

**MINUTES – CONSERVATION COMMISSION
TUESDAY, SEPTEMBER 15, 2015 7:00 p.m.
TOWN HALL, HEARING ROOM 2, 2ND FLOOR
870 MORaine ST., MARSHFIELD, MA**

Approved 2-2-16 5-0-0

Members present: Robert Conlon, Chairman (RL), William Levin (WL), Frank Woodfall (FW), Chad Haitisma (CH), Bert O'Donnell (BOD), and Jay Wennemer, Conservation Agent (JW). Alison Cochrane was not present.

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

MINUTES

BUSINESS

- Vote & sign Orders of Conditions for closed hearings
(if projects are voted closed and/or the Commission is prepared to vote on Conditions)
 1. 2572 Rego, 345 Plymouth Ave. RC motion to approve, WL second, motion passed 5-0-0.
 2. 2571 Rego, 341 Plymouth Ave. RC motion to approve, WL second, motion passed 5-0-0.
 3. 2568 Taggart, 47 Central St. RC motion to approve, FW second, motion passed 5-0-0.
 4. 2575 McGee, 419 Moraine St. RC motion to approve, FW second, motion passed 5-0-0.
 5. 2577 McGee, 409 Moraine St. RC motion to approve, FW second, motion passed 5-0-0.
 6. 2576 Silva, 51 Island St. FW added "M" to special conditions - posts at edge of wetland. RC motion to approve as amended, FW second, motion passed 5-0-0.
 7. 2554 Our Place R.T., 221 Ocean St. RC motion to approve, WL second, motion passed 5-0-0.
 8. 2574 Egan, 49 Eustis Street –RC motion to approve, FW second, motion passed 5-0-0.
 9. TBL 15-01 Oliva, Highland Street – Atty. Guard, representing abutters, was present to hear deliberations.

JW's recommendation is to deny the project. The proposal calls for the roadway 10' from Isolated Wetland, and it should be 75' and plan submitted shows narrower roadway than plan to Planning Board. NHESP would limit development to footprint that Mr. Oliva has proposed. No other access. FW said he is satisfied that it's a jurisdictional wetland. CH stated he is fine with denying the project. FW motion to deny the Variance request for Christmas Cove, WL second, passed 4-0-1 with BO'D abstaining. FW motion to deny the project, WL second, motion passed 4-0-1 with BO'D abstaining. RC motion to issue Order of Denial, FW second, motion passed 4-0-1, with BOD abstaining.

- Scheduled Meetings: October 6, 2015

EXECUTIVE SESSION

ENFORCEMENT ORDERS

REQUESTS FOR CERTIFICATES OF COMPLIANCE

September 15, 2015

Backburner:

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

Current:

1. 1318 Darman, Chestnut Hill Trust, Holly Road – not ready yet
 2. 2546 Hutchinson, 499 Union Street – not ready yet
 3. 2155 Ready, 3 Hidden Acres Road – not ready yet
 4. 1387 Carreno, 20 Stonybrook Road – re-issue; original lost
 5. 1388 Courage, 62 Atwell Circle – re-issue; original lost
- RC motion to re-issue Certificates of Compliance for Carreno and Courage, FW second, motion passed 5-0-0.

REQUESTS FOR DEVIATION

SE42-2537 Kelly, 46 Ashburton Avenue – Mr. Kelly presented. He received Orders of Conditions in January and has since purchased the property. Currently in the AO flood zone – preliminary flood maps issued in 2013 took it out of the flood zone, removed AO zone in Brant Rock, and the Town appealed. FEMA will not be issuing maps until next summer, won't be adopted until the fall 2016. Now proposing to demolish existing home and rebuild – house will be a little deeper, but mostly in same footprint. Will fully comply with flood construction with Building Department – will install smart vents. LSCSF – no performance standards. Structure will be above base flood elevation. No basement, just crawl space. Mr. Kelly is requesting a deviation regarding the Special Condition that speaks to flood openings. Orders have not been recorded yet. Would the Commission make a finding that the proposed flood vents will comply with special condition E? RC said he is a big fan of smart vents. JW – usually more water in the flood zone than smart vents can handle, but don't see an issue since this location will no longer be a flood zone. We could re-issue conditions and omit that one Special Condition "E". Special Condition E reads -Zone X... isolated supports – JW thinks changing that page of the Orders will work and he will bring the modified Order to the October 6th meeting. Will reference new drawing. RC motion to modify Orders, FW second, motion passed 5-0-0.

REQUESTS FOR EXTENSION

NEW BUSINESS

PUBLIC HEARINGS

7:05 2573 Corry, 102 Preston Terrace - RC read notice of public hearing. Applicant has requested a continuance to October 6 with no testimony taken tonight. RC motion to continue to 10/6 @ 7:05 FW second, motion passed 5-0-0.

7:10 2579 Dalton, Highland Street - RC read notice of public hearing. FW hearing officer. Mr. Dalton present. Jeff Hassett of Morse Engineering presented. Revised plan submitted today. Lot was created in August 2014 by dividing 72 Highland Street frontage off Main Street, abutted by parcel A which is open space. Timber-built home is proposed at the highest point of the property; gravel driveway. New plan moves reduced size driveway as far from wetlands as

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possible - 71' from wetland. Mr. Dalton is willing to do some sort of barrier – post and rail fence or trees. House and all else meets setbacks, 95' off the wetland and 89' to the deck. No work in 50' buffer. Proposing erosion control barrier.

FW asked if there is a chance of getting a little easement on the 71' at the corner; Jeff said they are asking for a Variance. Lot 4 appears to be another building lot JW said; is presently a vacant lot. FW asked if they are asking for a Variance for the 4'; RC said that would be easier than an easement. CH warned about creating an issue for the future and setting a precedent.

FW stated there are two options, an easement or a Variance. FW motion to continue to 10/6 at 7:10, RC second, motion passed 5-0-0.

7:15 2566 Roderick, 2104 Ocean St. – Applicant has requested a continuance to October 6th. RC motion to continue to 10/6 at 7:30, FW second, passed 5-0-0.

7:20 2565 Vacirca, 20 Wilson Road – Applicant has requested a continuance to October 6th. RC motion to continue to 10/6 at 7:20, FW second, passed 5-0-0.

7:25 25__ DPW, 35 Marshall Ave. – Mr. & Mrs. Dukstra present. Still waiting for receipt of file number from the State. Marine Fisheries wanted a plan for the topography of the bottom under the float. Plan has been submitted. RC motion to continue to October 6th at 7:20, WL second, passed 5-0-0.

7:30 2567 Wallace, 35 Water St. - Applicant has requested a continuance to October 6th. RC motion to continue to October 6th at 7:45, WL second, passed 5-0-0.

7:35 2570 Ryan, 241 Foster Ave.- Applicant has requested a continuance to October 6th. RC motion to continue to October 6th at 7:50, FW second, passed 5-0-0.

7:40 2569 McNeil, 11 Hancock St. - Hearing had been continued from 9/1/15 for new plan. Rick Servant of Stenbeck & Taylor dropped off plan last week. FW motion to close and issue orders, RC second, passed 5-0-0.

8:00 25__ Junior, Cohasset Ave. – Applicant has requested a continuance to October 6th. RC motion to continue to October 6th at 8:00, FW second, motion passed 5-0-0. File number has not been received from the State.

RC motioned to adjourn at 8:45 p.m., FW second, motion passed 5-0-0.

Respectfully submitted,
Lois Keenlside
Marshfield Conservation Commission

Jay Wennemer, Conservation Agent
Robert Conlon, Chairman
William Levin
Frank Woodfall
Chad Haitsma
Alison Cochrane
Bert O'Donnell