

**NORWELL CONSERVATION COMMISSION**

345 Main Street / Norwell, MA

**November 15, 2016 @ 7:00 PM - Room 112**

Minutes

**ATTENDANCE:** Marynel Wahl, Bob Woodill, Ron Mott, Bob McMackin, David Osborne, Stacy Minihane, Justin Ivas, Conservation Agent, Nancy Hemingway

**7:00PM: CALL TO ORDER & AGENDA ACCEPTANCE –**

*Motion to accept as written by D. Osborne with the exclusion of any executive session, Second Reading; R. Mott; Vote in favor – All, none opposed.*

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**COMMISSION BUSINESS**

**Old (cont.):**

Bay Path Lane CR. Present were Diane Tillotson and Eugene Mattie

The following issues and topics were discussed and considered – Please refer to the CR request memorandum dated Nov 4, 2016 for complete details on the proposal.

- Interest rate is 1% for the past decade. Document is based on a 30-year average of treasury return.
- Maxwell trust vs Steve Bjorkland. – did not involve the Conservation Restriction, but rather ownership of land (Tort case). The Commission was concerned regarding whether this case set any precedent where the Town could be sued for enforcing the CR. No.
- Requires clean title and certification. VRT – owns the land in question. Documentation regarding the HoA and CR are in the Planning Board records. N. Hemingway will obtain copies of these documents from the PB file.
- General discussion regarding Commission’s rights/obligations in holding CR’s and typical/regional processes. (hourly rate, rate for town staff vs outside contractor and the impact to the endowment calculation, hrs/yr anticipated, acres involved, overhead, whether to include an additional yearly stipend, and other)
- The Commission will add a section in the bylaw regulations defining the process and conditions under which CR’s and endowments will be accepted moving forward. This may also need to be incorporated into the bylaws.
- N. Hemingway reviewed the record from September 20, 2016 – B. McMackin motioned and the NCC voted all in favor to take CRs on a case by case basis (with endowments) to cover the cost of the service. BW motioned and the NCC voted to take the Baypath Lane Ext., CR with terms to be determined. All in favor.
- CR provides that the home owner and HoA must maintain the CR easement. There is a lien on the properties, described in the documents requiring maintenance of the trail.
- The recourse for the NCC to recoup litigation costs from the HOA was verified.
- The likely and potential types of encroachments for this particular CR property.
- Property boundary, stakes and markers. The property lines are all clearly staked in the field.
- Eugene – suggested \$30k based on the shape of the land – and that it is easy to walk and enforce.
- The rate and the method to arrive at a reasonable cost based endowment was discussed in detail. All costs considered, the rate for all services is - give or take \$92 per hour using primarily staff time with consultant back up as needed.
- Recommend the \$32k with \$100 per hour.
- % of cost for 8 units based on value of cumulative property rather than on the land trust/per acre model. Each CR will be unique, the cost will range between 0.01 and 0.005 depending on the state of the land, the level of development and the potential for the need to enforce. (½% of sales price to 1% -Value of the development). in cross checking the endowment, the Land Trust Model and the % value of the development were in the same endowment range.
- Lot fee – one time fee – 8 lots.

**SUB-COMMITTEE UPDATES (OLD & NEW BUSINESS) –**

Open Space and Recreation	M. Wahl	---
Land Protection	All	---
Pathways	R. Woodill	---
Trails/Signage	R. Woodill	---
CPC	D. Osborne	Annual meeting is 12/8 at 7 PM. Anyone who wants to attend is welcome to sit in.
Farming	R. Mott	---
Grants	B. McMackin	DCR – land acquisition and Wompatuck connection
Zoning Bylaw	R. Woodill	---

**PROJECTS GRID DISCUSSION –** See notes in grid on last page.

**MISCELLANEOUS**

Bills

- i.\$294.47 DBS – first half lumber for Miller. Project completed, bill just received.
  - ii.\$159.12 – Gate House Media. Legal ad for hearing for Regulations review.
- R. Mott - Motion to pay bills; Second – B. Woodill; Vote -All in favor, none opposed.*

Minutes

tabled to next meeting

**EXECUTIVE SESSION-** none

**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

Applicant made a request for continuation to December 6<sup>th</sup> at 8:00 PM.  
*Motion – R. Mott to continue; Second – J. Ivas; Vote – all in favor, none opposed.*

**River & Dover Street (portions) / SE52-1105 & NCC# 31(16) / Pathway – Phase 3**  
**NoI / OoC (cont.)** Applicant: Chris Dilorio, for Pathway Comm. / Representative: Justin Lamoureaux, Horsley Witten / Present - Brendan Sullivan (Pathways)

Brendan and the Commission held open discussion on the proposed plan revision – to see if we can do a walkway that is part boardwalk on the side of the road – leaving the road the same size. (No pushing the curb out)

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**ENFORCEMENT HEARINGS** - none  
**VIOLATION DISCUSSIONS:** - none

**AGENTS REPORT – items discussed include**

- Mark Mederos passed away unexpectedly on the 4<sup>th</sup>. A memorial Celebration of Life is being held at his home this coming Saturday at 1:30. In lieu of flowers, the family is asking for donations to be made to place a bench along one of the river trails or pathway in Mark's name. The family will identify a few locations for a cedar bench that would be meaningful and will donate the funds for the bench.
- Morse Eng has submitted an OSRD pre-application to the Planning Board. A site visit was scheduled Saturday at 10 AM at the Cross St entrance. 11/19/16.
- Peter Dillon returned the inquiry regarding the toxicity of the new product for control of invasives in Jacobs Pond. He felt the material would pose no risk.
- Tack Factory Dam removal is moving forward. The work is anticipated to start in early December and be completed before spring 2017.
- ECR – Brad Holmes submitted an annual monitoring report for the 501 Mt. Blue St replication area.
- The final paving coat has been applied at Wildcat OSRD, the basins will all be open shortly and the stormwater system on-line.

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

**PLEASE REFER TO THE FULL AGENTS NOTES FOR THE COMPLETE REPORT,  
COMMENTS, RECOMMENDATIONS AND INFORMATION**

*Motion – to adjourn – 9.40 PM by B. Woodill; Second – S. Minihane; Vote - All in favor, none opposed.*

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

Marynel Wahl  
Marynel Wahl, Chairperson

12-20-2016  
Date

\* Minutes prepared by N. Henningway, Agent

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>Checks Rec'd:</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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River & Dover Streets / Norwell Pathway Committee  
 SE52-1105 / NCC# 31(16)  
 Notice of Intent / Phase 3 – Pathway (River St. & Dover St.)  
 Documents/Plans Listing

DOCUMENTS / PLANS	Author	Date Signed	Date Received by Office	Notes
<b>Documents:</b>				
Notice of Intent Application (including project narrative, abutter's cert. list & green cards)	Amy Ball, Horsley Witten	9/20/16	9/20/16	
Legal Notice to Patriot Ledger	(Internal)	Emailed 9/27/16	Published in P. Ledger on 9/28/16	
DEP Notification of WPA File # (SE52-1105)	DEP	Emailed 9/21/16	9/21/16	
Letter to C. DiIorio (Pathway Comm.) re: NHESP response to project	Thomas French, Div. of Fisheries & Wildlife	10/18/16	10/20/16	
Misc. USGS Locus, GIS maps, Existing Constraints map, FEMA maps etc. & photos	Misc.	N/A	Sept. 2016	
Public Hearing Sign-in Sheet (Oct. 2016 - )				
<b>Emails:</b>				
Misc. Email Correspondence	Various		Sept. 2016 -	
<b>Plans:</b>				
Pedestrian Bicycle Path / Phase 3 - Town Center Ext. / Norwell, MA	Justin Lamoureux, Horsley Witten	Sept. 2016	9/20/16	
<b>Checks Rec'd:</b>				
TOWN PROJECT – NO FEES	N/A	N/A	N/A	

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

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41 Brantwood Road / Erik Paulson  
 NCC# 33(16)  
 After-the-Fact RDA / Fence Installation  
 Documents/Plans Listing

DOCUMENTS / PLANS	Author	Date Signed	Date Received by Office	Notes
<b><u>Documents:</u></b>				
RDA Application (1 copy)	Erik Paulson (Homeowner)	10/3/16	10/4/16	
Legal Notice to Patriot Ledger	Internal	Emailed 10/6/16	Published 10/10/16	
Determination of Applicability	N. Hemingway & NCC	11/15/16	N/A	
Public Hearing Sign-in Sheets (11/1/16 & 11/15/16)	Internal	11/1/16 & 11/15/16	N/A	
Misc. Locus, GIS maps, Photos, Powerpoint photos, etc.	Misc.	N/A	10/4/16	
<b><u>Emails:</u></b>				
Misc. Email Correspondence	Various	Nov. 2016	On-going	
<b><u>Plans:</u></b>				
Plot Plan of 41 Brantwood Rd / Norwell, MA w/ fence hand-drawn	Erik Paulson	9/26/16	10/4/16	
<b><u>Checks Rec'd:</u></b>				
\$200.00 (Double fee due to After-the-Fact)	Erik Paulson	10/3/16	10/4/16	

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