



NORWELL CONSERVATION COMMISSION
Room 112 / 345 Main Street / Norwell, MA
February 5, 2019 @ 6:30PM
Minutes

TOWN OF NORWELL
TOWN CLERK
2019 MAR 20 AM 9:51
RECEIVED

Present: Chair Marynel Wahl, Vice Chair Bob Woodill, Ron Mott, Roy Bjorlin, Justin Ivas, Ellen Markham, Conservation Agent Nancy Hemingway, and Recording Clerk C. Sullivan. Bob McMackin was absent. Justin Ivas left at 8:30 pm.

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. Ms. Hemingway asked for an amendment to include a discussion of alleged unpermitted work in the Norwell DPW Highway Yard.

Motion by Mr. Woodill to approve the agenda as amended. Seconded by Mr. Ivas 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 / Representative: B. McKenzie, McKenzie Eng.

Applicant Brian Murphy present along with Attorney Gene Guimond. Also present were about 12 area residents-please see sign-in sheet.

Prior to the start of the hearing, Ms. Hemingway advised all parties that tonight's discussion would be limited to considering the peer review quote from Gillian Davies and Ingeborg Hegeman, BSC Group, for the stormwater peer review.

Attorney Guimond discussed his correspondence of February 5 objecting to the RFP as written on grounds that (1) it referenced a draft MACC guidebook that has not officially been adopted; (2) the proposed groundwater analysis was not applicable to the DEP stormwater performance standards, and the project will have no groundwater impact; and (3) the RFP was excessive in cost and scope. Attorney Guimond also stated that any RFP for over \$10K must be sent out to at least three potential bidders, and asked for further guidance as to what information the Commission was seeking from the study, so that it could potentially be narrowed in scope and lowered in cost.

Ms. Hemingway replied that the RFP does not require reference to the MACC guidelines specifically, but rather to the best currently available science and data. She added that groundwater was one of the interests protected by the Commission, and there was evidence the

project could have a potential impact on these levels based on existing conditions and abutter reports.

With respect to pricing, Commissioner Ivas noted that he worked at a competing firm that was not solicited in the RFP, and felt BSC's quote was reasonable given the scope of work and lower than any quote for comparable work he had seen.

Ms. Hemingway added that she did not believe that the Procurement Requirement to send three RFPs applied to professional scientific reviews, but pointed out that she in fact had sent bids to three consultants, BSC, Art Allen of EcoTec, and Jay Billings of Northeast Geoscience, and that only BSC had submitted a quote. *(In speaking of Mr. Jay Billings during the meeting, Ms. Hemingway used the name of another scientist, Jay Altair, in error.)* She will check with Town Counsel Bob Galvin to ensure proper procedure had been followed.

In response to a concern from Mr. Guimond regarding duplication of effort, Ms. Hemingway replied that both Chessia and BSC were being hired to review different components of the review. Chessia's and BSC's reports would promptly be passed on to McKenzie Engineering once received, and further stated that the Commission encouraged direct communication between applicants and peer review firms.

In response to a question from Attorney Guimond about what specific groundwater regulations were applicable to the project, Ms. Hemingway cited the "Interests Protected" section of the Wetlands Protection Act, and stated that BSC would advise in their report if they believed that a certain area was not jurisdictional.

Chair Wahl asked about the impact of recent changes to the site plan on the quote. Ms. Hemingway did not recommend waiting for an updated site plan to engage BSC, and stated that if applicant submitted a plan that reduced impacts, it would reduce the scope of review and therefore cost, and any excess monies would be returned to the applicant.

Paul McGloine, 58 Prospect Street, commented that he did not know about the movement of the proposed treatment plan, and it seemed residents were being kept in the dark. Chair Wahl advised that the Commission hadn't reviewed the updated plans yet, and they would be discussed at the next meeting.

Motion by Mr. Woodill to accept the peer review quote from BSC Group for the stated price and scope, allowing for direct communication between BSC and McKenzie Engineering. Seconded by Mr. Mott and unanimously voted.

Motion by Mr. Ivas to continue the matter to March 5, 2019 at 6:30 PM. Seconded by Mr. Mott and unanimously voted.

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COMMISSION BUSINESS

New Business

Peterson Pond Dam / Fish passage at Jacobs Pond Dam

Sara Grady, South Shore Regional Coordinator for the NSRWA MassBays program, provided updates regarding the ongoing restoration of Third Herring Brook that started with the removal of dams at Mill Pond (2014) and Tack Factory (2016-'17), and continues with removal of the dam at Peterson Pond, near the Hanover Mall.

The Peterson Pond project is in the permitting and final design phase. They are also proposing to construct a fish ladder through the Jacobs Pond dam, and have submitted a pre-proposal to the National Marine Fisheries Service for both projects requesting a \$274K matching grant. MassDOT may potentially provide funding for the fish passage component.

Ms. Grady indicated that some leftover funds were available from the Tack Factory dam removal, but asked the Commission to think about possible financial and in-kind donations from the Town. Ms. Hemingway asked if the Town contribution could be mostly in-kind. Trees & Grounds may be willing to provide assistance, and Ms. Hemingway is willing to ask former Commissioner Stacy Minihane to provide a delineation.

Ms. Grady also advised that they had been conducting fish counts and water quality monitoring in Third Herring Brook, and the Brook is now considered a coldwater fisheries resource.

N. Hemingway is to check with Glenn Ferguson to see if he would still be willing to supply in-kind service. The Commission asked that the matter of contributing funds as the landowner be put on the March 5 Commission meeting for public discussion and vote.

Town Report

Ms. Hemingway distributed a draft 2018 Conservation Commission Annual Report for Commissioners to read and comment on by e-mail. Ms. Markham will assist with editing and revisions.

Chair Wahl commented that the Town Report was instrumental to educating the public and other town bodies on what the Commission does and why it is here, and asked that all parties think of accomplishments that could be highlighted.

Signage, Rules and Regulations, and Uniform Public Lands Use Policy

Ms. Hemingway advised that Eric Goodwin, the head of a company that organizes various for-profit outdoor activities, had contacted Town Administrator Peter Morin and other town entities about conducting such activities on town land and objected to obtaining permission and permits prior to doing so.

The Commission discussed policy and signage to clarify the appropriate recreational uses of Commission property. Ms. Hemingway will research the current rules and regulations, and Mr. Bjorlin will write up draft language to be added to signage, Web site, and literature to be reviewed on March 5. The Commissioners agreed that prior to March 5 and a Commission vote

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on updated language, no commercial use of Commission property would be allowed without a review and permit through the Conservation Commission.

Highway Yard Work

The Commission discussed allegations of unpermitted work in the Norwell DPW Highway Yard. Ms. Hemingway noted that Highway Commissioner Glenn Ferguson had taken numerous steps to clean up the site and bring it into compliance with the regulations, but that a resident felt that a Notice of Intent should have been filed for the covering of a salt shed on the property.

Commissioners will take a site visit with Mr. Ferguson to review the salt shed and current activity on the property. All agreed that typical DPW activity was allowed on the site within the perimeter previously agreed to by the DEP, Commission and Mr. Ferguson. Ms Hemingway noted that Mr. Ferguson had gone to lengths to protect the no-disturb perimeter by installing concrete corner bounds with markers. She noted that she saw no violations and in fact the work in many areas was pulled back from the allowed edge of use.

Old Business

Carleton Follow-up

Commissioner Ivas discussed his presentation to the Carleton Committee. Committee members commented about parking facilities and ADA compliance of any proposed trails.

Mr. Woodill advised that the Complete Streets Committee was considering a proposal to route the Main Street sidewalk inside one of the stone walls; this might cause difficulty attracting farmers to work the fields. Mr. Mott felt that attracting farmers would already be difficult given the high maintenance the stone walls will require. Mr. Ivas commented that uncleared stone walls presented a more iconic view to him.

Norwell Estates (Circuit Street) Update

Toll Brothers requested a continuation to March 5.

Review of Farm Plan Approvals

Continued to the next meeting.

Review of CPC Funding Applications

Ms. Hemingway suggested that the Commission let the existing funding processes play out, and then consider alternative funding sources if needed.

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	Bylaw Update	R. Woodill

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Trail Work Update

Mr. Ivas advised that trail worker Vin Bucca would like to see the Commission undertake some forest-management activities at Miller Woods, and asked whether this could be funded with a state Trails grant. Ms. Hemingway commented that forest-management activity would typically be funded by a forestry grant, and that Joe Perry, DCR, would be discussing forestry with the Commission at a future meeting.

Commissioner Bjorlund briefly commented that he had been visiting Commission properties, and information seemed to be lacking as to existing trail facilities and their condition; Ms. Hemingway agreed that better outreach would be helpful in this area. Mr. Mott advised that he had repaired a bracket for the kayak launch at Jacobs Pond.

MISCELLANEOUS

Bills

The following bills were presented for payment:

- Chris Sullivan - \$150.00 – Jan 15 minutes
- Steve McViney - \$126.75 - Trail work
- Nancy Hemingway - \$ 300.00 - travel reimbursement
- Art Allen EcoTec - \$996.50 – Simon Hill wetland delineation and follow up
- John Chessia - \$840.00 – for George Road engineering review for stormwater construction phase.
- WB Mason - \$85.97 and \$15.86 – office supplies
- Marynel Wahl - \$125.00 – reimburse for MACC conference
- MACC conference - \$125.00 – for Nancy to attend

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

Minutes

Tabled at Ms. Hemingway's request to allow additional time to review.

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.

64 South Street / NCC# 41(18) / Raze & Rebuild Public Library (including parking, grading, etc.)

DoA (Sig.) Applicant: Town of Norwell, Board of Trustees / Rep.: Rachel Luna, Nitsch Eng.

The Determination of Applicability the Commission voted to issue at the January 15 meeting was circulated for signatures.

8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

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

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

PLEASE REFER TO AGENTS COMPLETE NOTES FOR COMMENTS TO THE COMMISSION

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42 Central Street / NCC# 2(19) / Septic Upgrade

RDA / DoA Applicant: The Turner Family Trust / Rep.: Brendan Sullivan, Cavanaro Consulting

Mr. Woodill read the notice of public meeting. Mr. Sullivan advised that the project concerned a septic upgrade to replace a failed system in the back yard. The new system will be about 60 feet from a wetland, and will consist of a 1500 gallon tank with chambers leading into a leaching field. The system has already been approved by the Board of Health.

Ms. Hemingway stated she had visited the site, and felt the delineation on the plan was accurate and there was no better place on site to put the system.

Mr. Sullivan added that he wasn't sure whether applicants intended to rehab the existing structure or raze and rebuild; he has advised them that any on the house will require an additional permit.

Motion by Mr. Woodill to issue a Determination of Applicability, Pos 2A, Pos 5, Neg 2, Neg 3. Seconded by Mr. Mott and unanimously voted.

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

NoI / OoC (cont.) Applicant: Thomas Williams / Rep.: Valovia Costa, Goddard Consulting

Applicant requested continuation to March 5. Mr. Mott noted that the site has not yet been staked although the Commission had been informed it already was.

Motion by Mr. Ivas to continue the matter to March 5, 2019 at 8 PM. Seconded by Mr. Woodill and unanimously voted.

16 Circuit Street / SE52-1159 & NCC# 40(18) / Installation of a Pool & Fence

NoI / OoC (cont.) Applicant: Kevin McKinnon / Rep.: Darren Grady, Grady Consulting

Applicant requested continuation to March 5.

Motion by Mr. Woodill to continue the matter to March 5, 2019 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

48 Mt. Hope Street (Lots 2 & 3) / SE52-1162 & NCC# 1(19) / Raze & Rebuild Single-Family Home(s) w/ Roadway & Infrastructure NoI / OoC Applicant: Jennifer Zollin / Representative: Jeff Hassett, Morse Engineering

Mr. Woodill read the notice of public meeting.

Mr. Hassett advised that the work site currently contains an abandoned single-family home in disrepair. An ANR dividing the lot into three lots was approved by the Planning Board last

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month. They propose to raze the existing home and construct new homes on each of the three new lots, all of which will be outside the 100 ft buffer. The Board of Health has approved the septic systems for the three houses.

Mr. Hassett advised that the site was delineated by Brad Holmes in June, and stated that the only work inside the 100 ft buffer is a portion of the shared driveway for lots 1 and 2. No portion of the driveway or associated work will encroach into the 50 ft buffer. The closest point of work is 60 ft from the resource. All construction debris will be removed, and a mulch sock will be used for erosion control along the downgradient limit of work.

Mr. Hassett further indicated they would not be clear-cutting the lots during construction, and would like to retain as many trees as possible for privacy reasons. In response to a query from Mr. Woodill, he indicated the plan called for an asphalt driveway, but they may change to a gravel driveway if the owners prefer.

Ms. Hemingway advised she had visited the site yesterday, and recommended the installation of conservation markers on posts rather than a fence restricting access to the BVW and pond. After discussion, the Commissioners agreed to a special condition requiring conservation markers on posts every 25 ft along the 50 ft buffer.

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

8:30PM:

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 and consulting engineer John Chessia also present. Commissioner Ivas recused and left before the discussion started.

The Commission discussed Mr. Chessia's latest report regarding stormwater fixtures and issues. Ms. Hemingway advised that she had received no new information from applicants, and that tonight's discussion would focus on Mr. Chessia's latest review. Mr. Chessia reviewed his report in detail. Among other issues, he commented that the infiltration basin on lot H could possibly be pulled back from the reservoir and identified remaining inconsistencies and concerns. Please refer to Chessia's final report for complete details. With regards to the construction plan, Mr. Chessia felt the upland bogs would work well as sedimentation basins, and recommended that three sedimentation basins be kept until a certain number of upgradient lots have been built.

As to performance standard 1, Chessia recommended the Commission consider a special condition addressing the potential for erosion on the reservoir slope if the bogs are abandoned. Regarding performance standard 2, he noted that most of his previous issues had been addressed

but some modeling limitations remained. He recommended that the Commission consider adding a special condition that no more than 15% of the surface of any given lot be impervious.

Additional recommendations included that the Commission review the proposed access easement language with Town Counsel, that the Operation and Maintenance plan address the maintenance of steep slopes if the cranberry farm were abandoned, and that the Commission consider limiting lot clearing in Phases II and III of the project. Mr. Hassett noted that they are assuming that limitations on clear-cutting will be instituted.

Mr. Morse briefly commented on aspects of Mr. Chessia's report, noting in particular that that the HOA would have an obligation to make any adjustments necessary in the non-farmed scenario, including changes to banks; however, they did not specify this in the HOA language because the non-farmed scenario is hypothetical.

He also stated that all areas of work in the 50 ft buffer were in already degraded locations whose functioning will actually be improved by the project. They expect that a SWPP will be required, and are open to a condition to provide the Commission with a SWPP prior to construction. They additionally expect a condition from the Planning Board requiring further review of house lots, and anticipate that NoIs will be required to build on several of the lots.

Ms. Hemingway advised she had drafted a project summary for Commission reference in drafting a decision, and recommended that Mr. Chessia's recommendations be incorporated into the Order of Conditions.

Applicants at this point agreed to closing of the public hearing. Ms. Hemingway noted that the Commission has 21 days from the date of closing to draft the final Order of Conditions, and suggested that the Commission call a special meeting to deliberate and draft the decision and OoC, if applicable.

Motion by Mr. Woodill to close the public hearing. Seconded by Mr. Mott and approved by a 4-0 margin, Mr. Ivas having recused.

Motion by Mr. Woodill to call a special issue meeting on February 12 at 7:30 PM. Seconded by Ms. Markham and approved by a 4-0 margin, Mr. Ivas having recused.

PENDING SUBDIVISION / UTILITY/COMMERCIAL DEVELOPMENT UPDATES:

None

ADMINISTRATIVE PERMITS & REQUESTS:

194 Old Oaken Bucket

The Commission discussed and decided against requiring a 1:1 replacement for the removal of two healthy pine trees on the property.

PUBLIC MEETINGS:

Mt. Blue St – Barrel Lane (Historic) – Part of Curtis Farm Lane – Rodriquez – update

No updates.

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VIOLATION DISCUSSIONS:

323 Cross Street

The Commission discussed the continued blockage of culverts on the property. In light of previous incidents involving the property owner, Ms. Hemingway recommended and Commissioners agreed that Town Counsel Bob Galvin be asked to intercede and issue the violation notice.

154 Lincoln Street

Commissioners Wahl and Mott will visit the site to determine whether a project at the site requires an RDA or can be permitted administratively.

ENFORCEMENT HEARINGS:

None.

AGENT'S REPORT

The Commissioners agreed to donate a kiosk to the Water Department to be installed at the Grove Street water trail entry, and discussed attendance at this year's MACC conference.

REFER TO AGENTS COMPLETE NOTES FOR INFORMATION SUBMITTED TO THE COMMISSION.

**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>	<i>March 5, 2019</i>
<i>NEW filing applications due date/deadline</i>	<i>February 19, 2019 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>	<i>February 25, 2019</i>
<i>Revised Information submittal deadline</i>	<i>February 26, 2019 @ noon</i>
<i>Peer Review Info Deadline, CoC Requests, Minor Modification & LP Requests</i>	<i>February 26, 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. Mott to adjourn at 9:25 PM. Seconded by Ms. Markham 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 19, 2019.


Marynel Wahl, Chairperson