



NORWELL CONSERVATION COMMISSION
Room 112 / 345 Main Street / Norwell, MA and Remote
781-659-8022

March 15, 2022 @ 6:30PM
Minutes

TOWN OF NORWELL
TOWN CLERK

2022 APR -7 AM 11:53

RECEIVED

Present: Chair Marynel Wahl, Vice Chair Bob Woodill, Bob McMackin, Ron Mott, Justin Ivas, Conservation Agent Will Saunders, and Recording Clerk C. Sullivan. Tricia DeGiulio and Roy Bjorlin were absent. 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. Mr. Saunders added discussions about a schedule change and land disturbance review.

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

COMMISSION BUSINESS

Citizen Comments

None

New Business

Review and Vote on Draft of Stormwater Bylaw (Ch. 65, Art. 3) Amendments

Mr. Saunders has been working with Director of Planning Ilana Quirk on amendments to the Town's stormwater bylaw, updated in 2021, to resolve conflicts with town regulations; these include making square footages consistent between the bylaw and town regulations, and adding language to close a loophole that allowed some projects that should have had a stormwater review to avoid it. A section taken from the Scituate bylaw encourages but does not require applicants to review proposed developments with the Conservation Agent.

The amendments, once approved by the Commission, will be submitted to the Select Board, Advisory Board, and ultimately Town Meeting for approval.

Motion by Mr. Mott to approve the Stormwater Bylaw Amendments article as amended and submit it for approval at Town Meeting. Seconded by Mr. McMackin and unanimously voted by roll call: Woodill aye, McMackin aye, Mott aye, Ivas aye.

Wompatuck - Horsley Witten Amendment

Horsley Witten was more involved at the Wompatuck parking lot and access trail site than anticipated due to erosion control issues; they are requesting up to another \$3K to monitor the final punchlist items including grading, cleanup, landscaping, and submission of the Certificate of Compliance. Mr. Saunders supports the request as reasonable; he will monitor the site for any additional issues or tasks. The request must also be approved by the Planning Board and Pathways Commission.

Motion by Mr. Mott to approve payment of up to \$3000 to Horsley Witten for additional work at the Wompatuck parking lot and access trail site. Seconded by Mr. Woodill and unanimously voted.

MACC Conference

Chair Wahl met with the Hingham conservation agent and commissioners at the conference; they would like to restart joint meetings.

Mr. Woodill has researched a company, Upstream.tech, that does satellite surveillance of properties for a fee of \$210 per month with additional charge per acreage monitored.

Move June 21 Meeting

The Commission voted to move the June 21 scheduled meeting to June 28.

Motion by Mr. Mott to move the June 21, 2022 meeting to June 28, 2022. Seconded by Mr. McMackin and unanimously voted.

Old Business

Review and Vote on Draft of Wetland Bylaw (Ch. 61, Art. 1) Amendments

Town Counsel has reviewed and agreed to the article language as revised.

Motion by Mr. Mott to amend the bylaw as shown on the article and submit it for approval at Town Meeting. Seconded by Mr. McMackin and unanimously voted by roll call: Woodill aye, McMackin aye, Mott aye, Ivas aye.

Pre-Start-Of-Work Meetings

Hitching Post Lane

Mr. Saunders gave permission to clear as needed to fully install the silt sock, and will re-walk the site.

Eagle Scout Projects

Chair Wahl and Agent Saunders met with area Boy Scouts last week about ideas for Eagle Scout projects.

Administrative Permits & Requests

367 Circuit

Mr. Saunders reviewed and approved initial work activity at the site as part of an administrative land disturbance review. Two Nols and a stormwater permit are pending for additional work.

Bills

The following bills were presented for payment:

Christopher Sullivan	Meeting Minutes	\$200.00
W. B. Mason	Office Supplies	\$20.16
Bond Printing	Office Supplies	\$60.00

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

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Minutes

The minutes for the March 1 meeting were distributed.

Motion by Mr. Mott to approve the minutes of the March 1, 2022 meeting as written. Seconded by Mr. McMackin and unanimously voted.

SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)

Trail/Signage

The Trail Crew this year has one new member so far. Mr. Saunders advised that funds remain available to start repairs at Stetson Meadows and Hatch Lots.

Mr. Mott closed off the Fogg parking lot several weeks ago, and would like to add some crushed stone before reopening it. The Commission authorized him to spend up to \$100 on crushed stone for the lot.

CPC

CPC funding articles are being discussed by the Advisory Board next Tuesday; discussions with the Select Board went well.

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

7:30pm

PUBLIC HEARINGS/LEGAL DOCUMENTS/VOTES

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

*Notices of Intent *Enforcements/ Violations

Vice Chair Woodill read the Notice of Public meeting for all hearings opening at this meeting.

Amendment to the Town of Norwell's Wetland Regulations (Chapter 303, Article 1) under Norwell's Wetland Bylaw (Chapter 61, Article 1) (cont.)

All present reviewed a draft of an amendment to Chapter 61, Article of the Town Bylaw, addressing Forest Cutting Plans (FCP) and Forestry Activities. A placeholder article for approval of the amendment has been added to the Town Meeting warrant.

The amendment would require any forestry work greater than 10% basal area in a wetland resource area or buffer zone to receive Commission approval. Once a FCP or permit expires, the land would no longer be considered land in agricultural use unless it had an approved long-term Forest Management Plan (FMP). The amendment language in its entirety has been reviewed and approved by Town Counsel.

Motion by Mr. Mott to approve the bylaw as amended. Seconded by Mr. Ivas and unanimously voted by roll call: Woodill aye, McMackin aye, Mott aye, Ivas aye.

323 Cross Street / SE52-1166 & NCC# 12(19) / Minor changes to original Order of Conditions **Minor Mod. to OoC Applicant: Ryan Donovan / Representative: Cameron Larson, ECR**

An Order of Conditions was issued in May of 2019 for various activities including the construction of a freestanding workshop in the northwest corner of the yard. The property has since been sold, and the new owners wished to replace the workshop with a pervious paver patio and pool to be located inside the 100

ft buffer; this would require underground electric service in the buffer zone but in disturbed area. They are also proposing to relocate a shed to an existing lawn location further away from the wetland, and remove five hazard trees in the 50 foot buffer and plant 10 replacements. There is a BVW on the other side of Cross Street whose drainage is piped to a ditch running along the property line; Mr. Saunders suggested a special condition of approval allowing applicants to maintain this area as needed. An existing drain in the front yard that empties into the ditch will be moved further north and supplemented with the addition of a rain garden to the front yard. Applicants assented to the posting of conservation markers along the driveway and edge of lawn.

Jenna Tulis, 15 Gendarme Place, and John Litchfield, 156 Cross Street, commented on the recent failure of a drainage swale linked to several properties behind 323 Cross Street. They have brought the matter to the attention of the Board of Health, and asked that no work be done at this property until this issue was addressed. Mr. Ivas questioned whether the Commission had the authority to hold up the project based on issues on another property. Mr. Saunders opined that the proposed work at 323 would not impact drainage on the other properties given the way 323 drained, but would follow up with Health Agent Ben Margro.

The project was approved with the following special conditions:

Move silt sock to accommodate work area for shed

Update narrative to reference 2:1 planting replacement

Owners authorized to maintain ditch area functionality as needed

Conservation markers along driveway and edge of lawn

Motion by Mr. Mott to issue an amended Order of Conditions with conditions as noted. Seconded by Mr. Ivas and unanimously voted.

33 Winter Street / SE52-1140 & NCC# 14(18) / Garage Construction & Driveway

Major Amend. to OoC (cont.) Applicant: '23-33 Winter Street, LLC' / Rep: Robert Rego, Riverhawk

Mr. Saunders indicated that no updated plans had been received to date. Brad Holms, ECR, advised he visited the property last week and is working on a revised restoration plan with enhanced plantings. He has redelineated the site with Mr. Saunders in the field and believes there is an opportunity to make significant improvements to the buffer zone.

All parties discussed whether the original wetland line or the new line would control; Mr. Saunders had directed Messrs. Holmes and Rego to prepare a plan based on the original line, with the option to switch to the new line if a larger restoration area was needed. Mr. Mott opined that the Commission should take care not to set an improper precedent with respect to changing lines. The matter was continued pending receipt of the restoration plan.

Motion by Mr. Ivas to continue the matter to April 5, 2021 at 7:30 PM. Seconded by Mr. Woodill and unanimously voted.

22 Salt Meadow Lane / SE52-1243 & NCC# 4(22) / (After-the-Fact) Wetland Fill & Grading

(A-T-F) NoI / OoC Applicant: Leo McDonough / Representative: John Zimmer, S. River Environmental

The filing is for the previous placement of 763 sq of fill in the 100 ft buffer, which Mr. McDonough wishes to keep; he is also requesting a waiver from the \$440 filing fee. Mr. Zimmer indicated that the Scituate Conservation Commission had issued an order of conditions for the work on the Scituate portion

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of Mr. McDonough's property and allowed the fill on that portion to remain. Removing just the Norwell portion would unnecessarily further disrupt the property.

Mr. Mott pointed out that this fill shouldn't have been brought in, in the first place, and opined it should be taken out and the area replanted as a deterrent to other homeowners, but Mr. Saunders indicated that at least some of it would have to remain in order to stabilize the embankment.

All discussed the possibility of replacing the fill with a retaining wall along the town line, with Mr. Mott in favor but Mr. Ivas opposed. Mr. McDonough reiterated he would prefer to leave the fill and avoid the additional disruption that construction of a wall would cause, noting that the area has already largely revegetated and he would be willing to add plantings. Mr. Ivas suggested they should avoid tearing up more plants and Mr. McMackin expressed concern about additional neighborhood disruptions.

After further discussion, a consensus was reached to allow the fill to remain but require additional restoration plantings in the area and conservation markers; a majority did not wish to waive the filing fee due to the amount of time spent on the matter. Mr. Saunders would like to review the actual plan before closing the matter, and the hearing was continued pending receipt of the planting plan for the fill area.

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

44 Simon Hill Road / SE52-1244 & NCC# 5(22) / Convert Porch to Sunroom & Construct Deck
NoI / OoC Applicant: Thomas & Jenifer McAlear / Representative: Paul Mirabito, Ross Engineering

The proposed activity is the removal of a raised covered porch and stairs, to be replaced with an enclosed sunroom on concrete piers with an attached open deck, stairs, and a slab beneath structures; the work zone is in previously disturbed area inside the 50 ft buffer to wetland. Mr. Ivas asked why they were extending the concrete slab if the porch was to be on piers; Mr. Mirabito indicated there was already a slab under the existing porch; they were expanding it so a shed to be placed there would be on solid ground. Mr. Ivas expressed concern at oil from machinery being stored under the deck draining off the concrete and into the buffer, but Mr. Mirabito believes such machinery is stored in the garage.

The project was approved with the following special conditions:

Posting of conservation markers along the back lawn

Homeowner to remove debris from wetland

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.

White Barn Village / SE52-xxxx & NCC# 6(22) / Construction of (40B) Development of 11 Bldg.s & 40 Units, incl. roadways, access driveways & related infrastructure NoI / OoC Applicant: Brian Murphy, White Barn Lane, LLC / Representative: Bradley McKenzie, McKenzie Engineering

Attorney Gene Guimond present for applicants along with project engineer Sue Spratt, McKenzie Engineering. Applicants wish to construct 40 townhouse condominiums in 11 buildings on about 9.5 acres of land. Chair Wahl advised all present that the current hearing had to do with stormwater management issues only, and all comments must address this topic and not the proposal at large.

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Mr. Guimond noted that the project was initially filed with ZBA in 2007 and approved in 2008 with multiple conditions of approval that they appealed to the state Housing Appeals Committee. In 2011, HAC issued a decision in applicant's favor, but requiring that they provide compensatory flood storage capacity to offset the filling of an area of Isolated Land Subject to Flooding as defined under the Town Bylaw.

Ms. Spratt advised that the project would consist of four three-unit and seven four-unit buildings plus roadways access driveways and related infrastructure. The work zone is in FEMA Zone X, with some work occurring in the 100 ft buffers to offsite wetlands and requiring about 65,000 cubic feet of fill. Their stormwater management system consists of four subsurface infiltration systems, an open basin behind Buildings 1 and 2, tying into the subsurface system, and a 10 ft swale along the property line to capture any flow from Circuit Street. The system is designed to mitigate runoff rate and volume for up to a 100 year storm.

Ms. Spratt characterized the soil types on the site as sandy, between types A and B. The site was delineated last summer by Brad Holmes, ECR. Chair Wahl asked how much fill had already been brought onto the property, but Mr. McKenzie did not recall. Mr. Guimond indicated that they may need to reappear before ZBA for a minor modification if the Commission required changes to the plan.

David Campbell, 40 Circuit Street, stated that applicant had previously brought fill onto the site from a site at Hingham Street in Rockland, and drainage offsite will be a major issue is the property is developed. Mr. Campbell additionally stated that the Planning Board had issued a covenant that the land could not be subdivided, but Mr. McKenzie believes that matter had already been litigated; Mr. Guimond will confirm. John O'Connell, 250 Forest Street, stated there were already significant flooding issues on his property that will only be worsened by the construction on the site. Marie Molla, 88 Prospect Street, stated her understanding was that Mass Housing had suspended Murphy Construction from doing any business with 40Bs, but Mr. Guimond stated that the state audit did not impact any pending filings such as this one; Ms. Molla will get clarification from Mass Housing.

Mr. Woodill encouraged applicant to avoid clear-cutting the entire property at once, which leads to migration of sedimentation and resulting violations; Ms. Spratt noted that they will be providing an erosion control plan, SWPPP, and other on-site controls.

Chair Wahl asked applicants whether they preferred the Commission to hire John Chessia to perform the peer review or put the task out to bid. Mr. Guimond indicated they had no specific preference but wanted to avoid a drawn out cycle of back and forth comments, as a large portion of the necessary data has already been provided. Commissioner Ivas agreed it was unlikely that a large review would be needed. After further discussion, all agreed to put the review out for bid to see what quotes were received. Chair Wahl and Mr. Saunders will write the RFP.

The matter was continued to allow for approval of the RFP, site visits, and documentation review. Agent Saunders will advise applicants if three responses aren't received, so they can request a further continuation.

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

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ENFORCEMENT UPDATES, MEETINGS OR HEARINGS:

22 Salt Meadow Lane / NCC EO# 1(22) / Enf. Order Resolution & Restoration

Enforcement Order Applicant: Leo McDonough / Rep: John Zimmer, S. River Environmental

Mr. Zimmer advised he had submitted an updated restoration plan that incorporated Mr. Saunders' recommendation that two thirds (15) of the plantings be trees; they also propose to remove all debris from the buffer zone and post conversation markers along the 50 ft buffer line. Bob Crawford, EET, has staked out the town and property lines on the site.

Mr. Mott questioned whether the planting plan should include additional trees, but Mr. Saunders noted that the restoration area was already revegetated and wasn't large enough to accommodate a 2:1 restoration; Mr. Ivas agreed that more than 15 might be too dense for the restoration area. Mr. Zimmer added that Mr. McDonough had already planted 10 white pine and spruce trees between the base of the fill and the 50 ft buffer, and other trees were growing in naturally.

The project was approved with the following special conditions:

Cons markers along 50 ft buffer

Removal of debris

Invasives management allowed in perpetuity

Motion by Mr. McMackin to accept the restoration plan and issue a long-form "bylaw only" Order of Conditions. Seconded by Mr. Mott and unanimously voted.

<i>Next Meeting</i>	<i>April 5, 2022</i>
<i>NEW filing applications due date/deadline</i>	<i>March 22, 2022 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>	<i>March 28, 2022</i>
<i>Revised Information submittal deadline</i>	<i>March 29, 2022 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification &LP Requests</i>	<i>March 29, 2022 @ noon</i>
<i>Public Information Written Comments</i>	<i>No deadline</i>

ADJOURNMENT

There being no further business, a motion was made by Mr. Mott to adjourn at 9:35 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 April 5, 2022.


Marynel Wahl, Chair

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