

NATURAL RESOURCES COMMISSION
Meeting Minutes
January 20, 2021

Pursuant to the notice filed with the Town Clerk, a virtual public meeting of the Natural Resources Commission was held on Wednesday, January 20, 2021 at 7:00 p.m., in accordance with the Commonwealth of Massachusetts Executive Order of March 12, 2020 Suspending Certain Provisions of the Open Meeting Law. The following Commissioners were present: Ed Nardi, Chair, Sarah Grimwood, Greg Higgins, Nick Pappas, and Judy Zaunbrecher. Natural Resources Director Delia Kaye, Assistant Natural Resources Director Colleen Puzas, and Natural Resources Administrative Assistant Karen Bockoven were also present.

APPROVE MEETING MINUTES <ul style="list-style-type: none">• November 18, 2020 and December 2, 2020
DIRECTOR'S UPDATE
TO BE CONTINUED WITHOUT DISCUSSION TO FEBRUARY 3, 2021 <ul style="list-style-type: none">• MIDDLESEX SCHOOL, 1400 Lowell Road, NOI• BABCOCK & CARLISLE, 144 Upland Road, NOI
CONTINUANCES <ul style="list-style-type: none">• SHAW, 43 Old Bedford Road, NOI• ALEX-SUN ENERGY SOLUTIONS, LLC, 160 Range Road, NOI
NEW APPLICATIONS <ul style="list-style-type: none">• GWIN, 296 Bedford Street, NOI
MINOR MODIFICATION <ul style="list-style-type: none">• JAMESAPOLLOS, 141 Commerford Road
CERTIFICATES OF COMPLIANCE <ul style="list-style-type: none">• LOBB, 223 Elsinore Street
ADMINISTRATIVE APPROVALS <ul style="list-style-type: none">• WILLIAMS, 1284 Sudbury Road, Stair Replacement

Chair 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

Commissioner Pappas moved to approve the November 18, 2020 NRC meeting minutes, as amended. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

Commissioner Pappas moved to approve the December 2, 2020 NRC meeting minutes, as amended. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

DIRECTOR'S UPDATE

- Director Kaye informed the Commission that 29 applications for the Land Manager have been received; the deadline to submit is this Friday. She hopes to have someone on board within six weeks.

- Director Kaye said staff has received correspondence on the increased number of vehicles parked along Monument Street to access Punkatasset. One weekend saw over 30 parked cars. The Traffic Management Group has met and “No Parking” signs on Monument Street will be posted. The Police Department has been issuing tickets for illegally parked cars. Director Kaye noted that more people are using the Town’s trails because of the pandemic. She asked the NRC if they wanted to revisit the parking discussion which they evaluated a few years ago. At that time, the former Public Works Director accommodated better parking along Monument Street by relocating the stone wall. Chair Nardi asked how many legal spaces there were. Director Kaye said it was either seven or nine. Commissioner Zaunbrecher asked how many parking spaces the NRC previously proposed. Director Kaye said a total of 12 parking spaces were proposed which would have eliminated the street parking. The initial hope was that The Trustees of Reservations (TTOR) would allow 12 spaces at the front lot adjacent to the street, but that did not work out for a number of reasons. The NRC evaluated plans to construct trailhead parking but that was not favored by the neighbors. Commissioner Higgins noted that some street parking was lost when an abutter reconfigured their driveway. He said that the Select Board has to approve the parking on the street, and the the NRC only has authority to propose parking on Town property that is under their jurisdiction. Director Kaye referenced the 2016 the Estabrook Woods Study Committee Report that evaluated all the access points to Estabrook Woods. One of the recommendations was to improve the Punkatasset parking. Commissioner Zaunbrecher asked if TTOR could be approached again. Director Kaye replied that she reached out about a year ago and can do so again. She felt that parking on the Aphthorp field owned by TTOR would be the best solution.

Ned Perry of 362 Bedford Street informed the NRC that there is new management for TTOR. Mr. Perry asked the NRC to think about the parking issues at the Punkatasset entrance. He noted that the neighborhood is full of very good people with very strong opinions and thought it might be worthwhile to get together with the neighbors and TTOR. Mr. Perry had a long conversation with a senior staff person at TTOR recently and was surprised to learn that their culture is to work with communities and get a lot of community input. Parking at Punkatasset has been an issue for many years, especially in the winter. This may be a good time to work out a solution with TTOR and the neighbors. Director Kaye said she will reach out to Ellen Emerson and Ellie Bemis to get the conversation started. Commissioner Higgins said the NRC should work with the Select Board to resolve this issue.

- Electronic permitting is progressing and some building permits can now be applied for online. All applications are now posted on the Town website, and Director Kaye asked if the Commission prefer to review project documentation online, rather than receiving hard copies of application materials. The NRC confirmed that electronic applications were preferred.

TO BE CONTINUED TO FEBRUARY 3, 2021

Notice of Intent, Middlesex School, 1400 Lowell Road, DEP File #137-1545

Chair Nardi reopened the hearing seeking approval to improve existing playing fields including reorientation of the baseball infield; conversion of the relocated infield to an all-weather artificial surface; relocation of the grass football field; and conversion of two existing multi-purpose grass fields into an all-weather sports surface within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Zaunbrecher moved to continue the hearing to February 3, 2021. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

Notice of Intent, Babcock and Carlisle, 144 Upland Road, DEP File #137-1552

Chair Nardi reopened the hearing seeking approval to construct an addition within the 200-foot Riverfront Area to the Assabet River.

At the request of the Applicant, Commissioner Zaunbrecher moved to continue the hearing to February 3, 2021. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

CONTINUANCES

Notice of Intent, Shaw, 43 Old Bedford Road, DEP File #137-1504

Chair Nardi reopened the hearing seeking approval to construct a garage within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Plan prepared by Rose Land Survey revised December 4, 2020.

Matthew Marro of Matthew Marro Environmental Consulting attended tonight's meeting. Mr. Marro informed the NRC that he has been discussing other alternatives for the location of the garage with his clients. They prefer their original plan. Mr. Marro explained that the existing gravel driveway has a tendency to ice up very rapidly and he has looked at different scenarios to address the icing. He noted that even if a garage was not constructed, the driveway would still have to be regraded to allow water runoff. Mr. Marro said a bioswale was considered but not a good alternative because of how close it is to the wetland. A detached garage in front of the house was considered, however because that area is uphill there would be extra work and disturbance involved.

Director Kaye said that she spoke to Mr. Marro last week about the possibility of removing a portion of the existing driveway from the 25-foot NDZ and restoring it to a natural condition as a beneficial mitigation alternative. Mr. Marrow said that he spoke with his clients and they do not agree with any of the alternatives. They feel the proposed mitigation meets the Commission's requirements.

Commissioner Zaunbrecher suggested reducing the size of the garage and asked where tools, shovels, lawn mower, etc. are stored. Mr. Marro said that some of those things are stored in a small shed. Other items are stored in a larger shed. Mr. Marrow explained that Mr. Shaw does not want to remove the shed that was built by his father. Commissioner Zaunbrecher asked if the homeowners

would be willing to store the items in the shed and not in the garage. Mr. Marro reiterated that his clients do not want to reduce the size of the garage.

Commissioner Higgins asked if any estimates were obtained regarding the expense of moving the water line. Mr. Marro said based on what several professional contractors told him, it would cost approximately \$5,000 to replace the water line or \$10,000 to move it. Chair Nardi commented that he thought that was a significant cost given the size of the line. Mr. Marro was not sure if the high cost was because contractors are so busy and they are high pricing jobs. Director Kaye said that the Commission is trying to work with the homeowners because it is a high hurdle to put structures in the 50-foot NBZ. This project has been ongoing for almost a year, and rather than denying it, some sort of resolution should be found. Mr. Marro suggested meeting on site with his clients so they can get a better understanding of the suggested alternatives. His clients use cellphones but not computers and that is why they have not been participating in the meetings. Director Kaye said that staff would be happy to do that. Mr. Marro expressed his appreciation that Director Kaye has always made time to talk to him about the project.

There were no public comments.

The Applicant agreed to continue the hearing to February 17, 2021 to allow for a site review with staff and additional information to be submitted.

Notice of Intent, Alex-Sun Energy Solutions, LLC, 160 Range Road, DEP File #137-1551

Chair Nardi reopened the hearing seeking approval to construct an in-ground swimming pool, pool house, and patio 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 7, 2021.

Molly Obendorf of Stamski and McNary attended tonight's meeting. Ms. Obendorf explained that as requested they added an area of mitigation to offset the increase in impervious surface. The area they are proposing as mitigation is existing lawn partially within the 25-foot NDZ. They would like to reseed with a conservation seed mix. Assistant Director Puzas sent some additional comments requesting information regarding soil preparation techniques for the mitigation area, fencing detail for both the metal and wood fences, and type and size of native trees to be planted and where those trees will be planted by zone. They will update their plan to provide this information. Ms. Obendorf said the plan that they submitted for tonight's meeting includes a note to show which trees would be ground down to the surface, which stumps will be removed completely, and which stumps would remain. They will also revise their plan using different symbols to note the different species of trees.

Ms. Obendorf said at the last meeting the question was asked why the 18-inch pine tree and 12-inch maple tree were going to be removed since they were not a problem for future solar panels. She has discussed that with the homeowner and he agreed that those trees can remain. They will also note on their revised plan the existing and proposed tree line and trench drain. The homeowner will remove fence debris that is in the wetlands.

Chair Nardi asked why they are proposing a conservation seed mix. Ms. Obendorf said that was the homeowner's preference. The mitigation area will not be mowed. Chair Zaunbrecher suggested installing feno markers to demarcate the "no mow" area. Ms. Obendorf agreed.

Director Kaye indicated where the base of the infiltration trench and proposed retaining wall will be located. Ms. Obendorf explained that the retaining wall was recently added and it is noted on the revised plan. Director Kaye said she is not sure if the areas proposed as meadows will be appropriate. Currently the area is wooded with an understory. She recommended planting shrubs. Ms. Obendorf will discuss with the homeowner.

Chair Nardi said the Applicant needs to close out two existing permits.

There were no public comments.

The Applicant agreed to continue the hearing to February 3, 2021 to allow additional information to be provided.

NEW APPLICATIONS

Notice of Intent, Gwin, 296 Bedford Street, DEP File #137-1533

Chair Nardi opened the hearing seeking approval to remove a portion of a barn slab; install a spa pool, wooden deck, bar, and utilities; and remove a portion of the existing house and replace with a two-story addition within the 200-foot Riverfront Area to an unnamed stream and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application;
- Proposed Site Plan prepared by Landscape Architect Joshua Burgel dated December 30, 2020; and
- Permit Drawing prepared by Landscape Architect Joshua Burgel dated December 15, 2020.

Joshua Burgel of 39 East Circle attended tonight's meeting. Mr. Burgel explained that he is a landscape architect who is assisting Mr. Gwin with his project. The project involves removing an old concrete slab and replacing it with a deck, bar, and pool. All structures will be outside the 50-foot NBZ and within the existing footprint. He said the construction access they are proposing is because that location is flat. Some sections do encroach into the 25-foot NDZ. Mr. Burgel explained that the underdrain that is noted on the plan is not connected to the pool. The drain is to ensure that when the pool is installed groundwater can be drained. Mr. Burgel explained that the second part of the project is to remove a portion of an existing annex to the house and replace with a two-story addition and foundation within the existing footprint. The second story will cantilever out over the side yard. Assistant Director Puzas asked that they provide a waiver for work within the 25-foot NDZ and to propose restoration areas for temporary disturbance. Mr. Burgel provided locations for restoration and will submit the 25-foot waiver tomorrow. Restoration will include removing lawn, reseeding, and planting native shrubs around the foundation. Mr. Burgel will submit a proposed planting list. They will reconcile both plans to show proposed underground electric, water, and gas utilities. As requested, they will provide cut sheets to show the proposed lighting for the steps. The lights are for safety reasons. They will reduce the number of lights from what was originally proposed.

Chair Nardi asked if the underdrains were for hydrostatic pressure. Mr. Burgel confirmed. Chair Nardi asked where the groundwater level was in relation to the pool level. Mr. Burgel replied that he is not sure where the groundwater level is located. The pool company requires pumps as a safety measure. The nearest water is several feet downslope and is not an issue.

Commissioner Grimwood asked if the access road was flat dirt and if there were any shrubs. Mr. Burgel replied that the access road is lawn. Director Kaye thought the road was for access to the old barn.

Ned Perry of 362 Bedford Street said the wetlands are understated in this proposal. If the Commission is satisfied that this project will not impact the wetlands that is their call. There is Town land on one of the boundaries. There is good public access along the paths. Mr. Perry was not sure what fencing might or might not be appropriate. He is concerned about Moore's Swamp and Moses Pond.

The Applicant agreed to continue the hearing to February 3, 2021 to allow additional information to be provided.

MINOR MODIFICATION

Jamesapollos, 141 Commerford Road, DEP File #137-1535

The project was repairing and expanding the existing driveway, repairing the driveway culvert, constructing a 3-season porch, extending a roof gable, construct an accessible walkway/deck, and install a gravel shoulder within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

The Applicant, John Jamesapollos, attended tonight's meeting. Mr. Jamesapollos said they have added straw wattles closer to the temporary disturbance area (Area 1) which is noted as the green line on the revised plan. He said Area 1 is dense with pachysandra, which will be mechanically removed. Their erosion specialist suggested this location because the terrain is steep above the wetlands. Mr. Jamesapollos explained that any invasives below the blue line (noted on plan in Area 2) will be removed by hand. He informed the Commission that after they put the tree removal out to bid they received feedback suggesting that some additional pine trees be removed because they may fall and impact the house. Their wetland scientist, Arthur Allen, was a former forester and he submitted a report to the NRC stating that if these trees were to fall they would cause devastating damage. Although reluctant, the homeowner has agreed to the removal of these trees. They will leave a 15-foot snag for the 36-inch pine tree. They are proposing 1:1 mitigation in Area 3.

There were no public comments.

Commissioner Zaunbrecher moved to approve a Minor Modification for DEP File #137-1535. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

CERTIFICATES OF COMPLIANCE

Lobb, 223 Elsinore Street, DEP File #137-1404

Commissioner Higgins moved to issue a Certificate of Compliance for DEP File #137-1404. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

OTHER BUSINESS

Administrative Approvals:

- Williams, 1284 Sudbury Road, Stair Replacement
Director Kaye said that one of the Town's building inspectors work was occurring without a permit. Stairs are being replaced in kind in the outer Buffer Zone. There are no staff concerns. Approval was granted.

Commissioner Zaunbrecher moved to adjourn. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

This meeting adjourned at 8:14 p.m.

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=d1nU7i66jA&list=PL1TTzrWEK00mahd64BNDrCmG6lzsnlhS&index=31>