**Minutes of May 7, 2020**

In response to the COVID-19 pandemic and given the current prohibitions on gatherings of 10 or more people imposed by Governor Baker’s March 23, 2020 “Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Workplaces, and Prohibiting Gatherings of More than 10 People,” this public hearing was conducted virtually, as allowed by Governor Baker’s March 12, 2020 “Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20.

# **The following Commissioners were present:**

Laura Bugay, Chair

Michelle Kayserman, Vice Chair

Stephanie Radner, Clerk

Nick Garlick

Nathan Gauthier

Bob Holmes

Leigh Hafrey

The following staff were also present:

Renee Johnson, Administrator

Elissa Brown, Conservation Agent

The following Commissioners were absent:

Sean Hanley

Eliot Foulds

The following Applicants and/or Representatives were present:

Paul Avery, Oak Consulting

Mike McHugh, Noble & GreenoughScott Henderson, Henderson ConsultingPaul Lindholm, Paul Lindholm, PE

Nichole Dunphy, Highpoint Engineering

Matt Smith, Norwood Engineering

Alan Gary

John Haven,

Commissioner Bugay called the meeting to order at 7:07 pm in accordance with the Wetlands Protection Act, M.G.L. Chapter 131, Section 40, the Dedham Wetlands Bylaw, and the Dedham Stormwater Management Bylaw.

Public Hearing – Stormwater Management Regulations-

Suggested changes to the Stormwater Management Regulations were discussed A suggestion was made to allow 2:1 tree replacement, 4:1 shrub replacement, or a combination thereof for trees to be removed in re-development projects and to the “maximum extent practicable” for new development. Revised treatment standards were suggested to more accurately reflect the MS4 permit requirements.

John Haven, Landscape Architect, stated that it was encouraging to hear the discussion around the 2:1 replacement and wanted to share his appreciation for the shrub option as he felt the current 2:1 replacement was cost prohibitive and physically challenging on many sites. Additionally, he believes that the shrub replacement option made the process more approachable and felt it would result in less waivers. He suggested that a baseline list of trees and shrubs that the ConCom found acceptable would be helpful in the process as well.

Commissioner Bugay made a motion to continue the public discussion and review until May 21, 2020. Commissioner Radner seconded. A roll call vote was taken to continue the applications: Hafrey, Gauthier, Garlic, Radner, Bugay, Kayserman, Holmes - all were in favor.

**Continued Applications:**

* **123 Westfield Street- Lots 2- and 3, Oliver Garry, Westfield Crossing LLC, Applicant – David Johnson, Norwood Engineering, Representative** - Demolition of existing barn and construction of a new single-family dwelling with septic system (DEP File #141-0549, MSMP 2019-03). Matthew Smith, Norwood Engineering, and John Haven, LeBlanc Jones, were present for the applicant.

The Commission previously requested a more robust planting plan, invasive species management plan, detention basin planting plan, and discussion about trash and litter pick up adjacent to the road. Matt Smith, Norwood Engineering stated that the area between the UBA and developed area would be restored to a more natural state. He also stated that he had submitted a letter regarding the infiltration basin near the driveway, as requested, and an invasive species removal and planting plan prepared by EcoTec.

Chris Cheever, abutter, stated that he had met with John Haven, landscape architect, regarding the planting plan and felt that there were more mature trees around the perimeter that they would be able to save. He requested that this be considered. Mr. Haven stated that they will be able to save some of the trees near the driveway, however it would be dependent on the septic system. The specific trees that would be saved are 4 oaks, 2 cedars, and a few white pines as well as a few unspecified trees by the driveway.

Agent Brown stated that she was satisfied with the invasive species management and planting plan. The Commissioners agreed they were satisfied and comfortable with the information provided to date for the project as well.

Mr. Smith requested the Commission prepare a statement acknowledging their general agreement with the proposed plan. Agent Brown stated that the Commission’s comfort with the current plan would be reflected in the minutes and would be noted in comments to ZBA and Planning Board, when comments are requested. Commissioner Bugay stated that there would be a very real possibility of more changes through other departments and to expect that as well. Commissioner Radner stated that she felt it was redundant to ask the Agent to write that the Commission was satisfied due to the comprehensive minutes that were available.

Commissioner Bugay made a motion to continue until a future date to be determined. Commissioner Radner seconded. A roll call vote was taken to continue the applications: Hafrey, Gauthier, Garlic, Radner, Bugay, Kayserman, Holmes - all were in favor.

* **480 Sprague Street, EG/GP3 480 Sprague Street LLC, Applicant – Nichole Dunphy, Highpoint Engineering, Representative** – Paved parking lot expansion (DEP # 141-0546). Nichole Dunphy, Highpoint Engineering, was present for the applicant.

Nichole Dunphy, Highpoint Engineering, presented project updates made in response to comments from the Commission. She stated that the outlet pipe was moved further from the detention basin and outside of the UBA and the headwall rotated to improve flow. She also noted that the O&M Plan was updated to provide details about the liner material and necessary care, the inspection and maintenance frequency was increased, and riprap apron calculations added for the three discharge points. She stated that she had added notes regarding the stone to be used around the subsurface infiltration systems, the status of the site as a LUHPPL due to calculated anticipated trips per day from Amazon, and revised the narrative for drainage report. The site meets the TSS removal required for infiltration. The landscape plan was revised to include a mixture of northern spruce and arborvitaes along the west and south property line to provide screening for abutters, snow storage areas, and a revised fence line.

Commissioner Radner inquired about daily litter pick up and disposal of Amazon packing material and wanted to make sure the O&M plan included housekeeping management. Ms. Dunphy stated that she had added a requirement in the property management section regarding inspection on a weekly basis as well as placement of 6 trash cans on the property.

Commissioner Bugay moved to close the public hearing and issue an Order of Conditions with standard Special Conditions. Seconded by Commissioner Hafrey. A roll call vote was taken Radner, Holmes, Hafrey, Gauthier Garlic, Kayserman, Bugay - all voted in favor.

* **70 Hastings Road, Joey Federico, Applicant – Scott Henderson, Representative –** New SFD in Buffer Zone to Isolated Vegetated Wetlands (Dedham NOI 2019-01, MSMP 2019-21). Scott Henderson, Henderson Consulting Services, was present for the applicant.

Mr. Henderson presented a revised set of plans that contained the following changes:

* + The footprint of the house has been reduced by 18.2% and shifted forward to free up area in the backyard,
  + the impervious area has been decreased, and
  + permeable pavers substituted for the driveway and walkway.

He stated that lot impervious coverage will now be 24.2% total, two subsurface infiltration systems will be utilized each to capture half of the roof, and a planting buffer will be installed in between the lot and resource areas in the right and rear property consisting of 6 trees, 2-inch caliper, and 18 shrubs each a minimum 3 foot height. He also requested a waiver for the infiltration system in the front, as it is only 5.4 feet from lot line. He stated that he is constrained for space. Lastly, he submitted an updated set of drainage calculations. Ms. Bugay questioned whether the permeable pavers met the pre-treatment requirements for a Critical Area/Zone II and requested the applicant look into how to balance the Conservation and stormwater requirements with the Town’s Aquifer Protection Overlay requirements.

Commissioner Bugay made a motion to continue meeting until May 21, 2020. Commissioner Radner seconded. A roll call vote was taken: Garlick, Gauthier, Holmes, Hafrey, Kayserman, Radner, Bugay, voted in favor to continue.

**New Applications:**

* **Nobles and Greenough School, Applicant – Paul Avery, Oak Consulting Group, Representative** – Paving existing stone dust pathway (DEP #141-0566). Paul Avery

Paul Avery, Oak Consulting Group, summarized the Applicant’s wish to pave a section of pathway that is currently a mixture of pavement and stone dust, but was historically paved. He noted that the work is being conducted in Bordering Land Subject to Flooding but that there would be no change in grades and that there would be no change in either peak discharge or volume.

Commissioner Bugay made a motion to close the public hearing and to issue the Order of Conditions as drafted by Agent Brown. Commissioner Hafrey Seconded. A roll call vote was taken: Hafrey, Gauthier, Garlic, Radner, Bugay, Kayserman, Holmes and Bugay - all were in favor.

* **23 Bow Avenue, Lauren Colburn, Applicant** – Deck renovation and minor expansion in Buffer Zone to BVW (RDA 2020-04).

The Applicant was not available to appear in front of the Commission. Agent Brown summarized the Applicant’s wish to re-build an existing deck with a slight increase in size, resulting in construction two feet closer to the wetlands. Commissioner Radner stated that the area behind the property was possibly on the potential vernal pool map and because that could impact the proposal, she would like to conduct a site inspection. Agent Brown stated that she would let the Applicant know that Commissioner Radner planned to visit the property.

Commissioner Bugay made a motion to continue until May 21st. Commissioner Radner seconded. A roll call vote was taken to continue the applications: Hafrey, Gauthier, Garlic, Radner, Bugay, Kayserman, and Holmes all were in favor.

* **142 Curve Street, Keith Mahony, Applicant – Paul Lindholm, Representative** – Addition and deck on SFD in Riverfront Area and Buffer Zone to BVW (DEP #141-TBD). Paul Lindholm and David Gorden, Thunderchase Environmental, was present for the Applicant.

Commissioner Bugay stated that the Commission had recently issued a Positive Determination of Applicability for this project due to its belief that the Riverfront Area provisions of the Wetlands Protection Act were applicable and due to a concern that the resource areas were not being adequately protected during construction. Mr. Lindholm stated that the new addition, as designed, would have the least amount of impact on the slope and resource area. He added that he would not allow stockpile of any construction equipment or material to be allowed on the site. Commissioner Bugay asked for clarification of where a dumpster would be located, and for a site prep and demo plan to be submitted to the Commission. Mr. Lindholm stated that erosion and sedimentation controls would need to be in place, with a requirement for continued site inspections.

Dave Gorden suggested that instead of dictating what should be done and submitting a revised plan, daily communication could take place with the contractor. Commissioner Bugay explained that the dumpster cannot be within the 100-foot buffer zone per regulations and the plans need to reflect that limitation. Furthermore, she asked for clarification and specific construction sequencing plans so that the Commission can be assured that there would be controls in place during construction. Commissioner Bugay also requested that the applicant resubmit plans that include a mounding analysis and specify no construction storage of materials in the 100’ buffer, and daily sweeping and cleanup of construction area and the area in the rear of the property. Agent Brown also requested that the plan address removal of existing debris and other material between the existing deck and Mother Brook.

Commissioner Bugay moved continue the hearing until May 21,2020. Commissioner Radner seconded. A roll call vote was taken to continue the application: Hafrey, Gauthier, Garlic, Radner, Bugay, Kayserman, Holmes -all were in favor.

**Extension Requests** - Dedham Country and Polo Club (141-0518, 141-021, and 141-0538). The Commission voted to extend each of the three OOCs.

**Request for COC** –

* 538 Bridge St, DWWD -Commissioner Bugay moved to issue and was seconded. A roll call vote was taken Hafey, Radner, Kayserman, Gauthier, Garlick, Bugay, and Holmes - all voted in favor.
* 122-124 Milton Street -Commissioner Bugay moved to issue and was seconded. A roll call vote was taken Hafey, Radner, Kayserman, Gauthier, Garlick, Bugay, and Holmes - all voted in favor.

**Refund of Unused Peer Review Funds** – Nina Court (fka 114 Bussey St). Commissioner Bugay moved that the Commission approve refunding the unused $400 of the peer review funds obtained. Motion was seconded, and a roll call vote was taken: Hafrey, Radner, Kayserman, Gauthier Garlick, Bugay, and Holmes - all voted in favor.

**Request for Return of Surety** – 217 Central Street. Commissioner Bugay moved that the Commission approve the return of the $5,000 surety funds provided by the applicant as the work on the site had been completed and a COC issued. Motion was seconded and a roll call vote was taken: Hafrey, Radner, Kayserman, Gauthier Garlick, Bugay, and Holmes - all voted in favor.

**Vote to Authorize Electronic Signatures:** Discussion and possible adoption of M.G.L. c.110G, regarding the use of electronic signatures by Commission members pursuant to Amendment 13-7 to the Massachusetts Deed Indexing Standards 2018, effective April 17, 2020. Commissioner Bugay moved that the Commission allow electronic signatures on Commission documents. Motion was seconded, and a roll call vote was taken: Hafrey, Radner, Kayserman, Gauthier Garlick, Bugay, and Holmes - all voted in favor.

**Vote to Authorize Chair to sign on behalf of the Commission .** Commissioner Bugay moved that the Commission allow the Chair to sign Commission documents on behalf of the Commission. The motion was seconded, and a roll call vote was taken: Hafrey, Radner, Kayserman, Gauthier Garlick, Bugay, and Holmes - all voted in favor.

**Minutes** – The minutes of 3/19/20 and 4/2/20, as revised by Commissioners Bugay and Radner, were approved.

Meeting adjourned 9:43 pm

Respectfully submitted,

Renee Johnson, Administrator