

Natick Conservation Commission
July 13, 2023

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

Request for Determination of Applicability – 13 Pamela Road

The proposal is for the construction of a second story addition onto an existing single level home, along with a new four season room and deck addition. The Building Commissioner determined this project would qualify as a third story which is not permissible. The applicant made the decision to rebuild the house and; therefore, he would like to withdraw this application and return at a later date with a Notice of Intent.

Mr. Gardner asked for a motion to accept the withdrawal request, Michael Downey moved, Chris Stillman seconded, all in favor 5-0.

Order of Conditions Ext – DEP #233-717 – Lake Cochituate Aquatic Vegetation Management Applicant not in attendance. Commission will move to next agenda item to see if someone will show.

David Howe joined the meeting

[9:01pm] Staff confirmed that SOLitude will not be in attendance and are fine with the Commission continuing to the next hearing.

Mr. Gardner asked for a motion to continue to 8/24, Jeff Richards moved, Chris Stillman seconded, all in favor 6-0.

Request for Determination continuation – 8 Crest Road

The Commission is still waiting for DCR's feedback.

Mr. Gardner asked for a motion to continue to August 24th, Chris Stillman moved, Doug Shepard seconded, all in favor 6-0.

Request for Determination – 1400 Worcester Street

Matt Gardner read public meeting notice. The request is for a new sewer connection to an existing manhole in landscaped areas. Randy Miron, (Bohler Engineering) on behalf of the applicant described the sewer connection. The line is in disrepair. A new connection will be required. The work is within the Riverfront area.

Claire gave an administrative approval for work in the parking lot the parking lot, which is exempt, but the Commission needs to approve the work in the rear. Randy showed where the higher water line is and where the erosion control will be located. The inner and outer riparian were also delineated. Randy pointed out the existing sewer manhole is approximately 50ft from the resource area.

No stockpiling will be required. The trench will be 4 ft deep and the entire pipe will be new.

Mr. Gardner asked for a motion to close, Jeff Richards moved, Mike Downey seconded, all in favor 6-0.

Mr. Gardner asked for a motion to issue a Negative 2 determination, Doug Shepard moved, Chris Stillman seconded, all in favor 6-0.

Major Stormwater Permit continuation – 3 Dean Road

The plan was presented at the last meeting. There have been no significant changes.

The parking spaces have been shorted from 18 ft to 16.2 ft in length to allow for extra landscaping. The new plan demonstrates the shorter parking spaces and increased landscaping. They still need to finish up with the Planning Board.

Matt Gardner asked is there any updates to the planning plan? Not yet. They will be changing up a few species that Claire provided. The amount of parking spaces will remain the same, only shorter in length. The new landscape area has increased by 1,000 sf.

Matt Gardner asked what the process is? Randy is hoping all issues will be addressed at the next Planning Board meeting. Matt asked if they would prefer to close or want to keep open with Planning Board. Claire confirmed there are unlikely to be any changes with designed per Amanda. If any additional small changes can be approved as a “minor plan change”, then Randy would prefer to close tonight.

Mike Downey asked if there are any changes to the stormwater numbers based on parking lot change. Claire has no concerns because it represents a decrease, but she can request the numbers.

Matt asked to include as a condition to provide updated numbers.

Claire walked through all the conditions. The Commission made edits as they were discussed.

Matt Gardner asked for a motion to close, Jeff Richards moved, David Howe seconded, all in favor 6-0.

Mr. Gardner asked for a motion to issue Order of Conditions as Amended, Jeff Richards moved, David Howe seconded, all in favor 6-0.

Major Stormwater Permit continuation – 0 Magnolia Road

There was a site visit two weeks ago and the Commission observed the property to be thickly vegetated. They looked at the middle house lot. The line of vegetation around the perimeter is still intact. Most plants are alive and thriving. Now we need to finalize the planting plan.

Mike Downey observed how quickly the lot revegetated. He saw that east to west toward Lake Cochituate there is a closed canopy of Black Locus. Certain species can grow fine under a forest

canopy; others cannot tolerate an enclosed canopy situation. Some black locust may need to be treated. Claire said 30% is proposed to be removed. Mike stated 70% canopy closure should be able to get some trees to thrive. Maybe gaps of 1 ½ tree heights to create openings to do plantings there. Also, the black locust stumps should be treated. Claire stated we could condition the applicant's landscaper meet on site with staff to select trees and try maximize gaps.

Matt asked what is the intention to protect homeowner's from cutting? Will there be fencing/yards? Kerry is hoping to enlarge the rear and plant grass and keep the existing vegetation as is. Claire would not rely on future homeowners to keep vegetation. Is this referring to all three lots? Kerry stated lot 1 and part of lot 2. George stated he would need to discuss with the Historical District about extending the lots. He suggested maybe open fences to delineate.

Claire asked due to the current erosion control are there plans to be discussed soon? They will in the near future.

Matt asked to please explain the jurisdiction the Massachusetts Historical Commission has on this site. How does that come into play? George said it follows the aqueduct outside of the water course. If there was work in that area, it would need a permit from the Historic Commission. Claire will reach out to them in Boston.

Matt appreciates Kerry's willingness to talk about a fence. It is protected under the Historic Commission. Matt would want clarified any restrictions on the property, along with where and what kind of fence with appropriate markers, etc., be located. It is a valuable resource area. The Commission is not sure what the historical nature and what their roll is and what level of oversight and regulations.

Matt recommended engaging with the abutters to help mitigate previous issues. Kerry will send them a note and will be happy to discuss their suggestions.

Matt asked is the tree wall going to stay? If the abutters want it removed, fine, but Kerry plans to leave it. Matt agrees; it is a good separation from houses and abutters. Matt requested the proper erosion control since it slopes to the lake. He feels people are generally supportive of this project. He would also like immediate ground cover at the east end of cul de sac to avoid runoff

Matt Gardner asked for a motion to continue to August 24th, Jeff Richards moved, Chris Stillman seconded, all in favor 6-0.

Major Stormwater Permit – 50 Pleasant Street

Matt Gardner read public hearing notice. The proposal is to relocate the existing house and construct new structures to provide 5 housing units with associated driveways, parking, hardscaping, grading, landscaping, and stormwater management.

Brian Nelson, MetroWest Engineering, representing Linda Valentin, presented the existing and proposed conditions. The property is just under an acre and a half of land with access off of Pleasant Street. There is an existing house with a detached one story garage. The elevation in front

is flat. There is a retaining wall that heads south toward the garage. Presently, the lot is mostly lawn. There is no stormwater control on site. Some runoff goes onto Pleasant Street.

There will be substantial redevelopment of the property. They will add onto the existing house and another structure located to south. Driveway access will come on St. Thomas Ave for 3 of the units, and off of Pleasant St for the other 2 units. They are proposing to mitigate with three robust stormwater systems.

The systems will reduce peak from 60% to 30%, well in excess of the stormwater policy. A detailed O&M plan will be provided. Brian has received comments from staff that will be easy to address.

Blair, Blair Hines Landscaping, will change tree species as requested. All changes will be made as recommended by Agent.

Matt would like to do a site walk to familiarize himself with the topography. The other commissioners agreed.

Linda Valentin gave the history of the site. It has been ongoing for five years. Her original proposal was eleven units. The neighbors appealed using the bylaw for a much smaller project. The Planning Board gave her conditions. She now is looking for stormwater and landscaping approval from the Commission.

Ms. Valentin meets with the Planning Board August 19th and will then go before a federal judge for a case related to the earlier filing for the property.

Matt Gardner stated there is no likelihood of closing this evening. This a very large site with a lot of disturbance proposed, and the Commission's duty and to thoroughly review the plan and the site. Ms. Valentin does not feel it is a big project. Matt appreciates her passion, but we are just starting the public hearing process this evening to make sure it is buttoned up and we are properly reviewing and all questions are answered satisfactorily. Ms. Valentin stated she has followed the several other projects in town and this would not be considered a big project. She feels she has been through an awful lot and discriminated against. Matt explained that this is the first time we are hearing this proposal and the Commission's job is to make sure it is done properly with minor impact on the environment and neighbors. We treat all with respect and it takes time. We need to have all the paperwork in hand and to walk the site. We want to insure the project does not negatively impact abutters and be as efficient as possible. Let's work together.

Ms. Valentin's counsel asked if there is any prospect of some level of approval this evening. Matt explained that based on what was proposed this evening he could not put his name on a permit, especially without final plans. Ms. Valentin stated that in the past the Planning Board had set a time to have a special hearing. She asked if the Commission can do anything possible to schedule another hearing before August 24th to move this project forward. Matt agreed to discuss with the staff; there are vacations, etc.

There is a lot of information and a site walk is needed. Ms. Valentin stated she has a team of engineers, and Bill McDowell, Town Engineer, who have walked the site many times.

Matt explained that the Commission visits the site and Claire provides questions to discuss at the next meeting. There may be a need to come back a third time to discuss. Once the hearing is closed, it's closed. Matt will do his best. By law, the Commission has to go through a process.

1. Visit site
2. Discuss at meeting
3. More questions

Ms. Valentin was unhappy after spending hundreds of thousands of dollars, and yet still more needs to be approval even when the Town Engineer gave his approval. She asked the Planning Board for conditions.

Matt explained she could show up with plans and that the permit authority does not like, they can request revisions. This is all part of the process and cannot be determined in one meeting. The Commission needs engineering plans, which she started the process, now we need a site visit. Ms. Valentin would appreciate if she got her approval by September. Matt cannot promise that; all factors come into play. The Commission will look to see if the project makes sense to them. The Planning Board has a different process; our process is different.

The commission agreed to site visit July 26th at 6:00 pm. Claire will notify applicant of materials needed to facilitate. The Commission agreed to a special meeting on Tuesday, August 1st.

An abutter asked for the public to be notified. Matt explained the Commission cannot coordinate with abutters.

Doug Shepard asked if the project is in the Aquifer District. A small portion is, but the stormwater management proposed more than addresses any recharge concerns.

John McConville, 9 St. Thomas Ave., is a direct abutter in rear. There is a significant lot line they share. He asked the Commission when visiting the property to pay attention to his septic system. He is also concerned about water flow and the visible erosion on St. Thomas Ave. He feels a big development will add to the erosion. The Commission is welcome to walk his property.

Jean Egerhei, 12 St. Thomas Ave., is concerned with the enormous amount of impervious on the site. Where does that system go? Matt explained the soil has to be reviewed and he explained runoff infiltration. Claire added that the water coming off the site will be reduced 60% on this site.

Mr. Gardner asked for a motion to continue to August 1st, Jeff Richards moved, Mike Downey seconded, all in favor 6-0.

Invoices

MACC – Fiscal Year 2024 Membership Dues

Mr. Gardner asked for a motion to pay \$804.00 out of the wetlands fund, Mike Downey moved, Chris Stillman seconded, all in favor 6-0.

General Business Discussion

Dog Police Policies

Claire reviewed the town requirements that once a dog quarantines, the owner provides proof of vaccination, no follow up is required. Recommends amending existing animal bylaws through Town Meeting or, developing a “three strikes” policy.

Matt asked what the policies for aggressive dogs are. Peter Cunningham, animal control, said if an attack occurs, there could be a public scolding. If it happens again, then they are banned from the dog park. Matt does not agree with public scolding for the first offense. David Howe feels they have to prove the animal is vaccinated and registered and quarantined for ten days. If the dog bites again, case 2. A third bite, he would say out, but asked what other towns mandate.

Claire will put together a draft policy. Peter Cunningham will attempt to visit the dog park a couple hours a week to answer questions.

Beaver Deceivers

They are currently working. Somewhat related, Claire is trying to plan a Beaver Dam Brook clean up with Framingham.

Nipmuc Relations

Meeting with Indigenous community went well. The town will commit to training for all staff and for police awareness on what they can or cannot ask from them. The Town will provide with as much information as possible to avoid future incidences. Post harvesting rights at the trailheads, yard sign campaigns, web page, etc.

Grant application for Pickerel Pond management involves Nipmuc input on long-term management goals.

Pickerel Pond – bridge

Meeting adjourned at 9:20 pm.