

**Natick Conservation Commission**  
**January 6, 2022**

The Meeting was called to order at 7:00 by Chairman, Matthew Gardner. Members present: MK Schneeweis, Jeff Richards, Mike Downey, Doug Shepard (7:35pm). Members absent: George Bain, Christopher Stillman.

**Regulatory Review of Potential Dam Alternatives**

Matt noted that this item has been continued to a future meeting to allow for materials to be presented in a public format to the Dam Advisory Committee first.

**Public Hearings**

**Major Stormwater Permit continuation – Windy-Lo**

Applicant request continuation.

Mr. Gardner asked for a motion to continue to January 20<sup>th</sup>, Jeff Richards moved, MK Schneeweis seconded, all in favor 4-0.

Mr. Gardner asked for a roll call vote:

MK Schneeweis, yes

Jeff Richards, yes

Mike Downey, yes

Matt Gardner, yes

**Notice of Intent continuation – 89 Union Street – DEP #233-870**

Rob, from Metrowest Engineering, gave update.

1. The Planning Board feels the site in in good shape.
2. Claire Rundelli requested additional soil testing for groundwater. Minor tweaks were made.

Based on the plan, the driveway changes, which decreased 1100 sf. Rain garden bottom raised to meet groundwater separation.

Joe, landscape architect, gave an over-view. “Insta-hedge,” the grower is out of Oregon, Sweden as a way of growing plants and keep pruning. Ships in a biodegradable container. 16” trench and day one instant hedge. It’s low impact. Claire stated she initially had concerns but upon doing further research, it seems like it thrives in ground.

Matt Gardner asked about snow storage areas and are they delineated on map. The open spaces surrounding the school building will be used for now, and as more buildings are constructed, they will use the space for the future athletic field. They will have to be back in front of the Planning Board and Conservation with the athletic field, so further discussions about snow storage can occur then.

Rob stated the Planning Board asked intention of grounds. We discussed it and it will remain as a meadow and mowed 1-2 times a year. Matt Gardner asked if this is the plan? Rob is confident it is. The owner and the Town are in discussions regarding Eisenmenger trail. Those are the only

outstanding issues for Planning Board. One Planning Board member wants a sidewalk. If designed, it will be a separate filing. Concerned with security and lockdown. Claire stated the fence in the rear would not impede on the Eisenmenger trail.

Mike Downey asked for no mowing May 15<sup>th</sup> to August 15<sup>th</sup> for grassland, birds, nesting birds. A field that size would protect the nesting period. When mowing is not allowed, a window of no mowing is easier to control. Those dates have been out for fifty years. We should accommodate for birds to reproduce.

Jan Parsons, 94 Union Street, questioned the drainage. Rob gave a description how the drainage will flow into the catch basins. Discharges into fore bay to capture and discharge into a bio retention cell. It will release in a slow manner. All collected, gathers and infiltrated on property. The lots will direct into the soil or wetlands on property. The swale will direct to wetland or fore bay.

Abutter, will the three large trees be saved? Rob doesn't know. It said two existing trees will be saved. Claire stated that trees are proposed for planting at the end of construction. Rob noted that 26 trees will be removed in Phase I. Claire reviewed planting list. The abutter would like to see some replacement oaks, as they important for birds. The applicant would be happy to accommodate with replacements.

Commission agreed to close the hearings and Claire will draft Order of Conditions and Stormwater Permit to review and vote to approve next meeting. The applicant will make the note about mowing in the O&M and revise the planting plan with oaks for that meeting.

Mr. Gardner asked for a motion to close, Jeff Richards moved, MK Schneeweis seconded, all in favor 4-0.

Mr. Gardner asked for a roll call vote:

Jeff Richards, yes  
MK Schneeweis, yes  
Mike Downey, yes  
Matt Gardner, yes

*Doug Shepard arrived at 7:35 pm*

### **Major Stormwater Permit continuation – Windy-Lo**

Applicant requested continuation

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

Mr. Gardner asked for a roll call vote:

Jeff Richards, yes  
Mike Downey, yes  
MK Schneeweis, yes

Doug Shepard, yes  
Matt Gardner, yes

### **0 Pleasant Street Cluster – Conservation Analysis Map**

Claire reviewed the proposed Cluster development on 0 Pleasant Street. The applicant can construct a subdivision by right. Tonight's discussion should be focused on the cluster proposal and how it meets the values outlined in the bylaw. Claire reviewed her comments and asked the Commission to develop a memo on whether the Commission supports a cluster over a traditional subdivision plan.

Matt Gardner clarified further the Commission is not issuing a construction permit or approving a project outright. This is a commentary letter if project is demonstrably better than the traditional subdivision plan. There would be public and other processes for this project where public comment will be available. Matt asked Claire to walk the Commission through the cluster bylaw.

Claire agreed that we are only an advisory body to the Planning Board for this matter. The memo would be submitted to the Planning Board for review, and they will make the decision whether to approve or not. The applicant would have to come back to the Commission for a Major Stormwater permit and appropriate wetland permitting. The subdivision plan is not a "final plan" but serves as a placeholder for what could possibly be developed instead of the cluster proposal.

Chris D'Antonio, the applicant, noted that the 5-lot subdivision and the inclusionary 6-lot subdivision do not have any differences in the road layout, simply an additional house and driveway for the inclusionary lot.

Claire highlighted what the cluster bylaw places values on in terms of open space and how projects can meet criteria outlined in the bylaw. Claire noted that the cluster proposal does meet the numbers as outlined by the bylaw.

Matt Gardner asked for a plan with the math for the public to see. Matt reviewed the plan and agreed that mathematically, the project meets the criteria. No one disagrees. For Matt, personally, he is struggling with is this proposal better than what could be developed. The applicant provided what six single family homes could look like on the site. Matt is not convinced that the inclusionary subdivision plan provided is feasible. There may be significant challenges with getting six homes on the site. He can see the first three off the cul de sac as pretty straightforward and permissible. The other lots off the cul de sac he questions. The house on Warren Street is in the buffer, but probably permissible. He needs to hear other people's thoughts. He's not sold on it.

MK Schneeweis asked if there is two crossings for one project? There would be for the inclusionary subdivision, and she has concerns about DEP's approval of that. She has concerns with the Warren Street house being so close to the certified vernal pool.

Chris D'Antonio reviewed the numbers estimated for the crossings for the roadway and driveway. He asked Bruce Saluk to comment.

Bruce stated that the crossings would likely be the three-sided culverts. There is loamy sand soils on site. It's not as large an amount of filling required with the culvert for the cluster, but the fill increases greatly with the traditional subdivision. Bruce described the crossing areas and stated it would be feasible, but the cluster would minimize wetland disturbance because of the width and location of the roadway. Matt Gardner clarified, in the cluster plan, you can tuck driveway to the right, less width of the road.

Matt asked Bruce's thoughts on MK's comments regarding DEP's thoughts on disturbance on wetlands. Bruce stated he would defer that question to the project's environmental representative Desheng Wang. They do have the right to access the lot, which is only possible through wetlands, so denying a project solely on that factor would constitute a taking without compensation.

Claire asked if a better idea of the required restoration/mitigation areas could be provided to get an understanding of permissibility of the project under the wetlands regulations. Bruce stated that data would require a full grade-out of the site, which is further along in the process than is required under the cluster bylaw. Matt feels if we don't have the data, and that the Commission's hands are tied. Chris asked if the information submitted December 30<sup>th</sup> was reviewed. Yes, all reviewed. Chris tried to give more than a conceptual plan with the data provided in the comparison table in the cover letter. He lists the differences between the cluster he is proposing and the inclusionary subdivision. He needs the Commission and Planning Board to work together, and based on what is given in the cluster bylaw and what was provided, he feels there is ample information for making a decision.

Matt feels the inclusionary subdivision cannot be built as currently described, and if we are not convinced that it can be built, how can it serve as a comparison. Chris has been working for six months and met with James Freas, Matt Benoit, and Marianne Iarossi. Matt stated this Commission has a regulatory and legal job to pay, regardless of what Town staff say. Matt is open to convincing that the inclusionary plan could be developed, but he is not currently. Chris feels that the fill allowed under DEP regulations could easily be met with either proposal, and Claire clarified that all that fill needs to be restored/mitigation. Chris feels there is plenty of space to do it.

Jeff Richards asked does the inclusionary have to have two houses that require the additional crossing? Matt said they are allowed an extra lot, which is why they have been laid out as such. Mathematically, no issues, but is not convinced that this is an appropriate comparison.

Bruce asked what data would the Commission want as to how the lot is developable. Matt would want DEP to weigh in on what it would take for them to approve. Claire stated DEP is unlikely to weigh in with this level of plan development, but that they would likely say if the project can meet the performance standards for BVW and the stream crossing standards, it is permissible.

Chris feels if Desheng were here, he would verify we are within the DEP standards. Matt – it's a lack of data at this point in time, as the wetland replication/mitigation could factor into the open space numbers required by the cluster bylaw. Matt is not sold that it could or could not be built. Claire if Commission provides a memo that says they do not have enough data, that's okay. If that

is the feeling, she feels the Commission should vote to issue that memo tonight, so that way the Planning Board knows how Commission feels.

Bruce stated it seems like a replication or mitigation plan is what you're looking for. He feels that Desheng could provide such. Matt feels that would be helpful information but that there are other factors as well. With respect to the values outlined in the bylaw, we need to determine what would be optimized with cluster versus inclusionary subdivision. MK Schneeweis feels like the cluster plan preserves more and better protects the environment.

Doug Shepard asked if in the Planning Board memo we can give an opinion that the cluster appears better, but we are not sure the alternative is not possible. If these are the two options, Doug is in favor of the cluster. Matt Gardner feels there is a middle ground. He has two issues he'd like to put forward.

1. Is the cluster proposal more advantageous for vernal pool than the alternative six houses? He feels yes based on distance.
2. Are there any other ecological factors? Claire also noted the habitat connectivity is likely better under the cluster due to the wetland crossings and habitat fragmentation associated with the inclusionary proposal.

Matt is looking forward to abutters' comments, but based on the current comments it seems like the cluster does have advantages. Jeff Richards stated he is worried we are moving away from the charge placed on us by the bylaw. We have to make a decision on what is in the bylaw, which unfortunately does not require fully developed plans. He doesn't want the Commission to use the lack of information as a crutch for making a decision.

Claire has drafted a letter to the Planning Board. Matt stated that the idea is the Planning Board wants our opinion on whether a cluster is better than a development. Matt reviewed the list of criteria and values in the cluster bylaw. He wants to mention that much of the open space preserved is non developable because it's wetlands. It would have open space no matter what under wetlands regulations. In theory, he agrees with the protection, but wants to do his homework.

In going through all the criteria and values, Matt feels there are a number of instances where the cluster would be advantageous, but still feels there are issues with the baseline assumption of a comparison to 6-lots. He feels that 3-lots would be much for similar to the impact of the cluster and doesn't feel there is a clear better in that scenario.

Sona Schuermann, 16 Meadow Brook, Dover, would like to know the status of the vernal pool. She feels it's unacceptable, to not have that information after the previous ORAD. Chris will follow up with Desheng. She wants official documentation, even if they are treating it as a certified vernal pool on the plans. Sona asked when was the cluster bylaw written? Claire stated it was accepted at Town Meeting in 2018. She feels the bylaw is a loophole for this property, as there have been several proposals for development on this site in the past that have been denied. Her opinion is the way the inclusionary subdivision presented is a threat than a viable plan. She noted that she has four sump pumps in her home; the wetland area is incredibly wet. No one will be walking back there. She questions the use of bylaw on this property.

Pam Cokin, St Thomas Ave. resident, would prefer the conventional development, which she feels would result in three homes. In support of Sona's statement, much of "open space land" is covered in mud and water. Would likely not be publically accessible, which would seem to require trails and potentially the removal of trees. She wants it left as it is. Matt clarified that the trails are not a requirement, but a preference for cluster developments. If proposed open space and trails of any value, then they would be permitted. Pam asked to make the Planning Board aware that there is no public use for this open space. Matt doesn't want to spend much time on trails. She feels it should be included in the memo to the Planning Board. The possibility for a three home subdivision should be added in the letter. Matt said we don't have the data that it is a cluster or conventional.

Matt reiterated that we are being asked to provide a letter to Planning Board. Would the cluster be better than a 3 unit subdivision? We should draft a letter that captures that. We are not in a position to say yes or no.

Claire reviewed her draft letter to the Planning Board, who will make the final determination. Matt is not convinced that the inclusionary plan is feasible, but it seems the cluster is an advantage for natural resource protection.

Mike Downy added they are not using a ton of fill, would stay away from a habitat that would be destroyed six house lot, zero trees removed. He thinks these cluster developments in reality is built out. We should support the cluster because it decreases the amount of clearing and the soil disturbance which would eliminate the carbon sequestration that occurs within wetland soils. These types of wetland areas mean a lot in Natick. Cluster has an opportunity to help preserve that. Hard pressed with trails can be connected in the town. We have had opportunities to protect land in the past, and have lost over 100 acres since he has been on the Commission. Clusters are a last chance to save these spaces.

Matt agrees with Mike. There is advantages to clusters or least natural or advantages. Claire will put something together at our next meeting. Is a six house site feasible or not, or a three house site. Is cluster better or neutral?

Chris D'Antinio wants Commission to draft the letter but wants to note that no three lot subdivision is being proposed, and it should not be discussed. Matt's still not sure six is developable. Chris repeated that we are not talking about three houses. That is not on the table.

The discussion was continued to the 1/20/22 meeting.

#### **Certificate of Compliance - 12 Stonebridge Circle – DEP #233-858**

Claire went to the site. It is in good condition, but the area is still unvegetated. She requested that Kevin leave the compost sock in until spring, to allow for seeding of disturbed areas. It was built to plan. Matt supports issuing Certificate as silt sock stays in place and the site is properly seeded. Mr. Gardner asked for a motion to issue a Certificate of Compliance, Doug Shepard moved, MK Schneeweis seconded, all in favor 5-0.

Mr. Gardner asked for a roll call vote:

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

### **General Business Discussion**

Regulatory Review of Potential Dam Alternatives – see above

#### Fallen Tree Policy

Claire will edit. Mike feels it is a limited policy and it would be better to rethink now how to frame this. Who owns the tree that falls onto private property?

#### Shed replacement question

Claire stated the only available space is within 25 ft. Would Commission like to see a determination? Claire needs an opinion. The footprint is one ft. larger in width. Matt feels if it is the same size, it's fine that Claire gives an administrative approval.

### **Invoices**

Land Stewardship Inc. – Task 3 and 4 – invasive species management at Town Forest  
\$3,450. Reimbursable through DCR Grant.

Mr. Gardner asked for a motion to pay from the Trails Maintenance Fund \$3,450, Doug Shepard moved, MK Schneeweis seconded, all in favor 5-0.

Mr. Gardner asked for a roll call vote:

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

### **Boston Foundation – Morgan Palmer Fund**

Matt gave the history and the annual funds received from the Boston Foundation Grant. This year \$3,252 will be placed in the Conservation Land Fund.

Meeting adjourned at 9:30 pm.