



Stephanie Radner, Chair
Nathan Gauthier, Vice Chair
Nick Garlick, Associate
Leigh Hafrey, Associate
Eliot Foulds, Associate
Bob Holmes, Associate
Erik DeAvila, Associate
Tim Puopolo, Alternate
Elissa Brown, Agent
Patrick Hogan, Asst. Agent

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TOWN OF DEDHAM CONSERVATION COMMISSION

Minutes of December 2, 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
Leigh Hafrey
Erik DeAvila
Bob Holmes
Nick Garlick
Tim Puopolo, Alternate

The following staff were also present:

Elissa Brown, Agent
Patrick Hogan, Assistant Agent

The following Commissioners were absent:

The following Applicants and/or Representatives were present:

Paul Lindholm, Representative – 400 West Street
Art Allen, Representative – 400 West Street
Scott Henderson, Representative – 235 & 243 Bussey Street

Commissioner Radner 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. Continued Applications (Applications Previously Opened to be Discussed Tonight)

1.1. 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

Prior to the meeting, the applicant requested discussion on this item be continued to the 12/16 meeting as a DEP number for the project had not yet been issued.

Commissioner Radner asked if anyone from the public had attended to comment on this item. She received no responses.

1.2. 400 West Street – ANRAD 141-0591 – Residential Redevelopment

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

Mr. Lindholm displayed a revised ANRAD plan for the site. He stated the undisturbed buffer line had been revised and Elissa had visited the site to view the bordering vegetated wetland and riverfront area delineations. The plan has been revised to not include the “armored slope” to the rear of the house nor the septic system as limits of the development. As such, these items no longer limit the undisturbed buffer area.

Agent Brown confirmed she had reviewed the flags on site. She stated she noted no issues with the delineation. Agent Brown also noted that the river floodplain is at an elevation of 95’ and a surveyed line at that elevation is included on the submitted ANRAD plan.

Commissioner Radner stated she saw no issues with the submitted ANRAD plan.

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

Commissioner Garlick asked for clarification on the undisturbed buffer area delineation based on the rock wall. Mr. Lindholm indicated the undisturbed buffer area on the displayed plan. It is currently limited by the organized rock wall and driveway area.

Commissioner Hafrey asked if the Commission needed to be concerned with the next steps of the project. Commissioner Radner declined and stated that the Commission only needed to consider the displayed resource lines on the plan and the current conditions of the site. She specified that the main point of discussion on this plan had been the use of the stone wall as a defining characteristic of the limit of development. Mr. Lindholm added that the purpose of this ANRAD is to establish agreed-upon resource area lines so the project designers can create a project plan that respects those lines. He noted the applicant is planning to eventually rehab the home.

Commissioner DeAvila noted that the septic system is shown inside the undisturbed buffer area. He asked whether that could pose an issue with its abandonment in the future. Agent Brown stated that Mr. Lindholm likely needed to further assess the situation, but its removal could potentially be considered restoration work. Mr. Lindholm added that any work on abandoning the septic system will be included in the eventual project proposal.

Commissioner Gauthier stated he agreed with the undisturbed buffer area shown on the plan and stated he accepted Agent Brown’s opinion of the flags on site.

As an aside, Agent Brown noted a small square on the plan near the intersection of the Charles River and West Street. The square indicates some MWRA infrastructure. This infrastructure will be included in the MWRA rehabilitation project that will be discussed in the Agent’s Report. Commissioner Radner asked if this work would be permitted by right since it is utility maintenance. Agent Brown confirmed.

Commissioner DeAvila asked why a section of the parcel near the intersection of West Street and the Charles River was not included in the UBA. Mr. Lindholm stated the undisturbed buffer area in that

section was calculated set at 30', which is the minimum in this situation, since the slope is very flat in that area.

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

Commissioner Radner asked Agent Brown for her recommendation. Agent Brown stated she had drafted and shared an Order of Resource Area Delineation (ORAD) with Mr. Lindholm, who provided minor edits.

Commissioner Radner motioned to close the public hearing for ANRAD 141-0591 and issue the ORAD as drafted by Agent Brown and edited by Mr. Lindholm. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 7-0.

2. Requests for Modification

2.1. 235 & 243 Bussey Street – MSMP 2017-23 – Demo of Existing Structures and Construction of Mixed-Use Building

Scott Henderson, representative for the project, gave an overview of the requested modification. He stated the original permit had been previously modified in 2019. Mr. Henderson displayed the site plan that was approved as part of the 2019 modification. He noted soil conditions were poor, so the stormwater system was designed as a subsurface detention system with a piped overflow to the drainage system in the street. Mr. Henderson stated grading changes had to be made to the parking garage at the rear of the building to allow for a code-compliant ceiling height. Because of the grading changes, he is proposing subsequent changes to the drainage system in order to collect all runoff. The original plan included a catch basin at the rear of the lot and a trench drain at the driveway entrance to the lot. Both of these lines connected to deep sump manholes, which then were connected to the subsurface system.

Mr. Henderson's modification to the plan proposes a trench drain along the rear of the property that routes to two deep sump manholes before flowing into the subsurface detention system. At the front of the site, the inlets will remain very similar to what was approved, but Mr. Henderson has added 3 trench drains at the entry walkways that will connect to the driveway trench drain. Lastly, the subsurface infiltration system was originally composed of plastic Cultec units. Due to the grading change, the amount of ground cover over the system has been reduced, so he is now proposing concrete galleys to provide added stability. Mr. Henderson stated he has submitted a summary explaining how these changes still comply with the standards in the existing permit. He noted that the existing permit was granted a significant waiver due to soil conditions on the site. Mr. Henderson added that the project will result in an increase in discharge volume from the site for all designed storms, but the runoff rate will be reduced. He noted that the use of concrete galleys instead of the Cultec units will result in a slight reduction of discharge volume compared to the approved design.

Commissioner Radner asked if there were any unusual conflicts between the stormwater system and other utilities on site. Mr. Henderson stated there were two instances where utilities will cross the stormwater system on the site. In the first, the outflow from the trench drains to the rear of the property will cross underneath the electric utility, which is shallow and will be encased in concrete. In the second, the roof drain from the building will cross above the sewer utility, which will also be encased in concrete. He noted more utility crossing would occur in the street. He also added that there will be a 40-millimeter EPDM breakout barrier between the galleys and the neighboring electric utility.

Commissioner Radner asked if any excavation will be near groundwater. Mr. Henderson stated the bottom of the galleys will be set exactly at the elevation of seasonal high groundwater, which is why it is designed as a detention system and not an infiltration system. Commissioner Radner asked if there was concern with the drain lines to the rear of the building flowing to the galley system. Mr. Henderson stated

that if the galley system becomes full, the outlet control structure will allow outflow, which will prevent the trench drains from backing up.

Commissioner Radner opened the floor to the other commissioners for comment. She received no responses.

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

Commissioner Radner asked Agent Brown for her recommendation. Agent Brown recommended the commission approve the request for modification.

Commissioner Radner motioned to approve the proposed modifications to Major Stormwater Management Permit 2017-23. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 7-0.

3. Administrative Approval

3.1. 181 Village Avenue – Trees in Wetlands

Agent Brown stated the Conservation Department has received several requests for tree removals in recent weeks.

Agent Brown stated two trees near 181 Village Avenue were leaning toward a house. An administrative approval to remove the two trees was granted due to the danger to the house. In this case, the trunks and branches will be left on site where they fall, which will create an outcome similar to if the trees had fallen on their own.

Agent Brown also noted a tree removal request came from the resident at 89 Alden Street. When assessing the trees, Agent Brown noted a large amount of invasive species in his back yard and was weighing the value of requiring invasive removal in lieu of replacement trees. The resident eventually decided to simply plant replacement trees, but she was curious if the Commission had guidance on if she should propose invasive removal as an alternative to tree replacement in similar situations in the future.

Commissioner DeAvila stated it would depend on how the removal would occur. He noted if a large amount of invasive species existed in a wetland, mechanical removal could result in significant wetland disturbance. He also noted that he would not be in favor of residents using chemicals to control these species. Agent Brown understood and suggested approvals could be limited to hand cutting and only digging up plants that are less than 2” in diameter.

Commissioner Gauthier stated he was amenable to allowing the removal of invasives in lieu of tree replacement as long as it was of value to the wetland and the resident was going to properly remove the plants with no chemicals and minimal disturbance. He noted that he would want to be confident the invasive removal would be successful before allowing it as an alternative to tree replacement, especially since invasive control might require a resident to remove the invasive plants multiple times over several years to ensure eradication.

Agent Brown also noted the resident at 37 East Riverside Drive has requested an administrative approval to remove several trees. She stated she is prepared to approve the removal of trees near the top of the slope that are endangering the house, but she did not see much room to plant replacement trees. She asked the Commission if, when considering administrative approvals for tree removal, she could aim to have replacement trees planted, but also consider alternatives like shrubbery planting or invasive removal when there isn't room. Commissioner Radner agreed with the potential alternatives to tree planting where needed, but also stated she didn't want to put a resident in a position where they spend multiple

years attempting to manage an invasive species mechanically and then become tempted to start spraying it with herbicide. She also noted that, once invasives are removed, new vegetation must be planted to help prevent their re-emergence. She stated she is planning to create a list of acceptable shrubs and perennials that will compete well against invasive species.

Commissioner DeAvlia noted that the Tree Bylaw Subcommittee could also consider a “tree bank” so such projects could fund planting of trees elsewhere.

4. Minutes – 11/18/21

Commissioner Radner stated she had reviewed the minutes and did not have any edits to submit.

Commissioner Hafrey stated he had also reviewed the minutes and did not have any edits to submit.

Commissioner Radner motioned to approve the 11/18/21 minutes as drafted. Commissioner Garlick seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 7-0.

5. Agent’s Report

Administrative Approvals – Trees vs Invasive Species; Re-Planting Constraints

This item was discussed during item 3.1

Dog Park Behind Boch Ice

Agent Brown displayed a photograph and noted a company called Doggie Dates has been using a fenced area behind Boch Ice to allow dogs to play. The company’s use of the space is currently under review by the Zoning Board of Appeals and, if approved, she has suggested they also request approval from the Commission. She noted she is concerned about dog waste close to the wetlands.

MWRA Siphon Rehabilitation

Agent Brown stated that MWRA is planning a rehabilitation project of siphon/junction structures. Work will occur at 400 West Street, an area on the Needham line near Westfield Street, a couple of locations at McGolf, and another area on West Street. She stated the project is exempt from permitting requirements. Most of these areas are overgrown and will result in the removal of trees for access. She stated she has received a copy of the plans and specs for the project and that they will be doing their best to perform the work in an ecologically sensitive manner. Agent Brown will inform the Commission when work begins.

Agent Brown stated that a Notice of Violation will be issued to Allin Church, who removed a couple of trees on their property at 80 Bullard Street, adjacent to Town Landing. She is asking them to submit a plan for tree replacement.

Agent Brown stated the 2022 meeting schedule has been developed and will be added to the website.

Agent Brown stated several permits have a requirement that maintenance reports for installed best management practices be submitted to the Conservation Department in January of each year. The Department has been assembling a list of projects that included such a condition and will be sending a letter to each property to remind them of the need to submit these reports.

Commissioner Garlick motioned to adjourn. Commissioner Radner seconded. All attending commissioners voted “aye.” The motion carried 7-0.

The meeting was adjourned at 7:53 pm.