

NORWELL CONSERVATION COMMISSION

345 Main Street / Norwell, MA

April 19, 2016 @ 7:00 PM – Room 112

Meeting Minutes

Present: Marynel Wahl, David Osborne, Bob McMackin, Bob Woodill, Ron Mott, Stacy Minihane, N. Nancy Hemingway, Recording Clerk Ellen McKenna

7:00PM:

CALL TO ORDER (Note: this meeting is being recorded)

The meeting was called to order at 7:05pm by Chair Marynel Wahl.

AGENDA ACCEPTANCE

Motion; made by Mr. Osborne, seconded by Mr. Mott, to approve the agenda as amended.

Unanimously voted

Agenda addition: Add property encroachment; Stone House Gardens, aka That Blooming Place (under Violations)

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COMMISSION BUSINESS

Meeting minutes

• Brad Holmes – re: peer review process focus on Queen Anne’s Lane and 501 Mt. Blue Street
Mr. Holmes gave a recap of permitting projects, and stated that he wasn’t aware of the billing protocol as there was a disconnect between his firm and the Town. At this point, he has forwarded his invoices to the Con Com office; all are paid except one invoice. Per N. Hemingway, this has nothing to do with Mr. Holmes, but relates to Queen Anne’s Lane. The finances should have shifted to the Town from Kenney, who paid for most of the work. Ms. Minihane is comfortable with Mr. Holmes’ review, but had a question about logistics. For peer reviews in the future, perhaps someone not involved in the project should be hired. All discussed the peer review process with regard to this issue; should Con Com pay the final report directly or go to peer review since Brad had been being paid by the violator to avoid a perceived conflict of interest.

Motion; made by Mr. Woodill, seconded by Mr. Mott, to accept the final report from Mr. Holmes for the Queen Anne project. Unanimously voted

Re: second case; 501 Mt. Blue Street. All looks great. Per board consensus, anything going through a peer review should go through Con Com. Further discussion ensued re: monitoring reviews, with all agreeing that the responsibility should belong to the client. Peer review should be a separate transaction.

Motion; made by Mr. Woodill, seconded by Mr. Osborne, to accept Mr. Holmes’ monitoring report for 501 Mt. Blue Street. Unanimously voted

Hunting Discussion, continued

Mr. Osborne gave a recap of the last meeting’s discussion, and stated that no one has come forward to suggest changes to the bylaws. Mr. Mott would like to see as much Con Com land open to hunting as possible, due to the high incidence of Lyme disease in the Town, with the exception of the Jacobs land and the Fogg Forest. Mr. Woodill agreed except for one corner of Jacobs Trail. Signage would be desirable, but the rules may not be enforceable if the trail is not paved. In the

Town in 2012, hunting was not allowed on the trails. A map was created with no hunting zones on the specific trails. The map needs updating. N. Hemingway showed a slide of the rules and regulations written in 2012. All discussed amending rule #4, which led to a discussion about state laws and Town rules. More discussion ensued about Town policy to allow hunting with specific signage for No Hunting for Fogg Forest, Jacobs trail (except as noted on the kiosk), with state law prevailing everywhere else. Hunting rules will be added to the kiosk signs at a later date. For now trail signs will be put up.

Motion; made by Ms. Minihane, seconded by Mr. Woodill, to close Jacobs trail to hunting except for the Great Valley swamp, close Fogg Forest in its entirety and create signage to reflect this motion. Unanimously voted

Discussion ensued about holding a public hearing re: hunting. Further discussion addressed the State law and potential modifications. All agreed that on the rest of Con Com lands; hunting laws should be the regular hunting laws of the Commonwealth.

Motion; made by Mr. Mott, seconded by Mr. Woodill, to allow hunting on the rest of Con Com's properties, with state hunting regulations prevailing. Unanimously voted

Next Steps: N. Hemingway will delete rules 4 and 5 from the 2012 Town Hunting Rules and Regulations, and replace them with the motions voted at this meeting

SUB-COMMITTEE UPDATES

- Open Space & Recreation – the Jacobs Pond parking lot needs to be finished in time for the fishing derby. Mr. Woodill will find out if it can be done, then will need to regroup to get money to finish it and report back to Ms. Wahl tomorrow. He hopes it will be done before Town Meeting and the fishing derby.

June 5th – Conservation Day. There will be coordination with the Science Center event on that day.

The group could use help during the day. Mr. Osborne suggested inviting food truck vendors instead of bringing a grill. Discussion of organization ensued. N. Hemingway will ask Meredith to find vendors. The committee will supply cases of water, chips and granola bars.

Adopt A Trail – M. Wahl updated the group on the activities. Monday was the first session of how to keep the trails clean. All trails are assigned except for part of Stetson. Sessions start at 4pm, 5pm and 6pm. Commissioners were encouraged to attend.

- Land Protection - no updates
- Pathways - discussion ensued about the pathway to Town Center.
- Trail/Signage - no updates
- CPC - no updates
- Farming – no updates
- Grants – no updates
- Zoning Bylaw – no updates

MISCELLANEOUS - Agents Notes

1. Bills
 - i. Trail Work – Ed Cox \$276.75 Mark Mederos \$321.75
 - ii. Peer Review – Chessia \$357.00 Toll Bros
 - iii. Peer Review – Chessia \$172.50 final bill sidewalk
 - iv. Trail supplies – Norwell Hardware - \$3.49
 - v. ECR - \$522.50 Queen Ann Lane peer review
2. Minutes: 1/20/16, 3/15/16 – Tabled to next meeting.

8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

- ***Legal Documents/Votes
- ***Minor Amendments, Reviews, CoC's
- ***Requests for Determination
- ***Notices of Intent
- ***Enforcements/ Violations

Agents Notes

101/99 Longwater / SE 52- 514 & NCC # 8(06) / Construction of office building

CoC (cont.) Applicant: Assinippi Commons Condominium Trust

- As built is in. Site visit was taken by NH, DO and MW.
- The Cell tower shown on the site plan was permitted as the result of an enforcement order at 95 Longwater (the complete project is also CoC'd). The original filing is under the records for 95 Longwater although it is built on 99/101.
- I reviewed the earlier site plan based on feedback from Brendan Sullivan. The access drive approved for 95 Longwater and shown on the as-built, (constructed on land owned by 99/101 Longwater) was already issued a CoC. The CoC was issued to 95 Longwater, rather than 101/99 where it sits.
- As there is already a CoC for the project for another lot, I recommend the Commission vote to approve the CoC as in substantial compliance with the original project scope.

Meeting Minutes

N. Hemingway recommends approving the COC.

Motion; made by Mr. Osborne, seconded by Mr. Mott, to approve the COC for 101/99 Longwater Drive. Unanimously voted

Agents Notes

26 Teaberry Lane / NCC# 8(16) / Construction of Detached Garage

RDA / DoA Applicant: Gregory Berberian / Representative: Brad Holmes, ECR

- Please refer to last meetings notes
- Site visits were taken by most Commissioners
- A construction sequence was submitted and forwarded to you all.
- The landowner acknowledged the violation at the base of the driveway into wetland resource and has agreed to file an after-the-fact NOI to remedy the violation.
- Commission discretion whether the project is approvable under the RDA process or should be filed as a NOI.
- In my opinion, if approved, the construction sequence is recommended to be heavily permitted with conditions. Below are several thoughts to consider;
 - The landowner is persistent in wanting the garage built asap. The Commission standard is that applicants must resolve any violation on site prior to any new construction work,
 - I recommend either double erosion control at top of slope, 2 - 18" mulch socks or a single sock with an orange construction fence between the dig area and the silt sock.
 - I do not recommend approving the delineation. It was conducted outside the growing season and the only way I would have 99.9% confidence is if it were reviewed during the growing season.

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- I recommend clearly outlining the consequences of losing control of soils down the slope,
- Haybales are called for despite long standing prohibition of haybale use in Norwell. Mulch sock only, please.
- I recommend that all excavated soil be required to be disposed of off-site if not reused for the backfill.
- While the work can theoretically be conditioned to not impact associated resource areas, the Commission also has a past policy that if projects require more than a few standard basic conditions to protect resource areas (including the local bylaw 50 foot buffer resource) then an RDA is probably not the right permitting vehicle, and an NOI is justified. That being said, this project can be conditioned to avoid impact to resource areas. This is just one where you will need to draw on best professional judgement and decide what is reasonable and right.
- The burden for requiring an NOI rather than permitting through an RDA is based on whether or not there is a likelihood that the project will actually impact a resource area.
- The decision will be influenced by whether you consider all work on site (violation and garage) to be components of the same project, or consider them to be separate issues.

Meeting Minutes

Mr. Holmes recapped the proposal and application and reviewed the site plans. The homeowner is looking for approval for this project. Ms. Wahl asked for feedback. An NOI may be required. Homeowner brought photos to show work done. Discussion ensued of resource areas and features, with feedback from board. The homeowner has set out stakes per the board's request and the way he would like the project built. Mr. Holmes reviewed all of the features put in place for site preparation. Ms. Wahl reminded all that the applicant put the stakes in, and asked if the construction list was acceptable to the Commission.

Mr. Holmes reiterated that the only construction will be within the open lawn area. There was additional discussion of the soil composition of the bank. The project proposes a slab foundation with a four foot trench, which should not impact wetlands. The homeowner understands that he is not to put anything on the hill, and will be there to supervise the construction. Mr. Holmes handed out construction methodology, and N. Hemingway modified it to apply to this property for the RDA. Discussion ensued of conditions on the sheet which apply to this project.

Per Mr. Holmes, if anything happens they will come back for a new RDA. Ms. Wahl asked if the conditions were acceptable to homeowner. Mr. Holmes and N. Hemingway will work together to define the 50' area wetlands area. Conditions are acceptable to the homeowner and Mr. Holmes. The garage and driveway will be treated as separate issues. The driveway has a violation.

N. Hemingway had drafted documents for the Commission to consider, amend and sign.

Motion; made by Ms. Minihane, seconded by Mr. McMackin to issue a determination of applicability pos 2B, pos 5 neg 3, Ms. Wahl, Mr. Woodill, Ms. Minihane, Mr. McMackin voting yes, Mr. Osborne, Mr. Mott voting no. Motion carried.

Motion; made by Ms. Minihane to issue an Enforcement Order addressing the outer 50' of the unpermitted gravel drive and an after the fact NOI. Ms. Wahl, Ms. Minihane, Mr. McMackin voting yes, Mr. Osborne and Mr. Mott voting no. Motion carried

Next Steps:

Mr. Holmes will set up an ASAP appointment to have N. Hemingway do a site visit to help correct the 50' buffer.

Agents Notes

427 Main Street / SE52-1094 & NCC # 4(16) / Wetland Line Delineation

ANRAD / ORAD (cont.) Applicant: Russell Campanelli / Representative: Brad McKenzie, McKenzie Eng.

- Please refer to last meeting notes.
- Stacy and Marynel and I conducted the follow up site visit last Monday.
- A revised plan was submitted showing the revised BVW flags.
- All resources and possibly jurisdictional areas are not clearly defined on the site plan, only BVW. I recommend a clear statement identifying those resources which have not been shown on the site plan and are identified or may be present.
- A preliminary subdivision or OSRD plan is pending submittal before the Planning Board which requires
 - All on-site local, state and federal regulatory resource boundaries and buffer zones shall be clearly identified. (OSRD)
 - Under the preliminary subdivision requirements the plan must show all existing bodies of water, brooks and streams and wetlands, with direction of flow and the proposed disposition of watercourses.
 - Based on discussion with Chris, the Planning Board presumes that an ORAD issued by the Commission addresses these resource areas.
 - Any ORAD is highly recommended to include a statement that the confirmation of BVW should not be misconstrued by the Planning Board as identifying resources as required under PB rules and regulations.
- Again, an applicant is not obligated to identify all jurisdictional resources in an ANRAD. They may ask for only BVW.
- The Commission is strongly recommended to word any additional narrative within the ORAD carefully.
- A draft will be prepared.

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Brad Holmes represented the property owner and all reviewed the maps to finalize the ANRAD process for this property. The owner is just looking for approval of the BVW line only and not verifying that there are other resource areas.

S. Minihane clarified that the Commission was not being asked to verify that there are no other resources on site. B. Holmes verified just the BVW.

NH read the draft ORAD for all. Discussion ensued about rewording to include other areas that may be preset on site but were not described.

Motion; made by Ms. Minihane, seconded by Mr. Woodill, re: ANRAD /ORAD, to approve this plan as reworded in the final document. Unanimously voted

Agents Notes

46 Pleasant Street / SE52-1093 & NCC # 6(16) / Septic repair, Driveway reconstruction and vegetation cutting

NoI / OoC (cont.) Applicant: Jason Kennedy / Representative: Greg Morse, Morse Engineering

- Please refer to last meetings notes.
- Site visits were taken by most of the Commission last Thursday, changes were made to the plan based on comments and feedback and include the following.
- The PVP is shown on the map.
- The driveway will remain at the same grade and be graded and filled with crushed stone to a width no more than the existing average of 9 feet.
 - I recommend that erosion control mulch sock be required along areas where the buffer and BVW is level with or drops off from the driveway.
- Vegetation will be trimmed back variable width depending on whether or not it is at the wetland/stream or near buffer. There is no removal of roots or base of stems.
 - I recommend a condition that vegetation trimming be allowed once each fall to keep the driveway clear and also keep this section of buffer, most of which is at or within 50 feet of bvw/stream stable and natural.
- Cutting is still proposed along the stream, I am concerned about the grading and destabilization of the bank and would strongly recommend a planted buffer along these areas rather than vegetation removal.
- Commission discretion. I recommend use of the long bylaw form if approval is granted.

Meeting Minutes

Gregory Morse was present, and recapped the Commission's site visit and changes to the plan as requested by the Commission. All discussed the construction and re-gravel of the drive. Smaller equipment and frequently delivered small piles of gravel will be used. A CoC will have to be issued so that the Commission can inspect the final project. All discussed gravel composition. The proposed material will be dense grade crusher run, which will hold up and not run off into the wetlands. It is specified on the plans. N. Hemingway reminded the applicant that no contaminants were allowed in driveway mixes within the buffer zone per the standard OoC forms and recommended they monitor the components of the delivered product carefully.

Ms. Minihane asked specific plan questions. She would like to change the plan to have trimming limited to one foot off the gravel area. There will be no trimming in any wetland resource area, per Mr. Morse. N. Hemingway clarified that this was a one-time cut, not a continuing allowed impact. Plantings in the turnaround area were addressed; two posts are to be put in, the natural plants will grow back and native plants may be added.

Motion; made by Mr. Osborne, seconded by Mr. Mott, to grant an Order of Conditions, using the standard long form, with the condition that the monitoring be done by N.Hemingway. She is to be present when driveway is being constructed. Unanimously voted

Agents Notes

145 Main Street / NCC# 10(16) / Reconsideration-Install Fill, Retaining Wall & Stone

Patio/Deck (ATF) RDA Reconsideration / DoA Applicant: Mark O'Neill / Representative: N/A

- Please refer to last meeting's notes.
- Stacy and Marynel reviewed the two required additional conservation bounds.
- A draft DoA will be ready for Commission consideration.

Meeting Minutes

Ms. Wahl and Ms. Minihane did a site visit, noting that the bounds are an awkward height. However, at this point it is not worth changing them. Discussion ensued about maintaining the existing lawn and the wetland delineation. Any future work would require a permit. This work is now documented and can be referred to in the future.

Motion; made by Ms. Minihane, seconded by Mr. Mott, to approve the request issuing a Determination of Applicability with pos 2B, pos 5 and neg 3. Unanimously voted

VIOLATION DISCUSSIONS:

Agents notes – discussion ensued regarding the following on-going violation issues.

- ATV use along brook off Hemlock and Trout Brook,
- Ridge Hill Rd dumping,
Waiting for report from nurse. R. Woodill suggested flying a drone to see the dumping. S. Minihane stated that she was uncomfortable using a drone to do this.
- Fence along Donovan Woodland Area – don't have name of the new owners. Not yet available from Assessor's. Will reach out when we know who they are.
- R. Mott reported an encroachment into the wetlands behind Blooming Place on Main St. N. Hemingway noted that there has been on-going work to improve long standing dumping violations. A group site visit will be scheduled w/ Marynel, Stacy and Ron.

Meeting Minutes

Stone House Gardens/aka That Blooming Place – R. Mott - the buildings and equipment are encroaching on school land, and it's a mess. This activity happens every year. Prior to 1993 the property existed to the point of the dividing line. The school chooses not to take action. N. Hemingway - The commercial use area existed in the edge of wetlands, but there are no grounds to take any action as this use pre-existed the current rules.

ENFORCEMENT HEARINGS

ADMINISTRATIVE PERMITS – LPs

Agents Notes

- Tree (Dead) cutting in VP buffer at 935 Main,
- Tree cutting in buffer at 109 Prospect, concern with heavy pine limbs falling near kids play area.
- Shed request along wetland edge at 124 Old Meeting House Lane, 0 feet from wetland, shed on blocks. LP OK'd by the NCC unanimous. NH will issue.

Agents Notes

Trail disks running out. Change? Put on next agenda. Approximate cost = \$1 each.

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June 11th, The Commission has paid for delineation class. B. McMackin asked if someone can go in his place. Mr. Woodill may be able to go, with Mr. Osborne as a backup.

Minutes

None voted

Bills

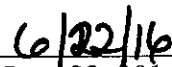
Motion; made by Mr. Osborne, seconded by Mr. Mott, to pay bills as listed. Unanimously voted,

The Commission reserves the right to discuss matters other than posted public hearings in an order other than as posted. The Board further reserves the right to discuss matter which could not reasonably be anticipated at the time of the posting of this meeting notice. - At this point discussion took place about an unscheduled agenda item, the Mooring bylaw proposed change. The Commission's proposed support against approval of this bylaw change ensued at length.

Meeting adjourned at 10:15 PM by unanimous vote. D. Osborne - Motion and R. Mott - Second.



M. Wahl, Conservation Commission Chair



June 22, 2016