

NATURAL RESOURCES COMMISSION
Meeting Minutes
April 7, 2021

Pursuant to the notice filed with the Town Clerk, a virtual public meeting of the Natural Resources Commission was held on Wednesday, April 7, 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, Greg Higgins, 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.

<p>APPROVE MEETING MINUTES</p> <ul style="list-style-type: none"> • February 17, 2021 and March 3, 2021
<p>DIRECTOR'S UPDATE</p>
<p>TO BE OPENED AND CONTINUED WITHOUT DISCUSSION TO APRIL 21, 2021</p> <ul style="list-style-type: none"> • GOMES, 1597 Monument Street, NOI
<p>TO BE CONTINUED WITHOUT DISCUSSION TO APRIL 21, 2021</p> <ul style="list-style-type: none"> • SHAW, 43 Old Bedford Road, NOI
<p>CONTINUANCES</p> <ul style="list-style-type: none"> • WESTCHESTER COMPANY, INC., Lot 2A Keuka Road, CWB • KOKOSZKA, 367 Cambridge Turnpike, NOI • STORLAZZI, 23 Warner Street, NOI • MIDDLESEX SCHOOL, 1400 Lowell Road, NOI
<p>NEW APPLICATIONS</p> <ul style="list-style-type: none"> • TOWN OF CONCORD, 90Y Plainfield Road, NOI • LAND STEWARDSHIP, INC., 299 Estabrook Road, NOI • SIEKMAN, 11 Oxbow Road, RDA • MINER, 399 Lowell Road, Amended NOI • NIGH, 1 Revolutionary Road, NOI
<p>OTHER BUSINESS</p> <ul style="list-style-type: none"> • Gaining Ground, 38A Virginia Road, Hoop House Proposal
<p>ADMINISTRATIVE APPROVALS</p> <ul style="list-style-type: none"> • BOILY, 82 Shore Drive, Tree Removal

Chair Nardi called the meeting to order at 7:00 p.m. He stated that the NRC meeting was being 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 17, 2021 NRC meeting minutes, as amended. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

Commissioner Pappas moved to approve the March 3, 2021 NRC meeting minutes, as written. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

DIRECTOR'S UPDATE

- The BFRT Phase 2B construction has resumed. The project includes constructing a bridge over Route 2 and a wildlife culvert under the highway. The wildlife culvert installation is planned for the weekends of April 23rd and April 30th, traffic will be detoured during these weekends.
- The Garlic Mustard pull will be resumed in mid-May, partnering with CLCT. Leaf/lawn waste bags will be provided to interested residents to pull from public lands. Anyone interested in participating should contact Karen. Notice of this event will be published in the Concord Journal and on the Town's website.
- Conservation Crew interviews will be conducted later this week, with the intent of bringing on two staff from May to September.
- Beaver activity at Punkatasset has led to flooding issues, probably because the beaver deceiver at the spillway, which is about 11 years old, is corroded. Beaver Solutions is scheduled to come out tomorrow to fix the intake basket, which should resolve the flooding.
- The CPA-funded wall extension work at Heywood Meadow is scheduled for mid-May.
- The through trail at Mattison Field has been rerouted to provide better nesting habitat for bobolinks. Signs have been posted to redirect people onto other trails. Last year Director Kaye saw five males and one female, but nesting pairs have not recently been confirmed.

TO BE OPENED AND CONTINUED TO APRIL 21, 2021

Notice of Intent, Gomes, 1597 Monument Street, DEP File #137-1558

Chair Nardi opened the hearing seeking approval to construct new deck with a pool spa within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Zaunbrecher moved to continue the hearing to April 21, 2021. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

TO BE CONTINUED TO APRIL 21, 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 Zaunbrecher moved to continue the hearing to April 21, 2021. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

CONTINUANCES

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.

List of plans and documents discussed at this meeting:

- Notice of Intent Plan prepared by Markey & Rubin, Inc. revised March 15, 2021;
- Erosion and Sediment Control Plan prepared by Markey & Rubin, Inc. revised March 15, 2021;
- Invasive Species Management Plan prepared by Goddard Consulting revised March 17, 2021; and
- Stormwater Drainage Report prepared by Markey & Rubin, Inc. revised March 15, 2021.

Steve Marsh of the Westchester Company and Mark Arnold of Goddard Consulting attended tonight's meeting. Mr. Arnold explained that a revised Invasive Species Management Plan has been submitted, which includes all the land on Lot 2A, including the drainage easement area for the 4-lot subdivision. The stormwater design has been updated and favorably reviewed by the Town's Engineering Department. Soil testing was witnessed by Engineering; and the water depth was 18 inches.

Chair Nardi asked Mr. Arnold to clarify where the construction access road would be located. Mr. Arnold replied said they plan on accessing from the subdivision road. Director Kaye asked if any access to the site was coming off the paper street. Mr. Marsh stated that when they did the soil testing, they did use the paper street as access, but will no longer do so. Director Kaye noted that the paper street is within the buffer zone and access would need to be reviewed by the NRC.

Chair Nardi requested a deed restriction to ensure no future encroachments into the 50-NBZ, within six months from the date of issue of the Order of Conditions. Mr. Marsh said they would be agreeable to that. Mr. Marsh said he will provide a draft copy to staff.

There were no public comments.

The Applicant agreed to continue the hearing to April 21, 2021 at which time the Commission anticipates issuing an Order of Conditions.

Notice of Intent, Kokoszka, 367 Cambridge Turnpike, DEP File #137-1555

Chair Nardi reopened the hearing seeking approval to convert existing 3-season porch to an addition and enlarge an existing deck within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Construction and Erosion Control Plan prepared by LandTech Consultants, Inc. revised March 26, 2021.

Homeowner Todd Kokoszka and Kyle Cormier of Oxbow Associates attended tonight's meeting. Mr. Cormier said the project involves converting an existing 3-season porch into an addition, and removing and replacing an existing deck. The new deck would be further away from wetlands.

Mr. Cormier said the mow line would be along the 25-foot NDZ. The homeowner would like to keep some of the lawn area that is currently within the 25-foot NDZ. Chair Nardi suggested revising the plan and submit to the Commission for consideration. Commissioner Zaunbrecher commented that the NRC would not want fertilizer or pesticides used within the 25-foot NDZ. Commissioner Pappas said the Applicant must make sure there is no erosion.

Mr. Kokoszka asked if the Commission would be agreeable to the removal of invasives as a trade-off so they can keep some lawn. Chair Nardi said probably but the Commission needs to see a revised plan. Director Kaye said in this situation, the lawn is an existing condition and could potentially be considered. Commissioner Higgins suggested contacting staff to discuss before submitting a revised plan. Mr. Kokoszka asked if the NRC had any other concerns so they can address appropriately. Chair Nardi said all comments to date have been discussed.

There were no public comments.

The Applicant agreed to continue the hearing to April 17, 2021 to allow additional information to be provided.

Notice of Intent, Storlazzi, 23 Warner Street, DEP File #137-1550

Chair Nardi reopened the hearing seeking approval to demolish an existing deck and construct an addition within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Existing Conditions Plan of Land prepared by A.S. Elliott & Associates revised March 25, 2021.

Dave Crossman of B&C Associates attended tonight's meeting. Mr. Crossman explained that the homeowner would like to construct an addition off the rear of the duplex, within existing lawn. All work proposed is outside the 50-foot NBZ and just outside the 100-year floodplain. They revised the plan to note the 100-year floodplain. Mr. Crossman said that erosion controls will be installed prior to any work commencing. They will remove Japanese knotweed along a portion of the path towards the back of the property. Unfortunately a lot of knotweed is on the neighbor's property and will eventually again encroach on the Applicant's property. They will replant the area with 14 native shrubs (blueberry, winterberry, and black chokeberry). Chair Nardi said in addition to planting shrubs, native seed mix should be planted as well. The NRC will require this as a special condition.

There were no public comments.

The Applicant agreed to continue the hearing to April 21, 2021 at which time the Commission anticipates issuing an Order of Conditions.

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.

List of plans and documents discussed at this meeting:

- Stormwater Report prepared by Weston & Sampson revised March 15, 2021;
- Athletic Field Invasive Species Review prepared by Bartlett Tree Experts dated March 22, 2021;
- Site Demolition and Preparation Plan prepared by Weston & Sampson revised March 26, 2021;
- Grading, Drainage, and Utilities Plan (L140 & L141) prepared by Weston & Sampson revised March 26, 2021;
- Planting Plan prepared by Weston & Sampson revised March 26, 2021; and
- Construction Details Plan prepared by Weston & Sampson revised March 26, 2021.

Steve McKeown of Middlesex School, Ryan Chmielewski and Marie Rudiman of Weston & Sampson attended tonight's meeting. Mr. McKeown said he appreciated the feedback that they have received to date. They have addressed a lot of comments including the footprint of the project to relocate out of the 50-foot NBZ. They have provided an invasives removal and revegetation plan which includes a pollinator meadow. Wall profiles have been provided for visualization of the impact to Lowell Road. They have conducted additional stormwater test pits per the Town's request and have added additional engineering controls which addressed all CPW Engineering comments. They also provided an independent third-party alternative analysis that includes infills and evaluations for synthetic turfs. They also looked at organic alternatives. They have submitted maintenance cost comparisons used at UMass Lowell Organic Maintenance Program. Mr. McKeown said that Weston & Sampson has provided a risk evaluation of the proposed materials. This included a conservative testing recommendation which Middlesex School has agreed to incorporate into their Order of Conditions.

Ms. Rudiman said that Middlesex School will be using Mondo Ecofill which is not crumb rubber. It is a synthetic rubber and per the manufacturer does not contain PFAS compounds. It is specifically engineered as clean polymer without PHAS, phthalates, polycyclic aromatic hydrocarbon or PH's. It does not contain heavy metals above background. Ms. Rudiman said that total fluorine is a very inaccurate test for PFAS in any material. Fluorine is an element in the earth's crust. There are many things that contain fluorine that is not PFAS related such as plastic, rubber, and fluorinated drinking water. There is a new analysis that EPA is starting to derive. Ms. Rudiman said she read a recent study called total organic fluorine. She explained that Weston & Sampson as a company made the decision not to use synthetic turf that contains or is manufactured with PFAS. They have reached out to all the distributors they work with and asked them for information about how they manufacture their products. All the vendors that they specify have provided laboratory analysis of both the carpets and infills to show that their products do not contain PFAS. The vendors have provided written statements attesting that their carpets do not contain and are not manufactured with PFAS. Several suppliers could not provide that documentation and Weston & Sampson no longer specify those suppliers. Ms. Rudiman reviewed the Franklin Installation of a Carpet (not a Weston & Sampson specified field). The data must have been from an older installation because it does contain per fluoro octane sulfuric acid commonly called PFOS. PFOS has been phased out by the

EPA in all products since 2015. Ms. Rudiman said that the carpet does not contain any of the other PFAS compounds that were detected in the wetland. Most of the PFAS detected in the wetland was not the single type which was detected in the carpet. This indicates that the PFAS in the wetland, for the most part, is likely from a different source or sources. Unfortunately PFAS contamination can come from a myriad of sources. It is in thousands of household products. It is in workout clothes, soccer jerseys, dryer sheets, microwave popcorn bags, household carpets, furniture, and dental floss. The PFAS that was detected in the wetlands could be from local septic systems or wastewater treatment plants, pesticides broadcast for EEE, firefighting foam from a fire that may occurred in the area. Ms. Rudiman said that rainwater in Massachusetts contains PFAS (5 parts per million) as a background concentration. The PFAS that was detected in the wetland near the Franklin Installation could be from anything. Weston & Sampson is working on cleaning up PFAS throughout New England. They are finding it everywhere, including surface water and drinking water.

Chair Nardi thanked Ms. Rudiman for providing a summary to citizen concerns. He asked if there were any baseline sampling locations on the current plans. Mr. Chmielewski said the ideal location would be at the mid-point of the level spreaders (5 feet offset) down gradient on each of the two level spreaders discharging water from the turf field. They will add that information to the plan. Director Kaye asked if it was one sampling location. Mr. Chmielewski replied that it was two locations. Director Kaye said it would be helpful to have sampling locations in the system and in the groundwater. She requested Ms. Rudiman to provide comments. Director Kaye said that when the Fenn School did their testing they looked at three groundwater sampling locations. One upgradient for baseline, two downgradient, and two associated with the drainage systems to see what was being captured there.

Ms. Rudiman commented that the Fenn School concentrations never approached standards. Samples were around background concentration the entire time. The field at Fenn School is older and is crumb rubber which has a tendency to leach off zinc. Ms. Rudiman said that when the data is available for Middlesex School she will make sure to include her comparative background concentrations as well as do any type of risk assessment that is necessary. Chair Nardi said that if anything exceeds standards it needs to be brought to the attention of the NRC and staff.

Commissioner Zaunbrecher asked where the monitoring well would be placed since the fields are so close to Lowell Road. She recommended that the baseline well be located as far away from Lowell Road as possible so anything coming off Lowell Road does not confound the baseline data and potentially mask any issues that might be noticeable from the fields. Commissioner Zaunbrecher asked what where the protocols that will be specified or used for monitoring what is coming off the fields. Ms. Rudiman said the methodology has not changed since the Fenn project. It is the same EPA methodology that they use to analyze SVOCs and metals. Commissioner Zaunbrecher asked if the detection limits have improved with those methods. Ms. Rudiman replied yes. The methodology especially for PFAS has to keep on improving because they are regulated down to the part per trillion level. When the original regulations were put in place at the trillion level the labs could not quite get down to that level yet which caused a lot of problems at first. Labs can now get down to the part per trillion level.

Janet Miller of 1647 Main Street thanked the Applicant for responding to her email concerning PFAS. She is really concerned about the long chain carbon fluoride polymers which do not leach out "as they are" but smaller. They degrade under ultraviolet light, heat and moisture. Smaller PFAS can leach and then end up in the groundwater. No chemical analysis that she is aware of that will

actually measure those. Ms. Miller would like strong assurance that there is none in the turf. Fluorine is a common element. She requested a list of other fluorine compounds. A fraction of fluorine in turf fields is PFAS which could be a problem. An independent analysis is needed. Ms. Rudiman said that doing an independent analysis is up to the Town. They have confirmed with their suppliers that there is no PFAS in their carpets or infill. Director Kaye asked if there was a way to test. Ms. Rudiman said that currently they can test for 30 common compounds. Ms. Rudiman explained that the EPA is trying to develop a pilot study on Cape where they can analyzed for total organic fluorine. She anticipates that the EPA within the next few years will be able to analyze for other PFAS compounds with this new methodology.

Beverley Bryant of 175 Conant Street said in Wayland the Happy Hollow well is being tested above the Massachusetts limit for PFAS (20 nanograms per liter). Also, in the Town of Easton are three wells that are testing above the legal limit. The wells in these towns are in the water capture zone of artificial turf fields. Other wells in these towns are below the legal limit. Ms. Bryant said that correlation is not causation. She said it is not known if these fields are directly responsible for the elevated levels of PFAS. Ms. Bryant said that Wayland is studying ways to drain water from their fields out of the well catch area or to move the wells. Easton is in the process of finding funding (\$9 million) for a water treatment facility to remove the PFAS from the water. Ms. Bryant said the health consequences of these chemicals are serious with the possibility of birth defects causing these towns to hand out free bottled water to pregnant women, nursing mothers, and households with young children. PFAS can damage the immune system, thyroid, liver, and possibly increase risks of cancer. Ms. Bryant asked why the Town of Concord would take the risk when these chemicals are so hard to identify and so difficult to prove absent from these fields. Groundwater mitigation may be impossible to mitigate. She urged the Town to insist that grass for these fields be used. Not enough information about PFAS is known to be sure about it.

Sharon McGregor of 70 Williams Road thanked the Applicant for responding to their comments regarding PFAS. Ms. McGregor is part of the group called "Grass Fields for Safe Sports". She understands that an independent analysis was done which concluded that there was no PFAS. However there are many forms of PFAS. She asked how the manufacturer can conclude 100% that there is no PFAS in their product. Ms. McGregor said that unless the manufacturer's specs on the constituents in the carpet fill is known she questions that there is no PFAS. She also questions what other chemical constituents there might be in there and the Town should have the right to know what they are. Nature did not evolve with these constituents. Their impact will show up down the road with drinking water contamination. There is no substitute for natural turf with respect to the compatibility with our ecosystems. The chipping away of ecological interactions add up to tremendous local and regional and global impacts.

Chair Nardi said the Applicant has provided independent laboratory testing not only for lack of PFAS but also for heavy metals, SVOCs, etc. Chair Nardi said the NRC shares Ms. McGregor's concern about converting grass to artificial turf. The Applicant has demonstrated that there is no adverse effect to the wetlands as noted from the manufacturer and the testing. Ms. Rudiman said the manufacturer has provided laboratory data showing that the infill and the carpet do not contain PFAS and there are only 30 compounds that can be detected in a lab. However, those are the mostly longer chain and some of the shorter chain PFAS that they can detect. Ms. Rudiman reiterated that the manufacturer has stated that they do not use PFAS in the manufacturing of their product. The manufacture also provided data showing that the Ecofill did not contain phthalates, polyaromatic hydrocarbons, or heavy metals above background concentrations.

Commissioner Zaunbrecher asked if the raw materials used by manufacturer to make polymers and materials would form PFAS or potentially PFAS generating compounds. Ms. Rudiman replied that the carpets are made out of polyethylene which is a common plastic. Polyethylene does not create PFAS. PFAS are long chain fluorinated carbons used typically for non-stick water repellent and stain repellent. There is fluorine in the carpet because there is plastic and plastic is made from petroleum. It will not breakdown into PFAS compounds. Ms. McGregor asked how do they know that PFAS is not part of the constituents in the carpet or fill for the other 4,970 constituents. Ms. Rudiman said that PFAS is used as a non-sticking agent. Typically it is not in the carpets at all. It is a byproduct that will stick to the outside of the carpets. If the manufacturer uses a more expensive extruder they do not need a sticking agent at all. The manufacturer was able to eliminate PFAS in the whole manufacturing process by using a more expensive extruder.

Commissioner Higgins said the Applicant will be using an artificial product in the environment which is close to the wetlands. If the product gets banned by state or federal authorities would Middlesex School be willing to remove the artificial turf within two years after notification from the government? Mr. McKeown replied that they would consider, and that is why they chose a proven product. Commissioner Higgins said he would like to see a condition addressing this in the Order of Conditions.

Chair Nardi reminded the Applicant that there are seven outstanding Order of Conditions which the NRC will require be closed out within six months of this permit. Commissioner Higgins asked does the Applicant need six months to close out their prior permits. Director Kaye said based on the number of outstanding permits, six months is reasonable. She explained that as-built plans are needed as well as monitoring reports.

The Applicant agreed to continue the hearing to April 21, 2021 at which time the Commission anticipates issuing an Order of Conditions.

NEW APPLICATIONS

Notice of Intent, Town of Concord, 90Y Plainfield Road, DEP File #137-1559

Chair Nardi opened the hearing seeking 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.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Notice of Intent Plan set prepared by Weston & Sampson Engineers dated March 17, 2021.

Deputy Town Manager Kate Hodges, Facilities Supervisor Ryan Orr, Recreation Supervisor D.J. Fimiani, Brandon Kunkel, Gene Bollinger, and Alexandra Gaspar of Weston and Sampson attended tonight's meeting. Ms. Hodges informed the Commission that the Town was gifted the property by White Pond Associates in 2018. It is a wonderful piece of property however updates are needed to be in compliance and to meet regulations under ADA and the Mass. Architectural Board. The goal of the project is to create a space to be used by everyone. The project involves creating a more robust stormwater management system to catch runoff along the hillside on both the driveway side and the wooded hillside and to improve the overall water health of the pond. Ms. Hodges explained that the plans that have been submitted have gone through a lengthy review and public input process

which took about a year. They believe their plans include the feedback they have received while also being compliance with code.

Mr. Kunkel commented that they realize this property is a treasure. They are focusing on stormwater management enhancements and water quality control through a very intense stormwater management system as well as meeting current code requirements for accessibility throughout the entire area. Some of the proposed work will be within the 25-foot NDZ, 50-foot NBZ, and 100-foot Buffer Zone. They have submitted waivers for this work. They are trying to provide beach access from the top of the hill as well as the turnaround drop-off area that is at the bottom of the right-of-way. The right-of-way a state access for the boat launch to White Pond. The existing parking lot will be primarily untouched except for a few additional parking spots which are being added. Mr. Kunkel said there will be a seasonal temporary ADA mat that will get rolled out at the beginning of the beach season. The mat will provide accessibility from the end of the path down to the water over the sand. They are proposing resting spots in different locations so people have a place to enjoy views of the pond. In order to minimize impacts, the width of the path will be the minimal requirements per ADA accessibility. Outside the 50-foot NBZ, they looking to construct a wooden deck structure that will provide a place for people to enjoy lunch besides the beach area as well as provide a place to view the pond and provide a little shade from the sun. In the turnaround area/drop off access seasonal restrooms will be provided with ADA accessibility through a boardwalk system. They are trying to keep as many trees as possible, but fourteen will need to be removed (9 pine trees, 4 oak trees, and 1 maple tree). For mitigation they will replace with 65 new trees as well as 137 shrubs and a reforestation seed mix. This will help with erosion that currently occurs along the concrete stairs that run from the upper parking lot path to the lower beach area..

Mr. Kunkel explained that the new stormwater system will be a subsurface collection system through chambers and leaching into the soil below. Channel/trench drains will be installed along the continuous drive to capture the water along the way before it has too much velocity to enter the pond. He noted that they needed to use two sets of chambers in order to minimize the impacts to the surrounding environment. One chamber is already located within the beach/sand area. In the event of a 100-year storm it would overflow in reverse from the final channel at the bottom of the boat ramp. Mr. Kunkel said they are providing, through some minor regrading in the drop off area, a naturally sandy infiltration basin that is already within the wooded area.

Chair Nardi commented that the project looks good with a lot of work involved especially with regard to ADA accessibility.

Commissioner Higgins stated that the drainage system at the high school failed. An independent engineer said the correct calculations were used but problems will occur if all the water flow occurs within two hours. Director Kaye said that the county access road that goes from Plainfield Road down to the pond was taken by the state so they could provide access to anglers as well as boaters, and it is a chute for stormwater runoff with very little protection. Anything that can be done will be an improvement to the existing conditions. Commissioner Higgins said he believes that even the best of calculations may fail. He wants to make sure that best engineering practices are used. Commissioner Zaunbrecher asked if it would be feasible to use a different standard such as a 200-year storm. Mr. Kunkel said they are following the state's stormwater management guidelines.

Jennifer Lutz of 185 Old Pickard Road said that she has been a member of the White Pond Association since 2016. She is now expecting her third child and believes White Pond is a great

resource for families. She is excited about the new changes that are going to be made especially the ADA stairway. Currently the existing stairs are very scary to walk down. She hopes that the new plans are approved.

Carmen Jaquier of 38 Shore Drive said she is a member of the White Pond Advisory Committee. She would like to see what the drains look like at the bottom of the boat road. Mr. Kunkel replied that he did not have a picture but he could describe them. The drains are similar to what automotive garages use to keep water from coming but more importantly from oils going out. The drain will run across the entire width of the drive. Chair Nardi commented that there is a detail on the plan for the catch basin. Ms. Jaquier commented that the drainage system looks good and is very much needed. She noted that there is erosion from the hillside. She explained that the beach ruts across the whole width. Also, where there is parking for the fishermen, the hillside is very bare under the trees. This also erodes down and it makes another runnel outside the existing blacktop. In the past, that has eroded and sent sand into the pond. Ms. Jaquier said the planting and boulders for the path might help mitigate, however, if water is still coming down the hillside and eroding the beach would adjustments for that be done. Ms. Hodges said the parking area for the fisherman is not owned by the Town. She explained that they have incorporated some natural elements into the hillside to guide the water and then capture it as it is coming down into different rain gardens and plantings. They also area proposing a robust underbrush with natural grasses under the trees they will be planting to help absorb water. Ms. Jacquier asked if the overview area was going to have a wooden floor and if so will there be good drainage. Mr. Kunkel explained that the deck will be wood with slats. The design is not quite finished. Water will flow through the decking. He said there should be no problem with runoff.

Marya Piasecki of 28 Shore Drive requested some plantings to provide privacy to her house. Her house is the closest to the seating area. Mr. Kunkel said they can review the plan to possibly include some evergreens to provide some privacy. Ms. Piasecki is concerned about the number of trees being removed. She asked if a product such as Grasspave could be used. It is commonly used in parks and play areas. She explained that you can walk and park a car on it. It would be excellent for ADA in a natural setting. Mr. Kunkel said he is familiar with the product. Ms. Hodges said she used this product at another beach project she was involved with in another town. She explained that the stones that are used in this product are often times picked up by children and either brought home or brought to the beach to decorate sandcastles. Ms. Piasecki said there are different types of stones you can choose from such as a natural looking stone. She will email Ms. Hodges the information. The Town should keep the natural aesthetics of the park. Ms. Piasecki said the pavilion has a wooden guardrail that is 48 inches high. She suggested looking at other options so people have a better view. Also, since the pavilion opening is facing west and will be sunny because trees are being removed, could they drop the roof line so it could add shade at the end of the day.

The Applicant agreed to continue the hearing to April 21, 2021 to allow additional information to be provided.

Notice of Intent, Land Stewardship, Inc., 299 Estabrook Road, DEP File #137-1556

Chair Nardi opened the hearing seeking approval to conduct invasives species removal and management in Bordering Land Subject to Flooding, Bordering Vegetated Wetland, the 200-foot Riverfront Area of Dakins 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;
- North Management Map prepared by Land Stewardship, Inc. dated July 2020; and
- South Management Map prepared by Land Stewardship, Inc. dated July 2020.

Joan Deely of Land Stewardship, Inc. attended tonight's meeting. Ms. Deely said prior invasives removal work was done for this property by Native Plant Trust. The work they are proposing now is a continuation of that prior work. Chair Nardi said that the regulations for this type of work has changed since the other filing. Director Kaye explained that the NRC probably did not have a chance to thoroughly review this project because it was unclear when their packets were sent whether impacts were for BLSF or BVW. She explained that the project should have been filed as an ecological restoration even though the impacts are temporary, because the numbers exceed permissible amounts. Director Kaye noted that the Notice of Intent application already filed is adequate, however, the page of the form that reflects the impact numbers needs to be updated so it reflects the BVW and Riverfront area. She said she would help Ms. Deely address what is needed.

Sarah Blum of 736 Lowell Road said the back of their property abuts 299 Estabrook Road. They have a stream on their property which runs along the edge of Ms. Buechner-Vischer's property. They are concerned about how this will be managed, what herbicides are going to be used, and the potential for pollution because their stream runs into Macone Pond. Ms. Deely said they will be using glyphosate (lowest possible effective concentration) meant for sensitive areas. She explained that glyphosate is not a concern in their experience with water pollution because it does not leach out of the soil. No herbicide spraying will be done within a 10-foot buffer of any water body. Handpulling will be done near the closer areas. Ms. Deely does not believe there will be much impact to Ms. Blum's property. Ms. Blum would like more of an assurance of that. Water runs downhill. How will this be monitored? Will there be sampling locations to ensure the water, wetlands, and wildlife are not impacted down gradient. Ms. Deely said she has been doing this type of work for 17 years and has never done any water sampling because of the way they do their work. They avoid any impacts on sensitive areas. Director Kaye said that the Town has been doing invasives species management at Old Calf Pasture. She said there is a rare violet (Britton's violet) that the Town is trying to protect. Glossy buckthorn is being removed. Initially they thought the work could be done by hand. The area was mowed for many years making handpulling impossible. The Town worked with New England Wildflower to determine whether or not glyphosate would be possible to use. Test plots were tried to see whether stem swiping would be effective. This work was done in the fall. In the spring, they looked to see what the results were and found that in all of the plots the buckthorn was pretty beaten down and the violets were fine. Staff was confident that there was no translocation of the glyphosate from the stem swiping through the root systems. Ms. Blum said she is concerned about what will happen downstream and whether fish, turtles, and water fowl will be affected. Ms. Deely replied that they never spray glyphosate over water. They do use low volume hand pump backpack sprayers that they have close control over. They would not spray when rain is forecasted. Chair Nardi said once additional information is provided such as how mitigation will be done, the proximity to the landscape, everything will need to be specified for further review by the NRC. Commissioner Zaunbrecher said that the Commission takes these considerations very seriously and the fact that invasive species have a very detrimental impact on the community. They are driving out native plants, affecting birds and wildlife.

The Applicant agreed to continue the hearing to May 5, 2021 to allow additional information to be provided.

Request for Determination of Applicability, Siekman, 11 Oxbow Road, RDA File #21-4

Chair Nardi opened the meeting seeking approval to replace an existing deck 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
- MapsOnline dated March 10, 2021.

Homeowner Brenda Smith attended tonight's meet. Ms. Smith said the project involves replacing the deck in kind. Chair Nardi commented that he did not have any concerns about the footings because according to the plan the points of impact will be relatively small. The NRC agreed.

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 the erosion controls and limits of work; 2) Stockpiling shall occur outside the 50-foot Buffer Zone; 3) 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 Zaunbrecher seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

Amended Notice of Intent, Miner, 399 Lowell, DEP File #137-1546

Chair Nardi opened the hearing seeking approval to remove trees and conduct invasive species removal and management within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Proposed Site Plan prepared by Hancock Associates revised September 21, 2020.

Commissioner Higgins recused himself because he has had prior communication with the homeowner.

Homeowner Julia Miner attended tonight's meeting. She is working with Miles Connor of Parterre Ecological. Ms. Miner explained that there were four or five trees that were holding up an existing treehouse which came down recently in a windstorm. They would like to remove the debris. They would also like to extend the wildflower meadow that was previously approved. They would extend 40 feet into the woodland area. In addition, they would clear a previously developed area that is now overgrown with invasives. They are requesting approval to remove several hazardous trees and several trees that would shade the proposed meadow. Ms. Miner has provided a planting plan describing the trees to be removed and what they will replant. Currently they are working with Mr. Connor in determining the best method for removing the invasives. Ms. Miner explained that they would like to remove only a few damaged trees that are within the woodland area. They will leave snags and replace with some kind of flowering tree. Commissioner Grimwood asked if there would be enough sun for the wildflower meadow. Ms. Miner replied she believes there will be enough sun.

There were no public comments.

The Applicant agreed to continue the hearing to May 5, 2021 to allow additional information to be provided.

Notice of Intent, Nigh, 1 Revolutionary Road, DEP File #137-1560

Chair Nardi opened the hearing seeking approval to replace the existing deck and stairs, install a sauna, hot tub, and plunge pool, and conduct vegetation removal and management within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application;
- Wetland Permitting Plan prepared by Stamski and McNary, Inc. dated March 16, 2021;
- Layout and Materials Plan prepared by Inge Daniels Design, LLC dated September 29, 2020; and
- Grading and Planting Plan prepared by Inge Daniels Design, LLC dated December 17, 2020.

Inge Daniels of Inge Daniels Design attended tonight's meeting. Ms. Daniels explained that the property is located at the corner of Revolutionary Road and Wayside Road. Moses Pond is located on the northern corner of the property. The entire backyard slopes down towards Moses Pond and is within the 100-foot Buffer Zone. The homeowner would like to remove the existing decks and stairs and replace with a slighter larger deck. Some additional amenities will be added (hot tub, plunge pool, and sauna). A bioswale just behind the new garage will be installed to accommodate storm runoff from the driveway. They are proposing a path and seating in an area that is not too sloped. They need to remove some pine saplings. They will replace with some blueberry shrubs. No work is being proposed within the 25-foot NDZ. Chair Nardi said it appears that some of the seating area is located within the 25-foot NBZ. This should be pulled back. Ms. Daniels said she will ensure that all work will be outside the 25-foot NDZ. She said they will hand remove the multi-flora rose and buckthorn with a weed wrench.

Commissioner Zaunbrecher asked that the location for the invasives removal also be noted on the plan. She requested that they note where any poison ivy is located. Commissioner Zaunbrecher said that the Commission would prefer that the poison ivy remain where possible since it is a native species.

Commissioner Higgins asked what was currently in the area where the pathway is being proposed between 25-foot and 50-foot Buffer Zone. Ms. Daniels said that area is in reasonably good condition. There is a little understory but it is mostly pine overstory with a few blueberry shrubs. They chose the seating area because it was flat. They wanted to do as little grading as possible. There will be no grade change within the 50-foot NBZ. Ms. Daniels said only pine saplings will be removed within the seating and pathway area.

There were no public comments.

The Applicant agreed to continue the hearing to May 5, 2021 to allow additional information to be provided.

OTHER BUSINESS

Gaining Ground, 38A Virginia Road, Hoop House Proposal

Christa Collins, Jennifer Johnson, and Elizabeth Elden of Gaining Ground attended tonight's meeting. Ms. Collins explained that Gaining Ground is a non-profit farm that grows and donates all food grown for hunger relief. They would like to install a hoop house in the east field. It would be same

type as hoop house #3 which is right next to it. The proposed location would be an area already cleared currently for crops. The hoop house would enable them to have an extended growing season. They had a wonderful season last year. Over 100,000 pounds of food was grown and donated last year. Ms. Collins said that the cost of the hoop house is being partially funded by a grant from the state and needs to be spent by June 30th. The manufacturer is ready to deliver the hoop house in April.

Chair Nardi asked if the proposed foundation is constructed with a simple pier method. Ms. Collins confirmed. Ms. Collins explained that the hoop house is just under 3,000 s.f. and will be outside the 50-foot NBZ.

There were no public comments.

Commissioner Higgins moved to approve the hoop house without a slab. Commissioner Zaunbrecher seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Zaunbrecher, Aye, Nardi, Aye.

Administrative Approvals:

- Boily, 82 Shore Drive, Tree Removal
Director Kaye said there are three small trees that the homeowner would like to remove. They are near the 100-foot buffer line. Approval was granted.

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

This meeting adjourned at 9:57 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=vPVchTWA5gE&list=PL1TTzrWEK00lmahd64BNDrCmG6lzsnlhS&index=43>