

Natick Conservation Commission
May 7, 2020

The Meeting was called to order at 7:00 by Chairman, Matt Gardner. Members present: Doug Shepard, George Bain, Mike Downey, MK Schneeweis, Jeff Richards, Kathy Rehl.

The meeting was held via Zoom online conference platform due to the state of emergency surrounding COVID-19 and the requirements to social distance and limit large gatherings. The meeting was recorded and aired on the Government Channel. Votes were taken through roll call method.

Request for Determination continuation– 181 West Central Street

Commission was to visit the site and look for potential hydrological connections near the train tracks. Randy Johnson hasn't had a chance to walk, and has nothing new to add. Matt Gardner looked at the site and the key question is whether the wetland on-site is Isolated Land Subject to Flooding (jurisdictional under State Wetlands Protection Act and Natick Wetlands Bylaw) or Isolated Vegetated Wetland (jurisdictional only under Natick Wetlands Bylaw). A wet depression area, not hydrologically connected. It appears to be an Isolated Vegetated Wetland.

Matt saw no evidence that it was hydrologically connected. If this is found to be under state jurisdiction, a NOI would need to be filed. Marianne reviewed 2009 files from Eversource power lines, for restoration and wetlands were shown. The difference is the capacity of standing water.

Matt Gardner noted under some circumstances Commission would ask that these calculations are presented by an engineer, not one of the applicant's colleagues who is not an engineer. Do we want an engineer to validate the calculations? Doug Shepard feels there may be advantages to having an engineer. It's Article 97 protected and it's our due diligence they have that level of protection. Kathy Rehl agrees. We won't be prepared to make a determination. It looks isolated, but we need additional evidence to make a determination.

Randy referred to 10.56 provision regarded professional expertise. MK Schneeweis noted it's on state web site. Randy feels he qualified.

Matt Gardner, explained that Randy, as a former member of the ConCom, presenting numbers, it's best to be on the side of caution. The Commission will ask for an opinion from a professional engineer to validate Randy's opinion as back up. Randy is fine with a professional engineer's opinion and asked if a GIS map would be adequate to use for topo lines. The Commission would be comfortable that the town GIS is efficient.

The Commission and public had no comments.

Mr. Gardner asked for a motion to continue to 5/21, Kathy Rehl moved, MK Schneeweis seconded, all in favor 7-0.

Mr. Gardner asked for a roll call vote:

George Bain, yes
Jeff Richards, yes
Mike Downey, yes
MK Schneeweis, yes
Kathy Rehl, yes
Doug Shepard, yes
Matt Gardner, yes

Request for Determination – 10 Bunker Lane

Matt Gardner read public hearing notice. The proposal is to widen the driveway, replace current drain system, remove pavers and replace asphalt.

Matt Gardner asked if the driveway is all asphalt now. Yes. Current pavers have sunk so much. 105' from wetland and 65' from other side. It's in the Riverfront Area as well. Matt asked what's in between the river and property. Steps, tress, mulch bed and neighbors.

MK Schneeweis asked if they are planning to remove any trees. No, only flower bed along roadway, as people keep hitting it. There isn't much space or wiggle room. There are no calculations of total asphalt to be added, but four feet wider is shown on the map. No fill is required, just tear up the driveway and level it. The flower bed is higher than driveway.

Mr. Gardner asked for a motion to close, George Bain moved, Doug Shepard seconded, all in favor 7-0.

Mr. Gardner asked for a roll call vote:

George Bain, yes
Jeff Richards, yes
Mike Downey, yes
MK Schneeweis, yes
Kathy Rehl, yes
Doug Shepard, yes
Matt Gardner, yes

Mr. Gardner asked for a motion to issue a Negative 3 determination, Doug Shepard moved, Kathy Rehl seconded, all in favor 7-0.

Mr. Gardner asked for a roll call vote:

George Bain, yes
Jeff Richards, yes
Mike Downey, yes
MK Schneeweis, yes
Kathy Rehl, yes
Doug Shepard, yes
Matt Gardner, yes

Request for Determination – 52 Union Street

Mr. Gardner read public hearing notice. The proposal is to connect to Town sewer system due to failing cesspool.

No one was in attendance.

Will wait to see if someone joins the meeting.

Request for Determination – 10 Oxbow Road

Matt Gardner read public hearing notice. The proposal is to remove two dead trees.

Mark Melnick described the two white oak trees he wants to remove in the Riverfront Area. He would leave wood chips in the Riverfront Area. He's also considering adding a retaining wall. If so, he will have to come before the Commission.

Commission had no concerns with the tree removal.

Mr. Gardner asked for a motion to close, Kathy Rehl moved, Doug Shepard seconded, all in favor 7-0.

Mr. Gardner asked for a roll call vote:

George Bain, yes
Jeff Richards, yes
Mike Downey, yes
MK Schneeweis, yes
Kathy Rehl, yes
Doug Shepard, yes
Matt Gardner, yes

Mr. Gardner asked for a motion to issue a Negative 3 Determination, Doug Shepard moved, Kathy Rehl seconded, all in favor 7-0.

Mr. Gardner asked for a roll call vote:

George Bain, yes
Jeff Richards, yes

Mike Downey, yes
MK Schneeweis, yes
Kathy Rehl, yes
Doug Shepard, yes
Matt Gardner, yes

Notice of intent – DEP 233-839 – Cochituate State Park – 25 Commonwealth Road

Mr. Gardner read public hearing notice. This proposed beach maintenance project entails the excavation of approximately 600 cubic yards of degraded sand from the existing swimming beach and the addition of an equal volume of new, triple washed clean sand.

Alex Patterson, from DCR, emailed abutter notifications. He stated the many years of use at the swim beach, has degraded the sand. Proposing to replace one-third acre of sand. Will remove one-ft deep within the swim beach and replace. The material will be trucked to a stock pile. Will install gravel to protect the ground surface. He would like to replace sand before the swim season.

Kathy Rehl asked where the old sand goes. There is no area determined yet, but the stockpile will be located in the parking lot and will have erosion control.

During excavating, removing, installing the sand, dump trucks will transport to temporary stockpile. There will be a one ft buffer strip of water where excavating. Erosion control placed at limit of work. A backhoe and standard construction equipment will be used. There is no timeline yet. DCR may do work or contract it out. Might even wait until after the swim season. The water will get lower over the year. The project should take about four weeks to complete.

Mike Downey asked about the contours; how steep in wooded area. The flow coming down the lake. Alex explained they are one ft contours and there is a steeper slope area 6 or 8 ft higher and a 3 ft drop. He described the area. It's not necessary to utilize this area as the stockpile transport route, just another option.

Kathy Rehl asked if that is stated in the NOI? Marianne would prefer erosion controls to be clearly marked on the map and delineated on the plans. Alex stated that due to the scale of what they are looking at, they thought it difficult. Sand replacement area, a foot setback and top of bank. Could add another line on a larger plan.

Geo tech fabric to stabilize and erosion control.

Mr. Gardner asked for a motion to close, George Bain moved, Kathy Rehl seconded, all in favor 7-0.

Mr. Gardner asked for a roll call vote:

George Bain, yes
Jeff Richards, yes
Mike Downey, yes
MK Schneeweis, yes
Kathy Rehl, yes
Doug Shepard, yes
Matt Gardner, yes

Mr. Gardner asked for a motion to issue Order of Conditions with special conditions:

1. Erosion control along one ft setback from Lake and along perimeter of temporary stockpile.
2. Geotextile fabric along haul routes.

Kathy Rehl moved, Jeff Richards seconded, all in favor 7-0.

Mr. Gardner asked for a roll call vote:

George Bain, yes
Jeff Richards, yes
Mike Downey, yes
MK Schneeweis, yes
Kathy Rehl, yes
Doug Shepard, yes
Matt Gardner, yes

Amendment OOC – DEP 233-811 – 29 Water Street

Mr. Gardner read public hearing notice. The proposal is to amend an Order of Conditions to reconfigure the patio area and install a pervious pad for trash cans.

Kyle Burchard described the changes. The original approved plan was shown. 30 ft wide, 18 ft deep from house. Aligned with proposed shed. Much more conducive if patio took a different shape. Everything will remain the same as approved February 19th. Would like the pad at the garage side. No increase in pervious. One less sq ft of patio area. Slightly further encroachment into Riverfront Area.

Mr. Gardner asked for a motion to accept the Amendment to the Order of Conditions, Doug Shepard moved, MK Schneeweis moved, all in favor 7-0.

Mr. Gardner asked for a roll call vote:

George Bain, yes
Jeff Richards, yes
Mike Downey, yes
MK Schneeweis, yes
Kathy Rehl, yes

Doug Shepard, yes
Matt Gardner, yes

Request for Determination – 52 Union Street

No one joined the meeting

Mr. Gardner asked for a motion to continue to 5/21, Kathy Rehl moved, Mike Downey seconded, all in favor 7-0.

Mr. Gardner asked for a roll call vote:

George Bain, yes
Jeff Richards, yes
Mike Downey, yes
MK Schneeweis, yes
Kathy Rehl, yes
Doug Shepard, yes
Matt Gardner, yes

General Business Discussion

132 Cottage Street – informal discussion – Sue McArthur

Joel Lemieux, owner and future applicant. Showed driveway, house and outlets on map. All BVW. Davis Brook in rear. Joel would like to demo his garage, same footprint, but bigger. Would like feedback from Commission before filing.

Figure I – existing

1. 11" eastern white pines need to be removed.
2. Extend garage 11 ft
3. Extent 4 ft in rear and side; 8 ft total.

Joel described the light line of parking – 2 ft from house, 2 ft in rear. All the same dimensions for all scenarios.

The depth is to make space useable and to make space to go upstairs. Two cars close together. He would like to save the plantings. Sue showed site. He would regrade the floor of garage if he removes it. Looking to make an area in front of garage 14 inches higher above grade to street. Sue presented all the angles of existing garage. Davis brook flow easterly direction. Sue asked which scenarios Commission would be agreeable to. Can do plantings, enhance and mitigate rear. Would like feedback

Jeff Richards – it's in the Riverfront Area and extends into back yard.

Doug Shepard – the farther away from the river the better.

Matt Gardner – feels there is room to maneuver with thoughtful mitigation. He likes the 4 ft closer to house and 4 ft closer to road.

Figure 3 – with some thoughtful design, roof run off, plantings.

Matt Gardner is concerned the wetland area might be expanding. Are there structure issues without a foundation, would it be a problem over time? Joel stated he is seeing a lot more standing water across the street. Nothing green to be mitigated. Not proposing to be building past the pine tree. Sue McArthur is looking at mitigation:

1. Roof run off
2. Plantings

Matt Gardner asked if Commission feels it's worth doing. Doug Shepard feels as long as it's outside of wetlands. Figure #3 is a better choice. Matt agrees, or figure #4. Square footage meets somewhat, it's how much fill to level. Joel doesn't want to leave the foundation. Would move toward the tree. Fill would be in the front to get up to grade. Any fill would be to blend into the side.

Commission agreed it's a conversation they can have moving forward.

Joel would like to remove the willow tree. Susan McArthur recommended an Arborist to look at the trees and maybe replace with native trees. Can't replace a 90 ft tree, but will get a professional to assess the health of the tree.

George Bain feels between 3-4 ft is more reasonable. Tweaking 5 ft is not workable with wetlands and Davis Brook. Commission agreed. Jeff Richards asked what's the alternative; to repair or remove. Joel stated it's old and a problem. The old drainage, sunken floor would not repair well. He could also live with it as is and make a shed. Would like to do something to build. It won't have an effect on Ben's project next door. Matt Gardner said to move forward and we'll go from there.

Minutes

February 13th

February 20th

March 5th

March 19th

Mr. Gardner asked for a motion to approve the above minutes, Jeff Richards moved, MK Schneeweis seconded, all in favor 7-0.

Mr. Gardner asked for a roll call vote:

George Bain, yes

Jeff Richards, yes
Mike Downey, yes
MK Schneeweis, yes
Kathy Rehl, yes
Doug Shepard, yes
Matt Gardner, yes

Town Forest Gate

The gate is in rough shape. Marianne Iarossi got quotes for replacements. Similar to what's there. Galvanized is the best. The trails maintenance fund would be used. \$6,675 and can add a \$200 sign. No painted finish.

Mr. Gardner asked for a motion to approve up to \$6,875 from the Trails Maintenance fund to replace the Town Forest gate, George Bain moved, Kathy Rehl seconded, all in favor 7-0.

Mr. Gardner asked for a roll call vote:

George Bain, yes
Jeff Richards, yes
Mike Downey, yes
MK Schneeweis, yes
Kathy Rehl, yes
Doug Shepard, yes
Matt Gardner, yes

Windy-Lo site – Update

The basins failed with all the rain on 5/1. Matt went out on Friday and Ben was not happy, as he tried to do the right thing. He plugged the big basin and pumped out the lower basin to remove. Matt went out again on Saturday and the lower basin was almost dry. DEP was notified and visited the site also on 5/1. The upper basin is plugged. Ben has reduced the slope and seeded. All pieces in place and seemed under control. He hired Brian Butler. The bottom line is Ben is doing the right thing. Ben is aware DEP is involved and has been providing updates. Plugged the basin, dropped 17 inches. Pumping all week, graded and seeded.

Mr. Gardner stated the Enforcement Order is still in place. DEP is by our side and they are in agreement. It was a mess on Friday, but seems to be on the right path.

Mr. Gardner asked for a motion to adjourn, George Bain moved, Kathy Rehl seconded, all in favor 7-0.

Mr. Gardner asked for a roll call vote:

George Bain, yes

Jeff Richards, yes
Mike Downey, yes
MK Schneeweis, yes
Kathy Rehl, yes
Doug Shepard, yes
Matt Gardner, yes

Meeting adjourned at 9:30 pm.