



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
Elissa Brown, Agent
Patrick Hogan, Assistant Agent

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TOWN OF DEDHAM CONSERVATION COMMISSION

Minutes of November 18, 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 (exited the meeting at approximately 9:15)
Leigh Hafrey
Erik DeAvila
Bob Holmes
Tim Puopolo, Alternate (exited the meeting at approximately 9:50)

The following staff were also present:

Elissa Brown, Agent
Patrick Hogan, Assistant Agent

The following Commissioners were absent:

Nick Garlick

The following Applicants and/or Representatives were present:

Iwal Guerrero, Applicant – 639 Washington Street
Brandon Carr, Representative – 95 Eastern Avenue
Chris Crecelius, Applicant – 95 Eastern Avenue
Brian Madden, Representative – 95 Eastern Avenue
Patrick Higgins, Applicant – 62 Old River Place
David Faist, Representative – 62 Old River Place
Zachary Richards, Representative – 685 Providence Highway
Will Granbery, Representative – 685 Providence Highway
Paul Lindholm, Representative – 400 West Street
Art Allen, Representative – 400 West Street
Mollie Moran, Representative – 400 West Street
Giorgio Petruzzello, Applicant – 322 Washington Street
Mike Carter, Representative – 322 Washington Street
John Getherall, Representative – 322 Washington Street
Stephen Kenny, Applicant – 27 Martin Bates Street

Terry Collins, Representative – 27 Martin Bates 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. 639 Washington Street – RDA 2021-12 – Add Front Entrance and Expand Deck on Existing House

Applicant: Iwal Guerrero Request: Issue Neg. DOA

Mr. Guerrero provided an update on the plans for his project. He stated that, after further review, no trees will be removed to install the fence. He also stated he had added indications for snow storage area and erosion and sediment controls to the plan.

Commissioner Radner stated this update addressed the commissioners' concerns from the previous hearing. She also noted that the fence is marked to leave 6" for wildlife passage.

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

Commissioner DeAvila asked if the trash and debris on the site could be collected. Mr. Guerrero stated they are in the process of cleaning up the debris. They have filled one dumpster and are getting a new dumpster on Monday. Agent Brown confirmed that it looked considerably better, but more cleanup was still needed.

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

Commissioner Radner asked Agent Brown for her recommendation. Agent Brown stated a draft Negative Determination of Applicability has been drafted with standard conditions. The applicant has not reviewed the draft. Commissioner Radner asked if Mr. Guerrero had objection to issuing a Negative Determination of Applicability without review. Mr. Guerrero stated he had no objection.

Commissioner Radner motioned to close the public hearing for RDA 2021-12 and issue a Negative Determination of Applicability as drafted by Agent Brown. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

1.2. 95 Eastern Avenue – DEP #141-0571; MSMP 2020-10 – New Hotel

Applicant: Cris Crecelius, Dedham TIC Partners/Pisces3 Qualified Opportunity Fund

Representative: Brandon Carr, DiPrete Engineering Request: Issue OOC/ MSMP

Brandon Carr provided an update on the project. He stated a rip-rap shoulder along the access road has been added to the plans. They also provided updated landscaping plans to the Commission. Mr. Carr stated the Planning Board's public hearing has been closed and they expect a vote at the next meeting. He requested the Commission close its hearing on this item unless there's further questions or comments. He stated he had reviewed the draft Major Stormwater Management Permit and Order of Conditions and had no objections to any conditions.

Commissioner Radner noted there were two pages in the planting plan. She stated page L201 looked mostly acceptable, but page L202 did not seem to match the updated L201 page. Mr. Carr clarified that L202 only showed the plantings around the building itself.

Commissioner Radner noted that a lot of the plantings were hybrid cultivars and several were crosses with non-native species or were sterile and did not benefit pollinators. She also stated that the ornamental plantings around the building were largely non-native. Considering the proximity to the wetland, she stated she preferred to see completely native plants. Brian Madden of LEC stated that the area around the stormwater basin was the closest to the resource area and he felt it was appropriate to specify all plantings in this area be native. He stated his opinion that he did not view the area immediately adjacent to the building as directly connected to the resource area and noted that the proposed species were not invasive. Commissioner Radner agreed planting native species in the areas near the wetland and some non-native species nearer the structure was acceptable. Agent Brown suggested a special condition be included to require submission of a final planting schedule prior to the start of work. Mr. Carr stated that was acceptable.

Agent Brown noted that the Planning Board would be voting on this project on December 8 and recommended the Commission wait until the after that meeting to issue the permits.

Commissioner Foulds stated he wanted to review the Conservation aspects of this project and whether or not it supports basic conservation values. He stated that the project is qualifying as “redevelopment” because of the existence of a parking lot, but the parking lot is so deteriorated that it allows water to percolate. He stated his belief that this project does not support these values and that the cumulative adverse effect of this development was difficult for him to justify.

Commissioner Gauthier stated he had the opposite impression of this project. He felt, in terms of conservation, one of the worst uses of this land was a parking lot, as it is impervious, often collects automotive pollutants, and currently lacks any treatment. He stated the definition of “redevelopment” specifically includes parking lots. He noted the heavily used road that runs right alongside the resource area which will also be improved as part of this project. He stated his belief that this project provides an improvement in conditions for the resource area in every way that is important to the Commission.

Commissioner Foulds stated that he is concerned with the definition of “prior development.” He stated he believes the Commission should be able to exercise their judgement on this issue. Commissioner Radner stated that if the regulations consider existence of a parking lot as “previously developed,” then they must consider it as such, regardless of the quality of the lot. Commissioner Foulds noted that this project is closer to the river than other recent applications, specifically one on Riverside Drive. Commissioner Radner reminded him that the application from Riverside Drive was new development, not redevelopment. Commissioner Foulds noted the use of the words “may approve” in the regulations and suggested that the Commission may also not approve what is outlined, regardless of whether or not it has been previously developed. Commissioner Radner stated each individual Commissioner should vote on the project as it relates to their interpretation of the regulations.

Mr. Carr agreed with Commissioner Gauthier that the old parking lot, which didn’t have any stormwater treatment and was often used for vehicle storage, was a poor use of the land in terms of resource area protection. He also noted that the Town of Dedham Bylaw is strict and, even when a project it considered redevelopment, it still needs to meet “new development” standards for removal of total suspended solids and flood storage. He stated that the applicant is only requesting two waivers for this project, which are both related to elevation constraints of the site. The waivers are to allow 51% phosphorus removal instead of the required 60% and to allow a 6’ setback of the basin from the property line instead of the required 10’ setback. He noted that the project is not seeking much relief regulations, even though it is classified as “redevelopment.”

Mr. Madden added a citation of the regulations concerning previously developed riverfront areas. He also reviewed the Notice of Intent application which detailed the actual changes to the site and improvements that will be made. These include a 14,720 ft² reduction of pavement in the riverfront area, the placement of the building outside of the riverfront area, dramatic improvements to stormwater management where no treatment currently exists, and the inclusion of compensatory storage of water at the required rate of 2:1. He stated these figures support that this project will create an overall site improvement.

Commissioner Holmes recommended that the definition of “redevelopment” be scrutinized in the future and some measure of deterioration be taken into account. Commissioner Radner noted a definition change would require agreement of the Town and the State.

Commissioner Foulds clarified that he doesn’t believe this project meets the spirit of the regulations nor does it model good conservation values. He noted that allowing this project prevents any other outcome or use of the property.

Commissioner Gauthier noted that if this project is denied, the site will remain a parking lot. He stated the proposed project improves the site from current conditions in every aspect, so he did not understand Commissioner Foulds’s opinion that this project does not represent good conservation values.

Commissioner DeAvila stated he believes the project is an overall improvement to the site, considering the reduction in impervious area and the improvements to the access road. He added that he’d support a review of the definition of “previously developed/redevelopment” to include a time limit on the previous development. Commissioner Radner noted that a more stringent definition could be implemented at the Town-level and could be discussed further outside of the hearing on this item.

Commissioner Holmes stated he was in favor of the project as it represented an improvement to the site as opposed to repaving it and continuing to use it as a parking lot. He also expressed interest in reviewing the definition of “redevelopment” in the future.

Alternate Puopolo stated he appreciated the added rip-rap and the pervious area between the building and the wetland. He stated these were significant improvements to the site.

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

Commissioner Radner noted that invasive species management could be included along the rip-rap area, but she wasn’t sure if the land was owned by the Town. Agent Brown stated it is mostly Town-owned land and noted that the areas where rip-rap currently exists along the road have worked well, but plantings within the stone haven’t been successful so far.

Commissioner Radner asked if the Planning Board was awaiting a decision from the Conservation Commission before voting on this project or if the Planning Board should vote on the project first. Agent Brown stated the Planning Board should vote first, but, if the Commission wished, they could vote to approve the permit now and issue the permit at a later date so any minor changes that were necessary based on the Planning Board’s final discussion could be incorporated. Mr. Carr respectfully requested a vote on the issue tonight.

Commissioner Radner motioned to approve the waiver requests to allow 51% phosphorus removal instead of 60% removal and to allow a 6' BMP setback from the property line instead of a 10' setback. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. Commissioner Foulds voted "nay." All other attending commissioners voted "aye." The motion carried 5-1.

Commissioner Radner motioned to approve MSMP 2021-10 and DEP #141-0571 to be drafted and finalized at a future meeting. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. Commissioner Foulds voted "nay." All other attending commissioners voted "aye." The motion carried 5-1.

Commissioner Radner motioned to continue the hearing to the meeting on 12/16. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

1.3. 62 Old River Place – DEP #141-TBD; mSMP 2021-05 – Drain Line Replacement

Applicant: Patrick Higgins, Norfolk County Engineering Representative: David Faist, CMG Environmental Inc. Request: Issue OOC/mSMP

Commissioner Gauthier recused himself from this item as he is a direct abutter to the project.

Mr. Faist provided an update on the project. He stated planting locations have been revised and a new planting plan has been submitted. He stated they have reached out to the DEP requesting an update on the delayed file number and asked if the fact that it's fee-exempt may be holding it up. Agent Brown stated she received an email from the DEP recently alerting that they were about 1 month behind in issuing permit numbers. Mr. Faist displayed the plans to illustrate the changes. He noted that the plantings are now grouped nearer to the trees that will be removed.

Commissioner Radner asked for a list of the species to be planted. Mr. Faist displayed a planting list.

Commissioner Radner asked if the timeframe of work was the same as proposed at the previous meeting. Mr. Higgins confirmed and stated the project will be put out to bid when it receives approval and the work will be weather dependent. If it happens to be an early winter, the project may be delayed until the spring to allow for better conditions. He added that erosion and sediment controls will be added as soon as the trees are removed. Commissioner Radner noted that the controls should be in place before equipment accesses the area. Mr. Higgins agreed.

Commissioner Radner asked if Mr. Higgins had been able to meet with the remaining abutters yet. Mr. Higgins stated he had reached out to all direct abutters and hand-delivered or emailed plans for the project to each of them. He stated he is working with the County Counsel to create a right of entry license agreement, but he is waiting until the plans are finalized before finishing and sharing the document. He noted that the original easement allows them access to the area for maintenance as long as it is returned to its original condition upon completion of the work. He believes the submitted plans accomplish the necessary restoration.

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

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

Commissioner Radner stated that a DEP number was needed before a vote could be held. Agent Brown stated the Commission could address this application in the same way as the previous one: they could vote to approve the project now and issue the permit at a later date once the DEP number has been received.

Commissioner Radner motioned to approve the Notice of Intent and Minor Stormwater Management Permit pending issuance of a DEP file number and continue the hearing to the next meeting on 12/2. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0 with Commissioner Gauthier recusing himself.

2. New Applications

2.1. 685 Providence Highway – DEP# 141-TBD – Utility Trenching

Applicant: Mark Hebert, Federal Realty Investment Trust Representative: Zachary Richards, Bohler

Request: Issue OOC

Will Granbery of Bohler Engineering gave an overview of the project. He stated this project is proposing the extension of two utilities across Lowder Brook to the existing vacant building. He noted that part of the reason for the vacancy of this building is because of the lack of modern utilities. The building currently uses a well and above-ground natural gas tank for water and gas supply, respectfully. He stated this project will provide underground gas and water services extending from the existing service lines at Dedham Plaza. Mr. Granbery confirmed they had been working with the Dedham-Westwood Water District and Eversource Gas to plan the connections. He stated there will be no new impervious areas or grading changes to the site. He stated they are also proposing invasive species management, particularly of Japanese Knotweed on the banks of Lowder Brook in this area. He noted test borings will be performed in advance of the project to provide adequate data on the existing soil conditions. Mr. Granbery added that there is not adequate space to install the water line through the top of the Lowder Brook culvert, so the Dedham-Westwood Water District is requiring the project team to install the line beneath the culvert via directional drilling. Preliminary conversations with Eversource Gas suggest the gas line will be able to run through the top of the culvert. He stated the well will be taken off-line and the propane tank will be removed once the utilities are connected.

Commissioner Radner asked if a detailed invasive species management plan had been created for that portion of the project. She also noted that the term "knotweed and other invasives" in the plans should be more detailed.

Commissioner Radner asked if Agent Brown had checked with the Engineering Department for their thoughts on the plan for running the water utility under the culvert. Agent Brown stated she checked with the Dedham-Westwood Water District and they will have continuing conversations with the applicant on this issue. She noted that details on the construction process would be helpful to understand the project further.

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

Commissioner DeAvila noted that excavation on either side of the horizontal line bore will likely encounter groundwater. He asked if there was a plan to treat the water as it is pumped out of the hole. Mr. Granbery stated the contractor will be following best practices. Agent Brown suggested a dewatering plan be submitted, along with details about the distilling basin. Agent Brown added that details about the methods of abandoning the existing well and the stabilization of the asphalt after the completion of the project should be submitted.

Commissioner Radner asked if it was possible to run the utilities from Providence Highway or Prospect Street, thereby avoiding the impact to Lowder Brook. Mr. Granbery stated the utilities in Providence Highway were on the opposite side of the road and would involve coordination with DOT and essentially the same installation method.

Further, the building is considered an extension of Dedham Plaza, so tying the utilities together to function as one made sense from a management standpoint.

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

Commissioner DeAvila asked for clarification that this proposal was just for utilities and not for changes to the parking area or building. Mr. Granbery confirmed.

Commissioner Radner summarized that more details were needed on the plan, particularly regarding the installation of the water line. Agent Brown added that the applicant should submit a boring plan, a dewatering detail, the location of the distilling basin, a well abandonment plan, a more detailed invasive species management plan, and, if the Commission wished, a replanting plan detailing what would be planted after the invasive species were removed.

Mr. Granbery asked for guidance on what the Commission might like to see regarding species for replanting. Commissioner Radner stated the Commission generally does not provide recommendations, but suggested the applicant submit a proposed plan that can be discussed.

Commissioner Radner asked Mr. Granbery if he preferred this item to be continued to the 12/2 or the 12/16 meeting. Mr. Granbery requested it be continued to the 12/16 meeting.

Commissioner Radner motioned to continue this hearing to the 12/16 meeting. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

2.2. 400 West Street – ANRAD 141-TBD – Residential Redevelopment

Applicant: Peter Reynolds Representative: Paul Lindholm, PE Request: Issue ORAD

Mr. Lindholm introduced Art Allen of Ecotec who performed the delineation work on the site.

Mr. Allen stated the resource areas had been delineated on August 3rd. He displayed the ANRAD plan to illustrate the site. He noted the site contains an existing split-level house with a gravel driveway. He noted the mean annual high-water line is coincident with the bank of the Charles River. He stated he delineated bordering vegetated wetlands along the north end of the river, in a swale extending from the river near the middle of the property, and along the south end of the river. Mr. Allen stated he revisited the site after the wetlands delineation and delineated degraded riverfront areas, which Mr. Lindholm used to assemble the final ANRAD plan. The degraded areas included the gravel portion of the driveway, the house itself, and the concrete pads. Additionally, Mr. Allen marked two other areas around the house as "filled lawn, non-degraded." He stated these areas were disturbed as part of the original construction of the house. They presently have topsoil and have been historically maintained as lawn. He stated the "filled lawn, non-degraded" area immediately adjacent to the house has a stone armor limit at the base of the filled area. The other "filled lawn, non-degraded" area is the location of the leach field for the on-site septic system.

Mr. Lindholm presented the ANRAD plan. He noted the area to the rear of the house is identified as "wooded, non-degraded," though it was likely temporarily disturbed when constructing the house. He also noted the area of the septic leach field and illustrated the placement of the tank and distribution box. He stated they will propose to reconstruct the house in a future application. He also stated improvements to the site will be proposed, such as removal of the septic system. He stated he involved Mr. Allen to designate the areas around the house in regard to

degradation in order to help determine the Undisturbed Buffer Area (UBA) for this future project. Mr. Lindholm noted the project team is trying to conduct the project without asking for waivers to work in the UBA. On the submitted ANRAD plan, the project team has demarcated the UBA as stopping at the stone wall/armored slope and the leach field.

Commissioner Radner asked for clarification on the approval the applicant was seeking. Mr. Lindholm stated he was presenting the delineation and "line work" represented on the plan. He stated they were hoping to reach an agreement on the resource lines prior to continuing plans for the project.

Mr. Allen stated the eventual project will be submitted as a redevelopment project. The project team is hoping to have the ANRAD approved with the limits of resource areas, UBA's, etc. so they can design the project accordingly.

Commissioner Radner stated the lines on the plan seemed appropriate, but she was not certain a future project would be able to proceed without waivers, especially considering disturbances that will occur on the rear of the house.

Agent Brown clarified that the applicant was asking for confirmation of the bordering vegetated wetland line, mean annual high-water line, bordering land subject to flooding line, and UBA line. She stated the bordering vegetated wetland and mean annual high-water lines needed confirmation in the field, but the Commission should discuss whether the UBA line meets standards.

Mr. Lindholm identified the proposed UBA line on the plans. He indicated that it stops at existing limit of development, but the definition of development in the regulations uses the term "things like..." when providing examples. The regulation does not provide a definitive list of features that are considered development. On his prepared plan, the proposed UBA line is limited by the stone wall/armored slope, the leach field, and the shed to the rear of the property. In areas where these features are not present, the UBA line is calculated based on slope.

Agent Brown read the regulation concerning determination of UBA, clarifying that the regulation states "...the man-made structures which qualify to delineate an existing limit of development include such items as buildings, paved parking areas, retaining walls not associated with a discharge pipe. Existing drainage structures such as culvert and discharge structures, landscaped areas, utility poles, and wells will not be used to determine the existing limit of development."

To further illustrate the question, Mr. Lindholm presented a plan showing the UBA calculated from slope without consideration of existing development. He noted that limiting the UBA line as shown on the ANRAD plan will allow the project team to work around the house as the building is reconstructed.

Commissioner Gauthier noted that the potential for subsequent waivers is insignificant to the determination of the UBA. He stated the Commission should define the UBA solely by their interpretation of the regulations and consider any necessary waivers on their merit when the project is proposed. Commenting on the plan, Commissioner Gauthier stated the "armored slope" area to the rear of the house appeared to be unorganized residue from blasting and he would not consider that previous development. He stated he did consider the gravel driveway and the organized stone wall to represent the limit of development. He also noted he did not consider the leach field to be previous development as the definition specifically excludes wells, and he considers septic systems to be similar to wells.

Commissioner Radner agreed that the UBA line should be defined based on the definition and waiver requests, if needed, would be considered later based on their merit. She also agreed that the “armored slope” to the rear of the house and the leach field should not be considered previous development.

Alternate Puopolo agreed that the leach field should not be considered previous development.

Mr. Lindholm detailed the changes he intends to make to the ANRAD, which include un-designating the leach field and “armored slope” as previous development and adjusting the UBA line accordingly.

Commissioner Radner agreed that these changes were appropriate. She also stated that she was in favor of considering the organized stone wall around the front of the house as a limit of development, but asked other Commissioners for their input. Agent Brown noted that retaining walls are specifically cited in the regulation as an example of the limit of development. She stated that if the Commission considers the stone wall to be a retaining wall, then it could also be considered a limit of development. Commissioner Gauthier confirmed he was comfortable considering it a retaining wall.

Agent Brown stated a revised plan should be submitted and, in the meantime, she could visit the site to view the flags for the mean annual high-water line and the buffering vegetated wetland areas. She stated a wetland scientist could be hired to review the flagging if the Commission wished.

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

Commissioner Radner motioned to continue this item to the 12/2 meeting. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

2.3. 32 Jackson Pond Road – RDA 2021-13 – Tree Removal in 50’ Buffer Zone

Applicant: Mary Moran Representative: Karon Skinner Catrone Request: Issue Neg. DoA

Commissioner Radner stated the applicant requested a continuance of this item to the 12/2 meeting.

3. Requests for Modification

3.1. 322 Washington Street – MSMP 2020-17 – New Bank and Parking Area

Applicant: Giorgio Petruzzello, Supreme Development, Inc. Representative: Michael J. Carter, GCG Associates

Mr. Carter gave an overview of the modifications being requested. He displayed plans to illustrate the changes. He noted that Mr. Petruzzello is working with the Planning Board and Town DPW to reconstruct the crosswalks so they are ADA-compliant. As part of that work, the road will need to be raised and the grading on the site needed to be adjusted. He stated the on-site grading changes have already been completed. Mr. Carter showed the changes to the parking layout, but stated no additional impervious had been added. He also noted trench drains have been added on the Harris Street side of the parcel and a catch basin was added on the Washington Street side to allow for capture of all runoff in light of the grading changes.

Commissioner Radner asked if the changes will affect snow storage on the site. Mr. Carter denied.

Commissioner Radner stated she saw no issues with the modification.

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

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

Commissioner Radner motioned to approve the requested modification for MSMP 2020-17, which allows changes to accommodate ADA-compliant crosswalks. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

4. Notice of Violation : 27 Martin Bates Street

Agent Brown stated a commissioner noted unpermitted work occurring at the property, which included a retaining wall, front yard grading, and driveway replacement. She noted a previous addition was under 500 ft² and therefore did not require a stormwater management permit.

Stephen Kenny of 27 Martin Bates Street gave an overview of the activities at his house. Mr. Kenny stated he provided a 20-page PDF regarding the project to Agent Brown yesterday. He apologized for not being aware of the permitting requirements. He stated he and his wife have undertaken a few renovations to the home since purchasing it in 2013. He confirmed the original addition did not exceed the 500 ft² threshold for a stormwater management permit. He added that the current work, which is specified in the Notice of Violation, is detailed in his written submission. He stated all fill was from previous excavation on the parcel and the retaining wall replaced an existing retaining wall. It is there to prevent the filled lawn from discharging further toward the wetlands. The fill was introduced to level the front yard and make ingress/egress more accessible. Mr. Kenny noted the new retaining wall is closer to the home than the previous wall.

Commissioner Radner asked Agent Brown for her thoughts.

Agent Brown stated previous photographs suggest significant change and disturbance to the front lawn and driveway area, including alteration within the buffer zone. She stated she did not know what the overall square footage of the alteration was, but suggested the resident determine the square footage of alteration and report that to determine the type of stormwater management permit required. Additionally, she stated the work should have required a Request for Determination of Applicability with appropriate erosion and sediment controls. She stated it was appropriate for the Commission to request an after-the-fact RDA.

Commissioner Radner noted that bare soil still persisted in the collected photos. Mr. Kenny confirmed and stated some hardscaping connecting the doors and driveway was intended to be placed before planting occurred. He had originally intended to complete the hardscaping before the winter and replant the area in the spring. Commissioner Radner suggested Mr. Kenny measure the disturbed areas, factoring in any work that has yet to be completed. She also suggested Mr. Kenny revisit any plans he might have had for plantings and consider using plants that are appropriate for the area. She stated she believed it was appropriate for Mr. Kenny to proceed through the application process as Agent Brown suggested and gave him a brief description of the possible permits and associated processes.

Mr. Kenny asked if the original addition should be included in his calculations. Agent Brown stated the Building Department considers work performed within a 5-year window to be associated with the same project. As such, the addition, front yard work, and driveway work should be included in the calculation in this case.

Commissioner Gauthier asked if there are erosion and sediment controls on the site currently. Agent Brown denied. Commissioner Gauthier stated these controls are typically installed first and should therefore be installed

to prevent sediment discharges during future rainfall. He also stated the levelling of the front yard may not have increased the rate of runoff, but the increase in driveway size likely affected the site's runoff potential. He suggested Mr. Kenny focus on controlling erosion immediately and stated that permanent stormwater management may be required for the driveway area. Commissioner Radner added that Mr. Kenny had removed the front walkway, which may have slightly lowered the site's runoff potential.

Mr. Kenny agreed to reach out to the Conservation Department to gather forms and instructions for submitting the necessary applications.

Mr. Kenny asked if he could install the steps into the house, or if the project needed to completely halt until the permitting process was complete. He also asked the same question about the erosion and sediment controls. Commissioner Radner stated it was acceptable to install both of these items while proceeding through the permitting process. Agent Brown suggested any further asphalt coats be delayed until the permitting process is complete.

Commissioner DeAvila suggested Mr. Kenny also note whether any trees were removed in the process of construction while completing his application.

5. Close and Issue : 62 Abbott Road – MSMP 2021-15 – New Patio and Pool

Applicant: Nancy Kaaz Representative: Chris McDonnell, RJ O'Connell Request: Issue MSMP

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

Commissioner Radner motioned to close the public hearing for MSMP 2021-15 and issue the permit to the applicant. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

6. Minutes – 10/7/21; 10/21/21; 11/4/21

Commissioner Radner stated she had submitted minor edits to the minutes.

Commissioner DeAvila stated he had reviewed the minutes and had no revisions.

Commissioner Radner motioned to approve the 10/7/21, 10/21/21, and 11/4/21 minutes with submitted minor edits. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

7. Agent's Report

Agent Brown stated a celebration of the Dedham Master Plan will occur on December 4th at 11:00AM at Dedham Middle School. Commissioner Gauthier encouraged everyone to attend either virtually or in-person and noted Spanish-language translation will be available.

Commissioner Radner stated her vacancy for the Open Space and Recreation Committee had been posted and would be open through tomorrow. She suggested that commissioners spread the word and encouraged any interested persons to apply.

Commissioner Hafrey motioned to adjourn. Commissioner Radner seconded. All attending commissioners voted "aye." The motion carried 5-0.

The meeting was adjourned at 10:03 pm.