**Minutes December 20, 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 7:05 p.m. on Thursday December 20, 2018.

# **The following Commissioners were present:**

Laura Bugay, Chair

Andrew Tittler, Vice Chair

Michelle Kayserman, Clerk

Stephanie Radner

Nick Garlick

Nathan Gauthier, Alternate

The following staff were also present

Elissa Brown, Conservation Agent

Renee Johnson, Administrator

The following Commissioners were absent:

Leigh Hafrey

Eliot Foulds

Sean Hanley, Alternate

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.

**Continuances:**

* **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)
* **270 & 290 Bussey Street, Delapa Plaza East, Inc., App – Jim Devellis, DeVellis Zrein, Inc – Rep. –**Commercial/residential redevelopment of an existing commercial building in Buffer Zone to Bordering Vegetated Wetlands, Bank, and Land Under Water; and Riverfront Area (DEP File # 141-0535, MSMP 2018-07)*.*

Commissioner Bugay made a motion to continue the applications until January 3rd, 2019. All were in favor.

**Applications opened previously:**

**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. Mr. Henderson was present for the Applicant.

**Documents Reviewed:**

* Proposed Mixed Use Development Plans dated October 4, 2017 and prepared by Henderson Consulting Services LLC and updated November 20, 2018.
* Stormwater Report and Drainage Calculations dated October 4, 2017 and prepared by Henderson Consulting Services LLC and updated November 20, 2018.

Representative Scott Henderson, of Henderson Consulting presented the revised plans to the Commission and reintroduced the project. He reported that there had been a number of plan revisions made, including removal of underground parking due to poor soil and groundwater issues. Mr. Henderson also reported that the revised plans he had submitted had also been approved by the Planning Board. Mr. Henderson explained that the 14,000 square foot (sf) site would contain a 16- unit, mixed-use building with an access driveway on the left and parking below the building. He shared that infiltration of groundwater was limited due to tight soils and shallow groundwater. As a result, Mr. Henderson proposed subsurface detention, not infiltration, underneath the access road/driveway on the left side of property. He further stated, that along with treatment and controlled overflow, the stormwater design would allow for reduction of peak rate runoff from the site, in conjunction with a direct connection to the municipal drainage system. Mr. Henderson stated that he reviewed this plan with the Town Engineer and they were in agreement. Mr. Henderson requested a waiver from infiltration due to site conditions.

Commissioner Kayserman asked Mr. Henderson if he felt the project should be considered as redevelopment or new development, to which he replied that it should be considered new development because impervious area will be increased.

In response to a question from Commissioner Bugay, Mr. Henderson explained that stormwater from the parking area under the building would be captured, treated with an MWRA compliant separator and discharged to the sanitary sewer. Mr. Henderson stated he would present some documentation regarding the conversation he had with the Town Engineer as well as the plumbing inspector.

In response to a question from Commissioner Kayserman regarding landscaping, Mr. Henderson shared that at the request of the Planning Board, planters were proposed in the front of the property, grass between the existing driveway and abutters to the north, and a small landscape strip in the back. The planters would contain boxwoods, junipers, and perennials. Mr. Henderson added that the parking space sizes were minimized as much as possible.

Commissioner Bugay explained that the project is currently in peer review.

Agent Brown asked whether borings indicated whether the underlying soils consisted of fill. Mr. Henderson stated the soil which included dense till with tightly bound sand and gravel appeared native.

Commissioner Bugay made a motion to continue. Ms. Radner seconded. All were in favor.

**218 High Street, Map 111, Lot 3, Antonio Ferrara, Applicant – Byron Holmes, Holmes Engineering, Representative and 218 High Street, Map 111, Lot 67, Antonio Ferrara, Applicant – Byron Holmes, Holmes Engineering, Representative Jim Peterson Surveyors.** Byron Holmes was present as well as Antonio Ferrara.

**Documents Discussed:**

* Major Stormwater Permit Application for Assessor Map 111, Lot 3, Dedham, Massachusetts; prepared by Alpha Survey Group LLC and Holmes Engineering; dated November 7, 2018.
* Plan to Accompany Stormwater Permit, 218 High Street Map 111 Lots 3 and 67, Dedham, MA 02026, Proposed Duplex and Single-Family Dwelling; prepared by Alpha Survey Group, LLC; originally dated November 7, 2018 and last revised December 13, 2018.
* Homeowners Guide to Maintenance of Rainwater Infiltration System for Assessor Plot 111, for Lot 3.
* Homeowners Guide to Maintenance of Rainwater Infiltration System for Assessor Plat 111, for Lot 67.
* Landscape Exhibit Plan, 218 High Street Lots 3 and 67, Dedham, MA; prepared by Alpha Survey Group, LLC; dated December 12, 2018.

Commissioner Bugay opened up both applications to be heard and confirmed the Commission had received the plans. Representative Holmes gave the Commission a brief recap. He stated that the project had been opened 4 - 5 months ago with the Commission. Since that time, ownership had changed, however the project had remained relatively the same. Mr. Holmes proposed that the current project would have one infiltration/leaching system with 30 Cultec chambers that would serve both properties. It would be located on the proposed duplex lot, with an easement recorded for the single family home. He stated that pre- and post-construction runoff had met standards, with 2 inches of runoff over the impervious area contained in the infiltration galleys. Specifications were made that trees or shrubs would not be planted over the system. Commissioner Bugay asked if the proposed grading in the back of lot was due to ledge. Representative Holmes confirmed that it was and explained that the ledge would be shaped into contours, as well a considerable amount of ledge would be removed.

Commissioner Bugay asked Mr. Holmes about the planting plan and the size of the trees to be planted. Mr. Holmes responded that they would be appropriately sized.

Commissioner Gauthier asked about the wording of the O&M plan, specifically regarding whose responsibility it would be for upkeep and maintenance of the Cultech system. Representative Holmes stated that the homeowners association would be solely responsible. Commissioner Gauthier requested a specification regarding this intent. Commissioner Tittler asked about the relationship of the infiltration galleys and the property boundary. Mr. Holmes explained that the infiltration system would be more than 10 feet from all property boundaries, with the exception of the boundary between the two lots. Commission Tittler also requested clarification of where the feed pipes were located. Commissioner Tittler also requested that maintenance requirements for the system be included in the Homeowners Association agreement. Commissioner Kayserman asked whether the infiltration system would be directly adjacent to the retaining wall and whether that would impact the retaining wall. Representative Holmes stated they would use standard landscape blocks as the wall was only 1.5-feet high. He also presented an alternative proposal that would allow the engineers to keep the original design however lower the system if ledge removal allows, to include the runoff from the driveway.

Commissioner Bugay stated that the O&M plan specified 15 Cultec units instead of 30, and requested that this be corrected before it was recorded. Commissioner Bugay also suggested that the engineers wait to see if blasting was required. Commissioner Tittler inquired about the abutter’s notification for blasting. Agent Brown shared that it would go through the Town Fire Department. Commissioner Kayserman asked Mr. Holmes about the expected depth of the excavation to remove the ledge. Mr. Holmes stated that the blast was expected to be 2 feet below stone. Commissioner Bugay stated that the engineer would want to slope the blasted bedrock towards the street. Agent Brown noted her preference for the applicant to appear before the Commission for a modification if they decided to remove additional bedrock to lower the infiltration galley, and would include that requirement as a Special Condition.

Commissioner Bugay made a motion to close the public meeting. All were in favor.

Commissioner Bugay made a motion to issue a Major Stormwater Management Permit for both lots. (218 High St, Lot 67, and Lot 3). Commissioner Tittler seconded. All were in favor.

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

**Documents Discussed:**

* MSMP 2018-24
* Revised Plans –Glossa Engineering

Mr. Glossa re-presented the findings of the five borings, which he explained contained peat and some contained fill with silty sand. Mr. Glossa stated that he avoided the area of the suspected subsurface railroad tracks and trestle while performing the borings. He asked the Commission if they would require recharging the water back into the ground, to which the Commission stated unanimously yes. Commissioner Bugay explained that because the site is a redevelopment project, the Commission requires infiltration only to the maximum extent practicable. She also mentioned that Dedham Engineering had contributed comments regarding the project, which she would like to see incorporated into the design. Mr. Glossa stated he would like to meet with the Dedham Engineering Department to review those. Agent Brown stated that the upper parking area is the preferred recharge location. Commissioner Kayserman stated that there are always reasonable expectations and engineering possibilities as discussed at the previous meeting. Commissioner Bugay stated that the Commission would like Mr. Glossa to look at the possible recharge area suggested, as it is most feasible in that location due to depth to groundwater and current flow patterns. Mr. Glossa wanted to clarify that the Commission would like him to design in the area specified that he felt is where the project would have the most residual coal. Agent Brown stated that coal is not a hazardous material and would therefore cannot be considered a reason not to infiltrate. Mr. Glossa would like to know if the Commission or the Town of Dedham would hold his client harmless if there was a problem with the groundwater down the road and would that be a reasonable request. Agent Brown stated it would be the Client’s responsibility. Mr. Glossa stated he would not design the project to the specifications of the Commission. Agent Brown stated he would be in violation if he did not. Mr. Glossa stated that in his opinion, based on the information that he had obtained, infiltration at that location would not be feasible. Commissioner Kayserman stated that as the representative of the client, Mr. Glossa has a responsibility to do his due diligence, and prove the claims, by using a licensed LSP to review the borings and support his claims of potential contamination. As the representative, Mr. Glossa should advise his client based on the proof. She stated there should be a report stating what can or cannot be done based on a professional’s statement, not on the opinion of Mr. Glossa. She further stated that it is up to Mr. Glossa to engineer a plan that works and further mitigate the issues that have been identified. Commissioner Gauthier pointed out the inconsistent comments made by Mr. Glossa where as he had stated based on previous reports, that the 5 feet to the water table was the issue. Commissioner Bugay stated she would like him to return with a plan that would give the Commission a proposed system for recharge. She stated they must also address Dedham Engineering comments and incorporate them into the new plan. She reminded Mr. Glossa that this hearing began as an enforcement based on work done previously without permits.

Mr. Glossa stated they would work on a new plan and come back. Agent Brown asked for a complete comprehensive package with design, stormwater report, and a week before the Engineers next meeting slated for January 17th. Bugay made a motion to continue the meeting until January 17th. Commissioner Kayserman seconded. All were in favor.

**Quabish Road, Route 1 Management Land Trust, LLC as Trustee of 200 Commercial Circle Realty Trust, Applicant – Curtis Young, Wetlands Preservation, Inc., Representative** – Neither the applicant nor the representative was present.

**Documents Discussed:**

* Proposed Wetland Replication Plan; prepared by Peace Engineering & Associates, Inc. and stamped by Edward L. Peace, PE; originally dated November 12, 2018 and last revised December 10, 2018.
* Notice of Intent; 124 Quabish Road; prepared by Wetlands Preservation, Inc; dated November 15, 2018

Commissioner Bugay inquired about the total Riverfront area of property, whether land within the flood zone would be disturbed, and if the disturbed area was greater than 10% of the total Riverfront area. Mr. Tittler clarified the bylaw applied to alteration within Riverfront area. Agent Brown reminded that Commission that the applicant is conducting this work at the direction of MassDEP and with the expectation that this restoration effort will allow the property owner to close out a historic Order of Conditions. Commissioner Tittler asked why the applicant had not proposed a restoration NOI and whether the whole area should be treated as a redevelopment project. He also stated he had concerns about the Commission waiving the applicability of the Stormwater Bylaw in its entirety as they were altering more than 500 square feet. Commissioner Kayserman asked if creating wetlands is an exemption. Commissioner Tittler stated that under the Wetlands Protection Act there is a special category for ecological restoration and replication of Wetlands and the applicant was not applying for that, he also stated that the applicant is working in the Riverfront area, and he did not see an Alternatives Analysis. He also recommended that the Commission consult with its DEP circuit rider to get their opinion on the appropriate path forward and any interaction with the possible DEP consent decree. Commissioner Bugay stated that the Commission should take the time to figure out where they are in the project. Commissioner Kayserman asked about the elevation of the existing BVW boundary as she wanted to make sure that berms were not being built up. Commissioner Kayserman stated that the Order of Conditions should be clear that the wetlands are currently in good condition.

Commissioner Bugay made a motion to continue to January 3rd. Commissioner Kayserman seconded. All were in favor.

**10 Campus Drive, Noble & Greenough School, Applicant – Paul Avery, Oak Consulting Group, Representative** – 1,960 sf addition to Lawrence Auditorium (MSMP 2018-31). No one was present for the applicant.

**Documents Discussed:**

* Major Stormwater Management Permit Application; prepared by Oak Consulting Group, LLC; dated November 27, 2018
* Stormwater Management Permit Narrative, Lawrence Auditorium Renovation; prepared by Oak Consulting Group, LLC; dated November 26, 2018
* Nobel & Greenough Lawrence Auditorium Plan Set (6 Sheets); prepared by Oak Consulting Group, LLC and stamped by Paul Avery, PD; dated November 26, 2018
* C300 Grading, Drainage and Utilities Plan; prepared by Oak Consulting Group; dated September 28, 2018 and last revised December 11, 2018

The applicant has submitted revised plans with an off-line area drain and beehive grate at the discharge point. Gutters have been added to a portion of the existing auditorium roof to capture additional runoff. Agent Brown stated thesuggestions from the last meeting were implemented. They client did attempt to capture more stormwater. She shared that the client requested several waivers, the perc test requirement, infiltration of two inches over the impervious surface, removal of 80% TSS, and 60% phosphorus reduction over the entire roof. Commissioner Tittler shared his concern about the waivers. He stated that what they are asking will establish the principle of adding impervious area and just dealing with the addition, and stated he is nervous about setting the precedent that allowing the project to provide treatment and infiltration only for the new addition, not the entire roof as required, with the very first application under the new regulations, will weaken the Commission’s regulation. Agent Brown stated she believed there was room onsite for a larger system. Agent Tittler requested the client present more evidence to back up the waiver request.

Commissioner Bugay made a motion to continue to January 3, 2019, Commissioner Tittler seconded. All were in favor.

**Informal Discussion-**

**Request for Certificate of Compliance from the Dedham Country and Polo Club (DEP File 141-0537).**  Michael Too hill, Conoco’s Engineers and Scientists, representing Dedham Country and Polo Club stated that they had requested a Partial COC for the 2-foot bridges, with plans to come back in 2021 for an extension of the OOC if they had not replaced the remaining 3 bridges between and now and then. Agent Brown stated that she had conducted a site visit and determined the 2 -out bridges were built as proposed. Commissioner Bugay made a motion to issue a Partial Certificate of Compliance. Commissioner Tittler seconded. All were in favor.

**Municipal Preparedness Vulnerability Project:**  Commissioner Radner shared that she attended the Municipal Preparedness Vulnerability meeting; most of the meeting discussion revolved around infrastructure, backup generators and how climate-related events could impact the Town in emergency situations. Natural resources and socio-economic infrastructure were also discussed.

Agent Brown recommended the Commissioners attend the Annual Massachusetts Association of Conservation Commissioners (MACC) annual meeting on March 2nd 2019.

Commissioner Tittler moved to adjourn the meeting, seconded by Commissioner Bugay. All were in favor. Meeting adjourns 8:30 pm.

Respectfully submitted,

Michelle Kayserman, Clerk