|  | The Town of Dedham  Commonwealth of Massachusetts  Conservation Commission  26 Bryant Street  Dedham, MA. 02026 |
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Conservation Commission - Meeting Minutes

Thursday, March 2, 2017, Dedham Town Hall- Lower Conference Room

Members Present: Fred Civian (Chairman), Laura Bugay, Andrew Tittler, Joseph Smith, Joseph (Matt) Hickey and Stephanie Radner.

Members Absent: Michael Williams.

Mr. Civian called the meeting to order at 7:00 PM.

Emmett Avenue & Dedham Boulevard, DCR – *Notice of Intent for a Headwall Construction (DEP File #141-0512)*

Mr. Civian made a motion to continue Emmett Avenue & Dedham Boulevard, DCR until March 16th, seconded by Mr. Hickey, UA.

Mr. Civian welcomed Stephanie Radner as the newest member to the Committee.

123 Eastern Avenue, David Raftery – *Notice of Intent to demolish an existing SFD and construct a new 2-family dwelling (DEP #141-0513)*

Mr. Civian made a motion to continue 123 Eastern Avenue to March 16th, seconded by Mr. Hickey, UA.

7:06 PM: Ms. Bugay arrived to the meeting.

500 High Street (Gonzalez Field) Town of Dedham – *Notice of Intent and Major Stormwater Management Permit to renovate playing field (DEP #141-0515, MSMP 2017-02)*

Mr. Civian made a motion to continue 500 High Street until March 16th, seconded by Mr. Hickey, UA.

Town of Dedham, Colburn Street Dam – *Notice of Intent for dam rehabilitation (DEP #141-0517)*

Jason Mammone, Director of Engineering was present with consultant, Adam Zisk.

Agent Brown informed the Commissioners that she received DEP comments regarding soil/sediment testing. Mr. Zisk explained that there has been no formal requirement to test the soils.

Agent Brown explained that a wildlife habitat evaluation is a requirement according to the DEP’s state wetlands regulations.

Mr. Civian explained that since these issues are part of the state wetlands act he would like to see them dealt with as soon as possible. The water quality certification could be placed as a condition on the decision made by the Commission.

Mr. Zisk explained that if the Commission’s concern is to maintain the summertime flow, they will have to work with this. On average the flow is 25 CFS.

Mr. Smith asked if the applicant had considered an alternative to preserve the habitat of the amphibians. Mr. Civian asked them to present the benefits and drawbacks of alternatives they had considered.

Mr. Smith commented that it seems like they have not considered blocking the pond up at the bridge, which seems like an efficient solution to him. Mr. Zisk responded that if they had considered damming it up, they would have done so closer to the dam than the bridge location.

Mr. Zisk explained the detriments of the alternative proposed would be an additional $80 - $100k in cost and an extra 1.5 months construction time

Mr. Hickey confirmed with Mr. Zisk that 2-5 CFS will still leak at the gate of the dam to the Charles River.

7:21 PM: Mr. Tittler arrived to the meeting.

Mr. Civian commented that cofferdams may not be advantageous in this case because the flow is so low.

Mr. Smith explained that he values all life, and he feels that while shutting off the water supply may be more efficient, they are assigning a death sentence to a lot of life and he finds that approach to be arrogant.

Bruce Lovely of Emmet Avenue commented that blocking the flow at the bridge would impact the wildlife.

Joe Heisler of the Mother Brook Community Group commented that he appreciates the concern for wildlife. He explained that almost every year this river has gone completely dry and part of the reason this is happening is that there is a leak in the dam. He would also like to see the work on the dam completed in a timely manner for that reason.

Dan Hart commented that a number of years ago the Centennial Dam was repaired by the state. He wondered if there is any information that can be gathered regarding how that repair was approached. Mr. Civian responded that he will research this.

Mr. Civian summarized the need for a water quality certification as well as a wildlife study.

Mr. Zisk responded that they don’t think it is unreasonable to do the DEP requested wildlife study, they just don’t think it will tell them anything they don’t already know. Mr. Civian asked that written information of this claim be provided to the Commission that they can reflect on prior to the next meeting.

Agent Brown informed the applicants that she will need a full response a week before they next meeting they want to present at.

Mr. Civian made a motion to continue the Town of Dedham Colburn Street Dam until March 16th, seconded by Ms. Bugay, UA.

38 Icehouse Lane  *(DEP #141-0510) &* 13 Powers Road, Giorgio Petruzziello, Supreme Development, Inc.**-** *Notice of Intent for a new SFD in Riverfront and UBA (DEP #141-0511)*

Matt Smith of Norwood Engineering was present.

Mr. Civian explained that the Conservation Commission provided performance standards for this project and the applicant would typically claim and demonstrate that performance standards are being met. Mr. Civian explained that they could close the public hearing and act on the information they have now, or the applicant could submit revised plans and/or provide written comments about which of these standards they feel do not apply to the project and why. The Commission will need time to review the written information when it comes in.

Matt Smith responded that he will be happy to provide the Commission with written documents. Mr. Smith reviewed some of his concerns verbally, including the 10 percent lot coverage restriction which does not apply to lots that were there before 1996. He also expressed concern with locating all trees to be removed over 6 inches in size on a plan since all trees in the area are being removed and they would be willing to count them instead since it is their understanding that this rule has not been applied consistently in the past by the Commission.

Mr. Civian responded that if the Mr. Smith wants to make that claim he should provide examples within the written materials.

Matt Smith added that providing a full pre and post is not typical for single family residential projects. Mr. Smith also explained that test pits do make sense sometimes but not necessarily in this situation. Mr. Smith also didn’t believe 44 percent TSS removal was necessary or consistently applied. Mr. Civian responded that he would like Mr. Smith to provide examples to support this claim. Mr. Smith explained that he was not trying to criticize or accuse the Commission, and he understands that some items are discretionary.

Ms. Bugay commented that she thinks that LID cannot happen on this site due to site constraints, so that is his reason.

Mr. Smith explained that he respects the Commission and enjoys appearing in front of them and didn’t mean anything in an accusatory manner. Mr. Civian responded that the thing about those comments is that other people hear these things and he would rather people make decisions based on facts by claiming and demonstrating how they are meeting performance standards and they can also make the case they want to make with examples of other projects when referenced.

Agent Brown reminded the Commission that they had asked for alternative sized houses.

Paul Lombardi, abutter, explained that he is in opposition of these projects, and he is having a problem tonight on the reaction of Mr. Smith on the standards the Commission detailed for him. At the last meeting a comprehensive list was generated and what he is hearing is that in the past things were not done, etc, but at the same time they have established written standards. Mr. Lombardi explained that all of the supposed regulations should not be able to be overlooked for a couple of written paragraphs.

Mr. Civian responded that the Commission has to give the applicant the opportunity to explain their argument. The Commission will hear the applicants concerns, and that doesn’t mean they will agree with everything.

Mr. Lombardi asked about the ZBA application timing. He wondered if the applicant has anything formally from the ZBA saying these lots are buildable. Mr. Petruzziello explained that Mr. Cimeno agreed that they don’t have to go to ZBA as they are 2 lots by matter of right. Mr. Lombardi would like to see this claim in writing. Mr. Civian agreed the Commission will see what they can do to get Mr. Cimeno to put this in writing.

Agent Brown reminded the applicant that if they wish to present at the March 16th meeting, information will need to be received by March 9th.

Mr. Civian made a motion to continue both 13 Powers and 38 Icehouse to March 16th, seconded by Mr. Hickey, UA.

725 Providence Highway – *Notice of Intent for a new fast food restaurant in Riverfront (DEP #141-0508)*

Agent Brown explained that the applicant has come up with a revised stormwater management plan. They were able to design a system of catch basins and roof drains that meet the stormwater management standards. This will come before the Planning Board on March 23rd.

Mr. Smith asked that a requirement for litter cleanup be included in the conditions if it is not already.

Mr. Civian explained that rules will need to be met to maximum extent practicable and they will also need to show what they are doing to improve conditions on the site.

Mr. Smith commented that it is important that they keep their property clean as it has a direct impact on the wetland.

Ms. Bugay commented that the system should be offline, not inline.

Mr. Civian made a motion to continue 725 Providence Highway until March 16th, seconded by Mr. Smith, UA.

9 South Stone Mill Drive, Mother Brook Condominium Trust – *Request for Determination of Applicability for roadway and drainage improvements (RDA 2017-01)*

Mr. Civian made a motion to continue 9 South Stone Mill Drive until March 16th as requested by the applicant, seconded by Mr. Hickey, UA.

Weld Pond, Weld Pond Associates - *Notice of Intent for aquatic management (DEP #141-0516)*

Agent Brown explained that the pond has milfoil, waterlily, and bladderwort to be treated; milfoil is an invasive species. Agent Brown pointed out the treatment plan to the Commission for them to review.

Ms. Bugay asked where the milfoil is coming from.

Agent Brown explained there is a developed property that extends right to the water area and that also happens to be where the treatment area is so those two things could be related. Agent Brown explained that she has asked for a plan to reduce phosphorus. Agent Brown explained that milfoil can also be carried in by boats.

Mr. Civian questioned what is being done on private properties to lessen the growth of these species.

Ms. Bugay confirmed with Agent Brown that they did phosphorus testing.

Mr. Smith commented that the pond continues to get shallower.

Agent Brown will suggest that the applicants come to the next meeting and will pass along the comments that the Commission has.

Ms. Radner asked if the applicant has evaluated other species that are not listed on the plans. If they are putting in a broad herbicide, what else is it taking? She wondered if it would be relevant for them to review the other species in the pond.

Ms. Bugay commented that she would like to discuss ways to preserve the pond long-term, perhaps the Commission could provide the applicants some options and guidance.

Mr. Civian made a motion to continue Weld Pond until March 16th, seconded by Ms. Bugay, UA.

124 Country Club Road, Dedham Country and Polo Club – *Notice of Intent for irrigation system improvements (DEP #141-0518) –To Be Opened and then Continued*

Agent Brown explained that the Commission will need to address how the project was segmented, as they have replaced the pipe up to the 100 foot buffer zone, and now they are coming to the Commission for the rest. Additionally a fee waiver was requested as the fee calculated to more than $11,000.

Mr. Civian made a motion to continue 124 Country Club Road until March 16th, seconded by Mr. Hickey, UA.

535 Eastern Avenue, Julie Deschenes – *Order of Conditions, work never started (DEP #141-0436)*

Mr. Civian made a motion to issue a certificate of compliance for 535 Eastern Avenue as recommended by Agent Brown, seconded by Ms. Bugay, UA.

350 Washington Street, Petruziello Properties, LLC – *Stormwater Management Permit (2015-08)*

Mr. Civian explained that since he is hearing from the Commission that all conditions have not been met and there is still a question about the inverts to ensure the flow patterns is what the design intended, he is reluctant to issue a certificate of compliance.

Mr. Civian made a motion to issue a Certificate of Compliance for 350 Washington St, to be held by the Conservation Agent until she verifies that all work is done, seconded by Ms. Bugay, UA.

**Informal Discussion-**

Agent Brown confirmed that Nancy Baker will be posting for the conservation alternates soon.

Agent Brown suggested that members of the commission arrange to carpool to the MACC conference if possible.

Mr. Smith would like Papa Ginos to be contacted again asking them to keep on top of the weekly cleanup efforts.

Mr. Civian explained that he will be suggesting some changes to the draft rules and regulations. The next step will be to convene public hearings in April or May.

9:20 PM: Mr. Civian made a motion to adjourn, seconded by Mr. Hickey, UA.