

**MINUTES – CONSERVATION COMMISSION
TUESDAY, NOVEMBER 10, 2015 7:00 p.m.
TOWN HALL, HEARING ROOM 3, 2ND FLOOR
870 MORaine ST., MARSHFIELD, MA**

Approved 3/1/16 4-0-0

Members present: Robert Conlon, Chairman (RC), Frank Woodfall (FW), William Levin (WL), Chad Haitisma (CH) and Jay Wennemer, Conservation Agent. Bert O'Donnell was not present.

RC motioned to open the meeting at 7:00, FW second, passed 4-0-0.

MINUTES – 9/16/14; 10/7/14; 10/21/14; 11/5/14; 11/18/14; 12/2/14; 12/16/14 - RC motion to accept the minutes, FW second, motion passed 4-0-0.

BUSINESS

- Vote & sign Orders of Conditions for closed hearings
(if projects are voted closed and/or the Commission is prepared to vote on Conditions)
 - 2580 Tasney, 55 Cross Street
 - 2587 Biviano, 166 Foster Avenue
 - 2578 MA Audubon, 260 Winslow Cemetery Road
 - 2585 Barry, 137 Bay Avenue

FW motion to issue as written, RC second, motion passed 4-0-0.

- Scheduled Meetings: November 24, 2015 and December 8, 2015

EXECUTIVE SESSION

ENFORCEMENT ORDERS

Lucchetti – 132 Oak Street – razed house, de-nuded the site, bare soil and steep slope. Some erosion already into wetlands, which were flagged after work was done. Some erosion control measures put out, but not adequate. JW postponed perc tests, will follow up.

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. 1051 Hale, 10 Hutchinson Road - no
2. 1258 Driscoll, 10 Hutchinson Road - no
3. 2003 Driscoll, 10 Hutchinson Road - no
4. 2500 Martin, 70 Preston Terrace –JW recommends, RC motion, WL second, passed 4-0-0.
5. 2511 O'Brien, 1215 Ferry Street - no

REQUESTS FOR DEVIATION

REQUESTS FOR EXTENSION

NEW BUSINESS

PUBLIC HEARINGS

7:00 2593 Wienert, 145 Revere Street - RC read notice of public hearing. CH hearing officer. Bob Crawford, EET, Inc. present. 20,000 sq. ft. lot – abuts marsh – wetlands on 2 sides. Leaching field as far away from wetland as possible. Title 5 requires 50'. 1500 gallon tank, pump chamber, 400 sq. ft. leaching field with plastic chambers. Fill probably 4 to 5 ft. high at maximum point; replacing cesspool that abuts wetlands; flagged by John Zimmer. 32' from edge of wetland. Erosion control provided. CH noted propane tank and existing shed should be to be moved out of wetlands. JW fine with delineations. One other thing JW mentioned - the lawn now extends into wetlands - must be reduced with a 10' buffer strip and not mowed to regain wetlands and protection to the wetlands. Wetland No Disturbance markers will be required. Mr. Crawford said they have not gotten approval from Board of Health yet. CH motion to continue to 11/24 at 7:00, FW second, passed 4-0-0.

7:05 2589 Leatherbee, 22 Acorn Street - RC read notice of public hearing. Bob Crawford present. FW hearing officer. 14,000 sq. ft. lot. Septic tank and pump tank to a mounded leaching system 4' high, and 50' from BVW at closest point. Leaching facility for 3 bedrooms 316 sq. ft., five rows of plastic chambers. Limit of work is 31 feet from the wetland and leaching system has retaining walls on all three sides. Providing erosion control barriers at limit of work. FW asked if it could go up by Acorn St. in the northeast area; Mr. Crawford said there is ledge out front, did do test pit in that area and hit ledge about 2' down. FW asked if the applicant would they be amendable to the 10' buffer zone along wetland edge; Mr. Crawford said they would. JW mentioned possibility of pumping effluent to an upland area on other side of stream - would need easement for the line from the abutter. Mr. Crawford said they have not gotten approval from Board of Health yet. FW motion to continue to 11/24 at 7:00, RC second, passed 4-0-0.

7:10 2588 McNeilly (Notre Dame) 542 Ocean Street - RC read notice of public hearing. Rick Grady, Grady Consulting, presented. Existing home, rear of property is coastal bank; covered in rip rap stone, elevation 28 to 30 feet. A section of very shallow base in the existing wall collapsed last winter. Proposing to replace with larger block stone wall - 8' long 3' high blocks. Top of the wall will be the same elevation but base will be extended deeper. Top at elevation 26' – would like to extend down to 19', 4' to 5' down in the ground; replace riprap stones on downhill side of wall. JW asked if the riprap is also collapsing; Mr. Grady said a small section is and they would like to fix. JW said there is quite a bunch sagging in both directions. JW asked if they plan on bringing in new material. Mr. Grady said they would need a little bit. JW noted they cannot use any native material from the beach; going to have to bring in new material. JW asked if they would be rebuilding or just adding to the top. Mr. Grady said the current thought is just to add, but we can do site visit to see if that makes more sense. JW suggested continuing the hearing and look into these questions. Need to find out if the Town would allow you to work on their property, and get an idea of whether new rock is enough.

Joe Pecevich, Wilson Road, asked if this wall is going to be rebuilt in exactly the same location. Mr. Grady said yes, it would.

Mr. Pecevich asked if they are going to demolish the stone. Mr. Grady said yes, they are.

Mr. Pecevich asked the size of the blocks. Mr. Grady said 44" thick interlocking blocks, will not be mortared – gravity wall.

Mr. Pecevich asked what the blocks are set on, what is the base. Mr. Grady said crushed stone.

Mr. Pecevich asked if borings have been set. Mr. Grady stated they have not.

Mr. Pecevich asked what's going to keep the gravel from getting washed out. Mr. Grady stated that's why he and JW are going to go out and look at the site again next week.

RC motion to continue to 11/24 at 7:15, FW second, motion passed 4-0-0.

7:10 25__ Mahaney, 46 Preston Terrace - Mr. & Mrs. Mahaney present. The DEP has not issued a file number or any comments on the proposal yet. JW said he went by the site today and, looking from the road, it looks like the neighbor may be picking up water that's not from Mr. Mahaney's site work. Mr. O'Leary also present. FW – quite a bit of grade change shown on the plan. Don't see much of a slope.

November 10, 2015

Mr. Mahaney said the previous Building Commissioner said he could bring fill it in. RC asked Mr. Mahaney to show on the pictures where the grade was and where it is now. FW – currently have drainage trench in the middle – is there a way to change it so it won't go onto the neighbor's land? If you pull it over to the edge 6 to 8 inches, so water doesn't carry half way across the road. Will stay on Mr. M's property. Trench in the middle would be secondary. Would like to see that in a drawing FW said. Have to continue for # from the State anyway. FW – proposing swale at property line. Don't want any water on the roadway toward Mr. O'Leary; only toward Mr. Mahaney's property.

Mr. O'Leary said the railroad ties were not here before, is now a barrier that needs to be removed. Mr. Mahaney said he will remove the railroad ties.

FW would like to see haybales. JW – erosion control needs to be built into the project but now is not a good time of year to start this project – looking at six months of bare soil; should put it off until April. RC suggested removing the railroad ties and put in haybales for the winter. Engineer needs to come up with a stabilization plan FW said. WL – components of the engineering could open up to a mistake; need clear plans. FW will put something together, get it over to JW. FW motion to continue to 11/24 at 7:20, WL second, passed 4-0-0.

7:15 2567 Wallace, 35 Water Street - Applicant has requested a continuance to 11/24. RC motion to continue to 11/24 at 7:15, WL second, motion passed 4-0-0.

7:20 2590 MacKinnon, 658 So. River Street - RC read notice of public hearing. Mr. MacKinnon present. Proposed addition would be 46' from the wetlands - as far from wetlands as possible. FW asked if there are any Zoning issues. Septic is good; not adding another bedroom. FW suggested infiltrating roof run off into ground. JW – driveway sheds across yard to the wetland; would like to see a rip rap swale to handle stormwater at low point of the driveway. Also, along the northeast edge of the driveway, there's a sharp drop that's been mowed; would like the bottom of that slope (6 – 10 ft. wide) be left to grow back naturally, some of the top soil is being washed away. FW motion to close, RC second, passed 4-0-0.

7:25 2586 MYC, 11 Ridge Road - RC read notice of public hearing. FW hearing officer. Kevin Maguire presented. Bill Kerrigan, Fleet Coordinator, and Pat Brennan, Commodore, also present. Proposing to dredge about 8,800 cubic yards hydraulically and pump it down to Rexhame Beach for beach nourishment. Will be placed as JW requested. The town will be hydraulically dredging the South River channel adjacent to the yacht club. Attached to NOI is the description of how a hydraulic dredge works. Such a long distance a booster pump will be needed where the pipe will come out of the river. Deeds to Rexhame attached. Have been before DPW – asked permission to place the material on the beach and asked if they could use the disposal area on Driebeck Way. Army Corp of Engineers involved in permitting and required sediment samples from the beach to make sure the dredge material is compatible. Town gave us a copy of the testing they had done. Corp said material was compatible but DEP required they wanted six more samples. Several graphs on the sampling; also did chemical analysis to determine how clean the material is. All came out clean as shown in attachment B – describes resource areas; land under the ocean. There are endangered species on the beach. Shellfish study done of the South River – 5 of 6 quahogs found. Have heard from Marine Fisheries, responses submitted. Coastal Beach – NHESP – Barrier Beach.

CH – rubber pipe – goes over the dunes? KM – several different pathways that go through there. Leaving that up to the Town and Conservation. JW – couple of issues – 2004/2005 MYC trucked material to beach parking lot and donated it to the Town. Project was a great success. So, this time we asked for material from the dredge – it may be done in conjunction with the town's dredging of the South River – town beaches would greatly benefit by the material they're going to dredge. Putting it on the beach concerns NHESP – the town is going to dredge 10,000 yards to put on the beach – NHESP thinks that is just about the amount the beach could take without harming the piping plovers. Scituate Conservation Agent enthusiastically agreed to receive material for Scituate if it all can't go onto Rexhame. NHESP said before we could put it in the back dune area we would have to hire a botanist to find an endangered plant. Might be easier just to go out Sea Street to Humarock Beach.

November 10, 2015

Pat Brennan – talked with Scituate agent, they would be very happy to take the material. Our preference is to go to Marshfield with it. Would like to have Rexhame as number one location. The footprint that the town has, has a little room around it. Topography on the beach has changed – more of a need for it now. Permitting process – probably won't be able to do the work until spring when beach profile may allow more material.

JW – looking at next fall at the earliest. Could write an Order of Conditions that gives them several possibilities for disposal with different options. Other issue – letter from Marine Fisheries. There were shellfish concerns, winter flounder spawning, catadromous fish runs. MYC response letter in file, can be part of Orders.

KM – don't see any reason to continue – just have to see what the winter brings. FW – hydraulic dredging proposed – any plans for mechanical dredging? KM – new dredging is a little bit deeper, some of that material may be too tough for a hydraulic dredge. KM – two items we don't agree with Marine Fisheries – they don't want us to dredge! Other item they want us to go 25' beyond Mean High Water line.

Pat Brennan – on the 25' setback – we didn't do that back in 2006. FW motion to continue to 11/24 at 7:30, RC second, passed 4-0-0.

7:30 2591 McGillicuddy, 64 Foster Ave - RC read notice of public hearing. Brian Taylor and Dick Rockwood present. Proposal is to construct garage addition with connector to existing house. Providing strip wall foundation with knock out panels on the front portion. Rockwood said the connector is literally a doorway and a set of stairs. Only access, not additional living space; can be at lower elevation. Rockwood said Jerry O'Neill, Building Inspector, agreed with him on this. JW said that is not the same discussion he had with Jerry O'Neill today. Jerry said in his opinion it will be a substantial improvement and entire structure will have to comply with current Building Codes. Entire structure will have to be elevated on pilings. RC motion to continue to 11/24 at 7:32, WL second, motion passed 4-0-0.

7:35 2566 Roderick, 2104 Ocean St.- Applicant has requested a continuance to 11/24. RC motioned to continue, FW second, motion passed 4-0-0.

7:35 2592 Morris-Hipkins, 955 Careswell St. - RC read notice of public hearing. Brian Taylor and Mr. Morris-Hipkins present. Brought sample of well water, post treatment system- very yellow. Approached DPW early on, this corner of town has Duxbury water. Tried to see if we could bring 2" water service; DPW concerned about setting precedent of unsafe infrastructure. Proposing picking up end of Prince Circle. Hydrant proposed at end of culvert. Pond area very acidic, non-treatable. Will provide fire protection for two houses at the end of the road. Putting in meter pit running on old railroad bed. Have two letters of support from abutters. Considering emergency basis for this project.

JW is concerned that the wetland delineation shown at toe of slope, which is entirely adequate for what's proposed, that if the delineation is not done thoroughly, would allow roadway 40' between wetlands. Suggested that the owner consider a CR for some portion of the old rail bed that would prohibit construction of a roadway, maybe the first 100'- CR would restrict structures on the site but allow underground utilities. CH asked who drafts the language of CR. JW said we would work together. Elizabeth, resident on Prince Circle, said it is such a narrow strip of land – curious about the extent of construction. Brian Taylor said they fit everything in so everything would be within South Point Lane. CH motion to close, issue orders, with CR language agreed upon by parties – FW second, passed 4-0-0.

7:40 2565 Vacirca, 20 Wilson Road – Letter - report - received from Steve Ivass today. Atty. Creed, Mr. Vacirca present. RC motion to continue to 11/24 at 7:40 since nobody had a chance to read the report. FW second, passed 4-0-0.

7:45 2595 Tetrault, 304 Ocean Street – RC read notice of public hearing. CH hearing officer. Brian Taylor, Dick Rockwood, Mr. Tetrault present. Existing 5-unit building; suffered a lot of storm damage.

November 10, 2015

Existing paved parking in front yard area. Existing building is 1.2 feet off the property line. Razing existing structure, removing concrete patio, relocating structure 3.5 feet off south line, everything up on piles. Leaving existing paved area in the front yard. Already approved by ZBA, garage parking underneath to provide 4 additional spaces. Site has 9% open space; will be up to 26% open space with new proposal. DR – showed architecture – piling foundation proposed. Top of pile will be at 21. Stair access in the front. Breakaway garage doors. RC said the whole door needs to be break away. JW – need to check that. RC agreed. FW asked if it will be paved underneath – JW said it should not be – no more paved surface but could be pavers. JW asked what they are proposing for area where they're removing concrete – beach vegetation. JW okay with paved driveway since it's already there. Joe Pecevich wanted to see the picture – lives in the area. John Heffernan – just here to listen. JP – what are they doing on the ocean side? Brian – removing existing patio. JP - Wall lip? Yes. JP – seawall in good shape? Brian – as good as any of our seawalls. JW – this spot not shown on the State Barrier Beach System but is on Town Barrier Beach map. Mandates pilings. JW – how are you going to skirt it down and still have it move out of the way when a huge wave comes in (the garage doors). CH motion to close, pavers, break away garage doors, front planted & restored. RC second, passed 4-0-0.

7:50 2594 Kittredge, 3 Atlantic Street – RC read notice of public hearing. Brian Taylor, Stenbeck & Taylor, and Dick Rockwood, Rockwood Design present. Project is between Atlantic & East streets. Going to elevate and add proposed deck to back. Front of the property is 15' balance of the property will be 14'; finished floor at 24'. Getting it up and out. Will pick up the building, move it forward, drive piles in back, move building back, drive piles in front, settle house.

CH – on site today, asked if the existing ramp will be removed. Brian – yes. JW – what's the top of the piles – Rockwood said 22'. Repetitive loss property. No changes will be made to the house except access to it, and proposed deck in the rear.

Mary Ann Brogan, 4 East Street, asked what the final elevation of the entire structure is – BT – there's a 35' height limitation. Is there any consideration to light and air that he will be blocking? Only 3' from her lot line. Concerned about the effect on her seawall and house by driving piles next door.

RC motion to close, WL second, motion passed 4-0-0.

RC motioned to adjourn at 10:00 p.m., WL second, motion passed 4-0-0.

Respectfully submitted,
Lois Keenlside
Marshfield Conservation Commission

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