

**MEMBERS PRESENT** – Craig Hannafin (CH) Chair, Bert O'Donnell (BO) Vice Chair, Art Lage (AL), Joe Ring (JR), Susan Caron (SC), Eric Flint, Conservation Agent (EF), Bill Grafton, Conservation Administrator (BG)

**MEMBERS NOT PRESENT** – Rick Carberry (PC); JR arrived at 6:33 PM

**CALL TO ORDER** – CH motions to open the meeting at 6:30 PM. SC second. Approved 4-0-0.

### **MINUTES**

- The minutes of the July 20 and August 3 meetings were presented for approval. No comments or suggested changes were made on the floor.
- CH motions to accept the July 20, 2021 minutes as written. SC second. Approved 4-0-0.

Commissioner JR joins the meeting.

- CH motions to accept the August 3, 2021 minutes as edited. AL second. Approved 5-0-0.

### **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**

##### **a. 93 Bourne Park, Kirwan (Tree limb removal)**

- The proposed activity is a tree limb removal over a proposed dock approved under SE42-2885. EF recommends approval with the condition that applicant seek all pertinent permits prior to the start of work.
- CH motions to approve the proposed activity as *de minimis*. SC second. Approved 5-0-0.

##### **b. 10 Brighton Street, Chateauvert (Generator stand)**

- The proposed activity is the installation of a 42" generator stand on four legs, which are the only parts of the stand that will touch the ground. EF recommends approval with the condition that applicant seek all pertinent permits prior to the start of work.
- CH motions to approve the proposed activity as *de minimis*. JR second. Approved 5-0-0.

##### **c. 29 Preacher's Path, Depathy (Fence replacement)**

- The proposed activity is replacement with an existing fence with a new one that will allow for wildlife movement; the new fence will generally be placed further from the wetland than the current one. The activity builds on DOA 20-27. EF recommends approval with the condition that applicant seek all pertinent permits prior to the start of work.
- CH motions to approve the proposed activity as *de minimis*. AL second. Approved 5-0-0.

##### **d. 80 Rugani Ave, Murray (Deck expansion)**

- The proposed activity is expansion of an existing deck on existing lawn. The only part of the deck inside the 50' buffer will be the proposed new stairs. EF recommends approval with the condition that applicant seek all pertinent permits prior to the start of work.
- CH motions to approve the proposed activity as *de minimis*. SC second. Approved 5-0-0.

**e. 89 Cherry Street, Lydon (Fence Removal from 77 Cherry w/Ltr of Permission)**

- The proposed activity is removal of a small section of fence encroaching onto the abutting property at 77 Cherry Street. The owner of 77 Cherry has given permission in writing for applicant to access the property to remove the fence. EF recommends approval with the condition that applicant seek all pertinent permits prior to the start of work.
- CH motions to approve the proposed activity as *de minimis*. JR second. Approved 5-0-0.

**f. South River Park, Friends of the South River Park (invasive management by hand)**

Commissioner SC recuses from discussion and voting.

- The proposed activity is the removal of invasive/opportunistic plants by hand. This activity was previously permitted under SE42-2328, but the OOC has expired and the COC did not include ongoing conditions. A NOI for vegetative management is forthcoming, but applicant would like to start getting the invasives under control. BG recommends approval with the condition that applicant seek all pertinent permits prior to the start of work.
- CH motions to approve the proposed activity as *de minimis*. BO second. Approved 4-0-0.

Commissioner SC rejoins the meeting.

**B2 98 Cherry Street – Land Use License**

- Attorney Adam Brodsky (AB) present for property owner Art Gibbs (AG), who is also present. AB notes that AG's house and parking area encroaches on what is now Town property parcel N06-03-27. He has been in discussions with TC regarding this matter, and believes the encroachment has been ongoing for decades, predating formation of the Conservation Commission and the Town's acquisition of the property. The prior owner had received an OOC to raze and rebuild the existing structure and had agreed at that time to relocate the structure off Town land; however, the Gibbs do not wish to proceed with the raze and rebuild. They initially discussed obtaining an easement with TC, but this would require approval at Town Meeting. However, issuance of a license, personal to the current owners only, could be granted without Town Meeting approval, and therefore they would like a land use license to continue to utilize the existing house and parking area in their present locations. If the Commission is not inclined to grant a license, AB notes they may explore other avenues to assert their rights, but they would prefer to work cooperatively.
- CH asks when the house was built; AG indicates approximately 1900. BO asks when the Town acquired N06-03-27; BG indicates this occurred in 1979, and the previous owner is not known. BG is trying to obtain the property card from 1900 and has been unable to do so to date, but notes that a property's pre-dating the WPA does not by itself resolve the encroachment issue. BO suggests that the issue should have been addressed when the Town first took the land; anything that could be moved should be moved, but it is difficult to move a house.
- BG notes that the house construction in the present location presents a fill issue that may not have been addressed at the Town's acquisition of the property; he does not want to encourage the Town to allow fill to remain on Town property, as it could set an undesirable precedent.
- CH spoke to Town Counsel, who seemed ambivalent and wanted to see what the feeling on the Commission was. CH notes that any land use license would be completely revocable, and the structure would be required to be moved off Town property at the time that any substantial improvement were proposed, at which time the license would be revoked. BG indicates this kind of land use license has not been granted before, on Conservation land, and he would not like to start issuing such licenses. BG cites another case of encroachment by Drosopoulos, who will be removing their pool and cabana. BG notes that in that case, the Conservation Office was involved in the discussions with TC and the owners, which has not been the case in this instance.
- AB states that the encroachment issues for this property were discovered during a joint site visit regarding violations on the property. In reviewing the plan in the field, it was discovered that the parking area and a portion of the house and back yard appeared to be encroaching. At that point, AB believes he was asked to consult with TC regarding the issue and possible solutions, which he did after the visit. After some discussion, TC advised AB that an easement would require Town Meeting approval and that he, as Town Counsel, would

entertain the granting of a license provided the Commission would agree to issue one. AB reiterates that if the Commission does not issue the license the alternative is not favorable and they will pursue additional legal remedies, and suggests that the granting of a license would be a reasonable compromise.

- BG comments that the previous owner of the house seems to have been aware of the encroachment issue, as they sought and obtained a permit to elevate and move the house; due diligence on the part of the buyer might have revealed the issue prior to the sale. BG suggests that proceeding with the previously permitted work is the appropriate remedy to this encroachment, and also notes that the request for a land use license was devised without his input; he would have liked Conservation staff to be more involved earlier in the process.
- AB replies that where BG and Conservation staff is technically represented by TC, he is ethically prohibited from talking directly to Conservation staff about matters subject to TC review; it is TC's role to then advise the Commission and staff. AB also notes his client is under no obligation to move forward with the project approved in the previous owner's OOC, and doing so carries a significant financial cost.
- AL notes that he has never encountered a request of this nature as a Commissioner, and would like to hear further from TC on the matter. CH notes that several communication breakdowns seem to be in play and does not personally feel comfortable taking a vote on the issue tonight; BO agrees and would like to make sure TC understands all the particular circumstances, including the background. JR would also like to take a step back with respect to the violation issues on the property, and see if all issues can be addressed in a less piecemeal fashion. BO agrees with JR and suggests that the Commission separate out the issues at 77 and 98 Cherry, despite their common ownership, as a start towards simplifying the deliberations; CH and AL concur.
- AB apologizes for any lack of communication on his part, as he was under the impression the ball was in the Commission's court after his discussions with TC. The concept of a land use license was suggested by TC and was not necessarily AB's first choice of a solution. They are interested in resolving the issue but do not wish to force a Commission vote prematurely, and are happy to work further towards a mutually satisfactory solution. BG suggests that all parties start fresh and meet as he originally suggested. BG & AB are generally available for a meeting with Town Counsel, Chair Hannafin.
- CH motions to table the matter to September 21, 2021. JR second. Approved 5-0-0.

### **B3 77 & 98 Cherry – Enforcement Order Progress Report & Next Steps**

- Attorney Adam Brodsky (AB) present for property owner Art Gibbs (AG), who is also present. AB notes that AB also owns 77 Cherry. AB believes all issues on 77 Cherry, including encroachment and filling, have been resolved. They have also removed an existing brick patio from 98 Cherry and stopped mowing of certain parts of the rear of the property.
- CH comments that the issues at 98 Cherry Street have largely been resolved. In addition to patio removal and cessation of mowing, she observed revegetation of high tide bush in these areas. BG adds that conservation markers have been placed to prevent future encroachment and suggests that the enforcement order could be closed out on the understanding that the house and parking area encroachment issues still need to be resolved.
- CH also states that the issues at 77 Cherry have also largely been resolved. BG notes that an area of dumping remains to be fenced off but agrees that most of a fill pile by the side of the road had been removed and 17 conservation markers had been installed on the property. BG suggests that issuing a one-day fine for violations would raise the funding needed for Conservation Staff to procure and install the fencing; AB and AG have offered payment totaling \$250 fine, which would be sufficient to procure the fencing.
- AB asks if a donation to the Commission, in lieu of a fine, would be appropriate. BG notes for the record that neither he nor the Commission suggested this idea to AG or AB but believes it is worth considering, as the funds from a donation would go directly to the Conservation Office's Community Gifts account as opposed to a fine, which would go into the Town's general fund and the Conservation Department would expend funds from annual budget which is less preferred. CH is willing to accept a donation in lieu of fine, and the Commissioners concur.
- CH motions to (1) revoke the Commission's ratification on June 15, 2021, directing the preparation and submittal of an Enforcement Order for 77 & 98 Cherry Street as well as the associated intent to pursue enforcement fines, and (2) accept a \$250 donation from property owner to the Community Gifts fund, said funds to be used to fence in a dumping area near the properties. JR second. Approved 5-0-0.

#### **B4 Discussion about multiple activities and separate RDAs and NOI Categories – Commissioners**

- BG notes that NOI and RDA applications frequently come in referencing multiple activities on the application. Current practice is to treat all activities on an application as “one application.” In the case of a NOI with multiple activities, the highest fee only, for the various activities, is applied. BG would like to know whether to continue current practice or (1) require separate RDAs for multiple activities and (2) assess the applicable fee for each activity listed on a NOI application. BG suggests that assessing two NOI fees for clearly different activities (i.e., raze/rebuild and dock construction) may be appropriate.
- CH and BO agree that two NOI fees are appropriate in the example BG cites, but BO feels multiple fees may not be needed when two activities go hand in hand (i.e., house and driveway/landscaping work); AL agrees, especially in the case of multiple minor activities. BG doesn’t want to overburden applicants seeking permission for multiple related activities. CH concurs, and suggests that the assessment of fees for applications with multiple activities be considered case by case, using the degree to which the activities are related as a guideline. BG agrees and suggests that BG or EF will seek Commission guidance as needed.

#### **B5 Discussion about mitigation, restoration and replication expectations and deadlines – Commissioners**

- All parties discuss ways to establish firmer guidelines and implementation deadlines for mitigation and restoration planting plans. BG notes that currently the preparation and implementation of these plans is left largely to the discretion of wetland scientists hired by the applicant, some of whom tend to lengthen implementation timetables, shorten reporting periods or defer indefinitely submittal of the reports, and suggests that firmer guidelines and deadlines in this area would reduce the need for Conservation Staff to chase plans and reports from consultants.
- BO asks BG how he thinks he can spur homeowners and consultants to act quicker on their plans and reports? BG suggests that having specific criteria set forth in writing will allow the Commission to reject plans and reports that don’t meet them; this in turn will prompt homeowners to press consultants to act in a more complete and timely fashion. After further discussion, CH and BO suggest that BG and EF draft proposed updates to the deadlines and guidelines for Commissioner Consideration at a future meeting.
- CH motions to direct the Conservation Agent and Conservation Administrator to draft updated procedures for monitoring and closing out mitigations, restorations, and replications. SC second. Approved 5-0-0.

#### **B6 FTM Article/Housekeeping Transfer of Old Mount Skirgo Parcel from DPW to Conservation – Commissioners**

- The Commission discussed approval of the transfer of DPW Parcel ID E08-01-1A, consisting of 25 acres off Old Mt. Skirgo Road, to Commission care and custody, as required by the Massachusetts Endangered Species Act and approved by the National Heritage Endangered Species Program (NHESP), for priority habitat mitigation associated with the Couch Cemetery, Boys and Girls Club, and Rockwood Road ballfield development projects. The transfer will be considered at the upcoming Fall Town Meeting.
- BG notes that he worked with Town Engineer Rod Procaccino and NHESP, Chief of Regulatory Review to identify the parcel, and NHESP approved it as adequate mitigation for the remaining required mitigation. They were told by NHESP that there was no need for a Conservation Restriction (CR), where the land would be transferred to Commission care and custody, and no fees are involved. The lot is not easily accessed, so BG does not anticipate encroachment from abutters, and he suggests the Commission has sufficient volunteer resources to oversee any needed maintenance of the property. BG describes the adjacent lots as being Town owned Conservation lands.
- BO would like to see written confirmation from NHESP that they will accept transfer of the parcel to Commission care and custody without a CR; BG indicates he has this documentation on file. SC notes that a CR is in perpetuity and involve a fee paid to a third party, outside of the Town, that undertakes the difficult task of monitoring the parcel. BG notes that properties under CRs often end up being de facto monitored by Conservation Staff for issues such as green waste dumping called out by Third Party Nonprofit CR holders. SC notes that it’s been the gold standard for a long time to have a third party monitor NHESP mitigation properties under a CR, but BG replies that Article 97 transfers to Conservation Commissions are a common practice he has seen in other Towns. SC notes that the Conservation Office is subject to staff turnover with time, whereas with a CR, a third party is paid and legally bound to protect the land in perpetuity. BG points out that nonprofits tasked with monitoring properties under a CR are at risk of going out of business during difficult economic conditions.

- BG points out that the issue of Article 97 transfers directly to Commission custody was discussed when the Couch transfer was accepted. CH and BO do not remember this discussion, and CH suggests that BG provide documentation from NHESP that they are not requiring a CR for the parcel. The matter is tabled until the next meeting, at which BG will provide more information.
- CH motions to table discussion of the Mt. Skirgo property to the September 7 meeting. AL second. Approved 5-0-0.

## **PUBLIC HEARING**

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

- Continued hearing. CH Hearing Officer.
- 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. The previous hearing was continued pending receipt of confirmation from a professional wetland scientist that new plantings proposed in the restoration planting area are compatible with the previously installed restoration plantings, and mapping of the restoration planting area as updated. GM states that Brad Holmes (BH) of ECR, the wetland scientist who designed the original restoration plan, reviewed the new plantings and recommended that the proposed Coastal Fetterbush shrubs be replaced with Fetterbush shrubs; otherwise, he indicated that the landscaping was appropriately designed. CH notes that BH also recommended that several of the proposed plant species be moved out of the mitigation area.
- All parties discuss the necessity of an updated site plan listing all species planted and depicting their locations. GM's understanding was that the plan submitted by landscape architect Amy Martin (AM), which identifies the number of plantings, genus and species, and location, would be sufficient and states there is no requirement in the Town Bylaws or the wetlands regulations that a landscape plan be prepared by a Professional Wetland Scientist or Professional Engineer, but GM is willing to affix his stamp to AM's plans. BG states the Commission's request for a plan stamped by a PWS or RPE is consistent with prior practice. CH adds that currently the file lacks a clear mapping of the mitigation planting locations or the suggested changes, and feels a clear depiction of all plantings and their location is necessary to complete the record.
- GM asks if implementation of BH's suggested changes be incorporated into a condition of approval so as to avoid a third hearing. BG suggests that the amended OOC be approved with a special condition that an updated plan bearing a RPE or PWS stamp be provided to the Conservation Office by 12 noon on Friday, September 20th; CH concurs. GM will arrange for the updated and stamped plan. BG notes that the plan must show locations under the originally approved planting plan, existing locations, and the revised mitigation locations, as well as an updated planting table. GM states they can easily add the proposed plantings, but adding the previously done mitigation plantings will be time consuming and costly, as that was submitted by a previous applicant; however, they will do what the Commission requires.
- CH asks for comments from the public; none.
- CH thanks applicant for their efforts so far; the planting areas are looking good, and the Commission ultimately wishes to ensure they continue to thrive.
- Special conditions of approval will include submission of the updated and stamped planting plan and table, hand maintenance only in the restoration area downgradient of the red and white Conservation markers, and management of beneficial native wetland species such as sweet pepperbush to cease. Applicants must monitor and maintain the mitigation plantings and their PWS must provide two years of monitoring reports.
- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. SC second. Approved 5-0-0.

### **21-24 Trubani, 20 Constitution Road (Conversion of deck/sunroom to habitable space & stairs).....New (Bert)**

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Applicant Vincent Trubani (VT) present. The proposed activity is the conversion of an existing sunroom and deck into habitable space utilizing the existing footings. A new set of stairs will be constructed on previously disturbed lawn with 3 sonotube footings.
- EF notes that with the proposed habitable space utilizing the existing footings, the only impacts to the projects are associated with the staircase, which is located in an AO-3 flood zone and coastal beach. EF asks whether a concrete pad will be installed at the base of the stairs? VT indicates he will only put in what the Building Inspector

requires; he typically does put in a pad as part of his building projects. BO suggests that VT circle back with the Conservation Office if Building requires any alterations.

- BO asks for comments from the public; none.
- Special conditions of approval include that applicant obtain all subsequent permits and contact Conservation staff for guidance on any alterations or additions.
- BO motions to close and issue a Pos. #5 and Neg. #2 Determination with special conditions drafted by EF. JR second. Approved 5-0-0.

**21-25 Durfey, 1349 Union Street (Landscaping).....New (Susan)**

CH recuses from the hearing.

- BO reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- The filing is an after-the-fact RDA for vegetative management, including hand removal of invasive/opportunistic plants and the addition of topsoil and lawn seed, within the 100' setback to an IVW as defined under the Town Bylaw, as well as temporary boat parking in the 25-50' setback to the IVW. As mitigation for the unpermitted work, they are proposing to post two red and white conservation markers along the 25' setback to the IVW.
- Applicant Bob Durfey (BD) states that the vegetation surrounding the IVW encroached on the lawn over time, and they were seeking to push it back to the original limit of lawn; they would also like to park a 17 ft. boat in the grass.
- EF notes that he and BG visited the property in May in response to a complaint of potential fill in a wetland resource area. They suggested filing of the RDA and the posting of conservation markers as mitigation.
- BO notes he hadn't heard of a boat being considered a "temporary structure" under the regulations, but has no issues with the boat parking as long as it is outside the no-disturb buffer.
- SC asks for comments from the public; none.
- Special conditions of approval include the posting of two red and white conservation markers at the north edge of the lawn, at the 25 ft. setback from the IVW.
- SC motions to close and issue a Pos. #5 and Neg. #3 Determination with special conditions drafted by EF. JR second. Approved 4-0-0.

CH rejoins the meeting and resumes Chair role.

**21-26 Masi, 15 Howes Brook Road (Tree removal).....New (Susan)**

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- EF notes that applicant asked him to present the project for him. BG questions whether this can be done. EF and SC note there is no association between EF and applicant. SC is also willing to discuss the work, but applicant asked EF to do so, and he is familiar with the project. EF notes that under 310 CMR 10.00, RDA applicants do not need to present their projects or be present for the public hearing. BG wants it to be clear in these cases that Conservation staff or Commissioners discussing an applicant's proposal are not acting as the applicant's representative.
- EF notes that homeowner reached out to the Conservation Office for guidance on vista pruning and invasive vine management. EF visited the property on 8/9/21 and reviewed the proposed work, flagging the trees to be cut/pruned with orange flagging tape. Applicant proposes to remove two Norway Maples of 3"-4" diameter and two dead Eastern Red Cedars, prune the branches of an additional Eastern Red Cedar, and hand-remove invasive vines in the back yard. Applicant scaled back his cutting request to these four trees after EF advised applicant that dead trees provide habitat for birds and insects which are decomposers and a food source for larger wildlife. EF recommends approval with a special condition that the roots of the felled trees not be removed from the ground. SC feels the proposal to be relatively conservative given the amount of vegetation in the vista area; the removal of invasive vines, which are overtaking the back yard, will be an improvement over existing conditions.
- SC asks for comments from the public; none.
- Special conditions include a requirement that the roots of the felled trees not be removed from the ground, and check with Conservation Staff prior to any native plantings in the buffer zone.

- SC motions close and issue a Pos. #5 and Neg. #3 Determination with special conditions drafted by BG. JR second. Approved 5-0-0.

**2942 Jackson, 38 Hunter Drive (Dock).....New (Rick)**

- CH reads the legal ad. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on September 7, 2021. A “dock walk” site visit has been arranged for August 25. DEP file number has not yet been received.
- AL motions to continue the hearing to September 7<sup>th</sup>. JR second. Approved 5-0-0.

**2940 Veiga, 12 Gilbert Street (Deck replacement).....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 replacement of an existing deck with a new one, in the same footprint, on helical piers. Construction access will be challenging given the constraints of the site, and RS believes installing the helical screws will require bringing a low-impact tracked machine onto the beach in front of the house. RS adds that anything but helical screws would require excavation, which would be difficult given the distance between the house and the top of the revetment. The work will result in no increase of impervious area, and the surface will remain open underneath. The new porch will be about 2’ off the ground. Construction materials will be stored on the driveway.
- EF characterizes the project as a straightforward 1:1 deck replacement on helical piles with no increase in impervious footprint, and suggests approval with special conditions to protect the coastal beach, dune, and vegetation in the area. BG suggests that RS check with NHESP if they propose to bring tracked equipment onto the beach, as this would involve crossing Piping Plover habitat (PH 910), and similar projects have received detailed feedback from NHESP. An additional condition requiring that applicant receive authorization from NHESP before the start of work may address this concern.
- RS indicates he also discussed access from the side yard, which would not involve crossing the Plover habitat; the contractor indicated he has a machine with the ability to reach the work area from the side yard, but access through the beach would be easier. EF asks if accessing the work area through the side would harm the vegetation currently established there. BG suggests that the vegetation is robust enough to be dug up, set aside, and then replanted after the work is completed.
- BG suggests that RS submit an access plan to the Conservation Office. If they propose to access the work area through the beach, they must receive authorization from NHESP to do so.
- BO asks for comments from the public; none.
- Special conditions include no storage of any construction materials or debris on the coastal beach or sandy portion of the coastal dune, no removal or damage of any vegetation currently established on the property, submission of an access plan, authorization from NHESP if the work area is accessed through the beach, and replanting of any impacted vegetation if the work area is accessed from the side yard.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. SC second. Approved 5-0-0.

**2941 Gale, 104 Marginal Street (SFH elevation & driveway construction).....New (Joe)**

- CH reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- Dana Altobello (DA), Merrill Engineers, present for applicant William Gale (WG). The proposed activity is elevation of a single-family home, grading and landscaping, and construction of a driveway and pervious patio in riverfront, LSCSF, AE13 flood zone, and salt marsh buffer zone. The wetland line was delineated by Brad Holmes (BH), ECR, in August of 2020. Applicant wishes to elevate the existing house to 3’ above the base flood elevation of 13’. They would also like to add two screened-in porches on the rear of the house, as well as a 47’ by 14’ deck. The existing paved driveway will be removed and replaced with two smaller parking areas, resulting in a net reduction of about 600 sq. ft. of pervious surface. Given the slope of the yard, the reduction in size of the driveway will reduce runoff velocities in the yard.
- EF was under the impression that the project resulted in an increase in impervious surface and requests a revised site plan and impervious table documenting the net reduction. DA notes the driveway reduction component was

added late in the process and the new calculations may not have been added to the plans. EF believes there is not much opportunity for additional mitigation beyond the three conservation markers proposed.

- BG notes that the dock and float system on the property touches the tidal flats; he would like to see this remedied. The OOC for the dock remains outstanding and should be closed out at some point; WG is willing to address the issue. BG also notes that WG expressed some interest in cleaning debris out of the salt marsh after the 2018 storms that was never done, and suggests this cleanup could be additional mitigation for the project.
- EF asks whether the Building Department considers the project to be a substantial renovation. If the project is found to be a substantial improvement, the regulations require an open piling foundation, which will require revised site plans and a Request for Amended Order of Conditions. WG indicates they won't go forward with the project if Building finds it to be a substantial renovation.
- JR asks for comments from the public; none.
- Special conditions of approval will include the posting of (3) three conservation markers in locations depicted on the approved site plans and submission of an elevation certificate and written evidence from the Building Department that the project is not a substantial renovation. If Building Department finds the project to be a substantial renovation, applicant must file for a Request for Amended Order of Conditions with revised site plan showing an open pile foundation. Additionally, property owner will remove marine debris from the salt marsh.
- JR motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. SC second. Approved 5-0-0.

#### **CONTINUED HEARINGS**

##### **2943 Hunt, 17 Water Street (Vegetative management).....New (Bert)**

- CH reads the legal ad. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on September 7, 2021, per applicant representative written request. DEP file number is still outstanding.
- CH motions to continue hearing until September 7, 2021. SC second. Approved 5-0-0.

##### **2916 Lawson, 62 Marginal Street (dock, pier, ramp & float system).....cont. from 7/6/2021 to 9/7/2021 (Rick)**

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on September 7, 2021, per applicant representative written request.
- CH motions to continue hearing until September 7, 2021. SC second. Approved 5-0-0.

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

##### **0619 Youdis, 26 Blueberry Road [COC]**

- BG recommended issuance of the COC. An As-Built plan and RPE letter were provided with the recently submitted and approved request for SE42-2058, which is for the same property.
- CH motions to issue a COC for SE42-0619. SC second. Approved 5-0-0.

##### **1579 Lynch, 25 Billings Road [COC]**

- Deed restriction for the porch is still outstanding. BG suggests that the request be denied if the matter is not resolved in a relatively short time.
- CH motions to table the matter until the September 7, 2021 meeting. AL second. Approved 5-0-0.

##### **2722 Solimondo, 1180 Ferry Street [COC]**

- The As-Built plan for this dock project indicates the float was constructed as proposed, gangway was constructed about 3 ft longer than proposed, and the pier was constructed slightly shorter than proposed. BG recommended issuance of the COC with the following ongoing conditions, which are standard for dock projects:
- No grounding of floats or boats on tidal flats or river bottom. No prop wash of river bed.
- No storing of fuel on dock. No fueling of vessels from dock.
- No dragging the float across the salt marsh for storage or maintenance reasons.
- No chemical spraying in resource area.
- Periodic maintenance of floats & pilings securing system to assure alignment as per original Orders.
- Repair for safety reasons within approved scope of original Orders.

- Optional to post a permanent “NO WAKE IN RIVER” on the end of the pier facing the river.
- CH motions to issue a COC for the property with ongoing conditions as noted. JR second. Approved 5-0-0.

**2767 Walker, 24 Marion Street [COC]**

- BG notes that the project was completed with significantly less impervious surface than originally approved, and recommended issuance of the COC.
- CH motions to issue a COC for the property. JR 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  $\leq$  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 8:52 PM. AL second. Approved 5-0-0.

Respectfully submitted,  
Liz Anoja, Conservation Administrative Clerk

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