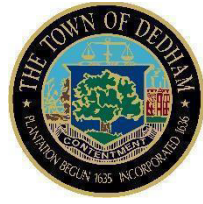


Tim Puopolo, Chair  
Erik DeAvila, Vice Chair  
Stephanie Radner, Clerk  
Nathan Gauthier, Associate  
Leigh Hafrey, Associate  
Elena Taurasi, Associate



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Meredith LaBelle, Agent

## TOWN OF DEDHAM

Website  
[www.dedham-ma.gov](http://www.dedham-ma.gov)

### CONSERVATION COMMISSION

#### Minutes of April 4, 2024

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:**

Tim Puopolo, Chair  
Erik DeAvila, Vice Chair  
Stephanie Radner, Clerk  
Nathan Gauthier, Associate  
Elena Taurasi, Associate

**The following Staff were present:**

Meredith LaBelle, Conservation Agent

**The following Commissioners were absent:**

Leigh Hafrey, Associate

**The following Applicants and/or Representatives were present:**

Ben Jenkins, Representative for Elm and Rustcraft Road  
Steve Burns, Representative for Mishakn Tefila Cemetery  
Paul Megan and Brian Croscup, Representatives for 450 Sprague Street

Commissioner Puopolo 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 Comment

Commissioner Puopolo opened the floor for general comments from members of the public. He clarified that there would also be an opportunity for public comment after each agenda item.

Jessica Porter, Vice Chair of the Dedham Planning Board, thanked the Commissioners for their work, including on the 750 Providence Highway project. The Commissioners thanked Ms. Porter in turn.

## 2. Elm St & Rustcraft Road Smartweed Proposal Discussion

Commissioner Puopolo gave the DEP file number (141-0534) of the project and introduced the project representative, Ben Jenkins, a General Superintendent for RM Pacella.

Mr. Jenkins began by stating that the onset of Spring likely means that the Smartweed (*Persicaria extremiorientalis*) on the project site is beginning to emerge. He referenced a recent addendum to the project plan that includes steps for remediation of this plant species which has been identified as an invasive by members of the Commission. Mr. Jenkins expressed that the introduction of *Persicaria extremiorientalis* to the area was an unfortunate event, and that the contractor would take the necessary steps to remediate any harm caused by this accidental introduction. He acknowledged that this remediation would be a required action for the project's wetlands permit to be closed out with a Certificate of Compliance.

Commissioner Puopolo asked Mr. Jenkins to confirm that the proposal includes a monitoring period of two growing seasons and that it seeks to achieve a 75% success rate using chemical herbicides and manual removal.

Mr. Jenkins responded that he thinks that manual removal would be the most effective course of action, adding that he would prefer to limit herbicide use in the portions of the site bordering wetland areas and primarily use herbicides for dense patches of Smartweed near the train station. He confirmed that a 75% or greater success rate is the goal of the project.

Commissioner Radner provided a summary of her thoughts about the causes of the Smartweed infestation as well as her thoughts about controlling this potentially invasive species. She stated that the exact source of the Smartweed seeds was unclear, but that it was clear that they were introduced to the site as part of the roadway work there. She said that she had reached out to Massachusetts Invasive Plant Advisory Group and received information on the spread of this species. According to Commissioner Radner, the species began to be observed in Massachusetts on the iNaturalist website around 2014, with a significant increase in number of observations beginning in 2023. She stated that this equates to an exponential increase in people noticing this plant in the state, which may signal a rapidly expanding population of the species. She stated that this population a good reason to begin intensive management efforts like those being proposed in the project. Commissioner Radner asked if reseeded of treated areas would be an effective remediation measure to consider. She also stated that she thinks it is worthwhile to take an intensive invasive species management approach to this recently established invasive species in light of the possibility that damage caused by other invasive species, such as Japanese Knotweed, could have been reduced by invasive control efforts taken before the species became widespread and well established. She stated that, if this project was successful, it might serve as a model procedure for future invasive species remediation efforts. She stated that, partly because of her outreach on this issue, the Massachusetts Invasive Plant Advisory Group had begun considering *Persicaria extremiorientalis* as a candidate for the official state listing of invasive plant species.

Mr. Jenkins stated that this process has made him aware of the existence of *P. extremiorientalis* as a potentially invasive species. He added that the species had appeared at the sites of other projects in the area that had used the same type of fill for grading work.

Commissioner Puopolo agreed with Commissioner Radner's views that intensive invasive species management efforts are appropriate and worthwhile, particularly given the recent establishment of this species and the potential to prevent a broader infestation.

Commissioner DeAvila asked Mr. Jenkins whether his contracting firm or the Town would be responsible for mowing the roadsides in question in the coming years. Mr. Jenkins replied that the contractors would be responsible for the mowing work until such time as the state closed out the contract, at which point the responsibility for mowing would be transferred to the Town of Dedham.

Commissioner DeAvila shared that in his experience, bagging grass clippings after mowing in areas containing invasive plant species has been an effective way to prevent the spread of invasives. Mr. Jenkins replied that previous mows overseen by his organization at the site involved bagging mowed materials, and that he believed this to be an effective measure. He stated that biweekly manual pulling combined with mowing would be a good approach to controlling this invasive species. Commissioner DeAvila stated that he has seen local wildlife including Wild Turkeys consuming this species and that he believes this is evidence that the plant is able to spread naturally.

Commissioner Radner shared that, given that Smartweed is an annual-type plant species, it would be most efficient to repeatedly cut the plants, as they would not reemerge from their roots in subsequent years. She went on to say that any management efforts should focus on preventing flowering and thereby prevent individual plants from producing seeds. Mr. Jenkins agreed that the contractor would focus on preventing the plants flowering.

Commissioner Puopolo stated that the purpose of this hearing was for the Commission to vote on whether to approve the proposed invasive mitigation plan, the successful completion of which would serve as one of the prerequisites for the issuance of the project's Certificate of Compliance. Commissioner Radner raised the possibility of adding a condition that would require reseeding of the treated areas in the second year of the plan. Agent LaBelle agreed that she would add this condition to a summary letter to be sent after the meeting. Commissioner DeAvila recommended that seeding could be most successful in late fall.

Commissioner Puopolo invited members of the public to comment on this issue. He received no response. He asked Agent LaBelle to confirm that no formal vote by the Commission was needed for the proposal and that an informal "vote of support" would suffice. Agent LaBelle responded in the affirmative.

Commissioner DeAvila made a motion to support the plan. Commissioner Radner seconded the motion. Commissioner Puopolo called a roll call vote. **All commissioners present voted "aye" and the motion passed by a 5-0 vote.**

### **3. Notice of Violation**

#### **3.1. 5 Lower East Street (Mishkan Tefila Cemetery)**

Commissioner Puopolo asked Agent LaBelle to begin by giving a brief summary of the violation at 5 Lower East Street. She stated that the violation occurred within the 100' buffer area of an isolated wetland, and that she was alerted to the issue after receiving multiple calls from neighbors who were concerned about possible clear cutting of trees in the vicinity of the wetland. She noted that the workers on site at the time of her visit were cooperative and that they stopped work as soon as she notified them that the ongoing tree clearing work in the wetland buffer area was a potential violation of the Wetland Protection Act and the Town's Wetland Protection Bylaws. She stated that she met with Mr. Burns at the site shortly thereafter and that he signaled his intention to cooperate with any remediation efforts. Agent LaBelle invited Mr. Burns to describe the circumstances surrounding the violation.

Steve Burns, Director of Cemetery Management for the Jewish Cemetery Association of Massachusetts, introduced himself and offered an apology for the violation. He stated that his organization accepts responsibility for the violation. He explained that the cutting activities were carried out by contractors on behalf of the Cemetery Association and that 7 large trees were cleared. He said that recent storm damage had caused damage to some of the trees on the edge of the cleared cemetery area and that visitors to the cemetery had notified the Association that they were concerned about the possibility of branches falling on the grave sites. He stated that, in addition to the 7 trees that were removed along the edge of the cemetery, they cleared 25 other trees within the buffer area that he stated were smaller in size. He stated that the cleared area was about 12,000 sq ft. Mr. Burns reiterated that the intent of the work was to clear trees that he deemed dangerous. He added that he had observed people camping in the woods, and that

he believed that there was vandalism associated with camping in the woods. He explained that brush and tree removal was also intended to decrease the attractiveness of the area for camping, based on the reasoning that the trees and brush provided cover and privacy that enabled illegal camping. He stated that the Cemetery Association was willing to take any steps necessary to rectify the damage caused by the unpermitted vegetation clearing.

Commissioner Puopolo asked Mr. Burns to clarify whether the 25 smaller trees and 7 larger trees cleared were above 6" diameter, stating that trees above 6" diameter are the Commission's main concern for purposes of tree replacement.

Mr. Burns responded that the 7 trees were in fact large trees and added that the stumps of these trees were removed as part of the clearing work. He informed the Commission that he had photographs of the clearing work that he would be willing to share with the Commissioners or their representative at their request, including pictures of the trees removed.

Commissioner Puopolo thanked Mr. Burns for stating his intention to mitigate any environmental harms caused by the violation. He explained that the Commission's expectation for restoration work is that the work would result in the creation of ecologically and environmentally strong and healthy habitat, adding that the work provided the opportunity to improve the aesthetics of the area where the violation took place.

Commissioner Puopolo stated that he was uncertain about what plant species were removed as part of the work. Mr. Burns stated that one of the species removed was Poison Ivy (*Toxicodendron radicans*), but that otherwise, he was uncertain about what species may have been removed. Commissioner Puopolo acknowledged this statement and said that mitigation should be accomplished by planting of diverse plant species native to this region. He informed Mr. Burns that, based on the 2:1 tree replacement requirement required by the Dedham Wetlands Bylaw, at least 14 new 1" diameter trees would need to be planted. He invited the Commissioners to offer their recommendations for what plantings- such as native seed mixes and shrubs- should be included in the restoration effort.

Commissioner Radner thanked Mr. Burns for his cooperation and stated that she understood his concerns about people camping on the site without permission. She stated that one possibly unintended benefit of the clearing is the removal of invasive species like Asian Bittersweet (*Celastrus orbiculatus*). She stated that management of these invasives could be a part of mitigation work. Commissioner Radner offered the suggestion that native seed mixes could be used to revegetate the site with beneficial species including visually appealing flowering plants.

Commissioner Gauthier expressed his concern with the number of smaller trees and shrubs cleared in the wetland buffer and stated that he would like to make sure that this area would not be reseeded with turf grass or other manicured non-native vegetation with limited ecosystem value. Rather, he said he would like to see the site returned to a wild or natural state.

Mr. Burns responded to this concern stating that, yes, his original intent was to seed the cleared area with turf grass, but he understands the need for the area to be returned to a natural state.

Commissioner Puopolo stated that the next step would be for Mr. Burns to prepare a planting plan.

Commissioner DeAvila stated that erosion control measures would be an important aspect of the planting plan. Commissioner Puopolo concurred with this statement.

Agent LaBelle offered to work with Mr. Burns over the next two weeks to develop a planting plan to be presented to the Commission. Commissioner Puopolo said he supported Agent LaBelle taking on this responsibility and emphasized that the planting plan should be focused on restoring the wild character of the site.

Commissioner Radner shared that she would like to see a demarcation of a no-mow area to prevent mowing of native grasses in the restored area. Mr. Burns stated that this would be acceptable. Commissioner Puopolo later added that demarcation of no-mow/no-disturbance areas would be very important to successful restoration.

Commissioner Deavila advised that, for any logs that were generated by the tree clearing, keeping these logs on site would provide amphibian habitat as they decompose.

Commissioner Taurasi asked Mr. Burns whether the cleared brush and logs remained on site. She explained that, while retention of dead organic matter is important to ecological health, she would like to know what type of damage led to the trees being removed before supporting retention of the brush on site.

Mr. Burns responded that the damage on the 7 large trees consisted primarily of dying off of upper branches/"leaders" and trees leaning at angles he considered unsafe. He added that the stumps that were pulled from the ground remained on site and that he would be open to incorporating them into restoration efforts. He stated that many of the logs and branches generated by clearing were, however, removed from the site.

Commissioner Radner explained that any trees that were felled should remain on site to prevent spread of insect pests. She advised that one possible use of the remaining dead wood is to use the logs to mark the edges of the site.

Agent LaBelle suggested that a site walk in the coming weeks would be helpful, and stated that, once a date for the walk was decided upon by herself and Mr. Burns, she would invite the Commissioners to join in the site visit. Mr. Burns agreed to a site walk at a date and time to be decided between himself and Agent LaBelle.

Commissioner Puopolo stated that this was a good ending point for today's discussion of the violation and mitigation efforts. He stated that the next step would be to review a mitigation and replanting plan for the project.

**Commissioner DeAvila made a motion to continue the public hearing to a future Conservation Commission meeting.** Commissioner Radner seconded. Commissioner Puopolo held a roll call vote. All Commissioners in attendance voted "Aye". The motion passed by a 5-0 vote.

#### **4. New Applications**

##### **4.1. 450 Sprague Street – DEP 141-TBD – Footbridge Construction**

Commissioner Puopolo introduced this new application, stating that the proposed project would be a collaboration between Dedham Parks and Recreation and Eagle Scout Candidates Paul Megan and Brian Croscup.

Brian Croscup introduced himself and Paul Megan. He stated that they intended to build a bridge over an intermittent stream in the Manor Fields town conservation area, located at 450 Sprague Street. He stated that they met with Kenneth Cimeno, Building Commissioner, and Agent LaBelle to brainstorm their methodology for the project. He stated that their intent during this hearing was to share their project ideas, and that a finalized project plan was forthcoming.

Brian Croscup described the proposed bridge design as being made up of four to five 2"x10" planks forming the base of the bridge with 2"x6" planks, topped with a wooden railing, forming the sides of the bridge. The proposed bridge would be anchored on each end of the span by 8" deep, 1' wide, and 5' long

concrete footing set into the stream bank. He stated that they expected the bridge to cover a roughly 18' span, with short ramps leading up to the bridge on each side.

Commissioner Puopolo explained that a wetlands permit would be needed for this kind of project and that one of the requirements for a permit to be approved is that the project cause minimal disturbance to the resource area. He expressed that installing concrete footing could constitute a disturbance to the stream bank and asked the applicants if they had considered any alternatives to the concrete footing.

Brian Croscup stated that Mr. Cimeno had advised the applicants to install concrete as footing to secure the structural integrity and stability of the bridge.

Commissioner Puopolo asked how the applicants intended to transport materials to the site. Mr. Croscup stated that they intended to transport the materials to the site using a truck.

Commissioner Puopolo stated that the Commission would plan to continue this proposal to a future meeting date. He suggested that next steps might include scheduling a site visit with the Commissioners, creating a formal site plan, and incorporating the suggestions of the Commissioners with the project, including trash removal at the site and invasive removal work.

Commissioner Radner stated her appreciation for the cleanup work the applicants had already done at the site. She stated that the Commission would like to collaborate with Parks and Recreation to carry out improvements of the existing informal trails and involve the Open Space Subcommittee in the stewardship of the Manor Fields conservation area as well. She also shared that she would like to see that the bridge not be wide enough to enable ATV-type vehicles to cross. She also agreed that invasive species removal at the site would be helpful to improving the project site.

Commissioner DeAvila expressed that he would like to see erosion control measures at the site as part of the proposed work.

Another suggestion offered by the Commissioners was to make sure any posted signage is installed with aluminum nails set shallowly into tree trunks, to allow the trees room to grow.

Several Commissioners stated their intent to participate in a site visit before providing more feedback.

Commissioner DeAvila inquired whether a proposed bridge would need to meet Americans with Disabilities Act requirements. Commissioner Puopolo replied in the affirmative.

Commissioner Radner explained that while part of the Manor Field land was protected from development in perpetuity under Article 97, the project site was not on a portion of the property covered by this protected status. She stated that designating all Town of Dedham conservation lands as Article 97 lands would increase the level of protection of these lands. She stated her view that the Commission and the Open Space Subcommittee should work to on submitting a warrant article to Town Meeting to formally designate the land as Article 97 land.

Commissioner Puopolo asked the applicants to communicate with Agent LaBelle to organize a site visit.

**Commissioner Radner made a motion to continue the public hearing to the next Conservation Commission meeting.** Commissioner DeAvila seconded. Commissioner Puopolo held a roll call vote. All Commissioners in attendance voted "Aye". The motion passed by a 5-0 vote.

## 5. Minutes

**Commissioner DeAvila motioned to approve the minutes from March 21<sup>st</sup> as drafted.** Commissioner Radner seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

## **6. 2023 Annual Report**

Agent LaBelle explained that she had written a report summarizing the activities of the Commission during 2023 to be included in the Annual Report the Town assembles each year, including reports from every Town of Dedham department and board. She invited the Commissioners to offer any updates or edits to be included in the final version of the 2023 Annual Report.

**Commissioner DeAvila motioned to approve the 2023 Annual Report as drafted.** Commissioner Radner seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

## **7. Programming & Events Discussion**

Agent LaBelle provided updates on her efforts to coordinate a meetup between Conservation Commission and the Open Space Subcommittee on Dedham’s conservation lands. She stated that she would be sharing another poll, which would help the members of both bodies to select a date in the next month or two.

Commissioner DeAvila stated that the Open Space members are in support of a meetup event as well as subsequent scaled-up events that would include more people from the community.

Agent LaBelle shared that she and Chris Reardon, Environmental Specialist, had been working together to create outreach content relating to Garlic Mustard (*Alliaria petiolata*) management including videos and a flyer, which she expected to be shared with the public within the next few weeks.

Commissioner DeAvila observed that, given the passing similarity of the videos to a certain famous horror film, instead of calling the film “The Blaire Witch Project”, it should be referred to under the title “The Garlic Mustard Project”.

Agent LaBelle stated that further new content was in the works and would be posted on a dedicated “Resource” page on the Dedham Conservation website. She invited the Commissioners to share any ideas they had for content as well.

Commissioner Radner shared that she will continue working on generating a list of vernal pools and associated certification efforts.

Commissioner DeAvila provided updates on the proposed signage that Open Space Subcommittee and Procurement Director Rana Mana-Doerfer had been collaborating on. He described some minor changes, including removing “Open Dawn to Dusk” from most signs and removing the Meadowbrook Road sign from the proposal, and stated that the process of designing and procuring the new signs was underway.

Commissioner Radner suggested that “No Hunting” language be added to the signage and stated her belief that this could be added to the signage without a bylaw change. Commissioner DeAvila stated that he was unsure if he supported this change and that he would want to check with the Town Counsel regarding the legality of this proposed change.

Agent LaBelle stated that she was planning to order smaller plaques for installation along boundaries of conservation lands, with the intention of informing the public about the conservation status of these lands. Commissioner DeAvila stated that he supports this idea and added that such signage would be

helpful for asserting the boundaries of town. Commissioner Radner and Commissioner Puopolo also stated their support for wider-scale installation of smaller signs on conservation lands.

Commissioner DeAvila also shared that Open Space had scheduled several upcoming trash clean-ups, including the One Bag event starting on April 20<sup>th</sup>.

### **8. Agent's Report**

Agent LaBelle shared that there were two Administrative Approvals since the last Conservation Commission meeting. The first was at 254 Westfield Street, where a new homeowner asked for permission to cut several hazardous tree branches. Following a site visit, Agent LaBelle approved removal of two trees that were leaning over structures on the property as well as a few branch removals. The second Administrative Approval was at a property owned by Allin Church at 80 Bullard St, where the church groundskeeper asked for permission to remove several trees growing on top of a garage structure. After a site visit where the trees in question were determined to be invasive as well as hazardous to the garage structure, Agent LaBelle approved the removal of these trees.

The meeting was adjourned at 8:59 pm.