

**NORWELL CONSERVATION COMMISSION**

**Town Hall, 345 Main Street, Norwell MA**

**December 1, 2015 @ 7:00 PM - Room 112**

**Minutes – Regular Session**

**CALL TO ORDER** – M. Wahl called the meeting to order at 7:00 PM and notified the audience that the meeting was being recorded.

Present: Commissioners - M. Wahl, R. Woodill, D. Osborne, L. Hillstrand, B. Humphrey, R. Mott, S. Minihane and Agent - N. Hemingway.

**AGENDA ACCEPTANCE** Motion to approve the agenda as written by B. Humphrey, 2 – R. Mott, Vote – In favor, all (7) none opposed/abstaining.

**Main Street (Rt. 123) / SE52-1085 & NCC# 18(15) / Road Improvements (review of potential wetland impacts from sidewalk/pathwalk, paving and intersection improvements) NoI/OoC (cont.)** Applicant: Paul Foulsham, Hwy. Dept. / Representative: Ziad Kary, Environmental Partners.

D. Osborne and B. Humphrey recused themselves.

The peer review was underway and not completed in time for Dec 1. A request to continue the hearing to the next meeting on Dec 15 was submitted by the applicant.

Motion to continue the hearing to December 15, 2015, at 7:00 PM by R. Woodill, 2 – R. Mott, Vote – In favor, all (5) (MW, RW, LH, RM, SM) none opposed/abstaining.

**COMMISSION BUSINESS  
SCHEDULED DISCUSSION**

Farm Plan Reviews

- Meeting w/ Alison Demong re: updated Management and Use Plan for Jacobs Farm.
  - A. Demong requested and discussed clarification of management areas under the care of the Commission. Issues discussed briefly were stone wall clearing in lieu of rent; communication w other stake holders (historical, farmers, HNE; whether the Commission reviewed farm activities yearly or throughout the year, the historic difficulty getting farmers to mow and use the fields.
  - B. Humphrey noted that Norwell Farms and the push toward organic farming had increased the value of the farm and land.
  - It was noted that farming practices across all fields had improved recently.
  - M. Molla added that keeping the stone walls in good condition was in the deed/contract.
- Individual farm field reviews are scheduled to start on the 12/15 meeting.
- Requests for field use proposals have been sent out.

Budget FY 17 Work session

- Copies of the draft budget, level funded were reviewed. The budget is due on 12/10.
- Motion to accept the budget as written, level funded, by R. Mott.
- 2- S. Minihane, Vote – all in favor, none opposed/abstaining, motion passes.

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Fogg Forest – Management of the Rose of Sharon area, discussion

- The Commission discussed the recent clearing of overgrown areas within Fogg Field including the Rose of Sharon patch planted by the Beautification Committee.
- Please refer to the agents notes for a complete summary.
- After some discussion regarding the field, past permitted uses, the demonstrated intent of the donor in the record the Commission voted to send a letter to Beautification offering a 3 year rolling license for use of the Stetson Field. They also invited the Beatification Committee to attend an upcoming meeting to discuss the use of Commission managed fields.
- D. Osborne will meet at Fogg Field w/ N. Hemingway and the former Tree Warden, W. Osborne, who oversaw the original plantings to evaluate the status of the field restoration and to decide what additional clearing was needed if any.
- M – D. Osborne, 2 S. Minihane, V- all in favor, none abstaining/opposed.

Cuffee Lane – authorization to survey and document the property line along the historic lane.

- The Commission discussed recent work started on the fourth lot of what had been 122 Mt. Blue Street. The original purchase called for ownership of the stone wall and ownership or easement beyond the stone wall to protect the historic lane/wall.
- The issue of ownership vs easement over the property line was discussed as well as notification of a potential property line dispute. It was decided w/ Atty Galvin that the property line was the stone wall and the easement went into the private lot. The easement was still owned by lot 4, so no actual dispute may exist.
- Atty Galvin present for other reasons said he thought he had a copy of the site plan created by the ANR. The Commission is interested in knowing if property boundary markers were placed.
- A copy of the deed and plan is needed for reference.
- It was believed that Cavanaro conducted the survey, they will be contacted for additional information.

Endorsement of Deed for 170 Pleasant Street (Lots 3 & 4) & Bennet/Grove

- Pending for both properties.
- Taxes – Bennett, Closing and FY 16 NCC responsibility accepted with donation – NCC – discussed – Landowner needs tax write off, that is part of the benefit of donation. Town should not be penalizing landowners for donation of land.
- Atty Galvin stopped in from a discussion with Town Leaders and noted that the donations were moving toward closure and should be done by the end of the year. The title survey and deed are pending.

**SUB-COMMITTEE UPDATES**

- Open Space & Recreation
- Land Protection
- Pathways –met w/ Water Commissioners re the Simon Hill Pathway. A joint meeting with the Water Commissioners will be scheduled before any plans are considered or approved.
- Trail/Signage
- CPC
- Farming
- Grants – Farm Bureau Grant is available, N. Hemingway is to look into feasibility and possible uses.

**MISCELLANEOUS**

1. Bills

- a. Trail work, Dave Merrifield \$162, Ed Cox \$315, M. Mederos - \$79

Motion to pay the bills R. Mott, 2 – R. Woodill, Vote – all in favor, none opposed/abstaining.

2. Minutes Nov 3 and 17 will be ready for the 12/15 meeting.

**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

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**235 Bowker Street / SE52-xxxx & NCC# 27(15) / Addition**

**NoI / OoC (cont.)** Applicant: Gerry O'Neill / Representative: N/A

- DEP has not yet listed the project file. The applicant is working with DEP to find out what is missing.
- Motion to continue the hearing to Dec 15, @ 8:00 PM by B. Humphrey, 2- R. Mott, vote – all in favor, none opposed/abstaining

**121 Central Street / SE52-999 & NCC# 12(12) / Pool & Landscaping**

**Ext. to OoC** Applicant: John & Patricia Spinale (OoC issued to Liuzzi) / Representative: N/A

- The Commission reviewed the request summarized by the agent, no outstanding issues.
- Motion to approve a 2 year extension by B. Humphrey. 2 – R. Mott, vote – all in favor, none opposed/abstaining.

**292 Cross Street / SE52-131 / Construction of Cranberry Bogs**

**CoC** Applicant: John Kopacz, Webster Cranberry / Rep: Kim Burlingame, Nover-Armstrong

- A site visit was taken w/ John Kopacz on 11/30. The file was for creation of a 4 acre bog. The bog as it exists is approximately 3 acres and contains an expansion from squaring off per OoC DEP 52-937.
- This file started as a violation when Kopacz filled bog 3 and was squaring off bog 5 with equivalent sq ft. (Bog 5 and the general area were originally wetland not upland) NCC filed enforcement action and DEP agreed that the work was not maintenance of land in agricultural use, but an expansion. Kopacz filed an ENF and water quality certification along with an NoI and eventually obtained the permits to expand and square off bog 5. The COC issued for 52-937 would encompass all previous work, including the original bog 5 creation subject of OoC 52-131, from wetland by previous owners.

- Motion for a finding of complete compliance for DEP 52-131 for the original bog creation from a wetland by D. Osborne,  
2 – R. Mott, vote – all in favor, none opposed/abstaining.

**10 Arrowhead Drive / SE52-1076 & NCC# 1(15) / Pool**

CoC Applicant: Timothy & Tara Madden / Representative: J. Lowell Associates

- The pool and patio is constructed as approved and stable with greater than 75% vegetation established throughout the lawn
- The planting bed (located between the 50-100 ft. buffer inside the pool fence) was not constructed, the landowner is asking for closure without it.
- The erosion control is scheduled to be removed but has not yet been. The conservation bounds still need to be installed at the 50 foot buffer.
- Motion to continue to 12/15 to allow completion of bounds and removal of erosion control by R. Woodill.  
2 – L. Hillstrand, vote – all in favor, none opposed/abstaining.

**145 Main Street / NCC# 28(15) / Fill, Construction of Retaining wall & Stone patio**

After-the-Fact RDA / DoA (cont.) Applicant: Mark O'Neill / Representative: N/A

- No new information has been submitted.
- The applicant did not show.
- The Commission authorize one last warning with all information to be submitted as applicant said he would do, w/in 1 week, by 12/10/15 or fining is to resume at \$100/day not-retractable.

**Wildcat Subdivision** re: site stormwater issues, compliance with the issued OoC and measures being utilized to bring/keep the site in compliance

- John Chessia submitted the bullet list to the Wildcat proponents. Much of the work has been done or is in progress. A summary check list of complete items and a schedule for completion of the rest is to be submitted by Steve Ivas and Deb Keller.
- Motion to continue the review to 12/15/15 to allow completion of the remaining items by R. Mott.  
2 – R. Woodill, vote – all in favor, none opposed/abstaining.

**ENFORCEMENT HEARINGS - Curtis Farm Rd (PKA: Barrell Lane Subdivision):**

NoI required for site-wide stormwater review due to impacts to resource areas.

- S. Minihane recused herself.
- Submittal pending. Deb Keller has been submitting pre and post storm reports in the meantime. The site soils have remained in control. The level of water into the permanent basin has been significant the past 2 storms.
- Toll Bros/ and McKenzie have submitted an updated sediment and erosion control plan showing all existing basins and controls. A stormwater report from LEC is pending.
- Motion to continue to 12/15/15 pending submittal of the report by D. Osborne.  
2 – R. Mott, vote – 6 in favor (MW, DO, LH, BH, RW, RM), none opposed/abstaining.

**VIOLATION UPDATES**

- A contractor had thought they found a new disposal site for project waste on town property opposite the Main St farm field and within 30 feet of a wetland. They did not realize how public it was or that a Commissioner lives across the street. There has been no migration of soil. After warning to the violator, the dump pile was removed.

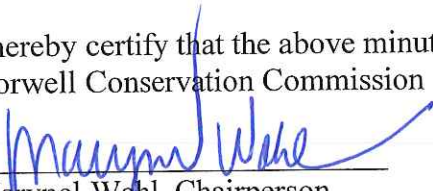
**AGENTS REPORT**

- Damon Farms – The applicant has submitted a response to the Commission statement to DEP regarding the request for a minor amendment. They essential agree that the issues exist and state that they are controlling the invasives and that provisions for defining the 10’ buffer zone and protecting it from encroachment are already built into the existing order. They state that adding additional conditions regarding plantings and control over chemical use exceed the scope of a minor modification request.
- Barbara Childs has identified Ellen McKenna as an already approved candidate for recording clerk. Ellen has contacted the office and expressed interest.
  - The Commission discussed the applicant, the potential for a conflict of interest between other boards/committees. After discussion it was agreed to offer a 3 month trail then finalize if both parties are in agreement.
  - Motion by R. Woodill, 2- D. Osborne, vote – all in favor, none opposed/abstained
- Please refer to the agents notes for a complete list of items reviewed.

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

**Executive session was held (Motion by D. Osborne - polled in by unanimous vote) at 8:35, and the Commission polled out of and adjourned from that session at 9:22 by unanimous vote.**

I hereby certify that the above minutes were presented and voted by a majority vote by the Norwell Conservation Commission on January 5, 2016.

  
Marynel Wahl, Chairperson

**The next meeting is scheduled for Dec 15, 2015**

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(Minutes prepared by Nancy Hemingway, Agent)

