

**NORWELL CONSERVATION COMMISSION**

345 Main Street / Norwell, MA

**June 6, 2017 @ 7:00 PM - Room 112**

**Minutes**

**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 left at 8:56 PM. Ms. Minihane and Mr. McMackin left at 9:32 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 recorded. Seconded by Mr. Ivas and unanimously voted.*

**COMMISSION BUSINESS**

**Jacobs Pond Float**

Residents Gene and Janet Hickey appeared before the Commission to discuss a float in Jacob's Pond offshore from their property. Ms. Hickey noted that the float had been in the pond for nearly 40 years.

Discussion ensued as to legal or liability issues related to private owners using public lands. Mr. Woodill noted that the town has been insuring the pond for years, but Ms. Hemingway pointed out that every structure has to be listed individually on the policy in order for it to be covered. Ms. Hemingway expressed concern with private floats on a public pond. Legally, anyone would have the right to use the float. Mr. Hickey replied that they had no problem with this, and that members of the public already use the float. Ms. Hemingway noted the concern was with the liability to the Town of someone was injured.

Mr. Woodill suggested that the Commission grandfather in any float or pier already on Jacob's Pond and require permit for any new ones. Commissioners discussed a permitting process for new floats or structures. Mr. Mott advised that Jacobs does not fall under the Harbormaster's jurisdiction because it is not a "great pond." Ms. Hemingway will ask Peter Morin for Town Counsel Galvin guidance as to potential insurance or liability issues.

*Motion by Mr. Woodill to grandfather in any existing dock or pier as of today but require a permit for any new dock, pier, or addition thereto, pending confirmation from Town Counsel. Seconded by Mr. Ivas and unanimously voted.*

2017 JUN 28 PM 1:05  
RECORDED  
C. SULLIVAN

Project Name	Project Manager	Remaining Budget	Current Update - See also project status grid in your packets
Jacobs Pond Gift	None	\$3,658.45	
Boardwalk/Entry	Marynel	\$14,600.46	
Donovan Parking -#6778-	Ron	\$4,949.09	
Donovan Barn Roof	David O	\$1,724.07	Mr. Mott advised the Commission that he had moved, painted, and reinstalled the barn windows at Donovan Field. Mr. Osborne recommended that the Commission reimburse Mr. Mott out of the Donovan Barn Roof account and then close the account, noting that the funds can't be used for the doors.
Jacobs Dock	Bob W	-----	
Chittenden Dock	Ron	\$377.91	Ms. Hemingway advised that she and the intern working on this project are having difficulty locating a commercial source of salt marsh grass, and are trying to get a permit from the DEP to transplant some in. She recommended that any remaining funds in this account be used for fencing to protect the grass. In the meantime she will ask Glenn Ferguson for a temporary construction barrier. Mr. Mott and Mr. Woodill will look for some fencing materials, coordinating with the intern.
Kiosks/Signage	Bob W	\$16,434.62	
Jacobs Pond Improve 2009 - #6725-		\$2,750.00	
Stetson/Judges Hill		\$3,078.75	
Mt. Blue Cuffee CR	David O	\$14,119.17	
Simon Hill CR		\$18,101.60	
Masthead CR		\$16,269.69	
CPC CRs		\$50,000.00	
Masthead Use Proposal	David O Bob W.		
Wompatuck Parking and Connection	Marynel Bob M.		
Jacobs Pond West	Bob M.		

*Motion by Mr. Osborne to close out the Donovan Barn Roof project account after Mr. Mott's bill is paid. Seconded by Mr. Mott and unanimously voted.*

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*Motion by Ms. Minihane to authorize Mr. Osborne and Mr. Mott to put in posts with strapping to protect the grass near Chittenden Dock. Seconded by Mr. Woodill and unanimously voted.*

#### **40 River Street 40b**

Ms. Hemingway advised that The Zoning Board of Appeals received and held a preliminary meeting for the Town sponsored 40b at 40 River St. A preliminary department meeting was held and the project discussed. Tori will forward revised comments-due-by letters as soon as a revised time line is set.

#### **Town Drainage/Culvert Projects**

Ms. Hemingway advised the Commission that she has observed several ongoing Highway Department projects on jurisdictional wetlands without the Commission being notified. She recommended that violation notices be sent, requiring an after-the-fact permit, for four completed projects she observed and requested that the Commission develop a notification and permitting process for such work going forward.

McMackin suggested inviting Highway Commissioner Glenn Ferguson to appear at a future meeting and enlisting the support of Town Administrator Peter Morin in resolving the matter. Ms. Wahl requested that Ms. Hemingway reach out to Mr. Morin first, to find out if he's directly authorizing these projects per Mr. Osbornes statement.

Ms. Minihane suggested that the Commission consider developing a streamlined general permitting process that, with some exceptions, would allow Highways to loop in the Commission without having to obtain individual permits for each project. She noted that Mr. Ferguson would be more likely to comply if it were easier for him to do so. Mr. Osborne expressed concern that Mr. Ferguson would take a general permit as a blank check to undertake projects without proper notification.

Ms. Hemingway pointed out that many towns are moving toward a general permitting process. She will send violation/cease and desist letters for the noted construction sites within wetland or wetland buffer zones, and ask Mr. Ferguson to appear at the June 20 meeting.

#### **Bay Path Lane**

Ms. Hemingway advised that the \$30,000 endowment has been submitted to the town; she is waiting on Town Counsel Galvin for a draft of the Trust document. Ms Mangan Town Accountant has requested the check be held in the safe until all legal documents are in order.

*Motion by Mr. Mott to adopt the Conservation Restriction endowment fund letter. Seconded by Mr. Ivas and unanimously voted.*

#### **Commission Reorganization**

Commissioners briefly discussed office and liaison assignments for the coming year. Ms. Wahl will remain Chair and Mr. Woodill will remain Vice Chair. Mr. Osborne will serve as the Zoning Bylaw liaison and continue as CPC liaison. Ms. Minihane will take over as liaison to Open Space Implementation Team. The updated officer/liasion grid is shown on the next page.

*Motion by Mr. Woodill to nominate David Osborne as Commission liaison to the Zoning Bylaw Committee. Seconded by Mr. Mott and unanimously voted.*

*Motion by Mr. Mott to keep David Osborne as Commission liaison to the Community Preservation Committee. Seconded by Mr. McMackin and unanimously voted.*

Commissioner	Member since	Current Office	Sub-committee or Liaison	Sub-committee or Liaison	Sub-committee or Liaison
Marynel Wahl	2011-2019	Chair	<u>Open Space &amp; Rec Comm.</u> 2015-current		
Robert Woodill	2011-2017	Vice-Chair	<u>Pathways</u> 2012-present		
David Osborne	2005-2017		<u>CPC</u> –2010-present	<u>Zoning Bylaw</u>	
Ron.Mott	2013-2018		<u>Farming</u> – 2016-present		
Stacy Minihane	2015-2018		<u>Open Space Plan</u>		
Bob McMackin	2016-2018		<u>Grants</u> 2016-present		
Justin Ivas	2016-2017				

**SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS) see above chart - MISCELLANEOUS**

1. Bills
  - a. Chessia Consulting - \$432.00 – peer review 400 Cordwainer Dr.
  - b. Chessia Consulting - \$858.00 – peer review Curtis Farm Rd.
  - c. EcoTec - \$2611.70 – peer review 49 Green St ANRAD
  - d. EcoTec - \$347.82 – peer review 49 Green St ANRAD
  - e. EcoTec - \$454.08 – peer review Damon Farm
  - f. Ron Mott - \$54.60 – reimburse for glass for Donovan Barn
  - g. Chris Sullivan - \$150.00 – transcription 5/16/ meeting
  - h. Ed Cox - \$429.00 -Trail work 5/8-5/24
  - i. ABC equipment - \$683.97 – 2 additional Echo - weedwackers plus monoline.
  - j. WB Mason - \$132.86 – color ink large copier
  
2. Minutes 5-16-17 – amended copies are in your packets.
  
3. Request additional discussion regarding the remaining funds,
  - a. Cost of upgrading office computers
  - b. Request to use balance of already authorized \$900 for weedwackers to pick up a second used mower for the trail crew.
  - c. Discussion of work on Stetson Field to maintain, so the field is not lost. The options here include rehabilitating the entire field or having Tree and Grounds mow and remove the new growth.
    - i. Glenn has submitted a not to exceed quote of \$4500.00 to restore/rehabilitate the Stetson Field and repair the cart path to the picnic area. Available on request.
    - ii. Alternatively
  - d. Mow the smaller Donovan Field.
  - e. The Commission approved purchasing trail discs(signage account) some time ago. As more than 3 months have passed, I am asking reconfirmation of the style and cost \$660.10 for 500 disks.

**Meeting Minutes**

**Bills**

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

*Motion by Mr. Osborne to pay the bills as listed. Seconded by Mr. Mott and unanimously voted.*

**Minutes** -Tabled to 6/20.

**Remaining Funds**

Field Maintenance

Ms. Hemingway recommended that the Commission use some of its remaining year-end funds to pay Norwell Trees and Grounds to maintain Stetson Field. Mr. Osborne wished to look at the field before spending the funds. Commissioners will set up a date to view the field.

The Commission briefly discussed Norwell Farms' land use permit for Barstow Field, which was conditioned on their clearing the trees and which they haven't done to date. Mr. Mott will contact Jessica Chase regarding Norwell Farms' plans for this field, and ask them to mow the field.

Trail discs

Ms. Hemingway requested that the Commission reconfirm a previous authorization to purchase 500 additional disks. Mr. Woodill expressed concern that CPC will object to the funds being spent from the Signage sub-account. Mr. Osborne will defend the purchase to CPC if necessary.

**8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES**

**Island View Circle, Lot 2 / SE52-457 / Garage, Driveway & Grading**

**Request for CoC Applicant:** Kristin Keefe / **Representative:** Atty. Eugene Blanchard

*Motion by Mr. Woodill to issue the CoC by virtue of the fact that the project never started and has expired. Seconded by Mr. Ivas and unanimously voted.*

**46 Pleasant Street / SE52-1093 & NCC# 6(16) / Septic Repair, Driveway Construction & Veg. Mgmt.**

**Request for CoC Applicant:** MJ Investments, LLC / **Representative:** Greg Morse, Morse Eng

Ms. Hemingway briefly advised that this request was submitted to document outstanding issues on the site for a closing. She recommended denying the CoC without prejudice as the project is incomplete.

*Motion by Mr. Mott to deny the CoC. Seconded by Ms. Minihane and unanimously voted.*

**310 Main Street / SE 52-977 & NCC# x(xx) / Replication/Restoration**

**Request for Extension Applicant:** Glenn Ferguson, Town of Norwell Highway Director

Ms. Hemingway advised that Highway Director Glenn Ferguson is asking for a 3-year extension to complete the highway barn project. Mr. Woodill visited the site with Ms. Hemingway and highly recommended that the Commission issue the extension.

*Motion by Mr. Woodill to issue the extension. Seconded by Mr. Osborne and unanimously voted.*

**Parker Street (Map 16C, Bl. 51, Lot 78) / NCC# 3(17) / Determination of Jurisdictional Wetlands RDA / DoA (cont.)** Applicant: Paul Jevne / **Representative:** John Zimmer, S. River Environmental

*Motion by Mr. Mott to continue the matter to June 20 at 8 PM. Seconded by Mr. Ivas and unanimously voted.*

**10 Old Oaken Bucket Road / NCC# 21(17) / Septic Upgrade**

**RDA / DoA Applicant:** John & Patricia Rogers / **Representative:** Rob Carlezon, Grady Consulting

Mr. Woodill read the notice of public meeting. Ms. Hemingway advised that the applicant was unable to attend the hearing.

Commissioners briefly discussed whether to approve the RDA or continue the matter. Ms. Hemingway noted that the applicants were putting the system as far from the wetland as possible on the site and characterized the BVW delineation as very conservative. Ms. Minihane advocated not approving the delineation for a minor project, septic system since it may not be accurate (too conservative).

*Motion by Mr. Mott to approve the RDA on a Pos 2B, Pos 5, Neg 3. Seconded by Mr. Woodill and unanimously voted.*

**139 Mount Blue Street / NCC# 23(17) / Construction of 10 X 12 Shed**  
**(After-the-Fact) RDA / DoA** Applicant: Edward Perry / Representative: N/A  
Mr. Woodill read the notice of public meeting. Applicant Ed Perry present.

Ms. Hemingway did not agree with the delineation from ECR and noted the presence of standing water in back of the shed closer than shown on the site plan. Mr. Perry felt this water was the result of runoff from new properties around Mt. Blue St. Ms. Hemingway agreed there were runoff issues but felt the area was transitioning to wetland.

Mr. Mott asked Mr. Perry if he was willing to move the shed. Mr. Perry advised that the shed is not on a foundation, so it could be moved, but he was hoping to keep it where it is. After some discussion as to where the shed could be moved, it was decided to continue the matter to allow Commissioners to look at the site.

*Motion by Mr. Mott to continue the matter to June 20 at 8 PM. Seconded by Mr. McMackin 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

*Motion by Mr. Ivas to continue the matter to June 20 at 8 PM. 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

*Motion by Mr. Mott to continue the matter to June 20 at 8 PM. Seconded by Mr. Ivas and unanimously voted.*

**46 Bridge Street / SE52-1116 & NCC# 19(17) / Addition to Single-Family Home**  
**NoI / OoC** Applicant: Alan Gacicia / Representative: Brian Taylor, Stenbeck & Taylor  
Mr. Woodill read the notice of public meeting. Richard Servant of Stenbeck & Taylor was present for applicant.

Ms. Hemingway advised that she had no issues with the delineation provided, and anticipated only short-term construction impacts. Ms. Minihane preferred not to accept the delineation without looking at it in detail for the applicants benefit.

*Motion by Mr. Woodill to approve the NOI with a short-form OoC but not accept the delineation shown. Seconded by Mr. Mott and unanimously voted.*

FRANK E. OSWALD  
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**50 Turner's Way / SE52-1119 & NCC# 22(17) / Raze & Rebuild Single-Family Home & Garage**  
NoI / OoC Applicant: Peter Bilodeau, Bilodeau Builders / Representative: (Same)

Mr. Woodill read the notice of public meeting. Applicant Peter Bilodeau, Bilodeau Builders, was present.

Ms. Hemingway advised the Commission that she observed unpermitted work between 40 and 50 Turner's Way. Mr. Bilodeau contended this was part of a permitted drainage to the road, and that he created a temporary construction road and added stone so he could get materials into the back yard to finish the project. Ms. Hemingway pointed out that this wasn't part of the original permit, and recommended that the violations be resolved before the Commission considers new work. Applicant will present a plan to resolve the violations at the next meeting.

*Motion by Ms. Minihane to continue the matter to June 20 at 8 PM. Seconded by Mr. Mott 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

*Motion by Mr. Woodill to continue the matter to June 20 at 8 PM. Seconded by Ms. Minihane and unanimously voted, Mr. Mott having recused himself.*

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

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

**ENFORCEMENT HEARINGS**

**31 Central Street / Restoration of stream and 50-foot resource buffer (Restoration Plan) (cont.)**  
Applicant John McKay / Representative: Steve Ivas, Ivas Environmental

Mr. Woodill read the notice of public meeting. Applicant John McKay, Steve Ivas, Attorney Phil Brown, and Randall and Shirley Gauley were present. Commissioner Justin Ivas recused himself and left prior to the discussion.

S. Ivas gave details of the restoration plan for the property, which involves restoring the stream to its original one-foot width with a 2:1 or 3:1 slope on the south bank, and adding rocks and plantings on both banks. He would like to start the plantings soon to coincide with the growing season. After a brief discussion as to the mix of plantings, as well as the origin and history of the pond and stream on the property, Mr. McKay indicated he was willing to restore the stream in accordance with the plan. The Commission discussed the previous mitigation plantings that had been removed. Those are to be installed as part of this restoration.

*Motion by Mr. Osborne to accept the restoration plan as presented and give the applicant leeway to change 20% of the plantings as needed (to complete the project with available species. Native, non-invasive required) . Seconded by Mr. Mott and unanimously voted.*

**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

The same parties as for the previous matter were present. Commissioner Justin Ivas had recused himself and left prior to the discussion.

Ms. Hemingway advised that the matter has to be continued to June 20, as the Patriot Ledger did not properly post the legal notice. They inadvertently posted another hearing ad twice. They are reposting this legal ad. Mr. S. Ivas stated that the abutters have been duly notified.

*Motion by Mr. Osborne to continue the matter to June 20 at 8 PM. Seconded by Mr. Woodill and unanimously voted.*

### **PUBLIC MEETINGS**

#### **Curtis Farm Road (Norwell Estates)**

Ms. Minihane recused herself and left before the discussion. Mr. Woodill advised that runoff from Curtis Farm Road is affecting Circuit Street. Commissioners briefly discussed the review of the stormwater basin restoration plan submitted by consulting engineer John Chessia.

### **ADMINISTRATIVE REQUESTS**

181 River Street – Dead and dying tree cutting request – photos and details at meeting.

Ms. Hemingway recapped the request and advised that she had no concerns.

*Motion by Mr. Woodill to approve the request. Seconded by Mr. Mott and unanimously voted.*

### **VIOLATION DISCUSSIONS**

72 Ridge Hill Road – EO issued – investigation at request of Land Owners

Ms. Hemingway advised that the landowner has passed away. The estate has requested the issuance of an enforcement order for documentation purposes.

*Motion by Mr. Ivas to issue the enforcement order. Seconded by Mr. Mott and unanimously voted.*

### **AGENTS REPORT**

#### **SCIENCE AND REGULATION IN THE NEWS**

#### **EDUCATION AND TRAINING OPPORTUNITIES**

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

### **Adjournment**

*Motion made by Mr. Osborne to adjourn at 9:40 PM. Seconded by Mr. Mott and unanimously voted.*

I hereby certify that the preceding minutes were presented and voted by a majority vote by the Norwell Conservation Commission on June 20, 2017.

  
Marynel Wahl, Chairperson