

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

**MEMBERS NOT PRESENT** – Frank Woodfall (FW), Rick Carberry (PC)

**CALL TO ORDER** JK motions to open the meeting at 7:00 pm. BO second. Approved 4-0-0.

**MINUTES** – None

**CHAIRMAN'S ADDRESS**

**2020 Meeting Schedule**

- BG comments that typically the Commission meets on the first and third Tuesdays of the month. He would like to keep this schedule, but notes that this often causes conflicts with town meetings, elections, and other events that cause a backlog of hearings. JK wonders if the Commission is scheduling meetings too far in advance, and should consider only doing so 3 months out; this might allow a better accounting for elections and other conflicts. BG notes that the first likely conflict is the annual town meeting; additional conflicts will likely emerge during the second half of the year.
- AL needs sufficient advance notice so he can plan for meetings; he thinks six months would be sufficient; BO and EG concur. BG will draft a meeting schedule for the first half of the year, to June 30th, and will check for holidays and other possible conflicts.
- JK notes that meetings often run past 10 pm and suggests starting at 6:30 rather than 7 pm. AL and EG could make the earlier start time. BO could start at 6:30 but wants to make sure this works with the other Commissioners' schedules. JK will check with Commissioners Woodfall and Carberry. No comments from the public were made.

**Mounce's Meadow Update / Land Use Guidelines**

- JK notes that the discussion at the November 26 meeting concerning an anonymous letter put in resident mailboxes regarding alleged plans to use prisoners on Conservation properties drew a large number of residents; he would like to reiterate that such claims were completely false, and there was never and are no such plans.
- JK advises that, as a result of the controversy, Town Administrator Mike Maresco and the Board of Selectmen asked him to create some usage guidelines for Conservation properties. BO notes that he just received and read the proposed guidelines; he would like to share them with the Agricultural Commission, as they have done a lot of work in this area; he would also like more time to review. JK would like to continue the discussion, noting that Administrator Maresco asked him to come up with the guidelines because the Conservation Commission controls the land in question, and the Ag Comm and other bodies do not operate independently. JK states that the suggestion he received from Town Administrator Maresco was for the Conservation to issue guidance to Agricultural Commission and other town committees/commissions as to the basic ground rules for use.
- BO notes that the land is under the control of Conservation and not the Town Administrator directly.
- BG feels there is an ongoing evolution of policy that will change the way some things have been done in the past. JK acknowledges BO's concerns and states he wants to work with all town entities.

- JK reads the preamble to his draft proposal, which notes that Town Administrator Maresco had asked him to put together recommendations for approach and guidance of use, with the objective to reinforce to all citizens, commissions, and committees that any proposal for any activity on Conservation-administered land shall first be proposed to the Commission for comment, so as to avoid the expenditure of applicant time and energy preparing a proposal for a non-permitted use of Conservation land that is approved in error by another committee/commission and then rejected by Conservation. A finalized presentation of the proposed activity shall be made to the Commission for a majority ratification prior to implementation.
- JK characterizes the guidelines as essentially requiring that those parties seeking to use Conservation land approach the Conservation Commission first for feedback. The proposed guidelines are as follows:
  - All proposed activities on Conservation-administered land shall initiate with an overview concept proposal to the Conservation Commission to determine if such activity is consistent with the majority view of the Commission; this ratification follows the further development of an activity concept but does not confer final approval, which requires a majority ratification vote.
  - Updates of activity concept shall occur on a regular basis, enabling the Commission to provide guidance.
  - Such use will comply with all Federal, State, and local bylaws.
  - Regarding RFP or agricultural license use in general, the general objectives to be employed in evaluating proposed agricultural use of Conservation lands are as follows:
    - To preserve the land as agricultural land for future generations
    - Preserve and enhance the quality of the soil for agricultural purposes
    - Preserve vistas of open fields
    - Preserve the open space, which provides special habitats for wildlife
    - Provide value and opportunity to the community, especially Marshfield residents; “value” is meant to include food for humans or animals, as well as possible in-kind remuneration services and educational events; “opportunity” is meant to include local food growth, including community-supported agriculture, educational events, and possible private farming operations
    - Licensing priority would be to a Marshfield resident, business owner, or local farmer; provide the greatest resident benefit of the licensing activity; minimize impact on the land in terms of intensity of disturbance
    - Evaluation criteria for agricultural uses are as follows:
      - Prior successful and proper use of the land by the farmer
      - Farmer is a Marshfield resident or associated with local activities
      - Will preserve soil quality and use soil-conservation practices including crop rotation and planting grasses in the Fall
      - Utilize best management plans for fertilizer/pesticide use
      - Preservation of natural vistas/habitat
      - No hindrance to public use of existing trails/areas
      - Minimal or no infrastructure such as roads, fences, buildings, etc.
      - Use of appropriate equipment for farming
      - Provide opportunity for more diverse agricultural use in town
      - Food grown for local consumption
      - Operations may provide educational opportunities
      - Applicant has a plan to return the land to its pre-existing state after expiration of license

- EG would like to know where the agricultural guidelines are coming from. JK indicates they came from area towns with significant conservation land in agricultural use. He researched the matter and found that most such towns have had use issues. These draft guidelines use what JK felt were some of the best guidelines utilized by area towns; he did not see big differences in town guidelines.
- EG asks BO if he anticipates Ag Comm or other entities having any issues? BO feels that the already approved plans for community gardens may conflict with the proposed guidelines. JK states that the farming guidelines only apply to licensed farmers. BO would like a chance to review the guidelines, before they are ratified, with some of the people that have been involved in farming and agricultural uses.
- JK clarifies that the guidelines, while favoring minimal impact, do not require no impact, and therefore allow for the possibility of putting in necessary agricultural structures such as wells, sheds, etc. The goal is to prevent overdevelopment of Conservation land.
- BO reiterates that he would prefer more time to vet the guidelines; JK duly notes the concern but states that the request to develop the guidelines had come from Town Counsel and Town Administrator, and would like a ratification vote. If the vote fails, the guidelines can be reviewed further. AL is not opposed to a vote, but would like some additional information as to the infrastructure piece (how much, how large, etc.). BG notes that ultimately the Commission has care and custody of Conservation land and therefore is the ultimate authorizing authority for all uses of conservation lands in town.
- *JK motions to accept the guidelines for general and agricultural land usage as proposed. AL second. Motion did not carry (2-2-0) Commissioners JK & AL having voted yes and Commissioners BO & EG having voted no.*
- EG comments that he voted no because he would like to give community members and others involved a chance to comment, noting that the Commission doesn't necessarily have to accommodate every such comment. BO will share the proposed guidelines with AG Comm. The matter will be revisited at the December 17<sup>th</sup> meeting.

## **BUSINESS**

### **B1 Tedeschi – 100 Marginal Street Flood Compliant Foundation Plan / Commissioners & Mark Tedeschi**

- Mark Tedeschi (MT), 100 Marginal present. While working with the Building Commissioner for final signoff on the project at his property, it was discovered that part of the property was in an AE flood zone, requiring that the proposed full basement be changed to a crawl space. BG feels the issue for the Commission is whether an amended NOI is required, or whether the changes can be captured in the As-Built plans.
- MT adds that the building footprint is not changing, and only the proposed basement is being removed. He feels the change will be beneficial from a Conservation standpoint, as the foundation will not be as deep. BG asks MT if he has an updated site plan from his engineer for the Commission's file; he does not, but offers the marked up paper plan in his possession for the file. BG comments on the need for major deviation and minor activity permits, when the regulations are rewritten, so applicants don't have to reappear unnecessarily.
- JK confirms with MT that the proposed structure is staying in the same footprint set forth on the site plan in the Commission's file, and the only change is that the basement depicted on the plan will actually be a crawl space. Commissioner consensus after further discussion is that the changes can be captured in the As-Built plans, without an amended NOI.
- JK moves to allow the change to the project at 100 Marginal, from full basement to crawl space, to be captured in the As-Built plans. AL second. Approved 4-0-0.

## **B2 Green Harbor Post-Fire Salt Marsh Restoration/Paul McManus/Ecotech & Andrew Pandolph/Vineyard Eng**

- Paul McManus (PM), Ecotec, and Andrew Pandolph (AP), Vineyard Engineering, present to discuss remediation measures for damage to a salt marsh resulting from a boat fire, on May 18, 2017, that released oil and diesel fuel into Green Harbor. MCP regulations state that any release of oil or hazardous materials into the environment has to be assessed and remediated such that there is no significant risk to health, safety, or welfare in the environment; such sites have to be managed by a Licensed Site Professional (LSP).
- AP shows a slideshow to all present of the original fire and restoration area. The boat that caught fire had 685 gallons of diesel fuel on board, the majority of which burned up in the fire. The remaining fuel migrated to the south and east, much of which settled along the finger docks and seawalls at Taylor Marine as well as the Town Pier and boat launch. An absorbent boom and containment boom were deployed to trap as much of the fuel as possible; additional absorbent materials were deployed along the Town Pier and Taylor Marine. The majority of the fuel was captured within several weeks, and the booms were removed around May 31. AP notes that they subsequently observed several areas of brown or dead spartina grass, west of Harbor Park. At this point, Ecotec was brought in to evaluate and replant these areas.
- PM states he found three areas of concern, where marsh grass had been killed. In the summer of 2018, they planted 500 two-inch plugs of spartina grass, with bamboo skewers to hold the plugs in place. PM shows additional photos of the original plantings and one year after, showing the grass to be fully grown in.
- BG notes that about 1000 sq ft of marsh grass was damaged originally, 500 sq ft of which regenerated naturally; these are the kinds of results he likes to see in a mitigation/restoration project, and he thanks PM and AP for their work to protect and restore the marsh.

## **PUBLIC HEARINGS**

- Prior to the start of the hearings, JK advises that the hearings for filings 19-37 (Recreation Trails Committee), 2814 (Smith & Sons), 2816 (Holbrook), 2825 (Curtis), 2829 Gomes, 2835 (Waterman Ave), 2841 (613 Careswell Realty Trust), and 2842 (Summer Street Realty Trust) are being continued.

## **19-44 Marshfield Recreation Department, 900 Ferry Street (Osprey Stand).....NEW (Eric)**

- JK reads the legal ad. Hearing Officer EG confirms administrative requirements are complete.
- Recreation Director Craig Jameson (CJ) presents. CJ states that BG, Assistant Rec Director Nancy Bowers (NB), and builders George Nerger (GN) and Rob Nerger (RN) walked a salt marsh on Recreation Department land to site an Osprey stand. Construction will involve digging an 18" diameter hole, transport construction materials including mounting pole, nest platform, perch, and braces to the site that will be assembled and installed to the stand using human labor. The hole will be filled with the spoils from excavation, and the base will be secured as needed. They have been contemplating this project for years, as there is a deck behind the Rec Dept building that overlooks the marsh.
- BG comments that the project was also cleared with the Historical Commission, as the upland portion of the property has historical value. The pole will be installed while the marsh is dormant, and the marsh should regenerate in the Spring. EG adds that no machines will be brought onto the marsh during installation.
- EG asks for comments from the public; none.

- BG advises that the standard conditions of approval including a special condition that installation take place between November and April 15, when the marsh is dormant, and that no mechanical wheeled or tracked equipment be utilized.
- EG motions to close and issue a DOA, Pos. #5, Neg. # 3, with special conditions drafted by BG. JK second. Approved 4-0-0.

**19-46 Ring, 19 Pearl Street (Replace Shed).....NEW (Arthur)**

- JK reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- AL states that the filing is an RDA to replace a shed. Applicant Joe Ring advises that he wants to replace an existing shed with a new one located higher off the ground.
- BG states that he visited the area during a storm and observed overtopping from Bay Ave making its way to the property. Given that there is an existing shed on the property, the structural footprint is not increasing, and the previous shed construction was present at the time Orders/SE42-0235 was approved and issued, BG feels this project can be permitted by an RDA.
- AL asks for comments from the public; none.
- AL motions to close and issue a DOA, Pos. #5, Neg. # 3, with special conditions drafted by BG. BO second. Approved 4-0-0.

**2818 Villandry, 23 Third Road (Addition).....cont from 9/10/19 (Arthur)**

- JK reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- John Zimmer (JZ), South River Environmental, presents for applicant, who would like to construct an addition to the rear of an existing residence. At previous hearings, questions were raised as to the resource areas within the site as well as requested plant modification. Additionally, there were outstanding issues with the Building Department with respect to the extent of the addition and proper elevation. Subsequent to the hearing, they provided a revised NOI narrative identifying resource areas as Barrier Beach, Coastal Dune, and LSCSF; a revised site plan was also submitted identifying resource areas and flood zone, and providing an impervious table. The house elevation was raised to above the flood elevation of 14. The open foundation underneath will be filled with sand, and flood vents installed within the foundation walls.
- BG comments that there are open Orders of Conditions attached to the property for replacement of an existing pool (SE42-1752). Additionally, BG has received a complaint from a resident regarding building permit violations and concerns about zoning; the zoning issues have been cleared up with ZBA. The Building Commissioner has indicated he was aware of violations and zoning issues associated with the property, but has reviewed the present filing and found it to be substantial. BG feels a soil analysis will be necessary in order to determine the resource area(s) on the property. BG also feels that additional encroachments may have happened since acceptance of the plan of record, so he would suggest special conditions requesting an As-Built plan, which could also be used to close out the existing Orders, as well as a letter from the owner confirming that he has read and understands the Orders of Conditions for this project.
- JK feels that the existing Orders have to be closed out; he also notes that the deck in the back seems larger than indicated on the site plan for that project, and wants to make sure this time that the applicant builds to the plan provided to the Commission. JZ believes the deck is going to be removed as part of this project.
- AL comments on the complexity of the issues associated with the property and would like BG to read the proposed conditions of approval into the record. BG notes that the standard conditions of approval will apply; special conditions will include submission of an as-built plan showing existing

conditions, a letter from the owner confirming he has read and understands the OOC, elevation certificate.

- AL asks for comments from the public; none.
- AL motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. EG second. Approved 4-0-0.

JK moves to recess the meeting at 8:02 p.m. EG second. Approved 4-0-0.

JK moves to reopen the meeting at 8:11 p.m. BO second. Approved 4-0-0.

**2798 VRT Corp., 0 Enterprise Dr. (Amend Driveway, Stormwater Basin & utilities).....NEW (Bert)**

- JK reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Terry McGovern (TM), Stenbeck & Taylor, present for applicant along with attorney Walter Sullivan. This is a continued hearing. They would like to amend an existing Orders of Conditions issued last May to relocate a proposed driveway from property that crossed an abutting parcel owned by Bay State Gas onto property fully owned by VRT. They had intended to obtain an access easement from Bay State Gas in order to keep the driveway out of the 75 ft no-structure zone. However, Bay State's conditions for granting the easement proved to be too onerous to construct the driveway in that location. In absence of the access easement, applicant would like to relocate the driveway entirely onto VRT's parcel. They are proposing a 12 ft width initially, but have designed it so that it can be widened without further grading, tree cutting, or clearing. They are legally required to show a roadway reservation on the site plan due to a Planning Board decision from the original approval of the subdivision; an excerpt of the decision has been provided for the file. TM indicates they are requesting a variance concerning setback requirements from the resource area, but they will stay outside the 25 ft setback and provide mitigation plantings per a plan prepared by Brad Holmes (BH), ECR. The proposed work area is primarily a dense grove of pine saplings, 20-30 feet high. Associated structures include a retaining wall, stormwater detention basin and forebay, and guard rail along the driveway; the size of the basin and forebay is same as what was approved previously. BH has proposed an extensive planting plan involving thinning out the white pine saplings and seeding with conservation and wildlife seed mix around the basin and forebay for greater diversity. They are also proposing to post about a dozen conservation markers starting at the edge of the power line easement, under the retaining, and along the outside of the basin.
- BO asks BG if the wetland delineations have changed from last spring; BG indicates they have not changed and are locked in from the original filing. BO asks if the modifications encompass the area that was disturbed when the work initially began improperly. BG states the retaining wall may go closer inside the buffer since only a 25 ft setback is being maintained. Since the amended plan does move the driveway closer to the wetland, he feels the Commission should consider whether the proposed mitigation plantings sufficiently offset the resulting disturbance.
- JK asks TM if the "edge of clearing" referenced on page 2 of the site plan is the edge of clearing previously approved; TM indicates this refers to what currently exists on the ground. This was done when work first started, and BG asked him to add it to the plan. JK and TM review the new proposed driveway location and planting area in relation to the proposed conservation markers.
- BG notes that there is currently a deeded right of way that passes through the wetlands; this will have to be addressed by the party that ultimately uses the right of way. He feels that, under Ch. 505-3 of the Town bylaws, the Commission could condition that the tree line accepted in the original OOC not be cut without approval; this would require the owner of an adjacent lot to file a NOI even if they propose a project that stays outside the 100 ft buffer.

- BO asks WS why the easement referenced in the original NOI could not be arranged? WS indicates that Bay State Gas had initially indicated they would be willing to grant them an easement, so their original NOI filing was based on the assumption that this easement would go forward. However, the easement Bay State was willing to grant would apply to VRT only and not to adjacent lot owner, Tim Connor, as legally required by the 2004 definitive subdivision approval from the Planning Board. It therefore became necessary for them to change the driveway location. BO and TM review the location of the wetland in relation to the lot.
- BO asks BG if Planning has reviewed this plan? BG did not bring the plan to Planning, but TM met with them to discuss the roadway. The new plan was reviewed by Town Engineer Rod Procaccino, who had no major comments. TM confirms that he met with Town Planner Greg Guimond (GG) twice regarding possible relocation of the right of way. BO would like to receive confirmation from Planning regarding these discussions before the project is approved. BO would also like to know if the Commission is obligating itself to approve a roadway if it approves this amended NOI. JK notes that the construction of such a roadway would itself require a NOI, the approval of which could be conditioned on additional mitigation.
- JK asks about the proposed white pine thinning in the planting plan? BG indicates this was his suggestion, to allow more sunlight to reach the area and for greater biodiversity. The thinning suggested would apply to branches rather than trunks, and might better be thought of as pruning. TM is willing to change the wording in the narrative to “pruning.” BG is willing to work further with BH on the revised planting plan.
- After further discussion, the matter is continued pending the receipt of additional information from Planning, edits to the planting plan specifying number of plants and pruning rather than thinning of trees, and a summary/table setting forth disturbance and total mitigation.
- Robert English (RE), 216 Spring St., asks if there is a town well in the area of the property, and asks how water will be supplied to all the business and residences in that area. TM indicates the nearest town wells are the Chandler Pond wells, about a mile southeast, and the Furnace Brook well, near the High School. There are no municipal wells in Enterprise Park itself.
- BO motions to continue the hearing to the next public meeting of the Marshfield Conservation Commission on December 17<sup>th</sup> pending a revised planting plan and comments from Town Planner. AL second. Approved 4-0-0.

**2844 Madden, 18 Roosevelt Road (Foundation Repair).....NEW (Arthur)**

- JK reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- John Zimmer, South River Environmental, presents for applicant. The subject filing is a NOI for a foundation repair, given the structure’s location in LSCSF, Barrier Beach, and Coastal Dune. The foundation on the righthand side of the house is failing and needs to be repaired. They would like to demolish the existing foundation and install a new one with concrete block piers, infilling the space between the piers with new concrete blocks. They will add four smart vent panels in the event of flooding.
- AL visited the property and had no issues.
- BG would like to know if the foundation floor will be or remain pervious. JZ indicates the foundation floor is open and will remain pervious. BG notes that site plan only shows two flood vents. He would like to receive an updated plan, showing the four vents; JZ will provide. He believes the builders were going to use two of the existing windows on the left hand side as flood vents.
- BG would like a special condition requiring that the subsurface remain pervious given the site’s location in Barrier Beach and Coastal Dune. JZ would like to avoid having such a condition going

forward in perpetuity. BG would propose this as an ongoing condition, requiring a future owner to reappear before the Commission to put in a concrete slab, which in turn gives the Commission some degree of control over the addition of impervious surface to resource areas. BO notes that requiring the inclusion of an impervious table with As-Built plans is another way to monitor; BG concurs but notes this is often not provided; he would like to see this as a requirement going forward.

- AL asks for comments from the public; none.
- AL motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. BO second. Approved 4-0-0.

**2843 O'Conner / Seacoast Builders, 211 Spring Street (Raze & Rebuild SFH).....NEW (Eric)**

- JK reads the legal ad. Hearing Officer EG confirms administrative requirements are complete.
- Gary James (GJ), James Engineering, presents for applicant. The filing is for the demolition and rebuild of an existing SFH. There are three buildings currently on the lot, including a SFH, shed, and freestanding garage. Nearby wetlands have been flagged. An IVW was located on the property that meets the Town Wetland Regulations but not the state criteria. Under the existing conditions, two buildings are inside the 75 ft buffer and one is in the 50 ft no-disturb zone. The new SFH will be set back 77 ft from the wetland, outside both buffers. BG adds that the retaining wall is also inside the 50 ft buffer, and this is the closest remaining structure.
- GJ states that the project will result in a net reduction in overall square footage of the footprint, as they are not rebuilding all three structures at this time, but they are proposing to pave the existing gravel driveway. JK comments that it seems they are going from 2251 to 3600 sq ft impervious surface. GJ confirms but states this is a result of paving the driveway.
- EG asks if there will be any construction in the area of the wall by the 50 ft buffer; GJ indicates that the only proposed activity is the removal of invasive knotweed. EG found the jurisdictional assessment prepared by applicant's wetland scientist to be very useful, and it confirms that the IVW on site does not meet the state criteria, but the area in question is extensive and meets the Town Wetland Regulations criteria for an IVW.
- In response to a query from JK, the new house and garage are both outside the 75 ft buffer. JK asks if they would consider reducing the amount of impervious surface for the driveway, noting that they are proposing about a 40% increase in impervious coverage. GJ is willing to put in a small area catch basin with a drywell to address stormwater concerns; he adds that all of the runoff associated with the driveway currently goes into and is treated by the municipal system.
- BO would like to know the location of the existing septic system; GJ indicates they have been unable to locate it so far. He believes it's between the garage and the house. BO asks if there is any existing lawn in back of the house; EG indicates there is, but it's very overgrown.
- BG asks GJ if they contemplate any herbicide treatments for the knotweed on the lot. So far, they have been trying to remove it by hand. BG suggests special conditions requiring conservation markers to be placed along the 50 ft no-disturb setback, as well as no ongoing lawn mowing beyond the 50. He does want applicant to be able to cut and remove the invasives. JK and AL agree that markers along the 50 make sense.
- EG asks if the Commissioners are OK with the driveway as proposed. JK would like to see less impervious surface and asks if they could have a pervious driveway; EG is also concerned about the increase in impervious coverage. GJ is willing to come up with a pervious alternative; BG asks that GJ provide an updated site plan with cross-sectional details by Friday of this week; the plan should also show placement of conservation markers every 50 ft along the 50 ft setback.



- After a discussion of whether to also request a planting plan, all parties agree on a special condition allowing applicant to remove the invasives and replace with native plantings of their choice; GJ will inform the landscaper.
- After further discussion, the NOI is approved with the standard conditions of approval plus special conditions requiring a pervious driveway, conservation markers every 50 ft along the 50 ft setback, and receipt of an updated site plan showing details as to same; applicant is allowed to remove invasive species and replace with native plantings of their choice.
- Crystal English (CE), 216 Spring Street, is pleased that the property is being rehabilitated.
- EG motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 4-0-0.

JK moves to recess the meeting at 9:17 p.m. EG second. Approved 4-0-0.

JK moves to reopen the meeting at 9:22 p.m. BO second. Approved 4-0-0.

**2841 613 Careswell Street Realty Trust, 613 Careswell Street (ATF Fence & Veg Removal).....NEW (Bert)**

- JK makes a motion to continue the hearing to the next public meeting of the Marshfield Conservation Commission on December 17, 2019. BO second. Approved 4-0-0.

**19-37 Recreation Trails Comm., Ocean St to Station St (Bridle Path-Rail Trail Improvement).....NEW (Jim)**

- JK makes a motion to continue the hearing to the next public meeting of the Marshfield Conservation Commission on December 17, 2019. BO second. Approved 4-0-0.

**2842 Summer Street Realty Trust / Julie Tweed, 922 Summer Street (Pier, Ramp & Float).....NEW (Rick)**

- JK reads the legal ad and advises that the matter is being continued.
- JK makes a motion to continue the hearing to the next public meeting of the Marshfield Conservation Commission on December 17, 2019. AL second. Approved 4-0-0.

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

- JK makes a motion to continue the hearing to the next public meeting of the Marshfield Conservation Commission on December 17, 2019. AL second. Approved 4-0-0.

**2835 Waterman Ave Private Rd Association, 49 & 54 Waterman Ave (Fence).....cont from 11/5/19 (Jim)**

- JK makes a motion to continue the hearing to the next public meeting of the Marshfield Conservation Commission on January 21, 2020. EG second. Approved 4-0-0.

**2829 Gomes, 76 Carolyn Circle (Pier, Dock & Float).....cont from 10/15/19 (Rick)**

- JK makes a motion to continue the hearing to the next public meeting of the Marshfield Conservation Commission on December 17, 2019. AL second. Approved 4-0-0.

**2825 Curtis, 3 Cove Creek Lane (Dock Repair).....cont from 10/1/19 (Rick)**

- JK makes a motion to continue the hearing to the next public meeting of the Marshfield Conservation Commission on December 17, 2019. EG second. Approved 4-0-0.

**2816 Holbrook, 26 Cove Street (Revetment Repair).....cont from 7/30/19 (Jim)**

- JK makes a motion to continue the hearing to the next public meeting of the Marshfield Conservation Commission on December 17, 2019. BO second. Approved 4-0-0.

## **REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS**

### **0231 Lotti (Kelsey), 158 Foster Ave [COC]**

- JK motions to issue a COC for the property. EG second. Approved 4-0-0.

### **2765 Loughheed, 470 Ocean Street [COC]**

- JK motions to issue a Completion COC for the property. EG second. Approved 4-0-0.

### **2764 Duggan, 476 Ocean Street [COC]**

- JK motions to issue a Completion COC for the property. BO second. Approved 4-0-0.

### **2652 Elzeiny, 308 Ocean Street [COC]**

- JK motions to issue a COC with On-going Conditions for the property as follows: Ensure the plantings associated with the As-Built dated September 25, 2019 prepared by Webby Engineering Associates, Inc. signed and stamped by Joseph Webby, Jr. PLS remains healthy and robust. AL second. Approved 4-0-0.

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### **2693 Banks, 89 Bourne Park Avenue [COC]**

- BG advises that he observed incomplete special conditions and recommended that the request be tabled.

### **2749 McGowan, 18 Paddock Way [COC]**

- BG advises that he observed incomplete special conditions and recommended that the request be tabled.

### **2579 Dalton, 1735 Main Street [COC]**

- BG advises that he observed incomplete special conditions and recommended that the request be tabled.

### **2623 Junior (Now Dans), 0 Cohasset Ave (Now 91 Cohasset Ave) [COC]**

- BG advises that he observed incomplete special conditions and recommended that the request be tabled.

### **2685 Devinentis Trust (NoW Milton Corp. / Solimando), 1180 Ferry Street [COC]**

- BG advises that he observed incomplete special conditions and recommended that the request be tabled.

## **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

Stifter, 102 Bartlett's Island (unpermitted revetment wall)

## **BUSINESS (Continued)**

### **B3 74B/76A Marginal/ Unpermitted Fill / Commissioners & Paul Armstrong**

- Paul Armstrong (PA) did not appear due to health reasons. BG has been in touch with PA and had asked him to provide elevation and ground surface data, as well as information about the stone revetment.
- AL visited the property twice, and it is clear to him that a large quantity of fill has gone in. He also feels the building on the property is larger than the original footprint, and has been told that there was spraying in the marsh on two different occasions; he would like additional information on both matters.
- JK has also visited the property and feels the elevation is clearly higher than it was before work started.
- BG adds that stone revetment was added that should be removed; he would like all Commissioners to visit the property and provide their comments. BG notes that PA claims the stones were recovered during excavation of the property, but AL notes that the stones are flat and feels they were not native stones for that area.
- BG will follow up with PA, requesting additional information on the issues raised; JK is willing to consider enforcement if no response is received by the next meeting.

### **B4 1210 South River Street/mitigation planting report / Bill Grafton**

- BG notes that a planting plan is in place for the property requiring ongoing monitoring. A recent monitoring report from Brooke Monroe, Pinebrook Consulting, indicates that the landscapers have modified the approved plan, moving the plantings away from the approved location near the wetland, into a portion of the septic field. BG feels that the deviation is a significant departure, and would like to send the property owners correspondence instructing them to make the approved plantings near the wetland.
- JK feels the correspondence is warranted; otherwise, there is no point to requiring and approving planting plans. All Commissioners concur. BG to send correspondence.

### **B5 116 Island Street / Permit Guidance-historic depression / Patrick Kennedy**

- Patrick Kennedy (PK) present. He purchased the subject property as a foreclosure. Upon inspection, he noted a depression in the backyard from an unpermitted pool. The area is within Conservation jurisdiction due to the presence of LSCSF and buffer to a wetland in back of the house. He would like to fill the depression, which would require 363-365 cubic feet of fill, as it fills up with water, which then drains into his basement, overwhelming his sump pump. He has communicated these issues with BG as well as Building Commissioner Folkard, Town Administrator Maresco, and the Board of Health Director Vallery. He would like the work to be permitted under an RDA, rather than a NOI, or receive an Emergency Certificate for the work, as he would like to proceed as soon as possible. PK indicates to JK that he has removed the old liner, and the area is starting to fill in with phragmites.
- BG indicates that PK reached out to him in May; at that time, he indicated that a NOI was needed because he was in a flood zone and believed he was within 100 ft of a salt marsh based on information from the state GIS. He suggested that PK consult with a qualified wetland scientist, which he did. BG feels the proposed work requires a NOI, and is concerned that allowing this project to be permitted with an RDA would set an improper precedent.
- AL questions why applicant didn't seek permitting earlier. BG adds that an emergency certificate applies to strictly temporary repairs; otherwise, the proposed work requires a NOI due to the

property's location in LSCSF; BG indicates the property is also probably within the setback to the salt marsh.

- JK feels that given the property's location in several conservation jurisdictions (resource areas/buffers), the project will require an NOI. He acknowledges the additional financial cost but notes that the Commission cannot change what the regulations are. AL agrees that a NOI is clearly required and notes the risk of setting an improper message.
- PK asks what excludes this project from consideration as an Emergency Certificate. BO is familiar with the water tables in the area, and feels that the basement flooding issues will persist even after the depression is filled. BG adds that the land in the area tends to be spongy and peat.
- JK polls the Commissioners as to whether a NOI is required: AL yes; BO yes; EG yes; JK yes.
- PK would like to know if the work could be done and then an after-the-fact NOI filed. BG notes that under the regs, this would double the filing fees. BG notes that NOIs are often permitted at one hearing, and suggests that PK shop around with multiple engineering firms for the best price, and notes that he need not stick to the list of firms suggested by the Conservation Office. JK thanks PK for proactively reaching out.

**ADJOURNMENT** – BO makes a motion to close the hearing. AL second. Approved 4-0-0.

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

Bill Grafton, Conservation Administrator	
James Kilcoyne, Chair	Bert O'Donnell, Vice Chair
Art Lage	Frank Woodfall
Eric Goodwin	Rick Carberry