

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 –

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

MINUTES Tabled

CHAIRMAN'S ADDRESS

- 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.
- 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.
- The Commission recently voted to modify the hearings procedure to allow applicant/representative to speak after start of Commissioner deliberations to (1) offer new and not previously known information, or (2) correct statements the Commission has misunderstood. Applicants should not rehash their presentation at such times. Since in most cases, the Commissioners have already visited the property and reviewed the submission at length in advance of the hearing, and have listened to applicant or their representative's presentation prior to the start of deliberations, JK feels that the need for applicants to interrupt should be infrequent.
- Revisions to Chapter 505 of the Town Bylaw have been completed and distributed to the Commissioners for their review. Next steps will be to post the regulations and conduct a public hearing, which will likely occur within the next six weeks.

BUSINESS

B1 Carolina Hill/Unpermitted Trail/Conservation Administrator Report – Twist and Turns – Bill Grafton

- The Commission discussed the construction of an unpermitted bike trail on the Carolina Hill property; JK notes that the area has historically been kept as pristine as possible because it's a public drinking watershed. The trail involves the alteration/fill of two miles of conservation land, including wetland, over a two acre area, jeopardizing 11 different woodland species including the last known wild mountain laurel and old Eastern Hemlock stand.
- The Commission has been in contact with the Police Department and Town Counsel regarding what JK characterized as an egregious cutting of conservation land. They have asked all bike organizations to remove the trail from their guides, and for members not to utilize the trail. Members of such organizations who wish to assist in the restoration of the land should contact the Conservation Office. The Commission is open to proposals for new trails and activities, but they must be duly permitted by the Commission prior to any commencement of work.

- BO concurs with JK's comments and notes he has been involved in work on Carolina Hill with the Recreational Trails Committee, and the approval of new trails is a balancing act between recreational and conservation interests that requires thorough vetting. Many mountain bikers utilize and help monitor the property, but unpermitted trail cuts are detrimental to the property.
- BG notes that he has called on citizens not to alter conservation properties in the past but it keeps happening. The unpermitted trail has created a lot of work for BG and the volunteers who oversee the properties. BG asks that all parties be aware that alteration of conservation properties, including the cutting of new trails, requires prior approval of the Commission.

B2 John Sherman Estates/Subdivision Special Conditions Review – Greg Morse & Paul Driscoll

- Tabled to February 16

B3 Spyglass Landing- Complaint/Periodic Vegetative Management – Spyglass Landing Condominium Association

- The Commission discusses an ongoing disagreement regarding the cutting of potential hazard trees in the development. BG notes that he was first approached in 2018 by HOA Board member Robert Quinn (RQ) regarding potential hazard trees around the perimeter of the property. BG and RQ worked together to develop a plan for the ongoing management of the property. In 2020, the work extended to tree clearing and clearing around a detention basin, which resulted in a complaint call from Spyglass residents Mary Ellen Troy (MT) and Pat Hurley (PH), who objected to any cutting whatsoever since former agent Jay Wennemer (JW) did not allow it. BG holds that the man-made basin and trees outside the bounds of the conservation restriction established per OOC SE42-1668 are technically not jurisdictional to the Commission.
- BG reached out to JW, who indicated his stance was that cutting would lead to more cutting; BG notes that some of the trees have gotten significantly larger over time and some are threatening buildings, so selective management of these hazards is required. At this point, BG would like guidance from the Commissioners, as the two sides have been unable to reach consensus.
- RQ states he is unaware of what MT's issue is, as the work done does not directly impact her unit; the areas outside the unit are the Board of Director's responsibility, and RQ in particular is responsible for landscaping. They trim bushes around the retention basin so they don't interfere with the basin's function mowing and upkeep.
- MT states that she and PH filed a complaint in April; at that time, BG explained his view that the retention basin was not jurisdictional to the Commission. Both residents bought their properties with the expectation that the land behind the units would remain as is, so they were surprised to see tree cutting going on in the area right behind their unit. MT states the result is a large hole in back of her property that was not done with the approval of the Association, and further states that she asked for a written report from the Commission and was repeatedly referred to RQ and the Board. She is concerned that the cutting will continue to the detriment of the conservation area. MT also states that the previous owner of her unit had been told by the Commission in 2017 that the trees in back of the unit could not be removed.
- RQ reiterates that the trees in the common area outside the buildings are not the property of the individual unit holders but rather the Spyglass Landing Association; RQ further points out that the conservation restriction begins 150 feet behind the units, and they have never cut in that area. The retention pond as well as the treed area outside the CR are within the Association's area of responsibility. RQ also states that no tree was cut directly behind MT's property or along the retention basin, but they did trim branches in that area from the ground up so the landscapers could cut the grass, and trimmed vegetation surrounding the basin that was interfering with the flow of water. All work was approved by

the Association and was conducted in an area that the Association is responsible to maintain. They have invited MT to discuss the matter with the Association, but she opted to go directly to the Town.

- JK asks BG if there are conservation markers along the bounds of the conservation restriction; there are no markers currently, and BG thinks posting some along the perimeter may help. JK notes that the Conservation Commission has specific jurisdiction and cannot regulate outside those areas, and suggests that the Association post markers along the edge of the conservation restriction so it is clear where it can and cannot perform maintenance. The area outside of the restriction is private property that is outside of any setback to a resource area, and thus not within Commission jurisdiction. BG notes that a survey would be required as part of the posting, and recommends that an as-built plan showing the location of the markers be submitted to the Conservation Office, but RQ is concerned at the survey cost to the Association.
- BO asks whether any of the cutting was within Commission jurisdiction? BG indicates that with the exception of a small, previously disturbed area of buffer zone, the cutting was not jurisdictional. The CR is under Commission control. BO feels the Commission can't be the referee between the Association and the unit holders with regard to cutting outside Commission jurisdiction; JK concurs.
- JK in closing thanks MT for contacting the Commission, as this is how the Commission discovers improper activity, and asks that RQ and the Association consider posting markers along the limits of the CR to avoid future disputes.

B4 DPW (Pump Station Repairs)- Homestead, Macker and Anderson (DeMinimis Activity or Conservation Permit)- Marc Drainville & Paul Tomkavage

- Russ Kleekamp (RK), GHD, present for Marshfield DPW to discuss the installation of flow meters within manholes associated with (2) two sewer pumping stations within buffer zones to wetlands. These are being put in to minimize the "inflow and infiltration" rates as per DEP guidance. Two of the flow meters are in previously disturbed area within 100 ft buffer zones, and they would like permission to install these as a DeMinimis Activity. One meter, near the Macker Terrace pump station, will be installed in a paved roadway; the other, near the Homestead Avenue station, is being placed just off the right of way; both will be covered by manhole covers. Paul Tomkavage (PT) DPW Engineer adds that the Anderson Pump Stations is beyond the 100 foot setback.
- JK motions to permit the (2) two flow meter installation, as proposed, as a DeMinimis Activity. SC second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

PUBLIC HEARING

Prior to the start of the public hearings, JK announces that the hearings for Dewey, Spectrum Homes Lot 9 (2893) and Lots 10-13 (2895), and Brewster (2887) have been continued.

21-01 Doku R.T., 2000 Ocean Street (addition to commercial building).....NEW (Susan)

- JK reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- Steve Wildes (SW) presents for applicant. The proposed activity is a 20' by 50' addition to the section of the building occupied by the Corner Café, for expanded seating. The work area is in previously disturbed Riverfront area to the South River.
- BG advises that the property had previously been subject to an enforcement order in 2012, and since then, a fence in back with conservation markers appears to have been removed and the parking area possibly expanded, and trees on the left side and back of the property appear to have been removed. SW states that the fence had been damaged by snowplows and moved to the right hand side of the property, but nothing has been added to the back parking lot. The lot to the left of the property was expanded recently to accommodate a tent for outdoor dining during the COVID-19 pandemic; this involved the removal of some small trees and the addition of crusher mix.

- JK suggests that the conservation markers in back of the property be restored as a condition of approval. SW is willing to restore the markers and states that there is already sufficient parking on site to accommodate the addition. BO feels that the RDA for the addition can go forward, but notes that the restoration area required under the EO appears to have been significantly altered beyond what would be expected over the given time frame. He would like to address this as a separate matter to allow time for further research and site visits; JK agrees there seems to have been significant alteration, but notes that applicant received a COC for the restoration work without ongoing conditions, and is unsure the Commission can require additional restoration beyond re-posting of the conservation markers.
- SC has no concerns about the project but would like to avoid further encroachment or unpermitted expansion of the parking area, intentional or not. As the previous fence location is difficult to identify in the snow, and the delineation from the previous restoration plan has expired, SC polls the Commissioners as to whether to allow the conservation markers be placed in the field using the existing plan, with BG's guidance, or request a new delineation to determine the location of the markers. JR existing plan, PC existing plan, CH existing plan, BO existing plan, AL existing plan, JK existing plan if BG is able to do so.
- BG feels that locating the nubs of the previous fence/markers may be difficult without surveying experience; SW suggests that Merrill Engineers re-mark the site, after which BG and SW can place the markers in the field.
- SC asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply along with special conditions requiring the location of the previous fence/markers to be staked, conservation markers re-posted along the fence line, and receipt of an updated site plan showing said locations.
- SC motions to issue a Pos #5 and Neg #3 with special conditions drafted by BG. BO second. Approved 7-0-0 by Roll Call Vote: AL=yes, CH=yes, JR=yes, PC=yes, SC=yes, BO=yes, JK=yes.

21-02 Snyderman, 26 Little's Lane (Septic, carport, 2 additions).....NEW (Susan)

- JK reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- Brendan Sullivan (BS), Cavanaro Consulting, presents for applicant. The proposed activity is a septic upgrade and addition of a carport and two small additions to an existing single family home (sfh) within the 100 ft buffer to BVW/saltmarsh. The property abuts the North River to the north. The new septic has been approved by the Board of Health and North River Commission; its construction will involve construction of a retaining wall and fill in the back yard. The retaining wall is 75 ft from the BVW at its closest point. The additions include one 350 sq ft addition in previously disturbed area 181 ft from the riverfront and one 60 sq ft addition just outside the riverfront zone. The carport is within 300 ft of the natural bank of the North River.
- BG indicates that the proposed work qualifies for the scenic rivers riverfront exemptions, 310 CMR 10.58(6j). The septic upgrade, being in the 50 to 100 ft buffer to the BVW, qualifies for the state exemption under 310 CMR 10.03(3). He has no issues with the work as proposed. Commissioners PC and AL indicate that the work looks straightforward with no further comments.
- SC asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply.
- SC motions to issue a Pos #5, Neg #5, and Neg #3 with special conditions drafted by BG. JR second. Approved 7-0-0 by Roll Call Vote: AL=yes, CH=yes, JR=yes, PC=yes, SC=yes, BO=yes, JK=yes.

TBL 20-02 O'Connell, 75 Riverside Circle (raze & rebuild SFH).....cont from 1/19/2021 (Bert)

- Continued hearing; BO Hearing Officer.
- Commissioner SC recuses.
- Commissioner AL has filed a Mullin affidavit, and thus is eligible to participate and vote.

- Darren Grady (DG), Grady Consulting, presents for applicant. As requested at the last hearing, he has provided two alternative designs that move the house further from the isolated vegetated wetland (IVW) as defined under the Town Bylaw. Option A, using the footprint of the existing house on the lot, places the new house 45.8 feet from the IVW at its closest point; Option B places the house 50 feet from the IVW at its closest point, by slightly reducing the size of the garage; his clients would prefer Option A. Conservation markers have also been added to both plans; they are along the 25 ft setback.
- BG has discussed the matter in general with Town Counsel (TC), and mitigation is an important factor to the Commission being able to exercise its discretion in approving projects where structures move closer to a wetland. BG thinks placing conservation markers at the existing tree line would be a starting point for such mitigation. He would also like to see a pervious/impervious table as required by the Commission, as the Commission needs to consider the impact of possible patios and walkways.
- DG states he did not provide a pervious/impervious table. The driveway is proposed to be concrete, as it got steeper as it was pushed toward the street. There is no patio being proposed; the proposed deck and four-season rooms are both above-grade.
- BO feels that the difference between options A and B is not significant in terms of wetland impact, but would like applicant to push out the conservation markers to the tree line, as suggested by BG, as mitigation for the new house location. JK notes that the Commission struggles with interpreting the Town Bylaw in terms of whether the 50 or 75 ft setback applies, and prefers option B to A. JK agrees with BO that extending the markers to the tree line would be substantial mitigation for either option. PC prefers option B, as the Commission has held other applicants to that limit. CH would prefer to see the house entirely outside the 50, but would support option A with the suggested mitigation. AL agrees with PC. JR would support option A with the suggested mitigation.
- DG asks applicants Matt and Diane O'Connell if they would agree with (1) placing the conservation markers at the tree line and having the house 45 ft from the wetland or (2) keeping the markers at the 25 ft setback and having the house 50 ft from the wetland. Matt O'Connell (MO) and Diane O'Connell (DO) indicates he prefers option 2. Commissioners JR, CH, and JK indicate this is acceptable.
- BO asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply, along with special condition concerning placement of the conservation markers and submission of an impervious table to the Conservation office.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 6-0-0 by Roll Call Vote: AL=yes, CH=yes, JR=yes, PC=yes, BO=yes, JK=yes.

Commissioner SC returns to the Public Meeting.

2897 Balboni, 35 Falcon Close (I/G pool, shed, hardscape & landscape).....cont from 1/19/2021 (Craig)

- Continued Hearing. Hearing Officer CH confirms administrative requirements are complete. Commissioner AL has filed a Mullin affidavit, and thus is eligible to participate and vote.
- Scott Fanara (SF), Grady Consulting, presents for applicant. The proposed activity is the construction of an inground pool, shed, hardscaping, and landscaping inside the 100 ft buffer to a BVW, but outside the 75 ft "no new structure" setback. Some tree removal in the buffer is proposed, as well as silt sock erosion control along the driveway, fence line, and rear lot line. Any backwash from the pool system will be directed into a drywell.
- BG notes that no impervious table was received. There are two BVWs and buffer zones adjacent to the property, and the delineation of the wetlands adjacent to 27 Falcon Close dates back to 2001. BG also points out that the proposed pool location is currently vegetated with native species including white pine and oak saplings, and there may be an alternative location in existing lawn that may be more suitable. SF notes that there is an existing septic leaching field in the rear of the property, and feels that the proposed alternate location would put the pool inside the 25 ft no-disturb zone. BO asks if John Zimmer (JZ), South

River Environmental, looked at the 27 Falcon wetland line when he delineated the other line? BG indicates he did not.

- PC used to live near the property and has no issues with the plan as proposed, as it keeps the pool away from the septic infrastructure. SC is pleased to see a drywell proposed for the pool backwash. JK notes that the property is in a delicate area, surrounded on both sides by wetlands as well as NHESP habitat nearby, and agrees with BG that an impervious table and updated delineation are needed. He would like also to see the entire structure shifted to be outside the 75 ft buffer.
- CH agrees with JK and would like to see the pool and structures outside the 75 ft buffer; she would also like to see the impervious table and updated 27 Falcon wetland line. SF is willing to add the impervious table, but notes that both the shed and pool, in their proposed locations, are outside the 75 ft setback; the only activity inside the 75 is fencing, tree clearing, and landscaping. In response to a further query from CH, SF adds that there would be a small retaining wall on either side of the steps. BG notes that the wall, fencing, steps, and walkway are all considered to be structures under Chapter 505 of the town bylaw. CH reiterates that she would like to see the plan reconfigured so that all structures are outside the 75 ft buffer; this would allow time to receive an impervious table and updated delineation; JK and JR concur.
- BO asks about conservation markers?
- BG notes that the property is fenced in, so markers may be of limited value. Some markers along the buffer to the wetland on the front of the lot may be desirable. BG and SF will address this.
- CH asks for comments from the public; none.
- The matter is continued pending receipt of updated site plan, impervious table, and delineation of the 27 Falcon wetland line.
- CH motions to continue the hearing to February 16, 2021. SC second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2844 Amended Madden, 18 Roosevelt Road (Amend Foundation Repair, Landing & Stairs).....NEW (Art)

- JK reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- AL notes that an order of conditions was originally issued for the property in November of 2019 for a foundation repair and installation of landing and stairs. Applicant now wishes to amend the OOC. BG inquired of the Building Commission as to whether open pilings without footings would be required, and has not received a response.
- John Zimmer (JZ), South River Environmental, presents for applicants. JZ states that the original filing in 2019 was for partial replacement of the existing foundation, which was approved with smart vents. However, applicant was unable to find a contractor to do the work within the “50% value of the residence” threshold, and thus is seeking to do a full foundation repair on the property. Applicant has had some communication with the members of the Building Department, who have indicated they would go along with what the Commission approved. JZ agrees with AL that areas of barrier beach that are functioning generally as coastal dunes or coastal beaches and typically require a pile foundation, but JZ believes the actual area of the house to be an “upland within the barrier beach” and not a functioning coastal dune. JA states that homeowner, Neal Madden (NM) further believes the installation of piles would likely require the existing house to be razed and rebuilt.
- JZ contends that the new foundation will be a significant improvement over the previous foundation, as it will have four new flood vents. Applicant is also proposing to construct a deck off the back, supported by sonotubes, and replace an existing landing in the front and a small set of stairs on the side, to access an existing deck.
- BG understands JZ’s argument but notes that the state and Town Web sites both flag this area as “barrier beach,” and suggests that applicants complete a soil survey if they wish to contest this determination.

- AL would like some specific feedback from the Building Commissioner regarding the use of piles before approving the project or requiring piles; JK concurs, and notes this would also give JZ a chance to look at the soils on the property. BG would also like a revised site plan showing resource areas and FEMA elevations.
- AL asks for comments from the public; none.
- The matter is continued pending receipt of feedback from the Building Department and an updated site plan.
- AL motions to continue the hearing to February 16, 2021. JR second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2900 Covenor, 196 Atwell Circle (deck & shed).....NEW (Craig)

- JK reads the legal ad. Hearing Officer CH confirms administrative requirements are complete.
- Paul Gunn (PG), Morse Engineering, presents for applicant. The proposed activity is the construction of a raised deck on three sonotubes and shed on cinderblocks in buffer zone to a BVW and salt marsh, FEMA elevation 10. The shed is proposed to be 26.1 feet from the BVW at its closest point and the deck is 14.6 feet from BVW at its closest point; both structures are sited in previously disturbed area. The site was delineated by LEC Environmental. The proposed work would result in a 6% increase in impervious area. Erosion control is proposed along the limit of work, as well as the installation of four red and white conservation markers on posts along the edge of the BVW.
- BG notes that the lot abuts town-owned conservation land to the west, and would like applicant to post green and white conservation markers along the property line with Town-owned conservation land so as to avoid future encroachment. He has no issues with the delineation but notes that the deck constitutes a structure that is moving closer to the wetland. The shed would not move closer to the wetland, as part of the house is already closer. PG notes that the deck is cantilevered towards the wetland by about a foot, so the sonotubes are actually 15-16 feet from the wetland.
- CH is concerned about the amount of deck proposed inside the 25 ft buffer. JK notes that the 25 ft buffer is typically a hard stop with regard to structures, and lots such as these are especially challenging due to structures and disturbance historically extending right up to the resource area. In this case, a smaller deck or a shift in position so it is not “moving closer” may be a solution. PC agrees with JK’s suggestion. BO also agrees but feels another option would be to shift the red and white conservation markers a foot or so forward as mitigation. SC feels that either option would be viable, and that the deck will probably keep people away from the areas closer to the wetland. CH suggests that applicants pull the deck back so it is flush with the house and move the red and white markers in about a foot across the line; PC and JK concur. BO, SC, and JR have no issue with the deck as designed if the markers were shifted.
- PG indicates he is willing to redesign the deck so it stays flush with the house, but would have to work out the particulars with applicants. Applicant Joe Covenor (JC) is willing to work with PG to redesign the deck as discussed.
- CH asks for comments from the public; none.
- The matter is continued pending receipt of an updated site plan.
- CH motions to continue the hearing to February 16, 2021. JR second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2904 308 Ocean Street LLC, 308 Ocean Street (deck).....NEW (Joe)

- JK reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- Brad Holmes (BH), ECR, presents for applicant. The proposed activity is the construction of a 34’ by 18’ sq ft deck; the lot is located on LSCSF and buffer to coastal bank. The property contains a SFH, elevated on piles, that was rebuilt in 2019. The 112 sq ft deck would be located in back of the house, facing the ocean, and would be elevated on five piles flush with the first floor of the house, at 21 feet.

- BG notes that the house was rebuilt in 2019 under orders of conditions SE42-2652, which was amended after an official complaint for the addition of two concrete pads beneath the house for egress stairs; applicant subsequently further modified the OOC to convert a pervious driveway to paved driveway, giving this project the appearance of segmentation. The original OOC included a planting plan with two year planting survival required, but the plants appear to be dying based on recent site visits. BG suggests that the Commission require a new planting plan as a condition of approval.
- JR agrees with BG that this filing is an opportunity to get a better planting plan for the property. JK questions whether the 50 or the 25 ft buffer should apply to this lot under the bylaw, and would prefer a smaller deck, or a deck on the side of the house that wouldn't be moving closer to the wetland. BH notes that the backyard is nearly entirely gravel, and doesn't see what resource would be protected by reducing the deck's size. PC is concerned about how to get around the appearance of segmentation which, per TC, is clearly not allowed. JR notes that the houses nearby have decks roughly the same size, and the proposed deck would end up about the same distance from the seawall. BO points out that the seawall, a structure, is well in front of the house and proposed deck and does not see any conservation value being protected by denying or reducing the size of the deck. JR doesn't like the appearance of segmentation at this property but agrees with BO.
- BO asks BH whether he thinks the remaining plants will survive; BH hasn't evaluated the plantings but is willing to do so and update the Commission, as applicant is required to maintain the plants in order to receive a COC for SE42-2652. BG feels that BH's assistance is essential to the plants surviving, as the plantings were put in by the owner without professional assistance.
- JR polls the Commissioners as to whether they would approve the project with the creation of a new planting plan for the property as a condition of approval: SC yes; AL doesn't like segmentation, but yes; BO yes; PC yes, given the current state of the lot and currently nothing to protect; CH yes, agree with PC; JK like smaller deck, but yes; JR don't like the segmentation aspect, but yes. BH is willing to submit a planting plan by the filing date for the next meeting. BG will sign off on the building permit once the planting plan is received.
- JR asks for comments from the public; none.
- The standard conditions of approval will apply plus special conditions requiring receipt of a planting plan and revised site plan to the Conservation Administrator, implementation of planting plan prior to start of deck construction, two-year monitoring and 75% survival of plantings within two growing seasons.
- JR motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. PC second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2903 Conroy, 58 Second Road (Addition to SFH).....NEW (Craig)

- JK reads the legal ad. Hearing Officer CH confirms administrative requirements are complete.
- CH notes that associated resource areas are barrier beach, coastal dune, and AE9 flood zone. John Zimmer (JZ), South River Environmental, presents for applicant. The proposed activity is construction of a 16' by 16' addition, on helical piles, to the rear of an existing single family home (sfh). About half the addition is in the footprint of an existing deck, which will be removed. The work area is also in 100 ft buffer to a BVW in back of the property.
- JZ notes that the yard is fenced in, and lawn extends from the house to the fence. The previous owners maintained the area behind the fence, a practice the present owners intend to cease. They are proposing to add conservation posts to the western side of the fence to prevent encroachment beyond the fence line.
- BG has no issues with JZ's delineation or the proposed work aside from ensuring the owners no longer mow/maintain behind the fence.
- CH asks from comments from the Commissioners and the public; none.

- The standard conditions of approval will apply, plus a special condition regarding the posting of three conservation markers as per the plan of record; no mowing or vegetative management to take place beyond the markers.
- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2901 Foley, 33 Plainfield Road (Addition to SFH).....NEW (Joe)

- JK reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- John Zimmer (JZ), South River Environmental, presents for applicant. The proposed activity is to construct an 18 by 22 ft addition to the west side of the house inside previously disturbed area in 100 ft buffer to BVW and intermittent stream flagged by Brad Holmes (BH); JZ concurs with the line. The project will add approximately 400 sq ft of impervious area to the lot. There is a steep drop off from the side/back of the house to the wetland, and erosion controls will be used around the limits of work. Two trees in the 75 ft buffer will be taken down and some grading will be necessary along the edge of the addition. Stormwater will be routed into downspouts with dissipaters fitted on the outlet. Conservation markers are proposed to be posted at the 50 ft buffer.
- JR notes the steep grades on the lot and asks how homeowners will get around the addition. JZ states that the proposed grading around the edge of the addition will facilitate access; this area will be loamed, seeded, and stabilized after the completion of construction.
- BG talked to homeowner about the possibility of a rail around the edge of the addition; he would suggest this be allowed for safety. BG would like to see the conservation markers moved slightly upgradient conform to the existing tree line. JZ discussed this possibility with the homeowner, and his preference is to keep the first three markers at the 50. They are willing to move the fourth and fifth marker to the 75 ft line and thence to the property line. BG notes that any work in the area referenced by JZ would involve extensive tree removal and fill. JZ agrees but states that currently nothing is proposed for this area, and any such proposal could be addressed by the Commission at that time. JK is okay with siting the markers as proposed by applicant, including shifting the last two markers upgradient; PC concurs.
- JR asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply plus special conditions requiring the posting of conservation markers as discussed at the hearing and receipt of a revised site plan at the Conservation Office by Friday at 12 noon.
- JR motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. CH second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2902 Oriola, 37 Constitution Rd (Raze & Rebuild SFH).....NEW (Rick)

- JK reads the legal ad. Hearing Officer PC confirms administrative requirements are complete.
- John Zimmer (JZ), South River Environmental, presents for applicant. The proposed activity is the demolition of an existing sfh and reconstruction on the lot, which lies partly in AE9 flood zone. The new home, at 786 sq ft, will be reduced in size from the existing structure to make it compliant with the setback requirements. As the new structure will be located partially over the existing paved driveway, there will be about a 10% reduction in impervious surface on the lot. The foundation will be FEMA-compliant, with smart vents. There will be two raised decks in front of the residence, supported with concrete footings. The remaining disturbed areas will be graded and vegetated. All living areas and utilities will be raised above the FEMA flood elevation of 9'.
- BG requests an updated impervious table to show the driveway, and notes that the site plan needs to be updated to show the 2020 FEMA FIRM figures. BG also questions whether the first floor elevation, currently set at 9.5', needs to be 10', and would like to hear from an engineer on that question. JZ states that he has received an updated site plan showing the 2020 FEMA FIRM information, which he will

provide to the Conservation office. BG requests a letter from a registered engineer addressing the first floor elevation.

- JK thinks the project can be approved tonight with conditions addressing the proper first floor elevation. PC notes that he has not seen the revised site plan, and that in addition to the missing information, the plan sheets do not bear an engineer's stamp. Given these loose ends, he would prefer a continuation as opposed to approval tonight with conditions; JK agrees with PC that continuation is the better practice in this situation.
- PC asks for comments from the public; none.
- The matter is continued pending receipt of an updated site plan and confirmation from engineer regarding the first floor elevation.
- PC motions to continue the hearing to February 16, 2021. AL second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

CONTINUED HEARINGS

2905 Dewey, South River Street (New SFH).....NEW (Bert)

- JK reads the legal ad. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on February 16, 2021 per the request of applicant's representative. DEP number is outstanding.
- JK motions to continue the hearing to February 16, 2021. AL second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, SC-yes, BO-yes, PC-yes, CH-yes, JK-yes.

2893 Spectrum Homes Inc., 14 (Lot 9) Adelaide Way (New SFH).....cont from 12/15/2020 (Art)

- The hearing is continued until the public meeting of the Marshfield Conservation Commission on March 2, 2021 per the request of applicant's representative.
- JK motions to continue the hearing to March 2, 2021. CH second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, SC-yes, BO-yes, PC-yes, CH-yes, JK-yes.

2895 Spectrum Homes Inc., 16, 18, 20 & 22 (Lots 10-13) Adelaide Way (grading & retain wall).....cont from 12/15/2020 (Art)

- The hearing is continued until the public meeting of the Marshfield Conservation Commission on March 2, 2021 per the request of applicant's representative.
- JK motions to continue the hearing to March 2, 2021. PC second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, SC-yes, BO-yes, PC-yes, CH-yes, JK-yes.

2887 Murphy, Brewster Rd (Road impvts. & storm water mgmt facilities).....cont from 10/20/2020 (Bert)

- The hearing is continued until the public meeting of the Marshfield Conservation Commission on March 2, 2021 per the request of applicant's representative.
- JK motions to continue the hearing to March 2, 2021. JR second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, SC-yes, BO-yes, PC-yes, CH-yes, JK-yes.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

2581 DPW & Recreation Department (Peter Igo Park) 35 Marshall Ave [COC]

- The original dock system approved under SE42-2581 has been removed and replaced with a ramp and float that has been permitted under Chapter 91 10A. BG visited the site and recommends issuance of the COC with the following ongoing condition: *The float system is currently maintained and permitted under the Marshfield Harbor Master's jurisdiction and a valid Chapter 91 10A which will be renewed as required. If the float system changes to meet the criteria for a dock system, then a new Notice of Intent shall be prepared and submitted to the Conservation Commission for conservation permit review and*

determination. The maintenance of the remaining deck/ramp and option to stabilize with helical piles or equivalent as per the original Orders of Conditions/SE42-2581 is permitted.

- JK motions to issue a COC for the property with ongoing condition as noted. BO second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, SC-yes, BO-yes, PC-yes, CH-yes, JK-yes.

2701 Halliday, 98 Preston Terrace [EXT]

- BG recommended issuance of the EXT, as homeowner has been cooperative with the Commission. The project is underway and needs more time to complete.
- JK motions to approve issue a three-year extension to the order of conditions, with a new expiration date of 4/4/2024. CH second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, SC-yes, BO-yes, PC-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 9:39 PM. AL second. Approved 7-0-0 by Roll Call Vote: JR-yes, BO-yes, AL-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
Arthur Lage Joe Ring
Craig Hannafin Rick Carberry
Susan Caron