

Stephanie Radner, Chair
Nathan Gauthier, Vice Chair
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 June 16, 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
Leigh Hafrey
Bob Holmes
Erik DeAvila
Tim Puopolo

The following staff were also present:

Elissa Brown, Agent
Patrick Hogan, Assistant Agent

The following Commissioners were absent:

Nathan Gauthier, Vice Chair

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
Mark Hebert, Applicant – 725 Providence Highway
Bill Lucas, Representative – 725 Providence Highway
Will Schreefer, Representative – 90 Sandy Valley Road
Meredith Chamberlin, Representative – 90 Sandy Valley Road
Michael Toohill, Representative – 124 Country Club Road
Peter DeFusco, Applicant – 11 Cecil Place
Kate Wilkins, Representative – 11 Cecil Place
Tim Grace, Representative – 11 Cecil Place
Denise Moroney, Applicant – 143 Needham Street
Joe McMahon, Applicant – 143 Needham Street
Meg Buczynski, Representative – 143 Needham Street
Edward Musto, Applicant – 20 & 35 Shuttleworth Place

Commissioner Radner called the meeting to order at 7:02 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 most recent letter from the peer reviewer indicated their stormwater and wetland comments have been resolved. He reported that the project team will have a hearing with the DEP in July regarding the Restricted Wetland Boundary. Mr. Young added that two waiver requests have been submitted. The first asks that the Commission consider excess replication from the previous project as mitigation. The second asks the Commission to allow the proposed impact to the undisturbed buffer zone without mitigation. The project team has researched potential issues posed by the proximity of the dog park to the wetland and have designed BMP treatment facilities to collect, treat, and infiltrate discharges from the dog park to reduce the nutrient load.

Ed Pesce, representative for the project, detailed research from an EPA report titled “Nitrogen-reducing Green Infrastructure in Environmental Justice Communities.” He detailed the design of a bioretention system, which contains a number of BMPs in series to help treat the nutrient load from the dog park. The overflow from the system will be directed to the nearby bioswale. The dog park has also been shifted further from wetland. The project team estimates 80%-90% nitrogen removal from the system based on the removal efficiencies in the cited report.

Commissioner Radner asked if maintenance will be required for the bioretention system. Mr. Young stated they expect minimal maintenance. He stated flushing ports will be included on the upstream end of piping to allow for cleaning if needed.

Commissioner Radner asked for clarification on the size of the dog park. Mr. Pesce stated it's approximately 500 ft².

Commissioner DeAvila asked if the artificial turf would be rinsed as part of maintenance. Mr. Young stated it would not, but the maintenance company will ensure solid waste is removed regularly.

All commissioners generally expressed support for the design of the bioretention system.

Agent Brown stated she would like the management association's responsibility for removing solid waste incorporated into the Operation and Maintenance Plan. Mr. Pesce agreed to add it.

Agent Brown also mentioned noise can be disruptive to wetland areas. Commissioner DeAvila asked if trees could be added between the dog park and wetland to limit noise. Mr. Young stated the project team will consider it, but noted that the area is currently densely wooded. Commissioner DeAvila added that any lights at the dog park should be pointed away from the wetland and/or motion-detecting.

Agent Brown stated she would like a calculation of the difference in phosphorus load from the current use to proposed use. Mr. Pesce asked if it could be provided prior to construction. Agent Brown agreed.

Commissioner Radner noted the waiver request asking that previous mitigation be counted toward this project. She stated the request should cite reasons why mitigation can't or shouldn't be completed and should not rely on previous work. The other commissioners generally agreed. Mr. Young stated he would re-word the request.

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

Commissioner Radner asked for an update on the project's status with the Planning Board. Mr. Pesce stated discussions with the Planning Board were ongoing, but that he'd like to be able to represent to the Board that the peer reviewer and the Conservation Commission generally accept the current stormwater design on the site.

Commissioner Radner stated a straw poll could be taken once final documents have been submitted, but noted that the Commission generally had a positive opinion of the project as currently designed.

Commissioner Radner **motioned to continue this item to the hearing on 7/7**. Commissioner DeAvila 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 all comments from peer reviewer have been addressed. He also noted the Planning Board has approved the project without modifications to the design.

The Commissioners had no comments or questions.

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

Commissioner Radner noted a draft permit had been prepared. She asked if the applicant had any comments or concerns. Mr. Lucas declined.

Commissioner Radner **motioned to close the public hearing for this item and approve issuance of MSMP 2022-03 and the Order of Conditions for DEP #141-0595 as drafted**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0 with Commissioner Hafrey abstaining due to absence from a previous hearing.

1.3. 90 Sandy Valley Road – DEP #141-0599/MSMP 2022-09 – Classroom Addition

Applicant: Dedham Country Day School

Representative: Will Schreefer, Nitsch Engineering

Will Schreefer stated the design has not changed, but a DEP File Number has been assigned. The project team has reviewed draft permits from Agent Brown and have no comments or concerns. A Minor Site Plan Review hearing with Planning Board is upcoming.

Commissioner Radner asked if the project team anticipates any changes in the design as a result of the Minor Site Plan Review. Mr. Schreefer declined.

Commissioner Radner asked Agent Brown for her recommendation. Agent Brown suggested the hearing remain open until the Minor Site Plan Review proceedings are complete to avoid any issues with changes to the proposed plan.

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

Commissioner Radner **motioned to continue this item to the hearing on 7/7**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

1.4. 124 Country Club Road – DEP #141-TBD – Pond Herbicide Application

Applicant: Carlton Henry, Dedham Country & Polo Club Representative: Michael Toohill, Coneco

Michael Toohill stated a memo addressing questions from the previous hearing has been submitted. He stated the ponds are mostly assessed visually for treatment, but also using a secchi disk and a throw rake. He added that water quality testing is completed during the visits and field reports from these visits can be shared. He noted there was an issue with the filing fee which has been corrected, but a File Number has not yet been assigned. Mr. Toohill stated he has found LC₅₀ concentrations for the proposed chemicals, but the test organisms are not closely related to mussels. He has requested further information from the manufacturer, but noted that the proposed treatment concentrations are well below the published LC₅₀. He added that a non-copper-containing chemical (trade name Clipper) could be proposed for use in the non-irrigation pond.

Commissioner Radner stated she prefers the field notes to be compiled into the annual reports.

Commissioner DeAvila asked how the products are applied. Mr. Toohill stated most products are diluted and sprayed over the surface of the pond.

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

Commissioner Radner asked for Agent Brown's recommendation. Agent Brown stated a draft permit could be prepared for the next meeting in hopes that a DEP File Number is assigned.

Commissioner Radner reiterated the importance of annual reports for this work, which were not regularly submitted by the previous pond management company. Mr. Toohill understood.

Commissioner Radner **motioned to continue this item to the hearing on 7/7**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

2. New Applications

2.1. 11 Cecil Place – MSMP 2022-10/RDA 2022-06 – Site and Equipment Improvements

Applicant: Eversource Energy Service Representative: Katy Wilkins, Tighe & Bond Company

Kate Wilkins stated the project proposes to refurbish and replace aging equipment within the electrical substation. The fence line of the substation will also be expanded around a grassed area adjacent to the station. Ms. Wilkins stated a perennial stream and bordering vegetated wetlands are present to the west. She also stated that the western edge of the substation borders Bordering Land Subject to Flooding and Riverfront Area. Ms. Wilkins stated a few existing concrete pads will be removed and new equipment will be installed on new slabs. She added that revised plans had been recently submitted that included additional plantings and defined snow storage areas.

Commissioner Radner asked if any trees will be removed. Ms. Wilkins confirmed that one dead tree will be removed, but replaced by several more.

Tim Grace, representative for the project, introduced the site's proposed stormwater considerations. He stated this project will result in a reduction in impervious cover for the site and provide infiltration systems where there currently are none. He stated water quality treatment units will provide removal of total suspended solids and connect to precast subsurface infiltration units. He noted shutoff valves are included in between the inlets and the infiltration units to prevent issues from spills and stated that the system is sized for the 100-year storm event.

Commissioner Radner asked if the infiltration systems are spaced far enough from structures on the site. Mr. Grace confirmed.

Agent Brown asked for clarification on the test pit data. Mr. Grace stated the test pits revealed a sandy base layer with good infiltration. Agent Brown asked if the infiltration rate was high enough to trigger additional pretreatment requirements. Mr. Grace denied.

Agent Brown asked for clarification on the proprietary water quality units. Mr. Grace stated they have recently been shown to remove close to 90% TSS. Agent Brown noted that the Commission generally only allows 25% removal for proprietary units as the higher removal rates are typically associated with laboratory conditions and they're often not as efficient in the field. Agent Brown asked if the water quality units were on-line or off-line. Mr. Grace stated he believed they were considered off-line units because of their bypass capabilities, but he would research and confirm.

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

Commissioner Radner asked for Agent Brown's recommendation. Agent Brown recommended a peer review for the stormwater portion of the project and suggested a request for \$3,000. The applicant stated they were amenable to the request.

Commissioner Radner **motioned to request peer review funds in the amount of \$3,000 from the applicant.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

Commissioner Radner **motioned to continue this item to the hearing on 7/7.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

2.2. 143 Needham Street – MSMP 2022-11 – Playground Renovation

Applicant: Joe McMahon, UltiPlay Parks & Playgrounds

Representative: Megan Buczynski, Activitas, Inc.

Megan Buczynski stated project proposed to renovate an existing playground at Riverdale Elementary School. She stated poured-in-place rubberized surfacing will be installed to replace wood mulch. She added that erosion controls will be installed around the site, crushed stone will be placed below the rubberized surfacing, and no trees will be removed.

Joe McMahon added that the rubber surfacing will provide accessibility to the playground.

Commissioner DeAvila asked if the rubber surface was permeable. Ms. Buczynski confirmed that the surfacing itself has an infiltration rate higher than the gravel and natural materials that will be below it.

Ms. Buczynski noted that the applicant has requested the requirements for a full stormwater management plan and stormwater report be waived as no new impervious surfaces are being added and the use of the site will remain the same.

Commissioner Radner asked if work on a part of the playground has already been completed. Denise Moroney, the Town's representative for the project, stated this proposal represents the second phase of the playground replacement. The first phase included similar work and has been completed, but the project team was unaware of the need for a Minor or Major Stormwater Management Permit during the first phase of the project. Agent Brown noted the area impacted during Phase I was difficult to measure,

but may have qualified for a Minor Stormwater Management Permit, which would have been administratively issued.

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

Commissioner Radner asked for Agent Brown's recommendation. Agent Brown stated a permit had been drafted and the applicant responded with a minor comment that can be corrected prior to issuance.

Commissioner Radner **motioned to close the public hearing for this item and issue MSMP 2022-11 as drafted with the noted minor correction.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

3. Request for Certificate of Compliance

3.1. 286 Mt. Vernon Street – MSMP 2020-04

Agent Brown stated the proposed single-family house has been completed and the site is stabilized. The applicant is requesting a Certificate of Compliance and the return of the surety fee.

Commissioner Radner **motioned to issue the Certificate of Compliance for MSMP 2020-04.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

3.2. 735 Washington Street – DEP #141-0268

Assistant Agent Hogan stated that a Partial Certificate of Compliance was issued for this Order of Conditions in 2003, but the wording in the Certificate suggested that it was intended to be a Complete Certificate of Compliance. The applicant is requesting the Commission issue a new Complete Certificate of Compliance to correct the mistake.

Commissioner Radner **motioned to issue the Certificate of Compliance for DEP #141-0268.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

3.3. 7 Bussey Street – MSMP 2019-19

Agent Brown stated several deficiencies were noted during the site visit. She stated the issues have been discussed with the applicant and they have plans to correct all items. The applicant understands this request will likely be denied and hope to re-submit the request for the next hearing.

Commissioner Radner **motioned to deny the Certificate of Compliance for MSMP 2019-19.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

4. Discussion Request

4.1. 20 & 35 Shuttleworth Place – MSMP 2019-03 & 2019-04/DEP #141-0548 & 141-0549

Agent Brown stated plans for two houses and a driveway were previously approved. Edward Musto has since purchased the property and would like to discuss potential revisions to the plan.

Edward Musto stated he is proposing to reduce the footprint of the approved buildings. He asked if this could be approved as a minor modification without revision to the stormwater calculations as the footprints will be smaller and moved further from the resource area.

Commissioner Radner stated she felt the proposed modification was less impactful, but added that she'd like to see revised site plans. She asked if the planting plan would be changed. Mr. Musto denied.

Agent Brown noted that the stormwater system will be installed as approved and therefore will be larger than required, as it was originally designed for larger house footprints. She suggested the Commission request a revised site plan, but no revised stormwater calculations.

Commissioner Radner requested a revised site plan be submitted showing the changes, including any slight changes to the driveway needed to access the new placement of the garages. The other commissioners generally agreed. Mr. Musto agreed. Agent Brown stated that after submission she could issue a letter approving the modification and stating that stormwater calculations were not necessary.

5. Minutes – 6/2/2022

The Commissioners had not been able to review the minutes. Commissioner Radner suggested the 6/2 minutes be considered at the 7/7 meeting.

6. Chair, Vice Chair, and Clerk Election

Commissioner DeAvila nominated Commissioner Radner for Chair. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” Commissioner Radner was re-elected Chair.

Commissioner Radner nominated Commissioner Gauthier for Vice Chair. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” Commissioner Gauthier was re-elected Vice Chair.

Commissioner Holmes nominated Commissioner Puopolo for Clerk. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” Commissioner Puopolo was elected Clerk.

7. Agent’s Report

Agent Brown provided the following updates:

- A Minor Stormwater Management Permit for has been issued 10 Grandview Street. The stormwater system consists of two 350-gallon rain barrels connected to drip lines for irrigation.
- The MassDEP issued a Level II Significant Drought Notice for this area.
- A project at Citizen’s Bank (5 Bryant Street) resulted in more than 500 ft² of disturbance in total. Agent Brown spoke with the project team and they will be preparing a Minor Stormwater Management Permit application.
- At 414 Westfield Street, planning for restoration activities is ongoing. Agent Brown has approved the planting of grass in the area where a house will soon be proposed.
- Several inconsistencies between the site conditions and the approved plans at 177 Meadowbrook Road have been noted, including unapproved clearing in the Undisturbed Buffer Area. Enforcement action may be forthcoming.
- Good feedback has been received using the Habits of Highly Effective Commissions form. Agent Brown will consider how to make the suggested improvements.
- Remaining vacancies for the Conservation Commission have not generated much interest. Agent Brown suggested commissioners share the posting with friends who may be a good fit.
- Agent Brown has offered to present a Conservation update to the Select Board.
- Commissioner Radner stated she may include a pollinator garden at the Trenton Road Playground, which would create a slight change from their approved planting plan. Additionally, gardens may be placed at Mill Pond Park and the Mother Brook Arts Center, which are both within the Riverfront Area.

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

The meeting was adjourned at 10:01 PM.