail guide.

Select Board member Mike Lawson thanked the Natural Resources Commission for their efforts and informed them that this would be his last meeting as liaison.

Approve Meeting Minutes

Commissioner Adams moved to approve the February 17, 2016 NRC meeting minutes, as amended. Commissioner Huggins seconded. All so voted.

Commissioner Adams moved to approve the March 2, 2016 NRC meeting minutes, as amended. Commissioner Poutasse seconded. All so voted.

Commissioner Zaunbrecher moved to adjourn. Commissioner Huggins seconded. All so voted.
This meeting adjourned at 10:30 p.m.

Respectfully submitted,

Karen Bockoven
Administrative Assistant