

# **Natick Conservation Commission**

## **April 6, 2023**

The Meeting was called to order at 7:00 pm by Chairman, Matthew Gardner. Members present: Doug Shepard, Jeff Richards, Mike Downey, David Howe. Members absent: Chris Stillman, George Bain

### **Request for Determination – 3 Cabot Street**

Matt Gardner read public meeting notice. The proposal is for the removal of several trees from the lot. Mr. Hedges, owner, took over the property from his dad, who had it over 53 years. There needs to be tree removal, pruning and new landscaping. Mr. Hedges would like to remove 7 dead or dying trees which he discussed. There is a lot of dead branches on the pines and walking under them is dangerous.

Matt Gardner asked if pruning was considered. Yes, on other trees that are not as dangerous. Matt asked about the grade. There is a 10 ft grade drop from property to pond. Matt asked if there are any plans to replant. No specific plans presently, but Mr. Hedges intends to landscape the lot. Mr. Gardner asked if he would be open to replant younger trees. Yes, the ones there presently are just too old, especially the pines.

Doug Shepard asked if there will be stump grinding. Mr. Hedges stated that the tree company, Stumpy's would leave the stumps. Matt asked for Claire's opinion. She recommended grinding and everything be removed off site.

Mike Downey asked is there a time of year restriction to remove trees related to the long-eared bat designation. Claire stated there is not.

The Commission agreed to the following conditions:

1. All grinding of stumps will be removed from site.
2. Claire will be part of the conversation with Stumpy's prior to removal.

Mr. Gardner asked for a motion to close, David Howe moved, Mike Downey seconded, all in favor 5-0.

Mr. Gardner asked for a motion to issue a Negative 3 determination to include the conditions discussed, Doug Shepard moved, David Howe seconded, all in favor 5-0.

### **Request for Determination – 20 Edwards Road**

Matt Gardner read public meeting notice. The proposal is for an addition to a single-family home. Joshua Conte, owner, was present on the call. Brian Nelson from Metrowest Engineering reviewed the location shown as 20-22 Edwards Road. Beaver Dam Brook is behind the property, along with a wetland. The existing house is 30-40 ft off side of Edwards Road.

The proposed 570 sf rear addition will be built over an existing a concrete pad and patio. There will be a turf lawn and pervious area 274 sf terrace adjacent to the addition.

Beaver Dam Brook is in the 100 ft Riparian zone and 200 ft Riverfront area. The BVW is located at the southeasterly corner. The work will be out of the inner Riparian zone. No trees will be removed and erosion control barrier is proposed.

Jeff Richards asked if the site is flat toward the bank. Yes, to the boundary line. After that it slopes to wetlands. Matt Gardner asked will the addition be on a slab or a full basement. Mr. Conte stated there will be a crawl space and one floor.

Matt asked is the house guttered. Yes, and will be done on the addition as well. The roof runoff goes on the lawn. Matt also asked are there any water issues in the basement. No, they have a sump pump.

An in-ground pool was removed from the yard. There are no concerns. The yard is flat and a moderate size.

Commission had no further concerns.

Mr. Gardner asked for a motion to close, Mike Downey moved, David Howe seconded, all in favor 5-0.

Mr. Gardner asked for a motion to issue a Negative 2 and 3 determinations, Mike Downey moved, David Howe seconded, all in favor 5-0.

### **Request for Determination – 13 Phillips Pond Road**

Matt Gardner read public meeting notice. The proposal is for a small building addition along with hardscaping expansion, landscaping, grading, and stormwater management. Sheila McCormack, owner, was in attendance. Jim Basile, GPR, Inc., as the project representative reviewed the plan. The wetland is on the westerly side of home. Ms. McCormack would like to rebuild the patio and stairs and have natural ground cover. The front of house expansion consists of driveway and addition of patio. The addition will be in front of house. Trench drains on both side of patio.

The discharge, runoff and infiltration was reviewed. A minor Stormwater permit was filed and the plan has been approved, but issuance was held until this proposal was reviewed by the Commission. The stormwater runoff will increase slightly with the 66 sf increase in impervious area but all will be collected in the stormwater system.

Matt Gardner observed there is quite a bit of hardscaping. Claire said it meets the threshold for a minor stormwater permit. A small portion falls in the Aquifer Protection District so they will add an additional chamber.

Claire showed photos of the site. James said the stairs will be replaced, the patio will be removed and the driveway will have erosion control in place. The addition will be constructed in the front of house. The existing retaining walls will be removed. The next increase is a 66 sf within the

buffer; 500 sf outside of buffer.

Stormwater techs are chambers that is new equipment being put in. There is no stormwater there presently. It will reduce any overflow. Trench drains on the sides of patio with pipes.

There is a lot going on, but the photos presented helped to orient the Commission. The net increase is modest and the stormwater will improve the site.

Mr. Gardner asked for a motion to close, David Howe moved, Mike Downey seconded, all in favor 5-0.

Mr. Gardner asked for a motion to issue a Negative 3 determination, David Howe moved, Mike Downey seconded, all in favor 5-0.

### **Request for Determination – Phillips Pond Road**

Matt Gardner read public meeting notice. The proposal is to remove several trees that have been identified as dead, dying, or hazardous. There was no representative for the Phillips Pond Homes Association in attendance.

Claire reviewed the detailed plan submitted by the tree specialist. Some areas are out of jurisdiction, but have to be accessed through jurisdiction. The majority of trees to be removed are Ash that are dead or dying from the Emerald Ash Boor. Claire listed the amount and size of proposed trees to be removed and their location. No discussion on replanting,

The Association has been more than willing to replant. It is heavily treed and Matt is fine with their discretion to replant. Some trees do fall within the 200 ft buffer of Charles River.

Everything that is being removed behind the homes will be handled by a crane. Claire will make a condition to notify the Commission should any stump grinding be required.

Mike Downey is concerned with the proposed work and tree removal across the street for the Glen St developments. Because of lack of tree cover on those sites and now on this site, would that cause stormwater issues for Phillips Pond Rd? Mike would look at the conditions to see if the rain might cause stream flow. He does not want to see additional headaches for that community. Matt asked is it something we can require. Claire feels the mitigation does not have to be trees; shrubs can be planted. We would want to avoid risk of runoff to Davis Brook, which goes into the Charles.

The Commission agreed to condition the approval and required that once removal is complete, management will walk the site with staff

Mr. Gardner asked for a motion to close, Mike Downey moved, David Howe seconded, all in favor 5-0.

Mr. Gardner asked for a motion to issue a Negative 2 and 3 determinations, Doug Shepard moved, David Howe seconded, all in favor 5-0.

### **Request for Determination continuation – 8 Crest Road**

Mr. Gardner asked for a motion to continue to April 20<sup>th</sup>, Mike Downey moved, Doug Shepard seconded, all in favor 5-0.

### **Notice of Intent – DEP #233-891 – 191 Eliot Street**

Matt Gardner read public hearing notice. The proposal is for the hardscaping and landscaping associated with a new pool and spa. Katherine Durrane submitted the abutter notification green cards via email.

Ms. Durrane described her property as being in the Riverfront area, but a street separates the river from her house. The main source is the wetlands in her rear property which is what triggers this filing. There is a paver pool deck from the house to pool. Matt asked if the new pool deck will be at the same level as the patio and will the new deck have pavers. Ms. Durrane confirmed that the area is very level. How much excavation available will determine the depth of the pool? There is huge ledge outcropping just outside the planned work area. Ms. Durrane stated they had an addition put on the house a few years ago and located it, so that will determine the depth. Maybe the pool would be six feet if there is no ledge. She has no intention of blasting. She is confident she will get what she needs. She would like an 8 ft deep pool, but the company thinks she will get 5 ft. She will be happy with that.

David Howe asked what the water table is. She has a sump pump. When it rains, the water has come in three times in fifteen years but overall no water issues on property.

Claire reviewed comments:

- Erosion control boundaries
- Adding a lot more trees
- Removing a dead maple tree where the pool will be installed

Special conditions

- If blasting, Commission needs to be notified.
- Soil will be trucked off the property
- Anything more than 10 yards, the Commission wants to see the plan.
- If stock piling, the soil needs to occur as far as possible from wetlands and use a tarp.
- Salt pool. Off season drainage will not be pumped in wetlands. When drawing water down, it would need to sit for two weeks without adding chemicals and drain toward the street
- Claire will require a planting list

Mr. Gardner asked for a motion to close, David Howe moved, Mike Downey seconded, all in favor 5-0.

Mr. Gardner asked for a motion to issue the standard Order of Conditions and special conditions discussed, David Howe moved, Doug Shepard seconded, all in favor 5-0.

### **Major Stormwater Permit – 5 Indian Ridge Road**

Matt Gardner read public hearing notice. The proposal is to demolish the existing single-family home and construct a new single-family home, with associated driveway, septic system, landscaping, site grading, and stormwater management.

Amy and Mike Ward, homeowners were in attendance with their engineer. The house was built in 1964 and they have lived there the past 30 years. The property has been neglected; but rather than renovate, the best solution was to rebuild, as there is a failure with the septic system and the current house location limits their ability to relocate. The Ward's worked with their engineer and came up with a plan and soil review. Stormwater calculations and the location for stormwater chambers were reviewed. Claire was helpful with the report. Amy Ward believes they have complied with the regulations.

The Stormwater Review Team reviewed the plans and relocated a storm chamber. Erosion control, stock piles and stormwater draining were all addressed appropriately.

Claire received the septic system approval from the Board of Health. There will be 12 chambers; over storage provided. All staff comments have been addressed.

Ms. Ward provided Claire with a planting list. Matt Gardner feels it looks like a 5-6 ft slope right to left. Jason, engineer, stated the flow is from the front to rear. Claire stated the proposed house will be set back with the neighbor's house.

Matt Gardner wants to be sensitive to the new stormwater flows that did not exist previously and the effect it may have on abutters. Claire feels the runoff is reduced significantly. There will be a full basement.

The timeline is June 24<sup>th</sup>. Claire reviewed soil test pits and there is no change over the years.

Elizabeth Williams, 3 Indian Ridge Road, lives uphill. Her concern is when demolishing the house, will they be required to adhere to the setbacks? Matt stated that is out of our jurisdiction, but it would go before the Zoning Board if required. Claire stated they are meeting the setbacks. Ms. Williams is concerned they are not meeting the setbacks now. Matt said it looks like what is proposed is within setback requirement.

Mr. Gardner asked for a motion to close, Jeff Richards moved, Mike Downey seconded, all in favor 5-0.

Mr. Gardner asked for a motion to issue the standard Order of Conditions for a stormwater permit, and special condition requiring tree protection for front yard Oak tree

Mike Downey moved, David Howe seconded, all in favor 5-0.

Matt reminded applicant if there any changes to the plan to come and tell us, whatever the reason.

### **Major Stormwater Permit continuation – 21 Park Avenue**

Matt Gardner stated the project was presented to us last meeting. Town Engineer, Bill McDowell, raised significant questions and today he submitted an updated letter. Francis, from Creative Land and Water Engineering, was in attendance. Desheng is out of the office until April 20<sup>th</sup>. Anything will have to be addressed until then.

Matt Gardner gave the highlights the Commission is looking for. It does not appear the system proposed is sufficient. The grade changes and it will affect the flow and concentration. The applicant did not address the previous comments from Town Engineer. Matt feels it is paramount these comments are addressed and approved by Town Engineer.

Matt stated his concerns of building a house on a mound and everything coming off the slope. Peter, excavator, has worked in Natick for over thirty years. He understands the concerns with mosquitos and rainwater. He referenced houses on Franconia Ave. and Park Ave. He asked the Commission why are they overly cautious when 4-5 other properties flew right through the process. He read Bill McDowell's letters and he does not see where the problem lies. He has been doing this for 36 years and has never seen problems with ConCom and these homeowners want to understand why.

Matt explained that the Commission implemented the stormwater laws and regulations over the years. There had been too many instances where abutters suffered the consequences. Matt wants the best of everyone's ability. They may not have met the threshold with disturbance, fill, etc. The Commission's responsibility is to make sure the project is designed, constructed and maintained properly. We are obligated to hear Town Engineer's concerns and make sure they are addressed. Peter stated the existing house has 5 ft of foundation. There is no evidence of water. He dug 4 test pits and hit water 6-7 ft down. He tried to contact Bill McDowell who will call him tomorrow. Matt explained why the scrutiny. A house built on a mound and water will be directing in other areas. Mr. McDowell has raised some legitimate concerns. Peter dug all the holes 6-7 ft down and there was no water.

Claire stated if he was building on the same location there would not be a concern.

Francis reviewed the original plan. With the berm and swale, no runoff will go to abutters. We can do further testing and make a bigger storage area. There are no signs of flooding in the basement. Our cellar floor is above groundwater and above BOH requirements. Claire is concerned with the speed of the runoff. Matt feels there needs to be a workshop meeting where you can all go line by line. Claire will work with Bill so all points can be addressed and where modifications can be made.

Francis, Desheng, Bill and Claire will meet. Matt appreciates Peter's comments.

Mr. Gardner asked for a motion to continue to May 3<sup>rd</sup>, David Howe moved, Mike Downey seconded, all in favor 5-0.

## **Violations**

*Lot 3 Arrow Path – DEP File #233-851 – Enforcement Order*

Claire reviewed the violation with Kendra of constructing a retaining wall. Claire does not feel an amendment permit is required. Mitigation would be appropriate from disturbance from the wall. Matt stated the Commission went through a grueling process to get these lots approved. A wall was constructed that was not on the approved plans. Kendra stated the retaining wall should have been on the original plan. They will add plantings and seeding.

Jeff stated to Kendra that they should have put the wall on the plan. It is insulting to have the number of hearings we had, the anxiety with abutters and the delicate balance for all on the project to through, then to go forward and not build according to the approved plan. Personally, Jeff would like to see the wall removed and start from scratch. Whether the Commission agrees with him, they will propose grass and make it better. Jeff saw the wetland flagging and the effort that went into that wall. A mockery was made of the process we went forward with. Matt Gardner stated his intensity and concern. Kendra agrees. She was not on site. No one wants to offend the abutters or the Commission. She would like to make it right. If that wall would have to be removed, she will, but wants to hear from other members.

Mike Downey stated its challenging for everyone. There is a disconnect with the permit process. The architect got involved and Mike's observation is there was a swing and a miss with garage and wall. There could have been some engagement at this point. Mike does not want to see the wall removed, but he agrees with Jeff. He observes more mistakes than intentional willful intent. He does not see that is this situation.

Kendra stated this was not something they wanted to slip by the Commission. We did not go through the proper channels. There is an environmental monitor on site every two weeks to make sure there are no other mistakes. Mike Downey would like to see some of the design features of that wall. The wall may have no impact. Kendra said in general, replacing a steep slope with a retaining wall is a good way to slow the water. It will now slow down, but still needs stabilization and grass, but it will improve.

Matt Gardner shares Jeff's concerns. He also agrees with Mike and does not see any willful intent. Most likely, the Commission would have permitted the retaining wall. It is not something that is making the situation worse. At the same time, Matt encourages Kendra and her team to communicate. Plans are to be followed exact. Keep the wall and talk about some mitigation. Anything that deviates from original plan, the Commission will not be as forgiving. We agree to conditions and we have to stick to them.

Matt respects Jeff's decision and asked him can we walk you back with mitigation? Jeff feels it's egregious. Mike Curatola stated the wall took about a week to construct and there was no intent to hurt anyone. They were out of the No Build zone and he is aware how delicate the site is. The wall cost approximately \$15,000.

Matt asked why wasn't the wall on the original plan and he took it upon himself to build it on this site. Mike Curatola said they are very careful on the site and keep it clean. He could have left the 2 ft slope. It probably needed a wall from the beginning and he doesn't know how it would work without one.



Matt stated, again, if any further instances of doing work not on the approved plan, there will be limited, if any, negotiation. It needs to be flagged immediately and have a conversation with Commission. Matt is willing to mitigate. Claire reviewed proposed mitigated plantings. Claire recommended expanding plantings on top of the all and vegetate 2-1 slope with upland roadside mix.

Doug Shepard asked does Commission want an engineer to look at the work and see if there are any adverse effects? Claire agrees. Matt asked Claire to draft up as an Enforcement Order and issue to applicant. Jeff Richards stated the quality of the soil is like rock if it calls for seeding grass, they will have to bring in loam. Mike Curatola will remove a couple inches and add 5 inches of loam.

Matt Gardner asked for a motion to issue an Enforcement Order as discussed, Mike Downey moved, Jeff Richards seconded, all in favor 5-0.

### **Minutes**

March 2<sup>nd</sup>

March 16

Mr. Gardner asked for a motion to continue to April 20, Jeff Richards moved, Doug Shepard seconded, all in favor 5-0.

### **General Business**

#### *Community Organic Farm Board – Conservation Commission Representative*

Claire Rundelli stated the Commission has a seat on the farm board. Are there any Commissioners willing to serve as our representative? Claire will find out what it entails and revisit next meeting.

#### *Updates*

Grants

*Flood Model* - next Tuesday there is a public engagement meeting about the flood model project. Natick High has been chosen as a priority site for design. Claire will send out invite.

*Tiny Forest* - Soil testing will be done next week. We will need to solicit vendors and get 3 quotes.

*CRT* – 66 score; the second highest scored project and will be formally accepted to the TIP in June. A 25% design hearing with public is expected to occur this summer/fall. The train station is due to be completed in 2024. The ramp cannot start until the station is complete.

#### *Beaver update*

Two dams in Town Forest. It will be assessed and Claire will get a management NOI on an upcoming meeting.

Meeting adjourned at 9:25 pm