



Stephanie Radner, Chair
Nathan Gauthier, Vice Chair
Eliot Foulds, Clerk
Leigh Hafrey, Associate
Nick Garlick, Associate
Bob Holmes, Associate
Erik DeAvila, Associate
Tim Puopolo, Alternate
Elissa Brown, Agent

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TOWN OF DEDHAM

CONSERVATION COMMISSION

Minutes of August 5, 2021

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:

Stephanie Radner, Chair
Nathan Gauthier, Vice Chair
Eliot Foulds, Clerk
Erik DeAvila
Leigh Hafrey
Bob Holmes
Tim Puopolo, Alternate

The following staff were also present:

Elissa Brown, Agent
Patrick Hogan, Assistant Conservation Agent

The following Commissioners were absent:

Nick Garlick

The following Applicants and/or Representatives were present:

Kevin Costello, Applicant – 35-41 Roosevelt Road
Kameron Campbell, Representative – 35-41 Roosevelt Road
Jim DeCelle, Representative – 35-41 Roosevelt Road
Scott Morrison, Representative – 35-41 Roosevelt Road
Mike Carter, Representative – 218 Schoolmaster Lane
Adam Marchionda, Representative – 82 Madison Street
Jim Burke, Representative – 179 Riverside Drive
Anthony Rossetti, Applicant – 325 East Street
Erin Joyce, Representative – 325 East Street
Nichole Dunphy, Representative – 480 Sprague Street

Commissioner Radner called the meeting to order at 7:01 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.

1. Continued Applications (Applications Previously Opened to be Discussed Tonight)

1.1 35-41 Roosevelt Road – DEP #141-0559/MSMP 2019-13 – New SFD on Undeveloped Lot

Applicant: Kevin Costello Representative: Jim Decelle, Decelle-Burke-Sala Request: Issue OOC & MSMP

Kameron Campbell reported that snow storage areas have been added on the back side of the turnaround. The areas are capable of containing a 6" snow event while piling no higher than 2.5'. The owner has a letter from DPW stating they will remove snow beyond that amount.

The planting plan has also been revised. Mr. Morrison reported that saplings will be about 1"-1.5" in diameter. Commissioner Radner requested a list of the species of trees. Mr. Campbell displayed the list as given in the planting plan. Commissioner Radner noted that hemlock and white pine in Planting Area C were not likely to survive. She suggested planting something that is more swamp-friendly such as red maple. Mr. Morrison stated those species could be easily replaced with species shown in the other planting areas. Commissioner Radner agreed this was desirable.

Commissioner Radner reviewed the new heritage maps, released August 1, 2021 and confirmed that the priority habitat area moved. Agent Brown also mentioned that the applicant had obtained a letter from Natural Heritage stating that the project would not affect the protected habitat area and could be allowed.

Commissioner Radner opened the floor to other commissioners for questions and comments.

Commissioner Hafrey asked for clarification on DPW's involvement in snow removal and asked if it was a common arrangement. Mr. Costello stated he knew of other instances and did not believe it was uncommon. Commissioner Gauthier clarified that the agreement referred to the snow storage at the end of the road. Agent Brown read an email from Joe Flanagan, DPW Director, confirming that they would remove snow that exceeded the snow storage location.

Commissioner Foulds asked if the snow storage area was on the applicant's parcel. Commissioner Radner stated there were two snow storage areas, one on the applicant's parcel and the other on the turnaround. Mr. Campbell clarified that the turnaround was private property, but they had obtained an easement for its use as access.

Commissioner DeAvila asked who was responsible for maintaining the gutter inlet shown on the plans. Mr. Campbell stated it was the responsibility of the homeowner.

Commissioner Radner opened the floor to the public for questions and comments about the snow storage and planting plan.

Scott Barnes of 29 Roosevelt Road asked about the snow storage near his property line. He stated he already has water issues on his property and is concerned that he won't be able to control the snowmelt. He also asked that whether the easement could be revoked in the future with a new property owner. Mr. Campbell displayed the grading of the site and stated that the land is graded for rain and snowmelt to flow across the property and to the gutter inlet. Commissioner Radner asked if

the snow would be moved off site if it becomes too much for the area. Mr. Campbell stated that could happen. Commissioner Radner asked if the easement is recorded with the deed. Mr. Campbell stated it had been recorded, so the easement goes with the land regardless of future property owners. Mr. Barnes requested that the residents be able to review the easement to verify. Commissioner Radner asked if it had been submitted and, if not, suggested Agent Brown request a copy of it for the file. Agent Brown agreed and Mr. Costello agreed to provide it.

Cecelia Beatty of 51 Filmore Road expressed a concern that the snow storage in the turnaround would flood her abutting yard. She stated her side yard is flooded as it is, basements have flooded in the past, and this will add additional issues. Commissioner Radner asked if Town Engineering had reviewed the plan. Agent Brown responded that the plans had been shared with Engineering, as all applications are, but they have not made comments. Commissioner Radner stated this will be taken into consideration.

Commissioner Holmes asked if the elevation shown on the plan was the final elevation or if fill will be added to the site. Mr. Campbell stated the dashed grey lines showed existing elevation while the dark lines showed proposed elevations.

Commissioner DeAvila asked if there was a berm or curbing around the snow storage areas that directed snow melt to the storm drains. Mr. Campbell stated the turnaround was bermed and designed to direct flow to the storm drain inlet and the rain garden. Commissioner Radner suggested this may also help with the concerns Ms. Beatty expressed.

Mr. Barnes asked for a clarification on the rain gardens. He asked if there was a rain garden associated with the turnaround. Mr. Campbell stated the only rain garden was adjacent to the house and was designed to handle all runoff from the turnaround and the surface flow. Mr. Barnes asked if it was sized to collect runoff from all impervious area on the site. Mr. Campbell confirmed that it was.

Commissioner DeAvila asked if there was an overflow for the rain garden. Mr. Campbell stated that the rain garden was able to hold a 100-year storm event, but there was an overflow weir. Commissioner DeAvila asked who is responsible for maintenance of the rain garden and Mr. Campbell stated it was the homeowner's responsibility.

Dave DiDonato of 440 Greenlodge Street referenced a video he shared showing his yard flooding during a regular rain event. He is concerned a new house right behind his house will exacerbate the conditions he's already experiencing.

Commissioner Radner stated a soil scientist has reviewed the area and confirmed the turnaround area does not contain hydric soils. She opened the floor to the other commissioners for questions related to this review. She received no responses. Commissioner Radner opened the floor to the public for questions about the delineation.

Mr. Barnes asked about a finding of sand in the area. Commissioner Radner described the soil scientist's process and said that a few sandy areas were found, but none were particularly remarkable. Mr. Morrison added that some areas had a large amount of topsoil, but that was likely because the area was used as a garden for many years. He stated that there was no evidence that additional soil was ever added.

Mr. DiDonato reiterated his concern about excess water on his property and his neighbor's property. He asked what would be done about the water. Commissioner Radner stated that the applicant is complying with the stormwater management requirements on their property as part of this project.

The resident (William Craig (?)) at 446 Greenlodge Street stated he had recognized significant flooding on his property and expressed additional concerns that the proposed project will exacerbate that. He stated he would like to review the plans. Agent Brown offered to share the plans via email if the resident emailed her. He agreed.

Agent Brown stated she had prepared a draft Order of Conditions and Major Stormwater Management Permit but would like to include special conditions that a recorded copy the easement be provided, a planting plan showing the revisions discussed during this meeting be provided, and the plans be revised with the new protected habitat line. Alternatively, the permit could be held until these items are received. Commissioner Radner asked if a special condition had been included to wash the tires of vehicles to prevent the migration of mile-a-minute on the site. Agent Brown stated such a condition had been included.

Commissioner Radner opened the floor for final questions.

Ms. Beatty reiterated how concerning the flooding in her yard is and that the proposed snow storage will make her situation worse.

Commissioner Gauthier stated that he understands the location of this project is causing concern to all neighbors but stated that all engineering reports have indicated this project is not expected to make conditions worse. He stated that he intends to vote to allow the project and that is because all tests, standards, calculations, and peer reviews related to this project have indicated the project should be allowed.

Commissioner Radner made a motion to close the public meeting for this item. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 6-0.

Commissioner Radner made a motion to issue a Major Stormwater Management Permit for this project. Agent Brown asked about including the additional special conditions she had mentioned. Commissioner Radner amended to motion to include the addition of special condition requiring the submission of a modified planting plan. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. Commissioner Holmes and DeAvila abstained, Commissioner Foulds voted "nay," and Commissioners Radner, Hafrey, and Gauthier voted "aye." Motion carried 3-1 with 2 abstentions.

Commissioner Radner made a motion to issue the Order of Conditions for this project as drafted by Agent Brown with the addition of the special conditions requiring the submission of a revised site plan showing the new habitat line and a copy of the easement for the turnaround area. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. Commissioner Holmes and DeAvila abstained, Commissioner Foulds voted "nay," and Commissioners Radner, Hafrey, and Gauthier voted "aye." Motion carried 3-1 with 2 abstentions.

1.2 218 Schoolmaster Lane – MSMP 2021-14 – Driveway Relocation

Applicant: Supreme Development Representative: Mike Carter, GCG Request: Issue Neg. DoA

Commissioner Radner reviewed the revised planting plan and stated it was acceptable.

Commissioner Radner opened the floor to other commissioners for comments. She received no responses.

Agent Brown stated she had drafted a Negative Determination of Applicability.

Commissioner Radner opened the floor to the public for questions. She received no responses.

Commissioner Radner motioned to close the public hearing on this item. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. Commissioner Foulds was unavailable. All other commissioners voted "aye." Motion carried 5-0.

Commissioner Radner motioned to issue the Negative Determination of Applicability for this project as drafted by Agent Brown. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 6-0.

1.3 82 Madison Street – MSMP 2021-08 – Demo Existing SFD and Replace with New SFD

Applicant: Francisco Romero Representative: Adam Marchionda, Marchionda & Assoc. Request: Issue MSMP

Mr. Marchionda stated the applicant is proposing to remove an existing single-family dwelling and construct a new single-family dwelling. An infiltration system will be included along with an 8" stone diaphragm next to the driveway leading to a rain garden. The rain garden will have an overflow to the infiltration system.

Commissioner Radner asked if areas for material stockpiling during construction had been clearly marked on the plans. Mr. Marchionda stated they had, within the erosion control area to the rear of the site.

Commissioner Radner opened the floor to other commissioners for comments. She received no responses.

Commissioner Radner asked if any trees would be removed with this plan. Mr. Marchionda stated no tree removal was proposed.

Commissioner Radner opened the floor to the public for questions. She received no responses.

Agent Brown stated she had drafted a Major Stormwater Management Permit for this project. She has shared it with the applicant and received no comments.

Commissioner Radner motioned to close the public meeting on this item. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 6-0.

Commissioner Radner motioned to issue the Major Stormwater Management Permit for this project as drafted by Agent Brown. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 6-0.

1.4 179 Riverside Drive – DEP #141-0585; MSMP 2021-02 – New SFD on Undeveloped Lot

Applicant: Martin Grealish, Phoenix Holdings Representative: Jim Burke, DeCelle-Burke-Sala Request: Issue OOC/MSMP

Mr. Burke stated that he had spoken with Dedham Department of Public Works (DPW) about how they could improve the outfall pipe. He is going to change the detail on the site plans to meet the DPW's conditions and will submit a plan next week for the next public hearing.

Commissioner Radner asked if he would be making any changes to the proposed building on the plans. Mr. Burke stated the only plan changes would be to the outfall pipe; he did not intend to make any modifications to the plans for the dwelling.

Commissioner Radner stated she had re-read the Town By-Laws and is concerned about the project meeting the provision that the resource area continue to be as protected as if the project hadn't occurred. She stated she strongly feels that the level of disturbance on the slope is significant enough for her to have concerns with the project as proposed. Mr. Burke asked if the project's relation to the 100' undisturbed buffer area is the reason the project is being questioned. Agent Brown replied that there were a number of performance standards that need to be evaluated by the Commission.

Mr. Burke asked if the Town By-Laws state that the buffer area, based on the angle of the slope, is undevelopable. Agent Brown stated the project is wholly within the undisturbed buffer area but reiterated that all performance standards needed to be evaluated by the Commission.

Commissioner Foulds asked Agent Brown if the commission approved a Major Stormwater Management Permit within the undisturbed buffer area earlier this evening. Agent Brown assumed he was referring to the permit issued for 35 Roosevelt and stated that this project was in the buffer zone, but wholly outside of the undisturbed buffer area. Agent Radner added that that project was not in a riverfront area, either, which this project is.

Mr. Burke stated he would convey this message to the owner. He believes something can be done to improve the situation. He is concerned moving the house closer to the street as that would require street parking, which negatively impacts the neighborhood. Mr. Burke formally requested an extension to the next meeting.

Commissioner Radner strongly recommended he review the performance standards for riverfront area and the provisions about "no significant adverse impact." She stated that while she appreciated the applicant's desire to improve the stormwater infrastructure, it didn't necessarily offset the disturbance to the riverfront that the project would create.

Commissioner Radner opened the floor to other commissioners for comments. She received no responses.

Commissioner Radner motioned to continue this item to the next meeting. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 6-0.

2. New Applications

2.1 325 East Street – MSMP 2021-16 – Demo Existing SFD and Construct New SFD

Applicant: Anthony Rosetti Representative: Erin Joyce, Joyce Consulting Request: Issue MSMP

Ms. Joyce introduced the project stating that an existing single-family dwelling would be replaced with a new single-family dwelling including garaged parking and a driveway area. She shared a site plan to illustrate the project. She noted that there is a low point on site, so currently the site essentially drains onto itself.

Commissioner Radner asked if any trees would be removed. Ms. Joyce stated no trees existed on site currently.

Commissioner Radner opened the floor to other commissioners for comments. She received no responses.

Commissioner Radner opened the floor to the public for questions. She received no responses.

Agent Brown stated she had drafted a Major Stormwater Management Permit for this project. Ms. Joyce confirmed she and the owner had received the draft permit and have no questions or comments.

Commissioner Radner motioned to close the public meeting on this item. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 6-0.

Commissioner Radner motioned to issue the Major Stormwater Management Permit as drafted by Agent Brown. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 6-0.

3. Requests for COCs

3.1 480 Sprague Street – DEP 141-0564/ MSMP 2020-05 – Parking lot renovation - Partial (minus final plantings)

Nichole Dunphy, project manager, stated the owners are seeking a Partial Certificate of Compliance for the project. She stated the stormwater management system has been installed and the parking lot has been paved. They are requesting a Partial Certificate of Compliance because of a backlog on some of the plantings they have ordered. She stated the plants are now on-site but have not yet been planted.

Commissioner Radner asked if there was a reason why a Partial Certificate of Compliance was needed since the plants are now on site. Ms. Dunphy stated that the request was made before the plants had been received and the owner is in the process of selling the property and wanted to obtain the Partial Certificate of Compliance to comply with terms of the sale.

Agent Brown confirmed the system is installed and, while it has been full recently, is confirmed to be working as designed by the engineers.

Commissioner Radner motioned to issue a Partial Certificate of Compliance for the project for the stormwater system, but not for the plantings. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 6-0.

3.2 88 Dedham Boulevard – MSMP 2018-02 - New SFD on undeveloped lot- Complete

Agent Brown stated the house had been built, the vegetation had been planted, the driveway had been paved, and an as-built plan had been submitted.

Commissioner Radner motioned to issue a Certificate of Compliance for the project. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 6-0.

3.3 124 Country Club (DCPC) – DEP 141-0518 – Irrigation System – Complete

Agent Brown stated the permittee has installed a new watering system that will drastically reduce their water use. The project's representative was not available for this meeting. If the commission would like a detailed explanation of the work completed, the certificate can wait until the next meeting.

Commissioner Radner asked if any commissioners would prefer to wait for a detailed explanation. She received no responses.

Commissioner Radner motioned to issue a Certificate of Compliance for the project. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 6-0.

4. Legacy Place – Enforcement Order Update

Agent Brown stated that she had previously issued an enforcement order when she observed workers repairing a guard rail while standing in wetlands at Legacy Place. The applicant's engineer has since submitted documentation that the wetland is a permitted stormwater management sediment forebay and therefore not a jurisdictional wetland. The engineer did apologize for not notifying the Commission of the work ahead of time to prevent confusion. No further action is needed.

5. Minutes – 6/3/21

The commissioners had not yet reviewed the minutes.

6. ConCom Representative to Open Space and Recreation Committee

Commissioner Radner explained the need to have a representative from the Conservation Commission on the Open Space and Recreation Committee. She asked the other commissioners for interest. Commissioner DeAvila expressed that he was willing to participate.

Commissioner Radner nominated Commissioner DeAvila to be the Conservation Commission representative on the Open Space and Recreation Committee. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 6-0.

7. Agent's Report

7.1 Eastern Avenue – Eversource Gas Main Maintenance Project – Exempt

Agent Brown stated a letter from Eversource regarding this project is included in DropBox. It is an exempt project and is there for reference.

7.2 Finalizing Draft Fill Policy

Agent Brown stated instances of fill have been increasing lately and reminded the commissioners that they had previously began work on a draft policy regarding fill. She stated she would like commissioners to review the draft policy and discuss it at an upcoming meeting.

Commissioner Hafrey made a motion to adjourn. Commissioner Radner seconded. All attending commissioners voted "aye." Motion carried 6-0.

The meeting was adjourned at 9:12 pm.