

**MINUTES – CONSERVATION COMMISSION**

**TUESDAY, SEPTEMBER 6, 2016 7:00 p.m., HEARING ROOM 2  
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) and Jay Wennemer, Conservation Agent (JW). The Commissioners welcomed Arthur Lage to the Commission (AL).

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

**MINUTES**

**BUSINESS**

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

**SE42-2624 NSTAR, Webster Street** – JW was not present at the previous Commission meeting regarding this presentation and is unhappy with the lack of replication. He called Natural Heritage and did not get a response. He talked to DEP and confirmed that, for the work they're proposing (filling part of the pond), they would require a wildlife habitat evaluation. Also, they need an Army Corp permit, which was not part of the submission.

JW suggested re-opening the hearing and re-advertising without charging an additional fee. RC motioned to re-open the NSTAR hearing at the September 20<sup>th</sup>, FW second, motion passed 6-0-0.

- **SE42-2618 Vu, 10 Howes Brook Road** – change of patio size from originally requested 17' x 15' to 12' x 20'. RC motion to accept as amended in Special Condition "G", FW second, passed 5-0-0.
- **SE42-2621 Martin, 10 Craddock Circle** – RC motion to issue as drafted, FW second, passed 5-0-0.
- Scheduled Meetings: September 20<sup>TH</sup>, October 4<sup>th</sup>
- Re-sign **SE42-2547, 222 Canal Street** – Originals Lost

**EXECUTIVE SESSION**

Discussion

**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
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:

SE42-557 Purpora, 0 Earl Avenue – ok – re-issue  
SE42-2053 Conlon, 19 Copeland Street - ok  
SE42-2071 Insight Bridgeway, White's Ferry Landing - ok  
SE42-2237 Green, 41 Water Street – Original issued & lost  
SE42-2257 Reid, 400 Spring Street - ok  
SE42-2330 Lynch, 63 Central Street – not yet  
SE42-2389 Spruill, 4 Damon's Point Drive – not ready

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SE42-2467 Lynch, 63 Central Street – not yet  
SE42-2518 Kilcoyne, 51 North River Drive - ok  
SE42-2541 Badore, 86 Macomber's Ridge – not yet; waiting for as-built  
SE42-2549 DeSisto, 210 Damon's Point Road - ok  
SE42-2557 Smith, 34 Ridge Road - ok  
SE42-2567 Wallace, 35 Water Street – project not finished  
SE42-2588 McNeilly - Notre Dame Training School – not yet  
JW recommends issuing Certificates to SE42-557, SE42-2071, SE42-2257, SE42-2549, and SE42-2557. RC motion to issue, FW second, motion passed 6-0-0.

JW recommended issuing Certificate to SE42-2053 Copeland Street, FW motion to issue, CH second, motion passed 5-0-1, with RC recused.

JW recommended issuing Certificate to SE42-2518 No. River Drive, FW motion to issue, CH second, motion passed 5-0-1, with JK recused.

### **PUBLIC HEARINGS**

**7:00 2591 McGillicuddy, 64 Foster Ave.** CH hearing officer. Rick Servant, Stenbeck & Taylor present and Dick Rockwood. Removed flood vent under breezeway; new plan was submitted. Concern was flood vents shown on breezeway – put a note there – no connection. Addition completely in the A zone. FW noted a letter came in from the Building Inspector and this is a substantial improvement in his opinion, due to removing the dormers from the proposal. There will be a letter in the file stating the Building Inspector confirms that the walls between the garage and the house are not connected. FW said getting gutters in will be in the Special Conditions. CH motion to close, BO'D second, motion passed 6-0-0.

**7:05 2622 McColough, 1012 Careswell St.** - RC read notice of public hearing. Richard DeBenedictis from Webby Engineering, presented. The proposal is for repair on the septic system, deck to be torn down and deck added on top of garage to the existing four bedroom home. The applicator is also contemplating moving the driveway. The septic system repair is presently before the Board of Health. Mr. DeBenedictis said the soil on this property is decent.

CH asked for more information on the driveway; Mr. DeBenedictis said it is presently a gravel driveway. Mr. McColough would like to move it to a different location. It is a common driveway now. CH asked if the new driveway would be gravel; it will not. FW asked if there were any percs done on the left side of the house; Mr. DeBenedictis said they did not do any other percs. AL asked the reason for moving the driveway; Mr. DeBenedictis said for smoother access. Relocating the gas line. RC motion to close, JK second, passed 6-0-0.

**7:05 26\_\_ Bedig, Richard Street** - RC read notice of public hearing. CH hearing officer. Richard Servant, Stenbeck & Taylor presented. This is a vacant lot – one of the few left in Rexhame. Owner is proposing a SFH, on flood zone and on Barrier Beach. Driven wooden piles 13.9 based on new flood maps. Top of the piles at 13.9, finished at 16.1. New flood maps are pretty stringent on the heights in that area. CH noted this is a very small lot. 50 x 100 Rick said. Went through grandfathering process; 43' x 29.5 house. RC questioned whether the lot could be perced. JW stated this is a resource area, there is zero set back, definitely going to alter wetlands. Usually think of wetlands as BVW but this is wetland resource by definition. JW also noted the Commission has denied building on similar lots in that area.

BO'D asked what the Commission has done on similar lots. JW said there are two similar lots in the area - one on Concord Street similar to this; had Isolated Vegetated Wetland. RC said it does meet performance standards for pilings and he would like to look at previous cases similar to this.

Susan Smith, 48 Richard Street, said last year someone was trying to buy the lot; engineers up here found it not viable. We've lost cars with the flooding – that lot has never been taken care of for 30 or so years; vegetation is holding the water in. Water pours into that lot. Have been flooded out before – twice this year.

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Cheryl Toner, 52 Richard Street, her house has been in the family forever. The lot in question has not been touched in that amount of time. CH asked if that's a plus or a minus. Ms. Toner said it's a plus. Ms. Toner asked about the property line; Dick Rockwood said 10' from the sidelines, 30' from the rear. Another abutter spoke of how dangerous the storms are and that the empty lot has helped hold the water. Susan Smith said any building on that lot means flooding would be immense, and they have no drainage – every back yard is flooded.

JK asked about parking. Rick said they are proposing a gravel driveway on the side of the house, natural material. CH said the Commission needs time to look at the previous filings. Does not need to go before Zoning.

CH motion to continue to 9/20/16 at 7:05. FW second, motion passed 6-0-0.

**7:10 2625 Murphy, 1159 Ferry Street** - Applicant has requested a continuance to 9/20/16. RC motion to continue to 9/20 at 7:10, FW second, motion passed 6-0-0.

**7:10 2611 Calabrese, 93 So. River St.** - Applicant has requested a continuance to 9/20/16. RC motion to continue to 9/20 at 7:10, FW second, motion passed 6-0-0.

**7:10 2606 Harvey, 37 Acorn St.** – The Commission has received a new plan which ties in both buildings on the property, as the Commission has asked. CH motion to close and issue Orders. FW second, passed 6-0-0.

**7:15 2626 DPW, Naomi Street** - RC read notice of public hearing. Pat Brennan, Amory Engineers presented. Rod Proccacino, Town Engineer and Shawn Patterson, DPW Assistant Superintendent, present. Naomi Street is right off of Beach Street and backs up to Cut River. The street is currently at elevation 6. Existing drainage system in there, corrugated. Outfall pipe goes under Naomi Street; pipe is older than 1957 and there is probably not much left of it.

People have been losing access to their homes. The DPW plans to grade the street so water will flow to the west side. Water Quality Treatment Unit will be used to treat the water further. Moving the existing corrugated pipe out from under homes, will pump concrete into existing pipe to keep from any more settlement. Riverfront area, BVW, work is entirely within Inner Riparian Zone. Station 11 to the end is within the 100' buffer to wetlands. Silt sock to be used. Rec'd letter from Marine Fisheries – need to notify them. Their comment was 'time of year' conditions – hoping to do the work this fall. AL asked about the elevation – Pat Brennan said the elevation is 5.5 to 6, going to 7.

Abutters James Scott, Joseph B. Lyons, Mary Lyons and Gale McGoldrick are all in favor of the road improvement. Michael Simmons (whose address I did not get) asked if his road would flood more if the road is built up. RC said it would not flood more and that he'd be okay. Rod and JW talked about water quality structure – will flood at high tide – going to be full of water anyway, won't be much flow of ocean water into it.

RC motion to close and issue orders, FW second, motion passed 6-0-0.

**7:15 2623 Junior, Cohasset Ave.** - Dana Junior present. Taxes paid today. Revised plans were brought in. Mr. Junior was before this Commission a year ago with same road improvement. Was denied by Conservation back then because the road was too close to the wetlands, filling the wetlands. Mr. Junior said he has revised his plan to shorten the pavement to maintain the 75' setback to the wetlands. Roadway partially paved – proposing to finish to 75' line. No grading after that – no disturbance. Between 100' line and 75' line, minimal grading and pavement – 20 feet wide, has a berm on uphill side, on downhill side no berm, pitched down. Wetlands are higher than the road by about 4'. Existing dirt road now; planning on paving to 75' line, house proposed to be 75' away from the wetlands. House is lower than the wetlands. Driveway between 75 & 50 feet – not to be paved.

CH – this was in a strange district a year ago – Stormwater Overlay District JW said. Still applies in that it restricts how much a lot can be clear cut. Whole hillside is very poorly drained, soils are horrible. CH asked if paving it will do anything detrimental. JW said it marginally increases the stormwater flow but makes up for it by draining into the trunk lines. AL asked if this is neutral to the wetland. JW said the previous plan that was denied was because it filled wetland. FW noted a reduced thickness of the binder course, and asked why we aren't

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going with the standard. Mr. Junior said he had it thicker before but was told by Pat Brennan of Amory Engineers that you don't need it more than 2". FW noted the 250 sq. ft. replication area – that was from the last proposal and should be crossed out. Number 2 should also come out and FW suggested leaving 6 in.

BO'D asked if the Commission has all the information they need about the lot; JK asked JW if he is comfortable with the plan and with all the setbacks. JW said they are hard to read, he would like to see a more readable plan, but this is what we have to work with. FW noted erosion control will be put in the Special Conditions. JW asked if, when Mr. Junior does the more detailed septic plan, will there be changes. Mr. Junior said there would not be any. JW would like a copy of that revised and more engineered plan. BO'D agreed. AL, JK and BO'D would like a clean, readable plan, CH and FW are okay with this plan. AL stated if JW is okay, he'll be okay with it. JK stated his view is that the day of hand drawn plans is over.

The proposed buyers of the house, Bryan & Amber Pixley, were present and currently are under agreement. Mr. Pixley said they have invested a lot of time and money in this project.

CH motion to close and to issue Orders. FW has written notes on plan. Vote passed 5-1-0, with JK opposed, stating he wanted a better, clearer plan.

**7:15 \_\_\_\_ Mahaney, 46 Preston Terrace** – Applicant has requested a continuance to 9/20. RC motion to continue, FW second, motion passed 6-0-0.

#### **EXECUTIVE SESSION**

RC motioned to go into Executive Session, not to return to open session; open discussion would be detrimental to the Town. Roll call vote:

RC – yes  
FW – yes  
CH – yes  
BO'D – yes  
JK – yes  
Al - yes

Motion passed 6-0-0.

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

Respectfully submitted,  
Lois Keenlside  
Marshfield Conservation Commission

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