

NATURAL RESOURCES COMMISSION
Meeting Minutes
April 5, 2023

Pursuant to the notice filed with the Town Clerk, a public meeting of the Natural Resources Commission was held on Wednesday, April 5, 2023 at 7:00 p.m., at 141 Keyes Road, First Floor Conference Room. The following Commissioners were present: Ed Nardi, Chair, Nick Pappas, Gary Kleiman, and Bill Kemeza. Commissioner Grimwood 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"> January 11, 2023 and February 1, 2023
COMMISSIONER COMMENTS
DIRECTOR'S UPDATE
TO BE OPENED AND CONTINUED WITHOUT DISCUSSION TO APRIL 26, 2023
<ul style="list-style-type: none"> SYMES DEVELOPMENT & PERMITTING, LLC, 53A Annursnac Hill Road, NOI
TO BE CONTINUED WITHOUT DISCUSSION TO APRIL 26, 2023
<ul style="list-style-type: none"> MAP HOLDINGS, LLC, 794 Elm Street, NOI
CONTINUANCES
<ul style="list-style-type: none"> COTY & ROSENSHINE, 300 Ministerial Drive, NOI
NEW APPLICATIONS
<ul style="list-style-type: none"> HUYETT, 49 Liberty Street, RDA FREEMAN, 457 Westford Road, RDA
OTHER BUSINESS
<ul style="list-style-type: none"> Brister Freeman Mark – Eagle Scout Project
ADMINISTRATIVE APPROVALS
<ul style="list-style-type: none"> MILLER, 300 Main Street, Tree Removal
CLOSE and ISSUE
<ul style="list-style-type: none"> JAMESAPOLLOS, 141 Commerford Road WH WALDEN LLC, 59 Walden Street
EXTENSION REQUESTS
<ul style="list-style-type: none"> JAMESAPOLLOS, 141 Commerford Road
CERTIFICATES OF COMPLIANCE
<ul style="list-style-type: none"> ROBINSON, 117 Channing Road
OTHER BUSINESS (continued)
<ul style="list-style-type: none"> Trails Committee Member Appointment
Executive Session in accordance with M.G.L. 30A, Section 21(a)(3), to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and the chair so declares, not to return to regular session.

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. Kleiman moved to approve the January 11, 2023 NRC meeting minutes, as amended. Mr. Kemeza seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

Mr. Kleiman moved to approve the February 1, 2023 NRC meeting minutes, as amended. Mr. Kemeza seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

COMMISSIONER COMMENTS

Mr. Kleiman asked if the Town had a policy regarding brush piles on Town land. Director Kaye replied that they are not allowed. She said that homeowners are also discouraged from having brush piles within 50 feet of a wetland. Director Kaye said brush piles consisting of woody debris is good for wildlife habitat if no other debris is in the pile because yard waste can smother plants and may encourage invasive plants to grow.

DIRECTOR'S UPDATE

The Director of Planning & Land Management, Marcia Rasmussen, is retiring on May 31st after more than 35 years of service to the Town. Information about a celebration of her work will be announced at a later date. Director Kaye said Megan Zammuto, the new Deputy Town Manager, has been appointed the Interim Director of DPLM. She will start in this role on June 1st and will remain in that position for six months. Director Rasmussen's job has not been posted and may be restructured. Ms. Zammuto has a background in planning, building, economic vitality, and conservation. She previously worked in Maynard and prior to that she worked in Lexington.

Cover boards have been installed at Barretts Mill Farm for surveying and studying reptiles and amphibians. The National Park Service has teamed with UMass/Boston and the Town of Concord to update their amphibian and reptile surveys throughout the park. The boards will be on site until the end of August. Director Kaye said a notice has been posted at the kiosk asking people not to disturb the boards. A permit was issued allowing after hours work to do the vernal pool surveys.

Dr. Robert Gegear, UMass/Dartmouth, gave a presentation at the library about pollinator plants. The workshop was well attended (approximately 40 people). Minute Man Media Network also recorded the presentation. Director Kaye said his approach makes good ecological sense.

Director Kaye said the Town received a grant from the Garden Club to purchase pollinator plants which arrived today. Staff is seeking volunteers to assist with putting together pollinator kits next Wednesday, April 12th at 3 pm. Commissioners Nardi, Kleiman, and Kemeza offered to help. Director Kaye said the kits will be given away on Earth Day.

Director Kaye said staff, in conjunction with CLCT, SVT and other volunteers, will be pulling invasives on May 10th at noon at the Assabet River Bluff property. Pizza will be provided. Director Kaye informed the Commission that Assistant Director Bert Comins is coordinating a design workshop sometime in June.

The Warner's Pond alternative analysis is nearly complete. She has seen the first draft and anticipates that a draft will be distributed within the next 10 days. The consultant has done a good job in reviewing the alternatives. For the survey, 251 responses were received by the March 15th deadline; these will be included in the Alternatives Analysis Report. A second community meeting will be scheduled in May after Town Meeting. Mr. Nardi asked if the Town of Billerica received any grant money for their dredging project. Director Kaye did not know but said she would find out.

TO BE OPENED AND CONTINUED TO APRIL 26, 2023

Notice of Intent, Symes Development & Permitting, LLC, 53A Annursnac Hill Road, DEP File #137-1633

Mr. Nardi opened the hearing seeking approval to grade and construct a rip rap slope within the Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Mr. Kemeza moved to continue the hearing to April 26, 2023. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

TO BE CONTINUED TO APRIL 26, 2023

Notice of Intent, MAP Holdings, LLC, 794 Elm Street, DEP File #137-1630

Mr. Nardi reopened the hearing seeking approval to rehabilitate an existing building, replace and reconfigure existing parking, relocate dumpsters, addition of a porch, remove storage outbuilding, improvements to the existing fire escape stairway, repair or replace the perimeter fencing, and landscape improvements within the 200-foot Riverfront Area to the Assabet River and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Mr. Kemeza moved to continue the hearing to April 26, 2023. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

CONTINUANCES

Notice of Intent, Coty & Rosenshine, 300 Ministerial Drive, DEP File #137-1628

Mr. Nardi reopened the hearing seeking approval to remove an existing deck and driveway, construct an addition, granite walkway, deck, and new driveway within Bordering Land Subject to Flooding and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Stream Subcatchment Map prepared by Stamski and McNary, Inc. dated March 24, 2023;
- Wetland Permitting Plan prepared by Stamski and McNary, Inc. revised March 23, 2023;
- Existing Plan of Land prepared by Alfred M. Berry, P.L.S. dated March 10, 2023;
- Site Preparation Plan prepared by Fisher Design Group dated February 27, 2023; and
- Site Preparation Plan prepared by Fisher Design Group dated February 22, 2023.

Homeowners, Jennifer Coty and Andrew Rosenshine, Nathaniel Cataldo of Stamski and McNary, and David Fisher of Fisher Design Group attended tonight's meeting. Mr. Cataldo said that CPW Engineering has reviewed the floodplain calculations and noted there were no changes. Mr. Cataldo informed the

Commission that stockpiling will be outside the floodplain. He also said at the rear of the house they will be removing an additional Norway maple. An updated landscaping plan has been submitted.

Director Kaye said the stream is not identified on the USGS map so the presumption is that it is intermittent, although staff has never seen that stream run dry. Calculations from the engineer are needed to confirm that Riverfront standards would not be triggered. She recommended that the NRC wait until the next meeting.

There were no public comments.

The Applicant agreed to continue the hearing to April 26, 2023 to allow additional information to be provided.

NEW APPLICATIONS

Request for Determination of Applicability, Huyett, 49 Liberty Street, RDA File #23-2

Mr. Nardi opened the meeting seeking approval to construct a stone terrace, repair existing granite posts, and remove invasive species 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;
- Wetland Permitting Plan prepared by Stamski and McNary, Inc. dated March 4, 2023; and
- Landscape Plan prepared by Elizabeth Hanna Morss Landscape Architect revised February 29, 2023.

Homeowner Bill Huyett, Robert Melvin of Stamski and McNary, and Landscape Architect Lili Morss attended tonight's meeting. Mr. Huyett said there is an intermittent stream that traverses the northwest corner of the property. He said their project involves constructing a stone terrace and removing invasive plants. They will replace the invasives with native species. A small portion of the stone terrace will be within the 100-foot BZ. They would also like to replace an apple orchard originally planted by Simon Brown in 1848. Mr. Melvin noted the existing gravel driveway will remain and the new driveway extension will also be gravel. Mr. Melvin said that work within the BZ at the front of the property includes resetting the granite posts and installing some stone steps. Siltation barriers will be installed down gradient of the proposed work to protect the wetlands. Invasives being removed in northwest corner will be removed by hand. If necessary, they will flush cut the more difficult invasive plants and dab with herbicide. Mr. Melvin said they would like to remove an existing dead hemlock. The existing lawn area will remain. Large portions of the property will remain as a meadow. The grass path from stone steps to the dwelling will remain. The gazebo will also remain. Ms. Morss said in addition to native shrubs being planted in the area where the invasives are going to be removed, they will also be planting a native meadow seed mix.

Mr. Huyett said the geothermal wells (closed loop) have been relocated to the driveway extension area.

Mr. Nardi requested that a waiver for work within the 25-foot NDZ be submitted.

There were no public comments.

Mr. Kleiman moved to issue a Negative Determination of Applicability #3 pending receipt of the 25-foot waiver by this Friday, April 7, 2023 and with the following conditions: 1) A pre-construction meeting will be held with the contractor and DNR staff to review limits of work and confirm invasive species to

be removed; 2) Once removed, invasive plant material shall be disposed of at an appropriate off-site location; 3) Yard waste piles shall be removed from the No Disturb Zone; 4) 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. Mr. Kemeza seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

Request for Determination of Applicability, Freeman, 457 Westford Road, RDA File #23-3

Mr. Nardi opened the meeting seeking approval to replace an existing septic system within the 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 February 16, 2023.

Nathanial Cataldo of Stamski and McNary attended tonight's meeting. Mr. Cataldo said the homeowner is requesting approval to replace an existing septic system. The new system will be further away from wetlands. There is a portion of the sewer line that will be within the 100-foot BZ. The rest of the work is outside BZ. The existing tank/system will either remain in place or the tank will be removed. Silt fencing will be installed at the 25-foot NDZ to prevent any runoff going into the 25-foot NDZ.

Mr. Nardi noted there was a pile of yard waste in 25-foot NDZ that needs to be removed. Assistant Director Comin said that he spoke to the homeowner about the yard waste and the homeowner agreed to remove it.

There were no public comments.

Mr. Pappas moved to issue a Negative Determination of Applicability #2 with the following conditions: 1) A pre-construction meeting will be held on site with the contractor and DNR staff; 2) Erosion controls shall be installed prior to the use of any machinery on site; 3) The yard waste pile located in the No Disturb Zone shall be removed by hand; 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. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

OTHER BUSINESS

Brister Freeman Marker – Eagle Scout Project

Boy Scout Grady Flinn of Troop 132 attended tonight's meeting. Mr. Flinn explained that for his Eagle Scout project he would like to raise the profile of the Robbins House. He said the Robbins House is one of many great museums in Concord. He especially would like to raise awareness for younger people. He said that while researching his project, he found that Concord's African-American and anti-slavery history is underappreciated. Part of his project would also involve raising the profile of land owned by Brister Freeman and his family. Mr. Flinn informed the Commission that a portion (1 acre) of Walden Woods/Fairyland was owned by Brister Freeman. He noted that there is a marker noting what is believed to be the homesite of Brister Freeman. Mr. Flinn would like to install formal signage that will mark the entire site by placing a plaque at the entrance of the red trail in the southeast area. He would like to be able to include the information he gathers to be put online. Mr. Flinn said he is still reviewing the design and what type of materials would be best. The design has not been finalized yet.

Mr. Nardi asked how Mr. Flinn determined where signage would be located. He asked if the signage could be put near the parking area instead. Director Kaye said Mr. Flinn wants to install signage near the homesite. Mr. Nardi asked Director Kaye what type of materials for signage is preferred. Director Kaye said usually wooden signs. Mr. Flinn said that the writing could be carved out of wood and have a place to put QR code (plastic sleeve). Director Kaye asked Mr. Flinn if he was familiar with October Farm sign that he could look at for reference. Mr. Flinn replied that he was. Director Kaye commented that laminating will not last that long.

Mr. Kemeza asked if the Brister Spring marker was still on site. He said it would be good to know if the marker is still in place. Director Kaye will check.

Director Kaye said she can further discuss the details with Mr. Flinn. When a final plan is ready for approval he can come back to discuss with the NRC and get their final approval.

Mr. Flinn said that he is hoping to work with the programming director at the Robbins House to connect this to a walking tour that already exists on their website.

NRC commented that it was a good project.

Administrative Approvals:

- **Miller, 300 Main Street, Tree Removal**

Director Kaye said there is a dying elm tree within the 25-foot NDZ and inner riparian zone that the homeowner wishes to remove. The homeowner will leave snag. Approval was granted.

CLOSE AND ISSUE PERMITS

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.

Mr. Kleiman moved to close the hearing and issue an Amended Order of Conditions for DEP File #137-1535 with Findings, A, B, C, and D, Standard Conditions 1-19, and Special Conditions 20-58. Mr. Kemeza seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

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.

Mr. Kemeza moved to close the hearing and issue an Order of Conditions for DEP File #137-1618 with Findings A, B, and C, Standard Conditions 1-20, and Special Conditions 21-56. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

EXTENSION REQUEST

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

The project involved repairing and expanding existing driveway, repairing the driveway culvert, constructing a 3-season porch, extending a roof gable, constructing an accessible walkway/deck, and installing a gravel shoulder within the 200-foot Riverfront Area to Baptist Brook.

Mr. Kemeza moved to approve a 3-year Extension Permit for the Order of Conditions DEP File #137-1535. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

CERTIFICATES OF COMPLIANCE

Robinson, 117 Channing Road, DEP File #137-315

Mr. Kemeza moved to issue a Partial Certificate of Compliance for DEP File #137-315. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

OTHER BUSINESS (continued)

Trails Committee Member Appointment

- Bouke Noordzij, 101 Farmers Cliff Road, to fill an unexpired term ending May 31, 2024

Director Kaye informed the Commission that two people applied for one vacant position on the Trails Committee. The Trails Committee nominated Bouke Noordzij, who has been an active trail steward, to fill Ken Miller's unexpired term. Director Kaye said the second applicant has been involved with other Town Committees and suggested that person volunteer as a trail steward if they are interested.

Mr. Kemeza moved to appoint Bouke Noordzij to fill Ken Miller's unexpired term ending May 31, 2024. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

Mr. Kleiman moved to adjourn the Open Session and enter into Executive Session, not to return to Open Session, to consider matters pertaining to the purchase, exchange, lease or value of real property. Mr. Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

The Open Session adjourned at 8:05 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=i6-24vJsumE&list=PL1TTzrWEKOOmVv84OJSDa6rDv9_Uu7NrN&index=1