

NORWELL CONSERVATION COMMISSION
345 Main Street / Norwell, MA
December 19, 2017 @ 7:00 PM - Room 112
Minutes

Present: Marynel Wahl, Chair, Dave Osborne, Ron Mott, Bob Woodill, Justin Ivas, Stacy Minihane, and Recording Clerk C. Sullivan
Bob McMackin and Agent Nancy Hemingway were absent. Ms. Minihane arrived at 7:55 PM

CALL TO ORDER

The meeting was called to order at **7:01 pm** by Chair Marynel Wahl. The meeting was recorded.

AGENDA ACCEPTANCE

Motion made by Mr. Woodill to approve the agenda as submitted. Seconded by Mr. Osborne and unanimously voted.

COMMISSION BUSINESS

Jacob's Island Fire Ring/Benches

Samantha and Ross Troiano present. Ms. Troiano, a senior at Marshfield High, wants to build a fire pit on Jacobs Island as part of her Summit service project for the Venturing program.

In response to concerns about vandalism, the plan calls for either concrete or PVC/wooden benches cemented into the ground. The number of benches has been reduced from five to three to allow room for chairs. The fire pit would be made of a steel fire ring cemented into the ground. They would mix and pour the concrete on-site, and plan to do the work in late May or early June.

Mr. Mott suggested that they review the design with Boy Scout Troop 192, as they frequently camp on the island. Ms. Troiano advised that her organization had done some joint events with the troop, and Mr. Troiano added that their volunteer crew would include troop members. Mr. Ivas suggested also reaching out to South Shore VoTech.

The Commission then discussed the bench design and size of the fire pit. Mr. Mott noted that too many benches around the fire pit would reduce the area available to pitch tents. Mr. Osborne pointed out that anything not properly secured might end up in the pond. Mr. Mott suggested a similar bench design to the benches near the dock, which have concrete posts and PVC seating.

After some further discussion, Commissioners requested that Ms. Troiano provide final designs for the bench and fire ring before the start of construction.

Farm Plan Reviews

Norwell Farms

Mr. Mott advised he had cut a piece off of the landscape fabric in the front fields at Norwell Farms (NF), and felt it was comprised of woven plastic. He said it was more durable than plastic but it did come apart. He did not think the fabric could be pulled out of the field at this time, as much of it was frozen into the soil, but would eventually like to see it replaced with organic mulch.

Mr. Osborne noted that abutters have complained about the plastic in the Jacobs fields, and that residents expected the Commission to keep the property looking good. Commissioners discussed modifying its leases to address the use of plastic in the fields, with suggestions that any weed cover be degradable within one year, or have to be taken out after one year; or that plastic not be allowed in the fields except for the spring growing season. Mr. Ivas stated there was a biodegradable weed barrier product available on the market, but felt that plastic was OK to use if it was taken up before it fell apart.

After further discussion, it was decided to accept NF's farm plan for 2018 with the additional condition that no artificial material of any type be left in the field after the growing season. The Commission will ask Ms. Hemingway to research and define the growing season for the purposes of the agreement.

The Commission also discussed the use of a portion of Jacobs field by Cross Street Flower Farm, including whether anything in the lease specifically allowed or prohibited subletting to other vendors, and who ultimately gets the revenue from the flowers. Ms. Wahl noted that this sublet wasn't disclosed to the Commission and therefore the sub-lessor couldn't be vetted. The Commission will investigate revising its leases to prohibit subletting except by prior agreement.

Motion by Mr. Mott to accept the farm plan submitted by Norwell Farms with additional conditions as noted. Seconded by Mr. Ivas and unanimously voted.

Mr. Mott also advised that there was still brush in Barstow Field, and recommended the Commission require that NF burn the remaining brush, or pay to have it done, before accepting the termination of their lease. The Commission will ask Ms. Hemingway to send a letter to this effect prior to the December 31 termination date.

Motion by Mr. Mott to send Norwell Farms a reply letter regarding the burning of brush in Barstow Field. Seconded by Mr. Woodill and approved by a 4-0 vote, Ms. Minihane having abstained.

SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)

Pathways	R. Woodill	Ms. Wahl advised that only three abutters were present at the Pathways Commission meeting regarding the Wompatuck parking lot and access road project. Ms. Minihane felt the meeting was less contentious than expected, and hoped the abutter comments would be taken into consideration.
CPC	D. Osborne	Mr. Osborne advised that Selectman Alison DeMong had given additional details to CPC regarding the Whiting Field purchase, and also put in a \$50K funding request for clearing the stone walls at Whitaker field. He reiterated that the Commission should take care to meet with all interested parties as the purchase process moves forward.

Land Acquisition

The Commission discussed whether to accept land offered to it by John Beech (phonetic) near the old landfill. Mr. Osborne suggested that they take no action until they had more information. Ms. Minihane asked whether there was any downside to the Commission accepting land donations. Ms. Wahl stated that it removes the land from the tax rolls, and the Commission may incur legal fees getting the title transferred.

Motion by Mr. Osborne to accept the land offered by Mr. Beech and pay the legal fees and associated costs of transferring the land. Seconded by Mr. Ivas and unanimously voted.

MISCELLANEOUS

Bills

Mr. Osborne read off the following bills to be paid:

ABC Equipment	\$426.97
WB Mason	\$36.00
Ecotec (Wildcat OSRD)	\$1186.40
Trail Work Payroll	\$156.00

Motion by Mr. Osborne to pay the bills as read. Seconded by Mr. Ivas and unanimously voted.

Minutes

Tabled.

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.

PUBLIC MEETING REQUESTS - None

PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

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

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

Wildcat Hill / SE52-943 & NCC# 7(10) / OSRD Subdivision

CoC (cont.) Applicant: Wildcat Hill, LLC & Casa Develop. / Representative: Brad McKenzie, McKenzie Eng.

Motion by Mr. Mott to continue the matter to January 16, 2018 at 8 PM. Seconded by Mr. Woodill and unanimously voted.

Green Street, Lot 1 / SE52-1129 & NCC# 42(17) / Single-Family Home

NoI / OoC (cont.) Applicant: Sean Donovan, EMET Holdings, Inc. / Rep: Paul Seaberg, Grady Consulting

Applicant Sean Donovan present. Mr. Donovan pointed out that one of the stormwater depressions on the site had been slightly enlarged based on calculations he received back from his engineering company. Ms. Minihane noted that one basin was in the 50 ft buffer, and stated the Commission should note in any OoC that the work allowed in the 50 foot buffer is within the buffer to a drainage ditch along the road.

Mr. Donovan additionally pointed out that, due to the site's history, he had performed stormwater calculations that he felt were not required. He also stated that the creation of a flat surface on part of the site will improve the stormwater filtration, but Mr. Mott pointed out that this flat surface area was relatively small.

The Commissioners discussed their satisfaction with the updated plan. Ms. Minihane felt it clearly stated that the design as proposed reduces runoff rates, and noted it was prepared by a professional engineer who stamped their work. She indicated she was comfortable with not requiring another review. Mr. Osborne expressed reservations because the engineer who prepared the report had been paid for by the applicant, but Mr. Ivas pointed out that the engineer's stamp means the state has confidence in the engineer.

With that, the Commission discussed whether to have the town's consulting engineer review the plan or require a peer review. Ms. Minihane did not favor a peer review, as it appeared the applicant had exceeded what was required in terms of the state and local regulations, but was open to review by the town engineer. Mr. Osborne expressed concern about the design of the lot and the plan's potential impact on wetlands, and would feel more comfortable with a peer review. He added that a peer review might resolve some future problems that Mr. Donovan may have in developing his other lots.

Ms. Wahl asked Mr. Donovan whether he intended to build on the lot himself or hire somebody, and pointed out that whoever developed the lot would need to be respectful of the concerns of the abutters. Mr. Donovan indicated that he hadn't decided who would develop the lot but was aware of the need to heed abutter concerns.

Ms. Wahl also asked Mr. Donovan whether he intended to build additional houses on the land. Mr. Donovan advised that an ANR splitting the land into three lots and one non-buildable parcel had been approved by the Planning Board the previous week. He felt that four houses were possible in theory, but noted this would trigger a storm water study, so two houses and possibly a

third small house were more likely. Mr. Woodill noted that any storm water problems this plan created would impact what the applicant could do with the other lots.

At this point, Mr. Osborne asked the applicant whether he would support a peer review. Mr. Donovan did not see a need for it, indicating he was comfortable with the plan and its storm water components. Ms. Wahl asked Mr. Donovan whether he wished the Commission to close the matter tonight or continue it to allow for a review by the town engineer. Mr. Donovan reiterated that he didn't think further study was needed, but assented to the continuation and review.

Motion by Mr. Osborne to ask Chessia Consulting to conduct a storm water investigation of Green Street Lot 1, not to exceed \$1000. Seconded by Mr. Mott and approved by a 4-0 vote, Mr. Ivas having abstained.

Motion by Mr. Osborne to continue the matter to January 16, 2018 at 8 PM. Seconded by Mr. Mott and approved by a 4-0 vote, Mr. Ivas having abstained.

65 Farrar Farm Rd. / SE52-1130 & NCC# 46(17) / Retaining Wall, Patio, Sports Court & Grading

NoI / OoC Applicant: Brian Flynn / Representative: Bob Rego, River Hawk Environmental

Mr. Woodill read the notice of public meeting. The applicant has requested continuance.

Motion by Mr. Osborne to continue the matter to January 16, 2018 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

31 Leigh Road / DEP # SE 52-1127 & NCC#37(17) / Landscape work in resource area & 50-foot buffer

(After-the-Fact) NOI/OoC (cont.) Applicant: James Cai and Min Hou

Motion by Mr. Woodill to continue the matter to January 16, 2018 at 8 PM. Seconded by Mr. Osborne and unanimously voted.

Norwell Conservation Comm. – Regulatory Review & Amendment Hearing (cont.)

Mr. Osborne advised that the deadline for suggested changes to the bylaws was before the next Bylaw Review Committee meeting.

Ms. Minihane advised that most of the edits she gave to Ms. Hemingway were administrative, such as to address redundancy, and the only substantive change had to do with a definition of "land subject to inundation." She noted there was some discussion of this in the bylaws but no definition, and asked Commissioners whether they wanted to use the state definition.

Mr. Mott suggested starting with the state guideline and tightening it up to give the Commission greater jurisdiction, and Mr. Ivas proposed changing the water volume specification from 1/4 to 1/8 acre-foot. Ms. Minihane and Mr. Ivas will write out this change and send it to Town Clerk Patricia Anderson.

Motion by Mr. Ivas to adopt the state definition of “isolated land subject to flooding” in the Norwell wetlands bylaws, with the exception that the town bylaw specify one half the water volume set forth in the state law. Seconded by Mr. Osborne and unanimously voted.

ADMINISTRATIVE REQUESTS

647 Main Street

This request regards the installation of three solar panels within 40 feet of land subject to inundation and 84 feet of bordering vegetative wetland. Commissioners briefly discussed the location of the panels and the digging required to install them.

Motion by Mr. Woodill to approve the administrative request for 647 Main Street provided there is no vegetative clearing. Seconded by Mr. Mott and unanimously voted.

Island View Circle

Mr. Mott and Mr. Osborne visited the property. Mr. Mott felt that the five pine trees should stay, as they were healthy and not close to the house, and that one dead white oak tree could be cut.

Mr. Osborne advised that the owner had told him his arborist had said the pine trees were a little yellow in leaf. Ms. Minihane noted that the arborist had declined to submit documentation in support of the request.

Motion by Mr. Woodill to allow removal of only the white oak on Island View Circle, and not the pine trees. Seconded by Mr. Osborne and approved by 4-0 vote, Ms. Minihane having abstained.

46 Pleasant

Mr. Osborne suggested that the Commission postpone further action until it receives more information.

River Street

Mr. Osborne advised that there were five trees within reach of the house. He recommended granting permission to cut these trees, and had encouraged the owner to trim back but not cut a holly tree that was touching the roof.

Motion by Mr. Osborne to approve the administrative request by Deborah Stuart, of River Street, to cut five trees. Seconded by Mr. Woodill and approved by a 4-0 vote, Ms. Minihane having abstained.

VIOLATION DISCUSSIONS

None

AGENTS REPORT

SCIENCE AND REGULATION IN THE NEWS

EDUCATION AND TRAINING OPPORTUNITIES

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

<i>Next Meeting (NO 1st MEETING IN JAN.)</i>		<i>January 16, 2018</i>
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<i>NEW filing applications due date/deadline</i>		<i>January 2, 2018 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>		<i>January 8, 2018</i>
<i>Revised Information submittal deadline</i>		<i>January 9, 2018 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification &LP Requests</i>		<i>January 11, 2018 @ noon</i>
<i>Public Information Written Comments</i>		<i>No deadline</i>

ADJOURNMENT

There being no further business, a motion was made by Mr. Osborne to adjourn at 9:40 PM. Seconded by Ms. Minihane and unanimously voted.

I hereby certify that the above minutes were presented and approved by a majority vote by the Norwell Conservation Commission on August 21, 2018 (initially approved on 2/6/18; voted to amend. with changes (8/21/18)).

Marynel Wahl, Chairperson