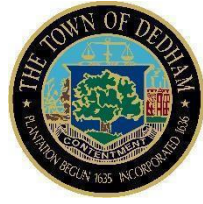


Stephanie Radner, Chair
Nathan Gauthier, Vice Chair
Nick Garlick, Associate
Leigh Hafrey, Associate
Bob Holmes, Associate
Erik DeAvila, Associate
Tim Puopolo, Associate
Elissa Brown, Agent
Patrick Hogan, Asst. Agent



Dedham Town Hall
450 Washington Street
Dedham, MA 02026

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

TOWN OF DEDHAM CONSERVATION COMMISSION

Website
www.dedham-ma.gov

Minutes of May 19, 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
Leigh Hafrey
Bob Holmes
Tim Puopolo

The following staff were also present:

Elissa Brown, Agent
Patrick Hogan, Assistant Agent

The following Commissioners were absent:

Erik DeAvila

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
Bill Lucas, Representative – 725 Providence Highway
Art Allen, Representative – 400 West Street
Paul Lindholm, Representative – 400 West Street and 43 Pratt Avenue
John Haven, Representative – 400 West Street
Mollie Moran, Representative – 400 West Street
Diane McLeish, Applicant – 43 Pratt Avenue
Philip Holden, Applicant – 90 Sandy Valley Road
William Schreefer, Representative – 90 Sandy Valley Road
Meredith Chamberlin, Representative – 90 Sandy Valley Road
Kevin Connors, Representative – 90 Sandy Valley Road
David Baker, Applicant – 456 Providence Highway & 62 Eastern Avenue
Michael Regan, Applicant – 456 Providence Highway & 62 Eastern Avenue
Patrick Seekamp, Representative – 456 Providence Highway & 62 Eastern Avenue

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 (Applications 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 stated the project team had a few questions about items from the Horsley-Witten Peer Review. First, the peer reviewer stated considering the site's previous wetlands replication as replacement for the 100 ft² of this project's wetlands impacts was at the Commission's discretion. He asked if the Commission was willing to consider the previous replication, or if a new replication area was needed. He also noted the rip-rap areas had been increased, so the overall impact was now 160 ft². Ed Pesce, engineer for the project, added that one of the overflow discharges has been moved out of the existing restricted wetland, removing that concern regardless of the project team's effort to adjust the restricted wetland boundary with DEP.

Commissioner Radner stated she was reluctant to provide an opinion on this singular aspect of the project without having the other aspects clearly proposed.

Mr. Young also asked for an indication of whether the Commission was willing to allow the proposed work in the Undisturbed Buffer Area (UBA). Commissioner Radner asked if the currently filed plans have changed or will change prior to the next filing, noting that anything that changes could change the Commission's opinion on any of these aspects. She also asked about plans for a connecting trail.

Mr. Young stated the applicant is willing to install an asphalt trail connecting the northeast corner of the property to Wigwam Pond should an easement through the neighboring properties ever be made available.

Agent Brown expressed concern about the proposed dog park immediately adjacent to the wetlands, noting pet waste would likely negatively impact the resource area. Commissioner Puopolo stated that the dog park could be an attractive draw to keep pets out of the wetlands, but also expressed concern over the management of pet wastes, particularly liquid wastes. Commissioner Radner agreed and noted that the dog park has an artificial surface which will not aid in nutrient uptake.

Commissioner Hafrey asked if path between the property and Wigwam Pond would be open to the public. Mr. Pesce stated the applicant is concerned with the liability of making the trail public and would prefer to keep it private. He noted a public path to Wigwam Pond already exists from the parking lot to the north of the site.

Commissioner Radner asked the other commissioners if they would like to voice an opinion on the project team's questions about the replication area and UBA disturbance. She stated she felt the applicant could submit a request to waive the replication requirements on the basis that the overall project is an improvement and that further replication could be more destructive.

Commissioner Gauthier stated he felt a waiver request would be needed if the project team did not want to provide a replication area, but that such a request should cite limitations preventing further replication rather than citing replication work from a previous project. He stated this is a standalone application and should be judged as such. He also added that the applicant should submit estimates on potential nutrient loading from the dog park.

Commissioner Hafrey commented that the dog park could instead be a pocket park. He also noted other spaces on the parcel, further from the wetland, that could be considered for a dog park.

Commissioner Radner stated she felt the trail should not be constructed if there's not a benefit to the community at large.

Commissioner Puopolo stated he felt the walkway might encourage more negative impacts to the wetland from residents' dogs, but also noted planning for future potential connections to other trails could be beneficial.

Commissioner Gauthier stated he was supportive of providing access from the property to Wigwam Pond, as the trail seemed to be low impact and would still benefit the Dedham residents in the complex.

Commissioner Hafrey agreed with Commissioner Puopolo's and Commissioner Gauthier's comments.

Commissioner Holmes stated he felt the trail should be removed if it wouldn't be open to the public.

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

Commissioner Radner **motioned to continue the hearing on this item to the meeting on 6/16.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

1.2. 725 Providence Highway – DEP #141-0595/MSMP 2022-03 – New Restaurant and Amenity Improvements

Applicant: Mark Hebert, Federal Realty Investment Trust

Representative: Zachary Richards, Bohler

Bill Lucas, representative for the project, stated a peer review letter has been received from Green Seal Environmental. The project team is working on responses and would like to request the Commission's guidance on a few items.

Mr. Lucas stated the team is planning to re-route existing piping conveying stormwater from off-site so it does not contribute to the stormwater system being installed as part of this project. They are also now proposing an isolator row in the subsurface infiltration systems and updating the design of basins at the edge of the site.

Mr. Lucas noted that the peer review stated this project would be considered a Land Use with Higher Potential Pollutant Loads (LUHPPL) site by the Dedham Drainage & Stormwater Design Standards, but state standards do not consider it a LUHPPL site. As infiltration of stormwater is prohibited on LUHPPL sites, Mr. Lucas asked which regulation's classification should be used.

Agent Brown gave an overview of LUHPPL standards and also commented that this site was previously an automotive sales and service location. She suggested the Commission consider requesting a pretreatment device, such as an oil and grit separator, be installed prior to the infiltration units to address both potential historic contamination and any contaminants from the new site use.

Commissioner Radner agreed and suggested the inclusion of a pretreatment device could be a good middle-ground solution.

Commissioner Holmes agreed and noted that the increased maintenance requirements for the pretreatment device would need to be included in the site's Operation and Maintenance Plan.

Commissioner Gauthier noted that since the land use is identified as a LUHPPL in the Town regulations, the applicant would need to demonstrate their design addresses the possible contaminants from the site.

Mr. Lucas asked if including infiltration in this design would require a waiver request from the Stormwater Design Standards. Agent Brown suggested it would not require a waiver request. Commissioner Radner agreed.

Mr. Lucas noted that the peer reviewer mentioned the need for percolation tests. He stated test pits had been completed, but asked if complete percolation tests were needed. Agent Brown suggested the test pits were sufficient.

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

Agent Brown noted the wetlands peer review letter confirmed the delineation, but she requested it be updated to provide an opinion on the design's compliance with the Wetlands Protection Act and the local bylaw.

Commissioner Radner **motioned to continue the hearing on this item to the meeting on 6/2.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

1.3. 400 West Street – DEP #141-0597/MSMP 2022-07 – Demolition and Re-Construction of Single-Family Dwelling

Applicant: Peter Reynolds

Representative: Art Allen, EcoTec Inc.

Art Allen stated the peer review had been completed and the project team responded to all comments. He stated an alternatives analysis has been submitted to comply with the wetland bylaw and revisions had been made to the site plans.

Commissioner Radner stated she had reviewed the comments and responses and believes all identified issues have been addressed.

Agent Brown stated permits have been drafted for this project.

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

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

Commissioner Radner **motioned to close the public hearing for this item.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

Commissioner Radner **motioned to approve the request to waive the requirement that the design remove 90% total suspended solids.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

Commissioner Radner **motioned to issue Major Stormwater Management Permit 2022-07 and an Order of Conditions for DEP #141-0597 as drafted.** Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

1.4. 43 Pratt Avenue – MSMP 2022-08 – New Single-Family Dwelling

Applicant: Diane McLeish

Representative: Paul Lindholm, PE

Paul Lindholm stated the plans had been revised to include an impervious barrier between the rain garden and the retaining wall. He also stated additional resource links had been added to the rain garden detail.

Agent Brown stated a permit had been drafted for this item.

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

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

Commissioner Radner **motioned to close the public hearing for this item.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

Commissioner Radner **motioned to issue Major Stormwater Management Permit 2022-08 as drafted.** Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

2. New Applications

2.1. 90 Sandy Valley Road – DEP #141-TBD/2022-09 – Classroom Addition

Applicant: Dedham Country Day School

Representative: William Schreefer, Nitsch Engineering

Will Schreefer gave an overview of the site’s existing conditions, which includes wetland resource areas to the north and the south of the site. He stated the Dedham Country Day School had received a permit in 2011 for the school’s long-term development plan, which included several projects. He stated subsurface infiltration systems, some parking lot improvements, and one addition were constructed, but the rest of the permitted work never began and is no longer part of the school’s future plans. The school has now created a new development plan, the first phase of which is a science classroom addition described in this Notice of Intent. He noted that since the installed stormwater features were sized for additional buildings that were not constructed, they have additional storage capacity that may be utilized for additions in the school’s new development plan.

Meredith Chamberlin, representative for the applicant, stated that the proposed addition is intended as a permanent classroom for the lower school science teachers.

Mr. Schreefer stated that the plans for the addition include a French drain/infiltration system of perforated pipe in stone. The system is able to contain more than 2” of the runoff from the new impervious surfaces. The pipe will be graded to encourage infiltration before the excess flow discharges to the existing drainage infrastructure. Installation of the drainage feature, a water line connection, and some grading will cause buffer zone disturbance, but all are within the limits of existing development.

Commissioner Radner asked if anything was connected to the subsurface infiltration systems that were installed as part of the previous permit. He stated one system is being fully utilized, but the other was sized for 5,800 ft² of impervious and is currently only receiving runoff from 500 ft² of impervious area.

Commissioner Radner asked if the applicant was requesting any waivers. Mr. Schreefer denied.

Commissioner Gauthier noted the scale of the overall development plan and asked if a peer review was needed. Agent Brown clarified that while the project team was sharing the overall development plan, the project covered by this application is a small addition with a simple design and she did not recommend a peer review.

Commissioner Gauthier asked if the Town's stormwater standards had changed since the initial project was permitted in 2011. Agent Brown confirmed, but stated the major changes concerned replacement trees and standards for new development, neither of which applied to this project.

Commissioner Holmes asked if the existing surface where the addition will be placed is currently impervious. Mr. Schreefer replied that it will result in an increase in impervious surface.

Commissioner Radner asked if a tree will be removed to allow the addition. Kevin Connors, representative for the applicant, denied.

Agent Brown noted that the project had not been issued a DEP File Number yet and the project would require Minor Site Plan Review by the Planning Board. Mr. Connors confirmed the project had been filed with the Planning Board earlier in the day.

Commissioner Radner requested an existing conditions plan be provided to better illustrate the project. Mr. Schreefer agreed to provide it.

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 6/2.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

During the discussion for the following item (3.1), Commissioner Radner asked if a dewatering plan would be needed for this project. Mr. Schreefer stated older test pits showed deep groundwater and he didn't expect groundwater issues. Commissioner Gauthier noted that the project would require a waiver for completion of new test pits. Agent Brown stated she would review the location of the previous test pits and see if they are in the area of the proposed infiltration system.

3. Request for Certificate of Compliance

3.1. 90 Sandy Valley Road – DEP #141-0438

Will Schreefer stated he had submitted a stamped as-built for the completed parts of the project as well as a stamped affidavit that the completed work matched the original design. Maintenance records for the installed stormwater BMP's have also been submitted.

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 issue a Certificate of Compliance for DEP #141-0438**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

3.2. 456 Providence Highway & 62 Eastern Avenue – DEP #141-0544/MSMP 2018-19

David Baker stated the project has been completed, including the required 2 years of invasive species management.

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

Agent Brown stated the applicant had submitted an as-built and engineer’s certification for the project. She noted that there is evidence of oriental bittersweet reemerging and suggested the applicant continue to monitor and remove it.

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

Commissioner Radner **motioned to issue a Certificate of Compliance for DEP #141-0544 and Major Stormwater Management Permit 2018-19**. Commissioner Holmes seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

3.3. 7 Schoolmaster Lane – DEP #141-0578

Agent Brown stated the plantings were installed last summer and the site was restored to the original condition, but the Order of Conditions required 75% of the plantings survive 2 growing seasons. It also requires an engineer-stamped as-built, which has not been provided. She recommended the Commission deny the Certificate of Compliance.

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

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

Commissioner Radner **motioned to deny a Certificate of Compliance for DEP #141-0578**. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

3.4. 62 Hastings Road – DEP #141-0185

Todd Paschen, current resident of the property, stated this Order of Conditions was issued to build the existing house. Agent Brown confirmed and verified that an as-built had been submitted.

Commissioner Radner **motioned to issue a Certificate of Compliance for DEP #141-0185**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

3.5. 62 Hastings Road – DEP #141-0468

Todd Paschen, current resident of the property, stated this Order of Conditions was issued for the abandonment and replacement of an existing well. Agent Brown confirmed and verified that a well abandonment report and water quality testing have been submitted.

Commissioner Radner **motioned to issue a Certificate of Compliance for DEP #141-0468**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

4. Emergency Certification – 414 Westfield Street

Agent Brown stated that a telephone pole at 414 Westfield Street fell and wires were on the ground. The electric company could not replace the pole because of excess water in the hole. They determined the cause of the water to be a nearby storm drain discharge. The Department of Public Works (DPW) was informed of the need to correct the issue, but they were unable to immediately respond. They authorized the property owner’s contractor to complete the necessary emergency work of rerouting the storm drain to allow for the pole and its wires to be repaired. The work caused disturbance that needs to be immediately restored. The draft emergency certification authorizes DPW and/or their designee to remove or abandon the storm drain line, install compost tubes to prevent erosion, and complete hydroseeding. A full restoration planting plan will be proposed at a later date.

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

Commissioner Radner **motioned to ratify the emergency certification as drafted by Agent Brown**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

5. Minutes – 5/5/22

Commissioner Radner **motioned to approve the minutes as drafted**. Commissioner Holmes seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

6. Agent’s Report

- Agent Brown noted that staff will try to more closely track Commissioners’ attendance at hearings of continued items and regularly follow up with recordings of meetings to ensure all votes conform to the Mullins Rule.
- Agent Brown stated she has been working with the Open Space and Recreation Committee to organize an Open Space Summit amongst several different stakeholders who manage open space within the Town. It is tentatively scheduled for June 2nd at 7:30AM as a hybrid meeting, but may be delayed to allow for more outreach and planning.
- Commissioner Gauthier noted work he witnessed at the Citizen’s Bank on Bryant Street might have needed a Stormwater Management Permit. Agent Brown agreed to look into it further.

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

The meeting was adjourned at 9:30 PM.