

**MEMBERS PRESENT** – Bert O'Donnell (BO) Chair, Arthur Lage (AL), Frank Woodfall (FW), Rick Carberry (PC), Craig Hanafin (CH), and Bill Grafton, Conservation Administrator (BG)

**MEMBERS NOT PRESENT** – James Kilcoyne (JK)

### **MINUTES**

- The minutes of the November 5, December 3, and December 17 meetings were presented for approval. No suggested changes were received for the December 3 minutes; changes were received in advance for the November 5 and December 17 minutes; no changes were made on the floor.
- BO motions to accept the November 5 minutes as edited. PC second. Approved 4-0-1, CH having abstained.
- BO motions to accept the December 3, 2019 minutes as written. PC second. Approved 4-0-1, CH having abstained.
- BO motions to accept the December 17, 2019 minutes as edited. PC second. Approved 4-0-1, CH having abstained.

### **CHAIRMAN'S ADDRESS TBD**

- BO welcomes new Commissioner Craig Hanafin.
- BO notes that the Commission had been discussing starting meetings at 6:30 due to the number of RDAs and NOIs and subsequent length, and polls the Commission as to whether to change the start time: FW yes but sometimes may be late; PC yes; AL yes; CH yes; BO yes. BG believes that JK is also in favor of the 6:30 start. He will inquire with Town Counsel and Selectmen's Office as to whether the start time can be changed. MCTV is okay with a 6:30 start.

### **PUBLIC HEARINGS**

#### **On / After**

- Prior to the start of the hearings, BO advises that the hearings for 2850 (Tedeschi), 2841 (613 Careswell RT), 2816 (Holbrook), 2835 (Waterman Ave), 2842 (Summer Street Realty Trust), 2847 (Deprossino), 2829 (Gomes), and 2825 (Curtis) are being continued. BO notes that the continuations are also posted outside the meeting room.

#### **19-47 Robblee, 56 Weston Farm Path (Replace Deck).....NEW (Art)**

- BO reads the legal ad. Hearing Officer AL confirms administrative requirements are complete, and comments that the proposed work is straightforward, but there is a previous deck that was unpermitted.
- Rick Servant (RS), Stenbeck & Taylor, presents for applicant. The proposed activity is to replace the existing deck; in doing so, they would like to square off one corner; the rest of the deck will be built in the existing footprint. Wetlands on the site were delineated by Pinebrook Consulting.
- AL has no issue with the deck replacement as proposed, but would like the Commission to come up with a uniform policy for handling unpermitted structures that will make it easier for all parties.
- In response to a query from BO, BG indicates he has no issue with the wetlands delineation. He visited the property yesterday, and noted some large trees in the back, within the 100 ft buffer, that had been cut without a conservation permit. He also observed damaged vegetation beyond the

wetland flags and some green waste near flags 7 and 8. Flag 4 is missing, possibly due to the use of leaf blowers in the area. With respect to the previously unpermitted deck, BG heard from Terry McGovern (TM), Stenbeck & Taylor, that when the home was originally permitted and built, specific deck footprints were not required to be shown on the As-Built plans. BG feels the Commission's options include approving the RDA or approving the RDA with an updated site plan showing the placement of the markers, or requiring a NOI and/or the placement of conservation markers.

- AL agrees with BG's suggestion regarding conservation markers and possibly plantings as mitigation for the trees removed. RS views photos BG took on his site visit, and agrees with AL that it looks like the trees were recently cut.
- BG also notes that the Commission could approve the project but have the permit held at the Conservation Office until the updated site plan is received. Since RDA approvals are not recorded on the property deed as OOCs are, BG has less leverage in ensuring the markers are installed in a timely manner. FW suggests, as an alternative to requiring a new plan, that the project simply be approved with a special condition requiring the installation of five markers, with locations staked in the field and approved by BG. BG would prefer that the markers be shown on the plan of record for future reference to ensure continuity on the Determination of Applicability and approved Site Plan.
- In response to a query from BO, BG confirms that there are OOCs recorded on the deed to the property under previous filing SE42-0457. There is no Certificate of Compliance issued to date so there are two liens currently on the property.
- BO feels that the markers are sufficient mitigation for the unpermitted cutting and they should be placed now, while RS is involved with the property. RS indicates that updating the plan to include the markers would be a relatively simple task, but FW feels that requiring a new plan would be an unnecessary extra cost, and that the markers would be sufficiently documented by the special conditions.
- AL asks for comments from the public; none.
- BG polls the Commissioners as to whether to require an updated site plan: FW no; PC no; AL yes; CH yes; BO yes, the markers are mitigation for the tree cutting and should be part of the record on the approved site plan. After further discussion, the project is approved with special conditions requiring the placement of five markers, locations to be determined in the field, and receipt of an updated site plan showing their location.
- AL motions to issue a DOA, Pos. #5 for the Bylaw, Neg. #5 for the exemption, Neg. # 3, with special conditions drafted by BG. PC second. Approved 5-0-0.

**2848 Colton, 46 Macomber's Ridge (Addition).....NEW (Frank)**

- BO reads the legal ad. Hearing Officer FW confirms administrative requirements are complete.
- Greg Morse (GM), Morse Engineering, presents for applicant. The filing is a NOI to allow a 24' by 20' addition to an existing house. Resource areas were delineated by John Zimmer, South River Environmental, and include salt marsh to the front and back of the house. The addition would be constructed off the rear of the house, in existing lawn area about 75.5 ft from the resource area and outside the flood plain. No grading is proposed, and erosion control is proposed around the limit of work. They are also proposing to install three conservation markers on posts at the 25 ft setback to the easterly marsh.
- FW had envisaged four markers but is okay with three as proposed. He would like to know if markers could also be placed at the setback to the westerly marsh, across the street, as there appears to have been some cutting there. GM indicates that this area, which is a separate parcel, is the location of the septic system and leaching field for the house. He is willing to put in some markers along westerly the

25 ft setback as well. BG agrees that the additional markers would be a good idea; he would also like cutting to cease around the leaching field area.

- PC asks if both existing sheds will be razed; GM indicates that just the shed in the footprint of the addition will be razed.
- FW asks for comments from the public; none.
- BG indicates that the standard conditions of approval apply, as well as special conditions requiring the placement of three conservation markers along the 25 ft buffer to the westerly salt marsh and three markers along the 25 ft buffer to the easterly salt marsh, as well as submission of an updated site plan showing the location of the markers.
- FW feels that requiring an updated site plan constitutes a duplication of effort, since the marker locations are already documented in the OOC that will be attached to the deed. BG replies that site plans sometimes get separated from the Orders, and markers don't get installed as a result. BG feels that submission of the updated site plan constitutes mitigation for work in the buffer zone, can avoid future disputes, and is not an expensive change. FW notes that the bylaw does not require the submission of revised site plans, and feels that uninstalled markers can be noted and dealt with when applicants file for a COC. BG agrees, but feels that it is ultimately more effective to have the marker locations set forth on the approved plan of record so it can be referenced in the Orders of Conditions (State and Town). AL notes that the Commission has had this discussion previously and feels markers and other fixtures need to be on the plans.
- BO polls the Commission on whether to require an updated site plan showing location of the markers: FW no; PC yes; AL yes; CH yes; BO yes, easy for GM to add now and avoids questions in the future.
- FW motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. BO second. Approved 5-0-0.

**2847 Deprossino 556 Holly Road (Lot 8) (New SFH).....NEW (Bert)**

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on January 21, 2020.

**2850 Jan M. Tedeschi Trust, 100 Marginal Street (Pier, Ramp & Float).....NEW (Rick)**

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on January 21, 2020.
- BO motions to continue the hearing to January 21, 2020. PC second. Approved 5-0-0.

**2841 613 Careswell St. R.T., 613 Careswell St. (ATF Fence & Veg Removal).....cont from 11/26/19 (Bert)**

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on January 21, 2020.
- BO motions to continue the hearing to January 21, 2020. AL second. Approved 5-0-0.

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

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on January 21, 2020.
- BO motions to continue the hearing to January 21, 2020. FW second. Approved 5-0-0.

**2842 Summer St. R.T. / Julie Tweed, 922 Summer St. (Pier, Ramp & Float).....cont from 12/03/19 (Rick)**

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on January 21, 2020, at written request of applicant's representative.
- BO motions to continue the hearing to January 21, 2020. PC second. Approved 5-0-0.

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

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on January 21, 2020, to accommodate objector's counsel.
- BO motions to continue the hearing to January 21, 2020. AL second. Approved 5-0-0.

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

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on January 21, 2020.
- BO motions to continue the hearing to January 21, 2020. FW second. Approved 5-0-0.

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

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on January 21, 2020.
- BO motions to continue the hearing to January 21, 2020. PC second. Approved 5-0-0.

**REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS**

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

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

**2789 Flashner, 206 Carolyn Circle [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**

**B1 36 Jayna Way, Modifications within Buffer Zone – Amended vs. As-Built / Rick Amand**

- Property owner Rick Amand (RA) present. He received an OOC for work on the property in the Fall of 2019 but, after discussions with his architect, would like to make the proposed garage two feet wider and move it slightly to the east, into the 75 to 100 ft buffer. He would also like to add a swing set to existing lawn in the 25 ft buffer; this will sit on the grass and will not require digging.
- BO asks whether the swing set will extend beyond the conservation markers on the property. FW reviews the updated site plan, notes that just two legs of the swing set are inside the 25 ft buffer, and indicates he has no issues. BG feels the changes to be relatively minor, noting for the record that the swing set is a temporary structure. If the structure were permanent, the Commission would typically require an additional permit.

- BO motions to allow the proposed changes to SE42/2836 to be captured on the As-Built plan. PC second. Approved 5-0-0.

The Commissioners and BG briefly discuss upcoming hearings. Waterman Avenue is scheduled for the next meeting, and BG anticipates Holbrook will be heard soon. There are technical challenges associated with Gomes and Tedeschi so continuations are expected. BG provides CH a list of hearings from which she will have to recuse, and will prepare a similar list for FW.

BG notes that there are many hearings scheduled for January 21, as well as two possible business items, one of which could be lengthy. He will consult with Commissioner JK as to how many business items to schedule. FW would like to avoid putting off too many discussions, but AL would like to avoid having to deliberate lengthy business items at the end of meetings. BG feels that starting at 6:30 may give the Commission an opportunity to address most business items prior to the start of the public hearings at 7; this is done in other towns. Another option may be to set a half hour limit to business items, and continue discussions as needed.

**ADJOURNMENT** – BO makes a motion to close the hearing at 7:49 PM. FW second. Approved 5-0-0.

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
Craig Hannafin	Rick Carberry