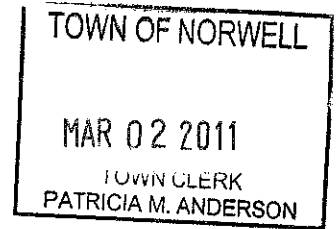


NORWELL CONSERVATION COMMISSION
August 4, 2009 @ 7:00 PM - Room 112



ATTENDANCE: Christopher Mickle, Deborah Hill, David Osborne and Gregg McBride.
Conservation Agent: Abigail Hardy

Addition: Abigail Hardy added the discussion on open vacancy on the Conservation Commission.

AGENDA ACCEPTANCE

Motion: Gregg McBride moved to accept the agenda with the noted addition

Second: Deborah Hill.

In Favor: All

Opposed: None

SCHEDULED DISCUSSIONS

PUBLIC HEARING

44 Bridge Street / SE52- 930 / Addition, Decks, Retaining Wall & Landscaping **NOI (cont.)**

Applicant: Mark & Jean Hoffman, Trustees / Representative: Brad Holmes, Environmental Consulting, Paul Ripley, Landscaper.

Discussion: Abigail Hardy said that this project was continued to allow for an on-site meeting. The project involves several components: extension of existing deck, removal of existing wooden deck, construction of two retaining walls and removal of asphalt within 100' buffer zone of BVW. The proposed two retaining walls have been reduced in length and width. The proposed deck will be brought back slightly to retain the existing tree. Mitigation will be the same. Deborah Hill said that the proposed work would result in an improvement and suggested using native species for landscaping. Proposed work should not be located near the river.

Gregg McBride said that when calculating the structures, they're not looking at what's on the ground. They really are putting more on the ground in square footage. Brad Holmes said that the patio is not a full patio and that he can provide the Commission with other numbers. Deborah Hill said that we'd need to decide which plan should be used. There were slight differences such as the walkway and an extended deck on one of the plans. Brad Holmes said that the surveyed plan would be the one to use.

Abigail Hardy asked for details on the pervious pavers. Brad Holmes said that the sub-base would be 2" of gravel. Paving is bluestone flagging. The terraces would be done so that the pervious and brick walkway would be taken up.

Gregg McBride asked if they would consider using one of the pervious products for pavement. Paul Ripley said that the parking area would be the architectural pavers set on 2" bank gravel. Parking area is an increase to 584 sq ft. Brad Homes said that within the footprint is an existing deck. Abigail Hardy said that there is concern due to oil and runoff from the parking area being close to a wetland area. Paul Ripley said that the drainage from the driveway and in the parking area is pitched down and through the asphalt. With the regrade, you would help slow down drainage of any oil or any other material. Abigail Hardy said that the proposed mitigation should be talked about. Gregg McBride said that there is the area with the parking area and the area at the waters edge. Deborah Hill asked if they would be willing to do native plantings and the applicant answered affirmatively. Brad Holmes said that there is a project narrative in the original handout.

Motion Deborah Hill moved to close the hearing.

Second: Gregg McBride

In Favor: All

Opposed: None

7 Assinippi Avenue / SE52-929 / Remove Special Condition #14

NOI (Re-opened)

Applicant: David Camara, Trustee of Jacobs Pond Estates / Atty. Roger Hughes

David Osborne said that the notification had been done as per procedure. Second, a two-page memo from Town Counsel states that nothing can be discussed that pertains to another board.

Roger Hughes is present representing the applicant. It is his opinion that the meeting was closed and is still closed. David Osborne checked with the MACC and they agreed that this meeting was reopened correctly. Gregg McBride said that the only reason to reopen was for the new information that was not seen prior to the discussions. David Osborne said that he would review some highlights of this notice. Filing was to dismiss them for the payment. They did a test on the pond and it showed that there was no pollution from Jacob's pond estates.

Abutters:

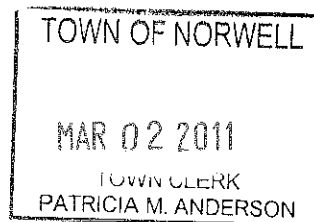
Cathy Desmond – 29 Leigh Road – asked what was the validity of the permit. David Osborne said that this would be an area where we cannot go. Gregg McBride said that article #14, which authorized the work, was for a payment of \$5,000 for each year. The amount was suggested by the applicant to the Conservation Commission. What is relevant is why the Commission included this. Any applicant has the ability to come back later and request a change to the Order of Conditions. This is a condition that is done in perpetuity. Gregg McBride said that this Commission asked for a further study as to what the possible impact of the pond would be. At first they said they would do that and then came back and asked for a change. They have been monitoring the difference of discharge or nutrients and pollutants that might go into the pond. They were able to demonstrate that there wasn't a difference. On this basis, they came back and asked that we look at this.

Gene Hickey – 33 Leigh Road - Thanked the Commission for adding article 14. The OOC is signed between the Town, Haydee and Lynn and the property owners George and Mary Williams. The pond is subject to the "fanwort" plant that is very invasive. The Commission did a good job with the requirements that were placed on keeping the pond free from pollutants. Mr. Williams approached many people. Haydee and Lynn said that it was in their best interest to keep the pond clean. Here we are 10 years later and as an Order of Conditions to get the property built, we are being asked to remove it. Abigail Hardy said that this is not an amended Order of Conditions but instead it is an Notice of Intent. Mr. Hickey was asked to read article #14 by David Osborne. The yearly amount is to be placed in an account to be maintained by the Norwell Conservation Commission.

Bob Albanis – 20 – asked how it was that they have not paid \$5,000 for each year and just paid for the first 3 years. Christopher Mickle said that the NCC made a condition to have \$10,000 paid per year for the maintenance of the pond and, at the time, having a developer put the money in an account would have been a good idea. When the Commission began to investigate and go to Jacob's Pond Estates, we ran into many different reasons why the money wasn't paid. They had also made a suggestion to the town that they would conduct a study. This is no longer a Conservation issue.

Gregg McBride said the order before us is did the applicant prove that they are not polluting the pond.

Also present:
Rose Michelle
Mrs. Chen
Marie Molla – 88 Prospect Street.
Bob Norris – 299 Old Oaken Bucket
Jean Scully
Bill Dolan



Motion: Gregg McBride moved to close the hearing

Second: Deborah Hill

In Favor: All

Opposed: None

Turner's Way, Lot 1 / SE52-881/ Partially remove knoll, 6 trees, install fence & plantings **Request for AOC**

Applicant: Peter Prince / Representative: Brendan Sullivan, Cavanaro Consulting

Brendan Sullivan spoke: He was here with the owner Peter Prince, and the builder Jack Robbie. The original order was in 2007 when it was a vacant lot. There is a minor modification back in March to the pool and the front of the house. Since then, the house has been built and the retaining wall is in place.

The back of the slope is cut in with no plantings as of yet. The septic system is installed. It is the applicants desire to try and cut down the slope and remove some of the fill. The yard is not changing size. There is a small walking path in the back of the property that goes through the 50' buffer. He has taken the path and divided it. He's come upland and used that area for plantings. Once the slope is cut down, in the disturbed area, they are proposing some shrubs.

Gregg McBride said that there is a local bylaw which states that no activity in the 50' buffer zone unless you try to present a clear and convincing case. They will clearly need to put something together regarding the 50' buffer zone. Develop the information and provide it to us. Christopher Mickle agreed with Gregg McBride. All applicants that try to do any work in the 50' no build zone must present clear examples of how the area would be improved. Abigail Hardy said that this is a tricky site and would warrant a visit by the members of the Commission.

Peter Prince introduced himself and said that he is very sensitive to the environment and would be happy to get more evidence and do what is needed. Gregg McBride asked what the yardage of soil to be moved. Mr. Robbie 300 to 400 yards of soil will need to be moved.

Motion: Gregg McBride moved to continue the hearing until 9/1/09.

Second: Deborah Hill

In Favor: All

Opposed: None

LEGAL DOCUMENTS/VOTES

75 Masthead Drive / NCC# 28(06) / Remove/Replace Existing Porch **Cert. of Compliance**

Applicant: Richard E. Sullivan

Abigail Hardy showed pictures to the members. They moved the outflow of the sump pump and put gravel as instructed. It is on the plan and there are native plants used.

Motion: Christopher Mickle moved to issue a Certificate of Compliance.

Second: Gregg McBride

In Favor: All

Opposed: None

44 Bridge Street/SE52-930 / Additions, Decks, Retaining Wall & Landscaping **NOI (cont.)**

Applicant: Mark & Jean Hoffman, Trustees / Representative: Brad Holmes, Environmental Consulting. Deborah Hill said that all native plantings were suggested. A planting plan should be submitted where the pavement is being removed. Gregg McBride said that they should resubmit the mitigation and planting plan, since changes were made. These should be approved by the agent and should include all native species. Abigail Hardy will request a new plan showing the reduction of parking, the mitigation and planting plan.

Motion: Christopher Mickle moved to issue an OOC with special conditions of a redesigned plan.

Second: Gregg McBride

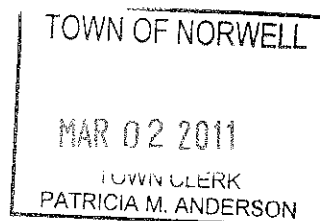
In Favor: All

Opposed: None

7 Assinippi Avenue/ SE52-929/remove special condition #14 **NOI (re-opened)**

Applicant: David Camara, Trustee of Jacobs Pond Estates / Atty. Roger Hughes

Christopher Mickle thinks that it's a very difficult situation and that we need to follow through on the Conservation issue as to whether the pond is being affected. We can accept the study, as is, this being the first 40B. Gregg McBride said that the Commission had treated that pond numerous times and in 1998, we were trying to figure out how to pay and the Jacob's Pond Estates came up with the solution. They



paid 1999, 2000 & 2001. Christopher Mickle felt that this was poorly set up in the beginning. They now mentioned that they're not going to pay and asked for a study to be done.

David Osborne said that a new NOI before us doesn't alleviate them from the payment.

Gregg McBride places a call to Bob Galvin. He asked if we are going to reissue the entire set of orders.

Bob Galvin recommended that the Commission incorporate all of the general and specific conditions from the old order of conditions with the added condition that they still have an obligation to pay.

Abigail Hardy said that the process for them to modify their deed would need approval from the Selectmen. David Osborne said that what is decided tonight will be a stepping-stone to how they move forward. Gregg McBride said that the rationale should be in the Order of Conditions. Abigail Hardy said that if the Commission thinks they are owed the back amount, it should be stated at this meeting.

Christopher Mickle said that it's a matter of getting down to the study and whether we want to accept that and move on. He suggested deliberating for a week, then going to the Selectmen and asking if they can bring it up at Town Meeting. Gregg McBride said that if it were presented as "betterment" it would have been accepted.

Motion: Gregg McBride moved to approve the NOI and vacate order 14 from the previous order and substitute a new condition that includes a payment of the back owed money being done and an order will not be vacated until the money is received.

Christopher Mickle is not ready to make a quick decision.

Motion: Deborah Hill moved not to vacate special condition 14.

Second: David Osborne **In Favor:** 2 in favor – Deborah Hill and David Osborne, 1 against - Christopher Mickle and Gregg McBride abstaining.

No decision had been reached so it will be continued next Wednesday, 8/12/09, @6pm.

Motion: Christopher Mickle moved to continue this discussion to a special meeting on August 12, 2009 at 6pm.

Second: Deborah Hill

In Favor: All

Opposed: None

DISCUSSIONS

UNH Stormwater Workshop

Abigail Hardy asked that the members google the UNH Stormwater Center. It's especially good for larger projects. She feels that all members should attend. They started doing data and analysis in 2004 and have solid results. It shows all of the issues and what's involved. It's on the UNH campus and they have a huge range of devices and they test how they react. The persons running the workshop are also the one's doing the research. The cost is \$25 to attend.

Wildcat Land Donation Offer

Abigail Hardy had a call that the Commission is being offered a piece of land. She passed out a plan for the members to review. The Town owns about 16 acres surrounding this parcel. It would be a Commission warrant article for the next Town Meeting to move the parcel. If the Commission were interested, we could use some money from the CPC

Motion: Christopher Mickle moved to accept the land.

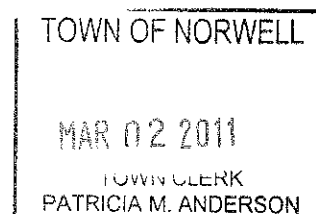
Second: Deborah Hill

In Favor: All

Opposed: None

Town Hall Budgeting/FY2010-2011

Abigail Hardy said that we've been asked to prepare preliminary budgets for 2011 and 2012 to be done by August 24th. They are looking for ways to increase efficiency. Everything will be on the table and everything will be reviewed. This is just being mentioned as an FYI. She will submit the exact budget that was submitted for this year.



Cemetery Comment Letter

Abigail Hardy said that the letter is almost the same as the old letter. It goes through and comments on each parcel. On the second page, the top section was changed. She asked that the Commission review the letter. She will send the Commission the alternative analysis.

Annual Account Review

Abigail Hardy said that the long and the short are – there are two steps to go through. Make a decision on the accounts that cannot be closed and present documentation supporting the decision. The other is to present those accounts that can be closed. She asked which of the accounts listed should be kept going. Mentioned were: Raimondi, Masthead Drive, Shutt/Green, Simon Hill, 448 River Street, Laurelwood, 1194 Main Street, Green Street, Norwell /Washington. One's to be left open are: 6 to check and 3 to leave open.

Cliff Prentiss Bridge Erosion Quote (Chessia – for CPC)

Motion: Christopher Mickle moved to accept the quote from John Chessia for purposes of repair to the bridge.

Second: Deborah Hill

In Favor: All

Opposed: None

Simon Hill ENF

Abigail Hardy said that this was triggered by the appeal. This is because the applicant appealed the ZBA's decision. It was received on the 3rd. She will send out the documents and something in writing to the Commission members.

CC Position

Gregg McBride doesn't feel that it should be done in formal letters. There should be direct contact with Tom Bigger and Rick Merit. It needs to be quiet lobbying. Deborah Hill would like to know about the interview date.

OFFICE BUSINESS/MISCELLANEOUS

- 1. Bills - \$9,000 for Ralph Cole's invoice,

Motion: Christopher Mickle moves to pay bills.

Second: Deborah Hill

In Favor: All

Opposed: None

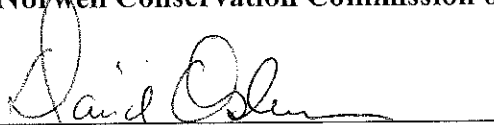
Motion: Christopher Mickle moved to adjourn the meeting at 10:55pm.

Second: Deborah Hill

In Favor: All

Opposed: None

I hereby certify that the above minutes were presented and voted by a majority vote by the Norwell Conservation Commission on March 1, 2011.



David Osborne, Chairman

