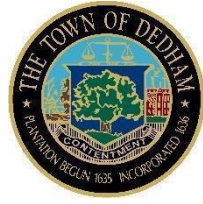


Stephanie Radner, Chair
Nathan Gauthier, Vice Chair
Tim Puopolo, Clerk
Erik DeAvila, Associate
Anne Gotay, Associate
Leigh Hafrey, Associate
Elissa Brown, Agent
Patrick Hogan, Asst. Agent



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TOWN OF DEDHAM

CONSERVATION COMMISSION

Minutes of February 2, 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
Nathan Gauthier, Vice Chair
Tim Puopolo, Clerk
Erik DeAvila
Anne Gotay
Leigh Hafrey

The following staff were also present:

Patrick Hogan, Assistant Agent

The following Commissioners were absent:

The following Applicants and/or Representatives were present:

Jason Mammone, Presenter – Proposed Drainage Design Standards
Jaurice Schwartz, Presenter – Proposed Drainage Design Standards
Michael Fitzgerald, Applicant – 43 Meadowbrook Road
Kevin Carr, Applicant – 43 Meadowbrook Road
Phyllis Carter, Applicant – 43 Meadowbrook Road
Alyssa Jacobs, Representative – 43 Meadowbrook Road
Jack Enos, Representative – 43 Meadowbrook Road
Tony Ferrara, Applicant – 18 Sawyer Drive
Natalie Adams, Representative – 18 Sawyer Drive
Scott Henderson, Representative – 18 Sawyer Drive and 28 Mills Street
Samuel and Leslie Griesmer, Applicants – 84 Glenridge Road
Paul Lindholm, Representative – 84 Glenridge Road
Brian Keaney, Applicant – 34 Milton Street
Megan Buczynski, Representative – 34 Milton Street
Mark Novak, Representative – 34 Milton Street
Kevin Carter, Representative – 102 Jefferson Street and 30 Oscars Way
Andrew Magee, Representative – 177 Meadowbrook 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. Town of Dedham – Proposed Drainage Design Standards

Jason Mammone, Director of Engineering for the Town of Dedham, stated the Town’s Municipal Separate Storm Sewer System (MS4) Permit directed the Town to review regulations pertaining to street design and green infrastructure design. The permit required a review seeking areas where the regulations could be improved, but did not require improvements to be implemented.

Jaurice Schwartz, consultant for the Town, presented the results of the regulation review. For the street design review, she stated that municipalities were required to develop a report assessing current street design and parking lot guidelines and other local requirements within the municipality that affect the creation of impervious cover. For the green infrastructure review, municipalities were required to assess existing local regulatory mechanisms to determine the feasibility of making various green infrastructure practices allowable when appropriate site conditions exist.

Ms. Schwartz stated that the review entailed 62 key questions in regard to the applicable regulations. Of those questions, the existing regulations were rated as “Conventional” for 30, “Better” for 29, and “Best” for 3. Updates have been proposed to the Zoning Bylaws, the Subdivision Rules & Regulations, the DPW Design & Construction Standards, the Stormwater Management Rules & Regulations, and the Drainage & Stormwater Management Design Standards.

Ms. Schwartz stated that the MS4 Permit does not establish a timeline for implementation of improved regulations, but looks to the Town to establish a timeline. In the most recent annual report, the Town indicated that they would try to incorporate the recommendations by June 30, 2024.

Regarding the Stormwater Management Rules & Regulations, Ms. Schwartz stated the review team recommended the document be updated to recommend or require native vegetation be planted on all portions of the project site.

Regarding the Drainage & Stormwater Management Design Standards, Ms. Schwartz stated the review team recommended the document be updated to reference the Massachusetts Stormwater Management Handbook and Stormwater Standards, include design criteria for various types of green infrastructure, implement specifications for using rainwater harvesting systems, and give examples of operation and maintenance plans.

Ms. Schwartz reiterated that the Town approximated putting updates to the Stormwater Management Rules & Regulations in place by June 30, 2024 and stated that these updates could be part of a larger review and update of the regulations. She added that the Drainage & Stormwater Management Design Standards need a more comprehensive update which could take place once the updated Massachusetts Stormwater Handbook is finalized and available.

Commissioner Radner agreed with requiring native plantings throughout project sites, but stated the Planning Board would also have to agree with the change. She added that she supports an update of the Drainage & Stormwater Management Design Standards.

Commissioner Hafrey asked how often these reviews are conducted. Ms. Schwartz stated the 2003 permit had regulatory requirements that initiated many municipalities’ stormwater rules and regulations. The reviews included with the current permit are aimed at updating those earlier regulations. She stated that

the next permit is being drafted by the EPA and she is unsure if there will be any regulatory review requirements included.

Mr. Mammone added that, while the updates to the Drainage & Stormwater Management Design Standards should await the new Massachusetts Stormwater Handbook, he would like the Commission to consider including the recommended update to the Stormwater Management Rules & Regulations whenever they have other updates to implement.

Commissioner Radner noted a mention of rain barrels at municipal buildings on one of the presentation slides. She stated she would be in favor of that infrastructure being included in future building projects. She also noted that, while the Open Space Plan doesn't have information on green infrastructure, she believed that the Sustainability Committee had a document with such information. Commissioner Hafrey confirmed that this would tie into the Town's Climate Action Plan, which the Sustainability Committee oversees and will be working to spread awareness of in the near future.

3. New Applications

3.1. 43 Meadowbrook Road – DEP 141-0607 – Dredging at Weld Pond Dam

Applicant: Louis DiBerardinis, MIT
Representative: Alyssa Jacobs, Epsilon Associates

Michael Fitzgerald, applicant for the project, provided a history of Weld Pond and stated that MIT is currently working with DCR to address issues that were noted during the most recent inspection of the dam. He stated the dredging proposed by this application will help to address issues with the slide gate, remove sediment that is negatively impacting the dam, and allow a more complete inspection of the dam.

Alyssa Jacobs, representative for the project, stated the project is proposing to dredge a volume of sediment from the pond-side of the dam. The wetland resources associated with this application are primarily inland bank and land under water. She also noted an intermittent stream exists downstream of the dam. She stated there is no bordering vegetated wetlands or rare species habitat on the site.

Ms. Jacobs stated the project proposes to create a staging area on the adjacent property to allow for the dredging work. The adjacent property owner has provided consent for the work. She noted 8 trees have been marked for removal.

Ms. Jacobs stated a turbidity curtain will be placed upgradient of the work and a sediment trap will be installed downgradient to prevent the spread of sediment. Temporary erosion and sediment controls will also be placed along the access road. A timber mat will be placed on the edge of the pond, where a long reach excavator will be staged to perform the dredging. Dredged material will be placed directly into trucks and transported to the compost pile area at the nearby MIT Endicott House property.

Commissioner Radner asked if the tree removal total included the marked trees close to Meadowbrook Road. Ms. Jacobs confirmed there was a tree to be removed in this area, but stated it might be smaller than 6" in diameter. She stated the Dedham Land Trust had approved of its removal.

Commissioner Radner asked for more detail on the tree replacement plan. Ms. Jacobs stated the team is proposing replacement at a 2:1 rate as required, but is proposing the replacements be planted on the MIT Endicott House property as planting trees near dams is not advisable. She stated the MIT Endicott House has an existing planting program in place to restore the original Olmstead dogwood plantings on the property. Mr. Fitzgerald confirmed that dogwoods were planned along the driveway in line with the original vision for the property and other tree plantings were planned for the "main compound" area in accordance with the property's whole maintenance program. Commissioner Radner commented that she would like to know more details on the species to be planted and also asked if there was an alternative where trees could be planted in a more natural environment where they could provide habitat, rather than contributing to a design plan.

Commissioner DeAvila asked if access will remain open so future maintenance of the dam will not require tree removal. Ms. Jacobs confirmed and stated that was one reason the trees are proposed to be replaced on the other property. She added that stumps and root structures of removed trees will remain in place on the site.

Commissioner DeAvila asked if the growth will be excavated prior to timber mat placement, or if the growth will simply be crimped down below the mats. Ms. Jacobs stated the mat will crimp down the remaining vegetation, but noted the understory is sparse.

Commissioner DeAvila asked if a gravel skirt will be installed at the entrance to the access road. Ms. Jacobs confirmed.

Commissioner Gauthier noted the DEP provided comments on this application. He also asked if a Stormwater Management Permit would be required based on the disturbance for the access road and staging area. Ms. Jacobs stated Agent Brown had mentioned it previously and confirmed she would follow up with the Conservation Department for guidance. She added that she had spoken with the DEP analyst and understands that they view water drawdown as an impact to resource areas. She is going to follow up with DEP and file for a Water Quality Certification if they deem it necessary based on the overall project impact.

Commissioner Radner asked if the wildlife function evaluation would take the drawdown into account. She noted a turtle survey is proposed, but she's also concerned about shellfish, freshwater mussels, and Chinese snails. She would like to see the evaluation cover whether this work will result in the release of the invasive snails downstream and whether anything will be done to address the impact on shellfish. Ms. Jacobs stated the drawdown is for a short duration with a maximum of 4 weeks. She stated a sediment trap will be placed downstream which should prevent migration of the invasive snails. She also stated any snails in the dredged material will be composted with the rest of the material. Commissioner Puopolo noted that snails have lungs, not gills, and could survive after being transported to the compost site.

Commissioner DeAvila asked for details on the compost site. Ms. Jacobs stated the material will be deposited in an area on the MIT Endicott House property that has been used for composting for many years and is not near resource areas. Mr. Fitzgerald stated it is the same compost location that was used for the last dredging in 2003.

Commissioner DeAvila asked if an emergency plan had been created in case the proposed work damages the dam. Jack Enos, contractor for the project, acknowledged that damage could happen with operator error, but stated that the equipment setup was designed to prevent putting extra load on the dam. Commissioner DeAvila asked what the dam was currently constructed of. Mr. Enos stated a recent report states it is constructed of un-mortared granite stone. Commissioner DeAvila stated he was concerned damage could occur when the bucket was underwater dredging the material. Mr. Enos clarified that the drawdown of the pond would allow the operator to see the bucket at all times.

Commissioner Radner asked the other commissioners for their thoughts on allowing replacement trees to be planted on another parcel.

Commissioner Puopolo stated he understood that the subject parcel was already wooded and planting replacements here could obstruct future access, but added that he would like to see the replacement trees contribute to the Weld Pond habitat rather than being removed from their initial purpose.

Commissioner Hafrey stated that he was amenable to allowing the replacement plantings on the other parcel as planting them on the dam parcel could present issues.

Ms. Jacobs stated she would discuss this with the applicant and revise the proposal as necessary. She asked for guidance on what information the Commission needed relative to the impacts of the drawdown.

Commissioner Radner stated she would like a better sense of what was living in the pond and how they might be impacted by the drawdown. Commissioner Puopolo added that wildlife impact varies with season and asked that to be considered as well. Ms. Jacobs agreed and stated the work is tentatively planned for mid-summer when the water level in the pond would typically be lower.

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

Commissioner Radner **motioned to continue the hearing on this item to the meeting on 2/16.**

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

3.2. 18 Sawyer Drive – DEP 141-0609/MSMP 2023-01 – Demo and Construction of Single-Family Dwelling

Applicant: Tony Ferrara, HUB Development, LLC

Representative: Scott Henderson, Henderson Consulting Services

Mr. Henderson gave an overview of the project. The applicant is proposing to demolish the existing home and construct a new one in its place. The site contains riverfront area, buffer zone to two bordering vegetated wetlands (BVW), and flood zone. The work does not impact the undisturbed buffer area (UBA). Three subsurface infiltration systems will be installed to collect water from the roof and a crushed stone infiltration trench will receive runoff from the driveway. There will be no fill or added impervious area in the flood zone. The project will also result in a decrease in degraded area within the riverfront area. Mr. Henderson noted the recent Negative Determination of Applicability that was issued to the previous owners for septic system replacement at the site included a requirement for replacement plantings. That requirement was not completed by the previous owner, but will be completed as part of this project.

Commissioner DeAvila noted the patio and front walkway and asked if they were pervious. Mr. Henderson declined and stated that since the overall project resulted in a decrease in impervious area, he left the walkway and patio as impervious since it required less maintenance. Commissioner DeAvila asked if they were connected to the subsurface systems. Mr. Henderson declined and stated they would sheet flow to the lawn, but the subsurface systems were designed to capture the equivalent amount of required runoff.

Commissioner Radner mentioned the planting plan and suggested another species be substituted for white pines as they are currently susceptible to pests. She also stated she was not familiar with El Dorado reed grass and stated she would like to see solely native plants on the site. Natalie Adams, representative for the project, agreed to reconsider the planting list and make any changes necessary.

Commissioner Gauthier noted the infiltration sizing calculations and asked for clarification on whether infiltration rate was used as part of the capacity calculation. Mr. Henderson stated he ran a 2” storm model in HydroCAD that showed no overflow from any of the systems, but did not include the driveway trench. He believes this model shows that the design meets the regulation, as there is no discharge from a 2” storm.

Commissioner Radner **motioned to continue the hearing on this item to the meeting on 2/16.**

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

3.3. 28 Mills Street – MSMP 2023-02 – Construction of New Single-Family Dwelling

Applicant: Hope Johnson

Representative: Scott Henderson, Henderson Consulting Services

Mr. Henderson gave an overview of the project. The site is currently undeveloped and used as additional land for the adjacent property. The corner of the property currently contains a portion of the driveway for the adjacent property. It will remain and an easement will be granted for its use. Two systems of

subsurface infiltration chambers will be installed to manage runoff from the driveway and roof. Nine trees will be removed and 9 replacement trees and 18 replacement shrubs are proposed.

Commissioner Radner asked if species have been supplied for the replacement trees. Mr. Henderson declined, but stated he can submit more specific information.

Commissioner Hafrey noted the replacement rate and asked for clarification. Mr. Henderson stated 9 trees will be removed. Nine replacement trees will be planted, which account for 4.5 trees at a 2:1 tree replacement rate. He is also proposing 18 shrubs, which account for 4.5 trees at the 4:1 shrub replacement rate. Based on this math, he believes the replacement requirement has been met.

Commissioner Gauthier stated he felt there was room for additional replacement trees on the site. He also asked for more detailed information on replacement species. Commissioner Puopolo agreed. Mr. Henderson stated he could reconsider the planting plan and add trees where possible.

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

Commissioner DeAvila asked for clarification on the address. Mr. Henderson stated an official address has yet to be assigned, but based on neighboring properties, he believes 28 will be the house number for this site. He will obtain an official address assignment prior to permit issuance.

Commissioner Radner **motioned to continue the hearing on this item to the meeting on 2/16.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

3.4. 84 Glenridge Road – MSMP 2023-03 – Addition with Attached Garage to Existing Single-Family House Lot

Applicant: Samuel and Leslie Griesmer Representative: Paul Lindholm, PE

Mr. Lindholm gave an overview of the project. The project will add a new dwelling structure on the site to the existing buildings. He noted this site has an existing vegetated basin with a very large tree at the low point. The basin holds a significant amount of stormwater and the soil conditions are exceptional. He noted a subsurface infiltration system will be installed to accept runoff from the new impervious surfaces. The system will overflow to the vegetated basin. Runoff from the existing impervious surfaces will continue to be directed to the vegetated basin and the design will still achieve 2" of retainage. Six trees will be removed and 12 will be planted to achieve the 2:1 tree replacement rate.

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

Commissioner Radner asked Assistant Agent Hogan if a permit had been drafted. Assistant Agent Hogan confirmed, but stated that it had not yet been shared with the applicant. Mr. Lindholm asked if a bond was required as a condition in the draft permit. Assistant Agent Hogan stated he was unsure, but generally bonds were not required for projects that created accessories where the applicants currently lived. Commissioner Radner asked if the applicant would like to continue this item so they have a chance to review the draft permit or if they'd rather it be issued without review. Mr. Lindholm requested that it be issued.

Commissioner Radner **motioned to close the public hearing on MSMP 2023-03.** 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 2023-03 as drafted with the assurance that the permit would not include a condition requiring a surety bond.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

3.5. 34 Milton Street – DEP 141-0608/MSMP 2023-04 – Installation of a Plaza Area

Applicant: William B. Gould
Memorial Committee

Representative: Megan Buczynski, Activitas, Inc.

Brian Keaney, applicant for the project, stated this project seeks to honor William B. Gould, a very noteworthy historic resident of Dedham, with a plaza and statue at the Town-owned William B. Gould Park. He stated the Parks & Recreation Commission is in favor of the project.

Ms. Buczynski stated the project site is adjacent to East Dedham Pond. As this section of Mother Brook is identified as a pond, they have not included riverfront area in the NOI. Commissioner Radner referenced the regulations and noted that if it is not shown as a pond on the most recent USGS map, she felt the applicant needed to prove it does not have riverine characteristics in order to forego riverfront regulations. She also cited past applications where this area was assumed to be a river, not a pond.

Ms. Buczynski showed the site plan and noted that the Undisturbed Buffer Area (UBA) extends to the sidewalk and noted she will be submitting a waiver request to allow work in the UBA. She stated the no trees will be removed and minimal grading will be performed. The plaza will extend onto the existing sidewalk and add approximately 380 ft² of impervious area in the lawn area. The plaza will have a channel drain directing runoff to a subsurface leaching chamber. Three deciduous trees and 14 shrubs will be planted around the plaza area.

Commissioner Radner asked if the sidewalk being replaced with pavers would affect snow and ice removal. Ms. Buczynski declined. Mark Novak, representative for the project, added that the design has been discussed DPW Director Joe Flanagan. Commissioner Radner asked if deicing salt will present a problem with these pavers. Mr. Novak declined.

Commissioner Radner noted that the proposal mentions the Massachusetts Department of Conservation and Recreation as the eventual owner of the space responsible for maintenance. Ms. Buczynski stated that was a mistake and will be corrected in a revised submission. Commissioner Radner asked who will be responsible for maintenance. Mr. Keaney stated Parks & Recreation will be responsible. Commissioner Radner asked if they had agreed to accept responsibility. Mr. Keaney confirmed.

Commissioner DeAvila noted the proposal mentioned uplighting of the trees. He stated he would be concerned with lighting the trees on the riverfront. Mr. Novak stated they would likely forego tree uplighting due to budgeting constraints, but will still seek to uplight the statue. Commissioner DeAvila stated that could be acceptable, but recommended the uplighting be on a timer. Mr. Novak stated he felt the statue should be illuminated at all times to prevent vandalism. He stated the proposed lights would have a low lumen level to give the statue a slight glow.

Commissioner DeAvila asked how electricity will be provided to the plaza and whether that would constitute additional disturbance. Mr. Novak stated he is working with DPW Director Joe Flanagan on the details, but they are hoping to tap into the streetlights on the sidewalk for electricity.

Commissioner Radner noted that a tree was removed during the park dedication and asked if it was ever replaced. Mr. Keaney stated he was unsure and wasn't aware the tree was going to be removed before the dedication. Commissioner Radner noted it should have been approved by the Commission prior to removal, but noted that the plantings included on this plan could be considered replacements.

Commissioner Radner noted the question of whether this section of Mother Brook is a pond or a river. She stated it's not present on the USGS map, but is present on the MassDEP map in MassMapper. She

asked other commissioners for their thoughts. Commissioner Hafrey asked if the dam is functional and creates the conditions that would make this waterbody be considered a pond. Ms. Buczynski stated she believes it does. Commissioner Hafrey asked if this dam may one day be removed. Mr. Novak stated it was recently repaired and assumes it's unlikely to be removed. Commissioner Radner noted that Mother Brook functions as flood control for the Charles River. Commissioner Gauthier stated he supported the project, but noted that the USGS map does not identify it as a pond, so he would consider this section of Mother Brook a river and recommend the applicant then apply for a waiver of the riverfront regulations. Commissioner Radner agreed and noted she felt the public benefit of the project would justify the waiver request. Commissioners DeAvila, Puopolo, and Hafrey agreed.

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

Commissioner Radner **motioned to continue the hearing on this item to the meeting on 2/16.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

3.6. 102 Jefferson Street – MSMP 2023-05 – Construction of a New Single-Family Dwelling

Applicant: Giorgio Petruzzello, Representative: Mike Carter, GCG Associates, Inc.
Supreme Development

Kevin Carter, representative for the project, gave an overview of the proposal. He stated the applicant is proposing to demolish the existing single-family home on the property and replace it with a newly constructed dwelling. Two subsurface infiltration systems will accept runoff from the roof and driveway. The walkway is constructed of pervious pavers and a deck will allow rain to pass through to stone underneath. Sixteen trees will be removed as part of this project and 32 trees will be planted as replacements. Twenty-two shrubs will also be planted. Mr. Carter stated the runoff rate and volume would decrease across all modeled storms.

Commissioner Radner noted the two Kousa Dogwood trees that are proposed as replacements and stated they should be native species. Commissioner Gauthier agreed and noted that, if the dogwoods are changed to a native species, the project would achieve the required 2:1 tree replacement rate. Commissioner Gotay agreed. Mr. Carter stated native trees could be substituted for the Kousa Dogwood trees.

Commissioner Radner asked Assistant Agent Hogan if permits had been drafted. Assistant Agent Hogan confirmed, but stated they had not been shared with the applicant. He also confirmed a condition to could added requiring the substitution of a native tree for the proposed Kousa Dogwood trees. Commissioner Radner asked if Mr. Carter would like to review the permit before issuance or if he'd rather they be issued now. Mr. Carter stated he was comfortable with issuance without further review.

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

Commissioner Radner **motioned to close the public hearing on MSMP 2023-05.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

Commissioner Radner **motioned to issue MSMP 2023-05 as drafted with the inclusion of a condition that native trees be substituted for the proposed Kousa Dogwood trees.** Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

3.7. 30 Oscars Way – MSMP 2023-06 – Construction of a New Single-Family Dwelling

Applicant: Giorgio Petruzzello, Representative: Mike Carter, GCG Associates, Inc.
Supreme Development

Kevin Carter, representative for the project, gave an overview of the proposal. He stated the applicant is proposing to demolish the existing single-family home on the parcel and replace it with a newly constructed dwelling. A subsurface infiltration system will accept runoff from the driveway and roof. Runoff from the driveway will be collected by a trench drain at the end. The walkways on the site will be constructed of pervious pavers. Eight trees are proposed for removal and 17 will be planted in replacement. Eight shrubs will also be planted. Mr. Carter stated that runoff volumes and rates will decrease across all modeled storms.

Commissioner Radner noted the proposed Kousa Dogwood is non-native, but as the 16 native arborvitaes satisfied the 2:1 tree replacement rate, it did not need to be substituted with a native species as long as it was not intended as a replacement tree.

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

Commissioner Radner asked Assistant Agent Hogan if permits had been drafted. Assistant Agent Hogan confirmed, but stated they had not been shared with the applicant. Commissioner Radner asked if Mr. Carter would like to review the permit before issuance or if he'd rather they be issued now. Mr. Carter stated he was comfortable with issuance without further review.

Commissioner Radner **motioned to close the public hearing on MSMP 2023-06**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

Commissioner Radner **motioned to issue MSMP 2023-06 as drafted with the inclusion of a condition that a native tree be substituted for the proposed Kousa Dogwood tree if it is to be used as a replacement tree**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

4. Request for Extension

4.1. 177 Meadowbrook Road – DEP 141-0561/MSMP 2019-17 – New Single-Family Dwelling

Commissioner Radner asked Assistant Agent Hogan if the request was for a 3-year extension. Assistant Agent Hogan confirmed and stated that the applicant's representatives have been working with staff on a plan to correct the violations on the site and are requesting the extension to allow time for the plan to be approved and implemented.

Commissioner Radner asked Andrew Magee, representative for the project, how long the additional activities would take. Mr. Magee stated the plantings could be completed this year, but the permits carry a condition that the plantings be monitored for 2 years to ensure sufficient survival. He added that the restoration plan will include some above-and-beyond activities to correct the violations at the site. He stated he anticipates presenting the plan to the Commission within the next month.

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

Commissioner Radner **motioned to grant the requested 3-year extension for DEP 141-0561 and MSMP 2019-17**. Commissioner Hafrey seconded. Commissioner Radner led a roll call vote. All attending commissioners voted "aye." The motion carried 6-0.

5. Minutes – 1/19/2023

Commissioner Radner **motioned to approve the minutes from 1/19/2023 as drafted.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 6-0.

6. Agent’s Report

Assistant Agent Hogan had no items to report.

Commissioner Gauthier **motioned to adjourn.** Commissioner Radner seconded. All attending commissioners voted “aye.” The motion carried 6-0.

The meeting was adjourned at 10:12 PM.