

**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)

**CALL TO ORDER** – BO motions to open the meeting at 6:00 PM. 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 7, 2022 meeting. JR second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

**PUBLIC HEARING**

**a) Chapter 505-307.2**

- All present reviewed and discussed a proposal to change Chapter 505-307.2 of the Marshfield Wetlands Protection Regulations (MWPR) from:

§505-307.2. Foundation requirements.

Substantially renovated or reconstructed structures on any Barrier Beach, Coastal Dune, buffer to coastal Beach or buffer to Salt Marsh are required to be constructed on an open pile-type foundation.

to:

§505-307.2. General requirements.

Any new or reconstructed structure situated in any Resource Area shall comply with all applicable provisions of the Town of Marshfield's Zoning By-Law (including the FIRM Map dated 7/6/2021) and 780 CMR.

- The regulation, as previously worded, required any home in barrier beach/coastal dune with "substantial improvements" as determined by the Building Department (including all-interior projects normally out of Commission jurisdiction) to be raised on an open pile foundation. Bob Galvin, Town Counsel (TC) believes this change makes sense; The Commissioners, Consultant William Finn (WF), and BG concur. BG elaborates that his attempts were to reword the existing language but the case made that a replacement was a better fit.
- BO motions to amend §505-307.2 of the MWPR as proposed, to: "General requirements. Any new or reconstructed structure situated in any Resource Area shall comply with all applicable provisions of the Town of Marshfield's Zoning By-Law (including the FIRM Map dated 7/6/2021) and 780 CMR." AL second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

**b) Chapter 505-401.1**

- This MWPR currently reads as follows:

§ 505-401.1. Applicability to applications and requests.

These rules and regulations were first promulgated on May 15, 1990; they have been subsequently amended on December 18, 1990, December 17, 1991, June 19, 2002, October 2, 2002, September 17, 2003, December 1, 2004, May 1, 2008, October 16, 2018, October 30, 2018 and \_\_\_\_\_, 2021 and shall apply, as amended, to all applications and requests filed after that date.

- The proposal, if ratified, will add language referring to the March 18, 2021 revision date as well as today's date of March 7, 2022. The revised regulation would read as follows:

§ 505-401.1. Applicability to applications and requests.

These rules and regulations were first promulgated on May 15, 1990; they have been subsequently amended on December 18, 1990, December 17, 1991, June 19, 2002, October 2, 2002, September 17, 2003, December 1, 2004, May 1, 2008, October 16, 2018, October 30, 2018, March 18, 2021 and March 7, 2022 and shall apply, as amended, to all applications and requests pending and filed after that date.

- SC asks TC if the new regulations will apply to the Commission's currently open public hearings. TC indicates that as written, the change would only apply to projects filed after the ratification date of the latest revision. TC proposes an edit whereby the regulation "shall apply, as amended, to all applications and requests pending and filed after that date," which would capture any open filings. BO feels this change will be advantageous to any current applicants; PC concurs.
- SC motions to approve the revisions to §505-401.2 as amended, to: "Applicability to applications and requests. These rules and regulations were first promulgated on May 15, 1990; they have been subsequently amended on December 18, 1990, December 17, 1991, June 19, 2002, October 2, 2002, September 17, 2003, December 1, 2004, May 1, 2008, October 16, 2018, October 30, 2018, March 18, 2021 and March 7, 2022 and shall apply, as amended, to all applications and requests pending and filed after that date." AL second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.
- After the vote, TC advises that Joe Peceovich, Wilson Road, has pointed out that the previous motion referenced §505-401.2 instead of §505-401.1, and recommends that the Commission re-vote to avoid confusion. BG thanks Mr. Peceovich for catching this error.
- SC motions to approve the revisions to §505-401.1 as amended, to wit: "These rules and regulations were first promulgated on May 15, 1990; they have been subsequently amended on December 18, 1990, December 17, 1991, June 19, 2002, October 2, 2002, September 17, 2003, December 1, 2004, May 1, 2008, October 16, 2018, October 30, 2018, March 18, 2021 and March 7, 2022 and shall apply, as amended, to all applications and requests pending and filed after that date." JR second. Approved 6-0-0 by roll call: CH yes, PC yes, JR yes, AL yes, SC yes, BO yes.

**c) Chapter 505-304.1**

- Tabled pending further discussions with Harbormaster Mike DeMeo (MD). BG thanks Joe Peceovich (JP) for written comments he provided prior to the hearing. These comments will be kept on file for the future hearings.
- BO asks for any new business.
- PC notes that the dock regulations are being amended with the objective of simplifying and adding more clarity, streamlining the process, and making sure the Commission is considering adverse and cumulative effects of dock construction, increased boat traffic, and use of floats. BO's sense is that the Commission wants to move this forward as soon as possible.
- PC notes he has researched the regulations in other coastal communities in the state; some towns such as Duxbury have hired a consultant to look at current and future impacts and come back with recommendations as to new regulations; this would add time to the process but may be worth pursuing given the length of Marshfield's coast. WF notes that such a study sounds like a master plan and suggests looping in Town Planner Greg Guimond, as he may know of additional reports and resources. PC adds that engineering input may also be useful. BO suggests that PC look into what has already been researched. SC suggests there may be grant funding for an in-depth study, which BG suggests could be part of the Phase II discussions involving overall dock/pier effects.

- All broadly discuss how to move the process forward. BG notes that future “Phase II” dock discussions will address dock buildout as it relates to significant and cumulative adverse effects; alternatively, the Commission can hold another public hearing to amend Section 304.1. WF suggests that all interested parties meet under one roof to discuss the objectives, and then rewrite the language at the meeting so as to avoid back and forth e-mails. BG suggests that PC, MD, BG and a Commissioner convene to advance the revised language. PC thinks the revisions are close to being done, with Harbormaster DeMeo’s commentary the main missing piece, and all could be finalized within 1-2 weeks.
- AL like the comprehensive, forward looking elements of Phase II. He see this as a positive approach.
- BO polls the Commission as to whether to quickly wrap up the revision process for this regulation: PC yes, JR yes, SC yes, AL yes, SC yes.

**d) Public Comments**

- BO notes that TC has given the opinion that the new regulations are effective after they are approved by the Commission. BG asks TC about retroactivity of the updated regulations to current uses and projects, TC reiterates from an earlier e-mail that any use started under a prior version of the regulations can continue as long as the property is not abandoned, but the new regulations would apply to any change of use or any use after abandonment, which is defined as allowing a structure such as a dock to fall into such disrepair as to cease to exist.
- BO asks for comments from the public; none.

**ADJOURNMENT** – BO makes a motion to close the hearing at 7:02 PM. CH second. Approved 6-0-0 by Roll Call Vote: JR-yes, BO-yes, PC-yes, AL-yes, SC-yes, CH-yes.

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