



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 16, 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  
Bob Holmes  
Nick Garlick

#### The following staff were also present:

Elissa Brown, Agent  
Patrick Hogan, Assistant Agent

#### The following Commissioners were absent:

Leigh Hafrey  
Erik DeAvila  
Tim Puopolo, Alternate

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

Patrick Higgins, Applicant – 62 Old River Place  
Robert Lussier, Representative – 62 Old River Place  
Nathan Gauthier, Applicant – 89 Maple Place  
Stephen Schneider, Applicant – 370 Common Street  
Carla Morelli, Applicant – 370 Common Street  
Trey Sasser, Representative – 370 Common Street

Commissioner Radner called the meeting to order at 7:03 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 #141-0592; 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.

Commissioner Radner reminded the Commission that the Order of Conditions and Minor Stormwater Management Permit had been approved and stated the DEP has now assigned a file number to this application. She asked the applicant if any of the plans had been changed since the last discussion.

Robert Lussier, representative for the project, stated no new materials had been submitted and confirmed a DEP File Number has been assigned.

Commissioner Radner stated Agent Brown had drafted an Order of Conditions and Minor Stormwater Management Permit. She asked if the applicant had reviewed and were in agreement with the draft documents. Mr. Lussier and Patrick Higgins (applicant) stated they were requesting no changes to the documents as drafted.

Agent Brown stated that Commissioner Gauthier had spoken to an abutter who stated they were unaware of the project. Mr. Higgins stated he had been working with the representative for that abutter and had believed she was updating the abutter. He stated he would determine whether or not the representative was updating their client and will try to reach out to the abutter directly if needed. Commissioner Gauthier noted that the abutter in question does not show up on the certified abutter list from the Assessor's Office. Mr. Higgins stated he would re-check the abutter's list and offered to reach out to the abutter directly if he's not listed. Agent Brown clarified that the applicant has already notified everyone on the certified abutter list and has therefore satisfied the notification requirement.

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 close the public hearing for DEP 141-0592 and mSMP 2021-05. Commissioner Garlick seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0, with Commissioner Gauthier recusing himself.

Commissioner Radner motioned to approve the waiver request to omit the hydrologic calculations for DEP 141-0592. Commissioner Holmes seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0, with Commissioner Gauthier recusing himself

Commissioner Radner motioned to issue the permits for DEP 141-0592 and mSMP 2021-05 as drafted by Agent Brown. Commissioner Garlick seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0, with Commissioner Gauthier recusing himself.

## 2. New Applications

### 2.1. 89 Maple Place – MSMP 2021-19 – Pervious Patio, Fill, and Regrading

Applicant: Nathan Gauthier    Request: Issue MSMP

Commissioner Gauthier recused himself from this item as he is the applicant.

Mr. Gauthier stated he is seeking to add a patio in the backyard and fill and regrade the yard to direct run-on from neighboring properties around the perimeter of his lawn. The work will include installation of the patio, replacement of a short retaining wall with a trench drain to infiltrate runoff from the driveway, relocation of an existing shed, planting of 4 native trees within the Undisturbed Buffer Area, addition of 320 cubic yards of fill/loam, and associated landscaping.

Mr. Gauthier noted his property is lower than the neighboring properties. He indicated the wetland to the rear of his house and stated it had been recently delineated in connection with a separate project. That delineation found the limits of the wetland to be very close to what is shown on the Town GIS map. He stated all work will be located inside the existing fenced yard.

Mr. Gauthier presented a map of the project goals. He stated he wishes to install a patio to increase utility of the back yard. At the same time, he is seeking to regrade areas to each side to prevent run-on, and fill an area in the center of the lawn to prevent a large wet spot in the middle of his back yard. All of these tasks will allow the family to better utilize the back yard.

Mr. Gauthier stated the patio will be pervious, following the Conservation Commission's pervious patio detail. He also presented photographs to illustrate the areas that he is proposing to fill and regrade. He noted that a shed will have to be moved to allow for re-grading and expansion of the rain gardens and a trench drain will be added at the bottom of the driveway. He also indicated the low spots in the yard and stated they often stay muddy and are in areas that are highly trafficked to access the back yard.

Mr. Gauthier noted that he was requesting a waiver for PE-stamped drawings since this was just a landscaping project, but presented runoff calculations using the Simple Method to illustrate that the project will result in a reduction of runoff overall.

Mr. Gauthier also indicated that he will be adding native plantings to the rear of the lawn. He added that a tree in the center of the lawn had previously been removed due to severe rot.

Mr. Gauthier presented an ongoing Operations and Maintenance plan for the project. He also stated he was requesting a waiver for providing PE-stamped hydrologic calculations, a PE-stamped site plan, and a PE-stamped proposed conditions plan.

Commissioner Radner asked if Mr. Gauthier had prepared a planting plan. He stated he did not, but he was intending to plant 4 willow trees to the rear of the property. He stated the shed's current location will be converted to expand the rain garden and he is open to suggestions for plantings in that location.

Commissioner Radner asked if removing the tree had an effect on the wet spot in the lawn. Mr. Gauthier stated it likely did have an effect, but it was removed recently and he hasn't noticed a difference yet.

Commissioner Radner stated she was concerned with the fill being added to the sides of the yard as the run-on could cause the fill to wash out instead of being contained by it. She suggested the stabilization of these areas be well thought out to ensure the introduced fill redirects the water rather than eroding.

Mr. Gauthier noted a contractor will install the patio and introduce the fill, but he is planning to install the plantings himself. He noted he was waiting to decide on specific species until he sees what is planted as part of the neighboring Norfolk County project (DEP 141-0592, mSMP 2021-05; the previous item on this agenda). Commissioner Radner suggested a condition be included that the planting varieties be approved by Agent Brown. Commissioner Gauthier stated the current planting details include rhododendron, spruce, and grass.

Agent Brown added that the County's drainage project (the previous item on the agenda) will include a compost filter sock that will also help to prevent run-on and protect the filled area from washing out. Commissioner Gauthier agreed and noted the changes they are making to the drainage line should help prevent some run-on, as well.

Mr. Gauthier noted that native grapes are currently growing to the rear of the property and asked how much disturbance was acceptable to plant the willows. Commissioner Radner stated she would discourage the removal of any native grapes. She suggested moving the trees forward to avoid the native vegetation.

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 she did not identify any major obstacles to this project, but indicated she'd like to see the plantings move a bit to avoid disturbing the native grapes. She also stated she understood finalization of the plantings would need to await the completion of the neighboring County project.

Commissioner Radner asked Agent Brown for her recommendation. Agent Brown stated a Major Stormwater Management Permit had been drafted and shared with Mr. Gauthier. She stated she recommended approving the waiver requests and issuing the permit as drafted with a special condition to minimize destruction of the grape vines to the maximum extent practicable if the commission wished. Commissioner Garlick stated he was in favor of that condition. Commissioner Radner suggested the condition be written generally to state that the applicant must work with the agent to finalize the planting details.

Commissioner Radner motioned to close the public hearing for MSMP 2021-19. Commissioner Garlick seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0, with Commissioner Gauthier recusing himself.

Commissioner Radner motioned to approve the waiver requests to omit the PE-stamped hydrologic calculations, PE-stamped site plan, and PE-stamped proposed conditions plan for MSMP 2021-19. Commissioner Garlick seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0, with Commissioner Gauthier recusing himself.

Commissioner Radner motioned to issue MSMP 2021-19 as drafted by Agent Brown with the addition of a condition to work with the Conservation Agent to finalize details for plantings. Commissioner Garlick seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0, with Commissioner Gauthier recusing himself.

### **3. Requests for Certificates of Compliance**

#### **3.1. 322 Washington Street (Partial) – MSMP 2020-17 – New Bank**

Agent Brown stated the stormwater system on the site had been installed, but some regrading still needed to be completed in association with the street reconfiguration, which would necessitate some adjustment of the stormwater features. Commissioner Radner asked if the request for a partial Certificate of Compliance was to allow occupancy of the building. Agent Brown confirmed.

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

Commissioner Foulds asked if the sloped banks of asphalt in some areas of the lot were to remain or if they would be temporary. Agent Brown stated she did not know, but stated she would gather more details before a final Certificate of Compliance was requested.

Commissioner Holmes stated the parking lot grading did not appear to direct water to the storm drains. He suggested it be reviewed. Commissioner Radner stated she had not seen it herself, but it could be a temporary condition while awaiting the final pave. Commissioner Holmes stated that, based on visual appearance, it looked like at least one drain would not be collecting water based on the current grading. Agent Brown noted that a catch basin at the corner of the property was the overflow from the infiltration system and was not meant to collect water. Commissioner Holmes stated this was likely the issue he noted.

Commissioner Radner asked if Agent Brown thought it was appropriate to issue the partial Certificate of Compliance. Agent Brown confirmed.

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

Commissioner Radner motioned to issue the partial Certificate of Compliance for MSMP 2020-17 with the understanding that any temporary installments be resolved prior to the issuance of the final Certificate of Compliance. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

#### **3.2. 370 Common Street – MSMP 2017-04 – Throwing Field**

#### **3.3. 370 Common Street – DEP 141-0519 – Track**

The two above agenda items were discussed together.

Trey Sasser, representative for the projects, stated the projects were constructed in 2017-2018. Since then, the project team has been assembling documentation. Mr. Sasser stated the applicant filed a new permit in August of 2020 and during review of that application, it was noted the invasive species removal activities associated with DEP 141-0519 were being improperly conducted. In response, Mr. Sasser prepared an initial report, and agreed to provide 4 further monitoring reports on a semiannual basis to document management of the invasive species control area. To date, 2 of the 4 reports have been submitted. The remaining reports are scheduled to be submitted in the Spring and Fall of 2022. Otherwise, all work for both projects has been completed.

Agent Brown noted a number of the plantings associated with MSMP 2017-04 did not survive and she had asked the applicant to replant them. She stated she drove by earlier in the day and couldn't quite tell if the new plantings were surviving. She also noted that the project has an ongoing condition that annual inspection reports of the stormwater system be submitted on January 31 of each year.

Agent Brown stated there was a similar issue with the survival of the plantings associated with DEP 141-0519. She also confirmed that there are 2 outstanding monitoring reports to be submitted in 2022. Agent Brown reminded the commission that clear cutting of vegetation had occurred rather than selective removal of invasive species, but luckily the plantings grew in very well and the area is now predominantly native.

Commissioner Radner asked if Agent Brown recommended issuance of Certificates of Compliance. Agent Brown confirmed.

Mr. Sasser confirmed that several re-plantings had occurred since the initial planting. Commissioner Radner asked if there were certain species not surviving or if the die off was due to location. Mr. Schneider stated the ice melt that was used around the building may have impacted the viburnum species, so they had been replaced with a heartier plant.

Commissioner Radner asked if the area where the salt was being applied was near the resource area. Mr. Sasser stated it was not.

Agent Brown suggested a partial Certificate of Compliance be issued for the track portion of the project as 2 more seasonal reports were due. Mr. Sasser asked if a partial Certificate of Compliance would allow other applications to progress. Agent Brown confirmed. Mr. Sasser, Mr. Schneider, and Ms. Morelli agreed this was acceptable.

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

Commissioner Radner motioned to issue a Certificate of Compliance for MSMP 2017-04. Commissioner Garlick seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

Commissioner Radner motioned to issue a partial Certificate of Compliance for DEP 141-0519. Commissioner Garlick seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

#### **4. Return of Funds**

##### **4.1. 17 McDonald Street – MSMP 2021-17 – Peer Review Funds Remaining: \$1,040.00**

Commissioner Radner motioned to return unused peer review funds totaling \$1,040 for MSMP 2021-17. Commissioner Holmes seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

#### **5. Minutes – 12-2-21**

Commissioner Gauthier stated he had reviewed the minutes and had no edits. Commissioner Garlick stated he had also reviewed them and had no edits.

Commissioner Radner motioned approve the minutes from 12/2/21 as drafted. Commissioner Garlick seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

## **6. Agent's Report**

### **6.1. 13 Powers/38 Icehouse – Appeal of SOOC**

Agent Brown provided an update on this legal proceeding. She stated this project (the construction of a single-family house) had been previously denied because it was almost wholly within the undisturbed buffer area, but the denial under the Town Bylaw was invalidated because it was not postmarked by the deadline. She stated the applicant had appealed the denial under the Wetlands Protection Act to the DEP, who affirmed the denial. The applicant is now appealing that decision to the DEP adjudicatory judge. She stated the involved parties had a meeting earlier in the week where measures for a settlement were discussed. She stated the house is proposed to be placed on the top of the slope, but some areas are very near the edge. She stated the applicant is proposing to use sheeting to prevent destabilization of the slope. In addition, there was an issue with whether or not the two lots involved were recorded before 1996. The applicant is now removing the proposed deck from the plans, which will contain the project to one lot and remove the need for this debate. Agent Brown stated that she will have any revised plans reviewed by Ken Cimeno to ensure the work can be done without destabilizing the slope. She stated she was unsure if any revised plans will eventually be presented to the Commission or if the adjudicatory judge will simply issue a decision.

### **6.2. Dedham Stormwater Brochure**

Agent Brown stated a draft brochure to inform new homeowners about stormwater regulations in the Town had been prepared. She asked that commissioners review the brochure and return comments by the end of next Thursday.

Commissioner Radner noted that the arrows on the brochure are red and green which can cause an issue for individuals with colorblindness. She stated she would continue to review the brochure and submit any other edits she might have.

Commissioner Gauthier agreed and suggested it should be more clearly stated that the brochure pertains only to residential regulations. He also noted a potential issue with the logic of the flow chart that should be made clearer. He stated he would assemble and submit his comments.

### **6.3. MWRA Siphon/Junction Site Visits**

Agent Brown stated she would be visiting the sites where MWRA will be performing maintenance work on their siphon/junction structures on Monday, December 20 at 8:30 AM and invited any interested commissioners to attend. She stated they would be meeting MWRA representatives at McGolf to start.

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

The meeting was adjourned at 8:36 PM.