



NORWELL CONSERVATION COMMISSION

Room 112 / 345 Main Street / Norwell, MA

August 21, 2018 @ 6:30PM

Minutes

TOWN OF NORWELL
TOWN CLERK

AUGUST 11 PM 1:25

RECEIVED

Present: Marynel Wahl, Chair, Bob McMackin, Ron Mott, Bob Woodill, Justin Ivas, Ellen Markham, Conservation Agent Nancy Hemingway, and Recording Clerk C. Sullivan. Justin Ivas arrived at 7:12 PM. Bob McMackin left at 10:05 PM.

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 and discussed changes and additions.

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

*Please refer to the Agents notes for complete recommendations and project summaries to the Commission.

Gaffield Park (River Street) / SE52-1151& NCC# 24(18) / Resurfacing & Retro-fit Playground

NoI / OoC (cont.) Applicant: George Grey, Recreation Dept. / Representative: Brendan Sullivan, Cavanaro Consulting

Ms. Hemingway advised that she had read through the MSDS sheets for the proposed surfacing material; it is mostly rubber and readily biodegradable, and should present no problems for the adjoining wetland once dried and cured.

Motion by Mr. Woodill to approve the NoI for Gaffield Park with a short-form OoC. Seconded by Mr. Mott and unanimously voted.

Mr. Mott briefly advised that wood chips were being dumped in the wetland near the park entrance; Ms. Hemingway will investigate.

COMMISSION BUSINESS:

New Business

Trail Crew – Supervision & Responsibilities

Town Administrator Peter Morin discussed the administration of trail maintenance and the supervision of trail crews with the Commission. Mr. Woodill stated that trail crew supervision was part of the agent's responsibilities and job classification under the contract with the town."

Mr. Morin stated it was up to the Commission to decide where trail maintenance was needed; Ms. Hemingway then had the authority to carry out the decision, including supervision of the crews

2018 OCT 11 PM 1:25

doing the work. The maintenance plan must be discussed and approved by the full Commission in meeting and not ad-hoc by individual or groups of Commissioners.

Ms. Hemingway advised that she puts together a proposed trail maintenance program every spring, but didn't do so this year due to her absence. She also addresses urgent repairs as they come up. She will provide a proposed program for Commission review on September 4, and will add a Trail Update section to her Agent Notes for upcoming work.

Commissioners Wahl and Woodill requested that they be notified of any urgent repairs so they can properly handle any calls from the public. The Commission also briefly discussed trail work priorities, including the need to keep trails two-persons wide.

Carleton Property Discussion w/ Cliff Prentiss

Cliff Prentiss of the Carleton Property Committee present. Mr. Prentiss noted that he had applied for an at-large seat but was appointed to the "Conservation" seat. Mr. Mott felt the appointment process didn't unfold the way it was set forth at Town Meeting, but he hoped Mr. Prentiss would look out for the Commission's interest.

Mr. Prentiss felt there was a general agreement that the section of the property south of Main Street, as well as the fields north of Main, would go into Conservation; the sections whose use was in question was the triangle between Lincoln and Main and the upland section north of Main.

He noted that the Commission had tried to acquire as much land as possible when he was a member, and this purchase presented an opportunity to connect some adjacent Commission properties. He would like for the triangle between Lincoln and Main go to Conservation and have it become a field again. He felt in general that Conservation would be a good and economical use for the land, as residential properties use more services than the taxes bring in, and it was not economical to put in remotely located athletic fields.

Ms. Wahl asked about funding to clean up the stone walls along the fields, and whether community service volunteers from the high school could do the work. Prentiss advised that Highway Commissioner Glenn Ferguson had told him there was some funding available to clean and rebuild the walls; the work would not be suitable for students as some heavy equipment may be required. He will keep the Commission posted regarding meetings and new documents.

Eagle Scout Project – CJ Hudanich

Ms. Wahl advised that Mr. Hudanich had requested a letter approving his plan to place Mason Bee houses on Commission properties, and asked for help with their placement.

Ms. Hemingway questioned the safety of placing so many bee houses near public trails. Ms. Wahl advised that the houses would be placed out of easy reach, and Mr. Ivas added that Mason Bees were solitary and rarely stung.

After further discussion regarding Commissioner availability, Ms. Hemingway will send a letter approving the project to be no lower than 8 feet, but advising that no Commissioners would be available to assist due to limited time and resources.

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

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Community Service Trail Work.

Ms. Wahl advised that between 15-20 high school students would be conducting trail work on Conservation properties as a community service project on Friday, September 21, and inquired about Commissioner availability to help oversee the work. Additional ideas for projects were briefly discussed.

Vandalism on Town-owned (Conservation) Land

Mr. Mott discussed further damage to the kayak launch at Jacob's Pond and the repairs being made.

Year-End Review Fee Account Reconciliation – Approval

Ms. Hemingway passed around list of peer review accounts currently managed by the Commission, identifying those that were closed or ready to be closed. She requested a vote acknowledging the Commission had been made aware of these accounts.

Motion by Mr. Mott to acknowledge receipt and review of the peer review account list. Seconded by Mr. McMackin and unanimously voted.

Constructive Permits with yearly renewal for Title 5 outside 50 foot buffer and for Highway Department Culvert/Stream work

The Commission discussed the development of programmatic permits for certain Title 5 septic system projects outside the 50 foot buffer as well as for Highway Department culvert and drain maintenance. Mr. Woodill indicated that these could potentially cut down the Commission's administrative workload. He envisioned that the Title 5 permit could supplement findings by the Board of Health, which reviews and approves all septic projects.

Ms. Wahl noted that Commission inspections of septic projects often revealed other issues and expressed concern at the loss of this review. Ms. Hemingway advised that she would still be doing site visits and would still review construction information under the new permit. The permit would specify certain conditions as to construction impacts, and those projects that didn't meet those conditions would continue to require a NoI. Ms. Hemingway will prepare a draft permit for Commission review.

Ms. Hemingway also advised that she will resume work on the permit for Highway Department culvert and drain maintenance she had started previously, with the aim to finish by the end of the year. Ms. Wahl would like to continue handling such permits individually until Department workers are trained on how to work in and near resource areas.

New Commissioner

Ellen Markham briefly introduced herself as a long-time resident. She has already been on several site visits and is looking forward to working with the other Commissioners.

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2018 OCT 11 PM 1:25

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Old Business

Army Corps of Engineers (Josh Helms): Approval/Signature(s) needed for Amendment to OoC (SE52-1064) re: Chittenden Landing

The draft amendment application has been reviewed by Commissioners Wahl, Mott, and Woodill. Mr. Mott will be removing the lattice around the dock.

Motion by Mr. Mott to authorize Ms. Hemingway to sign the amendment application and send it to the Army Corps of Engineers. Seconded by Mr. Woodill and unanimously voted.

49 Green Street (Lot 1) – Project Monitor

Ms. Hemingway advised that she had received two quotes from the seven requests for bid she sent out for the role of construction monitor at the work site. DCI replied with a bid of \$7750 for 31 visits and Alan Major Associates replied with a \$750 lump sum per visit, with 15 visits estimated.

A discussion with applicant Sean Donovan ensued regarding the necessary qualifications for the role and the scope of the monitoring to be done. Mr. Donovan contended that the implementation of item 52 in the Order of Conditions was his responsibility, and that the role of monitor could be handled by a non-engineer.

Ms. Hemingway maintained that ongoing stormwater issues in the area required an engineer to monitor the site. There was nothing that would prevent Mr. Donovan from having his own engineer perform these tasks; the Commission could then hire its own engineer to spot check the work at less expense to him. She had asked for “not to exceed” estimates, and that DCI’s estimate assumed 31 visits which likely would not all be needed. She also noted that the appointment of a construction monitor was entirely within the Commission’s discretion.

Motion by Mr. Mott to appoint DCI as Construction Monitor for 49 Green Street. Seconded by Mr. Ivas and unanimously voted.

NH will contact DCI and advise.

**Project Grid Review: Re-organization of sub-committee representatives
SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS)**

Open Space and Rec.	M. Wahl	Former Commissioner Stacy Minihane is going to join the committee as an at-large member.
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Farming	R. Mott	Nikki Bartley is the new farmer at Norwell Farms. She has met with Ms. Hemingway, Town Administrator Peter Morin, Selectman Ellen Allen, and Commissioners Wahl and McMackin regarding the Cross Street Flower Farm sub-license, and is inviting the full Commission for further discussion and a tour of the farm.
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CPC Representative

Mr. Mott expressed interest in being liaison to the Community Preservation Committee. Mr. McMackin also expressed interest but noted that his free time may be limited.

Motion by Mr. Woodill to appoint Mr. McMackin Commission liaison to the CPC. Seconded by Mr. Ivas and approved by a 4-1 vote. Mr. Mott having voted no.

MISCELLANEOUS

Bills

- a. Ed Cox - \$341.25 for trail work
- b. David Osborne - \$32.88 for string and blades
- c. WB Mason - \$18.68 and \$25.14 for misc office supplies
- d. ABC equipment - \$54.99 for replacement safety helmet
- e. Chris Sullivan - \$150 for mtg minutes transcription 7/17

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

Minutes

Tabled

Donovan Farm Roof Gutter Fund

Town Treasurer Darlene Sullivan has advised all departments that cash and deposits must be made weekly. Monies for filing fees or cash are not to be left in offices. Ms. Hemingway stated that funds set aside to replace deteriorating copper gutters on the Donovan Farm roof must spent or deposited in the General Fund. An initial discussion could identify no further work to be done at the property.

Motion by Mr. Mott to deposit the roof/gutter fund proceeds to the General Fund. Seconded by Mr. Ivas and unanimously voted.

Further discussion revealed the need for a steel door at the structure, and the previous vote was rescinded.

Motion by Mr. Mott to revoke previous motion and use the proceeds to buy a steel door at Donovan. Seconded by Mr. Ivas and unanimously voted.

Motion by Mr. Woodill to authorize Ms. Hemingway to give Mr. Mott the gutter fund money to buy a replacement steel door for the Donovan Farm structure. Seconded by Mr. McMackin and unanimously voted.

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7:30PM: 89 King's Landing / SE52-1135 & NCC# 3(18) / Driveway Maintenance & Shed Relocation (After-the-Fact) NoI / OoC (cont.) Applicant: Robert Molla / Representative: Paul Mirabito, Ross Engineering

2018 OCT 11 PM 1:25

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Commissioners reviewed the draft Order of Conditions, with Ms. Hemingway leading through the statement of reason, findings and all additional conditions and amendments. A July 31, 2019 expiration date was added after some discussion. Mr. McMackin appreciated the thoroughness of the remediation plan.

Motion by Mr. McMackin to accept the Order of Conditions as modified. Seconded by Mr. Mott and unanimously voted.

The Order was then circulated for signatures.

Old Oaken Bucket Estates / SE52-1138 & NCC# 11(18) / Roadway Construction, SFH, Septic, Stormwater & Grading NoI / OoC (cont.) Applicant: John Kopacz / Representative: Marta Nover, Nover-Armstrong Assoc.

Applicant requested a continuation to September 4.

Motion by Mr. Ivas to continue the matter to September 4 at 8 PM. 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.

8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES
***Legal Documents/Votes ***Minor Amendments, Reviews, CoC's
***Requests for Determination ***Notices of Intent ***Enforcements/ Violations

Lot 43 Kings Landing / SE 52-1103 & NCC # 29(16) / shift in footprint within permitted work zone
Minor Amendment Request Applicant: Stan Miller / Representative: Chris Sanderson, Merrill

Applicant requested a continuation to September 4.

Motion by Mr. Ivas to continue the matter to September 4 at 8 PM. Seconded by Mr. Woodill and unanimously voted.

109 Parker St (Lot 1) / SE52-808 & NCC# 81(05) / Single Family Home and related CoC (cont.) Applicant: Ken Mousette / Representative: N/A

Ms. Hemingway advised that additional information requested was still outstanding.

Motion by Mr. Ivas to continue the matter to September 4 at 8 PM. Seconded by Mr. Woodill and unanimously voted.

69 South Street, Lot 1 / SE52-1010 & NCC# 38(12) / Single-Family Home
CoC Applicant: K & E Construction / Representative: Paul Mirabito, Ross Engineering

August 11 PM 1:25

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Ms. Hemingway advised that the project is still not completed, and that the CoC can only be issued after the project plus one year of vegetation growth is completed.

Motion by Mr. Mott to deny the CoC. Seconded by Mr. Ivas and unanimously voted.

63 Harbor Lane / SE52-1104 & NCC# 30(16) / Lawn Restoration & Parking Gravel
CoC Applicant: Gregory Webb / Representative: Jeff Hassett, Morse Engineering

Ms. Hemingway advised that the site as mitigated did not match that set forth on the permitted plan or the conditions in the OoC. She is meeting with the applicants on Thursday, and requested a continuation.

Motion by Mr. Ivas to continue the matter to September 4 at 8 PM. Seconded by Mr. Mott and unanimously voted.

400 Cordwainer Drive / SE52-1090 & NCC# 1(16) / New construction, parking & Stormwater Request for Ext. to OoC
Applicant: Rebecca Adams, Elevated Access Center / Representative: (Same)

Ms. Adams advised that EAC has recently purchased the property; they will be using a previously approved site plan, and asked for an extension of the Order of Conditions to allow for a site plan review. Ms. Hemingway noted that the monitoring fee would need to be replaced by the new owner.

Motion by Mr. Mott to extend the OoC for three years, to August 21, 2021. Seconded by Mr. Woodill and unanimously voted.

45 Stetson Road / NCC# 28(18) / Septic Repair
RDA / DoA Applicant: Janet Chase / Representative: Rob Carlezon, Grady Consulting
Mr. Woodill read the notice of public meeting.

Mr. Carlezon advised that the new system would be installed in the back right corner of the lot. The tank and chamber will be located between the 50 and 100 foot buffers to a wetland on the left side of the lot. The closest point of the leaching field to the wetland will be 88 feet. Construction access will be through the right side of the lot, and silt sock will be used for erosion control.

Mr. Ivas pointed out that the lot was close to Copeland Tannery Brook. Ms. Hemingway agreed that the site would present construction challenges, but advised that the system was sited near the location of the only successful perc, and there was no more suitable location on the property.

The following special conditions were applied:
Modified short-form OoC
Wetlands delineation not approved.

2018 OCT 11 PM 1:25

No pre-removal of vegetation except as needed for construction.
Ms. Hemingway suggested that the work area be seeded with a meadow mix after construction.
Please refer to complete agents notes.

Motion by Mr. Woodill to issue a DoA Pos 2B, Pos 5, Neg 3, with modified short-form OoC, delineation not approved and conditions as noted. Duly seconded and unanimously voted.

14 Simon Hill Road / NCC# 32(18) / Septic Repair

RDA / DoA Applicant: Brian Koch / **Representative:** Brendan Sullivan, Cavanaro Consulting

Mr. Woodill read the notice of public meeting.

Mr. Sullivan advised that the new system will be a gravity-based system utilizing existing plumbing out the back of the house, and will be sited mostly over existing lawn. Ms. Hemingway added that trees near the construction zone had fallen over in a recent storm.

After a brief discussion, Commissioners decided to require 12 inch silt sock rather than a double erosion control line. The project was approved, as the new system will be gravity-based and on existing lawn, utilizing existing plumbing out the back of the house. Trees near the construction zone had fallen over in a recent storm.

The following special conditions were applied:

- Pre-start of work inspection
- Installation of conservation markers at the 50 foot buffer
- 12 inch silt sock erosion control

Motion by Mr. Mott to issue a DoA, Pos 2B, Pos 5, Neg 3, and conditions as noted. Seconded by Mr. Ivas and unanimously voted.

47 Hemlock Drive / SE52-1147 & NCC# 26(18) / Septic System Repair

NoI / OoC (ratification) Applicant: Virginia and Barbara Olsen / **Representative:** Brad Holmes ECR

The Commission voted to ratify the decision made during a Board of Health hearing on July 30 that had also been posted as a public hearing for the Commission. The original continuation by the Commission to August 21 would have resulted in significant hardship to the applicants. No abutters attended either the July 17 Commission hearing or the Board of Health hearing to object.

Motion by Mr. Ivas to ratify the decision made regarding the septic repair at 47 Hemlock Drive at the Board of Health meeting on July 30. Seconded by Mr. Woodill and unanimously voted.

57-59 Washington Street / SE52-1148 & NCC# 27(18) / Wetland Line Confirmation

ANRAD / ORAD Applicant: Paul Cincotta, New England Development / **Representative:** Sheryl Guglielmo, Chris Sutter, DiPrete Engineering

Mr. Woodill read the notice of public meeting.

Ms. Hemingway advised she had walked the site with Mr. Sutter, and was in agreement with the amended delineation. She noted that they did not inspect the north side of the property or any resources off-site on this visit. *Please refer to complete Agents notes.*

Motion by Mr. Mott to approve the wetlands confirmation for 57-59 Washington Street. Seconded by Mr. Woodill and unanimously voted.

61 Accord Park Drive / SE52-xxxx & NCC# 31(18) / Wetland Line Delineation Confirmation
ANRAD / ORAD Applicant: Alyssa Languth, Village Pond, LLC / Representative: Lindsey Barbee, Greenman-Pedersen, Inc.

Mr. Woodill read the notice of public meeting. Commissioner Ivas recused and left for duration of the discussion.

Ms. Hemingway advised that the vehicles had been removed from the site and most of the violation issues were resolved and the area re-vegetated. Mr. Mott also visited the site and saw no further issues.

Motion by Mr. Mott to remove the violation action for 61 Accord Park Drive. Seconded by Mr. Woodill and approved by a 4-0 vote, Mr. Ivas having abstained.

Ms. Hemingway also advised she had inspected the wetland flags with Brad Holmes and felt they were accurate as placed. Ms. Wahl asked that the applicants advise the Commission of any planting plans in the buffer. Receipt of a DEP number was still pending.

Motion by Mr. Mott to approve the wetlands delineation for 61 Accord Park Drive contingent on a DEP number being issued with no issues. Seconded by Mr. Woodill and approved by a 4-0 vote, Mr. Ivas having abstained.

An ORAD will be drafted and signed by the Commissioners once the DEP number is received.

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(Off) Circuit Street (Bl. 69, Lots 25, 26 & 30) aka: Hitchin' Post Lane / SE52-1149 & NCC# 29(18) / Road Construction & Stormwater Improvements NoI / OoC Applicant: Mark Raimondi (Circuit St. R/T) / Representative: Gary James, James Engineering

2018 OCT 11 PM 1:25

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Mr. Woodill read the notice of public meeting.

Mr. James advised that their plan for a seven-unit OSRD is currently under review by the Planning Board. The plan includes land donations which would connect several nearby town-owned parcels.

Under the town bylaw, the number of units in an OSRD cannot exceed the number of units that could be built in a conventional subdivision on the same land. The PB is asking for a letter from the Commission confirming that seven units could be built in a conventional subdivision on the property. Mr. Raimondi added that the section of the property he intended to donate had not been delineated, and the Commission's letter will help facilitate the land donation and resulting connection of town parcels.

Ms. Hemingway had no issue with sending the letter after a quorum of Commissioners visited the site and agreed on the number of buildable lots, but cautioned the letter should be worded carefully to indicate this was a rough determination and not an actual delineation that could be misused by a future developer.

A site walk to inspect a section of the property proposed to be donated was scheduled for Saturday morning. The Commission also agreed to tie into the Planning Board's review of the stormwater component of the project. Ms. Hemingway will contact consulting engineer John Chessia for an estimate of the associated cost.

Motion by Mr. Ivas to continue the matter to September 4 at 8 PM. Seconded by Mr. Mott and unanimously voted.

After the motion, Patricia Crumley, 48 Green Street asked about the maximum number of lots and whether all abutters were notified. Ms. Hemingway advised that only direct abutters had to be notified.

41 Accord Park Drive / SE52-1150 & NCC# 30(18) / Parking Area Improvements, Landscaping & Stormwater NoI / OoC Applicant: Robert D. Sullivan, Trustee / Representative: Jack O'Leary, SITEC

Mr. Woodill read the notice of public meeting.

Mr. O'Leary discussed proposed improvements to the parking area of the Sullivan Tire corporate headquarters, including the creating of paved parking with landscape islands. Some spots will be reconfigured to comply with local bylaws concerning handicapped parking and landscaping, and dumpsters on site will be relocated outside the 50 foot buffer to a wetland in back. They are also proposing to add a basin in a previously disturbed area of the buffer to mitigate additional stormwater flows.

Mr. O'Leary requested a continuation to allow for Zoning Board approval. The matter is on the Planning Board agenda for September 12 for a recommendation to the Zoning Board. Ms. Hemingway will contact the Zoning Board and ask to tie into their stormwater review.

Motion by Mr. Mott to continue the matter to October 2 at 8 PM. Seconded by Mr. Ivas and unanimously voted.

ENFORCEMENT HEARINGS

None.

PUBLIC MEETINGS / ADMINISTRATIVE PERMITS & REQUESTS

Forest Cutting Applications

Mt Blue St – Rodriquez – update

Barrell Lane (Historic) – part of Curtis Farm Lane – Rodriquez - update

Ms. Hemingway continues to monitor both sites as well as communications from DE

Please refer to agents notes for complete details.

169 Tiffany Road

Ms. Hemingway advised that the request was to enclose an existing porch, which would not impact nearby resource areas.

Motion by Mr. Ivas to issue an administrative permit for a deck enclosure at 169 Tiffany Road. Seconded by Mr. Woodill and unanimously voted.

35 Block House Ln

Ms. Hemingway advised that the request, to build a deck on pilings, was a reduction in work to be performed from a previously approved plan.

Motion by Mr. Mott to issue an administrative permit for the additional of a deck at 35 Block House Ln. Seconded by Mr. Ivas and unanimously voted.

Bench Request - Jacob's Island

Jody Anthony would like to add a second memorial bench near an existing one on Jacob's Island. The matter was continued to allow Commissioners to visit the proposed location.

VIOLATION DISCUSSIONS

Mount Blue Street (Meacham)

Ms. Hemingway briefly discussed issues at the above-referenced site, including sediment impacts up to the BVW and a completely clogged drainage pipe.

AGENT'S REPORT

SCIENCE AND REGULATION IN THE NEWS

EDUCATION AND TRAINING OPPORTUNITIES

Please refer to the complete Agents Notes available in the Conservation Office. Any notes included in the minutes are partial.

2018 OCT 11 PM 1:26
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<i>Next Meeting</i>		September 4, 2018
<i>NEW filing applications due date/deadline</i>		<i>August 21, 2018 @ noon</i>
<i>Legal Notice publication date-Patriot Ledger</i>		<i>August 27, 2018</i>
<i>Revised Information submittal deadline</i>		<i>August 28, 2018 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>		<i>August 28, 2018 @ 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 10:08 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 October 2, 2018.

Marynel Wahl
 Marynel Wahl, Chairperson

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