

Natick Conservation Commission
April 27, 2022

The Meeting was called to order at 7:02 by Chairman, Matthew Gardner. Members present: Jeff Richards, Mike Downey, Doug Shepard. Members absent: George Bain.

Public Hearings

Order of Conditions Extension – DEP #233-209 – Dug Pond Maintenance

Dan Keefe, Director of Natick Recreation, representing the Town of Natick. Claire Rundelli reviewed the ongoing Order of Conditions for invasive species and nutrient management. She reviewed the management report and the present request for a three-year extension. Due to its age, after this three-year extension, they will have to reapply with a Notice of Intent for a new Order.

Matt described the treatments used at the Pond, treated by Solitude Lake Management. Diquat is applied. They missed 2020, and the pond didn't require it in 2019. It eliminates the growth and is applied only near the swimming area. Alum clears the water and makes visible depths of 15-20 ft. It is very useful for the lifeguards. Diquat is used as needed. Spot treatment as little as possible.

Claire is happy to work with Solitude. The Commission agreed to issue a three-year extension until May 2025.

Mr. Gardner asked for a motion to issue an Order of Conditions extension for spot treatment of Alum and Diquat in Dug Pond, Doug Shepard moved, Mike Downey seconded, all in favor 4-0.

Mr. Gardner asked for a roll call vote:

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

General Business Discussion

Dog Park – Age Limit

This item was taken out of order. Kelly McPherson thanked Commission for the successful dog park. She will update the garden this week for Earth Day. There have been some bumps in the dog park with young children brought by parents. There are also many middle school age kids riding their bikes through the path and go to the dog park unsupervised as if it's a playground. It increases risk and danger to the dogs and to the kids. There are 7-10 dogs any given week day and 30+ on weekends.

Framingham will break ground on their dog park, which will relieve some pressure. Some dog parks have encountered the same problems. There is a huge disparity between an 8-year-old and 16 year old. Kelly is requesting to raise the age minimum from its current limit at 10 to 18.

Kim Condon feels a lot of dog owners reach out to them regarding this issue. A lot of dogs have not grown up with children. Dogs can react aggressively around children screaming and running around. She would like to follow what other parks have done. They would need the Commission's vote to amend the rules and update the sign.

Jeff Richards thinks the public will feel anti-children if we go from age 10 to 18. Kelly stated the rule followers are asking their children to sit on the bench or stay in the car.

Matt Gardner asked if all the animals in an enclosed space is the problem? Yes. Some kids are being dropped off at the park like it's a petting zoo. The pet owners get concerned. They are there for their dogs to go to a dog park.

Matt asked how the age rule has been enforced and how would you enforce the 18-year limit. Are we asking for trouble? Kelly thinks it would cover the town's liability. Social media will be used to convey the rules, and when she is out on site she will enforce as well.

Matt trusts their experience and judgement. They are out there observing the park on a daily basis. Matt would support changing the age. It can be reversed if there is a blow back. Jeff asked if they would consider age 16? Any flexibility? Kelly explained if it's open to age 16, it's hard to detect someone who is 14. They can revisit lowering it to 16 if the change to 18 is successful. Kelly would advocate for age 18 and if it works, can be reduced then. Matt agrees as it also reduces liability to the town.

Mr. Gardner asked for a motion to make a rule change to age limit of 18 years of age or older to use the dog park, Mike Downey moved, Doug Shepard seconded, all in favor 4-0.

Mr. Gardner asked for a roll call vote:

Mike Downey, yes

Doug Shepard, yes

Jeff Richards, yes

Matt Gardner, yes

Public Hearings

Request for Determination – 12 Phillips Pond Road

Matt Gardner read public meeting notice. The proposal is to remove existing brick patio and replace with a smaller bluestone patio. Matt Sullivan, landscape architect, described the site. It boards a stream, in the buffer zone. Showed plan of existing property. Proposing to remove brick and replace with bluestone. A reduction in paving near buffer zone. It is a replacement project.

Doug Shepard asked how far from the stream? The closest part is 30' away from the stream and that is pulling it back 3'. Claire stated it is a minor reduction of roughly ~10s.f. Claire reviewed the photos. The vegetation in the courtyard will be removed and replanting. No planting plan yet.

Mr. Gardner asked for a motion to close, Doug Shepard moved, Mike Downey seconded, all in favor 4-0.

Mr. Gardner asked for a roll call vote:

Mike Downey, yes

Doug Shepard, yes

Jeff Richards, yes

Matt Gardner, yes

Mr. Gardner asked for a motion to issue a Negative 3 determination, Mike Downey moved, Jeff Richards seconded, all in favor 4-0.

Mr. Gardner asked for a roll call vote:

Mike Downey, yes

Doug Shepard, yes

Jeff Richards, yes

Matt Gardner, yes

Notice of Intent – – DEP #233-XXX – 7 Jennings Pond Road

Mr. Gardner read public hearing notice. The proposal is to renovate the property and extend balcony, remove 8 trees, trim 1 tree and repair steps. Applicant requested continuation to May 11th.

Mr. Gardner asked for a motion to continue to May 11th, Doug Shepard moved, Jeff Richards seconded, all in favor 4-0.

Mr. Gardner asked for a roll call vote:

Mike Downey, yes

Doug Shepard, yes

Jeff Richards, yes

Matt Gardner, yes

Notice of Intent – DEP #233-876 – 30 Barnesdale Road

Mr. Gardner read public hearing notice. The proposal is to install a retaining wall and spread fill material already imported to regrade the backyard. Rich Kirby, LEC, representing homeowner, Conner Clark. Five trees were removed last fall and fill was imported prior to appropriate permitting being issued. Marianne noted the violation and issued a notice of violation requiring erosion controls be installed and a Notice of Intent be filed. A tarp is presently covering the fill that was brought in, with a silt fence installed behind the fill to prevent it from entering the wetland. The buffer is packed with pachysandra and growing into wetland.

The lot was built in the 1950's and fill was brought in then. Mr. Clark is not looking to expand is yard, just make it livable. A 45' long retaining wall at 2' high was decided on. Silt fence is installed now and proposing a sock. Matt confirmed that the work is a redistribution, as all fill necessary was brought in last year.

Matt asked if there is any sense of the previous topography? Claire gave an aerial view with old contours. Matt asked how does this compare to abutter's topography? We are careful with one residence mounding their property and flow shooting over to abutters' properties. Rich agrees.

Claire does not feel it would be an impact only in one corner. Rich showed existing grade rounding them toward wetland.

Matt asked if there is any advantage of a swale. Rich stated they could monitor that water is not diverted to abutters. They are not changing the value or direction of buffer, only trying to improve the value of the buffer and wetland while creating a more usable rear yard. They will remove Pachysandra and European buckthorn by hand, no machinery. Proposing a robust planting plan for the buffer and wetland. Rich reviewed the list for wetland and buffer zones. He has done many restorations in the past.

Claire feels the project would benefit from a site visit by the Commission. She feels the staff questions have been answered, but it is a unique project. Matt agreed he would like to see the site. The Commission does not often approve plans that fill up to the wetland line. This is a thoughtful plan, but he is concerned with abutters doing the same.

Matt is aware this neighborhood has a flooding issue. He wants to be careful not to make flooding issues. Does not feel this project is a concern, but needs to be conscious.

A site visit was scheduled for Saturday, April 30th, at 8:00 am with Mike, Jeff and Matt. Doug will go during the next weekend.

Mike Downey asked if the area is flagged. The wetlands are flagged, and Rich will try to get the retaining wall location marked out by Saturday.

Mr. Gardner asked for a motion to continue to May 11th, Jeff Richards moved, Mike Downey seconded, all in favor 4-0.

Mr. Gardner asked for a roll call vote:

Mike Downey, yes

Doug Shepard, yes

Jeff Richards, yes

Matt Gardner, yes

Notice of Intent – DEP #233-XXX – 3 Countryside Road.

Matt Gardner read public hearing notice. The proposal is to install a pea pebble and paver patio under the deck, along with other landscaping and hardscape improvements in the rear yard. The proposal includes a more robust ground cover with clover/grass mix, along with two small trees and several new shrub plants. The yard is all mud due to pests and drought issues in previous years.

The deck comes off the top level, patio is proposed under the deck where there is currently just a concrete pad. A natural stonewall will delineate the entertaining space and yard. Matt asked if the intent is to change the grade in back or add top soil for grass. Mostly top soil, approximately 6”.

Mr. Frail reviewed the existing site and where the proposed changes will be.

Matt would like to visit the site on Saturday and continue to May 11th.

Commission agreed to a site visit Saturday, April 30th, at 8:30-8:45 am.

Mr. Gardner asked for a motion to continue to May 11th, Doug Shepard moved, Mike Downey seconded, all in favor 4-0.

Mr. Gardner asked for a roll call vote:

Mike Downey, yes

Doug Shepard, yes

Jeff Richards, yes

Matt Gardner, yes

Request for Determination – 82 Rockland Street (Wayside Cluster)

Mr. Gardner read public meeting notice. The proposal is to construct a retaining wall, cut a pedestrian footpath, and install fencing along the property boundary, associated with a larger multi-family housing development.

Ben Stevens and Ron Strohard, reviewed the retaining wall and foot path proposed, and clarified that one set of drywells for the development will also be installed in the buffer zone. Oxbow flagged the wetlands. This project is part of the Greystone development. Ron described the flagged wetland. He did not see any vernal pool habitat or amphibian egg masses.

The proposal is a cluster development. Ben stated the Planning Board has approved it and the ANR plan has been recorded. This development will be added to the existing Graystone HOA in order to maintain trails, fields, and stormwater infrastructure. The trail will be cut twice a month. The field cut once a year. No major grading changes are proposed. The units along the wetland will have walk-out basements.

Matt Gardner reviewed that this RDA is to construct a trail and retaining wall and to dig hole for a dry well on the 100 ft buffer line. Erosion control is proposed. A mesh 36” fence with an open face will be installed with signage about dumping and wetlands will be installed.

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

Mr. Gardner asked for a motion to issue a Negative 3 Determination, Doug Shepard moved, Jeff Richards seconded, all in favor 4-0.

Mr. Gardner asked for a roll call vote:

Mike Downey, yes

Doug Shepard, yes

Jeff Richards, yes

Matt Gardner, yes

Major Stormwater Permit – Wayside Cluster (76 & 82 Rockland Street)

Matt Gardner read public hearing notice. The proposal the development of a cluster development (Wayside Road) consisting of six duplex buildings, a new private way, and associated site improvements.

Ben Stevens walked through the project. The basin to the north of Wayside has much more capacity than needed, so a number of units will drain to that system. The water, sewer and drainage infrastructure is already in place in Wayside. They will install some catch basins to catch road drainage and direct it to the existing basin. The first six units will be on slab, with the remaining units have walkout basements. No sure where ledge is, if any. No additional recharge needed for the first six units.

Claire stated there will be infiltration, but not on the individual lots. The basins can handle runoff for these three units. Ben stated the berm of trees will also create a lot of protection. Wayside Court has a collection system. Ben feels it is pretty straightforward.

Claire noted that Bill McDowell, Town Engineer, did not express any concerns with this project and she suggest to close and draft conditions.

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

Mr. Gardner asked for a roll call vote:

Mike Downey, yes

Doug Shepard, yes

Jeff Richards, yes

Matt Gardner, yes

Mr. Gardner asked for a motion to continue to May 11th to review conditions, Doug Shepard moved, Jeff Richards seconded, all in favor 4-0.

Mr. Gardner asked for a roll call vote:

Mike Downey, yes

Doug Shepard, yes

Jeff Richards, yes

Matt Gardner, yes

Major Stormwater Permit continuation – Windy Lo Phase I

Windy Lo (305, 309, 311 Eliot Street) Violations

Claire described the lot as being fairly stable. Ben is getting ready to seed. The site had no issues after a large rain storm. Some cloudiness in the vernal pool, but did not appear to come from Windy Lo site. Maybe use funds to access the vernal pool. There are no concerning issues.

Matt agreed this is good news. His only concern is next November/December around the frozen season. Will it operate as expected is the question. Claire reviewed the conditions. No major comments at this point.

Mike would add to confirm the site is stabilized in the close out conditions.

Mr. Gardner asked for a motion to issue Order of Conditions, Mike Downey moved, Jeff Richards seconded, all in favor 4-0.

Mr. Gardner asked for a roll call vote:

Mike Downey, yes

Doug Shepard, yes

Jeff Richards, yes

Matt Gardner, yes

Violations

Phillips Pond Road

Claire was on site with Mr. Sullivan to discuss the RDA application heard earlier in the meeting. She noticed stumps along the stream corridor and reached out to the property management company to determine the extent of work that was done. Based on the stumps, the report presented is accurate. A tree specialist performed the work.

Matt stated it seems this work would have been permitted. Claire stated she can work with the property manager to develop a small restoration plan. Matt feels it is reasonable. Eric (property manager from Dannin Management) and Claire can discuss and they can come up with a plan. Mike agreed planting back would be a good thing to improve the value of the wetland system.

124 North Main Street

Claire described additional work has occurred. An 18" high retaining wall is being built. Claire met with the property owner and his daughter. His rationale was he saw the soil washed off onto town owned land and thought a retaining wall would keep all the dirt on his land instead of town property.

Claire advised him to submit an amendment request for the wall under his existing Order of Conditions, which has been received. It will be on May 11th. He is proposing 3 ½ to 4' wall. Claire was very clear that this work needs to be reviewed and approved prior to any other work happening on site.

Matt noted it looks like a substantial amount of fill would be brought in. Mike Downey stated the original enforcement was the concern people falling off the rail trail. Matt feels there is clear motivation here to avoid the appropriate permitting processes. No engineer is involved.

Jeff Richards said it was not constructed on April 3rd when he walked the trail. He is not surprised that this work happened so quickly.

Rich, abutter, thought the original plan was fair. Now a monstrosity mound in yard. Claire made it clear to homeowners that absolutely no more work is to be done. Rich stated he is clearing town land and put up fencing 10 ft beyond where it is supposed to be.

Matt stated we approved this plan and that is all they get. They need a professional engineer with his stamp. They will fix until it does match approved plan. Will consider issuing an Enforcement Order next meeting.

General Business Discussion

Grant Letters of Support

Claire discussed the three grants the Town will be participating in under the FY23 MVP program. Phase 3, Charles River Watershed to continue project. Projects that cross communities and culvert assessments will be the priority. There are 20 communities involved. Hoping to apply to two years of funding. A project that impacts Natick that was discussed was the Indian Brook culvert – hoping this project will be funded. Asking Commission to vote to sign a letter of support.

The Town is also participating in a regional grant application with Framingham and Hudson. Assessing areas to install green infrastructure projects. Hoping to purchase sensors for town drones. They would be able to gather information of ground coverage. Claire is still working out the final budget numbers. Hudson is the fiscal lead on this project.

Pegan Brook Assessment. Channel and town draining systems improvements to increase resiliency and reduce flooding.

Mr. Gardner asked for a motion to authorize Claire to sign three letters on Commission's behalf of support for the three grant applications, Doug Shepard moved, Jeff Richards seconded, all in favor 4-0.

Mr. Gardner asked for a roll call vote:

Mike Downey, yes

Doug Shepard, yes

Jeff Richards, yes

Matt Gardner, yes

Pickerel Pond - Atlantic White Cedar Harvesting and Management

Members of the Nipmuc tribe contacted Mike Downey in his role at DCR, and he connected with Claire to engage in a site visit. Claire met with tribe members on site on two different occasions and developed a proposal based on the discussions. There is a long and short term proposal.

This year, the tribal culture keepers (Marcus Hendricks) is looking to harvest no more than 30 White Cedar by boat, all by hand. They are looking for trees that are roughly 2" in diameter, which are still flexible for use in constructing wetus. They will leave the tree tops and any berries found to promote regrowth. They would also like to remove a large dead white pine tree for use in a mishoon burning.

Claire will work with the Nipmuc on a grant application for the DCR Community Forestry program to develop a long term management plan for Pickerel Pond and Sunkaway. Matt asked

should this be an opportunity for public engagement? Claire agreed that community engagement would be a big part of the work. The Nipmuc culture keeper stated he would love to develop a stewards program at the site to teach younger tribe members about the resources and traditionally harvesting practices.

It is hard to access and determine exact amount. Mike Downey said that the area is clearly shifting and starting to go into open water, which would eliminate the White Cedar. He does not foresee it being any of the proposed harvesting being too dramatic. There are approximately 4,000-5,000 trees in that area.

The Commission came to a consensus that they supported both the short and long-term proposals. Claire will keep Commission posted.

Beavers

Water levels are rising and are at risk of overtopping Route 9 due to the beaver activity in Town Forest. Claire will continue to monitor, but we may need to issue an E-Cert for a dam breach, even just to temporarily monitor water levels.

Minutes

March 3rd

March 17th

Mr. Gardner asked for a motion to approve the above minutes, Jeff Richards moved, Mike Downey seconded, all in favor 4-0.

Mr. Gardner asked for a roll call vote:

Mike Downey, yes

Doug Shepard, yes

Jeff Richards, yes

Matt Gardner yes.

Meeting adjourned at 9:50 p.m.