

NORWELL CONSERVATION COMMISSION

345 Main Street / Norwell, MA

September 5, 2017 @ 7:00 PM - Room 112

Minutes

2017 SEP 27 AM 11:56

Present: Marynel Wahl, Chair, Dave Osborne, Bob McMackin, Ron Mott, Justin Ivas, Agent N. Hemingway, and Recording Clerk C. Sullivan
Stacy Minihane and Bob Woodill were absent.

CALL TO ORDER

The meeting was called to order at 7:00 pm by Chair Marynel Wahl. The meeting was recorded.

AGENDA ACCEPTANCE

Ms. Hemingway added approval of the August 1 meeting minutes to the agenda.

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

COMMISSION BUSINESS

Old (cont.):

- Project Grid Review
- Glenn Ferguson – NoI - status for work in wetlands

New:

- Land Discussion –
- Bylaw Review Committee Request for Clarifications
- Stormwater Basin Restoration – Norwell Estates update on status

Project Grid Review

Tabled until next meeting.

Norwell Highways NoI

Ms. Hemingway advised that the after-the-fact NoIs were making some progress but weren't where they needed to be. Some of the needed elements have been assembled, including some maps, site plans, and a rough narrative, but she needs more details from Highway Commissioner Glenn Ferguson and has been unable to get them so far. She asked if the Commission wished to amend the existing enforcement order to require Mr. Ferguson to hire an outside party to finish the NoIs. She noted that she was happy to work with Mr. Ferguson to complete the project but could not move forward without his input at this point.

Mr. Mott noted that Mr. Ferguson might actually prefer to hire someone else to finish these filings. Mr. Ivas pointed out that Mr. Ferguson does a lot of work for the Commission, and suggested that someone ask him whether he would prefer to hire someone or finish the filings on his own. Ms. Hemingway will reach out to Mr. Ferguson and ask his preference.

Land Discussion

Treasurer/Collector Darleen Sullivan has advised Ms. Hemingway that a Grove Street parcel adjacent to the Hatch Lots may be going to tax title, and wanted to know if the Commission would be interested in the property. The Commissioners indicated that they continued to have high interest in obtaining this parcel.

Bylaw Review Committee Clarifications

Sally Turner and Lois Barbour of the Bylaw Review Committee appeared before the Commission to discuss the bylaw clarification requests they received from General Code. Several clarifications were requested as to Chapters 61 and 303 of the general bylaws.

Ms. Turner requested that the Commission get the answers and clarifications back to them by the end of this month. Ms. Hemingway recommended that a public hearing be scheduled if any substantive changes are desired.

Norwell Estates Stormwater Restoration Update

Ms. Hemingway circulated copies of Toll Brothers' proposal to restore the stormwater basin in Norwell Estates, and noted that John Chessia, the consulting engineer for the Planning Board, was about halfway through his review. She recommended there be further discussion once Chessia's final comments are in.

SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)

CPC	D. Osborne	Ms. Hemingway suggested that the Commission think about possible requests for funding. The Commission asked Pathways Commission member Brendan Sullivan for an update on the Grove Street/Bennett project. Mr. Sullivan advised that they were sending RFPs to engineering companies for a site plan; then they will be advising abutters as to access and parking. Mr. Osborne advised Mr. Sullivan that he had confirmed with Town Planner Kenneth Kirkland that the CPC is listed as a co-applicant for the grant, and that expenditures of any grant funds would need to be cleared with CPC. Mr. Sullivan will let the Pathways Commission know. Ms. Hemingway noted that the abutters continued to contact the office regarding participation in the planning phase and that this information had been passed on to the Town Planner.
Farming	R. Mott	Ron Hornstra has mowed Whittaker field as well as all of his fields; he is currently working on his stone walls. Norwell Farms' stone walls are in good shape. Former farmer Scott Franklin sold all his equipment when he left Norwell Farms, so they will need to make other arrangements for next year. Barstow field has been cleared, with a few more trees due to come down.

MISCELLANEOUS

1. Bills
 - Christopher Sullivan \$150 (August 1 meeting minutes)
 - ABC Equipment \$35
 - Ed Cox \$12.97, \$253.50, \$312 (expense reimbursement)
 - Norwell Hardware \$15.73
 - WB Mason \$6.51, \$8.92, \$30.65, \$19.93 (office supplies)
 - BSE Group \$2128.30 (peer review, 62 Stony Brook)
 - Ecotec \$201.68 (peer review, 49 Tiffany Hill)
 - \$1962.51 (peer review, 72 Ridge Hill)
2. Minutes – July 6, 18, and Aug 11
3. Reauthorization of Payroll signature

Bills

Ms. Hemingway read off the list of bills to be paid.
Motion by Mr. Osborne to pay the bills as listed. Seconded by Mr. Ivas and unanimously voted.

Minutes

The minutes for the August 1 and 11 meetings were distributed. Commissioners reviewed the August 1 minutes and discussed corrections and changes; review of the August 11 minutes was tabled until the next meeting. The July 6 and 18 minutes were circulated for signature. Ms. Hemingway will reach out to Town Counsel Bob Galvin for clarification as to whether minutes can be approved by a majority of the quorum present at a meeting as opposed to a majority of the full commission.

Motion by Mr. Ivas to approve the minutes of August 1, 2017 as amended. Seconded by Mr. Mott and approved by a majority vote, Mr. Osborne having abstained.

Payroll Signature Authorization

Ms. Hemingway advised that Town Accountant Donna Mangan was asking all department heads to request reauthorization to sign payroll forms.

Motion by Mr. Ivas to authorize the department head to sign the payroll forms. Seconded by Mr. Osborne and unanimously voted.

National Grid

Ms. Hemingway queried the availability of Commissioners to go on a site visit related to National Grid's trimming and removal of trees along parts of River Street.

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

40 Jordan Lane / NCC# 31(17) / Construction of 24' x 36' Detached Garage

RDA / DoA Applicant: Mark & Heather Hanley /Representative: Brendan Sullivan, Cavanaro Consulting

Mr. Mott read the notice of public meeting. Brendan Sullivan and applicant Heather Hanley present.

Ms. Hemingway did not agree completely with delineation provided, and recommended approving the RDA but not the delineation shown.

Commissioners asked whether the garage location could be shifted to move it outside the 100 foot buffer and/or avoid removal of trees. Mr. Sullivan indicated that the location was partly dictated by the location of the existing shed and patio, and by the need to maintain an adequate turning area. He was willing to pull the garage 5 feet forward (west) to match the back of gravel parking area and get an approval tonight, and noted additionally that it was a prefabricated garage with minimal construction impacts.

Mr. Ivas indicated that he wasn't necessarily opposed to the location but would like to look at it. Ms. Hemingway indicated the garage was going on essentially impervious hardpacked fill, and she had no issue with issuing the RDA tonight with conditions.

Motion by Mr. McMackin to approve the RDA, pos 2b, pos 5, neg 3, on condition that the garage be moved south to be parallel with the line of the existing gravel parking area, no closer than 90 feet to the wetland line shown, and no start of work until revised plan submitted. Seconded by Mr. Mott and approved by a majority vote, Mr. Ivas having abstained.

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Circuit Street (Donovan Field) / SE52-1123 & NCC# 6(17) / Agricultural Field Squaring/ Clearing
NoI / OoC (cont.) Applicant: John Hornstra & NCC / Representative: John Hornstra & Ron Mott

Ms. Hemingway advised that DEP had issued a number along with comments indicating they had no issues due to the field's long-standing agricultural use. Two abutters attended and had no objections on hearing the description of the project.

Mr. Mott advised that no major trees would be removed; just tree growth in the field up to 6" diameter, along with underbrush and invasive growth. The area to be cut is flagged in the plans. The work will start in the fall or possibly next spring and will be done by John Hornstra, the licensed farmer.

Motion by Mr. Ivas to approve the NoI with a short-form OoC. Seconded by Mr. McMackin and approved by a majority vote, Mr. Mott having abstained.

31 Central Street / SE52-1122 & NCC# 29(17) / 24 x 24 Garage Construction
NoI / OoC (cont.) Applicant: John McKay / Representative: Steve Ivas, Ivas Environmental

Steve Ivas and applicant John McKay present. Commissioner Justin Ivas recused and left before the discussion started.

Ms. Hemingway advised that a DEP number had been issued, and NHESP had sent in comments removing the priority and estimated habitat designations from the property. The remaining outstanding issue was the fact that the work was in the 50 foot buffer.

Steve Ivas advised that there were no alternative locations for a garage on the site, and felt that the stony soil in the area would address any drainage or groundwater concerns. He also advised that the septic system would be moved outside the 50 foot buffer.

Ms. Hemingway asked whether the edge of the garage was consistent with that of the previously proposed shed. Steve Ivas noted that the garage footprint did not extend as far as the shed.

Motion by Mr. Osborne to approve the NoI with a short form OoC. Seconded by Mr. McMackin and approved by a majority vote, Mr. Ivas having recused.

40 Norwell Avenue / SE52-xxxx & NCC# 32(17) / Remediation for (Heating) Oil Release
NoI / OoC Applicant: Roy & Anna Colella Representative: Paul McManus, EcoTec, Inc.

Mr. Mott read the notice of public meeting. Paul McManus of EcoTec and Jeff Curtis, Response Environmental, present for applicant.

Mr. McManus recapped the original incident, in which heating oil leaked into the yard due to a corroded oil tank. Mr. Curtis oversaw the cleanup work, which included digging up and removing contaminated soil, leaf litter, and winterberry shrubs. They proposed to plant four big shrubs to roughly mimic what was taken out, and plug a drainage pipe to the wetlands.

The remediation plans were circulated with written comments from Ms. Minihane, recommending that a stone trench be removed and the disturbed areas be restored to their previous condition.

Mr. Mott asked about the original purpose of the trench; Mr. Curtis advised it was dug to capture any surface flow, and that river stone was inadvertently added. Ms. Hemingway added that the trench had been temporarily permitted to relieve flooding but the stone was never authorized.

Commissioners also discussed removal of the pipe as opposed to plugging it. Mr. Curtis pointed out that this would tear up the yard, and Mr. McManus added that filling the pipe as proposed would accomplish the same purpose of eliminating its drainage function.

After further discussion, a consensus was reached that the trench should be removed. Ms. Hemingway advised that the matter couldn't be closed tonight as they haven't received a DEP number. Mr. McManus will submit a revised plan that includes removal of the stone trench.

Motion by Mr. Mott to continue the matter to September 19 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

38 Pleasant Street / SE52-959 & NCC# 27(10) / Construction of Single-Family Home
Request for CoC Applicant: K & E Construction / Representative: Kevin Grady, Grady Consulting

Kevin Grady and applicant Scott Fitzgerald present.

Ms. Hemingway pointed out that the narrative has to list all changes, even minor ones, from the approved plan. She had no issue with the changes but they had to be documented.

Mr. Grady will update the narrative. Ms. Hemingway recommended that the matter be continued since the accompanying garage hearing has to be continued for lack of a DEP number. After a brief discussion, the Commissioners decided to issue the CoC on the condition that the narrative be updated.

Motion by Mr. Osborne to issue a CoC for 38 Pleasant Street with contingency of improved narrative to be finalized at the next meeting. Seconded by Mott and unanimously voted.

38 Pleasant Street / SE52-xxxx & NCC# 33(17) / Construction of Detached Garage
NoI / OoC Applicant: Fitzgerald Family Trust / Representative: Kevin Grady, Grady Consulting

Mr. Mott read the notice of public meeting. Applicant Scott Fitzgerald and Kevin Grady present.

Ms. Hemingway advised that three major trees had already been cut at edge of 50 foot buffer without a permit; she requested that the Commission discuss whether would have permitted their removal and the appropriate remedies if not. Mr. Osborne noted that the work would have killed one of these trees anyways, and he had no issue with removal of the other two. Mr. Mott likewise had no concerns.

The plans were circulated with written comments from Ms. Minihane recommending that the plan show the trees cut in the buffer zone in relation to the garage, that the flagging be refreshed, and that it specify the garage as the major component of the project. She also inquired about moving the garage further from the 50 foot buffer.

Mr. Grady advised they had looked at moving the garage closer to the house, but this would cause maneuverability issues. The commissioners suggested shifting the garage 5 feet so it wouldn't touch the 50 foot buffer. Mr. Fitzgerald was willing to shift the shape of the garage so the corner avoids the buffer. The use of a silt sock to control erosion and keeping the work zone out of the buffer were also discussed.

Ms. Hemingway suggested the applicants follow up with DEP to confirm receipt of the plans. Mr. Grady advised that their certified mail slips indicated DEP had received the plans as of August 24.

Motion by Mr. Mott to continue the matter to September 19, 2017 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

VIOLATION DISCUSSIONS

89 Kings Landing

Paul Mirabito, Ross Engineering, and Bob and Francis Molla present.

Mr. Molla advised the Commission that he installed riprap in order to protect his existing driveway, and that the only marsh grass removed was taken out by the tides. He also claimed Ms. Hemingway told him she preferred he use one of her engineers. Ms. Hemingway took exception to this characterization, noting the Commission had no such engineers. She pointed out that multiple agencies would be involved with a salt marsh armoring violation, and said that she recommended that they hire a wetlands scientist who could address violations with multiple agencies but did not say to hire any specific scientist.

Mr. Mirabito argued that the original OoC allowed the Mollas to maintain their driveway in perpetuity. The driveway has eroded over time due to storms, so they installed riprap to stabilize the banks of the driveway and avoid erosion of the gravel into the salt marsh. He also discussed their attempts to comply with the planting conditions, stating that salt water continually killed the plantings, and pointed out that native vegetation was starting to grow through the stones.

Ms. Hemingway showed aerial photos from the time of the CoC to the current date that she said showed evidence of fill and expansion of the driveway. She contended that the allowance for maintenance did not include the armoring of a salt marsh with stones and further advised that there would be reviews by state agencies who would consider the riprap to be a seawall. Mr. Ivas added that, while riprap might be effective for protecting the driveway, it can't be installed without permission.

Ms. Molla stated that significant erosion of their riverbank occurs when boats speed, that the stones are not high or dangerous, and that they have done the best they could to protect the property. Mr. Molla reiterated that they were trying to preserve their driveway and not expand it.

After further discussion, Commissioners agreed it would be necessary to visit the site and will do so before the next meeting.

31 Leigh Road

Ms. Hemingway advised that the new owners, who bought the house in a cash sale, had cut vegetation in the wetlands without permits. They have hired Steve Ivas to delineate, and she hopes to have something from them next week.

433 Washington Street

Ms. Hemingway advised that the property owner did some clearing and grading within the 50 foot buffer after stockpiling of construction materials. He will be coming in with a delineation and restoration plan.

23 Farrar Farm Road

Ms. Hemingway advised that the property owner inadvertently did some cutting in the 50 foot buffer in order to expand the front yard. She recommended waiting two weeks before filing anything, as they are currently in communication.

427 Main Street

Ms. Hemingway advised that a plan to split this lot in two and sell one part would be on the next meeting's agenda.

Green Street

Ms. Hemingway advised that a Notice of Intent was expected for the next meeting's agenda. The current plans call for two houses, but this could increase going forward.

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ENFORCEMENT HEARINGS

None.

AGENTS REPORT

**SCIENCE AND REGULATION IN THE NEWS
EDUCATION AND TRAINING OPPORTUNITIES**

Please refer to the complete Agents Notes available in the Conservation Office. Notes included in the minutes are partial.

<i>Next Meeting</i>		<i>September 19, 2017</i>
<i>NEW filing applications due date/deadline</i>		<i>September 5, 2017 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>		<i>September 11, 2017</i>
<i>Revised Information submittal deadline</i>		<i>September 12, 2017 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>		<i>September 14, 2017 @ noon</i>
<i>Public Information Written Comments</i>		<i>No deadline</i>

ADJOURNMENT

There being no further business, a motion was made by Mr. Osborne to adjourn at 10:06 PM. Seconded by Mr. McMackin and unanimously voted.

I hereby certify that the above minutes were presented and approved by a majority vote by the Norwell Conservation Commission on September 19, 2017


Marynel Wahl, Chairperson

