The Town of Dedham

Commonwealth of Massachusetts

Conservation Commission

26 Bryant Street

Dedham, MA. 02026



Conservation Commission - Meeting Minutes

Thursday, October 5, 2017, Dedham Town Hall- O’Brien Meeting Rom

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

Members Absent: Joseph (Matt) Hickey, Michael Williams

Mr. Civian called the meeting to order at 7:03 PM

Mr. Civian opened the Public Hearing on the draft Stormwater Regulations, then moved to Table the discussion until later in the meeting. Ms. Bugay seconded. All approved.

Other Issues:

**15 Liberty Lane, Request for 2nd extension of a Negative Determination of Applicability (RDA 2011-12)**: John Radley, the applicant, explained that due to his military service he has been unable to complete the work permitted in the permitted Negative Determination of Applicability, as previously extended, and requested one additional year to complete the work. F. Civian moved that the extension of the Negative Determination of Applicability be extended one year, Mr. Smith seconded. All approved.

**11 Circuit Road - Request for Minor Modification (MSMP 2015-15):** Agent Brown presented revised plans for Lot 11, Circuit Road explaining that the previously approved modification request has been abandoned. The applicant now wishes to construct a driveway for the residence in the original location, but add ±170 square feet for additional parking. The subsurface infiltration system is not designed to accommodate the additional ±28 cubic feet of storage. The applicant has agreed to construct the additional area with pervious pavers, with one foot of ¾ inch double-washed stone compacted in place with a leveling course of not greater than 2 inches of 3/8 inch crushed stone and joints not less than ½ inch. Ms. Brown recommended that this be approved as a minor modification to MSMP 2015-15. F. Civian moved that the minor modification be granted, Ms. Bugay seconded. All approved.

**750 Providence Highway (DEP File # 141-0522)** – MassDEP has scheduled an Appeal Site Visit for 10/11/17 at 10:00 am. Commissioners are invited to attend.

Agent Brown notified the Commission of the following upcoming conferences that may be of interest to Commissioners and that the Conservation Department has funds available to reimburse registration fees for any Commissioners that are interested in attending.

* Erosion & Sediment Control Field Day - 10/20/17
* 2017 Wildlife Tracking Conference, October 21 and 22, 2017
* MACC Fall Meeting Saturday, October 28, 2017
* 2017 Massachusetts Trails Conference, November 2-4, 2017

The minutes of 9/21/17 were discussed. Commissioners noted that comments had been sent to email to L. Bazinet. F. Civian moved that the minutes be adopted as amended, A. Tittler seconded. All approved.

Mr. Civian moved to bring the Public Hearing on the draft Stormwater Regulations back from the Table, Ms. Bugay seconded. All approved. After determining that no attendees were present to discuss the draft regulations, F. Civian moved to again table the Public Hearing on the draft regulations, Ms. Bugay seconded. All approved.

The Commission entered into a discussion on the draft regulations.

Mr. Civian reviewed certain items that had been raised by Ken Cimeno, Building Commissioner, at a meeting earlier that week with Ms. Bugay and Agent Brown. Mr. Cimeno had questioned use of “area of disturbance” rather than impervious area as the criteria for permitting. Mr. Civian asked if there was an alternative. Ms. Bugay noted that Mr. Cimeno had said that he wanted a set of steps that would provide more guidance for him and homeowners. The Commission discussed how to make it easier for smaller projects with simpler Best Management Practices. There was some agreement that the current regulations place a disproportion effort on staff and homeowners. Mr. Civian suggested that he would be willing to recommend a bylaw change to improve this situation if that would be necessary.

Mr. Civian suggested one approach would be to give more discretion to the Stormwater Officer, given the challenge of defining appropriate categories based on site-site specific situations. Mr. Smith suggested that possibility of defining permit criteria based on the extent of grading proposed. Mr. Civian mentioned that Mr. Cimeno requested more discretion on the requirements for minor permit applications than proposed. He noted that the Building Commissioner currently employs discretion in the requirements for minor stormwater permits and that the approach has been working well. Mr. Smith agreed.

Ms. Radner questioned whether allowing more discretion opens up an issue of unfair abuse of power. Commissioners agreed that it might. Mr. Tittler questioned whether adding discretion would add more work or would it be different work? Mr. Civian replied that as long as the work would be site specific it would not be unfair.

Mr. Civian suggested relaxing the regulations, noting that neighboring towns have much higher land disturbance criteria for regulation.

Ms. Radner noted that in many cases, it should not be necessary to survey trees. F. Civian concurred, questioning why trees would need to be put on a plan if they were not going to be impacted.

Mr. Civian polled the Commissioners on their thoughts as to what the appropriate depth of stormwater that should be required to be managed. He reported that Mr. Cimeno was comfortable with 2 inches. Ms. Bugay suggested keeping the requirement for 2 inches, particularly since the incremental cost of infiltrating 2 inches rather than 1 inch is minimal.

Ms. Radner questioned the use of the 1998 Cornell precipitation values in light of global climate change. Mr. Civian stated that MassDEP is shifting toward use of the NOAA Atlas 14 values, with a requirement for 1 inch of storage and other revisions based on soil type.

Mr. Civian mentioned that he had talked with Mr. Cimeno regarding the proposed Security requirements in the draft regulations. He reported that Mr. Cimeno did not object to the language proposed.

Ms. Bugay raised the issue of abutter notification. She suggested requiring notification to direct abutters only. Mr. Tittler suggested that the requirement for abutter notification be limited to Major Stormwater Management Permit applications only. Mr. Civian mentioned that there is a Town Meeting article that will require notification for activities that impact abutters and that the discussion surrounding that article will be pertinent.

Mr. Civian moved to bring the draft proposed Stormwater Management regulations back from the Table. Ms. Bugay seconded. All approved.

Seeing no one in the audience wishing to speak to the proposed regulations, Mr. Civian moved to close the public hearing. Ms. Bugay seconded. All agreed.

Mr. Civian suggested that the Commission revise the draft regulations in response to comments received and then hold an additional public hearing to inform the public that the Commission is anticipating their adoption.

7:45 PM: **38 Icehouse Lane, Giorgio Petruzziello, Supreme Development, Inc. -Norwood Engineering, Rep –Notice of Intent for a new SFD in Riverfront and UBA (DEP #141-0510) and 13 Powers Street, Giorgio Petruzziello, Supreme Development, Inc. (Norwood Engineering – Rep*) -* Notice of Intent for a new SFD in Riverfront and UBA (DEP #141-0511**. Mr. Tittler questioned whether Town Counsel should be asked if further legal opinion would be appropriate. Ms. Bugay noted that the role of the Commission is to collect information and that the letter was not addressed to the Commission. Mr. Smith suggested that Town Counsel should be asked whether they felt a need to modify or add to their previous opinion. Ms. Radner questioned whether the Commission had received a complete application. Mr. Civian responded that the Commission thus far had received information in pieces. Mr. Civian moved to continue to 10/19/17. Ms. Bugay seconded. All approved.

**267 Providence Highway (Mother Brook Diversion Structure), MA Dept. of Conservation and Recreation, Applicant – Lauren Gluck, Pare Corporation, Rep. – Removal of 16,850± sf of vegetation along the northern and southern embankments of the Mother Brook surrounding the Mother Brook Diversion Structure (DEP File # 141-0525, MSMP 2017-11).** Mr. Civian moved to continue to 10/19/17. Ms. Bugay seconded. All approved

7:50 PM: **910 - 928 Providence Highway, ACP Properties, LLC, Applicant – Scott Henderson, Henderson Consulting Services, Rep. *–* Demolition of existing structures on-site and construction of a new mixed use building (MSMP 2017-12)**. Mr. Henderson updated the Commission of the status of the project, which he stated is pending Planning Board approval. He reviewed details of the application, mentioning that stormwater runoff from the site is included in the stormwater management plan for Legacy Place. He has advanced six borings and encountered good, permeable soils. There are no wetland resources in the area, but the site is located in the Charles River watershed which has a TMDL for phosphorus. The site, which is currently 100% impervious, will be developed with a single multi-use building with parking. There will be more landscaping, including a bioretention basin along Providence Highway. Stormwater will sheet flow in front into 3 bioretention areas with overflow to subsurface detention systems then around back. In back, stormwater will be captured in catch basins, conveyed to a propriety systems then to Legacy Place, infiltrating as much as possible before then. There are no waiver requests. The application has been reviewed by Sherwood Engineering and all comments addressed. A landscaping plan has been initiated today, with smooth river stone proposed in lieu of angular rip-rap in the bioretention basin inlets. He will be requesting a waiver from this design standard, which he believes is acceptable due to the anticipated low flow into the basins. A NPDES Construction permit will also be submitted prior to the start of work.

Ms. Bugay questioned what design storm will overflow into the Legacy Plan drainage and how the river rock will be sized. Mr. Henderson responded that 2-year storm won’t overflow in the back. He was unsure how to size the river stone, but is assuming a 6-inch stone at the inlet with 4 inches elsewhere. Since this is a non-standard design, there may be some trial and error involved in getting to the final design, with more maintenance required than it typical.

Mr. Henderson also noted that, in addition to a landscaping plan, he is in the process of getting written approval from the owners of Legacy Place for the access.

Mr. Civian moved to continue the application to 10/19/17. Ms. Bugay seconded. All approved.

**105 Rustcraft Road, Fadi Fares, Applicant – Paul Lindholm, Rep (DEP File #141-0426, MSMP 2017-20)** -Paul Lindholm summarized information contained in the Major Stormwater Permit submitted including the location of temporary dewatering basin and enlarged area of work. He has provided hydrologic calculations for 2, 10, 25, 50, and 100 year storms and determined that post-development peak rates and volumes are less than or equal to pre-development. Stormwater is effectively managed with an infiltration system sized to accommodate 2 inches of runoff from new impervious surfaces.

Mr. Lindholm requested reimbursement of $1,918 for overpayment of the original Dedham Wetlands Bylaw fee, which had been calculated originally paid $1/resource area instead of $0.02/sf of Riverfront Area. He also requested for relief from the requirement that test pits be conducted at the time of application and requested that the testing occur just prior to construction. He is proposing that mitigation be limited to removal of debris from wetlands, that the shed be moved outside of the Riverfront Area within the year, and that the shed be emptied of petroleum products immediately. Mr. Tittler pointed out the requirements with respect to the shed could be performed any time within the 3-year permit limit. Mr. Lindholm also proposed addition of a new fence along the wetlands boundary to limit future encroachment into the wetlands and plantings (Arrowood viburnum) within areas of the wetlands where debris had been removed. Ms. Bugay reminded Mr. Lindholm of the requirement that a 6-inch gap be left at the base of the fence for wildlife movement. She also suggested that plans be included for re-seeding the area of shed once it had been moved and planting within the current lawn area. Mr. Lindholm said that he would consider planting of additional shrubs in the lawn area.

Mr. Civian moved that the Commission reimburse the fee as requested. Mr. Tittler seconded. All approved.

Mr. Civian moved that test pitting be permitted to be delayed until prior to construction. Ms. Bugay seconded. All approved.

Mr. Civian moved that the application be continued to 10/19/17 to allow time for a landscaping plan to be submitted. Ms. Bugay seconded. All approved.

**127 Milton Street, Ed Donovan, Donovan Electrical, Applicant – Lew Holt, NCR, Rep - Demolition of existing garage and shed and construction of a new 1,960 sf 2-story, 3 vehicle garage with six parking spaces (MSMP 2017-19)** Lewis Holt, representative, summarized the proposed re-development project. Mr. Tittler questioned whether there had ever been any spills on the site. Mr. Holt replied that there had not. Ms. Bugay pointed out that the plans did not include the Commission’s standard requirement that filter fabric be placed on the top and sides (only) of the infiltration excavation and that the infiltration gallery stone by double washed and graded 1 ½ to 2 inches, and that these changes should be incorporated into the Special Conditions of the permit.

Mr. Civian moved that the Major Stormwater Management Permit be issued with the Special Conditions revised as noted. Ms. Bugay seconded. All approved.

**1000 Washington Street, Joseph Moussalli, Applicant – Michael Joyce, Joyce Consulting Group, Rep. – Major Stormwater Permit for a 3-story mixed use redevelopment with 2,800 sf of proposed commercial space and 28 residential units above (MSMP 2017-18).** Agent Brown updated the Commission on the status of the application, noting that she had been told that the plans would have to be changed at the request of other Town departments. Ms. Bugay noted that the plans should also be revised to require filter fabric be placed on the top and sides (only) of the infiltration excavation and that the infiltration gallery stone by double washed and graded 1 ½ to 2 inches. F. Civian moved that the application be continued to 11/2/17 to allow time for revised plans to be submitted. Ms. Bugay seconded. All approved.

Agent Brown summarized a wetlands violation she had encountered behind East Dedham Plaza, where it appears that vegetation has been removed and large quantities of wood chips have been placed adjacent to Mother Brook. Mr. Civian suggesting that Agent Brown get a quote for removal of the chips and re-planting material removed, and that the associated budget item be placed on the next warrant for Town Meeting. Suggestions were made as to who might be able to provide information regarding this wetlands violation.

Mr. Civian made a motion to adjourn at 8:39 PM, seconded by Mr. Smith, UA.