

NORWELL CONSERVATION COMMISSION

Town Hall, 345 Main Street, Norwell MA

November 17, 2015 @ 7:00 PM - Room 112

Minutes

CALL TO ORDER – 7:00 PM M. Wahl called the meeting to order at 7:00 PM and notified the audience that the meeting was being recorded.

Present: Commissioners - M. Wahl, R. Woodill, D. Osborne, L. Hillstrand, B. Humphrey, R. Mott, S. Minihane and Agent - N. Hemingway

AGENDA ACCEPTANCE

Motion to accept the agenda as written by B. Humphrey, 2- R. Mott, Vote- All (7) in favor, none opposed/abstaining.

Main Street (Rt. 123) / SE52-1085 & NCC# 18(15) / Road Improvements (review of potential wetland impacts from sidewalk/pathwalk, paving and intersection improvements)

NoI/OoC (cont.) Applicant: Paul Foulsham, Hwy. Dept. / Representative: Ziad Kary, Environmental Partners

Present for the applicant were: Paul Foulsham, Ellen Allen and Steve Ivas.

B. Humphrey and D. Osborne recused themselves from the hearing.

N. Hemingway summarized the peer review response as follows:

- Two estimates have been received from the applicant recommended alternative peer reviewers along with statements of professional qualifications and statements of no conflict of interest.
 - Merrill Associates – Josh Bows - \$2,100 – estimated fee
 - McKenzie Engineering – Deb Keller - \$3,000 – estimated fee
- Green Environmental did not reply as of this writing
- Chessia submitted a modified proposal - \$2,400 – not to exceed fee

The Commissioners and Applicants discussed the responses noting that 2 were estimated fees and 1 was a not-to-exceed fee. Key points focused on were:

- The per hour rate; McKenzie \$140/hr, Merrill \$140/hr, Chessia \$115/hr and \$135/hr.
- P. Foulsham noted that in his experience open ended contracts only went up before the project was complete.

Motion to accept Chessia as peer review per the submitted contract by R. Mott.

2 – L. Hillstrand, Vote – All (5) in favor, none opposed/recusing, MW, RW, LH, RM, SM. Motion passes. (The applicant was in favor of Chessia as peer review also)

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COMMISSION BUSINESS
SCHEDULED DISCUSSIONS

Pathways re: proposed Simon Hill pathway application to CPC

- Chris DiIorio was present and outlined a preliminary bike path site plan used to facilitate discussion. Present representing the project were the Pathway Committee.
- Key discussion points were as follows:
 - Trail areas were clarified as existing or proposed.
 - The Commission requested that existing trails be utilized before new trails are proposed to be cut.
 - There are 2 potential path options,
 - One from the top of Simon Hill to the Hatch lots trail and
 - One off the Bowker St Water Dept trail to Grove St.
 - Distance is estimated to be between 1.5 and 2 miles depending on the access locations. Width is variable.
 - Construction is expected to be a combination of crusher run and boardwalk through wetlands.
 - No one from pathway has yet walked or marked the proposed pathway.
 - C. DiIorio will look at parking options.
 - Pathway will be ADA compliant.
 - Water Department has not yet heard or commented on the proposal.
- Commissioner comments:
 - D. Osborne stated that there was no management agreement with the Water Dept. and he recommended that be in place prior to giving consent over the land use to other committees. He said that was not settled yet. R. Mott questioned approving the project request when final control of the land was not yet known.
 - M. Wahl summarized the 2 TM article notes from the Advisory Board stating that no more money would be approved for trails or pathways until a management plan was in place.
 - S. Minihane advocated allocating potential cost and monies based on a prioritization system.
 - B. Humphrey said trails on open space land was the highest and best use of conservation managed land. He noted that no one was asking for an endorsement of the proposal. They were asking for permission to investigate the possibility and funding opportunity. He said the Commission should encourage pathways through conservation land wherever they could.
- Attendee comments:
 - M. Molla commented that the original pathway proposal was to connect the schools and asked why a bike path to Vinal School was not the next focus. She questioned the need to put a path through the pristine Simon Hill area.
 - S. Ivas (Water Commissioner) requested the Commission motion that the priority system called for by both Advisory and CPC at 2015 Annual Town Meeting be in place before any further pathway planning be conducted.
- M. Wahl conducted a poll to show support. In favor: SM, RM, RW, LH. Opposed: DO. Abstaining MW.

Wildcat Subdivision re: site stormwater issues, compliance with the issued OoC and measures being utilized to bring/keep the site in compliance

No information had been submitted. John Chessia as the structural peer review was present. Steve Ivas was present as the monitor for the project developer.

o J. Chessia comments:

- Impacts had occurred to Wildcat Brook, primarily through failures of the controls and basin at the base of Highfield Lane.
- The silt sacks in the catch basins were not being maintained, they needed to be cleaned before each storm.
- Basin G (base of Highfield) needs to be cleaned out. The stone swale is thick with silt. In order to clean it, the stones will need to be removed. The process will damage the basin so it is best to do it once. He added that the more the basin is dug out the more the support layers were mixed and became compact.
- The road had no top coat and in several areas stormwater did not flow into the swales.
- The swale at the base of Highfield was not constructed as deep as it should have been and needs to be reworked to direct water flow off Highfield before it enters Wildcat.
- A berm needs to be constructed to direct water into the catchbasin at the base of Highfield.
- He summarized that the two key items were to be rigorous on control of the exposed soils on individual lots and to maintain the catchbasins and make sure water was getting into them.

o S. Ivas comments:

- The items needing correcting had been included in his reports many had been addressed, others had not. (N. Hemingway stated that there was a four month delay in receiving the required weekly reports. S. Ivas said he needed the developers approval before forwarding them. Complete report submittal will need to be resolved before the next meeting.
- He suggested a site meeting to go over the items that had been completed and to identify what needed to be done.
- He summarized the work that had been completed on repairs, including hydroseeding several lots, increasing mulch sock check dams and lot control, and cleaning catchbasins.
- He agreed that lack of proper maintenance was largely the cause of the failures as the completed systems were working very well.

o Commissioner comments:

- D. Osborne stated that the system had clearly failed. Multiple impacts had occurred to Wildcat Brook. He asked if the maintenance was performed would the system work or was it infrastructure related. He also noted toward the end of the conversation, that once the construction was finished and all the lawns planted and stabilized, it appeared that the impact issues would likely resolve themselves.
- B. Humphrey said corrections had been postponed that had resulted in impacts to resource areas.
- The site is in violation of the issued Order of Conditions and must be remedied to avoid an enforcement order.

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R. Woodill motioned to have Chessia expedite a bullet list of items that must be done to remedy the site problems. The applicant is to act on the checklist and implement the corrections before December 1st meeting. Discussion to be continued to December 1, at 8:00 PM.

2- R. Mott, Discussion – B. Humphrey noted to S. Ivas that the developer/applicant was to show up at the violation discussion continuation.

Vote – All (7) in favor, none opposed/abstaining. Motion passes

Curtis Farm Rd (PKA: Barrell Lane Subdivision) re: site stormwater issues, (ATF) NoI required for site-wide stormwater review due to impacts to down gradient resource areas (310 CMR 10.02(2) (d) and NWB XVIa Section 2a.

S. Minihane recused herself from discussion.

Present for the developer were; Tony Casapulla and Scott Miccile from Toll Brothers. Mark Manganello from LEC to discuss what action needed to be taken to resolve the enforcement order.

- S. Miccile distributed site maps showing the expanded site controls. These controls include additional sediment ponds, a bonded fiber matrix and seed blend, curlex blankets, flock logs at high flow points, 12” mulch sock, earth stop crystals installed at flow points before storms, increased pre and post storm monitoring through D. Keller (McKenzie Eng.) and stump grinding berms. He stated that the last 2 storms had 1” or more of rainfall and the measures had held back all soils in the ponds.
- He noted that Toll Brothers was taking the failures seriously and now had staff on site full time each work day. They were updating the erosion and sedimentation control plan and SWPP and will share that document with the Commission when it is complete.
- M. Wahl asked for the completion time line. T. Casapulla said that each home took about a year to build. Nine lots were contracted and construction started. The time line to completion would be one year after the last lot was sold. (Shute still owns lots 6 & 7).
- D. Osborne and S. Miccile discussed the location of the basins, the partial fill of the temporary basin on lot 4, a home lot. That basin fill has been stopped pending completion of the storm water NoI to accommodate expansion of the basins if needed. D. Osborne noted that each 1” rain storm was filling the basins. He asked what would happen if a multiple inch rain storm occurred. (Basins would top over and site would fail again).
- B. Humphrey and S. Miccile discussed the fertilizer and chemical levels in the bonded matrix product they had sprayed to control soils. They discussed the definition of clean in terms of visually clean of sediments vs clean (free of chemical contamination of groundwater). B. Humphrey said he was very concerned with the residual chemicals from the spray mix and wanted to know if the soils were scheduled to be tested. L. Hillstrand asked for copies of the MSDS sheets for the crystals and the spray fiber and nutrients contained in it.

- M. Manganello introduced himself and said he was present to discuss the erosion and sediment control plan they were developing. He wanted to work with the Commission. He noted it was common practice with DEP to file a response to the EO rather than a Notice of Intent. N. Hemingway noted that both were options. The inability to get the landowners signature for the infrastructure was discussed (Shute still owns the roads and basins). The Commission discussed this and agreed it would be more efficient to allow a response filing to the EO in lieu of the NoI required under the EO contingent on the filing containing all the same components and information as would be required in a NoI filing under stormwater review. It was noted that the stormwater filing would be peer reviewed.

Motion by R. Woodill to allow a filing in response to the Enforcement Order contingent on it being identical to that required for a Notice of Intent filing for compliance with stormwater standards under the State Wetlands Protection Act and local bylaw. Peer Review will be required as part of the review.

2- R. Mott, Vote – All (6) in favor (MW, RW, DO, LH, BH, RM) None opposed/abstaining. SM recused. Motion passes.

The hearing/violation discussion was continued to 12/1/15 at 8:00 PM

Endorsement of Deed for 170 Pleasant Street (Lots 3 & 4) & Bennet/Grove
No new documents submitted.

Motion to continue endorsement request to 12/1/15 at 7:00 PM

2 – R. Mott, Vote – All (7) in favor, none opposed/abstaining.

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SUB-COMMITTEE UPDATES

- Open Space & Recreation
 - M. Wahl reported on status. Membership has been more of a struggle than anticipated.
- Land Protection
- Pathways
- Trail/Signage
- CPC
 - D. Osborne reported that the Kelly's had withdrawn the CPC application for Camp Meadowcroft.
- Farming
- Grants

EXECUTIVE SESSION Discussion of issues or of land offers and land of interest, disclosure of which will impact negotiating position of the Commission and/or Town.

- **Tabled to end of meeting**

MISCELLANEOUS

Bills

1. WB Mason \$10.20 office
2. John Suurhans \$216 Trails
3. Mark Mederos \$243.75 Trails

Motion by R. Mott to pay the bills, 2 – R. Woodill, Vote – All (7) in favor, none opposed/abstaining

Minutes:

10/6/15 regular Motion by R. Mott to approve the minutes as written.

2- R. Woodill, Vote – In favor (4) (MW, LH, RW, RM), Opposed – none, Abstaining (3) (DO, BH, SM)

10/6/15 executive Motion by B. Humphrey to approve the minutes as written.

2- L. Hillstrand, Vote – In favor (5) (MW, LH, BH, RW, RM), Opposed – none, Abstaining (2) (DO, SM)

10/20/15 regular Motion by B. Humphrey to approve the minutes as written.

2- R. Mott, Vote – In favor (5) (MW, DO, BH, RW, RM), Opposed – none, Abstaining (2) (LH, SM)

10/20/15 executive Motion by R. Woodill to approve the minutes as written.

2- R. Mott, Vote – In favor (5) (MW, DO, BH, RW, RM), Opposed – none, Abstaining (2) (LH, SM)

8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

***Legal Documents/Votes

***Minor Amendments, Reviews, CoC's

***Requests for Determination

***Notices of Intent

***Enforcements/ Violations

235 Bowker Street / SE52-xxxx & NCC# 27(15) / Addition

NoI / OoC (cont.) Applicant: Gerry O'Neill / Representative: N/A

- No new issues, still pending DEP File number and review.

Motion by L. Hillstrand to continue to Dec 1, 2015 at 8:00 PM

2- R. Mott, Vote – In favor All (7), none opposed/abstaining

296 Cross Street / NCC# 17(08) Bylaw Only / Pool & Cabana

CoC Applicant: Tim & Andrea Burke / Representative: Mr. Surveying, Inc.

- A site visit was taken on 11/10, the site is constructed as approved. N. Hemingway recommended approval of the CoC with no continuing conditions. The no chemical/no salt conditions for this project were struck through and did not apply from the start.

Motion by R. Mott to issue a CoC for complete compliance no continuing conditions

2- D. Osborne, Vote – In favor All (7), none opposed/abstaining

21 Henry's Lane / SE52-1072 & NCC# 41(14) / Pool & Landscaping

CoC Applicant: Daniel & Heather LaPerle / Representative: Grady Consulting

- Agent reported that a site visit was taken on 11/9. The site is constructed as approved. The work remained on the upland side of the existing fenced in yard. An additional fence was

installed within the yard around the pool to avoid impacts. The conservation bounds were pulled up toward the fence approximately 15 feet upland from where approved and shown.

- Agent recommend a finding of complete compliance with continuing conditions 23, 24, 26, 28 and 29 SC#3

Motion by B. Humphrey to issue a CoC for complete compliance with continuing conditions noted. 2- D. Osborne, Vote – In favor All (7), none opposed/abstaining

145 Main Street / NCC# 28(15) / Fill, Construction of Retaining wall & Stone patio

After-the-Fact RDA / DoA Applicant: Mark O'Neill / Representative: N/A

R. Woodill read the legal ad

Present was M. O'Neill

Agent reported

- This filing was in response to a violation notice and fining. This is the second wetlands violation by the same owner for this lot.
- The previous violation involved clear cutting part of the wetland and the 0 to 50 foot buffer to expand yard use.
- The applicant is continuing to bring in soils and conduct work within the buffer.
- He has expressed an interest in dividing the lot and building a second house, but the majority of the lot is wetlands.
- The project itself is levelling of the back yard by filling/elevating the area behind the home from the 50 foot buffer to the 100 foot buffer. A deck is also proposed and possibly a patio.
- Agent recommended that conservation bounds be required along the 50 foot buffer or existing wood line as a starting point, before any permits are issued and before the violation action is lifted.
- M. O'Neill requested a continuation to the December 1 meeting to prepare a better site plan. He said he had listened in on the previous discussions. As this was the first time he had seen this process he would like the opportunity to bring in a more definitive site plan. (Agent notes second violation hearing, same site, and same owner).
- The Commission asked to have the 50 foot buffer staked in the meantime, they will conduct site visits.

Motion by R. Mott to allow a continuation of the violation hearing to December 1, 2015 @ 8:00 PM 2 – B. Humphrey, Vote – In favor, all (7), none opposed/abstaining.

VIOLATION UPDATES
ENFORCEMENT HEARINGS

AGENTS REPORT

- 711 Main Street is conducting paving of the existing lot. This project should have been reviewed through the LP or RDA process as the existing surface was removed and the lot repaved. Not simply resurfaced. I allowed them to continue to completion as the work was

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already 70+% done and leaving it with exposed soils 40' from the delineated wetland would result in potentially more adverse impact than allowing the project to finish. Commission discretion as to whether to allow an ATF LP or require a post project filing to review the drainage off the back of the lot.

- o The Commission reviewed the site plan, discussed the lot and authorized a Letter Permit for the repaving. A stormwater swale is required to control and dissipate flow down the paved parking area. M. Wahl and D. Osborne to be consulted and approve any future plans.

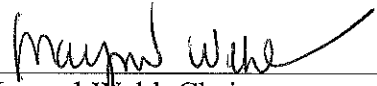
- Please see Agents Notes for a complete list of reported items
- Deb Kruk has resigned as recording clerk.
 - o The Commission discussed the resignation and agreed unanimously to request posting of a job ad rather than electronic meeting recording with voice recognition software.

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

- Please see agents notes for the list of items

Motion to adjourn at 11:00 PM by S. Minihane, 2 – R. Mott, Vote – In favor – all (7), none opposed/abstaining.

I hereby certify that the above minutes were presented and voted by a majority vote by the Norwell Conservation Commission on January 5, 2016.


Marynel Wahl, Chairperson

Next meeting to be held December 1, 2015, in Norwell Town Hall, starting at 7:00 PM.

Minutes prepared by N. Hemingway