



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

Dedham Town Hall
450 Washington Street
Dedham, MA 02026

Tel (781) 751-9210
Fax (781) 751-9109

Website
www.dedham-ma.gov

TOWN OF DEDHAM CONSERVATION COMMISSION

Minutes of January 20, 2022

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
Erik DeAvila
Leigh Hafrey
Bob Holmes
Tim Puopolo, Alternate

The following staff were also present:

Patrick Hogan, Assistant Agent

The following Commissioners were absent:

Nick Garlick

The following Applicants and/or Representatives were present:

Mark Hebert, Applicant – 685 Providence Highway
Will Granbery, Representative – 685 Providence Highway
Fred Keylor, Representative – 120 Country Club Road
David White, Representative – 120 Country Club Road
Michael Toohill, Representative – 120 Country Club Road
Kate Levesque, Applicant – 18 Sawyer Drive
Paul Lindholm, Representative – 18 Sawyer Drive
Giorgio Petruzzello, Applicant – 13 Powers Street
Scott Henderson, Representative – 13 Powers Street
Richard Nylan, Representative – 13 Powers Street
Alfons Koka, Representative – 99 Oakdale Avenue

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. 685 Providence Highway – DEP #141-0590 – Utility Trenching

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

Will Granbery of Bohler stated an invasive species management plan and a statement describing how the well will be decommissioned had been submitted to the Conservation Department as requested.

Commissioner Radner noted a statement from the applicant that the well might be reactivated temporarily for a prospective tenant. Mr. Hebert confirmed and stated it will allow a short-term tenant to occupy the space, but the long-term goal is to connect the water service and decommission the well.

Commissioner Radner asked for clarification on the submittal of a dewatering plan prior to construction. Mr. Granbery stated they will perform test borings to investigate groundwater depth and then will work with the contractor to prepare an appropriate dewatering plan. He stated this is included as a condition in the draft Order of Conditions.

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 hearing for this item and issue the Order of Conditions as drafted.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

1.2. 120 Country Club Road – DEP #141-0589/MSMP 2021-17 – Additions to Clubhouse and New Paddle and Golf Buildings

Applicant: Dedham Country & Polo Club Representative: Fred Keylor, HW Moore Assoc. Request: Issue OOC/MSMP

Fred Keylor of HW Moore Associates stated the project has undergone two rounds of comments from a peer reviewer. He stated an additional water quality device had been included in the design to address a concern regarding TSS removal at the paddle courts. He stated all other comments have been addressed, as well.

Commissioner Radner asked for clarification regarding the peer reviewer’s comment about pooling water in a wooded area. Mr. Keylor explained that there is a drainage pipe discharging to this area, which also contains a cart path. The height of the cart path’s culvert causes some pooling. The peer reviewer noted some erosion around the discharge pipe, so the applicant agreed to add additional rip-rap, but Mr. Keylor stated the pipe will not be receiving any additional flow under the current design.

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 this item and issue the Order of Conditions and Major Stormwater Management Permit as drafted.** Commissioner Holmes seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

2. New Applications

2.1. 18 Sawyer Drive – RDA 2021-16 – Abandonment/Upgrade of Existing Septic System

Applicant: Ursuline Academy Representative: Paul Lindholm, PE Request: Issue Negative DoA

Paul Lindholm, representative for the project, stated this project seeks to replace an existing failed septic system with a new, upgraded system consisting of a septic tank, a pump system, and a leach field. He stated the work will all be 50’ or further from the nearby BVW.

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

Commissioner DeAvila asked if any trees would be removed for the new leach field. Mr. Lindholm confirmed that 3-4 trees may need to be removed. Commissioner Radner suggested a condition be included to require the applicant to plant replacement trees (at a rate of 2:1) or shrubs (at a rate of 4:1) for all trees removed. She stated the replacement should be approved by the Conservation Department. Mr. Lindholm stated this was acceptable. Commissioner Gauthier stated that he would prefer to see trees planted rather than shrubs, as shrubs are generally only allowed when there’s no room for trees. He noted that there seems to be plenty of room for trees. Commissioner Radner stated she preferred to give the option of shrubs, since the slope in the immediate area is steep.

Commissioner Radner **motioned to close the public hearing for this item and issue the Negative Determination of Applicability as drafted with addition of a condition requiring the applicant to replace removed trees with either new trees (at a rate of 2:1) or shrubs (at a rate of 4:1) as agreed upon by working with the Conservation Department.** Commissioner DeAvila seconded. Commissioner Gauthier voted “nay.” All other commissioners voted “aye.” The motion carried 5-1.

3. Discussion of Appeal of SOOC 141-13 Powers

Commissioner Radner gave an overview of this topic. She stated the project had originally been issued a Major Stormwater Management Permit, but had been denied an Order of Conditions under the Wetlands Protection Act and the Town Wetlands Bylaw. The Bylaw denial was invalidated because it was not postmarked within the appropriate time limit. The applicant appealed the decision under the Wetlands Protection Act to the DEP, who upheld the denial. The applicant is now submitting changes to the design to address DEP’s concern in hopes of reaching a settlement without further proceeding under the appeal. Commissioner Radner stated the DEP was requesting the Commission review the changes and provide comments as to whether this new design represents an improvement over the previous design.

Scott Henderson, representative for the project, stated the DEP’s denial detailed 3 main issues. First, the DEP stated a full alternatives analysis needed to be submitted instead of the abbreviated version submitted by the project team because the proposed structure spanned two lots. Second, the DEP was concerned about the proximity of the house to the nearby steep slope. Lastly, the DEP was concerned snow would be pushed into the surface basin at the end of Powers Street during plowing.

To address the first item, a proposed deck to the rear of the house has been removed, resulting in the structure being contained on one single lot to qualify the project for a set of provisions that does not require a full alternatives analysis. Secondly, the building footprint has been reduced and the structure has been moved further from the slope on the east side of the site. Lastly, the bioretention area at the end of Powers Street has been changed to a subsurface system.

Commissioner Radner noted that the project has already been issued a Major Stormwater Management Permit, but she believes a modification to the permit could be requested to account for these changes.

Commissioner Hafrey asked if the new design presented a problem with zoning regulations related to the setback requirements for the structure. Mr. Henderson stated the applicant is purchasing the neighboring parcels, so no conflicts with zoning setback requirements exist.

Commissioner Foulds asked for clarification on the core issues resulting in the DEP's denial. Richard Nylén, representative for the project, stated the DEP felt a more extensive alternatives analysis was needed because the project was situated on two lots. He also stated they were concerned that the project was too close to the slope.

Commissioner Gauthier asked if large rocks or other delineations would be placed along the slope to prevent a homeowner from affecting it. Mr. Henderson stated that had not yet been discussed. Commissioner Gauthier also stated that, if this project were being considered at present, he would suggest a condition that prevents the future construction of a deck or any expansion toward the slope. Mr. Nylén commented that the entire parcel is within the 200' Riverfront Area, so any future construction projects will need to be brought before the Commission. Commissioner Gauthier agreed and stated he felt this design was an improvement over the previous design.

Commissioner DeAvila asked if a fence or other monument would be placed along the slope for safety and at the end of the road to prevent plows from pushing snow too far. Mr. Petruzzello confirmed that some form of demarcation, such as a fence or trees, will be installed between the yard and the slope for safety. Mr. Henderson stated no barriers were planned for the end of the road, but noted that the slope begins about 40' from the end of the road, so it is unlikely a plow will push snow over the edge.

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

The Commission **generally agreed that the plan changes proposed are insubstantial and will result in a reduction of impacts to the wetlands resource area** They requested the Conservation Department share the Commission's comments with the DEP.

4. Certificates of Compliance

4.1. 99 Oakdale Avenue – MSMP 2020-21

Commissioner Radner noted that the as-built plan differed from the proposed plan and asked for an explanation of the changes. Alfons Koka, representative for the project stated there were two main changes. First, different products had been used for the subsurface chambers due to supply chain issues. Second, a gas line had been placed in the area of one of the subsurface systems, so that system was split in two. He stated all required setbacks and volume requirements are still observed and the systems have been certified by the project engineer.

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

5. Minutes – 1/6/2022

Commissioner Gauthier **motioned to approve the minutes as drafted**. Commissioner Radner seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

6. Return of \$5,000 to FRIT for 4 Prospect Street

Commissioner Radner **motioned to return \$5,000 in surety funds for the recently completed project at 4 Prospect Street**. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

7. Agent’s Report

Commissioner Radner stated she will begin working on the pollinator garden grant project soon and asked other commissioners to share potential locations for gardens with her.

Commissioner Hafrey motioned to adjourn. Commissioner Radner seconded. All attending commissioners voted “aye.” The motion carried 6-0.

The meeting was adjourned at 8:55 PM.