



NATURAL RESOURCES COMMISSION
Meeting Minutes
August 9, 2023

Pursuant to the notice filed with the Town Clerk, a public meeting of the Natural Resources Commission was held on Wednesday, August 9, 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, and Gary Kleiman. Commissioner Kemeza was absent. Natural Resources Director Delia Kaye, Assistant Natural Resources Director Bert Comins, and Natural Resources Administrative Assistant Karen Bockoven were also present.

PUBLIC COMMENTS
APPROVE MEETING MINUTES <ul style="list-style-type: none">• April 26, 2023
COMMISSIONER COMMENTS
DIRECTOR'S UPDATE
TO BE CONTINUED WITHOUT DISCUSSION TO AUGUST 30, 2023 <ul style="list-style-type: none">• THE DARTMOUTH GROUP, 1024 Main Street, NOI• 166 COMMONWEALTH AVENUE CONCORD LLC, 166 Commonwealth Avenue, NOI
TO BE CONTINUED WITHOUT DISCUSSION TO OCTOBER 11, 2023 <ul style="list-style-type: none">• LABADINI, 154 Southfield Road, NOI
CONTINUANCES <ul style="list-style-type: none">• COOKE, 88 Hugh Cargill Road, NOI
NEW APPLICATIONS <ul style="list-style-type: none">• GOULET & LINNIK, 311 Garfield Road, NOI• THERIAULT, 1266 Monument Street, NOI
OTHER BUSINESS <ul style="list-style-type: none">• Letter of Support for Concord Climate Action Committee to undertake Climate Vulnerability Assessment

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

PUBLIC COMMENT

Priscilla Guiney of 62 Wright Road requested the NRC reconsider the proposal to remove the dam at Warner's Pond and have further discussion with the public. She said the pond is an amazing cultural, ecological, and recreational asset to all of Concord. Some people in town are not aware that the pond offers carbon-free paddling, walking, and biking. West Concord continues to have a dense population of residential buildings close to the pond and she believes that both the needs of people and nature need to be considered. Ms. Guiney said White Pond is another resource, however, parking is difficult, and not always available. She informed the Commission that this past Monday, a group of volunteers went out on Warners Pond to remove water chestnuts. She feels it would be a missed opportunity if the town moved too quickly on removing the dam. She noted that the dam was reconstructed in 2008 and is in perfect condition. Historically the pond has been around for 175 years. She said like the BFRT, Warner's Pond could offer more trails so people can enjoy the pond.

Greg Theriault of 118 Wright Road echoed Ms. Guiney's concerns. Mr. Theriault said he has lived in Concord for about seven years. He frequently walks around the pond with his son where they enjoy watching beavers building dams. Mr. Theriault said he has a background from Boston College in environmental geoscience. He said he wrote an article for the *Concord Bridge* about Warner's Pond highlighting the pond's biodiversity, recreational value, and historical significance. He would like more people to know about Warner's Pond and is hoping the NRC slows the process down to look at different angles. He said many people, including the Army Corp. of Engineers, should be conducting research so more data is obtained. He said that more town residents need to weigh in about the pond and there is a group of people on Facebook weighing in and asking why the process is moving so fast. He requested the NRC consider more funding for research and getting different bids for potentially dredging and fixing the dam.

Jill O'Sullivan of 42 Laws Brook Road said she lives on the pond and that she and her neighbor were unaware of what was going on until recently. They were also not aware of the survey the town conducted and think the process is moving too quickly. She said once the dam is removed it's done and there is no going back. This is an important issue with a lot of unanswered questions which deserves more time. Dam removal would be a massive change for West Concord. Removing the dam impacts many things such as the environment, recreational activities, and economics. Ms. O'Sullivan said the data currently is based off models; not actual samples taken from the pond. She asked why the Army Corp. of Engineers has not been asked to do a free evaluation.

Mike McDonald of 208 Wright Road attended the Warner's Pond meeting a few weeks ago and believes that people felt concerned as to why the process was happening so quickly. He said he was also not aware of the town's survey. He supports either approach but just wants the town to do what is best for the pond. Mr. McDonald noted that Gerow Park is not even completed, which does not set a good precedent for the town looking to take on another large project. He urged the NRC to look closely at the process and take everything into account before moving forward with this large project.

Christine Denaro of 189 Commonwealth Avenue asked the NRC to slow down the process of taking down the dam and said the town should investigate other possibilities before any decision is made since there is no going back if the dam is removed. She said from her house she can see people fishing, canoeing, kayaking, and other activities, it is good to have these recreational activities.

Vickie Alani of 257 Commonwealth Avenue said Warner's Pond is the only water resource in Concord that is free to all. The other water resources require a fee or membership. Ms. Alani said it would be beneficial to have equal access for everyone. Warner's Pond is the only water resource in West Concord. Once it is gone it is gone forever.

Ms. Kaye read a comment letter from Karen Hodges who was unable to attend tonight's meeting. Ms. Hodges requested the NRC consider slowing down the decision to remove the dam. Removing the dam and draining the pond erases a critical opportunity for youth recreation in Concord. Kids in Concord and surrounding towns need more opportunities for exercising in nature. The quality of life and wellness of our young residents is important. Decisions made by the NRC should be made slowly and carefully. She requested that the NRC weigh all issues carefully before rushing to a decision to drain this beautiful pond. Ms. Hodges said there are other river spaces but fewer open spaces for both swimming and paddling. Warners Pond is a hidden gem which the community wants to take care of and enjoy.

Ms. Kaye noted that the Natural Resources Division mailed out the survey to all postal patrons in the Town of Concord. The information about the survey was also posted on social media, at the library, and

very broadly distributed. She said availability for funding with the Army Corp. is done through the CAP Program. She said she did speak with several regulatory members from the Army Corp. who explained that funding is available for projects that provide a federal benefit like interstate commerce, federal navigation, or to improve habitat for federally designated rare species. She said from the research thus far, it does not appear to be feasible to obtain Army Corp. funding. Ms. Kaye said she will continue to explore opportunities with the Army Corp.

APPROVE MEETING MINUTES

Dr. Grimwood moved to approve the April 26, 2023 NRC meeting minutes, as amended. Mr. Kleiman seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

COMMISSIONER COMMENTS

None.

DIRECTOR'S UPDATE

- Ms. Kaye said the deadline to submit proposals for the Warner's Pond dam removal preliminary design RFP was today. The town received 16 requests, however, only one proposal was submitted. The proposal will be reviewed next week by a five-person committee including Mr. Nardi, Mr. Comins, Ms. Kaye, and representatives from Recreation and Engineering. The committee would like to conduct a neighborhood discussion in early September. Dr. Grimwood suggested providing an outline/timeline for everything that has been done so far to keep the public informed and up to date. Perhaps the town's web site can be referenced in the *Concord Bridge* so people will know where they can obtain additional information. Ms. Kaye said there is information about Warner's Pond on the Natural Resources Division home page. Dr. Grimwood said it is important to let the public know that any decision made will need a vote at Town Meeting. Mr. Nardi said it is important to get public feedback as to other possible options.
- Ms. Kaye said Land Manager Will Holden organized a volunteer group to remove invasives at the trailhead at Punkatasset and did a great job. In addition, the conservation crew removed water chestnut this summer at Warner's Pond and other town ponds.

TO BE CONTINUED TO AUGUST 30, 2023

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

At the request of the Applicant, Mr. Kleiman moved to continue the hearing to August 30, 2023. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

Notice of Intent, 166 Commonwealth Avenue Concord LLC, 166 Commonwealth Avenue, DEP File #137-1643

At the request of the Applicant, Mr. Kleiman moved to continue the hearing to August 30, 2023. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

TO BE CONTINUED TO OCTOBER 11, 2023

Notice of Intent, Labadini, 154 Southfield Road, DEP File #137-1641

At the request of the Applicant, Mr. Kleiman moved to continue the hearing to October 11, 2023. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

CONTINUANCES

Notice of Intent, Cooke, 88 Hugh Cargill Road, DEP File #137-1645

Homeowner Alan Cooke and Mark Warfel of Crowley Cottrell attended tonight's meeting. Mr. Warfel said they updated their plan to include staff comments made at the last NRC meeting including a tree protection detail, invasives species removal areas, and fencing to stop at the 50-foot NBZ. They will install Feno markers at the 50-foot NBZ to indicate no mowing beyond that point. Mr. Warfel said the maximum height of the fence will be six feet. The written narrative states how many plants they are proposing to meet mitigation requirements. The NRC did not have any questions or comments.

There were no public comments.

Mr. Kleiman moved to close the hearing and issue an Order of Conditions for DEP File #137-1645 with Findings A and B, Standard Conditions 1-20, and Special Conditions 21-59. Dr. Grimwood seconded. It was **UNANIMOUSLY VOTED** by roll call vote: Grimwood, Aye, Pappas, Aye, Kleiman, Aye, Nardi, Aye.

NEW APPLICATIONS

Notice of Intent, Goulet and Linnik, 311 Garfield Road, DEP File #137-1647

Rich Kirby and Nicole Ferrara of LEC Environmental and Tim Lee of Tim Lee Landscape Design attended tonight's meeting. Mr. Kirby explained that a Request for Determination of Applicability application to construct a temporary access road to the pump house was previously submitted and approved. Mr. Kirby said the homeowners want to convert the pump house to a studio and keep areas next to the pump house, which have been mowed, as a place for their children to play. Mr. Kirby said the area over the existing septic is overgrown with brush and they would like to reestablish with lawn which was there previously.. They would like to build up an existing rock wall which will be less than four feet high. A minimal grade change behind the wall is being proposed to flatten out a small area. Mr. Kirby said the homeowners are hoping to put the overhead electrical lines underground, however, they will need approval from CMLP. If they do not get approval, that portion of the project will not be completed.

Mr. Kirby said they received a request from staff to remove Norway maple saplings. They will also revise their plan to note that the utility pole will be put outside the 25-foot NDZ. They will note the type of seed mix (native) to be used and include details on invasive species removal methods. Mr. Kirby said there is a fair amount of porcelain berry in the wetland that they would like to remove.

Mr. Nardi asked why the Feno markers around the pump house are proposed in the 25-foot NDZ. Mr. Kirby said they are proposing a conservation seed mix around the building to be mowed once annually. Some of the other meadow areas will also be mowed. They would like some space between the structure and the Feno markers so they have room to do any maintenance on the studio when necessary (e.g

windows, painting, or roof work). Mr. Nardi is not comfortable with Feno markers in the 25-foot NDZ. Ms. Kaye agreed.

Mr. Kirby said there is an existing stone wall within the 25-foot NDZ and 50-foot NBZ where the septic is located. Ms. Kaye noted that the wall is just a layer of rocks. Mr. Kirby said they will raise the wall but will stop right at the 50-foot NBZ. Ms. Kaye said it is not clear that the wall work stops at the 50-foot NBZ. Mr. Kirby will clarify that on the revised plan.

Ms. Kaye asked that information about maintenance done previously in the BZ and proposed annual mowing be indicated on the plan. Mr. Kirby said that the wetland primarily consists of sensitive fern and porcelain berry and it appears the open meadow area was maintained regularly until a couple of years ago. Ms. Kaye said it would be helpful to have the existing tree line on the plan and to clearly note what areas are going to be managed for invasives removal. Mr. Kirby will provide the requested information.

Mr. Pappas said any eaves for the new structure would have to remain within the existing footprint of the pump house. He asked what will happen to the existing stone walls near the pump house. Mr. Kirby replied that they believe it was formerly a foundation. They are leaving it in place.

Mr. Kleiman asked if there was access to the pump house. Mr. Kirby said there are existing landscaping stairs and a walking path.

Dr. Grimwood asked if any use of chemical treatment/fertilizers will be used on the lawn area close to the wetlands. Mr. Kirby said they will look at the soils in that area. If the existing natural topsoil is kept, there are plenty of organics and moisture to help the lawn during the growing season. Mr. Lee said the proposed lawn area will be a mix of fescues and drought tolerant seed mix which is easier to mow. Ms. Kaye requested that they put the specs on the plan so it is clear what will be used.

There were no public comments.

The Applicant agreed to continue the hearing to August 30, 2023 to allow additional information to be provided.

Notice of Intent, Theriault, 1266 Monument Street, DEP File #137-1649

Homeowner Shanna Theriault, Nathaniel Cataldo of Stamski and McNary, and Tim Lee of Tim Lee Landscape Design attended tonight's meeting. Mr. Cataldo said an ANRAD was previously filed for the delineation of the wetlands to the north of the property. The current project involves renovations to the pool area which include building a pool house, patio, and fence. They are also proposing tree removal and landscaping. Mr. Cataldo said the new pool is replacing an existing pool and work occurring now is outside the 100-foot BZ. Work within the 100-foot BZ includes a small portion of the pool house and small portion of the patio. The rest of the fenced in area is going to be seeded as lawn. All this work is outside the 50-foot NBZ. Mr. Cataldo said a planting plan has been submitted. 94 sf. of impervious area is being added in the BZ and the replanting area will be over 3,000 sf.

Mr. Nardi said some of the proposed plantings are non-native, he acknowledged that the plantings will be outside the BZ but encouraged the homeowner to plant native species. Mr. Lee said currently there are some non-native species (Kousa dogwood) that the homeowners would like to plant to match one that is already there. Ms. Kaye suggested planting native flowering dogwood. Mr. Lee said they could consider. Ms. Kaye requested a stamped, full-sized landscape plan be provided when finalized.

Mr. Nardi asked if any invasives are going to be removed. Mr. Lee said they will be removing invasives outside the fenced area. and have also looked at areas recommended by staff. Mr. Nardi requested a narrative explaining the method for removing invasives. Ms. Kaye said the conditions the NRC imposes on projects now regarding invasives management are getting more stringent to try to address construction related invasive introduction. It is important that invasives are not spread to other areas on or off site.

Renata Pomponi, Massachusetts Audubon Society, 221 Balls Hill Road asked what species of trees were being removed. Mr. Lee said a sassafras tree and nut tree will be removed. Ms. Pomponi said she noticed a large pile of soil. She asked if any type of siltation fencing had been put up to keep it contained especially given the fact that it has rained so much this summer. Mr. Lee said they can install silt socks to mitigate any runoff. Ms. Theriault said there is silt fencing behind the piles of soil. She said even with the heavy rain yesterday, nothing moved. She informed the Commission that they have been using goats to help control invasives. They have also been hand pulling any invasives that the goats do not eat.

There were no public comments.

The Applicant agreed to continue the hearing to August 30, 2023 to allow additional information to be provided.

OTHER BUSINESS

Letter of Support for Concord Climate Action Committee to undertake Climate Vulnerability Assessment

Mr. Kleiman said vulnerability assessments are very helpful. He sent around an article about MIT's Joint Program for Science Policy on Global Climate Change that detailed downscaling modeling for all of New England. He said the Climate and Science Impact Collaborative at MIT works with stakeholders. He is fully supportive of this and hopes the town does not reinvent the wheel when these groups are available to work with stakeholders on down scale modeling vulnerability assessments. Ms. Kaye asked Mr. Kleiman to relate that information to the Climate Action Committee and provide that information to Eric Simms, Sustainability Director for the Town. Mr. Kleiman supports the concept of the letter. The hope is that this would go into the FY25 funding cycle or a match. The remainder would need state and federal grant funding. It is Ms. Kaye's understanding that currently there is substantial money for these sorts of initiatives. The NRC supports the letter.

At 8:15 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=5Lq9L1WLM3E&list=PL1TTzrWEKOOmVv84OJSDa6rdv9_Uu7NrN&index=2