

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 16, 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:**

Tim Puopolo, Clerk and Acting Chair  
Erik DeAvila  
Anne Gotay  
Leigh Hafrey

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

Elissa Brown, Agent  
Patrick Hogan, Assistant Agent

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

Stephanie Radner, Chair  
Nathan Gauthier, Vice Chair

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

Tony Ferrara, Applicant – 18 Sawyer Drive  
Scott Henderson, Representative – 18 Sawyer Drive  
Natalie Adams, Representative – 18 Sawyer Drive  
Brian Keaney, Applicant – 34 Milton Street  
John Freel, Applicant – 300 Providence Highway  
Brian Waterman, Representative – 300 Providence Highway  
Carolyn Burke, Representative – 300 Providence Highway  
Barry Yaceshyn, Representative – 300 Providence Highway  
Paul Beaulieu, Representative – 300 Providence Highway  
Paul Lindholm, Representative – 400 West Street  
Art Allen, Representative – 400 West Street

Commissioner Puopolo called the meeting to order at 7:03 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

### 2.1. 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 update on the proposal. He stated the landscaping plan had been updated in response to the comments at the last hearing. He stated that the previously impervious walkway and patio are now proposed with permeable pavers instead. Mr. Henderson also stated a written request has been submitted to waive the requirement that stormwater measures be sized to provide static storage of 2" of runoff from the discharging impervious surfaces. He stated the only stormwater feature in the design that does not have the required static storage is the stone-filled trench along the driveway. He stated he has run a HydroCAD model of a 2" rainfall event, which confirmed that no proposed stormwater device will overflow. That has been his method of ensuring adequate storage is provided to meet the requirement to retain 2" of runoff in the past.

Commissioner Puopolo stated he appreciated the changes to the design, but noted the waiver request for static storage in the stormwater measures and asked why the requirement couldn't be met. Mr. Henderson replied that the system could be revised to include a trench drain, treatment manhole, and infiltration system, but he felt avoiding groundwater would lead to the connecting pipes being shallow. He also stated pockets of ledge around the site could make siting a new system difficult. Mr. Henderson added that the regulations require "retention" of 2" of runoff, which he felt was an undefined term that could be interpreted as dynamic storage, which includes infiltration rate.

Commissioner Hafrey asked if the decision to limit the size of the trench was due to aesthetics. Mr. Henderson stated aesthetics were involved in the decision, but was also seeking to limit the infrastructure required on the site. Commissioner Hafrey asked if the proposed design would create an overall improvement on the site. Mr. Henderson confirmed, stating that peak rates and volumes are significantly reduced in the proposed design.

Commissioner Hafrey asked if Conservation staff had viewed the site. Assistant Agent Hogan confirmed and stated the Commission has typically interpreted the regulations as requiring static volume, but noted that the submitted HydroCAD report did help to support the adequacy of the design. Agent Brown added that she had seen significant pockets of ledge on the site which could interfere with a much larger infiltration trench.

Commissioner Puopolo opened the floor to the public for comment. He received no responses.

Commissioner Puopolo **motioned to close the public hearing on DEP 141-0609 and MSMP 2023-01.** Commissioner Hafrey seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

Commissioner Puopolo **motioned to approve the request to waive the requirement to complete the final test pit prior to permitting.** Commissioner Hafrey seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

Commissioner Puopolo **motioned to approve the request to waive the requirement for static storage for 2" of runoff from impervious surfaces for the project.** Commissioner Hafrey seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

Commissioner Puopolo **motioned to issue an Order of Conditions for DEP 141-0609 and MSMP 2023-01 as drafted.** Commissioner Hafrey seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

**2.2. 28 Mills Street – MSMP 2023-02 – Construction of New Single-Family Dwelling**

Applicant: Hope Johnson

Representative: Scott Henderson, Henderson Consulting Services

Mr. Henderson stated the planting plan has been updated to include 12 trees and 18 shrubs to replace 9 trees.

Commissioner Puopolo stated he approved of the new planting plan.

Commissioner Puopolo opened the floor to the other Commissioners and the public for comment. He received no responses.

Assistant Agent Hogan asked if an address had been assigned to the site yet. Mr. Henderson denied, but stated this would be completed soon. Agent Brown stated the hearing could be closed, but the permit could not be issued until an official address was assigned. Mr. Henderson requested a straw poll on the proposed design.

Commissioner Puopolo conducted a straw poll on the design. All commissioners voted in support of permitting the project as designed.

Commissioner Puopolo **motioned to close the public hearing on MSMP 2023-02.** Commissioner Hafrey seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

**2.3. 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.

Patrick Maguire, representative for the project, provided an update on the proposal. He stated the filing has been changed to recognize the area as Riverfront Area. He added that all uplighting has been removed from the trees and information regarding uplighting on the statue has been provided. Mr. Maguire stated two requests for waivers have been submitted regarding temporary impacts in the Undisturbed Buffer Area and the completion of a test pit prior to permitting. He also stated that the Stormwater Report had been updated to recognize the Town of Dedham as the owner and maintainer of the stormwater system.

Commissioner Puopolo stated the changes were acceptable and he was amenable to the waiver requests.

Commissioner Puopolo opened the floor to the other Commissioners and the public for comment. He received no responses.

Commissioner Puopolo **motioned to close the public hearing on DEP 141-0608 and MSMP 2023-04.** Commissioner DeAvila seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

Commissioner Puopolo **motioned to approve the request to allow minor, temporary disturbance within the Undisturbed Buffer Area during construction for this project.** Commissioner Hafrey seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

Commissioner Puopolo **motioned to approve the request to waive the requirement to complete a test pit prior to permitting.** Commissioner Hafrey seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

Commissioner Puopolo **motioned to issue an Order of Conditions for DEP 141-0608 and MSMP 2023-04 as drafted.** Commissioner Hafrey seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

### **3. New Applications**

#### **3.1. 300 Providence Highway – DEP 141-0610/MSMP 2023-07 – Site Reconfiguration**

Applicant: Tim Collier, Dedham    Representative: Brian Waterman, WDA Design Group  
R2G Owner, LLC c/o RPT Realty

Mr. Waterman gave an overview of the proposed project. He noted Mother Brook borders the project site. He stated Mother Brook enters a 290' culvert partially through the site, so the Riverfront Area stops at the entrance to the culvert and begins again at the culvert exit. He stated 3 existing drainage lines discharge to Mother Brook in this area. Mr. Waterman identified existing parking areas, landscape islands, sidewalks, a delivery bay, and concrete loading docks on the site. He stated this project proposes reconfiguration of these features to accommodate a new commercial tenant, resulting in a net decrease of 63 ft<sup>2</sup> of pavement. Pavement from 5 parking spaces will be removed and replaced with landscaped area within the Riverfront Area and pavement from approximately 10 parking spaces will be removed from various other locations on the site. New pedestrian sidewalks will also be added throughout the site. He stated the existing drainage infrastructure and flow paths would be utilized as the project does not include large scale excavation of the pavement. Barry Yaceshyn, an additional representative for the project, added that the existing catch basins have hoods and deep sumps. Mr. Waterman stated the existing drainage system includes a Stormceptor unit, as well.

Carolyn Burke, an additional representative for the project, stated the proposal includes the planting of native trees and shrubs throughout the landscape islands in the project area.

Mr. Yaceshyn stated a HydroCAD report had been provided showing equal peak runoff volumes and rates for pre- and post-conditions. He also noted that requests had been submitted to waive the requirements to retain 2" of runoff from the site, to remove 80% TSS, and to remove 50% Total Phosphorus. In lieu of providing controls to remove phosphorus, Mr. Yaceshyn stated the long-term O&M plan could include prohibition on ammonium phosphate fertilizer and a directive to use low phosphorus fertilizer.

John Freel, applicant for the project, stated that this project seeks to improve the pedestrian safety in this lot and screen the truck well so it is not immediately visible upon entrance to the mall. He stated a future phase will seek to continue pedestrian improvements along the back of the mall.

Commissioner Puopolo agreed that this design provided improved safety, but noted that the proposal does not include any stormwater improvements. He also stated the limited scope of the project should be taken into account when considering whether stormwater improvements should be included. He noted that waivers of the regulations would require description of the hardships that the regulations introduce and demonstration that the proposal is meeting the regulations to the maximum extent feasible. Commissioner Puopolo noted that the Commission often requests peer review of commercial applications as there is not currently a Professional Engineer on the Commission. He asked the other commissioners to consider whether a peer review would be worthwhile in this case.

Commissioner DeAvila asked where snow will be stored on the site. He stated he had previously observed snow pushed into Mother Brook. He also asked if a maintenance and operation plan was being observed for the catch basins. Commissioner Puopolo asked for additional details on maintenance and operation plan for the islands to prevent nutrient pollution. Ms. Burke stated snow storage is planned at several landscape islands around the site. Commissioner DeAvila stated he was not in favor of snow storage in the

island immediately adjacent to Mother Brook as it can lead to deposition in the Brook. Mr. Freel agreed snow storage in that area was not needed and stated he would speak with the maintenance crew about the issue.

Commissioner DeAvila asked when the stormwater system was installed. Mr. Yaceshyn stated it seemed to have been installed from 2007-2015. Commissioner DeAvila asked if the catch basins were constructed of sewer block or if they were precast. Mr. Yaceshyn stated there were equal amounts of each type throughout the site, but they were in good condition.

Commissioner Puopolo requested that snow storage areas be added to the submitted plan.

Commissioner Hafrey noted the concern for pedestrian safety and asked where pedestrians were travelling to and from most often. Mr. Freel stated he has been to the site several times and seen pedestrians travelling up the hill. He also stated he would like to provide better pedestrian access from the Uno's restaurant. He added that a future project would continue the sidewalk around the back of the building. Commissioner Hafrey noted the waiver requests and asked if denial of those requests would cause issues with future construction stages. Mr. Freel confirmed, stating that the waivers were needed for this phase of the project and the second phase was reliant on completion of the first phase.

Paul Beaulieu, an additional representative for the project, stated an MBTA bus stop exists nearby which creates additional pedestrian traffic.

Agent Brown asked if this project had been approved by the Planning Board yet. Mr. Beaulieu stated this work has not been introduced to the Planning Board yet, but storefront work had been approved by the Design Review Advisory Board and Planning Board. Agent Brown noted the Wetlands Protection Act requires applications for other permits be submitted simultaneously with the applications to the Conservation Commission. Mr. Beaulieu clarified that all applications have been filed, the project just has not been heard yet by the Planning Board.

Agent Brown asked for a calculation of the total disturbance under this phase of development. Ms. Burke stated the project will disturb 1,547 ft<sup>2</sup> within the Riverfront Area, but the team did not have a figure for total disturbance throughout the project site. Agent Brown noted that while the applicant has filed for a Major Stormwater Management Permit, they are not proposing any stormwater improvements. Mr. Waterman confirmed, stating that the soil map indicates a poor infiltration rate below the minimum allowed by the Massachusetts Stormwater Handbook for subsurface infiltration. He added that there is no space for surface treatment, either. Agent Brown asked if test pits had been excavated to investigate the site-specific soils. Mr. Waterman denied.

Assistant Agent Hogan noted that landscape islands can sometimes be utilized as stormwater measures and asked if the project team had considered that possibility. Ms. Burke stated grading and existing flow lines would not be changed as part of this project. Mr. Waterman agreed, but stated the project team could consider if incorporating stormwater measures with the current grading was feasible.

Commissioner DeAvila asked when this work will be considered by the Planning Board. Mr. Beaulieu stated the initial hearing would be on March 8.

Agent Brown asked for clarification on future phases and associated timing. Mr. Freel stated future phases are tied to potential leasing opportunities. He stated when leases are finalized, they can create a plan that matches. He stated they are not ready to submit applications yet, but he feels it is imminent. Agent Brown noted that the Conservation Department utilizes a 5-year lookback when considering phased projects. Mr. Freel understood.

Commissioner Puopolo asked the project team which meeting they would prefer this item continued to. After discussion, they decided on the 4/6 hearing. Commissioner Puopolo stated he supported a peer

review of the proposed work and asked Agent Brown for an estimate of funds needed for peer review. She replied with an estimate of \$5,000. All other commissioners agreed a peer review was warranted.

Commissioner Puopolo opened the floor to the public for comment. He received no responses.

Commissioner Puopolo **motioned to request \$5,000 from the applicant to complete a peer review of the project.** Commissioner DeAvila seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

Commissioner Puopolo **motioned to continue the hearing on DEP 141-0610 and MSMP 2023-07 to the meeting on 4/6.** Commissioner Hafrey seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

#### **4. Request for Modification**

##### **4.1. 400 West Street – DEP 141-0597/MSMP 2022-07 – Demo and Reconstruction of Single-Family House**

Permittee: Peter H. Reynolds      Representative: Paul Lindholm, PE

Mr. Lindholm stated the applicant is requesting two modifications.

The first is to remove and replace the existing shed on the property to house outdoor mechanical installations for the house. The replacement will be constructed in another location closer to the house and further from the river. The new shed will be similar, but potentially more open.

The second requested modification is to remove 3 stumps that were initially proposed to remain. Arthur Allen, an additional representative for the project, stated he prepared a restoration and stabilization plan for the area that would be disturbed, which includes backfilling with loam and bark mulch and planting 3 native shrubs in the location of the stumps. Two native trees and 4 native shrubs would be planted in the area of the removed shed.

Commissioner Puopolo asked if any additional clearing would be required in the new location of the shed. Mr. Lindholm denied, stating the previously approved plan included removing the trees in this area.

Commissioner Puopolo opened the floor to the other commissioners and the public for comment. He received no responses.

Commissioner Puopolo **motioned to approve the requested modification to DEP 141-0597 and MSMP 2022-07.** Commissioner Hafrey seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

#### **5. Minutes – 2/2/2023**

Commissioner Puopolo asked if the other commissioners had any additions or corrections to the drafted minutes. The other commissioners denied.

Commissioner Puopolo **motioned to approve the minutes from 2/2/2023 as drafted.** Commissioner DeAvila seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

#### **6. Agent's Report**

Agent Brown provided the following announcements and updates:

- The MACC Annual Conference, with a large offering of Fundamentals courses, will be held 2/28-3/9.

- The Native Plant Trust is starting their seasonal offering of pollinator garden kits.
- The Neponset River Watershed Association is offering a King Tide walk on 2/19 at Tenean Beach to highlight the impacts of climate change.
- The UMass Keystone Project is offering a 3-day retreat to learn about forest management. UMass is currently accepting applications.
- The Dedham-Westwood Water District will be doing some work on water mains on East Street from the rotary toward 128 and on Martin Bates Street. Agent Brown has determined the work is exempt from the Wetlands Protection Act and the Town's Wetlands and Stormwater Bylaws as long as they use appropriate erosion and sediment controls.
- The State has determined that all parts of the state are now out of drought conditions.
- A new application is anticipated for an indoor skydiving operation on Providence Highway.

Commissioner Hafrey **motioned to adjourn**. Commissioner DeAvila seconded. All attending commissioners voted "aye." The motion carried 4-0.

The meeting was adjourned at 8:53 PM.