

NORWELL CONSERVATION COMMISSION
345 Main Street / Norwell, MA
February 2, 2016 @ 7:00 PM - Room 112
Meeting Minutes Final

Present: Wahl, Osborne, Mott, Hillstrand, McMackin, Woodill and Agent - Hemingway
Absent: Minihane

7:00PM CALL TO ORDER Ms. Wahl opened the meeting at 7:04 pm.

AGENDA ACCEPTANCE –agent Hemingway asked to amend the agenda to identify the Cordwainer project as a new construction, not an addition.

Motion; made by Mott, seconded by Woodill, to approve the agenda as amended above.
Unanimously voted

Main Street (Rt. 123) / SE52-1085 & NCC# 18(15) / Road Improvements (review of potential wetland impacts from sidewalk/pathwalk, paving and intersection improvements)
NoI/OoC (cont.) Applicant: Paul Foulsham, Hwy. Dept. / Representative: Ziad Kary, Environmental Partners.

Motion; made by Mott, seconded by Woodill, to continue this review to the next meeting.
Unanimously voted

EPG has requested a continuation to the next meeting on February 16 at 7:00 PM.
The Agent notes will be reprinted and updated for the 2/16 hearing.
Motion; made by Mott, seconded by Woodill, to continue this review to the next meeting.
Unanimously voted

COMMISSION BUSINESS

Beautification Committee (BC) discussion

Present: BC members Susan Solis (Chair), Joyanne Bond (Co-Chair), Susan Hall, Suzanne Jevne. (“member in waiting”)

Ms. Wahl asked how Con Com can assist this committee.

- Fogg Forest Field and Stetson Field

Ms. Solis is here to discuss Fogg Forest, and the BC’s issues with the circumstances of the planted bushes and rose of Sharon being removed without the BC’s knowledge or consent. She stated that the plants were the only means of income for this committee. Their annual operating budget is only \$2000. The trees were a gift to the committee for a fundraising effort, to be sold to the public for a “donation” once they had matured sufficiently. The manner of the plant removal and perceived lack of respect for the committee is the reason for this meeting with the Commission. Ms. Solis also stated that the BC was originally given permission to plant a certain number of elm trees and the rose of sharon bushes.

Per Agent Hemingway, the Fogg Field was donated as parkland and an open field. Mr. Perry was given permission to plant some elm trees with the understanding that the deed states that the field must remain parkland and an open field. Agent Hemingway and Commissioners Mott and Woodill have started cleaning up the field.

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Agent Hemingway tried to contact Committee members to assist with the field maintenance, and reminded all that rose of Sharon never received a permit to be planted. Per the deed and documents in the file, the field was to remain a public park. The edges of the field were starting to close in, so Con Com reached out to Ms. Solis. Mr. Foulsham stated that these plants were too root bound to be transplanted, and it would be cheaper to buy new ones. Multiple parties tried to reach out to contact the Committee with no success. Ms. Solis stated that she was out of town and tried to reply, but the bushes were gone when she returned.

Discussion ensued about communication difficulties. When asked if the Committee had any interest in cultivating a field other than Fogg Field, Ms. Solis stated that they are not interested in more land to grow things, and in fact need Con Com's help to maintain what they have going forward. She invited Con Com to a Beautification Committee meeting to hear about their activities. Agent Hemingway would be happy to work with the Committee. Con Com has a web page for volunteer signup which may be of benefit in finding helpers for the BC. All discussed Queen Anne's Corner and cleanup problems. The COA program has 5 or more volunteers each year who work for the Senior Tax Credit program and who might enjoy working with the Beautification Committee.

Agent Hemingway discussed the Stetson Meadows field with the BC, pointing out its location on the Town map. Con Com is looking for a farming or agricultural purpose for this field, which would be perfect for the BC's use. Per Agent Hemingway, "Please make a proposal to Con Com after you look at it". Ms. Solis stated that they are looking for some sympathy and an apology, which was sincerely offered by Ms. Wahl. Hopefully this will make communications easier going forward.

On another subject, Mr. Osborne gave an update on the status of the Whiting Fields.

8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

- ***Legal Documents/Votes
- ***Minor Amendments, Reviews, CoC's
- ***Requests for Determination
- ***Notices of Intent
- ***Enforcements/ Violations

235 Bowker Street / SE52-xxxx & NCC# 27(15) / Addition

NoI / OoC (cont.) Applicant: Gerry O'Neill / Representative: N/A

Agent's Notes:

- Still no DEP number, working with the applicant to make sure he filed all his state forms properly. Request continuation to 2/16/16.

235 Bowker Street Hearing

Motion; made by Mott, seconded by Woodill, to continue this hearing to the next meeting on February 16th. Unanimously voted

145 Main Street / NCC# 28(15) / Fill, Construction of Retaining wall & Stone patio

After-the-Fact RDA / DoA (cont.) Applicant: Mark O'Neill / Representative: N/A

Agent's Notes:

The Commission reviewed the project status, the applicant had not installed the bounds or followed through on the violation resolution agreement.

Motion: made by Mott, seconded by Woodill, to deny the After-the Fact RDA/DoA and order the homeowner to remove all fill. Unanimously voted

Agent Hemingway is to send notice to all pertinent departments, the listing realtor and the homeowner to remove fill by March 1st. If homeowner does not comply, a daily fine will be imposed until the fill is removed.

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Cordwainer Drive, Lot 9 / SE52-1090 & NCC# 1(16) / New Construction, Parking & Stormwater

Agent's Notes:

- This is a commercial site surrounded by commercial sites all built out. Please refer to the GIS plan. The site meets the zoning requirements.
- Two wetlands (BVW's) are present on abutting sites, and are also being used for stormwater treatment and control. This was common in the 80's but is no longer allowed under the regulations. The systems are considered to be wetland. The larger system adjacent to 600 Cordwainer also contains (or historically contained) a stream channel.
- All work is outside the 50 foot buffer although the extent of impervious on site approaches 60%+. Again this is a long designated commercial site.
- The soils are all deep gravel and very well drained. The back of the lot is a naturally occurring wooded depression. All runoff will be infiltrated on site.
- As Chessia has already conducted an extensive stormwater review for both PB and ZBA I would recommend that be the guidance.
- As a commercial lot, an automatic peer review check is deposited so I have asked John Chessia to attend the hearing to review the stormwater for the site.
- We received a long term O&M plan but details on the construction phase especially near the 600 Cordwainer basin are needed.

NoI / OoC Applicant: Kathleen Long, Mass Medi-Spa / Representative: Paul Mirabito, Ross Eng
Mr. Woodill read the legal notice for this hearing.
Applicant, Paul Mirabito, (represented by Greg Tansey, employee) Kathleen Long, John Chessia.

This is new construction on 2.7 acres. The applicants highlighted wetlands on the parcel and gave an overview of the map, including parking areas. They proposed the site layout with buffer zones and wetland area. The septic area was approved by the BOH. Also reviewed was the stormwater management system on the map.

The applicant is requesting permission to do work within a portion of the 100 foot buffer zone. Mr. Chessia reviewed the stormwater systems for the board, which were the same as his review for the Planning Board.

Chessia reported that all water is recharged onsite. Agent Hemingway has a copy of the O and M plan. Illicit discharge statement, "condition" to get this, owner will sign, and the applicant should receive it before occupancy. The soil is good for the most part with good underlying drainage. During construction the management plan will be given an additional peer review. Agent Hemingway has the 5 conditions that must be met before issuance of the Order of Conditions.

Mr. Mirabito will drop off the most current plans tomorrow morning. Mr. Chessia would like to be copied on the correct set of plans when they are sent to N. Hemingway.

This building for a growing operation has no glass walls as it is not hydroponic.

Motion: made by Woodill, seconded by Mott, to approve the NOI based on the conditions as noted by Agent Hemingway and the peer review of the stormwater drainage plan. Unanimously voted

ENFORCEMENT HEARINGS

Curtis Farm Rd (PKA: Barrell Lane Subdivision): Site stormwater issues (ATF) (cont.) NoI required for site-wide stormwater review due to impacts to downgradient resource areas.

Agent's Notes:

- The outstanding issue here is the peer review scope of work. This was emailed to you last week. The applicant has requested a couple additions as follows.
 - All communication through either peer review or the agent to eliminate confusion or conflicting directions.
 - Reports from Peer Review to be shared with Toll bros.
 - A check point once funds are expended rather than a rolling renewal.
- A copy of the proposal is in Commissioner packets (with requested modifications by Toll Bros). Commission and Peer Review discretion. A word version is available to modify and finalize during the meeting. John has received a copy and would like the notification to be via email (and not required in the event of sudden or unexpected storm events where he must act quickly).
- The most recent site visit to check the basin levels was taken Monday. Water levels are down. Water discharging down the filter half pipe appears clean well above the buffer and stays clean as it enters the buffer. Photos available for the meeting.

Agent Hemingway gave an overview of the last executive meeting. Mr. Chessia re-reviewed the redline document. Modifications made by Toll Brothers were accepted with one redline by Mr. Chessia. Per Mr. Chessia, the peer review fund will need to be replenished by the spring. Toll Brothers may make the fund amount \$10K. When the amount is down to \$1K they will meet with Con Com again to authorize replenishment of the fund. Mr. Chessia will email Toll Brothers to let them know that more funding is needed.

All are reviewing the letter from Mr. Chessia with the revision to include the funding amount. Scott Miccile, Deb Keller and Agent Hemingway will be the point of contact for site visits. The letter is acceptable per Toll Brothers. No other comments. Agent Hemingway will get signatures from Mr. Chessia, Scott Miccile, and Ms. Wahl on the letter.

Motion: made by Mott, seconded by Hillstrand, to accept John Chessia's letter. Unanimously voted

AGENTS REPORT

Special and Annual Town Meeting has been set for May 2, 3, 4. The warrant is open through March 2. Consider ideas for next meeting.

Rainfall data

Agent's Notes

NOAA has come out with updated precipitation data called Atlas 14. The feds require use of this data but DEP adoption is 2 years out if at all. They are still stuck on TP 40 which was data reflecting a 10 year drought and completely inaccurate. It has been a problem for decades. Cornell data is adopted by the Planning Board. ConCom has not formally adopted Cornell in their regs or bylaw. To offset DEP's feet dragging and the potential impacts of Executive Order 562, I would like to recommend the Commission amend either the regs or bylaw to adopt preferably Cornell data for all filings before the ConCom. This would be consistent with PB and ZBA.

Meeting Discussion

TP20 is the original math program for rainfall and stormwater systems. TP55 was developed for stormwater calculations. Agent Hemingway gave an overview of different rainfall data collections systems. Mr. McMackin would like to use the best available data. The Commission warrant article is to adopt the Cornell data to be consistent with both the Planning Board and the Zoning Board. Agent Hemingway will draft the Article for Town Meeting.

Motion: made by Osborne, seconded by Woodill, to adopt the Cornell rainfall data in order to be consistent with the Planning Board and the Zoning Board. Unanimously voted

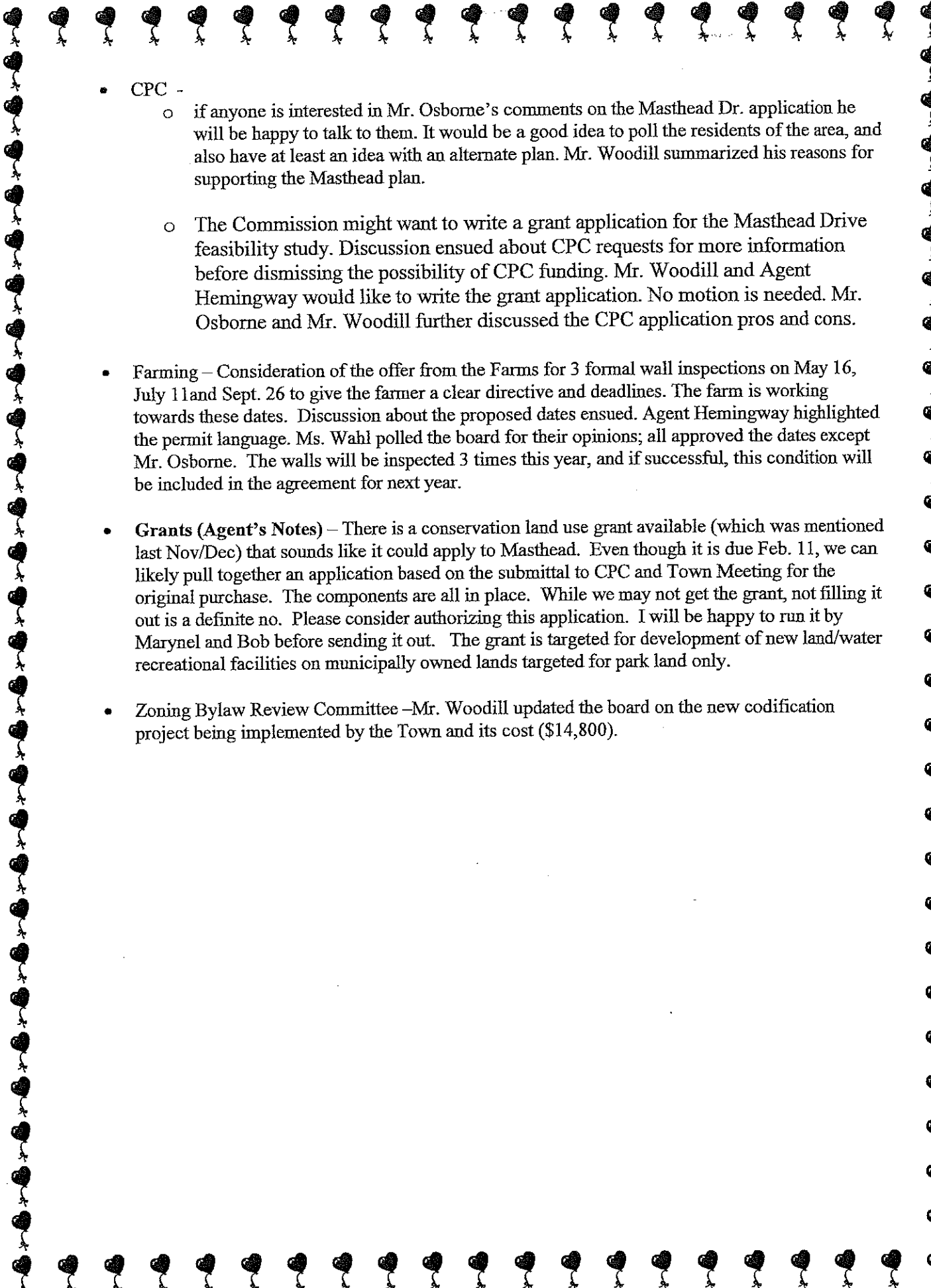
SUB-COMMITTEE UPDATES

- Board of Selectmen (Liaison Update) - none
- Open Space & Recreation - none
- Land Protection - none
- Pathways - pushing to get Simon Hill signature for the Pathways study
- Trail/Signage - Trails - Miller Woods - a leather couch appeared in the picnic area. There is no sign of drug paraphernalia at this time. More "eyes and ears" at the site would be helpful. Stetson/Miller/Jacobs approx. 15 trees fell across trails or are creating hazards. These are downed trees and relatively easy to cut from the paths. They will be removed as weather permits by the trail crew.

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- CPC -
 - if anyone is interested in Mr. Osborne's comments on the Masthead Dr. application he will be happy to talk to them. It would be a good idea to poll the residents of the area, and also have at least an idea with an alternate plan. Mr. Woodill summarized his reasons for supporting the Masthead plan.
 - The Commission might want to write a grant application for the Masthead Drive feasibility study. Discussion ensued about CPC requests for more information before dismissing the possibility of CPC funding. Mr. Woodill and Agent Hemingway would like to write the grant application. No motion is needed. Mr. Osborne and Mr. Woodill further discussed the CPC application pros and cons.
 - Farming – Consideration of the offer from the Farms for 3 formal wall inspections on May 16, July 11 and Sept. 26 to give the farmer a clear directive and deadlines. The farm is working towards these dates. Discussion about the proposed dates ensued. Agent Hemingway highlighted the permit language. Ms. Wahl polled the board for their opinions; all approved the dates except Mr. Osborne. The walls will be inspected 3 times this year, and if successful, this condition will be included in the agreement for next year.
 - **Grants (Agent's Notes)** – There is a conservation land use grant available (which was mentioned last Nov/Dec) that sounds like it could apply to Masthead. Even though it is due Feb. 11, we can likely pull together an application based on the submittal to CPC and Town Meeting for the original purchase. The components are all in place. While we may not get the grant, not filling it out is a definite no. Please consider authorizing this application. I will be happy to run it by Marynel and Bob before sending it out. The grant is targeted for development of new land/water recreational facilities on municipally owned lands targeted for park land only.
 - Zoning Bylaw Review Committee –Mr. Woodill updated the board on the new codification project being implemented by the Town and its cost (\$14,800).

MISCELLANEOUS

1. Bills

- i. WB Mason \$32.75 for office supplies and name plate
- ii. MACC Annual Spring Conference \$115/ Commissioner 5 attending.
- iii. ~~N. Hemingway Mileage???~~ If ready.

Motion; made by Hillstrand, seconded by Osborne, to pay bills as indicated above. Unanimously voted

Approval of Minutes

Motion; made by Mott, seconded by Osborne, to approve the meeting minutes from November 17th. Unanimously voted

Mr. McMackin abstained as he was not present at the meeting.

Motion; made by Mott, seconded by Osborne, to approve the meeting minutes from December 1st and December 22nd. Unanimously voted

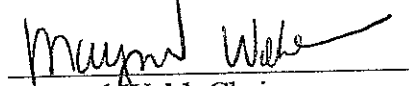
Mr. McMackin abstained as he was not present at the meeting.

The meeting minutes from December 15th and Jan 5th will be approved at the next meeting.

Adjourn

Motion; made by Mott, seconded by Hillstrand, to adjourn at 9:20pm. Unanimously voted

I hereby certify that the above minutes were presented and voted by a majority vote by the Norwell Conservation Commission on February 16, 2016.


Marynel Wahl, Chairperson

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