

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



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TOWN OF DEDHAM CONSERVATION COMMISSION

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Minutes of November 3, 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
Anne Gotay

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:

Pat Duncan, Applicant – 45-55 Cliff Way
Jason Mammone, Dedham Engineering, Applicant – Bussey Street Improvements
Matt Crowley, BETA Group, Representative – Bussey Street Improvements
Stephen David, Applicant – 446 Westfield Street
Bob Rego, River Hawk Environmental, Representative – 446 Westfield Street

Commissioner Radner called the meeting to order at 7:02 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. New Applications

2.1. 45-55 Cliff Way – MSMP 2022-12 – Retaining Wall

Applicant: Pat Duncan

Mr. Duncan stated he is seeking approval to increase the height of an existing 4' retaining wall to the current grade of his property. The wall is made of precast block and the project will not require excavation.

Commissioner Radner asked if the ZBA has approved the proposed wall height. Mr. Duncan confirmed.

Commissioner DeAvila asked if the wall will be engineered. Mr. Duncan confirmed.

Commissioner Radner asked how tall the wall will be when completed. Mr. Duncan stated that the overall height will vary, but the top of the wall will be at the existing grade of his property.

Commissioner DeAvila asked if a 4' chain link fence will be included at the top of the wall for safety. Mr. Duncan confirmed.

Commissioner DeAvila asked what will be used to backfill the space between the existing grade and the new wall. Mr. Duncan stated the new space will be lawn or other permeable material.

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

Commissioner Radner asked if neighbors have been notified of this potential project. Mr. Duncan confirmed.

Commissioner Radner asked if staff had any further comments or questions. Assistant Agent Hogan stated there were no additional concerns.

Commissioner Radner noted a Negative Determination of Applicability had been drafted and asked if Mr. Duncan had reviewed it. Mr. Duncan confirmed and requested no revisions.

Commissioner Radner **motioned to close the public hearing for RDA 2022-12**. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 7-0.

Commissioner Radner **motioned to issue the Negative Determination of Applicability as drafted for RDA 2022-12**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 7-0.

3. Continued Applications (Applications Previously Opened to be Discussed Tonight)

3.1. Bussey Street Improvements – DEP 141-0605 – ADA-Compliance Street Improvements

Applicant: Jason Mammone Representative: Laura Krause, BETA Group

Mr. Mammone stated the project team has provided written responses to the Commission's previous questions and comments and is prepared for any further questions the Commission might have.

Commissioner Radner asked if the area at the water's edge at Mill Pond Park will be disturbed. Matt Crowley, representative for the project stated there will be some disturbance as they construct the wingwall, but a floating silt fence will be in place to capture debris. Commissioner Radner noted that shrubs were proposed for this area. She noted it currently housed many native plants and asked if it could be left undisturbed. After discussion about the exact location of work, Mr. Mammone clarified this project

was confined to the right-of-way. Commissioner Radner understood and stated the current plan was acceptable.

Commissioner DeAvila asked how the area in the western portion of the project will be permanently stabilized. Mr. Crowley stated typical loam and seed will be applied.

Commissioner Radner noted plantings that are currently present near the park and asked if they will be preserved. Mr. Mammone confirmed that the plantings are outside of the work area.

Commissioner Radner asked if it would be possible to plant something other than grass near the park. Mr. Mammone stated they could plant a more wild mix of seed, but the area would likely be trampled or mowed clean by mowing crews. Commissioner Radner understood and stated the proposed seed is acceptable, but that she'd be interested in future plantings for this area.

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

Commissioner Radner noted an Order of Conditions had been drafted and asked if Mr. Mammone had reviewed it. Mr. Mammone confirmed and stated no requested revisions.

Commissioner Radner **motioned to close the public hearing for DEP 141-0605**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 7-0.

Commissioner Radner **motioned to approve a waiver for undisturbed buffer area limitations to allow the removal of trees that prevent access to part of the project area**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 7-0.

Commissioner Radner **motioned to issue the Order of Conditions for DEP 141-0605 as drafted**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 7-0.

3.2. 446 (aka 414) Westfield Street – MSMP 2022-18 – New Single-Family Dwelling

Applicant: 414 Westfield Street Representative: Bob Rego, River Hawk Environmental LLC Realty Trust

Mr. Rego stated the project team has responded to all of Agent's Browns comments and revised the design accordingly. He believes all issues have been resolved.

Commissioner DeAvila asked if there was a way to retain the large oak trees present on the site. Stephen David, applicant for the project, declined.

Commissioner Radner noted traffic concerns from neighbors and asked if any traffic considerations have been included in the construction documents. Mr. David stated he will have a construction supervisor on site to address any traffic issues. He also stated the project team is aware the street is a regularly travelled public way and will monitor it as such.

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

Commissioner Radner noted a Major Stormwater Management Permit had been drafted and asked if Mr. David had reviewed it. Mr. David confirmed and stated no requested revisions.

Commissioner Radner **motioned to close the public hearing for MSMP 2022-18**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. Commissioner Gotay abstained as she was not a

sitting Commissioner when this hearing began. All other attending commissioners voted “aye.” The motion carried 6-0 with one abstention.

Commissioner Radner **motioned to issue the Major Stormwater Management Permit for MSMP 2022-18 as drafted**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. Commissioner Gotay abstained as she was not a sitting Commissioner when this hearing began. All other attending commissioners voted “aye.” The motion carried 6-0 with one abstention.

4. Request for Modification

4.1. 20 & 35 Shuttleworth Place – DEP 141-0548/141-0549 & MSMP 2019-03/2019-04 – Electric Poles

Agent Brown stated the permittee needs to provide electric service to the new houses. He could run the overhead line along the driveway, but it would require the placement of several poles. As a preferred alternative, the applicant would like to place one pole within the Undisturbed Buffer Area (UBA) and string the electric line over the wetland. As a second alternative, the applicant has stated he could place two poles: one outside of the Buffer Zone (BZ) and in the BZ, but outside of the UBA.

Commissioner Holmes asked why the pole had to be placed in the UBA in the preferred alternative. Agent Brown stated Eversource limits how far the line could be strung, and that limit would require the pole to be in the UBA.

Commissioner DeAvila asked if the electric lines would be overhead all the way to the house or if they'd go underground at the proposed poles. Agent Brown stated they would be overhead all the way to the house.

Commissioner Radner asked if there were trees present in the areas where these lines would be strung. She asked if they would need to be pruned regularly as part of future maintenance. Agent Brown stated she wasn't sure, but agreed it was an important question. Commissioner Radner stated that Google Street View didn't show many tall trees, but indicated she would like to visit the site to confirm. She noted that necessary repairs for any downed lines in these alternative solutions could also cause issues in the wetland.

Agent Brown stated she would relay these comments to the permittee for their response.

5. Request for COC

5.1. 68 Indian Path – MSMP 2021-04

Agent Brown stated the project has been completed according to the approved plan. She stated an as-built has been submitted as required and the site has been stabilized.

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

Commissioner Radner **motioned to issue a Certificate of Compliance for MSMP 2021-04**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 7-0.

5.2. 176 Schoolmaster Lane – MSMP 2020-12

Agent Brown stated the project has been completed. The subsurface infiltration systems were installed slightly differently than shown on the approved design, but the engineer has certified that they are functioning as designed.

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

Commissioner Radner **motioned to issue a Certificate of Compliance for MSMP 2020-12**. Commissioner Gauthier seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 7-0.

6. Agent’s Report

6.1. On-Call Services RFP for Peer Review Services – Request for Reviewers

Agent Brown reported that the Town’s new Procurement Director has developed a Request for Proposals (RFP) for on-call services. Two responses were received and a committee now must be formed to review the submissions. Agent Brown stated she and Assistant Agent Hogan will be on the committee, but she asked if any commissioners were interested in being involved.

Commissioner Radner asked if this RFP was to appoint someone to peer review projects that come before the Commission. She asked if the Commission would be obligated to only use this firm in the future. Agent Brown confirmed both questions.

Commissioner Gauthier volunteered to be on the review committee. Agent Brown stated she would let the Procurement Director know, who would then be in touch with the materials to review.

6.2. Minor Stormwater Management Permits

6.2.1. 27 Zoar Avenue

Agent Brown reported a Minor Stormwater Management Permit was issued to install pervious pavers for additional parking at this location.

6.3. Administrative Approvals

6.3.1. 253 Stoney Lea Road

Agent Brown stated she approved the removal of one dead tree from the buffer zone, approximately 90’ from the wetland.

Commissioner Radner noted vernal pools in the area and asked if the felled tree will be left in place. Agent Brown stated the Administrative Approval requires a snag of trunk to be left standing and the felled wood will either be removed or used as firewood by the neighbor. Commissioner Radner stated she preferred that the tree be left on the ground as though it had naturally fallen. Commissioner DeAvila suggested the tree company remove the top of the tree until the height is at a safe level and then leave it as is. Commissioner Puopolo agreed and stated leaving snags of trunk is a good practice. Commissioner Radner agreed that leaving a sizable snag would address her concern.

6.4. Notice of Violation Update

6.4.1. 128 Milton Street

Agent Brown stated that the Commission had previously instructed the owner of this property to leave the rear area as lawn. The owner is partially using the property for his business and has installed some storage structures. Agent Brown has issued a Notice of Violation and in response the owner will be moving the structures and stored materials.

6.4.2. 120 Schoolmaster Lane

Agent Brown stated the owner is in the process of submitting a Minor Stormwater Management Permit application as required and will be restoring the area around the new pool with native plantings.

6.4.3. 177 Meadowbrook Road

Agent Brown stated the property owner has hired Thunderchase Environmental and a landscaping design firm to review the encroachment noted in the Notice of Violation and devise corrective measures.

6.4.4. 121 Whiting Street

Agent Brown stated that the site is stabilized for the winter with erosion and sediment controls. She stated the owner is reviewing options and will likely submit the required applications for the project in a few months.

Commissioner DeAvila **motioned to adjourn**. Commissioner Radner seconded. All attending commissioners voted "aye." The motion carried 7-0.

The meeting was adjourned at 8:10 PM.