



**NORWELL CONSERVATION COMMISSION**  
Room 112 / 345 Main Street / Norwell, MA and Remote  
**781-659-8022**  
**January 9, 2024 @ 6:30PM**  
**Minutes**

Present: Chair Marynel Wahl, Bob McMackin, Ron Mott, Doug Luoma, Justin Ivas, Tricia DeGiulio, Conservation Agent Will Saunders, and Recording Clerk C. Sullivan. Justin Ivas arrived at 6:50 PM. Robert Woodill was absent. The meeting was held in the Conservation Office and by online conferencing.

**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. Luoma and unanimously voted.*

**COMMISSION BUSINESS**

**Citizen Comments**

None

**New Business**

**Upcoming Meetings**

Mr. Saunders noted that the annual MACC conference was coming up on March 2nd.

**Highway Yard Septic**

Mr. Saunders and Health Agent Ben Margro have become aware that Highway Commissioner Glenn Ferguson had installed a septic line for the new highway barn through a wetland in 2018, without Board of Health or Conservation permitting. The line was not clearly shown on the site plan for the highway barn OoC, and they first became aware of it when it appeared on an updated plan, and when Commissioner DeGiulio observed piping in the area that turned out to be a water line. Mr. Margro confirmed in late September that the line had been installed without permitting and, after further research, he and Mr. Saunders followed up with Mr. Ferguson and Town Administrator Darleen Sullivan.

Mr. Margro's research has indicated that a 2017 Town Meeting article had allocated funding to replace the previous failing septic system. Mr. Ferguson had subsequently e-mailed the former BOH agent Brian Flynn and the Former Agent Nancy Hemingway about routing the new sewer line through the wetland to an older leaching field, which is a more direct route than going under the driveway and soccer fields to the leaching field then in use. Mr. Flynn had advised that permitting would be required for the work, and the Board of Health and Conservation Commission were unlikely to approve a sewer line through the wetland. Mr. Saunders found no record of a response from Agent Hemingway, although she and Mr. Ferguson may have discussed the matter offline. Mr. Ferguson found a contract that had not been executed and the line was built without permitting in 2018 by a septic company, with no engineer oversight or inspections.

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The sewer line goes to an old leaching field dating back to the 1960s, and Mr. Mott asked whether the field could handle the new flow. Mr. Margro had posed the same question and was told test pits had been dug with positive results, but more information is needed, including pressure testing to ensure there are no leaks. The wetland, which was originally a ditch but flagged by surveyors as a wetland, ultimately drains to Wildcat Brook.

Mr. Saunders noted this was a significant violation and wanted to cover all bases before bringing the matter to the full Commission; he has advised Mr. Ferguson that an engineer would need to prepare an after-the-fact Notice of Intent and prove that (1) the Commission would have approved the route through the wetland, and (2) rerouting the sewer line under the driveway and soccer fields would result in a hardship. Mitigation would be required if the line remains, but the options for this are limited. He has treated it as a violation so far because Highways has been cooperative, but suggested requiring a submission by a date certain, beyond which an Enforcement Order would issue.

Mr. McMackin suggested that the Commission would have to require that the sewer pipe be routed in order to avoid setting a bad precedent; Mr. Mott indicated that if the existing pipe were permitted, it would have to have a failsafe system to protect the wetland. Mr. Saunders thinks they will try to keep the existing pipe, and all discussed whether it could be permitted based on a "hardship" argument. Since the new septic tank is in a different location, routing the pipe under the driveway and soccer fields would require several turns, tree cutting, and possible disturbance to the Pathway; in addition, new gas and utility lines have been installed along this route. Ms. DeGiulio noted that the Highway Yard had recently been paved, but thinks the driveway route would be feasible.

Mr. McMackin suggested that the matter should be addressed as soon as possible, as the line becomes more established the longer it remains. All agreed after further discussion to give Highways a January 30 deadline to file for the after-the-fact NoI, and then issue an Enforcement Order if not received. The matter will be placed on the February 6 agenda.

Agents Saunders and Margro also noted additional issues on the site, including deteriorating erosion control resulting in significant silting in the wetland; Mr. Saunders has advised Mr. Ferguson to replace the erosion controls and that restoration of the wetland would be needed. Mr. Mott suggested that this be addressed as a separate matter so the Commission would have more leverage.

### **Conservation Budget and Town Warrant Articles**

Town Administration has requested a "Level Services" departmental budget which is due tomorrow. Mr. Saunders has moved some funds from the Engineering to the Professional Services line to reflect usage, and also because Professional Services funds can be used for engineering but not vice versa. He has also increased funds for mileage from \$600 to \$100 so it covers the actual cost. In a secondary budget he requested \$15K for two seasonal trail workers, an additional \$7k in Professional Services for the Dog Waste Program, and an increase to the agent salary based on local comps and previous discussions with the Commissioners, who indicated they would sign a letter of support. All briefly discussed how to reclassify the Agent as a non-union position, which would be necessary to effectuate the increase, and then tabled the matter pending feedback from Town Administration.

The Commission also approved the submission of warrant articles transferring town land to Conservation that should have been previously done and \$15K for the dog waste stations if funding for them is not approved in the budget.

*Motion by Mr. Mott to approve the FY 2025 budget as proposed and discussed. Seconded by Ms. DeGiulio and unanimously voted.*

*Motion by Mr. Ivas to approve the Conservation Land Transfer warrant article as discussed. Seconded by Ms. DeGiulio and unanimously voted.*

*Motion by Mr. Ivas to approve the Dog Waste Stations warrant article as discussed. Seconded by Ms. DeGiulio and unanimously voted.*

### **Dog Waste Pilot Program Review**

Mr. Saunders noted that the waste station pilot program had just passed one year; he has received many favorable comments and noted improvements on the properties where they had been installed. The stations installed at Town Hall and Cushing Hill appeared to be underused and could be moved to other locations; all agreed that the Pathway by the Middle School would be a good location for one.

All discussed whether funding should be through the budget or warrant article. Town Administrator Darleen Sullivan has asked about grant funding, but neither Mr. Saunders nor Health Agent Margro had been able to find any. Town Clerk Patricia Anderson had advised there were legal restrictions on what dog licensing fees could fund.

Mr. Mott noted that additional stations put in by the Boy Scouts had not been maintained, and recommended that they be removed and that the Commission not approve future projects that would require maintenance.

### **Whiting Fields Farm Use Plan Request**

Mr. Saunders advised there had been no response to the second RFP for the Whiting Fields, but two farmers would be interested in farming the field under certain conditions. Jon Haskins is willing to maintain the fields as is, but would want the Town to upgrade the soils if it wants him to grow hay; Mr. Mott opined this was a reasonable request. John Hornstra has offered to farm the fields and pay \$20-30K to rehabilitate the soil, but would want a three-year license and authorization for a one-time herbicide application. He will not apply if he is required to clear the stone walls.

All discussed the options to move forward, including a third RFP with a lower fee, asking Hornstra/Haskins to put their proposals in writing, or accepting Hornstra's offer outright. Mr. Mott thinks the stone walls could be cleared with Trail Crew interns, but they would not be able to attract a farmer for the fields until the soil was upgraded. After further discussion of funding options for soil upgrades, including adding to the budget request, a warrant article, or CPC grant, the matter was tabled pending discussion with Town Administration.

### **DEP Wetland Regulation Updates**

DEP has released updated regulations including three new "wave impact zones" for land subject to coastal storm flowage, a new precipitation model, and stormwater standards to encourage more recharge-based systems that align with MS4 requirements. Information sessions and public hearings are forthcoming.

### **Metal Detecting on Conservation Land**

Commissioner DeGiulio recused from participation in the discussion, which involved reports of metal detecting on Conservation land and concerns about liability, littering, and mishandling of possible native artifacts. There is one Land Use Proposal Form on file for metal detecting, and Mr. Saunders suggested creating a modified form to permit and monitor the activity going forward.

David Titelbaum, 570 Main, noted he engaged in this activity and agreed there should be a permitting process to ensure best practices were followed; most remaining Wampanoag artifacts would be made of stone. After a discussion of alternatives including a total ban or limiting permits to targeted archaeological excavations, all agreed the activity should be permitted administratively with an updated Land Use Proposal form. Mr. Saunders will draft the form and procedures for review at the next meeting.

## **AGENT'S REPORT**

Old Oaken Bucket Estates want to remove six trees outside Commission jurisdiction to open the view for potential buyers. Discussion ensued regarding the need to remove the trees at this time and the lack of a bond as required under the Order of Conditions. All agreed that the activity should not be permitted until a bond had been received and pre-start-of-work meeting with Mr. Saunders had been completed.

### **Violations**

#### **22 Salt Meadow**

Mr. Saunders received a report of a shed and fill on the property, part of which is possibly in Scituate; he has notified Building Inspector Tom Barry and Scituate ZBA, and is reaching out to the Scituate Conservation Commission.

#### **563 Grove Street**

Mr. Mott reported junk on the side of the filled in road and Mr. Saunders still has not received any permits from the applicant. The Commission authorized him to issue an enforcement order.

### **Administrative Permits & Requests**

#### **146 Cross Street**

Stormwater review for pool, patio, and landscaping.

#### **10 Forest Ridge**

Stormwater review for pool, patio, rain garden, and landscaping.

#### **85 Riverside Drive**

Stormwater review for new SFH, septic, driveway, landscaping, grading, and stormwater infrastructure.

#### **Jacobs Island**

Overnight camping, January 6-7.

## **SUB-COMMITTEE UPDATES**

### **Trails**

Commissioner Mott and Agent Saunders cleared the Jacobs, Fogg Forest, Miller Woods, and Carleton trails after the recent storm.

### **Farming**

Mr. Saunders has received all 2024 farm plans except Stetson; the plans will be discussed at the next meeting.

### **Invasives**

Flyers regarding the management of invasive species are going into resident water bills.

## **BILLS**

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The following bills were presented for payment:

Christopher Sullivan	Meeting Minutes	\$200.00
National Grid	Donovan Barn	\$10.95
W.B. Mason	Office Supplies	\$189.96
Doodycalls	Waste stations	\$591.00 (CPC)
		\$472.80 (CPC)
Will Saunders	Online course tuition	\$39.95
Chessia Consulting	367 Circuit Street	\$219.75

*Motion by Mr. Mott to pay the bills presented for payment. Seconded by Mr. Luoma and unanimously voted.*

## MINUTES

The minutes of the December 5 meeting were distributed.

*Motion by Mr. McMackin to approve the minutes of the December 5, 2023 meeting as presented. Seconded by Mr. Ivas and unanimously voted.*

7:00 PM

## PUBLIC HEARINGS/LEGAL DOCUMENTS/VOTES

\*Legal Documents/Votes \*Minor Amendments, Reviews,\*CoC's\*Requests for Determination  
\*Notices of Intent \*Enforcements/ Violations

### **33 Leigh Road / SE52-1206 & NCC# 5(21) / Construction of Single-Family Home**

**Request for CoC (cont.)** App: Dave Seoane, Seoane Landscaping / Rep: Greg Morse, Morse Engineering

A continuation request was received at the Conservation office. Planting plan details and OoC recording evidence are pending.

*Motion by Mr. Ivas to continue the matter to January 23, 2024 at 7:00 PM. Seconded by Ms. DeGiulio and unanimously voted.*

### **26 Blockhouse Lane / SE52-1202 & NCC# 24(20) / Mudroom, Garage & Gravel Driveway**

**Request for CoC (cont.)** Applicant: Daniel Cimorelli / Rep: Brendan Sullivan, Merrill Engineering

A continuation request was received at the Conservation office. Applicant is working on mitigation which will include plantings and conservation markers.

*Motion by Mr. Ivas to continue the matter to January 23, 2024 at 7:00 PM. Seconded by Ms. DeGiulio and unanimously voted.*

### **1037 Main Street / SE52-328 / Driveway Drainage Pipe Installation**

**Request for CoC** Applicant: Matthew Jackson / Representative: Paul Mirabito, Ross Engineering Co.

The work was permitted again and completed under a separate Order of Conditions for which a Certificate of Compliance has issued.

*Motion by Mr. Ivas to close out the Order of Conditions SE52-238 by virtue of the work having been completed under a separate Order of Conditions. Seconded by Ms. DeGiulio and unanimously voted.*

<i>Next Meeting</i>	<b>January 23, 2024</b>
<i>NEW filing applications due date/deadline</i>	<i>January 9, 2024 @ noon</i>
<i>Legal Notice publication date-Norwell Mariner</i>	<i>January 17, 2024</i>
<i>Revised Information submittal deadline</i>	<i>January 16, 2024 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification &amp; LP Requests</i>	<i>January 16, 2024 @ 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 8:05 PM. Seconded by Mr. Mott and unanimously voted.*

I hereby certify that the above minutes were presented and approved by a majority vote of the Norwell Conservation Commission on January 23, 2024.

  
Marynel Wahl, Chair

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