

NORWELL CONSERVATION COMMISSION

345 Main Street / Norwell, MA

November 7, 2017 @ 7:00 PM - Room 112

Minutes

2017 DEC 14 AM 10:12

Present: Marynel Wahl, Chair, Dave Osborne, Bob McMackin, Ron Mott, Bob Woodill, Justin Ivas, Agent N. Hemingway, and Recording Clerk C. Sullivan
Stacy Minihane was absent.

CALL TO ORDER

The meeting was called to order at 7:01 pm by Chair Marynel Wahl. The meeting was recorded.

AGENDA ACCEPTANCE

Ms. Hemingway noted that the 11 West End Way appears as "11 West Street" in her notes and amended the title on the Agents Notes to reflect that they were notes and not the posted agenda. The Commission briefly discussed the ordering of hearings to mitigate crowding.

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

COMMISSION BUSINESS

New Business

Whiting Fields

Alison Demong, Vice Chair of the Board of Selectmen, discussed the town's pending purchase of Whiting Fields. She was meeting with various interested parties, and asked Commissioners about what they would like to see on this property.

Mr. Woodill felt the fields were iconic to Norwell, and would like to preserve their openness. Mr. Mott expressed interest in farming and open space preservation. Vin Bucca, of 232 Main Street, added that the soil in the fields is prime agricultural soil according to the National Resources Conservation Service.

Ms. Demong was uncertain whether active farming would be appropriate for the location but Mr. Mott pointed out that a less-intensive crop, such as hay, could be grown there. Mr. Woodill agreed that more intensive farming would likely clutter the landscape, and Ms. Demong felt it would be an easier sell to residents if the front fields along Main Street were earmarked as open space. Mr. Ivas noted the property abuts existing conservation land, and would like there to be a connection to these properties.

Ms. Demong then discussed trail development and field maintenance. She wants to apply for Community Preservation Act (CPA) funds to repair/maintain the stone walls surrounding the field, and was getting a quote from Trees and Grounds Commissioner Glenn Ferguson for the work. Mr. Osborne advised that John Hornstra had a crew that may be able to clear the walls at a lower rate.

Mr. Woodill asked whether this funding request would draw from the CPA funds marked for conservation. Ms. Demong felt there would be enough in the general CPA fund to fund the

request, but it would be a CPC decision. She noted that the Town Meeting warrant article to approve the purchase will likely reference housing, recreation, and open space uses, and then the Board of Selectmen will appoint a subcommittee, including a Commission representative, to come up with a specific plan thereafter.

Ms. Wahl expressed appreciation to Ms. Demong for her work on the field. The Commission unanimously agreed.

Stoneybrook Lane Cottage

Trees and Grounds Commissioner Glenn Ferguson proposed sending a crew to clear the underbrush surrounding the cottage on Stoneybrook Lane, take down any dangerous outside structures, and clean out debris to see if the cottage was worth salvaging.

Mr. Osborne felt the cottage was beyond maintenance and nothing further could be done without significant expense. Mr. Mott concurred but asked what Mr. Ferguson had in mind. Mr. Ferguson felt his maintenance workers could use the cottage to rest if it were fixed up. Steve Ivas, 315 Winter Street, suggested creating an observation deck for the river on the cottage's footprint.

Ms. Hemingway advised that there had been complaints from residents about derelict structures on town property. She also pointed out that the structure is grandfathered, and the benefits of having an established structural footprint on the property would be lost if the structure was taken out.

Mr. McMackin felt this was a valuable benefit and suggested that the Commission take a look at the cottage and then discuss further options. Ms. Hemingway will schedule a site visit for the Commission once the cleanup work is done, and will place the matter on the next meeting's agenda.

After the scheduled discussion, Commissioner Justin Ivas asked Mr. Ferguson why a crosswalk couldn't be installed on Jacobs Lane without there being sidewalks on both sides of the street. Mr. Ferguson stated that it opens the town up to liability issues if a crosswalk is not handicap-accessible and the adjacent sidewalks don't have endpoints. He felt that a warrant article should be drafted to construct a sidewalk in the area.

Bridge Street Landing Repairs

Ms. Hemingway advised that Mr. Ferguson had a crew make an emergency repair to the Bridge Street landing to allow the Fire Department to continue to use the launch. Any further repair or replacement will go through the Board of Selectmen as the Property Manager.

Norwell Farms

Michael McDonough, 53 Main Street, asked if the Commission had any news about Norwell Farms' future plans in light of the departures of Scott Franklin and Seamus Trull. Ms. Hemingway briefly pointed out that Mr. Trull had been an interim hire brought in to complete Scott Franklin's contracted work for the year.

The Commission then discussed whether Norwell Farms had removed all plastic from their fields. Mr. McDonough advised that it was in progress but there still was some in the far field. Mr. Mott agreed they had removed much of it but there were still some remaining piles. Ms. Hemingway added that the remaining plastic may be protecting plants still in the field. The front fields were still in use according to the memo to the Commission.

Mr. Mott will check on the fields tomorrow and take pictures. Ms. Wahl requested that the matter be placed on the next meeting's agenda.

SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)

Pathways	R. Woodill	Mr. Woodill advised that the Pathways Commission had received one response, for \$38,500, to its request for quotes for the Wompatuck parking lot and access road study. Ms. Wahl asked how cost overruns would be paid for and why there was only one response. Ms. Hemingway stated that Town Planner Kenneth Kirkland had advised that Horsley Witten will be conducting a delineation of the property. Steve Ivas, Ivas Environmental, added that he had offered to do the delineation pro bono if HW were not involved. Mr. McMackin felt DCR should have been more involved in the process and thinks they feel out of the loop. Mr. Woodill stated that all interested parties will be looped into the process once the delineation is finished.
CPC	D. Osborne	Mr. Osborne discussed the Commission's grant request at the last CPC meeting. Ms. Wahl is going to attend Thursday's meeting to explain the request in more detail.
Farming	R. Mott	Mr. Mott advised that the stone walls on all Commission fields were clear. The Commission briefly discussed possible changes to the Land Use Proposal form and decided to keep it as is. Ms. Hemingway will mail the applications out on Monday.

MISCELLANEOUS

1. Bills

- a. Transfer of \$171.93 to Tree and Grounds for removal of a hazardous tree hung up at Hatch, beyond Trail Crew. From the storm of Oct 29 and 30.
- b. Gatehouse Media - \$361.92 for legal ad for Enforcement Hearing 89-Kings Landing and for the legal ad for the Bylaw Review Co, clarifications.
- c. CDW Government - \$463.09 for Adobe Pro - approved by MW prior to purchase
- d. Trail Workers for period 10/16 to 11/3
 - i. Ed Cox - \$253.50
 - ii. Steve McViney - \$216.00
 - iii. Mark Aigen - \$162.00
 - iv. Paul Legere - \$162.00
- e. Chessia - \$492.00 - peer review pre-construc - 111 Pond St.
- f. WB Mason - \$12.32 office supplies/ and \$57.33 for ink
- g. Fast Signs - \$274.69 replaced Stetson sign dedicated to Wolinskys. Sign they paid for incorrectly attributed to CPC - M.W authorization

- h. Ed Cox – \$24.99 - reimbursement for chainsaw repair materials
- i. Norwell Hardware - \$8.88 misc hardware and \$13.49 teak oil
- j. Chris Sullivan - \$150.00 transcription of minutes from Oct 17.
- k. Nancy Hemingway – Travel reimbursement – TBD before meeting.

2. Minutes: 9/19/17, 10/3/17, (emailed to you last Friday) 10/17/17 (review pending)

Bills

Mr. Osborne read off the list of bills to be paid. Ms. Hemingway requested \$350 in mileage reimbursement.

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

Minutes

The minutes for the September 19 and October 3 meetings were distributed for Commission review.

Motion by Mr. Osborne to approve the minutes of September 19, 2017 as submitted. Seconded by Mr. Mott and approved by a 4-0 vote, Mr. Ivas having abstained.

Motion by Mr. Woodill to approve the minutes of October 3, 2017 as submitted. Seconded by Mr. Mott and unanimously voted.

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.

PUBLIC MEETINGS

433 Washington Street – review of restoration plan for disturbed buffer

Cameron Larson, ECR, and owner Brian Murphy presented a buffer zone restoration plan for the property. Mr. Murphy advised that the state had been using the area as a temporary stockpile for the Route 53 widening project, and left behind the unused material. He had been removing these materials when neighbor complaints about noise got the town involved.

Mr. Larson advised there was no evidence that the area has been expanded; the soil stockpiles had been removed from the area, and a silt sock installed to avoid erosion. They proposed hand-grading the soils in the 100 foot buffer, tilling the area with an erosion control seed mix, and then demarcating the buffer with boulders to prevent future stockpiling. The area would be maintained by mowing as necessary.

Ms. Hemingway felt the plan offered a good solution and recommended its approval. Mr. Ivas requested that they check on the silt socks, as they tend to fall apart over time. After further discussion the Commission decided to additionally require the installation of conservation markers on posts to prevent a new owner from moving the boulders.

Motion by Mr. Woodill to approve the restoration plan presented for 433 Washington Street, to include at least four conservation markers. 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

80 First Parish Road / SE52-988 & NCC# 41(11) / Driveway Replication

Request for CoC (cont.) Applicant: Spectrum Homes, Inc. / Representative: Kevin Grady, Grady Cons.

Motion by Mr. Ivas to continue the matter to December 5 at 8 PM. Seconded by Mr. Mott and unanimously voted.

31 Central Street / SE52-765 & NCC# 13(05) / Addition

Request for CoC (cont.) Applicant: John McKay / Representative: Steve Ivas, Ivas Environmental

Steve Ivas, Ivas Environmental, present along with applicant John McKay. Commissioner Justin Ivas recused and left before the meeting started.

Ms. Hemingway recommended issuance of a CoC for this matter, as the order was issued in 2005 and the work was completed.

Motion by Mr. Woodill to issue a CoC for 31 Central Street, SE52-765. Seconded by Mr. Mott and approved by a 4- 0 vote, Mr. Ivas having recused.

31 Central Street / SE52-1117 & NCC# 20(17) / Enforcement Order

Request for CoC (cont.) Applicant: John McKay / Representative: Steve Ivas, Ivas Environmental

Steve Ivas, Ivas Environmental, present along with applicant John McKay. Commissioner Justin Ivas recused and left before the meeting started.

Ms. Hemingway stated she had no issue with any of the completed work, but pointed out that the plants had been in the ground for just four months, and it was normal procedure to wait a full growing season to ensure their viability.

S. Ivas asked whether the plantings could be evaluated as part of the open OoC for the garage, but Ms. Hemingway advised that the order for the garage does not specifically reference the plantings. S. Ivas then inquired about amending the OoC for the garage to reference the plantings; Ms. Hemingway advised that this would require a major amendment to the filing.

Mr. McKay advised that his bank had held back significant funds pending issuance of the CoC. Ms. Wahl asked whether there was documentation the Commission could supply the bank in lieu of the CoC, but Ms. Hemingway advised she had already sent the bank an administrative letter explaining the reason for the delay in the CoC's issuance.

Mr. McMackin asked whether a horticulturalist could verify that the plantings were established in their current state. Ms. Hemingway felt the Commission had the authority to grant a waiver based on an opinion from a peer reviewer, but noted it would be outside the growing season before one could be hired. She further pointed out that the earliest a CoC could be issued under this option was January, and by then it would only be a few more months before the plantings could be verified without a peer review.

After further discussion, Ms. Hemingway suggested that Mr. McKay check with the bank to see how much of the held-back funds were for the plantings versus the garage, seek a CoC for the garage matter (SE52-1122), and leave the plantings matter open. Mr. McKay replied that the majority of the funds held back were for the garage which was only partially built when the home was sold. S. Ivas will file a request to close out SE52-1122 for the December 5 meeting.

Motion by Mr. Osborne to continue the matter to June, 2018. Seconded by Mr. McMackin and approved by a 4-0 vote, Mr. Ivas having recused.

427 Main Street / SE52-48 / Grading associated with Septic System

Request for CoC Applicant: Robert Burwick / Representative: Atty. John McCluskey

Ms. Hemingway advised that this was an administrative closure for work never conducted.

Motion by Mr. Woodill to issue a CoC for 427 Main/SE52-48 as the permitted work was never conducted. Seconded by Mr. Mott and unanimously voted.

63 Stetson Road / NCC# 41(17) / Gas Connection Installation in Driveway

RDA / DoA Applicant: Heather and Larry Leff / Representative: N/A

Mr. Woodill read the notice of public meeting. Property owners Lawrence and Heather Leff present.

Mr. Leff advised that the plan previously submitted to the Commission through Columbia Gas did not show the correct location of the proposed gas line; the updated plan showed the correct location of the line, which would be on the right side of the driveway in lawn that predates the town wetlands bylaw and WPA. A Ditch Witch will be used to minimize construction impact.

Mr. Mott pointed out that some of the line would be sitting in water, and asked whether it could be installed along the driveway. Mr. Leff pointed out that they had recently paved the driveway and didn't want to dig it up. Ms. Hemingway added that installing the line there would likely damage the root structure of an adjacent tree. She recommended approval of the RDA with conditions.

Motion by Mr. Woodill to approve the RDA, pos 2b, pos 5, neg 3, conditioned on use of a Ditch Witch for installation of the gas line. Seconded by Mr. Osborne and unanimously voted.

✓ 31 Leigh Road / DEP # SE 52-1127 & NCC#37(17) / Landscape work in resource area & 50-foot buffer
(After-the-Fact) NOI/OoC (cont.) Applicant: James Cai and Min Hou

2017 DEC 14 AM 10:13

- APPLICANT HAS MADE A REQUEST OF THE COMMISSION FOR A CONTINUATION TO THE DECEMBER 5 MEETING AT 8:00 PM TO ALLOW DEVELOPMENT OF A SEPTIC SYSTEM UPGRADE PLAN.

Motion by Mr. Mott to continue the matter to December 5 at 8 PM. Seconded by Mr. McMackin and unanimously voted.

✓ 40 River Street / SE52-1128 & NCC# 40(17) / Raze (old) police station & Construction of 18-unit Multi-family Bldg. NoI / OoC (cont.) Applicant: Jennifer Van Campen, Metro West Collab.
Development / Applicant: Peter Palmieri, Merrill Engineers

Mr. Woodill read the notice of public meeting. Peter Palmieri, Merrill Engineers, present for applicant.

Mr. Palmieri discussed the updated site plan. He indicated that John Chessia, the consulting engineer to the Zoning Board, was satisfied with the stormwater system design but there would be a slight discharge in a 100-year storm. He also noted that the entire property was outside of the priority habitat zone due to the wetlands line shift. They proposed to remove the existing lower parking area, which discharges runoff to the wetlands. Additionally, the construction trailer and parking locations have been moved, and equipment storage has been moved to in front of the proposed building.

Mr. Osborne asked whether there was any way to move the building and parking area entirely out of the 100 foot buffer; Mr. Palmieri indicated there was not, due to the retaining wall. Ms. Hemingway pointed out that the Commission had no jurisdiction over 40B projects under the local wetlands bylaw, and this project was only subject to the WPA.

Ms. Wahl asked whether the on-site parking would be sufficient. Mr. Palmieri indicated that the developers had indicated they were satisfied and noted that Zoning had asked the same question.

Ms. Hemingway advised that the copies of the construction sequence, and narrative were needed; Mr. Palmieri advised that he had them on hand and distributed them to the Commissioners.

Ms. Hemingway indicated that the updated plan and documents had addressed her concerns and left it to Commission discretion as to whether to approve or continue for further review. Commissioners briefly discussed whether to continue the matter; Mr. Ivas decided to recuse from the vote and will not sign the NoI. The SWPPP is to be submitted to the Commission.

Motion by Mr. Woodill to approve the NoI with a long-form OoC. Seconded by Mr. Mott and approved by a 4-0 vote, Mr. Ivas having recused from the vote.

Ms. Hemingway noted that the Commission would still need to sign the decision as it was not prepared.

Green Street, Lot 1 / SE52-xxxx & NCC# 42(17) / Single-Family Home

NoI / OoC Applicant: Sean Donovan, EMET Holdings, Inc. / Representative: Paul Seaberg, Grady Consulting

Mr. Woodill read the notice of public meeting. Sean Donovan present for Grady Consulting.

Mr. Donovan advised that they had conducted perc tests on the site and located the septic system accordingly. They are proposing a single-family home set back 140 feet from the road. The majority of the home is outside the 100 foot buffer, with a slight overlap in one corner of the home and part of the garage. Access to the home is from Green Street, crossing an intermittent stream. Stormwater features have been designed into the plan, including replacing an existing swale with twelve feet of 12-inch culvert. Utilities would go in shortest path from pole.

Ms. Hemingway advised Mr. Donovan that he also had to discuss alternative access methods. Mr. Donovan noted these alternatives were not currently on the table, but included a 450 foot driveway from River Street with two wetlands crossings, as well as access through an existing driveway at 49 Green Street which would need to be refashioned as a shared driveway and require additional stormwater measures. Ms. Hemingway advised she had looked at both of these alternatives, and agreed that the proposed access from Green Street was the least impactful.

Patricia Crumley, 48 Green Street, asked whether the Commission needed to know plans for additional houses to judge the impact to the street and wildlife. Ms. Hemingway advised that the applicant was not obligated to disclose such plans at this hearing and noted that the impacts to wetlands and stormwater were cumulative and would be the obligation of the applicant to address if he exceeded allowable thresholds.

Ms. Hemingway asked about how much fill would be brought in and about dewatering plans. Mr. Donovan did not know the exact amount of fill that would be required but stated he could do a calculation if needed. He added that the landscaping fill would absorb some stormwater on-site, and did not think dewatering would be needed unless construction took place in the spring.

The Commission then discussed the impact of the proposed lawn on the resource areas. Mr. Woodill felt size limits were needed for the proposed lawn given the location. Ms. Crumley added that there were not many big lawns on the street currently. Mr. Donovan stated that part of the proposed lawn was absorption swale, which will be vegetated; they could add some more trees back in to the plan.

Mr. Woodill felt that the plan as presented presumed there was no such thing as a 50 to 100 foot buffer, and asked what the point was of having the bylaw if developers simply converted this buffer to lawn. Mr. Donovan pointed out there was no regulation prohibiting alterations to the 50 to 100 foot buffer.

Ms. Hemingway advised that a DEP number had been issued late this afternoon but she hadn't read the comments. She recommended that Mr. Donovan stake out the structures, systems, and access lanes in the field so that Commissioners can visit the site. A site visit will be scheduled with the Commissioners and Mr. Donovan.

Motion by Mr. Mott to continue the matter to December 5 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

ENFORCEMENT HEARINGS

89 King's Landing / Enforcement Hearing / alteration of coastal tidal river resource areas including salt marsh (cont.)

- **THE APPLICANT HAS MADE A REQUEST OF THE COMMISSION FOR A CONTINUATION TO THE JANUARY 16, 2018 MEETING @ 8:00 PM, TO ALLOW ENGINEERING REVIEW AND DEVELOPMENT OF AN ATF NOI.**

Ms. Hemingway briefly advised that the property owners are drafting an after-the-fact NOI for work done on the property, and are requesting continuation to January 16.

Motion by Mr. Ivas to continue the matter to January 16, 2018 at 8 PM. Seconded by Mr. Mott and unanimously voted.

ADMINISTRATIVE REQUESTS

300 Summer St

Ms. Hemingway advised that the land owners wish to install additional fencing around the yard. She has no issue with the request but advised that technically it could require an RDA. They are aware that this additional filing may be necessary.

Motion by Mr. Woodill to issue an administrative permit to install additional fencing around the yard area at 300 Summer Street up to the limit of use fence required in the OoC. Seconded by Mr. Ivas and unanimously voted.

34 Island View Circle

Ms. Hemingway advised she is working with the applicant to prepare an after-the-fact filing for a paved turnaround. They are also requesting the removal of numerous trees, and two commissioners are needed to review the request as per the original OoC. Mr. Mott and Mr. Osborne will visit the site.

VIOLATION DISCUSSIONS

61 Accord Park Drive – ECR has conducted a delineation. The landowner is working on a restoration plan, which is expected for December.

AGENTS REPORT

11 West End Complaint

Ms. Hemingway advised that she had received a complaint that Comcast had encroached a wetlands buffer at a work site near 11 West End Way. Ms. Wahl will visit the site.

SCIENCE AND REGULATION IN THE NEWS

EDUCATION AND TRAINING OPPORTUNITIES

Please refer to the complete Agents Notes available in the Conservation Office. Any notes included in the minutes are partial.

<i>Next Meeting</i>	<i>December 5, 2017</i>
<i>Public Information Written Comments</i>	<i>No deadline</i>

ADJOURNMENT

There being no further business, a motion was made by Mr. Woodill to adjourn at 10:20 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 _____.

Marynel Wahl
Marynel Wahl, Chairperson

NORWELL CONSERVATION COMMISSION

345 Main Street / Norwell, MA

November 7, 2017 @ 7:00 PM - Room 112

AGENDA Notes

2017 DEC 14 AM 10:19

7:00PM: CALL TO ORDER & AGENDA ACCEPTANCE

The Commission had not scheduled a meeting for Thanksgiving week with the Town Clerk. We do have two new filings. Do you want to schedule a meeting for Nov 21 or hold the schedule as approved last December and continue all to the December 5 meeting?

COMMISSION BUSINESS

New:

- Alison Demong re: Whiting Fields on Main and Lincoln.
 - I am anticipating handouts for tonight's meeting; this is primarily the start of discussion regarding the recent P&S.
- Glenn Ferguson re: Stoneybrook Lane cottage
 - Glenn will lead this discussion re a proposed solution to the safety and maintenance issues for the Stoneybrook cottage.
- Bridge St Landing long term repairs
 - Glenn conducted an emergency repair to allow boat launching for the FD. He would like to discuss long-term solutions so the Town can start to apply for funding.

Old (cont.):

- Discussion re: dock/float storage along North River (& marsh)
 - I have not scheduled a date yet for CZM folks to join the Commission. Their schedule is predominantly used for regional training and discussion opportunities.
 - Would the Commission consider hosting an extra meeting specifically for this issue inviting regional Commissioners, Agents, Harbor Masters, Etc?
- Status Update for NoI: Street Drainage work in wetlands
 - Continuation requested to December 5 please. Mapping is underway. We recently purchased the software necessary to complete the application components.
- Project Grid Review

SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)

Open Space and Recreation	S. Minihane	
Land Protection	All	
Pathways	R. Woodill	HW is conducting a delineation. Ken has relayed that when that is done the goal will be to hold a joint meeting with all involved parties to discuss steps moving forward, goals, concerns, etc.
Trails/Signage	R. Woodill	
CPC	D. Osborne	
Farming	R. Mott	The annual farm plan info request form was emailed to you. Please let me know ASAP if you want any changes. Otherwise, I will email those out first thing next week.
Grants	B. McMackin	
Zoning Bylaw	D. Osborne	

MISCELLANEOUS

1. Bills

- a. Transfer of \$171.93 to Tree and Grounds for removal of a hazardous tree hung up at Hatch, beyond Trail Crew. From the storm of Oct 29 and 30.
- b. Gatehouse Media - \$361.92 for legal ad for Enforcement Hearing 89 Kings Landing and for the legal ad for the Bylaw Review Co, clarifications.
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- d. Trail Workers for period 10/16 to 11/3
 - i. Ed Cox - \$253.50
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 - iii. Mark Aigen - \$162.00
 - iv. Paul Legere - \$162.00
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- f. WB Mason - \$12.32 office supplies/ and \$57.33 for ink
- g. Fast Signs - \$274.69 replaced Stetson sign dedicated to Wolinskys. Sign they paid for incorrectly attributed to CPC – M.W authorization
- h. Ed Cox – \$24.99 - reimbursement for chainsaw repair materials
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- j. Chris Sullivan - \$150.00 transcription of minutes from Oct 17.
- k. Nancy Hemingway – Travel reimbursement – TBD before meeting.

2. Minutes: 9/19/17, 10/3/17, (emailed to you last Friday) 10/17/17 (review pending)

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.

PUBLIC MEETINGS

433 Washington Street – review of restoration plan for disturbed buffer

- Cameron Larson will be subbing in for Brad Holmes to review the restoration plan for the buffer impacted at this commercial site.
- This is resolution of a buffer zone vegetation disturbance violation.
- The restoration area encompasses the area within the 100-foot buffer that had been altered without permits. Other sections of the back lot were also altered but are not within the NCC jurisdiction. Additionally a portion of the 100-foot buffer appears to have been documented in aerial photos as long-term use area.
- Site plans will be in your packets

Please note: the projector as of this writing is not working and will not be available for the meeting. Marynel is working with the office to find a replacement that will have the resolution and lumens we need for meeting purposes. Thank you for your patience!

8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

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

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

80 First Parish Road / SE52-988 & NCC# 41(11) / Driveway Replication

Request for CoC (cont.) Applicant: Spectrum Homes, Inc. / Representative: Kevin Grady, Grady Cons.

- The landowner has requested a continuation to the next meeting 11/21? or 12/5? at 8:00 PM

- Work constructing a retaining wall to hold the exposed soils just upgradient of and at the 100-foot buffer is approximately ¾ completed.

2017 DEC 14 AM 10:13

31 Central Street / SE52-765 & NCC# 13(05) / Addition

Request for CoC (cont.) Applicant: John McKay / Representative: Steve Ivas, Ivas Environmental

- The project work for this Order, issued in 2005 was completed and has been replaced by current projects on site.
- I recommend issuing the CoC with complete compliance.

31 Central Street / SE52-1117 & NCC# 20(17) / Enforcement Order

Request for CoC (cont.) Applicant: John McKay / Representative: Steve Ivas, Ivas Environmental

- The majority of this work for this Order was completed prior to issuance of the OoC as restoration of the stream was conducted simultaneously. This was an after the fact filing.
- The plantings to restore both the stream bank (and to replace the plantings from the previous Order that were removed) have not had a full season of growth to ensure survival and stabilize.
- This is the Order that required these plantings and restoration/mitigation. Per standard NCC policy, I recommend this Order be held open until the plantings have achieved at minimum 75% survival for at least one season. Although the Order requires maintenance of these plantings, a continuation to fall of 2018 is strongly recommended to ensure the initial plantings succeed.
- The applicants representative has noted that the OoC for the garage (also recently issued 52-1122), is still open and can be held until the plantings survive. However this OoC does not specifically list the mitigation and restoration plantings as part of the work/project, nor does it require proof of survival.
- The As Built includes the fully constructed garage, which was not constructed as of the filing for this CoC. No full size As Built has been submitted for this filing. We do have 11x17 prints.

427 Main Street / SE52-48 / Grading associated with Septic System

Request for CoC Applicant: Robert Burwick / Representative: Atty. John McCluskey

- This CoC request is from the 1980s. This is house cleaning by the Attys for the new buyers. Work was never conducted under this OoC. The site was re-permitted under a later filing 52-212, which was completed, and CoC'd. Recommend closure by virtue of never having been conducted.

63 Stetson Road / NCC# 41(17) / Gas Connection Installation in Driveway

RDA / DoA Applicant: Heather Leff / Representative: N/A

- This site came before you a month ago through Merrill for Columbia Gas.
- Resources include BVW, 2 intermittent stream channels all of which are part of the headwaters to Copeland Tannery Brook. Work will be within lawn that predates the WPA and NWB. This area of lawn has SHGW within a foot of the surface.
- When I went to the pre-start, I was informed that the erosion control line 10 feet from the BVW was the actual gas line location. I denied the project start.
- Long story short, the landowners are requesting the Commission consider issuing a permit for the location they originally agreed on w/ Columbia gas.
- The work will occur within existing lawn. The project is also a 1 day – cut and fill using a ditch witch.

- NCC discretion. While I do not believe new/expanded or other uses should occur in the 50-foot buffer as a policy, the Commission has frequently allowed minor projects in existing lawn in close proximity to wetlands. I also do not believe that this minor project would result in any adverse impact to the adjacent BVW.
- Although this project technically may warrant an NOI due to proximity to wetlands, I do not believe any new information could be submitted. The NCC review is to decide whether the applicants preferred location is justifiable or whether the already permitted location for the gas-line will better serve protection of the adjacent BVW.

31 Leigh Road / DEP # SE 52-1127 & NCC#37(17) / Landscape work in resource area & 50-foot buffer (After-the-Fact) NOI/OoC (cont.) Applicant: James Cai and Min Hou

- **APPLICANT HAS MADE A REQUEST OF THE COMMISSION FOR A CONTINUATION TO THE DECEMBER 5 MEETING AT 8:00 PM TO ALLOW DEVELOPMENT OF A SEPTIC SYSTEM UPGRADE PLAN.**

40 River Street / SE52-1128 & NCC# 40(17) / Raze (old) police station & Construction of 18-unit Multi-family Bldg. NOI / OoC (cont.) Applicant: Jennifer Van Campen, Metro West Collab.
Development / Applicant: Peter Palmieri, Merrill Engineers

- The final site plans for the construction phase of the former Police Station will be brought to the meeting for discussion purposes.
- The ZBA has reviewed the 40B application, which includes the local bylaw review. The applicant is applying under the WPA only. The NWB 50 foot buffer regulations do not apply to this project.
- The originally submitted plan set is available; however, the construction detail sheets include several components close to the BVW. The below comments were sent to the engineer for the project and are expected to be discussed this evening.
- The temporary sedimentation basin is not shown.
- Depth to GW and a cross section for the temporary basin adjacent to the BVW is needed. The basin would not likely have a 2-foot separation from GW across the base (I cannot read the elevations so this may change with better clarity).
- Information to show the use of that area is sufficiently above GW and will not adversely affect the immediately adjacent BVW is needed.
- Confirmation that John Chessia's last comments to ZBA included this basin once it is shown must be verified.
- Erosion control installation detail needs to be added. Hay is not allowed to be used due to the likelihood that invasive seeds will be transferred to the site. This has become a chronic problem throughout the state. Mulch sock is recommended to be required by the Commission due to the extensive earthwork that will be required; hay and black plastic simply will not contain the stockpiles or exposed soils if we get one of the heavy rainstorms that have become so frequent.
- I would advise that the review scope of the project changes due to the location of the temporary sedimentation basin, and the contractor parking area. These components may be able to be shifted without disturbing much thus reducing the potential to affect adjacent wetlands.
 - For ex: would it be possible to shift the parking area for contractors entirely onto existing paved areas and further away from the edge of the BVW? That location

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was identified as an area subject to significant water flow during the ANRAD. Vehicles near wetlands are often sources of unanticipated contamination due to leaking oil, contaminants from salted roads etc. (The Gaffield Park playground and other nearby areas may provide some relief for a vehicle or two each).

- Can the construction trailer (which likely presents no potential for contamination or erosion due to constant driving over the soil) go where the contractor parking is now shown, just off the paved area? This is stationary and would create a use barrier in that location as opposed to a new significant potential impact.
- If some of the newly shown construction phase uses are reversed, broken into smaller areas or shifted, you decrease potential impact significantly without changing the scope of the actual construction area

Green Street, Lot 1 / SE52-xxxx & NCC# 42(17) / Single-Family Home

NoI / OoC Applicant: Sean Donovan, EMET Holdings, Inc. / Representative: Paul Seaberg, Grady Consulting

- No DEP number has been issued for this site yet.
- This is a request for a SFH in the area that was recently perced. While Sean Donovan has come in repeatedly and worked very positively with me to address as many likely questions and concerns as possible, the reported communication with the neighborhood seems to have been somewhat hostile. I would anticipate a somewhat large group. The Commission may wish to shift this hearing right up to 8:00 to avoid overcrowding later in the meeting.
- Regulatory references:
- WPA - A wetland crossing limited project to access the upland is proposed.
 - Limited projects are regulated (WPA) under section 10.53 (3)(e) The construction and maintenance of a new roadway or driveway of minimum legal and practical width acceptable to the planning board, where reasonable alternative means of access from a public way to an upland area of the same owner is unavailable.
 - Such roadway or driveway shall be constructed in a manner which does not restrict the flow of water.
 - Reasonable alternative means of access may include any previously or currently available alternatives such as realignment or reconfiguration of the project to conform to 310 CMR 10.54 through 10.58 or to otherwise minimize adverse impacts on resource areas.
 - The issuing authority may require the applicant to utilize access over an adjacent parcel of land currently or formerly owned by the applicant, or in which the applicant has, or can obtain, an ownership interest. The applicant shall design the roadway or driveway according to the minimum length and width acceptable to the Planning Board, and shall present reasonable alternative means of access to the Board.
 - The applicant shall provide replication of bordering vegetated wetlands and compensatory flood storage to the extent practicable.
 - In the Certificate of Compliance, the issuing authority may continue a condition imposed in the Order of Conditions to prohibit further activities under 310 CMR 10.53(3)(e).

- In this case the resource being crossed is an intermittent stream channel which is combined with street stormwater flow.
- The NWB and regulations do not offer a comparative limited project status.
 - The 50 foot no new disturb zone applies. The NWB under section 2 B allows for allowance of activities that impact resource areas and the 50 foot buffer on an express determination that the applicant has made a clear and convincing showing that the proposed work in the buffer strip and its natural and consequential impacts and effects will not adversely affect the wetland values of the bylaw.
 - Land under waterways 8.1.0 performance standard – The Commission may impose such requirements as are necessary to protect the interests under the bylaw, including provision to minimize disturbance of buffer zone within 100 feet of a resource when the pre-application condition is undisturbed.
- Construction process details such as control of the extensive fill are recommended to be submitted or conditioned for discussion, including quantity of fill and how it will be controlled as the site is raised to prevent construction in GW.
- Dewatering details and discussion is needed.
- The applicant has proposed two surface flow control areas to minimize surface storm water flowing through the site, although the site is not subject to stormwater regulation. There are no requirements with which to hold these proposed control features. The locations of these features are recommended to be staked on the site along with the locations of the structures and the limits of work and a site visit taken by the Commission.
- Additional comments and final recommendations for the follow up hearing once based on this evenings discussion and follow up information.

ENFORCEMENT HEARINGS

89 King's Landing / Enforcement Hearing / alteration of coastal tidal river resource areas including salt marsh (cont.)

- **THE APPLICANT HAS MADE A REQUEST OF THE COMMISSION FOR A CONTINUATION TO THE JANUARY 16, 2018 MEETING @ 8:00 PM, TO ALLOW ENGINEERING REVIEW AND DEVELOPMENT OF AN ATF NOI.**

ADMINISTRATIVE REQUESTS

300 Summer St - fence request – the landowner is requesting an administrative permit to install additional fence around the yard area up to the limit of use fence required in the OoC.

34 Island View Circle – Tree removal request and possible violation – 8+ trees have been marked well into the 50 foot no disturb buffer for removal and replacement as allowed with review of 2

Commissioners under the issued OoC. Please would two of you volunteer? A paved turnaround up to the 50 foot has been added with no request for amendment. I am working with the applicant on an ATF filing.

VIOLATION DISCUSSIONS

23 Farrar Farm Road

61 Accord Park Drive – ECR has conducted a delineation. The landowner is working on a restoration plan, which is expected for December.

13 Winter St

70 Hemlock Rd

AGENTS REPORT

- The CPC has asked Conservation to attend the Thursday evening Nov 9, CPC meeting to discuss the request for transfer of funds.
- We received a complaint today of encroachment into buffer to wetlands by Comcast near 11 West St. The work includes tree removal and construction of a parking area, vehicle maintenance area. I will not be able to check the site until next week. Would one of the Commissioners please take a look this week and if action is needed, let Meredith know.
- TH is closed Friday. I will be out Wed and Thurs.
- The Town website cannot host videos. This is a wonderful opportunity to spotlight many of the recreational areas. Do you have interest in creating a series of videos or at least one collective of the various Conservation Trail and Use areas?
- Wildcat CoC plans and such are still pending. There has been some level of controversy as the applicants feel that they have satisfied the PB in regards to site issues and as such are also in compliance with the NCC requirements, OoC, etc. Please let me know if you would like copies of the correspondence.
- PB will be discussing the Norwell Estates Stormwater Basin Restoration Plan at tomorrow evenings meeting along with next steps in referring back to Conservation. Additional information is anticipated for the next meeting.
- The CR for Bay Path Lane has been signed by the BoS and the endowment is being deposited. The forms have gone on to EOEEA for final review. PB will be considering release of the two lots being held. Discussion involves whether to continue holding pending final recording of the documents, which may take another year or so???
- 281 Main St is looking for a CoC for the work related to both the Court Order and the OoC. The work is partial and includes some replanting and restoration. I would encourage the Commission to schedule and attend a group site visit before winter arrives or at least take individual site visits. You can park along the Main St field that Hornstra farms for easy access.
- 40 Norwell Ave restoration is underway. The stone swale is being removed and the woodland edge restored further into the property rather than additional lawn.
- The Jacobs Pond Veg treatment final report is in your packets. It is rather short this year, but is also a follow up. Please let me know if you would like this on a future discussion schedule.

SCIENCE AND REGULATION IN THE NEWS

- From AMWS – this will become relevant to Conservation Reviews in the near future. I recommend that you follow the links and read up. I will provide additional details as needed in the regulatory process.
 - The MassDEP Wetlands Program recently issued Policy 17-1: Photovoltaic System Solar Array Review. The policy link below is located on the recently launched new Mass.gov website: <https://www.mass.gov/guides/massdep-wetlands-program-policy-17-1-photovoltaic-system-solar-array-review>. This policy describes how MassDEP reviews a ground-mounted solar photovoltaic system (PVS) relative to wetland jurisdiction. The policy strongly encourages the use of upland properties for locating a PVS. Placement of a PVSs within jurisdictional wetlands is highly discouraged; any PVS contemplated for locations in resource areas are subject to all regulatory performance standards.
 - MassDEP also collaborated with the Department of Energy Resources (DOER) to reiterate these policy objectives in recently promulgated DOER regulations. Since solar power is a key part of renewable energy in Massachusetts, the DOER

recently adopted regulations, <http://www.mass.gov/courts/docs/lawlib/220-229cmr/225cmr20.pdf>, to incentivize the continued use and development of solar photovoltaic power in the Commonwealth. However, consistent with input from MassDEP, the final regulations contain provisions that preclude incentives for any solar projects proposed to be located in wetland resource areas and natural waterbodies such as salt ponds, freshwater lakes, or great ponds.

- The Public Lands Preservation Act still needs support. Please let me know if you would like the current initiative emailed or copied to you along with the Senate redraft ...No. 419.
- 111 Pond St is underway. John Chessia is peer monitoring the rework of the stormwater raingardens. Let me know if you want additional info.
- Check out the relatively new bug guide at <https://bugguide.net/node/view/236368>
- MA SJC Smith v Westfield strengthens and clarifies protection of conserved lands.
- A Tribute in Light – a study of light’s dramatic impact on Bird Migration is in your packets. Good reading. Thought provoking in terms of trends in heavily lighting residential areas and roadways.

EDUCATION AND TRAINING OPPORTUNITIES

- AMWS – Annual meeting –December 1st 9-4 in Boxborough. This year’s theme is “Where the Wild Things Are” Please consider attending. Let Meredith know if you are interested.
- Just a quick reminder that the meeting to discuss the Library Building is Tuesday, Nov 7 at 2:30 and 6:30 in the Library.
- I realize this is late notice; however, this program sounds promising if anyone is interested. Volunteer Land Stewardship Program ABC’s 472 Main St Acton Wed Nov 15, 11-1.
- Thank you to all who attended the Open Meeting Law training
- Water Words that work – RI Audubon – Tues Dec 5 9:30-4:00 in Providence RI – creating effective environmental messages, how to communicate with your audience, what not to do.
- Planning effective projects – RI Audubon – Tues Dec 5 8:30-5:00 in Smithfield.
- Wild Edibles with Russ Cohen – coming to Norwell next May/June as a cooperative program between the Library, SSNSC and Norwell Conservation.
- Mass Woods has a number of programs coming up. You can access their program through Paul Catanzaro at UMass ext.
-

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.

63 Stetson Road / Lawrence & Heather Leff
 NCC# 41(17)
 Request for Determination / Gas Service Connection
 Documents/Plans Listing

2017 DEC 14 AM 10:13
 RECEIVED

DOCUMENTS / PLANS	Author	Date Signed	Date Received by Office	Notes
<u>Documents (Hard Copy & Electronic):</u>				
Request for Determination Application (2 copies incl. cover & Project Narrative)	Lawrence & Heather Leff	10/18/17	10/19/17	
Misc. Locus, GIS maps, Photos, etc.	"	Oct. 2017	10/19/17	
Legal Ad for Patriot Ledger publication	Internal	Emailed 10/26/17	Published in Ledger on 10/30/17	
Determination of Applicability	N. Hemingway & NCC	11/7/17	Sent Cert. Mail 11/8/17	
<u>Emails:</u>				
Misc. Email Correspondence	Various			
<u>Plans:</u>				
"Wetland Delineation Overlay Plan / Gas Service Connection / 63 Stetson Road / Norwell, MA" w/ hand-drawn drawings (3 copies)	Lawrence & Heather Leff	Aug. 2017	10/19/17	
<u>Checks Rec'd:</u>				
\$100.00 (Ck. #1843)	Heather Leff	10/18/17	10/19/17	

31 Leigh Road / James Cai & Min Hou
 SE52-1127 & NCC# 37(17)
 (After-the-Fact) Notice of Intent / Landscape & Yard Work
 Documents/Plans Listing

2017 DEC 14 AM 10:13

DOCUMENTS / PLANS	Author	Date Signed	Date Received by Office	Notes
<u>Documents (Hard Copy & Electronic):</u>				
Notice of Intent Application (3 copies)	James Cai	9/18/17	9/21/17	
Abutter Notification rec'd from Applicant (as owner of Jacobs Landing)	Applicant(s)	9/20/17	9/25/17	
Legal Ad for Patriot Ledger publication	Internal	Emailed 9/21/17	Published in Ledger on 9/25/17	
"Notice of Reported Violation & Possible Work in/near Wetland Resource Area" (copy of notice sent to J. Cai & M. Hou)	N. Hemingway	8/21/17	N/A	
<u>Emails:</u>				
Misc. Email Correspondence	Various			
GIS Print-outs, Field Cards, Listing Info. Sheets, Nat'l Grid Tree Pruning & Removal Worksheet	Misc.	Created Sept. 2017	N/A	
<u>Plans:</u>				
"Plan of Existing Conditions / 31 Leigh Road / Norwell, MA / prepared for Min Hou"	Michael A. Coleman, PLS	9/12/17	9/21/17	
<u>Checks Rec'd:</u>				
\$342.50 (Ck. #132)	Min Hou Xiaoji Cai	9/22/17	9/22/17	

40 River Street /
SE52-1128 & NCC# 40(17)

Notice of Intent / Raze Police Station & Construct 18-unit Multi-Family Bldg.
Documents/Plans Listing

2017 DEC 14 AM 10:13

DOCUMENTS / PLANS	Author	Date Signed	Date Received by Office	Notes
<u>Documents (Hard Copy & Electronic):</u>				
Notice of Intent Application (2 copies incl. cover & checklist) incl. Abutter Notification Info.	Peter Palmieri, Merrill Eng.	10/2/17	10/3/17	
Misc. Locus, GIS maps, FEMA, NHESP, etc.	"	Sept./Oct. 2017	10/3/17	
Legal Ad for Patriot Ledger publication	Internal	Emailed 10/5/17	Published in Ledger on 10/9/17	
DEP / SERO Notification of WPA File # (SE52-1128)	Greg DeCesare, DEP	Emailed 10/17/17	10/17/17	
Stormwater Management Report	Peter Palmieri, Merrill Eng.	Rev. 7/10/17	10/3/17	
Plan Review / Comp. Permit – 40 River Street Memo to ZBA (including Supplemental Review to original)	J. Chessia, Chessia Consulting	6/19/17	10/3/17 (Suppl. Review updated 7/17/17)	
Order of Conditions (WPA & Bylaw) for SE52-1128 & NCC# 40(17)	N. Hemingway, Agent & NCC	12/5/17	Rec'd In-hand to P. Palmieri, Merrill 12/7/17	
<u>Emails:</u>				
Misc. Email Correspondence	Various			
<u>Plans:</u>				
"Site Plan / #40 River Street / Assess. Bl. 58, Lot 64 / Norwell, MA" (Plan Set C1.1 – C5.4)	Peter Palmieri, Merrill Eng.	9/19/17	10/3/17 (Rev. 11/1/17)	
<u>Checks Rec'd:</u>				
\$537.50 (Ck. #2864)	Metro West Collab. Dev.	9/27/17	10/3/17	
\$1050.00 (Ck. #2863)	"	9/27/17	10/3/17	

49 Green Street, Lot 1 / Sean Donovan, EMET Holdings
 SE52-1129 & NCC# 42(17)
 Notice of Intent / Single-Family Home
 Documents/Plans Listing

2017 DEC 14 AM 10:13

DOCUMENTS / PLANS	Author	Date Signed	Date Received by Office	Notes
<u>Documents (Hard Copy & Electronic):</u>				
Notice of Intent Application (3 copies incl. Certified List of Abutters)	Paul Seaberg, Grady Consulting	10/24/17	10/24/17	
Misc. FEMA, Locus, GIS maps, etc.	"	10/24/17	10/24/17	
Legal Ad for Patriot Ledger publication	Internal	Emailed 10/26/17	Published in Ledger on 10/30/17	
<u>Emails:</u>				
Misc. Email Correspondence	Various			
<u>Plans:</u>				
"Site Plan – Lot 1 – Assessor's Lot 70-003 & 005 / Norwell, MA" (Sheets 1 & 2)	Darren Grady, Grady Consulting	10/23/17	10/24/17	
<u>Checks Rec'd:</u>				
\$500.00 (Ck. #19398)	Grady Consulting	10/24/17	10/24/17	
\$262.50 (Ck. #19399)	"	10/24/17	10/24/17	