



NORWELL CONSERVATION COMMISSION
Room 112 / 345 Main Street / Norwell, MA and Remote
781-659-8022
April 5, 2022 @ 6:30PM
Minutes

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TOWN CLERK

Present: Chair Marynel Wahl, Vice Chair Bob Woodill, Bob McMackin, Ron Mott, Justin Ivas, Roy Bjorlin, Tricia DeGiulio, Conservation Agent Will Saunders, and Recording Clerk C. Sullivan. Commissioners Ivas and Bjorlin arrived at 7:30 PM; Mr. Ivas left at 8:30. 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. Woodill to approve the agenda as printed. Seconded by Mr. Mott and unanimously voted.

COMMISSION BUSINESS

Citizen Comments

None

New Business

Eagle Scout Presentation - Luke Peden

The Commission reviewed a proposal by Luke Peden to construct a connector trail to the Wildcat-Donovan trail system. Mr. Peden's presentation gave three possible routes, recommending an option connecting trails W1 and W6 as the best one for avoiding wetlands and following the contours of the land. He would like to begin work next weekend.

The Commission approved Mr. Peden's proposal. Mr. Mott and the trail crew are available to assist. No chainsaws are to be used, and the Town accepts no liability.

Motion by Mr. Mott to approve the project as proposed. Seconded by Mr. Woodill and unanimously voted.

109 Parker Street - Conservation Restriction

Mike Perlmutter present to discuss a draft conservation restriction for which the Commission would be the holder. All were in favor of moving forward with the next step of having Mr. Saunders draft a municipal certificate for the property.

Cross Street Flower Farm - Access Plan for Jacobs

The Commission reviewed an updated proposal submitted by Cross Street Flower Farm to improve the accessway running past the barns to Greenhouse 1 and Field 2. Changes included a proposed 6" drain recommended by Trees & Grounds Commissioner Glenn Ferguson, some additional parking, and repairs to the stone wall along the road. Historic New England has reviewed the proposal with no concerns, and the project will require additional approval by the Historic Commission and Select Board. Mr. Mott added that alterations to the stone wall may require a scenic road bylaw hearing with the Planning Board.

Commissioners Mott and Woodill noted they were in favor of the plan provided there is no cost to the Town.

Motion by Mr. Mott to approve the access plan as proposed. Seconded by McMackin and unanimously voted by roll call: Mott aye, DeGiulio aye, McMackin aye, Woodill aye.

Hemingway Field Invasive Proposals

All present discussed a \$10K quote from Land Stewardship Inc. for invasives management. Peter Scavongelli, Logic Landscape Design on behalf of Land Stewardship, thinks the spread of invasives could be managed with repeated mowing, which would preserve beneficial insects and native plants in the field, but there was a need to treat about 1/3 of the field with herbicide in order to get the multiflora rose under control. They plan to mow at about 8-12" height and will let the existing native plants get better established before the mowing and treatment. They also propose to plant willow shrubs along the edge of the field to establish a buffer between the field and forest.

Mr. Saunders recommended that the Commission approve the proposal, as it provided a very targeted treatment. Commissioners Woodill and DeGiulio agreed that herbicide was probably the only way to eliminate the multiflora rose in the field, with Ms. DeGiulio noting a previous consultant had stated it would take years to do so by hand. Ms. DeGiulio also asked whether cutting and burning could eliminate the need for a second treatment. Mr. Saunders indicated that follow-up treatments would be based on what regrows; burning could potentially reduce the amount of a second treatment.

Mari Creatini Bell, Norwell Farms, commented in support of the plan and Logic Landscape's involvement.

Motion by Mr. Woodill to approve Land Stewardship's treatment proposal for an amount not to exceed \$10,000 and planting proposal for an amount not to exceed \$3000. Seconded by Mr. Mott and unanimously voted by roll call: Mott aye, DeGiulio aye, McMackin aye, Woodill aye.

Old Business

Commission Reorganization

Ms. Wahl will continue as Chair and Mr. Woodill will continue as Vice Chair. Mr. Bjorlin will continue as Pathways Commission liaison and Mr. McMackin will continue as CPC liaison. Ms. DeGiulio will work with Mr. Ivas on Trails and Signage.

Town Meeting Articles - Speakers

All present discussed designated speakers in advance of the Moderators Meeting. Mr. Saunders will speak regarding the Annual and Special Town Meeting articles, and CPC grant articles will be discussed by the Commissioner who prepared the application.

Wompatuck Lot / Access Trail

Mr. Saunders advised that DCR was willing to pay for two entrance signs to the lot. He also received authorization to use Conservation funds to add signage to the kiosk. These funds are likely to be reimbursed by the state.

Motion by Mr. Mott to authorize the expenditure of funds not to exceed \$2500 from the Conservation Fund for Wompatuck kiosk signage. Seconded by Mr. Woodill and unanimously voted by roll call: Mott aye, DeGiulio aye, McMackin aye, Woodill aye.

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Jacobs Invasives Treatment

NSRWA has advised Mr. Saunders that they need advance funds to start up the invasives treatments at Jacobs Pond. Mr. Woodill will contact NSRWA for more details. The Commission authorized the expenditure of up to \$2500 in startup money.

Motion by Mr. Mott to authorize the expenditure of funds not to exceed \$2500 from the Conservation Fund for invasives treatment at Jacobs Pond. Seconded by Ms. DeGiulio and unanimously voted by roll call: Mott aye, DeGiulio aye, McMackin aye, Woodill aye..

Adopt a Trail Markers

The Commission agreed to allow the posting of “adopt a trail” signs at trail heads on Conservation properties. Sponsors will make a commitment to walk the trail(s) regularly and monitor their condition.

AGENT’S REPORT

The annual Jacobs Pond fish derby is upcoming. Mr. Saunders noted a lot of trash along the trails and in the water, and would like to raise public awareness at the event of the need for visitors to remove their own trash.

SUB-COMMITTEE UPDATES

Trails

Mr. Mott has walked much of the trail system and documenting the location of hazard trees; the system is in good shape overall. Work is ongoing in Carleton, Miller, and Jacobs.

The Cole School and the South Shore Science Center have asked for help on their trail systems. Several Commissioners asked why SSSC was asking the Town for free help given that it was private property. Mr. Saunders will check further into the legality of the matter.

Mr. Saunders is preparing the Notice of Intent for the Carleton trail work and wetland crossing.

CPC

Mr. Saunders indicated that all Commission-sponsored articles had been approved by the Advisory Board, but the funding for the dog waste pilot program was cut in half. The \$200K request to replenish the Conservation Fund was also cut down to \$100K and then approved by a 5-3 margin with the understanding that the Commission would work with CPC and Town Administrator Morin if further funding was needed.

Bills

The following bills were presented for payment:

1. Chris Sullivan, Meeting Minutes \$200
2. WB Mason - Toner \$124.99, Toner \$14.22, USB Drives \$38.42
3. SS Landscaping - ¾ Crushed Stone \$21.78, ¾ Crushed Stone \$21.78, ¾ Crushed Stone \$21.78
4. Will Saunders - Staples Scan for ConCom \$27.60, Staples USB Drives \$38.98, Staples 639 Grove St large plans copies for public records request \$60.24, Mileage \$174.92

Motion by Mr. Mott to pay the bills as listed. Seconded by Mr. Woodill and unanimously voted by roll call: Mott aye, Bjorlin aye, DeGiulio aye, McMackin aye, Woodill aye.

Minutes

The minutes for the March 15 meeting were distributed.

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Motion by Mr. Mott to approve the minutes of the March 15, 2022 meeting as edited. Seconded by Mr. Woodill and approved by a 4-0-1 margin by roll call: Mott aye, DeGiulio aye, McMackin aye, Woodill aye, Bjorlin abstain.

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.

7:30 PM

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.

Brattle Road / SE52-525 & NCC# 16(97) / Construction of 4-Lot Subdivision w/ Stormwater Components Request for CoC Applicant: Jeffrey Collins / Representative: Paul Mirabito, Ross Eng.

The Order of Conditions for the Brattle Road subdivision expired in 2016. Two of the proposed houses have not been built yet, and the road is not completed. Applicant is requesting a Certificate of Compliance for the six houses built and the existing roadway and infrastructure; they will have to file a new Notice of Intent to build the remaining two houses and complete the roadway.

The matter was continued pending receipt of as-built plans for the subdivision as currently constructed; a silt fence remaining on site must also be removed.

Motion by Mr. Mott to continue the matter to April 19, 2022 at 7:30 PM. Seconded by Mr. Woodill and unanimously voted by roll call: Mott aye, Ivas aye, Bjorlin aye, DeGiulio aye, McMackin aye, Woodill aye.

78 Stony Brook Lane / SE52-1173 & NCC# 29(19) / Raze & Rebuild Boathouse w/ Garage
Request for CoC Applicant: Sam & Catherine Peper / Representative: Darren Grady, Grady Consulting

An Order of Conditions issued in 2019 for the raze and rebuild of a boathouse with attached garage. Mr. Saunders visited the site and observed the plantings to be in order but several of the required conservation markers to be missing.

The CoC was issued with the following conditions:

Replacement/re-posting of missing conservation markers

No float storage on marsh (in perpetuity)

No parking on conservation land

Gravel on conservation land to be removed

Motion by Mr. Mott to issue a Certificate of Compliance for SE52-1173 with conditions as noted. Seconded by Ms. DeGiulio and unanimously voted by roll call: Mott aye, Ivas aye, Bjorlin aye, DeGiulio aye, McMackin aye, Woodill aye.

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River Street (Off Green, Dover & West St.) / NCC# 8(22) / Gas Line Install, Various Locations
RDA / DoA Appl: Eversource Gas Co. of MA (dba: Eversource Energy) / Rep: Rebecca Weissman, SWCA

Commissioner Ivas recused from the discussion and vote. The activity proposed is the installation of a gas line on River Street, from Green Street to Dover; this is the third phase of an ongoing gas line installation on River. Ms. Weissman notes that some of the work area lies within NHESP habitat, but the work is exempt as it is all near the road. They are nevertheless making their contractors aware of the habitat. Mr. Saunders asked that they ensure all erosion control remains secure.

The project was approved with the following special conditions:
Erosion control at limit of work

Motion by Mr. Mott to issue a Determination of Applicability, pos 2b, pos5, neg 3, with conditions as noted. Seconded by Mr. Woodill and unanimously by roll call: Mott aye, Bjorlin aye, DeGiulio aye, McMackin aye, Woodill aye, Mr. Ivas having recused.

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

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

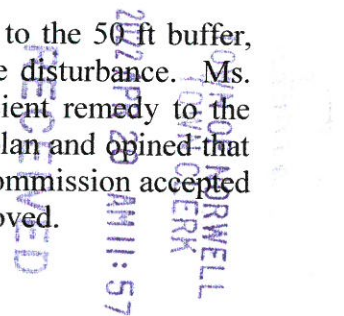
Mr. Rego advised that Mr. Holmes had designed a restoration plan using the 2015 wetland line as delineated by Brooke Monroe, Pinebrook Consulting. The plan includes a restoration area with 36 trees and 82 shrubs, and proposes to restore the grade on both sides of the garage. Applicant is also willing to consider additional invasives treatment on the property. In return, they would like to maintain the lower garage entry with a 20 ft gravel area just outside the entrance.

Mr. Mott had no issue with the planting plan but noted that the 20 ft strip behind the garage was not allowed in the original OoC; he wanted the original grade restored in full, with no back access to the garage; Mr. Woodill concurred.

Mr. Ivas opined that the Commission probably would have permitted the current plan as proposed, noting the pervious gravel drive, all alteration being outside the 50 ft buffer, and the significant planting plan for inside the 50. Mr. Mott agreed he would have allowed the full foundation but not the back driveway, and was uncertain whether the plan would have been permitted. Mr. Rego noted that the Commission typically approved projects with work inside the 50-100 ft buffer, and would have expected the current plan to have been approved, had it been filed as a NoI, as it respects the 50 ft buffer.

Mr. Woodill agreed that the current plan may have been permitted had it been presented to the Commission in advance, but noted it had not been so presented, and the garage work was done anyways in what he characterized as a callous disregard of the original Orders of Conditions. Mr. Kennedy objected to the term "callous," stating he had perhaps been ignorant in going ahead with the work but not malicious.

Mr. Ivas noted that fully restoring the original grade would cause further disruption to the 50 ft buffer, perhaps without the volume of restoration plantings, and wanted to minimize future disturbance. Ms. DeGiulio opined that the restoration plan was extensive and seemed to be a sufficient remedy to the violation. Mr. Ivas agreed that the Commission was receiving a good deal with this plan and opined that applicants were more likely to cooperate and be good stewards going forward if the Commission accepted sufficiently robust restoration plans instead of requiring that structures/fixtures be removed.



The project was approved with the following special conditions:

Split rail fence at edge of lower entry area
Invasives management plan for restoration area
Restoration plantings as proposed

Motion by McMackin to approve the major amendment with conditions as noted. Seconded by Mr. Ivas and passed 4-2-0 margin by roll call: Mott no, Woodill no, Bjorlin yes, DeGiulio yes, Ivas yes, McMackin yes.

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

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

Mr. Saunders advised that the restoration plan he had received proposes the planting of just eight blueberry bushes and no “existing species” list as requested. No plantings have been made in the area to date.

Mr. Mott indicated that he would still prefer to see the fill removed; Commissioners Bjorlin, Woodill, and DeGiulio agreed, with the latter noting the barren appearance of the area. Mr. Zimmer noted that removing the fill would be significantly disruptive to the property and indicated he was willing to provide a more robust planting plan. Mr. McDonough clarified that he had not made any plantings to that area of the property to date, and would like the chance to do so. Commissioner Ivas agreed that removing the fill would result in additional disturbance; all agreed to a continuation to allow for additional site visits and preparation of a new planting plan.

Motion by Mr. Mott to continue the matter to April 19, 2022 at 7:30 PM. Seconded by Ms. DeGiulio and unanimously voted by roll call: Mott aye, Ivas aye, Bjorlin aye, DeGiulio aye, McMackin aye, Woodill aye.

136 Longwater Drive / SE52-1200 & NCC# 21(20) / Comm. Bldg. Addition, Parking 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 May 3, 2022 at 7:30 PM. Seconded by Ms. DeGiulio and unanimously voted.

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

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

A continuation request was received at the Conservation Office; applicants are working on a plan for alternative access.

Motion by Mr. Mott to continue the matter to April 19, 2022 at 7:30 PM. Seconded by Ms. DeGiulio and unanimously voted.

367 Circuit Street / SE52-xxxx & NCC# 7(22) / Site improvements incl. tree & fence removal & Install Drainage Structures

NoI / OoC Appl: James T. Ward, 367 Circuit St, LLC / Rep: Deb Keller, Merrill

Peter Scavongelli, Logic Landscape Design, present for applicant. The proposed activity is the removal of fencing and non-native juniper, sycamore, and Japanese maple trees in preparation for planting of an apple orchard. They will also be installing a French drain along the edge of one fence and a custom drain along the other fence line. Mr. Saunders indicated that the restoration plantings for this work will be part of a

forthcoming second NoI. It was decided to split the work into two filings to allow for this initial prep work to start and then permit the additional activity. Mr. Scavongelli indicated their intent was to establish a working farm which would include educational outreach. He already has the seeds in hand to do the restoration plantings.

Mr. Mott had no issues, as the work would be low impact and construction access was straightforward; Ms. DeGiulio concurred, as the work would restore the property to a more natural state. Mr. Woodill inquired whether applicant would ultimately seek to put the land into agricultural use; Mr. Saunders indicated this issue would be addressed in the second filing. Mari Creatini Bell, 147 Forest St, noted she was an abutter and very supportive of the overall project.

The project was approved with the following special conditions:

All restoration shall be part of the second NoI; if the second NoI is not received by December of 2022, all work on site will be stopped until the restoration plan is received.

Motion by Mr. Mott to approve the Notice of Intent with a short-form Order of Conditions and special conditions as noted. Seconded by Ms. DeGiulio and unanimously voted by roll call: Mott aye, Ivas aye, Bjorlin aye, DeGiulio aye, McMackin aye, Woodill aye.

White Barn Village / SE52-1245 & NCC# 6(22) / Construction of (40B) Development of 11 Bldgs & 40 Units, incl. roadways, access driveways & related infrastructure NoI / OoC (cont.) Applicant: Brian Murphy, White Barn Lane, LLC / Representative: Bradley McKenzie, McKenzie Engineering

A Commissioner site walk was held on March 30. Stormwater review bids were received from Chessia, BSC, and GZA; a fourth bid from Merrill Engineers is pending; all bids received include reviews of the SWPPP and flood storage infrastructure. Mr. Guimond indicated they had no preference as to the reviewer provided they understood the review was strictly limited to the DEP stormwater standards. They were concerned about Chessia's past involvement in litigation against the project and had had scope issues with BZA in the Simon Hill Village project, but understood that the choice of reviewer was up to the Commission.

After further discussion regarding what each bid included, Commission consensus was to continue pending receipt of the Merrill bid; Mr. Guimond assented to the continuation.

Motion by Ms. DeGiulio to continue the matter to April 19, 2022 at 7:30 PM. Seconded by McMackin and unanimously voted by roll call: Mott aye, Bjorlin aye, DeGiulio aye, McMackin aye, Woodill aye.

VIOLATION DISCUSSIONS:

Mr. Saunders visited 82 Jacobs and 58 Wildcat in response to complaints, but found no violation. He has received a report of clearcutting and fill in the wetland and buffer zone at 52 Simon Hill, and will be visiting the site.

Mr. Saunders issued a "second offense" fine of \$200 after the erosion controls at 23 Green Street failed again.


<i>Next Meeting</i>	<i>April 19, 2022</i>
<i>NEW filing applications due date/deadline</i>	<i>April 5, 2022 @ noon</i>

<i>Legal Notice publication date-Patriot Ledger</i>	<i>April 11, 2022</i>
<i>Revised Information submittal deadline</i>	<i>April 12, 2022 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>	<i>April 12, 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. McMackin to adjourn at 9:09 PM. Seconded by Ms. DeGiulio 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 19, 2022.


Marynel Wahl, Chair

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