

NATURAL RESOURCES COMMISSION
Meeting Minutes
March 15, 2023

Pursuant to the notice filed with the Town Clerk, a public meeting of the Natural Resources Commission was held on Wednesday, March 15, 2023 at 7:00 p.m., at 141 Keyes Road, First Floor Conference Room. The following Commissioners were present: Ed Nardi, Chair, Sarah Grimwood, Bill Kemeza, Gary Kleiman, and Nick Pappas. 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"> • December 7, 2022 and December 21, 2022
COMMISSIONER COMMENTS
DIRECTOR'S UPDATE
TO BE CONTINUED WITHOUT DISCUSSION TO APRIL 5, 2023
<ul style="list-style-type: none"> • MAP HOLDINGS, LLC, 794 Elm Street, NOI • COTY & ROSENSHINE, 300 Ministerial Drive, NOI
CONTINUANCES
<ul style="list-style-type: none"> • WH WALDEN LLC, 59 Walden Street, NOI • JAMESAPOLLOS, 141 Commerford Road, Amended OOC • GALLAND & IGLEHEART, 33 West Circle, NOI
NEW APPLICATIONS
<ul style="list-style-type: none"> • FLAHERTY and LEKORENOS, 156 Upland Road, RDA • FELDWEG, 343 Commonwealth Avenue, NOI
EXTENSION REQUESTS
<ul style="list-style-type: none"> • MEYERS, 116 Estabrook Road
CERTIFICATES OF COMPLIANCE
<ul style="list-style-type: none"> • LABADINI, 154 Southfield Road • MAHAN, 76 Channing Rod
ADMINISTRATIVE APPROVALS
<ul style="list-style-type: none"> • SPRINGER, 454 Garfield Road, Tree Removal • OLD MANSE, 269 Monument Street, Tree Removal • LINDSAY POND ASSOCIATION, 40 Coppermine Road, 63 Coppermine Road, 316 Lindsay Pond Road, 39 Old Farm Road, Tree Removal
Executive Session in accordance with M.G.L. 30A, Section 21(a)(3), to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares, not to return to regular session (162 Plainfield Road).

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. Kemeza moved to approve the December 7, 2022 NRC meeting minutes, as amended. Mr. Kleiman seconded. **VOTE 3-0** by Roll Call Vote: Kemeza, Aye, Kleiman, Aye, Nardi, Aye.

Mr. Kemeza moved to approve the December 21, 2022 NRC meeting minutes, as amended. Dr. Grimwood seconded. **VOTE 3-0** by Roll Call Vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

COMMISSIONER COMMENTS

None.

DIRECTOR'S UPDATE

- Director Kaye informed the Commission that the Warner's Pond Community Meeting on March 2nd was well-attended by approximately 140 people in person or via Zoom. The Town's consultant provided information about the conceptual alternatives at this stage for either dam removal or limited dredging to provide deeper areas within the pond while moving sediment to other areas of the pond since sediment disposal was identified as prohibitively high in the bidding process last fall. Director Kaye said conceptual designs underway and an Alternatives Analysis Report will be prepared later this spring. Information from the survey, which closed today will be incorporated into the report. She said a second meeting will be held sometime in May. The goal is to have an article for the warrant for 2024. Mr. Nardi asked if the consultant will have a cost estimate available at the May meeting. Director Kaye replied yes. She said that when the dredging feasibility study was done in 2018, an opinion of probable cost was prepared at that time. This information was updated in 2022 just before the proposed project went out to bid. Director Kaye said because of Covid, the costs of materials greatly increased. She said the only bid the Town received came in at nine million dollars. She explained that only three truckloads of sediment per day on the prison property would be allowed which also drove up the cost. Director Kaye spoke with a contractor she has worked with before who told her the project is more in the six-million-dollar range. Dr. Grimwood asked if there would be visuals for the next meeting so the public can see how it would look either way. Director Kaye replied yes. She said five grade renderings are being prepared. Three renderings will be look at dam removal from Gerow, Commonwealth Avenue, and Pond Street. The other two renderings will look at the modified dredging.
- Director Kaye informed the Commission that the annual Concord Cleanup is scheduled to take place on March 25th through April 2nd. Bags are available for trash and recyclables in the lobby at 141 Keyes Road. Bags will be picked up by CPW before Patriots' Day.

TO BE CONTINUED TO APRIL 5, 2023

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

The Applicant is 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 5, 2023. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

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

The Applicant is 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.

At the request of the Applicant, Mr. Kemeza moved to continue the hearing to April 5, 2023. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

CONTINUANCES

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.

List of plans and documents discussed at this meeting:

- Site Development Plan prepared by Harrington Associates, LLC revised March 2, 2023;
- Erosion & Sedimentation Control Plan prepared by Harrington Associates, LLC revised December 18, 2022;
- Landscape Master Plan with Landscape/Exterior Lighting prepared by the Lighthall Company revised March 3, 2023;
- Existing Conditions Plan with Proposed Sediment Control & Tree Protection prepared by the Lighthall Company revised 2-14-23.
- Tree Removal Plan prepared by the Lighthall Company revised March 2, 2023.
- Long Term Operation & Maintenance Plan submitted by WH Walden LLC on March 7, 2023.

Applicants, Frank Widmayer, Chris Hill, and Edith Hill, Contractor Mark Lionetta, Deborah Howe of the Lighthall Company, and Richard Harrington of Harrington Associates attended tonight's meeting. Mr. Harrington informed the Commission that they are scheduled to appear before the Planning Board and ZBA next week for parking relief. Mr. Harrington said the Planning Board and ZBA requested better circulation flow in the parking lot. Therefore, an additional parking space has been added which will also improve snow storage. Mr. Harrington noted that this was a redevelopment project. He said they are adding a second-floor addition but not increasing the footprint. As requested, they will install a riprap swale. They are trying to remove some pavement within the inner riparian zone to create the 25-foot setback from the edge of the river. The stone trench will be brought forward to the edge of pavement. Director Kaye requested that straw wattles be installed around the swale. Mr. Harrington agreed. He said a robust planting plan has been proposed. He also said that the operation and maintenance plan has been updated. They will be providing additional recharge (separate drywell). They believe they have met the guidelines for snow storage. Director Kaye requested that a note be added to the plan that states "no snow storage in this area" with an arrow pointing to the area so everyone is aware of the location. She understands the existing practice, however, the standard practice is to keep snow outside the 50-foot NBZ. If a designated snow storage space is not available, then the practice is to remove it off site. Mr. Harrington said he does not agree and believes that is not consistent with the regulations. This will add an additional expense. The truck activity will also interfere with people accessing the parking lot. Director Kaye said that pushing snow towards and into rain garden/recharge areas can cause them to fail. Dr. Grimwood said the wetlands are not being protected if sand and salt are pushed into the water.

Mr. Kemeza agreed. Mr. Harrington replied that this is a redevelopment project. They are working within the existing footprint. He said the contractor who will be doing the snow plowing will follow the operation and maintenance plan. Mr. Harrington said they cannot agree to change the location of the snow storage. Ms. Hill said she does not have a problem with the Commission's approach to snow storage.

There were no public comments.

The Applicant agreed to continue the hearing to April 5, 2023 at which time the Commission anticipates issuing an Order of Conditions.

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.

List of plans and documents discussed at this meeting:

- Wetland Plan revised March 2, 202; and
- Mitigation Plan revised March 2, 2023.

The Applicant, John Jamesapollos, and Nathaniel Cataldo of Stamski and McNary attended tonight's meeting. Mr. Cataldo said trees already removed have been noted with an "X" on the plan. In addition, the tree protection detail (note #2) was updated to take off the trunk armoring. They added a note to show that if any additional trees need to be removed, they must get NRC approval first. The 21-inch oak tree and 24-inch pine tree are noted on the plan. Mr. Cataldo said note #4 was added to the plan to show the location of the tailings from the well drilling. He said the tailings will be deposited into the pool so they can eventually percolate into the ground. Mr. Nardi requested a minor revision to the inscription on the Feno markers. The Feno markers should state "annual mow only beyond this point". Director Kaye noted that the word "only" needs to be added. Mr. Nardi asked if there was enough organic material onsite to mix with the leaf mulch. Mr. Jamesapollos said this determination was based on the recommendation by Art Allen of Ecotec Environmental. He explained that they will use some of the soil by the wall. This work was recently completed. He said there is also adequate material by the shed and pool. The soil will be mixed with topsoil they are bringing in to obtain the 4-inches of depth. Director Kaye said it is not clear from the plan where they are getting the organic material from. Mr. Jamesapollos explained that the organic material is coming from the area between the pool and wall where onsite materials will be temporarily stored. Director Kaye said the previous driveway area is now sand. She said this area needs to be stabilized with loam and seed. Mr. Jamesapollos explained that it was always their intention to regrade and seed that area. Mr. Jamesapollos said ultimately that area will be lawn and landscaped. He explained that Mr. Allen is planning on doing his inspection in late May/June. Mr. Jamesapollos said they will put whatever additional notations the NRC would like on the plan. Mr. Nardi requested that note #8 referencing 2,400 sf. include the area north of the plan as well.

There were no public comments.

The Applicant agreed to continue the hearing to April 5, 2023 to allow additional information to be provided.

Notice of Intent, Galland & Igleheart, 33 West Circle, DEP File #137-1632

Mr. Nardi reopened the hearing seeking approval to remove an existing shed and deck and construct a roofed porch within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Proposed Plot Plan for Proposed Porch prepared by Perley Engineering LLC revised March 14, 2023.

Homeowners Millan Gallant and Elizabeth Igleheart and Brian Butler of Oxbow Associates attended tonight's meeting. Mr. Butler said the proposed deck and overhang will be no closer to the wetlands than the existing deck. He also said that a waiver for work within the 25-foot NBZ has been submitted. He informed the Commission that the existing storage shed will be removed.

There were no public comments.

Mr. Kemeza moved to close the hearing and issue an Order of Conditions for DEP File #137-1632 with Findings A and B, Standard Conditions 1-20, and Special Conditions 21-51. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

NEW APPLICATIONS

Request for Determination of Applicability, Flaherty and Lekorenos, 156 Upland Road, RDA File #23-1

Mr. Nardi opened the meeting seeking approval to enlarge the existing garage 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
- Site Plan prepared by Snelling & Hamel Associates, Inc. dated January 30, 2023.

Homeowners John Flaherty and Christen Lekorenos attended tonight's meeting. Mr. Flaherty said they have two garages each with a separate driveway. Their proposed project is to enlarge the existing lower-level garage by four feet. The work will be outside the 50-foot NBZ. All work will be over an area which is currently paved. The NRC did not have any concerns.

There were no public comments.

Mr. Kemeza moved to issue a Negative Determination of Applicability #2. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

Notice of Intent, Feldweg, 343 Commonwealth Avenue, DEP File #137-1631

Mr. Nardi opened the hearing seeking approval to remove an existing shed, railroad ties, and retaining wall; and replace an existing pavement patio with a paver patio with associated landscaping and stone wall within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application;
- Topographic Plan of Land prepared by Stamski and McNary, Inc. dated January 6, 2023; and
- Site Plan prepared by Kattman Landscape Architects dated January 20, 2023.

Homeowner Anna Feldweg, Kyle Cormier of Oxbow Associates, and Richard Kattman of Kattman Landscape Architects attended tonight's meeting. Mr. Cormier said the proposed project involves removing an existing concrete patio, removing old railroad ties, retaining wall and shed to be replaced

with a new paved patio and landscaping. A stone wall will replace the railroad ties. There will be a reduction of impervious surface (approximately 20 sf.). They will install nine-inch fiber rolls as protection between the wetland and the shed. Mr. Cormier said they will also provide tree protection for the two trees that are close to the work area. They would like to install four lights within 100-foot BZ (low wattage). Mr. Cormier explained that the only work in the 50-foot NBZ will be installing pavers near the stone wall. Mr. Kattman said all plants will be native. Mr. Nardi said he appreciates the Applicant moving the shed out of the 50-foot NBZ. He asked if there were any invasive plants that could be removed. Mr. Kattman said only on the neighbor's property. Mr. Kleiman requested that the outdoor lighting be wildlife friendly. Mr. Kattman agreed to provide wildlife-friendly lighting. He said they will also remove some existing yard waste.

There were no public comments.

Dr. Grimwood moved to close the hearing on an issue on an Order of Conditions for DEP File #137-1631 with Finding A, Standard Conditions 1-20, and Special Conditions 21-53. Mr. Kemeza seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

EXTENSION REQUEST

Meyers, 116 Estabrook Road, (pond management), DEP File #137-1390

The project involved removing an existing shed and dock; modifying the fire pit area; and implementing a Long-Term Vegetation Management Plan for the pond to include herbicide and algaecide treatment, hydroraking, and hand harvesting. Work was proposed within Land Under Waterbodies, the 200-foot Riverfront Area to an unnamed tributary to Dakins Brook, and within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Matthew Ladewig of TRC Companies attended tonight's meeting.

Director Kaye informed the Commission that the Applicant is seeking a second extension request to continue aquatic nuisance species pond management at Buttrick's Pond. She explained that the main species of concern is the American lotus which requires several years of management. Director Kaye asked if herbicides had been used. Mr. Ladewig said they have not used any herbicide yet.

Mr. Kemeza moved to approve a 3-year Extension Permit for the Order of Conditions DEP File #137-1390. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

CERTIFICATES OF COMPLIANCE

Mahan, 76 Channing Road, DEP File #137-315 (partial)

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

OTHER BUSINESS

Administrative Approvals:

- **Springer, 454 Garfield Road, Tree Removal**
Director Kaye informed the NRC that there are three ash trees within BZ. She said Land Manager Will Holden looked at the trees and said they are either dead or dying. She explained that after the trees are cut, they will remain in place. A bucket truck from the road will be used. Staff felt that tree replacement was not necessary. Approval was granted.

- **Old Manse, 269 Monument Street, Tree Removal**
Director Kaye said there are three dead ash trees located in the outer BZ and outer Riverfront area. TTOR will replace those trees with two sycamore trees and a tulip tree. Approval was granted.

- **Lindsay Pond Association, 40 Coppermine Road, 63 Coppermine Road, 316 Lindsay Pond Road, 39 Old Farm Road, Tree Removal**
Director Kaye said there are five trees (different varieties) that the Association would like to have removed. The trees will be removed with a cherry picker crane. Tree replacement will not be necessary. Approval was granted.

Mr. Kemeza moved to adjourn the Open Session and enter into Executive Session, not to return to Open Session, to consider matters pertaining to 162 Plainfield Road. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, 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=gUBqPFf2Alg&list=PL1TTzrWEKOOmVv84OJSDa6rdv9_Uu7NrN&index=1