

NATURAL RESOURCES COMMISSION
Meeting Minutes
April 26, 2023

Pursuant to the notice filed with the Town Clerk, a public meeting of the Natural Resources Commission was held on Wednesday, April 26, 2023 at 7:00 p.m., at 141 Keyes Road, First Floor Conference Room. The following Commissioners were present: Ed Nardi, Chair, Sarah Grimwood, Gary Kleiman, and Bill Kemeza. Mr. Pappas was absent. Natural Resources Director Delia Kaye, Assistant Natural Resources Director Bert Comins, and Natural Resources Administrative Assistant Karen Bockoven were also present.

APPROVE MEETING MINUTES <ul style="list-style-type: none">February 22, 2023
COMMISSIONER COMMENTS
DIRECTOR'S UPDATE
TO BE OPENED AND CONTINUED WITHOUT DISCUSSION TO MAY 17, 2023 <ul style="list-style-type: none">SYMES DEVELOPING & PERMITTING, LLC, 53A Annursnac Hill Road, NOI
CONTINUANCES <ul style="list-style-type: none">COTY & ROSENSHINE, 300 Ministerial Drive, NOIMAP HOLDINGS, LLC, 794 Elm Street, NOI
NEW APPLICATIONS <ul style="list-style-type: none">CONCORD LAND CONSERVATION TRUST, 74B Fairhaven Road,CONCORD LAND CONSERVATION TRUST, 115B Lowell Road, RDATOWN OF CONCORD, Intersection of Main Street and Walden Street, RDA
ADMINISTRATIVE APPROVALS <ul style="list-style-type: none">EPSTEIN, 122 Ripley Hill Road, Tree Removal
OTHER BUSINESS <ul style="list-style-type: none">Trails Committee Appointment: Bouke Noordzij, 101 Farmer's Cliff Road, to fill an unexpired term through May 31, 2024

Mr. Nardi called the meeting to order at 7:00 p.m.

APPROVE MEETING MINUTES

Mr. Kleiman moved to approve the February 22, 2023 NRC meeting minutes, as amended. Dr. Grimwood seconded. Mr. Kemeza abstained. **VOTE 3-0** by Roll Call Vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

COMMISSIONER COMMENTS

None.

DIRECTOR'S UPDATE

- Article 30 is on the Town Meeting warrant to approve the 162 Plainfield Road conveyance which the NRC has already approved.

- The second Warner's Pond community meeting is scheduled for May 23rd at Harvey Wheeler. The meeting will also be conducted via Zoom. She said she anticipates that the alternative analysis report will be available this Friday, with a recommendation of dam removal as the preferred alternative.
- Staff and volunteers will be removing invasives at the Assabet River Bluff on May 10th from 12:00 pm to 3:00 pm. An All Persons Trail design workshop will be held sometime in June.
- Pollinator plant kits were given out on Earth Day (April 22nd). She thanked everyone who was able to participate.
- The annual Garlic Mustard pull on Town property is scheduled from May 13th through May 21st. Volunteers can sign up starting this Friday.

TO BE OPENED AND CONTINUED TO MAY 17, 2023

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

At the request of the Applicant, Mr. Kemeza moved to open and continue the hearing to May 17, 2023. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

CONTINUANCES

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

Nathanial Cataldo of Stamski and McNary attended tonight's meeting. Mr. Cataldo said the watershed size has been determined to be below the 0.5 sq. mi. threshold to be considered a perennial stream. Mr. Cataldo said, as requested, they will remove the 10-inch twin Norway maple. Stockpiling will be located outside the floodplain. Invasives will be removed by hand. This has been noted on the plan. Stamped landscape plans have been provided. The NRC did not have any questions or concerns.

There were no public comments.

Dr. Grimwood moved to close the hearing and issue an Order of Conditions for DEP File #137-1628 with Findings A-C, Standard Conditions 1-20, and Special Conditions 21-57. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

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

Applicants Mark and Megan Pesce, Attorney Brian Levey, Scott Smyers of Oxbow Associates, and Daniel Allen of Bohler Engineering attended tonight's meeting. Mr. Levey said they have received sign offs from CPW Engineering, CPW Water/Sewer, Heath Department and Fire Department. Mr. Levey explained that they attended their second Planning Board meeting last night and are scheduled to attend another meeting on May 9th. He said that Mr. Comins emailed the Planning Department to inform them that the outstanding issues with the NRC had been addressed. In addition, the stormwater issues have been addressed. Mr. Comins provided them with a copy of the Special Conditions. There are two conditions he would like to discuss. Mr. Allen said that Special Condition #27 regarding lighting specifications should be 560 nanometers. Also, Special Condition #34 states that no dumpsters within

jurisdictional buffer areas are allowed. Ms. Kaye said that has been clarified to state no construction dumpsters.

There were no public comments.

Mr. Kleiman moved to close the hearing and issue an Order of Conditions for DEP File #137-1630 with Findings A-C, Standard Conditions 1-20, and Special Conditions 21-53. Dr. Grimwood seconded. Mr. Kemeza abstained. **VOTE 3-0** by Roll Call Vote: Grimwood, Aye, Kleiman, Aye, Nardi, Aye.

NEW APPLICATIONS

Request for Determination of Applicability, Concord Land Conservation Trust, 74B Fairhaven Road, RDA File #23-4

Trustee Joan Ferguson, Executive Director Jane Gruba-Chevalier, and Stewardship and Engagement Coordinator Sam Will of the Concord Land Conservation Trust (CLCT) attended tonight's meeting. Ms. Ferguson said the Land Trust would like to restore 100 feet of trail which has been in existence for over 70 years. The condition has been deteriorating because of increased use and flooding in recent years. Ms. Ferguson explained that this portion of the trail floods and people take shortcuts up a steep slope. They will be working with the Appalachian Mountain Club (AMC) who they worked with a few years ago. They would like to use fieldstone and backfill to raise the elevation of the trail (average 10 inches). Next, they would put down filter fabric which should distribute the weight of the stone and protect the exposed tree roots. In addition, they would put in 1 ½ inch size stone. Lastly, they will put down ¾ inch wash stone to make a smoother walking surface. AMC will assemble the materials on the plateau of the trail. Rigging and pulleys will be set up to bring the materials to the site. Ms. Ferguson said the proposed work will be done in the summer when conditions are dry.

There were no public comments.

Dr. Grimwood moved to issue a Negative Determination of Applicability #2 with the following conditions: 1) A pre-construction conference will be held with the contractor and DNR staff prior to the commencement of work. 2) Work shall be conducted between June 1st and October 1st during low flow conditions. 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. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

Request for Determination of Applicability, Concord Land Conservation Trust, 115B Lowell Road, RDA File #23-5

Stewardship and Engagement Coordinator Sam Will of the Concord Land Conservation Trust (CLCT) attended tonight's meeting. Ms. Will said 52-acre wooded property has been owned by CLCT since the 1990s. She explained that some sections of the existing trail are very wide. They believe there may have been a cart path at one point. Ms. Will said the stream has flooded the trail several times. They would like to daylight the stream by cutting a 10-inch deep trench and put in an 8-foot bog bridge, to be done during the dry season. Ms. Will said they may line the trench with any excavated rocks. Other materials they may excavate will be placed outside the BZ to fill in holes or will be hauled off-site. Mr. Nardi inquired about the existing PVC pipe. Ms. Will said they probably will want to remove it. Ms. Will said they will install straw wattles or siltation fencing. Dr. Grimwood asked how long was the PVC pipe. Ms. Will believes the pipe is approximately 20-25 feet long and can only be seen on the downstream side of the trail.

There were no public comments.

Mr. Kemeza moved to issue a Negative Determination of Applicability #2 with the following conditions: 1) A pre-construction conference will be held with the contractor and DNR staff prior to the commencement of work. 2) Work shall be conducted between June 1st and October 1st during low flow conditions. 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. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

Request for Determination of Applicability, Town of Concord, Planning Division, Intersection of Main Street and Walden Street, RDA File #23-6

Senior Planner Erin Stevens attended tonight's meeting. Ms. Stevens said the project is to improve pedestrian safety at the corners of Main Street and Walden Street by creating a bump out to slow down traffic. The proposed work is the 100-foot BZ and 200-foot Riverfront area. They will be adding installing three new deep sump catch basins. Ms. Stevens said they will also be installing a french drain that will flow into one of the catch basins. She explained that there are already drainage and flooding issues in this area. They would also like to plant two street trees which will also help take in some water.

Mr. Nardi asked if the drain in the sidewalk was to collect water runoff. Ms. Stevens replied that was correct. Dr. Grimwood asked what type of trees would be planted. Ms. Stevens said they will be native trees best suited for that location.

There were no public comments.

Mr. Kleiman moved to issue a Negative Determination of Applicability #2 with the following conditions: 1) A pre-construction conference will be held with the contractor and DNR staff prior to the commencement of work. 2) Trees selected for planting shall be species native to Massachusetts. 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. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

OTHER BUSINESS

Administrative Approvals:

- **Epstein, 122 Ripley Hill Road, Tree Removal**

The homeowner, Jacob Epstein, attended tonight's meeting. Ms. Kaye said the homeowner would like to remove a tree (20 to 30 feet high) that is just inside the 100-foot BZ. Mr. Epstein said that he has not contacted a tree company yet. Ms. Kaye said that typically the Commission would like the tree to be flush cut and an 8-10 foot snag to remain. Approval was granted.

Trails Committee Appointment: Bouke Noordzij, 101 Farmer's Cliff Road, to fill an unexpired term through May 31, 2024.

Ms. Kaye informed the NRC that Ken Miller, one of the founding members of the Trails Committee, resigned last month. She said Bouke Noordzij is a very active trail steward. Mr. Noordzij was nominated by the Trails Committee to serve in the newly open position. He would fill Mr. Miller's unexpired term through May 31, 2024.

Mr. Kemeza moved to appoint Bouke Noordzij, 101 Farmer's Cliff Road, to fill the unexpired term of Ken Miller to the Trails Committee through May 31, 2024. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

At 7:44 pm, with no further presentations or public comment, the Chair adjourned the meeting.

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=YyJHuzUQhh0&list=PL1TTzrWEKOOmVv84OJSDa6rdv9_Uu7NrN&index=1