

# LEAGUE OF WOMEN VOTERS OF CONCORD CARLISLE TOWN BOARD AND COMMITTEE OBSERVER REPORT WINTER 2005

## BOARD OF SELECTMEN

*Observer: Gerald Lauderdale*

Dec. 20, 2004

Town Manager's Report Dino's Pizzeria is being sold. Arrangements and transfers of licenses will be covered at a later meeting. Fire Chief Willette reports that the excavation of barrels of toxic material at 2229 Main Street was completed last week with appropriate safeguards. The sewer work in West Concord has been suspended until spring with all but a few houses on Central Street still to be served. The library opening originally scheduled for January 9 has been postponed.

Citizens' Comments Meg Gaudet, 62 Maple Street, had asked the Board to put a placeholder on the Warrant regarding the protection of the green space next to Our Lady's in case another faith group doesn't purchase the church.

Town Manager's Preliminary Budget Major items discussed were:

- Conservation Land – Possible sale of town property on Cambridge Turnpike to support the acquisition of the Ammendolia land.
- Road Improvement - \$700K represents an increase for needed work. Much of this is matched by Chapter 90 money from the State which Tony Logalbo hopes will increase.
- Hunt Gym - \$100K for needed renovations
- Recreation - \$300K for Emerson Playground tennis and basketball courts restoration and repair. Also \$200K to be set aside for development of the Ammendolia land to substitute for the loss of the Cousins Field during the sewer

project in West Concord. Private contributions from sports groups are expected to help in this endeavor.

- CC Pools – This project is still on target for a December 2005 opening. Not covered under this original donation are such items as fitness equipment, pool equipment, office equipment, PA systems and parking lot security system amounting to approximately \$500K. These items will be necessary to running a successful swim and health facility. It will be run as an enterprise and when in the black the taxpayers will be paid back. A Warrant Article will cover these requirements.

- School Items: Routine maintenance and systems upgrades at Willard, Peabody, Sanborn, Ripley and elsewhere amount to \$770K with details to be forthcoming on a Warrant Article.

- Sewer and Light Department Improvements – These items totaling \$9.15 million will be detailed in Enterprise Fund hearing.

Chris Whelan outlined the capital outlay budget which represents 2-3% of the annual operating budget. It covers items that have a shorter life expectancy than debt supported items such as buildings. Examples would be police vehicles, highway department equipment, computers etc. All of these total more than the FinCom guidelines call for so at some point the Board will have to determine which items would be covered under the levy limit, and which would be incorporated in the override.

Tax Rate The Board voted to approve the \$9.80 per thousand tax rate and the Board of Assessors recommendations about residential factor of “1”, residential exemption, commercial

exemption and open space discount (negative on the last three).

Miscellaneous Anne Shapiro reported on the General's annual party at Hanscom Air Force Base. Industry representatives were pushing for an increase in the base's productivity through redevelopment. Also there is much new activity in the monitoring of aircraft noise. New technology should give better data.

Committee Re-appointment Jennifer Gillespie, 222 Walden Street, to the Concord Cultural Council until May 31, 2007.

Jan. 3, 2005

Town Manager's Report The site work on the Thoreau School is continuing and is ahead of where the Alcott School was at this point two years ago. Concord's Town Report of last year received the second place award from the Mass Municipal Association Annual Conference.

Transfer of license – Dino's Pizzeria The new owner/manager appeared to ask for the approval of a common victualler's license. After assurances by him (Stephanos Stephanopoulos) that corrections would be made to some code violations, the Board approved the licenses. The alcohol license will be dealt with later.

Review of Town Meeting Warrant

The Warrant generally follows a standard format. Any Articles requiring potential overrides, either for a debt exclusion or an override, would be debated during the first week of Town Meeting so that if needed a Special Election could be called a week sooner. This appears in the revised Article order dated January 3<sup>rd</sup>. All Town departments have submitted Articles with four petition Articles from residents. A series of Articles associated with the preservation of Our Lady's church are included and will be grouped together.

Town Moderator Ned Perry noted the order can be changed by the Town Meeting itself but sometimes the high interest Articles are pre-scheduled through the Board of Selectmen and the hearings held in March. He suggested having the order of Articles to allow for debate on high interest Articles at the beginning of the meetings.

The Warrant was declared closed.

The Hearings are as follows at 7:30 PM at the new Alcott School auditorium:

Finance Committee	February 28
School Committee	March 1
Board of Selectmen	March 7
Planning Board	March 8
Enterprise Hearings	March 28

at the Townhouse at 7:30 PM

Bridge Repairs Chris Whelan stated that the State Highway Department is moving ahead with the Heath's Bridge replacement to be worked on in spring and summer. The Flint Bridge on Monument Street has been approved but not yet funded. The Pine Street Bridge is ready to be bid. Ms. Shapiro reported that there had been State legislative hearing on all the 340 bridges in the Commonwealth, and that priority would be attached to repairs to those important to the evacuation of major population centers in the event of terrorist attack or other emergency.

Jan. 10, 2005

Town Manger's Report Chris Whelan reported that at the Annual Convention of the Mass Municipal Association Governor Romney recommended an increase in local aid including a modest increase in Chapter 70 unrestricted aid for education, additional lottery aid in the coming year, and the uncapping of lottery revenue one year early. The Governor also increased the PILOT from \$12MM to \$15MM.

The Snow and Ice account shows that \$250K has already been spent, which is almost half of the annual appropriation. Ms. McIntyre expressed dismay at the cost of snow removal in the Town's commercial areas. (\$15-20K), but Chris Whelan said that discretion is used and that it becomes necessary when snow piles up forcing parked cars out into narrowed streets especially during Christmas shopping season.

Melvin Memorial Restoration Committee Update Mr. Benincasa noted that this committee to save and restore the very important monument by Daniel Chester French was set up twelve years ago. He introduced Chair Ann Lang who stated that the committee hopes to finish the major restoration next year. The restoration of the top steps and the cleaning and

painting of cracks is underway. She noted that there is still around \$100K in their account. Ms. Lang left a book explaining the importance of the Melvin Memorial. Various members of the Board inquired about means of moving the project along expeditiously: Should the Cemetery Committee and the Department of Public Works be brought in? Could Town staff review estimates and construction plans and progress; What about a maintenance schedule with an annual budget; Are possibilities of grants being explored? The Board proposed having the Cemetery Committee come in to discuss how this restoration project would fit into their priorities. Resources would be turned over and make the restoration a Town responsibility with an annual maintenance check overseen by the Concord Public Works Department, the Town Manager, the Cemetery Department, and the Board of Selectmen. The Board thanked Ms. Lang for the update and all the work of her committee thus far.

Interim Loan Note for \$4,190,000: This note is for sewer and water pollution control work. The borrowing will be done through the Massachusetts Water Pollution Control Trust at very favorable rates as explained by Finance Director Tony Logalbo. The Board voted unanimously to authorize this issuance of the bond under the terms outlined by Mr. Logalbo.

Hanscom Field Planning Program: Mr. Glen Garber, Project Manager, gave a power point presentation on this subject. On May 16, 2005 the Secretary of Defense will submit a list to the defense committee of proposed closures and realignments of military bases. This is in compliance with the Base Realignment and Closure Act (BRAC). There is planning money available as a grant up to \$156K with a 10% local match to support the local communities involved (the HATS towns) whose economic activity is dependent on military or defense spending. A consultant will be studying all the ramifications of base closure relating to the towns affected, with the deadline of May. Lincoln is the lead community as the base housing which might be privatized lies within their borders. Mr. Garber cited the examples of Devens and South Weymouth Naval Air Station as somewhat similar

situations. Of course, all this becomes moot if the base is not to be closed. The HATS towns and our congressional delegations are pushing for this outcome. Ms. Shapiro was hopeful that this would take place.

2229 Main Street (Starmet Cleanup): Chair Pam Rockwell gave an update on this committee's activities. As of Dec. 17, 2004 all drums were removed from a site in the ground since 1068. there are many other areas still to be tested. At this point air monitors have indicated no radiation in the air during the removal. The next focus of the committee will be the landfill and the buildings where some 3000 drums are stored mostly containing metal from machinery and old lab equipment. The EPA is investigating who will be responsible for removing these drums. The Board offered thanks and praise to CREW, their technical coordinator Jim West, and the Fire Department who have been vital to this entire project.

Town Warrant: Discussion took place about the makeup of the Community Preservation Committee and the order of the two articles regarding Our Lady's church. These were resolved and the Board voted to declare the Warrant final.

Miscellaneous: The Board voted to prepare and sign a letter of support for a major grant application for electronic assistance for Emerson Hospital.

Ms. Shapiro asked about the status of the Joint Building Maintenance Committee. Mr. Benincasa stated that the School Committee and the Town have some problems to iron out, and the Board will deal with this in the near future.

Committee Re-Appointments Voted to reappoint Sam Bird, 101 Main Street, to the Historic Districts Commission until January 1, 2010.

Feb. 7, 2005

Town Manager's Report: The Warrant was mailed to all homeowners. The Long Range Planning Committee held a very informative hearing the previous week, and the top twenty out of some 300 recommendations will be considered. The National Guard Unit assigned to

the Concord Armory, the Army Medical Surgical Battalion will return from Iraq, Thursday, Feb. 10 and a welcoming ceremony is being planned. The Town budget for legal services presently at \$78K which is well below the norm for this time of year. On the other hand the snow budget has been depleted and the Town will be eating into the \$100K reserve. The 25% design plan from Mass Highway for Flint Bridge has been sent to the Board. Public comments on the design are requested. The next step is to proceed to 90% design phase.

Cable Advisory Committee Charge: Judy Terry, liaison to this committee noted that it had been set up about 20 years ago, and several suggestions were made to update the charge to reflect the numerous advances that have occurred since its inception.

Our Lady's Church Task Force: Ms. McIntyre noted that a bid on the church building and the green space will be coming in shortly. Six articles on the Town Warrant speak to the Our Lady's issue. The Town first heard that the property was on the market from a newspaper report. Ms. Briggs contacted the press agent for the Boston Archdiocese expressing our displeasure and urging that the Town Manager and the Board of Selectmen be notified in a timely fashion on such matters from here on.

Town Manager's FY06 Budget Discussion: A preliminary discussion with the Town Manager was held several weeks ago where the overall budget, and guideline from the FinCom sub committee was reviewed. The budget proposal is an increase of \$1,080,000 over FY05. Of that \$516K is incorporated with an override recommendation by the Finance Committee and the balance is included within the levy limit. Major items included:

- Pay raise for non-union Town employees
- Funding equipment for the pool which will be repaid via an enterprise fund.
- A part-time custodial position at Harvey Wheeler
- Council on Aging supervisor
- In the Assessors Department upgrading a field lister's job to full time from half time.

A public hearing at the Alcott School February 28 will air these and other matters.

- Fire Department increases. Chris Whelan pointed out that staffing has not changed since the 1950's and the department is often running short handed due to vacations, sickness, etc. The proposed \$34K would help this situation.

- Swim and Health Club Facility. A business model will be presented this week outlining its projected finances for this project. Other matters discussed were sidewalks, school maintenance, a roof replacement at Willard if it is not to be rebuilt soon, merit increases for managerial and professional employees and the senior work program.

Miscellaneous: Ms. Terry said the high school committee has appointed a Building Feasibility sub committee to review the possibility of upgrading the high school. An RFP was put out asking for proposals from architectural firms to start the feasibility study. SMMA was hired. This firm designed and coordinated the building of both the Alcott School and Thoreau School being built.

Ms. Shapiro noted in order to get the minimum reimbursement of 50%, the State is now requiring a needs assessment be done to some sort of specification that the state will be putting out in March. She urged that SMMA look into this and asked Ms. Terry to have a sub committee appointed to look into this issue.

Hanscom Air Force Base: Ms. Shapiro noted the passage by the legislature of an authorization for a bond issue for the expansion of Hanscom's Department of Defense activities. This initiative has been instituted by Senator Kennedy and Governor Romney and could increase the capacity of the base by 125%.

Community Preservation Act Committee: Gary Clayton will be chairman, and Joanne Gibson vice chair. A meeting is scheduled for Feb. 10 with an ambitious agenda.

One Day Special License: Friends of the Performing Arts, Swing Dance March 12, 2005 voted.

Gift Acceptance: Accepted with great thanks and appreciation from the Concord Carlisle Community Chest \$2000 to the Council on Aging Volunteer Coordinator Account.

Approval of Appointment Historical Commission: Louis Hills, 360 Harrington Ave., Associate Member, until May 31, 2006.

Feb. 14, 2005

Town Manager's Report: The recent welcome home celebration for the 118<sup>th</sup> Medical Support Company was a great success. The unit presented the Town with a framed mosaic photograph of the troops in appreciation of the Town's support.

The HATS committee will be discussing the use of Hanscom should the base be closed.

The judge ruled in favor of the Emerson Umbrella relative to the Youth Theatre controversy, but the matter of the bidding process is still pending in Superior Court.

Citizen Comment: Mr. Mark Wilson, 121 Bartlett Hill, is considering a move to Florida because of the constantly increasing taxes in town. He noted that four out of seventeen of his neighbors are also considering a similar move. The Board took note of Mr. Wilson's position.

Cable Advisory Committee Charge: The Cable Advisory Committee was originally established in 1984 to assist the Town in negotiating and controlling contracts and being the responsible entity for the cable TV. Presently the charge is being updated. The Board commented on several edits and attachments, and voted to approve same.

Tourism Committee Charge: There was a lengthy discussion about the role of this ad hoc committee which would study the Town's role, if any, in support of tourism in Concord. Under consideration: What would be the role of local businesses, directly or through the Chamber of Commerce? It would be important to have representatives from all geographical areas of Concord. What steps would be needed to manage tourism in town? What means are available to measure the impact of tourists in Concord? The Board will review this again on March 7.

STAR Resolution: This is a groups of 120 citizens and towns in Massachusetts that are working together to seek restoration of the full fund-

ing of the PILOT (payment in lieu of taxes) reimbursement program from the state on a three year phase-in basis i.e. 50% FY2005, 75% FY2006 and 100%FY 2007. Each year STAR issues a resolution from the towns to the state reiterating the importance of this issue. Concord has 244 acres of state owned property within its borders. The Board voted to approve the STAR resolution.

Public Hearing Presentation: There was a discussion about certain warrant articles that it was agreed should be presented by members of the Board during the upcoming public hearings.

Miscellaneous: Ms. McIntyre stated that the Executive Office of Environmental Affairs had approved Concord's open space plan and therefore we are eligible for grants.

Acceptance of Gifts: The Board accepted with great thanks and appreciation the following:

- From the New England Deaconess Association \$1203 for Fire Department equipment for high rise fire control.
- From Concord Academy, Fenn School, Middlesex School and Nashoba Brooks School \$6000 to the Fire Department Gift Account to help in the purchase of a thermal imaging camera.

March 14, 2005

*Observer: Barbara Anthony*

Town Manager's Report : The two storms of the past week have required overspending of the snow removal account. The Mass. Municipal Association will petition the State legislature to vote extra money to the cities and towns for snow removal.

Purchase of the Wagner Land on Laws Brook Road: At the 2003 Town Meeting the town voted to acquire this six-acre parcel. There is now a conservation restriction in place and the selectmen voted to complete the purchase.

Positions on Warrant Articles: The BOS will also meet on March 21 to complete consideration of their positions. Decisions must be made by that date in order to be printed in the Report of the Fin Com.

Articles 9, 10, 11 – Town budget, CPS budget and CCRSD budget: Mark Russell Prior of the Fin Com reported that the Fin Com had issued revised guidelines because of new information of estimated revenues and expenses. The new guidelines are: Town Government \$14,831,000 with an override amount of \$291,000; CPS \$24,285,000 with an override amount of \$227,000; CCRSD \$10,817,878 with an override amount of \$234,480. The BOS voted to recommend affirmative action on all three articles.

Article 24 – Design Funds for New Willard School: Pat Sinnott of the School committee made a presentation in support of the article. The answer to “Why Willard now?” is that the committee would like to close the elementary school building issue before proceeding to the needs of the High School. The Middle School needs would be addressed 10 years in the future.

The principal of Willard School talked about the programmatic deficiencies of the building, particularly the lack of space and limited access to technology. She said that over time programmatic deficiencies will impact on student achievement.

The school business manager talked about Willard’s needs for a sprinkler system, new wiring, a new roof and possibly a new septic system.

Mark Russell Prior said that the Fin Com had voted 12 to 2 to support article 24. To build now would be cost-saving. Meeting the building’s roof, septic and wiring issues can cost \$2 million. The School Building Assistance Board (SBAB) new guidelines will be available in January 2006. The Fin Com feels we can manage the debt without jeopardizing our AAA bond rating.

The Selectmen expressed these concerns: that we should have a package plan that include CCHS needs; that we should wait to start design until we have SBAB guidelines; that we can address Willard’s technology and SPED needs without building a whole new school; that we should not use the old Alcott school as a swing school; that this kind of major planning should be done with the three committees working in a collegial fashion and the Facilities Planning

committee should be included in such discussions.

There was a question about whether we still owe money on the new classrooms built at Willard a few years ago. One BOS member said, “To design a curriculum that can only be taught in a space-age classroom is doing our children a disservice.” The Board voted that they would make their recommendation at Town Meeting. That would give them time to find the answers to some of their questions. They continued their meeting voting positions on several articles at the beginning of the warrant.

BOARD OF HEALTH,  
*Observer: Elsie Bracco,*

January 18, 2005

Michael Moore stated he would attend the Selectmen’s Public Hearing at which Article 26, Lead in School Drinking Water (by petition) would be discussed and urged Board members to attend as well.

Public Hearings - Food Service Establishments

1. Dino’s Pizzeria, 1135 Main Street, was represented by Mr. Stephanos Stephanopoulos, the new owner, requesting variances. He had been advised by Public Health Inspector Gabrielle White that existing variances were not grandfathered, it being the obligation of new owners to bring an establishment into conformity with code.

A re-inspection revealed that the violations reported in a previous inspection had been corrected excepting for two, one which required a variance for the positioning of a service sink and a second covering the location of a hand-washing sink. With Ms. White concurring, the Board granted two one-year variances contingent on the owner’s installation of a hand-sanitizing dispenser adjacent to the grill.

2. The hearing on Michael’s Restaurant and Rossini’s Pizzeria, 208 Fitchburg Turnpike, was continued from the meeting of December 21. It had been scheduled as an opportunity for owner Joe Medeiros to report progress in mak-

ing corrections and to present plans for renovations. Ms. White was not satisfied that a strong-enough effort had been made toward compliance. Mr. Medeiros had failed to provide full coverage by a Certified Food Protection Manager for each establishment, nor had he provided for training in food handling for his Portuguese-speaking staff nor had he prepared renovation plans. After discussion, these matters were specifically included in a directive from the Board requiring within 48 hours the submission of names of on-site food managers and a schedule for the food safety training of employees, as well as detailed drawings for renovation of the food preparation area in Rossini's within two weeks and a timeline for completion to be presented at the Board meeting on February 15.

3. West Concord Supermarket, 24 Commonwealth Avenue, was represented by owners Peter and Paul Mandrioli, who explained the need for more time to repair the flooring in a very old building. They had already sealed the floor in most of the food preparation areas with tile and were testing a variety of sealants for the storage areas. This is necessary to render the floors more easily cleaned. The Board suggested that Ms. White work with the owners to make choices for specified areas and to create a schedule for completion. Ms. White indicated that the Mandriolis have always been quick to respond and that she would meet with them on the following day.

Public Hearing - Onsite Sewage Disposal System: Paul McMann, owner of property at 389 Old Bedford Road, was represented by Richard Harrington, P.E. of Stamiski and McNary, Inc. Mr. Harrington informed the Board that the owner was in the process of obtaining approval for a Planned Residential Development on the property. His plan was to be presented to the Planning Board on February 1. The existing structure would continue to be served by its onsite sewage disposal system, whereas a second dwelling, yet to be constructed, would be connected to the Town sewer. Eventually he hoped to be granted the right to connect both structures on the same lot to the sewer, a practice not permissible under current bylaws. An

abutter, Elizabeth Brosens was satisfied that the owner had kept his neighbors well informed and she agreed with the plan.

Board members David Erickson and Jack Henderson urged that the owner have the existing disposal system inspected, with a copy of the report filed with the Board. In the event of failure, remedial action could then start in a timely manner.

February 15, 2005

Joseph Medeiros, owner of Michaels restaurant and Rossini's Pizzeria at 208 Fitchburg Turnpike (Rte 117), continued his explanation of plans to comply with the Board's directives imposed at the previous two meetings. In response he had provided within the specified 48 hours the names of restaurant staff who would be in attendance as Certified Food Protection Managers for each day in the months of January and February. In addition he had provided within 48 hours two letters which gave the dates for training of employees. The first indicated a scheduled training session for five employees conducted in Westboro on January 20 by Eastern Mass. Food Safety.

The second letter stated that Bartolo Consulting Food Safety Educators would hold an onsite 8-hour training session in Portuguese for fifteen employees. On passing a written examination attendees are provided with certification valid for three years. The cost to Mr. Medeiros is \$1,500 for the course plus \$36.50 per individual examination.

There followed a lengthy discussion regarding plans for renovation of the basement in Rossini's for storage and food preparation. On checking the plans informally with Building Commissioner John Minty, Mr. Medeiros had been advised that a building permit could not be granted because of non-conforming room height and egress, among other things. After discussion, the Board agreed that Michael Moore send a memo to Marcia Rasmussen, Director of Planning and Land Management, describing the difficulty in reconciling the requirements of food codes and building codes. There are 18 food establishments with basement food operations.

Michael Moore reported that the West Concord Supermarket was doing a good job in their floor renovation project.

In the interest of simplifying the procedure for obtaining permits for one-time events making use of any of Concord's 22 church and community kitchens, Michael Moore described the practice recently adopted in Lincoln. Under the new policy every food-serving event is covered by the establishment's annual permit, subject only to the prior receipt by the Board of a site-specific checklist with responses which cover the food-serving provisions pertinent to the event. In Concord this would eliminate the extra time needed to apply for a one-time permit and to undergo a special inspection. Board members agreed to the adoption of this new policy.

Board members will attend the public hearings covering Article 26, "Revision of BOH Regulations for Testing of Lead in School Drinking Water" and Article 48, "Moratorium and Restriction on Installation of In-Ground Irrigation Systems"..

Michael Moore reported the mailing of 900 copies of a bulletin entitled "Town of Concord Septic Betterment Loan Program.". Additional information about the availability of low-interest loans

under this program will appear in the local press.

Mr. Moore stated that the Board will be working closely with Walden Grille to correct the many violations uncovered on inspection.

#### PUBLIC WORKS COMMISSION

*Observer: Frances Neville*

January 5, 2005

Regrets were expressed that David Turocy, Highway and Grounds Superintendent, had left that position. Mr. Turocy had been a positive representative of the department and attentive to the needs of the town and its residents. All wish him well in his new position in the City of Newton. Care and Protection of Concord's Public Shade Trees - Review and dis-

cussion of a letter to the Planning Board regarding the care and protection of the town's public shade trees. With input from Acting Tree Warden Peter Flynn, a certified arborist, the Commission reviewed and approved a draft response letter to the Planning Board and the Natural Resources Commission articulating Concord's Public Shade Tree Policy. Alcott School Take-down Request .Commissioner Brown asked Mr. Flynn about the black walnut trees on the School property. The school's principal has voiced concern that the nuts, which have been strewn about the grounds by squirrels, could create a hazard for children who may be allergic. The request for the CPW tree crew to remove the trees is on hold, pending a field review by school representatives and CPW.

Town Meeting Articles: - The Commissioners divided the task of presenting Public Works-related articles at the 2005 Annual Town Meeting as follows: Jeff Adams-2005 Roads Program; Elissa Brown-Wastewater treatment plant facilities plan improvements; Sally Schnitzer-Bylaw violations fines for snow and ice in the public way; Judith Sprott-Moratorium on installation of new in-ground irrigation systems.

Director's Report — Mr. Edgerton said that the biannual six-month review and planning report provides details of CPW's projects and goals, which he hopes will be useful to the Commissioners. Top Ten CPW Projects/Programs for 2005 1. Waste Water Treatment Plant Facilities Plan Improvements including CoMag—equipment procurement; facilities design team hired and started. 2. Stormwater/Drainage Management Program Initiative—approval of supplement funding. 3.Phase I (CWMP) Construction—Elm Brook and finish West Concord. 4 Bridges—Heath's, Flints and Pine Street—OK on design for 1-2; lock in funding. 5 Iron & Manganese Removal facility at Deaconess Well—equipment procurement and design underway. 6 .2005 Roads Program—roads hearing/contracts, kick-off. 7 State NPDES Permit Negotiations for WWTP. 8 Recruitment of new Highway & Grounds Superintendent. 9 Irrigation systems moratorium—Town Meeting approval 10 Public Shade Tree policy/management—expand public notice on

non-emergency take-downs; formalize shade tree protections for setback plantings; re-organize the Tree Warden position. Dunbar Way Request for Plowing the Private Way — Mr. Edgerton reported that there is a citizens' petition (Article 52) to have Dunbar Way (a private way) plowed by the town. Mr. Adams expressed frustration that this was once again before the Commission. He noted that previous Commissions had examined all the issues raised by the Dunbar Way residents (Dec. 13, 2000, Jan. 1, 2001, Feb. 14, 2001, Mar. 14, 2001) and had agreed that the private way, having no turnaround, is too narrow to safely plow with town vehicles. There is no place to put the snow; vehicles, mailboxes, and other private property could be damaged; and there would be potential danger to property and pedestrians from large snowplows backing down the street, especially at night. It would be too risky for the town to consider.

Commissioners were interested in learning how many of the homes in this development are affordable and how many are market rate. Also, Commissioners urged a discussion with the Planning Department regarding tightening the conditions for streets not meeting town requirements. Because it is the town's objective and a worthy goal to increase affordable housing, it is possible that some exceptions granted were not adequately evaluated.

February 2, 2005

On February 28th there is a meeting scheduled with the Finance Committee re the Enterprise Fund Article. Director Bill Edgerton reported that the town is now drawing on the reserve for snow clearing which is over budget due to the blizzard. Wastewater Treatment Plant Facilities Plan — Alan Cathcart the Water and Sewer Superintendent and Jim Fitch, Vice President of Woodward & Curran presented. The system is serving present needs options and opportunities available are now being looked at. There are newer technologies such as the comeg process and we are trying to be proactive. Some of the equipment is at the end of its useful life and there is a need to incorporate nutrient removal. The latter is to make the plant do

that which it wasn't designed to do. We need to understand how best to use the assets and resolve the present and future problems. The WWTP is not designed to remove nutrient such as phosphorous and the EPA and DEP are proposing stringent nutrient limits which will require better/more efficient systems. The Evaluation included an analysis of the present infrastructure, and of current and future flows and loads. The opportunities and limitations and the phosphorous removal options plus the generation and disposal options for sludge need to be considered. The facilities planning is focused on the big picture with the design basis report building on the planning process which included investigations into Architectural, Electrical, and HVAC revisions. Although some processes are at the end of their useful life and some undersized or inefficient as constructed the system is largely in good shape and is serviceable for the long term needs. Specific improvements would included (1) the septage management system as the pumps are prone to clogging from septage to headworks, (2) replace the grit system, (3) expand the building to house the new Co-Mag phosphorus removal system, (4) provide storage for the sludge that is generated, (5) provide ultraviolet disinfection in place of gaseous chlorine, (6) decommission the sand beds which is chlorine based, (7) control odors generated with CIG biofilters, and (8) replace chemical storage and metering systems.

Also the site access needs improvement perhaps with a traffic loop. The architectural needs to improve heating and ventilation systems and upgrade the fire alarm system. Also modern process control systems need to be incorporated along with an upgrade to the electrical service with a larger generator to power critical systems. The bottom line is that to replace the entire facility would cost between \$30–40 million, but we could get a return on our investment and we will get a credit up to \$3 million for using Co-Mag first. Curbside Collection & Disposal Rates — The Commissioners voted to increase the curbside collection rates by \$3 that would come to \$126 annually with the sticker and tag fees to remain the same. Co-Mag tour for residents — Tentatively this is

scheduled 10-12 on a Saturday, possibly March 19th. Phase II of the Sewer Expansion — White Pond is being dropped from Phase II due to Willard School area opposition. School Committee opposed and some outside of the immediate neighborhood. In the design for the new Willard schools the doors need to be left open for wastewater treatment near the site, and hope in the future to work something out. Mr. Edgerton will draft a letter to the Board of Selectmen and the School Committee in this regard.

March 2, 2005

Right of Way Appeal – 114 Grove Street: – Ms. Linda Jones appealed a denied ROW permit for the installation of a wood post and rail perimeter fence. She wished to install the fence approximately 5 to 8 feet from the edge of the pavement on Grove Street, but that results in the fence being installed entirely within the Town right of way. Her permit was denied by the CPW office because CPW does not allow installation of private fences or other types of obstructions/structures within the ROW as they can be a hazard to the safe use of the road. The Commission voted to deny the permit unanimously.

In-ground Irrigation Moratorium : A moratorium for in-ground irrigation is being proposed. The new State Water Management Act guidelines and policies are requiring stringent controls and limitations on the use of “non-essential outdoor water use”, Because of these new policies the Commission feels it would be a disservice to continue to allow the installation of in-ground irrigation systems (and wells) that most likely will not be able to be used as intended. We expect these new policies and regulations will be a part of the Concord’s WMA draft permit due in July 2006.

The proposed moratorium is aimed at preventing expensive investments and the resulting annoyance towards government regulations when the facilities invested in cannot be used. Therefore Article 48 will, hopefully, deter many of our customers from spending money on new irrigation systems only to realize that the use

will be severely restricted. And also it can help educate Concordians about the continued need to conserve and how they can still have attractive landscapes without an expensive irrigation system. The moratorium will help demonstrate that Concord’s pro-active, comprehensive water programs should have State support instead of a regulatory straight jacket.

The ban on non-essential water use is triggered by the stream flow. Over the last 5-years we would have had an outside watering ban every summer under the new guidelines. The benchmarks appear onerous and perhaps too much of a challenge as set up by the state. Private Wells are included because they actually draw on the same water resources as the public water supply.

Water & Sewer Service Application, 389 Old Bedford Road – Returned: The permit for Water Service Eligibility is eligible for municipal water service provided proper application is made for Unit #2, Unit #1 is presently served with municipal water. As for the Sewer Service for Unit #2, the regulations state that, “Persons owning a parcel of real property abutting a public or private way in which a public sewer has been laid shall be allowed only a single service connection for each such parcel.” The system on the current property is a failed system, but a new system can be accommodated on the site.

In considering the appeal it is important to weigh the interests of the Town relative to consistency, preservation of limited wastewater treatment capacity at the WWTP (a capacity which is fixed by permit), and protect of the public health and safety. The Commissioners moved to deny application for an extra hookup for this location.

Award from the American Environmental Engineers : Alan Cathcart will receive this award in April in Washington D.C. for ozone control by the use of cutting edge technology

New Water Conservation Coordinator -Joanne Bissetta: Her goal as our new coordinator is how to meet the challenges of today and the future. Good Luck.

Snow & Storm: To the surprise of no one the Snow and Storm Budget has acceded the budget

with three more weeks to go. Fortunately the back-up budget will keep things going!

## PLANNING BOARD

*Observer:* Jean Reinhard

March 1, 2005

Concord Oil Redesigns The Planning Board voted special permit and site plan approval for a facility redesign for Concord Oil, located at 129 and 147 Lowell Road (Lowell Road Realty Company LLC, applicant). The properties are zoned Business and Residence A, with the front portions of both lots zoned Business. The new design will extend the business use 30 feet into the residential zone.

Earth excavation to remediate previous oil spills will be coordinated with the Concord Police Department. The facility redesign includes a new fuel storage system. The existing bulk storage will be decommissioned and a new "state of the art" storage and transfer system installed within a concrete containment dike. The horizontal storage tanks will be on saddle supports above the flood plain elevation.

Both properties composing the site are within the Flood Plain Conservancy District and portions of one is within the Wetlands Conservancy District. There will be site modifications for storm water management. The drainage system has been designed to control the runoff and thereby improve water quality in the area. The specified drain manholes will be able to handle small scale storms. Catch basins with baffles, treatment swales, catch basins with oil/water separators and vegetated treatment basins will ensure that up to 80% of the suspended solids are captured. There will be no net loss of flood water storage area

The redesign includes a new parking and access layout with improved traffic circulation. The parking area is reduced and located as far as possible from the wetlands. A new pedestrian path has been laid out which will not conflict with the business uses of the property. The landscape design was improved at Planning Board suggestion and retains some existing trees.

Reconstruction at 79 Hawthorne Lane: The Board also voted, approval of a special permit and site plan for 79 Hawthorne Lane owned by Dalton. The property is entirely within the Flood Plain Conservancy District. An existing house and shed would be demolished and a new house constructed. The construction of an ice skating rink is planned. The proposed living area of the new house would be at a flood plain elevation measure of 131., above the base measure for the area which is 128.4.

The removal of the shed, existing house and yard grading will create more than the required compensatory flood storage in the judgment of the Board of Appeals. There will be no clearing of undisturbed areas on the 3.8 acre lot. The Daltons will seek further approvals from the Zoning Board of Appeals and the Natural Resources Commission.

### Condominium Construction Proposal for 95

Conant Street: Nick Boynton (The Boynton Co., Inc.) presented an application for special permit and site plan approval for the industrial zoned property at 9 Conant Street. The new owner of the property is Don DeCiccio. The vacant manufacturing plant on the property would be replaced by a building with both residential and commercial components in this design. It consists of a first level of covered parking, storage, and 5,715 square feet of Industrial/Business space. The 2nd, 3rd and 4th levels are residential and contain fifty 2 and 3 bedroom condominiums. Units range from 1400 square feet to 1900 square feet. There would be 100 square foot porches for each unit. The Building design meets height, setback and parking area requirements.

There is an initial plan for affordable housing units. Mr. Boynton said the intent was to keep the units moderately priced, \$500,000 was the target. The Planning Board suggested that by reducing the planned commercial space, some affordable units could be included. Another possibility would be to sell some units to the Concord Housing Authority and let them rent them outside management control. The project will be discussed further at the March 22 meeting of the Planning Board.

Natural Resources Commission  
Observer: Elizabeth Sluder

December 15, 2004

Present: Chris Ryan (chair), Hasso Ewing, Paul Ferbach-Meriney, Kathryn Edwards, Katie Holden (Natural Resources assistant), Norma Gelo (administrative assistant).

The first item was a Continuance of a notice of intent on Mr. Snell at 188 Concord Turnpike. It was decided to postpone the hearing to the January meeting.

#### NEW APPLICATIONS:

1. Mr. Castrichini at 105 Everett Street: — This project consisted of the reconstruction of the existing storage shed. The only change from the original plan was a new foundation. Sports equipment would be stored in one section of the basement and the products for dehydration in the other 2 sections. The project was located in a flood plane. UMASS had approved of the project. Mr. Chris Whelen, town manager of Concord was with Mr. Castrichini, the applicant. It was agreed that part of the land was wet, but that building would take place under dry conditions, presumably in the summer. The commissioners agreed that there was no urgent concern, and no special conditions were attached to the project. It was moved, seconded and passed.

2. Mr. Newton at 1533 Monument Street: — The project consisted of managing invasive plants on the property. Lynn Harrington, an expert on this issue, presented the plan for control. The aim was to eliminate buckthorn, which proliferated abundantly. A bulldozer would remove these plants by the roots. Multiflora rose was the next to be removed. They would cut and dab the plants with the herbicide called Rodeo. Mrs. Ewing agreed to walk the site. It was important not to disturb the soil too much. There was no agreement reached at this time. It will be brought up at the January 4th meeting again. A neighbor, Mr. Bemis, was there, and he was anxious to see that the boundary between his property and the Newton property was properly delineated.

3. Mr. McMahon of 389 Old Bedford Road: This is a notice of intent to construct a house on the property. Mr. Richard Harrington was the engineer for the project. The lot was big enough for two homes, but only one was planned for this time. The septic system would be in the front yard, and hay bales would be laid around the south and west borders to control run-off and the grading would be placed around the septic system. The proposed planting would be outside the hay bale area. It was hoped that eventually this property would be connected to the town sewer system and the applicant has applied for this service, but it is unlikely to be provided in the near future. This project should be a continuance to the January 19th meeting. It is important to get it away from the wetland. There was discussion of how to adjust the location of the house to get at least 50 feet away from the buffer. There would be heavy construction. At the moment, the applicant has no Board of Health approval. It was agreed that the commissioners should visit the property. No decision was reached this evening.

4. Olson an item not on the agenda: Mr. Olson's project had been denied at the previous meeting. A letter was needed to present to Mr. Olson and Mr. Ryan agreed to hand deliver it. The letter would be initialed by Ms. Gelo, and all the commissioners would sign it.

#### OTHER ACTION ITEMS/BUSINESS

The NRC discussed nominations to the Conservation Restriction Advisory Committee 2 (CRAC2). The commissioners discussed who actually appoints. Mrs. Ewing thought that it would be the selectmen and town manager.

Siltation Barrier Detail: — The commissioners discussed the detail and how deep the fabric should be placed in order to contain siltation.

The commissioners support this project.

Status of the Wetland By-law Committee: — it still has to be sworn in. The item will be on the next meetings agenda.

It was announced that Mr. Markus Pinney, the administrator for the NRC, has resigned as of December 10th effective immediately. Ms. Katie Holden will be in charge of the administration on a temporary basis. There was further discussion by the commissioners of various other

items. One was the Community Protection Act — no decision was reached. The street trees on Walden Terrace were also discussed — no decision reached. The signage in Estabrook Woods was discussed — it was agreed that more permanent signage was needed, but the question was who is in charge of this project?

JANUARY 5, 2005

This report is based on the draft minutes sent to me by the Natural Resources Commission office.

#### CONTINUANCES

McMann Project: Concerns the construction of a single-family dwelling; it was put off until the meeting of January 19.

Newton: — Notice of Intent to eradicate the invasive plants on the property was submitted. Mr. Newton, the homeowner, along with Lynne Remington (landscape architect?) and David E. Ross Associates Inc. came before the Commission. Ms. Remington described the proposal to remove the invasive plants, in particular buckthorn and multiflora rose. These woody plants would be cut and the stumps treated with an herbicide and then removed by hand. It was hoped that the winter months would be a good time for this operation.

In the spring part of this area would be covered with plastic to discourage future growth. If this were successful, the area would then be planted with native wetland shrubs in the fall. A final plan would be submitted to the Commission for review and approval before any new planting was done in the area. Ms. Remington asked the members of the Commission to allow for flexibility in the conditions to allow for removal of the stumps should this be necessary.

There was considerable discussion following the presentation. It was suggested that the product "Rodeo" be used to treat the stumps of these plants. Half of the area would be covered with plastic and the other half would be left uncovered as a test to find out which method would be best to deal with the problem. If the stumps were to be removed, this issue would have to be reviewed by the Commission. The applicants agreed to monitoring reports to be

prepared for the Commission twice a year. The burning of these invasives was discussed. All of the large native shrubs and trees would be flagged to prevent accidental removal. Commissioner Ewing said she would like to work with the landscapers.

The Commission imposed the following special condition on this project: A revised narrative of the project should be submitted to the file and approved by the Natural Resources staff before the standard order of conditions could be issued.

There was again discussion on the subject and Commissioner Ryan moved for a finding that the Commission was not making a delineation of the wetland boundaries for the project. Commissioner Edwards seconded the motion, and it was approved. Ms. Ewing moved to close the hearing. Mr. Ryan seconded and the project as discussed was approved and will be prepared for a vote of issuance and signature at the meeting of January 19th•

#### NEW APPLICATIONS

Cluff at 57 Macone Farm Lane: - A notice of intent by David and Allison Cluff was submitted for the relocation of the driveway on this property. The consulting assistants to Mr. and Mrs. Cluff were Lynne Remington, Gary Shepherd and David E. Ross Associates, Inc. This project was reviewed as part of a history of a planned residential development approved in 1996. The present proposal involves the construction of a driveway that was approved in 1996 but never constructed. The wetlands were re-delineated in 2004 by Ms. Remington and found to be very close to the delineation of 1996. Mr. Shepherd described the existing conditions and discussed at length the methodology for the driveway and the timing of the implementation of the project. He said that the driveway as most recently planned was further away from the wetland. All of the activity would be more than 25 feet from the wetland and that no large trees were to be removed.

There was discussion about erosion control, snow removal, and the comparison of the square footage in the currently paved area as opposed to the proposed paved area. There would be a ten-foot buffer around the pond on

the property. The administrative staff found that the land had been mowed right down to the north edge of the pond. Mr. Cluff agreed to establish a buffer with native shrubs that he would plant. The Commission requested that there be a special condition that the staff of the Commission would work with Mr. Cluff to establish this ten foot buffer around the pond which was required under the 1996 order of conditions. Ms. Edwards moved to close the hearing. Mr. Easterday seconded the motion, and it was approved. The order of conditions will be prepared for a vote on January 19.

Cluff at Lot IA on Macone Farm Lane: — A notice of intent to construct a single-family dwelling was submitted. The same consultants were present at this hearing along with Mr. and Mrs. Cluff. This project of constructing a single family home on Lot 1A as part of a planned residential development was approved in 1996. However, the installation of the septic system was the only part of that project that was completed and a certificate of compliance was issued for that detail. Mr. Shepherd presented plans for the proposed construction of the house using the exact design and footprint approved in 1996. The area where the project was proposed is mostly in lawn. A well for drinking water had to be drilled. The water from this well was NOT to be used for irrigation purposes. There was detailed discussion of the work that consists of a retaining wall and lawn up to the 25 foot set bank from the wetlands.

The existing driveway on the property has been built on a portion of this lot for access to 57 Macone Farm Lane. While the septic fields were installed in 1996, the septic tank was not. The Board of Health has reviewed and approved the septic tank. It was established that no work would be carried out on the flood plane. The members of the commission asked for consideration of pulling the patio area back from 25-foot setback. They also asked for additional information concerning run-off from the roof, storage of driveway material, basement and architectural elevations, a planting plan, and a plan for patio surface and what should be done about snow removal.

Webster — Ms. Marion Webster, the homeowner, appeared along with her consultants, Mr. Scott Indermuehle and the Sudbury Design Group. Mr. Indermuehle presented plans to relocate the driveway. The current access is through an easement. The wetlands were delineated by Oxbow Associates in 2004. The staff agreed with the delineations. Mr. Indermuehle described in great detail what was involved with this project including reports from the Concord Public Works about the curb cut for the driveway, and the Tree Warden about what necessary tree removal was involved. The Commission members requested the following special condition — that a stamped and dated plan should be submitted for the file. Ms. Ewing moved to close the hearing. Motion was seconded by Mr. Easterday and an order of conditions would be prepared for a vote at the January 19th meeting.

#### OTHER BUSINESS

Two Concord residents presented themselves to the Commission as possible candidates for appointment. One was Ms. Jamie Bemis and the other was Steve Verrill.

Wetland Bylaw Committee: — Mr. Ryan moved to appoint Hasso Ewing, Paul Feshbach-Meriney, and Brian Windmiller as members of the Wetland Bylaw Committee. Ms. Edwards seconded the motion and it was passed.

Conservation Restriction Stewardship Committee — Ms. Ewing moved to change the name of this committee from “Conservation Restriction Advisory Committee” to “Conservation Restriction Stewardship Committee”. Ms. Edwards seconded the motion and it was approved.

Historic Districts Commission: The commissioners approved the nomination of Carl Packard and Karen Andrews Parker for appointment to membership on the Historic Districts Commission.

Funding for the Blanding Turtle Study An appropriation of \$3,000 from the Conservation Fund will be used to continue the Blanding Turtle research project.

#### MISCELLANEOUS

The Massachusetts Dept. of Environmental Protection is making revisions to the Wetland Protection Act regulations. Katie Holden will update the Commission on these changes. Ms.

Holden reported that Carlisle is reviewing the open space plan and expressed an interest in having the members of the Concord Open Space Task Force meet with the Carlisle Committee. Ms. Edwards will represent the Commission at this meeting.

Ms. Holden reported that she would be hearing from Concord Public Works on the Shade Tree Policy. Copies will be forwarded to the commissioners. She also reported that an ad hoc group will be meeting to report on the monitoring of new underpasses on Route 2. The Commission would like to invite this group to an upcoming meeting of the Commission. The Commissioner also discussed the removal of certain invasive plants, in particular oriental bittersweet and buckthorn. The Commission discussed the criteria for issuing a permit for this project. No decision was made.

**January 19, 2005** Present were Chris Ryan, Chair, Paul Fesbach-Meriney, Al Easterday and Kathryn Edwards. Also present were Katie Holden, Natural Resources Acting Administrator and Norma Gelo, Natural Resources Administrative Assistant. This report is based on the draft minutes of the Natural Resources staff of the meeting on this date.

#### DISCUSSION

The first item for discussion was the issue of pollution in the wetlands off of Lowell Road on the property belonging to the Concord Oil Company. Mr. Richard Eades represented the company. He wanted a continuance of the hearing on this issue because the filing was found to be incomplete by the Natural Resources staff. This situation involved other town agencies in the permitting process. He said that improvements to the situation were being done and that there would be remediation of the oil spills, and that the contaminated soil would be removed. He would explain the details at the next meeting on February 2<sup>nd</sup> and he promised to have final documents for the Notice of Intent Filing ready by the end of the week.

The second issue for informal discussion was the Route 2 Wildlife Monitoring Project. Mr. Ron McAdow, Executive Director of the Sudbury Valley Trustees and Lydia Rogers made the presentation. It concerned tunnels under

Route 2 for the passage of wildlife to be constructed by the Mass. Highway Department. A committee has been formed for this monitoring task and the two presenters asked for recognition as a task force under the Natural Resources Commission. The Commission reviewed the goals and mission statement. One revision was made to the documents presented and Mr. Easterday made the motion to accept the formation of the Wildlife Passage Task Force under the Natural Resources Commission. The motion was seconded by Mr. Fesbach-Meriney and was passed.

#### CONTINUANCES

The first two items on the continuances agenda, that of Snell at 1 88A Concord Turnpike and McMann of 389 Old Bedford Road were postponed to the meeting of March 16th Lot 1A Macone Farm Lane — This involved a Notice of Intent to construct a single-family house. The applicants, Mr. and Mrs. David Cluff, were present with their advisor, Gary Shepard of David E. Ross Associates, Inc. Mr. Shepard presented plans that were revised after the previous meeting and site visits by the Commission. There was a lengthy and detailed discussion between the Commission and the applicants as to what should be done in the way of needed plantings. The Commission requested that the final plan include additional plantings within the twenty-five foot setback and that the NRC staff review these plans.

The Commission then brought up the subject of why a Conservation Restriction on the property did not show on the plans. Ms. Holden reported that a Conservation Restriction required by the Planning Board as part of their approval, was not approved by the State. State approval was needed as well as completing the CR to put into execution. The staff of the NRC will help to get this approval process under way. The Commission requested that the applicants show the Conservation Restriction on their plan. Lynn Wickwire, a neighbor, said that the Commission was looking at a huge 9-bedroom house across the street and wished that the Commission would do something about preserving open space and discourage “McMansions” in the town. It was determined that the

hearing should be continued at the February 16th meeting.

#### NEW APPLICATIONS

101 Holdenwood Road — The project involved the determination of jurisdiction under the Wetlands Protection Act. The issue was about an isolated wetland on the property and whether it came under the jurisdiction of the Wetlands Law. The applicants were Kris Carison, the owner, and David Crossman of B&C Associates, Inc. After discussion, the Commission agreed that after the NRC staff visited the site with staff from Public Works Engineering, that an engineering calculation was needed to determine whether this wetland and its water volume met the standards of the law or not. The applicant agreed with the request. The Commission will decide at the February 27 meeting after reviewing the engineering calculations.

#### OTHER ACTION ITEMS/BUSINESS

Certificate of Compliance — The staff presented a Certificate of Compliance for DEP File #137-810 at 129 and 147 Lowell Road.

1. Ms. Holden said that Burke land off of Old Bedford Road was for sale. The town would like to acquire the land but has not budgeted for it.

2. The Aquatic Control Technology will attend the February 16th meeting to submit a report on Warner's Pond and Fairyland Pond. The group would also like to discuss their request for an extension of the Order of Conditions for Silver Hill Pond. Ms. Holden reported that the culvert at Fairyland Pond had been repaired after being vandalized. No new problems have come up since that time. The Concord Public Works will visit the culvert in the spring. 4. Regulations of the Wetlands Protection Act — The promulgation of the revised regulations has been postponed until spring. 5. Public Shade Tree Policy — The Commission discussed a response from the Concord Public Works to the Planning Board and a letter from the NRC concerning a policy for Public Shade Tree. The staff will look into the matter of coordinating a joint meeting of the three agencies with the possible addition of the Historic Districts Commission.

6. Land Management Plan — This was prepared as part of a Conservation Restriction granted to

the Town of Concord for the South Meadow Ridge Condominiums. An agricultural filed is included in the Conservation Restriction. Erosion off of the agricultural fields into Jennie Dugan Brook was reported. The staff has contacted the land manager of the condominiums and he agreed to work with the farmer of the agricultural fields to install a vegetative buffer between the farmed fields and the brook. The Commission asked the staff to look into this matter further to determine what agriculture was taking place and what improvements could be made to prevent the erosion. 7. The Wall of the Brister's Hill Project — The representatives of the project wanted to extend a stone wall fifteen feet into Town Conservation land. The Commission discussed this matter and agreed that it posed no serious problem. It requested the staff to visit the site with representatives of the Blister's Hill Project. It was moved that after the visit that the extension be granted. The staff would be accompanied by Commissioner Ewing. The motion was seconded and passed. 8. Minimum Plan and Submission Requirements Policy — The Commission agreed that the policy should read "Revised Plans shall be submitted by the close of business on the Wednesday preceding a scheduled hearing of the Commission." 9. Addition to the Commission Standard Special Conditions — At the request of Ms. Holden, the addition to Standard Special Conditions shall apply to any successor in interest or in control of this property. "The Conservation Commission shall be notified in writing, at the time of such transfers or any transfer in title for all or part of the property that occurs prior to the issuance of the Certificate of Compliance. Prior to any transfer of title, the Order of Conditions shall be filed at the Registry of Deeds. A lack of such required written notification to the Conservation Commission shall delay the issuance of the Certificate of Compliance." It was moved by Commissioner Edwards to accept this additional special condition and to incorporate it into the standard Special Conditions requirements. Commissioner Easterday seconded the motion and it was passed.

**February 2, 2005**

This report is based on the draft minutes of the Natural Resources Commission.

Present were Chris Ryan, chair, Alexander Easterday, Hasso Ewing, and Kathryn Edwards. Also present were Katie Holden, Natural Resources Acting Administrator and Norma Gelo, Natural Resources Administrative Assistant.

CONTINUANCES

— 101 Holdewood Road: At issue is the determination of jurisdiction under the Wetlands Protection Act. The hearing was postponed to February 16.

Concord Oil Co. — 129 & 147 Lowell Road —

This concerned remediation for oil spills, parking problems, and other site improvements. The representatives of the oil company were late in appearing so the NRC moved onto the next items on the agenda.

NEW APPLICATIONS

O'Shaughnessy — 591 Main Street — This issue involved the construction of an addition to her single family home, which included a new deck. The addition would be within the existing lawn area. It would be about 75 feet from the wetlands. There would be an increase in impervious surface. No tree removal was proposed. The NRC staff visited the site and saw no serious problems with the proposal. Erosion control was an issue. The Commission agreed to the proposal with the condition that erosion control measures to be taken.

Moran — 1732 Monument Street: — This project involved the construction of a driveway to access a proposed barn and a stonewall in the buffer area along side of a wetland. The applicant has not received permits for the curb cut for the driveway or for a septic field. Mr. William McNary, consultant to the applicant, stated that he thought that the NRC was limited in its jurisdiction in the matter of permits needed for the project.

The staff noted that there were storm-water run-off and erosion problems with the project. They caused accumulation of water in the street and the freezing of the water on the road was a serious public safety hazard. The

Commission ordered that bay hailes be installed to act as a limit to the work area along the 100 foot setback to the wetlands until the order of conditions is issued. The staff will check on the establishment of this limit line.

The NRC ordered mitigation plantings in the buffer zone particularly around the portion of the proposed stonewall that would be within the 25-foot setback from the wetlands. The NRC further requested that the six-inch caliper trees that will be cut down to accommodate the stone wall and the driveway be marked on the plan. The applicant agreed to this. The Commissioners agreed that they would make individual visits to the site to familiarize themselves with the problems involved with the project. The hearing will be continued at the meeting on February 16.

CONTINUANCE — REVISITED LATER IN THE EVENING

Concord Oil Co. — Notice of Intent — This project involves remediation for oil spills and for improving both site improvements and better parking facilities. The oil company was represented by Mr. Richmond Edes of the Lowell Road Realty Trust, Mr. Michael Whaley of the Concord Oil Company, Mr. Michael Penney and Mr. Jarrod Yoder of GeoInsight. Mr. Penney made the initial presentation. He said that excavation of the contaminated soil would be needed. This will go along with the remediation efforts as well as site improvement. The Oil Company will coordinate this project with the Town of Concord's proposed Lowell Road improvements.

Technicalities are described as follows: "The portion of the Notice of Intent dealing with monitoring and oil spill remediation was formally covered under a previous Notice of Intent, DEP File #137-810. A Certificate of Compliance has been issued for that file; work for any outstanding remediation will now be covered under this filing. Future remediation phase dates under the Immediate Response Action and methodology for removal of contaminated soil..." was delineated.

The existing conditions were explained. The company tract is small (plus or minus 2 acres?) and it has nine above ground fuel stor-

age tanks containing 150,000 gallons of fuel oil. Oil tanker trucks were parked on the site. The exact number was not mentioned. The tanks would be replaced by two 50,000 gallon horizontal tanks of steel, single-walled and cradled above the ground and a tank of 12,000 gallons of double walled steel within a dike constructed to contain further spills. Compensatory flood storage is proposed at a ratio of 1:1. Mr. Penney also described plans for improvements in site parking, truck turnaround and landscaping. The Commission suggested the idea of a rain garden with native plants, which had the ability to absorb storm water.

There were many problems involved with the project. Among them were 1) The 1.1 ratios for compensatory flood storage offered by the applicant. The Town's policy requires a 1:1.5 ratio. 2) Pre-treatment of the contaminated runoff. 3) An isolated wetland on the site "be considered bordering land subject to flooding and not isolated land subject to flooding." 4) The impact of the disturbance on the site. 5) Trying to put the project outside of the 25-foot setback. 6) Decreasing the impervious surface by using alternate substance for the paving in the parking area. The Commission requested details of previous plans prepared in 1976 by GeoInsight as well as this Company's write-up of procedures for its testing policy. There was public comment on the environment issues brought up by the Concord Oil Company's problems. Jim Waggett of 16 Lowell Road was glad to see that improvements were being offered, but he was concerned about work to be done in the flood plain and the integrity of the site. He urged that the design provide minimum risk (of flooding and contamination) during a "worse case" event.

Elizabeth Sluder of 63 Coppermine Road asked why the new tanks were to be made of steel, which is subject to corrosion and subsequent leaking, rather than fiber glass which is presently being used to prevent corrosion. She also asked if a vortech unit to pre-treat runoff would be appropriate.

The NRC requested a continuance of this issue to get further information from the appli-

cants. They agreed to the continuance. A visit to the site was scheduled for Monday, February 7<sup>th</sup>

#### OTHER BUSINESS

Conservation Restriction Stewardship Committee— There was discussion about this issue and a vote for committee appointment was taken. Commissioner Edwards moved that this Committee would be under the Natural Resources Commission until such time it might come under the auspices of the Board of Selectmen. Commissioner Ewing seconded the motion, and it was passed.

3. Miscellaneous Items— Commissioner Edwards will attend a scheduled meeting of the future of the Catholic Church property in West Concord. The Commission discussed the availability and meeting times of the Community Preservation Committee. The staff reported that the Town of Concord is investigating tracking software.

Feb. 16, 2005

This report is based on the draft minutes of the February 16 meeting.

DISCUSSION: Chairman Ryan announced that . The Carlson hearing has been postponed to the March 2<sup>nd</sup> meeting. and the hearing of TEC Associates about the MBCR Right-of-Way has been postponed to the April 6<sup>th</sup> meeting.

Warner's Pond: This concerned aquatic weed control on this pond. Mark Bellaud, the senior biologist of Aquatic Control Technology presented a report on this situation. An aquatic weed harvester was rented from the U.S. Fish and Wildlife Department, to collect the following waterweeds — water chestnuts, fanwort, and milfoil. The operation took nine days. The twenty-one acres section of the pond was cleared of twenty-three truckloads of unwanted plants, which were subsequently composted. A water-raking demonstration was made along the shoreline properties. It removed purple loosestrife, water-willow, and pickerel weed.

There was a discussion on what the future management should be, as the weeds would grow back. The possibility of using herbicides was brought up but no decision was reached.

Members of the Warners Pond Stewardship Committee were present and offered comments.

C. Fairyland Pond: This pond also suffers from water weeds.. Aquatic Control Technology consultants also reported on this issue. Mr. Gazaille reviewed a management plan to the Commission. The five-acre pond was 90% covered with vegetation. It consisted of water lilies as well as other submerged plants. A three-year management plan was presented along with a proposed budget to implement it.

D. Silver Hill Pond :Aquatic Control Technology were also consultants for this project. Representatives for the firm asked for a three-year extension for an Order of Conditions (#137-534) already issued to the Silver Hill Pond Association for aquatic vegetation management to facilitate recreational use of the little lake. Mr. Bellaud recommended spot treatment around the beach area. He said that the spread of aquatic plants had been slow. Water quality was monitored and annual reports, as per instructions of the Commission have been filed. The NRC staff requested a written history of the pond and that plans showing the areas of treatment and plan distribution be shown.

After discussion the Commission voted to pass on the management plans request for a three-year extension with the special condition that the Commission should be notified if the area of treatment increased or that more than two treatments a year were needed.

#### CONTINUANCES:

1732 Monument Street: This involves the construction of a driveway and a stone wall. A revised plan was presented to the Commission by the firm of William McNary, Stamski and McNary, Inc. The problems of development within 85 feet of the wetland and intrusion into the buffer area were discussed. Changes were made in the elevation of the barn, and most of the proposed driveway would be out of the buffer, with hay bales and silt fences put in place to control erosion. It was agreed that staff and Mrs. Ewing would visit the site to look at the larger trees growing in the buffer area and subject to possible removal during the development. In particular, one tree was a subject of

concern. If this tree was a Norway maple (a weed tree) the Commission recommended its removal.

The Commission suggested conditions for the approval of this project. They were: 1. A mixture of native plant material be used to vegetate the slope; 2. The location of the foundation drain shall be approved at the site visit by the administrator; 3. The administrator would determine if the plants on the specific area were native or not. Alien species would be subject to management decisions by the administrator. The hearing would be continued at the March 2' meeting.

Cluff - Lot 1A Macone Farm Lane : This hearing was postponed until March 2' because of a lack of quorum.

#### NEW APPLICATIONS

Cannon—42 Shore Drive: This is another project on the steep shore of White Pond. The issue was the replacement of two old cesspools with an up-to-date septic system. The lot is small and narrow. It posed severe problems on how to manage the proposed construction without causing erosion. The Commission will visit the site and it requested a methodology narrative as to how the work would be done and that various alternatives be included with the report

#### OTHER BUSINESS:

Request for Extension :from Dan Gainesborro, 887 Lowell Road. This involved the vegetation on the lot and whether it would satisfy the permit's requirements. Commissioner Ewing and staff would visit the site. The second request for extension came from Mass Highway for road improvements to Route 2. The Commission asked that representative from this department appear before the Commission to update it on the project.

Letter of Recommendation to Public Works Commission :On a motion duly made and seconded, a letter to the Public Works Commission will be sent recommending Sewer hook-ups be approved for projects at 389 Old Bedford Road and I 88A Concord Turnpike..

MISCELLANEOUS a. Ms. Holden reported on revisions to the Wetlands Protection Act. She will keep the Commission updated on this issue.

b. A letter was received from Nancy Nelson on the Minute Man National Park. c. Mrs. Ewing reported that there was an agreement reached with the Humane Society for a sign at Hutchins Pond. d. There was a discussion on the possible acquisition of the Burke Land by the town. e. Attendance at the Community Preservation Committee Meeting was discussed. Chairman Ryan will attend long range planning sub-committee meetings. He asked for potential new projects. f. The Commissioners discussed a change in procedure for recommendations to the Board of Appeals and Planning Board. The NRC will review and/or approve these recommendations. g. The meeting of the MACC Conference was brought to the Commissioners' attention. h. Staff would like an engineer to help with a design for the Thoreau Amble.

March 2, 2005

This report is based on the draft minutes of the meeting.

#### CONTINUANCES

1. 1732 Monument Street — Notice of Intent for construction of a driveway and stone wall. Richard Harrington of the firm Stamski and McNary represented the clients. Mr. Harrington said that they had no concerns with the Special Conditions prepared by staff. The Commission discussed the findings and the Special Conditions and requested minor changes. An invasive management plan would be sent to the NRC office before work to remove the invasive plants would begin.
2. Lot IA Macone Farm Lane — construction of a one family house. Ms. Ewing recused herself as a neighbor to the applicant. Revised plans were presented to the Commission. The twenty-five foot buffer around the pond was under a conservation restriction. A planting plan for native winterberry for the buffer zone was reviewed. No mowing would be allowed in the buffer zone. Mr. Whittemore showed the Commission the updated version of the Conservation Restriction and two of the required three signatures required. When the third is received, the document will be sent to the NRC staff to begin the Conservation Restriction regulatory approval process.
3. Concord Oil Company, 129 Lowell Road — involving excavation associated with oil release

remediation and facility improvements. Richmond Edes, attorney and owner of Lowell Road Real Estate, Michael Penney of Geolnsight, Inc., Michael Whaley of Concord Oil Company, and Maria Bellalta of High Mark Land Design represented the applicants. Mr. Edes described the work meetings with NRC staff and the Concord Oil Company. The construction and landscaping to be done were to be done inside the 25-foot buffer line to the greatest extent possible. The only exception was an existing berm and needed grades to it. Native shrubs will be planted in that area. The number of parking spaces will be reduced. Storm water treatment improvements have been proposed as well as spots for snow storage and flood storage. Remedial testing and studies for contaminated soil removal, storm water management, and sediment control were proposed by Mr. Penney. The existing heating fuel tanks will be replaced with a new double walled tank. There will be continued monitoring and an alarm system. The staff reported that the MA DEP had requested additional information. The applicants agreed to contact the DEP and the Army Corps of Engineers, and will report back to the staff. If follow-up information is required by these agencies, it will be included in the Order of Conditions. Maria Bellalta presented the landscaping plan. Plants that must be removed will be replaced with native species. The detention basins will be planted with native grasses. Any lighting for the project will be put on timers. The Commissioners seemed pleased with the revised plans. The project hearing will be continued on March 16<sup>th</sup> in order to get a response from the Army Corps.

#### NEW APPLICATIONS

1. 62 Elm Street Renovation to single-family house: Mr. Jonathan Campbell is applying for a second floor addition to his house within the Riverfront Area. There would be no change in the footprint of the existing house. There was discussion and the Commission members agreed that hay bales should be placed to delineate the limit of the work area and to control erosion.
2. 240 Ministerial Drive Request for Amendment to DEP File #137-719: Scott Smyers of

Oxbow Associates Inc. represented the clients. The issue involved the opening of Order of Conditions issued in September 2002 for the removal of some trees. The amendment to the Order was requested for the repair of the existing septic system. The closest work would be 95 feet from the wetland, and it would be separated from the wetland by the house and lawn. Trees that were to be removed were shown on the plan. The disturbed area would be replanted in a native grass mix. A Board of Health approval has already been obtained.

The Commissioners requested the following conditions; snow fences be used to limit the work area around trees; the actual location would be determined by the NRC administrator; and plans for re-grading should be revised and submitted to the NRC. Further, the disturbed area should be planted with a mix of native vegetation. It should not be in the lawn.

#### MUNICIPAL LIGHT PLANT

*Observer: Thomas K. Sisson*

January 13, 2005

The Commission discussed the present status of the budget. As of October, the losses have been trimmed to \$17,000. There have been problems transferring the electric system at Concord Greene to Town responsibility. Many problems were found in the original power installation which cannot be solved because they would require major rewiring.

The new operating budget was reviewed. It is anticipated that electric sales will increase by 1.8%. Superintendent Sack noted that our contract for purchased power is better than in surrounding towns. Also he noted the Commission that ours is a non-profit utility. We spend more money on prevention of power losses to avoid downtime. The budget was approved and will be sent on to the Town Manager. After November we will be making a profit. The Commission asked what will be done with the profit.

Dan Sack replied that the equipment in one substation may need replacement.

The Hugh Cargill Trust was discussed. The CMLP gives the Trust \$12,000 annually. This money is used to help people in Town to pay their electric bills, so it seems the money comes back to the Light Plant.

The Light Plant is establishing a computer back-up program for the Town which is costing about \$45,000. Should there be a computer collapse, this back-up will preserve what is already in memories.

March 1, 2005

The meeting began with a discussion of preparations for Town Meeting in April. Since the only item involves a bond issue of \$1,500.00 the Board discussed potential questions. - A question was asked about the recently announced Verizon move in nearby towns into cable provisions that will accommodate telephone, TV cable, and internet connections to computers on one fiber optic cable. Since Concord has its fiber optic connections and a Comcast cable connection, nothing may happen soon to affect Concord.

Another question concerned the steep increases being proposed for power in the Boston area. Since Concord has a contract with Constellation that is very favorable, we should not have to raise rates here.

Finances of the Light Plant were reviewed. We are still running behind the budget - that is we are \$112,000 behind now but the Plant Manager hopes that we will be even by December.

Membership in the Massachusetts Municipal Wholesale Electric Company, MMWEC, was discussed. The Manager fee is that our management is better than what MMWEC can give and he recommended that our membership be discontinued. He noted that the \$86,000 annual membership fee was no longer necessary. The Board voted unanimously to cancel the town's membership in MMWEC.

#### HISTORICAL COMMISSION

*Observer: Erica Morrison*

December 16, 2004

The master plan- both book and detailed descriptions of houses was discussed. Is it a legal guide for action? What is its authenticity?

Proposed Historic District: The Commission moved to ask the Board of Selectmen to add an article to the warrant to create an historic district to include Our Lady's Church in West Concord and if possible the Fowler library, the Harvey Wheeler Center, and the West Concord Union Church. In 1980 a previous Commission had made a similar recommendation.

Harrington House: the Commission is placing a high priority on creating a long term preservation plan for the house with the help of an architect who specialized in historic houses.

The Community Preservation Act: The Commissioners were pleased that it had been passed and discussed how the Act may change and shape the nature of the commission's work a list was made of projects that could be advanced.

Demolition Delay Bylaw: it was felt that the act no longer gives adequate protection due in part to the fact that land values have increased so much. It needs to be rewritten and updated.

Potters Cemetery: Two of the commissioners want to look into the matter of this cemetery which is currently owned by the state. It needs maintenance and Concord could claim it as it is being neglected.

January 20 and Feb. 17 2005

This report is partly from the commission's minutes.

Quarterly Projects: The Commission has seen promised time and help from the planning department on a quarterly basis. First such project will be the Harrington house which needs both short-term and long term work. New associate member, Lou Hills, gave a slide presentation with a history and also listed the present and future needs of the house getting quotes for jobs to be done and involving present tenants, and providing for future ones are all tasks to be done by the planning department.

A project for a future quarter would be to make an inventory of (old) barns in Concord. Barns are part of our cultural heritage; the inventory would see how many are there, what

condition they are in, how they are being used, and whether they could be preserved perhaps in a different form such as low cost housing etc.

The Commission also wishes to upgrade the Demolition Delay by law in time for the 2006 Town meeting. The current law is felt to have many problems; too short a delay time, too many loop holes being among them.

Other Projects for the Commission itself clarifying the wording of an historic marker to be placed at the Sleepy Hollow Cemetery. The commission wishes to consult with the leaders of local Indian tribes as to the wording.

A list of makers of historic plaques for which owners of property can apply will be developed. Members of the Commission have made a presentation concerning the proposed Historic District to the Our Lady's Task Force.

The commissioners were asked to comment on the plans for reconstructing the Flint Bridge on Monument St. The work will be done by the Mass Highway Department. The engineers plan to strengthen the existing stone arches with steel rods to give the bridge more carrying power while preserving its appearance.

March 10

Cemetery Marker: Peter Wakman is working on a cemetery marker commemorating the use of that land by the Indians. The marker may be dedicated in October.

Our Lady's Church Property: Lou Hills suggested that a document should be prepared to put the church on the national historic register without mentioning an owner. Hopefully the prospective new owner would sign such a document as it might be an advantage in negotiating items such as parking.

Harrington House: Lou Hills was authorized to work with the Assistant Town Manager on the RFP (Request for proposals) for lease and repair. The rent to be raised to \$500 per month and work to be performed by tenants. The Lease would be for a five year term.

Community Preservation Act: Joe Wheeler talked about the CPA and how the community would negotiate spending the money preferably on multi purpose projects.

Other Business: There was a discussion about Article 37 on the upcoming Town meeting warrant. The article would lift set back restrictions on certain historic buildings, principally Our Lady's Church, so that the building can be sold separately from the community house next to it. This article could potentially affect about 38 properties and a loss of landscape was feared.

A home owner asked about protection of an historic preservation restriction. Debbie Bier looked at the house in the Survey and found that not one of the houses on that street was mentioned. She wondered if the survey was extensive enough to protect historic house from demolition. In some communities building of a certain age are automatically included.

Debbie Beir also suggested putting together a sub committee to recover the original charge of the commission and to consult past chairs about projects.