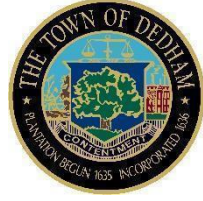


Stephanie Radner, Chair
Nathan Gauthier, Vice Chair
Tim Puopolo, Clerk
Leigh Hafrey, Associate
Bob Holmes, Associate
Erik DeAvila, Associate
Elissa Brown, Agent
Patrick Hogan, Asst. Agent



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TOWN OF DEDHAM CONSERVATION COMMISSION

Minutes of September 15, 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:

Curt Young, Lucas Environmental, Representative - 124 Quabish Road
Ed Pesce, Pesce Engineering & Assoc., Representative - 124 Quabish Road
Marissa Hannon, Doggy Dates, Applicant - 1105 East Street
Elizabeth Geisinger, Doggy Dates, Applicant - 1105 East Street
Kate O'Donnell, EcoTec, Representative - 1105 East Street
Stephen David, 414 Westfield Street Realty Trust, Applicant - 414 Westfield Street
Bob Rego, River Hawk Environmental, Representative - 414 Westfield Street
Alex Gibson, Evergree Properties, Applicant - 392 Mt. Vernon Street
Chris McDonnell, RJ O'Connell & Assoc., Representative - 392 Mt. Vernon Street
Brian Timm, RJ O'Connell & Assoc., Representative - 392 Mt. Vernon Street
Antonio Reda, Topolino Realty Trust, Applicant - 159 High Street
James Garfield, Morse Engineering, Representative - 159 High Street
Steve Ivas, Representative - 688-700 Providence Highway

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.

AGENDA:

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

Representative: Curt Young, Lucas Environmental

Management Land Trust LLC

Mr. Young stated the project had been approved by the Planning Board the previous night. Agent Brown noted that an MBTA bus stop may be added to the plans in the future. She stated that if that happens, the permits will need to be modified.

Mr. Young also stated that the project team had reviewed and was satisfied with the revised draft permits prepared by Agent Brown.

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

Commissioner Radner **motioned to close the hearing on DEP 141-0593 and MSMP 2022-01.**

Commissioner DeAvila 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 strict adherence to the Undisturbed Buffer Area regulation for construction of the stormwater discharge points and a portion of the walking trail.** Commissioner Gauthier 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 for additional mitigation as further mitigation would cause greater negative impacts than if it was omitted.**

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 2022-01 and an Order of Conditions for DEP 141-0593.**

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

2. New Applications

2.1. 1105 East Street – DEP 141-0604/MSMP 2022-17 – UBA Restoration and Dog Play Area Construction

Applicant: Marissa Hannon, Doggy

Dates LLC

Ms. Hannon stated her business rents private property to house their own private dog parks where staff bring customers’ dogs to play in 45-minute sessions 3 times per day. They have been operating at 1105 East Street for approximately 5 years. The operational area initially had a lot of debris, which they removed in order to place fencing for the play areas. Vegetation was not removed, but wood chips were placed on the ground. The business received approval from the Zoning Board of Appeals for this use of the parcel, but Ms. Hannon was made aware that the play areas were within the 100’ buffer to the wetlands and would need to be approved by the Conservation Commission. In response, the business hired EcoTec and Jarvis to delineate the wetlands and prepare a site plan. To comply with wetlands regulations, the proposed plan includes the relocation of fencing to move sections of the play areas further from the wetlands.

Kate O'Donnell, representative for the project, stated she delineated the wetland resource areas in April 2022, which included a Bordering Vegetated Wetland associated with Little Wigwam Pond and an Isolated Wetland. The Isolated Wetland appears to have been man-made and created by chronic meltwater from ice scrapings that are dumped by the ice rink's Zamboni. Ms. O'Donnell stated the proposed work includes moving the fence just outside of the Undisturbed Buffer Area (UBA), restoring the UBA, and continuing to use the rest of the operational area. She noted a stormwater permit application has been submitted, but the applicant would like to request the regulations be waived since the proposed work does not include grading, tree removal, or the installation of impervious area.

Ms. O'Donnell added that the applicant would like to request a waiver of the UBA requirements for the isolated wetland because it appears to be man-made. If this waiver is granted, the fence line will remain as it exists, except for portions within the UBA to the bordering vegetated wetland. Ms. O'Donnell noted that the fenced area within the UBA to the isolated wetland is currently paved and used only for parking. Commissioner Radner asked if it was paved prior to the business leasing the space. Ms. O'Donnell confirmed.

Commissioner Radner asked how many dogs are present at a given time. Ms. Hannon stated 5 on average, with a maximum of 16. Commissioner Radner asked if there was a minimum amount of space required per dog. Ms. Hannon declined, but stated they like to have plenty of room to run and shrinking the play area beyond what was proposed would likely lead to reduction in group size.

Commissioner Radner asked if the previously disturbed UBA will be restored. Ms. O'Donnell stated the wood chips will be removed and the area will be seeded with a wild conservation seed mix.

Commissioner Radner noted that a 40' UBA is shown on the plans. She stated this is the minimum UBA for this land use and asked if the project team had also calculated the UBA using slope as defined the regulations. Ms. O'Donnell confirmed and stated the calculated UBA is larger than the minimum UBA in several spots. Commissioner Radner asked if the calculated UBA was shown on the plan. Ms. O'Donnell stated it had not been shown on the plan, but displayed a sketch that showed the calculated UBA. She stated that the applicant would like to request the calculated UBA be waived and the minimum UBA be used in this design.

Commissioner Radner stated both the calculated and minimum UBA should be shown on the submitted plan, along with the actual amount of disturbance. Ms. O'Donnell asked for clarification on whether the reported disturbance should be all disturbance, or only that within the 100' buffer. Agent Brown stated that all disturbance should be included as the project qualifies for a Major Stormwater Management Permit application.

Agent Brown noted the applicant's request to waive the requirements of a Stormwater Management Permit and stated that while no new impervious surfaces introduced, the potential of pollutants from dog waste should be considered. Commissioner Radner agreed.

Commissioner Radner asked if the business is currently operating. Ms. Hannon confirmed. Commissioner Radner noted that an erosion and sediment barrier should be placed in the interim. Ms. O'Donnell suggested a compost tube and asked where it should be placed. After discussion, the Commission decided to determine a location at an upcoming site visit.

Elizabeth Geisinger, applicant and owner of the business, asked if a second fence should be placed inside the existing fence rather than moving the actual fence in an effort to limit disturbance. Agent Brown requested this be shown on the plan to understand the thought before determining if it was appropriate.

Commissioner Holmes asked if a gap should be included in the fence for wildlife passage. Ms. Geisinger stated the fence is wire with approximately 2"x4" openings. Commissioner Radner stated this was sufficient for wildlife passage.

Agent Brown noted that there are wood chips left in the buffer area outside of the fence and asked why they were there. Ms. Geisinger stated they were likely old chips to be spread, but also wasn't sure of the area to which Agent Brown was referring. They agreed to look at this during an upcoming site visit.

Commissioner DeAvila asked if there was a maintenance program for the play area. Ms. Geisinger confirmed and stated solid wastes are immediately picked up and placed in a receptacle. A third-party company empties the receptacles twice a week. Three to four times a year, the wood chips, which soak up the liquid wastes, are removed and replaced.

Commissioner DeAvila asked if soil samples had been taken to compare nutrient levels in the play area to outside of the play area. Ms. Geisinger declined, but stated they are happy to do so if the Commission wishes.

Commissioner Puopolo asked if the wood chips are removed by hand or with machinery. Ms. Geisinger stated it has been done by hand to date.

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

Commissioner DeAvila asked if there were downspouts from the building that would cause run-on through the play area. Ms. O'Donnell stated she believes most of the runoff from this area of the site goes to the isolated wetland.

Commissioner Radner asked that the edge of pavement be shown on the plan. Agent Brown added that she has not found any information asserting that wood chips sufficiently capture the nitrogen from the dog urine and would like documentation confirming it. She suggested the soil samples mentioned by Commissioner DeAvila could help to make the case.

The Commission agreed to have a site visit on Monday, 9/19 at 3:30PM.

Commissioner Radner **motioned to continue the hearing on DEP 141-0604 and MSMP 2022-17 to the 10/20 meeting.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

2.2. 414 Westfield Street –MSMP 2022-18 – New Single-Family Dwelling

Applicant: 414 Westfield Street
Realty Trust

Representative: Bob Rego, River Hawk Environmental
LLC

Mr. Rego stated the project is located on a recently subdivided lot. A bordering vegetated wetland is present at the rear of the property and was delineated by the previous owner. He noted Agent Brown had some questions about the delineation, so the applicant hired Goddard Consulting to re-delineate the wetland. They confirmed the delineation on the property and verified all proposed work is outside the 100' buffer to that wetland.

Mr. Rego stated the project proposes to construct a single-family dwelling on the lot with approximately 18,000 ft² of disturbance. The design includes two drywells at the rear of the property capturing stormwater from the building, with overflows to a rain garden. Runoff from the driveway will be directed around the edge of the property to the rain garden via a grassed swale. Erosion controls include a stabilized construction entrance and silt sock around the limit of work. The stormwater system has been designed to meet both the MassDEP and Dedham Bylaw stormwater standards.

Commissioner Radner asked how many trees will be removed. Mr. Rego stated that the tree survey they used did not capture all applicable trees. A follow up tree survey is planned and will be included on a revised plan. He noted that at least three trees will be removed, and replacement trees are proposed at the entrance and along the edge of the property.

Commissioner Radner asked if the project team will be requesting any waivers. Mr. Rego denied.

Mr. Rego noted 5 test pits have been conducted on site, but none were completed in the area of the subsurface infiltration systems. He said all 5 were consistent and asked the Commission if the design could be approved based on those, with test pits in the area of the infiltration systems to be completed prior to construction. Commissioner Radner stated this would be a waiver request and would have to be submitted in writing. Mr. Rego understood.

Agent Brown suggest that jute matting be used on the steep slope while the grass establishes. Mr. Rego understood.

Commissioner Radner opened the floor to the public for comment.

Lauren Montague of 466 Westfield Street stated she believes more trees have been removed than shown on the plan. She also stated water pressure at her house is low and may get worse with additional houses on the road. Ms. Montague noted a nearby vernal pool and added that diverse wildlife frequently uses this area as habitat. She urged the Commission to consider the value of the land as wildlife habitat.

Commissioner Radner confirmed that any trees recently removed should be included in the tree removal count. She noted that there is not a certified vernal pool documented in the area and would like more information from the resident to pursue certification. Ms. Montague agreed to share whatever information was needed.

Ivy Krull of 460 Westfield Street stated that many more trees would need to be removed than are shown on the plan. She also noted that several trees have already been removed. Ms. Krull asked what happens if the applicant does not abide by the terms set by the Commission.

Commissioner Radner confirmed that the work is monitored for compliance with issued permits and deviations from the plans will prevent Certificates of Compliance.

Stephen David, applicant for the project, asserted that the project would be completed in compliance with any approved designs. He also stated that trees have not been removed from this specific lot, but have been removed from the adjacent lot which was subdivided from this one.

Jessica Gonzalez of 479 Westfield Street stated she was concerned about the project's effect on traffic, particularly during construction. Commissioner Radner noted that the Commission often likes to see a construction management plan, but traffic is not specifically under the Commission's purview. She suggested the concern be routed to the Transportation Advisory Committee.

Ms. Montague asked if the drought is taken into account when delineating wetlands. Commissioner Radner confirmed that drought conditions are taken into account and several different aspects of potential wetlands are assessed during delineation.

Paulo Da Silva of 479 Westfield Street noted that many people walk down the street and asked if the construction traffic would park on the street and if police details would be on site to direct traffic. Commissioner Radner stated the Commission typically didn't get involved in this issue to that level of detail, but asked the applicant to respond. Mr. David stated he typically contacts the police department when the foundation is poured and that he is planning on working with a neighboring property owner to organize additional parking during construction.

Mr. Da Silva asked if a study will be conducted to determine the project's effect on wildlife in the area. Agent Brown stated that is typically required when a wetlands permit is required. As currently delineated, this project does not require a wetlands permit.

Mr. Da Silva noted that flooding occurs at the bottom of the hill and asked if any consideration has been given to this project's effect on runoff. Commissioner Radner confirmed that the Major Stormwater Management Permit requires management of the site's runoff.

Commissioner DeAvila stated that, if Mr. David uses the adjacent lot for construction parking, he would like to see a construction apron to prevent track out. Mr. David understood and stated he would look into it.

Ms. Krull asked the Commission to consider the parking plan for the project and any impacts it may cause to the soil.

The Commission agreed to conduct a site visit on 9/22 at 3:30PM.

Commissioner Radner **motioned to continue the hearing on MSMP 2022-18 to the 10/6 meeting.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

2.3. 392 Mt. Vernon Street –MSMP 2022-19 – New Single-Family Dwelling

Applicant: Alex Gibson

Chris McDonnell, representative for the project, stated that the project will seek to divide an existing lot and construct a house on the vacant portion of the lot. Two subsurface infiltration systems and a series of area drains are included in the design. Two trees and many shrubs are proposed to replace 9 removed trees.

Commissioner Radner stated that Agent Brown noted that it wasn't clear that the proposed system was sized to retain 2" of runoff. Mr. McDonnell stated the intent was to size the system to retain the 100-year storm (approximately 8" of runoff), but stated he could provide more clarity in the calculations.

Agent Brown noted that the Zoning Enforcement Officer has not been able to determine whether this is a buildable lot yet. She asked if the applicant had any further information regarding the buildability of the lot. Mr. Gibson stated two local attorneys both separately determined the lot was buildable.

Commissioner Radner noted an address will need to be assigned for the new house prior to permit issuance. Mr. Gibson stated he planned to submit the new address form soon.

Commissioner Gauthier noted the replacement plantings and stated he believes more trees could be incorporated into the design rather than the shrubs, as the regulation primarily requires 2:1 tree replacement, with 4:1 shrubs being allowed where trees are infeasible. Mr. Timm understood and stated they would consider revisions to the planting plan.

Commissioner Holmes noted that the house is large compared to the size of the lot. He noted that more trees could be included if the house was smaller. Mr. Gibson stated that this design is considered the maximum buildout for the lot and allowed the project team to design a stormwater system that would be adequate regardless of the final buildout of the lot. Mr. Timm added that the proposed design is near the size and shape of the desired layout, but the architect hasn't refined the design yet. The final design will not be bigger or expand further than shown. Commissioner Radner stated the plan must show the actual proposed design before it can be approved. Mr. Gibson stated the footprint will match what is shown on the submitted plan.

Commissioner Radner opened the floor to the public for comment.

Greg Kirby of 126 Jefferson Street noted the project will be removing mature trees from the lot and noted that the area already experiences groundwater issues. He is concerned this project could further

exacerbate the problems. Commissioner Radner understood and noted that Major Stormwater Management Permits require the project to meet some quantitative stormwater evaluations.

Agent Brown noted that the design does not meet the 10' minimum setback of infiltration devices from property lines. Mr. McDonnell asked if the Commission would be willing to waive the setback requirement if impervious barriers are used. Commissioner Radner stated a waiver could be requested, but should clearly define the hardship that justifies the waiver.

Mr. Kirby asked if raising the grade was under the purview of the Commission. Commissioner Radner confirmed. Mr. McDonnell indicated the proposed grading shown on the plan and indicated the area drains included in several locations in the side yard. He also indicated the test pit results showed no evidence of high groundwater. Agent Brown noted shallow ledge and also stated that a test pit hasn't been completed for the infiltration system to the front of the house. Mr. Timm acknowledged, but stated there was a test pit near the location of the front infiltration system.

Mr. Kirby noted that the area already retains water and stays wet. Mr. McDonnell understood and stated that the area drains and stormwater system were intended to account for the new impervious area and direct runoff into the ground.

Commissioner DeAvila asked if the yard drain at the lowest point of the yard functions as an overflow from the subsurface system. Mr. McDonnell stated the system is designed to retain the 100-year storm, but in an emergency situation, it would overflow from that point.

Commissioner DeAvila asked how the runoff from the patio would be directed. Mr. McDonnell stated the patio will be sloped toward the corner area drain. Commissioner DeAvila asked if a pervious deck had been considered. Mr. Timm stated he wasn't sure if a deck would be allowed by Zoning, but that he would look into it.

Commissioner Radner **motioned to continue the hearing on MSMP 2022-19 to the 10/6 meeting.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

3. Request for Modification

3.1. 92 Country Club Road – DEP #141-0560/MSMP 2019-12 – Renovation of Single-Family Dwelling

Agent Brown stated the applicant has requested this item be continued to the next meeting.

3.2. 159 High Street – MSMP 2021-11 – New Multi-Family Dwelling

James Garfield, representative for the project, stated the foundation for the new building is installed, but ledge encountered during the process has made the proposed subsurface infiltration system infeasible. Originally, roof runoff would have been directed to the subsurface system and driveway runoff would have been directed to the rain garden. The applicant is proposing a design change that would route all runoff to the rain garden. An updated drainage report and sizing calculations have been provided.

Agent Brown stated that she is concerned that the rain garden seems small and if it overflows, it could flood the adjacent sidewalk and street. She noted a Major Stormwater Management Permit requires 2" of runoff to be retained from the entire site and in this case that includes this new development as well as the existing house and driveway on the parcel.

Mr. Garfield responded that the rain garden has not changed since the plan was approved, with the exception of 3" of depth being added for freeboard. Agent Brown understood, but stated that the rain garden was originally only receiving runoff from the driveway and now it is receiving runoff from the entire site, so impacts caused by potential overflow are a greater concern.

Agent Brown commented that the foundation was installed despite the ledge and asked why the presence of ledge prohibits the proposed infiltration system. Antonio Reda, the applicant, stated that the foundation is shallower than designed because of the ledge and issues with the utility placement made them think installing the subsurface system would be infeasible. He stated that they dug in the area and found ledge approximately 2' below the driveway. Mr. Garfield added that he felt putting a subsurface system on top of ledge will not yield any groundwater recharge and therefore removing ledge in order to place the system would be wasted effort.

Commissioner Radner asked if a waiver was granted for a test pit in the area of the infiltration system. Agent Brown declined.

Agent Brown suggested this modification be peer reviewed by a professional engineer.

Commissioner DeAvila asked if permeable pavement could be used when repaving the driveway. Mr. Garfield confirmed the applicant could be amenable to that.

Commissioners Radner, Hafrey, and Puopolo agreed that a peer review was warranted. Commissioner Radner asked if the applicant was amendable to a peer review. Mr. Reda confirmed, but asked that a quote be obtained before funds are requested. Agent Brown agreed and stated she would get a quote for the peer review before the next meeting.

Commissioner Radner stated discussion on this item would continue at the 10/6 meeting.

4. Request for Extension

4.1. 688-700 Providence Highway – DEP #141-0557 – Erosion Control at BJs

Steve Ivas, representative for the project, stated that the approved work has been completed, but the Order of Conditions requires 75% of the plantings to survive 2 years. Completion of the project was delayed because the initial planting failed, but the second planting has been successful thus far. The applicant is requesting a 2-year extension to allow for the plant survival monitoring period.

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

Commissioner Radner **motioned to approve the requested 2-year extension for DEP 141-0557.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0. Commissioner Gauthier was unavailable.

5. Minutes – 9/1/2022

Commissioner Radner **motioned to approve the minutes from the 9/1/22 meeting as drafted.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0. Commissioner Gauthier was unavailable.

6. Agent's Report

Agent Brown provided the following updates:

- The initial survey has been completed on 121 Whiting Avenue, which revealed several encroachments on the neighboring properties. The representative will begin preparing a stormwater plan for the project.
- The initial survey has been completed for 177 Meadowbrook Road, which revealed unpermitted work in the buffer zone and the wetlands. The permittee has retained a wetland scientist to prepare a remediation strategy.
- The Select Board has approved Anne Gotay as a new Commissioner. She has not been sworn in yet, but Agent Brown will reach out to her with onboarding materials.
- ESS Group is moving ahead with the watershed analysis of Wigwam Pond and staff had a kickoff meeting for the access study for Wigwam Pond earlier this week.

- A settlement hearing was held for 530 Providence Highway, but no progress has been made, so it will likely return to litigation.

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

The meeting was adjourned at 10:46 PM.