



**NORWELL CONSERVATION COMMISSION**  
Room 112 / 345 Main Street / Norwell, MA and Remote  
781-659-8022  
**March 2, 2021 @ 6:30PM**  
**Minutes**

TOWN OF NORWELL  
TOWN CLERK

2021 MAR 24 P 3 06

RECEIVED

Present: Chair Marynel Wahl, Vice Chair Bob Woodill, Bob McMackin, Ron Mott, Roy Bjorlin, Justin Ivas, Tricia DeGiulio, Conservation Agent Will Saunders, 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 6:32 pm by Chair Marynel Wahl. The meeting was recorded.

**AGENDA ACCEPTANCE**

The Commission reviewed the proposed agenda and discussed changes and additions.

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

**COMMISSION BUSINESS**

**New Business**

**Citizen Comments**

Marie Molla, 88 Prospect, asked how the appeals period for a superseding order of conditions expired without response from the Commission. Chair Wahl indicated that a number of factors contributed, including the letter's arrival on December 23, vacations taken by Ms. Wahl and Administrator Meredith Schmid, and a Covid case that closed the office until January 17. A petition for an exception to the 10 day appeals period citing these factors has been received and forwarded on to other Town departments. A ZBA meeting regarding the proposal is set for March 10.

**Wildcat Hill (Homeowners' Assn.) re: Potential 40B**

Tabled. Wildcat HOA member Tim Wahl stated that there had not been any discussion, litigation, or adverse position taken by the HOA with respect to a possible 40B proposal from the Community Housing Trust, and they were seeking to collaborate with the interested parties in the matter.

**Finalize Emergency Action Plan (EAP) for Jacobs Pond Dam (PARE)**

Pare Engineering issued a report commenting on the condition of the dam. Commissioner Mott noted that it needed to be updated to reflect the new Chief of Police and other personnel changes.

*Motion by Mr. Mott to accept and finalize the Jacobs Pond Emergency Action Plan. Seconded by Mr. Bjorlin and unanimously approved by roll call vote: Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; DeGiulio, aye; Woodill, aye.*

**Additon to Rules and Regulations regarding use of Firearms on Conservation Land**

The Commission discussed and then ratified a proposed regulation prohibiting the firing/discharging of firearms, crossbows, or arrows on Conservation properties, excluding hunting on designated areas during permitted hunting seasons. Agent Saunders has looked into the state law language to ensure conformity, and will distribute the new regulations to Linda Allen at the Police Department and update the Web site. Commissioner Ivas is updating the map showing where hunting is allowed on conservation properties.

*Motion by Mr. Bjorlin to approve the amendment to Commission rules and regulations as proposed. Seconded by Mr. Ivas and unanimously approved by roll call vote: Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; DeGiulio, aye; Woodill, aye.*

### **207 Bowker Street emergency certification for septic replacement**

Paul Mirabito, Ross Engineering present. The current homeowners purchased their house in 2004 with two pre-existing cesspools within 20 ft of a wetland, both of which have failed. The proposed activity is an emergency septic replacement, including installation of a tank, pump chambers, and leaching area; the failed cesspools will be pumped and filled in per Title V procedures. They will file for an after-the-fact RDA to be heard on March 16.

*Motion by Mr. Mott to grant an emergency certification for septic replacement at 207 Bowker, with after-the-fact RDA to be filed for the March 16 meeting. Seconded by Mr. McMackin and unanimously approved by roll call vote: Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; DeGiulio, aye; Woodill, aye.*

### **Advisory Board**

The Advisory Board discussed the Commission's FY 22 budget request and then tabled the matter pending additional information. The funding for Gator maintenance request was discussed at length; Board Member and former Fire Chief Reardon was going to investigate the maintenance done while the Gator was stored at the Fire Department; Mr. Mott believes they primarily changed the oil and filters and repaired a damaged drive shaft. Mr. Morin rejected the request for additional trail work funds and wants Trees and Grounds to handle any cutting of standing trees, but Mr. Mott stated that Mr. Ferguson advised him his crew could not take on the additional work.

Commission CPC funding articles will be discussed at the Thursday meeting. Ms. Wahl will discuss the GIS equipment article, Mr. McMackin will discuss Stetson and Simon/Hatch trail improvements, Mr. Mott will discuss Donovan parking lot expansion, and Mr. Woodill will discuss trail hazards removal.

### **Spring Interns**

Mr. Saunders has received several queries about possible internships at the Conservation office. All present discussed possible jobs for interns, including possible integration with the trail crew. Mr. Saunders would need assistance with their supervision. Ms. DeGiulio supervised interns with South Shore Science Center, and it involves considerable paperwork and frequent communication.

### **Old Business**

#### **Hemingway Flower Field**

Mr. McMackin has been touch with members of Beautification Committee; they are going to work with Howell Farms to submit a joint proposal for the Hemingway Flower Field.

#### **Herbicide use by Farmers on Stone Walls**

The Commission continued a discussion regarding allowing farmers to use certain herbicides for stone wall clearings. Mr. Woodill suggested that an option be added to the Land Use Proposal form allowing them to propose their use and listing the agents to be used; the Commission would then approve or disapprove the request. A similar option was suggested by Mr. Saunders at the previous meeting.

Ms. DeGiulio reached out to Historic New England as well as the South Shore Science Center, neither of which used any herbicide on their stone walls. Most farmers cleared their walls with manual labor to avoid potential harm to pollinators.

Mr. Ivas indicated he was disinclined to approve the use of herbicides for this purpose. Mr. Saunders is generally against the use of herbicides but agrees it can save time and labor, and environmental damage can be minimized if agents are applied selectively to plants as opposed to area spraying. After further discussion including possibly outsourcing the task to Trees & Grounds, the discussion was tabled to allow for further research.

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## PERMIT-EYES SIGNOFFS:

### 338 River Street (interior work only, exterior work later)

Chris Lucas, Lucas Environmental, present for applicants. A complaint was made regarding construction of a play structure in the buffer zone. Mr. Mott visited the site, placed a stop order, and asked them to contact the Conservation Office. At this time, they would like Mr. Saunders to sign off on the Permit eyes entry for interior work only; they will submit the appropriate permitting for the play structure and other exterior work.

Chair Wahl inquired about stockpiling and waste disposal; Architect Roger Hoyt indicated there was a dumpster on site in the front yard. Mr. Mott added that the house had a circular driveway with plenty of room for stockpiling outside the buffer.

With respect to permitting for the interior work, Commissioner Ivas pointed out that this was outside Commission jurisdiction and thus couldn't be approved or disapproved. Mr. Saunders will communicate this to the Building Department.

*Motion by Mr. Mott to authorize the Conservation Agent to advise the Building Department through Permit eyes that the proposed interior work at the property is not jurisdictional and can proceed upon their approval. Seconded by Mr. Ivas and unanimously approved by roll call vote: Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; DeGiulio, aye.*

## SUB-COMMITTEE UPDATES

### Open Space & Recreation

Chair Wahl advised that the updated Open Space and Recreation Plan had been approved by the state.

### CPC

Mr. McMackin had inquired of Town Counsel Bob Galvin why the Community Housing Trust could receive an advance distribution of CPC funding beyond the statutorily required 10% distribution but not the Commission. Mr. Galvin opined that the CHT was a quasi-independent agency of the state, not just the town, and therefore could spend money independently.

Agent Saunders and Ms. Wahl met with Pete Bloomfield of the Complete Streets Committee regarding rerouting a portion of the Main Street Sidewalk through the Carleton Fields, inside the exterior stone wall, thus making it eligible for CPC funding; a follow-up discussion is on the agenda for March 16. Mr. Woodill questioned whether routing the sidewalk inside the walls would create liability/litter issues for any farmers working the fields.

### Bills

None

### Minutes

Tabled

**EXECUTIVE SESSION** Discussion of issues and/or land offers/land of interest, disclosure of which may impact negotiating position of the Commission and/or Town. Return to regular meeting.

7:30 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.

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**31 Satuit Meadow Lane / SE52-1141 & NCC# 16(18)**

**Request for CoC (cont.)** Applicant: Jason Caron & Jessica Benevides-Caron / Representative: N/A

A continuation request was received at the Conservation Office. Mr. Saunders indicated that the required conservation markers were not yet in.

*Motion by Mr. Ivas to continue the matter to March 16, 2021 at 7:30 PM. Seconded by Ms. DeGiulio and unanimously approved by roll call vote: Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; DeGiulio, aye; Woodill, aye.*

**266 Main Street / NCC# 7(21) / Septic Upgrade**

**RDA / DoA (cont.)** Applicant: Ian Richardson / Representative: Liam McSweeney, McSweeney Assoc.

Updated plans removing references to possible future work had been received; Mr. Saunders and the Commissioners had no further issues.

*Motion by Mr. Mott to issue a Determination of Applicability, pos 2b, pos 5, neg 3, neg 5. Seconded by Mr. Woodill and unanimously approved by roll call vote: Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; DeGiulio, 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 April 6, 2021 at 7:30 PM. Seconded by Mr. Ivas and unanimously approved by roll call vote: Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; DeGiulio, aye; Woodill, aye.*

**ADMINISTRATIVE PERMITS & REQUESTS**

**PENDING SUBDIVISION / COMMERCIAL DEVELOPMENT UPDATES**

None

**VIOLATION DISCUSSIONS**

Agent Saunders gave an update with respect to violations observed at the following properties:

**20 George Road**

Mr. Mott indicated the silt sock on the site had been replaced and the matter resolved.

**404 Cross St**

Possible tree clearing in the 100 ft buffer; Agent Saunders sent a follow-up letter and is awaiting response.

**248 Cross**

Possible tree clearing in the 100 ft buffer; file notes indicate property owner will be sending plans. Agent Saunders sent a follow-up letter and is awaiting response.

**109 Parker Street**

Filing forthcoming; hearing is set for March 16.

**135 Norwell**

Agent Saunders sent a follow-up letter and is awaiting response. Mr. Mott noted the property is for sale; Commission consensus is in favor of posting a violation notice on the door.

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**33 Simon Hill**

Heating oil spill; Mr. Saunders has been contacted by a wetland scientist working on planting plans, a filing is forthcoming.

**134 Main St.**

Mr. Mott stated the owner of the property, That Blooming Place, was slowly encroaching in back; a barrier is needed to prevent encroachment and the owner needs to pull back materials. Agent Saunders will visit the property with Chair Wahl and Commissioner Mott.

**67 River Street**

Property and stream channel has been cleaned up; a filing is coming soon.

**19 Holly Berry**

Agent Saunders sent a follow-up letter and is awaiting response. Mr. Mott indicated that 8-10 trees on the edge of the wetland had been cut and chipped into the wetland, and mitigation will be needed. Mr. Saunders will issue a fine with instructions to contact the Conservation Office.

**436 River**

Agent Saunders was unable find any information in the file.

**192 Old Oaken Bucket**

Agent Saunders was unable find any information in the file.

**20 Common St**

Listed violations include installation of an unpermitted driveway along a stream. Agent Saunders sent a follow-up letter, and will next issue fines with instructions to contact the Conservation Office.

**34 First Parish**

Agent Saunders was unable find any information in the file.

**85 Harbor Ln**

The file references encroachment into buffer but there are no recent entries. Agent Saunders will send a follow-up letter.

**194 Lincoln**

Agent Saunders was unable find any information in the file.

**19 Summer St**

The file references tree cutting and encroachment into buffers. Agent Saunders will send a follow-up letter.

**9 Douglas Ave**

The file references tree cutting within buffer; property owners were told to file RDA in September of last year, which has not been received. Agent Saunders will send follow-up correspondence.

**200 Cordwainer Dr**

The file references filling and dumping in wetlands. Agent Saunders will send follow-up correspondence.

**85 Harbour Ln**

Property owner claims former agent Hemingway told him he could work in the front lawn as long as he didn't disturb a nearby vernal pool. Agent Saunders found no reference to this in the file.

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### National Grid

Agent Saunders was unable find any information in the file. The Commission discussed allegations of fill areas along power lines.

### 705 River

The file references tree cutting in the 100 ft buffer and 200 ft riparian zone. Agent Saunders will send a follow-up letter.

### 12 Circuit

Commissioner Mott issued a stop work order at the property. Agent Saunders will send follow-up correspondence.

<i>Next Meeting</i>	<i>March 16, 2021</i>
<i>NEW filing applications due date/deadline</i>	<i>March 2, 2021 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>	<i>March 8, 2021</i>
<i>Revised Information submittal deadline</i>	<i>March 9, 2021 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification &amp; LP Requests</i>	<i>March 9, 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 8:55 PM. Seconded by Mr. Ivas and unanimously approved by roll call vote: Mott, aye; Ivas, aye; Bjorlin, aye; McMackin, aye; DeGiulio, aye; Woodill, aye.*

I hereby certify that the above minutes were presented and approved by a majority vote by the Norwell Conservation Commission on March 14, 2021

  
Marynol Wahl, Chair

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