

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

MEMBERS NOT PRESENT – Rick Carberry (PC), Arthur Lage (AL)

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

MINUTES

- The minutes of the October 19 and November 2 meetings were presented for approval. No comments or suggested changes were made on the floor.
- CH motions to accept the October 19, 2021 minutes as written. SC second. Approved 4-0-0.
- CH motions to accept the November 2, 2021 minutes as edited. JR second. Approved 4-0-0.

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 Old Colony Avenue – Diesel Above Ground Storage Tank Addition – Commissioners/William Finn

- The proposed activity is the installation of a 300-gallon above-ground, double-walled diesel storage tank (AST) within an existing concrete containment area at the Marshfield Airport. Commission consultant William Finn (WF) notes that the tank will include an alarm system to detect leakage. The project purpose is to increase the safety of the refueling process, which is currently done by hand, and will have no impact on nearby resource areas. WF believes the project will be beneficial from a conservation perspective, as it will eliminate the risk of spillage that occurs when vehicles are refueled by hand.
- WF also notes that the proposal is different and apart from the AST farm for aviation fuel permitted under the previous OOC SE42-2784, and is solely funded by Shoreline Aviation, with no Town or Federal funding. The design engineer, Highland Tank, and installer Williams Energy are well established companies in the field.
- CH agrees that the proposed work seems clearly to be a better system and beneficial overall.
- BG reiterates that this tank installation is distinct from the AST farm for aviation fuel permitted under SE42-2784 and recommends approval with the condition that applicant provide evidence of all pertinent permits prior to the start of work.
- CH motions to approve the proposed activity as *de minimis* Activity. SC second. Approved 4-0-0.
- Later in the meeting, Joe Peceovich (JP), Wilson Road, questions why the tank was approved as a *de minimis* activity. BG notes that the tank is located in previously disturbed area outside the 50 ft. buffer; also that diesel fuel is a lower grade hydrocarbon than aviation fuel and thus less an environmental threat. JP questions BG's characterization of diesel as less of a threat than aviation fuel and feels the SWPPP for the airport project should also address the diesel tanks. BG and CH believe this is already covered in the SWPPP, and BG notes the Fire Department will be permitting and monitoring the tanks as well. JP comments that additional permitting should have been required, at which point CH notes JP's objection but states the matter had already been voted on.

b. 42 Wellington Ave, Pacheco – Hazard tree removal

- The proposed activity is removal of a hazard tree that is presently threatening two houses. The double-stemmed tree is within existing yard about 50' away from a BVW.
- 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 4-0-0.

B2 Approval of Conservation Commission Meeting Schedule for January - June 2022

- The Commission ratified a proposed meeting schedule for the first half of 2022; meetings will occur on the first and third Tuesdays of the month.
- In response to a query from BO, JR indicates that he should be able to make the 6:30 start time for most meetings.
- CH motions to approve the proposed Conservation Commission meeting schedule for the first half of 2022. JR second. Approved 4-0-0.

B3 Encroachment Town Owned Conservation Land Resolution/Drosopoulos, 7 Lady Slipper Lane – Bill Grafton

- Town Counsel has advised BG that the subject property has been sold and encroachments of a pool deck and pool house/shed on Conservation land, dating back to 2017, had been resolved according to his information.
- BG notes that in this case the sale of the property advanced the restoration activity, but he would like the Commission to more proactively monitor and review such encroachment restorations going forward. The use of hearing officers for enforcement orders, as voted at the last meeting, will hopefully expedite resolution of other matters.
- CH motions to close out the encroachment matter based on Town Counsel's feedback. SC second. Approved 4-0-0.

B4 SE42-2924, 226 Bay Avenue – *de minimis* Activity vs. Request for Amended Orders of Conditions – Jeremiah Eck/Kevin Sullivan

- Kevin Sullivan (KS), applicant's son, present along with architect Jeremiah Eck (JE). An Order of Conditions was issued on May 18, 2021 for the conversion of a wraparound porch on the property to enclosed livable space. The Building Department is requiring that a concrete slab beneath the house be removed and the undersurface be filled and brought up to at least the nearest outside finished ground level; they are seeking Conservation permission to do this as a *de minimis* Activity from the Order of Conditions.
- After the initial OOC was issued, Building Commissioner Andrew Stewart (AS) determined that the project constitutes a substantial improvement, requiring the house to be brought up to current flood-resistant design and construction codes, and is requesting a determination from the Commission as to whether Section 505-307.2 of the bylaw, requiring conversion of the foundation to open pilings without footings, applies. KS asks that the Commission find the project to not be "substantial" from a Conservation perspective, as it seems to him that to perform the work needed to raise the house on open pilings would be far more impactful to the resource area.
- CH believes that Conservation's definition of "substantial" is largely the same as the Building Commissioners, and is not sure the Commission makes its own determination separate and apart from Building's. BO agrees, noting that the Commission has always relied on the Building Department's finding. KS points out that the Commission unanimously approved the project in May, and the only thing that is proposed to change is the addition of the fill beneath the house. CH doesn't think the Commissioners believed, at the time of the May hearing, that the project would be deemed substantial by Building.
- EF reads comments from AS indicating that he spoke with DCR Flood Hazard Management Program Assistant Director Eric Carlson (EC) and Coastal Zone Management Geologist Rebecca Haney (RH) regarding the open piling requirement; they indicated that, since the Commission classified the area as coastal dune in its OOC and deemed the values protected by the WPA to be significant in this case, the Building Department has to enforce the open piling without footings requirement. According to AS, avoiding this requirement would require (1) a soil survey that could prove the lot was not coastal dune, or (2) changing the scope of work so it is not "substantial."

- BG also spoke with RH, who told him that any variance from the open piling requirement would have to be approved at the State level. BG also suggests that a soil survey would almost certainly support the original finding that the lot was in coastal dune. Given the clarity of 505-307.2, applicant's options appear to be limited but may include seeking a reassessment of the house, as Building's determination of whether a project is "significant" or not is based on assessed value, or reducing the scope of the project in consultation with Building.
- BO considers the actual breaking up of the concrete slab to be a *de minimis* Activity; CH concurs and suggests that applicant try to scale back the project so it is "not substantial." KS indicates they have considered this, as well as seeking a reassessment. KS also claims that the Conservation Bylaw does not require the Commission to go by the Building Department's determination of "substantial improvement," but rather gives the Commission the discretion to make its own determination. If the Commission declines to do so, KS indicates he will seek permits for segments of the work over time to avoid a substantial determination, without the mitigation of removing the concrete pad, as raising the house on open piles is cost-prohibitive. BG suggests that removal of the concrete pad is being required by the Building Department to meet code as opposed to an offer of mitigation on the part of applicant.
- BG suggests that the concrete pad removal, by itself, could be approved by the Commission as a *de minimis* Activity independent of Building's Substantial Improvement determination, but notes he has not yet discussed with AS. AS begins to state that the fill is also part of the trigger of a substantial improvement but then his audio is lost. KS reiterates that he will seek permits for segments of the work over time, without removal of the concrete pad, if the change is not approved as *de minimis*.
- JE notes he was unable to find a specific definition of an "open pile type foundation" in the regulations, and inquires whether the current cinderblock columns beneath the house would qualify as such. JE also suggests that the floodplain regulations do in fact allow for footings as long as they're on undisturbed or un-erodible soil. The house was renovated in 1987, and presumably the footings were inspected by all permitting authorities at the time; further the house has not moved in at least 40 years, which suggests to JE any footings are on a firm footing.
- BO asks BG to explain his previous comment from RH that any variance from the open pile requirement would be reviewed at the State level. BG indicates, because there is (1) a current OOC finding that the lot is in barrier beach and coastal dune and (2) a determination that the project as proposed is substantial, the Mass DEP Commissioner would be the entity to review a request to allow the existing footings to remain. KS states he is not seeking any kind of variance but wants AS to issue the building permit, which he can do if the Commission "grants an exception" from the open pile foundation requirement, which he claims the Commission has the authority to do under Section 505, 103.4, for "maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure." BG suggests that the Building Commissioner's determination is clear and an exemption or exception from the performance standards has to be for a rare and unusual circumstance.
- AS notes he does not recall exactly what the current assessment of the house was, but the proposed cost was more than double the current assessed value of the house, so the scope is far over the 50% "substantial improvement" threshold. This, together with the Commission's finding in the OOC that the lot is in barrier beach/coastal dune, requires that all aspects of the house be brought up to the current performance standards for coastal dune, including open pilings with no footings. Given the house is also in an AE flood zone, the only way the project, as proposed, could happen is if the Commission had not found in its OOC that the lot was on coastal dune, and this finding would be difficult to overturn by soil testing. AS also notes that Building plans to introduce a Bylaw in the Spring that will expand the definition of "segmentation" to include all projects within a five-year period from its current one-year period.
- KS suggests that the Commission find that the performance standard concerning open piles does not apply in this case, as suggested in an e-mail from AS to KS; however, AS indicates he was subsequently advised by EC, DCR, and RH, CZM, that the Commission does not have the ability to issue this finding.
- JE asks if a soil survey could possibly prove that the existing footings are allowable; AS indicates the study would have to prove the soil around the footings to be non-erodible and non-suitable for an open pile foundation without footings; BG adds that the survey would have to be done in several locations to the satisfaction of the Commission. JE reiterates that the existing footings have been adequately supporting the house for at least 40 years; AS sympathizes with applicant's frustration at the new regulations but points out he personally had heard the same argument from homeowners in areas impacted by Katrina and Sandy. As such, AS feels the only way

around the new standards is to either conduct a soil survey or possibly appeal to the State. KS reiterates he will likely reduce the scope of work and seek permitting in segments.

- CH advises applicants that if they seek a soil survey, the Commission has the right to require a third party of its choice, at applicant's expense, to verify the work. CH regrettably sees no legal way for the Commission to approve the exception from the performance standard that KS seeks; JR is convinced any such exception would be overturned at the State level, and notes he is seeing exceptional flood conditions and recommends the home owner implement the flood mitigation at least eventually.
- KS asks for a Commission vote regarding the garage fill as a *de minimis* Activity. BG suggests special conditions requiring removal of the hardened surface underneath the garage and replacement with clean, compatible sand that complies with the Chapter 505, Section 306.4 standards.
- CH motions to consider the garage fill addition to SE42-2924 as a *de minimis* Activity, with special conditions as drafted by BG. JR second. Approved 4-0-0.

B5 SE42-2879, 93 Old Colony Avenue (Wildlife Management Fence modifications) – *de minimis* Activity vs. Request for Amended Orders of Conditions/SE42-2879 – Commissioners/William Finn

- Commission Consultant WF presents for applicant Marshfield Airport. The proposed changes to the Order of Conditions SE42-2879 are a reduction in size of the fence south of Runway 6 and changing the time of the approved vegetative management and wetland construction to Spring 2022 per NHESP time of year constraints. WF reads a letter from the project engineer ASG citing delays in these parts of the project due to supply chain issues, NHESP time of year constraints, and FAA objections to siting a fence at the end of Runway 6.
- WF believes reducing the size of the fence will have a positive impact by reducing the scope of work in Commission jurisdiction. WF also points out that the delay in vegetative management/wetland construction buys the Commission time to check with NHESP as to whether the trees and vegetation to be cut could be used to create Box Turtle habitat. BG and the Commissioners agree with WF's assessment.
- CH motions to approve the proposed activity as a *de minimis* Activity from OOC SE42-2879. SC second. Approved 4-0-0.
- Later in the meeting, JP expresses disappointment that the previously approved vegetative management plan had been modified. CH notes that the delay will give the Commission time to suggest its own improvements.

B6 Discussion regarding Complaint/987 Ocean Street

- The Conservation Office has received six complaints regarding cutting at the property, which lies in an AE9 flood zone and partly in Riverfront area to Bass Creek, containing BVW and saltmarsh. BG and EF visited the site on 10/18/21 and observed that a significant amount of brush and small trees had been cut and removed. EF sent a Notice of Violation on 10/20/21 to the owners of record, directing them to cease cutting activity and appear at this meeting; this was sent Certified Mail but has not been confirmed as having been delivered. Abutters indicate that the cutting has ceased since the site visit.
- Christopher Homsy (CHo), Brookline, indicates he is related to homeowners and is here on their behalf. They had hired Riverhawk Environmental over the summer to perform an existing conditions plan and survey, as well as a wetland delineation report; however, they were unable to access the back of the property to complete their job and asked property owners to clear some of the brush to facilitate access. CHo indicates they hired a landscaping crew to do this, and the crew cleared just enough brush and vegetation to allow the surveyor and wetland scientist to perform the survey and did not cut any trees; this will be a one-time occurrence, as they are looking to establish the wetland lines and eventually rebuild the existing home. Riverhawk's engineer told him that most of what was cleared was invasive species which will grow back quickly next spring.
- CHo comments that the clearing done was fairly significant for surveying, and most surveyors/wetland scientists are adept at bush-whacking.
- Abutter Karen Donahue (KD), 991 Ocean, states the vegetation that was cut was very significant, extending to her property line, and additional plants in the buffer were blown down in a recent windstorm. The cutting has reduced the privacy of her own property and she feels the area will never be as it was.
- Robert Edgerly (RE), 21 Leon Street, wants to know why a permit wasn't obtained before the cutting started, and why the cutting included substantial trees if the purpose was only to access the back. The cutting has also impacted the privacy of his back yard and exposed his property and that of his neighbors to wind damage. RE contends that recent windstorm damage in the area never would have happened if the cutting hadn't taken

place, and would like to know exactly what the property owners are looking to build on the property. CH notes to all that this discussion will address only the cutting.

- Thomas Hunt (TH), 11 Leon, states it was his understanding, when he bought his property, that 987 Ocean was not buildable. TH also comments on alleged encroachment into the wetland by the owners of a nearby gas station.
- EF indicates that 987 Ocean lies in LSCSF; there is also a likely BVW on the property that the cutting extended into as well as possible 200 ft riverfront area. The lot is privately owned and is not Conservation land.
- CH indicates they are doing the survey to find out what is possible to build on the property, and it was not their intention to adversely impact any abutter. They didn't obtain a permit because they didn't know where the resource area was relative to the work they did. BG notes he observed what appeared to be tire tracks in the pathway that was cut and two sets of wetland delineations.
- CH believes the situation calls for an enforcement order; BO agrees. Mr. Homsy reiterates that no further work is planned to be done; to his knowledge, no heavy equipment was driven onto the property.
- Matthew Carver (MC), 22 Leon, states that workers were on the property from 7 a.m. to 5 p.m. and there were trucks and mulchers.
- CH motions to issue an enforcement order for unpermitted alteration at 987 Ocean Street. JR second. Approved 4-0-0.

B7 Discussion regarding Conservation Permitting for unpermitted IVW activities at 9 Edward Road – Kim Moran

- Property owner Kim Moran (KM) present. On 9/21/21, BG and EF noted unpermitted work on the property, including removal of a tree, clearing along the side of the driveway and rear of the lot, fill to the rear of the lot, and installation of a drain pipe from the center of the yard discharging into the wetlands. BG suggested at the time that KM file an after-the-fact NOI for the work without a surveyed site plan. On 10/28/21, EF visited the property at KM's request to review additional storm damage; EF advised at the time that KM could remove a fallen tree and branches but not to do any work within the adjacent IVW. KM states the clearing noted in September was also a result of storm damage and questioned the need to file for an ATF permit.
- KM states she has had an ongoing problem with trees/branches from the wetland causing damage on her property. One of the trees in question was dead, and parts of it were falling on her house and yard. While she was having this tree removed, in September, she had the tree company stump several trees along her driveway in order to clean up and improve the appearance of the area.
- BG suggests that an after-the-fact NOI, waiving the requirement for an engineered site plan including surveyed conservation markers along the property edge adjacent to the undeveloped lot, would be appropriate, as there was clearing as well as possible fill in the 0 to 25 ft buffer to the IVW. This would allow for a notation on the deed as well as possible conservation markers to prevent future encroachment. Additionally, an ATF NOI was required of a neighbor for similar activity. KM states that most of what was removed from the back of her yard was fallen branches as opposed to brush. She has removed some green waste that she had deposited in the wetland, and is willing to remove the drain pipe. She did bring in some fill just to improve the appearance of the yard. EF notes that similar activity at 737 Careswell Street was permitted with an ATF RDA, but BG notes that the activity at this property was inside the 25 ft. buffer, and a NOI with delineation may prevent future issues with a new property owner.
- In response to a query from BO, KM indicates the house was originally constructed in 2004 by Habitat for Humanity. BO would like to look at the original NOI for the house construction to get an understanding of what was originally cleared and the previously existing condition of the property; SC and CH concur. SC notes that Habitat houses tend to be built on lots with challenging conditions that the owners aren't aware of. After further discussion, the matter is tabled to allow for additional research of the original permit.

PUBLIC HEARING

21-36 Marsoobian, 21 Oxen Drive (Install Fence & Vegetative Management).....NEW (Art)

- CH reads the legal ad. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on December 7, 2021 as agreed with the applicant.
- CH motions to continue the hearing until December 7, 2021. JR second. Approved 4-0-0.

2959 O'Connor, 92 Quincy Avenue (Addition & Septic).....NEW (Susan)

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- Josh White (JW), PMP Associates, present for applicant. The proposed activity is the construction of a 270 sq ft addition and installation of a new septic system. The lot lies in buffer zone to BVW; part of the property lies in AE9 flood zone, but this is outside the limit of work. The septic system will be located in back of the house, in the 50-100 ft buffer to the IVW, 53.8 ft from the line at its closest point, and will include a single treatment tank with pump chamber. Erosion control is proposed along the limit of excavation. The system relies on drip irrigation and thus will require grading of about 1.5' over the system. Board of Health permitting is pending. They are also proposing to reconstruct an existing porch off the side of the house in its existing footprint, and construct a 10' by 27' addition to the house in roughly the same footprint as a utility room/three-season porch. All disturbance will be outside the 50' buffer.
- EF believes the septic system as proposed qualifies for the exemption under 310 CMR 10.03(3) provided it is approved by the Board of Health. The proposed addition is only a small expansion of the existing footprint. EF suggests a special condition requiring that the oil and propane tanks, if moved, remain outside the 50' buffer to the wetland. JW states that the oil tank will be enclosed in the new addition.
- EF observed a playground structure and storage rack against the wetland line in back of the property, and suggests that the Commission require the posting of four conservation markers several feet up-gradient of the wetland line. EF also notes there appears to be another wetland on an adjacent property, but there is no current delineation for it; he suggests that the Commission either require a delineation of the wetland or make a notation of its existence in the conditions; the Commissioners opt for notation in the conditions.
- SC visited the site with EF and agrees with his recommendations; she would like to see the storage rack moved at least outside the 25 ft buffer. SC would also like to know where the water from dewatering the cesspool would go. JW states the water will be pumped into a temporary basin before being removed.
- BG notes that the NOI application was not completed in accordance with 505-1-6.5(A) and the Town form provided on the Commission Web site and Office, and suggests either a continuation pending receipt of a new application with copies, or a special condition requiring submission of the new applications to the office before the Orders are issued. JR agrees the proper Town paperwork needs to be filed by 12 noon, Friday, November 19th. BG also recommends a special condition specifying that no underground storage tank be installed; JW believes the tank will be on a slab on the base of the addition but will add the notation to the site plan.
- JW asks that the conservation markers be placed at the edge of lawn/tree line. EF suggests that they be placed 5 feet up-gradient of the wetland line; JW agrees and will update the site plan.
- SC asks for comments from the public; none.
- Special conditions of approval will include submission of updated NOI application on the Town form and site plan by noon Friday; installation of four conservation markers as discussed; notations regarding no underground storage tank and the possible presence of a wetland on the adjacent property; and removal of play structure and storage rack outside the 25 ft buffer.
- SC motions to close the hearing and issue Orders of Conditions with special conditions drafted by EF. BO second. Approved 4-0-0.

2754 A Hanlan, 72 Bay Avenue (Expand Concrete Slab).....NEW (Bert)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- The house on the property was recently rebuilt on pilings under orders of conditions SE42-2752; part of the conditions of approval required that the subsurface remain pervious, and as a result, the previously existing concrete pad under the house was removed. The proposed activity is to extend the concrete slab by the seawall, as property owner is concerned that the backing to the seawall is angled in such a way that causes seawater to erode the subsurface.
- Project engineer Rick Servant (RS), Stenbeck & Taylor, states there are ongoing over wash and erosion issues at the property and distributes photos for the Commission file. RS states that significant storm events will cause significant erosion around the new piles supporting the house and could ultimately undermine the new seawall. They would like to extend the existing slab in back of the house and then add an area of trap rock beyond the slab to dissipate the wave action. The size of these additions is based on the flood lines from the 2016 FEMA FIRM, which RS believes is more representative of actual storm conditions.

- EF notes that the request was originally discussed as a business item at the June 15 meeting, at which time the Commission requested that she file a request for amended order of conditions with input from an engineer. EF also points out that the original approved site plan referenced 1997 sq. ft. of existing impervious coverage with reduction to 1772 sq. ft.; the updated site plan shows 2104 sq. ft. of existing impervious coverage, with a proposed increase to 2397 sq. ft. In contrast, the updated Chapter 505 regulations call for no more than 500 sq. ft. of impervious coverage in AO and VE flood zones. Given this, EF is not sure the project can be approved as proposed, especially in light of the recent presentation from DEP and CZM emphasizing the need for pervious, erodible surfaces beneath houses in coastal dune / flood zones.
- RS indicates to BO that he has read through minutes of the CZM presentation. BO notes that this guidance, together with the updated Chapter 505 regulations, has changed the way the Commission looks at and measures impervious surfaces. RS notes that the updated impervious surface calculations are somewhat duplicative in that they include the roof area plus the area under the house; it also includes the slab adjacent to the seawall that was poured by the Town. BO feels the use of trap rock may be a viable compromise, as it would address the erosion issues observed on the lot, but notes it may wash away in a major flooding event.
- JR feels it is also the Commission's job to worry about the potential sheet flow running across Bay Ave, and feels the proposal as written can only worsen that flow; CH concurs and notes that CZM gave very compelling evidence as to how proposals to harden lots on barrier beach/coastal dune ultimately worsen conditions in the area for all residents. SC notes CZM's requirement that surfaces in this area be erodible and suggests that trap rock may qualify as erodible while still absorbing a degree of wave energy. JR notes that trap rock at a similar property in the area has in fact stayed in place for many years. All parties discuss the efficacy of trap rock to absorb wave energy but still be erodible, including the typical rock size.
- Property owner Deborah Hanlan (DH) states that all she wants to do is have a concrete surface to absorb the force of the wave and disperse it evenly into the drainage area. She is concerned that an all-rock surface in back and underneath the house will end up in the road after major storms. BO shares DH's erosion concerns but points out that CZM's guidance to Commissions is strongly against additional hardening of lots on coastal dunes.
- Paul Flavin (PF), 59 Bay Ave, states the floodwater is so fast moving in the area that permeable surface does not matter. BO indicates the issue is not so much permeability as ability to absorb wave energy rather than deflect it. PF contends that the wave energy is undermining the existing slabs and he and other owners in the area need something to absorb the impact of the ocean and direct the water to a catch basin. PF adds that cobble from beneath houses ends up in the street or in neighboring yards after a storm, whereas "every property that has concrete is fine" and believes what is being proposed for this property will work. BO points out that CZM wants to see some migration of sand and cobble after a storm; JR notes that he asked this question at the presentation and that is the answer they gave. DH opines that allowing the migration of cobble is "ridiculous" and what they are proposing is common sense. BG reiterates that the performance standards for projects in this area require that sediment has to be able to migrate and water has to be able to flow; properties with high concentrations of concrete create sheeting that dissipates wave energy onto neighboring properties. What is needed is a solution that meets the performance standards while still protecting the pilings from erosion.
- Dave Russell (DR), 77 Bay Ave, notes he has lived in the area for 22 years, and states that raising DH's on pilings has resulted in significantly more sand and stone being displaced onto his yard, and onto Bay Avenue. Even large stones are displaced into the street and present a hazard for cars. DR supports the current plan because he thinks it makes sense and will have the desired effect.
- DH believes water will ultimately undermine the Town's concrete pad if she puts in trap rock beneath the house, and is convinced that additional concrete is needed to save her house and the new seawall; RS understands CZM's perspective but agrees that without an extended concrete pad, the Town's pad and seawall will get undermined and collapse.
- BG believes some additional engineer input is needed for this situation as well as possibly a third-party review. BO notes that the Commission's position is based on the guidance and performance standards handed down from the state which the Commission cannot go against; RS agrees this is a tough situation with no clear answers, but in this case he states the natural system that existed on Bay Avenue was ruined 100 years ago, and now homeowners are trying to protect their property without it, and at this property there is an erosion problem that has to be addressed.
- BO thinks a concrete slab is out of the question based on the current CZM guidance but suggests a continuation so all parties can research additional solutions. RS requests a continuation so he can consult with Town Engineer Rod

Procaccino (RP) and others; the Commissioners agree. DH is worried about any additional delays in researching a solution.

- Joe Pecevich (JP), 85 Wilson Rd, asks whether this section of Bay Ave has seawall slated to be replaced. BO indicates the seawall in the area has already been replaced, and the slab behind the wall was put in by the Town.
- BO motions to continue the hearing until December 7, 2021. JR second. Approved 4-0-0.

After the hearing, PF notes that this applicant had to wait over two hours for her hearing while violations and enforcement orders were discussed first; BG acknowledges that this particular meeting had a higher than usual number of business matters concerning violations, requiring long discussions, before they could get to the public hearings. PF suggests that the violators go last; BO agrees this is a fair point and CH suggests that the Commission may need to reconsider having violation discussions after the public hearings.

2958 Speakman, 274 Foster Avenue (Elevate Single Family Home)..... cont. from 11/2/2021 (Susan)

- The hearing is continued until the public meeting of the Marshfield Conservation Commission on January 18, 2022 per applicant request.
- CH motions to continue the hearing until January 18, 2022. SC second. Approved 4-0-0.

2954 Martin, 70 Preston Terrace (Dock System).....cont. from 10/19/21 (Rick)

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on December 7, 2021 per applicant request.
- CH motions to continue hearing until December 7, 2021. SC second. Approved 4-0-0.

2950 Gomes, 76 Carolyn Circle (Pier, Dock & Float).....cont. from 10/5/2021 (Rick)

- The hearing is continued until the public meeting of the Marshfield Conservation Commission on December 21, 2021 per applicant request.
- CH motions to continue hearing until December 21, 2021. JR second. Approved 4-0-0.

2916 Lawson, 62 Marginal Street (Dock).....cont. from 7/6/2021 (Rick)

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on December 7, 2021 per applicant request.
- CH motions to continue the hearing until December 7, 2021. JR second. Approved 4-0-0.

Scheduled Continued Hearings:

2951 Trocki, 12 Branch Street (Raze & Rebuild SFH).....cont. from 10/5/2021 to 01/18/2022 (Joe)

- The hearing is continued until the public meeting of the Marshfield Conservation Commission on January 18, 2022 per applicant request.
- CH motions to continue the hearing until January 18, 2022. JR second. Approved 4-0-0.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

0834 Goggin, 807 Union Street (Utilities & paving) [COC]

- SE42-0834 was issued in 1992 for driveway paving and utility connection. The Commission subsequently issued an OOC at this property in 2005 for a dock system for which a COC was given. This file includes a site plan from 1994 of the completed paving from the previous permit. The property is currently for sale, and homeowner's representative is requesting a waiver from the requirement to submit an As-Built Plan, as there is already a plan on file showing the completed work. EF visited the site on 11/10/21 and recommends granting the waiver and issuing a complete COC for the 1992 filing.
- BG notes that a conservation restriction was subsequently put on the property, and suggests an ongoing condition referencing the CR on the property. BG reads the text of the condition as follows: "Conservation Restriction Note: see the Conservation Restriction details at Book 5126, Page 015 and see assignment: Book 13518, Page 322."
- CH motions to waive the requirement for an As-Built site plan and RPE/PLS letter, and issue a complete COC for SE42-0834 with ongoing condition as noted. SC second. Approved 4-0-0.

2784 Marshfield Airport, 93 Old Colony Ave (AST Farm) [COC]

- Commission consultant William Finn (WF) presents for applicant Marshfield Airport. WF notes that the Airport originally applied for this COC in April of 2020, but at the time BG requested additional information and documentation. WF has since followed up regarding BG's questions and obtained the requested documentation. CH subsequently requested As-Built Plans and written confirmation that the As-Built's were responsive to the comments made during the review by the Marshfield DPW. These were received, and WF recommends issuance of the COC with the following ongoing conditions:
 - Provide copies of any revisions to the SWPPP and SPCC that references the (2) two proposed Above-Ground Storage Tanks to the Conservation Administrator.
 - Maintain a current copy of SWPPP and SPCC plan on site at all times for reference.
 - Remove the Underground Storage Tanks in compliance with all applicable regulations including the Marshfield Conservation Commission Order of Conditions.
 - Provide SWPPP, SPCC or equivalent reports to the Marshfield Conservation Commission until 2022.
- BG thanks WF for his efforts, as he has seen increased responsiveness from Airport staff as a result, which will be helpful with the additional work slated for the airport.
- Joe Pecevich (JP), Wilson Road, asks if the SWPPP and SPCC is on file with the Commission; WF and BG indicate that they are on file and are public record. JP also asks whether the *de minimis* Activity approved earlier affects this COC request; BG indicates this is a separate and distinct activity, as the tank just approved is for diesel fuel as opposed to the aviation fuel tankers that were part of this project, the funding source and the applicant are different.
- CH motions to issue a complete COC for the SE42-2784 with ongoing conditions as noted. JR second. Approved 4-0-0.

2953 Coyne, 111 Canal Street (ATF fence & fill) [COC]

- Applicant has recorded the OOC SE42-2953, and EF has verified installation of conservation markers on the property.
- BG recommends issuance of a complete COC with the ongoing condition that the Conservation Markers as depicted on the As Built Plan dated 7/22/2021, prepared by Stenbeck & Taylor, signed and stamped by Douglas L. Aaberg, PLS, are to remain in perpetuity and that activity downgradient of them is prohibited
- CH motions to issue a Complete COC for SE42-2953 with ongoing condition as noted. JR second. Approved 4-0-0.

ENFORCEMENT ORDERS

Smith, 38 Liberty Street (11/19/18 KS will set early Dec visit); Drosopoulos, 7 Lady Slipper Lane (08/15/18 TC Final Notice); Mahaney, 46 Preston Terrace (12/12/18 BG met with TC); White, 180 Atwell Circle (Escalation letter in Process); Bednarz/ Nouza, 65 Ireland Road (Unpermitted Cutting <= 50 ft); Tamara Macuch, 237 Webster Avenue; Stifter, 102 Bartlett's Island (unpermitted revetment wall)

ADJOURNMENT – CH makes a motion to close the hearing at 9:21 PM. SC second. Approved 4-0-0.

Respectfully submitted,
Liz Anoja, Conservation Administrative Clerk

Marshfield Conservation Commission
Bill Grafton, Conservation Administrator
Eric Flint, Conservation Agent
Craig Hannafin, Chair
Arthur Lage
Susan Caron

Bert O'Donnell, Vice Chair
Joe Ring
Rick Carberry