



NORWELL CONSERVATION COMMISSION

Room 112 / 345 Main Street / Norwell, MA

August 6, 2019 @ 6:30PM

Minutes

2019 SEP -4 AM 9:03
RECEIVED

Present: Chair Marynel Wahl, Vice Chair Bob Woodill, Bob McMackin, Ron Mott, Justin Ivas, Ellen Markham, Conservation Agent Nancy Hemingway, and Recording Clerk C. Sullivan. Mr. Bjorlin was absent.

CALL TO ORDER

The meeting was called to order at 6:32 pm by Chair Marynel Wahl. The meeting was recorded.

AGENDA ACCEPTANCE

The Commission reviewed the proposed agenda and discussed changes and additions. Ms. Hemingway added the discussion of a request for an Administrative Permit for 29 Bobstay Ln.

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

PUBLIC HEARING:

Simon Hill (Off Prospect St.) / SE52-1154 & NCC# 35(18) / Comprehensive Permit for Dev. Project including Roadway, Parking, Retaining Walls & associated Infrastructure NOI / OoC (cont.) Applicant: Brian Murphy, Simon Hill, LLC / Rep.: B. McKenzie, McKenzie Eng.

A continuation request was received at the Conservation Office. The Commission briefly discussed having a working session to go through the peer reviews. Ms. Hemingway advised that since the public hearing is still open, they would have to post the session as a public hearing and notify the applicant; she suggested that the session be held after all reviews have been completed.

The Commission also discussed how to pay for a subsequent round of peer reviews if needed. Ms. Hemingway will reach out to Town Counsel Bob Galvin regarding billing applicants even if they refuse to pay.

Motion by Mr. Ivas to continue the matter to September 3, 2019 at 6:30 PM. Seconded by Ms. Markham and approved by a 4-0 margin, Mr. McMackin having recused.

COMMISSION BUSINESS

New Business

Future Meetings

Ms. Hemingway noted that at least three Commissioners will be absent from the August 20 meeting and asked whether the meeting should be canceled. Chair Wahl requested that a discussion of amending the OoC language to require filing of site plans with the Plymouth Registry of Deeds be added to a future agenda as a discussion item.

Citizen Comments

None.

Amended Jacobs Pond West Contract

Town Counsel Galvin requested the following changes to the previously approved contract:

- 30 days to pay vs 15 to accommodate municipal finance systems
- Deletion of the lien rights
- Certificate of non-collusion
- Tax-compliance form
- Certificate of professional liability insurance

Motion by Mr. Woodill to accept the Jacobs Pond West contract as amended. Seconded by Mr. Mott and unanimously voted.

Commissioner Complaint and Violation Reporting Policy

The Commission discussed a complaint received at the Conservation Office regarding an incident at Jacobs Pond Reservation, and reviewed proposed amendments to the violation reporting policy specifying that observed violations are to be reported directly to the Agent whenever possible, and that Commissioners or staff observing a violation should politely request one time that the offending party(ies) cease and desist.

Also discussed was the logistics of monitoring Jacobs Pond for violations and communicating with violators on the water, as well as the feasibility of trail cameras and/or signage attached to gate chains for raising public awareness of the rules.

Reorganization: Commission & Sub-Committees

The Commission approved the following Officer appointments and liaison appointments for the coming year:

Chair: Marynel Wahl (no change)

Vice Chair: Robert Woodill (no change)

CPC liaison: Bob McMackin (no change)

Bylaw Review liaison: Robert Woodill (no change)

Pathways Commission liaison: Ellen Markham

Motion by Mr. McMackin to approve the above-listed Officer and Liaison appointments. Seconded by Mr. Ivas and unanimously voted.

Volunteer Projects

Aleta Scully

Ms. Hemingway advised that Ms. Scully had a group of Boy Scouts looking for volunteer hours. Chair Wahl and Mr. Ivas suggested that they clean up trash at Jacobs Pond and possibly build a new dog waste container.

Norwell Cares

Ms. Hemingway advised that Norwell Cares had approved service projects at Wildcat, Jacobs Pond, Fogg, Simon Hill, and Stetson Meadows to take place on September 20. Mr. McMackin will head up the Simon Hill project, Mr. Mott and the trail workers will assist at Wildcat, Ms. Wahl will oversee the volunteers at Fogg, and Ms. Hemingway will help at Stetson Meadows. She will also advise regarding funding needs at a future meeting.

SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)

Open Space and Recreation	M. Wahl	CPC	B. McMackin
Land Protection	All	Trails and Signage	R. Woodill
Pathways	R. Woodill	Project Grid Review	All
Farming	R. Mott	Trail Work Update	N. Hemingway
Grants	B. McMackin	Bylaw Committee	R Woodill

Open Space & Recreation

Ms. Hemingway, Town Planner Ken Kirkland, and Building Department Administrative Assistant Nicole Pelletier are working on an updated Open Space Plan.

Land Protection

Mr. Woodill advised he had found a deal on seeds for the Donovan wildflower field. Ms. Hemingway noted that seeds had already been purchased based on guidance from ECR, but asked to be sent the information.

Farming

Mr. Mott advised that five eight-inch trees had been cut down on the fields leased by Norwell Farms/Cross Street Flower Farm. Ms. Hemingway advised she had not been informed of this activity. Mr. Mott will find out if Trees & Grounds removed the trees, in which case NF/CSFF may need to provide reimbursement.

Ms. Hemingway advised that NF/CSFF received the USDA grant for high tunnels discussed at previous meetings. Chair Wahl indicated that the tunnels cannot be set up until each entity has approved farm plans for next year.

Grants

Ms. Hemingway is currently pursuing joint grants with the Recreation Commission and Highway Department.

MISCELLANEOUS

Bills

The following bills were presented for payment:

- Nicole Pelletier - \$110 – education reimbursement for Conservation Course training.
- Chris Sullivan - \$150 – Minutes July 16.
- EcoTec - \$876.22 – Peer Review Damon Farms 7/2-7/15
- WB Mason - \$57.33 – misc office supplies

2019 SEP -4 AM 9:03
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 COMMUNITY DEVELOPMENT

Motion by Mr. Mott to pay the bills as listed. Seconded by Mr. Ivas and unanimously voted.

A Peer Review Account Reconciliation Form from the Town Accountant was approved and circulated for signatures.

Motion by Mr. Mott to approve the Peer Review Account Reconciliation Form as presented. Seconded by Mr. Ivas and unanimously voted.

Minutes

The minutes for the June 18 and meeting was distributed. Commissioners reviewed and discussed corrections and changes.

Motion by Mr. McMackin to approve the minutes of the June 18, 2019 meeting as written. Seconded by Mott and approved by a 3-0 margin, Members Ivas and Woodill having abstained

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 (MGL Ch. 39, S.23B, 6).

7:30PM: PUBLIC HEARING

Simon Hill to Hatch Lots (Burnt Plain Swamp) / SE52-1180 & NCC# 21(19) / Trail Connection

NoI / OoC (cont.) Applicant: Town of Norwell Conservation Comm. / Representative: N/ A

Chair Wahl advised that the joint meeting with Water Commissioners went well; they have offered to create a 10-car parking area off Bowker Street.

Motion by Mr. Woodill to approve the Notice of Intent with a standard short-form Order of Conditions. Seconded by Mr. Ivas and unanimously voted.

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

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

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

1775 Washington Street & Mill Street / SE52-1176 & NCC# 31(19) / HANOVER MALL REDEVELOPMENT – In Norwell - construction of a Theater w/ Parking. Stormwater Drainage & Utilities NoI / OoC (cont.) Applicant: Lloyd Sova, PREP Property Group Representative: David Kelly, Kelly Eng.

A continuation request was received at the Conservation Office. Ms. Hemingway has received a not to exceed quote of \$2800 from Chessia Consulting for a review of CEI's peer review practices and the Norwell components of the project not covered in CEI's report to the Hanover Commission.

Motion by Mr. Woodill to accept the Chessia quote for peer review. Seconded by Mr. Mott and approved by a 4-0 margin, Mr. Ivas having been absent from the vote.

Motion by Mr. Mott to continue the matter to August 20, 2019 at 8 PM. Seconded by Ms. Markham and approved by a 4-0 margin, Mr. Ivas having been absent from the vote.

2019 SEP -4 AM 9:03

156 Cross Street / NCC# 35(19) / Construction of Horse Corral & Land Clearing & Review of Delineation RDA / DoA (cont.) Applicant: Ellen Coletta / Rep: Greg Morse, Morse Engineering

Applicants not present. Ms. Hemingway noted that flag 12 was shifted 12 feet further up in the field, but recommended that the delineation be accepted for the purposes of this project with a reference to the discrepancy in the finding.

Motion by Mr. Woodill to issue a Determination of Applicability, pos 2A for flags 1-38 minus flag 12, with flags 6, 7, 11, 13, and 25 amended in the field; pos 2b; pos 5; neg 3, with condition as noted. Seconded by Mr. Mott and approved by a 4-0 margin, Mr. Ivas having abstained.

935 Main Street / NCC# 37(19) / Pool, Patio & Landscaping RDA / DoA Applicant: Victoria & Sean LeBlanc / Representative: N/A
Mr. Woodill read the Notice of Public Meeting. Applicants present.

Ms. LeBlanc indicated that the salt-water pool they were construction is actually smaller than that shown on the site plan, and assented to a suggestion that the pool be shifted slightly further away from the vernal pool. Ms. Hemingway requested that applicants provide details as to pump-out so pool water is not discharged into the vernal pool. Mr. Mott noted that applicants would not need to draw down the pool water in the winter if they used a solid pool cover.

The matter was continued to allow for receipt of an updated site plan, including construction, fill, and landscaping details, location of pool equipment, and pump-out details. Merrill Engineers will be drafting the plan.

Motion by Mr. Mott to continue the matter to August 20, 2019 at 8 PM. Seconded by Ms. Markham and unanimously voted.

49 Green Street, Lot 2 / SE52-1177 & NCC# 32(19) / Construction of Pool House/Garage & Vegetation Mgmt. NoI / OoC (cont.) Appl: William Lazzaro / Rep: Darren Grady, Grady

Mr. Grady distributed and discussed an updated site plan, noting that the rain garden had been moved to between the pool and the abutter at 346 River Street. They have provided a narrative to DEP specifying that no wetlands are being altered, and DEP has issued a file number.

Chair Wahl briefly commented on the notes from her site visits, including the need for additional details as to the location of landscaping steps and mitigation areas, dewatering plan, erosion control measures, and placement of conservation markers.

All parties discussed the removal of an existing decorative covered bridge that was rotting away. Ms. Hemingway advised that applicants told her they were not ready to replace this structure right now, but that they would lose the grandfathering allowing for it if it was not replaced in a timely

fashion. Mr. Mott suggested that applicants add replacement details to the site plan to preserve their rights.

TOWN OF WOODS
2019 SEP -4 AM 9:03

All parties also discussed extending the rain garden to the length of the back yard, with Ms. Hemingway suggesting a landscape feature such as a waterfall that would direct water into the lower rain garden. Mr. Grady will revise the plan accordingly.

Motion by Mr. Mott to continue the matter to August 20, 2019 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

78 Stony Brook Lane / SES52-1173 & NCC# 29(19) / Raze Existing Boathouse & Replace with Garage NoI / OoC (cont.) Applicant: Sam & Catherine Peper / Rep.: Darren Grady, Grady Cons. Mr. Woodill read the notice of public meeting.

Darren Grady present along with applicant Sam Peper. Applicant would like to raze an existing boathouse and construct a garage. Mr. Peper added that the boathouse has structural issues, and he intends to grade and plant on the site once it is demolished. Ms. Hemingway commented that the request appeared to be an even exchange in terms of structures, and noted that the boathouse was in the 50 ft buffer, while the proposed garage was outside the 50 and the flood plain to the North River.

Agent Hemingway also advised there was an outstanding violation concerning edge buffer loss due to repeated mowing of underbrush beyond existing conservation markers, and stated that a resolution needed to be incorporated into the plan. She suggested that the boathouse site be denoted as "altered woodland to be restored" on the site plan, and that fencing or markers be posted along the length of the 50 ft buffer. The matter was continued to allow for receipt of an updated site plan.

Motion by Mr. Mott to continue the matter to August 20, 2019 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

39 Satuit Meadow Lane / SE52-1175 & NCC# 34(19) / Install In-ground Pool & Patio NoI / OoC (cont.) Appl.: Jason & Susan Dentremont / Rep: Richard Servant, Stenbeck & Taylor

Rick Servant, Stenbeck & Taylor, presents for applicants, who would like to install an in-ground pool in existing lawn area. Mr. Servant cited issues with dead or falling trees in the backyard, and applicants would additionally like to remove 8 to 9 such trees, replacing all healthy trees at a 2:1 ratio. Applicants are proposing a saltwater pool with a filter that will not require backflushing, and will install pervious pavers in the patio area inside the 50 ft buffer.

In response to a query from Ms. Wahl, Mr. Servant indicated that pool equipment would be stored behind the cabana. Mr. Mott asked Mr. Servant how they intended to address the drop in slope in the proposed pool area; they will be bringing in a small amount of fill to level the patio. In response to a follow-up question, Mr. Servant indicated they were proposing a 3:1 slope off the back of the pool, which would be loamed, seeded, and stabilized. They would like to avoid constructing a retaining wall in the 50 ft buffer, and will keep a silt sock in place until the plantings on the slope are stabilized.

Mr. Mott noted that some of the trees proposed to be removed are healthy, and requested that applicants provide a planting plan for the replacements. Mr. Servant indicated that applicants were working with Duxbury Gardeners on the plan; Ms. Dentremon added that they were considering clethra and highbrush blueberry for plantings and river birch for trees, but were open to additional suggestions. Ms. Hemingway suggested that they consider trees that can survive high water levels, as well as an invasives management plan.

The matter was continued to allow for the following updates to the site plan:

Planting details for the removal of 9 trees at a 2 to 1 ratio

Invasives management plan

Dewatering plan for pool installation

Encroachment prevention measures

Construction access

Location of conservation markers

Motion by Mr. Mott to continue the matter to August 20, 2019 at 8 PM. Seconded by Mr. Woodill and unanimously voted.

121 Old Oaken Bucket / SE52-1178 & NCC# 38(19) / Wetland Line Delineation Confirmation

ANRAD / ORAD Applicant: Ellen Fulton / Representative: Carmen Hudson, Cavanaro Consulting

Mr. Woodill read the notice of public meeting.

Ms. Hemingway advised that applicants and John Zimmer, who had delineated the property, were unable to attend, but she had no disagreements with Mr. Zimmer's line.

Marshall Doughty, 42 Summer, noted that he had just purchased his property, which abuts 121 OOB, and asked if any construction was proposed. Ms. Hemingway advised that nothing was currently being proposed, and recommended he contact the landowner directly.

Motion by Mr. Woodill to issue an ORAD, pos 2B – accurate for BVW flags 1-43 (noting that flags 9 and 31 were shifted upgradient and are shown accurately on the final plan), accurate for IVW flags B1-B22, and accurate for VP flags A1-A14 (spotted salamander eggs observed during the delineation). Seconded by Mr. Ivas and unanimously voted.

Harbor Lane, Lot 5A / SE52-1179 & NCC# 39(19) / SFH w/ Septic, Driveway, Grading &

Landscaping NOI / OoC Applicant: Greg Webb / Representative: Jeff Hassett, Morse Engineering

Mr. Woodill read the notice of public meeting.

Mr. Hassett advised that applicants wished to construct a single-family home on the newly created lot. The structure had been sited as far as possible from the wetland, with a 70 ft minimum distance. Erosion control is proposed along the 50 ft buffer, with all grading kept at least 10 ft back from the buffer. The septic system will be located outside the buffer and will utilize pumps. Roof runoff will run into two drywells. The property was under agreement to purchase, and was delineated by Brad Holmes in June.

Ms. Hemingway advised there was a discrepancy between the property lines on record in the Assessors Office and those in the ANR recently approved by the Planning Board, and the new lot lines will have to be proven before any plan can be approved. Mr. Webb indicated that the ANR was just recently filed with and approved by the Land Court.

All parties discussed the house's location inside the 100 ft buffer. Ms. Hemingway expressed concern at the limited lawn space as proposed, which may cause encroachment into the 50 ft buffer by future owners seeking more lawn. Mr. Hassett noted that the lot has a sizable side and front yard; they are willing to post conservation markers on posts, or possibly a split rail fence, along the 50 ft buffer. Ms. Hemingway also asked that applicant consider a deed restriction against future encroachment, but Mr. Hassett commented he had never done this before with a project.

Ms. Hemingway felt that the ANR creating the lot resulted in a self-imposed hardship requiring the applicant to (1) build to the 50 ft buffer, (2) prove they could do so without altering the buffer such as through damage to tree root systems, and (3) conduct a stormwater review. Mr. Hassett indicated they were willing to add enhancement plantings to the buffer, which would also create some privacy; they are also willing to consider additional stormwater mitigation.

Ms. Hemingway requested that Mr. Hassett submit an updated site plan broken down into two sheets, obtain documentation as to the new lot lines, and stake the site out in the field so Commissioners can visit the property.

Motion by Mr. Ivas to continue the matter to August 20, 2019 at 8 PM. Seconded by Ms. Markham and unanimously voted.

The Commission briefly discussed the characteristics of self-imposed hardships after the hearing.

ADMINISTRATIVE PERMITS & REQUESTS:

29 Bobstay Lane

Ms. Hemingway advised that the property owners are putting in a pool 50 ft from a small IVW created by a drainage channel; they have asked that the project be approved administratively because the IVW was not a naturally occurring wetland. Ms. Hemingway agrees with this assessment and recommended issuance of the permit.

Motion by Mr. McMackin to issue an administrative permit for 29 Bobstay Lane. Seconded by Ms. Markham and unanimously voted.

43 Kings Landing

Ms. Hemingway advised she had approved the cutting of nine white pines along the erosion control line at this property with the condition that nine replacements be planted.

Motion by Mr. Woodill to approve Ms. Hemingway's issuance of an administrative permit for 43 Kings Landing. Seconded by Mr. Ivas and approved by a 4-0 margin, Mr. Mott having been absent from the vote.

SEP-4 AM 9:03

PUBLIC MEETINGS:

None

PENDING SUBDIVISION / COMMERCIAL DEVELOPMENT UPDATES:

None

VIOLATION DISCUSSIONS:

89 King's Landing

Ms. Hemingway showed pictures of mitigation work underway. All parties discussed its progress and potential issues.

ENFORCEMENT HEARINGS:

None

AGENT'S REPORT

SCIENCE AND REGULATION IN THE NEWS

EDUCATION AND TRAINING OPPORTUNITIES

Please refer to the Agents Notes available in the Conservation Office.

<i>Next Meeting</i>		August 20, 2019
<i>NEW filing applications due date/deadline</i>		<i>August 6, 2019 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>		<i>August 12, 2019</i>
<i>Revised Information submittal deadline</i>		<i>August 13, 2019 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>		<i>August 13, 2019 @ noon</i>
<i>Public Information Written Comments</i>		<i>No deadline</i>

ADJOURNMENT

There being no further business, a motion was made by Mr. McMackin to adjourn at 10:00 PM. Seconded by Mr. Ivas and unanimously voted.

I hereby certify that the above minutes were presented and approved by a majority vote by the Norwell Conservation Commission on September 3, 2019.


Marynel Wahl, Chair

2019 SEP -4 AM 9:03
NORWELL CONSERVATION COMMISSION