

NATURAL RESOURCES COMMISSION
Meeting Minutes
March 2, 2022

Pursuant to the notice filed with the Town Clerk, a virtual public meeting of the Natural Resources Commission was held on Wednesday, March 2, 2022 at 7:00 pm. The following Commissioners were present: Ed Nardi, Chair, Sarah Grimwood, Greg Higgins, and Gary Kleiman. Commissioner Pappas was absent. 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">December 15, 2021 and January 5, 2022
DIRECTOR'S UPDATE
TO BE OPENED AND CONTINUED WITHOUT DISCUSSION TO MARCH 16, 2022 <ul style="list-style-type: none">FREDETTE, 286 Barretts Mill Road, NOI
TO BE CONTINUED WITHOUT DISCUSSION TO MARCH 16, 2022 <ul style="list-style-type: none">LIMPAECHER, 61 Black Duck Road, NOI
CONTINUANCES <ul style="list-style-type: none">TOWN OF CONCORD NATURAL RESOURCES DIVISION, 2X Warner St., 39A Commonwealth Ave., 28A Union Turnpike, 976 Barretts Mill Rd., & 123B Elm St., NOI
NEW APPLICATIONS <ul style="list-style-type: none">BRINGLE, 180 Cambridge Turnpike, NOI
MINOR MODIFICATION <ul style="list-style-type: none">TOWN OF CONCORD, 90Y Plainfield Road
ADMINISTRATIVE APPROVALS <ul style="list-style-type: none">KELLY, 45 The Valley Road, Tree Removal

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 Kleiman moved to approve the December 15, 2021 NRC meeting minutes, as written. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

Commissioner Kleiman moved to approve the January 5, 2022 NRC meeting minutes, as amended. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

COMMISSIONER COMMENTS

Commissioner Kleiman said the Junction Village Open Space Task Force will conduct a public site walk on Saturday, March 26th at 9:00 am. Their consultant will be on the premises to answer questions. The consultant will flag the property in late March. The NRC agreed it would be beneficial to participate.

DIRECTOR'S UPDATE

- The Select Board has invited the NRC to participate in a meeting with the Transportation Advisory Committee and other Town committees to discuss a number of transportation related issues. The meeting will be held on Monday, March 14th at 6:30 pm. It will be a hybrid meeting at the Town House and via Zoom.
- Director Kaye asked the Commission if they would like to return to hybrid meetings starting on March 16th. She said other town boards and committees are moving towards hybrid meetings. She said public participation increases when people can participate via Zoom. Chair Nardi agreed that it would be good to start hybrid meetings beginning on March 16th.
- Director Kaye said the annual Town Meeting will be held on May 1st at 1:00 pm at the high school. The NRC may want to take a position about Article 25 (Assabet River Bluff Preservation Project) at their April 6th meeting prior to the Town Meeting. She explained that Article 25 is for CPC funding (\$500,000) which is going to be discussed tomorrow evening at the FinCom meeting. She said last week that she and Sustainability Director Amanda Kohn met with the Municipal Vulnerability Preparedness (MVP) grant coordinator for the Northeast region. The MVP grant coordinator encouraged them to also submit an MVP grant application for climate resiliency. Director Kaye explained that if either grant application is viewed favorably only one grant would be approved. Both grant requests are for \$500,000. Chair Nardi asked when the Town would hear back about the grants. Director Kaye replied that the Land and Water grant is a federal grant, and the earliest that the Town would hear back is in December. She hopes to learn about the state's position before the Town submits the MVP grant. The MVP process is faster because it is just a state grant; decisions will be made in September or October. Director Kaye explained the reason for Article 25 is two-fold. It is partly because if neither grant is successful, then \$500,000 in borrowing will be needed. The closing for the acquisition is scheduled for July and the Town needs the funding at that time to pay the seller. If either grant is approved that money would be reimbursed to the Town. Director Kaye said the amount of additional funding will be determined by how much money CLCT and SVT can obtain from fundraising.
- The annual Concord Cleanup will be held from Saturday, March 26th until Sunday, April 3rd in advance of Patriots' Day (Monday, April 18th). Signup sheets for route assignments, trash bags, and clear bags for recyclables can be picked up in the lobby at 141 Keyes Road for anyone wishing to participate. Cleanup areas include roadsides, conservation properties, school properties, and other public spaces that could use some spring cleaning.
- Director Kaye is working with the Health Division and members of the White Pond Advisory Committee on water quality monitoring and cyanobacteria treatment services. Nancy Leland from University of New Hampshire will conduct cyanobacteria sampling and ESS Group will conduct additional water quality sampling. The A-Pod technology that was piloted at the pond last year by Jonathan Higgins of Higgins Environmental will be in place again this year for cyanobacteria removal. In addition, Land Manager Will Holden has been working with Christian Perotta to replace signage at the pond for his Eagle Scout project. There will be four locations where new property signs will be installed at the trailheads.

- Conservation Steward Bouke Noordzij will be constructing and installing six new bluebird boxes at Heywood Meadow next week.

TO BE OPENED AND CONTINUED TO MARCH 16, 2022

Notice of Intent, Fredette, 286 Barretts Mill Road, DEP File #137-1590

Chair Nardi opened the hearing seeking approval to remove a wooden deck, shed, portions of a paved driveway, and retaining walls; install an in-ground swimming pool, pool house, boardwalk, stone patio, retaining walls, vegetable garden, fencing, and stone steppers; repave a driveway, and relocate a playset within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to Spencer Brook and an unnamed perennial tributary to Spencer Brook, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetland.

At the request of the Applicant, Commissioner Higgins moved to continue the hearing to March 16, 2022. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

TO BE CONTINUED TO MARCH 16, 2022

Notice of Intent, Limpaecher, 61 Black Duck Road, DEP File #137-1578

Chair Nardi reopened the hearing seeking approval to construct an addition, convert an existing deck into a sunroom, extend the rear deck, and remove failing retaining wall within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Higgins moved to continue the hearing to March 16, 2022. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

CONTINUANCES

Notice of Intent, Town of Concord Natural Resources Division, 2X Warner Street, 39A Commonwealth Avenue, 28A Union Turnpike, 976 Barretts Mill Road, and 123B Elm Street, DEP File #137-1585

Chair Nardi reopened the hearing seeking approval to hydraulically dredge approximately 35,750 cubic yards of accumulated sediment from Warner's Pond, dewater sediments, dispose of sediments in an upland location, and improve the Warner's Pond boat access off Commonwealth Avenue. Activities are proposed in Bank, Bordering Vegetated Wetland, Land Under Waterbodies, Bordering Land Subject to Flooding, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetland.

Alexander Patterson and Amy Hunt of EA Engineering attended tonight's meeting. Mr. Patterson said they have responded to comments received from DEP. He said a copy of their responses were provided to the NRC. Chair Nardi thanked Mr. Patterson and asked if the overall schedule was the same with dewatering over winter and materials to be trucked in the spring and summer. Mr. Patterson confirmed that was correct. He is hopeful that all permitting will be done before the beginning of the summer and then the project can bid out during the summer with work to start in fall.

Chair Nardi asked how will the plantings in the one acre land shelf be installed when the shelf is under water. Mr. Patterson replied that the plants are held in place with plugs. The suction of the water will hold them down. They have done similar plantings at other ponds. It is hard work to plant but the plants do stay rooted.

There were no public comments.

The Applicant agreed to continue the hearing to until March 16, 2022, at which time the Commission anticipates issuing an Order of Conditions.

NEW APPLICATIONS

Request for Determination of Applicability, Bringle, 180 Cambridge Turnpike, RDA File #22-5

Chair Nardi opened the meeting seeking approval to replace a septic system within the 200-foot Riverfront Area to Mill Brook and 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Request for Determination of Applicability Application; and
- Sewage Disposal Plan prepared by Stamski and McNary, Inc. dated December 2, 2021.

Nathanial Cataldo of Stamski and McNary attended tonight's meeting. Mr. Cataldo said the proposed work is for the replacement of a sewage disposal system. He explained that the leaching field is at the front of the property outside the BZ. Work within the BZ is limited to the installation of the tank, pump chamber, and sewer lines. All work is within existing lawn areas. Tree removal will not be required. Siltation barriers will be installed around the limit of work.

There were no public comments.

Commissioner Kleiman moved to issue a Negative Determination of Applicability #3 with the following conditions: 1) A pre-construction site visit shall be held with DNR staff and the Contractor to review erosion controls and limits of work; 2) Stockpiling shall occur outside the 100-foot Buffer Zone; 3) Erosion controls shall be installed between the resource areas and temporary access road; and 4) After the project has been completed, the Applicant shall submit a letter to the NRC 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. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

MINOR MODIFICATION

Town of Concord, 90Y Plainfield Road, DEP File #137-1559 – White Pond Beach Trail Realignment

The project involved approval to improve the vehicular access and boat ramp, construct ADA compliant picnic areas and walkways, and install a new stormwater management system within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Deputy Town Manager Kate Hodges, Brandon Kunkel of Weston and Sampson, and Jay Webster of Marquis Tree attended tonight's meeting. Ms. Hodges explained that they made every effort to make sure that all work will be the least disruptive to the site. She said several changes were made to the layout of the pathway, stairway, and overlook (near the restroom) in order to preserve as many clusters of trees as possible. Ms. Hodges explained that they will need to remove some trees because the trees are unhealthy and/or dying. The Town wants to make sure the site is safe when it is opened to the public.

Mr. Kunkel said as they started laying the pathway out and consulting with Jay Webster, a certified arborist, they knew they were going to need to make some adjustments to the paths. Twenty-six additional trees will need to be removed. Seven of these are in the Buffer Zone and were selected to favor retention of higher-value trees, or because they are more prone to damage from disturbance. Two of the trees are compromised either by poor health or poor root structure. Mr. Kunkel explained that one tree was accidentally removed by the contractor. Mr. Kunkel said that all trees within the Buffer Zone will be mitigated at a 50% caliper replacement.

Outside the Buffer Zone, eight trees need to be removed as part of the stormwater infrastructure and to provide safe vehicular emergency access. In addition, two sizeable trees along the road are structurally compromised (rotted inside) and need to be removed. Mr. Kunkel explained that the adjustments proposed to the pathway provide a reduction in the pathway of 13 feet which equates to approximately 66 s.f. of impervious area. Mr. Kunkel said that 18 steps will be eliminated. Per ADA approval they have been able to reduce the rest area by approximately 891 s.f. Mr. Kunkel said they have tried to be very strategic about tree removal. Commissioner Kleiman said he appreciated that thoughtful and careful efforts were made to look at how the project could minimize the loss of trees and good mitigation is being provided. Mr. Kunkel commented that "smart forestation" was considered.

Ken Clarkson, 77 Bolton Street, inquired as to what the total number of trees being taken down for this project. He said from what was stated tonight there will be an additional 26 trees. He asked why more trees are being removed that were not included in the original proposal. Ms. Hodges explained that when the Town first acquired the property a survey was done. The surveyor identified trees over a certain caliper, but the survey did not assess root structure or any other factors that may determine either safety or life expectancy of the trees. Ms. Hodges said the staircase was moved considerably to protect some trees. She said during construction things change on the ground once brush and other materials are cleaned up. Not all information is available until construction work has begun. Mr. Kunkel said between the original Order of Conditions (9 trees) and what they are requesting tonight there is a total of 35 trees to be removed.

Suzanne Langridge, 77 Bolton Street, stated that 26 trees have already been taken down, nine of which were approved in the Order of Conditions. She said some of the additional trees being requested for removal are as big as 24-inch caliper which could mean that the trees are over 100 years old. Was the caliper size calculated for the trees that were taken down? Ms. Hodges said 26 trees have not been removed. Ms. Langridge said she has pictures of 26 stumps. Ms. Hodges replied that two trees came down because of storm damage and a few others were compromised. Ms. Hodges said she can compare the tree stumps with the presentation she made to the White Pond Association. Chair Nardi asked how many trees have collectively been taken down to date including the compromised trees. Commissioner Higgins said he is not sure this is the place to discuss things that are beyond the NRC purview. Chair Nardi agreed. He asked Ms. Hodges to

provide the number of trees within the NRC's jurisdiction. Ms. Hodges said within wetlands jurisdiction there were 12 trees removed. Two other trees fell because of a storm that occurred last October. Chair Nardi noted that the Commission is voting on a Minor Modification for an additional seven trees within their jurisdiction. Mr. Kunkel confirmed.

Commissioner Kleiman moved to approve a Minor Modification for DEP File #137-1559 with the following additional conditions: 1) An updated plan with correctly notated tree removals shall be provided; 2) An additional 36 inches of caliper of native trees shall be planted in the 100-foot Buffer Zone to offset the additional tree removals, with mitigation occurring within the same zones as those where trees are removed; 3) The revised planting plan shall be provided to the Natural Resources Director for review and approval; and 4) Once finalized, the tree assessment shall be provided to the Natural Resources Director, and the recommendations contained in the assessment shall be implemented by the applicant. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

CERTIFICATES OF COMPLIANCE

Reynolds, 42 Shore Drive, DEP File #137-1531

Chair Nardi reopened the hearing seeking approval to replace the existing dock and stairs within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Homeowner Dianne Reynolds attended tonight's meeting. Chair Nardi noted that an additional staircase was built beyond the approval for the Order of Conditions. He asked Ms. Reynolds to explain why the additional staircase was constructed. Ms. Reynolds thought the staircase was part of the original plan. The steps that were installed do not present any danger to the pond and there should not be an issue. Chair Nardi said the original approved plan was in kind replacement and this is an expansion. Commissioner Kleiman asked if the existing stairs were going to be removed. Ms. Reynolds replied they are not going to be removed. She said removing the existing stairs would cause disturbance and there is no point in removing them. Chair Nardi said he was not sure how you vary off the plan by adding another set of stairs which are in the 50-foot NBZ. Ms. Reynolds said it was an innocent mistake. Chair Nardi said the Commission cannot set a precedent by allowing the unapproved set of stairs to remain. He said if the unapproved set of stairs was presented in the original application, the NRC would have required the Applicant to remove the old set of stairs. The NRC agreed that the extra staircase was not permitted and needs to be removed. They said if Ms. Reynolds wants to install a new staircase she will have to submit new plan for review and approval. Ms. Reynolds said she will remove the unapproved set of stairs. She will contact the Division of Natural Resources when this has been completed for review.

OTHER BUSINESS

Administrative Approvals:

- **Kelly, 45 The Valley Road, Tree Removal**

Director Kaye said the homeowners would like to remove five trees, four of which are hazardous. These include three pine trees, one ash, and one Japanese maple. The Japanese maple is not hazardous, but it is crowding an umbrella pine. The homeowners are working with Matt Foti to decide on native plantings for mitigation. Director Kaye said the homeowners would also like to stump grind the trees which are in the 25-foot NDZ

Approval was granted to remove the trees, but if the Applicant wishes to pursue stump grinding in the 25-foot NDZ they will need to discuss with the Commission first.

At 8:22 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=w8F4t1TK3oI>