

NATURAL RESOURCES COMMISSION
Meeting Minutes
February 1, 2023

Pursuant to the notice filed with the Town Clerk, a public meeting of the Natural Resources Commission was held on Wednesday, February 1, 2023 at 7:00 p.m., at 141 Keyes Road, First Floor Conference Room. The following Commissioners were present: Ed Nardi, Chair, Sarah Grimwood, Nick Pappas, and Bill Kemeza. Commissioner Kleiman was absent. Natural Resources Director Delia Kaye, Assistant Natural Resources Director Bert Comins, and Natural Resources Administrative Assistant Karen Bockoven were also present.

COMMISSIONER COMMENTS
DIRECTOR'S UPDATE
TO BE CONTINUED WITHOUT DISCUSSION TO FEBRUARY 22, 2023 <ul style="list-style-type: none">• WH WALDEN LLC, 59 Walden Street, NOI• JAMESAPOLLOS, 141 Commerford Road, Amended OOC
CONTINUANCES <ul style="list-style-type: none">• MassDOT – Highway Division, Route 119/2A/Elm Street, NOI• EMS DEVELOPMENT, 96 Southfield Road, NOI
NEW APPLICATIONS <ul style="list-style-type: none">• COLE, 21 Hawthorne Lane, RDA• ROWE, 309 Lindsay Pond Road, NOI
OTHER BUSINESS <ul style="list-style-type: none">• Amended Trails Committee Charge

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.

COMMISSIONER COMMENTS

None.

DIRECTOR'S UPDATE

- A decision regarding the Estabrook Woods trail was issued last November allowing public access over the private portion of the Estabrook Trail. The office recently received several calls about vehicular activity occurring on the trail. Ms. Kaye and Mr. Comins visited the site on Monday and spoke to Brooks Read, 366 Estabrook Road, who was moving and clearing rocks and vegetation along the trail with his tractor. Ms. Kaye asked if he had obtained permission from the other landowners which he claimed not to need. The work is not occurring on Town land, however, there are a few wetland crossings. She advised Mr. Read of the potential need for a wetland permit. The Town Manager and the Select Board are aware of the work that is occurring and will follow up.
- In 2019, the White Pond Associates gifted four parcels of land to the Town, including the White Pond beach and farmland along Plainfield Road. Two parcels were deeded to the NRC with a conservation restriction held by the Concord Land Conservation Trust (CLCT). A portion of an

existing driveway (approximately 200 sf) at 162 Plainfield Road is on land now held by the NRC and the homeowners are requesting this land be conveyed to them as the driveway has been there since the late 1980s. A placeholder article has been drafted for Town Meeting consideration.

- Ms. Kaye said the Trails Committee has noted incursions from private property onto the Reformatory Branch. From Lowell Road to Monument Street is Town conservation land and from Monument Street to the Bedford line is municipal land. Some of the incursions include gates, fences, landscaping, and trails. Ms. Kaye suggested some sort of notification to the homeowners. The Commission agreed.

TO BE CONTINUED TO FEBRUARY 22, 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, Dr. Grimwood moved to continue the hearing to February 22, 2023. Mr. Kemeza seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Kemeza, Aye, Nardi, Aye.

Amended Order of Conditions, Jamesapollos, 141 Commerford Road, DEP File #137-1535

Mr. Nardi reopened the hearing seeking approval to repair and expand an existing driveway, repair the driveway culvert, construct a 3-season porch, extend a roof gable, construct an accessible walkway/deck, and install a gravel shoulder within the 200-foot Riverfront Area to Baptist Brook.

At the request of the Applicant, Dr. Grimwood moved to continue the hearing to February 22, 2023. Mr. Kemeza seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Kemeza, Aye, Nardi, Aye.

CONTINUANCES

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

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

List of plans and documents discussed at this meeting:

- Plan Set prepared by Epsilon Associates, Inc. revised January 31, 2023.

Lori Aho and Peter Ellison of TEC attended tonight's meeting. Ms. Aho explained that since the last meeting CPW has reviewed the stormwater report. CPW had requested details for the stone riprap which they have provided. Ms. Aho said additional tree protection will be provided for the 36-inch maple, 48-inch oak, and 40-inch oak. Revised plans have been submitted.

There were no public comments.

Dr. Grimwood moved to close the hearing and issue an Order of Conditions for DEP File #137-1627 with Findings A, B, and C, Standard Conditions 1-20, and Special Conditions 21-49. Mr. Kemeza seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Kemeza, Aye, Nardi, Aye.

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

Mr. Nardi reopened the meeting 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:

- **Wetland Permitting Plan prepared by Stamski and McNary, Inc. revised January 20, 2023; and**
- **Planting Plan prepared by Kim Ahern Landscape Architects dated January 18, 2023.**

Matt Sepe of EMS Development and Nathaniel Cataldo of Stamski and McNary attended tonight's meeting. Mr. Nardi said except for additional information requested about invasives, the other items have been addressed. Ms. Kaye explained that cutting the invasives will not be sufficient. She requested that smaller plants (2-inch stem or less) be removed by hand. Larger stems should be cut and dabbed with glyphosate. If the plants are large, they could be removed with an excavator. The invasives need to be disposed of properly. If equipment is used, erosion controls will be required. Mr. Sepe asked if the Commission wanted the stumps to remain for trees that have been identified as invasive or hazardous. Ms. Kaye confirmed that was correct. Mr. Sepe said there is a Norway maple which is in the wetlands. Ms. Kaye said it would be beneficial to remove that one as well.

The Applicant agreed to continue the hearing to February 22, 2023 to allow additional information to be provided.

NEW APPLICATIONS

Request for Determination of Applicability, Cole, 21 Hawthorne Lane, RDA File #22-17

Mr. Nardi opened the meeting seeking approval to remove invasive plants and replace with native species within the 200-foot Riverfront Area to Mill Brook and within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Request for Determination of Applicability Application; and
- Site Plan prepared by David E. Ross Associates, Inc. dated October 18, 2022.

Applicant Nancy Cole, attended tonight's meeting. The Commission was pleased that Ms. Cole wants to remove invasives from her property.

There were no public comments.

Mr. Kemeza moved to issue a Negatively Determination of Applicability #2 with the following conditions: 1) A pre-construction site visit shall be held with DNR staff and the Contractor to review limits of work, and confirm invasives to be removed; 2) Prior to the pre-construction site visit, native vegetation to remain in place and invasives to be removed with an excavator shall be flagged; 3) Erosion controls shall be installed prior to use of an excavator or other heavy equipment on site; 4) Once removed, invasive plant material shall be disposed of at an appropriate off-site location; and 5) After the project has been completed, the Applicant shall submit a letter to the NRC, with pre- and post-invasives removal area

photographs, stating that all work has been conducted in accordance with all conditions of this Determination of Applicability. Any changes from the RDA shall be described. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Kemeza, Aye, Nardi, Aye.

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

Mr. Nardi opened the hearing seeking approval to construct a pool, spa, new shed, 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;
- Notice of Intent Site Plan prepared by Goldsmith, Prest & Ringwall, Inc. revised January 16, 2023; and
- Pool Landscape Plan prepared by Elizabeth Hanna Morss Landscape Architect revised January 16, 2023.

Bruce Ringwall of Goldsmith, Prest & Ringwall attended tonight's meeting. Mr. Ringwall said the proposed work is all within existing lawn. Since the pool will be a saltwater pool there will be no backwashing of diatomaceous earth.

There were no public comments.

Mr. Kemeza moved to close the hearing and issue an Order of Conditions for DEP File #137-1625 with Finding A, Standard Conditions 1-20, and Special Conditions 21-54. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Kemeza, Aye, Nardi, Aye.

OTHER BUSINESS

OTHER BUSINESS:

Amended Trails Committee Charge

Mr. Kemeza recused himself since he is a member of the Trails Committee.

The Town Clerk has asked that all subcommittees, some of which were established many years ago, be more consistent in membership appointments and lengths of service. Ms. Kaye said the Trails Committee was established in 2007 as a subcommittee of the NRC. Members are nominated by the Trails Committee and appointed by the NRC and have historically not had term limits. She suggested that the Trails Committee charge be amended to include a statement that the seven members are appointed by the NRC and membership renewal shall be every three years at the discretion of the NRC. The Town Clerk said memberships can be renewed indefinitely. Ms. Kaye recommended that the chair be reappointed for a 3-year term, and other members be reappointed for staggered 3-year terms, in alphabetical order.

Dr. Grimwood moved to accept the amended Trails Committee charge and moved to appoint the following Trails Committee members:

- Robert White of 221 Monsen Road for a term to expire May 31, 2026
- Spencer Borden of 278 Hunters Ridge Road for a term to expire May 31, 2026
- David Clarke of 26 Bartlett Hill Road for a term to expire May 31, 2025
- Carlene Hempel of 50 Highland Street for a term to expire May 31, 2025
- William Kemeza of 28 David Court for a term to expire May 31, 2025

- Jonathan Keyes of 91 Liberty Street for a term to expire May 31, 2024
- Kenneth Miller of 75 White Avenue for a term to expire May 31, 2024

Mr. Pappas seconded. **VOTE 3-0** by Roll Call Vote: Grimwood, Aye, Pappas, Nardi, Aye.

At 7:38 pm, with no further presentations or public comment, the Chair adjourned the meeting.

Respectfully submitted,

Karen Bockoven
Administrative Assistant