

Natick Conservation Commission
November 20, 2019

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

General Business Discussion

Close out LDP and release Enforcement Order cont. – 112, 114, 116 Glen Street

Applicant requested continuance to December 5th

Certificate of Compliance – 2 Meadow Pond Lane – 233-598

Peter Bemis represented homeowners. He was not involved in the initial project that was in 2005. He did a complete survey of work. The former consultant stated he recalls former Agent, Bob Bois, and Chair, Matt Gardner, on the site. Mr. Gardner does not recall being there.

There was a slight movement of the wall. The woods were never disturbed. Work was right up to the erosion control barrier. He can't reverse history, but stated all work was done within the limit of work. The new buyers didn't know there was an open Order of Conditions. Under the circumstances, requesting Commission to issue.

Mr. Gardner understands the circumstances, but the work is substantially different than what the Commission approved. Mr. Gardner felt the language was bothersome. It was a project that would have been approved. Mr. Gardner read the list of work.

The present owners were in attendance. Commission asked how did they buy and close on the property without a Certificate of Compliance. They loved the house and this was not a reason to pull back from the home sale. There were two previous homeowners before them.

Kathy Rehl felt maybe Commission should visit the site and see if any mitigation can be done. Mr. Bemis stated there was a fence.

Mr. Gardner feels the location of project would have been permitted and doesn't see the need to punish these owners. Asked Commission their thoughts of issuing a Certificate of Compliance. Kathy Rehl would really like to see property. Mike Downey suggested a plan change, but that isn't possible with an expired OOC.

It's at Commission's discretion whether to issue a COC. Nothing was violated under the Wetlands Protection Act, but work was inspected, just not permitted.

Commission agreed to a site visit on Saturday, November 23rd, at 9:00 am. Mr. Gardner asked for a motion to continue to December 5th, Kathy Rehl moved, Mike Downey seconded, all in favor 5-0.

Notice of Intent continuation – Charles River Dam

Bill McDowell, Town Engineer, gave a presentation of the dam rehabilitation project. The dam gets inspected every couple of years and is now classified as a high hazard dam. The town is responsible to inspect and report to DCR. In order to make it safer, a laundry list was given to improve the site. One item was to remove sixty trees on the earthen berm as part of the maintenance of dam. The root balls would have to be removed and filled and regrade the dam. A cofferdam would be in place during construction.

Mr. McDowell notified the required eight abutting properties. The Conservation Commission felt many abutting neighborhoods needed to be made aware of this major project. Therefore, a public meeting was held at the Senior Center last week. Members of the public wanted the alternative of removing or breaching the dam to be considered throughout this process.

DPW's concern is potential contamination upstream and downstream. Sediment samples will be taken in both locations. If there is contamination, they would have to rethink removal/breaching. Mr. McDowell would like to go forward with this exploration. The sampling would be done around December 20th.

The town has committed \$1.4 million. Now we will explore dam breach. We understand it's a landmark and will gather more information. Not asking for an Order of Conditions. If pollutants are detected, will come back with original plan. It also depends on concentration. Bill McDowell has support of ecological advantages from other committees. He doesn't even know if the town will even consider breaching the dam.

Commission agreed not to proceed with NOI until testing of sediments up and down stream.

Roger, 40 Water Street, asked if the Town breaches the dam, would the Charles River shrink and change the water flow. Concerned with flooding on his property and neighborhood. It may endanger homes down the river.

If sediments show there is contamination, there will be additional studies. There's not flood issues now. Matt Gardner stated if dam rehab took place, you could lower water for flood storage capacity. It's early in the process to determine. There will be downstream flood analysis.

Deb Brown, 34 South Lincoln Street – concerned with safety. We get hit with two inches of rain and are pumping. By repairing valves, you can help us. Happy with repair of dam, but not to breach. Mr. McDowell stated he will find out mid-December if this is even possible. It would be a town meeting article. The Charles River Watershed Association is in favor of breaching due to environmental/ecological reasons. Mr. Bain feels the town of Wellesley might have some concerns. Would Pleasant Street be impacted? It will not. The same flow of water will be flowing.

Martin Kessell, asked to study the topography of riverbed. Might gain some dry park area. Mark Kalton, Water Street, part of rehabilitation, you could go up and down the stream, park to park, is

that native soil or part of dam? Some pine trees could remain. Would have to ask DCR or plant a few more.

It seems unlikely that 500-year storm might be 100-year storm. Bill stated the standards are increasing. The intensity is increasing and more frequent with climate change occurring. Over time the 500-year storm could be a 200-year storm. FEMA is involved on this.

Ms. Blease stated you're losing more than just trees. It's everything below it. Bill feels a lot of preliminary work has been done. It's a 2-2 ½ year process. Right now there is a will to repair the dam, which would require removing 60 trees. Ms. Blease asked if the town could incorporate nicer river rocks, native plants, etc. Bill explained that particular rock works to armor the slope, not river rocks. We can explore if there are better ideas.

Matt Gardner stated there will be plenty of opportunity to ask questions. If the soils are contaminated, it would be back on schedule for spring rehabilitation.

Mr. Gardner asked for a motion to continue to December 19th, Kathy Rehl moved, Mike Downey seconded, all in favor 4-0.

Notice of Intent – DPW General maintenance

The proposal is to allow annual operations and maintenance of Roadways, drainage structures and other Town Utilities within the public rights-of-ways in Natick. The town already had a general NOI and it expired in March. Has refiled for the same maintenance work. Bill McDowell, Town Engineer, listed the repairs it would cover. Day to day activities. Have asked for standard operating procedures. The exact same document that expired.

The agent can determine if any changes need to be made. The last time DEP denied. Will close the next meeting.

Mr. Gardner asked for a motion to continue to December 5th, George Bain moved, Kathy Rehl seconded, all in favor 5-0.

Notice of Intent – 86 Evergreen Road

Mr. Gardner read public hearing notice. The proposed work includes the demolition of the existing dwelling and foundation, and construction of a new single family dwelling.

The lake is the only resource area. Danny Hartwell is the contractor. It's a small plot. The property owner has owned 88 Evergreen for over forty years. Would like to tear down and rebuild. The septic system will not be altered. ZBA asked for an easement for parking that will be provided. Same footprint, walk-out basement.

Mr. Gardner asked for a motion to close, George Bain moved, Kathy Rehl seconded, all in favor 4-0.

Mr. Gardner asked for a motion to issue the standard Order of Conditions, George Bain moved, Kathy Rehl seconded, all in favor 4-0.

Land Disturbance permit – 1 Meredith Path

Applicant requested continuation.

Mr. Gardner asked for a motion to continue to December 5th, Kathy Rehl moved, Jeff Richards seconded, all in favor 4-0.

Meeting adjourned 9:30 pm

DRAFT