

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

MEMBERS NOT PRESENT – Eric Flint, Conservation Agent (EF)

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 18 meeting were presented for approval. BG has updated the minutes based on comments received from CH, SC, and BO; no additional updates were made on the floor.
- AL motions to accept the May 18, 2021 minutes as edited. SC second. Approved 6-0-0.

CHAIRMAN'S ADDRESS

- CH welcomes all present to the first in-person Commission meeting since early March 2020, and thanks the Commissioners and MCTV personnel for their help pivoting to remote meetings and keeping the Commission business going throughout the pandemic.
- Governor Baker has filed legislation extending his Emergency Executive Order of March 12, 2020, allowing remote participation in municipal meetings, through September 1, 2021. The Marshfield Select Board voted on May 24 to rescind their March 2020 Emergency Order, so at least a quorum of Commissioners must be physically present at meetings.

BUSINESS

B1 de minimis Activity Roll/Review/Ratification – Eric Flint

a. Brighton Street Beach Access (Concrete landing pad allowing safe beach access in CB)

- The proposed activity is the extension of concrete stairs, with landing pad, over the revetment stone on the beach for safe public access. This would replace previously existing stairs damaged over the winter. No additional comment from the Commissioners or public.

b. 325 Standish Street (Beach Administrator Field Office in a previously disturbed CD)

- The proposed activity is installation of a shed, for utilization by Beach Administration personnel, on the Rexhame Beach parking lot. The work area is an existing parking lot within barrier beach, coastal dune, and LSCSF. No power conduit trenching is proposed. No additional comment from the Commissioners or public.

c. 35 Marshall Avenue (Park kiosk installation in LSCSF)

- The proposed activity is the installation of a kiosk, on two wooden posts, outside the 100' wetland buffer but in AE9 flood zone. No additional comment from the Commissioners or public.

d. 11 Ice House Lane (Vegetative management in BZ)

- The proposed activity is vegetative management, in the buffer zone to a salt marsh, to be done by hand and limited to invasive and opportunistic vines. No additional comment from the Commissioners or public.

e. 150 Sawyers Road (Extend deck in BZ)

- The proposed activity is a deck extension on existing lawn outside the 50' buffer, which is exempted from Wetlands Protection Act regulation under Mass 310 CMR 10.02(2)(b)(2)(e). No additional comment from the Commissioners or public.
- CH motions to approve sub-items *a* through *e* as *de minimis* activities. PC second. Approved 6-0-0.

f. 1327 Union Street (Extension of septic utility line within outer riparian zone)

- CH recuses from the discussion of this request.
- The proposed activity is the extension of a septic utility line from a pool cabana to an existing septic tank; about 30 feet of the line would pass through a previously disturbed area of the 200 ft riverfront setback. No additional comment from the Commissioners or public.
- BO motions to approve the proposed activity as *de minimis*. JR second. Approved 5-0-0.

CH rejoins the public meeting.

B3 – *de minimis* deviations vs. Amended OOC – SE42-2919 / 31 Branch Street (garage enlargement) (Kiley)

- Applicant wishes to modify the size and shape of the garage approved under the referenced Orders of Conditions. The new garage is proposed to be 22 sq ft larger. A larger portion of it will be in the AE12 flood plain but outside the 100' setback. No additional comment from the Commissioners or public.
- CH motions to approve the proposed change to the OOC as *de minimis*. SC second. Approved 6-0-0.

B4 – *de minimis* deviations vs. Amended OOC – SE42-2903 / 58 Second Street (shed relocation) (Conroy)

- Applicant wishes to replace an existing 8' by 8' shed with an 8' by 12' shed; the new shed would remain outside the 25' setback. They also wish to increase the size of an existing deck, at the 70' setback, from 3' 8" by 10' to 5' by 10'. BG suggests that the changes can be approved as a *de minimis* deviation.
- CH motions to approve the proposed changes to the OOC as *de minimis*. JR second. Approved 6-0-0.

PUBLIC HEARINGS

21-14 Lucchetti, 132 Oak Street (expand deck & relocate stairway).....NEW(Rick)

- CH reads the legal ad. Hearing Officer PC confirms administrative requirements are complete.
- The proposed activity is the expansion of an existing 15' by 22' deck inside the 100' buffer to BVW. The new deck will be expanded over previously disturbed space. PC visited the property, noted the work area is outside the 75' setback, and believes it qualifies for the state exemption 310 CMR 10.02(2b)(2e) allowing the construction of ancillary structures to residential dwellings outside the 50' buffer.
- BG and EF visited the property and have no issues with the work proposed. The restoration plantings from a 2015 enforcement order are doing well.
- PC asks for comments from the public; none.
- The standard conditions of approval will apply.
- PC motions to close the hearing and issue a Determination of Applicability, pos 5, neg 5 for the State Exemption, neg 3, with special conditions drafted by BG. BO second. Approved 6-0-0.

21-13 Happel, 21 Damons Point Circle (deck replacement).....NEW(Bert)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Applicant James Happel (JH) present. The proposed activity is removal of the existing deck and replacement with a new one, at approximately the same dimensions, on six or seven new precast

footings plus a concrete landing pad for the stairs. The new structure will remain at 38.9' from the wetland.

- BG thanks JH for working with Conservation and has no issues.
- The standard conditions of approval will apply.
- BO motions to close the hearing and issue a Determination of Applicability, pos 5, neg 3, with special conditions to be drafted by BG. SC second. Approved 6-0-0.

2929 Harbormaster, Joseph Driebeek Way (parking lot expansion).....NEW(Rick)

- CH reads the legal ad. Hearing Officer PC confirms administrative requirements are complete.
- Harbormaster Mike DiMeo (MD) present along with Pat Brennan (PB), Amory Engineers. The proposed activity is the partial repurposing of the Dredge Spoils Area (DSA) into a pervious parking area; this will be done by expanding the adjoining gravel lot across from Harbor Park. There is an urgent need for additional parking in the area during the summer. They are also proposing to reclaim an old walking path on top of the berm surrounding the DSA, which will tie in with the existing Harbor Walk trail. No work is proposed in any resource areas, and the berm will protect against any erosion outside the work area. Some grading is proposed to ensure the lot is level; part of the DSA will remain available for dredge spoils. Cameras will be utilized for security and monitoring litter and other unpermitted use concerns. Their building permit is pending clarification of some points by Town Counsel. MD felt it was important to file a NOI for this work to set a precedent for future work.
- BG noted that several wetland flags were missing along the Harbor Park boundary adjacent to Green Harbor when he walked the property, but he has no issue with the delineation by Jason Zimmer. Despite MassGIS depicting the DSA as a wetland, BG noted a strong presence of white birch and black cherry, not normally considered wetland plants, and despite some presence of phragmites which is an invasive hydric plant not protected within inland wetlands, BG opines that the area inside the berm is not a wetland.
- Harbor Master DiMeo provided an overview of the connectivity of this parking project to the routine and special occasions associated with the Town Pier.
- All parties discuss the configuration of the parking area, including possible spaces for boat trailers. BG believes the new lot and trail will result in improved conditions in the area, particularly with respect to recreational opportunities. BO asks which Town entity will be managing construction and maintenance; this will be worked out between the Harbormaster Office and DPW. There are no current plans to shift parking off the Town Pier.
- PC asks for comments from the public; none.
- The standard conditions of approval will apply along with special conditions requiring that the parking area remain pervious and allowing for ongoing periodic maintenance of parking area, berm, and trail.
- PC motions to close the hearing and issue Orders of Conditions with special conditions to be drafted by BG. JR second. Approved 6-0-0.

Chair CH advises that the hearings for 62 Marginal Street and Resource Way LLC have been continued.

2928 Murphy, 1159 Ferry Street (septic system repair).....NEW(Bert)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Nicholas Leing (NL) Grady Consulting, present for applicant. The proposed activity is a septic repair; this was previously approved under SE42-2625, but this OOC expired on 10/6/2019. The site plan includes an updated delineation. The cesspool for the new system will be moved in front of the house, away from the saltmarsh. Given the smallness of the lot, they have designed the system to be as non-impactful as possible while still functioning as needed.

- BO asks if there is any change from the previously approved design? There is no change to the system, and the only thing changed on the site plan is the wetland line. BO also asks if the system has been reapproved by the Board of Health. NL notes that Kevin Grady (KG) presented before BOH, but believes they approved the system and classified it as an emergency repair. BO would like to see three conservation markers posted in the back yard. BG suggests that they be posted at the location of wetland flags SM1, SM3, and SM4, but BO feels that configuration would be a little prohibitive given it closes off existing disturbed area, and would prefer a straight line across the stone wall; SC agrees, noting that the back yard is already very small. BO would also like the wire fence in back be removed; NL concurs. PC is surprised that BOH approved the system as designed, as most systems in the area have tight tanks. However, he feels these concerns should have been raised with Board of Health and would like to know if they were discussed. NL is not certain, as was not present at the BOH hearing.
- BG visited the property with EF, BO, SC, and abutter Jean Coppenrath (JC), and has no issues with the new wetland line. Board of Health has provided him an Emergency Declaration letter citing the existing conditions as a threat to human health.
- BO asks for public comments. Jean Coppenrath (JC), 1165 Ferry Street, notes that the tank is proposed to be less than a foot from the side of her house, and asks why it can't go under the deck, using the pipes under the house, keeping the leaching field where it is. JC's concern is that during a storm, the raised tank will obstruct water between the tank and the side of her house. She understands applicant needs a new septic system but is concerned about possible flooding impacts to her property, and moving the tank as she proposed would allow applicant to keep his existing driveway. BO does not believe the Commission has ever changed a design that the Board of Health has approved; BG is unaware of any such instances either, as they rely on BOH to review the system design.
- CH asks that NL comment as to the feasibility of modifying the system as suggested. NL states that siting the tank as suggested by JC would require the addition of a pump chamber, as the system would no longer function on gravity alone; the pump chamber would likely have to go where the new tank is currently proposed to be. Putting the tank under the deck would also require raising the house. Further, given cover requirements above the tank and system, redesigning would require them to request additional variances on top of what they have already been required to request. NL also notes that the retaining wall surrounding the new tank is left open in front, to avoid trapping floodwater, and the proposed grading is designed to steer water under the applicant's house and away from JC's property.
- After some further discussion, BO reiterates he does not recall the Commission ever overriding a Board of Health decision as to septic system design. Flood control is a Commission concern, but BO notes the area is not a velocity flood zone.
- The standard conditions of approval will apply plus special conditions requiring submission of an updated site plan to the Conservation Office, placement of three conservation markers along the stone wall in back, and ensuring all grass cover is successfully growing before applying for a Certificate of Compliance.
- BO motions to close the hearing and issue an Order of Conditions with special conditions drafted by BG. SC second. Approved 6-0-0.

2930 Fitzgerald Living Trust, 53 Abbey Street (single family home, deck, walkway & steps).....NEW(Art)

- CH reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- Jack O'Leary, Green Seal Environmental, presents for applicant. The proposed activity is the raze and rebuild of a SFH on a property in barrier beach, coastal dune, and LSCSF. The new structure will be elevated on wooden piles. An existing concrete deck will be removed and replaced with a new deck on pilings. An existing shed will remain.

- AL visited the property and feels the project to be a net improvement given the removal of impervious surfaces; PC also comments on the large reduction in impervious surface. JR asks about the elevation of the new house; finished will be 11.8 feet, 2.8 feet above the AE9 flood elevation.
- All parties discuss whether this elevation will meet the requirements of the new Town Bylaw Ch 505/204.1(D4) with respect to 100 year flood elevation; BG suggests that the 11.8 feet elevation meets the bylaw but notes the Commission may find differently. Applicant has provided a second design alternative that elevates the house to 13.6 feet, but JO notes they would prefer not to go to the extra elevation. AL feels the 11.8 elevation satisfies the Bylaw.
- AL asks for comments from the public; none.
- The standard conditions of approval will apply, including submission of an elevation certificate and ensuring the footprint of the subsurface remains impervious.
- AL motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 6-0-0.

2933 39 Ames Avenue Extension, Carvotta-Brown (addition & vegetative management).....NEW(Susan)

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- Rick Servant (RS), Stenbeck & Taylor, presents for applicant. The proposed activity is the construction of a 24' by 24' (825 sq ft) addition and wraparound deck in back of the house, in existing lawn/patio area, as well as vegetative management within the 25' buffer zone to coastal dune, which was delineated by John Zimmer (JZ), South River Environmental. The closest point of the new structure to the resource area is 68.8 feet, roughly equal to that of the existing structure.
- BG notes that the house appears to have been constructed in 1995 without a conservation permit. The project will result in approx. 850 sq ft of impervious coverage in the 100 ft buffer zone. During their 5/25 site visit, BG and EF observed cutting in the buffer zone, which they ordered stopped. BG suggested that applicant add periodic management of invasive species in the buffer zone to the filing and discussed optimal management of the buffer. BG suggests authorizing the periodic hand trimming of colonizing plants with the option of adding native plantings to the area; SC concurs, noting that the removal of invasive species in the buffer will be an improvement over existing conditions. Applicant would like some guidance on what he can and can't plant; BG will work with applicant on this.
- SC asks for comments from the public; none.
- Special conditions of approval include authorization to perform periodic vegetative management of invasive or opportunistic colonizing plants by hand, no clear-cutting, with the option to plant native coastal plants.
- SC motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. PC second. Approved 6-0-0.

2932 Hawes, 32 Olde Wharf Waye (After-The-Fact walkway, patio, hot tub; native plantings).....NEW(Joe)

- CH reads the legal ad. Hearing Officer JR confirms administrative requirements are complete. .
- Commissioner SC recuses from the discussion and voting.
- Applicant Bob Hawes (BH) present along with Terry McGovern (TM), Stenbeck & Taylor, and attorney Adam Brodsky (AB). The filing is an after-the-fact NOI for hot tub installation, and gravel walkway and patio replacement. An unpermitted chain link fence was also installed along the edge of the lawn, obstructing wildlife movement. As mitigation, they have removed approx. 1506 sq ft of paved driveway within the buffer zone and replaced it with crushed stone, and are offering to plant a line of 5 high tide bushes along the edge of lawn.
- BH states that he bought the house in November 2020. He also has waterfront property in Maine, so he is aware of the sensitivity of the environment, but didn't realize the regulatory requirements of

performing work close to the marsh. The fence was put in to keep his dogs and grandkids from damaging the marsh and buffer zone plants just beyond the edge of lawn. The circular patio was existing when they bought the house was not constructed on a crushed stone base, and the new patio is a one for one replacement; BG concurs and notes they discussed the use of pervious subgrade materials. BH states he didn't realize the lawn area in his backyard was part of the buffer zone to the marsh, or that the Town Bylaw considers a fence to be a structure at the time of the fence installation. TM adds that they have filed for a NHESP comment letter which is pending.

- AL asks if there is a six inch or greater spacing underneath the fence, which would allow for some wildlife movement. BH indicates there is some space but it is not consistent. AL states that the Commission has always required a six inch or greater spacing beneath the fence. All parties discuss whether to require a six inch spacing under the fence. BG suggests the fence is OK as is due to the presence of coyotes in the marsh and the exemption for the fence 6" wildlife gap allowing for wildlife movement for fences located 50-100 does not apply as this fence is located within 50 feet of the salt marsh/costal bank; also, the fence will allow for sufficient migration of sediment; BO, CH, and JR concur. BG notes for the record that 310 CMR 10.24 requires that the mitigation plantings have a 75% survival rate after two growing seasons in order for the COC to issue; BH indicates he has no concerns.
- TM also advises that a MESA review was filed with NHESP to ensure that jurisdiction is covered as well.
- JR asks for comments from the public; none.
- Special conditions of approval include implementation of mitigation plantings set forth in the approved plans, with 75% survival after two growing seasons coordinated with a qualified wetland scientist who will provide reports and optional vegetative management to include the planting of additional native plants.
- JR motions to close the hearing and issue Orders of Conditions with special conditions to be drafted by BG. AL second. Approved 5-0-0.

Commissioner SC rejoins the public meeting.

2931 Brait, 53 Kent Avenue (concrete patio, fence and flower bed).....NEW(Susan)

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- Rick Servant (RS), Stenbeck & Taylor, presents for applicant. The filing is a Notice of Intent for an unpermitted installation of a concrete patio over stone. The lot is in buffer zone to barrier beach and coastal dune. The new owner tore up and reconstructed an existing concrete patio around the pool and added new sections north of the pool, adding 1037 sq ft impervious surface to the lot. Trench drains were installed for stormwater management. BG and EF observed the work while visiting a neighboring property under an RDA submittal field review. Their impression at the time was it was a 1 for 1 change out, with no increase in impervious surface. BG discovered the additional work in a follow-up site visit, and the Commission voted at the April 22 public meeting to require the filing of a NOI with mitigation.
- RS advises that the site plan has been revised to add mitigation plantings including American beach grass, beach plum, and bayberry. Additional plantings, 18-23 total, are proposed on the south end of the property and along parts of the perimeter fencing. Any runoff from the patio will be captured in an expanded trench drain system. An updated delineation has been performed that moves the patio outside the 50 ft buffer.
- BG notes he reviewed the mitigation and sent RS an additional information request for more information toward the end of last week; RS replied that he lacked time to respond before the filing deadline for this meeting. BG suggests that the Commission consider whether the proposed stone trench and plantings will work and are sufficient mitigation for the patio expansion. BG checked with Town Engineer Rod Procaccino, and mitigation of the Brait section of unimproved Circuit Street may not be an attractive

option. The Commission should also consider asking applicant to (1) replace a section of the new patio with pervious pavers, or (2) come back with a more robust planting plan prepared by a qualified wetland scientist.

- SC thinks the Commission should not consider off-site mitigation on Circuit Street due to property right questions and the potential to introduce obstacles to access, and would prefer to receive additional details regarding the planting plan applicants are proposing. SC asks about how the stone trenching system will work; the patio will be pitched slightly to direct stormwater into the trenching system, which in turn directs it into the ground; RS believes the system will handle stormwater on the site better than a pervious paver patio. PC notes that usually in areas like this the Commission asks for pervious pavers, and wishes they had been involved earlier on in the process so they could have been requested. CH thinks the planting plan needs input from and monitoring by a wetland scientist; BG concurs, noting the trench drain is a clever idea but wants to ensure it succeeds. RS indicates they are willing to have a wetland scientist review the plan, and will submit any updates to the Conservation Office by June 11.
- BG responds to BB comments about the scope of work as being a replacement of pool decking that half of the enclosed area was grass which triggered the need for the Notice of Intent.
- SC asks for comments from the public; none.
- Special conditions of approval include submission of a planting plan from a qualified wetland scientist by June 11, implementation within 30 days, and 75% planting survival after two growing seasons.
- SC motions to close the hearing and issue Orders of Conditions with special conditions to be drafted by BG. JR second. Approved 6-0-0.

2927 Resource Way LLC, 208 Enterprise Dr. / 795 Plain St. (access road/sw basins).cont from 5/18/2021 (Art)

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on June 15, 2021.
- Attorney Mark Stiles (MS), representing Tim Connor (TC), asked why the hearing is being continued given the recent site visit?
- CH indicates that the visit was conducted on the 208 Enterprise portion but not 795 Plain Street. MS asks why, stating that the Commission had permission, through the property owners, to visit the 795 Plain Street section with Terry McGovern (TM) on Sunday and asks what happened? CH felt it was extremely clear that they were not to go onto 795 Plain Street. All parties discuss the exact nature of Commission access to the site, with MS reiterating that the Commissioners had access to all areas of the property associated with this filing provided they are accompanied by a representative from Stenbeck & Taylor. BO and BG point out that there is a need for additional information as well, before the matter can be closed. CH reads the following from an e-mail from Attorney Stiles: "Please coordinate with Terry for the site visit; again, specific only to the McGonagle portion," and opines there is nothing in that statement specifically granting the Commission permission to visit Mr. Connor's property. BG suggests that the issue of Commission access to the property be clarified in the interim so a full site visit can be completed. MS maintains the Commission had permission to visit the entire property, but could not go beyond the area that is the subject of this filing. AL contends that the Commissioners followed MS's instructions with respect to access. MS responds that the Commission had permission to access so as to move the filing forward but not to "pursue whatever you're trying to pursue." CH responds that the Commission has tried to educate themselves so the application can be moved forward. AL points out that most of the Commissioners visited the site on a Sunday morning in the rain to do so. JR notes at this point that the conversation is going in circles and feels MS, as an attorney, should have known that the description may not be clear to laymen. He further notes TM seemed unclear on the matter as well, so they chose not to enter the 795 Plain section; the Commissioners tried their best to respect everybody's interest.

- MS states for the record that the Commissioners have permission to walk and visit the subject property with TM, Stenbeck & Taylor; specifically the work area that Stenbeck & Taylor has outlined. AL requests that MS put the statement in writing, being extremely specific as to exactly where the Commissioners can go. MS will follow up in writing as per the Commission's request.
- TM states he was surprised when AL stated on the site visit the Commissioners could not proceed onto the 795 Plain section and assumed this was the result of a subsequent communication before the visit. TM also notes that he visited the site this afternoon, was surprised to see five flags, numbered 2A1-5, along the edge of the drainage channel, and wants to know who hung those flags and when. He has taken pictures which he will provide to the Commission. MS asked the Commission if they knew anything about the newly hung flags? Commissioners responded no. MS & TM asked BG if he knew anything about the newly hung flags? BG responded no. TM was under the impression that he and BG were in agreement that the delineation present at the 5/17 site visit would be sufficient for purposes of closing the filing. BG states he hasn't been on the property and doesn't know who hung the flags; AL and CH also state they don't know who hung the flags.
- Later in the meeting, BO asks TM about a continuation date considering there is outstanding information still pending. TM gave BG a letter requesting a continuance to June 15, and he believes this will give him sufficient time to update the site plan to reflect Town Engineer Rod Procaccino's comments. AL states his intention has been to move the hearing along but previous emails insisting that Tim Connors be present at any site walk contributed to delays in scheduling the site walk. The Commissioners conducted the site walk on Sunday in a good faith effort to move the project along, while also trying to act in accordance with guidance received from Town Counsel, and was disappointed at MS' comments. BG feels that MS' legalistic language regarding access may not have been sufficiently clear to laypersons, but the takeaway from tonight's discussion is that the Commissioners have permission to access both sections of the property.
- TM notes they are back before the Planning Board on June 28, but will request a further continuation if needed.
- CH motions to continue the hearing to June 15, 2021. SC second. Approved 6-0-0.

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

- Continued hearing; BO Hearing Officer.
- Terry McGovern (TM), Stenbeck & Taylor, present for applicant. The proposed activity is the construction of a 3-bedroom house and garage on a vacant lot south of 1210 S. River Street. Since the last public hearing on February 16, there have been two site visits which have resulted in shifting of the wetland line upgradient, resulting in a change in the design of the house and septic system. The new house will be on a concrete slab and include a basement, and will require less grading and less overall disturbance on the site. They are proposing to post 13 conservation markers along the 50 ft setback. The proposed septic system will be smaller than originally proposed, include a treatment unit, and have a membrane around it. Approval from Board of Health is pending, as they have asked for a change in the dimension of the trenches.
- BG indicates that the septic system is compliant as is according to BOH co-director Gary Russell (GR). BG also notes that the lot slightly overlaps with the 305-13.01 Inland Wetland District overlay; he has received a letter from Building Commissioner Andrew Stewart (AS) indicating that the project meets the IWD requirements.
- In response to queries from BO, TM indicates that the house is in roughly the same location but is reduced in size from 4 to 3 bedrooms; it is no closer to an abutting property than what was discussed previously. CH would like to see some plantings to offset some of the cutting that took place on the property in the past; BG notes there was considerable disturbance from testing and other activity on the

lot. TM believes some of the disturbance occurred well before applicant's involvement, but they are willing to propose some additional plantings; BO agrees it is not clear when some of the disturbance actually occurred. BG also suggests that a conservation easement be created protecting the area downgradient of the 50 ft setback from further disturbance, but BO feels this can be accomplished by the placement of conservation markers; CH concurs, but would like to see some restoration planting in addition to the posting of markers; BG concurs and suggests that this be part of the special conditions.

- BO asks for comments from the public; none.
- Special conditions of approval include submission of a planting plan from a qualified wetland scientist by June 11, implementation within 30 days, option to plant native plants in the 0 to 50 ft setback, and 75% planting survival after two growing seasons.
- BO motions to close the hearing and issue Orders of Conditions with special conditions to be drafted by BG. PC second. Approved 6-0-0.

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 15, 2021 per written request of applicant representative.
- CH motions to continue the hearing to June 15, 2021. JR second. Approved 6-0-0.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

1579 Lynch, 25 Billings Road [COC]

- BG advises that he had previously observed several unfulfilled special conditions and recommended that the request be tabled. These include (1) submission of a recordable document restricting the ground-level porch from being enclosed and used as living space, (2) first floor elevation appears to be 8.7 feet instead of the 11 feet above mean sea level as required in Special Condition F, (3) confirmation that the first floor crawl space is no greater than 3'10", and (4) confirmation on the site plan that openings have been provided to equalize water pressure in the crawl space walls. Additionally, several structures, including an exterior utility closet, ground-level deck, and shed, were observed on the site but not denoted in the Approved Site Plan of May 9, 2001; these should be added to As-Built plan for the COC. Terry McGovern (TM), Stenbeck & Taylor responded to BG's request for additional information. BG agreed that only two conflicts remained, namely the elevation of the water heater and the need for the deed restriction.
- BG adds that he has received a letter from the Building Commissioner indicating that the water heater was nonconforming but installed and permitted over 10 years ago by the Building Department and therefore is beyond his jurisdiction, but this leaves open the question as to whether the Commission will require the elevation of the heater or conservation permit for the water heater. TM's response to BG indicated that the water heater was installed in 2011, in an emergency situation in which there was not time to apply for a conservation permit in the usual manner.
- BG suggests that the Commission consider (1) whether the water heater, as located, will cause a significant or cumulative adverse effect on the resource area, and (2) whether a deed restriction should be required, preventing the porch from being enclosed and used as habitable space.
- CH thinks the heater can stay as is, given it has been installed for over 10 years now, but a deed restriction for the porch is needed; the Commissioners concur.
- CH motions to table the request pending receipt of a deed restriction with respect to the roofed porch. AL second. Approved 6-0-0.

1696 Mt. Skirgo Association, Inc. (Lot 11/2 Old Wood Lot for McIntosh) [Partial COC from Subdivision OOC]

- Property owner's representative has requested the Commission waive the requirement for an As-Built Site Plan, RPE/RLS letter, and Elevation Certificate for this property but not for the subdivision as a whole. BG recommends granting the waivers and issuing a partial COC for the property, as the lot is over 500' from the wetland.
- CH motions that the Commission issue a Partial COC for SE42-1696 for Lot 11 / 2 Old Woodlot Lane (McIntosh) and waive the requirement for an As-Built Site Plan, RPE/RLS Letter, and Elevation Certificate for this property but not the subdivision. JR second. Approved 6-0-0.

2659 Highland Street Realty Trust (Olivia)/Highland Street [EXT]

- CH recuses from the discussion and vote.
- Applicant has requested a three-year extension to the Order of Conditions; the project has not started yet due to delays in receiving other permits from the town. BG recommended issuance of the extension.
- BO motions to issue an EXT to the COC for the property for a period of 3 years, to 6/5/2024. SC second. Approved 6-0-0.

CH rejoins the meeting.

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 9:10 PM. PC second. Approved 6-0-0.

Respectfully submitted,
Liz Anoja, Conservation Administrative Clerk

Eric Flint, Conservation Agent
Bill Grafton, Conservation Administrator
Marshfield Conservation Commission
Craig Hannafin, Chair Bert O'Donnell, Vice Chair
Arthur Lage Joe Ring
Rick Carberry Susan Caron