

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

MEMBERS NOT PRESENT – None

CALL TO ORDER – BO motions to open the meeting at 6:30 PM. SC second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

MINUTES

- The minutes of the February 1 meeting were presented for approval. No comments or suggested changes were made on the floor. JR provided comments in advance of this public meeting; BG incorporated into the draft minutes.
- CH motions to accept the February 1, 2022 minutes as edited. JR second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

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.
- Vice Chair BO will lead tonight's meeting, as CH is attending remotely.
- CH motions that Vice Chair BO chair the March 1, 2022 meeting. JR second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

BUSINESS

B1 *de minimis* activity Roll/Review/Ratification

- a. Cut River/Bridge Street (MassDOT) Offsite Salt Marsh Replication and Conservation land access permission request – Remove asphalt piles and replicate in SM, RF & LSCSF.**
 - The proposed activity is the removal of asphalt piles and planting of salt-tolerant grasses on Town owned land under the care and custody of the Conservation Commission. BG has been working with MassDOT on this offsite replication project that benefits Marshfield with replication associated with a Cohasset project. BG recommends approval with the conditions that applicant seek all pertinent permits prior to the start of work and no heavy equipment shall be used on the salt marsh.
 - BO motions to grant permission for MassDOT to access the town-owned land in the Cut River region of Naomi Street. SC second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.
 - BO motions to approve the proposed work as a *de minimis* activity with conditions as noted. SC second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

B2 54 and 60R Ocean Street/DPW *de minimis* activity vs. Request For Amended OOC/SE42-2859 Region 2 DPW - Brant Rock Seawall Repairs

- Additional repairs are needed to the seawall in this area beyond what was permitted in the OOC SE42-2859; this includes repairs to the stairs at 50 and 60R Ocean Street as well as 25 linear feet of seawall near 8 Ocean Street. BG feels the additional work to be minor and recommends approval as a *de minimis* activity.
- BO motions to approve the proposed work as a *de minimis* activity. JR second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

B3 815 Ocean Street-Corbo/de minimis activity vs. Request For Amended OOC/SE42-2962 - foundation & elevation modifications – Commissioners

- Homeowner Tom Corbo (TC) would like to use helical piles for the new SFH, as opposed to wooden piles, to save costs. The foundation will remain open and elevation will remain the same. A deck and garage on the property will also be on helical piles.
- BO motions to approve the proposed activity as a *de minimis* activity. AL second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

B4 DSA de minimis activity vs. Request For Amended OOC/SE42-2929 Soil Sampling – Commissioners

- Town Engineer Rod Procaccino (RP) advised he has been asked by the Board of Public Works to take soil samples at nine locations of the Dredge Spoils Area, some of which are in the buffer zone. An excavator would be used to take the samples.
- Joe Pecevich (JP), 25 Wilson Road, would like to see the actual sampling plan as well as the exact locations where the samples would be taken. The scope of work seems to be a much greater activity than is usually permitted by the Commission, and does not seem to be a *de minimis* activity. RP states that the holes would be more or less the width of a bucket and briefly discusses the process by which the samples will be taken. Most of the soil will be put back into the holes once the sampling is done. They are trying to get a comprehensive look at the composition of the soils in the area.
- BO indicates to Diane Jordan (DJ), 15 Bancroft, that the proposed parking lot in the area was permitted by Conservation but has not been voted on by ZBA. DJ asks if the sampling request has to go through ZBA; BG indicates it doesn't, as temporary soil sampling is not in their jurisdiction, and reads 310 CMR 10.022B-2G into the record. BG anticipates that the sampling results will be made available to the Conservation office.
- In response to a query from CH, BG indicates that the majority of the DSA is not in Commission jurisdiction. Six of the sample sites are in the proposed parking lot area and three are out; the sites are in the buffer zone but not resource area, and thus are exempt under 310 CMR 10.022B-2G, covering samples for design or experimental purposes that are temporary in nature.
- BO feels the sampling activity to be a *de minimis* activity and will the results provide additional information for the Board of Public Works and residents concerned about the project.
- BO motions to approve the proposed activity as a *de minimis* activity. AL second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

B5 2160 Ocean Street-SE42-2160 Emergency Certification Ratification – Commissioners

- The structure on the property is in a state of collapse and the Building Commission Andrew Stewart (AS) has issued an order to remove; after appeal to the State, Town Counsel (TC) instructed BG to issue an Emergency Certification for the removal work, which has been done. The Commission must now ratify the issuance of the certificate by vote.
- BO motions that the Commission ratify the Emergency Certification form for 2160 Ocean Street, SE42-2160. for the demolition of an unsafe structure in conformance with the Building Commissioner's Order to Remove letter, MassDEP's notification of Emergency Certification, and Town Counsel's advice to issue said Certification. JR second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

B6 88 Nantasket St (SE42-528)-Sullivan (now Ciancio) Discussion about Request for COC requirements – Atty Sorgi

- The property has an outstanding Order of Conditions SE42-528, dating back to 1988, for construction of a single-family home. Current homeowner Steve Ciancio (SC) sold the house knowing the outstanding OOC exists on the deed, and BG advised that an As Built site plan and posting of conservation marker on the vegetated line are required for the COC to issue. After discussion at the 2/1 meeting, the Commission voted to require an updated wetland delineation and posting of three conservation markers, waiving submission of updated As Built.
- Attorney Lou Sorgi (LS), representing applicant SC, noted that in 2005 an OOC issued with a condition requiring a delineation to be done, marked, and approved by the Commission in order for the COC to issue. The COC for this OOC was issued which means, LS contends, that the property was in compliance with the 1988 order in 2005 and thus an additional wetland delineation is not necessary.
- BG notes that the Commission was trying to be accommodating in waiving the As-Built Plan an submission for SE42-528, arguably the most onerous part of the COC requirements under the revised Ch. 505 regulations, and

suggests a revised wetland delineation and posting of conservation markers is a reasonable ask on the part of the Commission.

- LS notes that the 2005 file would have to have included a delineation that was current at the time, and contends anything after that is unnecessary. BO distributes the 2005 As Built Plan to the Commissioners, and notes that it does include a delineation that was presumably acceptable to the Commission at that time. PC suggests that the Commission just require posting of the markers given that they have the 2005 site plan; the Commissioners concur.
- BO motions that the Commission require the posting of three conservation markers along the vegetated line, waiving the submission of an updated As-Built Plan, for issuance of the Certificate of Compliance for SE42-528. JR second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

PUBLIC HEARING

Prior to the start of the hearings, BO reads the list of continued hearings.

22-06 Gill, 52 Jackson Street (Fill Crawl Space).....NEW (Rick)

- BO reads the legal ad. Hearing Officer PC confirms administrative requirements are complete.
- Building Commissioner Andrew Stewart (AS) originally made a determination that interior work at the property, which did not require any Conservation permitting, was a “substantial improvement”. As the property is located within a Flood Zone and mapped on Mass GIS as within Barrier Beach and Coastal Dune, the Ch. 505-307.2 regulations and Building Code held that a substantial improvement typically requires the elevation of the house on open pilings without footings. Subsequent research and follow-up by AS with MassCZM and MassDCR indicated that the structure can be brought into compliance with the current FEMA regulations by (1) filling the crawlspace to grade with clean fill compatible with existing soils and (2) adding flood vents to the existing foundation without a conversion to an open pile foundation as per a 780 CRM code. The Commission subsequently asked the applicant during the February 1, 2022 Commission Public Meeting to file a Request for Determination of Applicability to fill the crawl space with clean, compatible fill and add flood vents to the foundation. Based on the research by AS with State Officials, the FEMA requirements and the fact that pervious materials would be used to fill an existing crawl space, the Commission considered that the proposed work does not entail a substantial reconstruction or reconfiguration of the structure. The single family home therefore does not need to be converted to an open pile foundation under Ch. 505 307.2 based on the proposed work (filling a crawl space per FEMA requirements with clean compatible fill and provide compliant flood vents).
- BG thanks Mr. Gill for his patience and cooperation, and recommends approval with the standard conditions of approval.
- PC asks for comments from the public; none.
- PC motions to close and issue a DOA, Pos. #5, Neg. # 2, with special conditions drafted by BG. JR second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

22-04 Marsiglia, 176 Presidential Circle (Hazard Tree Removal).....NEW (Art)

- BO reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- Applicant Lou Marsiglia (LM) and Nancy Marsiglia (NM) present. The proposed activity is removal of a hazard tree in a wetland whose root ball is partially out of the ground.
- BG agrees that the tree presents an imminent hazard and notes that applicant has been proactive in contacting the Conservation Office. BG suggests that the root ball be left in the ground to allow for flood control, storm damage prevention, wildlife and wildlife habitat. Part of the back yard lies in NHESP priority habitat. LM has indicated he would be willing to post three conservation markers along the edge of lawn.
- AL suggests that the tree may grow back if LM is willing to “stump” the tree at 3 ft height; LM doubts the tree is viable. BG suggests that the root ball remain to allow for the possibility of rejuvenation. NM notes there are already a lot of saplings growing in the wetlands. Commissioner consensus is to let applicant decide whether to cut to the ground but keep the root ball.
- AL asks for comments from the public; none.
- Conditions of approval will include leaving the root ball in the ground and posting of three (3) conservation markers along the edge of lawn.

- AL motions to close and issue a DOA, Pos. #5, Neg. # 2, with special conditions drafted by BG. PC second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

CH recuses from the following discussion and vote.

22-05 Digan, 1327 Union Street (Hazard Tree Limb Removal & Install Utility Line).....NEW (Susan)

- BO reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- Cameron Larson (CL), ECR, present for applicant. The proposed activity is installation of an underground sewer/utility line to service an existing swimming pool within 100 ft buffer to BVW and 200 ft riverfront, as well as After-The-Fact approval for removal of a hazardous tree limb within a BVW. CL states that the tree limb was removed by hand before filing due to a miscommunication, and then disposed off-site; it was decayed and overhung a dock on the property. The utility line work is within existing landscaped/lawn area; erosion control will be utilized for the limit of work.
- BG noted that the tree limb removal was discovered during a site visit for the utility line installation. Neither he nor any of the Commissioners on the site visit had an issue with the utility line installation, but on the site visit, they observed a black corrugated pipe discharging from the pool into the edge of the wooded area. he would like an explanation in writing as to the pipe's purpose. CL thinks it may be a discharge pipe from the pool but is not certain. SC wants to ensure that any water discharged from the pipe is free of chemicals. CL will refer the question to Brad Holmes (BH).
- With respect to a tree planted as part of an ongoing Enforcement Order that was damaged by buck rubs last fall, BH recommends that the tree be allowed to heal over the summer; he will wrap or fence off the tree before the next mating season in November.
- SC asks for comments from the public; none.
- Special conditions of approval will include receipt of a written explanation regarding the corrugated pipe function within 30 days.
- SC motions to close and issue a DOA, Pos. #5, Neg. # 2, with special conditions drafted by BG. AL second. Approved 5-0-0 by roll call: PC yes, JR yes, AL yes, SC yes, BO yes.

CH rejoins the meeting

22-07 Milkowski, 315 Oak Street (Remove 20 Storm Damaged Trees).....NEW (Susan)

- BO reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- The proposed activity is the removal of 20 storm-damaged trees within buffer zone to a BVW. Applicant Ray Milkowski (RM) states these trees are older, and the tops and large limbs have broken off them. SC visited the site and has no issues with the request.
- BG notes that applicant has been cooperative with Conservation staff, and was willing to allow two hemlocks and one birch to remain at BG's suggestion so the overall tree removal count was reduced by (3) three trees. BO asks about the location of the trees; BG notes that the house is inside the 50 ft buffer and the trees are in both the 25 and 50 ft buffers; none are 0 to 25 ft buffer. Applicant is willing to switch the four existing conservation markers onto pressure-treated cedar or equivalent posts; they are currently on bean posts that are not sturdy.
- SC asks for comments from the public; none.
- Special conditions of approval will include (4) four conservation markers posted in the field 30-40 inches above the ground surface on 4" by 4" rot-resistant pressure treated, cedar or equivalent posts.
- SC motions to close and issue a DOA, Pos. #5, Neg. # 3, with special conditions drafted by BG. AL second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

2960 Sealund Corp, 202 Moraine Street (Roadway w/ Utilities).....cont. from 12/7/2021 (Joe)

- Continued hearing; JR Hearing Officer.
- Rick Grady (RG) and Gabriel Padilla (GP), Grady Consulting, present for applicant Kevin Sealund (KS), who is also present. The proposed activity is construction of a 23 lot subdivision, one of which is already developed, along with a 24' wide, 1700 ft roadway and associated underground utilities. RG notes that the property, at about 120 acres has potential for a large open space component, and only about 20% of the property will be used for

residences and yards. They have been working with the Planning Board and their consultant, Pat Brennan (PB), Amory Engineers as to number and configuration of lots. A potential vernal pool has been delineated by John Zimmer (JZ), South River Environmental, and incorporated into the plans. They are discussing with Planning changing the development to an “open space residential development” (OSRD) as opposed to a conventional subdivision; this would involve the same number of residential lots, but they would be ½ acre as opposed to 1 acre, which would significantly increase the open space component that would ultimately be conveyed to the Town. They would also like to construct an elevated boardwalk over an old railroad bed that connects into the existing trail system in the area, construct additional trails through the cranberry bogs, and relocate an existing cranberry barn structure onto a designated “open space” lot; a second metal barn structure will not be relocated as originally planned. The subdivision road follows the existing bog road, but will require a variance to construct. RG also notes there is some question as to whether Black Mountain Pond is a pond or a river. When issuing their file number, DEP noted that Black Mountain Pond is not called out on USGS, so the Commission could, at its discretion, determine it to be a perennial stream if it was found to have riverine characteristics. RG shares USGS maps of the area as part of the presentation and states their position is that Black Mountain Pond is a pond for regulatory purposes, but if there is also a perennial stream that puts two of the proposed lots in Riverfront area.

- JR notes that applicant has been responsive and easy to work with thus far despite some differences of opinion.
- BO asks about additional wetlands on the other side of Moraine Street that might impact the project? RG indicates there is a perennial stream in that area. BO also asks about the lack of a “Lot 4”. RG states it was removed due to PB objections; they will renumber the lots in future plan sets; BO would also like the perennial stream to be added. BO also asks about possible impacts to the cranberry farming operation; RG indicates the intent is for the farming activity to remain; applicant has a verbal agreement with a cranberry farmer interested in converting the bogs to an organic operation. RG also confirms to BO that if they switch to an OSRD, a long driveway passing near the bog wetland will be eliminated.
- Rick Sullivan (RS), 236 Moraine Street, asks what the open space component of the project would be? RG indicates this would comprise the entirety of the bogs plus connections to the existing trail network to the rear of the property. SC asks for an estimate as to how much contiguous upland would be included in the open space component? RG notes it would have to be at least 50% of the required open space area, which would be 850,000 sq ft, or just shy of 20 acres.
- Town Planner Greg Guimond (GG) notes that the Planning Board has concerns as to whether Lot 23 has sufficient frontage and access. If applicant changes the design to an OSRD, the PB’s goal is to shift building lots to the new roadway, not have any buildings behind existing homes on Moraine Street, incorporate Lot 23 into part of the open space piece, and have all the bogs under one owner/operator.
- JR notes that applicant is currently offering 1:1 mitigation for tree cutting associated with construction of the new road; he would like to see a 2:1 mitigation. He would also like more details regarding ongoing maintenance of the rain garden, as this is a common post-construction issue along with compliance with the subdivision conditions of approval. RG notes that this current NOI shows house lots but not house construction, and individual filings would be required for construction on any lot involving activity in the buffer. JR opines that the Commission should discuss the necessity of (1) additional study as to whether Black Mountain Pond has riverine characteristics and (2) a bond to ensure compliance with the conditions of approval.
- SC asks at what point additional testing might be necessary regarding Black Mountain Pond? RG indicates they will conduct the testing if the Commission deems it necessary. PC also asks about possible third-party review? AL thinks it would be helpful, as he is not an expert on such issues. BO asks whether a determination either way as to Black Mountain Pond’s status would impact applicant’s plans? GG states the Commission’s determination will affect Lots 11 and 12 on the plan. JR doesn’t believe there would be major impacts but it may trigger additional analyses.
- BO would also like additional details regarding continuing the cranberry farming operation, and what would happen if the bogs ceased operation? RG states that they would revert to wetlands.
- JR notes that additional information will be required for the Commission to close the hearing; RG assents to a continuation and notes they will decide whether they want to conduct additional analysis on the potential riverine characteristics of Black Mountain Pond.
- BO asks GG if the Commission hearing will allow the Planning Board to move forward on their hearing; GG notes they still have their own issues to resolve but this hearing does help. They will be very interested in knowing the Commission’s river determination.

- JR polls the Commissioners as to whether they would consider granting a variance for construction of the subdivision road: BO thinks applicant would appeal if denied; JR yes, applicant has been cooperative; PC yes, big open space component for the Town; AL yes, like open space feature; SC yes, same; CH yes.
- JR motions to continue the hearing to April 5, 2022. PC second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

2967 Sullivan, 70 Parker Street (Reconstruct Existing SFH).....NEW (Susan)

- BO reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- Cameron Larson (CL), ECR, present for applicant. The proposed activity is the raze and rebuild of a SFH in barrier beach/coastal dune and AE9 flood zone, with small area of NHESP habitat on the lot but outside the limit of work. Construction access will be through the existing driveway, and all material from the raze will be removed and disposed of off site. The new home will be constructed in the same general footprint, and elevated above the flood zone on timber piles. A piling plan was prepared by Rivermoor Engineering. All stormwater from the new structure will be channeled into underground leaching trenches. The existing deck and sheds to the rear will be removed and the area utilized for mitigation, including removal of non-native species and replacement with native plantings. All disturbed areas will be restored utilizing native salt-tolerant vegetation. Conservation markers will be installed along the rear of the property. CL believes the project, with elevation of the new structure and removal of invasives, will result in an improvement over existing conditions on the site; SC concurs.
- BG thanks CL for his quick response to his additional information requests, and suggests that the (2) two conservation markers be moved upgradient of the mitigation area to protect it against further alteration. CL agrees to the relocation of the markers as suggested. Since the mitigation planting plan was offered rather than required, BG suggests giving applicant the option for plantings to begin the first spring or fall planting season after issuance of the occupancy permit, with two years of monitoring thereon. BG also suggests a special condition requiring siding to be at least 50% open to allow for migration of stormwater and sand, but CH suggests that BG obtain clarification from CZM that this is a requirement before requiring it of applicants; Commission consultant William Finn concurs. BG will remove the "50%" reference from the condition pending further confirmation from CZM but keep openings.
- SC asks for comments from the public; none.
- Special conditions of approval will include a requirement for an open piling foundation with no enclosures, posting of conservation markers, two years monitoring of the mitigation area plantings, and updated site plan to be received at the Conservation Office by noon on Friday, March 4.
- SC motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

2972 Nerger, 113 Bayberry Road (Detached Garage).....NEW (Rick)

- BO reads the legal ad. Hearing Officer PC confirms administrative requirements are complete.
- The proposed activity is construction of a detached garage on a concrete foundation with flood fents and a second story workspace. The lot is located in LSCSF, AE12 flood zone, riverfront, and buffer zone to salt marsh. Applicant is requesting a variance to Bylaw 505-307.2, which would require an open pile foundation. Rick Servant (RS), Stenbeck & Taylor, notes that the garage will be 26.2 feet from the salt marsh at its closest point, same as an existing shed on the property. The driveway leading to the garage will be pervious and comprised of crushed sea shell on a gravel base.
- BG notes that RS has been cooperative in terms of updating the delineation, asking for the variance, and providing the pervious table and cross section; BG has no issues with the delineation and recommends approval.
- PC asks for comments from the public; none.
- Special conditions will note that the variance request to the 505-307.2 foundation requirements has been granted.
- PC motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

2968 Town of Marshfield, Rexhame & Winslow Beaches & Bay Ave (Beach & Dune Nourishment).....NEW (Bert)

- BO reads the legal ad and, as Hearing Officer, confirms administrative requirements are complete.

- Leslie Fields (LF), Woods Hole Group, presents for applicant regarding a proposal to utilize dredge spoils for beach and dune nourishment at Rexhame and Bay Avenue beaches and Winslow Avenue Extension dunes. The work is funded by CZM coastal resiliency grants, and began with an assessment of locations in Marshfield and Duxbury where beach nourishment would be feasible. The areas identified to be feasible were parts of Rexhame Beach, Winslow Ave Beach, Fieldstone/Sunrise Beach, and Bay Avenue extending southward into Duxbury. This filing proposes re-nourishment at Rexhame, Winslow, and Bay Avenue; Fieldstone/Sunrise was omitted due to easement/public access issues.
- Re-nourishment at Rexhame will impact 8.2 acres, utilizing 33,870 cubic yards of fine to medium sand; all work will be on Town of Marshfield property and the work will enhance storm damage protection, recreation, and shorebird habitat. No work will be done on the existing dunes, but the enhancement will provide protection to the dunes in up to a 50-year storm. Renourishment at Winslow Ave will impact 4.5 acres, utilizing 17,850 cubic yards of cobble, gravel, and sand-sized sediment to the coastal dune. The work will enhance storm damage protection to landward properties in up to a 50-year storm. Renourishment at Bay Ave will impact 5 acres in Marshfield and continue southward into Duxbury, utilizing 84,977 cubic yards of sand mixed with gravel and cobble for the Marshfield portion. The work will enhance storm damage protection, recreation, and shorebird habitat and will reduce wave overtopping. The enhancement will provide protection against wave overtopping in up to a 50 year storm.
- Applicants are asking to use a variety of sources for the nourishment material to ensure compatibility with the existing beaches. Options include material trucked from upland sources, materials from nearby dredging projects, including Green Harbor and South River, and material from offshore borrow sites.
- 310 CMR 9.40(4)(a)1 requires easements for public access from property owners on beaches nourished with public funds. The Town has received signed easements from all private property owners in the project footprint. Mitigation measures will include time of year restrictions specifying no work between April 1st and August 31st of a given year, 10:1 nourishment slopes in NHESP habitat, sediment testing to ensure compatibility, as well as pre-construction surveys and post-construction monitoring/sampling. If surveys determine the presence of rocky intertidal shore, they will work with MassDMF and National Marine Fisheries to adjust the work footprint or mitigate possible impacts. The project will require additional permitting from Mass DEP Waterways, MassCZM, and U.S. Army Corps of Engineers. Earliest possible construction start is Winter 2023-24.
- BO asks about construction access details. Access for Rexhame Beach will be via Parker Street; Winslow Ave will be either Rexhame Road or Porter Street; Bay Ave will be through the Bay Ave beach access. BO also asks how the cobble dune at Winslow Ave gets replicated. LF indicates that they are proposing to elevate the dune by 2 feet using compatible material, i.e., cobble and gravel mixed with sand. In areas where existing plantings are disturbed, they will replant in kind. AL notes that dredging in Green Harbor tends to take place in April, and asks if the time of year constraints on this project will preclude the use of spoils from this dredging. LF thinks they could ask Army Corps to do their dredging in March, or to ask NHESP if they could nourish the landward section of the beach, near the seawall, in or after April.
- BG notes that the Commission usually wants 2:1 replication for any disturbed plantings, and thinks an access plan will be needed, as the Commission typically requires for projects with equipment on and off beaches. BG also asks if the nourishment materials will be dewatered; LF thinks there will be no real need for dewatering if the materials come from upland or Green Harbor. The permits for other dredging projects typically include controls regarding dewatering, and presumably such materials would arrive dry and dewatered.
- AL comments that if spoils from Green Harbor are used, the presumptive access point for the trucks would be off of Cove Street. LF states they have been in communication with Harbormaster Mike DiMeo regarding how to get Green Harbor spoils down to Bay Avenue; AL comments that transporting the material by trucks will have to be looked at carefully, as it is difficult for large trucks to navigate parts of Cove Street. LF notes there are several options, including loading the spoils onto trucks at the end of Bay Avenue and transporting them to the work area, and the permits may have to be amended accordingly. BG suggests that this could be written into the access plan, which could be modified as needed by a *de minimis* activity.
- Town Administrator Mike Maresco states that the dredger *Currituck* dredging vehicle will be at Green Harbor around April 1st, and Army Corps may send a larger vessel; they are looking at using cranes to offload the spoils from the vessel(s) to avoid the cost of trucking. There is a lot of material that has to be removed from the harbor entrance, and they would like to reuse the spoils to the Town's benefit if possible. AL feels that residents in both Bluefish Cove and Bay Avenue would likely be happy to grant access to the cranes in exchange for renourishment.
- BO asks for public comments.

- Peter Smith (PS), 24 Waterman, distributes additional material with respect to the Winslow Beach proposal.
- Chair Bob Shaughnessy (BS) of the Board of Public Works notes that his family owns property abutting the dunes at Winslow Beach. He is thankful the Town is looking to protect the beaches and dunes, but believes the proposed dune refreshment for Winslow would only withstand a 10-year storm and is a soft approach to rebuilding the dune. BS contends there needs to be a hard engineering design built into the front of the dune to protect it and the structures and infrastructure in that area. Possible solutions could include larger riprap boulders to reinforce the dune, prevent the renourishment from being washed away, and reduce the need for maintenance. BS would like the Town Engineer to look at the design, apply hard engineering to what is proposed, and apply for State/Federal coastal resiliency funding, as he believes it will be difficult to pass a funding article for the work at Town Meeting without some external funding.
- Charles Pesko (CP), 41 Kent Avenue, notes that large boulders have been used both to the north and south of the Winslow Beach area, and agrees with BS that they are needed at Winslow, along with additional sand/cobble to increase the elevation so it matches that of surrounding beaches.
- Chris Carbone (CC) 18 E Street, asks if the dunes along the Green Harbor river were given any consideration for reinforcement, as this is traditionally where the Green Harbor dredge spoils have been placed. LF indicates they didn't look in this area mainly due to concerns it would exacerbate shoaling in the harbor; she is sympathetic to the problem in that area, but it may require a different answer than dune nourishment. BO acknowledges CG's concerns but notes they are beyond the scope of the current hearing. BG notes there is another, land-based project that may provide relief to the area.
- LF states that the current design in the Winslow area will in fact provide protection from flooding and waves in up to a 50 year event, of which there is about a 2% chance of occurring in any given year. LF adds that the current bylaw and state regulations do not allow for armoring of a coastal dune with riprap, and a hard solution would not be permitted; other areas are able to maintain armoring because they were armored previously. CZM has reviewed and endorsed the proposed "soft" design as the best solution for the area. They could add material to make the dune higher, but this could potentially impact water views from some of the residences. CP asks LF about funding for the project; LF indicates it is likely the Town will be seeking state and Federal grant funds for the project but notes that such grant monies are not going to fund any hardening of a coastal dune, and reiterates such a project would not get permitted; BG concurs.
- BS also asks why no beach renourishment is being proposed in front of the dune in the Winslow area. LF states their main goal is storm damage protection, which is best served by reinforcing the dune; any sand added in front of the dune is likely to wash away quickly. BS would like to increase the elevation of the cobble and add sand to the beach in front of the dune. LF thinks adding sand could be feasible, but suggests that it be added as an amendment to the OOC so work at the other two beaches is not delayed. BG recommends getting the project permitted as proposed, and then amending the OOC for additional nourishment at Winslow if needed.
- BS is also unsure the project as currently designed would qualify for Federal grant programs; LF replies that the project is fundable under the state programs, with which she is more familiar. BS would like input from Army Corps and FEMA as to what can be funded and what can't, as some grant funding is essential for Town Meeting support. BG indicates that the Town's approved Municipal Vulnerability and Hazard Mitigation Programs may be possible fund sources. Town Planner Greg Guimond states that CZM has told him repeatedly that once the project is permitted, CZM will be helping the Town obtain funding.
- JR opines that "there is zero possibility that somebody is going to fund a hard structure" on a coastal dune, and the Town will have to look at soft engineering solutions as proposed here; BO concurs, noting that all the regulations the Commission deals with advocate this direction. BO adds in closing that there may not be a single, 100% right answer to the problem, but the proposed solution is considered the best way forward at this time.
- Conditions of approval include ensuring that comments from the MA DMF letter dated 3/1/22 are followed, that BG and Town Planner GG are informed of progress of the work, and 2:1 plant replacement at Winslow Beach.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

2970 SHM Green Harbor LLC, 239 Dyke Road (Maintenance Dredging).....NEW (Art)

- BO reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.

- Tom Pozerski, Merrill Engineers, present for applicant. The proposed activity consists of maintenance dredging of the Green Harbor Marina. The dredge area is the same footprint as previous dredges for the Marina and the protocols proposed are the same. TP anticipates about 6152 cubic yards of material will be taken, less than in previous dredges. A nearby salt marsh will not be impacted. They have received comments from MassDMF identifying habitat for blue mussel and softshell clam, as well as fish run for river herring, American Eel, and winter flounder and recommending time of year restrictions, which they will honor. They will mitigate or replenish shellfish as needed. The dredge material will be sampled and tested, and they are looking at appropriate disposal options.
- AL notes possible impacts from silt generation, and asks if they have a specific timeframe in mind to conduct the work. TP indicates the timing will be determined by the U.S. Army Corps of Engineers. They will analyze possible silt impacts but TP also notes that the dredging will be beneficial to water quality in several respects as it removes prop wash and allows the water column to get deeper and cleaner.
- BG thanks TP for his detailed filing and prompt responses to queries and notes that he appreciated TP's due diligence of all the conservation permits associated with the marina that led to the very well prepared Notice of Intent. BG's remaining questions have been addressed and he has no additional concerns.
- Special conditions of approval includes submittal permitting documentation from MassDEP pertaining to disposal of dredge spoils; submission of access, odor management, and street cleaning plans to the Conservation Office and Harbormaster; and submission of shellfish management plan and pre-dredge survey to the Conservation Office and Harbormaster prior to the start of work; applicant must observe all comments and recommendations in MassDMF's letter dated March 1, 2022.
- AL motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. SC second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

2971 Town of Marshfield, 432 Ocean St.-11 Rexhame Rd. (Region 3 Coastal Infrastructure Repairs).....NEW (Bert)

- BO reads the legal ad. The hearing is continued until the public meeting of the Marshfield Conservation Commission on March 15, 2022. Applicant's representative requested continuation in writing.
- BO motions to continue the hearing to March 15, 2022. JR second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

Scheduled Continued Hearings:

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 March 15, 2022. Applicant's representative requested continuation in writing.
- BO motions to continue hearing until March 15, 2022. AL second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

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

- The hearing is continued until the public meeting of the Marshfield Conservation Commission on April 5, 2022. Applicant's representative requested continuation in writing.
- JR motions to continue hearing until April 5, 2022. CH second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

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 March 15, 2022. Applicant's representative requested continuation in writing.
- BO motions to continue hearing until March 15, 2022. AL second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

2966 Six Birch Realty Trust, 0 Little's Lane (Ext. Pier, Ramp & Float).....cont. from 2/1/2021 (Rick)

- BO reads the legal ad. The hearing is continued until the public meeting of the Marshfield Conservation Commission on March 15, 2022. Applicant's representative requested continuation in writing.

- BO motions to continue hearing until March 15, 2022. JR second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

2969 Dixon, 56 Hartford Road (Elevate SFH).....NEW (Bert)

- BO reads the legal ad. The hearing is continued until the public meeting of the Marshfield Conservation Commission on March 15, 2022. Applicant's representative requested continuation in writing.
- BO motions to continue hearing until March 15, 2022. SC second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

29 McLaughlin, 3 Trouant's Island (Raze & Rebuild SFH).....NEW (Susan)

- BO reads the legal ad. The hearing is continued until the public meeting of the Marshfield Conservation Commission on March 15, 2022. Applicant's representative requested continuation in writing.
- BO motions to continue hearing until March 15, 2022. SC second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

0528 Sullivan (Now Ciano), 84 Nantasket Street (Now 88 Nantasket Street) [COC]

- BG recommended issuance of the COC, based on the discussions in Section B5, with ongoing conditions that three (3) conservation markers shall remain posted in perpetuity.
- BO motions to issue a COC for the property with ongoing condition as noted. AL second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

1845 Malcolm, 62 Chandler Drive [COC]

- BG recommended that the request be tabled pending receipt of updated As-Built Plan showing the NAV88 elevations. BG would also like to address the cutting observed within the 0-25 setback to the wetlands. BO advises that this Request for Certificate of Compliance will be tabled until the next Conservation Commission meeting.

2218 Nerger, Ilex Road (Lot 663) [EXT]

- BG recommended issuance of the EXT.
- BO motions to issue an EXT for the property. SC second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

2402 Biviano, 2160 Ocean Street [COC]

- The OOC has expired and the permitted work never took place. BG recommended issuance of an invalid COC as the work never commenced.
- BO motions to issue an "invalid Order of Conditions" certificate of compliance for SE42-2402. JR second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

2808 DPW, 14-162 Bay Avenue (Region 1 seawall repair) [EXT]

- BG recommended issuance of the EXT.
- BO motions to issue an EXT to August 8, 2025. PC second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

2819 DPW, Bryants Lane, Middle Street, South Street (Brant Rock Seawall Repair/Within Region 2) [EXT]

- BG recommended issuance of the EXT.
- BO motions to issue an EXT to October 8, 2025. AL second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

2961 Shaw, 27 Old Beach Road [COC]

- BG recommended issuance of the COC.
- BO motions to issue a complete COC for the property. SC second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

ENFORCEMENT ORDERS

Smith, 38 Liberty Street (11/19/18 KS will set early Dec visit); White, Bednarz/ Nouza, 65 Ireland Road (Unpermitted Cutting <= 50 ft): Tamara Macuch, 237 Webster Avenue; Stifter, 102 Bartlett's Island (unpermitted revetment wall)

B7 Enforcement Order - Brait / 53 Kent Avenue Discuss – Robert Brait/Brad Holmes

- Brad Holmes (BH), ECR, and attorney Adam Brodsky (AB) present for applicant. An Enforcement Order was issued in response to three complaints about unpermitted cutting in the coastal dune adjacent to the property. Property owner Robert Brait (RB) indicated that his landscaper cut beyond what they were told to do. BH submitted an initial restoration plan on December 7 and has since been working with Conservation staff and Commissioners on revisions.
- AB notes they have been working with BG and Town Counsel Bob Galvin (TC) on outstanding issues regarding title and ownership history, and believe they have come up with an acceptable restoration plan. The revised plan relocates the offered conservation markers to the retaining wall, increasing the planting area, and adding plants.
- BG suggests the remaining Commission concerns have been addressed and recommends approval with five years of monitoring and reporting. All commissioners indicate they are satisfied with the updated plan.
- BO motions to approve the revised restoration plan dated January 31, 2022 prepared by BH, PWS and the Enforcement Order (EO 21-05) requirements including (5) five years of monitoring and reporting as per the Marshfield Conservation Commission's schedule shall be followed throughout the enforcement timeline and the plantings shall be implemented during the Spring 2022 Planting Season. SC second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

ADJOURNMENT – There being no further business, the meeting is closed at 10:28 PM.

Respectfully submitted,
Liz Anoja, Conservation Administrative Clerk

Marshfield Conservation Commission

Bill Grafton, Conservation Administrator	
Craig Hannafin, Chair	Bert O'Donnell, Vice Chair
Art Lage	Joe Ring
Susan Caron	Rick Carberry