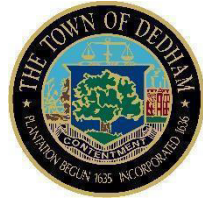


Stephanie Radner, Chair
Nathan Gauthier, Vice Chair
Tim Puopolo, Clerk
Erik DeAvila, Associate
Anne Gotay, Associate
Leigh Hafrey, Associate
Elissa Brown, Agent
Patrick Hogan, Asst. Agent



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TOWN OF DEDHAM CONSERVATION COMMISSION

Minutes of March 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:

Nathan Gauthier, Vice Chair and Acting Chair
Tim Puopolo, Clerk
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

The following Applicants and/or Representatives were present:

Mike Fitzgerald, Applicant – 43 Meadowbrook Road
Kevin Carr, Applicant – 43 Meadowbrook Road
Alyssa Jacobs, Representative – 43 Meadowbrook Road
Jack Enos, Representative – 43 Meadowbrook Road
Tim Mann, Applicant – 218 Lowder Street
Fred Kaylor, Representative – 124 Country Club Road
Michael Toohill, Representative – 124 Country Club Road

Commissioner Gauthier 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.

AGENDA:

1. Public Comment

There were no comments from members of the public.

2. Continued Applications

2.1. 43 Meadowbrook Road – DEP 141-0607/MSMP 2023-08 – Dredging at Weld Pond Dam

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

Ms. Jacobs stated a formal response to comments has been submitted to the Commission, which included a Major Stormwater Management Permit application, a wildlife habitat evaluation, details of the work pad placement, and an updated plan for tree replacement on the Endicott House property.

Ms. Jacobs stated the tree replacement plan includes replanting in areas on the Endicott House property that have experienced tree decline. They are proposing to plant 10 trees around the pond on the property, as well as additional trees in a nearby upland area. They will also be planting an oak tree along the driveway.

Ms. Jacobs summarized the project team's response to the DEP's comments, stating that they will be applying for a Water Quality Certificate and will submit an application to the Corps of Engineers. She added that they are estimating the project will impact 20,000 ft² of Land Under Water, so they don't believe it exceeds the threshold for filing an Environmental Notification Form with MEPA. In response to the Commission's comments at the last hearing, a wildlife habitat assessment and a plan covering the dredging procedure have been submitted.

Commissioner Gauthier noted that Commissioner Radner, who was not present, submitted comments on the supplemental materials to be shared. The first comment he shared stated that Commissioner Radner did not believe Bordering Vegetated Wetlands (BVW) were included in the assessment of impacted area. Additionally, she stated that the normal water surface level of 186.4' might not reflect current conditions due to drought. She believes accounting for these two items would increase the estimated area of impact. Ms. Jacobs stated that she felt the response to DEP addresses those concerns. She stated that both MassGIS and the Dedham GIS indicate no BVW around the pond. Agent Brown noted that the area to the north of the pond is considered marsh or wetlands. Ms. Jacobs stated that area is inundated for the entire year and she does not believe the drawdown would cause any significant impacts.

Commissioner Gauthier stated he believes the plan for replacement plantings is acceptable. He opened the floor to the other commissioners for comment.

Commissioner DeAvila noted the application for a Water Quality Certificate and asked if an unfavorable result would change how the project is proposed. Ms. Jacobs confirmed, but stated she had spoken with a Department analyst who seemed confident in the application as submitted.

Commissioner DeAvila asked if an emergency plan had been prepared in case something goes wrong during dredging. Ms. Jacobs stated the submitted plan demonstrates how the work will be constantly monitored as it is performed.

Agent Brown noted that the applicant owns approximately 15' of bank around the pond, so there should be no issues with access due to private property if the project team were to field assess for BVW around the pond. She also noted that she has contacted DEP for their thoughts on the response to their comments, but has not heard back. She asked if estimate calculations of the quantity of materials to be dredged could be provided. Ms. Jacobs confirmed. She also asked to reiterate that MIT is proposing to do this work for the benefit of the community and to allow for better assessment and maintenance of the dam. She stated that she believes every consideration has been taken for protection of the resource areas during this work.

Commissioner Gauthier shared another comment from Commissioner Radner that states inclusion of potential BVW in the impact calculation may cause the project to exceed the threshold for MEPA review. Ms. Jacobs reiterated that their assessment of the potential impacted area does not exceed the threshold for MEPA review.

Commissioner DeAvila asked if a silt fence will be placed along the access road. Ms. Jacobs stated compost filter tubes will be used instead as they cause less disturbance during installation. Commissioner DeAvila noted the composting of the dredged material that will take place on the Endicott House property and asked if the compost area will need a silt fence. Ms. Jacobs denied, stating that the compost area is in an upland, concave depression away from resource areas.

Mike Fitzgerald, applicant for the project, added that the two properties abutting the dam have legal title to the water line. He also stated the area to the north of the pond that Agent Brown noted as potential marsh or wetland was part of the original pond and has been in place since the dam was installed.

Commissioner Gauthier asked for any comments from staff. Agent Brown stated she would like to review the pond for potential BVW and would like to get input from DEP regarding the applicant's response to the DEP's comments.

Commissioner Gauthier **motioned to continue the hearing on DEP 141-0607 and MSMP 2023-08 to the meeting on 3/16.** Commissioner Puopolo seconded. Commissioner Gauthier led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

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

Applicant: Hope Johnson

Representative: Scott Henderson, Henderson Consulting Services

Commissioner Gauthier noted that this hearing was closed at the last meeting, but the permits were not issued as the property had not yet been issued an official address. He asked if an address had been assigned. Assistant Agent Hogan confirmed.

Commissioner Gauthier **motioned to issue MSMP 2023-02 as drafted.** Commissioner Puopolo seconded. Commissioner Gauthier led a roll call vote. All attending commissioners voted "aye." The motion carried 5-0.

3. New Applications

3.1. 218 Lowder Street – RDA 2023-01 – Native Plantings in Riverfront Area

Applicant: Tim Mann

Mr. Mann stated he is proposing to plant 8 trees on existing lawn in Riverfront Area to provide visual screening.

Commissioner Gauthier asked if the proposed trees are native. Mr. Mann confirmed, stating that he is proposing hemlock and cedar based on what is currently in stock at the nursery.

Commissioner Gauthier asked if Mr. Mann is committed to treating the hemlock trees to prevent hemlock woolly adelgid. Mr. Mann confirmed.

Agent Brown noted that the Commission questioned if these trees were related to the proposed trees included in the proposal for the development of 214 Lowder Street. She stated she has reviewed both plans and confirmed these trees would be in addition to those previously approved trees for the neighboring property.

Commissioner DeAvila asked what size trees will be planted and whether machinery will be used. Mr. Mann stated the trees will be approximately 16'-20' and noted the landscaper will use matting and will be sensitive to the fact they are working in Riverfront Area.

Commissioner Gauthier asked how any disturbed soil will be stabilized. Mr. Mann stated lawn will be reseeded around the base of the trees.

Commissioner Puopolo stated that hemlocks take a lot of care to remain healthy, but noted the treatment condition included in the draft Negative Determination of Applicability is sufficiently specific.

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

Commissioner Gauthier **motioned to close the public hearing for RDA 2023-01**. Commissioner Hafrey seconded. Commissioner Gauthier led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

Commissioner Gauthier **motioned to issue a Negative Determination of Applicability for RDA 2023-01 as drafted**. Commissioner Puopolo seconded. Commissioner Gauthier led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

4. Request for Modification

4.1. 124 Country Club Road – DEP 141-0598/MSMP 2021-18 – New Structures and Walkways

Applicant: Dedham Country & Polo Club Representative: Fred Keylor, H.W. Moore Associates

Mr. Keylor stated the permits for a paddle tennis building, a clubhouse addition, and a golf learning center were issued just over a year ago. The requested modifications include a reduction in amount of impervious areas in several project locations and the inclusion of two new pickleball courts.

Michael Toohill, an additional representative for the project, stated that the paddle tennis building is smaller, lessening the impact on the nearby Bordering Vegetated Wetland (BVW). He noted a large ledge outcropping will separate the proposed pickleball courts from the BVW. He stated an aluminum deck is proposed to join the new courts to the old courts and is slightly in the buffer zone to the BVW, but is sloped away from the wetland.

Mr. Keylor added that while the new pickleball courts will increase the amount of impervious area on the site, modifications to the installation of the clubhouse addition and golf learning center include a reduction in the amount of approved impervious area. He noted that new subsurface infiltration systems have been included to mitigate the new impervious area and test pits have been completed to evaluate the associated soils.

Commissioner Gauthier noted the plan showed a concrete pad for a dumpster adjacent to the new pickleball courts and asked if that was new, as well. Mr. Keylor confirmed and also noted an adjacent parking space that would be new. He stated the proposed system would handle runoff from all of these new impervious surfaces.

Commissioner Gauthier asked for the total amount of new impervious surfaces and the volume of 2” over that area. Mr. Keylor stated the modification includes approximately 6,800 ft² of impervious surfaces for the pickleball courts. He added that the required storage volume for 2” over the newly proposed impervious area is 1,353 ft³. The design provides 1,472 ft³.

Commissioner DeAvila asked for confirmation that the new parking space and the concrete pad were included in these figures. Mr. Keylor confirmed.

Commissioner Gauthier noted that this application had been sent out for peer review during the initial permitting process, but stated that he felt comfortable assessing the modification without input from a peer reviewer. The Commission and Department staff agreed peer review was not necessary.

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

Commissioner Gauthier **motioned to close the public hearing on the requested modification to DEP 141-0598 and MSMP 2021-18.** Commissioner Hafrey seconded. Commissioner Gauthier led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

Commissioner Gauthier **motioned to approve the requested modification to DEP 141-0598 and MSMP 2021-18.** Commissioner Hafrey seconded. Commissioner Gauthier led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

5. Request for COC

5.1. 1007 East Street – DEP 141-184 – Addition to Commercial Building

Commissioner Gauthier stated that this Order of Conditions was issued in 1995 and a Certificate of Compliance was never issued. No representatives were present for the hearing.

Commissioner Gauthier stated that Department staff confirmed an as-built had been provided. He also stated staff had visited the site and had observed no issues. Assistant Agent Hogan confirmed.

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

Commissioner Gauthier **motioned to issue a Certificate of Compliance for DEP 141-184.** Commissioner Hafrey seconded. Commissioner Gauthier led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

6. Minutes – 2/16/2023

Commissioner Gauthier asked if minutes had been drafted. Assistant Agent Hogan denied and stated they would be available at the next meeting. No further action was taken regarding the minutes.

7. Agent’s Report

7.1. Wigwam Pond Conceptual Designs for Access

Commissioner DeAvila provided an update from the Wigwam Pond Advisory Committee. He stated the consultant has developed 3 conceptual plans for access trails around the pond. He asked the other commissioners to share any comments or concerns that he could relay to the Advisory Committee at their next meeting.

Commissioner Gauthier noted that there is nearly no access to Wigwam Pond right now and that he liked the concepts. He noted that any trail would be in a resource area and asked the other commissioners for their thoughts on the various designs.

Agent Brown asked if a priority or phasing plan would be prepared along with the design plan. Commissioner DeAvila confirmed a timeline of events is being prepared.

Commissioner Hafrey agreed that he liked the conceptual plans, but asked if a loop trail fully encircling the pond would present a barrier to wildlife accessing the water. Commissioner DeAvila stated that the boardwalks will most likely be elevated on pilings. Commissioner Puopolo commented that he had been involved in several installations of boardwalks on helical piles and followed up to view their effects on the environment. He found that the boardwalks often helped the wildlife by providing shelter and hunting cover. In his experience, the boardwalks supported wildlife activity.

Commissioner Gauthier noted that the Commission’s duty is to protect the resource area, but he finds projects like this increase awareness, engagement, and public knowledge of the resource areas, which is beneficial.

Commissioner DeAvila noted that a member of the Advisory Committee is very knowledgeable on the historic Native American activity associated with Wigwam Pond. Commissioner Hafrey suggested this information be included in the construction via educational signage. Commissioner Puopolo stated that ADA requires a bump-out on boardwalks every so often and those bump-outs can be ideal places for interpretive wayside panels.

Commissioner Puopolo added that loop trails traditionally attract more users and greater use of the trail would likely keep the trail and nearby resource area cleaner.

Agent Brown provided the following announcements and updates:

- A verbal offer has been received for a donation of land at 115 Providence Highway to the Town.
- The Supreme Judicial Court decided in favor of the town when considering the appeal related to 530 Providence Highway. They found qualifying work was done without a valid stormwater management permit at the property.
- Wildlife activity will start to increase, including Big Night occurring soon, so please make others aware of the need to be cautious, particularly on roadways.
- The deadline for new Commissioner applications has passed. Agent Brown has not heard if any applications were received.

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

The meeting was adjourned at 8:22 PM.