



RECEIVED

Present: Marynel Wahl, Chair, Bob McMackin, Ron Mott, Bob Woodill, Justin Ivas, Ellen Markham, Conservation Agent Nancy Hemingway, and Recording Clerk C. Sullivan. Stacy Minihane was absent.

CALL TO ORDER

The meeting was called to order at **6:33 pm** by Chair Marynel Wahl. The meeting was recorded.

AGENDA ACCEPTANCE

The Commission reviewed the proposed agenda and discussed changes and additions.

Motion by Mr. Woodill to approve the agenda as posted. Seconded by Mr. Mott 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.

The Commission polled in to Executive Session at 6:33 PM to discuss land acquisition and then return to Open Session by roll call vote: Wahl, aye; Markham, aye; McMackin, aye; Woodill, aye; Mott, aye; Ivas, aye.

The Commission returned to Regular Session at 6:58 PM by roll call vote: Wahl, aye; Markham aye; McMackin, aye; Woodill, aye; Ivas, aye; Mott, aye; Minihane, aye.

COMMISSION BUSINESS

New Business

CPC Applications Refer to Agents complete notes and application forms for details
Selectmen Ellen Allen and Alison Demong present, as the Commission reviewed the draft language of the CPC grant applications discussed at the previous meeting. The applications were prioritized as follows:

1. *Conservation Fund Deposit* (10% of CPA funds, about \$100K)

The funds would be used to act quickly on land acquisition opportunities. A similar application was submitted last year.

2. *Jacobs Pond Invasives Management* (\$20K)

Specifically for protection of the pond from invasive species.

3. *Trail Tree Hazard Removal* (\$26K)

workers to sweep through the trail system and remove hazards.

Ms. Allen and Demong questioned whether this project could be paid for with CPA funds. In response to a further query from Ms. Demong, Ms. Hemingway indicated the work could potentially qualify for a MVP grant, but this could take years to obtain and the danger was immediate.

Ms. Hemingway added that the Trees and Grounds had provided an estimate of \$100K for four years of work; after some discussion, it was decided to apply for one year's funding and subsequently apply for Special TM Article and MVP grant funding as back up.

4. Simon Hill - Hatch Lots Boardwalk (\$70K)

Funding for the construction of a low impact simplified trail and boardwalk connecting the Simon Hill and Hatch Lots Conservation properties; two potential routes are given.

Marie Molla cited historical finds near Burnt Plain swamp and expressed concern at building anything before the area was studied further. Chair Wahl pointed out that neither of the two trail options went near the known areas of historical significance. A copy of the historical report had been submitted to the Commissioners. After further discussion, it was decided to propose a low impact trail and boardwalk so that usage could be evaluated.

5. Jacob's West Connection to Norwell Gardens (\$30K)

This project will create a public recreation and small parking area on existing conservation land on the west shore of Jacob's Pond. Trails would provide connections to the Jacobs Shores neighborhood and the Jacobs Pond Estates senior housing. Ms. Hemingway noted that there was already a rough trail through the property. Mr. McMackin added that residents at Jacobs Pond Estates had expressed support.

Ms. Hemingway noted that the Commission was also a co-signer to a request for funding to update the Open Space & Recreation Plan, but this application would be for the Open Space Committee to prioritize. Additional proposals for feasibility studies for the Masthead and Hatch to Wompatuck properties were tabled. Ms. Hemingway will finalize the applications and forward them to Commissioners Wahl and McMackin for final review prior to submission.

The Commission requested that a statement identifying the Commission's overall concept plan and goals consistent with the Master Plan, Open Space and Recreation Plan and the Town's overall connectivity vision be developed and incorporated into the applications.

Motion by Mr. Woodill to authorize Chair Wahl to sign and submit all CPC funding applications on behalf of the Commission. Seconded by Mr. Mott and unanimously voted.

Annual Re-authorization of Agent (N. Hemingway) to sign weekly payroll

Tabled.

RECEIVED

Budget quotes for high def. screen for projecting meeting materials

After a brief discussion, the Commission decided to seek funding for a Smart Board, rather than a Smart TV, for the Planning Office.

Request for modification to Donovan–Pathway connector project by R. Mott and M. Wahl

The Commission discussed a modification to the Donovan–Pathway Connector project narrative to include repairs to the existing stone wall for public safety.

Ms. Hemingway noted that CPC had discussed and approved the \$1857.90 charge for the fieldstone to repair the wall and recommended that the modification be approved.

Motion by Mr. Ivas to accept the modification. Seconded by Mr. McMackin and unanimously voted.

FEMA Flood Hazard Map Changes

Ms. Hemingway advised that amended FEMA Flood Hazard maps showed significant changes that might impact some residents. She will be discussing them at the Board of Selectmen meeting tomorrow.

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

Pathways

Ms. Hemingway advised that Pathways had voted to proceed with applying to CPC with the culvert design of the Wompatuck connector, at a total cost of about \$350K.

Trail/Signage

Mr. Woodill is awaiting cost estimates from Trees and Grounds Commissioner Glenn Ferguson.

Grants

CPC grants are in the process of being prepared. See above

Trail Work Update

Trail work has been completed at the Miller, Fogg, and Hatch Lots properties and is proceeding at Cuffee.

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

- Plymouth Quarries - \$1857.90 (Approved by CPC to be paid out of TM-17 Art 16)
- Chris Sullivan - \$150.00 – minutes of 10/2/18
- WB Mason - \$11.05 – Nameplate for Ellen
- WB Mason - \$62.95 – storage boxes for archive
- AMWS- \$45.00 - 2019 membership dues
- Meredith - \$69.99 – office balance chair–
- Paul Legere - \$162.00 – trail work
- Steve McViney - \$136.50 – trail work
- NH - mileage for the quarter, not to exceed \$350

Ms. Hemingway noted that CPC had discussed and approved the \$1857.90 charge for the fieldstone to repair the stone wall at Donovan Field.

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

Minutes (9/18/18 – and 2/6/18, 3/20/18 & 6/5/18)

Ms. Hemingway requested that review of these minutes be tabled so she could forward them to the Commission.

Site Inspection Schedule

The Commission scheduled site walks at Damon Farms, Simon Hill, and 5 Fieldstone Way. Ms. Hemingway noted these are attorney-requested walks related to large or projects (Damon and Simon) and related to an outstanding replication order at 5 Fieldstone.

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

Ms. Hemingway advised that applicant had requested continuation to November 6 at 7 PM.

Motion by Mr. Ivas to continue the matter to November 6, 2018 at 7 PM. Seconded by Mr. McMackin 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

Old Oaken Bucket Estates / SE52-1138 & NCC# 11(18) / Roadway Construction, SFH, Septic, Stormwater & Grading NoI / OoC (cont.) App: John Kopacz / Rep: Marta Nover, Nover-

resident.

Mr. Kopacz indicated he believed they had answered the Commissioner's previous questions, but wanted to continue the dialogue this evening. Mr. Morse noted that consulting engineer John Chessia was still reviewing the hard numbers set forth in their drainage report, but felt the plan was in compliance with DEP standards.

Mr. Morse then discussed the revisions to the plan set based on previous Commission input. This includes an expanded planting area through back side of lots 15-26, a planting plan from Brad Holmes, the provision of conservation markers at the boundaries of the buffer strips between lots, and three sand burrows in the buffer zone for turtle nesting and breeding. They have also revised the construction sequencing, staging areas, and lot closure calculations.

In response to a request from Ms. Hemingway, Mr. Morse provided a drainage analysis in recent correspondence to the Commission, in which he provided narrative as to how project complied with each of the ten specific DEP performance standards.

Mr. Morse asserted they were not using the reservoir and wetlands as a stormwater BMP, as they were providing multiple stormwater BMPs within the development. Although stormwater ultimately discharges into wetlands, they took no credit for this in their calculations.

Ms. Nover noted that the IVW mitigation area had been increased to 9000 sq ft from 4000 sq feet to compensate for the loss of a lower-quality IVW elsewhere in development. The replication area was located near the riverfront, between the road and the bogs. Since it was in a visible location near an entrance to the subdivision, it could easily be monitored. Mr. Kopacz added that there had always been a quality wetland where the replication area was sited.

Ms. Nover characterized riverfront alteration as about 7000 square feet, which would meet the applicable performance standard, and pointed out that the riverfront in this area was part of the bog operation and bounded in places by riprap. She contended there would be no impact to these resource areas from the stormwater discharge since it was a working bog in which water levels already fluctuated. Based on her discussions with DEP and her previous involvement with what she characterized as a similar project in Brockton, treated stormwater was not subject to the same regulations as untreated stormwater.

Mr. Morse added that he had received correspondence from DEP confirming that the site was not subject to MEPA review, and had provided a copy for the Commission file. At this point, he requested that the Commission raise any additional issues or concerns so they could be addressed.

Ms. Hemingway submitted 5 pages of written notes to the Commission. The following is an excerpt. Please see the notes for the full report. She stated she conceptually supported the idea of using stormwater to sustain agriculture as it was out of the box thinking that turned the climate change flooding and rainfall issues into something positive. She noted that the proposed buffer

from a subdivision for numerous reasons. The proposal, she contended, was in conflict with DEP regulations which prohibit the alteration and use of wetlands for stormwater detention. Altering water levels by 5 acres/feet variably without any discussion of current conditions will potentially have impacts to the 2 downgradient restrictive culverts, banks stability, the rivers ability to attenuate stormwater, abutters etc. Since the development as designed would add a significant amount of water to the reservoir and bogs, the burden of proof was on the applicants to prove there would be no adverse impact on the reservoir, bogs or downgradient wetlands, abutters or Second Herring Brook. She also stated that the burden to overcome the presumptions of significance was on the applicant and these had not been adequately presented or addressed. The applicant has not demonstrated that there will be no adverse impact from flooding or that the presumptions of significance were overcome.

Mr. Kopacz cited an NRCS review and approval of the project, which he noted was based on the water needs of the remaining bog. This study concluded that he needed to replenish the bogs 4 times over to maintain operations, something he has struggled to do in recent years. He added there was an additional bog available for water storage, and expressed concern that if they had to create more areas to store water, that water would not be available to be pumped into his bogs, and thus the water needs of the bogs wouldn't be met.

Ms. Hemingway noted that a vote of approval from NRCS would not override DEP regulations. This is a subdivision application with project components at and in resource areas that would eventually be part of a separate private property and off the subject site. She requested that the long-term operation and maintenance plans be pulled out of the 1000+ pages of stormwater analysis and enhanced for Commission review. Mr. Morse noted that they had submitted documentation that was consistent with what he had submitted on other projects of similar size, and asked what additional information the Commission needed to know. Among other concerns and questions Ms. Hemingway requested substantiating information as to how and when the system and off site components will be monitored, as well as who will do the monitoring and what guarantee the town would have that the offsite discharge use for the cranberry farm would not simply be abandoned. The details were also needed for the modeling scenario in which the farm ceases operation. There will be a 6-7 foot drop off the rip rap outfall in that scenario. How will the site be retrofitted to correct and comply with WPA. Morse replied that the HOA will take responsibility for the ongoing maintenance of the system, and requested that they meet to discuss the additional details needed.

Applicants agreed to a continuation pending the issuance of consulting engineer John Chessia's final review to the Commission.

Motion by Mr. Mott to continue the matter to November 6, 2018 at 8 PM. Seconded by Ms. Markham and approved by a 4-0 margin, Mr. Ivas having recused.

RECEIVED
TOWN OF HERRING BROOK
TOWN CLERK
NOV-6 AM 11:35

Ms. Hemingway noted that the project had been reviewed at the previous meeting; the matter was continued to allow for verification of abutter notification and for Ms. Hemingway to draft the decision.

Motion by Mr. Woodill to approve the amendment. Seconded by Mr. Ivas and unanimously voted.

63 Harbor Lane / SE52-1104 & NCC# 30(16) / Lawn Restoration & Parking Gravel
CoC (cont.) Applicant: Gregory Webb / Representative: Jeff Hassett, Morse Engineering

Ms. Hemingway noted that the planting plan was still outstanding, and recommended continuation to next spring to allow for its verification.

Motion by Mr. Woodill to continue the matter to May 21, 2019 at 8 PM. Seconded by Mr. Ivas 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

Applicants have requested continuation to November 6.

Motion by Mr. Woodill to continue the matter to November 6, 2018 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

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

Mr. Woodill read the notice of public meeting. Applicant Brian Greenberg present.

Ms. Hemingway advised that DEP had issued a number today without comment, 52-1156. Applicant provided green cards (verification of abutter notification) in hand at the meeting.

Mr. Greenberg discussed his plan to raze and rebuild an existing single-family home in the 100 foot buffer to a BVW. The home is not salvageable due to issues with the foundation and flooring. The yard and a portion of the construction zone will be in the 50 foot buffer. The new structure constitutes less than a 10% footprint increase from the existing structure, and has been moved closer to the BVW to accommodate a new septic system in the front yard.

Several trees in the buffer to BVW will need to be removed to accommodate the driveway and new building. Existing raised garden beds are to be removed and reclaimed as yard, and the existing

had become overgrown with phragmites, she felt it would be appropriate to restore them to BVW and address the invasives so they do not spread further. She suggested that he add calculations as to the impervious surface he will be removing, as it may show that plan would not increase the overall footprint of disturbance.

Mr. Greenberg advised that the ZBA's Section 6 approval was contingent upon this NOI being approved by the Commission, but assented to continuation to allow for site visits. Ms. Hemingway will write a letter to the ZBA specifying that the Commission has no issue with the building or septic system set forth on the plan to alleviate causing a hardship with the ZBA.

Motion by Mr. Ivas to authorize Ms. Hemingway to send a letter to the ZBA advising the Commission had no issues with regard to the building and septic system as set forth on applicant's plan. Seconded by Mr. Woodill and unanimously voted.

Motion by Mr. Woodill to continue the matter to November 6, 2018 at 8 PM. Seconded by Mr. Mott and unanimously voted.

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

Mr. Woodill read the notice of public meeting. Jim Bolduc present for TRC Environmental. Commissioner Ivas recused and left for the duration of the discussion.

Mr. Bolduc advised that applicant intended to install two additional guide wires/anchors to stabilize pole 140, along South Street, with a temporary wetland impact during the installation.

Ms. Hemingway advised that she had received correspondence from DEP requesting a 1:1 replacement of BVW, and suggested that the applicants get further clarification from DEP.

Mr. Bolduc assented to a continuation so they could contact DEP and to allow Ms. Hemingway to visit the site.

Motion by Mr. Mott to continue the matter to November 6, 2018 at 8 PM. Seconded by Mr. Woodill and approved by a 4-0 margin, Mr. Ivas having recused.

The Commission briefly discussed the scheduling and timing of hearings for November 6, including the need to do the busy hearings first. The Simon Hill hearing will be held in the Osborne Room.

ENFORCEMENT HEARINGS / PUBLIC MEETINGS / ADMIN. PERMITS & REQUESTS

Forest Cutting Applications (cont.):

Mt Blue St – Rodriquez – update

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

Norwell Estates (Circuit Street)

Ms. Hemingway advised that restoration of the main basin on Lot 4 has been completed, and the matter is on the November 6 agenda for final approval. Ms. Wahl requested that Commissioners inspect the basin if there is another rainstorm before then.

VIOLATION DISCUSSIONS

Damon Farm

Ms. Hemingway has sent the final mitigation plan to Commissioners for review. A site walk is scheduled for Friday.

292 Lincoln St.

This is a new violation that Ms. Hemingway is investigating.

AGENT'S REPORT

Ms. Hemingway has forwarded the recently updated Chapter 61 regulations to Commissioners for review.

**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>November 6, 2018</i>
<i>NEW filing applications due date/deadline</i>	<i>October 23, 2018 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>	<i>October 29, 2018</i>
<i>Revised Information submittal deadline</i>	<i>October 30, 2018 @ noon</i>
<i>Peer Review Info Deadline, CoC Requests, Minor Modification &LP Requests</i>	<i>October 30, 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. Ivas to adjourn at 9:14 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, Chairperson

RECEIVED
TOWN OF NORWELL
DEC -6 AM 11:35
TOWN CLERK