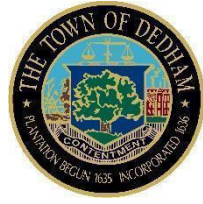


Stephanie Radner, Chair
Nathan Gauthier, Vice Chair
Tim Puopolo, Clerk
Leigh Hafrey, Associate
Bob Holmes, Associate
Erik DeAvila, Associate
Elissa Brown, Agent
Patrick Hogan, Asst. Agent



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TOWN OF DEDHAM CONSERVATION COMMISSION

Minutes of July 7, 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
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
Bob Holmes

The following Applicants and/or Representatives were present:

Joseph Federico, Applicant – 124 Quabish Road
Curt Young, Representative – 124 Quabish Road
Ed Pesce, Representative – 124 Quabish Road
Will Schreefer, Representative – 90 Sandy Valley Road
Meredith Chamberlin, Representative – 90 Sandy Valley Road
Michael Toohill, Representative – 124 Country Club Road
Guillermo Beltran, Representative – 390 Cedar Street
Stephanie Matern, Applicant – 53 Thompson Street
Peter Martin, Representative – 53 Thompson Street
Ruth Wisialko, Permittee – 177 Meadowbrook Road
Paul Lindholm, Representative – 177 Meadowbrook Road and 121 Whiting Avenue
Dominic Meringolo, Representative – 210 Highland Street and Jackson Pond
Dan Moore, Representative – 222 Ames Street

Commissioner Radner called the meeting to order at 7:10 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 revised plans for the dog run treatment facility and a revised waiver request have been submitted. The project team has received a peer review letter from Horsley-Witten with no further comments.

Ed Pesce, representative for the project, detailed the design for the dog run treatment facility. A network of 4 collection pipes will be placed below the dog run and collect leachate into a manifold with a discharge to a splash pad and bioswale. The subsurface materials include bioretention soil and crushed stone, with sand below the perforated pipe. Geotextile fabric will also be placed between the layers. The design provides both an anaerobic and aerobic zone for nitrogen treatment.

Mr. Pesce also noted the landscape plans have been updated to provide an evergreen screen between the dog run area and the wetland. Mr. Young added that the lighting in the dog run area will be shielded to limit its effect on the wetland.

Commissioner Radner noted that the revised waiver request was preferable to the previous submission.

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

Commissioner Radner asked if this project was still being heard by the Planning Board. Mr. Pesce confirmed. Commissioner Radner stated that the Commission generally supports the design as currently proposed, but will wait to take a formal vote until the Planning Board process is complete.

Commissioner Radner **motioned to continue this item to the hearing on 8/4**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

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 Planning Board has approved the Minor Site Plan Review without any revisions to the plan. He added that an exterior connection to the sanitary sewer has been added in the buffer zone, but it is similar to the other utility connections that have already been proposed.

Commissioner Radner stated she preferred to continue this item until revised plans including the sewer connection have been provided. The other commissioners generally agreed.

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

Commissioner Radner **motioned to continue this item to the hearing on 7/21**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

1.3. 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 DEP File Number has still not been assigned for this project. Other than that, he did not believe there were any other lingering substantive changes or issues.

Commissioner Radner asked if a condition could be included that the permit can be terminated if the required annual reports are not submitted. Agent Brown suggested that activities could be stopped if the applicant falls out of compliance.

Commissioner DeAvila asked if the report will have a synopsis of conditions before and after treatment. Mr. Toohill confirmed and stated photographs and dosage will be included. Commissioner DeAvila asked if water sampling at the nearest outlet is conducted to confirm chemicals do not move off site. Mr. Toohill denied. Commissioner DeAvila requested that this confirmatory sampling be included. Agent Brown stated this could be included for the irrigation pond, but the second pond is not hydraulically connected to another waterbody.

Agent Brown suggested that the field reports be submitted on a monthly basis rather than with the annual report to allow for a more timely review. Mr. Toohill agreed it was acceptable to share the field reports as they are available.

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

Commissioner Radner **motioned to continue this item to the hearing on 7/21**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

2. New Applications

2.1. 390 Cedar Street – MSMP 2022-12 – New Two-Family Dwelling

Applicant: Robert Stow Representative: Edmond Spruhan, Spruhan Engineering

Guillermo Beltran, representative for the project, stated the existing dwelling will be demolished and replaced with a two-family dwelling, resulting in a 3,400 ft² increase in impervious area for the parcel. A subsurface infiltration system designed for the 100-year storm event has been included in the design.

Commissioner Radner noted Agent Brown has shared preliminary comments on the design to the applicant. Mr. Beltran confirmed.

Commissioner Radner noted the “LID Strategies” section noted street sweeping as a maintenance item. As street sweeping is not likely to occur on residential properties, she suggested it be revised or removed.

Commissioner Radner noted several trees were not shown on the plan, but would likely be removed as part of the project. Mr. Beltran confirmed trees would be removed. Agent Brown stated the trees would need to be surveyed, included on the plan, and replaced at a 2:1 rate.

Agent Brown noted that there is a single O&M plan for the entire property, but the structure will be a two-family dwelling. She stated a Homeowner’s Association will be needed to understand maintenance responsibilities between the two owners. Mr. Beltran understood.

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

Commissioner Radner **motioned to continue this item to the hearing on 7/21**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

2.2. 53 Thompson Street – RDA 2022-07 – Two-Story Addition

Applicant: Peter Martin Architect

Peter Martin stated the project proposes to build a two-story addition on an existing home. He noted a wetland is present on the north side of the parcel and a portion of the addition will be in the 100’ buffer zone. He noted a drywell will be included to capture runoff from the new impervious surfaces via a linear drain at the garage door and subsurface drain pipes connected to roof gutters. He noted the drywell exceeds sizing requirements by a few hundred gallons.

Commissioner Radner asked if the area of the new addition was previously disturbed. Mr. Martin confirmed and stated the area is currently bituminous pavement.

Commissioner Radner asked for Agent Brown’s recommendation. Agent Brown stated she believes the design adequately protects the wetland. She added that the stormwater calculations still need to be reviewed, as this project also qualifies for a Minor Stormwater Management Permit.

Commissioner DeAvila asked if a sediment basin has been included prior to the drywell to prevent clogging. Mr. Martin declined, but stated one could be added.

Commissioner Puopolo asked if the silt fence would be sliced or trenched as both are shown on the detail drawing. Mr. Martin stated it would likely be trenched.

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

Commissioner Radner **motioned to continue this item to the hearing on 7/21**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

3. Request for Modification

3.1. 177 Meadowbrook Road – DEP #141-0561/MSMP 2019-17

Paul Lindholm, representative for the project, stated the current owners purchased this property with the listed permits already issued. He stated the project is in progress, but the owners would like to modify the original plan to include a fence in the backyard for their dog.

Agent Brown displayed the submitted modified plan and noted the proposed fence is wholly within the 100’ buffer zone and also extends into the Undisturbed Buffer Area.

Commissioner Radner noted that the area inside the proposed fence is supposed to have mitigation plantings. Agent Brown confirmed and added that there have been other compliance issues on the property, which will be discussed later in the meeting.

Commissioner Radner stated she was not in favor of approving the modification knowing that there are other outstanding violations on the site. The other commissioners agreed. Commissioner DeAvila added that a fence should not extend beyond the existing limit of work.

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

Commissioner Radner **motioned to deny the request for modification to DEP #141-0561 and MSMP 2019-17**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

4. Request for Extension

4.1. 210 Highland Street – DEP #141-0540 – Aquatic Vegetation Management Program

Dominic Meringolo, representative for the project, stated the vegetation management program has been successful. He noted that annual reports have not been submitted since 2019 and offered to assemble reports for the missing years.

Commissioner Radner asked if the annual reports currently exist. Mr. Meringolo stated he believes the supporting information exists, but the reports have not been assembled. Commissioner Radner asked if the required water quality sampling had been conducted. Mr. Meringolo stated he wasn't sure, but it may not have been as it was not included in the contract with the applicant.

Commissioner DeAvila stated a baseline water quality sampling should occur before further treatment. Commissioner Radner agreed.

Commissioner Radner stated that field reports should be submitted as they are completed in addition to the annual report.

Commissioner Radner suggested the permit could be extended for 1 year rather than the requested 3 years while the applicant assembles and submits the missing annual reports. She reiterated that the field results from continuing activities should be submitted as they're available and future reports should be submitted on time.

Commissioner DeAvila asked if sampling could occur downstream. Agent Brown stated access to downstream areas would be difficult. Commissioner Radner added that there are a lot of upstream activities that could affect interpretation of the results.

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

Commissioner Radner suggested the Commission research how other communities have addressed these Orders of Conditions for aquatic vegetation management, particularly how often they require a new Notice of Intent to be issued. Agent Brown agreed.

Commissioner Radner **motioned to grant a 1-year extension for DEP #141-0540 with the condition that a baseline water quality report is submitted prior to further treatment**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

4.2. Jackson Pond – DEP #141-0497 – Aquatic Vegetation Management Program

Dominic Meringolo, representative for the project, stated this program is in a similar situation to the previous one, but noted that this pond generally requires less intensive management. Annual reports have not been provided since 2019.

Agent Brown asked if hydroraking had been completed. Mr. Meringolo stated it may have happened early in the life of the Order of Conditions. Agent Brown displayed maps that were submitted when the

hydroraking was proposed and suggested similar supporting materials could be very helpful when discussing these activities in the future.

Mr. Meringolo stated that he would send the Commission a copy of the 2021 and 2022 annual reports and will make sure that water quality testing and annual reporting is included in future contracts with the property owner.

The Commission stated their interest in obtaining baseline water quality data prior to and after treatment and obtaining field reports on a frequent basis.

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

Commissioner Radner **motioned to grant a 1 year extension for DEP #141-0497 with the condition that a baseline water quality report is submitted prior to further treatment.** Commissioner Puopolo seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

5. Request for Certificate of Compliance

5.1. 222 Ames Street – DEP #141-0576/MSMP 2020-18

Dan Moore, representative for the project, stated all work has been completed. He noted that the areas within the limit of work have been well stabilized, although there are a few spots outside of the limit of work that they are trying to additionally stabilize. Agent Brown confirmed that these noted spots are outside of the limit of work and therefore outside of the permit limits.

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

Commissioner Radner **motioned to issue a Certificate of Compliance for DEP #141-0576 and MSMP 2020-18.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

5.2. 5 Erin Way – Local Wetlands Bylaw Order of Conditions Issued June 30, 1995

Agent Brown stated that an Order of Conditions had been issued for construction of this house under the local wetlands bylaw. She stated she had visited the site and believes it is appropriate to issue a Certificate of Compliance.

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

Commissioner Radner **motioned to issue a Certificate of Compliance for this Order of Conditions.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

5.3. 92 Country Club Road – DEP #141-0560/MSMP 2019-12

Agent Brown stated the applicant requested that this item be continued until a future date to allow for correction of a few items she previously noted.

Commissioner Radner **motioned to continue this item to a date to be determined later.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

6. Violations

6.1. 177 Meadowbrook Road

Agent Brown stated she has noted several items on the site that are not in compliance with the approved plan. She also noted that the project may have intruded into the Undisturbed Buffer Area and a few trees have been removed without approval. She stated a violation letter has been issued that asked the permittee to attend this meeting and discuss how they will correct the issues.

Paul Lindholm, representative for the project, stated that he has been retained by the permittee to complete the items listed in the violation letter. He stated he will use the approach outlined in the letter to determine the areas where the work is not in compliance and how the issues can be corrected.

Agent Brown asked Mr. Lindholm if he had a tentative schedule yet. He stated an as-built survey could likely be submitted by the end of July. He suggested a site visit with Agent Brown could be helpful. Agent Brown agreed and suggested this discussion be continued to the 8/4 meeting.

Commissioner Radner reiterated that all work should stop while the comparison between completed work and approved work is completed.

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

Commissioner Radner stated that the Commission will plan to revisit this item at the meeting on 8/4. She stated a drawing of what has been constructed should be submitted prior to that meeting for comparison to the approved plans.

6.2. 121 Whiting Avenue

Paul Lindholm, representative for the project, stated he had originally prepared a plot plan for an addition and a deck at this site. Since then, work expanded to include full reconstruction of the house and other disturbances that would require a Major Stormwater Management Permit. He stated Agent Brown has issued a violation letter requiring immediate installation of erosion and sediment controls and cessation of further work until the issue is resolved. Mr. Lindholm stated the erosion and sediment controls will be installed next week. After that is completed, survey work and test pits will commence in support of a future Major Stormwater Management Permit application. He confirmed no more work will be conducted until the issue is resolved.

Commissioner Radner asked if Mr. Lindholm had a timeline for the work. Mr. Lindholm stated he intends, at a minimum, to have a status report before the 8/4 meeting.

Mr. Lindholm stated vegetation on the site has been cleared and he will have to estimate how many trees were removed from aerial photographs.

Commissioner DeAvila noted that the Assessor's Office might have photographs of the home that could assist in determining the work that has been completed.

Commissioner Radner stated that the Commission will plan to revisit this item at the meeting on 8/4 after a status report has been submitted. In the meantime, work will not continue and erosion and sediment controls will be installed.

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

7. Minutes – 6/2/2022 & 6/16/2022

Commissioner Radner **motioned to approve the minutes from 6/2/2022 and 6/16/2022**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

8. Agent’s Report

Agent Brown provided the following updates:

- The Town is forming a Wigwam Pond Advisory Committee and they are requesting a member from the Conservation Commission. Commissioner DeAvila volunteered.
- An Administrative Approval has been issued for 93 Alden Street to install a fence.
- MACC dues are due. If anyone would like a subscription to the electronic MACC Handbook, let Agent Brown know.
- Extensive cutting of wetlands vegetation was noted at 35 Meadow Street, which has had other violations in the past. Agent Brown has drafted a letter noting the issue and stating future violations could result in fines, but asked the Commission if they were in support of that position. Commissioner Radner noted that there were previous issues on the site and that the Commission offered to work with the permittee to correct these issues, but didn’t receive further communications. The Commission generally agreed that they supported the letter.
- One quote for a peer review on the modification at 105 Schoolmaster Lane has been received, but it was higher than expected, so more quotes are being solicited.

Commissioner DeAvila **motioned to adjourn**. Commissioner Radner seconded. All attending commissioners voted “aye.” The motion carried 4-0.

The meeting was adjourned at 9:49 PM.