

NORWELL CONSERVATION COMMISSION
Room 112 / Osborn Room / 345 Main Street / Norwell, MA
October 1, 2019 @ 7:30 PM
Minutes

Present: Chair Marynel Wahl, Vice Chair Bob Woodill, Ron Mott, Roy Bjorlin, Ellen Markham, Conservation Agent Nancy Hemingway, and Recording Clerk C. Sullivan. Bob McMackin and Justin Ivas were absent.

CALL TO ORDER

The meeting was called to order at **7:30 PM** by Chair Marynel Wahl. The meeting was recorded.

AGENDA ACCEPTANCE

The Commission reviewed the proposed agenda and discussed changes and additions. Ms. Hemingway added a discussion and vote to approve an hourly salary amount for Council on Aging volunteers for extra hours worked. Mr. Woodill added a discussion regarding a citizen comment he made at a recent Board of Selectmen meeting

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

COMMISSION BUSINESS

New Business

Citizen Comments

Mr. Woodill briefly disclosed a citizens comment he made at a recent Board of Selectmen meeting regarding the need for credentialing for Commissioners when they go to visit properties. The Selectmen indicated they would refer the matter to Town Administrator Peter Morin.

Ms. Hemingway noted that she was already researching options for vests as per the discussion at the September 3 meeting. Mr. Mott offered to make ID badges if the Commissioners sent him pictures.

CPC Applications

The Commission discussed possible CPC funding applications with Selectman Ellen Allen.

Extend Wildcat Parking Lot

Mr. Mott thinks they could double the lot's current 3-4 car capacity by taking down a few trees. Ms. Wahl asked that Mr. Mott get quotes and write up a plan.

Conservation Fund

Ms. Hemingway is compiling a list of what Conservation CPA funds are spent on as documentation of why the fund needs to be replenished. Chair Wahl asked Ms. Allen for the Board's support of this request; Ms. Allen would like to set up a joint meeting to discuss the matter further.

Masthead North River Access Feasibility Study

In response to a query from Ms. Allen, Ms. Hemingway indicated that the study will cost about \$50K. All parties discussed the possibility of paying for the study out of the Conservation Fund and then asking for reimbursement. The matter will be discussed further at a later meeting.

Hatch-Wompatuck Parking Lot Connector



Ms. Hemingway will get a quote from Trees & Grounds Commissioner Glenn Ferguson. The lot's construction may be delayed pending notification of National Grid regarding use of their right of way.

Reimburse Conservation Fund for Payment of Laurelwood Back Taxes

Ms. Hemingway advised that the back tax abatement deadline was missed, as there was no active conservation agent at that time. Town Counsel recommended that the Commission pay the back taxes so that Treasurer Darlene Sullivan could clear her books.

Stony Brook Cottage Demolition

Ms. Hemingway has reached out to Ted Nichols for a quote but has not heard back yet. She suggested that an application be put in as a placeholder.

Motion by Mr. Woodill to authorize Ms. Hemingway to begin drafting the CPC applications as discussed. Seconded by Mr. Mott and unanimously voted.

Next Meeting

Ms. Hemingway might be late for the next meeting and Ms. Wahl will be absent. Vice-Chair Woodill will chair the meeting. The meeting will start at 7:00 PM.

Farm Plan - Application form Approval

Ms. Hemingway advised that John Hornstra has asked for a two week extension of his wall clearing deadline, to October 15; the Commissioners agreed to the extension.

All parties discussed requiring three wall clearings per year, as well as giving farmers the option of paying to have the work done for them. Ms. Hemingway will calculate a dollar amount per linear foot to charge. Also discussed was the possibility of using Conservation funds to clear the stone walls at the Carleton property; Ms. Allen had been discussing wall clearings with Alison Demong and supported the idea.

Old Business

"Norwell Cares" Program Follow-up

Ms. Hemingway noted that she had received positive feedback from Norwell High School regarding student experiences. Three of the day's projects were essentially completed aside from final touches. The students on the Simon Hill-Hatch Lots boardwalk project mostly carried in the wood for the boardwalk; the Trail Crew is currently constructing the first section. The Commissioners and Agent agreed that fewer projects should be offered next year to prevent workers and project leads from being stretched too thin.

"Conservation Day / Sunday Fun-day" Follow-up

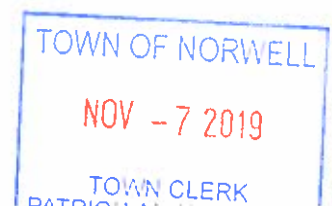
Ms. Hemingway advised that the Conservation Day events drew over 200 people; the attendees were engaged with the presenters and presentations. She would like more publicity for the event next year to increase attendance. The event will likely be moved to a different weekend.

Ms. Wahl asked that Commissioners be prepared to discuss justify the expenses associated with the event. Ms. Hemingway noted that the event is relatively low-cost and could be an effective means of public outreach. New volunteers stepped up for marketing and publicity for any events next year; Kristin Jervy offered to work with the Commission.

SUB-COMMITTEE UPDATES

Pathways

Ms. Markham attended the recent Pathways Commission meeting; topics discussed included communications with National Grid regarding the Wompatuck connector path which will pass through their



right of way, Phase III of the Pathway to Gaffield Park/Norris Reservation, and snow removal from the Pathway.

Carleton

The Commission briefly discussed what portions of the property would ultimately be designated for Conservation, and how to maintain the property so designated.

MISCELLANEOUS

Bills

The following bills were presented for payment:

Christopher Sullivan	Meeting Minutes	\$150.00
Joseph's Garage	Gas Reimbursement	\$6.40
WB Mason	Office Supplies	\$56.44
Nancy Hemingway	Reimbursement	\$14.35
	Reimbursement	\$17.48
Bond Printing	Pocket Guides	\$58.75
Trail Crew Payroll		\$748.03
		\$465.75

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

Minutes

Tabled.

"Norwell Cares" Expenses

Ms. Hemingway read the list of "Norwell Cares" expenses to be paid

DBS – from Boardwalk CPC fund

- \$3,498.30 – initial lumber and tools, tarps, nails, misc
- \$176.56 – tools, misc,
- \$635.20 – back up lumber- delivered late morning friday

Home Depot – from Boardwalk CPC fund

- \$218.31 – shovels, clippers, miscellaneous requests for project locations wood supplies for Fogg and Wildcat
- \$786.91 – wood/lumber for Stetson boardwalk, that was shorted from DBS

TOTAL FROM BOARDWALK CPC FUND \$5,315.28

Nancy Hemingway – reimbursement for other related supplies – from Conservation Fund

- \$154.83 – Morrison's wetland plants for Fogg project location
- \$54.44 – Stop and Shop – Water gallons and snack bars for each class, cups

Ron Mott – reimbursement from Conservation Fund

- \$45.65 – sign supplies for Wildcat project

TOTAL REIMBURSEMENT FROM CONSERVATION FUND \$254.92

Brad Holmes –

- \$450 – pledged by ECR to be reinvested in another Norwell woodland/wetland project



Peter Smith – T&G from Trail care salary fund

- \$760.00 for both Norwell Cares program prep at Hatch/Bowker, Fogg, and help with DBS as well as the tree at Jacobs for Sunday

PROJECT TOTAL FOR NORWELL CARES PROGRAM INCLUDING BOARDWALK SUPPLY COSTS - \$6,780.20

PROJECT COSTS W/OUT BOARDWALK SUPPLY COSTS - \$1,464.92

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

“Conservation Day / Sunday Fun-Day” Expenses

Town Accountant Donna Mangan advised Ms. Hemingway that the Commission needed to designate a specific salary in order to pay the Council on Aging volunteers for hours worked beyond their allotted hours, as authorized at the previous meeting. Ms. Mangan and Barbara Childs recommended a salary of \$12 per hour based on what the Town has paid for similar work.

Motion by Mr. Mott to set the salary for the COA workers at \$12 per hour. Seconded by Mr. Bjorlin and unanimously voted.

Ms. Hemingway read the list of “Sunday Fun Day” expenses to be paid.

Throne Depot

- \$209.00

CAVPT – Snake presentation

- \$350.00

Police Detail

- \$312.59

Nancy Hemingway - reimbursement for direct expenses, art supplies, water, coffee, several small child life vests, lettering for signs, etc.

- \$383.29

SUNDAY FUNDAY TOTALS

MATERIALS – \$1,254.88

TIME – to be full coa hours next year – \$934.00

Motion by Mr. Mott to pay the bills as listed. Seconded by Mr. Woodill 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.

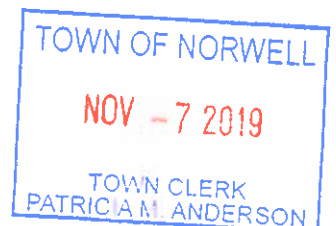
8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES

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

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

PUBLIC HEARING:

(This meeting was recorded & broadcast on Town’s cable channel)PLEASE REFER TO THE TAPE FOR COMPLETE MEETING DETAILS. This is a summary.



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 Brian Murphy, Simon Hill LLC, present along with Brad McKenzie, McKenzie Engineering; Brad Holmes, ECR; and attorney Gene Guimond. Also present were the Commission's consulting engineer, John Chessia, Selectman Ellen Allen, and 15-20 area residents.

Mr. McKenzie discussed the plan changes they had made in response to comments from peer reviewers Chessia Consulting and BSC. Most of the changes had to do with stormwater management, including the relocation of the wastewater treatment facility and one basin out of the 50 ft buffer. Additionally, some basins were reconfigured, including making basin P1 longer, adding headwalls, and revising various outlet control structures.

Mr. McKenzie also indicated they had submitted updated drainage calculations and done additional testing on soils and subsurface infiltration systems. Based on the soil testing results and additional groundwater information, they have reconfigured the system and dug additional test pits. They have also submitted groundwater mounding calculations, updated the Operations and Maintenance plan, replaced an existing 18 inch culvert with a bottomless culvert, and incorporated additional topographic information into the site plan.

Mr. Holmes then discussed his habitat evaluation and proposed wetland replication plan, noting that the project involved work in two wetland areas, a BVW and an inland bank/intermittent stream. He evaluated the area of the proposed wetland crossing, as well as the BVW proposed to be filled. The evaluation, which included photos and documentation, was conducted mid-May and provided to DEP. Mr. Holmes stated that DEP indicated there was no significant wildlife habitat on the site that would trigger a more intense analysis.

As mitigation, applicants are proposing a 2:1 replication of the wetlands being disturbed. Mr. Holmes indicated that some of the altered wetland would be restored post-construction, making the actual gain in wetlands greater than 2:1. They have prepared a wetlands replication plan and narrative as per DEP guidance.

At this point, Ms. Hemingway commented that Mr. McKenzie had not addressed the BSC reviews of August 1 and 2 in his comments, or responded to them in writing. Mr. McKenzie indicated that applicant had directed him not to respond to these later reviews, characterizing the August 2 BSC review in particular as being redundant to Chessia's review.

At this point, Ms. Hemingway noted for the record that it was within the Commission's purview, not the applicants', to hire peer review consultants. She also noted that applicant's latest submissions were received at the end of the day on September 23; although technically meeting the deadline for submissions, she felt this was insufficient time for her and others to review the volume of documents submitted.

Mr. Chessia indicated he had not had a chance to look at applicant's September 23 submittals due to a lack of time. His most recent review was dated August 1, and some of his comments may have been addressed in the latest submissions. Ms. Hemingway stated that the Commission and the peer reviewers were unable to ask informed questions regarding the September 23 submissions, and more time was needed for review.

At this point, Chair Wahl asked applicant for a continuation to November 5 to allow for such review. Attorney Guimond advised that his client would not agree to a continuation, and requested that the hearing be closed. Commissioner Bjorlund noted that it was applicant's prerogative to ask that the hearing be closed, but pointed out they were risking denial in doing so. Attorney Guimond indicated they understood this risk but were comfortable with their position, adding that applicant had paid upwards of \$20K in peer review fees



as of July 15th, and did not want to get stuck in a pattern of repeated submittals and requests for more information.

Mr. Chessia responded and noted that significant issues had been uncovered in the August round of peer review, including one outlet being two feet below grade and issues regarding distances from wetlands, soil testing, and stormwater calculations. The soil testing in particular demonstrated that the system as proposed in the pre-September 23 filings would not have worked. He additionally pointed out that if all the issues raised in the August reviews had truly been addressed, then an additional round of review would be relatively quick and low-cost. Ms. Hemingway concurred, noting that much of the expense was due to the large amount of documentation to review, as well as significant questions about compliance with the regulations.

In response to a question from Commissioner Woodill, Mr. McKenzie reiterated that he had not been authorized to respond to BSC's August 2 comments, as they were deemed to be duplicative to Mr. Chessia's comments regarding stormwater management issues. He likewise was not authorized to respond to the August 1 letter authored by Gillian Davies, but they did read it. Mr. McKenzie indicated that Attorney Guimond had responded to Ms. Davies' April 19 comments, and felt no new information had been provided in the August 1 letter that required a response.

Attorney Guimond added that he felt the second round of letters from BSC essentially rehashed their previous comments while making allusions to MACC guidelines still being drafted and Title V issues not applicable to project. They responded to comments they felt were relevant and not previously addressed. Ms. Hemingway reiterated that the determination of the need for peer review was within the purview of the Commission and not an applicant.

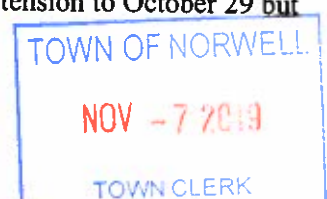
The matter was opened to comments from the public. Marie Molla, Simon Hill Road, commented on applicants being unwilling to pay for peer review and generally delaying the review process. Chair Wahl commented that the Commission had used some of its own funds to pay the peer reviewers to ensure the town's interest was protected; with respect to delaying the process, Mr. Mott noted that with the closing of the hearing, the Commission findings would be forthcoming.

Paul McGloine, 58 Prospect, noted that the project has been in discussion since 2008 and commented that the September 23 submission and denial of further continuances seemed to have been timed so that the Commission would not have sufficient time for review prior to making its decision. Attorney Guimond replied that the Commission had 21 days from the closing of the public hearing to make their decision and felt this was ample time to review the materials in front of them.

John Salerno, 151 Main Street, and Jack Sullivan asked about time limits for review of newly submitted information, and whether the Commission had been given sufficient time to review applicant's latest submissions. Ms. Hemingway felt that the Commission needed at least a month to review and then decide whether additional peer review was needed, and that in this case 21 days to review in detail, deliberate, and draft a decision was minimal at best; she also noted that insufficient time could be cited in a decision letter.

Kim Bealey (phonetic) asked why the Commission was closing the hearing when applicant had not responded to all peer review comments. Ms. Hemingway stated that applicant has a right to request that the hearing be closed. Chair Wahl added that the Commission is allowed to deny an application if it feels that insufficient information has been provided.

Ms. Hemingway recommended that the Commission close the hearing, as requested, without decision, and set dates for deliberation of the information submitted. No new submittals would be allowed after close of the hearing. Selectman Allen asked applicant to grant an extension of the deadline to allow the Commission sufficient time to draft its decision. Attorney Guimond assented in writing to an extension to October 29 but



stated that he and his client did not agree that the Commission lacked sufficient time; he also noted that they would object to the peer reviewers making any further recommendations not already put on the record.

Ms. Hemingway felt that peer review of applicant's September 23 submittal was essential to the drafting of the decision and a right of the Commission, and that a lack of time or access to expertise to review the submittals could potentially factor into Commission's the decision-making. After further discussion, review sessions were set for 5 PM on October 10 and 24. Ms. Hemingway noted that these sessions would involve deliberations only, and neither applicants nor the public would be permitted to comment.

Motion by Mr. Mott to close the public hearing without rendering a decision and to be continued to October 10 and 24 for deliberation. Seconded by Mr. Woodill and unanimously voted.

The meeting resumed at the Conservation Office at 9 PM.

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

A continuation request was submitted by the applicant/representatives.

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

5 Fieldstone Way / SE52-865 & NCC# 24(07) / Inground Pool
Request for CoC Applicant: Richard & Jennifer Lindbloom / Representative: Brad Holmes, ECR

Ms. Hemingway recommended that the request be denied at this time to verify two-year survival of the required plantings; this can be done in the spring of 2021.

Motion by Mr. Woodill to deny the request for CoC. Seconded by Mr. Mott and unanimously voted.

26 Birchwood Lane / SE52-801 & NCC# 70(05) / Single-Family Home
Request for CoC Applicant: Keith O'Connell / Representative: Brad McKenzie, McKenzie Eng.

Ms. Hemingway advised that she visited the site. Conditions 32, requiring vegetated buffer plantings, and 33, requiring conservation markers, were not met and applicants have added a patio and walkway not on the permitted plan. Applicant is willing to install the markers and move the walkway. Ms. Hemingway recommended that the request be denied at this time to verify compliance and two-year survival of the plantings.

Motion by Mr. Mott to deny the request for CoC and require the project be completed per the OoC. Seconded by Mr. Woodill and unanimously voted.

7 Leigh Road / SE52-821 & NCC# 15(06) / Septic Upgrade
Request for CoC Applicant: Bijan Mehr / Representative: N/A

Ms. Hemingway advised that all the original conditions of approval had been met, and recommended issuance of the CoC.



Motion by Mr. Woodill to issue a Certificate of Compliance for 7 Leigh Road, SE52-821. Seconded by Ms. Markham and unanimously voted.

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

A continuation request was submitted by the applicants.

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

302 Summer Street / SE52-1181 & NCC# 44(19) / Confirmation Wetland Line Delineation
ANRAD/ORAD Applicant: Genevieve & George Davis / Rep: Nick Leing, Grady Consulting

Mr. Woodill read the Notice of Public Meeting. A continuation request was submitted by the applicant.

Motion by Mr. Bjorlin to continue the matter to October 15, 2019 at 8 PM. Seconded by Ms. Markham and unanimously voted.

181 Pleasant Street / SE52-xxxx & NCC# 45(19) / Pool, Patio, Fence, Grading & Landscaping
NOI / OoC Applicant: James Lamparelli / Representative: Steven Wry, Land Planning, Inc.

Mr. Woodill read the Notice of Public Meeting. The matter was continued to allow for receipt of a DEP file number. Ms. Hemingway recommended that Commissioners visit the site before the next hearing.

Motion by Mr. Woodill to continue the matter to October 15, 2019 at 8 PM. Seconded by Ms. Markham and unanimously voted.

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

DEP has requested more information, and the DEP file number has not yet been received.

Motion by Mr. Mott to continue the matter to October 15, 2019 at 8 PM. Seconded by Ms. Markham and unanimously voted.

ADMINISTRATIVE PERMITS & REQUESTS:

None

PENDING SUBDIVISION / COMMERCIAL DEVELOPMENT UPDATES:

Damon Farm (Washington Street)

Ms. Hemingway is monitoring the progress of the required plantings.

PUBLIC MEETINGS:

None

VIOLATION DISCUSSIONS:

135 Norwell Ave



Ms. Hemingway advised that the property owner has not performed the required restoration, and was not responding to her attempts at contact. Discussion of an enforcement order will be added to the next meeting's agenda.

34 First Parish

The property owner has hired Brad Holmes, ECR, to prepare a restoration plan, and they will be filing a Notice of Intent.

109 Parker St

Property owner covered up stone fill in the back yard instead of removing it as required. Discussion of an enforcement order will be added to the next meeting's agenda if progress is not made.

Simon Hill Road (33/44/52)/ 262 Main Street Oil Spills

Both spills are being monitored by DEP.

215 Circuit Street

The 50 foot buffer on the property was cleared almost to the wetland. The property owner didn't realize this was not allowed, and is going to restore what was cleared.

149 Prospect St

Ms. Hemingway is investigating.

321 Main Street

Property owners did unpermitted excavation and filling; Ms. Hemingway is meeting with them on Wednesday morning.

ENFORCEMENT HEARINGS:

None

AGENT'S REPORT

SCIENCE AND REGULATION IN THE NEWS

EDUCATION AND TRAINING OPPORTUNITIES

<i>Next Meeting</i>		October 15, 2019
<i>NEW filing applications due date/deadline</i>		October 1, 2019 @ noon
<i>Legal Notice publication date-Patriot Ledger</i>		October 7, 2019
<i>Revised Information submittal deadline</i>		October 8, 2019 @ noon
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>		October 8, 2019 @ noon
<i>Public Information Written Comments</i>		No deadline

ADJOURNMENT

There being no further business, a motion was made by Mr. Woodill to adjourn at 9:37 PM. Seconded by Mr. Mott and unanimously voted.

I hereby certify that the above minutes were presented and approved by a majority vote by the Norwell Conservation Commission on 11/5/19.

Marynel Wahl
Marynel Wahl, Chair

