



Michelle Kayserman, Associate
Stephanie Radner, Associate
Eliot Foulds, Associate
Leigh Hafrey, Associate
Nick Garlick, Associate
Bob Holmes, Associate
Nathan Gauthier, Alternate
Sean Hanley, Alternate
Elissa Brown, Agent

450 Washington Street
Dedham, MA 02026

Tel: (781) 751-9210
Fax: (781) 751-9109

Website
www.dedham-ma.gov

TOWN OF DEDHAM

CONSERVATION COMMISSION

Minutes of February 4, 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 both in person and 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, Acting Chair
Eliot Foulds, Clerk
Leigh Hafrey
Nathan Gauthier
Nick Garlick
Bob Holmes

The following staff were also present:

Elissa Brown, Agent

The following Commissioners were absent:

Michelle Kayserman, Chair
Sean Hanley, Alternate

The following Applicants and/or Representatives were present:

Mike Fitzgerald, Applicant – 43 Meadowbrook Road
Matthew Watsky, Representative – 43 Meadowbrook Road
John Joyce, Applicant – 214 Lowder Street
Regan Andreola, Representative – 214 Lowder Street
Andrew Gorman, Representative – 214 Lowder Street
Paul Lindholm, Representative – 177 Meadowbrook Road
Chris Newhall, Applicant – Eversource Right of Way
Rhianna Summers, Representative – Eversource Right of Way

Commissioner Radner called the meeting to order at 7:04 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. Public Hearing Stormwater Regulations Revision – Fee Schedule

Agent Brown presented the proposed fee schedule from the new stormwater rules and regulations. She stated that since the last hearing, a limit for one tier of the “Commercial, Institutional, and Manufacturing” category has been changed from 10,000 ft² to 5,000 ft². This change was based on discussion at the previous hearing. Agent Brown stated she has not received any further comments. Agent Brown has spoken with the Building Department, who typically issues Minor Stormwater Management Permits, and confirmed that they will be able to collect any fees associated with those permits.

Commissioner Radner recalled discussion from the previous meeting regarding the fee for the Certificate of Compliance. She stated she had suggested eliminating this fee and increasing the initial permit fee. She explained the Commission had decided to leave the fee for the Certificate of Compliance in place so as not to penalize permittees who decide not to go through with a permitted project. Agent Brown confirmed.

Commissioner Gauthier requested clarification on the fees as a rate of acreage. He asked if the per-acre rate would be prorated. As an example, he asked if 1.5-acre site would require a fee of 1.5x the per-acre rate, or 1x the per-acre rate. Agent Brown suggested the Commission discuss and decide whether to prorate the fees. The Commission agreed to prorate the fees and Agent Brown added language reflecting prorated fees for fractions of acres to the proposed fee schedule.

Commissioner Radner opened the floor to the other commissioners for questions and comments. The commissioners expressed approval of the fee schedule as drafted.

Commissioner Radner opened the floor to the public for question and comments. She received no responses.

Agent Brown suggested the Commission consider and vote on the new fee schedule at the next hearing on February 18, 2021. The Commission agreed.

2. Fill Discussion in Jurisdictional and Non-Jurisdictional Areas

Agent Brown stated she has noted increased instances of residents adding fill to their yards. She stated she is uncertain how she should respond to these cases and has drafted a policy for management of fill projects.

In the draft policy, Agent Brown suggested that projects with less than 500 ft² of fill would not require a permit. Between 500 ft² and 2,000 ft², a Minor Stormwater Management Permit should be required. For fill projects over 2,000 ft² of fill, a Major Stormwater Management Permit should be required.

The draft policy states that if no additional impervious area is proposed, the Agent can approve a Minor Stormwater Management Permit for fill via administrative approval, but Agent Brown would like to include special conditions that the filled area be revegetated and that at least 75% of the plantings survive at least 2 growing seasons.

Commissioner Foulds asked that the policy be clear enough to exclude instances of routine residential gardening. He suggested including depth of fill in a revision to prevent this issue. Agent Brown asked for suggestions regarding an acceptable depth of fill. Commissioner Foulds recommended fill less than 3” deep be excluded.

Commissioner Hafrey asked if planting grass seed would be considered vegetating a filled area. Agent Brown stated the draft policy encourages woody vegetation. Commissioner Gauthier noted instances where a resident is trying to change the slope of their lawn and asked if requiring residents to plant woody vegetation in lawn areas was acceptable. Commissioner Foulds agreed, noting that if the resident was applying fill to make an athletic court (badminton, croquet, etc.), adding woody vegetation would be a hindrance. Commissioner Radner expressed mixed feelings as she imagined that a lot of fill activities are intended to simply level existing lawns. Agent Brown commented that she drafted the policy focusing on residents who were trying to raise their yard in response to drainage issues and had not considered residents who might be only leveling and maintaining their lawn.

Agent Brown considered the discussion about the Minor Stormwater Management Permit and stated the policy could get more complicated when discussing requiring a Major Stormwater Management Permit for filled areas over 2,000 ft². She suggested the requirements associated with the Major Stormwater Management Permit may create an exceedingly high cost for fill projects. Commissioner Radner agreed.

Agent Brown suggested that, based on the discussion, the Commission may want to consider revising the regulations to exempt fill projects.

Commissioner Radner asked how often issues with fill occur. Agent Brown estimated that fill issues arise a couple of times per year.

Agent Brown clarified that any exemption of fill projects from the regs should only exempt projects in non-jurisdictional areas.

Commissioner Gauthier commented that a neighbor filling their yard in response to drainage issues could result in the neighboring property experiencing drainage issues. Agent Brown agreed and stated that was her reasoning for encouraging the planting of woody vegetation.

Commissioner Radner suggested focusing on the definition of “alteration” in the policy.

Commissioner Gauthier suggested possibly using the volume of fill rather than a square footage of coverage area.

Agent Brown stated she would consider the comments and revise the policy for a future meeting.

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

This item was tabled to be discussed at a future meeting once Agent Brown has revised the policy.

3. Applications Previously Opened to be Discussed Tonight

3.1 43 Meadowbrook Road – DEP #141-0581 – Dam Maintenance

Applicant: Mike Fitzgerald, MIT Endicott House Representative: Matt Watsky

Mr. Watsky updated the Commission on changes to the application. He stated recently submitted materials eliminate the vacuum dredging of the water side of the dam. The work will now only include the clearing of woody debris from the outfall and the removal of a tree that has broken and fallen into the water. The crew will access the area using an existing pathway and all work will be completed by

hand. Mr. Watsky stated he had received and commented on a draft Order of Conditions from Agent Brown and he is satisfied with it as revised. Mr. Watsky stated invasive bittersweet plants in the area will also be removed by hand and burned on the MIT site.

Commissioner Radner asked if this project would be continued over time with regular notice to the Conservation Department. Agent Brown stated the applicant did make that request, but ultimately it was not included on the Order of Conditions. Agent Brown stated that the current scope of work could likely be classified under "normal maintenance" and would not require an Order of Conditions in the future. Agent Brown suggested that the applicant call the Conservation Department in advance of future work to confirm it can be classified as "normal maintenance." Mr. Watsky agreed and provided that advice to Mr. Fitzgerald.

Commissioner Radner opened the floor to the other commissioners for questions and comments. She did not receive any responses.

Commissioner Radner opened the floor to the public for questions and comments. She did not receive any responses.

Commissioner Radner motioned to close the public hearing for this item and issue the Order of Conditions as drafted by Agent Brown. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 6-0.

3.2 214 Lowder Street – DEP #141-0583/MSMP 2021-01 – Planned Residential Development

Owner: Jack Connors, Wight Pond II Applicant: John Joyce, Old Grove Partners

Representative: Regan Andreola, Beals & Thomas

Ms. Andreola gave an overview of the project. She stated the peer review fee had been delivered to the town. This is a Planned Residential Development (PRD) on 62 acres of land split amongst 4 parcels. The work will only occur on 3 of the parcels. The PRD allows for development to be clustered with at least 20% of the development remaining open space. In this project, 48 of the 62 acres will be open space, a portion of which the applicant is willing to donate to the town. Ms. Andreola stated the PRD was conceptually approved by the Planning Board last year and was approved at Town Meeting. Plans have now been further detailed for final approval. A vernal pool investigation revealed one certifiable vernal pool. A wildlife habitat assessment and tree inventory have also been completed.

Ms. Andreola stated the PRD will consist of 26 detached, single-family condominiums on the eastern portion of the property. The development will be accessed via an existing driveway off Lowder Street, although it will have to be widened to meet standards.

Ms. Andreola stated there will be temporary disturbance to and eventual restoration of the bank of the onsite brook as the driveway crossing is replaced to meet regulations. She also stated the project will include a small amount of work in the BVW, which includes 10 ft² of permanent impacts and 50 ft² of temporary impacts. Mitigation for this work on a greater than 10x scale has been proposed. Ms. Andreola stated work at the crossing is also on land subject to flooding, so they have provided the required compensatory storage. She also stated the project will have work in the BZ. She stated work at the crossing will also involve some work in the UBA. Ms. Andreola stated there is a riverfront area associated with Lowder Brook, but all work will take place outside of the 200' riparian area with the exception of the work at the crossing.

Commissioner Radner stated that close to 50,000 ft² of riverfront area will be developed. She asked how much of this was previously developed and how much will be new development. Ms. Andreola stated about 8,000-9,000 ft² were previously degraded. She clarified that 49,800 ft² of development will occur in the riverfront area, but 11,000 ft² of that is associated with the driveway. If that amount is removed from the total riverfront disturbance, the project is below 10% riverfront disturbance.

Commissioner Radner asked Ms. Andreola to review the submitted alternatives analysis. Andrew Gorman of Beals & Thomas gave an overview of the analysis. He stated various design scenarios were considered including a no build scenario and a traditional subdivision scenario. He stated they also analyzed economic impacts of removing parts of the project located within the riverfront area. Exhibits of these scenarios are included in the appendices.

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

Commissioner Gauthier asked if there were any calculations to show how much snow could be placed in the snow storage area, especially considering the length of the driveway. Ms. Andreola stated they did not calculate volume of the area but said the Planning Board peer reviewer was looking at this item, as well and that she would likely be reviewing the site for other storage options. Ms. Andreola also suggested signs prohibiting snow storage near the resource areas could be installed.

Commissioner Gauthier asked if there was any talk of access to the land proposed for donation. Ms. Andreola stated access to the land was being discussed, but some neighbors on Stoney Lea Road were concerned with the idea of a trail head near their properties. Commissioner Gauthier asked if access to the land via the subdivision was being discussed. Ms. Andreola stated access was possible off the subdivision, potentially on the eastern side of the stream to prevent disturbance to the residential units.

Commissioner Hafrey asked if the Commission had authority over access to this public land and, if so, should they require a solution for access before proceeding. Commissioner Radner stated she felt strongly that the town needed to work out a solution to access to the potentially donated land now to prevent future inaccessibility. Agent Brown suggested encouraging the applicant to include parking along the driveway for access to the land and include it in the designs. Commissioner Radner stated changes to the existing plan may be difficult since it has already been through several rounds of approval. Agent Brown suggested coordination with the Planning Board to understand if revisions can occur to the plans and, if so, to determine a solution for access to the potentially donated land. Commissioner Radner reiterated that ensuring access to potentially donated land should be a priority in the Commission's approval process.

Mr. Joyce stated the Planning Board had discussed access from the Early Childhood Education Center (ECEC). He stated the access was not intended to have dedicated parking spaces but was intended for users to walk to the site. Agent Brown noted that solution presented challenges as the access would not be allowed during the week and, even on the weekends, the access would be controlled by the School Committee, not the town. Commissioner Radner agreed.

Agent Brown suggested organizing a site visit for the Commission. After discussion, the Commission agreed to meet on the site on February 13, 2021, at 9:00 AM. Interested abutters and the project's peer reviewer were invited to attend.

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

Commissioner Radner moved to continue this item to the hearing on March 4, 2021. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” Motion carried 6-0.

4. Request for Modification – 177 Meadowbrook Road – DEP #141-0561, MSMP 2019-17

Paul Lindholm, representative for the owners of the property, stated his clients recently purchased the property. The previous owners were issued an Order of Conditions and Major Stormwater Management Permit. The new owners would like to make an alteration to the plan to slightly expand the size of the garage. He stated the approved garage was categorized as a 1+-car garage and the new owners would like it to be a full 2-car garage. Mr. Lindholm provided drainage calculations that show the increase in runoff caused by the addition of this space is well within the tolerances of the previous design’s stormwater management devices. He has therefore filed this change as an insignificant modification to the existing plan.

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

Commissioner Radner asked for verification that the stormwater requirements were still being met. Mr. Lindholm confirmed and added that the added work will be outside of the buffer zone.

Commissioner Radner asked if there was impervious area that could be removed elsewhere. Mr. Lindholm stated the owners would like to keep the rest of the site as permitted.

Commissioner Gauthier asked if waivers had been issued for this project. Agent Brown stated there was a waiver granted for the tree replacement ratio.

Commissioner Radner asked if the modification would result in any extra tree removal. Mr. Lindholm stated it would not, but the location of some new trees will have to be moved slightly.

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

Commissioner Radner motioned to authorize Agent Brown to approve the minor modification to this project. Commissioner Garlick seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” Motion carried 6-0.

5. Request for COC – Eversource Right of Way – DEP #141-0530

Rhianna Summers of Epsilon Associates stated the project involved the installation of a combination overhead/underground transmission line in an existing Eversource right-of-way. She stated work in Dedham had been completed, though associated work in other municipalities was ongoing. Ms. Summers stated the wetland replication area for the project has been monitored for 2 growing seasons and is doing well.

Commissioner Radner asked Agent Brown to present her observations of the project. Agent Brown stated she had recently visited the site and believed the vegetation in the wetland restoration area had

reestablished itself as intended. She was concerned that the erosion and sediment controls were still in place and suggested they be removed before issuing a Certificate of Compliance.

Mr. Newhall agreed to remove the erosion and sediment controls. Commissioner Radner directed Mr. Newhall and Ms. Summers to return to the Commission to request a Certificate of Compliance once the materials had been removed.

Commissioner Gauthier suggested the Commission authorize Agent Brown to issue the Certificate of Compliance once she has verified the materials have been removed.

Commissioner Foulds motioned to authorize Agent Brown to issue the Certificate of Compliance pending her verification that the erosion and sediment controls have been removed. Commissioner Radner seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 6-0.

6. Minutes – 12/17/20; 1/7/21; 1/21/21

Commissioner Radner stated she had circulated revised versions of the minutes. She stated a few comments had been received. Commissioner Radner if any commissioners had any other comments or edits to add. She received no responses.

Commissioner Radner motioned to approve the minutes from 12/17/20, 1/7/21, and 1/21/21 with minor edits. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 6-0.

7. Agent's Report

Agent Brown stated she has periodically received calls on 76 Old River Place from prospective buyers and tells them any project on site will have to account for the stormwater without tying into the nearby drain line.

Agent Brown stated she has also received calls from prospective buyers on 206 Court Street, which is mostly covered by wetlands. She anticipates any proposals for this site will need to be peer reviewed.

Agent Brown stated the owner of 637 East Street has applied for a demolition permit, but the permit has not been issued yet as several requirements remain unfulfilled.

Agent Brown stated a peer reviewer has been working on the proposed project at 80 Bridge Street. She stated that the original applicant (Chris Kotsiopoulos) has entered into an agreement with Giorgio Petruzzello, who is planning to add additional floors on top of the existing building and offer it for mixed use. She stated he has met with the Planning Department, but she does not know if the planned work will affect the stormwater considerations of the site since all work is within the existing footprint.

Commissioner Garlick motioned to adjourn. Commissioner Radner seconded. All attending commissioners voted "aye." Motion carried 6-0.

The meeting was adjourned at 8:49 pm.