

NORWELL CONSERVATION COMMISSION

345 Main Street / Norwell, MA

April 4, 2017 @ 7:00 PM - Room 112

Minutes

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

Ms. Wahl arrived at 7:35 PM and assumed control of the meeting at 7:42 PM. Ms. Minihane left at 9:10 PM.

CALL TO ORDER

The meeting was called to order at 7:00 pm by Vice Chair Bob Woodill. The meeting was not recorded.

AGENDA ACCEPTANCE

Ms. Hemingway amended the agenda to include the Curtis Farm, 358 Mt Blue Street, and Tiffany Hill violations.

Motion made by Mr. Mott to approve the agenda as amended. Seconded by Mr. Ivas and unanimously voted.

49 Green Street / SE52-1108 & NCC # 2(17) / Jurisdictional Wetland Line Delineation
ANRAD / ORAD (cont.) Applicant: Sean Donovan, EMET / Representative: Darren Grady, Grady Cons.

Please refer to Agents notes for information submitted to the Commission. A Commission site walk is scheduled with Art on Saturday 4/8.

Motion by Mr. Ivas to continue the matter to 5/2/17 at 7 PM. Seconded by Mr. Mott and unanimously voted.

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

Ms. Hemingway advised that the Commission will have to file a NoI and hire a wetland scientist in order to clear brush in the wetlands at Donovan Field. Commissioners discussed whether to go through the NoI process to do the clearing or leave the field as is. Ms. Minihane and the Commission discussed maintenance preserving use rights. A lapse of maintenance for greater than 5 years results in the project being a new project.

Mr. Osborne objected to having to file a NoI for a relatively simple job, he felt that the Commission should be trusted to protect wetlands in it's custody without filing for permits. Ms. Minihane felt it was important that the Commission play by the same rules as town residents. Ms. Hemingway added that the information obtained from a delineation is necessary to have if the field were later converted to agricultural use.

After further discussion, it was decided to get quotes from wetlands scientists for delineating the wetland and resource areas surrounding the field and creating a site plan. The Commission will then decide, based on the information, whether to proceed with the agricultural project, convert the land to Land in Agricultural Use, or leave things as they are.

Commissioners briefly discussed the possibility of converting Commission fields to Chapter 61 lands in agricultural use. Ms. Hemingway will consult with Town Counsel Galvin and put together a list of advantages and disadvantages for the next meeting.

Motion by Mr. Mott to get three quotes from wetland scientists to delineate wetland resources surrounding Donovan (Hornstra/West) field. Seconded by Mr. McMackin and approved by a 5-1 vote with Mr. Osborne opposed. Motion to continue the hearing to April 18, at 8:00 PM, Mr. Woodill, 2-Mr. Mott, unanimous.

COMMISSION BUSINESS Old (cont.):

Jacobs Farming License Review -cont.

The Jacob's Field farming license for Norwell Farms was approved by the Board of Selectmen last week and is ready for Ms. Wahl's signature. Norwell Farms must do the agreed-upon clearing work before farming Barstow Field.

Motion by Ms. Minihane to authorize Ms. Wahl to sign the Jacob's Field farming license for Norwell Farms. Seconded by Mr. Ivas and unanimously voted.

Project Grid Review

Wompatuck Pathways Article -Mr. Woodill asked Commission whether it wished to reconsider its withdrawal of support for the Pathways Commission Town Meeting article pertaining to Wompatuck. Ms. Hemingway recommended waiting until they had a chance to review the article's wording. It was clarified in discussion that the Commissioners did not oppose the article, but did not support it as originally worded.

Hatch Lots – clearing of the Tedeschi/Hornstra lot in relation to the adjacent trail and wetland.

Tabled to next meeting, as Mr. Mott hadn't heard back from John Hornstra.

New:

Tree Removal

Commissioners discussed making it a formal policy to allow the Conservation Agent to inform Trees & Grounds about hazardous trees on trails without having to consult the Commission first.

Motion by Ms. Minihane to adopt the policy outlined by Mr. Woodill whereby hazardous trees can be addressed by Ms. Hemingway, coordinating with Glenn Ferguson as needed. Seconded by Mr. Woodill and approved by a 6-1 vote, with Mr. Osborne opposed.

Town Planner

Commissioners discussed the Town Planner vacancy and Ms. Hemingway's and Administrative Assistant Meredith Schmid's additional workload in the absence of one. Ms. Wahl proposed that Commissioners send a letter of support to the Board of Selectmen and Town Administrator Morin for Ms. Hemingway's extra work during the vacancy. Ms. Hemingway felt they were already aware of the situation.

Meacham Property

Mr. McMackin, Scott McFadden of Wildlands Trust, and Shawn Provencher met with Bruce Meacham, who may be interested in preserving family land as open space.

SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)		
Open Space and Recreation	M. Wahl	
Land Protection	All	
Pathways	R. Woodill	
Trails/Signage	R. Woodill	
CPC	D. Osborne	Mr. Osborne discussed the recent meeting dealing with the Wompatuck access funding proposal, suggesting that Commissioners be ready to speak in support of it at the town meeting.
Farming	R. Mott	Mr. Mott reported that Norwell Farms has burned the brush pile and removed the wood pile in front of the shed at Jacob's Field; the rock pile will be removed when the land dries up. He attended their annual meeting on March 28.
Grants	B. McMackin	
Zoning Bylaw	R. Woodill	There will be a public hearing for zoning bylaw changes at the April 12 Planning Board meeting.

Project Name	Project Manager	Remaining Budget	Last update	Current Update - See also project status grid in your packets
Jacobs Pond Gift	None	4,510.95		
Boardwalk/Entry	Marynel	16,617.00		
Donovan Parking	Ron	8,662.07		
Donovan Barn Roof	David O	1,800.00		
Jacobs Dock	Bob W	733.46		
Chittenden Dock	Ron	1,230.41		CoC discussion is on tonight's agenda.
Kiosks/Signage	Bob W	16,434.62		
Jacobs Pond Improve 2009		0		
Stetson/Judges Hill		3,078.75		
Mt. Blue Cuffee CR	David O	14,119.17		
Simon Hill CR		18,101.60		
Masthead CR		16,269.69		
CPC CRs		50,000.00		
Masthead Use Proposal	David O Bob W.	0		
Wompatuck Parking and Connection	Marynel Bob M.	0		Mr. McMackin discussed his site walk with a land acquisition official at DCR, who expressed interest in land adjoining Wompatuck State Park near Hornstra farm. They are meeting to bushwhack a possible trail next Tuesday.
Jacobs Pond West	Bob M.	0		

MISCELLANEOUS

1. Bills -

- a. Ed Cox - \$253.50 for trails work
- b. Chris Sullivan - \$150 for meeting minutes
- c. Norwell Hardware - \$13.49 for contractor bags
- d. EcoTec, Art Allen - \$1,345.00 for Raimondi Circuit St delineation peer review Feb work

Ms. Wahl read off the list of bills to be paid.

Motion by Mr. Osborne to pay the bills listed. Seconded by Mr. Woodill and unanimously voted.

Minutes -3/21 - Tabled to 4/18 meeting

8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

Please refer to the Agents notes for recommendations and report to the Commission.

Chittenden Landing / SE52-1064 & NCC# 1(14) / Dock & Landing Replacement

Request for CoC Applicant: Norwell Conservation Comm. / **Representative:** Jeff Couture, SITEC

Ms. Hemingway advised that the Commission can either issue a partial CoC or wait until the outstanding mitigation work is done. The DEP permit is for the dock only; they will not issue a CoC for the Chapt 91 license until the CoC for the OoC is issued. Ms. Hemingway noted that the Commission policy is not to issue partial CoC's for incomplete projects. After a brief discussion, the Commission decided to wait for the work to be completed.

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 COMMISSION
 PUBLIC HEARINGS

Motion by Mr. Osborne to continue the CoC to a future date post mitigation. Seconded by Mr. Mott and unanimously voted.

165 Norwell Avenue / SE52-1033 & NCC# 26(13) / Septic Upgrade

Request for CoC Applicant: 165 Norwell Avenue Realty Trust / Representative: Grady Consulting, LLC

Ms. Hemingway recommended approving the request for a CoC but not accepting the as-built plan.

Motion by Ms. Minihane to approve the CoC but specifying that the as-built plan does not accurately reflect the site conditions. Seconded by Mr. Ivas and unanimously voted.

165 Norwell Avenue / SE52-1051 & NCC# 7(14) / Raze & Rebuild Single-Family Home

Request for CoC Applicant: 165 Norwell Avenue Realty Trust / Representative: Grady Consulting, LLC

Ms. Hemingway recommended denying the CoC as the mitigation plantings would not be subject to final review until spring of 2018. The Conservation bounds are not installed. Additionally, the submitted as-built plan must accurately reflect conditions and structures as they exist on site. The project as approved and any differences must be shown and identified on the final As-built plan.

Motion by Mr. Osborne to deny the CoC. Seconded by Mr. Mott and unanimously voted.

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

This continuation is for selection of peer review. Requests for quotes are out to 4 MA Certified Wetland Scientists. No quotes returned yet, (they were given until Tuesday noon). Final summary in the final notes.

Quotes are as follows and are not to exceed numbers. (each quote includes an optional site walk with the Commission, which may not be necessary in this case);

- EcoTec – Art Allen, \$1640.00 with NCC walk - \$1140 without the site walk.
- ECR – Brad Holmes, declined to submit a quote due to a conflict of interest
- BSC – Matt Creighton, \$2,200.00 with NCC walk - \$1764 without the site walk.
- Lucas Env – Tom Liddy, \$1650.00 with NCC walk - \$1350 without the site walk.
- Nicole Hayes has noted that she prefers BSC as the peer review rather than either lower quote.

Peer review choice is at the discretion of the Commission and can only be appealed to the BoS if the project proponent believes that the selected professional is not qualified or has a conflict of interest.

The Commission briefly discussed the peer review quotes, noting Ms. Hayes' preference for BSC.

Motion by Mr. Mott to hire BSC for the peer review based on applicant expressed preference and to continue to April 18, 8:00 PM.. Seconded by Ms. Minihane and unanimously voted.

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

RDA / DoA Applicant: Andrew Wallace / Representative: Brendan Sullivan, Cavanaro Consulting

Mr. Woodill read the notice of public meeting. Ms. Hemingway advised that Mr. Sullivan was unable to attend, and that the site plan lacked sufficient information as to tidal data for her to issue a recommendation. She recommended that the matter be continued pending the receipt of more information.

Motion by Mr. Woodill to continue the matter to April 18, 8:00 PM for additional information. Seconded by Mr. Osborne and unanimously voted.

River Street (portions) / NCC# 11(17) / Gas Main Replacement

RDA / DoA Applicant: Columbia Gas of MA / Representative: Dana Altobello, Merrill Engineers

Mr. Woodill read the notice of public meeting. Dana Altobello, Merrill Engineers, was present for applicant.

Ms. Hemingway noted that the plan had been revised to include more extensive erosion control. She felt the enhanced erosion control was acceptable and the wetlands were accurate as shown. Please refer to the notes to the Commission.

Commission discussed protocols and construction details. Mr. Altobello advised that an open-trench method will be used for the project, and that the work site will be closed and stabilized by the end of each work day. His client wished to start work as soon as possible.

Motion by Mr. Osborne to grant the RDA for the gas main replacement with Positive 2A, Positive 2B, Positive 5, Negative 3. Seconded by Mr. Mott 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

Mr. Woodill read the notice of public meeting. Gary James, of IEC, and applicant Mark Raimondi were present. Mr. James distributed a revised site plan. Commissioners reviewed the plan and discussed the replication area required to be built on the site. It was decided to continue the matter until after the April 8 site walk.

Commissioners briefly discussed whether to require that old permits be closed out with a CoC before allowing new permits, ultimately deciding not to change the policy. The Commission made it clear to the applicants that the allowed crossing width had been exceeded and would not be allowed to stand. (width permitted was 16" with a 2' shoulder, constructed was a 21' width with a 3-4' shoulder). Either the crossing would need to be reduced to the permitted width and restoration of damaged wetlands be done or the crossing would have to be additionally permitted in any new filing. The replication area, outstanding from the previous permit, must be completed prior to any new project start.

Motion by Mr. Mott to continue the matter to 4/18/17 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

NEW DISCUSSIONS CONTINUED

Review of newly posted Town Meeting Articles –

- o Wildcat Road – Street Acceptance
- o Amendment to the OSRD bylaw sections 4 and 5.
- o Sign bylaw changes to allow the BI additional enforcement capability
- o Amendment to the FEMA maps to stay compliant with changes. This is a housekeeping article.
- o Billboard petition by private citizen – this is anticipated to be formally withdrawn on the 12th.
- o 2 Marijuana bylaw changes
- o Amendment to the Scenic Road Bylaw

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TOWN ENGINEER

Tabled to next meeting to allow Commissioners time to review the articles.

PUBLIC MEETINGS

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

Ms. Hemingway advised that a forest cutting application was approved by DCR, as it technically met their requirements. Mr. Rodriguez still has to file with the Commission before starting any construction.

Tiffany Hill – Stormwater Review (Chessia)

The applicant has implemented some remedies but a revision to the SWPPP is needed.

ADMINISTRATIVE REQUESTS

None

VIOLATION DISCUSSIONS

Curtis Farm Road

Al Loomis, of McKenzie Engineering, was present along with Scott Miccile and Ryan O'Rourke of Toll Brothers Builders. Ms. Minihane recused herself from the discussion.

Mr. Loomis discussed a soil washout at the work site from Saturday's rainstorm, and advised that there was an area of sand in the woods behind the site as a result. He stated that the builders have since enhanced the erosion controls, and that he observed no further erosion when he visited the site this morning. He also felt that this will be less of an issue once grass has been planted and starts growing with the warmer weather. Mr. Miccile suspects that additional stormwater from Circuit Street may have contributed to the washout. He will review stormwater flows with John Chessia.

Ms. Hemingway cited the builder's tendency to remove all vegetation every time construction on a new site starts as a contributing factor. She set forth three issues to be resolved, the first being mitigation of the impact to a downgrade vernal pool during breeding season. She will get quotes from wetlands scientists to evaluate damage and remediation. Please refer to Agents written notes to the Commission.

The second issue concerned the removal of sediments outside the buffer zone. Mr. Miccile suggested that a remediation plan be jointly worked out between the builders' and Commission consultants. The Commission instructed Ms. Hemingway to obtain a quote for an environmental assesment of the damage to the downgradient resources including the Vernal Pool and a plan to restore damaged wetland areas.

The third issue concerned whether the Commission wished to require submission of a revised stormwater control plan. It was decided to give the builders time to hydroseed and stabilize the site, and then review the situation at the next meeting.

Motion by Mr. Mott to continue the matter to 4/18/17 at 8 PM. Seconded by Mr. Woodill and approved by 5-0 vote, Ms. Minihane having recused and Mr. Ivas having abstained.

Tiffany Hill

Ms. Hemingway reported that there was another blowout with the subdrains on this site. The builders made minor corrections but have not yet filed a formal SWPPP revision. She asked whether the Commission wanted to file a formal enforcement letter. After some discussion, Commissioners decided to first send a violation letter.

Mt. Blue St 358

Ms. Hemingway is filing a violation letter but asked whether she should send a formal enforcement letter, noting that she has sent multiple requests and notices to this property. After some discussion as to a possible change in ownership, it was decided that Ms. Hemingway should confirm current ownership and send an enforcement letter.

ENFORCEMENT HEARINGS

None scheduled.

AGENTS REPORT - partial

There will be a Community Meeting for the project at the former Police Station at 40 River St., on Saturday April 8th at 10 AM. This unfortunately conflicts with our already scheduled site walks.

SCIENCE AND REGULATION IN THE NEWS

The Priority Habitat Map is undergoing revision. The Public Comment period for the draft is open from April 3 through June 3.

EDUCATION AND TRAINING OPPORTUNITIES

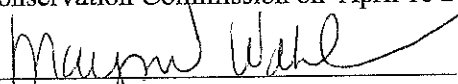
Please refer to the complete Agents Notes available in the Conservation Office. Notes included in the minutes are partial.

<i>Next Meeting</i>	<i>April 18, 2017</i>
<i>NEW filing applications due date/deadline</i>	<i>April 4, 2017 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>	<i>April 10, 2017</i>
<i>Revised Information submittal deadline</i>	<i>April 11, 2017 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>	<i>April 13, 2017 @ noon</i>
<i>Public Information Written Comments</i>	<i>No deadline</i>

Adjournment

Motion by Mr. Ivas to adjourn at 9:57 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 April 18 2017


Marynel Wahl, Chairperson

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