

Stephanie Radner, Chair
Nathan Gauthier, Vice Chair
Tim Puopolo, Clerk
Erik DeAvila, Associate
Anne Gotay, Associate
Leigh Hafrey, Associate



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Patrick Hogan, Interim Agent

TOWN OF DEDHAM CONSERVATION COMMISSION

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Minutes of May 4, 2023

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
Leigh Hafrey

The following staff were also present:

Patrick Hogan, Interim Conservation Agent

The following Commissioners were absent:

Anne Gotay

The following Applicants and/or Representatives were present:

Randor Pimentel, Applicant – 138 Curve Street
Tom Liddy, Representative – 138 Curve Street
Juan Rojas, Representative – 138 Curve Street
Chris Fazendin, Applicant – 780 Washington Street
Richard Kirby, Representative – 780 Washington Street
Andy Platt, Representative – 780 Washington Street
Antonio Reda, Permittee – 159 High Street

Commissioner Radner called the meeting to order at 7:05 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

Commissioner Radner opened the floor for general comments from members of the public. She received no responses.

2. New Applications

2.1. 138 Curve Street – DEP 141-TBD – Addition to Existing SFD

Applicant: Juan Rojas, CJS
Design Group, LLC

Representative: Christopher Lucas, Lucas Environmental, LLC

Tom Liddy, representative for the project, stated the project includes construction of a 447 ft² addition to an existing house within the 200' Riverfront Area. The work area is currently paved and outside the Undisturbed Buffer Area.

Commissioner Radner noted that the regulations require work within the Riverfront to provide an improvement. She asked Interim Agent Hogan for a summary of his comments. He confirmed that the project must provide an improvement over existing conditions. He noted that there is no stormwater infiltration associated with the addition and stated he spoke with Christopher Lucas, another representative for the project, earlier in the day who stated he felt changing from parking area to a structure represented an improvement as the runoff from a roof is generally regarded as cleaner. Interim Agent Hogan stated the Commission needed to determine whether this constituted enough of an improvement to allow the project. He added that Section 23.c. of the Town Wetlands Rules & Regulations states that the Commission shall require groundwater recharge of roof runoff from structures requiring a Notice of Intent. He stated the regulations do not define the amount of recharge necessary and that the Commission should decide whether the recharge requirement has been met. Lastly, Interim Agent Hogan stated he received a complaint a few weeks ago that the residents at this address were throwing construction debris into the river. He did not find evidence of improper disposal, but he did note several piles of construction debris behind the house, within the Riverfront area. He spoke with the owner's daughter who stated they were working with a waste hauler to have the debris removed. Interim Agent Hogan stated he accepted this response and did not set a deadline for its removal, but noted it should now be addressed with this application. He stated that the debris piles were still there as of that morning.

Juan Rojas, an additional representative for the project, stated he spoke with the owner who removed all of the debris earlier that afternoon. He displayed pictures showing the area around the house. Interim Agent Hogan confirmed the debris piles he noted were not present in the pictures.

Commissioner Radner asked where the downspouts were currently going and if there was any stormwater management proposed. Mr. Rojas stated that there was no stormwater management proposed and that the downspouts currently go into the ground. He was not sure if they connect to any system or simply discharge underground. Commissioner Radner asked if the new construction would be tied into the same subsurface system if it exists. Mr. Rojas confirmed.

Commissioner Puopolo noted the placement of the addition and the slope of the driveway. He asked if the addition would prevent a barrier to the driveway runoff, thereby creating a large pooling area. He also asked if this water could be managed to be provide an improvement. Mr. Rojas clarified the placement of the addition in relation to the driveway and confirmed it would not present a new barrier to runoff.

Commissioner DeAvila stated he'd like to know where the downspouts are routed underground. He stated he was concerned they may discharge directly to the river. He also noted the slope of the driveway and stated he would prefer some kind of control to prevent the runoff from sheet flowing into the river through the back of the property. Mr. Liddy acknowledged and stated that there is also an area drain in the parking area. The survey team could not locate a discharge point, so they are unsure if it is connected to a system or simply collects and drains in place.

Mr. Liddy asked if rain barrels could be used to meet the groundwater recharge requirement in lieu of a drywell. Commissioner Radner stated she would need to see calculations for the rain barrels' capacities to ensure they wouldn't regularly overflow.

Commissioner Gauthier stated that he did not feel changing driveway to roof was a significant improvement, as the level of pollution in a driveway is primarily driven by the number of vehicles using it. Since the number of vehicles in the driveway is not changing, he doesn't feel this is an improvement. He

also stated he felt that rain barrels would not meet the requirement for groundwater recharge unless the overflow was directed to an infiltration system. He asked if the driveway would be removed to install the foundation for the addition. Mr. Rojas confirmed, but stated the addition will be constructed as slab on grade. Commissioner Gauthier noted that the addition is 447 ft², and any over-dig may put the project over the threshold for a Minor Stormwater Management Permit. Mr. Rojas understood. Interim Agent Hogan agreed that a clarification on limit of work and overall disturbance, including over dig, should be submitted to determine if any stormwater permitting was necessary.

Commissioner DeAvila also noted that a building permit requires a solution for debris disposal. He noted an on-site dumpster would allow better management of the waste from the project.

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

Commissioner Radner **motioned to continue the public hearing on DEP 141-TBD (138 Curve Street) to the meeting on 5/18.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

2.2. 780 Washington Street (aka 835 Providence Highway) – DEP 141-TBD/MSMP 2023-09 – Construction of Child Care Facility

Applicant: Larissa Addison, Dedham MA (835 Providence), LLC Representative: Richard Kirby, LEC Environmental Consultants, Inc.

Richard Kirby, representative for the project, stated the site currently houses a paved parking lot, with pavement extending into the wetlands in some spots. He noted that the pavement is old, with trees and vegetation growing through it to various extents. He added that an intermittent stream flows easterly on the northern end of the site. Mr. Kirby stated all pavement within the project footprint and within the buffer zone will be removed as part of the project. The applicant is proposing construction of a 16,000 ft² childcare facility in the southeast corner of the site, with a parking lot to the north and a playground to the east of the building. Retaining walls will be installed along Washington Street and Wilson Avenue, as well as along the playground and parking lot. Mr. Kirby stated the applicant is proposing to restore the buffer zone between the limit of work and the wetland edge by removing approximately 4,800 ft² of pavement from this area and planting native saplings, shrubs, ground cover, and seed mixtures. He stated the project will provide tree replacement at greater than the required 2:1 ratio overall. Mr. Kirby stated the Undisturbed Buffer Area (UBA) limit for the project has been established as the extent of the existing pavement.

Andy Platt, an additional representative for the project, described the stormwater management aspects of the project. He stated the roof runoff will be directed to the open infiltration basin. Rain gardens will collect sheet flow from the parking lot, with overflow directed to a subsurface infiltration system with an isolator row.

Commissioner Radner asked for clarification on the surfacing in the playground area. Chris Fazendin, applicant for the project, stated it will be a rubberized surface over an aggregate base. He stated it will allow infiltration and can be regarded as pervious.

Commissioner DeAvila asked where the overflow from the stormwater system will be directed. Mr. Platt stated a traditional stone rip-rap overflow will be included with the basin.

Commissioner DeAvila asked if there are any existing stormwater systems on the lot. Mr. Platt denied.

Commissioner DeAvila asked if the Planning Board has approved the design yet. Mr. Platt denied.

Commissioner Gauthier stated he supports the establishment of the UBA as shown on the plan, but noted that this is a complicated commercial project and he would prefer to have a peer reviewer look over the design and calculations to ensure they are appropriate. Commissioner Puopolo agreed.

Commissioner DeAvila asked if snow storage areas were indicated on the plan. Mr. Platt denied and stated most snow would have to be transported off site. Commissioner Radner stated this would need to be specified in the plan. She added that, in the event of small snow accumulations, plow drivers should be instructed to plow away from the resource area.

Commissioner DeAvila asked if fences will be included in the project. Mr. Platt confirmed and stated fences will be included on all retaining walls.

Commissioner Radner noted that Interim Agent Hogan had a question about whether the design is utilizing dynamic or static stormwater storage volume calculations. Interim Agent Hogan confirmed and stated he has not received clarification from the design team yet. Mr. Fazendin stated he understands the Commission generally requires static storage volume calculations, but asked if they would be amenable to a waiver allowing the use of dynamic volume given the other beneficial aspects of the project. Commissioner Radner stated that she would consider a waiver request, but she would still like to know the static storage volume of the proposed system. She asked the other commissioners to comment if anyone was opposed to considering a waiver. She received no responses.

Mr. Kirby asked if the peer review will primarily look at the project's compliance with stormwater requirements. Commissioner Radner confirmed and Interim Agent Hogan added that they will also review compliance with wetlands regulations.

Commissioner Radner commented that arborvitae, which is included in the planting plan, is currently having issues with pests and diseases. Mr. Kirby asked if there was an appropriate alternative. Commissioner Radner stated she did not know of one, but suggested the project team ensure proper installation and care to support survival. She also recommended the project team plant non-cultivar native species to enhance survival chances. Commissioner Radner noted eastern hemlock on the planting plan and noted they are susceptible to the wooly adelgid. Mr. Fazendin understood and stated the arborvitae are being used mostly as screening along the building and retaining walls. Other species will be planted closer to the wetland.

Commissioner DeAvila asked if the project team had completed test pits on the site. Mr. Platt confirmed and stated a series of borings and test pits were completed throughout the site.

Commissioner Radner opened the floor to the public for comment.

Stephen Dean of 38 Wilson Avenue stated he felt the site is already being naturally restored without human intervention. He noted the height of the retaining walls and stated some fill will be needed, particularly for the driveway. He asked if the fill would come from another area on the site. Mr. Platt gave an overview of the retaining walls, highlighting that they will vary in height around the site. He stated the fill will need to be imported from off site as there will not be enough fill on site.

Mr. Dean asked for clarification on the elevation difference between the entrance and parking lot. Mr. Platt stated the entrance is at elevation 117 and the parking lot averages about elevation 103. Mr. Dean asked if fill will be used to build an entrance ramp between the two. Mr. Platt confirmed.

Mr. Dean noted the topography shown between the driveway and the wetland and asked how erosion will be prevented. Mr. Platt stated vegetation and trees will be planted on the slope.

Mr. Dean noted the infiltration basin and asked if standing water will be constantly present. Mr. Platt denied, stating water will infiltrate into the ground over time. Mr. Dean asked if the basin will be lined.

Mr. Platt denied. Mr. Dean noted that the basin is near the proposed playground and asked if it will cause an issue with mosquitoes. Mr. Kirby stated he did not believe the basin would result in a significant increase in the mosquito population in the neighborhood, as a large wetland system already exists on the site and already provides mosquito habitat. He also noted that mosquitoes are typically more active at dusk and dawn and activity at the playground will likely be limited to the daytime. Mr. Dean noted that mosquitos are often active on cloudy days, as well.

Mr. Dean asked if Japanese knotweed on the property will be managed during construction. Mr. Kirby confirmed it would be managed on the project site, but noted knotweed is also growing on neighboring parcels and they will not be able to manage any outside of the subject parcel. He stated ongoing management will likely be necessary. Commissioner Radner noted any management of the knotweed within the buffer zone would need to be approved by the Commission.

Commissioner Radner asked if the other commissioners would like to visit the site. The Commission generally agreed a site visit was warranted. After discussion the Commission and project team agreed to a site visit on Thursday, May 11 at 10AM. Mr. Fazendin also stated that commissioners who couldn't attend the site visit were welcome to stop by as they were able. Mr. Kirby indicated the site could be accessed off of Wilson Avenue, just east of the intersection with Washington Street.

Commissioner Radner asked Interim Agent Hogan if he had received a cost proposal for the peer review. Interim Agent Hogan confirmed, stating the Commission's contracted peer reviewer provided a fee proposal of \$8,500 for the first round of review. Commissioner Radner asked if providing these funds was acceptable to the applicant. Mr. Fazendin confirmed. Mr. Kirby asked if the peer reviewer would like to have a kickoff meeting with the applicant to expedite review. Interim Agent Hogan stated he would make that offer when contacting the peer reviewer.

Commissioner Radner **motioned to request peer review funds in the amount of \$8,500 from the applicant.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

Commissioner Radner **motioned to continue the hearing on DEP 141-TBD (780 Washington Street) and MSMP 2023-09 to the meeting on 6/1.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

3. Request for Modification

3.1. 159 High Street – MSMP 2021-11 – New Multi-Family Dwelling

Antonio Reda, permittee for the project, stated he was requesting two modifications. For the first, he noted that the project was proposing 16 replacement trees. He stated 7 had been planted, but he is concerned he may not be able to fit all 16 on the subject site. He noted that 2 birch trees had been planted in front of the neighboring parcel and an additional 3 were planted on a parcel adjacent to that one. He requested permission to count those toward the replacement total of 16, and to allow additional replacement trees to be planted as needed on the adjacent parcels to ensure adequate spacing. He also noted that 3 additional birch trees were planted on the neighboring parcel at 15 Felix Street. He stated the total of trees planted on these parcels would yield a greater than 2:1 replacement ratio.

Commissioner Radner asked how many trees were originally removed. Mr. Reda stated 6-8 trees were removed, but 16 replacement trees were proposed in case all 8 were removed.

Commissioner DeAvila stated he has seen the trees that have been planted and feels like the locations were aesthetically and functionally appropriate.

Commissioner Puopolo stated the plantings on the adjacent parcels are close enough to the project site to still provide the intended benefit.

Commissioner Radner noted the approved planting plan and asked what species of honey locust or pear might be planted, as there are invasive concerns with some varieties. Mr. Reda stated honey locust would not be planted. He stated the plantings would primarily be birch trees, but stated the nursery had pear trees in stock that he was considering. If he chooses the pear trees, he agreed to find out the exact species and ensure they are allowable. Commissioner Radner requested that pears be avoided, but noted that the plan was already approved as submitted.

Mr. Reda stated the second modification request regarded the trench drain at the driveway entrance. He noted a previous modification changed the driveway and parking area to pervious pavement, but the trench drain was accidentally left on the approved plan. As the pavement will now be pervious, he was requesting permission to remove the trench drain from the plan. He stated his engineer provided a letter discussing the change.

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

Commissioner Radner **motioned to approve a modification to MSMP 2021-11 allowing replacement tree plantings on the indicated nearby parcels and allowing the removal of the trench drain from the approved plan.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

4. Requests for Certificate of Compliance

4.1. 8 Industrial Drive – MSMP 2019-14 – New Commercial Structure

Request From: Joe Murphy, PE

Interim Agent Hogan reported that the project had been completed. The permittee paved less than they had originally proposed, but all stormwater features were installed and sized as shown on the plan. He stated all required materials had been submitted for the Certificate of Compliance and the Department noted no issues with the potential issuance of a Certificate of Compliance.

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

Commissioner Radner **motioned to issue a Certificate of Compliance for MSMP 2019-14.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

5. Minutes – 4/20/2023

Commissioner Radner **motioned to approve the minutes from 4/20/2023 as drafted.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

6. Agent’s Report

Interim Agent Hogan provided the following updates:

- An Administrative Approval was issued for installation of a fence at 150 Ames Street.
- Two educational letters were sent in response to complaints of yard waste being dumped in wetland areas. The reported dumping locations were at the intersection of Fairbanks Road and

- Wentworth Street and behind the houses parallel to the river on Maynard Road. The letters were mailed to all homeowners in the immediate vicinity.
- Once the budget is officially passed and the Engineering Department knows exactly which roads will be included in this year's maintenance program, they will submit a Request for Determination of Applicability if those roads are within any of the Commission's jurisdictional areas.

Commissioner DeAvila stated the Wigwam Pond Access Committee held its second meeting with the public recently and it went well. He has provided the presentation from the meeting for the Commission to review and will give a more detailed update after the next Committee meeting.

Commissioner Puopolo **motioned to adjourn**. Commissioner Radner seconded. All attending commissioners voted "aye." The motion carried 5-0.

The meeting was adjourned at 8:55 PM.