|  | The Town of Dedham  Commonwealth of Massachusetts  Conservation Commission  26 Bryant Street  Dedham, MA. 02026 |
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Conservation Commission - Meeting Minutes

Thursday, June 18th, 2015, Dedham Town Hall- Lower Conference Room

Members Present: Fred Civian (Chairman), Brian McGrath, Laura Bugay, Kristine Langdon, Andrew Tittler, Joseph Smith and Joseph Hickey.

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

**350 Washington St.**- *Stormwater Permit Application from Supreme Development for the construction of a multi-use building with underground parking. (SWP 2015-08)*

Matthew Smith was present from Norwood Engineering to represent Supreme Development. He explained that the proposed site if the former location of the Kiku Yama restaurant.

Matt Smith explained how they plan to meet infiltration requirements on this site and provide the pretreatment.

Mr. McGrath confirmed with Mr. Smith that the infiltration would be taking runoff from the entire roof of the building.

Ms. Langdon asked about the greenspace. Mr. Smith explained the space limitations on this site.

Mr. Hickey asked if the parking lot will also be able to handle a 25 year storm. Mr. Smith confirmed and explained the cistern will be in a concrete storage area.

Mr. Civian asked if the project meets the stormwater standards fully, 1-10. Mr. Smith confirmed that it does.

Ms. Bugay commented that she thinks there should be a peer review of the stormwater design.

Mr. Civian made motion to request the applicant pay $3,000 for a peer review, seconded by Ms. Bugay, UA.

Ms. Bugay made a motion to continue 350 Washington Street until July 9th, seconded by Mr. McGrath, UA.

**1056 East St.** – *Town storm drain repair*

Matt Smith of Norwood Engineering was present to represent the applicant, Supreme Development. He explained that his client has agreed to fix the Town drain line at his own cost, and as a result, they believe this will eliminate the stormwater that is feeding the pond causing it to dry up. They would like the Commission’s approval to fill the pond.

Mr. Petruzziello explained that there is a pipe at the pond which they believe ties into the manhole but they don’t know for sure yet. The contractor found a lot of blockage in the pipe. When the pipe is unclogged and water can flow freely, the water will no longer feed the pond. Everything is about at elevation 95 and just above the elevation of the pond. When the pipe gets fixed, the water will no longer feed the pond, therefore they would like permission to fill the pond.

Mr. Civian asked if this pond is protected only under the local bylaw. Agent O’Connell confirmed. Mr. Civian inquired about the process to amend the order. Agent O’Connell recommended a letter be drafted from the applicant to request to amend the order.

Ms. Bugay asked what the proposed repair of the pipe would be. Mr. Smith described how the pipe would be repaired, and explained that the outlet to the pond would be eliminated. They would be severing connection to the pond by fixing the pipe.

Mr. Civian asked the applicant if they would be willing to provide mitigation to wetlands somewhere in Town in return for approval to remove the severed pipe and fill the pond. Mr. Petruzziello confirmed.

Ms. Bugay asked the contractor, Mr. Dimartino, what he believes to be the blockage in the pipe. Mr. Dimartino responded rubble or dirt.

Ms. Langdon confirmed with Mr. Dimartino that they are assuming that someone dug the pond. Ms. Langdon expressed concern as to how they will know there won’t still be a pond after the pipe is repaired.

Ms. Bugay asked what allows the ConCom to approve the severing of the pipe.

Ms. Bugay confirmed that tonight is just about repairing the drain line and severing the pipe, step 2 is about filling the pond.

Mr. Civian explained that for next steps he will need a letter from the applicant requesting the permission to repair the pipe and that the Commission make the pond no longer protected under the local bylaw. A grading plan will be needed to fill the pond .

Mr. Smith expressed concern of coming to the ConCom later with a grading plan and being told that they cannot fill the pond.

Mr. Civian made a motion to agree to allow the applicant to sever the pipe, to allow and thank the applicant for fixing the stormwater pipe, and intends to review the status of the pond with the understanding that the pond will have no water going to it, seconded by Ms. Bugay, UA.

7:49 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 June 4th.*

Doug Hartnett and Nicole Dunphy were present from Highpoint Engineering to represent the applicant.

Mr. Hartnett explained that since meeting with Lisa Eggleston and Cindy O’Connell they have done a phase one for the second side of the building. Phases are tenant driven.

Mr. Civian commented that he is having a little bit of trouble understanding at what point the phase 4 and phase 2 improvements will be done if they aren’t connected to tenants. Mr. Hartnett explained that Phase 4 is for the Town’s benefit.

Mr. McGrath commented that while tenant driven, there are no proposed changes to the building. He doesn’t think they are bypassing anything by showing a phased plan.

Jim Maher asked if there would be additional drainage onto the Striar property.

Ms. Bugay commented that they may need to look at Striar property plans and see how that coordinates with this plan. She asked Mr. Hartnett to be sure they coordinated with the Striar property plans.

Mr. Civian made a motion to continue 480 Sprague Street until July 9th, seconded by Ms. Bugay, UA.

**112 Meadow Road-** *Request for Determination of Applicability and Stormwater Permit Application from M.S. Walker for work associated with the construction of a new commercial building on the property located at 112 Meadow Rd. (RDA 2015-07, SWP 2015-06)* *Continued from June 4th.*

Justin Dufresne was present from VHB to represent the Appliance, Ms. Walker. He explained how they have addressed Ms. Eggleston’s comments and will treat the property as if it were a new development.

Agent O’Connell explained that a draft order of conditions was circulated to the applicant and recommended a negative determination of applicability and also recommended issuing a stormwater permit with special conditions. Ms. Eggleston has verified that all concerns have been met.

Jim Maher commented that he has met with M.S. Walker a number of times and Scott Allen has been very forthright and he believes they will be a good neighbor.

Mr. Civian made a motion to issue a Negative Determination of Applicability with standard conditions of approval, seconded by Ms. Bugay, UA.

Mr. Civian made a motion to issue a Stormwater Management Permit with special conditions as recommended by Agent O’Connell, seconded by Ms. Bugay, UA.

**399 West Street-** *Notice of Intent from Perry Phinney for the construction of a single family house at 399 West Street with work proposed within the buffer zone of a bordering vegetated wetland and bordering land subject to flooding. (DEP 141- 0481) Continued from June 4th,Applicant has requested to continue until July 9th.*

Mr. Civian made a motion to continue 399 West Street until July 9th, seconded by Ms. Bugay, UA.

**255 West Street-** *Notice of Intent from Concinnitas Corp. for multi-family residential site work within the buffer zone of a riverfront and bordering vegetated wetland at 255 West Street. (DEP File # 141-0482) Continued from June 4, 2015*

Scott Henderson was present from McKenzie Engineering to represent the applicant, Greg Carlevale. He provided the Commission with updates including a planting plan, Operations and Maintenance Plan, and an update to the alternatives analysis.

Ms. Bugay commented that she can see how the proposed plan is better than the alternative plan. If they push towards the knoll they would need to remove twice as many trees.

Ms. Bugay asked if they had changed the drainage design at all. Mr. Henderson responded that they had not.

Mr. Civian asked the applicant to change instances of the work “should” with “shall” within the Operations and Maintenance Plan.

Mr. Civian asked if they could get the chairperson to make a pitch on salt and sand usage at the first Homeowners Association Meeting. Mr. Carlevale responded that they will put signs for the permeable pavement and can possibly expand those to say no salt and sand.

Agent O’Connell made a recommendation to close the public hearing this evening. She has a draft order of conditions ready to be signed, but does not have the special conditions and will need more time to complete these.

Mr. Civian made a motion to close the public hearing, seconded by Ms. Bugay, UA.

Mr. Civian made a motion to continue 255 West Street until July 9th, seconded by Ms. Bugay, UA.

**Ursuline Academy-** Stormwater Permit Application from Ursuline Academy for the construction of a new Athletic Center, and the replacement of an existing facility with a new maintenance building at 85 Lowder Street. (SWP 2015-07)

Mr. Civian made a motion to continue Ursuline Academy until July 9th, seconded by Ms. Bugay, UA.

**Mother Brook Aquatic Management-**a Notice of Intent from the Mother Brook Condominium Association an Aquatic Management Program at the Mother Brook Condominium Pond (DEP #141- 0484)*Continued from June 4th*

Colin Gosselin was present.

Mr. Civian explained that he had taken the time to review the document provided by Ellen Fine at the last meeting, but there was nothing for an enclosed area such as this. He commented that he still feels new and improved methods should be reviewed annually.

Agent O’Connell made a recommendation to issue an Order of Conditions with a 5 year duration and conditions of approval. Mr. Civian made a motion to accept this recommendation, seconded by Ms. Bugay, UA.

**MWRA Mother Brook Borings-** *Notice of Intent from the MWRA to complete five borings within Mother Brook for the preliminary design of a water main. (DEP #141-0483)* *Continued from June 4th.*

Paul Rullo was present from MWRA. He explained that at the last meeting there was a request from the Commission to go beyond the communications that are required and notify the neighborhood.

It was determined that they accidentally only sent notification to a third of the town meeting members from precinct 3.

Abutter, Charlie Kruger, commented that the water main application needs to take into account the interests of the Wetland Protection Act and the local bylaw and those include visual aesthetics.

Mr. Rullo described the project to the audience and repeated his presentation from last meeting.

Mr. Kruger asked if they plan to lower or raise the level of Mother Brook. Mr. Rullo responded that they are not planning on it.

Agent O’Connell commented that this order of conditions is specifically for the borings work, not the pipeline.

Mr. McGrath expressed concern for introducing milfoil to mother brook by way of the drill rig barge and would like to see a condition to make sure barge is clean before entering the brook.

Mr. Civian motion to issue order conditions mother brook borings, seconded by Ms. Bugay UA

**220 Pine Street-***Stormwater Permit Application from the Animal Rescue League of Boston for the construction of a building addition and the paving of an existing driveway. (SWP 2015-05) Continued from June 4, 2015*

Kenneth Knowles was present and reviewed the revisions that were made since the last meeting.

Agent O’Connell commented that she needs time to review the revised plans.

Mr. Civian made a motion to continue 220 Pine Street until July 9th, seconded by Ms. Bugay, UA.

**134 Paul Street-***Request for Stormwater Certificate of Compliance. (SWP 2013-21)*

Agent O’Connell explained that she has not seen the information requested from the applicant on this or 138 Paul Street so she thinks they should come off of the agenda until she receives something.

Mr. Civian confirmed that no action will be taken since the Commission does not have enough information to verify the project was completed as required.

**138 Paul Street-***Request for Stormwater Certificate of Compliance. (SWP 2014-13)*

Mr. Civian confirmed that no action will be taken since the Commission does not have enough information to verify the project was completed as required.

**Informal Items:**

17 Leominster Rd-Mr. Civian explained that he spoke to William McDevitt and the goal is to have him apply for a Notice of Intent since the actions he has taken would alter the resource area in the judgment of the Commission.

Ms. Bugay asked where the rock wall was in relation to the UBA limit. Agent O’Connell thinks it was beyond the UBA limit and would like to do a little bit of research with similar projects to see if they were allowed to work within the UBA.

Anthony Lane- Agent O’Connell asked about Anthony Lane and whether the Commission requires erosion control be put in immediately.

Mr. Civian responded that he will go there on Sunday to see if there is any visible sedimentation going into the stream.

11 Leominster Rd- A similar discussion was had concerning17 Leominster Rd. 17 Leominster Rd. should also file a Notice of Intent. If the homeowner does not file the NOI, the ConCom will have to follow up with an enforcement case. Ms. Bugay will reach out to Rachel Fried to determine what DEP would say about enforcement since the DEP decision was ignored. For 17 Leominster Rd, the Town is the issuing authority, but for 11 Leominster Rd, the DEP language is needed to determine if DEP is the issuing authority or if it is still the Town.

191 Schoolmaster Lane-

Agent O’Connell recommended that a Stormwater Certificate of Compliance be issued for 191 Schoolmaster Lane.

Mr. Civian made a motion to issue a Stormwater Certificate of Compliance for 191 Schoolmaster Lane, seconded by Ms. Bugay, UA.

Mr. Civian announced there will be a goodbye party on the 23rd at 6:00 PM at the Summer Shack for Agent O’Connell.

Sprinkler Systems- Mr. Civian explained that Mr. Petruzziello will need to make a pitch to the Commission on the use of automatic watering systems.

Stormwater Bylaw- Mr. Civian explained that he has been meeting with Lisa Eggleston about possible changes with regulations and the Stormwater Bylaw and would like to have a meeting to review these changes. It would not be a public hearing, just a meeting on July 23rd.

Mr. Civian explained that as a result of a letter received by Mr. Gorden upon not being reappointed as a Commissioner where it was mentioned that the Conservation Commission has been causing profound harm, he would like to look to each of the Selectmen for examples of this.

Mr. Civian made a motion to adjourn at 9:55 PM, seconded by Ms Bugay, UA.