NORWELL CONSERVATION COMMISSION

Town Hall, 345 Main Street, Norwell MA

August 4, 2015 @ 7:00 PM – Osborn Room

**(Following the Main St Sidewalk hearing the meeting will move to Room 112)**

# *MINUTES*

# ATTENDANCE: Marynel Wahl, Bob Woodill, Bruce Humphrey, David Osborne and Ron Mott. This is the first Conservation Commission meeting for new member, Stacey Minihane.

**Conservation Agent**: Nancy Hemingway

# CALL TO ORDER – Chairperson, Marynel Wahl welcomed all in attendance to the NCC meeting and mentioned that the first two hearings would be heard in the Osborn Room with the remainder of the meeting returned to the Conservation Commission Room 112.

# AGENDA ACCEPTANCE

**Motion**: Bruce Humphrey moved to accept the agenda.

**Second**: Ron Mott **In Favor**: All

**Off Washington Street (Damon Farms)/SE52-802 & NCC# 72(05) /Modification Review Modification**

Applicant:Damon Farms, LLC Representative: Nick Triffone and Jeff Tocchio,

Present: Attorney Jeff Tocchio, Jim Burke, Scott Golden and Attorney Bob Galvin

**Discussion**: Jeff Tocchio explained the layout of the Damon Farms Property. An issue faced is some buyers are requesting a unit with two garages. They reviewed the property and converted certain spots on the plans to insert the additional garages on some of the units.

They are currently before the Zoning Board under #760 CMR (Code of Massachusetts Regulations), which allows them to make minor modifications on a comprehensive permit if they meet certain criteria. Zoning Board questioned sequencing and suggested checking with the Conservation Commission for comment. A final OOC was issued by DEP and they expect that this will be an amendment to the final order. This changes the properties square footage from 3506 to 3981 square feet.

Nancy Hemingway reminded everyone that this is a review under the ZBA 40B ***only under local bylaws***.

Attorney Galvin said that this matter has been presented at the request of the Zoning Board with a proposed change to their project. The regulations are very vague with details like these. The Commission should be aware that since 1985 there has been a DEP wetlands policy (Wetland Policy 85-4) which allows final orders and conditions to be amended. There may be incursions into the areas of 10’. Attorney Tocchio would receive the zoning board approval and then go to the DEP and ask them to approve the change, making an amendment to the final order. There will be a 4-1 buffer replication.

Attorney Galvin said that if you are not in agreement, it would be advisory only to the Zoning Board. He reminded them that the DEP does not having the same regulatory buffer zones as the town.

Marynel Wahl asked if areas be fenced off. Attorney Tocchio said that there will be bird houses and split rail fences with signs stating “don’t encroach”. Positioning of fences and erosion controls is up to the environmental monitor (Art Allen) as mentioned in issue #3.2. The applicant shall have irrevocable language that specifies that the Commission retains the right to monitor restrictions on chemicals used.

Bob Woodill questioned the encroachment on the wetland property. Jim Burke said that they will be out of the no touch zone and the 10’ buffer.

Stacy Minihane questioned if any units are closer to the wetlands than previously. Jim Burke answered that they are. He said it’s along 3’ – 4’ but they are away from the 10’ line and are in compliance with the rules.

Nancy Hemingway read all changes that have been made to specific units.

1

John Chessia said that the replication area is a good area and Commission should suggest what is being planted and any posts or markers can be requested on an OOC.

Attorney Galvin said that the ZBA should be given the Commission’s opinion and what, if anything, the Commission would ask them to do.

Nancy Hemingway added that the proposed buffer replication, right now, is a *not* *weed infested* stockpile. It is, however, a mass of invasive that are out of control. She would suggest that Attorney Galvin make them aware that any non-invasive control is the developer’s obligation for the length of the project and not the town’s obligation.

The chair took a poll for the ZBA board as to whether this is considered a minor or a major modification.

Minor modifications - Bob Woodill, Bruce Humphrey and Stacy Minihane

Major modifications - David Osborne and Ron Mott.

No vote – Marynel Wahl

**Main Street (Rt. 123) / SE52-1085 & NCC# 18(15) / Road Improvements NOI/OOC**

Applicant: Paul Foulsham, Hwy. Dept. / Representative: Ziad Kary, Env. Partners

Present: Ziad Kary – Project Manager, Ryan Paul – Project Engineer and Paul Folsham – Norwell Highway.

**Abutters recused**: David Osborne and Bruce Humphrey.

Chairperson, Marynel Wahl announced to all present that, at this hearing, we are here to discuss resources only. Anyone interested was invited to view the plans. There would be a future meeting to discuss any other concerns.

**Discussion**: Ziad Kary said that the project consists of 11,200 linear feet of roadway improvements, extending from South Street to the Town Center.

Work consists of construction of a walkway, which is 5 ½’ wide which includes the granite curbing and the asphalt paving. North side of roadway will have low profile Cape Cod berm He then explained all areas of work including walkways, accessible ramps and crossings. Overall, the entire project adds 55k square feet of impervious area.

There are; 5 Bordering Vegetative Wetlands, two (2) 200’ riverfronts and priority and estimated habitats, as submitted. Erosion controls were explained with any stockpiles kept at the Highway Department. Any disturbance along edge of the roadway would be addressed with loam and seed.

**Stormwater compliance** was discussed. The project is designed for compliance with the stormwater regulations based on new construction even though part of the project is redevelopment. Upgrades were permitted earlier in the year. The stormwater improvements, already in place, were designed with the sidewalk included even though it was not part of that filing.

**Showed plan for Area 1**.One tree- 8’ from base of the curb, in poor condition, is to be removed.

**Showed plan for Area 2.** There is an existing culvert and they are proposing a small wooden pedestrian bridge over the culvert.

**Showed plan for Area 3**, by Middle School. There will be a minor adjustment to the pavement at the entrances of both the Highway Department and the Middle School on both sides.

**Showed Plan for Area 4**, Wildcat Street -There is a 60” pipe culvert with a headwall. They will utilize piles for a headwall to partially support a wooden sidewalk.

**Showed plan for Area 5**, 436 Main Street – there is an existing culvert that does not have a headwall. They are proposing a wooden bridge with piles on both sides of bridge abutment.

The intersection of Lincoln and Main curvature will been improved. They will remove some of the pavement to make the intersection safer. Culvert crossings were discussed. Impact of wetland resource areas – they expect none. Any runoff will be directed to the roads. Public notifications, sent to abutters 10 days ago. They have filed with the Mass Endangered Species Act. 2

Bob Woodill said that there are different standards under rehab and new developments. What is this

considered? Mr. Cary said that the information given was for new development. The pedestrian walkways will be engineered to support existing town equipment.

Marynel Wahl explained the 6 sites with their address locations. Updated plans will be submitted to the Commission.

**Questions from Commission Members**:

* **Site #1** – Marynel Wahl questioned if there would be any wood decking. Ryan Paul answered that this would be all asphalt. The sideway consists of 8” of processed gravel and 2 layers of 1 ½” blacktop.
* **Site #2** – Nancy Hemingway questioned if it would be a raised sidewalk (over the culvert) or a wooden boardwalk. Ryan Paul answered that on the landside, it would be plywood and the only place that would be higher would be over the culvert. But this would be level and not a step up.
* **Site #3** – Marynel Wahl said that this would be no boardwalk and no shifts.
* **Site #4** -Marynel Wahl questioned if there will be a boardwalk. Ziad Cary said that there is enough clearance and doesn’t require a boardwalk. There is a concrete headwall. Nancy Hemingway questioned what the distance is between the erosion control and the top of the culvert wall. Mr. Ziad would, per request, provide construction details on this site.
* **Site #5** - Marynel Wahl asked if there is any shift on the north side. Ziad Cary said no shift. Boardwalk will be needed. Marynel Wahl asked to explain how the boardwalk will accommodate the telephone pole. Ryan Paul said that the intent is that there is a 5 ½’ sidewalk, the pole is a foot from the face of the curb, they intend to provide a minimum clearance of 3 ½’. Stacy Minihane said that the sidewalk is shown as going ½ way through the pole but the sidewalk will go around the pole closer to the property away from the road. She suggested details be noted on the plan.

Marynel Wahl asked if there is any chance of repairing any of the culverts. Paul Folsham replied that he’d like to avoid tearing up the culverts. Bob Woodill mentioned Mass Law – box culvert regulations. Nancy Hemingway said that if they are just resurfacing and putting in sidewalks, not rebuilding the road, they do not have to meet the standards.

* **Site #6** – Ryan Paul said the plan has been updated with the new wetland lines.

**Questioning opened to audience participants**:

**Steve Ghetto (unsure of name**) **614 Main Street** – questioning protection of ground water and will granite create more water point sources. Ryan Paul explained that whether granite or cape cod berm, the water will be redirected to the road. Nancy Hemingway said that before the road improvements and regulations were done, much of the stormwater runoff went completely untreated and right off the road.

**Thank You - (no name given)** had a question for further clarification. With the new stormwater drainage, sidewalks, the repaving, it sounds like a reconstruction project. Questioned Paul Folsham whether this was a repaving project or new construction. Paul answered that he sees it as repaving and gave example of work done on High Street.

Marynel Wahl reached out to the audience to make sure everyone had a chance to speak that wished to.

She reminded them that the Highway Department would be holding a public hearing at some point in the future.

**Motion:** Ron Mott moved to continue the hearing on Main Street (Rt. 123) to 9/1/15.

**Second**: Bob Woodill **In Favor**: All

**Motion**: Bob Woodill moved to relocate to Room 112 for meeting completion.

**Second**: Ron Mott **In Favor**: All 3

**Meeting resumed in the Conservation Office - Room 112**

**COMMISSION BUSINESS**

**Welcome** to new Commission Member - Stacy Minihane.

**Discussion regarding vandalism response policy**

Bob Woodill discussed problems with vandalism. He stated that time and effort was spent in obtaining information and feels that we should not be in the position of the Commission making a decision. This should be up to the police. Peter Morin suggested reporting the evidence and damage to the police. Report on what you feel should be done, to the police, and have them act based on that evidence.

**Motion**: Bill Woodill moved that in the case of vandalism, have the police move to prosecute to the fullest extent of the law.

**Second**: Ron Mott **In Favor**: All

# SCHEDULED DISCUSSIONS

* **Jacobs Pond** – bathymetry & monitoring wells. Bathymetry maps had been emailed.
* **501 Mount Blue St. (aka: 497A Mount Blue)** – Steve Bjorklund was installing a driveway with a few feet of fill containing asphalt. The Commission allowed him to have the material tested. He, at his own expense, had it tested.

Sitec did a report citing the material used was not hazardous and there was no reason to remove the material.

A lengthy discussion ensued regarding the impacts to human health, leaching of contaminants into the groundwater, the failure to include specifications for the fill containing asphalt in the application. References to the site plan included the use of clean washed stone as fill under the critter crossings. Nancy Hemingway noted that DEP has not yet submitted an written guidance regarding the definition of clean fill as requested by the Commission at an earlier meeting. The only written guidance available was from MA Highway (allowing ground recycled asphalt in road fill) MA Highway standards are not the same as DEP standards.

Nancy Hemingway stated that Paul Foulsham did say that he had used gravel which contained in part ground recycled asphalt at Jacobs, as questioned at an earlier meeting.

Bob Woodill stated that was not used in the pond but rather under the access ramp and near the retaining wall.

Marynel Wahl stated that the issue of the Commission projects would be discussed and dealt with at a future meeting. The Commission needed to focus on the specific issue before them now.

**Commission members polled as to whether or not to grant the request by the applicant.**

David Osborne, Ron Mott and Bruce Humphrey all voted the applicant comply with the OOC.

Stacy Millihane – abstained.

* Stetson boardwalks and Jacobs Parking Area –
* Parking or access to parking along Circuit St from the Forest St pathway phase
* Margret’s Brook Bridge – remove or repair, temp vs long term.

**SUB-COMMITTEE UPDATES**

* Open Space & Recreation
* **Land Protection – 170 Pleasant Street** – offered two parcels to the Town at no cost. It abuts Town owned property. David Osborne would like to see documentation on taxes and if it’s developable land. Nancy Hemingway will invite the property owners to the next meeting. Commission members will visit the property.
* Pathways 4
* Trail/Signage
* **CPC** – funds from CPC should be considered for use before monies expire.
* Farming
* Grants

**Executive Session –** Discussion of land offers and land of interest, disclosure of which will impact negotiating position of the Town.

**MISCELLANEOUS**

1. **Bills** - **Fast Signs** – Jacobs No-Parking Signs - $249.22, **Deb Kruk** - $300 held over from July, **Postage** - $148.43, **Trail Maps** Anchor Press - $3,836.25, **ABC equipment** - $123.45 & $30.50, **WB Mason** - $14.85 & $26.67, **Ron Mott** - $45.76, **Norwell Hardware** - $169.24, **MACC** annual dues - $350, **AMWS** – workshop registration for Nancy Hemingway and Marynel Wahl -$180.

**Motion**: Ron Mott moved to pay the bills.

**Second**: Bruce Humphrey **In Favor**: All

1. **Minutes** – 6/16/15 tabled.

# 8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

**\*\*\*Legal Documents/Votes**

**\*\*\*Minor Amendments, Reviews, CoC’s**

**\*\*\*Requests for Determination**

**\*\*\*Notices of Intent**

**\*\*\*Enforcements/ Violations**

**49 Green Street / SE52-1081 & NCC# 12(15) / Raze & Rebuild Single-Family Home NOI/OOC (cont.)** Applicant: Sean Donovan / Representative: Darren Grady, Grady Consulting

**Present**: Darren Grady, Sean and Joan Donovan

**Discussion**: Nancy Hemingway said the delineation has been corrected. Everything requested had been done. She recommends a short form.

**Motion**: Bruce Humphrey moved to close 49 Green Street/SE52-1081.

**Second**: David Osborne **In Favor**: All

**41 Winter Street / SE52-1084 & NCC#16(15) / Septic Replacement & Driveway Relocation NOI /OOC** Applicant: Anthony Lastoria / Representative: Rick Grady, Grady Consulting

**Discussion**: Nancy Hemingway said that the repairs have already been done. Title V repair with an order to repair immediately. Septic is done. They are asking for permission to complete.

**Motion**: Bill Woodill moved to accept 41 Winter Street/SE52-1084.

**Second**: Ron Mott **In Favor**: All

**98 Accord Park / SE52-696 & NCC# 30(03) / Construction of 2 Bldgs.) COC (cont.)** Applicant/Representative: Mike Joyce, Joyce Consulting Group

**Discussion**: Nancy Hemingway vegetation is not stable – restoration is done - her recommendation is to continue the hearing until the spring.

**Motion**: Ron Mott motion to hold 98 Accord Park/SE52-696 until first meeting in May. If a decision is needed sooner, the applicant can attend a Commission meeting.

**Second**: Bill Woodill **In Favor**: All 5

**412 Washington Street / SE52-984 / Septic Installation COC** Applicant: William J. Murphy / Representative: Mr. Surveying, Inc.

**Discussion**: Nancy Hemingway feels that the COC should be issued.

**Motion**: Bill Woodill moved to issue a COC for 412 Washington Street/SE52-984.

**Second**: Bruce Humphrey **In Favor**: All

**40 Mount Blue Street / SE52-1014 & NCC# 43(12) / Nat’l Grid – Maintenance COC** Applicant: Massachusetts Electric / Representative: Coneco Engineers

**Discussion**:

**Motion**: David Osborne moved to accept the COC for 40 Mount Blue Street

**Second**: Ron Mott **In Favor**: All

**75 Pond Street / SE52-1055 & NCC# 20(14) / Addition COC** Applicant: Dan Leahy, Porsche Village Motors / Representative: Hancock Associates

**Discussion**: Nancy Hemingway said that this was just completed within the month. John Chessia conducted a peer review for Zoning Board only. Site visit was suggested.

**Motion**: David Osborne moved to continue 75 Pond Street to 9/1/15 and organize a site visit.

**Second:** Bruce Humphrey

**300 Summer St/SE52- 998 & NCC# 11(12)/Minor Mod. in Mitigation Area Design Minor Modification**:

Applicant: Richard Murphy / Representative: Brad Holmes, ECR /Owners: Denis and Kathleen Morley

**Present**: Brad Holmes

**Discussion**: Brad Holmes prepared a supplemental mitigation plan bringing the work up to the satisfaction of the commission according to the OOC. Meadow maintenance and implementation of shrubbery was proposed. Mitigation shrubs had been planted. He proposes a 4’ wide strip of lawn removed and creation of a mitigation planting bed.

**Motion**: Bill Woodill moved to allow the minor modification and compliance with the original OOC.

**Second**: Stacy Minihane **In Favor**: All

**260 Bowker Street / NCC# 15(15) / Remove Pool & Fill RDA / DOA** Applicant: James & Eileen Kelly / Representative: Brad Holmes, ECR

Present: Brad Holmes

**Discussion**: Brad Holmes said that James & Eileen Kelly would like to remove the pool, as a safety concern. They would use clean fill, top with loam and put a conservation seed mix.

**Motion**: David Osborne moved to grant the RDA to the Kelly’s for 260 Bowker Street.

**Second**: Bruce Humphrey **In Favor**: All

**Winter Street & Old Oaken Bucket Rd. cranberry bogs / NCC# 17(15)/Det. of Jurisdiction RDA/DOA** Applicant: John Kopacz, Webster Cranberry, LLC / Representative: Marta Nova

**Present**: John Kopacz and Marta Nova

**Discussion**: Marta Nova stated that they are here for the Commission to determine if three of the cranberry bogs are subject to regulations under the Wetland Protection Act. This is a 6.8 acre area. They did an existing condition survey and delineated the bank of a bog reservoir. Nancy Hemingway and Marta Nova will review all of the previous filed material

**Motion**: David Osborne moved to continue Winter Street & Old Oaken Bucket Rd to September 1, 2015.

**Second**: Bob Woodill **In Favor**: All

**ENFORCEMENT / VIOLATION HEARINGS and DISCUSSIONS:**

* Vandalism at Donovan & Jacobs 6

**AGENTS REPORT -** For additional information on the Agent’s comments to the Commission, please refer to the agent’s written notes, which are available in the Conservation Office.

**SCIENCE AND REGULATION IN THE NEWS**

**EDUCATION AND TRAINING OPPORTUNITIES**

**And other such matters that may be pending before the Commission**

**ADJOURNMENT**

**Motion**: Bruce Humphrey moved to adjourn at 11:20pm

**Second:** Ron Mott **In Favor:** All

I hereby certify that the above minutes were presented and voted by a majority vote by the Norwell Conservation Commission on September 1, 2015.

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Marynel Wahl, Chairperson

7