**MINUTES OF OCTOBER 18, 2018**

# Pursuant to the notice filed with the Town Clerk, the meeting of the Conservation Commission was held in the O’Neill Conference Room at Dedham Town Hall, 26 Bryant Street, at 7:00 p.m. on Thursday October 18, 2018.

# **The following Commissioners were present:**

Laura Bugay, Chair

Andrew Tittler, Vice Chair

Stephanie Radner

Leigh Hafrey

Nick Garlick

Sean Gauthier-Alternate

The following staff were also present

Elissa Brown, Conservation Agent

Renee Johnson, Administrator

The following Commissioners were absent:

Nathan Gauthier,

Michelle Kayserman, Clerk

Commissioner Bugay called the meeting to order at 7:00 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.

The following applications were continued until November 1st, 2018

* **235 & 243 Bussey Street, ANJOM, LLC, Applicant – Scott Henderson, Henderson Consulting Services, Rep –** Demolition of five existing structures on-site and construction of a new mixed use building (MSMP 2017-23).
* **456 Providence Highway & 62 Eastern Avenue, RK Associates, Inc., App - Forrest Lindwall, Mistry Associates, Rep.**  –Demolition of a 2-story commercial building and construction of a 1,800 sf 1-story retail building (RDA 2018-07, MSMP 2018-19).
* **218 High Street, Map 111, Lot 3, Stephen Clifford, Applicant – Byron Holmes, Holmes Engineering,** Representative: Major Stormwater Management Permit for the construction of a new two family dwelling (MSMP #2018-22).
* **218 High Street, Map 111, Lot 67, Stephen Clifford, Applicant – Byron Holmes, Holmes Engineering, Representative:** Major Stormwater Management Permit for the construction of a new single family dwelling (MSMP 2018-23).
* **339 Washington Street, Garnett Realty Trust, Applicant – Sue Harrington, GCG Engineering, Rep.**  Major Stormwater Permit Application for the redevelopment (mixed use addition) of a commercial building (MSMP 2015-25).

Commissioner Bugay moved to continue, Commissioner, Tittler seconded. All voted in favor.

## **Public Hearing**

Commissioner Bugay opened the public hearing to discuss the current proposed revisions on the Draft Stormwater Management Regulations.

List of documents discussed at this meeting:

Draft Stormwater Management Regulations 10-18-18

Agent Brown provided the commission with a summary of changes from the last draft:

* Section 4: Exempt Activities. Paving of areas <1000 square feet (sf) was added to the list of exempt activities.
* Section 5: Design standards. In response to Commissioner Tittler’s suggestion to avoid redundancy between the bylaw and associated regulations, the 1989 Cornell Study 24 hour rainfall rates table was removed and replaced with a reference to the Cornell Study rates in the Design and Stormwater Standards, as well as the NOAA 14 Atlas rates. Some minor changes were also made to the requirements for Stormwater management on both new and redevelopment sites, however the requirement to infiltrate 2 inches of stormwater over total impervious surface (previously changed from 1 inch) was retained. The required TSS removal rate was decreased to 80% from 90%. The requirement to require Total Phosphorus discharge rates to meet to pre-development rates under new development and a percentage of previous removal rate under redevelopment was also discussed.
* Section 6: Administration. Commissioners expressed concern that regulations would be interpreted as requiring a minor Stormwater Management permit for small areas of clearing or re-grading, and suggested that the regulations be clarified that a permit is needed only for significant removal of vegetation. Some minor changes in timeline of reviewing of documents by Conservation Agent were proposed and the clarifications made to required inspections.
* Section 10: Certificates of Compliance. The requirement for a Professional Engineer to stamp the “as built” for single family dwellings was removed and a replaced with a requirement that the applicant provide tie lines to the inspections ports, so that others may find them in the future.
* Appendix A – Definitions. Terms defined in the bylaw were removed.
* Appendix B – Application Procedures. Changes were made to provide more flexibility in terms of what the applicant is required to submit, particularly for minor stormwater permit applications. The list of suggested information the applicant should supply was revised, with a note added the Stormwater Officer can ask for more if necessary. The regulations were clarified as to the requirement to survey all existing ≥ 6-inch caliper trees located within 25 feet of work area, (within limits of erosion and sediments controls). A 2:1 replacement requirement, by tree not by caliper, was added. The Commission stated that the replacement trees should be native and non-invasive. Further clarifications were made to the O&M plan requirements.
* Appendix D - Standard Conditions. Appendix D was added to better inform applicants of permit conditions.

Agent Brown shared that the Surety condition had not yet been added and she was unsure as to what amount to include. Commissioner Tittler commented that a requirement for surety is most relevant when the developer plans on flipping a property and the new homeowner may or may not know or understand that there are things left to be done. Commissioner Bugay proposed that the Commission either set a minimum amount that in some cases the Commission could waive, or a blank amount. Commissioner Tittler stated that it makes sense to have flexibility in using a blank amount depending on the size or type of the project, and in doing this, there is no surprise on cost. He proposed adding a footnote, by way of guidance,

Agent Brown reviewed comments received from Dedham Engineering. There were no public comments.

Commissioner Bugay moved to continue the public hearing to November 1st, seconded by Commissioner Tittler All voted in favor.

## **Applications Opened Previously**

**530 Providence Highway, Frank Gobbi, Jr., Applicant-John Glossa, Glossa Engineering.**

Dedham Engineering completed a preliminary review of the applicant’s plans. Agent Brown stated that in her opinion the project was still not in compliance with all Stormwater standards. Commissioner Bugay reviewed the application, and requested that Mr. Glossa continue to work with Dedham Engineering and Agent Brown. Commissioner Bugay moved to continue the application to November 1st, seconded by Commissioner Hafrey.

**14 Ohio Street – Julie and Matt McKenna, Applicant - Clay Reeder, Representative.**

Commissioner Bugay opened the public hearing. Agent Brown recommended a draft Determination of Applicability as well as a Minor Stormwater Management Permit. The Commission found no issues with the application as submitted. Commissioner Bugay moved to close the hearing, seconded by Commissioner Tittler. All voted in favor. Commissioner Brown moved to approve the Negative Determination of Applicability, seconded by Commissioner Tittler. Commissioner Bugay moved for Agent Brown to approve the minor Stormwater Management Permit, Commissioner Hafrey seconded. All voted in favor.

**Informal Discussion**

**38 Liana Lane**

Agent Brown stated that the house was built with a small rear patio, which the applicant would like to expand. The applicant has proposed using a stone filled swale with sump to collect runoff from the new impervious surface. Commissioner Bugay questioned the calculations on the plan, and stated that the applicant should clarify the calculations, and should provide more details on the building of the swale. Agent Brown will secure the revised information from the applicant.

**Meeting Minutes**

Commissioner Bugay moved to approve the meeting minutes of October 18, 2018, as amended by Commissioner Radner, Commissioner Tittler and herself, seconded by Andrew Tittler. All voted in favor.

**Discussion of Town Meeting 2018 Warrant Articles**

**Article 10** – **Funding for a collaborator to** **assess and design a process for the creation of a vision for improved access to Wigwam Pond.** The Commission enthusiastically supported improved access to Wigwam Pond, however, decided not to support the article as funds were currently available for improved access and a mechanism to provide for greater access exists. Agent Brown was directed to write a letter of no support to the Finance Committee.

**Article 13 –A “Comprehensive Concept Plan” for a Planned Residential Development at 210 Lowder Street -** The Commission agreed to support the Comprehensive Concept Plan as it guarantees open space, and directed Agent Brown to submit a letter of support to the Planning Board.

**Article 23 – Temporary Moratorium of Lot 109-2** – A 5-year moratorium is proposed for the town to study the best use of the land, impact to neighborhoods abutting the property, investigate and clarity ownership, and investigate and clarify soil conditions. Commissioner Radner questioned whether the proposed moratorium is legal. Commissioner Hafrey questioned whether the Commission had an obligation to comment on the Article. Agent Brown responded that they did not. The Commission decided to pass on commenting on the Article.

**Article 18 – Open Space Committee Membership** - Commissioner Radner explained that Article 18 is being proposed to correct the appointing body for Open Space Committee members.

**Recent Freedom of Information Act Requests**

Agent Brown informed the Commission of a second “Freedom of Information Act” request received by Mr. Gobbi’s lawyer, Gene Guimond. This request is for information on stormwater permits for all subdivisions permitted since 2002.

The first “Freedom of Information Act” request, received by the same lawyer, to which the town responded, is currently being appealed to the Supervisor of Records. Agent Brown will provide the supervisor with the information requested.

Commissioner Bugay moved to adjourn the meeting, seconded by Sean Hanley. All were in favor.

Meeting adjourns, 9:00pm.

Respectfully submitted,

Renee Johnson,

Conservation Administrator