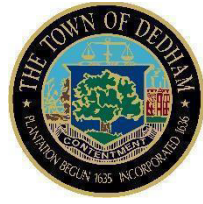


Tim Puopolo, Chair  
Erik DeAvila, Vice Chair  
Stephanie Radner, Clerk  
Nathan Gauthier, Associate  
Leigh Hafrey, Associate  
Elena Taurasi, Associate



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Meredith LaBelle, Agent

## TOWN OF DEDHAM

Website  
[www.dedham-ma.gov](http://www.dedham-ma.gov)

### CONSERVATION COMMISSION

#### Minutes of August 22, 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  
Nathan Gauthier, Associate  
Leigh Hafrey, Associate  
Elena Taurasi, Associate

**The following Staff were present:**

Meredith LaBelle, Conservation Agent

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

Mike Feely, Applicant for 25 Calvin Road  
Paul Lindholm, PE, Representative for 25 Calvin Road  
Mike McHugh, Applicant for 10 Campus Drive  
Paul Avery, Representative for 10 Campus Drive  
Ariel Peguero, Applicant for 142 Milton Street

Chair Puopolo called the meeting to order at 7:05 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 Puopolo opened the floor for any conservation questions or general comments from members of the public. He received no responses.

**2. Proposed Wetlands Bylaw Amendments (Chapter 271) Discussion**

Agent LaBelle stated that KP Law has finished the review of the Wetlands Bylaw. She explained that the warrant for Fall town Meeting closes on September 6<sup>th</sup>, so there is only one more meeting in between now and then to iron out any last minute changes. Commissioner Radner added that she has a few minor edits that are more typographical and she will forward these to Agent LaBelle. Agent LaBelle summarized some of proposed changes, including removing the 100' buffer zone to Land Subject to Flooding, adding language that clarifies that isolated wetlands are protected, clarifying the vernal pool language, and clarifying application processes. The Commission discussed if isolated wetlands should be further defined as greater than 2,500 square feet, and ultimately decided to not include this specification.

The Commissioners also discussed potentially revising the Exceptions section to better align with the minor exemptions under the Wetlands Protection Act. Commissioner DeAvila cautioned that the Commission should be very clear about defining certain terms such as "mill and overlay". Commissioner Gauthier stated he felt the Commission should align with these exemptions because the Commission approves these types of minor projects every single time. Commissioner Radner concurred with Commissioner Gauthier. Commissioner Taurasi added that there are so many minor exemptions that it may get confusing to pick and choose certain ones, and suggested a blanket statement would be helpful. The Commissioners discussed that it would be helpful to provide additional definitions to make sure that the minor exemptions are not misinterpreted, such as what would qualify as a shed. Agent LaBelle stated she would have KP Law rewrite this section and will show the Commission next week.

Agent LaBelle also stated that KP Law suggested they can add a fee schedule for violations. The Commissioners agreed with this suggestion and asked if it was possible to separate violation fees for commercial vs. residential properties.

Commissioner Puopolo opened the floor for comments from the public.

Marlene Del Rosario, from 45 Blueberry Hill asked if buffer zones could be increased from 100 feet to 150 feet, and cited that Brookline and Watertown have both done this. Ms. Del Rosario stated this increase would be crucial for increasing wildlife habitat and climate change resiliency. She also added that she would like to see isolated wetlands have the same buffer zones as other resource areas, to which Commissioner Puopolo replied that they currently do have the same protections under the Dedham Wetlands Protection Bylaw and this will remain so with the proposed updates. Agent LaBelle responded that they certainly could investigate the possibility of increasing buffer zones, but this would be a significant change to the bylaw and there would need to be a great deal of campaigning and background research to include this change for this proposed bylaw updates for Fall Town Meeting, but added it could potentially be considered by the Commission in the future.

Paul Lindholm, of 80 Tarbox St, stated that he commends the Commission for making these Bylaw Updates. He also encouraged that where possible, subjective language should be removed to demystify the application process for applicants. Mr. Lindholm stated that he appreciates removing the 100' buffer zone to the Land Subject to Flooding, because as a former Conservation Commissioner, that never seemed like a necessary area to have jurisdiction over.

The Commissioners agreed to revisit the Bylaw review at the next meeting on September 6<sup>th</sup>.

### **3. Request for Minor Modifications**

#### **3.1. 25 Calvin Road – DEP 141-0613 – Single Family Dwelling**

Paul Lindholm, P.E., stated that his client is requesting a minor modification for a previously approved plan at 25 Calvin Road. Mr. Lindholm stated that the project was previously designed to stay under the disturbance threshold for a Major Stormwater Permit, which involved configuring the driveway in such a way that wouldn't hit the disturbance threshold. He added that the owner wishes to change the configuration of the driveway to be rectangular not flared, and after speaking with Stormwater Manager Hogan they were able to determine that the added increase impervious surface would not trigger a Major

Stormwater Permit under the updated Stormwater Bylaw. Mr. Lindholm stated there is an additional 3,400 square feet of disturbance within resource areas. He also added that an underground propane tank and associated concrete cover was added in the rear of the garage, and that the applicant would commit to planting an additional tree. Agent LaBelle added that the applicant asked her about a Flowering Dogwood, which would be great, but if a substitute needed to be made then the applicant could reach out to her.

Commissioner Radner asked about if the underground propane tank needed approval from other town boards, and Commissioner DeAvila stated this would fall under the Plumbing Inspector. Commissioner Radner asked if this modification would still meet the applicable standards or if a waiver would be required, and Mr. Lindholm answered no. Agent LaBelle added that this would still meet the applicable standards for work in the resource area.

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

**Commissioner Radner motioned approve the minor modification approval letter as drafted for DEP 141-0633.** Commissioner Gauthier seconded the motion. Commissioner Puopolo led a roll call vote. All Commissioners present voted “aye” and the **motion passed by a 6-0 vote.**

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

##### **4.1. 10 Campus Drive (Noble & Greenough School) – RDA 2024-15 – Mechanical Pad Replacement**

Paul Avery with Oak Consulting Group, representative for the project, provided an overview of the project which involves the re-construction of the Shattuck School House. Mr. Avery explained that there will be minor work activities located within the 100’ buffer zone to Isolated Land Subject to Flooding, including the removal of pavement and the replacement of a mechanical pad. He added that the rest of the renovations, which will require a stormwater permit, are outside of the buffer zone.

Commissioner Puopolo noted that the proposed design involves a reduction of impervious surfaces and includes robust sediment and erosion controls. Commissioner DeAvila asked if the lines to the chiller will be aboveground or subsurface. Mike McHugh, facilities director for Noble & Greenough school, answered that they will be aboveground lines.

**Commissioner Radner motioned to close the public hearing and issue a Negative Determination of Applicability for RDA 2025-15.** Commissioner Gauthier seconded the motion. Commissioner Puopolo led a roll call vote. All Commissioners present voted “aye” and the **motion passed by a 6-0 vote.**

Mr. Avery thanked the Commission and asked if the Commission would be amenable in the future if for Noble & Greenough projects requested a waiver for abutter notice, since they had over 1,000 dollars of postage for this applications abutter notices. The Commissioners discussed and stated that this could be considered for future applications. Agent LaBelle stated that there is precedent for a waiver being requested for abutter notice, and the applicant could reach out ahead of time if they wanted this to be considered. The Commissioners discussed that discretion with the abutter notice could be added to the Rules & Regulations in a subsequent update.

##### **4.2. 142 Milton Street – DEP 141-0637 – Dog Kennel (After-the-Fact Application)**

Pamela Peguero, daughter of applicant Ariel Peguero, stated that their representative had not yet arrived to the meeting. The Commissioners decided to move to the next two items, and return to this one later to see if the representative would join later on.

At 8:31 p.m., the Commissioners returned to this item on the agenda. The representative for the project was still not present. Ariel Peguero, applicant for the project from 142 Milton Street, apologized and stated that something must have come up with the representative. The Commissioners decided to wait

until the representative was present to discuss the details of the project, but that they would allow public comment since there were a few members of the public who wished to make a statement. Commissioner Puopolo opened the floor for comments from the public.

Elizabeth Doris-Gustin, of 8 Walker Lane, stated that she has discussed this property with Building Commissioner Ken Cimeno and Animal Control Officer Deni Goldman. Ms. Doris-Gustin expressed that she has concerns with the potential for dog waste migrating into Motherbrook. She also stated that it is her understanding there is a great deal of fill in the backyard beneath the structure, and therefore unknowns with percolation rates. Ms. Doris-Gustin also added that DCR has properly been notified, since the current address is listed incorrectly on the abutter list. Agent LaBelle stated that she would follow up with the representative for the project and the Assessor's Office about the addressing issue.

Justyna Lipinska, of Motherbrook Condos, asked about the other departments that would be involved with permitting this as a kennel. Agent LaBelle answered that if Conservation were to approve the structure, then the next step would be to get a special permit from ZBA to operate a kennel in this location since it is not by-right, and then to apply for a commercial kennel license with the Animal Control Officer. She added that it is very possible there will be roadblocks with getting approval from both of those parties, but the first step is to get Conservation Commission approval for keeping the structure remaining in the Riverfront. Agent LaBelle also shared a link that can be used to sign up for notifications regarding ZBA agendas and suggested that any interested abutters sign up for these emails.

Pamela Peguero, daughter of applicant Ariel Peguero, stated that they have been working with all of the necessary town staff members to understand the permitting process. She also added that they currently have four dogs at their property. Agent LaBelle stated that she has heard from the Animal Control Officer that there may be more than four dogs at the property currently, but this information isn't necessarily relevant to the Conservation Commission's decision.

Commissioner Radner reiterated that the decision whether this structure can be permitted and remain in place will be based solely on the Wetlands Protection Act and Dedham Wetlands Protection Bylaw.

Pauline Albrecht asked if there would be any further presentation of the project, to which Commissioner Puopolo answered that the presentation will be continued to a later meeting since the representative did not show up.

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

**Commissioner DeAvila motioned to continue the public hearing for DEP 141-0636 until the meeting of September 5<sup>th</sup>.** Commissioner Hafrey seconded the motion. Commissioner Puopolo led a roll call vote. All Commissioners present voted "aye" and the **motion passed by a 6-0 vote.**

## 5. Minutes

The Commissioners discussed the minutes from the previous meeting. Commissioner DeAvila noted one error where instead of a "6-0" vote it was "66-0".

**Commissioner Gauthier made a motion to approve the minutes for the 25<sup>th</sup> meeting as drafted with the one correction that was discussed.** Commissioner DeAvila seconded the motion. Commissioner led a roll call vote. All Commissioners present voted "aye" and **the motion passed by a 6-0 vote.**

## 6. Officer Elections

Commissioner Puopolo was re-elected as Chair, Commissioner DeAvila was re-elected as Vice-Chair, and Commissioner Gauthier was elected Clerk.

## **7. Agent's Report**

The Commissioners discussed the article that Jim Maher is proposing for Fall Town Meeting regarding identifying "dawn to dusk" on certain town properties. The Commissioners decided to ask Jim to include broad descriptions for various parcels of conservation land in his article, for example "Wigwam Pond" to include all sections of town owned Conservation Land around Wigwam Pond.

Agent LaBelle provided some updates on Dedham Biodiversity Day, to be held on September 15<sup>th</sup> from 9 - 3.

The meeting was adjourned at approximately 9:29 pm.