

MINUTES – CONSERVATION COMMISSION
TUESDAY, MAY 19, 2015 7:00 p.m.
TOWN HALL, HEARING ROOM 2, 2ND FLOOR
870 MORaine ST., MARSHFIELD, MA

Approved 12-8-15 5-0-0

Members present: Robert Conlon, Chairman (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, passed 5-0-0.

MINUTES

BUSINESS

- Vote & sign Orders of Conditions for closed hearings (if projects are voted closed and/or the Commission is prepared to vote on Conditions): DPW – Foster Ave Seawall – Commissioners read draft orders. Item H – usually problematic. Small revision by RC – no concrete slabs unless originally permitted by Commission.
- Scheduled Meetings: Tue. June 2nd, Tues. June 16th
- 8:30 Dana Junior, Plymouth Avenue Discussion

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

Current:

1. SE42-2539 Northland Construction, 21 Cranberry Cove – not ready
2. SE42-2104 Insight Bridgeway LLC, 1277 Ferry Street – not ready

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

7:10 2555 Mehr, 1829 Main Street - had been continued for payment of taxes. Taxes paid today. RC motion to close, WL second, passed 5-0-0.

7:15 2553 MacQuade, 172 Carolyn Circle - RC read notice of public hearing. Dick Rockwood, Rockwood Design and Mr. MacQuade present. CH hearing officer. Putting addition on house, on side line of lot there is a wetland line that's 25 feet from the original house; honoring that line by not entering into it. JW walked the site today. Patricia Reilly, 196 Carolyn Circle, stated she had no issues with the addition being built, but is worried about equipment and supplies that will be coming down the street to do the work. Mr. MacQuade said he is going to have them come in the same way all the other vehicles came in that were doing work on other properties on the street. He stated he put up a gate as a safety concern as well as liability issue for himself since people were treating that area in front of his property as a turn-around; he said he had a deed search done. Mrs. Reilly stated

May 19, 2015

there was a turn-around put into the planning of that development; now that it is blocked, trucks have to back down the street. Mr. MacQuade said trucks can turn around in his driveway, as people do now. JW stated he has no problem with what is proposed, however, there is a lot of impervious roof area that should be infiltrated into dry wells. CH said that condition will be put in the Orders. CH motion to close and issue orders, RC second, passed 5-0-0.

7:25 2554 Our Place R.T., 221 Ocean St. - RC read notice of public hearing. Mr. & Mrs. Kaufman present. CH hearing officer. Dick Rockwood, Rockwood Design, presented. House damaged by fire – proposing to fix property up and extend the footprint. House in AO flood zone presently, new flood zone under consideration – intending raising to elevation 16. Main part of the house is poured concrete; rest of the house is decks. 4.5 feet expansion toward the ocean, 4.5 feet towards Arthur & Pat's. First floor is staying – proposal is to keep existing foundation and install flood vents to meet FEMA requirements. Going to raise foundation with 4 cinder blocks to meet 16.1 requirement, bring all utilities up and will fill foundation floor to the required depth & install smart vents. Will be worked out with the Building Department. Zoning meeting is scheduled for next Tuesday. CH asked if they are going to put in more vents than what exists now; Rockwood said smart vents work per 200 sq. ft. – that's how they equate, and the applicant will have more than he needs. CH – see a lot of poured concrete foundation. JW that's for an AE flood zone and not barrier beach. This is an AO flood zone on barrier beach. Open piling foundation required. Building Inspector determined that this is a substantial improvement. Pilings are required in a Barrier Beach. Rockwood – only time you have to tear out foundation is if it has storm damage. RC stated this is a substantial improvement, and all regulations have to be complied with. RC would like time to look it over. Mr. Kaufman stated he has owned the property for 30 years, and it made it through the blizzard of '78, and the No Name storm – water always goes around it. Existing foundation installed was installed around 1972-1974. CH motion to continue to June 2nd at 7:10, RC second, passed 5-0-0.

7:35 2557 Smith, 34 Ridge Road - RC read notice of public hearing. RC hearing officer. Greg Tansey, Ross Engineering and Mr. Smith present. Resource area is outer riparian to South River. Property is outside FEMA flood plain. Applicant is proposing to square off back corner, entry way, crawl space foundation – proposing to upgrade septic. Cesspool there since the early '50's. One resource area is the outer riparian to the riverfront area. Meets performance standards for redevelopment project. Not encroaching on river – all construction has been kept well out of the riparian zone. Some plantings and mitigation. RC asked if the property is in an X zone and if there is poured concrete; Mr. Tansey said 'yes' to both. JW noted he had no issue with what's proposed. Proposed flood maps make this AE elevation 15 and he suggested elevating living space and utilities and install vent openings in the foundation in case new flood maps are put in place; he said this is strictly voluntary, but could save Mr. Smith a lot of expense in the long run. RC motion to close, FW second, passed 5-0-0.

7:45 25__ Wunschel, 153 Bay Ave. - RC read notice of public hearing. Leo Stickney from Cobra Enterprises presented the proposal. Existing block retaining wall was put in in 1998. River has cut into the marsh – last 40% of the wall is undermined in one spot, and is leaning into the marsh and getting worse. Proposing sheet pile wall behind existing block wall – can get a 6 to 7 foot toe so we won't get undermined with tide going in and out. Will be on the inside of the existing wall. JW walked the site with Mr. Stickney. JW said there is an existing block bulkhead or seawall made out of individual blocks that are stacked up. This is Barrier Beach and Land Subject to Coastal Storm Flowage. Maintenance of existing structure can be done. Stops erosion from happening – blocks stand on their own because of massive weight. WL asked if the compromised blocks will be taken away; Mr. Stickney said only the ones that are compromised right now will be removed. Don't have DEP number yet. RC motion to continue to 6/2 at 7:20, WL second, passed 5-0-0.

8:00 TBL 15-01 Oliva, Highland Street - RC read notice of public hearing. FW hearing officer. Taxes paid, abutters notified. FW noted that the plan presented is not stamped and signed by an Engineer. The Project Engineer was attending another meeting and running late, so Lenore White, Wetland Strategies, read from her report to the Commission. She stated the wetlands are low flat areas, signs of long term wetland hydrology. Found flag that said test pit – small depression – vegetated with sensitive fern. Ms. White stated that's the only thing she found; no hydric soils, no evidence of saturation, no root systems, no plant adaptations. She said she found a depressed area that had a predominance of wetland. Site appeared to be farmland. Presence of wetland vegetation, which she flagged; no evidence of long term wetland. Project does not propose to alter either area, proposed work in the buffer zone. If this project were approved and subject to WPA, would these areas still function in an interest that WPA protects. Work in the buffer zone to these areas would not affect

May 19, 2015

public water supply, there is none in this area. Sitec plan meets groundwater re-charge. Applicant is working with Natural Heritage because of box turtles – setting aside 65% of this lot, wildlife habitat will be protected. Open space on abutting properties; will allow continuity. Atty. Watsky asked Ms. White if there is any recreational value to this property. Ms. White said there is not.

FW asked if Ms. White had looked at the remainder of the property for wetlands. Ms. White stated she had not. Mr. O'Leary had said there weren't any more wetlands on the site. Ms. White said she looked only at the vegetation. CH asked if "looked" is the methodology of testing. Atty. Watsky asked Ms. White how she tested the soils. Ms. White said she used an auger, Paxton loam soils – type of stony soil, not hydric.

JW noted that this is basically the fourth wetland delineation that the Conservation Commission has seen done on this site. LEC, Brad Holmes of BSC, another by Sitec, now Ms. White's. Don't disagree that the work is in the buffer zone, wetland delineation is important because it will affect yield plan and setbacks to utilities. Important that we come to grips with the various wetland delineations. JW suggested a consultant be hired at the applicant's expense to look at these two areas,

FW asked whose flags are on the plan; they are Ms. White's. Atty. Watsky stated he doesn't know what LEC was looking at – delineation submitted did not include any soils evaluation, just based on flagging. He said he welcomes having the Commission hire their consultant. Jack O'Leary, Project Engineer, arrived at 8:25.

Mr. O'Leary stated this is an Open Space Residential Subdivision, 17 acres more or less. Used to be a Christmas Tree Farm. Now an overgrown field. Natural Heritage determined box turtle habitat. Proposing simple twelve, reduced size lots. The project is in front of Planning Board for review; critical area for Commission shown in blue on the plan. Easement area prohibits roadway. Subdivision is planned to have a shared septic system with shared leaching field and network of sewer pipes. Storm water – proposed series of catch basins, discharge into storm water basin, discharges into slope. Proposed water main, isn't a lot of grading for roadway. That's the closest area of work. CH asked if NHESP writes their own Orders of Conditions. JW – typically issue a conservation and management plan themselves. FW asked how habitat management is going to work. Mr. O'Leary said some sort of permit protection – usually transferred to an entity that manages open space.

Post and rail fence is proposed with signage so people can't use it as their own yard. FW asked if this is gated (i.e. back road). Almost certainly Mr. O'Leary said. FW noted there's quite a slope going into the detention basin. 4 to 1 slope Mr. O'Leary said – could be mowed (maintained) as a field.

JW asked if the applicant has looked at other areas for the proposed sewer system. The current proposal is near the perimeter of the property. Mr. O'Leary said he feels it is pretty far away. Atty. Watsky stated the components are more than 100' from septic system. The system hasn't been approved yet by the Board of Health.

Don Lonergan, 562 Highland St., stated everything in this area is wetland, and asked who the NHEPH person is. Mr. O'Leary told him it is Jessie Leddick.

Peter Mimno, 610 Highland St., stated the survey done on May 4th didn't go into the northern area that is obviously very wet, and to the northeast. He felt it is not of the quality that was done in the past.

Kevin Malloy, 579 Highland St., said he is very familiar with the property. The northwest side of the property has a lot of wetlands and the fire access has a stream that runs through there.

Mr. Lonergan asked if the consultant will review the entire lot; JW said he would.

FW motioned to continue to June 16th at 7:30, RC second, motion passed 5-0-0.

8:15 2558 Roht, 2205 Main Street - RC read notice of public hearing. Greg Morse, Morse Engineering and lawyer present. Abutters notified, taxes haven't been paid. Tonight's proposed addition of bathrooms and some site grading within 100' buffer. H5 plan – has been permitting with Board of Health and Zoning. Site is developed, has existing residence, has existing marina buildings, deck space, dock space. Bituminous driveway into site, gravel parking area, patio was permitted under previous NOI. Here

May 19, 2015

tonight for addition to back of western marina building to bring in ADA compliant bathrooms. Previous bathrooms were removed. Addition would house 4 bathrooms – plan to tie into the existing septic connection which services the sink. Mr. Morse stated the entire septic system is outside the 100' buffer. Mr. Morse met with JW today; JW asked for additional erosion control.

Have added barriers, second row. Roof downspouts associated with the addition – JW asked that they be put into the infiltration system. DEP had no comments Mr. Morse said. FW noted the area over the brick terrace should be tied into some gutters and into infiltration system. JW – no increase in impervious surface, etc. Being consistent with this issue. JW – grading to the west of the patio and the small retaining wall. WL said pervious surface is for the new bathrooms. CH asked if this is just a summer tent or a precursor to something else – just a summer tent. RC motion to close, FW second, passed 5-0-0.

BUSINESS:

8:30 Dana Junior, Plymouth Avenue Discussion – Mr. Junior owns the Plymouth Ave/Fieldson area two-acre parcel, which has had issues regarding wetlands and the flood plain 30 years ago. Site is covered by pavement and wetlands. Only permanent use now is boat storage. Has two sheds on the property that are a pile of rubble. Dana explained that the economic value is in the dumps. There is NO funding to make the place better. He is proposing to create three building lots, clean-up the site, remove pavement. DPW has been dredging Bass Creek to get the flow out into Green Harbor. Would like to hear the Commission's view on developing this parcel. Dana stated he would be willing to donate the shaded area of the parcel to the Town or Conservation. There's sewer in this area, would adhere to flood plain requirements, would have to go up on pilings. JW said the site is BVW, flood zone, don't think it's Barrier Beach, AE flood zone 9 or 10. RC asked if the houses would meet Zoning requirements; would have to go before the Zoning Board. WL asked when the paving happened. 1978 Dana said. Great majority of the dry land is paved. He said further, three houses would be an improvement on the site, not restoration. CH asked JW if he had any idea of how much of the site is wetland. JW said he really doesn't know; looks like about 1/3 of the site now.

Dana said he would take out all of the pavement on the entire site – would plant, seed, etc. FW asked if Rod Procaccino, the Town Engineer, would like that area as a right-of-way. JW said he would, Rod was looking to access Bass Creek through this property. JW said the Commission should talk to Town Counsel before accepting or denying this proposal. The Commission felt they don't have the authority to overturn a court order. Dana said he has hired Atty. Creed, who has been talking to Town Counsel, and it was suggested that Dana see what this Commission thinks. JW will get back in touch and have another discussion.

NEW BUSINESS

Bert O'Donnell was present and attended the whole meeting. He is interested in joining the Commission and will submit his resume and cover letter. RC recommends appointment, WL second, passed 5-0-0.

RC motion to adjourn at 9:50 p.m., FW second, motion passed 5-0-0.

Respectfully submitted,
Lois Keenlside
Marshfield Conservation Commission

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