



TOWN OF NORWELL
TOWN CLERK

NORWELL CONSERVATION COMMISSION 1:24

Room 112 / 345 Main Street / Norwell, MA

June 19, 2018 @ 6:30PM

Minutes

RECEIVED

Present: Marynel Wahl, Chair, Dave Osborne, Bob Woodill, Justin Ivas, Ron Mott, Administrative Assistant Nicole Pelletier, Office Assistant James Schellenger, and Recording Clerk Chris Sullivan. Bob McMackin and Stacy Minihane were absent. Mr. Ivas arrived at 7:11 PM. Mr. Mott left at 8:42 PM.

CALL TO ORDER

The meeting was called to order at **6:48 pm** by Chair Marynel Wahl. The meeting was recorded.

AGENDA ACCEPTANCE

The Commission reviewed the proposed agenda and discussed changes and additions.

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

COMMISSION BUSINESS

New Business:

CJ Hudanich – Eagle Scout Project

Christian Hudanich discussed his Eagle Scout project with the Commission, which will be an art walk at the South Shore Natural Science Center. He is selling Mason Bee houses to fund the project. The houses are made of locally sourced hardwoods. These bees are declining in population, and the houses give the bees a place to lay eggs and enable more of them to survive to adulthood.

He walked several conservation properties with Ms. Wahl, and they found about 20 good locations for the houses. The bees are gentle and would promote pollination throughout the trail system.

In response to a query from Mr. Osborne, the houses would be placed about waist height and would be supported by a nail and hook attached to a tree. Mr. Osborne asked that he try to find a way to support the houses without putting nails into trees. Mr. Hudanich will provide a map of the proposed locations.

Ms. Wahl reiterated that Mr. Hudanich's proposal for the houses was a fund raiser for the actual project at South Shore Natural Science Center. The Commission typically does not provide direct funding for such proposals, but she wanted to give Mr. Hudanich the chance to publicize the effort, as well as a vote of support and authorization to place the houses once the funds were raised.

Motion by Mr. Mott to support the project and allow placement of boxes on Commission properties where indicated once funding is secured. Seconded by Mr. Woodill and unanimously voted.

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TOWN CLERK
2018 OCT 11 PM 1:24

“Barrel Lane” Forest Cutting Plan – Rodriguez

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About 12 area residents present to discuss a forest cutting plan filed by James Rodriguez with DCR for a parcel of land off Barrel Lane. Ms. Wahl advised that the Commission had received no filing from Mr. Rodriguez with regards to the project. Town Counsel Bob Galvin has sent correspondence to DCR and had received no response to date. She asked those present to monitor the site and contact the Commission immediately if any work were observed.

Mary Lou O’Leary, 222 River Street, advised that her property had been delineated in the late 90s and found to have significant wetlands. Tim Corbett, 196 River Street, added that his property had also been delineated recently with similar results. Both felt the parcel in question is also likely to be wet given its proximity to their properties.

Selectman Joe Rull advised that a Notice of Intent was filed with the DEP in January but not acted on. He has also reached out to DCR and they are looking into the situation.

Ms. Pelletier asked whether anyone had received a response from DCR forester Joe Perry; several residents have called but have received no response.

Mr. Osborne advised that Donald Schute probably still owns the property in question, and pointed out that Mr. Rodriguez has filed several forest cutting plans in town to date and none have been approved. He reiterated that residents should monitor the site and call the Conservation office if they observed any digging on the property.

Ms. Wahl asked those present to leave their contact information. Ms. Pelletier will start an e-mail list so they can be notified of additional developments.

Drafting of Administrative Letters and CoCs

Mr. Schellenger will write the administrative permit letter for 96 Stoneybrook and the CoC for 98 Brantwood. He will work with the office staff to draft the OoC for 33 Winter Street, and Mr. Osborne will write the administrative letters for 1014 River Street and 188 Grove Street.

Old Business:

Gaffield Park – Resurface playground Area (G. Grey, Recreation)

Recreation Commission George Grey updated the Commission on the resurfacing project at Gaffield Park. A delineation was performed by South River Environmental, and a NoI will be filed by the end of the week for the July 17 meeting. He anticipates the work will be done after Labor Day. They are not looking to expand the playground, and no new equipment will be installed in the buffer.

Ms. Wahl asked whether the materials proposed for the work were safe for wetlands; he has researched and found no information so far. Ms. Wahl stressed that materials used in the 50 foot buffer need to be environmentally friendly, and suggested that he specify such in the RFP

language. Mr. Ivas noted that it seemed like poured-in-place rubber was in fairly common usage, including in water treatment plants, and had no concerns with its use.

49 Green Street, Lot 1 – Peer Monitor Selection

Sean Donovan present. Commissioner Justin Ivas recused and left for the duration of the discussion.

The Commission reviewed construction monitor proposals from Chessia Consulting, Ivas Environmental, and Pinebrook Consulting. ECR declined to submit a proposal. Mr. Donovan indicated a preference for the Pinebrook proposal and objected to a limitation of liability clause in Chessia's proposal.

Ms. Wahl noted that they didn't receive a full contract from Pinebrook, and they and other bidders may have a similar clause in their contracts. To expedite the process, it was decided to appoint Pinebrook as construction monitor and then ask for the full contract language. Mr. Donovan will review and mail in a deposit if its terms are acceptable.

Motion by Mr. Woodill to appoint Brooke Monroe, Pinebrook Consulting, as construction monitor for 49 Green Street Lot 1. Seconded by Mr. Mott and approved by a 3-1 vote, Mr. Ivas having recused and Mr. Osborne having voted no.

After the discussion, Ms. Wahl noted that the RFP boilerplate should be modified to request the full contract language from bidders.

Kezia Bacon ("Yoga at the River's Edge") – Request to teach yoga at Stetson Meadows

Kezia Bacon present to discuss a proposal to hold "Yoga at the River's Edge" classes at Stetson Meadows.

Ms. Bacon has been running the "Yoga at the River's Edge" program for the NSRWA since 1997. The classes take place on Saturday mornings from June to September, and introduce people to local conservation properties and the river. Net proceeds benefit the NSRWA.

NSRWA has asked her to find additional locations, and she would like to hold a class next season at Stetson Meadows in either the picnic area or near the parking area. Mr. Mott suggested that the class be held in the picnic area so it doesn't interfere with the licensed farming operation at the property. Mr. Osborne suggested that she also look at the field adjacent to Stetson Shrine.

After further discussion, the Commissioners agreed to allow Ms. Bacon to use the picnic area at Stetson Meadows for one class next year provided she give advance notice of the date.

Black Pond Bogs – Site Visit w/ John Dick (Sunday, June 24th @ 9:00am)

Mr. Osborne and Mr. Ivas will be leading the walk along with Mr. Dick.

Barstow Field(s) – Jon Haskins

Mr. Osborne has pulled the deed information, and Ms. Pelletier is drafting the license.

Motion by Mr. Osborne to continue the Barstow Field discussion to July 17. Seconded by Mr. Ivas and unanimously voted.

James Rodriguez (Mt. Blue St.) – Appeal Update

Ms. Wahl advised that DCR has preliminarily found in the Commission’s favor, and the hearing officer’s recommendation is to not approve the cutting of stands in wetlands on the property.

Assign Pre-Start of Work follow-up to Commission members

The Commissioners discussed their availability to conduct pre-start of work inspections. Currently Mr. Osborne and Mr. Schellenger have been handling them. Mr. Mott can resume inspections starting mid-July, and Mr. Woodill is available before 10 AM and after 5 PM.

SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)

Farming	R. Mott	At Mr. Mott’s request, Ms. Pelletier will send a letter to Highway Commissioner Glenn Ferguson requesting a start date for the Donovan Field parking lot connector.
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MISCELLANEOUS

1. Bills
2. Minutes (4/3/2018, 5/1/2018, 5/15/2018)

Bills

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

Sandy MacFarlane	Assistance with legal docs	\$300.00
Chris Sullivan	Meeting minutes	\$300.00
Chessia Consulting	Curtis Farm Lot 7	\$267.00
	Tiffany Hill/Damon Farm	\$219.00
Trail Crew Payroll		\$312.00

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Ms. Wahl noted that June 30 was the end of the Town’s fiscal year, and that anyone with open invoices should submit them for processing before then. Ms. Pelletier will get Commission account balances from Town Accountant Donna Mangan.

The Commission discussed possible purchases with any remaining money, including a laser measurement tool. Ms. Wahl noted that the Board of Selectmen did not include the request for a Smart TV for the Conservation Office in its capital budget request to Town Meeting.

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

Minutes

Tabled. Ms. Pelletier will batch-distribute minutes for the April 3 executive session, May 1, May 15, and June 5 meetings.

TOWN OF NORWELL
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EXECUTIVE SESSION Discussion of issues and/or land off subject of interest; 21 closure 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**

98 Brantwood Road / SE52-1020 & NCC# 3(13) / Septic Upgrade

Request for CoC / CoC Applicant: Jessica Pasquale / Representative: Greg Tansey, Ross Engineering

Mr. Schellenger visited the site on June 12. The site was vegetated and stable, and he recommended issuance of the CoC.

Motion by Mr. Mott to issue the CoC. Seconded by Mr. Woodill and unanimously voted.

1014 Main Street / SE52-992 & NCC# 4(12) / Addition & Mitigation

Request for CoC / CoC Applicant: J & K Randlett / Representative: Rick Grady, Grady Consulting

Mr. Osborne visited the site yesterday. He advised that the most of the plantings were in good shape with two or three exceptions. The rain garden was doing well, with some of the plantings doing better than he expected and an abundance of red cedar saplings. He recommended issuance of the CoC based on the good condition of the rain garden.

Motion by Mr. Woodill to issue the CoC. Seconded by Mr. Mott and unanimously voted.

290 River Street / NCC# 19(18) / Septic Upgrade

RDA / DoA Applicant: Melissa Umbrianna / Representative: Brendan Kling, Grady Consulting
Mr. Woodill read the notice of public meeting.

Mr. Schellenger advised that the proposal was for a straightforward septic upgrade. At his request, they have adjusted the limit of work and moved the stockpile outside the 50 foot buffer.

The Commission issued the following findings:

1. Delineation not confirmed
2. The applicant has submitted sufficient information to indicate that the project can be constructed without adversely impacting downgradient wetlands or abutters. The burden of compliance is on the contractor/applicant and landowners. Failure to control the site both in terms of alteration of water flows or discharge of sediments will be met with enforcement action.

The following special conditions were applied:

Erosion controls required.

Mr. Schellenger to conduct a pre-construction visit.

Motion by Mr. Mott to approve the RDA with a Neg 3 determination and conditions as noted. Seconded by Mr. Woodill and unanimously voted.

89 King's Landing / SE52-1135 & NCC# 3(18) / Driveway Maintenance & Shed Relocation (After-the-Fact) NoI / OoC (cont.) Applicant: Robert Molla / Representative: Paul Mirabito, Ross Engineering
Applicant Robert Molla, Attorney Adam Brodsky and Brad Holmes, ECR, present.

Mr. Holmes advised he had conducted research as requested on past versus current delineations. His opinion was that the old stone line under the new riprap represented the outskirts of the driveway, with gravel being placed to the inside, and the riprap holds the gravel in and allows the driveway to be steeper. He characterized the driveway shoulder as coastal wetland and the site's development history as one of fill being placed on top of fill.

For the failed planting area, Mr. Holmes proposed to remove the gravel and re-try a planting with a herbaceous seed mix. He noted that the area was subject to tidal washouts that made it difficult for plantings. Regarding the riprap along the driveway, he advised they could keep it in place but pull it back from areas where there wasn't old stone underneath; or they could replace it with Coir logs into which additional plantings could be attempted.

Mr. Mott noted that the work done was not permitted, and he felt it likely would not have been approved had a NoI had been submitted prior to the start of work. Attorney Brodsky agreed that the Mollas should have filed prior to start of work, but reminded the Commission that they had relied on a maintenance provision in a prior OoC, allowing them to maintain their driveway.

The Commission also discussed the armoring of a mosquito ditch on the property. Mr. Ivas wasn't sure if the Commission could approve this kind of armoring, and didn't want to set any such precedent. Attorney Brodsky acknowledged that it would not be permissible for new construction, but pointed out this was a historically altered site that the owners were trying to maintain. He expressed concern there would be ongoing erosion issues if the riprap in this location were removed. He also contended this site was unique among riverfront properties in Norwell, and felt any precedent would generally not be applicable to other properties.

Mr. Molla indicated that he would like to resolve the matter while weather conditions would still allow for any necessary work to be done. The matter was continued to allow for an inspection of the mosquito ditch and riprap at low tide, which was tentatively scheduled for 8:30 AM on June 30.

Motion by Mr. Mott to continue the matter to July 17 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

Old Oaken Bucket Estates / SE52-xxxx & NCC# 11(18) / Roadway Construction, SFH, Septic, Stormwater & Grading NoI / OoC (cont.) Applicant: John Kopacz / Representative: Marta Nover, Nover-Armstrong Assoc.

Mr. Kopacz, Ms. Nover, and Greg Morse, Morse Engineering, present.

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With Mr. Ivas' recusal as an abutter, Ms. Wahl advised that the Commission could take no action at this hearing due to a lack of quorum. After a discussion of options including presenting this meeting without a vote or doing so at the joint Commission-Planning Board meeting on July 25, the applicants assented to a continuation to July 17. The matter will be placed on the meeting's agenda.

30 Parker Street / SE52-xxxx & NCC#15(18) / Addition

**NoI / OoC (cont.) Applicant: Joel A. & Laura Z. Messner / Representative: N/A
(Applicant requested to be continued to July 17th, 2018)**

Motion by Mr. Osborne to continue the matter to July 17 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

33 Winter Street / SE52-1140 & NCC#14(18) / Construction of a Garage & Driveway

NoI / OoC (cont.) Applicant: 23-33 Winter Street LLC / Representative: Bob Rego, River Hawk Environmental

Mr. Rego advised that after the Commission's site visit, he had moved the garage 7.5 feet forward in response to concerns expressed by Commissioners at the previous meeting. There were no other changes to the plan. The proposed garage will have some storage above the bays but no apartments.

The Commission issued the following findings:

1. The applicant has submitted sufficient information to indicate that the project can be constructed without adversely impacting downgradient wetlands or abutters. The burden of compliance is on the contractor/applicant and landowners. Failure to control the site both in terms of alteration of water flows or discharge of sediments will be met with enforcement action.
2. Short-form OoC

The project was approved, as the impact to the resource area had been minimized with the move of the garage.

The following special conditions were applied:

Erosion controls required.

Conservation markers every 25 feet.

Stockpiling of materials 100 feet from the wetland line.

Motion by Mr. Ivas to approve the NoI with a short-form OoC and conditions as noted. Seconded by Mr. Osborne and unanimously voted.

9 Homestead Farm Drive / SE52-1143 & NCC# 18(18) / Pool with Patio, Deck & Fence

NoI / OoC Applicant: Homestead Farm Drive Trust / Representative: Brad Holmes, ECR

****Mr. Woodill read the notice of public meeting. Brad Holmes and Trustee Brian O'Connor present.**

Mr. Holmes advised that they had received a DEP number. The plan proposes to install a pool within existing lawn area and additionally replace a portion of existing lawn in the 50 foot buffer with native plantings. For conservation markers, Mr. Holmes suggested using cedar posts that included a bird house.

Mr. Schellenger contended that mitigation done within the buffer zone was not actual mitigation, and Ms. Wahl noted that Ms. Minihane had expressed the same opinion. Mr. Woodill felt in general that there was a benefit to taking any established lawn out of the 50 foot buffer. Mr. Ivas added that the Commission typically didn't require mitigation for work in established lawn areas.

Mr. Ivas inquired about the possibility of moving the pool completely outside the 50 foot buffer. Mr. O'Connor advised that the pool's location had already been shifted away from the wetland, and that he wanted to be able to watch his kids in the pool from the house. Mr. Holmes added that moving the pool outside the 50 foot buffer would require greater disturbance to the 100 foot buffer.

Mr. Schellenger additionally noted there would be a hill off the back of the pool, running down towards the silt sock, and expressed concern there may not be enough room to build the pool as set forth in the plan. Mr. Holmes replied they had discussed these logistics with Ross Engineering; they came up with the site plan and had expressed no such concerns.

Mr. Osborne felt the project as proposed was too big, and could be reduced to be outside the 50 foot buffer. The Commission issued the following findings:

1. The applicant has submitted sufficient information to indicate that the project can be constructed without adversely impacting downgradient wetlands or abutters. The burden of compliance is on the contractor/applicant and landowners. Failure to control the site both in terms of alteration of water flows or discharge of sediments will be met with enforcement action.

The project was approved, as the project was in established lawn area and included replacement of some existing lawn in the 50 foot buffer with native plantings.

The following special conditions were applied:

Silt sock at limit of work.

Installation of five conservation markers along the tree line.

Restoration of lawn area to plantings as indicated on plan.

Stockpiling outside the 100 foot buffer.

Motion by Mr. Woodill to approve the NOI with conditions as noted. Seconded by Mr. Ivas and approved by a 3-1 vote, Mr. Osborne having voted no.

ENFORCEMENT HEARINGS

89 King's Landing / Enforcement Hearing / Alteration of coastal tidal river resource areas including salt marsh (cont.)

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PUBLIC MEETINGS / ADMINISTRATIVE PERMITS & REQUESTS

96 Stony Brook Lane – Construction of a Shed within 50’ buffer to BVW (Frank’s Notes)

Mr. Schellenger visited the site, and advised that the property owner would like to build a 12’x14’ shed to protect maintenance equipment currently stored outside. At his request, the shed was moved about 10 feet upgradient, to where the two 50 foot buffers meet on the property.

He recommended approval with this relocation, as the shed would be set on blocks in existing lawn area and he saw no better place on the property to put the shed.

Motion by Mr. Woodill to issue an administrative permit for placement of a shed at 96 Stony Brook Lane as shown on plan provided to the Commission. Seconded by Mr. Mott and unanimously voted.

Wildcat OSRD – Cert. of Compliance (Re-issue without peer review comment attachments)

Ms. Wahl advised that the applicants had requested that the CoC be reissued with certain revisions to the language. The matter was continued to July 17 due to a lack of quorum.

188 Grove Street

Mr. Mott advised that a generator had been installed next to the house, in a self-contained area close to a wetland. Mr. Osborne and Mr. McMackin visited the site and added that the generator had been installed in existing lawn area. They will prepare and send an administrative permit.

Motion by Mr. Mott to issue an administrative permit for 188 Grove Street. Seconded by Mr. Osborne and unanimously voted.

35 Blockhouse Lane

Mr. Osborne advised that the property owner wishes to rebuild an old walkway using pre-existing cedar posts and two 2’x10’ boards. There will be no digging in the marsh. He thinks the project can be permitted administratively, with conditions set forth by letter, if the owner sends in a brief plan and narrative. Ms. Pelletier will contact the owner, and the matter will be placed on the July 17 agenda.

VIOLATION DISCUSSIONS

Damon Farm Status Update (cont.)

Maureen Triffone, Engineer Jim Burke, and Attorney Scott Golding Jr. present.

Ms. Wahl advised that Lot 28 was under agreement but still under violation. She visited the site with Mr. Schellenger on June 11 to review the applicant’s proposed buffer changes.

Attorney Golding advised that he attended the site walk, and the site appeared to be stabilized and in good shape. Mr. Burke distributed and discussed updated plans for their proposed buffer reclamation around Lot 28. The Commission decided after discussion to issue an administrative letter conditioned upon the installation of split rail fencing along the top of the slope.

Motion by Mr. Ivas to issue an administrative letter confirming lots 27 and 28 are 1069 square feet combined. Seconded by Mr. Osborne and unanimously voted.

134 Main Street – Encroachment to wetlands / parking lot paving (cont.)

Mr. Mott visited the site. It looks like the owners are trying to take steps towards compliance.

31 Leigh Road – Update

Ms. Pelletier advised she had received no further information. The matter was placed on the July 17 agenda.

AGENT’S REPORT

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.

<i>Next Meeting</i>	<i>July 17, 2018</i>
<i>NEW filing applications due date/deadline</i>	<i>July 3, 2018 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>	<i>July 9, 2018</i>
<i>Revised Information submittal deadline</i>	<i>June 10, 2018 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>	<i>June 10, 2018 @ noon</i>
<i>Public Information Written Comments</i>	<i>No deadline</i>

ADJOURNMENT

There being no further business, a motion was made by Mr. Osborne to adjourn at 9:58 PM. Seconded by Mr. Ivas and unanimously voted.

I hereby certify that the above minutes were presented and approved by a majority vote by the Norwell Conservation Commission on September 4, 2018.


Marynel Wahl, Chairperson

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