



TOWN OF NORWELL  
TOWN CLERK

**NORWELL CONSERVATION COMMISSION**

Room 112 / 345 Main Street / Norwell, MA

September 4, 2018 @ 6:30PM

Minutes

2018 OCT 11 PM 1:26

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

**6:30PM: CALL TO ORDER & AGENDA ACCEPTANCE**

**CALL TO ORDER**

The meeting was called to order at **6:30 pm** by Chair Marynel Wahl. The meeting was recorded.

**AGENDA ACCEPTANCE**

The Commission reviewed the proposed agenda and discussed changes and additions. Ms. Wahl added a discussion regarding reappointing a liaison to the Bylaw Review Committee.

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

**Simon Hill (Off Prospect St.) / SE52-xxxx & NCC# 35(18) / 4 Bldgs., Roadway, Parking, Retaining Walls & associated Infrastructure NoI / OoC Applicant: Brian Murphy, Simon Hill, LLC / Representative: Brad McKenzie, McKenzie Engineering**

Mr. Woodill read the notice of public meeting. Due to a request for continuation by applicant, the meeting was opened and then continued.

*Motion by Mr. Ivas to continue the matter to September 18 at 6:30 PM. Seconded by Mr. Woodill and unanimously voted.*

**New Business**

**Eagle Scout Projects**

John Vining discussed his proposal to install updated trail markers, a new bluebird box, and a reinforced bike stand at Stetson Meadows.

The markers, which help first responders locate injured hikers, would be posted at each trail intersection and nailed into trees at a height of 8 feet. Galvanized steel nails were preferable to aluminum nails, which tend to break.

The Bluebird box will be mounted on a post cemented into ground; it will be placed at the edge of the field to avoid interfering with the licensed farming activity. Mr. Vining will also repair the existing boxes so they face east, which the birds prefer, and will fix one old post. The new bike rack will be installed so it can't be lifted off the ground and will be painted white.

Chair Wahl asked that Mr. Vining provide a project narrative and map with the trail marker and bird box locations. He will then reappear before the Commission on Sept 18 for final approval.

John Hull discussed a proposal to mount ten duck boxes provided to David Osborne by Ducks Unlimited at the Jacobs, Fogg, Stetson, and Hatch Commission properties, as well as behind the Cole School and at the Norris Reservation. He has already obtained permission from the principal of the Cole School and the Trustees of Reservations.

The Commission briefly discussed placement locations and methods. The boxes should be placed away from areas that see a lot of human activity. He will enter the box locations into Google maps, and will start a log of activity. Mr. Ivas suggested that he share the log with teachers at the Cole School.

Ms. Wahl requested that Mr. Hull provide an updated map and construction details for the September 18 meeting.

#### **Norwell Farms SubLicense**

Selectman Ellen Allen and Town Counsel Bob Galvin asked for a continuation to September 18.

#### **Old Business:**

##### **Administrative Sign Off Process Discussion**

Ms. Hemingway advised that under the current process, which began in 2014, she handles simple requests directly and refers slightly more involved requests to the Commission for a vote. Ms. Wahl asked that all such cases continue to be included on meeting agendas so Commissioners can review and address calls from residents. Mr. Woodill requested a narrative detailing what type of projects is handled under the Administrative sign-off process. N. Hemingway will compile a list of typical projects as well as a list of items that would not qualify and a list of conditions that would automatically apply.

The Septic and Highway programmatic permits discussed at the previous meeting are ongoing.

##### **Wompatuck – Grove Street Access Plan (endorsement)**

The Commission reviewed an updated concept plan from Horsley Witten for a parking area and boardwalk connection to Wompatuck State Park, with two options for placement of the boardwalk. The fill and culvert plan previously considered is currently off the table. The Commission discussed the lack of information regarding where DCR/Wompatuck wanted to connect. The Commission will await further feedback from DCR on that information.

##### **Budget/Quotes for High Def. Projector/TV**

Tabled.

##### **Amendment of Standing Conditions 1 and 52–Long Form OoC**

The Commission discussed proposed clarification language to standing Long-Form OoC conditions 1 and 52 and made additional suggestions. A final amended version of the two conditions will be reviewed at the September 18 meeting.

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**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		

**Bylaw Review Liaison**

Ms. Wahl advised that the Bylaw Review Committee was resuming its work. Vice Chair Lois Barbour requested that a new liaison be appointed.

*Motion by Mr. Mott to appoint Mr. Woodill as liaison to the Bylaw Review Committee. Seconded by Mr. Ivas and unanimously voted.*

**Trail/Signage**

Mr. Mott has removed the lattice from underneath the dock at Chittenden Landing. Ms. Hemingway recently visited the dock and observed signs that dogs were already venturing into this area. The Commission discussed possible remedies, including obtaining a permit from the Army Corps of Engineers to reinstall the lattice with a gate.

Mr. Mott also advised that Trees and Grounds Commissioner Glenn Ferguson has started work on the Donovan connector trail.

**Farming**

Mr. Mott will be conducting stone wall inspections in September; Mr. Hornstra has already started clearing the wall at Jacobs Field.

**Trail Work Update**

The Commission discussed and approved the trail work summary emailed by Ms. Hemingway. The next plan will go out in March.

Mr. Woodill suggested that the Commission consider the “real feel” temperature, including humidity, when deciding whether to cancel trail work. This is already done informally, and the Commission agreed after discussion to officially implement the practice.

**MISCELLANEOUS**

**Bills**

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

Christopher Sullivan            Meeting Minutes            \$150.00

*Motion by Mr. Ivas to pay the listed bill. Seconded by Mr. Mott and unanimously voted.*

**Minutes**

The minutes for the June 19, 2018 meeting were distributed. Commissioners reviewed and discussed corrections and changes.

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*Motion by Mr. Ivas to approve the minutes of the June 19, 2018 meeting as written. Seconded by Mr. Mott and approved by a 4-0 vote. Ms. Markham having abstained.*

Ms. Hemingway advised that changes had been made to the minutes of December 5 and 19 (2017) and January 16 (2018) after their initial approval, and requested that the amended minutes be approved.

*Motion by Mr. Ivas to approve the minutes of the December 5, December 19, and January 16 meetings as amended. Seconded by Mr. Mott and unanimously voted.*

The minutes of July 17, were tabled to the next meeting.

**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**

**109 Parker St (Lot 1) / SE52-808 & NCC# 81(05) / Single Family Home and related**

**CoC (cont.) Applicant: Ken Mousette / Representative: N/A**

Ms. Hemingway is in communication with the applicant and requested a continuation to September 18.

*Motion by Mr. Woodill to continue the matter to September 18 at 8 PM. Seconded by Mr. Mott 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 is working with the applicants to bring the site into compliance.

*Motion by Mr. Ivas to continue the matter to September 18 at 8 PM. Seconded by Mr. Mott and unanimously voted.*

**31 Central Street / SE52-1117 & NCC# 20(17) / Home Renovation & Site Work to resolve violation**

**CoC Applicant: John McKay, McKay Constr / Representative: Steve Ivas, Ivas Env.**

Commissioner Ivas recused and left for the duration of the discussion.

Ms. Hemingway advised that the new owners have mowed the wetlands replication area along the brook. She has notified the owners as well as Mr. McKay. She recommended that the CoC be denied until the plantings in the area have been restored; markers or a barrier may be advisable.

*Motion by Mr. Woodill to deny the CoC. Seconded by Mr. Mott and approved by a 4-0 vote. Mr. Ivas having recused.*

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**34 Island View Circle / SE52-1110 & NCC# 7(17) / Single-Family Home and related Amend. OoC and CoC Applicant: Brian Nihill / Representative: none**

Ms. Hemingway advised that the applicant did not submit as-built plans showing the installation of a driveway turnaround. The Commission discussed mitigation for five trees cut in the 50 foot buffer, and continued the matter to allow for a site visit to evaluate the extent of tree loss and natural revegetation.

*Motion by Mr. Ivas to continue the matter to September 18 at 8 PM. Seconded by Mr. Mott and unanimously voted.*

**Lot 7, Curtis Farm Road / SE52-1132 & NCC# 48(17) / Single-Family Home Amend. OoC Applicant: ROCO Realty Trust / Representative: Greg Morse, Morse Eng.**

Mr. Morse requested a minor modification to allow for the installation of a porch on sonotubes in back of the house and 88 feet from an adjacent wetland, as well as a pervious paver patio 90 feet from the wetland. The project was approved, as both areas were previously approved as lawn area and the modifications will not additionally impact the wetland.

Mr. Mott asked about the status of other violations on the site, including an incorrectly installed construction pad. Ms. Hemingway advised that excess fill had been removed from the site, and she observed no issues with construction access, stockpiles, or erosion control. The entry is not in the jurisdictional buffer but did potentially impact the stormwater system. Ms. Hemingway will inspect the construction pad to ensure that no soils are migrating into Curtis Farm Rd.

*Motion by Mr. Ivas to approve the requests for a porch and pervious patio as a minor amendment. Seconded by Mr. Mott and unanimously voted.*

**Lot 43 Kings Landing / SE 52-1103 & NCC # 29(16) / shift in footprint within permitted work zone**

**Minor Amendment Request (cont.) Applicant: Stan Miller / Representative: N/A**

Ms. Hemingway advised that the applicants had requested a continuation.

*Motion by Mr. Mott to continue the matter to September 18 at 8 PM. Seconded by Mr. Ivas and unanimously voted.*

**29 Leigh Road / NCC# 33(18) / Shrub & Brush Maintenance Plan Approval RDA / DoA Applicant: Kathleen Desmond / Representative: N/A**

Mr. Woodill read the notice of public meeting.

Ms. Desmond appeared before the Commission to seek an ongoing permit to keep bushes and shrubs in the BVW to Jacob's Pond trimmed to a 3 ft height, the same as a wire fence on her property. Mr. Ivas indicated that he could not vote yes without first seeing the site, and was unsure such a permit could be granted under the existing regulations. Mr. Woodill questioned whether such maintenance would be considered grandfathered activity, as the house pre-dated the WPA.

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Ms. Desmond assented to a continuation to allow for a site visit to review the vegetation and areas to be trimmed.

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*Motion by Mr. Woodill to continue the matter to September 18 at 8 PM. Seconded by Mr. Mott and unanimously voted.*

**Lot 62, Stony Brook Lane / SE52-xxxx & NCC# 34(18) / Single-Family Home**

NoI / OoC Applicant: Thomas Williams / Representative: Scott Goddard, Goddard Consulting  
Mr. Woodill read the notice of public meeting.

Wetlands scientist Velovia Costa present for Goddard Consulting.

Ms. Hemingway advised that a house had previously been permitted by the Commission in 2002, but that permit had expired in 2014 (due to court appeals and the permit extension act). The property owner has won Court cases challenging the lot's buildability, and the lot has been taxed as buildable.

The plan calls for a home to be built in the back corner of the lot, just outside the 50 foot buffer, with a retaining wall at the buffer. Mr. Costa stated that DEP had issued comments saying the plan was exempt from Riverfront performance standards, but the plan nevertheless meets those standards, as they are not proposing to alter more than 500 sq ft or 10% of the area of the lot. Ms. Hemingway viewed the printout and advised it was a comment printed off the DEP Web site and not a specific comment related to the property.

Mr. Woodill observed that the lot was located in a very marshy area, and all construction would be within the 100 foot buffer and close to the 50 foot buffer. Commissioner Wahl requested that additional details be provided, including documentation from DEP regarding exemption from riverfront performance standards if such letter exists, construction materials and sequencing, and information on type of driveway and amount of fill. She also requested that the house, driveway, and retaining wall locations be staked out on the site. The applicant is to contact the Commission when the site is staked and ready.

Ms. Hemingway recommended that the Commission take a site visit prior to any vote. The matter was continued to allow for the visit as well as receipt of additional plan and construction details.

*Motion by Mr. Ivas to continue the matter to September 18 at 8 PM. Seconded by Mr. Mott and unanimously voted.*

After Mr. Costa left, Ms. Hemingway pointed out that previous rulings concerning this property would make it difficult to win a court case or to find valid reason why this home would impact the associated wetland resource areas when 5 other homes had recently been permitted for new or redevelopment in the immediate vicinity closer to the North River and other significant resources on Old Meeting House Lane and Stony Brook Lane. The Commission discussed the conditioning of permits to avoid setting undesired precedents.

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**(Off) Circuit Street (Bl. 69, Lots 25, 26 & 30) aka: Hitchin' Post Lane / SE52-1149 & NCC# 29(18) / Road Construction & Stormwater Improvements NoI / OoC (cont.)** Applicant: Mark Raimondi (Circuit St. R/T) / Representative: Gary James, James Engineering

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Applicant requested continuation to September 18.

*Motion by Mr. Ivas to continue the matter to September 18 at 7:30 PM. Seconded by Mr. Woodill and unanimously voted.*

**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-Armstrong

Greg Morse, Morse Engineering, present along with applicant John Kopacz, Marta Nover, and Attorney Walter Sullivan. Commissioner Ivas recused but remained present as a resident.

Ms. Hemingway advised that Mr. McMackin's absence, coupled with Mr. Ivas' recusal and previous hearings having taken place before Ms. Markham joined the Commission, could create a quorum issue in the future. At her suggestion, Mr. Morse reviewed the history and full details of the project, which is to construct a conventional subdivision on upland bogs of the Webster Cranberry Farm. The property has been split into two parcels to allow for the development. The drainage system is designed to use stormwater from the subdivision to irrigate the farm.

Mr. Morse then discussed changes made to the plan, including the replication of an IVW, shifting some houses further away from the resource area, and additional information regarding drainage, including an analysis of what would happen (1) if the bogs remained operating at full capacity and (2) the bogs ceased operation and water onsite wasn't being actively managed. John Chessia, the Planning Board's consulting engineer, is reviewing the system and will be discussing his findings with the PB later this month.

Ms. Nover discussed additional changes made to the plan since the original filing of the NoI, including a reduction in riverfront alteration from 25,000 to 7,000 square feet, the elimination of one house lot, an increase in the IVW mitigation area from 1000 to 9000 square feet and the addition pollinator enhancement plantings and bird boxes, and the addition of buffer plantings in back of the home lots that will help protect the bogs. She stated that the project does not trigger a MEPA ENF but has submitted an advisory opinion request to MEPA which is still outstanding.

Mr. Woodill asked how they planned to keep chemicals from the roadway and house lots from going into the bogs. Mr. Morse advised that roadway chemicals would be treated by particle separators and catch basins with hooded outlet structures, as well as an open-air infiltration basin or stormwater quality wetland. Lawn chemical regulation is built into the Norwell Board of Health regulations, and all lots will comply with nitrogen loading standards.

The HOA will ultimately assume responsibility for the stormwater system. Morse also noted it was in Mr. Kopacz's best interest to keep the water clean to protect his crop, and he was consulting with the NRCS on how to do this.

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Mr. Kopacz briefly discussed the water management system for the bogs. The reservoir system for the lowland bogs needs to be replenished in full four times per year per year, and is currently being replenished 1.5 times per year. He has been working with NRCS to set up a water harvesting and management system, but the farm has been running short of water even with these measures. Thus, the system for the subdivision is designed to channel as much stormwater as possible for the bogs.

Ms. Hemingway noted she was not necessarily opposed to the concept, but requested that additional details as well as qualitative information that could be analyzed be put into narrative form and that Mr. Morse put his presentation from the evening into the written narrative. Morse responded that this information could be culled from the existing documents.

The Commission then discussed ways to prevent homeowner encroachment into the buffer, including boundary markers, a split rail fence, or tree plantings. Ms. Hemingway added that buffer plantings should be dense to discourage mowing. Mr. Morse noted that the buffer was documented on all plans and is recorded in the Registry of Deeds. Attorney Sullivan added that this issue had been successfully addressed at a previous client's site with markers and felt they could get in front of the issue here.

Speaking as a resident, Mr. Ivas commented that the buffer strip had resolved his concern about views, but was curious whether homeowners in the area would be able to drill wells without affecting water supply to the bogs.

Ms. Hemingway requested additional details to quantify claims made in the plan as to water quality and impact on downgradient resource areas, as well as the suitability of the site of the proposed replication area and turtle habitat, as it needs to specifically replicate what is being impacted. The applicant is re-appearing before the Planning Board later this month, and requested a continuation to October 2. *Please refer to the agents notes for complete details of comments to the Commission.*

*Motion by Mr. Mott to continue the matter to October 2 at 7:30 PM. Seconded by Mr. Woodill and unanimously voted.*

#### **ENFORCEMENT HEARINGS**None

#### **PUBLIC MEETINGS / ADMINISTRATIVE PERMITS & REQUESTS**

##### **Jacob's Island Bench Request**

The Commission discussed a request from Jodie Anthony to place an additional memorial bench on Jacob's Island. Commission consensus was that the island already had enough benches. The applicant can request an alternative location in the reservation.

#### **VIOLATION DISCUSSIONS**

None

#### **AGENT'S REPORT**

#### **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>	<b>September 18, 2018</b>
<i>NEW filing applications due date/deadline</i>	September 4, 2018 @ noon
<i>Legal Notice publication date-Patriot Ledger</i>	September 10, 2018
<i>Revised Information submittal deadline</i>	September 11, 2018 @ noon
<i>Peer Review Info Deadline, CoC Requests, Minor Modification &amp; LP Requests</i>	September 11, 2018 @ noon
<i>Public Information Written Comments</i>	No deadline

**ADJOURNMENT**

*There being no further business, a motion was made by Mr. Ivas to adjourn at 10:32 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 Oct 2, 2018.

Marynel Wahl  
 Marynel Wahl, Chairperson

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