

**NORWELL CONSERVATION COMMISSION**

345 Main Street / Norwell, MA

June 20, 2017 @ 7:00 PM - Room 112

Minutes

TOWN OF NORWELL  
TOWN CLERK

2017 JUL 26 AM 9:00

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**Present:** Marynel Wahl, Chair, Dave Osborne, Bob McMackin, Ron Mott, Bob Woodill, Justin Ivas, Stacy Minihane, Agent N. Hemingway, and Recording Clerk C. Sullivan  
Mr. Ivas arrived at 7:07 PM and left at 9:34 PM.

**CALL TO ORDER**

The meeting was called to order at 7:00 pm by Chair Marynel Wahl. The meeting was not recorded.

**AGENDA ACCEPTANCE**

*Motion by Mr. Osborne to approve the agenda as submitted. Seconded by Ms. Minihane and unanimously voted.*

**COMMISSION BUSINESS**

**Old Business**

**SUB-COMMITTEE UPDATES**

Farming	Mr. Mott advised that Norwell Farms has cleared the front walls at Jacobs but the side walls still need clearing. They have not done the agreed-to clearing at Barstow Field to date. Mr. Mott e-mailed them for a status and received no reply. He will do another field walk with Jessica Chase and Ms. Hemingway will draft a follow-up letter if needed. Seumas Trull is taking over as farmer.
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**PROJECT GRID**

Project Name	Project Manager	Current Update - See also project status grid in your packets
Kiosks/Signage	Bob W	Mr. Woodill advised that about \$1200 had been spent out of signage, leaving a balance of around \$15,000. Ms. Wahl asked whether the remaining funds needed to be returned to the CPC. Mr. Osborne replied that the Commission probably can keep the funds if the motion at town meeting specifically states they are to be used for signage on trails. Mr. Woodill will check the motion's language. Mr. Osborne mentioned that several signs had fallen down or were missing at various properties. He, Mr. Mott, and Mr. Woodill will look for the missing signs.

**New Business**

**Cease and Desist Order**

Town Administrator Peter Morin, Highway Commissioner Glenn Ferguson, and Selectman Greg McBride were present.

Pursuant to the discussion at the June 6 Commission meeting, Ms. Hemingway issued Violation/Cease and Desist letters for unpermitted drainage work on several streets exceeding maintenance of the existing culverts and swales. At a meeting between all parties yesterday, it was agreed that an After the Fact NoI should be filed for these projects, and that a general permitting process should be set up for future work. Additionally, Ms. Hemingway and Mr. Ferguson will work together to tweak the already-done drainage

work and mitigate where appropriate. Ms. Hemingway felt the intent of the Cease and Desist had been met, and advised the Commission it was up to them how to proceed.

Mr. Osborne stated he hoped Mr. Ferguson understood why the Commission was getting involved. He noted that Commissioners get calls from residents if workers dig where they aren't supposed to, so the Commission needs to be properly informed. Mr. Woodill added that Commission involvement could help prevent Mr. Ferguson from inadvertently violating state environmental regulations, which are strictly enforced.

Mr. Ferguson advised the Commission that he had received two early-morning calls for emergencies in the space of a week. The first, on Winter Street, involved water going across the road due to a clogged culvert. He acknowledged that he didn't loop in Ms. Hemingway on this matter, thinking he was just taking care of the road, and inadvertently ran into an intermittent stream violation. The second incident involved a culvert collapse on River Street. In this case, he did advise Ms. Hemingway, who went down to the work site and took pictures.

Mr. Ferguson further stated that that heavy rains since January had left many swales full, and he was concerned about avoiding water damage to some newly paved roads. Going forward, he will work more proactively with Ms. Hemingway, and try to use different materials and techniques to protect the wetlands. He asked Commission to give him and Ms. Hemingway some time to work on a general permitting process, as well as mitigation for the already-finished projects.

Ms. Hemingway has researched Framingham's general permit, and will work with Mr. Ferguson and Attorney Galvin to put one together for Norwell. Mr. Ferguson didn't anticipate doing any more road or drainage repairs in the near term, but Ms. Hemingway and Ms. Wahl felt he should get the general permit in hand as soon as possible in case of emergencies. A meeting is scheduled for Thursday to start setting up the general permitting process.

*Motion by Mr. Woodill to remove the cease and desist order for the five streets involved and issue an enforcement order requiring a restoration/mitigation plan. Seconded by Mr. Mott and unanimously voted.*

## MISCELLANEOUS

### 1. Bills

Chris Sullivan, 6/6/17 minutes	\$150.00
Ed Cox, Trail Work	\$429.00
Chessia, Peer review Curtis Farm	\$549.00
Ivas, Curtis Farm review/presentation	\$875.00
Ron Mott, reimbursement Chittenden	\$116.90
Adrian Name Plates, trail discs	\$660.10
Lucas Env., Donovan Field delineation	\$7940.00

### 2. Minutes (5-16-17)

### 3. Request additional discussion regarding remaining funds

## Bills

Ms. Hemingway read off the list of bills to be paid. Mr. Ivas and Ms. Minihane recused themselves to avoid conflicts of interest. There was a brief discussion as to whether to pay the trail discs bill from CPC or general funds.

*Motion by Mr. Osborne to pay the bills listed. Seconded by Mr. Mott and unanimously voted, Mr. Ivas and Ms. Minihane having recused themselves.*

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**Minutes**

The minutes for the 6/6/17 meeting and amended minutes for the 5/16/17 meeting were distributed. Commissioners reviewed and discussed corrections and changes.

*Motion by Mr. Osborne to approve the amended minutes of 5/16/17 as submitted. Seconded by Mr. McMackin and unanimously voted, Ms. Minihane having recused herself.*

*Motion by Mr. Ivas to approve the minutes of 6/6/17 as amended. Seconded by Ms. Minihane and unanimously voted.*

**Final Bills**

Ms. Hemingway requested a brief additional meeting to pay any final fiscal-year bills before the July 7 due date; this meeting was set for July 6 at 7 AM.

**40 River Street**

Ms. Hemingway asked for authorization to send a letter of support to the ZBA in advance of its hearing on this project. Mr. Mott asked that the wording be changed to express no concerns rather than outright support.

*Motion by Mr. Osborne to send a letter to the ZBA indicating that the Commission has no concerns at this time regarding the project. Seconded by Mr. Woodill 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**

**139 Mount Blue Street / NCC# 23(17) / Construction of 10 X 12 Shed**  
(After-the-Fact) RDA / DoA (cont.) Applicant: Edward Perry / Representative: N/A

Ms. Hemingway advised that the applicant was unable to attend the hearing. After showing photos of the area around the shed, she recommended that the RDA be approved on a pos 2b, pos 5, neg 3, not accepting the delineation shown.

*Motion by Mr. Mott to approve the RDA, pos 2B, pos 5, neg 3, not accepting the delineation shown. Seconded by Mr. Ivas and unanimously voted.*

**Parker Street (Map 16C, Bl. 51, Lot 78 & Bl. 51, Lot 30) / NCC# 3(17) / Expansion Request to (exist.) Determination of Jurisdictional Wetlands RDA / DoA** Applicant: Paul Jevne / Representative: John Zimmer, S. River Environmental & John Cavanaro, Cavanaro Consulting

Mr. Woodill read the notice of public meeting. Ms. Hemingway advised that Mr. Zimmer was unable to attend, and that she had no disagreement with the delineation.

*Motion by Ms. Minihane to issue the RDA, pos 2a, pos 5, approving the delineation as shown on the plan for land subject to inundation, noting that flag series a1 through a5 can be reevaluated by the applicant if they desire. Seconded by Mr. Ivas 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

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Ms. Hemingway advised that the applicant had requested a continuation, and the site walk still needs to be scheduled.

*Motion by Mr. Ivas to continue the matter to July 18 at 8 PM. Duly seconded by Mr. Mott and unanimously voted.*

Curtis Farm Road, Lot 6 / SE52-xxxx & NCC# 24(17) / Proposed Clearing, Grading & Landscaping in BVW NoI / OoC Applicant: Diamond Development / Representative: Brad Holmes, ECR

Mr. Woodill read the notice of public meeting. Stephen Bjorklund was present for ECR.

Ms. Hemingway advised that a previous proposal by Toll Brothers for this site had been rejected and the property had been sold at auction. This plan used the same wetlands delineation. She added that this plan addressed the issues cited in the previous denial.

Mr. Bjorklund advised that their proposal pulls the house forward, out of the buffer zone. They have already obtained Board of Health approval for the septic system. He noted that most of the project is entirely outside the 50 foot buffer. They are only looking to do some grading within the 100 foot buffer and will add conservation posts as needed.

Mr. Bjorklund was uncertain as to the exact footprint of the house, and put a larger home on the map than what might eventually get built. He asked that the Commission allow that to be within the scope of the project. They will work with the owner of Lot 7 to coordinate grading between the two lots. He will likely build the house and then sell it, but will stay involved in the project until the CoC is issued. He intends for the lot to become part of the HOA for Curtis Farm Road.

Mr. Woodill cited the ongoing drainage issues in the area, and recommended that Mr. Bjorklund get in touch with the Planning Board, which is currently dealing with these issues.

Robin Daniels, who has 350 Circuit Street (lot 15) under agreement, requested that any OoC issued for Lot 6 contain a condition that application re-record certain homeowner declarations regarding stormwater controls, as she is seeking to bound current and all subsequent homeowners to be part of the Norwell Estates HOA. Ms. Hemingway did not disagree with this objective but felt this was outside the Conservation Commission's jurisdiction; she suggested that Ms. Daniels take the matter up with the Planning Board. Mr. Bjorklund reiterated that he was actively looking to make sure the lot became part of the HOA.

John Channell, 8 Curtis Farm Road, stated that his main concern was what's happened to wetlands with the stormwater issues in the area, and discussed some of the issues he had personally encountered. At this point, Ms. Hemingway advised Mr. Channell that this subject matter exceeded the scope of the hearing, and that further discussion might trigger the need for two Commission members to recuse themselves. She asked that he also bring his concerns to the Planning Board. Mr. Mott added that the Commission was aware of the various issues affecting the area but agreed that most were jurisdictional to the Planning Board.

*Motion by Ms. Minihane to approve the NoI as presented with a long form OoC, with deletions as written. Seconded by Mr. Mott and unanimously voted.*

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

Ms. Hemingway would like Ms. Minihane and, if possible, Mr. Ivas to re-walk the site with her to discuss Sweet Pepperbush and hydrology observed above the wetlands line on Friday's site walk. Ms. Wahl advised that she had received a call from an abutter earlier in the day. Ms. Hemingway confirmed that all abutters had been notified.

*Motion by Mr. Osborne to continue the matter to July 18 at 8 PM. Seconded by Mr. Ivas and unanimously voted.*

**50 Turner's Way / SE52-1119 & NCC# 22(17) / Raze & Rebuild Single-Family Home & Garage**  
NoI / OoC Owner: Alan McKim / App. & Representative: Peter Bilodeau, Bilodeau Builders

Ms. Hemingway advised that the applicant is still preparing the restoration plan.

*Motion by Mr. Ivas to continue the matter to July 18 at 8 PM. 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

Ms. Hemingway reviewed the newly received wetlands delineation and the Commission discussed whether to formally put the field into agriculture use. This would allow more work to be done without a Notice of Intent, but may increase liability risk.

Mr. Mott noted that the Commission would mostly be seeking to clear invasive species, along with some scrub brush, from the field. Ms. Minihane suggested that a Notice of Intent clearly stating the benefits of the work would be necessary. After some further discussion, it was decided to keep the field in its present status and file the NoI.

*Motion by Mr. Ivas that the Commission move forward with the process of filing a NoI to clear and/or square fields at Donovan. Seconded by Ms. Minihane and unanimously voted.*

**PUBLIC MEETINGS**

None.

**ADMINISTRATIVE REQUESTS**

**49 Cushing Hill Road**

Ms. Hemingway discussed the plans she received for a home addition at this location, noting that no trees would be cut and there would be no disturbance to the soil or grass. The project area is outside the 50 foot buffer but within the 100 foot buffer. She had no concerns with issuing the permit.

*Motion by Mr. Mott to issue the administrative permit. Seconded by Mr. Ivas and unanimously voted.*

**Kings Landing/Harbor Lane**

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Commissioners briefly discussed and approved this request to allow the Water Department an easement for a water line.

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*Motion by Mr. Mott to issue the administrative permit. Seconded by Ms. Minihane and unanimously voted.*

### **VIOLATION DISCUSSIONS**

#### **72 Ridge Hill Road**

Ms. Hemingway advised she will be visiting this site with John Johnson on Friday. She asked that the matter be continued to July 18 to allow for this and the preparation of a plan.

*Motion by Mr. Mott to continue to July 18 at 8 PM. Seconded by Ms. Minihane and unanimously voted.*

#### **136 Longwater**

Issued permit Marynel and Bob signed off on that.

#### **King's Landing**

Mr. Mott recused himself from the discussion. Ms. Hemingway advised that she had received complaints about King's Landing being widened beyond its historical limits. She is tracking the changes for purposes of an enforcement order, and asked Commissioners to think about possible solutions for the July 18 meeting.

#### **Jacob's Pond**

Ms. Hemingway advised that the pond treatments had been started without proper notification to abutters, but she and Mr. Mott stopped them. The treatments will re-start next week after the notifications are issued.

#### **Laurel Wood/Damon Pond, Old Oaken Bucket**

Ms. Hemingway advised that she will be visiting the site to investigate a report of a pond being drained.

### **ENFORCEMENT HEARINGS**

#### **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

Mr. Woodill read the notice of public meeting. Applicant John McKay and Steve Ivas were present. Commissioner Justin Ivas recused himself and left prior to the discussion.

S. Ivas advised that the intermittent stream was re-sized to about 12 inches on Friday. About 14 yards of screened loam was added to the south bank, and shrubbery and ferns were planted. A conservation seed mix had been applied to both sides of the bank, and plants were added under the spruce trees according to the terms of the 2005 OoC. They are not looking to dredge the cattail pond under this NoI, but are asking to be able to do meadow cutting once a year, instead of once every two years, in late November.

Ms. Hemingway asked about plans and specifications for the bridge. S. Ivas stated that the bridge is strictly decorative and will sit on the ground with no rails. Ms. Hemingway would like

that information added to the plan, along with additional details on the demolition of the addition, shed location and size, and estimated priority habitat line.

*Motion by Mr. Osborne to continue the matter to July 18 at 8 PM. Seconded by Mott and unanimously voted.*

**AGENTS REPORT**

**111 Pond Street (Not Your Average Joe's)**

Ms. Hemingway advised that Chessia had submitted a not-to-exceed quote of \$2500 for the peer review at this site. She asked that the Commission approve the quote so the applicant can deposit the funds.

*Motion by Mr. Woodill to appoint Chessia to oversee the peer review at 111 Pond Street at a cost not to exceed \$2500.00. Seconded by Mr. Mott and unanimously voted.*

<i>Next Meeting</i>	<b>July 18, 2017</b>
<i>NEW filing applications due date/deadline</i>	<b>July 5, 2017 @ noon</b>
<i>Legal Notice publication date-Patriot Ledger</i>	<b>July 10, 2017</b>
<i>Revised Information submittal deadline</i>	<b>July 11, 2017 @ noon</b>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification &amp; LP Requests</i>	<b>July 13, 2017 @ noon</b>
<i>Public Information Written Comments</i>	<b>No deadline</b>

**Adjournment**

*Motion made by Mr. Osborne to adjourn at 9:50 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 July 19, 2017.

Marynel Wahl

Marynel Wahl, Chairperson

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