

**MINUTES – CONSERVATION COMMISSION**  
**TUESDAY, JANUARY 10, 2017 7:00 p.m., HEARING ROOM 3**  
**TOWN HALL, 870 MORaine ST., MARSHFIELD, MA**

Members present: Robert Conlon, Chairman (RS), Frank Woodfall (FW), Chad Haitsma (CH), Bert O'Donnell (BO'D), James Kilcoyne (JK), Arthur Lage (AL), and Bill Grafton, Conservation Administrator (BG). Matt Creighton from BSC was present as consultant to the Commission (MC). RC motioned to open the meeting and go into Executive Session to discuss pending litigation, FW second, motion passed 6-0-0.

**MINUTES** September 6, 2016 & September 20, 2016

**BUSINESS**

- Requirement for employees & commissioners to take ethics test.
- MACC anniversary this year – need picture.
- Letter of light enforcement – working with Chad.
- Minor activities permit – used in other towns – working with Chad.
- Peter Igo Park/adjacent to coastal forest
- Approve, vote & sign Orders of Conditions for closed hearings:
  - 2631 Corbett, 65 Concord Street (add'n)
- Scheduled Meetings: January 24, 2017
- Need signatures on RDA 16-07 Sharaf
- 116 Elm Street – needs to be signed tonight

**EXECUTIVE SESSION**

Oliva – Christmas Cove

**ENFORCEMENT ORDERS**

- Adelaide, 108 Webster Street
- Commissioners to sign EO for 599 Summer 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
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  
SE42-2541 Badore, 86 Macomber's Ridge  
SE42-2567 Wallace, 35 Water Street  
SE42-2433 Doyle, 88 Marginal Street  
SE42-2508 Farrell, 355 Church Street  
SE42-2371 Haddad, 291 Ocean Street  
SE42-2406 Haddad, 291 Ocean Street

**REQUESTS FOR EXTENSIONS**

January 10, 2017

## **PUBLIC HEARINGS**

**7:00 2638 Junior, 605 Plymouth Ave. ( 2 SFH, 2 Accessor. Bldgs.).....(cont from 12/6)**(Chad) Dana asked that BG RC motion to pick up later as he had a conflicting hearing with ZBA that was about to start. Bill presented the suggestions of the working group meeting composed of Bob Galvin, Rob Conlon, Bill Grafton, Jay Creed and Dana Junior. B3 zone, going to go to Residential for primary use. Two 10,000 sq. ft. lots; looking for easement for mosquito control access. Dana – lots are bigger than 10,000, it's a 10,000 envelope. Asked to have flagging redone. Brooke Monroe (consultant) did second wetland line. New line pretty consistent. How to address the expired Orders of Conditions? Atty. Galvin – Clark Phillips who owned the land was filling the marsh years ago. Restriction was to be used as parking lot only. Never granted the restriction. Want smaller building envelope. Want asphalt removed. Dana ready to address old Orders; restoration, easement and prohibition easement. Plan is to rip fence out but do not disturb vegetated area; will give 5' along fence line. Want material removed where it's deeper; refill with clean loam and restore with native trees, shrubs and wetland seed mix and wetland mix in the shallow excavated area closer to the future buildings following recommendation by consultant. Atty. Galvin – all the asphalt is to be removed from the property. BG – this property probably doesn't suffer from any pervasive, volatile materials. Conservation easement on the lot; no future building. Conservation easement for access. Found high bush blueberry bush on lot. Read list of recommended vegetation. We agreed to five trees and twenty shrubs. What's the distance AL asked - 76' from back deck to wetlands.

AL – any storage tanks for chemicals? BG – looked at DEP site – no reportable releases on Plymouth Ave. JK – if it was a commercial storage area, why are we assuming there is no contamination. BG – because they weren't on the most recent DEP Reportable Release list. AL – believes there was a gas pump on that lot. BG – will need to look into that. AL – the garages are the two other structures – quite large. Are they for commercial use? Dana Junior – potentially, but primary use is residential. BO'D – new wetlands delineation is more conservative. All the flags have been moved up RC said.

JK – is the Orders with the person or the property. BG-The orders stay with the property and convey to the property successor.  
RC thinks it's the best plan for the property. BO'D – thought we wanted to get rid of the accessory buildings.  
RC – it's zoned for that.

Joe Pecevich – the way I understood the Orders, there shall be a CR on the property – it was a part of the Orders. The Court ruled. The restriction does not expire, even if the orders do. On a practical level would like something to be done on the place. Would like to know why Conservation markers are not along the north boundary of the lot. If there was no pavement we'd probably see more wetland plants. Driveway shouldn't be paved. RC asked why not? It's not that far from the wetland. It's over 100' FW said. Should do test pits JP said.

AL – noted that as far as usual distance from stream or brook is 100' but This is 43?  
JK – lot of concerns about the variance. High probability of contamination. There are some legal issues about the CR on the property that haven't been resolved.  
DJ – right now pavement goes right up to the wetlands.  
Atty. Creed – we're conceding the USGS mapping from aerial photography. Highlighted mapping shows what's called Bass Creek, section of waterway is a handmade canal (handout). RC not actually asking for a variance, this is a temporary variance request to clean up the site, re-seed, etc. Outside the 75' and 100' area.

JK – want to know if there's going to be parking garages, how much parking, how much paving. JK – would like to see what's going to be done; it's too early. Matt Creighton – clean out area and restore it. If work is done on those accessory buildings he'd have to come before the Commission again.

CH – would want the Commission to seriously think about getting soil testing done.  
BG – what area do you want tested? What testing should be performed? BO'D – anyone buying these lots would have a 21E done. Could write in as a condition. FW – pick three sites in the work area to test. AL and JK agree.  
MC – orders go with the parcel.  
MC – that delineated line (wetland) will hold for three years. Can get extensions. BO'D – conservation markers are north and south at 80'. Galvin suggested at the building envelope.

January 10, 2017

Need actual plan with everything marked out to reference for Orders MC said.  
CH motion to continue for new plan to 1/24 at 7:00.

**7:05 RDA 16-13 Glod, 259 Dyke Road** (add'n)(NEW)(Frank) RC read notice of public hearing. Julie Johnson and Ms. Glod present. FW hearing officer. Taxes paid, no need for Abutter notices. In flood zone AE 16, well away from any vegetative wetlands or waterways. 15 . 28' single story addition to be used as a storage area and platform on roof. BG – concerned with flood zone aspect; visited site. Agrees with Julie's presentation. Well over 200' from wetlands Julie said. FW – taking two employee spaces away. Not touching the donut shop RC asked! No questions, FW determined Negative #3.

**7:05 2627 Bedig, Richard Street** -Applicant requested continuance. RC motion to continue to 1/24/17, FW second, motion passed 6-0-0.

### **EXECUTIVE SESSION**

Bob Galvin arrived at 7:10 for Executive Session. RC motion to go into ES and return to OS.  
RC – yes; FW – yes; JH – yes; BO'D – yes; JK – yes; AL – yes. Motion passed 6-0-0.

The Commission returned to open session at 7:50 p.m.

**7:10 2639 Haddad, 291 Ocean Street** -RC read notice of public hearing. Kevin Grady of Grady Consulting presented. Mr. Charles Haddad & Mr. Mitch Haddad were present.

The proposed deck is within 100' of the Resource Area. In 2011/2012 the existing restaurant and bridge were constructed, both of which required filing Notices of Intent. The location for the proposed deck is the southeast side of the building and will be 12' x 62', 12' closer to the Resource Area. Part of the original construction had drainage basin; have to install seven piles to support deck, which will be in the bank. Mr. Grady said the square footage has a small impact to the volume in the basin. This is a previously disturbed area, no alteration, just piles.

Originally the applicant had been proposing helical piles – found them the least invasive. They have since spoken to people who have used wooden piles and are not sure which way to go. Mr. Grady said the applicant is asking the Commission for their preference - helical or driven wooden piles. Silt fence for potential erosion.

CH asked what the dotted line is on the plan that's curving around the property parallel to where the deck is proposed. Mr. Grady said that marks the salt marsh.

RC noted Certificates of Compliance for the previous two filings are still not in yet. BG stated one of the big issues is the site vegetation associated with the restaurant and bridge work Orders Of Conditions, which hasn't been completely successful. Mr. Grady stated the proposed deck will be elevated between 6 and 8 feet, with plenty of room for vegetation. BG suggested off-site mitigation may be possible if plantings don't take. Mr. Grady pointed out that the applicant has provided site vegetation several times and, due to the conditions in that area, the plantings have not been able to thrive.

BG requested an updated plan. When Orders of Conditions are written up for the deck, there will be a condition that Certificates of Compliance on the previous two filings will be issued once the work is completed. Mr. Grady asked if that includes the deck. BG said yes, it would.

RC motioned to continue to 1/24/17 at 7:15, FW second, motion passed 6-0-0.

**7:15 RDA 16-11 Halliday, 1028 Ferry Street** -RC read notice of public hearing. Mr. Travis Halliday present. Purchased the property and split into two lots. Started to develop the land and questions came up about trees that were cut. BG – taken strides to establish a wetlands line. Would like to walk to wetlands line with applicant and suggest possible mitigation. Silt sock – tupelo trees and red maple trees cut. Commission might have spared some of those trees. AE flood zone. Mr. Halliday – majority is AE and home would be in the X. Mr. H – we did make a lot of effort to try to make sure we were working in the proper boundaries. We're looking for permission to mow some of the invasive species between the trees. Any trees that were removed were beyond

January 10, 2017

the 100' zone. Did that after receiving permits for septic systems. BG – prefer biodegradable silt socks instead of the plastic bound ones. BG recommends Negative with special conditions. Next door neighbor disappointed about all the trees taken down but wanted to come in and hear (her business card is in the Halliday file for name & address). RC motion to issue Neg. #4 with no special conditions, FW second, passed 6-0-0.

**7:20 RDA 16-12 Hollstein, 100 Enterprise Drive** - RC read notice of public hearing. RC hearing officer. CH wants Natural Heritage block on RDA's. BG requested using substitute trees listed on Sheet 4 of 8-Proposed Tree Planting Notes on Site Plan dated December 8, 2016 instead of Street Trees. Kevin Grady, Grady Consulting, stated the applicant is proposing to construct a commercial warehouse on Enterprise Drive; there is a Bordering Vegetated Wetland across from the entrance – drainage basin. John Zimmer, South River Environmental, flagged the wetlands. The 100' buffer clips the front of the property. Construction activity will have no impacts on the property. Infiltration basin currently very similar. Drainage system already installed. Infiltrating substantial amount; using 36" for overflow.

BG went to the site with Matthew Creighton of BSC and stated wetlands listed on GIS as "open water body". Lower left hand corner of property is impacted. Asking for 50' no disturb; 75' for native plantings. Mr. Creighton stated the catch basin has a potential for erosion during construction and suggested having a silt sock in the catch basin would be a good idea.

BG stated the property to the left of this came before the Commission and Board of Health. CH asked if this RDA needs to go to NHESP. Mr. Grady said he did send them a notice of the meeting; haven't had comments back yet. RC motioned to issue a Negative #3 Determination with special condition use native plantings, FW second, motion passed 6-0-0.

**7:25 2642 Burchill, 76 Mallard Road** - RC read notice of public hearing. Richard Burchill present. Haruko Banks is the owner of the property. Razing and building 2-bedroom home. Taxes unpaid. Foundation footprints, conventional permit, no zoning issues. Tear down and rebuild. BG – trying to salvage some trees and a little more mitigation. RB – squaring off existing footprint 39 x 36, one car garage underneath. Roof deck on second floor. Height requirements met. Driveway will come in from Blueberry. CH – how far away is the marsh from the property? BG – line could be across the property has wetlands plants but is not delineated. MC – mitigation and replanting could be considered.

70 Mallard Road – Brendan Rooney – pine tree is a hazard and leaning, other maple next to it; limb came down on his property, rotting. Those two trees are an issue. BG clarified that these trees are not the ones that we are trying to save. FW – don't want to go tree by tree. Mr. Burchill – if a tree comes down, I'll replant one. BG-Trying to save 3 large red maple trees closest to the wetland. CH – continue the hearing, get taxes paid, draft orders in the interim, motion, RC second, passed 6-0-0.

Frank's notes:

d. height is restricted to 3' 10" but I thought it was higher for parking garage area underneath.

h. silt fence "inside fence" I thought there was fence on 1 side?

h. "provide" erosion...

l. add in "or other means or materials to prevent erosion"

**7:30 2641 Fidler, 188 Atwell Circle** - RC read notice of public hearing. Mr. Fidler present. Adding garage, deck and porch. 8' closer to the wetland FW said. CH – marsh crosses property.

BG visited site with MC. Property is much closer than anticipated to the bank. Has been some on-going cutting in the buffer zone and dumping of leaves and stones. Invasives are taking over. Being maintained as a cut area. Neighbor cut three large trees. Putting in a pad for the garage. Porches and screened area raised up. Homeowner is being cooperative – said they would consider replanting. Will hire an arborist.

FW – the deck is open? Yes. Nothing there now. 14 x 22 garage, 33' from wetland. MC – AE flood zone and salt marsh, is it a coastal bank? An engineer needed to make determination. BG – might want an upgraded site plan. FW asked Mr. F if he's okay with putting that on the plan. Rick Servant – top of the bank would be elevation 10, is it 10 to 1 below it MC asked. FW – provide a cross section that'll help us. We can have the draft orders ready on the 24<sup>th</sup>, by Thursday of next week. Rick – is it a coastal bank or not, and if it is, where is the setback to the coastal bank MC said. FW motion to continue to 7:30 on 1/24.

January 10, 2017

**7:40 2640 Bottiggi, 164 Riverside Circle** - RC read notice of public hearing. Rick Servant presented. Abuts salt marsh. Existing deck. Proposing to tear down portion of the deck and have second story sunroom and proposed deck on northerly end of the house with ramp system going down to the ramp. Handicapped accessible ramp system. Only one usable access now; would like two.

Open deck and stairway getting down to grade. Up on posts, in a flood zone, AE 15 zone X. Within 100' buffer and 100' of the natural bank. FW recused himself from the meeting. Waiting to hear from NRC before we can proceed. BG – would like to see all delineations 25' 50' 75' buffer on plan. CH motion to continue to 1/24 TBD. CH motion to continue, BO'D second, passed 5-0-1.

FW returned to the meeting.

**7:45 RDA 16-14 Verizon Wireless** - RC read notice of public hearing. Earl Duval representing Verizon. Theron Lay Sleeper and Scott Adams, Engineers from Advanced Engineering present.

Mr. Duval distributed a couple of pictures. 66' monopole tower, fenced in equipment compound. Initially approved by Planning in 2013; was constructed in 2014. Recently Verizon changed the configuration of what the equipment will be inside the existing compound – equipment shelter structure 6' off the ground. Proposing antennas, generator and power outlets. All equipment contained in existing compound. Minor disturbance in the compound. Project is more than 100' from the wetlands and more than 200' from the river. BG noted this is in the center of the property in a previously disturbed area. Will not have an impact. CH recommends Negative #3 Determination, BO'D second, passed 6-0-0.

#### **BUSINESS: (cont'd)**

**Adelaide, 108 Webster Street** – Discussion with the Commission. Owner of Lot 2 bought the parcel in 2013. One house there now on Lot 4. FW stated there has been hydro-seeding, flagging and surveying. The slopes are too steep that need to be addressed. There will be some remedial work required. One plan shows a wall, one plan doesn't show a wall. Needs to be noted and taken care of immediately.

**Charles, 599 Summer Street** – Enforcement Order issued; work done by previous owner. There was also a wetlands filing on the septic system for this property. BG will follow up.

RC motioned to adjourn at 10:00 p.m., FW second, motion passed 6-0-0.

Respectfully submitted,  
Lois Keenlside  
Marshfield Conservation Commission

Bill Grafton, Conservation Administrator  
Robert Conlon, Chairman  
Frank Woodfall  
Chad Haitisma  
Bert O'Donnell  
James Kilcoyne  
Arthur Lage