

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

MEMBERS NOT PRESENT – Susan Caron (SC)

CALL TO ORDER – CH motions to open the meeting at 6:30 PM. JR second. Approved 5-0-0.

MINUTES

- The minutes of the March 15 meeting were presented for approval. No comments or suggested changes were received, and none were made on the floor.
- CH motions to accept the March 15, 2022 minutes as written. JR second. Approved 4-0-1, CH having abstained.

CHAIRMAN'S ADDRESS

- CH notes the heavy agenda tonight and asks that applicants be concise and avoid repetition.

BUSINESS

B1 *de minimis* activity Roll/Review/Ratification

a. 53 Ice House Lane (Guimond) – Replace damaged above ground pool in BZ – Commissioners

- The proposed activity is the replacement of an above-ground pool in the Buffer Zone to BVW within a previously disturbed environment. BG notes that the pool was damaged by a fallen tree whose removal was associated with a previous *de minimis* activity, and 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* activity. BO second. Approved 5-0-0.

b. 795 Plain Street (Frasca) – Paved parking lot in BZ to IVW – Commissioners

- Tabled pending receipt of updated site plan.
- CH motions to table the matter to the May 3, 2022 public meeting. AL second. Approved 5-0-0.

c. 465 Ocean Street (Paris) – Replace stairs & landing; new deck in AO3/LSCSF – Commissioners

- The proposed activity is construction of a new deck and replacement stairs in an AO Flood Zone. The matter came to BG's attention during a building permit sign-off, and has referred it for Commission approval as it is a new structures in the AO Flood Zone.
- BG recommends approval with the condition that applicant seek all pertinent permits prior to the start of work. BO examined the request and agrees that the proposed work is minimal.
- CH motions to approve the proposed activity as *de minimis*. BO second. Approved 5-0-0.

d. 114 Eustis Street (T-Mobile) – Add platform, stairs, equipment BZ to BVW & LSCSF – Commissioners

- The proposed activity is equipment installation at an existing wireless telecom facility originally constructed under permit #SE42-2649. T-Mobile is proposing to install a 185 sq ft elevated steel platform with attached 73 sq ft steel access staircase within the existing fenced compound. The platform and access staircase will both be grated to ensure they are pervious. Other equipment to be installed include a generator, wiring, and junction boxes. BG notes that all activity will be in the existing facility footprint, and recommends approval with the condition that applicant seek all pertinent permits prior to the start of work.
- CH motions to approve the proposed activity as *de minimis*. JR second. Approved 5-0-0.

e. 6 Adelaide Way (Swift) – Shed, patio w/outdoor entertainment center in BZ to BVW – Commissioners

- The proposed activity is construction of a shed about 10 feet up-gradient of the 50-foot setback line denoted with conservation markers, as well as a 20' by 20' patio off the back of the house and almost entirely outside the 100 ft buffer. BG notes that all activity is in previously disturbed lawn, and 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* activity. PC second. Approved 5-0-0.

B2 Marshfield Conservation Commission Public Meeting Date Change to Wednesdays – Commissioners

- BG advises that the Marshfield Mariner is changing its circulation day from Wednesday to Thursday. Town Counsel advises that this requires a change in the day Commission meetings are held in order to continue to meet the 5 business day abutter notification requirement; the alternative is to try to change the state WPA.
- CH notes she is not certain how long the Mariner will continue to publish a hardcopy paper, and states she believes it is adequate to post meetings on the Town website for purposes of the open meeting law; however, she is not sure it meets the notification requirements of the WPA. JR agrees with CH regarding the future of the Mariner. BG notes that getting digitally signed acknowledgments back during the early pandemic was challenging, so the online notification alternative may not yet be practical. BO adds that the office will need to ensure there is meeting space available at Town Hall on Wednesdays.
- The Commissioners in attendance agreed that Wednesday night was preferable to Monday or Thursday, but moving to Wednesdays presented some difficulty for all. AL would like to know whether it would be possible to post meetings on the Town website only. After some further discussion regarding what is done in towns that lack a printed local newspaper, the matter is tabled to allow for further inquiry with TC.
- CH motions to table the matter to May 3, 2022. AL second. Approved 5-0-0.

B3 WPA Exemption/Plymouth Avenue (sewage main repair)/DPW – Environmental Partners & Town Engineer

- Ziad Kary (ZK), Environmental Partners Group, representing DPW along with Town Engineer Rod Procaccino (RP) present to discuss repairs to sewer mains. They are seeking Commission endorsement that the work qualifies for the exemption under the WPA for work on existing sewer mains. ZK shares a presentation with the Commission discussing the scope of the work. The 18-inch mains in question are about 50 years old, and ruptured on February 18, 2022 at a point near the Plymouth Ave treatment facility. The work will involve installation of a temporary bypass and inspection and repair of the existing mains. Erosion controls will be utilized along the limit of work. ZK notes that the work is potentially exempt under the WPA.
- BG thanks ZK and RP for their detailed presentation and suggests that the work qualifies for the WPA exemption governing work on existing sewer mains.
- CH moves to approve the proposed work as qualifying for the exemption under the WPA, Chapter 131, Section 40. JR second. Approved 5-0-0.

B4 226 Bay Avenue/SE42-2924 Amended Order of Conditions (Town) clerical errors – Commissioners

- Attorney Kevin Sullivan (KS), applicant's son, noted clerical errors on the OOC SC42-2924A including Box 2B not being checked, which denotes it as an Amended OOC, and requested that BG issue a corrected OOC.
- CH moves to direct the Conservation Administrator to correct the clerical errors on page 1 and 14, approve the corrected version, and issue a corrected Town-only Amended Order of Conditions. AL second. Approved 5-0-0.

B5 85 Rockport/SE42-2948 *de minimis* activity vs. Request For Amended Order of Conditions/(vegetative management) – Richard Bertone

- The OOC SE42-2498 was issued for a septic repair plus construction of a bluestone walkway, 12' by 12' pervious paver patio, and resurfacing of the existing driveway with crushed stone. Applicant's father, Richard Bertone (RB), notes that the site is overgrown and additional vegetation management is needed, including the trimming or removal of 19 trees and relocation of some of the existing vegetation.
- BG met on site with RB and notes that several trees appear to have suffered insect damage and one was snapped high in the October 2021 storm. RB is willing to work with an arborist to see if 3 of the 19 trees could be trimmed back instead of taken down. BG notes there are also native plants, including high bush blueberry

and eastern red cedar that RB is willing to replant in the 0 to 25 buffer. RB states he would also like to remove fallen trees from the adjoining conservation land; BG indicates that ownership of that parcel is unclear, so the Commission could not authorize at this time.

- CH suggests that RB not be too aggressive in chipping debris already down, as it can serve as habitat. RB is willing to review with BG on site. AL suggests that some trees farther from the house be cut partway down to provide habitat and give them a chance to grow back; JR and CH concur. JR also thanks RB for working with BG on developing a management plan for the property.
- CH motions to approve the proposed activity as a *de minimis* activity to be addressed under the request for COC process for SE42-2498. JR second. Approved 5-0-0.

B6 77 Cherry St/SE42-2914 *de minimis* activity vs. Request For Amended Order of Conditions/foundation change – Doug Keach

- The Order of Conditions SE42-2914 was issued last year for a raze and rebuild on a lot located in AE12 flood zone, buffer zone to salt marsh, and isolated vegetated wetland. Applicant would like to change from an open pile foundation to concrete foundation with flood vents. The plantings and conservation marker postings will remain as originally approved.
- BG has no issue with the proposed change provided all other conditions of approval are followed. Building Commissioner Andrew Stewart (AS) has provided written comments in favor of approving the request.
- JR notes that the change seems to be driven by structural integrity concerns, and has no issues.
- CH motions to approve the proposed change as a *de minimis* activity to be addressed under the request for COC process for SE42-2914. JR second. Approved 5-0-0.

B7 37 Constitution Road/SE42-2902 *de minimis* activity vs. Request For Amended Order of Conditions / revised driveway in resource areas – Judy & Jim Oriola

- The Order of Conditions SE42-2902 was issued last year for the demolition of an existing single family home and reconstruction on the lot, which lies partly in AE9 flood zone. Applicant would like to increase the size of the driveway from 786 to 904 sq. ft. Judy Oriola indicates that the actual increase would be to 836 sq. ft., for an actual increase of about 60 sq. ft.; there previously was a 1300 sq. ft. paved driveway.
- BG believes the increase to be *de minimis* activity and recommends approval as such. BO agrees that the change can be captured in the As-Built plans.
- CH motions to approve the proposed change as a *de minimis* activity to be addressed under the request for COC process for SE42-2902. AL second. Approved 5-0-0.

B8 51 North River Drive/conservation permitting review-tarp, float & posts in resource area – Commissioners

- Commissioner Ring presents a power point presentation of the pertinent facts and results of site visit.
 - BG and JR walked the site on March 11, 2022 with property owner James Kilcoyne (JK), Selectman and former Commission Chair, in response to complaints about structures in the resource area. They observed a gazebo structure with four support posts in bordering vegetated wetlands; a tarp previously cited had been removed with revegetation taking place, and a float was also removed to an offsite location with no visible sign of salt marsh adverse effects.
 - The original complaint from John Cusick (JC), 12 Waterman Ave, was received in the Conservation Office in November of 2021 and assigned to Conservation Agent Eric Flint (EF). EF discussed the complaint and regulations with JK but left Town employment shortly after a second complaint from JC was received; BG assumed responsibility for the matter, and Building Commissioner Andrew Stewart (AS) issued the Notice of Violation (NOV) process as he additionally received a complaint from JC. JR notes for the record that it is not uncommon for a due diligence review to take months given the workload at the Conservation Office.
 - The Notice of Violation from Building Commissioner Andrew Stewart (AS) references construction of the gazebo structure without Conservation approval; placement of a tarp over phragmites, for invasive species management, without Conservation approval; and winter storage of a float on the marsh since 2017 in violation of MassDEP and Marshfield Conservation Commission Special Condition M of SE42-2518. The NOV directed JK to obtain after-the-fact Conservation permitting for the gazebo structure and tarp or remove said structures, and to comply with any relevant enforcement orders.

- JR notes that the dock system, save for the gazebo structure, is extensively permitted; a COC for the system was issued and recorded in 2016, and a COC for the Chapter 91 license was issued this year, delayed due to MassDEP backlog. A due diligence review of the structure began in May of 2021. Permits for the system were also issued by ZBA and the North River Commission. The Commission COC extinguished the OOC Special Conditions in MassDEP file #42-2518, including DEP General Conditions 3, 12, and 13; MassDEP Special Conditions A, L, and M; Marshfield General Conditions 3 and 11; and Marshfield Special Conditions A, L, and M; but it also specifies that JK must follow all current regulations. Thus, the standard by which the Commission must evaluate the unpermitted activities is “significant or cumulative adverse effect” on the resource area.
- JR notes that the tarp was in place from the summer of 2017 to September of 2021, but was mostly shredded by phragmites by 2018. JK states placement of the tarp was an effort to control the spread of phragmites as recommended by Massachusetts Association of Conservation Commissions (MACC). JR believes the tarp had no significant or cumulative adverse effect, as the phragmites shredded the tarp, rejuvenation is underway, and the tarp was removed prior to the complaint.
- The ramada is a roof over a wood platform secured to the ground with four 5” x 5” posts. JR states total impact on the wetland is 81 sq inches, less than 1 sq. ft. The platform was built in the fall of 2016; when built, the ramada was landward of the salt marsh, outside the 200’ riverfront, outside MassDEP Waterways jurisdiction, outside the floodplain, and in FEMA AE9 flood zone. The area is now classified as an AE16 flood zone and in floodplain. The Ramada was signed off on by the Building Inspector on 1/10/2018, without referral to Conservation, after the COC for the dock had issued. JR suggests that a *de minimis* activity permit may be warranted, but that the ramada did not have a significant or cumulative adverse effect on the wetlands, as it was installed above the then-existing platform, and was not in the floodplain at the commencement of construction. JR adds that Marshfield did not issue floodplain permits at the time of ramada construction, and suggests it would be unreasonable to retroactively enforce regulations or FEMA FIRMs on previously built structures.
- JR reiterates that the float was removed prior to the site visit, and there was no visible impact on the salt marsh where it was stored. The float configuration was further permitted under a June 6, 2017 RDA for minor deviations. When the COC issued for the Order of Conditions (OOC), JR states it extinguished the condition specifying no storage on salt marsh, and the site visit suggests that storage of the float on the marsh above mean high water had no significant or cumulative adverse effect.
- JR notes that the Commission’s value statement includes such values as honesty, integrity, respect, fairly addressing concerns, equitable outcomes, openness, and equitably applying sound environmental principles, and having a connection to the people and environment to the Town. The Commission is charged with enforcing complex rules and strive to do so, embodying these values, as best they can. JR objects to comments made in social media and elsewhere questioning Commissioner Integrity, characterizing them as unacceptable and personally offensive.
- JR completes his presentation. CH resumes the meeting requesting comments from the Commissioners.
- BO feels the tarp is a non-issue, as it has been removed. BO checked satellite images of the area and noted multiple other floats on the marsh at the time JK’s float was stored there; the Commission should either enforce on all such float owners or none of them. BO agrees with JR that construction of the platform would be a *de minimis* activity. PC agrees that the issues raised seem to be relatively minor, and JK has been willing to address any concerns. PC notes that the Commissioners devote a significant amount of unpaid time to their roles, and strive to act with integrity and hold everyone before it to the same standards; to be criticized in the press by a Town official is unacceptable. AL agrees that all issues at the property appear to be a *de minimis* activity.
- CH reiterates her comments from the prior meeting objecting to the credibility and integrity of the Commissioners being publicly called into question as uncalled for. The tarp, having been moved, is a moot issue, and CH believes the four 5” x 5” posts to be a *de minimis* activity.
- Building Commissioner Andrew Stewart (AS) states that when he receives a request for enforcement, it is his job to enforce the regulations. If he finds a violation, he is supposed to issue a Notice of Violation (NOV). AS states that the ramada was not approved by a municipal zoning certificate (MZC); the MZC in question was for the addition of a second float, and the associated site plan did not show the platform or walkway. AS adds that the As-Built plan submitted in 2019 for the Chapter 91 license shows the area as flagged wetlands that border an

intermittent stream, and suggests that the Commission generally does not allow “walkways through an intermittent stream.” AS further states that the platform is covering wetlands vegetation. AS states that cumulative and adverse impacts in a flood zone include potential for storm damage; floats on a marsh potentially cause such damage. AS agrees that no floats in the area should be on the marsh, and raised the issue with the Board of Public Works. AS also states that imagery applications available to him in Town show the tarp intact and in place until last summer, when he sent the Notice of Violation. In doing so, all he asked was that the proper permitting happen and the issues be addressed. AS objects to JR’s apparent characterization of the manner in which he does his job.

- BG notes that bordering vegetated wetland is anything that borders on intermittent stream or any other resource areas and states that the ramada is in bordering vegetated wetland. BG also points out it is the Commission’s role to assess and issue findings with respect to significant and cumulative adverse impact on a resource area, using the state and town performance standards for the resource area in question. The Commission frequently must strike a balance between protecting resource areas and allowing usual and customary structures and activity. BG suggests that the impact of the ramada and platform is a *de minimis* activity based on his site visit and notes he reviewed the work with a former Conservation Administrator, who agreed. BG adds that phragmites is a tough, aggressive invasive plant that is capable of growing through a tarp and even pavement.
- Joe Peceovich (JP), 25 Wilson Road, states he finds the presentation to be biased and lacking in certain details, and agrees with AS that it should have been depicted on the plan as approved and compared it to the end result. JP adds that a valid conservation permit sets conditions by which work is performed, including use of machinery and erosion controls, and permitting the ramada as *de minimis* effectively endorses whatever method(s) were used to construct it. CH respectfully disagrees that the presentation was biased or inaccurate.
- CH moves that the Commission vote to approve a *de minimis* activity for the posts supporting the ramada, and consider the tarp in the bordering vegetated wetland and the float on the saltmarsh to have been corrected with no further action required based on the site visit observations by JR & BG. PC second. Approved 5-0-0.
- After the vote, JK states he appreciates the Commission providing him due process in this matter, something that not all Boards had done. JK notes that Town Counsel has advised AS that he does not have jurisdiction over 310 CMR 10.00, the state WPA, or the Town Wetland Bylaws, as this is the purview of the Conservation Commission, and thanks the Commission again.

B9 Corn Hill Woodland Tree Removal along Corn Hill Lane in 25-50 foot setback to bordering vegetated wetlands/Conservation Land Access Permission and Conservation Permitting Discussion – Karen McArdle

- Karen McArdle (KM), 100 Corn Hill Lane, present to further discuss a proposal to remove diseased/damaged trees in a 900 ft. stretch of Corn Hill Lane in Conservation land within the 25-50 buffer to a BVW. KM indicates that the majority of the neighbors are in agreement with the proposed work. BG envisions a three-phase strategy including (1) removal of invasives 6-15 ft from the edge of road, ideally by volunteers; (2) dropping/chipping of trees by a contractor, spreading the chips on the cleared area; and (3) planting of the cleared area with high brush blueberry and eastern red cedar. Volunteers will be needed for phase 1 & 3. BG also notes, per discussions with KM and Town Administrator Mike Maresco (MM), the cost of the tree removal work is to be split between the Town and KM which is rare and unusual. BG notes that the Commission must advise as to the proper permitting for the work.
- CH notes that Building Commissioner AS has pointed out that Corn Hill is a Scenic Road, and therefore the Planning Department and Tree Warden should be involved. BG will reach out to Town Planner Greg Guimond (GG); BO does not anticipate Planning will have any issues. BG has already checked with the Tree Warden, who is also the DPW Superintendent, and advised they were unable to commit resources to this effort. Estimates for the tree removal component exceed \$10,000, and will be put to bid through Commbuys.
- All parties discuss the proper applicant for permitting purposes; as it is Town-owned land, it may need to be MM. The Commissioners concur that an RDA should be filed for the work.
- CH moves that the Commission vote to approve submission of an RDA for ground clearing, tree removal, chip cover, and transplanting on Corn Hill Lane. AL second. Approved 5-0-0.
- CH moves that the Commission grant permission to perform the proposed ground clearing, tree removal, chip cover, and transplanting on Town-owned land on Corn Hill Lane. JR second. Approved 5-0-0.

B10 Annual Town Meeting / CPC Funding CR Couch Beach & Old Mount Skirgo properties – Commissioners

- The Commission continued its discussion of the Open Space Committee's Town Meeting article to approve the use of CPC funds for the cost of Conservation Restrictions (CRs) on two parcels of land providing NHESP-designated Eastern Box Turtle habitat as collective mitigation for construction of athletic ball fields, Boys and Girls Club, and Couch Cemetery expansion. CH notes that Commissioner Caron, who is also a member of the Open Space Committee, has asked for a Commission endorsement of the article prior to the April 25, 2022 Town Meeting and has distributed a memo in favor of the article. The memo makes clear that camping on Couch Beach will continue to be allowed and there will be no prohibition on porta-potties.
- PC is in favor of the CR for Old Mt. Skirgo but remains concerned that a CR on Couch Beach will restrict ancillary activities to camping such as building fires or allowing vehicles near the camping area. CH reads from the memo that vehicular access will be addressed in the next draft of the CR. AL agrees that the Commission and town should continue to promote camping on Couch Beach, but the amount and location of campsites should be limited for the good of the property as it is showing signs of overuse and misuse as a party site. CH notes that the "reserved rights" for the property include walking on existing trails, overnight camping within the designated area, and similar passive recreational activities. Maintenance of existing footpaths and cleared areas will also be allowed. Given the significant NHESP habitat on the property, CH believes the protection provided by a CR allowing the uses noted is appropriate. BG agrees with the need for enhanced protection but notes that once the CR is in place, the property is subject to the whims of the board of the organization holding the CR, and suggests the property would be better served by an Article 97 transfer at first, adding a well-defined, broadly supported CR later if appropriate.
- Commission Consultant William Finn (WF), 96 Dog Ln, notes he has been involved in protecting the North/South River area for years and strongly seconds CH's point that the proposed CR is mitigation for the habitat lost in the Couch Cemetery and Boys/Girls Club projects. Without the degree of protection a CR provides, the intent of the Town to mitigate the impacts is lost. JR prefers to start with an Article 97 transfer, as he is concerned at the protection of existing uses and the relatively late involvement of the Commission in the process of assessing options for the land. BO reminds the Commission that the ATM article is the CPC funding only. WF notes that the author of the draft CR is open to further input on how the Commission would want to refine the drafts to address any further concerns.
- After some further discussion regarding Commission involvement in the process to date and ability to make improvements to the existing facilities on the Couch Beach property if the article is passed, BO notes that the Commission has tabled this matter several times and thinks there should be a vote on the matter prior to the Town Meeting. AL proposes an amendment to the CR allowing vehicular access to the camping area solely for the purpose of dropping off or picking up campers with mobility issues; JR proposes an amendment allowing the Commission to review or approve the final CR. WF suggests that the Commission vote to approve the funding for the CRs subject to amendment by the Commission. BG adds ratification by the Commission to the motion.
- CH moves that the Commission vote to recommend approval of the conservation restrictions at Town Meeting as finalized, subject to amendment and ratification by the Conservation Commission. JR second. Approved 5-0-0.

SCHEDULED CONTINUED HEARINGS

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

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission. Applicant's representative requested continuation in writing.
- CH motions to continue the hearing to May 3, 2022. AL second. Approved 5-0-0.

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

- The hearing is continued until the May 17, 2022 public meeting of the Marshfield Conservation Commission. Applicant's representative requested continuation in writing. May 17, 2022 being a Tuesday is no longer a Marshfield Conservation Commission meeting day due to Gatehouse Media consolidation and legal ad posting requirements. Thus, the Commission will continue to the next Commission meeting on Wednesday, May 18, 2022.
- CH motions to continue the hearing to May 18, 2022. JR second. Approved 5-0-0.

- 2266 Six Birch Realty Trust, 0 Little's Lane (Ext. Pier, Ramp & Float).....cont. from 2/1/2021 (Rick)**
- The hearing is continued until the May 17 public meeting of the Marshfield Conservation Commission. Applicant's representative requested continuation in writing. May 17, 2022 being a Tuesday is no longer a Marshfield Conservation Commission meeting day due to Gatehouse Media consolidation and legal ad posting requirements. Thus, the Commission will continue to the next Commission meeting on Wednesday, May 18, 2022.
 - CH motions to continue the hearing to May 18, 2022. JR second. Approved 5-0-0.

PUBLIC HEARING

CH recuses from the following discussion and vote.

- 2272 A Digan Jr. / The Digan Family Trust, 1327 Union Street (Amend Pier, Ramp & Dock).....NEW (Rick)**
- BO reads the legal ad. Hearing Officer PC confirms administrative requirements are complete. Brad Holmes (BH), ECR, present for applicant. The purpose of the filing is to amend the Order of Conditions to increase the gangway size from 15 ft to 25 ft to access deeper water in the North River and keep the gangway from getting too steep at low tide.
 - PC advises that he visited the site and agrees that the 15 ft gangway gets very steep at low tide; additionally, the landward corners of the float were hitting the river bottom at low tide. BG notes that he observed some salt marsh deterioration on the site that the Commission will be monitoring. BO asks if Harbormaster DiMeo is aware of the filing. PC advises he was present at the site visit. The river is wide where the pier is, and no navigation issues were anticipated.
 - PC asks for comments from the public; none.
 - The standard conditions of approval for docks will apply.
 - PC motions to close the hearing and issue Amended Orders of Conditions with special conditions drafted by BG. AL second. Approved 4-0-0.

CH rejoins the meeting.

- 22-10 Smith, 10 Stonybrook Road (After the Fact Shed).....NEW (Rick)**
- CH reads the legal ad. Hearing Officer PC confirms administrative requirements are complete.
 - The filing is for an after-the-fact shed installation on an elevated pad inside the 50 ft buffer to support a small shed. PC visited the site and has no issues. BG notes that homeowners have been cooperative with Conservation Commissioners and staff, applicant spoke to Building Department in advance of shed arrival and has no specific issues to report.
 - PC asks for comments from the public; none.
 - The standard conditions of approval will apply.
 - PC motions to close and issue a DOA, Pos. #5, Neg. # 3, with special conditions drafted by BG. JR second. Approved 5-0-0.
- 22-11 Hood, 78 Edward Road (Install Fence).....NEW (Susan)**
- CH reads the legal ad. BG confirms administrative requirements are complete.
 - The proposed activity is fence installation in the buffer zone: a 6 ft tall fence on each side of the yard and a 4 ft tall picket fence in front. MS visited the site and recommended the posting of conservation markers at the rear of the property, but otherwise had no issues.
 - JR asks if there will be a gap on the bottom to allow for wildlife movement; applicant Laurie Hood has no issues with a six-inch gap.
 - CH asks for comments from the public; none.
 - Conditions of approval will include a six-inch gap beneath the fence to allow for wildlife movement and posting of (3) three conservation markers in back.

- CH motions to close and issue a DOA, Pos. #5, Neg. # 3, with special conditions drafted by BG. AL second. Approved 5-0-0.

22-12 Lang, 32 Hanley Court (Hazard Tree Removal & Driveway).....NEW (Bert)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Applicant is proposing to pave and expand his driveway, as well as remove three hazard trees. The property lies within the buffer zone to several wetlands. BO visited the site and has no issues, but suggests the posting of conservation markers; BG concurs but notes that the location of a stone boundary marker may be hard to find, and suggests the posting of (3) three conservation markers along the edge of the driveway.
- BO asks for comments from the public; none.
- The conditions of approval will include the posting of (3) three conservation markers along the edge of the driveway
- BO motions to close and issue a DOA, Pos. #5, Neg. # 2, with special conditions drafted by BG. AL second. Approved 5-0-0.

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

- CH reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- 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. GP notes that they are now proposing an Open Space Residential Development (OSRD) and they have reduced the size of the house lots to ½ acre and increased the open space component to be conveyed to the Town; they are also proposing to construct walking trails which will connect into a nearby existing trail system. Lot 23 on the plan will be an 11 acre lot that will be given to the Town as open space.
- BG notes he has been working with GP on riverfront calculations, as well as the Town Planner, Planning Board, and Town Counsel on various other issues. The proposed work in the 100-200 ft riparian area is about 4.5% of the total subdivision square footage, and no work is proposed in the 0-100 ft inner riparian area; this meets the criteria for 310 CMR 10.58(4c)2b(vi).
- JR adds that bonding has been discussed as a possible means to ensure compliance with the subdivision OOC conditions of approval; applicants have been very cooperative and he has no concerns about failure to perform, but the Commission has an obligation to protect the Town. A tiered surety, with funds released as certain benchmarks are met, may be an option. JR would also like to ensure that all departments have access to the most recent site plan so everyone is on the same page. KS notes that the Planning Board will already be requiring a bond and will talk to BG about performance concerns. BG mentions that the Commission required a bond for a project at 45 Pleasant Street, and it worked well for all parties. BO notes the Commission and PB should ensure the bonding amount is sufficient given how long it takes some subdivisions to be built; holding and then releasing lots for development might be preferable. BG notes that most work takes place outside the 75 ft setback, so individual filings for house construction will be limited. GP confirms they designed most lots to avoid having wetlands effect. WF suggests that BG inquire of the PB if it's possible to incorporate Commission sign-off on PB lot releases; KS is open to the idea.
- BG also notes that PB peer review engineer Pat Brennan (PB), Amory Engineers, commented that more detail was needed with respect to storm water management. KS states he is scheduled to do some soils testing on the site. MassDOT review and approval is required for the subdivision road. KS indicates that GP is working on the submission to MassDOT. They may request approval contingent upon them receiving MassDOT approval. BG would also like applicant to institute regular street sweeping, as this has been instrumental in avoiding issues at Horse Shoe Farm. KS notes there are further meetings with Planner Greg Guimond (GG) and consulting engineer PB; BG will attend.
- Rick Sullivan (RS), 236 Moraine, asks about the open space donation. GP indicates that the open space will be donated to the Town, but is unsure of the entity that will control it. BG indicates there are three options with respect to administration of the open space: the homeowners association, Town (possibly Article 97 transfer), or a third party through a CR. RS asks, if administration is turned over to a HOA, if the HOA could further develop the

land. BG thinks Planning should answer the question; WF believes it would depend on how the HOA charter would be written.

- JR motions to continue the hearing to May 3, 2022. PC second. Approved 5-0-0.

29 Dorsey, 94 & 96 Marginal Street (Reconstruct #94 & 2nd Story Addition #96).....NEW (Bert)

- CH reads the legal ad. The hearing is continued until the next public meeting of the Marshfield Conservation Commission due to lack of DEP file number.
- CH motions to continue the hearing to May 3, 2022. AL second. Approved 5-0-0.

29 White, 106 Preston Terrace (Replace Seawall & Construct Retaining Wall).....NEW (Bert)

- CH reads the legal ad. CH reads the legal ad. The hearing is continued until the next public meeting of the Marshfield Conservation Commission due to lack of DEP file number.
- CH motions to continue the hearing to May 3, 2022. PC second. Approved 5-0-0.

2975 Tedeschi, 160 Bay Avenue (Enclosed Porch & Deck).....NEW (Art)

- CH reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- Paul Louderback (PL) and Deb Keller (DK), Merrill Engineers, present for applicant along with attorney Jeff DeLisi (JD). The proposed activity is to extend the porch structure in back of the house by 8.5 ft and add a new 9 by 7 deck off the porch, with stairs between them. The structure will be constructed on helical piles supported by three 12 sq. in concrete piers. The entire lot lies in Barrier Beach and Coastal Dune.
- BG notes that the project as proposed is similar to an approved project next door, and has no issues.
- AL asks for comments from the public; none.
- The standard conditions of approval will apply.
- AL motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 5-0-0.

29 Spectrum Homes Inc., 24 Adelaide Way (Lot 14) (New Single Family Home).....NEW (Art)

- CH reads the legal ad. CH reads the legal ad. The hearing is continued until the next public meeting of the Marshfield Conservation Commission due to lack of DEP file number.
- CH motions to continue the hearing to May 3, 2022. JR second. Approved 5-0-0.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

1743 Walker, 459 Highland Street [COC]

- BG noted a number of apparently unpermitted structures, including retaining walls, a runoff pipe, brick patio, deck, expanded pool footprint, pool fencing, and fill and grade changes; he also observed debris in the wetlands and setback. These issues will be addressed through an after-the-fact NOI. The property is currently for sale, and BG has been in touch with prior and current owners, realtor, buyer's attorney, and Rick Servant, Stenbeck & Taylor. BG recommends that the request be tabled.
- CH motions to table the matter to the May 3, 2022 meeting. JR second. Approved 5-0-0.

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)

B1 Enforcement Order/46 Preston Terrace (Mahaney) unpermitted fill & coastal bank destabilization – Commissioners

- The matter is tabled to allow property owners to look for new consultants.
- CH motions to table the deadline for restoration to May 16, 2022. PC second. Approved 4-0-0.

B2 Enforcement Order-Homsy / 987 Ocean Street Restoration Plan Review – Chris Homsy/Bob Rego

- The matter is tabled to allow for MESA review and coordination with neighbors.

- CH motions to table the deadline for restoration. JR second. Approved 4-0-0.

B3 Central Street 45-Nolan/Unpermitted fill in LSCSF & BZ – Brad Holmes & Commissioners

- CH motions to ratify enforcement order 2201 for 45 Central Street, and direct the Conservation Administrator to issue the enforcement order. JR second. Approved 4-0-0.

ADJOURNMENT – CH makes a motion to close the hearing at 9:39 PM. BO second. Approved 4-0-0.

Respectfully submitted,
Liz Anoja, Conservation Administrative Clerk

Marshfield Conservation Commission
Bill Grafton, Conservation Administrator
Mike Seele, Conservation Agent

Craig Hannafin, Chair
Art Lage
Susan Caron

Bert O'Donnell, Vice Chair
Joe Ring
Rick Carberry