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

Thursday, November 5, 2015, Dedham Town Hall- Lower Conference Room

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

Members Absent: Andrew Tittler

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

**7:00 PM- 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)*

Mr. Civian made a motion to continue 399 West Street to November 19th, seconded by Ms. Bugay, UA.

**7:02 PM- 637 East Street-** *Notice of Intent from Frank Gobbi for completion of the work in a 21 +/- lot subdivision infrastructure including grading and roadway paving with some work within the 100 foot buffer zone of a bordering vegetated wetland. (DEP 141-0486)*

Mr. Civian made a motion to continue 637 East Street until December 3rd, seconded by Ms. Bugay, UA.

**7:04 PM- 715 High Street**: *Certificates of Compliance-* *Site restoration and remediation (DEP 141-0436)*

Mr. Civian made a motion to issue a Certificate of Compliance for 715 High Street as recommended by Agent Brown, seconded by Ms. Bugay, UA.

**7:05 PM- 11 & 17 Leominster Rd.-** *Notice of Intent from  William McDevitt & Dennis Teehan  for nuisance vegetation control  and select tree removal in buffer zone to intermittent stream at 11 & 17 Leominster Road. (DEP 141- 0490)*

Paul Lindholm was present to represent the applicant. He reviewed with the Commission a memorandum of responses to questions from the last meeting.

Agent Brown commented that she thinks this proposal is headed in the right direction now. A native seed mix was proposed throughout the entire area, and far more plantings were added.

Mr. Lindholm explained that Option A is closer to the house and what they have been talking about is allowing the homeowner to get full access around the house. In Option A, the grindings would only spread in maintained area.

Carol Donovan, an abutter, asked when the applicant is proposing to take the trees down. Mr. Lindholm responded that they would like to remove the trees as soon as the approvals are made. He was not sure when the applicants planned to do the other plantings. Mr. Civian confirmed with Ms. Donovan that she would prefer that they be done at the same time in order to absorb the water. Mr. Civian explained that while he understands this concern, he is also concerned about the safety issue that some of the existing trees are posing.

Ms. Donovan asked who is supposed to be maintaining and cleaning out the pipes that were put in 50 years ago; everyone she calls says it is not their responsibility. Mr. Civian offered to write a letter to the Board of Selectmen to alert them of the problem.

Christine Hall asked how long it would take for new plantings to become established enough to prevent flooding once the trees are cut. Mr. McGrath responded that what is being done by applicant is much better than what is there now in terms of controlling water. It may take time to reach full maturity but what is being done will still make an impact in the short term.

Mr. Civian summarized the issues to address which included the delineation line, and options A or B.

Mr. Hickey commented that he prefers option A.

Ms. Bugay agrees that option A would be best in order to minimize yard creep into the UBA. She also doesn’t want anyone to think they are moving the UBA line, instead they would be just allowing some disturbance within the UBA.

Agent Brown commented that she would like to see them remove the stump grindings from the site, especially from the two Norwood Maples because otherwise they will re-sprout. For the other 3 trees she would like them to leave a 6 foot snag. Agent Brown commented that she is under the impression that this work will be done in the spring, and suggested an application of winter rye for winter stabilization.

Mr. Lindholm would like to be able to have the timing of the project be at discretion of the Conservation Agent.

Mr. Civian commented that Agent Brown can write up the conditions for approval before the next meeting.

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

Mr. Civian made a motion to continue 11 & 17 Leominster Rd. until November 19th, seconded by Ms. Bugay, UA.

**7:36 PM: 1056 East Street –** *Stormwater Management Permit application for a 6 lot residential subdivision road (SWP 2015-18).*

Matt Smith of Norwood Engineering was present along with the applicant, Giorgio Petruzziello.

Mr. Smith explained that the existing Town storm drain line needs to be repaired. He reminded the Commission of the condition of the pipe, which has a sag in it, and the plan to repair the stormwater line by replacing the pipe. He explained that they are now looking for approval to build a 6 lot subdivision. They will be asking the town to accept the new roadway. The stormwater from the roadway will flow to a stormwater system consisting of catchbasins and manholes. They are able to accomplish the 2-inches of recharge which is required. The DPW is agreeable to accepting the design as proposed. The post-construction flow will not exceed the rates of pre-construction flow. They will be working with ledge for the last quarter of the site and will need to make a 20 foot cut.

Mr. Smith explained that the Conservation Commission found the “pond” to be non-jurisdictional under the local bylaw, and that it was previously determined not to be protected under the WPA.

Ms. Bugay asked the applicant to consider how the ledge removal will be done, and how they will deal with neighbor concerns. Mr. Petruzziello confirmed that there will need to be an evaluation done to determine whether or not they will be blasting.

Mr. Smith explained this proposal is just for the road; they will come back for the approval of the houses.

Mr. Civian asked how the drainage would work for the houses immediately south of the property. Mr. Smith responded that the water will flow to a drain.

Agent Brown recommended that a peer review be funded in the amount of $500.

Mr. Civian made a motion to request $500 to fund a 3rd party review, seconded by Mr. Smith, UA.

Mr. Civian made a motion to continue the hearing on 1056 East Street until November 19th, seconded by Ms. Bugay, UA.

**Schoolmaster Lane-***Request from Supreme Development to amend Order of Conditions #141-0341 to revise Schoolmaster Lane roadway design to approximately 2,900 feet of roadway at a 20 foot width extending from north of Country Club Lane and ending at a cul-de-sac.*

Mike Carter was present from GCG Associates to represent the applicant. He explained that the applicant would like to extend the road to accommodate 7 more lots. In order to be able to add the additional lots the road needs to be widened to 20 feet. The pavement is currently anywhere from 13 to 16 feet. They would essentially be going back to what was permitted in 2006, a 20-foot wide road with two foot stone shoulders.

Mr. Carter reviewed the alternatives analysis options with the Commission.

At the culvert, 90 square feet of the wetland would need to be filled in, and then it would be replicated.

Ms. Bugay asked if the shape and location wetland replication areas would be confined to the roadway property and if those are the places that will have the most success as replication areas.

Stowmwater infiltration is not meeting the requirements in the old section of the road, but it is in the new section.

Mr. Civian asked if they would be asking for any waivers. Mr. Carter responded yes, they can provide a list of waivers since they can not comply with first part of road.

Mr. McGrath commented with regards to the invert going into wetlands from Stormceptors at el. 174.8, and going out will be about 6-inches above the box culvert going in.

Ms. Bugay asked if they had modeled the sheet flow and considered installing double grate systems for the catch basins on the northeast side of the green colored portion of road. Mr. Carter responded that they are double grate.

Agent Brown commented that she is looking for more information on the existing hydrology info for the replications area. She believes invasive species management would be helpful.

Mr. Civian confirmed with Mr. Carter that they are planning on removing 23 trees, and if they may be able to save a couple.

8:15 PM: David Hern was present as counsel representing David and Sherry Allen. He commented that proper notification was not given to all of the property owners on Schoolmaster Lane. The proposal is to amend an order of conditions, but the 2012 order has expired. In his opinion, the applicant will need to re-file a complete Notice of Intent governed by the current rules. The applicant needs to prove what he has to work with, and what falls within his rights. Mr. Hern explained that his clients are also concerned about losing the natural vegetation and trees, and whether the root system of trees will be adversely impacted. He explained that the applicant cannot infringe upon his client’s property interests.

Lisa Mimms of 8 Schoolmaster Lane expressed concern about what would happen with the new portion of the road if there is a tremendous amount of rain/stormwater flow.

Chris Sullivan of 59 Schoolmaster Lane asked what the impact would be to wetlands upstream and downstream.

Mr. Carter explained that the berm will only be placed in front of 8 Schoolmaster Lane.

Mr. Sullivan expressed concern of the potential of the wetlands expanding.

Ms. Sullivan also asked to be directed to the information stating the easement is 40 feet wide.

David Hern commented that if the applicant is relying on the right of way easement they will need to produce those documents. He hopes that the Conservation Commission would require this as well.

Mr. Civian explained that the Agent will need to do some research to determine whether this project exceeds the scope of 2012 project.

Mr. Civian made a motion to request the applicant pay $1000 for a 3rd party review of this project, seconded by Mr. McGrath, UA.

Mr. Petruzziello explained how he will be willing to work with the property owners and will consider how to replace any trees that are affected.

Mr. Hern asked who would maintain the infrastructure if this is approved. He explained that the burden should not be placed on his client.

Mr. Civian made a motion to continue Schoolmaster Lane until the meeting of November 19th, seconded by Ms. Bugay, UA.

**78 Bingham Ave/Dell Avenue-***Request for Determination of Applicability from Eli Elias for restoration work on an unpaved road. (RDA 2015-13).*

Eli Elias was present to discuss this project. He explained his plan to re-grade and fill potholes.

Agent Brown recommended that at Negative Determination of Applicability is issued with conditions.

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

**Informal Discussion-**

Emergency Certification, 2 Bridge Street – An emergency declaration was signed.

Notice of Violation, 16 Mosely Avenue – Agent Brown explained that this lot is currently undeveloped and the Town is considering putting it up for auction. She would like to write an enforcement letter to a property owner who appears to be mowing and storing vehicles on the property. The Commissioners agreed this would be acceptable.

303 Bridge Street- Agent Brown explained that the house on this lot extends to the property line of Town Property and Town Counsel has drafted a letter.

Ms. Bugay made a motion to adjourn at 9:00 PM, seconded by Mr. McGrath, UA.