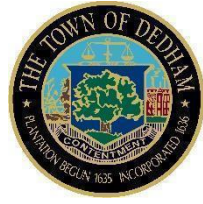


Stephanie Radner, Chair  
Nathan Gauthier, Vice Chair  
Tim Puopolo, Clerk  
Erik DeAvila, Associate  
Anne Gotay, Associate  
Leigh Hafrey, Associate  
Bob Holmes, Associate  
Elissa Brown, Agent  
Patrick Hogan, Asst. Agent



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## **TOWN OF DEDHAM CONSERVATION COMMISSION**

### **Minutes of November 17, 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  
Anne Gotay

#### **The following staff were also present:**

Elissa Brown, Agent  
Patrick Hogan, Assistant Agent

#### **The following Commissioners were absent:**

Bob Holmes

#### **The following Applicants and/or Representatives were present:**

Marissa Hannon, Applicant – 1105 East Street  
Elizabeth Geisinger, Applicant – 1105 East Street  
Kate O'Donnell, Representative – 1105 East Street  
John Glossa, Representative – 220 Stoney Lea Road  
Ruth Wisialko, Permittee – 177 Meadowbrook Road

Commissioner Radner called the meeting to order at 7:04 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. Public Comment**

There were no comments from members of the public.

#### **2. Continued Applications (Applications Previously Opened to be Discussed Tonight)**

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

Applicant: Robert Stow

Representative: Edmond Spruhan, Spruhan Engineering

Commissioner Radner asked if an official address had been assigned for this site. Agent Brown confirmed.

Commissioner Radner asked Agent Brown if the applicant had reviewed the draft permit. Agent Brown stated she shared it with them previously. She did not receive any requested revisions.

Commissioner Radner stated that she previously felt all requirements were met and approval of this project was just awaiting the official address.

Commissioner DeAvila asked what the assigned address was. Commissioner Radner stated the site is identified as 390 and 392 Cedar Street.

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

Commissioner Radner **motioned to close the public hearing for MSMP 2022-12 and issue the permit as drafted**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. Commissioner Gotay abstained as she was not a sitting commissioner when this item was introduced. All other attending commissioners voted "aye." The motion carried 5-0.

## **2.2. 1105 East Street – DEP 141-0604/MSMP 2022-17 – UBA Restoration and Dog Play Area Construction**

Applicant: Marissa Hannon, Doggy Dates LLC

Ms. Hannon gave an overview of the project. She stated the project team has submitted new waiver requests and stated the project team has discovered a product called Earth Blanket that can be used as a mulch layer that will bind nitrogen. This material will be laid and covered with wood chips in the designated pet relief area, which will be located outside of the buffer zone. The company states that Earth Blanket can absorb up to 50% of the nitrates in the pet waste. She also noted the installed compost sock can bind nitrogen from surface runoff. The sock currently runs along the fence between the play area and two on-site wetlands. Ms. Hannon also stated that the site plan has been resubmitted with minor revisions that make it easier to interpret.

Kate O'Donnell, representative for the project, stated they have requested a waiver of the 40' Undisturbed Buffer Area (UBA) around the isolated wetland as it has been created from the ice melt from Zamboni shavings. She stated the proposed design still observes a 20'-25' UBA around the isolated wetland. Ms. O'Donnell added that they are requesting the Commission waive the Major Stormwater Management Permit requirements for drainage calculations, a stormwater management plan report, a post construction O&M plan, and a stormwater management site plan. They requested these requirements be waived as the qualifying disturbance has not affected drainage or infiltration at the site. They are also requesting a waiver for similar requirements in the wetlands regulations, triggered by 5,000 ft<sup>2</sup> of disturbance, for the same reasons.

Commissioner Radner asked if the project team is proposing to move the fence to the calculated UBA line for the bordering vegetated wetland. Ms. O'Donnell confirmed. Ms. Hannon added that most of the area with the isolated wetland's UBA is preexisting gravel parking. She noted the dog play area will be outside both UBA's.

Commissioner Radner stated she had recently noted a large pile of ice shavings from the Zamboni placed where meltwater would avoid the compost sock. She noted that this could create an issue, but was not related to this applicant or application and thus may not be relevant to this discussion. She asked the other commissioners for their thoughts. She also noted that the Commission had received satisfactory written approval of the proposed dog play area from the owner of the property.

Commissioner Hafrey stated locating a pet relief area outside the buffer zone was good, but asked how dogs will obey. Ms. Hannon stated the dogs often relieve themselves immediately upon exiting the vehicle. She stated they intend to keep the dogs contained in this area for a short time to allow them to relieve themselves before releasing them to the play area. She acknowledged that they still may relieve themselves in the play area, but is hopeful that by following this protocol, the bulk of pet waste will be confined to the designated area.

Commissioner DeAvila suggested it could be a good gesture to continue the compost sock along the back of the property to cover any area where there may be meltwater from ice shavings. Ms. Hannon stated they were amenable to that action. Ms. O'Donnell noted an engineered storm drainage area and asked if the property owners should dump ice shavings there. Commissioner Radner stated she didn't believe a compost sock was a long-term solution and noted that the issue of the Zamboni ice shavings was not the responsibility of the applicant and therefore not their responsibility to correct.

Agent Brown suggested she review the original Order of Conditions for the ice rink and see if there was a condition regarding disposal of ice shavings. Commissioner Radner agreed and stated that the issue of the ice shavings should not bear any consideration in this application.

Commissioner Gauthier stated he was amenable to the waiver requests. He also stated he does not see a benefit in using a compost sock to mitigate the runoff from the meltwater. He asked if there is a stated depth of the proposed materials in the potty area. Ms. Hannon stated the Earth Blanket company recommends a ½" - ¾" of their material. They will cover this with about 1" of wood chips. Commissioner Gauthier recommended that a spec sheet detailing this be submitted so it can be tied to the approval.

Commissioner Radner stated she was concerned about the request to waive the UBA around the isolated wetland. She stated that although it may have been created by the meltwater, it still functions as a wetland.

Agent Brown added that the DEP's general position is that a functioning wetland is a wetland regardless of its origination.

Commissioner Gauthier agreed, but noted that the gravel parking area in the UBA was pre-existing.

Commissioner Radner asked if the project team is proposing any mitigation in relation to the waiver. Ms. O'Donnell stated a restoration protocol has been submitted for the area between the proposed and existing locations of the fence. The area will be seeded with a conservation wildlife seed mix. Commissioner Radner asked if there will be any invasive species removal associated with the restoration. Ms. Hannon denied and stated that the work will mainly consist of removing the wood chips and sowing conservation mix. She asked if the compost sock should stay in place. Commissioner Radner stated compost socks are typically temporary controls, but stated it could provide a benefit in this case.

Commissioner Puopolo agreed that the isolated wetland does have function and value, but stated he finds the issue of its origination unique. He noted that the UBA area indicated by the waiver request does not seem to be tied to the wetland topographically or hydrologically. He noted the project area that requires a waiver seems to have impact toward the other wetland on site. He stated that while the isolated wetland has value and function, he believes an exception to the UBA requirement can be made in this case due to the site characteristics and the placement of the compost sock and restoration area. He added that further discussion of the Zamboni ice shavings should be directed to the property owner, as that activity is not associated with the operation covered by this application.

Commissioner Radner agreed that the area covered by the UBA waiver request was already in use prior to this operation and does not represent a new incursion into the UBA. She also stated she is amenable to the waivers for the requirements associated with the stormwater permit.

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

Commissioner Radner asked for Agent Brown's recommendation. Agent Brown stated permits and conditions have not been drafted yet, but noted that the Commission seemed to be approaching approval. She suggested this item be continued to the next meeting. She will share draft conditions in the meantime.

Commissioner Gauthier asked if an operation and maintenance plan documenting the regular replacement of the surface materials has been submitted. Ms. Hannon confirmed.

Commissioner Radner **motioned to continue this item to the meeting on 12/1**. 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. 220 Stoney Lea Road – RDA 2022-11/mSMP 2022-15 – New Septic System**

John Glossa, representative for the project, stated he had been hired by the owner to review the previously approved design. He realized their soil testing method was conservative in sizing the leach field. He performed a perc test and was able to design a smaller system. In the new design, the current water service and 30" beech tree can remain. An 8" viburnum will still be removed and replaced with two red oaks.

Commissioner Radner asked if the Board of Health had approved of the modification. Mr. Glossa stated he has submitted it to the Health Department, but hasn't received any comments. He stated he does not anticipate any revisions.

Commissioner Radner noted that this is an improvement over the previous design. She opened the floor to the other commissioners and the public for comment. She received no responses.

Commissioner Radner asked for Agent Brown's suggestion. Agent Brown stated she could issue a letter approving the modification if the commission wished.

Commissioner Radner **motioned to approve the modification to the Negative Determination of Applicability for RDA 2022-11**. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

### **4. Minor Stormwater Management Permits**

#### **4.1. 120 Schoolmaster Lane**

Agent Brown stated a Minor Stormwater Management Permit had been issued for the project at this location. She stated the disturbed area will be replanted after the construction of the swimming pool.

### **5. Notice of Violation Update**

#### **5.1. 126-128 Milton Street**

Agent Brown stated the owner has removed all materials improperly stored in the Riverfront Area.

#### **5.2. 177 Meadowbrook**

Agent Brown reminded the Commission that the property owners had previously submitted a modification request to include a dog fence in the design. A temporary fence was in place at the time of the request. The Commission denied the modification request and required the removal of the temporary fence. Agent Brown recently observed that the temporary fence was still in place. The owners requested that the fence be allowed to remain in place until November 28 as they have visitors with dogs. By that date, they will move the fence to the existing patio and plan to submit a full restoration plan in the future.

Commissioner Radner stated she believed the proposed timeline was acceptable. She opened the floor to the other commissioners. She received no responses.

## **6. Request for COC**

### **6.1. 22 Bridge Street – DEP 141-0569 – Commercial Garage Addition**

Agent Brown stated the inspection bay had been installed as proposed and the project has been completed.

Commissioner Radner opened the floor to the other commissioners. She received no responses.

Commissioner Radner asked if erosion and sediment controls still needed to be removed. Agent Brown denied.

Commissioner Radner **motioned to issue a Certificate of Compliance for DEP 141-0569**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

### **6.2. 75 Durham Road – DEP 141-15**

Agent Brown stated this Order of Conditions (OOC) concerns one side of a duplex. She stated the house is being sold and the attorney is trying to close the OOC approving the duplex’s original construction in 1988. Agent Brown noted that the current conditions of the property do not meet the conditions in the 1988 OOC. She stated the driveway was supposed to be reduced a bit and the original grading was supposed to be restored, neither of which seem to have happened. Additionally, she stated a shed and bricked area have been installed since the original construction without approval. She summarized that the property is not currently in compliance with the original OOC and there have been unpermitted alterations since then.

Commissioner Radner asked if the new owner would be responsible for compliance if a Certificate of Compliance was not issued. Agent Brown confirmed and recommended the request be denied. If denied, she suggested she issued a Notice of Violation to the new owner requiring action. She noted that the hardcopy file suggested that the Commission was prepared to issue a Certificate of Compliance in 1988 for the initial project, but does not seem to have done so.

Commissioner Radner asked if the Commission specifically declined to issue the Certificate of Compliance in 1988 for any particular reason. Agent Brown declined. She noted that an Enforcement Order had been issued for the project related to debris, but she saw no continuing evidence of this issue and believes it was resolved.

Commissioner Radner asked if the new owners were aware of this issue. Agent Brown was unsure, but stated she has spoken with the seller’s attorney regarding the issue.

Commissioner Radner asked if the Notice of Violation should be issued to the current owner. Agent Brown confirmed that was possible.

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

Commissioner Radner **motioned to deny a Certificate of Compliance for DEP 141-15**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

## **7. Minutes – 10/20/2022 and 11/3/2022**

Commissioner Radner stated she had reviewed the 10/20 minutes, but had not reviewed the 11/3 minutes. The other commissioners generally agreed that they had only reviewed the 10/20 minutes.

Commissioner Radner stated the 11/3 minutes would be considered at the next meeting to allow more time for review.

Commissioner Radner **motioned to approve the minutes from the 10/20/2022 meeting as drafted.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

**8. Agent's Report**

Agent Brown had no additional items to report.

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

The meeting was adjourned at 8:22 PM.