

NATURAL RESOURCES COMMISSION
Meeting Minutes
May 18, 2022

Pursuant to the notice filed with the Town Clerk, a public meeting of the Natural Resources Commission was held on Wednesday, May 18, 2022 at 7:00 p.m., at 141 Keyes Road, First Floor Conference Room. The following Commissioners were present: Ed Nardi, Chair, Sarah Grimwood, Greg Higgins, and Gary Kleiman. Commissioner Pappas was absent. Natural Resources Director Delia Kaye, Assistant Natural Resources Director Colleen Puzas, and Natural Resources Administrative Assistant Karen Bockoven were also present.

APPROVE MEETING MINUTES
<ul style="list-style-type: none"> • March 26, 2022 and April 6, 2022
COMMISSIONER COMMENTS
DIRECTOR'S UPDATE
TO BE CONTINUED WITHOUT DISCUSSION TO JUNE 1, 2022
<ul style="list-style-type: none"> • McINTYRE, 99 Dalton Road, NOI • SMITH, 25 Warner Street, NOI • CANTY, 1266 Monument Street, ANRAD • MINUTE MAN NATIONAL HISTORICAL PARK, 5B & 34 Old Bedford Road, and 78A, 85A, 102A, 751 & 965 Lexington Road, NOI
CONTINUANCES
<ul style="list-style-type: none"> • FREDETTE, 286 Barretts Mill Road, NOI • PARKHURST, 127 Tarbell Spring Road, RDA • STANISLAWZYK, 48 Elm Street, NOI
NEW APPLICATIONS
<ul style="list-style-type: none"> • KOWALOFF, 228 Park Lane, NOI • BERESFORD, 604 Old Marlboro Road, RDA • GRIESINGER, 1266 Lowell Road, RDA • HODGSON, 67 Nut Meadow Crossing, ANRAD • TYSON, 701 Bedford Street, RDA
MINOR MODIFICATION
<ul style="list-style-type: none"> • HBC, LLC, 158 Laurel Street
CONTINUANCES (cont'd)
<ul style="list-style-type: none"> • AWMW, LLC, 5A Sunnyside and an unnamed private way, NOI
CERTIFICATES OF COMPLIANCE
<ul style="list-style-type: none"> • REYNOLDS, 42 Shore Drive
OTHER BUSINESS
<ul style="list-style-type: none"> • Assabet River Bluff land (2B Upland Road) - Uniqueness Determination Pursuant to MGL Chapter 30B, section 16 • Updated Tree Removal and Replacement Policy

Chair Nardi called the meeting to order at 7:00 p.m. He stated that the NRC meeting was being audio-recorded and requested that anyone from the public recording the meeting so inform the Commission.

APPROVE MEETING MINUTES

The March 26, 2022 minutes were tabled to the June 1, 2022 NRC meeting.

Commissioner Higgins moved to approve the April 6, 2022 NRC meeting minutes, as amended. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

COMMISSIONER COMMENTS

Chair Nardi stated that the NRC will discuss the Tree Policy at the end of the meeting.

DIRECTOR'S UPDATE

- Director Kaye said the annual Garlic Mustard pull was held on May 7th through May 15th and more than 200 bags have been collected so far. John Dilworth organized a pull at the Reformatory Branch Trail and filled 35 bags.
- Permits for the Warner's Pond Dredging Project are still pending from DEP (Water Quality Certification and Chapter 91) and the Army Corp. of Engineers. The consultant will develop the bid documents, with the goal of issuing this summer, dredging in the fall, with project completion next year.
- The experimental technology (Apod) at White Pond is being put in place this week. Water quality monitoring started on May 4th. Data is being collected on types of bacteria and zooplankton.
- Land Manager Will Holden has been working with Eagle Scout Christian Perrotta to install signage at White Pond, which has spruced up the older signage.

TO BE CONTINUED TO JUNE 1, 2022

Notice of Intent, McIntyre, 99 Dalton Road, DEP File #137-1594

Chair Nardi reopened the hearing seeking approval to construct an attached garage, covered porch, and screened porches; and install a subsurface infiltration chamber within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Higgins moved to continue the hearing to June 1, 2022. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

Notice of Intent, Smith, 25 Warner Street, DEP File #137-1599

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.

At the request of the Applicant, Commissioner Higgins moved to continue the hearing to June 1, 2022. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

Abbreviated Notice of Resource Area Delineation, Canty, 1266 Monument Street, DEP File #137-1597

Chair Nardi reopened the hearing seeking confirmation of the Bordering Vegetated Wetlands delineation from the Natural Resources Commission.

At the request of the Applicant, Commissioner Higgins moved to continue the hearing to June 1, 2022. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

Notice of Intent, Minute Man National Historical Park, 5B & 34 Old Bedford Road, and 78A, 85A, 102A, 751 & 965 Lexington Road, DEP File #137-1598

Chair Nardi reopened the hearing seeking approval to replace the existing Battle Road boardwalks within Bordering Vegetated Wetland, the 200-foot Riverfront Area to Mill Brook, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Higgins moved to continue the hearing to June 1, 2022. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

CONTINUANCES

Notice of Intent, Fredette, 286 Barretts Mill Road, DEP File #137-1590

Chair Nardi reopened the hearing seeking approval to remove a wooden deck, shed, portions of a paved driveway, and retaining walls; install an in-ground swimming pool, pool house, boardwalk, stone patio, retaining walls, vegetable garden, fencing, and stone steppers; repave a driveway, and relocate a playset within Bordering Land Subject to Flooding, the 200-foot Riverfront Area to Spencer Brook and an unnamed perennial tributary to Spencer Brook, and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetland.

List of plans and documents discussed at this meeting:

- Existing and Proposed Site Plan Set prepared by Dan Gordon Landscape Architects revised May 6, 2022.

Homeowner Heather Fredette, Andrea Kendall of LEC Environmental Consultants, Dan Gordon and Chris Rucinski of Dan Gordon Landscape Architects, and Ben Minnix of Eaglebrook Engineering attended tonight's meeting. Ms. Kendall informed the Commission that the homeowners have removed the footbridge from the project and their plan has been updated to reflect this change. Eaglebrook Engineering has addressed the CPW's comment regarding a mounding analysis in support of the stormwater management. Director Kaye said a special condition will be added if the soil test data changes from the submittal, additional NRC may be required. Commissioner Higgins said he appreciated that the footbridge is not going to be built. Commissioner Kleiman said he recognizes that removing the bridge was a sacrifice for the homeowners but appreciates the effort to reduce wetland impacts.

Commissioner Grimwood moved to close the hearing and issue an Order of Conditions for DEP File #137-1590 with Findings A, B, C, D, and E, Standard Conditions 1-20, and Special Conditions 21-55. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

Request for Determination of Applicability, Parkhurst, 127 Tarbell Spring Road, RDA File #22-7

Chair Nardi reopened the hearing seeking approval to remove invasives and replant with native species, install a native plant bed, fieldstone retaining wall, new rain garden and play area, and repair an existing fieldstone wall within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Stonewall and Planting Plan prepared by Minglewood, LLC dated May 6, 2022; and
- 25-foot Waiver Request revised May 6, 2022.

Homeowner Rebecca Parkhurst attended tonight's meeting. Ms. Parkhurst said at this time they are not requesting approval for a rain garden or the play area. They want to focus on the retaining wall and plantings in the front yard. They also want to continue removing invasives and plant native species along the stream bank. The waiver request has been updated to note that invasives removal and replanting will be done by hand. No new soil will be introduced. Filter mitt erosion controls will be installed. The Commission did not have any concerns.

There were no public comments.

Commissioner Grimwood moved to issue a Positive Determination of Applicability #2b and #6, and 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 straw wattles and limits of work; 2) Stockpiling shall occur outside the 50-foot buffer zone; and 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 Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

Notice of Intent, Stanislawzyk, 48 Elm Street, DEP File #137-1602

Chair Nardi reopened the hearing seeking approval to construct an addition within the 200-foot Riverfront Area to the Sudbury River and the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Proposed Conditions Plan prepared by Snelling & Hamel Associates, Inc. revised May 6, 2022.

Homeowners Kelly and Paul Stanislawzyk and David Burke attended tonight's meeting. Mr. Burke said the proposed addition is within the outer Riverfront. The mitigation areas and the location of erosion controls are shown on the plan. Mitigation for the removal of three trees has been noted as well. Chair Nardi said the NRC appreciates the proposed mitigation. Mr. Burke explained that he has provided a notation to the plan which he has signed.

There were no public comments.

Commissioner Grimwood moved to close the hearing and issue an Order of Conditions for DEP File #137-1602 with Findings, A, B, and C, Standard Conditions 1-20, and Special Conditions 21-52. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

NEW APPLICATIONS

Notice of Intent, Kowaloff, 228 Park Lane, DEP File #137-1595

Chair Nardi opened the hearing seeking approval to convert an existing breezeway to an addition; construct a porch, patio, and deck stairs; and replace an existing deck within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Wetland Permitting Plan prepared by Stamski and McNary, Inc. revised May 4, 2022.

Commissioner Higgins recused himself as the former owner of 228 Park Lane.

Molly Obendorf from Stamski and McNary attended tonight's meeting. Ms. Obendorf informed the Commission that she received comments from Assistant Director Puzas who noted there is a wetland on the southern side of the property. Dave Crossman updated the flagging, bringing some of the addition within the 50-foot NBZ. She noted that they have updated the impervious surface table. Ms. Obendorf explained that in between the house and garage there is a breezeway covered by a roof. The homeowners want to enclose the breezeway to make it part of the house which will cause a slight increase of impervious area. Ms. Obendorf said the homeowners are also proposing a porch in the front of the house. A portion of the proposed porch falls within the 50-foot NBZ. The closest point of the existing house is 16 feet from the edge of the wetland. All new proposed work is further away than what is existing. Ms. Obendorf said there is an existing deck in the back of the house which the homeowners want to replace. The homeowners would like to install a planter box next to the deck and stairs. Because of the additional wetland flagging, this proposed work is within the 50-foot NBZ. Ms. Obendorf said they have revised their plan to include additional mitigation plantings for the increase in impervious surface. A planting schedule has also been provided. She explained that helical piles are being proposed to provide additional support to the existing structure. This was recommended by the structural engineer. Ms. Obendorf said existing condenser pads (south of the garage) will be removed. The removal of these condenser pads was included in the impervious table. Chair Nardi asked if the new proposed deck in the back of the house was a little bigger than the existing deck and if the new deck will have stairs. Ms. Obendorf replied that the only part that has expanded are the stairs. Director Kaye said it would be helpful to see existing conditions with an overlay of proposed work. Ms. Obendorf said she will revise plan to clarify what is existing and what is proposed.

Director Kaye said additional information as to how the mitigation area is going to be prepped is needed. The berm is not noted on the plan. She asked if grading was needed.

Chair Nardi requested an Operation and Maintenance plan for the permeable pavers. The stockpile location and construction access route need to be added to the plan. Director Kaye said the 50-foot waiver request needs to be updated.

There were no public comments.

The Applicant agreed to continue the hearing until June 1, 2022 to allow additional information to be provided.

Request for Determination of Applicability, Beresford, 604 Old Marlboro Road, RDA File #22-8

Chair Nardi opened the meeting seeking approval to replace an existing screen porch with an addition 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
- Plot Plan prepared by Places Associates, Inc. dated April 20, 2022.

Homeowner Lauren Beresford and Christian Lanciaux of Christian Lanciaux Architects attended tonight's meeting. Mr. Lanciaux said the project involves replacing an existing screened porch. The addition to the screened porch will encroach 35 s.f. into the 100-foot BZ. A few shrubs near the existing screened porch will have to be relocated. The overhang of the new proposed porch will be 96 feet away from the wetlands. The Commission did not have any comments.

There were no public comments.

Commissioner Grimwood moved to issue a Positive Determination of Applicability #6 and Negative Determination of Applicability #3 with the following conditions: 1) A pre-construction site visit shall be held on site before work begins; 2) A native planting list shall be provided to NR Staff prior to the pre-construction meeting; 3) Landscaping debris within the 25-foot NDZ shall be removed and properly disposed of prior to the pre-construction meeting; and 4) After the project has been completed, the Applicant shall submit a letter to the NRC stating that all work has been conducted in accordance with all conditions of this Determination of Applicability. Any changes from the RDA shall be described. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

Request for Determination of Applicability, Griesinger, 1266 Lowell Road, RDA File #22-9

Chair Nardi opened the meeting seeking approval for construction access for work associated with razing an existing barn and constructing a new barn and sewage disposal system. The proposed construction access is within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Request for Determination of Applicability Application; and
- Sewage Disposal Plan prepared by Stamski and McNary, Inc. dated April 26, 2022.

Robert Melvin of Stamski and McNary attended tonight's meeting. Mr. Melvin said the proposed project is to remove the old barn and replace with a new barn. The project also includes replacing the existing septic system. He noted that the septic work is outside the wetlands buffer zone, however, construction access is within the 100-foot BZ. Mr. Melvin said that all disturbed areas will be loamed and seeded. The Commission did not have any concerns.

There were no public comments.

Commissioner Grimwood moved to issue a Positive Determination of Applicability #6 and Negative Determination of Applicability #3 with the following conditions: 1) A pre-construction site visit shall be held on site to inspect erosion controls before work begins; 2) All disturbed areas shall be loamed and seeded; and 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 Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

Abbreviated Notice of Resource Area Delineation, Hodgson, 67 Nut Meadow Crossing, DEP File #137-1605

Chair Nardi opened the meeting seeking confirmation of the Bank delineation from the Natural Resources Commission.

List of plans and documents discussed at this meeting:

- Abbreviated Notice of Resource Area Delineation Application; and
- Topographic Plan prepared by Beals & Thomas dated June 4, 2021.

Homeowner Matthew Hodgson and Andrew Gorman of Beals & Thomas attended tonight's meeting. Mr. Gorman explained that the property is undeveloped, forested, and predominantly comprised of oak, pine, and birch trees. The boundary of bank associated with a pond was delineated and there is no associated BVW. Other resource areas on site include Land Under Water and waterbody associated with the pond. The waterbody extends off site to the south and appears to be associated with a stream system that goes under Powder Mill Road. Chair Nardi said that staff has confirmed the accuracy of the wetland delineation. The NRC did not have any comments.

There were no public comments.

Commissioner Grimwood moved to close the hearing and issue an Order of Resource Area Delineation for DEP File #137-1605 confirming BF-A06 through BF-A14. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

Request for Determination of Applicability, Tyson, 701 Bedford Street, RDA File #22-10.

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
- Town GIS Map Online dated May 4, 2022.

Homeowner Ted Tyson attended tonight's meeting. Mr. Tyson said his house was built in 1924. He explained that Assistant Director Colleen Puzas visited his property and took photos of his deck which he would like to replace. Mr. Tyson said the new deck will be two feet smaller than the existing deck. The Commission did not have any questions or comments.

There were no public comments.

Commissioner Grimwood moved to issue a Positive Determination of Applicability #6 and Negative Determination #3 with the following conditions: 1) The deck replacement shall be an in-kind

replacement; 2) A pre-construction site visit shall be held with DNR staff and the Contractor to review straw wattles and limits of work; 3) Stockpiling shall occur outside the 50-foot buffer zone; 4) Straw wattles shall be installed between the proposed deck and wetlands; and 5) 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 Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

MINOR MODIFICATION

HBC, LLC, 158 Laurel Street, DEP File #137-1575

The project involves installing an irrigation system within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

Ryan Proctor of Dillis and Roy Civil Design Group attended tonight's meeting. Mr. Proctor said the original project was to demolish an existing house and construct a new house. He said the new homeowner would like to install an irrigation system. The irrigation system will be outside the 50-foot NBZ but within 100-foot BZ.

Chair Nardi requested that the sprinklers be noted on an as-built plan when filing for the Certificate of Compliance.

Commissioner Kleiman moved to approve a Minor Modification for DEP File #137-1575. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

CONTINUANCES (cont'd)

Notice of Intent, AWMW, LLC, 5A Sunnyside Lane and an unnamed private way, DEP File #137-1601

Chair Nardi reopened the hearing seeking approval to install a stormwater management system for a future subdivision and install a water main within Bordering Land Subject to Flooding and the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Wetland Permitting Plan prepared by Stamski and McNary revised May 5, 2022.

Mark White of AWMW, LLC and Molly Obendorf of Stamski and McNary attended tonight's meeting. Ms. Obendorf informed the Commission that their plan was revised to note only the work they are doing for this project. A chart of the trees they are proposing to remove has been added. She explained that 15 trees will be removed, two of which are dead. The dead trees will be left as snags. They will provide 2-inch caliper trees to replace the trees they are removing. The species of trees will depend on what the nursery has available. They will also get approval from staff. They have noted the tree protection detail for the four additional trees that are not being removed. Ms. Obendorf said Director Kaye had requested plantings in the infiltration basin and sediment forebay. She said that the stormwater handbook specifically states that no trees or shrubs should be planted in the infiltration basin and sediment forebay because trees or shrubs could cause potential failure to the soils and embankments. The recommendation is to only plant grasses. Director Kaye

suggested a pollinator seed mix with late season mowing. Ms. Obendorf will note that detail on the plan. Commissioner Higgins asked if there was a maintenance plan for the infiltration basin. Ms. Obendorf replied that because there will be a homeowner's association, future owners will be responsible for maintaining the infiltration basin, catch basins, and area drains. Mark White confirmed that there will be a homeowner's association which will be responsible for maintaining the infiltration basins, sediment forebays, and catch basins. He explained that each homeowner will be responsible for mowing the swales in front of their houses.

Ms. Obendorf stated that Mark White and Director Kaye agreed that the existing trails are clear and vegetation removal will not be necessary. They have removed this notation from the plan.

Chair Nardi said a site visit will be posted for Monday, May 23rd at 3 pm to review the four trees to be protected and the 13 trees proposed to be removed.

The Applicant agreed to continue the hearing until June 1, 2022 to allow additional information to be provided.

CERTIFICATES OF COMPLIANCE

Reynolds, 42 Shore Drive, DEP File #137-1531

Director Kaye explained that the initial project was to replace an existing dock and stairs. An additional set of stairs were installed without approval. The homeowner removed the unapproved steps but kept the landing, which is entirely within the 50-foot NBZ. Chair Nardi noted that mitigation should be provided. A Certificate of Compliance cannot be issued until the mitigation is done. Director Kaye said she would follow up with the homeowner to see if she wants to plant the necessary shrubs or remove the landing.

OTHER BUSINESS

Assabet River Bluff land (2B Upland Road) - Uniqueness Determination Pursuant to MGL Chapter 30B, section 16

Director Kaye explained that Chapter 30B municipalities seeking goods and services above \$35,000 to issue a Request for Proposals (RFP), unless the Town determines there is a unique condition that precludes the need for an RFP. The transaction will be noticed in the Central Register prior to the acquisition which is scheduled for July 29, 2022.

Commissioner Kleiman moved to determine that advertising under General Laws Chapter 30B for the Town's acquisition of the property consisting of approximately 6 acres, commonly known as Assabet River Bluff, 2B Upland Road, Concord, Massachusetts, will benefit the Town's interest due to the unique qualities of the property, including the uniquely situated location of the property. Specifically, the property consists of approximately six acres of woodland, with more than 775 feet of frontage along the Assabet River, and is immediately adjacent to the Bruce Freeman Rail Trail. Acquiring this property will allow for the Town to have a large area preserved for conservation and passive recreation purposes. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

Updated Tree Removal and Replacement Policy

Chair Nardi said the NRC should consider aligning their Tree Policy with the Town's Tree Preservation Bylaw with regard to setbacks and mitigation, including 1:1 replacement with a minimum caliper requirement. Chair Nardi felt the Commission should keep their current policy for allowing removal of hazardous trees with encouragement to replant. He asked if the NRC wanted tree replacement as mitigation or a monetary fee charged. There may be a circumstance where monetary would be applicable. Commissioner Kleiman said his main concern about the draft of the revised policy is that it could possibly render some lots unbuildable. Commissioner Higgins said the requirement for tree replacement is different for the NRC depending on which buffer zone is being mitigated than it is for Planning/Zoning requirements. Commissioner Kleiman said there is an important distinction between the wetland buffer zone. If you have a parcel that has only 80 feet of frontage and is only 100 feet deep that is very different from a parcel that has 80 feet of frontage and is 400 feet deep. The parcel that is 400 feet deep is a more buildable parcel. Commissioner Kleiman said Mr. White's property on Sunnyside Lane is a perfect example. Those lots are almost completely wooded. Commissioner Kleiman would like to see the wetland protected but does so in a way that does not render a 100-foot parcel completely unbuildable. The NRC needs to find a way to enable someone to use their property without overly penalizing them while still protecting the wetlands. He said although there is a plan noting how many trees are proposed for removal for the project at Sunnyside Lane, it would be helpful to have some data to show the tree location and for each of the three lots how much mitigation would be required. He said it would also be helpful to have a table showing the DBH of the trees for the three lots individually. He felt Mr. White had a good point that there may not physically be space on site to provide mitigation. Providing money to a financial mitigation fund might be an option. Mr. White said a plan has been submitted showing the trees within the 25-foot to 100-foot BZ. Mr. White said he can provide a simpler plan that will only show the show trees in the buffer zones and setbacks. Director Kaye said that would be helpful. Mr. White said he can assist Director Kaye with the chart but will not be able to get to NRC by Monday for their site visit.

Mr. White requested a copy of the NRC's draft revised tree policy when available. He said under the Tree Preservation Bylaw any of the trees on his lot that need to be removed for the retention basins would not need to be replaced because that is part of the subdivision.

Mr. White noted that the original NRC tree policy says mitigation needs to be within a resource area. On a site like Sunnyside, he could do mitigation outside the resource area to plant trees. He said removing trees is a financial burden. It is more expensive to come back and remove as compared to when no house is there to begin with.

Commissioner Higgins said the NRC issues permits to builders and contractors who, to get a permit, will remove as few trees as possible. The problem is when homeowners then request tree removal because some may be too close to the house. The NRC would not want to make the policy too egregious. Commissioner Kleiman commented that a homeowner has the right to administratively request approval to remove up to five hazardous trees. He believes the Commission should be putting the same pressure on homeowners that they put on developers.

Director Kaye suggested a legal notice to get feedback from the public. She asked if the Commission would like to finalize their policy now or wait until later. Chair Nardi said a graphic would be helpful. Mr. White said it may be in the NRC's best interest to have public notification.

At 8:51 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=ps_aMClAGh0&list=PL1TTzrWEK00mVv840JSDa6rdv9_Uu7NrN&index=50