



NORWELL CONSERVATION COMMISSION
Room 112 / 345 Main Street / Norwell, MA
September 17, 2019 @ 6:30PM
Minutes

Present: Chair Marynel Wahl, Vice Chair Bob Woodill, Bob McMackin, Ron Mott, Roy Bjorlin, Justin Ivas, Ellen Markham, Conservation Agent Nancy Hemingway, and Recording Clerk C. Sullivan. Commissioner Bjorlin arrived at 6:56 PM.

CALL TO ORDER

The meeting was called to order at **6:37 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 discussions regarding an administrative permit at 107 Parker and a violation at 262 Main.

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

COMMISSION BUSINESS

New Business

Citizen Comments

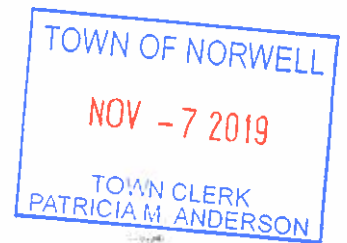
None

NF/CSFF Tree Cutting

Trees and Grounds Commissioner Glenn Ferguson present along with Nikki Bartley, Cross Street Flower Farm (CSFF). Mr. Ferguson noted that he receives requests to remove trees all around town and tries to address concerns in order of priority. His office received a call from residents regarding trees along the edges of the farm and Main Street, near Jacob's Lane, and he sent a crew to address the matter. He doesn't need Ms. Hemingway's permission to do so, but he tries to loop her in when Conservation property is involved.

With respect to the cutting on the farm, he was told that some branches looked bad, but was not sure if they presented an imminent hazard. His motive in sending the crew was strictly to address unsafe conditions.

Mr. Mott stated that the issue was that CSFF was told not to contact Mr. Ferguson for work on Conservation properties without permission from the Commission. He then read an excerpt from the July 16 minutes, in which CSFF was authorized to do limb maintenance only along Fields 1 and 3. Mr. Ferguson stated that CSFF did not contact him, and that his office got calls from residents about safety issues. The crew then goes in and addresses any trees they see to be an issue; he doesn't believe they went in and did extensive clearing on the property.



Mr. Mott countered that there were no safety issues with the trees that were cut. Ms. Hemingway interjected that Historic Commissioner Dave DeGhetto had cited safety issues with some of the trees along Main Street, and the tree crew is not given specific direction as to which trees to cut or leave alone. Mr. Mott replied that the trees in question are on the inside of the field, between Norwell Farms and the Science Center, and were not close to the right of way.

In response to a question from Mr. Ivas, Ms. Hemingway clarified that one standalone rotting tree was removed; the rest were small trees in clusters of 2-6 stems that were leaning into the field. Ms. Bartley added that the Trees & Grounds crew decided what to remove, and most of the work was just branch trimming.

Mr. Ferguson stated that he makes an effort to communicate with Ms. Hemingway, and has no problem communicating to others as long as he knows who to call. Ms. Hemingway stated that such communications should go to the Conservation Office, and she has no issue with the way Mr. Ferguson is currently communicating. Mr. Ivas felt the issue in this case was the Commission didn't know about Mr. Ferguson being called, and thought that CSFF went out and removed the trees. Mr. Ferguson reiterated that his crew went out to address safety issues, and not specifically to cut trees for CSFF.

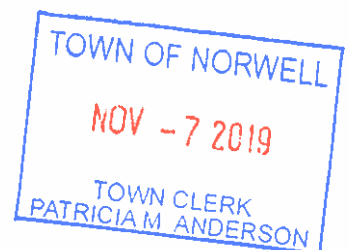
Mr. Woodill felt that tree trimming/removal for safety should be done at town expense, but that tree trimming to reduce field shading should be done at the tenant's expense. Ms. Hemingway stated that it was up to Trees & Grounds to bill the tenant in the latter case if that was the arrangement they had made.

In response to a query from Mr. Woodill, Ms. Hemingway advised that public health and safety concerns, such as hazard trees, override Commission control over conservation properties. Mr. Ferguson felt there was some overlap, so he tries to proactively communicate with the Conservation Office. Ms. Hemingway suggested that all parties walk the property to agree upon any additional tree work.

DCR Order, Bound Brook Pond Dam

Ms. Hemingway advised that she received an order from DCR to conduct a safety inspection of the Bound Brook Pond dam, and has obtained a cost estimate of \$4,500.00 from PARE. She recommended authorizing 20% above this for incidental expenses. All parties discussed funding options; Commissioner Ivas proposed that Ms. Hemingway ask the Highway Department and Board of Selectmen to split the cost. Chair Wahl suggested that the inspection be funded out of the Conservation Fund and documented as an example of what the fund is used for. In response to a follow-up question from Mr. Ivas, she indicated the Commission will have to seek additional funds if the inspection reveals that repairs are needed.

Motion by Mr. Mott to authorize the expenditure of up to \$5,400.00 to fund the dam safety inspection at Bound Brook Pond from the Conservation Fund. Seconded by Ms. Markham and unanimously voted.



Upcoming Meetings

The start time for the October 1 meeting was moved to 7 PM, as there will not be a voting quorum until 8 PM. Chair Wahl and Ms. Hemingway will be late to the October 15 meeting.

Old Business

Norwell Cares, September 20

The Commission discussed the logistics of the Norwell High School service projects on conservation properties. Ms. Hemingway asked that the Commissioners send her a final list of the tools and quantity of wood needed for each project so she could place the order. Ms. Wahl reminded the Commissioners to ask the teachers on site for permission to take pictures.

Mr. McMackin was unsure if it would be possible to complete the Simon Hill to Hatch Lots boardwalk on the 20th, as he observed a lot of clearing that had to be done along the route. Ms. Hemingway advised that there had been several work sessions since the last time he viewed the area, and the route would be clear before Friday; the trail crew would reinforce the students' work and finish anything left undone. Ms. Hemingway was authorized to rent a second Gator for this project if she could do so for less than \$300.

Conservation Day, September 22

Ms. Hemingway and Chair Wahl will be appearing on WATD tomorrow to promote the Conservation Day program at Jacobs Pond Reservation on September 22. Commissioner Mott has procured a tent, and would like to have coffee available in the morning. Ms. Hemingway advised that the event is coming in well under budget.

Trees & Grounds Commissioner Ferguson will try to take down a large pine tree on the property before Sunday; Ms. Hemingway will flag it for identification.

SUB-COMMITTEE UPDATES

Land Protection

The Commission briefly discussed a possible land donation near the area of Stony Brook Cottage. Ms. Hemingway noted that the parcel was mostly wetland and had no street frontage. She will investigate the possibility of using a portion of the land to provide parking spaces for the riverfront area by the cottage.

Farming

Mr. Mott received an e-mail from the Norwell Farms Board of Directors thanking the Commission for their support throughout their tenancy at Jacobs Field.

Trees & Grounds Commissioner Glenn Ferguson advised he was receiving complaints about the stone walls along fields leased by Hornstra Farms. Mr. Mott stated that Hornstra has been clearing the walls twice per year, as requested, but did them early in the summer. The next wall inspection is coming up in October. Mr. Ferguson would like the deadline for the second inspection next year to be by Labor Day. Mr. Mott noted that Trees & Grounds could do additional clearings of any walls within the right of way, but farmers only had to clear twice a year under their lease.



MISCELLANEOUS

Bills

Forestry Suppliers - \$172.59 Silky saws
Forestry Suppliers - \$36.58 field tape yellow
Chris Sullivan - \$150 minutes of 9/3/19
WB Mason - \$124.63 misc office supplies
Chessia - \$1,687.50 Hanover Crossing
Chessia - \$375.00 Simon Hill Soils
Chessia - \$1,562.50 George Rd lots 2B and 7C
Paul Legere - \$216.00 Trail work

Motion by Mr. Ivas to pay the bills presented for payment. Seconded by Ms. Markham and unanimously voted.

Minutes

Tabled.

“Norwell Cares” Expenses

Ms. Hemingway advised that expenses for the event were mostly for tools and wood; she does not have the final figures yet.

Compensation beyond CoA hours for work conducted on/for woodland trails

Ms. Hemingway asked that the Council on Aging volunteers be paid the trail crew rate for any hours worked beyond their allotted volunteer hours, to be paid out of the Trail Crew salary line item.

Motion by Mr. Mott to authorize Ms. Hemingway to pay COA workers for hours worked beyond their allotted volunteer hours at the Trail Crew rate and out of the Trail Crew line item. Seconded by Ms. Markham and unanimously voted.

Approval request - Funds for (CoC) engineering for SE52-1037 (Jacobs Pond)

Ms. Hemingway advised that an engineered plan will be required to receive the CoC for filing SE52-1037 by the Commission. Due to the number of committed expenses this year, either this will need special funding at the next Town Meeting or will need to wait to the next Fiscal Year to be taken from professional services or can be taken from the NoI filing fees. Estimates are pending

Upcoming CPC applications

The Commission discussed projects needing funding. For those applicable, draft applications for CPC funding will be prepared for upcoming meetings. Discussed were the following needs.

- Masthead, Conservation Fund, Hatch to Wompatuck, Laurelwood back taxes, CoC for Jacobs, Increase in Eng for 2 programs, Stony Brook Cottage Demo, ongoing CR monitoring.

Commissioners will submit other ideas for draft applications.



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.

7:30PM: PUBLIC HEARING

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.

Applicant requested a continuation.

Motion by Mr. Woodill to continue the matter to October 1, 2019 at 8 PM. 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**

63 Harbor Lane / SE52-1104 & NCC# 30(16) / Lawn Restoration & Parking Gravel
Request CoC (Close & Sig. Only) Applicant: Gregory Webb / Rep.: Jeff Hassett, Morse Eng.

Ms. Hemingway recommended that the certificate be issued keeping condition 28, requiring that applicant contain the spread of phragmites on the site, as an ongoing condition.

Motion by Mr. Mott to issue a Certificate of Compliance for 63 Harbor Lane, SE52-1104. Seconded by Ms. Markham and unanimously voted.

63 Harbor Lane / SE52-1104 & NCC# 30(16) / Control of Invasives on site
Violation Notice Applicant: Gregory Webb / Representative: Jeff Hassett, Morse Eng.

Ms. Hemingway advised that the property owner has hired Brad Holmes to address the spread of phragmites on the site. She recommended issuance of the violation letter for documentation purposes.

Motion by Mr. Mott to issue a violation letter to 63 Harbor Lane. Seconded by Ms. Markham and unanimously voted.

983 Main Street / SE52-337 / Construction of a Barn
Request CoC (Close & Sig. Only) Applicant/Rep.: Joseph Hannon, Atlantic Coast Eng.

Ms. Hemingway advised that she had received the hardcopy of the as-built plan requested at the last meeting. The plan is not compliant by today's standards but is by the standards in place when the project was approved in the early 90s.



Motion by Mr. Mott to issue a Certificate of Compliance for 983 Main Street, SE52-337. Seconded by Mr. Ivas and unanimously voted.

81 Central Street / SE52-1074 & NCC# 45(14) / Addition

Request CoC (Close & Sig. Only, Denial) Appl: Karen Raccuia / Rep: Edward Eisenhaure

The Certificate of Compliance denied at the previous meeting was circulated for signatures.

Motion by Mr. Mott to deny the request for CoC without prejudice. Seconded by Mr. Ivas and unanimously voted.

49 Green Street, Lot 2 / SE52-1177 & NCC# 32(19) / Construction of Pool House/Garage & Vegetation Mgmt. OoC (Close & Sig. Only) Appl: William Lazzaro / Rep: Paul Seaberg, Grady Consulting

The Order of Conditions approved at the previous meeting was circulated for signatures.

Harbor Lane, Lot 5A / SE52-1179 & NCC# 39(19) / SFH w/ Septic, Driveway, Grading & Landscaping OoC (Close & Sig. Only) Appl: Greg Webb / Rep.: Jeff Hassett, Morse Eng.

Ms. Hemingway advised that Greg Morse had submitted the updated electronic site plan requested at the previous meeting. The Order of Conditions approved at the previous meeting was circulated for signatures. Hard copies are still pending but the electronic is sufficient for signature.

Motion by Mr. Mott to issue a modified OoC for Harbor Lane Lot 5A, SE52-1179. Seconded by Mr. Ivas and unanimously voted.

Jacobs Pond / SE52-869 & NCC# 32(07) / Jacobs Pond Vegetation Mgmt.

Request for CoC (housekeeping – project rolled into SE52-1167) Applicant/Rep: Norwell Conservation Comm.

Ms. Hemingway recommended issuance of the CoC as complete. The previous treatments were completed. New work on the pond has been permitted through SE52-1167.

Motion by Mr. Mott to issue a Certificate of Compliance for SE52-869. Seconded by Ms. Markham and unanimously voted.

Norwell Middle School / SE52-554 & NCC# 8(99) / Construction of Athletic Fields

Request for CoC Applicant: John DiFrisco, Norwell Athletic Field Comm. / Rep: Gale Associates

Ms. Hemingway advised that an accurate as-built plan was received in the Conservation Office, and recommended issuance of the CoC as complete.



Motion by Mr. Mott to issue a Certificate of Compliance for SE52-554. Seconded by Ms. Markham and unanimously voted.

75 Harbor Lane / SE52-1080 & NCC# 8(15) / Piers, Ramps, Float, Shed & Stairs
Request CoC (cont.) Applicant: Robert Frattasio / Rep.: Jed Hannon, Atlantic Coast Eng.

Ms. Hemingway advised that she had received the updated site plan requested at the previous meeting.

Motion by Mr. Mott to issue a Certificate of Compliance for 75 Harbor Lane, SE52-1080. Seconded by Mr. Ivas and unanimously voted.

935 Main Street / SE52-819 & NCC# 14(06) / Single-Family Home Construction
Request for CoC Applicant: Victoria LeBlanc / Representative: Shane Brenner, Merrill Eng.

Ms. Hemingway advised that applicants had met the requirements to close out the Order of Conditions.

Motion by Mr. Mott to issue a Certificate of Compliance for SE52-819. Seconded by Ms. Markham and unanimously voted.

935 Main Street / NCC# 37(19) / Pool, Patio & Landscaping
RDA / DoA (cont.) Applicant: Victoria & Sean LeBlanc / Representative: N/A

Applicant Victoria LeBlanc distributed the updated site plan requested at the August 20 meeting. The Commission voted to issue the DOA after reviewing the plan.

Motion by Mr. Mott to issue a Determination of Applicability, pos 2B, pos 5, neg 3. Seconded by Mr. Woodill and unanimously voted.

78 Stony Brook Lane / SE52-1173 & NCC# 29(19) / Raze Existing Boathouse & Replace with Garage NoI/OoC (cont.) Appl: Sam & Catherine Peper / Rep: Darren Grady, Grady Consulting

Ms. Hemingway advised that she had received the updated site plan requested at the previous meeting. The new plan shows the mitigation area for a previous violation.

Motion by Mr. Woodill to approve the Notice of Intent with a modified Order of Conditions. Seconded by Mr. Ivas 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.) Appl: K & E Construction / Rep: Austin Chartier, McKenzie Eng.

This hearing is not scheduled for this meeting. It was actually continued to October 1. This is an administrative error.



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
Mr. Woodill read the notice of public meeting.

Ms. Hemingway advised that the matter had to be continued to allow for receipt of the DEP file number. The Commission briefly discussed ways to clear the stream without disturbing the banks and what material should be used for the path along the fields. Ms. Hemingway recommended that the Commissioners visit the site before the next meeting.

Motion by Mr. Mott to continue the matter to October 1, 2019 at 8 PM. Seconded by Ms. Markham and unanimously voted.

ADMINISTRATIVE PERMITS & REQUESTS:

31 Central St

Applicant would like to put in a bluestone patio by hand. Ms. Hemingway noted that the area was technically in the 50 ft buffer, but the area in question is wet by virtue of its being wedged in between two buildings.

Motion by Mr. Mott to issue an administrative permit for 31 Central Street. Seconded by Ms. Markham and approved by a 5-0 margin, Mr. Ivas having abstained.

107 Parker St

Ms. Hemingway advised that the proposed work area was outside buffer except for a small portion.

Motion by Mr. Mott to issue an administrative permit for 107 Parker Street. Seconded by Mr. Woodill and unanimously voted.

386 River Street

Applicant requested permission to bury electrical cables using a ditch witch; the associated utility pole is 10 ft from a wetland. After some discussion regarding the scope of the work, and whether to require an RDA if done by machine, the Commission voted to permit the project administratively.

Motion by Mr. Mott to issue an administrative permit for the project proposed at 386 River Street. Work must be conducted by hand. Use of mechanical equipment will trigger the need for an RDA filing. Seconded by Mr. Woodill and approved by a 5-1 margin, Mr. Ivas having voted no.

PENDING SUBDIVISION / COMMERCIAL DEVELOPMENT UPDATES:

PUBLIC MEETINGS:

None

VIOLATION DISCUSSIONS:

89 King's Landing



Ms. Hemingway is investigating a possible issue with the back wall; a site visit is pending.

Simon Hill Road (33/44/52) – Oil Spill

Ms. Hemingway advised that the cleanup had been delayed due to an insurance company investigation; the homeowner’s insurance company has approved the claim and the cleanup can now proceed. A Notice of Intent will be filed once monitoring has been conducted to determine the extent of the contamination.

Oil Spill 262 Main

Ms. Hemingway noted that the oil tank that failed at this address may not have contained much oil, as the house had been vacant for several years. It is unclear if any oil went into a nearby wetland. DEP is investigating this site also.

ENFORCEMENT HEARINGS:

None

AGENT’S REPORT

SCIENCE AND REGULATION IN THE NEWS

EDUCATION AND TRAINING OPPORTUNITIES

Please refer to the Agents Notes available in the Conservation Office.

<i>Next Meeting</i>		October 1, 2019
<i>NEW filing applications due date/deadline</i>		<i>September 17, 2019 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>		<i>September 23, 2019</i>
<i>Revised Information submittal deadline</i>		<i>September 24, 2019 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>		<i>September 24, 2019 @ noon</i>
<i>Public Information Written Comments</i>		<i>No deadline</i>

ADJOURNMENT

There being no further business, a motion was made by Mr. Mott to adjourn at 8:42 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 11/5/19.


Marynel Wahl, Chair

