



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 March 3, 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:

Elissa Brown, Agent  
Patrick Hogan, Assistant Agent

#### The following Commissioners were absent:

Nick Garlick

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

Joe Federico, Applicant – 124 Quabish Road  
Curt Young, Representative – 124 Quabish Road  
Ed Pesce, Representative – 124 Quabish Road  
Joe Onorato, Representative – 124 Country Club Road

Commissioner Radner called the meeting to order at 7:01 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 (Application Previously Opened to be Discussed Tonight)

##### 1.1. 124 Quabish Road – DEP #141-0593; MSMP 2022-01 – New Mixed-Use Development

Applicant: Joseph Federico, Jr., Route 1 Management Land Trust LLC

Representative: Curt Young, Lucas Environmental

Curt Young of Lucas Environmental, representative for the project, stated the DEP had provided comments on the project's stormwater features and the project team is currently working on a response. He stated Horsley-Witten has been selected as the Commission's peer reviewer they are currently planning a site visit. Mr. Young also noted that the rip-rap pads for overflow outlets have been reduced from 10'x10' to 6'x8' to limit the impact to the wetlands. He noted that the previous replication project provided 1,000 ft<sup>2</sup> of excess replication area and asked if it would be considered to offset the wetland impacts of this proposed project, or if another replication area should be planned in the northeast portion of the site.

Commissioner Radner offered a straw poll on the issue, but noted the activities should be formally proposed and discussed rather than the Commission discussing theoretical changes to the plans. She noted that the commission may, but is not required to consider excess mitigation from previous projects in relation to current projects.

Commissioner Gauthier commented that he felt this application is a new project and it should comply with mitigation requirements on its own or, if for some reason compliance is not feasible, waivers should be requested and justified.

Agent Brown referenced the performance standards for wetland impact mitigation. Based on her reading of the regulations, she believes the commission should only consider mitigation associated with the same proposal that is causing the loss.

Commissioner Radner stated her position that either new mitigation for the proposed impacts should be provided or a waiver should be requested and justified.

Mr. Young stated the project team will consider options for mitigation and return to the commission with any necessary updates to the plans.

Mr. Young also asked the Commission to review and discuss the project team's preliminary thoughts on the various potential trails that were reviewed during the site walk.

Ed Pesce of Pesce Engineering, representative for the project, displayed a rough sketch of a potential path connecting the property to Wigwam Pond. He asked the Commission whether this path should be further pursued.

Commissioner Radner stated the area indicated on the map seemed to be level and would provide a benefit to the residents in the development. She clarified that the Commission's role is not to advise on location or inclusion of paths, but instead simply to determine if a project should be issued a permit.

Mr. Pesce stated the site walk allowed him to understand the challenges associated with creating a path to Fairbanks Park, but the pathway to Wigwam Pond seemed more achievable and asked for the Commission's concurrence with that observation.

Mr. Young stated he believed the site walk demonstrated there are more economical and less impactful ways to connect the Legacy area to Fairbanks Park. He stated he does not believe the project site can be reasonably connected to Fairbanks Park through the wetlands.

Commissioner Radner noted the shortest, most direct route between the project site and the park involves crossing the wetlands, but a few other routes involving other neighboring properties had been mentioned during the site visit. She reiterated that the Conservation Commission should only determine if the benefit of the proposed path outweighed the impacts to the wetlands and should not consider other issues that have been raised by the project team. She noted those issues should be presented to the Planning Board.

Mr. Pesce stated that the path to the ball field was mentioned by the Planning Board as a way to reduce traffic from the development to the fields. He stated he would like to be able to tell the Planning Board that the Commission does not feel the benefits of the trail outweigh the impacts, but they do believe a connection to Wigwam Pond is beneficial and reasonable.

Commissioner Radner stated she agreed with Mr. Pesce's comment, but noted the Commission will not encourage or discourage pursuit of either option. She stated that the path to Wigwam Pond is reasonable.

Commissioner Foulds expressed support for the connection to Wigwam Pond.

Commissioner DeAvila noted that the Open Space and Recreation Committee meets next week and will likely have recommendations on what they'd like to see regarding pathways in this area. He reiterated that the Commission's role is to vote on the impacts proposed pathways would have.

Commissioner Gauthier stated he was supportive of the Wigwam Pond connection as long as impacts are as minimal as possible. He stated he was also supportive of the connection to Fairbanks Park if the Planning Board thought it was important from a Town perspective. He commented that he believed there was a way to design a connection to Fairbanks Park that he would vote to approve.

Alternate Puopolo stated he was supportive of the connection to Wigwam Pond, but suggested the project team consider potential future connections to a pathway to Fairbanks Park when designing the trail.

Commissioner Hafrey stated he agreed with Commissioner Gauthier and Alternate Puopolo. He also noted that the Wigwam Pond connection wouldn't create public access as it is only available to residents of the development, but a connection to Fairbanks Park would make the trail truly public.

Commissioner Holmes expressed support for connections to both Wigwam Pond and Fairbanks Park.

Commissioner Radner acknowledged that a path to Fairbanks Park would impact the wetlands, but it would also be an improvement to the access of the area and felt it would benefit the Town at large.

Mr. Pesce stated he would further discuss this with the project team and relay the Commission's comments to the Planning Board.

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

Commissioner Radner **motioned to continue the hearing on this item to the meeting on 3/17.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending Commissioners voted "aye." The motion carried 6-0.

## 2. Request for Extension

### 2.1. 124 Country Club Road – DEP #141-0520 – Aquatic Vegetation Management

Applicant: Dedham Country and Polo Club    Representative: Joe Onorato

Joe Onorato of Water & Wetland, LLC, representative for the applicant, stated that the Dedham Country & Polo Club (DCPC) has several ponds on the golf course. His company was recently approached by DCPC to begin managing the ponds. He stated there was an existing Order of Conditions to manage the aquatic vegetation in the pond. He acknowledged the Order is expired, even when taking COVID tolling into account, but asked if the Commission would be willing to extend it to allow vegetation management to continue. Mr. Onorato noted some conditions in the Order were not satisfied by the applicant and the previous representative, particularly the required annual reports, which were last submitted in 2018.

Commissioner Radner stated she recalled the hearing for the original Order. The Conditions were clear and discussed at length, so she felt the lack of reports is a significant omission in compliance.

Agent Brown noted the ponds in question were recently dredged under a separate Order of Conditions, so the conditions are significantly different from when the original Order was issued.

Commissioner Gauthier stated he does not believe the Order should be extended because of the lack of compliance, the passing of the expiration date, and the change in condition of the ponds. He stated a new application should be submitted and considered.

Commissioner Radner stated she had noticed freshwater mussels around the edges of ponds in Town, and suggested the new application also consider alternative management options for the vegetation in order to protect the mussels.

Commissioner DeAvila stated he would prefer to consider a new application and management plan rather than extending the existing Order.

Commissioner Radner asked if the chemicals included in the Order are still valid, or if better options were available now. Mr. Onorato stated all included chemicals are still relevant, but there is one new one he would include in a new application.

Commissioner Radner suggested that submission of a new application would allow the new representative a chance to create a more comprehensive plan that is up-to-date and considers current monitoring data.

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

Commissioner DeAvila asked if a motion was needed to deny the request. Agent Brown stated there was no need to motion to deny, but mentioned that Mr. Onorato should also submit a request for Certificate of Compliance for the existing Order along with new application. Commissioner Gauthier suggested Mr. Onorato include at least one round of water quality data with his request for a Certificate of Compliance since they should've been submitted all along. Commissioner Radner agreed.

## 3. Minutes – 2/17/22

Commissioner Radner **motioned to approve the minutes of the 2/17 meeting as drafted**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending Commissioners voted “aye.” The motion carried 6-0.

#### 4. Agent's Report

- 4.1. Agent Brown stated a copy of the Keolis Yearly Operating Plan for vegetation management along the MBTA railway was in Dropbox. She asked Commissioners to review and share any comments. Agent Brown stated she has asked if they are planning any mechanical removal, but has not heard back yet. Commissioner Radner asked that discussion of the plan be included on the next agenda.
- 4.2. Agent Brown stated reminder letters for O&M Annual Reports have been sent to applicable permittees. She has also had discussions with Jason Mammone (Town Engineer) and Town Counsel about how to document credit for phosphorus removal from larger projects.
- 4.3. Agent Brown noted the Settlement Agreement and Final Order of Conditions for 38 Icehouse Road/13 Powers Street have been placed in Dropbox. She asked Commissioners to review the documents and submit any comments by 3/7.
- 4.4. Agent Brown noted that a commissioner recently asked about a leasing sign at 750 Providence Highway. She stated the adjudication at this site was still in progress, and the leasing sign appears to be associated with the project that has yet to be approved.
- 4.5. Agent Brown stated the Town is requesting bids to replace over 4,100 ft<sup>2</sup> of existing wood chip mulch at the Riverdale School playground with a poured-in-place surface for ADA accessibility. She has discussed the project with Town staff and is not certain if it exceeds the criteria for a Major Stormwater Management Permit. She noted the project is grant funded, and therefore under time and financial constraints. She asked whether a Major Stormwater Management Permit should be required for this project. Commissioner Hafrey asked for clarification on the existing surface. Agent Brown stated it is currently mostly wood chips with a small amount of rubberized surface. Commissioner Gauthier stated he felt a Major Stormwater Management Permit should be required due to the extent of the work. Agent Brown noted that the Facilities Department provided a cut sheet that indicated the poured-in-place surface is permeable, but the substrate underneath the surface is relatively impermeable. Commissioner Radner asked if Agent Brown could work with the Facilities Department to better understand their design and ensure a complete application for a Major Stormwater Management Permit is submitted. Agent Brown confirmed. Commissioner DeAvila recommended the Facilities Department consider a different substrate that would allow infiltration. Commissioner Gauthier noted that while the extent of the work should require a Major Stormwater Management Permit, the Commission may waive certain requirements, such as the stormwater runoff calculations, if the work is not going to change current drainage patterns.
- 4.6. Agent Brown reminded the Commission that the MACC Annual Conference is coming up. She asked that any commissioners who are interested in classes see her for registration.
- 4.7. Agent Brown noted she will be on vacation 3/11-3/17.
- 4.8. Agent Brown stated that applications for vacant commission positions are being accepted through 3/14. She asked Commissioners with expiring terms to reapply if interested.

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

The meeting was adjourned at 8:48 PM.