

**NORWELL CONSERVATION COMMISSION**  
Room 112 / 345 Main Street / Norwell, MA and Remote  
**781-659-8022**  
**November 17, 2020 @ 6:30PM**  
**Minutes**

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2021 FEB -4 AM 11:54  
TOWN CLERK  
TOWN OF NORWELL

Present: Chair Marynel Wahl, Vice Chair Bob Woodill, Bob McMackin, Ron Mott, Roy Bjorlin, Justin Ivas, Ellen Markham, and Recording Clerk C. Sullivan. The meeting was held in the Conservation Office and remotely, as allowed under the Executive Order dated March 12, 2020 suspending certain provisions of the Open Meeting Law, Gen. L. c. 30A §20 et seq. and 940 CMR 29.01 et seq.

### **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. Chair Wahl added discussions regarding updated project checklist approval and 2021 meeting schedule.

*Motion by Mr. Woodill to approve the agenda as amended. Seconded by Ms. Markham and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Woodill, aye.*

### **PUBLIC HEARING:**

**(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

A continuation request was received at the Conservation Office.

*Motion by Mr. Ivas continue the matter to January 5, 2021 at 8 PM. Seconded by Mr. Woodill and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Woodill, aye.*

### **COMMISSION BUSINESS**

#### **New Business**

#### **Citizen Comments**

Attorney Walter Sullivan, representing River Street residents MaryLou O'Leary and Chad Godfrey, appeared before the Commission to express concern about a proposed forestry plan for Barrel Lane. His clients had received notification, on outdated State letterhead, of a filing by Mr. Rodriguez; he has had preliminary discussions with Town Counsel regarding their concerns, and wants to receive legitimate notice of any proposed activity on the property.

The Commissioners indicated they had received no notice of any kind regarding the property. Ms. O'Leary expressed concern regarding the high water table in the area, worsened in her view by recent development, and doubted there was legal access to the property through Barrel Lane. Chair Wahl thanked Attorney Sullivan for his vigilance, and asked all present to immediately notify the Conservation office if any if any construction activity is observed on the property.

### **Jacobs Pond Dam - EAP**

The Commissioners briefly discussed and endorsed the updated emergency action plan for the Jacobs Pond dam.

### **2021 Meeting Dates**

All parties briefly reviewed the proposed 2021 meeting schedule. Administrative Assistant Meredith Schmid will double-check the schedule for holidays and other conflicts.

*Motion by Mr. McMackin to approve the 2021 meeting schedule as amended. Seconded by Mr. Woodill and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; McMackin, aye; Woodill, aye.*

### **Project Plan Checklist**

The Commissioners reviewed and approved updates to the project plan checklist made by Chair Wahl.

*Motion by Mr. Woodill to approve the updates to the project plan checklist. Seconded by Ms. Markham and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

### **Farm Plan Reviews/Update Maps**

Tabled

### **Old Business**

#### **Hemingway Wildflower Field**

Commissioner McMackin showed a PowerPoint presentation with ideas for the Hemingway Flower Field from the Beautification Committee. Commissioner Mott noted that the expanded parking area had been staked out in the field, and will not be as large as shown on the presentation.

Trish DiGiulio, Norwell Farms, inquired whether this meant that NF's own proposal to use part of the field was off the table. Barbara Cain, Beautification Committee, questioned whether the field was large enough to accommodate all the programs being suggested, but TD pointed out they were only seeking to use the back corner of the field. Chair Wahl indicated that this was just one proposal under consideration, and other presentations would be forthcoming before the Commission made a final decision.

#### **Fine levels for contractors who work near wetlands without permits**

The Commission reviewed a draft violation policy for alteration of resource areas and buffers without permits. Under the policy, a "violation" can be a homeowner and or contractor/landscaper hired by the homeowner. Fines will be issued at Commission discretion; all parties discussed whether fines should apply to both homeowner and their contractor/landscaper. Ms. Wahl requested that a hyperlink to be Town bylaws be added.

Commissioners Mott and Bjorlin will update the policy language as discussed and add the hyperlinks; Chair Wahl will then sign and post the policy on the Commission Web page.

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*Motion by Mr. Woodill to approve the violation policy with the appropriate amendments as discussed. Seconded by Mr. Mott and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

### **Eagle Scout Projects**

#### ***Peden - QR Codes***

Mr. Peden's father obtained a discounted quote from Fast Signs, of Hanover, for the QR codes for trail information to be posted at Conservation properties. Chair Wahl has found a less expensive hosting application for the trail information.

#### ***Long - Trout Brook Crossing***

Commissioner Ivas conservatively flagged the work area, and visited the site with a GPS to capture exact locations for inclusion in the site plan.

### **Consulting Fees**

Tabled

**Open Space & Recreation Plan – Request for Photos, Read Plan, Attend 11.19.20 meeting**  
Chair Wahl asked Commissioners to attend the Open Space Goals forum on Thursday and email photos of open spaces in town.

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### **Peterson Dam Report**

Mr. Mott reviewed the work on the Norwell side of the Peterson dam; the Norwell shore has been banked up with stones and the channel has been shifted towards the Hanover side. Fish are coming up the channel, and seed mix has been planted in the disturbed work areas. Ms. Wahl suggested that all Commissioners view the site.

### **New Agent**

The Commissioners discussed ways to attract additional candidates for the Conservation Agent position.

### **48 Mt Hope St Well drilling**

Mr. Mott witnessed the well drilling, as set forth in the Order of Conditions for the site. The drilling yielded more slurry than anticipated, requiring an additional pit, but was ultimately successful.

### **Stone Walls Request from BoS and Highway**

The Commission briefly discussed a suggestion by Trees & Grounds Commissioner Glenn Ferguson that the stone walls on Commission-owned farm fields be cleared every Memorial, Independence, and Labor Day; consensus was to keep the newly adopted policy requiring two clearings a year with option for a third as needed.

## **SUB-COMMITTEE UPDATES**

### **CPC**

Mr. McMackin advised that CPC had conferred with Town Counsel Bob Galvin, who felt the Commission's application for a GIS computer and software was fundable with CPC funds, but that

additional trail crew funding had to be for a specific project. Mr. McMackin will inquire as to whether the existing train crew grant application can be amended to specify a project.

### **Farming**

Mr. Mott advised that stone walls had been cleared on all Commission farm fields. All parties discussed allowing Norwell Farms to use a section of Donovan field near the Pathway for its growing operations. Mr. Mott will ask Farmers Hornstra and Haskins for quotes to mow Barstow field, which is currently overgrown.

### **Trail Work Update**

Mr. Mott is monitoring the trails in Fogg Forest, where logs had been placed in the trails; Mr. Ivas feels they may have been placed to discourage cyclists from using the trail.

Mr. Mott advised that the Gator has been serviced; he is waiting to receive a municipal license plate, and will obtain a quote from the dealer for additional maintenance. The Gator will be stored inside at the Fire Department once the Trail Crew is finished for the season.

### **Bills**

The bills due for payment were read into the record.

*Motion by Mr. Woodill to pay the bills presented for payment. Seconded by Mr. Mott and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

### **Minutes**

The minutes for the September 8 and 22, and October 6 and 20 meetings were distributed. Commissioners reviewed and discussed corrections and changes.

*Motion by Mr. Woodill to approve the minutes of the September 8, 2020 meeting as written. Seconded by Ms. Markham and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

*Motion by Mr. Woodill to approve the minutes of the September 22, 2020 meeting as written. Seconded by Mr. Mott and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

*Motion by Mr. Woodill to approve the minutes of the October 6, 2020 meeting as written. Seconded by Ms. Markham and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

*Motion by Mr. Woodill to approve the minutes of the October 20, 2020 meeting as written. Seconded by Ms. Markham and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, abstain; Bjorlin, aye; McMackin, aye; Woodill, aye.*

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**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.

None.

**PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES**

\*Legal Documents/Votes \*Minor Amendments, Reviews, \*CoC's\*Requests for Determination  
\*Notices of Intent \*Enforcements/ Violations

Prior to the start of the public hearings, Vice Chair Woodill read the Notice of Public meeting for all hearings opening at this meeting.

**9 Homestead Farm Drive / SE52-1143 & NCC# 18(18) / Pool**

**Request for CoC (cont.)** Applicant: Homestead Farm Drive Trust / Rep: Brad Holmes, ECR

The as-built plan has been updated to include the location of a new shed, and the area behind the shed has been cleaned up. Conservation markers are in place and mitigation plantings have mostly survived. The CoC was granted with the following ongoing conditions:

- SC#2 There shall be no stockpiling within the 100-foot buffer to BVW.
- SC#3 Conservation boundary markers shall be installed along the existing tree line. Five (5) markers, equally spaced, are required, and the signs may be mounted onto 4x4 cedar posts; Please refer to bylaw condition #72 for additional requirements 21, 33, 66, 67, 73, 98, 100, 105, 108, 109, 110, 111

*Motion by Mr. Mott to issue a Certificate of Compliance for 9 Homestead Farm Dr, SE52-1143, with conditions as noted. Seconded by Ms. Markham and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

**135 High Street / NCC# 22(20) / Septic Upgrade**

**RDA / DoA** Applicant: Cynthia Smellie / Representative: Jeff Hassett, Morse Engineering

Greg Morse present for applicant. The proposed activity is a septic upgrade on a 1 acre lot containing a four-bedroom single-family home. There is a BVW to the rear of the property delineated by Brad Holmes, ECR. The new system will be in existing lawn outside the 100 ft buffer, but grading will extend slightly into the buffer; erosion control is proposed at the limit of work.

*Motion by Mr. Ivas to issue a Determination of Applicability, pos 2b, pos 5, neg 3, with conditions as noted. Seconded by Mr. Mott and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

**24 Black Pond Hill Road / NCC# 25(20) / Septic Upgrade**

**RDA / DoA** Applicant: Peter & Janyce Kittler / Representative: Greg Morse, Morse Engineering

Greg Morse present for applicant. The proposed activity is a septic upgrade. A BVW in back of the property was delineated by John Zimmer, South River Environmental. The existing septic is behind

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the house. The new system will be in existing lawn; the tank and pump chamber will be in the back yard, and the leaching field will be in the front yard, outside the buffer. The existing septic tank will be pumped dry and filled with dirt; other components will be abandoned in place. Erosion controls are proposed at the limit of work.

The project was approved with a special condition requiring the installation of three conservation markers as set forth on the site plan.

*Motion by Mr. Mott to issue a Determination of Applicability, pos 2b, pos 5, neg 3, with conditions as noted. Seconded by Ms. Markham and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

**54 Bowker Street / NCC# 27(20) / Fence in Backyard**

**RDA / DoA Applicant:** Michelle Zelen / Representative: N/A

Applicant not present. After a discussion concerning the wetness of the property and the disposition of a fence in back of the property, the matter was continued to allow for a Commissioner site walk.

*Motion by Mr. Mott to continue the matter to December 1, 2020 at 8 PM. Seconded by Ms. Markham and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

**15 George Road (aka: Lot 4C) / SE52-997 & NCC# 10(12) / Pool, Patio & Proposed Mitigation Request for Amend. OoC (cont.)** Applicant: K & E Construction / Rep: Austin Chartier, McKenzie Eng.

A continuation request was received at the Conservation Office.

*Motion by Mr. Ivas to continue the matter to December 1, 2020 at 8 PM. Seconded by Mr. Woodill and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

**155 Summer Street / SE52-1170 & NCC# 17(19) / Pool**

**Request to Amend. OoC (cont.)** Applicant: Michael Morse / Rep: Josh Green, Merrill Engineering

Mr. Green noted that a site meeting had been held last Tuesday, and an updated site plan recently provided. All parties discussed issues observed at the site, including areas of gravel and fill beyond the approved limit of work, construction debris and a cleared parking area in the buffer zone, a mulch sock draped on top of a stone wall, and a drain pipe directed toward the wetland. As mitigation for the driving and clearing in the buffer, Mr. Green proposed 20 mitigation plantings and two red maples.

The matter was continued pending review of the updated site plan, receipt of the mitigation planting plan, and receipt of a Notice of Intent application for construction of the pool.

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*Motion by Mr. Mott to continue the matter to December 1, 2020 at 8 PM. Seconded by Mr. Ivas and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMakin, aye; Woodill, aye.*

**136 Longwater Drive / SE52-1200 & NCC# 21(20) / Comm. Bldg. Addition, Parking Lot Improvements**

**NoI / OoC (cont.)** Applicant: James Rader, Longwater Norwell, LLC / Representative: Brian Madden, LEC

A continuation request was received at the Conservation Office.

*Motion by Mr. Mott to continue the matter to December 1, 2020 at 8 PM. Seconded by Ms. Markham and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

**169 Mount Blue Street / SE52-1201 & NCC# 23(20) / Garage, Access Driveway & Restoration**

**NoI / OoC** Applicant: Thomas & Nicole Sullivan / Representative: Brad Holmes, ECR

Mr. Holmes advised that the proposed activity was the construction of a barn and gravel driveway in the 50 to 100 ft buffer to riverfront. The barn will be on a concrete slab foundation, and construction will involve some tree removal and grading. Some mitigation plantings are proposed for previous cutting/debris removal inside the buffer.

Mr. Mott visited the property with Mr. Woodill; they observed green waste that had been pushed towards the wetland as well as some stone fill, and suggested that the debris be removed and some mitigation plantings be made. They also observed signs that a previous barn had been torn down without a permit. Mr. Holmes indicated that the structure in question was a pigeon coop that had been torn down prior to his involvement; applicant has already removed the green waste.

In response to a query from Mr. Mott, Mr. Holmes indicated that the barn and driveway construction would not impact the septic system according to his conversation with Merrill Engineers. Mr. Ivas requested that the silt sock erosion control be extended a little northward, and Chair Wahl suggested that applicant request a special condition requiring ongoing periodic maintenance of the driveway.

Bijan Mehr, 181 Mt. Blue, commented on the potential impact of construction noise on bird habitat; Commission consensus was that this matter was beyond jurisdiction. The matter was continued to allow for a site walk with Mr. Holmes.

*Motion by Mr. Mott to continue the matter to December 1, 2020 at 8 PM. Seconded by Ms. Markham and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

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**26 Blockhouse Lane / SE52-1202 & NCC# 24(20) / Mudroom, Attached Garage & Gravel Driveway**

**NoI / OoC Applicant:** Daniel Cimorelli / **Representative:** Brendan Sullivan, Cavanaro Consulting

Mr. Sullivan indicated that the proposed activity was the construction of a 30' by 30' garage, with bedroom on top, and gravel driveway. The garage would be constructed in existing lawn 46' from a bordering vegetated wetland at its closest point; it is sited to line up with the existing house. A 10' by 10' infiltrator system is proposed to address any issues caused by additional runoff.

Commissioner Ivas asked about the amount of fill to be brought in, particularly inside the 50 ft buffer, as well as the proposed slope. Mr. Sullivan indicated a 4:1 slope. Applicant Cimorelli added that a debris pile by the stream channel will be removed shortly. The matter was continued to allow for debris cleanup by the stream channel, Commissioner site visit(s), and receipt of the following:

Information regarding estimated fill and construction stockpiling

Updated site plan showing conservation markers at the edge of lawn, stream channel, and stone wall

*Motion by Mr. Mott to continue the matter to December 1, 2020 at 8 PM. Seconded by Mr. McMackin and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

**34 Island View Circle / SE52-xxxx & NCC# 26(20) / Private Residential Dock Installation**

**NoI / OoC Applicant:** Brian Nihill & Kristin Keefe / **Rep:** Carmen Hudson, Cavanaro Consulting

Brendan Sullivan present for Cavanaro Consulting. Mr. Sullivan noted that a Chapter 91 permit will ultimately be required, but he needs to seek local approval first. The proposed activity is the construction of a 500 ft long pier (4 ft in width, 5 ft) with a 24 ft ramp. The pier will be made of pressure-treated wood, with pilings pounded in by tripod on a barge. The pier will have no railings, and the float will be attached to the ramp to avoid the need for substrate anchors. They have received comments from the North River Commission to shorten the ramp to keep it out of the channel; comments from Division of Marine Fisheries were just received today.

Mr. Mott believes that Chapter 91 will require a 6 ft height for the pier, to maintain a 1.5:1 width:height ration, and recommended that it be redesigned accordingly; Mr. Sullivan indicated his clients want to keep the height at 5 ft to avoid the need for railings. Mr. Sullivan believes that replication requirements are waived for dock projects; Chair Wahl will check the WPA.

The matter was continued to allow for Commissioner review of DMF comments and receipt of updated site plan, including slat spacing on pier and construction narrative.

*Motion by Mr. Woodill to continue the matter to December 1, 2020 at 8 PM. Seconded by Mr. Markham and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

**PUBLIC MEETINGS & DISCUSSIONS (These are NOT Public Hearings):**

None

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## **ADMINISTRATIVE PERMITS & REQUESTS:**

### **211 Pleasant Street**

The Commission reviewed a request to install an artesian well. Commissioners Mott and Woodill visited the property and found that applicant had changed the location so it is just outside of the 100 ft buffers to two wetlands.

A plot plan on file with a 2003 delineation shows the well to be located outside of both buffers, but no current delineation is available. After discussion regarding whether applicant must prove a project is outside of Commission jurisdiction, the Commissioners were polled on whether to require the filing of an RDA for the project as proposed in the new location: Markham yes; Woodill no; McMackin yes; Mott no; Ivas abstain; Bjorlin no; the "no" option prevailing 3-2-1.

### **40 Farrar Farm Road**

Consensus after discussion was to require an RDA for an artesian well installation on this property.

### **241 River Street**

Applicant wishes to remove trees in riverfront area to the North River. Commissioners Mott and Woodill visited the property; one tree is starting to lean over the dock, and is a probable hazard. Two other trees are potential hazards to navigation, and they told property owner to reference all three trees on a written request. The North River Commission has approved the removal of the tree by the dock. The matter was tabled pending receipt of applicant's written request and copy of the North River Commission decision.

## **PENDING SUBDIVISION / COMMERCIAL DEVELOPMENT UPDATES:**

### **Town Library (64 South Street)**

Mitigation planters will be made in the spring, at which point the Commissioners will visit the site.

## **VIOLATION DISCUSSIONS:**

### **42 Harbor Lane**

Mr. Mott inspected work done on the property in relation to the existing order of conditions, and found no violation. The planting plan remains to be implemented.

### **77 Accord Park**

Mr. Mott met with property owner; they are going to hire professionals to address issues at the property.

### **33 Simon Hill Road**

An oil spill contractor contacted Chair Wahl regarding what will be required to resolve issues on the property.

## **LEGAL ISSUES**

Historic Barrel Lane (Block 59, Lot 56 & Block 69, Lot 18) – update on the legal process  
Mount Blue St. (Bl. 5, Lot 17) – update on Forest Cutting Plan & Intent

None

## **ENFORCEMENT UPDATES, MEETINGS OR HEARINGS:**

None

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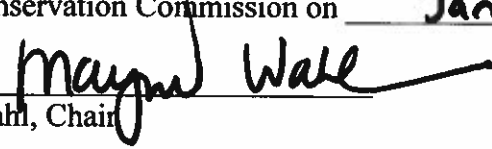
**COMMISSION REPORTS**  
**SCIENCE AND REGULATION IN THE NEWS**  
**EDUCATION AND TRAINING OPPORTUNITIES**  
None

<i>Next Meeting</i>	<b>December 1, 2020</b>
<i>NEW filing applications due date/deadline</i>	November 17, 2020 @ noon
<i>Legal Notice publication date-Patriot Ledger</i>	November 23, 2020
<i>Revised Information submittal deadline</i>	November 24, 2020 @ noon
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification &amp; LP Requests</i>	November 24, 2020 @ noon
<i>Public Information Written Comments</i>	No deadline

**ADJOURNMENT**

*There being no further business, a motion was made by Mr. McMackin to adjourn at 9:54 PM. Seconded by Mr. Ivas and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

I hereby certify that the above minutes were presented and approved by a majority vote by the Norwell Conservation Commission on Jan 12, 2021.

  
Marynel Wahn, Chair

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