



Michelle Kayserman, Chair
Stephanie Radner, Vice Chair
Eliot Foulds, Clerk
Leigh Hafrey, Associate
Nick Garlick, Associate
Bob Holmes, Associate
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TOWN OF DEDHAM

CONSERVATION COMMISSION

Minutes of May 6, 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
Bob Holmes
Leigh Hafrey
Nathan Gauthier
Michelle Kayserman, Chair (arrived approximately 8:15)

The following staff were also present:

The following Commissioners were absent:

Eliot Foulds, Clerk
Nick Garlick

The following Applicants and/or Representatives were present:

Antoine Chehwan, Applicant – 32 Orchard Street
Gamze Munden, Representative – 32 Orchard Street
Kellen Consowitz (note: last name was difficult to hear and may be misspelled), Representative – 286 Bussey Street
Antonio Reda, Applicant – 159 High Street
James Garfield, Representative – 159 High Street
Lilly and Stephen Medeiros, Applicants – 41 Willard Street
Joshua Green, Representative – 41 Willard Street
Jason Mammone, Representative – 351 East Street (Gonzalez Field) and Applicant – 96 Trenton Road
Jonathan Briggs, Representative – 351 East Street (Gonzalez Field)
Carolyn Gorss, Representative – 96 Trenton Road
Patrick Maguire, Representative – 96 Trenton Road
Megan Buzinski, Representative – 96 Trenton Road
Andrew Gorman, Representative – 214 Lowder Street
Regan Andreola, Representative – 214 Lowder Street

Commissioner Radner called the meeting to order at 7:02 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.

Commissioner Radner stated she and Commissioner Kayserman were working on checklists to simplify the application and hearing procedures for applicants who may not be familiar with the process.

1. New Applications

1.1 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

Neither the applicant nor the representative was present. Commissioner Radner asked if anyone from the public was in attendance specifically for this project. She received several affirmative responses.

Commissioner Radner stated that until the public hearing is opened, the commissioners cannot discuss the application or provide questions or comments. She stated her preference to wait until the applicant was in attendance to open the hearing. She asked the other commissioners for input on how to proceed.

Commissioner Hafrey agreed with Commissioner Radner and stated he believed this item should only be opened when the applicant was present. If the applicant shows up later in the meeting, the item could be discussed then. Otherwise, this should be continued to the next meeting.

Commissioner Gauthier suggested the public should be allowed to make their comments since this was a posted public meeting, but stated he is unsure of what the proper procedure in this situation would be.

Commissioner Holmes stated he would be interested in hearing the public's input on this item since they are here.

Commissioner Radner stated that to hear public comment would require opening of the public hearing. Since it was officially posted, they can do that without the applicant present. She stated they can receive comments but cannot respond since the applicant is not in attendance to speak on behalf of the project.

Commissioner Radner opened the floor to comments from the public for this item. She received no responses.

Commissioner Radner made a motion to continue this item to the next hearing on May 20, 2021. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 4-0.

Commissioner Radner clarified that if the applicant arrives later in the meeting, they will be informed that the item was continued and will not be discussed at this meeting.

1.2 32 Orchard Street – MSMP 2021-09 – New Pool Deck and Re-grading

Applicant: Antoine Chehwan Representative: Gamze Munden, Munden Eng. Request: Issue MSMP

Ms. Munden stated that the contractor who installed the pool was not aware of the need for a stormwater permit. He then re-graded the site in the process of the construction. This led to the disturbance exceeding 2,000 ft². Ms. Munden has received comments from Agent Brown and updated the design. Agent Brown is out of the office and has not commented on the new design yet.

Commissioner Radner clarified that the revised documents were submitted less than 5 business days ago, so they were not able to be reviewed by the commissioners for this meeting. She stated they will be fully reviewed by the next meeting.

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

Commissioner Gauthier asked if the applicant is requesting any waivers and whether there were any comments from Agent Brown that could not be addressed. Ms. Munden stated that Agent Brown asked the applicant to consider a perimeter trench drain around the patio. Ms. Munden believes this will easily and regularly be clogged. Instead, she would like to use an underground infiltration system to collect runoff from the roof. Agent Brown asked the stone voids to be assumed as 30% instead of 40% and Ms. Munden complied. Agent Brown asked Ms. Munden to show the X-year stormwater runoff data, but Ms. Munden did not provide these data because this is not an attenuation project. She stated the only reason for the Major Stormwater Management Permit application is because of the grading, not the installation. Ms. Munden stated this project was seeking 5 waivers: compliance with MassDEP stormwater management standards, drainage calculation for 2, 10, 25, and 100-year storm events, 80% total suspended solids removal, 50% phosphorus removal, and optimized phosphorus removal.

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

Commissioner Radner made a motion to continue this item to the next hearing on May 20, 2021. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 4-0.

1.3 70 Country Club Road – MSMP 2021-10 – New 2,500 ft² Shed Accessed by New 5,547 ft² Driveway

Applicant: Dermot McElligott Representative: Alton Day Stone, PE, Alton Eng. Request: Issue MSMP

Neither the applicant nor the representative was present. Commissioner Radner asked if anyone from the public was in attendance specifically for this project. She received no responses.

Commissioner Radner tabled this item until later in the meeting in the event someone representing the project arrived.

1.4 286 Bussey Street – RDA 2021-07– New Gas Distribution Line

Applicant: Eversource Representative: VHB

Kellen Consowitz (note: last name was difficult to hear and may be misspelled) of VHB gave an overview of the project. He stated the workspace is 450 linear feet for a 6" gas main. They will be opening a 2'-3' trench about 4' deep. The area of installation is existing parking lot and will be repaved upon completion. They will install erosion controls between the work area and the resource area. All stockpiling and refueling will take place outside of the buffer area.

Commissioner Radner asked if VHB had tested for depth to groundwater. Mr. Consowitz stated he was not aware of any testing but can reach out to Eversource to confirm. Commissioner Radner stated that in other areas of town, similar projects have required dewatering and asked that the work crew be prepared for that possibility.

Commissioner Radner opened the floor to the other commissioners for questions and comments but received no responses.

Commissioner Radner stated Agent Brown had drafted a Negative Determination of Applicability but was unsure if there were any conditions related to dewatering. Mr. Consowitz stated he had received the draft and had no comments or questions. He stated an environmental professional will be on-site and available should dewatering issues arise.

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

Commissioner Radner asked for the expected timeline of the project. Mr. Consowitz stated it is anticipated to be 2-3 days.

Commissioner Radner made a motion to close the public hearing for this item. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 4-0.

Commissioner Radner made a motion 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 4-0.

1.5 159 High Street – MSMP 2021-11 – New Multi-Family Dwelling

Applicant: Topolino Realty Trust Representative: Gregory Morse, Morse Eng. Request: Issue MSMP

James Garfield, Morse Engineering reviewed the project. He stated the project will consist of two lots, one of which is currently developed with a multi-family dwelling. The proposal includes the construction of a new multi-family dwelling and expansion of the existing driveway. The rear of the site contains ledge, so blasting will be required. The new roof area will drain to a subsurface infiltration system and the added pavement area will be directed to a trench drain at the driveway entrance which will route flow to a rain garden.

Commissioner Radner asked if the proposal is requesting any waivers. Mr. Garfield stated no waivers were requested.

Commissioner Hafrey asked if the current multi-family dwelling is being removed or staying in place. Mr. Garfield stated it would stay in place, but its driveway and parking area would be expanded to service both buildings.

Commissioner Hafrey asked for clarification on the placement of the rain garden. Mr. Garfield indicated the area to the bottom right of the plans as the location of the rain garden. Commissioner Hafrey asked what activities/use occurs on the property immediately adjacent to the rain garden. Mr. Garfield stated it was a school. Antonio Reda, the applicant, clarified it was Mother Brook Community Center and he intended to install a new fence along the property line.

Commissioner Holmes asked if the applicant had photos of the area. Mr. Garfield displayed the Google Street View photographs and used them to further illustrate the project.

Commissioner Hafrey asked for verification that the rain garden would be placed in what is currently lawn. Mr. Garfield confirmed this was correct. Commissioner Hafrey asked if the ground would be graded for the rain garden. Mr. Garfield confirmed the rain garden would be about 1'-2' deep. Antonio added that a 4'-5' depression is already in place and not shown in the photo.

Commissioner Holmes asked to see an aerial photograph of the area. Mr. Garfield shared an aerial view. Commissioner Holmes asked Mr. Garfield to show on the aerial photograph how far the property extended. Mr. Garfield approximated the area. Commissioner Holmes asked for verification that many of the trees shown on the aerial would have to be removed. Antonio confirmed and said many of them had already been removed. He stated many will be replanted along the fence line and to the rear of the property.

Commissioner Hafrey asked if a planting plan had been submitted. Antonio said he had not submitted one but can. Commissioner Radner stated a planting plan would be required as well as a list of the trees that had been removed. Antonio said he believed the list of removed trees had been sent previously.

Commissioner Radner asked if there was an area marked for snow storage and expressed a concern that the rain garden could end up accumulating shoveled snow since it is immediately adjacent to the sidewalk. Antonio stated there was room for snow storage behind the existing dwelling. He stated they have equipment on-site to manage snow and, if it exceeds the site capacity, could haul it off-site.

Commissioner Radner stated the commission needed a snow removal plan and detailed planting plan.

Commissioner Gauthier asked about phosphorus removal for the project. Mr. Garfield stated phosphorus removal would be provided by the rain garden.

Commissioner Holmes asked for clarification on the sizing of the underground infiltration system. Mr. Garfield confirmed they were sized to handle runoff from the site. He also stated that the projected rates and volumes of runoff from the site decreased under the proposed conditions.

Commissioner Gauthier asked for details about the trees that were removed. Mr. Garfield stated the survey only showed a tree line, not individual trees. Commissioner Gauthier stated every tree over 6" in diameter needed to be shown and at least twice the number of removed trees had to be replaced. Antonio added that he had spoken with Agent Brown and the Dedham Tree Warden prior to removing any trees. Commissioner Radner added that Agent Brown had allowed some advance work on the site to allow preliminary investigation of the site. Antonio stated as part of this preliminary work, an email was sent to the Department of Public Works listing the trees that were removed. Commissioner Radner asked that he forward that email to Agent Brown. Antonio agreed.

Commissioner Radner asked if a Homeowner's Association agreement will be required for the shared parking area. Mr. Garfield stated that, at present, Antonio is the owner of both lots, so no agreement is needed. He stated that if the properties are sold to different owners in the future, easements would be needed for the parking area. Antonio stated there are no current plans to sell either of the lots. Commissioner Radner stated she would check with Agent Brown to see if a recorded shared resource agreement was necessary for this project. Mr. Garfield stated that, to his knowledge, an easement

cannot be created when the same owner owns both properties. Commissioner Radner clarified to say she was not referring to an easement, but to a homeowner's agreement for shared resources (such as the parking lot and stormwater management features) that require financial investment for maintenance. She stated she would look further into the need for such an agreement.

Commissioner Holmes asked for verification if a 10' wall would be needed to the rear of the site. Mr. Garfield clarified that the shaded area on the plan is the edge of the blasting, and the slope will be ledge.

Commissioner Radner asked if an erosion and sediment control plan was included. Mr. Garfield stated it was included in the stormwater report.

Commissioner Radner summarized several items that needed to be addressed for this project, including snow storage, tree removal and planting plan, and the possibility of a shared resource agreement. She asked if the applicant could assemble the needed items for the next hearing. Mr. Garfield agreed.

Commissioner Gauthier added that a drawing showing placement of erosion and sediment controls would be needed. Mr. Garfield agreed.

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

Commissioner Radner moved to continue this item to the next hearing on May 20th, 2021. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 4-0.

1.6 41 Willard Street – mSMP2021-04/DEP #141-TBD – Replacement of Pool Apron and New Patio in BZ to BVW

Applicant: Lilly and Stephen Medeiros Representative: Joshua Green, Merrill Engineers & Land Surveyors

Commissioner Radner stated that the land swap issue was still being negotiated, but the commission can set that issue aside for the time being and consider the environmental aspects of the proposed project.

Mr. Green stated the applicant is seeking to replace a dilapidated patio around the pool area. A sitting area will also be created. Pervious pavers are proposed throughout. A drain is proposed on the down-gradient side of the patio area in case the pervious pavers begin to clog. A construction entrance will be used during work and a stockpile area has been proposed near the front of the property, just inside of the 100' buffer.

Commissioner Radner asked what improvements or changes would benefit the resource area. She mentioned past discussions had included cleaning up materials dumped by the previous owner. Mr. Green stated the applicant is open to that, but most of the debris is located in an area that is not on the property currently (pending the resolution of the land swap issue). Mr. Green stated the stormwater impact to the resource area is being mitigated in multiple ways.

Commissioner Radner asked what the debris consisted of. Mr. Green stated some of it is yard waste, but there are also appliances such as a water heater. Ms. Medeiros added that there is some smaller debris, like bottles, that could be cleaned up.

Commissioner Radner asked if there was a fence around the property. Mr. Green confirmed and stated it mostly follows the line for the silt sock shown on the plan. Commissioner Radner asked if the fence impeded wildlife. Mr. Green stated there was space between the bottom of the fence and the ground on the back side.

Commissioner Holmes asked if photos of the fence could be shown. Mr. Green displayed photos showing the fence.

Commissioner Radner asked if the applicant had continued working with Ken Cimeno, Dedham Building Commissioner, on the land swap. She stated that, at her last conversation with him, he seemed supportive of the proposition. Commissioner Radner clarified the land swap refers to a proposition to swap a small piece of land on the property for another. Mr. Green displayed a drawing to illustrate Commissioner Radner's description and said Mr. Cimeno was preliminarily, but not yet officially, supportive of the proposition. Commissioner Radner stated this would resolve the encroachment issue where previous owners of the property had built on Town-owned land.

Commissioner Radner asked if other commissioners had questions or comments.

Commissioner Gauthier asked if there was an operations and maintenance plan for the trench drains and pervious pavers. Mr. Green stated it was included in the plan and maintenance for both was relatively simple.

Ms. Medeiros stated most of the proposed work is on their property, but there is a small portion on the land that would be included in the land swap. She asked if work on that section could be conditionally approved so a contractor could complete the whole project while on-site rather than having to return later once the land swap is complete. Commissioner Radner stated this could be included as a condition, but also said that Agent Brown would probably have to discuss this with Town Counsel.

Commissioner Radner stated that while the previous owner had built something in an area where it should not have been, it would be more destructive to remove it now. Instead, she suggested that she'd like to see Mr. and Ms. Medeiros do something separate that benefits the resource area. She suggested this discussion continue throughout the process.

Mr. Green asked if there was anything to address with the plans as proposed, outside of something benefitting the resource area. Commissioner Gauthier stated Agent Brown and other commissioners haven't been able to review the plan. She stated she would share the plans and get comments as quickly as possible. Commissioner Gauthier stated he does not have any comments on the proposed plan.

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

Commissioner Radner moved to continue this item to the next hearing on May 20th, 2021. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 4-0.

2. Applications Previously Opened to be Discussed Tonight

2.1 351 East Street (Gonzalez Field) – MSMP 2021-07 – Addition of 4 Exercise Stations and a Sitting Area with Path

Applicant: Town of Dedham Representative: Jason Mammone, Engineering Request: Issue MSMP

Mr. Mammone stated he had provided the additional materials that were requested at the last meeting. He submitted the geotechnical report that was completed for the entire property, which noted an ash-like fill that, as long as it is kept on site and covered, does not require special management or disposal. He stated this fill was found 3'-3.5' deep in the two test pits closest to the project area and as a result, they have changed the dimensions of the infiltration trench. It was originally 2' wide and 3' deep and is now 3' wide and 2' deep to avoid disturbing this ash-like fill layer.

In response to a question about the fertilizer Parks & Rec uses, Mr. Mammone spoke with Bob Stanley, Parks & Rec Director, who stated they do not fertilize the landscaped areas at Gonzalez Field and have no plans to start. Mr. Mammone also stated the trees proposed for planting will be American Elm trees.

Mr. Mammone also provided more details about the waiver requests that will be included with the project.

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

Commissioner Hafrey asked Jonathan Briggs for any comments. Commissioner Holmes also asked if the project could be briefly summarized.

Mr. Briggs stated this project will be a continuation of an existing pathway that will include 4 islands with exercise stations. He had nothing further to add to Jason's report.

Commissioner Hafrey asked about a seating area that had been discussed at previous meetings. Commissioner Radner added that the concerns with the seating area were related to the positioning of several large blocks of granite.

Mr. Briggs stated that this installation will be targeted towards people 55 and up. He stated there will be large pieces of granite similar to those found in the adjacent Mabel Herwig Park sitting area. Eventually they will also place a wheelchair-compliant picnic table in the area, too.

Commissioner Gauthier stated that Agent Brown had a concern about the placement of the granite causing diversion of the water away from the trench drain. Mr. Mammone stated he had a conversation with Agent Brown after the last meeting and, to his understanding, her concerns were addressed after he explained the design in greater detail.

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

Commissioner Radner noted that a draft Major Stormwater Management Permit had been prepared by Agent Brown. She asked Mr. Mammone if he had reviewed the draft document. Mr. Mammone stated he had and had no questions or comments.

Commissioner Radner moved to close the public hearing for this item. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. Commissioner Kayserman abstained. All other attending commissioners voted “aye.” Motion carried 4-0 with one abstention.

Commissioner Radner summarized the waiver requests which included design standards, drainage calculations, 90% total suspended solids removal, abutter notification, engineering consultant fees, maps, and existing hydrology. She asked if any commissioners had concerns with any of the waiver requests for this project. She received no responses.

Commissioner Radner moved to approve all waiver requests for this project. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. Commissioner Kayserman abstained. All other attending commissioners voted “aye.” Motion carried 4-0 with one abstention.

Commissioner Radner moved to issue the Major Stormwater Management Permit for this project as drafted by Agent Brown. Commissioner Hafrey seconded. Commissioner Kayserman abstained. All other attending commissioners voted “aye.” Motion carried 4-0 with one abstention.

2.2 96 Trenton Road – DEP 141-0587/MSMP 2021-06 – Construct New Playground in BVW and BZ to BVW

Applicant: Jason Mammone, Town of Dedham Representative: Carolyn Gorss, Epsilon Request: Issue OOC & MSMP

Ms. Gorss displayed revised plans for the project. She stated that the plans have been updated to move all of the work outside of the 20’ undisturbed buffer zone. She has also included additional details for the planting plan.

Patrick Maguire, Activitas reiterated that all work has been pushed outside of the 20’ (agricultural) undisturbed buffer area. He also stated the species in the planting plan were revised to be more representative of eastern Massachusetts. He stated that by moving the project area outside of the 20’ undisturbed buffer area, the need for waivers for the project was eliminated.

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

Commissioner Kayserman stated that she had some concerns with the hydrologic modeling of the pour-in-place rubber surface with the underlying layer of stone. She believes using a low curve number for that surface isn’t conservative enough. She asked if the pour-in-place rubber was on dirt, would the water squish out of it. Ms. Buzinski stated it would not, but it also depended on the soil type that was below it. She stated she believes this model is conservative based on her experience and the success of similar projects.

Commissioner Kayserman asked if this area will be plowed to allow year-round use or if it will only be an as-weather-allows play area. Ms. Buzinski stated the area was not meant to be regularly plowed.

Commissioner Kayserman asked if there was any fencing or physical barrier proposed along the undisturbed buffer area. Mr. Maguire stated he had spoken with Agent Brown, and they had decided it could be a good idea to allow kids to view and interact with the wetland.

Commissioner Kayserman asked if trash cans would be provided. Mr. Maguire indicated the location of 2 trash cans on the plans. Commissioner Kayserman asked who was responsible for the maintenance of the trash cans. Mr. Maguire stated it would be responsibility of the Recreation Commission.

Commissioner Radner added that there would also be a robust area of shrubs that would indicate the boundary between the play area and natural area.

Commissioner Radner asked if the applicant team had been made aware of the PARC grant that could provide up to \$100,000 for this project. Karlene Campbell Hegarty stated Bob LoPorto had made her aware of the grant and they would be looking into it.

Commissioner Radner opened the floor to the public for questions and comments about the project, asking that comments be brief, and questions be specific to concerns of the Conservation Commission.

Ms. Hegarty stated this project is very important to their neighborhood. There are multiple young children in the neighborhood and no play areas in the vicinity. She asked the Commission to approve the project.

Commissioner Radner moved to close the public hearing for this item. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All other attending commissioners voted "aye." Motion carried 5-0.

Commissioner Radner moved to issue the Major Stormwater Management Permit and Order of Conditions for this project. Commissioner Gauthier seconded. All other attending commissioners voted "aye." Motion carried 5-0.

2.3 214 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

Andrew Gorman of Beals & Thomas stated they have provided revised plans that included an updated planting plan, adjustments to the grade within the proposed berm, an alternatives analysis, and a revised waiver request.

Commissioner Radner stated she was concerned about a few of the trees included on the planting plan. She stated paper birch is a species that will likely not thrive here. Mr. Gorman suggested substituting black birch. Commissioner Radner stated that would be acceptable.

Commissioner Kayserman asked for the total number of trees being removed and the total number of trees being planted. Mr. Gorman stated 640 trees would be removed, with a 1:1.2 replacement ratio. Commissioner Kayserman asked if bushes were included in the 1:1.2 ratio. Mr. Gorman stated he thought that ratio included shrubs.

Commissioner Radner also asked that a special condition be included that any river birch species planted not be the heritage cultivar, as it is not a native species. Mr. Gorman stated they would be mindful of the cultivar.

Commissioner Kayserman stated she would prefer to see test pit data for infiltration basin 3, 4, and 5 prior to approval. She asked if a homeowner association document been drafted covering the maintenance requirement for the stormwater installations. She stated that she would like to see a construction phasing plan to understand what the effect on stormwater will be during the different stages, as the project may last 3-5 years. She stated a void ratio of 40% was used in recharge

calculations, but 30% should be used in Dedham. She stated the total suspended solids removal was calculated at 88%, 87%, and 84%, but standard for these devices is typically 80% removal. If the applicant would like to claim higher removal, they would need to submit 3rd-party testing results to support the claim. She also expressed support for a special condition that a wetland scientist be present for the entire process of the culvert and utility installation due to its potential impact.

Commissioner Radner stated that she had noticed language in the Notice of Intent indicating some land would be protected with a conservation restriction, but she didn't think this was the case anymore. She suggested the applicant revise this language. She also asked how much disturbance would be occurring in the open space associated with the PRD.

Mr. Gorman stated no land-disturbing activities are planned in the area defined as open space but offered to make that clearer in the designs. Commissioner Radner stated her preference to have any disturbance in that area be as minimal as possible.

Commissioner Holmes asked if the pond would be accessible to the public. Mr. Gorman stated the pond is part of the larger open space that will not be developed, but it is not being included in the land being discussed for donation.

Commissioner Kayserman asked if this development will be managed like a homeowner's or condo association. She asked whether outside landscaping would be maintained by a single landscaper or if each homeowner will be allowed to landscape exterior areas as they please. She asked, if the latter, what would prevent homeowners from expanding their lawn areas into resource areas. An unnamed representative stated one landscaper will manage all 26 units as governed by a homeowner's association.

Commissioner Kayserman asked if paths were being proposed near the water. The unnamed representative stated paths currently exist around the pond. Commissioner Kayserman asked if a map of paths that would be maintained could be provided. Of particular concern was a path behind unit 13 through the wetlands that could lead to increased disturbance. Ms. Andreola stated no new paths were proposed at this time, but existing paths are shown on the existing conditions plans. Commissioner Radner clarified that walking paths that are un-paved and without bridges are permitted in resource areas.

Commissioner Kayserman noted a vernal pool area and stated that tree canopy is very important to vernal pools. She noted some tree clearing in the area and asked about the setback around these areas. Ms. Andreola stated there is a 50' setback for clearing and a 75' setback for structures. She stated both conditions are met by this plan. Their planting plan also includes several plantings in this area to help supplement the canopy. Commissioner Kayserman recommended that the applicant consider enhancing the planting plan in this area to further supplement the canopy.

Ms. Andreola noted a previous comment about open lawn areas and stated not many spaces will be open lawn.

Commissioner Radner stated that generally, the immediate area over a vernal pool doesn't have a canopy, but she stated that the applicant is only required to state which trees will be removed and not flag underbrush for removal. She stated vernal pools and associated wildlife enjoy protection from this underbrush and she is concerned it will be removed. She stated a concern that, even though this project meets the setback requirements for the vernal pool, it will likely no longer function as such once this project is completed.

Commissioner Radner asked if the applicant would be submitting documentation for certification of the vernal pool and, if not, if they'd be willing to provide data for that purpose. Mr. Gorman stated they were not considering certifying the vernal pool, but they did provide a summary of their findings with the Notice of Intent.

Commissioner Gauthier asked for clarification on the replanting ratio and whether that included shrubs. Mr. Gorman stated the by-law required a replanting ratio of 1:2 for trees replacing trees and 1:4 for shrubs replacing trees. Ms. Andreola stated only trees were included in the planting plan, so the 1:1.2 is a tree-only replacement ratio. Note: Ms. Andreola's statement is a correction to an earlier statement from Mr. Gorman about the ratio.

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

Mr. Gorman asked, and Commissioner Kayserman agreed, to provide her list of comments via email.

Commissioner Kayserman asked if continuing this item to the next hearing would allow enough time to complete the test pit investigations she strongly recommended. Ms. Andreola stated it probably couldn't be completed in time for that hearing. Ms. Andreola asked for verification that the commission was not accepting the waiver request for providing test pit data prior to construction. Commissioner Kayserman stated she was not amenable to that waiver. Commissioner Radner asked what the justification for this waiver was. Ms. Andreola stated that initial soil testing had been completed, but some infiltration basins had moved during the design phase, and they did not have test pit data for the new locations, however she believes the soil data is relatively consistent across the site based on the original testing. Commissioner Radner stated delaying the test pits could cause a burden if significant changes need to be made based on the findings and suggested a straw poll of the commissioners. An unnamed representative stated that infrastructure work for all 26 units, which would include the test pits if the waiver were granted, will be completed early in the process. He also stated that he would rather not disturb the house currently at the site again to complete the remaining test pits. Commissioner Kayserman reiterated a desire to see the test pit data prior to approval, especially since the site is so tight and adjustments to the infiltration basins could be impactful. Another unnamed representative stated one of the systems is proposed beneath an existing hockey rink, and therefore will not be available for testing. Commissioner Radner stated that as long as the applicant understands the risk of delaying the test pits and chooses to submit a waiver request, she would be inclined to grant the waiver request based on precedent. Commissioner Gauthier stated that he believed this precedent was true in single-family residential situations, but not true in larger development projects with engineered systems that could have significant design changes based on the results. Commissioner Hafrey stated he would be inclined to grant the waiver. Commissioner Holmes stated he would be willing to grant the waiver request, as well. An unnamed representative suggested continuing this item to the June 3rd hearing and, in the meantime, he will see if he can get someone to complete the remaining test pits except for the one that would need to be below the ice rink. He asked if the commission would grant the waiver if the test pits were not completed by that meeting and he is still comfortable with the risk. Commissioner Radner cited the results of the informal straw poll as suggesting 3 commissioners were willing to grant the waiver while 2 were not.

Commissioner Radner suggested putting smaller shrubs in the area of the berm to improve the replanting ratio and have a side benefit of blocking lighting.

Commissioner Radner moved to continue this item to the hearing on June 3rd, 2021. Commissioner Kayserman seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 5-0.

3. Issue OOC – 4 Prospect Street 141-0586

Commissioner Radner asked if any attendees were present for this item but received no responses. Commissioner Kayserman suggested this item be discussed at the next meeting when Agent Brown is present.

4. Refund Escrow /account

4.1 80 Bridge Street – DEP #141-0573 – Refund Chris Kostopolous \$1,104 for Peer Review

Commissioner Radner motioned that a refund be issued to the applicant from the escrow account in the amount of \$1,104. Commissioner Kayserman seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 5-0.

5. Agent's Report

Commissioner Radner stated that there had been previous comments about Amtrak's public plans not being posted on Town agendas and Agent Brown wanted to be sure the plans were posted so the public could be made aware of them. Commissioner Radner cited the below list and stated these plans are available for anyone who might be interested.

5.1 Railroad Plans Available for Comment

5.1.1 Amtrak Yearly Operation Plan

5.1.2 Amtrak 5-Year Vegetation Management Plan

5.1.3 Keolis 2021 Yearly Operational, including mechanical and chemical controls

Frank O'Brien of Hyde Park Historical Society stated MassDEP had scheduled a public hearing on the petition for the designation of Sprague Pond as a Great Pond on Thursday, May 27th, 2021. He stated he had sent notice to both the Agent and the Town Manager and wanted to ensure the commission was aware of the meeting, as well.

Commissioner Kayserman stated she intends to step down from her role as the Conservation Commission representative on the Open Space and Recreation Committee. She asked if anyone on the Commission was interested in volunteering to assume this role. If no one is interested, she suggested opening this to the public for applications to be the Commission's representative on this committee. Commissioners Gauthier and Hafrey stated they were unable to serve on this committee. Commissioner Kayserman suggested seeing if any of the soon-to-be-appointed commissioners are interested in serving and then, if no one is interested, open it to the general public.

Commissioner Radner motioned to adjourn. Commissioner Kayserman seconded. All attending commissioners voted "aye." Motion carried 5-0.

The meeting was adjourned at 10:34 pm.