

MINUTES – CONSERVATION COMMISSION

**TUESDAY, NOVEMBER 1, 2016 7:00 p.m., HEARING ROOM 3
TOWN HALL, 870 MORaine ST., MARSHFIELD, MA**

Members present: Robert Conlon, Chairman (RC), Frank Woodfall (FW), Chad Haitisma (CH), Bert O'Donnell (BO'D), James Kilcoyne (JK). Arthur Lage was not present. Ingeborg Hegemann, PWS with BSC was present to advise the Commission in the absence of a Conservation Agent.

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

MINUTES July 12th, July 26th, August 16th, September 6, 2016 RC motion to approve, FW second, passed 5-0-0.

BUSINESS

- 7:00 – Frank Westgate – re: 308 Plymouth Ave. – possible waiver? Client wants to add to house. He's got a problem if he goes by commission's setbacks. Two sketches shown. Going to pull by 25' if it applies. Can he get a waiver? RC – not in favor of waivers. House is within the 25' of the wetlands; is old house, 50's before wetlands regs. Also wants to raise & put on foundation. BOD – do you know who did the delineation. No answer. Just asking if the commission would consider a waiver. RC – would still have to come in with a NOI. BOD – not in Barrier Beach. Proposed addition is not within 25'. But also elevating existing house. FW – NOI. Will have to be on piles. IH – identify if there's a driveway. Frank Westgate – there is no driveway.
- Approve, vote & sign Orders of Conditions for closed hearings:
2624 NSTAR, Webster Street
- Scheduled Meetings: November 15th, December 6th December 27th FW gone 11-18 to 12-10.
- Re-sign Orders of Conditions – SE42-2303 Green, 41 Water Street – originals lost

EXECUTIVE SESSION

Litigation Discussion – Atty. Galvin

ENFORCEMENT ORDERS

- 599 Summer Street – Enforcement Order sent 10-19-16 – have not heard back
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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
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 – IH visited today. 2 new additions. Appears to be done fine, setback to bvw correct, the 25' buffer line on the plan isn't correct, shed is right against it. Followed their plan, but plan is not correct. Appears that they have done the right thing, but the plan is incorrect. Appear to have an underdrain the aims toward the wetland. Putting debris where they think they're allowed. IH recommends if you issue CC tell them to remove lawn debris and there was an error on the plan. Other thing that's different from the plan – they have put stones as retaining wall – not a big deal.

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Need to clarify with them. Hold off on the CC FW suggested until all cleaned up and restored. Shouldn't be mowing past the lawn area.

SE42-2389 Spruill, 4 Damon's Point Drive
SE42-2541 Badore, 86 Macomber's Ridge
SE42-2567 Wallace, 35 Water Street

SE42-2433 Doyle, 88 Marginal Street – dock - IH viewed today. Wanted to replace sections of their pier, pilings. Asked for amendment to put in boat cradle. Gave us Chapter 91 plans. Those don't show what's out there. IH concerned that there are two piers, not one. All old plans show one deck. See new decking to a second sitting area. Still under construction. All decking is 1" apart, which is what Conservation asked for. Request for CC is incomplete –need plan showing both decks. If this is a change to Chapter 91 documentation, they might not allow two sitting areas. Ask Mr. Doyle for new as-built. CC can't be issued yet. Look in minutes for approval of cradle.

REQUESTS FOR EXTENSIONS

PUBLIC HEARINGS

7:00 2635 Carmody, 1329 Ferry Street - Had been continued for receipt of a file number; number has been received. FW motion to close, RC second, motion passed 5-0-0.

7:00 2636 McHale, 722 Ocean Street - continued for new plan. CH motion to continue to 11/15, RC second, passed 5-0-0.

7:00 2633 Faherty, 14 Breakwater Court - Dick Rockwood present. RC read notice of public hearing. One story addition on back of house, in a flood zone. 14' out and 20' wide. Color coded plan for clarity. Strip wall foundation with knock out panels. Have crawl space foundation, with deck above. Discussed with Jerry O'Neill, not a substantial improvement. Have elevation certificate. Is above elevation 11'. Raised not too long ago 8 or 10 years ago, has concrete foundation with flow through vents. Putting back same. IH – what is the resource area this is in – AE 9 flood zone Rockwood said. FW – flat room – suggested dry wells off the roof. Just take care of the new ones. Will put in orders. CH - questioned legal ad BVW. RC motion to close, FW second, passed 5-0-0.

7:05 RDA 16-07 Sharaf, 141 Boles Road - RC read notice of public hearing. FW hearing officer. Peter Lyons with Collins Engineering. Septic repair; existing 4 bedroom with wetlands off site to the rear. Replacing existing tanks and leaching area with a 1500 gallon tank, 1000 pump chamber. As far as possible from wetlands. Existing lawn in the back. One tree to be removed; erosion control proposed. Silt sock, silt fence. BOD asked if they were before the Board of Health. Hadn't anticipated that Mr. Lyons said. IH could be a negative 3 but won't have impact. Need to add conditions. Not recorded on the deed.

CH – asked what special conditions FW would add. FW silt fence, protection along the line behind the system. IH – extra erosion controls in case of big storm – add condition that you notify commission before work starts 48 hours. Negative #3. Will continue to the 15th, to pay taxes.

7:05 RDA 16-08 Whalin, 24 Wolcott Road - RC read notice of public hearing. No one present. Need more clarification of wetland resource. Will continue to 11/15 at 7:10. FW motion, JK second, passed 5-0-0.

7:05 2637 Green, 19 Telephone Street - Mr. Rockwood present. Mr. & Mrs. Green present. RC hearing officer. Proposing to demo small house and build new house to meet flood zone criteria. An AE 9, at AE16 by today's maps. 18.5 will be the first floor – will drive under for garage. Two story home. Flagged wetland across from the front of the house. Foundation will be strip wall with knock out panels. Garage doors under unconditioned.

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CH – why concrete foundation? Rockwood – better way to go. Satisfies criteria – no barrier beach. Want to do metal roofing, no gutters. Proposing trenches to equalize stone, right at the eaves. 18 x 18 Road is higher than the land Rockwood said. CH – what kind of driveway – asphalt. RC motion to close, FW second, passed 5-0-0.

7:05 2627 Bedig, Richard Street – Applicant has requested a continuance to 11/15.

7:05 2631 Corbett, 65 Concord Street - Applicant has requested a continuance to 11/15.

7:10 2628 Lentine, 44 Monitor Road - Applicant has requested a continuance to 11/15.

RC motioned to continue these three hearings to 11/15/16, FW second, motion passed 5-0-0.

7:10 2632 Town of Marshfield, 172 South River Street - can reference NHESP & MF.

FW motion to close, RC second, passed 5-0-0.

7:15 2629 Walker, 116 Elm Street - Adam Brodsky and Mrs. Walker present. BSC looked at property. Hoping to close and issue orders. FW – looked at it; have conflicting footage – Brodsky – reflected in the orders. Lawn being maintained to the 70' limit, no activity 35' from the wetlands. FW – it was overlapping. 35' no set back was not to put shed there. FW – okay with 70', would like to keep mowing at 2 years. Brodsky – want to create wet meadow. More frequent mowing keeps out woody shrubs. MACC website – lots of discussion regarding the issue. More rare habitat. Keep the grasses. Looking for twice a year. Once a year was mentioned as a compromise.

Ingeborg Hageman – BSC – took photos – do have a really nice wet meadow with wildflowers, sedges, high value. Some bittersweet, which is nasty. Tend to recommend an August or September cutting – allows nesting. Want some of the seeds to come back. Allow them to mature and get back into the soil. Once a year or every other year, except the bittersweet is there – without cutting it will destroy this habitat. Other thing she noticed is a little mowed pathway that goes up into the upland, there could be a maintenance plan to mow once a year to maintain. RC – 4' path? Maybe 3' IH said. RC – we're here for the mowing schedule. JK – okay with leaving it at 70' from the house of mowed lawn; would like a cutting schedule once a year in the fall. BOD – also want language about fertilizers and herbicides. CH – should deal with ambiguity, Walker's have been cooperating – stick with once a year opinion. FW – for clarification – 70' from the house which distinguishes the mowed area. Is it 35' from the rear of the property. On the plan Brodsky said no alteration on the front.

IH – apple trees in the back of the yard. Mowing sort of stops – lot less mowed than by the house. Don't believe they're mowing right to the edge of the wetland, have a buffer. Maintaining a 5 to 10 foot buffer. Brodsky – back of the property hasn't been an issue. RC – regularly mowed lawn and the once a year mowing – need to be clear on that. Galvin – would be helpful to resolve what happens on other side. Brodsky suggested delineating - are not mowing right up to the wetlands, if we just put some stakes in where the current line is, not encroaching into wetlands, just maintaining. Existing conditions. Brodsky – mark the existing setback. FW – Orders required an evergreen shrub barrier. Brodsky – was waived. IH – would detract from the look of the area.

Okay with the shed, planting boxes okay. JK – invasive species was what? IH – bitter sweet. Bittersweet on the tree will kill it – should get rid of it. Wants to make sure Mrs. Walker has the ability to get rid of the bittersweet. RC motion to close and issue orders, JK second, passed 5-0-0.

7:20 2611 Calabrese, 93 So. River St. (roadway)- Applicant has requested a continuance to 11/15. RC motion to continue to 11/15 at 7:20 p.m., CH second, motion passed 5-0-0.

7:30 ____ Mahaney, 46 Preston Terrace – Mr. Mahaney was not present. RC noted if Mr. Mahaney did not give the Commission an update at the next meeting, this item will be taken off agenda. RC motioned to continue to 11/15 at 7:30, FW second, motion passed 5-0-0.

RC motioned to adjourn at 9:00 p.m., FW second, motion passed 5-0-0.

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Respectfully submitted,
Lois Keenlside
Marshfield Conservation Commission

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