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

Thursday, August 13, 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

**Mr. Civian introduced the Town’s new Conservation Agent Elissa Brown to the Commission.**

**7:00 PM: Emmett Ave/Dedham Boulevard-***Request for Determination of Applicability from the Town of Dedham Engineering Department for the construction of a Bio Retention Basin (RDA 2015-09)*

Jason Mammone, Director of Engineering for the Town of Dedham, was present for the hearing. He explained that work would be done within the 200 foot riverfront area.

Mr. Tittler confirmed with Mr. Mammone no trees will need to be removed.

Agent Brown commented that this would be an improvement to the area. She explained her concerns about maintaining erosion control on a steep bank. After the work is completed she would like to see the area stabilized with loam and seed. Agent Brown reviewed the special conditions she had prepared for this project.

Mr. Civian made a motion to issue a Negative Determination of Applicability with special conditions as recommended by Agent Brown, seconded by Ms. Bugay, UA.

**7:15 PM- Colburn Street Dam-** *Request for Determination of Applicability from the Town of Dedham Engineering Department to perform 2 exploratory borings at the bank of Mother Brook as part of the Phase 2 Assessment of the Colburn Street Dam. (RDA 2015- 10)*

Mr. Mammone explained that the Colburn Street Dam is over 100 years old, and is now owned by the Town. The Town is now dealing with the challenge of assessing the dam and determining what needs to be done. A Phase 2 assessment will need to be completed, with exploratory borings within rivers edge. The Town will determine if the dam needs to be replaced or if it needs repairs and maintenance.

Ms. Bugay confirmed with Mr. Mammone that the borings will be a hollow stem. Silt socks will be placed around the equipment. Ms. Bugay also confirmed with Mr. Mammone that they will not go beyond the mean high water level, only to edge of it.

Agent Brown recommended that a Negative Determination of Applicability be issued with special conditions related to erosion control in area.

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

**7:25 PM- 350 Washington St.**- *Stormwater Management Permit Application from Supreme Development for the construction of a multi-use building with underground parking.*Continued from July 9th, 2015 (SWP 2015-08)

Matt Smith informed the Commission that he has received a comment letter from Lisa Eggleston. He confirmed that all stormwater will be treated and will meet the stormwater standards.

Mr. Civian explained that if this were a new project it would need to meet the stormwater standards completely. He asked if there is an environmental limitation that prevents them from getting the recommended percentage of TSS removal. Mr. Smith confirmed that there is not one, they can design anything and build anything, but explained the complications of being on an urban site where buildings are close together and there is not as much grass area or space to treat other peoples drainage. Mr. Civian explained that since they will be taking the building down completely, it should be treated as a new development, and should meet the same standards as a new development.

Mr. Smith explained that the applicant would not be able to build out the block and would need to give up usable floor space in order to accommodate the runoff from the neighboring sites. Mr. Civian responded that he would rather see them reduce size of building then not meet the standards.

Ms. Bugay asked if they had looked at the feasibility of tying in the treatment unit to the proposed infiltration chamber. Mr. Civian asked why they wouldn’t be able to build a bigger unit where the proposed unit would go. Mr. Smith explained the challenges with space limitations on the site.

Mr. Hickey asked why it isn’t it feasible to work with the neighbors about updating their systems. Mr. Petruzziello explained that it is hard to approach any neighbor when there is a development going in, but that the property to the right is for lease, and the one behind them has multiple neighbors.

Mr. Civian explained the requirement for the applicant to meet the stormwater standards to the maximum extent practicable, even though this is not technically a new development they would like to see the applicants go to the limits of what is practicable.

Ms. Bugay confirmed they are meeting the standards for their site but it is the other sites run-on that they are not able to meet. Mr. Civian explained that he would need to do some research to determine if they would have to meet the run-on completely if it were a new development.

Mr. McGrath commented that the applicant is stating they have met the standards for their project, so there appears to be no gap between what is required of them and what they are doing.

Mr. Smith explained that since they did not come to a consensus with Lisa Eggleston, he is hoping the Commission can provide some design direction. He explained that he has never seen it where you need to take the run-on from the neighboring properties, even when you have a new site.

Ms. Bugay asked if Mr. Smith thinks they could go to an offline configuration. Mr. Smith explained that they would not be able to capture one of the catch basins. The situation is being improved; they are adding deep sump catch basins and a treatment unit with 44% TSS removal.

Mr. Tittler commented that he has a certain amount of sympathy for the fact that, in essence, the Commission is asking the applicant to remedy a situation that is not in their making.

Mr. Hickey asked where the runoff goes currently. Mr. Smith confirmed that currently it is not being treated.

Mr. Civian explained that he will summarize the discussion from today with Ms. Eggleston.

Mr. Civian made a motion to continue 350 Washington Street until September 3rd, 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 July 9th,2015- The Applicant has requested to continue until September 3rd.

Mr. Civian motion to continue 399 West Street until the September 3rd meeting as requested by the applicant, seconded by Mr. Hickey, UA.

**Ursuline Academy-** *Stormwater Management 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)* Continued from July 9th, 2015.

Tony Moore and Robert Corning were present from Stantec to represent Ursuline Academy. They explained that they believe they have addressed the peer review comments satisfactorily. A summary was provided of the peer review comments and their responses.

Mr. Civian explained that at the time that the agenda was put together comments had not yet been received, so the Commission is not ready to make a decision tonight.

Mr. Moore offered to clarify any information needed for the Commission in order to keep the process moving.

Ms. Bugay confirmed with the applicant that there is a final set of plans that the Commission has not yet seen.

Mr. Corning explained that their client has some fundraising efforts that are contingent upon completing the Town permitting process.

Ms. Bugay commented that she does not foresee any issue with the approvals, but that they need the final plans and conditions of approval in order to make a decision. Mr. Civian agreed that the Commission did not identify any barriers to this project.

Mr. McGrath informed the applicant that the latest plans the Commission has are dated May 26th, 2015. Mr. Moore responded that the latest should be from July 8th, and perhaps that version was only emailed to the Commission.

Ms. Bugay informed the applicant of the need to have a paper copy of the final plans for the file. Mr. Moore explained that he will be submitting a final set of paper plans to both the Planning Board and Conservation Commission.

Lisa Bazinet explained that there are draft special conditions from the previous Conservation Agent, but they have not been edited since the receipt of the last comments which occurred during the transition period between Agents.

Mr. Civian explained the options are to either issue a Stormwater Management Permit tonight with a condition that the conditions of approval be finalized and reviewed with the applicant prior to releasing, or to continue until September 3rd.

Mr. Tittler commented that he thinks the Commission should wait to vote until they have the conditions of approval and final plans.

Mr. Civian made motion to conceptually approve the Stormwater Management Permit with the condition that Chair or Vice Chair and Agent approve the conditions of approval for the project, seconded by Mr. McGrath.

Discussion:

Agent Brown mentioned that within the peer review email from Lisa Eggleston, she mentioned that the Commission will need to make a final call as to whether the water quality units will be acceptable not being offline.

Mr. Civian asked if the units are offline. Mr. Moore responded that they are not offline because the flow is very low, and his understanding was that would be acceptable.

Ms. Bugay asked if the Operations and Maintenance Plan would require more frequent maintenance to make sure they are functioning considering they will not be offline.

Ms. Langdon commented that while she is sympathetic with the applicants fundraising, she does not see why this should put the Commission in the position to potentially jeopardize their decision making. She feels the Commission should wait to vote.

**The motion was voted 0-7.**

Mr. Civian commented that he is sympathetic with the applicant, and apologized for putting them in this position, but offered that if the applicant had any concerns that they feel free to call him.

Mr. Civian made a motion to continue Ursuline Academy until the meeting of September 3rd, seconded by Ms. Bugay, UA.

8:10 PM: **34 Hyde Park St-***Request for Determination of Applicability for the removal of 3 trees within the buffer zone of a bordering vegetated wetland. (RDA 2015- 11)*

Sergey Finehouse was present with the applicant, Svetlana Moviglovski.

Mr. Civian asked the applicant to explain why the trees need to be removed. Mr. Finehouse explained that this is being done for trees close to the house and to clean up the lot. Some of the trees to be removed are dead.

Ms. Bugay confirmed with applicant that there are now 6 trees to be removed instead of 3 trees; only 3 trees were noted in the original application. Ms. Bugay commented that if trees do come down they would like to see a robust replanting plan.

Agent Brown commented that among the trees to be cut, there is and 18 inch White Oak, a 9 inch Norway Maple, and a 21 inch Hickory. She thinks that the Norway Maple is possibly affecting the lawn and can see the possibility of having that tree come down. She would like more information on what methods will be used to remove the trees, and to determine what would be an appropriate replacement for the trees.

Mr. Civian commented that nothing in the Wetlands Protection Act says you can take out natural vegetation in order to create a lawn area.

To answer Agent Brown’s question, Mr. Finehouse explained that the tree company will cut flush with the ground.

Mr. Tittler explained that he would like more info about dead tree including whether it a safety hazard.

Mr. McGrath explained that the applicant would need to include tree cutting on the future Notice of Intent which would likely include building a new house. The only wiggle room they have now is if a tree is causing a hazard.

Mr. Civian confirmed with Ms. Moviglovski that she would like to withdraw the RDA submission and include tree removal on a potential future Notice of Intent filing.

**49-51 Oakland Street*-****Request for Determination of Applicability for 2 decks to be build on an existing  building. (RDA 2015-12)*

David Rae explained that they are trying to upgrade the structure of a two family duplex at 49-51 Oakland Street.

Agent Brown recommended that the Commission issue a Negative Determination of Applicability. She recommended that straw waddle would be helpful for the minimal disturbance. The area below the deck should remain pervious with 6 inches of crushed stone per the building regulations. She reviewed the conditions with the Commission.

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

**23 Roosevelt Rd-** *Stormwater Management Permit application for the construction of a single family residence. (SWP 2015-09)*

Bob and Joe Laughter were present for the discussion. They explained that the proposed stormwater system does meet the criteria to recharge two inches of impervious runoff.

Ms. Bugay proposed that a condition be added within the approval that the applicant should complete the Stormwater Permit Application and complete and sign the Consultant Fee form as well as the Site Inspection form before the permit can be released.

Mr. Civian made a motion to issue a Stormwater Management Permit with the condition as proposed by Ms. Bugay, seconded by Ms. Bugay, UA.

8:38 PM- **70 Wildwood Drive**- *Stormwater Management Permit application for the construction of a single family residence. (SWP 2015-10)*

Antonio Reda was present for the discussion.

Ms. Bugay commented that she sees a poly liner at the bottom of the unit which should be permeable. Filter fabric should be on the top and sides only.

Mr. McGrath commented that the drywells are more than double the size of what is needed. He suggested the applicant determine if they even need the 3rd drywell.

Mr. Civian made a motion to issue a Stormwater Management Permit with the condition that revised plans be submitted that specify the filter fabric change, permeable layer at bottom of unit, and that revised drywell sizing appropriate to the roof design be provided, seconded by Ms. Bugay, UA.

**8:45 PM: 865 and 875 Providence Highway-***Notice of Intent from DeVellis Zrein Inc. for a proposed retail development with work within the buffer zone of a bordering vegetated wetland. (DEP 141-0485)*

Jim DeVellis of DeVellis Zrein Inc. was present for the hearing. He explained that two buildings will be removed, and two new buildings will be built. He reviewed details of the proposal to the Commission.

Agent Brown Recommended a 3rd party review be done for this project to determine if the proposal meets the stormwater bylaws and standards completely.

Mr. Civian explained in process of revising the Stormwater Bylaw so it is clearer. He explained that the Commission will be looking for the applicant to meet the stormwater standards as if it were a new project.

Ms. Bugay commented that she would prefer the dumpster to be placed outside of the 100 foot buffer zone. She also inquired about Low Impact Development (LID) components would be included in the new buildings.

Mr. Civian commented that the Commission requires applicants to consider LID.

Anita Andriasy, abutter, explained her concern about her properties driveway access.

Ms. Bugay asked if there would be any oil tanks on the site at any time. Mr. DeVellis confirmed he would look into it.

Mary Tracy, abutter, explained that she expects the dumpster may be used more now that it is a food establishment. She would like the Commission to protect the swamp.

Ms. Bugay inquired as to if they would be improving the quality of water discharging to the wetlands in this proposal. She also commented that the Town requires an offline configuration, and that it would be difficult to get approvals to push the parking area into the Undisturbed Buffer Area (UBA).

Mr. Civian explained that the stormceptors do not perform as well as they advertise and therefore the applicant cannot claim as much credit for TSS as they are currently claiming.

Mr. Civian made a motion to request the applicant contribute $1,000 the Consulting Fund to begin the process of a third party review, seconded by Mr. McGrath, UA.

Mr. Civian made a motion to continue 865 and 875 Providence Highway to September 3rd, seconded by Ms. Bugay, UA.

**9:20 PM - 30 Elm Street-** *Stormwater Management Permit application for an addition to an existing home with an attached garage and the extension of an existing driveway. (SWP 2015-11)*

Matt Smith and Michael Malumut were present for the discussion. They agreed to the proposed conditions of approval from Agent Brown.

Agent Brown recommended that a Stormwater Management Permit be issued with the standard conditions of approval.

Mr. Civian made a motion to issue a Stormwater Management Permit for 30 Elm Street, seconded by Ms. Bugay, UA.

**Informal Discussion-**

*Gonzalez Field: Algonquin Pipeline withdrawal of Notice of Intent-*

Ms. Bugay commented that she would like to follow up on deliverables such as the inspection of the culvert that was required with the approval as she still thinks that is necessary.

*Stormwater Bylaw Review*- Mr. Civian informed the Commissioners that he would be at Mocha Java on Saturday at 9:00 AM reviewing the proposed changes to the Stormwater Bylaw if anyone wanted to join.

Mr. Tittler made a motion to adjourn at 9:35 PM, seconded by Ms. Bugay, UA.