

NATURAL RESOURCES COMMISSION
Meeting Minutes
January 11, 2023

Pursuant to the notice filed with the Town Clerk, a public meeting of the Natural Resources Commission was held on Wednesday, January 11, 2023 at 7:00 p.m., at 141 Keyes Road, First Floor Conference Room. The following Commissioners were present: Ed Nardi, Chair, Sarah Grimwood, Gary Kleiman, and Bill Kemeza. Commissioner Pappas was absent. Natural Resources Director Delia Kaye, Assistant Natural Resources Director Bert Comins, and Natural Resources Administrative Assistant Karen Bockoven were also present.

APPROVE MEETING MINUTES <ul style="list-style-type: none">October 12, 2022 and November 2, 2022
COMMISSIONER COMMENTS
DIRECTOR'S UPDATE
TO BE CONTINUED WITHOUT DISCUSSION TO FEBRUARY 1, 2023 <ul style="list-style-type: none">WH WALDEN LLC, 59 Walden Street, NOIROWE, 309 Lindsay Pond Road, NOI
NEW APPLICATIONS <ul style="list-style-type: none">ROSENSHINE and CODY, 300 Ministerial Drive, ANRADEMS DEVELOPMENT, 96 Southfield Road, NOIMASS. DEPT. OF TRANSPORTATION – HIGHWAY DIVISION, Route 119/2A/Elm St., NOI
OTHER BUSINESS <ul style="list-style-type: none">Johnson, 177 Barnes Hill Road, Enforcement Order ViolationEmerson Conservation Vote in accordance with Chapter 30b
CONTINUANCES <ul style="list-style-type: none">AWMW, 61 Sunnyside Lane, NOIAWMW, 47 Sunnyside Lane, NOIAWMW, 41 Sunnyside Lane, NOI

Mr. Nardi called the meeting to order at 7:00 p.m. He stated that the NRC meeting was being audio-recorded and requested that anyone from the public recording the meeting so inform the Commission.

APPROVE MEETING MINUTES

Mr. Kemeza moved to approve the October 12, 2022 NRC meeting minutes, as written. Mr. Kleiman seconded. **VOTE 3-0** by Roll Call Vote: Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

Mr. Kemeza moved to approve the November 2, 2022 NRC meeting minutes, as written. Mr. Kleiman seconded. **VOTE 3-0** by Roll Call Vote: Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

COMMISSIONER COMMENTS

None.

DIRECTOR'S UPDATE

- Ms. Kaye introduced Bert Comins, the new Assistant Natural Resources Director. She also informed the Commission that Land Manager Will Holden is back from parental leave.
- Sediment sampling and bathymetry measurements for the Warner's Pond Restoration Project is still underway, having been delayed because of ice-over. A survey will be distributed to all town residents in advance of the public meeting.
- Reports for 2022 White Pond water quality monitoring and A-POD technology are under review, and proposals are sought for 2023. The consultants will attend an upcoming White Pond Task Force meeting to present their findings.
- The Natural Resources Division received a \$523.50 from the Garden Club to fund the purchase of pollinator kits. Ms. Kaye has ordered six flats (50 plants each) of six different species to develop two pollinator kits (one for dry and one for moist soils) a mix for dry soils and one for wet soils. The plants will be repotted and distributed at an Earth Day event in April or May.

TO BE CONTINUED TO FEBRUARY 1, 2023

Notice of Intent, WH Walden LLC, 59 Walden Street, DEP File #137-1618

Mr. Nardi reopened the hearing seeking approval to construct a second-story addition with pavement resurfacing, sidewalk reconstruction, and landscape improvements within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to Mill Brook and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

At the request of the Applicant, Mr. Kemeza moved to continue the hearing to February 1, 2023. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

Notice of Intent, Rowe, 309 Lindsay Pond Road, DEP File #137-1625

Mr. Nardi reopened the hearing seeking approval to construct a pool, spa, new shed, and walkway within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Mr. Kemeza moved to continue the hearing to February 1, 2023. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

NEW APPLICATIONS

Abbreviated Notice of Resource Area Delineation, Coty and Rosenshine, 300 Ministerial Drive, DEP File #137-1624

Mr. Nardi opened the hearing seeking confirmation by the Natural Resources Commission of the Bank delineation.

List of plans and documents discussed at this meeting:

- Abbreviated Notice of Resource Area Delineation Application; and
- Plan of Land prepared by Alfred M. Berry, P.L.S. revised January 9, 2023.

Nathanial Cataldo of Stamski and McNary attended tonight's meeting. Mr. Cataldo said they resurveyed and delineated the bank as requested by staff. He said they are only seeking confirmation of the Bank. Ms. Kaye said that she and Mr. Comins confirmed the revised flagging. She said the permit noted an intermittent stream with no request to confirm whether there is annual high water, therefore, the findings are just for delineation of Bank.

There were no public comments.

Mr. Kemeza moved to close the hearing an issue an Order of Resource Area Delineation for DEP File #137-1624 with Findings 1, 2, and 3. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

Notice of Intent, EMS Development, 96 Southfield Road, DEP File #137-1626

Mr. Nardi opened the hearing seeking approval to demolish the existing dwelling and construct a new single-family house, paved driveway, deck, and walkway within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Wetland Permitting Plan prepared by Stamski and McNary, Inc dated December 19, 2022.

Matt Sepe of EMS Development and Nathanial Cataldo of Stamski and McNary attended tonight's meeting. Mr. Sepe said existing on the site is a single-family dwelling and the entire property is within the 100-foot BZ. The existing house is within the 50-foot NBZ. At the closest point the existing house is 30.2 feet from the edge of the wetland. Mr. Cataldo said the proposed project involves demolishing the existing house and constructing a new dwelling, driveway, walkway, and deck. The new dwelling will be further from wetlands than the existing structure. Runoff from the driveway will be directed to the front of the property. Infiltration will be installed to provide roof runoff infiltration. Appropriate mitigation for disturbance within the buffer zones will be provided. Ms. Kaye noted that an impact table has been provided. She said a mitigation table is also needed. Mr. Nardi requested a robust mitigation plan and suggested hiring a landscape architect. Mr. Sepe agreed. They will consult with their landscape architect, Kim Ahern. Ms. Kaye requested that any trees six inches DBH or greater be noted on the plan. Mr. Nardi said they will have to determine if any trees will need tree protection. If so, this information should be shown on the plan.

Joe Warren of 122 Southfield Road said that he and some of his neighbors are concerned that raccoons that have infested the vacant house will disperse from the house when it is demolished. Mr. Sepe said he will make sure that if they find any racoons, they will be taken care of in a humane way.

The Applicant agreed to continue the hearing to February 1, 2023 to allow additional information to be provided.

Notice of Intent, Massachusetts Department of Transportation – Highway Division, Route 119/2A/Elm Street, DEP File #137-1627

Mr. Nardi opened the hearing seeking approval to construct a five-foot wide sidewalk with drainage improvements within the 200-foot Riverfront Area to Nashoba Brook and within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and

- Plan Set prepared by Epsilon Associates, Inc. dated December 21, 2022.

Alyssa Jacobs of Epsilon Associates, Lori Aho and Peter Ellison of TEC, and Stephen Simoglou of MassDOT attended tonight's meeting. Ms. Jacobs said the sidewalk project is well supported by the community. She said they have been before the Acton Conservation Commission and received approval for the portion of the project within Acton. She said the project in Concord is within the 100-foot BZ and the 200-foot Riverfront Area. The proposed work consists of a five-foot-wide sidewalk as well as the addition of a flashing signal light and crosswalk between Shaw Farm Road and the driveway for Lalli Woods near the Concord rotary. A stormwater swale will be installed, as well as tree protection, erosion and sediment controls. A new crosswalk will also be added near Commerford Road with an ADA accessible curb ramp for any roadway crossings and for the new proposed crosswalk system. Ms. Jacobs said currently there is no sidewalk in this area. She said they have received comments from staff but still need comments from CPW.

Mr. Nardi asked what was happening with three existing large trees (36-inch maple, 48-inch oak, and 40-inch oak). Ms. Aho said the trees are remaining and they will put tree trunk protection and note on the plan. Mr. Nardi said there is a discrepancy with the flagging. Ms. Kaye said the Applicant can either reflag some of the wetlands so they are accurately shown on the plan, or the Commission can include a finding in the Order of Conditions that the resource area boundaries are not approved under this filing. Ms. Jacobs confirmed that the finding was acceptable.

Mr. Kleiman asked if there was an existing sidewalk on the east end towards the rotary. Ms. Jacobs was not sure. Mr. Nardi asked if the new sidewalk was concrete or bituminous. Ms. Jacobs said the sidewalk will be bituminous asphalt.

Karlen Reed of 83 Whit End thanked the Department of Transportation for submitting an application for this project. She also thanked the Commission for considering the application. She commented that it will be nice to have access across Great Road.

The Applicant agreed to continue the hearing to February 1, 2023 pending CPW review and comments.

OTHER BUSINESS

Johnson, 177 Barnes Hill Road, Enforcement Order Violation

Mr. Nardi asked Mr. Johnson why the remediation work had not been completed yet. Mr. Johnson said he did not have any specific reason, however, one summer was very wet. He said he could do the work this April when the weather is warmer. Dr. Grimwood said the NRC does not want to be in the same situation a year from now. Ms. Kaye informed Mr. Johnson that he will need to schedule a preconstruction site visit with staff, a wetland scientist, and the contractor. She said that seeding cannot be done past June 1st. Mr. Kleiman suggested picking a date in mid-May to confirm that the work has been completed. The Commission agreed.

Emerson Conservation Vote in accordance with Chapter 30b

Ms. Kaye said that Town Meeting in 2021 authorized the acquisition of a 0.68-acre over a portion of 18-28 Cambridge Turnpike. A vote of uniqueness is required in accordance with state procurement regulations.

Mr. Kemeza moved:

- (a) To authorize the Town Manager to take all actions on behalf of the Natural Resources Commission that are reasonably necessary, in the judgement of the Town Manager, to complete the Commission's acquisition of a Conservation Restriction on the Property in accordance with the Purchase and Sale Agreement executed as of February 10, 2022 between Ralph Waldo Emerson Memorial Association and the Commission, including without limitation, executing any and all closing documents, affidavits, Settlement Statements and delivering closing funds; and
- (b) That advertising under General Laws Chapter 30B, section 16(e)(2) for the Commission's acquisition of the Conservation Restriction on the Property will not benefit the governmental body's interest due to the unique qualities of the Property. Specifically, acquiring a Conservation Restriction on the Property will contribute to the protection of the scenic and natural character of the historically significant Ralph Waldo Emerson property and the protection of the Property will enhance the open space value of these and nearby lands. The Property is uniquely situated at the gateway to Concord Center and is within Concord's American Mile Historic District, the State Historic District, and the Monument Square-Lexington Road National Register District. The Property abuts land that is already conserved, including 6-acre Heywood Meadow and the nearby 181-acre Hapgood Wright Town Forest and the 18 acre Walden Woods parcel. The Property also abuts an adjacent 6-acre conservation parcel acquired by the Town from the Ralph Waldo Emerson Memorial Association in 2019.

Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

CONTINUANCES

Notice of Intent, AWMW, 61 Sunnyside Lane f/k/a 5A Sunnyside Lane Lot 3, DEP File #137-1620

Mr. Nardi reopened the hearing seeking approval to construct a new single-family dwelling within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Wetland Permitting Plan prepared by Stamski and McNary, Inc. revised December 29, 2022; and
- Site Plan prepared by Fisher Design Group revised December 28, 2022.

Mark White of AWMW, LLC and Nathaniel Cataldo of Stamski and McNary attended tonight's meeting. Mr. Cataldo informed the Commission that they survey located all the trees which were six inches DBH or greater and have noted on the plan. He said Fisher Design Group has submitted a separate landscape plan for all three lots. Mr. Nardi said the landscape plan looks much better and the planting locations look more naturalized. The Commission agreed.

Mark White said mitigation for the retention basin is shown on the plan for 61 Sunnyside Lane.

There were no public comments.

Dr. Grimwood moved to close the hearing and issue an Order of Conditions for DEP File #137-1620 with Findings A and B, Standard Conditions 1-20, and Special Conditions 21-56. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

Notice of Intent, AWMW, 47 Sunnyside Lane f/k/a 5A Sunnyside Lane Lot 2, DEP File #137-1621

Mr. Nardi reopened the hearing seeking approval to construct a new single-family dwelling within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Wetland Permitting Plan prepared by Stamski and McNary, Inc. revised January 9, 2023; and
- Site Plan prepared by Fisher Design Group revised January 9, 2023.

Mark White of AWMW, LLC and Nathaniel Cataldo of Stamski and McNary attended tonight's meeting. Mr. Cataldo said Fenno markers have been noted on the plan. In addition, trees have been survey located and shown on the plan.

Mark White said mitigation for the retention basin is shown on the plan for 47 Sunnyside Lane.

There were no public comments.

Dr. Grimwood moved to close the hearing and issue an Order of Conditions for DEP File #137-1621 with Findings A and B, Standard Conditions 1-20, and Special Conditions 21-55. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

Notice of Intent, AWMW, 41 Sunnyside Lane f/k/a 5A Sunnyside Lane Lot 1, DEP File #137-1622

Mr. Nardi reopened the hearing seeking approval to construct a new single-family dwelling within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Wetland Permitting Plan prepared by Stamski and McNary, Inc. revised December 29, 2022; and
- Site Plan prepared by Fisher Design Group revised January 9, 2023.

Mark White of AWMW, LLC and Nathaniel Cataldo of Stamski and McNary attended tonight's meeting. Mr. Cataldo said a separate landscape plan has been submitted for this parcel as well. Trees have been survey located and shown on the plan. Fenno markers are noted on the plan.

Pamela Dritt of 13 Concord Greene asked if the new houses will be all electric including the stoves. Mr. White replied yes. He said only the fireplaces will be gas.

Sue Felshin of 19 Sunnyside Lane asked if the spice bushes will be mixed gender so they can reproduce. Mr. White believes they are mixed gender. Ms. Kaye said she will confirm.

Dr. Grimwood moved to close the hearing and issue an Order of Conditions for DEP File #137-1622 with Findings A and B, Standard Conditions 1-20, and Special Conditions 21-55. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

At 8:13 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/watch?v=Cp9LkLUYv5I&list=PL1TTzrWEKOOmVv84OJSDa6rdv9_Uu7NrN&index=1