

**MINUTES – CONSERVATION COMMISSION**  
**TUESDAY, AUGUST 16, 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). Jay Wennemer, Conservation Agent (JW) was not present. RC motioned to open the meeting at 7:00 p.m., FW second, motion passed 5-0-0.

**MINUTES** 4-26-16, 6-7-16, 6-21-16 RC motioned to accept the minutes as revised, FW second, motion passed 5-0-0.

**BUSINESS**

- Approve, vote & sign Orders of Conditions for closed hearings:  
SE42-2616 Sealund, 1454 Ferry Street  
SE42-2619 Claffey, 57 Concord Street  
SE42-2620 Norris, 36 Nathaniel Way  
RC motioned to approve Orders as drafted, FW second, motion passed 5-0-0.
- Scheduled Meetings: Tuesday, September 6<sup>th</sup>

**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
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	NO
SE42-2541 Badore, 86 Macomber's Ridge	Waiting for As-Built Plan
SE42-2567 Wallace, 35 Water Street	Hold, work not finished
SE42-2330 Lynch, 63 Central Street	
SE42-2467 Lynch, 63 Central Street	

**REQUESTS FOR DEVIATION**

**REQUESTS FOR EXTENSION**

SE42-2302 DPW – Beach Access - RC motioned to issue extension for 3 years, FW second, motion passed 5-0-0.

**NEW BUSINESS**

July 26, 2016

## **PUBLIC HEARINGS**

**7:00 2617 Chace, 2 Minot Street** – Applicant's representative has requested moving the hearing to September 20<sup>th</sup>. RC motioned to re-scheduled for 8/20/16 @ 7:00 p.m., FW second, motion passed 5-0-0.

**7:00 2591 McGillicuddy, 64 Foster Ave.** – Rick Servant, Stenbeck & Taylor was present. New plan received. There have been on-going issues with whether or not this proposal is a "substantial improvement" to the property. The Commission is requiring the garage be moved westerly and put open space coverage be put on the plan; presently the plan shows the garage connected with the breezeway. Dick Rockwood arrived. Mr. Rockwood said the project is out of the velocity zone; there isn't any foundation between the house and the proposed garage. FW said there are flood vents connecting the garage to the house. Rockwood said there will not be any structure in between. He asked about putting in the Orders that it cannot be connected. RC said if it is substantial, the whole building needs to comply. CH said he didn't see that we are there yet. If the Building Inspector says it's substantial, Rockwood would not get a building permit. CH suggested keeping it to a limited aspect; keeping it below the threshold. FW said he would consider that if it was 80/20, but not 59/41. FW also said he does not want to close the hearing with all those footings showing. Rockwood said they are not footings, there is no foundation. FW would like to talk to JW before closing the hearing. Rockwood said he doesn't know what the assessed value of the property is. FW said he would also like to see two separate structures without a connection and he would like to talk to the Building Inspector. BO'D said Rockwood needs to get the drawings cleaned up and get Jerry O'Neill to weigh in. RC motioned to continue to 9/6/16 at 7:00 p.m., FW second, motion passed 5-0-0.

**7:05 RDA 16-06 Taylor Marine, 93 Central Street** – RC read notice of public hearing. John Taylor present. The proposal is for a 21' x 16' cement pad for outside seating at the existing restaurant, on crushed stone area in corner of the lot. There is a small 5' gap between the retaining wall on Green Harbor. CH asked if the concrete could be sloped for runoff away from the water and the property. RC recommended a Negative # 3 Determination, FW second, motion passed 5-0-0.

**7:05 2624 NSTAR, Webster Street** - RC read notice of public hearing. Amanda Crouch-Smith from Tighe & Bond was present along with Denise Bartone from NSTAR/Eversource. Gib Garretson, the owner of the bog property, was also present. Ms. Crouch-Smith explained that Eversource proposes to replace Structure 59 along Line 191 southwest of Substation 739 off of 637 Webster Street, with a new wooden H-frame structure and stone abutment to the immediate north of the existing structure. The 739 line runs across Mr. Garretson's property. The Green Harbor River Resource Areas, Inland Bank and Buffer Zone have all been flagged. The existing structure is deteriorating and is in the roadway. The new structure will be located 10' to the Northeast of existing structure, wooden 'H' structure; one pole will be in the pond. There will be a stone pad around the pole in the water.

Mr. Garretson said they can't put the new structure in the exact same spot because he can't fit his equipment around it. Ms. Bartone said they would need a very large pad to do that. They are proposing a 75' x 75' work pad to be installed across the dyke so it won't be crushed. Once installed, the mats will be pulled out.

RC motioned to close, JK second, motion passed 5-0-0.

**7:10 2606 Harvey, 37 Acorn St.** - Applicant has requested a continuance. RC motioned to re-scheduled for 9/6/16 @ 7:00 p.m., CH second, motion passed 5-0-0.

**7:10 2611 Calabrese, 93 South River Street** – Applicant has requested a continuance. RC motioned to re-schedule for 9/6/16 at 7:10 p.m., FW second, motion passed 5-0-0.

**7:15 2620 Norris, 36 Nathaniel Way** – Had been continued for file number from the State. Number has been received and FW motioned to close, JK second, motion passed 5-0-0.

July 26, 2016

**7:15 \_\_\_\_\_ Mahaney, 46 Preston Terrace** – Applicant has requested a continuance to 9/6/16 while waiting to hear from the DPW and for a file number from DEP. RC motion to continue to 9/6 at 7:15 p.m., FW second, motion passed 5-0-0.

**7:20 2618 Vu, 10 Howes Brook Road** - Mr. Vu, Dave Klennert from Collins Engineering and Atty. Stephen Guard present. At the last meeting, Mr. Klennert explained that the applicant would like to continue the silt fence from the street down to the limit of work as close as 51' from the wetlands. 800 sq. ft. patio and walkway behind the garage about 200 sq. ft. JW had noted his concern that this patio represents a structure and it would set a precedent. RC asked if they will need a variance; JW said they would. Mr. Klennert had asked that that hearing be continued so Atty. Guard could be present to have this discussion with the Commission.

This evening Mr. Klennert pointed out the deck on the side of the house was on the original plan. The Marshfield Conservation Commission Wetlands Protection Bylaw, Page 16, **XVI Definitions** – third paragraph “**Structure**” states:

***Structure*** – *A combination of materials assembled at a fixed location to give support or shelter including, but not limited to, a building, bridge, driveway, trestle, tower, framework, retaining wall, tank, tunnel, stadium, reviewing stand, shed, platform, deck, fence, sign, flagpole, windmill, solar devices, tennis courts, swimming pools, paved areas or anything requiring a building permit.*

CH pointed out 17' off the back of the house encroaches onto the 75' no build area, and it's considered a “paved area”. FW said with regrading and installation, he considers it a structure in its entirety. FW stated they are proposing to do a substantial amount of work with fill and the patio.

CH asked the Commission if no fill is put in, just pavers, is that still considered a structure? BO'D stated previous decision was made; by definition, pavers are paving. JK noted this project just keeps creeping. Was originally proposed without fill; a structure is any material that gives support.

Atty. Guard said he is having a hard time crafting a Variance. To deny relief, the Commission is denying the applicant the ability to get into the back of the house. Atty. Guard asked if the Commission would allow Mr. Vu to bring up the fill to get into the back door. This is the least intrusive way of egress. RC asked why not propose a smaller patio? The applicant will need railings if there are a couple of steps. Applicant is proposing a 17' x 15' patio; the Commission felt this was too large. Atty. Guard asked what would be acceptable to the Commission. FW said 12' x 20'

Mr. Klennert suggested cutting into the foundation and brining in as little fill as possible. RC recommended continuing the hearing so Atty. Guard could discuss the possibilities with his client. Atty. Guard said Mr. Vu will agree to a 12' x 20' patio. JW, BO'D, and FW okay with that. CH told the Commission they are setting a president. RC said it's necessary to get to the back door. RC motioned to close and issue Orders for a 12' x 20' patio with 5' walkway, FW second, motion passed 5-0-0.

**7:25 2621 Martin, 10 Craddock Circle** – Ms. Martin, Rick Servant, Stenbeck & Taylor and Dick Rockwood, Rockwood Designs, present. Project is a proposed first floor bedroom and small addition. The corner of the addition is 20' from the wetland line. The proposed addition is behind the house is. RC noted the Commission would not let the house next door build in the 25' buffer, but that is a house that had never been in the buffer. Ms. Martin said it is the corner that creates the hardship. CH asked how much the new proposal encroaches into the buffer. Rick said 40 square feet, 1.5 ft. x 12 ft. FW suggested pulling the deck back a bit, square foot wise. CH said as long as there's no intrusion on the already disturbed area.

RC said the applicant is looking for an increase of 20 sq. ft.; CH said that's less than 2% of the land that's in the buffer. RC motion to close, JK second, motion passed 5-0-0.

July 26, 2016

**7:30 2619 Claffey, 57 Concord Street** - Rick Servant, Stenbeck & Taylor, present. Hearing had been continued for receipt of a file number from the State; number has been received. RC motioned to close, JK second, motion passed 5-0-0.

**7:40 2622 McColough, 1012 Careswell Street** - Applicant has requested a continuance. RC motioned to re-schedule for 9/6/16 at 7:05 p.m., FW second, motion passed 5-0-0.

**7:45 RDA 16-05 Kelley, 0 Main Street - Gregory Morse**, Morse Engineering present. RC read the notice of public hearing. CH was the hearing officer. Mr. Morse explained the proposal is for six test pits to determine the suitability for a future septic system. There is a fieldstone foundation on the site that holds water. Mr. Morse said it is not an Isolated Vegetated Wetland; back-filling shouldn't affect wetlands

JW left his recommendations with the Commissioners that he does not agree with the delineation; the proposed perc is within the 100-foot buffer of the spring and the stream.

JK asked Mr. Morse if there is water coming out of the ground. Mr. Morse said groundwater wetland out back, that's vegetated. CH asked FW if he'd walked on the property, which he found to be quite wet. Mr. Morse explained that they will use a mini-excavator to do the test pits and if it percs the applicant will build a single family house.

CH recommended a Negative #3, FW second, motion passed 5-0-0.

**7:50 2623 Junior, Cohasset Avenue** - RC read the notice of public hearing. Dana Junior and prospective home-owners present. CH hearing officer. RC noted that the taxes on the property were not paid and recommended continuing the hearing until they are. RC motioned to continue to 9/6/16 at 7:15, JK second, motion passed 5-0-0.

#### **EXECUTIVE SESSION**

RC motioned to go into Executive Session, not to return to Open Session. FW second. Roll call vote:

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

Motion passed 5-0-0.

RC motion to adjourn at 8:30, FW second, motion passed 5-0-0.

Respectfully submitted,  
Lois Keenlside  
Marshfield Conservation Commission

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

done