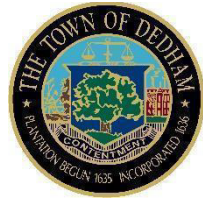


Tim Puopolo, Chair  
Erik DeAvila, Vice Chair  
Stephanie Radner, Clerk  
Nathan Gauthier, Associate  
Leigh Hafrey, Associate  
Elena Taurasi, Associate



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Meredith LaBelle, Agent

## TOWN OF DEDHAM

Website  
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### CONSERVATION COMMISSION

#### Minutes of June 6, 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  
Stephanie Radner, Clerk  
Elena Taurasi, Associate  
Nathan Gauthier, Associate

**The following Commissioners were absent:**

Leigh Hafrey, Associate

**The following Staff were present:**

Meredith LaBelle, Conservation Agent

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

**Matt Hafner, Director of Facilities, Town of Dedham**

**Gregory Morse, Morse Engineering**

**Joe Flanagan, Director of Public Works, Town of Dedham**

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.

**AGENDA:**

**1. Public Comment**

Commissioner Puopolo opened the floor for any conservation questions or general comments from members of the public. Commissioner Puopolo explained that there would also be opportunities for public comment during each agenda item. There was no response and the Commission proceeded to the next agenda item.

## 2. Project Check-In

### 2.1. 1100 High Street (ECEC) – DEP 141-0506 – Landscaping Question

Representative: Matt Hafner, Dedham Director of Facilities

Commissioner Puopolo briefly introduced the project, stating that the issue before the Commission today was not a formal hearing; rather the applicant was appearing before the Commission to ask a question about the No-Mow Buffer designated in the Continuing Conditions related to the permit for the Early Childhood Education Center (ECEC) at 1100 High Street. He asked Matt Hafner, Facilities Director for Dedham to explain the status of the No-Mow Buffer at the ECEC.

Mr. Hafner explained that facilities managers at the site had been unaware of the exact areas designated as No-Mow Buffer and had mowed into this restricted area with the intent of increasing space for school kids to play at the site. Mr. Hafner explained that he would like to request a relief that would allow the school groundskeepers to mow areas currently designated as “No-Mow”. He gave the reasoning that most of the No-Mow Buffer could be formally designated as such with signage, but that more space was needed for students to have enough room to play outside. His proposal includes 20 or more signs to formally mark the edge of the mowing area and to provide an explanation to concerned citizens about the reason why the area was being allowed to grow wild.

Commissioner Puopolo stated his view that No Mow areas can benefit from greater public support when they include a mix of flowering plants. He asked Mr. Hafner if a native seed mix was used, or if the area was simply allowed to grow wild without planting interventions. Mr. Hafner responded that much of the area had not been allowed to grow wild yet, and that no restoration planting had occurred. He stated that it was the intent of the site managers to follow the requirements of the permit moving forward, including respecting the No-Mow Buffer. Mr. Hafner proposed native tree plantings in the No-Mow area, contingent on the approval of the Commission.

Commissioner DeAvila inquired if there were particular times of year when the proposed mowing area wouldn't need to be mowed. Mr. Hafner responded that the outdoor areas of the school would be used year-round.

Mr. Hafner shared that an exceptionally large tick population had been noticed near the school, and that the request to mow was largely a result of health concerns related to ticks. Commissioner Puopolo acknowledged that increasing tick populations are a serious issue in Massachusetts, but that there were few options for reducing tick populations in wild areas. Mr. Hafner stated that some other schools in the town did not have the same rate of students suffering from tick bites.

Commissioner Gauthier inquired whether this hearing was in relation to a Notice of Violation for mowing in a buffer area. Agent LaBelle stated that a Notice of Violation was not necessarily appropriate in this case. Commissioner Gauthier stated that he would like to know the square footage that had been mowed, such that the proposed No-Mow buffer could be proven to be equal to or larger in size than the No-Mow Buffer that was approved with the original permit. Mr. Hafner replied that he did not know the exact square footage and stated that his goal was to balance the interests of complying with the permit and providing adequate recreational space to the children at the school. Commissioner Gauthier reiterated his view that preserving a No-Mow square footage equal to the square footage detailed in the issued permit was important.

Agent LaBelle shared that the square footage to be removed from the No-Mow area was roughly 2,000 sq ft. She suggested that- given that Mr. Hafner had stated there were no areas available to mitigate that 2,000 sq ft loss- Mr. Hafner could propose native planting areas or other mitigation measures rather than increasing the No-Mow square footage. Commissioner Puopolo added that he would like to see plantings within the restored No-Mow area that would improve the habitat values there, with particular focus on the area bordering Lowder Brook.

Commissioner Radner asked Agent LaBelle if a waiver had been granted for the construction of the school within the Riverfront buffer. Mr. Hafner stated that the school was built on the footprint of an existing school area so a waiver may not have been necessary. Agent LaBelle stated that she was not 100% certain if a waiver was issued at the time of permitting, but it appeared that no waiver was issued based on the special conditions in the permit. Commissioner Radner recalled there having been a shrubby wild area in the area currently being discussed. She advised that restoration of the shrubby landscape should be a priority.

Commissioner Radner brought up the topic of ticks, stating that certain shrub species- including European and Japanese Barberries- provide tick habitat. She suggested that tick populations could be reduced by removing some of these shrubs from the property.

Commissioner Radner stated that delineation of the No-Mow area with signage was crucial to the restoration work. Mr. Hafner replied that he intended to include simple signage with some educational elements in the boundary of the No-Mow area.

Commissioner Radner stated that it was not her desire to impose requirements that would increase the budgetary pressure on the town. Agent LaBelle stated that native seed mixes could provide a large square footage of scenic vegetation in a cost-effective way. Commissioner Puopolo provided the example of Goldenrod as a native wildflower species that could provide benefits for wildlife species and provide scenic early fall blooms.

The Commissioners discussed the possibility with Mr. Hafner of using Conservation Commission boundary marker signage in addition to No-Mow signage. Mr. Hafner stated that he was amenable to using both types of signage if the Commission were to provide their boundary signs. The Commissioners discussed that the parcel of land behind the ECEC was eventually going to be donated to the town, so boundary markers could eventually be placed along that property boundary.

Commissioner Puopolo reiterated that this hearing constituted informal advice and not a set of formal requirements. Agent LaBelle stated her intent to send a summary letter to the applicant following the hearing. Mr. Hafner stated his intent to follow the guidance given by Agent LaBelle and the Commission to the best of his ability. He asked that Agent LaBelle continue to work with him on planning this work. He asked for final clarification on whether it would be acceptable to continue mowing the 2,000 square foot proposed area. Commissioner Puopolo stated his assent to this plan and restated the recommendations of the Commissioners, including posting signage and planting native species within the restoration area. **The Commissioners present gave their informal approval for this plan.**

### **3. Notice of Violation**

#### **3.1. 18 Powers Street (Continued from 4/18/2024 hearing)**

Representative: Gregory Morse, Morse Engineering

Commissioner Puopolo introduced this agenda item, stating that the intent of this hearing was for a project representative to provide an update on progress in filing an after-the-fact Notice of Intent for the construction of a large retaining wall in the Wetland Buffer Area at 18 Powers Street. This project was originally unpermitted and triggered a Notice of Violation upon its discovery by Conservation Commission representatives.

Gregory Morse, registered engineer with Morse Engineering, introduced himself and explained that the property owner had hired Morse Engineering to assist in filing for an after-the-fact Notice of Intent for the project. Mr. Morse explained that steps in the process of filing for this permit were underway. These included a wetland delineation to be carried out by a wetland scientist and a site survey to be carried out by a survey crew. He stated that he anticipated filing an after-the-fact Notice of Intent in early July.

Commissioner Puopolo stated that Mr. Morse had answered most of his questions. He invited other Commissioners to ask any questions they might have.

Commissioner Gauthier shared that the after-the-fact NOI would be considered as if it were an application for a proposed project, not a project that had already been completed.

Agent LaBelle proposed that an email be sent to the applicant and their representative giving a deadline of the first meeting of August for filing the Notice of Intent. Commissioner Puopolo stated his agreement with the proposal.

**Commissioner Radner made a motion to set a deadline of July 31<sup>st</sup> for the submission of an NOI.** Commissioner DeAvila seconded the motion. Commissioner Puopolo led a roll call vote. All Commissioners present voted “aye” and **the motion passed by a 5-0 vote.**

#### **4. New Applications**

##### **4.1. Hastings and Goshen Road – RDA 2024-08 – Road Repairs**

Applicant: Joe Flanagan, DPW Director

Commissioner Puopolo invited the applicant to introduce himself and the project.

Joe Flanagan, DPW Director for the Town of Dedham, explained that the application was for regrading work on Hastings Road, a private road in the Manor neighborhood of Dedham directly adjacent to wetland Resource Areas. The nearby Goshen Road was also included in this proposal. He detailed the damage to the gravel road, including large potholes. He explained that a roughly 585 ft long stretch of road would be regraded. He added that the work would include cutting brush growing into the roadway. After brush cutting, the next step on Hastings Road would be scarifying the roadway, followed by pothole filling and regrading. The regrading would result in a 1-2% slope towards the adjacent wetlands. For the Goshen Road portion of the work, pothole filling would be carried out, but regrading of Goshen Road was not proposed at this time.

Commissioner Puopolo asked for a timeline of the proposed work. Mr. Flanagan responded that the work would be carried out in July if possible.

Commissioner Radner expressed concern that the regrading would direct potentially polluted runoff into the resource area. She also shared her concern that some of the brush being cut back would include beneficial native vegetation, with the disturbance caused by cutting vegetation potentially promoting regrowth of invasives rather than natives. Mr. Flanagan stated that gravel/stone strips placed along the roadway at Hastings would provide at least partial treatment of runoff.

Commissioners Radner and Gauthier both asked what the Town’s responsibility was with regards to DPW roadwork on a private road. Mr. Flanagan responded that the damage to the roadways was an impediment to access by trash trucks and emergency service vehicles. He reasoned that this work was in response to a public safety issue and was necessary regardless of the private status of the roadways.

Commissioner DeAvila stated that this repair work was similar to successful roadway repairs on the private way at Argyle Road, which remained in good condition five years after the repair work.

Commissioner DeAvila then asked if the culvert under Hastings Road would be disturbed by the proposed road repair work. Mr. Flanagan responded that this work would not disturb the culvert.

Commissioner Radner stated that ideally, the Town would consider promoting the conversion of private roads with repair needs into public roads.

Commissioner DeAvila and Commissioner Taurasi stated their support for a complete restoration of the roadway as proposed by Mr. Flanagan rather than a partial repair that would require more follow-up work.

Commissioner Puopolo stated that the proposed work was not an ideal solution for a private roadway, but that it seemed to be the best option available.

Agent LaBelle cautioned the Commissioners to consider the merits of the proposal from a wetlands perspective only, as town budgetary concerns are not under the purview of the Conservation Commission. She stated that, as road repair work, this project would be likely to qualify as exempt from Wetland Protection Act or Local Bylaw regulations.

**Commissioner Gauthier made a motion to close the public hearing, issue a Negative Determination of Applicability, and issue a waiver for abutter notifications for the proposed road repair work.**

Commissioner DeAvila seconded the motion. Commissioner Puopolo led a roll call vote. All Commissioners present voted “aye”, with the exception of Commissioner Radner, who voted “nay”, and **the motion passed by a 4-1 vote.**

Commissioner Radner clarified that she wished for her “nay” vote to apply only to the Negative Determination of Applicability and that she would like to vote “aye” on closing the public hearing and granting a waiver for abutter notifications.

#### **4.2. 180 Bussey Street (Condon Park) – DEP 141-0633 – Splash Pad Construction**

Applicant: Jason Mammone, Town of Dedham

Commissioner Puopolo explained that the applicant requested that this hearing be continued to the next Conservation Commission meeting on June 20<sup>th</sup>.

**Commissioner Gauthier made a motion to continue the public hearing.** Commissioner Radner seconded the motion. Commissioner Puopolo led a roll call vote. All Commissioners present voted “aye” and **the motion passed by a 5-0 vote.**

### **5. Minutes**

The Commissioners discussed the minutes from the previous meeting.

**Commissioner DeAvila made a motion to approve the minutes for the 05/16/2024 meeting as drafted.**

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

### **6. Open Space and Recreation Sub-Committee Updates**

Agent LaBelle provided an update on the purchasing of small conservation signage from Voss Signs. She displayed the proof of the signage, explaining that this was a final opportunity to provide any feedback on the design, which would be implemented by Voss Signs. Following any changes, the next step would be to grant final approval to the proof design. The requested changes were as follows:

- Change the coloration of the Dedham town seal to match the blue background color of the rest of the sign.
- Replace the language reading “Land Managed By” with the phrase “Town of Dedham Conservation Commission Property Boundary”.
- Removal of the “Voss Signs” advertisement from the sign if possible.

The Commissioners discussed appropriate locations for signage. Agent LaBelle stated that the initial plan would be to place these markers around the bounds of land officially listed as being property of the Conservation Commission.

Commissioner Radner stated her approval for leaving any final changes up to Agent LaBelle.

Commissioner DeAvila proposed tracking sign installation locations as they are installed. Agent LaBelle agreed that this was a good idea that would be implemented.

The Commission discussed delegating the drafting of a Conservation Land Policy (i.e. a set of rules for users of Dedham's public lands that are managed by the Conservation Commission) to the Open Space and Recreation Sub-Committee. Agent LaBelle explained that many towns have policies like this with a short set of rules such as "No Dumping" and "No Creating Unofficial Trails". Commissioner DeAvila stated that Jim Maher, Open Space Chair, would be filing for a bylaw change to formalize "Open Dawn to Dusk" enforcement for Conservation Commission lands. Commissioners Radner and Puopolo then stated their approval for creating an official Conservation Land Policy.

Commissioner DeAvila provided updates from the Open Space Sub-Committee. He stated that at the last meeting, Ryan O'Toole had been appointed as Secretary, Bob LoPorto formally ended his membership on Open Space, and Amanda Smith had coordinated testing of the Open Space GIS map to begin the week of June 10<sup>th</sup>. He shared that volunteer rubbish cleanups had been seeing continued success, with 15 30-gallon bags being filled during a single event. Commissioner DeAvila explained that the Open Space Sub-Committee (of which he is a member) would be taking a break from holding meetings until September 2024. He stated that Ryan O'Toole and Jim Maher would like to attend the July 15<sup>th</sup> Conservation Commission meeting to give updates on the implementation of the Open Space GIS map.

## **7. Bylaw and Regulation Update Discussion**

Agent LaBelle asked the Commissioners to provide any feedback on the bylaw and regulation changes she had drafted. Comments from the Commissioners included:

- Regarding the bylaw Notice and Hearings Section D: Commissioner Radner stated that she was confused by the language reading "within 21 days" and whether it applied to permit determination or permit issuance. Agent LaBelle stated that she would revise the section to clarify that there are 21 days to have a hearing and that RDA's can be continued beyond 21 days if there is consent to continue the RDA hearing, as well as leaving in the bit that permits must be issued within 21 days of the public hearing being closed. Commissioner Radner questioned this, stating that the state law bars continuance of an RDA beyond 21 days, but that it still might be possible to continue an RDA hearing past the 21-day limit with the applicant's consent if the Town's legal counsel found that this would be legal. Agent LaBelle stated that she would work to clarify the language in this section.
- Regarding the bylaw Coordination with Other Boards language: Commissioner Radner stated that the text as written does not clearly communicate the main point that applicants would not be required to communicate with other boards regarding RDA applications. Agent LaBelle stated that she was awaiting clarification from the Town's legal counsel regarding whether this type of communication with other boards would be necessary or not. Commissioner Radner proposed rewording the section to state that the applicant is responsible for any communication with other boards that may be required of them.
- Regarding the bylaw language about renewal of permits: Commissioner Radner asked if it should be explicitly stated that any further work beyond the application renewal limit would require a new application. Agent LaBelle stated that she was unsure whether the Commission should include this language given that the Commission may want to grant waivers for additional extensions beyond the first extension period. Commissioner Gauthier stated that he was troubled by the frequency with which waivers had been granted for this reason but

acknowledged the importance of granting waivers in some cases. He suggested defining specific conditions under which a waiver may be granted. Commissioner Radner suggested a disincentive such as an additional extension fee for extensions past the initial three-year extension period. Commissioner Puopolo agreed with Commissioner Gauthier that a set of specific conditions under which waivers would be granted would be useful.

- Regarding the Rules and Regs, Section 10: Commissioner Gauthier recommended that for allowable activities under the WPA that are restricted only by Dedham's bylaw, Agent LaBelle could review each of these activities and see if it still made sense to restrict these activities. He explained that for many of these activities, such as construction of a fence or a shed, the Commission granted waivers in almost all cases. Agent LaBelle answered that she found it beneficial to have restricted activities under the local bylaw, even if these activities were always or nearly always granted approval. She explained that having these activities listed as restricted allows her to check on potentially-concerning activities and grant administrative approvals. She noted that some towns have a section in their rules and regs for minor projects that the Conservation office has regulatory purview over, but which typically don't require official hearings before the Commission. She cautioned against changes that would reduce the regulatory oversight of the Commission and its Agents over potentially ecologically impactful activities. Commissioners Radner and Taurasi expressed their support for keeping most of the aforementioned activities under the regulatory purview of the Commission. Commissioner Gauthier expressed his concern that personal bias might influence decisions regarding Administrative Approvals.
- Commissioner Radner stated that she had written comments on her copy of the bylaw document and asked Agent LaBelle to review these comments.
- Agent LaBelle invited the Commissioners to send her any comments on the updates to the bylaws and rules and regs.

## **8. Agent's Report**

Agent LaBelle stated that she issued one Administrative Approvals on behalf of the Commission. This was for the construction of a shed at 49 Jersey Street. The shed would be located approximately 75 feet away from the wetlands and Agent LaBelle issued the approval after assessing a minimal impact on resource areas.

At 545 Washington Street, a project to replace a stairway in kind within the outer 100 feet of the 200-foot riverfront buffer was granted approval.

Agent LaBelle shared that the PZNR office was working on applying for a MassWildlife Habitat Management grant to restore the ecological health of Wigwam Pond. She explained that the planning budget included some funds to do invasive removal work, and that she had put out an RFQ for removal of Phragmites, invasive Milfoil, and Fanwort at the site. She stated that the work would hopefully begin by late fall. If the grant were awarded to the project, these funds would help to offset the funds expended from the Planning budget.

The meeting was adjourned at approximately 9:45 pm.