

**NATURAL RESOURCES COMMISSION**  
**Meeting Minutes**  
**October 19, 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 19, 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.

Stokes, 20 Winthrop Street, DEP File #137-1357	7:00 pm
Sudbury Valley Trustees, 10X Old Bedford Road, DEP File #137-1363	7:01 pm
Edward G. Tiedemann, Jr., Trustee, 656 Barretts Mill Road, DEP File #137-1362	7:10 pm
Steven Lazar, 211 College Road, DEP File #137-1369	7:18 pm
Classic Site Solutions, Inc., 31B Monument Street, RDA File #16-16	7:31 pm

**CONTINUANCES**

**Notice of Intent Application for Eric M. Stokes, 20 Winthrop Street Trust, 20 Winthrop Street, DEP File #137-1357**

Chair Huggins reopened the hearing to construct a garage off the rear of the dwelling and install a driveway with associated grading within Bordering Land Subject to Flooding.

At the request of the Applicant, Commissioner Zaunbrecher moved to continue the hearing to November 2, 2016. Commissions Higgins seconded. All so voted.

**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.

Chair Huggins recused herself from this hearing as a Trustee of the Concord Land Conservation Trust who are co-applicants on the project and asked Commissioner Adams to chair the hearing in her absence.

Acting Chair Adams opened the hearing for approval to conduct invasive species management within Bordering Vegetated Wetlands and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Correspondence from Laura Mattei, Director of Stewardship, Sudbury Valley Trustees, dated October 7, 2016.

Laura Mattei, Director of Stewardship, Sudbury Valley Trustees, attended tonight's meeting. Ms. Mattei informed the Commission that she reviewed Ms. Berliner's request to use goats as an alternative and determined that goats are more suited for pasture areas and not a good idea for their purposes since there are endangered plants that they are trying to protect. Ms.

Mattei said they feel it would be better to manage the invasive plants through mechanical mowing.

No public comments.

Commissioner Poutasse moved to issue an Order of Conditions for Sudbury Valley Trustees, 10X Old Bedford Road, DEP File #137-1363 with Findings A, B and C, Standard Conditions 1-19 and Special Conditions 20-34. Commissioner Higgins 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.

List of plans and documents discussed at this meeting:

- Correspondence submitted by Stamski & McNary, Inc. dated October 7, 2016; and
- Wetland Permitting Plan submitted by Stamski & McNary, Inc. revised on October 7, 2016.

Ms. Obendorf from Stamski and McNary and Edward Tiedemann Jr. of 656 Barretts Mill Road attended tonight's meeting. Ms. Obendorf informed the Commission that they were asked to make a few revisions to the plan which included a more natural bottom for the open channel at the outlet of the culvert. Therefore, they are proposing a Curlex Biodegradable Blanket. They also reached out to an arborist about the root system in front of the inlet and he said it was fine to cut the roots because the tree will remain healthy. However, they must be removed carefully to maintain the stability of the tree.

Chair Huggins said that the arborist's letter indicated invasives and the Commission would be looking for mitigation. Commissioner Adams said he was hoping mitigation would have been submitted for this hearing without the need for another hearing on this matter, as it was requested at the last hearing.

Commissioner Higgins asked if the homeowner was looking to do the work this fall. Mr. Tiedemann replied that he does not expect to do the work until next year.

Chair Huggins stated that since a waiver request for work in the 25-foot No Disturb Zone has been submitted and is sufficient, the Commission will be able to close this matter at the next hearing.

There were no public comments.

The Applicant agreed to continue the hearing until November 2, 2016.

**NEW APPLICATIONS**

**Notice of Intent for Steven Lazar, 211 College Road, DEP File #137-1369**

Chair Huggins opened the hearing for approval to demolish the existing garage and construct a single-family house with a subsurface wastewater treatment system and supporting infrastructure 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; and
- Notice of Intent Plan prepared by Hancock Associates dated October 4, 2016.

Commissioner Higgins recused himself stating potential future business with the Applicant.

David Cowell from Hancock Associates attended tonight's meeting. Mr. Cowell explained the existing conditions and resource areas on site. The new home is positioned as much as possible outside of the Buffer Zone. Mr. Cowell explained that the 460 s.f. of reduction in impervious cover was incorrect in the narrative. The engineer previously did not include the paved driveway and other appurtenances. It turns out that their calculations will actually be a reduction of 2,800 s.f. in the post development condition. Mr. Cowell also said that previously there was 15 s.f. of development in the 25-foot No Disturb Zone and 1,400 s.f. in the 50-foot No Build Zone. There will be no proposed construction in the 25-foot No Disturb Zone and 50-foot No Build Zone. The total impervious cover calculation in the Buffer Zone is 2,900 s.f. compared to 4,400 s.f. previously. Mr. Cowell said if they need to dewater for the foundation they will discharge into a filter bag in an upland vegetated area. Mr. Cowell recommended that this be monitored at all times so the flow rates are sufficient to get proper sediment retention. Soil will be stockpiled outside the Buffer Zone during excavation. All soils that are excavated will either be used on site or trucked for offsite disposal. Soil stockpile areas will either be surrounded with fiber rolls or straw bales on the toe of the slope. They would also cover stockpile areas with anchored plastic tarping if heavy rains were forecasted. Mr. Cowell said the septic will be in the front of the house just outside the Buffer Zone. Commissioner Adams asked if there would be any proposed new construction on currently undeveloped land. Mr. Cowell said there will be no large scale tree clearing and no significant grading. Mr. Lou Lagaris, the building contractor, explained that there is one tree in the front of the house that will be removed. He also said winter rye has been planted in the previous dwelling footprint.

Chair Huggins stated a new plan for mitigation will have to be submitted to show the new numbers and what seed mix and plantings they would propose within the 25-foot Buffer Zone. Chair Huggins said there can be no lawn within the 25-foot Buffer Zone. Commissioner Adams commented that removing some of the invasives such as the planted euonymus and bittersweet should also be included on the mitigation plan. In response to Commissioner Poutasse's question about whether both seed mix and planting for mitigation would be done, Mr. Cowell said they would add soil and seed and crimp in mulch to stabilize. After the area has established, they would plant native shrubs.

There were no public comments.

The Applicant agreed to continue the hearing until November 2, 2016.

**Request for Determination of Applicability, Classic Site Solutions, Inc., 31B Monument Street, RDA File #16-16**

Chair Huggins opened the hearing for permission to mill and resurface the existing parking lot within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Request for Determination of Applicability Application; and
- FY17 Pavement Improvements.

Jeffrey Burke, Classic Site Solutions, Inc. attended tonight's meeting. Mr. Burke explained to the Commission that they have been contracted by the National Park Service to resurface the North Bridge parking lot at 31B Monument Street. Although they are working for the Park Service, it is Town owned land. Mr. Burke said they will be milling two inches of the existing asphalt off the surface and repaving. They will also be repairing areas where vehicles have driven off the edge of the driveway. Those areas will be repaired with top soil and seeded with a native seed mix. Mr. Burke said that in the 25-foot No Disturb Zone there is approximately 137 square yards of existing pavement that will be milled and repaved. As a precaution they will install a 12-inch straw wattle along the north and west side to protect the wetland from any potential runoff. Mr. Burke said that it should only take two days to mill and pave. Another day will be needed to install the top soil and seed mix. They would like to get this done before Thanksgiving. They will be doing the work during the week and are coordinating with the National Park Service.

There were no public comments.

Commissioner Zaunbrecher moved to issue a Negative Determination of Applicability #3 with the following conditions 1) A preconstruction site visit shall be held to review erosion controls and the limit of work; 2) All stockpile materials, trucks, and/or machinery shall be stored outside the 100-foot Buffer Zone; 3) The Applicant shall confirm with the Town Engineer whether work on the Town lot requires approval for work to proceed beyond November 15, 2016; and 4) After the project has been completed, 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. Any changes for the RDA shall be described. Commissioner Higgins seconded. All so voted.

#### **MINOR MODIFICATIONS**

##### **Thomas Tarpey and Carolyn King, 169 Heaths Bridge Road, DEP File #137-1270**

Thomas Tarpey and Carolyn King attended tonight's meeting. Mr. Tarpey said they are before the Commission to ask for a minor modification regarding a circular set of stairs from an outdoor deck to lower patio. They would like to install a straight set of stairs instead. They were told by their builder that an eave or gutter would not be necessary. However, during **one rainfall, Mr. Tarpey saw water cascade down the façade and he believes that a gutter** should be installed. They would like to install a one foot eave with a suitable gutter. Mr. Tarpey said that the old house had an 8' x 10' storage shed. Now they would like to put storage under the patio in lieu of the shed.

Mr. Tarpey explained that the new house is pulled back towards the street and they have reduced the total area in the 50-foot Buffer Zone. Commissioner Higgins commented that he does not want the 12 inches being added for the eave and gutters to be closer to the wetland than the house was historically. Mr. Tarpey replied that it is not. Commissioner Adams said if the gutter had been attached to the present plan even with the 9-inches that has been added, it is further back, the Commission would have approved it. To that extent, Commissioner Adams believes this is a minor modification.

Commissioner Poutasse said instead of dirt under the patio it will now be concrete, changing the area from pervious to impervious. Mr. Tarpey responded that rather than the water percolating into the soil directly under the patio as was designed before now it will pitched towards the street and infiltrate at the edge of the patio. Commissioner Adams said that

would be the same as a roof on a garage and therefore the calculations are different than was what was approved.

Chair Huggins was concerned that the Commission does not have an engineered plan with calculations. Commissioner Higgins informed Mr. Tarpey that the Commission needs the calculations of what was impervious pre-construction and how much impervious is being added to what already exists. Commissioner Adams stated that an engineered plan is needed and believes there are strategies for the Applicants to provide what the Commission is requesting.

Mr. Tarpey asked if the Commission would approve the installation of the gutter separate from the underground storage room. Director Kaye said it is not standard to separate things out and a Minor Modification could not be issued until more information was provided.

Dean Banfield, 72 Walden Terrace, asked if the modification was within the floodplain. Commissioner Higgins replied that it was outside of the floodplain.

Mr. Tarpey said he would get an engineered plan prepared by a civil engineer by Friday.

#### **CERTIFICATE OF COMPLIANCE**

##### **Minute Man National Historical Park, 955 Lexington Road, DEP File #137-1334**

Commissioner Zaunbrecher moved to issue a Certificate of Compliance for Minute Man National Historical Park, 955 Lexington Road, DEP File #137-1334. Commissioner Poutasse seconded. All so voted.

#### **OTHER BUSINESS**

##### **Lot 4A and Parcel A (a portion of 275 Forest Ridge Road) - Discussion of Right of First Refusal**

Jack McBride, developer for Black Birch Development attended tonight's meeting. Mr. McBride said that 16 homes will be built off the cul-de-sac on Forest Ridge Road across from the Black Birch project currently under construction, with land to be conveyed to the Town. Mr. McBride said that the trails that are used now meander on and off Town land, the Thoreau Club land, and Starmet land. The wider trail (Powdermill) goes through the Thoreau Club property. The question arose whether the Thoreau Club would be willing to adjust the lot line to incorporate that trail into the land to be donated. Mr. McBride approached Kevin Hurley who is working both with him and Todd Pulis and the concern is inviting the public into an active camp with children. There is also an antique cabin in that area. They could not include the cabin or the camp area in the donated land. Mr. McBride said they have the trail location roughly identified and will get it finalized. They will make the trail connection in consultation with staff and the Trails Committee to enhance the trails on the Town's property to be donated. Commissioner Zaunbrecher asked if the boundaries had already been marked for Parcel A. Mr. McBride replied that Parcel A has been marked. Director Kaye said Mr. McBride had proposed modifying the trail so it connects existing trails. Mr. McBride said they would also be willing to make contributions to the Trails Committee. Mr. McBride explained to the Commission that the current proposal will give the Town approximately one-third of the property and a one million dollar contribution to affordable housing in lieu of building affordable housing onsite.

Commissioner Zaunbrecher asked what Lot 4A was zoned for. Mr. McBride said it is currently limited industrial which allows for residential use under an Alternative Planned Residential Development.

Commissioner Adams commented that from a conservation perspective he does not see any value for the Town acquiring the property given the level of cost. Director Kaye commented that it is not identified in the Open Space and Recreation Plan as a priority property. Commissioner Zaunbrecher said there are not that many open spaces to walk in that part of town and the trails would provide a benefit to the public. Commissioner Higgins said he does not believe it would be prudent for the Town to buy given all the parameters.

There were no public comments.

Commissioner Adams moved that the Natural Resources Commission recommend that the Select Board not exercise its right of first refusal to acquire Lot 4A and parcel A, a 9.1-acre portion of land at 275 Forest Ridge Road (assessor's parcel 2970-1-5). The Commission further recommends that the Applicant work to enhance the existing trail on Parcel A connecting other existing trails on Town land. Commissioner Higgins seconded. All so voted.

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

- Director Kaye informed the Commission that residents reported a cyanobacteria (Anabaena) bloom at White Pond and the Health Director will likely post an advisory out of an abundance of caution. The state will not test now because beach season is over. Some residents are participating in a citizen science program where they take samples to the EPA to analyze whether it is a blue-green algae but EPA doesn't do cell counts to understand toxicity.

#### **Approve Meeting Minutes**

Commissioner Zaunbrecher moved to approve the September 7, 2016 NRC meeting minutes, as amended. Commissioner Higgins seconded. All so voted.

Commissioner Higgins moved to approve the September 21, 2016 NRC meeting minutes, as amended. Commissioner Adams seconded. All so voted.

Commissioner Adams moved to adjourn. Commissioner Higgins seconded. All so voted. This meeting adjourned at 8:50 p.m.

Respectfully submitted,

Karen Bockoven  
Administrative Assistant