

NORWELL CONSERVATION COMMISSION

Room 112 / 345 Main Street / Norwell, MA

January 16, 2018 @ 7:00 PM

Minutes

Present: Marynel Wahl, Chair, Dave Osborne, Ron Mott, Bob Woodill, Justin Ivas, Bob McMackin, Stacy Minihane, Agent N. Hemingway, and Recording Clerk C. Sullivan. Ms. Minihane arrived at 7:05 PM. Mr. McMackin left at 10:15 PM.

CALL TO ORDER

The meeting was called to order at **7:00 pm** by Chair Marynel Wahl. The meeting was recorded.

AGENDA ACCEPTANCE

Motion made by Mr. Osborne to approve the agenda as recorded. Seconded by Mr. Mott and unanimously voted.

After the initial agenda vote, the agenda was amended to add discussions of duck box placement and a capital funding article for a projector or smart board.

Motion by Mr. Woodill to reconsider the previous agenda vote. Seconded by Mr. Ivas and unanimously voted.

Motion made by Mr. Ivas to approve the agenda as amended. Seconded by Mr. Osborne and unanimously voted.

COMMISSION BUSINESS

Duck Box

Mr. Osborne showed the Commission a prototype birdhouse designed to entice Wood Ducks to nest in town, and asked for Commission approval to post them. Commissioners discussed appropriate places on conservation land to place the boxes. Mr. Osborne will also reach out to the Vinal School about placing some boxes nearby.

Motion by Mr. Woodill to allow Mr. Osborne to place the 25 duck boxes in appropriate places on conservation property. Seconded by Ms. Minihane and unanimously voted.

Projector/Smart Board

Ms. Hemingway advised that a recently purchased projector had stopped working; she would like to purchase a small Smart Board or Smart TV for the Planning Office. She has been trying to get a projector for several months, and the one at this meeting had been lent to the Commission just for this meeting. A Smart Board or TV could be utilized by multiple entities that meet in the Planning Office, and could be funded by a capital funding article at town meeting or by splitting the cost between department budgets.

The Commission discussed the cost and functionality differences between a Smart Board and Smart TV, and how they could be installed and provided with electric service. Ms. Hemingway advised that the Commission would need to vote on a capital funding article at the next meeting, as the town meeting warrant closes on February 7. She will get cost estimates for both options and look into installation logistics. Funding options can be discussed at the next meeting.

Farm Plan Review
Norwell Farms

Ms. Hemingway will contact Jessica Chase of Norwell Farms about burning the brush in Barstow Field.

The Commission discussed whether it was a violation for an entity not to farm a field for which it had a license. Mr. Osborne felt that a licensed, unfarmed field was an indication the Commission had not done its job. Ms. Hemingway advised it was not spelled out in the license that the holder had to farm the field. She further noted it was the Board of Selectmen that issued the license, and not the Commission.

After some discussion as to protocols, it was agreed that Mr. Mott and Mr. Osborne will review the license language as to requirements to farm and provisions for sub-leasing. The Commission can then direct Ms. Hemingway to research options for recourse. Ms. Hemingway can then reach out to Town Administrator Peter Morin or Town Counsel Bob Galvin as needed.

SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)

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|---------------------------|-------------|--|
| Open Space and Recreation | S. Minihane | Ms. Hemingway is planning to re-start this committee. |
| Pathways | R. Woodill | The Commission briefly discussed the construction of a sidewalk from the Norris reservation to the town center, past the 40B project at the old police station. |
| CPC | D. Osborne | Mr. Osborne urged that the Commission communicate to CPC its objectives as to the town's purchase of Whiting Field. Mr. Woodill suggested that the Commission think about what it wants internally, and then reach out to other town parties. Mr. Mott felt it would be necessary to see the plans for the property, and Mr. McMackin suggested that a subgroup look at the plans in depth, and then come back to the full Commission with a recommendation. Ms. Wahl requested that the Commission meet early on February 6 to look at the plan, and then appoint a subgroup. Ms. Hemingway will try to get copy of the P&S agreement and other paperwork, including the assessment and survey form showing wetlands on the property. Mr. Osbrone also advised that CPC was meeting Thursday night to discuss financing options for the purchase, and asked Commissioners whether they preferred the purchase be funded with funds in hand or through a bond issue. Mr. Woodill recommended depleting the funds in hand, noting that a bond issue will be required for the new library; Mr. Osborne indicated he was leaning towards that option. |

Trail Grant Applications

The Commission briefly discussed Ms. Hemingway's proposal that it be listed as a co-applicant for a grant to purchase all-terrain motorized wheelchairs.

Motion by Mr. Woodill that the Conservation Commission be listed on the grant application for motorized wheelchairs. Seconded by Mr. Osborne and unanimously voted.

Ms. Hemingway also asked whether the Commission wanted to be listed as a co-applicant to Trees and Grounds Director Glenn Ferguson's application for the purchase of a snow grooming machine. Mr. Osborne indicated he would like to see a specific proposal from Mr. Ferguson; Ms. Hemingway advised that the application had to be in before the next Commission meeting, and the application would be stronger if multiple departments were listed as applicants.

Mr. Mott expressed concern that the machine might be used on conservation land, or sit unused. Ms. Hemingway felt the machine would be useful for recreational purposes, and indicated that the Commission's being a co-applicant gave no specific approval for use of the groomer on conservation land.

Motion by Ms. Minihane to support Mr. Ferguson's grant application for the purchase of a snow grooming machine. Seconded by Mr. Woodill and approved by a 3-2 vote, Mr. Mott and Mr. Osborne having voted no.

MISCELLANEOUS

1. Bills
 - I. Chris Sullivan – Transcription 12/5 - \$150.00
 - II. AMWS - annual dues - \$45.00
 - III. WB Mason – Office supplies - \$4.72?,mvc
 - IV. Chessia – Wildcat OSRD plan review, site visit, meeting - \$609.00
 - V. Chessia – 111 Pond St restoration monitoring - \$768.00

Bills

Ms. Hemingway read off the list of bills to be paid, adding the following entries:

Chessia - Lot 6 Curtis Farm Road Peer Review - \$429
Art Allen - \$119.18 - 13-33 Winter Street

Motion by Mr. Mott to pay the bills as read. Seconded by Mr. Ivas and unanimously voted.

Minutes

Discussion of the December 5 meeting minutes was tabled; the December 19 minutes will also be discussed at the next meeting.

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**

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

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

Motion by Mr. Ivas to continue the matter to February 6, 2018 at 8 PM. Seconded by Mr. Woodill and unanimously voted.

13, 23 & 33 Winter Street / SE52-1083 & NCC# 11(15) / Fill Removal & Septic Upgrade

CoC Applicant: Henry Larsen / Representative: Art Allen, EcoTec

Ms. Hemingway asked for a continuation until May 15, as she will be unable to do a final site inspection until the growing season.

Motion by Mr. Mott to continue the matter to May 15, 2018 at 8 PM. Seconded by Mr. Woodill and unanimously voted.

Green Street, Lot 1 / SE52-1129 & NCC# 42(17) / Single-Family Home

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

Applicant Sean Donovan present. Ms. Hemingway advised that consulting engineer John Chessia and Highway Commissioner Glenn Ferguson had provided comments on the current plan; she said in particular that Mr. Ferguson was requesting that two 12-inch drainage pipes be installed in order to prevent stormwater from entering Green Street, as well as assist in future drainage planning for the area.

Mr. Donovan stated that his engineer has advised that all stormwater hitting the driveway will go into the adjacent stormwater depression. However, Ms. Hemingway noted that Mr. Ferguson was also an engineer, and believed some stormwater will go into Green Street. Mr. Mott asked if there was any way to utilize a nearby existing driveway to access the lot. Mr. Donovan pointed out that this option had been discussed in his NoI narrative, and it was concluded that this would create more significant issues.

Mr. Donovan noted he was not required to do a stormwater study for this project, but Ms. Minihane and Ms. Hemingway pointed out that he did need to demonstrate there would be no downgradient impact to resource areas. Mr. Donovan felt this was demonstrated by the report bearing his engineer's stamp, and noted that the Chessia report didn't specifically say the plan wouldn't work. Ms. Minihane pointed out that Chessia's report did note in several places that he was unable to evaluate the system due to insufficient data, and felt it would be helpful if Mr. Donovan's engineer could respond to Chessia's comments.

After further discussion, it was requested that Mr. Donovan's engineer provide a written reply to each point raised by Mr. Chessia, bearing the engineer's signature and stamp.

At this point, Ms. Hemingway asked Mr. Donovan whether he wished to continue or close the matter tonight. Mr. Donovan agreed to the continuation, noting that he wanted all parties to feel comfortable with the vote given the abutter concerns.

Motion by Mr. Mott to continue the matter to February 6, 2018 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

65 Farrar Farm Rd. / SE52-1130 & NCC# 46(17) / Retaining Wall, Patio, Sports Court & Grading

NoI / OoC Applicant: Brian Flynn / Representative: Bob Rego, River Hawk Environmental

Bob Rego and applicant Brian Flynn present. Mr. Rego discussed his updated plan, which would wall off the existing patio area, add a sports court, and flatten the existing berm at the corner of Norwell Woods and Farrar Farm Road. The court would be built on existing lawn area within the 50 foot buffer.

Mr. Ivas asked the applicant's reason for removing the berm. Mr. Flynn advised that it was overgrown, and they wanted to make it flatter and replant with grass and trees. Mr. Ivas also expressed concern about there being an impervious sport court within the 50 foot buffer, and asked whether it could be moved outside the buffer. Mr. Flynn noted that this would make the sports court visible to neighbors. Mr. Rego indicated he was willing to look at pervious alternatives for the court to better infiltrate and disperse the water.

Ms. Minihane noted that the Commission had a history of allowing impervious surfaces in the 50 foot buffer where there was existing lawn, but requested that Mr. Rego add a planting plan for the buffer area.

The Commission discussed the location of the erosion control line relative to the limit of work for the sport court. Ms. Hemingway pointed out that the line shown in the plan would impact tree roots in the 50 foot buffer. Either the line would have to be moved or the project shifted. After further discussion, it was decided to continue the matter to allow Commissioners to visit the site.

Motion by Mr. Mott to continue the matter to February 6, 2018 at 8 PM. Seconded by Ms. Minihane and unanimously voted.

50 Turner's Way / SE52-1119 & NCC# 22(17) / Mirroring of SFH w/ Additional Driveway
Request for (Amend.) OoC Applicant: Peter Bilodeau, Bilodeau Bldrs. / Representative: Matthew Creighton, BSC

Mr. Woodill read the notice of public meeting. Matthew Creighton and applicant Peter Bilodeau present.

Mr. Creighton advised they were requesting an amendment to the previously permitted plan for this site. The homeowner wants the garage to mirror-image the house. The amended plan will require additional paved driveway but remove the underground connector between the garage and house.

Ms. Hemingway recommend that the Commission require a buffer planting zone along the top bank to the BLSF to dissipate sheet water flow from the driveway area; she stated the driveway was pervious but there would still be flows.

Mr. Creighton provided copies of the abutter notifications at the meeting; Ms. Hemingway noted that any decision would be pending verification of the notifications.

Motion by Mr. Ivas to approve the amendment to the OoC with the stipulation that additional buffer plantings be made as indicated, and pending verification of abutter notification. Seconded by Mr. Mott and unanimously voted.

Motion by Ms. Minihane to continue the matter to February 6, 2018 at 8 PM if needed for purposes of abutter notification. Seconded by Mr. Ivas and unanimously voted.

10 Mount Hope Street / SE52-1131 & NCC# 47(17) / Landscape work in Resource Area & 50' Buffer
NoI / OoC Applicant: Robert Fortier / Representative: N/A

Mr. Woodill read the notice of public meeting. Applicants Robert and Karen Fortier present.

Mr. Fortier advised the Commission that they want to expand the house and replace structures attached to the barn. The core barn is in good shape, but old additions on two sides were pulling the barn down. Their plan removes two structures from the wetland side of the barn and adds one to the dry side, which in turn will require the removal of a tree. Additionally, they want to slope the ground where these structures are removed in order to keep standing water away from the barn.

The Commission discussed whether the wetland lines should be reconfirmed. Ms. Hemingway requested that they modify the plan to add the erosion control line and 50 foot buffer, specify which part of the barn was being rebuilt, and provide the depth of the foundation slab. She would additionally like to see where Bound Brook Pond ends and the BVW starts. Ms. Hemingway additionally advised the applicant that abutter notification was required for the file.

Motion by Ms. Minihane to continue the matter to February 6, 2018 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

Curtis Farm Road, Lot 7 / SE52-xxxx & NCC# 48(17) / Single-Family Home

NoI / OoC Applicant: Bob Burwick / Representative: Greg Morse, Morse Engineering

Mr. Woodill read the notice of public meeting. Greg Morse and applicant Bob Burwick present.

Commissioners reviewed the plans as revised the previous week. Mr. Morse advised they had pulled the house entirely out of the 100 foot buffer, and reduced its size to 2300 square feet. They also reduced fill in the buffer zone from 1500 to 1038 cubic yards, increased the size of the back yard, and added a grass depression to slow runoff from the driveway and act as a sediment trap. They propose a 60 foot setback to the limit of work, mulch socks for erosion control around the limit of work with additional controls when fill work is done, and posts with conservation markers to denote the 50 foot buffer.

Ms. Minihane asked about erosion controls on the house side of the limit of work. Mr. Morse advised this would be just inside the edge of the woods and be denoted by orange construction fencing. Ms. Hemingway advised that the limit of work in the area by the fence may need to be moved if there are major trees in the area, in order to protect their root structure.

Ms. Minihane asked whether the house could be tilted slightly counterclockwise; Ms. Hemingway noted that doing so would eliminate most of the need for fill, and noted that the plan for Lot 6 had been amended to reduce the amount of fill. Mr. Morse will look into this option.

Eduardo Fabiano, Lot 8 Curtis Farm Road, noted that there had been significant drainage problems in the area and asked whether the project would cause additional flooding on his property. Mr. Morse advised that stormwater on Lot 7 would ultimately drain its way into an adjacent easement. He is willing to add additional survey data to the plan.

After further discussion, the matter was continued to allow for further revisions.

Motion by Ms. Minihane to continue the matter to February 6, 2018 at 8 PM. Seconded by Mr. Mott and unanimously voted.

31 Leigh Road / SE52-xxxx & NCC# 1(18) / Septic System Repair

NoI / OoC Applicant: Min Hou / Representative: James Garfield, Morse Engineering

Mr. Woodill read the notice of public meeting. James Garfield present for applicant. Mr. Ivas recused and left before discussion started.

Ms. Hemingway advised that the plans in hand had been revised from Friday. Mr. Garfield noted that the wetlands on site had been delineated by Steve Ivas last year. The plan calls for a 1500 gallon plastic septic tank flowing into a leaching bed. He stated the tank had been placed in the only feasible spot on the site, and was 50.2 feet from nearest resource area, with the limit of work 36.1 feet from the nearest resource. Impacted lawn and landscaping areas will be restored after construction.

The plan called for straw wattle at limit of work for erosion control, but Ms. Hemingway advised that a mulch sock would be required as the Commission does not allow the use of straw wattles. She also advised she had received a DEP number as well as the abutter notifications. She advised that any decision would be pending verification of the notifications.

Motion by Ms. Minihane to issue the OoC contingent upon verification of abutter notification. Seconded by Mr. Mott and approved by a 5-0 vote, Mr. Ivas having recused

Motion by Ms. Minihane to continue the matter to February 6, 2018 at 8 PM if needed for abutter notification. Seconded by Mr. Mott and approved by a 5-0 vote, Mr. Ivas having recused.

The Commission discussed its original vote requiring the use of mulch socks for erosion control. Ms. Hemingway noted that this vote had been preceded by extensive discussion.

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

Ms. Hemingway advised that the applicants needed to provide a planting plan to address the original tree cutting violation.

Motion by Ms. Minihane to continue the matter to February 6, 2018 at 8 PM. Seconded by Mr. Mott and approved by a 5-0 vote, Mr. Ivas having been absent from the vote.

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

- Discussion of any action or votes from last meeting is needed. There were no changes legally available to vote on.

Ms Minihane advised she had found inconsistencies in the usage of terms in the town bylaws, and would like time to go through them in more depth. She did not think any concrete changes should be made in this round of revisions.

Ms. Hemingway advised that the vote taken at the last meeting to change the bylaw was not a legal vote, as there had been no public hearing, but recommended a formal vote to rescind.

Motion by Mr. Woodill to rescind the vote on land subject to inundation taken at the previous meeting. Seconded by Ms. Minihane and unanimously voted.

The Commission briefly discussed avenues of recourse for homebuyers faced with stormwater issues. Ms. Hemingway indicated that she works with all buyers who reach out to her for information.

ENFORCEMENT HEARINGS

89 King's Landing / Enforcement Hearing / alteration of coastal tidal river resource areas including salt marsh (cont.) cont from Nov 7, 2017 – submittal of NoI pending

Ms. Hemingway advised that Attorney Brodsky, representing the homeowners, had asked for another continuation and that the Commission could either vote to issue the enforcement order or allow the extension.

After a discussion of options, including requesting a reason in writing or awaiting state enforcement, it was decided to grant the request with the understanding that no further extensions would be allowed.

Motion by Mr. Woodill to continue the matter to February 6, 2018 at 8 PM. Seconded by Mr. Osborne and unanimously voted.

PUBLIC MEETINGS

None

ADMINISTRATIVE REQUESTS

None

VIOLATION DISCUSSIONS

None

AGENTS REPORT

The Commission briefly discussed attendance plans for the Massachusetts Association of Conservation Commissions conference on March 3. Ms. Hemingway advised that an OSRD site plan for the Raimondi property off Circuit Street had been submitted to the Planning Board with an inaccurate delineation, and asked that a Commissioner attend the next Planning Board meeting if she was not able to do so. She also advised that the Simon Hill 40B would be on the agenda for the next Commission meeting.

**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.

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| <i>Next Meeting</i> | | <i>February 6, 2018</i> |
| <i>NEW filing applications due date/deadline</i> | | <i>January 23, 2018 @ noon</i> |
| <i>Legal Notice publication date-Patriot Ledger</i> | | <i>January 29, 2018</i> |
| <i>Revised Information submittal deadline</i> | | <i>January 30, 2018 @ noon</i> |
| <i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i> | | <i>February 1, 2018 @ noon</i> |
| <i>Public Information Written Comments</i> | | <i>No deadline</i> |

ADJOURNMENT

There being no further business, a motion was made to adjourn at 10:20 PM. Duly seconded 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.

Marynel Wahl, Chairperson