

**MINUTES – CONSERVATION COMMISSION
TUESDAY, MAY 5, 2015 7:00 p.m.
TOWN HALL, HEARING ROOM 2, 2ND FLOOR**

Approved 12/8/15 5-0-0

Members present: Robert Conlon, Chairman (RC), William Levin (WL), Frank Woodfall (FW), Chad Haisma (CH), and Jay Wennemer, Conservation Agent (JW). Alison Cochrane was not present. RC motion to open the meeting, FW second, motion passed 4-0-0.

MINUTES 9/16/14; 10/7/14; 10/21/14 – RC motion to accept, WL second, 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): see below
 - Badore
 - Bell Atlantic
 - SPC Construction
 - Sanborn
- Scheduled Meetings: Tues. May 19th, Tue. June 2nd, Tues. June 16th
- Eames Brook CR – covers not only the 50' buffer strip around perimeter but also protected open space for benefit of endangered species. Has been reviewed by Town Counsel. RC motion to accept CR, FW Second, passed 4-0-0.

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
2. SE42-2104 Insight Bridgeway LLC, 1277 Ferry Street
3. SE42-2544 Herron, 4 Atlantic Street
4. SE42-1798 Forsyth, 57 Island Street

JW recommends issue certificates for #3 and #4. RC motion to issue, WL second, passed 4-0-0.

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 from 4/21 for file number from State and new plan. Both received but water bill not paid. Bob Crowell present. RC motion to continue to 5/19 for payment of water bill, 7:05, WL second, passed 4-0-0.

7:15 2556 DPW, Foster Ave. Greg Robbins of GZA and Charlie Swanson of Marshfield DPW present. RC read notice of public hearing. Project is reconstruction of 2180 feet of seawall and 5 stairways. Project will impact coastal beach and LSCSF. Proposed seawall is two feet higher and a little wider. The existing sea wall is rough shape, stairways are dangerous. Will improve storm protection. Project will extend from end of old beach road to third avenue. Improve ability to buffer storm waves, also going to provide flood protection and enhanced storm protection. JW – adjacent to other repairs? Yes – last remaining section that hasn't been replaced. Is 70 something years old. JW – will match the portions that had been repaired to the north and the south? Correct. RC – what height is the existing? 2' higher. JW – was the increase in the footprint an issue? GR – haven't seen any negative changes to the beach. CH – any requirements to prove this? Greg – not required. Looked at impact on flood insurance rates – construction of the wall could lead to an improvement. From B zone to an A zone.

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WL asked boundaries – Greg – Old Beach Road to Third Road. CH – how long does it take to do all that work? Greg – begin construction in the summer and completed in the winter, depending upon the contractor. Will build half now and half at a later date. JW – describe the stairs – poured concrete now. Replace with similar? In kind, little higher, slight different in stair design, stairs longer.

FW – limit of work – erosion control – open excavation? Yes.

JW – one place we get into trouble is some of the properties have poured concrete patios – don't want that on a barrier beach or in a flood zone. Have had special conditions saying no replacing with concrete. Have had limited success.

Abutter with concrete asked why pavers would be allowed and not concrete. Pervious surface needed.

Phyllis Hanley, groins – all the way down the beach – do those disappear. Greg – groins are designed to hold sand and they do it so well it has a negative impact on adjacent properties – pushes the problem down the road to the neighbor. For that reason this state doesn't permit groins anymore. They will be removed.

Frank Hubbard, attorney for owner 254 Foster Ave what provisions if the property isn't put back to the way it was?

Town's responsibility. This property has sod lawn.

Betty O'Reilly – high water table – water comes up through cement floors in basement. RC – weep holes will help with that.

Greg – lowest set of weep holes is 11 or 12 feet down. JW – lot of homes in Marshfield over 70 or 80 years, before we knew what we know today, before building codes addressed flooding issues. New house today will most likely be on piers or pilings, lowest beam just above top of seawall. Mike Miller, 174 Foster Ave. – was already approved at town meeting for funding, why just now permitting? Greg- the state funding includes permitting costs. Before the grant, DPW not planning to do the project.

Greg – in the process of going out to bid. Charlie – haven't received contract from the state for payment.

Diane Stanton, 218 Foster – will cap repairs be done this summer? Charlie – town in that case will put in certain repairs to that area. RC motion to close, WL second, passed 4-0-0.

7:30 TBL 15-01 Oliva, Highland Street - Applicant req. cont. to 5/19 at 8:00. No testimony will be taken at tonight's meeting. JW stated that hearing should be re-advertised and abutters notified due to lengthy delay. RC motion to continue to 5/19 at 8:00 p.m., FW second, motion passed 4-0-0.

DRAFT ORDERS

Commissioners read draft orders for:

SPC – 222 Canal St. – FW question on elevations. 11' decided "shall be at or above elevation 10' above Mean Sea Level and "shall be at or above elevation 11'...

Sanborn - Bay Avenue – Item "D" – utilities at 11' or 16' FW asked. JW – should be above base flood. Pilings vs concrete piers discussion rejoined, State Building Code and Barrier Beach status reviewed. Issue is erodible soils on Barrier Beach can undermine concrete pier foundation. JW stated the Commission is not being consistent with type of foundation required on Barrier Beaches or LSCSF. Submittal of the Morse report was at the last meeting, not the Friday before to allow review, as stated in the Commission's "Policy on Receipt of Information". Also, Mr. Morse's report had misinformation. For example, soil logs confirm unconsolidated sediment that will be eroded in large coastal storm. ConCom should enforce the "Policy On Receipt of Information" that new info must be submitted at least 4 days prior to a meeting to allow the agent and the Commissioners a chance to review. Late submittals should automatically trigger a continuation of hearing, not an immediate vote. JW - site is Barrier Beach designated by the State – we don't get to change that. Barrier Beach has either coastal beach or dune, by definition as shown in WPA & Guidelines. Given Barrier Beach status and that the existing structure is being razed and replaced with a brand-new structure, conclusion can only be pilings as shown in 2008 Building Code, Wetlands Protection Act, and Guidelines for Barrier Beach Management.

RC motioned that the Commission reconsider the previous decision allowing concrete piers for SE42-2548 based on a more thorough discussion and review of rules, regulations, definitions and review of submitted material. WL second, motion passed 4-0-0. Discussion continued about regulations and definitions in the documents.

RC motioned to approve the project with the requirement that the foundation be driven piles, as stated in draft Orders. FW second, motion passed 4-0-0.

Bell Atlantic – change to site plan title to include two sheets not referred to properly. RC motion to issue Orders as amended, WL second, passed 4-0-0.

Macomber's Ridge –RC motion to issue as drafted, WL second, passed 4-0-0.

Canal Street – RC motion to issue as revised, WL second, passed 4-0-0.

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RC motioned to adjourn, 8:40 p.m., FW 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
Alison Cochrane