

NORWELL CONSERVATION COMMISSION

Room 112 / 345 Main Street / Norwell, MA

March 6, 2018 @ 7:00 PM

Minutes

TOWN OF NORWELL
TOWN CLERK

2018 JUN -7 PM 2:45

RECEIVED

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. Ivas left at 9:26 PM.

CALL TO ORDER

The meeting was called to order at **7:00 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 recorded. Seconded by Mr. Ivas and unanimously voted.

COMMISSION BUSINESS

New Business

Land Management Presentation

Vincent Bucca appeared before the Commission to discuss the need for a forest management plan in Norwell. He lives near Wompatuck State Park and expressed concern that a fire there would be catastrophic due to the lack of resource management. He suggested that the Commission apply for grants to create a management plan, and would also like to train area youth to assist with in management and fire prevention as he did in Scituate as Chair of the Forest Commission. The costs could be offset by state grants and the sale of wood.

Mr. Bucca added that there was a false sense of security that forest fires were not a concern in the area, and the fire department did not have equipment that could go off-road to fight a forest fire. He advised that the Town could get surplus military vehicles at no cost that could be retrofitted for this purpose, and Duxbury had recently done so. He also provided Commissioners reports on the topic and information on existing grants, conferences, and programs.

Mr. Osborne observed that a fire management plan was a very good idea but would require a lot of work. Mr. Bucca noted that he would be glad to help start a similar program here to the one in Scituate, but he can't do it alone. He has reached out to Norwell High School, the Fire Department, and Water Commissioner Steve Ivas on this matter.

After Mr. Bucca left, the Commission discussed possible action items. Mr. Osborne suggested that the topic be carried as an agenda item and noted that there may not be an immediate problem given current high water levels. Mr. Mott added that Plymouth County does fire surveillance from the air in the summer months.

Additional suggestions included appointing a sub-committee to look further into these issues or hiring a forest management professional to come up with a management plan. Mr. Woodill

added that the Fire Department be looped in to see what assistance they would want from the Commission.

Ms. Wahl requested in closing that "Land/Fire Management" be added to upcoming agendas as a placeholder, and asked Commissioners to think further about how to address the issue.

Jacobs Pond Monitoring

The Commission discussed whether Jacobs Pond would need additional treatment for invasive species this year. Commissioners will observe and revisit the question in May or June.

Eagle Scout Project

Edward Schulz, Boy Scout Troop 192, discussed with the Commission his proposal to install bins for PVC fishing lines around Jacob's Pond Reservation for his Eagle Scout service project. Mr. McMackin noted that he sees a lot of old fishing line around the pond, and Mr. Woodill stated similar bins were in place at the Norris Reservation.

After reviewing the plans and sample photos, Commissioners supported the project in principle but requested a plan for continuous maintenance and specifics as to number of bins, design, and location. Mr. Schulz indicated that the troop may be able to take on the maintenance. Mr. Osborne will work with Mr. Schulz to work out these details. Ms. Wahl requested that Mr. Schulz send his final plan before the next meeting.

Payroll Sign-off Authorization

Ms. Wahl advised that she needed Commission authorization to sign off on payroll requests.

Motion by Mr. Osborne to authorize Ms. Wahl to be the payroll signoff person for the Commission. Seconded by Mr. Woodill and unanimously voted.

Old Business

Norwell Farms Revised Farm Plan

The Commission continued its discussion of the revised 2018 farm plan for Norwell Farms (NF). Mr. Mott expressed displeasure with NF's subletting arrangement with Cross Street Flower Farm, and felt they were not taking care of their fields properly. Given the uncertainty in their operations and scaled back proposal this year, he favored revocation of the license. Mr. Osborne added that there would be no difficulty getting another entity to manage the fields.

Mr. Woodill felt the Commission needed to give NF at least another year to try to transition, noting that many people in town still liked the idea of a community farm. Ms. Wahl pointed out that the Board of Selectmen issued the actual license, and that the Commission could only recommend its issuance or revocation to the Board. She expressed concern that it may reflect poorly on the Commission if it recommended a revocation at this time.

Ms. Minihane said she thought NF had left the last meeting with the impression that the Commission was generally supportive of their proposal. Mr. Ivas agreed that it felt like the Commission had already given NF a year to transition.

Ms. Wahl advised that NF was working with Selectman Ellen Allen to add a subleasing component to their license. After further discussion, it was decided to request that NF incorporate details in its January 30 letter to the Commission into the actual farm plan, and request that they appear at the March 20 meeting to discuss the revised plan.

Mr. Mott advised that NF had advised him that Vincent Bucca was going to burn the remaining brush in Barstow Field, but it had not been done yet. Ms. Wahl requested that Mr. Mott arrange to have the brush burned and bill NF. Ms. Pelletier will send letters to NF regarding the burning of the brush in Barstow field, and requesting that they attend the March 20 meeting with a revised plan.

Office / Meeting Management Discussion

The Commission broadly discussed ideas for better time management and earlier adjournment times for meetings; suggestions included adding estimated discussion times to agendas, advance vetting of agenda items, and starting meetings at 6:30 instead of 7 PM.

Ms. Wahl also advised the Commission that Ms. Hemingway will likely be out on leave for several months. Ms. Wahl has spoken with Town Administrator Peter Morin, who advised that the Town could not hire a temporary agent until after the absence had exceeded a certain length.

Commissioners also discussed and agreed to study the possibility of designating open and closed hours for the Conservation office so that staff and commissioners could work without interruption during the "closed" hours.

Motion by Mr. Woodill to support researching the possibility of establishing open and closed hours for the Conservation Office. Seconded by Ms. Minihane and unanimously voted.

RECEIVED
2018 JUN -7 PM 2:45
TOWN OF NORWELL
TOWN CLERK

SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)

Open Space and Recreation	S. Minihane	Ms. Pelletier will check on the expiration date for the existing open space plan. Ms. Wahl inquired about hiring someone to update the plan, but Ms. Minihane advised that this would incur significant expense.
Pathways	R. Woodill	Mr. McMackin advised that a recent Pathways Commission Meeting with DCR officials went well. Two possible routes into the park were discussed, one through a utility easement. Commissioners discussed whether public access would be possible through this easement; Ms. Wahl advised that Horsley Witten was aware of this issue; Mr. McMackin will additionally check with Town Planner Kenneth Kirkland on this. DCR additionally advised Pathways that the acquisition of adjacent property remains a high priority, and that they continued to work with the Trust for Public Lands to identify opportunities.
CPC	D. Osborne	The Commission discussed the Whiting Fields purchase discussion at tomorrow's Board of Selectmen meeting. Mr. Woodill indicated the Board would be trying to establish a master planning committee for the property so it would be in place in advance of the Town Meeting.

MISCELLANEOUS

1. Bills
2. Minutes: January 16, 2018

Bills

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

W.B. Mason	\$707.33	Office Supplies
Christopher Sullivan	\$150.00	Meeting Minutes
Chessia Consulting	\$1392.00	Wildcat, Curtis Road, Green Street reviews

Motion by Mr. Mott to pay the listed bills. Seconded by Mr. Woodill and unanimously voted.

Minutes

The minutes for the January 16, 2018 meeting were distributed. Commissioners reviewed and discussed corrections and changes.

Motion by Mr. Woodill to approve the minutes of January 16, 2018 as submitted. Seconded by Mr. McMackin 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

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

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

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

Attorney Adam Brodsky and Paul Mirabito present. Attorney Brodsky advised that the Mollas were unable to attend.

Attorney Brodsky indicated that they had obtained information requested about the highest spring tide and depth of material, and had spoken with Brad Holmes about performance standards. Mr. Mirabito advised that about 14-16 inches of fill had been added to the driveway area in front of the house. Attorney Brodsky added there was no question the Mollas had widened the driveway and added fill, but advised that Mr. Holmes had told him there was existing material under the fill that was added, and that the only place where new material had been added was where old material was already present.

The Commission discussed with Attorney Brodsky the RFP Ms. Hemingway had issued for a peer review at the property. Three of the four companies solicited declined to submit quotes. Attorney Brodsky objected to the cost of the one submitted quote of \$7130 from Epsilon Engineering, and asked whether Ecotec had been contacted. Ms. Pelletier indicated that Ecotec had been solicited and they had replied that coastal review was not within their purview. Ms. Minihane pointed out that she had seen higher peer review quotes for simpler projects.

Ms. Wahl asked Attorney Brodsky whether he wished to reconsider his previous objection to having Coastal Zone Management review the site. Attorney Brodsky replied that CZM were policy people and not regulators. He wanted a reviewer who could interpret the wetlands laws and local bylaws and didn't know if CZM could do that. Ms. Minihane agreed that regulation interpretation might not be an appropriate role for CZM, but suggested trying CZM first and then seeing whether additional review was needed.

Attorney Brodsky asked for time to discuss Epsilon's quote with his clients and offered to provide additional names to solicit for quotes. Ms. Minihane suggested that any additional potential bidders be advised that three firms had declined to bid on the work. The Commission will reach out to CZM about how to delineate the resource areas on the site.

Motion by Mr. Ivas to continue the matter to March 20 at 8 PM. Seconded by Mr. Woodill 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.

Mr. Woodill read the notice of public meeting. Brad McKenzie, Jay and Paul Gallagher, and Jack Spurr present. Mr. Ivas recused and left before discussion started.

Mr. McKenzie advised that the original request for CoC was filed in January; since then, they have met with Ms. Hemingway, consulting engineer John Chessia, and Art Allen to review the as-built plans and made additions as needed. The roadway and some utilities were accepted at town meeting last year and Steve Ivas flagged vegetation in the replication areas, finding a greater than 2:1 replication. Wildlife corridor signage was installed and verified by inspection.

Mr. Chessia's review letter of February 5 raised the issue of Basin G being clogged with silt and not draining within 72 hours. Mr. McKenzie advised that this basin had been scarified and replanted, and they had taken photos to verify the new basin was working properly.

Ms. Wahl advised she had received complaints from residents that stormwater was overflowing from this basin and into their basements. Mr. Gallagher indicated they had spent significant funds to clean the basin, and the newly installed basin was working as designed. Ms. Minihane indicated that comments not submitted in writing or made in attendance at the meeting were not actionable. Ms. Pelletier advised that Ms. Hemingway had recommended a continuation to verify the stormwater system performance.

Mr. McKenzie advised that the HOA had contacted homeowners at lot 7; they had not been advised by the original owner that they had to maintain the rain garden, and had agreed to replant it. He also indicated that the rain gardens in lots 7 and 28 were intended to control roof runoff and not needed for filtration, and as such were functioning as intended in the original design. Ms. Minihane requested that Mr. McKenzie document this in writing and additionally specify that lot 7 had been subject to an RDA and therefore was not subject to a CoC.

In response to a question from Mr. Woodill, Mr. Spurr advised that three trustees, some with engineering experience, had taken office as of March 1. The developers are still assisting the HOA until a property manager is hired.

Mr. McKenzie will draft a letter confirming the recharge-only function of the rain gardens in lots 7 and 28, and send it to Mr. Chessia for his review. If there are no additional issues at the March 20 meeting, the matter will be further continued to May 1.

Motion by Mr. Mott to continue the matter to March 20 at 8 PM. Seconded by Ms. Minihane and approved by a 5-0 vote, Mr. Ivas having recused.

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

Sean Donovan and Darren Grady present. Mr. Donovan advised there had been no changes to the plans since the previous meeting.

Ms. Pelletier advised that she had heard back from Highway Commissioner Glenn Ferguson late that afternoon. Mr. Ferguson requested additional information as to the headwall design; he also advised that he wanted to review the stormwater calculations with consulting engineer John Chessia, but hadn't had time to do so because of last weekend's storm.

Mr. Donovan indicated he would work with Mr. Ferguson on these issues, noting that he needed Mr. Ferguson's permission to install the culvert. After further discussion, it was decided to approve the NoI with this condition and sign the OoC at the next meeting.

Motion by Mr. Woodill to approve the NoI for Lot 1, Green Street with a long-order OoC and the condition that the Highway Commissioner's approval must be obtained prior to construction and any design changes must be provided to the Conservation Office. Seconded by Ms. Minihane and unanimously voted.

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

Mr. Woodill read the notice of public meeting. Bob Rego and applicant Brian Flynn present.

Mr. Rego advised that his updated plan moved the sports court further into the side yard, but still within the 50 foot buffer, and graded the surrounding area so water would be filtered through the grass and away from the wetland. He also indicated that grading for the hill in front would start at the 50 foot mark, and would direct stormwater away from the wetlands. Some existing vegetation would be removed and replaced with decorative native landscape vegetation. Ms. Minihane requested that the plantings within the 100 foot buffer be specified as native species in the plan.

Motion by Ms. Minihane to approve the NoI with a long-form OoC and the condition that a revised plan set, including a note specifying that landscape plantings within the 100 foot buffer will be native species, be submitted to the Conservation Office. Seconded by Mr. Woodill and unanimously voted.

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

Commissioners signed the OoC approved at the previous meeting.

RECEIVED
2018 JUN - 7 PM 2:45
TOWN OF NORWELL
TOWN CLERK

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

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

Greg Morse provided the Commissioners copies of his updated site plan. In response to a question from Ms. Minihane, he advised that he did not add the existing tree line to the plan, but indicated it was about 30 feet off the cul-de-sac.

Motion by Ms. Minihane to approve the NoI for Lot 7, Curtis Farm Road with a long-form OoC. Seconded by Mr. Woodill and unanimously voted.

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

NoI / OoC (cont.) Applicant: Stephen O'Keefe, Trustee / Rep: Darren Grady, Grady Consultants

Applicant Stephen O'Keefe and Darren Grady present.

Mr. Grady briefly indicated he had made no revisions to the plan the Commission had reviewed previously. Commissioners who visited the site since the previous meeting indicated they had no issues. Ms. Wahl noted for the record that additional notes in a February 10 letter from Mr. Grady to Ms. Hemingway would be added to the file.

Motion by Ms. Minihane to approve the NoI with a long-form OoC. Seconded by Mr. Mott 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 he had been monitoring on a daily basis, and that the manager had made several unsuccessful attempts to address the issues at the site. Ms. Minihane added that she had observed a silt sock in a nearby stream that needs to be removed, and Mr. Mott advised that he had taken pictures for the file.

Ms. Wahl requested that Ms. Pelletier send a certified letter inviting the site manager to the next meeting and requesting payment for the \$100 per day accruing fines. Mr. Osborne will continue to monitor and communicate with the site manager.

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

VIOLATION DISCUSSIONS

None.

PUBLIC MEETINGS / ADMINISTRATIVE REQUESTS

70 King's Landing / Servant, Chip / Permission to cut (2) dangerous trees w/in buffer area.

Messrs. Osborne, Mott, and McMackin visited the site. Mr. Osborne indicated that just one tree was actually endangering the structure, and one dead tree near the street was serving no useful purpose.

Motion by Mr. Mott to issue an administrative permit for the removal of one dangerous tree and one dead tree. Seconded by Mr. Woodill and approved by a 5-0 vote, Ms. Minihane having abstained.

Mr. Osborne will provide Ms. Pelletier with the specific language for the administrative letter.

AGENTS REPORT

Ms. Wahl advised that Tiffany Hill and Damon Farm had submitted requests for signoff, and requested that these be added to the agenda for March 20. The Commission will need a narrative from Ms. Hemingway as to what additional documentation is required.

**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>March 20, 2018</i>
<i>NEW filing applications due date/deadline</i>	<i>March 6, 2018 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>	<i>March 12, 2018</i>
<i>Revised Information submittal deadline</i>	<i>March 13, 2018 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>	<i>March 15, 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 10:33 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 June 5, 2018.

Maryn Wake

RECEIVED
2018 JUN -7 PM 2:45
TOWN OF NORWELL
TOWN CLERK

