



TOWN OF NORWELL
TOWN CLERK

NORWELL CONSERVATION COMMISSION
Room 112 / 345 Main Street / Norwell, MA
May 1, 2018 @ 6:30 PM
Minutes

2018 JUL 18 AM 9:47
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

CALL TO ORDER

The meeting was called to order at **6:30 pm** by Chair Marynel Wahl. The meeting was recorded.

AGENDA ACCEPTANCE

The Commission reviewed the proposed agenda and discussed changes and additions. Discussions regarding Gaffield Park renovation, draft correspondence from Town Counsel Bob Galvin, a violation at 6/7 Curtis Farm Road, and an administrative permit for 206 Old Oaken Bucket Road were added.

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

COMMISSION BUSINESS

New Business:

Galvin Proposed Correspondence

The Commission briefly reviewed draft correspondence to Norwell Farms written by Town Counsel Bob Galvin, and will revisit the matter on May 15.

Gaffield Park Resurfacing and Renovation

Recreation Superintendent George Grey present to discuss renovations to Gaffield Park approved at last year's Town Meeting. The majority of the existing structures will remain, but the majority of the play area will be resurfaced to improve safety and accessibility. The plans call for an asphalt pathway connecting to the brick entranceway and pour in place rubber in the playground area. Part of the work area is within the buffer to a small wetland.

Ms. Wahl questioned whether pour in place rubber could be used inside the 100 foot buffer. Ms. Minihane added they would need to know the composition and permeability of the material. Mr. Grey advised that wood fiber mulch was no longer allowed to be used in playgrounds for safety reasons, and asked whether variances were available for safety/accessibility issues. Ms. Wahl suggested that Mr. Grey consult with Playground Inspections of New England, the consultant working with Recreation, as to whether there were alternative materials that could be used near wetlands.

The Commission discussed the need for/availability of a delineation, as well as what kind of filing (RDA or NoI) the project would require. If there are no alternative surface materials, the filing must state this and be accompanied by documentation. Mr. Grey will research alternatives to pour in place rubber and reappear before the Commission on May 15.

“Yoga at the River’s Edge”

The Commission also discussed with Mr. Grey a request from Kezia Bacon to teach a series of yoga classes at Stetson Meadows. Mr. Grey indicated he had heard the classes were part of a fund-raiser for the NSRWA, and would like to coordinate if possible, as the Recreation Department offers its own Yoga programs. Ms. Minihane added they should find out whether all proceeds would be going to NSRWA.

Ms. Pelletier will contact the applicant and request that she provide these details in writing and appear before the Commission on May 15. She will also advise regarding the need to coordinate with the Recreation Department and provide a certificate of general liability insurance.

Eagle Scout Project – John Hull

Mr. Osborne advised that he had discussed some project ideas with Mr. Hull. He is not on a tight deadline and will appear before the Commission at a later date.

Army Corps of Engineers – Chittenden Landing

Ms. Pelletier advised that the Josh Helms, Army Corps of Engineers, had advised that the cross-bracing installed as part of the dock may keep sunlight from reaching the marsh grass under the dock. He suggested that the bracing be replaced with rope or something with less surface material, or that the bracing be justified and accounted for in an amended ENG form.

Mr. Osborne noted that Mr. Mott had installed the bracing to keep dogs from trampling the marsh grass. Ms. Pelletier will schedule a site walk with Mr. Helms so he can provide additional feedback.

Bay Path Lane Conservation Restriction – Town Mtg. Article

Town Accountant Donna Mangan advised Ms. Wahl that the money for administering the Bay Path Lane conservation restriction needs to go into a special account. A special town meeting article has been created to establish the account.

Green Street, Lot 1 (SE52-1129) – Clarification of Special Conditions

Sean Donovan present with Paul Gallagher.

Mr. Gallagher has the property under agreement and asked the Commission whether the temporary basins could be filled with crushed stone during the construction process and replaced with plantings afterward. Ms. Minihane indicated that fully planted basins were not a condition of starting; Mr. Gallagher could either fill the basins with stone initially, or seed the basins so they could germinate during construction.

Mr. Gallagher also asked whether a pole near the proposed driveway could be moved (he will need to ask the utility owning the pole) and whether a circular driveway could be installed. Ms. Wahl asked whether gravel could be used in the driveway to avoid stormwater issues arising from an increase in impervious surface. Mr. Gallagher will have his engineer do a stormwater calculation and will use gravel if the redesign causes any issues.

Ms. Wahl also advised the Commission that Mr. Donovan received the standard long-form OoC, and that certain conditions meant for larger projects ended up on his OoC without being crossed out. Mr. Donovan had gone through the conditions line by line with Ms. Hemingway for clarification. The Commission reviewed and discussed Ms. Hemingway's modifications. Condition 16 was modified further to read "width of driveway."

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Motion by Mr. Osborne to issue an administrative modification reflecting the OoC updates discussed. Seconded by Mr. McMackin and unanimously voted.

The Commission also reviewed the construction sequencing plan for the site. Mr. Donovan indicated he had discussed this with Ms. Hemingway. Ms. Minihane asked why the silt sock was being installed in two phases; this is so the installation machine doesn't have to enter the buffer zone before the construction entrance is installed. Ms. Wahl stressed the importance of keeping the site covered so silt doesn't run into the street.

Motion by Mr. Mott to accept the construction sequencing plan as presented. Seconded by Mr. Woodill and unanimously voted.

Ms. Wahl asked Ms. Pelletier to solicit three bids for a construction monitor, and put the matter on the May 15 agenda. Mr. Gallagher requested that wetlands scientists be solicited in addition to civil engineers.

George Road (Johnson)

Ms. Wahl briefly advised that correspondence from Phil Johnson's attorney indicated there had been a resolution to his litigation.

Beach Property -- Order of Taking (Donation)

Ms. Wahl advised that Town Planner Kenneth Kirkland had sent a letter to the Board of Selectmen recommending that custody of the Foster Pine Lot donation be given to the Recreation Department. She will discuss the matter further with Mr. Kirkland and, if necessary, recommends that the Commission send its own letter of interest to the Board.

Old Business:

Eagle Scout Project Follow-up

Salem Adda-Berkane discussed his proposal to install platforms on Fogg Forest Trail for hikers to navigate the trail in mud season. He provided a map and plans for the platforms, including an image of one he had already built.

Mr. Osborne and Mr. Mott walked the proposed work area and agreed the trail could benefit from installation of the platforms. They will be made of pressure-treated wood, assembled on site, and elevated on natural features such as flat stones. Construction will likely begin within the next two weeks.

Motion by Mr. Woodill to issue an administrative permit for the project with conditions that applicant must carry in materials by hand and build in place, and that natural materials be used

for the elevation of the platforms. Seconded by Mr. McMackin and approved by a 4-0 vote, Ms. Minihane and Mr. Ivas having abstained.

Mt. Blue Street – Appeal Update

A site walk with DEP and Town Counsel Bob Galvin is scheduled for next Tuesday morning.

Town Meeting (5/7/18)

The Commission briefly discussed the upcoming Town Meeting, including speaking for housekeeping articles and how to respond to floor motions related to the Carleton Property.

Order of Conditions Boilerplate – Revisions

Ms. Wahl briefly suggested that the conditions take into account the timing and seasonality of work. Discussion was tabled otherwise

Project Grid Review

Tabled

SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)

Tabled

MISCELLANEOUS

Bills

The following bills were presented for payment:

W.B. Mason	Office Supplies	\$89.28
Christopher Sullivan	3/20 Meeting Minutes	\$150
Christopher Sullivan	4/3 Meeting Minutes	\$150
Gov. Connection Inc.	Admin. Asst. Computer	\$912.95

An invoice from Chessia Consulting required further clarification and will be processed at the May 15 meeting.

Motion by Mr. Ivas 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.

None.

8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

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

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

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Before starting the hearings, Ms. Wahl asked the Commission to take extra time to review the paperwork and to clearly articulate the reasoning for decisions. There was a brief discussion on processing paperwork in Ms. Hemingway's absence and with limited office help.

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

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

Brad McKenzie, A. W. Perry, and Paul Gallagher present. Commissioner Justin Ivas recused and left before the discussion started.

Ms. Wahl advised that peer reviewers John Chessia, Art Allen, and Steve Ivas had signed off on the as-built plans. Mr. Perry advised they were meeting with the HOA next week. Ms. Pelletier will set up an initial meeting between the HOA and the Commission.

Motion by Mr. Osborne to issue a CoC for Wildcat Hill. Seconded by Mr. Mott and approved by a 5-0 vote, Mr. Ivas having recused.

81 Washington Park Drive / SE52-1078 & 4(15) / Addition

CoC Applicant: Corey Blair / Representative: Rich Servant, Stenbeck & Taylor
Applicant Corey Blair present.

Mr. Mott advised that he had visited the site with Mr. Osborne. They felt the structure had been built as set forth in the plan, and recommended the CoC be issued with no special conditions.

Motion by Mr. Woodill to issue a CoC for 81 Washington Park Drive. Seconded by Mr. Ivas and unanimously voted.

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 15 at 8 PM. Seconded by Mr. Osborne and unanimously voted.

13 Queen Anne Lane / NCC# 7(18) / Septic Upgrade

RDA / DoA Applicant: Richard & Karen Kenney / Representative: Brad Holmes, ECR
Mr. Woodill read the notice of public meeting. Cameron Larson present for ECR.

Mr. Larson reviewed the site plan for the installation of a new septic system. The new system would be moved further away from the wetland, with a new tank, piping, and leach field. The system would be installed in current lawn/landscaping, erosion controls would protect the BVW during installation, and all disturbed areas would be restored after construction.

The plan was approved, as it installs an upgraded septic system farther away from the resource area. There is no place on the property to install the system outside of Commission jurisdiction.

Motion by Ms. Minihane to issue the RDA for 13 Queen Anne Lane pos 2b, pos 5, neg 3. Seconded by Mr. Ivas and unanimously voted.

The Commission briefly discussed how to ensure applicants file site plans with sufficient detail before adding them to the agenda. Ms. Wahl advised that a checklist has been provided to help the Administrative Assistants review the paperwork as it arrives.

34 Forest Street / NCC# 10(18) / New Deck, Front Stairs & Remodel Mudroom

RDA/ DoA (or NoI??) Applicant: Michael McNulty / Representative: N/A

Mr. Woodill read the notice of public meeting. Applicant Mike McNulty and Mark Lundin present.

Mr. Lundin advised that the work area was flagged by John Zimmer on April 27. They wish to build a freestanding porch supported by sono-tubes in what is currently grassed area off the back of the house, and put crushed stone under the porch. They also will be remodeling an existing mudroom.

Mr. Mott advised that he and Mr. Osborne had visited the site. The plan was approved, as the proposed deck is in established lawn area and the sono-tubes supporting the deck will have minimal effect. Mr. Mott noted no issues with the mudroom remodel.

Motion by Ms. Minihane to approve the RDA, pos 2b, pos 5, neg 3. Seconded by Mr. Woodill and unanimously voted.

193 Central Street / NCC# 9(18) / Crush & Fill existing inground pool

RDA / DoA Applicant: Richard Hirtle / Representative: Brendan Sullivan, Cavanaro Consulting

Mr. Osborne read the notice of public meeting. Brendan Sullivan present for applicant.

Mr. Sullivan advised that the applicants wish to fill in an existing pool, install a concrete cap, and make the area into a sport court. The work area is 74 feet from the wetland at its closest point.

The plan was approved, as all work will be conducted within the existing pool area and not in the adjacent wetland or lawn. Fill will be brought in from the driveway. Mr. Mott and Mr. Osborne visited the site and had no concerns.

Motion by Ms. Minihane to approve the RDA pos 2b, pos 5, neg 3. Seconded by Mr. Ivas and unanimously voted.

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122 Central Street / NCC# 11(18) / Raze 3-Season Room & Shed, 2nd Floor Addition & Garage Construction RDA/Dot Applicant: Daniel Dooley / Representative: Brooke Monroe, Pinebrook Cons.

Mr. Woodill read the notice of public meeting. Dan and Paul Dooley present.

Dan Dooley advised that carport would be removed by hand, and the addition would be built on part of the current driveway. All dirt from excavation will be removed offsite by truck, and clean fill will be used to backfill the walls. In response to a question from Ms. Wahl about erosion control, Ms. Minihane pointed out that a 12 inch silt sock was written into the standard RDA conditions.

The plan was approved, as all work will be done within an existing structural footprint, and the plan will enlarge the lawn by removing the shed. Mr. Mott visited the site and anticipated no impact to the wetland.

Motion by Ms. Minihane to issue the RDA pos 2b, pos 5, neg 3. Seconded by Mr. Ivas and unanimously voted.

245 Old Oaken Bucket Road / SE52-1136 & NCC# 5(18) / Construction of In-ground Pool & Site work NoI / OoC Applicant: Christopher & Erin Griffith / Representative: Richard Grady, Grady Consulting

Mr. Woodill read the notice of public meeting. Richard Grady and Chris Griffith present.

Mr. Grady advised that the proposed pool would be installed behind the house on existing lawn within the 100 foot buffer. A silt sock would be used for erosion control during work.

The Commission then discussed the fence the owner had installed along the wetlands line at the edge of their property. Ms. Minihane expressed concern that the fence installation would require a variance the Commission could not grant based on its precedents, and asked if it could be moved to the edge of the wood line and play area. Mr. Griffith felt that this would cause them to lose most of their yard. He acknowledged there were trees in the back area of the yard but not dense woods, and all areas inside the fence were cleaned up and maintained.

The pool project was approved after further discussion, as the project is within existing lawn area and outside the 50 foot no-disturb zone. With regard to the fence installation, the Commission will research its precedents and discuss options with the applicant at the May 15 meeting.

Motion by Ms. Minihane to issue a long-form OoC approving the pool project for the reasons stated in the hearing, resource area delineation not confirmed. Seconded by Mr. Ivas and unanimously voted.

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

NoI / OoC Applicant: Brian Murphy, Murphy Construction / Representative: Paul Mirabito, Ross Eng.

Mr. Woodill read the notice of public meeting. Paul Mirabito present with Brian Murphy.

Mr. Mirabito advised that the adjacent resource area had been flagged by Brad Holmes in February. The closest portion of the home was 92 feet from BVW. The septic system would be installed in the front yard, away from the wetland, and a silt sock would be used for erosion control during work.

Ms. Wahl pointed out an existing stone wall was not shown on the plan, and also that the area was subject to significant stormwater concerns, with the site currently received stormwater from an adjacent property. Mr. Mott would like to take a second site visit and see the corners of the house, buffer zone, and edge of lawn staked out.

In response to a question from Ms. Minihane, Mr. Mirabito indicated that the house could not be shifted outside the buffer due to setback requirements for the septic system. Ms. Minihane also noted the Commission typically did not allow lawn up to 50 foot buffer, as it could impact the root zone for trees in the buffer. Mr. Mirabito stated the lawn as shown meets performance standards, and therefore would not harm the adjacent wetland.

The applicant consented to a continuance after further discussion. Mr. Mirabito will stake out the 50 foot buffer, the back corners of the house, and the limit of work as it shifts away from the buffer. He will also provide an updated site plan. The Commission will visit the site once the stakes are installed.

Motion by Mr. Woodill to continue the matter to May 15 at 8 PM. Seconded by Mr. Mott and unanimously voted.

Old Oaken Bucket Estates / SE52-xxxx & NCC# 11(18) / Roadway Construction, SFH, Septic, Stormwater & Grading **NoI / OoC** Applicant: John Kopacz / Representative: Marta Nover, Nover-Armstrong Assoc.

Mr. Woodill read the notice of public meeting. Greg Morse and Laura Krause (Nover-Armstrong) present along with applicant John Kopacz. About 6 area residents present. Commissioner Justin Ivas recused but remained in the room as a resident.

Mr. Morse discussed their filings and hearings before the Planning Board, starting with the division of the property through an ANR into an upland portion to be developed and a lowland portion to be kept as a working farm. They previously appeared before the Commission for an ANRAD, which was peer-reviewed by Art Allen. The resulting ORAD is valid through 2019.

Mr. Morse went on to discuss features of the roadway, utility provisioning, and stormwater drainage. The drainage system includes discharge points to a vernal pool and to the bog ponds. The system is being reviewed by John Chessia for the Planning Board.

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They are hoping to use stormwater from the development to replenish irrigation ponds for the remaining bogs, and are in touch with the NRCS and DEP regarding this. Mr. Mott asked whether they would be restricting the amount of fertilizer going into the ponds; Mr. Morse indicated not at this time but he could imagine a restriction forthcoming, possibly as part of a HOA covenant.

Ms. Krause advised that the house on Lot 27 would be located within a riverfront area, causing a total alteration of about 1560 sq feet. To mitigate, they propose bird habitat enhancement plantings in the IVW, increased shrub habitat, and the addition of bird boxes. They also propose pollinator habitat enhancements along the back of the property including a wildflower seed mix and other plantings. She also discussed a proposed wetlands replication plan for the IVW in the north part of the site.

Ms. Minihane requested a plan set that showed just the work the Commission was approving so it would be easier to understand what had been approved. Mr. Morse suggested referring to the construction phase 1 plans for clarity.

Len Taylor, 296 Cross Street, requested that they move the staging area to a location that didn't abut his property. Mr. Morse explained why the site was chosen, including its existing barn and asphalt paved area, but agreed to look into mitigation or alternative locations. Ms. Minihane noted that this issue was outside Commission jurisdiction. Steve Ivas, Winter Street, advised that New Jersey Tea doesn't grow easily in the area and suggested that a substitute be found.

Motion by Mr. Mott to continue the matter to June 19 at 8 PM. Seconded by Mr. Osborne and approved by a 5-0 vote, Mr. Ivas having recused.

ENFORCEMENT HEARINGS

None

PUBLIC MEETINGS / ADMINISTRATIVE REQUESTS

13 Queen Anne Lane (EO# 1(12) & #2(12))

Request to update letter closing out Enforcement Issue

An enforcement order was issued for the subject property in 2012. Mitigation was done but the order was never formally closed. Ms. Pelletier advised that Brad Holmes, ECR, had requested a CoC to close out the order.

Motion by Ms. Minihane to handle the request administratively. Seconded by Mr. Mott and approved by a 5-0 vote, Mr. Ivas having recused.

73 Prospect Street: Determination of Jurisdiction for Garage

Mr. Mott advised that the garage was outside Commission jurisdiction. The owner will be advised in writing.

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

Jonathan Fabrizio appeared to discuss issues with trees on adjoining property presenting a hazard to his house and playground.

Commissioners discussed who currently controlled the adjacent property. It was unclear whether it had actually been deeded over to the Commission, and clarification on this point is needed. Mr. Fabrizio pointed out that he has paid to remove trees not on his property, and inquired about reimbursement.

Mr. Mott advised that one remaining tree presented a hazard and should be cut. The Commission agreed that Mr. Fabrizio could remove this tree even if it was determined the adjoining land had already been deeded over to the Commission. He can also remove an existing half-standing tree if he has HOA approval to do so.

206 Old Oaken Bucket Road

Mr. Osborne advised that the property owner had requested the removal of nine trees. The request was approved, as the subject trees are in a pre-existing lawn area and present a danger to the house.

Motion by Mr. Mott to issue an administrative permit for the removal of nine trees. Seconded by Mr. Ivas and approved by a 5-0 vote, Ms. Minihane having abstained.

VIOLATION DISCUSSIONS

Damon Farm

Maureen Triffone, Attorney Jeff Tocchio, and Engineer Jim Burke present for Damon Farm LLC. Also present was consulting engineer John Chessia.

Mr. Burke is generating a plan set to show the site as it currently is. He asked for a chance to work with Mr. Chessia to come up with remediation plan, and suggested the addition of vernal pools and a wet retention basin as possible remediation. He added that many of the slopes were already vegetated, and it would be counterproductive to rip this vegetation out. Ms. Wahl requested that they also address issues with stockpiling and dirty fill.

Mr. Burke requested that lots 12 and 13, outside the 100 foot buffer, be released. Ms. Wahl indicated that the issues on site needed to be resolved first. Mr. Burke will prepare a draft problem statement by the end of week; a solution may take longer. The matter will be put on the May 15 agenda. A continuation to June 5 was anticipated for additional review.

Motion by Mr. Mott to continue the matter to May 15 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

Tiffany Hill – Status Update

Consulting engineer John Chessia advised the Commission that the front end of this site was getting stabilized. There should be no further problems if they can control sediment flow and clean out their storm drains.

He also noted that the road is paved and pipes were connected. It was essential to control any runoff at its source, such as with stump grindings, until the open areas can be seeded. The

builders should be limited as to how many lots they open up at a time, and they should document how they are going to control stormwater when they do get new lots. .

After further discussion, including offsite stockpiling and a sediment control plan, it was decided to release the lots already cleared but not release any wooded lots until the site had been stabilized.

Jim Pavlik, Outback Engineering, and Brian O'Leary, Stonebridge Homes, appeared before the Commission later in the evening. Mr. Pavlik advised they had cleaned up all catch basins, were covering exposed areas with mulch, and using silt socks to try to control the water flow. Mr. O'Leary has been monitoring the site and had observed no issues in recent rainstorms.

Mr. O'Leary added that a ditch in back had been filled in, and a swale will be extended to divert stormwater from an abutter. Some additional areas remain to be mulched, and they will try to plant lawns in exposed areas as fast as they can.

Mr. O'Leary asked about the issuance of further building permits. Mr. McMackin relayed the Commission's earlier decision to release the cleared lots but not the wooded ones. Ms. Minihane added that further lots should only be released if they could be finished by winter. Ms. Wahl will contact the building inspector regarding permitting for the two lots already cleared.

6/7 Curtis Farm

Mr. Chessia will visit the site to investigate a violation reported by Mr. Mott.

AGENT'S REPORT

Interim Agent Search - Update

Ms. Wahl advised that none of the applicants interviewed so far have been interested in a short-term job.

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.

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<i>Next Meeting</i>	<i>May 15, 2018</i>
<i>NEW filing applications due date/deadline</i>	<i>May 1, 2018 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>	<i>May 7, 2018</i>
<i>Revised Information submittal deadline</i>	<i>May 8, 2018 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>	<i>May 8, 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 11:45 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