

NORWELL CONSERVATION COMMISSION
Room 112 / 345 Main Street / Norwell, MA
November 5, 2019 @ 6:30PM
Minutes

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TOWN OF NORWELL
TOWN CLERK

Present: Chair Marynel Wahl, Vice Chair Bob Woodill, Bob McMackin, Ron Mott, Roy Bjorlin, Justin Ivas, Ellen Markham, Conservation Agent Nancy Hemingway, and Recording Clerk C. Sullivan. Mr. Ivas arrived at 6:43 PM.

CALL TO ORDER

The meeting was called to order at **6:32 PM** by Chair Marynel Wahl. The meeting was recorded. Please refer to the Agents Notes for complete comments to the Commission on all agenda items.

AGENDA ACCEPTANCE

The Commission reviewed the proposed agenda and discussed changes and additions. Mr. Mott added a discussion regarding on-site wastewater management systems. Chair Wahl added discussions regarding updates to the standard conditions of approval and MAPC-EDIC redevelopment plans for Queen Anne's Corner.

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

PUBLIC HEARING:

1775 Washington Street & Mill Street / SE52-1176 & NCC# 31(19) / HANOVER MALL REDEVELOPMENT – In Norwell - construction of a Theater w/ Parking. Stormwater Drainage & Utilities NoI / OoC (cont.) Applicant: Lloyd Sova, PREP Property Group Rep: David Kelly, Kelly Eng.

A continuation request was submitted by the applicant to November 19, 2019.

Motion by Mr. Mott to continue the matter to November 19, 2019 at 6:30 PM. Seconded by Ms. Markham and unanimously voted.

COMMISSION BUSINESS

New Business

Citizen Comments

None

Wastewater Management Systems

Mr. Mott commented that properties south of Route 1 in South Kingstown, Rhode Island, were required to install on-site wastewater management systems that treat stormwater prior to its being absorbed in the ground. He would like to see similar systems in use in areas of town near wetlands or waterways. All parties discussed the associated costs and benefits. Ms. Hemingway will pass the information along to Health Agent Ben Margro.

Farm Plan Review: Hornstra

Ms. Hemingway advised that Mr. Hornstra’s proposals for Jacobs and Donovan fields are essentially the same as last year’s in terms of crops and pest control agents used. The Commission discussed whether calves would be housed on the field this year. Mr. Mott indicated that Mr. Hornstra did not currently have the funds to start keeping livestock at Jacobs Field as previously discussed. Ms. Hemingway will invite Mr. Hornstra to discuss the idea further at a meeting in January.

Motion by Mr. Woodill to approve the farm plans for all three fields leased by Hornstra Farms. Seconded by Mr. Mott and unanimously voted.

Farm Plan Reviews

The farm plan for Cross Street Flower Farm will be discussed on November 19. Ms. Hemingway has not received a plan from Jon Haskins as of this date. The agreement language has been updated to require three wall clearings a year. She is waiting for a cost estimate from Trees and Grounds in the event a farmer defaults and the Town must do the work.

Torrey Pond Dam – Approval of O&M Procedures

Trees and Grounds Director Glenn Ferguson reviewed the draft procedures and requested that an annual report plus notification of any adjustments to the dam settings be provided to the Highway and Fire Departments, as well as the Commission. Ms. Hemingway will notify the applicant of the requested revisions.

Damon Farms – Request for Lot Release

Ms. Hemingway advised that she had received a request from the developers to release two additional lots, 17 and 19, for construction; they would still have to apply to the Commission to construct on lots 18, 20, 22, 27, 29, and 31.

Ms. Hemingway agreed with peer review reports from Mr. Chessia and Art Allen stating the agreed-upon replication/mitigation areas had been created but did not feel they were established as much as they should have been at this point in the year, citing in particular a fence by a constructed vernal pool that may have been located too far downslope, inconsistent seedings, insufficient stabilization of soils next to units 19 and 25, and plantings that were not as established as they should be given the good growing season. She also noted that in several areas, landscapers appear to have mowed past Conservation “do not disturb” markers into the mitigation areas.

All parties discussed whether to grant the request given the Commission’s previous requirement that all replication/mitigation be completed before the release of new units for construction. Mr. McMackin suggested that the lots be released with a condition that they address all stated concerns, noting that applicant would still have to apply to the Commission to develop the seven remaining lots. Mr. Ivas felt applicant’s current difficulty constituted a self-imposed hardship. Ms. Hemingway, while not favoring any lot release, noted the Commission also had the option to release the two lots for construction but not occupancy.

Motion by Mr. McMackin to release lots 17 and 19 for construction but not occupancy. Seconded by Mr. Woodill. The motion failed by a 2-3 margin, Commissioners Ivas, Mott, and Markham having voted no.

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After Mr. Bjorlin arrived, Mr. McMackin requested that the Commission reconsider the vote to release the lots. Ms. Hemingway indicated that, per Robert's Rules of Order, this motion would have to be made by a party who previously voted "no" and now wished to change their vote. The three Commissioners voting "no" declined to change their vote.

Ms. Hemingway summarized site observations in lengthy notes to the Commission. She will turn the list into a memo to the Applicant/Developer noting the Commission's decision.

Motion by Mr. Ivas to deny applicants' lot release request, with Ms. Hemingway to provide applicants with a list of the outstanding issues discussed at the meeting. Seconded by Mr. Mott and approved by a 3-2-1 margin, Commissioners Woodill and McMackin having voted no and Commissioner Bjorlin having abstained.

MAPC Redevelopment Proposal

Ms. Wahl advised that the BoS has asked the Commission to comment on their zoning and development plan for the area by Queen Anne's Corner. A staff phone conference with MAPC is scheduled for Friday morning. All parties briefly reviewed the documentation provided by MAPC and discussed initial concerns regarding proximity of the area to the Accord Pond reservoir and other wetlands. The pond is drinking water supply and tributary.

Updated Conditions of Approval

Ms. Wahl would like to incorporate certain conditions of approval issued for the Simon Hill Village proposal, including requiring that erosion controls have a two-foot overlap, into the standard conditions of approval for all filings. She and Ms. Hemingway will work to update the conditions, and then bring them back for further review.

Donovan Flower Garden

ECR submitted its cost estimate for the flower garden earlier in the day; further discussion was tabled until Commissioners McMackin and Mott have had time to review. Mr. McMackin will be appearing before the Beautification Committee tomorrow to give them an overview of the project.

SUB-COMMITTEE UPDATES

Open Space & Recreation

The Committee will try again to meet with a quorum after the holiday season; Kevin Cassidy is willing to help.

Pathways

Ms. Markham advised that Pathways was waiting to hear back from National Grid regarding use of their right of way for a portion of the Wompatuck connector trail.

CPC

Mr. McMackin advised that CPC had received about 11 grant applications so far, for about \$1.6 million total. A discussion of a possible CPC application for trails on the Carleton Property was added to the November 19 agenda.

The Commission will be appearing in front of the Board of Selectmen at their meeting on November 19. Chair Wahl would like to discuss their application for Conservation Fund replenishment at that time.

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Farming

Mr. Mott advised that Hornstra has cleared about half of the stone walls at Donovan field.

Trail Work Update

Ms. Hemingway advised that there is some backlog of work due to fallen trees from recent storms. Trees & Grounds is providing some assistance. The crew is also focusing on completing at least the second section of the Hatch to Bowker boardwalk.

MISCELLANEOUS

Bills

The following bills were presented for payment:

- Chessia - \$1, 137.00 – George Rd lots 7C and 2B
- Chris Sullivan - \$300 – minutes 10/10 and 10/15
- EcoTec - \$551.32 – Damon Farm replication/mitigation/VP review
- Merrill - \$1,999.00 – delineation, and 13.5% of the existing conditions plan and survey, 1 hr consulting.
- WB Mason - \$19.19 – misc office
- Jean Valicenti – \$468 - Conservation Work Jacobs Program – Conservation Fund
- Judy Enright – \$468 - Conservation Work Jacobs Program – Conservation Fund

Motion by Mr. McMackin to pay the bills as listed. Seconded by Mr. Ivas and unanimously voted.

Jacobs Pond CoC request

The Commission discussed two quotes for preparing the paperwork required to obtain a Certificate of Compliance for the construction of the bridge to the island in Jacob’s Pond. Town Administrator Peter Morin has requested that town projects obtain CoCs whenever possible.

Requests for quotes were sent to Merrill, BETA, and SITEC. Merrill’s quote was \$3560, including application, narrative, and site plan; BETA’s quote was not to exceed \$5200 including application, narrative, site plan, and attendance at a public hearing; SITEC did not respond. Ms. Hemingway indicated that the Commission could either pay for the project from the Conservation Fund or she could request funding through a Town Meeting article.

After a brief discussion, including extra costs not included in the Merrill proposal and alternative funding sources if a TM article doesn’t pass, consensus was to accept the Merrill quote. Ms. Hemingway will send the final contract/estimate to Town Counsel for approval.

Motion by Mr. Mott to accept the quote from Merrill Engineers. Seconded by Mr. Ivas and unanimously voted.

Bound Brook Pond Dam Inspection

Tabled to allow for further revisions suggested by Town Counsel.

Minutes

The minutes for the September 3 and 17, and October 1 meetings were distributed. Commissioners reviewed and discussed corrections and changes.

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Motion by Mr. Woodill to approve the minutes of the September 3 meeting as written. Seconded by Mr. Ivas and unanimously voted.

Motion by Mr. Woodill to approve the minutes of the September 17 meeting as amended by Agent Hemingway. Seconded by Ms. Markham and unanimously voted.

Motion by Mr. Bjorlin to approve the minutes of the October 1 meeting as written. Seconded by Mr. Woodill and approved by a 4-0-2 margin, Commissioners Ivas and McMackin having abstained.

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.

7:30PM: PUBLIC HEARING:

(Off) Circuit Street (Bl. 69, Lots 25, 26 & 30) aka: Hitchin' Post Lane / SE52-1149 & NCC# 29(18) / Road Construction & Stormwater Improvements NoI / OoC (cont.) Applicant: Mark Raimondi (Circuit St. R/T) / Representative: Gary James, James Engineering

A continuation request was received at the Conservation Office.

Motion by Mr. Mott to continue the matter to December 17, 2019 at 7:30 PM. Seconded by Mr. Ivas and unanimously voted.

PUBLIC MEETING:

215 Circuit St / Submittal of a Restoration Plan to address a violation

Mr. Woodill read the Notice of Public Meeting.

ECR has provided a plan to restore the altered buffer zone to a vegetated naturalized buffer including high-brush blueberry, conservation seed mix, and the placement of conservation markers to prevent further encroachment. Ms. Hemingway believes the subject violation was unintentional on the part of the homeowner. She recommended approval with a condition requiring 75% plant survival after two growing seasons.

Motion by Mr. Mott to approve the restoration plan as proposed, with condition as noted. Seconded by Mr. Woodill and unanimously voted.

Ms. Hemingway also advised that an Order of Conditions for 225 Wildwood Lane, an abutting property, had been incorrectly recorded on this property's deed. As a closing is pending, the owners are asking that the Commission sign a statement confirming that the OoC had been recorded on the deed in error. Ms. Hemingway indicated that the letter was drafted by the owners' attorney at her recommendation so that it met the needs of the closing Attys.

All parties discussed whether signing the statement as written presented any legal risk. Mr. Bjorlin expressed concern that doing so would go beyond the scope of the Commission's knowledge as to what actually happened. Ms. Hemingway stated that she reviewed the Conservation record in its entirety, checked with the Planning Board regarding the subdivision and verified that the Order of Conditions was actually for 225 Wildwood. She reviewed the site plan details that showed that the

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property in question was abutting 215 Circuit but did not include 215 Circuit. She expressed concern that a letter reworded by her may not contain the necessary language to allow the closing to go forward. The Commission discussed with Mr. Bjorlin what the concerns were with the language of the letter.

Motion by Mr. Woodill that the Commission sign the statement as drafted. Seconded by Mr. Mott and approved by a 5-1-0 margin, Mr. Bjorlin abstaining.

8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

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

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

George Rd. & Pleasant St, Lot 7C / SE52-997 & NCC# 10(12) / Change to Site Layout & Infiltration Basin Major Amend. to OoC (cont.) Appl: K & E Construction / Rep: McKenzie Eng.

A continuation request was received at the Conservation Office.

Motion by Mr. Ivas to continue the matter to November 19, 2019 at 8 PM. Seconded by Mr. Mott and unanimously voted.

16 Circuit Street / SE52-1056 & NCC# 23(14) / Stonewall Reconstruction

Request for CoC Applicant: Kevin McKinnon / Representative: Brad Holmes, ECR

A continuation request was received late at the Conservation Office.

Motion by Mr. Mott to continue the matter to November 19, 2019 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

19 Mount Blue Street / SE52-1168 & NCC# 20(19) / Septic Upgrade

Request for CoC Applicant: Giovana Brandao / Representative: George Collins, Collins Eng.

Ms. Hemingway noted that the as-built plans did not reflect the true extent of a drainage pipe on the site, and the narrative did not meet the requirements set forth on the request form. The pipe reflected the final agreed on extent but in the field the pipe had been shortened. She recommended a continuation to allow these issues to be addressed.

Motion by Mr. Ivas to continue the matter to November 19, 2019 at 8 PM. Seconded by Mr. Mott and unanimously voted.

96 Meadow Brook Road / SE52-1114 & NCC# 16(17) / Barn & Corral

Request for CoC Applicant: Andrew Overton Wallace / Representative: Jeff Hassett, Morse Engineering

The Commission briefly reviewed the documentation and pictures provided; Ms. Hemingway recommended issuance of the CoC with continuing conditions 24, 25, 28, 29, 30, and special condition 1.

Motion by Mr. Woodill to issue a Certificate of Compliance for SE52-1114 with continuing conditions as noted. Seconded by Mr. Mott and unanimously voted.

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9 Homestead Farm Lane / SE52-1143 & NCC# 18(18) / Pool, Patio, Deck & Fence

Request for CoC Applicant: Homestead Farm Drive Trust / **Representative:** Brad Holmes, ECR

Ms. Hemingway advised that a sale of the house was pending. The construction phase of the project has been completed, but the plantings were recently made and require two years monitoring. She recommended that the request be denied, and a letter be sent to the closing attorney identifying the components of the project were complete and there were no outstanding issues, but noting that confirmation of the planting survival was still pending. A final CoC can be requested in two years.

Motion by Mr. Mott to deny the Certificate of Compliance for SE52-1143 and send correspondence as noted. Seconded by Mr. Ivas and unanimously voted.

26 Birchwood Lane / SE52-801 & NCC# 70(05) / Single-Family Home Construction

Request for CoC Applicant: Keith O'Connell / **Representative:** Austin Chartier, McKenzie Eng.

Ms. Hemingway advised that the grading for the project extended into the 50 ft buffer, and has recently been planted with shrubs and trees. Additionally, a patio and fire pit were constructed in the outer buffer, in existing yard, without proper permitting. All work was done by the previous owners, and the current owners are trying to sell the house.

The Commission discussed whether to accept the grading, planting, and structures as is or require an after the fact RDA. The possibility of requiring the owners to remove the plantings in the buffer and construct a retaining wall was rejected as the work would likely result in more disturbance to the buffer zone, and consensus was to not require an additional filing.

Ms. Hemingway noted that the mitigation plantings along the top of the bank were just recently made and require two years monitoring. She recommended that the request for CoC be denied and a letter be sent to the closing attorney identifying the components of the project that were complete and accepted, but noting that confirmation of the planting survival was still pending for two years.

Motion by Mr. Ivas to deny the Certificate of Compliance for SE52-801 and send correspondence as noted. Seconded by Mr. Woodill and unanimously voted.

249 Mt. Blue Street / NCC# 50(19) / Septic Repair

RDA / DoA Applicant: Phyllis Knudsen, Trustee / **Representative:** Gary James, James Engineering

Mr. Woodill read the Notice of Public Meeting.

Ms. Hemingway advised that she talked to Health Agent Ben Margro and the proposed system, as designed, does not overlap the existing test pits and requires removal of trees the current owners wish to maintain. The current owners are asking to reorient the system out of the tree line and over the test pits. Mr. Margro had no issues with the proposed change and the Commissioners concurred after a brief discussion. The matter was continued to allow for receipt of updated site plans.

Motion by Mr. Mott to continue the matter to November 19, 2019 at 8 PM. Seconded by Mr. Bjorlin and unanimously voted.

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23 Farrar Farm Road / SE52-1185 & NCC# 46(19) / Septic System Repair

NoI / OoC (cont.) Applicant: Michael Kelly / Representative: Scott Fanara, Grady Consulting

Mr. Fanara advised that the applicant has a contingent agreement to sell the property pending repair to the septic system. The proposed new system is located in the front yard and will be powered by pumps; it has been approved by the Board of Health subject to Commission approval. Test pits in back of the house did not pass perc testing.

Ms. Hemingway advised that a discrepancy regarding the wetland line had been resolved several years ago. As grading for the proposed system was inside the 50 ft buffer to a BVW, the Title V exemption does not apply. Mr. Fanara pointed out that the system components themselves were outside the 50 ft buffer, but Ms. Hemingway countered that since the grading associated with the system was inside the buffer, the system as a whole is considered to be inside the buffer as per a previous decision at 249 Mt. Blue Street.

Ms. Hemingway asked why the new system was not being built in the location of the old system; Mr. Fanara indicated that this would require a section of the driveway to be torn up and impact landscaping in the area. Additionally, the existing system encroaches upon a 150 ft setback to a well in addition to the 100 ft buffer. Ms. Hemingway stated that the driveway where the existing system is located is in poor shape, and that a new system in that location could be shifted so as to be outside the 150 ft setback to the well. The existing location would pose the least disturbance on site. An alternatives discussion was missing from the submittal.

The Commission discussed whether to approve the existing plan pending receipt of additional detail, or to request alternatives. Commissioners Mott and Markham indicated they would like to see alternatives; Commissioners Bjorlin and Ivas would like to visit the site to evaluate; Commissioners Wahl and Woodill were satisfied with the system as proposed.

The matter was continued to allow for Commissioner site visits and perc testing at the location of the existing system, which Ms. Hemingway would like Health Agent Margro to witness. If this site percs, Chair Wahl would like applicant to provide an alternate plan for a gravity-fed system at the existing system's location.

Motion by Mr. Bjorlin to continue the matter to November 19, 2019 at 8 PM and request a perc test. Seconded by Mr. Mott and approved by a 3-1-1 margin, Mr. Woodill having voted no and Mr. Ivas having abstained.

South Street (Bl. 63, Lot 1) / SE52-1183 & NCC# 47(19) / Installation of Temporary Bridge for Nat'l Grid work NoI / OoC (cont.) Applicant: Dawn Travalini / Rep: Dan Herzlinger, TRC Co.

Commissioner Ivas recused and left for the duration of the discussion. Mr. Herzlinger noted that at the previous hearing, they were asked to analyze the possibility of placing matting over the existing bridge over Third Herring Brook in order for work crews to access a fixture on the other side of the brook. National Grid's engineers indicated that this was a viable alternative, and the plan was updated accordingly. The bridge will be up for December and January, and then removed. Siding

that blocks bridge access will be put back up for safety when the temporary matting is removed. TRC would be acting as construction monitor on the work site.

Ms. Hemingway felt applicants had addressed the Commission's previous concerns, as the new alternative reduced impacts significantly by utilizing the existing crossing. Chair Wahl asked about the possibility of National Grid constructing a permanent access bridge; Ms. Travalini indicated there were no immediate plans for this, as they were researching possibility of accessing the structure from South Street on a more permanent basis.

Motion by Mr. Mott to approve the NoI with a modified long-form OoC. Seconded by Ms. Markham and approved by a 5-0 margin, Mr. Ivas having recused.

88 Stony Brook Lane / SE52-1184 & NCC# 49(19) / Raze & Rebuild Single-Family Home

NoI / OoC Applicant: Mark MacDonald / Representative: Darren Grady, Grady Consulting
Mr. Woodill read the Notice of Public Meeting. Scott Fanara present for Grady Consulting.

Ms. Hemingway noted that she was just handed the revised site plan distributed to the Commission and had not had time to review. Mr. Fanara noted he would be seeking Commission feedback at this hearing, and then asking for a continuance, as a permit from the North River Commission is still pending. The project involves razing an existing single-family home and rebuilding a new house on piles; associated resource areas include riverfront, 100 ft buffer to a BVW, and AE 15 flood zone. The new house will have a first floor elevation of 17 ft.

Ms. Hemingway indicated that an alternatives analysis would be needed, since the proposed house site is in riverfront area. She also suggested that Mr. Fanara verify the total riverfront area on the site (she believed that a portion of the river over the salt marsh was incorrectly counted in the RRA), and recommended that the Commission take a group site visit. Mr. Fanara indicated that the existing pier would not be altered except to replace the existing pilings; Ms. Wahl requested that he add this activity to the construction narrative.

Motion by Mr. Ivas to continue the matter to December 3, 2019 at 8 PM. Seconded by Ms. Markham and unanimously voted.

River St., Forest St. & Dover St. / SE52-1105 & NCC# 31(16) / Pathway - Phase 3

Minor Amend. to OoC Applicant: Town of Norwell, Pathway Comm. / Rep: Melissa Recos, BETA
Mr. Woodill read the Notice of Public Meeting.

The Commission reviewed the updated plan for Phase 3 of the Town Pathway, which shifts the location of the Pathway on Dover Street, heading to the Norris Reservation; consensus was that the updated plan was much improved. Commissioner Ivas felt there may be a safety concern with people crossing Dover Street into the Norris Reservation; Ms. Hemingway will add language to the decision suggesting a crosswalk at the point where the Pathway meets the reservation.

Motion by Mr. Mott to approve the minor amendment to the Order of Conditions for SE51-110 , with suggestion as noted. Seconded by Mr. Ivas and unanimously voted.

Osborne Field (Main Street) / SE52-xxxx & NCC# 43(19) / Clean BVW/Storm Swale & Extend Foot Path NoI / OoC (cont.) Applicant: Glenn Ferguson, Hwy. Dept. / Representative: BETA

Ms. Hemingway advised that comments from DEP still need to be addressed.

Motion by Mr. McMackin to continue the matter to November 19, 2019 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

ADMINISTRATIVE PERMITS & REQUESTS:

PENDING SUBDIVISION / COMMERCIAL DEVELOPMENT UPDATES:

None

VIOLATION DISCUSSIONS:

89 King's Landing

Ms. Hemingway advised that she had recently visited the property with Brad Holmes, ECR. Significant improvements had been made to areas along the channel and in the front yard, and stone added to the wall in front of the house seemed to protect the newly planted lawn. She stated that the stone removed along the sides of the drive was not consistent with the extent identified in the final approved mitigation/restoration plan and Order of Conditions. She noted that the coir logs with plantings proposed in the original restoration plan along the upper sides of the driveway had not been completed. Mr. Holmes will review the work done in relation to the originally approved restoration plan.

After a brief discussion of options for further action, it was decided that Ms. Hemingway should send notice that the enforcement action would be reopened, with hearing set for December 3

ENFORCEMENT HEARINGS:

None

AGENT'S REPORT

SCIENCE AND REGULATION IN THE NEWS

EDUCATION AND TRAINING OPPORTUNITIES

Please refer to the Agents Notes available in the Conservation Office for details in the above noted sections.

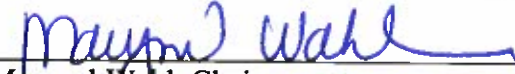
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<i>Next Meeting</i>		<i>November 19, 2019</i>
<i>NEW filing applications due date/deadline</i>		<i>November 5, 2019 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>		<i>November 11, 2019</i>
<i>Revised Information submittal deadline</i>		<i>November 12, 2019 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>		<i>November 12, 2019 @ noon</i>
<i>Public Information Written Comments</i>		<i>No deadline</i>

ADJOURNMENT

There being no further business, a motion was made by Mr. Bjorlin to adjourn at 9:22 PM. Seconded by Mr. Ivas and unanimously voted.

I hereby certify that the above minutes were presented and approved by a majority vote by the Norwell Conservation Commission on December 3, 2019.


Marynel Wahl, Chair

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