

NORWELL CONSERVATION COMMISSION
Town Hall, 345 Main Street, Norwell MA
November 3, 2015 @ 7:00 PM - Room 112
Minutes

CALL TO ORDER – 7:00 PM

M. Wahl called the meeting to order. She told those present that the meeting was being recorded.

Present were Commissioners M. Wahl, D. Osborne, L. Hillstrand, B. Humphrey, R. Woodill, R. Mott and S. Minihane. Agent N. Hemingway. D. Kruk –absent

AGENDA ACCEPTANCE Motion to accept the agenda as written by R. Mott
2 – L. Hillstrand Vote – all (7) in favor

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.

N. Hemingway summarized the status of the hearing: the October 20th meeting was struck due to an opinion from Town Counsel that a legal quorum was not present. The hearing continuation must start at the beginning of the last meeting.

- A list of documents is included at the end of these minutes.
- Summary agent's notes are part of the record and available on request. The notes from the redacted 10/20 meeting were carried forward to this meeting and are attached at the end of these minutes.

Present for the applicant – Ziad Kary and Ryan Paul of EPG, Paul Foulsham, Ellen Allen, Steve Ivas. Additional public was present, a sign-in sheet from the meeting is available on request.

Applicant/Representative comments –

Z. Kary said the Commission received written response today; they were emailed today.

The Commission reviewed the stormwater response submitted by EPG- Ziad Kary on 11/3/15
The Commissioners took several minutes to review the response.

D. Osborne and B. Humphrey recused themselves and joined the audience.

Water with respect to Salt

- M. Wahl questioned whether Peter Dillon's response to the salt issues qualified as peer review for that issue.
- S. Minihane R. Woodill and R. Mott were satisfied with the water/salt response from the Water Commission. They felt the response was appropriate.
- R. Paul (EPG) said that the peer response did not include salt issues.

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- R. Woodill and M. Wahl expressed that just because something is not addressed does not mean it is not a problem. A third party peer review would bring unaddressed issues to the Commissions attention so they could be addressed.

M. Wahl, R. Woodill and N. Hemingway discussed the action needed to rescind or accept that the earlier motions made by R. Woodill had been met.

Attendee Peter Bloomfield said that the highway supervisor said he would not add salt and that he did not treat sidewalks. This was an important comment struck from the 10/20 meeting.

Motion by R. Woodill to accept the water department letter as meeting the standards of peer review for salt.

2 – R. Mott

Disc – clarification that the motion was in relation to the salt issues only.

Vote: in favor (5) M. Wahl, L. Hillstrand, R. Woodill, R. Mott, and S. Minihane.

Opposed - none

Recused D. Osborne and B. Humphrey, Abstained - none

Motion passes

M. Wahl asked if the Commission was ready to close the hearing. N. Hemingway noted there was a second motion outstanding. The Commissioners discussed the past motions made and actions needed. Discussion involved past motions made in September and the wording of each of the 2 separate motions in regard to salt, stormwater, with respect to salt as well as the outstanding question of stormwater alone. S. Minihane and R. Mott felt the Commission still needed to act on the issue of stormwater. N. Hemingway, said the March decision did not approve the stormwater compliance for the sidewalk, only installation while roadwork was being done.

Motion by R. Woodill to accept the water department findings as adequate for the purposes of peer review for stormwater with respect to salt.

2 – S. Minihane

Disc

Vote in favor All (5) M. Wahl, L. Hillstrand, R. Woodill, R. Mott, S. Minihane.

Opposed - none

Recused (D. Osborne and B. Humphrey) Abstained - none

Motion passes - The Commission considered both previous motions (September 1) closed.

Abutter comments-

- Bruce Humphrey and David Osborne – both cautioned it was a dangerous precedent to accept Water Department review on stormwater. The extent of new paving (over an acre and a half) from an entity that has impacted ground water more than any other entity, should be thought about carefully before waving peer review. The Commission has asked other entities for peer review for much smaller projects.
- Ellen Allen asked Paul Foulsham how many times peer review has been done for engineering of other town projects. Paul replied none, this is the first.
- B. Humphrey reminded the Conservation Commission they had a responsibility to protect water quality and wetlands and enforce state water resource law and the Norwell bylaw.
- Steve Ivas noted the State DPW was the biggest salt polluter in town.

- Marie Molla advocated peer review.
- Ellen Allen said that the salt concerns expressed by B. Humphrey were an important issue, and the salt study committee was a good place to address that concern.

Stormwater Report and WPA Stormwater Standards

- S. Minihane said the system was oversized due to the conservative approach by the applicant. She asked if the Commission was comfortable that it is sized appropriately and that it will function correctly. She asked what standards the proponents were meeting and which they were not. No response from applicant.
- M. Wahl asked if the Commission wanted a peer review of the wetlands areas, including those that were not originally shown.(the response was that the NCC did not)
- N. Hemingway clarified that S. Minihane was discussing 2 different issues, one is salt the other is stormwater.
- R. Woodill, Ryan Paul and Ziad Kary discussed the stormwater basins and what they were sized for. Ziad Kary said the standards were not listed, but that they were mentioned in the report. He discussed the criteria that the basins were sized for new construction. The stormwater standards were not addressed.
- R. Mott and S. Minihane noted peer review was appropriate and needed for a project of this scope.
- Additional discussion ensued regarding the town as applicant and the requirement for peer review, but did not contribute new issues or involve the details of the application.
- The Commission and proponents discussed the many precedents of peer review within the town and the fact that all applicants are treated equally.

M. Wahl called for a poll of Commission opinions

S. Minihane said she was not concerned with prior precedents. She was not comfortable enough with this proposal. She said she thought review was warranted typically in this type of project and she would ask for peer review regardless of who the applicant.

R. Mott said he agreed w/ Stacy.

R. Woodill said he did not want stormwater peer review.

L. Hillstrand said it is better to err on the side of caution, better be safe than sorry.

Motion to have peer review for stormwater by R. Mott. 2- S. Minihane
 Discussion – The Commission is not looking for a hefty stormwater review. It should be a simple review that the system is designed correctly. Some standards will not be met completely only to the extent practicable, but the system needs to function as intended. That the assumptions are correct.

R. Mott modified the motion.

Vote – In favor – S. Minihane, R. Mott, and L. Hillstrand

Opposed – M. Wahl and R. Woodill

Recused – D. Osborne and B. Humphrey, Abstaining, None.

Motion passes.

E. Allen, M. Wahl, N. Hemingway discussed quorum present, majority of the quorum etc. The time line of the peer review, the method of ensuring peer review compensation, was discussed.

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The Commission offered the applicant the option of accepting Chessia as the peer review or the option to submit three alternate peer reviewers. The commission will review and select one. The applicant discussed the options and will submit the names of three alternate peer reviewers. Paul will let N. Hemingway know who the alternate choices out.

Abuttoner – Sara Summers said she was concerned about the safety of walkers.
R. Mott said he was concerned about safety too but also had a job to do.

P. Bloomfield asked if there were any other issues. The stormwater issue is the only outstanding issue.

Motion to continue to November 17th at 7:00 PM by S. Minihane
2- R. Mott, vote – all (5) in favor, none opposed, 2 recused (D.O., B.H.) none abstaining.

COMMISSION BUSINESS

Chittenden Landing -

N. Hemingway summarized the 6 requests for proposals. Three responses were received, one, from Harbor Mooring, which gave the original estimate which the grant was based on. Two others as noted in the estimate summary sheet attached to the final contract replied that they would not be submitting proposals.

Motion- by B. Humphrey to accept Harbor Mooring (as the contractor) to do the project for the estimate plus 15% contingency.

Discussion- R. Woodill asked why not just make a motion to accept the proposal and not to exceed \$20,000

Second- L. Hillstrand

Vote- In Favor – (5) M. Wahl, D. Osborne, L. Hillstrand, B. Humphrey and R. Mott.
Opposed – (1) R. Woodill, Abstaining (1) S. Minihane – Motion passes

Endorsement of Deed for 170 Pleasant Street (Lots 3 & 4) & Bennet/Grove –

There was no new information submitted for either deed. The Commission unanimously agreed to table the discussion to November 17th.

Jacobs Boardwalk

N. Hemingway summarized the 6 requests for proposals. (sent to the same contractors as for Chittenden) Three responses were received, one, from Harbor Mooring, which gave the original estimate which the grant was based on. Two others as noted in the estimate summary sheet attached to the final contract replied that they would not be submitting proposals

Motion- by L. Hillstrand to accept Harbor Mooring (as the contractor) to do the project for the estimate plus 10% contingency. **Second-** D. Osborne

Vote- In Favor – (7) M. Wahl, D. Osborne, L. Hillstrand, B. Humphrey, R. Woodill, R. Mott and S. Minihane – None opposed, none abstaining - Motion passes.

Discussion and review of FEMAs Risk MAP for Norwell

The Commission reviewed the 2015 FEMA documented flood hazard Map revision for response to FEMA on accuracy. Main points included the designated flood risk areas and the impact to residents and landowners. The inconsistency in designated areas and the designation of others listed with no known flood hazard level making it difficult if not impossible for landowners to prove they are not at risk of flooding.

A copy of the letter is to be emailed to S. Minihane. Copies of the submittal are to be forwarded to DPW and the Water Dept. N. Hemingway is to send an inquiry to FEMA asking how they are mapping. What is the standard methodology?

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SUB-COMMITTEE UPDATES

Open Space & Recreation –

OSRIC activities Summarized by Marynel

Land Protection

The Commission discussed land on Grove St. R. Mott recused himself from the discussion. No decisions made or actions taken.

Pathways

The Commission discussed the Simon Hill pathway proposed by the Pathway Committee. C. DiIorio is expected to attend the November 17th meeting to outline the project proposal being submitted to CPC.

Trail/Signage

R. Woodill said he is working on the sign boards for the entrances to the trail areas. Smitty at Tree and Grounds is working on phase I of the Jacobs Area parking expansion. The entry will be paved next spring.

CPC

D. Osborne summarized that CPC had 11 new applications. He questioned the wording of the last sentence for the Donovan parking application. That was corrected and resubmitted to CPC.

Farming

Farm field use forms were discussed and will be put on the agenda for the upcoming meetings. Farm field reviews will occur in December. Field proposals are due the beginning of December.

Grants – 3 new grants available –No Action Taken.

DCR Trail Grant (3 info sessions in Nov),

MFW Habitat Grant and

MET Water Resource Protection/Restoration Grant (Jacobs – dredge feasibility?)

Zoning Bylaw

B. Humphrey said the Zoning Bylaw Committee was actively working on several articles. Three were relevant to the Commission responsibilities.

1. A change to the restrictions on SFH lots requiring 100' of frontage and 100' back. The consideration is to reduce the required frontage if a certain amount of acreage is present. The goal is to allow options other than 40bs for lots that do not meet frontage requirements but have significant acreage.
2. OSRD was being looked at as there is significant dissatisfaction that the number of homes built (and disturbance) exceeded that which would have occurred under traditional subdivision. Possible restrictions on lot coverage are being considered.
3. A house to yard ratio is being considered.

MISCELLANEOUS

Bills

1. ECR Brad Holmes - \$855.00 - 935 Main Peer Review & VP's
2. WB Mason - \$36.20 misc. office supplies
3. Larry and Sons - \$13,200.00 Donovan Roof Repair
4. Trail Workers - John Suurhans - \$162, Dave Merrifield \$202.50, Mark Mederos \$621.83 (trail work, training course and mileage for class), Ed Cox \$(trail work, and training course) \$375.75

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

Minutes

9-1-15 regular M to approve as amended by D. Osborne 2 – R. Woodill
Vote – All (7) in favor, none opposed/abstaining

9-1-15 executive M to approve as amended by D. Osborne 2 – R. Mott
Vote – All (7) in favor, none opposed/abstaining

9-15-15 regular M to approve as amended by R. Mott 2 – B. Humphrey
Vote – 5 in favor, none opposed, S. Minihane and L. Hillstrand abstaining

9-15-15 executive M to approve as amended by D. Osborne 2 – R. Mott
Vote – 5 in favor, none opposed, S. Minihane and L. Hillstrand abstaining

PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

- ***Legal Documents/Votes
- ***Minor Amendments, Reviews, CoC's
- ***Requests for Determination
- ***Notices of Intent
- ***Enforcements/ Violations

387 River Street / SE52-1039 & NCC#27(13) / Install Fence & Grading

CoC Applicant: Stephen & Susana Griffin / Representative: N/A

- Refer to agents notes
- Motion to continue by R. Woodill, 2- L. Hillstrand
Vote – All (7) in favor, none opposed/abstaining. Motion passes

18 Douglas Ave / SE52-1070 & NCC#39(14) / Construct a three car garage

CoC Applicant: Jerry Griffiths / Representative: N/A

- Refer to agents notes, N. Hemingway summarized the site in relation to the permitted project.
- Motion to approve the CoC as complete with continuing conditions noted in the decision by B. Humphrey, 2- L. Hillstrand
Vote – All (7) in favor, none opposed/abstaining. Motion passes

159 Forest Street / NCC# 26(15) / Septic Replacement

RDA / DoA Applicant: Paul Mikus / Representative: Greg Morse, Morse Engineering

- R. Woodill read the legal ad
- Jeff Hassett present for the applicant reviewed the site plan as shown.
- Approval of the project but not the delineation was being requested.
- N. Hemingway summarized her review (as noted in the agents notes attached) there are significant resources on site and adjacent to the site. Several wetland resource areas were not shown on the plan including wetlands to the south of the home, a perennial stream that may or may not be within 200 feet. She noted that the delineation was conducted during the driest part of the year and could not be verified in some areas.
- Recommendations were made that a delineation peer review was not recommended as there were only 2 locations on the lot furthest from shown and identified resource areas, one as shown and the second in front of the home which is not practicable due to water line locations.
- Rebuilding in the existing location is not viable due to ground water levels.
- The Commission discussed these factors as well as the advance presby type system proposed to be installed.
- S. Minihaue asked who conducted the delineation – ECR. She discussed the delineation time and verified that the system was more than 50 feet from the nearest point of wetland – A portion of the construction zone is within the 50 foot buffer. The system will be adjusted slightly.
- Abutters/Residents - None
- Requests for additional info / Outstanding questions - None
- Determinations Made/Findings - The system replacement is approved, the delineation is rejected as incomplete and not verified.
- Resource Areas – Not approved, incomplete, time of year concern.
- Statement of Reason – The system replacement was approved as the location was the most practicable on site and furthest from all known and identified wetland resource areas. The replacement will contribute to long term improvement to ground water quality. The construction phase is not likely to have an adverse impact on adjacent resource areas as presented.

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Conditions – see final Determination of Applicability for conditions imposed.

M – by R. Woodill to approve the septic replacement Determination of Applicability with Positive 2B- delineation not approved, Positive 5 – subject to local jurisdiction, Negative 3 – within buffer zone but will not have an adverse impact on nearby resource areas.

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

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

NoI / OoC Applicant: Gerry O'Neill / Representative: N/A

R. Woodill read the legal ad. DEP had not yet submitted a file number or comments.

Present was G. O'Neill – he summarized his project request to complete the addition that had been previously permitted. The permit ran out and he had not filed for an extension. The state deadline for filing had passed. He was requesting a permit to complete the addition as previously permitted.

Issues discussed –

- Remove the black silt fence and replace with mulch sock.
- G. O'Neill will be the contractor for the project and will be operating the machinery. He will be excavating for the foundation. A secondary dewatering area was discussed and will be required in the conditions.
- The closest point of project is 53 feet from wetland within existing lawn/yard.

N. Hemingway summarized (also see agents notes)

- The Commission approved a project for a single family home addition within the buffer zone in 2008. The project expired a year ago. The landowner is ineligible for an extension under the WPA.
- The BVW shown includes a stream/bank in close proximity to the cart path shown. The edge of BVW is also bank to the stream for much of the length of the delineation.
- New DEP number not yet received.

D. Osborne asked the applicant to show the 50 foot buffer more clearly on the site plan.

B. Humphrey asked if the number of bedrooms is expanding. No, same as 2008.

Abutters/Residents - none

Requests for additional info / outstanding questions – DEP number and comments needed before the Commission can finalize the review and close the hearing.

Resource Areas – N. Hemingway described the resources on site. BVW – slight shifting of BVW in the field that would not likely alter the decision making. Stream present (not shown), Bank present (not shown)

Conditions – black silt fence to be removed, mulch sock replaced.

M by B. Humphrey to continue to Nov 17th at 8:00 PM pending DEP number and comments.
2 – R. Mott. Vote in favor – All (7) none opposing/abstaining, motion passes.

VIOLATION UPDATES:

Curtis Farm Road – Norwell Estates

Present was Tony Casapulla of Toll Brothers.
S. Minihane recused herself.

The Commission discussed the enforcement order, the loss of control of soils on site and the actions that needed to occur moving forward. The following issues were focused on.

- No work was allowed in the buffer zone, tactic used by original developer to avoid WPA and stormwater review.
- N. Hemingway summarized - Extent of exposure of soils has been a long standing problem. Despite many warnings to the developers, minimal controls were used on site for the close to 20 acres of clear cut development area. Failure to control the soils on site resulted in visible and extensive sediment impacts to a stream system, pond and vernal pool. The pond and vernal pool were more than 800 feet downgradient from the project site.
- T. Casapulla outlined the measures that were being implemented and said he would be prepared to present additional information and needed additional time.
- Site controls being implemented include additional temporary infiltration and detention basins, replaced culvert filters, swales, check dams, 18" heavy mulch sock, and hydroseeding the most unstable areas.
- D. Osborne and B. Humphrey discussed w/ Mr. Casapulla the amount of devastation with no controls, the resources that could have been implemented but were not, the loss of control and impact to resource areas.
- A full Notice of Intent (after-the-fact) must be filed addressing and meeting the DEP stormwater management standards per the issued Enforcement Order.

Wildcat Subdivision

N. Hemingway reviewed the status of the violation action. Several control measures including hydroseeding exposed soils, check dams, and increased use of mulch sock have been implemented throughout the site. A review of the permitted and required stormwater systems on site by the project proponents is scheduled for the Nov 17th meeting.

145 Main Street

An after the fact RDA has been submitted for the 11/17 meeting

111 Pond Street

A proposal to reconfigure the rain gardens will be submitted for the spring. The existing parking lot and berms will be surfaced and repaired this fall to prevent runoff from the parking lot from eroding further while the parking lot redesign is pending.

ENFORCEMENT HEARINGS

None

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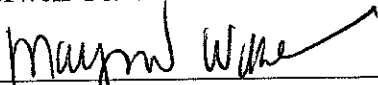
- DEP has decided not to schedule a site visit for the Damon Farm amendment. Dan Gilmore had requested that the Commission put any comments they want DEP to consider in writing regarding the amendment under the WPA OoC 52-802
 - N. Hemingway is to draft a response statement and submit it to M. Wahl and R. Woodill for review and submittal to DEP.
- See agent's notes for a detailed list of included items.

SCIENCE AND REGULATION IN THE NEWS EDUCATION AND TRAINING OPPORTUNITIES

See Agents notes for details in the report.

Motion to adjourn by D. Osborne at 9:27, 2- R. Mott, Vote – all (7) in favor, none opposed/abstaining. Motion passes. The next hearing is scheduled for November 17th at 7:00 PM in RM 112 of Norwell Town Hall, 345 Main Street.

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

Agent's notes from 10/20 carried to 11/3

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.

- Please refer to previous agents notes,
- The two outstanding items for review include the Water Commission's statement regarding salt impacts and peer review comments.
- The Board of Selectmen – as the applicant, has reviewed the request for funds and has requested the Commission review the scope with EPG (the design firm for the project). They are concerned that stormwater review is unnecessary and that the requirement may have been based on pressure from the abutters group rather than from need for stormwater peer review. (Paul as the representative had already agreed to the review and was in process of obtaining the signatures required by Donna in accounting).
 - The applicant has been made aware of the request and is prepared to go over the scope of review requested should the Commission wish.
 - The quorum motion from the Commission is not affected by this request. That motion and decision to require peer review still stand.
 - The Commission would need to motion to reconsider, then motion to require or revoke. No action means the existing vote to require peer review stands.
 - The Board of Selectmen as applicant can agree to fund the request or can refuse.
 - The Commission would then decide whether the information submitted is sufficient to make an informed decision, and issue a decision accordingly.
- Past Commission requirements.
 - The Commission has required stormwater peer review for the High School Field (2013/2014) project due to the size of the impacts in close proximity to several wetlands.
 - Peer review oversight was required for the Highway replication/mitigation project (2011/2012).
 - Chessia for the loss of wetlands caused by failure to follow the crossing requirements.
 - Construction oversight was required by Planning, so ConCom did not require a duplication of that effort.
 - And Replication/mitigation peer oversight was required for the excavation/wetland creation and plantings phase.
 - While there have been other town projects where stormwater peer review was required, these were primarily located within existing roadways and were presented

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as projects to improve drainage conditions within existing roadways to the greatest extent possible.

- Atty Galvin has pointed out repeatedly, that each new project is reviewed on its own merits. Commission's change, the stormwater regulations have changed, significantly. A commission is obligated to review the project under current regulations, and on the merits and details of the current filing. While the significance of precedent setting decisions are important; whether or not to require peer review for stormwater is recommended to be based on the potential to adversely impact nearby resources. Decisions are recommended to be made based on whether or not the Commission feels the information presented shows that there is no chance for adverse impact.
- Summary of Project impacts
 - The applicant is proposing 11,236 sq ft of pavement in the buffer zone.
 - 836 sq ft of pavement in Bordering Land Subject to Flooding,
 - 25,250 sq ft of Riverfront Resource Alteration
 - Portions of the project are within Estimated and Priority Habitat.
 - The entire project, 61,600 sq ft of pavement is subject to review and approval for compliance with DEP stormwater standards.
- The Commission asked for peer review of 2 separate issues.
 - Stormwater impacts.
 - Review of discussion points leading to the Commission's decision to require stormwater peer review, include the failure to quantify redevelopment vs new development in the design calculations. The entire project is predicated on new construction. While not often considered, stormwater systems can be oversized and fail to function as intended.
 - The stormwater structures were permitted (and are installed) within existing paved roadway under an earlier filing. The stormwater structures were designed to include the future sidewalk filing. The applicant was cautioned that the design would be reviewed for compliance with State stormwater standards during the NoI for the sidewalk.
 - As noted in earlier agent's notes, I believe the design is conservative. I do not believe this project will have a significant impact on existing drainage and infiltration systems or in recharge to groundwater.
 - Additionally, while the applicant filed the NoI and stormwater design based on new construction (and that is what you must review) the regulations require that the standards apply to the maximum extent practicable for bike paths or pathways for pedestrian use and non-motorized vehicle access. .
 - I also, despite the above, believe that the Commission had a justifiable reason to require peer review of the stormwater. While I did not agree, it was based on sound reasoning. If you as a group are not certain that wetland resources will be protected, regardless of statements and recommendations, then the Commission has an obligation to ensure there will be no adverse impact to adjacent nearby resource areas. Peer review of engineered details is a right protected under state law and is at the discretion of the Commission alone to request.

- It also does not hurt to review the reasons for making a decision and ensure that the decision was impartial and that subsequent information has addressed major concerns.
- Salt impacts.
 - The Water Commission submitted comments through Peter Dillon as follows,
 - I have discussed this issue with the Highway Department and based on the fact that there will be no change in salt use and that much of the changes in the stormwater system will recharge groundwater through infiltration (A method of stormwater control being encouraged by both DEP and EPA.) along with the stormwater from the proposed new sidewalks. The overall net change in impervious surface will have a minimal effect on salt concentrations discharged to the ground or sensitive receptors. Over the full extent of the four watersheds (Third Herring, Arron River Second Herring and North River) Main Street passes through the change in this impervious surface should be even more minimal. The long term effects will be the same. Of course the Water Department is always in favor of using less salt on our roadways, as long as it does not impact public safety.
 - Chessia's quote for stormwater review related to salt impacts includes the following statement
 - I note that the issue of salt impacts is outside of my level of expertise. I will advise the Commission to the extent of my knowledge; however, salt impacts are likely the purview of a chemist, or bio-chemist.
 - A copy of the motion has been requested by Mr. Mauch. My records conflict with the statement in the draft minutes. I have asked for an audio review from Deb Kruk. She is on vacation through the 26th, so I will not have audio confirmation until after then. This is the language in the draft minutes.
 - Motion: Bill Woodill moved to have a peer review concerning the stormwater implications of this project, with respect to the salt content.
 - Second: Ron Mott
 - In Favor: Ron Mott, Stacy Minihane, Bob Woodill and Lori Hillstrand. No opposed, David Osborne and Bruce Humphrey recused.
 - Motion: Bill Woodill moved that we ask the water department for a comment letter on all concerns, unless attendance is possible.
 - Second: Ron Mott
 - In Favor: Ron Mott, Stacy Minihane, Bob Woodill and Lori Hillstrand No opposed, David Osborne and Bruce Humphrey recused.
 - Commission discretion on how to proceed.

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PROJECT FILE LISTS AND AGENTS NOTES ARE ATTACHED TO THE FINAL MINUTES.

Prepared by N. Hemingway

NORWELL CONSERVATION COMMISSION
Town Hall, 345 Main Street, Norwell MA
November 3, 2015 @ 7:00 PM - Room 112
Agents Notes

7:00PM: CALL TO ORDER
AGENDA ACCEPTANCE

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

- No new information has been received
- The list of stormwater related concerns read at the last meeting has been relayed to the applicant. Copies will be in your packets and are attached to the email containing these notes.
- Written comments were received at 4:30, emailed around 3:00 but I was out of the office at that point. I have not had time to read through them. Copies will be in your packets.

COMMISSION BUSINESS

- Chittenden Landing -
 - 6 requests for estimates sent out, 2 refusals rcvd.
- Endorsement of Deed for 170 Pleasant Street (Lots 3 & 4) & Bennet/Grove -
 - nothing new at this point
- Jacobs Boardwalk
 - 6 requests for estimates sent out, 2 refusals rcvd.
- Discussion and review of FEMAs Risk MAP for Norwell
 - Review of FEMA documented flood hazards for response to FEMA on accuracy.

SUB-COMMITTEE UPDATES

- Open Space & Recreation
- Land Protection
- Pathways
- Trail/Signage
- CPC
- Farming
- Grants - 3 new grants available -
 - DCR Trail Grant (3 info sessions in Nov),
 - MFW Habitat Grant and
 - MET Water Resource Protection/Restoration Grant(Jacobs - dredge feasibility?)
- Zoning Bylaw

MISCELLANEOUS

1. Bills
 1. ECR Brad Holmes - \$855.00 - 935 Main Peer Review & VP's
 2. WB Mason - \$36.20 misc office supplies
 3. Larry and Sons - \$13,200.00 Donovan Roof Repair
 4. Trail Workers - John Suurhans - \$162, Dave Merrifield \$202.50, Mark Mederos \$621.83 (trail work, training course and mileage for class), Ed Cox \$(trail work, and training course) \$375.75

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6. Nancy H – Travel reimburse???
2. Minutes (9/1/15) (9/15/15 – re-review)

8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

- ***Legal Documents/Votes
- ***Minor Amendments, Reviews, CoC's
- ***Requests for Determination
- ***Notices of Intent
- ***Enforcements/ Violations

387 River Street / SE52-1039 & NCC#27(13) / Install Fence & Grading

CoC Applicant: Stephen & Susana Griffin / Representative: N/A

- Working with the applicant, required plantings were never made, fence is located 15-20 feet closer to the wetland than permitted in part.
- Corrective work on the planting, adding conservation bounds is to be done.
- Commission discretion whether or not the fence can remain where it was constructed.
- Request for continuation to June 2016 for completion and follow up.

18 Douglas Ave / SE52-1070 & NCC#39(14) / Construct a three car garage

CoC Applicant: Jerry Griffiths / Representative: N/A

- 3 car garage constructed in existing hard pack gravel drive.
- No issues, built exactly where it was requested. I recommend approval of the CoC in full compliance with conditions, 22, 23 carried in perpetuity

159 Forest Street / NCC# 26(15) / Septic Replacement

RDA / DoA Applicant: Paul Mikus / Representative: Greg Morse, Morse Engineering

- The current septic system predates information on file with the Board of Health.
- The resources on site include significant wetland systems surrounding the home on south, east and west. An intermittent stream/and bank lie to the east of the home within the shown wetland. The wetland delineation is not confirmed and was conducted during the driest part of the year. The wetlands to the south behind the home, are not shown on the site plan. A perennial stream runs to the west of the property and is also not shown but is likely outside the 200 foot buffer to the septic site.
- There were 2 perc locations conducted, the one closest to Forest St is within the protective 100 foot buffer to the residents drinking water well and therfor not viable. The only other available location is that shown wedged between a 50 foot buffer to an inverified BVW line and the 100 foot buffer to a BVW associated with a perennial stream.
- I would recommend that the distance to the un-shown wetland connection to the south of the home be identified. The repair may be within the buffer to that. I also do not know if this would alter the decision however, as there is no less impacting place to put the system other than in the same location as the system being abandoned.
- I have an inquiry out to Morse engineering regarding this location and why it was not considered? I suspect it may be depth to seasonally high GW.

- The system itself is one of the presby designs that allows for advanced treatment and is approved for use with reduced elevation above groundwater 2 ft vs 4 ft.
- The construction zone is not discussed in the application, request for information regarding construction zone will also be presented at the hearing.
- The Title 5 system must be replaced. Recommendations for conditions at the hearing depending on the presentation regarding construction access/zone and the proximity of the wetland to the south.

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

NoI / OoC Applicant: Gerry O'Neill / Representative: N/A

- The Commission approved a project for a single family home addition within the buffer zone in 2008. The project expired a year ago. The landowner is ineligible for an extension under the WPA.
- The refile is for completion of the already approved project. Same location, same extent.
- The BVW shown includes a stream/bank in close proximity to the cart path shown. The edge of BVW is also bank to the stream for much of the length of the delineation.
- The work is within existing lawn.
- Commission discretion,
- New DEP number not yet received.

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VIOLATION DISCUSSIONS UPDATES:

Curtis Farm Road – Norwell Estates

- The project proponents have stabilized the entire site soil base with a high performance binder coat with seed. There were no issues after the last storm Wed/Thurs.
- A NoI for stormwater is being developed.

Wildcat Subdivision

- A review of the permitted stormwater systems on site is scheduled for Nov 17th

145 Main Street

- An after the fact RDA has been submitted for the 11/17 meeting

111 Pond Street

- A proposal to reconfigure the rain gardens will be submitted for the spring. The existing parking lot and berms will be surfaced and repaired this fall to prevent runoff from the parking lot from eroding further while the parking lot redesign is pending.

ENFORCEMENT HEARINGS

AGENTS REPORT

- DEP has decided not to schedule a site visit for the Damon Farm amendment. Dan Gilmore had requested that the Commission put any comments they want DEP to consider in writing regarding the amendment under the WPA OoC 52-802
- Advisory Board Liaison is Ralph Gordon --

- Tiffany Hill Infrastructure is ongoing with oversight from Chessia. Please let me know if you would like copies of the reports
- DEP enforcement received a complaint about Bulman Marina power washing boats without a collection system. I met w Mike Bulman on site, reviewed the system and sent a report to DEP. Please let me know if you would like a copy.
- MSMCP would like all Commission's to send comment letters to DEP re Executive Order 562. Does the Commission have any interest? There are several example comment/response letters circulating. If not, would you have any objection to my sending comment letters supporting MSMCP initiatives?
- We have been getting many calls for information on lands that do not contain actively used trails by the general public. I am passing out copies of last years map. Please let me know if you would like Hunting to go on an upcoming agenda for discussion. Otherwise I will continue as we have been.
- Historic New England's annual report is in your packets.
- Queen Anne's Lane 13 and 15 – 2 years have passed with monitoring by ECR. A final report is due within the month. The landowner is asking for the restoration to be signed off on so they can close the enforcement order against the properties. Please let me know if you wish to be present for the final site walk. Copies of the final report will be forwarded to you.

SCIENCE AND REGULATION IN THE NEWS

- October 7, 2015 M-16-01 from the Federal Office of Management and Budget, Council on Environmental Quality and Office of Science and Technology. Directs all Federal Agencies to promote consideration of EcoSystem services (i.e. the full range of benefits that is Natures contribution) into Federal Planning and Decision making.
- Did you know! Forsythia is native to China and South Eastern Europe – widely used in New England Gardens, there is nothing native about it. Grow Native Massachusetts recommends considering native shrubs (in place of non-native lilacs and forsythia), such as red and black chokeberry (Aronia Arbutifolia and Aronia Melanocarpa). Chokeberry has all season interest in it's foliage, flowers and berries.
- A new coastal stabilization project is underway at White Cliffs in Plymouth. The coastal bank project is incorporating use of absorbant geo-synthetic containers that allow wave energy to run up the face of the cliff and be dissipated without the typical damage to the cliff. The containers are resistant to wave and debris damage and are coated with a sand veneer that encourages and promotes beach grass growth.

EDUCATION AND TRAINING OPPORTUNITIES

- NSRWA 45th annual meeting – November 6th South Shore Science Center 7:00 PM
- At the request of Human Resources, the trail workers who use chainsaws and the blade equipment attended a MIIA safety course in Falmouth. It went well and they all came back reporting that they gained good information. We are working of following up by improving the safety of the blade machine we use as well as a few other adaptive ideas.
- 2015 Sustainable Trails Conference with Trails Grant information session – Nov 14 Leominster

And other such matters that may be pending before the Commission

The Commission reserves the right to discuss matters other than scheduled public hearings in an order other than as posted. The Board further reserves the right to discuss matters which could not reasonably be anticipated at the time of the posting of this meeting notice.

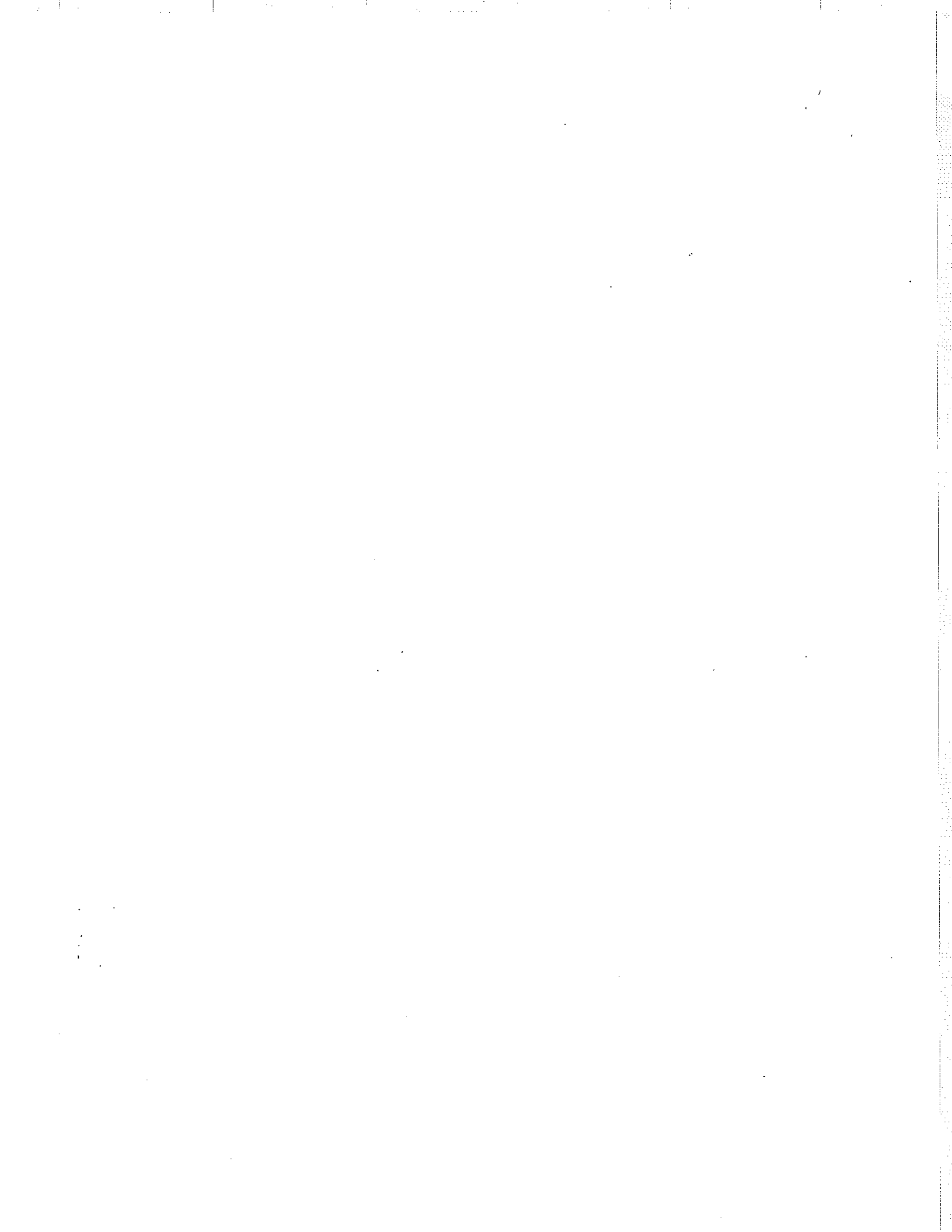
Please be advised that Conservation meetings are audio recorded for the purpose of creating meeting minutes. (Should this meeting be canceled due to unforeseen circumstances, the entire agenda will be heard at the next Commission meeting).

<i>Next Meeting</i>	<i>November 17, @ 7:00 PM</i>
<i>NEW filing applications due date/deadline</i>	<i>November 3, 2015 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>	<i>November 9, 2015</i>
<i>Revised Information submittal deadline</i>	<i>November 10, 2015 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>	<i>November 12, 2015 @ noon</i>
<i>Public Information Written Comments</i>	<i>No deadline</i>

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Main Street (South St. to Center) / Town of Norwell, Hwy. Dept.
 DEP# SE52-1085 / NCC# 18(15)
 NoI / Road Improvements
 Documents/Plans Listing

DOCUMENTS / PLANS	Author	Signed Date	Date Received by Office	Notes
Documents:				
Memorandum from Environmental Partners	Ziad Kary	4/28/15	N/A	
Div. of Fisheries & Wildlife (Natural Heritage) Letter to: Paul Foulsham	Thomas French	7/2/15	7/21/15	
Notice of Intent (Binder) including all applicable documents	Ziad Kary	7/21/15	7/21/15	
Abutter Listing / Certified Mailings / Green Cards	Env. Partners	N/A	7/30/15	
Div. of Fisheries & Wildlife (Natural Heritage) Letter to: Paul Foulsham	Thomas French	7/2/15	7/21/15	
Env. Letter Report / Main Street Drainage Improvements	Steve Ivas, Ivas Environmental	8/6/14	7/21/15	
Legal Ad Notification for Patriot Ledger	M. Schmid	7/23/15	In Paper: 7/27/15	
DEP Notification of File #	Greg DeCesare	7/30/15	7/30/15	
Public Hearing Sign-in Sheet (8/4/15 Meeting)	N/A	8/4/15	N/A	
NoI Additional Info. Letter from Env. Partners	Ziad Kary	8/11/15	8/11/15	
Div. of Fisheries & Wildlife (Natural Heritage) Letter to: Paul Foulsham	Thomas French	8/26/15	N/A	
Public Hearing Sign-in Sheet (9/1/15 Meeting)	N/A	9/1/15	N/A	
Letter to John Chessia, Chessia Consulting re: quote request	N. Hemingway, Agent	9/2/15	N/A	
Letter to N. Hemingway (Agent) from Chessia Consulting	John Chessia	9/8/15	9/8/15	
Letter to Dept. Heads re: Info. Requests from Plaintiff of Main St. Pathwalks litigation	Peter Morin, Town Admin.	9/16/15	9/16/15	
Letter to N. Hemingway (Agent) from Chessia Consulting	John Chessia	9/28/15	9/28/15	
Request for Continuation to 10/20/15 Meeting (Email)	Ziad Kary, EPG			
Public Hearing Sign-in Sheet 10/20	Internal	10/20/15	N/A	

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Memo to Ellen Allen re: Stormwater points triggering NCC request for peer review	N. Hemingway, Agent	10/21/15		
Memo to Ziad Kary (EPG) re: list of project concerns to be addresssed	N. Hemingway, Agent	10/26/15		
Response Letter to ConCom addressing concerns	Z. Kary, EPG	11/2/15		
Stormwater response	EPG	11/3/15		
Public Hearing Sign-in Sheet	Internal	11/3/15		
<u>Emails:</u>				
Misc. Email Correspondence	Various	8/19/15-11/3/15		
<u>Plans:</u>				
Plan Set C-1 thru C-5	Env. Partners	July 2015	7/21/15	
Plan Set 1 thru 6 (incl. Detail Sheet)	Env. Partners	July 2015	8/4/15	
Plan Set G-0 thru C-8 (Sidewalks & Pavement)	Env. Partners	June 2015	7/21/15	
GIS Maps (Pg. 1-7)	N. Hemingway, Agent	Undated	N/A	

387 River Street / Stephen & Susana Griffin.
 DEP# SE52-1039 / NCC# 27(13)
 Request for CoC / Deck, Fence & Grading
 Documents/Plans Listing

DOCUMENTS / PLANS	Author	Date Signed	Date Received by Office	Notes
<u>Documents:</u>				
Order of Conditions (DEP & Bylaw) SE52-1039	NCC	10/16/13	N/A	
Request for Cert. of Compliance Form	Griffin	N/A	10/19/15	
<u>Plans:</u>				
#387 River Street / Norwell, MA	Kevin Grady, Grady Consulting	3/12/13	3/19/13	

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18 Douglas Avenue / Jerry Griffiths
 DEP# SE52-1070 / NCC# 39(14)
 Request for CoC / Raze & Rebuild Garage
 Documents/Plans Listing

DOCUMENTS / PLANS	Author	Date Signed	Date Received by Office	Notes
Documents:				
Order of Conditions (DEP & Bylaw) SE52-1070	NCC	10/14/14	N/A	
Request for Cert. of Compliance Form	Griffiths	N/A	10/29/15	
Photos provided by Applicant/Homeowner & Agent	Appl. & Agent	N/A	Various	
Plans:				
Proposed Site Redevelopment / 18 Douglas Ave / Norwell, MA 02061	Michael Joyce, Cavanaro Consulting	5/29/09	10/29/15	

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159 Forest Street / Paul Mikus
 NCC# 26(15)
 RDA / Septic Replacement
 Documents/Plans Listing

DOCUMENTS / PLANS	Author	Date Signed	Date Received by Office	Notes
Documents:				
Request for Determination (RDA) Application (2 copies)	Greg Morse, Morse Eng.	10/7/15	10/15/15	
Legal Notice Submittal & Tear Sheet for Patriot Ledger Ad	M. Schmid	N/A	Emailed 10/22/15	
Public Hearing Sign-in Sheet (No Signatures Listed)	M. Schmid	N/A	N/A	
Plans:				
Septic System Design Plan / 159 Forest Street / Norwell, MA	Greg Morse, Morse Eng.	(Stamped) Greg Morse	10/15/15	

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235 Bowker Street / Gerry O'Neill
 DEP# SE52-xxxx / NCC# 27(15)
 RDA / Addition (2nd Filing of NoI – Previous OoC issued & expired)
 Documents/Plans Listing

DOCUMENTS / PLANS	Author	Date Sent/ Signed	Date Received by Office	Notes
Documents:				
Notice of Intent Application	Gerry O'Neill	10/22/15	10/22/15	
Legal Notice to Patriot Ledger	Inter-Office	10/22/15	N/A	
Assessor/Abutter Certified List	10/29/15	N/A	10/29/15	
Legal Notice (Patriot Ledger)	Inter-Office	10/22/15	N/A	
Public Hearing Sign-in Sheet	Inter-Office	11/3/15	N/A	
US Postal Service – Return receipts from Abutters	USPS	10/27/15	11/3/15	
Plans:				
Same as previous filing (SE52-850) - OoC expired (refilling for same project)	McGlone Enterprises	9/26/02	10/22/15	
Hand Drawing of Proposed Discharge Pit (if needed)	Gerry O'Neill	Not Dated	10/22/15	
Hand Drawing of SHGW	Gerry O'Neill	Not Dated	10/22/15	

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