



November 6, 2018 @ 6:30PM

Minutes

RECEIVED

Present: Chair Marynel Wahl, Ellen Markham, Ron Mott, Bob Woodill, Justin Ivas, Bob McMackin, Roy Bjorlin, Agent N. Hemingway, and Recording Clerk C. Sullivan
Mr. Ivas left at 9:45 PM.

CALL TO ORDER

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

AGENDA ACCEPTANCE

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

EXECUTIVE SESSION To discuss the purchase, exchange, lease or value of real property, disclosure of which may have a detrimental effect on the negotiating position of the Town.

Ms. Hemingway requested that the Executive Session scheduled for this date be continued to November 20, as the Board of Water Commissioners would be further discussing the subject parcel at its next meeting.

Motion by Mr. Mott to continue the Executive Session to November 20, 2018. Seconded by Mr. Ivas and unanimously voted.

COMMISSION BUSINESS

New Business

S. Minihane Resignation & Introduction of Roy Bjorlin

Chair Wahl advised that the Board of Selectman had appointed Roy Bjorlin to replace Stacy Minihane on the Commission. Mr. Bjorlin introduced himself as a lawyer who worked in the areas of civil and municipal litigation. He looks forward to working with everyone.

2019 Meeting Schedule

The Commission reviewed the proposed 2019 meeting schedule. The schedule has to be posted with the Town Clerk before the start of the year but can be amended. Likely dates to cancel or reschedule include February 19, April 16, and July 2. The meeting on May 7 will have to be canceled or rescheduled to accommodate town meeting. Chair Wahl requested that Commissioners review their schedules for the rest of the year so they can finalize the schedule at the next meeting.

Norwell Farms – Fall 2018 Stabilization Plan

Nikki Bartley requested that the discussion of the stabilization plan be moved to December 4. Ms. Hemingway distributed copies of a e-mail in which included a brief description of their field stabilization measures and a request that the Commission query Historic New England regarding the

The Commission briefly discussed the scheduling of hearings and farm plans for the December 4 meeting, as well as Commissioner availability on December 20.

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Old Business

SUB-COMMITTEE AND PROJECT UPDATES (OLD & NEW BUSINESS)

Open Space and Recreation	M. Wahl		CPC	B. McMackin
Land Protection	All		Trails and Signage	R. Woodill
Pathways	R. Woodill		Project Grid Review	All
Farming	R. Mott		Trail Work Update	N. Hemingway
Grants	B. McMackin			

SUB-COMMITTEE UPDATES

Open Space & Recreation

Ms. Hemingway advised she is not getting quorums for the meetings she's held, despite polling members as to the best times for meetings. She will work on a revised schedule to encourage attendance.

Pathways

Mr. Woodill advised that the Pathways Commission is meeting tomorrow night.

Trail/Signage

Sign installation is still pending.

CPC

Mr. McMackin advised that CPC is reviewing 10 applications for grants. McM - 10 applications in, read them through. He has talked to former Commissioner David Osborne and Ms. Hemingway for clarification about his role as liaison and how to represent the Commission at meetings.

Grants

Ms. Hemingway indicated there was some outstanding grant funding the Commission needed to spend, as well as many additional funding opportunities provided they could find suitable partners or co-applicants.

Trail Work Update

Ms. Hemingway advised the Commission was down to one available trail crew member; they need at least one more, or need to collaborate with Trees and Grounds to keep up with the work. The current work will be modified to trail monitoring signage improvement/replacement and trail entry care. No chainsaws, no power equipment.

Ms. Hemingway read off the following list of bills to be paid:

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Christopher Sullivan	October 16 Meeting Minutes	\$150.00
Chessia Consulting	Curtis Farm Lot 6	\$60.00
	Curtis Farm Lot 7	\$60.00
Ecotec	Simon Hill delineation	\$1094.80
WB Mason	Office phones	\$282.39
	Toner	\$55.20
	Transfer from Donovan Connector account to Trees & Grounds	\$587.01
	Trail Crew Payroll	\$310.50
		\$312.00

Motion by Mr. Ivas to pay the bills as submitted. Seconded by Mr. Woodill and unanimously voted.

Minutes

Ms. Hemingway requested that the Commission re-vote approval of the February 6, March 20, and June 5, 2018 meeting minutes for the record. Review of the September 18 and October 2 minutes was tabled.

Motion by Mr. Mott to re-vote approval of the minutes of February 6, March 20, and June 5, 2018 minutes. Seconded by Mr. McMackin and unanimously voted.

Review of Regulations

The Commission read (but did not debate) a packet prepared by Ms. Hemingway of background information, including agent notes and local and state regulation excerpts, specifically relevant to Old Oaken Bucket Estates. She would like to assemble similar packets for other large projects, and was open to feedback and suggestions as to whether this approach was helpful. Commissioner Ivas recused himself from the review but remained in the room.

7:00PM: PUBLIC HEARING:

Simon Hill (Off Prospect St.) / SE52-1154 & NCC# 35(18) / Comprehensive Permit for Dev. Project including Roadway, Parking, Retaining Walls & associated Infrastructure NoI / OoC (cont.) Applicant: Brian Murphy, Simon Hill, LLC / Representative: B. McKenzie, McKenzie Eng.

Applicant requested continuation to December 4.

Motion by Mr. Ivas to continue the matter to December 4, 2018 at 7 PM. Seconded by Mr. Woodill and unanimously voted.

PUBLIC MEETING: 5 Fieldstone Way / SE52-865 & NCC# 24(07) / Discussion re: Mitigation

The Commission discussed the site walks taken with Attorney Brodsky. Ms. Hemingway advised that the wetland did not extend into 5 Fieldstone initially when it was built. However, they created

Approximately \$10K has been held back for the replication. Ms. Hemingway suggested that low points in the berm could be modified to allow water to flow to the wetland again. Brad Holmes is preparing a mitigation plan.

Motion by Mr. Woodill to continue the matter to November 20, 2018 at 8 PM. Seconded by Mr. Mott and unanimously voted.

8:00PM: PUBLIC HEARINGS / LEGAL DOCUMENTS / VOTES:

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

Bowker Street (Shoulder) / NCC# 24(15) / Utility Pole Installation

Request for Ext. to DoA / Applicant: Mass Electric / Representative: BSC Group, Inc.

Ms. Hemingway advised that the applicant was requesting an extension to a DoA approved in 2015 to replace poles along Bowker Street.

Motion by Mr. Mott to approve extension of the DoA to 2021. Seconded by Mr. Woodill and approved by a 5-0 margin, Mr. Ivas having recused.

109 Parker St (Lot 1) / SE52-808 & NCC# 81(05) / Single-Family Home and related

CoC (cont.) Applicant: Ken Mousette / Representative: N/A

Ms. Hemingway recommended continuation of the matter to January.

Motion by Mr. Mott to continue the matter to January 15, 2019 at 8 PM. Seconded by Mr. McMackin and unanimously voted.

408 Main Street / SE52-1142 & NCC# 17(18) / Septic Upgrade

Request for CoC / CoC Applicant: George Benoit / Representative: George Collins, Collins Engineering

Ms. Hemingway advised that the project was completed. The new grass has not fully grown in, but she didn't see potential for erosion given the flatness of the yard.

Motion by Mr. Mott to issue the CoC. Seconded by Mr. Woodill and unanimously voted.

48 Jacobs Lane / NCC# 38(18) / Site Work & Construction of Nature-Based PlaySpace

RDA / DoA Applicant: Chris Jacobs, S. Shore Natural Science Ctr. / Representative: Meridian Assoc.

Mr. Woodill read the notice of public meeting.

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explain the project.

Motion by Mr. Ivas to continue the matter to November 20, 2018 at 8 PM. Seconded by Mr. Woodill and unanimously voted.

Lot 62, Stony Brook Lane / SE52-1153 & NCC# 34(18) / Single-Family Home

NoI / OoC (cont.) Applicant: Thomas Williams / Representative: Scott Goddard, Goddard Consulting

Ms. Hemingway recommended continuation to December 4.

Motion by Mr. Mott to continue the matter to December 4, 2018 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

354 Cross Street / SE52-1156 & NCC# 36(18) / Raze & Rebuild SFH w/ Septic, Drive. Relocation, Grading NoI / OoC (cont.) Applicant: Brian Greenberg / Representative: N/A

Applicant Brian Greenberg present. Ms. Hemingway noted that the plan called for existing raised garden beds in the wetland to be converted to lawn. Given that this is not land currently subjected to mowing or tilling, she would support conversion of the beds to similar, or a rain garden but not lawn. In response to a query from Mr. Greenburg, Mr. McMackin briefly explained what a rain garden was, and advised they were generally not expensive to install.

Mr. Greenburg indicated he would prefer lawn in this location, citing other improvements he would be making to the site, including the removal of oil tanks, outbuildings, and phragmites. Ms. Hemingway advised that, under the state WPA, if he were to convert the garden beds to lawn, he would have to replicate the lost wetlands (2x to ensure success of equal wetlands) somewhere else on site, which would be more expensive than keeping the raised beds with native plants or creating a rain garden.

After further review of the plan, the Commission requested that applicant provide an updated plan that included the location of two trees to be taken down in the 50 foot buffer, the location and species of the four replacement trees, and a planting plan for the rain garden that will replace the raised garden beds in the buffer.

Mr. Greenberg protested that he should have been informed of these requirements previously and claimed that Nicole, from the Planning Office, had told him there were no wetlands on the site. Nicole Pelletier, who was present at the hearing, stated that Greenberg had visited the office before there were any plans to look at, and that Conservation and Planning office staff always tell residents to have their land delineated by a professional wetlands scientist. Ms. Hemingway added that she had advised him about the need to restore the raised beds to vegetative buffer when they initially walked the site several months ago, and that the Commission had discussed it again at the meeting on October 16.

Motion by Mr. Mott to continue the matter to November 20, 2018 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

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National Grid Easement (South St., Bl. 53, Lot 45) / SE52-1155 & NCC# 37(18) / Install Shieldwire Replacement NoI/ OoC (cont.) Applicant: Dawn Travalini, MA Electric / Representative: Susie Gifford, TRC Environmental

Ms. Hemingway advised she had received correspondence from DEP clarifying that their original request for a 1:1 replacement of BVW was boilerplate language not applicable to this project. She recommended approval with a short-form OoC.

Motion by Mr. Woodill to approve the NoI with a short-form OoC. Seconded by Mr. Mott and unanimously voted.

41 Accord Park Drive / SE52-1150 & NCC# 30(18) / Parking Area Improvements, Landscaping & Stormwater NoI / OoC (cont.) Applicant: Robert D. Sullivan, Trustee / Representative: SITEC

Applicants were not present, and Ms. Hemingway recommended continuation.

Motion by Mr. Mott to continue the matter to November 20, 2018 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

34 Turner's Way / SE52-1158 & NCC# 39(18) / Deck Removal & Construction of Home Addition NoI / OoC Applicant: William McKim / Representative: Matt Creighton, BSC Group

Mr. Woodill read the notice of public meeting. Ms. Hemingway advised that applicant had requested a continuation to December 4.

Motion by Mr. Mott to continue the matter to December 4, 2018 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

PUBLIC DISCUSSIONS – VIOLATION RESOLUTION

Norwell Estates (Circuit Street) / EO# 1(17) / Stormwater Basin & Release of Lot #4
Scott Miccile and Dave Buckley present for Toll Brothers (TB). John Chessia present for the Commission.

Mr. Miccile requested that the enforcement order from 2015 be closed out, noting that the issues prompting its issuance had been addressed and the site had been stabilized, with the lots sold off and occupied. They also requested that the Commission release Lot 4 so home construction could start there before the winter.

Mr. Buckley pointed out that Toll Brothers had assumed responsibility for completing the development road and worked with the Planning Board, when they could have walked away and left homeowners to use the bond from the owner of the road to finish the work. He asked that they be able to move forward with the marketing of lot 4, with the understanding that they would be liable if anything goes wrong. Mr. Miccile pointed out that they will be working in the development well into next year, and are willing to reappear in the Spring to provide updates or address any issues.

Chair Wahl asked Mr. Chessia whether it was feasible to complete some of the remaining punchlist items between now and December; Chessia indicated this would be a challenge but that pieces of the work could probably get done. After further discussion, Mr Miccile assented to a continuation to December 4, at which time their progress towards completion of the road, including the installation of subdrains, sidewalk, and street trees among others, will be evaluated.

Motion by Mr. Mott to continue the matter to December 4 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

Damon Farm (Washington Street) / SE52-802 / Mitigation Plan for Violations

Maureen Triffone present for Damon Farms, along with Attorney Jeff Tocchio and engineer James Burke of DeCelle, Burke, Sala & Associates. Joe Riley, the owner of Unit 19, also present. John Chessia was present for the Commission.

The Commission reviewed a modification to the mitigation plan requested by Mr. Riley that would increase the lawn area around Unit 19 in exchange for mitigation elsewhere. Mr. Burke indicated they were seeking to increase the usability of Lot 19's yard, and noted that there were areas elsewhere on-site where the space could be mitigated. They also requested that the winterberry in the mitigation area be removed and replaced, as it was poisonous to dogs.

Ms. Hemingway noted for the record Art Allen's opposition to any reduction of the buffer to the vernal pool adjacent to Unit 19 to less than 10 feet. She also stated that vernal pool species only use the wetland for three months; they need the surrounding buffer zone for most of the year. She further pointed out that the corridor around unit 19 had already been expanded to 10 feet from 3 feet to accommodate the unit owner.

Mr. Mott added that the vernal pool needs a certain amount of space in order to continue to function properly, and Mr. Woodill pointed out that the situation was a self-imposed hardship brought on by the original violations on the property.

Mr. Riley stated that he and his wife had bought their unit based on how it was originally seeded and presented; he appreciated the need for conservation but the lack of space has caused them disruption, and asked to be able to carve out a little more space.

plan showing its location and other details. Art Allen will need to approve the new plan, as well as any changes to the plantings.

Ms. Triffone also advised that lots 10 and 11 were under agreement, and requested that lots 9-11 be released for development. She assented to a continuation to November 20 to allow for plan revisions, the flagging of wetlands, and the staking of limits of work. Ms. Hemingway noted that the Commission typically looked for a good-faith effort at implementation of the agreed-to mitigation before any lots were released. A site plan showing the changes discussed must be completed, submitted and approved per the violation resolution agreement before any lots are to be released.

Motion by Mr. Mott to continue the matter to November 20, 2018 at 8 PM (to allow completion of a revised plan showing the items discussed). Seconded by Mr. Ivas and unanimously voted.

PUBLIC HEARING - Old Oaken Bucket Estates / SE52-1138 & NCC# 11(18) / Roadway Construction, SFH, Septic, Stormwater & Grading NoI / OoC (cont.)

Applicant John Kopacz present, along with Greg Morse, Morse Engineering, and Marta Nover, Nover-Armstrong. Attorney Walter Sullivan also present. Commissioner Ivas recused from voting and left before the discussion started. John Chessia present for the Commission.

Ms. Hemingway distributed a summary of consulting engineer John Chessia's drainage report to the Commission. She noted that additional submissions had been received after the deadline for their consideration at this meeting.

Mr. Chessia noting that the proposed use of stormwater from the subdivision to water the bogs, thus increasing the rate of flow to the reservoir, remained the main regulatory issue. He stated that the drainage modeling for the scenario in which the bogs continued to be farmed did not take into consideration that the lower bog outlet is normally partially blocked with boards in order to contain and reuse the water for the farming operation; thus, he felt the calculations provided for this scenario were suspect.

Mr. Kopacz contended that the stormwater was going to be used to irrigate his remaining bogs, and would not flood adjacent areas. This water was a resource he needed to maintain the farming operation.

Ms. Hemingway advised that new FEMA floodplain maps show the bogs as part of Preliminary FEMA flood hazard zone A. Mr. Morse contended that the bogs were on the opposite side of the property, where no work associated with the project would be done.

Ms. Nover noted that water levels in the bog already fluctuate regularly as part of the farming operation, so there was no impact from additional flooding. A request was again made to quantify this. She further claimed to have talked with two DEP officials, who had told her the project as

document with both Commission questions and applicant answers would be desirable for all, but it would take some time to compile the questions as John Chessia's report had been the focus and had just recently been received.

Mr. Morse indicated they were making a final set of drainage calculations to submit to Mr. Chessia this week; he requested a continuation to December 4, and indicated that they would need Commissioner comments as soon as possible in order to address them in time for this Planning meeting. The Commission will prepare a definitive list of outstanding questions and issues to be submitted to the applicants in advance of the next meeting.

Motion by Mr. Mott to continue the matter to December 4, 2018 at 8 PM. Seconded by Mr. Woodill and unanimously voted.

PENDING SUBDIVISION / COMMERCIAL DEVELOPMENT UPDATES:

Schooner Estates (Stetson Road)

None

PUBLIC MEETINGS (CONT.):

Forest Cutting Applications (cont.):

Mt Blue St – Rodriquez – update

Barrell Lane (Historic) – part of Curtis Farm Lane – Rodriquez – update

Ms. Hemingway advised that DEP did not comment on motions to dismiss Rodriquez' petition to OADR that were submitted by DEP and Town Counsel Bob Galvin. Ms. Hemingway will begin preparing a legal statement in anticipation of further proceedings.

VIOLATION DISCUSSIONS:

292 Lincoln Street

Ms. Hemingway noticed some incremental changes to the wetland, and requested that Commissioners monitor the site.

ADMINISTRATIVE PERMITS & REQUESTS

None

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. Any notes included in the minutes are partial.

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<i>NEW filing applications due date/deadline</i>	<i>November 6, 2018 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>	<i>November 12, 2018</i>
<i>Revised Information submittal deadline</i>	<i>November 13, 2018 @ noon</i>
<i>Peer Review Info Deadline, CoC Requests, Minor Modification &LP Requests</i>	<i>November 13, 2018 @ noon</i>
<i>Public Information Written Comments</i>	<i>No deadline</i>

ADJOURNMENT

There being no further business, a motion was made by Mr. Mott to adjourn at 10:36 PM. Seconded by Mr. Woodill 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 4, 2018.

Marynel Wahl
 Marynel Wahl, Chairperson

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 TOWN OF NORWELL
 TOWN CLERK

