

**MINUTES – CONSERVATION COMMISSION
TUESDAY, JUNE 7, 2016 7:00 p.m., HEARING ROOM 2
TOWN HALL, 870 MORaine ST., MARSHFIELD, MA**

Approved 8-16-16 5-0-0

Members present: Robert Conlon, Chairman (RC), Frank Woodfall (FW), Chad Haitsma (CH), Bert O'Donnell (BO'D), James Kilcoyne (JK) and Jay Wennemer, Conservation Agent (JW). William Levin not present

RC motioned to open the meeting, FW second, motion passed 5-0-0.

MINUTES

BUSINESS

- Approve, vote & sign Orders of Conditions for closed hearings: (none)
- Scheduled Meetings: June 21st
- July 12th for next meeting.
- Hatch Mill dam – have done a nice job out there. But spillway could erode.

EXECUTIVE SESSION

ENFORCEMENT ORDERS

- Adrienne Skala 39 Eagle Rd I11-17-09A – received call from David Kelley re: restoration.
- East St. Bizzozero – fill at end of street – he said he will remove stone dust and gravel fill and replace it with a sand/gravel mix and grade it.
- Walker, 110 Elm Street – JW stated the Commission needs to deal with this issue clearly and firmly. Town Counsel Galvin suggested a new NOI, new plan, new Orders. Clear and to the point. Get rid of the ambiguity. We could waive the filing fee. Give “deadline” for filing. JW will write to Galvin – we either want a new NOI or follow the previous Orders. Fine with Commission. If they don't comply we can issue an EO.

REQUESTS FOR CERTIFICATES OF COMPLIANCE

Backburner: (until problems are resolved)

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:

- SE42-2575 McGee, 419 Moraine Street
- SE42-2577 McGee, 409 Moraine Street
- SE42-1201 Adams, 117 Foster Avenue
- SE42-774 Gorton, 1159 Ferry Street – JW brought up septic issue.

JW recommended all requests for certificates. On SE42-1201 the work was never done. RC motion to issue Certificates of Compliance to all of the above, FW second, passed 5-0-0.

REQUESTS FOR DEVIATION

REQUESTS FOR EXTENSION

SE42-2472 Knight, 32 Cove Street – JW recommends extension for three years. RC motion to issue, FW second, passed 5-0-0.

June 7, 2016

NEW BUSINESS

PUBLIC HEARINGS

7:00 2613 Whooley, 890 Webster Street – this hearing had been continued from 5/24/16. John Zimmer, South River Environmental present. JW on site today. The restoration plan is done. No disturbance markers will be placed. JW said he is happy with John's approach. The berm at the foot of the lawn is going to be re-distributed. Site will be planted with list of shrubs and plants that John has. Everything he's proposed is appropriate. Site stayed un-vegetated for quite a while. There is a lot of re-growth now of herbaceous layer. John said the applicant has asked for an on-going condition allowing him to clean out trash in impoundment area. He could contact Jay before he does that. FW noted the total number of plantings will remain the same – 250. RC motion to close, FW second, passed 5-0-0.

7:05 2612 Warner, 159 Webster St. - RC read notice of public hearing. Darren Grady, Grading Consulting present. Replacing existing septic – wetlands shown on both side of property. Going to replace in the front of the property, outside of the 50'; silt sock proposed. This will be an improvement on property. CH noted in the back yard there's a diagonal slump in the ground for quite a distance. JW said the end of a drain pipe is about 12' away from wetland flag – it's an overflow for a failing septic system. JW will add a Special Condition that the length of pipe be removed. There are wetlands adjacent to a well field that the Town has down in the back about a quarter of a mile away or a little more. Back yard is very low, would probably revert to wetland. No other solution for this site. JW stated that the house seems small for four bedrooms, and asked if this has been before the Board of Health yet. JW recommends continuing this hearing in case the Board of Health has any changes. If there's a big change in the plan we'd have to start over. Darren would have liked to close tonight but agreed to the continuance. CH motion to continue to 6/21 at 7:00, RC second, passed 5-0-0.

7:10 2611 Calabrese, 93 South River Street - RC read notice of public hearing. FW hearing officer. Tara Calabrese and Atty. Steve Guard present. Darren Grady, Grady Consulting presented. This is a proposed subdivision of three existing lots into 5 house lots; one lot has an existing house. Wetlands at the rear of the property, existing brook there with riverfront area, and BVW. Wetland flags by John Zimmer of South River Environmental. Riparian zones shown on plan. The proposed roadway is shown as a reduced sized cul de sac; the applicant has requested a Waiver from the Planning Board and will meet with them on June 20th. Roadway construction will be asphalt, underground drainage, and they are proposing silt sock at limit of work.

Atty. Guard said this is the first proposal of its kind under the Inclusionary Bylaw. There will be an affordable unit on lot 2. The applicant is requesting a continuance this evening but wanted to provide the Commission with the initial presentation. Will wrap up with Planning Board. Not scheduled to meet with Board of Health yet – they will do that on an individual lot basis; each house will have its own septic system. JW said this is a complicated regulation – proposing less than 5 houses allows a certain break from Regulations. Existing site is mostly lawn. CH would like to have narrative double checked on the math. BOD asked if lot 6 has a house on it. There is an existing garage that is going to be removed.

Atty. Guard said they anticipate negotiation with the Planning Board on a CR for the area way in the back. Lot 5 will have a Deed Restriction on it. FW asked if there should be a property line between Lot 5 and the open space. There will be an easement or area of conservation – all of lot 5 will be privately owned with a CR to prevent future development. Atty. Guard said they may take a look at just cutting that piece off and call it Parcel "A". BO'D asked if they have room for a driveway on lot 5. JK said the plan is very hard to read. JW said it does meet our setbacks. Darren said 3,341 sq. ft. under current analysis.

JW read the Amory report on storm water review; made a point for Grady to address.

Bob Patterson, lives next door to the proposed project, 85 South River Street, asked to see the plan. He asked the Commission if this project has legal frontage. FW said that would be a Zoning issue. Atty. Guard said the applicant is not asking for any Variances, they are before Planning for a Special Permit. CH asked if the Inclusionary Bylaw is the Town's or the State. Atty. Guard said it is the Town's. CH said he will want to read them. FW motioned to continue to July 12th at 7:10, RC second, passed 5-0-0.

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7:10 2606 Harvey, 37 Acorn Street – Applicant has requested a continuance. RC motion to continue to 6/21/16 at 7:10, FW second, motion passed 5-0-0.

7:15 _____ Mahaney, 46 Preston Terrace – Applicant has requested a continuance. RC motion to continue to 6/21/16 at 7:15, FW second, motion passed 5-0-0.

RC motioned to allow JW to hire a consultant for subdivision review, if needed. CH second, motion passed 5-0-0.

BO'D asked about Howes Brook Road. JW – ConCom approved narrow house with 25' back yard and 50' no touch zone. Developer has cleared a lot of the trees and is also building a footing for a retaining wall closer than the 75-foot limit. He will be coming in with a new plan. He will probably need to re-plant some trees. House appears to be as proposed. JW is writing up EO.

JW said Arthur Lage, who was before the Commission in 2014 for an addition to his house on E street, is interested in being on the Commission.

RC motion to adjourn at 8:17 p.m., FW second, motion passed 5-0-0.

Respectfully submitted,
Lois Keenlside
Marshfield Conservation Commission

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