

NORWELL CONSERVATION COMMISSION
Room 112 / 345 Main Street / Norwell, MA and Remote
781-659-8022
February 15, 2022 @ 6:30 PM
Minutes - Open Session

TOWN OF NORWELL
TOWN CLERK
2022 MAR -8 AM 11:19
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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 6:30 pm by Chair Marynel Wahl. The meeting was recorded.

AGENDA ACCEPTANCE

The Commission reviewed the proposed agenda.

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

COMMISSION BUSINESS

Citizen Comments

None

New Business

Old Oaken Bucket Estates - Discussion of Bond

Commissioner Ivas recuses from the discussion. Town Planner Ilana Quirk advised she and Town Counsel had reviewed the surety bond proposal from Attorney Walter Sullivan and applicant John Kopacz. Rather than a bond, Ms. Quirk recommends that the Commission require a cash surety be deposited into two FDIC-insured banks such that all funds are insured; this surety should be recorded on the deed to the subdivision property. Chair Wahl asked that the agreement language be binding on any successor(s) to all government/regulatory agencies cited; Ms. Quirk believes the agreement already references "successor entities" but will double-check the language.

Ms. Quirk and Town Counsel will follow up with Attorney Sullivan and applicant; the Commissioners agreed with the suggestion to request a cash surety.

Town Land on Central St to Conservation (46-043, 46-037)

The Commission continued discussion of a land swap proposed by the Select Board whereby parcels 46-043 and 46-037, currently under SB control, would be transferred to Conservation in exchange for the payment of survey and ANR filing fees. The Commission approved payment of these fees last November, and the SB has asked for a formal vote accepting the parcels if the transfer is approved by Town Meeting.

Mr. Saunders opined that the two lots met the criteria for land the Commission would typically seek to acquire, as it protects about 10 acres of wetlands adjoining Torrey Pond, and lot 46-043 has frontage on Central Street that provides access to both lots.

Motion by Mr. McMackin to accept custody of parcels 46-043 and 46-037 if offered by the Select Board and approved by Town Meeting. Seconded by Mr. Ivas and unanimously voted.

Building (Permit-Eyes) Sign-Offs/Administrative Permits & Requests

3 Doris Ave

Mr. Saunders inspected the septic system on the site with Health Agent Ben Margro, and issued an emergency certification for a septic repair that involves minor fill and grading in the 100' buffer.

134 Riverside Drive

Applicants requested a change to the work approved in their Order of Conditions that will reduce the impervious surface created by about 200 sq ft. The Commissioners authorized Mr. Saunders to approve the change.

SUB-COMMITTEE UPDATES

Farming

Another beekeeper may be submitting a Land Use Proposal for certain forested areas of Conservation properties. Ms. DeGiulio noted that honeybees, while good for pollination on agricultural lands, can crowd out native pollinators in forested areas. Mr. Ivas would be reluctant to license certain uses in forested areas. All weighed these concerns against the desire to promote public use of Conservation properties, then tabled the matter pending receipt of a specific proposal.

Norwell Comm Gardens

Audi of Norwell is donating benches for the garden.

CPC

CPC is voting on all funding requests Thursday; Mr. McMackin doesn't foresee any issues with the Conservation Department requests, but recommends that Commissioners attend the Advisory Board meeting at which the CPC articles will be discussed.

Trail Crew

All present discussed sources of additional volunteer help.

Bills

The following bills were presented for payment:

Christopher Sullivan	Meeting minutes	\$200.00
MACC	Conferences/sessions	\$550.00

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

Minutes

The minutes for the February 1 meeting were distributed.

Motion by Mr. Mott to approve the minutes of the February 1, 2022 meeting as edited. Seconded by Mr. Ivas and unanimously voted.

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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

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Winter St., Cross St. & Old Oaken Bucket Road / SE52-1138 & NCC# 11(18) / Roadway, Stormwater & Grading of a 26-unit Subdivision Request for Ext. to OoC Appl: John Kopacz, Trustee

Commissioner Ivas recuses from the discussion and vote. Mr. Saunders advised that the current Order of Conditions expires on June 3, 2023, accounting for statutory tolling. Mr. Kopacz is asking for a three-year extension from this due date.

Mr. Saunders had no issue with the request but noted that the original OoC had not been filed at the Registry; Mr. Kopacz indicated this was due to pandemic-related closures. Registry staff has indicated they would accept the new Order of Conditions for filing if it was indicated in writing that there were no changes from the original Order.

Motion by Mr. Mott to grant an extension to the Certificate of Compliance for SE52-1138 to June 3, 2026. Seconded by Mr. Woodill and approved by a 5-0-0 margin, Mr. Ivas having recused.

45 Stetson Road / NCC# 1(22) / Construct 3-Season Porch

RDA / DoA Cara Moretti / Representative: N/A

The proposed activity is installation of a 12' x 12' three-season porch over existing lawn inside the 100' buffer. Commissioners Mott and Woodill visited the site and had no issues.

Motion by Mr. Mott to issue a Determination of Applicability, pos 2b, pos 5, neg 3. Duly seconded and unanimously voted.

85 Mount Hope Street / SE52-1241 & NCC# 2(22) / Install Driveway & Grade Change

NoI / OoC Applicant: Jennifer Ruggeri / Representative: Darren Grady, Grady Consulting

The proposed activity is construction of driveway and garage inside the 50' and 100' buffers. They are also proposing to remove an existing driveway that is closer to the wetland, for an overall decrease of 808 sq ft impervious area. All construction will take place in existing lawn area. Mr. Mott visited the site and had no issues given the mitigation offered. Mr. Grady agreed to the posting of conservation markers.

The project was approved with the following special conditions:

Markers along existing lawn along edge of lawn from 50' buffer to road

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.

380 River Street / SE52-xxxx & NCC# 3(22) / Reconstruction of Damaged Barn

NoI / OoC Applicant: John Costello / Representative: Greg Morse, Morse Engineering

The proposed activity is the demolition of a barn and construction of a larger one in the existing footprint and existing lawn. The majority of the new and existing barn footprint is inside the 50' buffer, with the

remainder inside the 100' buffer. The lot is surrounded by wetlands, including a BVW and intermittent stream, and the entire lot lies inside the 100' buffer.

Mr. Woodill asked if the new barn could be shifted outside the 50' buffer. Mr. Morse acknowledged the new barn gets closer to an intermediate stream off the property, but the barn drains towards the back yard and not the stream, and the proposed site is in existing lawn area. Additionally, the septic system, which has setback requirements, lies between the house and the barn. Mr. Ivas indicated he had no concerns, as the back yard is already disturbed almost up to the wetlands.

The project was approved with the following special conditions:

Silt sock, not straw wattles, to be used for erosion control

Extend silt sock all the way to road

Conservation markers along edge of lawn

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 approved by a 5-1-0 margin, Mr. Woodill having voted no.

0 Leonard Lane (Lot 2) / SE52-1236 & NCC# 61(21) / Single-Family Home Construction & Driveway Improvement

NoI / OoC (cont.) Applicant: Paul Gratta / Representative: Josh Green, Merrill Engineering

A continuation request was received at the Conservation Office.

Motion by Mr. Mott to continue the matter to March 1, 2022 at 7:30 PM. Seconded by Mr. Ivas and unanimously voted.

136 Longwater Drive / SE52-1200 & NCC# 21(20) / Comm. Bldg. Addition, Parking Lot Improvements NoI / OoC (cont.) Applicant: James Rader, Longwater Norwell, LLC / Rep: Brian Madden, LEC

A continuation request was received at the Conservation Office. Applicant is revising the site plan.

Motion by Mr. Woodill to continue the matter to April 5, 2022 at 7:30 PM. Seconded by Mr. Ivas and unanimously voted.

PENDING SUBDIVISION / COMMERCIAL DEVELOPMENT UPDATES:

Construction of the Hitching Post Lane OSRD will be starting shortly.

VIOLATION DISCUSSIONS:

23 Green Street

The basins at the property failed again in a recent storm. Agent Saunders and Chair Wahl gave a final warning that the Commission would issue fines and require the hiring of a wetland scientist if there were any more failures.

AGENT'S REPORT

Mr. Saunders will be discussing the Conservation Office budget with the Advisory Board on Thursday.

Mr. Saunders has pulled the RFP regarding the Carleton fields pending confirmation one is needed, but will continue the process of finding farmers. All briefly discussed the licensing process. The current

farmer, Jon Haskins, wishes to continue farming the fields for hay, but the Commission must consider all applications.

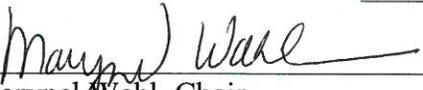
A project at 12 George Road is outside Commission jurisdiction but is subject to stormwater review.

<i>Next Meeting</i>	March 1, 2022
<i>NEW filing applications due date/deadline</i>	February 15, 2022 @ noon
<i>Legal Notice publication date-Patriot Ledger</i>	February 21, 2022
<i>Revised Information submittal deadline</i>	February 22, 2022 @ noon
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>	February 22, 2022 @ noon
<i>Public Information Written Comments</i>	No deadline

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 immediately afterward.

Motion by Mr. Mott to poll into Executive Session at 8:00 PM to discuss pending litigation involving Rodriguez v. Norwell Conservation Commission and not return to Open Session. Seconded by Mr. Ivas, and approved by roll call vote: Bjorlin, aye; McMackin, aye; Woodill, aye; Ivas, aye; Mott, aye; DeGiulio, aye.

I hereby certify that the above minutes were presented and approved by a majority vote by the Norwell Conservation Commission on March 1, 2022.



 Marynel Wahl, Chair

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