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| Laura Bugay, Chair | C:\Users\ebrown\AppData\Local\Microsoft\Windows\INetCache\Content.Word\Town Seal - Color.jpg | 26 Bryant Street |
| Andrew Tittler, Vice Chair | Dedham, MA 02026 |
| Stephanie Radner, Associate |  |
| Michelle Kayserman, ClerkLeigh Hafrey, AssociateNick Garlick, Associate | Tel: (781) 751-9210 |
| Eliot Foulds, Associate  | Fax: (781) 751-9109 |
| Nathan Gauthier, Alternate |  |
| Sean Hanley, Alternate | TOWN OF DEDHAM | Website |
| Elissa Brown, Agent | www.dedham-ma.gov |
| Renee Johnson, Administrator | CONSERVATION |  |
|  | COMMISSION |  |

 **MINUTES of June 6, 2019**

Pursuant to the notice filed with the Town Clerk, the meeting of the Conservation Commission was held in the Lower Conference Room at Dedham Town Hall, 26 Bryant Street, at 7:00 p.m. on Thursday June 6, 2019

**The following Commissioners were present:**

 Andrew Tittler-Vice Chair

Michelle Kayserman, Clerk

Nick Garlick

 Eliot Foulds

 Nathan Gauthier-Alternate

**The following staff were also present**

Elissa Brown, Agent

Renee Johnson, Administrative Assistant

Commissioner Tittler 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**

The following applications were continued to June 20, 2019

* **637 East Street, Frank Gobbi, Applicant – John Glossa, Glossa Engineering, Rep.** - Roadway and utilities for a proposed subdivision adjacent to Bordering Vegetated Wetlands- (DEP File # 141-0486).
* **105 Schoolmaster Lane, Armando Petruzziello, Applicant – Karon Skinner Catrone, Rep**. – Request for Determination of Applicability for construction of a new single family dwelling (RDA 2019-02).
* **123 Westfield Street- Lot 1, Oliver Garry, Westfield Crossing LLC, Applicant – David Johnson, Norwood Engineering, Representative** – Demolition of existing barn and construction of a new single family dwelling with septic system (DEP File #141-0549, MSMP 2019-03).
* **123 Westfield Street- Lot 2, Oliver Garry, Westfield Crossing LLC, Applicant – David Johnson, Norwood Engineering, Representative** – Demolition of existing dwelling and construction of a new single family dwelling with septic system (DEP File #141-0548, MSMP 2019-04).
* **48 Berkeley Road, Qiuling Chen, Applicant - Chi Man, Hardy + Man Design Group, P.C., Representative** – Notice of Intent and Major Stormwater Management Permit for the demolition of an existing structure and construction of a new single family dwelling in Buffer Zone to Bordering Vegetated Wetlands (DEP File # 141-TBD, MSMP 2019-05).

**Applications to Be Continued to November 21, 2019**

* **339 Washington Street, Garnett Realty Trust, Applicant – Michael Carter, GCG Engineering, Rep.**  Major Stormwater Permit Application for the redevelopment (mixed use addition) of a commercial building (MSMP 2018-25)

**APPLICATIONS CONTINUED FROM PREVIOUS MEETING**

**28 Stormy Hill, Anderson Almeida, Applicant – Paul Lindholm, Rep**. – After the fact Request for Determination of Application for vegetation clearing to create parking spaces in Mother Brook Riverfront Area (RDA 2019-03, mSMP 2019-03). The applicant was not present. Agent Brown stated that the applicant had submitted a signed O&M Plan. She had no further review for the plan..

Commissioner Tittler questioned the presence of an oil absorbent boom in the O&M Plan.

**Documents of Record:**

* Request for Determination of Applicability; prepared by Paul Lindholm, Lindholm Engineering; dated March 12, 2019
* Minor Stormwater Management Permit Application; prepared by Paul Lindholm, Lindholm Engineering; dated May 21, 2019
* Driveway Plan, Assess. Lot 16, Map 13, 28 Stormy Hill; prepared by Paul Lindholm, Lindholm Engineering; dated April 12, 2019 and last revised May 31, 2019
* Photos: Pics taken March 21, 2019 and Google Map Image October 2013.
* Operations and Maintenance Plan; prepared by Paul Lindholm, Lindholm Engineering; dated May 21, 2019

Commissioner Tittler made a motion to continue. Commissoner Hanley seconded. All were in favor

**20 Carematrix Drive, Olimas LLC and Skye Enterprises LLC, Applicant, Jon Tilton Williams & Sparages LLC, Representative** – Notice of Intent to convert paved surface to artificial turf and playground area in Buffer Zone to Bordering Vegetated Wetlands (DEP File # 141-0551). Jon Tilton and Kristin McNulty were present for the application.

Mr. Tilton stated that he planned to reduce the impervious area within the 100 ft buffer by 1,300 square feet. He provided the material for the artificial turf to the ConCom, as well as storage calculations for the Stormwater.

Commissioner Tittler made a motion to close the public hearing on the NOI. Commissioner Gauthier seconded. All were in favor.

**45 Thomas Street, Perkins and Georgina Erase, Applicant- Paul Lindholm, Lindholm Engineering, Representative** – Renovation of existing single family dwelling (RDA 2019-04). Paul Lindholm was present to represent the applicant.

Mr. Lindholm stated that the existing cesspool had failed an inspection and the connection to town sewer was required. He also mentioned that the current residents are currently residing in a trailer on the property, that the sewer connection had been approved by Engineering, and the wetlands had been flagged. He requested a Negative Determination of Applicability to install a sewer line.

Agent Brown stated that she had drafted a Negative determination of Applicability with special conditions including a requirement that the ConCom to be notified a week prior to construction with an onsite meeting, installation of an 8 inch compost filter between existing house and tree line , subject to onsite discussion with the agent. She also requested that loam and seed area of disturbance within a week of installation.

Joe Mellit abutter expressed his concerns about an intermittent stream running through the area and possible water issues.

Brian Todd, 51 Thomas, as well as his father Mr. Mike Todd expressed their concerns about health and hazards and rodent infestation. Commissioner Kayserman shared that utility line installation is common, and it will be a huge improvement as well as a heavily regulated by standards. Agent Brown suggested imposing a condition to make sure the limit of work is not exceeded.

Commissioner Tittler made a motion to close the public hearing. Commissoner Kayserman seconded. All were in favor.

Commissioner Tittler made a motion to issue a Negative Determination of Applicability with special conditions. Commissioner Foulds seconded. All were in favor.

**Bridge Street and Ames Street, MassDOT, Applicant – Samuel Campbell, GPI, Representative** – Reconstruction and Related work on Bridge Street (Route 109) and Ames Street (DEP File # 141-0553).

MassDOT has filed a Notice of Intent for work in bordering vegetated wetland, bordering land subject to flooding, and riverfront area and related buffer zone. The work will include milling and overlay, full depth reconstruction, re-setting granite curbing, drainage upgrades and modifications to an existing roadway width. The representatives stated that this would improve roadway safety and extend existing bicycle pedestrian use throughout.

Agent Brown requested an additional filing fee as well as a completed Major Stormwater Management Permit application as well as 3rd party peer review. Mass DOT representatives stated that they are exempt from local fees as well as the Town of Dedham’s Wetlands Protection Bylaws and the Stormwater Bylaws.

Agent Brown requested phosphorous removal calculations. Commissoner Gauthier asked MassDOT to explain why they are not able to conform to the MA stormwater standards to the maximum extent possible and to provide a full set of stormwater calculations and plans. Commissoner Tittler stated that the ConCom could wait for the review of these items by Dedham Engineering. Commissoner Foulds agreed however he was concerned that the residents of Dedham may be denied the benefit of repaired roadways based on the information we are requiring from MassDOT. Agent Brown requested a site walk from the ConCom.

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**Certificates of Compliance (COC)**

* 515 Common St. (DEP # 141-0154), Agent Brown informed the Commission that this is an old Order of Conditions. The applicants would like to close out the OOC in anticipation of selling the property. Commissioner Tittler made a motion to issue a COC. Commissoner Gauthier seconded. All were in favor.
* 203 Meadowbrook Rd (MSMP #2015-17) Agent Brown conducted a final inspection and found everything in compliance. Commissioner Tittler made a motion to issue the Certificate of Compliance. Commissioner Gauthier seconded. All were in favor.

**215 Central Avenue,** **Violation tree removal**

Agent Brown asked the ConCom to weigh in on how to proceed with the violation.

Abutter James DaSilva, 211 Central asked the ConCom the developer should have received permission from the abutter for the tree removal. Agent Brown stated that it should have been explicitly written permission. Mr. DaSilva shared that his concern regarding the developer overlooking this detail, opened up the possibility of more mistakes being made and wanted to ask the ConCom what his rights were moving forward. He further stated that the builder is not currently on site, to advise the excavator and tree removal service and is concerned that it may happen again. Agent Brown stated that inspections of the stormwater system were required.

Marsha Pactovis, 211 Central Street stated her concern about the tree removal on the property and the disregard of the ConCom’s requirements, and wanted to know what the consequences would be. She stated that her property will be adversely impacted by the removal of the trees.

Commissioner Tittler stated that if the As Built at the end does not correspond what was approved, the actions of the ConCom would reflect that. Any other recourse between neighbors would be a legal matter that the ConCom could not get involved in.

Commissioner Kayserman stated that the abutter had a valid concern, and if there was significant runoff onto her property the ConCom would be involved. Agent Brown felt that after hearing all of the information she would speak with the Building Department about whether the Certificate of Occupancy could be withheld. Agent Brown also stated that she would not issue a Certificate of Compliance until the tree planting had been rectified to which Commissioner Gauthier added that it would be helpful to get a replanting recommendation from a local arborist. Commissioner Kayserman shared her concern over the developer bulldozing the site after finding the demands of the ConCom to be inconvenient. Commissioner Foulds stated that he felt that the developer had a willful and calculated plan to remove the trees and wanted to know what sanctions would be available when a violation like this occurs. He recognized the abutter’s strong feelings towards the trees in the initial proceeding Agent Brown stated that there is a fine of $300 a day, however the developer could chose not to pay and may go to court. . She further shared that the Commission could withhold the Certificate of Occupancy or issue a Stop Work order, however that would not address the final outcome of the situation with a 3rd option being a tree fund, however must developers would find this cost effective. Commissoner Tittler had a philosophical objection to this method as well.

Commissioner Kayserman requested a revised planting plan. Commissoner Tittler stated that he stood behind Agent’s Brown recommendation of sending the letter. The Commission collectively felt that hearing from the home owner as a lack of oversight could be the cause. Agent Brown stated that she would relay the information to the applicant.

**50 Fuller Street,**  **Modification to RDA and MSMP** - Substitute rain garden for subsurface infiltration system (MSMP 2018-20). The ConCom reviewed the applicant’s plan for the garden and proposed minor modification and changes. Commissioner Tittler made a motion to continue the discussion until June 20, 2019. Commissoner Kayserman seconded. All were in favor.

**Minutes** - Commissioner Tittler moved to approve the minutes of 5/2/19 as amended.

Commissioner Tittler moved to adjourn at 9:30 PM. Commissioner Hanley seconded. All were in favor.

Respectfully submitted,

Renee Johnson

Administrator