

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 – R. Mott; Vote in favor – All, none opposed.

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 memo 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.

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- Factor of 35.6 = 1/.0281 2.81% net return (based on 30 year treasury return)
- The Commission discussed keeping the Land Trust model – as provided – and considered asking the Town Treasurer and Accountant to review and comment on the rate and calculations.
- Rate needs to be \$115 or better based on Art Allen minimum rate that is discounted. Unanimous consent after discussion that \$115 stands and is the minimum hourly rate if the .
- 17 acres in the open space parcel. Two large section connected by circular path.
- Not difficult to access – estimated time yearly for monitoring, with documentation will be about 6 hours.
- 4 hours of administration. Total of 10 hours.
- If used internal support, then 2 hours for a total of 8 hours.
- 30year endowment was initially calculated at \$37k based on the Land Trust model using the Art Allen/EcoTec estimate. The Commission discussed ways to reduce the rate and endowment by presuming x years that staff would conduct the work at a far lower rate.
- Diane- CR is already done w/the home owners – drafted and approved by Galvin and by commonwealth. Homeowners trust is approved by Galvin and the Planning board.
- The Commission discussed which model to use compared endowment rates using both models, and decided to use the % value of the subdivision as an easy to calculate and understand model.
- A summary of this policy is to be drafted for the revised regulations being worked on.
- In future, if the PB is going to expect the ConCom to hold a CR, the Commission is expected to be part of the CR development.

FINAL VOTE - the Commission voted to adopt an endowment value based on a % of the sales value of the development and property. For this specific project a rate of .005 of the value of the sold homes. Estimated at \$700k to 750K. per home, the endowment range was estimated at \$30k.

S. Minihane - motion to accept CR with \$30k endowment; J. Ivas – Second; Vote - All in favor, none opposed.

Harrow and Barstow CR - Nancy will contact Scott and see if there is an update on these.

Project Management Checklist – Consolidate discussion – Nancy will revise based on discussion and get a final draft to the group for the next meeting.

Pet Waste Bylaw/Regulations – The idea of a pet waste bylaw or regulation was dropped. The Commission will install signs at trail areas to see if the problem can be curbed. Ron submitted several sign designs. After some discussion, the Commission accepted one design. Ron noted that the NCC will have to purchase 10 signs with materials to install the cost will be about \$250 (with posts and hardware). Authorization was discussed to be out of either the annual budget, the conservation fund, or the trails signage budget. The sign chosen was a 10x14 sign labelled as item #4 Please clean up after your pet with a picture of a dog. Ron will attach w/3/4” plywood - (No hardware is to be put in trees). They will be installed at the parking lots – and beginning of the trails. If possible parking lot and on the fence. Keep it consistent.

Motion by R. Mott to buy signs as noted in the discussion; Second – J. Ivan; Vote – All in favor, none opposed.

New business –

- N. Hemingway will check w/ B. Childs to see if a temporary minutes clerk is available until E. McKenna is able to return.
- Hunters have once again left remains of a deer in the middle of a public trail at Cuffee. D. Osborne and B. Woodill will look into it.
- The trash at Jacobs needs to be picked up, N. Hemingway will address it.

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 6th 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 DiIorio, 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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J. Ivas requested a cost evaluation for the boardwalk on the side of the road vs the boardwalk through the wetland. About 150' of walkway. A written review and comments from Glenn Ferguson is required.

Planning does not meet until Dec 7th. B. Sullivan requested a continuation to the second meeting in Dec. (12/20) at 8:00 PM. The discussion will include an analysis of wetland impacts for both concepts. N. Hemingway cautioned that they fully identify the extent of work needed along the steep slopes for areas of paved sidewalk and fill.

Motion to continue – R. Mott; Second – B. Woodill; Vote - All in favor, none opposed.

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.

The applicant requested a continuation to the Dec 6th meeting. The revised site plan was submitted on 11/15/16. A site visit was requested to be scheduled. The Commission reviewed the plan enough to evaluate the site visit request. S. Minihane noted that the evaluation of resource under the stone as it exists was not conducted. As salt marsh grass is evident growing in the driveway, this clearly needs evaluation regardless of whether or not the applicant is asking for a finding that the area is historically filled. N. Hemingway reviewed the 2005 aerial showing a stone drive a fraction of the current size and clearly vegetated area around it. No site visit at this time.

Motion to Continue to Dec 6th at 8:00 PM – R. Mott; Second – B. Woodill; Vote – All in favor, none opposed. N. Hemingway was asked to see if aerial photos from the mid-90's are available.

41 Brantwood Road / NCC# 33(16) / (After-the-Fact) Fence Installation
RDA / DoA Applicant: Erik Paulson / Representative: N/A

No one was present for the applicant. B. Woodill read the legal ad. N. Hemingway summarized the report to the Commission. This is an after the fact for a fence that was constructed without a permit adjacent to wetlands. The resource area is BVW. The fence encloses an existing SFH yard at the wetland itself, primarily for privacy from and for the abutters. The home and yard were constructed in 1952 and predate regulations. The fence will actually help protect the wetland in back by limiting encroachment. Agent recommended at least 2 conservation signs be placed along the back fence line. (on the posts). She also recommended approval to allow the fence to remain and for the applicant to construct the final fence segment. Pos 2B (no confirmation of resource) Pos 5 (subject to local jurisdiction) and Neg 3 (in buffer but will not have an adverse impact on the resource area).

Motion – to accept keeping the fence with the new bounds. BW – Approve with conditions noted including 3 conservation markers – Pos 2B (no confirmation of resource) Pos 5 (subject to local jurisdiction) and Neg 3 Ron, All, None.

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

B. Woodill – Motion to continue; R. Mott – Second; Vote – All in favor, none opposed. Continue to December 6 at 8 PM.

ADMINISTRATIVE REQUESTS - none

ENFORCEMENT HEARINGS - none
VIOLATION DISCUSSIONS: - none

AGENTS REPORT – items discussed include

- Mark Mederos passed away unexpectedly on the 4th. 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. Hemingway, Agent

Project Name	Project Manager	Remaining Budget	Last update	Current Update - See also project status grid in your packets
Jacobs Pond Gift	None	\$7,160 <i>\$2600 is already dedicated to the final report. Original contract not fulfilled.</i>	11-15-16	Water testing. Aquatic control – new material is ok/safe pre review from Peter Dillion. Solitude lake management. Cost of \$5574.- To be done in the spring May/June. Attempted - Motion to approve – the maintenance treatment for 2017. Wait for the \$2600 to be determined before moving forward for the funding.
Boardwalk/Entry	Marynel	\$16,617	11-15-16	Finished Stetson, and Jacobs. What ones are next.
Donovan Parking	Ron	\$12,262	11-15-16	Adding \$9500 for the connector from CPC. Guard Rails – are they staying or going? On hold till meeting Dec 6 with Glenn. One portion will interfere with handicapped parking.
Donovan Barn Roof	David O	\$1,800	11-15-16	Still must do the windows.
Jacobs Dock	Bob W	\$2,192	11-15-16	Funds have been committed.
Chittenden Dock	Ron	\$3470	11-15-16	All bills are in. Project complete – and turn back the balance.
Kiosks/Signage	Bob W	\$17,004	11-15-16	BW and Nancy will finish up the maps and signs.
Jacobs Pond Improve 2009	Bob W	\$3,794	11-15-16	Committed, combined to the dock fill bill for the parking lot improvements.
Stetson/JudgeHill	Review the article.	\$3,078	11-15-16	Needs a refresh for the board walk on the nature conservancy land. Use this in Stetson? Review the Article – and see. Originally where the pallets are? Needs MOU signed.
Mt. Blue Cuffee CR	David O	\$14,119 (left)		Dedicated - CPC
Simon Hill CR		\$18,101		Dedicated - CPC
Masthead CR		\$16,269		Dedicated - CPC
CPC CRs		\$50,000		Dedicated - CPC
Masthead Use Proposal	David O Bob W.	-----		
Wompatuck Parking and Connection	Marynel Bob M.		11-15-16	Meeting with DCR Thursday AM. Bob M. Presentation of Greenway - Corridor. How to get from Prospect St to Hatch lots. Added value – even if it does not connect to wompatcuk. Look up to see who is the property owner. Setup meeting with Peter Morin to see what might be the next steps. BM will email out what we have.
Jacobs Pond West	Bob M.			Issue with everything ADA. CPC-too much money for the return product. – Keep on the table for now, see what happens.

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
Documents:				
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	
Emails:				
Misc. Email Correspondence	Aug. 2016 – Dec. 2016	Misc.	Misc.	
Plans:				
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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Checks Rec'd:				
\$ 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
<u>Documents:</u>				
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 -)				
<u>Emails:</u>				
Misc. Email Correspondence	Various		Sept. 2016 -	
<u>Plans:</u>				
Pedestrian Bicycle Path / Phase 3 - Town Center Ext. / Norwell, MA	Justin Lamoureux, Horsley Witten	Sept. 2016	9/20/16	
<u>Checks Rec'd:</u>				
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
Documents:				
(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	
Emails:				
Misc. Email Correspondence	8/2016 – 1/2017	Misc.	Misc.	
Plans:				
(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) \$110.00 (Ck. #3635) \$95.00 (Ck. # 3631)	Morse Eng.	8/29/16	8/30/16	
**DOUBLE FEES FOR AFTER - THE-FACT **				

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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
Documents:				
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	
Emails:				
Misc. Email Correspondence	Various	Nov. 2016	On-going	
Plans:				
Plot Plan of 41 Brantwood Rd / Norwell, MA w/ fence hand-drawn	Erik Paulson	9/26/16	10/4/16	
Checks Rec'd:				
\$200.00 (Double fee due to After-the-Fact)	Erik Paulson	10/3/16	10/4/16	

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