



TOWN OF NORWELL  
TOWN CLERK

**NORWELL CONSERVATION COMMISSION**

Room 112 / 345 Main Street / Norwell, MA

March 5, 2019 @ 6:30PM

Minutes

2019 APR -4 PM 3:31

RECEIVED

**Present:** Chair Marynel Wahl, Vice Chair Bob Woodill, Bob McMackin, Ron Mott, Roy Bjorlin, Justin Ivas, Ellen Markham, Conservation Agent Nancy Hemingway, and Recording Clerk C. Sullivan. Mr. Ivas arrived at 6:53 PM.

**CALL TO ORDER**

The meeting was called to order at **6:37 pm** by Chair Marynel Wahl. The meeting was recorded.

**AGENDA ACCEPTANCE**

The Commission reviewed the proposed agenda and discussed changes and additions. Ms. Hemingway added violation discussions regarding 315 Cross Street and 135 Norwell Avenue.

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

**6:30PM: PUBLIC HEARING:**

**Simon Hill (Off Prospect St.) / SE52-1154 & NCC# 35(18) / Comprehensive Permit for Dev. Project including Roadway, Parking, Retaining Walls & associated Infrastructure NOI / OoC (cont.) Applicant: Brian Murphy, Simon Hill, LLC / Representative: B. McKenzie, McKenzie Eng.**

Ms. Hemingway advised that the peer reviews by Chessia and BSC have started; she thinks they will be able to report in by April 2.

*Motion by Mr. Mott to continue the matter to April 2, 2019 at 6:30 PM. Seconded by Mr. Bjorlin and unanimously voted.*

**COMMISSION BUSINESS**

**New Business**

**Stormwater Bylaw Discussion**

Ms. Hemingway advised that herself, Town Planner Ken Kirkland, and others have been looking at ways to revise the town's stormwater bylaws to avoid downgradient impacts from projects outside of Commission jurisdiction. The Commission briefly discussed which entity would have enforcement authority in the case of violations. Ms. Hemingway will update the Commission as needed.

**Fish Passage at Jacobs Pond**

Samantha Woods and Sara Grady of the NSRWA discussed a proposal to install a fish ladder at the Jacobs Pond dam to allow herring and other species to access the pond. The project is currently in the conceptual phase. Mr. Ivas, who recused from voting on NSRWA's NOI discussed at this meeting, returned to the room for this discussion.

Ms. Woods indicated that the project would require a feasibility study, and some engineering work to design the ladder and come up with an operations plan. Eric Hutchins, of NOAA's Greater Atlantic Regional Fisheries Office, commented that this was an example of a place where it made sense to keep a dam given Jacobs Pond's iconic and recreational value.

Ms. Hemingway indicated that Trees & Grounds Commissioner Glenn Ferguson has committed up to \$10K of in-kind services. Mr. Ivas asked Ms. Woods about the cost of maintaining the fish ladder. The ladder would require some maintenance, which could possibly be managed by a town-appointed herring warden. Mr. Hutchins felt that maintenance would mostly consist of cleaning out debris.

After further discussion, including the potential for education and outreach given the ladder's proximity to Norwell High School, the Commissioners agreed to provide a letter of intent pledging a \$30K financial contribution which NSRWA can use to obtain matching grant funding.

*Motion by Mr. Ivas to provide the NSRWA a letter of intent offering \$30K as a match to the feasibility study for the Jacobs Pond fish ladder proposal. Seconded by Mr. Mott and unanimously voted.*

#### **MACC Conference**

Commissioners Ivas, Wahl, and Bjorlin discussed their attendance at the MACC, which included seminars on dam removal, restoration plans, and related best practices.

#### **Old Business**

##### **Discussion of Signage, rules and regulations and uniform public lands use policy**

Tabled.

#### **Stony Brook Cottage**

Ms. Hemingway stated that the cottage has become a safety hazard. She requested the Commission take action. The Commission briefly discussed past attempts to rehabilitate with Glenn Ferguson. They agreed that it was not salvageable and discussed what to do with the existing use area so as not to lose it. The site is on the North River with beautiful views. Ms. Hemingway will obtain estimates to delineate the wetland and create a site plan for an NoI to tear it down, replace it with a deck in the existing footprint, and add a gravel parking area, (ADA/AAB accessible). She will also inquire if the Fire Department wants to use it for training and the cost for Glenn to demo and haul off the building.

#### **Carleton Property Follow-up**

Ms. Hemingway advised she had received no new information.

#### **Review of farm plan approvals**

Ms. Hemingway read through the previously approved farm plans for 2019 and circulated the documents for signatures.

*Motion by Mr. Woodill to accept and sign the proposed farm plans. Seconded by Mr. Mott and unanimously voted.*

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**East Donovan**

The Commission discussed the possibility of planting wildflowers in the east field at Donovan Farm. Estimates and information on what would be needed if anything other than seed will be gathered.

**SUB-COMMITTEE AND PROJECT UPDATES (OLD & NEW BUSINESS)**

Open Space and Recreation	M. Wahl	CPC	B. McMackin
Land Protection	All	Trails and Signage	R. Woodill
Pathways	R. Woodill	Project Grid Review	All
Farming	R. Mott	Trail Work Update	N. Hemingway
Grants	B. McMackin	Bylaw Review	R. Woodill

**Open Space & Recreation**

Ms. Hemingway advised that slow progress was being made despite attendance issues. Funding to pay for the update is also pending.

**Pathways**

Ms. Hemingway advised that the current iteration of the Wompatuck parking lot and access trail project lacks a previously agreed to berm for abutter protection. After discussion by the Commission and majority agreement that the Commission should honor it's promise to the abutters, she was authorized to draft a letter to the Pathways Commission asking that it be added back to the plan, and circulate it to Commissioners for comments.

**CPC**

Mr. McMackin advised that CPC had approved the Commission's funding applications for updating the Open Space Plan and a boardwalk between Simon Hill and the Hatch Lots. The Jacobs West Connector/Recreation Area proposal was tabled pending further discussions with the Planning Board and Board of Selectmen; the Commission had previously withdrawn its request for advance funding for land acquisition.

McMackin also advised that CPC Chair Bob Norris stated he had received an opinion from Town Counsel Bob Galvin that the Commission's Jacobs Pond invasives treatment and trail management/tree removal proposals were ineligible for funding through the Community Preservation Act.

Mr. Mott pointed out that similar projects had been funded by CPC at least twice previously. Ms. Hemingway believes Mr. Norris had cited "town leadership" rather than Town Counsel specifically, but will reach out to Attorney Galvin to confirm. She has already spoken with Town Administrator Peter Morin, who was not aware of any such conversations with Town Officials regarding the Commission applications.

Ms. Hemingway advised that Mr. Morin allowed Ms. Hemingway to submit two late warrant articles requesting funding for the invasives treatment and tree removal projects. She recommends

that the Commission send a letter to CPC requesting reconsideration if Attorney Galvin had not in fact spoke with Mr. Norris.

## MISCELLANEOUS

### Bills

Ms. Hemingway read off the following list of bills to be paid:

- Chessia - \$1021.00 – George Rd and Pleasant St SWPPP review; site inspections February
- Steve McViney - \$87.75 – trail work
- EcoTec - \$254.50 – Art Allen - 72 Ridge Hill annual inspection
- EcoTec - \$254.50 – Art Allen – 49 Tiffany - Dam removal annual inspection
- Chessia - \$134.00 – Lot 7 Curtis Farm Rd
- Chessia - \$500.00 – George Road, OoC review and preconstruction site meeting January
- Chris Sullivan - \$300.00 – Meeting minutes 2/5/19 and 2/25/19
- Bob McMackin - \$125.00 – MACC annual meeting reimbursement

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

### Minutes

The minutes for the November 20 and December 4 and 18, 2018 meetings were distributed. Commissioners reviewed and discussed corrections and changes.

*Motion by Mr. Mott to approve the minutes of the November 20, 2018 meeting as written. Seconded by Ms. Markham and unanimously voted.*

*Motion by Mr. Mott to approve the minutes of the December 4, 2018 meeting as written. Seconded by Ms. Markham and unanimously voted.*

*Motion by Mr. Mott to approve the minutes of the December 18, 2018 meeting as written. Seconded by Ms. Markham 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.

### **7:30PM: PUBLIC HEARING:**

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

*Motion by Mr. Mott to continue the matter to March 19, 2019 at 7:30 PM. Seconded by Mr. Ivas and unanimously voted.*

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**8:00PM: PUBLIC HEARINGS LEGAL DOCUMENTS/VOTES**

**\*Legal Doc's/Votes \*Minor Amendments, CoC's, \*Requests for Determination \*Notices of Intent**

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**Peterson Pond Dam Removal (between Hanover Mall & NSRWA Office) / SE52-xxxx & NCC# 5(19) NoI / OoC Applicant: Sara Grady, NSRWA / Representative: Todd Monson, GZA**

Mr. Woodill read the notice of public meeting. Samantha Woods, Executive Director of the NSRWA, also present along with Eric Hutchins of NOAA's Greater Atlantic Regional Fisheries Office. Commissioner Ivas recused and left the room before discussion started.

Ms. Woods discussed a proposal to remove a breached dam at Peterson Pond, behind the Hanover Mall, as part of the Third Herring Brook ongoing restoration project, whose goal is to restore fish passage and expand spawning habitat. Downstream dams at Mill Pond and Tack Factory have already been removed, and the Brook was recently designated a coldwater fisheries resource.

The dam is currently an earthen embankment 250 ft long, 10 ft high, and 15 ft wide. They propose to create an 18 ft breach to allow for a free-flowing river. Any sediment removed will be reused or disposed of; they would like to see some move downstream as it would be beneficial to the river. Erosion controls will be used at the limit of work. The project would take about six weeks, and time-of-year constraints would be observed to avoid interference with spawning and other activity. Ms. Grady added that the project was in the permitting phase currently, and more funding was needed to proceed. They recently received a MEPA waiver, which will be provided to the Conservation Office.

Mr. Hutchins felt the overall project had broad-reaching value, as river herring spawn upstream but ultimately contribute to marine ecosystems and could possibly offset a recent decline in sea herring populations.

Ed Callahan, General Manager of the Hanover Mall, indicated that he and his parent company were in favor of the project, as it removes a safety hazard and potential liability. Ms. Hemingway had no concerns noting that the previous dam removals had been successful. The matter was continued to allow the Commissioners to visit the site.

*Motion by Mr. Mott to continue the matter to April 16, 2019 at 8 PM. Seconded by Ms. Markham and approved by a 5-0 margin, Mr. Ivas having recused.*

**76 Hemlock Drive // SE52-1139 & NCC# 13(18) / (After-the-Fact) Fence Installation & Porch Conversion Request for CoC Applicant: Kevin Cassidy**

Applicant Kevin Cassidy provided photos showing the installation of the fence and conservation markers as set forth in the OoC. Ms. Hemingway indicated she had no issues and recommended issuance of the CoC.

Mr. Mott asked about the placement of the markers. Mr. Cassidy indicated that some were placed on trees and others on posts, based on guidance from Agent Hemingway to follow the wetland line as close as possible.

Mr. Mott commented that he would prefer to see the markers on posts, but the original OoC did not specify how the posts should be mounted.

*Motion by Mr. Woodill to issue a CoC for 76 Hemlock Drive, SE52-1139. Seconded by Mr. Ivas and unanimously voted.*

**28 Simon Hill Road / NCC# 4(19) / Septic System Upgrade**

**RDA / DoA Applicant:** John & Maria Vafiades / **Representative:** Brendan Sullivan, Cavanaro Consulting

Mr. Woodill read the Notice of Public Meeting.

Mr. Sullivan indicated that the system had received approval from the Board of Health. The proposed location will allow the system to be gravity-based and requires no tree removal. Ms. Hemingway felt there was no better location for the system on the property, and had no issues.

*Motion by Mr. Woodill to issue a DoA, pos 2b, pos 5, neg 3. Seconded by Mr. Ivas and unanimously voted.*

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

Ms. Hemingway advised that applicant had withdrawn the NoI.

*Motion by Mr. Woodill to accept the withdrawal of the NoI for 41 Accord Park Drive, SE52-1150. Seconded by Ms. Markham and unanimously voted.*

**Lot 62, Stony Brook Lane / SE52-1153 & NCC# 34(18) / Single-Family Home**

**NoI / OoC (cont.) Applicant:** Thomas Williams / **Representative:** Scott Goddard, Goddard Consulting

Applicant requested continuation to March 19, 2019.

*Motion by Mr. McMackin to continue the matter to March 19, 2019 at 8 PM. Seconded by Mr. Woodill and unanimously voted.*

**16 Circuit Street / SE52-1159 & NCC# 40(18) / Installation of a Pool & Fence**

**NoI / OoC (cont.) Applicant:** Kevin McKinnon / **Representative:** Darren Grady, Grady Consulting

Applicant requested continuation to March 19, 2019.

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*Motion by Mr. Ivas to continue the matter to March 19, 2019 at 8 PM. Seconded by Ms. Markham and unanimously voted.*

**386 River Street /SE52-1160 & NCC# 41(18) / Detached 2-Car Garage**

**NoI / OoC (cont.)** Applicant: Jerzy Hrebenko / Representative: Mark Manganello, LEC Env. Cons.

Applicant requested continuation to April 2, 2019.

*Motion by Mr. Ivas to continue the matter to April 2, 2019 at 8 PM. Seconded by Mr. Woodill and unanimously voted.*

**45 Cedar Point / SE52-1163 & NCC# 6(19) / Remove Pier/Deck & Replace with Ramp, Pier, Boat Rack & Float** NoI / Ooc Applicant: Domenic Mazzocco / Rep:

Mr. Woodill read the Notice of Public Meeting.

Kevin Maguire, New England Engineering Consultants, present along with applicant. The project involves replacement of an existing pier with a larger pier plus ramp, float, and canoe rack. They have received North River Commission approval, as well as a special permit from the Board of Appeals. They will apply for a Chapter 91 license once they receive Commission approval. The pier is designed to be 4 ft wide to allow for storage of the ramp on the dock instead of the marsh. The planking will be an inch apart to reduce shading underneath the pier. They reduced the ramp and float size based on feedback from the NRC.

Mr. Mott commented that the pier's length may create a hazard to navigation. Mr. Maguire indicated this was needed to get out to deep water, and added that the river was relatively wide at this location.

Ms. Hemingway advised that the Division of Marine Fisheries comment letter indicated they now recommended a minimum 1:5:1 H:W ratio to promote better light penetration and marsh growth. Mr. Maguire felt that this standard was in conflict with their NRC permit and guidelines. Ms. Hemingway felt that NRC may not be aware of DMF's new guidance, and suggested that applicants reappear before NRC to get their authorization for a higher dock.

After further discussion, in which Commissioners Mott and Ivas indicated no other issues with the project, applicant consented to a continuation to consult with the NRC.

*Motion by Mr. Mott to continue the matter to March 19, 2019 at 8 PM. Seconded by Mr. Ivas and unanimously voted.*

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**ADMINISTRATIVE PERMITS & REQUESTS:**

**55 Bridge Street**

The Commission reviewed a site plan for a cantilevered deck addition just inside the 50 ft buffer. All work is proposed to be done by hand and all materials brought in by hand, through the house, with no soil or vegetation disturbance. After some discussion of recent construction activity in the area, the work required to support a 7 ft wide addition, and the need for consistency, the Commissioners voted to require the submission of at least an RDA with Mr. Woodill dissenting.

*Motion by Mr. Ivas to require the submission of an RDA for 55 Bridge Street. Seconded by Mr. Bjorlin and approved by a 5-1 margin, Mr. Woodill having voted no.*

**PENDING SUBDIVISION / COMMERCIAL DEVELOPMENT UPDATES:**

None.

**PUBLIC MEETINGS:**

**Mt. Blue St & Barrel Lane (Historic) – Part of Curtis Farm Lane – Rodriquez**  
Town Counsel Bob Galvin continues to monitor.

**VIOLATION DISCUSSIONS/ENFORCEMENT HEARINGS:**

**323 Cross St**

Town Administrator Peter Morin and Town Counsel Bob Galvin are in communication with the landowner regarding the obstruction of a culvert.

**315 Cross St**

Ms. Hemingway advised that the previous owners installed a new septic system and cut down a large section of wooded area, including buffer zone, immediately prior to selling without a permit.

Ms. Hemingway has been in communication with the owners who wish to cooperate with the Commission. A site visit to the property will be scheduled in the Spring.

**135 Norwell Ave**

Commissioners Wahl and Mott observed violations related to removal of a vernal pool and tree cutting in back of the property. Ms. Hemingway will visit the property and evaluate whether the work is within the scope of the issued permit. If not action based on the extent of work will be discussed with Ms Wahl. If needed she can issue an Enforcement Order tomorrow in order to stop work until the owner comes before the Commission.

**AGENT'S REPORT**

**SCIENCE AND REGULATION IN THE NEWS  
EDUCATION AND TRAINING OPPORTUNITIES**

Please refer to the Agents Notes available in the Conservation Office.

<i>Next Meeting</i>	<b>March 19, 2019</b>
<i>NEW filing applications due date/deadline</i>	<b>March 5, 2019 @ noon</b>
<i>Legal Notice publication date-Patriot Ledger</i>	<b>March 11, 2019</b>
<i>Revised Information submittal deadline</i>	<b>March 12, 2019 @ noon</b>



<i>Peer Review Info Deadline, CoC Requests, Minor Modification &amp; LP Requests</i>	<i>March 12, 2019 @ noon</i>
<i>Public Information Written Comments</i>	<i>No deadline</i>

**ADJOURNMENT**

*There being no further business, a motion was made by Ms. Wahl to adjourn at 9:30 PM. Seconded by Mr. Bjorlin 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 2, 2019.

Marynel Wahl  
 Marynel Wahl, Chairperson

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