

Tim Puopolo, Chair
Erik DeAvila, Vice Chair
Stephanie Radner, Clerk
Nathan Gauthier, Associate
Anne Gotay, Associate
Leigh Hafrey, Associate
Meredith LaBelle, Agent



Dedham Town Hall
450 Washington Street
Dedham, MA 02026

Tel (781) 751-9211

Website
www.dedham-ma.gov

TOWN OF DEDHAM

CONSERVATION COMMISSION

Minutes of February 1, 2024

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, Chair
Erik DeAvila, Vice Chair
Anne Gotay, Associate
Leigh Hafrey, Associate

The following Staff were present:

Meredith LaBelle, Conservation Agent
Patrick Hogan, Stormwater Manager

The following Commissioners were absent:

Stephanie Radner, Clerk
Nathan Gauthier, Associate

The following Applicants and/or Representatives were present:

Mike McHugh, Applicant for Noble & Greenough School
Paul Avery, Representative for Noble & Greenough School
Ben Gleason, Representative for Noble & Greenough School
Scott Henderson, Representative for 63 Pine Street
Jason Mammone, Applicant for 34 Milton & 56 Farrington
Jaurice Schwartz, Representative for 34 Milton & 56 Farrington
Alex Simpson, Representative for 34 Milton & 56 Farrington
Matthew Smith, Representative for 750 Providence Highway
Alexander Kraplin, Representative for 750 Providence Highway
Matt Watsky, Representative for 750 Providence Highway
Paul McManus, Representative for 750 Providence Highway

Commissioner Puopolo 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.

1. Public Comment

Commissioner Puopolo opened the floor for general comments from members of the public. He received no responses.

2. Stormwater Update

Stormwater Manager Hogan stated that the following projects have submitted stormwater permit applications since he last reported to the Commission: 63 Pine Street (two single-family residences), the Town Green, and 750 Providence Highway (commercial redevelopment). He explained that he is currently reviewing these applications. He also added that he is still reviewing the draft changes to the MaDEP Stormwater Handbook. Stormwater Manger Hogan also stated that there are currently 14 open stormwater applications, which is unusual, but he expects things to potentially pick up in the Spring.

3. New Applications

3.1. 10 Campus Drive (Noble & Greenough School) – RDA 2024-01 – McLeod Field Improvement Project

Applicant: Mike McHugh, Noble & Greenough School Representative: Paul Avery, Oak Consulting Group LLC

Ben Gleason, landscape architect with Activas and representative for the project, gave a brief overview of the proposed work. Mr. Gleason explained that there is an existing grass and gravel parking lot to the North of Omni Ice Rink, and they wish to convert this area into an asphalt-paved parking lot and adjacent middle-school play area. He added that 31 large trees, 23 shrubs, and groundcover/perennials are proposed as part of the landscape plan. Mr. Gleason added that they've managed to keep the paved parking area entirely out of the 100' buffer, and while minimal subsurface utility work is proposed in the UBA, there will be no permanent disturbance in the UBA area.

Paul Avery with Oak Consulting Group further described the work proposed in resource areas. He explained that based on the slope of the buffer zone and the usage factor for parking lots which is 10, the calculated UBA is roughly 100' and essentially the same line as the 100' buffer zone. Mr. Avery explained that minor disturbance and grading is proposed in the UBA in order to install the proposed stormwater management system and expand the north stormwater basin.

Commissioner Puopolo asked whether the area of temporary disturbance in the UBA will be re-vegetated to its natural state, and Mr. Avery and Mr. Gleason confirmed that it will be a combination of plantings and groundcover. Commissioner DeAvila asked about where snow will be stored. Mr. Gleason answered that based on site constraints, they currently are proposing for snow to be stored in the back of the parking lot and partially within the 100' buffer zone. He added that snow is currently stockpiled in this location. Commissioner DeAvila asked if there is anything to stop snow melt from running into the floodplain, and Mr. Gleason answered that there is currently nothing to stop the snow melt.

Commissioner DeAvila expressed concern for salt and ice melt running into the wetland and floodplain, and asked if it was possible to store snow on a paved area in the parking lot. Mr. Avery added that they could explore the option of storing snow in some of the parking spaces. Mike McHugh of Noble & Greenough School added that storing snow in the parking area shouldn't be a problem, or it could be trucked off as needed to one of their field locations. Mr. McHugh asked if the synthetic turf field (proposed middle-school play area) would be acceptable. Mr. Avery asked that anything stored on the turf field would be captured through the stormwater system. Mr. Gleason stated that the stormwater system should be resilient enough to accept snow melt. Commissioner DeAvila asked about the grades of

this area in terms of melt water runoff, and Mr. Gleason confirmed that the grades are such in the proposed turf area that ice would melt towards the wetland. Commissioner DeAvila reiterated he had concerns about the melt water, and Mr. McHugh responded that they could keep the snow storage areas within the parking lot to avoid the potential ice melt issue. Commissioner Puopolo added that the condition of moving the proposed snow storage locations to the parking lot could be added to the special conditions of the Determination of Applicability.

Commissioner Puopolo opened the floor to members of the public. He received no responses.

Commissioner DeAvila motioned to close the public hearing for RDA 2024-01 and issue a Negative Determination of Applicability with the special condition about snow storage for RDA 2024-01.

Commissioner Gotay seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

3.2. 63 Pine Street- RDA 2024-02 – Sanitary Sewer Installations

Applicant: Charles Chavez, Representative: Scott Henderson, Henderson Consulting
Brainstorm Construction LLC Services, LLC

Scott Henderson with Henderson Consulting Services gave an overview of the project. He explained that the existing lot at 63 Pine Street is proposed to be divided into three single-family house lots. He added that they are currently only permitting Lots 1 and 2, but a third will be proposed in the future. Mr. Henderson displayed the site plans and explained that the single-family residences have been designed to stay out of the 100’ buffer zone to the north of the lots to the greatest extent possible. He explained that the only work proposed within the 100’ buffer zone is the installation of two sewer connections and native plantings. Mr. Henderson added that in order to install the sewer connections, temporary sub-surface disturbance in the UBA is proposed, however there will be no permanent disturbance in the UBA. He explained that they looked into the possibility of connecting the proposed single-family homes to the sewer main to the east of the properties, however they ran into design issues with the topography, easements, and the installation of stormwater management systems. For these reasons, Mr. Henderson explained that the best option is to extend the sewer lines to the sewer main located to the northeast of the properties, which as mentioned will involve minor, temporary, disturbance in the UBA. He also added that native mitigation trees, including the trees that were permitted in a previous RDA for 49 Pine Street, will be planted in the 100’ buffer zone. Mr. Henderson explained that all tree removals that are needed for this project are outside the 100’ buffer zone and will be regulated under the Stormwater Permit that has been filed.

Commissioner Puopolo stated that the proposed tree species look good and reminded Mr. Henderson that the mitigation trees proposed under the RDA for 49 Pine Street would not count towards the final mitigation tree count for the stormwater permit currently filed for 63 Pine Street. Commissioner Puopolo asked about the duration of the work in the UBA, and Mr. Henderson answered that it will be a single day of temporary disturbance in the UBA.

Commissioner DeAvila asked if there is a dewatering plan in case they encounter a high water table. Mr. Henderson answered that they don’t anticipate hitting groundwater, and they plan on doing the work when the conditions are relatively dry and avoid doing the sewer work during a time when the adjacent wetland is heavily inundated with water. He added that if they were to encounter groundwater, there standard practice would be to over dig the trench, add some stone to the excavation, and pump the water out uphill through a silt sock.

Commissioner Puopolo asked if a stormwater permit had been issued for the project. Mr. Henderson answered that they received the first round of comments from Stormwater Manager Hogan but they have not yet been issued a permit.

Commissioner Puopolo opened the floor to members of the public. Bin Ji, an abutter, asked if the proposed work would have any impacts to the sewer services and drainage of neighboring properties. Mr. Henderson answered that there will be no impacts to the neighboring sewer services since the existing line has plenty of capacity, and the sewer plans are reviewed in great detail by the Departments of Engineering and Public Works. He added that if anything there should be improvement to the drainage of the area since they will be installing robust stormwater infiltration systems and 56 new trees that will reduce the rate and runoff of stormwater.

Donald Caraway of 27 Bow Avenue asked why the sanitary sewer lines couldn't be connected to the sewer line on Pine Street. Mr. Henderson answered that there is no sanitary sewer line available for connection on Pine Street. He added that previously 63 Pine Street was on a cesspool, and they are obliged by State Law to connect to sanitary sewer for a redevelopment project. Mr. Caraway responded that he is against the sewer connection from Pine Street to Bow Avenue. Mr. Henderson suggested that decisions of sanitary sewer connections are regulated by the Town Engineering Department, so if the homeowner has concerns he should reach out to Jason Mammone, the Town Engineer. Commissioner Puopolo added that the purview of the Commission is to decide if the proposed work would have impacts to the wetlands, but the Town Engineering Department is ultimately overseeing the actual sewer connection permitting. Mr. Caraway asked if permission is needed from the Federal Government to do work in the buffer zone of the wetland off of Bow Avenue. He also expressed concern that homes on Bow Avenue would be impacted by the sewer line connection. Commissioner Puopolo clarified that there will be no discharge or filling to the wetland based on the plans that have been presented, and if anything were to change with the proposed plans the applicant would need to return to the Commission for approval. Agent LaBelle added that she could provide Mr. Caraway the phone number of the Engineering Department if he had further questions about the sewer line connection.

Commissioner DeAvila motioned to close the public hearing and issue a Negative Determination of Applicability for RDA 2024-02. Commissioner Hafrey seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

3.3. 34 Milton St and 56 Farrington Ave– DEP 141-0627– Stormwater Bioretention Basins
Applicant: Jason Mammone, Representative: Jaurice Schwartz, Weston & Sampson
Town of Dedham Engineering

Jaurice Schwartz provided an overview of the project, which consists of the construction of two bioretention basins on town properties. Ms. Schwartz explained that the bioretention basins are proposed as part of the Town's compliance with their MS4 permit and added that the basin on Farrington Ave will reduce Phosphorous discharge to the Charles River and the basin on Milton St will reduce Phosphorous discharge to Mother Brook. She explained that the bioretention basin on Milton St will be the required demonstration project for the MS4 permit. Alex Simpson, project engineer with Weston & Sampson, shared some additional details about the project at 34 Milton Street. She explained that the catchment on Milton Street has high phosphorous loading, so they plan to retrofit the existing drainage system on Milton Street with a diversion structure that will then be directed to a sediment forebay, followed by a stone check dam, and ultimately discharge to the proposed bioretention area. Ms. Simpson then provided details about the proposed work on Farrington Avenue. She explained that there is currently no stormwater drainage system, so they are proposing a gravel dissipator and bioretention basin at the end of the street where stormwater currently flows.

Commissioner Puopolo stated that all standards have been met but noted that a waiver is requested for work in the Undisturbed Buffer Area to Mother Brook. He added that the work will ultimately be a great improvement to the resource areas in terms of runoff and flood storage, therefore he would be open to waving the UBA requirement.

Commissioner DeAvila asked if there is an operation and maintenance plan for the energy dissipator on Farrington St. Ms. Simpson answered that these stormwater features will be included into the Town

Engineering and Public Work's operation and maintenance plan. Jason Mammone, Town Engineer for the Town of Dedham, reiterated that they plan to add these properties to their ongoing maintenance contracts. Commissioner DeAvila asked about how areas are prioritized for retrofit projects as part of the MS4 permit. Ms. Schwartz answered that there is a report that identifies the high-phosphorous loading catchment areas, and this is used to determine what projects to undertake.

Commissioner Puopolo opened the floor to members of the public. He received no responses.

Commissioner DeAvila motioned to grant the waiver for work in the UBA, close the public hearing and issue the Order of Conditions as drafted for DEP 141-0627. Commissioner Hafrey seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

4. Continued Applications

4.1. 181 Village Avenue- DEP 141-0626- Hardscaping and Landscaping Improvements to Single-Family Dwelling

Applicant: Schuyler Daum

Representative: Russel E. Waldron, Applied Ecological Sciences

Commissioner Puopolo explained that the applicant has requested to be continued to the 2/15 meeting. **Commissioner DeAvila motioned to continue the public hearing for DEP 141-0626 until the next meeting on February 15th, 2024.** Commissioner Hafrey seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

4.2. 750 Providence Highway – WPB 2023-01 – Site Redevelopment (Local Bylaw Filing Only)

Applicant: David Spiegel,
Dedham 800 LLC

Representative: Matthew Smith, Norwood Engineering Co., Inc.

Matt Smith from Norwood Engineering Company provided an overview of the changes they made since their last time at the Conservation Commission on 1/4/24. He explained that they surveyed the trees and added them to the site plans and added that 84 trees will need to be removed as part of the project. Mr. Smith added that they are planting 109 trees and 559 shrubs. He explained the breakdown of work that is within the UBA, which is a combination of wetland replication areas and redevelopment. Mr. Smith stated that waiver requests have been submitted for the work in the UBA, filing fees, and dumpster in the buffer zone, and added that they are amenable to donating \$15,000 to the Wigwam Pond Improvement Fund. Mr. Smith updated the commission that a major stormwater permit had been submitted to the Stormwater Manager.

Commissioner Puopolo asked for clarification about the locations of the tree and shrub replacement areas. Mr. Smith stated that the final tree and shrub count is a combination of parking lot landscaping islands and wetland replication areas. Mr. Smith detailed some of the plantings proposed in the parking lot areas, and Paul McManus with EcoTec consulting provided more information about the plantings in the wetland replication areas (62 trees and 283 shrubs) consisting of wetland species like highbush blueberry, arrowwood, winterberry, pepperbush, red maples, silky and red-osier dogwood. Mr. McManus explained that they are planting the maximum amount of trees that they believe would thrive in the replication area based on spacing requirements, and the remaining required tree replacements are being met with 4:1 shrubs densely planted in between the trees. He added that many of the trees that are being removed are ash trees in poor health. Commissioner DeAvila noted that where possible it's good to leave a snag, however that he recommends removing the ash tree completely and chipping the tree onsite. Commissioner DeAvila also added that birdsfoot trefoil in the landscaped islands may not be ideal, and Commissioner Puopolo explained this plant has invasive-like qualities and it would be better to replace this grass within something native.

Commissioner Puopolo opened the floor to members of the public. Steven Greenbaum of 88 Broad Street, Boston, stated that he represents Pearl Realty and associates, the direct abutter of 750 Providence Highway. Mr. Greenbaum informed the Commission that they were not aware of the discussions between MaDEP and the applicant leading up to the issuance of the Superseding Order of Conditions, and they were not given the opportunity to participate in this process. He added that they submitted a letter to MaDEP about these concerns. Mr. Greenbaum also expressed concerns with the proposed stormwater infrastructure and is worried about increased run-off to his client's property. He added that he does not understand why so much parking is needed for a building that has been reduced in size, or why there is a need to retain a driveway.

Commissioner Puopolo stated that the Commission plans to wait until comments have been issued on the stormwater application to make any decision. He also gave the applicant a chance to respond to Mr. Greenbaum's comments. Mr. Smith stated that the applicant and MaDEP went through an adjudicatory hearing to arrive at the Superseding Order of Conditions, which is a highly regulated process under a Presiding Officer at the DEP. He added that originally the driveway was not in the proposed plans, but the Planning Board insisted that the driveway would be kept on the plan.

Commissioner Puopolo summarized the suggested changes discussed and stated that they'd like to wait until a Stormwater Management Permit is issued until they issue a permit. Commissioner Puopolo suggested they could conduct a "straw-poll" vote tonight. All commissioners indicated they would be inclined to approve the project assuming that there are no changes that come out of the stormwater review.

Commissioner DeAvila motioned to continue the public hearing for WPB 2023-01 until the next meeting on February 15th. Commissioner Gotay seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

5. Requests for Certificate of Compliance

5.1. 820 Providence Highway (Bed Bath & Beyond/Verizon) – DEP 141-0421 – Parking Lot Redevelopment

Applicant: David Speigel, Dedham Real Estate Development LLC

Agent LaBelle explained that this project was completed almost 10 years ago but never closed out. She reviewed the as-built and request for certificate of compliance and identified no issues. **Commissioner DeAvila motioned to approve the Certificate of Compliance for DEP 141-0421.** Commissioner Gotay seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

5.2. 254 Westfield Street – DEP 141-0277 – Residential Improvements

Applicant: Roger Marino

Agent LaBelle explained that a Certificate of Compliance had previously been issued for this project, however an error in the Certificate of Compliance was identified following a recent title search on the property. The previously issued Certificate of Compliance did not correctly reference both the assigned Land Court number to the property and the Book and Page. Agent LaBelle drafted a revised COC that had been reviewed by the property owner's attorney, therefore she suggested that the Commission vote to re-issue the amended version. **Commissioner DeAvila motioned to re-issue the COC for DEP 141-0277.** Commissioner Gotay seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted "aye." The motion carried 4-0.

6. Discuss Transition of Open Space Management Roles & Responsibilities

Agent LaBelle updated the commissioners on some of the items discussed at the last Open Space and Recreation Meeting. She stated that she compiled a list of all of the duties delegated to the Conservation

Commission in the Open Space Plan, which will be a good starting point for action items. She also reported that the Open Space members were open to doing a site walk with ConCom members on one of our Town-owned conservation lands. Commissioner DeAvila added that he can continue to report back to both committees on action items of both committees.

7. Meeting Minutes

Commissioner DeAvila motioned to approve the minutes from January 4th as drafted. Commissioner Gotay seconded. Commissioner Puopolo led a roll call vote. All attending commissioners voted “aye.” The motion carried 4-0.

8. Agent’s Report

Agent LaBelle updated the Commission that the two Conservation Commission vacancies have been posted.

Agent LaBelle also notified the Commission about an upcoming foot bridge repair project at the Mother Brook Condos. She explained that the applicants are working on a long-term repair plan that will involve a Notice of Intent, but they asked about doing some minor shoring work on the bridge as a temporary solution before they can make the permanent fix. She added that the reasoning for the shoring work is to stabilize a sewer line that runs underneath the bridge. Agent LaBelle added that the shoring would not involve any disturbance to the river or bank area, therefore she was thinking an administrative approval for the shoring would be sufficient as long as the applicant could submit a detailed memo about means and methods. Commissioner DeAvila asked whether the Town Engineers have been involved with the plan, and Agent LaBelle said that was a great suggestion and she would involve Engineering once a memo is submitted. Commissioner DeAvila also suggested they could submit an emergency action plan and deploy some socks in the river just in case something were to go wrong during the maintenance, and added that weather conditions should be taken into consideration. The Commissioners agreed that if the proper documentation about the work methods was submitted, temporary shoring could be approved with an administrative approval.

The meeting was adjourned at 9:06 p.m.