

NORWELL CONSERVATION COMMISSION
345 Main Street / Norwell, MA
September 20, 2016 @ 7:00 PM - Room 112
Minutes

7:00PM: CALL TO ORDER & AGENDA ACCEPTANCE –

Present: Commissioners, Marynel Wahl, Stacy Minihane, Ron Mott, David Osborne, Bob Woodill, Bob McMackin, and Conservation Agent, Nancy Hemingway

Marynel opened the meeting and stated that the meeting is being recorded.

Requests for amendment to the agenda included a brief discussion regarding the upcoming hearing to amend and update the Norwell Wetland Bylaw Regulations and a discussion regarding defining the duties of a project manager

Motion to accept the agenda as amended – D. Osborne, 2nd -R. Mott, Vote – All in favor

Ellen McKenna has requested a leave of absence. N. Hemingway will be taking minutes in her absence. She is expected to know by the end of October whether or not she will be returning. Discussion regarding minutes forms and content ensued with D. Osborne stating that only who is present and what is voted on should be included. He felt the minutes contained too much detail. N. Hemingway stated that the contents of minutes were specified in state law. She will get copies from the Town Clerk and document what is needed. Copies will be in the Commission packets for the next meeting.

COMMISSION BUSINESS

CR's Bay Path Lane Request - Eugene Mattie asked for a continuation to the next meeting to allow the Commission time to review the information submitted. The applicant still needs to come back in with a formal proposal. No proposal has been submitted to the NCC yet.

M. Wahl initiated the discussion and asked if the NCC wanted to hold CR's at all. Discussion included.

- Holding CR's are part of the Commission mission and responsibility.
- A review of what Hingham has for open space.
- The restrictions and the need to control any encroachments. What the level of responsibility is for this CR vs others.
- The trail system in the back of Bay Path lane extension – already exists.
- Whether or not the NCC should carry CRs. The balance between public benefit and cost to the Town.
- Bringing in someone to teach us what needs to be done and accept only on a case by case basis.
- Creating a standard model that evolves as the NCC learns over time.
- Each site is unique and a set model is unlikely to be effective.
- Public vs private benefit of varying CR's
- Taking a CR if the price is right. (Legal fees and baseline must be done by grantor)
- Ask others what they charge to take the annual fee –
- Ask Bob Galvin for endowment suggestions.
- Commission will accept CR if they are appropriate public access and case by case basis.
- BM suggested 1% of all the sales – for the endowment. And a maintenance fee yearly.
- One-time endowment of \$50,000.00 and yearly cost deposits of \$2,500.00.

N. Hemingway is to check with NHESP and EcoTec to see if they hold/manage CR's and what the cost/endowment is. The developer is to be requested to contact Hingham LT and Wildlands to see if they

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would be willing to hold the CR and at what expense. The applicant/developer still needs to submit an offer or basis for holding the Cr.

Motion by B. McMackin to take and evaluate CRs on a case by case basis. B. Woodill – 2nd, vote All in favor – none opposed. Motion passes

Motion by D. Osborne to take the CR for Bay Path lane under our own terms. No second, motion fails.

Motion by B. Woodill to take the Bay Path Lane CR under conservation commission terms to be determined. Stacy – 2nd. Vote - All in favor - None opposed, motion passes.

Barstow – Draft CR - Harrow – Draft CR - Commissioners comments are to be sent to N. Hemingway within a week. They will be compiled and forwarded to Scott and Atty Galvin at that time.

CPC Applications Grants – due by October 10th - N. Hemingway to confirm date.

Bob McMackin – Jacobs pond – will develop a plan/costs etc. He will coordinate with Dave Osborne.

Review and vote for peer review for Tack Factory Dam Removal per OoC DEP-SE-52-1073 and NCC 43(14) –

Copies of estimates from Art Allen and Matt Schweisberg were emailed with the meeting notes. Quotes are based on oversight in compliance with the issued OoC. The peer review is anticipated to be jointly conducted for both Norwell and Hanover per prior agreement with all parties, as all the work will be conducted through Norwell and the quote includes both.

- EcoTec - \$7,590. Estimates 11 site visits. Averages \$690 per site visit/report combination including all costs.
- Wetland Strategies and Solutions - \$9,909.60. Estimates 13 site visits. Averages \$762+ per site visit/report combination including all costs.

David Osborne - Motion to accept the quote from Art Allen; Ron Mott – Second; Vote - All in favor – None opposed.

Filing Fee and Revenue Generation.

Duties of Project manager for various conservation projects just clarifications were initiated by Bob Woodill who stated that project managers should not be nitpicked to death by committee – Commissioners are to send over notes to Nancy who will create a check list from the comments. *No motion, no second, Vote – all in favor, none opposed.*

SUB-COMMITTEE UPDATES

- Open Space & Recreation (nothing)
- Land Protection (Nothing)
- Pathways B. Woodill – Bennett field - the Commission voted 1.5 years ago to ask Pathways to develop a connection plan to Wompatuck.
- Trail/Signage B. Woodill kiosks are in, he is ready to order the info signs and have them installed using the trail crew. How many needed of the 4 maps.
- CPC
- Farming – Ron – Pickup truck in the field has been moved. Scott will take it off the property.
- Grants - B. McMackin and N. Hemingway met with NSRWA. They have a very clear mission with a tight group. Bob did not think they would have time or resources to go after other grants. Sara was excited on other initiatives,

- Zoning Bylaw – B. Woodill – Agreed on structure of the updated bylaws and regulations– submitted to BOS, submitted to company for changing their template. N. Hemingway already has our current bylaw updated and is working on a draft of the NCC rules and regulations. Once complete we will have a link – to our site – for the reference to these.
- Future note – Glenn if the town Hwy Dept is going to do work for CPC projects and such. A statement needs to be in the motion for town meeting.

MISCELLANEOUS

B. Woodill - Motion to pay the bills. Ron – second; vote – All in favor, none opposed.

1. Bills –

- i. EcoTec - \$1400 for peer review of Kopacz Cranberry
- ii. Ron Mott - \$281.57 for retaining wall at Chittenden
- iii. Norwell Hardware - \$20.98 – trash bags and insect repellent
- iv. AMWS - \$280.00 AMWS workshops for NH and MW.
- v. TL Edwards - \$??? Pending – materials for Donovan Parking-

1. N. Hemingway noted that D. Osborne was correct in regards to the NCC vote to have Highway Dept conduct the work at Donovan. While there was much discussion (including majority consensus) regarding the Donovan Parking Area, the Commission did not take a formal vote to have the Town conduct the work as it would have for an outside contractor. This is consistent with past practices for town work at Jacobs, there was no formal vote there either. There was a number of short discussions over multiple meetings indicating that the Highway Dept was the best option and would conduct the work at the lowest cost (less than half of any outside contractor, all costs included).

The trail crew is requesting an additional \$350 to purchase the wood to build ramps on and off of the boardwalk constructed from the old pieces of Jacobs boardwalks. Photos are available of the near finished project. While they can construct a step using existing material, the ramps would allow easier access for the horses and allow the gator to pass. This was an unexpected benefit.

R. Mott – Motion to expend \$350 conservation fund regular budget; B. Woodill -Second; vote all in favor, none opposed.

2. Minutes - none

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/MEETINGS/LEGAL DOCUMENTS/VOTES

Curtis Farm Estates – Meeting / NCC# 35(11) / Erosion Control and Sedimentation Plan update Stormwater status update Proponent: Scott Miccile, Representative: Al Loomis

This is a DISCUSSION to release Lot 4. John Chessia report was accepted for discussion although it was received after 5pm. S. Minihane recused herself.

Minutes-

The proposal plan and John Chessia’s 9/20/16 comments were reviewed. The Commission discussed the back basin and the functions and need for the temporary basins until the back main basin is re-constructed and repaired. If the temporary basins are lost to home development, how will the stormwater be managed for the several months the back basin needs to be free of water during renovation.

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The group discussed whether the developer can sod a basin so that function is not interrupted for the 3 months average a basin takes to stabilize. Scott will meet with Chessia to rehab and to formulate a game plan for the basin redevelopment. The main basin will need to have a minimum of 2 months up to possibly 6 months of growth time. During reconstruction, the basin needs to be bypassed, there is a certain point where water can be discharged. How to clean the stormwater when there is no basin was the driving concern. The discussion is continued to October 4 at 8 PM.

S. Minihane returned to the meeting.

75 Harbor Lane / SE52-1080 & NCC# 8(15) / Amend. OoC for piers, ramp, float, Shed Request to Amend OoC / AOoC (cont.) Applicant: Robert Frattasio / Representative: John Hannon

Minutes -

No-one attended for the applicant. The Commission reviewed the existing OOC and the Draft amended – conditions were approved that reflected the no mowing, and CC bounds signs prior to dock installation. S. Minihane and the Agent are to field verify bounds.

S. Minihane - motion to approve – with the changes; Second – B. Woodill; Vote - all in favor, none opposed.

111 Pond Street / SE52-1101 & NCC# 26(16) / Drainage Improvements to Rain Gardens NoI / OoC (cont.) Applicant: Marc Champagne, Not Your Avg. Joe's / Representative: Kevin Grady Kevin Grady attended for the applicant.

Minutes -

Kevin Grady summarized the site history – In 2007 the applicant filed an RDA to change pavement and add a patio. The Commission at the time said that would be a redevelopment. The applicant then withdrew, and an NOI was filed – Copy of 2007 narrative submittal was given out. Request was given for two basins. No calculations were provided or requested from the Commission as there was to be no increase in impervious. The applicant is now proposing to clean out of basins, and make sure that the water goes into it not around. He reviewed the planting schedule and the plan to remove the invasives. The NCC requested a planting plan including quantity for each plant. The current plan does not include these details. K. Grady and S. Minihane discussed the need for a PLS Stamp. S. Minihane noted that there is no technical detail to review yet there is grading and inlet and outlet structures proposed.

N. Hemingway reported to the Commission noting this was a continuation and please see previous notes. She stated that no new information, no peer review deposit as requested. Kevin Grady had requested the opportunity to challenge the requirement for peer review.

The Agent noted that this is a new NoI filing, the receiving water from runoff is drinking water supply. There are stormwater review requirements to the extent practicable for new filings. The project is before the NCC because the site was in failure and violation. Parking lot runoff was bypassing both basins and entering protected areas with no treatment. This is a violation response, due diligence in terms of ensuring the most protection to tributaries to drinking water supply is strongly encouraged. In response to Kevin's statement that the original NoI was for a site conversion, the project filing was a NoI and was considered site redevelopment. While the pavement did not expand, such redevelopment projects must meet the requirements to the greatest extent feasible and must not result in any increase in impervious or new disturbance.

Regardless of the review or purpose of the original hearing, the raingardens were designed to intercept, control and treat, minimally at least, any stormwater leaving the site prior to entering the pond (again tributary to drinking water supply and within Zone II. Peer review in this case will be relatively minor and will simply allow confirmation that the system as designed will correct past design failure and protect the adjacent drinking water supply to the extent feasible. Considering the already established and significant failure of the engineered basins, peer review is strongly recommended. Additional detail and peer review is recommended.

The Commission discussed the project and made the following points. The raingardens are not designed to drain directly into Accord pond. Improvements are to the maximum extent possible. The primary goal is to protect the drinking water and to make sure that the plan will work – with the redirects. The proposed work must function as intended and with the solutions described. This is a Zone II tributary to drinking water supply and there is need to excersize additional caution to ensure no contamination was discussed.

R. Mott and others noted that they were not engineers and that proof that this is the right solution was needed. R. Woodill noted that if the raingardens were not draining into Accord Pond he would not be so concerned. It is the Commission’s responsibility to make sure the solution is the maximum possible.

S. Minihane motioned for peer review through Chessia to be limited to what is proposed and whether it will work to improve conditions to the greatest extent possible considering the existing permit; D. Osborne – second; Vote – All in favor, none opposed.

Kevin Grady clarified – specifically to meet the intent is this the best design possible, to clear out the invasives and provide a planting chart including the amount of plants.

King’s Landing, Lot 43 / SE52-1103 & NCC# 29(16) / SFH w/ Driveway, Septic & Grading NoI / OoC (cont.) Applicant: Stanley Miller / Representative: Tom Pozerski, Merrill Associates Brad Holmes. Joe Miller – brother here for the owner.

Minutes -

Tom Pozerski provided a letter and folder for each member by the applicant with a comparison on what was denied previously and what is included in this filing. Please see the plan and narrative for details. Erosion control was amended to include a double line of 18” mulch. The staging area was defined. Roadway and driveway are to be maintained. Conditions were added to take care of driveway and storm water. The driveway will be super elevated. A revised plan with an expanded view of the driveway and a new site plan showing additional details will be submitted. Detail on the stone retaining wall will be added to the plan an a PLS will stamp the plan.

The Commission clarified they are not confirming the flood plain. It is based on elevation from survey. All other resources were confirmed as accurate. The Commission moved the conservation bounds to the slope and added more bounds to the walk out section of the house.

D. Osborne – Motion to close the hearing for the NOI. Stacy – second; Vote – All in favor, none opposed.

S. Minihane - motion to approve the project as discussed and conditioned/amended – pending the plans are received with the modifications; Second – R. Woodill; Vote - all in favor, none opposed. Tom Pozerski said he will revise and submit the modified plans this week. The OoC will be ready and issued on October 4th.

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63 Harbor Lane / SE52-1104 & NCC# 30(16) / (After-the-Fact) Lawn Restoration

(ATF)NoI / OoC Applicant: Greg Webb / Representative: Greg Morse, Morse Engineering

Minutes -

B. Woodill read the legal notice.

D. Osborne - Motion to continue; Second R. Mott; Vote - All in favor, none opposed. Continued to Oct 4 at 8pm.

VIOLATION DISCUSSIONS

15 Farrar Farm Road – Driveway Expansion into wetland – submittal pending, B. Murphy is waiting for the plan.

72 Ridge Hill Road – Dumping in wetlands – No response from B. Galvin – there is a tentative meeting with the Atty for the landowner on 9/28

707 Main Street – Debris dumping on slope buffer to wetlands –

297 Lincoln Street – Commercial landscape yard use in buffer w/o permits - The landowner has issued a response stating he will move all stockpiles and materials outside the buffer to resource areas and to restore natural vegetation.

181 River, 78 & 96 Stoney Brook – cutting of vegetation in buffer or resource - There has been mixed Commission action on cutting within the 50-foot no-new disturbance zones. I request discussion and possible policy adoption so all parties are treated equally.

General – Construction of fences in buffer w/o permits

ENFORCEMENT HEARINGS - None

ADMINISTRATIVE REQUESTS -

ToN Fields Committee through Gale Associates – Request to replace and extend the softball field fencing, gates and backstops, improve the existing dugouts (install a concrete slab). The fence and dugouts closest to the wetlands already exist. This in my opinion is maintenance of existing use. Tree cutting is requested, the majority of which is outside the buffer. Tree cutting within the buffer should be restricted to those that are dead and to limb removal for those that hang over the third base lines and back stop.

Stacy – Motion to approve the Administrative Request with no approval of any resource areas delineated or not/shown on the plan or not. The delineation is considered inaccurate; Bob M Second; All in favor – none opposed

Please refer to the Agents Notes for complete report, recommendations and statements to the Commission including details for the below.

AGENTS REPORT

SCIENCE AND REGULATION IN THE NEWS

EDUCATION AND TRAINING OPPORTUNITIES

10.30 motion to adjourn - D. Osborne, Second- R. Mott, Vote - all in favor.

I hereby certify that the above minutes were presented and voted by a majority vote by the Norwell Conservation Commission.

Marynel Wahl
Marynel Wahl, Chairperson

12-20-2016
Date

* Minutes prepared by N. Hemingway, Agent

111 Pond Street / Marc Champagne, "Not Your Avg. Joe's" Restaurant
 SE521101 / NCC# 26(16)
 NoI / Drainage Improvements to Existing Raingardens
 Documents/Plans Listing

| DOCUMENTS / PLANS | Author | Date Signed | Date Received by Office | Notes |
|--|-------------------------------|-------------------------|-------------------------------------|-------|
| Documents: | | | | |
| Notice of Intent Application (including Narrative, Abutter green cards & 21-Day Waiver Form) | Kevin Grady, Grady Consulting | 7/28/16 | 8/1/16 | |
| DEP / Notification of WPA File # | DEP | Emailed 8/9/16 | 8/9/16 | |
| Legal Notice to Patriot Ledger | (Internal) | Emailed 8/24/16 | Published in Pat. Ledger on 8/29/16 | |
| Public Hearing Sign-in Sheets (9/20/16, 10/4/16, 10/18/16, 11/1/16, 11/15/16 & 12/6/16) | (Internal) | Misc. Meetings | N/A | |
| Proposal for Prof. Eng. Services | John Chessia, | 12/1/16 | 12/1/16 | |
| Applicant response to Chessia comments | Kevin Grady, Grady Consulting | 10/20/16 | 10/20/16 | |
| Supp. NoI Review (of drainage improvements & remediation) | John Chessia | 11/22/16 | 11/22/16 | |
| Order of Conditions (SE52-1101 & NCC# 26(16)) | NCC & N. Hemingway, Agent | 12/6/16 | N/A | |
| Misc. Locus, GIS & Flood maps, etc. (July 2016) | Kevin Grady, Grady Consulting | N/A | 8/1/16 | |
| Emails: | | | | |
| Misc. Email Correspondence | Aug. 2016 – Dec. 2016 | Misc. | Misc. | |
| Plans: | | | | |
| Site Plan / #111 Pond Street / Norwell, MA | Kevin Grady, Grady Consulting | 7/26/16 (Rev. 10/31/16) | (Rev.) rec'd 11/7/16 | |

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| Checks Rec'd: | | | | |
| \$110.00 (Ck. #3630) \$110.00 (Ck. #3635) \$95.00 (Ck. # 3631) | Morse Eng. | 8/29/16 | 8/30/16 | |
| **DOUBLE FEES FOR AFTER - THE-FACT ** | | | | |
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King's Landing, Lot 43 / Stanley Miller
 SE52-1103 / NCC# 29(16)
 NoI / Single-Family Home w/ Driveway, Septic & Grading
 Documents/Plans Listing

| DOCUMENTS / PLANS | Author | Date Signed | Date Received by Office | Notes |
|---|-----------------------------|-----------------|----------------------------------|--|
| Documents: | | | | |
| Notice of Intent Application (including Wetland Delineation Report from Brad Holmes of ECR) | T. Pozerski, Merrill Assoc. | 8/10/16 | 8/24/16 | |
| Legal Notice to Patriot Ledger | (Internal) | Emailed 8/24/16 | Published in P. Ledger (8/29/16) | |
| DEP Notification re: WPA File # | DEP | Emailed 9/2/16 | 9/2/16 | |
| Misc. Locus, FEMA, Priority Habitat & Est. Habitat, Vernal Pools, GIS maps, etc. & Misc. Photos | Various | N/A | Misc. (8/2016 – 10/2016) | |
| Public Hearing Sign-in Sheets | (Internal) | 9/6/16-10/4/16 | N/A | |
| Proposed construction sequence | Merrill | 9/20/16 | 9/20/16 | |
| Environmental Report and Analysis | Merrill | 9/20/16 | 9/20/16 | Includes stormwater management, erosion control, staging etc |
| Wetland Delineation Report | Brad Holmes, ECR | 6/16/16 | 8/2016 | |
| Order of Conditions (SE52-1103 & NCC# 29(16)) | NCC & N. Hemingway, Agent | 10/4/16 | N/A | |
| Emails: | | | | |
| Misc. Email Correspondence | Various | | | |
| Plans: | | | | |
| "Site Plan / Assess. Map 16C, Block 61, Lot 43 / King's Landing / Norwell, MA" | T. Pozerski, Merrill Assoc. | 8/19/16 | 8/24/16 | Rev 9/19/16 |
| Final Plan Revision | Same | 9/20/16 | 9/22/16 | 3 sheet plan set |
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| Checks Rec'd: | | | | |
|--------------------------------|-------------------|-----|---------|--|
| \$500.00 (Ck. #2416) Bylaw Fee | Merrill Assoc. | N/A | 8/24/16 | |
| \$262.50 (Ck. #2414) WPA Fee | " | N/A | 8/24/16 | |

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63 Harbor Lane / Greg Webb
 SE52-1104 / NCC# 30(16)
 After-the-Fact NoI / Lawn Restoration
 Documents/Plans Listing

| DOCUMENTS / PLANS | Author | Date Signed | Date Received by Office | Notes |
|---|--------------------------|------------------|--------------------------------|-------|
| Documents: | | | | |
| (After-the-Fact) Notice of Intent Application | Greg Morse, Morse Eng. | 8/28/16 | 8/30/16 | |
| Legal Notice to Patriot Ledger | Internal | Emailed 9/8/16 | Published in P. Ledger 9/13/16 | |
| DEP / Notification of WPA File # (SE52-1104) | DEP | Emailed 9/8/16 | 9/8/16 | |
| Misc. USGS Locus, GIS maps, FEMA, NHESP, Photos, etc. | Misc. | Misc. | Misc. | |
| Public Hearing Sign-in Sheets (9/20/16 – 1/17/16) | (Internal) | Sept – Jan. 2017 | N/A | |
| Additional Info. supplied re: NoI (MassGIS, 1979 Photos) | Greg Morse, Morse Eng. | 11/1/16 | 11/15/16 | |
| 2016 DEC 22 PM 3:38 RECEIVED TOWN OF NORWELL 197M-2-ENV | | | | |
| Emails: | | | | |
| Misc. Email Correspondence | 8/2016 – 1/2017 | Misc. | Misc. | |
| Plans: | | | | |
| (Figure 4 of Application): Proposed Restorations / 63 Harbor Ln / Norwell | Greg Morse, Morse Eng. | 8/29/16 | 8/30/16 | |
| Plan to Accompany Notice of Intent / 63 Harbor Lane / Norwell, MA | Jeff Hassett, Morse Eng. | Rev. 12/20/16 | 12/20/16 | |
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