

**MINUTES – CONSERVATION COMMISSION
TUESDAY, OCTOBER 20, 2015 7:00 p.m.
TOWN HALL, HEARING ROOM 2, 2ND FLOOR
870 MORaine ST., MARSHFIELD, MA**

Approved 2-2-16 5-0-0

Members present: Robert Conlon, Chairman (RC), Frank Woodfall (FW), Chad Haitisma (CH), Bert O'Donnell (BO'D) and Jay Wennemer, Conservation Agent (JW). William Levin was not present. RC motion to open, FW second, passed 4-0-0.

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)
 1. 2573 Corry, 102 Preston Terrace
 2. 2579 Dalton, Lot 5 Highland Street
 3. 2582 Crowther, 163 & 167 Island Street
 4. 2581 DPW, 35 Marshall Ave.
 5. 2584 Collins, 251 Old Ocean Street
 6. 2570 Ryan, 241 Foster Ave.
 7. 2583 Junior, Cohasset Ave.

RC motion to issue Orders as drafted, with one change to Crowther, adding a 1.5' x 1.5 trench for roof runoff, FW second, motion passed 4-0-0.

- Scheduled Meetings: November 10th, November 24th

EXECUTIVE SESSION

ENFORCEMENT ORDERS

Paul Lucchetti – bought the property at 132 Oak Street – cleared trees and grubbed the lot. Regraded everything – all washing down steep slope into the wetlands, erosion gullies. Little silt sock with eroded sediment beyond it in wetlands. EO issued; the Commissioners signed the Order.

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:

7. 1318 Darman, Chestnut Hill Trust, Holly Road – not yet
8. 2546 Hutchinson, 499 Union Street – not yet
9. 2155 Ready, 3 Hidden Acres Road – Mr. Mastergeorge, who is buying the property, present to discuss request for the Certificate. The present owner has been mowing salt marsh and an existing stone wall was ordered to be moved to top of bank out of marsh. The North River Commission issued conditions stating they can't move the stone wall. Mr. Mastergeorge has a purchase & sale agreement on his house in Duxbury and a closing date for this property. JW – NRC usually concerned with aesthetics. The wall runs through four other properties Mr. Mastergeorge said. RC asked about markers and letting the wetlands recover. JW will give letter to Mr. M re: markers. RC motion to issue Certificate of Compliance with the understanding that markers will be placed, FW second, passed 4-0-0.

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2104 Insight Bridgeway, 1277 Ferry Street – original lost – needs signatures
2545 Brousseau, 16 Acorn Street
1070 Bohan, 20 Mayflower Lane – original lost – needs signatures

JW recommends Certificates for Ready, Bridgeway, Brousseau, and Bohan. RC motion to issue, FW second, motion passed 4-0-0.

REQUESTS FOR DEVIATION

REQUESTS FOR EXTENSION

NEW BUSINESS

PUBLIC HEARINGS

7:00 2580 Tasney, 55 Cross Street - Hearing had been continued for receipt of new plan; plan has been received. Terry McGovern, Morse Engineering present. Minor revision – Board of Health closed hearing last night and approved variances. Last open issue – small proposed deck on same side of house as sewage system. Going to be on sono tubes. Small wall to be removed. Added 25' line to show no work coming closer. Matching grade in stairwell. No change in topo. Erosion control shown. CH motion to close, RC second, passed 4-0-0.

7:05 2587 Biviano, 166 Foster Avenue - RC read notice of public hearing. Mike Sr. & Mike Jr. present. FW hearing officer. Applicant would like to reconstruct deck that was knocked down last winter. 10' back from seawall. The proposed deck will be smaller than the previous deck; it was 19' x 34', going to be 16' x 20'. CH questioned accepting hand drawn plan; FW said he was fine with it. FW motion to close, RC second, passed 4-0-0.

7:10 2578 MA Audubon, 260 Winslow Cemetery Road – RC hearing officer. Pat Brennan, Amory Engineers and Susan McCallum of MA Audubon present. CH read a note into the record that he is a member of MA Audubon but not an officer, committee member, volunteer, employee or activist member of MA Audubon and does not have a conflict.

The proposed project is for a 10' x 12' float, 5' x 12' ramp, 12' x 20' platform and a 5' x 6' transition ramp. The purpose of the project is to provide access to the pond for educational purposes. Eight posts will be in the wetlands, and will be hand driven. The 10' x 12' float will be in the water. The only permanent structure will be the 12' x 20' platform. RC asked if shadowing is a concern. JW said this is an inland freshwater pond; not like a saltmarsh where shading is important. Mr. Brennan said the NHESP letter stated it's a "no take" project.

Nancy Marsiglia, Presidential Circle, said she will have a direct view of the platform and dock, and has numerous concerns. Her major concern is vandalism and kids hanging out there. She said the marsh banks around the pond are very fragile – every storm breaks off chunks. Also, she is going to be looking at a 6' gate at the end of the ramp with wings on it so people shouldn't walk around it. She said the water is polluted and there will also be a disruption to the wildlife.

Susan MacCallum said the area will be staffed, and not open to the public after hours. MA Audubon does have a caretaker who lives on the property. They will work closely with the police to monitor that and will be happy to address this concern with the neighbors.

Louie Marsiglia, Presidential Circle, said the water is brackish and asked if that changes anything. JW said there is not enough salt to effect vegetation. That's a natural course – floating mat of vegetation will often break off and float around. Mr. Marsiglia said he first heard there would be a 6' door; now it's a

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gate, nothing is pictured on the plan and he would like to know what's planned. Mr. Brennan said something similar to a gate with wings on the side is proposed. Mrs. Marsiglia asked if the float and platform will be out all winter. FW asked too – Mr. Brennan said the plan is to leave them in the water but they will be monitored, and would be removed if necessary. 180 sq. ft. cat tails. Also, the caretakers house is far away Mr. Marsiglia said.

John Desmond, who is not an abutter, stated he didn't think the applicant could go before the Board's without something on the plan. Mr. Brennan said they were in front of ZBA last week – plan to put in a gate; will be on drawings when finalized. CH asked square footage of pond; Mr. Brennan said it is a couple of acres.

RC motion to close and issue Orders, FW second, passed 4-0-0.

7:10 25 Mahaney, 46 Preston Terrace - Mr. & Mrs. Mahaney present. Atty. Jay Creed also present with Mr. O'Leary, 40 Preston Terrace. FW hearing officer. JW had some questions about the plans and lot lines – new plan should address this. FW asked about lines on plan – Mr. Mahaney said they show where the fill was taken out. Jerry O'Neill, Building Inspector, has been overseeing the removal of fill. Mr. Mahaney said it stabilized tidal bank. FW asked, if he went back five years, was the paper road slanted or level. Mr. Mahaney said he was told he could bring in material up to the middle of the road and then he was told to remove it, and he removed it. FW asked the pitch of the property; Mr. Mahaney said it was low when he bought the property, had walk out basement. JW – that's one of the Zoning issues – deck has to have setback from property line unless it is less than 4-feet above grade. It was suggested by the previous building inspector to raise the grade. JW asked if a septic system down near the elevation of the river and the salt marsh was approved. Atty. Creed brought out plan showing septic system - Mr. Mahaney said it was proposed but the septic system was never put in there.

Atty. Creed stated Mr. O'Leary's concern is the topography – compare with GIS – runs parallel to the River. Alleged older lines don't run that way. Needs to be restored to what it should be. 2007 plan shown. Have an EO in 2003 for work within 100' resource area. An NOI was filed but don't see that any Orders were issued. Need time to figure out what's going on with the file. RC asked what Mr. O'Leary wants for resolution. Mr. O'Leary would like no grade change on Peabody Road and no water onto his property. Have to have access.

Mr. Mahaney stated he graded the back yard, it slopes to other side to retaining wall to make sure no water did go that way. FW said the way it's sloped now it does go into the neighbor's property. Mr. Mahaney – also put in stone trench. Atty. Creed – a trench filled with stones, don't know how wide or deep it is. Atty. Creed said they need an engineer instead of taking Mr. Mahaney's word for it. FW noted the plan is stamped by an engineer. Atty. Creed said, 'No - the plan you have now is stamped by a surveyor. Grade of the road should be restored to original topo Creed said.

Mr. O'Leary said Mr. Mahaney needs to return to the original slope on his side of the right of way. Mrs. Mahaney stated she has taken a video during a rainstorm, and because they're on a hill, off Peabody Road this has been going on for a long time. The Town put a berm for the Mahaney's. Mrs. Mahaney said the cellar was damp in Mr. O'Leary's house years ago when his aunts lived there. Water puddles at his stone foundation.

FW said the Commission doesn't have enough information to make a determination. BO'D asked Mr. Mahaney where he is with ZBA; Mr. Mahaney said Mr. O'Neill has been monitoring removal of the fill, and is happy with it. RC asked what the next step is. JW suggests continuing until he can look all this information over. RC asked Mr. Mahaney if he designed the stone trench himself. Mr. Mahaney said he did the work himself – foot deep by 2' wide. JW had told him not to put perforated pipe in the trench. FW asked if Mr. O'Leary had a topo of his property – he does not. FW motion to continue to 11/10 at 7:45, RC second, motion passed 4-0-0.

7:15 2565 Vacirca, 20 Wilson Road – Applicant has requested a continuance. RC motioned to continue to 11/10 at 7:40, FW second, motion passed 4-0-0.

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7:20 2586 MYC, 11 Ridge Road - Applicant has requested a continuance. RC motioned to continue to 11/10 at 7:25, FW second, motion passed 4-0-0.

7:30 2566 Roderick, 2104 Ocean St. - Applicant has requested a continuance. RC motioned to continue to 11/10 at 7:35, FW second, motion passed 4-0-0.

7:35 2585 Barry, 137 Bay Avenue - RC read hearing notice. Rick Servant, Stenbeck & Taylor present. Existing cottage on marsh side – proposing to demolish and build new house on wood piles. The house is in a Barrier Beach, AO2 flood zone. Whole parcel is a coastal dune. Has been through Zoning; no issues. Proposed house is closer to the marsh than the original house. Proposing to put supports for deck beyond the 25' buffer, 8' off the ground, cantilevered out. Silt sock at limit of work. Not proposing driveway; existing gravel now.

JW noted the proposed house is a lot closer to the resource area than the existing house. Level, sandy area, must have been mowed vegetation.

CH asked if the deck has to be that deep; FW said they could bring it back to 10'. RS said that sounds reasonable. FW – keep it outside the 25'. JW suggested 5' area not be mowed at top of bank to give a little more buffer to edge of marsh. RC – could ask for markers, etc. 4 x 4 pressure treated posts 5' inland from the top of the bank. CH asked that the junk be removed from the river area. JW also asked for infiltrating roof run off. Need new plan to reflect changes. JW asked if the architect might have any changes. RS didn't think so. RS will make it so stairs are not in buffer. FW okay if plan comes over with changes on it and in Orders. JW – could close hearing, send RS back with changes, and JW could come back with that plan and draft orders to consider. CH motion to close, conditional on receiving new plan, FW second, passed 4-0-0.

RC motion to adjourn at 9:20 p.m., FW 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