

**MINUTES – CONSERVATION COMMISSION
TUESDAY, AUGUST 11, 2015 7:00 p.m.
TOWN HALL, HEARING ROOM 2, 2ND FLOOR
870 MORaine ST., MARSHFIELD, MA**

Approved 12-22-15 5-0-0

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

RC motioned to open the meeting, FW second, motion passed 4-0-0.

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): None
- Scheduled Meetings: Set meeting dates for September 1st and 15th – all okay.

EXECUTIVE SESSION

ENFORCEMENT ORDERS

REQUESTS FOR CERTIFICATES OF COMPLIANCE

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:

1318 Darman, Chestnut Hill Trust, Holly Road – not ready
2514 Jennings, 161 June Street - signed
2505 Hahn, 48 Parker Street – needs site visit
2546 Hutchinson, 499 Union Street – needs JW site visit

REQUESTS FOR DEVIATION

REQUESTS FOR EXTENSION

NEW BUSINESS

This time is reserved for topics that the chair did not reasonably anticipate would be discussed.

Re-sign Certificate of Compliance for Treadwell, 279 Ridge Road (original lost) signed
“ “ “ “ “ Baird, 216 Fair Ways Edge “ “ signed

PUBLIC HEARINGS

7:00 2554 Our Place RT, 221 Ocean St. Applicant has requested a continuance to October.
RC motion to continue to an October Conservation meeting once the dates have been set, FW second, motion passed 4-0-0.

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7:15 2565 Vacirca, 20 Wilson Road - RC read the notice of public hearing. Mr. Vacirca and Atty. Jay Creed present. Atty. Creed presented – submitted copy of wetlands delineation and opinion of Lenore White, Wetlands Strategies. Ms. White states the wetlands line is where it is on abutting lot; her opinion is none of the Bylaw interests are impacted.

Mr. Vacirca brought in 250 sq. ft. of loam & spread it next to the southwesterly side of the lot and around to the back of the house to nurture the grass. Has always been a grass lot, since 1963; very little has changed. The left hand side of the property has changed with the installation of the driveway. Have photos showing the area as grassed since they've owned the property and by the previous owners. Mr. Atty. Creed stated the purpose of the driveway was to make it easier for Mr. Vacirca senior, who was confined to a wheelchair, to get out of the van and into the house. The handicap ramp and patio go back to the 60's; the ramp is temporary and moveable. Phragmites just a little higher now than in the black and white photo shown.

CH said the Enforcement Order states there was "unpermitted activity". JW prepared the notice of what needed to be permitted – filling and driveway. JW – recommendation says driveway and fill be removed, and the wetland be restored. The Commission could allow the leveling, the ramp and the swing set.

FW noted the old wetland line was not confirmed by JW, difference of opinion with Ms. White. CH asked if Ms. White's flags were still there; Atty. Creed said he hasn't been to the property. CH said he didn't see any flags when he was out to the site. CH asked what the distance is from the driveway to the Phragmites. Mr. Vacirca said about 25'.

Joe Pecevich, 25 Wilson Road, looked at the plan and said he is curious what the distance is from the property line to the house; has been filled since 1982. The whole area was filled with Phragmites. Mr. Pecevich stated he did not register a complaint about the activity at 20 Wilson Road with the Town.

Gerard Lane, who owns the property next door to Mr. Vacirca, stated Mr. Pecevich is wrong – the property lines are not completely accurate, and Mr. Pecevich's Phragmites information is not true. Atty. Creed stated that the plan is stamped by Larry Hughes, a Professional Land surveyor, but he could get a more detailed plan if the Commission would like. RC motion to continue to 7:05 on September 1st, FW second, passed 4-0-0.

7:25 25__ DPW, 35 Marshall Ave. - RC read notice of public hearing. Bud Dukstra, Chairman of Friends of Peter Igo Park, present. Applicant is re-building the Peter Igo Park in Brant Rock. Last year they applied for a grant through MA Fisheries and received \$10,000 dollars for the dock. BO'D asked if the dock will stay in place; Mr. Dukstra said no, it is on a chain – will pull it up. The intent is to provide a safer access to the river – there are a lot of paddle boarders, kayak enthusiasts, etc. Mr. Dukstra met with JW, who recommended filing a Notice of Intent. Mr. Dukstra contracted Dana Junior and Pat Brennan, Amory Engineers for construction plans. The Harbormaster is well aware of the project. FW said we will continue to Sept. 1 and check on mushroom pilings; anchored system, need to hear input from DEP. FW motion to continue to 7:10 p.m. on 9/1/15, RC second, motion passed 4-0-0.

7:35 25__ Wallace, 35 Water St. - RC read notice of public hearing. CH hearing officer. Dick Rockwood, Rockwood Designs, Richard Servant, Stenbeck & Taylor and Jennifer Wallace present. The applicant is proposing to elevate the existing house which is on concrete block foundation onto concrete piers. The property is on a Barrier Beach, AE9 flood zone. Also proposing a couple small additions onto house. 17.7' high, lowest 7.5' – 10' clearance at the most underneath to drive under. JW's recommendation is for pilings. CH noted that "how substantial" the improvement is will be the discussion. Would need to check with the Building Inspector. This proposal is also going through the Zoning Board two weeks from tonight. Rockwood said it is a substantial improvement. Can't drive piles since there's nowhere to move the house. Lee Anne Pelligrini, 31 Water Street, said it would be a significant improvement and safer for the whole neighborhood. Susan & Edward Joubert, 29 Water St., stated their support of the renovations; will be an improvement.

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FW asked if the house could be backed up, then bring it back up and over pilings. Rockwood said that would be off the owner's property. RC stated this is the same issue as the (221) Ocean Street property. FW – peat or sand underneath – don't know. Test pits not done yet. FW said he would like to discuss this further with JW. Mrs. Wallace said if they move the house back it would be sitting on the dune. Rockwood asked if this has become mandatory; it's an existing house. RC said there was a change in Building Code – coastal dune. Mr. Servant stated it would be quite a big job.

FW motioned to continue for further discussion and a file number from the State to Sept. 1, at 7:15, FW second, passed 4-0-0.

7:45 RDA 15-06 Marshfield Airport - RC read notice of public hearing. Mr. Sufferindini, Dave Dineen, and Armand Dufresne from Gale Engineering present. Request initiated itself through DEP – did site walk at the airport a month ago. Road is old, built many years ago – alternative, emergency road for fire trucks, etc. Very unsafe to have that equipment running through the airport – very dangerous. Keeping away from the main apron. Road has never been re-paved and is cracking up – put $\frac{3}{4}$ inch stone over the road, trucks dug it in and it looks paved. Scheduled to be re-constructed sometime in the future. DEP said the road should be maintained rather than scraping rocks up and creating bigger problem. Proposing to leave the gravel as it is now. It is in the Master Plan to re-pave. Need to keep some kind of base. CH motioned to issue a Negative Determination # 3. FW second, passed 4-0-0.

7:55 25__ Rego, 345 Plymouth Ave. - RC read notice of public hearing. Bob Rego, Prime Engineering, presented. There is an existing structure on the property – 2' above sea level. BVW at the rear of the property. Proposing to demo and rebuild, to elevation 11' to comply with Marshfield By-law. Proposing to fill land a little bit under and next to the house; this area is one of the lower points in Marshfield. The catch basin in front is filled with water most of the time. Driven wood piling foundation proposed. Test pit between 341 and 345 – peat below. Area is considered Barrier Beach. Proposed structure will be in the exact same footprint, including stairs. CH noted the back corner should be 25' from the BVW. Mr. Rego said they are not changing the footprint of what's there. Abutter asked to see plan. FW motioned to continue to September 1st at 7:00 for receipt of a file number from the State, RC second, passed 4-0-0.

8:00 25__ Rego, 341 Plymouth Ave. – RC read notice of public hearing. Bob Rego, Prime Engineering, said this proposal is the same idea as the previous hearing. Barrier beach, elevation 0-2' above grade, proposing to demolish existing structure and raise new structure to 11'. Proposing minor modifications to the footprint. Mr. Rego explained that they have to reduce the square footage of the footprint area and move it to increase distance to wetlands and still comply with zoning. So there will be a reduction in footprint area and an increase in distance to setbacks. Proposed structure will be on pilings. FW noted it looks like it's increased in size. Goes from 826 sq. ft. to a slight reduction Mr. Rego said. FW motion to continue to 9/1 at 7:01 for receipt of a file number from the State, RC second, passed 4-0-0.

8:10 25__ Ryan, 241 Foster Ave. - RC read notice of public hearing. Rick Servant, Stenbeck & Taylor and Dick Rockwood, Rockwood Designs, present. RC hearing officer. Existing house – proposing to remove existing porch and put second story over first floor. Located in flood zone; same footprint. Will be before the Zoning Board also. AO flood zone – knock out panels proposed. Foundation isn't sufficient to support second story; needs to be made stronger. FW asked if there is an existing concrete foundation and should there be flood vents. Rockwood – some openings – couple of those. Can make it comply. CH asked if the concrete pad in the back of the house is going to be removed; Ms. Ryan said she would like to keep it. CH asked if they would be willing to consider pervious pavers, etc. Ms. Ryan thought that might be a big expense; it's a very flat lot, no drainage issues. RC asked if the Building Inspector is going to say it's a substantial improvement. FW said the Commission could get a determination from Jerry O'Neill as to whether it is a substantial improvement or not. There is no file number yet from the DEP.

RC motion to continue to 9/1 at 7:16, FW second, passed 4-0-0.

8:20 25__ Taggart, 47 Central St. - RC read notice of public hearing. CH hearing officer. Rick Servant, Stenbeck & Taylor and Dick Rockwood, Rockwood Designs, present. Existing house proposing addition

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– 21' wide and back, tidal ditch behind. Riverfront district shown on plan. Riparian zones shown. In flood zone, AE 9. Proposed work will be concrete foundations, not in Barrier Beach, flood vents. Elevation 17 proposed. Elevation 9 right now. Existing structure is 700 sq. ft., proposing 900 more square feet, possibly 1000, part of which is the garage. Half of the addition is the garage Rockwood said. Will also be going to Zoning Board. Non-conforming in the front and on the side right now. No file number has been received from the State. FW motion to continue to 9/1 at 7:18, RC second, passed 4-0-0.

8:30 25__ McNeil, 11 Hancock St. - RC read notice of hearing. FW hearing officer. Rick Servant, Stenbeck & Taylor and Dick Rockwood, Rockwood Designs present. Mr. Servant said the project is not in Barrier Beach, is an AO 2 zone. High section of the cliff. Existing home – looking for addition, deck and balcony. 28 x 18. Proposing to relocate existing garage on property. Proposed vents, not piers, not in barrier beach. New addition will be on strip wall. Existing house has a crawl space. Going to Zoning because it's non-conforming (in the street). Smart vents proposed. Poured concrete foundation. One car garage 12 x 24; proposing concrete slab. A file number from the State has not been received. FW motion to continue to 9/1 at 7:21, RC second, motion passed 4-0-0.

8:40 25__ Roderick, 2104 Ocean St. – Applicant has requested a continuance to September 2015. RC motioned to continue the hearing to a September meeting, FW second, motion passed 4-0-0.

RC motion to adjourn at 9:15 p.m., FW second, motion passed 4-0-0.

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