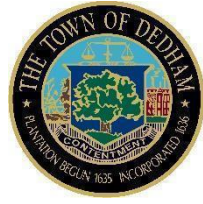


Stephanie Radner, Chair
Nathan Gauthier, Vice Chair
Leigh Hafrey, Associate
Bob Holmes, Associate
Erik DeAvila, Associate
Tim Puopolo, Associate
Elissa Brown, Agent
Patrick Hogan, Asst. Agent



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 2, 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
Bob Holmes
Erik DeAvila
Tim Puopolo

The following staff were also present:

Elissa Brown, Agent
Patrick Hogan, Assistant Agent

The following Commissioners were absent:

Leigh Hafrey

The following Applicants and/or Representatives were present:

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
Daniel Pierce, Applicant – 354 Westfield Street
Polly Pierce, Applicant – 354 Westfield Street
John Glossa, Representative – 354 Westfield Street
David Kelly, Representative – 75 McNeil Way
Mike Toohill, Representative – 124 Country Club Road
Scott Henderson, Representative – 13 Powers Street & 38 Icehouse Lane
Armando Petruzzello, Applicant – 105 Schoolmaster Lane
Guillermo Beltran, Representative – 105 Schoolmaster Lane

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. 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 the project team has moved forward with the infiltration design while incorporating the additional water quality devices outlined in the peer reviewer's letter. He stated he had received a letter from the peer reviewer on June 1 stating that the project had addressed their comments. He added that some minor items have been noted by the Agent, but requested the Commission hold a vote on the project tonight with conditions to complete those remaining items.

Agent Brown noted that the most recent set of comments, received a few hours ago, stated that the water quality device on the plans is not available and a different model of water quality device would have to be chosen.

Commissioner Radner noted that the project is still being considered by the Planning Board, and the Commission traditionally does not close a hearing until the Planning Board is also satisfied with the design. Therefore, she stated that the Commission would not hold a vote on issuing the permit tonight as the applicant requested.

Commissioner DeAvila asked if there are oil/water separators in the existing or proposed plans. Mr. Lucas stated he isn't aware of existing oil/water separators on site, but the installed water quality devices will provide the same function as an oil/water separator.

Agent Brown noted that a few minor comments from the peer reviewer still needed response, but that the major items had already been addressed.

Commissioner Radner led a straw poll vote of the Commissioners' position on the project. All Commissioners expressed support of approval as currently designed once the final comments have been addressed.

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 DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

1.2. 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 stamped survey and historic test pit results had been submitted. He noted a request had been submitted to waive the requirement that test pits are completed prior to permit issuance and the requirement that the design provide storage for 2" of runoff from the entire site. He also noted a revised set of plans had been submitted correcting a few minor items identified by Agent Brown. Mr. Schreefer also stated that a DEP File Number had not been issued for the project, but it was due to an issue with the fee. The issue has been corrected and a File Number should be issued soon (NB- DEP ## 141-0599 has subsequently been issued).

Agent Brown stated she was satisfied with the design and submitted materials. She also noted that this project will need to go through the Minor Site Plan Review process with the Planning Board.

Commissioner Radner asked if any Commissioners were opposed to the project as currently designed. She received no responses.

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 Puopolo seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

2. New Applications

2.1. 354 Westfield Street – DEP #141-0598 – Replacement of Cesspool with Septic System and Pump

Applicant: Daniel Pierce

Representative: John Glossa, Glossa Engineering Inc.

John Glossa gave an overview of the site and project. He stated multiple test pits had been completed on the site, but other locations were not suitable due to ledge. He stated the leach field is proposed to be 60' from Weld Pond, which does not have a Bordering Vegetated Wetland at this location. The existing cesspool will be abandoned and a pump chamber and septic tank will be installed. He added that the leach field will be an alternative Presby System and the plan has been approved by the Board of Health.

Commissioner DeAvila asked if the system includes a plastic liner. Mr. Glossa denied and stated it was not needed in this situation.

Commissioner Puopolo asked if construction vehicles will be stored overnight at the site. Mr. Glossa confirmed and stated he was amenable to a condition requiring equipment to be stored outside the buffer zone.

Polly Pierce, applicant, commented that she was concerned the equipment would damage the lawn between the construction entrance and the work area. Mr. Glossa stated measures can be taken to limit damage, but impacts to the lawn will still be likely.

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

Agent Brown stated an Order of Conditions has been drafted for this item.

Commissioner Radner **motioned to close the hearing for this item and issue an Order of Conditions for DEP #141-0598 as drafted with the added conditions that equipment be stored outside the buffer zone and that measures to limit damage to the lawn by the equipment be utilized to the applicant's satisfaction.** Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

2.2. 75 McNeil Way – RDA 2022-05 – Building Demolition

Applicant: The Grossman Companies

Representative: David Kelly, Kelly Engineering Group

David Kelly, representative for the project, stated the owners recently purchased the property and are currently in the process of cleaning it up and considering redevelopment. The owners are proposing demolition of an antiquated building followed by stabilization of the disturbed area with gravel. He noted any future redevelopment plans will be proposed to the Commission as a separate project. He stated erosion controls will be installed around the edge of the pavement and silt sacks will be installed in the nearby catch basins prior to work. He stated the building, the foundation, and all utilities will be removed.

Commissioner Gauthier asked if the existing building had any downspouts to infiltration systems. Mr. Kelly denied and stated the downspouts discharge directly to the pavement.

Commissioner DeAvila asked if scheduled maintenance was planned for the silt sacks. Mr. Kelly confirmed, but noted the silt sacks will likely be removed after demolition.

Commissioner DeAvila asked if a construction fence could be installed after demolition to prevent illicit dumping on the newly vacant lot. Mr. Kelly stated the property will be regularly monitored and he doesn't believe a fence will be needed. Commissioner DeAvila asked if the property will continue to be lit after demolition, which would also help deter dumping. Mr. Kelly confirmed.

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

Agent Brown stated a Negative Determination of Applicability had been drafted.

Commissioner Radner **motioned to close the public hearing for this item and issue a Negative Determination of Applicability for the project as drafted.** Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

2.3. 124 Country Club Road – DEP #141-TBD – Pond Herbicide Application

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

Mike Toohill stated the Dedham Country & Polo Club is seeking permission to use chemicals to manage vegetation in two ponds on the site. He noted a previous Order of Conditions for the same work had expired. He added that the pond management company included in the previous Order of Conditions did not keep up with the reporting requirements, but a different company is involved with this proposal. He stated representatives from that company will periodically check the ponds for algae and treat as needed. Mr. Toohill identified the proposed chemicals as a chelated copper compound and an irrigation-safe herbicide. He also noted that water quality samples had been collected about a month ago. The results indicated the ponds are currently healthy from a water quality standpoint.

Commissioner Radner stated she was reluctant to issue a permit allowing broad use of chemicals without data specific to the treatment need. She also noted copper can have a negative impact on invertebrates. Mr. Toohill responded that copper is effective for algal control at low levels.

Commissioner Radner asked if the treatment company will have quantitative data with set thresholds to define when treatment is needed, or if treatment need was determined solely by a visual assessment. Mr. Toohill stated there are action levels to determine treatment, such as percentage of pond covered by macrophytes or density of algal population.

Commissioner Radner noted the previous application included patchy surface treatments for other aquatic vegetation and asked if that was included in this proposal. Mr. Toohill stated the treatment proposal is for nuisance vegetation.

Agent Brown asked for the trigger level for treatment. Mr. Toohill stated he would request it from the treatment company.

Commissioner Radner noted that a condition of the previous Order of Conditions required abutters to be notified prior to treatment events and suggested this be continued if the proposed activities are approved.

Commissioner Gauthier reiterated that copper can be toxic to invertebrates at low levels. He also noted that one of the ponds in the proposal was recently dredged and might not need treatment, so he was hesitant to issue a permit authorizing chemical treatment in a location that might not need it. He stated he would like to review the trigger levels that will be used to justify treatment, and also would want to review annual logs showing treatment only occurred when the thresholds were exceeded. Mr. Toohill agreed to assemble information on action levels and dosage levels for chemical treatment.

Commissioner Radner suggested that the treatment company work directly with Agent Brown for at least the first few testing visits.

Agent Brown stated the most recent report from the previous pond management company (dated 2018) noted an aerator could be beneficial on one of the ponds. She recommended the project team consider this recommendation.

Commissioner DeAvila asked how often the water would be tested. Mr. Toohill stated the ponds are visited monthly, but would ask the treatment company whether chemical tests are performed during those visits.

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

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

3. Request for Modification

3.1. 13 Powers Street & 38 Icehouse Lane – MSMP 2018-13 – New SFD

Scott Henderson, representative for the project, stated that the request to modify this Major Stormwater Management Permit is to bring it in line with the recent settlement agreement and Final Order of Conditions. He gave an overview of the design, which was the same as when it was discussed for the settlement agreement.

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 approve the modification to MSMP 2018-13.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

3.2. 105 Schoolmaster Lane – MSMP 2019-02 – New SFD

Guillermo Beltran, representative for the project, stated that the applicant was proposing modifications that would result in a net decrease in impervious area for the project of about 6,100 ft². He stated updated plans and an updated stormwater report have been provided. The plan calls for 54-chamber subsurface infiltration system.

Armando Petruzziello, applicant for the project, stated the modification includes the addition of a pool house and the removal of various impervious surfaces, resulting in a net decrease in impervious area. He stated Agent Brown made him aware that the current grades don't meet what is shown on the plans, but responded that the project is still in progress and any discrepancies in the grades could be corrected at the completion of construction.

Commissioner Radner asked if the layout of the house had changed. Mr. Petruzziello confirmed and stated that the house and driveway are smaller than originally proposed.

Agent Brown summarized the changes to the design and her on-site observations. She stated that substantial fill had been placed in the back of the property and she was unsure if the filling matches the originally approved conditions. She noted a new retaining wall has been placed that was not on the original plans and will now require the approval of the Zoning Board of Appeals. Agent Brown added that she was concerned that the wetlands appear to begin immediately downgradient of the fill. She stated she appreciated the decrease in impervious area on the site, but felt the reduction from 91 to 54 subsurface infiltration chambers was drastic and would like an engineer to review the calculations. She added that the overflow from the subsurface system has also been removed as the engineer states the system now contains the 100-year storm. Agent Brown noted a yard drain connected to a velocity dissipating outlet has been added to the plans, and a beehive grate should be included. She stated a covered walkway had been added at the pool house and between the main house and the barn. She stated she felt this request would require peer review due to the number and complexity of the modifications.

Mr. Petruzziello stated a trellis was planned for the walkway between the house and the barn, not a complete cover. He also stated the only structural change was the addition of the pool house.

Commissioner Radner noted that the placement of fill, boulders, and stone to the rear of the property was apparent by looking at aerial photographs. She asked if the stone was included in the original proposal. Mr. Petruzziello stated the crushed stone was initially present on-site and has been used in the retaining wall.

Commissioner Radner stated she preferred to have a peer reviewer assess the modifications.

Commissioner DeAvila stated he would like to have a site visit to view all issues.

Commissioner Puopolo stated that he preferred a peer review.

Agent Brown noted a few inconsistencies in the plan, such as the walkway between the barn and house being labelled as "covered" and the walkway between the pool house and the pool having an arrow, but no label. Commissioner Radner requested the proposed plan be corrected to show the site as it will be constructed.

Commissioner Radner suggested the Commission authorize collecting funds for a peer review, but also hold a site visit. If the site visit satisfies all of the commissioners' questions, then no peer review is needed. If questions remain after the site visit, the peer review process can continue.

After discussion, the Commission agreed to hold a site visit on Monday, 6/6 at 3:30PM.

Commissioner Radner **motioned to authorize a request for \$2,000 from the applicant for peer review of this modification.** 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 meeting on 6/16**. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

4. Administrative Approvals/Minor Stormwater Management Permits

4.1. Mother Brook Condos – Administrative Approval – Tree Trimming

Agent Brown stated she authorized the trimming of several trees that are interfering with the buildings and chimneys at Mother Brook Condos.

4.2. 50 Alden Street – Minor Stormwater Management Permit – Addition and New Driveway

Agent Brown stated this Minor Stormwater Management Permit had recently been issued by the Conservation Department. The project will include an infiltration system capturing runoff from roof drains and a catch basin.

5. Return of Peer Review Funds

5.1. 400 West Street – DEP #141-0597/MSMP 2022-07 – Amount Remaining: \$1,362.50

Commissioner Radner **motioned to return the remaining peer review funds for this project, in the amount of \$1,362.50, to the applicant**. Commissioner Holmes seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

6. Minutes – 5/19/22

Commissioner Radner **motioned to approve the minutes of the 5/19 meeting as drafted**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

7. Agent’s Report

Agent Brown provided the following updates:

- The City of Boston is proposing to take two lots in question along Sprague Pond as a public benefit using CPA funds. Further, the DEP is reviewing the Superseding Order of Conditions for the condominium project on these parcels.
- Commissioner Gauthier and Commissioner Hafrey have both mentioned that the Town Landing kayak launch doesn’t go far enough into the water to be useful. Elissa has spoken with the company who originally installed it and will meet with the commissioners to determine the best reconfiguration for the launch.
- Several residents have called about a tree that has fallen across the Charles River near Noble & Greenough School. The DPW has offered to remove it. Agent Brown is getting Standard Operating Procedures for removal of trees from the river to help guide the DPW in the work.
- A Town project team working on a future submittal for the Endicott Estate Barn has submitted 3 pre-application waiver requests to the Conservation Department requesting the requirement to infiltrate 2” of runoff be limited to the project site rather than the entire parcel, requesting the Town Engineering Department serve as peer reviewer for the project, and requesting test pits be required prior to construction rather than prior to permit approval. These waivers will assist the project team in determining the project cost. Regarding the second and third requests, Agent Brown stated the Engineering Department has agreed to review the project and that there is data from test pits near the project area. Agent Brown asked if the Commission was willing to review the waiver requests prior to the application filing. After discussion, the Commission determined that they could not officially vote on the waivers since they were not currently part of an application, but generally agreed that the waivers were acceptable as long as basic design protocol and best practices were followed. Agent Brown stated she would communicate this back to the project team.
- The Commission needs to re-elect a Chair, Vice Chair, and Clerk. This item will be included on the 6/16 agenda.

- A list of Habits of Highly Effective Conservation Commissions is in DropBox to help the Commission with self-assessment. Any feedback is welcome.
- A meeting is scheduled for 7/7. As this is the week of the 4th of July, Agent Brown asked if a quorum of commissioners will be able to attend. All in attendance responded affirmatively, so the meeting will be kept as scheduled.

Commissioner Gauthier **motioned to adjourn**. Commissioner DeAvila seconded. All attending commissioners voted "aye." The motion carried 5-0.

The meeting was adjourned at 9:52 PM.