

TUESDAY, MAY 18, 2021 6:30 P.M., ZOOM VIDEO CONFERENCE (HELD REMOTELY)

MARSHFIELD TOWN HALL, 870 MORaine STREET, MARSHFIELD, MA

MEMBERS PRESENT – Craig Hannafin (CH) Chair, Bert O’Donnell (BO) Vice Chair, Arthur Lage (AL), Joe Ring (JR), Susan Caron (SC), Rick Carberry (PC), Eric Flint, Conservation Agent (EF); and Bill Grafton, Conservation Administrator (BG)

MEMBERS NOT PRESENT – None. Commissioner AL leaves at 8 PM.

CALL TO ORDER – CH motions to open the meeting at 6:30 PM. SC second. Approved 6-0-0.

MINUTES

- The minutes of the May 4 meeting were presented for approval. EF noted two corrections were received by e-mail; no additional changes were made on the floor.
- CH motions to accept the May 4, 2021 minutes as edited. PC second. Approved 6-0-0.

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.
- CH notes that the *de minimis* activity reviews and the RDA hearings will be moved to later in the meeting to accommodate a Commissioner who needs to leave early.

BUSINESS

B3 Conservation Permitting Submittal Quality Report – Conservation Chair & Administrator

- BG states that many of the recent submittals that are coming in have had issues including the wrong forms, state Riverfront fees not being paid, incorrect check payees, and insufficiently detailed site plans. BG suggests that a task force of Conservation Office staff and Commissioners review of the permit and COC checklists for edits would help to address these issues. Increased assignment of counts towards denials without prejudice when submissions are incomplete or incorrect are another option.
- CH agrees it is in everyone’s best interest, especially applicants and their representatives, to ensure submissions are in order when they are submitted for hearing.

PUBLIC HEARINGS

Prior to the start of the hearings, CH advises the public of the two scheduled continued hearings including Dewey/SE42-2905 (South River Street) and Lawson/SE42-2916 (62 Marginal Road).

2927 Resource Way LLC, 208 Enterprise Dr. / 795 Plain St. (access road/stormwater basins).....NEW (Art)

- CH reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- Terry McGovern (TM), Stenbeck & Taylor, presents for applicant. The proposed activity is construction of an access roadway and stormwater management basins within the buffer to a BVW. TM notes that the first portion of the project, including construction of an access driveway from Enterprise Drive to an office/maintenance building, was permitted previously by the Commission and is complete except for the paving of the drive and some mitigation plantings. The purpose of the new filing is to provide legal access to 795 Plain Street, parcel D10-02-7E, a portion of which will be cut out as a 10 acre lot at the rear of the property, abutting Route 3, owned by Timothy Connor. This legal access is required per a 2003

Planning Board decision. Their intent is to provide access to the lot while minimizing disturbance to the existing detention basin and buffer zone. The new access road will be 22 ft wide and 380 feet long, ending in a T-turnaround; it passes roughly parallel to the basin and does not intrude past the 75 ft buffer. Drainage generated by the road will be directed to a drainage lot just SW of the turnaround, comprised of a forebay and detention basin with recharge structures. They also wish to construct a 4' by 3' box culvert just outside the drainage basin, following existing drainage patterns, and 6' wide trap rock channel leading to the drainage basin. All drainage work and grading will lie along the 75 ft buffer, with a small energy dissipater between the 50 and 75. Stockpiling will occur just beyond the turnaround, outside the 100 ft buffer. Once Resource Way LLC has obtained control of the property, a third filing will be forthcoming for the work to be done on the lot.

- BG and TM recently walked the site, and BG asked TM for an estimate of the area inside the buffer zone that was cleared by current lot owner Timothy Connor; TM estimates about 35,000 sq feet of buffer zone was cut on the western part of the property, 5000 sq ft of which was inside the 50; by the detention basin, an additional 16,000 sq feet was cleared. TM notes for the record that based on aerials they maintain in their own office, the property was part of an area periodically harvested for timber in the 1940s/50s; Mr. Connor has testified under oath that he continued the practice periodically. Applicants are appearing before the Planning Board next Monday, and comments from Town Engineer Rod Procaccino (RP) and PB consulting engineer Pat Brennan are pending. TM anticipates a continuation, and is hoping to hear all Commission concerns tonight so they can be addressed with the Planning Board.
- BG states that RP sent in his review late this afternoon, and had comments stating peak rate attenuation was not met; information regarding recharge standard 3 was not provided. BG relayed that another energy dissipater at the end of the existing drainage ditch before discharge into the wetlands should be considered. An illicit discharge compliance statement must also be signed. At the site walk, BG looked for IVWs in the upland and found none. Huldah Brook is a perennial stream and cold water fishery, so protecting the riverfront area should be a priority. To that end, BG agrees with RP on the need for an additional energy dissipater. BG also suggests that robust native wetland plantings be required downgradient of the discharge area, which would soak up additional water and slow down the discharge velocity. BG suggested Conservation markers should be posted along the 50 ft line, tree line, or riverfront, whichever is most up gradient as the two lots are disturbed in the buffer zone and riverfront without a conservation permit.
- AL comments that he has four areas of concern, including placement of conservation markers, a plan for restoration plantings, and status and storm water impacts on Huldah brook. PC notes that RP also suggested that easements should be provided so the Town can access the drainage lots and structures if necessary. TM replies that the drainage lot and access drive will be open for the Town to access if necessary. He does not feel that the volume and speed of the projected drainage warrants a second dissipater; the trap rocks were placed in anticipation of further development in the area. AL notes he will await RP's specific guidance on this matter. BG adds that RP stated that standard peak rate continuation had not been met. BG notes that although the intermittent brook generally meanders, it can release large amounts of water during major storm events.
- BO would like to know what kind of business will ultimately occupy the lot, and if further expansion of the road is contemplated. TM states there is no intent to move the road beyond this parcel. The new owners, McDougall Brothers, want to move their construction business to the lot. BO also asks whether the discussed second dissipater would intrude into the buffer zone. TM needs RP's comments in hand to answer for certain.
- AL asks whether there are any issues with Commissioners visiting the site; TM states that the current owner of the property has requested that someone from Stenbeck & Taylor accompany any site visitors; he will try to accommodate all reasonable requests. CH believes under the revised policies and

procedures, the Commissioners are allowed access to any property having an application before the Commission.

- AL asks for comments from the public; none.
- AL motions to continue the hearing to June 1, 2021. SC second. Approved 6-0-0.

2915 Cutter, 10 South Street (elevate single family home).....cont from 4/6/2021 (Bert)

- Continued hearing; BO hearing officer.
- Terry McGovern (TM), Stenbeck & Taylor, presents for applicant. The proposed activity is the elevation on concrete piers of an existing SFH near the cell tower in Brant Rock. TM notes that at the first hearing, the Commission requested a letter from a structural engineer regarding the viability of alternatives for structural support of the elevated house. This has since been provided, along with an revised site plan indicating the work area is in barrier beach and specifically referencing the 2020 FEMA FIRM.
- BG notes that the plans prepared by TM, a registered professional land surveyor, shows two corners of the structure touching the AE12 zone. BG also questions whether an image on the site plan labeled “July 6, 2020 LOMR map” is in fact from 2016, but TM states the image is in fact from the 2020 LOMR. BG also notes that the Building Commissioner advised in a discussion he would rely on the submitted site plans from a professional land surveyor for the determination as to flood zone in difficult cases involving multiple flood zones. Regarding whether the work site is in coastal dune, BG talked with Town Counsel as well as Finn Associates and former Conservation Administrator Wennemer. TC and Wennemer referred BG to permitting for the Hop restaurant, SE42-2558, which is in the same area but 150 ft set back further from the ocean than the subject site. The Commission at that time found that site to be barrier beach, coastal dune, and in the flood zone, and thus required the restaurant to be constructed on wooden pilings. Regarding alternatives to concrete piles, former Conservation Administrator Wennemer told BG that helical piles were used at 209 Bay Avenue/SE42-2527 in barrier beach, coastal dune, riverfront and flood plain and that helical piles can be up to 8 inches in diameter, possibly sufficient to support a house, but BG does not disagree with the structural engineer’s commentary that helical piles might rust. BG suggests it is in the Commission’s interest to protect its historical finding that this barrier beach is also coastal dune if necessary through extensive soil sampling similar to taken under OOCs SE42-811 and SE42-764 located on Bryant’s Road.
- BO notes that the proposed first-floor elevation, at 19 feet, will be well above the 12 ft flood elevation requirements for this flood zone; TM confirms and states the proposed elevation is compatible with an AE12 flood zone. BO also notes that BG suggested to the Commissioners that they require a variance request on grounds that the Chapter 505 performance standards cannot be met. BO is personally opposed to that action, as there have already been multiple hearings, and applicant has provided all information requested by the Commission. CH also believes the project can be approved as proposed, based on the provided evidence that the only safe construction alternative is the use of concrete piers, without making a determination as to whether the work area is located in coastal dune/barrier beach; BO concurs. JR asks what the advantage/disadvantage is of a variance? BO states procedurally, it would require a continuance so applicant could submit a variance request letter, and believes the issue should have been raised earlier on in the process. BO reiterates his belief the project can be approved without making a specific determination as to whether or not the work area lies in coastal dune, without setting a precedent for future work in the area. SC comments that the end result would seem to be the same whether the Commission requests a variance or not, and she would support what a majority of the Commission prefers, administratively. JR sees an approval as being made for construction safety reasons based on the Building Commissioner commentary, and has no issue with relying on that for the approval.
- BO asks for comments from the public; none.

- The standard conditions of approval will apply including special conditions requiring submission of an elevation certificate and one day notice provided to the Building Commissioner before start of work to ensure all d(1) conditions are met.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. SC second. Approved 6-0-0.

2924 Sullivan, 226 Bay Avenue (conversion of porch to living space).....NEW (Art)

- CH reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- Kevin Sullivan (KS), applicant's son, present along with Dana Altobello (DA), Merrill Engineers, and architect, Jeremiah Eck (JE). The proposed activity is a conversion of a wraparound porch on the property to be enclosed livable space. The lot is located in riverfront, barrier beach, coastal dune, and LSCSF (AE11).
- AL comments that the project seems straightforward to him, and approvable with conditions requiring the posting of conservation markers and ensuring the footprint of the subsurface remains open. In response to a query from AL, DA confirms all work will remain within the existing footprint of the structure, with no expansion. AL also asks about the foundation of the enclosed porch. JE indicates the foundation will change from sonotubes to 12 inch wood piles, to support the extra weight, in the same locations as the sonotubes. They are also proposing new skirting with spacing that would allow water to pass underneath the house. AL also asks DA about flood elevations, which were missing from the site plan. DA notes he advised BG in an email that the existing first floor elevation is 15.7, and the proposed porch area will have the same elevation, which is 3.7 feet above the FEMA flood elevation. JR notes there are property line issues in the area, and asks whether there are any known issues on this lot. DA knows of no issues with the lines. KS notes that no construction is proposed outside the existing footprint of the house.
- PC asks about maintaining the large trees on the property? JE does not believe any trees will be impacted by the project; AL believes the markers will help protect the trees. KS states they intend to keep the trees, and asks about the posting of conservation markers; BG explains what they are and that they are posted on 24 inch posts.
- BG agrees that the elevation of the porch area will be more than sufficient. BG notes for the record that an impervious table was not provided with the application; this is helpful for the Commission to monitor buildout when properties change hands. BG agrees with AL that the posting of conservation markers may help protect against further encroachment. In response to a query from AL, BG is okay with closing this hearing tonight provided that revised site plans are submitted.
- AL asks for comments from the public; none.
- BG indicates that the special conditions of approval will include the posting of two conservation markers along the back property lines and submission of a revised site plan with impervious table, showing the conservation markers, and specifying that the foundation trees remain.
- AL motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 6-0-0.

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

- Continued hearing; BO hearing officer.
- Terry McGovern (TM), Stenbeck & Taylor for applicant along with attorney Jay Creed (JC). The proposed activities are road and stormwater management improvements required by the Planning Board pursuant to construction of a single-family home. TM notes that much of the discussion in past hearings has involved the treatment train for stormwater prior to discharge. Since the last public hearing, design changes include the addition of a treatment unit to the catch basin at the corner of Chilton Street. At the corner of 0 Brewster, they are adding a stone diaphragm, vegetated filter strip, rain garden with

underdrain, stone filter berm, and dry detention basin ultimately discharging into the wetland. TM notes for the record that per the operations and maintenance plan, the owner of 0 Brewster will be responsible for inspecting and periodically cleaning out the catch basins and the aforementioned structures on 0 Brewster. A drainage easement will be provided to the Town to access the structures in the event a future homeowner fails to adequately maintain them, and then assess the cost back on the homeowner. TM notes that the structures will require periodic inspection, but only maintenance as needed.

- Commission consulting engineer Brian Donahoe (BD), Goldman Engineers, confirms to BO that the revised system presented by TM is in compliance with the regulations and stormwater controls. BD states the plans talk about just the rain garden and catch basin, but as there is a connection back to the other systems up Brewster Road that satisfies his concern about operation and maintenance of all structures. BO asks BD to summarize the location of the Outstanding Resource Water (ORW) boundary; BD obtained verification from the State that the ORW boundary is the wetland boundary for this location as delineated on the plan, and the current treatment train accommodates the requirements of the ORW.
- BG states the revised system represents a good resolution to the issues raised in the previous hearings but notes the Commission will have to monitor maintenance by the owner. Additionally, BG notes that under the revised Chapter 505 regulations dated 3/18/2021, which apply to all open hearings at the time of adoption including this one, stormwater basins within the buffer zone are no longer exempt and must be approved by the Commission as providing a benefit or mitigation, or not creating a significant adverse or cumulative adverse effect; CH indicates this is her understanding as well. JC states that the revised 505 regulations set forth in specific language the effective date of the changes, and any project applied for prior to March 18 is exempted, and suggests that the Commission check with TC for clarification; JC feels this is important because in this case the regulations changed after most of the design work for this filing had been done, and in the middle of the peer review period.
- Attorney Gene Guimond (GG), representing abutters Ochs and Jacobson, states that overall they are happy with the project as modified. They would like to ensure there is no prohibition against mowing the grass swale in Chilton Road, as they believe not mowing the swale would interfere with its functioning. They would also like to ensure that vegetation to the east of the grass swale and retention barrier on the north side of Chilton Road, including a white pine in the area, will not be cleared. Finally, they want to ensure that any future owner of the property is aware of their maintenance obligations under the OOC; this will be of particular concern several years down the road, when a future owner may not check the actual terms of the OOC prior to closing, and GG suggests that this be addressed in the conditions of approval. Besides these three concerns, his clients have no other issues.
- JC comments further with respect to suggested conditions of approval previously drafted by attorney Kim Kroha (KK), representing Ochs and Jacobson, stating that a proposed condition granting the abutters on Brewster and Chilton Road third-party enforcement rights with respect to stormwater structure maintenance, as well as the right to maintain such structures, is beyond the authority of the Commission to grant as it effectively grants the abutters the right to access private property; JC states that the drainage easement granted to the Town should address the abutter concerns regarding maintenance of the structures. Regarding notice to buyers of their maintenance obligation, JC has no issue with putting a reference to the OOC and maintenance plan in the deed, but doesn't want other attorneys to effectively be involved in drafting the purchase and sales agreement that his office will be drafting for the sale of the property. GG states his clients are only interested in the specific issues he raised.
- All parties review conditions of approval to be included in the OOC. BG also suggests adoption of the following conditions suggested by Attorney Kroha: that buyers of the lot submit a signed statement to the Commission indicating they understand the maintenance obligations with respect to the stormwater structures. JC feels putting a reference to the order of conditions and maintenance plan in the deed is sufficient for purposes of buyer notification; GG concurs with JC. JC requests that abutters mark the

white pine they wish to save in the field. TM is willing to add the tree to the site plan once it is identified; he does not anticipate any disturbance to plants in that area.

- BO states his main concern is ensuring that the work on the road gets completed before the house gets built. JC states that as a function of the Planning Board approval, they only have frontage for the house when Brewster Road is completed, so they will not be able to obtain an occupancy permit for the house until the road is completed. GG's preference is a special condition requiring construction of the road before the house. TM feels this condition unnecessarily creates a redundant layer of conditioning that will be burdensome for the Commission to track in the future. BG comments that issues can also arise from not linking Commission Special Conditions close enough to Planning approval conditions. BO polls the Commissioners as to whether to include a special condition requiring construction of the road before the house: PC yes, don't see the harm; SC yes, this is why the Commission is here; JR yes; CH yes.
- After discussion, special conditions of approval will include addition of a reference to the OOC and maintenance plan in the deed; no clearing of vegetation to the east of the grass swale halfway past Chilton Road, including a white pine which will be marked in the field; mowing of the grass swale in Chilton Road to be allowed; submission of a signed Illicit Discharge Statement to the Conservation Office; road and stormwater structures to be a sequenced construction before the house construction at 0 Brewster; execution of the Operations and Maintenance Plan into perpetuity.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. PC second. Approved 5-0-0.

2926 Curtis, 3 Cove Creek Lane (vista pruning).....NEW (Joe)

- CH reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- Terry McGovern (TM), Stenbeck & Taylor, presents for applicant, Rick Curtis, who is present along with attorney Adam Brodsky (AB). The proposed activity is vista pruning in buffer zone to BVW and riverfront area to Cove Creek. TM adds that owners would like authorization to conduct ongoing periodic maintenance to preserve the view as depicted in pictures that TM shares with the Commission. They would also like to "top" several trees in the area near the dock to aid with navigation. The proposed trimming will not affect any groundcover, and no use of heavy equipment/machinery is proposed. Tree company employees will climb the subject trees and trim individual branches by hand.
- Applicant Rick Curtis (RC) notes that he met BG and several Commissioners in the field, and reiterates he is proposing a precision, selective pruning process, which he will direct from his home. At BG's suggestion, he is requesting authorization to perform ongoing periodic maintenance, to include the spraying of two holly trees on the property to ward off mites. AB briefly comments that vista pruning is allowed under the state regulations and is often exempt from regulation. BG notes this is true in the 50-100 foot setback; this work takes place inside the 25-foot setback.
- BG notes that this activity must also be approved by the North River Commission (NRC), and no filing was pending before them as of today; thus, the hearing must either be continued pending NRC approval, or closed with a condition that no work can start until NRC permitting is obtained. The buffer zone is relatively thin as is, and may benefit with additional plantings of native wetland shrubs or herbaceous seed mix. AB notes that one of MCC's standard conditions specifies that work cannot begin until all other applicable permits have been obtained, so he feels the hearing can close tonight. BG suggests adding the North River Commission to the standard d(1) special conditions.
- JR comments that applicant seems to be interested in maintaining the health of the buffer zones lying in his property.
- CH takes issue with TM's statement that there was a traditional view at the property, as the landscape was altered before Mr. Curtis acquired the property. That said, she agrees vista pruning may be permitted. CH suggests that native plantings be made as a bulwark against the lilac and greenbrier vines taking over sections of the property; CH would also like to see native, salt-tolerant plants (high-tide

bush/bayberry) near the dock. RC is open to making these plantings, but wants to take care of the pruning first. BO would like to obtain a count of the principal trees on the property so they can be tracked in case any are damaged. TM does not have a specific tree count but knows there are five big maples, about (6-10) 18-inch pines; TM suggests a condition requiring any trees significantly damaged during the pruning be replaced. BG suggests that RC mark up a panoramic image of the property for the Commission file; JR concurs. RC concurs and notes, as a former landscaper/arborist, he would not do anything to deliberately harm the trees. CH thanks RC for his cooperation and recommends that he consult with a wetland scientist as to plantings.

- JR asks for comments from the public; none.
- The standard conditions of approval will apply plus an ongoing condition authorizing applicant to perform ongoing periodic vista control and invasive/opportunistic vine control by hand, as well as make native/salt-tolerant plantings in the 0-50 ft setback. Submittal of a marked up panoramic picture better depicting the limbs to be removed.
- JR motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. SC second. Approved 5-0-0.

2925 Hastings, 179 Old Main Street.....NEW (Bert)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Rick Servant (RS), Stenbeck & Taylor, presents for applicant. The proposed activity is the construction of an addition to the existing house, installation of a swimming pool behind the house, and relocation of a barn and septic tank within the buffer zone to a BVW in the rear of the property. The new barn location is 39 ft from the wetland, and is dictated by the position of the septic system. The septic tank will be moved to 91 feet from the wetland. The area where the barn will be moved is existing lawn area. The barn will be moved first, and then the septic tank. Some grading, filling, and retaining walls will be required with the barn move.
- BG has no issues with the wetland line. Given that the house and barn were constructed around 1890, a 25 ft no-disturb buffer zone may apply. However, as the barn is proposed to move closer to the wetland in back, BG suggests that either a variance or mitigation permit is required under the revised Chapter 505 regulations. BG suggests that the project either requires a variance or the applicants should apply for a mitigation permit, which would require a 110% offset (about 390 sq ft) of mitigation. BG suggests this could be achieved with a planting plan in the 0-25 ft setback. BG also recommends the posting of conservation markers along the 25 ft setback to avoid further encroachment.
- All parties discuss whether mitigation is required under the Bylaw. RS contends mitigation is not required, as the structure is not encroaching on the 25 ft setback; Chair Hannafin and the other Commissioners concur. BO concurs with BG about the desirability of conservation markers, and suggests they be moved slightly up gradient of the existing lawn edge to allow a better transition into the buffer zone; CH and PC concur. Applicant Ryan Hastings (RH) has no issues with the proposal, noting that preserving the health of the wetland is important to him.
- BO asks for comments from the public; none.
- The standard conditions of approval will apply along with a special condition requiring the posting of (3) three conservation markers on posts in the backyard location discussed.
- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 5-0-0.

2920 Calcagni, 167 Planting Fields Road (single family home).....cont from 4/6/2021 (Art)

- Continued hearing; PC acts as hearing officer in the absence of AL. PC confirms administrative requirements are complete.

- John Zimmer (JZ), South River Environmental, presents for applicant, who is also present. The proposed activity is construction of a new single-family home within the approximately 4-acre parcel. Only a small portion of the house would be located within the 75-ft buffer, and the driveway and septic system are outside the 100-ft buffer. JZ walked the property with BG and EF and made some revisions to the exist wetlands delineation flags and added an unlagged wetland to the south of the property that resulted in a revised site plan. No work is proposed inside the 50-ft buffer. The property lies within NHESP habitat, and they have received commentary from them stating an Eastern Box Turtle protection plan would be required if construction were to take place between April and October. They are in the process of preparing the plan, which will involve encircling the work area with silt fence and relocating any turtles found in the work area.
- BG recommends a special condition requiring submission of a turtle protection plan on the assumption applicants will want to start work before November. He strongly recommends conservation markers, along the 50 or tree line (whichever is up gradient) to protect the quality wetland nearby, and to prevent dumping. JZ indicates applicant is willing to post the markers at the 50 foot setback.
- PC asks for comments from the public; none.
- Special conditions of approval will include submission of a NHESP-approved turtle protection plan, placement of conservation markers in the field with BG, and submission of a revised site plan to the Conservation Office.
- PC motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG and revised site plan by 12 noon Friday, May 21st. JR second. Approved 5-0-0.

21-10 Flavin, 252 Careswell Street (addition).....NEW (Susan)

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- EF indicates that the proposed activity is the construction of a one-story 11' by 28' addition with full bathroom, partially (about 200 sq ft) in the 100 ft buffer to a BVW. The addition location is in a previously disturbed lawn. EF indicates it does not appear that the project would be create any significant or cumulative adverse effect on the BVW; SC concurs.
- SC asks for comments from the public; none.
- The standard conditions of approval will apply.
- CH motions to close the hearing and issue a Determination of Applicability Pos 5, Neg 3, with special condition drafted by BG. JR second. Approved 5-0-0.

21-11 Stenbeck, 15 Prospect Street (veg. management & minor structural improvements).....NEW (Susan)

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- John Zimmer (JZ), South River Environmental, presents for applicant. The proposed activity is the removal by hand of invasive plant species and home improvement projects including installation of a safety fence along a retaining wall, new heating/cooling unit, sonotube supports for a deck, and replacement of a paved walkway and tarmac with flagstones. JZ redelineated the buffer zone boundary to a pond just off the property. The invasives in the 25' buffer to be removed include Japanese knotweed, garlic, sumac, and multiflora rose, and will be replanted with native species including sweet pepperbush and highbush blueberry; no chemicals or machinery would be used. They would also like to remove green waste that area residents have been dumping into the buffer zone and place conservation markers near the dumping area. The fence is being installed onto the concrete retaining wall for safety due to a sizable drop from the top." Applicants also wish to replace (5) five existing deck supports with sonotubes and add (2) two sonotube supports, per the recommendation of their structural engineer; the area in which they would be placed is dirt/gravel. JZ notes that the majority of the proposed work is in previously disturbed areas, and the project will decrease the amount of impervious surface on the lot.

- EF visited the site with SC, concurs with JZ's description of the proposed work, and agrees that a fence is needed on the retaining wall for safety; applicants have indicated that the fence will not interfere with wildlife movement. The new heating/cooling unit is not going in on a concrete slab, and would have a similar layout to the first unit. SC adds that the homeowners seem to be very dedicated to being good stewards of the property. The fence and sonotube installations seem to be essential improvements, and the invasive removal will improve conditions in the buffer zone.
- SC asks for comments from the public; none.
- The standard conditions of approval will apply.
- SC motions to close the hearing and issue a Determination of Applicability Pos 5, and Neg 3, with special conditions drafted by BG. CH second. Approved 5-0-0.

21-12 Carberry, 1190 Ferry Street (driveway replacement).....NEW (Joe)

- CH reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- Commissioner PC recuses from the deliberation and vote.
- Speaking as the applicant, PC states that the proposed work is replacement of an existing 1000 sq ft asphalt driveway, which will involve removal of the old asphalt, regrading for drainage, and repaving. PC does not feel permeable pavers are a viable option for the area given the AE 10 velocity zone the property is located in, and believes the work qualifies for exemptions for work in the buffer zone under Mass 310 CMR 10.02(2)(b)(2)(q) and for work in Riverfront under Mass 310 CMR 10.02(2)(a)(1) and Mass 310 CMR 10.58(6)(b). JR agrees that the project is covered by these regulatory exemptions.
- JR asks for comments from the public; none.
- JR motions to close the hearing and issue a Determination of Applicability Pos 5, Neg 5 for the cited State exemptions, Neg 3 with special conditions to be drafted by BG. SC second. Approved 4-0-0.

PC rejoins the meeting after the vote.

SCHEDULED CONTINUED HEARINGS

2905 Dewey, South River Street (New SFH).....cont from 2/2/2021 (Bert)

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on June 1, 2021, per written request of applicant's representative.
- CH motions to continue the hearing to June 1, 2021. JR second. Approved 5-0-0.

2916 Lawson 62 Marginal Street (dock, pier, ramp & float system).....cont from 4/6/2021 (Rick)

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on June 1, 2021, per written request of applicant's representative. The site walk required under the dock project procedures has been completed; all should be in order by June 1.
- CH motions to continue the hearing to June 1, 2021. JR second. Approved 5-0-0.

BUSINESS (continued)

B1 *de minimis* activity Roll/Review/Ratification – Eric Flint

a. 20 Massasoit Avenue – Bassignani – shed in AO flood zone

- Property owner wishes to construct a 10' by 12' shed with concrete pad in an AO flood one. EF suggests that the activity appears to be *de minimis* activity and permissible as such with no special conditions.
- CH motions that the activities set forth in discussions B1-a and B1-b be approved as *de minimis* activities. JR second. Approved 5-0-0.

b. 102 Nevada Street – Hernon – gas line in BZ

- Eversource wishes to install a gas line on the street side of the property, in previously disturbed area that partially overlaps with the 100 ft buffer to a wetland which is Orders of Conditions/SE42-2874. EF suggests that the activity appears to be a *de minimis* activity and permissible as such with no special conditions.
- CH motions that the activities set forth in discussions B1-a and B1-b be approved as *de minimis* activities. JR second. Approved 5-0-0.

B2 SE42-2782 Amended – 1203 Ferry Street (Ricciarelli) – hardscape additions – de minimis changes vs. Amended OOC – Bill Grafton

- Commissioner PC recuses as an abutter.
- Terry McGovern (TM), Stenbeck & Taylor, presents for applicant, Craig Riccarrelli (CR). BG notes that applicant has added hardscape planters and other structures beyond what was approved in the OOC. Applicant already asked for and received an amended OOC to enlarge the house in back. The pervious driveway in back of the driveway did not appear to be pervious, furthermore, and there is limited opportunity for additional mitigation on the property.
- TM states that the applicant is proposing to convert a significant portion of the driveway, from the paver apron up to where it pivots, into pervious surface, which will result in a net reduction of about 263 sq ft of impervious surface. CH believes the additional changes to be a *de minimis* activity and thus approvable without further amendments to the OOC.
- CH motions to approve the additional landscaping work at the property as a *de minimis* activity. BO second. Approved 4-0-0.

PC rejoins the meeting after the vote.

B4 SE42-2704 Amended – 50 Ocean Street (Marathas) – flagpole and fence reconstruction – de minimis changes vs. Amended OOC – Bill Grafton

- Homeowner James Marathas (JM) has approved orders, minor deviation associated with approved orders and amended orders permitting the elevation of the existing home and elevator construction. Applicant has since added a flagpole and wants to reconstruct a fence that was taken down to allow for construction vehicle access. JM states he thought replacing the fence as part of the original permit. The project is nearly complete, and he would like to reinstall the fence so his dogs don't leave the yard.
- CH believes the additional changes to be *de minimis*, and thus approvable without further amendments to the OOC.
- CH motions to approve the flagpole installation and fence restoration at the property as De Minimis Activities. PC second. Approved 5-0-0.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

2719 Brewer Green Harbor Marina, 239 Dyke Road [EXT]

- Applicant will need additional time to conduct piping work on the property; BG recommended issuance of a three-year EXT to cover this work and address other issues he observed.
- CH motions to issue a 3-year extension to the COC for the property, to June 1, 2024. SC second. Approved 5-0-0.

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 – CH makes a motion to close the hearing at 9:52 PM. JR second. Approved 5-0-0.

Respectfully submitted,
Bill Grafton, Conservation Administrator

Liz Anoja, Conservation Administrative Clerk
Eric Flint, Conservation Agent
Marshfield Conservation Commission
Craig Hannafin, Chair Bert O'Donnell, Vice Chair
Arthur Lage Joe Ring
Rick Carberry Susan Caron