

NORWELL CONSERVATION COMMISSION

January 18, 2011 @ 7:00 PM – Room 112

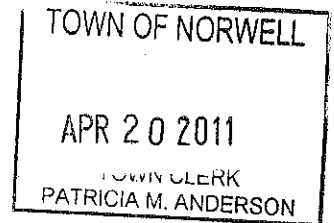
**ATTENDANCE:** Deborah Hill, David Osborne, Burton Bryan, David Magee, Sean Sutton and Christopher Mickle

**Conservation Agent:** Abigail Hardy

**AGENDA ACCEPTANCE:**

**MOTION:** Deborah Hill moved to accept the agenda as written.

**SECOND:** Sean Sutton                      **In Favor:** All                      **Opposed:** None



**PUBLIC HEARING**

**51 Hoop Pole Lane / SE52-962 / Barn Pasture**

**NOI (cont.)**

**Applicant:** David & Catrina Dirubbo / **Representative:** Steve Ivas, Ivas Environmental

**Present:** David Dirubbo, Atty. Adam Brodsky and Steve Ivas.

**Discussion:** Chair David Osborne reads Attorney Brodsky letter (dated 1/10/11) re: David Osborne's Commission eligibility for this project, which asks that Mr. Osborne recuse himself from the hearing.

Mr. Osborne responded to this request by saying that he is not an abutter to the Dirubbo's and his brother, Wes Osborne, has not been an abutter to the Dirubbo's since 2002. He then cited a letter from Bob Galvin to himself, which states that there is no conflict and a letter for the file that was sent, by Bob Galvin, to Adam Brodsky stating the same. Adam Brodsky then said that the Osborne Family Trust owns property on both sides of the Dirubbo property.

Adam Brodsky asked for a continuance of the meeting due to the absence of Brad Mitchell, who is the Director of Government Relations for the Massachusetts Farm Bureau that could not be here due to inclement weather in NH. He would request a continuance since they need Mr. Mitchell to speak on the view of the farming community on this matter. Deborah Hill asked Mr. Brodsky what he would have to contribute that would pertain to the Wetlands Protection Act or compliance with performance standards. Mr. Brodsky said that Mr. Mitchell was going to explain the unique protections offered by farmers in MA, including those protections under the Wetlands Protection Act.

The Chair asked that Conservation Agent, Abigail Hardy, read the salient things into the record that have to do with this hearing. Abigail Hardy read the relevant documents and plans associated with this project from the document "51 Hoop Pole Lane Document List".

Poll – Sean Sutton voted continuance, David Magee voted continuance, Burton Bryan voted continuance and Christopher Mickle voted continuance. **Deborah Hill was not heard on tape.**

**Motion:** Christopher Mickle moved to continue this hearing until 2/1/11.

**Second:** Sean Sutton                      **In Favor:** All                      **Opposed:** None

**159 Forest Street / SE52-961 / Addition**

**NOI (cont.)**

**Applicant:** J. Paul Mikus / **Representative:** Paul Mirabito, Ross Engineering and Brad Holmes, Environmental Consulting and Restoration.

**Present:** J. Paul Mikus, Paul Mirabito and Brad Holmes.

Abigail Hardy distributed revised plans received on 1/7/11, to Commission members.

**Discussion:** Paul Mirabito said that at the last meeting they presented the project and then went back and did a planting plan as requested. He explained the plan to Commission members.

The proposal is to work within the existing buffer zone, which is completely disturbed.

This is a proposed expansion of adding one bay to the garage and a small addition to the rear of the garage. The driveway will remain gravel.

They are working in the buffer zone, which the bylaw does allow as a pre-existing condition as long as they address the 13 values, which they did address in the NOI. Landscape and restoration plan was requested and was then prepared by Brad Holmes.

Abigail Hardy added that some of the members have had time to visit the site in the interim. Sean Sutton visited the site and felt that this is the best place to minimize any disturbance. Christopher Mickle asked if a construction sequence was submitted? Paul Mirabito answered "No, since none had been requested".

David Magee said that he is not satisfied with building so close into the buffer zone. Deborah Hill said that they would have to demonstrate that there is no adverse impact to the buffer zone.

Abigail Hardy said that at the last meeting, it was discussed as to whether or not the access can come from the side of the garage instead. Brad Holmes said that in the NOI it is the applicant's responsibility to show that there is no adverse impact into the 50' buffer zone and to the private or public water supplies. The excavation will be minimal. Ground water – they will not be going into a depth that would impact ground water. Stormwater damage – proposed garage will have no impact. Wildlife and wildlife habitat – the proposed garage will add some additional habitat that is not there now.

**Motion:** Burton Bryan moved to close the hearing on 159 Forest Street.

**Second:** Sean Sutton

**In Favor:** All

**Opposed:** None

**Birchwood Lane, Lot 4/NCC #32(10)**

**NOI / Bylaw (cont.)**

Applicant: Alex Kahane, A.B. Kahane Assoc./Representative: Brad Holmes, Environmental Consulting

Abigail Hardy said that the Commission received a revised project description on 1/6/11. It addresses some of the concerns that the Commission discussed during the last public hearing on 12/14/10. David Osborne said that Sean Sutton and Bill Grafton conducted a site visit.

Sean Sutton said that the visit was with Brad Holmes and that it went well. Sean Sutton said that there was no talk of grading in the steep drop-off. There was scrub brush that they were going to thin out and they would use the "log-and-lock" items mentioned. There was nothing close to the vernal pool in the back. There were no trees marked for removal.

Adam Brodsky had Brad Holmes explain all measures taken to minimize any disturbance to the vernal pool protection zone.

There were 6 specific items the Commission asked be done:

- 1) Have Brad Holmes landscape plan added to the site plan. Done.
- 2) Asked for concrete bounds to delineate the 50' no-build zone. Done.
- 3) Asked for the square footage of alteration in the vernal pool protection zone. Provided. They also added a specific detail of record to make sure that there is no grading to the vernal pool area.
- 4) Asked to stake the house out, as well as the backyard, for the site visit. Done.
- 5) Asked to locate the trees that they would be saving. Brad Holmes explained.
- 6) Asked to maintain the existing vegetation and improve the wildlife habitat. Brad Holmes explained.

Atty. Brodsky said that at the last meeting there was concern about Mr. Kahane building a road into the vernal pool protection zone. They revised the construction sequence to make sure this will not happen.

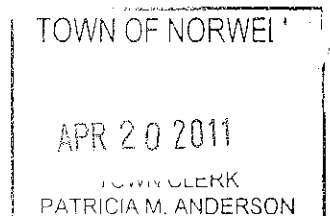
Abigail Hardy suggested as a condition to determine the amount and area of thinning during the pre-construction and potentially having an environmental monitor review the site a couple of times since this is a sensitive site.

**Motion:** David Magee moved to close the hearing on lot 4 Birchwood Lane.

**Second:** Deborah Hill

**In Favor:** All

**Opposed:** None



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TOWN CLERK  
PATRICIA M. ANDERSON**126 Riverside Drive / SE52-963 / Garage Addition**

NOI

Applicant: Brian Krivitsky / Representative: Brook Munroe

**Present:** Joe Tulis – contractor and homeowner, Brian Krivitsky.

Chair reads the legal notice for the proposed attached 2-car garage within 100' of a BVW.

**Discussion:** Abigail Hardy said that this is an existing home, with a salt marsh right up to the lawn and a brook that runs culverted under the road. Brook Munroe had delineated the wetland and was asked to view the stream. Her letter – 1/6/11 – evaluated the stream and was read by Abigail Hardy. USGS and town map showed Dwelley Creek to be within 400' of the site. Abigail Hardy feels that it is approximately within 200' of the site. It was culverted when Island View Circle was constructed over the wetland. The stream had no defined bank structure. The source is a man-made pond located upstream. This site is not within resource area or riverfront but is within 100' of the wetland. It's not delineated.

Deborah Hill suggested not confirming the wetland area due to snow cover. Abigail Hardy said that the question would take the site from buffer zone to riverfront. David Magee suggested that the driveway be discussed. Abigail Hardy said that any change to the driveway must be shown on the plan. They will change the plan to show the reconfiguring of the driveway.

**Motion:** Deborah Hill moved to continue the hearing to 2/1/11 @ 7pm.**Second:** Sean Sutton**In Favor:** All**Opposed:** None**80 Old Meetinghouse Lane**

NOI

Applicant: Jeffrey Cairra / Representative: Brendan Sullivan, Cavanaro Consulting

**Present:** John Cavanaro and Jeffrey Cairra.

Abigail Hardy handed out the plans. Abigail Hardy reviewed the project with a draft plan presented by Brendan Sullivan and Mr. Cavanaro. It is an existing one family-home to be razed and rebuilt. There is an informal gravel driveway.

John Cavanaro stated that there is a common driveway that services all the lots. The existing lot is a developed property that is about 14 ½ acres going down to the river. With about 1-½ acres of upland, the rest is salt marsh. There are two edges with the salt marsh edge defining the limit of the North River Commissions jurisdiction. There is a BVW upstream of the salt marsh. The salt marsh ends at around contour 7, at a high water mark. The existing dwelling is about 1,000 square feet. There is town water and a retaining wall around the back of structure.

The plan is to remove the dwelling and pull back to outside the 100' buffer, raze the structure and replace it as a shed to provide storage. The structure will be pulled outside the BVW. The water service will continue to be town water. The cesspool will be abandoned. A 520' boardwalk and pier will be constructed down to the water from the existing dwelling. The plan would be to have a timber pier with decking installed manually with pile driving. There will be a 10'x16' fixed pier supported with 12" piles. Abigail Hardy asked if they could receive copies of the plans that are now being shown.

David Osborne – questioned the 20'x 20' shed – would it be reasonable to move out of the 50' zone and on the other side of the retaining wall. John Cavanaro said that this could be done.

Deborah Hill asked that details be provided on the deck, pier structure, plantings and the retaining wall. David Osborne said that it is a large project on the river and he feels that the Commission members should see it.

Abigail Hardy said that there is quite a bit of debris on the lot and there is mapped habitat on the site but not in the actual project site. John Cavanaro said that this info has been submitted to Natural Heritage. Abigail Hardy will check with Natural Heritage and then schedule a site inspection.

**Motion:** Christopher Mickle moved to continue the hearing of 80 Meetinghouse Lane to 2/1/11.**Second:** Sean Sutton**In Favor:** All**Opposed:** None

**Washington Street/Ridge Hill Road/SE52-964/Upgrade/Replacement of existing infrastructure** **NOI**

Applicant: John McInnis, Norwell Water Dept.

Chair read the notice and suggested a motion for continuance.

**Motion:** David Magee moved to continue Ridge Hill Road project to 2/1/11.

**Second:** Sean Sutton **In Favor:** All **Opposed:** None

**122 Mount Blue Street (Bl.9, Lots 25 & 26)/SE52-?/Wetland Delineation** **ANRAD**

Applicant: Donald Forslund/Representative

Chair read the notice. Josh Bowes submitted green cards.

Russ Waldron was present and standing in for Merrill Associates.

**Discussion:** Russ Waldron did the original wetland delineation. He was asked to refresh and replace any missing flags. They were only interested in flags from the road to the stonewall at the power lines. The plan has referenced flags 1 – 64 as being subject to this ANRAD. They were only interested in the flags from 14-63. In November he re-hung the flags.

Abigail Hardy said that this was an ANRAD with the wetland flag confirmed from 1/24/2006. It was peer reviewed, it has expired and the conservative approach is to re-apply. There are no changes to the line. She would like to have time to review the application and walk the line.

**Gail Nogueira** – abutter – 81 Captain Vinal Way. Attended to hear any information regarding the wetlands. She will be unable to attend the next hearing. She submitted a letter from another abutter with concerns, to the Conservation Agent. David Osborne told her that she could come in at any time to discuss this with the agent and see the file.

**Motion:** Deborah Hill moved to continue the review of this ANRAD to 2/1/11 @7pm.

**Second:** Sean Sutton **In Favor:** All **Opposed:** None

**LEGAL DOCUMENTS**

**7 Satuit Meadow Lane /SE52-917/Driveway** **COC**

Applicant: Richard Morrell / Representative: Paul Mirabito, Ross Engineering

Abigail Hardy said this was originally an Enforcement Order. The original owner built the house and cleared for the driveway but never finished it. A new owner has finished the driveway, which was gravel, put in the plantings and the pavers were where they should be. She also did a pre-construction inspection. The shrubbery is very dense. The plantings were not monitored for the required two years. Abigail Hardy will tell applicant that they would like to see the grounds once they are snow free.

**Motion:** Christopher Mickle moved to deny a COC at 7 Satuit Meadow Lane.

**Second:** Sean Sutton **In Favor:** All **Opposed:** None

**Motion:** Deborah Hill moved to waive the fee for the second request.

**Second:** Christopher Mickle **In Favor:** All **Opposed:** None

**Pleasant Street, Lot 1 / SE52** **Amend COC**

Applicant: Scott & Katie Fitzgerald / Representative

Abigail Hardy said that this is a house that was recently permitted. What the owner wants to do is to take the sign and move it 25' away from the wetland. She spoke with the owner and let him know that this will more than likely not be approved. Would this need a new NOI or an amended OOC?

**Motion:** Christopher Mickle moved to have applicant file a NOI.

**Second:** Sean Sutton **In Favor:** All **Opposed:** None

