**Minutes of April 2, 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

Nick Garlick

Nathan Gauthier

Bob Holmes

Lee Hafrey

Nathan Gauthier

The following staff were also present:

Renee Johnson, Administrator

Elissa Brown, Conservation Agent

The following Commissioner was absent:

Sean Hanley

The following Applicants and/or Representatives were present:

Giorgio Petruzziello

Jim Bernardino, Bohler Engineering

John Getherall, GCG Associates

Mike Carter, GCG Associates

Bob Rego, River Hawk Environmental

Paul Lindholm, Paul Lindholm, PE

Nichole Dunphy, Highpoint Engineering

Mike Didier, Solitude Lake Management

Commissioner Bugay called the meeting to order at 7:05 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.

**Applications to be continued until April 16th:**

* 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).
* 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).
* 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).

Commissioner Bugay made a motion to continue the above applications until April 16, 2020. Commissioner Radner seconded. A roll call vote was taken to continue the applications: Garlick, Hafrey, Foulds, Gauthier and Holmes all were in favor. Should you include Commissioners Bugay and Radner in the roll call vote?

**Continued Applications:**

* **960 Washington Street, LAMP Realty Corp., c/o Giorgio Petruzziello, Applicant-** Commercial redevelopment (MSMP 2020-01)

Jim Bernardino, Bohler Engineering, provided an update of project plans. He stated that he had received comments from Dedham Engineering Department and that he was working with the DPW as well as the Dedham Health Department to bring the project into compliance. He further stated that all comments provided by the Engineering Department have been addressed, including modified drainage maps and reports with an updated design of the underground infiltration system. All of the hydrologic calcs have been updated, and far exceed minimal requirements of DEP as well as local requirements up to and including 100-year storm. Erosion controls were also added, along with the landscape plans. Along the northeast property line notations were added that erosion control would be set at the limit of the clearing for the reestablishment of the vegetation of the area. Minor updates such as utilities were also included in the revision.

Agent Brown stated that she had sent engineering the newly revised application and expected the applicant to be able to address them prior to the next hearing.

Commissioner Bugay moved to continue the application until April 16, 2020. Commissioner Radner ?? seconded. A roll call vote was taken, the following commissioners voted to continue: Garlick, Hafrey, Foulds, Gauthier, Holmes, Radner, and Bugay. Motion carried.

* **114 Bussey Street, Supreme Development, Giorgio Petruzziello, Applicant, GCG Associates, Representative** – Demolition of existing structure and construction of 4 new duplexes (MSMP 2020-02)

Mike Carter, GCG Associates, provided a project update. He shared that he met with the Peer Review consultant and Agent Brown on site, and submitted revised plans. Commissioner Bugay stated that she had also submitted comments and acknowledged that the applicant had addressed the comments submitted to date. She asked for further clarification of the proposed infiltration system, including the catch basins on the property.

Commissioner Bugay made a motion to continue the application until April 16, 2020. Commissioner Radner seconded. A roll call vote was taken, and the following commissioners voted to continue: Garlick, Hafrey, Radner, Foulds, Holmes, Kayserman, and Bugay. Motion carried.

* **27 Pine Street, Guarav Parajuli, Applicant - Bob Rego, PE, River Hawk Environmental, LLC, Representative** – Demolition of existing single family dwelling and replacement with one two-family dwelling, driveways, and associated utilities (MSMP 2020-03)

Bob Rego, River Hawk Environmental stated that he had addressed the comments by abutters as well as the Commission. He further stated he had added a swale and rain garden to address abutter concerns. He also noted that the peak discharge and volume to the street and rear of the property will be less than under existing conditions. He lastly stated that a homeowner's association will handle the continued maintenance, the draft document had been submitted to the Conservation Agent, and itwould be finalized at the creation of the condo documents for the property. Commissioner Bugay stated that due to the concern of the downgradient abutters she would like to ensure that the infiltration area will hold the entire 10-year storm. Agent Brown stated that the Commission could add it as a special condition, to be included with a final set of plans if additional chambers would need to be added. The Commission stated that the applicant would need to request a waiver because they are unable to meet the 44% infiltration rates. Commissioner Kayserman wanted clarification on how the Condo Association maintaining the infiltration systems would be enforced. Mr. Rego stated that he believed due to the fact that it was a 2 family, it would work similar as a condo association, with the exterior being a common area within the two units and the rain garden would be included as a common area. Commissioner Radner stated that she felt the applicant had demonstrated appropriate ways to mitigate stormwater and would be in favor of moving the application forward.

Commissioner Bugay moved to close the public hearing and issue the MSMP. Agent Brown stated that there had been one complication in possibly issuing this permit, and that would entail having to get a wet signature by four Commissioners in order to issue it.

Commissioner Bugay made a motion to grant the waiver for 44% percent infiltration as well as issuing the Major Stormwater Management Permit with the added special condition of infiltration system verification. Commissioner Radner seconded. A roll call vote was taken and the following commissioners voted in favor: Radner, Kayserman, Gauthier, Hafrey, Foulds, Holmes, ?? someone else? Maybe Garlick?, and Bugay. Motion carried.

* **177 Meadowbrook Road, Marie Louise Kehoe and Family, Applicant – Paul Lindholm, Representative** – New SFD on undeveloped lot (DEP # 141-0561, MSMP 2019-17)

Paul Lindholm stated that he had reviewed the Commission’s concern about the possibility of the retention pond overflowing and determined that it would not, that the outlet for the catch basins located below would not back up, and runoff would not output into the street. He further stated that the infiltration rate he used is was very low, so the system should work better than the model he used previously. He said that he would be willing to drop the invert elevation of overflow. He believes that in doing so he achieved what the Commission asked.

Commissioner Kayserman stated that she would feel more comfortable if the free board was increased even if it meets peak rates and volumes because of the proximity to the road and the steepness of the hill. She believes that the flow would likely cause erosion. Mr. Lindholm stated that he would provide the Commission with a revised plan with the changes requested and dated. Commissioner Radner inquired about the maintenance conditions and use of fertilizer. Commissioner Kayserman expressed her concerns about half the house being within the buffer zone and how the applicant planned on addressing, improving and protecting the wetlands that are located within the property. Agent Brown stated that the ConCom had previously asked for markers every 20 feet, for the limit of work and the UBA, as well as considerable amount of planting within the sewer easement. Commissioner Bugay stated that the fact the applicant is working on the naturally flat area would result in less disturbance to the buffer zone than the alternative.

Commissioner Bugay moved to close the public hearing and issue an Order of Conditions and a Major Stormwater Management Permit with revised conditions to require spot grades on the as-built plan along the edge of the retention basin at the street to confirm adequate free board. Commissioner Radner (?) seconded. A roll call vote was taken and the following Commissioners voted in favor: Bugay, Radner, Gauthier, Holmes, Foulds and Hafrey. Commissioner Kayserman voted no. Motion carried.

Commissioner Bugay moved to approve the waiver request for the 2:1 tree planting. Commissioner Radner (?) seconded. A roll call vote was taken to issue the waiver: Commissioners Bugay, Radner, Gauthier, and Foulds voted in favor. Commissioners Hafrey and Kayserman voted no. Commissioner Holmes abstained. Motion carried.

**New Applications:**

* **142 Curve Street, Keith Mahony, Applicant- Paul Lindholm, Representative** – Single family house addition in town-regulated Riverfront Area (RDA 2020-03, mSMP 2020-02)

Paul Lindholm presented a proposal for an addition and deck to a single-family home. He stated his belief that Mother Brook, from its origin at the Charles River down to at least 142 Curve Street, is a hand dug canal and thus is exempt from the Wetlands Protection Act and should only be considered buffer zone under the Town of Dedham bylaw. Commissioner Bugay stated that the Dedham Rules and Regulations specifically states that Mother Brook has a 200-foot buffer zone, and to consider it a canal would be considered a policy and regulations matter that would need to be acted on separately and would not be considered on a case-by-case basis or for this project specifically. Dave Gorden stated his belief that according to the Wetlands Protection Act this would be considered a canal and that the addition should be considered an excluded activity under the Riverfront regs because it is proposed more than 50 feet away from Mother Brook. In addition, he believes that based upon this information that the Commission could issue a Negative Determination of Applicability under the RDA.

The Commission asked the representatives to outline more clearly the work construction procedures that would be utilized and how the slope and buffer zone would be protected. Mr. Lindholm stated that the site where the work is proposed is flat and stabilized and a construction fence could be added to the wattle line at the limit of work.

Commissioner Kayserman stated that she would not be in favor of the negative RDA determination as she felt that it could set a bad precedent in area of Mother Brook that already suffers from poor housekeeping. Agent Brown stated that she had a lot of concerns about the project as it was difficult to construct and felt the Commission did not have enough information about the pre- and post-construction site plan. She suggested that the Commission request a Notice of Intent by way of Positive Determination of Applicability to address this omission.

Commissioner Gauthier stated his belief that the project was close to Riverfront and agreed that the Commission should issue a Positive Determination and wanted to suggest that the applicant not come back with an identical plan. Mr. Gorden stated that the proposed project would be only within the buffer zone area. He argued that the current bylaws would not impact the resource areas if the Mother Brook was not considered subject to jurisdiction. Lastly, he suggested that the project could be approved under the Negative Determination with special conditions. Commissioner Radner stated that Mother Brook is considered jurisdictional and that the project is within the buffer zone.

Commissioner Foulds moved to issue a Positive Negative Determination of Applicability, Commissioner Kayserman seconded. A roll call vote was taken: Kayserman, Hafrey, Gauthier, Foulds, Bugay, and Holmes voted yes. Commissioner Radner abstained. Commissioner Garlick voted no. Motion carried.

* **286 Mount Vernon Street, Richard Howdy, Applicant – Paul Lindholm, Representative** – Demolition of existing SFD and construction of new SFD (MSMP 2020-04). The demolition occurred before we received this application – should it be included here?

Paul Lindholm presented the plan for the new house. He noted that Agent Brown had already submitted comments and that he would be addressing these. He also stated that the landscape plan was complete. He requested that the application be continued to the next hearing date.

Commissioner Kayserman asked him to recheck the infiltration rate as the calculated rate did not seem appropriate for the site.

Commissioner Bugay moved to continue the application to April 16, 2020. Commissioner Garlick seconded. A roll call vote was taken: Hafrey, Holmes, Gauthier, Radner, Garlick, Radner, Foulds, and Bugay.

* **480 Sprague Street, EG/GP3 480 Sprague Street LLC, Applicant – Nichole Dunphy, Highpoint Engineering, Representative** – Paved parking lot expansion (MSMP 2020-05).

Nichole Dunphy, Highpoint Engineering, presented a four-phase project for the site that had previously been approved by the Commission. That Order of Conditions for that project had expired. She explained that they are appearing in front of the board, to complete Phase 3 of the original project, which includes paving the rear and side areas adjacent to the building and upgrading the stormwater management systems.

Commissioner Bugay noted that a 40% stone void ratio was used rather than the 30% typically required by the Commission. Ms. Dunphy stated that she felt that 40% was sufficient. She also went on to explain the absence of large runoff peak rates. Ms. Dunphy stated that they are getting more retention than infiltration but are meeting requirements, with separation from groundwater at just over 2 feet. She last stated that she is appearing in front of the board strictly for the Stormwater Management Permit and would follow up with the NOI later.

Commissioner Kayserman asked about test pits logs and data to document that separation was just over 2 feet. Agent Brown stated that if the Commission was willing to issue a Major Stormwater Management Permit with standard conditions, she could add special conditions that would require that areas within the Buffer Zone not be allowed until an Order of Conditions was also issued.

Commissioner Bugay stated that the pollution and trash is a major concern and asked the applicant pay special attention. Ms. Dunphy proposed to plant over 100 arbor vitae tree, although they are removing two trees. Commissioner Radner asked to reduce the number of arbor vitae trees and consider a native species more consistent with nearby wetlands habitat.

Commissioner Bugay moved to close the public hearing and issue the Major Stormwater Management Permit with standard conditions and one special conditions to not complete Phase 3 of the plan until Order of Conditions was issued. Kayserman Seconded. A roll call vote was taken: Commissioners Radner, Holmes, Hafrey, Gauthier, Kayserman, Foulds, and Bugay all voted yes. Motion carried.

**Informal Discussion:**

* **Requests for Extension for Aquatic Vegetation Management**

Mike Didier, Solitude Lake Management, stated that he had been hired to mitigate stagnant water and nuisance plant issues for Mother Brook Condo Pond, Weld Pond, and three ponds at the Dedham Country and Polo Club.

* + Mother Brook Condo Pond (141-0484) - Commissioner Radner stated that she is concerned with the area, noting that she believed positive changes had already resulted due to recent upstream repair of dams by DCR and the Town of Dedham. Also, new aerators have been installed in the Mother Brook Condo Pond. She was hopeful that chemical treatment would not be necessary if the applicant observed the same improvement. She felt that use of chemicals was destructive and would like to stop the cycle.Agent Brown asked for clarification for the area that would be worked on. She also stated that she believed that the area proposed for treatment was owned by DCR not the Mother Brook Condo Association.
  + Weld Pond (141-0561) Radner addressed her concerns for the unique wildlife issues surrounding Weld Pond and said that she had identified a plant on a NHESP watch plant list.
  + Dedham Country and Polo Club (141-0520) Commissioner Radner stated that thousands of snails as well as many freshwater mussels were present on the edge of one of the ponds. She expressed her concern that the chemical treatment could have a negative effect on freshwater mussel populations, which are considered a keystone species and are experiencing dramatic population declines across North America.

Commissioner Radner stated that her preference would be that plans are reviewed every three years and that there would be more open communications. Agent Brown recommended that the application for extensions be continued to resolve these outstanding questions. Agent Brown suggested that Commissioner Radner meet up with Mr. Didier to review the ponds and will coordinate site visits for the two.

Commissioner Bugay (?) made a motion to continue the discussion, Commissioner Radner seconded. By a roll call vote: Foulds, Radner, Hafrey, Holmes, Kayserman, Gauthier, Garlick and Bugay all voted yes. Motion carried.

* + Request for Extension for Southern Extra High Pipeline - MWRA (141-0509)

Commissioner Bugay made a motion to approve to issue the extension. ?? Seconded. A roll call vote was taken: Foulds, Bugay, Radner, Gauthier, Hafrey, Garlick all voted yes. Motion carried.

* **Request for Permit Modifications … all – who made motion, who seconded…**

140 West Jersey St (MSMP2019-20). Commissioner Radner ? Bugay? authorized Agent Brown to write a letter to approve the extension. ?? seconded ?? A roll call vote was taken: Bugay, Radner, Foulds, Garlick Holmes, Hafrey, Gauthier all voted yes.

30 Milton Street. Commissioner Bugay moved to authorize Agent Brown to issue the permit modification. A roll call vote was taken: Bugay, Radner, Garlick, Gauthier, Foulds, Holmes, Hafrey.

* **Request for Certificate of Compliance** - HV Collins Company for ECEC, 1100 High Street (141-0506)

Commissioner Bugay moved to authorize Agent Brown to issue the permit modification. A roll call vote was taken: Bugay, Radner, Garlick, Gauthier, Foulds, Holmes, Hafrey.

* **Draft Proposed Stormwater Management Rules and Regulations Changes continued until a future time.** Agent Brown explained that the Town’s MS4 consultant had recommended changes to conform to the Town’s MS4 permit. She requested that the Commissioners review the proposed changes.
* **Minutes** –Commissioner Bugay moved to approve the minutes of 2/20/20 and 3/5/20. A roll call vote was taken: Bugay, Radner, Garlick, Gauthier, Foulds, Holmes, Hafrey.

Meeting adjourned 11:20pm.

Respectfully submitted,

Renee Johnson, Administrator