

**MINUTES – CONSERVATION COMMISSION**  
**TUESDAY, DECEMBER 8, 2015 7:00 p.m.**  
**TOWN HALL, HEARING ROOM 3, 2<sup>ND</sup> FLOOR**  
**870 MORaine ST., MARSHFIELD, MA**

**Approved 3/1/16 4-0-0**

Members present: Robert Conlon, Chairman (RC), William Levin (WL), Frank Woodfall (FW), Chad Haitisma (CH), Bert O'Donnell (BO'D) and Jay Wennemer, Conservation Agent (JW). RC motioned to open the meeting at 7:00 p.m., FW second, motion passed 5-0-0.

**MINUTES** - April 21, 2015; May 5, 2015; May 19, 2015; June 2, 2015; June 16, 2015 – RC motion to accept, WL second, passed 5-0-0.

**EXECUTIVE SESSION**

Attorney Galvin – Discussion of Litigation

RC motion to go into Executive Session for purpose of discussion of pending litigation and to return to open session. WL second. BO'D - yes, FW - yes, CH - yes, WL - yes, RC - yes.

**BUSINESS**

- Vote & sign Orders of Conditions for closed hearings  
(if projects are voted closed and/or the Commission is prepared to vote on Conditions)
  1. SE42-2593 Wienert, 145 Revere Street – FW okay
  2. SE42-2596 Howes, 110 Riverside Circle – FW okay
  3. SE42-2588 McNeilly (Notre Dame) 542 Ocean Street – FW – talked about repairs along the wall; they can add stones where it's dropped off. JW – see "i". FW – good with it.
  4. SE42-2587 MYC, 11 Ridge Road – FW good with it.

RC motion to accept all of the above, WL second, passed 5-0-0.

- Maryland Street CR - did not discuss
- Scheduled Meetings: December 22, 2015; January 5, 2016; January 19, 2016 – Commissioners okay with dates.

**ENFORCEMENT ORDERS**

**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. 1318 Darman, Chestnut Hill Trust, Holly Road
8. 2546 Hutchinson, 499 Union Street

Current:

1. 2511 O'Brien, 1215 Ferry Street

**REQUESTS FOR DEVIATION**

**SE42-2373 Bill Gale**, 104 Marginal Street – dock change – at the end of the pier he had a short ramp and a long float; he wants to relocate two of the end pilings and make the ramp longer and the float shorter. 24' further out for the 2 pilings. Length of the pier won't change; ramp and float swap. RC motion to issue deviation, FW second, passed 5-0-0.

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### **REQUESTS FOR EXTENSION**

**SE42-2373 Bill Gale**, 104 Marginal Street – JW recommends. RC motion to extend, WL second, passed 5-0-0.

### **NEW BUSINESS**

### **PUBLIC HEARINGS**

**7:00 25 Lucchetti**, 132 Oak Street - Applicant has requested a continuance to 12/22. RC motion to continue to 12/22 at 7:00 p.m., WL second, motion passed 5-0-0.

**7:00 2589 Leatherbee**, 22 Acorn Street - Applicant has requested a continuance to 12/22. RC motion to continue to 12/22 at 7:00 p.m., WL second, motion passed 5-0-0.

**7:05 2597 Cheney**, 43 Constitution Road - RC read the notice. Rick Servant, Stenbeck & Taylor present. Mr. Cheney present. Existing dwelling located in flood zone AE9, proposing to raze existing, rebuild new house on driven wooden piles. Proposed finished floor 11.2, associated decks and landings with the house, 2' clear under. Doesn't require zoning hearing. JW – this area is unique – used to be salt marsh, all of the foundations in the neighborhood built in the 50's and 60's are crumbling because the peat layer under the fill is not stable. Require pilings now. Also Barrier Beach and LSCSF. CH – pile foundation on plan; go to other page – says foundation concrete = Rick = initially were looking at concrete piers. Rick – should have been changed – going with wooden piles. Orders will call out discrepancies in plan. CH – getting rid of the driveway? Hadn't planned on it. JW – we'd prefer it not be paved, but it's there. Have an opportunity to remove it if you want it removed. Mr. Cheney – lot of houses that still have paved driveways and they've been allowed to maintain them. RC suggested roof drains, dry well. Mr. Cheney didn't see problem with that; disappears right into the soil. Rick – no problem doing roof drains, same size roof as existing. RC motion to close, WL second, passed 5-0-0.

**7:15 2567 Wallace**, 35 Water Street – Rick Servant, S & T presented. Had been continued for decision from piles vs concrete piers. JW – was appealed to the BBRS Building Appeals Board and they ruled to allow concrete piers. But JW has talked with Rebecca Haney who stated our decision for protecting the BB area is not dependent upon what building or appeals board said. Conservation has jurisdiction to protect resource areas and this is independent of building code issues. Barrier Beach, coastal dune. Dick Rockwood entered the meeting. JW passed out copies of Rebecca's email and excerpts from c.131§40. Regulations talk about the functions and values of Barrier Beaches, provides sediment, flood control, storm damage prevention, etc. Rockwood – state appeals board granted variance. RC – variance to the building code, not Wetlands Protection Act. JW – building code says building commission has to incorporate construction documents into their permit including Orders of Conditions, which is conservation's decision. CH stated we should issue Orders for driven piles. JW – they want deep pilings that are not going to be undermined by over-wash and moving sediment. Want isolated supports so they don't block water flow. State does not want footings, solid foundations, or grade beams. Of the three current possibilities such as screw-anchor pilings, the driven pilings are the least expensive. CH – motion to close and issue orders which will include those options, FW second. DR asked that hearing be continued. CH rescinded the previous motion & FW second, passed 5-0-0. CH motion to continue to 12/22 at 7:15, FW second, passed 5-0-0.

**7:20 2591 McGillicuddy**, 64 Foster Ave – Rick Servant asked that this be continued – waiting for a letter from the Building Inspector. RC motion to continue to 12/22 at 7:17, WL second, passed 5-0-0.

**7:25 2565 Vacirca**, 20 Wilson Road –Applicant has requested a continuance. RC motion to continue to 12/22/15 at 7:25, WL second, passed 5-0-0.

**7:30 2566 Roderick**, 2104 Ocean St. – Applicant has requested a continuance. RC motion to continue to 12/22/15 at 7:30, WL second, passed 5-0-0.

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RC motion to adjourn at 8:30 p.m., WL second, motion passed 5-0-0.

Respectfully submitted,  
Lois Keenlside  
Marshfield Conservation Commission

Jay Wennemer, Conservation Agent  
Robert Conlon, Chairman  
William Levin  
Frank Woodfall  
Chad Haitsma  
Bert O'Donnell