NORWELL CONSERVATION COMMISSION

Town Hall, 345 Main Street, Norwell MA

September 15, 2015 @ 7:00 PM - Room 112

**Final MINUTES**

**ATTENDANCE:** Marynel Wahl, Bruce Humphrey, Ron Mott, David Osborne, Bob Woodill and Lori Hillstrand.

**Absent:** Stacy Minihane

**Conservation Agent:** Nancy Hemingway

# 7:00PM: CALL TO ORDER

# Chairperson, Marynel Wahl, welcomed all in attendance. She noted that the meeting was being recorded for purpose of creating minutes.

# AGENDA ACCEPTANCE

**Additions**: Nancy Hemingway added discussions on Chittenden Landing and the Army Corp of Engineers.

**Motion**: Bruce Humphrey moved to accept the agenda with changes.

**Second**: Ron Mott **In Favor**: All

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

**Discussion**: Nancy Hemingway stated that the applicant requested a continuation to the October 6, 2015 meeting.

**Motion**: Ron Mott moved to continue Main Street (Rt. 123) to 10/6/15.

**Second**: Bob Woodill **In Favor**: Ron Mott, Lori Hillstrand

 **Abstention**: David Osborne, Bruce Humphrey

**COMMISSION BUSINESS**

# SCHEDULED DISCUSSIONS

* **CPC Grants** – Ron Mott mentioned that there are parking areas in need of repair.

Marynel Wahl suggested a money request for designing a conceptual plan for Masthead.

Ron Mott will handle paperwork on a slight enlargement of the lot at Circuit Street and enforcement of non-parking areas. Bob Woodill will handle the paperwork for entry paving/ stabilizing and paving the lot at Jacobs Pond area. Nancy Hemingway will work on the grants to request monies from CPC for three projects, land on Grove/Prospect, Masthead and Donovan Parking.

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Titles on approximately 200 acres of land are being worked on by Town Counsel. Possibility of different counsel for the Commission was discussed. A discussion with the Town Administrator was suggested.

Marynel Wahl suggested extending an invitation to Peter Moran to discuss action items at the meeting of 10/20/15). Nancy Hemingway will draft a business agenda for discussion (CR’s and land titles for 200 acres) with Peter Moran (Town Administrator).

**Standard Permit Forms Review** – the Order of Conditions was updated by Nancy Hemingway with respect to clean fill. DEP said that their definition of clean fill includes recycled, processed asphalt. All paperwork will be updated.

The past meeting minutes, of the hearing with Steve Bjorklund, were read by Debra Kruk / Town Transcription. Bob Woodill said that a motion was made asking Mr. Bjorklund to comply with the OOC. So, Mr. Bjorklund will not be required to remove the fill used.

* **Re-Organization: Sub-Committee Appointments** – tabled to next meeting.
* **Electronic File Sharing/Viewing (paperless options)** – Keep and Share will be deleted and credit card removed. Nancy Hemingway always has hard copies of these files. Future emails will be sent as PDF’s with agenda and agent’s notes. A link (One Note) can be sent to the members containing any additional information for review. Marynel Wahl will work with Nancy Hemingway to set up and execute this link.

**SUB-COMMITTEE UPDATES**

* Open Space & Recreation
* Land Protection
* **Pathways** – They will meet with the Selectmen tomorrow to discuss the Forest Street pathway.
* Trail/Signage
* CPC
* Farming
* Grants
* **Zoning Bylaw Update** – Bruce Humphrey said that there was one meeting and specific items on the zoning code may pertain to the Conservation Commission. This would eliminate types of developments such as what was done on Wildcat. They would be dropping the Open Space requirement as an “overlay”. There was also a discussion for elderly housing.

David Osborne suggested, from a conservation standpoint, having a specific percentage of buildable land used as a home location.

**ADDITIONAL DISCUSSIONS**:

David Osborne discussed an email, dated 8/31/15, from Nancy Hemingway to Scott Franklin, Norwell Farms, Hornstra Farms, Whittaker, Nicole Bartley, Lori Hillstrand and Marynel Wahl discussing farm maintenance. The agreement made with Norwell farmers was discussed.

Lori Hillstrand said she spoke with John Hornstra. He said, instead of doing the maintenance, he wanted to pay $50 per acre rent on the land. Nancy Hemingway did the calculations for field maintenance and this would in no way cover the cost of maintenance.

David Osborne gave the example of the maintenance done by Whittaker, with no complaints, and felt that this email shouldn’t have been sent.

Nancy Hemingway said that the Farm Plan Agreement stated that field maintenance was recommended to be done three times per year (May, July and September). Hornstra did his walls once. Maintenance of the walls was decided in lieu of rent. Technically, they are six months behind in paying their rent.

Bruce Humphrey suggested sending them a default notice. Bob Woodill suggested sending them a notice of default of their contract. It was decided that Lori Hillstrand will speak to Hornstra and Norwell Farms that they are in default of their contracts and future action will be taken.

David Osborne mentioned another email from Nancy Hemingway to the Water Department – He said that the Commission voted inviting in the Water Commissioner to discuss the use of salt. Nancy Hemingway said that she feels that this addressed the concern and asked them to send a letter if attendance is not possible.

Bruce Humphrey said that the Water Department and the Conservation Commission should schedule a once yearly meeting to discuss mutual interests (i.e. water quality and our responsibility to preserve it.)

Nancy Hemingway will invite Peter Dillon to attend the next meeting.

**MISCELLANEOUS**

**Bills**: $2100 EcoTec, $10 W B Mason, $190 training cost.

**Motion**: Bruce Humphrey moved to pay the bills.

**Second**: Lori Hillstrand **In Favor**: All

**Minutes** - none

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

**78 Stony Brook Lane/SE52-879 & NCC# 54(07)/Single family home landscape related COC (cont.)** Applicant: David Curry / Representative: Darren Grady, Grady Consulting

Discussion: Nancy Hemingway requested a continuation of 78 Stony Brook Lane to 10/6/15 due to not receiving required information from applicant.

**Motion**: Bob Woodill

**Second**: Ron Mott **In Favor**: All

**300 Summer St / SE52- 998 & NCC# 11(12) / Fence request Letter Permit Letter**

Applicant: Elizabeth and Michael Doucette

**Discussion**: Nancy Hemingway showed property lot plan and stated that the applicants would like to install a privacy fence on their property to clearly define the property line. This would go from the 50’ to the 100’buffer zone line.

**Motion**: David Osborne moved to have the request approved for 300 Summer Street.

**Second**: Lori Hillstrand **In Favor**: All

**211 Bowker Street / NCC# 20(15) / Septic Replacement RDA / DoA (cont.)** Applicant: Sue Chan / Representative: Brendan Sullivan, Cavanaro Consult.

Discussion: Nancy Hemingway received last minute request to continue to 10/6/15.

**Motion**: Ron Mott moved to continue 211 Bowker Street to 10/6/15.

**Second**: Bob Woodill **In Favor**: All

**Winter Street & Old Oaken Bucket Rd. cranberry bogs / NCC# 17(15) / Det. of Jurisdiction RDA/DoA (cont.)**

Applicant: John Kopacz, Webster Cranberry, LLC / Representative: Marta Nova

Present: John Kopacz and a representative of Nover-Armstrong Associates, Inc.

**Discussion**: Nancy Hemingway discussed what information was included in the RDA plan. There are outstanding details of the RDA that are still outstanding. She included all information in the agent’s notes. The RDA references the site plan. The site plan references the three lots. There has not been delineation done on any of these lots. There is no letter received stating that they are talking about only these three lots and not the entire property parcel.

Bob Woodill said that this map needs to be redone, made current and accurate. Marynel Wahl said we will close the hearing today pending receipt of updated plans.

**Motion**: Bob Woodill moved to issue a positive 2b, positive 5, negative 3 determination with explanatory statements regarding the limit of review to the three defined upland bogs A, B & C shown on referenced map, issuance of the decision is contingent upon receipt of the correct delineation plan clarifying the scope of review..

**Second**: Ron Mott **In Favor**: All

**40 River Street / SE52-1086 & NCC# 22(15) / Wetland Line Confirmation ANRAD / ORAD** Applicant: Peter Shea, Norwell Community Housing Trust / Rep: Justin Ivas – Ivas Environmental

Present: Greg McBride - representing the Town of Norwell, as the owner, in Peter Moran’s absence and Justin Ivas of Ivas Environmental representing the Community Housing Trust.

**Discussion**: Justin Ivas explained the site location and topography. Site was reviewed by Steve Ivas and Nancy Hemingway on August 22, 2015. No changes were made to the wetland flags.

Nancy Hemingway said that comments are detailed in her agent’s notes. She agrees that the map is fairly accurate in depicting BVW and that stream channels are shown on the plan. Data sheets were requested for the flags and not yet received. The Agents Notes were read with regards to the wetlands delineation.

**Motion**: Ron Mott moved to accept the ANRAD/ORAD on 40 River Street/ Wetland Line Confirmation.

**Second**: Lori Hillstrand **In Favor**: All

**ADDITIONAL DISCUSSIONS:**

**Chittenden Landing** – Nancy Hemingway said that they had sent out the applications to DEP, North River Commission and Army Corp of Engineers. DEP and North River Commission approved as a reconstruction project. ACOE said it was a new project. ACOE requested additional application forms and that information be sent to the Wompanoag Indian Tribe, another Indian tribe, and the Underwater Historic Architecture Review. The Wompanoag Tribe decided that the piling is on a location of possible human remains. They have requested that a Wompanoag Indian be on site during the entire process, at the cost of $75 per hour. If any human remains are found, they would then require the town to pay for an archeological review of the excavation. She will bring this information to Peter Morin and check the legality of this, since there were no issues with the project in 2009. David Osborne suggested removing the deck since it is a safety issue. Ron Mott said to retain the frame so that the footprint is intact. It was decided that the process of removing damaged material, which is a potential hazard, would be started.

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**ENFORCEMENT / VIOLATION HEARINGS and DISCUSSIONS:**

**AGENTS REPORT** For additional information on the Agent’s comments to the Commission, please refer to the agent’s written notes, which are available in the Conservation Office.

**SCIENCE AND REGULATION IN THE NEWS**

**Adjournment:**

**Motion:** David Osborne moved to adjourn the meeting @10:35pm

**Second:** Bruce Humphrey **In Favor:** All

The Commission reserves the right to discuss matters other than scheduled public hearings in an order other than as posted. The Board further reserves the right to discuss matters which could not reasonably be anticipated at the time of the posting of this meeting notice.

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Marynel Wahl, Conservation Commission Chair