

NATURAL RESOURCES COMMISSION
Meeting Minutes
July 20, 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**, July 20, 2016. The following Commissioners were present: Lynn Huggins, Chair, Greg Higgins, Jeff Adams, 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 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.

Karen Kirsten, 280 Estabrook Road, DEP File #137-1339	7:00 pm
Amy McManus, 136 Laurel Street, DEP File #137-1353	7:00 pm
Town of Concord, CPW Engineering, 1400/1411 Lowell Road, DEP File #137-1346	7:01 pm
Middlesex School, 1400 Lowell Road, DEP File #137-1347	7:01 pm
Town of Concord, CPW Engineering, Shadyside Avenue, DEP File #137-1355	7:05 pm
David & Andrea Massar, 296 Bedford Street, DEP File #137-1352	7:22 pm
Matthew Hall, 269 Sudbury Road, DEP File #137-1354	7:30 pm

CONTINUANCES

Notice of Intent Application for Karen Kirsten, 280 Estabrook Road, DEP File #137-1339

Chair Huggins reopened the hearing for approval to remove trees and vegetation, plant a meadow, and remove invasive species within the 200-foot Riverfront Area of a tributary to Dakins Brook and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Poutasse moved to continue the hearing to August 10, 2016. Commissioner Adams seconded. All so voted.

Notice of Intent Application for Amy McManus, 136 Laurel Street, DEP File #137-1353

Chair Huggins reopened the hearing for approval to demolish the existing single-family home and construct a new single family dwelling within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Poutasse moved to continue the hearing to August 10, 2016. Commissioner Adams seconded. All so voted.

Notice of Intent Application, Town of Concord, Concord Public Works - Engineering Division, 1400/1411 Lowell Road, DEP File #137-1346

Chair Huggins reopened the hearing for approval to replace a culvert under Lowell Road within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Checklist for Stormwater Report prepared by Stantec Consulting Services, Inc., received on July 8, 2016;

- Site Preparation Plan prepared by Stantec Consulting Services, Inc., received on **July 8, 2016**;
- Proposed Conditions Plan prepared by Stantec Consulting Services, Inc., received on **July 8, 2016**; and
- Wetland Replication Area Plan prepared by Stantec Planning and Landscape Architecture, P.C., received on July 8, 2016.

Chair Huggins stated that the Applicant has provided information that was requested at the last meeting.

There were no public comments.

Commissioner Poutasse moved to close the hearing and issue an Order of Conditions for Concord Public Works - Engineering Division, 1400/1411 Lowell Road, DEP File #137-1346 with Findings A and B, Standard Conditions 1-19 and Special Conditions 20-50. Commissioner Adams seconded. All so voted.

Notice of Intent Application, Middlesex School, 1400 Lowell Road, DEP File #137-1347

Chair Huggins reopened the hearing for approval to replace a culvert within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Checklist for Stormwater Report prepared by Stantec Consulting Services, Inc., received on July 8, 2016;
- Memo prepared by Stantec Consulting Services, Inc., received on July 8, 2016; and
- Detail Sheet prepared by Stantec Consulting Services, Inc., received on July 8, 2016.

Chair Huggins said that the Applicant has provided revised information to address concerns raised at the last meeting

There were no public comments.

Commissioner Zaunbrecher moved to close the hearing and issue an Order of Conditions, as amended, for Middlesex School, 1400 Lowell Road, DEP File #137-1347 with Findings A and B, Standard Conditions 1-19 and Special Conditions 20-46. Commissioner Adams seconded. All so voted.

NEW APPLICATIONS

Notice of Intent Application for Town of Concord, Shadyside Avenue, DEP File #137-1355

Chair Huggins opened the hearing for approval to replace three culverts within Bordering Vegetated Wetlands, Land Under Waterbodies and Waterways, and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application;
- Overall Proposed Plan prepared by Concord Public Works, Engineering Division, dated July 6, 2016; and
- Correspondence from Concord Public Works, Engineering Division received on July 14, 2016.

Christopher Olbrot, Assistant Town Engineer, attended tonight's meeting.

Mr. Olbrot explained to the Commission that this project involves replacing three different culverts, (two within Shadyside Avenue and one at 18A Shadyside Avenue) in conjunction with repaving the road. Two of the culverts (A&B) are significantly undersized. The third culvert (C) is a corroded corrugated metal pipe (CMP). Culvert A is an 8-inch clay pipe and it will be upsized to an 18-inch reinforced concrete pipe (RCP) pipe. The town will install a drop inlet to maintain the existing invert while providing necessary cover over the culvert. All this work will take place within the 25-foot No Disturb Zone and therefore they are requesting a waiver. They will install erosion controls and a sedimentation basin if dewatering is necessary. They are also proposing to upsize Culvert B to an adequate size. They are proposing high density polyethylene (HDPE) plastic pipe with crushed stone around to provide vehicle access over the culvert. Mr. Olbrot said that Culvert C will be upsized but they will imbed it to meet the Stream Crossing Standards and the inlet will remain the same. Mr. Olbrot said there are five trees proposed to be removed with regard to all three culverts. Chair Huggins asked if they would replace the trees. Mr. Olbrot said they could and they will work with staff.

Commissioner Zaunbrecher asked if the design of the inlet control structure would facilitate wildlife passage. Mr. Olbrot said that wildlife would not be impeded more than existing conditions and by installing an inlet control structure, they will be able to collect sediment first before it goes into the culvert, improving the water quality.

Commissioner Adams asked that with regard to Culvert C the Applicant work with the farmer to ensure that farming activities are not compromised. Mr. Olbrot agreed.

Commissioner Zaunbrecher inquired about Culvert C and the stones downgradient on the bank. Mr. Olbrot replied that they are proposing to remove the existing rip rap and install slope stabilization fabric, and loam and seed the embankment with a native seed mix. Commissioner Adams asked when they would do the work. Mr. Olbrot said they hope to start this fall.

Chair Huggins explained that there are some invasives around Culvert C that should be removed. Mr. Olbrot said he would work with DNR staff to remove these invasives. Chair Huggins asked Mr. Olbrot if invasives were going to be monitored for a few years. Director Kaye said they can work with Public Works regarding invasives removal and monitoring.

Commissioner Higgins asked if the project was being done in-house. Mr. Olbrot responded that this work will be contracted out.

Commissioner Zaunbrecher commented that Culvert B is on private land. Mr. Olbrot confirmed that it was and that they have a Memorandum of Understanding regarding the Town's liabilities and insurances.

There were no public comments.

The Applicant agreed to continue the hearing until August 10, 2016 for issuance of an Order of Conditions.

Notice of Intent Application for David and Andrea Massar, 296 Bedford Street, DEP File #137-1352

Chair Huggins opened the hearing for approval to replace an existing culvert within Bank, Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, Land Under Waterbodies and Waterways, 200-foot Riverfront Area to unnamed tributary to the Concord River and the 100-foot Buffer Zone to Bank.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Existing Residential Driveway Culvert Repair Plan by Nover-Armstrong Associates, Inc. dated June 29, 2016 and revised July 12, 2016.

Laura Krause from Nover-Armstrong Associates, Inc. attended tonight's meeting.

Ms. Krause informed the Commission that they are replacing a 12-inch CMP with a 12-inch RCP. The proposed inverts will be matched. The temporary alterations will be 10 linear feet of Bank, 20 square feet of Land Under Water, 40 square feet of Bordering Vegetated Wetland, and 340 square feet of Riverfront Area. Impacts are temporary and the site will be returned to existing conditions at the completion of the project. They have revised the plan to include a 2-inch sewer sleeve that will be installed below the culvert.

Commissioner Adams asked if there was an advantage to installing any other utility sleeves. Ms. Krause replied that additional sleeves would not be necessary.

Chair Huggins said that staff commented that pre- and post- spot grades be taken along the paved driveway to ensure there is no floodplain impact. Assistant Director Capone asked if the riverfront calculations take into account the pipe. Ms. Krause said it is underneath, therefore, it is within the same area.

There were no public comments.

Commissioner Poutasse moved to close the hearing and issue an Order of Conditions for David and Andrea Massar, 296 Bedford Street, DEP File #137-1352 with Findings A, B and C, Standard Conditions 1-19 and Special Conditions 20-46. Commissioner Adams seconded. All so voted.

Notice of Intent Application for Matthew Hall, 269 Sudbury Road, DEP File #137-1354

Chair Huggins opened the hearing for approval to demolish and reconstruct a single-family house within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Wetland Permitting Plan prepared by Stamski and McNary, Inc., dated July 5, 2016.

James Melvin of Stamski and McNary, and Matthew Hall, attended tonight's meeting.

Mr. Melvin explained that the rear of the property contains Bordering Vegetated Wetland whose 100-foot Buffer Zone encompasses the entire front portion of the site. Mr. Melvin said that the existing house would be demolished and a new house constructed on a frost wall (no basement) instead of the existing slab. They are also proposing to build a second and third floor addition. Mr. Melvin said that the existing paved driveway will be removed and replaced with a new gravel driveway. With regard to the patio on the front corner and along the back

of the building, there will be some intrusion into the 25-foot No Disturb Zone. In addition, the majority of the dwelling is within the 50-foot No Build Zone. They received a Special Permit for this design. Their original intention was to minimize disturbance and build up in order to increase the square footage but the existing foundation was found to be unsuitable to support this construction. They developed a helical pier solution, which would have required machine access. The Natural Resources Commission's administrative approval would not cover that and they could not get a helical company to do it by hand. Since this helical method requires earth work, they had to submit a Notice of Intent. The homeowner has since opted to construct an entirely new structure with the same footprint, shifted three feet to meet the side yard setback.

Mr. Hall discussed the landscaping plan. The driveway they are proposing will have a crushed stone base with either a 2-inch pea stone topping or stone dust. They will also establish the 25-foot No Disturb Zone with native vegetation and some sort of monumentation to demarcate the wetland boundary. They would like to remove a Norway maple from the front right side of the property. It is not in good condition and is touching utility wires. They would plant around the edges of the driveway. They would like to make the patio out of a pervious material such as wood paving. The wood paving will be 6-inch by 6-inch blocks imbedded in crushed stone, set like brick. Commissioner Zaunbrecher asked if the wood would be used in the front and back. Mr. Hall replied that it would.

Commissioner Adams stated that the proposed patio would be installed in the 25-foot No Disturb Zone. Mr. Hall said they would be maintaining the edges of lawn as they are mown currently except existing lawn within the wetland would be allowed to naturalize and an annual mow would be integrated adjacent to the wetland. Mr. Hall said they are now proposing to move a shed currently in the 25-foot No Disturb and move it closer to the driveway. They are also proposing to remove invasives. Commissioner Adams said the plan in front of the Commission is different from what is being discussed. Mr. Hall said a revised plan will include the details discussed tonight.

Commissioner Adams expressed concern about the patio proposed in the 25 No Disturb Zone. Commissioner Adams asked if there was a way to relocate the patio since the shed will be moving to be outside the 25-foot NDZ. Commissioner Adams said there can be a landing but they do not necessarily need a patio. Commissioner Higgins suggested moving the door. Director Kaye said the house could be moved forward slightly. Mr. Hall replied that they are within 4 feet of the front setback. Mr. Hall also said they are hoping to get space for planting and to allow for a car turnaround on the left side of the driveway. They are hoping to create a turn around. Mr. Hall stated they could look at options for moving the patio or limiting it.

Chair Huggins requested a dewatering plan, stockpile locations, and asked whether a foundation drain would be necessary.

There were no public comments.

The Applicant agreed to continue the hearing until August 10, 2016.

CLOSE AND ISSUE PERMITS

Notice of Intent Application for Amy Stoll of 91 Hayward Mill Road, DEP File #137-1350

Chair Huggins reopened the hearing for approval to construct a detached garage within the 200-foot Riverfront Area to Kennedy's Pond (Second Division Brook) and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Commissioner Poutasse moved to close the hearing and issue an Order of Conditions for Amy Stoll, 91 Hayward Mill Road, DEP File #137-1350 with Findings A, B and C, Standard Conditions 1-19 and Special Conditions 20-44. Commissioner Higgins seconded. All so voted.

OTHER BUSINESS

270 Border Road - Violation Discussion

Homeowners Mitchell Beard and Janet McGurn, and Henry Dane, Esq. attended the meeting to discuss tree cutting on Forest Ridge Road conservation land and submitted correspondence dated July 18, 2016.

Chair Huggins said that the Commission appreciates that the homeowners have taken a proactive approach to reach a solution.

Mr. Dane explained that the landowners are working with a landscaping company to develop a restoration plan. Mr. Dane stated that some of the cutting was done by the former owner, believing it was her property.

Chair Huggins said that it is typical for someone to work with a landscape architect to develop a proposal on a surveyed plan. Mr. Dane said Mr. Beard and Ms. McGurn are working with Mauer Landscaping. Mr. Dane asked for a list of preferred native plants to incorporate into the landscape design. Director Kaye responded that any plantings on the New England Wildflower Society website would be native and could be selected based on site conditions. Commissioner Adams said that they would also need a civil engineered plan that certifies where the property boundaries are located. Commissioner Poutasse inquired if stone bounds would be installed. Mr. Dane thought that at one point there were stone bounds which had since been buried. Chair Huggins informed Mr. Dane that he needs to provide a survey plan by a civil engineer showing boundary markers. The plan should show trees that were removed and the trees proposed as mitigation. Mr. Dane said they will indicate which stumps were from the prior owner cutting and the stumps which are from trees cut by his clients.

Director Kaye asked for a timeframe on development of the plans. Mr. Dane will contact her at the end of August on when plans will be ready for review and which NRC meeting in September he and his clients will be able to attend.

Trails Committee Appointment, Carlene Hempel, 50 Highland Street

Director Kaye informed the Commission that Carlene Hempel has submitted interest in serving on the Trails Committee to replace the seat vacated by Murray Nicolson. Carlene is an active Trail Steward and would be a great addition to the Trails Committee. Commissioner Zaunbrecher moved to appoint Carlene Hempel to the Trails Committee. Commissioner Higgins seconded. All so voted.

Director's Report

- Director Kaye informed the Commission that on July 1, 2016, the Executive Office of Environmental Affairs issued a drought watch for the northeast and central regions, and a drought advisory in the southeast region and Connecticut River Valley. A drought watch means there has been a deficit of 10 inches of precipitation over the past 12 months. This could have implications for the Commission in the event that an Applicant proposes that a perennial stream is intermittent, which needs to be documented with no flow over four days within one year. Documentation of four days of no flow does not apply when a drought advisory or watch is in effect.

Commissioner Adams moved to approve the June 15, 2016 NRC meeting minutes, as amended. Commissioner Higgins seconded. All so voted. (Chair Huggins and Commissioner Zaunbrecher abstained.)

Commissioner Adams moved to adjourn. Commissioner Zaunbrecher seconded. All so voted. This meeting adjourned at 8:05 p.m.

Respectfully submitted,

Karen Bockoven
Administrative Assistant