

**NATURAL RESOURCES COMMISSION**  
**Meeting Minutes**  
**January 5, 2022**

Pursuant to the notice filed with the Town Clerk, a virtual public meeting of the Natural Resources Commission was held on Wednesday, January 5, 2022 at 7:00 pm. The following Commissioners were present: Ed Nardi, Chair, Sarah Grimwood, Greg Higgins, Gary Kleiman, and Nick Pappas. Assistant Natural Resources Director Colleen Puzas and Natural Resources Administrative Assistant Karen Bockoven were also present.

<b>APPROVE MEETING MINUTES</b> <ul style="list-style-type: none"><li>• October 5, 2021 and October 6, 2021</li></ul>
<b>DIRECTOR'S UPDATE</b>
<b>CONTINUANCES</b> <b>MOON OWL REALTY, LLC</b> , 821 Strawberry Hill Road, NOI
<b>NEW APPLICATIONS</b> <ul style="list-style-type: none"><li>• <b>NASHOBA BROOK BAKERY</b>, 152 Commonwealth Avenue, NOI</li><li>• <b>MINUTE MAN NATIONAL HISTORICAL PARK</b>, 2B Shadyside Avenue, RDA</li><li>• <b>BOYAJIAN</b>, 77 Westford Road, NOI</li><li>• <b>MASSACHUSETTS PORT AUTHORITY</b>, 777 Virginia Road, NOI</li></ul>
<b>CLOSE and ISSUE</b> <ul style="list-style-type: none"><li>• <b>BENTLEY BUILDING CORP.</b>, 31 Sunnyside Lane</li><li>• <b>NASHAWTUC COUNTRY CLUB</b>, 1861 Sudbury Road</li></ul>
<b>CERTIFICATES OF COMPLIANCE</b> <ul style="list-style-type: none"><li>• <b>KELNER &amp; HERSHKOWITZ</b>, 313 Heaths Bridge Road</li><li>• <b>REYNOLDS</b>, 42 Shore Drive</li></ul>

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 October 5, 2021 NRC meeting minutes, as amended. Commissioner Grimwood seconded. Commissioner Higgins abstained. **VOTE 4-0** by Roll Call Vote: Grimwood, Aye, Pappas, Aye, Pappas, Aye, Nardi, Aye.

Commissioner Kleiman moved to approve the October 20, 2021 NRC meeting minutes, as written. Commissioner Grimwood seconded. Commissioner Higgins abstained. **VOTE 4-0** by Roll Call Vote: Grimwood, Aye, Pappas, Aye, Pappas, Aye, Nardi, Aye.

## CONTINUANCES

### **Notice of Intent, Moon Owl Realty, LLC, 821 Strawberry Hill Road, DEP File #137-1580**

Chair Nardi reopened the hearing seeking approval to construct a single-family dwelling, deck, associated driveway, and sewage disposal system within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

#### List of plans and documents discussed at this meeting:

- Sewage Disposal Plan prepared by Stamski and McNary, Inc. revised December 22, 2021.

Molly Obendorf of Stamski and McNary attended tonight's meeting. Ms. Obendorf said the last meeting for this project was discussed on November 17<sup>th</sup>. At that time, the Commission still had a few concerns with the plan and the location for the house, driveway, and septic system. A site visit was held on November 23<sup>rd</sup>. Ms. Obendorf said they evaluated the site and came up with a few alternatives for reorienting the house, driveway, and septic system. The driveway was relocated to the northern side. This change pulled the work away from the southern property line. The limit of work remains the same. However, the impervious area (driveway) slightly increased. Mitigation for this increase has been provided. The new option saved a few existing trees. Ms. Obendorf said they updated the impervious table and infiltration trench calculations for both the driveway and house. The number of plantings have been updated. As requested, they have also revised their plan to provide a tree protection detail to specify wire fencing attached with metal stakes at a maximum of 10 feet apart. They provided correspondence from Tennessee Gas.

Chair Nardi thanked the homeowner for the site visit. The new plan is better and addresses concerns of flow onto the adjacent property. Chair Nardi asked if the 12-foot wide driveway could be narrowed. Ms. Obendorf replied that a typical driveway is 12 feet wide. She believes it is the appropriate size for this project and the driveway is outside the BZ. Any runoff that comes off the driveway will go into an infiltration trench.

Commissioner Grimwood commented that it was good to see an improved plan. Commissioner Kleiman agreed. He said having an alternative analysis was helpful. He requested that an operation and maintenance plan for the infiltration trenches be provided. Ms. Obendorf will provide a plan. Commissioner Higgins asked if the Building Department would require. Assistant Director Puzas replied said it would be helpful to make sure all runoff is captured.

There were no public comments.

The Applicant agreed to continue the hearing until January 19, 2022 to allow additional information to be provided.

## NEW APPLICATIONS

### **Notice of Intent, Nashoba Brook Bakery, LLC, 152 Commonwealth Avenue, DEP File #137-1587**

Chair Nardi opened the hearing seeking approval to remove and rebuild an existing concrete walkway and install new water and sewer connections within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to the Nashoba Brook, 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; and
- Site Plan prepared by Stamski and McNary, Inc. dated November 17, 2021.

Molly Obendorf of Stamski and McNary attended tonight's meeting. Ms. Obendorf said there is an existing walkway that the bakery would like to replace. The walkway is paved right up to the bank of Nashoba Brook. The property is also within Bordering Land Subject to Flooding (BLSF). Between the walkway and bank, there is a wall and some fencing. In addition, there are three columns/bollards in the middle of the walkway. They believe putting in a strip of vegetation between the walkway and edge of bank will be helpful. Currently, there is a fence and wood wall. Ms. Obendorf said there are trash dumpsters at the back of the property they would like to enclose. She informed the Commission that the bakery is doing some internal updates because they are expanding their business. The bakery currently experiences an occasional sewage backup. To correct this problem, trenching will be done to install new underground water and sewer pipes. Underground piping work is to be located at the front of the property which is within the outer 200-foot Riverfront Area. The work is temporary and is all within existing paved surfaces. Overall, the project will reduce impervious areas.

Chair Nardi asked if the 2-foot-wide planting strip was for the entire length of the sidewalk replacement. Ms. Obendorf confirmed that was correct. She noted only the portion of the walkway that is in poor condition will be replaced. She said they will be providing compensatory storage. She explained that some fill (7 cubic yards) is needed to level out the walkway.

Commissioner Kleiman asked if people will still be able to walk around the building at the end of the repair area. Ms. Obendorf confirmed that was correct.

Chair Nardi asked if the dumpsters could be shifted so they are outside the 25-foot NDZ. Ms. Obendorf said the area where the dumpsters are located is already paved. The rest of the paved areas are for customer parking.

Suzanne Spinney of 270 Fiske Street, Carlisle said she is working with Nashoba Brook Bakery owner John Gates. She explained that the site is tight and moving the dumpsters would require a full site review. They will be installing screening around the dumpsters. If they try to move the dumpsters it would be a substantial process. Commissioner Pappas said he has some experience in the food industry. He said the best location for a dumpster is the closest place where food is being delivered and trash going out. He believes the current location is best.

Assistant Director Puzas said a waiver for work within the 25-foot NDZ needs to be submitted. Also details about the dumpsters needs to be noted on plan. She requested that the cut and fill volume areas be differentiated on the plan to. She also requested a chart showing the different elevations. Ms. Obendorf said it is a little different in this situation because it is all within one contour. She said there is a table is on plan showing the fill and cut volume and the net volume that is being provided by the compensatory storage. They could shade the walkway and vegetated areas on the plan. Ms. Obendorf will try to provide a more robust chart. Assistant Director Puzas said that would be helpful.

There were no public comments.

The Applicant agreed to continue the hearing until January 19, 2022 to allow additional information to be provided.

**Request for Determination of Applicability, Minute Man National Historical Park, 2B Shadyside Avenue, RDA File #21-32**

Chair Nardi opened the meeting seeking approval to reroute the Battle Road Trail within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Request for Determination of Applicability; and
- New Trail Segment – Battle Road Trail Plan prepared by United States Department of the Interior dated December 13, 2021.

Margaret Coffin Brown of Minute Man National Historical Park attended tonight's meeting. Ms. Brown explained that the battle road trail is approximately five miles which extends from Lexington to Concord. The current alignment of the trail swings out onto the edge of Lexington Road. Lexington Road is dangerous because of speeding vehicles. Sometimes vehicles even pull off onto the trail. The intent of the project is to move the trail away from Lexington Road in order to provide a safer downhill route to the boardwalk. Ms. Brown explained when rerouted a portion of the trail will encroach into the 100-foot BZ on 2B Shadyside Avenue.

Ms. Brown said as part of the project they would like to cut some understory to have better sight lines. They would also like to clear bittersweet off an existing stonewall. The bittersweet covers the stonewall and grows up a nearby telephone pole. Commissioner Kleiman asked if an invasives management plan has been submitted to ensure the invasives will not grow back. Ms. Brown replied that they have an overall invasives management plan for the entire park. She explained that they have funding for maintenance of the stonewall. She said they will continue to treat with the cut and dab method to prevent growth. There is a lot of poison ivy not only in this location but throughout the entire park. They treat the poison ivy in places where it is a potential risk to visitors.

Ms. Brown informed the Commission that staff has requested five native trees be planted as mitigation for the five trees they want to remove. Assistant Director Puzas asked that the location of replacement trees be provided prior to starting work.

Commissioner Kleiman asked if the stone dust path would be permeable. Ms. Brown replied they will be using a product called organic block which binds the decomposed granite/gravel.

Commissioner Kleiman asked why the trail is not completely outside the 100-foot BZ. Ms. Brown said that the reasoning for the proposed crossing was because it provides a natural path with reduced tree cutting and avoids a telephone pole. They believe the stonewall is a good meeting place for people. She noted that across the street there is a substantial grade change.

Chair Nardi and Commissioner Higgins said it would be helpful to demarcate on the plan the 25-foot NDZ, 50-foot NBZ, 100-foot BZ, and to show the nearest point of the new trail section to the wetlands. Ms. Brown will note requested information on plan.

There were no public comments.

Commissioner Higgins 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) Prior to the pre-construction site visit, the applicant shall provide a figure showing five native trees to be planted within the 100-foot buffer zone; 4) Vegetation and seeds shall be removed from machinery and equipment before and after use; 5) 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 Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

**Notice of Intent, Boyajian, 77 Westford Road, DEP File #137-1588**

Chair Nardi opened the hearing seeking approval to approval to construct an addition off an existing detached garage 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 13, 2021.

Homeowners Alisha and Edward Boyajian, and Nathaniel Cataldo of Stamski and McNary attended tonight's meeting. Mr. Cataldo said the homeowners would like to build an addition to an existing garage. A portion of the work is just within the 100-foot BZ (644 s.f). They will be providing 650 s.f. of mitigation. Erosion controls are noted on the plan. Stockpiling will be located outside the 100-foot BZ. No tree clearing is needed.

Chair Nardi noted that staff is requesting an additional tree or shrub be added for mitigation.

Chair Nardi asked if infiltration is being provided for any runoff. Mr. Cataldo replied that water will be caught in a roof gutter and the outfall will have a splash block or rip rap. Chair Nardi said the preference would be not to have a splash block. Mr. Cataldo said they will provide and note on the plan.

Commissioner Pappas said one of the plants being provided as mitigation is not native. Assistant Director Puzas explained that snowberry is not native and should be replaced with a suitable native shrub.

Commissioner Higgins asked if the new addition was for cars. If so, how would a car back out? Mr. Cataldo said given the size of the property (approximately 10 acres) it is probably for lawn/farm equipment. Commissioner Pappas said the location of any doors needs to be shown on a plan. Mr. Boyajian explained that two door openings are on the paved side. A French-style door will be installed on the back side. The doors are meant as an egress for people not vehicles. Commissioner Pappas said a detail on the plan regarding this should be noted on the plan.

Chair Nardi asked how the soil will be prepped for plantings. It would not be good for the plantings to compete with existing turf. Ms. Boyajian replied that they plan to add a thin layer of organic compost. For each plant they will dig a hole and remove enough soil for the root ball and then backfill with compost. She explained that some of the planting area has grass and some is bare soil and weeds. She will use cardboard around the plants if necessary to cover the grass. Assistant

Director Puzas asked that they provide that information on the plan and to clarify where they will be using seed mix. Mr. Cataldo said they will update the plan.

There were no public comments.

The Applicant agreed to continue the hearing until January 19, 2022 to allow additional information to be provided.

**Notice of Intent, Massachusetts Port Authority, 777 Virginia Road, DEP File #137-1589**

Chair Nardi opened the hearing seeking approval to construct and repave a roadway 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:

- Notice of Intent Application; and
- Regulated Resource Area Plan view prepared by Kleinfelder dated December 14, 2021.

Brad Washburn, Stewart Dalzell, and Kathleen Ledoux of Massport, and Eileen Piskura of Kleinfelder attended tonight's meeting. Mr. Washburn said most of the project is located in Bedford. However, a small portion of the vehicle service roadway is in Concord. The work involves reconstructing a section of the existing service road and constructing a new section. Approximately 300 s.f. of the existing service road will be replaced. He explained that 47 s.f. is for the construction of the new section. Mr. Washburn said a portion of the work is within the floodplain. He explained that the site is already altered. The new roadway section will require very minimal grading. There is no loss of floodplain storage therefore no compensatory storage flood storage is being proposed. He explained that they are required to meet FAA setbacks. Erosion controls will be installed. They have received an approval letter from Natural Heritage.

Chair Nardi said the impact numbers need to be reconciled. The impact numbers on the plan are different from the narrative. Mr. Washburn said they will correct that information.

Commissioner Higgins said there are numerous outstanding permits that need to be closed out. Mr. Washburn said he will follow-up with his office.

There were no public comments.

The Applicant agreed to continue the hearing until January 19, 2022 to allow additional information to be provided.

**CLOSE AND ISSUE PERMITS**

**Notice of Intent, Bentley Building Corp., 31 Sunnyside Lane, DEP File #137-1581**

Chair Nardi reopened the hearing seeking approval to demolish the existing dwelling and shed; remove the existing driveway, concrete pavers, and concrete pad; construct a new single-family dwelling, detached garage, and wooden deck; and install a septic system, paved driveway, pervious patio, and irrigation within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Commissioner Pappas moved to close the hearing and issue an Order of Conditions for DEP File #137-1581 with Finding A, Standard Conditions 1-20, and Special Conditions 21-58.

Commissioner Grimwood seconded voted. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Mark White of Bentley Building Corp. asked if sprinklers were allowed outside the 50-foot NBZ as shown on their proposed plan. Chair Nardi said as long as they are outside the 50-foot NDZ.

Commissioner Kleiman moved to amend Special Condition #49 to include that sprinklers are allowed outside the 50-foot NBZ. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

**Notice of Intent, Nashawtuc Country Club, 1861 Sudbury Road, DEP File #137-1586**

Chair Nardi reopened the hearing seeking approval to replace an existing kiddie pool and patio with a new kiddie pool, associated patio, walls, fencing, and landscaping within the 200-foot Riverfront Area to the Sudbury River and within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Commissioner Pappas moved to close the hearing and issue an Order of Conditions for DEP File #137-1586 with Findings A, B, C, and D, Standard Conditions 1-20, and Special Conditions 21-50. Commissioner Grimwood seconded voted. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

**CERTIFICATES OF COMPLIANCE**

**Kelner and Hershkowitz, 313 Heath's Bridge Road, DEP File #137-1424**

Chair Nardi reopened the hearing seeking approval to construct an addition, replace an existing septic system, remove trees, and conduct invasive species management and install plantings within the 200-foot Riverfront Area to the Sudbury River, Bordering Land Subject to Flooding, and within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Commissioner Higgins moved to issue a Certificate of Compliance for DEP File #137-1424. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

**Notice of Intent, 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.

Assistant Director Puzas informed the Commission that an additional staircase was installed which was not shown on the approved plan. The additional staircase is in the outer Buffer Zone. Chair Nardi said the approved staircase was a replacement in kind for an existing staircase. Commissioner Pappas would like the homeowner to come back to discuss. Commissioner Higgins said the additional unapproved deck needs to be noted on the plan for the record and future reference. The Commission agreed.

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

This meeting adjourned at 8:27 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/playlist?list=PL1TTzrWEK00mVv840JSDa6rdv9\\_Uu7NrN](https://www.youtube.com/playlist?list=PL1TTzrWEK00mVv840JSDa6rdv9_Uu7NrN)