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

Thursday, September 6th, 2018 Dedham Town Hall- Lower Conference Room

Members Present: Fred Civian (Chairman), Laura Bugay, Stephanie Radner, and Sean Hanley (Alternate), Nathan Gauthier, Nick Garlick, Leigh Hafrey, Andrew Tittler, Michelle Kayserman, Jim MacDonald, Chairman of the Board of Selectman

Also in attendance: Elissa Brown (Agent), Renee Johnson (Assistant)

Dedham Residents and abutters: Charles Ganest 51 Wentwoth St

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

7:00pm Chairman Civian calls the September 6th, 2018 meeting to order.

7:05 Selectmen Chairman Jim MacDonald led a dedication on behalf of the Board of Selectman. He presented Chairman Civian a plaque to recognize his dedication and work ethic, for serving 13 years as Comisson Conservation Chairman. Agent Brown presented Comissoner Civian with a gift of a Dedham Pottery collectors plate. Chairman Civian will be joining the Bylaw Review Committee.

7:10 Two new Conservation Commison members are introduced. Nick Garlick and Leigh Hafrey.

1. **7:15 PM –**
2. **235 & 243 Bussey Street, ANJOM, LLC, Applicant – Scott Henderson, Henderson Consulting Services, Rep** – *Demolition of five existing structures on-site and construction of a new mixed use building (MSMP 2017-23). .*
   1. **270 & 290 Bussey Street, Delapa Plaza East, Inc, App – Jim Devellis, DeVellis Zrein, Inc – Rep. –** *Notice of Intent and Major Stormwater Management Permit for commercial/residential redevelopment of an existing commercial building in Buffer Zone to Bordering Vegetated Wetlands, Bank, and Land Under Water; and Riverfront Area (DEP File # 141-0535, MSMP 2018-07).*
   2. **456 Providence Highway & 62 Eastern Avenue, RK Associates, Inc., App - Forrest Lindwall, Mistry Associates, Rep.**  – *Request for Determination of Applicability and Major Stormwater Management Permit for the demolition of a 2-story commercial building and construction of a 1,800 sf 1-story retail building (RDA 2018-07, MSMP 2018-19).*
   3. **218 High Street, , Map 111, Lot 3,** *Stephen Clifford, Applicant – Byron Holmes, Holmes Engineering, Representative: Major Stormwater Management Permit for the construction of a new two family dwelling (MSMP 2018-22)*.
   4. **218 High Street, , Map 111, Lot 67*,*** *Stephen Clifford, Applicant – Byron Holmes, Holmes Engineering, Representative: Major Stormwater Management Permit for the construction of a new single family dwelling (MSMP 2018-23).*

Fred Civian makes a motion to continue until Sept 20th. Motion carries

1. **7:20 PM - Applications Opened Previously (to be heard this evening): ­­**
   1. **7:05 PM - 20-30 Milton Street and 36 Sawmill Lane, Motherbrook Realty Trust, App** – *Jim DeVellis, DeVellis Zrein, Rep. - Redevelopment of a commercial 2-story building by adding one additional story of commercial space and two stories of residential space, as well as improvements to the existing landscaping, parking and stormwater system (DEP File # 141- 0538, MSMP 2018-10).*

Agent Brown recommends to close the public hearing. Comissoner Civian makes a motion . Motion carriers. Comissoner Civian makes a motion to issue an OoC and a Major Stormwater permit, per Agent Brown. Motion carries.

* 1. **7:10 PM - 637 East Street, Frank Gobbi, Applicant – John Glossa, Rep.** - *Roadway and utilities for a proposed subdivision adjacent to Bordering Vegetated Wetlands- (DEP File # 141-0486).*

John Glossa speaks on behalf of his client Frank Gobbi. The Conservation Commisson clarifies that this is a newely revised project, that is expected to meet Stormwater standards.

The proposed work is paving a gravel road with a new impervious surface that meets the current standards as well as regrading by using the pre existing basin.

The Comisson states that they must present existing versus proposed conditions, without including what is out in the field now.

Agent Brown recomendes the applicant supply a clear table of pre-post development conditons, a detailed engineering plan that shows each subsurface infiltration gallery that can be accommodating for the house being built. The Comission agrees to look at each waiver individually starting with how each of the calculations are completed, and to see if the applicant shows that they meet the current standards or if they would qualify to be grandfathered in. Currently the 10 year storm does not meet the State and local Stormwater standards.

Comissoner Civian opens the discussion to public comment:

Charles Ganest Resident and abutter of 51 Wentwoth St States that the applicant has delayed this process for so long, and doesn’t qualify in his opinion for any waivers. Is concenered about the existing conditons, specifically that there has been no maintence or upkeep on the property. Has lived next door since 2000 , requests that the Comission look into the existing state of the conditions. He feels that it is not simple grading that will take care of these issues. There’s been flooding on his property, as he has a 20 foot high hill with mature trees, which creates flooing his backyard as well as his neighbors, and the applicant is dumping leaves as well. . He feels as if they are asking for way too many waivers and not mainting the property.

If the applicant is able to meet current standards, control the runoff and what could be done to meet the standards and requirements is the feedback from the Comisson. Mr. Glossa will speak to his client. Agent Brown, reminds him to put all impervious surface areas on the permit requests. The Comisson reminds the applicant that it is required to meet the standards, and if there are good reasons to not meet standards, they will consider waivers however it is up to the applicant to decide.

Comissoner Civian makes a motion to continue on October 4th, 2018. Motion carries.

* 1. **7:25 PM - 38 Icehouse Lane and 13 Powers Street, Supreme Development, Inc., Application – Scott Henderson, Henderson Consulting, Rep**. *– New single family dwelling (DEP File #141-0542; MSMP 2018-03).*

Previously closed public hearing for comment. The applicant had been working with Agent Brown to develop a recommendation, the recommendation which was circulated to comissoners was denial of the project for a variety of reasons,

Lack of suffiecent information, failure to meet the burden of proof under the State Wetlands Act, not meeting various requirements of the town of Dedham Conservation Comission Regulations. Partly by advice on town council , the Comisson did reject that the appliicant was exempt. They could not make the finding there was no signifgant adverse impact.

Comissoner Tittler states procedurally, that wavier requests need to be voted on individually.

The comprehensive list is available and is a public record and available to anyone

Applicants have the abilaity to appeal, to the DEP

The local wetlands bylaw can only be appealed through court and is up to the applicant and would be public record.

Comissoner Civian makes a motion to deny the request, for the waiver to construct within the UBA.

Motion carries

Opposed by Tittler

Comissoner Civivan makes a motion to deny the request, for the soil evaluation to be waived until after construction occurs.

Comissoners initate discussion regarding precedents or need for consistenceny.

Comissoner Civian makes a motion to deny the waiver request.

Civian votes yes.

Bugay and Tittler vote Nay.

Comissoner Civian makes a motion to deny the Order of Conditons

Motion carries

Comissoner Civian makes a motion to deny the Major Stormwater Permit

Discussion by Agent Brown: does not have an approval or denial prepared and would prefer to hold off on the decision until she is confident the requirements are met and can prepare the denial.

Civian withdraws his motion.

Civian calls for a 2 minute recess

* 1. **7:45 PM - 31 Chestnut Street, James Sullivan, App. – Paul Lindholm, Lindholm Engineering, Rep**. – *Major Stormwater Management Permit Application for the removal of a portion of the existing house, existing garage, shed, and driveway and replacement with an addition to the house, new garage, and permeable driveway (MSMP 2018-21).*

After Mr. Lindholm presented the updated plans to the commission, and asks the board to consider the newly revised plans, and will withdraw the request for any waivers.

Agent Brown has not had time to evaluate, as well as the Comisson as the plans only came in the last couple of days. Comissoner Civian asks for observations from the public and the Commission.

The Comisson states their concerns with the newly revised plans, and still find inadequate storm water management plans, maintence issue with turf stone that is an open paver concept/ porous pavement, used for the driveway. The comisson would like and needs third party study and surface and subsurface construction that serves the same purpose as the schematic of the Stormwater Handbook. Comissoner Radner, asks about the preservation of 200 year old heritage tree.

they were still found inadequate and were unable to come to a decision. Comissioner Civian states that there is still not enough information for the Comissoners to make a decision as the information provided remains inadequate and the board is unable to come to a decision.

Comissoner Civian makes a motion to continue meeting until Sept 20th. Motion Carries.

1. **New Applications:**
   1. **8:00 PM - 530 Providence Highway, Frank Gobbi, Jr., Applicant – John Glossa, Glossa Engineering, Rep**. – *After the fact Major Stormwater Management Permit for the redevelopment (regrading)of a commercial building (MSMP 2018-24)*

Mr. Glossa who represents Mr. Gobi, presented a plan to put in a retaining wall, presenting the work that had already been completed, and plans to bring the project up to grade.

The Comisson issued an order prohibiting work being done on the site. The applicant completed the work despite the enforcement order, and are asking for retroactive approval.

The applicant infilitrate water into the ground and believes it is not a good idea, and brings up the fact that there are railroad tracks located close by.

The Comissioners ask questions of the applicant such as what grade of gravel that was brought in, and the applicant agrees to bring paperwork that proves the fill used is “clean fill”.

Agent Brown states that the application does not show that stormwater improvements were made, , and she does not believe that it is in conformance with the regulations that require during alterations more than 500 square feet, stormwater improvements have to be made in a redevelopment projects. Agent Brown discusses that the arguments made by the applicant, regarding the railroad tracks or that it had been a coal yard, that the applicant provided no documentation showing that it was a former coal yard, or proof of railroad tracks. Secoundly even if these conditions were proven to exisit, it is not considered a hazardous material, not a reason to not to complete Stormwater infiltration. She sites that stormwater improvements have been made to adjacent sites.

Mr. Glossa states that his advice to his client will be to not complete any infiltration. He believes that it is a potential liability, and if there is hazardous material, his client would be held accountable.

Agent Brown states that prior to the work being completed, both she and the Building Department head discussed with both the applicant and the client that Stormwater management would have to be implemented.

The Comisson is interested in reviewing samples of soil to detect coal, in peak grade continuiation and TSS reduction, even without infiltration, and they believe that where was a signifigant amount of material brought in, regarding, and more than just a repaving contract involved in this work. The Comisson tells the applicant that his client is responsible for meeting Stormwater rules. Agent Brown states that she would like to put a time limit on plan and actions coming in front of the board. The Comisson states that the applicant must provide information, in time for October 4th meeting.

Comissoner Civian makes a motion to continue until September 20th. Motion carries.

* 1. **8:30 PM - 339 Washington Street, Garnett Realty Trust, Applicant – Sue Harrington, GCG Engineering, Rep.**  *Major Stormwater Permit Application for the redevelopment (mixed use addition) of a commercial building (MSMP 2015-25).*

Agent Brown, states that a, plan submitted was however she had many questions and concerns to raise with the applicant. She discussed with the applicant, and they have asked for a continuance to have time for a revised plan.

Comissoner Civian makes a motion to contine to Sept 20th. Motion carries.

* **MWRA Southern Extra High Pipeline** - *Minor Modification/Amended OOC –*

Applicant states that they need to get across the MotherBrook, to put up a new pipe bridge, with a walking sidewalk in the front and shares a rendering of the project.

MotherBrook was dry when they originally started, but now it has filled up. They would like permission to drop the water level down in September, and keep it dry for 2 months, or longer.

Agent Brown states the benefit of agreeing would help kill an invasive species in the area. She asks the commission to approve it as a minor modification.

Comissonor Civian states that a change in the construction technique, to lower the water of the damn in order to to accomplish that change, will result in the board approving the minor modifcaton.

Commisoner Civian, makes a motion to issue a minor modification.

**9:00 PM - 68 Stoughton Road, Joseph Gatto, Applicant – Michael Morris, Norwood Engineering, Rep** - Major Stormwater Permit Application for an addition to a single family dwelling (MSMP 2018-26).

Agent Brown states in light of recent information that has come in, without adequate time to review, she would like to continue the discussion to the next meeting. Comissoner Bugay states that she has perliminary comments that she will forward. Comissoner Civian makes a motion to continue the discussion until September 20th. Motion carries.

**9:30PM**

* **Agents Report** Response to appolicaton to town landing way launch, finialize Stormwater rules and regulations.

Comissoner Tittler would like to get the amended rules and regulations out as soon as possible and proposes the comissoners agree on a draft, that will go out for comment, to the public as well as various government representitives. He would then like to schedule a time during a public meeting for intial discussion in early fall (October). He hopes to then illicit a second open comment meeting compose a new and final draft, and be able to adopt and vote on the new regulations by the beginning of the new year (December).

Agent Brown, forsees that this process may be more involved but thinks we will be able to complete it in two phases. She will schedule a hearing either the 4th or the 20th for ConCom regulary scheduled meetings. The Comissoners are reminded of the dileberate, and discuss all issues pubically and do not reply to all in email, as boung by the open meeting laws.

* **20-30 Milton Street & 36 Sawmill Parkway** – Request for Unused Escrow Funds ($400) Comissoner Civian makes a motion to refund unused funds, Motion carries.

Agent Brown discusses, Inenerator Road discharge of extremely high E.Coli counts, that the town has looked into. It is a continuing concern that the town is addressing.

Comisoner Civian calls for nominations for the new chair and the new vice chair, he motions for nominations.

Comssioner Laura Bugay is nominated for Chair.

Comittion Civian Motion calls for appointing Laura Bugay as Chair. Motion carries.

Comissoner Bugay calls for nomination for Vice Chair, and calls for motions for nominations.

Andrew Tittler is nominated.

Comisson Andrew Tittler is voted as Vice Chair.

Commisson Bugay calls for appointing Andrew Tittler as Vice Chair.

Motion Carries.

Comissoner Bugay calls for nomination on Clerk.

Michelle Kayserman is nominated.

Comissoner Kayserman is voted as Clerk. Motion carries.

* **Meeting Minutes** –6/21/18, 7/19/18, 8/16/18

The Comissoners have not reviewed the past minutes, Comissoner Bugay states that she sent some edits, to the Administrative Assistant Renee Johnson, and would like to vote on them next meeting.

**9:48**

Motion to adjourn, Motion carries.