

**NATURAL RESOURCES COMMISSION  
Meeting Minutes  
October 5, 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**, October 5, 2016. The following Commissioners were present: Lynn Huggins, Chair, Jeff Adams, and Chip Poutasse. 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.

|   |         |
|---|---------|
| Sudbury Valley Trustees, 10X Old Bedford Road, DEP File #137-1363   | 7:00 pm |
| Edward G. Tiedemann, Jr., Trustee, 656 Barretts Mill Road, DEP File #137-1362                             | 7:00 pm |
| Everett Bramhall, 607 Main Street, DEP File #137-1361   | 7:00 pm |
| Jason and Carmela Gee, 328 Border Road, DEP File #137-1365  | 7:04 pm |
| Concord Museum, 200 Lexington Road, DEP File #137-1351  | 7:20 pm |
| Unisys Corporation, 14X Hemlock Street, 205 Hemlock Street and 48B Fitchburg Turnpike, DEP File #137-1367 | 7:40 pm |
| Middlesex School, 1400 Lowell Road, DEP File #137-1368  | 7:48 pm |

**CONTINUANCES**

**Notice of Intent for Sudbury Valley Trustees, 10X Old Bedford Road, DEP File #137-1363**

Chair Huggins reopened the hearing to conduct invasive species management within Bordering Vegetated Wetlands and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Adams moved to continue the hearing to October 19, 2016. Commissioner Poutasse seconded. All so voted.

**Notice of Intent Application for Edward G. Tiedemann, Jr., Trustee, 656 Barretts Mill Road, DEP File #137-1362**

Chair Huggins reopened the hearing to replace an existing culvert and install underground utilities within Bordering Vegetated Wetlands, Bordering Land Subject to Flooding, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetland.

At the request of the Applicant, Commissioner Adams moved to continue the hearing to October 19, 2016. Commissioner Poutasse seconded. All so voted.

**Notice of Intent Application for Everett Bramhall, 607 Main Street, DEP File #137-1361**

Chair Huggins reopened the hearing to construct an addition and convert an existing covered porch into living space within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Adams moved to continue the hearing to October 19, 2016. Commissioner Poutasse seconded. All so voted.

### **Notice of Intent for Jason and Carmela Gee, 328 Border Road, DEP File #137-1365**

Chair Huggins reopened the hearing to construct a new garage, porch, addition, patio, and pool, and expand the driveway within the 200-foot Riverfront Area to the Second Division Brook and within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Site Plan received September 23, 2016; and
- Correspondence from David W. Burke dated September 22, 2016.

David Burke and Brian Zagarites attended tonight's meeting. Mr. Burke said at the last meeting the Commission was looking for a 1.5:1 ratio of remediation. Mr. Burke said he went out to the property and near the driveway there is approximately 3,200 s.f. of mostly invasives that they would be happy to remove and revegetate with native species. Director Kaye informed the Commission that the winged euonymus along the driveway are a major invasive seed source on site and recommended they be removed. Chair Huggins said it would be beneficial to the homeowner to consider removing these and replant native shrubs such as witch hazel. Mr. Burke said there is already substantial cost associated with replanting the mitigation areas (5,000 s.f.). Chair Huggins suggested using a native seed mixture to minimize cost while expanding the mitigation area. Mr. Burke said he would rather use witch hazel or something woody so it would not change the look of the entrance to the property. Mr. Burke said he will discuss this with the homeowners.

Commissioner Adams asked if it is necessary to remove some of the invasives by machine. Mr. Burke replied that it is not as drastic as it seems. The invasives that are bigger can be removed by a choker system. They will put a choker around the bottom of the plant and tug it out with a bucket. The equipment would be positioned away from the wetlands. Commissioner Adams suggested the Commission include a condition that requires the machine to stay within currently developed areas.

There were no public comments.

Commissioner Adams moved to close the hearing and issue an Order of Conditions for Jason and Carmela Gee, 328 Border Road, DEP File #137-1365 with Findings A, B, C and D, Standard Conditions 1-19 and Special Conditions 20-53. Commissioner Poutasse seconded. All so voted.

### **Notice of Intent Application for Concord Museum, 200 Lexington Road, DEP File #137-1351**

Chair Huggins reopened the hearing to demolish an existing building and construct a 4,800-square foot addition, including a new access driveway, parking lots, and utility work within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Correspondence from Nitsch Engineering dated September 23, 2016;
- Planting Plan (L103 & L203) prepared by G2 Collaborative dated September 23, 2016;
- Invasives Removal Plan (L301) prepared by G2 Collaborative dated September 23, 2016; and
- Erosion Control Plan prepared by Nitsch Engineering dated September 23, 2016.

Steven Ventresca from Nitsch Engineering and Lisa Giersbach from G2 Collaborative attended tonight's meeting. Mr. Ventresca said that after the Commission's comments from the last

meeting, they removed the proposed sidewalk that leads up from Cambridge Turnpike to the ranch house to remove that component from the 50-foot No Build Zone. Ms. Giersbach explained that the Emerson parcel has been reviewed by a wetland specialist, Barbara Keene from Tree Specialists. Ms. Keene has started to identify and quantify invasives for removal. Ms. Giersbach said they are removing about 1,000 s.f. of invasives in the area closest to the parking lot. The meadow is mown twice a year. Ms. Giersbach said that Ms. Keene has identified what percentage of invasives exist within the different zones. The invasives consist mostly of bittersweet and multi-flora rose. There are also some Norway maples that they are proposing to remove. Ms. Giersbach informed the Commission that in the mitigation plan where they are taking out large areas of invasives, they will seed areas with a native seed mix or replant disturbed areas with meadowsweet. They propose to mitigate approximately 2,500 s.f. by creating more pervious space or removing invasives.

Commissioner Adams reiterated that the Commission had requested 1:1 mitigation ratio for work in the outer Buffer Zone and 2:1 in the 50-foot No Build Zone. Commissioner Adams stated that the area to be developed cannot be counted as mitigation. Ms. Giersbach asked if there were any concerns about the methods being proposed to remove invasives. Director Kaye said their recommendation for hand pulling small stems and treating larger stems swiped with an herbicide was acceptable.

Ms. Giersbach asked if the mitigation could be phased over the next few years due to cost. Director Kaye said the project would be conditioned to commence mitigation work during the first growing season and all done at once. The Order of Conditions covers three years so the invasives and new plantings can be monitored over the life of the permit.

Mr. Ventresca told the Commission that the plan is to commence construction next spring with plantings to be installed next fall.

A site visit was scheduled for Wednesday, October 12, 2016 at 4:00 p.m.

Ms. Giersbach asked if the pervious pavement in the parking lot counts towards mitigation. Director Kaye said it does not because that is a requirement to meet stormwater management standards. Mr. Ventresca said they provided above and beyond for that requirement.

There were no public comments.

At the request of the Applicant, the hearing was continued to November 2, 2016.

#### **NEW APPLICATIONS**

##### **Notice of Intent Application for Unisys Corporation, 14X Hemlock Street, 205 Hemlock Street and 48B Fitchburg Turnpike, DEP File #137-1367**

Chair Huggins opened the hearing for approval to decommission groundwater monitoring wells within 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:**

- Notice of Intent Application;
- Figure 4: Proposed Decommissioning Plan - Wetland A/AA, prepared by ERM dated August 2016; and

- Figure 5: Proposed Decommissioning Plan - Wetland K, prepared by ERM dated August 2016.

Catherine Regan, Project Manager, and Christina Hoffman, Wetland Scientist of Environmental Resources Management (ERM) attended tonight's meeting. Ms. Regan explained that this project involves the former Sperry Research Center that was located in Sudbury and bordered Concord. Ms. Regan said that ERM has been involved for approximately the past 15 years. Moving forward they are conducting long term monitoring. Ms. Regan said they are seeking approval to remove groundwater monitoring wells that are no longer being used. Ms. Regan said that they delineated the wetland boundary in areas where they will be working. Most of the wells are just off the existing trail. They will be removing all wells by hand and will use wheel barrows to carry in supplies. They will fill the well with grout mix. If they can, they will pull out the PVC piping or steel casing. If not, they will saw cut it as far below the surface as possible, put a concrete plug in the well, top with soil and seed with a native seed mix.

Chair Huggins inquired about the silt fence that was installed when the shed was removed. Ms. Regan said they will remove the silt fence when they are out at the site.

Ms. Regan said that the wells to be decommissioned do not include the two wells located on 488 Fitchburg Turnpike since they did not get approval from the homeowner.

Assistant Director Capone said that the Water Department requested that they conduct any refilling of gas powered equipment in the parking area. Ms. Regan said they will not have any gas powered equipment.

There were no public comments.

Commissioner Adams moved to close the hearing and issue an Order of Conditions for Unisys Corporation, 14X Hemlock Street, 205 Hemlock Street and 48B Fitchburg Turnpike, DEP File #137-1367 with Findings A, B and C, Standard Conditions 1-19 and Special Conditions 20-41. Commissioner Poutasse seconded. All so voted.

#### **Notice of Intent Application for Middlesex School, 1400 Lowell Road, DEP File #137-1368**

Chair Huggins opened the hearing for approval to renovate and expand the Theater Arts Building and Eliot Hall with associated site improvements, grading, stormwater management and utilities, within the 200-foot Riverfront Area to the perennial stream north of Bateman's Pond and 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;
- Middlesex School Theater & Visual Arts Center Plan prepared by Stantec dated September 21, 2016; and
- Stormwater Report prepared by Stantec submitted on September 21, 2016.

The following attended tonight's meeting: Matthew Crozier and Steve McKeown from the Middlesex School, Frank Holmes from Stantec and Ruth Lotterle from Carol R. Johnson Associates. Mr. Crozier introduced the project to the Commission stating that Middlesex School is looking to renovate their theater and expand their current visual arts capabilities.

Mr. Holmes described the project in relation to the wetland resource areas with Bateman's Pond to the southeast, Bordering Vegetated Wetlands (BVW) behind the theater building, and a river that feed Bateman's Pond. The project involves a renovation and an expansion of the existing theater building. The expansion to the building will take place at the visual arts center and there will be an addition put on the western portion of the building. Another portion of the project will include reconstruction of the courtyard, regrading, new surface materials and new utilities that connect the theater to the other buildings. On the north side of the building there is an existing circular turnaround and parking spaces that are close to the wetlands. The driveway will be reconstructed with permeable pavements for most of the driveway. Permeable pavement will also be used to replace existing access pavement at the south end of the building. Mr. Holmes said that the total limit of work of the project is approximately 2.34 acres. There will be a net decrease in impervious area of a little over 1,000 s.f. There will be a reduction of about 6,000 s.f. of hardscape but an increase in the building footprint. They believe this will be an improvement from a water quality standpoint. Also, in the back on the east side of the existing theater, there is a kiln and a concrete pad that is close to the 25-foot No Disturb Zone and BVW, which will be removed. There is also a gravel area with miscellaneous other materials that will be removed and converted to grass. Mr. Holmes further explained that a new stormwater system for the courtyard area will be installed which will include underground chambers for detention and infiltration and water quality structures for removal of sand and pollutants. Mr. Holmes said they will need a waiver since they are doing work in the 25-foot No Disturb Zone. The work will include removal of the existing pavement and some parking spaces. It will also include work that will occur as the building is being renovated. They believe all the work they are doing will be a net benefit to the wetlands. The project meets the standards for Riverfront as a redevelopment because they are reducing the amount of impervious surface and there will be no significant adverse impact on the adjacent resource areas.

Ms. Lotterle explained the landscaping and improved ADA access to the courtyard and surrounding buildings. Planting will be comprised of native species.

Commissioner Poutasse asked about the permeable pavement. Mr. Holmes replied that they will have concrete blocks connected underground with grass growing between them. Vehicles will be able to drive on it (delivery and emergency vehicle access).

Commissioner Adams said he liked the handicap accessibility of the design. He also said he believes all the work being done is improving the wetland areas. Commissioner Adams mentioned that in the wetlands directly behind the building there is a fair amount of fill probably from the 1930's (masonry fill). He suggested that at some point the school look at removing this. Mr. Crozier said they would be happy to address that.

Chair Huggins commented that since much of the school campus abuts wetlands it would be good to see more robust thinking about controlling invasives and provide some plantings in the Buffer Zone. Mr. Crozier agreed. Director Kaye said they could remove invasives within the wetland itself also.

Commissioner Poutasse asked how the roof run-off would be managed. Mr. Holmes explained that in the courtyard there will be an underground infiltration system with chambers where water from the courtyard area will be collected. It will also remove sand, sediment and other pollutants. Once the water is treated, it will go into the chamber system, where it will be

detained and infiltrated. The overflow from the system will connect to an existing pipe through the wall which discharges on the low side of the wall. Also, there are some roof leaders that connect in the system. Some of the roof leaders at the back of the existing building connect into an existing drainage system that discharges towards the wetlands. They will not be changing that part of the existing system. At the north side of the building they will also provide new drainage which will convey flow from existing roof leaders along the edge of the building. This daylight into the edge of the wetlands. On the eastern portion of Eliot Hall there will be a green roof on that portion of the building. . The sedum trays are about 4 or 5-inch deep trays and fit in a lattice work system on top of the roof and do not require much maintenance.

Chair Huggins said that staff has pointed out that on Sheet L602 there is an area within the 25-foot No Disturb Zone that has been indicated that will be planted with grass. Chair Huggins asked if that could be located outside of the 25-foot No Disturb Zone or planted with something other than lawn such as a native seed mix. Mr. Holmes explained that the existing pavement is less than 20-feet wide, and the Fire Department requires a 20-footwide access. They do not want to have 20 feet of bituminous pavement so they are proposing stabilized turf adjacent to the fire lane. It will be gravel with stone dust on top and then a thin layer of loam and seed. The grass will grow and a truck will be able to drive on it. Chair Huggins asked if they could flip that so it is on the inside of the drive and out of the 25-foot NDZ. Mr. Holmes said that this would require additional tree removal and the grade from the edge of the existing pavement up towards the library is steep. Chair Huggins asked if they could look at it again to see if there is some compromise. Mr. Holmes said they will take a closer look at it but thinks it will be difficult to grade into the slope. Mr. Holmes said that they have met with the Fire Department about a year ago to discuss a working solution for how to improve the access in the back. Mr. Holmes said fire trucks would be able to turn around instead of backing out.

Chair Huggins reminded the Applicant that the dewatering will need to be on the plan, stockpiling locations and then snow removal outside of the 50-foot Buffer Zone and not on pervious surfaces.

There were no public comments.

At the request of the Applicant, the hearing was continued until November 2, 2016.

### **OTHER BUSINESS**

#### **270 Border Road - violation discussion**

Attorney Henry Dane, Lorraine Black, landscape architect, and homeowners Mr. Beard and Ms. McGurn attended tonight's meeting. Ms. Black said she is working with Ms. McGurn and Mr. Beard on a replanting restoration plan. Ms. Black conducted a site visit and looked at the existing woodlands on the top of the hill and neighboring property. She reviewed the Commission's comments and put together a plant list of natives which include a mixture of shrubs, trees, and groundcovers. The trees Ms. Black is suggesting to use are American beech, serviceberry, and pin oaks. The shrubs for an understory would be red-osier dogwood, witchhazel and arrowwood. She saw some low bush blueberry at the top of the hill and therefore she would like to put some of those in as well. Ms. Black said they would use soaker hoses and gator bags until the roots established during the first growing season. Chair Huggins was concerned about planting dogwood since the site is so dry.

Commissioner Adams asked if the plantings will be spaced to look natural as opposed a landscaped bed. Ms. Black explained that the planting will be installed to look natural to recreate the look on the conservation land. There will be no bark mulch. Commissioner Adams suggested putting in some boundary markers at the property corners. Attorney Dane said the nearest benchmark is 400 feet down the road from the corner of this property. It would be an expensive undertaking to bound the property and requested this not be required. Chair Huggins said it would be for the protection of the homeowners to have markers.

Ms. Black informed the Commission that they plan to plant this fall.

Commissioner Adams moved to approve the planting plan to be completed by May 15, 2017. Commissioner Poutasse seconded. All so voted.

#### **CLOSE AND ISSUE PERMITS**

##### **Massachusetts Port Authority, 777 Virginia Road, DEP File #137-1366**

Chair Huggins reopened the continued hearing to make improvements to the perimeter fence including installation of a wildlife deterrent skirt along the bottom of the fence within Bordering Vegetated Wetland, Bordering Land Subject to Flooding, the 200-foot Riverfront Area to Elm Brook and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Commissioner Adams moved to close the hearing and issue an Order of Conditions for Massachusetts Port Authority, 777 Virginia Road, DEP File #137-1366 with Findings A, B, C, D and E, Standard Conditions 1-19, and Special Conditions 20-47. Commissioner Poutasse seconded. All so voted.

#### **CERTIFICATES OF COMPLIANCE**

##### **Aho, 874 Elm Street, DEP File #137-1331**

Commissioner Adams moved to issue a Certificate of Compliance for Aho, 874 Elm Street, DEP File #137-1331. Commissioner Poutasse seconded. All so voted.

##### **Emerson Hospital, 133 Old Road to Nine Acre Corner, DEP File #137-854**

Commissioner Adams moved to issue a Certificate of Compliance for Emerson Hospital, 133 Old Road to Nine Acre Corner, DEP File #137-854. Commissioner Poutasse seconded. All so voted.

#### **OTHER BUSINESS (cont'd)**

##### **Director's Report**

- Director Kaye informed the Commission that a preliminary subdivision plan for the Keuka Road Development has been received by the Planning Division. The plan included a cul-de-sac with 11 units that will be outside of the 50-foot Buffer Zone but to the edge of the isolated wetland. The Planning Board is reviewing whether there is adequate frontage. If the preliminary subdivision plan is approved by the Planning Board, a Planned Residential Development (PRD) design will next be presented. Director Kaye explained that PRDs require land be permanently protected for open space and the proposal is to have a conservation restriction right up to the edges of many of the units. Director Kaye said they are planning to raise the ground to install a septic system and bring in six to eight feet of fill. The development is proposing to come in between 680 and 696 Main Street.

Commissioner Poutasse asked if a perk test is still done with regard to septic. Director Kaye replied that perk tests have already been done.

- Director Kaye informed the Commission that the drought conditions remain in effect.
- Director Kaye reminded the Commission that the Estabrook Woods Study Access Committee will be holding their public hearing on October 24<sup>th</sup>.

### **Administrative Approvals**

- **Merriam Close PRD Trust, 26B Edmonds Road** - Tree removal  
Director Kaye said there are about ten trees along the trail immediately adjacent to Gowing's Swamp that were damaged by the tornado and need to be removed. There is also a cluster of birch trees that will be cut and lifted out. The property manager will make sure everything is cut up in manageable sections so stumps are not dragged upslope. Director Kaye said there are three more trees up on the ridge trail that fell over and a few more that are behind a building that they will flush cut. Approval was granted.
- **Sudbury Valley Trustees, 10X Old Bedford Road** - Invasives removal  
Director Kaye informed the Commission that the Sudbury Valley Trustees currently has an application before the Commission for invasives work. An Eagle Scout wanted to do invasives removal (hand pulling) last weekend in areas that are currently under review. Director Kaye okayed the invasives removal.
- **Cronin, 197 Elsinore Street** - Retaining wall  
Assistant Director Capone said this project involved a tear down and rebuild. The homeowner would like to install a small retaining wall (36 inches at the highest point) in the outer buffer zone and riverfront area. Approval was granted.

Commissioner Adams moved to adjourn. Commissioner Poutasse seconded. All so voted. This meeting adjourned at 8:55 p.m.

Respectfully submitted,

Karen Bockoven  
Administrative Assistant