

October 18, 2016

**MINUTES – CONSERVATION COMMISSION
TUESDAY, OCTOBER 18, 2016 7:00 p.m., HEARING ROOM 2
TOWN HALL, 870 MORaine ST., MARSHFIELD, MA**

Approved 4-4-17 5-0-0

Members present: Robert Conlon, Chairman (RC), Frank Woodfall (FW), Chad Haitsma (CH), Bert O'Donnell (BO'D), James Kilcoyne (JK) and Arthur Lage (AL). RC motioned to open the meeting, FW second, motion passed 5-0-0. (JK arrived at 7:15)

Matt Creighton, Wetland Professional Scientist from BSC, was present to observe; Matt has been hired in the interim until a full time Conservation Agent is hired.

MINUTES

BUSINESS

- Mr. Bizzozero, 2 East Street – here 7 p.m.
- Approve, vote & sign Orders of Conditions for closed hearings:
2624 NSTAR, Webster Street
2617 Chace, 2 Minot Street
2630 Huntoon, 15 Sea Street
- Scheduled Meetings: November 1st & 15th Commissioners okay with that. FW suggested December 6th also.
- Interim Conservation Administrator Coverage & Update on Conservation Administrator Search

EXECUTIVE SESSION

ENFORCEMENT ORDERS

- Bizzozero 2 East Street – 2nd Enforcement Order issued. Mr. Bizzozero stated he received a letter from Jay Wennemer in May re: material put on the road because of the cliff at the end of the road. JW told him to write a letter, he did that, put down the material, went through the summer. Mr. Bizzozero then received a letter on the first of October to remove the material, as it was deemed “not acceptable”.
What was put down is the same material that came off the beach Mr. Bizzozero said – same as the Town put down.
RC asked if he changed the grade, Mr. Bizzozero said he did not, just put fill in the road. Have no idea what Jay’s asking for.
RC said the Commissioners will need to do an inspection. It’s just sand and rock, not sand dust Mr. B said. BO'D went down today and said he doesn't understand what is required. Mr. B – storm undermined 2 years ago, took out road.
Town claims it's a private road. Mr. B – filled with same material that was taken out of there.
Town used to maintain but ran out of money. “Too steep” neighbors say. Jay Wennemer stated previously that Mr. Bizzozero hasn't removed the stone dust. Mr. B said half of it is already gone.
- SE42-2442 Charles, 599 Summer Street – Need Chairman's signature
- 48 Marginal Street

REQUESTS FOR CERTIFICATES OF COMPLIANCE

Backburner: (until problems are resolved)

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

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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:

SE42-2528 Picard, 861 Summer Street
SE42-2389 Spruill, 4 Damon's Point Drive
SE42-2541 Badore, 86 Macomber's Ridge
SE42-2567 Wallace, 35 Water Street
SE42-1417 Mahoney, 12 Ocean

REQUESTS FOR EXTENSIONS

PUBLIC HEARINGS

7:00 2634 Wisler, 14 Dana Street - RC read notice of public hearing. Mrs. Wisler was present and explained they have an old, rotting deck and would like to replace it with an addition. Bob Gray of Sabatia flagged the property; the project is within 100' of wetlands, so a Notice of Intent was required. CH had no issues on how it's specked out, but there's debris and a pile of building materials in the wetland. Mrs. Wisler said she did not believe that was her property, but she would look into it and if so, have it removed. RC asked if the addition will have a full foundation; Mrs. Wisler said it would, thought it would be better. CH asked what kind of foundation, concrete and crawl space. RC motion to close & issue Orders, CH second, motion passed 6-0-0.

7:05 2627 Bedig, Richard Street – Applicant has requested a continuance. CH motioned to continue to 11/1/16, FW second, motion passed 6-0-0.

7:05 2631 Corbett, 65 Concord Street - Applicant has requested a continuance. CH motioned to continue to 11/1/16, FW second, motion passed 6-0-0.

7:10 2628 Lentine, 44 Monitor Road - Applicant has requested a continuance. CH motioned to continue to 11/1/16, FW second, motion passed 6-0-0.

7:10 2632 Town of Marshfield, 172 South River Street - Applicant has requested a continuance. CH motioned to continue to 11/1/16, FW second, motion passed 6-0-0.

7:15 2629 Walker, 116 Elm Street - Mrs. Walker & Atty. Brodsky present. RC hearing officer. Presented at last meeting. Long-standing enforcement issue. The Commission wanted to review additional materials and visit site. Have letter from wetland scientist - would like to change mowing schedule from every two years to twice a year. Asking to maintain existing lawn up to the 70' limit of the lawn, maintain existing shed which is out of the 'no disturbance' zone. Have landscaping boxes in the lawn, hoping to have them permitted.

CH asked Atty. Brodsky or Mrs. Walker to look at plan and show where planters are. Atty. Brodsky showed where planters were - 15'-17' off the wetland line. Atty. Brodsky gave the history of the filing to the newest commissioners. 2012 Notice of Violation for expanding the back yard, which the Walker's say is not true. Limit of lawn has never changed. Since 2012 Walkers haven't touched the wetland. Thought everything was resolved. In 2013 Mr. Masse (also on Elm St.) filed NOI for his pond project. The Walkers received a Building Permit in 2014 for a shed. Allegation by Commission that shed was built within the 35' no build zone. Not accurate Atty. Brodsky said – however, they were issued a Notice of Violation. EO issued. Was appealed in Superior Court. Grady Consulting says the shed is out 35'.

Atty. Brodsky met with JW and Town Counsel – negotiated a settlement of the matter subject to the Commission's approval. Permission from the Court to come back before Commission. Maintain lawn up to 75', maintain shed, change mowing schedule, and planting boxes to be allowed in their present location, in the maintained lawn area.

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RC had a hydric soil question to Mr. Creighton. Mr. Creighton said Conservation would be looking for hydrology in the soils. Atty. Brodsky said the interesting thing is it wasn't an altered area; it had been cut periodically – 100% lawn grass.

JK stated he felt the Walker's property is the least egregious of the three properties there (Walker, Riley, Masse). AL said he would like to see the wet meadow delineated. Once a year mowing would be the best thing to do, but would like another opinion. Mr. Creighton said if you're mowing twice a year you'll keep all woody vegetation down. Going to end up with different types of wetland grasses in the area.

RC motioned to continue to 11/1/16, FW second, motion passed 6-0-0.

7:20 2611 Calabrese, 93 So. River St. – Applicant has requested a continuance to 11/1/16. FW motioned to continue, RC second, motion passed 6-0-0.

7:25 26__ Carmody, 1329 Ferry Street – RC read notice of public hearing. FW was hearing officer. Mr. Carmody present. Mr. Carmody is proposing construction of a 38' x 10.3' deck on isolated supports within existing footprint of developed area in a Riverfront Area. Taxes have been paid and abutters notified. FW motioned to continue for receipt of a file number from the State, RC second, motion passed 6-0-0.

7:30 26__ McHale, 722 Ocean Street – RC read notice of public hearing. CH hearing officer. No one was present for this hearing and CH motioned to continue to 11-1-17, FW second, motion passed 6-0-0.

7:30 ____ Mahaney, 46 Preston Terrace - Applicant has requested a continuance to 11/1/16. FW motioned to continue, RC second, motion passed 6-0-0.

RC motioned to adjourn at 9:30 p.m., FW second, motion passed 6-0-0.

Respectfully submitted,
Lois Keenlside
Marshfield Conservation Commission

Robert Conlon, Chairman
Frank Woodfall
Chad Haitsma
Bert O'Donnell
James Kilcoyne
Arthur Lage