

**NORWELL CONSERVATION COMMISSION**  
345 Main Street / Norwell, MA  
**December 5, 2017 @ 7:00 PM - Room 112**  
**Minutes**

**Present:** Marynel Wahl, Chair, Dave Osborne, Bob McMackin, Ron Mott, Justin Ivas, Stacy Minihane, Agent N. Hemingway, and Recording Clerk C. Sullivan  
(Bob Woodill was absent)

**CALL TO ORDER**

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

**AGENDA ACCEPTANCE**

*Motion by Mr. Mott to approve the agenda as submitted. Seconded by Mr. Ivas and unanimously voted.*

**COMMISSION BUSINESS**

**New Business**

**Farm Plan Reviews**

**Hornstra Farms**

Farmer John Hornstra advised the Commission that his Land Use Proposals were similar to last year's. He thought that Norwell Farms might have been interested in taking over Jacobs Field when Scott Franklin was the farmer, and had continued to farm there because of an old understanding that allowed him to use the buildings there. Now that he no longer could use the buildings, he was continuing on as a courtesy.

Ms. Wahl asked Mr. Hornstra whether he was still thinking about grazing cows in Jacobs Field. Mr. Hornstra indicated that he might be interested in the future, but not next year as it would require a big investment in fencing.

*Motion by Mr. Osborne to approve the Land Use Proposal form submitted by Hornstra Farms for Jacobs Field. Seconded by Mr. Mott and unanimously voted.*

Mr. Mott asked whether the Commission had received a permit from the state to do the edging proposed for Donovan field. Ms. Hemingway indicated that she did receive this permit. Mr. Hornstra noted that he saw the flags, but will verify the areas to be edged with Commissioners in the field.

*Motion by Mr. Osborne to approve the Land Use Proposal form submitted by Hornstra Farms for Donovan Field. Seconded by Mr. Mott and unanimously voted.*

*Motion by Mr. Osborne to approve the Land Use Proposal form submitted by Hornstra Farms for Osborne Field. Seconded by Mr. Mott and unanimously voted.*

**Norwell Farms**

Jessica Chase and Dierdre Tobias present for Norwell Farms (NF). Mr. Osborne asked Ms. Chase about the removal of plastic from their fields. Ms. Chase referred to NF's response letter from

October 5, in which they indicated they wished to cover the front fields in landscape fabric over the winter to protect the soil and ultimately reduce tillage.

Mr. Osborne questioned whether the Commission had confused this landscape fabric with the black plastic that had been used in other fields. Ms. Hemingway showed Commissioners some photos of the product, and Ms. Chase confirmed that the fabric was the same color as the plastic but was made of different materials. Mr. Mott asked whether the plastic in Field 3 had been removed. Ms. Chase wasn't sure and will check.

Mr. Osborne and Ms. Wahl asked why there a cover crop wasn't planed in the front fields. Ms. Chase cited a shortage of staff and equipment, and felt that less tillage was better for the soil. Ms. Tobias added that there wasn't time to plant a cover crop due to the lateness of the harvest in those fields.

Ms. Wahl also asked about NF's progress in hiring a new farmer. Ms. Chase advised they were advertising the opening through the usual channels. Ms. Tobias added that they already had a few promising responses. They hope to continue keeping chickens if the new farmer is able to care for them.

Mr. Mott noted that NF had done well keeping their stone walls cleared, and asked about their plans for Barstow Field. Ms. Chase indicated that they wished to terminate their lease for Barstow, and Ms. Hemingway asked that they confirm this in writing.

Mr. Mott will take a look at the covering material in the fields tomorrow, and the Commission will continue its review on December 19.

#### Beekeeping Plans

Ms. Hemingway advised that beekeeper Luke Lambert could not be present tonight. Mr. Mott asked why Mr. Lambert kept hives at Donovan field, as it seemed to cut into Mr. Hornstra's use of the field where they are sited. Ms. Hemingway advised the hives were there because that area of the field is not plowable due to boulders.

*Motion by Mr. Osborne to approve the Land Use Proposal forms submitted by Luke Lambert for beekeeping. Seconded by Mr. Mott and unanimously voted.*

#### **Old Oaken Bucket Estates Subdivision Review**

Ms. Hemingway advised that the Planning Board had received a conventional subdivision plan for part of the Kopacz farm on Old Oaken Bucket Road, and was requesting comments from the Commission.

Ms. Minihane noted the developer was requesting a waiver from the requirement to supply construction details; Ms. Hemingway felt this was unlikely to be granted. She also felt that several of the proposed homes would not be permittable under the Norwell wetlands bylaws, and would convey this to the Planning Board. She requested that Commissioners provide any additional comments in time for her to reply back by December 29.

Ms. Wahl asked Water Commissioner Steve Ivas whether the town had sufficient water to service a development in that area. S. Ivas indicated that the town is required to deliver water to whoever wants it, but easements may be required to do so.

### **FY '19 Budget Requests**

Ms. Hemingway advised that Town Administrator Peter Morin had asked all departments to submit a level-funded budget for FY '19; any additional requests for funding would require explanation and completion of an additional worksheet. As budgets are due before the next meeting, Ms. Hemingway recommended that the Commission submit a level-funded budget.

*Motion by Mr. Mott to submit a level-funded budget for FY '19. Seconded by Ms. Minihane and unanimously voted.*

### **2018 Meeting Schedule**

The Commission reviewed the proposed 2018 meeting schedule, removing the February 20 and April 17 meetings after some discussion. Additional meetings can be scheduled as needed.

*Motion by Ms. Minihane to approve the 2018 Meeting Schedule as amended. Seconded by Mr. Ivas and unanimously voted.*

### **Jacob's Island Fire Ring/Benches**

The Commission briefly discussed a proposal to install a fire ring and benches on Jacob's Island as part of a scouting project. Mr. Mott felt the project should be limited to just the fire ring, as benches were likely to be destroyed or vandalized. Mr. Ivas added that permanent benches might end up being placed too far from or close to the fire ring. The applicant will be presenting her plan at the December 19 meeting.

### **Curtis Farm Road Peer Review**

Ms. Hemingway advised that she had received a \$3000 quote from Chessia Consulting for peer review of Lot 6 on Curtis Farm Road, and Commission authorization was required to approve it.

*Motion by Mr. Mott to approve the \$3000 quote submitted by Chessia Consulting for peer review of Lot 6, Curtis Farm Road. Seconded by Mr. Ivas and unanimously voted.*

### **December 19 Meeting**

Ms. Hemingway felt that the December 19 meeting should go forward as planned, as the farm plan review for Norwell Farms had already been continued to then. Mr. McMackin will be out of town, and Ms. Hemingway may not be able to attend.

**Old Business:**

**SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)**

Pathways	R. Woodill	The Pathways Commission will be holding a meeting on December 13 to hear comments from interested parties on the Wompatuck Parking Lot/Access Road project.
CPC	D. Osborne	The Commission briefly discussed the proposed purchase of Whiting Fields by the Town. Mr. Osborne urged the Commission to communicate its wishes as to the use of these fields to CPC and get specifics in writing prior to Town Meeting.
Zoning Bylaw	D. Osborne	Mr. Osborne indicated that the review of the town bylaws was progressing and would be wrapped up soon.

**MISCELLANEOUS**

1. Bills
  - a. \$55.00 – MACC – Unit 101 on line for Bob McMakin
  - b. \$500.00 – Solitude Lake Management –final payment for completed pond treatment.
  - c. \$150 – Chris Sullivan – minutes of Nov 7
  - d. \$108 – Steve McViney – Trail work
  - e. \$156 – Ed Cox – Trail work
  
2. Minutes: 10/17/17 and 11/7/17 – Copies have been emailed and a couple extra copies will be available for the meeting.

**Bills**

Ms. Hemingway read off the list of bills to be paid. She suggested that the Solitude Lake Management invoice be paid from the Conservation fund so the Jacobs Pond Improvement account could be kept open, but Mr. Osborne felt the invoice should be paid from the Jacobs account so the town accountant could remove it as a line item.

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

**Minutes**

The minutes for the October 17 and November 7, 2017 meetings were distributed. Commissioners reviewed and discussed corrections and changes.

*Motion by Mr. Mott to approve the minutes of October 17 as submitted. Seconded by Mr. Ivas and approved by a 4-0 vote, Ms. Minihane having recused.*

*Motion by Mr. Ivas to approve the minutes of November 7 as amended. Seconded by Mr. Mott and approved by a 4-0 vote, Ms. Minihane having recused.*

**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.

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

**40 River Street / SE52-1128 & NCC# 40(17) / Raze (old) police station & Construction of 18-unit Multi-family Bldg. OoC document signature only**

Ms. Hemingway circulated the OoC approved at the last meeting to Commissioners for signatures. She suggested that the standard requirement in the long-form OoC for a project monitor be stricken, as the ZBA already requires a project monitor in its 40B permit. Ms. Wahl suggested that this OoC be amended to specify that no duplicate project monitor be hired. Ms. Hemingway will amend the order accordingly.

**80 First Parish Road / SE52-988 & NCC# 41(11) / Driveway Replication**

**CoC (cont.) Applicant: Spectrum Homes, Inc. / Representative: Kevin Grady, Grady Cons.**

Ms. Hemingway advised that all was stable on the site, and recommended issuance of the CoC.

*Motion by Mr. Mott to issue a CoC for 80 First Parish Road. Seconded by Mr. Ivas and unanimously voted.*

**31 Central Street / SE52-1122 & NCC# 29(17) / Garage**

**CoC Applicant: Kathryn & Peter Hajjar / Representative: Steve Ivas, Ivas Environmental**

John McKay and Steve Ivas, Ivas Environmental, present. Commissioner Justin Ivas recused and left before the discussion started.

Ms. Hemingway advised that the site was stable but noted two issues not related to the garage. She indicated that the required conservation markers had not been installed when she visited the site, and that a tree had snapped in a recent wind storm.

S. Ivas indicated that six of the eight markers had been installed as of tonight, and that two spruce trees had snapped in the storm. He advised that the garage was up, and the turf was in and growing. He also noted that any outstanding issues could be addressed in the spring, when they request a CoC for filing 52-1117.

*Motion by Mr. Osborne to issue a CoC for 31 Central Street, filing 52-1122. Seconded by Mr. Mott and approved by a 4-0 vote, Mr. Ivas having recused.*

**69 South Street, Lot 1 / SE52-1010 & NCC# 38(12) / Single-Family Home**

**CoC Applicant: K & E Construction / Representative: Paul Mirabito, Ross Engineering**

Ms. Hemingway advised that this CoC was to be reviewed only against the Norwell wetlands bylaws. She recommended continuation to the spring to verify performance of the drainage components, and advised that the owner had no issue with a continuance.

*Motion by Mr. Osborne to continue the matter to May 1, 2018 at 8 PM. Seconded by Mr. Mott and approved by a 4-0 vote, Mr. Ivas being absent.*

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

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

*Motion by Mr. Mott to continue the matter to December 19 at 8 PM. Seconded by Mr. Osborne and approved by a 4-0 vote, Mr. Ivas being absent.*

**196 River Street / NCC# 43(17) / Pool & Patio Installation**

RDA / DoA Applicant: Tim Corbett / Representative: Ian MacFarlane, Grady Consulting LLC

Mr. Mott read the notice of public meeting. Rob Carlezon present for Grady Consulting.

Ms. Hemingway advised that she had been unable to reverify the wetland flags. She recommended that the no-disturb condition for the 50 foot buffer be waived in this case to allow trucks on plywood to bypass the stone wall so they don't destroy it; this would also avoid the need for unnecessary fill.

*Motion by Ms. Minihane to approve the RDA, pos 2B, pos 5, neg 3. Seconded by Mr. Ivas and unanimously voted.*

**52 Simon Hill Road / NCC# 44(17) / Septic System Repair**

RDA / DoA Applicant: William C. Humberd, Jr. / Representative: Rob Carlezon, Grady Consulting, LLC

Mr. Mott read the notice of public meeting. Applicant William C. Humberd, Jr., present along with Rob Carlezon, Grady Consulting.

Mr. Carlezon advised that the new system had been placed as far away from the wetlands as possible. They will install a silt sock off the side of house for erosion control and to protect the buffer. The leaching field will be outside the 100 foot buffer and the new tank will be 85 feet to the closest wetland flag.

Ms. Hemingway indicated that she did not agree with the delineation shown, as it stops at the edge of the limit of lawn as opposed to showing the extent of hydrology. However, she agreed there was no better place to put the system and recommended approval with conditions.

*Motion by Mr. Osborne to approve the RDA for 52 Simon Hill Road, pos 2B, pos 5, neg 3. Seconded by Mr. Mott and unanimously voted.*

**69 South Street / NCC# 45(17) / Pool, Spa, Patio & Retaining Wall**

RDA / DoA Applicant: Eric Hines / Representative: Tish Campbell, Amy Martin Landscape Design

Mr. Mott read the notice of public meeting. Tish Campbell present for Amy Martin Landscape Design.

Mr. Osborne asked why a NoI wasn't required for this project. Ms. Hemingway indicated this was because the project was within an existing lawn area for which a project had previously been approved but not completed.

Ms. Campbell noted that the as-built plans showed an indoor pool that was not built, and the biggest difference between this plan and the one previously approved was the pool would be outdoors. Mr. Ivas expressed concern about the amount of fill, and asked whether the pool could be rotated. Ms. Campbell indicated that this would not be possible due to the septic setback.

Ms. Minihane pointed out that the project was within existing lawn area and that issuing the permit would be consistent with previous Commission permitting. Mr. Osborne requested additional detail regarding construction in the plans, as it was not clear whether there was enough room to build the retaining wall. Ms. Campbell advised that the builder said there was adequate room. Ms. Minihane noted that the Commission could issue an enforcement order or require amendments if they were unable to build the wall as planned.

Ms. Minihane requested a plan copy that showed the limit of work for the Commission's file. Ms. Campbell will provide this to Ms. Hemingway, who will issue the Commission's decision once this is received.

*Motion by Ms. Minihane to issue the RDA, pos 2A, pos 5, neg 3. Seconded by Mr. Ivas and unanimously voted.*

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

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

Sean Donovan present for EMET holdings. Mr. Donovan advised that he had added a dewatering location to his plan but didn't think it would be needed unless a septic system were installed where the water table was high. He also made changes to minimize disturbance in the 50 foot buffer and added a stormwater depression near Green Street. Ms. Minihane asked whether it was possible to move the depression closer to the driveway; Mr. Donovan indicated he would have to ask his engineer, and indicated he asked them to put it in as tightly as possible. The Commission also discussed whether it would be possible to move the proposed utility lines further from the buffer.

Mr. Ivas asked whether the Commission typically allowed for stormwater depressions within the 50 foot buffer, and indicated he didn't want to set a precedent for this without documentation. Ms. Hemingway wasn't sure if such a request had been made before; Mr. Donovan indicated there was a good reason to have the depression where it was, so it could capture runoff from the driveway.

Ms. Minihane requested additional narrative regarding how the proposed culvert would meet or exceed stream crossing standards. Mr. Donovan pointed out that this was discussed verbally at the last meeting, but Ms. Minihane felt the information should be in writing for the file. Ms. Hemingway suggested that Mr. Donovan provide hydraulic calculations to back up his claim in the narrative.

Mr. Donovan also provided Commissioners with stormwater calculations he made, based on the "rational method" set forth in the MA DEP's Hydrology Handbook for Conservation

Commissioners. He briefly discussed his methodology and findings, adding that the change of grading will help address runoff issues.

Ms. Minihane questioned whether the six inches of sandy soil he added were enough to justify his using the more beneficial coefficient in the calculations. She also asked whether stormwater from the driveway would get into the stormwater depression given how the driveway was sloped, and indicated it would be helpful to have an engineer's evaluation that addressed the stormwater issues on this site and verified Mr. Donovan's calculations. Ms. Hemingway added that an engineer would be able to verify for the Commission that the methodology used for these calculations was appropriate for the site. Mr. Donovan will talk to his engineer and add more information to the plan regarding the culvert, stream crossing standards, and utilities.

Ms. Minihane also asked whether the placarded boulders proposed in the narrative should be placed at the 50 foot buffer or at the limit of clearing. Ms. Hemingway suggested that they be placed an additional 15 feet from the buffer to protect the root systems of the trees.

Dave DiGhetto, 303 River Street, stated that the hillside on which the lot is located is fragile and that the south side of Green Street should not be developed the way the North side of the street was. Patricia Crumley, 48 Green Street, expressed concern about the further removal of trees on the hill and impacts on wildlife. Ms. Minihane pointed out that Commission jurisdiction was limited to resource areas and buffer zones and that, although significant wildlife habitat within a wetland could be protected under the regulations, this did not apply to all habitats on a site.

*Motion by Mr. Ivas to continue the matter to December 19 at 8 PM. Seconded by Ms. Minihane 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. Ivas to continue the matter to December 19 at 8 PM. Seconded by Ms. Minihane and unanimously voted.*

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

*Motion by Mr. Ivas to continue the matter to December 19 at 8 PM. Seconded by Ms. Minihane and unanimously voted.*

**PUBLIC MEETINGS**

None

**ADMINISTRATIVE REQUESTS**

**53 River St**

Ms. Hemingway advised that the landowner is requesting permission to cut five trees in the 50 foot buffer. Additionally, the owner claims their insurance company has asked permission to prune two additional trees in the buffer that overhang the home. Ms. Hemingway authorized the cutting of one branch that presented a clear safety issue, and asked Commissioners to visit the site to evaluate the remainder of the request. Mr. Osborne and Mr. Mott will visit and report back to the Commission.

**Island View Circle**

Two commissioners are needed to review tree removal requests as per the original OoC. Mr. Osborne and Mr. Mott will visit the site to view the trees the owner is asking to remove.

**129 Mt. Blue St**

Ms. Hemingway advised that the landowner was working on removing a structure in the buffer.

**VIOLATION DISCUSSIONS**

**Kopacz Cranberry Bogs**

The Commission discussed whether to require an after-the-fact filing for work discovered at the Kopacz bogs on November 27. Ms. Hemingway advised that Mr. Kopacz stopped the work when notified, but noted he should have filed an RDA or NoI before it started. It was decided that a letter be sent to Mr. Kopacz for documentation purposes. Ms. Hemingway will draft the letter and retain a copy for the file.

**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 (if not canceled due to quorum issue)</i>		<b><i>December 19, 2017*</i></b>
<i>NEW filing applications due date/deadline</i>		<i>December 5, 2017 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>		<i>December 11, 2017</i>
<i>Revised Information submittal deadline</i>		<i>December 12, 2017 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification &amp; LP Requests</i>		<i>December 14, 2017 @ noon</i>
<i>Public Information Written Comments</i>		<i>No deadline</i>

**ADJOURNMENT**

*There being no further business, a motion was made by Mr. Mott to adjourn at 10:13 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 August 21, 2018 (initially approved on 2/6/18; voted to amend. with changes 8/21/18).

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Marynel Wahl, Chairperson