|  | The Town of Dedham  Commonwealth of Massachusetts  Conservation Commission  26 Bryant Street  Dedham, MA. 02026 |
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Conservation Commission - Meeting Minutes

Thursday, April 20, 2017, Dedham Town Hall- Lower Conference Room

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

Members Absent: Michael Williams, Joseph Smith and Stephanie Radner.

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

Mr. Civian made a motion to continue the following 6 items until May 4th.

* 123 Eastern Avenue, David Raftery– (DEP #141-0513)
* 725 Providence Highway (Panera)– (DEP #141-0508)
* Weld Pond, Weld Pond Associates **-** (DEP #141-0516)
* 38 Icehouse Lane - (DEP #141-0510)
* 13 Powers Street **-** (DEP #141-0511)
* 43/49 Hillsdale Road, Luna Home **-** (MSMP 2017-03)

The motion to continue these 6 items was seconded by Ms. Bugay, UA.

7:05 PM:24 Country Club Road, Dedham Country and Polo Club- *(Mary Trudeau – Rep) – NOI for irrigation system improvements (DEP #141-0518).*

Mary Trudeau was present along with other representatives from the Dedham Country & Polo Club.

Agent Brown informed Ms. Trudeau information submitted last week was extremely helpful.

Mr. Civian would like the applicant to show how they plan to mitigate or provide resource area improvements.

Ms. Trudeau explained that she would be willing to add conditions to the Order that would specify that no Certificate of Compliance would be issued until mitigation is complete. She would submit to the Commission a mitigation and restoration plan and invasive species treatment when it is ready for their approval.

Mr. Civian commented that perhaps they could work out the details and submit a final plan to the Conservation Agent for her approval.

Ms. Bugay suggested that the requirement be that they come to an agreement on a plan prior to the start of construction.

Mr. Tittler asked about the fee waiver request. Ms. Trudeau explained she came up with an alternative calculation based on the fee they needed to pay to Westwood and their perception of the proper use. She explained that the money they could save in fees they could put towards mitigation.

Mr. Civian and Ms. Bugay agreed that the use appears to be commercial. Mr. Civian informed Ms. Trudeau that they could vote on the fee waiver at the next meeting when more commissioners are present.

Mr. Civian asked Agent Brown to draft an Order of Conditions for the next meeting.

Mr. Civian made a motion to continue 24 Country Club Rd until May 4th, seconded by Ms. Bugay, UA.

9 Stone Mill Drive, Mother Brook Condos Mother Brook Condominium Trust – (GPR – Rep) – *RDA for roadway, parking lot and drainage maintenance and repairs in Mother Brook Riverfront and Buffer Zone to Bank (RDA 2017-01).*

Susan Bernstein was present, representing the Mother Brook Condominium Trust along with Kyle Burchard from Goldpress and Ringwald.

Agent Brown and Mr. Civian confirmed that the area that needs to be protected is primarily Mother Brook itself.

Mr. Civian confirmed that they could discuss the applicant’s right to request a waiver from the requirement for a MSMP. He explained that they would need to show a hardship and a plan showing substantially same level of protection. Since they would like to do all of this under an RDA application they will need information and a plan to show how they are protecting the resource area, and proving that it is not being altered. The Commission could then review that plan to make a determination of whether or not and RDA can be accepted. He explained that such a plan was very similar to a MSMP.

Ms. Bernstein summarized that they are not planning to expand the pavement, just to replace what is already there. As a homeowners association with limited resources, they do not have means to offer too much stormwater management and are looking for some leeway for that reason.

Kyle Burchard presented a new plan that he developed this week and distributed copies to the Commission.

Agent Brown asked for an explanation of the “Silt Prison” BMP as she was not familiar with them.

Kyle Burchard explained how they are asking the Commission to consider the applicants constraints to retrofitting stormwater management on the site.

Mr. Tittler asked what they know about the DCR’s schedule for future adjacent work. A representative from the HOA responded that the DCR has the funding and would like to start in September.

Ms. Bugay asked about the existing condition of the drainage system. She asked if they had confirmed whether or not the catch basins are deep-sump. Mr. Burchard responded that he knows they are hooded but doesn’t know if they are deep-sump.

Mr. Civian explained that being a redevelopment, the only standard for stormwater they have to meet is standard 7; the other standards need to be met to the maximum extent practicable. The applicant already seems to be presenting some information relevant to meeting the maximum extent practicable.

Agent Brown explained that the requirements of an RDA and Stormwater Permit should give the Commission the information they need to make a decision, and as such an NOI may not be needed. Agent Brown explained there still is some validity to requiring an NOI for process purposes, but in terms of the content the Commission is looking for, an NOI would not be necessary.

Mr. Civian made a motion to continue 9 Stone Mill Drive until May 4th, seconded by Ms. Bugay, UA,

8:09 PM:370 Common Street (Track Improvement), Northeastern University, Applicant (Sasaki Assoc, Rep) **–** *Notice of Intent and MSMP for track improvements at the artificial turf field (DEP #141-0519, MSMP 2017-04).*

Trey Sasser was present for the hearing. Trey had submitted a letter addressing concerns raised at the last meeting which Agent Brown found to be acceptable.

Agent Brown recommended that a Notice of Intent be issued and she informed the Commission that she had prepared a draft order of conditions. Mr. Sasser confirmed he had reviewed the conditions and that they were acceptable.

Mr. Civian made a motion to close the public hearing for 370 Common Street, seconded by Ms. Bugay, UA.

Mr. Civian made a motion to issue an Order of Conditions for 370 Common Street, seconded by Ms. Bugay, UA.

370 Common Street (Throwing Field), Northeastern University, Applicant (Sasaki Assoc, Rep) **-** *MSMP for construction of a new throwing field (MSMP 2017-05)*

Trey Sasser of Sasaki reviewed the project with the Commission and presented a check for a third party review.

Mr. Civian made a motion to continue the 370 Common Street Throwing Field until May 4th, seconded by Ms. Bugay, UA.

8 Rodman Place, Connie Dawson, Applicant – Dick Malcolm, Rep –*Construction of a new 2.5ft x 20 ft addition to the rear of the house, cantilevered from the house (i.e., no new footings or foundation) as well as deck replacement (RDA (2017-04).*

Dick Malcolm, Contractor, was present.

Ms. Bugay explained the Building Department’s requirement to place crushed stone beneath the deck.

Agent Brown recommended the Commission’s approval and informed them that a draft Negative Determination of Applicability has been prepared and distributed to Mr. Malcolm for his review.

Mr. Malcolm confirmed he has seen the conditions and is fine with them.

Mr. Civian made a motion to close the public hearing for 8 Rodman Place, seconded by Ms. Bugay, UA.

Mr. Civian made a motion to issue a Negative Determination of Applicability for 8 Rodman Place, as recommended by Agent Brown, seconded by Ms. Bugay, UA.

750 Providence Highway, Dedham 800 LLC, Applicant – Norwood Engineering, Rep**. -** *NOI for redevelopment of the “Friday’s Site” for alteration of BVW, Bank, LUWW, and BLSF. (141-TBD).*

Matt Smith was present from Norwood Engineering to represent the applicant.

Mr. Civian informed Mr. Smith that he will be asking him to make a full presentation at the May 4th meeting when he expects a larger part of the Commission to be present. He explained that for that reason tonight it may be best to just summarize.

Mr. Smith summarized that he will be presenting the exact same design that was approved in December. The reason that they need to come back to the Commission with the proposal again is that DEP has asked them to file new Notice of Intent instead of the Amendment. Mr. Smith provided a brief description of the design. He explained some of the highlights of the proposal being a green roof design and electric car charging stations. They also plan to double the amount of wetlands being filled, and increase land under water body.

Mr. Tittler confirmed with Mr. Smith that the Commission should be looking at this application from the beginning, as an entirely new process and application.

Ms. Bugay asked if they need to close out the previous order. Agent Brown confirmed she will look into this. Mr. Smith requested that they wait to close it out until this process is completed.

Steven Greenbaum, an Attorney representing Pearl Realty, explained that he will hold some of his comments until the following meeting when more Commissioners are present and the applicant will be giving a complete presentation. Mr. Greenbaum explained that since there is no DEP filing number yet, he doesn’t believe the Commission can legally be holding this hearing. Additionally he explained that due to the Patriots Day holiday the legal notice was not published a full 5 business days prior to the hearing. It is his understanding that this will need to be advertised. Mr. Greenbaum explained that there are a number of points that he would like to make, but he would prefer to wait until they have a full Commission at the next meeting to do so.

Mr. Civian sad that the Commission would examine whether the date issue created a legal problem or not. He then made a motion to continue 750 Providence Highway until May 4th, seconded by Ms. Bugay, UA.

Certificates of Compliance -333 East Street, David Raftery, Applicant – Allen & Major, Rep. *(SMP 2013-04).*

Mr. Civian made a motion to issue a Certificate of Compliance for 333 East Street as recommended by Agent Brown, seconded by Ms. Bugay, UA.

124 Country Club Road, Ryan Kenny, Applicant**:** *(OOC 141-0488)*

Agent Brown commented that she needs some evidence that the original order of conditions was recorded at the Registry of Deeds, so she does not think the Commission can issue a Certificate of Compliance without a complete application.

Mr. Civian made a motion to continue 124 Country Club Rd until May 4th, seconded by Ms. Bugay, UA.

Special Conditions for Lawn Watering – Agent Brown explained that it has been requested for the Commission to reconsider the ban on irrigation systems due to new technologies that are available. Ms. Bugay commented even with new technology she is still not in favor of irrigation systems especially those using DWWD potable water as people are not going to turn off these systems when there is a water ban and it is always her preference to conserve water. Ms. Bugay reminded everyone that while Dedham infiltrates, Westwood does not.

Mr. Civian confirmed with Agent Brown that this rule should be enforced consistently and should be included in conditions for projects as well as within the upcoming stormwater regulation packet.

Occupancy permits and Stormwater Certificates of Compliance – *Timing considerations*

Agent Brown explained that she is regularly asked to sign temporary Certificates of Occupancy for real estate closings, and does this when stormwater systems are not yet complete usually due to seasonal timing constraints. She is noticing that process doesn’t work in the real world. Mr. Civian and the Commission agreed that having Agent Brown work with the Building Department to understand their process would be best.

6 Joyce Lane- Agent Brown informed the Commission of an administrative approval that was issued for 6 Joyce Ln.

9:09 PM: Ms. Bugay made a motion to adjourn, seconded by Mr. Civian, UA.