

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

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

MINUTES

- The minutes of the July 6 meeting were presented for approval. No comments or suggested changes were made on the floor.
- CH motions to accept the July 6, 2021 minutes as edited. SC second. Approved 6-0-0.

CHAIRMAN'S ADDRESS

- Pursuant to Chapter 20 of the Acts of 2021 date June 16, 2021, An Act Relative to Extending Certain COVID 19 Measures Adopted During the State of Emergency regarding suspending certain provisions of the Open Meeting Law, G. L. c. 30A §18, Commission meetings will be conducted both in-person and via remote participation. Members of the public may attend in-person or may participate remotely. While an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law.

BUSINESS

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

- a. 0 Main Street (1893 Main Street) SE42-2687- de minimis or Request for Amended OOC – Greg Morse
 - Greg Morse (GM) states the buyer of the property, Steven Clark (SC), is proposing to construct a smaller home than approved in the OOC, about the same 57 ft distance from the wetland. SC would also like to add a 6' by 14' pervious paver patio (84 sq ft) at grade, off the back of the house, all outside the 50 ft buffer. GM feels the patio is more than offset by the 432 sq ft smaller house footprint, which would become lawn. Erosion controls would remain in their originally approved locations, and planting/replication areas are unchanged.
 - BG comments that when he hand-scaled the June 28, 2021 revised site plan, he came up with different distances from the wetland, the proposed house at 53.5-54', the patio 53-53.5', and retaining wall also less than 57'; as such, BG questions whether these structures have moved closer to the wetland. GM pulls up the original approved plan, showing the distance from the house foundation to wetland as 57' and the proposed patio area as 53' from the wetland. GM states BG has correctly observed that the retaining wall is also closer to the wetlands and they are willing to grade the retaining wall into the foundation if there is any issue. After some further discussion, BG notes he seems to have mistaken a black line on the site plan as the edge of the foundation. Thus, the pervious patio and retaining walls are the only two (2) structures located closer to the wetlands.
 - All parties also discuss an intermittent stream by the proposed retaining wall; GM comments that the stream was man-made and used to drain an old foundation. It does not meet the state criteria to be considered a wetland but the foundation does meet the Town bylaw criteria for ILSF originally and later potential vernal pool once frog eggs were observed. It is being replicated in a different section of the property.
 - BG suggests that the latest site plan be revised to show the location of all conservation markers, which are currently shown on the vernal pool replication plan prepared by Brad Holmes, so they are evident to future prospective buyers; BO and CH concur. GM will add the markers to the revised site plan.
 - CH polls the Commissioners as to whether to approve the proposed changes as *de minimis* Activities: AL *de minimis*; SC *de minimis*; JR *de minimis*; PC *de minimis*. BO was present for the original approval vote and wants to ensure that, if the changes are approved, applicants stick exactly to the plan moving forward; he is OK with a *de minimis* approval provided there are no further changes without contacting the Conservation Office. PC

comments that the list of changes seems to be longer than for most *de minimis* requests but is willing to approve as such provided the site plan is updated to show the makers.

- The request is approved with the condition that an updated site plan showing the location of the conservation markers is provided to the Conservation Office by 12 noon, Friday, July 23rd.
- CH motions to approve the *de minimis* Activity as discussed. SC second. Approved 6-0-0.

b. 162 Bay Avenue, SE42-2923 – *de minimis* Activity vs. Request for Amended OOC – Dana Altobello

- Applicant Brian Tedeschi (BT) would like to move the proposed new SFH 7.6' closer to Bay Avenue. The northerly side setback will be maintained, but the southerly setback will be reduced from 3.4' to 3.0'. The change would slightly reduce the size of the permeable paver driveway but move more of the house into Riverfront area. The change will likely require Zoning and Building Department approval, and a flood plain review.
- BT notes that the new location moves the new house to the same location in the front as the existing house; no changes are proposed to the new house size or dimensions. They are seeking the change at the request of his brother, the southerly abutter. They will be appearing before ZBA next week.
- BO has no issues with the proposed change. PC was the hearing officer on the original hearing and likewise has no issues. BG recommends approval with the condition that applicant obtain all pertinent permits.
- CH motions to approve the *de minimis* Activity as discussed, with condition as noted. AL second. Approved 6-0-0.

c. 179 Old Main Street, SE42-2925 – *de minimis* Activity vs. Request for Amended OOC – Rick Servant

- A Board of Health review has determined that the septic system needs to be expanded, due to additional bedrooms, beyond what was originally approved by the Commission. The leaching field will remain outside the 50 ft buffer but some grading may be necessary within the buffer.
- EF advises that Rick Servant (RS), Stenbeck & Taylor has requested to withdraw at this time, as they need additional information from Board of Health.
- CH motions to accept the withdrawal of the request. JR second. Approved 6-0-0.

d. 211 Spring Street, SE42-2843 – *de minimis* Activity vs. Request for Amended OOC – Dominic Varrasso

- An OOC was issued in December of 2019 for the raze and rebuild of a single-family home. A subsequent Building Permit sign-off request brought a revised site plan with several changes to the attention of the Conservation Office; these changes include an increase in impervious coverage from 937 to 1400 sq ft and moving of a structure 5' closer to the wetlands.
- Applicant Dominic Varrasso (DV) advises that under their latest revised plan the impervious coverage only increases 75 sq ft, to 1012 sq ft. The house has been moved 2.5 ft further from the wetland, 82.6 ft, but a back deck on sonotubes was added which is 72.3 ft from the wetland. DV indicates that the site plan dated April 14, 2021, may not have been accurate in its depictions of the changes.
- BG comments that DV has been cooperative in working with the Commission, and responded quickly to his requests for additional information. The wetland in question is an IVW under the Town bylaw only. BO comments that the plan shown to the Commission at this hearing appears to be an improvement over the previously approved plan.
- CH motions to approve the proposed changes as *de minimis*. PC second. Approved 6-0-0.

B2 Conservation Permit Submittal Checklist Additions & Inclusion in Policy & Procedure Guide – Commissioners

- BG reviews the changes made to Permit Submittal Checklist by the task force, including a clarification of the term “substantial” based on conversations with the Building Commissioner’s determination.
- CH motions to ratify the language added to the Conservation Permit Submittal Checklist. SC second. Approved 6-0-0.

PUBLIC HEARINGS

Prior to the start of the hearings, CH advises that the hearing for 62 Marginal Road is being continued.

2735 Amended Snow (formerly Bjorklund), 485 Pleasant Street (SFH, Hardscape, landscape, gravel drive)...NEW (Craig)

- CH reads the legal ad and, as Hearing Officer, confirms administrative requirements are complete.
- Greg Morse (GM), Morse Engineering, present for applicant. The proposed activity is landscaping and hardscaping in addition to work permitted under OOC SE42-2735 for the raze and rebuild of a new single-family home; a mitigation planting plan was required as part of this OOC. Current owners Kirsten (KS) and John Snow (JS) purchased the property after the OOC was issued, and obtained permission from the Commission to increase the footprint of the new house and change the position of a shed, as a *de minimis* Activity. They now wish to add rear and front hardscaped patios as well as front walkway stones, which would add 644 sq ft of impervious coverage to the lot; however, GM notes that the peastone and bedding underneath is pervious. GM also notes that the latest site plan was revised to reflect the July 6, 2021 FEMA flood map, which removes the house from the A flood zone.
- CH notes that the *de minimis* Activity the Commission approved in March and the changes proposed in this hearing together would result in a net increase of 968 feet of impervious coverage from the original plan. CH also comments that some of the landscaping intrudes into the restoration area inside the 25 ft buffer, and her recollection was that this area was not to be disturbed. GM responds that the activity inside the 25 buffer is additional plantings, which is not subject to the same restrictions. CH would like a qualified wetland scientist to confirm that the proposed plantings would be appropriate inside the restoration area. GM notes that the plantings were proposed by a landscape architect and states Brad Holmes, the PWS who prepared the restoration area, has signed off on the plantings. CH would like confirmation of this, as well as feedback from a PWS regarding the success of the restoration area, as the original OOC was issued on the condition that the restoration plan be implemented successfully.
- Applicant JS states that BH had already completed several monitoring reports of the restoration area; CH agrees but reiterates, given the proposed changes to the area, she would like BH's feedback on the additional plantings and their impact on the area, as well as cataloging and mapping of the new plantings as was done by BH for the original restoration plantings. KS states that they asked for only native plantings in the 25 ft area, and is concerned at the cost of spending more money on plantings. BG points out that the Commission needs the plant locations in order to know what is now in the restoration area so it can approve the changes or request additional changes as appropriate, and suggests that the schematic by the landscaper previously submitted to the Conservation Office could be marked up with the new plantings.
- BG notes that the restoration plantings required in the original OOC have already been completed and a \$10,000 surety put down by prior owner Bjorklund had been returned, and suggests the Commission should ensure the restoration area is not adversely impacted by the proposed work.
- CH asks for comments from the public; none.
- The matter is continued pending receipt of confirmation from a qualified wetland scientist that the new plantings are compatible with the previously installed restoration plantings, and mapping of the restoration planting area as revised. GM believes they can provide this information by the August 17, 2021 meeting.
- CH motions to continue the matter deadline to August 17, 2021. JR second. Approved 6-0-0.

2937 Knies, 35 Mayflower Road (Addition, driveway replacement, decks, patio, lawns, & walkway).....New (Rick)

- CH reads the legal ad. Hearing Officer PC confirms administrative requirements are complete.
- Freeman Boynton (FB), Duxbury Construction, presents for applicant along with Brad Holmes (BH), ECR. The proposed activity is the construction of an addition, deck, septic system, patio, as well as replacement of an existing paved driveway with a gravel driveway, landscape plantings, and establishment of lawn. The addition and septic system are outside the 75' setback and the driveway, deck, and porch are outside the 50' setback. Wetlands have been delineated by BH.
- EF comments that the porch and deck qualify for the state exemption allowing conversion of lawn to accessory structures, and all proposed structures comply with the performance standards set forth in the Town bylaw for buffer zone. EF notes that plantings are proposed within the 25 ft buffer to the seasonal stream and suggests that the Commission request written details as to species, size, and amount of plantings. The new owners are interested in managing invasives, so EF suggests a condition allowing for hand management of invasives within the buffer zone, as well as conservation markers along the east side of the property at the edge of lawn and north side near the drop of the slope at the 50 ft buffer.

- All parties discuss the timing of the plantings in relation to issuance of the orders. Applicant Knies indicates that the plantings will not be made immediately. EF suggests that the OOC issue with a special condition that the planting information be provided to and approved by the Conservation Administrator or Agent; BG concurs.
- Special conditions of approval will include the posting of (4) four conservation markers in the field; submission of an revised site plan showing the location of the markers; written details as to species, size, and amount of plantings in the 25 ft buffer; and hand removal of invasives within the buffer zone allowed as needed.
- Eunice Chandler, 45 Mayflower Road, expressed support for the project.
- PC motions to close the hearing and issue Orders of Conditions with special conditions drafted by EF. JR second. Approved 6-0-0.

2938 Hay, 19 Wilson Road (Addition).....New (Joe)

- CH reads the legal ad. Hearing Officer JR confirms administrative requirements are complete. The property is located in barrier beach, coastal dune, LSCSF, AE9 flood zone, and buffer zone to bordering vegetated wetland.
- Terry McGovern (TM), Stenbeck & Taylor, presents for applicant. The proposed activity is the construction of a 12' by 30' addition to the side of the house, on helical piles, with the space underneath to remain open. The project, mitigated in part by the removal of a portion of the paved driveway, will result in a net 154 sq ft increase in impervious surface, but TM notes that the area under the addition will be and remain pervious. TM adds that their hearing in front of ZBA was delayed and they are appearing before them next Tuesday. At EF's request, they have reached out to Building Commissioner Andrew Stewart regarding a letter of substantial improvement, and he has replied requesting additional information.
- TM additionally notes that his office was informed that the wetland near the property is in fact IVW, not BVW. BG thanks TM for pointing this out, as this was determined by MassDEP in a Superseding Order of Conditions for another property on Wilson Rd.
- BG notes that applicant's NOI application declared the subject property to be barrier beach but not coastal dune based upon the MassGIS but the definition within 310 CMR 10.29/Barrier Beach that states Barrier Beach is generally coastal dune and coastal beach; BG adds that USDA soil reporting for the area suggest the area is coastal dune and suggests that with its decision the Commission make a determination that the site is Coastal Dune to establish precedent for future projects in the area. BG notes that the project as proposed meets the performance standards for Coastal Dune provided Building does not find the project to be a substantial improvement.
- JR agrees that the site should be classified as a coastal dune, and notes this finding likely will have no impact on the project; AL concurs. TM has no issues with the classification provided the project is approved.
- Joe Pecevich (JP), 25 Wilson Road, asks about the use of gravel on the project. TM replies that the existing pavement at the location of the proposed addition will be removed and replaced either with crushed stone or gravel. JP asked how it would affect runoff from the property; TM indicates that the area under the addition, which will not be enclosed with paneling, will be pervious, so any stormwater or floodwater that makes its way under the house will filter through the stone into the ground. JP notes that based on his experience, runoff from the houses and driveway ends up being directed onto Wilson Road, much of it into his yard, and is concerned this project will add more. JP would like proof that the runoff created by the addition will not end up in his yard.
- Applicant Ken Hay (KH) states that the runoff will actually be decreased as the amount of paved driveway is decreasing and the area under the addition will also become pervious. TM adds that the pervious surface under the addition will also be able to absorb any floodwater from the ocean or marsh. They would be willing to consider routing the runoff from the addition into a drywell, as there will be at least two downspouts, but points out there is a high water table in the area which may limit a drywell's effectiveness. BG agrees that drywells can create backups of stormwater in areas with a high water table.
- After some further discussion, TM indicates that applicant is willing to remove the entire paved driveway, which will further reduce the impervious coverage on the lot, and will submit a revised site plan to the Conservation Office by 12 noon on Friday. JP indicates this would address his concerns. BO comments that the impervious table now required by the Commission doesn't account for the addition of pervious surface beneath additions on piles.
- Special conditions of approval will include a finding that the lot lies in coastal dune, requirement that the subsurface beneath the addition and the driveway along Wilson Road remain open or with pervious coverage in perpetuity, and submission of an updated site plan to the Conservation Office by 12 noon, Friday, August 6, 2021. Applicant must provide evidence of a determination from the Building Commissioner that the project is not a

substantial improvement; if Building determines the project to be a substantial improvement, applicant must discuss any required deviations at a business session of a future Commission meeting.

- JR motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 6-0-0.

2939 Campbell, 84 Cedar Acres Road (Addition & decking).....New (Susan)

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- Greg Morse (GM), Morse Engineering presents for applicant. The proposed activity is construction of an addition, two decks, and stairs, as well as removal of dead trees along the brush line; the application also proposes removal of the existing concrete driveway and retaining wall. The property lies in the Riverfront zone to Little's Creek, which has been designated an Outstanding Resource Water and a coldwater fishery, and buffer zone to coastal bank and bordering vegetated wetland. GM notes that one deck connects to the back of the house over an existing driveway and shed; this shed and a large portion of the driveway would be removed and restored with lawn surface. The addition is proposed for the easterly side of the house, and the second deck will extend off the addition. Both decks and additions are outside the 50 ft setback to the BVW over existing disturbed area. The project as proposed will result in a 31.7% decrease in im pervious surface.
- EF agrees with GM that the proposed work meets the applicable performance standards, but notes that SC and he observed two unpermitted sheds near the coastal bank, as well as a dilapidated structure, sitting directly on the marsh, with debris extending into the creek. There is no record of any local permitting for either the sheds or float. An inquiry was sent to MassDEP as to whether a Chapter 91 permit was issued; they responded that the structure on the marsh would have to be removed or authorized as a new structure if there is no record of a permit on the deed to the property. EF suggests that mitigation plantings along the coastal bank may be warranted for the two sheds. BG comments that the structure in its current condition is a public safety hazard and possible navigation hazard; he reached out to the Harbormaster, who agreed that the structure should be removed; if they want to construct a new dock, they should do so in a separate NOI. Neither EF, Harbormaster nor the MassDEP staff they reached found any record of permitting for the structure.
- SC has no issue with the project as proposed but agrees with EF and BG that the float system should be removed and mitigation plantings are warranted for the sheds. SC suggests that the Commission request a restoration planting plan for the area from a qualified wetland scientist; PC and BO concur; BO is pleased with the proposed removal of impervious surface.
- EF suggests that submission of the planting plan and removal of the float system be added as special conditions to be completed before the start of work. GM indicates they are willing to prepare a planting plan and remove the structure and associated debris. Additional conditions of approval include ensuring the footprint of the addition subsurface remains open/pervious, and authorization to hand-remove invasive plants in the coastal bank.
- SC asks for comments from the public; none.
- SC motions to close the hearing and issue Orders of Conditions with special conditions to drafted by EF. AL second. Approved 6-0-0.

SCHEDULED CONTINUED HEARINGS

2916 Lawson, 62 Marginal Street (dock, pier, ramp & float system).....cont from 7/6/2021 to 8/17/2021 (Rick)

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on August 17, 2021.
- CH motions to continue the hearing to August 17, 2021. AL second. Approved 6-0-0.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

1579 Lynch, 25 Billings Road [COC]

- The deed restriction for the porch remains outstanding. BG recommends tabling pending receipt.
- CH motions to continue the matter to August 17, 2021. AL second. Approved 6-0-0.

2058 Youdis (now O'Donoghue), 26 Blueberry Road [COC]

- EF visited the property and noted that the deck on the front/side of the house had been expanded beyond what was depicted in the Final Approved Plans for the project, and a 5' by 5' decorative lighthouse structure had been

added. Revised As-Built Plans were received at the Conservation Office yesterday. The Commissioners approve the expanded deck and lighthouse structure as *de minimis* Activity to the final approved plan.

- CH motions to issue a COC for the property. PC second. Approved 6-0-0.

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 \leq 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 8:30 PM. SC second. Approved 6-0-0.

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