| -  | The Town of DedhamCommonwealth of MassachusettsConservation Commission26 Bryant StreetDedham, MA. 02026 |
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Conservation Commission - Meeting Minutes

Thursday, April 16, 2015, Dedham Town Hall- Lower Conference Room

Members Present: Fred Civian (Chairman), David Gorden, Kristine Langdon, Andrew Tittler, Brian McGrath and Laura Bugay.

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

**Schoolmaster Lane**-*Notice of Intent from Dedham Land Company, LLC for the widening of Schoolmaster Lane, as well as the widening of an existing intermittent stream/culvert crossing, filling 180 square feet of wetlands, installation of retaining wall on both sides of the road and wetland replication work. (DEP # 141- 0467)* Continued from April 2, 2015

Mr. Civian read the letter requesting to withdraw.

Mr. Civian made a motion to accept the offer to withdraw, seconded by Mr. Tittler, UA.

The discussion was then tabled until later in the meeting.

**7:02 PM:** David Gorden exited the meeting.

**7:02 PM: 480 Sprague Street**- *Notice of Intent from NIP Owner III, LLC for work proposed within the buffer zone of a bordering vegetated wetland located at 480 Sprague Street (DEP# 141- 0475)*Continued from April 2, 2015- Applicant has requested to continue until June 4th

Mr. Civian made a motion to continue 480 Sprague Street until May 7th, as requested by the applicant, seconded by Mr. McGrath, UA.

**7:03 PM:** **110 Meadow Road (Lot 4) –** *Notice of Intent from LSRED2 Clover Property 13, LLC for an expansion of the existing parking area at 110 Meadow Road, including modifications to the existing stormwater management system. (DEP File # 141-0476)*  Continued from April 2, 2015

Mr. Civian made a motion to continue 110 Meadow Road (Lot 4) until May 7th as requested by the applicant, seconded by Mr. Tittler, UA.

**7:04 PM: 25 Boathouse Lane**- *Notice of Intent from Mollie Blundell Moran & Charles Edward King for the construction of a single family dwelling including onsite septic system with work proposed within the 200’ riverfront area and the 100 year flood plain of the Charles River (DEP# 141- 0477)* Continued from April 2, 2015- Applicant has requested to Continue until May 7th

Mr. Civian made a motion to continue 25 Boathouse Lane until May 7th as requested by the applicant, seconded by Ms. Bugay, UA.

**7:06 PM: 9 Liberty Lane**- *Request for Determination of Applicability for the installation of an above ground pool and deck (RDA 2015-03)* Continued from April 2, 2015.

Agent O’Connell recommended the Commission issue a Negative Determination of Applicability with conditions. Agent O’Connell read the conditions to the Commission and the applicant.

The applicant, Christine Grey, confirmed that the conditions were acceptable.

Mr. Civian made a motion to issue a Negative Determination of Applicability with conditions as recommended by Agent O’Connell, seconded by Mr. Tittler, UA.

**7:12 PM:** **150 Eastern Avenue/Gonzales Field**- *Notice of Intent from Algonquin Gas Transmission, LLC for the construction of a new natural gas pipeline in Dedham with work proposed within 200 feet of a riverfront area. (DEP# 141-0479)*Continued from April 2, 2015

John Bonsall was present from Algonquin Gas and described the scope of the project. He explained that outreach for this project began in 2012/2013, and they plan to begin construction on June 1st, 2015. Their primary customer is National Grid.

Mike Tyrell, the Environmental Lead, explained that the area that is under the Conservation Commission’s jurisdiction is a small portion of the work area that will fall within the 200 foot riverfront area at Gonzales Field. Other crossings have no impact or meet the exemption of work within public roadways. He explained there will be a spill plan and procedure in place.

David Gorden returned to the meeting.

Mr. Tittler asked where the soil would be placed as it is removed from the ground. Mr. Tyrell responded that it will be put into trucks, stored for that day and brought back and backfilled.

Mr. Gorden asked about any soil borings that were taken and the findings. He confirmed that none of the utility sites need special handling.

Mr. Civian asked the applicant what Wetland Protection Act (WPA) standards they need to meet. Mr. Tyrell explained that need to restore the riverfront area, but beyond that they are exempt. Mr. Civian explained that usually applicants tell the Commission what part of the WPA applies to them, and then they will cite it, and explain how they are meeting that particular area.

Mr. Civian commented that in the application the applicant checked that they are exempt from the Massachusetts stormwater standards but he did not see the reason for that specified within the application.

Mr. Civian asked if a construction general permit would be needed since it generally is needed when a phase project is over an acre. Mr. Tyrell explained that they are on the cusp of needing that since they will not be opening up the entire route at one time, but technically they are not required to do this but a lot of times they do it anyway.

Mr. Tittler asked if their staging area for equipment is located in Dedham.

Dave Neil, Project Manager, responded that they do have a site that is located in Dedham. He will get that address for the Commission.

Ms. Bugay asked if there would be any staging or stockpiling of material within the riverfront area or on the field besides what is necessary for trenching. Mr. Tyrell confirmed there would not be.

Mr. Tittler confirmed that the jurisdictional area near Gonzales Field will not be an area that they will be digging within, it is just workspace.

Mr. Tittler commented that he did not see an O&M plan. Mr. Tyrell responded that they would not typically provide the O&M plan in situations like this with little wetland impact, but they do have one for the maintenance of the pipeline itself they can share with the Commission if needed.

Mr. Tittler asked if they have looked at the condition of the culvert. Mr. Tyrell responded that they have not inspected the culvert but if they were to run into a problem they will coordinate with the Town and DPW on the issue.

Mr. Neil responded that the address for the location of the yard is 10 Industrial Ave.

Mr. Gorden confirmed the resource areas with the applicant. He asked why the federal form as used instead of the state form. He also commented that an old version of the Notice of Intent form was used from September 2014, but a newer form is available.

Mr. Civian commented on the need for an alternatives analysis and explained that usually people explain what part of the wetland protection act applies to each part. He added that the applicant needs to demonstrate that they are meeting the Wetland Protection Act.

Ms. Bugay wanted to add onto Mr. Tittler’s comments on the O&M plan, and explained that what the Commission might be most concerned about is if there are needed repairs in the future. She also asked about the sequence of the construction. Mr. Bonsall explained that they would wait until after the soccer season to disturb the field. Ms. Bugay asked about the detail to use backfill in the trench and if they would be using flowable fill or compacted gravel. Mr. Neil responded they will be using flowable fill on the entire street, and they do not have any concerns about leaks. Ms. Bugay asked how the easement through the field gets approved. Mr. Bonsall explained that the MBTA grants the easement, and the Board of Selectmen has agreements before them tonight and one of which is to accept the MBTA granted easement.

Agent O’Connell asked if they intend to provide the Commission with an updated Notice of Intent form.

Andrea Dereamis, West Roxbury resident, explained that she wanted to make sure that everyone was aware of the request for rehearing filed on April 3rd. She asked if she could read directly from the request for rehearing. Mr. Civian responded that she can, especially if what she is reading will apply to wetland impacts. Ms. Dereamis read from the document about how the overall project poses a severe safety risk. She explained from her own understanding that there are many examples of accidents that have occurred. Mr. Neil explained a blowdown is when you need to evacuate a section of the pipeline for maintenance reasons. Ms. Dereamis asked if blowdown would occur within wetland jurisdictional areas. Mr. Neil responded that would occur in Westwood or West Roxbury, not Dedham. Ms. Dereamis asked if the pressure in this new pipe would differ than the pressure in the existing pipes. Mr. Neil responded that the pressure in a transmission line is higher than the pressure in a distribution line. Ms. Dereamis asked the difference in pressure between the existing lines and the proposed line. Mr. Civian ruled her question out of order because it was irrelevant to the jurisdiction of the Conservation Commission and irrelevant to protecting wetlands. Mr. Tyrell explained that there are not increased risks to the wetland for burying a pipeline.

Ellen Fine, a resident of Needham, asked if Town attorneys have looked over the application. She also asked how close the pipeline will be to the Charles River and why it is not a wetlands concern. Mr. McGrath described the path that the pipeline will take. Ms. Fine asked if there is any potential with field maintenance after the pipeline is installed. Mr. Tyrell explained that there will be 3 feet of cover over the carbon steel pipeline, so any kind of normal maintenance of the field is not going to have any impact at all on the pipeline.

Andrea Dereamis commented that she would like to challenge the assumption that the pipeline is needed, she believes the studies were flawed and people need their gas the way a heroin addict needs a fix, and we need to look at our whole- need to look at our whole culture and society.

Mr. Gorden asked for more information on Alqonquin’s study of the fault lines relevant to this project. Mr. Tyrell explained that FERC concluded that this is not subject to any risks related to faults. Mr. Gorden confirmed with Mr. Tyrell that they are not proposing any pig-launchers in Dedham.

Mr. Gorden explained that in 2014 there were changes to the abutter notification for the Wetlands Protection Act, and he asked them to make sure they followed those requirements. Mr. Tyrell explained that they met with Agent O’Connell before filing and fulfilled their abutter notification requirements. Mr. Gorden explained that would mean that abutters in West Roxbury and Westwood would have needed to be notified that abut the Dedham portion of the pipeline. Mr. Tyrell explained that the notified abutters within 300 feet of the resource areas only as that was all that was jurisdictional.

Mr. Tittler explained that the local bylaw says to notify abutters within 300 feet of the property, not just the resource areas. Mr. Bonsall explained that when you have a linear project like this you focus on the resource areas as opposed to 2.8 miles within a community. Their reasonable interpretation was to notify people within the resource areas. He explained that they understand that the Conservation Commission does not typically get linear projects like this, and he thinks they should consider the linear component.

John Bonsall- when you have linear project like this you focus on the resource areas- reasonable interpretation is that you notify people within the resource areas. It is the linear component you have to take into consideration.

Agent O’Connell commented that she agrees with the applicant that it would be unreasonable to expect the applicant to notify every abutter along the entire length of the project, perhaps they should request a waiver from that particular portion of the bylaw.

Agent O’Connell commented that given the fact that they are looking for a lot of additional information she would recommend they continue the hearing until the next meeting. The applicant agreed that would be fine.

Mr. Civian asked for something in writing describing why they would be exempt from the stormwater standards. He would like them to specify the location of the staging area in writing. He would like a summary of the Operations and Maintenance procedures that will be in place. He would like to see construction details describing what they would do in the event that they discover a collapsed pipe. He would like them to clarify that the sediment barriers will be in place before, not after, ground disturbance. He would also like them so explain which parts of the state wetlands act they believe apply to their project and why they believe they satisfy those requirements. The applicant should also update the Notice of Intent form used.

Mr. Civian made a motion to continue the hearing on 150 Eastern Avenue until May 7th, seconded by Ms. Langdon, UA.

**38 North Stone Mill Drive-***Request for Determination of Applicability from Ivas Environmental for deck waterproofing and associated work at the Mother Brook Condos. (RDA 2015-04)*

Susan Bernstein, Attorney for Mother Brook Condo Association was present along with Steve Ivas, wetland scientist and principle of Ivas Environmental.

Steve Ivas explained that the area is on the southern side of Mother Brook in the riverfront along the former raceway. The site has land under water, bordering land subject to flooding, and the closest BVW is over 100 feet away at the intersection of Mother Brook and the former raceway. He described the existing conditions of the garage and deck. The plan to waterproof the underground garage, rebuild the surfaces with concrete pavers on top of the garage and doing some structural work inside the garage to address cracks, and replacing stairs.

Mr. Tittler asked if they would be using some kind of liquid sealant for the waterproofing.

Peter Gailbreth, Member of the Mother Brook Board, explained that they will be replacing a rubber membrane, and applying sealant.

Agent O’Connell recommended the Commission issue a Negative Determination of Applicability with conditions. She asked what conditions should be added.

Mr. McGrath added the condition to cleaning existing catch basins prior to construction

Mr. Civian made a motion to issue a Negative Determination of Applicability with conditions as proposed by Mr. Civian and Mr. McGrath, seconded by Ms. Bugay, UA.

**47 Crane St-***Request for a Stormwater Certificate of Compliance for SWP 2014-12*

Mr. Civian made a motion to issue a Stormwater Certificate of Compliance for 47 Crane Street as recommended by Agent O’Connell, seconded by Ms. Bugay, UA.

**112 Meadow Road-** *Request for Determination of Applicability from M.S. Walker for work associated with the construction of a new commercial building on the property located at 112 Meadow Rd. (RDA 2015-05, SWP 2015-04)*

Agent O’Connell recommended that the Commission request funding for a peer review in the amount of $3,000, and a continuation until May 7th.

Mr. Civian made a motion to request funding for a peer review in the amount of $3,000, and a continuation until May 7th, seconded by Ms. Bugay, UA.

**Schoolmaster Lane**- *Notice of Intent from Dedham Land Company, LLC for the widening of Schoolmaster Lane, as well as the widening of an existing intermittent stream/culvert crossing, filling 180 square feet of wetlands, installation of retaining wall on both sides of the road and wetland replication work. (DEP # 141- 0467)* Continued from April 2, 2015

Mr. Civian asked with regards to the filing fees that were paid, what work was done administratively. Agent O’Connell explained there were staff level meetings.

Mr. Civian summarized that they had no meeting in front of the Commission, but there were staff meetings and administrative work. Mr. McGrath reminded the Commission that the applicant did make a presentation at an open meeting.

Mr. Civian made a motion to return filing and review fees, seconded by Mr. Tittler.

Mr. Civian explained that he does not think the money should be returned to the applicant. Mr. Tittler agreed. He explained he does not think their decision to suspend their hearings entitles them to getting their money back.

It was voted 0-6.

Mr. Civian made a motion to accept the request to withdraw the Notice of Intent for Schoolmaster Lane, seconded by Mr. McGrath, UA.

Informal Items:

11 Snow Lane- *Request for Certificate of Compliance (SWP 2014-01)*

Agent O’Connell explained that while Mr. Petruziello is requesting a Certificate of Compliance, final grading and landscaping work have not yet been completed.

Mr. Civian asked if the applicant gave any indication when the landscaping would be done. Agent O’Connell responded that he did not.

Ms. Bugay asked what condition says that the landscaping must be complete before a Stormwater Certificate of Compliance can be issued. Agent O’Connell confirmed that there is not a condition that specifies this. Mr. Civian commented that it looks like the applicant has met the conditions.

Mr. Civian made a motion to issue the Stormwater Certificate of Compliance for 11 Snow Lane, seconded by Mr. McGrath, UA.

242 Lowder St-

Agent O’Connell explained that she had a meeting with Greg Carlevale about another project. It is a 5.6 acre lot, and the bulk of it is under a conservation restriction that is held by the Dedham Land Trust. There are wetland resources within the restricted area, but the location where the house is being proposed is well beyond 100 feet away. His question is regarding Stormwater Management fees which are based on the size of the lot and are calculating out to over $700 for stormwater management fees. Agent O’Connell explained that it is an unusual circumstance.

Mr. Civian asked if there is a waiver process. Agent O’Connell responded that there is a waiver. Mr. Tittler explained there is no waiver for the fees, the only way this could happen is if they were to change the fee schedule.

Enforcement Issue- Trench on Lorain Rd-

Mr. Civian commented that however the work occurred, sediment ended up in the wetlands. They need to determine who did the work. Whoever did the work is responsible. Mr. Civian asked Agent O’Connell to have Mr. Federico come in, and to keep the chain going on the enforcement.

Mr. Tittler made a motion to adjourn at 9:20 PM, seconded by Ms. Bugay, UA.