



Stephanie Radner, Chair  
Nathan Gauthier, Vice Chair  
Eliot Foulds, Clerk  
Leigh Hafrey, Associate  
Nick Garlick, Associate  
Bob Holmes, Associate  
Erik DeAvila, Associate  
Tim Puopolo, Alternate  
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## TOWN OF DEDHAM CONSERVATION COMMISSION

Website  
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### Minutes of October 7, 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 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:

Stephanie Radner, Chair  
Nathan Gauthier, Vice Chair  
Eliot Foulds, Clerk  
Nick Garlick  
Erik DeAvila  
Bob Holmes  
Tim Puopolo, Alternate

#### The following staff were also present:

Elissa Brown, Agent  
Patrick Hogan, Assistant Agent

#### The following Commissioners were absent:

Leigh Hafrey

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

Scott Henderson, Representative – 17 McDonald Street  
Martin Grealish, Applicant – 179 Riverside Drive  
Jim Burke, Representative – 179 Riverside Drive  
Scott Morrison, Representative – 179 Riverside Drive  
Joseph Coan, Representative – 179 Riverside Drive  
Mollie Moran, Representative – 179 Riverside Drive & 400 West Street  
Julie Zylyftari, Applicant – 35 Meadow Street  
Brian Bergeron, Applicant – 23 Roosevelt Street  
Paul Lindholm, Representative – 400 West Street  
John Haven, Representative – 400 West Street

Commissioner Radner 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.

#### 1. Continued Applications (Applications Previously Opened to be Discussed Tonight)

**1.1 17 McDonald Street – MSMP 2021-17 – Commercial Garage Construction**

Applicant: Sean Russell, SMKL Russell LLC    Representative: Scott Henderson, PE    Request: Issue MSMP

Mr. Henderson stated that a peer review of the proposal had been completed and he had revised the submitted materials in response. He reminded the Commission that the project was to install a commercial garage used as storage for a landscaping business. The driveway will be expanded and a new parking area will be created in the front of the parcel. He stated the Planning Board and the Design Review Advisory Board had approved the design. Norway spruce will be planted to create a visual block for the abutter and a deciduous tree will be planted in the front.

Commissioner Radner asked if all peer review comments had been addressed. Mr. Henderson stated that his most recent revision satisfied all issues noted during the peer review.

Commissioner Radner asked Agent Brown if she felt all comments had been addressed. Agent Brown confirmed.

Agent Brown stated she had not shared a draft Major Stormwater Management Permit with the applicant, but stated that it included standard conditions plus 2 special conditions requiring the applicant to provide an engineering as-built upon completion of construction and requiring the applicant to submit annual maintenance reports for the onsite stormwater management features. Mr. Henderson stated that was acceptable.

Commissioner DeAvila asked if there was an oil-water separator on site. Mr. Henderson confirmed and stated that it was permitted through the Town of Dedham Engineering Department and the Dedham-Westwood Water District.

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

Commissioner Radner motioned to close the public hearing for this item. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

Commissioner Radner motioned to issue the Major Stormwater Management Permit as drafted by Agent Brown with the two noted special conditions and referencing the most recent supporting documents submitted by Mr. Henderson. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

**1.2 179 Riverside Drive – DEP #141-0585; MSMP 2021-02 – New SFD on Undeveloped Lot**

Applicant: Martin Grealish, Phoenix Holdings    Representative: Jim Burke, DeCelle-Burke-Sala    Request: Issue OOC/MSMP

Mr. Morrison stated the plans had been revised since the last meeting. He stated the house has been moved as close to the street as possible while still allowing for the stormwater system and parking area. He stated the size of the house has been reduced. Due to these changes, the work area has been reduced from 3,613 ft<sup>2</sup> to 2,581 ft<sup>2</sup>. The deck has also been reduced to 20'x10'. He stated the invasive species management plan has also been revised to remove references to foliar applications of herbicide.

Joseph Coan, the project's landscape architect, displayed the existing conditions plan and stated 13 trees will be protected and one young multi-stem tree will be removed under the current plan. He stated he has also changed the previously proposed pine trees along the western edge of the parcel to Dark American Arborvitae due to the reduced space.

Agent Brown asked for clarification on the limit of work. Mr. Coan indicated the limit slightly behind the proposed dwelling on the plan.

Commissioner Radner asked to see details about exactly what activities are planned for invasive removal and where they will occur, noting that these activities might take place outside of the limit of construction work and could cause additional disturbance. Mr. Morrison stated the invasive plants on the site are fairly spread out and no large stands exist. Therefore, the removal and replanting could be accomplished by hand without equipment.

Commissioner Radner stated concern regarding a new report of mile-a-minute along the Charles River. She'd like to review what species are currently along the bank and consider the impact of the proposed work in this area, noting that it could potentially do more harm than good.

Commissioner Radner acknowledged that the house had been moved and both the house and deck size had been reduced. She stated she appreciated these changes.

Commissioner Radner opened the floor to the other commissioners for questions and comments. She received no responses.

Mollie Moran, the architect for the project, presented several photographs to compare the proposed house to the existing houses in the same neighborhood. She stated that the house was shaped as an "L" to allow for parking. She gave an overview of the interior of the house and highlighted how the interior had been configured to allow for a small footprint. She noted that the deck may be able to be cantilevered. Agent Brown noted that the plans still show the deck being supported by sonotubes.

Commissioner Radner and Commissioner Gauthier asked for clarification on whether the deck will be cantilevered or supported by sonotubes. Mr. Burke stated it will be supported by 3 sonotubes, which could be hand-dug.

Commissioner Holmes asked to see a side view showing the grade and hill side in relation to the house. Ms. Moran stated a side view was prepared at the beginning of the project. Mr. Burke shared a profile view of the proposed house for reference, noting that it was from a previous design. He approximated where the current design would be on this profile view.

Mr. Burke stated he would like to know if this design change made the project more favorable to the Commission. If so, he could update the supporting documents, including the profile view, for the Commission to review.

Commissioner Radner stated she felt the design was improved over previous submissions. She stated she had reviewed the performance standards and previous notes from the DEP regarding the project. The initial comments from DEP noted that the project did not appear permissible for the following reasons: the high-water line was not delineated, the alternatives analysis was inadequate to show there would be no significant adverse impact, the limit of lawn and landscaping were not shown, the erosion controls were inadequate, and no test pits had been completed. Commissioner Radner stated she felt most of the

quantifiable issues have been addressed, but the subjective interpretation of “no significant adverse impact” was still debatable. She stated she’d like to review the updated planting plan before making a final decision, but that she felt this project was moving in the direction of being approvable. She suggested taking a straw poll after the commissioners and audience were able to speak.

Commissioner DeAvila stated he appreciated the changes, but also stated he would like to review the new planting plan.

Commissioner Foulds stated the applicant had shown good faith in addressing the previously stated concerns of the Commission and the DEP. He also stated the project could have a positive impact on the area, both with the included invasive species management and with having a resident living on site and caring for the parcel.

Commissioner Garlick stated the project had been appropriately scaled down and he was in favor of approving it.

Commissioner Holmes stated he was leaning towards being in favor of the project. He stated the side view did not show as steep a grade as he thought, but that he was concerned this project would set a precedent for future projects.

Commissioner Gauthier stated he believes the hillside is still very steep and that a vacant lot is not necessarily a bad thing. However, he noted that Mr. Morrison’s report stated this project will not impact wildlife and he felt the included invasive species management was beneficial. He stated this appeared to be the least impactful of the alternatives presented by the applicant and he was in favor of the project as currently proposed.

Alternate Commissioner Puopolo stated he felt the design was better than previously proposed. He also noted the previously proposed birdhouses and suggested raptor platforms be considered to compensate for any loss of canopy. Agent Brown reminded the Commission that the bird houses had been removed from the proposal due to maintenance concerns.

Mr. Morrison stated the issue of the project having “no significant adverse impact” was addressed on page 7 of the initial Wildlife Habitat Evaluation, and noted that it may have been left off of later revisions of the document.

Agent Brown requested that the proposed construction methods for the rip-rap at the outfall be included in the proposal. She stated she was concerned foot traffic up and down the slope could be very impactful. Mr. Burke agreed to prepare a construction methodology for this part of the proposal.

Commissioner Radner opened the floor to the public for questions and comments.

Sharon LaRose of 159 Riverside Drive stated that this project will eliminate a rare open space in the neighborhood. She cautioned that permitting this project may set a precedent for the other 1-2 remaining open spaces in the neighborhood to be developed. She also noted that other homeowners along the road may seek to add similarly sized decks to their houses.

Damon Carter, a neighborhood resident, stated he owns the house provided as comparison by Ms. Moran. He stated it was an existing house with an addition constructed following the Conservation Commission’s rules. He stated that since 179 is a vacant lot, it should stay as such. He suggested the deck

should not be put on the back of the house. He also noted that the proposal includes plantings on the north side of very steep slope. He expressed concern that anything planted will not survive.

Marcia Estabrook of 155 Riverside Drive stated the project should not be allowed to progress as waivers of important regulations are needed for its approval. She acknowledged that the project is less impactful than previously proposed, but that it still has a negative impact. She stated the least impactful plan is to have no construction occur at all. She also suggested invasive species could be managed without constructing the house.

Commissioner Radner reviewed the language of the Wetlands Protection Act, quoting "The issuing authority shall allow the construction of a single-family house, a septic system (if no sewer is available), and a driveway on a lot recorded before August 7, 1996 where the size or shape of the lot within the riverfront area prevents the construction from meeting the requirements of 310CMR 10.584D1 or 2, provided that the lot can be developed for such purpose under the applicable provisions of other municipal and state law and the performance standards of the above standards are met to the maximum extent feasible. In difficult siting situations the maximum extent of yards around houses should be limited to the area necessary for construction." She stated the Town Bylaw did not have a similar clause concerning pre-existing conditions. Agent Brown confirmed and also noted the requirement in the Town bylaw that only allows removal of debris within the undisturbed buffer area.

Commissioner Radner asked for clarification on the calculation of undisturbed buffer area. Agent Brown stated that, for residential properties, it is a minimum of 30' from the resource area, but its actual location is calculated with respect to the slope. She noted that the steep slope on this parcel causes the undisturbed buffer area to be much farther from the river.

Mr. Burke stated the limit of work for the current plan is 80' from the nearest bordering vegetated wetland flag.

Commissioner Radner reviewed the Commission's authority to grant waivers and the necessary requirements, noting that 2 conditions had to be satisfied in order to grant waivers: (1) Strict application of the rules and regulations would result in an undue hardship; and (2) Substantially the same level of protection to the resource areas protected by the Town of Dedham General Wetlands Protection Bylaw will be provided without strict application of the rules and regulations. She stated the Commission needed to consider whether the level of disturbance is substantially greater if this project were approved and whether the situation presents an undue hardship.

Commissioner Foulds asked whether a ruling that would make the property essentially worthless would be considered an undue hardship. Agent Brown stated there is no specific definition in the wetlands bylaw of what constitutes an undue hardship.

Commissioner Gauthier noted that, in order to grant a waiver, the project needed to provide the same level of protection to the resource area as is provided currently in addition to a denial creating an undue hardship. He reminded the other commissioners that the issue is not just whether or not an undue hardship will be created. Commissioner Radner confirmed that both conditions must be met.

Mr. Carter stated that the undisturbed buffer area covers the entire lot when taking the slope into account. He also noted that tax records show the property was purchased for \$1 and that it functions as a side yard to the neighboring house, which is also owned by the applicant. He stated these items show denying the project would not create an undue hardship for the applicant.

Ms. Estabrook stated she did not believe denying the project constituted an undue hardship and that the same level of protection for the resource area would not be maintained if the project was permitted.

Commissioner Radner stated she had conflicting feelings on this project, but stated it should be continued to a later hearing to allow for further documents to be prepared and submitted.

Commissioner Gauthier stated he also feels conflicted on this project, noting that the Commission generally prefers no new development within the UBA on the river, but this situation is a unique due to several specific circumstances. He stated he believes this could be a buildable lot without negative impact to the resource area. He suggested the Commission continue this item to the next meeting and request all necessary documentation be submitted in preparation for a potential final vote at the next meeting, given the results of the straw poll.

Commissioner Holmes also expressed conflicted feelings on the project.

Mr. Grealish asked which documents needed to be submitted for the next meeting. Commissioner Gauthier noted Agent Brown's request for updated construction methods. Commissioner Radner noted that the only document she currently has is a 1-page plan for the proposed house. She stated she needed to see the supporting information for this design. Mr. Burke agreed that a fully updated set of plans could be provided. He also stated that he felt the long-term benefits of the project outweighed any short-term impacts of construction.

Commissioner Radner motioned to continue this item to the next meeting on 10/21. Commissioner Garlick seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." Motion carried 6-0.

**2. Request for Modification of OOC 141-0504 – 35 Meadow Street**

Agent Brown stated the original Order of Conditions for this project included some changes in the hardscape and removal of pavement. This work has been completed, however the submitted planting plan has not been completed. She stated there is a buffer from the wetlands, but there is lawn in the area where plantings were approved. Agent Brown showed photographs to illustrate the site and stated the applicant would like to modify the Order of Conditions to make the planting plan match the current configuration as they felt the original planting plan was excessive.

Julie Zylyftari, the applicant, confirmed this was the case.

Agent Brown added that this was a restoration plan due to previous disturbance, some of which had been caused by a previous owner. She also noted there were other plantings made around the property.

Commissioner Radner asked if the property had any issues with flooding in the basement. Ms. Zylyftari stated she did not.

Commissioner Radner asked if any of the proposed plantings had been completed. Ms. Zylyftari stated blueberries had been planted. Agent Brown added that in addition a significant section of the paved driveway has been replaced with a vegetable garden.

Commission Gauthier asked for clarification on the buffer area. Agent Brown stated it was a buffer to bordering vegetated wetlands.

Commissioner Radner displayed historic aerial views and noted an improvement on the property through time, particularly since the applicant purchased it in 2016.

Commissioner Radner asked Agent Brown for her input. Agent Brown stated she felt the residents had done a good job of restoration and the initial planting plan was very rigorous given the size of the lot.

Commissioner Radner opened the floor to the other commissioner for questions and comments.

Commissioner DeAvila asked for an estimate of the percentage of completed plantings vs. proposed plantings. Agent Brown estimated about 25% of the proposed plants had been planted. He stated that he felt the resident had done a good job of restoration.

Commissioner Gauthier stated that he believed that everything beyond the fence shown in the photo was to be restored, however the current conditions include a large amount of lawn in this area. He stated the mowed lawn does not meet the intent of the original Order of Conditions. He asked what the obstacle was to completing the planting plan as approved. He suggested that, if the obstacle were financial, there may be a more inexpensive planting alternative such as a meadow seed mix that would be better for this area than a mowed lawn.

Agent Brown noted the resident had continually completed invasive species removal, as well.

Commissioner DeAvila asked if the obstacle to completing the project as permitted was financial. Ms. Zyllyftari confirmed.

Commissioner Radner agreed that the original plan seemed excessive.

Commissioner DeAvila suggested the land be seeded with a more economical wetland seed mix like Commissioner Gauthier suggested, along with a stipulation that the land not be manicured or fertilized.

Agent Brown suggested she could sketch the potential naturalized area on the plot plan and present it at the next meeting.

Commissioner Radner asked Agent Brown if the land could be adequately returned by simply letting it go without management. Agent Brown stated that a professional would likely need to be hired to create a new plan.

Commissioner Foulds suggested the applicant present an alternative to the Commission. He noted there are likely some cheaper planting alternatives that could be considered.

Ms. Zyllyftari's daughter addressed the Commission on behalf of her mother and asked for guidance on what should be planted. Agent Brown cited the list in the planting plan. Commissioner DeAvila noted that some online nurseries sell very small seedlings for a much cheaper price and suggested this as a possible alternative.

Ms. Zyllyftari stated she had planted some additional plantings, but they died after 1 year. Commissioner Foulds noted that part of the issue was likely that the grass was being mowed. He recommended Ms. Zyllyftari stop manicuring the area as a lawn to increase the likelihood of the plantings surviving. Ms. Zyllyftari stated she is not the only person in the area that maintains a lawn near the wetlands.

Commissioner Radner recommended considering small plantings around the edge of the lot, or in another small, manageable area.

Agent Brown agreed and suggested the applicant make a small selection of the listed plantings and propose planting them along the edge. She requested the applicant sketch it on a plan and present it to the Commission.

Ms. Zylftari agreed to do as Agent Brown suggested.

Commissioner Gauthier also asked the applicant to clearly identify where on the plan they will stop mowing and maintaining the land as a yard.

Commissioner DeAvila suggested the applicant consider the Arbor Day Foundation for a cheaper alternative to nurseries.

**3. Request for COC – 23 Roosevelt MSMP 2015-09**

Agent Brown stated the house on the site had requirements for a subsurface system and a rain garden. She has confirmed the features are installed as proposed and the applicant has submitted an as-built. She stated she believes it is appropriate to issue a Certificate of Compliance.

Brian Bergeron, the owner of the house, confirmed Agent Brown's statements and stated that he was unaware of the open permit when he purchased the house in 2017 and is seeking to close the permit out.

Commissioner Radner opened the floor to the other commissioners for questions or comments. She received no responses.

Commissioner Radner opened the floor to the public for questions or comments. She received no responses.

Commissioner Radner motioned to issue a Certificate of Compliance for this item. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

**4. Request for Modification of OOC/mSMP – 80 Bridge Street DEP #141-0772/mSMP 2020-04**

This item was not discussed.

**5. Informal Discussion – Request to Review Existing Conditions Plan for 400 West Street**

Paul Lindholm, the representative for the project, presented a plan showing the property, which contains an older house. He stated he would like guidance on calculating the undisturbed buffer area (UBA) for the site. He noted the entire property is in riverfront and the house is within 100' of the river. He presented two plans with two different calculations of the UBA: (1) by only considering the slope and distance from the bordering vegetated wetlands and (2) by presuming the stone wall on the site is a manmade structure and stopping the UBA at the wall. He noted that the bylaw states that UBA stops at existing manmade structures, but he is unsure if the stone wall constitutes a manmade structure. In scenario (1), very little work around the house can be completed. He presented photos of the stone wall to illustrate the onsite conditions.



Commissioner Radner suggested Mr. Lindholm research the history of the wall, how long it's been there, where it came from, etc. Mr. Lindholm stated it predates the wetlands regulations. He also stated a septic system is currently onsite and would be removed and a new sewer line placed to improve the site. He stated his biggest current concern was to understand the application of the UBA regulations in this situation.

Commissioner Radner asked if a potential application would propose rebuilding on the existing building footprint. Mr. Lindholm confirmed. Ms. Moran, the project architect, added that they have no intent to expand the house on the ground beyond the existing footprint, but they are considering adding cantilevers above the foundation. Mr. Lindholm stated the UBA is not being considered in preparation for an expansion of the building, but only in consideration for potential temporary work areas around the building and small items such as a potential walkway.

Commissioner Gauthier asked if the area had been flagged. Mr. Lindholm stated the wetland and riverfront areas have been flagged, but the two potential UBA lines have not been flagged. Commissioner Gauthier asked if the UBA lines would be clearly discernable if the Commission were to visit the site. Agent Brown noted that the Commission considered a retaining wall a man-made structure used to define the extent of the UBA for previous projects, such as at 123 Westfield Street. She stated the wall on this site is fairly clear as you pull into the site, but as it wraps around the building, it becomes less of a formal wall and more like piles of stones. She stated the Commission needed to consider whether this structure is still considered a retaining wall for determining the UBA or if Mr. Lindholm should revert to the full 100' as required by the change in elevation.

Commissioner Foulds noted the contours on the plan suggested manmade grading. Agent Brown stated evidence of past grading is not considered in the UBA regulations.

Agent Brown offered to organize a site visit for the Commission.

Commissioner Radner stated the burden is on the applicant to present their case regarding UBA, but that she was willing to visit the site and provide her thoughts on the issue.

Commissioner Radner asked if Commissioners could stop by as they are able. Mr. Lindholm stated that would be fine, but that it may be better if he is present to point things out.

Agent Brown suggested Tuesday afternoon at 4:00PM as a meeting date for the Commission. The Commission generally agreed that date/time was appropriate. Agent Brown also stated she would put a site plan for 123 Westfield Street into DropBox for comparison.

**6. Minutes – 4/1/21; 4/15/21; 5/6/21; 9/16/21**

Commissioner Radner stated she had reviewed all but the 9/16/21 minutes. She submitted minor corrections. She asked if other Commissioners had reviewed the minutes.

Commissioners DeAvila and Gauthier stated they had reviewed the minutes and had no additions or corrections.

Commissioner Radner motioned to approve the minutes from 4/1/21, 4/15/21, and 5/6/21 with the minor edits she submitted. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

## 7. **Agent's Report**

### **Fill Policy 9-23-21 Draft**

Agent Brown stated the draft policy had been revised to add clarification on notification requirements. She stated if the Commission was comfortable with the policy, they could vote to approve it.

Commissioner Radner noted a number that should be an exponent in the final copy. She also stated she is in favor of approving it.

Commissioner Holmes expressed support.

Commissioner DeAvila stated he would like to review it a bit more before voting. Agent Brown clarified that the only change from previous versions is the clarification on notification requirements. Commissioner DeAvila understood and stated he did not need to review it further.

Commissioner Gauthier asked for clarification that residents must notify the Commission for any soil application over 500 ft<sup>2</sup> and that the agent then has discretion to determine whether a permit is needed. Commissioner Gauthier noted a situation at Franklin Square that is a top dressing of soil spread in excess of the threshold of 500 ft<sup>2</sup>. Agent Brown confirmed Commissioner Gauthier's understanding of the draft policy.

Commissioner Foulds asked if the top-dressing example from Commissioner Gauthier counted as fill. Agent Brown confirmed that the regulations consider disturbance, which includes the changing of surfaces or changing the position of sand, soil, gravel, or earth material of over 500 ft<sup>2</sup>. She stated this policy is designed to clarify that a permit may not be needed for very minor activities, such as top-dressing.

Commissioner Foulds asked for clarification on whether the policy references square feet or cubic feet. Agent Brown stated the regulations consider square feet of disturbance. Commissioner Foulds stated he was in favor of the policy.

Commissioner Gauthier stated removing the need to notify the Commission could make the policy even simpler. Agent Brown cautioned that there have been very extreme activities that should require a permit that a resident could still term as "fill." The notification requirement is to ensure these projects don't go unnoticed.

Commissioner Radner stated this policy allows for something to be posted and inform residents of how fill projects are handled. She suggested that residents will be more comfortable calling the Conservation Department to discuss their project knowing what the policy is.

Commissioner Foulds suggested the policy may want to be revised to completely exclude fill projects that result in a ground level raise of less than 1". Commissioner Radner clarified that that policy would be in conflict with the regulations. She stated the policy as drafted does not change the regulations, but rather clarifies them.

Commissioner DeAvila noted that the project doesn't even have to involve fill. He noted situations where a landscaper may replace an old lawn. Even though no fill may be added, the activity may still disturb over 500 ft<sup>2</sup>. Agent Brown confirmed that these projects should be reviewed and potentially permitted.

Commissioner Foulds asked for clarification on whether this policy pertained to all fill or only fill in jurisdictional areas. Agent Brown confirmed this was part of the stormwater regulations, and therefore applied to all disturbances.

Commissioner Foulds recommended the policy be more generous than 500 ft<sup>2</sup>. Agent Brown stated that would require a bylaw change. Commissioner Radner added that a bylaw change would have to be submitted to Town Counsel and the State of Massachusetts to be approved. She stated this policy was simply a clarification of the existing regulations.

Commissioner Gauthier stated the 500 ft<sup>2</sup>/2000 ft<sup>2</sup> thresholds for minor and major stormwater management permits make sense in the context of new structures, but make less sense when considering fill activities. He stated it was a good idea to clarify that these projects may not need a permit with this policy, but removing the requirement for notification specifically for top-dressing activities would be appropriate.

Commissioner Radner motioned to approve the fill policy as drafted by Agent Brown. Commissioner Garlick seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

#### **Tree Bylaw?**

Agent Brown stated a resident recently asked why the Town doesn't have a Tree Bylaw. She agreed to bring the issue to the Commission to ask if they were interested in crafting a Tree Bylaw as some other Towns have created.

Commissioner Foulds stated a Tree Bylaw could be beneficial, especially as solar panels become more prevalent. Commissioner Gauthier stated he didn't believe solar panels were a big driver to deforestation in Dedham. Commissioner DeAvila stated that he had previously been called for a lot of tree prunings related to solar panels.

Agent Brown suggested a subcommittee be formed to explore a Tree Bylaw.

Commissioners Gauthier, Foulds, and DeAvila agreed to serve on a subcommittee to explore a tree bylaw. Agent Brown suggested they meet and bring suggestions back to the Commission. Commissioner Foulds requested a list of existing bylaws. Commissioner Gauthier added that comparisons of different Towns' tree bylaws prepared by the Agent or Assistant Agent would be helpful. Agent Brown agreed.

#### **Violation Notice – 106 Washington Street (Dedham Service Station)**

Agent Brown stated a Notice of Violation has been issued to the auto body shop behind the Dedham Service Station whose operations were encroaching into a resource area close to Mother Brook. The operator has since pulled operations back away from Mother Brook.

#### **MACC Fall Meeting/DEP WPA Training**

Agent Brown reminded the commissioners that the MACC Fall Meeting was upcoming and anyone interested in particular sessions should contact her. She also said the DEP Circuit Rider had also offered to give presentations to Commissioners and if anyone was interested in hearing more on a particular topic, they should contact Agent Brown.

Commissioner Radner stated she is seeking the Conservation Commission's support for her individual grant proposal to the Dedham Cultural Council. She stated the proposal will be to plant 4-6 native, pollinator-friendly gardens around town. She will also seek to bring a speaker to a library presentation to talk about the benefits of

native plants and the decline in pollinators, along with donating several related books to the library. She stated the gardens will also have educational signage. The gardens are expected to be about 75 ft<sup>2</sup>. She has several locations in mind and the exact spots will be finalized if the grant is awarded. Many sites will have to be approved by various parties. She has received approval from the Department of Public Works and will be speaking to the Parks and Rec Department next week. Formal approval in writing is not necessary at this time. She requested that the commissioners informally express their support if they agree with the proposal. She listed the Endicott Community Greenhouse and Gould Memorial Park as potential sites, but stated she is open to suggestions.

Commissioner DeAvila stated he was in favor of the project. Commissioner Foulds agreed.

Commissioner Radner clarified that she will not be submitting the proposal as a member of any board or committee, but will be submitting it as an individual.

Commissioner Foulds suggested Brookdale Cemetery as a potential site. Commissioner Radner agreed and added that she was considering the Dedham Housing Authority property on O'Neil Drive.

Commissioner DeAvila suggested private property owners may be willing to devote small areas of their properties to the project.

Commissioner Foulds suggested the area where Mother Brook flows from the Charles River contains undesirable plants and could be a potential site for a pollinator garden. Commissioner Radner stated that land is managed by DCR and it would likely be difficult to obtain informal support from them before the grant submission deadline. She stated she is currently focusing on smaller, Town-owned parcels.

Commissioner DeAvila suggested the island on Central Avenue, the backsides of Condon Park and Memorial Field, and the bordering areas along any Town park as potential locations.

Commissioner Radner offered to send out the list of potential locations she has already assembled. She asked for confirmation that the Commission was in favor of potential pollinator gardens being placed on Commission-managed land. The Commissioners generally expressed agreement and support.

Commissioner Gauthier motioned to adjourn. Commissioner Radner seconded. All attending commissioners voted "aye." The motion carried 6-0.

The meeting was adjourned at 10:05 pm.