

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 April 6, 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
Erik DeAvila
Anne Gotay
Leigh Hafrey

The following staff were also present:

Patrick Hogan, Interim Conservation Agent

The following Commissioners were absent:

Tim Puopolo, Clerk

The following Applicants and/or Representatives were present:

Carl Saccone, Representative – 100 Village Avenue
J.T. Newton, Representative – 53 Jenney Lane

Commissioner Radner called the meeting to order at 7:04 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

Commissioner DeAvila stated that the Wigwam Pond Committee will be having a public meeting on 4/29 at 11AM at the Dedham Middle School, but he will be unavailable until noon. He asked that someone else from the Commission also attend in case there are any Commission-related questions while he's not present.

2. New Applications

2.1. 100 Village Avenue – RDA 2023-02 – Tree Removal

Applicant: Elizabeth Yntema

Representative: Carl Saccone, Landscape Collaborative, Inc.

Carl Saccone presented the project. He stated that a larger project is planned for the site and will be proposed under a future Notice of Intent. In the meantime, the resident is proposing the removal of 3 trees within the 100' buffer zone to wetlands. Three serviceberry, two tupelo/black gum trees, and one swamp white oak are proposed to be planted in replacement. The stumps of the 3 removed trees will be ground. No machine access will be needed for the project and a 12" mulch sock will be placed as an erosion control.

Commissioner Radner asked if the mulch sock continued around the entire tree removal area. Mr. Saccone denied, and stated he had planned to terminate the sock at the retaining wall, as it provides a raised barrier, but stated he could change it if desired. Interim Agent Hogan confirmed the wall is raised in this area. Commissioner Radner agreed this was acceptable as long as the wall was not expected to be damaged.

Commissioner Radner asked why the trees were being removed. Mr. Saccone stated they were in fair health, but the owner is seeking to re-establish the garden in this area and would like to allow more sunlight. Additionally, one tree is growing into the retaining wall and could present a structural issue in the future.

Commissioner Radner noted that the Commission generally requires snags of tree trunks to remain. She asked how big the replacement trees would be. Mr. Saccone stated he anticipated 2"-2.5" caliper, 14'-15' tall trees.

Commissioner Hafrey asked for clarification on the 2 red "X's" in the middle of the plan. Mr. Saccone stated those indicate invasive bittersweet and privet shrubs that will be removed and replaced with clethra shrubs. Commissioner Radner asked how they will be removed. Mr. Saccone stated they hope to simply pull them to remove the centralized roots and, if unsuccessful, continue periodic removal as part of recurring landscape maintenance.

Commissioner DeAvila asked if a snag of the maple tree could be cut and laid in the woods on site in lieu of leaving a standing snag. Mr. Saccone confirmed this was possible.

Commissioner Radner noted the trees that were marked to remain and asked if they were in good health. Mr. Saccone agreed and stated he believed they were all far enough away from the work area to not be affected.

Commissioner Radner opened the floor to the public for comments.

Interim Agent Hogan stated he had received a comment from a resident earlier in the day via phone. The resident stated she was not opposed to the project, but wanted to make the Commission aware that there are nesting herons on the property. She asked that the Commission ensure they are not disturbed as a result of the work. They stated the nest is in a dead tree between the pond and the wetland. Interim Agent Hogan did not have a chance to visit the site following the call. Mr. Saccone agreed that neither he nor the applicant wished to disturb the herons. He stated there are a few dead trees on the back side of the pond that may be housing the nest.

Catherine, of 120 Village Avenue, offered her observations of the trees to remain near the project area. She stated there are hemlocks and Norway maples. She added that the maple to be removed is a Norway maple. Mr. Saccone asked if the Commission still wished for the felled snag of the Norway maple to be left on site, or if they preferred the locust since the maple is non-native. Commissioner Radner stated the type didn't matter since it was being placed just to provide habitat. Commissioner DeAvila agreed that the maple would decompose better than the locust. Mr. Saccone asked if Interim Agent Hogan would need to be onsite to dictate the placement of the snag. Interim Agent Hogan stated he could be present if desired, but added that his guidance would be to place the felled snag as though the tree had naturally fallen. Mr.

Saccone understood and stated he would review this with the tree crew. Commissioner DeAvila added that the log should not be placed on a hillside.

Commissioner Radner asked if a Negative Determination of Applicability had been drafted. Interim Agent Hogan confirmed, but added that conditions regarding the placement of the snag and protection of the nesting herons would need to be added.

Commissioner Radner suggested the public hearing not be closed until the location of the heron nest could be verified by Interim Agent Hogan. Mr. Saccone agreed this was acceptable.

Commissioner Radner **motioned to continue the hearing on RDA 2023-02 to the meeting on 4/20.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

2.2. 53 Jenney Lane – RDA 2023-03 – Residential Landscaping

Applicant: Stuart and Tracey Representative: J.T. Newton, JT Newton and Company
Kirchner

Mr. Newton gave an overview of the project. He stated that the applicants originally hired a landscaper to do some work on the property, including the construction of a wall on the north side of the property with the intent to eventually install a pool. After work began, the homeowners were notified that the landscaper did not get the necessary approval from the Conservation Commission and a stop work order was issued. The owners originally contacted Mr. Newton to prepare an application to finish the work and install a pool, but since that time they have decided to sell the property. This application now seeks to restore the landscape back to its original conditions.

Mr. Newton stated landscaping and walkway replacement on the southeast and west side of the property was approved via an Administrative Approval. The proposed work associated with this Request for Determination of Applicability includes the removal of the partially constructed wall, reseeding of the lawn, plantings around the foundation of the residence, and the replacement of a rotting timber retaining wall at the base of the shed. He stated a silt fence will be placed along the width of the property between the work area and the wetland.

Commissioner Radner asked if the area being seeded was previously lawn. Mr. Newton confirmed.

Commissioner Radner asked for confirmation that no trees were removed and all plantings are for aesthetic purposes. Mr. Newton confirmed.

Commissioner DeAvila asked for clarification on pavers that will be replaced below the deck. Mr. Newton indicated the existing deck on site and stated the existing pavers below are deteriorating and will be replaced in-kind along with the pavers in the walkways. He stated this work was allowed under the previously issued Administrative Approval.

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

Commissioner Radner asked Mr. Newton if he had reviewed the draft Negative Determination of Applicability. Mr. Newton confirmed.

Commissioner Radner **motioned to close the public hearing on RDA 2023-03 and issue the Negative Determination of Applicability as drafted.** Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

3. Requests for Certificate of Compliance

3.1. 7 Bussey Street – MSMP 2019-19 – New Single-Family Dwelling

Request From: Bob Kurlantzick

Interim Agent Hogan stated an inspection of the project last summer revealed several items that had not been completed. Since then, all items have been corrected and the project has now been completed in compliance with the permit.

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 2019-19**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

3.2. 218 Schoolmaster Lane – MSMP 2021-12 – New Single-Family Dwelling

Request From: Chris Wolf, Supreme
Companies

Interim Agent Hogan stated the applicant had installed the required beehive grate on the yard inlet, which was the final outstanding item. He confirmed that the rest of the project has been constructed as approved.

Commissioner Radner asked for clarification that this was not the project that had expanded the driveway beyond the proposed size. Interim Agent Hogan confirmed, stating that was the neighboring property.

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 2021-12**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

4. Minutes – 3/16/2023

Commissioner Radner asked for any revisions to the drafted minutes. The other commissioners requested no revisions.

Commissioner Radner **motioned to approve the minutes from 3/16/2023 as drafted**. Commissioner DeAvila seconded. Commissioner Radner led a roll call vote. All attending commissioners voted “aye.” The motion carried 5-0.

5. Agent’s Report

5.1. Keolis Commuter Services 2023 Yearly Operational Plan (YOP)

Interim Agent Hogan stated the Yearly Operational Plan covering vegetation management along the railway has been released and is available for review.

Interim Agent Hogan added that a Minor Stormwater Management Permit has been issued for a small backyard basketball court at a house on Fox Meadow Lane.

Commissioner Gauthier stated he received notice that the Building Department was moving to an online permitting system and asked if it will appropriately flag applications that need stormwater permits from the Conservation Commission. Interim Agent Hogan stated he could review the process with the Building Department once it becomes solidified to ensure no permit-requiring projects are missed. Commissioner

Radner asked if the system will be integrated with GIS to tag projects that require wetland permits. Interim Agent Hogan stated he was not sure, but agreed to check with Building to see if that feature would be included.

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

The meeting was adjourned at 7:54 PM.