

**NORWELL CONSERVATION COMMISSION**

345 Main Street / Norwell, MA

December 6, 2016 @ 7:00 PM - Room 112

**Minutes**

**Present:** Marynel Wahl, Chair, Dave Osborne, Ron Mott, Bob Woodill, Bob McMackin, Justin Ivas, Agent Nancy Hemingway, and Recording Clerk C. Sullivan

**Absent:** Stacy Minihane

**CALL TO ORDER**

The meeting was called to order at 7:00 pm by Chair Marynel Wahl and was recorded.

**AGENDA ACCEPTANCE**

*Motion made by Mr. Woodill, seconded by Mr. Mott, to approve the agenda as written. Unanimously voted.*

**COMMISSION BUSINESS**

**Old (cont.):**

**Meeting Minutes**

Harrow & Barstow CRs

Ms. Hemingway gave an update regarding these conservation restrictions and noted that Ms. Minihane had made some edits. The Commission discussed some of the specific provisions, including the addition of language to the Barstow CR that the farm field is subject to the squaring of fields and maintenance of field edges and a lack of language in the Harrow CR regarding the preservation of vernal pools.

Ms. Wahl expressed concern that there were too many things the town would have to go back and ask the Grantor for permission to do with regards to forest management. Ms. Hemingway thinks the restrictive language in the CRs applies to larger-scale timber harvesting and not the cutting of a few trees. She offered to ask Wildlands Trust for a list of maintenance activities allowed to the town "by right" that would not require prior approval.

The Commission also discussed the "Extinguishment A & B" provision (please refer to the draft from Atty Galvin for specific language). Ms. Hemingway characterized this as an extra measure to ensure the properties stay on a CR, whereby Wildlands would get reimbursement for legal costs and a small additional sum if the CRs were removed.

After further discussion, Ms. Hemingway suggested that the Commission read through the CRs and get back to her with any additional changes. She will forward requested changes to Scott McFadden and Attorney Galvin.

*Motion made by Mr. Woodill, seconded by Mr. Ivas, to continue the matter until December 20, 2016. Unanimously voted.*

Project Management Guidelines

NH circulated a draft Conservation Project Manager Guidelines that incorporated the prior suggestions from the commission. The Commission discussed possible further simplification.

*Motion made by Mr. Woodill, seconded by Mr. Osborne, to continue the discussion to December 20, 2016. Unanimously voted.*

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Jacob's Pond - Solitude Lake Management final report and new proposal

Ms. Hemingway discussed the pending final report and bill from Solitude Lake Management with the Commission. While there was a completion of treatment date which was met, there was no specific deadline for the final report. The Commission discussed the addition of a final report deadline in future contracts.

*Motion made by Mr. Woodill, seconded by Mr. Mott, to pay the remaining balance of \$2650.00 for 2014 Jacobs Pond treatments. Unanimously voted.*

The estimate for the 2017 Jacobs Pond treatment plan through Solitude Lake Management is for 5574.00. There will \$4510.00 remaining in the Jacobs Pond Gift Account after paying for the 2014 treatments. The Commission discussed funding alternatives for the remaining \$1000.00 to fund the contract and stay on top of pond maintenance.

*Motion made by Mr. Mott, seconded by Mr. Osborne, to proceed with the proposed 2017 Jacobs Pond treatment plan for \$5574, using \$4510 from the Jacobs Pond Gift Account and the remaining balance from the general fund. Unanimously voted.*

**New:**

Forest Cutting submittal by Rodriguez for Mt. Blue St block 5 lot 17

The forest cutting plan has been resubmitted to Joe Perry. The Agent is reviewing the record, and is in communication with Bob Galvin and Joe Perry. A site visit or office meeting will be held w Joe Perry, TTBD. The delineation required by the appeal process has not yet been conducted.

Mr. Osborne asked if Mr. Shute had been contacted to verify that his permission to allow access through his property was still valid.

**SUB-COMMITTEE UPDATES**

**Meeting Minutes**

Open Space & Recreation

- o Ms. Wahl noted that the Commission needs to start thinking about renewing the Open Space and Recreation Plan for 2020.

Land Protection

Pathways

- o Mr. Woodill reported that the Bennett property is progressing, and that there has been no change on the River Street preserve; the next meeting is tomorrow night.
- o Mr. McMackin gave an update regarding the proposal to link Norwell Conservation and Water Department land to Wompatuck State Park. The sense is that the idea is worth pursuing further but it will be a long-term process. Another meeting will be scheduled for January.

Trail/Signage

- o Mr. Woodill circulated final proofs for the trail maps and reported that kiosks for the maps will be up within two weeks.

CPC

- o Mr. Osborne reported that this subcommittee's annual public meeting has been rescheduled to 12/15. The Forest Street project and Reynolds playground are on the agenda.

Farming

- o The Commission discussed the pending 2017 Farm Plan Proposals. They also discussed scheduling of Hornstra and Norwell Farms hearings at upcoming meetings.

Grants

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Zoning Bylaw

- o Mr. Woodill reported that the Zoning Bylaw subcommittee met with the Planning Board. The Board suggested that the subcommittee submit aspects of a suggested OSRD, specifying a suggested method of clearing land for houses and how they envision what the green space would be on an OSRD. Goals noted were; Eliminate Clearcutting; Preserve Greenspace continuity; and prohibit use of the 50 foot Norwell Wetland Bylaw resource buffer as upland in OSRD and Subdivision design. This discussion will be continued.

**MISCELLANEOUS**

**1. Bills**

- i. \$250.00 – Brad Holmes - 501 Mt. Blue St monitoring fall 2016
- ii. \$472.00 – Chessia – 111 Pond St Peer Review October 2016
- iii. \$30.69 – WB Mason – misc office supplies
- iv. \$50.65 – Reimburse N. Hemingway – misc office supplies USB, specialty paper, etc. Office Max/Depot
- v. \$13.49 – Norwell Hardware – Contractor bags
- vi. \$220.00 – EcoTec – Damon Farms Peer review VP October 2016
- vii. THS - \$2750.00 – wood fencing/rail at Jacobs
- viii. THS -\$3600.00 – wood fencing/rail at Donovan
- ix. Anticipate final bill for crusher run at Jacobs as well before Tuesday’s meeting.

Mr. Osborne would like more information regarding the THS fencing bills before they are paid. *Motion by Mr. Mott, seconded by Mr. Woodill, to pay the first six listed bills. Unanimously voted*

Bills vii, viii and ix are tabled to the December 20<sup>th</sup> meeting.

**2. Minutes (Sept 6 and 20, Oct 4 and 18, and Nov 1 and 15)**

Tabled. Ms. Hemingway will email out these minutes for the Commission’s review.

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

**111 Pond Street / SE52-1101 & NCC# 26(16) / Drainage Improvements to Rain Gardens**  
**NoI / OoC (cont.)** Applicant: Marc Champagne, Not Your Avg. Joe’s / Rep: Kevin Grady

**Meeting Minutes**

Mr. Woodill read the notice of public meeting. Marc Champagne and Dennis Maher were present for Not Your Average Joe’s.

Mr. Grady gave the Board a recap of the plan and Ms. Hemingway circulated a copy of Chessia Consulting’s comments. Mr. Grady met with Chessia and modified the plan to cut pavement along the edges of the lot and eliminate the Cape Cod berm. Ms. Hemingway recommended reducing the peer reviews requirements to only before, during, and after construction. Ms. Wahl additionally requested the addition of signage that the parking lot is in a no-salt and no-snowplowing zone.

The Agent recommended approval and issuance of the OoC using the long form as work is within drinking water supply tributary, (with perpetual conditions requiring yearly maintenance, peer oversight during construction to ensure maximum treatment and capacity, installation of conservation bounds as well as no trash dumping signs at the edge of the parking area/top of basin).

Motion made by Mr. Woodill, seconded by Mr. Ivas, to approve and issue the OoC using the long form, with conditions noted including peer review before, during, and after construction and the inclusion of a clear statement of reason that this project is allowed as a correction rather than a new project or new construction. Unanimously voted.

**63 Harbor Lane / SE52-1104 & NCC# 30(16) / (After-the-Fact) Lawn Restoration**  
(ATF)NoI / OoC (cont.) Applicant: Greg Webb / Representative: Greg Morse, Morse Eng.

**Meeting Minutes**

Mr. Woodill read the notice of public meeting. Mr. Jeff Hassett (for Gregg Morse), Greg Webb (Mr. Webb), and Curtis Webb were present for the applicant. Mr. Morse recapped the request for the Commission.

Ms. Hemingway stated that, during a previous site visit, Ms. Minihane requested a delineation showing the extent of wetland soils and vegetation coming through the rocks in the driveway and that this had not been provided. Mr. Mott noted that he had observed marsh grass coming up through the stone during his site visit.

Mr. Morse stated that his research does not indicate the existence of a wetland strip, and provided old photos he said showed boats on the marsh. Mr. Webb stated he had done quite a bit to clean up the property, and thought he could always keep the boat behind his house. He stated there has always been grass growing up through the stone and he just tries to maintain it the way that he has. Ms. Hemingway noted that it was not grass growing but upper salt marsh cord grass.

The Commission examined a variety of aerial photos from 1979, 2005, 2008, 2010, and 2012 of the property to try to determine the presence and extent of the fill and any evidence of expansion. The Commission concluded that the only way to determine this was to do a peer review to examine the soil and date the fill. The 2005 GIS aerial limits of dirt area and extent of grass was the primary evidence discussed in relation to clear unpermitted expansion in 2008 and 2010. Ms. Hemingway recommended that the applicant either pull back the stone fill to the 2005 extent or send the matter to peer review. The Commission discussed the options with the applicant asking if he had a preference.

After further discussion, Mr. Webb stated that he was not in favor the cost of peer review to evaluate the edge of fill and agreed to pull the stone back. He noted that he needed enough room to fit his boat 6' wide by 42' long. Mr. Webb stated that he had tried to plant various plants in the area and nothing would grow. ?? noted that was likely due to tidal inundation. Mr. Osborne noted that was probably not a good admission to make to the Commission.

A site visit is scheduled with Mr. Morse, Mr. Webb, Ms Wahl, Mr. Osborne, Mr. McMackin, and Mr. Mott on Saturday, December 10 at 9:30 AM to examine the area in question, to review the extent of stone proposed to remain and to review the extent and location of the mulch beds and the lawn area being seeded and irrigated.

Motion made by Mr. Woodill, seconded by Mr. Mott, to continue the matter to December 20, 2016 at 8 PM. Unanimously voted.

Refer also to the Agents Notes submitted to the Commission for the meeting.

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**Norwell Conservation Comm. – Regulatory Review & Amendment Hearing (cont.)**

No new information or recommendations had been submitted by Commissioners. Mr. Osborne recommended that the Commission read through the existing regulations see what they want to discard. The Commission will meet to do this in January.

*Motion by Mr. Woodill, seconded by Mr. Mott, to continue the matter to December 20, 2016. Unanimously voted.*

**ADMINISTRATIVE REQUESTS**

**Agent Notes**

- 49 Green Street – tabled to Dec 20 meeting.
- 238 River St – N. Hemingway will review the request with Chair Marynel Wahl

**VIOLATION DISCUSSIONS**

- None

**ENFORCEMENT HEARINGS**

- None

**AGENTS REPORT**

- 427 Main Street OSRD filing The OSRD filing has been submitted to the Planning Board. Comments from the Commission are due by Dec 27<sup>th</sup>. Initial review shows 9 lots where the preliminary had 6. There are no details regarding the crossings, type of crossing, connectivity of resource areas, direction of flows in and from resource areas, the intermittent stream/ditch or its influence on or connection to the BVW downgradient. Replication areas do not appear to be placed.

**Meeting Minutes**

The Agent distributed copies of the OSRD filing. The Commission will review the filing and discuss the project on 12/20. A letter to the Planning Board will follow.

- An ANRAD filing for the Lizzotte parcels on Stetson Road has been filed for the 12/20 meeting. The applicant has preapproved going to peer review for the delineation. I have requested an estimate from Art Allen in preparation. As the drought is still declared and much of the delineation was conducted during extremely dry conditions, I recommend going with the applicants request right to peer review. With the Commission’s approval and a voluntary early deposit from the applicant, I would request a vote to allow the peer review to be started prior to the 12/20 meeting.

**Meeting Minutes**

Ms. Hemingway has obtained a peer review quote from Art Allen; she suggested that they ask for \$5000 from applicant.

*Motion by Mr. Osborne, seconded by Mr. Woodill, that the Commission ask Art Allen to set the fee deposit at \$5000 for the peer review at 101, 111, and 169 Stetson Road. Unanimously voted.*

- **Meeting scheduled** the site visit of the Kopacz property will occur on Saturday, December 10 at 10 AM. Members of the planning board (and ConCom) should enter the site on 292 Cross Street and head to the large barn. The pre-OSRD process for the Kopacz Cranberry Bog property is starting. No documents have been filed with ConCom but we are monitoring the process with Planning. At the same time the Chap 61-Agriculture exemption was extended for the properties.

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- FY 18 Budgets are due Dec 23<sup>rd</sup>. We are being asked to level fund all budgets. I will have a draft initial budget based on this FY 17 in your packets.

**Meeting Minutes**

Ms. Hemingway has prepared a level-funded 2018 budget. Copies are in the Commission packets. Discussion will occur on 12/20.

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


Please refer to the full Agents Notes for detailed information

**Adjournment**

Mr. Ivas left the meeting at 9:25 PM.

*Motion made by Mr. Woodill, seconded by Mr. McMackin, to adjourn at 10 PM. Unanimously voted.*

I hereby certify that the above minutes were presented and voted by a majority vote by the Norwell Conservation Commission.

  
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Marynel Wahl, Chairperson

12-20-2016  
Date

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111 Pond Street / Marc Champagne, "Not Your Avg. Joe's" Restaurant  
 SE521101 / NCC# 26(16)  
 NoI / Drainage Improvements to Existing Raingardens  
 Documents/Plans Listing

DOCUMENTS / PLANS	Author	Date Signed	Date Received by Office	Notes
<b>Documents:</b>				
Notice of Intent Application (including Narrative, Abutter green cards & 21-Day Waiver Form)	Kevin Grady, Grady Consulting	7/28/16	8/1/16	
DEP / Notification of WPA File #	DEP	Emailed 8/9/16	8/9/16	
Legal Notice to Patriot Ledger	(Internal)	Emailed 8/24/16	Published in Pat. Ledger on 8/29/16	
Public Hearing Sign-in Sheets (9/20/16, 10/4/16, 10/18/16, 11/1/16, 11/15/16 & 12/6/16)	(Internal)	Misc. Meetings	N/A	
Proposal for Prof. Eng. Services	John Chessia,	12/1/16	12/1/16	
Applicant response to Chessia comments	Kevin Grady, Grady Consulting	10/20/16	10/20/16	
Supp. NoI Review (of drainage improvements & remediation)	John Chessia	11/22/16	11/22/16	
Order of Conditions (SE52-1101 & NCC# 26(16))	NCC & N. Hemingway, Agent	12/6/16	N/A	
Misc. Locus, GIS & Flood maps, etc. (July 2016)	Kevin Grady, Grady Consulting	N/A	8/1/16	
<b>Emails:</b>				
Misc. Email Correspondence	Aug. 2016 – Dec. 2016	Misc.	Misc.	
<b>Plans:</b>				
Site Plan / #111 Pond Street / Norwell, MA	Kevin Grady, Grady Consulting	7/26/16 (Rev. 10/31/16)	(Rev.) rec'd 11/7/16	

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<b><u>Checks Rec'd:</u></b>				
\$ 750.00 (Ck. # 1131) – Bylaw Fee	Grady Consulting	N/A	8/1/16	
\$387.50 (Ck. #1132) – WPA Fee	Grady Consulting	N/A	8/1/16	
\$500.00 (Ck. #1252) – Review Fee	Grady Consulint	N/A	8/24/16	

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63 Harbor Lane / Greg Webb  
 SE52-1104 / NCC# 30(16)  
 After-the-Fact NOI / Lawn Restoration  
 Documents/Plans Listing

DOCUMENTS / PLANS	Author	Date Signed	Date Received by Office	Notes
<b>Documents:</b>				
(After-the-Fact) Notice of Intent Application	Greg Morse, Morse Eng.	8/28/16	8/30/16	
Legal Notice to Patriot Ledger	Internal	Emailed 9/8/16	Published in P. Ledger 9/13/16	
DEP / Notification of WPA File # (SE52-1104)	DEP	Emailed 9/8/16	9/8/16	
Misc. USGS Locus, GIS maps, FEMA, NHESP, Photos, etc.	Misc.	Misc.	Misc.	
Public Hearing Sign-in Sheets (9/20/16 – 1/17/16)	(Internal)	Sept – Jan. 2017	N/A	
Additional Info. supplied re: NOI (MassGIS, 1979 Photos)	Greg Morse, Morse Eng.	11/1/16	11/15/16	
<b>Emails:</b>				
Misc. Email Correspondence	8/2016 – 1/2017	Misc.	Misc.	
<b>Plans:</b>				
(Figure 4 of Application): Proposed Restorations / 63 Harbor Ln / Norwell	Greg Morse, Morse Eng.	8/29/16	8/30/16	
Plan to Accompany Notice of Intent / 63 Harbor Lane / Norwell, MA	Jeff Hassett, Morse Eng.	Rev. 12/20/16	12/20/16	

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<b>Checks Rec'd:</b>				
\$110.00 (Ck. #3630) \$110.00 (Ck. #3635) \$95.00 (Ck. # 3631)	Morse Eng.	8/29/16	8/30/16	
<b>**DOUBLE FEES FOR AFTER - THE-FACT **</b>				

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