

NORWELL CONSERVATION COMMISSION

Room 112 / 345 Main Street / Norwell, MA

March 20, 2018 @ 6:30PM

Minutes

Present: Marynel Wahl, Chair, Dave Osborne, Bob McMackin, Ron Mott, Bob Woodill, Justin Ivas, Stacy Minihane, Administrative Assistant Nicole Pelletier, and Recording Clerk C. Sullivan
Mr. Mott arrived 6:49 PM; Mr. Ivas arrived at 6:56 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 regarding an Eagle Scout Project and Land Management plan follow-up, and document reviews for 49 Green Street Lot 1, 65 Farrar Farm Road, 10 Mt. Hope Street, and Lot 7 Curtis Farm Road.

Motion by Mr. Osborne to approve the agenda as amended. Seconded by Mr. McMackin and unanimously voted.

COMMISSION BUSINESS

New Business

Land Management Update

After a brief follow-up discussion regarding Vincent Bucca's land management presentation from the previous meeting, the Commission decided to table the matter until July and sound out the Fire Department to find out their jurisdiction and current plans and needs. Ms. Minihane suggested that the Commission start by considering changes to trail maintenance practices such as removing cut wood from trailsides.

Carleton Property

Ms. Wahl advised that a warrant article had been drafted for the acquisition of the Carleton (Whiting Fields) property, and that Planning Board Chair Don Mauch had asked her whether the Commission could manage the entire 124 acres of the property if it were charged with doing so. After some discussion, the Commissioners agreed they could take care of the property if the town voted that it do so.

Marie Molla, 89 Prospect Street, noted that most of the property had been maintained in its present state for years. It was a historic property, and she felt it should be conveyed in its entirety to the Commission and kept as open space. As an abutter, she was opposed to any community housing on the property and asked that the Commission support an amendment to the warrant article that would commit the entire property into the care and custody of the Conservation Commission for perpetuity.

Ms. Wahl replied that she would want to see the actual amendment before supporting it, but Ms. Molla pressed for an immediate commitment. Commissioners agreed they were not prepared to take an immediate vote, and further discussion on the matter was added to the April 3 agenda.

Dave DiGhetto, River Street, cautioned that the Commission should be prepared to follow through with proper management if it were to accept the property. Ms. Wahl agreed and felt that additional funding from town meeting or CPC would be needed for this.

Eagle Scout Project

Mr. Osborne walked the Jacobs reservation with Eagle Scout Ed Schulze, and they picked out five locations for containers. He called Trees and Grounds Commissioner Glenn Ferguson and got permission to attach containers to two existing posts near the entrance; containers will also be attached to a dock post near the pond, a post leading to the island, and one near the Cliff Prentice Bridge. Mr. Schulze appeared later in the meeting and provided updated project documents. He will provide a map showing the container locations for the file.

Miscellaneous

The Commission discussed whether it needed to review all administrative requests at meetings; Mr. Woodill felt this took up time at meetings and caused delays for property owners. Ms. Wahl indicated she preferred that these discussions continue as they were currently working without an agent. Ms. Minihane noted that emergency requests were already expedited, and she and Mr. Mott did not think these discussions took much meeting time. Consensus was in favor of keeping the existing process.

Also discussed was the possibility of appointing alternate commissioners who could cover commissioner absences or departures. Ms. Wahl felt a bylaw change would be needed. Mr. Woodill noted that the Pathways Commission currently utilized alternates, and suggested that the Commission ask Town Counsel Galvin about the process. The matter will be revisited in July.

Ms. Wahl requested that a review of the boilerplate Order of Conditions (OoC) be added to the April 3 agenda, and asked that Commissioners review and suggest edits for discussion. The Commission also briefly discussed the possibility of assigning estimated times for agenda items, and decided to remove the borders from minutes and agendas.

Old Business

Norwell Farms - Revised Farm Plan

Nikki Bartley present for Norwell Farms. Ms. Bartley circulated an updated Land Use Proposal to the Commission and noted they were planning up to three cover-crop plantings depending on the weather: peas and oats when the snow melts, buckwheat in June, and rye and mash in August/September. The front growing space would be mostly planted with flowers with some vegetables; they may cultivate a half acre at most in the middle field.

Ms. Bartley also advised that the sublicense for Cross Street Flower Farm was discussed with the Selectmen and Town Counsel Bob Galvin; she said the Selectmen didn't have an issue with sublicensing, and were just waiting for this farm plan to be approved.

Mr. Mott indicated he was not in favor of subleasing, as it created unnecessary confusion and could lead to problems down the road. After some discussion regarding ultimate jurisdiction over licensing matters, it was decided to ask Town Counsel Bob Galvin for clarification at the April 3 meeting and to continue the review until then.

In response to questions from Mr. Mott, Ms. Bartley indicated that NF did not receive financial support from Cross Street; they assisted by providing labor and programming. Money from the CSA goes to NF's for-profit entity, which keeps separate books from the non-profit entity. Their goal is to hire a full-time farmer but the person hired could, if necessary, supplement his/her income by farming other fields.

Mr. Mott requested that NF clean up their fields a little better, including storing pallets in sheds and tilling in their compost when they plant their cover crop. He noted that that some trees had come down in recent storms, and he would clear the one in Field 3. At their request, the Commission will bill NF for burning the remaining brush in Barstow Field.

2018 Recreational Trails Grant Program

Continued until July.

SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)

CPC	D. Osborne	Mr. Osborne advised that CPC had recently appeared before the Advisory Board.
Farming	R. Mott	Mr. Mott advised that a small tree and a couple of limbs were down in Jacobs Field 3, which he would remove. John Hornstra was clearing the stone walls along Jacobs Field 2. He requested and received permission to take out some trees near these walls, as they were undermining the wall structure.

MISCELLANEOUS

Bills

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

Ecotec	Wildcat	\$110
Christopher Sullivan	Meeting Minutes	\$150
Chessia	Wildcat/ CF Road	\$252
W.B. Mason	Office Supplies	\$207.33

Motion by Mr. Mott to pay the listed bills. Seconded by Ms. Minihane 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.

7:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

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

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

10 Mount Hope Street / SE52-1131 & NCC# 47(17) / Landscape work in Resource Area & 50' Buffer

NoI / OoC (cont.) Applicant: Robert Fortier / Representative: N/A

The OoC approved at the March 6 meeting was circulated and signed by the Commissioners present.

Green Street, Lot 1 / SE52-1129 & NCC# 42(17) / Single-Family Home

NoI / OoC (cont.) Applicant: Sean Donovan, EMET Holdings, Inc. / Rep: Paul Seaberg, Grady Consulting

The OoC approved at the March 6 meeting was circulated and signed by the Commissioners present.

65 Farrar Farm Rd. / SE52-1130 & NCC# 46(17) / Retaining Wall, Patio, Sports Court & Grading

NoI / OoC (cont.) Applicant: Brian Flynn / Representative: Bob Rego, River Hawk Environmental

The OoC approved at the March 6 meeting was circulated and signed by the Commissioners present.

Curtis Farm Road, Lot 7 / SE52-1132 & NCC# 48(17) / Single-Family Home

NoI / OoC (cont.) Applicant: Bob Burwick / Representative: Greg Morse, Morse Engineering

The OoC approved at the March 6 meeting was circulated and signed by the Commissioners present.

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

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

Wildcat Hill / SE52-943 & NCC# 7(10) / OSRD Subdivision

CoC (cont.) Applicant: Wildcat Hill, LLC/Casa Dev. / Representative: Brad McKenzie, McKenzie Eng.

Motion by Mr. Mott to continue the matter to May 1 at 8 PM. Seconded by Ms. Minihane and approved by a 5-0 vote, Mr. Ivas having abstained.

22 Forest Street / SE52-1134 & NCC# 2(18) / Driveway Improvement

NoI / OoC (cont. for SIGNATURES ONLY) Applicant: Stephen O’Keefe, Trustee / Rep: Darren Grady, Grady Consultants Eng.

The OoC approved at the March 6 meeting was circulated and signed by the Commissioners present. Ms. Minihane advised that a few standard clarifications had been made.

Mount Blue Street (Bl. 5, Lot 17) / NCC# 4(18) / Construction of a farm Pond & Biomass Drying Shed in wetlands RDA / DoA Applicant: James Rodriguez / Representative: N/A
Mr. Woodill read the notice of public meeting. Applicant James Rodriguez present.

Mr. Rodriguez stated he was interested in building a farm pond for irrigation and fire suppression on his agricultural land on Mt. Blue Street; he also wants to construct a biomass drying shed initially to be used for drying wood shavings. He stated that the property had recently been delineated by Brad Holmes. There is a forest cutting plan in effect for the land, but it is not currently in Chapter 61 agricultural use; the work area is within a forest strand not currently being harvested.

Mr. Rodriguez indicated to Mr. Mott that the access road would not need to be widened, and that that the shed had been placed in the wetland because it would be more conducive to the disposal of condensate. Mr. Rodriguez indicated to Mr. Woodill that the farm pond had been sited to eliminate the need to drill a well. In response to a query by Mr. McMackin, Mr. Rodriguez explained that the shed will be used to dry and store wood shavings and possibly other materials to be sold for bedding and other uses.

Mr. Osborne requested documentation of the delineation bearing Mr. Holmes’ signature or stamp. He also wanted to see the location of the buildings on the plan, the wetlands lines, as well as how big the roads were going to be. Ms. Minihane requested a copy of the approved forestry plan and Mr. Mott requested information about any condensate or wastewater to be released into the wetland.

The Commission then discussed with Mr. Rodriguez whether a NoI was required, as the proposed work is in a resource area. Mr. Rodriguez contented that the project was exempt from the WPA, as the land is in agricultural use under a forest cutting plan approved by the DCR.

After some discussion as to whether the cutting plan qualifies for the agricultural exemption, Mr. Rodriguez consented to a continuation. He will provide a PDF of the site plan, documentation regarding Brad Holmes’ delineation, a copy of the cutting plan with brief narrative as to the applicable sections of the farming manual, and a copy of a DEP ruling in a similar case. Ms. Minihane will research the rules and regulations and report back to the Commission.

Motion by Mr. Osborne to continue the matter to April 3 at 8 PM. Seconded by Mr. Woodill and unanimously voted.

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

ENFORCEMENT HEARINGS/MEETINGS

358 Mount Blue Street / Enforcement Meeting – Enforcement Order issued for failure to control site resulting in a direct and significant impact to downgradient wetlands (cont.)

Mr. Osborne advised that site manager Augie Bloomstein has made continued efforts to control the site to no avail so far. Fines have been accruing daily and Mr. Bloomstein is aware of this; his presence had been requested at this meeting but he did not appear.

Commissioners discussed possible solutions and actions to take going forward. It may be possible to cover the site with stone or fiber once the snow melts. The Commission will ask Town Counsel Bob Galvin about the possibility of placing a lien on the property at the April 3 meeting.

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

Held open.

VIOLATION DISCUSSIONS

Tiffany Hill (40B) – Stormwater Runoff into Third Herring Brook

Mr. Woodill read the notice of public meeting. Brian O'Leary, Stonebridge Homes; Kevin Sealund, Sealund Construction; and consulting engineer John Chessia present.

Mr. Sealund discussed a March 2 event in which silt-filled stormwater ran off from the site into Third Herring Brook. In consultation with Mr. Chessia, they installed silt socks at the site to try to slow down the runoff but this was not effective.

Ms. Wahl asked whether things were under control at the site for the next storm. Mr. Sealund thought more could be done, noting that Mr. Chessia suggested covering the stock piles with tarps. The piles are currently circled with silt sock, but there is still runoff due to the fineness of the sediment.

Mr. Mott pointed out that this incident happened because the stocks onsite were not covered, and the sediment already in the wetlands can't be removed. He felt a significant fine was warranted, as the Commission had fined homeowners for the same violations. Mr. Osborne was not ready to issue a fine as long as the builders were trying to solve the problem, but was willing to do so if the issues continued. Mr. Sealund contended that they had tried to be responsive in addressing the site problems.

Mr. Chessia noted that this was a site where it was necessary to control sediment from eroding in the first place. Stump grindings were used initially for erosion control, and were very effective, but the additional house lots meant more silt to cover than could be covered with just grindings. The sediment at the site goes through and under silt socks, so the only way to control it was to cover the site. These runoff issues are likely to continue until the start of the growing season, when the site should be seeded. Mr. Sealund thought in the meantime they could remove the stock piles from the site and obtain additional stump grindings. Ms. Minihane asked about an entrenched silt fence, but Mr. Chessia felt the silt on this site would go through a fence.

The Commission concurred with Ms. Hemingway's recommendation of withholding signoff on three pending home pre-permits until the site issues were addressed. Mr. Sealund advised they would have Mr. Chessia re-visit the site once they had taken the additional measures discussed. The matter was continued to April 3 at 8 PM.

After Messrs. O'Leary and Sealund left, the Commission discussed construction practices nearby but outside resource areas with Mr. Chessia.

164 Old Oaken Bucket Rd (cont.)

Ms. Wahl advised that according to Ms. Hemingway there was not much action that could be taken, as the complaint was filed by an anonymous phone call. She requested that the date and time of the call be noted and that Mr. Mott's photos be added to the file. The matter will be removed from future agendas.

23 Farrar Farm Road (cont.)

The matter will be removed from future agendas, as an OoC has issued.

61 Accord Park Drive (cont.)

Held open.

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

Mr. Mott has been monitoring the site. He stated the property owner was plowing snow into the wetlands and thus filling them in piecemeal. The Commission discussed the appropriate filing for the parking lot expansion. Ms. Pelletier advised that Ms. Hemingway had written that an RDA might be appropriate. Ms. Minihane, Ms. Wahl, and Mr. Woodill will review the file further. The property owner will be invited to the April 3 meeting.

PUBLIC MEETINGS / ADMINISTRATIVE REQUESTS

Damon Farm (40B) – Status Update for Foundation Sign-off Requests

Ms. Wahl requested that this matter be put on the April 3 agenda. Mr. Chessia will report to the Commission on this matter.

15 Black Pond Lane

Mr. Osborne advised that Ms. Hemingway had previously approved the cutting of five trees for safety reasons, and now the applicant wants to cut four more. Mr. Woodill will inspect the trees with Mr. Osborne and report back to the Commission on April 3.

AGENTS 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>April 3, 2018</i>
<i>NEW filing applications due date/deadline</i>		<i>March 20, 2018 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>		<i>March 26, 2018</i>
<i>Revised Information submittal deadline</i>		<i>March 27, 2018 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>		<i>March 29, 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. Woodill to adjourn at 9:25 PM. Seconded by Mr. Mott and unanimously voted.

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

Marynel Wahl, Chairperson