

**NATURAL RESOURCES COMMISSION**  
**Meeting Minutes**  
**May 17, 2023**

Pursuant to the notice filed with the Town Clerk, a public meeting of the Natural Resources Commission was held on Wednesday, May 17, 2023 at 7:00 p.m., at 141 Keyes Road, First Floor Conference Room. The following Commissioners were present: Ed Nardi, Chair, Sarah Grimwood, Nick Pappas, Gary Kleiman, and Bill Kemeza. Natural Resources Director Delia Kaye, Assistant Natural Resources Director Bert Comins, and Natural Resources Administrative Assistant Karen Bockoven were also present.

<b>COMMISSIONER COMMENTS</b>
<b>DIRECTOR'S UPDATE</b>
<b>NEW APPLICATIONS</b> <ul style="list-style-type: none"> <li>• <b>TOWN OF CONCORD, WATER/SEWER DIVISION</b>, 27B Park Lane, RDA</li> <li>• <b>SYMES DEVELOPMENT &amp; PERMITTING, LLC</b>, 53A Annursnac Hill Road, NOI</li> <li>• <b>THE DARTMOUTH GROUP</b>, 1024 Main Street, NOI</li> <li>• <b>AWMW, LLC</b>, 461 Old Bedford Road, NOI</li> <li>• <b>YATES-MACK</b>, 555 Hugh Cargill Road, ANRAD</li> <li>• <b>SMIGLER and THERIAULT</b>, 1266 Monument Street, ANRAD</li> <li>• <b>BAKER POND LLC</b>, 1075 Lowell Road, NOI</li> <li>• <b>MASSACHUSETTS AUDUBON SOCIETY</b>, 221, 203 &amp; 20X Balls Hill Road, NOI</li> </ul>
<b>OTHER BUSINESS</b> <ul style="list-style-type: none"> <li>• <b>INFERRERA</b>, 18A Shadyside Avenue, Enforcement Order</li> <li>• <b>COOKE</b>, 88 Hugh Cargill Road, Violation</li> <li>• <b>HDC Guidelines for Administration</b></li> <li>• <b>Amended Heywood Meadow Stewardship Committee Charge</b></li> <li>• <b>Committee Appointments: Heywood Meadow Stewardship Committee</b></li> </ul>
<b>EXTENSION REQUESTS</b> <ul style="list-style-type: none"> <li>• <b>NASHATUC COUNTRY CLUB</b>, 1861 Sudbury Road</li> </ul>
<b>EMERGENCY CERTIFICATIONS</b> <ul style="list-style-type: none"> <li>• <b>TOWN OF CONCORD</b>, 4Y Williams Road, Beaver Deceiver</li> <li>• <b>MIDDLESEX SCHOOL</b>, 1400 Lowell Road, Beaver Dam Breach</li> <li>• <b>CATALDO</b>, 475 Monument Street, Building Reconstruction</li> </ul>
<b>ADMINISTRATIVE APPROVALS</b> <ul style="list-style-type: none"> <li>• <b>MACH</b>, 455 Bedford Street, Tree Removal</li> <li>• <b>TOWN OF CONCORD</b>, 2A Shirley Street (Cousins Field), Invasives Removal</li> <li>• <b>CONCORD LAND CONSERVATION TRUST</b>, 89X Lowell Road (Hallenbeck Land), Invasives Removal</li> <li>• <b>CONCORD LAND CONSERVATION TRUST</b>, 52X Lexington Road (Gowing's Swamp), Invasives Removal</li> <li>• <b>CONCORD LAND CONSERVATION TRUST</b>, 68B and 69B Sudbury Road (Hubbard Brook Farmfield and Soutter Field), Invasives Removal</li> <li>• <b>CONCORD LAND CONSERVATION TRUST</b>, 43A Virginia Road (Elm Brook), Trail Improvements and Invasives Removal</li> <li>• <b>COTU</b>, 169 Lowell Road, Tree Removal</li> <li>• <b>MIDDLESEX SCHOOL</b>, 1400 Lowell Road, Tree Removal</li> </ul>

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

### **COMMISSIONER COMMENTS**

None.

### **DIRECTOR'S UPDATE**

- A retirement party for, Planning & Land Management Director Marcia Rasmussen, will be held next Thursday, May 25<sup>th</sup> from 3:00 to 5:00 pm in the picnic area behind the CPW and DPLM buildings.
- Additional CPA funding for the Warner's Pond study was approved at Town Meeting. A second hybrid community meeting is scheduled for Tuesday, May 23<sup>rd</sup> at the Harvey Wheeler Community Center at 7:00 pm. Ms. Kaye said the Alternatives Analysis Report has been published and is posted on the Town's website. The Division is preparing a Request for Proposals to further analyze dam removal, the preferred alternative. The RFP will include continued community engagement hydrologic and hydraulic modeling, sediment transport modeling, preliminary designs, updated cost estimates, recreational improvements, and regulatory agency consultation. This will provide a better understanding of the pros and cons of the dam removal alternative so it can be brought forward to Annual Town Meeting in 2024.
- Town Meeting also approved consultant funding for the Open Space and Recreation Plan update. The Division hopes to begin the effort in the fall.
- The invasives removal volunteer day at the Assabet River Bluff was successful. Chair Nardi and 20 other volunteers attended. Mr. Comins is working on the All Person Trail design workshop which will be held on June 14<sup>th</sup>.
- DeAnna Collins, returns as this year's Ranger. Shelby Guinard (Conservation Crew) will be returning as well. Ms. Kaye said they were having difficulty hiring a second crew member.

Peter Alden of 11 Riverside Avenue attended tonight's meeting. Mr. Alden asked if there was another date scheduled to remove more invasives at the Assabet River Bluff. Ms. Kaye replied that there will be a big effort to pull invasives at Punkatasset this year. She hopes to schedule another pull at the Assabet River Bluff later this summer.

### **NEW APPLICATIONS**

#### **Request for Determination of Applicability, Town of Concord, 27B Park Lane, RDA File #23-7**

Public Works Engineer Giovanni Caceres attended tonight's meeting. Mr. Caceres said they are seeking approval to install a standalone generator powered by natural gas to service a lift station that the Town has at Park Lane to help with loss of power they have experienced in recent years. The existing electrical panel sits above ground and the new generator will be installed next to it. Mr. Nardi asked if this was a backup generator for the existing generator. Mr. Caceres stated there is no existing generator on site. The existing box now just has electrical panels. The new generator will sit on a new prefabricated concrete pad. They will plant trees and bushes around the disturbed area. Dr. Grimwood asked if it will be necessary to remove any trees. Mr. Caceres said the Town would be willing to plant replacement trees.

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 DNR staff prior to the commencement of work.
- 2) Any trees removed for installation of the generator shall be replaced on-site using native species.
- 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, Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

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

Aidan Schlotman of Stamski and McNary attended tonight's meeting. Mr. Schlotman explained that the Applicant will be constructing a new house on the site and is trying to stay out of the buffer zones, but minor grading is needed within 100-foot BZ. The sewage disposal system is entirely out the 100-foot BZ. Three trees are proposed for removal. For mitigation they are proposing 14 plantings, two of which are trees. Mr. Schlotman said that any trees within 25 feet of the limit of work will be protected.

Mr. Kleiman asked if the foundation drain was emptying out in the middle of the rip rap. Mr. Schlotman said it will empty out right before the 100-foot BZ.

There were no public comments.

The Applicant agreed to continue the hearing to June 7, 2023 at which time the Commission anticipates issuing an Order of Conditions.

**Notice of Intent, The Dartmouth Group, 1024 Main Street, DEP File #137-1634**

Dominic Meringolo of SOLitude Lake Management attended tonight's meeting. Mr. Meringolo said the Applicant is seeking approval to continue aquatic management at the ponds at the Concord Greene condominium complex. SOLitude Lake Management will continue with their usual process of monthly inspections of the ponds which includes twice annual water quality sampling. Herbicide and algaecide treatments will also be done. They are seeking approval for the use of diquat, fluridone, flumioxazin, glyphosate and copper-based algaecides. Mr. Meringolo said there are three man-made ponds (upper, middle and lower). All three ponds flow together and eventually empty into the Assabet River. The total size of all three ponds is approximately two acres. Mr. Meringolo said the ponds suffer from elevated nutrients and nutrient-rich muck on the bottom which produces an overabundance of plant and algae growth. They are trying not to overmanage the ponds and believe 20-40% cover of native plants in the water column is acceptable. Typically, they must do one to three treatments during the summer. They are pro-active and do inspections once a month. The water quality sampling they have done over the years has shown that there are elevated nutrients in the water both phosphorus and nitrogen. Mr. Meringolo explained that there is a 90-acre watershed that includes the surrounding neighborhoods as well as the MBTA property along the railroad tracks. If ponds were not managed, there would be an overabundance of weeds and algae growth which would be detrimental to the pond's ecology as well as water quality. Mr. Nardi asked why they needed to use Flumigard. Mr. Meringolo said that Flumigard was approved for use in Massachusetts in 2012 or 2013 and is very effective for duckweed and curly pondleaf. It was not approved in the original OOC because at that time the product was new.

Mr. Nardi noted that the previous OOC required monitoring of the stormwater to determine if that was a source of any of the nutrient loading in the ponds. He asked if that monitoring was done. Mr. Meringolo said it was and he will forward the reports. He said that in October of 2019 a stormwater sampling was

done. He will also provide the NRC with a copy of that report. He said the pond themselves are high in nutrients which is probably the result of stormwater. It may also occur because of the nutrients dissolving from the muck on the bottom of the ponds especially during the summer when the temperatures are high and the water is stagnant. Stormwater is always higher in nutrient levels than the ponds would otherwise be. Mr. Meringolo said they do not do a lot of stormwater work at SOLitude so he does not have a good feel for how this compares to average stormwater outfall. They can do more investigating into that. Most of the drains that go into the ponds are from the parking lots and condos but there is also a drainage swale that comes in at the top end of the north pond. Mr. Nardi reiterated that it would be good for staff to obtain all the reports. He asked if the new application included stormwater monitoring. Director Kaye requested that it be included as a monitoring protocol with the submittal rather than be included as a special condition. Mr. Nardi said that stormwater data would be helpful so in the future the ponds won't need so many chemicals. Mr. Meringolo said he will reach out to CPW to get some street maps to see where water flow goes. He can include that information as part of his monitoring.

Mr. Kleiman asked if they were testing downstream (outflow) which could be affecting the Assabet River. Mr. Meringolo replied that they test twice a year. Mr. Kleiman asked how much of the products are winding up in the Assabet River. Mr. Meringolo said they could sample 48 hours after treatment. He explained that most of the products break down quickly. They also keep a buffer from the outlet. He explained that they would not treat after a heavy rain event or if a heavy rain event is forecasted. He said when they initially started this project, the practice was to lower the ponds a little bit to stop the flow between the two ponds and that is still the practice. Mr. Nardi asked if that will be in application/protocol. Mr. Meringolo said they can do that. Ms. Kaye wanted clarification that there will be no impacts downstream of the area of treatments. Mr. Meringolo said they can provide more detail.

Dr. Grimwood requested the previous reports for the original Order of Conditions permit before the Request for Certificate of Compliance is submitted. Mr. Meringolo will send.

Ms. Kaye asked if the purple loosestrife was being sprayed. She said spraying should not be done. Mr. Meringolo said there was not that much purple loosestrife. He explained that released beetles help control it. Ms. Kaye asked if there were any other invasives within 25-foot NDZ. She requested a plan as to how those invasives can be removed and replaced with native species. She said cutting, dabbing, and hand removal is acceptable. No foliar spray is allowed. She said more robust vegetative replanting in 25-foot NDZ is needed. The plan should be updated to note this information.

Janet Rothrock of 618 Annursnac Hill Road asked if the fertilizers the landscapers were using could be a contributing factor. Mr. Nardi commented that they could be a contributing factor.

Elissa Brown of 501 Concord Greene said she noticed from the Order of Conditions permit issued in 2013 that flashboards were supposed to be installed prior to treatment. She asked where the different points of stormwater were taken from. Mr. Meringolo said he will provide that information. Ms. Brown said she reviewed reports from 2016 to 2021 and could not see consistency with data and what it is supposed to tell anyone. She asked if anyone was reviewing to make any determinations in the future. Mr. Meringolo said he will need to discuss with his client. The ponds can be sources of nutrients during the dryer periods of the summer when there is not a lot of flow. The data does seem to indicate that stormwater does contribute phosphorus and nitrogen sources. Ms. Brown asked is a sediment sample was ever taken to see how much phosphorus and nitrogen is in the sediment. Mr. Meringolo said they have not, but they could take samples. Ms. Brown said invasives such as purple loosestrife are removed from around the pond. She asked if removing Norway maple saplings had ever been considered. She asked what impacts to the Assabet River from this project and what other chemical treatments are contributing to both the Assabet

River and Concord River. Does the NRC have any information? Ms. Kaye stated that the Silver Hill Association does pond treatment which discharges to Concord River. The NRC or Director Kaye did not have any additional information. Ms. Brown said it would be good to look at everything holistically.

Pamela Dritt of 13 Concord Greene asked if aeration from fountains would help. Ms. Dritt asked if fertilizers and pesticides which are heavily applied to areas sloping down to the ponds are contributing. Mr. Meringolo said there are laws in Massachusetts about fertilizers and pesticides. He will check with the Applicant to find out. Ms. Dritt noted that there is going to be a demonstration near the gardens about organic fertilizers. She said that much of the plantings and planting design was done before anyone knew much about the importance of native plants. She asked if there were any plants that could help clean the water. She suggested trying a more ecological approach (frogs, turtles, or native fishes).

Ms. Brown commented that the fertilizers used at Concord Greene do not contain phosphorus.

Mr. Nardi asked Mr. Meringolo to put in writing what types of chemicals are applied to the lawn areas and to include information about the possible benefit of aerating the ponds. Mr. Meringolo said aeration does help (increases oxygenation) but does not solve all the problems. They are going to recommend aeration but not necessarily fountains. They did have fountains in the past. Ms. Kaye said that could be included in this Notice of Intent application.

Mr. Nardi said the previous permit issued expired in January of 2023. He said that Order of Conditions permit needs to be closed out. He requested that a Request for Certificate of Compliance be submitted. Mr. Meringolo said he will submit request.

The Applicant agreed to continue the hearing to June 7, 2023 to allow additional information to be provided.

**Notice of Intent, AWMW, LLC, 461 Old Bedford Road, DEP File #137-1636**

Nathanial Cataldo of Stamski and McNary attended tonight's meeting. The work that will be within wetlands jurisdiction includes clearing invasives and removal of the old septic system. The Applicant will connect to the Town's main sewer line. The Applicant will install sprinkler heads in the backyard. Invasives will be removed by hand. As requested, they have added the tree protection detail to the plan. In the area where invasives are being removed, it will be loamed and seeded for grass.

Pamela Dritt of 13 Concord Greene asked if the Applicant had considered planting native vegetation instead of lawn. Mr. Cataldo replied that the proposed plan is to loam and seed. Ms. Dritt asked if the homeowner would consider replacing with native vegetation. Mr. Nardi said what is being proposed is what the Commission is reviewing.

The Applicant agreed to continue the hearing to June 7, 2023 at which time the Commission anticipates issuing an Order of Conditions.

**Abbreviated Notice of Resource Area Delineation, Yates-Mack, 555 Hugh Cargill Road, DEP File #137-1638**

Seth Donohue of Dillis & Roy attended tonight's meeting. Mr. Donohue said the ANRAD application submitted is limited to 385 linear feet of wetland flags. The site is wooded consisting primarily of oak and pine trees. He said there is an existing barn which is approximately 82 feet away from the edge of the wetland. Ms. Kaye said that she and Mr. Comins visited the property and confirmed the flagging.

There were no public comments.

Mr. Kleiman moved to close the hearing and issue an Order of Resource Area Delineation for DEP File #137-1638. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

**Abbreviated Notice of Resource Area Delineation, Smigler and Theriault, 1266 Monument Street, DEP File #137-1637**

Nathaniel Cataldo of Stamski and McNary attended tonight's meeting. Mr. Cataldo said the ANRAD application is to confirm wetland flags 101-108. He explained that Flag #108 has already been confirmed from a previous ORAD issued for the back of the property.

There were no public comments.

Mr. Kemeza moved to close the hearing and issue an Order of Resource Area Delineation for DEP File #137-1637. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

**Notice of Intent, Baker Pond LLC, 1075 Lowell Road, DEP File #137-1639**

Caretaker Jon Wolf and Aidan Schlotman of Stamski and McNary attended tonight's meeting. Mr. Schlotman said the project involves replacing an existing six-inch water line will be replaced with a 2-inch line. He explained that the Town requires the replacement of existing six-inch piping with smaller 2-inch piping for new construction.

Mr. Nardi asked if all work was far enough away from any trees so tree protection would not be necessary. Mr. Schlotman responded that they are staying away from trees. Director Kaye noted that any trees within 25 feet of the proposed water line will need to be protected.

Bob Shatten, 116 Indian Spring Road asked where the existing caretaker's house gets their water supply from. Mr. Wolf explained that the caretaker's house is the gatehouse (white stucco). He said the gatehouse has its own water meter, but it is fed off the main line. Since the water line to the gatehouse is short, that section is probably not going to be replaced. The Water Department will determine that. Mr. Wolf said the new water line is in preparation for a new house to be built in the future. The existing pipe will be capped and abandoned in place. Ms. Kaye asked if they could run the new pipe inside the old pipe. Mr. Wolf said the existing pipe is too old.

The Applicant agreed to continue the hearing to June 7, 2023 to allow additional information to be provided.

**Notice of Intent, Massachusetts Audubon Society, 221, 203 & 20X Balls Hill Road, DEP File #137-1635**

Renata Pomponi, Senior Director, Strategic Initiatives, Sanctuary Director for Brewster's Woods, Liz Stetson, Senior Director of Capital Assets and Planning, Jeff Collins, Senior Director of Conservation Science, Flavio Sutti, Senior Conservation Ecologist, Kelsey Kern, Senior Water Resources Director of Massachusetts Audubon Society, and Steven Ventresa of Nitsch Engineering attended tonight's meeting. Ms. Pomponi said that after several years of effort and collaboration with the community, they believe they have developed a plan that brings tremendous benefit to Concord and beyond while reinforcing the history and values of the property. An important consideration is allowing people to a quiet contemplative time in nature and continuing the legacy of research on conservation advocacy that goes back to the time

of William Brewster. The project also includes repairing some eroded trail sections. The trail is part of a system which is connected to the October Farm Riverfront system. A small visitor center (which will be staffed during busy times of the day), parking area and an area for kayaks to go in and out of the water and small boat storage rack.

Mr. Ventresca said the main focus of the project is the All Persons Trail. However, they also want to look at the trails that are adjacent to it such as the bluebird field loop, the fisher trail, and the river loop. As part of the accessibility and access for the trails, the existing crossing must be improved. They are proposing a wooden bridge which will be 6 feet wide by 50 feet long and in the same location as the existing crossing. Mr. Ventresca said at the end of the All Persons Trail there will be an area for kayaks and canoes to access the property. They will install an open concrete mat for stabilization, similar to what was installed behind Dino's in West Concord to access the Assabet River. They also want to install two stands for people to put kayaks or canoes while visiting the property. The stands would be placed on a gravel pad about 17 feet long by seven feet wide. They believe this would be a nice amenity for people coming off the Concord River. Mr. Ventresca said this amenity is not intended to be a dock or public boat ramp. Ms. Pomponi said Mass Audubon may also want to store some of their boats. Director Kaye asked for the storage racks to be relocated outside the 25-foot NDZ. Mr. Ventresca said they will make sure the racks are outside the 25-foot NDZ.

Mr. Ventresca said they are trying to improve some of the trails by moving them to higher ground. There will be some areas where they put "purposeful plantings", and others where the site will re-naturalize. They are avoiding removal of any trees. If they do need to remove any trees, they will contact Ms. Kaye to review. Mr. Ventresca said the project is within priority habitat and they are working with Natural Heritage. They will provide the Commission with any comments they receive from Natural Heritage as well as their responses.

Mr. Nardi asked how they will deter people from trails that are rewilded. Ms. Pomponi said they will be creative with brush and if necessary, they might need to rope off.

Mr. Kemeza asked what the net increase of trails is going to be. Ms. Pomponi replied about a ½ mile.

Mr. Kemeza asked what will prevent the kayak area from becoming a common picnic area. Ms. Pomponi explained that the area is at the end of the All Persons Trail. She said at some point they will provide a formal picnic area for visitors near the house. They won't be encouraging people to picnic near the water but will not be policing it either.

Mr. Pappas said with all the rewilding that will be happening, are there any measures that will be taken to control invasives. Mr. Ventresca said he submitted an invasives plan late today. They are proposing an invasive species management plan for the areas they are rewilding and the new trail work.

Dr. Grimwood inquired whether a partially buried pipe near the kayak launch and storage area is needed and if not, can it be removed. Ms. Stetson said they were not planning to remove it but can consider if the Commission would like.

Elissa Brown of 501 Concord Greene asked what the grade was at the concrete walkway into the river. Ms. Brown said if they are modeling the landing like the one behind Dino's in West Concord, that landing is very slippery and dangerous because of the grade and vegetation. Mr. Ventresca said it is relatively flat. Visitors will be walking through some muck. He said it is their intent is to keep the landing

outside the high-water line. Ms. Brown was concerned about the utility of the landing if people still have to walk out into mud.

Scott Smigler of 1266 Monument Street asked how many trees will be removed. Ms. Pomponi said they are contracting with the Appalachian Mountain Club (AMC) who are a professional trail building crew. Ms. Stetson said AMC, as well as their team of trail experts and landscape architects, have studied the routes in great detail and the goal is to minimize impact. If they do encounter any trees that are problematic they will discuss with Ms. Kaye first. Mr. Smigler asked if they anticipate removing 100 or more trees. Mr. Nardi replied that it would not be that many, maybe a handful. Mr. Smigler also asked how many boats the landing would accommodate. Ms. Pomponi said the landing would only accommodate one or two boats at a time. She said the boat rack is sized to accommodate the programs they will have. She said the stands are temporary. Ms. Kaye asked the Applicant to provide the dates when they will be putting in the racks for the season and when they will be taking them out. Ms. Pomponi said bike racks will be installed in the parking lot area.

Mr. Nardi asked what type of mitigation is proposed for invasives to be removed. Ms. Stetson said they will replace with native species. They do not have any specific species or quantities yet. Ms. Kaye requested this information on the plan. Also, the Commission needs to know what type of erosion controls are being proposed and where. Mr. Ventresca asked if composting socks would be acceptable. Ms. Kaye replied yes.

Chuck Gibson of 100 Newbury Court said the plans look inclusive. He said the Applicant needs to consider people who will be visiting the site by kayak, canoe or automobile. Mr. Gibson asked if the amount of people visiting will be excessive and how will Mass Audubon manage numbers. Mr. Gibson stated that people are concerned about the traffic and asked what the parking lot capacity is. Ms. Pomponi said the parking lot will hold 12 cars including one handicap space. The welcome station will allow one person to staff during busy times of the year to make sure they are not exceeding parking capacity. They believe they are providing parking that complements October Farm Riverfront and the extreme need for parking there given that trail use. Ms. Pomponi said the Mass Audubon land is one of the few conservation areas in Concord that will not be open to dog walkers.

Ms. Pomponi said the sections of trail improvements noted as needing maintenance were specifically designed to improve eroded sections and reroute the trail to provide better service that would be less subject to erosion. The trails will be built to the standards that Mass Audubon uses for all their properties across the state.

Neil Rasmussen of 393 Estabrook Road said the plans look fantastic. It will be a great service to the community to have accessible trails. He said he does not like the idea of a beautiful accessible trail ending at a boat ramp. He asked if there will be an area off to the side to sit and view the river. Ms. Pomponi said there is an existing "carriage way" that is already wide and will remain. They will have benches on the impoundment to provide views of the river.

Bill Huyett of 1123 Monument Street believes the plan is good. He said a provision for monitoring parking would be helpful. He said that one thing that was learned from October Farm is that people will park anywhere and drive over anything. Ms. Pomponi said there is a natural tree barrier which will keep people from spreading out too much. She explained that there is a full-time property manager who resides on site who is always monitoring the property. Mr. Nardi said the parking area is outside the jurisdiction of the NRC but that he appreciated the response Ms. Pomponi provided.



Peter Alden of 11 Riverside Avenue suggested a small electronic sign at the end of Balls Hill Road noting when the parking lot is full for Mass Audubon or the Town/Land Trust properties. Mr. Nardi reiterated that parking is outside the NRC's jurisdiction. Ms. Pomponi said a neighbor had offered to post signs (not electronic).

Gwen Shipley of 89 Wilson Road thanked Mass Audubon for proposing an All Persons Trail as part of the project. She would like the NRC to balance the need for maintaining the environment and still allowing people access.

Reinier Beeuwkes of 1360 Monument Street said when his wife, Nancy, bought the property five years ago and donated it to Mass Audubon, the purpose was to open it up to people. He said Mass Audubon has put many resources into this project.

Janet Rothrock of 618 Annursnac Hill Road said she taught at Mass Audubon's Drumlin Farm for over 10 years. People need to experience nature and climate so they can appreciate it and want to protect it.

The Applicant agreed to continue the hearing to June 7, 2023 to allow additional information to be provided.

### **OTHER BUSINESS**

#### **Inferrera, 18A Shadyside Avenue, Enforcement Order**

Domenic Inferrera of 49 Shadyside Avenue, Mary Jane Silva (Mr. Inferrera's daughter) of 28 Estabrook Road, Acton, and Steve Verrill of 415 Plainfield Road attended tonight's meeting.

Ms. Kaye said the Natural Resources office received a phone call on May 2<sup>nd</sup> informing staff that filling of wetlands was taking place at 18A Shadyside Avenue which was confirmed with a site visit. The person who called also contacted DEP (both the wetlands unit as well as the enforcement unit). Ms. Kaye contacted Mr. Inferrera and advised him to stop all work and she and Mr. Comins went met with Mr. and Mrs. Inferrera on May 5<sup>th</sup> to talk to them about the work. She said portions of the property were farmed but it appeared where work was conducted was hadn't been farmed for at least five years, so needed approval from the NRC to be placed into agricultural use. Ms. Kaye said she was required to issue an Enforcement Order to have the activities cease and desist. She said the purpose of meeting tonight was to start the dialogue with Mr. Inferrera to help him get back into compliance. Mr. Inferrera said there is a water hole on the property that was built back in the 1930s because water was not connected down the street. The pond is used to irrigate the farm. He thought the work he was doing was exempt under the Wetlands Protection Act. He explained that what he dug was all clay and slippery, and he put mulch down so they could walk around.

Ms. Kaye said Mr. Inferrera's daughter Susan contacted her and she informed her that the next step was to have the wetlands delineated. Susan told Ms. Kaye that they might have an existing plan that shows the wetlands. Ms. Kaye said if a plan is submitted, she will review to see if it provides necessary information without having to hire a wetland scientist. Ms. Silva said she will try to find the plan. Her mother maintains all the records, but she fell recently and is currently in rehabilitation.

Mr. Verrill said he has known Mr. Inferrera for many years. They went to high school together. Mr. Verrill said Concord has many rivers and streams. It was common practice to have ditches near the rivers and streams to irrigate farmland.

Ms. Kaye informed the NRC that about a half-acre of fill had been put down between the spoil from the pond and the wood chips. Mr. Inferrera needs to capture how much fill was used and develop a plan. Mr. Inferrera asked if he could do the work himself. Ms. Kaye replied yes, following NRC approval.

Mr. Nardi said the first step is to get something in writing from Mr. Inferrera stating that he will comply with the wetland regulations by June 1<sup>st</sup>. Mr. Nardi said if an existing plan cannot be found, a wetland scientist would have to be hired to flag the wetland boundary. He said if Mr. Inferrera wants to farm the property again (only up to 25-foot NDZ) that could be permitted. The area that Mr. Inferrera would like to farm that is not currently farmed needs to be captured on a plan.

Ms. Kaye explained that because the excavated materials were not placed in unfarmland, it isn't an exempt activity. The dredging of the basin is exempt but not where materials were placed. She said if existing plan cannot be located then to have wetland scientist and surveyor on board by June 17<sup>th</sup>. If necessary, a new plan must be completed by September 15<sup>th</sup>. Ms. Kaye will email this information to Mr. Inferrera and his daughter.

### **Cooke, 88 Hugh Cargill Road, Violation**

Alan Cooke of 88 Hugh Cargill Road attended tonight's meeting. Mr. Cooke said he has been doing some extensive landscaping. He has removed some trees and replaced with some new trees. Mr. Cooke said it was not intentional to be disturbing the area near the wetland. After he received his violation letter, he hired Stamski and McNary to survey and flag the wetlands. He also hired Landscape Architects Crowley Cotrell. Mr. Cooke explained that he purchased his property about 2 ½ years ago. It was a mess of fallen and dead trees, poison ivy, and yard waste. He said that Ms. Kaye and Mr. Comins informed him that there were invasive plants that he could remove. Mr. Cooke would also like to remove some white pines. He will mitigate with wildflower mix and native trees. Near an existing well and old garage he would like to put in some native evergreen trees. Mr. Cooke would also like to install a fence for the safety of his young children.

Mr. Nardi requested that Mr. Cooke provide a letter of compliance to staff by June 1<sup>st</sup>. Mr. Cooke should submit a Notice of Intent application by July 17<sup>th</sup>.

### **HDC Guidelines for Administration**

Luis Berrizbeitia of 410 Lexington Road attended tonight's meeting. Mr. Berrizbeitia informed the NRC that he is the Chair of the Historic Districts Commission (HDC). He has served five years as an associate and is finishing up his 5<sup>th</sup> year as a full-time commissioner. He explained that the HDC is proposing a change as to how they appointment their members. HDC is comprised of 10 members (5 associates and 5 full members). He said that five full members vote but all 10 members deliberate. In the absence of a full member then an associate member is appointed to take a vote on an application. Mr. Berrizbeitia said that since the commission was established in 1960, the terms the commissioners have been set depends on the nominating entity itself. For example, if a full-term commissioner serves only four years, then an associate commissioner can complete the last year. Another example would be a full-time commissioner serving only six months, then an associate can fill the rest of the five-year term. HDC is trying to have (and keep) the most knowledgeable and experienced people. Their commission wants to discourage lifetime memberships. Mr. Berrizbeitia believes serving 10 years on the commission is a good amount of time. They would like a hiatus for commissioners between finishing one term or one set of associated terms before starting a new term. They are asking those who are starting again to start as associate. This will give the commission some flexibility about who gets appointed and who gets promoted. Mr. Berrizbeitia said the changes they are proposing fall into the guidelines for administration which is a document that is not part of the enabling legislation. He said any changes need to go to Beacon Hill and

would have to go through a town warrant at town meeting. Currently, they just want to change the set of guidelines.

Mr. Nardi asked if the HDC was looking for the NRC to bring it to a motion and take a vote. Mr. Berrizbeitia said it is just advisory. It would be up to the NRC. Mr. Berrizbeitia said he had the same conversation with the Board of Directors for the Library and with leadership for Concord Museum. He is scheduled to meet with Planning Board next week and eventually will approach the Select Board. They plan to have as a warrant at town meeting in 2024.

Mr. Berrizbeitia said they do not want applicants suing the Town. He said currently there is a lawsuit involving 615 Lowell Road. HDC would like a clause that says that if somebody has engaged into a litigating position with the Town then an application with the HDC cannot be considered. They want to discourage people from suing the Town. Mr. Berrizbetia requested input from the NRC. Mr. Nardi said the NRC will take it under advisement.

- **Amended Heywood Meadow Stewardship Committee Charge**

**Committee Appointments:**

Heywood Meadow Stewardship Committee

- Joanne Gibson of 80 Deaconess Road for a term to expire May 31, 2026
- Susan Clark of 329 Heaths Bridge Road for a term to expire May 31, 2026
- Lola Chaisson of 77 Walden Street for a term to expire May 31, 2026
- Mary Clarke of 26 Bartlett Hill Road for a term to expire May 31, 2025
- Stanley Lucks of 165 Indian Spring Road for a term to expire May 31, 2025
- Lowell (Sandy) Smith of 25 Academy Lane for a term to expire May 31, 2024
- Cris van Dyke of 344 Barretts Mill Road for a term to expire May 31, 2024

Ms. Kaye informed the NRC that the Heywood Meadow Stewardship Committee (HMSC) was established in 2005. They have been discussing what their current duties and responsibilities are moving forward. They also want to revise how they are filling their memberships to be more in keeping with other Town boards and committees.

Mr. Kemeza moved to accept the revised charge as it has been amended by the HMSC and that the NRC appoint the following members for staggered terms as follows:

- Joanne Gibson of 80 Deaconess Road for a term to expire May 31, 2026
- Susan Clark of 329 Heaths Bridge Road for a term to expire May 31, 2026
- Lola Chaisson of 77 Walden Street for a term to expire May 31, 2026
- Mary Clarke of 26 Bartlett Hill Road for a term to expire May 31, 2025
- Stanley Lucks of 165 Indian Spring Road for a term to expire May 31, 2025
- Lowell (Sandy) Smith of 25 Academy Lane for a term to expire May 31, 2024
- Cris van Dyke of 344 Barretts Mill Road for a term to expire May 31, 2024

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

## EXTENSION REQUEST

### **Nashawtuc Country Club, 1861 Sudbury Road, DEP File #137-1442**

Lori MacDonald of Coneco Engineers & Scientists attended tonight's meeting. Ms. MacDonald explained that a lot of the work that had been previously approved is completed. No work occurred in 2020 due to COVID. The remaining work was not able to be completed in its entirety. The remaining items include the replacement of the irrigation system and some tree work. They anticipate the completion of this work by this fall or next spring. They are requesting a two-year extension in case they have difficulty hiring contractors.

Mr. Kleiman moved to approve a two-year Extension Permit for the Order of Conditions DEP File #137-1442. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

## EMERGENCY CERTIFICATIONS

### **Town of Concord, 4Y Williams Road, Beaver Deceiver**

Ms. Kaye said neighbors have been complaining about water issues. The water was up at least a foot. Mike Callahan of Beaver Solutions installed a beaver deceiver about a month ago.

Dr. Grimwood moved to ratify the Emergency Certification issued by Ms. Kaye for the installation of a beaver deceiver at 4Y Williams Road. Mr. Kemeza seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

### **Middlesex School, 1400 Lowell Road, Beaver Dam Breach**

Director Kaye said beavers have caused flooding at the theater. They want to breach the dam just enough to allow the waters to recede so that it is not coming up through the floor of the auditorium.

Dr. Grimwood moved to ratify the Emergency Certification issued by Ms. Kaye for approval to breach the beaver dam at 1400 Lowell Road. Mr. Kemeza seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

### **Cataldo, 475 Monument Street, Building Reconstruction**

Ms. Kaye said a vehicle hit the side of the house at 475 Monument Street shifting the house off the foundation. The house is not habitable. Assistant Natural Resources Director Bert Comins measured the foundation with the building inspector to confirm that there will not be any structural changes. All work will be done within existing footprint.

Dr. Grimwood moved to ratify the Emergency Certification issued by Ms. Kaye for approval to reconstruct the building at 475 Monument Street. Mr. Kemeza seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Kemeza, Aye, Nardi, Aye.

## OTHER BUSINESS (continued)

### **Administrative Approvals:**

- **Mach, 455 Bedford Street, Tree Removal**

Ms. Kaye said the homeowner would like to remove a willow tree that snapped. It is within the 25-foot NDZ. Approval was granted.

- **Town of Concord, 2A Shirley Street (Cousins Field), Invasives Removal**  
Ms. Kaye said staff has reviewed this request and is in support of the removal of invasives at this property. Approval was granted.
- **Concord Land Conservation Trust, 89X Lowell Road (Hallenbeck Land), Invasives Removal**  
Ms. Kaye said staff has reviewed this request and is in support of the removal of invasives at this property. Approval was granted.
- **Concord Land Conservation Trust, 52X Lexington Road (Gowing's Swamp), Invasives Removal**  
Ms. Kaye said staff has reviewed this request and is in support of the removal of invasives at this property. Approval was granted.
- **Concord Land Conservation Trust, 68B and 69B Sudbury Road (Hubbard Brook Farmfield and Soutter Field), Invasives Removal**  
Ms. Kaye said staff has reviewed this request and is in support of the removal of invasives at this property. Approval was granted.
- **Concord Land Conservation Trust, 43A Virginia Road (Elm Brook), Trail Improvements and Invasives Removal**  
Ms. Kaye said staff has reviewed this request and is in support of the trail improvements and the removal of invasives at this property. Approval was granted.
- **Cotu, 169 Lowell Road, Tree Removal**  
Ms. Kaye said staff has reviewed this request and is in support of the tree removal at this property. Approval was granted.
- **Middlesex School, 1400 Lowell Road, Tree Removal**  
Ms. informed the Commission that the school would like to remove two trees that are within the 25-foot NDZ because they are dead and dying. Approval was granted.

At 9:52 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=dcukCMNzEwE&list=PL1TTzrWEKOOmVv84OJSDa6rdv9\\_Uu7NrN&index=2](https://www.youtube.com/watch?v=dcukCMNzEwE&list=PL1TTzrWEKOOmVv84OJSDa6rdv9_Uu7NrN&index=2)