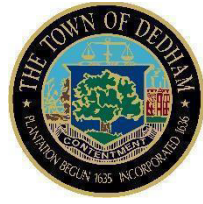


Tim Puopolo, Chair  
Erik DeAvila, Vice Chair  
Stephanie Radner, Clerk  
Nathan Gauthier, Associate  
Leigh Hafrey, Associate  
Elena Taurasi, Associate



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## TOWN OF DEDHAM

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### CONSERVATION COMMISSION

#### Minutes of June 20, 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:**

Erik DeAvila, Vice Chair (filling in as Chair)  
Stephanie Radner, Clerk  
Elena Taurasi, Associate  
Leigh Hafrey, Associate  
Nathan Gauthier, Associate (joined meeting at 7:45 p.m.)

**The following Commissioners were absent:**

Tim Puopolo, Chair

**The following Staff were present:**

Meredith LaBelle, Conservation Agent

**The following Applicants and/or Representatives were present:**

Jacob Lipton, Applicant for 47 Corbett Ave  
David LaPointe, Representative for 1000 Presidents Way  
Cory Cormier, Representative for 7 South Stone Mill Drive  
Samantha Wagner, Representative for 7 South Stone Mill Drive  
Josh White, Representative for 46, 56, and 280 Stoney Lea Road  
Michael Joachim, Representative for 46, 56, and 280 Stoney Lea Road

Acting Chair Erik DeAvila called the meeting to order at 7:04 pm in accordance with the Wetlands Protection Act, M.G.L. Chapter 131, Section 40 and the Dedham Wetlands Bylaw.

**AGENDA:**

**1. Public Comment**

Commissioner DeAvila opened the floor for any conservation questions or general comments from members of the public. Richard Gellerman shared that he would like to participate in the discussion

regarding permitting for 280 Stoney Lea Road. Commissioner DeAvila assured Mr. Gellerman that he would have an opportunity to talk during that agenda item.

## **2. New Applications**

### **2.1. 47 Corbett Avenue – RDA 2024-10 – New Multi-Family Residence**

Applicant: Jacob Lipton

Jacob Lipton, owner of 47 Corbett Avenue, introduced the project. He explained the proposed work is a multifamily home to be sold as two townhouses in place of an existing single-family home. The single-family home had already been demolished in preparation for construction of the proposed multifamily home at the time of the hearing. Mr. Lipton stated that he understood that this hearing was necessary due to the project's close proximity to the riverfront.

Agent LaBelle added that the project is within the 100-foot buffer to the 100-year flood zone, and that is the only resource area impacted by the proposed project. She added that the project already has ZBA approval and a stormwater permit, and the building permit is pending this approval.

Commissioner Radner asked if there are any impacts to the buffer zone to the Bordering Land Subject to Flooding, and Agent LaBelle answered that it is a redevelopment of an existing lot and no trees are being removed as part of the project. Commissioner Radner stated that a waiver is being requested and asked Mr. Lipton if there was any opposition to the project. Mr. Lipton answered that there was no opposition to the project during the ZBA approval process.

Commissioner DeAvila opened the floor for any comments from members of the public. There were no responses.

**Commissioner Radner made a motion to close the public hearing and grant the waiver for abutter notification.** Commissioner Hafrey seconded the motion. Commissioner DeAvila led a roll call vote. All Commissioners present voted "aye" and the **motion passed by a 4-0 vote.**

**Commissioner Radner made a motion to issue the Negative Determination of Applicability as drafted for RDA 2024-10.** Commissioner Hafrey seconded the motion. Commissioner DeAvila led a roll call vote. All Commissioners present voted "aye" and the **motion passed by a 4-0 vote.**

### **2.2. 1000 Presidents Way – RDA 2024-09 – Access Improvements**

Representative: David LaPointe, Beals and Thomas

Dave LaPointe introduced himself and explained he was representing the Jefferson Station apartment complex. He explained that the applicant is proposing to install an access gate at the entrance of the apartment complex behind Legacy Place, which will be operated by a key fob system. The goal of the project is to prevent President's Way from being a cut-through for Legacy Place drivers. Mr. LaPointe explained that the location of the new gate and signage is within the 100-foot buffer zone to a wetland, but in an entirely previously disturbed area (a driveway). He also added that the eastern entrance off of Rustcraft Road will be widened and is outside of the 100-foot buffer zone to the wetlands.

Commissioner DeAvila asked if the applicant approves of the proposed permit conditions, especially the one about loam being free of weeds. Mr. LaPointe agreed and stated he has reviewed the conditions and they are satisfactory. Commissioner Hafrey asked for clarification on the footprint of the proposed signage, and Mr. LaPointe answered that the signage will be simple traffic signs. Commissioner Radner asked if any waivers are requested, and Mr. LaPointe responded that no waivers are being requested. Commissioner Radner also asked whether Emergency Response vehicles will be able to enter and exit the gates and asked if the Fire and Police departments had reviewed the project. Mr. LaPointe answered that Fire & Police will have access and would be reviewing the proposed design. Commissioner Radner suggested that it could be conditioned that Police and Fire are notified of the proposed changes, and

Agent LaBelle agreed to add this to the special conditions. Mike Anderson, with Greystar Management Company, added that the Construction Manager for the project had conversations with Emergency Services that a standard chirp sensor would allow the emergency vehicles to enter through the gate.

**Commissioner Radner made a motion to close the public hearing and to issue the Negative Determination of Applicability as drafted for RDA 2024-09 with the condition that Emergency Services are notified of the project.** Commissioner Hafrey seconded the motion. Commissioner DeAvila led a roll call vote. All Commissioners present voted “aye” and the **motion passed by a 4-0 vote.**

**2.3. 7 South Stone Mill Drive (Motherbrook Condos) – RDA 2024-11 – Pedestrian Bridge Temporary Repairs**

Applicant: Peabody Properties      Representative: Cory A. Cormier, P.E., Simpson Gumpertz & Heger

Cory Cormier, engineer with Simpson Gumpertz & Heger, introduced himself as the representative of Peabody Properties at the Motherbrook Condo Association. Mr. Cormier explained the proposed project, which involves installing a new steel beam and hangers to support an existing sewer line that is beneath a pedestrian bridge over Motherbrook. He added that temporary netting and containment booms will be installed during work to protect the resource area. Mr. Cormier also added that the applicant plans to eventually replace the bridge, which will be submitted to the Commission as a Notice of Intent.

Commissioner DeAvila asked if the bridge is currently opened to pedestrian use, and Mr. Cormier denied and stated that the bridge will not be reopened until it is fully repaired. Commissioner Radner asked if the project team is confident that the repair can be completed without any chance of rupturing the sewer pipe. Mr. Cormier answered that the team is confident that the new hangers and steel beam will be able to support the utility, and also added that the team plans on doing a CCTV inspection before the bridge replacement. Samantha Wagner, engineer with Simpson Gumpertz & Heger, added that the pipe will be inspected as part of the bridge replacement. Commissioner Radner asked about how the pipe will be accessed during work, and Mr. Cormier answered that the pipe will be accessed from below via ladders. Commissioner Radner asked if DCR has been notified beyond just the abutter notification, and asked if this coordination could be added as a condition of the permit since Motherbrook is directly below the work area. The project representatives agreed. Commissioner DeAvila asked if an Emergency Action Plan had been developed for the project, and Mr. Cormier answered that no plan has been developed but they can work with the contractors to prepare one and send to Agent LaBelle before work begins.

Commissioner DeAvila opened the floor for any comments from members of the public. There were no responses.

**Commissioner Radner made a motion to close the public hearing and to issue the Negative Determination of Applicability as drafted for RDA 2024-11 with the condition that DCR be notified of the project and an Emergency Action Plan be prepared and sent to the Conservation Commission.** Commissioner Hafrey seconded the motion. Commissioner DeAvila led a roll call vote. All Commissioners present voted “aye” and the **motion passed by a 4-0 vote.**

**3. Continued Applications**

**3.1. 46 Stoney Lea Road – DEP 141-0622 – New Single-Family Dwelling**

Applicant: Angelo Kotoulas      Representative: Joshua White, JDE Civil

Josh White from JDE Civil introduced himself as the representative for the project. Mr. White reviewed the major changes that have occurred since the last meeting. He explained that the limit of work has been reduced by 20% and the impervious surface has been reduced by 16%. The footprints of the house and driveway were reduced, and there is now no work proposed within the Undisturbed Buffer Area. He added that the septic system size has also been reduced. Mr. White also added that they believe the Commission’s previous concerns with the previous designs have been completely addressed and that no waivers are being requested for the work.

Michael Joachim from Verdant Landscaped Architect presented the planting plan. Mr. Joachim explained that 23 trees are proposed to be removed, 11 of which are located in a wetland buffer zone. He displayed the proposed planting plan which consists of entirely native trees and shrubs and meets Dedham's 2:1 tree replacement policy.

Commissioner DeAvila asked if a septic permit had been issued by the Board of Health, and Mr. White answered that the septic application was submitted on June 10<sup>th</sup> and a permit had not been issued yet. Commissioner DeAvila added that he would personally like to wait to make a decision until Board of Health has a chance to review the application. Commissioner Radner asked about the location of the native grasses, and Mr. Joachim stated that the hop sedge and switchgrass would be located in the bioretention area which will deter mowing and foot traffic. Commissioner Radner also added that White Pines are struggling in Eastern Massachusetts and recommended an alternate species, and Mr. Joachim suggested red cedar to which Commissioner Radner agreed would do well in this location.

Commissioner DeAvila opened the floor for any comments from members of the public. Edward Bigelow, of 271 Stoney Lea Road, commented that ledge has been an issue in the neighborhood and has caused flooding issues. He added that he is fearful that the replacement trees are much smaller than the existing trees and may not be able to retain the same amount of runoff.

Stanton Lyman, of 67 Stoney Lea Road, asked how many of the Commission members had visited the properties at Stoney Lea Road. Commissioner Hafrey responded that the Commissioners conducted a site visit in December. Mr. Lyman expressed that he had concerns about the buildability of the lot. Commissioner Radner responded that the focus of the hearing is to determine whether the project will impact the resource area, and pointed out that the updated site plan meets all of the local and state performance standards for work in a wetland buffer zone.

The Commissioners discussed that it would make sense to wait to issue approval for the project until Board of Health has approved the septic application.

**Commissioner Radner made a motion to continue DEP 141-0622 to the meeting of the July 11<sup>th</sup>.**

Commissioner Hafrey seconded the motion. Commissioner DeAvila led a roll call vote. All Commissioners present voted "aye" and the **motion passed by a 5-0 vote.**

**3.2. 56 Stoney Lea Road – DEP 141-0623 – New Single-Family Dwelling**

Applicant: Angelo Kotoulas      Representative: Joshua White, JDE Civil

Josh White from JDE Civil introduced himself as the representative for the project. Mr. White reviewed the major changes that have occurred since the last meeting. He explained that a new zone of ledge was discovered that required the proposed footprint of the house to change considerably. He added that work was previously proposed within the Undisturbed Buffer Area, but with the revised changes the limit of work has moved entirely out of this area. Mr. White explained that the limit of work has reduced by 47% compared to the previous design.

Michael Joachim from Verdant Landscaped Architect presented the planting plan. Mr. Joachim explained 23 trees are proposed to be removed in the wetland buffer zone, which will be replaced at a 2:1 ratio. He added that the proposed White Pine plantings can be replaced with a Red Cedar.

Commissioner Radner asked if the cultivar switchgrass could be changed to the native switchgrass, and Mr. Joachim confirmed that this change could be made. Commissioner Gauthier commented that the applicants have done a very impressive job meeting the local bylaw requirements and taking the feedback of the Commission from previous meetings.

Commissioner DeAvila opened the floor for any comments from members of the public. Stanton Lyman, of 67 Stoney Lea Road, stated that he believed the proposed project was an inappropriate use of the land.

Michael Wendling, of 53 Stoney Lea Road, stated that he is concerned about the effect the construction and blasting will have on the neighboring properties, especially the property that borders 56 Stoney Lea Road (88 Stoney Lea Road). Mr. Wendling asked if the Commission or the Engineers have looked into these issues. Commissioner DeAvila stated that the construction itself does not come under the Conservation Commission's purview and explained that this would likely fall under the Building Department and/or Fire Department's regulations.

**Commissioner Radner made a motion to continue DEP 141-0623 to the meeting of the July 11<sup>th</sup>.**

Commissioner Gauthier seconded the motion. Commissioner DeAvila led a roll call vote. All Commissioners present voted "aye" and the **motion passed by a 5-0 vote.**

**3.3. 280 Stoney Lea Road – RDA 2023-11 – New Single-Family Dwelling**

Applicant: Angelo Kotoulas      Representative: Joshua White, JDE Civil

Josh White from JDE Civil introduced himself as the representative for the project. Mr. White reviewed the major changes that have occurred since the last meeting. Mr. White explained that the setbacks for the potential vernal pool across the street from the property have been added to the plan for the potential vernal pool. He also added that the limit of work has decreased by about 20%.

Michael Joachim from Verdant Landscaped Architect presented the planting plan. He stated that 4 trees are proposed to be removed in the wetland buffer zone and will be replaced at a 2:1 ratio with native plantings. Mr. Joachim once again stated that the white pine could be replaced with red cedar.

Commissioner DeAvila asked if a sediment and erosion barrier could be added across the street to protect the potential vernal pool. Mr. White confirmed this could be arranged if the abutter was OK with the placement of the erosion controls.

Commissioner DeAvila opened the floor for any comments from members of the public. Richard Gellerman, of 296 Stoney Lea Road, stated that the Wetland Delineation Report appended in the application for 280 Stoney Lea Road does not actually reference 280 Stoney Lea Road, and asked why that is the case. Mr. Gellerman stated that he believes the percolation test for the project is not complete, and he has contacted the Board of Health about this issue. He added that the septic system's location is across the street from the wetland area, and fears that if there were a septic system failure it would impact the wetlands. Mr. Gellerman recommended that the Commission wait to issue any permits until the Board of Health reviews the septic application. He also expressed concerns that 1-caliper trees will not effectively replace the tree cover that is currently there. Agent LaBelle clarified that the wetlands themselves are located on 46 and 56 Stoney Lea Road, which is why the Appendix is titled as such. She added that 280 Stoney Lea is located within the buffer zone of this wetland system, but there are no wetlands located on the property of 280 Stoney Lea Road. Mr. White concurred with this explanation. Mr. Gellerman stated that he would like to see a formal explanation as to why 280 Stoney Lea is not included in the delineation report. Agent LaBelle suggested that the engineers could submit a memorandum clarifying this point. Mr. Gellerman reiterated that the Conservation Commission should require a percolation test, and Commissioner DeAvila responded that this is required by the Board of Health and that body will be handling the determination of whether the percolation test is valid.

Gary Brefini, of 136 Stoney Lea Road, stated that the neighborhood has so much granite ledge that it makes it very difficult for runoff to percolate into the ground. He added that during the spring and heavy rain events, water will run down the street as sheet flow down gradient. Mr. Brefini added that he has concerns that new construction will amplify these water issues. Mr. White responded that a retaining wall is proposed to be installed at the outside border of the septic system, and an impervious barrier will surround the system on three directions. Mr. White reiterated that the proposed system will be reviewed by the Board of Health. Commissioner Radner pointed out that many of the homes built in this neighborhood in the 1970s and 1980s likely do not have stormwater systems, and recommended that if the neighbors are concerned about runoff they could install their own stormwater management systems.

Drew Pierce, of 154 Stoney Lea Road, stated that is a direct abutter downhill of 280 Stoney Lea Road and that he has had water issues on his property in the past. Mr. Pierce stated he has concerns about this proposed property and also questions whether the test pits were actually completed. He also stated that the 1-inch caliper trees will not adequately replace the trees that are proposed to be removed in terms of capturing runoff.

**Commissioner Radner made a motion to continue RDA 2023-11 to the meeting of July 11<sup>th</sup>.**

Commissioner Gauthier seconded the motion. Commissioner DeAvila led a roll call vote. All Commissioners present voted “aye” and the **motion passed by a 5-0 vote.**

#### **4. Minutes**

The Commissioners discussed the minutes from the previous meeting.

**Commissioner DeAvila made a motion to approve the minutes for the June 6<sup>th</sup> meeting as drafted.**

Commissioner seconded the motion. Commissioner led a roll call vote. All Commissioners present voted “aye” and **the motion passed by a 5-0 vote.**

#### **5. Agent’s Report**

Agent LaBelle shared that she hopes to discuss the Bylaw and Regulation updates at the next meeting on July 11<sup>th</sup>. Commissioner Radner added that she would encourage any members of the public to review the documents and provide feedback to the Commission about the changes.

Agent LaBelle shared that the boundary signs have arrived. Commissioner DeAvila offered to volunteer his time and equipment to start hanging the signs.

Commissioner DeAvila updated the Commissioners that Ryan O’Toole from the Open Space and Recreation Sub-Committee has sent out the beta-test version of the GIS map.

The meeting was adjourned at approximately 9:45 pm.