

TUESDAY, AUGUST 18, 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, Joe Ring (JR), Arthur Lage (AL), Craig Hannafin (CH), Bill Grafton, Conservation Administrator (BG)

MEMBERS NOT PRESENT – Rick Carberry

CALL TO ORDER – JK motions to open the meeting at 6:30 PM. BO second. Approved 5-0-0 by Roll Call Vote: JR-yes, BO-yes, AL-yes, CH-yes, JK-yes.

MINUTES – None

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 should identify themselves before speaking, and all parties should mute themselves until they want to speak. Public comments are to be addressed to the Chair or Hearing Officer.
- JK advises that the Commission has reinstated the "three continuance" policy whereby "should an applicant request three continuances or should they fail to properly address questions of the Commission for three hearings, then on the third date the Commission, at their discretion, may open the hearing and deny without prejudice for lack of information." Applicant will be able to reapply when they have all the necessary information to proceed, without having to wait the two year period.
- JK notes that the procedure for hearings is that applicants or their representative(s) will have 5 minutes uninterrupted to present their project. This will be followed by BG's comments (1 minute), Commissioner comments/questions (10 minutes, with extensions by motion and vote), public comment, and vote.
- JK notes for the record that ZBA member Brian Murphy had initiated conversations with two commissioners on behalf of Daniel Martin, owner of 85 Wellington, who had an enforcement matter pending with the Commission under which it was directed that a restoration plan be submitted by August 18 under enforcement order SE42(20-02). On July 30, JK phoned Mr. Murphy regarding these conversations; they also reviewed the publicly discussed decisions of enforcement by the Commission, response times and actions needed as stated in the enforcement order, and how the Commission reached decision. JK invited Mr. Murphy to reach out to him personally if he had any additional questions. After this conversation, Mr. Murphy initiated a subsequent conversation with a commissioner.
- BO advises that Murphy briefly asked him about the matter at 85 Wellington at the Town election, and BO responded that he was one member of the Commission, and "we would see what would happen with it." BO and JK affirm that their conversations did not influence their opinions or cause them to decide the matter before the hearing.

BUSINESS

B1 7 Branch Street-Shed (Amended NOI vs DeMinimis Deviation)/Branch

- Applicant John Brown (JB) advises he would like to put in a 12' by 10' shed on a stone pad in his side yard. The shed is pre-fabricated so there will be no construction on-site.

- BO asks JB whether he intends to proceed with the rest of the project under Orders of Conditions (SE42-2710) as described on his application? JB doesn't think so, but they aren't ready to withdraw the application.
- BG confirms that the current orders are still valid, and DeMinimis Activities can be added or the orders can be amended. JK indicates that the Commission's options are to approve as a DeMinimis Activity, require filing of an RDA, or require filing of an Amended NOI, and polls the Commission as to which option they prefer. CH DeMinimis; AL DeMinimis; BO DeMinimis; JR DeMinimis; JK DeMinimis.
- JK motions to approve the installation of a 12' by 10' shed as a DeMinimis Activity. BO second. Approved 5-0-0 by Roll Call Vote: JR=yes, BO=yes, AL=yes, CH=yes, JK=yes.

B2 556 Holly Road-SE42-2847 (Amended NOI vs DeMinimis Deviation)/Gallagher

- BG requests that the discussion be tabled to the September 1 meeting. Applicants are still in discussion with the Planning Board.

B3 Simon Greenhouse and Farm Stand / Mounces Meadow – Farming- Ronnie Simon

- JK notes that the Commission has stewardship of the farm field at Mounce's Meadow, which has not been farmed recently despite attempts to attract a farmer. If the field is not farmed soon, the Commission will have to pay to have the field mowed to prevent it from reverting back to woods.
- Commissioner CH advises that she is recusing from the discussion and any votes, as applicant farmer Ronnie Simon (RS) farms on some of her land.
- Mr. Simon indicates he is willing to plow and farm the land and keep the property clean. Specific plantings would vary year to year, including pumpkins, peppers, and other crops. He already farms a piece of the property and would like more land to farm.
- BO asks whether the Commission intends to use the same type of licensing agreement it has used in the past. JK indicates he would just like to know at this point whether the Commission would like the field to be farmed and is satisfied with RS's proposal. The actual licensing procedure can be determined with the Town Counsel, Town Administrator and Selectmen as appropriate.
- JK polls the Commissioners as to whether they would like to consider RS's farming proposal. JR yes; AL yes; BO yes; JK yes. 4-0-0 in favor with CH having recused.
- BO feels Simon may be one of the best possible candidates, but he would like more information regarding fertilizers and pesticides, etc. BG suggests that RS complete the application used for the previous request for proposal, and that the proposal be reviewed in greater detail in September. BG will provide RS with a copy of the previous application for revisions. JK asks that all paperwork be provided by the Friday before the meeting.

CH returns to the Public Meeting.

B4 1028 Ferry Street/Shed & Revising Wetland Delineation Inquiry – Eric Thomas/Thomas Construction

- Eric Thomas (ET) states that the property owner wishes to construct a shed on the property, which was last delineated in January 2017. JK notes that Commission policy is not to accept delineations older than three years. JK polls the Commissioners on whether to adhere to the policy in this case: JR yes, CH yes, AL yes, BO yes, JK yes.
- BG notes that property owner is seeking direction as to type of permit to file. JK notes that there appear to be structures that are close to the wetland line currently. Given that a qualified wetland scientist must re-delineate the lines, JK suggests that applicant file a Notice of Intent.

- In response to a query from BO, BG confirms that the same problem exists on the adjoining property, 1030 Ferry. BO suggests that the two owners work together to delineate the two properties, but ET, representing applicant of 1028 Ferry Street, indicates he is not involved in any work on 1038 Ferry Street. This being the case, BO has no other concerns.
- JK moves that the Commission require the filing of a Notice of Intent and delineation by a qualified wetland scientist for 1028 Ferry Street, along with any other information necessary for the Commission to render a decision. AL second. Approved 5-0-0 by Roll Call Vote: JR-yes, BO-yes, AL-yes, CH-yes, JK-yes.

B5 0 Cove Street/Enforcement Order Restoration Plan Review – Thomas Brooks

- JK notes that this matter was continued from the previous meeting to allow for the restoration planting area to be staked out for Commissioners to observe. One point of discussion was whether parking on the lot was to be parallel only.
- CH comments that given there is going to be replication and a line defining the planting area, it does not matter to her if parking on the lot is parallel or perpendicular. JK notes that the plan specifically calls out the square footage allowed for parking; as such, he has no issue with how TB parks his vehicles within that square footage but does want to make sure the area isn't used for long-term boat/trailer storage. AL has no issues either but notes that perpendicular parking on this lot historically tends to encroach deeper into the lot, so it is essential that the parking/planting area have clear, fixed boundaries. BO feels that the posts and ropes required under the plan should prevent further encroachment; CH and JR concur.
- BG suggests that conservation markers be added to the posts, and that the Commission accept the suggestion of Brooke Monroe (BM), Pinebrook Consulting that the plantings be made between mid-September and late October; CH notes that the State has declared a Stage 2 drought, and the recommendation is that no planting be made while the drought persists.
- JK motions that the Commission approve the restoration plan prepared by Robert Levesque, Stenbeck & Taylor; plantings to be made no later than spring 2021 according to State drought guidance and recommendation of applicant's wetland scientist; conservation markers to be added to the posts being erected on the lot. JR second. Approved 5-0-0 by Roll Call Vote: JR-yes, BO-yes, AL-yes, CH-yes, JK-yes.
- TB thanks the Commissioners for their flexibility with respect to the timing of the plantings, noting that Ms. Monroe had requested additional time due to the current drought. JK thanks TB for his cooperation throughout the process.

B6 Recreation Trails Committee Draft Trail Kiosk Review: Pratt Farm and Webster Wilderness – RTC

- The Commissioners review draft updates to trail kiosks signage for Pratt Farm and Webster Wilderness prepared by designer Angela Scieszka (AS) for the Recreation Trails Committee. AS indicates changes made since her previous appearance last winter include corrected fish species in Zena's Brook on the Pratt Farm sign and the addition of new trails and mileage figures to the Webster's Wilderness sign. They also added some notes as to trail topography to both signs. AS indicates that both signs are in final form, and the only remaining adjustments to be made are to color and topography markings. BO thanks AS for her work to update the signage.
- JK motions to approve the updated trail kiosk signage for Webster Wilderness and Pratt Farm as proposed. JR second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

PUBLIC HEARINGS

Prior to the start of the hearings, JK advises that the hearings for 4 Newport (2871), 1213 Ferry (2860), Brewster Road (2776-Amended), 113 Union - Brait Point (2867), 104 Hartford (2869), and 22 Ninth (2872) are being continued.

20-14 Ladd, 51 Water Street (Invasive & Opportunistic Plant Control).....NEW (Joe)

- JK reads the legal ad. Hearing Officer JR confirms administrative requirements are complete. Commissioner AL recuses from voting due to his being an abutter.
- JR advises that the site is located in LSCSF, AE11 flood zone, barrier beach, and in buffer zone for the salt marsh. Applicant wishes to remove invasive species, replacing them with native plantings. The hearing is then suspended due to technical difficulties on part of applicant, to be resumed later in the meeting.
- JR motions to suspend the hearing until applicant and representatives can join the meeting. AL second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.
- Applicant Linda Ladd (LL) later logs into the meeting and the hearing resumes. LL notes that she has a great deal of bittersweet and black swallow-wort on the property, which is doing damage to her house and the dunes. She would like to remove these and replace with native plantings. JR also notes there is extensive moss growth on the property; LL will have to do further research on its status and how to remove it if appropriate.
- CH asks whether the lichen needs to be removed if it is not an invasive species, as it is often a sign of environmental health. BG thinks it may be colonizing and over-running sections of the property, headed to Commissioner AL's neighboring property; AL affirms he has seen the lichen on his property.
- All parties discuss whether to authorize removal of the lichen in addition to the other species. Given it is crowding out the beach grass, BG thinks applicant should also be allowed to resolve and treat the lichens if appropriate; however, JK feels the Commission only has authority to authorize this if the lichen is an invasive species, and suggests that applicant reappear before the Commission if she subsequently finds out it is an invasive.
- JK notes for the record that there are issues in the area with residents adding chairs, fire pits, and other structures to the resource areas, and this particular permit only allows this applicant to manage invasives on her property.
- JR asks for comments from the public; none.
- BG advises that the standard conditions of approval will apply.
- JR motions to close and issue a Determination of Applicability, Pos #5 and Neg #3, with special conditions drafted by BG. JK second. Approved 4-0-0 by Roll Call Vote: JR-yes, BO-yes, PC-yes, CH-yes, JK-yes. AL having recused.

AL returns to the Public Meeting.

20-15 Malloy, 2 Stonybrook Road (AFT BZ clearing & option to replant native species).....NEW (Bert)

- JK reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Applicant not present. BG notes that applicant appeared before the Commission on July 7 and filed an after-the-fact RDA, as a result of that discussion, for unpermitted alteration in the 100 ft buffer. Applicant indicated a willingness to post conservation markers along the 50 ft buffer and allow the area inside the buffer to naturally rejuvenate; BG suggests that this be made part of the conditions of approval.
- JK notes that there is no requirement for applicants to appear at hearings, or for Commissioners to wait for an applicant or a representative. He assented to the previous suspension because applicant was trying to access the meeting. As there is sufficient paperwork and information to render a decision, JK suggests that the Commission proceed with a vote. BG indicates that the standard conditions of approval

will apply along with special conditions requiring the posting of conservation markers along the 50 ft buffer and submission of an updated site plan showing the location of the markers. BG will work with applicant to place the markers in the field.

- BO motions to close and issue a Determination of Applicability, Pos #5 and Neg #3, with special conditions drafted by BG. AL second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

20-16 McHugh, 3 Minot St (stairs/landing, outdoor shower, platforms for ac & generator units, replace deck & fence with gate).....NEW (Art)

- JK reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- Builder Steve Leonard (SL) present for applicants. The proposed activity is the addition of several platforms and small decks, and the rebuilding of an existing 5' by 4' deck on the right side of the house. They are also proposing to install pads for generator and air conditioning units above the flood plain, an outdoor shower that would not be attached to the house, stairs going up to the main entry, and additionally replace a section of fence with a gate to the right of the first 5' by 4' platform.
- AL asks about the specific location of the proposed gate? SL answers it will go from the corner of the first deck to the fence along the property line. AL also notes that the current plan for the site shows stairs going down toward the water that are not included on the As-Built plans the Commission has on file. SL indicates that the stairs may have existed years ago, but were not there when the McHughs purchased the house; they are not intending to build any stairs at that location.
- BG notes that most of the proposed work is in previously disturbed footprint along the sides of the house and roadway. He would like to see conservation markers added before the dune area in front of the house to prevent encroachment. BG also notes that there are some invasive/opportunistic plants in the dune area, including bittersweet, and suggests a special condition allowing for management of such species; JK concurs.
- JK has no issue with the project, but notes that the site plan before the Commissioners shows stairs that don't exist; he would like to vote on a revised site plan that does not include the stairs. BO suggests that the hearing be closed tonight with an additional special condition requiring receipt of a corrected site plan; AL would not object but does not want to set a binding precedent in doing so. SL admits he neglected to remove the stairs from the plans, and is willing to submit an updated plan as requested. BG suggests that SL use the As-Built with the COC for SE42-0738, which is an engineered drawing of the site, as a template for the updated site plan; SL will submit the revised plan by Friday.
- AL polls the Commissioners on whether to approve the project tonight with a special condition requiring submission of a revised site plan by Friday showing the proposed activities depicted in red on the approved As-Built for SE42-0738. AL yes; CH yes; JR yes; BO yes; JK yes.
- AL asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply as well as special conditions allowing for (1) management of invasive/opportunistic vine and plant species within the vegetated coastal dune, and requiring (2) the submission of an updated schematic transposed on the 9/19/19 As-Built plan revised by Stenbeck & Taylor to the Conservation Office by noon on Friday, August 21 and (3) the posting of two permanent conservation markers, location to be determined in the field by BG and AL.
- AL motions to close and issue a Determination of Applicability, Pos #5 and Neg #3, with special conditions drafted by BG. CH second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

20-17 Town of Marshfield / Police, 1639 Ocean Street (New Police Station).....NEW (Bert)

- JK reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.

- JP Parnas (JP), Weston & Sampson, present for applicant along with civil engineer Richard Bradford (RB). The filing is for the construction of a storm water basin system within the 100 ft buffer to an IVW but outside the FEMA flood zone, making it eligible for an exemption within Chapter 505-10B(2b). The system will include a drainage pipe, cement fore bay, and filtration basin. The majority of the remaining work associated with demolition and reconstruction of the Police Station is outside the buffer zone and flood zone.
- BO would like to know the exact size of the basin; RB's understanding was that these calculations weren't required for an RDA. BG notes that RDAs do not require fully engineered drawings. BO would also like to know what is being done for the DPW portion of the property; JP indicates there is no proposed work in that area for this project. BG adds that applicant has withdrawn the NOI SE42-2855 for the DPW portion of the property and will be requesting a COC within the next month or so. The primary purpose of this hearing is for the Commission to confirm that the system as proposed qualifies for the exemption in Chapter 505-10B(2b) of the Town Bylaw. Town Engineer Rod Procaccino (RP) reviewed the site plans and had no issues with the system as proposed.
- BO asks for comments from the public; none.
- BG states that the standard conditions of approval will apply along with a special condition requiring new review by the Commission in a business session if any deviations are made with respect to the approved structures.
- BO motions close and issue a Determination of Applicability, Pos #5, Neg #3 with special conditions drafted by BG and Neg #5 for the Town exemption pertaining to stormwater structures in the setbacks to resource areas. AL second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

20-18 Tobey, 41 Water Street (AFT Bore Holes).....NEW (Joe)

- JK reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- Applicant Kathryn Tobey (KT) notes that she recently purchased the property; during the inspection process, the owner disclosed that the house was sinking. A structural engineer recommended that soil samples be taken to determine if the foundation will need additional support, which KT arranged for without realizing the need for a conservation permit. No undisturbed dune areas were disturbed in any of the borings that were done.
- JR advises that he visited the site along with BG and the drilling rigs appear to have operated in previously disturbed land. BG adds that he advised KT that the entire property lies with Conservation jurisdiction and all subsequent activity will require Commission review.
- JK notes that he was present when the drilling was taking place and verifies that the rigs stayed within the conservation marker boundaries.
- JR asks for comments from the public; none.
- BG states that the standard conditions of approval will apply.
- JR motions to close and issue a Determination of Applicability, Pos #5 and Neg #3, with special conditions drafted by BG. CH second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

2876 Seoane, 84 Bartlett's Island Way (addition).....NEW (Art)

- JK reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- AL notes that none of the stabilization plantings required by enforcement order SE42 EO 19-04 and subsequent Order of Conditions SE42-2794 appear to have been made, and asks the Commission how to proceed with hearing this filing. JK indicates that he spoke to Town Counsel (TC) about this situation,

who indicated the Commission could either link the issuance of any future Order of Conditions to fulfilling the requirements of the EO, or continue this matter until the EO is complied with.

- BO asks if the EO has any conditions that reference a date certain? BG indicates that Seoane filed an after the fact NOI for the coastal stabilization plantings as well as addition of a patio, walk, fire pit, deck and ornamental plants. Approval was in February 2019, and construction of the patio was in Spring of 2019; the OOC is good until 2022 and could be extended by applicant. AL feels in general that applicants should resolve enforcement issues before seeking permits for new work. BG notes that in this case, the plantings required by the EO were incorporated into applicant's ATF NOI and made part of the OOC. As such, BG recommends that approval of this project be conditioned on applicant making the remaining coastal stabilization plantings prior to the start of any work.
- AL polls the Commissioners on whether to proceed with this hearing or first require that the remaining coastal stabilizations be made. CH would like to see the EO resolved, but notes it would be difficult to start plantings at this time given the drought conditions. JR resolve EO, willing to consider conditioning that plantings be made first. JK resolve EO first; willing to consider conditioning. BO approve with condition requiring plantings.
- Greg Morse (GM), Morse Engineering, present for applicant. GM briefly notes he had not prepared to discuss the restoration plantings and wishes the matter had been brought to his attention earlier. With regard to the EO, GM agrees some outstanding plantings remain to be made, but the project involved over 200 plantings in back of the property, most of which have been made. GM further comments that an OOC gives an applicant three years to complete all components of a project, and his understanding going into this meeting was that the Commission had no issues. BG notes that, as the plantings were proposed as the result of an enforcement order, the implied intent was that they be made promptly. JK agrees that significant plantings have been made on site, but notes that not all of them were required by the Commission, and the coastal stabilization plantings that were required have still not been made, and appears to be the only aspect of the project that has not been completed to date.
- GM states that the current filing is to construct a single-story, 14' by 18' addition to the front left corner of the existing house. The proposed work area is within North River Commission Jurisdiction and the project has been approved by NRC. The adjacent salt marsh was delineated by Brad Holmes, ECR, and the delineation was accepted by the Commission in the previous filing. The site is at FEMA elevation 15 based on the 2020 maps. The addition is 69 feet to the salt marsh at its closest point, and is in existing lawn area outside the flood plain. DEP had no comments. An erosion control barrier is proposed immediately adjacent to the proposed foundation.
- AL asks what will happen with the generator located where the addition will be constructed? GM indicates it will be relocated immediately to the left of the addition; he will add this to the site plan.
- BG reiterates support for conditioning approval of this project on the restoration plantings being completed before the start of work; another option could be to require the plantings to be made between mid-September to late October. AL is not sure requiring a fall planting is viable given current drought conditions. BG also notes that the previous OOC specified 2 years of monitoring reports and asks whether this should be increased to 3 years
- AL asks for comments from the public; none.
- BG indicates that special conditions of approval will include that applicant implement the entire coastal stabilization plantings depicted in the final approved plans in "A. General Information/Item 8" under the Order of Conditions for SE42-2794 before proceeding with the addition, and that three years of monitoring reports for the plantings be submitted.
- AL motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 5-0-0 by Roll Call Vote: JR=yes, AL=yes, BO=yes, PC=yes, CH=yes, JK=yes.

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

- Continued Hearing. JK Hearing Officer. Commissioner JR recuses from the discussion.
- Mark Burgess (MB), Shorefront Consulting, present for applicant. JK notes that the project has undergone numerous revisions; outstanding items from the previous hearing included information on how the proposed lift would be powered, Harbormaster recommendation on shellfish mitigation and details on removing the existing, aged pilings. Applicant will use an 18" by 4' dock box with solar panel to charge the batteries for the lift. Shellfish mitigation amount has been set at \$1001.42.
- BG notes that the wetland delineation depicted in the site plan is accurate but only applies to the area seaward of the gridded area within the partial site plan. A new conservation permit with new delineation would be required for any activity within or landward of the aforementioned gridded area.
- BO asks if there is any boat size limitation? MB indicates that the current boat at the location is 25 ft, and the lift has a 7000 pound capacity. JK notes for the record that this dock can only be used when there is 2.5 feet of water or more.
- BG notes that in addition to the standard conditions of approval for docks and piers, special conditions will include no use of wheeled or tracked equipment on the salt marsh or tidal flats, pre-start-of-work meeting with BG and the Harbormaster, with two weeks' notice to Harbormaster, and that applicant maintain communication with the Harbormaster.
- JK asks for comments from the public; none.
- MB thanks the Commission for its assistance throughout the process.
- JK motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 4-0-0 by Roll Call Vote: AL-yes, BO-yes, CH-yes, JK-yes. JR having recused.

JR returns to the Public Meeting.

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

- Continued Hearing. Hearing Officer AL confirms administrative requirements are complete. Terry McGovern (TM), Stenbeck & Taylor, present for applicant along attorney Steve Guard and peer reviewer Brian Donahue (BD), Goldman Consulting.
- AL notes that a comment was made by Town Engineer Rod Procaccino (RP) regarding a performance standard not being met and asks BD to comment on same. BD indicates that, as this is a redevelopment project, six performance standards apply, four of which were met and two are exempt. BG states that the comments AL is referring to are old notes containing initial commentary that has since been addressed. AL also notes that at a recent visit he observed standing water near where boats get washed down, and would like to know if this will be addressed through the renovations. BD discussed how the system worked with the manager of the marina, who indicated that any standing water is rainwater, as the cleaning system is closed with no discharge; a trench drain in front of the boat ramp will capture and treat any rainwater in the area once the work is completed.
- AL notes that the weekly Friday reports from TM and peer reviewer BD were very helpful in moving the process forward. CH feels the proposed treatment systems will be a significant improvement over current conditions. BO feels that everything was addressed to his satisfaction. JR states that a one-way valve appears to be missing off the final drawings; he would like to see the site plan to be updated as a condition of approval; TM will update the site plan. JK feels the project is an example of how good projects can both upgrade facilities and improve environmental conditions. However, he does feel that there was sufficient time for TM to have updated the site plan before the meeting and notes for the record that he does not want to see the Commission get into the habit of allowing post-approval changes.

- JK also asks BD whether boat contract details are or should be included in the SWPPP? BD indicates that every customer using the marina will have to keep up with the standards, and the larger boat storage building will allow for maintenance work to be done inside. BD feels that the ongoing conditions which will require regular monitoring and reporting regarding the stormwater pollution prevention plan (SWPPP), spill prevention control and countermeasures (SPCC) plan, and marina agreement will provide sufficient oversight; this monitoring is also required by the marina's insurance company.
- BG asks whether the SWPPP or SPCC need to be updated; BD believes the SPCC is okay the way it is, but the SWPPP needs to be updated to incorporate the latest redesigns, including the two new outfalls. TM believes the SWPPP was revised and provided along with the updated plans, and that the plans included a note, although not construction detail, regarding the flapper valve. Attorney Steve Guard (SG) has no issue with submitting an updated SWPPP if needed.
- SG would also like to know whether any specific conditions should be included in the member contracts? AL suggests that that discussion be held offline.
- BG notes that SG has signed the illicit discharge statement, as required by Standard 10, on behalf of applicants. Special conditions of approval include that applicant update the SWPPP to reflect TM's revisions; annual SWPPP, SPCC and marina agreement reporting for three years after the issuance of the OOC; and that a revised site plan be submitted to the Conservation Office by 12 noon, Friday 8/21/2020.
- 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. JR second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, CH-yes, JK-yes.

2869 Gavin, 104 Hartford Road (Addition).....cont from 7/7/2020 (Bert)

- Continued Hearing. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on September 1, 2020. Applicant has been charged with a first count continuance toward denial without prejudice under the "three continuations" policy as written request was not received by the deadline, 12 noon, Tuesday, August 11th
- BO suggests that hearings not be placed on meeting agendas when applicant has not responded to requests for information. JK feels it is the legal responsibility of the applicant to provide all required information or documentation for a hearing to go forward, or request a continuation, by the filing deadline for a meeting.
- JK motions to continue the hearing to September 1, 2020. BO second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.
- JK motions to charge applicant with a second continuance toward denial without prejudice under the "three continuations" policy as written request was not received by the deadline, 12 noon, Tuesday, August under the Commission continuations policy. BO second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.
- Later in the evening, JK advises Dick Rockwood, Rockwood designs, that the matter had been continued and can be spoken on at the next meeting.

2776 Creed, Brewster Road (Amended Street Improvements & Stormwater Basin).....8/11/2020 (Bert)

- Continued Hearing. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on September 1, 2020. Applicant submitted written request.
- JK motions to continue the hearing to September 1, 2020. BO second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

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

- Continued Hearing. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on September 1, 2020. Applicant submitted written request.
- JK motions to continue the hearing to September 1, 2020. BO second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

2872 Horan, 22 Ninth Road (2nd Story Addition & Gravel Drive)..... cont from 7/7/2020 (Art)

- Continued Hearing. The hearing is continued until the public meeting of the Marshfield Conservation Commission on September 15, 2020. Applicant was charged with a continuance under the “three continuations” policy as written request was not received by the deadline.
- JK motions to continue the hearing to September 15, 2020. CH second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.
- JK motions to charge applicant with a second continuance under the Commission continuations policy. BO second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

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

- Continued Hearing. The hearing is continued until the public meeting of the Marshfield Conservation Commission on September 15, 2020.
- JK motions to continue the hearing to September 15, 2020. CH second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

2871 Bellino, 4 Newport Road (Revetment Repair).....cont from 7/7/2020 (Bert)

- Continued Hearing. The hearing is continued until the public meeting of the Marshfield Conservation Commission on September 15, 2020.
- JK motions to continue the hearing to September 15, 2020. CH second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

2163 Lamb, 42 Damon’s Point Road [COC]

- BG recommended issuance of the Complete COC.
- JK motions to issue a Complete COC for the property. BO second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

2390 Rogan, 14 Bank Road [COC]

- BG advises that he observed incomplete special conditions and recommended that the request be tabled pending receipt of letter from the RPE.
- JK motions to continue the matter to September 1, 2020. AL second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

2407 Follett, 111 Meadowview Street [COC]

- BG advises that he observed incomplete special conditions and recommended that the request be tabled pending status report from homeowner’s qualified wetland scientist.
- JK motions to continue the matter to September 1, 2020. CH second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

2517 Lage, 14 E Street [COC]

- Commissioner AL recuses from voting. BG recommended issuance of the COC with On-Going Conditions that there shall be no disturbance downgradient of the two field-located conservation markers depicted

on the As-Built dated July 24, 2020 prepared by Stenbeck & Taylor, signed and stamped by Richard Servant, RPE; this condition remains in perpetuity.

- BG notes that a set of stairs on the back was permitted but not built, and was replaced with a shed on blocks; BG feels the change to be DeMinimis and the completed project resulted in an overall footprint reduction.
- JK motions to issue a COC for the property with ongoing condition as noted. BO second. Approved 4-0-0 by Roll Call Vote: JR-yes, BO-yes, PC-yes, CH-yes, JK-yes. AL having recused.

AL returns to the Public Meeting.

2693 Banks, 89 Bourne Park Avenue [COC] Amended

- BG recommended issuance of the COC with On-Going Conditions that there shall be no disturbance downgradient of the (7) seven Red and White Marshfield “No Disturbance” field-located conservation markers along the wetland delineation and (15) fifteen green and white Marshfield “Conservation Land” field-located conservation markers along the boundary of the Town Owned Properties (Parcel Id Nos: J10-08-04A and J10-08-05) on the As-Built dated July 29, 2020 prepared by Riverhawk Environmental, signed and stamped by Robert Rego, RPI; this condition remains in perpetuity.
- JK motions to issue a COC for the property with On-Going Conditions as noted. JR second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-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 <= 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 9:15 PM. AL second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-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
Art Lage Joe Ring
Craig Hannafin Rick Carberry