

**Fwd: Follow Up on Article 19**

1 message

Patrick Hayes <phayes.fincom@natickma.org>

Wed, Sep 25, 2019 at 7:56 PM

To: Bill Grome <wgrome.fincom@natickma.org>, Bruce Evans <bevans.fincom@natickma.org>, Dan Sullivan <dsullivan.fincom@natickma.org>, David Coffey <dcoffey.fincom@natickma.org>, Dirk Coburn <dcoburn.fincom@natickma.org>, Jeff DeLuca <jdeluca.fincom@natickma.org>, Jerry Pierce <jpierce.fincom@natickma.org>, Jim Scurlock <jscurlock.fincom@natickma.org>, Kristine VanAmsterdam <kvanamsterdam.fincom@natickma.org>, Linda Wolschlager <lwolschlager.fincom@natickma.org>, Mike Linehan <mlinehan.fincom@natickma.org>, Patrick Hayes <phayes.fincom@natickma.org>, Philip Rooney <prooney.fincom@natickma.org>, Tony Lista <tlista.fincom@natickma.org>

A follow up from Mr. Wilson-Martin regarding requested information and action on Article 19. Please read and if you have any remaining questions please send to me by mid-afternoon Friday. It is my hope that we have all questions asked and answered in ADVANCE of taking this back up on Tuesday, October 1. I'm not anticipating that we spend much time at all on this article. If you were not in attendance for the initial hearing, please watch the VOD so you know everything that was covered.

Patrick

----- Forwarded message -----

From: Jillian Wilson-Martin <jwmartin@natickma.org>

Date: Tue, Sep 24, 2019 at 2:28 PM

Subject: Follow Up on Article 19

To: Patrick Hayes <phayes.fincom@natickma.org>

Cc: Michael Hickey <mhickey@natickma.org>, Matthew Gardner <matthew.gardner@sustainerv.com>, Marianne Iarossi <miarossi@natickma.org>, Karis North <knorth@mhtl.com>

Dear Patrick,

Thank you to you and your Committee for your review of the proposed motion for Article 19.

During last week's hearing, a few questions came up that we have responded to below. We have also attached the following to this email:

- A revised motion based on feedback from Fin Com (two versions are attached, one in track changes from the last version and one clean version)
- A "compare changes" document that was prepared using the existing By-Law and the revised motion, as requested
- Our original responses to the Fin Com questionnaire as provided on 9/12
- A photo of myself with a dump truck (more detail below!)

Please note the revised motion has been reviewed by Town Counsel, the Chair of the Conservation Commission, the Town Engineer and Mass DEP's Stormwater Coordinator.

To-date, we have not received any additional questions from the Finance Committee regarding Article 19. If possible, given the number of stakeholders involved in drafting this motion, we would greatly appreciate it if the Committee could send any additional questions by Friday, 9/27.

I also wanted to flag for you that Matt Gardner, Chair of the Conservation Commission, will be joining us for your meeting on October 1.

Best,
Jillian

Response to Questions on Exempt Activities

Two questions came up regarding Section 4D.2, which exempts reasonable and ordinary lawn maintenance and landscaping activities.

The first question was regarding the height of walls. We agree with Finance Committee member, Mr. Linehan, that the height of a wall should be clarified and have revised our motion to clearly state that walls greater than one foot in height would be exempt.

The second question was regarding the addition of 50 cubic yards of soil. During the meeting, the presumption was that this was a typo and that the figure in Section 4D.2 should read 500 cubic yards of soil. The conversation focused on what happens to projects that move between 51-499 cubic yards of soil. This was a great question and, while this grey area exists in the current By-Law and, in conversations with DEP, it also exists in other communities' Stormwater By-Laws, we agree it would be much cleaner to close the gap.

Upon further reflection, we do not believe exempting up to 500 cubic yards is responsible. As context, 500 cubic yards of soil is the equivalent of filling about 35 of the Town's 10-wheel dump trucks (see attached awkward photo of myself with one of these trucks) or about 60 of the Town's 6-wheel dump trucks.

So what is the right threshold? We investigated a few alternatives and believe 100 cubic yards of soil makes sense and is consistent with other language in the By-Law. (100 cubic yards of soil is the equivalent of filling a 3,000 sq ft area with one foot of soil, which would align with the language in 4D.2 regarding the alteration of existing grades by more than a foot.)

As such, we now recommend 1) changing Section 4D.2 from 50 cubic yards of soil to 100 cubic yards and 2) revising the Minor Permit's soil redistribution threshold from 500 cubic yards to 100 cubic yards. These changes are reflected in the attached revised motion.

Response to Question on Costs to Develop Required Plans

Mr. Linehan also asked what additional costs this By-Law may add to the cost of constructing a new, single family home, given the potential need to hire a professional engineer to develop necessary plans. While the Conservation Commission's regulations will ultimately define which plans are necessary for which project, it is reasonable to anticipate a Minor Permit associated with the construction of a new home would require an Erosion and Sedimentation Control Plan. Since speaking with you, we confirmed that the Building Department requires stamped plans for the construction of a new home. We spoke with the Town Engineer and he noted that, given a developer of a single family home is already working with a Professional Engineer, that the development of an Erosion and Sedimentation Control plan would add minimal costs. If an Erosion and Sedimentation Control plan was required by a project that did not already have a PE on board (e.g., the clearing of 3,000 sq ft of land for no development purpose), he estimated that the cost of hiring a professional engineer for this purpose could range from \$1,000-\$3,000.

At their meeting on 9/19, the Conservation Commission confirmed their goal is not to place an unnecessary burden on small residential projects. As such, in both response to Mr. Linehan's question and to provide greater flexibility within the By-Law, we propose revising the motion (as shown in the attached) to clarify that both plan preparation requirements and inspection and site supervision requirements will be defined in the By-Law's accompanying regulations.

Jillian Wilson-Martin
Sustainability Coordinator
Town of Natick
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Patrick Hayes
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Finance Committee Chairman
-Planning Governance Sub-Committee Chair

Financial Planning Committee Member-----
West Natick Fire Station Building Committee Member-----
Town Meeting Member**5 attachments**

Jillian and a 10 Wheel Dump Truck.jpg
808K

9/30/2019

Town of Natick Mail - Fwd: Follow Up on Article 19

 **Article 19 - Motion and Responses to Fin Com Questionnaire.docx**
504K

 **ARTICLE 79A - Red Line of Proposed Changes 9.24.19.docx**
66K

 **Article 19 - Motion Rev 9.24.19 FINAL.docx**
41K

 **Article 19 - Motion Rev 9.24.19 TRACKED.docx**
42K