

**MINUTES – CONSERVATION COMMISSION  
TUESDAY, JANUARY 19, 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: Robert Conlon, Chairman (RC), William Levin (WL), Frank Woodfall (FW), Chad Haitsma arrived @ 7:30 (CH), Bert O'Donnell (BO'D) and Jay Wennemer, Conservation Agent (JW).

RC motion to open the meeting, WL second, motion passed 5-0-0.

**MINUTES** 9-1-15; 9-15-15; 10-6-15; 10-20-15

**BUSINESS**

- Maryland Street CR
- Scheduled Meetings for February:
- Beach nourishment / Dredging update

**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. SE42-1366 Clancy, 1880 Ocean Street – previously issued; original lost
2. SE42-1475 Clancy, 1840 Ocean Street – previously issued; original lost
3. SE42- 740 Campanelli, Parcel "C", Little's Lane
4. SE42-1037 Rapid River R.T., 58 Little's Lane
5. SE42-1042 Rapid River R.T., 54 Little's Lane
6. SE42-1577 Armstrong, 64 Little's Lane

JW recommended approving the above requests. RC motion to issue Certificates to #3 – 6 and to re-issue # 1 & 2, WL second, motion passed 5-0-0.

**REQUESTS FOR DEVIATION**

**SE42-2548 Sanborn, 173 Bay Avenue** – Arthur Hale, Bill – the architect for the project, and Mr. Sanborn were present. Hoping to come up with a solution with deviation D and H. "D" – elevation – AE Zone is to the first floor AE 16.

FW – special condition "H" – isolated with helical screw, but with 4 x 4 footing. JW talked to Greg DeCesare of DEP and his comment was 'no footings'. JW talked to Rebecca Haney of EOEA several weeks ago; she also said 'no footings'. Greg DeCesare did say they've allowed auguring a hole and putting a screw anchor piling down through the center of the hole that is encased into a sono tube, with

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cement. Connections in screw-anchor shaft are wobbly – only good for vertical loading. The architect stated he went on FEMA website, they show helical pile with screw caps. It's allowed in a velocity zone. JW – barrier beach does not behave properly when you have footings or solid concrete walls; can get significant erosion. Footing interferes with the movement of material and causes scour and erosion around it. Footings cause more erosion. Mr. Sanborn said he talked to three engineers and had the soil tested. They determined that area of Bay Ave hasn't had dunes that then eroded, etc.; not in a velocity zone, not a coastal dune. JW- site is barrier beach/coastal dune. WL asked if this design satisfies code requirements. JW said it satisfies the Building Codes, but not the Wetlands requirements for barrier beach/coastal dune. FW questioned 15' between the piers. The architect said the engineer has reduced pile caps in a majority of the plan, previously had 36, all gone now.

Mr. Sanborn stated he thought the helical pile would cause more disturbance. Mr. Hale said FEMA calls them Micro Pilings. FW said he doesn't like helical piles for lateral loads– it becomes shaky.

JW part of the reason there hasn't been more erosion is the seawall; Arthur Hale said there's no seawall there, only dunes. JW beach has been accreting due to jetty. FW asked if they could be circular above the footing; JW said footings would interfere with functions of the beach and the Commission can't start making exceptions. FW asked if scour be moved back in. FW would like to see the final design – ask them about circular pier on top; keep circular profile.

### **REQUESTS FOR EXTENSION -**

#### **NEW BUSINESS**

- Req. for **Emergency Certification** for rip rap repair at 532-542 Ocean Street - DPW wants to do some repair work at this site – existing rip rap is starting to tumble down and failure is accelerating. Contractor can go out there right now directly on the beach and replace stone on rip rap. The Commissioners approved issuing an Emergency Certification with the Conservation Agent's signature.

- **SE42-2563 LoConte, 16 E Street** – Ms. LoConte and her contractor, Christopher Comeau were present. This project had been permitted a while back; were going to do wood pilings. Paul Armstrong couldn't get them into the ground more than maybe 2', can't drive them in. Did a test hole about 6' – really hard packed cobble, stone, gravel, 75% stone with some sand. Had excavator dig down 15' to see what's there, went to 9.4 got a foot and a half of sand and the rest was hard packed rock. 2-3" to 7-8" cobble, more rock than sand. Pointing didn't help. Proposing 2' sono tube in place of doing wood since they can't get it in; they haven't gone to an engineer yet because they wanted permission from the Commission because of the Barrier Beach.

Screw anchor wouldn't go through this Mr. Comeau said; more the lateral we'd be talking about. Asked that the Commissioners take a look at the site. Area around there, growth is good – not wave action. JW – one way to look at it – area is cobble, cobble got there from wind and waves in the past. Orders asked for driven piles. JW talked to Rebecca Haney with the EOE, Bob Crawford, Mark Stevenson, the Building Inspector in Scituate – all were surprised you can't drive piles through the cobble. Steel just not an option. 21 or 23 pilings are specked out Mr. Comeau said.

Ms. LoConte said there was no damage in the 1954 hurricane, and none during the blizzard of 1978. Mr. Comeau stated they are proposing to go back to the engineer, something in concrete and see what he recommends and come back to the Commission. JW stated he is looking for more depth. RC asked that Mr. Comeau and Ms. LoConte come back to the February 2<sup>nd</sup> Conservation meeting at 7:00 with recommendations from their engineer.

### **PUBLIC HEARINGS**

**7:00 2600 Harbormaster, Dyke Rd. & J. Driebeek Way** - RC read notice of public hearing. FW hearing officer. Pat Brennan of Amory Engineers and Harbormaster Mike DiMeo present. Requesting concrete walkway in Brant Rock/Green Harbor area. 6' wide concrete walkway that would link Peter Igo Park along outside perimeter, continue along the west side of Driebeek Way to the parking lot at the Town Pier. Another walkway from the esplanade past the sewage pump station. 6" granite curb, hand rail and rip rap slope are proposed. WL asked to

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be shown the limits of handrail. Mr. Brennan said they are not going to touch the bridge – there's already a handrail between the bridge and walk, not changing anything there. Walkway is 6" higher than roadway. Sheet 5 of the plans show six different sections of how the walkway will look. Going to keep grass strip. 18" deep concrete along either side of walkway to provide for pedestrian safety. Walkway along Driebeek Way is granite curbing either 18" or 12" deep, depending upon the grades. Don't need any filling. 6" wide by 6" deep crushed stone adjacent to walkway for water run-off and Downstream defender for runoff. Walk will be handicap accessible. Stamped concrete – ADA doesn't want more than 1/4" change, and can get slippery. FW asked if they plan on adding any fill on the slope; Mr. Brennan said they won't be touching the rip rap. BO'D asked if the guardrail is staying; Mr. Brennan said it not staying. WL asked where the cut off is on the walkway at the esplanade; Mr. Brennan said it's just after Arthur & Pat's Restaurant where the Town owns strip of land. JW is fine with the proposal. FW motion to close, RC second, motion passed 4-0-0.

**7:00 2598 Lucchetti, 132 Oak Street** - New plan received . FW motion to close, WL second, passed 4-0-0.

**7:00 2589 Leatherbee, 22 Acorn Street** - Applicant has asked for a continuance to 2/16. RC motioned to continue to 2/16 at 7:00, WL second, motion passed 5-0-0.

**7:05 2599 Zaha/Gauger, 56 Cove Street** – Hearing had been continued for a letter from DPW; letter has been received stating DPW has no objections to the proposed revetment project as shown on the EET plan. RC motion to close, FW second, motion passed 5-0-0.

**7:10 2567 Wallace, 35 Water St.** - Applicant has asked for a continuance to 2/2. RC motion to continue to 2/2 at 7:10, FW second, motion passed 5-0-0.

**7:15 2591 McGillicuddy, 64 Foster Ave.** - Applicant has asked for a continuance to 2/16. RC motion to continue to 2/16 at 7:15 p.m., WL second, motion passed 5-0-0.

**7:20 2565 Vacirca, 20 Wilson Road** – Atty. Jay Creed was present with a new plan with the property line shown properly. Mr. Lane, who owns the lot next door, said he has no problem with Mr. Vacirca having the driveway where it is. He stated that he does have an issue with Mr. Ivas' report. If the Commission issues Orders of Conditions incorporating Mr. Ivas' report on page 6 or 7, Mr. Vacirca would accept that. JW gave report out to Commissioners again. JW stated he has a problem with the driveway because it is filling wetland; should be removed. JW – thinks it should be some distance away from the wetland where it originally was. FW – doing the five recommendations on the Ivas report on page 6 or 7. Atty. Creed noted this has been maintained for over 50 years. Lawn has always been maintained. JW said this area is Barrier Beach, Land Subject to Coastal Storm Flowage – we don't allow concrete to be poured – driveway should not have been built there. JW did notice a lot of new driveways on that road. JW stated his second issue with this project is that the work continued after the EO was issued.

JW believes the wetland is under the driveway; the driveway should come out and the wetland restored.

There are Phragmites shoots coming up through the driveway. Conservation also has wetland fill issues on Mr. Lane's land. Atty. Creed asked why did the Commission wasted time hiring the wetland expert? FW stated the paved driveway is the issue. EO was delivered by the Admin. Assistant in the Conservation Office, work did not stop. Have pictures showing piles of fill that were later flattened out after delivering the EO.

Gerard Lane said he thought the dirt issue sort of went away – thought this was more about the driveway; Mr. Vacirca kept spreading because the equipment was there.

BO'D stated it is pretty consistent that Conservation does not allow impervious driveways in this area. RC said he would be happy to get rid of the westerly driveway, and keep to Mr. Ivas' suggestions. Mr. Vacirca said he is willing to clean up what the neighbor has done to the next lot. CH said he supports RC's suggestion. Wants to check on other neighbors who put in driveways. BO'D said he agrees with RC – letting other things go. RC motion to close and issue orders, WL second, motion passed 5-0-0.

**7:25 25\_\_ Mahaney, 46 Preston Terrace** – Applicant has asked to continue to 2/16. RC motion to continue to 2/16 at 7:25, WL second, motion passed 5-0-0.

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**7:30 2566 Roderick, 2104 Ocean St.** – Applicant has requested a continuance to 2/16. RC motioned to continue to 2/16 at 7:30, WL second, motion passed 5-0-0.

**BUSINESS:**

Vote & sign Orders of Conditions for closed hearings:

SE42-2599 Zaha/Gauger, 56 Cove Street – FW suggested “no equipment on the beach, having a spill kit, and no refueling on the beach”. RC motion to issue as amended, WL second, motion passed 5-0-0.

RC motioned to adjourn at 9:30, WL 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  
Bert O'Donnell