

**MINUTES – CONSERVATION COMMISSION  
WEDNESDAY, NOVEMBER 5, 2014 7:00 p.m.  
TOWN HALL, HEARING ROOM, 2<sup>ND</sup> FLOOR  
870 MORAIN ST., MARSHFIELD, MA**

**Approved 11-10-15 4-0-0**

Members present: Robert Conlon (RC), William Levin (WL), Frank Woodfall (FW), Chad Haitsma (CH), Alison Cochrane (AC), and Jay Wennemer, Conservation Agent (JW). RC motion to open the meeting, FW second, motion passed 5-0-0.

**MINUTES**

**BUSINESS**

1. Vote & sign Orders of Conditions for closed hearings (if projects are voted closed and/or the Commission is prepared to vote on Conditions):
  - Pfaff, 1173 Ferry Street – closed last meeting. Commissioners read draft orders. RC motion to issue as drafted, FW second, passed 5-0-0.
2. Scheduled Meetings: Tues., Nov. 18<sup>th</sup> HR 3; Tues. Dec. 2<sup>nd</sup> Selectman's Meeting Room, Dec. 16<sup>th</sup> second meeting in December.
3. Evans Land donation offer – Norwich St., 1/8 acre next to ConCom land (G12-02-04)
4. Trails Committee Update

**ENFORCEMENT ORDERS**

Michelini – 34R Marginal Street – has done a lot of clearing. Opened up marsh to create lawn. Sent out EO and heard from realtor that the person listed has passed away, has executrix of estate.

Whooley – 890 Webster Street – mucked out whole section of BVW and stream. Commissioners signed EO. Mr. Whooley came into office to talk to JW, will hire wetlands consultant.

**REQUESTS FOR CERTIFICATES OF COMPLIANCE**

Backburner:

1. 1658 Heaney, 29 Farragut Road
2. 2324 Wallace, 110 Damon's Point Road
3. 1090 Peterson, 219 Ridge Road
4. 1827 L. L. Smith, 60 Macomber's Ridge
5. REQPC-1925, Cushing Construction (Parsonage St.) Garden Gate
6. 2381 NSTAR, Pine Street
7. SE42-2363 Hannah Brook LLC, Off Summer Street

**Current:**

SE42-2515 Bergeron, 94 Seager Farm Rd– JW recommends issue. RC motioned, WL second, 5-0-0.  
SE42-2498 Daichman Management Trust, 1 East Street – JW did not get to the site yet.

**REQUESTS FOR DEVIATION**

**REQUESTS FOR EXTENSION**

**NEW BUSINESS**

This time is reserved for topics that the chair did not reasonably anticipate would be discussed.

**PUBLIC HEARINGS**

**7:15 2530 Abelli, 2 Porter Street  
7:15 2533 Daichman, 1 East Street  
7:15 2531 Seaberg, 3 East Street**

November 5, 2014

The above hearings had been continued for receipt of a file number from the State. File numbers have been received. FW motion to close the three hearings, RC second, passed 5-0-0. RC motion to approve draft orders for Abelli, Daichman & Seaberg, FW second, passed 5-0-0.

**7:20 2534 Gray, 3 Porter Street** – FW read hearing notice. Abutters notified, taxes paid. Rick Servant, Stenbeck & Taylor, present. This proposed project is just to the south of the last three hearings. Applicant is looking to do the same revetment repair. Aerial photograph shown. FW asked if Mr. Servant had any older pictures. He did not, but he did have a letter from a neighbor who's been there 50 years, stating there was revetment there in the past. Rick – have been told there was a wall across the front of all these properties in the past. JW – rocks were placed in front of houses for protection, they sink over time and bury into the beach. Typically revetment stones are sharp edged and get rounded after time, but you can still see the edges. He couldn't see any evidence that there was a previous revetment. DEP becoming very strict about allowing new coastal protection. Previous wall is good reason to rebuild, Rick has provided us with some evidence. Rick said the best evidence can be seen when visiting the site. CH – if rocks settle, how low do you have to dig down to find them? JW – not sure. The beach in this area goes up and down at least 4'. JW – this issue is going to become more and more of a problem for Conservation. All regulatory agencies are moving away from coastal protection; tough issues. CH asked if the letter that's been submitted by a resident in the area is acceptable since it's not notarized. RC – not technically an Affidavit, just a note to the Commission.

Mrs. Gray's son, James Gould, Old Beach Rd, spoke – said the area is changing incredibly from property to property. There used to be rocks there; resembled the Abelli's property at 2 Porter St. RC said he is willing to give the okay since this project is just like three we just allowed. JW – further south is concrete seawall. To the north it's mostly armored; patchwork of structures. WL – agrees with RC. FW – angular stone indicates line going down. JW – end effect – can calculate a scour out of the next property. All the power of the waves, being resisted by concrete, gets moved along. JW – taper on the southern end might be something to consider. Rick said maybe they can shape it in a way to keep off the other property. FW asked where the backfill will be coming from; he doesn't want then mining the beach to fill this in. Rick said it would have to be brought in. FW noted it needs to be imported material, and this will be put in the Orders. FW motion to close, RC second, passed 5-0-0.

**7:30 2527 Igo, 209 Bay Ave.** – Rich Servant, Stenbeck & Taylor, present. Have no issues with leaving small retaining wall alone. Doesn't retain any soil; doesn't stop any pile action, under water at high tide. JW – thinks it should come out – not supporting in any way the house next store. Extends under shingles about ¼ of an inch. Neighbor has foundation structure. CH motion to close, AC second, passed 5-0-0.

**7:35 2521 Brogan, 6 Jackson St.** - Applicant has requested a continuance to December 16, at 7:35 p.m. RC motion to continue, WL second, passed 5-0-0.

**7:45 2532 Maksy, 215 Ocean Street** - Dick Rockwood, Rockwood Design and Rick Servant, Stenbeck & Taylor present. Not lifting house as high as first presented, cut back foundation size, have some sono tubes. 14.1 is current elevation. Put some flood panels in to satisfy neighbors. Faith Jean, abutter, present. AO flood zone requires smart vents. We have probably 10 times what's required Rick said. JW – new foundation plan is much closer to what's there.

Faith Jean asked if the applicant is moving the position of the building. Moving slightly to make it conform Dick Rockwood said. Making minor adjustment, pivoting on the corner because it's right on the property line. Rick said it is parallel now – corner is closer, but gained to make it parallel to lot line. Not becoming any more non-conforming. Ms. Jean – showed picture of house – Rick said that's the deck. Her barn is 3" over onto prospective builder's property. Turns out they used a plot plan from 1983 – thought the boundary was no longer in question. Rick – no question about boundary; Ms. Jean thinks it's on her own property – checked with Registry of Deeds. RC pointed out the applicant has done pretty much everything Conservation asked for, and explained Conservation required the openings to protect her property. JW noted they lowered the proposed house quite a lot. Will be higher than it is today, but not as high as was proposed last week. Be about two feet higher than it is now. Ms. Jean said she would need something to protect her driveway while they're building. She also asked what the point was of moving the house; Mr. Rockwood said it's in order to bring it onto the lot. RC motion to close, FW second, passed 5-0-0.

November 5, 2014

**8:00 2522 Harbormaster, J. Driebeek Way** - Pat Brennan from Amory Engineering present. JW has talked to DPW about the area. JW – found there are other filings that deal with this area; a bridge that was built over the creek, and a previous proposal for Harbor Park that showed parking across the street in the area that's now proposed. Harbor Park plan that was approved had a stone dust path, similar to what's proposed today. Another plan showed dredge area occupying pretty much the property from the sewer plant to the creek. First used in 1958 and several times since then. It is JW's estimation that this area is not salt marsh. What's proposed isn't a violation of any WPA; appears some form of this proposal has been approved previously. Previous parking area and walking path was approved. Parking lot across the street proposed back then as it is now. RC asked what happened to previous proposals; don't know.

Man in audience asked if it's a proposal – JW said it's a permit. Steve Lynch – don't remember the parking being allowed; remember the dredging proposals. Abutter said they were never there. RC – they were approved; they weren't put there but were permitted. 1983 permit; 1976 permit. Steve Lynch – bridge was built in 1985; now talking about huge expansion. Abutter said the project will be dismantling the area; flooding has changed drastically since the town parking lot went in. Trees are dead. AC asked the abutters if they would be happy with a smaller park. NO! There's a nice park around the corner the public can use. Don't want people pushing carriages, kids on bikes, dogs etc., on the already crowded road.

Prior to WPA that area was used for dredge spoil area JW said. Have permit from 1985 for area to be extended. Mr. Lynch stated the last dredge project in Green Harbor was in 2011. Mr. Lynch stated when the Town of Marshfield put that material in a couple years ago, they did not have a valid permit to do so.

JW said he is satisfied this was a dredge spoil area; no longer considered a salt marsh when the WPA came into being. Considering application for permit now. This is not a wetland resource area.

Trisha Leary, Frederick Muir, abutters to the proposed project, asked who in the Town they should approach with regard to stopping this project. The Commission suggested they speak with the Selectmen.

Pat Brennan presented plan. Commission feels parking lot too large. Adding 16 spaces to existing. Going to be gravel where existing area PB said; larger footprint. No way to actually delineate spaces. WL asked how they arrived at that number of spaces.

WL motioned to close the hearing and take a vote. WL motion to accept proposal as submitted minus the 16 spaces at the eastern side of the proposed parking area, RC second, motion passed 4-1-0 with FW opposed.

JW explained the appeal period to abutters.

**Orders of Conditions:**

The Commission read draft Orders for SE42-2527 Igo, 209 Bay Ave. RC motion to accept as written, FW second, passed 5-0-0.

The Commission read draft Orders for SE42-2532 Maksy, 215 Ocean Street. RC motion to accept as written, FW second, motion passed 5-0-0.

RC motion to adjourn at 10:05 p.m., WL second, motion passed 5-0-0.

Respectfully submitted,  
Lois Keenlside  
Marshfield Conservation Commission

Jay Wennemer, Conservation Agent  
Robert Conlon  
William Levin  
Frank Woodfall  
Chad Haitsma  
Alison Cochrane