

## **Natick Conservation Commission February 3, 2022**

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

### **General Business**

#### **Regulatory Review of Potential Dam Alternatives**

The Commission took this item out of order to keep Town Staff on the meeting from waiting overly long. Jon Marshall and Bill McDowell were in attendance to provide an update on the South Natick Dam project.

Bill went through some slides prepared by GZA giving a summary of the work done so far, and specifically the work done on the dam repair alternatives explored. He started with the NOI in 2019 for dam removal which kick-started the public process. He showed the aerial view of the dam and reviewed what specifically is the dam and what is the spillway. Earthen portion of dam is what they are discussing for repair and the spillway is what would be removed. As part of the public process associated with the Advisory Committee, members of the public asked for the Town to explore alternatives to the dam repair. This request was supported at the 2021 Fall Town Meeting.

#### Alternatives Explored by GZA

1. Placement of fill downstream of the existing earthen berm dam.
2. Placement of a sheet pile wall on the upstream face of the earthen berm to provide additional support.

#### Current Scenarios Reviewed by the Committee:

1. Dam repair– traditional rehabilitation approach
2. Spillway removed – return river to natural state
3. Downstream filing of open area – would reinforce dam but would not be permissible under wetland (state and local) regulations due to the volume of fill and wetland impacts.
4. Sheet pile wall – Office of Dam Safety has stated this would not remove the need to take down all the trees on the dam.

Matt Gardner asked where we are in the decision process. Advisory Committee met January 25<sup>th</sup>. Claire gave a review of their discussion. There are still a number of questions had by the Committee that would need to be answered in order for the Committee to feel comfortable issuing a recommendation to the Select Board. The Town is working through a state grant program to get more information on the spillway removal option so that it can be appropriately compared to the removal option. The Committee will meet again in May once the materials from the grant are available and hope to have a recommendation to the Select Board in the fall of 2022.

Jon Marshall stated that there is a great Committee working on this project, and the support from consultants and Town Staff is outstanding. Matt asked to keep Commission posted.

**Request for Determination – 36 Barnesdale Road**

Matt Gardner read public meeting notice. The proposal is to demo a garage and construct an addition. Dennis Ahern, homeowner, walked through the project. He got approval (Negative 2 Determination) from the Commission in 2015, but held off on the project. He's here tonight with a similar plan, slightly smaller footprint but, set back 10 feet closer to the wetland.

Matt asked what the topography is on site. It is even with the house, slight slope toward the wetland. Claire recommends a Negative 3 determination.

Mr. Gardner asked for a motion to close, Doug Shepard moved, Chris Stillman seconded, all in favor 5-0.

Mr. Gardner asked for a roll call vote:

Doug Shepard, yes  
Mike Downey, yes  
Jeff Richards, yes  
Chris Stillman, yes  
Matt Gardner, yes

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

Mr. Gardner asked for a roll call vote:

Doug Shepard, yes  
Mike Downey, yes  
Jeff Richards, yes  
Chris Stillman, yes  
Matt Gardner, yes

**Abbreviated Notice of Resource Area Delineation – DEP #233-874 – 318 Eliot Street**

Mr. Gardner read public hearing notice. Ryan, Goddard Consulting, walked through the site. There is a certified vernal pool on the adjacent lot. The site was flagged last summer in May/June. Claire has walked the site but in drier seasons or winter. Based on the flags on the plan and the off-season walks, she would confirm the flags match GIP.

Matt asked if Commission wants to walk site. A single-family house is the plan for the site, but no timeline has been established. Claire thinks a site walk would be appropriate.

Mike Downey asked is this Natural Heritage property? The vernal pool is an area of Estimated Priority Habitat under NHESP. Jeff Richards asked if these are two separate properties? Yes, the lot in question under the ANRAD has be subdivided from the larger 318 Eliot Street site. Mike is a little hesitate due to the vernal pool. He would like to lay eyes on the site regardless of whatever snow and ice is out there.

Commission agreed to a site visit on Saturday, February 12<sup>th</sup>, at 8:30 am. Ryan will inform the applicant.

Mr. Gardner asked for a motion to continue to February 17<sup>th</sup>, Chris Stillman moved, Jeff Richards seconded, all in favor 5-0.

Mr. Gardner asked for a roll call vote:

Doug Shepard, yes

Mike Downey, yes

Jeff Richards, yes

Chris Stillman, yes

Matt Gardner, yes

**Notice of Intent – DEP #233-XXX – 21, 46, 48 Graystone Lane**

No file number has been issued yet for the application so the hearing cannot be closed. The applicant has requested to open the hearing to ensure that a permit can be issued quickly at the next meeting.

Matt Gardner read public hearing notice. The proposal is to construct 3 single-family homes on separate lots with associated site features, grading, drainage, and landscaping. Ron from Oxbow Associates, representing Ben Stevens, walked through the proposal. There is an intermittent stream north of the property that was flagged and approved in 2018. The wetland lines are still considered accurate.

Stormwater, the roadway, and initial site grading were reviewed as part of the Land Disturbance Permit issued for the full Graystone Developmet. As part of the proposed plan, erosion control is proposed. Lot 46 has a tiny portion of driveway that is in jurisdiction. The stonewall along the back of the lots continues in neighboring lots. Cedar post and wire fence with signs about no dumping, etc. Claire did request the sign language be edited and the team will have plans showing that at the next meeting.

Matt Gardner asked is there a retaining wall there now? Ben stated both wall structures are existing. Ben described the site. The yards are flat at basement level. All homes will have walk out basements. No more excavation. All will have roof runoff dry wells. The back corner of Lot 8 and back of lot is open space. Trees will be planted and will have to revegetate.

There are no individual landscape plans at this time. Mid-May to mid-August is bird nesting season, and the Commission requested that meadow mowing be restricted during that time period. Ben will look into how it is possible to amend the existing HOA agreement that details maintenance. Ben will consult with his counsel and bring up at next meeting.

The Commission determined that they might stop by the site on 2/12/22 when they are also making the site visit for the 318 Eliot St ANRAD. Mr. Gardner asked for a motion to continue to February 17<sup>th</sup>, Doug Shepard moved, Chris Stillman seconded, all in favor 5-0.

Mr. Gardner asked for a roll call vote:

Doug Shepard, yes

Mike Downey, yes

Jeff Richards, yes  
Chris Stillman, yes  
Matt Gardner, yes

### **Windy Lo Violation Update**

Claire gave update on the enforcement order. She visited the site with Brian Butler and Ron Strohsahl from Oxbow and Ben Stevens on January 26<sup>th</sup>. She discussed the actions that were determined needed to be taken. Everyone agreed further erosion control were appropriate. Claire finalized the Enforcement Order and sent to Ben. She received conformation the erosion control was installed.

Brian Butler showed the current aerial of site. Showed wood chips, erosion control, straw wattles to protect Eliot Street. Further up has installed woodchips piles along swale, as that is not a high volume wash out area.

Claire suggested a secondary erosion control, but not installed yet due to frozen ground conditions. Claire clarified there was a silt fence installed along Eliot Street shown on drone photo. Ben stated that they hope to build a stone wall along Eliot Street to create necessary sight lines and that the main electric will come up along Wyndmere Lane on the east side. The work described are the next steps to move the project along but has not started yet.

Matt Gardner stated there have been several instances stormwater has left the site, not part of the design. Woodchips and straw wattles are not part of final plan, so how do we know that will not happen again?

Ben Stevens stated there are different events. Stormwater leaving the site, by design and go into that wetland. This last episode we had a flash freeze. After we expanded the basin, our ability to recharge has improved. Right now, the basin is plugged. Only 2” of water in the basin. He cannot guarantee no water will ever leave the site. He is aware that there is trapped sediment in the basin and that improvements to the basin will need to occur once the weather allows. Either by cleaning the existing stone or replacing the stone bottom with a vegetated bottom. He will continue to proactive.

Chris Stillman asked what engineering changes have you made? How do you know frozen wood chips were the only issue? Ben explained that before this most recent event, the entire slope down to the basin was seeded. The entire slope was rebuilt and seeded last spring, and the basin was expanded in the fall. After those changes, everything seemed to be operating as designed.

Claire referenced condition #8 regarding sequence. Matt Gardner stated even with a sequence, we don't have confidence that they system is going to work. He does not feel it is part of our charge to be part of an experimentation process affecting resource areas. We are laying out the rules and the consequences. It's developer's job to plan for how stormwater will impact the development and their responsibility to invest more and make sure things like this don't happen. If it does happen again, all permits should be pulled and have to start over. It's a hard and complicated site. Ben stated there is no silver bullet or guarantee anything, but he thinks they have their hands around the problem.

Brian thinks replacing rock or grassy bottom will work. Matt appreciates the risks unknown, but what if this happens again? Ben is clearly struggling to meet the letter of the law and the developer is responsible for controlling stormwater.

Mike Downey asked if Ben is still opening up new ground when the site is not properly set up to control water. Silt is the #1 thing the Commission is concerned about. If open areas are not covered, they are going to erode. We are compounding the impacts more and more each time a problem occurs. We acknowledge the fact that Ben is here to build houses, but continuing to open ground when the problem is not solved seems farcical.

Claire showed clear erosion stemming from where house is being constructed. Ben Stevens explained the site is nowhere near what it was like last year. He has tested the system. Ben understands Commission's frustration, but after 25 years of experience he feels he understands how to solve the problem and run a site.

Matt Gardner there is multiple instances of stormwater leaving the site. Matt would like to see additional focus on this. If it happens again, permits will be pulled. We cannot sit by and be a party of ongoing violations of the law. We are not hearing anything technical from the experts that the likelihood it won't happen again.

Claire gave #5 monitoring reports. #9 assessment of vernal pool.

Matt is not satisfied. No interest in permitting additional permits until this is buttoned up. The law has got to be complied with. Brian will submit the reports. Matt stated the energy comes from the last issue. The water off the site onto Eliot Street and froze. Chris Stillman asked will we be provided with numbers showing the water leaving the site is as clear as it is. The water will find itself on roadway.

Chris will submit a list to Claire to give to Brian. Matt will review the reports due based on the storms. Will draw a line in the sand here.

Doug Shepard is worried about the quick freeze expected tomorrow. Ben stated his whole team would be checking the site during and after the rain. Ben does not intend to start construction on the other houses in the development at this time, but he does need the utilities in. He is fine with holding off on the NOI and SWP issuance, but hopes we can approve the wall and electrical work. His intention for next 5-7 weeks is electrical and getting the site prepped for reseeding once weather allows.

Matt stated that we will wait and see what happens on Saturday, and will pick this up in two weeks. If the system is not working as designed, a formal pause will be placed on all permitting. Claire made a site visit to vernal pool and did not see any impacts, but there was heavy snow. Chris asked if we have baseline numbers on the vernal pool. The Commission can get another party to review the vernal pool at their own discretion.

### **Major Stormwater Permit – Windy Lo Phase 1**

Mr. Gardner asked for a motion to continue the Windy-Lo Phase 1 Major Stormwater Permit hearing to February 17<sup>th</sup>, Jeff Richards moved, Doug Shepard seconded, all in favor 5-0.

Mr. Gardner asked for a roll call vote:

Doug Shepard, yes

Jeff Richards, yes

Chris Stillman, yes

Mike Downey, yes

Matt Gardner, yes

### **Notice of Intent – DEP #233-872 – 0 Wyndmere Lane Detention Basin**

Applicant requested continuation.

Mr. Gardner asked for a motion to continue to February 17, Doug Shepard moved, Jeff Richards seconded, all in favor 5-0.

Mr. Gardner asked for a roll call vote:

Doug Shepard, yes

Jeff Richards, yes

Chris Stillman, yes

Mike Downey, yes

Matt Gardner, yes

### **General Business Discussion**

#### **Regulatory Review for Dam Alternatives**

Matt gave a review of what was discussed earlier in the meeting. Both alternatives were nixed, as they are not viable alternatives.

#### **Beavers**

Claire gave update on Municipal Beaver Management.

Reviewed:

- Beaver management options
- Beavers cannot be relocated
- Trapping is a potential option
- Can have an Emergency Order trapping needs to occur outside the trapping season
- Reviewed Beaver Deceiver process and the benefits

Matt asked to verify with the Fire Department if that area of Town Forest serves as an emergency access route. As long as it is not a safety issue, we are okay to leave the beavers. Can it back up enough to flood Route 9? He suggests discussing with all relevant Committees at a public meeting to gather input about trapping beavers or adapting to them. There will be mixed opinions. Claire will invite all to a March meeting.

MACC Annual Environmental Conference

All courses are available. Notify Claire if interested.

Grant applications

Claire and Marianne Iarossi submitted the Land and Water Conservation Fund grant application for Pickerel Pond North/South connector bridge.

Invoices

Menard & Sons, Inc. – meadow mowing and woody species removal at Town Forest \$2,425.

Mr. Gardner asked for a motion to pay invoice out of Trails Maintenance budget, Jeff Richards moved, Chris Stillman seconded, all in favor 5-0.

Mr. Gardner asked for a roll call vote:

Doug Shepard, yes

Jeff Richards, yes

Chris Stillman, yes

Mike Downey, yes

Matt Gardner, yes

Minutes

October 20<sup>th</sup>

November 10<sup>th</sup>

November 18<sup>th</sup>

Mr. Gardner asked for a motion to approve the above minutes, Jeff Richards moved, Doug Shepard seconded, all in favor 5-0.

Mr. Gardner asked for a roll call vote:

Doug Shepard, yes

Jeff Richards, yes

Chris Stillman, yes

Mike Downey, yes

Matt Gardner, yes

Meeting adjourned 9:50pm.