



**NORWELL CONSERVATION COMMISSION**  
Room 112 / 345 Main Street / Norwell, MA and Remote  
**781-659-8022**  
**December 15, 2020 @ 6:30PM**  
**Minutes**

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2021 FEB -4 AM 11:53  
TOWN OF NORWELL  
TOWN CLERK

Present: Chair Marynel Wahl, Vice Chair Bob Woodill, Bob McMackin, Ron Mott, Roy Bjorlin, Justin Ivas, Ellen Markham, and Recording Clerk C. Sullivan. Mr. Ivas left at 9:20 PM. 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 the resignation of Commissioner Markham, updating Commission hunting maps, and emergency tree cutting at 78 Jacobs Trail.

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

**COMMISSION BUSINESS**

**New Business**

**Citizen Comments**

None

**NSRWA – Use Jacobs’ Trails and Dam for New Year’s Day (1-4 pm talk)**

The Commission granted permission for NSRWA to host a New Year’s Day trail walk that will include the Jacobs Pond dam.

*Motion by Mr. Mott to authorize use of the Jacobs Pond trails and dam for the NSRWA New Year’s Day talk as proposed. Seconded by Ms. Markham and unanimously approved by roll call vote: Markham, aye; Mott, aye; Bjorlin, aye; Woodill, aye.*

**George Road, Lot 3B (aka: 34 Pleasant St.): Site Plan Review (Storm water changes)**

**Applicant: K & E Construction / Rep: Austin Chartier, McKenzie Eng.**

Mr. Chartier discussed changes to the site plan for this lot, the last of six lots on the road being developed. The plan has been updated to reflect grading and show the actual house footprint as opposed to the previously used estimate. They are planning to file for a building permit before the end of the year, and start clearing the lot in January after installation of erosion controls and a temporary basin.

Chair Wahl noted that the Order of Conditions specifies that the lot can only be cleared when the stormwater on the site can be controlled. Mr. Chartier indicated that this would be done using

swales directing runoff to a temporary basin on the lot; wood chips would be spread on cleared earth to limit erosion. Mr. Mott noted that the proposed basin site was already filling up with silt. Chair Wahl indicated that prior to the start of work, all stormwater basins must be constructed and functioning, and issues with stormwater flowing down the street must be addressed. She suggested that Mr. Chartier review the basin's functionality with consulting engineer John Chessia once constructed, and requested additional narrative as to construction sequencing and stormwater/sedimentation control.

Mr. Chartier will file a request for minor amendment to the original Orders of Conditions; Ms. Wahl will research and advise how the permitting was handled for the other George Road lots.

### **Old Business**

#### **Norwell Farms Presentation for Hemingway Flower Field**

Norwell Farms co-Chair Mari Bell presented NF's proposal for use and layout of the Hemingway Flower Field near the Donovan/Wildcat Trails, whereby they would use the wooded portion of the field, behind the proposed parking area, as a community garden with raised beds, mushroom logs, and chicken coop, with wildflowers in the northerly portion of the field. An oak tree in the center of the field would serve as a dividing line and focal point, from which paths would radiate out to different areas of the field.

Commissioners commented favorably on the detailed presentation. Mr. Woodill felt irrigation may be a challenge, and they would not be able to use water from the nearby wetlands; Mr. Ivas indicated that the Water Department may be able to provide assistance.

Barbara Cain, 33 Common St., commented that the proposal was interesting but that a wildflower meadow only would be more in keeping with the intent of the Donovan purchase. Commissioner Woodill pointed out that the view from the street would still be primarily wildflowers. Heather Hanley, Open Space Committee and Pathways Commission, thanked NF for their presentation and felt the garden would be a good use of the wooded portion of the lot.

#### **Conservation Agent Public Interview & Vote In**

Applicant Will Saunders appeared before the Commission for a public question and answer session. He had previously interviewed privately with the Commissioners. He has worked as an ecological restoration project manager from 2014 to the present, and would like to be in a position where he could prevent the need for restoration of degraded sites. He has a baseline knowledge of wetland delineations and is willing to learn more in this area. He is aware of the enforcement responsibilities that go with the job, and is willing to do what a situation may call for. The Commission voted to recommend his hiring after some further discussion.

*Motion by Mr. Mott to recommend the hiring of Will Saunders as the new Conservation Agent. Seconded by Ms. Markham and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye; Wahl, aye.*

#### **Commissioner Resignation**

Commissioner Markham is resigning in anticipation of her moving out of town. The Commissioners thanked her for her service. Trish DiGiulio, currently serving on the Recycling Committee and the Board of Norwell Farms, may be interested in the vacancy.

## SUB-COMMITTEE UPDATES

### Trail/Signage

Commissioner Mott obtained additional pictures of the connector trail from 15 Homestead to the Fogg Forest trails, and advised a juvenile resident that motorbikes were prohibited on the trails and a violation letter would be sent to their parents. All parties discussed possible remedies, including restoring the stone wall and allowing the trail to revegetate.

### CPC

Commissioner Mott suggested that the Trail Crew CPC application be modified to specify construction of a stream crossing in the Hatch Lots and boardwalks at Stetson Meadows. He will be discussing this request with CPC on Thursday. Chair Wahl and Town Planner Ken Kirkland will present regarding funding for a GIS computer. Commissioner Woodill will discuss the tree hazards application, and will check with Trees & Grounds Commissioner Glenn Ferguson as to status of previously approved tree removal funds.

*Motion by Mr. Woodill to modify the Trail Crew CPC application as discussed. Seconded by Mr. McMackin and unanimously approved by roll call vote: Markham, aye; Mott, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

### Farming

Farm Plan reviews will be set for January 12.

### Hunting Map

Commissioner Ivas will update the map showing where hunting is allowed and prohibited on Conservation properties.

### Bills

The following bills were presented for payment:

Christopher Sullivan	\$200.00	Meeting Minutes
W.B. Mason	\$18.33	Office Supplies
Solitude Lake Management	\$2800.00	Jacobs Pond treatments

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

### Minutes

Tabled

**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. Return to regular meeting.

None

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**8:00pm**

**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.

**22 Forest Street / SE52-1134 & NCC# 2(18) / Driveway Improvements**

**Request for CoC (cont.)** Applicant: Joe Fernald / Rep: Darren Grady, Grady Consulting, LLC

Applicant/representative not present.

*Motion by Mr. McMackin to continue the matter to February 2, 2021 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.*

**Lot 5A, Harbor Lane / SE52-1179 & NCC# 39(19) / SFH, Septic, Driveway & Landscaping**

**Request for CoC** Applicant: Greg Webb / Representative: Jeffrey Hassett, Morse Engineering

Applicant/representative not present.

Commissioners Wahl and Mott met with applicant Webb on the property earlier in the day, and observed that the requested plantings were not made in right area; Webb will add extra trees in the correct location and denote them in the as-built plan.

The matter was continued pending receipt of the updated plans. A bank letter may be required, as the house is for sale but two-year planting survival is required before the CoC can issue.

*Motion by Mr. Woodill to continue the matter to January 12, 2021 at 8 PM. Seconded by Mr. Ivas and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

**Stetson Road (Bl. 78, Lots 123, 126, 164 & 168) / NCC# 31(20) / Confirmation of Jurisdiction**

**RDA / DoA (cont.)** Applicant: Weathervane at Stetson, LLC / Rep: John Zimmer, S. River Env.

Mr. Zimmer advised that Weathervane recently acquired the subject property, 10.3 acres total, and would like to confirm there are no wetland areas present. He has walked the property and noted it to be dominated by upland species; he further observed no hydric soils and no areas where there was a majority of wetland indicator species. The matter was continued to allow for the Commissioners to walk the site with Mr. Zimmer.

*Motion by Mr. Woodill to continue the matter to January 12, 2021 at 8 PM. Seconded by Mr. Ivas and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

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

A continuation request was received at the Conservation Office

*Motion by Mr. Woodill to continue the matter to January 12, 2021 at 8 PM. Seconded by Mr. Ivas 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 Eng.

Applicant/Representative not present. After a brief discussion, the Commission voted to deny the request to amend; a letter will be sent regarding violations observed at the site.

*Motion by Mr. Mott to deny the request to amend the Order of Conditions for SE52-1170. Seconded by Mr. Woodill and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

**110 Prospect Street / SE52-1204 & NCC# 30(20) / Garage with Mitigation, Driveway & Landscaping NoI / Ooc (cont.)** App.: Mark & Marybeth McGillicuddy / Rep: Brad Holmes, ECR

Mr. Mott has researched the history of the property since the previous hearing. A previously issued Order of Conditions required the placement of four conservation markers along the 50 ft buffer, with a no-mow zone beyond the 50. This area was subsequently mowed and an enforcement order was issued. A restoration plan was submitted in 2007 by Brad Holmes and implemented, and the matter was closed out.

Mr. Mott recently visited the property and found the markers to be in rough shape. The 12 trees and 48 shrubs put in under the restoration plan were not evident, and the lawn had again been mowed past the conservation markers to the bordering vegetated wetland. Mr. Ivas noted that plants don't necessarily live forever and questioned whether the perpetuity clause applied to only the markers, but Chair Wahl pointed out that the intent of the plan, to naturalize that section of the yard, had been defeated by the renewed mowing.

After further discussion, Mr. Holmes suggested that the Commission move forward on the Notice of Intent and issue an enforcement order to resolve the buffer area issues; a majority of the Commissioners concurred, and Ms. Wahl requested that Mr. Holmes come back with a plan to resolve the new violations.

With respect to the filing, the proposed activity is the construction of a garage in existing lawn area inside the 100 ft buffer, with a small portion in 50; they would also like to remove three hazard trees and replace with native evergreens in locations to be determined in the field; Chair Wahl noted that six replacements would need to be planted. Mr. Holmes agreed to waive the 21 day issuance requirement of the Orders of Conditions.

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Marie Molla, 88 Prospect, feels the property is in riverfront area based on determinations of the adjoining stream made during the Simon Hill 40B hearings. However, Mr. Holmes believes the stream is intermittent although other parts of the stream system may be perennial.

The project was approved with the following findings:

Project is in existing lawn area

Delineation not confirmed

85 sq ft disturbance inside the 50 ft buffer will not adversely affect wetlands

BVW replication will improve area to the stream channel

Conservation markers required

Minimal disturbance of already disturbed area

Maximum use for this property

The project was approved with the following special conditions:

Long form required

Clean up of area and debris piles

No mowing past conservation markers in back yard

Two for one replacement of three hazard trees to be removed; sufficient shade will be provided by the current tree canopy

Removal of chicken coop

Resolution of violations observed on the site

21 day issuance of decision waived by applicant, to 1/13/21; new plans to be provided before release of forms

*Motion by Mr. Mott to approve the Notice of Intent with a long-form Order of Conditions and special conditions as noted. Seconded by Mr. McMackin and unanimously approved by roll call vote: Markham, aye; Mott, aye; Ivas, aye; McMackin, aye; Woodill, aye.*

**ADMINISTRATIVE PERMITS & REQUESTS:**

**222 River Street**

Applicant has requested permission to cut 12 trees in BVW within reach of the house. Commissioner Mott visited the property, and found most of the subject trees to be dead or in poor health. The stumps would not be removed. Consensus after discussion was that the request will require the filing of an RDA

**78 Jacobs Trail Emergency Tree Removal**

Commissioner Mott gave Top Notch Tree Service emergency authorization, before a storm, to remove a tall pine that had snapped in half.

**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

The Commissioners will continue to monitor both properties.

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<i>Next Meeting</i>	<i>January 12, 2021</i>
<i>NEW filing applications due date/deadline</i>	<i>December 16, 2020 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>	<i>January 4, 2021</i>
<i>Revised Information submittal deadline</i>	<i>January 5, 2021 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification &amp; LP Requests</i>	<i>January 5, 2021 @ noon</i>
<i>Public Information Written Comments</i>	<i>No deadline</i>

#### **ADJOURNMENT**

*There being no further business, a motion was made by Mr. McMackin to adjourn at 9:36 PM. Seconded by Mr. Woodill and unanimously approved by roll call vote: Markham, aye; Mott, 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 January 12, 2021.

  
Marynel Wahl, Chair

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