

NATURAL RESOURCES COMMISSION
Meeting Minutes
June 1, 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, June 1, 2016. The following Commissioners were present: Lynn Huggins, Chair, Greg Higgins, Jeff Adams, Chip Poutasse, and Judy Zaunbrecher. Delia Kaye, Natural Resources Director, and Natural Resources Administrative Assistant Karen Bockoven, were also present.

Chair Huggins 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 - Engineering, Assabet Ave., DEP File #137-1323	7:00 pm
Normandy Baker LLC, 300-310 Baker Ave., DEP File #137-1342	7:00 pm
Milltarry Offices Registered LLP, 91 Lowell Rd & 105 Keyes Rd, DEP File #137-1315	7:00 pm
Patrick McCullough, 237 Commonwealth Avenue, RDA File #16-08	7:25 pm
Mary Frances Crowley, 75 Ayrshire Lane, DEP File #137-1343	7:35 pm

CONTINUANCES

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

Chair Huggins reopened the hearing for approval 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 June 15, 2016. Commissioner Higgins seconded. All so voted.

Notice of Intent Application for Normandy Baker LLC, 300-310 Baker Avenue, DEP File #137-1342

Chair Huggins reopened the hearing for approval to The Applicant is seeking approval to construct 114 additional parking spaces with associated grading and drainage within Bordering Land Subject to Flooding 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 June 15, 2016. Commissioner Higgins seconded. All so voted.

Notice of Intent Application for Milltarry Offices Registered LLP, 91 Lowell Road & 105 Keyes Road, DEP File #137-1315

Chair Huggins reopened the hearing for approval to construct a commercial market/office building, with associated parking, walkways, and drainage, a portion of which work is within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to Mill Brook, and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Site Layout Plan prepared Dewing, Schmid, Kearns, last revised May 19, 2016;
- Permit Plan prepared Dewing, Schmid, Kearns, last revised May 31, 2016;
- Site: Planting Plan prepared Dewing, Schmid, Kearns, last revised May 20, 2016;
- Correspondence from Hughes Environmental Consulting received May 20, 2016;
- Stormwater Management Operation and Maintenance Plan prepared by Hughes Environmental Consulting received May 20, 2016;
- Concord Market Invasive Removal and Control prepared by Hughes Environmental Consulting received May 20, 2016;
- Correspondence from Oxbow Associates, Inc. received on May 20, 2016; and
- Wildlife Habitat Protection Guidance received on May 20, 2016.

Chip Dewing of Dewing Schmid Kearns and Tom Hughes of Hughes Environmental Consulting attended tonight's meeting.

Mr. Dewing informed the Commission that since the last NRC meeting they have received approval from Historic District Commission and unanimous support from the Planning Board. At the last NRC meeting they were requested to provide a planting plan for the Town portion of the isolated wetland, provide a more specific invasive species removal plan, and a post-removal management plan. The plans have been submitted. At their most recent Planning Board submission, there were no plan changes except for one small change. The Board requested that the caliper size of six of the trees in the upland portion be increased. They have also received a request from Concord Municipal Light Plant to make provision for an additional transformer. A 4-foot by 4-foot transformer pad has been added to the plan if they are required to provide the additional transformer. The transformer will be located next to the current transformer. Director Kaye said a sketch was received regarding a minor change to the curbing. Mr. Dewing informed the Commission that the curbing is necessary because the Planning Board does not want cars making a left hand turn onto Lowell Road. The curbing will direct people to go right.

Commissioner Poutasse asked the Commission if there had been a consensus at the last meeting regarding the parking platform. Commissioner Adams replied that he believed that a consensus was reached and that overall there would be an improvement to the existing conditions site wide. Commissioner Poutasse stated the flood storage is being enhanced and therefore more cubic feet of flood storage is being provided. He asked if any research would be done with regard to similar projects such as decks built over a wetland or more specifically over flood storage with the intention of providing flood storage.

Commissioner Adams commented that by the deck being put in, there is less evaporation. Therefore, with regard to the invasives in particular, the black locust, more of the area might open up. Tom Hughes explained that the vegetation is taking the water out of the system. Mr. Hughes believes that much of the water there now does not evaporate. Mr. Hughes said that parking decks over a wetland is not that uncommon. He has worked on low bridges, commercial docks and piers over wetland areas. He has previously put in elevated parking garages at Plum Island. A technical expert will take a look at the soils to make sure the structure is appropriately designed. Pre-cast concrete is something used frequently on Plum Island and other areas. They have done many projects where they have put houses on piles within floodplains and compensated for flood storage. Commissioner Poutasse asked whether

their project at Plum Island was similar to this project with putting a deck over a flood storage area. Mr. Hughes answered yes. Commissioner Poutasse noted that the bottom of the deck will be several feet above the expected water level. A large part of that site is in the floodplain. Therefore, in a 100-year flood there will not be many places to park at Millbrook Tarry. Mr. Hughes said there will not be anything that will obstruct the flow of water to the areas where the plants are around the outside of the parking deck. Commissioner Poutasse was concerned about stagnant pools of water. Mr. Hughes stated there is four feet under the deck. The lowest point is six inches, however, most of the space under the deck is four feet. Air will be able to flow under the deck. Mr. Dewing explained that there is an opening in the deck between the deck and the existing parking that will be vegetated and open to the sky, creating cross ventilation. Commissioner Adams asked if the deck was covering one-third of the depressed area. Mr. Hughes answered that it is about 5,900 square feet over the wetland portion of the depression.

Commissioner Higgins asked how the Commission will know when the work is completed and maintained. Director Kaye said the Commission can ask for the reporting requirements. She also requested that the Applicant sign the Operation and Maintenance Plan (O&M). Mr. Hughes agreed to provide this. Mr. Hughes mentioned that he has provided an updated Plan Sheet C2 and C3 showing the change in the snow storage. Commissioner Zaunbrecher asked who would maintain the town owned property where the invasives are being removed. Director Kaye said the applicant would maintain for the life of the permit. However, after the third growing season, it would be Town's responsibility.

Chair Huggins recommended keeping the hearing open until after the Zoning Board of Appeals hearing.

Director Kaye asked the applicant to provide a signed O&M plan by Friday and to show on the plan where the proposed potential future transformer will be.

There were no public comments.

The applicant agreed to the Commission continuing the hearing to June 15, 2016.

NEW APPLICATIONS

Request for Determination of Applicability for Patrick McCullough, 237 Commonwealth Avenue, RDA File #16-08

Chair Huggins opened the hearing seeking confirmation that the project is outside wetland jurisdictional areas. Work consists of demolition of two sheds and construction of a garage.

List of plans and documents discussed at this meeting:

- Request for Determination of Applicability Application; and
- Site Plan of 237 Commonwealth Avenue prepared by Schofield Engineering Group revised on June 1, 2016.

David Schofield of Schofield Engineering Group, attended tonight's meeting.

Mr. Schofield explained that the property is located a little north of West Concord center and the dam at Warner's Pond is to the rear of the property line. The proposal is to demolish the small garage and replace with a 28-foot by 24-foot garage attached to the house. This is

outside the Buffer Zone. It is also outside the floodplain and there is no change of grade proposed. They will use construction fencing and straw wattles to delineate the limit of the work area. Mr. Schofield provided a table showing the impervious areas showing a decrease.

Chair Huggins inquired about the mulch pile. Mr. Schofield stated they will remove the mulch pile by hand.

There were no public comments.

Commissioner Adams moved to issue a Negative Determination of Applicability #4 and 6 that the work described in this Request is not within an area subject to protection under the Act or the Wetlands Bylaw and does not require the filing of a Notice of Intent with a Special Condition that the mulch in the floodplain is removed as part of the proposed project. Commissioner Higgins seconded. All so voted.

Notice of Intent Application for Mary Frances Crowley, 75 Ayrshire Lane, DEP File #137-1343

Chair Huggins opened the hearing for approval to replace an existing sewage disposal system within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application
- Sewage Disposal Plan Prepared for Crowley, 75 Ayrshire Lane, Prepared by Stamski and McNary and dated May 18, 2016.

Molly Obendorf of Stamski and McNary, attended tonight's meeting.

Ms. Obendorf stated that the applicants needs to replace their septic system. The existing septic system is under the driveway. Ms. Obendorf said that the siting of the system is environmentally conscience and the beautifully maintained landscape will remain the same. Commissioner Poutasse asked where the new septic system will be. Ms. Obendorf explained that the proposed septic system is approximately 52-feet from the wetlands - outside the 50-foot.

There were no public comments.

The Applicant agreed to continue the hearing until June 15, 2016 because there was no DEP # assigned to the project at this meeting.

CERTIFICATE OF COMPLIANCE

Johnson, 88 Martin Street, DEP File #137-1133

Director Kaye explained that 88 Martin Street is new single-family house construction. There was much discussion about keeping all structures outside the 50-foot No Build Zone during the permitting and construction process.. The As-Built shows a small amount of work in the 50-foot NBZ: 30 square feet of the patio 1.6 s.f. of overhanging gutter. Commissioner Adams said that it was not allowed before and it would not be allowed now.

Director Kaye will advise applicant that intrusions into the 50-foot No Build Zone be removed before the Commission will issue a Certificate of Compliance. Director Kaye asked the

Commission if they would like a time frame for the removal. The Commission requested by November 15th.

Commissioner Adams moved to deny the Certificate of Compliance until the patio area built within the 50-foot No Build Zone is removed. Commissioner Zaunbrecher moved to amend the motion that a Certificate of Compliance will not be issued until the portions of the property that are within the 50-foot No Build Zone are resolved no later than November 15, 2016. Commissioner Higgins seconded. All so voted.

EXTENSION REQUESTS

Bentley Building Corp., Monsen Farm, Lot 8, DEP File #137-1218: Two years

Bentley Building Corp., Monsen Farm, Lot 7, DEP File #137-1219: Two years

Bentley Building Corp., Monsen Farm, Lot 6, DEP File #137-1220: One year

Bentley Building Corp., Monsen Farm, Lot 5, DEP File #137-1221: One year

Commissioner Adams moved to grant the Extension Requests for the Monsen Road, Lots 8, 7, 6 and 5. Commissioner Zaunbrecher seconded. All so voted.

OTHER BUSINESS

Director's Report

- Director Kaye informed the Commission that the herons at Sleepy Hollow are successfully breeding. The flashing appears to have been successful. There are about 13 nests, 10 adults, 26 young. There were 17 nests last year and the high number of nests was 32 in 2014.
- Director Kaye said that the land acquisition that the Town and the Concord Land Conservation Trust is pursuing at Ball's Hill Road is for 80 acres for conservation and watershed supply purposes. The Town is working to pursue a land grant which is awarded to municipalities through the Federal Land and Water Conservation Fund. Projects are eligible for up to \$400,000 in funding. The purchase price for the land is \$6.4 million. The Town has committed \$2 million and the Concord Land Conservation Trust's portion will be \$4.4 million. Director Kaye is looking at how to structure the application. One option is for the Natural Resources Commission to hold the Conservation Restriction. It was discussed at one point that NRC would hold a portion of the fee. Public Works would like half for watershed supply purposes but that has not yet been negotiated. Director Kaye asked if the Commission had a preference to holding a CR or having the Land Trust hold the conservation land in fee. The consensus of the Commission was that either would be satisfactory. Commissioner Poutasse asked if there was a Purchase and Sale Agreement for the property. Director Kaye said the goal is to have a Agreement by the end of the year.
- Director Kaye told the Commission that the locations for 300 butterfly milkweed have been staked out at Heywood Meadows. They will be planted on Saturday, June 4th by the Appalachian Trail Mountain group that is coming to Concord. They also will be doing the Amble bog bridges and the CLCT project. Nicki Tsongas will be stopping by and she will say a few words about the importance of land and water conservation funding for trails and open space.

Administrative Approvals

- **Musketaquid Sportmen’s Club, 26 Old Mill Road, DEP File #137-1300: Algae Treatment**
Director Kaye said that the club was given approval to do invasive treatment at the pond located on the property. They did not request approval for the algaecide and there is a lot algae at the pond. They would like approval to treat the algae. Approval was granted.
- **Silver Hill Pond Association, 22A Silver Hill Road, DEP File #137-0280: Tree Removal**
Director Kaye said there is a dead pine that is 80 feet from the wetlands in the woods, but next to a trail behind the beach that the association would like to take down. They would also like to install a shed to house their benthic barriers. The shed is temporary. Approval was granted.
- **Concord Public Works, 34A Bedford Street, DEP File #137-1333: Repaving and Drainage Repair**
Director Kaye informed the Commission that there are two areas within the Buffer Zone to be repaved, within the existing footprint. Approval was granted.

Commissioner Higgins moved to adjourn. Commissioner Zaunbrecher seconded. All so voted. This meeting adjourned at 8:00 p.m.

Respectfully submitted,

Karen Bockoven
Administrative Assistant