

MINUTES – CONSERVATION COMMISSION
TUESDAY, NOVEMBER 15, 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 Haitsma (CH), Bert O'Donnell (BO'D), James Kilcoyne (JK), Arthur Lage (AL), and Matt Creighton from BSC as Interim Agent (MC).

RC motioned to open the meeting, FW second, motion passed 6-0-0.

MINUTES

BUSINESS

Mr. Tim Shanahan, 34 Marginal Street Rear, was present to speak to the Commission about the possibility of constructing a boat railway at his property. His property has frontage on the Cut River – no mooring allowed in the mud. He has spoken with the Harbor Master, who is okay with boat rails. Brought in some pictures of the site – upland in the 1950's. Beach sand, sloped, makes sense for the railway. Boat cradle would be on the rail. FW asked about the ice and flow in the winter; Mr. Shanahan said the water is always moving. FW – may need steel plate, which would have an impact on the area; would have to cut the marsh to get a slope. Mr. Shanahan said there is the cove there, the marsh is caved in in that area. Not a typical bank. RC asked if Mr. Shanahan if he is also proposing a dock. Mr. Shanahan said he is, off to the side.

Matt Creighton noted the biggest issue is going to be at the end of the permitting – the Army Corp of Engineers. Marine Fisheries will jump all over that to make sure there's zero salt marsh damage. Have seen them, no salt marsh, just gentle slope going in. This is something that has been permitted, but with salt marsh you have to be very, very careful. Mr. Shanahan said he will probably be working with Kevin Maguire, who has a lot of experience with permitting docks, etc. AL asked where the float is going to be located. Mr. Shanahan said to the left, turns into the harbor.

MC said with pilings in salt marsh, there's going to be restoration. RC thought Mr. Shanahan is probably better off proposing it with the piles; FW agrees. JK said the Army Corp will really look at the shell fish area and will ask you to put stops in. Mr. Shanahan thanked the Commission for their comments.

- Approve, vote & sign Orders of Conditions for closed hearings:
 - 2624 NSTAR, Webster Street – hold off
 - 2635 Carmody, 1329 Ferry Street – RC motion to issue as drafted
 - 2633 Faherty, 14 Breakwater Court – RC motion to issue as drafted
 - 2637 Green, 19 Telephone Street – combine Special Conditions G & I then issue.
 - 2632 Town of Marshfield, 172 South River Street – issue as amended
 - 2629 Walker, 116 Elm Street - remove BSC comments from Orders.

RC motioned to issue Orders as noted above, FW second, motion passed 6-0-0.

- Scheduled Meetings: December 6th, December 27th

EXECUTIVE SESSION

ENFORCEMENT ORDERS

REQUESTS FOR CERTIFICATES OF COMPLIANCE

Backburner: (until problems are resolved)

1. 1658 Heaney, 29 Farragut Road
2. 2324 Wallace, 110 Damon's Point Road

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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:

SE42-2389 Spruill, 4 Damon's Point Drive – not ready
SE42-2541 Badore, 86 Macomber's Ridge – not ready
SE42-2567 Wallace, 35 Water Street – not ready
SE42-2433 Doyle, 88 Marginal Street – waiting for new as built
SE42-2088 Howley, 122 Marginal Street – waiting for new as built
SE42-2273 Howley, 122 Marginal Street - “ “ “ “ “
SE42-2555 Mehr, 1829 Main Street – 3 year planting check required
SE42-2612 Warner, 159 Webster Street – looks good. RC motion to issue Certificate of Compliance for SE42-2612, FW second, motion passed 6-0-0.

REQUESTS FOR EXTENSIONS

PUBLIC HEARINGS

7:05 RDA 16-10 Stevenson, 1256 Union Street - Mr. & Mrs. Stevenson present. RC hearing officer. RC read notice of public hearing. Applicant is proposing a small breezeway addition. RC – wetland are across the street. MC recommended grass clippings be removed. RC motioned to issue a Negative # 3 Determination, CH second, motion passed 6-0-0.

7:05 2627 Bedig, Richard Street - Applicant has requested a continuance; CH motioned to continue to 12/6/16, JK second, motion passed 6-0-0.

7:05 2631 Corbett, 65 Concord Street - Applicant has requested a continuance; CH motioned to continue to 12/6/16, JK second, motion passed 6-0-0.

7:10 2636 McHale, 722 Ocean Street – No representative – LK will contact applicant. CH motion to continue to December 6th, AL second, passed 5-0-0.

7:10 2628 Lentine, 44 Monitor Road - Hearing had been continued from 11/1/16. Darren Grady from Grady Consulting and Mr. Lentine present. Mr. Grady brought in pile plan. Applicant has finished up with Zoning. Setbacks are on the plan, and piles. A zone, to be built on piles due to change in elevation. Coastal A zone. CH noted the street is higher by the houses closer to the beach. FW – foundation was a concrete – now looks like piles. Mr. Grady said the pilings will be wood. AL asked the height of the pilings. Mr. Grady said they will be 14', driven piles. RC motion to close and issue Orders. JK second, passed 6-0-0.

7:15 RDA 16-08 Whalin, 24 Wolcott Rd - RC read hearing notice. Mr. Whalin present. Repair to septic system. Property is up for sale, system was done 8 to 10 years ago. Want it to pass Title 5; there was water around the D box. All-Town said it would be good to do some repair work, dig out sand and replace it. Won't be storage of any material; raised system, wall around whole thing. All work will be inside the retaining wall. JK asked if they will just be digging out the old sand, putting in new. Mr. Whalin said yes, it takes less than a day. JK asked if the retaining wall is in good shape; Mr. Whalin said it is. MC said the work is going to be in the exact location. Make sure road is clean and swept and not going into a drain system. FW requested putting some hay bales around the area where the truck is taking away the old sand. RC asked how many truckloads; Mr. Whalen said it looks like just one. FW recommends a Negative # 3 Determination with the addition of two dozen hay bales. RC motion to close and issued Negative #3, FW second, passed 6-0-0.

7:15 RDA 16-09 Moniz, 148 Foster Ave. - RC read notice of public hearing. Mr. Moniz and his representative, Brian Cook, were present. Behind the seawall are rocks and asphalt. No wildlife. No sea animals. Were two houses built on that site in 1985, third house torn down, open lot. Renovation started. Not to change the footprint, have decreased square footage by eliminating the first floor. Second floor will become first floor with loft. Here to discuss the replacement of the existing deck on the east side facing the water, 10 x 34 to allow for cantilevered staircase. Nothing will occur between the structure and the seawall. Every effort was made to make sure no impact was made on the protected area. Nothing is going to happen on the ground – new windows, etc. CH asked why this project didn't come in to Conservation as a Notice of Intent before work was undertaken. Mr. Cook said the applicant didn't feel we were doing anything that required a NOI; were told to ask for an RDA. It's above the resource area. Deck is 12' from the wall. Mr. Cook – pilings put in by previous owner will be removed. Got a permit for first floor last year. Windows, siding, the Building Inspector, Jerry O'Neill, received a complaint from a neighbor. The Commission is concerned that the project is a 'substantial improvement'. Jerry said okay with second floor; person who made complaint came in with a deed restriction – was a height restriction. Mr. Cook said the footprint hasn't changed and the neighbors have always treated this property as if it was theirs. Mr. Cook said they're here tonight asking the Commission to focus on the deck. JK stated, since the project is in a V zone, you would think you needed to file.

RC asked if the applicant is all set with the Building Department. They are, but the deck isn't signed off yet. MC said this is Land Subject to Coastal Storm Flowage – if you increase the value by 50% you have to put the house up on pilings. Conservation gets into this according to DEP; it's our duty to make sure any storm water that hits the structure doesn't impact the structure behind it.

Mr. Cook stated, from the applicant's standpoint, the Building Department has determined that it's not a substantial improvement. As far as deck is concerned, concrete put in by former owner. Mr. Cook said the applicant wants the footings taken out, cantilever.

MC said the whole house has to be put on pilings since it's in a V zone, based on the 50% rule. The Building Inspector said the applicant is doing project in phases.

BO'D noted the Commission hasn't seen verification from the Building Commissioner. RC said we can put the language in the Orders and recommends a Negative Determination. CH motioned to issue a Negative #3 Determination with erosion control, RC second, passed 6-0-0.

7:20 2611 Calabrese, 93 So. River St. – Applicant has Withdrawn this proposal without prejudice in a letter dated 11/14/16 to the Conservation Commission.

7:30 ____ Mahaney, 46 Preston Terrace – Mr. Mahaney was not present. FW motioned to Deny the project and re-instate the Enforcement Order, AL second, motion passed 6-0-0.

NEW BUSINESS

- Bill Grafton was present. He has been appointed by the Selectmen as the Conservation Agent. There are some final steps to be taken, which are under way. There is no definitive start date, but Mr. Grafton anticipates early December.
- MC reported that he and Town Engineer Rod Procaccino discussed the Naomi Street project– because of the depth the cost will be about \$100,000. Rod is proposing putting a valve that will stop the water at high tides from coming back into the system and putting in a less expensive system to take out the TSS. Going to block ocean water and put in less expensive system that will trap the sediments. Everything is in the exact same plan with the exception of the valve. The roads in that area flood all the time. MC said this proposal will be less of an impact. Letter and plan from Pat Brennan will be coming in. Don't think we need to amend orders – just going from one system to another.

RC motioned to adjourn at 9:00 p.m., JK second, motion passed 6-0-0.

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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