

**MINUTES – CONSERVATION COMMISSION  
TUESDAY, FEBRUARY 16, 2016 7:00 p.m.  
TOWN HALL, HEARING ROOM 2, 2<sup>ND</sup> FLOOR  
870 MORaine ST., MARSHFIELD, MA**

**Approved 3-22-16 5-0-0**

Members present: William Levin (WL), Frank Woodfall (FW), Chad Haitsma (CH), Bert O'Donnell (BO'D) and Jay Wennemer, Conservation Agent. Robert Conlon, Chairman, was not present. WL motion to open meeting, 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)
  - SE42-2567 Wallace, 35 Water Street – FW okay
  - SE42-2601 Richardson, 84 Bartlett's Island – FW okay
  - SE42-2589 Leatherbee, 22 Acorn Street – FW okayFW motion to issue orders for the three above, WL second, passed 4-0-0.
- **Discussion - SE42-2563 LoConte, 16 E Street** – 7:00 p.m. Chris Comeau, the Contractor, Ms. LoConte and Peter Falk, P.E. with Rivermoor Engineering LLC in Scituate present to discuss using concrete for foundation. Mr. Comeau has a report from Mr. Falk stating 'the soils encountered on this site do not meet the definition of unconsolidated sediment and shifting sands typical of a coastal dune or barrier Beach'.

JW stated he received the letter sometime last week and forwarded it to Rebecca Haney, geologist with EOEa and to Greg DeCesare of DEP in Lakeville. JW said all three of them are in agreement that the statement by Mr. Falk is incorrect and this is definitely a State-designated Barrier Beach with typical unconsolidated sediment. Mr. Falk asked where is the barrier beach line on the property. Mr. Comeau showed him a plan. JW – email attached to handout. JW gave Mr. Falk & Mr. Comeau a copy of Rebecca Haney's response.

Mr. Falk said driving steel or concrete pilings will drive the price to the homeowner so high she won't be able to afford to do the work. Paul Armstrong stated in a phone conversation on December 15, 2015, that he cannot drive his wood pilings into the very rocky cobble at this site. Mr. Falk stated there is an exception in the Building Code and he is asking the Commission to read it as an exception, not as a rule. Also tried to drive steel. JW said the exception from the Building Code is not appropriate for cobble on a Barrier Beach. Mr. Falk passed out "exceptions" explanation. JW said these exceptions are talking about soils that are not erodible such as bedrock or ledge. Mr. Falk said that it includes cobble.

CH asked how many footings are we talking about; Mr. Comeau – did three different test holes – exception was one with moss on it. FW – agrees that the exception is for ledge where such foundations shall be anchored or pinned to bedrock. FW suggested looking at alternatives. FW – environmental issue, not commercial. FW suggested writing to the State to get a Determination. JW – emails were written in response to the report sent to the State. JW read response to emails.

Ms. LoConte stated her parents bought the house in 1953; have never had water in that garage. Would just like to build this house and live in it; can't understand why there's been such a hard time about this. JW reviewed Julie Johnson's plans at the beginning of the planning for this project and told her pilings were necessary right from the very start.

Mr. Falk asked what the technical reason is for not allowing a spread footing. FW said we haven't exhausted foundations we could use. WL asked if Mr. Falk is asking the Commission to try to explain why the code is the code? Mr. Falk said he's not, he just wants to know what the Conservation Commission's reason is to not allow this. JW said Barrier Beaches are

unconsolidated sediment that's moved around by water and wind action; highly erodible. You can get a gully cut quite deep and the house falls down if the foundation is not deep. The presence of deep cobble at this site proves that at some time in the past, wind and waves pushed the sediment here. FW agrees with JW – Barrier Beach and subject to erosion. Mr. Comeau said there are many projects that have concrete spread footings in Scituate on coastal barrier beaches. BO'D – helical sonotubes discussed two weeks ago. FW – scour depth? Never heard of that. JW suggested continuing and he will ask about the exception and get interpretation. Get depth of concrete piers that you're proposing. Applicant will do research on FEMA. JW stated he is afraid if we allow something other than driven pilings, if we're going to allow footings and concrete piers, the argument is going to be for each and every one - "we couldn't drive the piles". The applicant will come back in two weeks. FW – if you find the criteria FEMA uses, please get it to us. Discussion at 7:00 on March 1<sup>st</sup>.

- **SE42-2548 Sanborn, 173 Bay Avenue** – Arthur Hale & Mr. Sanborn present. Brought in plan with helical screws encased in concrete: 5' of 18"X18' concrete pier exposed above grade with 4' of concrete pier in the ground and screw anchor extending below bottom of concrete pier. Engineer will be there when screws are put in. JW stated this is a better approach, but it's the first time we've gotten a look at the plan. FW motioned to amend the Orders stating that the piles will be helical screw anchors foundation.  
JW – special condition H – individual pilings – change to individual helical pilings as shown on the new plan, WL second, passed 4-0-0. D would read "top of the finished floor shall be at 16.0 or above", WL second, passed 4-0-0.
- Scheduled Meetings for March: 1<sup>st</sup> & 22<sup>nd</sup>

## **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:

1. SE42-2485 Burchill, 18 Creek Road – JW visited site today. Suggests Commission approve. FW motion to issue CC, WL second, passed 4-0-0.
2. SE42-1542 Armstrong, 168 Arlington Street – a deck has been added without permits – 86' from BVW. Was for single family house, now has 12' deck. Yard is fenced, not doing anything beyond the fence. JW recommends approving. FW motion to issue CC, WL second, passed 4-0-0.

## **REQUESTS FOR DEVIATION**

**SE42-2570 Ryan, 241 Foster Ave.** – Rick Servant of Stenbeck & Taylor presented. Original plan was to elevate the house on concrete foundation; during that hearing we pointed out that the appropriate foundation was driven pilings. Then the proposal was changed to be just a front and

back porch addition; which we approved, supported on sono tubes. Now the applicant wants to go back to the original proposal and put the whole house on a new foundation. Was proposed as strip wall foundation; needed to be on concrete piers, and was approved by the Conservation Commission. Work has not been started. AO2 flood zone. JW – substantial improvement of the foundation, other is a substantial improvement of the structure. Building Inspector says it's not a substantial improvement. JW – if 50% or more of the foundation is repaired or altered, then you need a proper foundation which is isolated pilings. Individual, deep piling foundation is appropriate. Discussing helical screw pilings.

Ms. Ryan said she discussed her project with Greg DeCesare of DEP, who is a friend, and he told her she should be able to do the concrete.

JW stated Regulations keep changing and possibly Greg might be a bit behind. Ms. Ryan said she spoke to him on Friday. BO'D – piers without a footing. Rick said what we're proposing is standard isolated footings, concrete piers,. JW suggested we postpone this discussion and talk directly to Greg DeCesare. March 1<sup>st</sup> at 7:10. FW motion to continue to March 1<sup>st</sup> at 7:10, WL second, passed 4-0-0.

### **REQUESTS FOR EXTENSION**

SE42-2463 Brogan – JW recommends. FW motion to issue 3 year extension, WL second, passed 4-0-0.

### **NEW BUSINESS**

### **PUBLIC HEARINGS**

**7:00 2589 Leatherbee, 22 Acorn Street** - Bob Crawford, EET present. Had been continued for Board of Health who wasn't happy with location of leaching field. Leatherbee also owns parcel in the rear, will be used for the leaching facility. Pump chamber to feed leaching facility, consists of plastic chambers 31' long. Brook crossing will consist of 4" pipe sleeve and 2" pressure line inside. FW – how far below the stream bed? 3'. FW – will you block the stream? Temporarily. Water could be pumped around Bob said. JW – consider it an intermittent stream. Would like to do it as soon as possible. JW – drafted orders that are attached; think this is the best solution for the site. Only other spot for the septic system is very near the stream. Proposed location is an esker with good soils. FW – on back of house would like to tie that side of the house into downspouts. FW motion to approve, WL second, passed 4-0-0.

**7:00 RDA 16-01 Taylor Marine, 95 Central Street** - FW read notice of public hearing. Mr. Taylor present. Same physical size and configuration. Two reasons ~ as of 2017 any single walled tanks will need to be removed. Try to get it done off season. The site is adjacent to asphalt parking lot the State owns and the little restaurant. It's enclosed by a bulkhead with a concrete pad. JW – think it's an advantage to replace an aging tank with a double-walled tank. JW – location of the tank is in an area that's used for parking and storage – no wetland value. FW motion to issue Negative #3 Determination, WL second, passed 4-0-0.

**7:15 2591 McGillicuddy, 64 Foster Ave** - Applicant has requested a continuance to March. FW motion to continue to March 1<sup>st</sup> or 22<sup>nd</sup>.

**7:20 2602 Christensen, 55 Island Street** - FW read notice of public hearing. Christensen family present. Dick Rockwood presented. Existing 1.5 story house – want to lift up, has flooded before, flood zone, not barrier beach. Next door to 51 Island that was here last month. 3' x 10' being added, rest is existing foot print. Elevation proposed 16, proposing to raise first floor to 17.1. JW asked to explain the distance – from the top of the foundation to the first floor. Would do a poured wall, then a framed knee wall. Pouring 3' foundation with knock out panels in the concrete. JW – no utilities down – Rockwood – will be raised. CH didn't see any wetland flags. JW – probably not there anymore. FW motion to close, WL second, passed 4-0-0. JW will have draft orders at next meeting.

**7:30 2566 Roderick, 2104 Ocean St.** - Applicant has requested a continuance to March 22, 2016. FW motion to continue to 3/22, WL second, motion passed 4-0-0.

FW motioned to adjourn at 9:00, 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