

NORWELL CONSERVATION COMMISSION

Room 112 / 345 Main Street / Norwell, MA

May 15, 2018 @ 6:30PM

Minutes

TOWN OF NORWELL
TOWN CLERK

2018 JUL 18 AM 9:48

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
Justin Ivas arrived at 6:51 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. Discussions regarding Highway Department work issues at Farrar Farm Road, Bowker Street, and Pleasant Street were added.

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

NEW BUSINESS:

Shady Lane Adopt-a-Trail

Ms. Pelletier advised that the applicant would appear at a future meeting.

Main Street Violation (Hwy. Dept.)

Highway Commissioner Glenn Ferguson appeared to discuss complaints about Highway Department worker incursions into wetlands when clearing culverts. Mr. Ferguson stated the work done was around manmade structures in his right of way, and discussion ensued about the actual length of the right of way.

The parties then discussed work to clear a spillway near Accord Pond. Mr. Mott claimed the workers went 100 feet into wetlands, and pointed out that the Highway Department had the same responsibility as residents and businesses to observe the wetlands bylaws. Mr. Ferguson needs to discuss work in areas adjoining wetlands with the Commission before the work starts. Mr. Ferguson contended the actual work was done in a manmade structure that he had a right to clean.

Mr. Osborne stated that the Commission had always had a good relationship with the Highway Department and they didn't want to interfere with his job, but pointed out that the Conservation Office gets calls when Highway workers dig far off the roads. Mr. Ferguson contended they were trying to clean out culverts, and only dug far enough to allow water to drain from them.

Osborne observed, based on Mr. Ferguson's statements, that it seemed like Mr. Ferguson's workers did whatever they wanted. There needed to be a more proactive working relationship between the two bodies, as the extent to which they were digging causes complaints to the Conservation Office and might be a violation.

Ferguson stated he had had no problems with Ms. Hemingway and the culverts, to him, were man-made structures. He would reach out to the Commission if others needed to be cleared.

Ms. Wahl suggested that they set up visits to sites where work had been done, as well as new work sites as they come up; the workers doing the clearing may need additional training to work in or near resource areas. Mott added that they didn't want to fine the Highway Department like they did residents and businesses, but felt the workers were being overzealous. Ms. Minihane added the visits would be an opportunity for Commissioners to clearly convey their concerns as well as get a perspective on why the workers did what they did.

Mr. Ferguson contended that the culverts were being cleaned in response to emergency calls. He noted that some culverts hadn't been maintained for years and stated his workers were not doing any more than what was needed to open the stream channel.

Mr. Woodill observed that it seemed like the Highway workers were clear-cutting everything around the culverts. He noted that wetlands and adjoining areas did not need to be prettified, and that cutting brush in a bordering vegetative wetland was a violation that could attract the attention of the state. Mr. Ferguson will look into this further. He couldn't directly supervise all his workers and assumed they were following the protocols.

The Commission then specifically discussed the culvert work on Farrar Farm Road. Rick Johnson, 57 Farrar Farm Road, complained that Highway Department workers had gone far into his property for the work. Mr. Ferguson stated a tree had overturned into a culvert and was blocking water. His workers couldn't reach it from the road, so they had to enter the property to access and remove it. Sean Donovan stated that the one tree he saw was across a sidewalk and not blocking anything. Ferguson contended the complaints his office received was that water was getting close to the top of the sidewalk, so workers went out and removed the clog.

After Mr. Ferguson left, Ms. Pelletier suggested that she be the liaison to the Highway Department on this issue going forward.

Eagle Scout Project – John Hull

Mr. Osborne talked to Mr. Hull, and the project may be done in Hanover instead of Norwell.

Green Street, Lot 1 (SE52-1129) – Project Monitor (Scope of Services)

Sean Donovan present. Ms. Wahl advised that only one engineer responded to the RFP for a construction monitor, and that wetlands scientists who were not qualified to monitor the construction sequencing.

Mr. Donovan asked why a civil engineer was required for this role, and whether the monitor was required because of Agent Hemingway's absence. Ms. Wahl pointed out that the area residents would be watching the site closely, and the Commission would have required a monitor for this project even if there were an Agent in the office.

In response to Mr. Donovan's concern about Mr. Chessia's schedule, Ms. Wahl pointed out that the proposal is based on his responding within 48 hours. If Chessia is unable to visit the site

within 48 hours, a Commissioner will visit in his place. Mr. Donovan will review the contract and return it to Ms. Pelletier along with a deposit. He will also provide the linear feet of disturbance within the 50 foot buffer for the Commission's file. 2018 JUL 18 AM 9:48

Motion by Ms. Minihane to appoint John Chessia as the project monitor. Seconded by Mr. McMackin and unanimously voted.

Motion by Mr. Woodill to accept the amended state and local Orders of Conditions approved at the last meeting. Seconded by Mr. Ivas and unanimously voted.

Barstow and Stetson Field – Jon Haskins

Mr. Mott advised he had received a Land Use Proposal form from Jon Haskins for Barstow and Stetson fields. Mr. Osborne has spoken with Mr. Haskins, and recommended the Commission pay him to start work immediately on Stetson Field, as this field requires a lot of work and would save the Commission on maintenance.

Motion by Mr. Woodill to pay Mr. Haskins \$250 for mowing and field preparation at Stetson Field. Seconded by Ms. Minihane and unanimously voted.

Mr. Mott advised he had also given Mr. Haskins a verbal okay to start preparing Barstow field, as it was late in the season. He is properly insured and meets the standard requirements.

The review of the farm plan was continued to the next meeting. Ms. Wahl noted for the record that Mr. Haskins would be allowed to work in Barstow Field pending the plan's approval.

196 River Street

Mr. Mott advised that the pool being installed at this site was bigger than that approved. The matter was added to the next meeting's agenda as a minor modification.

Carleton Property Committee

Ms. Wahl advised that applications for the Carleton Property Committee are available at the town's Web site, and the Commission has one allocated seat. Ms. Wahl has applied and Mr. Osborne would like to apply. The Selectmen will pick the members.

Commissioners discussed who they wished to represent the Commission on the committee and whether to ask the Selectmen for a second seat. Mr. Osborne will research the Town Meeting motion to see if the Commission actually gets two seats on the committee. The committee will also have at-large members, and Mr. Ivas will apply for one of these seats. Further discussion regarding who should represent the Commission on the committee will be held on June 5.

Ms. Wahl also advised that she had spoken to the Board of Selectmen yesterday, and the Board expressed disappointment that the Commission had not provided a suggested use for the property. Ms. Wahl indicated that the Commission would wait for the Carleton Property Committee's study to be released and then provide input.

Mr. Osborne advised that a grant was available for creating grouse and New England Cottontail habitats on large plots of land; he will advise the Board of Selectmen, as the Carleton Property might be a candidate.

Commission Reorganization

Ms. Wahl will stay on as Chair. The Commission discussed ways to speed up meetings, including setting time limits for discussions, having the Chair limit rambling or repetition, or running questions through the Chair as set forth in Robert's Rules. Ms. Wahl felt it would improve public perception if meetings were better organized.

Ms. Minihane noted that other towns end discussion on certain matters if they exceed their allotted time. The Commission discussed and agreed they did not want to send applicants home with an unresolved matter. An inquiry has been made to Town Counsel Bob Galvin as to whether the Commission could ask applicants to waive deadlines for consideration of complicated matters. Other options discussed included calling an extra meeting on fifth Tuesdays to strictly handle bills, minutes, and administrative matters, or to schedule special meetings for bigger projects.

The Commission also discussed the handling of administrative permits in Mr. Mott's absence. Mr. Osborne will take the lead and the other Commissioners will help as they are able.

Large Project / New Subdivision(s) – Work Load Allocation

Ms. Wahl advised that Ms. Minihane would be leaving the Commission once her term was up and a replacement was found; she will continue to help as she is able. Mr. Osborne will research the contact information for recent applicants.

Ms. Wahl would like to add two non-voting alternates who could step in immediately if a Commissioner had to resign. This would require a bylaw change.

OLD BUSINESS:

Eagle Scout Project Update

Mr. Osborne walked the Fogg Forest Trail with a resident. The platforms have already been installed and look good.

James Rodriguez (Mt. Blue Street) – Appeal Update

Mr. Osborne has been in touch with property owner Don Shute. Mr. Rodriguez has an agreement with Mr. Shute to buy one of his five lots, and temporary permission to access the lot, but the property hasn't been sold yet.

MISCELLANEOUS

Bills

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

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

TOWN OF NORWELL
TOWN CLERK

Minutes

The minutes of the March 6, March 20, April 3, and May 1 meetings were distributed. Commissioners reviewed and discussed corrections and changes.

2018 JUL 18 AM 9:48

Motion by Mr. Osborne to approve the minutes of March 6, 2018 as printed. Seconded by Mr. Woodill and approved by a 5-0 vote, Ms. Minihane having abstained.

RECEIVED

Motion by Mr. Osborne to approve the minutes of March 20, 2018 as printed. Seconded by Mr. Woodill and approved by a 5-0 vote, Ms. Minihane having abstained.

Motion by Mr. Osborne to approve the open session minutes of April 3, 2018 as printed. Seconded by Mr. Woodill and approved by a 5-0 vote, Ms. Minihane having abstained.

Review of the April 3 Executive Session and May 1 open session minutes was 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.

8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES
49 Green Street / SE52-1081 & NCC# 12(15) / Raze & Rebuild Single-Family Home
Request for Ext. OoC Applicant: Cynthia & William Lazzaro / Representative: Paul Seaberg, Grady Consulting, LLC

The Commission discussed how long an extension to grant. Mr. Osborne stated that OoCs were typically extended for one year, and the applicant could ask for additional extensions as needed. Mr. Woodill preferred granting a full three-year extension.

Motion by Mr. Mott to extend the OoC for one year. Seconded by Mott and approved by a 5-1 vote, Mr. Woodill having voted no.

75 Harbor Lane / SE52-1080 & NCC# 8(15) / Piers, Ramps, Float, Shed & Steps
Request for Ext. to OoC Applicant: Robert Frattasio / Representative: N/A
Applicant Robert Frattasio advised he was waiting for the builder to complete the shed and pier. In response to a question from Ms. Wahl, he requested a three-year extension and provided a check for the filing fee to Ms. Wahl at the meeting.

Motion by Mr. Mott to extend the OoC for three years. Seconded by Mr. Woodill and approved by a 5-0 vote, Mr. Osborne having been absent from the vote.

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
Paul Mirabito (Ross Engineering), Brad Holmes (ECR), and applicant Robert Molla present.

Mr. Holmes advised that when visiting the property, he observed fill on top of existing fill and riprap on top of old stones. Some of the riprap spilled over into adjoining areas. He stated the access road was increased in height but not width.

He proposed to remove riprap in areas where it was not over old stone, replant vegetation in those areas, and stabilize the bank areas where the riprap was removed with Coir logs, a biodegradable erosion control product used in coastal zones. He is hoping over time, as the logs decompose, that the root system of the vegetation will create an earthen berm to protect the property.

In the failed replication area where gravel had been added, he proposed removing the gravel and attempting another planting using erosion control netting to stabilize against high tides. He noted that they were seeking Commission feedback rather than approval at this hearing and were open to suggestions.

Ms. Minihane advised she visited the site with Mr. Holmes and Ms. Wahl, and also observed old stone under the new riprap as well as some riprap that went over the edge of the old stones into the adjacent marsh. She did not observe any filling in of salt marsh areas.

Mr. Osborne contended that the existing road was wider than it was before. However, Ms. Minihane stated that the footprint of the causeway to the island was not wider than the old stones in place and thus the driveway was not wider, just taller.

The Commission then discussed the impact of the heightened driveway. Mr. Osborne would like to see it reduced to what it was before the project, but Mr. Holmes pointed out the need for fire trucks and ambulances to be able to access the home. If the driveway was not lowered, Mr. Osborne would prefer to leave the riprap where it was to prevent gravel from going into the river.

Ms. Minihane indicated she would like to know what fill was originally approved on the site and where, and requested that the applicant provide a summary of what was originally authorized. After further discussion, the applicant consented to a continuation.

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

44 Tara Drive / SE52-1137 & NCC# 6(18) / Construction of a Single-Family Home & Landscaping

NoI / OoC (cont.) Applicant: Brian Murphy, Murphy Construction / Rep: Paul Mirabito, Ross Eng.

Brian Murphy, Brad Holmes, and Paul Mirabito present.

Mr. Mirabito provided Commissioners a revised site plan. The new house was smaller than the one on the old plan, and was mostly outside the 100 foot buffer. The porch would be supported by sono-tubes, and a small portion of driveway was inside the 100 foot buffer. They propose to install a silt sock along the 50 foot buffer and plan to re-grade the back yard, saving some trees, up to the silt sock. The re-grading is required for installation of the septic system.

In response to a question from Mr. Mott, Mr. Mirabito indicated it would not be possible to rotate the house completely out of the 100 foot buffer due to setback requirements for the septic system. The system has to be 50 feet in from the street, which dictated the position of the house.

Mr. Osborne pointed out that the house could be removed from the buffer by reducing the size of the deck and garage. Mr. Murphy stated that potential buyers will want a deck, garage, and back yard similar to what the neighboring homes have. They intend to protect trees between the 50 and 100 foot buffers, but want to put a lawn in this area.

Ms. Minihane didn't have an issue with what was proposed in between the 50 and 100 foot buffers but requested they move back the silt sock 10 feet from the 50 foot buffer in three areas where there were trees adjoining the buffer.

Mr. Mirabito advised that the linear feet of disturbance area was 50 feet. The Commission issued the following findings: Delineation approved for the purposes of this project only. 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 project was approved, as the house has been largely maintained out of the 100 foot buffer and the lawn outside the 50 foot buffer, there is no disturbance of resource areas, and the limit of work was pulled back from the 50 foot line where there were trees along edge of buffer. The following special conditions were applied: (1) Limit of work pulled back from the 50 foot buffer line where there are trees along the edge of the 50 foot buffer; (2) Installation of conservation markers every 25 feet along the 50 foot buffer.

Motion by Ms. Minihane to approve the NoI with a long-form OoC subject to conditions as noted. Seconded by Mr. Ivas and unanimously voted.

76 Hemlock Drive / SE52-xxxx & NCC# 13(18) / Addition & After-the-Fact Fence Installation

NoI / OoC Applicant: Kevin & Sarah Cassidy / Representative: Steve Ivas, Ivas Environmental

Mr. Woodill read the notice of public meeting. Kevin Cassidy and John Detwiler, Buttonwood Renovations, present. Commissioner Justin Ivas recused and left for the duration of the discussion. Steve Ivas was unable to attend the meeting and provided a written narrative to the Commission.

Mr. Detwiler advised the project would convert an existing screened-in porch into kitchen space. They propose to retain the sono-tubes currently supporting the porch except for one corner.

Motion by Mr. Woodill to approve the NoI for the addition with a short-form OoC and condition that construction be completed within two weeks from start of construction. Seconded by Ms. Minihane and approved by a 5-0 vote; Mr. Ivas having recused.

Motion by Mr. Osborne to separate the addition NoI from the after-the-fact fence installation NoI and add the latter to the agenda. Seconded by Ms. Minihane and approved by a 5-0 vote, Mr. Ivas having recused.

After further discussion, it was noted that both of the applicant's projects had been assigned the same file number. The hearing was reopened to discuss the after-the-fact fence installation.

Motion by Mr. Woodill to rescind the previous votes on 76 Hemlock Drive and reopen the hearing to address the fence installation. Seconded by Mr. Mott and approved by a 5-0 vote, Mr. Ivas having recused.

Mr. Cassidy advised that he installed the fence to keep his dog in the yard, and didn't know where the wetlands were in relation to his property. He and the Commission agreed to Steve Ivas' suggestion to remove the bottom six inches of the fence to facilitate wildlife movement.

After further discussion, the Commission issued the following findings: Delineation not confirmed. 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 addition was approved, as it is not expanding the existing footprint of the home or ancillary structures. The following special condition was applied: Work to be completed within two (2) weeks.

The fence installation was approved, as it is a wire cow fence with relatively low impact to nearby resource areas. The following special conditions were applied: (1) Applicant may install a gate to the fence; (2) Applicant will remove the bottom six inches of at least every other section.

Motion by Mr. Woodill to approve the addition with a short-form OoC and condition that construction be completed within two weeks from start of construction; also to approve the after-the-fact fence installation with conditions as noted. Seconded by Mr. McMackin and approved by a 5-0 vote, Mr. Ivas having recused.

ENFORCEMENT HEARINGS

PUBLIC MEETINGS / ADMINISTRATIVE REQUESTS

34 Island View (Nihill: SE52-1110) – Request to allow Pressure Treated bounds in lieu of stone

Property owner Brian Nihill noted that his OoC requires stone or concrete posts for conservation markers. He has about 600 linear feet of wetland footage, and the current OoC would require 22 to 24 posts, most of which would be in a straight line. He asked if the number of posts could be reduced and if he could use pressure-treated wood for the posts to reduce cost.

2018 JUL 18 AM 9:48

Mr. Mott had no problem with the use of pressure-treated wood posts as long as they were cemented in. Mr. Osborne acknowledged that the cost for stone posts was high but felt the cost for concrete posts may not be much higher than for pressure-treated wood.

After further discussion, the Commission agreed to reduce the posting requirement to concrete posts every 50 feet, with attention paid to changes in direction of the wetland lines. The height requirement for the posts was reduced to 2 feet above grade.

Motion by Mr. Ivas to issue an administrative permit for 34 Island View with conditions as noted. Seconded by Mr. Woodill and unanimously voted.

22 Highfield Lane / Jonathan Fabrizio / Follow-up on Tree Removal

Ms. Wahl advised that the next steps in this matter are to research whether title to the land adjoining Mr. Fabrizio's property was transferred over to the Commission, and to schedule a meeting with the HOA.

VIOLATION DISCUSSIONS

245 Old Oaken Bucket

Ms. Wahl visited the property with Mr. Mott, who suggested the planting of blueberry bushes along the fence and the installation of conservation markers for mitigation.

The Commission voted to add a special condition to the OoC allowing the fence installation with the following special conditions: (1) Applicant will plant high-bush blueberries every 10 feet along the fence; (2) Applicant will install conservation markers every 25 feet along the edge of the lawn.

Motion by Mr. Ivas to amend the OoC with the special condition as noted. Seconded by Mr. Woodill and unanimously voted.

Tiffany Hill – Status Update (cont.)

Brian O'Leary present for Stonebridge Homes. He continues to actively monitor the site; their intention is to decrease the amount of exposed land on-site as they work up the hill. After discussing consulting engineer John Chessia's report, the Commission decided to release lots 6 and 17 for development, and hold lot 15 until the site was stable.

Motion by Mr. Mott to release lots 6 and 17. Seconded by Mr. Ivas and unanimously voted.

Ms. Pelletier will send a letter to the Building Inspector authorizing the release of lots 6 and 17.

164 Old Oaken Bucket Rd (cont.)

Continued.

134 Main Street

Ms. Wahl agrees with the property owner that Highway Department workers, and not the owner, cleaned out the adjacent culverts.

296 Main Street

The matter was tabled and will be placed on the June 5 agenda.

**SCIENCE AND REGULATION IN THE NEWS
EDUCATION AND TRAINING OPPORTUNITIES**

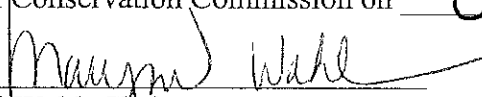
Please refer to the complete Agents Notes available in the Conservation Office. Any notes included in the minutes are partial.

<i>Next Meeting</i>		<i>June 5, 2018</i>
<i>NEW filing applications due date/deadline</i>		<i>May 22, 2018 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>		<i>May 28, 2018</i>
<i>Revised Information submittal deadline</i>		<i>May 29, 2018 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>		<i>May 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. Osborne to adjourn at 10:40 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 July 17, 2018.



Marynel Wahl, Chairperson