#  NORWELL CONSERVATION COMMISSION

Town Hall, 345 Main Street, Norwell MA

October 6, 2015 @ 7:00 PM - Room 112

**MINUTES**

**ATTENDANCE:** Marynel Wahl, Bob Woodill, Ron Mott, Bruce Humphrey and Lori Hillstrand.

**Conservation Agent:** Nancy Hemingway

**Absent**: Stacy Minihane and David Osborne

# 7:00PM: CALL TO ORDER

# Chairperson, Marynel Wahl, welcomed all to the meeting and announced that the meeting is being recorded.

# AGENDA ACCEPTANCE

**Motion**: Bruce Humphrey moved to accept the agenda as written.

**Second**: Bob Woodill **In Favor**: All

**Motion passed.**

**Main Street (Rt. 123) / SE52-1085 & NCC# 18(15) / Road Improvements (review of potential wetland impacts from sidewalk/pathwalk, paving & intersection improvements) NOI/OOC (cont.)** Applicant: Paul Foulsham, Hwy. Dept. / Representative: Ziad Kary, Environmental Partners

Notice in Agents Notes: Nancy Hemingway said that peer review is still pending approval by BOS, CPC before they can start per accounting requirement. A continuation is requested to October 20 at 7:00 PM. M- 2- vote- All in favor (5, M.W default, LH, BH, RW, RM)

**COMMISSION BUSINESS**

# SCHEDULED DISCUSSIONS

* **CPC Grants -** see summaries below for details
* **Re-organization: Sub-Committee Appointments -**  Tabled
* **Chittenden Landing** –

Nancy Hemingway said that the ACOE approved the project and didn’t require monitoring conditions by the Wampanoag Tribe. A meeting is scheduled on site w/ Keith Walo for 10/15 at 9:30 am. Jacobs will be visited after Chittenden. Ron Mott will replace the stakes in the corners at Chittenden landing and verify the elevation.

* **Expand Donovan and Jacobs Parking Areas** (Circuit/Pleasant St) (Jacobs Lane) –
* **Donovan** -

Ron Mott explained the project plan for enlarging the parking area at Donovan.

* There will be 11-12 trees removed and de-stumped.
* Installation of 8-10” of crushed gravel run.
* Grading of 60’ x 110’ area for proper drainage.
* Border of woodchips will be placed around edges to define the parking area.
* This should allow for parking of 10-14 cars.
* Parking sign will be installed (previously approved).
* The project is outside the 100’ buffer zone.
* Six bids were requested, two were received. There is a high bid of $14,990 – American Excavation, and a low bid $12,600- Pilgrim Paving.
* There will be an addition of a picnic table.
* He will add about (20%) $13K for unknown additional work.
* $1k will be requested of the Pathway Commission. They will be asked to do handle the walkway between the parking area and the bikepath. They will be using packed heavy graded material so that the project is ADA compliant.

Ron Mott will present the project to CPC requesting full funding. He will also ask Paul Folsham to help with the parking lot project and may be able to reduce the cost and return some of the funding.

Permitting needs were discussed, Nancy Hemingway said that we should file an RDA and that formal delineation is not required if it can be shown that all work is clearly outside the 100 foot buffer.

**Motion**: Bob Woodill moved to approve Ron Mott going to CPC to request $17,230 for Donovan parking lot rehabilitation.

**Second**: Lori Hillstrand **In Favor**: All (5, M.W-s, LH, BH, RW, RM)

**Motion passed**.

**Jacobs’s pond parking lot** –

Bob Woodill explained the project –

* 40% expansion of Jacob’s Pond Parking lot –
* Park 20-21 cars with a designated area for cars w/trailers. Currently there is parking for 8-10 cars.
* Paul Folsham will have Tree and Grounds cut down the trees.
* Highway Department will stump, excavate and fill.
* He is estimating around $1500 for paving at the entrance to Jacob’s Pond.
* The lot will be 33’ x 110’to the wall and include an ADA accessible picnic table.
* Funding – Paving needs to be done now or wait until spring - two more weeks left in the season.
* Approval of funding must come from different articles; $2858.24 from 2013 Article 34 - $3794.56 from Town Meeting 2009 – Article 39 –
* $1500 of the total cost will be for pavement of the parking lot.
* Total project cost is $7405.
* The balance is proposed to be taken from the Conservation fund.

**Motion**: Ron Mott moved to deplete Article 39, deplete Article 34, with the needed balance from Conservation fund – project total is $7405.

**Second**: Bill Woodill **In Favor**: All (5, M.W-s, LH, BH, RW, RM)

**Motion passed**.

**Masthead Feasibility Study –**

* Nancy Hemingway said that an effort was made per the previous meeting to get estimates for a feasibility study for engineering concepts and ideas.
* Seven quotes were requested, only two were received.
* Horsley Witten $35,000.00 broken down in 2 parts- $17,900 for basic feasibility study, $35,900 for details with soil boring, field work and four public outreach sections ( four meetings, federal & state and local regulations, maps, ideas of property development with price points for each option).
* Beals & Thomas - $23,000 complete - Data gathering, review of available documents, site visits and site analysis, MASS GIS Research Team of map review, field survey of wetlands, state/federal/local regulatory analysis, four meetings and concept plans for the park.

Bruce Humphrey suggested including costs in the CPC grant proposal for an engineering plan once the concept plan is done. He recommended a CPC grant application of up to 200k.

Bob Woodill recommended just the feasibility study – concepts, engineering study costs at this point then go to CPC for funding for an engineering plan. He noted that the planning would be a 3-5 year project.

Marynel Wahl suggested $50k for feasibility study – Nancy Hemingway will write up the funding request.

**Motion**: Bob Woodill moved to present a CPC application to fund the Masthead Feasibility study for $50,000.00

**Second**: Ron Mott **In Favor**: All (5, M.W-s, LH, BH, RW, RM)

**Motion passed**.

**Stetson Boardwalk** –

Present: Paul Allard & Keith Walo.

**Discussion**: Length of boardwalk discussion to clearly define the project scope.

* Nancy Hemingway said that there was a boardwalk expansion with a cost of $4,924.70. An additional 10’ on either side is required to bring it out of the wetland. The project as constructed exceeded that permitted and would have required a NOI and possible replication.
* Keith Walo said that the original contract was for 82’. There was 32’ of existing walkway. When the contract was written, Mr. Walo made an error by leaving the existing 32’ of boardwalk into the calculations. He had made the corrections. He is now finding out there is an additional 20’ needed.
* Nancy Hemingway said that the boardwalk needs to go another 10’on each side beyond that to take it out of the wetland. She questioned if the Commission wants to authorize the payment for the extra work.
* A site walk will be scheduled for two to three members review before work is done.
* Nancy Hemingway said that Keith has done what was communicated to him during the bidding phase. This is a case of poor communication due to different people handling different phases of the project.
* Marynel Wahl said that we need to file an after-the-fact NOI and approve additional funding to extend the boardwalk to the required length to avoid impacts to wetlands and to manage the unexpected issue. The total will be $6715.10. Work will be done after next week.

**Motion**: Ron Mott moved to issue the NOI and approve the additional monies for Stetson Boardwalk, bringing the total to $6715.10 with the balance to be authorized out of Article 28 from Annual TM 2010.

**Second**: Bob Woodill **In Favor**: All (5, M.W-s, LH, BH, RW, RM)

**Motion passed**.

**SUB-COMMITTEE UPDATES**

* **Open Space & Recreation**
* **Land Protection**
* **Pathways** – Bob Woodill said Pathways will be asking CPC for $50k for engineering and feasibility for a pathway through Simon Hill up to Grove Street. He recommended that the Pathways bring this plan before the Conservation Commission and Water Commission.
* **Trail/Signage**
* **CPC**
* **Farming**
* **Grants**
* **Zoning Bylaw**

**EXECUTIVE SESSION – tabled to end of meeting**

**MISCELLANEOUS**

**Bills**: ABC equip - $119.95 –Norwell Hardware - $99.72 –Mark Mederos - $21.21 Mark Mederos - $516.75

**Motion**: Bob Woodill moved to pay the bills.

**Second**: Bruce Humphrey **In Favor**: All (5, M.W-s, LH, BH, RW, RM)

**Motion passed**.

Minutes - (9/1/15) (9/15/15) – Tabled to Oct 20.

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

**\*\*\*Legal Documents/Votes**

**\*\*\*Minor Amendments, Reviews, CoC’s**

**\*\*\*Requests for Determination**

**\*\*\*Notices of Intent**

**\*\*\*Enforcements/ Violations**

**330 Old Oaken Bucket Road / SE52-994 & NCC# 6(12) / Single-Family Home & related**

**COC** Applicant: Brendan Burke / Representative: Greg Tansey, Patriot Permitting

Present: No applicants

Discussion: A request for compliance was presented one year ago but the top of bank was unstable and eroding. N. Hemingway said the site is now stable. She recommended a finding of complete compliance with conditions #23 & 24 continued in perpetuity

**Motion**: Bruce Humphrey moved to issue a COC for 330 Old Oaken Bucket Road as conditioned

**Second**: Ron Mott **In Favor**: All (5, M.W-s, LH, BH, RW, RM)

**Motion passed.**

**78 Stony Brook Lane / SE52-879 & NCC# 54(07) / Single family home landscape related**

**COC (cont.)**

Applicant: David Curry / Representative: Darren Grady, Grady Consulting

**Present:**  no applicants

**Discussion:** Nancy Hemingway recommended a continuation. Said that bounds were pulled out of resource area, but more time is needed to restore the mowed coastal bank.

**Motion**: Ron Mott moved to continue 78 Stony Brook Lane to 10/20/15. @ 8:00 PM

**Second**: Lori Hillstrand **In Favor**: All (5, M.W-s, LH, BH, RW, RM)

**Motion passed.**

**211 Bowker Street / NCC# 20(15) / Septic Replacement**

**RDA / DoA (cont.)** Applicant: Sue Chan / Representative: Brendan Sullivan, Cavanaro Consult.

**Discussion**: Nancy Hemingway said that the mitigation plan has not been complied with from the OoC for the pool and landscaping still. BOH is holding their review until Conservation issues are resolved. She recommends a continuation to continue to work with the applicant to resolve the violation issues on site.

**Motion**: Bob Woodill moved to continue 211 Bowker Street to 10/20/15 at 8:00 PM.

**Second**: Ron Mott **In Favor**: All (5, M.W-s, LH, BH, RW, RM)

**Motion passed.**

**99 Tiffany Road / NCC# 23(15) / Septic Replacement**

**RDA/DOA** Applicant: Kroeger, William & Katherine / Representative: Greg Morse, Morse Eng.

**Discussion**: Nancy Hemingway said that this is a septic replacement within 100’ buffer. She did not agree with the delineation as a number of resources were not shown on the plans. Wetlands cross the entire back of the property and are not shown accurately. She said there was nowhere else to install a septic upgrade that would be further from surrounding resource areas. She recommends issuing the DOA using clearly conditions.

**Motion**: Bruce Humphrey moved to issue the DOA clearly stating delineation is not accepted, positive 2b boundaries are not confirmed, positive 5 – it is subject to approval and review under the Town of Norwell, negative 2 – work is within resource area and a negative 3 – work is in a buffer zone (but will not have an adverse impact on nearby resource areas)

**Second**: Lori Hillstrand **In Favor**: All (5, M.W-s, LH, BH, RW, RM)

**Motion passed**.

**Bowker Street (Shoulder) / NCC# 24(15) / Install (4) Utility Poles**

**RDA/DOA** Applicant: Mass Electric / Representative: BSC Group.

Present: Theresa Portante – Mass Electric Company

**Discussion:** Theresa Portante said that this is for the installation of 4 stub utility poles to provide support to existing poles. Stub pole is a utility pole with an overhead wire going across to support poles on other side of street. They are located within the road shoulder. Work is considered a minor activity under WPA. Auger 6’ hole in ground, sedimentation control will be used and any additional materials will be removed. Nancy Hemingway said hay and straw is not allowed on projects. Use of mulch sock only is recommended to be added as a condition.

**Motion**: Ron Mott moved to approve the RDA with the standard conditions – 2B – delineation not approved, Positive 5 - subject to local review, Positive 6 – not subject to Massachusetts WPA, Negative 3 – will not have an adverse effect on the buffer zone.

**Second**: Bob Woodill **In Favor**: All (5, M.W-s, LH, BH, RW, RM)

**Motion passed**.

**87 Cross Street / SE52-1087 & NCC# 22(15) / Septic Replacement**

**NOI/ OOC** Applicant: Donna Mac Donald / Representative: John Keefe, Keefe Associates

**Present:** John Keefe

**Discussion**: John Keefe explained the replacement of a failed septic – wetland delineated by Rick Monroe. There is a habitat priority area behind this property. 123 sq. ft. of driveway is being eliminated because it is over the system. It’s being replaced with 84 sq. ft. of driveway, shown on the plan.

Nancy Hemingway said that there is a channel shown as BVW – she recommends not approving the delineation but accepting that there was no area available further from resources for the purposes of this project. John Keefe will send a pdf showing the driveway clearly.

**Abutter:** Jane Ewart – 81 Cross Street – Questioned location of driveway. There is a water problem, so she is concerned. She was satisfied with answer.

Nancy Hemingway recommended standard conditions short form with the addition that the resource delineation is not confirmed. Bob Woodill added that NOI will not be issued until we receive the electronic PDF showing the driveway location.

**Motion**: Bob Woodill moved to approve a standard condition short form with conditions mentioned.

**Second**: Lori Hillstrand **In Favor**: All (5, M.W-s, LH, BH, RW, RM)

**Motion passed**.

**ENFORCEMENT / VIOLATION HEARINGS and DISCUSSIONS:**

* **254 Cross Street –** Nancy Hemingway said the applicant opted to submit a restoration plan. The backyard was excavated without conservation or building permits for an addition on the house (large deck?). He is asking for approval of the patio along with the restoration of the area in violation. The restoration plan would restore previously existing conditions and allow for a smaller patio. N. Hemingway said it was commission discretion whether to allow the restoration and add conservation bounds.

**Richard Holstein –** homeowner – They were going to put a patio and started moving soil around. They dug down 12” to allow for stone dust for the patio. He is encroaching on the 50’ buffer. He said he wanted to work with the commission and will restore the 50 foot buffer and wants to put a smaller patio. 25’ x 22’ patio is now dug out. They will shift it outside the 50’.

The Commission discussed the use of stone dust (an impervious surface once wet) the location, size and depth of the excavation. Bruce Humphrey suggested issuing a letter permit. The Commission and landowner agreed on conservation bounds 30 feet from the wetlands near the garage and 50 feet from the wetlands toward the back of the lot.

* **145 Main Street –** Nancy Hemingway said that the homeowner, Mark O’Neil is a repeat offender – currently he is not responding to requests to attend the meetings. He is expanding the back yard and adding significant fill within the buffer, which should require an RDA. She recommended issue a $100 daily fine until he applies for an RDA and comes before the Commission. She said she has been working with the homeowner for 30 days with no active response. The Commission authorized issuing a violation letter stating that if an application is not received by 10/20/15 will begin on the 21st until the landowner is in compliance by filing a permit application.
* **Curtis Farm Road** (previously known as Barrel Lane Estates) – The Commission reviewed the recent stormwater impact photos and issues. They discussed whether to require after-the-fact NoI filiing for stormwater review for mitigation and retroactively upgrading stormwater to meet WPA state stormwater standards. The Commission authorized N. Hemingway to issue an Enforcement Order. The issue of whether the Commission could stop all work on site or only within the jurisdictional buffer was discussed briefly. N. Hemingway said they only had authority within jurisdictional areas and will contact DEP to verify.
* **Wildcat** – Basin was filled with running water during the downpour. Erosion control – 10 check dams were added to get it into the basin. Gallagher is the builder. The Commission authorized issuing a violation letter and a request to attend an upcoming meeting to review site stormwater.

**AGENTS REPORT --** For detailed information on the Agent’s comments to the Commission, please refer to the agent’s written notes, which are available in the Conservation Office.

**SCIENCE AND REGULATION IN THE NEWS – see agent’s notes**

**EDUCATION AND TRAINING OPPORTUNITIES – see agent’s notes**

**Motion to adjourn at end of executive session at 9:43 PM M- 2 - vote all in favor**

I hereby certify that the above minutes were presented and voted by a majority vote by the Norwell Conservation Commission on November 17, 2015.

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Marynel Wahl, Chairperson





