

**MINUTES – CONSERVATION COMMISSION
TUESDAY, FEBRUARY 28, 2017 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 Bill Grafton, Conservation Administrator (BG).

RC motioned to open the meeting at 7:00 p.m. FW second, motion passed 5-0-0.

BUSINESS

- Mr. Tarbox – Road conditions – Trouant's Island

Jim Tarbox was present to discuss the road conditions on Trouant's Island. He passed out folders to the Commissioners including the 1992 Orders of Conditions issued to Paul Beliveau, who owns property on the Island, which includes a maintenance program under an existing Order of Conditions. BG went out to the site and suggested a presentation to the Commission for continued maintenance that is ongoing and in advance of the new NOI that is forthcoming. Work with BG and DEP directly; Section 9 from Orders in packet. The issue is the deeded road is 1840' long. Residents and guests traverse the road constantly; the last third of the road floods. The water on the road is a foot deep. Vehicles go off the road under constant maintenance.

Under the current OOC, Mr. Tarbox is proposing to reconstruct the revetment; it's deteriorated, and bring up to proper height. RC asked if this work is on the on-going Orders; Mr. Tarbox said it is, an abutter appealed it. Nothing changed; DEP endorsed everything. (SE42-514). Proposing a new NOI – engineered drawings from Brad Holmes and Ross Engineering to address the road issues will be issued at a future date. FW asked Mr. Tarbox if he came before the Commission a few years ago. Mr. Tarbox said he had – to discuss ice drifts that couldn't be handled. Going to go back in with (18) 24" ledge stone. BO'D asked who owns the marsh. Mr. Tarbox said the Commonwealth of MA. BO'D asked how close the salt marsh is – it abuts, 13' ROW. FW asked if this is just an interim maintenance project; Mr. Tarbox said it is.

BG said there is no need for the Commission to vote – just presenting tonight to pave the way for the next NOI. CH asked for the approximate date Mr. Tarbox plans to file new NOI; he said within 3 or 4 months.

MINUTES

BUSINESS

Approve, vote & sign Orders of Conditions for closed hearings:

- 2639 Haddad, 291 Ocean Street - have gone out (2/27/17)
- 2644 Kelley, 0 Main Street (sfh) Denial Orders (picked up today by Greg Morse)
- 2647 Lemoine, 242 Ridge Road – Commissioners read draft. FW amended. RC motion to accept as amended by FW, FW second, passed 6-0-0.
- Scheduled Meetings: March 14th, March 28th
- Need signatures on SE42-2442 Charles, 599 Summer St. – Originals Lost
- Land Donation – Mr. Tedeschi, two lots. J10 - .092 acres, 4,000 sq. ft. Lot of green space around it. I11 pocketed also. CH said he has no interest in lot 10, 11 yes. JK – likes 11. AL – says both. RC – both. RC motion to accept two as proposed, FW second, passed 6-0-0.

EXECUTIVE SESSION

ENFORCEMENT ORDERS

- Drosopoulos, 7 Ladyslipper Lane
- Mahaney, 46 Preston Terrace
- (Gaputis, 146 Bay Ave. – wrong info) – This issue is actually regarding Mr. McCarthy at **46** Bay Ave. Mr. McCarthy has poured concrete onto existing stone wall. Building Inspector spoke to Mr. McCarthy and was told to stop the work and file a NOI with the Conservation Commission. The work was not stopped and the NOI never filed. The work is in the buffer. RC agreed with BG to send an Enforcement Order out to Mr. McCarthy.
- White, 180 Atwell Circle
- Charles, 599 Summer Street
- Chestnut Hill Subdivision, Holly Road

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 – not yet
SE42-2541 Badore, 86 Macomber's Ridge - “ “
SE42-2567 Wallace, 35 Water Street – work still underway
SE42-2433 Doyle, 88 Marginal Street – not ready
SE42-2371 Haddad, 291 Ocean Street
SE42-2406 Haddad, 291 Ocean Street
SE42-1318 Chestnut Hill Subdivision, Holly Road – request for Partial CC's on lots 15 & 17
SE42-2609 Howard, 18 9th Road - ok
SE42-2285 Hahn, Murdock's Pond – hold for site visit

RC motioned to issue Certificate of Compliance to SE42-2609, FW second, motion passed 6-0-0.

REQUESTS FOR EXTENSIONS

PUBLIC HEARINGS

2643 Kirwan, 180 Enterprise Drive - Bill Shaw, Associated Engineers & Mr. Kirwan present. This hearing had been continued from January 24th for additional information. Mr. Shaw said they have responded to each issue presented by the Commission, revised the plans, and presentation at first public hearing stands. Have conformed with all the requirements and DPW questions.

Waivers required for two 25' areas – by allowing these you bring this outfall situation into compliance with best management practices. CH questioned the waiver. Bill Shaw noted in 2004 a wetlands delineation was done. CH asked what the square footage is; couple hundred. BG stated that Mr. Shaw met with Planning, Board of Health and Conservation to address respective comments on the plan along with Rod Procaccino memo regarding the Storm Water plan. BG stated that Mr. Shaw was presented with a punch list and provided answers on the handouts presented to the Commission. BG had no comments. Lot A is being merged into 180 Enterprise. Presently separated lots. CH asked if there is a stormwater delay; BG said it would benefit the Commission in the future to have a third party on stormwater. RC motion to close, JK second, passed 6-0-0.

February 28, 2017

2648 Penney, 51 Nantasket St. - RC read notice of public hearing. Rick Grady, Grady Consulting, presented. Septic upgrade, towards front of property. Wetland resource area in back of property. 100' buffer in back of house. Existing system located 50' off wetland. Proposing to connect existing pipe, install 1500 gallon tank, and pump chamber, and to pump out to chamber system parallel to driveway. Work within buffer is septic tank, pump chamber, pumping and filling, 80' from the edge of wetlands. Kept everything as far away as possible. Erosion control is planned. Have submitted to Board of Health; they are waiting to hear from Conservation.

BG said there is a perennial stream within 130', and questioned why that was omitted from the plan. Rick said he doesn't see that on the USGS map. BG said there is also standing water and showed pictures of site visit on February 28, 2017. CH asked if there's a different layer. RC asked BG how this stream would change the hearing; BG – definitely within 200' of the Riverfront, however, it is an improvement to the site. BG did not think we have the accurate information on the plan.

Rick said John Zimmer, of South River Environmental and former Conservation Commissioner, delineated the wetland, and he has a very good reputation. BG asked if he is responsible for delineating the perennial stream. Rick noted the USGS does not show a perennial stream, and also, he's not sure WPA covers that. Petitioner is upgrading the system and moving it away voluntarily – don't see the benefit. The Commission could re-instate a condition.

BG said the Commission is lacking the perennial stream on the plan and he is requesting an updated plan. FW noted this proposal is the best system we can fit on the property and he is happy with the plan the way it is. CH asked, if there is a perennial stream, is there a condition like a protective barrier. AL the main reason for the work is that the present system is not working well, correct? Rick said groundwater – not working. JK asked how much it would cost to delineate that area - Rick said from 700/800 dollars. AL asked if there is a running stream; BG said there is a culvert that goes underneath. Rick said this is not going to change the system design at all. RC said if it's intermittent, it wouldn't interfere and we could reference in Orders. Call for a new survey; explore whether there's a perennial stream in the future. RC motioned to close, FW second, passed 6-0-0.

RDA 17-02 Robinson, Ocean St. - RC read notice of public hearing. FW hearing officer. Applicant lives in Colorado. Hoping to sell the property or do work on the property. Close to AE zone. Recommended RDA by BG. Relatively dry, some dumping going on. Nothing indicates wetlands. BG recommends Negative Recommendation. FW motioned to issue a Negative #3 Determination, JK second, passed 6-0-0.

RDA 17-03 Brewer Green Harbor/Marshfield DPW - RC read notice of public hearing. Bud Duksta, Mike Connolly, Jason Zimmer present. Property on the right hand side over the dyke. Applicant is proposing vista pruning. BG walked the site. Just want to clean it up. Invasive plants. CH said the area is improved over what it used to be, but they got carried away with the clearing. CH said re-habbing along with pruning and cleaning up would be a good idea. Site plan shows a phased approach. Phase 3 needs some heavy planting, he suggested doing phase 1 and 3 together.

Linda DeSabatino said she has spoken to BG about the clearing. She said this is obviously wetlands. Reeds are part of the natural scenery – have already been cleared. Work is being done so close to the marsh. Being flooded routinely now. She strongly objects to the wetlands being cleared. BG – had a transitional time - beneficial trees will be replaced. There are a lot of invasive plants there that should be coming out. Looking for salt-tolerant plants.

CH asked if there will be a planting schedule. Mr. Connolly said they can do that. Invasives are growing up the trees; want to get some good trees in there. CH asked who their environmental consultant is; Mr. Connolly said Jason Zimmer. BG said he is talking to Harbormaster about techniques other than chemical sprays.

CH recommended a Negative Determination and receipt of a planting schedule and list of plants. CH motioned to issue a Negative # 3 Determination with the above conditions, FW second, motion passed 6-0-0.

26__ Spectrum Homes, 108 Webster Street - Greg Gibbs from Spectrum Homes and Terry McGovern from Stenbeck & Taylor were present. Terry explained that Mr. Gibbs filed a NOI with the Conservation Commission for two purposes. Primary – After the Fact NOI is for clearing and construction that was undertaken over the

February 28, 2017

scope of Orders. Lots 1, 2, 9 through 14 were not to be undertaken at that time. Secondary, but also an equal purpose of the NOI – the project has a lot of moving parts, there have been subsequent changes to the initial set of plans and more recently in the fall of 2016, and info submitted to Planning re: roadway, were being handled. Project has undergone significant changes. This NOI provides an opportunity to get back on the same page with all the Boards and Commissions. Do not have the entire set of subdivision plans. The sheets that Terry brought show proposed grading and drainage basins from existing house through end of cul de sac. From Planning were to do an as-built road plan so Pat Brennan could review. BG & Bob Gray of Sabatia reviewed wetland line. Have created as-built underlying grading of entire project. Now have constructive drainage basin along toe of slope. Basins that have been constructed are presently stable, silt sock.

Area where the clearing has taken place is from lot 9 through the middle of the cul de sac on lot 13. Previous plans showed a couple of 4' walls in this area with presumption that common driveway would be allowed. Planning denied common driveway and asked to return house location to the front on lot 13. Now have grading at lot 9 and that starts in the middle of lot 13.

One of the other resulting changes – approach to the hill has been pushed forward so stations 3 to 7 have a difference of 2' to the middle. Ancillary grading is pretty much as it was proposed. Other issue was retaining wall shown 150' long – that has been expanded considerably; being reviewed by structural engineer.

FW stated Terry mentioned a 150' retaining wall and he's seeing individual walls. Terry – initial wall was about 150' long; because grading in this area has changed, the result is a steeper slope in that area. From the hydrant to straight away, have an area where slope is steeper than the 3 to 1. On north side of roadway are two arch shaped walls which represented a terracing. FW said he can't tell if the drawing he's looking at is that same one Terry is referencing.

AL asked if, on the original approval, clear cutting so that everything (trees, grass, brush) was taken out of there? BG said the first Order only allowed drainage and road work; no lot clearing and no house building. JK stated it seems like the Commission is always accommodating after Orders are issued and ignored. JK – there's nothing left there but dirt. Middle of lot 9 to beginning of cul de sac, those trees have been cut. Grading is taking place onto lot 9 where stumps remain through the middle portion of the hillside.

RC asked what would the Commission have allowed to be cleared; AL stated lot by lot. FW individual NOI's for each lot would have been preventative.

Rob Mitchell, Gotham Hill Drive – JK mentioned "always accommodating" developers. The Planning Board did accommodate the developer – lowered the road anyway. He didn't follow the original Orders – what's the point of having rules and regulations if the developer is going to do what he wants?

Linda DeSabatino – when this project started trees were being cut. Nobody was overseeing this project – stone wall is in jeopardy. 18 waivers were given. CH asked if Ms. DeSabatino has taken any legal action. She said she did not, she doesn't have the budget for legal action.

BO'D said the road is outside the buffer zone, not our jurisdiction. BG – the original NOI was for the roadway. Mr. Gibbs has indicated he will work with us. FW – between the stone wall and street surface, that will have an engineered wall put in. That area will be available to planting.

John Haviland said they clear cut the whole property prematurely. Would Conservation have allowed it to be clear cut in chunks? CH said those sites are outside Conservation's jurisdiction. Mr. Haviland said every department has their own "jurisdiction", that doesn't solve the problem.

Terry said the 100' line pretty much runs from the back of the existing house across the detention basin, through second house. For the Commission to impose that condition, clearing lot by lot, was the correct thing to do.

BG said that line was not flagged. That would be the turf where we operate. Greg had a land surveyor to confirm line. FW said the Commission needs a good landscape plan that shows plantings that will be going in.

February 28, 2017

Will be back with individual NOI's for each house. Would like to see site work, erosion control done. BG suggested all the Commissioners walk the site. BG requested the name of the person that will be doing the planting plan.

Rob Mitchell asked why all these things were done in the first place knowing full well they didn't comply. Greg Gibbs said this was all discussed at the pre-construction meeting.

BO'D asked BG if he's satisfied with the erosion control. BG suggests hydro-seeding on lot 7. FW motion to continue to 3/14/17, RC second, passed 6-0-0.

RC motioned to adjourn at 9:45 p.m., FW second, passed 6-0-0.

Respectfully submitted,
Lois Keenlside
Marshfield Conservation Commission

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