



Michelle Kayserman, Chair  
Stephanie Radner, Vice Chair  
Eliot Foulds, Clerk  
Leigh Hafrey, Associate  
Nick Garlick, Associate  
Bob Holmes, Associate  
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# TOWN OF DEDHAM

## CONSERVATION COMMISSION

### Minutes of April 1, 2021

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 both in person and 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  
Nick Garlick  
Nathan Gauthier  
Leigh Hafrey  
Bob Holmes

#### The following staff were also present:

Elissa Brown, Agent

#### The following Commissioners were absent:

#### The following Applicants and/or Representatives were present:

Jon Briggs, Representative – 351 East Street (Gonzalez Field)  
Greg Murphy, Applicant – 68 Indian Path  
Paul Lindholm, Representative – 68 Indian Path  
Jim Ray, Applicant – 80 Chestnut Street  
David Johnson, Representative – 80 Chestnut Street  
Lilly and Stephen Medeiros, Applicants – 41 Willard Street  
Tom Lewis, Representative – AMTRAK ROW  
Carolyn Gorss, Representative – 96 Trenton Road  
Elissa Jacobs, Representative – 96 Trenton Road  
Patrick McGuire, Representative – 96 Trenton Road  
Kevin Costello, Applicant – 35-41 Roosevelt Road  
Kameron Campbell, Representative – 35-41 Roosevelt Road  
Anthony Ross, Applicant – 10 Faith Hill  
Scott Henderson, Representative – 10 Faith Hill

Commissioner Kayserman 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.

## 1. New Applications

### 1.1 351 East Street (Gonzalez Field) – RDA 2021-03 – Addition of 4 Exercise Stations and a Sitting Area with Path

Applicant: Bob Stanley, Dedham Parks & Rec    Representative: Jon Briggs, P&R    Request: Issue Neg DoA

Mr. Briggs stated this RDA was entered to be sure the project is outside jurisdictional areas. The project is a partnership with Livable Dedham and will be completed with grant funds from AARP. The existing walkway will be extended, and 4 pieces of exercise machinery will be installed.

Agent Brown displayed a map of the project area. She showed demarcation of the FEMA flood zone and the 200' riverfront area. The project area was located outside of both areas. She stated this project will qualify for a Major Stormwater Management Permit, but tonight's hearing is only to determine whether the project is in a jurisdictional area.

Commissioner Kayserman agreed that the project area was outside of the jurisdictional area.

Commissioner Kayserman opened the floor to the rest of the commissioners for questions and comments.

Commissioner Radner stated she would like to see the species of the trees on the plans before a determination is made on the Major Stormwater Management Permit. She would also like to see locations of trash cans.

Commissioner Holmes asked for a representation of the machines that will be installed. Commissioner Radner displayed the conceptual designs that were supplied as part of the Major Stormwater Management Permit Application.

Commissioner Gauthier requested clarification on the limit of disturbance. Commissioner Radner displayed the supplied plans. Agent Brown confirmed the limit of disturbance was outside of the jurisdictional areas.

Commissioner Kayserman opened the floor to the public for questions and comments on the project. She received no responses.

Commissioner Kayserman motioned to issue a Negative Determination of Applicability for the project. Commissioner Hafrey seconded. Commissioner Kayserman led a roll call vote. All attending commissioners voted "aye." Motion carried 7-0.

### 1.2 68 Indian Path – MSMP 2021-04 – Demo SFD and Shed and Construct New SFD

Applicant: Tara and Gregory Murphy    Representative: Paul Lindholm    Request: Issue MSMP

Mr. Lindholm stated the applicant would like to remove the existing house and replace it with a pre-fab home. He stated there are no wetlands near the project area. The test pits confirmed there is a lot of fill

in the area, but sand and gravel below. He stated there are three drainage areas in the proposed post-project plans, so they have proposed 3 underground infiltrators around the property along with a catch basin with an oil and debris hood at the driveway. He has also included erosion and sediment controls around the project area.

Commissioner Kayserman asked how the infiltration chambers outlet during overflow conditions. Mr. Lindholm stated the one in the front will outlet to the catch basin. He stated there will be overflows on each downspout for the other systems.

Commissioner Kayserman asked if the infiltration chambers will overflow during a 2-year storm. Mr. Lindholm stated he didn't know when they'd overflow. Commissioner Kayserman clarified that the systems are sized for a 2" storm and a 2-year storm is larger than 2". Commissioner Kayserman expressed concern that the overflow for the basin in the front is the Eliminator catch basin. She stated that any sediment captured in that sump will be resuspended, negating the purpose of the sump. She requested that another overflow be included so excess water would not discharge back through the inlet. Mr. Lindholm suggested making the inspection port a grate. Commissioner Kayserman suggested this could also cause issues because it would allow debris to enter directly into the system and cause clogging.

Commissioner Kayserman stated this project took credit for total suspended solids removal via street sweeping. She stated the stormwater handbook is very specific on the activities that qualified for the street sweeping credit, and she doubted a single-family homeowner would be performing the kind of work to satisfy that requirement. Mr. Lindholm stated he could remove that credit.

Commissioner Kayserman opened the floor to the other commissioners for question and comments.

Commissioner Gauthier asked for verification that no patio was proposed. Mr. Lindholm confirmed. Commissioner Gauthier stated a concern that a patio could be added after-the-fact and asked for confirmation that the owner had no interest in installing a patio. Mr. Lindholm stated impervious surface on the lot was restricted due to its location within the aquifer protection district. Commissioner Gauthier reiterated his point that the plan looks appropriate now but was concerned the applicants would try to add an unpermitted patio later. Agent Brown suggested including a special condition prohibiting the construction of a patio without review by the Conservation Commission, regardless of size.

Commissioner Kayserman asked if the amount of impervious area on the proposed plan maximized the amount of impervious area allowed by the aquifer protection district rules. Mr. Lindholm stated the proposed plan shows the parcel being 24.9% impervious.

Commissioner Radner asked if the garage was 1-car or 2-car. Mr. Lindholm stated it was a 2-car garage.

Agent Brown stated that in her experience with the Building Commissioner, pervious materials (such as pervious pavers) did not count toward the impervious limits for the aquifer protection district.

Commissioner Kayserman asked if a special condition could be made to require a hypothetical patio to be pervious, or, alternatively, if the condition could require the applicant to propose any site plan changes (including patios) to the Conservation Commission.

Commissioner Radner suggested Mr. Lindholm make it very clear to the homeowner that the property would be 24.9% impervious as proposed, very close to the 25% maximum for properties in the aquifer protection district, and thus they should not plan to add a patio, shed, or other structure. Mr. Lindholm stated the applicants were aware.

Commissioner Kayserman stated the grading of the driveway doesn't allow for capture of all runoff and should be re-examined.

Commissioner Kayserman also noted there were no walkways to a front door and asked for clarification on front door access. Mr. Lindholm stated the applicants told him not to include a walkway since they were close to the impervious limit. He assumes any walkway will be bark mulch or similar. Mr. Murphy stated they had planned using steppingstones to the front door instead of a paved pathway. He stated they intend to use the garage as the main point-of-entry.

Commissioner Kayserman asked if there was a landscaping plan associated with this project. Mr. Lindholm stated there would be no tree removal and all disturbed area would be addressed with loam and seed.

Agent Brown asked if a tree had been removed from the front yard as she had seen wood chips during her visit. Mr. Lindholm stated he had not seen one since he began visiting. Commissioner Radner stated there was a tree pictured in the Assessor's Database. Commissioner Gauthier asked the applicant to clarify. Mr. Murphy stated the tree on the front lawn came down in a storm over a year ago.

Commissioner Kayserman opened the floor to the public for questions and comments related to this project. She did not receive any responses.

Commissioner Radner stated it is not the Commission's jurisdiction, but suggested the applicant have the mailbox at the end of the driveway since there will not be a paved path to the front door.

Commissioner Kayserman asked how long Mr. Lindholm needed to make the discussed modifications. The modifications include a solution for the overflow for the infiltration unit in the front yard, a reconsideration of the grading of the front driveway, and a reconsideration of total suspended solids removal since the applicant is requesting a waiver for this requirement and the street sweeping credit will be removed. Mr. Lindholm stated he could have the materials ready and submitted in time for the next hearing on April 15<sup>th</sup>.

Lauren Belmonte of 39 Ardmore Road stated that she is in favor of the project.

Commissioner Kayserman motioned to continue this item to the next hearing on April 15<sup>th</sup>, 2021. Commissioner Garlick seconded. Commissioner Kayserman led a roll call vote. All attending commissioners voted "aye." Motion carried 7-0.

### **1.3 80 Chestnut Street – RDA 2021-04 – Addition to Existing SFD in BZ to BVW**

Applicant: James Ray and Natalie Jenson    Representative: David Johnson, Norwood Eng.    Request: Issue Neg DoA

Mr. Johnson stated the applicant is seeking to remove a deck and replace it with a 20'x21' addition. The addition will be slab-on-grade at ground level, so little excavation will be needed. They have a stockpile location demarcated on the plan. Silt fence and straw wattles will be used as erosion and sediment

controls and marks for the limit of work. Infiltration will be provided for 2" over the 420 ft<sup>2</sup> of the addition. This work will take place in the buffer zone, but outside the 50' buffer zone.

Commissioner Kayserman stated that the stormwater system seemed to have one point of connection on the drawings, but roofs are usually pitched in at least 2 directions, suggesting the system should have at least one more connection. Mr. Johnson stated that the roof in this area is pitched in one direction. Mr. Ray clarified the deck would be removed, a room built, and then the deck re-installed on the flat roof with a pitch of ¼":1' with one downspout and associated gutters.

Commissioner Kayserman opened the floor to the other commissioners for questions and comments. She did not receive any responses.

Commissioner Kayserman asked if there were volume calculations for the galley. Mr. Johnson stated it was included on the plans and the volume exceeded the requirements. Commissioner Kayserman asked to make sure the applicant wasn't taking volume credit for the listed dimensions of the galley because they often were not exactly 4'x4' to allow for the bordering concrete. Mr. Johnson stated he didn't think they took credit for the extra volume but would double-check.

Commissioner Gauthier asked for clarification that this project was being discussed because it entailed work in the buffer zone. Commissioner Kayserman confirmed.

Commissioner Kayserman opened the floor to the public for comments and questions but did not receive any responses.

Commissioner Kayserman motioned to issue a Negative Determination of Applicability provided the applicant submit confirmation that the galley volumes are properly calculated. Commissioner Radner seconded. Commissioner Kayserman led a roll call vote. Commissioner Foulds was unavailable. All other commissioners voted "aye." Motion carried 6-0.

#### **1.4 41 Willard Street – RDA 2021-05 – Replacement of Pool Apron and New Patio in BZ to BVW**

Applicant: Lilly and Stephen Medeiros    Request: Issue Neg DoA

Ms. Medeiros stated they recently inherited the property and would like to make some improvements. In the pool area, the patio is in disrepair. Most of the mortar is missing from the brick portions and the wooden portions have gaps to the soil underneath. She stated there is also a large 60' retaining wall in the same area that is deteriorating. She feels repairing these areas would improve safety as well as the quality of the runoff discharged to the nearby wetland. They are also proposing to add a 300 ft<sup>2</sup> patio.

Commissioner Kayserman asked if they were proposing to install any stormwater management devices in association with this work. Ms. Medeiros stated they have applied for a Minor Stormwater Management Permit that included a dry well. Commissioner Kayserman asked where the dry well would be placed. Ms. Medeiros stated it's currently proposed for the east side of the property.

Ms. Medeiros noted a drainage easement along the west side of the property. She asked for clarification on whether something may already be in place there as well as the commission's input on dry well placement. Commissioner Kayserman stated that generally structures could not be placed within easements. She also stated it couldn't be placed to the east of the shed because it would likely be on the neighboring property. She stated drainage structures usually have to be at least 10' away from the property line and all structures. Commissioner Kayserman stated that the project is within the

jurisdictional buffer area and would like to see a drainage plan with dry well siting. Commissioner Kayserman also stated a grading plan will likely be needed to ensure surface flow is directed to the dry well.

Commissioner Radner stated she had spoken with Ken Cimeno, Dedham Building Commissioner, and stated he is interested in working with the applicants to resolve an issue of encroachment where the existing shed was constructed partially on the neighboring, Town-owned lot. He suggested they consider a land swap with the Town that will prevent the need for demolition of the structure. She suggested this issue be sorted out before further consideration since part of the proposed project involves things that are not currently on the property.

Commissioner Kayserman asked if a wetland delineation had occurred on the property, as the GIS map shows wetlands extending onto the property. Commissioner Radner stated the 100' buffer encompasses much of the yard and project area. Commissioner Kayserman suggested a delineation of the wetlands would be needed to understand the project.

Commissioner Radner added that the encroachment issues could complicate the delineation. Commissioner Kayserman stated that the regulations state a property owner is allowed to delineate wetlands on other properties so the buffer can be shown on their property, but they are not allowed to flag on other properties. However, if there is a land swap being considered, this should be included in the discussions. Commissioner Kayserman also reminded the Commission that the only thing being considered right now was a Request for Determination of Applicability.

Commissioner Gauthier asked for clarification on the wooden portions of the patio, asking if there was impervious surface below the decking. Ms. Medeiros stated it was only soil beneath it. Agent Brown clarified that the patio seemed to be mostly brick. Ms. Medeiros estimated the patio is about 50/50 brick and wood.

Ms. Medeiros added that all work will take place where the existing patio/structures are. She also stated that the encroachment issue is not related to the Request for Determination of Applicability. They are not proposing any work on the shed involved in encroachment; they are just trying to solve that issue simultaneously.

Commissioner Gauthier asked if the wooden portions of the patio were being replaced with impervious materials. Ms. Medeiros stated it would be replaced with semi-permeable pavers.

Agent Brown suggested the applicant submit details about the replacement materials, including a cross section of the proposed conditions. Ms. Medeiros stated it was included in Attachment A. Agent Brown displayed Attachment A and requested additional, more specific details. Ms. Medeiros agreed.

Agent Brown also noted on the proposed location for the filter sock in the aerial photograph appeared to be off the applicant's property. She requested this be moved inside the property line.

Commissioner Kayserman stated that with the current submission of materials she was leaning toward either a Positive Determination of Applicability or a recommendation for the applicants to withdraw the Request for Determination of Applicability and submit a Notice of Intent.

Agent Brown noted a walkway around the shed and the history of debris dumping should be considered in any Notice of Intent submission.

Commissioner Gauthier clarified for the applicant that a delineation would involve a person walking the property and flagging the wetland, which would yield more detailed information than what has already been submitted for the Commission to review.

Commissioner Kayserman added that she believed an engineered stormwater management device would be needed for this project. Rather than just a dry well, she explained she would need to understand how the surfaces were graded to allow the water to flow to it.

Commissioner Kayserman opened the floor to the public for questions and comments about this project. She received no responses.

Commissioner Kayserman asked Agent Brown for her opinion on whether a Positive Determination of Applicability be issued or if the Commission should recommend the applicants withdraw their Request for Determination of Applicability and submit a Notice of Intent. Agent Brown suggested that a Positive Determination of Applicability is a request that a Notice of Intent be submitted, so both options were similar. Agent Brown stated she has not drafted a Positive Determination of Applicability yet.

Commissioner Kayserman motioned to close the public hearing for this item. Commissioner Hafrey seconded. Commissioner Kayserman led a roll call vote. Commissioner Foulds was unavailable. All other commissioners voted "aye." Motion carried 6-0.

Commissioner Kayserman stated no more discussion on this item would occur, but a final decision would wait until Agent Brown was able to draft a Positive Determination of Applicability.

Commissioner Kayserman motioned to continue this closed item to the hearing on April 15, 2021, for a vote. Commissioner Radner seconded. Commissioner Kayserman led a roll call vote. All attending commissioners voted "aye." Motion carried 7-0.

#### **1.5 AMTRAK ROW – RDA 2021-06 – Wetlands Delineation**

Applicant: TEC Associates    Representative: TEC Associates    Request: Issue Neg DoA for Confirmation

Tom Lewis with TEC Associates stated that railroads applying herbicides to the right-of-way are required to submit a 5-year vegetation management plan to the Massachusetts Department of Agricultural Resources. The 2021-2025 plan is currently being reviewed and, as part of that process, the applicant must go to Conservation Commission of each municipality and submit a Request for Determination of Applicability to get boundary determinations on wetland and water supply resources.

Commissioner Kayserman asked if AMTRAK was proposing vegetation removal. Mr. Lewis stated they were not. This application is just delineation of the wetlands in order to apply herbicides on the existing right-of-way. He stated the regulations require 10' setback of herbicide application from wetlands and further stated that spraying around water supplies have different setback values. He discussed the area in detail on the provided delineation map.

Commissioner Kayserman asked Agent Brown if this item was part of the previous submission by AMTRAK. Agent Brown stated this is a separate issue.

Commissioner Kayserman referenced the provided map and asked how the Commission could tell if an area was within 10' of a wetland because it was not zoomed in close enough. Mr. Lewis stated it would

have to be walked to see it in the appropriate level of detail. He stated it was walked 5 years ago and the numbers on the map represented pole markers on the ground that help to indicate where to start and stop spraying. Agent Brown confirmed that she and TEC Associates had previously walked the area together. She stated she would like to walk the area again.

Commissioner Kayserman asked for clarification on the purpose of the request and whether it included any spraying or if the request was just to perform the delineation. Mr. Lewis stated that the Conservation Commission needs to review and approve the delineation. Once that's approved, it allows the 5-year plan to be approved, and AMTRAK then sends out yearly notices of areas that will be sprayed.

Commissioner Kayserman noted that delineations are normally only good for 3 years. Mr. Lewis stated that there is an exception for vegetation management plans, which states that delineations are good for the life of the plan.

Commissioner Kayserman stated she was confused because she did not see a delineation presented by the applicant. Mr. Lewis stated this delineation is different than what is typically provided for a construction site, but the regulations allow the railroad to use a delineation on the same scale as a USGS quad sheet (1:25,000). He stated the delineation is intended to be more of a schematic to be used with permanent markings placed on the ground.

Commissioner Kayserman expressed concern that the level of detail of the delineation was not fine enough to clearly show the 10' setback. Mr. Lewis stated Department of Agricultural Resources heavily regulate the actual spraying operation and ride the truck with the sprayers to ensure the plan is adhered to.

Commissioner Kayserman opened the floor to the other commissioners for questions and comments on this item.

Commissioner Gauthier asked how a spray team knows where to stop spraying during the operation. Mr. Lewis stated it is permanently marked on the ground in a number of ways such as plates affixed to concrete or markers on the rails.

Commissioner Holmes asked what kind of herbicide was being used. Mr. Lewis stated all herbicides used in the buffer zone are included on the Massachusetts List of Sensitive Area Materials.

Commissioner Radner made a motion to move this item toward conclusion. Commissioner Kayserman tabled the motion as a member of the public raised their hand for comment.

Jim Maher, a resident, stated that he has lived in this area all his life and the railroad has never spoken to the neighborhood about what they want or believe needs to be done regarding these vegetation control activities. He believes that is unacceptable.

Donna Collins, a resident, stated she agreed with Mr. Maher. She asked why the residents did not hear anything about this issue previously.

Mr. Lewis responded by saying the yearly operational plan is submitted to the Board of Health, the Board of Selectman, and the Conservation Commission, in addition to advertising the plan in the



newspaper. There is a 45-day public comment period after submission to these agencies, but public comments are rare.

Commissioner Kayserman encouraged abutters and neighbors to learn and understand the comment period processes to voice their opinion on these activities. She recommended neighbors on the call inform other neighbors of what they have learned so all who wished to be involved could be.

Mr. Maher stated he checks all public notices in the Dedham newspaper, and he has never seen a posting from AMTRAK. He stated that he does see notices in the Boston banner, but it is not reaching his neighborhood. He suggested that they should not come before the Dedham Conservation Commission until they advertised in local news outlets.

Commissioner Kayserman stated AMTRAK was listed on the Conservation Commission agenda for this item in accordance with requirements and the agenda was posted as required.

Agent Brown stated she would like to walk the area of the delineation.

Commissioner Kayserman motioned to continue this item to the meeting on May 6<sup>th</sup>, 2021, to give Agent Brown time to walk the area. Commissioner Radner seconded. All attending commissioners voted "aye." Motion carried 7-0.

An audience member expressed a desire to comment after the vote. Mr. Lewis was still present, so Commissioner Kayserman allowed the comment.

The resident made a comment, but technical difficulties resulted in the audio being difficult to understand.

Commissioner Kayserman reiterated that the applicant and the Conservation Commissioner had followed the required procedures for public notice and suggested that if residents have continuing concerns about the proper information being shared, they should reach out to AMTRAK directly. Mr. Lewis stated the Board of Health, Select Board, and Conservation Commission would likely have copies of the annual operational plan within a week and, once it has been delivered, the 45-day public comment period will start. He stated the information will be available at any of those offices and comments can be made in writing to the state.

**1.6 96 Trenton Road – DEP #141-0587/MSMP 2021-06 – Construct New Playground in BVW and BZ to BVW**

Applicant: Jason Mammone, Town of Dedham    Representative: Carolyn Gorss, Epsilon    Request: Issue OOC & MSMP

Ms. Gorss stated the lot is currently vacant, though a structure used to exist along the western edge of the parcel. She stated there is a wetland line that contacts the western and southern edge of the parcel. This wetland was delineated by Ms. Gorss in October 2020. Ms. Gorss stated the Town is proposing the installation of a small playground on this lot, which will require clearing of vegetation. All proposed work will occur within the 100' wetland buffer zone. She stated that the plans have been updated since the initial submission to move the work further outside of the 40' undisturbed buffer zone.

Patrick McGuire of Activitas shared a slideshow with visual representations of Ms. Gorss's narrative.

Ms. Gorss stated that the lot is vacant, but there is some debris (tires, metal scraps, litter) scattered throughout. She has noted several invasive species including Japanese barberry and multiflora rose. She stated some tree clearing is included in the proposal. Many of these trees are in poor condition, though there is one healthy grouping of trees that is proposed to remain.

Mr. McGuire discussed undisturbed buffer area (UBA) requirements. He displayed a parcel drawing that indicated the wetland, the 100' buffer, and an approximation of where the dwelling used to be located. He stated the Dedham Wetlands By-Law's UBA requirement is based on slope and a usage factor. He noted the usage factors for both Commercial land (usage factor of 8 and minimum UBA of 40') and Single-Family Residential (usage factor of 6 and minimum UBA of 30'). He displayed calculations for UBA using both of these factors at various points around the site, noting all UBA results were less than the respective minimum UBA requirements.

Mr. McGuire stated they worked with the neighborhood to design the playground. Initial designs included new equipment and pour-in-place surfacing, much of it inside the 40' UBA. Based on feedback, they developed a different design that moved the larger structures and the pour-in-place surfacing outside of the 40' buffer.

Mr. McGuire noted that "playground" usage doesn't fit neatly into any of the categories for determining UBA. He believes the usage is closer to Single-Family Residential than it is to Institutional, with the playground likely being less impactful than a single-family residence. He asked the Commission if they would consider a waiver for using a different UBA calculation.

Mr. McGuire stated the installations will be wooden. The installation closer to the wetland will be surrounded by a mulch-like surface. The other installations will be surrounded by a pour-in-place surface and a boardwalk will separate the two areas. He stated signage is also proposed with educational messaging about wetlands. A wooden guardrail is proposed along Trenton Road and a cedar fence is proposed along the boundary with the abutting property.

Mr. McGuire stated they are proposing to remove invasive species, replacing them with native grasses, sedges, ferns, shrubs, and trees.

Mr. McGuire stated the initial UBA zone was considered to be 40', but upon further examination of the use regulations included in the by-law, he found #5 and #6 under Agricultural and Open Land Uses (#5. Private recreational country or tennis club when no conducted for profit; #6. Boat launching site, tennis court, riding academy, outdoor skating rink, ski ground, or golf course, but not a miniature golf course or driving range) to be the closest use categories. He stated that these uses have a minimum UBA of 20' and when a 20' UBA is applied to the proposed design, a majority of the work falls outside of the UBA. He stated he would be interested in requesting a waiver for the proposed installations that are within the 20' UBA, but if that was denied, he felt they could be removed from the design. He requested the Commission consider the categories and determine if the Agricultural and Open Land use with minimum 20' UBA was more appropriate for this use than Institutional or Single-Family Residential with a minimum 30'-40' UBA.

Mr. McGuire detailed the benefits and mitigation of the proposed project. These included: recreation is needed in this part of Town according to the Parks and Recreation Master Plan, removal of trash and invasive plants, restoration of existing wetland buffer zones with native plants, restoration of wildlife habitat, and the addition of educational signage with wetland-specific messages.

Commissioner Kayserman stated that this is a new request and will require further review and consideration. She stated that, even with a 20' UBA, there is still a significant amount of work proposed within the UBA. She stated the UBA is an important area for the wetlands and wildlife. Mr. McGuire agreed but asked the Commission to consider whether the disturbance was worth the benefit of removing invasive species and debris. He reiterated that, if the Commission preferred, the project team would consider removing the installations within the 20' UBA from the proposal.

Commissioner Kayserman stated the outcome of the scoping session was that the Commission was concerned with setting a precedent for work within the UBA. She stated that she would like time to review the By-Law in consideration of the request to consider the land under a different UBA classification. She noted that a physical barrier between the play area and the wetlands may help to protect the wetlands.

Commissioner Kayserman noted stormwater had not been discussed for this project yet. She asked if soil testing had been done on the site. Mr. McGuire stated soil data was submitted with the original design, but parameters would have to be recalculated for the revised design, if the new design is deemed appropriate. An unnamed Activitas representative clarified that test pits had not been dug yet. Current plans are based on soil maps and assume B soils throughout. She stated the project is unlikely to have 2' of separation from groundwater as required, but they may request that requirement to be waived because she believes the stormwater would be cleaner than generally expected.

Commissioner Kayserman stated that the assumption may need to be changed to D soils because some of the site is shown as "B/D" on the soil map and best practice is to assume the worst, which would be D. She requested a mounding analysis if the groundwater does happen to be within 2'.

Commissioner Kayserman asked if the plantings were going to be installed at the same time as the play structures. Mr. McGuire confirmed. He described the different phases of the work and stated the plantings would be completed by the community. Commissioner Kayserman asked if the native grass seed mix would be hydroseeded or planted as plugs. Mr. McGuire stated he expected it to be planted as seed with a walk-behind spreader, not hydroseeded.

Commissioner Kayserman reiterated the need to research the request to classify this land use with a 20' UBA, her preference to remove any installations from the UBA, and her desire to have a physical barrier in between the play area and the UBA.

Commissioner Kayserman opened the floor to the other commissioners for questions and comments.

Commissioner Holmes asked if they'd be spraying for ticks and mosquitos on the land. He also asked if any fill would be added. Mr. McGuire stated the play structure areas would be built up some. He stated he did not know of a plan to spray it more often but said that question should be posed to Parks and Recreation as the eventual managers of the playground. Commissioner Radner clarified that the County often manages mosquito spraying.

Commissioner Holmes stated his concern that it may not be an attractive area for kids to be playing and, if pesticides are used for ticks and mosquitos, they could be troublesome for the wetlands. Commissioner Gauthier agreed that this was a very relevant concern, especially since they're requesting a waiver of the UBA requirements. Commissioner Kayserman stated that they are not proposing it as part of the project, so it would be an issue with the maintenance of the facility once constructed. Commissioner Radner clarified that Fowl Meadow is an ACEC which leads to greater restrictions on

spraying. Further, she stated that once the trees and brush are removed, there will likely be fewer ticks anyway without any further intervention.

Commissioner Radner encouraged the applicants to consider species of plants that target specific pollinators. She suggested incorporating this aspect may help to build the case to classify this use as Agricultural. Mr. McGuire stated the current proposal is to remove 4-5 dead or diseased trees and plant 7 deciduous trees, 8 evergreen trees, and over 350 shrubs in addition to any shrubs that result from the applied seed mix. He stated some proposed species, including nyssa and spice bush, will help support pollinators. After hearing the selected planting list, Commissioner Radner suggested avoiding hemlock due to issues the woolly adelgid. She also suggested devoting some of the educational signage to pollinators.

Commissioner Foulds expressed support of the project but commented that the discussion may have passed the time limit for the subject.

Commissioner Gauthier expressed support of the 20' UBA and allowing the proposed installations within the UBA. He believes the educational value and value to the community offsets the encroachment on wetlands and doesn't believe this decision would set a troublesome precedent. He also expressed a desire to have a physical barrier between the wetlands and the play area. Mr. Maguire stated he was concerned about installing a barrier that would prevent movement of wildlife and asked if the Commission would consider posts with rope between as a sufficient physical barrier. Commissioner Gauthier stated he would be in favor of such a barrier. Commissioner Kayserman expressed preference for a rail-type fence.

Commissioner Kayserman opened the floor to the public for questions and comments on this item.

John Tochi of 78 Adams Street and Chair of the Commission on Disability commented that none of the playground equipment appeared to be handicap accessible. He also cited a lack of benches for disabled guardians to use. Mr. Tochi also stated Ken Cimeno, Dedham Building Commissioner, had raised the issue of a disabled person being able to access the park from Trenton Road.

James Maher of 22 Sherman Road stated that the neighborhood association was completely in favor of the proposed design and welcomed any further input from residents.

Carlene Campbell Hegarty of 57 Holmes Road stated that he is in favor of the project. She stated that the neighborhood needs an open space like this where children can play. She believes this will be an asset to the community.

Agent Brown commented that several letters of support are available in the meeting materials for this item, and she received an additional 7 letters just prior to this meeting.

Donna Collins of 87 Trenton Road stated she has a concern about the project's effect on the wildlife in the area. She is also concerned that the tree removal will result in more noise from the nearby train.

Lauren Belmonte of 39 Ardmore Road expressed support of the project.

Jacquelin Collins of Trenton Road stated she was not in favor of the project and was concerned this would remove a lot of habitat for the local wildlife. She stated 4 playgrounds were located within a mile and another was not needed.

Samantha Parker of 35 Altoona Road stated her husband is an arborist and the trees that are proposed to be removed are dead or damaged and needed to be removed anyway. She stated the litter and debris that are currently there are not helpful to the wildlife, and she believes this project would enhance the wildlife habitat.

Matthew Gollier of 81 Altoona Road stated he does not currently have an opinion on the project. He expressed a concern about how much fill would be added to the lot and how that would affect already-existing issues with drainage and basement flooding in the area. Commissioner Kayserman stated the applicant would be submitting mounding calculations to show how the groundwater table would be impacted.

Ms. Collins added that she is concerned about the project exacerbating water and drainage issues. She also expressed concern that the proposed walkway through the park would not be accessible to visually impaired users.

Ms. Belmonte added that it was not easy to visit other parks in the area. Commissioner Kayserman clarified that the issue of other parks in the vicinity was not part of the Conservation Commission's purview.

John Collins of 87 Trenton Road asked if a perc test had been done on the property to ensure the water would drain. He is concerned about already-existing issues with a high water table in the area. He also expressed a concern with illegal disposal of yard waste on the parcel. Commissioner Kayserman stated that the applicant will be submitting further calculations about the site's ability to drain, but perc tests are usually associated with sewage systems, not stormwater drainage.

Commissioner Kayserman made a motion to continue this item to the May 6<sup>th</sup>, 2021, hearing. Commissioner Radner seconded. All attending commissioners voted "aye." Motion carried 7-0.

## **2. Applications Previously Opened to be Discussed Tonight**

### **2.1 35-41 Roosevelt Road – DEP #141-0559/MSMP 2019-13 – New SFD in BZ to BVW**

Applicant: Kevin Costello Representative: Jim DeCelle, DeCelle-Burke-Sala Request: Issue OOC/MSMP

Kameron Campbell of Decelle-Burke-Sala stated the most recent submission addressed the comments from the last meeting. The Purchase and Sale Agreements between the applicants and the owners of the properties were submitted to clarify ownership. Soil classifications were added on the existing conditions plan.

Commissioner Kayserman reviewed the soil classifications and asked for verification that most of the site was D soils. Mr. Campbell stated some of the soil is D as mapped, but test pits have found sand. Commissioner Kayserman asked if the test pits were performed by a licensed soil evaluator. Mr. Campbell stated it was and showed the listed license number for the evaluator on the plans (Mr. Campbell himself).

Agent Brown asked about test pits at the new turnaround area. Mr. Campbell stated that area wasn't tested because they're not proposing infiltration there. Commissioner Kayserman clarified that they are adding impervious area to this section and are modelling the hydrology there and asked how they were

classifying the soil without a test pit. She expressed concern that in some places, the applicant has used test pits to supersede the soil maps, but in others they are choosing to accept the soil maps. She said it should either be completely based on soil maps or completely based on test pits.

Commissioner Kayserman also expressed surprise that sand loamy sand was found on the site because standing water exists on the site. She asked if there was a perched water table on the site. Mr. Campbell replied that the water table was high in the area. Commissioner Kayserman asked about standing water in a specific area near an abandoned pipe. Mr. Campbell stated it was because someone was illegally discharging water to that location. Agent Brown stated she had not seen evidence of a recent illegal discharge. Mr. Costello stated that the illegal discharge had been noted in a report from Agent Brown. She stated she made that observation 1-2 years ago and had not seen it since. Mr. Costello stated it had not stopped.

Mr. Campbell continued listing the updates that had been made to the plans since the last meeting. He stated a limit of work boundary had been included. He stated additional wetlands had been flagged. He stated the 10% credit for street sweeping had been removed and a snow storage plan for the driveway had been included.

Commissioner Kayserman clarified that a submitted letter from the Dedham Department of Public Works (DPW) states that the DPW will remove accumulated snow if it exceeds the snow storage capacity at the site, but they did not agree to plow the turnaround area. She stated the submitted snow storage plan only relates to snow removed from the driveway, not the turnaround, so she felt the Commission's question about snow storage had not been fully addressed. She also asked how much snow would fit in the prescribed snow storage area. Mr. Campbell stated he would have to follow up with the applicant for clarification.

Mr. Campbell continued listing the updates that had been made to the plans since the last meeting. He stated total phosphorus removal calculations had been provided. He also stated a wetland impact evaluation letter had been provided from EcoTec, Inc. A previously noted issue with the plan scale has been corrected. A revised Major Stormwater Management Permit has been submitted. Drip line protection has been added to the tree detail. All trees over 6" were located on site and shown on the existing conditions plan. He also noted a post-construction landscape plan was submitted in 2019. He reported a groundwater mounding study was performed on the two infiltration systems and found that the groundwater mound would not affect the two infiltration systems.

Commissioner Kayserman could not locate the phosphorus calculations in the submitted packet and asked where she could find them. Mr. Campbell could not locate them in the packet, either, and said he would investigate further and re-submit them if they were omitted.

Commissioner Kayserman asked how many trees were being removed. Mr. Campbell stated around 18 would be removed. Commissioner Kayserman asked if a planting plan showing a 2:1 replacement had been submitted. Mr. Campbell stated it was included in the 2019 submittal. Commissioner Kayserman asked how the plan from 2019 could be accurate if the tree survey had only been recently completed. Mr. Campbell stated a survey was completed in 2019. Commissioner Kayserman could not locate a copy of the planting plan in the project files.

Commissioner Kayserman asked if any revisions were made to the stormwater design. Mr. Campbell stated no revisions had been made.

Agent Brown displayed a map for the planting plan. Commissioner Kayserman stated the submitted plan was not sufficient and did not show the required amount of replacement trees or shrubs. Mr. Campbell stated a document accompanied the planting plan that detailed the plantings to be included for each shaded area. Commissioner Kayserman stated the planting would have to be very dense to satisfy the replacement requirement in the shaded areas. She requested a plan with markings showing exactly where each plant will be planted to ensure it's not too crowded.

Commissioner Kayserman also stated concerns that a rain garden is proposed in an area where standing water currently exists. Mr. Campbell asked what materials he could submit to address this concern beyond the HydroCAD and test pit results. Commissioner Kayserman stated she needed an explanation of why there was standing water in the area. Mr. Campbell reiterated that it was due to someone's sump pump discharge. Agent Brown stated documentation of that issue would have to be submitted. Mr. Campbell stated he believed Agent Brown had seen the discharge previously. Agent Brown reiterated that this observation was made 2 years ago and that was not sufficient reason for the large amount of standing water. Commissioner Kayserman added that the standing water had an algal layer that suggested it was a persistent condition and not indicative of someone's periodic sump pump discharge. She reiterated a need for confirmation that a rain garden placed in this area will function as designed.

Commissioner Kayserman asked if UBA calculations were ever made for the site or if the minimum UBA of 30' was just assumed. Mr. Campbell did not recall.

Agent Brown noted that the Order of Resource Area Delineation (ORAD) that was previously issued was for the part of the site with the structure. Since that ORAD, the site has expanded to include the turnaround area. She suggested it would be appropriate to request a 3<sup>rd</sup> party review of the delineation in the turnaround area. Commissioner Kayserman agreed.

Commissioner Kayserman made a motion to have a wetland scientist complete a peer review of the delineation in the turnaround area. Commissioner Foulds seconded. Commissioner Kayserman led a roll call vote. Commissioners Holmes and Foulds were unavailable for the vote. All other attending commissioners voted "aye." Motion carried 5-0.

Commissioner Kayserman made a motion to continue this item to the May 6, 2021, hearing. Commissioner Radner seconded. Commissioner Kayserman led a roll call vote. All attending commissioners voted "aye." Motion carried 7-0.

Agent Brown noted several members of the public were indicating they had questions or comments.

Commissioner Kayserman opened the floor to the public for comments or questions on this item.

Katharyn Vaughn of 16 Roosevelt Road stated she has concerns about the project. She stated there are 27 lots at the end of Roosevelt Road and 23 lots at the end of Fillmore Road. She said most of these are Town-owned conservation land, but some are privately-owned, and she's concerned this project will set a precedent for the other lots to be developed. She requested clarification how a lot can be considered buildable when it is surrounded by conservation land. Commissioner Kayserman stated Conservation's purview is the wetland, river, and associated buffer areas. She stated each applicant had to present their plan and it was the Conservation Commission's responsibility to determine whether it affected any of the areas in its jurisdiction. She stated each application had to be considered on a case-by-case basis.

Scott Mulholland of 29 Roosevelt Road stated he was told the parcel in question was unbuildable and he is concerned the applicant is trying to fit too much onto the site and cutting corners in the process. He is also concerned the proposed snow storage area for the property is right on his property line and will exacerbate drainage issues he's already experiencing. He stated he believes the extra impervious area added for the turnaround will also make the drainage situation worse and does not know what recourse he would have to correct it once it has been built. He also expressed concern that the activity on the site will allow mile-a-minute to spread.

Mary DiDonato of 440 Greenlodge Street asked for clarification on where the test pits were and who owns 41 Roosevelt Street. Commissioner Kayserman stated the plans with test pit locations were available at the Conservation Department. Agent Brown stated a Purchase and Sale agreement had been submitted for 41 Roosevelt showing the applicant could apply for these permits.

Due to the late hour and the fact that more agenda items remained, Commissioner Kayserman asked that the public email any remaining questions or bring them the next meeting when discussion on this item will continue.

## **2.2 10 Faith Hill – MSMP 2021-03 – Demolition of Existing SFD and Construction of New SFD**

Applicant: Anthony Ross, Jamaica Realty    Representative: Scott Henderson, Henderson Cons.

Request: Issue MSMP

Mr. Henderson stated a few updates have been made in response to comments from the previous meeting. He stated all existing and proposed trees located within 25' of the limit of work had been added to the post construction landscape plan. Five trees will be replaced by 12 trees and 10 shrubs. He stated all waivers from the original proposal have been eliminated. He stated the current plan observes the 100' setback of the infiltration system to the existing well. He stated the gravel driveway is modelled in HydroCAD as though it was asphalt and the system is sized to accept the equivalent of 2" of runoff from the impervious area of the site, but runoff is not being collected from the front walkway or the old barn roof.

Commissioner Kayserman asked for verification that the infiltration system will have at least 2' underneath it, since ledge is being removed to house it. Mr. Henderson stated the bottom of the system will be 3' above the ledge.

Mr. Henderson also confirmed that every downspout from the house is captured, and he has indicated all connections on the plan.

Commissioner Kayserman asked for clarification on drainage in the driveway. Mr. Henderson stated the grade was such that the low point would be at the proposed catch basin, and he was going to include a 6" berm to keep water from running onto the driveway from the yard. Commissioner Kayserman stated she had a concern about homeowners properly maintaining a catch basin in a gravel driveway. Mr. Henderson asked Mr. Ross if he'd be willing to have a paved driveway. Mr. Ross said he was, but the street is gravel. He stated he has other properties where he maintains Stormceptors on other properties that he regularly maintains. Agent Brown recommended the driveway be paved. Mr. Henderson agreed.

Commissioner Kayserman opened the floor to the other commissioners for questions and comments.



Commissioner Radner agreed that the driveway should be paved.

Commissioner Gauthier commented that all issues that were raised at the previous hearing had been addressed.

Commissioner Kayserman opened the floor to the public for questions and comments. She received no responses.

Agent Brown stated she had not drafted a Major Stormwater Management Permit for this project yet.

Commissioner Kayserman motioned to close the public hearing for this project. Commissioner Radner seconded. Commissioner Kayserman led a roll call vote. All attending commissioners voted "aye." Motion carried 7-0.

### **3. Agent's Report**

#### **3.1 Dedham Civic Pride**

Agent Brown stated Dedham Civic Pride was requesting donations from the Commission. She stated commissioners are typically asked to contribute \$20.

#### **3.2 Admin Approval – Dolan Center Canoe Racks**

Agent Brown stated she had issued an administrative approval for the canoe racks at Dolan Center.

#### **3.3 NOV – 32 Orchard Street – Fill**

Agent Brown stated she had issued a Notice of Violation to the owners of 32 Orchard Street. She stated they are working on rectifying the issue.

Commissioner Kayserman motioned to adjourn. Commissioner Radner seconded. All attending commissioners voted "aye." Motion carried 7-0.

The meeting was adjourned at 11:04 pm.