

**MINUTES – CONSERVATION COMMISSION
TUESDAY, APRIL 21, 2015 7:00 p.m.
TOWN HALL, HEARING ROOM 2, ND FLOOR
870 MORaine ST., MARSHFIELD, MA**

Approved 12/8/15 5-0-0

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, motion passed 5-0-0.

MINUTES 9/16/14; 10/7/14; 10/21/14

BUSINESS

- Vote & sign Orders of Conditions for closed hearings (if projects are voted closed and/or the Commission is prepared to vote on Conditions):
- Scheduled Meetings: Tues. May 5th, May 19th, June 2nd.

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. REQ-PCC-1925, Cushing Construction (Parsonage St.) Garden Gate
6. 2381 NSTAR, Pine Street

Current:

- SE42-2539 Northland Construction, 21 Cranberry Cove – no
- SE42-2104 Insight Bridgeway LLC, 1277 Ferry Street - no
- SE42-2487 Cote, 75 Old Plain Street – JW recommends certificate.
- SE42-2469 DePace, 36 Cove Street – JW recommends certificate.

RC motion to issue two Certificates of Compliance for above, FW second, passed 5-0-0.

REQUESTS FOR DEVIATION

1. SE42-2432 Hewitt's Point Seawall – more seawall work. 2013 – had a condition K that no work shall occur during June, July, August. DPW has asked to extend through the 2nd week of July. JW agrees with request. Through July 15th will be extension. RC motion to approve, WL second, passed 5-0-0.

REQUESTS FOR EXTENSION

NEW BUSINESS

This time is reserved for topics that the chair did not reasonably anticipate would be discussed.

PUBLIC HEARINGS

7:00 2552 Sandell, 31 Old Wharf Waye - Bob Crawford presented. CH hearing officer. JW on site, agreed there is nowhere else to put the system. There is a lot of yard waste to be removed by homeowner. Mr. Crawford has revised plan showing erosion control; revision date 4/7/15. The system will be 45' from the marsh at the closest point. No questions from audience. CH motion to close, FW second, passed 5-0-0.

7:05 RDA 15-02 MA Highway, Rt. 3A - RC read notice of public hearing. FW recused himself from the meeting. Andrea Coates from MA Highway presented. The proposal is to resurface the portion of Rt. 3A north of Rt. 139 to the Scituate town line. Would like to reconstruct sidewalks. Existing Negative Determination is due to expire this summer, and did not include sidewalks. Silt fence is proposed. JW stated he can't see any impact, recommends a Negative #3 Determination. RC motion to issue, CH second, passed 4-0-0. WL asked when work would start – Ms. Coates wasn't sure of the date.

FW returned to the meeting.

7:10 2550 DPW, 12-22 Foster Road. - RC read notice of public hearing. This hearing had been continued for receipt of a file number from the State. RC motion to close, WL second, passed 5-0-0.

7:15 2543 Reed, 58 Keene Road – Hearing had been continued until Board of Health closed their hearing. CH motioned to close, WL second, passed 5-0-0.

7:15 2548 Sanborn, 173 Bay Ave. - Arthur Hale presented. Applicant was proposing concrete piers. Mr. Hale stated he was told to contact the Building Dept. Contacted the Building Inspector and was told there hadn't been any code change. House we're working on is not a coastal zone. Applicant hired Morse Engineering - Greg Morse present. Mr. Hale stated there is no peat – have results. Mr. Morse passed out a fifteen page report tonight for the Commission's review. The deadline for new information to be submitted to the Commission office is the Friday before the public hearing. The Commissioners did not have time to review the report. Mr. Morse stated it is permissible to use concrete piers as opposed to driven pilings. Looked at three parts of the code: Building Code, construction in an AE flood zone and FEMA standards. This is a proposed raze & rebuild – not in a velocity zone. It is definitely a mapped Barrier Beach system, not subject to coastal wave action.

Millbrook Survey plans – not a mound or ridge, relatively flat. Has been manipulation of the soil, hasn't been deposited there naturally. Mr. Morse said he isn't disputing that this is a Barrier Beach. Thinks concrete piling system would be acceptable to Conservation. JW – soil logs show top 6" – this is a developed Barrier Beach, paved road. The natural dune system is no longer there. Soil logs are all sand, very little fine material, which is consistent with Barrier Beach. Dune function has been replaced by housing. JW said the beach is "accreting" – growing width wise. JW said he disagrees 100% with Mr. Morse's argument. RC said he has no problem with the concrete piers. Ivy Francis, Damon's Point Road, asked if the piers are above the dunes or are they buried. RC answered that either way it's done will be above. WL noted it would be safer for the land and homeowner to go with pilings. Letter of the law says piers are okay – weighing the likelihoods rather than clear certainties. CH stated approving piers would be setting a precedent. CH asked JW if concrete is acceptable. JW said pilings are more durable and do not get undermined by erosion of soils. This project will be required to have flood insurance. FEMA looks at the types of foundations.

Mr. Hale stated Humarock and Green Harbor are not the same. House is over 100 years on that foundation. GM said the majority of Humarock is located in the velocity zone. This is an AE zone – don't have the wave action. FW stated it is definitely Barrier Beach – requires pilings typically. AC said she is okay with concrete. AH – coastal dune requires footings, Barrier Beach required open foundation. RC thinks concrete is allowed. CH noted if the majority of the Commission is comfortable with concrete, he'll go with them, but tends to agree with JW. FW – if concrete is allowed, it should be in this instance only. WL – next time use same standard, have to have stable soils.

The Commission voted: RC – would go with concrete; WL - concrete, FW - pilings, CH -pilings, AC – concrete; vote passed in favor of concrete 3-2-0. RC motion to close and issue Orders, WL second, motion passed 3-2-0.

7:15 2547 SPC Construction, 222 Canal St. - RC read notice of public hearing. Kevin Grady, Grady Consulting, present. Taxes paid, abutters notified. Existing site has been abandoned. A couple years ago the project was applied for and Orders received from Conservation, but the project was not constructed. This proposal is pretty much a mirror of what was approved with the earlier Order of Conditions. Merrill plan 2008 – delineation is still valid, but the applicant had South River Environmental come out and delineate. Site is in the flood zone, elevation 9. Over grown with invasive species. Two separate buildings with two units each are proposed. Will be at Elevation 16.7, which is above the proposed flood zone of elev. 16. Also proposing garage under. Storm water management analysis doesn't meet threshold. Runoff will be reduced, reducing pavement, and the area below the buildings will be impervious. No septic system proposed, will be on Town water & sewer. Relatively flat topography. 2/3 of one building is located within 50' buffer zone. Proposing restoration plan in buffer zone, removing invasive plants and going to plant with native plants, seed with wetland seed mix. Erosion control down-gradient. Project will be an improvement to the site.

April 21, 2015

RC asked about the drainage on site; KG said they did add infiltration systems. CH asked elevation. KG said the proposed first floor will be at elevation 16.7 and all utilities for the facility will be installed at elevation 11. Pier foundation – concrete. RC motion to close and issue conditions, WL second, passed 5-0-0.

7:30 2549 DeSisto, 210 Damon's Pt. Rd. - RC read notice of public hearing. FW hearing officer. Taxes paid, abutters notified. Carmen Hudson from Cavanaro Consulting presented. Architectural designer and contractor present. Have been before North River Commission - using same plans. Large piece of property, over an acre, of which 1/3 is salt marsh. John Zimmer of South River Environmental delineated the wetlands.

Applicant would like to remove the spiral staircase, and is proposing a 486 sq. ft. addition to front of wooden deck, to go over the deck, and would like a roof over existing deck. Small porch in the front. Propane tanks proposed. JW suggested dry wells at the down spouts. JW asked if the only new poured foundation would be on north side of house. Ms. Hudson said that's correct. Ivy Frances, Damon's Point Road, asked how many trees might be cut down on the property, and asked about the effect on the existing and proposed view. Ms. Hudson said that would be a North River Commission question. Ms. Frances stated the cedar trees on Damon's Point Road have lost considerable canopy and the wildlife is disappearing. Also, the trees act as a barrier for the people on the other side of the project.

FW – hay bales and siltation fence should be extended, put as limit of work so there's no future cutting in the wetland. JW was on site today. Existing basement is very wet. Sump pump, smells musty and moldy. All of the utilities down there are elevated about 15-18" above concrete floor. Should resolve the wet basement issue. FW motion to close and approve the project, issue Orders with limit of work line, RC second, passed 5-0-0.

7:40 25__ Mehr, 1829 Main Street - RC read notice of meeting. Bob Crowell, Crowell Engineering, presented. Site is abandoned home, in disrepair. Brook Monroe of Pinebrook Consulting did perc tests. Owner was told to stop work after using a bobcat to take out some of the wetland vegetation. Here for septic design and for mitigation work. Brooke re-secured the wetland flags on the lot. Plantings listed on plans. Is an existing cesspool; groundwater very high, 2' below top of foundation. Pump system. Have town water; has an existing garage. Footprint of the house will be the same. Silt sock around edge of work.

JW asked that flag 10 by shed to wetland flag 7. Flags 9 and 8 should disappear; 5 to 3 then to 1, drop 4 and 2 is a more accurate delineation. Brook was out there after it had been scraped down to bare soil with a bobcat. FW – note 1 – we could put exact location of shrubs to be determined and lose the number of plants. RC motioned to continue to May 5th at 7:20, second by FW, passed 5-0-0.

7:45 2541 Badore, 76 Macomber's Ridge - RC read notice of public hearing. Kevin Grady of Grady Consulting presented. Doris Crary & Dennis Badore present. This is a proposed septic upgrade – existing system located in turnaround of driveway. Site is completely surrounded by salt marsh. South River Environmental, John Zimmer, delineated the wetlands. Site is in a FEMA flood zone elevation 9. Not a lot of location to locate leaching system. Title 5 needs 50' from wetland. Have met BoH regulations; existing system will be abandoned, will install H2O type system – will allow stability for the roadway.

Proposing to put area back into current state as much as possible. Proposed silt fence and erosion control. Have been to Board of Health and all variances approved. JW asked when existing system was installed. Mr. Grady said 7-15-87. Patty DeYoung, neighbor, asked what happens to the old leaching field. Mr. Grady said it will be abandoned; will not have to be dug up. Board of Health needs proof of easement recording but essentially approved, no changes will be made. JW – if Board of Health isn't going to change it, he's okay with closing, if they're not should wait. FW motion to close, RC second, passed 5-0-0.

7:50 2551 Bell Atlantic, 114 Eustis Street - RC read notice of public hearing. Dana Harvey present, along with Dan Klasnick from Verizon. The project is a proposed cell tower located to the left at end of the gravel driveway. BVW on the property. Revised plan showing 25', 50' and 75' setbacks. Project located on LSCSF between elevation 5 and 6. Structure will be on a steel platform raised to elevation 11, powered by propane. Gravel drive extended into location, infiltration trench along gravel drive. Fence is proposed around the platform, propane tank and tower. RC asked if the applicant has received NHESP or MESA permits. The wetland scientist said they are included in NOI. JW noted we haven't received any comments from NHESP at this time; should wait for those before we close.

Franz Burke, owner of adjoining property, asked to see plan C-1. Mr. Burke stated he would like to develop the land he owns which is just below this proposal. He said the fall zone covers most of the suitable area he could build on and is pushed against his property. Mr. Burke said he feels this project is awfully close to wetlands. JW stated that this is a previously developed lot; Conservation regulations say structures can be as close as 25' to a developed lot. Mr. Burke said he is surprised that Verizon didn't go to him to talk, and he objects to project.

Dana Harvey, 114 Eustis Street, said he has lived there for 35 years and was surprised to hear that Mr. Burke planned to develop the adjoining lot ; it's really not developable. AC asked JW if that fall zone is within wetlands; JW said no, if the tower falls over it would crush trees; don't think it would change the wetland.

CH motion to close, WL second, passed 5-0-0.

DRAFT ORDERS

The Commissioners read draft orders:

2548 Sanborn, 173 Bay Ave. – Cross out “commission has determined”. Fill in individual concrete piers (H), vote was 3-2-0 in favor of concrete.

Alison – concrete; Rob – concrete; Bill – concrete; Frank – pilings, Chad – pilings.

2552 Sandell, 31 Old Wharf Waye – Commissioners approved orders as drafted. RC motion to accept, WL second, passed 5-0-0.

2549 DeSisto, 210 Damon’s Point Road – Commissioners approved orders as drafted. RC motion to accept, WL second, passed 5-0-0.

RC motion to adjourn, 10:10 p.m., FW second, 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