

STATE OF MASSACHUSETTS
NORWELL CONSERVATION COMMISSION

345 Main Street / Norwell, MA

July 18, 2017 @ 7:00 PM - Room 112

Minutes

Present: Marynel Wahl, Chair, Dave Osborne, Bob McMackin, Bob Woodill, Stacy Minihane, Agent N. Hemingway, and Recording Clerk C. Sullivan
Ron Mott and Justin Ivas were absent.

CALL TO ORDER

The meeting was called to order at **7:05 pm** by Chair Marynel Wahl. The meeting was not recorded.

AGENDA ACCEPTANCE

Motion by Mr. Woodill to approve the agenda as recorded. Seconded by Mr. McMackin and unanimously voted.

COMMISSION BUSINESS

Old (cont.):

Meeting Schedule

After review of Commissioner availability, it was decided to move the August 8 meeting to August 1. An extra meeting will be scheduled on August 15 if necessary.

Motion by Mr. Osborne to move the August 8 meeting to August 1. Seconded by Mr. Woodill and unanimously voted.

Norwell Highway General Permit

Ms. Hemingway is working with Highway Commissioner Glenn Ferguson and Town Counsel Bob Galvin to develop a general permit for the Norwell Highway Department, taking elements from the Hanover and Framingham permits.

As part of the process, she and Mr. Ferguson are looking into new culvert designs and bank stabilization techniques that will better protect resource areas. Mr. Ferguson will appear at a future meeting to discuss upcoming projects.

National Grid - River Street

Ms. Hemingway advised that National Grid has reduced its work within buffer zones to maintenance trimming and dead tree removal, and therefore they are claiming they don't need to file with the Commission. Highway Commissioner Glenn Ferguson and the Planning Board are reviewing the proposal.

Ms. Minihane felt that best practice would be for National Grid to make the case to the Commission as to why it's maintenance. Mr. Osborne felt it behooved the Commission to look at the impacted areas within Commission jurisdiction. Ms. Hemingway has scheduled a site visit with Forestry Supervisor Jon Duval on July 27. She asked Commissioners to let her know if they observed any work that exceeds trimming.

Project Grid

Project Name	Project Manager	Remaining Budget	Last update	Current Update - See also project status grid in your packets
Jacobs Pond Gift	None	0		After payment to Solitude Lake Management – Donna will close any drained accounts. New donations will require new account opening.
Donovan Barn Roof	David O	\$1669.47		Quorum vote to return funds - will be closed
Jacobs Pond Improve 2009 –		\$\$2750.00		Recommend closing and returning funds Mr. Woodill asked whether these funds could be used to pave the parking lot at Jacobs. Mr. Osborne recommended that the Commission close the account, and then come back and ask for more money. If the project is anywhere near the language of the original motion, the funds are usable.
Stetson/Judges Hill		\$3,078.75		Recommend closing and returning funds.
Masthead Use Proposal	David O Bob W.	0		Do you still want to keep unfunded on-hold projects on the review grid?

Carry-Over Requests

The Commission discussed unused FY 17 accounts to be closed out or carried over. The associated work for both the Commission’s Capital Funding accounts, Donovan Barn and Gator, has been finished and the accounts were recommended for closure. The General Town Meeting account for Boardwalk and Entry Repairs was recommended for carry over as there remains work to be done. The Jacob’s Pond Improvements and Stetson Boardwalk CPC accounts were recommended for closure. The Jacob’s Dock account has a zero balance.

Motion by Mr. Woodill to carry over account TM 15 Art 16 (Boardwalk and Entry Repairs). Seconded by Ms. Minihane and unanimously voted.

Motion by Mr. Woodill to carry over account TM 09 Art 39 (Jacobs Pond Improvement). Seconded by Mr. Osborne and unanimously voted.

Motion by Mr. Woodill to recommend closure of account TM 10 Art 28 (Stetson Boardwalk). Seconded by Ms. Minihane and unanimously voted.

Motion by Mr. Osborne to carry over all CPC accounts recommended for carry-over. Seconded by Mr. Woodill and unanimously voted.

SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)

Pathways	R. Woodill	Mr. Woodill advised that the Pathways was ready to solicit bids for the Wompatuck Access study approved at town meeting. There was a broad discussion as to (i) Commission response to public comments on the project and (ii) the appropriate level of Commission involvement in the project. Ms. Wahl asked Mr. Woodill to make sure this project is on the next Pathways agenda. Mr. Woodill will verify when the next meeting is so that Commissioners can attend.
CPC	D. Osborne	Mr. Osborne advised that new applications should start flowing in in September. He suggested that the Commission start thinking about projects. Applications need to reference a specific project, as CPC will not be approving any more open-ended funding requests.

MISCELLANEOUS

1. Bills

- a. Norwell Hardware \$17.49 – earplugs for weedwacking
- b. Ed Cox \$5.80 – reimbursement for filling gas tanks
- c. MACC \$627.00 – Annual membership
- d. AMWS \$20.00 - Dues for N. Hemingway
- e. Solitude Lake Management \$4,510.95 – Jacobs Pond Treatment from Jacobs Pond Fund
- f. Solitude Lake Management \$563.05 – Encumbered from FY17 General Budget for Jacobs Pond Treatment
- g. Brad Holmes ECR \$749.14 – from 497 A Mt. Blue St for replication and mitigation plant replacements
- h. Brad Holmes ECR \$280.00 – from 501 Mt. Blue St monitoring

2. Minutes

- a. June 20

3. Encumbrance requests – see above

4. Request for authorization to purchase chairs for Meredith and Nicole. The current chairs are 15 years old and unpleasant to sit in for hours at a time. The cost for 2 office chairs would be \$500.00. Although the cost should be shared, Planning has a small budget and they need a new computer system on top of the year’s expenses.

5. FY 18 budget numbers –

- a. Repair and maintain equipment - \$1000.00
- b. Grounds keeping services - \$9000.00
- c. Professional services, engineering, design, publishing, transcription - \$8,100.00
- d. Office supplies - \$940.00
- e. Grounds keeping new equipment - \$1000.00
- f. Travel expenses - \$1610.00
- g. Dues and meetings - \$1000.00

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Meeting Minutes

Bills

Mr. Osborne read off the list of bills to be paid.

Motion by Mr. Osborne to pay the listed bills. Seconded by Ms. Minihane and unanimously voted.

Minutes

The minutes for the June 20 were distributed. Commissioners reviewed and discussed corrections and changes.

Motion by Ms. Minihane to approve the minutes of June 20 as amended. Seconded by Mr. McMackin and unanimously voted.

Encumbrances

Ms. Hemingway noted an encumbrance of \$1063.05 from Grounds Maintenance for the portion of the Jacobs Pond treatment that exceeded the available balance from the Jacobs Pond Gift Account.

Office Chairs

Ms. Hemingway requested authorization to purchase two new chairs for the Conservation/Planning office.

Motion by Mr. Woodill to authorize buying two new chairs for the office. Seconded by Mr. Osborne and unanimously voted.

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**

246 Bowker St, (pka 260 Bowker, lot D) / SE 52-1096 & NCC # 17 (16) / Single Family Home & related CoC Applicant: Fran O'Meara

Ms. Hemingway advised that the project is completed but the conservation bounds haven't been installed yet. The Commission, at its discretion, could either approve the CoC pending installation of the bounds or continue to the next meeting.

Motion by Mr. Osborne to continue the matter to August 1 at 8 PM. Seconded by Ms. Minihane and unanimously voted.

Lot 62, Stony Brook / SE52-1111 & NCC# 8(17) / (After-the-Fact) Jurisdictional Wetland Line Delineation (After-the-Fact) ANRAD / ORAD (cont.) Applicant: Tom Williams / Representative: Scott Goddard, Goddard Consulting, LLC

Nicole Hayes, Goddard Consulting, was present for applicant. Ms. Hayes advised that, after several site walks, she came away with several changes to the original delineation. The new delineation has been peer reviewed, and both the reviewer and Ms. Hemingway were in agreement with the changes.

Ms. Hemingway discussed changes to the delineation near flag 26, and noted that the interior of the BVW area was not reviewed as part of the process.

Motion by Mr. Woodill to approve the ANRAD for Lot 62 Stony Brook as accurate, noting that there may be intermittent stream channels within the larger BVW area on site. Seconded by Ms. Minihane and unanimously voted.

224 Main Street / SE52-1118 & NCC# 17(17) / Jurisdictional Wetland Line Delineation
ANRAD / ORAD (cont.) Applicant: Bonnie Campbell / Representative: Rick Grady, Grady Consulting

Paul Seaberg, Grady Consulting, present for applicant. Ms. Hemingway noted that Grady Consulting (per John Zimmer) has shifted the BVW line in most of the areas which had been questioned by Ms Minihane and the Agent. The only remaining question concerned the area between Flats A31 and A32, which had hydrology and hydric soils, but not predominant wetland vegetation. The revised site plan had been submitted that morning and had not yet been field verified. Ms. Minihane felt it was worth re-reviewing the amended flags in the field, but would defer to Ms. Heminway's judgment. Ms. Hemingway and Mr. Seaberg agreed to look at the area again.

Motion by Mr. Woodill to continue the matter to August 1 at 8 PM. Seconded by Ms. Minihane and unanimously voted.

87 Cross Street / NCC # 25(17) / Restoration and minor site work
RDA Applicant: Marc Millicone and Miccolene Boddie / Representative: Jack O'Leary
Mr. Woodill read the notice of public meeting. Jack O'Leary present for applicant.

Mr. O'Leary advised that his clients discovered a wet basement after buying the house. They also inadvertently placed a fence in a wetland area without a permit. The fence will be moved out of the wetland. They want to put in stone trenches to alleviate the basement flooding, and also reconfigure the driveway to make it more usable.

Commissioners discussed whether the request required the filing of a NoI as opposed to an RDA. Ms. Wahl noted that the request was fairly comprehensive for an RDA. Ms. Minihane felt an RDA was appropriate as the house predated the current wetlands regulations and the fencing violation is being resolved. Mr. Woodill agreed, noting the Commission may encounter this scenario a lot and should give the owners some leeway.

Motion by Mr. Woodill to approve the RDA with pos 2B, pos 5, neg 3. Seconded by Ms. Minihane and unanimously voted.

85 Jacobs Lane / NCC # 26(17) / Installation of inground pool
RDA Applicant: Sandra Maguire / Representative: Brett Benoit, South Shore Gunite Pool

Mr. Woodill read the notice of public meeting. Applicants Chris and Sandra Maguire were present.

The Commission briefly reviewed the project plans, as well as a delineation approved for a previous project on the site. Ms. Hemingway recommended approval of the RDA with conditions. She explained why she did not believe a NoI was warranted.

Motion by Ms. Minihane to approve the RDA with pos 2B, pos 5, neg 3 with the condition that, if necessary, dewatering be done outside the buffer zone and grading limits be within the pool and patio limit shown on the plan. Seconded by Mr. Woodill and unanimously voted.

Circuit Street (Donovan Field) / SE52-xxxx & NCC# 6(17) / Agricultural Field Squaring/ Clearing

NoI / OoC (cont.) Applicant: John Hornstra & NCC / Representative: John Hornstra & Ron Mott

Mr. Mott will be working on the site plan for review during the first August Meeting. A draft NoI is ready to be modified to reflect the info on the site plan. A narrative will be developed based on the scope of the project in proximity to the flagged resource areas in coordination with Mr. Mott once he returns.

Motion by Mr. Woodill to continue the matter to August 1 at 8 PM. Seconded by Ms. Minihane and unanimously voted.

50 Turner's Way / SE52-1119 & NCC# 22(17) / Raze & Rebuild Single-Family Home & Garage

NoI / OoC (cont.) Owner: Alan McKim / App. & Representative: Peter Bilodeau, Bilodeau Builders

Builder Peter Bilodeau and Matthew Creighton, of BSE, were present for applicant. The Commission discussed resolution of the violation on the property before discussing the project.

Violation Resolution

Ms. Hemingway advised that the restoration plan is for a work area adjacent to BVW. The violation was discovered on a site visit.

Mr. Creighton proposed to replace some lawn with plantings and natural vegetation, which would help filter the water before reaching the BVW. The property owner would like to keep the access road between the two properties for tractor access, but is willing to let it go if it moves the project along.

Ms. Hemingway noted that the products proposed are not actually impervious, as the binders used with the base material eventually turn into concrete-like material on contact with ground water, and questioned the necessity for an access road within the buffer zone when there is room for one outside the buffer. Both Mr. Creighton and Mr. Bilodeau indicated they were willing to take the access road out so it doesn't hold up the project. Ms. Hemingway requested that they add a wetland seed mix in order to establish naturalized vegetation in the swale.

Motion by Ms. Minihane to issue a violation order to restore the land subject to flooding, two areas as shown on plan, not allowing the driveway as shown on the plan, and restoring it to upland seed mix. Seconded by Mr. Woodill and unanimously voted.

NoI Discussion

Ms. Hemingway noted the construction details for the 56-foot tunnel to connect the garage to the house basement were not include. She expressed concern that the builders might hit groundwater during its construction. Mr. Creighton advised they have looked for groundwater in the area and have developed contingencies should it be encountered.

Ms. Hemingway had no concerns outside the tunnel, and felt it would be a net improvement considering the removal of structures and the moving of the septic system components out of the buffer and Riverfront Resource Areas. Her only concern was construction process, which can be conditioned. She recommended approval with a long-form OoC, but recommended not actually issuing the OoC until the next meeting in order to make sure the restoration plan goes forward. She expressed concern about the precedent set if work started based on a new project OoC before the restoration was completed.

After a brief discussion on whether to continue the matter, the Commission decided to approve the OoC with conditions. The decision will be signed and issued at the next meeting.

Motion by Ms. Minihane to close the hearing and issue the OoC approving the project pending confirmation of installation of the violation restoration. Seconded by Mr. Woodill and approved by a 4-1 vote, with Mr. Osborne opposed.

31 Central Street / Excavation of stream, Construction of Driveway & Additions, Grading & Landscaping in Buffer Zone (After-the-Fact) NoI / OoC (cont.)

Applicant: John McKay / Representative: Steve Ivas, Ivas Environmental

Applicant John McKay and Steve Ivas, of Ivas Environmental, present.

S. Ivas discussed revisions to the plan since the last meeting. He reported that the stream was flowing well, and vegetation was growing up on the streambed. The lawn on the property is healthy, with some new turf put in. Ms. Hemingway recommended that the Commission allow the cutting of phragmites in the BVW once per year.

S. Ivas advised that his client also wishes to add a garage at the end of the driveway. Ms. Hemingway stated that, as the legal notice made no mention of the garage, it is beyond the scope of this NoI and a new filing would be required. S. Ivas asked whether the request could be considered an amendment to the existing filing. As this would be a major amendment requiring a new site plan, abutter notification, amended filing and full filing fee, Ms. Hemingway felt it would be legally cleaner and less cumbersome to the applicant to file a new NoI.

Ms. Minihane added that the narrative that would accompany a new NoI would be good to have since the project is within the 50 foot buffer. Ms. Wahl asked whether a narrative could be added to the existing filing. Ms. Hemingway didn't think it could, as the garage addition is unrelated to the original NoI, which was a formality to address a violation and not based on work that is proposed to occur. S. Ivas will prepare a new NoI for the garage, to be discussed at the August 1 meeting.

Ms. Hemingway recommended a one-month authorization period for the OoC for the after-the-fact work as it was already complete.

Motion by Ms. Minihane to issue a short-form OoC with authorization period of one month, also allowing cutting of phragmites in BVW once a year at the end of the growing season and noting that the bridge meets stream-crossing standards. Seconded by Mr. Osborne and unanimously voted.

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

Request continuation to August 15, 2017 @ 8:00 PM.

PUBLIC MEETINGS - none

ADMINISTRATIVE REQUESTS

118 Brigantine Circle –

This project is for a septic repair on a home that is selling. The project is outside the 100-foot buffer to BVW, salt marsh etc. The Board of Health has approved. The project is within the outer 200 foot RRA in an area that is already disturbed for lawn, pool and patio. Title 5 repairs are exempt from RRA under the WPA, so this is a local review only.

Ms. Hemingway advised that the house is currently unoccupied, and that the project is only subject to the local wetlands bylaw. The septic repairs are outside the 100-foot buffer, and Ms. Hemingway had no concerns.

Motion by Mr. Osborne to issue the administrative letter for septic repairs. Seconded by Mr. Woodill and unanimously voted.

VIOLATION DISCUSSIONS

72 Ridge Hill Road

Art Allen supervised the removal of the fill and was satisfied. Ms. Hemingway advised that the buyers won't close until the enforcement orders are lifted; they would like a letter of release from the Commission.

Motion by Mr. Osborne to lift the enforcement order and issue a release letter pending a favorable report from Art Allen and including a statement that the violation is not completely addressed until all the vegetation is restored. Duly seconded by Ms. Minihane and unanimously voted.

89 Kings Landing

Ms Hemingway updated the Commission that The coordination with CZM seems to be on hold until the Commission takes action. She recommended filing a Violation notice to the owner with Enforcement Action to follow on August 1st requiring a Restoration Plan designed to return the site to compliance per the final approved mitigation plan approved under DEP 52- 766 and CoC'd in 2007. At that time there was no stone armored bank surrounding the property. A significant portion of the existing gravel area was to be restored to salt marsh as part of the required project. Observation from the river by both Ms Wahl and the Agent confirm that the entire bank around the home has been armored with stone riprap. Fines for non-compliance would be issued or imposed with the EOs should the landowner not work with the Commission.

Meeting Minutes

After a brief update and discussion, it was agreed that Ms. Hemingway should send a violation notice to the owner.

*Please refer to the complete Agents Notes available in the Conservation Office. Notes included in the minutes are partial.

<i>Next Meeting</i>		August 1, 2017
<i>NEW filing applications due date/deadline</i>		<i>July 25, 2017 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>		<i>July 31, 2017</i>
<i>Revised Information submittal deadline</i>		<i>July 27, 2017 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification &LP Requests</i>		<i>July 27, 2017 @ noon</i>
<i>Public Information Written Comments</i>		<i>No deadline</i>

ADJOURNMENT

There being no further business, a motion was made by Ms. Minihane to adjourn at 10:10 PM. Seconded by Mr. Woodill and unanimously voted.

I hereby certify that the above minutes were presented and voted by a majority vote by the Norwell Conservation Commission on August 1, 2017.

Marynel Wahl
Marynel Wahl, Chair

2017 SEP -6 AM 9:04
MARYNEL WAHL

