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

**Minutes of September 17, 2020**

In response to the COVID-19 pandemic and given the current prohibitions on gatherings 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:**

Michelle Kayserman, Chair

Stephanie Radner, Vice Chair Eliot Foulds, Clerk

Bob Holmes

Leigh Hafrey

Nick Garlick

Sean Hanley, Alternate

Nathan Gauthier, Alternate

The following staff were also present:

Renee Johnson, Administrator

Elissa Brown, Conservation Agent

The following Applicants and/or Representatives were present:

Joseph Flanagan, Applicant – 5 Incinerator Road

Deborah I Harrison – 12 Rodman Road

Joseph Porter, VTP – Representing Felix Sanchez

Felix Sanchez, Applicant – 34 Hyde Park Street

Michael Carter, John Getherall , GCG Associates – Representing Supreme Development

Matt Donovan, Fair Dermody Representing Keolis

Clary Coutu, Keolis

Giorgio Petruzziello, Applicant

Commissioner Kayserman called the meeting to order at 7:02 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.

Draft Tree Policy Discussion:

Agent Brown stated upon review Town Counsel had determined that a Conservation Tree Fund would need to be established by bylaw; it could not be established by policy. She asked if the Commission was interested in pursuing a bylaw change for such a fund. Ms. Kayserman noted that it was time for a review and update of the wetlands bylaw. Ms. Radner stated that she was interested in the big picture of open space in town, including creating an open space/conservation trust fund. Ms. Kayserman and Ms. Radner volunteered to work to craft a bylaw. Joseph Flanagan expressed his interest in working with them. Ms. Brown offered to remove the Trust Fund from the policy and revise the policy for the Commissioner’s review.

**New Applications**

* **12 Rodman Place, Deborah Harrison, Applicant –** Request for Determination of Applicability for the construction of a new deck within Buffer Zone to Bordering Vegetated Wetlands (RDA 2020-07). Deborah I Harrison was present.

Ms. Harrison went over details of the project and where the footings and erosion control barrier would be located. She clarified that the footings would all be in lawn, not through the patio, and that the erosion and control barrier would be located just to the inside of the existing dog fence. Mr. Gauthier asked for clarification of the procedure for stabilizing the site. Ms. Harrison expressed her intention to re-use excess soil on site and to seed the area immediately thereafter. All work is anticipated to be completed this season.

Commissioner Kayserman moved to close the hearing and issue a Negative Determination of Applicability with conditions. Commissioner Radner seconded. Kayserman, Foulds, Holmes, Hafrey, Garlick and Radner all voted in favor.

* **34 Hyde Park Street, Felix and Hector Sanchez, G & S Enterprise Construction Corp., Applicant – Joseph Porter, VTP Associates, Representative –** Notice of Intent and Major Stormwater Management Permit Application for the demolition of an existing single family dwelling and construction of a new single family dwelling with new utilities (DEP # 141-TBD, MSMP 2020-16). Joseph Porter and Felix Sanchez were present.

Mr. Porter described the proposed project, which includes abandoning the former cesspool, demolishing the existing structure, installing new water and sewer lines, and constructing a new single family dwelling with a porch and new driveway. In response to Ms. Kayserman’s questions about the cesspool, Mr. Sanchez stated that it had already been abandoned in place by filling with sand and gravel. Mr. Gauthier questioned the number and type of trees that had been removed, whether they were in wetlands, and whether their removal had been appropriately permitted. Ms. Kayserman noted that the proposed house was much closer to the wetlands than the existing house and asked for an explanation as to why it couldn’t be moved further away. She asked for test pit data to confirm existing soil conditions. She also asked if the area in the front of the house could be converted to a more natural condition. The Commission discussed the proposed utilities. Mr. Porter confirmed that the plans had been reviewed by Dedham Engineering and DWWD, and that they were all legally located in private ways where they had rights for improvements.

Tabitha Bolden, 9 Faith Hill, asked whether any additional trees were to be removed. Mr. Sanchez said that no other trees were to be removed.

Eric Deavila, 7 Faith Hill, said that he would like to see more natural trees planted for mitigation.

James Georgitis, 36 Hyde Park Street, asked if blasting would be necessary. Mr, Sanchez responded that blasting was not anticipated. Agent Brown explained that blasting, if necessary, was regulated by the Fire Department and the pre-blasting surveys would be required if requested.

Commissioner Kayserman moved to continue the hearing until October 1, 2020. Commissioner Radner seconded. Kayserman, Foulds, Holmes, Hafrey, Garlick and Radner all voted in favor.

* **322 Washington Street, Supreme Development, Inc. – Giorgio Petruzziello, Applicant – Michael Carter, GCG Associates, Inc., Representative** – Major Stormwater Management Permit for construction of a new commercial (bank) building with parking, drive up teller, and drive up ATM (MSMP 2020-17). Michael Carter and John Getherall, GCG Associates and Giorgio Petruzziello were present.

The applicant stated that they would demolish three buildings at the site and replace then with one building, to be used as a bank, a drive up teller and a drive-up ATM machine. Proposed landscaping will increase green space on the site. Three borings had been advanced on the site to determine existing soil conditions. The proposed stormwater management system includes a proprietary water quality device (Stormceptor) for pre-treatment, and underground infiltration chambers, with an overflow to Harris Street. Ms. Kayserman questioned the use of the stormwater inlet device as an overflow device. The Commission asked for details on snow storage, grading changes, anticipated discharge levels, and maintenance schedules.

Agent Brown suggested that a peer review be conducted of the stormwater system and that funds be requested from the applicant to cover the cost of the review. The applicant objected on the basis that the plan would be reviewed by McMahon Associates and Dedham Engineering. Commissioner Foulds stated that he was in support of the improvements shown on the site. Commissioner Radner additionally felt that no peer review was needed.

Commissioner Kayserman moved to continue the hearing until October 15, 2020. Commissioner Radner seconded. Kayserman, Foulds, Holmes, Hafrey, Garlick and Radner all voted in favor.

**Continued Applications**

* **MBTA Right of Way, Clary Coutu, Keolis, Applicant – Tim Dermody, Fair Dermody, Representative –** Vegetation Management Plan wetlands map (RDA 2020-05). Matt Donovan, Fair Dermody, and Clary Coutu, Keolis, were present for the applicant.

Matt Donovan, Fair Dermody reiterated that Keolis is obligated under Federal Regulation to implement vegetation controls along the railroad Right-of Way (ROW). The objective of the vegetation management plan (VMP) is to eliminate, control and manage vegetation along the ROW that represents “any real or potential condition that can cause injury, illness or death; damage to or loss of the facilities equipment, rolling stock or infrastructure of a public transportation system; or damage to the environment.” In 2016, the Commission approved a wetlands map for the section of land adjacent to the railroad ROW. The Negative Determination that was issued has allowed Keolis to conduct vegetation management activities over the last five years. Keolis has also supplied the Commission with a Yearly Operational Plan, and ROW maps including the wetlands location and sensitive receptors. The current VMP is set to expire in December 2020, so Keolis needs to renew a new five-year VMP. There are no proposed changes to existing maps and permanent markings in the field from the previous filing.

Ms. Kayserman asked how the recent guidance by MACC/MSMCP would affect the determination. Agent Brown stated that she needed to review the guidance document that she had received just the day before. She recommended that the Commission continue the hearing until the next meeting.

Commissioner Kayserman moved to continue the hearing until October 1, 2020. Commissioner Foulds seconded. Kayserman, Foulds, Holmes, Hafrey, Garlick and Radner all voted in favor.

**5 Incinerator Road, Joseph Flanagan, Applicant – Paul Bergman, Bergman & Associates, Representative** – New telecommunications facility including lattice tower and equipment pads, and demolition of existing smoke stack in Riverfront Area and Buffer Zone to Bank to associated with Mother Brook (DEP # 141-0573, MSMP 2002-15). Joseph Flanagan was present.

Mr. Flanagan stated that the plans had been revised as requested by the Commission at its last meeting. The entire compound was moved so as not to disturb the slope, notes added to the plan regarding the stone to be used, the stockpile area, removal of material, and concrete washout. Details for erosion control, shrubs, and a cross-section were also added to the application.

Commissioner Kayserman moved to close the hearing. Commissioner Radner seconded. Kayserman, Foulds, Holmes, Hafrey, Garlick and Radner all voted in favor

**Minutes-**

The minutes of8/6/20 were approved as amended. Commissioner Kayserman moved to approve the minutes with amendments from Commissioners Radner. Commissioner Radner seconded. Kayserman, Foulds, Holmes, Hafrey, Garlick and Radner all voted in favor.

Approval of the minutes of 9/3/20 were deferred to the next meeting.

**Miscellaneous**

* **Notices of Violations:**

 **180 Milton Street NOV** **Update** – The applicant has retained a wetlands scientist who is working on a wetlands permit.

 **7 Schoolmaster Lane NOV** **Update** – The applicant has agreed to submit a NOI and MSMP by 10/8/20.

 **128 Milton Street NOV** – Illegal activity (removal of vegetation and re-grading) was observed in Riverfront Area. Clearing for parking, outside of Riverfront Area, was observed without an approved Stormwater Management Permit. The property has been informed that an after-the-fact NOI and MSMP are required.

**Agents Report:**

**Administrative Approval** – Agent Brown stated that she had issued an Administrative Approval for a 59 Autumn Lane for a new patio, >50 ft from wetlands. She asked the Commission for their opinion as to whether an existing shed, within 5 feet of wetlands, should be removed. The Commission stated that the shed should remain but requested that the property owner not store any hazardous materials or petroleum products in the shed.

Ms. Kayserman asked that 122-124 Milton Street be inspected to determine the condition of recently planted materials.

The meeting adjourned at 10:00 pm

Respectfully submitted,

Renee Johnson, Administrator