

NORWELL CONSERVATION COMMISSION

345 Main Street / Norwell, MA

April 18, 2017 @ 7:00 PM - Room 112

Final Minutes

Present: Marynel Wahl, Chair, Dave Osborne, Ron Mott, Bob Woodill, Justin Ivas, Agent N. Hemingway, and Recording Clerk C. Sullivan.
Stacy Minihane and Bob McMackin were absent.

CALL TO ORDER

The meeting was called to order at 7:00 pm by Chair Marynel Wahl. The meeting was not recorded.

AGENDA ACCEPTANCE

Motion made by Mr. Osborne to approve the agenda as submitted. Seconded by Mr. Mott and unanimously voted.

COMMISSION BUSINESS

Old (cont.):

Meeting Minutes

Memorial at Jacob's

Jodie Anthony discussed the burial of some of her late husband's ashes at Jacobs Pond Reservation. Commissioners agreed to the burial and discussed with Ms. Anthony the design and placement of a memorial, which will include a granite bench with nameplate and a native, noninvasive tree over the ashes. No container is allowed for the ashes. Commissioners also approved a tree-planting service that will take place on May 26, her husband's birthday.

Motion by Mr. Osborne to allow Ms. Anthony to put the tree, plaque, bench, and ashes under the tree in Jacobs Reservation at the place roughly discussed, with guidance from Ms. Hemingway or the Commission. Seconded by Mr. Woodill and unanimously voted.

Habitat Restoration

Mr. Osborne will be attending a meeting regarding a state effort to reintroduce New England Cottontail Rabbits and Ruffed Grouse, and asked whether the Commission would support reintroducing these species on Commission land at no obligation or cost.

Ms. Hemingway noted that these were both endangered, native species and strongly supported the proposal. After a brief discussion, Commissioners agreed as well to support the proposal. Mr. Osborne will report back with more information.

Hatch Lots

Mr. Hornstra will reach out to Mr. Mott when he is ready to delineate the wetland line on this lot.

Town Meeting Article

The Commission briefly discussed several warrant articles for the 2017 Norwell Town Meeting, including proposed amendments to Zoning bylaws concerning OSRDs, pre-application conferences, and the flood plain, watershed, and wetlands protection district. Ms. Hemingway asked whether there were any articles the Commission wanted to formally support.

Motion by Mr. Osborne to support the Planning Board's OSRD and FEMA bylaw amendment articles. Seconded by Mr. Mott and unanimously voted.

Available Land

Ms. Hemingway advised that town-owned land off Summer Street and privately owned land off Old Oaken Bucket Road may be coming up for sale. She suggested that the Commission consider whether they were interested in acquiring the property, noting that they could make recommendations to the Board of Selectmen even if they weren't interested in buying outright.

After some discussion about whether there were any protected habitats on these lands, Commissioners asked Ms. Hemingway to keep an eye on the Summer Street property. Mr. Osborne felt the Old Oaken Bucket property would probably be sold for market value.

Retaining Wall

The Commission briefly discussed the alteration of a retaining wall by Highway Surveyor Glenn Ferguson. Ms. Hemingway will inspect with Mr. Ferguson and Commissioners.

SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)

Open Space and Recreation	M. Wahl	
Land Protection	All	
Pathways	R. Woodill	The Commission discussed having a joint meeting with the Pathways Commission regarding the Wompatuck CPC warrant article. Ms. Hemingway will try to schedule it for the next Commission meeting on May 2.
Trails/Signage	R. Woodill	
CPC	D. Osborne	Mr. Osborne advised that there was an opening on the CPC.
Farming	R. Mott	Mr. Osborne and Mr. Mott completed clearing of the walls at Jacobs and will clear the remaining brush later.
Grants	B. McMackin	
Zoning Bylaw	R. Woodill	

MISCELLANEOUS

1. Bills

- a. Sitec - \$852.5 -- final Chittenden CoC prep application bill
- b. Chessia - \$120 -- 400 Cordwainer pre-construction review and coordination
- c. Chessia - \$144 -- Curtis Farm site visit and reporting
- d. EcoTec - \$165 -- 239 Washington monitoring and violation follow up
- e. Chris Sullivan - \$150 -- minutes 4/4/17
- f. DBS - \$37.71 -- material for trail crew to repair ramp at Hatch
- g. Norwell Hardware - \$4.49 -- misc. trail supplies
- h. Ed Cox - \$351.00 -- for trail work
- i. Norwell Highway \$453.33 transfer request -- for labor for Jacobs parking lot work from CPC Art 39 2009.
- j. Norwell Highway \$1,875.29 transfer request -- for labor for Donovan parking lot work from CPC Art30, 2016.
- k. Norwell Tree and Grounds \$638.66 transfer request -- for labor for Jacobs parking lot work from CPC Art 39 2009.

1. Norwell Tree and Grounds \$1,837.69 transfer request – for labor for Donovan parking lot work from CPC Art 30, 2016.

Meeting Minutes

Bills

Motion by Mr. Woodill to pay bills a-h as listed. Seconded by Mr. Ivas and unanimously voted.

The Commission discussed requests from Norwell Highway and Norwell Trees and Grounds (items i-l above) for transfers of funds to cover labor and overtime costs. Other town bodies had received similar requests and that they had been approved by Town Accountant Donna Mangan.

Ms. Hemingway circulated a memo which contained a notation that requests which exceeded written contracts would not be honored going forward. After discussion as to the individual requests and available funds, the matter was tabled to the next meeting.

2. Minutes - 3/21/17 and 4/4/17 – emailed to you

Meeting Minutes

Minutes

The minutes for the 3/21 and 4/4 meetings were distributed for Commissioners to review.

Motion by Mr. Woodill to approve the minutes of the 3/21/17 meeting as submitted. Seconded by Mr. Mott and approved by a 4-0 vote, Mr. Osborne having abstained from voting.

Motion by Mr. Woodill to approve the minutes of the 4/4/17 meeting as submitted. Seconded by Mr. Mott and unanimously voted.

EXECUTIVE SESSION - Discussion of issues and/or land offers/land of interest, disclosure of which will impact negotiating position of the Commission and/or Town.

8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

*****Legal Documents/Votes ***Minor Amendments, Reviews, CoC's**

*****Requests for Determination ***Notices of Intent ***Enforcements/ Violations**

Refer to the Agents Notes for comments and recommendations for each hearing and issue on the agenda.

239 Washington Street (Washington Woods) / SE52-949 & NCC# 2(10) / Minor Modification

OoC Mod. Applicant: Norwell Washington, LLC Representative: Brad McKenzie, McKenzie Eng.

Meeting Minutes

Brian Murphy was present for applicant. Mr. Woodill recused himself from the discussion as an abutter.

Commissioners discussed with Mr. Murphy whether he should add a retaining wall to this area to protect a nearby stream bank. Mr. Murphy explained that the area near the bank will be graded out and seeded with grass, and wanted to avoid the extra expense of a wall.

Ms. Hemingway noted that there were steeper slopes in other areas of the property that had already been approved by the Commission. After further discussion, the Commission voted to approve the modification.

Motion by Mr. Ivas to approve the minor modification. Seconded by Mr. Osborne and approved by a 4-0 vote, Mr. Woodill having recused himself from voting.

Jacobs Pond / SE52-869 & NCC# 32(07) / New DEP Approved Treatment Amend. & Ext.

Minor Amend. to OoC & Ext. Request Applicant: Norwell Conservation Comm. / **Representative:** Colin Gosselin, Solitude Management

Meeting Minutes

Motion by Mr. Woodill to approve the minor amendment and extension request. Seconded by Mr. Osborne and unanimously voted.

Norris Reservation / NCC# 13(17) / Site Maintenance at the Boathouse Location

RDA / DoA Applicant: Ronan Moore, Trustees of Reservations / **Representative:** N/A

The project allows the boat house supports to be stabilized by adding a drainage channel and building up the gravel at the base of the front right support which has been undermined by river flows.

Meeting Minutes

Mr. Woodill read the notice of public meeting. Ronan Moore, of the Trustees of Reservations, was present.

Mr. Moore discussed the Trustees' plan to create a stone retaining wall and drainage channel to address erosion issues around the footing of the boat house on the North River. They are hoping this will be a permanent solution to these issues.

Motion by Mr. Woodill to approve the Norris RDA as a positive 2B, positive 5, negative 2, negative 3. Seconded by Mr. Mott and unanimously voted.

35 Blockhouse Lane / SE52-1113 & NCC# 14(17) / Driveway Construction & Grading

NoI / OoC Applicant: Thomas Teuten / **Representative:** Brendan Sullivan, Cavanaro Consulting

Although this site is along the North River and the larger site contains, River, RRA, bank, BVW, salt marsh, etc., the project is just outside those resource areas and their buffers. The project and project access are within buffer to an inland BVW which lies on the opposite side of Blockhouse lane from the project site. Erosion control and orange construction fence along the road shoulder will be sufficient to control any sediments. The site is relatively flat.

Meeting Minutes

Mr. Woodill read the notice of public meeting. Brendan Sullivan, Cavanaro Consulting, was present for applicant.

Mr. Sullivan advised that the applicants are planning an addition to the front side of house, and that the project area is outside the property's resource areas and buffers. They also want to expand the gravel driveway to access the garage, changing some lawn area to a gravel drive. He briefly discussed the placement of erosion control and advised that they received NRCC approval last month.

Ms. Hemingway recommended approving the proposal but not the delineation for the riverfront.

Motion by Mr. Ivas to approve the NoI with a short-form OoC without approving the delineation shown. Seconded by Mr. Mott and unanimously voted.

96 Meadow Brook Road / NCC# 12(17) / Removal of (2) Sheds & Correction of Riverfront Line

RDA / DoA (cont.) Applicant: Andrew Wallace / **Representative:** Brendan Sullivan, Cavanaro Consulting

Meeting Minutes

Brendan Sullivan was present for applicant.

Mr. Sullivan briefly discussed his research on tidal effects and mean high water at the property, estimating that there was just below three feet of tide.

Ms. Hemingway felt that the barn was in RRA based on her observations, and noted a lack of data to support a finding that the MHW was the outer edge of salt marsh. She recommended that the Commission not accept the plan as submitted. Mid-tide highwater as observed on 2 separate occasions, placed approximate MHW at the edge of slope/BVW line. This observation would place the barn and paddock within Riverfront Resource Area.

Mr. Sullivan will withdraw the RDA and file a NoI. The Commission will roll the RDA filing fees into the NoI fee instead of charging a separate fee.

436 River Street / SE52-1112 & NCC# 15(17) / Septic Repair

NoI / OoC Applicant: Torben Hansen / Representative: Darren Grady, Grady Consulting

Meeting Minutes

Mr. Woodill read the notice of public meeting.

Ms. Hemingway advised that the proposed septic system is outside the buffer. The smaller tanks and lines are within the buffer.

Motion by Mr. Woodill to approve the NoI with a short-form OoC, as a positive 2A, positive 2B, positive 5, negative 3. Seconded by Mr. Ivas and unanimously voted.

Parker Street (Map 16C, Bl. 51, Lot 78) / NCC# 3(17) / Determination of Jurisdictional Wetlands

RDA / DoA (cont.) Applicant: Paul Jevne / Representative: John Zimmer, S. River Environmental

Meeting Minutes

Motion by Mr. Ivas to continue the matter to May 2 at 8:00 PM. Seconded by Mr. Woodill and unanimously voted.

Circuit Street (Bl. 69, Lots 25 & 26) / SE 52-1109 & NCC # 1(17) / Jurisdictional Wetland

Delineation ANRAD / ORAD (cont.) Applicant: Thomas Tuffo / Mark Raimondi / Rep: Paul Shea, IEC

Meeting Minutes

The Commission conducted a site visit with Peer Review Art Allen of EcoTec and reviewed the ORAD plan submitted. The final plan included the condition that the mandatory replication area must be completed before any project work can be started.

N. Hemingway noted the plan was accurate in its depiction of BVW and other resources but inaccurate in that an intermittent stream and bank were not reflected in the final plan.

Motion by Mr. Mott to accept the ORAD with the exceptions detailed. Seconded by Mr. Woodill and approved by a 4-0 vote, Mr. Ivas being absent.

Lot 62, Stony Brook / SE52-1111 & NCC# 8(17) / (After-the-Fact) Jurisdictional Wetland Line

Delineation (Selection of Peer Review)
(After-the-Fact) ANRAD / ORAD (cont.) Applicant: Tom Williams / Representative: Scott Goddard, Goddard Consulting, LLC

Meeting Minutes

Motion by Mr. Woodill to continue the matter to May 2 at 8 PM. Seconded by Mr. Mott and approved by a 4-0 vote, Mr. Ivas being absent.

Circuit Street (Donovan Field) / SE52-xxxx & NCC# 6(17) / Agricultural Field Squaring/ Clearing

NoI / OoC (cont.) Applicant: John Hornstra & NCC / Representative: John Hornstra & Ron Mott

Quotes were all required to be "Not-to-Exceed: and are as follows. Commission discretion.

- o EcoTec - \$22,800.
- o Lucas - \$7,940.00 includes a list of additional optional considerations for the Commission to consider and includes an electronic version of the site plan for future use. – low qualifying quote.
- o Horsley Whitten - \$6,910.00 – requires payment before the site plan and data will be submitted. Municipal finance law requires submittal of all deliverables before payment. This quote is invalid for that reason.
- o BSC - \$17,300.00 -

Meeting Minutes

Commissioners briefly discussed the three valid bids, availability of funds, and other funding priorities.

Motion by Mr. Mott to accept the Lucas bid. Seconded by Mr. Ivas and unanimously voted.

PUBLIC MEETINGS

Mount Blue Street (Bl. 4, Lot 17) – Forest Cutting Submittal (Rodriguez)

Meeting Minutes

The Commission discussed Mr. Rodriguez' response to Ms. Hemingway's correspondence. Ms. Hemingway is drafting a follow-up response with Town Counsel Bob Galvin. Mr. Shute (who legally still owns the land) has a tax matter that he needs to resolve with the town.

ADMINISTRATIVE REQUESTS

ENFORCEMENT HEARINGS

VIOLATION DISCUSSIONS

Curtis Farm Road (Norwell Estates)

A quote from Ivas has been received – not to exceed \$2500.00. Scott Miccile has sent a message via email, that Toll Brothers accepts this quote.

Meeting Minutes

Al Loomis, of McKenzie Engineering, was present along with Scott Miccile and Ryan O'Rourke of Toll Brothers Builders. Mr. Justin Ivas recused himself from the discussion.

Ms. Hemingway noted there had been no issues at the work site since the last meeting but added there was a heavy rainstorm coming for which the builders needed to be ready.

Mr. Miccile noted he was willing to accept the Ivas quote and is willing to provide funds if additional work is done by Ivas or Chessia. They will contact Ivas to start the review.

Motion by Mr. Mott to accept the Mr Steve Ivas (Ivas Environmental) peer review account. Seconded by Mr. Osborne and approved by a 4-0 vote, Mr. Justin Ivas having recused himself from voting.

Motion by Mr. Woodill to accept the peer review quote from Steve Ivas. Seconded by Mr. Mott and approved by a 4-0 vote, Mr. Justin Ivas having recused himself from voting.

358 Mount Blue Street

Enforcement letter went out. A site visit is scheduled for next Thursday at 10:00 AM. The landowner has hired John Zimmer to help him correct the site issues.

AGENTS REPORT

- The Moderators meeting is scheduled for Monday, May 1st, at 6:30 PM in the Osborne Room. Anyone presenting an article should plan to attend. If you cannot, please let Lynda Allen know asap.
- Tack Factory Dam Removal ribbon cutting – Wednesday April 26, 3-4:30 at Church Hill Church then to the dam. RSVP to Sara at NSRWA.
- A copy of Chessia's review for 427 Main St for the PB is emailed to you. This can be added as a discussion item if needed.
- A site visit to review the mitigation buffer and vernal pool with Jim Burke, John Chessia and Art Allen is scheduled for Thurs 4/20 @8:00 AM.

Meeting Minutes

Mr. Mott will present the Donovan warrant article at the May 1 Moderators' meeting; Mr. Ivas will present the land transfer articles.

**SCIENCE AND REGULATION IN THE NEWS
EDUCATION AND TRAINING OPPORTUNITIES**

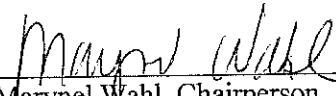
Please refer to the complete Agents Notes available in the Conservation Office. Notes included in the minutes are partial.

Next Meeting	May 16, 2017
NEW filing applications due date/deadline	May 2, 2017 @ noon
Legal Notice publication date-Patriot Ledger	May 8, 2017
Revised Information submittal deadline	May 9, 2017 @ noon
Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests	May 11, 2017 @ noon
Public Information Written Comments	No deadline

Adjournment

Motion made by Mr. Osborne to adjourn at 9:23 PM. Seconded by Mr. Woodill and unanimously voted.

I hereby certify that the above minutes were presented and voted by a majority vote by the Norwell Conservation Commission on _____.


Marynel Wahl, Chairperson

2017 MAY 10 PM 1:27
OFFICE OF CONSERVATION
NORWELL, MA

