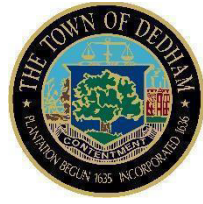


Tim Puopolo, Chair
Erik DeAvila, Vice Chair
Stephanie Radner, Clerk
Nathan Gauthier, Associate
Leigh Hafrey, Associate
Elena Taurasi, Associate



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CONSERVATION COMMISSION

Minutes of July 11, 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
Elena Taurasi, Associate
Leigh Hafrey, Associate
Nathan Gauthier, Associate

The following Staff were present:

Meredith LaBelle, Conservation Agent

The following Applicants and/or Representatives were present:

Dave Gorden, Representative for 142 Milton Street
Xhoni Isufaj, Applicant for 115 Riverside Drive
Kasey Provost, Representative for Westfield Street @ Weld Stream
Matthew Smith, Representative for 750 Providence Highway
Matt Watsky, Representative for 750 Providence Highway
Alex Kraplin, Representative for 750 Providence Highway
Genci Pace, Applicant for 17 Maverick Street
Ardi Rrapi, Representative for 17 Maverick Street

Chair Puopolo called the meeting to order at 7:04 pm in accordance with the Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and the Dedham Wetlands Bylaw.

AGENDA:

1. Public Comment

Commissioner Puopolo opened the floor for any conservation questions or general comments from members of the public. There were no comments from the public.

2. Notice of Violation

2.1. 142 Milton Street – Kennel Structure – Project Check-In

Representative: Dave Gorden, Thunderchase Environmental

Dave Gorden with Thunderchase Environmental provided an update on the after-the-fact Notice of Intent filing for the un-permitted structure in the Riverfront Area located at 142 Milton Street. Mr. Gorden explained that he appreciates the patience of the Commission in waiting for the filing, and the project team had some timing setbacks in hiring a surveyor for the project. He added that he has seen a draft restoration plan from Landscape Oasis, and they plan on having a pre-filing meeting with the Conservation Agent next week and following that they will be submitting the Notice of Intent.

Commissioner Puopolo asked about when Mr. Gorden expected to get the application into the Commission. Mr. Gorden and the Commissioners decided that an August 8th deadline would be appropriate so that the project would be presented by the August 22nd date at the latest.

Commissioner Puopolo opened the floor to comments from the public. He received no responses.

Commissioner Radner made a motion to set a submittal deadline for August 8th and authorized an Enforcement Order to be issued if there is no application submitted by September 1st. Commissioner Hafrey seconded the motion. Commissioner Puopolo led a roll call vote. All Commissioners present voted “aye” and the **motion passed by a 6-0 vote.**

3. New Applications

3.1. 115 Riverside Drive – RDA 2024-12 – Tree Removals

Applicant: Xhoni Isufaj

Xhoni Isufaj of 115 Riverside Drive introduced himself and explained that he wishes to remove two healthy trees from his backyard (located in 200' Riverfront to Charles River). Mr. Isufaj explained that he fears the trees may come down and damage his home during a storm. He added that only the trees will be removed, and the stumps and roots will be left behind.

Commissioner Puopolo asked if the tree replacement policy will be met, and Mr. Isufaj responded that they will plant 4 trees towards the rear of the yard closer to the river. Commissioner DeAvila asked if the tree replacements will be native species. Mr. Isufaj confirmed that he would choose Red Maples. Agent LaBelle added that she could assist Mr. Isufaj in locating nurseries to purchase the trees.

Commissioner Radner stated that Silver Maples tend to be very sturdy trees and she would not be concerned about this tree damaging the property owner's home. She also added that Silver Maples are critical habitats for wildlife in the Riverfront Area and their roots take up a lot of water which helps reduce water in the yard. Commissioner Radner added that the property owner should be careful to make sure the re-planted trees are on his property and not the adjacent DCR property located along the river. Commissioner Rander asked if there are other mature trees on the property, and Mr. Isufaj answered that there are no others on the property but there are many beyond his fence. Agent LaBelle added that there is a thick vegetated buffer beyond the fence along the Riverfront Area. Commissioner Radner asked that the tree company use best management practices to ensure the yard is not eroded and asked that this be added as a special condition. She also asked Agent LaBelle if there were any procedural issues with the tree replacement policy applying to a tree removal-only project, and Agent LaBelle answered there were no procedural issues with this.

Commissioner DeAvila credited the tree company for catching that this project was in a jurisdictional area. He also asked if a two-year survival condition could be added to the special conditions for the replacement trees. Mr. Isufaj was okay with this condition.

Commissioner Puopolo opened the floor for comments from the public. He received no responses.

Commissioner Radner motioned to close the public hearing and issue the Negative Determination of Applicability for RDA 2024-12 with conditions added about a two-year survival rate for replacement trees and that the tree company use best management practices. Commissioner DeAvila seconded the motion. Commissioner Puopolo led a roll call vote. All Commissioners present voted “aye” and the **motion passed by a 6-0 vote.**

3.2. Westfield Street at Weld Stream – DEP 141-0634 – Culvert Replacement

Applicant: Jason Mammone, Town of Dedham Representative: Kasey Provost, TEC

Kasey Provost with TEC, representing the Town of Dedham Engineering Department, introduced the proposed culvert replacement project at 94 Westfield Street at Weld. She explained that the project involves replacing an undersized 15” vitrified clay-pipe culvert on Westfield Street with a 5’ x 4’ precast concrete box culvert. The project is being proposed because there are safety concerns with the existing culvert – if it were to fail then parts of the road would be inaccessible since it is a dead-end street. Ms. Provost added that there will be temporary detour around the project area so that residents have access during construction, and geotextile fabric will be installed beneath the detour area to protect the nearby resource areas. She explained that the project will greatly improve existing conditions in terms of flood storage and hydraulic capacity for Weld Stream, and that the design meets the Massachusetts Stream Crossing Standards. Ms. Provost added that sediment and erosion controls will be used during construction, a floating silt fence will be installed downstream of the project, and water will be directed through a distilling basin and dewatering bag during dewatering activities.

Commissioner Puopolo reiterated that this project does seem to be an improvement to the resource area. He also listed the waivers that were being requested – work in the undisturbed buffer area, 2:1 replication of disturbed resource area, landscape plan, and wildlife habitat study – and stated that he thinks these are reasonable waivers given that the disturbance is temporary, and the work will ultimately be an improvement to the wetland and stream. Commissioner DeAvila asked if the stream is on the outfall side of Weld Pond, and Ms. Provost wasn’t sure but believed they are hydrologically connected. Commissioner DeAvila asked if the project will cross any sewer lines, and Ms. Provost answered no but that there is a water line in the roadway that they will work with Dedham Westwood Water District to re-route.

Commissioner Radner asked about tree removals and the estimated timeline on the project, since there are uncertified vernal pools nearby. Ms. Provost stated that three trees are proposed to be removed during work, and they will be replaced 2:1 with native species. She added that the project will likely be constructed in 2025.

Commissioner Puopolo opened the floor to comments from the public. He received no responses.

Commissioner Radner asked if abutters were notified, and pointed out that there may be abutters outside the 300’ boundary that live up the street from the project area that should be notified since it would impact their normal route. Ms. Provost responded that yes abutters were notified and agreed with the suggestion to notify beyond the 300’ boundary.

Commissioner Gauthier moved to close public hearing, grant the requested waivers, and issue the Order of Conditions for DEP 141-0635 as drafted. Commissioner DeAvila seconded. Commissioner DeAvila seconded the motion. Commissioner Puopolo led a roll call vote. All Commissioners present voted “aye” and the **motion passed by a 6-0 vote.**

4. Continued Applications

4.1. 750 Providence Highway – Site Redevelopment – WBD 2023-01

Matt Smith, with Norwood Engineering Company, updated the Commission that no updates to the plan have occurred since the last time the team was before the Commission, but that since the last meeting a Stormwater Permit has been issued for the project. Commissioner Puopolo thanked Mr. Smith for the update and reiterated that obtaining the stormwater permit was the last outstanding comment that the Commission had for the project.

Commissioner Puopolo opened the floor to comments from the public. Steven Greenbaum, attorney from Pearl Realty Associates representing the direct abutter to the project, stated that his client has serious concerns about the project. He stated that he is not sure whether a quorum of Commissioners has attended each and every hearing for the project. Mr. Greenbaum also added that the stormwater permit that was issued for the project is incorrect, since it is an amendment to an existing stormwater permit. He questioned why the stormwater was an amendment and not a new permit. Mr. Greenbaum also stated that the Conservation Commission was invited to participate in the former adjudicatory hearing for the appealed project, but his client was not invited to participate in these hearings. Mr. Greenbaum concluded his statement by reiterating that his client is opposed to this project.

Agent LaBelle listed off the attendance records of the Commissioners at the past hearings for this project. On December 7th and January 4th, Chair Puopolo, Erik DeAvila, Stephanie Radner, and Leigh Hafrey were all in attendance. On February 1st, Chair Puopolo, Erik DeAvila, and Leigh Hafrey were in attendance, and Stephanie Radner was absent but watched the meeting recording and filled out a Mullins Form. Agent LaBelle also stated that questions about the stormwater permit should be directed to the Stormwater Manager. Commissioner Radner added that since this is a bylaw filing only, the technicalities of attendance and filling out Mullins forms actually do not apply. She also added that the Conservation Agent at the time may have been invited to participate in the hearing that Mr. Greenbaum is referencing, but the Conservation Commission was not involved with the DEP proceedings. Commissioner Gauthier pointed to Section 8c of the Dedham Wetlands Rules & Regulations that state “in cases where a public hearing occurs over the course of several meetings, members need not be present for the entire public hearing in order to vote on a given application.”

Matt Watsky, counsel for the applicant, reiterated that the application before the Commission at tonight’s hearing is for the Local Wetlands Protection Bylaw only. He added that there were discussions about whether the Stormwater Permit should be a new permit or an amendment to the previous permit, and ultimately the Stormwater Manager with input from Town Counsel decided to issue an amendment to the original permit. Mr. Greenbaum reiterated that the reason that his client never appealed the DEP’s Final Order of Conditions is because they were never notified of the decision.

Commissioner Radner motioned to close public hearing for the local bylaw filing WPB 2023-01.

Commissioner DeAvila seconded. Commissioner Puopolo led a roll call vote. All Commissioners present voted “aye” and the **motion passed by a 6-0 vote.**

Commissioner Radner motioned to approve the waiver for the Undisturbed Buffer Area. Commissioner Hafrey seconded. Commissioner Puopolo led a roll call vote. All Commissioners present voted “aye” and the **motion passed by a 6-0 vote.**

Commissioner Radner motioned to approve the waiver for the dumpster setback from a wetland resource area. Commissioner DeAvila seconded. Commissioner Puopolo led a roll call vote. All Commissioners present voted “aye” and the **motion passed by a 6-0 vote.**

Commissioner Radner motioned approve the waiver request to waive the filing fee for the project submittal. Commissioner DeAvila seconded. Commissioner Puopolo led a roll call vote. All Commissioners present voted “aye” , with the exception of Commissioner Gauthier and Commissioner Taurasi who abstained, and the **motion passed by a 4-0 vote.**

Commissioner Radner motioned to issue permit WPB 2023-01 and special conditions as drafted. Commissioner DeAvila seconded. Commissioner Puopolo led a roll call vote. All Commissioners present voted “aye” and the **motion passed by a 6-0 vote**.

5. Request for Certificate of Compliance

5.1 17 Maverick Street – Multi-Family Dwelling – DEP 141-0602

Ardi Rrapi, with Cheney Engineering, explained that the original permitted project (multi-family house) has been constructed. Mr. Rrapi explained that the home has a potential buyer and the closing is on July 26th. He also added that there are a few outstanding items that still need to be completed that they have discussed with Agent LaBelle during their site visit. Mr. Rrapi explained that they are requesting a Partial Certificate of Compliance, since he understands that the two-year Invasive Species Monitoring Report as required by the Order of Conditions cannot be submitted until September 2024.

Mr. Rrapi presented the as-builts for the project and explained a few deviations from the original design, many of which are outside the Riverfront Area that he is coordinating on with Stormwater Manager Patrick Hogan. He also outlined a few changes within the Riverfront Area – the edge of lawn has reduced in size and they hope to increase the no-mow area in the buffer zone which is demarcated by apple trees, azalea, and viburnum. Mr. Rrapi added that a conservation mix will be added to the “no-mow” area, which is not fully stabilized yet since the invasive species were removed.

Commissioner Puopolo reiterated that the Partial Certificate of Compliance does not close out the permit, and Mr. Rrapi agreed. Commissioner Radner asked if there is more disturbance to the resource area than the original plan, and Mr. Rrapi replied that there is less disturbance than what was originally proposed. Commissioner Radner asked who will be responsible for the outstanding conditions that must be completed. Agent LaBelle responded that permits stay with the property, so it would be up to the current owner to inform the buyer of the outstanding conditions. Commissioner Radner asked if the new buyer should be present for this discussion, or at the very least a letter should be sent to the new homeowner. Commissioner DeAvila agreed. Mr. Rrapi stated they would be able to provide a letter as described. Mr. Rrapi agreed that they could present this letter and confirmation from the buyer at the next meeting on July 25th.

Commissioner Puopolo opened the floor to comments from the public. He received no responses.

Commissioner Radner made a motion to continue the discussion of issuing a COC for DEP 141-0602 meeting of the July 25th. Commissioner DeAvila seconded the motion. Commissioner Puopolo led a roll call vote. All Commissioners present voted “aye” and the **motion passed by a 6-0 vote**.

6. Minutes

The Commissioners discussed the minutes from the previous meeting.

Commissioner DeAvila made a motion to approve the minutes for the June 20th meeting as drafted. Commissioner Hafrey seconded the motion. Commissioner led a roll call vote. All Commissioners present voted “aye” and the **motion passed by a 6-0 vote**.

7. Bylaw and Regulations Discussion

Agent LaBelle presented proposed updates to the Bylaw. One of the proposed updates involved adding wording that would limit one extension request per permit, unless the permit-holder requested a waiver and presented documentation that the project was over 50% complete. She added that she would have KP Law review this change. Another proposed update involved adding wording that an applicant who is inactive on an active permit for over one year would need to re-file the application. The Commissioners had some concerns with this update, and Agent LaBelle explained that the added regulation would

encourage applicants to give the Commission frequent and timely updates as they go through the permitting process. Agent LaBelle added that she would get KP Law's input on this and they could continue the discussion later. The Commissioners then discussed their jurisdiction of the 100' buffer from the 100-year flood plain and weighed the merits of having jurisdiction over this zone even though it's not regulated by the Wetlands Protection Act. After some discussion, the Commission decided to revisit this at the next meeting and after getting input from KP Law. The Commission discussed abutter notification and decided to make updates to clarify that all properties within 300' should be notified of a project, not just abutters and abutters-to-abutters within 300' of the project. Agent LaBelle added that she will be sending a survey around to the Commissioners to get a better sense of how the Commissioners feel about some of the more divisive proposed changes.

8. Agent's Report

Agent LaBelle updated the Commissioners that Keolis reached out about removing a Beaver Dam that is flooding a culvert beneath the MBTA tracks in the near vicinity of the Fowl Meadow. She explained that the Board of Health will likely be issuing a permit for the beaver removal but the Commission would need to issue an emergency authorization for the removal of the dam and the installation of a "Beaver Deceiver" device in the resource area. She added that she expects to obtain more information soon, but asked the Commission if they were comfortable with her issuing the Emergency Permit on the Commission's behalf and then having it ratified by the Commission at a later meeting. The Commissioners agreed with this approach.

The meeting was adjourned at approximately 9:52 pm.