

**MINUTES – CONSERVATION COMMISSION
TUESDAY, MARCH 1, 2016 7:00 p.m.
TOWN HALL, HEARING ROOM 2, 2ND FLOOR
870 MORaine ST., MARSHFIELD, MA**

Approved 7-12-16 4-0-0

Members present: Robert Conlon, Chairman (RC), Frank Woodfall (FW), Chad Haitisma (CH), Bert O'Donnell (BO'D) and Jay Wennemer, Conservation Agent (JW). RC motioned to open the meeting, FW second, motion passed 4-0-0.

MINUTES

Nov. 10, 2015; Nov. 24, 2015; Dec. 8, 2015; Dec. 22, 2015 - RC motion to accept as edited and approved, FW second, passed 4-0-0.

BUSINESS

- Scheduled Meetings - FW will be away on April 19th. Commission chose 5th and 26th of April.
- Vote & sign Orders of Conditions for closed hearings (if projects are voted closed and/or the Commission is prepared to vote on Conditions)
 - SE42-2602 Christensen, 55 Island Street – Commissioners approve draft. RC motion to accept as written, FW second, passed 4-0-0.
 - SE 42-2548 Amended orders for Sanborn, Bay Ave – signed by commissioners
- **Discussion** – SE42-2563 LoConte, 16 E Street – 7:00 p.m. – Contractor Chris Comeau, Peter Falk, Rivermoor Engineering & Ms. LoConte present. The Commission had asked them to go back and calculate FEMA and scour. Also, in the interim, architect was asked to look into helical piles with concrete piers on top. Mr. Falk stated he gave the Commission copies of the Geo-Technical Summary Report dated 2/5/16. Mr. Falk said the piles are very expensive and more commercial than residential; driven wooden piles wouldn't work he said. JW said concrete piers can only be used on non-erodible soils, bedrock. JW noted he is getting different answers from the State than the answers Mr. Falk is providing. MA wetlands protection act applies, not FEMA. Commissioners reviewed new report Mr. Falk gave them tonight. Have to get down to 6'. FW – Barrier Beach, have new information from State – have to be isolated deep foundations. JW said Falk's information should be forwarded to the State before we make a decision. Mr. Falk said he would like to get RC the exception to the Building Code information. BO'D asked what the response was on the screw pilings – Mr. Falk said the response was that they would break.

RC – whether it's erodible or not is the issue. FW – sand, cobbles, etc. have been moved around by the ocean for eons. All of this material is erodible material. JW has a chain of emails from Rebecca Haney, Coastal Geologist with EOEa, in which she concurs with JW that the subsurface investigations show this site is a coastal dune and therefore, open pilings with no footings or grade beams are required to protect the function of the coastal dune.

Cobble on the site was deposited by water at some time in the past; wouldn't be there if it hadn't been pushed there by the ocean. Mr. Falk – could have been set there by man – dredging, etc. RC asked if they can't just increase the number of piers; Mr. Falk said they need to get down below the scour. Trying to meet requirements for wind; where do we go when we find soils we can get down through. Need some type of relief, asking for an exception in this case. JW stated H piles are expensive and asked if they can reduce the number of piles. Mr. Falk said yes, they may be able to go with 30 footers. FW asked if he could drive an H pile with a hammer; Mr. Falk said no, he does timber pilings all up and down the coast.

RC asked if the Building Inspector weighed in on this; Mr. Comeau said Jerry O'Neill did look at piers and is fine with it, but it's up to this Commission. Mr. Falk said that Scituate would approve this proposal. He said he calculated scour to be 5'; proposing to go 6'4". FW asked what the height is to the ground surface – Mr. Falk said about 8' to 9'.

FW said he still thinks it needs driven piles; have letter and back up from DEP, and he would like DEP to weigh in on these calculations. JW – three different authorities – Wetlands Protection,

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DEP and State Building Code. Our guidance from the State is deep pilings with no footings. We need to digest this new information and run it by the State and wait for their opinion.

CH noted that a lot of people in that area would have the same request for exceptions to the rules and the Commission shouldn't set a precedent. JW said from the very beginning he told Ms. LoConte what needed to be done. FW said he is not comfortable making a decision tonight. Mr. Comeau asked to be copied on the emails between the State, etc. RC motion to continue to 3/22 at 7:00, FW second, passed 4-0-0.

- **Discussion** – SE42-2570 Ryan, 241 Foster Avenue – 7:10 p.m. Richard Servant from Stenbeck & Taylor, Dick Rockwood from Rockwood Design, and Mr. & Mrs. Ryan present. Rick said Rockwood has spoken with Greg DeCesare at the DEP today. Rick – helical piles design. Rockwood – took pier plan, took footings off, showed representation of helical piles; Talking about having grade beams Rockwood said – JW said grade beams not allowed here. It's a strut Rockwood said. They will not be footings or helical piles – asking the Board for helical piers or driven piles. Rockwood had a copy of the recent Sanborn plan at 173 Bay Ave. JW noted what Rockwood is showing here is what this Commission approved for 173 Bay Avenue, but there are no grade beams and no footings. BO'D asked if there are any houses in that area with helical piles. Would have them do a soils test. RC asked if this is a deviation or a full notice of intent. JW said there has to be an Amended Order of Conditions, with abutters notified and re-advertised, etc. JW stated the Commission requires a stamped, engineered plan for the meeting; these plans need to be submitted the Friday before the hearings so we can look them over, *not* brought to the meeting. JW said, in order to help the applicant speed up the process, give the Conservation office the wording for the legal ad by *this* Friday so we can schedule the meeting for the 22nd. We need the new engineered plans by the following Friday, which would be March 11th. Scheduled Meeting for March: 22nd.

EXECUTIVE SESSION

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
7. 1318 Darman, Chestnut Hill Trust, Holly Road
8. 2546 Hutchinson, 499 Union Street

Current:

REQUESTS FOR DEVIATION

SE42-2585 Barry, 137 Bay Avenue – approved piling foundation plan showed elevation 14.2 & wrote orders; the lower elevation desired still meets standards. JW approves, RC motion, FW second, passed 4-0-0.

SE42-2522 Harbormaster, Jos. Driebeek Way – asking for a couple of changes at the Harbor Walk that the Commission permitted a few weeks ago. Submitted letter detailing some of the plantings that were deficient on the original plan; the area depicted as a "picnic lookout" is proposed to have a 12' x 32' steel shade pavilion; the proposed slide is eliminated and will be replaced with granite steps. No expansion work is proposed at the existing parking lot across the street, and the proposed foot paths originally to be stone dust are to be bituminous concrete foot paths. RC motion to approve, FW second, passed 4-0-0.

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REQUESTS FOR EXTENSION

SE42-2218 Robert Nerger, Ilex Road – RC motion to approve, FW second, passed 4-0-0.

NEW BUSINESS

PUBLIC HEARINGS

7:15 2603 Hart, 120 Preston Terrace - RC read notice of public hearing. Darren Grady, Grady Consulting present and Mr. & Mrs. Hart. FW hearing officer. Lower end of property is Ferry Street, private land with salt marsh, coastal bank, wetlands delineated by John Zimmer of South River Environmental. Proposing a rip rap slope existing of a large layer of rock with smaller rocks. Existing rip rap at 116 Preston Terrace shown on the plan; remains of pieces of that rip rap shown. Area of proposed rip rap is unprotected. There was some erosion from last year's storms. FW – building a wall on the paper road – can't allow construction on a paper road and creates obstructions and may harm neighbor's properties. RC said it's an ownership issue. Did approach DPW and was told it was private, Clerk's office also. DPW didn't have any concerns – spoke to Charlie Swanson. JW over there today – would like to continue this and get a response from DPW. JW – don't have a problem with the proposal but would like to hear from them. Issue is where it will be constructed.

Charlotte & Al Phinney, 130 Carlton Road, are abutters. They said they spoke to the Hart's regarding their concern of not having easy access to their property if this wall is built. They stated they would have to jump down to the beach if they only had that small corner of their property to get onto the beach. They said they just don't want to be land-locked and unable to get onto the beach.

JW – if this is not a Town roadway and the abutters own to the center line, you'd have to find the center line on Ferry Street. Mr. Phinney stated the concrete stormwater outfall is caving in; going to have DPW look at that. JW said maybe we could request DPW improve the water quality that comes out of the pipe. FW motion to continue to 3/22 at 7:15, RC second, motion passed 4-0-0.

7:25 2591 McGillicuddy, 64 Foster Ave – Applicant has requested a continuance to 3/22. RC motion to continue to 3/22/16 at 7:25, FW second, motion passed 4-0-0.

RC motioned to adjourn at 8:20 p.m., FW second, 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