

TUESDAY, JUNE 16, 2020 6:30 P.M., ZOOM VIDEO CONFERENCE (HELD REMOTELY)

MARSHFIELD TOWN HALL, 870 MORaine STREET, MARSHFIELD, MA

MEMBERS PRESENT – James Kilcoyne (JK) Chair, Bert O'Donnell (BO) Vice Chair, Arthur Lage (AL), Joe Ring (JR), Rick Carberry (PC), Craig Hannafin (CH), Bill Grafton, Conservation Administrator (BG)

MEMBERS NOT PRESENT – None

CALL TO ORDER – JK motions to open the meeting at 6:30 PM. BO second. Approved 6-0-0 by roll call: AL yes, CH yes, JR yes, PC yes, BO yes, JK yes.

MINUTES

- The minutes of the May 26 and June 2 meetings were presented for approval. No corrections were received by e-mail and none were received on the floor.
- JK motions to approve the minutes of May 26 and June 2, 2020 as written. JR second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

CHAIRMAN'S ADDRESS

- JK notes for the record that meetings will be held remotely until further notice as per the Governor's Emergency Executive Order of March 12, 2020, suspending certain provisions of the Open Meeting Law. All votes will be taken by roll call. Commissioners or residents not speaking should mute their audio. The "time budget" for public hearings is 5 minutes for applicant presentation, 1 minutes for BG comments, 10 minutes for Commissioner questions, public comment, and vote.

BUSINESS

B1 70 Little's Lane (SE42-2494)/(discussion about relocating mitigation area)/ Brad White

- Realtor Brad White (BW) present to discuss a request to relocate a previously approved mitigation planting area. BW notes that the property is currently under agreement and ready to close. Prospective buyer Joe McDonough (JM) would like to shift the mitigation area's location 25 feet north so he can farm and manage the property easier. BG has advised that this would move part of the planting area into a resource area, and asked in exchange that nine native wetland plants be added to the plantings to meet the Ch. 505 regulations and conservation markers be posted at the 50-foot setback along both wetlands. Buyer has agreed to both, and project engineer Bob Crawford (BC) has updated the site plan to show the marker locations.
- BW also notes there are four large dead trees abutting the cottage that JM would like to remove; BW has noted their location on the site plan. JM would like to remove these trees to allow for sunlight penetration; at BG's request, they are willing to leave the stumps. Additionally, they would like to remove the winterberry and chokeberry from the original planting plan with high-bush blueberry, sweet pepperbush, spice bush, and gray-stem dogwood, as buyers does not want their small children consuming non-edible berries. BW has also provided a statement from Brooke Monroe (BM), Pinebrook Consulting, confirming that the new proposed plantings will thrive in wetlands.
- JK asks BW when the updated site plan was sent to the Commission? BW indicates it was sent late this afternoon.
- BO asks for more specifics about the location of the trees to be removed; BW indicates they are located in the area between the mitigation area and an existing cottage. The trees are 25-30 ft apart. BO would like to know whether the trees are more than 50 ft off the wetland line. BG states he is unsure, as he just learned of this request now and received the updated plan at 4:48 this afternoon.

- JK advises BW that the submission deadline for public hearings is 12 noon the Tuesday prior to the meeting; there is a little more leeway with business items, but the Commissioners need more lead time than two hours before a meeting to review documents. JK polls the Commissioners on how to proceed: AL continue; CH continue; PC willing to continue, but willing to consider request now if tree location known; JR continue, looks like issues have been addressed but doesn't like to do things at the last minute; BO prefer to continue but aware a closing is contingent. The trees are dead; BO would just like to know where they are in relation to the wetland line.
- JK suggests that the tree request be tabled and the Commission address buyer's original request to move the planting area in exchange for additional plants and conservation markers, and the request to change some of the species. BO is okay with the change in species, as it will help the new owners be onboard with the plan; the increase in plantings and markers make the change in location acceptable and a gain for the Commission. JR concurs with BO but would like to know if the planting area has changed in other ways; BG notes that BC did not specify the dimensions of the new planting area, but it appears that the square footage has decreased somewhat, although now there will be additional plants. BW states that the planting area has not decreased but in fact has increased, but BG states that the area set forth on the plan appears to be smaller. JK suggests that a condition of approval be added specifying that the square footage of the planting area not be reduced; BW is agreeable to this condition. PC is okay with the move of the planting area, change in species, and addition of the plants. CH concurs based on the addition of markers. AL is fine with the species change but would like more clarification on whether or not the planting area square footage has been decreased.
- JK comments that the Commission appears to be okay with the request to shift the planting area location and species change, but would like more time to consider the tree removal request, and would like to verify the square footage of the planting area.
- JM has no issue with placing conservation markers and thinks he can have them posted by Friday. He is also willing to provide whatever information is needed with respect to the tree removal and sequencing of work. He would like to start planting on the property soon given the timing of the planting season, and is not looking to decrease the size of the mitigation area.
- JM would also like Commission feedback on an existing path to a dock shared with the abutting property owner; they are not looking to make any changes to the pathway at this time, but wanted to ensure the Commission had no concerns as to its existence. JK has no issues if the path is pre-existing and they are not looking to make improvements.
- All parties discuss the timing of various components of the proposal. JM indicates that the delay to the next meeting, on July 7, does somewhat create a hardship as they are trying to move ahead with construction and particularly plantings, as July may not be an ideal time for planting. JM believes three of the four trees are at least 50 ft away from the wetlands, but one may be closer. BG feels a fall deadline for the mitigation plantings is acceptable, but would like to see the markers posted as soon as possible. JK agrees that the window for spring planting may have passed and is willing for the mitigation plantings to be done in the fall.
- JK polls the Commissioners on whether to continue the matter or approve with conditions. AL continue; CH continue, planting won't be until fall anyway; PC approve tonight if possible; JR approve tonight if possible; BO approve tonight with proper conditions; JK approve with conditions.
- Based on the results of the poll, BG suggests that the Commission allow a DeMinimis Deviation on the order of conditions for SE42-2494 with the following conditions: wetland plantings depicted in the revised plan doubled to 18; provide revised site plan to Conservation Administrator by 12 noon, June 29; depict any dead trees permitted to be cut on the updated site plan; posting of conservation markers along the 50 ft buffer to both wetlands; depict 25, 50, 75 and 100 ft setback to both wetlands on the updated site plan; mitigation plantings increased to 44.

- BW wants to make sure the markers do not preclude the McDonoughs from using the existing path to the river; JK reiterates that the path is existing and usable. JM believes he can work with the conditions stated; BG notes that the purpose of the conditions is to allow the closing to proceed while achieving Commission objectives.
- JK motions to approve the DeMinimis Deviation to the Order Of Conditions for SE42-2494 with mitigation plantings to be done by the fall and conditions of approval as drafted by BG. JR second. Approved 5-0-1 by Roll Call Vote: BO=yes, PC=yes, JR=yes, AL abstain, CH=yes, JK=yes.
- After the vote, JK comments to the public on the importance of filing information with the Commission in advance.

B2 18 Naomi Street (SE42-2806)/DeMinimis Deviation / Michael Biviano

- Applicant representative Michael Biviano (MB) present to request a change to an already approved plan with respect to a new front exit and steps; he has provided an updated site plan. The change does not move any structures closer to the wetlands.
- BG notes that applicant was well prepared and came to him proactively. He has no issues with the change.
- JK motions to approve the DeMinimis Deviation to the Order Of Conditions for SE42-2806, with changes to be captured on the As-Built plans during the request for COC. CH second. Approved 6-0-0 by Roll Call Vote: BO=yes, PC=yes, JR=yes, AL yes, CH=yes, JK=yes.

B3 21 Tenth St/DeMinimis Activity (deck replacement and expansion-AO flood zone) / Marlene Howard

- Applicants Jeff Howard (JH), 237 Zain Circle, Milford, MA and Marlene Howard (MH), 21 Tenth, Marshfield, MA present; they are looking to replace an existing 200 sq ft ground-level deck behind 21 Tenth St, and expand it about 5.5 feet towards the back property line, adding 85 sq ft to the deck area and leaving 18.8 feet to the line. There is no change to the side deck setbacks. The new deck will be secured on diamond piers.
- JK asks for comments from Commissioners; none. BO notes that small projects within the AO flood zone are often eligible for quick approval as a DeMinimis Activity if applicants proactively contact the Conservation Office.
- JK motions to approve the DeMinimis Activity, to be captured on the building permit sign-off. BO second. Approved 6-0-0 by Roll Call Vote: BO=yes, PC=yes, JR=yes, AL yes, CH=yes, JK=yes.

B4 0 Cove Street/(unpermitted coastal dune disturbance) / Commissioners

- JK notes that this matter concerning alteration, vegetation removal, and fill came to the Commission's attention through a complaint, and a violation notice has been sent out; most Commissioners have subsequently visited the site. Homeowner, Thomas Brooks (TB) who also owns 22 Cove Street, Marshfield states it was not his intent to violate any regulations, and he is willing to work with the Commission to resolve any issues. He bought this undeveloped lot so an additional vehicle could be parked close to his house.
- JR thinks TB will have to do some plantings to restore the disturbed area.
- BO agrees there has to be some restoration; all parties will also need to determine how many parking spots there can be on the property. PC concurs with BO and JR.
- CH notes that many of the plants behind the disturbed area are invasive, including significant oriental bittersweet that could potentially engulf any mitigation plantings.
- AL thinks making parking for the property parallel to the road will minimize incursions into the dune area, and conservation markers should be required as part of the resolution. AL also notes that the previous owner of the property sought to turn the property into a parking lot, and the idea was rejected by the

Commission at that time; however, he is open to a compromise that would allow for some limited parking, as that is probably why the owner bought the property.

- BO notes that Columbia Gas recently did grading work in the area, and feels they also need to be compliant with the regulations. BG notes that the Commission issued a Determination of Applicability to Columbia Gas for installation of new gas lines with the streets of Blue Fish Cove, but the Special Conditions focused on the salt marsh and not this coastal dune. BG feels Columbia may be able to help with the resolution; BO feels Columbia may be complicit to some degree with the issues on the property. JK concurs, and suggests that the Commission vote to issue an Enforcement Order; TB can then work with BG on a resolution incorporating all Commission comments. The matter will be placed on the agenda for the July 7th meeting.
- JK moves that the Commission issue an enforcement order for O Cove, with applicant to work with BG on a proposal for restoration. AL second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

B5 Brewster Road/Murphy/SE42-2776 / Street Improvement Plan Minor Modifications / Jay Creed

- JK notes after applicant received their order of conditions, changes to the project were mandated by the Planning Board. Terry McGovern (TM) (Stenbeck & Taylor), representing applicant, advises that the Planning Board is requiring that they improve Brewster Road in order for the house lot to have adequate frontage and access; this involves widening the road as well as installing drainage systems and piping, including the installation of a small fore bay and detention basin partly in the house lot. Abutting owner Mark Ochs (MO) was present for the Planning Board hearings, and they have been working with him through the process. The lot owner will be responsible for maintenance.
- JK notes that storm water management structures are exempt structures, but the Commission must consider the impact, if any, the disturbance associated with their installation will have on the resource area. If the impacts are minor, the changes could be approved as a DeMinimis Deviation; if they are not minor, the Commission can require an Amended NOI.
- BO notes that the project, as originally approved, met the “no structure/disturbance” requirements set forth under Chapter 505-10B. The septic system is inside the 75 ft buffer, but this is not considered a structure. The Commission must now determine whether the basins will result in disturbance inside the 50 ft buffer.
- JK polls the Commissioners as to whether installation of the basins can be approved as a de minimis activity or requires an Amended NOI. AL DeMinimis; CH DeMinimis; PC DeMinimis; JR DeMinimis; BO Amended NOI to allow abutters a chance to comment. JK Amended NOI due to possible impacts.
- JK then polls the Commissioners on whether to conduct a vote to approve the proposed modifications as a DeMinimis Deviation. BO no, JR no, AL no but would like further discussion, CH no, PC no, JK no.
- JK motions to require an Amended NOI for 85 Brewster, SE42-2776. JR second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

B6 355 Ocean Street / DeMinimis Activity Request (Landscaping) / D.J. Balzotti

- BG states that the property is partially in an AO flood zone and 100 ft buffer to a coastal bank on the other side of Ocean Street; the structures on the lot predate the WPA. The new owners want to add some plantings and perform some landscaping in existing lawn area which would remain pervious. BG feels the work is eligible for the exemption under 310 CMR 10.02(b)(e) as conversion of lawn to uses accessory to a single family dwelling.
- JK motions to approve the DeMinimis Activity as proposed. PC second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

B7 90 Old Colony Lane/Discussion and Vote on MOU with Marshfield Airport Commission on Wildlife Management Fence / Commissioners

- The Commission discussed a draft Memorandum of Understanding with the Marshfield Airport Commission regarding a wildlife management fence that the Airport Commission would like to install on conservation land so as to prevent wildlife from straying onto the airport.
- BG advises he received the draft MOU from Town Counsel on Thursday, along with a request to add this discussion to the agenda. He subsequently received a sketch and narrative, which he immediately forwarded to the Commissioners. JK comments again on the importance of filing information with the Commission in advance so the Commissioners have time to review.
- Ann Pollard (AP), Airport Vice President, apologizes for the late submission of information; she had reached out to BG in May regarding the matter, but they were unable to connect. AP notes that this MOU will not circumvent any permitting process with the Commission, but rather is part of an FAA grant process associated with the project. The MOU is one of multiple steps to FAA approval that documents that the Airport has permission to install the fence. The fence itself is necessary to improve safety at the airport. A Notice of Intent (NOI) will be forthcoming for the actual fence installation as the process moves forward.
- AL would like to know more about the purpose of the MOU and what exactly the Commission will be approving with its vote. CH would also like more information. PC would also like to know from BG what kind of permitting will be required; BG indicates the filing could be a NOI or a Request for Determination of Applicability (RDA) but requires more information. AP states they will be filing a NOI unless the Commission deems otherwise. JR would like more information as well as more time to review what has already been submitted. BO comments on the possible loss of wildlife habitat, and would like to know if there are any alternatives to the fence itself or its location, such as moving it to the edge of the Conservation property. JK would also like to discuss the fence location.
- JK notes that the MOU specifies that the Commission grants the Airport Commission permission to install the fence subject to the conditions set forth in the Memorandum, but actual details regarding the fence itself are lacking; he would like this and other details before voting to approve the MOU. AP will work with BG to provide the additional information; BG suggests that he and the Commissioners visit the site.
- JK motions that the matter be tabled pending receipt of additional information. JR second. Approved 6-0-0 by Roll Call Vote: BO=yes, PC=yes, JR=yes, AL=yes, CH=yes, JK=yes.

PUBLIC HEARINGS

2693 Banks, 89 Bourne Park (Amended NOI).....NEW (Rick)

- JK reads the legal ad. BG notes that Gatehouse Media did not run the legal ad for the June 2 hearing despite the Conservation staff transmittal for publishing on 5/27/2020. Hearing Officer PC confirms administrative requirements are complete.
- PC notes that the subject filing is an amended NOI for a pier, ramp, and float.
- Bob Rego (BR), Riverhawk Environmental, present for applicant. The Commission had previously permitted a pier, ramp, and float and issued an OOC. After issuance of the OOC, additional changes were made as part of the Chapter 91 permit with Mass DEP, whereby the dock was rotated slightly to ensure it was 25 feet away from an abutting property. Additionally, there was also a 5 ft extension of the dock into the river during construction, to ensure the ramp would not come in contact with the bank during low tide cycle. The Commission voted at the April 7 meeting to require filing of an amended NOI. BR notes that the 173 ft long pier has been constructed with a 25 ft ramp and 8' by 20' float in the South River. The pier system meets the Mass DEP requirements for a small dock, and juts less than 25% into the river. PC notes that previous issues regarding height to width ratio have been rectified, and two piles had been removed. The pier was moved further away from the northern property line to address

setback issues. The float in its present location will float at mean low water. PC feels applicant has addressed all outstanding concerns.

- JK would like to ensure there are no time of year constraints on the OOC for any maintenance on the dock.
- PC asks for comments from the public; none.
- BG thanks applicants for their cooperation throughout the process and for posting conservation markers. The standard conditions of approval will apply as well as a notation that the amendment applies exclusively to the location of the deck, dock, pier, and float. The original OOC pertaining to the deck work and conservation marker postings will remain in effect. Both the original OOC and Amended OOC will be closed out with the issuance of the Certificate of Compliance. No metal chains are to be used to secure the float, and no mechanical wheeled or tracked equipment is to be utilized. No boats or floats are to be grounded on tidal flats or river bottom; and winter storage of float is to be above mean high water.
- PC motions to close the hearing and issue Orders of Conditions with special conditions as read and drafted by BG. AL second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

2868 Good, 113 Bay Avenue (Addition).....NEW (Bert)

- JK reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Rick Servant, Stenbeck & Taylor, presents for applicant. The proposed activity is construction of an addition to a SFH built in approximately 1920, predating the WPA regulations. The lot is located where a tributary creek to the Cut River makes its closest approach to Bay Avenue. The closest point of the house to an existing concrete wall in back is 16.8 feet. Applicant would like to construct a 12.5' by 8' addition off the back right side of the house on top of an existing stone/masonry patio behind the house. All work shown on the plan has been approved by the ZBA, and will not increase impervious area or move the structure closer to the creek.
- BO asks about resource area delineations; BG notes that the lot is within barrier beach, coastal dune, and riverfront, as well as in setback to salt marsh and coastal bank; no flagging is needed. BO asks RS if they have a determination as to whether the proposed work is a substantial; RS indicates they do not, but the homeowners, architect, and contractor are aware of this potential issue. They will need to receive this determination from the Building Department prior to obtaining their building permit.
- BG states that the concrete wall and fill in back of the house was permitted in 1980 under SE42-0075, but he does not know if the patio ever got permitted. RS notes that the patio is primarily concrete, and the builders believe the addition can be constructed on top of the patio without digging a foundation or other disturbance.
- BO would like to know how the proposed project would increase pervious surface on the lot; RS notes that the footprint of the patio is smaller than the actual addition, but they intended to leave the remaining patio as is, so pervious/impervious surface on the lot would remain the same. BO would like to know whether the patio predates the WPA regulations and any permitting history. RS has no documentation on the patio's history, but knows it is not recent. BO believes a continuation will be necessary pending a determination as to whether the project is a substantial improvement; he would also like the Building Department to comment on whether or not the patio can support the addition.
- JK notes that the existing patio/proposed addition is within the 25 ft buffer, and the patio, which is impermeable, does not have appeared to be permitted, and he does not want to permit an impermeable structure on top of an unpermitted impermeable structure inside the 25. RS notes it is unclear when the patio was actually built.
- RS comments that projects are often permitted that are right against seawalls, with no consideration of setbacks, but BO notes that many of these permitted projects are in fact elevations, which are seen as an

improvement over existing conditions as the area under such structures becomes permeable. RS adds that homeowners are willing to replace 265 sq ft of paved driveway with pervious surface; they are also willing to consider mitigation plantings and installing drywells for roof runoff. BO is open to removal of the paved driveway but is unsure whether drywells would be effective on this lot.

- BO notes that he considers the area in back of the house, up to the concrete wall, as disturbed area, and considers the addition possible if there is good mitigation; PC concurs. JK comments that it is not the Commission's role to design a project, and suggests that applicants flesh out a mitigation proposal for the next hearing.
- Rick Amand (RA), 36 Jayna Way, knows the applicants and that the patio existed on the lot when applicants purchased the house. JK notes that the public commenting period is not a questioning period.
- BO motions to continue the hearing to July 7, 2020. AL second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL-yes, CH-yes, JK-yes.

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

- Continued Hearing. JK notes that the application has been withdrawn.
- JK motions to accept the withdrawal, as submitted by Terry McGovern (TM), representing homeowner, for 76 Carolyn Circle. JR second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

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

- Continued Hearing. Hearing Officer PC confirms administrative requirements are complete. Commissioners CH and JR recuse from voting. PC advises that the filing is a NOI to bring an existing pier and dock into compliance with current regulations, as well as make repairs to the pier.
- Terry McGovern (TM), Stenbeck & Taylor, presents for applicants. TM notes that several other agencies have jurisdiction, including DEP waterways, DMF, and the North River Commission, and they have gone through the permitting process with them before returning to the Commission. The dock is between 6.5 and 7 ft wide and is currently in poor condition. The replacement structure will be in conformance with the current regulations, meeting the minimum requirement for a 1:1 height to width ratio, and be built of composite durable materials and pressure-treated posts. TM notes they are also proposing repairs to the platform; the old pilings will be cut off at the guideline with the other posts. They have also resolved a navigation issue with Harbormaster DiMeo, whereby the current U-shaped float will be replaced with a 6' by 18' T-shaped float that will be tilted as opposed to straight up the channel. They have received comments from Harbormaster DiMeo (MD) that the proposed float design is satisfactory. They have also received favorable comments from Gary Wolcott (GW), North River Commission as well as an e-mail from Dave Hill (DH) indicating that the Chapter 91 license is pending.
- PC also notes that the in-shore part of the U float had a section sitting on the river bottom at low tide; this has been remedied.
- BG thanks TM and applicant Rick Curtis (RC) for their cooperation throughout the process as well as their posting of 10 conservation markers. He suggests that the Commission consider whether complete removal of the posts from the old dock, or cutting them off at or below grade to the salt marsh, would be preferable. JK also thanks TM and RC for working with the Commission, and for removing debris from the nearby marsh. The project is much improved as a result of everyone's efforts. He would like to ensure there are no time of year constraints on the OOC for any maintenance on the dock.
- PC asks for comments from the public; none.
- BG advises that the standard conditions of approval will apply as well as special conditions whereby no metal chains are to be used to secure the float, there will be at least 1" spacing between boards on catwalks and dock, no boats or floats are to be grounded on tidal flats or river bottom, and winter

storage of float is to be above mean high water. Applicant will post 10 conservation markers as per the plan of record dated June 5, 2020.

- PC motions to close the hearing and issue Orders of Conditions with special conditions as read and drafted by BG. JK second. Approved 4-0-0 by Roll Call Vote: BO-yes, PC-yes, AL yes, JK-yes. CH and JR having recused.

2867 Brait Point LLC, 113 Union Street (Subdivision Drainage).....cont from 6/2/2020 (Bert)

- BG notes that the matter was placed on this agenda in error, as the Commission voted to continue to July 7 at the June 2 meeting. Terry McGovern (TM), representing applicant, notes that their public hearing at the Planning Board last night was continued until July 13; he would like the Commission hearing to be continued to July 21.
- JK motions to continue the matter to July 21, 2020. CH second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

20-06 Hinchin, 169 Quincy Avenue (Shed).....NEW (Rick)

- JK reads the legal ad. Hearing Officer PC confirms administrative requirements are complete.
- PC notes that the filing is an RDA for construction of a 10' by 14' shed by the new owners of the property. Applicant Dan Hinchin (DH) adds that the shed will go on existing lawn space, and will be constructed on a concrete pad. They are willing to post two conservation markers on the edge of their lawn, one next to the street, and one on the property line. They would also like to remove a pile of construction debris that is off their property, in the wetlands. PC notes that the shed location would be in the 50 ft buffer but outside the 25 buffer, in existing lawn area; the markers and debris removal are adequate mitigation.
- BG states that the debris pile is in the wetlands. He checked with the assessors, and ownership of the land is unknown; removal would certainly be beneficial, and the Commission has permitted similar cleanups in previous filings. BG suggests that the Commission nor permit nor prohibit the debris pile removal.
- JK doesn't believe the Commission can officially give approval for anyone to do anything on someone else's property, but agrees removal of the debris would be beneficial. BG likens the activity to a resident cleaning up a street.
- PC asks for comments from the public; none.
- BG notes that the standard conditions of approval will apply plus special conditions to post four conservation markers along the native vegetated line.
- PC motions to close the hearing and issue Determination of Applicability, pos 5, neg 3, with special conditions as drafted by BG. AL second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

20-07 Puzziferri, 163 Meadowview Road (porch extension).....NEW (Craig)

- JK reads the legal ad. Hearing Officer CH confirms administrative requirements are complete.
- CH notes that the filing is a Request for Determination of Applicability (RDA) for extension of an existing 5' by 6' pressure-treated deck. Contractor George Hadfield (GH) states homeowners would like to construct a 6' by 8' covered porch in its place. Three precast footings will hold up the deck.
- BG, CH and JK visited the property, and BG reviewed a wetland delineation by South River Environmental earlier this month that was satisfactory. The vegetation to the rear of the property is in good shape. BG believes the project is eligible for an exemption under 310 CMR 10.02B(2e) for conversion of lawn to uses accessory to a home, and notes that applicants were proactive in filing.
- CH asks for comments from the public; none.
- BG advises that the standard conditions of approval will apply.

- CH motions to close the hearing and issue Determination of Applicability, pos 5, neg 3, with special conditions as drafted by BG. BO second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

2863 SHM Green Harbor LLC, 239 Dyke Rd (Replace storage/bait shop & parking/drainage improvement)...cont from 3/17/2020 (Art)

- Continued Hearing. AL Hearing Officer. JK advises that he had received a draft contract from Town Counsel this afternoon for the Goldman peer review; it will be sent to applicant's attorney, Steve Guard, as soon as it's finalized.
- AL notes he was waiting to hear Goldman's initial assessment of the project impacts, and is unsure what else can be discussed if the review hasn't started.
- Terry McGovern (TM), representing applicants, comments that they are ready to provide the initial information Goldman has requested. AL notes that BG and he spoke with Goldman, and they are going to try to expedite the review process.
- AL motions to continue the hearing to July 7, 2020. JK second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

2860 Murphy, 1213 Ferry Street (Extend Pier, Ramp & Float).....cont from 3/17/20 (Jim)

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on July 7, 2020. Commissioners JK and PC conducted a dock walk with BG and Harbormaster Mike DiMeo earlier today, and applicant will be providing revised documents.
- JK motions to continue the hearing to July 7, 2020. AL second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

2857 Sailors Valentine Trust, 34 Marginal St. Rear (Pier, Dock & Float).....cont from 3/3/20 (Rick)

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on July 7, 2020.
- JK motions to continue the hearing to July 7, 2020. JR second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

2850 Jan M. Tedeschi Trust, 100 Marginal St (Pier, Ramp & Float).....cont from 1/21/20 (Rick)

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on July 7, 2020. Commissioners JK and PC conducted a dock walk with BG and Harbormaster DiMeo (MD) earlier today, and applicant will be providing revised documents.
- JK motions to continue the hearing to July 7, 2020. PC second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

1563 Pellegrini, 31 Water Street [COC]

- Attorney Jay Creed (JC) present for owner Lee Anne Pellegrini (LP). BG advises that JC had provided two submittals since the previous hearing on April 7, the first on April 28 and the second on May 21; these were sent to TC for review, but TC has not provided a written opinion. The May 21 submission is in regards to Special Condition A, concerning receipt of the foundation plan documentation prior to the Conservation Agent's sign-off on the building permit. Based on the additional documentation received, BG suggests that the Commission deliberate whether to (1) approve issuance of a complete COC; (2) issue a partial COC, keeping special conditions A, D, H, and J intact and not approving any work performed beyond the scope of the approved final site plan; (3) table the request for additional information; or (4) deny the request until special conditions A, D, H, and J are satisfied.

- JC stated that that TC told him today that he had advised the Commission that the COC should issue based on the age of the matter and the fact the Commission file is incomplete. JC believes his additional submissions provide at least circumstantial evidence that the building permit issued as a result of the foundation plan being approved by former Conservation Administrator Warren Harrington (WH).
- JK notes that a building permit ultimately did issue for the property, which presumably would have required WH's sign off, but the file lacks the direct evidence of such. Based on the documentation received so far, JK feels the Commission should vote to either issue or deny the COC at this point. JK indicated to TC he felt the COC should issue, and TC concurred with this opinion; BO concurs with JK. AL feels it is unlikely the record can be fully reconstructed given the age of the OOC, and there is no potential harm to the resource area in issuing the COC.
- JK motions to issue a COC for the 31 Water Street, SE42-1563. BO second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

2647 LeMoine, 242 Ridge Road [EXT]

- BG recommended issuance of the EXT. The order of conditions for this filing expired on March 1, just prior to the Emergency Declaration. The new owners of the property are requesting that the OOC be extended so they can proceed with the proposed septic upgrade without having to file a new notice of intent. BG notes that a septic upgrade will be an improvement over existing conditions, and feels extending the existing OOC would be appropriate given the circumstances.
- JK motions to issue a three-year extension to the OOC for SE42-2647. JR second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

2702 Centorino, 5 Steamboat Drive [COC]

- BG recommended issuance of the COC with ongoing conditions that the conservation markers at the edge of existing lawn are to remain in the field in perpetuity as depicted on the final approved site plan and replaced as needed, with no disturbance beyond the markers. Certificate will issue once evidence the markers have been placed and correctly field located has been submitted to the Conservation Office
- JK motions to issue a COC for 5 Steamboat Drive, SE42-2702 with ongoing conditions as noted. CH second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

2716 Driscoll (Now Fidler), 410 Union Street [COC]

- BG advises that he observed incomplete special conditions and recommended that the request be tabled.
- JK motions to table the request pending receipt of additional information. PC second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

2749 McGowan, 18 Paddock Way [COC]

- BG advises that he observed incomplete special conditions and recommended that the request be tabled.
- JK motions to table the request pending receipt of additional information. PC second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

2784 Airport, 93 Old Colony Road [COC]

- BG advises that he observed incomplete special conditions and recommended that the request be tabled.
- JK motions to table the request pending receipt of additional information. PC second. Approved 6-0-0 by Roll Call Vote: BO-yes, PC-yes, JR-yes, AL yes, CH-yes, JK-yes.

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); 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 \leq 50 ft); Tamara Macuch, 237 Webster Avenue; Stifter, 102 Bartlett's Island (unpermitted revetment wall)

ADJOURNMENT – JK makes a motion to close the hearing at 9:37 PM. BO second. Approved 6-0-0 by Roll Call
Vote: BO=yes, PC=yes, JR=yes, AL yes, CH=yes, JK=yes.

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

Bill Grafton, Conservation Administrator	
James Kilcoyne, Chair	Bert O'Donnell, Vice Chair
Arthur Lage	Craig Hannafin
Joe Ring	Rick Carberry