NORWELL CONSERVATION COMMISSION

December 16, 2014 @ 7:00 PM - Room 112

**ATTENDANCE**: Marynel Wahl, David Osborne, Lori Hillstrand, Bob Woodill and Ron Mott.

# Conservation Agent: Nancy Hemingway

# AGENDA ACCEPTANCE

**Additions**: Executive Session added by Chairperson.

**Motion**: Ron Mott moved to accept the agenda with the addition of an Executive Session.

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

**7:00PM:**

**Tack Factory Pond Dam / SE52-???? & NCC# 43(14) / Dam Removal NOI / OOC** Applicant: Sigmund Kozaryn, Cardinal Cushing Centers, Inc. Representative: Nick Wildman, MA Div. of Ecological Restoration

**Applicant has requested a continuation to January 6, 2015 for abutter notification purposes.**

**Motion**: Ron Mott moved to continue Tack Factory Pond Dam to 1/6/15.

**Second**: Lori Hillstrand **In Favor**: All

**COMMISSION BUSINESS**

# SCHEDULED DISCUSSIONS

**Farming** – Land Use Plan Review

Farm and field plans, from each farmer, were included in Commission member’s packets by Agent.

**Lambert’s Farm** – Luke Lambert (Bee Keeping)

Luke Lambert did submit a notice for pesticide use. No issues seen.

**Motion**: Ron Mott moved to renew his permit for all three fields (Jacobs, Donovan and Barstow).

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

**Donovan East** –

Present: Sean Sutton and George Whittaker.

* Maintenance of walls and fields were discussed by Sean Sutton. Approximately 3acres of non-fillable land for crops. Used for hay and pasture only. They maintain 700’ of stone wall. With new bike path, there is more parking in that area. Sean questioned if the town wants to do something about the puddles, not important, but said they will still mow that area. Just an observation; at Circuit, Forest, about 80% of the small elm trees are dying. People are parking there to walk the path. Suggested putting a small parking area to keep them off the corner. Ron Mott said that if it’s Dutch Elm disease, those trees must go.

David Osborne said that we should look at expanding the parking. Sean agreed since it’s not usable for growth. David Osborne suggested changing the “3 acres” to “2 acres”. Sean will generate another plan.

Another correction was added by Nancy Hemingway – they listed 700’ of stone wall and actually do 786’ each way (interior and exterior) - perhaps calling it a 786’ double-sided stone wall.

George Whittaker said that if they do make a parking area, rocks are needed so that they don’t ride onto the field.

Nancy Hemingway said that Paul Folsham spoke of narrowing that path, at Forest Street to Circuit, and creating a rain garden. Maybe, as part of the mitigation, they can create the parking area as part of the project.

**Motion**: Bob Woodill moved to approve plan farm for Donovan East.

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

**Norwell Farms** –

Present: Scott Franklin

* Jacobs Field – Scott Franklin gave brief overview of the farm plan distributed to Commission members. There are 5 acres of tillable field with under 2k sq. ft. of greenhouse growing space. All fields will be certified as Organic Fields in 2015. Site inspection late March / early April of 2015.Cost to Norwell Farms will be $1500 for Certification is to be renewed annually. This is through the Bay State Certifiers which are licensed by the USDA. Use and types of pesticides and notice to be given before each use was discussed. In 2014 they maintained all the interior and exterior stone walls and will continue in 2015.

Ron Mott suggested taking better care of the stone walls. Scott Franklin agreed.

Bob Woodill suggested that since they are tied into Jacob’s Pond, a buildup over the years would be deadly to fish and marine animals. He suggested an alternative. Scott Franklin will research a pesticide, such as hydrogen peroxide, other than copper spray.48- hour notice, by email, to the Conservation Commission is necessary prior to use.

David Osborne asked that the total land area be reflected on the plans, not just tillable area.

**Motion**: Ron Mott moved to accept Jacobs Farm Plan.

**Second**: Lori Hillstrand **In Favor**: All

* Barstow Fields – Scott Franklin will be following same plan as Jacobs Fields.

**Motion**: Ron Mott moved to accept the farm plan for Barstow Field.

**Second**: Lori Hillstrand **In Favor**: All

**Hornstra Farms** –

Present: John Hornstra

* Jacobs Field - John Hornstra discussed Jacobs Fields use and maintenance. No chemical use is being applied due to the closeness of the pond. He will provide soil samples, which were required to the Commission. Maintenance of Jacobs and Donovan’s Fields financial burden was discussed by Nancy Hemingway. John Hornstra will handle stone wall maintenance for the year and will no longer be responsible for Stetson field.

Nancy Hemingway reiterated that 48 hour notice is needed before any use of chemicals. None is allowed under the permit for this field. John Hornstra said that there is no chemical use.

She also mentioned payment necessary for all the fields of Stetson Meadows. The payment listed is $800. It has, in fact, taken $2,500 of actual labor alone to maintain the walls at Jacob and Donovan. It was split equally between the two. We did the interior and exterior walls. When you divided $800 between the three fields, it comes to about $200 per field. We are working with about $1,200 and last year it was a test case, understood, but this is just no equitable in terms of the Commissions budget. We are subsidizing the fields at a tune of about $1k for Jacob’s and $1k for Donovan. She requested the Commission to consider a more equitable arrangement. This is now being paid out of the Senior Worker’s overage which we thought would be an equal exchange, but is not the case.

John Hornstra said that if you count down the side of the field that the Commission did, it was a lot of years of encroachment. Two years ago when the crew was brought in to brush cut, Norwell Farms side, they used **Garlawn(sp)**. He doesn’t know how the Bay State Certifiers would feel about that use now. Nancy Hemingway said that her point is an equal exchange financially. Either do the walls yourself or come up with a $1k to offset. John Hornstra said that they could try doing their interior and exterior walls for a year. Nancy Hemingway said that if they do their walls, they will not have to do Stetson walls.

Nancy Hemingway will re-write a year’s plan for the all wall maintenance.

**Motion**: Ron Mott moved to accept land use for Jacobs Farms.

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

**Donovan**

Nancy Hemingway discussed notification to the Board of Health about Donovan pesticide, since none was received. John HornHornstra apologized for the oversight and presented the MSDS on the pesticides that were necessary to contain an army worm infiltration. GMO corn use for the dairy cows was discussed by Mr. Hornstra. He is hoping to be completely GMO free by 2017.

**Motion**: Ron Mott moved to accept land use for Donovan Field.

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

**Main Street (Osborne Field)**

Mr. Hornstra said that the same field protocol is followed.

**Motion**: Ron Mott moved to accept land use for Osborne Field.

**Second**: Lori Hillstrand **In Favor**: All

**SUB-COMMITTEE UPDATES – none submitted**

* Chairperson’s Notes – Marynel Wahl said that capital funding is needed to be submitted by 12/22. It is due 1/2/15.
* Marynel Wahl would like an article added in for the Conservation Commissions support of the clean- up of the highway barn. David Osborne suggested supporting Paul Foulsham at the Advisory Commission meeting. David Osborne suggested setting up a revolving fund with regards to the farms. We need a long range game plan. This cannot be charged until 2016 since 2015 farm plans were just approved.

* Bob Woodill said that Aquatic Control Technology will have their final report in and we could then pay the bill.
* Open Space & Recreation - Ron Mott removed pallets from the Donovan Field barn. Tagged “free wood” signs.
* Land Protection

* Pathways

* Trail/Signage

* CPC

* Farming –

**MISCELLANEOUS**

Bills: John Chessia – $ 1476.50, Departmental refunds - $1218, trail work (Ed and Mark)-$160.

**Motion**: Ron Mott moves to accept the bills.

**Second**: Lori Hillstrand **In Favor**: All

Minutes - 12/2/14

Edit: Rodriquez – “Mount” Blue Street.

**Motion**: David Osborne moved to accept the minutes as amended.

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

# PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

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

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

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

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

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

**59 Pond Street / SE52-1069 & NCC# 38(14) / Pave Lower Parking Lot NOI / OOC (cont.)** Applicant: Dan Leahy, Village Euro Motors, Inc. Representative: John Boardman

Present: Attorney Isadore, John Chessia, Robert Chrusciel and Dan Leahy.

**Discussion**: Attorney Isadore and Dan Leahy asked that John Chessia discuss his site findings.

John Chessia stated Standard One (connection secured) - and Standard Two (recharge) have been met.

Bio-retention area tank design did not meet requirements of DEP for sizing. Information is being submitted today, but was not included due to time restriction constraints.

Changes were made to use a double row of erosion control when near a wetland.

John Chessia would approve the upgrade.

Ron Mott feels that this is an improvement. Bob Woodill is convinced that the capture and treating of the run-off is essential to a safer water supply. Robert Chrusciel asked if there is any way of knowing if this would be approved before coming back. Marynel Wahl said that if it is helpful, the members can be polled.

**Members Polled**: Marynel Wahl – Yes, David Osborne – No, Lori Hillstrand – Yes, Ron Mott – Yes and Bob Woodill – Yes.

Ron Mott stated that we don’t yet know if this will be approved by DEP.

John Chessia will review the newly submitted information and will contact the Commission with his findings within a week before the next meeting.

**Motion**: Ron Mott moved to continue 59 Pond Street to January 6, 2015.

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

**Forest Street Extension/NCC# 40(14)/Phase 2B of Pedestrian & Bike Path RDA/DOA (cont.)** Applicant: Chris DiIorio, Pathway Comm. / Representative: Horsley Witten

**Discussion**: A request for continuation to the January 6, 2015 meeting was made. Bob Woodill discussed additional information that has been requested but not addressed. He will meet with Nancy Hemingway to phrase something in his terminology to be submitted to the Pathway Committee.

**Motion**: David Osborne moved to continue the Forest Street Extension to January 6, 2015.

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

**412 Washington Street / NCC# 44(14) / Additional Septic Work RDA / DOA** Applicant: William Murphy Representative: Spath Engineering, Inc.

Present: Phil Spath

**Discussion**: Phil Spath discussed changes in the existing septic system, installed in 2011, to connect two new businesses to the septic system.

Nancy Hemingway said there are three conditions noted: a prestart of work to confirm erosion control, requirement that no work occur when raining and a requirement that all soils be contained within the work zone regardless of work conditions.

**Motion**: Ron Mott, for 412 Washington Street, moved to issue a positive 2B (resource areas are not reconfirmed), a positive 5(it is subject to review under the local bylaw) and a negative 3 (will not impact resource area).

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

**Barrel Lane (Lot 6) Curtis Farm Rd. / SE52-1066 & NCC# 30(14) / SFH w/ Driveway, Septic & Utilities NOI / OOC (cont.)**

Applicant: Hawthorne Park R/T / Representative: Brad McKenzie, McKenzie Eng.

Present: Scott Henderson, Donald Shute and Tony Casapulla.

**Discussion**: Scott Henderson discussed detailed permitted features added to the plan. Features are: rain garden, roof drywells, erosion control measures (diversion swales, temporary sediment basins). Scott Henderson said that the applicant is amicable to installing a more permanent visual barrier along the limit of work being proposed (post and rail fence) and a deed restriction for the remainder of the site that is to be untouched.

Nancy Hemingway asked that the temporary sediment basin range be more clearly defined and a construction plan be submitted.

Don Shute, the land owner and applicant, on paper, is present to give as much information as needed to fulfill the burden of proof of protection to the wetland.

Bob Woodill discussed the protection of the 100’to 50’resource area. A contoured retaining wall at the 110’line along with the fence and conservation markers was discussed.

Lori Hillstrand questions building a 4 bedroom home with no backyard. Commission members are in agreement that the house is too big for the lot and there is too much building impact to the wetland.

**Motion**: Bob Woodill moved to close the hearing on Barrell Lane (Lot 6) Curtis Farm Rd/SE52-1066.

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

**Barrel Lane (Lot 7) Curtis Farm Rd. / SE52-1062 & NCC# 31(14) / SFH w/ Driveway, Septic & Utilities NOI / OOC (cont.)**

Applicant: Hawthorne Park R/T / Representative: Brad McKenzie, McKenzie Engineering

Present: Scott Henderson, Donald Shute and Tony Casapulla.

Discussion: Scott Henderson explained the similar scenario to Lot #6. Nancy Hemingway asked if the house is reduced from 4 bedroom to a 3, what reduction in the footprint of both the house and the septic would occur and how much could you reduce the fill on that lot. Scott answered that reducing the septic system flow by about 25% would reduce the field by between 15-20%. It would be moved forward and reduce the fill.

**Motion**: Ron Mott moved to close the hearing on Barrell Lane (Lot 7) Curtis Farm Rd./SE52-1062.

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

A special meeting will be held on December 22nd at 3pm to discuss the decision on both lots.

**21 Henry’s Lane / SE52-1072 & NCC# 41(14) / Inground Pool, Grading &Landscaping**

**NOI / OOC (cont.)**

Applicant: Daniel LaPerle / Representative: Gary Wolcott, Grady Consulting

Present: Gary Wolcott

**Discussion**: Mr. Wolcott discussed the proposal for 21 Henry’s Lane. Any disturbance will be in an area of the existing lawn.

Rotation of the pool, reduction of the shed, moving it out of the 100’ buffer was suggested by David Osborne. Nancy Hemingway said that there are hydric soils, consistently, 20’ above the line and upland trees roots adapting to wetland conditions. A planting plan and a dewatering plan are needed.

**Motion**: Ron Mott moved to close 21 Henry’s Lane/SE52-1072 with conditions as noted

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

**55 Pleasant Street / SE52-1071 & NCC# 42(14) / Addition & Site Work NOI / OOC**

Applicant: Thomas Degnan / Representative: Paul Mirabito, Ross Engineering

Present: Paul Mirabito

**Discussion**: Paul Mirabito presented the current proposal and site plan to the Commission.

Nancy Hemingway explained the site and history of a previous enforcement order related to cutting of trees. She recommended a site visit and an evaluation from Brad Holmes regarding the riverfront. Paul Mirabito would like to research the previous application before making any comments.

**Motion**: Ron Mott moved to continue 55 Pleasant Street/SE52-1071 to the 1/6/15 meeting.

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

**ENFORCEMENT / VIOLATION HEARINGS and DISCUSSIONS:**

* Violation notification -135 Norwell Ave

Discussion:

* Site update - 507 Washington Street (505-509)

Discussion:

**AGENTS REPORT**

**SCIENCE AND REGULATION IN THE NEWS**

**EDUCATION AND TRAINING OPPORTUNITIES**

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

*Next Meeting will be on January 6, 2015 @ 7:00 P.M.*

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| *Next Meeting* |  | *January 6, 2014* |
| *NEW filing applications due date/deadline* |  | *December 23, 2014 @ noon* |
| *Legal Notice publication date-Patriot Ledger* |  | *December 29, 2014* |
| *Revised Information submittal deadline* |  | *December 30, 2014 @ noon* |
| *Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification &LP Requests* |  | *December 31, 2014 @ noon* |
| *Public Information Written Comments* |  | *No deadline* |

**EXECUTIVE SESSION**:

**Motion**: David Osborne moved to enter into Executive Session and not return to regular session.

**Members polled**: Marynel Wahl - Yes, Ron Mott - Yes, Bob Woodill - Yes and David Osborne –Yes.

**MILLER WOODS LAND** – Marynel Wahl received an email from Chris DiIorio saying that Pathways asked for a passage through the church property. First Parish church is offering a walkway. Pathways and the Conservation Commission were suggested to be responsible for finances. David Osborne and Bob Woodill suggested more information is needed.

**MAIN STREET** – David Osborne said that Bruce Humphrey had spoken to someone that is a friend of the owner of the Main Street field and said they might have interest in supporting Conservation and Open Space. Bruce Humphrey suggested forming a Commission group to meet with the friend of the owner.

There is a fair market value from land value and tax information from John Mariano. David Osborne said that an appraisal is needed once an agreement is met and before an offer is made.

**Motion**: David Osborne moved to adjourn at 11:05pm.

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