



NORWELL CONSERVATION COMMISSION
Room 112 / 345 Main Street / Norwell, MA and Remote
781-659-8022
March 19, 2024 @ 6:30PM
Minutes

Present: Chair Marynel Wahl, Vice Chair Bob Woodill, Bob McMackin, Ron Mott, Justin Ivas, Conservation Agent Will Saunders, and Recording Clerk C. Sullivan. Doug Luoma and Tricia DeGiulio were absent. Bob McMackin arrived at 6:45 PM. 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 Vice Chair Robert Woodill. The meeting was recorded.

AGENDA ACCEPTANCE

The Commission reviewed the proposed agenda. Mr. Saunders added a discussion regarding 64 Samuel Woodworth.

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

COMMISSION BUSINESS

Citizen Comments

None

New Business

Upcoming Meetings

Mr. Saunders reviewed the list of upcoming meetings. He will be speaking at an Earth Day panel on April 17 at the Norwell Library

Commission Updates

The Advisory Board voted to recommend the Commission's Warrant and CPC funding articles. They voted one year of funding for the dog waste stations but would like this to be added to the budget next year. Mr. McMackin added that the Select Board had no concerns about the articles.

64 Samuel Woodworth Peer Review

Mr. Saunders has received three quotes for peer review: Chessia Consulting for \$3500, PGB Engineering for \$3200 (including one follow-up review), and Merrill Engineers for \$3675 (including one follow-up review).

Mr. Hassett noted that the Chessia quote did not include a second review, which would be an additional \$2600-\$2800, and PGB is the peer reviewer for several area towns. Mr. Ivas agreed that they did a lot of work in the area.

Motion by Mr. McMackin to accept the PGB peer review proposal. Seconded by Mr. Ivas and unanimously voted by roll call: Ivas aye, Mott aye, McMackin aye, Wahl aye.

AGENT'S REPORT

An updated license for Cross Street Flower Farm is being finalized.

Violations

51 Turners

Buffer zone vegetation was removed from an area to be placed under a Conservation Restriction, but the exact timing is unclear. Mr. Saunders is meeting with the property owner, who seems open to restoration.

79 Wildcat

Mr. Saunders investigated a report of a debris pile but found no violation.

Carleton / Hemlock

Mr. Saunders found matches and lighter fluid near an unpermitted structure in the Carleton property near Hemlock. He has contacted several Hemlock residents and Police Chief Lee, and will continue to monitor the area.

145 Main St

There is an open RDA with conditions requiring the posting of conservation markers; however, a new delineation by Brad Holmes sets the wetland 300 ft further back, moving the work area out of jurisdiction. Mr. Saunders will confirm so the Commission can close out the permit.

Administrative Permits & Requests

95 Stony Brook

Mr. Saunders issued an administrative stormwater permit for the property. An additional filing is forthcoming.

17 School St

Parts of an existing driveway and retaining walls are 20 feet over the property line; property owners wish to relocate the encroaching sections onto their property with the work to be done by hand. Mr. Saunders will advise further once he receives more information.

SUB-COMMITTEE UPDATES

Farming

John Hornstra will be submitting a Farm Use Plan for the Whiting fields which will include some manure inputs.

Trails

Mr. Mott has installed a new gate to the kayak launch access road at Stetson Meadows.

This year's Trail Crew will be starting work next month.

The Hitching Post Lane walking trails have been completed by the developer.

BILLS

The following bills were presented for payment:

Christopher Sullivan	Meeting Minutes	\$200.00
National Grid	Donovan Barn	\$10.00
DB&S	Supplies	\$21.42

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Will Saunders

Mileage

\$150.00

Motion by Mr. Mott to pay the bills presented for payment. Seconded by Mr. Ivas and unanimously voted by roll call: Ivas aye, Mott aye, McMackin aye, Wahl aye.

MINUTES

The minutes of the March 5 open session were distributed.

Motion by Mr. Mott to approve the minutes of the March 5, 2024 meeting as submitted. Seconded by Mr. Ivas and unanimously voted by roll call: Ivas aye, Mott aye, McMackin aye, Wahl aye, Woodill aye.

7:00 PM

PUBLIC HEARINGS/LEGAL DOCUMENTS/VOTES

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

*Notices of Intent *Enforcements/ Violations

Commissioner McMackin read the Notices of Public Meeting.

52 Simon Hill Road / SE52-1213 & NCC# 25(21) / Oil Spill Remediation

Request for CoC Applicant: Mann & Hummel Filtration Technology / Rep: Sean Kennedy, EnviroTrac

Mr. Saunders advised that the area was fully revegetated and stabilized, with nearly 100% planting survival. There was no public comment.

Motion by Mr. Mott to issue a Certificate of Compliance for SE52-1213. Seconded by Mr. Ivas and unanimously voted by roll call: Ivas aye, Mott aye, McMackin aye, Wahl aye, Woodill aye.

14 Simon Hill Road / NCC# 6(24) / Septic System Repair

RDA / DoA Applicant: Brian & Katherine Koch / Representative: Jeff Hassett, Morse Engineering

Applicant received a positive determination for a septic replacement in the same footprint as the existing failed system in Fall of 2023; they now wish to install a stone and pipe system, with a larger leaching field, in existing lawn inside the 100 ft buffer but outside the 50. There was no public comment.

Motion by Mr. Mott to issue a pos 2b, pos 5, neg 3 Determination of Applicability with findings and conditions as noted. Seconded by Mr. McMackin and unanimously voted by roll call: Ivas aye, Mott aye, McMackin aye, Wahl aye, Woodill aye.

45 Stony Brook Lane / SE52-1247 & NCC# 9(22) / Changes to Driveway & SFH size, and retention wall Request for Minor Mod. to OoC Applicant:

Greg Webb / Rep: Greg Morse, Morse Engineering

Jeff Hassett present for Morse. The Order of Conditions SE52-1247 was issued in 2022 for the construction of a single-family home. Applicant has since revised the plans to expand the driveway, reduce the house footprint, and add a bulkhead and retaining walls in front and back. The revisions reduce the overall impervious coverage on the lot but increase the impervious surface on the driveway. Mr. Hassett added that they would be bringing in approximately 3000 cubic yards of fill in order to build up the grade around the house and allow for a gravity-based septic system.

The proposed changes were peer-reviewed by Merrill Engineers, who recommended that the silt sock be extended along the new driveway, which will be done, and requested additional construction details which have been provided.

Mr. Saunders asked Mr. Hassett whether the driveway had been expanded specifically to allow for Fire truck turnaround; this was not the case but Mr. Hassett did convey to Fire that they could use the driveway. There was no public comment.

Motion by Mr. Mott to approve a minor modification to the Order of Conditions SE52-1216. Seconded by Mr. McMackin and unanimously voted by roll call: Ivas aye, Mott aye, McMackin aye, Wahl aye, Woodill aye.

64 Simon Hill Road / SE52-1280 & NCC# 5(24) / (After-the-Fact) Removal of Trees & Replacement NoI / OoC (cont.) Applicant: Erion Musaka / Representative: NA

The new owners of the property removed several trees without Conservation permitting, including one that was dropped into a wetland. Applicant is willing to remove this tree and plant four replacements; Mr. Saunders recommends be native red maple or black willow. They would also like to remove two additional hazard trees. The matter was discussed at the previous meeting and continued due to the lack of a DEP file number which has since been received.

The project was approved with the following findings:

BVW, public and private water, groundwater, pollution prevention, water quality, Protection of Wildlife and Habitat, flood control, sediment and erosion control, storm damage prevention, public safety

The project was approved with the following special conditions:

Posting of conservation markers along edge of lawn

Stumps to be ground flush to the ground

Motion by Mr. Mott to issue Orders of Conditions with findings and special conditions as noted. Seconded by Mr. Ivas and unanimously voted by roll call: Ivas aye, Mott aye, McMackin aye, Wahl aye, Woodill aye.

17 Arrowhead Drive / SE52-1281 & NCC# 7(24) / Mitigation for (After-the-Fact) wetlands disturbance NoI / OoC App: Paul Hu & Vicky Wei Ye / Rep: Brendan Sullivan, Merrill Engineering

As part of restoration for unpermitted cutting in salt marsh and buffer zone, applicant is proposing to remove stacked logs, woodchips, and stumps in the buffer, and seed the area with Conservation seed mix. They also wish to do some vista pruning, with at least 90% of the existing canopy to remain. Ms. Ye advised that they had had multiple insurance claims due to hazard trees since purchasing the property.

The Commissioners discussed the proposal to remove the fallen trees from the buffer, with Mr. Ivas suggesting that biomass belonged in the buffer zone. Mr. Saunders agreed that 1-2 fallen trees can provide habitat but the big pile presently there would hinder undergrowth. Mr. Mott questioned whether a large pile would present a fire hazard. Mr. Woodill was okay with leaving some but not all of the pile. Mr. Sullivan agreed to work with Mr. Saunders to tag the branches to be trimmed and log(s) to be removed.

The project was approved with the following findings:

BVW, Salt Marsh, restoration, buffer protection, public and private water, groundwater, pollution prevention, water quality, Protection of Wildlife and Habitat, flood control, sediment and erosion control, storm damage prevention, public safety

The project was approved with the following special conditions:

Posting of conservation markers along edge of lawn

The project was approved with the following perpetuity clauses:

Maintenance of current scenic vista

Approval of vista pruning in the field

Tagging of downed trees inside the 50 to be removed in the field

Motion by Mr. McMackin to issue Orders of Conditions with findings, special conditions, and perpetuity clauses as noted. Seconded by Mr. Mott and approved 4-1-0 by roll call: Ivas no, Mott aye, McMackin aye, Wahl aye, Woodill aye.

95 Stony Brook Lane, (Lot 62) / SE52-1284 & NCC# 8(24) / Construction of Single-Family Home w/ Appurtenances NoI / OoC Applicant: Mike O'Connor / Representative: N/A

Orders for conditions for a SFH were previously issued in 2018 and 2009 but both permits expired due to ongoing legal proceedings. The new filing reduces the proposed home size from 2990 to 1950 sq ft, as wetlands in the area are expanding possibly due to tidal action. Applicants must fill in a section of wetland to construct the driveway and are proposing 2 for 1 wetland replication on site. Mr. Ivas objected to the replication area being in buffer zone as being a net loss of resource area, but Mr. Woodill noted that the replication area would eventually expand the buffer zone.

Mr. Saunders advised that a full restoration plan would be needed, with soil, planting, and sequencing details, and that the fill could require a 401 Water Quality Certification.

The project was approved with the following findings:

BVW, public and private water, groundwater, pollution prevention, water quality, Protection of Wildlife and Habitat, flood control, sediment and erosion control, storm damage prevention, public safety

The project was approved with the following special conditions:

Conservation markers along driveway, 50 foot buffer

Restoration Plan to be approved by agent

The project was approved with the following perpetuity clauses:

Maximum use of property notation

Driveway to remain pervious

Motion by Mr. Mott to issue Orders of Conditions with findings and special conditions as noted. Seconded by Mr. McMackin and approved 4-1-0 by roll call: Ivas no, Mott aye, McMackin aye, Wahl aye, Woodill aye.

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310 & 322 Main Street / SE52-1282 & NCC# 9(24) / (After-the-Fact) Sewer Line Connection
NoI / OoC Applicant: Shane Gokey, Norwell Highway Dept. / Rep: Amy Ball, Horsley Witten

Mr. Saunders briefly recapped the history of the sewer connection. A 2017 Town Meeting article had allocated funding to replace the previous failing septic system. The Highway Department's consultant prepared two options for the new sewer line, one through the wetland to an older leaching field. Health Agent Brian Flynn advised Highways Commissioner Glenn Ferguson that the Board of Health and Conservation Commission were unlikely to approve a sewer line through the wetland. Highways' contract for the septic work in 2018 included permitting, inspections, and as-builts, but the line was built through the wetland, without permitting, by a septic company with no engineer oversight or inspections.

Mr. Saunders indicated that the system as installed violated the Wetlands Protection Act, Chapter 131 Section 40, Title 5, and the town bylaws. The Commission will have to consider whether the system meets "maximum feasible compliance" as installed, meaning there are no other feasible designs for the system. Horsley Witten provided an updated narrative this afternoon arguing that the system was installed in the shortest route to the leaching field, the wetland was already degraded, and the overall disturbance was less than if the pipe had been routed around the wetland.

Mr. Ivas commented that he did not find HW's analysis convincing; Mr. Mott added that he would never have approved the system as it was installed. Ms. Ball stated they were hoping to "do the right thing that makes the most sense" and suggested an onsite meeting to discuss options.

Mr. Saunders recommended hiring Art Allen for environmental peer review, at \$2350, and Chessia Consulting, at \$2500, for engineering peer review. The matter was continued pending completion of the peer reviews.

Motion by Mr. Ivas to approve the hiring of Art Allen for peer review using Professional Services funds. Seconded by Mr. McMackin and unanimously voted by roll call: Ivas aye, Mott aye, McMackin aye, Wahl aye, Woodill aye.

Motion by Mr. Mott to approve the hiring of Chessia Consulting for peer review using Professional Services funds. Seconded by Mr. Ivas and unanimously voted by roll call: Ivas aye, Mott aye, McMackin aye, Wahl aye, Woodill aye.

Motion by Mr. Mott to continue the matter to April 16, 2024 at 7:00 PM. Seconded by Mr. Ivas and unanimously voted by roll call: Ivas aye, Mott aye, McMackin aye, Wahl aye, Woodill aye.

<i>Next Meeting</i>	<i>April 2, 2024</i>
<i>NEW filing applications due date/deadline</i>	<i>March 19, 2024 @ noon</i>
<i>Legal Notice publication date-Norwell Mariner</i>	<i>March 27, 2024</i>
<i>Revised Information submittal deadline</i>	<i>March 26, 2024 @ noon</i>
<i>Peer Review Supplemental Info Deadline, CoC Requests, Minor Modification & LP Requests</i>	<i>March 26, 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 8:04 PM. Seconded by Mr. Ivas and unanimously voted.

I hereby certify that the above minutes were presented and approved by a majority vote of the Norwell Conservation Commission on April 2, 2024.



Bob Woodill, Vice Chair

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