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NORWELL CONSERVATION COMMISSION
Room #112 & Osborn Room / 345 Main Street / Norwell, MA
December 4, 2018 @ 6:30PM
Minutes

Present: Chair Marynel Wahl, Vice Chair Bob Woodill, Bob McMackin, Roy Bjorlin, Ron Mott, Justin Ivas, Ellen Markham, Conservation Agent Nancy Hemingway, and Recording Clerk C. Sullivan. **Please refer to the complete agents notes to the Commission for additional details, comments on regulatory projects and recommendations.**

6:30PM: CALL TO ORDER & AGENDA ACCEPTANCE

CALL TO ORDER

The meeting was called to order at **6:30 pm** by Chair Marynel Wahl. The meeting was recorded.

AGENDA ACCEPTANCE

The Commission reviewed the proposed agenda and discussed changes and additions.

Motion by Mr. Woodill to approve the agenda as posted. Seconded by Mr. Mott and unanimously voted.

EXECUTIVE SESSION To discuss the purchase, exchange, lease or value of real property, disclosure of which may have a detrimental effect on the negotiating position of the Town.

Ms. Hemingway advised that other Town entities, including the Water Department, CPC, and Board of Selectmen, had not expressed interest in purchasing a parcel on Mt. Hope Street coming out of Chapter 61 agricultural use. The Commission will take no further action at this time.

COMMISSION BUSINESS:

New Business

FY 20 Budget Discussion, Forms/Requests due Dec 11

Ms. Hemingway circulated a level-funded FY 20 budget for Commissioner signatures. Ms. Hemingway will put in a funding request for a part-time (10-15 hours) employee to cover administrative tasks and answer the phone when the Administrative Assistant is not present, and will try to get additional coverage from Council on Aging volunteers.

The Commission discussed needs and options for a Smart Board or Smart TV for the office, settling on at least a 75-80 inch touchscreen that could be mounted to the wall. Chair Wahl will identify the parts needed to make it wireless, and Ms. Hemingway will arrange for its purchase and installation.

The level-funded budget was circulated for signatures. The requests for administrative support and the touchscreen will be made on a separate sheet.

John Hornstra – 2019 Farm Field Plan Review

The Commission held its farm plan review with farmer John Hornstra. Mr. Hornstra plans on farming the same fields and crops as last year. Plans to keep livestock at one of the town fields have been tabled. The Commission and Hornsta discussed the frequency and timing of stone wall cleaning, and agreed to two cleanings: one between July 1 and August 1, and one by October 1. Mr. Hornstra will send in his Land Use Proposal for approval at the next meeting.

Norwell Farms – 2018 Fall Stabilization Plan & 2019 Farm Field Plan Review

Norwell Farms requested a continuation to December 18.

2019 Meeting Schedule

After a discussion of Commissioner schedules, the Commission adopted the proposed 2019 meeting schedule, with most meetings on the first and third Tuesdays of the month except for school vacation weeks. They will re-evaluate the schedule before the summer.

Motion by Mr. Mott to accept the proposed 2019 meeting schedule. Seconded by Mr. Woodill and unanimously voted.

Old Business

SUB-COMMITTEE AND PROJECT 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		

Open Space & Recreation

Members continue to be unavailable for a quorum for meetings.

CPC

Mr. McMackin advised that CPC members had questioned where the money currently in the Conservation Fund had come from; a view was expressed that the Commission should be spending down its existing funds for conservation, and then asking for additional funds as needed. Ms. Hemingway will research the transaction history of the Fund and how it has been used.

The Board of Selectmen is not supporting the Commission’s request for a 10% land acquisition deposit to the Conservation Fund on the grounds that the statutory set-aside is for open space generally, and not strictly conservation. The Commission will look at ways to amend the application, and consider new arguments in its support.

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MISCELLANEOUS

Bills

The following bills were presented for payment:

Christopher Sullivan	Meeting Minutes	\$150.00
Bob McMackin	MACC training cost	\$55.00
Tree and Grounds	Donovan Path Connector	\$188.80
Tree and Grounds	Tree removal at Jacobs-Prospect	\$248.92
Steve McViney	Trail work payroll	\$117.00

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

Ms. Hemingway advised that there was unspent funding for various projects, including Boardwalk and Entry, Kiosks and Signage, and Donovan Parking/Connector, that could be lost if not used. She requested that the matter be discussed at the next meeting.

Minutes

The minutes for the September 18, October 2, and October 16, and November 6 meetings were distributed. Commissioners reviewed and discussed corrections and changes.

Motion by Mr. Mott to approve the minutes of September 18, October 2, and October 16, and November 6, 2018 as written. Seconded by Mr. Woodill and approved by a 4-0 vote, Members Ivas and Bjorlin having abstained.

7:00PM 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 / Representative: B. McKenzie, McKenzie Eng.

Brian Murphy, Brad McKenzie, and Attorney Gene Guimond present for Simon Hill, LLC. Commissioner McMackin recused but remained present for the discussion as a resident. About 12 area residents were present (please refer to the sign-in sheet), including Selectman Ellen Allen. The hearing was held in the Osborne Room.

Chair Wahl advised all present that the discussion at this meeting would specifically concern the project's compliance with the Massachusetts Wetlands Protection Act and requested that all comments be limited to this topic and be addressed to her.

Mr. McKenzie presented applicant's updated plan for a 40B project comprising 126 rental units in three apartment buildings, on approximately 28 acres. Since the last meeting, applicant representatives had met with Wetland Delineation - peer reviewer Art Allen and made changes to the delineations onsite. Other changes included redesigning the access road to circle all units, and the addition of a pool, clubhouse, and three eight-space garages. Mr. McKenzie stated that these and other changes had resulted in a 20% reduction in impact to the 50 foot buffer and a 15% reduction in impact to the 100 foot buffer. Soils on-site had been tested and found to be permeable.

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Mr. McKenzie stated the project had been filed as a limited access project due to there being no feasible way to access the uplands on the site without alteration to a wetland, and that any impacts would be mitigated. BVW would be replicated at a 2:1 ratio, in compliance with the performance standard. Utilities would link to Prospect Street, and the project would include a wastewater treatment plan permitted in accordance with the DEP groundwater treatment program.

Ms. Hemingway noted that her questions were based on her initial review and others would likely follow. These included the reason for the 6-7 foot elevation across the site. Mr. McKenzie indicated this was due to groundwater elevations. In response to a follow-up question from Chair Wahl, he indicated that fill would be brought into the site but he did not have the exact amount.

Ms. Hemingway asked whether they had considered the use of rain gardens for the stormwater system. They have looked at various stormwater BMPs; with rain gardens, they would not get credit for stormwater peak rate and volume reductions; also, installing rain gardens would cause the development to sprawl into the buffer.

Hemingway also asked if they had considered the use of impervious pavers in some of the paved areas. Mr. McKenzie felt the existing impervious pavers were not good for high-traffic areas, and they haven't been used much in the Northeast. He was also unsure the Town would want to see them being used in the aquifer protection district.

Agent Hemingway also expressed concern that the septic treatment system, in which waste is drained to the front of the lot and then back up through the stream channel to get to the leach field, would be vulnerable to failure. Mr. McKenzie indicated the treatment plant was where the best soil was and the greatest separation of groundwater. They are dealing with limited space, and the pump station needs a certain separation from the BVW; they frequently use similar designs and have had no issues.

Ms. Hemingway asked in closing that the site plan be updated to show a seasonal pond at 58 Prospect Street, and the buffer adjusted accordingly.

At this point the floor was opened to Commissioner questions. In response to a question from Commissioner Mott, Mr. McKenzie indicated that roof runoff would be routed into a subsurface system under the parking lot, which would encourage its infiltration.

Commissioner Ivas asked how deep it was to the groundwater on the site; it varies between 3 to 6 feet. Ivas stated he had observed knee-deep standing water on the site today, and felt uncomfortable with the project location based on this observation.

The Commission discussed the scope of the previous delineation by Art Allen and Brad Holmes, and whether they should re-visit the upland areas on the site. Ms. Hemingway will obtain clarification; an additional visit, if needed, may take some time to arrange.

Chair Wahl asked about construction would occur in stages. Mr. Murphy indicated that rental projects such as this one tend to get built all at once so the units can get leased as quickly as

possible. Mr. McKenzie added that prior to the start of construction, they would be filing a sediment/erosion control plan which would also discuss phasing.

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The Commission then discussed peer review options, noting that John Chessia had submitted a \$4200 bid to review stormwater and grading in relation to buffers. Attorney Guimond expressed concern with the use of Chessia since he had already worked as a consultant for the ZBA on the project. He also stated that Mr. Murphy was involved in litigation on other projects that involved Mr. Chessia, and indicated they would prefer a consultant who hadn't seen the project before.

Ms. Hemingway replied that Chessia's prior experience with the project was the reason she recommended the Commission accept his bid. Mr. Ivas added that Chessia's familiarity with the soil conditions in Norwell were another reason to hire him. Commissioner consensus after further discussion was to hire Chessia for the stormwater and grading peer review.

Motion by Mr. Mott to accept Chessia Consulting's bid for peer review. Seconded by Mr. Ivas and approved by a 5-0 vote, Mr. McMackin having recused.

Attorney Guimond noted applicant's opposition for the record, and reserved the right to appeal this appointment to the Board of Selectmen. Ms. Hemingway pointed out this right to appeal relates solely to a consultant's ability to do a job and not having a conflict of interest. Selectman Ellen Allen indicated that the Board would consult with Town Counsel Bob Galvin if such an appeal took place.

The Commission will request also request bids from wetlands scientists to review possible wetland impacts. Mr. McKenzie observed that this review seemed to be included as part of Chessia's quote; however, Ms. Hemingway pointed out that Mr. Chessia was not a wetlands scientist and, notwithstanding any overlap, his review would focus on stormwater and grading issues.

The floor was then opened to questions from the public. Paul McGloin, 58 Prospect Street, discussed the frequent ponding and flooding issues near his property, and invited Commissioners to walk the area to see for themselves.

Marie Molla, 88 Prospect, felt the meeting should have been postponed as the plans have changed from what was originally approved by ZBA in 2013, and objected to the developer's attempt to remove Chessia from peer review of the site. She agreed with Mr. McGloin that the area was wet, and felt development will cause additional flooding. Ms. Hemingway noted that Ms. Molla had submitted photographs of the area to the Conservation office which have been added to the file.

Chris Mazzeo, 40 Simon Hill, asked what entity would be liable for adverse drainage or flooding impacts to abutters. Attorney Guimond indicated that those who had a cause of action could file a complaint in Superior Court.

John Salerno, 151 Main, noted that he also had water problems despite being on higher ground, and expressed concern at what would happen with runoff once the site was clear-cut and paved.

Mr. McKenzie observed that there appeared to be significant issues regarding groundwater in the area, but these were not relevant to stormwater regulations. The bylaws and regulations require that they conduct a stormwater analysis and mitigate any project impacts so there is no net increase in runoff. Commissioner Ivas questioned the implication that the Commission had no jurisdiction over groundwater issues; Ms. Hemingway will research further.

Kim Gately, also 151 Main, asked about standing water in the stormwater basin. Mr. McKenzie indicated that the basin was designed to accept runoff from a portion of the parking lot, and slowly release it into the wetland on site. He stated there would be a small permanent pool of water, but such a basin was an accepted BMP under state regulations. Ms. Gately felt the pool would be much larger given the wetness of the land. Ms. Hemingway advised all that a similar basin could be seen at the Wildcat OSRD.

Applicant requested a continuation to December 18, at which time responses to the RFP for wetland impact peer review will be discussed.

Motion by Mr. Mott to continue the matter to December 18 at 7 PM. Seconded by Mr. Woodill and approved by a 5-0 margin, Mr. McMackin having recused.

After the close of the meeting, the Commission discussed scheduling a working session after Chessia's peer review to review and compile outstanding issues.

8:00PM: PUBLIC HEARINGS / MEETINGS / LEGAL DOCUMENTS / VOTES:
*****Legal Documents/Votes ***Minor Amendments, Reviews, CoC's**
*****Requests for Determination ***Notices of Intent ***Enforcements/ Violations**

Public Meeting: 5 Fieldstone Way / SE52-865 & NCC# 24(07) / Discussion re: Mitigation (cont.)

The Commission discussed with Attorney Adam Brodsky a mitigation plan prepared by Brad Holmes as mitigation for a pool installation by the previous owners of the property. The plan includes three restoration areas and is designed to revitalize the adjoining wetland while allowing the new owner to maintain the use of their yard.

Ms. Hemingway felt the plan offered a good resolution of all issues, and recommended that the Commission approve it through the issuance of a restoration order which could be signed by the Commissioners at the next meeting.

Motion by Mr. Woodill that the Commission file a restoration order for 5 Fieldstone Way. Seconded by Mr. Mott and unanimously voted.

(Off) Circuit Street (Bl. 69, Lots 25, 26 & 30) aka: Hitchin' Post Lane / SE52-1149 & NCC# 29(18) / Road Construction & Stormwater Improvements NoI / OoC (cont.) Applicant: Mark Raimondi (Circuit St. R/T) / Representative: Gary James, James Engineering

Mr. James presented applicant's plans for a seven-lot OSRD that includes an 11 acre donation to the Town that would link several surrounding town-owned parcels, as well as a walking trail through the donated land. All structures on the plan were out of the 100 foot buffer.

A review by the Planning Board is pending. Mr. James noted that the PB's special permit does not require the stormwater calculations the Commission will require, rather than wait for Chessia's comments to the PB, he would like Chessia to start the stormwater review as soon as possible.

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All parties agreed to hire John Chessia for grading and stormwater peer review. Applicant assented to a continuation and will update the plan set to include erosion controls. Ms. Hemingway commended the project's design, as all structures were completely outside resource area buffer zones.

Motion by Mr. Woodill to hire John Chessia for stormwater peer review, not to exceed \$4500 without further review. Seconded by Mr. Ivas and unanimously voted.

Motion by Mr. Mott to continue the matter to January 15, 2019 at 7:30 PM. Seconded by Mr. Ivas and unanimously voted.

Old Oaken Bucket Estates / SE52-1138 & NCC# 11(18) / Roadway Construction, SFH, Septic, Stormwater & Grading NOI / OoC (cont.) App: John Kopacz / Rep: Marta Nover, Nover-Armstrong

Applicant John Kopacz present, along with Greg Morse and Jeff Hassett, Morse Engineering, and Marta Nover, Nover-Armstrong. Attorney Walter Sullivan also present. Commissioner Ivas recused himself from voting and left before the discussion started.

Mr. Morse discussed their response to written comments prepared by the Commission. Written replies were not available, as the comments were received late. Regarding the Commission's request for conservation-specific site plans and fewer cc's to the Commission, Mr. Morse indicated it was his standard practice to use the same set of plans for all Boards for the sake of transparency. Ms. Hemingway agreed with this intent, but would like to see the number of duplications reduced.

Mr. Morse contended that the NOI as submitted was for the entire property and not just the subdivision, as the plan sets included the bog property. Stormwater would be treated by fixtures in the subdivision, and ultimately discharged into the reservoir. He had been in contact with DEP regarding the system's design, and would be submitting a letter from Fred Civian at DEP for the file. The NOI covers "phase 1" of the project, including construction of the roadway, drainage system, and associated infrastructure.

Ms. Hemingway noted the regulations required stormwater management structures to be outside the 50 foot buffer; having the structures on the subdivision property as opposed to the bog property may give the HOA more incentive to manage them. Attorney Sullivan noted that the easements related to stormwater structure maintenance were a burden that would be transferred to subsequent owners of the bog property. They will work with the Planning Board and Town Counsel Bob Galvin to further refine the language. Ms. Hemingway requested that this include a clarification that the Association had the obligation, and not just the right, to maintain the development's stormwater control fixtures.

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Regarding the Commission's request for off-site flood calculations, Mr. Morse indicated they had made several changes to their calculations in response to Mr. Chessia's comments, these ultimately show a 2.5" increase in the large bog in a 100-year storm.

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Mr. Mott asked who would remove the stop logs on the bog control devices if the bog were abandoned at some point in the future. Attorney Sullivan indicated that the HOA has the authority to do so, as well as the new owner of the bog property. This language can also be made more specific.

Mr. Morse also pointed out that pictures of sites within the 50 foot buffer where work was proposed had been previously submitted, and they show these areas have already been altered. Ms. Hemingway suggested that these work areas be staked out in the field for Commissioners to view the extent of disturbance.

At this point, Chair Wahl indicated that due to the number of outstanding questions, she would prefer to see and review written responses. Ms. Hemingway suggested that a working session be held between herself, applicant's engineers, consulting engineer Chessia, and Commissioners to further work out the outstanding issues and come back with written report.

Applicant assented to a continuation. Mr. Morse will stake out the proposed work areas in the 50 foot buffer so Commissioners can view on-site.

Motion by Mr. Mott to continue the matter to January 15, 2019 at 8:30 PM. Seconded by Ms. Markham and approved by a 5-0 margin, Mr. Ivas having recused.

Lot 62, Stony Brook Lane / SE52-1153 & NCC# 34(18) / Single-Family Home

NoI / OoC (cont.) Applicant: Thomas Williams / Representative: Scott Goddard, Goddard Consulting

Applicant requested a continuation to January 15, 2019.

Motion by Mr. Ivas to continue the matter to January 15, 2019 at 8 PM. Seconded by Mr. Mott and unanimously voted.

34 Turner's Way / SE52-1158 & NCC# 39(18) / Deck Removal & Construction of Home Addition

NoI / OoC (cont.) Applicant: William McKim / Representative: Matt Creighton, BSC Group

Applicant and representative not present. Ms. Hemingway recommended approval with the following special condition:

2:1 mitigation for lawn area to be converted to deck.

Motion by Mr. Woodill to approve the NoI with a short-form OoC and condition as noted. Seconded by Mr. Mott and unanimously voted.

16 Circuit Street / SE52-xxxx & NCC# 40(18) / Installation of a Pool & Fence

NoI / OoC Applicant: Kevin McKinnon / **Representative:** Darren Grady, Grady Consulting

Mr. Woodill read the notice of public meeting. Applicant requested a continuation to December 18.

Motion by Mr. Mott to continue the matter to December 18, 2018 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

386 River Street /SE52-xxxx & NCC# 41(18) / Detached 2-Car Garage

NoI / OoC Applicant: Jerzy Hrebenko / **Representative:** Mark Manganello, LEC Environmental

Mr. Woodill read the notice of public meeting. Applicant requested a continuation to December 18.

Motion by Mr. Ivas to continue the matter to December 18, 2018 at 8 PM. Seconded by Mr. Mott and unanimously voted.

ADMINISTRATIVE PERMITS & REQUESTS:

None

PENDING SUBDIVISION / COMMERCIAL DEVELOPMENT UPDATES:

None

FOREST CUTTING APPLICATIONS (cont.):

Barrell Lane (Historic) – part of Curtis Farm Lane – Rodriquez – update

Ms. Hemingway advised that DCR had issued a Forest Cutting Permit, but she had not received the copy yet. They will need to respond quickly once the permit arrives.

VIOLATION DISCUSSIONS:

294 Lincoln Street

Ms. Hemingway continues to monitor the site. Mr. Mott noted an additional possible violation at 134 Main Street.

ENFORCEMENT HEARINGS

None.

**AGENT’S REPORT – Please see complete report to the Commission
SCIENCE AND REGULATION IN THE NEWS
EDUCATION AND TRAINING OPPORTUNITIES**

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

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<i>Next Meeting</i>	December 18, 2018
<i>NEW filing applications due date/deadline</i>	<i>December 4, 2018 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>	<i>December 10, 2018</i>
<i>Revised Information submittal deadline</i>	<i>December 11, 2018 @</i>

	noon
Peer Review Info Deadline, CoC Requests, Minor Modification & LP Requests	December 11, 2018 @ noon
Public Information Written Comments	No deadline

ADJOURNMENT

There being no further business, a motion was made by Mr. Ivas to adjourn at 10:22 PM. Seconded by Mr. Mott and unanimously voted.

I hereby certify that the above minutes were presented and approved by a majority vote by the Norwell Conservation Commission on March 5, 2019.

Marynel Wahl
 Marynel Wahl, Chairperson

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