

NORWELL CONSERVATION COMMISSION  
345 Main Street / Norwell, MA  
June 21, 2016 @ 7:00 PM - Room 112  
Final Minutes

**Present:** Chair Marynel Wahl, Bob McMackin, Bob Woodill, Ron Mott, Stacy Minihane, Agent Nancy Hemingway and Ellen McKenna, clerk.

**Absent:** Dave Osborne

**Guest:** Alison Demong, BOS member

**Announcement:** THERE WILL BE ONE JULY MEETING ON TUESDAY, JULY 12.

**7:00PM: CALL TO ORDER and AGENDA ACCEPTANCE**

**M. Wahl** informed the audience that the meeting was being recorded.

**Approval of Agenda:** Mr. Mott asked to amend the agenda to include a discussion of Jacobs Pond under Subcommittee meetings-Trail Signage/Trash.

*Motion; made by Mr. Woodill, seconded by Mr. Mott, to accept the agenda as amended. Unanimously voted*

**COMMISSION BUSINESS**

**Alison Demong – Jacobs Farm Management Discussion Meeting Minutes**

Ms. Demong summarized the purpose of this plan update. She would like to make sure that everyone is on board with this broadly worded goal, which will allow the updated plan to function even if Norwell Farms ends their tenancy at Jacobs Farm. Currently, use of the buildings at Jacobs Farm is addressed within the commission's license agreement. Ms. Demong proposed deleting any reference to the buildings in this agreement, and instead the Historical Commission will have care and custody of all the buildings. The commission would have jurisdiction with a 'fields only' license. Other versions of farm licenses were discussed. The West Barn gets the most requests for use from outside groups, but currently it is unclear who has jurisdiction over the fees, schedule and use. It may be prudent to use the Cushing Center scheduling model, where a scheduling agent has the authority to grant use permission and schedule events. All discussed the particulars of the current Con Com license, 2015 version, including the addendum written by the BOS.

Per Agent Hemingway, this is the town wide License issued by the BOS. This has an expiration date of calendar year end, with a two year extension. 2015, 2016, 2017 is the current term. Con com issues land use approval.

- The Barstow field agreement expires 2017, Jacobs field in 2018. The current license form is a three year rolling agreement, so they always have a two year cushion. There is no date on the addendum.

Ms. Demong will follow up on the addendum. Re: the license for the farmland, pull out who gets what in the barn. All reviewed the specifics of the plan and made suggestions for numbered points. The town is still working on the right person to approve events and do the scheduling. Hopefully this authority will stay with the Historical Commission. Per Ms. Demong, the farm is looking for a property manager, but still hasn't found the right job description. All discussed options for creating this job.

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Discussion ensued about the Town's fields with regard to charging a fee for the hay field licenses, or maintaining the stone walls in exchange for fields "rent". All discussed wall maintenance, with the reminder that Historic New England inspects the stone walls every year. The suggestion was made to consider applying for CPA funding to rehab the stone walls with the goal of easier maintenance in the future. In conclusion, Norwell Farms is maintaining the stone walls in lieu of rent. A suggestion was made to charge \$500 per field as rent so that it would cover the cost of wall maintenance. All discussed points of communication. Per Ms. Wahl, the commission should revisit these fees every 3 years. These fields will be worth a lot more money in the future, and would generate a good amount of revenue.

### **SUB-COMMITTEE UPDATES**

Open Space & Recreation – none

Land Protection – none

Pathways – none

Trail/Signage - **Jacobs Pond**

Mr. Mott reported that kids have broken the ADA seat at the dock. He also stated that the water level is really low, and the pond could use a quick weed treatment. Unfortunately, \$12K is the cost. All discussed pond maintenance and treatment options. The consultant's findings were not received, so Agent Hemingway will reach out to the consultant for the report and evaluation, and perhaps a maintenance plan.

CPC – none

Farming – see above discussion on Jacobs Farm

Grants- **Grant opportunities**

Mr. McMackin talked about grants in general, and gave ideas for making the Town a better applicant for federal grants; perhaps collaborating with other Towns (NOA) as something more is needed to make the grant stand out to be considered for funding. The Town could be eligible for federal grants which are not limited to non-profits. He also suggested perhaps a link to a non-profit organization to be eligible. Mr. Mott suggested rejuvenating Jacobs Pond with herring as a project, and maybe the North/South River Watershed would be interested. Agent Hemingway will set up a meeting.

Mr. McMackin could come in and speak to the South Shore Conservation Commission network, which meets once a month in the spring and fall.

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

\*\*\*Legal Documents/Votes

\*\*\*Minor Amendments, Reviews, CoC's

\*\*\*Requests for Determination

\*\*\*Notices of Intent

\*\*\*Enforcements/ Violations

### **95 Cross Street / NCC# 20(16) / Septic System Repair & Landscaping**

**RDA / DoA Applicant: Joseph & Helen Hughes / Representative: Brendan Sullivan, Cavanaro**

#### **Summary of Agents Notes**

- Septic system as far on lot as possible from BVW. This work is in existing lawn.
- Agent did not agree with the delineation. It follows the line of maintained lawn and not the actual wetland boundary. She did not have evidence one way or the other regarding how long the lawn has been to/into the wetland. There is also a drainage easement down the northwest property line that contributes to the BVW. Sporadic stream channels exist within the BVW.
- Agent recommended approval as there was no less impacting place to locate the system. The project would result in an improvement to GW quality. Positive 2b- no approval of the bvww

line, positive 5- subject to jurisdiction under the local wetland bylaw, negative 3 within buffer zone but will have no adverse impact on resource areas.

**Meeting Minutes**

Mr. Woodill read the notice of public hearing.

Brendan Sullivan represented the homeowner and gave an overview of the septic system on the map.

*Motion; made by Mr. Mott, seconded by Ms. Minihane, to approve NCC #20(16) septic system repair for 95 Cross St. per the Agents recommendation. Unanimously voted*

**Land off Winter St., Cross Street & Old Oaken Bucket Rd. / SE52-1095 & NCC# 16(16) / Wetland Line Delineation Confirmation ANRAD / ORAD (cont.)** Applicant: John Kopacz, Trustee of Kopacz Family R/T / Representative: Greg Morse, Morse Eng.

- Nothing new had been submitted
- Applicant requests a continuation to July 12, 2016. Hearings start at 8:00 PM

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**Meeting Minute**

*Motion; made by Ms. Minihane, seconded by Mr. Woodhill, to continue this hearing to July 12<sup>th</sup> at 8pm. Unanimously voted*

**Bowker Street, 260/278 Lot C (Bl. 39, Lot 45 & (Partial) Lot 46 / SE52-1097 & NCC# 18(16) / Single-Family Home NoI / OoC (cont.)** Applicant: Greg Webb, Webb Builders / Representative: Greg Morse, Morse Engineering

- A revised plan removing pool and patio and shifting all work further from wetland was submitted.
- All structures are outside the 100'. Grading and yard within the 50-100.
- Based on the revisions, Agent recommended approval conditioned with the standard short form and a requirement that the 50 foot be clearly and permanently marked as a conservation area with no disturbance allowed.

**Meeting Minutes**

Greg Morse was present to represent the homeowner, and gave an update to the plan presented at the last meeting. The house is now sited entirely outside the buffer area. It is a smaller house that sits forward on the lot. Mr. Morse gave further details about the updated plan. He outlined proposed erosion control. Conservation bounds are mandatory, and the commission would like them to be at the edge of the lawn. A site visit will be made to ID trees that would be a danger to the house, which will be put in the conditions. The planting requirement will be 2 trees for every 1 removed.

*Modifications to be included in the NoI; 2 members of Con Com on the site visit, modification of short form to put markers at edge of lawn, replace trees 2 to 1 for those removed beyond the limit of work.*

*Motion; made by Mr. Woodill, seconded by Mr. Mott, to approve the NoI/OoC for 260/278 Bowker Street, Lot C, BL39, Lot 45 & partial Lot 46/SE52-1097 & NCC#18(16)/Single Family Home, on short form, with modifications as noted above. Unanimously voted*

**Bowker Street, 260/278 Lot D (Bl. 39, (Partial) Lot 46 / SE52-1096 & NCC# 17(16) / Single-Family Home NoI / OoC (cont.)** Applicant: Francis O'Meara, Trustee of Alicia R/T / Representative: Greg Morse, Morse Engineering

- A revised plan removing pool and patio and shifting all work further from wetland was submitted.
- All structures are outside the 100', grading and yard work within the 50-100.
- Based on the revisions, Agent recommended approval conditioned with the standard short form and a requirement that the 50 foot be clearly and permanently marked as a conservation area with no disturbance allowed.

**Meeting Minutes**

Mr. Morse gave his update on the revised location of the proposed house, noting that the plan has removed the pool and cabana and provides for a 65 foot setback, the same as the previous plan. Installation of conservation posts will take place along the 50' buffer. The mulch sock has to be specified on the plans. Mr. Morse would like the same conditions as the previous lot.

*Motion; made by Mr. Mott, seconded by Mr. McMackin, to approve the Bowker Street, 260/278 Lot D (Bl. 39, (Partial) Lot 46 / SE52-1096 & NCC# 17(16) / Single-Family Home NoI / OoC, with the same restrictions as lot C. Unanimously voted*

**Bowker Street, 260/278 Lot E (Bl. 39, Lot 46E) / SE52-1098 & NCC# 19(16) / Single-Family Home NoI / OoC (cont.)** Applicant: James & Eileen Kelly / Representative: Brad Holmes, ECR

**Summary of Agents Notes**

- A mitigation planting plan was submitted along with the layout change submitted during the meeting on 6/7. I recommend Commissioners take independent site visits.
- Development of this lot is entirely within the 100-foot buffer, the structure and all uses are outside the 50-foot buffer and have been reduced from a 108'x38' structure at the 50-foot buffer to a 90'x42' structure-12' from the 50-foot resource buffer. The revised layout submitted 6/14 includes a yard area between the home and BVW. Septic components are within 8 ft. of the 50ft in the back of the home.
- The access to the lot is within 50 feet and is in part a new access (occupying only part of the existing entry). Use of construction vehicles in this location is likely to have a detrimental impact on the roots of the trees at the entry point (within 25 feet of BVW). Based on long term observation of similar projects. In my opinion, location of new ANR lot lines for this lot in a manner that does not allow reasonable construction/long term use access outside the 50-foot no new disturbance zone, is a self-imposed hardship on the part of the landowner/seller.
- How to protect the wetland during construction and long term use is recommended to be a key part of discussion. There may be simple solutions such as shifting that property line, deeding in a construction access on the abutting property, creating a shared drive entry for lots D and E, among other solutions.
- At this point I do not believe that the burden of proof that the resource areas will not be impacted has been met. Significant tree roots will be impacted by extensive construction alteration and compaction in the proposed driveway location as shown, resulting in the likely demise of the trees in the 30-50 corridor and the exposure to wind stress of the

remaining trees. We have seen this repeatedly throughout town on projects whose construction zones were further from the 50-foot buffer.

- I do also believe that project clarifications and defined project work including infiltration dry wells for roof runoff, construction controls and protocols during construction restricting all vehicles to the center of the lot, access for construction from the abutting lot (all three lots are still owned by the Kelly's) and the foundation area working out, etc., can resolve many of those concerns. It will be a very difficult project to construct due to the self-imposed limited work zone, but it can and has been done.

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### Meeting Minutes

Mr. Holmes and Ms. Kelly were at the meeting to present the revised plan. Agent Hemingway asked Mr. Holmes to show the location of the old pool. Mr. Holmes showed the updated location for the proposed house and reduced lawn. The plan is also changing the proposed driveway to gravel. Tree protection will be provided with wood chips on the sides of the driveway. The existing driveway will be covered with filter fabric and other measures will be taken for tree protection during construction. The plan proposes 2400 sq. ft. of restoration.

The house is still 100% within the 100 foot buffer. Mr. Holmes stated that this is a permitted activity for this land. The lot is 9 acres and is oversized. N. Hemingway noted that almost all of the lot was wetland forcing the only home location and all yard use area to be in the 50-100 foot buffer. Discussion ensued about other options for locating the house and the septic. The leaching field is outside the buffer. Ms. Minihane would like to see the proposed tree line on the plan. All discussed location and placement of the driveway. Mr. Holmes and Ms. Kelly gave the history of this particular part of the lot and all the traffic and parking it received over the years. They are proposing to restore the disturbed 50 foot resource buffer area. This planned house will be staked out prior to any work.

Ms. Wahl stated that any approval would state the reason for this exception to the house location in the buffer zone. Ms. Minihane suggested that it be stated in the conditions the reasons that set this property apart from others trying to use the 100 foot buffer. The land is already disturbed through years of use. This is not a precedent setting decision to grant this permission. A fence is requested by the commission; post and rail or picket. Mr. Holmes stated that he could move the fence to the edge of the 50' buffer. The commission suggested planting a shady grass mix for the reclaimed land. The trees will be removed in the green area on the map, but no others. Post and rail fence will be the new 'limit of work'. The work zone goes to the edge of the lawn, with a silt sock at the edge of the lawn.

Access -- all talked about construction access and how to protect the driveway during construction. The workers will just be reusing what was already a "modification of the existing driveway, which is within the lot lines of this property". It will have a designated 10-12' width. No trees will be taken down on either side of the driveway. Wording will be put into the restriction; no asphalt driveway. Discussion ensued about the gravel mix for driveway. Per Mr. Holmes, 3/4 inch gravel will be used. *Modifications will include; Long form, limit of work at lawn edge, both bounds and post and rail fence, discs on the posts at edge of lawn, 3/4 inch gravel only, small lip on the garage to keep gravel out of garage, filter fabric, six inch mulch, all restoration required with woodland mix; grass/conservation mix, reason for approval is the reduction of the impervious footprint, this is not precedent setting.* Motion; made by Mr. Woodill,, seconded by Ms. Minihane, to approve Bowker Street, 260/278 Lot E (Bl. 39, Lot 46E) / SE52-1098 & NCC# 19(16) / Single-Family Home NoI / OoC BW, SM, with conditions as stated in the standard long form with additions as noted above. Unanimously voted

B. Holmes granted an extension to the 21 day issuance requirement if additional signatures were needed to place the signing of the OoC on the July 12 meeting agenda.

**66 Bowker Street: Public Meeting w/ Comm. to discuss invasive species management on Conservation Land (cont.)**

- An invasive management plan was submitted by C. Greely. He has requested a continuation to July 12. The management plan will be emailed to you for that meeting.

**Meeting Minutes**

*Motion; made by Mr. Mott, seconded by Ms. Minihane, to continue this hearing to the meeting on July 12<sup>th</sup>, at 8pm. Unanimously voted*

**VIOLATION DISCUSSIONS:**

- 15 Farrar Farm Road- Driveway Expansion into wetland
  - Conversation has been started with Brian Murphy. He is looking into the history of the parking expansion and has asked for a couple weeks to do the research. We discussed the need to bring a filing to the Commission after the fact.

**Meeting minutes**

The commission would like to hear what Mr. Murphy has to say. Perhaps he could give the board a summary before filing a NoI. Mr. Murphy is going through his records. This will be discussed as a future meeting.

**72 Ridge Hill Road**

- N. Hemingway spoke with Dee Dee Obert the Senior Services Outreach Coordinator regarding John Johnson's reported filling of the wetland. She spoke with the property owner who is elderly and dying. She said that there is not a case of elder abuse that can be reported as the owner does not wish to file a complaint, is mentally fit, and is aware of and reluctantly allowed what is going on. Apparently the contractor is a friend of her deceased husband and she does not want to cause problems. In my opinion from what I am hearing, the landowner and medical care staff appear to all be intimidated by the landscaper. Dee Dee (CoA 781-659-7878) said that while she was there she looked at the back yard and took 2 photos, showing the wetland to be filled and barely recognizable as a wetland. At this point, unless the care staff or owner sign an affidavit and submit evidence linking John Johnson of Green Crew Landscaping with this wetland fill violation of the property of an elderly dying woman, we can only issue enforcement against the owner. I have no concrete evidence other than un-documentable verbal reports connecting him to the fill.

**Meeting Minutes**

Agent Hemingway is contacting the nurses and the 78 Ridge Hill homeowners who are also affected. This is a tough call as the landowner is very ill, and it is a bad situation with the landscaper. 78 Ridge Hill owners are Justin and Kerry Morse. Agent Hemingway will reach out to them. State law allows going after the violator. The next of kin may have legal rights. Agent Hemingway will reach out, but the owner is in charge currently, and any further action may have to wait.

**American Chestnut Program**

They would give the Town the trees for a 100x100 foot parcel of land, but the Town would have to pay for everything else. All gave recap of the program and discussion ensued about potential sites for this to happen.

**MISCELLANEOUS - Bills to be paid**

- Ellen McKenna \$150 – 6/7 minutes
- Ellen McKenna \$150 – 6/21 minutes
- The Throne Depot - \$209 portapotty 6/5
- Norwell Police - \$174.32 police detail 6/5
- Ed Cox - \$328.50 Trail work
- Mark Mederos - \$750.75 Trail work
- Mark Mederos - \$14.97 reimburse, .105 ww line Lowes
- N. Hemingway – up to \$250, final travel reimbursement

*Motion; made by Mr. Woodill, seconded by Ms. Minihane, to pay the bills. Unanimously voted*

**Approval of Minutes**

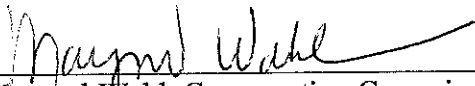
Minutes to be reviewed and approved (4/19/16, 5/17/16 & 6/7/16):

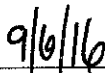
*Motion; made by Mr. Woodill, seconded by Mr. Mott, to approve 2 sets of minutes; 4/19/16 and 5/17/16. Unanimously voted*

**Refer to the full Agents Notes for additional reports.**

**Adjournment**

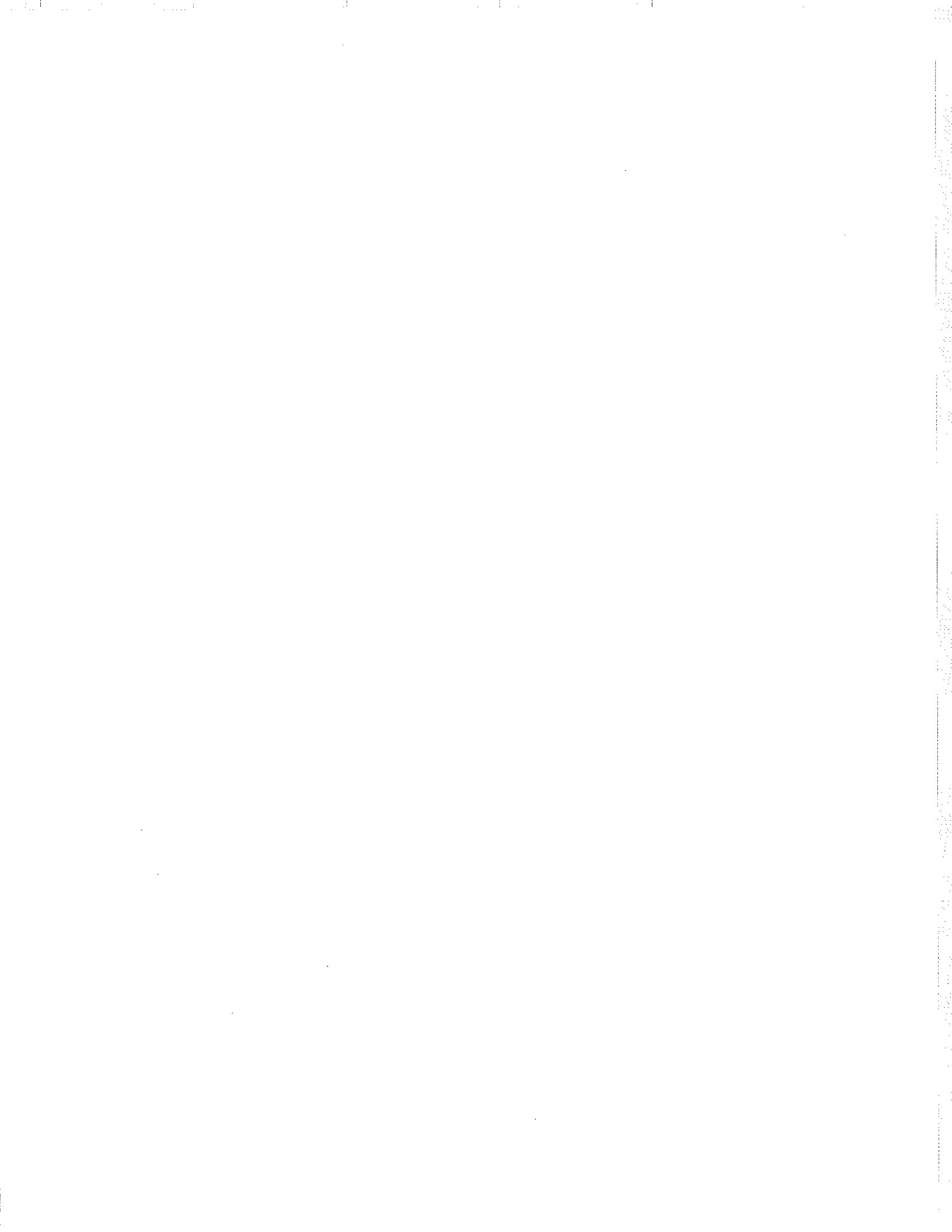
*Motion; made by Mr. Woodill, seconded by Mr. Mott, to adjourn at 9:15pm. Unanimously voted*

  
Marynel Wahl, Conservation Commission Chair

  
July 12, 2016

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Submitted by E. McKenna, annotated by N. Hemingway.

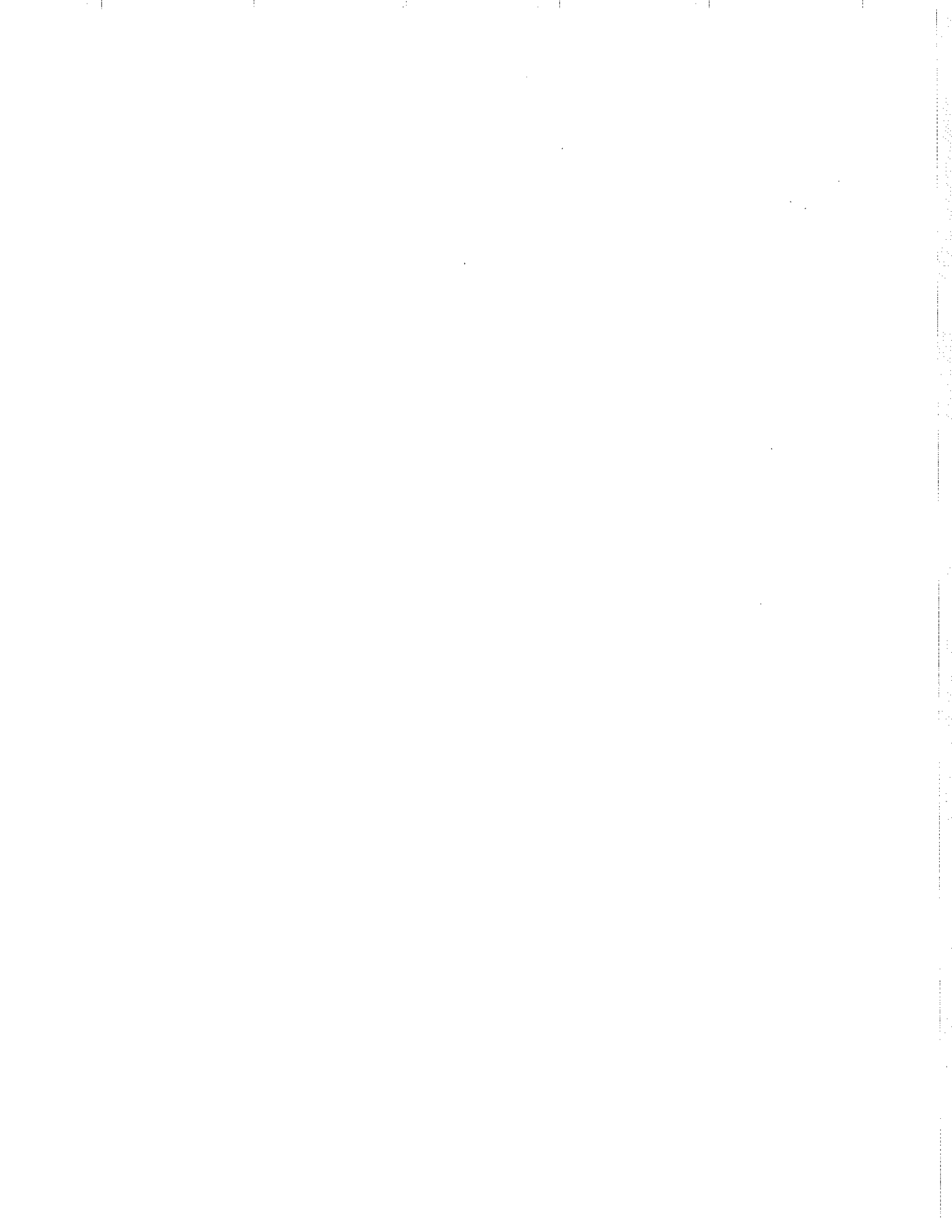




95 Cross Street / Joseph & Helen Hughes  
 NCC# 20(16)  
 RDA / Septic Repair & Landscaping  
 Documents/Plans Listing

<b>DOCUMENTS / PLANS</b>	<b>Author</b>	<b>Date Signed</b>	<b>Date Received by Office</b>	<b>Notes</b>
<b><u>Documents:</u></b>				
RDA Application	Brendan Sullivan, Cavanaro	6/7/16	6/7/16	
Board of Health Meeting Agenda (re: 95 Cross St. Deed Restriction)	N/A	BOH Mtg: 6/6/16	6/7/16	
Legal Notice for Patriot Ledger	In-house	Sent 6/9/16	Published in Ledger 6/13/16	
Public Hearing Sign-in Sheet (6/21/16 Meeting)	N/A	6/21/16 (By Public)	N/A	
Determination of Applicability – Legal Document	Nancy H. & NCC	6/21/16	Sent to Applicant 6/22/16	
Misc. Locus, GIS maps, etc.				
<b><u>Emails:</u></b>				
Misc. Email Correspondence	Various			
<b><u>Plans:</u></b>				
“Septic System Upgrade Plan / 95 Cross Street / Norwell, MA”	Brendan Sullivan, Cavanaro	Rev. 6/6/16	6/7/16	

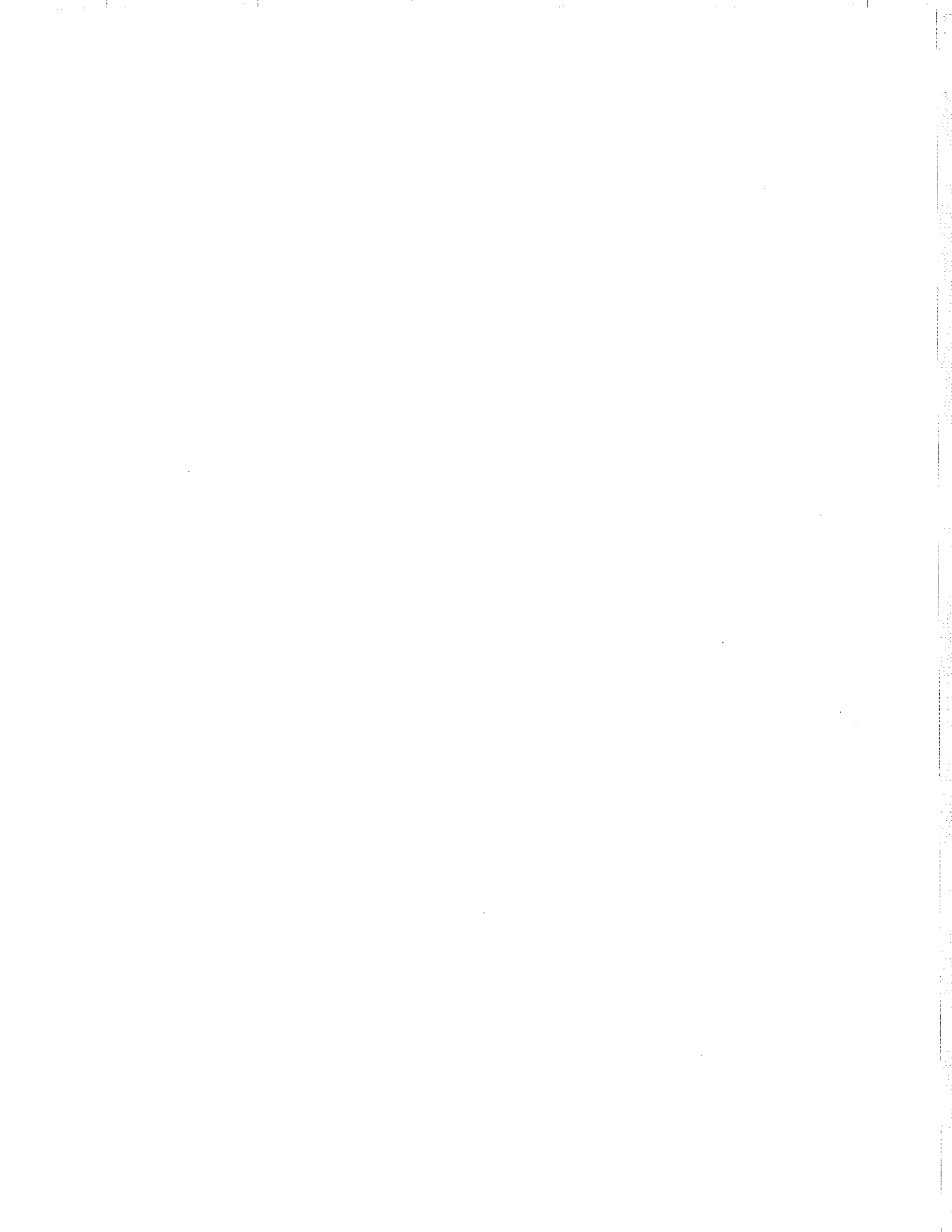
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Bowker Street, Lot C / Greg Webb, Webb Builders  
 SE52-1097 / NCC# 18(16)  
 Notice of Intent / Single-Family Home  
 Documents/Plans Listing

DOCUMENTS / PLANS	Author	Date Signed	Date Received by Office	Notes
<b>Documents:</b>				
Notice of Intent Application	Greg Morse, Morse Eng.	5/13/16	5/17/16	
Legal Notice to Patriot Ledger	In-house	Emailed Ledger 5/25/16	Published in Ledger 5/30/16	
DEP Notification Letter of WPA File # (SE52-1097)	DEP	N/A	5/31/16	
Public Hearing Sign-in Sheets (6/7/16 & 6/21/16 Meetings)	In-house	6/7 & 6/21/16	N/A	
Order of Conditions (State & Bylaw) Legal Document	Nancy H. & NCC	6/21/16	Sent to Applicant 6/22/16	
Misc. Locus, FEMA, NHESP, GIS maps, etc.	Misc.	N/A	5/17/16	
<b>Emails:</b>				
Misc. Email Correspondence	Various	May & June 2016	May & June 2016	
<b>Plans:</b>				
"ANR Plan of Land @ Bowker & Grove Streets"	Ralph Cole, PLS	1/26/16	May 2016	
Plan to Accompany Notice of Intent / Lot C, Bowker Street / Norwell, MA	Greg Morse, Morse Eng.	Rev. 6/13/16	6/14/16	
Septic System Design Plan / Lot C, Bowker Street / Norwell, MA 02061	Greg Morse, Morse Eng.	Rev. 6/7/16	6/7/16	

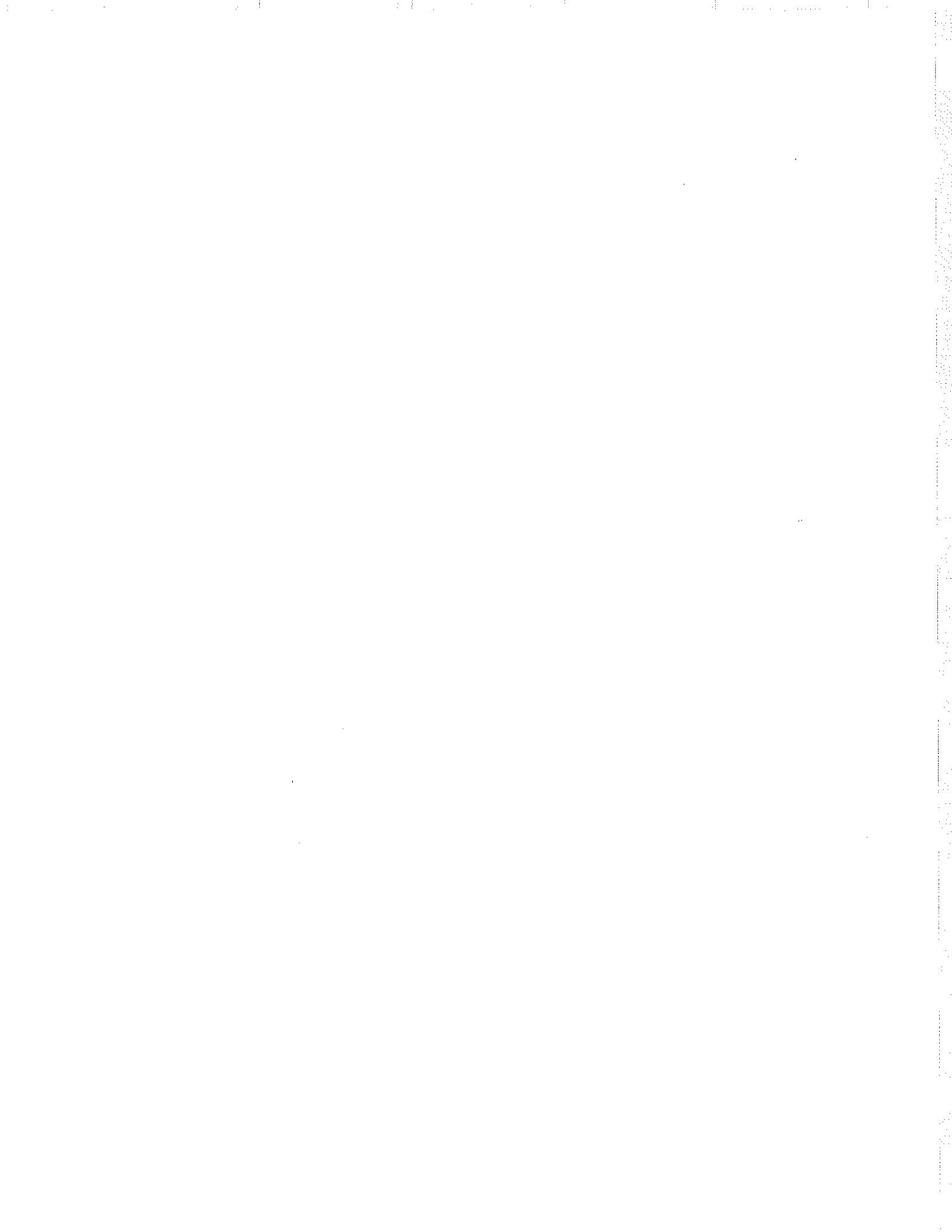
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Bowker Street, Lot D / Francis O'Meara, Alicia Realty Trust  
 SE52-1096 / NCC# 17(16)  
 Notice of Intent / Single-Family Home  
 Documents/Plans Listing

DOCUMENTS / PLANS	Author	Date Signed	Date Received by Office	Notes
<b>Documents:</b>				
Notice of Intent Application	Greg Morse, Morse Eng.	5/13/16	5/17/16	
Legal Notice to Patriot Ledger	In-house	Emailed Ledger 5/25/16	Published in Ledger 5/30/16	
DEP Notification Letter of WPA File # (SE52-1097)	DEP	N/A	5/31/16	
Public Hearing Sign-in Sheets (6/7/16 & 6/21/16 Meetings)	In-house	6/7 & 6/21/16	N/A	
Order of Conditions (State & Bylaw) Legal Documents	Nancy H. & NCC	6/21/16	Sent to Applicant 6/22/16	
Misc. Locus, FEMA, NHESP, GIS maps, etc.	Misc.	N/A	5/17/16	
<b>Emails:</b>				
Misc. Email Correspondence	Various	May & June 2016	May & June 2016	
<b>Plans:</b>				
Plan to Accompany Notice of Intent / Lot D, Bowker Street / Norwell, MA (2 page plan set)	Greg Morse, Morse Eng.	Rev. 5/13/16	6/14/16	

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260 Bowker Street, Lot E / Brad Holmes, ECR  
 SE52-1098 / NCC# 19(16)  
 Notice of Intent / Single-Family Home  
 Documents/Plans Listing

DOCUMENTS / PLANS	Author	Date Signed	Date Received by Office	Notes
<b>Documents:</b>				
Notice of Intent Application (including checks & abutter list)	Brad Holmes, ECR	5/20/16	5/24/16	
Legal Ad published in Patriot Ledger	In-house	Emailed 5/25/16	Published 5/30/16	
DEP / Notification of Wetlands Prot. File # SE52-1098	DEP	Emailed 6/7/16	6/7/16	
Public Hearing Sign-in Sheet (6/7/16 Meeting)	In-house	6/7/16	N/A	
Public Hearing Sign-in Sheet (6/21/16)	In-hosue	6/21/16	N/A	
Order of Conditions (DEP & Bylaw) SE52-1098 & NCC# 19(16)	N. Hemingway & NCC	6/23/16	Sent to Applicant 6/28/16	
Misc. Locus, FEMA, NHESP, GIS maps, etc.	Misc.	N/A	5/24/16	
<b>Emails:</b>				
Misc. Email Correspondence	Various	May & June 2016	May & June 2016	
<b>Plans:</b>				
Septic Design Plan of Land at Lot E, Bowker Streets / Norwell, MA (Sheets 1-2)	Spath Engineering (Ralph Cole)	12/5/15 / Rev. 7/18/16	5/24/16; Rev. rec'd 7/26/16	
ANR Plan of Land at Bowker & Grove Streets / Norwell, MA	Ralph Cole, PLS	12/5/15	June 2016	
Revised Bldg. Footprint / Lot E, Bowker Street (Bl. 39, Lot 6)	Laurence Gogarty, ARCH Consulting	7/14/16	June 2016	
<b>Checks:</b>				
\$500.00 (Ck. #727)	Spath Eng.	May 2016	5/24/16	
\$262.50 (Ck. #725)	"	"	"	

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