Conservation Commission - Meeting Minutes

Thursday, December 17, 2015, Dedham Town Hall- Lower Conference Room

Members Present: Fred Civian (Chairman), Laura Bugay, Joseph Smith, Brian McGrath, Kristine Langdon, and Andrew Tittler.

Members Absent: Joseph Hickey

Mr. Civian called the meeting to order at 7:00 PM.

|   | The Town of DedhamCommonwealth of MassachusettsConservation Commission26 Bryant StreetDedham, MA. 02026 |
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120 Village Avenue-*Request for Determination of Applicability from Roger Shepley for tree removal and pruning. (RDA 2015-14).*

Roger Shepley was present for the hearing. He explained he would like to cut down 1 tree in the buffer zone, 1 dead tree in the wetland, and to prune 2 trees in the wetland.

Agent Brown explained she has concerns about cutting trees within the wetland boundary. There is a fence on the property demarcating the lawn from the resource area. She did not believe there was imminent danger of trees falling on the fence or into the lawn. She thinks there is mitigation that can be done as a result of some burning that was done in that area, to allow the pruning of trees in the wetland.

Mr. Shepley explained that there are some things you don’t know cannot be done until someone tells you and he did not realize he was not allowed to burn in that area.

Ms. Bugay asked if the will be bringing in any equipment to do the pruning or cutting. Mr. Shepley explained that this work should be able to be done by hand.

Agent Brown explained that the trees to be cut should be left as 6 foot snags, and that a certified arborist should be used to prune the trees. Agent Brown reviewed some of the other conditions which will be included on the permit including that the work should be done during frozen ground conditions.

Mr. Civian made a motion to issue a Negative Determination of Applicability with conditions as recommended by Agent Brown for 120 Village Avenue, seconded by Ms. Bugay, UA.

Schoolmaster Lane-*Request from Supreme Development to amend Order of Conditions #141-0341 to revise Schoolmaster Lane roadway design to approximately 2,900 feet of roadway at a 20 foot width extending from north of Country Club Lane and ending at a cul-de-sac.*

Mike Carter was present from GCG to represent the applicant. He explained that in the previous hearing the validity of the existing Order of Conditions was discussed, and they have found that the order is valid until March 12, 2017. They did determine, however, that the order has not been recorded at the Registry, and since they are not able to locate the original copy they would need a new original copy from the Commission in order to record the order.

Mr. Carter explained that they have submitted revised plans since the last meeting as well based on the Commission’s comments. They were also asked at the last meeting what types of waivers they are requesting. They have submitted the information for the two waivers for the area from Country Club Road to the high point of the road. One of the waivers is for stormwater management systems to be designed so that the post-development peak discharge rates do not exceed the pre-development peak discharge rates. The second is that loss to annual discharge of groundwater should be minimized through the use of infiltration methods.

Mr. Civian asked Lisa Eggleston, peer reviewer for the project, to present her concerns to the Commission, allowing the opportunity for Mr. Carter to comment as needed.

Ms. Eggleston explained that this project is a redevelopment and compliance with the regulation to the maximum extent practicable is required, and a net improvement must be demonstrated. The applicant has submitted a good alternatives analysis. Water into the ground will not have much benefit in terms of recharge considering the ledge beneath the surface, so she does think that the waivers make sense, but as currently proposed other waivers would be needed as well. One would be for the treatment of runoff in that area. She recommends pulling the discharges further away from the wetlands where possible; the outfalls are currently right on top of the wetland. She explained that she discussed moving the stormceptors off line so that they will be more effective. She showed a different location to direct the runoff.

Mr. Civian commented that the TSS removal percentage the applicant is taking from the manufacturer is not backed up by the process that is in the stormwater handbook for calculating TSS removal rates, so he would like those to be corrected. Mr. Civian explained that not only are they required to comply with the regulations to the maximum extent practicable, but they also should be improving existing conditions on the site. He is also concerned with any additional peak rate flow.

Ms. Bugay asked the applicant to provide information on a 100 year storm.

David Hern, Attorney, was present representing David and Sherry Allen of Schoolmaster Lane. He is interested to hear tonight there is an amendment of some sort that was not mentioned in the original application. He commented that the DEP allows amendments for changes that are relatively minor and will have unchanged or less impact on the interests protected by the act. He commented that this amendment is anything but minor in nature, and what should be done is the filing of a new Notice of Intent because this is an entirely different project. He also believes that this does not meet the definition of a redevelopment.

Mr. Civian explained that is common to have projects that are a mix of new development and redevelopment. He also clarified that any houses to be built on the new road would have applications that would come to the Conservation Commission separately. Mr. Civian clarified with Mr. Carter that what is being added to the order within this amendment is the widening of the road from its existing width to a range of 13-16 feet wide.

Agent Brown confirmed that one of the standards for redevelopment is the widening of an existing roadway. Ms. Eggleston agrees with Agent Brown’s interpretation but explained it reads as if they are adding pavement, the new pavement must meet the standards fully.

Bob Marcus, an abutter, expressed concern that the road is already in a bowl and he wondered what might change with regards to the grading.

Mr. Carter responded that they will not be changing the grade of the road and they plan to minimize impact that the work will have on existing development. The road itself should still behave the same way. They will not be diverting the water. The water that is coming down the hill will go into catch basins.

Agent Brown commented that what is being proposed is a significant improvement over the existing conditions and the vegetation replication efforts are robust. Ms. Brown would still like more information including a soil analysis and depth to groundwater.

Mr. Civian listed the information that would be needed before the Commission could make a decision including:

1. Wetland replication information.
2. An analysis by Agent Brown as to whether this qualifies as an amendment to the existing Order of Conditions.
3. An analysis by Agent Brown as to whether this project qualifies as a redevelopment.
4. A determination by the Commission as to whether the project meets the redevelopment standards.
5. Responses to Ms. Eggleston’s comments
6. Information from the applicant on how this improves existing conditions.

Mr. Carter explained that the sediment currently goes directly into the wetland without being treated. They plan to replace the existing culvert with a box culvert.

Mr. Civian made a motion to continue the hearing on Schoolmaster Lane until January 21st, seconded by Ms. Bugay, UA.

8:07 PM: 1056 East Street – *Stormwater Management Permit application for a 6 lot residential subdivision road (SWP 2015-18).*

Mr. Civian made a motion to continue 1056 East Street until January 7th at the request of the Town Engineering Department, seconded by Ms. Bugay, UA.

100 Bridge Street -*Abbreviated Notice of Intent for a boat ramp (DEP File # TBD)*

Mr. Civian made a motion to continue 100 Bridge Street until January 7th while they wait for a DEP file number to be issued, seconded by Mr. Tittler, UA.