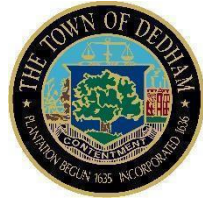


Stephanie Radner, Chair
Nathan Gauthier, Vice Chair
Tim Puopolo, Clerk
Leigh Hafrey, Associate
Bob Holmes, Associate
Erik DeAvila, Associate
Anne Gotay, Associate
Elissa Brown, Agent
Patrick Hogan, Asst. Agent



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TOWN OF DEDHAM CONSERVATION COMMISSION

Website
www.dedham-ma.gov

Minutes of October 20, 2022

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
Tim Puopolo, Clerk
Erik DeAvila
Anne Gotay
Leigh Hafrey
Bob Holmes

The following staff were also present:

Elissa Brown, Agent

The following Commissioners were absent:

The following Applicants and/or Representatives were present:

Stephen Kenny, Applicant – 27 Martin Bates Street
Brian Nelson, MetroWest Eng., Representative – 27 Martin Bates Street
Russell Waldron, Applied Ecological Services, Representative – 58 Country Club Road
Stephen David, Applicant – 446 Westfield Street
Bob Rego, River Hawk Env., Representative – 446 Westfield Street
Alex Gibson, Representative – 392 Mt. Vernon Street
Chris McDonnell, Representative – 392 Mt. Vernon Street
Brian Timm, Representative – 392 Mt. Vernon Street
Jason Mammone, Applicant – Bussey Street Improvements
Matt Crowley, BETA Group, Representative – Bussey Street Improvements
Elyse Tripp, BETA Group, Representative – Bussey Street Improvements
Robert Naser, Permittee – 92 Country Club Road
Felix Sanchez, Permittee – 34 Hyde Park Street
Bill Maher, Representative – 34 Hyde Park 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.

1. Public Comment

There were no comments from members of the public.

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

2.1. 27 Martin Bates Street – RDA 2022-08/MSMP 2022-16 – Residential Site Improvements

Applicant: Stephen Kenny Representative: Robert Gemma, MetroWest Engineering, Inc.

Mr. Kenny stated he submitted a letter to the Commission prior to the meeting. He summarized the letter stating that a car accident caused a life-changing injury which has necessitated these modifications to his property. He has been unable to finish the project to improve the accessibility of his home while this project has worked through the Commission's process. He stated these improvements were necessary to allow his discharge from the hospital and he is now incurring a large monetary investment due to the engineering fees associated with the Commission's requirements. He stated many of the requests will require changes to work that has already been completed, which will continue to increase the cost of the modifications.

Commissioner Radner summarized the history of this item and stated the amount of disturbance associated with the modifications necessitated a Stormwater Management Permit. She stated the Commission has requested either compliance with the requirements associated with a Stormwater Management Permit, or written requests for waivers from specific requirements. She mentioned both the submission of a hydrologic report and the stormwater storage requirements as two specific items recently discussed. She expressed understanding of Mr. Kenny's need to make these modifications to his property, but reiterated that the items requested have not changed throughout the process and are laid out in the relevant regulations.

Commissioner Gauthier added that waiver requests should include an indication of why a particular regulation does not need to be met for this project.

Brian Nelson, representative for the project, stated that the project team felt that their previously submitted design met the regulations to the maximum extent practicable. He stated that he met with Conservation staff after the meeting where he presented some hydrology calculations to illustrate the effectiveness of the drywell. He stated that after reviewing solutions for the required treatment volume, he realized that providing that level of storage would require removal and replacement of most of the driveway, as Mr. Kenny alluded to. He reiterated that the topography of the site makes it difficult to capture all runoff from the driveway.

Commissioner Radner stated that the Commission has not received any written waivers or changes to the design as a result of the last meeting or the meeting with staff.

Mr. Nelson stated he reviewed hydrologic calculations with Conservation staff to demonstrate how the drywell as proposed provides sufficient infiltration even though it doesn't provide the required amount of storage. He agreed that none of the reviewed information has been officially submitted to the Commission.

Commissioner Radner asked Agent Brown if a waiver should be submitted for the required storage capacity. Agent Brown confirmed and clarified that the design as proposed requires 441 ft³ storage, but provides 180 ft³. Commissioner Radner reiterated that the project team would need to submit a waiver request for this item. Mr. Nelson stated he believed it was included in the second paragraph, but could revise it to be more clear.

Commissioner Gauthier asked Mr. Nelson to confirm that he previously mentioned that the inclusion of a rain garden in the northern part of the property would provide sufficient storage to meet the requirement. Mr. Nelson stated that he felt this action was a last resort, but that if utilized it would allow the project to either get closer to or meet the storage requirements.

Commissioner DeAvila asked if a stormwater management permit was issued for the original addition. Mr. Nelson denied, stating that it by itself did not require a stormwater management permit. Commissioner Radner confirmed, adding that the additional work pushed the total disturbance above the permitting threshold.

Commissioner Radner summarized the discussion stating the project team should consider the maximum extent practicable and, where regulations can't be met, should submit waiver requests and justifications.

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

Commissioner Radner **motioned to continue this item to the meeting on 11/3/2022**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 7-0.

2.2. 390 Cedar Street – MSMP 2022-12 – New Two-Family Dwelling

Applicant: Robert Stow Representative: Edmond Spruhan, Spruhan Engineering

Neither the applicant nor any representatives were present for this item. Agent Brown stated they are still waiting for addresses to be assigned for the proposed dwelling, so no actions can be taken at this time.

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

Commissioner Radner **motioned to continue this item to the meeting on 11/3/2022**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 7-0.

2.3. 58 Country Club Road – DEP 141-0603 – Septic System Replacement

Applicant: Fracel Solar Representative: Russell Waldron, Applied Ecological Sciences

Agent Brown stated she felt the initial delineation implied the wetland on the site was much larger than it actually was. She asked the wetland scientist to revise the line and, after doing so, the project no longer encroaches on the Undisturbed Buffer Area (UBA). She also noted the engineer reduced the size of the proposed septic system by using a Presby system, which moves the system outside of the 50' buffer to the wetland. Trees have also been added to the plan. Two will be removed and four red maples will be planted in replacement.

Mr. Waldron confirmed Agent Brown's summary and added that a tree near the excavation will be protected and, if it doesn't survive, will be replaced as well.

Commissioner Radner noted an Order of Conditions had been drafted for this project and asked if Mr. Waldron had reviewed it. Mr. Waldron confirmed and requested no revisions.

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

Commissioner Radner **motioned to close the public hearing and issue the Order of Conditions for DEP 141-0603 as drafted.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. Commissioner Gotay abstained as she was not a sitting Commissioner when this hearing began. All other attending commissioners voted “aye.” The motion carried 6-0 with one abstention.

2.4. 446 Westfield Street (fka 414) –MSMP 2022-18 – New Single-Family Dwelling

Applicant: 414 Westfield Street
Realty Trust

Representative: Bob Rego, River Hawk Environmental
LLC

Mr. Rego stated that the project team has submitted an additional wetland report confirming the original delineation indicating the project is outside of the buffer zone. Mr. Rego stated he has made revisions to the plan in response to all of Agent Brown’s comments, but was not able to submit revised documents by the deadline for this hearing. He noted all trees greater than 6” in diameter have been added to the plan, with replacements included for any that will be removed.

Agent Brown stated she reviewed the wetland report and agrees with its findings.

Commissioner Radner stated the newly revised documents will be reviewed prior to the next hearing.

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

Commissioner Radner **motioned to continue this item to the meeting on 11/3/2022.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 7-0.

2.5. 392 Mt. Vernon Street –MSMP 2022-19 – New Single-Family Dwelling

Applicant: Alex Gibson

Chris McDonnell, representative for the project, gave an overview of the revised plan for the project. He stated two infiltration systems are proposed, but the one in the front has been moved to the side of the driveway and is 9.5’ from the right-of-way instead of the required 10’. The rear system observes all required setbacks. Both are sized to contain the 100-year storm. The tree replacement plan has been revised to include Arborvitae trees instead of shrubs.

Commissioner Radner asked if an address had been assigned yet. Mr. McDonnell declined, but stated the owner is working on it.

Commissioner Radner asked Agent Brown if a waiver would be required for the setback requirement of the front infiltration system, as the referenced right-of-way is for a private road. Agent Brown stated no waiver would be required in this case.

Commissioner Radner stated she believes the design meets all requirements, but noted an address must be assigned before a permit can be issued. Agent Brown confirmed that the addressing request is working through the process.

Commissioners Puopolo and Hafrey stated they appreciated the revisions and are in favor of the current design.

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

Commissioner Radner stated this item will be continued while awaiting an official address. Mr. Gibson asked if the permit could be issued prior to an address being assigned. Commissioner Radner declined, stating an official address must be assigned before permits can be issued. Brian Timm, representative for the project, asked if the permit could be issued under map and lot number. If not, he asked if a straw poll could be taken. Commissioner Radner reiterated that a permit cannot be issued until the site has an address, but agreed to conduct a straw poll.

Commissioner Radner took a straw poll of the commissioners' tentative approval of the project. All commissioners generally expressed approval of the project once the address is assigned.

Commissioner Radner **motioned to continue this item to the meeting on 11/3/2022**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 7-0.

3. New Applications

3.1. Bussey Street Improvements – DEP 141-0605 – ADA-Compliance Street Improvements

Applicant: Jason Mammone Representative: Laura Krause, BETA Group

Jason Mammone stated this NOI is associated with the MassDOT State Transportation Improvement Project.

Matt Crowley, representative for the project, stated the project begins at the town line just north of Liberty Street and continues a half-mile south across Mother Brook to just beyond Chauncey Street. The road will be milled and overlaid and the superstructure of the bridge over Mother Brook will be replaced. Consistent travel lanes, new sidewalks, granite curbs, and ADA-compliant structures will also be included. He stated structural work will generally be limited to areas above the high-water line, but some minor in-water work will be required for floating silt fence, debris control, and worker staging. No heavy equipment will enter the water and no dewatering or dredging will be required. Mr. Crowley stated the existing stormwater trunk lines will remain in place except where damaged and approximately 20 new deep sump catch basins will be installed throughout the project area. He noted this project qualifies as redevelopment and results in a slight reduction in impervious area. Additional stormwater improvements were not considered feasible due to the limited space, presence of utilities, and the placement of the existing outfalls above the ordinary high-water elevation.

Elyse Tripp, representative for the project, stated this project is proposing work within Land Under Water (LUW), the Riverfront Area (RA), the 100' buffer zone to the bank, and the 100' buffer to Bordering Land Subject to Flooding (BLSF). The project has been designed to conform to the general performance standards for BLSF and LUW. It also complies with RA standards to the maximum extent practicable. She stated all permanent impacts are within previously degraded areas. Minor temporary impacts are mostly associated with the placement of erosion and sediment controls. These areas will be restored. Flowering shrubs will be planted in the southeast corner of the intersection.

Commissioner Radner asked if the silver maple trees will be disturbed. Ms. Tripp declined.

Commissioner Radner stated Japanese Knotweed is prevalent in the area and any plantings should be devised to prevent the knotweed from advancing. Commissioner Radner noted cultivars are proposed and asked if they could be revised. Mr. Crowley stated the project team was amenable to revisions in the planting list and would consult with the landscape architect.

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

Agent Brown noted that it would be helpful to have information on the restoration of the areas that will be temporarily disturbed. She also suggested netting be included to prevent debris from falling into Mother Brook.

Commissioner Radner noted a draft permit has not yet been prepared and stated a desire to review the existing conditions of the site for native plants. She added that she would review the project more closely and share any further comments she might have.

Commissioner Radner **motioned to continue this item to the meeting on 11/3/2022**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 7-0.

4. Request for Modification

4.1. 92 Country Club Road – DEP #141-0560/MSMP 2019-12 – Renovation of Single-Family Dwelling

Robert Naser, permittee for the project, stated he is requesting a modification to the existing MSMP to allow for a cobblestone apron at the driveway entrance. Additionally, he would like to review the remainder of the work for compliance.

Commissioner Radner stated she sees no issue with the cobblestone driveway. Agent Brown added that Mr. Naser has submitted a letter from an engineer that asserts the inclusion of the apron will not affect stormwater runoff and it may help to lessen the discharge of sand to the road. She also noted that all parts of the project currently meet the conditions originally set forth except for a cantilevered deck that extends into the Undisturbed Buffer Area (UBA) for a few feet. She stated it was a building mistake, but the deck and ground underneath are both pervious.

Mr. Naser confirmed it was a mistake in construction and presented a photo of the deck showing approximately 25 ft² of deck that overhangs the UBA.

Commissioner Radner stated that it does not appear to be affecting the UBA and any option to undo the mistake would cause more impact.

Commissioner Radner noted that this item is requesting a Certificate of Compliance with the modification to include the stone apron.

Commissioner Gauthier noted that even though the deck is cantilevered, it still qualifies as development in the UBA. He added that if this was part of the original plan, the Commission would have asked that it be pulled out of the UBA. He is concerned with the precedent of allowing this mistake without some mitigation. He suggested planting an additional tree or native shrub in mitigation.

Commissioner Radner asked if there was a deck on the original plan. Mr. Naser confirmed and stated the contractor purchased 16' boards instead of 12' boards due to supply issues and they decided to use the excess in a cantilevered section of the deck without realizing it would be in the UBA. Mr. Naser also stated he understood the concern with allowing the incursion, but stated the rest of the project meets or exceeds the standards laid out in the Order of Conditions, which he hopes shows he was not trying to circumvent the UBA regulations.

Commissioner Gauthier understood and asked for clarification on what areas of the project exceeded requirements to see if they could be considered mitigation for the mistake. Commissioner Radner noted a letter Mr. Naser submitted from the project engineer that lists 6 additional canopy trees, achieving 95% invasive species removal instead of 75%, and reducing the footprint of the driveway. Commissioner

Gauthier stated these items are sufficient to be considered mitigation for the deck being cantilevered over the UBA.

Commissioner Radner **motioned to approve the Certificate of Compliance for DEP 141-0560 and MSMP 2019-12 with the requested modifications.** Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 7-0.

4.2. 159 High Street – MSMP 2021-11 – New Multi-Family Dwelling, Authorization of Peer Review Funds

Agent Brown stated she had received a quote for the peer review and requested the Commission approve the request of the funds from the applicant.

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

Commissioner Radner **motioned to authorize the request of \$850 from the applicant for a peer review of the modification to MSMP 2021-11.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. Commissioner Gotay abstained as she was not a sitting Commissioner when this hearing began. All other attending commissioners voted “aye.” The motion carried 6-0 with one abstention.

4.3. 34 Hyde Park Street – DEP 141-0575/MSMP 2020-16 – New Single-Family Dwelling

Bill Maher, representative for the project, stated that the applicant would like to revise the plan to include a septic system rather than connection to a sewer utility. The system will be outside of the 100’ Buffer Zone and the plan has been approved by the Board of Health.

Commissioner Radner asked if there were any proposed changes to grading or tree removal. Mr. Maher declined.

Agent Brown asked for clarification on tree removal at the site. Felix Sanchez, permittee, stated approved trees were removed as part of demolition, but none have been removed since. He also stated the lack of abutter’s signatures is preventing connection to the sewer utility, so they have pursued this option

Commissioner Radner **motioned to approve the requested modification to DEP 141-0575 and MSMP 2020-16.** Commissioner Puopolo seconded. Commissioner Radner led a roll call vote. Commissioner DeAvila abstained as he is a direct abutter to the project. All other attending commissioners voted “aye.” The motion carried 6-0 with one abstention.

4.4. 220 Pine Street – MSMP 2020-08 – ADA Accessible Walkway at Animal Rescue League of Boston

Agent Brown stated the permittee has installed a 12’ asphalt walkway between the parking lot and the lower cemetery area. They have included rip-rap on top of the soil that should prevent erosion issues. They would like their permit to be modified to include this new installation.

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

Commissioner Radner **motioned to approve the requested modification to MSMP 2020-08.** Commissioner Puopolo seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 7-0.

5. Notice of Violation

5.1. 128 Milton Street

Agent Brown stated this property is a 2-family house in a commercial district. The owner planned to use half of it for his rental supply company. The Order of Conditions states the rear area is supposed to be lawn, but he has started to use it for storage. A Notice of Violation has been issued and the owner is moving everything off site.

5.2. 130 Trenton Road

Agent Brown stated this property has a wetland that runs diagonally through the middle of the property. The owner has removed vegetation to improve visibility to potential buyers. Agent Brown spoke with the broker who translated to the owner that vegetation cannot be removed without the Commission’s approval.

6. Minor Stormwater Management Permits

6.1. 220 Stoney Lea Road

Agent Brown stated this permit was issued for the installation of a septic system which was also discussed under an RDA.

6.2. 59 Bayard Street

Agent Brown stated this project includes an addition to the existing house with a subsurface infiltration system.

6.3. 4 Newcourt Lane

Agent Brown stated this project includes an addition to the existing house with a subsurface infiltration system.

7. Return of Peer Review Funds

7.1. 124 Quabish Road - \$1,300

Commissioner Radner **motioned to authorize the return of \$1,300 in unused peer review funds to the applicant for the project at 124 Quabish Road.** Commissioner Puopolo seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 7-0.

7.2. 11 Cecil Place - \$280

Commissioner Radner **motioned to authorize the return of \$280 in unused peer review funds to the applicant for the project at 11 Cecil Place.** Commissioner Puopolo seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 7-0.

8. Minutes – 9/15/2022

Commissioner Radner **motioned to approve the minutes from 9/15/2022 as drafted.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 7-0.

9. Agent’s Report

Agent Brown was unavailable, so the below items were not discussed.

9.1. On-Call Services RFP for Peer Review Services

9.2. MACC Conference Updates

Commissioner Hafrey **motioned to adjourn**. Commissioner DeAvila seconded. All attending commissioners voted "aye." The motion carried 7-0.

The meeting was adjourned at 9:25 PM.