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| Michelle Kayserman , Chair | C:\Users\ebrown\AppData\Local\Microsoft\Windows\INetCache\Content.Word\Town Seal - Color.jpg | 26 Bryant Street |
| Stephanie Radner , Vice Chair | Dedham, MA 02026 |
| Eliot Foulds , Clerk |  |
| Leigh Hafrey, AssociateNick Garlick, AssociateBob Holmes, Associate  | Tel: (781) 751-9210 |
| Nathan Gauthier, Alternate | Fax: (781) 751-9109 |
| Sean Hanley, Alternate |  |
| Elissa Brown, Agent | TOWN OF DEDHAM | Website |
| Renee Johnson, Administrator | www.dedham-ma.gov |
|  | CONSERVATION |  |
|  | COMMISSION |  |

**Minutes of October 15th 2020**

In response to the COVID-19 pandemic and given the current prohibitions on gatherings 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:**

Michelle Kayserman, Chair

Stephanie Radner, Vice Chair

Eliot Foulds, Clerk

Bob Holmes

Nick Garlick

Nathan Gauthier, Alternate

Sean Hanley, Alternate

The following staff were also present:

Renee Johnson, Administrator

Elissa Brown, Conservation Agent

The following Commissioners were absent:

Leigh Hafrey

The following Applicants and/or Representatives were present:

Paul McManus-EcoTec-Representing 180 Milton Street

Fergal Brennock-MTM Properties- Applicant – 180 Bridge Street

Michael Gallagher-Applicant/Owner – 180 Bridge Street

Matt Grosshandler – Representing 180 Bridge St

Danielle Desilets – Representing 220 Pine Street

Commissioner Kayserman called the meeting to order at 7:00 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.

**New Applications**

* **180 Milton Street, Fergal Brennock, MTM Properties, Applicant-Paul McManus, EcoTec RDA 2020-09**

Mr. McManus provided the Commission with a summary of the project. He explained that to the rear of the building is a large, paved parking lot, used as a storage yard for supplies, that slopes gently toward Mother Brook. A pair of parallel storage trailers were installed on concrete footings in the paved parking lot . A third container is located at the back that runs perpendicular to the other storage containers. The paved lot is within the buffer zone and riverfront to Mother Brook. A wooded area that slopes steeply down to Mother Brook is located behind the back (perpendicular) of the storage container. A metal cover spans the two storage containers The applicant hopes to use the covered area and storage containers to house supplies, including a bridge paving machine. The Conservation Agent met with the applicant and requested that the applicant file a Request for Determination of Applicability, which is what the applicant did. The entire area is already paved so there is no additional impervious area created.

Agent Brown explained that the Building Commissioner had observed the storage containers and determined that they were permanent structures and therefore require permits.

Commissioner Gauthier asked if wetland improvements were included as part of this proposal. Mr. McManus stated that they propose installing jersey barriers across the back of the paved lot to prevent any incidental material movement by staff and limit the ability to place snow any closer to Mother Brook. He believes that any other stormwater management would be tough as there is not a lot of room before the steep slope.

Commissioner Kayserman stated that a crushed stone-filled trench at the edge of pavement would provide some treatment and reduce erosion from runoff in addition to the barrier.

Commissioner Kayserman made a motion to close the public hearing. Commissioner Radner seconded. A roll call vote was taken**:** Kayserman, Holmes, Foulds, Garlick, and Radner all voted in favor.

Commissioner Kayserman made a motion to issue a Negative Determination of Applicability with special conditions. Commissioner Radner seconded. A roll call vote was taken**:** Kayserman, Holmes, Foulds, Garlick, and Radner all voted in favor.

**Continued Applications**

* **MBTA Right of Way, Clary Coutu, Keolis, Applicant – Matt Donovan, Representative –** Vegetation Management Plan wetlands map (RDA 2020-05).

Agent Brown stated that in response to the Commission’s decision to issue a Negative Determination she had asked for examples from other towns. Based on this information she had drafted a Negative Determination that would provide exemptions for completing herbicides and mechanical clearing as part of the plan, as well as including a requirement to contact the Agent prior to any non-emergency treatment or clearing. In turn she would notify the Commission so they could observe work and notify abutters if they were called or asked about it.

Commissioner Kayserman asked the Agent if she was satisfied with this determination. Agent Brown stated that she preferred the Positive Determination of the limits of the wetlands, with the exemption of not needing an NOI. If the applicant felt they had to appeal, that appeal would be to DEP, which Agent Brown felt was a positive thing as doing so would take the issue out of the Commission’s hands. This would force DEP to have to figure out the appropriate response to Keolis’ request. Lastly, she did state that it made no difference in practice as Keolis has the right to do with the land as they deemed fit.

Commissioner Radner felt that Keolis had the right to keep their property clear under federal safety guidelines and she hopes these public meeting records reflect that the Commission has worked to protect the interest of the wetlands while also demonstrating concern for public safety.

Commissioner Kayserman moved to close the public hearing. Commissioner Radner seconded. Kayserman, Holmes, Foulds, Radner, and Garlick all voted in favor.

Commissioner Kayserman made a motion to issue a Negative Determination of Applicability with special conditions. Commissioner Radner seconded. A roll call vote was taken**:** Kayserman, Holmes, Foulds, Garlick, and Radner all voted in favor.

* **Gift of Land-205 Providence Highway**

The property owner has offered to gift the undeveloped land addressed as 205 Providence Highway to the town under the management of the Conservation Commission. The land offers valuable wetlands and upland habitat adjacent to the Charles River.

Commissioner Kayserman moved to accept the extremely generous offer of the gift of land. Commissioner Foulds seconded. Kayserman, Holmes, Foulds, Radner, and Garlick all voted in favor.

* **Request for Modification of Tree Removal and Re-Planting-220 Pine Street-**ARL, MSMP 2020-08-Danielle Desilets

Ms. Desilets apologized for confusion from a previously submitted application. On further review, she stated that they would have to remove more trees than previously reported as they had not properly accounted for all the trees to be removed. As a result, new plans have been submitted that indicate that 107 trees will be removed. As mitigation 93 native trees will be planted along with 250 native shrubs. She appears in front of the Commission to ask for approval to proceed with the plans.

Commissioner Radner wanted to make sure that male and female individuals of certain species were included to ensure fruit production on some of the shrubs.

Commissioner Gauthier asked about the limitations regarding where the trees could be planted. Ms. Desilets responded that much of the open space was within the pet monuments/burial space. These areas are not available for planting as more burials could be anticipated. Other areas are not available for planting due to underground utilities and a significant area of the property is already wooded, leaving limited open space for planting.

Commissioner Kayserman asked that special conditions be added that the turf seed area that is undeveloped be used specifically for pet burials or plantings and not to be expanded as impervious surface.

Commissioner Kayserman made a motion to approve the modification request. Commissioner Radner seconded. A roll call vote was taken Radner, Kayserman, Foulds, Holmes, and Garlick all voted in favor.

* **Request for COC**- 52 Garfield MSMP 2014-5

Commissioner Kayserman made a motion to issue a Certificate of Compliance for MSMP 2014-05. Commissioner Garlick seconded. A roll call vote was taken: Radner, Kayserman, Holmes, Foulds, and Garlick all voted in favor.

* **Enforcement Orders-**

**80 Bridge St.-** Agent Brown stated that she was told that test pits had been conducted and reasonable soils had been discovered. Mr. Grosshandler added that the soil and water level looked good based on mottling. Unfortunately, under the current drought conditions the water levels could be lower than expected. He believed that if normal water and favorable conditions were present infiltration might not work. They are open to a peer review and additional consideration of the project. They hoped to have an updated set of plans for the Commission’s review and consideration for the next hearing on November 5th, 2020.

Commissioner Kayserman made a motion to continue the application to November 5th, 2020. Commissioner Radner seconded. A roll call vote was taken: Radner, Kayserman, Foulds, Holmes, and Garlick all voted in favor.

* **7 Schoolmaster Lane**

Agent Brown stated that there had been no submittals yet. Karon Skinner was hired to delineate the wetlands and John Glossa was retained to design the stormwater management system. She hoped that by putting an enforcement order on the agenda, it induced action for the project. Commissioner Kayserman stated that a submission of substance would need to be received to appear on the November 5th agenda. If it is not submitted in an acceptable way, she plans to issue an enforcement order.

 **Minutes 9/3/20, 9/17/20,**

Commissioner Kayserman made a motion to approve the minutes. Commissioner Radner seconded. A roll call vote was taken Radner, Kayserman, Foulds, Holmes, and Garlick all voted in favor.

**Agents Report**

* Administrative approval-211 High Street. Dead trees: Agent Brown stated that she had issued an approval for the removal of two dead trees adjacent to the parking lot. The permit required that a snag of 6” remain.
* Minor Stormwater Management Permit-244 Robert Road driveway was issued by Agent Brown
* Bylaw Review committee update- the Conservation Agent requested that the Stormwater Fees be taken out of bylaw and put into regulations in order to allow the Conservation Commission to review and adjust fees to accurately reflect the work done by staff, rather than requiring changes be approved by Town Meeting. She would like to have the Commission review fees by looking at other towns for comparison to make reasonable increases to Dedham’s fees. She felt the current fee structure gives free reign to developers in town. The Finance and Warrant committee meeting would have to approve, and Town Meeting would have to approve next. The change was unanimously approved by the Bylaw Review Committee.
* Vacancy posting online - Agent Brown stated that the Conservation Commission vacancy application was posted for 10/23/20-11/2/20. She asked for recommendations for potential members from Commissioners.
* MACC On-line Conference-available to Conservation Commissioners. Agent Brown stated that the office is willing to pay for any of the Conservation Commissioners attendance.
* Vehicle Issue-Agent Brown is stated that she is currently limited in being able to visit sites due to a lack of appropriate vehicle.
* Trail behind 30 Milton Street-Commissioner Kayserman and Agent Brown had been over to see it. Vegetation had been cleared but Agent Brown felt that additional trail work was still required. She has provided the applicant a DCR guidance document on trail construction.

Agent Brown addressed Felix Sanchez who joined the meeting at the end of the Agent’s Report. Commissioner Kayserman stated that any documents received today would need to appear on the agenda for November 5th so the project could not be discussed tonight. He said he was unaware that new documents needed to be submitted.

Commissioner Kayserman made a motion to adjourn. Commissioner Holmes seconded. A roll call vote was taken: Kayserman, Radner, Foulds, Holmes, and Garlick, All were in favor.

Respectfully submitted,

Renee Johnson, Administrator