

NATURAL RESOURCES COMMISSION
Meeting Minutes
June 16, 2021

Pursuant to the notice filed with the Town Clerk, a public meeting of the Natural Resources Commission was held on Wednesday, June 16, 2021 at 7:00 p.m, at 141 Keyes Road, 1st Floor Conference Room. The following Commissioners were present: Ed Nardi, Chair, Sarah Grimwood, Greg Higgins, Nick Pappas, and Gary Kleiman. 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"> • April 7, 2021
DIRECTOR'S UPDATE
TO BE CONTINUED WITHOUT DISCUSSION TO JULY 7, 2021
<ul style="list-style-type: none"> • HERCHEK, 13 Garland Road, NOI • CONCORD CHILDREN'S CENTER, 250 Old Bedford Road, NOI • SHAW, 43 Old Bedford Road, NOI
CONTINUANCES
<ul style="list-style-type: none"> • TOWN OF CONCORD, 90Y Plainfield Road, NOI • MINER, 399 Lowell Road, Amended NOI • MACH, 455 Bedford Street, NOI
NEW APPLICATIONS
<ul style="list-style-type: none"> • TOWN OF CONCORD, Bruce Freeman Rail Trail Phase 2C, NOI • FALLON CUSTOM HOMES & RENOVATIONS, 209 Musterfield Road, NOI • CONCORD HOUSING AUTHORITY, 365 Commonwealth Avenue, NOI • CALABRIA, 261 Heaths Bridge Road, NOI • LYSYJ, 245 Park Lane, Amended NOI
EXTENSION REQUESTS
<ul style="list-style-type: none"> • DIMOCK, 79 Commerford Road
CLOSE and ISSUE
<ul style="list-style-type: none"> • BENTLEY BUILDING CORP., 5A, 5B, and 31 Sunnyside Lane, and 43 Pond Street
CERTIFICATES OF COMPLIANCE
<ul style="list-style-type: none"> • PAPPAS, 300 Virginia Road • LONG, 261 Monsen Road • vanderWilden, 158 Simon Willard Road • GRIFFITH, 269 Sudbury Road
OTHER BUSINESS
<ul style="list-style-type: none"> • White Pond Rules
ADMINISTRATIVE APPROVALS
<ul style="list-style-type: none"> • CONCORD GREENE, 1024 Main Street, Tree Removal • BERK, 451 Strawberry Hill Road, Tree Removal • WRIGHT FARM ASSOCIATION, Wright Farm Road, Fence Installation

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

Commissioner Higgins moved to approve the April 7, 2021 NRC meeting minutes, as written. Commissioner Grimwood seconded. Commissioner Pappas and Commissioner Kleiman abstained. **VOTE 3-0** by Roll Call Vote: Higgins, Aye, Grimwood, Aye, Nardi, Aye.

DIRECTOR'S UPDATE

- Kendra Fontannay has started joined the Town as the second Ranger. Kendra will be working with Ranger Bill Brooks. Bill has been focusing on Estabrook Woods and Punkatasset. Both rangers will be patrolling White Pond and other conservation properties.
- Director Kaye informed the Commission that there is evidence of a cyanobacteria bloom at White Pond which is being evaluated by the Board of Health.
- The Heywood Meadow wall extension construction will begin on Monday, June 21.

TO BE CONTINUED TO JULY 7, 2021

Notice of Intent, Herchek, 13 Garland Road, DEP File #137-1565

Chair Nardi reopened the hearing seeking approval to remove an existing shed and construct a detached garage with associated paved driveway within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Higgins moved to continue the hearing to July 7, 2021. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Notice of Intent, Concord Children's Center, 250 Old Bedford Road, DEP File #137-1562

Chair Nardi reopened the hearing seeking approval to construct a two-story building, parking lot, deck, fence, paved sidewalks, and hardscape within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

At the request of the Applicant, Commissioner Higgins moved to continue the hearing to July 7, 2021. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

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 Higgins moved to continue the hearing to July 7, 2021. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

CONTINUANCES

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

Chair Nardi reopened 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 Plan set prepared by Weston & Sampson Engineers revised June 7, 2021; and
- Stormwater report dated April 13, 2021.

Deputy Town Manager Kate Hodges, Facilities Supervisor Ryan Orr, Gene Bollinger and Lanie Cohen of Weston and Sampson attended tonight's meeting. Mr. Bollinger explained that in the upper parking area they have added additional first flush sediment traps. They have converted all the drain manholes along the main entry drive to catch basins. This is providing additional TSS removal. Mr. Bollinger noted that they have revised the boardwalk and overlook. Mitigation for work in the 25-foot NDZ and 50-NBZ will be provided through additional planting of evergreen deciduous trees and shrubs in the understory. Mr. Bollinger said they have fine-tuned the stormwater management system in response to comments they received from the Town's Engineering Department. Mr. Bollinger said the boardwalk encroaches 23 feet into the 50-foot NBZ to avoid trees and to get the length of ramp required to accomplish the grades needed to meet ADA compliance. They are proposing additional plantings to mitigate for that encroachment. Mr. Bollinger said they also had to shift the lifeguard shed into the 50-foot NBZ to accommodate the geometry of the boardwalks. The shed is not a permanent structure and rests on concrete blocks. Waiver requests for work in the 25-foot NDZ and 50-foot NBZ have been submitted.

Mr. Bollinger informed the Commission that they have provided detailed responses to abutters. One concern was additional boulders. There was also a suggestion to change from a fixed canopy to a lighter canopy, so a fabric canopy will be installed. They have adjusted the railing system on the decking, boardwalk, and overlook so it is not a heavy wooden rail system. They are now proposing a cable-style railing system. Nine trees in the Buffer Zone will be removed. In addition, a bench will be installed in front of the stone retaining wall. A staircase off the overlook has been eliminated. Mr. Bollinger said the color of the asphalt will fade quickly and blend into the woodland landscape. He explained that the landscape contractor will be required to stake the locations of all trees and shrubs. They will consult with staff prior to planting should there be a need to shift some of the plantings. Commissioner Higgins asked if the Applicant would be coming back before the NRC should they wish to move any of the locations of the shrubs and trees. Director Kaye explained that would be addressed during a pre-construction meeting. Any slight modifications could be discussed at that time.

Ms. Hodges said the Town is trying their best to have the lowest impact both aesthetically and environmentally while being compliant with the Building Code, the Architectural Access Board, and ADA. They are also proposing a robust stormwater management system that will help reduce the occurrence of the blooms that the pond is currently experiencing and other factors which may cause harm to the resource areas.

Chair Nardi said he was not concerned about the 23 s.f. incursion since the top of bank is somewhat artificial based at the beach. Ms. Hodges explained that they tried to figure out what was the water line over the past two years. The water line did not come within 10 feet of the top of bank during

the summer or swim seasons. That may be different situation during the rainy season or during the winter. They tried to average the distance so if someone in a wheelchair or some type of walking device could reasonably get to the water's edge. Commissioner Higgins said the overall benefit to the public should be considered. Commissioner Pappas said the public benefit is an overwhelming factor. The NRC agreed. Chair Nardi thanked everyone for addressing comments and questions from abutters.

Carmen Jaquier of 38 Shore Drive (formerly of the White Pond Advisory Committee) said she appreciated how adjustments were made down by the water regarding the pavilion, walkways, and trying to save the large trees.

Nick Johnson of 38 Bolton Street said he is a new resident. He asked if the public was relying solely on the NRC to make a decision. Director Kaye replied that there have been numerous public forums where this project has been discussed. She explained that the project is before the NRC because some work is within 100 feet of a wetland resource area. She stated that this project has been reviewed by the public for at least a year and the application for work within the NRC's jurisdiction was submitted on April 7, 2021. Plans and documentation have been on the Commission's website and are available for review. She also explained that the public has been submitting comments which the NRC has been reviewing. Ms. Hodges explained that the Town accepted the gift of White Pond approximately three years ago. Many formal and informal public hearings have been held. Chair Nardi said that the NRC will be voting on the application that is within their jurisdiction. The public is welcome to comment on any plans or documents submitted to the NRC. He explained that even though the Applicant is proposing a 23-foot incursion the Commission weighs the overall benefit of the project.

Marya Piasecki of 28 Shore Drive said she reviewed the plan and noticed that additional trees and plantings were being done by the shore to mitigate for the deck incursion. She initially thought they were being added to provide screening to her house. She suggested adding plantings (evergreens) on the ridge that is in line between her house and the walkway across from the access area. Ms. Hodges said when Mr. Orr was setting up on the beach area, he noticed a hole in one of the trees. The tree was hollow from the ground up and it had to be removed. Mr. Orr said he can send Ms. Piasecki the pictures he took, and noted that the stumps are still there.

Commissioner Higgins moved to close the hearing for DEP File #137-1559. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

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

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

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

Homeowner Julia Miner attended tonight's meeting. Ms. Miner explained that behind her house and beyond the lawn area there is an old pool foundation, building foundation, and tree house. Four trees came down when the tree house fell. This area has a lot of invasives including pachysandra and garlic mustard. She would like to permission to clear as many invasives as possible so a meadow can be planted. To mitigate for the tree removal, Ms. Miner will plant flowering trees such

as crab apple or hawthorne, whatever is available. She will also plant some low bushes. Ms. Miner said there are other trees they want to remove that are hazardous. Per the NRC's request, they hired a consultant, Oxbow Associates, who have prepared an invasive plant management plan. The plan is to initially remove invasives mechanically then remove by selective herbicide. Oxbow will first identify the limits of work, flag any native species that will remain, and install erosion controls. They will selectively apply herbicide to freshly cut stems. Oxbow will reassess the area in late summer for resprouting and reapply the herbicide as needed. All invasives will be removed off site. Oxbow will provide a summary report when the work is completed. A native seed mix will be used. Director Kaye asked Ms. Miner to email her the information about the native seed mixes. Ms. Miner said that during the next two growing seasons Oxbow will conduct an assessment and spot treat invasives sprouts as needed. Director Kaye said if foliar spray is necessary it will need to be targeted with a shielded spray and will be included as a special condition.

Commissioner Pappas moved to close the hearing an issue an Amended Order of Conditions for DEP File #137-1546 with Finding A, Standard Conditions 1-19, and Special Conditions 20-53.

Commissioner Grimwood seconded. Commissioner Higgins abstained. **VOTE 4-0** by Roll Call Vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Notice of Intent, Mach, 455 Bedford Street, DEP File #137-1561

Chair Nardi reopened the hearing seeking approval to install a swimming pool, replace an existing patio and retaining wall, 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:

- Plan for New Pool and Driveway prepared by Kristan First Landscape Design revised June 7, 2021.

Kristan First of Kristan First Landscape Design attended tonight's meeting. She said not many changes have been made since the last meeting. Ms. First said she made an effort to shift the driveway towards the house as much as possible. The Health Department informed her that it is possible to put the driveway on top of the leaching field, however, that would require some additional piping with a vent. Director Kaye said an engineered drawing is needed. Ms. First replied that she is working on that.

There were no public comments.

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

NEW APPLICATIONS

Notice of Intent, Town of Concord, Bruce Freeman Rail Trail (Phase 2C), DEP File #137-1564

Chair Nardi reopened the hearing seeking approval to construct a 0.5-mile, 10-foot wide paved asphalt multi-use trail with dense graded crushed stone shoulders, trail pavement markings and signage, stormwater and drainage improvements, earthwork, landscaping, and other items incidental to construction of the rail trail extending from Powder Mill Road to the Sudbury town line within Certified Vernal Pool Habitat 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;
- Bruce Freeman Rail Trail Phase 2D prepared by Greenman-Pedersen, Inc. dated May 14, 2021; and
- Stormwater Report prepared by BETA Group, Inc. dated May 11, 2021.

Marcia Rasmussen, Director of Planning & Land Management, Laura Krause of BETA Group, and Matt Kearney of Greenman-Pedersen, attended tonight's meeting. Mr. Kearney explained that the project was permitted back in 2015 with the rest of the project, but has since expired. He said the application before the NRC tonight is for the same application (½ mile and 10-foot wide paved trail) in the vicinity of White Pond. Ms. Krause said the project involves connecting the trail from Powder Mill Road to the Sudbury town line. She said there are two primary areas that are of concern. The first is White Pond and the second is a certified vernal pool. These areas will be protected using erosion controls consisting of compost filter tubes and silt fences. Additional silt fences will be installed per Director Kaye's request. Ms. Krause said the impacts within the 50-foot NBZ include slope grading, constructing a drainage swale, installing ornamental fencing, erosion controls, and landscaping. The project encroaches into 25-foot NDZ by 110 sf. That work involves grading and erosion controls. Waivers have been submitted for work within the 25-foot NDZ, 50-foot NBZ, and the 100-foot vernal pool habitat. An alternative analysis has been provided to show that the project is located in the best location to minimize impacts to resource areas and wildlife habitat throughout the corridor by shifting it further away from the vernal pool and White Pond. Ms. Krause said the project is centered on the existing rail bed to minimize the amount of grading needed for the project as well as minimize clearing that will be necessary. The project is very important as it connects the rail trail between Concord and Sudbury.

Chair Nardi said the plans presented were good and all the details seem very clear. The waivers submitted were well thought out and written. Commissioner Pappas asked if there would be any ongoing monitoring done regarding the vernal pool so if there were any problems they could be corrected. Director Kaye said in 2007 a Big Night study was done at Heartleaf Pond and other vernal pools in Town to determine where and what kind of vernal species there were. Her recollection here was wood frogs and spotted salamanders. At that time, Bryan Windmiller of Zoo New England reviewed to whether or not paving the rail trail would be problematic. Mr. Windmiller said daytime activity would not be problematic for these types of species since they cross at night.

There were no public comments.

Commissioner Higgins moved to close the hearing for DEP File #137-1564. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

The NRC anticipates issuing an Order of Conditions at their July 7, 2021 hearing pending issuance of a DEP number.

Notice of Intent, Fallon Custom Homes & Renovations, 209 Musterfield Road, DEP File #137-1567

Chair Nardi opened the hearing seeking approval to demolish and reconstruct a single-family dwelling and replace an existing septic system, portions of which work are within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

List of plans and documents discussed at this meeting:

- Notice of Intent Application; and
- Site Plan prepared by Creative Land & Water Engineering, LLC dated May 11, 2021.

Desheng Wang of Creative Land & Engineering and Peter Fallon of Fallon Custom Homes attended tonight's meeting. Mr. Wang said most of the work proposed is located outside the 100-foot Buffer Zone, however, the leaching field and tree removal is within jurisdiction. They will provide mitigation for this work. In addition, they are considering removing an existing fence in the BZ.

Director Kaye asked the Applicant to show the tree protection detail and mitigation on the plan. Mr. Wang said they will replant with native species. Mr. Fallon said they are preparing a tree protection plan which he hopes to submit by Friday. He explained that they are working off a septic plan that was already in place when the homeowner purchased the property. Mr. Wang said the location for the septic was probably determined because the soil was suitable. He said the Board of Health has approved the septic plan. Director Kaye explained that any work outside the NRC's jurisdiction can commence once a tree preservation plan has been signed off by the Town.

There were no public comments.

The Applicant agreed to continue the hearing until July 7, 2021 to allow additional information to be provided.

Notice of Intent, Concord Housing Authority, 365 Commonwealth Avenue, DEP File #137-1568

Chair Nardi opened the hearing seeking approval to remove existing pavement and construct a second single-family dwelling with associated utilities, deck, porch, paved driveway, and concrete walkway 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. dated May 21, 2021

Nathanial Cataldo of Stamski and McNary attended tonight's meeting. Mr. Cataldo explained that most of the property is within the 100-foot BZ. There is a single-family dwelling on the site. The Applicant would like to construct a second dwelling with paved driveway, porch, patio, and walkway to connect to the existing sidewalk. Utilities need to be connected. Since there will be two dwellings on the same lot, both sewer services will meet at a new manhole. For mitigation to offset the increase in impervious area they are proposing removing 400 sf of invasives and replant with a native wetland seed mix. Additional invasives are going to be removed on site because of the construction of the new house. Existing pavement towards the trail will be coming out. Chair Nardi said a formal mitigation plan needs to be submitted. The plan needs to note the area of invasives removal and how the invasives will be removed. Staff requested the area that will remain natural be demarcated so it is not mowed.

Commissioner Higgins asked what they were doing with roof water. Mr. Cataldo replied it will be captured in gutters, sent to downspouts, and then drain onto the ground towards the west of the property. Director Kaye said she believes that the application for this project said that the driveway was porous. She asked if the new driveway will be asphalt. Mr. Cataldo replied it will be a paved driveway. Director Kaye asked if the driveway could be narrowed. Mr. Cataldo said the driveway

will be 18-feet wide which is pretty minimal to serve two cars. Chair Nardi said the issue of roof runoff will have to be addressed.

Rick Eifler, Chair of the Concord Housing Authority, said the small house being proposed was requested at Town Meeting. When Gerow Park was being proposed, a portion was split off and joined to the Concord Housing Authority property to build another house. Mr. Eifler said that the driveway, which is part of the existing house, will be used for construction access for Gerow Park Phase I. They will be removing a significant amount of the existing pavement. Water will flow towards the backyard, which is fairly flat. He also explained that Gerow Park Phase I has to be completed before they can build this house. Hopefully with new grading stormwater runoff will be better. Chair Nardi said all that may be needed is a simple gravel basin which is not too expensive. He requested that the stockpiling area be noted on the plan.

There were no public comments.

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

Notice of Intent, Calabria, 261 Heaths Bridge Road, DEP File #137-1569

Chair Nardi opened the hearing seeking approval to demolish and rebuild a single-family dwelling, construct an attached garage, demolish an existing unattached garage and carport, relocate an existing septic tank and pump, and enlarge the paved driveway within the 200-foot Riverfront Area to the Sudbury River and 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;
- Existing Conditions Plan prepared by Sullivan, Connors and Associates dated May 24, 2021; and
- Proposed Site Plan prepared by Sullivan, Connors and Associates dated May 24, 2021.

Homeowner Carl Calabria, Richard Kirby of LEC Environmental Consultants, and Vito Colona of Cornerstone Engineering attended tonight's meeting. Mr. Kirby explained that the project involves demolishing the existing house and constructing a new house. The resource areas associated with the site include BVW and bank associated with the Sudbury River. The 100-year floodplain occurs at elevation 120 and the 200-foot Riverfront is located from the high-water mark associated with the river. A new house will be constructed in the same location with the addition of a new garage which will replace an existing detached carport and garage. The driveway will be reconfigured for access to the proposed garage to include a turnaround. The project will provide a slight decrease in impervious surface of approximately 46 sf. Part of the project also involves replacing the septic tank and pump. Erosion controls will be installed around the limit of work. They did evaluate stormwater management for the site. Mr. Colona looked at three tests pits to determine the best location for the septic. Due to the high groundwater table and location of trees they decided to install a stone apron. Mr. Kirby said that all performance standards for work within the Riverfront area will be met.

Chair Nardi asked why the sump pump is going uphill. Mr. Kirby explained that the existing sump pump, although it does not run frequently, discharges groundwater into the Sudbury River. They want to relocate the pump so it is as far uphill as possible away from the river. Commissioner

Higgins asked why a sump pump is needed. Mr. Colonna replied that most houses need some type of foundation drainage. He explained that the groundwater in the front of the house is relatively high because the soils are poor. To get above the water table, they would have to raise the entire house about eight feet, and they would prefer to keep the foundation the way it is now because there are no water issues. They need to provide foundation drainage which they can either gravity flow or pump to the river. They thought a better approach was to get the water further away from the river. The existing pipe near the retaining wall can be cut. They will provide detail on the plan. Director Kaye asked if the groundwater elevation was higher than the wetland elevation. Mr. Colonna confirmed that was correct because of the soil texture. The soil is holding water and not draining through.

Commissioner Higgins asked how they were addressing roof runoff. Mr. Kirby said they looked at ways to collect roof runoff. The location of the infiltration system being proposed was because of the relatively high estimated seasonal high groundwater and tight soils.

Director Kaye asked to note on the plan the location of the invasives to be removed, species, and the method of removal. She said to also note the new species type, size, and spacing. Mr. Kirby will provide that information.

There were no public comments.

The Applicant agreed to continue the hearing until July 7, 2021 to allow additional information to be provided.

Amended Order of Conditions, Lysyj, 245 Park Lane, DEP File #137-1547

Chair Nardi opened the hearing seeking approval to increase the pool decking area, construct a retaining wall, install a trench drain, and regrade within Bordering Land Subject to Flooding.

List of plans and documents discussed at this meeting:

- Notice of Intent Plan prepared by Meisner Brem Corporation revised April 27, 2021.

Homeowners Bo and Lesya Lysyj and Ian Ainslie of Meisner Brem Corporation attended tonight's meeting. Mr. Ainslie explained that a permit was previously issued for the construction of pool near BLSF. They are requesting approval to amend the permit. The homeowners have hired a landscape architect who has refined the pool decking, grading, and landscaping. More of the floodplain area will be filled in (200 cubic feet) than previously approved for. They will provide 600 cubic feet of compensatory storage. Mr. Ainslie said an existing deck in the back of the house will be removed. That is the area they will be using for the compensatory storage.

There were no public comments.

Commissioner Higgins moved to close the hearing and issue an Amended Order of Conditions for DEP File #137-1547 with Finding A, Standard Conditions 1-19, and Special Conditions 20-50.

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

EXTENSION REQUEST

Dimock, 79 Commerford Road, DEP File #137-1394

The project involved the construction of a three-season porch and reconstruct and extend an existing deck within the 200-foot Riverfront Area to Baptist Brook and within the 100-foot Buffer Zone to Bank and Bordering Vegetated Wetlands.

Homeowners Allyn and Margaret Dimock attended tonight's meeting. Mr. Dimock said they are requesting a one-year extension because they are having problems finding a contractor, surveyor and engineer. Ms. Dimock explained that they hired a civil engineer who presented a plan that was not permissible.

There were no public comments.

Commissioner Higgins moved to approve a one-year Extension Permit for the Order of Conditions DEP File #137-1394. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

CLOSE AND ISSUE PERMIT

Bentley Building Corp., 5A, 5B, and 31 Sunnyside Lane, and 43 Pond Street, DEP File #137-1566

Chair Nardi reopened the hearing seeking confirmation by the Natural Resources Commission of the Bordering Vegetated Wetlands delineation and Bordering Land Subject to Flooding elevation.

Commissioner Pappas moved to close the hearing and issue an Order of Resource Area Delineation for DEP File #137-1566 with Finding 1. Commissioner Higgins seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

CERTIFICATES OF COMPLIANCE

Pappas, 300 Virginia Road, DEP File #137-1543

Commissioner Higgins moved to issue a Certificate of Compliance for DEP File #137-1543. Commissioner Grimwood seconded. **VOTE 4-0** by Roll Call Vote: Grimwood, Aye, Higgins, Aye, Kleiman, Aye, Nardi, Aye.

Long, 261 Monsen Road, DEP File #137-1505

Commissioner Higgins moved to issue a Certificate of Compliance for DEP File #137-1505. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

vanderWilden, 158 Simon Willard Road, DEP File #137-1429

Commissioner Higgins moved to issue a Certificate of Compliance for DEP File #137-1429. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Griffith, 269 Sudbury Road, DEP File #137-1354

Commissioner Higgins moved to issue a Certificate of Compliance for DEP File #137-1354. Commissioner Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

OTHER BUSINESS

White Pond Rules

Director Kaye informed the Commission that the Rangers have encountered a few situations that have not occurred before. The first situation involves loud music. The Town does not have any rules pertaining to that. Secondly, there was a group of about 14 people with large floats. Lastly, there was a situation involving three people waist deep in the water who were fly fishing. The Director Kaye said there is little room to fly fish at White Pond. She asked the NRC to approve three additional rules at the town land at Sachem's Cove that can be posted so the rangers can more effectively do their job. She has also sent a request to the Town Manager to have the Select Board consider these rules as well. Commissioner Pappas said loud music is subjective. Director Kaye agreed, but if the music is so loud that someone cannot have a conversation then the music is too loud. The NRC agreed that the term "beach float" was acceptable.

Carmen Jaquier of 38 Shore Drive asked if the subject of loud music also applied to the Town beach. Director Kaye said it was a common sense rule and she hopes that it would apply there as well. She was not sure how the Recreation Department has been enforcing that since they acquired the land in 2018. She explained that the NRC can only put rules on the lands that they control. Ms. Jaquier said there is loud music at night at the Town beach. Director Kaye suggested that Ms. Jaquier contact Deputy Town Manager Kate Hodges.

Beth Kelly of 39 White Avenue said she has seen people fly fishing. It is dangerous. She believes all three suggestions are great. She said it is helpful that there are dog signs posted and it will be helpful to have these new rules posted as well. Director Kaye said that more permanent signage is being developed.

Commissioner Higgins moved to accept the three new rules discussed tonight. Commissioner Pappas seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Higgins, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Administrative Approvals:

- **Concord Greene, 1024 Main Street, Tree Removal**

Director Kaye explained that Concord Greene has two trees (maple and pine) that their arborist has determined to be hazardous. These are additional trees they want to remove separate for an approval they already received. They will replace with river birch and Fraser fir. Approval was granted.

- **Berk, 451 Strawberry Hill Road, Tree Removal**

Assistant Director Puzas said there are four pine trees between 12-18 inches wide that the homeowner would like to remove. One of the trees has a hole. Approval was granted.

- **Wright Farm Association, Wright Farm Road, Fence Installation**
Director Kaye said there is a culvert under the entrance drive that is currently not fenced and the Wright Farm Association would like to install a split rail fence for safety. Approval was granted.

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

This meeting adjourned at 9:43 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=avhhNthZh2Y&list=PL1TTzrWEKOOlmahd64BNDrCmG6lzslnhS&index=50>