



TOWN OF NORWELL
TOWN CLERK
JUNE 5, 2018 PH 1:16
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NORWELL CONSERVATION COMMISSION
Room 112 / 345 Main Street / Norwell, MA
June 5, 2018 @ 6:30PM
Minutes

Present: Marynel Wahl, Chair, Dave Osborne, Bob McMackin, Justin Ivas, Stacy Minihane, Administrative Assistant Nicole Pelletier, and Recording Clerk C. Sullivan
Mr. Woodill and Mr. Mott were absent. Ms. Minihane left at 9:05 PM.

CALL TO ORDER

The meeting was called to order at **6:35 pm** by Chair Marynel Wahl. The meeting was recorded.

AGENDA ACCEPTANCE

The Commission reviewed the proposed agenda and discussed changes and additions. Ms. Wahl added discussions about the August meeting schedule, Conservation Office hours, and a discussion of a violation at 67 Barstow. Ms. Pelletier added Administrative Requests for 35 Block House Lane and 31 Central Street.

Motion by Mr. Ivas to approve the agenda as amended. Seconded by Ms. Minihane and unanimously voted.

COMMISSION BUSINESS

New Business

Wompatuck Parking Lot Discussion (Pathways Commission present)

Pathways commissioner Brendan Sullivan discussed design of the accessway to Wompatuck State Park from the proposed parking lot. The original plan calls for construction of a boardwalk from the parking lot to the park; they are proposing to replace this with an earthen berm through an adjacent utility easement.

The berm would be a more direct crossing of about 100 feet and would be an 8 feet wide gravel accessway that utility and emergency vehicles could use. As the berm would cut through a wetland, a replication area of about 6000 square feet would be created.

In response to a query from Mr. Ivas, Mr. Sullivan characterized the advantages of the berm crossing as allowing emergency vehicle access into this area of the park and requiring the removal of fewer trees. It probably would also be cheaper to build and maintain. He also noted that Fire Chief Reardon had expressed an interest in an accessway that his vehicles could utilize. Ms. Minihane asked whether the utility was willing to let the public pass through its easement. Mr. Sullivan is trying to find a contact person with the utility who could answer this question.

Ms. Minihane also asked him to find out how many trees would have to be cleared to put in the boardwalk. She personally would rather have an earthen berm with wetlands replication than significant tree cutting, but advised the onus would be on Pathways to demonstrate that the berm option would be less impactful overall than the boardwalk. Mr. Sullivan noted that they may be able to reduce the overall amount of fill. He will get additional information as to yards of fill

required, as well as utility company permission and trees removed under the boardwalk option. Mr. Osborne will research the regulations.

Army Corps of Engineers – Chittenden Landing, May 19th Site Visit Recap
Josh Healms, present for the Army Corps of Engineers.

Ms. Pelletier advised that Mr. Mott visited the site with Mr. Healms, and would be drafting a revision to the plan for submission to the Army Corps.

Mr. Healms advised that fencing such as that added to the pier typically shades out marsh grass but they did observe some growing under the pier. They discussed possibly removing the fence in September and he noted the issue would resolve itself if this was done.

Mr. Healms also noted that the dimensions of the pier were not the same as on the plans; the pier, as built, is 11' by 12' instead of 8' by 10'. He advised that the Commission submit a new application giving the new pier dimensions and mentioning the new plantings. He will note there is a temporary modification to the pier that will be removed.

Ms. Minihane asked whether the Commission also needed to update the Chapter 91 license; Mr. Healms advised just to send in the as-built plans and they will be accepted as a minor modification.

Black Pond Bogs – Site Visit w/John Dick (Sunday, June 24th at 9:00am)
The Commissioners briefly discussed who was available for the visit.

Russ Cohen Wild Edibles Training – Conservation to host walk on June 13th
The walk is scheduled for 1-3 PM on June 13.

Old Business

Wildcat HOA culvert work.
Tabled.

Highway Department: Culvert work in/near wetlands

Ms. Wahl advised that Highway Commissioner Glenn Ferguson has received a grant for additional culvert work. She would like the Commission to view some of the culverts where work is to take place and assist Mr. Ferguson with the completion of a NoI for the work. It is important that the Commission also have some contact with Highway Department workers who are actually clearing the culverts.

Barstow Field(s) – Jon Haskins

Commissioners reviewed the Land Use Proposals circulated by e-mail and approved them with the additional condition that Mr. Haskins mow the triangular field adjacent to Barstow. Ms. Pelletier will draft the license agreements, and Mr. Osborne will provide the necessary field dimensions.

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Motion by Ms. Minihane to approve the farm plan submitted by Jon Haskins for Barstow Field with conditions as noted. Seconded by Mr. Osborne and unanimously voted.

Motion by Ms. Minihane to approve the farm plan for Stetson Field. Seconded by Mr. Ivas and unanimously voted.

Carleton Property Committee

Ms. Wahl and Mr. Osborne have applied to be the Commission representative for this committee; Mr. Ivas has applied as an at-large member. The Commission discussed whether to endorse a specific applicant for the Commission's seat and whether to request that the Commission be given a second seat.

Meeting Schedule Modification

Ms. Wahl asked that the August 7 meeting be moved to August 21, as both she and Ms. Pelletier would not be available on the 7th. This would also even out the intervals between the July and September meetings.

Motion by Ms. Minihane to move the August 7 meeting to August 21. Duly seconded and unanimously voted.

Ms. Pelletier will update the calendar and Web site.

Commission Applicants

Mr. Osborne will research and reach out to recent Commission applicants. Ms. Wahl has also made a few queries. Ms. Minihane advised that a consultant who may be moving to town might be a good candidate.

MISCELLANEOUS

Bills

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

ABC		\$53.99
Mass. Municipal Association		\$105.00
Russel Cohen	Edibles Walk	\$458.99
Chris Sullivan	Meeting Minutes	\$150.00
Chessia Consulting	Winter Street	\$1214.80
Trail Work		\$273.00

The payment to Mr. Cohen is being split with the library.

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

Minutes

Tabled

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.

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The Commission polled in to Executive Session at 6:59 PM by roll call vote: Wahl, aye; Osborne, aye; McMackin, aye; Ivas, aye; Minihane, aye.

Motion by Mr. Osborne to return to open session at 7:37 PM. Seconded by Ms. Minihane and unanimously voted by roll call vote: Wahl, aye; Osborne, aye; McMackin, aye; Ivas, aye; Minihane, aye.

8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

*****Legal Documents/Votes ***Minor Amendments, Reviews, CoC's**

*****Requests for Determination ***Notices of Intent ***Enforcements/ Violations**

225 River Street / SE52-1089 & NCC# 32(15) / Pier & Float

Request for CoC Applicant: Nancy Ferguson / Representative: John Capocefalo, P.E. Kevin McGuire, New England Engineering, present. - John C. is Principal.

Mr. McGuire advised that the pier and the ramp had been extended slightly to ensure the ramp would not rest on the edge of the marsh during low tides. This was done in response to a concern to this effect expressed by Ms. Hemingway, and there was no increase in the pilings. They will be providing updated plans to the Army Corps of Engineers.

Motion by Ms. Minihane to issue the CoC approving the as-built plan, including the minor deviations in dimension as noted. Seconded by Mr. Ivas and unanimously voted.

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

NoI / OoC Applicant: Joel A. & Laura Z. Messner / Representative: N/A

Ms. Minihane read the Notice of Public Meeting. Applicant Laura Messner and Dick Rockwood, Rockwood Design, present.

Mr. Rockwood presented a proposal for an 8x19 kitchen addition and extension of a full basement, both to the rear of the house. The entire house is within the 100 foot buffer and the rear half is in the 50 foot buffer. The work area is in already existing lawn, and the addition would not exceed the dimensions of an already existing deck. The wetlands delineation shown on the plan was done by Brooke Monroe, Pinebrook Consulting, in March of this year.

The matter was continued, as a DEP number had not been issued. Ms. Minihane asked that the erosion controls be added to the site plan.

Motion by Ms. Minihane to continue the matter to June 19 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

31 Satuit Meadow Lane / SE52-1141 & NCC# 16(18) / Pool, Fence Tree Removal & Grading

NoI / OoC Applicant: Jessica Benevides-Caron / Representative: N/A

Ms. Minihane read the notice of public meeting. Applicant Jessica Benevides-Caron and Jason Caron present.

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Ms. Caron advised they wished to install a saltwater in-ground pool. This will involve the installation of an apron around the pool, fencing, some grading, and removal of three trees in the existing yard area.

Mr. Ivas noted the impact to the 50 foot buffer appeared to be minimal, and his main concern was that the pool not be emptied into the wetland at the end of the season. In response to a query from Mr. Osborne, Ms. Caron indicated that the pool had been placed as close to house, and as far away from the wetland, as recommended by the contractors.

Ms. Caron provided the DEP file number and indicated they would provide an updated site plan bearing an engineer's stamp. The Commission issued the following findings:

1. Delineation not confirmed.
2. Long-form OoC.
3. The applicant has submitted sufficient information to indicate that the project can be constructed without adversely impacting downgradient wetlands or buffers. 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:

1. Applicants will submit a plan bearing PLS and Engineer's stamps.
2. Pool water will be discharged outside the buffer zone.

Motion by Ms. Minihane to approve the project as depicted on the site plan, with conditions as noted. Seconded by Mr. Ivas and unanimously voted.

408 Main Street / SE52-1142 & NCC# 17(18) / Septic Upgrade

NoI / OoC Applicant: George Benoit / Representative: George Collins, Collins Engineering
Ms. Minihane read the notice of public meeting. Peter Lyons, Collins Engineering, present.

Mr. Lyons presented the site plan for a septic system upgrade for an existing house with attached dental office. They were able to keep the leaching area outside the 100 foot buffer, but the tanks have to be installed 65 feet from the wetland due to existing plumbing. Some brush in the back may be removed to accommodate grading, but everything else outside the buffer is in existing lawn. In response to a query from Ms. Osborne, Mr. Lyons advised there was no better place to install the system on the property.

The Commission discussed the 10 inch straw wattle proposed for erosion control. Mr. Osborne clarified that the Commission had outlawed hay, but not straw, for erosion control but that the standard OoC language mistakenly forbids the use of straw. Ms. Wahl noted that if so, the language will need to be updated.

Commissioners also discussed but decided not to require the removal of Japanese Knotweed found in the lawn as a special condition. The Commission issued the following findings:

1. Delineation not confirmed.

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2. Long form OoC, modified to specify that hay is not allowed for erosion control.
3. 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:

1. Lawn area to be restored to its pre-existing condition upon completion of work.

Motion by Ms. Minihane to approve the NoI with conditions as noted. Seconded by Mr. Ivas and unanimously voted.

13, 23 & 33 Winter Street / SE52-1083 & NCC# 11(15) / Remove Fill & Restoration
Request for CoC Applicant: Henry Larsen / Representative: Robert Rego, River Hawk Environmental

Mr. Rego discussed a wetlands replication area that had been created for old fill on the site. Art Allen installed the replication area and pulled out some invasive species in the process. They are requesting a CoC to remove an encumbrance currently on the title. He originally submitted the request to Ms. Hemingway, who wanted to inspect the replication area during the growing season. Ms. Wahl visited the site on Friday and the plantings were doing well.

Motion by Mr. Ivas to issue the CoC for 33 Winter Street. Seconded by Mr. McMackin and unanimously voted.

33 Winter Street / SE52-1140 & NCC#14(18) / Construction of a Garage & Driveway
NoI / OoC Applicant: 23-33 Winter Street LLC / Representative: Bob Rego, River Hawk Environmental

Mr. Ivas read the notice of public meeting. Ms. Minihane left before the discussion started.

Mr. Rego advised that his client wished to add a three-car garage to the property with a small extension of existing driveway, all work is outside 50 foot buffer; with the closest portion about 64 feet to the wetlands. The work area will be graded to divert water around and to the rear of the garage.

Ms. Wahl noted that the proposed work area was not existing lawn area, and asked whether the garage could be moved fully out of the 100 foot buffer. Mr. Rego advised that the client would like to maintain the existing back yard and leave sufficient space for tenants to back out of the driveway, which in turn would make the property more marketable.

Mr. Ivas noted that shifting the garage 5-10 feet closer to the house would keep the limit of work out of drip line of the trees and protect the root systems. Mr. Rego felt that the project as presented was allowed under the bylaws, but will ask the owner about moving the garage further out of the 100 foot buffer.

The matter was continued to allow the Commissioners to visit the site. Mr. Rego will stake out the garage as proposed.

Motion by Mr. Osborne to continue the matter to June 19 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

ENFORCEMENT HEARINGS

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

Continuation was requested.

Motion by Mr. Ivas to continue the matter to June 19 at 8 PM. Seconded by Ms. Minihane and unanimously voted.

PUBLIC MEETINGS / ADMINISTRATIVE REQUESTS

75 Harbor Lane (SE52-1080)

Ms. Wahl had advised that this request to use pressure-treated wood for dock pilings had been handled by Ms. Pelletier and was granted.

35 Block House Ln

Mr. Osborne will visit the site and report back to the Commission.

31 Central Street

Ms. Pelletier advised that the new owners wanted to put in a 17'x13' hardscaped patio to the back of the garage, adjacent to the BVW. After a brief discussion, the Commissioners agreed that pervious pavers would need to be used, and that a NoI would be needed along with details as to construction materials and their staging and movement. Ms. Pelletier will advise.

VIOLATION DISCUSSIONS

Damon Farm Status Update

Continued to June 19.

Tiffany Hill Status Update

Ms. Wahl suggested that someone visit the site in view of the recent rainstorms.

164 Old Oaken Bucket Rd

Ms. Pelletier advised that the Building Department is requesting a sign-off from the Commission for this property. The owner had indicated that construction would be on the existing foundation.

The Commission discussed how to communicate with the owner in light of recent issues on the property. Options discussed included issuing a sign-off specifying no finding with regards to any violations on the property, not issuing the sign-off as the Commission was aware of a violation, or sending correspondence to the property owner or his lawyer. Ms. Pelletier offered to reach out to Town Counsel Bob Galvin if necessary.

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The matter was continued to June 19 so the violation status and next steps could be determined.

**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>		June 19, 2018
<i>NEW filing applications due date/deadline</i>		June 5, 2018 @ noon
<i>Legal Notice publication date-Patriot Ledger</i>		June 11, 2018
<i>Revised Information submittal deadline</i>		June 12, 2018 @ noon
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>		June 12, 2018 @ noon
<i>Public Information Written Comments</i>		No deadline

ADJOURNMENT

There being no further business, a motion was made by Mr. Osborne to adjourn at 9:27 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 11/6/18.



Marynel Wahl, Chairperson

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