



NORWELL CONSERVATION COMMISSION

Room 112 / 345 Main Street / Norwell, MA

July 20, 2021 @ 6:00PM

Minutes

TOWN OF NORWELL
TOWN CLERK

2021 AUG -4 AM 11:22

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. Mr. Ivas and Mr. Bjorlin arrived after the meeting was called to order. 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 6:02 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 156 Cross Street and Jacobs Dam.

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

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.

The Commission polled in to Executive Session at 6:04 PM to discuss personnel, litigation, and land acquisition and then return to Open Session: Woodill, aye; Mott, aye; DeGiulio, aye.

The Commission returned to Regular Session at 6:21 PM by roll call: Woodill, aye; Mott, aye; DeGiulio, aye.

COMMISSION BUSINESS

Citizen Comments

None

New Business

156 Cross Street (horse farm) Update

Owners Matt Radzovich and Ellen Colletti present to discuss conditions at the property. A berm on the property has held up since recent repairs, and has since vegetated; erosion controls were doing well despite the rain. All parties discussed stormwater and pollution control on the property; some manure from the farm was used to construct the berm and the remainder will be taken off site.

Discussion of Wetland Replication Guidelines

Agent Saunders would like to update the Commission's replication guidelines for greater specificity; Chair Wahl commented that applicants were taking advantage of ambiguity in the existing guidelines by planting shrubs as replication for cut trees. Mr. Saunders suggested requiring a 2 for 1 ratio for "in kind" replacements (tree for tree/shrub for shrub) but a 4 for 1 ratio replacing trees for shrubs/plants (i.e., four shrubs replace one tree). Other ideas discussed included a possible option for a certain square footage of restored grassland for a removed tree, requiring justification for tree-to-shrub replacements, the need to protect shaded environments, and which trees act as the best carbon sinks.

Change in Rates and Fees

All parties discussed possible adjustments to Commission application and review fees. Mr. Saunders noted the fees had not changed since 2009 and mostly reflect the state fees. He has researched the fees charged by other towns;

some mirror the state fees, while others charge higher fees and/or charge an additional fee for an administrative permit. Chair Wahl suggested an across the board increase to cover the expense to the Conservation Office of processing the applications. All discussed the proper balance between covering overhead while not discouraging residents from filing. The possibility of an agent visit fee, as done in Scituate and other towns, was also raised. Mr. Ivas suggested that agent visits on prospective projects should remain free so people aren't discouraged from contacting the Conservation Office.

All agreed to increases for most filings; Chair Wahl will create a spreadsheet with the proposed new fees, and set a public hearing and vote for August 3; the new fees would take effect on October 1st.

Jacobs Dam Inspection Draft

The Commissioners reviewed a final draft of the Jacobs Dam inspection report from Pare Engineering, and authorized Mr. Saunders to send the report to DCR.

Norwell Cares

All parties discussed possible projects for Norwell High School's "Norwell Cares" service day on September 24; these included weedwacking on the trail system, plantings in sections of the proposed Norwell Community Gardens, prep work for trail connections, and simple wetland crossings to improve Gator access. It was decided to ask for 30 students, who could be split into groups.

Norwell Community Gardens Subcommittee Update (7:00)

The Commission reviewed a design for the Hemingway Memorial Garden on the site of the proposed Norwell Community Gardens, which include a planting with pink pollinator plantings surrounded by an ADA-compliant walkway and six benches. The design is staked out in the field. Mr. McMackin noted that this design was agreed upon after much deliberation from the subcommittee. Chair Wahl supported the concept but did not feel it required an approval vote.

Mr. Woodill supported the plan but questioned the cost and asked if the work could be handled by volunteers. Mr. Mott replied this was the intent, and the proposed budget was documentation required for CPC funding. Chair Wahl added that people have already indicated they would donate the benches, but an estimate of their cost is needed for CPC application purposes.

Ms. DeGiulio asked about possible plantings in the fall. Barbara Cain of the subcommittee noted they still need a reliable water source. They may apply for grant funding for a well. The Commissioners agreed to the use of Conservation Funds for initial treatment of invasive plants as well as a cottonwood tree in the field.

Motion by Mr. Woodill that the Commission approve payment out of the Conservation Fund for spot invasives treatment at the Norwell Community Gardens. Seconded by Mr. Ivas and unanimously voted.

Motion by Mr. Woodill that the Commission approve payment out of the Conservation Fund for Cottonwood Tree treatment at the Norwell Community Gardens. Seconded by Mr. Ivas and unanimously voted.

Old Business

Commission Reorganization

The Commission discussed changes to subcommittee assignments. Commissioner Ivas will take over reporting on Trails and Signage; Commissioners DeGiulio and Woodill will report on invasives control; Commissioners Mott, McMackin, and DeGiulio will report on the Norwell Community Gardens. Commissioner McMackin will continue to report on CPC.

Commissioner DeGiulio inquired about starting an educational series; Mr. Saunders indicated he was already looking into the possibility. These events may qualify for Local Cultural Council funding.

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Future Business

None

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Pre-Start of Work Meetings

Tesla (98 Accord Park Dr)

Car chargers have been installed at the property.

33 Leigh Rd

The house has been knocked down and erosion controls are installed.

137 Tiffany Rd

Work has started at the property.

266 Main St

Work has started at the property.

49 Green St (346 River St)

Arborvitae are going in at the property.

River St Gasline

Work has started between Common and Green Streets.

Administrative Permits & Requests

The Native Plant Trust - Land Use Request at Flat Swamp

The Trust has requested permission to conduct a plant survey and seed collection of Stalked water horehound, *Lycopus rubellus*, at the Commission's Flat Swamp property; they will access the property from Judge's Hill, and seeds will be added to their vaults. All supported approving the request; Agent Saunders will request a copy of the survey and will accompany Trust personnel on the seed collection.

Recreation Department

Agent Saunders approved a request by the Recreation Department to use Conservation properties for various summer programs.

71 Trout Brook Ln

Agent Saunders gave approval for the replacement of a pool in the same footprint.

132 Pleasant

Agent Saunders gave approval for wall work at the property.

Bills

The following bills were presented for payment:

MACC	Training Fees	\$645
Linda Rinta	Norwell Community Gardens Consultation	\$640

Motion by Mr. Woodill to pay the bills as listed. Seconded by Mr. Ivas and unanimously voted.

Minutes

The minutes for the June 15 meeting were distributed. Commissioners reviewed and discussed corrections and changes.

Motion by Mr. Ivas to approve the minutes of the June 15, 2021 meeting as written. Seconded by Mr. Woodill and unanimously voted.

SUB-COMMITTEE UPDATES

None

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7:30 pm

PUBLIC HEARINGS/LEGAL DOCUMENTS/VOTES

*Legal Documents/Votes *Minor Amendments, Reviews,*CoC's*Requests for Determination

*Notices of Intent *Enforcements/ Violations

RECEIVED

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

Donovan Barn (Circuit Street) / SE52-1123 & NCC# 6(17) / Square off Donovan Field

Ext. to OoC Applicant / Representative: Norwell Conservation Dept.

Commissioner Mott inspected the field, and indicated more work is needed to manage overgrowth and invasives along the field edge.

Motion by Mr. Mott to grant a three-year extension to the Certificate of Compliance for SE52-1123 with conditions as noted. Seconded by Mr. Woodill and unanimously voted.

45 Cedar Point / SE52-1163 & NCC# 6(19) / Remove & Replace Pier, Deck with Pier, Boat Rack & Float

Request for CoC (cont.) Applicant: Domenic Mazzocco / Representative: N/A

Agent Saunders visited the property and observed that the 15 conservation markers have been installed; minor structural changes were made to the dock which do not impact the marsh or river.

The CoC was granted with the following ongoing conditions:

Maintenance of conservavtion markers as currently placed in the field

Motion by Mr. Mott to issue a Certificate of Compliance for SE52-1163 with conditions as noted. Seconded by Mr. Woodill and unanimously voted.

5 Fieldstone Way / SE52-865 & NCC# 24(07) / Inground Pool w/ Landscaping (& Restoration)

Request for CoC Applicant: Richard Lindblom / Rep: Jed Hannon (Atlantic Eng.) & B. Holmes, ECR

Commissioner Ivas recuses from voting. Property owners have implemented a restoration plan for filling and encroachment into resource area and buffer zones, whereby the fill has been removed and the fill sites graded, seeded, and planted; they have also placed three conservation markers by the restoration areas.

Agent Saunders noted new violations when he visited the property, but recommended issuance of the CoC and dealing with the new violations as a separate matter.

Motion by Mr. Woodill to issue a Certificate of Compliance for SE52-865 with conditions as noted. Seconded by Mr. Mott and approved by a 5-0-0 margin, Mr. Ivas having recused

(Behind) 200 Cordwainer Drive / NCC&EO# 04-2021 / Enforcement Order Resolution & Restoration

Enforcement Order (cont.) Manager: Shawn Keys / Representative: Brad Holmes, ECR

The subject filing is a "friendly" enforcement order for dumping, filling, and storage in wetlands and buffer zone behind the property. A restoration plan prepared by Mr. Holmes proposes removal of debris and fill, with the fill sites graded, seeded, and planted with 18 trees and 40 shrubs in the wetland, and 13 trees and 29 shrubs in the buffer zone. Mr. Saunders will reach out to Art Allen, Ecotec, about acting as implementation monitor.

The project was approved with following conditions:

Pre-start-of-work meeting with agent
Barrier along edge of lot
Conservation Markers
Implementation Monitor (Art Allen if possible)

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Motion by Mr. Woodill to approve the restoration plan with conditions as noted. Seconded by Mr. Ivas and unanimously voted.

7 Schooner Way (Lot 3) / NCC# 34(21) / Rain Garden, Minor Clearing & Grading within 50-100' to BVW in association w/ SFH RDA / DoA Appl: Stetson Road, LLC / Rep: Al Loomis, McKenzie Engineering

The proposed activity is the construction of a rain garden in the backyard of a SFH, inside the 100 ft buffer; this will involve some clearing and grading. A rain garden is necessary for this lot to capture and infiltrate roof runoff; it has been sited to avoid any disturbance inside the 50 ft buffer at late Agent Hemingway's suggestion; the construction of the rain garden is the only work proposed for the lot within Commission jurisdiction. Conservation markers are proposed as well as a 12" silt sock at the limit of work.

The Commissioners questioned how many trees would actually be removed, and whether a negative determination would effectively give permission to clear the entire 50-100 ft buffer. Mr. Loomis stated their intent was to clear as little as needed to construct the rain garden, as the developer did not wish to pay to remove trees that don't have to be removed; he also noted they had already been approved for similar work at two other lots.

The project was approved with the following special conditions:

Pre-start-of-work meeting with agent
12" silt sock at the limit of work
Conservation markers as noted on site plan
No clearing beyond what approved in ANRAD

Motion by Mr. Mott to issue a Determination of Applicability, pos2b, pos 5, neg 3 with conditions as noted. Seconded by Mr. McMackin and unanimously voted.

8 Schooner Way (Lot 6) / NCC# 35(21) / Rain Garden, Minor Clearing & Grading within 50-100' to BVW in association w/ SFH RDA/ DoA Applicant: Stetson Road, LLC / Rep: Al Loomis, McKenzie Engineering

The proposed activity is the construction of a rain garden in the backyard of a SFH, inside the 100 ft buffer; this will involve some clearing and grading. A rain garden is necessary for this lot to capture and infiltrate roof runoff; it has been sited to avoid any disturbance inside the 50 ft buffer at late Agent Hemingway's suggestion; the construction of the rain garden is the only work proposed for the lot within Commission jurisdiction. Conservation markers are proposed as well as a 12" silt sock at the limit of work.

The project was approved with the following special conditions:

Pre-start-of-work meeting with agent
12" silt sock at the limit of work
Conservation markers as noted on site plan
No clearing beyond what approved in ANRAD

Motion by Mr. Mott to issue a Determination of Applicability, pos 2b, pos 5, neg 3, with conditions as noted. Seconded by Mr. McMackin and unanimously voted.

95 Hemlock Road / NCC# 36(21) / Septic Repair

RDA / DoA Applicant: Karen & Tim Kane / **Representative:** Rob Carlezon, Grady Consulting

The proposed activity is a septic repair with some tree removal, where the outer edge of the leaching field extends slightly inside the 100 ft buffer to a wetland. Agent Saunders notes that the sports court appears to have been on the property since the 90s, and has no other issues.

The project was approved with the following special conditions:

Conservation markers

12" silt sock along the limit of work

Pre-start-of-work meeting with agent

Motion by Mr. Woodill to issue a Determination of Applicability, pos 2b, pos 3, neg 3 with conditions as noted. Seconded by Mr. Mott and unanimously voted.

29 Leigh Road / NCC# 33(18) / (After-the-Fact) Fence Installation & Update Homeowner Name & Info.

Amend. to DoA Applicant: Stephen & Jean Vandergrift / **Representative:** N/A

The new owners of the property installed a new fence in the buffer zone to Jacob's Pond and cut some shrubs to remove the old fence. Mr. Saunders recommended approval with restoration of the cut plants, plus extension to a DOA issued in 2018 allowing for ongoing maintenance of invasives in the buffer zone. Mr. Vandergrift indicated they had reached out to Brad Holmes, Ecotec, for a restoration/maintenance plan.

Motion by Mr. Ivas to approve the fence removal and installation, restoration, and extension of the existing maintenance provision. Seconded by Mr. Mott and unanimously voted.

After the vote, Ms. Vandergrift indicated that they needed to install new pilings for an existing dock; this activity was approved as maintenance of an existing structure, provided there is no expansion of the dock footprint.

(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

The Planning Board had given its final approval for the proposed open-space residential development. A draft deed for the land donation and trail agreement plan have been submitted to the Conservation office. The proposed trails use existing cart lanes and connect to nearby Conservation properties and the Pine Street trails. The Commission discussed wetland crossing design and possibly eliminating a loop to avoid a crossing.

The project was approved with the following special conditions:

Pre-start-of-work meeting with agent

Donation of land as set forth in agreement/deed

Trail construction as agreed

Lots 1-4 will need to come back for an RDA

Conservation markers on all lots

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 voted.

98 Accord Park Drive / SE52-xxxx & NCC# 32(21) / Repaving of Existing Parking Lot & Landscaping NoI / OoC (cont.) **Applicant:** Michael Argiros, Norwell AMA Realty Ventures / **Representative:** N/A

A continuation request was received at the Conservation Office. DEP is requiring an updated delineation as well as a completed stormwater redevelopment checklist and updated NoI fees.

Motion by Mr. Ivas to continue the matter to August 3, 2021 at 7:30 PM. Seconded by Mr. Woodill and unanimously voted

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82 Summer Street / SE52-xxxx & NCC# 37(21) / Repaving Existing Driveway
NoI / OoC Applicant: David Valente / Representative: John Keefe, Keefe Associates

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The proposed activity is the paving of an existing driveway that is currently mostly paved with broken concrete underneath. Applicant's plans call for a 25% reduction of driveway inside the 50 ft buffer and overall 20% reduction inside the 100 ft buffer. They also include a 2" wide crushed stone apron on the wetland side of the driveway, with 28 trees (14 blueberry and 14 dogwood) and shrubs for mitigation. Mr. Mott visited the property, and has no issues with the work, noting applicant had removed some green waste he had previously observed.

The project was approved with the following special conditions:

Pre-start-of-work meeting with agent
Conservation markers along edge of driveway
No salt/deicing chemicals (perpetuity)

Motion by Mr. Mott to approve the Notice of Intent with a short-form Order of Conditions and special conditions as noted. Seconded by Mr. Ivas and unanimously voted.

After the vote, Mr. Valente indicated he might also pave a small area by the apron before Summer Street, to connect to a second gravel driveway. It was determined the work would be within Commission jurisdiction, and Mr. Valente will come back with a request for minor modification if he decides to proceed.

VIOLATION DISCUSSIONS:

98 Accord Park

Scott Goddard, Goddard Consulting, present along with applicant Michael Argiros. A Notice of Intent is pending for re-paving and landscaping of the existing parking lot, for which DEP is requiring an updated delineation as well as a completed stormwater redevelopment checklist and updated NoI fees. Applicant reached out to Mr. Saunders requesting permission to start seal-coating the lot; Mr. Saunders instructed them to get permission from DEP. Applicant started seal-coating without DEP permission. Mr. Saunders and Commissioner Woodill gave a verbal stop work order, and a Notice of Violation was sent the next morning. Work was observed at the site the following week; Mr. Saunders and Mr. Mott hand-delivered another Notice of Violation and issued another stop work order, which was not obeyed.

Mr. Saunders added that overspray of the seal-coating went into the catch basins and coated plants along the edge of the lot; paving was done inside the 50 ft buffer to raise a manhole, and no measures were taken to protect the wetland and buffer zones during the work.

Mr. Goddard apologized for the sequence of events and stated his clients were seeking to resolve the matter. They viewed the seal-coating and striping as maintenance of an existing structure (i.e., the parking lot); work occurred in the buffer zone but, he stated, had no impact on the resource area. He reviewed the site, and the majority of the basins emptied into drywells, and the seal-coating appeared to have a minimal impact on the surrounding vegetation. Thus, he asked that the violation not be pursued.

Mr. Ivas commented that applicant's contractors blatantly ignoring multiple stop-work orders leads him to think they are unlikely to follow any Order of Conditions the Commission might issue; Mr. Woodill added that they also disregarded DEP's request for additional information, and felt their bad-faith actions warranted a fine. Mr. Goddard argued that DEP's comments were targeted to the activity proposed in the NoI application and not exempt maintenance activities. Mr. Woodill pointed out he had never seen a company sealcoat a driveway about to be resurfaced, which suggests that applicant simply decided to proceed without permitting once it was evident they would not get their Order of Conditions in time for Tesla's opening date. Mr. McMackin agreed the site should be

very closely monitored going forward, and would like to see better cooperation on part of the applicant. Mr. Gooddard noted that applicant had hired him as well as more local engineers, all of whom were interested in improving the process going forward.

Applicant Michael Argiros stated the situation was not a case of them asking forgiveness instead of permission and that, after consultation with Mr. Goddard and their engineers, the decision was made at a lower level that seal-coating and striping the lot were not activities that required Commission or DEP permission. They were under pressure from their Tesla, who needed a Certificate of Occupancy to open, and seal-coating and striping the lot were required in order for the Certificate to issue. This decision was a mistake which they were hoping to correct with the hiring of Mr. Goddard. He asked for forgiveness of fines under the circumstances, but was willing to pay a reasonable one to move forward.

Chair Wahl thanked Mr. Argiros for his statement and asked about the status of the NoI. Mr. Goddard indicated they were responding to DEP's requests for information. A continuation to August 3 was requested but they may need additional time, in which case they will request an additional continuation.

Mr. Argiros asked if a donation could be made in lieu of a fine; Commissioner consensus was this was not possible. In response to a query from Mr. Goddard, Mr. Saunders indicated that the violations would be resolved once any fines were paid.

Motion by Mr. Ivas to issue a \$100 fine and \$200 fine for the two stop work violations. Seconded by Mr. Mott and unanimously voted.

3 Doris Ave

Homeowners have cleaned up the unauthorized path linking to Fogg Forest.

74 R Stetson Shrine

Homeowner has been in touch with the Conservation Office after several months.

Stony Brook Cottage

Asbestos abatement work is scheduled to start Saturday; the Cottage has been disconnected from National Grid electric service, which had been generating a small monthly bill.

23 Green St

Construction monitor John Chessia observed multiple issues at the site, including failed drainage basins and several silt sock breaches which in turn have drowned new plantings.

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

<i>Next Meeting</i>	<i>August 3, 2021</i>
<i>NEW filing applications due date/deadline</i>	<i>July 20, 2021 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>	<i>July 26, 2021</i>
<i>Revised Information submittal deadline</i>	<i>July 27, 2021 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification &LP Requests</i>	<i>July 27, 2021 @ noon</i>

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Jacob Pond

ADJOURNMENT

There being no further business, a motion was made by Mr. Woodill to adjourn at 9:00 PM. Seconded by Mr. Ivas and unanimously voted.

I hereby certify that the above minutes were presented and approved by a majority vote by the Norwell Conservation Commission on August 3, 2021.

Maryneth Wade
Chair NCC

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