

NORWELL CONSERVATION COMMISSION

345 Main Street / Norwell, MA

March 1, 2016 @ 7:00 PM - Room 112

Minutes Final

Present: Chair Marynel Wahl, Dave Osborne, Bob McMackin, Bob Woodill, Ron Mott, Stacy Minihane, Agent Nancy Hemingway

Absent: Lori Hillstrand

7:40PM: CALL TO ORDER

The meeting was called to order at 7:40 by Chair Marynel Wahl. The Commission met with the Advisory Board from 7-7:30pm.

AGENDA ACCEPTANCE

The agenda was amended to include the Tiffany Road enforcement hearing.

Motion; made by Mr. Osborne, seconded by Mr. Mott, to approve the agenda as amended.

Unanimously voted

COMMISSION BUSINESS

Meeting Discussion:

The board reviewed and discussed the proposed Cornell Rainfall Town Meeting Article as indicated below:

- Discussion ensued about adopting the Cornell rainfall data by amending the bylaw vs. adopting regulations, especially with regard to road construction planning and design. "Which tool do we want? TP40 vs. Cornell?" The board debated the pros and cons of using each system. Planning and Zoning permitting applications must use Cornell. Bylaw? Regulation change? There is a current hold on regulations by state executive order. S. Minihane felt that if the use of Atlas 14 is greater than two years away, the better solution would be to go with the bylaw. If the change is less than two years away, go with the regulation. Board members gave their approval of the Warrant Article language. Agent Hemingway will send it to all incorporating the regulation changes. The Commission could hold a public hearing to adopt this as part of the current regulations, as stated in the Agent's Notes.

Motion; made by Mr. Woodill, seconded by Mr. Mott, to accept the Article wording for the Bylaw change. Unanimously voted

Agent's Notes

- Town Meeting Warrant Articles
 - The discussion involves amending the bylaw to adopt/require Cornell Rainfall Data in stormwater design and engineering consistent with the ZBA bylaws and the PB regulations.
 - It has been suggested that the Commission can also simply hold a public hearing and adopt this as part of the regulations. This approach would not require a TM article and TM approval.

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- There is significant value to amending the regulations first, in that we can test the response and also at the same time evaluate the performance standards in terms of stormwater controls, mitigation and replication projects. Many of the state regulations have changed significantly since the last time the local bylaw regulations were looked at. With Stacy on board, this may be an ideal time to consider regulatory performance standard improvements under the bylaw???
- Reminder that warrant articles are due on Wed March 2.
- Capital Funding requests - None had been submitted prior to the meeting
 - Capital Funding articles, if any, are due on February 29th, Monday. We received notice on the 23rd.

SUB-COMMITTEE UPDATES /Meeting Minutes

- Open Space & Recreation
- Land Protection - The Commission is invited to attend an Executive session with the BOS and CPC for a discussion about a potential land acquisition on March 10th at 5pm.
- Pathways – Mr. Woodill stated that the committee still hopes for the Simon Hill CPC application to be approved. Funding was approved at the 2015 Annual Town Meeting to extend the Forest Street pathwalk into the Town Center, which is in the planning stages.
- Trail/Signage/kiosks –Mr. Woodill is looking for quotes for printing the signs. Fast Sign and Image Resolutions are both good company options to print sign boards, and they may be able to do the kiosks for less money.
- CPC –
 - Mr. Osborne gave an update on the status of applications submitted to the CPC. Some applications have been pulled. He asked for input re: applications from the Commission. He also gave a history of the South Street land, care and custody of which may have reverted back to the BOS. The land use may have to go back to Town Meeting for another vote. The Commission’s consensus is to support the girls softball team application. Applications for the Vinal School and Reynolds Playgrounds – Commission consensus is not to support these applications.
 - Simon Hill – Mr. Osborne gave an update. This application is supported by Ms. Minihane and Mr. McMackin. All other members are not in support.
 - Mr. Woodill gave a summary of the status of the Masthead CPC application. After lengthy discussion, all agreed that the Masthead Drive study application should be withdrawn.
*Motion; made by Mr. Woodill, seconded by Mr. Mott, to withdraw the funding application for a feasibility study of Masthead Drive from consideration by the CPC.
 Unanimously voted*

- Farming - The representative is currently Ms. Hillstrand, but this may change.

- Grants

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- Zoning Bylaw – Mr. Woodill will update the board, who will plan an extra hour before the next meeting to discuss the commission’s views on proposed bylaw changes

MISCELLANEOUS

Agent’s Notes:

Bills

1. \$229.26 – WB Mason, color printer ink
2. Brad Holmes for Queen Anne Lane final report - \$ 522.50
 - i. **DISCUSSION IS NEEDED REGARDING BILLING PROTOCOLS FOR PART OF THIS PEER REVIEW PRIOR TO ACCEPTING OR APPROVING THE BILL.**
2. Minutes: **12/15/15, 1/5/16, 1/20/16**
 Per 12/15 meeting. Strike off paragraphs about farms. Cut down to one page. Cut down and get back to MW. Will review at next meeting. January 5th – board reviewed draft.

The Commission decided to table the approval of all other minutes for next meeting.

Meeting minutes re bills

Agent Hemingway gave a recap of Brad Holmes’ bill for peer review work, stating that he should have been billing the Commission. Discussion ensued about bill receipts and payments procedures. The Commission will have Mr. Holmes come in to discuss peer - review billing protocols. Peer reviewers are not allowed to bill the project proponent directly.
Motion; made by Mr. Osborne, seconded by Mr. Woodill, to pay the WB Mason bill, but hold the Brad Holmes bill pending further information. Unanimously voted

8:30PM:

PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

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

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78 Ridge Hill Road / NCC 5(16) / Letter Permit Request for Septic Installation at the 100 ft buffer

LP Applicant: Justin & Kerry Morse /Representative: Darren Grady, Grady Consulting

Agent’s Notes:

- Project is for a septic repair related to 2 single family home additions.
- It was filed as an RDA (on the March 15 meeting schedule). The landowner called and asked if this could be reviewed/signed off in an expedited manner.
- The system and additions are at/outside the 100 foot buffer, and separated from the wetland by a pool and lawn use area.
- Erosion control is shown at 85+ft from the edge of resource.
- A site visit was taken on 2/29. The flags were shown at standing water at the base of a small slope. I would adjust the flags 2’ up on average.

- All work can be restricted to be just outside the 100 foot buffer with the erosion control required to be placed at the 95 foot buffer and all work to occur from above the project location.
- There was significant yard debris dumped along the back line of the yard which is just above the BVW.
 - Whether LP or DoA, I recommend a requirement that all yard debris be removed from the wetland edge and brought to the town mulch area prior to any start of work.
- There is minimal likelihood of adverse impact to the wetland system which is separated from the work zone by an existing pool if a 12" mulch sock is used along the 95 foot buffer.
 - The additions on the back and side of the home would more likely have an adverse impact but are well outside the 100 foot buffer. Erosion Controls will be required in either filing along the 100 foot buffer.
- For this particular project I do not see a difference in protection regardless of whether the Commission issues a Determination or LP.
- The landowner is proposing 2 additions, and must upgrade the septic system to accommodate. This is not a hardship where the system failed. It is the result of 2 proposed additions. The family has apparently already moved out of the home thinking work would have already started and requested consideration of the LP to make sure they are ready for the BoH hearing occurring mid-March
- If this had come to the office as an administrative sign-off request, I would have asked Marynel and Bob to review the site with me and would have recommended a letter permit.

The Commission discussed the agent's statement and recommendation briefly.

Motion; made by Mr. Woodill, seconded by Mr. Mott, to approve this NCC5(16)/letter permit as requested above with the conditions as follows; removal of the yard debris at rear, and any other stipulations to be made clear in the letter permit. Unanimously voted

169 Circuit Street / SE 52-974 & NCC # 21(11) / Raze & rebuild SFH w/Septic, Drive, Utilities
 CoC: Applicant: John Turco / Representative: Joseph Webby, Webby Engineering

Agent Hemingway gave overview of the project; all good, no issues. Not all of the as-built was drawn by the engineer. The engineer surveyed the structure, fence, septic system and topography, the landowner added the small details.

Motion; made by Mr. Woodill, seconded by Mr. Mott, to approve the CoC for 169 Circuit Street/SE 52-974 & NCC # 21(11)/ raze and rebuild SFH w/Septic, Drive, Utilities as stated above, with conditions 23, 24, 27, 28 continuing in perpetuity. Unanimously voted

101/99 Longwater / SE 52- 514 & NCC # 8(06) / Construction of office building
 CoC: Applicant: Assinippi Commons Condominium Trust

- As-Built is pending.

Motion; made by Mr. Woodill, seconded by Mr. Mott, to continue this hearing to the meeting on March 15th at 8pm. Unanimously voted

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235 Bowker Street / SE52-xxxx & NCC# 27(15) / Addition
NoI / OoC (cont.) Applicant: Gerry O'Neill / Representative: N/A

DEP has finally listed this site but has not issued a DEP number for it.

Motion; made by Mr. Woodill, seconded by Mr. Mott, to continue this hearing to the meeting on March 15th at 8pm. Unanimously voted

251 Lincoln Street / SE52-1091 & NCC# 2(16) / Septic System Upgrade
NoI / OoC (cont.) Applicant: Carol Osborne / Representative: Joseph Webby, Webby Engineering, present at meeting

Agent's Notes:

- This is a septic system upgrade, associated resources include BVW, intermittent stream, bank, possible BLSF.
- I do not agree with the delineation. It was conducted by ECR on 12/30/15. Outside the growing season, no herbaceous, no data sheets. There is a possibility that BVW extends much closer to the project site, (closer to either the 88 or 89 contours).
- Additional information is being requested.

Meeting Discussion: 8:35pm

Agent Hemingway gave a summary of the review of resources on site, noting that the BVW was not confirmed, all resources are not shown, stream, bank etc. Mr. Webby pointed out specific drains and system highlights. Discussion ensued about the considered locations for the new septic and the existing plumbing. The Commission would like to clarify where the plumbing is before work begins.

Motion; made by Mr. Woodill, seconded by Mr. Mott, to approve the SE52-1091 & NCC#2 (16)/Septic System upgrade as conditioned and amended in the final decision. The delineation as noted on map is not approved, and the homeowners must obtain BOH confirmation of cesspool and plumbing before work begins. The existing cesspool must be filled in. Unanimously voted

427 Main Street / SE52-xxxx & NCC # 4(16) / Wetland Line Delineation
ANRAD / ORAD (cont.) Applicant: Russell Campanelli / Representative: Brad McKenzie, McKenzie Engineering

Motion; made by Mr. Woodill, seconded by Mr. Mott, to continue this hearing to the meeting on March 15th at 8pm. Unanimously voted

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VIOLATION DISCUSSIONS

Norwell Farms, Curtis Farm Road –Agent's Notes:

Chessia submitted the SWPPP review of Norwell Estates/Barrell Lane. .

Meeting Discussion

Present: Scott Miccili, John Chessia

Agent Hemingway distributed Mr. Chessia's report via email. Ms. Minihane recused herself from this discussion.

All went well in the last rainstorm. Per Mr. Chessia, the proponents are working to keep the basin clean before impending storms. Engineer Scott Miccile is comfortable with all of Mr. Chessia's recommendations. No rain gauge is set up but soon will be. This will help for measurement purposes to predict how much storage is needed. Mr. Chessia gave an overview of what needs to be done on a regular basis to manage the stormwater drainage issues. (See Mr. Chessia's memo on file in the Con Com office for further details) He also gave recommendations for site control of sediment on each house lot.

Mr. Miccile will forward all changes to Mr. Chessia. Mr. Chessia would like the company to develop the lot next to the permanent basin last. Lot 4 is currently being used for pumping water. The company should also come up with a plan to manage drainage by construction sequence for lots. They will provide the Commission with the construction schedule. Mr. Miccile stated that they are still working on controlling the silt around the foundations, trying to get each one stabilized before moving on to next house.

Al Loomis is replacing Deb Keller on the McKenzie team. Mr. Loomis comes on board with most controls in place, so all will see how it goes.

There were no questions at this time, and currently there is no need to put this on the next meeting agenda.

Violation – 124 Old Meeting House Lane - Agent's Notes

- Significant incremental creep of fill off the driveway (which is filled wetland) has occurred over the years. The landowner, who agreed that he had extended the drive and dumped a load of fill off the edge of the drive, will remove the fill by hand and reseed with a wetland seed mix. **Meeting Discussion** Agent Hemingway has no issues. The homeowner is going for a COC, and resolved the problem immediately.

Violation -145 Main Street - Agent's Notes

- The owner was given to the end of the month to remove the fill. The application was denied due to failure to install the conservation signs as agreed to. Fill is still being added, I do not see signs in when I drive by. The Commission authorized fining to restart at the end of the month

Meeting Discussion

The homeowner has made complaints about harassment from previous conservation agents; however, he is still not in compliance. All agreed to start fining the homeowner as of March 1st. The homeowner was also denied an RDA. He has filed a complaint with the BOS. There is no open file right now. Currently there is fill in back of the house and he has brought more fill to the right side of the home. He did not put bounds in as directed, and therefore should be fined. This is an outstanding violation. He can sell the property, but the next owner will inherit this violation issue. Coldwell Banker might help by having to inform the buyers. Agent Hemingway will contact the realtor tomorrow. Violations can be posted on the town website as well as mailing a copy of the violation to the homeowner. Agent Hemingway will file the violations with the Building Inspector and the BOH. Fine will be levied starting March 1st of \$100 per day.

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Violation - Tiffany Road, 40B project

Meeting Discussion

Before the start of the meeting, the developer had a plan of correction with John Chessia. Release of sediments into the 3rd Herring Brook had occurred and created a violation on site. The Commission discussed that there is a stream violation, but does a formal Enforcement Order make sense with the proponent already developing a correction plan.

Mr. Chessia gave an overview of the development on the map with highlights and unusual conditions for this project re: drainage. The developer had stabilized the side slopes, then put in utility trenches, which caused the drainage problems. There is a very high water table with very bad drainage. Storm water with sediments had not settled 5 days after the storm. Agent Hemingway and Mr. Chessia gave a recap of the drainage problems and reasons for the failure. The current plan is to cover the slopes with stump grindings. They have taken a lot of water off the road and will correct the drainage on the road with specific fixes, which should solve the problem for now. The owner was involved in the corrections and there are no lots being built yet.

If they don't comply, and sediments impact the Third Herring Brook or tributaries, the project will get shut down. Mr. Chessia will review the site again in a week. No permitting NoI plan was filed with the Commission as the proposed work is outside the buffer zones. A plan of action has been filed in order to be prepared for the next storm. This was not a minor violation and will be on the agenda for March 15th. Mr. Chessia will be monitoring the site. If the proponent does not remedy the problems an EO will be considered.

ENFORCEMENT HEARINGS

AGENTS REPORT - The Commission gave Agent Hemingway some ideas for Jana Matthei for her class certifying vernal pools.

Meeting Minutes

The Town of Winchester's Conservation Commission won an appeal in Superior Court. The Appeals Court Decision was in favor of the Winchester Conservation Commission upholding the right to base a local decision on both the local bylaw and the WPA (the local bylaw increases the protections of the state it is not a standalone document) regardless of applicability of the WPA on the State Level. This is a significant victory as the WPA regulations can apply to a local decision even if the DEP finds that they do not apply under a state decision.

The Planning Board sent out a request for comments for a building proposal at 103. 111 and 113 Grove Street. The agent was not aware of any wetlands within 100 feet of the building site located within a commercial property. Site plan was reviewed.

Several subdivisions are pending – Lizotte parcels on Stetson – a 15 lot OSRD. A 5 lot ANR approved for the Camp Meadowcroft location.

Peter Morin is scheduling a GIS upgrade meeting for Monday March 7th.

The Commission discussed moving hearings to an earlier time. Per Agent Hemingway, by moving the hearings to the later time slot at 8pm, people arrive better prepared, which results in shorter meetings.

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All discussed wood cutting at Fogg Forest. A request to review the deed was made. Agent Hemingway will email a copy of the deed to R. Woodill. D. Osborne discussed clearing to the stone wall. No consensus was given.

Adjournment

Motion; made by Mr. Woodhill, seconded by Mr. Mott, to adjourn at 10:05pm. Unanimously Voted.

I hereby certify that the above minutes were presented and voted by a majority vote by the Norwell Conservation Commission on March 15, 2016.



Marynel Wahl, Chairperson

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