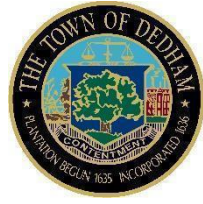


Stephanie Radner, Chair
Nathan Gauthier, Vice Chair
Tim Puopolo, Clerk
Leigh Hafrey, Associate
Bob Holmes, Associate
Erik DeAvila, Associate
Elissa Brown, Agent
Patrick Hogan, Asst. Agent



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 August 18, 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
Tim Puopolo, Clerk
Leigh Hafrey
Erik DeAvila
Bob Holmes

The following staff were also present:

Elissa Brown, Agent
Patrick Hogan, Assistant Agent

The following Commissioners were absent:

The following Applicants and/or Representatives were present:

Joseph Flanagan, Applicant – 55 River Street
Jason Mammone, Applicant – 55 River Street
Colleen Kennedy, Representative – 55 River Street
Jaime Fair, Representative – 55 River Street
Guillermo Beltran, Representative – 390 Cedar Street
Philip Basdekis, Applicant – 49 Jersey Street
Craig Cygawnoski, Representative – 49 Jersey Street
Margaret Bacon, Representative – 49 Jersey Street
John Radley, Applicant – 15 Liberty Lane
Robert Vey, Representative – 220 Stoney Lea Road
Fracel Solar, Applicant – 58 Country Club Road
Jim Nieva, Representative – 58 Country Club Road
Terrence Flynn, Applicant – MWRA Project from Allied Drive to Boston

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. 55 River Street – DEP #141-0600/MSMP 2022-13 – Stormwater Improvements

Applicant: Joseph Flanagan, Town of Dedham DPW Representative: Alexandra Gaspar, Weston & Sampson

Colleen Kennedy, representative for the project, stated the project team has provided revisions and responses as requested following the site visit. She stated the project team also submitted a waiver request as the design does not meet the requirement to retain 2" of runoff over the entire site.

Commissioner Radner stated she was satisfied with the design and in favor of granting the waiver given the constraints of the site and the improvement provided by this project.

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

Commissioner Radner asked if the applicant had reviewed the draft permits. Jason Mammone, applicant from the Town Engineering Department, stated he had submitted requested revisions to Agent Brown. Agent Brown stated she had not implemented the revisions, but suggested the Commission could approve the permits with the condition that she and the applicant agree upon the revisions prior to issuance.

Commissioner Radner **motioned to close the public hearing for DEP #141-0600 and MSMP 2022-13.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

Commissioner Radner **motioned to approve the request to waive the requirement to retain 2" of runoff over the entire site for MSMP 2022-13.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

Commissioner Radner **motioned to issue MSMP 2022-13 and an Order of Conditions for DEP #141-0600 with the condition that Agent Brown review the wording with the Department of Engineering prior to signing.** Commissioner Holmes seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

1.2. 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 revisions addressing the initial comments have been submitted. The project team has spoken with Agent Brown and believes she is satisfied with the design. He stated Agent Brown has requested cost estimates for the Operations & Maintenance Plan as well as a Homeowner's Association Agreement to assign the ongoing maintenance tasks. Mr. Beltran has forwarded those requests to the Applicant, but no further supplemental documents have been submitted.

Commissioner Radner added that the official addresses have not yet been assigned for the site, which is required before permits can be issued. She stated that she was satisfied with the design, but would like to review the Homeowner's Association Agreement prior to permit issuance. Commissioner DeAvila agreed.

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

Commissioner Radner **motioned to continue the hearing on MSMP 2022-12 to the meeting on 9/1.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

1.3. 49 Jersey Street – DEP #141-0596/MSMP 2022-14 – Demolition and Re-Construction of Garage and Driveway

Applicant: Philip Basdekis Representative: Craig Cygawnoski, RIM Engineering

Mr. Cygawnoski stated the location of the chicken coop has been added to the project plans. Margaret Bacon, engineering representative for the project, stated the design meets all required standards with the inclusion of a modified sub-basin and infiltration trench.

Commissioner Radner asked for the status of the Board of Health’s approval of the chickens. Assistant Agent Hogan stated the Health Director expects the request for a permit to be heard next month. Commissioner Radner noted the new Board of Health regulations prohibit chickens being kept within 100’ of wetlands, but the coop is currently closer than that. She stated that the permits for this project could be approved, but if the Board of Health requires relocation of the coop, the applicants will have to contact Agent Brown to make any necessary revisions to the plans. Mr. Basdekis agreed this was acceptable.

Commissioner Gauthier asked if the stormwater runoff from the chicken coop had been taken into account for the stormwater system. Agent Brown noted that the infiltration trench provides excess storage volume above the requirement, and this excess volume could account for the additional impervious area from the chicken coop.

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

Commissioner Radner noted that a draft Order of Conditions and Major Stormwater Management Permit have been prepared. She asked the applicant if they had any requested revisions. Mr. Basdekis declined.

Commissioner Radner **motioned to close the hearing on DEP #141-0596 and MSMP 2022-14.**

Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

Commissioner Radner **motioned to issue MSMP 2022-14 and the Order of Conditions for DEP #141-0596 as drafted.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

2. New Applications

2.1. 15 Liberty Lane – RDA 2022-10 – Reconstruction of Front of House

Applicant: Chelsea Radley & John Radley

Mr. Radley stated this project proposes to remove and replace the front of his existing house. Agent Brown added that this project was previously granted a Negative Determination of Applicability that has since expired. Work never began and Mr. Radley is now hoping to start the project. She noted that a Minor Stormwater Management Permit is required and has included a condition in the draft Negative Determination of Applicability stating one will need to be obtained prior to construction. She stated large drywells were installed as part of a previous project and appear to have sufficient capacity to be used for this proposed project, as well.

Commissioner Gauthier asked if the drywells were installed within the past five years, which would qualify it and the associated project for inclusion under the 5-year lookback policy. Mr. Radley declined and stated they were installed in 2005.

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

Commissioner Radner asked if Mr. Radley had reviewed the draft Negative Determination of Applicability. Mr. Radley confirmed and stated he had no requested revisions.

Commissioner Radner **motioned to close the hearing on RDA 2022-10 and issue the Negative Determination of Applicability as drafted.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

2.2. 220 Stoney Lea Road – RDA 2022-11 – Septic System Replacement

Applicant: Chris Pope

Representative: Robert Vey, Norfolk Engineering/Big Excavation Corp.

Mr. Vey stated this project proposes to install a new septic system for an existing house. He stated the leach field and barrier are 74’ and 60’ away, respectively, from wetlands.

Commissioner Radner asked if the existing system will be abandoned according to the Board of Health Regulations. Mr. Vey confirmed and stated he is currently working through the Board of Health process.

Commissioner Radner noted the wetland across the street is an unconfirmed vernal pool and requested Mr. Vey take special care with erosion and sediment controls. Mr. Vey agreed.

Commissioner DeAvila asked if any trees will be removed as part of this work. Mr. Vey stated one 15” tree is within 5’ of the work, but he would not know if it needed to be removed until work began.

Commissioner Radner noted the 2:1 tree replacement requirement. Agent Brown stated that the replacement requirement is associated with the stormwater regulations and septic system replacement projects have historically not been required to obtain stormwater permits because they usually only involve in-kind replacement and no new impervious area. Commissioner Gauthier stated that this project disturbs more than 500 ft² of ground and thus should require a Minor Stormwater Management Permit. Commissioner Radner acknowledged the requirement, but expressed reluctance to change procedures in the middle of a hearing. After discussion and input from each commissioner, the Commission determined all septic system replacements causing more than 500 ft² of disturbance, including this one, should be required to obtain a Stormwater Management Permit. As part of that permit, Mr. Vey will be required to replace any removed trees with new trees at a 2:1 rate or, if necessary and approved, shrubs at a 4:1 rate.

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

Commissioner Radner asked if the work area will be graded. Mr. Vey confirmed some grading will occur and a block retaining wall will be installed. Commissioner Radner noted this should be reviewed as part of a Minor Stormwater Management Permit, as well.

Commissioner Radner **motioned to close the hearing on RDA 2022-11 and issue the Negative Determination of Applicability as drafted with the condition that a Minor Stormwater Management Permit be obtained prior to construction.** Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

2.3. 58 Country Club Road – DEP 141-TBD – Septic System Replacement

Applicant: Fracel Solar

Representative: Russell Waldron, Applied Ecological Sciences

Jim Nieva, representative for the project, stated they are proposing replacement of a failed septic system at an existing house. He noted the site is constrained by wells on all sides and ledge throughout the site. The existing septic tank will remain and the leach field will be removed and replaced.

Commissioner Radner asked if there were any trees in the area of work. Mr. Nieva declined. Agent Brown commented that she noted several trees that looked like they would need to be removed to install this system. Mr. Nieva stated he could revisit the site to be sure.

Commissioner Radner asked Agent Brown for her recommendations. Agent Brown stated she would like to review the wetlands delineation with the representative. With the current wetlands delineation, the leach field will impact the Undisturbed Buffer Area (UBA). She felt it was a very conservative delineation and that a tighter wetlands determination would give the applicant more room to design a system that would not encroach upon the UBA. She also stated a survey plan showing the trees in the work area should be prepared. She noted the presence of many invasive species on the site and suggested management of the invasives could be included as mitigation. She also stated alternative systems may be available that could be placed further from the wetlands while also still satisfying the other constraints of the site.

Mr. Nieva stated he would look at alternative systems, but reiterated this site is mostly ledge and the current proposed location is the only place he could get to perc.

Commissioner Hafrey asked for clarification on potential alternative systems. Agent Brown stated a conventional system is currently proposed, but smaller footprint, alternative systems might allow for placement further from the wetlands. She also noted that ledge doesn't necessarily prohibit installation of a septic system. Mr. Nieva agreed that ledge just made the process more difficult, and noted that a test pit in the area of the proposed leach field showed no ledge for 8'. He confirmed he could consider an alternative Presby system to see if it allowed for better placement.

Commissioner Radner asked that trees in the work area be added to the plan. Agent Brown added that an application for a Stormwater Management Permit would be needed, as well. Commissioner Radner also said that the Wetlands Protection Act presumes resource areas are protected if leach fields are at least 50' away. She stated that if this proposed leach field will be within 50' of the wetlands, a statement justifying how it will not negatively impact the resource area must be submitted. Mr. Nieva agreed and stated he would ask Russell Waldron to arrange a site meeting with the Conservation Agent to review the wetland flags.

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

Commissioner Radner **motioned to continue the hearing on DEP #141-TBD (58 Country Club Road) to the meeting on 9/15.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

3. Request for Certificate of Compliance

3.1. 80 Bridge Street – DEP #141-0572 – Redevelopment of Commercial Site

Agent Brown confirmed work had been satisfactorily completed on the site.

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 #141-0572.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

3.2. Allied Drive to Boston – DEP #141-0509 – MWRA SEH Redundant Water Line

Terry Flynn, permittee for the project, stated work is completed and they would like the Certificate of Compliance to close the contract.

Commissioner Radner noted that several maple trees planted as part of this project were showing signs of improper planting and might eventually die. Mr. Flynn stated he would work with the Town DPW to investigate this issue. Commissioner Radner agreed this was appropriate and stated there was no condition in the permit requiring tree survival, so this issue will not prevent the 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 DEP #141-0509**. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

3.3. 354 Westfield Street – DEP #141-0598 – New Septic System

Agent Brown confirmed the project has been completed and the work area has been fully stabilized.

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 #141-0598**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

4. Minutes – 8/4/2022

Commissioner Radner **motioned to approve the 8/4/2022 meeting minutes as drafted**. Commissioner Puopolo seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

5. Agent’s Report

Agent Brown provided the following updates:

5.1. Administrative Approvals and Minor Stormwater Management Permits

5.1.1. 96 Trenton Road and 222 Colburn Street – Pollinator Garden

An administrative approval was issued to plant pollinator gardens at these locations.

5.1.2. 65 & 69 Common Street – Two Additions and Driveway Change

A Minor Stormwater Management Permit was issued for this work. As disturbance was just under 2,000 ft², some conditions for a pre-construction meeting and stormwater system installation inspection were included.

5.1.3. 743 East Street – New Three-Bay Garage

A Minor Stormwater Management Permit was issued for this work. It was also near the 2,000 ft² disturbance limit, so conditions similar to those listed in the item above were included.

5.2. Administrative Approval Policy

A draft policy covering the issuance of Administrative Approvals has been prepared. Agent Brown asked that Commissioners review the draft policy and note and revisions they feel are necessary. Commissioner Radner asked if other Towns had Administrative Approval policies. Agent Brown stated many Towns have an Administrative Approval process, but she wasn’t sure if they had formal policies. She stated she would look into it further before the next meeting.

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

The meeting was adjourned at 8:45 PM.