

**TUESDAY, OCTOBER 20, 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), Susan Caron (SC), Bill Grafton, Conservation Administrator (BG)

**MEMBERS NOT PRESENT** – None

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

### **MINUTES**

- The minutes of the October 6, 2020 meeting were presented for approval. No comments or suggested changes were received, and none were made on the floor.
- JK motions to accept the October 6, 2020 minutes as written. JR second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, SC-yes, JK-yes.

### **CHAIRMAN'S ADDRESS**

- Prior to JK's logging on, BO reads the notes for remote meetings setting forth guidelines for public access to and commenting at remote public meetings.
- 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.
- 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. Public comments are to be addressed to the Chair or Hearing Officer.
- JK comments on the possible de-funding of the North River Commission by DCR, noting that the Commission and other Town entities, including the Marshfield Board of Selectmen and Harbormaster, have written letters supporting reinstatement of the NRC's funding. JK reads the Commission's letter to the Governor and Lieutenant Governor into the record, and invites all present to sign the petition for funding reinstatement on the NRC's website.
- CH comments that she had just been informed that Lieutenant Governor Polito told Mr. DeCoste that the funding has been reinstated, but the NRC is still collecting signatures on the petition.

### **BUSINESS**

#### **B1 Bluefish cove/ Water Street telephone pole removal DeMinimis Activity or RDA – Verizon**

- Russell Bilodeau (RB) present, representing Verizon New England. They need to remove aged telephone poles set in salt marsh near Bluefish Cove, 64 Water Street, as part of an ongoing project. The poles will be removed by truck, with matting placed over the marsh, and will not be replaced. BG notes that

Verizon proactively contacted him and provided a detailed access plan. He has no issues with the work as proposed. BG and JK note that Verizon has always been a good steward when conducting work in or near resource areas and thank RB for his.

- JK motions to approve the proposed work as a DeMinimis activity not requiring a Conservation permit. BO second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, SC-yes, PC-yes, CH-yes, JK-yes.

## **B2 Emergency Certification/Ocean Bluff Revetment Wall Repair – Commissioners & Town Engineer**

- The Commission discusses an Emergency Certificate request by Town Engineer Rod Procaccino (RP) for revetment wall repairs in the 532-562 Ocean Street area of Ocean Bluff; this would allow the work to go forward with the regional permitting paperwork to be submitted subsequently. RP notes that he inspected the area in response to resident complaints, and found the revetment slope in several areas to be unstable, with unsupported stones at the top of the slope needing additional rock underneath for support; a similar repair was done this summer in the vicinity of 532 Ocean. Funding for this work has become available, and they would like to avoid the need for additional emergency repairs this winter.
- RP notes that he is preparing paperwork for an Order of Conditions allowing for ongoing periodic maintenance in the area, as has been issued for the Green Harbor and Brant Rock areas. Additionally, he is working with FEMA on reimbursement paperwork. The Town is also conducting a study of possible longer-term solutions to address conditions in the area. JK agrees that this area is subject to significant erosion, especially in winter, and supports the Town taking the necessary actions to protect the homes in this area; PC concurs.
- JK motions to authorize the Conservation Administrator to prepare an Emergency Certification for the repair work, obtain Commissioner Signatures, and distribute the executed copy to the Town Engineer for implementation. SC second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, SC-yes, PC-yes, CH-yes, JK-yes.

## **B3 35 & 123 Parsonage/E.O. Restoration Plan Review – Commissioners & Weston & Sampson**

- Mel Higgins (MH) and JP Parnas (JP) present for Weston & Sampson. JK notes that the Commission discussed this matter at the September 1 meeting and voted to direct BG to issue an Enforcement Order for unpermitted fill at 123 Parsonage that was discovered by MassDEP during the technical review of a plan for improvements at the DPW facility. The plan has since been prepared and was reviewed by the Commissioners prior to the meeting. JK agrees with BG that three years monitoring of plantings is appropriate rather than the two years proposed by applicant, but also notes that the plan proposes an additional 1075 feet of restoration. BG would also like the plan to specify that the Conservation Administrator be notified if applicants undertake any additional plantings in order to achieve 75% reestablishment.
- BO would like to know what the area is going to be used for once DPW vacates the site. JP notes that the Commission approved the placement of some temporary storage facilities and office trailers on the property; he does not know what will happen beyond the next two years. BO suggests that applicant work with BG to come up with an acceptable fence line, rather than the current jagged line of markers, that protects all resource areas.
- David Carriere (DC), Vice Chair of the Board of Public Works, states that the Board intends to continue to have some materials storage in the area after the new facility at 965 Plain St is completed, but they are amenable to a barrier preventing encroachment on resource areas. BG comments that the existing line of markers is sufficient as far as it goes, and would like a more extensive line to better protect against encroachment.

- JK polls the Commissioners as to whether to approve the advancement of the restoration project, with final revisions to be made and presented at a future meeting: JR yes; PC yes; SC yes; CH yes; BO yes; JK yes; AL yes. All in favor. BG will work with all parties to revise the plan.

**B4 85 Wellington Avenue-Buffer Zone Restoration Plan – John Zimmer**

- John Zimmer (JZ), South River Environmental, present for homeowner Danielle Martin (DM). The Commission issued an Enforcement Order for unauthorized work at the property, including filling of the adjacent unimproved street, yard work, dumping of green waste, and construction of a fence in 100 ft buffer zone to wetlands across the street. A restoration plan was submitted to the Commission on September 22, satisfying the deadline set forth in the enforcement order. BG then reviewed and suggested revisions. The plan includes the removal of fill and green waste, posting of conservation markers, and restoration plantings with 75% successful growth after two growing seasons, two years of monitoring reports, and submission of an As-Built plan at the conclusion of the three years, to be recorded at the Plymouth Registry of Deeds.
- JK polls the Commissioners as to whether to approve the advancement of the restoration to a final revision and implementation of the plan: JR yes; PC yes; SC yes; CH yes; AL yes; BO yes; JK yes. All in favor.

**B5 74B & 76A Marginal-Revetment Wall on Salt Marsh Update – Commissioners & Bill Grafton**

- JK notes that this matter, discussed at the December 17, 2019 Commission meeting, concerns the addition of revetment stones to the wall between the existing yard and salt marsh. It was decided that BG was to work with Paul Armstrong to reduce the stone revetment after construction and landscaping on both properties was completed. BG notes that PA is no longer involved with the property, but he has been in touch with owners John DeMeo (JD) and Lindsey O’Connell (LO) who live at 76A Marginal have made some progress in this area.
- JK notes that the purpose of this discussion is primarily to update the Commissioners; he would like all restoration activity to be completed by February, 2021. BG thanks JD and LO for their cooperation, and asks them to continue with boulder removal and proceed with plantings as discussed in the field.
- BO is unsure if BG’s suggestion that certain stones be rolled into the marsh will be an effective or useful solution. BG notes there are already stones in the marsh, and there is a dead zone immediately beneath the revetment wall, and feels this action will provide favorable areas to plant high tide bush and grundsel as well as break wave energy but not deflect wave energy onto adjacent properties.
- JK notes for the record that the Commission generally discourages any type of new hardscape revetment walls, and will take action when such walls are discovered, and likewise thanks JD and LO for their cooperation in this matter.

**B6 795 Plain Street/Frasca Parcel-Conservation Permitting: DeMinimis Activity or RDA – Ryan Frasca**

- JK notes that Frasca Landscaping purchased and cleared the subject property, unaware that there was an isolated vegetated wetland on an adjoining property with a buffer zone extended into his property. All alteration and removal occurred outside the 75 ft buffer. Ryan Frasca (RF) is seeking Commission guidance as to whether the activity can be approved as a DeMinimis Activity or will require the filing of an RDA.
- JK asks for comments from Commissioners and public; none.
- JK moves that the Commission approve the activity as described as DeMinimis, not requiring the filing of a Conservation permit. SC second. Approved 7-0-0 by Roll Call Vote: JR=yes, AL=yes, BO=yes, SC=yes, PC=yes, CH=yes, JK=yes.

**B7 56 Foster Avenue/Additions to OOC-DeMinimis Activity vs. Amended OOC – Ryan Frasca**

- An Order Of Conditions/SE42-2832 was recently issued for the property. Landscaper RF contacted BG regarding additional landscaping activities and the addition of hardscape beyond the scope of the original OOC, and requesting guidance as to whether such activity can be approved as a DeMinimis Activity or will require a request to amend the OOC.
- JK notes that the resulting OOC resulted in about 432 additional sq ft of impervious surface; now they are proposing to add a fire pit to the backyard and 700 sq ft driveway to the front, the composition of which is not specified. These additions appear to increase the impervious surface by an additional 12.7%. The property is located in a VE and AE flood zone. The fire pit is classified as “pervious”, but JK notes that such pits are often constructed in such a manner as to be impervious in fact, and would like to see a cross-section of how the fire pit is going to be built.
- JK would also like permeable pavers to be used for the driveway. BO questions whether the driveway is proposed to be crushed stone? JK is not sure of the driveway’s composition based on the information provided. RF clarifies that the driveway will be composed of ¾” crushed stone. BO also asks RF whether the proposed flower bed is raised, or just lawn converted to garden? It is not raised. Given the lot’s location in a VE zone, BO would also like a better description of the fire pit if it is to be permitted. RF states the fire pit will be circular, built on a stone dust base, and easily removable, with no cement. However, BG points out that blue stone dust will effectively act as a binder, and a permeable material, such as rice stone, should be used, and a cross-section should be provided for the Commission’s records.
- JK summarizes the additional information needed as cross-sections and component details of the fire pit and driveway, as well as updated permeable surface calculations. BO supports requiring an Amended Order Of Conditions with the caveat that this is primarily for the fire pit, as he feels the other two changes by themselves would be DeMinimis. JK thanks RF for being willing to work with the Conservation Office.
- JK moves to require an Amended Order Of Conditions for 56 Foster, SE42-2832. PC second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, SC-yes, PC-yes, CH-yes, JK-yes.

**B8 505 South River Street (offsite unpermitted removal and alteration) – Commissioners & Dan White**

- A complaint was received at the Conservation Office regarding tree cutting across from the subject property. BG visited the site and observed (6) six large trees to have been cut in the buffer zone to BVW and salt marsh. Dan White (DW), the individual who cut the trees, appears to have done so on property belonging to Sylvester Zeigler (SZ). BG shares a map image, as well as a Mass DEP overhead aerial showing where the cutting took place, and notes that DW and SZ have been working cooperatively together with regard to this matter.
- JK notes for the record that residents need to be aware that unpermitted cutting in resource areas or buffers will lead to the issuance of an Enforcement Order with restoration plan required, and feels the same is warranted in this situation. BO concurs, and would like to know the location and diameter of trees that were cut to help the Commission evaluation of the eventual restoration plan; JK concurs. PC would like to know who will be responsible for carrying out the restoration, as the property owner in this case did not perform the cutting.
- Dan White (DW), 505 South River Street, apologizes for the cutting, as he didn’t realize the magnitude of what he was doing. He is willing to work with the Commission on a satisfactory resolution.
- Sylvester Zeigler (SZ), 458 South River Street briefly comments that he was not aware of the cutting being done. They have agreed verbally that DW would do whatever the Commission required by way of restoration; he did not support the removal of the trees but is trying to work cooperatively with DW. He would like to see DW remove the resulting green waste from the cuttings and implement whatever restoration plan is approved by the Commission.

- JK notes that legally, activity on a property follows the property owner, and any agreement between DW and SZ is beyond the Commission's purview.
- SZ may have a cause of action against DW if he does not resolve the matter satisfactorily.
- PC commends SZ and DW for working cooperatively so far, and hopes they continue to do so in order to resolve the matter. JK concurs but reiterates the logistics, in terms of who takes the lead in preparing and paying for the restoration, are a matter between the two individuals. BG notes that the actual planting may not be until next spring given the time of year. JK has no issues with this timeframe if it leads to a successful restoration.
- BG advises SZ that the enforcement order will go to him, as the property owner, and he can then confer further with DW; BG will assist both parties as needed.
- JK motions to direct the Conservation Administrator to prepare an Enforcement Order requiring immediate restoration under the guidance of a qualified wetland scientist acceptable to the Conservation Commission. CH second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, SC-yes, PC-yes, CH-yes, JK-yes.
- BG suggests that respondents be given 60 days instead of the usual 30 given the ownership situation; the Commissioners have no objection to a 60 day deadline.

#### **B9 251 Damon's Point Road / Restoration Plan & Third Party Review – Holmes & Commissioners**

- Tabled.

#### **B10 239 Dyke Road/SE42-2717 (ADA Compliant Gazebo) Discussion RE\_505-8 Requirements SHM GHM**

- Attorney Steve Guard (SG) present for new property owner SHM Green Harbor Marina (GHM) to discuss issues an expired Determination of Applicability for vegetative management and expired Order of Conditions for construction of a gazebo at a parcel owned by SHM GHM across from Peter Igo Park.
- SG notes that the parcel in question is detached from the rest of the marina property. The previous owners of the marina were approached by and teamed up with DPW and the Friends of the Peter Igo Park to develop the parcel for public benefit. The new owners of the marina would now like to close out the OOC, and are requesting a waiver from the requirement that an As-Built plan be submitted and recorded. They are then considering donating or deed-restricting the parcel.
- BO asks BG whether all activities had been completed in accordance with the original plans? BG believes the applicants worked cooperatively with the Friends of Igo Park; the plantings made were not 100% completed but were somewhat voluntary, and the area has since rejuvenated partially and with diminished invasive and opportunistic plant species. With respect to the gazebo, BG can assess compliance with the OOC without an engineered As-Built plan.
- JK reads Bylaw Chapter 505-8 into the record, which sets forth the requirement that an as-built plan be submitted with a Request for Certificate of Compliance unless exempted by the Commission, and polls the Commissioners as to whether to exempt the new owners of SHM Green Harbor Marina from the Ch. 505-8 requirement: JR yes; PC yes; SC yes; CH yes; AL yes; BO yes; JK yes. All in favor.
- BG will work with SG regarding the request for COC; an engineered As-Built plan will not be required.

#### **B11 Conservation Administrator Update/Increase in wetlands violations under COVID-19 Conditions – Bill Grafton**

- Tabled.

#### **PUBLIC HEARINGS**

Prior to the start of the hearings, JK advises that the hearings for Smith & Sons (2884) and Kirwin (2885) are being continued.

**20-24 McGrath, 1215 South River Street (Vegetative Management).....NEW (Joe)**

- JK reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- Applicant Mark McGrath (MM) present. The subject filing is an RDA to allow him to perform ongoing vegetative management. MM notes that essentially his entire property lies within buffer zone. He has noticed extensive opportunistic vines and invasive plants along the wooded fringe of his property that he would like to be able to trim back and move to a designated area in back of his property. BG notes that MM has knowledge of the nature of his property and what can and can't be done, and has no issues with allowing for ongoing vegetative management; JR concurs. JK thanks MM for working cooperatively with the Commission and BG.
- CH asks MM why he wishes to take the pine tree down. The tree is relatively small, and is growing sideways and interfering with the growth of a tree behind it; he would like to remove it to free up space in the lawn and avoid crowding of the other tree.
- JR asks for comments from the public; none.
- In addition to the standard conditions of approval, a special condition will apply requiring (8) eight conservation markers to be posted in the field by the end of November.
- JR motions close and issue a Determination of Applicability with Pos #5 and Neg #3 findings and special conditions drafted by BG. SC second. Approved 7-0-0 by Roll Call Vote: JR=yes, AL=yes, BO=yes, SC=yes, PC=yes, CH=yes, JK=yes.

**20-25 Huether, 30 Mayflower Lane (ATF Deck & Pervious Driveway).....NEW (Craig)**

- JK reads the legal ad. Hearing Officer CH confirms administrative requirements are complete.
- CH notes that the subject property is in land subject to coastal storm flowage, AE9 flood zone, and buffer to bordering vegetative wetlands. The application is for an after-the-fact deck replacement that came to BG's attention through a Building Department stop-work order.
- Applicant John Huether (JH) notes he received the stop order after his builder dug out footings underneath the front deck while making repairs.
- CH asks about the addition of pervious driveway material? JH indicates he would like to replace the stones with shells; they hope to get to this within the next year. BG recommended that applicant bundle this activity into the current application, and feels it qualifies for the state exemption 310 CMR 10.02(2b)(2q) allowing for repair or replacement of an existing driveway.
- BO asks if the shells would be added into the existing driveway footprint? They would.
- CH asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply.
- CH motions close and issue a Determination of Applicability with Pos #5 and Neg #3 findings and special conditions drafted by BG. JR second. Approved 7-0-0 by Roll Call Vote: JR=yes, AL=yes, BO=yes, SC=yes, PC=yes, CH=yes, JK=yes

**2886 Bryda, 271 Standish Street (Addition).....NEW (Rick)**

- JK reads the legal ad. Hearing Officer PC confirms administrative requirements are complete.
- PC indicates that the filing is a notice of intent for a second story addition.
- Arthur Hale (AH), Hale Bros. Construction present for applicant. They are proposing to add a second story and three-season porch to the existing house, while demolishing an existing garage and converting the existing driveway to crushed stone. The property is located within X flood zone, barrier beach, and coastal dune, and the project as proposed will reduce impervious area on the lot by about 460 sq ft.

- BG indicates that the project does not count as a “substantial improvement” under FEMA guidelines as AH confirmed with the Building Department and has no issues with the work as proposed; PC concurs. JK thanks AH for designing the project to substantially reduce impervious surface.
- PC asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply.
- PC motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. SC second. Approved 7-0-0 by Roll Call Vote: JR=yes, AL=yes, BO=yes, SC=yes, PC=yes, CH=yes, JK=yes

**2887 Murphy, Brewster Road (Road improvements & storm water management facilitates).....NEW (Bert)**

- JK reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Attorney James Creed Jr. (JC); John Zimmer (JZ), South River Environmental; and Terry McGovern (TM), Stenbeck & Taylor present for applicant. JZ notes that the project was most recently before the Commission on September 1<sup>st</sup> for a request for an amendment to a previously issued Order Of Conditions for a single-family residence. The Commission denied the request for amendment without prejudice based on the scope of the project changes. The current Notice of Intent concerns the proposed improvements to Brewster Road and the storm water management system, and not the previously approved work within the lot.
- JZ indicates that they are proposing to pave Brewster Road, about 185 sq ft of which is in Commission jurisdiction. Storm water improvements include addition of a catch basin at the end of Brewster that feeds into a “downstream defender” pretreatment unit, then a stilling basin with a discharge point on its south end. The detention basin and defender unit are located outside the 50 ft buffer, and the only work inside is the outlet, which is outside the 25 ft buffer. The construction of storm water management facilities is exempt from setback requirements under Chapter 505, but they have tried to adhere to them to the extent possible. The project is within an Outstanding Resource Water, and JZ states the project fully meets the associated performance standards. The work was previously peer-reviewed for the Planning Board by Patrick Brennan, RPE (PB), Amory Engineers, and Town Engineer Rod Procaccino (RP) has since reviewed the system and had no issues.
- TM notes that in response to Commission feedback, they had pulled the proposed detention basin outside the 50 ft buffer, along with the erosion control measures, and have routed drainage piping in such a way as to preserve the Cedar trees at the corner of Brewster and Chilton. Only the outfall pipe and splash pad are located inside the 50 to allow the basin to drain by gravity. They will be constructing a berm across abutter Mark Ochs’ property so storm water coming down Brewster will enter the catch basin and not Ochs’ driveway. They have added leaching components further up the pipeline to divert part of the flow upstream, before it reaches the basin. Erosion controls will be placed along either side of Brewster Road and along the limit of work. TM states there will be no increase in runoff due to the upstream diversion of part of the flow and addition of the defender unit and detention basin. In response to a query from BO, TM believes these structures will reduce the flow into the detention basin by roughly 30%.
- BO asks BG whether there are any other wetlands or jurisdictional areas along Brewster Road? BG feels the delineation as set forth in the plan is accurate and there are no additional wetlands not captured. BO asks TM about the catch basins in the George Road area; TM points out a series of leaching pits at the intersection of Brewster and George, which will capture a portion of the upstream runoff. BO asks about the maintenance of these structures? TM states that the basins are easily accessible, and can be opened and cleaned out as necessary. TM feels that the maintenance of these structures should fall to the Town, and they have conveyed this position to the Planning Board.
- BO asks TM about who would maintain the storm water structures on the Murphy property? The basin, outfall, and grass swale will be the responsibility of the purchaser of the property. JC adds that an easement will be granted to the Town, at the Planning Board’s request, allowing for emergency access or

repairs if the owner does not properly maintain the structures. BO asks if the outfall pipe can be moved out of the flood zone given the addition of the basins at George Road; TM states the pipe is needed in order to provide gravity outfall from the detention basin; otherwise, storm water could back up or flow down Chilton Street.

- BO notes that he met with abutter Eileen Jacobson (EJ), who had concerns about impacts on her well. TM notes that the detention basin is over 100 ft from her well, while the well for the new house is just 10-15 feet from the basin, and states there is no source of subsurface contamination in the area that would threaten either well. BO also asks TM about design and construction of the detention basin? TM believes specifications and construction details have been provided in the file; the bottom section can be seeded with either grass or wetland seed mix, for additional filtration. BO asks if any trees will be removed during construction of the basin? TM indicates that primarily brush and undergrowth will be removed; a large maple just to the east will not be removed, but needs to be added to the site plan. BG references one missing Red Maple from the final approved site plan under SE42-2776. TM identified layer was switched off and he will reset it.
- PC asks BG if he is satisfied with the location of the wetland flags. BG indicates there have been no changes from what is shown on the plan. TM notes that the delineation was done by Brad Holmes (BH), ECR, and Art Allen (AA), Ecotech, at the request of abutter Ochs, and there have been no subsequent changes. BG does not believe any other surrounding wetlands have a buffer zone that approaches the work area, but is willing to double check.
- JK notes that the plan references the possibility of other lots being developed, and feels this possibility is the reason the Planning Board required the road improvements. JK also feels that the project cannot go to a final vote until there is a definitive answer as to who or what entity will be responsible for maintaining the storm water fixtures on Brewster Road. JK further comments on the complexity and length of the storm water analysis, and feels that a peer review of the storm water system will be needed to help the Commissioners digest the information. BO notes that comments were received late this afternoon from Town Engineer Rod Procaccino (RP), but not all Commissioners had a chance to review. BO agrees that a continuation is needed to allow all Commissioners to review the comments and obtain an answer as to maintenance of the Brewster Road fixtures by George Road.
- Attorney Kim Kroha (KK), representing abutters Mark Ochs (MO) and Eileen Jacobson (EJ) and Ken Jacobson (KJ), 50 Brewster Road agrees with JK that a peer review of the updated storm water system documentation is appropriate given its volume, noting that the previous review by Amory Engineers was for an earlier iteration of the project which did not identify the work area was a critical area associated with an Outstanding Resource Water. She also agrees that greater clarity is needed as to the maintenance of all storm water structures, as the "critical area" designation requires enhanced maintenance of the structures. KK also contends that the use of a "drywell" detention basin, as proposed for the George Road intersection, is not allowed in an area that discharges in or near a critical area, and reiterates the need for a peer reviewer to determine protections for the abutting properties and the wetlands.
- JC notes that he is again in a position of having to respond off the cuff to KK's prepared comments, but notes that the plan approved by the Planning Board has now been changed based on Commission requirements, requiring them to go back to Planning once again, and then back to Conservation. Regarding maintenance of the detention basin, JC reiterates that his clients, and ultimately the new owner, will be responsible. They will also be maintaining the downstream defender and the catch basin at the corner of Chilton Street. Maintenance of the fixtures by George Road is unsettled as of yet because these are new additions to the plan after the review by Planning was completed.
- With regard to another peer review, JC states the system was already peer-reviewed for Planning by Amory Engineers, and the updated system has just been reviewed by the Town Engineer, who had no issues. JC also states that issues regarding drainage on the lot from Chilton Street were addressed in the

previously issued and recorded Order Of Conditions for the SFH. JC suggests that the Commission circle back to Amory with any questions before engaging in full-fledged peer review.

- JK comments that the Commissioners have the right to ask for a third-party review if they feel it is needed to render an informed decision on a project, and receipt of comments from Town-employed engineer(s) does not negate that right; JK personally feels he does not have the information he needs to make a decision. BG does not believe the reviews by Amory or Town Engineer looked at the Outstanding Resource Water issues or standards raised by KK or Town Planner Gene Guimond, and recommends peer review by a specialist versed in these issues.
- BO polls the Commissioners as to whether an additional peer review is required. CH yes; SC yes; AL yes; JR yes; PC yes, need summary-level information; JK yes; BO yes. All in favor.
- In response to a query from TM, JK indicates that the Commission will select a peer reviewer, as was done with SHM Green Harbor Marina. BG will prepare a list of reviewers. JC consents to a continuation on behalf of applicant.
- BO motions to continue to continue the hearing to December 1, 2020. AL second. Approved 7-0-0 by Roll Call Vote: JR=yes, AL=yes, BO=yes, SC=yes, PC=yes, CH=yes, JK=yes.

**2877 Dodge, 1112 Ferry Street (Raze & Rebuild).....cont from 9/1/20 (Craig)**

- Continued Hearing; CH hearing officer. Commissioner SC recuses from the hearing. John Zimmer (JZ), South River Environmental, presents for applicant.
- CH indicates that applicants have provided a new plan which addresses many of the concerns raised at the October 6<sup>th</sup> MCC Public Meeting including conversion of the driveway to crushed stone. JZ notes they have also provided additional information regarding the proposed plantings, extent of impermeable area, and amount of fill anticipated. The specs on the previously proposed permeable pavers for the driveway had in fact been submitted prior to the October 6<sup>th</sup> public hearing, but they are now proposing to use crushed stone instead of the pavers. The changes reduce the net increase in pervious area to 6.27%. The plan seems to include a different figure in error. JZ has also replaced the previously proposed apple trees with a mixture of red cedar and bayberry, both of which should be more suitable for the area. The majority of the proposed fill will be placed outside the buffer zone. Given that the resource area in question is across Ferry Street, JZ does not anticipate any adverse impacts.
- BG notes that the omission of the permeable paver specs from the previous hearing materials was due to an error on his part, and apologizes to applicant for the omission. BG talked with Bob Crawford (BC), who drew up the site plan, and confirmed that the impervious area change percentage shown on the plan, 8.91%, is incorrect and it is actually 6.27%. BG has asked BC to provide an updated plan with the correct percentage and updated planting plan information, but otherwise feels the improvements to the plan are satisfactory.
- JK thanks JZ and applicant for making the plan changes, as it has resulted in a much better project that addresses the previous Commission concerns. CH indicates she is comfortable with closing provided that receipt of a revised site plan be provided to the Conservation Office. BG would also like a table showing plant species, size, and quantity. JZ will provide the requested documentation.
- CH asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply in addition to special conditions requiring providing an updated site plan, planting table, and elevation certificate to the Conservation Office; 75% survival of all native plantings after two growing seasons, with two years of monitoring by a qualified wetland scientist. An ongoing condition gives applicant the option to perform ongoing periodic maintenance of the plantings.
- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. PC second. Approved 6-0-0 by Roll Call Vote: JR=yes, AL=yes, BO=yes, PC=yes, CH=yes, JK=yes.

## **CONTINUES HEARINGS**

### **2884 D.H. Smith & Sons LLC, 887 Plain Street (Addition to Existing Building).....NEW (Art)**

- JK reads the legal ad. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on November 3, 2020.
- JK notes that on this matter, all abutters still need to be notified, a stormwater report was received after the submission deadline, and a wetland off the site has not been flagged. Based on this, JK polls the Commissioners as to whether to charge applicant with a denial without prejudice under Commission policy: SC yes; CH yes; JR yes; AL yes; PC yes; BO no; JK yes. Based on the 6-1-0 poll, applicant will be charged a denial without prejudice.
- JK motions to continue the hearing to November 3, 2020. JR second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, SC-yes, PC-yes, CH-yes, JK-yes.

### **2885 Kirwan, 93 Bourne Park Avenue (Pier, Ramp & Float).....NEW (Rick)**

- JK reads the legal ad. The hearing is continued until the Marshfield Conservation Commission on December 5, 2020.
- JK notes that multiple items on the Commission checklist for dock projects, including dock walk and meeting with Harbormaster and Commission hearing officer, have not been completed for this filing. JK polls the Commissioners on whether to charge applicant with a denial without prejudice under Commission policy: : SC yes; CH yes; JR yes; AL yes; PC yes; BO yes; JK yes. Based on the 7-0-0 poll, All in favor; applicant will be charged one continuance under the policy.
- BO asks whether this applicant or the previous one had requested a continuation? BG indicates that the continuation was for administrative reasons and not due to applicant request. Applicants requesting hearings on incomplete applications remains an issue.
- JK motions to continue the hearing to December 15, 2020. CH second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, SC-yes, PC-yes, CH-yes, JK-yes.

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

None; BG requests that the Commissioners visit 14 Bank, where a request for COC is pending.

## **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 9:11 PM. JR second. Approved 7-0-0 by Roll Call Vote:

JR-yes, AL-yes, BO-yes, SC-yes, PC-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

Susan Caron