

NATURAL RESOURCES COMMISSION
Meeting Minutes
March 3, 2021

Pursuant to the notice filed with the Town Clerk, a virtual public meeting of the Natural Resources Commission was held on Wednesday, March 3, 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, 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"> • February 3, 2021
DIRECTOR'S UPDATE
TO BE CONTINUED WITHOUT DISCUSSION TO MARCH 17, 2021
<ul style="list-style-type: none"> • MIDDLESEX SCHOOL, 1400 Lowell Road, NOI • ALEX-SUN ENERGY SOLUTIONS, LLC, 160 Range Road, NOI • WESTCHESTER COMPANY, Lot 2A Keuka Road, CWB
TO BE CONTINUED WITHOUT DISCUSSION TO APRIL 7, 2021
<ul style="list-style-type: none"> • SHAW, 43 Old Bedford Road, NOI
NEW APPLICATIONS
<ul style="list-style-type: none"> • MELANDER, 212 Hawthorne Lane, RDA
EXTENSION REQUEST
<ul style="list-style-type: none"> • BERGEMANN, 48 Upland Road, NOI
CLOSE and ISSUE
<ul style="list-style-type: none"> • TOWN OF CONCORD, 10X, 11A, and 47 Old Bedford Road
CERTIFICATES OF COMPLIANCE
<ul style="list-style-type: none"> • BORSOOK, 451 Strawberry Hill Road
OTHER BUSINESS
<ul style="list-style-type: none"> • 50-foot No Build Policy Discussion

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 February 3, 2021 NRC meeting minutes, as amended. Commissioner Zaunbrecher seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

DIRECTOR'S UPDATE

- Director Kaye informed the Commission that Will Holden, the new Land Manager, will start work on March 17th. The recruitment for the summer Conservation Crew is ongoing, with a March 19th application deadline.
- Earlier this week, the Massachusetts Pesticide Board reclassified neonicotinoids from general use to restricted use, so only licensed pesticide applicators can use these products for general home use. Director Kaye said that educating the public to pollinator issues from neonicotinoids is important. The restriction will take effect on July 1, 2022.

Commissioner Grimwood asked if the Select Board had amended the Pollinator Health Advisory Committee charge and extended their term. Director Kaye replied that Mark Hanson was not at the meeting and the Select Board was going to reach out to him.

TO BE CONTINUED TO MARCH 17, 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 Pappas moved to continue the hearing to March 17, 2021. Commissioner Zaunbrecher seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

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.

At the request of the Applicant, Commissioner Pappas moved to continue the hearing to March 17, 2021. Commissioner Zaunbrecher seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

Notice of Intent, Westchester Company, Inc., Lot 2A Keuka Road, CWB File #20-1

Chair Nardi reopened the hearing seeking approval to construct a single-family home with garage, patio, driveway and associated grading within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Pappas moved to continue the hearing to March 17, 2021. Commissioner Zaunbrecher seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

TO BE CONTINUED TO APRIL 7, 2021

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.

At the request of the Applicant, Commissioner Pappas moved to continue the hearing to April 7, 2021. Commissioner Zaunbrecher seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

NEW APPLICATIONS

Request for Determination of Applicability, Melander, 212 Hawthorne Lane, RDA File #21-1

Chair Nardi opened the meeting seeking approval to replace the 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 System Plan prepared by Civil Solutions, Inc. revised February 25, 2021.

Homeowner Thomas Melander and Kirk Fitzpatrick of Civil Solutions attended tonight's meeting. Mr. Fitzpatrick said the proposed project is to replace the existing septic system. The new system will be installed 75 feet away from the edge of the wetlands and the limit of fill will be outside the 50-foot NBZ. Mr. Fitzpatrick said the Board of Health issued their permit this morning.

There were no public comments.

Commissioner Zaunbrecher moved to issue a Negative Determination of Applicability #2 and #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 50-foot No Build Zone; 3) The applicant shall plant two native dogwoods, or other native trees, to replace the two trees to be removed; 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 Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

EXTENSION REQUEST

Bergemann, 48 Upland Road, DEP File #137-1102

The project involved demolishing an existing single-family dwelling and carport and reconstructing a new single-family dwelling, deck and an attached garage, connecting to Town water, removing and relocating a fence, removing an existing underground oil tank, upgrading components of the existing septic system, removing dead or diseased trees, and installing a walking path, in the 200-foot Riverfront Area of the Assabet River and 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Lisa Bergemann of 48 Upland Road attended tonight's meeting. Ms. Bergemann said even though the Governor has issued an order tolling state permits, her attorney has advised his clients to act

cautiously in order to avoid any potential problems in the future. Therefore, she would like an extension to her existing permit. She said if she does not receive notification of the emergency order being lifted she will not know when to apply for an extension. Rather than having some indefinite timeframe she would like to take the conservative approach and get an extension permit now. Chair Nardi said that based on prior discussions, the NRC would be willing to grant an extension for one year with the expectation that the project will be completed by March 5, 2022. Ms. Bergemann said she understood.

There were no public comments.

Commissioner Zaunbrecher moved to approve a one-year Extension Permit for the Order of Conditions DEP File #137-1102. Commissioner Grimwood seconded. All so voted.

CLOSE AND ISSUE PERMIT

Notice of Intent, Town of Concord, 11A, 47, and 45 Old Bedford Road, DEP File #137-1554

Chair Nardi reopened the hearing seeking approval to conduct invasives species removal and management within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Commissioner Zaunbrecher moved to close the hearing and issue an Order of Conditions for DEP File #137-1554 with Findings A, B, C, and D, Standard Conditions 1-19, and Special Conditions 20-47. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

CERTIFICATE OF COMPLIANCE

Borsook, 451 Strawberry Hill Road, DEP File #137-523

Commissioner Zaunbrecher moved to issue a Certificate of Compliance for DEP File #137-523. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

OTHER BUSINESS

50-foot No Build Policy Discussion

The 50-foot No Build Policy Discussion was tabled to the March 17, 2021 NRC Meeting.

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

This meeting adjourned at 7:21 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=6_evHGg1bUk&list=PL1TTzrWEKOOlmahd64BNDrCmG6lzsnlhS&index=40