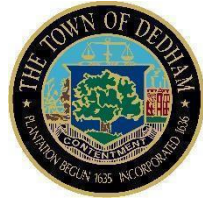


Stephanie Radner, Chair
Nathan Gauthier, Vice Chair
Tim Puopolo, Clerk
Erik DeAvila, Associate
Anne Gotay, Associate
Leigh Hafrey, Associate
Elissa Brown, Agent
Patrick Hogan, Asst. Agent



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TOWN OF DEDHAM CONSERVATION COMMISSION

Minutes of January 11, 2023

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
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:

Nathan Gauthier, Vice Chair

The following Applicants and/or Representatives were present:

Walter Conte, Applicant – 15 Belknap Street
Scott Henderson, Representative – 15 Belknap Street
Brian Lau, Representative – 48 Berkeley Road

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. Public Comment

There were no comments from members of the public.

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

2.1. 15 Belknap Street– MSMP 2022-20 – Reconstruction of Two Two-Family Dwellings

Applicant: Belknap Street Irrevocable
Trust of 2009, Walter Conte, Tr.

Representative: Scott Henderson, Henderson
Consulting Services

Mr. Henderson stated the peer reviewer had completed their process and submitted no significant comments. The reviewer noted that downspout connections to the subsurface systems were not shown on the plan, so Mr. Henderson has revised the design to include them. He noted that the rear system overflows to a catch basin and the front system overflows from the proposed trench drain. Mr. Henderson stated a formal waiver request has been submitted requesting a test pit for the front system not be required prior to permitting, as the existing house is currently obstructing the location.

Commissioner DeAvila noted that two patios are shown on the front building. He asked if the patios would be permeable. Mr. Henderson stated they are impervious, but runoff is directed to the infiltration system.

Commissioner Hafrey asked if the test pit for the front infiltration system will be completed prior to construction. Mr. Henderson confirmed and stated that results will be shared with the Conservation Department.

Commissioner DeAvila asked if a planting plan had been submitted. Mr. Henderson denied and stated no trees will be removed, so no replacement trees are proposed.

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

Commissioner Radner asked if the applicant had seen the draft permit. Mr. Henderson stated he had not, but was amenable to issuance without review if the permit language was standard with the addition of a condition for the completion of the final test pit prior to construction.

Commissioner Radner **motioned to close the public hearing for this item.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

Commissioner Radner **motioned to approve the request to waive the requirement for a test pit for the front system to be completed prior to permitting as long as it is completed prior to construction with results provided to the Conservation Department.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

Commissioner Radner **motioned to issue MSMP 2022-20 as drafted.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

2.2. Town Landing Canoe Kayak Launch – DEP 141-0606

Applicant: Town of Dedham Representative: Elissa Brown

Agent Brown stated that this application proposes the addition of sections to the existing dock to allow use during drier conditions. The Town proposes to add a 12' section to the river-side of the dock and a 5' section to the bank-side of the dock. She noted a DEP number had been issued for this application and stated that she would submit a Chapter 91 application to the State if an Order of Conditions is issued.

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 this item.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

Commissioner Radner **motioned to issue the Order of Conditions for DEP 141-0606 as drafted.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

3. Request for Certificates of Compliance (COCs)

3.1. 101 Country Club Road – DEP 141-0348

Agent Brown stated this Certificate of Compliance (COC) is being requested for an Order of Conditions that was issued in 2005 for the installation of septic system. She stated that work was completed shortly thereafter, but a COC was never issued. Agent Brown stated the site was fully stabilized and she noted no issues.

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 DEP 141-0348.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

3.2. 7 Schoolmaster Lane

Agent Brown stated the Order of Conditions for this site requires the plantings to survive two growing seasons, but only one has passed so far. The landscaper is requesting a Certificate of Compliance (COC) be issued as the property owner will not pay his fees until a COC is issued.

Commissioner DeAvila asked when the second growing season will be complete. Agent Brown stated it could be considered complete around May 2023.

Commissioner DeAvila asked if plant survival could be included as a continuing condition of a COC. Commissioner Radner stated a Partial COC would be more appropriate. She asked if that would allow the landscaper to be paid. Agent Brown did not know.

Commissioner DeAvila asked if a copy of the contract requiring a COC before payment has been provided. Agent Brown denied. Commissioner DeAvila stated he would like to see that before considering a COC.

Commissioner Radner stated she would also like to have the owner or their representative present to discuss the issue as this may be something that can be sorted out between them and the landscaper. She also noted that this request for a COC came from the landscaper, who is neither the original applicant nor the current owner, and stated a COC request should come from one of those two parties.

Commissioner Gotay agreed that all of these concerns should be addressed and discussed directly with the involved parties before considering the COC further.

Agent Brown stated she would relay all comments to the landscaper for response. Commissioner Radner asked that the need for the owner or permittee to be involved in the process be expressed to the landscaper as well and stated that no action will be taken on a COC at this time.

4. Notice of Violation

4.1. 48 Berkeley Road

Agent Brown stated that she had inspected the site for a Certificate of Occupancy (COO) and found several issues. She noted vegetation had been removed beyond the limit of work and into the Undisturbed Buffer Area (UBA). She stated propane tanks had also been installed in the UBA, but have since been moved. A trench drain was installed at the edge of the garage, not at the end of the driveway as proposed. The trench drain was also much thinner than what was proposed. She also noted additional impervious surfaces had been installed on the site, there was no gravel below the decks, no overflows on the downspouts, no signs had been installed demarcating the Conservation Area, and the

erosion and sediment controls had been removed before permanent stabilization. She stated the permittee has submitted a corrective action plan in response to the Notice of Violation.

Brian Lau, representative for the permittee, stated a corrective action plan has been submitted covering all noted issues. Some have already been addressed and corrective work will continue. He stated a wetland scientist has been hired to monitor progress of the restoration plan, the propane tanks have been moved out of the UBA, a new trench drain has been ordered, overflows have been installed on all downspouts, Conservation Area signs will be installed, and new filter socks have been installed. He noted that the owner currently has a buyer for the property and they would like to close as soon as the issues are corrected. He commented that the new owner will be made aware of all continuing requirements of the site.

Agent Brown stated she had requested the Building Commissioner withhold the COO until the hardscape issues are corrected. She noted that plantings can wait until the weather is more favorable. She agreed that some of the issues have been corrected, but suggested the permittee communicate with the Conservation Department prior to making further changes to the site. Mr. Lau agreed.

Commissioner DeAvila stated that if the new owner is assuming the responsibility for compliance with the existing permits, he would like them to attend a meeting or contact the Conservation Department so they fully understand all requirements. Mr. Lau agreed.

Agent Brown asked that the erosion and sediment controls be corrected as soon as possible. She stated the re-installed controls are staged at the original limit of work, but disturbance has occurred beyond that point, so that side is currently unprotected. She asked that the current controls be left in place and another set of controls be installed at the current limit of disturbance. Mr. Lau agreed.

Commissioner Radner stated the Commission will await further updates from Agent Brown regarding progress on the corrective actions.

5. Emergency Certification

5.1. Lechmere Way Beaver Dams

Agent Brown stated Lechmere Way is the service road behind BJ's. She stated the parking lot flooded due to a beaver dam. The beavers were trapped and removed, but DPW needed to breach the dam to relieve the flooding. The Director of Health verified it was a public health emergency, so Agent Brown issued an Emergency Certification to authorize DPW to break the dam. She asked the Commission to ratify the Emergency Certification.

Commissioner Puopolo asked if the lodge had been found for this dam. He noted that if a lodge had been found, they should check for kits. He also stated that a beaver deceiver could help if this is a continuing issue. Agent Brown agreed and stated she would look into it.

Commissioner Radner **motioned to ratify the Emergency Certification for the breach of a beaver dam near Lechmere Way.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

Agent Brown added that another Emergency Certification had been requested by DPW earlier in the day. She stated that 5" of ice was noted across Westfield Road near the recently permitted project. She stated DPW has found water welling up from the ground, overwhelming a nearby leaching catch basin, and running down the road. The Chief of Police confirmed this was a threat to public safety due to potential icing during this time of the year. Agent Brown stated the permanent solution is probably to pipe the discharge to the storm sewer system further down the hill, but that project will take time to complete due to bedrock. As a temporary measure, the DPW has asked if a pipe can be installed to direct the flow under

the street and into a gravel swale, eventually discharging to a grassy area further down the hill until the permanent solution can be researched and completed.

Commissioner Hafrey asked if there was a connection between this issue and the nearby construction. Agent Brown denied, but stated this issue may have arisen because of the removal of a discharge pipe from the leaching catch basin in response to a drainage issue earlier this year.

Commissioner DeAvila asked if the gravel swale will be part of the permanent solution. Agent Brown stated it is intended to be temporary. She stated the current idea for a permanent solution is to connect the leaching basin to the existing storm sewer system, potentially with some form of treatment. She also noted that the origination of the flow should be investigated.

Commissioner Radner **motioned to ratify the Emergency Certification for installation of a temporary drainage measure along Westfield Street.** Commissioner Puopolo seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

6. Certificate of Vote Authorizing Signatures Pursuant to M.G.L. C110G for Patrick Hogan

Agent Brown stated she is currently authorized to sign documents on behalf of the Commission, but is planning on being out of the office for a few weeks. She proposed that Assistant Agent Hogan be authorized to sign on behalf of the Commission to prevent delays in the issuance of permits.

Commissioner Radner **motioned to ratify the Certificate of Authorization to allow Assistant Agent Hogan to sign documents on behalf of the Commission.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

7. Minutes – 12/1/22 and 12/15/22

Commissioner DeAvila noted that he would like the addition of a statement in item 5.1 of the 12/1 minutes indicating the property owners had completed fall cleanup of leaves and debris outside of the installed fence. Agent Brown agreed that could be added.

Commissioner Radner **motioned to approve the minutes from 12/1 and 12/15 with the addition of the statement noted by Commissioner DeAvila.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

8. Agent's Report

- Agent Brown stated a vacancy notice has been posted for the open positions on the Commission. Applications will be accepted from 1/12 – 1/23.
- Commissioner DeAvila stated that the Open Space and Recreation Committee (OSRC) is considering merging under the Conservation Commission, but they still need to hear from the members that were not present at their most recent meeting. He also stated the group will be reviewing the Open Space Plan for any needed updates. Commissioner Radner stated the Open Space Plan is valid through 2026, but suggested the OSRC maintain it regularly to prevent major necessary changes later on. She stated she would contact the OSRC chair to discuss progressively updating the document.
- Commissioner DeAvila stated another public meeting for the Wigwam Pond Access Study will be held in February. He will let everyone know once a date has been set. Commissioner Radner also noted a related survey is available on the Town website.

- Commissioner DeAvila stated he spoke with the Town's Public Information Officer Amanda Smith regarding the Commission's social media presence. She asked that the Commission let her know directly if there's anything they'd like posted.

Commissioner DeAvila **motioned to adjourn**. Commissioner Radner seconded. All attending commissioners voted "aye." The motion carried 5-0.

The meeting was adjourned at 8:13 PM.