

**MEMBERS PRESENT** – Chair James Kilcoyne, Vice Chair Bert O'Donnell (BO), Art Lage (AL), Rick Carberry (PC), Eric Goodwin (EG), Bill Grafton, Conservation Administrator (BG)

**MEMBERS NOT PRESENT** – Frank Woodfall (FW)

**CALL TO ORDER** JK motions to open the meeting at 7:00 pm. BO second. Approved 5-0-0.

### **MINUTES**

- The minutes for the 6/18/19 and 7/9/19 minutes were presented for approval. BG received changes by e-mail for both sets of minutes; the 7/19 minutes were also edited by Town Counsel (TC) Bob Galvin.
- JK motions to accept the 6/18/19 and 7/9/19 minutes as edited. PC second. Approved 5-0-0.

### **BUSINESS**

#### **B1 Conservation Commission Reorganization / Commission**

- BG advises that former Chair Rob Conlon has resigned as Commissioner, and a new Chair is needed. He passes out documentation regarding how other Conservation Commissions in the region are organized to help guide the discussion of the reorganization. Options include having a Chair and Vice Chair, or two co-Chairs.
- JK advises all present that after many years of service, Rob Conlon has decided to step down as a Commissioner, and the Commission needs to elect a new Chair.
- AL comments that it makes sense to have a Vice Chair, as this person can run meetings when the Chair is absent, and most committees he's served on have one. JK agrees that most other Commissions in the region seem to have this structure. BO is fine with a Vice Chair structure if the other Commissioners agree. EG is fine with either having a Vice Chair or having a senior person run meetings on a more informal basis. PC feels that the Vice Chair structure makes the most sense.
- PC asks BG about the status of Commissioner Frank Woodfall; FW is coming back in November.
- JK notes that the consensus seems to be for a Chair and Vice Chair structure; after further discussion, the Commissioners decide these will be one-year terms to be annually reassessed.
- PC motions to elect James Kilcoyne as Chair. AL second. Approved 5-0-0.
- EG motions to establish the Vice Chair position. AL second. Approved 5-0-0.
- EG motions to elect Bert O'Donnell as Vice Chair. AL second. Approved 5-0-0.

#### **B2 177 Ocean Street-Enforcement Restoration Acknowledgment / Commission**

- BG advises that this matter involves an individual who dumped dirt over the guard rail onto the beach. BG, JK, and Town Administrator Michael Maresco met with the violator, Frank Terlecki (FT), who subsequently removed 23 cubic yards of dirt from the coastal bank to satisfy a recent Enforcement Order. BG commends this individual's cooperativeness, even after being asked to do some additional cleaning, and he would like to send FT a letter of acknowledgment.

- JK agrees with BG’s sentiments and appreciates FT’s assuming responsibility for his actions and exceeding expectations in the cleanup. The restoration project is a great model for any citizens in the future who might make mistakes.
- BO comments that he’s glad the cleanup went well, but he can’t imagine anyone thought it was right to dump that material on the beach in the first place. BG notes that FT’s restoration work went beyond just cleaning up the material he dumped; his restoration activities also promoted outreach to numerous residents in the neighborhood who were also dumping on the coastal bank. BO indicates he has no issues in this case.
- JK motions that the Commission send FT a letter thanking him for his restoration work. EG second. Approved 5-0-0.

**B3 192 Webster Street/Land Donation –TC review and Conservation Determination / Commission**

- BG updates the Commission on a land donation proposed by Kathleen Eacrett, 192 Webster Street at the 2/19/19 Conservation Commission public meeting. The land to be donated abuts town-owned and conservation land and contains a vernal pool. Taxes on the land are up to date, and there is a clear title. BG has met with TC, who indicated that a plan from a registered land surveyor was needed to finalize the donation. He would like the Commission to vote to accept the donation.
- JK asks BG if there any downsides to accepting the property. BG comments that the donated property is primarily wetlands, delineated by South River Environmental, but he does not have John Zimmer’s specific comments.
- JK motions to accept the land donation at 192 Webster Street. AL second. Approved 5-0-0.

**PUBLIC HEARINGS**

**19-22 Masse, 110 Elm Street (Repair Driveway).....NEW (Rick)**

- JK reads the legal ad. Hearing Officer PC confirms administrative requirements are complete.
- PC advises that the proposed activity is to replace a decaying driveway in front of the garage. There is a wetland in the back and to the right, and the driveway appears to have been there for many years.
- Property owner Bob Masse (BM) comments that he wishes to repair the existing driveway and, at the same time, fill and pump the old septic system, part of which is under the old driveway. BG comments that the septic component is new information to him that should be discussed at this hearing.
- BM states that it was brought to his attention that he would need to fill and pump the old septic system in order to comply with Title 5. Since part of the old system is under the driveway, this has to be done before the driveway work can proceed. The new system will be installed in the front yard, out of the 100 ft buffer; Grady Engineering is designing the system, which will be for a four-bedroom house. BG asks BM if he has talked to the Board of Health; he has.
- JK clarifies that the paving and filling of the old septic will not take place until the new system is installed. BO advises BM that the septic plans will go to BG for review when they are filed. BM adds that Grady is waiting for the wetland line to be re-delineated so they can finalize the plans.
- All parties discuss whether the septic pumping and filling will also require a separate Commission filing, and if so, whether to approve the paving component tonight. BG notes that a positive finding, requiring a NOI, would effectively combine the two activities into one filing. BO and JK feel the septic filling and pumping will require another RDA. Commissioner consensus is incorporating both paving and septic components into a single filing would be preferable.

- JK advises BM to make sure that Grady's plans include the 25, 50, 75, and 100 ft buffer lines so it can be used in the Commission filing. BO suggests that this matter be continued rather than requiring applicant to file a second RDA. Applicant assents to a continuation and will provide an engineered drawing showing the buffer lines.
- PC asks for comments from the public; none.
- PC motions to continue the hearing to August 20, 2019. AL second. Approved 5-0-0.

**19-23 Marshfield Rod & Gun Club, 300 School Street (Pond Management).....NEW (Rick)**

- JK reads the legal ad. Hearing Officer PC confirms administrative requirements are complete.
- PC advises that he visited the site and observed that the area around the pond is overgrown. Applicants would like to trim the vegetation around the pond area and remove some dead trees near the pond.
- Ray Gajewski (RG) presents for the Marshfield Rod and Gun Club as a board member. He has walked the property with BG and drafted the work plan with BG's assistance. They would like to trim the vegetation around the pond to make it accessible and fishable. BO comments that the area seemed to have been maintained and trimmed previously when he has visited the property.
- BG comments that he observed cattails starting to growing in the pond, as well as a mixture of grasses providing habitat for wildlife, but also some invasive species. A previous conservation administrator had advised the Club not to trim within 5-10 feet of the pond, but BG thinks they need to be able to trim closer to the pond at certain places to provide access while still protecting beneficial habitat. The Club has agreed to post conversation markers to assist current and future club members with maintenance.
- PC asks for comments from the public; none.
- PC motions to close and issue a DOA, Pos. #5, Neg. # 3, with special conditions drafted by BG. AL second. Approved 4-0-1, EG having abstained.

**19-24 Columbia Gas of MA, Cove St., Water St., & A St. (Gas Line Replacement).....NEW (Art)**

- JK reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- AL comments on the uncertainty as to the boundary between the road and salt marsh in the area. He feels that the road has encroached on the marsh by at least three feet, so it is important to get the resource area delineated.
- Dana Altobello (DA), Merrill Engineers, presents for applicant. The proposed activity is replacement of existing gas mains along the three streets indicated above; about 1770 linear feet of new pipe will be installed, along with service connections to existing residences. All work will be done within existing roadways or shoulders; associated resource areas include BVW, salt marsh, coastal beach, barrier beach, and LSCSF. Delineation of resource areas was performed by Brad Holmes, ECR, in May 2019. An open trench method will be used for the replacement, which will be covered over same day. There will be no stockpiling of materials within the buffer zone. Erosion controls will be installed at the limit of work prior to construction.
- AL would like to make sure that the boundary between the road and the salt marsh is delineated before any work is done, and he would like conservation markers to be installed to protect the area from further encroachment.
- Bob Arsenault (BA), 50 Cove Street, asks DA whether the gas line is going through the Blackman's Point trailer park. The new line will follow the existing line through the park. BA states there were several gas line breaks in that area; also that the area is a summer colony and road conditions in the winter are often poor. BA would like to know when the work will be taking place; DA indicates the

work will take place in the fall. BA also asks who will be responsible for filling in and settling the trench. DA indicates the contractors selected to do the work, with some DPW oversight.

- JK asks DA about sediment control if the work unexpectedly extends into a wetter season. Erosion control is proposed regardless of the season.
- All parties discuss placement of conservation markers and establishing an accurate delineation given the expansion of the dirt road in the area. AL would like to take a foot off the existing road width and place the markers at the edge of the shortened road. BG feels this is a separate problem from the work proposed, and isn't sure Columbia Gas needs to assume responsibility for its resolution. He agrees with reducing the width of the road, but would like to accomplish this by working with the entity(ies) responsible for maintaining the road; JK concurs with BG, and suggests that this be addressed the next time DPW grades the road. AL notes that DPW's grading work will not come before the Commission; he would like the markers to be put in place for the next time the grading occurs. BG suggests that a small group of Conservation Commissioners and BG be established to address these issues; AL is willing to participate.
- AL is also concerned that the berm left over from the trenches dug for this work will be pushed out into the marsh, as he has observed happened with previous work. JK proposes a special condition wherein BG reviews the area post-construction to ensure there is no berm or encroachment, and asks that DA work with BG to this effect.
- AL asks for comments from the audience; none.
- AL motions to close and issue a DOA, Pos. 2b, Pos. #5, Neg. # 3, Neg. # 5 with special conditions drafted by BG. PC second. Approved 5-0-0.

After the vote, DA comments he is working with DPW Commissioner Rod Procaccino on work at the Couch Cemetery project; he would like to work directly with BG with respect to setbacks and stormwater issues; the Commissioners assent.

#### **19-25 Gov. Winslow School, 60 Regis Road (Outdoor Classroom).....NEW (Rick)**

- JK reads the legal ad. Hearing Officer PC confirms administrative requirements are complete.
- PC advises that the filing is for the construction of an outdoor classroom at the Gov. Winslow Elementary School (GWES). He visited the area and thinks the proposal is a great idea.
- GWES teacher Mark Talacci (MT) presents the proposal. He and teacher Dawn Backlund (DB) would like to construct an outdoor classroom area similar to what other elementary schools in town have. MT notes that being outside encourages student socioemotional wellbeing and can reduce anxiety. They have received a Marshfield Educational Foundation grant to construct a 45 by 40 ft outdoor classroom near the softball field at the end of Regis Road, overlooking the marsh area. The wetlands were delineated by Jason Zimmer (JZ), and BG has visited the work area. They are looking to minimize disturbance during construction.
- DB adds that Armstrong Fence will construct a split rail fence around the classroom area, and North River Tree Service will handle the clearing work for the classroom and access trail from the softball field; they will mainly be clearing underbrush and placing woodchips on the ground for weed control. In response to a question from PC, DB indicates the classroom will have portable wi-fi but no electrical service.
- PC thanks DB and MT for taking the initiative to create the classroom, and asks for other Commissioner comments; AL and EG second PC's thanks. EG comments on the potential health and environmental awareness benefits of getting students outdoors, and asks that they share student feedback with the Commission and possibly other schools. BG agrees that the project is low-impact

and will be good for the kids. JK adds that all components of the project are outside the 50 ft no-disturbance buffer, in addition to its other merits.

- PC asks for comments from the public; none.
- PC motions to close and issue a DOA, Pos. 2A, Pos. #5, Neg. # 3, Neg. #5 with special conditions drafted by BG. AL second. Approved 5-0-0.

**2808 DPW, 14-162 Bay Ave (Seawall Repairs).....cont from 6/04/19 (Jim)**

- Continued Hearing. Hearing Officer JK confirms administrative requirements are complete. Commissioner EG recuses from voting and leaves the room, as the hearing started before he became a Commissioner.
- Christine Player (CP), Foth CLE Engineering, presents for applicant. CP indicates this filing is comprised of three components, including after-the-fact approval of emergency repairs made after the March 2018 storms, approval of further repairs to be made as a result of the storm damage, and establishment of a provision for ongoing periodic maintenance of the coastal infrastructure, including seawalls and revetments, to reduce the number of required filings in the future.
- CP notes that they were asked to address five issues at the June 4 hearing. They have researched ownership of the seawall south of the Brighton Street stairway with DPW's assistance, and the actual ownership is inconclusive. CP advises that DPW will continue to reach out to impacted property owners when repairs to infrastructure are made. BG has reached out to TC regarding this matter and is waiting to receive comments. CP would like the OOC to be conditioned to allow the town to proceed on a case by case basis to deal with any impacted property owners.
- Town Engineer Rod Procaccino (RP) notes that most of the older seawalls in town were constructed with temporary easements, creating access issues for subsequent maintenance work. He has not run into a situation where a property owner has blocked town access for seawall work. RP notes that they generally seek out state and federal grants to fund seawall repairs even when ownership has not been clarified. CP comments that the original contract plans for the seawall's construction from the early 40s show it to be a publicly constructed structure.
- CP comments that everything proposed is repair/replacement of in-kind structure except for the Bay Ave ramp. Based on public comment at the previous hearing, the Town is now proposing to keep the new ramp within the authorized limits of the old ramp. The top of the new ramp will be at a 20% slope, but the bottom 10 ft will increase to a 33% slope; this will keep any future repairs within the existing preauthorized footprint.
- JK notes that DPW is requesting a special condition that the temporary stone placed at the end of the ramp remain in place if natural beach recession does not occur as expected. He would like to know the likelihood of such recession occurring. CP notes that the stone is currently buried in sand and states that if the beach recedes to the point where the stone can be removed, it will be removed. The stone was placed there as an emergency measure after the March 2018 storms.
- CP also comments on a request for specifics as to fill to be brought in as part of the work, particularly at places behind the seawall. CP states that clean fill will be used that complies with MassDOT standards; additional information can be provided prior to its actual use. In response to a question from JK, CP indicates that some of this fill may be needed underneath the seawall in areas where sand has been scoured out. The material will not be used for beach nourishment in front of the wall.
- CP then speaks to structures attached to the seawall in violation to the Town Bylaw 217, indicating that they will be advising property owners of the need to remove such structures in order to repair the seawall; this may require separate funding, as grant monies might not be usable for this purpose.

JK asks confirmation that there will be no structures on or over the seawall; RP confirms. Residents wanting to attach structures to the new wall, such as for beach access, must get a permit from the Board of Selectmen.

- CP then addresses the quantity of the temporary stone placed during the emergency work between 70 and 76 Bay Ave; this area was buttressed with steel plates and about 500 tons of armor stones. The stones remain, and the town proposes to remove them when that section of the seawall is repaired.
- JK asks for comments from the public; none.
- BG reads the proposed special conditions for the Commission's consideration; these include requiring an access plan for heavy equipment and pre-construction site meeting including BG and contractors hired by the town. BG would like to prevent heavy construction equipment from damaging the beach area as occurred recently at Preston Terrace. CP has no issue with providing an access plan and notes they usually require one from their contractors, which they can pass on to BG. Other conditions include not mining the beach of sand or stones and 2 weeks advance notification to BG before repairs begin in a specific area.
- All parties discuss a proposed condition requiring post-construction review with BG to determine if beach re-nourishment is needed. BG notes that the Plymouth Conservation Commission has a specific formula that governs this. RP would like to handle beach re-nourishment as a separate filing. BG amends this condition to request a basic written evaluation on the need for beach re-nourishment in construction areas.
- JK motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. BO second. Approved 4-0-0, EG having recused.

EG returns to the Public Meeting.

**2817   Alberts, 1147 Union Street (Garage).....NEW (Art)**

- JK reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- Terry McGovern (TM), Stenbeck & Taylor, presents for applicant. The filing is to construct a detached garage in the buffer zone to a BVW, with a small walkway to the existing house with attached garage on the property. The wetlands come up to the edge of the lawn area and driveway. No grade change will be required, and silt sock will be placed around the extent of the garage and limit of work. After construction, any disturbed land will be loamed and seeded. Pavers will be used for the walkway. They chose not to put in a drywell due to high groundwater levels in the area, but will put in some rain barrels attached to the downspouts for runoff control. They require and have requested a determination letter from NHESP, but have not received the letter yet.
- JK questions whether the 75 feet no-disturb zone for new developments applies to this property. TM notes that the property has structures that predated the bylaw, and feels the bylaw as written isn't clear as to what constitutes a new structure. BG comments that Town Counsel has indicated that applicants generally can't put in structures closer to wetlands without a variance. JK asks whether the proposed building is closer to the wetlands, and TM feels it will be slightly closer. All parties discuss the location of the wetlands in relation to the existing and proposed structures.
- PC asks whether applicants will be seeking a variance. TM considers this situation as being identical to a previous project for applicant Comeau (where a garage was constructed closer to the wetland than the existing house), which was approved without a variance. JK agrees that these bylaws may need clarification but does not want to be bound by what may have been an improper previous decision. BO comments that the proposed structure is on existing lawn, but he is not sure where the lawn was

when the lot was originally developed. TM believes the lawn's footprint has not changed since the house was built, and went up to the 25 ft no-disturb zone. AL feels the proposal is new construction and is closer to the wetland, and therefore applicant will need to ask for a variance.

- BG has researched the property; it seems that the original construction was properly permitted, but agrees that a variance is needed; he also suggests the placement of conservation markers to prevent further encroachment. BO also suggests an updated site plan showing the markers and extent of existing lawn as additional protection against encroachment by future owners.
- AL asks for comments from the public; none.
- JK polls the Commissioners on the need for a variance: AL yes, BO yes so as to establish a proper precedent, EG yes, PC yes.
- TM appreciates the position of the Commission as being obligated to enforce a relatively new bylaw but notes the current ambiguities create difficulties in their making recommendations to clients. JK comments that the Commission is trying to be as flexible as possible while still enforcing the bylaws and setting the proper precedents.
- TM will request the variance in writing. The matter was continued for receipt of a variance request letter, NHESP comments, and updated site plan showing conservation markers at the edge of the existing lawn.
- AL motions to continue the matter to August 20, 2019. EG second. Approved 5-0-0.

**2815 Petitpas, 83 Towne Way (Raze & Rebuild).....NEW (Rick)**

- JK reads the legal ad. Hearing Officer PC confirms administrative requirements are complete.
- PC comments that the filing is a NOI to raze and rebuild of a SFH in LSCSF and AE 15 flood zone; an elevation certificate will be needed.
- Terry McGovern™, Stenbeck & Taylor, presents for applicants. They propose to raze the existing structure on the property and construct a new one in the same footprint, elevated on a concrete foundation with smart vents. The new floor will be elevated at 16.1 ft, with an area underneath for storage only. The new structure will have the same setbacks as the existing one, but will be slightly farther back from the street. No grading or fill is proposed.
- In response to questions from PC, the new building will be about 100 sq ft larger than the existing one; the overall impervious area will remain the same. No other comments from the Commissioners.
- Tim Gleason (TG), 89 Towne Way, comments that there is currently a stop work order on the house due to safety issues. BG notes that the standard special conditions include a requirement that applicant obtain all subsequent local, state and federal permits before the start of work. BG will have to sign off on the building permit, and will make sure all permits have been obtained prior to doing so. JK notes that the stop order is outside Commission jurisdiction. TM believes there was a previous attempt to rehab the existing house that was abandoned in favor of a raze and rebuild.
- PC motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 5-0-0.

**2813 Tedeschi Trust, 100 Marginal Street (Raze & Rebuild).....NEW (Art)**

- JK reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- Steve Gioisa (SG), Sitec Engineering, presents for applicant. There is an existing house, impervious driveway, and lawn area on the lot. There is also an existing dock extending into the Green Harbor River. The lot is located in a coastal flood zone, AE 16. Applicant is looking to raze the existing house and construct a new one in essentially the same footprint. They would be eliminating some of the

existing impervious surface, and would end up with a net zero change in lot coverage due to the slightly larger dwelling.

- They have received a special permit from the Zoning Board to reconfigure the house and create a better separation from the two abutting properties. In compliance with the regulations, there will not be habitable space or basement area below the flood elevation; just a small storage area. Top of foundation for the new house will be at elevation 19.5. A post-supported deck would be added on the water side of the house, with no solid foundation. The lawn area will be maintained down to the water. No grade changes are proposed.
- AL asks SG whether the structure, where located, has to be built on piers. No, as this location is in an X zone. AL also notes there is a float tied to the pier that is doing some damage to the marsh; this needs to be removed.
- JK would like to know what percentage of the new structure would be in the 75 ft buffer as opposed to the existing structure. JK also comments that the proposed deck is moving closer to the resource area. SG comments that they used the most conservative point to measure the 75 ft distance shown on their site plan, and if you were to measure from the edge of the actual salt marsh area as opposed to the edge of an adjoining area of phragmites, the lot would not be in the 75 ft buffer; but they measured the line from the phragmites area to be conservative.
- BG asks SG how far the deck will be elevated off the ground; it will be 6-8 inches below the top of the foundation, two feet above the existing lawn area.
- Edwina Spillane (ES), 96 Marginal asks if applicants will be doing any blasting, as her house is built on a ledge going from her property onto 100 Marginal. SG indicates they will not be going any deeper than the existing basement, so they don't anticipate any blasting. BG comments that a similar situation occurred on Central Street, where a builder tried to build a home with a foundation but subsequently had to construct the home on pilings.
- PC comments that it seems like applicants are building in the same place as the existing house with basement. In response to a query from BG, SG reiterates he does not believe blasting will be necessary, and there are rules and procedures that would have to be followed if rock needed to be removed, as well as alternative methodologies for removing rock. In response to a query from ES, SG indicates there is no cellar underneath two-thirds of the structure. The new cellar will be where the existing one is and no larger.
- BG proposes a special condition specifying no blasting; the OOC would then have to be Amended if blasting were indeed necessary. JK asks whether the Commission has the jurisdiction to require no blasting; BG believes it does, as blasting could cause environmental harm. BG does not believe a condition requiring applicant to return before the Commission should blasting be necessary is sufficient in this case, as blasting would not be a minor activity that could be captured on an As-Built as part of the Request for Certificate of Compliance process. AL clarifies that this condition does not apply to drilling or jack-hammering. Other special conditions include the provision for a restoration plan of the salt marsh, and that the dock float tied to the pier be removed.
- PC asks whether the dock float condition be changed to require that shoes be added to the float to reduce the impact on the marsh, as opposed to removing the float. He notes there are many floats resting on marsh areas in town, and this is the guidance generally provided to dock owners. BG feels the existing float is structurally unsound and probably beyond repair. SG confirms they will be removing the float.
- AL motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. PC second. Approved 5-0-0.



**2816 Holbrook, 26 Cove Street (Revetment Repair).....NEW (Jim)**

- JK reads the legal ad. Hearing Officer JK confirms administrative requirements are complete.
- Terry McGovern, Stenbeck & Taylor, presents for applicant. TM states that this filing is part of an ongoing revetment repair/replacement process in the neighborhood. Repairs were initiated at this property under an emergency certificate, roughly in the area where there was existing boulders and riprap. This NOI is for the work performed under the Emergency Certification Form in the aftermath of past storms.
- TM shows images of the work performed, noting an area of dune vegetation above the revetment, an existing and unaltered driveway, and a small access pathway to the beach. They have consulted with Paul Brogna (PB), Seacoast Engineering, regarding the viability of the existing riprap; his evaluation is ongoing. They would like BG to meet with PB once the evaluation is finished to discuss additional work that may be needed, as well as provisions for ongoing maintenance of the revetment without additional filings.
- TM and PB have reached out to Brad Holmes (BH), ECR, regarding additional plantings, and BH will be involved with respect to the dune growth at the top of the revetment. They are seeking initial commentary from BG and the Commission so they can update their plans.
- All parties discuss who owns the property where the work is proposed. TM states their research indicates applicant owns to the water line. JK does not believe the Commission can approve a project on land whose ownership is unclear. BO comments on the lack of uniformity between individual revetments in the cove area. TM comments that the objective is to tie the revetment at this property into adjoining properties. After the March 2018 storms, revetment was brought in to stabilize the area pending a longer-term solution, which they are trying to develop now.
- BG notes that the armoring issues in the neighborhood have been going on since at least 2013, with each individual owner permitting for revetment walls and maintenance. Applicant had received verbal permission from previous agent Wennemer to periodically maintain the revetment stones in front of the subject property; BG subsequently required a Request For Determination of Applicability (RDA) that was permitted by the Commission as a Determination of Applicability (DOA) with an access plan for such maintenance. When the March 2018 storms hit, applicant paid to construct a revetment wall in front of 32 Cove and also received an Emergency Certification Form to construct a similar wall in front of his property at 26 Cove. BG is proposing new guidance recommending techniques to avoid end scour in areas such as Bluefish Cove, which involves tapering down and use of rounded instead of straight stones.
- Rick Holbrook (RH), 26 Cove, briefly discusses the history of the property and their efforts to maintain it. At this point, most of his neighbors have put in engineered revetment walls, which he has been unable to do now because he did not have the proper engineered plans at the time of the Emergency Certification permitted work.
- BG comments that after the March 2018 storms, RH and other Marshfield residents received authorization for emergency repairs under a 60-day state Emergency Declaration followed by a 30-day Marshfield Emergency Certification period. RH's Emergency Certification Form required the filing of a NOI within 90 days after the 30-day Emergency Certification Form expired. He thanks Mr. Holbrook for this filing, as he is still waiting on filings from four (4) other Marshfield residents with similar permits including NOI submittals that are outstanding.
- BG adds that the challenge in this situation is that the owner of the property is supposed to sign the NOI paperwork; RH states he and neighbors have discussed the location of their property lines and whether they own to the high tide mark.

- TM notes that formulating the engineered plan will take some time, and asks for Commissioner feedback that can be applied to this plan, which can then be brought to a future hearing.
- AL inquires about adding beach-compatible materials to the area; BG states that the area is barrier beach, coastal beach, and coastal dune, and armoring is not allowed unless a property had already existing armoring. BG feels that 26 Cove is the last property in the neighborhood where revetment is a possibility, and other owners should look at beach renourishment and other techniques to prevent end scouring, as is done in parts of Plymouth.
- All parties discuss design suggestions for the applicants. BG notes that TM seems to be proposing a concept of revetment in conformity with the properties in the neighborhood that have already armored; he would like applicants to consider the use of rounded stones, regular beach re-nourishment, and tapering to prevent end scouring. BG feels this would also reduce impacts to 20 and 22 Cove. TM was under the impression that the Commission would want some continuity with what has already been approved to the north.
- JK would like to know whether the footprint of the revetment is increasing and/or impacting the dune; TM indicates the footprint is not increasing, just that some stone will be placed differently. JK also asks about construction access. RH indicates that the same construction access will be used as for the other projects in the area. JK would like applicants to submit an access plan.
- RH comments that he has family friends who work on revetments who recommended against the use of flat stones, like the ones used on neighboring properties, as they do not properly absorb the wave energy. BG agrees that interstitial space is needed to absorb the waves, especially given applicant's location and the potential impact on his neighbors.
- JK comments that he doesn't feel the Commission can legally approve work on land an applicant doesn't actually own. He would like some evidence of ownership when applicants return; BG suggests written permission from abutting property owners where work is to be performed as another option.
- JK motions to continue the matter to August 20, 2019. BO second. Approved 5-0-0.

**2812 Ganda, 119 South River Street (Raze & Rebuild).....cont from 7/9/19 (Bert)**

- JK reads the legal ad. Continued Hearing. Hearing Officer BO confirms administrative requirements are complete.
- Terry McGovern (TM), presents for applicant. Applicants would like to raze the existing house on the lot and construct a new one, turning it sideways to increase the distance to the wetlands. They would also demolish the existing barn, ramp, shed, and other outbuildings. The existing house was built in 1942; nearby resource areas include BVW delineated by Brad Holmes (BH), ECR, as well as riverfront area to Zena's Brook. Test pits were dug in the front yard for purposes of installing a new septic system.
- TM indicates that the new SFH will be located 15 feet off the side line, and is sited to meet the zoning regulations as well as the required distance from the new septic system. They would also replace an existing retaining wall with a new one comprised of interlocking block with a membrane behind it. The new septic will be behind the house, roughly in the middle of the yard. An old cesspool will be filled in. An existing driveway leading to the barn will be truncated, ending in back of the new house. Conservation markers will be posted along the no-disturb buffer, possibly on a post and rail fence. TM would also like to do some grading to drain water away from the septic system.
- With respect to the riverfront area, they have proposed infilling the 25 ft no disturb zone with conservation seed mix and shrubs. He feels the riverfront area currently is degraded given the historical disturbance in the area, and notes the closest point of the new house to the riverfront area will be about 94 ft. Any mature plants in the area where structures are removed will remain. They

propose to plant the area outside the 25 ft no-disturb buffer with lawn; no impervious surface is proposed, and the plan as proposed reduces the impervious area by about 110 sq ft. Silt sock is proposed for erosion control at the limit of work and along the 25 ft buffer, until the grading, disturbance, and removal of debris is complete. The conservation markers can be placed along the location of the erosion control. TM feels the proposed plantings and gravel driveway will help to absorb and slow the flow of runoff and the project, with its removal of existing structures and restoration plantings, will be a net benefit to the site.

- BO has visited the site and agrees the barn is in poor condition, and confirms with TM that the barn is now proposed to be removed rather than restored, as originally proposed. JK comments that it appears applicants are proposing to trade off an uninhabitable barn for a four-bedroom home within the 75 ft buffer, and is not sure a house can be built in the 75 ft buffer as proposed, as there only appears to be about 15% overlap with the old house. TM notes they are reducing the impervious area on the site, and the question seems to speak to what he characterizes as ambiguity as to what is permissible on existing lots with existing structures.
- JK asks if applicant will be removing the stone wall on the property. TM indicates he would like to trade the stone wall for an interlocking walkway.
- BG is not sure whether a nearby unnamed brook is part of Zena's Brook. TM indicates that the brook in question is a tributary. BG would like this annotated on the NOI application, and also notes that Zena's Brook is a cold water fishery for trout. BG would also like to know how much of the site is within riverfront, and how much of the proposed alteration is in the 0-100 and 100-200 ft buffers to the riverfront. TM states that ultimately there will be less disturbance in the 0-100 buffer than is presently the case. After construction, the stone driveway and a small corner of the house will be in the 0 to 100, with the rest of the area being lawn or restoration plantings with markers.
- BG suggests creating a riverfront restoration corridor from the conservation markers back towards the brook, in which debris and fill will be removed, to better protect the brook. TM notes that they are already proposing extensive plantings in this area. BG concurs but thinks adding hydric soils to the area will better promote the restoration, as well as help with flood control to the benefit of neighbors in the area. TM is open to considering some excavation as BG proposes.
- Vanessa Therrien (VT), 125 South River Street, states that the existing driveway to the barn passes through their property. She comments there is extensive flooding on the property and is concerned about floodwater being displaced to her driveway and property if the stone wall is removed. JK asks about the condition of the existing stone wall. VT feels the wall has fallen apart, and wouldn't consider it a stone wall in its current state.
- Jonathan Grabowski (JG), also 125 South River Street, states he frequently observes stones being displaced from the wall, into the driveway. All parties discuss the existence of access easements in the area. TM indicates that purpose of the proposed driveway is to provide access to the rear of the house, and states traditionally there has been access between the existing driveway to the ramp leading into the barn.
- VT and JG state that the barn has been unused for at least 10 years, and the gravel accessway TM references has only been added recently.
- JG states that property owner had dumped some gravel in the back yard since purchasing the property. TM agrees that the property owner had initially done some clearing of debris after purchasing the property, without realizing the need to file with the Commission, but he did not know this included adding gravel. BG comments that applicant may be well-intentioned, but such actions can cause more harm than good to the resource areas.

- BO agrees that the barn should be removed, and that a new house can be put on the property since there already is one, but doesn't see how the Commission can approve a stone driveway that has to be accessed through an abutter's property. TM will confer with his client about the stone driveway, and is willing to remove it if it is not of importance. JK asks if there are any alternative locations for the new septic; TM indicates there are no alternative locations and BO concurs. In response to a follow-up from JK, TM indicates that changing to a three-bedroom septic does not create alternative locations for the system or the house.
- BG suggests that applicant consider rotating the proposed house, creating a larger riverfront corridor in the back, which he feels might act as mitigation for moving closer to the wetlands. TM feels that rotating the house will bring it out of zoning compliance.
- With respect to flooding issues raised by VT and JG, TM states that removing the barn will create space for stormwater to go; he is willing to consider some excavation and plantings in the back of the property for better absorption and channeling.
- All parties discuss the permissibility of the proposed stone driveway; TM reiterates he is willing to remove it, and Commission consensus is that removing this driveway would be preferable.
- JK asks if applicant will be submitting a planting plan. TM indicates they are proposing a conservation seed mix. BG advises the Commission that it is better to receive a planting plan while the hearing is still open, so the plan is more timely received and can be reviewed. TM is okay with submitting a planting plan prior to closing of the hearing and assents to a continuation to August 20. BG requests that applicant submit a restoration plan as well as plans and details for creation of a riverfront corridor.
- BO motions to continue the hearing to August 20, 2019. PC second. Approved 5-0-0.

**2772 Snyderman, 26 Littles Lane (Pier, Ramp & Float).....cont from 10/2/18 (Jim)**

- Continued Hearing. Hearing Officer JK reads the legal ad.
- Eric Goodwin recuses himself from the public hearing.
- Jed Hannon, Atlantic Coast Engineering, indicates that the Commission has some of the abutter notifications and he has the remaining ones with him. JK notes that the deadline for receipt of such notifications is 12 pm the Friday before the hearing. JH indicates he was not advised of this, but BG states this requirement is on page 5 of the conservation permit checklist provided to applicants. JK verifies that all abutters have been verified and then proceeds with the hearing.
- JH presents for applicant regarding a proposed residential pier project. They met with Harbormaster Mike DiMeo last week, who had no issues, and have received approval from the North River Commission.
- JK notes that the Commission has not received the Mass Division of Fisheries comment letter so a continuation will be required.
- BG comments that the two abutters out of six on the Marshfield Board of Assessors list had been notified but the notices are stamped return to sender so they never received the abutter notification. BG inquires how the Commission would like to address that deficiency. JK reviews abutter notification with return to sender and inquires how David Armstrong could not be found. JH will recheck the abutter list. JH asks about Roht? JK notes his abutter notification is stamped return to sender as well so he is not aware of the project. JH states Roht is aware. JK states that the abutter notification is a requirement within the local and state legislation and regulations and it has not been completed.
- BG suggests that since this public hearing is being continued why not revise the site plan showing the 25/50/75/100 from the wetland delineation performed by Brad Holmes in June 2017. This would

affect other work on the premises. This should follow the surveyed wetland delineation which has not been done. JH states this is simple.

- JK states that three things are needed for the next public hearing including MassDMF comment letter, abutter notifications and wetland delineation surveyed and setbacks 25/50/75/100 from the wetland delineation.
- JK motions to continue the public hearing to September 10, 2019. PC second. Approved 4-0-0. Eric Goodwin having recused himself.

**2814 Smith & Sons, 795 & 887 Plain Street (Sawmill & Access Crossing Road).....cont from 7/9/19 (Bert)**

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on August 20, 2019 as the deadline for submittal of requested information requested by Conservation lapsed.
- JK motions to continue the public hearing to August 20, 2019. PC second. Approved 4-0-0. Eric Goodwin having recused himself.

**2793 Sullivan, 176 Beach Street (Veg Restoration & Other Activities).....cont from 5/21/19 (Bert)**

- Continued Hearing. Hearing Officer BO.
- Eric Goodwin recuses himself from the public hearing.
- Dana Altobello (DA), Merrill Engineers and Land Surveyors presents for the applicant. Brad Holmes (BH), ECR, Stan Humphries (SH), ECR, Attorney Walter Sullivan (WS), Susan Sullivan (SS) and Ed Scigliano (ES) present. DA property is 1.1 acres according to assessors records, house constructed in 1988, and is located within land subject to coastal storm flowage (VE16/AE16), barrier beach, coastal dune and coastal beach. DA states BG and JK met on the site with DA, BH, SH, SS and ES. They have incorporated the comments from the meeting into the revised site plans. The deck to the rear of the house has been reduced substantially located approximately 112 feet from the revetment wall to the rear of the coastal beach. The pool has been moved to the south west portion of the lot about 118 feet from the revetment wall. The pool is now elevated approximately 2 feet above the existing grade. The deck has been elevated to elevation 16 which is consistent with current deck elevation. The driveway has been reconfigured and is slightly smaller, a reduction of approximately 600 square feet. Proposing to remove dead trees, spruce trees and black locust with native shrubs.
- BH presents for the applicant. New revision will better conform with the natural form of the coastal dune. Mitigation includes removal of structures and introduction of native plants. The mitigation plan has not been finalized yet. Looking to develop a more connected dune system in place of the current fragmented dune system that exists. Based on discussions with SH, BH's original plan to introduce coir logs will be modified from coir logs on top the revetment stones to resetting the displaced stones and covering with sand and possibly include coir logs if appropriate followed by plantings with beach grass. They are proposing a zig zag beach fence along the front of the revetment wall to capture sand while allow for sand migration. Area in dark green represents the restoration area under the Enforcement Order. The mitigation plan is still underway but the objective is an integrated, functional dune system.
- SH presents for the applicant. SH discusses the regulations which do not distinguish between disturbed and natural barrier beach and dunes. He identifies an opportunity to move structures farther away from the beach and mitigate to create a more viable dune structure. This is a generalized plan and objective is to hold a conversation to get feedback from the Commission. SH points that the proposal for the in-ground pool closer to the coastal beach has been revised as an elevated pool farther away from the coastal beach. The dune integrity and wildlife habitat will

improve with this approach. They are entertaining introduction of sandy areas to replicate the natural dune system. They will ask for a continuation to allow time for the final revisions.

- BO addresses the Commissioners. He suggests discussing the pool proposal first. BO asks for confirmation that there is 2 feet of separation between the existing grade and the bottom of the pool, it will be supported by 93 helical piles, the deck will be about 5 feet above the existing grade and the pool will be slightly elevated above that height or about 6 feet. DA confirms. BO asks about the pool fencing. DA states that has not been incorporated yet.
- PC asks about the construction materials of the decking. DA states wood at this time.
- AL states that this project will be referenced. He appreciates the reduction in the structure footprint. He inquires about the elevation of the pool, a structure. DA states that the pool is not habitable space so it does not need to meet FEMA regulations for habitable space. AL states that the basis for the 2 feet needs to be referenced rather than an arbitrary 2 feet. He notes that the sand may migrate and reduce the 2 foot separation so the standard needs to be referenced.
- BO identifies the reduction in structures including the cabana removal and existing deck reduction. AL states that he agrees with BO in principle on this site but other sites might not have structures that can be reduced. This could affect Commission decision-making. JK states those sites may not be permitted. AL references the MACC Handbook citing that pools do not meet the performance standards for barrier beach, coastal dune. He also identifies that the subject site has a lot of land to give back as mitigation so this too could affect the Commission's decision-making for future projects. AL feels that this is a major decision for the Commission.
- JK agrees with AL. JK does not want any pools in coastal dunes but the Commission does allow structures that are elevated in coastal dunes. The mitigation and restoration enhance the natural barrier beach/coastal dune and coastal beach. JK feels AL is right that this could be precedent setting. He further feels that very few will have the financial ability, area, the capacity for the mitigation in exchange for the proposed structures or the desire to permit a pool in barrier beach/coastal dune. AL adds that part of this proposed work is associated with Enforcement.
- BG suggests sequencing the mitigation in advance of the structure construction. This would also provide structure to the proposed work.
- PC states that he would never vote in favor of someone digging a hole for a pool in a coastal dune. He believes the performance standards are really clear. In this case, the applicants have endeavored to comply with mitigation, reduction in proposed and existing structure and they have the area to perform the work. PC agrees with sequencing. JK concurs with the sequencing and identifies this property as very unique from a precedent setting perspective.
- BO did visualize getting this much mitigation and restoration. He is in agreement with Jim and Rick. BO supports sequencing.
- PC states they dropped the pool house; BO states they dropped the cabana and reduced the decks; JK states the plantings are essential.
- BO asks about the front dune? JK asks about how the coastal beach will be mitigated? DA offers a revision will be developed and presented. BO inquires about the quantity and specification for the composition of the sand? DA will provide at the next public meeting.
- BO asks BG for further comments? BG states WS spoke to Town Counsel (TC). TC does not have a conflict of interest. TC received a call from the applicants and simply referred them to a list of suggested attorney and WS was selected. WS concurred. BG stated that we do not have an access plan for access to the coastal beach.
- BO states that it was his impression that the applicants wanted to continue. BG stated that only four (4) of the active Commissioners can vote as EG started after the public hearing began as per Town

Counsel and Rick will be out on August 20, 2019 therefore a continuation would be until September 10, 2019. BG suggested that closing tonight with commitments for the revisions might be something for the Commission to consider. These need to be referenced in the Orders of Conditions.

- BO polls the Commission with regard to this concept. JK on board but wants to provide DA with a complete checklist so this is the last time before the Commission. AL onboard but wants the minutes accurately reflect this important decision. He supports the sequencing. PC on board, sees the commitment of the applicants to meet the expectations of the Commission and supports the sequencing. PC identifies this property as unique as there is a lot of property to trade as mitigation so he is not too worried about this becoming precedent setting. BO on board with the concept, agrees with the sequencing and as far as this being precedent setting he thinks that similar projects would be few and far between.
- JK summarizes specifics of checklist list including sequencing plan, number of plants and types of plants, access plan, beach compatible material called out, coastal dune enhancement specifications. BG discussed variance. WS has spoken to TC; no variance required because pool is raised.
- ES inquires about the gazebo. SS & ES wondered if it needed to be elevated. BO was under the impression this was gone. Site plan shows cabana/gazebo as removed. BG advises the applicants show all the construction. JK states the July 26<sup>th</sup> site plan shows the gazebo as removed. JK offers that the Commission can continue the dialogue. JK asks where the gazebo will go? There is some preliminary discussion about the location.
- WS request the Chair poll the Commission concerning the location of the gazebo. WS mentions moving the gazebo closer to the pool. JK inquires of the Commissioners how they view the gazebo proposal. PC is ok if they elevate it. AL agrees; concerned about changes and meeting the defined 12 noon deadlines on the Friday before the public hearing. BG explains to the applicants Special Condition A within the Orders of Conditions which requires no deviation from the approved plan without written permission from the Conservation Commission referencing the approved plan within the Orders: A General Information/Item 8. Any changes after the work is approved needs Commission written approval to be documented as either an Amended NOI, new NOI or Minor Deviation documented within the As-Built as part of the Certificate of Compliance process. BO inquires if access path is the shortest distance possible to gazebo? BO asks DA to describe and display on the presented revised site plans the proposed location for the gazebo. JK notes that the proposed location is not at all like the revised presented plans. SS offers that they would like to keep the gazebo in the current location but elevate it two feet. AL identifies a trade off again. They either move it back or leave it and elevate it. He notes that the access becomes the focus: will the access be two feet off the existing grade? The Commission considers different locations and configurations; elevated in all cases a minimum of 2 feet and the access platform should be the shortest distance possible. DA will work on alternatives. BG reiterates that the next possible public hearing date for the proposed work at the subject site is September 10<sup>th</sup> as mentioned previously. JK reminds that the revisions are do 12 noon the Friday before the next public hearing.
- JK asks consultants if they have any questions; none. JK will not vote without a final plan. He inquires of the Commissioners: vote tonight or continue for receipt of final plan? BO states (4) four items are outstanding that need to be addressed so a continuation is required. ES ventures that he would prefer the Commission to sign off and then the final plan could be submitted based on the Commission's feedback. JK states that the Commission as a practice does not vote on proposed work without a final plan because history has shown that the requirements don't always happen and it puts additional pressure on the Conservation Administrator to collect the required revisions that need to be referenced in the Orders of Conditions.

- BO asks for public comments; none.
- BO motions to continue to September 10, 2019. JK second. Approved 4-0-0. Eric Goodwin having recused himself.

**2754 Hanlan, 72 Bay Avenue (Raze & Rebuild SFH).....cont from 9/11/18 (Bert)**

- Eric Goodwin recuses himself from the public hearing.
- The deadline for the requested additional information has lapsed. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on August 20, 2019.
- JK motions to continue the public hearing to August 20, 2019. PC second. Approved 4-0-0. Eric Goodwin having recused himself.

**REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS**

**2472 Knight, 32 Cove Street [EXT]**

- BG suggests issuing a three-year Extension Order of Conditions.
- JK motions to issue an Extension Order of Conditions for the property. BO second. Approved 5-0-0.

**1281 Beacon Custom Builders / Oakridge Realty Trust, 63 Quail Run [COC]**

- BG suggests issuing a Certificate of Compliance with On-Going conditions requiring the 5 conservation markers remain permanent as located on the new As-Built but wait on issuance of the COC until the revised As-Built is submitted.
- JK motions to issue a COC WITH On-Going Conditions for the property. BO second. Approved 5-0-0.

**2674 Brewer Green Harbor Marina-Moll, 239 Dyke Road [COC]**

- BG states the work has been satisfactorily completed. BG suggests issuing a Certificate of Compliance
- JK motions to issue a COC for the property. BO second. Approved 5-0-0.

**2745 Wallace, 738 Ocean Street [COC]**

- BG states the work was never completed as the applicant passed on before undertaking the approved work. BG suggests issuing a Certificate of Compliance.
- JK motions to issue a COC for the property. BO second. Approved 5-0-0.

**2768 Pappastratis, 632 Summer Street [COC]**

- BG states that the work has been satisfactorily completed. BG suggests issuing a Certificate of Compliance.
- JK motions to issue a COC for the property. BO second. Approved 5-0-0.

**ENFORCEMENT ORDERS**

Smith, 38 Liberty Street (11/19/18 KS will set early Dec visit)

Drosopoulos, 7 Lady Slipper Lane (08/15/18 TC Final Notice)

New Owner, Winslow Avenue Ext.

Mahaney, 46 Preston Terrace (12/12/18 BG met with TC)

White, 180 Atwell Circle (Escalation letter in Process)

Bednarz/ Nouza, 65 Ireland Road (Unpermitted Cutting <= 50 ft)

Tamara Macuch, 237 Webster Avenue

Levangie, 3 Cove Creek (Communication in Progress)



**BUSINESS (continued)**

**B4 795 Plain Street, potential unpermitted alteration / Commission-Tim Connors**

- Tim Conner (TC), property owner is not present. Billy Last, Jr (BL) present. BG asks why TC is not present? BL explains that he has been trying make TC aware of the situation. He explains TC is 80 years old, follows a simple way of life, and it was 85 degrees today. BL tried to contact TC but he did not pick up the call(s). BG states that he has no way either of reaching TC as TC does not have e-mail and the abutter notification for 795/887 Plain Street for the proposed saw mill was sent to 795 Plain Street but was never delivered based on review by the Conservation Department of the USPS delivery tracker website so what's going on with the communication pathways?
- BO asks BL for clarity on the role of BL. BO asks if BL is officially representing TC. BL states he is not officially representing TC; he is just helping his friend, TC. BL states that it is a challenge to communicate with TC and informs BG that TC knows he is here tonight. BO asks clarifying question: TC knows you are here? BL states yes.
- BO asks BG how he wants to handle this? BG reiterates that BO and BG visited the site meeting with TC and BL in late May 2019 and the discussion revolved around clearing space for heirloom tomatoes and peppers to be planted by TC. The clearing would not go any further. BG asked to walk the property but BO and BG were not invited to do so. A commitment for a wetland delineation was offered by BL with TC present. It's been two months and we still do not have the wetland delineation. BG states that the cutting has gone all the way from Plain Street all the way back to the end of the property. It is apparent through observations from the Eversource Right Of Way that there is cutting all the way back nearly to the MassDOT property (highway). BO reiterates that the right of way near Kirwan provides a clear picture of the cutting. BG states that the local regulations include a definition for Isolated Vegetated Wetland, 400 square feet or more of wetland plants that may be altered by these activities. The buffer to the approved delineated wetlands adjacent to the Enterprise cul-de-sac and crossed by the Eversource right of way may have been altered as well. BG seeks permission from the Commission to enforce. BG has not been able to communicate with TC. Meanwhile, the cutting has not stopped. BG had expected TC to attend tonight. In light of the fact that TC did not attend, he proposes that a meeting with TC be arranged, enforcement commence immediately or the wetland delineation needs to be submitted by Friday, August 2<sup>nd</sup> with a subsequent site walk with BO and BG.
- BL is surprised about the discussion at the back of the property. He thought that the conversation revolved around the front of the property only. For him, this is the first time the discussion about the side of the property has been discussed. BG asked who is doing the work? TC has been poppin' pine trees. BG states that there are all kinds of trees removed. TC is not speaking on behalf of TC but he has been on the site. BL states that not one hard wood has been taken out of there.
- JK wants to know why any tree is being taken out? Why are we talking about hardwoods versus soft wood trees? It is apparent that the conservation jurisdictional boundaries have been breached and TC is avoiding contact with the Conservation Commission. The Conservation Administrator has been trying to communicate with TC to no avail and access to the property has been denied. The only thing left is enforcement
- BL states that no work has taken place since the meeting in May with BO and BG. BG offered that there has been work including excavation at the front of the property. BG ventures cutting has been going on for 8-9 months. BG calls out the current MassGIS wetland and wetland change map that shows complete tree canopy coverage.

- BO steps in and informs the Commission that this is a 70-acre property off RT 139 near Enterprise Drive area and Smith property that used to be TC's land which he sold off. The subject site is his remaining land. BG stated that the sale is still underway. BO makes it known that there are significant state-identified wetlands associated with the subject site so without us getting in there we do not know how extensive the wetlands are. BG reiterates the possibility that Isolated Vegetated Wetlands might have been altered. The expense could be significant for any Commission required restoration.
- BL states that he is not involved just trying to help his friend who is a farmer. He was not aware of the extent of the cutting. He was aware of the equipment presence and cutting. He does not think that he has been cutting since the May 2019 meeting. BL states that in TC's mind the conversation revolves around the front of the property. The bigger part of this conversation needs to be relayed to him somehow. JK states that we cannot talk to a third party on this. TC needs to speak with the Commission on this. AL states that we need to stop the conversation.
- BG states that TC is not using BG as a resource and he is further avoiding BG.
- BL states that TC grows his own food, lives in the woods and does not get a lot of this. BG states that it is appreciated that you trying to help as a friend but TC needs to communicate with Conservation. JK asks that BL communicate to TC to cooperate with the Commission. BL states that TC is more than willing to cooperate.
- BG states he will try to reach TC again. If TC does not respond, BG will coordinate with the Commission, Town Administrator who has been briefed on this and Town Counsel for a corrective action plan. The Commission is now well informed about the circumstances and has been patient. TC could aggravate the situation by potentially wiping out wetlands. TC needs to meet with BG and walk the property, he may need an ANRAD or a NOI depending on the findings of the site walk.
- BL will relay the message but reiterates that in TC's mind the discussion revolves around the front of the property. He believes he needs to file a building permit to fix his house on the property. TC expressed to BL he does not know what he is supposed to talk about with the Commission. BL told him that the Commission wants the wetlands flagged. TC responded that he cannot afford to pay his taxes. BG asks how he could afford to have the tree cutting work done.
- JK states that this conversation has to stop. JK states you have tried to help your front just ask him to communicate with us.
- BL states that there is a big hole with tape around it that is dangerous. People drove into this hole.
- JK states that TC needs to speak with BG.

**B5 208 Bay Ave, unpermitted dune clearing, property ownership discussion / Commission-Town Counsel**

- Tabled

**B6 193 Ocean St, unpermitted filling/coastal bank/separate ongoing removal activities/Kevin Tonsberg**

- BG described the circumstances. After multiple complaints, in early June 2019 BG along with JK and Town Administrator, Mike Maresco visited a Frank Terelecki (FT) a neighbor residing at 177 Ocean who was the subject of a large unpermitted fill (soil, sand and silt) over the guard rail separating the sidewalk from the coastal bank. While FT was removing the unpermitted fill, Kevin Tonsberg (KT) who resides at 193 Ocean dumped a 5-gallon bucket of green waste over the guard rail. FT documented this and contacted the police who sent a cruiser and filed a police report. BG contacted KT by phone and advised him that he would be issuing two \$300 citations for the unpermitted filling. KT requested an opportunity to speak to the Commission to resolve this.
- Kevin Tonsberg (KT), 193 Ocean Street presented his account of the events. What he did was wrong and he understands this. He was gardening and had 30 bags of weeds and green waste. He clipped

up his rose bushes and dumped the clippings over the guard rail. He knows he was wrong and FT approached him yelling and taking pictures. KT fine with FT response. KT collected the dumped clippings removing them from the coastal bank. JK states so they have been removed. KT affirms and confirms that it was a five-gallon bucket.

- BG recounts that KT told him on the phone by KT that everyone does it. BG responded that I am going to have to enforce on this. BG understands its green waste but the Commission has on-going restoration of the coastal bank underway for unpermitted filling while this new dumping is taking place.
- JK inquires about the status of the neighborhood awareness on this issue? KT is not sure. He has been sitting on the porch and observed neighbors dumping over the guard rail. JK asks if KT can help the Commission by making the neighbors not to dump over the guard rail because the Commission is going to enforce. JK asks KT to help make the neighbors aware that dumping over the guard rail is not permitted. JK notes that KT removed the dumped clippings and could become part of the solution. Based on this, JK does not see a need for enforcement on this so no citations will be issued. He inquires of the Commission their thoughts. BO sees this is a learning process. EG is good with this resolution. BG reiterates it's the unpermitted activity not the amount of the unpermitted activity.

#### **B7 308 Ocean Street, Minor Modifications to Plan / Moenes Elzeiny & Commission**

- BG explains owner would like to convert pervious driveway to paved driveway. He will provided additional plantings to augment the required plantings. He has been involved with Conservation recently with an Amended NOI for two concrete pads he constructed under the house footprint.
- BG recommends that the Commission accept the deviation as a Minor Deviation approved under the As-Built as part of the Request fir Certificate of Compliance process.
- The Commission assents.

#### **B8 108 Cross Street / RT. 139 Culvert (MassDOT) Update / Bill Grafton**

- BG provides an update. MOU signed with Bill Earley (BE), a critical element to the Rt 139 culvert berm removal project. BE has been an active contributor to the success of this project. Other neighbors have also cooperated. The coordination with MassDOT, MassDEP, Marshfield DPW, Engineering and Conservation and North and South Rivers Watershed Association has been tremendous, North. This project has taken a lot of effort to coordinate and will provide relieve to fish passage and flooding upstream. The work is scheduled for mid-August in advance of the Marshfield Fair.

#### **B9 830 Plain Street CR Gift / Bill Grafton**

- BG has spoken to Town Counsel (TC), Town Treasurer and Town Administrator about the Conservation Restriction associated with a small portion of the subject site. The land is comprised of 5.18 acres of upland. The CR was approved at ATM 2019 and Town Counsel advised that stewardship funds would be included. This is consistent with the Planning Board's permit.
- TC indicates that this stewardship fund can be co-mingled with any other similar conservation restrictions held by the Conservation Commission for the purpose of stewardship of those properties. Principle and interest should be available to Conservation to sustain the stewardship activities.
- Town Administrator requires that a majority vote of the Conservation Commission is required for the Conservation Department to utilize these funds.
- BO and JK asks if interest and principle is available to the Commission?
- BG read e-mails dated July 30, 2019 from the Town Treasurer and Town Counsel about the stewardship fund. The Commission discusses the CR gift and assents.

- JK motions to accept the CR gift associated with 830 Plain Street/conservation restriction as described in Town Counsel's and Town Treasurer's e-mail on July 30, 2019. PC second. Motion approved 5-0-0.

**ADJOURNMENT** – JK motions to close the hearing at 11:46 pm. EG second. Motion approved 5-0-0.

Respectfully submitted,  
Liz Anoja, Conservation Administrative Clerk  
Marshfield Conservation Commission

Bill Grafton, Conservation Administrator

Bert O'Donnell

James Kilcoyne

Art Lage

Frank Woodfall

Rick Carberry

Eric Goodwin