

TOWN OF DEDHAM

Parks & Recreation Department

*Dedham Recreation Center
269 Common Street
781-751-9250*

*Anthony Mucciaccio Pool
1 Recreation Road
781-461-5991*



*Robert Stanley
Director*

*Debra Anderson
Assistant & Program Director*

*Tracey White
Administrative Assistant*

May 21, 2019
Lower Conference Room – Town Hall
7:00 pm

Present:
Jonathan Briggs - Chairman
Tye Donahue
James Maher
Charles Dello Iacono
Lisa Moran
Robert Stanley – Director
Debra Anderson – Assistant & Program Director

Chairman J. Briggs stated that the only agenda item was the Striar Property. He asked that if anyone was recording the meeting that they let him know, Kathleen O'Neil stated she was recording the meeting. He introduced Joseph Flanagan the DPW Director and began a brief history of how this meeting came to be.

- At 2001 Town Meeting it was voted to appropriate the funds to support article 81 to be under the jurisdiction of the Parks & Recreation Dept for future use as parkland.
- 2010 – 2011 the first fill was brought to the property, from the Avery school construction, at that time we were asked by the Town to use that property, and also at that time the DPW started using that property and then when the Dedham Square project started and it was used to bring product there is still product on the property such as granite
- 2016 ECEC fill was brought to the site, that was a bit of fill that was graded out, that's when a lot of trees came out of the area

- 2017, April 1st, MWRA project, the sub-contractor; Giosio who they are coming to the end of that contract currently they are done with major excavation, need to grade roads still, as of today (May 21, 2019) you will notice that a few of the heavy machinery is gone, large blue crusher is gone, that just happens to be the end of their contract. The other contractor that is on site is RJV there will be no crushing just screening for this project. That should help a lot with the noise
- We walked the site today with the Conservation Agent, the Director of the Public Works also an abutter and a neighbor (Mr. Sheffler & Mrs. Kineavy) ramped up the misting program, there is a chemical on the piles as well, when it is dustier
- Tire cleaning area, have added crushed stone and more can be added as needed, there is also street cleaning and that will be done more
- Conservation Commission will be meeting this Thursday (May 23, 2019)

We looked at issues, measured to the wetlands, Conservation Agent came up with a measure of about somewhere in the nineties, if you are within the 100-foot buffer they will set parameters

We can also fill out different paperwork and they can put various conditions on, such as putting a silt sock around the site, which we have done, or such as a dust containment system.

Our intent is to do whatever the Conservation Commission says, we have already moved the piles back we will still file. If people are still concerned, we will work with the Conservation Comm, decide and tell us what they want. We will still fill out the paperwork.

Currently we are filing a SWIPP, a Storm Water Protection Plan, that ties in with a general construction permit, if a construction site goes over one acre then you need that permit. That controls any contaminants that go overland and into waterway, that would kind of be the definition of the Clean Water Act. We have never been in violation of the Clean Water Act. Massachusetts Wetlands Protection Water Act if we are within the buffer zone then we file with the Conservation Commission.

Somewhere along the way we should have let the neighbors know what was going on, when it went over an acre to three, somewhere in 2016. Then the commotion started when their where two companies there making noise and stirring up dust, there have been three Conservation Agents that have looked at that property over the last nine years.

T. Donahue stated that this is not something that is being taken lightly, we want to work with you (neighbors) we are trying to right any wrongs that were done.

J. Maher stated that he liked J. Briggs recommendations of moving the piles back and still filing the appropriate paperwork eventually we will need to decide what we are going to do going forward, and it's important to listen to the experts on whether we move forward or go backwards.

Lisa Moran stated the we can't go back but going forward in the future that we have processes in place and that neighbors are notified and that we file the proper paperwork, this has been a learning process.

J. Briggs agreed with L. Moran and stated that nothing was ever done with malicious intent, we want to do the best what's right for the Town.

David Matthews, 6 Capen Lane, asked who decided to expand the area from one acre to three point eight?

J. Briggs answered that it was due to the various projects in town, so it was a collective of various situations and Departments

Karen Palumbo of Sprague Street stated that the Commissioners while Chuck Dello Iacono was Chairman, decided at some time in the past six months or longer decided to lease the property to the MWRA and subcontractors and it changed the use of what the site was intended for, with no consideration for the neighbors, as it is impacting their health and quality of life. We are concerned and want our voices heard. She asked the Commissioners if they would want to live where all the abutters are, would you be concerned for your health, would you want to live there?

J. Maher answered no

T. Donahue answered no

J. Briggs answered no

C. Dello Iacono that if he had the buffer zone, they the neighbors have did, he would

L. Moran answered if she lived on Sprague Street, no she would not, Crane Street she would have no problem

Karen Palumbo stated that it seems some legal mistakes were made by the Commissioners, local, State and Federal permits were not filed, wetland were not considered, air quality and noise pollution were not considered nor was increased traffic. The town financial protocols were not followed, and the monies have now been taken out of your Revolving Fund and put into the town General Fund, is that correct?

J. Briggs answered yes, the monies have been moved

Karen Palumbo asked if all laws were followed in the bidding process?

J. Briggs answered – to clarify there was no bidding process for these two contractors as it was a state job, it wasn't a lease or a rent, it was licensing.

KP asked if anyone on the Board checked to see if this land was protected from industrial work under article 97 under the Mass Constitution?

J. Briggs stated that it is Commercially zoned, so the assumption was that it was fine for that work

She asked if the board had checked the contracts to see if there were any harmful materials in the road waste that has been grinded up and thrown into the air?

MWRA must test the soils as do subcontractors working for them

KP asked if they had those tests

Joseph Flanagan (DPW Director) answered yes

Karen Palumbo stated she would like those made public, she has asthma and though she has a bit of a buffer with the trees in the back of her house , she has no buffer in the front of her house, she feels stuck in her house as she is unable to open her windows or go outside to work in her garden, has anyone looked into the health issues that come from grinding asphalt into the air, and what that means? The EPA reports that there are some particles that are able to be seen with the naked eye, but the ones you cannot see can be breathed into your lungs or bloodstream are the most dangerous. If you could envision waking up in the middle of the night and feeling as you are drinking out of a straw, that's what it feels like if you have breathing problems. Does anyone know what is being disbursed into the air? Will you ask the Board of Health to study it?

J. Flanagan answered that they do not have any air quality tests

Karen Palumbo begged that the Board have them done, asked what the plan was to assist neighbors who experience health issues exasperated by the industrial work being done, or cleaning our home?

J. Briggs answered we are going to wait and see what the Conservation Commission has to say at their meeting on Thursday, and we will get with the Board of Health to discuss the air quality while this is going on and impacts , when and if we have to do some type of mitigation we will make that determination.

K. Palumbo asked about the lack of communication from the Board to the neighbors, why? DOT has had two public meetings in Riverdale, and the DPW puts info on the Facebook page. Can we start doing a moving forward, what is the plan for this?

J. Briggs answered that they will put a fact sheet on the website, moving forward put one in place

Dan O'Brien, 164 Crane Street asked if there will be any contracts after these two are completed?

J. Briggs answered no, if we have custody of that land, we thought we were saving money for the town that was our intent

C. Dello Iacono stated that if we develop Striar Property there will be work done on that property

Dan O'Brien asked if any more trees will be removed

J. Briggs answered no

Dan O'Brien would it be the plan to replant

J. Briggs answered that Con Comm would most likely ask for trees to be planted, however either way trees will be planted

Dave Anastasia, 38 Poplar, what was the intent of the property and how did it get to a construction zone,

J. Briggs stated that the town purchased it for parkland,

C. Dello Iacono answered that the MWRA wanted to put it on the front lawn of the Endicott Estate, we thought it made more sense to put it at Striar as the DPW was already there doing similar work, we didn't realize the volume of the work that would be done there,

Dave Anastasia is displeased with the look and the noise and would like it stopped altogether

Kevin Nagle, 7 Capen Lane, stated he wanted to share for the people that didn't know, that the Parks & Recreation Department leased out the land and didn't do their homework, the noise is unbelievable throughout the neighborhood, and reverberated our houses, to hear the board say that there were mistakes along the way doesn't make sense, because he has been involved with the Striar Property for years and it has always been shady, thinks that when the board saw the opportunity to start clearing the land of the Manor fields that they took it,

J. Briggs answered that it was Mr Nagles opinion

C. Dello Iacono asked Mr. Nangle what his intent was when he cleared town property to expand his own

K. Nagle answered that he said no idea what he was talking about and never cleared town property

J. Maher stated that during scoping sessions for Manor Fields, Activatas had stated that the fill that the DPW (Mr. Flanagan) had at the Striar property would not be usable when do the Manor Fields, and the cost would be that of the DPW, so there is no intent to use that fill to use for any recreation project

K. Nagle stated it was very convenient that there is now a cleared footprint,

J. Maher stated he was the one Commissioner who voted no, both times that contractors came to us because he did not want it to become a dumping area,

K. Nagle should figure out how it went wrong and fix it

E. Gustin, stated I don't think this committee has the right to do a licensure

J. Briggs state that according to Town Council they do, unfortunately the money must go into the General Fund

E. Gustin asked when they were going to signing the licensure

J. Briggs stated they are already signed

E. Gustin stated the money was taken away from this Board because you can't sign licensures

J. Briggs answered no, the monies were taken away due to the use of the site was not a regular Parks & Recreation use

E. Gustin asked if Town Council is calling this a Licensure?

J. Briggs answered yes, it is different from a rental or lease

Jean Zieller how did this come about with the contractor?

J. Briggs answered that Mr. Flanagan (DPW Director) asked if we could accommodate these contractors and we allowed the contractors to use the site

K. Palumbo asked why Fed Corp wasn't considered as opposed to this site

J. Briggs explained that Fed Corp is a company that charges contractors as they come in and out to process fill, most contractors look to stage or process fill on their own,

Joanne Keaveny precinct five asked that moving forward please make communications better, and be transparent, make minutes more available. We voted for you and you work for us.

Cherry Lane – watering down the dust ramping it up, this is about fixing the problem, not just appeasing the neighbors

Kerry Hawkins, Sprague Street asked about trucks being on the road before 6:00 am, and are speeding, and I heard it's against the law.

C. Dello Iacono answered that there are some extra trucks due to going onto that the property however we can't stop the trucks going from Readville and Milton, that is on the Police Chief

Gentleman just purchased a home on Crane Street, I hear you say you made some mistakes, how about you fix it and cancel the project

Steve Davies, please communicate with the whole town but not just the neighbors, please make a commitment to do so

Jonathan Pape will you commit to release the results and findings from the meeting with the Conservation Commission,

J. Briggs answered yes, however it affects us

Micah Flynn asked if in the future you share the all the factors of future situations, do the contractors usually keep this type of work in town

J. Briggs answered yes,

J. Flanagan explained that in the past various contractors have used Fed Corp or rent space nearby, Gioso was working on Walnut Street and it became a dangerous situation without sidewalks etc

Mr. Anastasia asked about the property in Readville over near the Sprague Street bridge

Mr. Flanagan answered that the contractors did ask, and they were denied, the Hurley's are not renting that space any longer

Bob Sheffler asked if the Endicott and neighbors got to say no to staging on Endicott Estate why didn't we neighbors get a chance to say no

J. Briggs stated that it was the Endicott Estate Commission that said no to staging on their property

Mr. Flanagan explained that it was the neighbors that did not want the equipment and plates and stone boxes on the street and sidewalks as it was dangerous, so then Gioso went to the Endicott Estate Commission that said no, then the town went to the Parks & Recreation Commission who said yes

E. Gustin stated that she spoke to the MWRA and they said it was a problem with all projects in all towns

Robert LoPorto spoke and asked if people the neighborhood would raise their hands to show how many neighbors where at meeting, spoke about Deed and legal issues, per the state Massachusetts it is considered a construction zone, so you would need permits, per the deed in the Town Meeting booklet, Article 18, can you use this as a construction zone?

J. Maher stated this is a former sand pit and gravel yard, it used to be an industrial area and it looks a lot different now than when he was young

Mr. LoPorto asked if the site could be a construction zone

J. Briggs answered yes

Mr. LoPorto asked that they read the warrant article and deed, and stated that you cannot

J. Briggs stated that if Mr. LoPorto has something to show the Board please do so

Mr. LoPorto replied that he left it in his car, and the deed says it can be used for recreation facilities in the future, you spoke about the Silt Sock, watering of dust, moving the piles, jersey barriers etc., who is paying for that?

J. Briggs said it is zoned commercial, The DPW will pay for the and the town of Dedham saved a great deal of money having the DPW using the property

Mr. LoPorto asked about the trucks being watered entering and leaving the site, has that been done?

Mr. Flanagan answered no

William Gorman stated that he did not recommend the trucks being washed, but to clean off the tires, that would create more of a havoc with runoff to wash the trucks

Mr. LoPorto asked how will we know that these companies aren't taking advantage and bringing waste from other worksite saving them hundreds of thousands of dollars, if no one is watching them

Mr. Flanagan answered that they are there every day and they are being monitored

Mr. LoPorto stated that there has been illegal dumping, and nothing is done, it could have been going on for twelve months

Mr. Flanagan replied that these contractors are not the ones illegally dumping, and when the trucks that are illegally dumping and have been caught it becomes a police matter, unfortunately illegal dumping happens all over town

Mr LoPorto stated

Mr Flanagan stated they have been told not to work before 7:00 am and if they have they the police are notified

Mr. LoPorto asked why there wasn't a fence around the perimeter of the construction zone

Mr. Flanagan stated that it could be done however they did not want to do that as people walk and take their dogs there, however they could put a fence there, we don'

T. Donahue stated that there is an OSHA standard that any trench, hole in the ground excavation, is why there is a fence around the foundation on East St.

Mr. LoPorto asked if they have submitted the proper permits

J. Briggs stated that they are waiting for the Conservation Comm. To inform them of what they want, we know that they will ask for the SWIPP so we are doing that, and we will see what they come up with, they put up a Silt Sock, moved piles

Mr. Flanagan stated a police officer asked to keep it open so that they can drive

Chris Ryan, Oakdale Avenue, stated on the Town site, under the Manor Fields Project

WPA Form 5 order of conditions, are you familiar with this document?

J. Briggs answered that he believes that the document in question is expired,

C Ryan stated it expired in 2017 that there are conditions required about construction,

J. Briggs

C. Ryan asked if the Board would reconcile these conditions against what is being done now.

J. Briggs stated that they have done some, and will wait to hear what the Conservation Comm recommends

C. Ryan asked if the Conservation Comm. Had this document

J. Briggs stated that the document came from that Board

C. Ryan on an old map, was called a transitional forest, would you look at a wildlife assessment, it is important to not make mistakes going forward

J. Keavey stated that there is a family of doe and many animals in the area

J. Maher the environmental study was done by the Conservation Comm, when they were discussing the Manor Fields

Mr. LoPorto thanked J. Briggs for having this meeting

Motion to adjourn by C. Dello Iacono, second by T. Donahue all members voted in the affirmative to adjourn