



## NORWELL CONSERVATION COMMISSION

345 Main Street / Norwell, MA and Remote

781-659-8022

January 12, 2021 @ 6:30PM

Minutes

TOWN OF NORWELL  
TOWN CLERK

2021 FEB 25 AM 8:26

RECEIVED

Present: Chair Marynel Wahl, Vice Chair Bob Woodill, Bob McMackin, Ron Mott, Roy Bjorlin, Justin Ivas, Conservation Agent Will Saunders, and Recording Clerk C. Sullivan. The meeting was held 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 6:35 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 a discussion regarding the FY 2022 budget.

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

### COMMISSION BUSINESS

#### New Business

#### Citizen Comments

None

#### Introduce new Agent, Will Saunders

New Agent Will Saunders is officially starting next week assuming a negative COVID test.

#### Open Commissioner Position

Trish DiGiulio has applied for the vacancy left by the resignation of Commissioner Markham.

#### 2021 Farm Plans

Farm plan reviews are scheduled for February 2, 2021 at 7 pm,

#### Town Hall Access

The Conservation Office is closed due to a COVID case in the Planning Department.

#### McGillicuddy Order of Conditions

The McGillicuddy Order of Conditions will be circulated by Docusign for electronic signatures. The plan will be held at the Conservation Office pending receipt and approval of a restoration plan from Brad Holmes for violations observed at the property.

#### FY 2022 Budget

Town Administrator Peter Morin has circulated a budget memorandum asking for a "level services" FY 22 budget to be submitted a week from Friday. Chair Wahl noted, however, that certain projects were piling up. The Commissioners discussed which projects and line items should have priority,

including training and professional development for the new agent, Gator repairs and maintenance, seeds for the Hemingway Flower Field, and MACC fees and dues. Chair Wahl will send out the budget spreadsheet and suggests that the Commissioners meet early next week to continue the discussion.

### **Open Space and Recreation December Plan presentation**

Chair Wahl showed the Commission the updated Open Space and Recreation Plan presentation she will be showing to the Board of Selectmen tomorrow. Updating the plan makes the Town eligible for additional land acquisition grants. Town Planner Ken Kirkland will incorporate the updated Plan into a coming update of the Master Plan. There was significant community participation in the effort.

### **Tanczos Parcel Transfer**

The Commission voted to accept the transfer of a parcel of land off Wildcat Lane belonging to the late Joseph Tanczos, and to authorize payment of the associated legal and recording fees. The parcel will provide habitat protection near Wildcat Brook.

*Motion by Mr. Mott to accept the transfer of the Tanczos Parcel (Book 53841 Page#196) to Conservation and approve payment of the associated expenses. Seconded by Mr. Ivas and unanimously approved by roll call vote: Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

### **SUB-COMMITTEE UPDATES**

#### **Pathways**

Commissioner Bjorlin will be new Pathways Commission liaison.

#### **Farming**

Norwell Farms has a key to the Donovan Barn and is using a portion of the barn for storage.

#### **Grants**

Commissioner McMackin has read up on MassTrails grants from DCR. Connector trail projects at the Carleton Property and Cuffee to Black Pond Bog may be eligible if cost estimates can be obtained before the deadline next month. The Commissioners will assess trail conditions at both properties.

### **Trail Work Update**

Trail Crew work is finished for the winter. The Gator is being stored at the Fire Department over the winter. All parties discussed the likely annual cost to maintain the Gator. Mr. Mott thinks updating the Maintenance line item to \$6000-\$7000 will be sufficient.

### **Bills**

The following bills were presented for payment:

Christopher Sullivan	Meeting Minutes	\$200
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*Motion to pay the bills as listed. Duly seconded and unanimously approved by roll call vote: Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

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## Minutes

The minutes for the November 17 and December 1 meetings were distributed. Commissioners reviewed and discussed corrections and changes.

*Motion by Mr. Woodill to approve the minutes of the November 17, 2020 meeting as presented. Seconded by Mr. Mott and unanimously approved by roll call vote: Mott, aye; Ivas, aye; McMackin, aye; Woodill, aye.*

*Motion by Mr. Mott to approve the minutes of the December 1, 2020 meeting as presented. Seconded by Mr. Woodill and unanimously approved by roll call vote: Mott, aye; Ivas, aye; McMackin, aye; Woodill, aye.*

**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.

## 8:00 PM - 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.

### Lot 5A, Harbor Lane / SE52-1179 & NCC# 39(19) / SFH, Septic, Driveway & Landscaping Request for CoC (cont.) Applicant: Greg Webb / Rep: Jeffrey Hassett, Morse Engineering

Ms. Wahl, Mr. Mott, and new Agent Saunders visited the site and confirmed the house was built to plan; only the conditions regarding two growing season planting survival remain. Mr. Mott added that Mr. Webb has planted more trees than required in the original approval.

As a closing is pending, the Commission voted to issue a bank letter confirming all conditions except those relating to planting survival had been satisfied.

*Motion by Mr. Woodill to issue a bank letter confirming the house is built to plan and only the planting conditions remain to be verified prior to issuance of the CoC. Seconded by Mr. Bjorlin and unanimously approved by roll call vote: Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

### 4 Schooner Way (Lot 8) / NCC# 28(20) / Single-Family Home Construction RDA / DoA (cont.) Applicant: Stetson Road, LLC / Rep: Al Loomis, McKenzie Engineering Al Loomis present along with applicant Mark McSharry.

Mr. Loomis advised he had updated the site plan since the previous hearing to highlight the bordering vegetated wetland and buffer lines. The subdivision road is paved with binder, but additional steps remain before topcoating. The basins in the lot have vegetation growing around them, fabric has been set down to stabilize the slope, and erosion controls are in. The only activity in the 50 to 100 ft buffer on the lot is construction of a rain garden with some associated grading. At the suggestion of late

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Agent Hemingway, the toe of the rain garden's slope is located 62 ft from the BVW to avoid impacting tree roots inside the 50 ft buffer.

Ms. Wahl, Mr. Mott, and new Agent Saunders visited the subdivision. Mr. Mott suggested that lot numbers be added on-site and noted he observed worn silt socks throughout. Mr. Loomis agreed that some socks had broken open but maintained all were still functioning. All parties discussed the covering of stockpiles. Mr. Loomis indicated that stockpiles were uncovered if they were to be used in the near future and otherwise would be covered or seeded. Mr. Mott asked that any additional trees that need to be removed be identified.

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

Chair Wahl and Commissioner Mott visited the lot and observed no signs of wetlands on the property. Mr. Zimmer noted for the record that there was a small area of buffer zone, in the driveway area, to a BVW across Stetson Road.

*Motion by Mr. Mott to issue a Determination of Applicability neg 1, neg 6. Seconded by Mr. Bjorlin and unanimously approved by roll call vote: Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

**Green Street, Lot 1 / SE52-1129 & NCC# 42(11) / Changes to Single-Family Home Layout Request for Amend. to OoC** Applicant: Steve Walsh / Rep: Paul Seaberg, Grady Consulting

Mr. Seaberg indicated that applicant wished to amend the order of conditions to move the garage to the side of the proposed house, shift the driveway accordingly, and move the house further into the buffer zone on one side but away from the buffer on the other side. They would also like to change the proposed deck into a three-season porch in the same footprint.

Commissioners Ivas and Mott commented on the tight fit of the structures between buffers, and the significant time spent issuing the original Orders. Commissioner Ivas further questioned the impact of the project changes on the performance of the stormwater control structures on the site. Mr. Seaberg pointed out that the new design reduces impervious service by about 40 sq ft, which will in turn reduce runoff from the site, and also believes that the use of two 12" silt socks downgradient will offer superior erosion protection to that of a single 18" sock.

All parties discussed a request by applicant to reach over and remove dead trees in the buffer zone. Commissioner Woodill commented that aesthetics was not Commission business; Commissioner Ivas concurred, adding that dead trees provided animal habitat. Applicant Steve Walsh stated their intent was to improve the area aesthetically and remove any hazards to the house.

Bill Lazaro, 49 Green, agreed with Mr. Seaberg that drainage impacts would be small if there was less impervious surface, and commented that the proposed changes seemed to be minor.

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Commissioner Mott was not opposed to approving the request as a minor modification, but stated that a second preconstruction meeting was needed with all parties. Mr. Woodill agreed that the changes were unlikely to impact runoff significantly. Mr. Walsh indicates he was aware there was a strict order of conditions in place when he purchased the property, and wishes to cooperate with all parties.

The request was approved with the following special conditions:

- Update street number on plans to 23
- Update plans to indicate 12" silt sock (Norwell bylaw states 18")
- Use of 12" sock approved provided second 12" sock added to bottom of hill for extra protection
- Label the trees outside of the limit of work that are dead and need to be removed. Was site – and note in file.
- Move flags/labels for trees and tie to the stakes holding silt sock.
- Keep site under control.
- Notifications to NCC and Highway Commissioner Glenn Ferguson prior to start of the street work.
- Notifications to NCC for start of work w/house/driveway.
- Basins must be in prior to start of work on the house and driveway.

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Chair Wahl will request a quote from Chessia Consulting for construction monitoring, as required under the Order of Conditions.

*Motion by Mr. Mott to approve the minor modification to the Order of Conditions for SE52-1129 with conditions as noted. Seconded by Mr. Ivas and unanimously approved by roll call vote: 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. To OoC (cont.)** Appl.: K & E Const. / Rep: Austin Chartier, McKenzie Eng.

Mr. Chartier noted that he had filed a request for a major amendment to the previous order of conditions for the installation of a pool outside the 100 ft buffer, expansion of the approved patio, and addition of a sports court.

Mr. Mott noted that the swale that was supposed to be in the front yard per the original approved plan was missing, and the swale between this lot and lot 5 had been altered due to installation of the sports court; he further commented that the additions seemed to be overuse of the lot and Commissioner Bjorlin agreed. However, the bylaws regarding overuse only applied to lots in an aquifer, and Chair Wahl indicated she had confirmed with Town Planner Kirkland that the lot was not located in one.

The request was approved with following special conditions:

Swales re-established as per original approved plans

Abide by Chessia recommendations dated October 28, 2020

*Motion by Mr. McMackin to approve the major amendment to the Order of Conditions for SE52-997 with conditions as noted. Seconded by Mr. Ivas and unanimously approved by roll call vote: Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

**(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

Representative not present.

*Motion by Mr. Woodill to continue the matter to February 2, 2021 at 8 PM. Seconded by Mr. Ivas and unanimously approved by roll call vote: Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, 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. Woodill to continue the matter to February 2, 2021 at 8 PM. Seconded by Mr. Ivas and unanimously approved by roll call vote: Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; Woodill, aye.*

### **ADMINISTRATIVE PERMITS**

#### **265 Main St**

Commissioner Mott observed a contractor digging with a backhoe on the lot about 40 feet from the wetland, gave a stop order, and took pictures. Chair Wahl spoke with the property owner, who will be sending in a sketch plan of the proposed work, which is to install pavers for a patio and walkway. Mr. Mott believed the project could be permitted administratively given the relatively limited disturbance; Commissioner Ivas felt the project required the filing of an RDA but had no other issues.

*Motion by Mr. Mott to issue an administrative permit for work at 265 Main Street. Seconded by Mr. Woodill and approved 4-1-0 by roll call vote: Mott, aye; Ivas, nay; Bjorlin, aye; McMackin, aye; Woodill, aye.*

### **PRE-START OF WORK MEETINGS:**

#### **23 Green Street**

Commissioner Mott noted that only the excavator was present for the meeting. He accepted the use of 12 inch instead of 18 inch silt socks on the condition that a second sock be deployed downgradient of the site. He also agreed to let tree cutting start but recommended that another meeting be held at which all parties were present.

#### **88 Stoney Brook**

Commissioner Mott visited the site; erosion control is in place except for the sock around the staging area. Mitigation plantings and conservation marker installation will be done in the spring.

#### **5 Homestead**

Commissioner Mott, Chair Wahl, and Agent Saunders visited the site on January 8. A fifth conservation marker was added to the site plan as per the Order of Conditions. Construction on the retaining wall will start now and work on the pool and plantings will start in the spring.

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**PENDING SUBDIVISION / COMMERCIAL DEVELOPMENT UPDATES:**

None

**VIOLATION DISCUSSIONS:**

**67 River St.**

A violation letter has been sent to property owner. Chair Wahl has followed up, and they are aware that a filing is necessary. The Commissioners will visit the property on Saturday.

**LEGAL ISSUES**

**Historic Barrel Lane (Block 59, Lot 56 & Block 69, Lot 18) – WPA only.**

(The WPA component is currently on appeal with DEP)

**ENFORCEMENT UPDATES, MEETINGS OR HEARINGS:**

**AGENT'S REPORT**

**SCIENCE AND REGULATION IN THE NEWS**

**EDUCATION AND TRAINING OPPORTUNITIES**

None.

<i>Next Meeting</i>	<b>February 2, 2021</b>
<i>NEW filing applications due date/deadline</i>	January 19, 2021 @ noon
<i>Legal Notice publication date-Patriot Ledger</i>	January 25, 2021
<i>Revised Information submittal deadline</i>	January 26, 2021 @ noon
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification &amp; LP Requests</i>	January 26, 2021 @ 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 9:37 PM. Seconded by Mr. Ivas and unanimously approved by roll call vote: 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 Feb 23, 2021.

  
Marynel Wahl, Chair

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