**Minutes of June 18, 2020**

In response to the COVID-19 pandemic and given the current prohibitions on gatherings of 10 or more people imposed by Governor Baker’s March 23, 2020 “Order Assuring Continued Operation of Essential Services in the Commonwealth, Closing Workplaces, and Prohibiting Gatherings of More than 10 People,” this public hearing was conducted virtually, as allowed by Governor Baker’s March 12, 2020 “Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §20.

# **The following Commissioners were present:**

Laura Bugay, Chair

Michelle Kayserman, Vice Chair

Stephanie Radner, Clerk

Eliot Foulds

Leigh Hafrey

Nick Garlick

Nathan Gauthier

The following staff were also present:

Renee Johnson, Administrator

Elissa Brown, Agent

The following Commissioners were absent:

Sean Hanley

Bob Holmes

The following Applicants and/or Representatives were present:

Georgianna Woods, Open Space and Recreation Committee

Andrew Pandolph, Vineyard Engineering

John Milewski, Northface Construction

Curtis Young, Lucas Environmental

Scott Henderson, Henderson Consulting Services

David Gorden, Thunderchase Environmental

Charlotte Yeh, 345 West St

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.

* **Report from Open Space and Recreation Committee-**Georgianna Woods, Chair of the Open Space and Recreation Committee (OSRC) spoke to the Commission about the Open Space and Recreation Plan produced with help by Commissioner Stephanie Radner. She stated that natural resource protection, land stewardship restoration, and enhancement, in addition to improved communication were the primary goals.

Ms. Woods said that the Action Items and Goals in the plan came from interviews with the public and that the OSRC had assigned action items to Town Departments and Committees as they thought best. Commissioner Radner stated that Boards and Committees that were assigned action items had been slow to respond or chose not to at all.

Ms. Woods noted that one of the biggest takeaways was the perceived lack of communication from the public. She suggested that an Open Space Summit be held with each of the stakeholders to discuss their roles and responsibilities. She added that she would email the Conservation Commission on items that needed input. Agent Brown offered to help facilitate such a summit in the Fall.

* **Stormwater Regulations –** Agent Brown summarized the changes that were recommended with regard to treatment; TSS and total phosphorus removal, concrete washouts, tree replacement requirements, and redevelopment versus new development definitions.

Commissioner Bugay moved to close the public hearing regarding Stormwater Regulation revisions. Commissioner Radner seconded. A roll call vote was taken. Radner, Foulds, Hafrey, Garlick, Kayserman, and Bugay voted in favor.

**New Applications**

* **22 Bridge Street, Elie on Bridge, LLC, Applicant – Vineyard Engineering and Environmental, Inc., Representative –** Notice of Intent for construction of an additional garage bay (DEP #141-0569). Andrew Pandolph and John Mislewski were present.

Mr. Pandolph described the proposed plan to add a 20-foot x 30-foot vehicle inspection bay on the north side of the existing building. The bay will not be used for repairs. A total of 884 sq. feet of land will be disturbed within the Riverfront Area. There will be no increase in impervious area. No underground utilities will be brought in. The previous interceptor trenches were designed to handle the increased grading.

In 2016, an OOC and NOI was filed by the application. Two stormwater interceptor trenches were installed on northeasterly and southeasterly sides of the property to capture and infiltrate stormwater.

The area is currently paved. In addition, 640 sq. feet of roof will be created to replace the paved area and will result in reduced treatment requirements. Infiltration chambers are not proposed due to concern about causing migration of residual levels of contamination present at site. Straw bales, silt fence, compost socks to be inspected daily and cleaned and replaced as necessary. Polyethylene sheeting will also be used on soil stockpiles to reduce impacted runoff.

The Commission requested that a professional land surveyor stamp the existing conditions plans, that excavated soil be live-loaded to minimize storage requirements on-site, that the location of the erosion barrier controls be moved away from the entrance, and that the existing trenches be added to the plan, and the erosion controls be placed in front of them.

Commissioner Bugay moved to continue July 9, 2020. Commissioner Hafrey seconded. A roll call vote was taken. Radner, Hafrey, Foulds, Garlick, Kayserman, Gauthier, and Bugay voted in favor.

* **325 East Street, Anthony Rossetti Build Right Construction, Applicant – Erin Joyce, Joyce Consulting Group, Representative –** Demolition of existing structure and construction of a new 2-family dwelling (MSMP 2020-09)

Agent Brown stated that the plan had been submitted to the ZBA and the applicant agreed to continue the MSMP hearing until the ZBA had a chance to review. Commissioner Bugay moved to continue the meeting to a date after the first ZBA hearing. Commissioner Hafrey seconded. A roll call vote was taken. Radner, Gauthier, Foulds, Hafrey, Garlick, Kayserman, and Bugay were all in favor.

**Continued Applications**

* **39 Lamoine Street, Joseph Federico, Lamoine Street LLC, Applicant – Curtis Young, Lucas Environmental, LLC, Representative –** Abbreviated Notice of Resource Area Delineation (DEP #141-0468) Curtis Young and Scott Henderson were present.

Mr. Young stated that one flag was added after reviewing the wetland boundary and conducting a site walk with Agent Brown; two flags were moved in accordance with the recommendation of the peer reviewer, and that the changes are noted on the plans submitted. Commissioner Radner inquired about the vernal pool. Commissioner Bugay stated that the consultant had found no biological evidence that the wetland was a vernal pool. Mr. Young said that he felt confident that it was an isolated Vegetated Wetland but not a vernal pool.

Commissioner Radner stated that the she could not verify that it was a vernal pool, however she stated that residents reported Spring Peepers in the past and there had been an evidence of change of ecology this year. Agent Brown suggested that the Commission delay a determination until next spring. If next year is there are no biological indicators of a vernal pool, the Commission can make a finding at that time.

Commissioner Bugay stated that corrective actions need to be taken in accordance with to the notice of violation. She further stated that the trench needed to be excavated and re-filled as proposed and also that she would like to see grading modified to meet the proposed berm elevation since previous actions were not implemented according to the submitted plan. Curtis Young stated that he would work alongside Agent Brown so that she could inspect the work and document it.

Jeff Hunter, 45 Blueberry Hill said that he used to hear Spring Peepers but that he has not heard them since the wetland was drained. He requested that the trench be brought up to the design standard as he believes that the drainage is continuing. He also expressed his concern that wildlife has been sparser since the violation and he and his wife have been disappointed. However, they are looking forward to seeing some action and seeing mother nature heal.

Commissioner Bugay moved to close the public hearing and issue the ORAD. Commissioner Radner seconded. A roll call vote was taken. Radner, Hafrey, Garlick, Kayserman, Foulds, Gauthier, and Bugay voted in favor.

**Miscellaneous**

* **Certificates of Compliance -** 60 Schoolmaster Lane (DEP #141-0288) Commissioner Bugay moved to issue a CoC. Commissioner Hafrey seconded. A roll call vote was taken. Radner, Hafrey, Foulds, Garlick, Kayserman, and Bugay voted in favor.
* **Dedham Country and Polo Club Re-Vegetation Plan -** Applicant is looking for permission to complete the submitted re-vegetation plan. Agent Brown stated that there is no formal process without going through enforcement however the applicant is being responsible and pro active to take care of the natural areas impacted by landscaping. Commissioner Bugay moved to approve the submitted replanting plan in the buffer zone. Commissioner Gauthier seconded. A roll call vote was taken. Radner, Hafrey, Garlick, Foulds, Kayserman, and Bugay voted in favor.
* **345 West St –**Charolette Yeh, owner, and David Gorden, representative explained that Ms. Yeh wished to create a path to bring her kayak from her yard to the Charles River. Mr. Gorden presented two proposals:
  + A) A compacted earth trail formed using hand tools to prune scrub shrubs, pull invasive vegetation within and immediately adjacent to corridor.
  + B) Install a double plank boardwalk on log sleepers (bog bridges) where necessary within a 4-foot wide corridor. These would be removed during winter and stored in a non-wetland area of property by the end of October each year and replaced after the last spring flood. Alternatively, the bog bridges could be left in place year-round.

Commissioner Hafrey expressed his concern about a precedent being set for other homeowners in the area. Commissioner Foulds stated that he felt that this was a low impact project providing access to the river. Agent Brown requested a NOI to be submitted as she was concerned about access to the river throughout the spring season due to difference in elevation.

**Agents Report**

* **Administrative Approval – 123 Eastern Avenue Deck** -Agent Brown explained that the residents wish to expand an existing deck. The plans for the deck were revised to ensure that the existing infiltration system was not disturbed.
* **Sprague Pond**- Information was provided from residents of Hyde Park petitioning to have Sprague Pond be designated as a Great Pond.
* **Administrative Approval - 64 Cynthia Rd***-* Agent Brown said that she had approved removal of two trees as recommended by a Certified Arborist. The trees will be replaced with 8 juniper bushes.
* **Tree removal Policy**- Agent Brown shared a draft policy for trees within buffer zone. She requested comments back from the Commission.
* **530 Providence Highway** – Agent Brown updated the Commission regarding the status of the legal action with Frank Gobbi. An after-the-fact SWMP was denied by Commission. Town Counsel has presented argument in front of the judge in Massachusetts Supreme Court and a judgement is pending.
* **211 High Street** – Commissioner Kayserman had noted that vegetation had been removed and discarded in Riverfront Area. Agent Brown said that she had spoken with the owner who had agreed to remove the material.
* **375 Sprague St. Development** – Commissioner Foulds said that rubbish and soil had been piled up against the trees which could harm the trees. Agent Brown stated that sediment had overtopped the silt fence and that she had spoken with the Building Commissioner who stated that no building permit will be issued until problem is fixed. She will request that the soil and debris be removed as well.

**Minutes – 5/21/20 –** The minutes were **a**pproved as edited by Commissioner Radner, Garlic, and Bugay. Commissioner Foulds seconded.A roll call vote was taken. Radner, Foulds, Hafrey, Garlick, Kayserman, Gauthier and Bugay voted in favor.

The meeting was adjourned at 9:26 pm.

Respectfully submitted,

Renee Johnson, Administrator