



NATURAL RESOURCES COMMISSION
Meeting Minutes
January 7, 2026

Pursuant to the notice filed with the Town Clerk, a public meeting of the Natural Resources Commission was held on Wednesday, January 7, 2026 at 7:00 p.m., at 141 Keyes Road, First Floor Conference Room and via Zoom. The following Commissioners were present: Sarah Grimwood, Chair, Bill Kemeza, Jim Smith, Ed Nardi, Ben Niehaus, Malcolm Bryant (Associate), and Janet Miller (Associate). Natural Resources Director Delia Kaye, Assistant Natural Resources Director Rose Kaforski, and Natural Resources Administrative Assistant Karen Bockoven were also present.

PUBLIC COMMENT
APPROVE MEETING MINUTES <ul style="list-style-type: none">• November 5, 2025
COMMISSIONER COMMENTS
DIRECTOR'S UPDATE
TO BE CONTINUED WITHOUT DISCUSSION TO JANUARY 28, 2026 <ul style="list-style-type: none">• BARRETTS MILL ROAD LLC, 874 Barretts Mill Road (subdivision road), NOI
CLOSE and ISSUE <ul style="list-style-type: none">• GALLANT, 1533 Monument Street
CERTIFICATES OF COMPLIANCE <ul style="list-style-type: none">• BEMBENEK, 300 Musterfield Road
OTHER BUSINESS <ul style="list-style-type: none">• Conservation Fund Bylaw Discussion

Dr. Grimwood called the meeting to order at 7:00 p.m.

PUBLIC COMMENT

None.

APPROVE MEETING MINUTES

Mr. Kemeza moved to approve the November 5, 2025 NRC meeting minutes, as written. Mr. Smith seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Kemeza, Aye, Smith, Aye, Nardi, Aye, Niehaus, Aye, Grimwood, Aye.

COMMISSIONER COMMENTS

Dr. Grimwood said the Warner's Pond Management Committee (WPMC) appointees are not on the agenda for tonight as the schedule was delayed due to illness. She was confident that everything would be in place to move forward at the January 28 NRC meeting.

DIRECTOR'S UPDATE

- The Town received the signed access agreement back from MIG with no changes to the draft, and it is with the Town Manager for signature. Ms. Kaye expects that the removal and restoration activities will begin once the agreement is fully executed, and that all materials will be removed from the site by February 13.
- Ms. Kaye said the attorney representing the homeowners at 150 Garfield Road wanted additional time to respond to the NRC's questions and the Board of Health (BOH) letter of non-compliance. They should be ready to discuss the violation at the January 28 meeting.
- Ms. Kaye said there is a Conservation Restriction violation at 525 Lexington Road. The property owner has engaged an attorney to assist in exploring the feasibility of a land swap that would be acceptable to the NRC and the Meriam Close Trust.
- No deer were reported taken at Barrett's Mill Farm. Ms. Kaye noted that there were only a few weeks to hunt once the permits were issued. Mr. Kemeza believes installing higher fences, rather than hunting deer, is a better solution.

TO BE CONTINUED TO JANUARY 28, 2026

Notice of Intent, 874 Barretts Mill Road LLC, 874 Barretts Mill Road (subdivision road), DEP File #137-1719

At the request of the Applicant, Mr. Smith moved to continue the hearing to January 28, 2026. Mr. Nardi seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Kemeza, Aye, Smith, Aye, Nardi, Aye, Niehaus, Aye, Grimwood, Aye.

CLOSE AND ISSUE PERMITS

Gallant, 1533 Monument Street, DEP File #137-1727

Dr. Grimwood stated there was an additional condition added to the Order of Conditions that prior to scheduling the pre-construction site visit, the applicant should provide evidence of recording the Approval Not Required (ANR) plan endorsed by the Planning Board for the land swap between Gallant and Lawrence.

Mr. Kemeza moved to close the hearing and issue an Order of Conditions for DEP File #137-1727 with Findings A, B, and C, Standard Conditions 1-20, and Special Conditions 21-55. Mr. Nardi seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Kemeza, Aye, Smith, Aye, Nardi, Aye, Niehaus, Aye, Grimwood, Aye.

CERTIFICATES OF COMPLIANCE

Bembenek, 300 Musterfield Road, DEP File #137-1434

Mr. Smith moved to issue a Certificate of Compliance for DEP File #137-1434. Hand removal of invasive species is approved in perpetuity. Chemical or mechanical removal will require further approval from the Natural Resources Commission. Mr. Kemeza seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Kemeza, Aye, Smith, Aye, Nardi, Aye, Niehaus, Aye, Grimwood, Aye.

OTHER BUSINESS

Conservation Fund Bylaw Discussion

Dr. Grimwood said Ms. Kaye has requested \$500,000 from the Community Preservation Committee (CPC) to establish a conservation fund. The CPC is expected to vote on the application on January 13). Two Select Board (SB) members have requested that a bylaw be placed on the Town Meeting warrant to establish governance over expenditures.

Dr. Grimwood stated that Paul Boehm, the NRC's liaison favors SB approval of land acquisitions; she prefers consultation with the SB. Under Chapter 40, Section 8C, conservation commissions may maintain and expend funds for land acquisition without additional approval if funds are available; gifts must be accepted by the SB.

Dr. Grimwood emphasized the importance of protecting large, unfragmented parcels and noted that the 2015 Open Space Plan identifies priority parcels for preservation. Her concern is potential SB veto authority. She clarified that she is not implying that the current SB is anti-conservation. She referenced an example from the 1990s involving disagreement between the NRC and community members seeking to protect Heywood Meadow in its entirety as conservation land and the SB, which wanted to use an unprotected parcel on the meadow for a visitor center. Dr. Grimwood said Town Meeting did not approve the proposal. Ms. Kaye added that several boards and committees did not support the visitor center on Heywood Meadow and that it was the least favorably recommended parcel recommended by the committee established by the Select Board to evaluate locations for a visitor center.

Mr. Kemeza expressed concern about delays if SB approval is required, noting that most acquisitions would likely exceed \$500,000 and require multiple approvals.

Dr. Grimwood stated the intent is to build the fund over time Mr. Boehm has expressed concern about governance clarity and public understanding; Dr. Grimwood does not object to governance provisions.

Mr. Smith stated the revised draft bylaw is improved and supports department-level consultation. He noted that the bylaw authorizes expenditures for due diligence and professional services. His concern is preserving flexibility and avoiding loss of acquisition opportunities, particularly if SB approval is required for options to purchase.

Paul Boehm, 11 Ridgewood Road, speaking personally, supported adoption of a bylaw to ensure clear governance and transparency. He stated that the SB can act quickly when necessary and does not believe consultation requirements would cause delays. He questioned whether the statute grants sole spending authority and described it as ambiguous. He emphasized the SB's responsibility to maintain clear lines of authority and visibility, particularly given other land transactions under its purview. The SB will discuss the matter further.

Mr. Smith distinguished consultation from approval and cautioned that veto authority could affect board evaluations and jeopardize acquisition opportunities.

Mr. Kemeza requested clarification of the SB process. Ms. Kaye described coordination with sellers, the Town Manager, the SB, and potential partners, depending on timing and circumstances.

Mr. Smith noted that land matters may be discussed in executive session and emphasized the need for nimbleness.

Dr. Grimwood requested that SB members review background on Heywood Meadow and stated that the NRC would vote on its position regarding the bylaw.

Mr. Smith preferred the language “in consultation with the SB.” Mr. Kemeza suggested the NRC could support a consultation-only approach and amend the bylaw if needed.

Ms. Kaye stated that Town Counsel has confirmed that numerous communities operate conservation funds under Chapter 40, Section 8C without bylaws. She reiterated that gifts over \$500 require SB acceptance.

Mr. Kemeza asked whether Concord has a dedicated conservation fund; Ms. Kaye responded that there is an existing land fund used for general municipal purposes, but not a conservation fund.

Mr. Smith moved to approve the Conservation Fund Bylaw to include consultation with the Select Board for land acquisitions. Mr. Kemeza seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Kemeza, Aye, Smith, Aye, Nardi, Aye, Niehaus, Aye, Grimwood, Aye.

At 7:57 pm, with no further presentations or public comment, the Chair adjourned the meeting.

Respectfully submitted,

Karen Bockoven
Administrative Assistant

A video of the meeting can be seen by clicking this link or entering it into a web browser:

https://www.youtube.com/playlist?list=PL1TTzrWEKOOmVv84OJSDa6rdv9_Uu7NrN