|   | The Town of DedhamCommonwealth of MassachusettsConservation Commission26 Bryant StreetDedham, MA. 02026 |
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Conservation Commission - Meeting Minutes

Thursday, March 16, 2017, Dedham Town Hall- Lower Conference Room

Members Present: Fred Civian (Chairman), Laura Bugay, Andrew Tittler, Joseph Smith, Joseph (Matt) Hickey and Stephanie Radner.

Members Absent: Michael Williams.

Mr. Civian called the meeting to order at 7:00 PM.

Mr. Civian made a motion to continue 123 Eastern Avenue (DEP #141-0513) until April 6th, seconded by Ms. Bugay, UA.

Mr. Civian made a motion to continue 9 South Stone Mill Drive(RDA 2017-01)until April 6th, seconded by Ms. Bugay, UA.

Mr. Civian made a motion to continue 725 Providence Highway – (DEP #141-0508)until April 6th, seconded by Ms. Bugay, UA.

7:05 PM: Town of Dedham, Colburn Street Dam – *NOI for dam rehabilitation in RA, LUWW, and Bank (DEP #141-0517)*

Agent Brown described information received from Dewberry. She explained that the alternatives analysis said it would cost an additional $100,000 with a phased construction. Also there is wildlife habitat evaluation work being done so that would not be required.

Mr. Civian commented that based on the lowest flow years the staging of the dam reconstruction work would have no advantage.

Mr. Smith confirmed that a little less than a one-third of the time the flow is 2-5 CFM.

Jason Mammone, Town of Dedham Director of Engineering was present with Adam Zisk from Dewberry. Mr. Mammone confirmed they do not have any additional information to present this evening.

Ms. Bugay asked if there was anything typical with this type of project that could occur which would extend the project timeline. Mr. Zisk responded that there is nothing common which would extend the timeline, and explained that of the 3 month timeline, they are only planning on lowering the water level for 2 months.

Agent Brown asked about using rounded versus angular stone. Mr. Zisk responded that they question the recommendation; angular stone will lock together better.

Mr. Smith commented that it makes sense that angular stone would lock together better while the rounded would allow for water to flow off.

Mr. Civian asked Agent Brown to develop a draft Order of Conditions for this project. He would like to continue it for 2 weeks, but to leave the public hearing open as they anticipate to collect additional information from the applicant. The Commission is agreeing with applicant that no more wildlife information will be needed.

Mr. Hickey asked how imperative it is that they do the work this upcoming season. Mr. Mammone responded that it is not as much as it is imperative but that he has the funding now and if a certain amount of time passes he will need to go through the process to request the money again.

Ms. Bugay asked about the proposed riprap at elevation 70. Mr. Zisk responded that it will extend a little bit up the bank. Ms. Bugay asked if they would need a larger diameter stone at a certain point. Mr. Zisk responded that the riprap is to slow the flow and they will be adding more stone changes to the plans.

Mr. Civian made a motion to continue the Colburn Street Dam until a special meeting that will be held on March 30th, seconded by Ms. Bugay, UA.

Emmett Avenue & Dedham Boulevard, DCR – *NOI for a Headwall Construction in Riverfront and BZ with temporary impacts to BLSF, Bank, BVW, and UBA (DEP File #141-0512)*

Agent Brown recommended that an Order of Conditions be issued.

Mr. Civian made a motion to issue an Order of Conditions for Emmett Ave & Dedham Boulevard, seconded by Mr. Tittler. It was voted 5-0. (Ms. Radner abstained)

7:30 PM: Weld Pond, Weld Pond Associates – *NOI for Aquatic Management in LUWW* *(DEP 141-0516)*

Colin Gosselin was present from Solitude Lake Management. He explained that they had an Order of Conditions for aquatic management at Weld Pond that expired last year. They currently spot treat milfoil in the spring and the fall as well as some bladder wort, which they are proposing to continue.

Mr. Civian commented on the importance of work being done to reduce the amount of nutrients going into the pond.

Mr. Gosselin responded that it is a very healthy pond in terms of water quality. He added that there is only one lawn that abuts the pond so he thinks they are doing pretty well in that regard.

Mr. Civian asked who owns the pond. John Pallella was present to represent the informal association of homeowners who abut the pond. He responded that MIT owns the pond.

Mr. Civian asked if there is anything on record that says it is alright with MIT to do this work. Mr. Pallella responded that they do communicate with MIT but they don’t have anything in writing. Mr. Civian responded that they will need something in writing from the pond owner saying it is ok to do this work.

Mr. Civian added that there is a local bylaw fee that amounts to $1000; $100 per acre. Agent Brown confirmed this is correct; it is for restoration of nuisance aquatic vegetation.

Mr. Tittler confirmed with Agent Brown that this is not a “great pond”, as classified by its size.

Mr. Gosselin asked if this is a new fee. Agent Brown confirmed it is something that has existed in the bylaw; not new.

Mr. Smith asked why the pond is needing the proposed work. Mr. Gosselin responded that it is a man-made pond that is 5 feet deep and supports aquatic growth. Nuisance vegetation could come from water fowl, canoes, etc.

Ms. Bugay commented that she thinks it may be a good idea to encourage land management practices. Agent Brown confirmed that she did include some of this in the conditions of approval. Agent Brown reviewed some of these conditions with the Commission.

Mr. Civian asked when they plan to do the work. Mr. Gosselin replied that it depends on the temperature but most likely May or June. Mr. Civian commented that he does not see any hurdles or barriers for this project.

Mr. Tittler asked Mr. Pallella how long they think will it take to get the letter from MIT. Mr. Pallella responded that it shouldn’t take long at all.

Mr. Civian made a motion to continue Weld Pond until April 6, seconded by Ms. Bugay, UA

500 High Street (Gonzalez Field) Town of Dedham – *NOI and MSMP to replace existing playing field with artificial turf and add parking in Riverfront, BZ to Bank, and UBA (DEP #141-0515, MSMP 2017-02)*

Meg Bazinski was present with Alyssa Jacobs from Epsilon Associates.

Ms. Jacobs presented details on the photometrics of the lighting. She summarized that light levels that extend into the riverfront area are low and as such they are both claiming and demonstrating that the light levels don’t have an impact.

Mr. Hickey asked about the timing of the lights. Ms. Bazinski explained that they would be on a timer and also will be managed remotely so they are only on when the field is in use.

Agent Brown confirmed that the Dedham Engineering department will be handing the 3rd party review for stormwater at this site. The Commission has not yet found an outside replacement to conduct 3rd party reviews. The Engineering Department has not yet completed their review of this project.

Agent Brown informed the Commission about a letter from an abutter whom was concerned with the landscaping around the walkway.

Steve Christopholi explained that they will be adding some additional plantings along walkway. Mr. Civian asked Agent Brown to encourage the abutter to talk to the Planning Board about planting concerns.

Ms. Bugay asked if it is possible to map the lighting program; and questioned at what light level it affects any wetland.

Stephanie Radner commented with regards to the plantings and explained that self-sustaining gardens should be considered. She explained that those that won’t require mowing save money while also supporting native species.

Mr. Civian made a motion to continue 500 High Street until March 30th, seconded by Ms. Bugay, UA.

124 Country Club Road, Dedham Country and Polo Club – *NOI for irrigation system improvements (DEP #141-0518)*

Mary Trudeau explained the Dedham Country and Polo Club is proposing a complete overhaul of their irrigation system. They are doing this so they can report on their efficiency measures and so they can say they are using a new state of the art, efficient, irrigation system. The new system will have sensors and remote control leading to better control and less waste. 42 acres of land will be irrigated. This application was filed with both Westwood and Dedham, as required. Ms. Trudeau explained that most work can be done with a ditch witch. Work will be done neatly.

Ryan Kenny, of the Club, explained that this new irrigation system will help them better manage the turf as well as the water usage. With the new system they plan to produce a healthier course.

Ms. Bugay asked if they are replacing the old piping with the new. Ms. Trudeau responded that they will abandon the old PVC in place and will use a completely different layout. Ms. Bugay commented that it appears they will be crossing streams and also will be doing work along the edge of a pond.

Mr. Smith asked where the irrigation water comes from. Ms. Trudeau responded that the water comes from Rock Meadow Brook, as permitted.

Mr. Tittler confirmed they pump the water from Rock Meadow Brook and are not yet requesting to replace the intake pipe.

Mr. Civian requested annual operations & management reports for recent years that were not submitted to the Conservation Department per the requirement on their existing Order of Conditions.

Agent Brown collected the certified abutters list from Ms. Trudeau.

Mr. Civian requested something in writing that demonstrates how they will be using less water. If the site’s water withdrawal permit can’t be requested for less water use then was granted to them in the past then he would like to understand why not considering they claim they plan to use less water.

Ms. Radner commented that they have several potential vernal pools on their site, beyond the area of the golf course. She wondered if they would be open to allowing her to investigate what is there as she is trying to certify as many as she can in the Town. Mr. Kenny responded that the area she is referring to is not on their property.

Mr. Civian commented that the wetland delineation was done in 2006 and has not been updated; delineations are usually only good for 3 years. Ms. Trudeau responded that the delineation done at that time was very generous.

Ms. Bugay commented that she would like to make sure that all OOC’s have been closed out before moving forward.

Mr. Civian made a motion to 124 Country Club Rd until April 6, seconded by Mr. Hickey, UA.

8:42 PM: 38 Icehouse Lane, Giorgio Petruzziello, Supreme Development, Inc – *(DEP #141-0510)* **AND** 13 Powers Road, Giorgio Petruzziello, Supreme Development, Inc.**-***(DEP #141-0511)*

Mr. Civian summarized that the Commission is trying to list what rules need to be met for these projects.

Matt Smith was present from Norwood Engineering. Mr. Smith explained the research he has done to locate precedent setting examples of projects.

Paul Lombardi, abutter, asked about the interpretation of the 2 lots being buildable. He had asked the Commission to collect something in writing to provide documentation that the lots are buildable by the person who makes that decision. Agent Brown confirmed she will ask Kenneth Cimeno, the Building Commissioner, for this when he returns from vacation.

Matt Smith explained that a limited project is a special type of project that may be allowable to be permitted despite what the standards say. Mr. Smith explained that he doesn’t feel this is a limited project.

Mr. Lombardi commented that he believed there are limits on the easement for the sewer line that will go through each property.

Mr. Civian commented that with regards to the requirement to map out all trees to be removed, none of the examples that were given by Mr. Smith were subject to the wetlands requirements so he doesn’t agree any precedent existed.

Matt Smith explained that are requesting not to flag the trees since all of them are coming down. He did not think it made sense to require the applicant to go out and hire a survey crew to do this. His suggestion was to allow them to go out and count the number of trees and thought that would be a reasonable discussion to have. He added that Mr. Petruzziello isn’t opposed to doing this, it just does not seem necessary.

Mr. Lombardi commented that he drove by Icehouse Lane today and pretty much all of the trees would need to come down in order to build the proposed structure there.

Matt Smith still requests that soil testing not be required during design phase, but rather at the time of construction or after the project is approved. Mr. Smith explained that he does not think they should be disturbing the land prior to an approval and it will be hard to get the equipment they need in there without having to remove trees.

Agent Brown commented that a soil boring could be done now without removing trees.

Ms. Bugay agreed with Agent Brown that borings would be the better method and less disruptive.

Mr. Tittler questioned how the applicants engineer could design the appropriate system without knowing where the groundwater is located.

Barbara Macchachio, an abutter, commented that they are talking about a huge disturbance and she is concerned about impacts to her own house.

Mr. Lombardi commented that he has a problem with them “opening the gates” and allowing disturbance to happen before there is an approval.

Doug Ackroid commented that he would like to see that all possible tests are done before the project even starts.

Joseph Smith agreed with the public that it seems like it would be crazy to have them go in and disturb the property to only have the project be declined.

George Carrierfields asked if the project does go to the construction phase, can the exploratory tests be the first thing that is required to be done.

Mr. Civian commented that this is not a potential barrier for the project, it is only a hurdle. The results of a soil boring would not cause the project to not go through, it is just necessary information for the design. Mr. Civian confirmed with Matt Smith that it can be the first hurdle prior to construction.

Matt Smith explained that they are requesting that the 44 percent TSS removal requirement not be required. Mr. Smith reviewed examples of previous projects where the 44 percent TSS was not required.

Mr. Lombardi commented that none of the examples being provided by Mr. Smith are within a 100 foot buffer zone, so these are not good comparisons.

Mr. Civian explained that it is important to consistently apply rules. He understands that independent of Mr. Smith’s examples, the Commission may not have applied this rule consistently but on the other hand this may be unique and deserving of additional protection because it is an environmentally sensitive area.

Mr. Lombardi commented that this proposal has always been described as a unique situation and he thinks the Commission is required to address it individually and separately as the unique situation that it is.

Matt Smith explained his argument is not only that the Commission has not applied the 44 percent TSS removal requirement consistently in the past, but that the state regulation only requires 25 percent, and for single family residences they are not required to do infiltration at all according to the state wetlands rules. Mr. Smith explained that they will give the Commission any information that they ask for. He explained that when all is done the limit of work will be 40 feet away from the wetland and 100 feet away from the river which is why he thinks it is applicable to do 25 percent TSS removal instead.

Mr. Ackroid commented that he would like to see every avenue explored before the Commission makes a decision; the environmental impact is huge with these two homes and they will change the wetlands forever.

Ms. Radner commented that this is the history of Dedham; everything has been destroyed. She questioned where they will draw the line. She explained that she doesn’t understand the rules yet as a new member but has concern for preserving natural resources in Town. Mr. Civian explained that the reason why people are able to do those kinds of things is because the rules in our town allow it.

Mr. Petruzziello agreed to meet the 44 percent TSS removal requirement.

Mr. Civian agreed that they are subject to 310 CMR 10.58(4) (d) 3 and that the proposed project did not appear to be a limited project. They will be requiring that all trees over 6 inches be mapped, as well as the 44 percent TSS removal.

As a point of clarification Mr. Tittler explained that a limited project has a lesser standard and the applicant agrees to the higher standard.

Mr. Ackroid commented on natural resources becoming decimated and destroyed and the need to draw a line in order to protect beautiful spaces. He would like the Commission to apply the stricter set of rules, whether it be the state’s rules or local rules.

Mr. Tittler confirmed the applicant will need to meet the requirements of both the state and local bylaws.

Mr. Civian made a motion to continue 38 Icehouse Lane and 13 Powers Road until April 6th in anticipation of plans and all materials being submitted by the applicant. This motion was seconded by Ms. Bugay, UA.

9:38 PM: The Commission took a 2 minute recess.

350 Washington Street, Petruziello Properties, LLC – *Stormwater Management Permit (2015-08)*

Mr. Civian made a motion to issue a Certificate of Compliance for 350 Washington Street as recommended by Agent Brown, seconded by Ms. Bugay, UA.

**Informal Discussion:**

MACC Commissioner Updates- Mr. Smith, Mr. Hickey and Ms. Radner reported back on their experiences from the MACC conference.

Meeting Minutes- Mr. Civian made a motion to approve the meeting minutes from 5/5/16, 6/2/16, 6/16/16, 7/7/16 and 7/21/16. This motion was seconded by Ms. Bugay, UA.

10:10 PM: Mr. Civian made a motion to adjourn, seconded by Ms. Bugay, UA.