

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

MEMBERS NOT PRESENT – None

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

MINUTES

- The minutes of the April 5 meeting were presented for approval. No comments or suggested changes were made on the floor.
- CH motions to accept the April 5, 2022 minutes as edited. JR second. Approved 6-0-0.

CHAIRMAN'S ADDRESS

- Pursuant to Chapter 20 of the Acts of 2021 date June 16, 2021, An Act Relative to Extending Certain COVID 19 Measures Adopted During the State of Emergency regarding suspending certain provisions of the Open Meeting Law, G. L. c. 30A §18, Commission meetings will be conducted both in-person and via remote participation. Members of the public may attend in-person or may participate remotely. While an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law.
- The procedure for hearings is that applicants or their representative(s) will have 5 minutes uninterrupted to present their project. This will be followed by BG's comments (1 minute), Commissioner comments/questions (10 minutes, with extensions by motion and vote), public comment, and vote. Public comments are to be addressed to the Chair or Hearing Officer.

BUSINESS

B1 *de minimis* activity Roll/Review/Ratification

a. 130 School Street (O'Sullivan) – Construct new shed; remove trees in 0-35 BZ – Commissioners

- The proposed activity is an after-the-fact construction of a shed in the same footprint as a previously existing shed, in Buffer Zone to bordering vegetated wetland. BG recommends approval with the condition that applicant seek all pertinent permits prior to the start of work.
- Applicant also plans to remove approximately six trees in the Buffer Zone; BG advised property owner that this should be permitted through an RDA.
- CH motions to approve the after-the-fact activity as *de minimis*. SC second. Approved 6-0-0.

AL recuses from the following discussion and vote.

b. 833 Ocean Street (Clement) – Construct generator stand in BB/CD/LSCSF – Commissioners

- The proposed activity is construction of a generator stand comprised of a concrete pad and concrete blocks in a previously disturbed area.
- CH notes that the design deviates from the standard design approved by the Commission. JR is concerned about how this stand would stand up to flooding. BO is okay with the proposed design provided that it receives Building Department approval. BG understands Commissioner concerns but suggests the Commission should avoid becoming too prescriptive; all agree that the stand design is primarily a Building Department concern.
- BG recommends approval with the following special conditions:
 - Ensure Best Management Practices, NFIP FEMA regulations and building codes are followed.
 - Obtain all subsequent permits including Marshfield Zoning Board of Appeals and Building Permits.
 - Use clean compatible fill as per Ch 505-306.4.

- See Conservation Administrator or Agent for guidance on Conservation permits for work beyond the approved work activities.
- CH motions to approve the proposed activity as *de minimis*. PC second. Approved 5-0-0.

AL rejoins the meeting.

c. 125 South River Street (Devine) – Remove off site boathouse in RF/BZ – Commissioners

- The proposed activity is removal of a boathouse, located on Marshfield Agricultural Society land, in Buffer Zone and riverfront. The structure is dilapidated, and applicant has received written permission from the Agricultural Society to remove it. BG recommends approval with the following special conditions:
 - Ensure Best Management Practices and building codes are followed.
 - Obtain all subsequent permits including Marshfield Zoning Board of Appeals and Building Permits.
 - Tracked or wheeled vehicles are prohibited from entering the wetlands.
 - See Conservation Administrator or Agent for guidance on Conservation Permits for work beyond the approved work activities.
- CH motions to approve the proposed activity as *de minimis*. PC second. Approved 6-0-0.

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

- The Marshfield Mariner is changing its publication 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. The matter was discussed at the April 19 public meeting and tabled to allow for further inquiry.
- CH advises that moving meetings to the first and third Wednesdays of the month appears to be the least onerous solution to the issue at this time.
- CH motions to revise the Commission's public meetings to the first and third Wednesdays of the month, effective May 4, 2022. AL second. Approved 6-0-0.
- CH motions to approve the Commission's revised meeting and deadline schedule to reflect the first and third Wednesday of each month, from July 1st through December 31, 2022. JR second. Approved 6-0-0.

B3 Couch Beach/ enclosure for port-a-potties – Patrick McGonagle & Bill Grafton

- BG recently met with Patrick McGonagle (PM), who has been providing port-a-potty units to Couch Beach for several years. PM would like to construct enclosures to better protect these units from damage; without some additional degree of protection, PM indicated he will not be providing the units in the future. BG is willing to work with PM on design options with Commission approval, and involve the Pathfinder volunteers to help with construction.
- BO asks who is issuing camping permits for Couch Beach currently? BG indicates the Conservation office has taken over this function using a procedure designed by Conservation Administrator Grafton and Conservation Administrative Clerk Anoja. Typical Couch Beach campers are residents or Boy Scouts of America Troops. With respect to the port-a-potties, JR suggests it is worth the effort to erect the requested structures to ensure that the port-a-potties will still be available; AL concurs. BG will come back with a specific plan to address the issue.
- BO motions to support BG's efforts to develop and implement a solution to the sanitary unit concerns cited by Mr. McGonagle. AL second. Approved 6-0-0.

B4 Policy & Permit Guide/utility lines in resource areas in previously disturbed environments – Commissioners

- BG anticipates that utility service line aging and exposure to salt water will increase the number of utility line replacement projects submitted to the Commission; he would like to streamline the permitting process by considering utility line replacement to be a *de minimis* activity if the following criteria are met:
 - the work/activity involves minor residential or commercial utility lines from the street trunk,
 - the property is previously developed, and
 - the resource area is land subject to coastal storm flowage (LSCSF), or
 - the resource area is LSCSF and riverfront, Buffer Zone, barrier beach, or coastal dune.
- JR notes that the process seems reasonable; SC notes that such requests are always approved with little delay.

- CH motions to approve the installation of minor residential or commercial utility lines on developed properties in land subject to coastal storm flowage or LSCSF and riverfront, Buffer Zone, barrier beach, or coastal dune as an approved *de minimis* activity to be added to the Policy and Procedure Guide. JR second. Approved 6-0-0.

SC recuses from the following discussion and vote.

B5 205 Riverside Circle – hazard tree removal/ *de minimis* vs. conservation permit – Dave Caron

- The proposed activity is removal of a dead tree located in an isolated vegetated wetland. BG visited the property in April of last year. Due to its location in the yard, the tree will have to be removed by crane from the top down. BG advises this project could be permitted through an RDA or as a *de minimis* activity, in line with recent tree removal permitting. CH opines that the activity could be considered *de minimis*; PC and JR agree. BO notes that a dead tree in a hazardous condition is always allowed to be removed. BG agrees there is little to no impact on the resource area beyond some loss of habitat, provided the root system is left in place.
- CH motions to approve the proposed activity as *de minimis*. AL second. Approved 5-0-0.

SC rejoins the meeting.

B6 CRS Committee Conservation Liaison Discussion – Commissioners

- Building Commissioner Andrew Stewart (AS) has requested that the Commission appoint a liaison to the Community Rating System (CRS) Committee, which deals with flood mitigation standards and procedures. Commissioner JR has indicated interest but his time is limited; CH suggests that the liaison role be jointly handled by JR and BG until a full-time liaison is found.
- CH motions to advise the Building Committee that the Commission has ratified JR and Administrator BG, depending on their availability, as the Commission's point of contact to attend CRS Meetings. SC second. Approved 6-0-0.

B7 15 Prospect Street, Stenbeck // Addition Conservation Permitting RDA vs. NOI – John Zimmer

- JZ has advised BG that he will be filing a NOI for the proposed work.
- CH motions to table as per applicant's representative. PC second. Approved 6-0-0.

B8 172 South River Street / Pratt Farm Emergency Certification Discussion – Commissioners

- BG advised that the company hired for demolition of structures at Pratt Farm did not obtain the necessary building permits and left behind significant safety issues, including loose nails, broken glass, a steep drop-off in back, and unstable slopes. BG has spoken with Facilities Director, Fred Russell (FR) as well as two Commissioners, who agreed with BG's suggestion that the Commission issue an Emergency Certification for the work, with an After-The-Fact NOI to be filed for the work within four months of the expiration date of the Emergency Certification.
- Building Commissioner Andrew Stewart (AS) has provided comments questioning whether an emergency certification is appropriate for this situation as a public health or safety emergency was not declared by the proper authority in his opinion, but BG states that Chapter 505-106.13 of the Town Bylaw authorizes the Commission to issue an emergency certification for no more than 30 days; 310 CMR 10.06 conveys similar authority to local conservation commissions. BG believes that waiting for full permitting with wetland delineation will create a safety and liability risk through the delay inherent in the procuring, preparation and reporting process. CH has visited the site with SC, and agrees that the site is potentially hazardous; AL and PC concur.
- All discuss funding sources for the NOI and delineation. BO suggests that the original delineation for the site would be sufficient for purposes of grading and cleaning up the site, with an updated delineation to be submitted for further improvements. SC reached out to CPC Chair Cantwell who in turn reached out to Town Counsel for authorization to use leftover funds in the Pratt Trails and Kayak Launch account for additional wetland delineation and engineering work on the property, but Town Counsel has advised the funds cannot be used for this purpose. SC also suggests that the Commission obtain a written statement from Mr. Russell regarding existing conditions at the property.

- The Emergency Certification is to be issued with special conditions; contractor is not to exceed work/activity necessary to abate the emergency conditions. No new fill is approved and requires separate conservation permitting.
- CH motions to direct the Conservation Administrator to prepare and issue an Emergency Certification to abate the public safety risk posed by the incomplete demolition at 172 South River Street, with special conditions as noted. BO second. Approved 6-0-0.

SCHEDULED CONTINUED HEARINGS

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

- Applicant's representative requested a continuation to the 08/18/2022 meeting.
- CH motions to continue the hearing until August 18, 2022. JR second. Approved 6-0-0.

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

- Applicant requested a continuation to the 06/01/2022 meeting in writing. A required site visit has not been completed, and ZBA application is pending.
- CH motions to continue the hearing until June 1, 2022. AL second. Approved 6-0-0.

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

- Applicant's representative requested a continuation to the May 18, 2022 meeting in writing.
- CH motions to continue the hearing until May 18, 2022. SC second. Approved 6-0-0.

PUBLIC HEARING

22-14 Evans, 0 Constellation Road [Next to 31] (After-the-fact alteration/removal and plantings).....NEW (Susan)

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- The filing seeks After-The-Fact permitting for restoration caused by the clearing, grading, and removal of native vegetation, including beach grass and a sapling. The lot lies in LSCSF, A03 flood zone, and coastal dune. A 2008 court case associated with SE42-2194 established that the lot was in coastal dune and cannot be developed.
- BG and MS visited the site on 4/13/2022 in response to a complaint, and observed lot owner Bill Evans (BE) in the process of clearing the lot. BG issued a cease and desist order, advised BE that the lot was not buildable, and restoration to its previous condition would be required. Much of the disturbed vegetation is beach grass that can quickly re-establish itself.
- SC asks for comments from the public; none.
- Special conditions include a requirement to restore the site to pre-disturbed conditions, using iutte netting and erosion control to protect and stabilize the site until the plantings are established and submission of photo documentation of plant growth every 90 days, through July 1, 2023.
- SC motions to close and issue a DOA, Pos. #5, Neg. # 2, with special conditions drafted by BG. JR second. Approved 6-0-0.

22-13 Marshfield Hills Realty Trust, 2205 Main Street (Re-pave Driveway & Boat Ramp).....NEW (Bert)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- BO notes there are two filings for this property being heard tonight and asks why. Greg Morse (GM), representing applicant, indicates that the work proposed under the RDA meets all the criteria for a negative determination, as it is re-paving of an existing parking area, and they hope to start this work before the start of the summer. The work area lies within Riverfront area and AE15 flood zone. Sections of the existing lot are in poor condition and need to be resurfaced, and this project involves no grading, fill, or increase in impervious surface. Silt fence is proposed for erosion control.
- BG points out that both filings for this property may need to be approved by the North River Commission, and recommends that proof of NRC permitting be required. GM is not sure whether a permit with NRC is required, but he will check with them.
- BG also notes that a resident inquired about impact of the work on underground storage tanks nearby. GM notes that these tanks existed prior to the current owner purchasing the property and no changes are proposed to them at this time. The tanks are under a concrete pad, and vehicles have driven over them for at least the last 20 years.

BO suggests that the resident direct any additional concerns on this matter to the Fire Department, who would be in charge of tank inspection.

- The septic system on the site was designed for vehicular traffic as well.
- PC asks whether any changes are proposed for the area near the bridge, where trailers and cars park; GM indicates that area will remain as is. BO visited the site and agrees the work seems to be in the same footprint.
- BO asks for comments from the public; none.
- Special conditions of approval require applicant to provide evidence that project has been filed with the North River Commission or such filing is not required, and that the work footprint remain in the existing driveway.
- BO motions to close and issue a DOA, Pos. #5, Neg. # 2, with special conditions drafted by BG. AL second. Approved 6-0-0.

2977 Marshfield Hill Realty Trust, 2205 Main Street (Replace Boat Ramp).....NEW (Bert)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Greg Morse (GM) present for applicant. The proposed activity is replacement of an existing asphalt boat ramp with a new ramp comprised of 15' by 15' by 4' precast concrete slabs. The asphalt on the existing ramp is in disrepair and the repair is required under the terms of the Chapter 91 license. The slabs will be placed over the existing ramp, so there will be no disturbance of the existing surface, and will be anchored into the ground at the corners. The work area is in LSCSF and on the coastal bank. MassDEP had no comments on the project; they will inquire as to whether a revised Chapter 91 license is required.
- BG notes that there have been two previous Notices of Intent, SE42-2479 and SE42-2558, for which Orders of Conditions have been issued but not recorded as required; the OOC for a third filing, SE42-2426, was recorded but a request for COC has not been submitted. A MassDMF comment letter is required for this project but has not been received. The activity may also require a filing with the North River Commission. BG would also like more information regarding the concrete slabs and would like a revised site plan to ensure it reflects the current NAVD88 elevations.
- BO asks whether the slabs are fabricated locally; GM indicates they will be fabricated at Scituate Concrete Pipe; GM anticipates the slabs will include rebar reinforcement. He is willing to provide additional specifications. BO opines that concrete slabs seem like a good solution for the ramp provided it can withstand saltwater corrosion. PC notes their use involves significantly less disturbance.
- CH asks if the asphalt under the ramp might continue to decay beneath the slabs and possibly end up in the river. GM notes they are not proposing any containment, but the asphalt will no longer be subject to the direct weight of the vehicles once the blocks are in place.
- BO doesn't want to hold up improvements to the marina but agrees with BG that the recording of the outstanding orders of conditions has to happen. GM notes that he wasn't involved with the previous filings but believes most of the associated work has been completed and is willing to assist with the needed actions.
- The matter is continued pending receipt of updated site plans, NRC feedback, and DMF comment letter. GM assents to a continuation.
- BO asks for comments from the public; none.
- BO motions to continue the hearing to the June 1, 2022 Commission Public Meeting. JR second. Approved 6-0-0.

2978 Lally, 155 Bay Avenue (Swim Platform, Kayak Platform & Extend deck).....NEW (Joe)

- CH reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- Rick Servant (RS), Stenbeck & Taylor, present for applicant. The proposed activity is expansion of an existing deck and installation of a kayak/swim platform off an existing revetment wall along the Cut River. The site is in Buffer Zone to salt marsh, AE10 flood zone, riverfront (Cut River), barrier beach, coastal dune, salt marsh, land under the ocean, and land containing shellfish. The deck is proposed to be expanded into existing lawn. The platform will only be usable at high tide and will only require two greenheart posts to be driven into the river. They have reviewed the plans with the Harbormaster. RS notes the platform could be beneficial to the resource area, as it would allow for safer and less disruptive access to the water.
- MassDMF Comments include a request for a 6 ft. height above the marsh as opposed to the proposed 5.7 ft height to provide increased sunlight to the vegetation underneath; alternatively, they suggested that the platform be

moved slightly to the south so as to avoid a sunken marsh along the wall. JR opines that moving the platform southward may impact an adjacent healthier marsh.

- BG notes that extending the structure out further into the river, discussed as a possible solution to impacts on the sunken marsh, could impact river navigation. The Commission should also take note that Performance Standard E(31) of Chapter 505, Section 304.1, just passed at the April 14 meeting, specifies there are to be no docks or structures in the Cut River.
- PC asks how many properties are adjacent to that section of the Cut River that may wish to do the same thing? JR notes that a number of properties already have similar structures but others that don't. RS notes that the lot lines to the south move away from the riverbank. BO does not think there are many properties in the area that would be able to construct a similar platform.
- All discuss whether the new performance standard applies to the tidal creeks emptying into the Cut River. PC notes that the genesis of the standard was the Harbormaster wanting no structures in the Cut River itself, due to navigation impacts. AL notes that this body of water is a tidal stream that empties into the river, and thus believes that the new standard does not apply; the Commissioners concur, with BO noting that the Commission allows platforms and piers but not floats in certain creeks. PC adds there are no navigation impacts to the platform as designed. AL agrees with RS that the platform may ultimately reduce the impacts of swimmers accessing the water from the retaining wall; BO also notes that the platform will only be usable for a limited amount of time.
- BG interprets the standard as applying to all tributary creeks. PC suggests these additional details should be part of a further refinement of the standards, which is something Dave Hill of MassDEP suggested should happen. If the platform is permitted, BG suggests a condition of approval specifying no further development on the property beyond maintenance of existing structures, possibly in the form of a deed restriction. RS does not believe any further development is contemplated at the property at this time but would prefer that a restriction not be required. JR suggests that recording the Order of Conditions listing the conditions of approval may be sufficient, adding that the property seems likely to remain in the family.
- JR asks for public comments; none.
- The standard conditions of approval for dock projects will apply as applicable, including an allowance for periodic maintenance and specifying no further development of the property.
- JR motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 6-0-0.

2982 Coughlan, 310 Arrowhead Road (In-ground pool & patio).....NEW (Art)

- CH reads the legal ad. Hearing Officer AL confirms administrative requirements are complete. The hearing is continued to the May 18, 2022 public meeting at the request of applicant's representative.
- AL motions to continue the hearing to the May 18, 2022 Commission Public Meeting. SC second. Approved 6-0-0.

2976 White, 106 Preston Terrace (Replace Seawall & Construct Retaining Wall).....cont. from 4/19/2022 (Bert)

- Continued hearing. Hearing Officer BO confirms administrative requirements are complete.
- Rick Grady (RG), Grady Consulting, present for applicant. The proposed activity is replacement of a two retaining walls, one of which lies along the South River, with modular precast concrete walls. The work area lies in Riverfront (South River), LSCSF, coastal bank, and salt marsh, and is an AE10 flood zone. The replacement walls will be constructed using 3 ft. high "Vertiblock" concrete walls. Access to the work area will be over Ferry Street; mats will be used for any needed machine access.
- BG has talked with the property owner and believes the solution as proposed will avoid harm to the marsh and is preferable to revetment stones, as it doesn't further encroach on the marsh and is effectively a 1:1 replacement. He would like to see an access plan given the location of a dock that will have to be maneuvered around, as well as details regarding the matting to be used and how long they are likely to be needed. RG estimates two weeks construction time, as the wall parts are prefabricated and won't take long to install once the base is set. Construction equipment will include a tracked excavator on mats; he will submit construction details and sequencing in writing.
- BO asks for comments from the public; none.
- Special conditions of approval include submission of access plan, precast block and matting details, and construction sequencing to the Conservation Office by noon on Friday.

- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 6-0-0.

2978 Spectrum Homes Inc., 24 Adelaide Way (Lot 14) (New Single Family Home).....cont. from 4/19/2022 (Art)

- Continued hearing; AL Hearing Officer.
- Rick Servant (RS), Stenbeck & Taylor, present for applicant. The proposed activity is construction of a single-family home on Lot 14. The lot is surrounded by wetlands with their associated Buffer Zones. The house is outside the 100 ft buffer. A shed and small section of the septic system is in the 200 ft riverfront to a tidal creek emptying into the Green Harbor River. A section of the driveway is in the 75 to 100 ft buffer, adjacent to the walking trail connecting to Conservation land.
- BG and MS observed a potential vernal pool (PVP) near wetland flag E45. RS notes that none of the wetland scientists that have inspected the area have noted it previously, and no development is proposed anywhere near it. AL adds this is the first time hearing about this issue, and asks whether verifying the vernal pool is worth the additional delay and cost given its location well outside the work area. BG notes that the PVP, if established as such, could potentially protect against encroachment by future homeowners.
- PC asks why the PVP was not identified by the previous scientists? BG indicates this specific area was not flagged, and BG and MS first saw it on their April 14, 2022 site visit. RS restates that the parcel had been flagged multiple times with multiple consultants. BG notes that correspondence in the file from Bob Gray stating he did not flag that particular area. AL notes that a continuation would be required to verify the PVP, and is inclined to close tonight given the scrutiny the area has already received by wetland scientists. BO suggests that the Commission close tonight but revisit the issue if additional work is proposed on the property; PC and AL concur. BG suggests that a notation of the potential PVP be added to the OOC.
- Town Planner Greg Guimond (GG) notes that the lot is surrounded by conservation land and suggests the placement of markers on the four corners of the property to try to forestall encroachment by the eventual owners. RS notes there are already concrete boundary markers on the four corners of the property and will add them to this site plan. GG advises the bounds are not on his copy of the subdivision site plan. RS will check and revise the plan.
- AL asks for comments from the public; none.
- Special conditions of approval will include notation of a potential vernal pool in the vicinity of flag E45 and that work in this area will require a new delineation, and submission of an revised site plan to the Conservation Office by noon on Friday.
- AL motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 6-0-0.

2980 Dorsey, 94 & 96 Marginal Street (Reconstruct #94 & 2nd Story Addition #96).....cont. from 4/19/2022 (Bert)

- Continued hearing; Hearing Officer BO confirms administrative requirements are complete.
- Rick Servant (RS), Stenbeck & Taylor, present for applicant. RS notes that 94 and 96 are considered one parcel for permitting purposes, and the project was permitted by ZBA as one project. An AE13 flood zone clips the back corner of the house, and both parcels are within the 100 ft buffer to saltmarsh. The proposed activity is (1) reconstruction of #94 within the existing footprint, including installation of flood vents in the foundation and new rear porch; and (2) adding a second story and new front and rear decks to #96. The work will increase impervious surface on the lot by 194 sq ft.
- BG suggests the posting of six (6) conservation markers in back of the yard; PC suggests the placement of three (3) conservation markers at the lot corners and middle of the yard is sufficient. The Commissioners also agree to a proposed special condition prohibiting the use of chemical fertilizers, pesticides, fungicides, or insecticides.
- BO asks for comments from the public; none.
- Special conditions of approval include the posting of three (3) conservation markers at the two lot lines and middle of the back yard, as well as no use of chemical fertilizers, pesticides, fungicides, or insecticides.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 6-0-0.

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

- Continued hearing; JR Hearing Officer confirms administrative requirements are complete.
- Applicant Kevin Sealund (KS) present along with Rick Grady (RG), Grady Consulting. 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. 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.
- RG notes that activity since the last meeting has involved revising the plan set to reflect the new development as an Open Space Residential Development; this has involved moving lot lines away from the resource areas and will ultimately result in less disturbance. Storm water for the OSRD will be through a constructed storm water wetland, which will allow for additional pollutant removal. RG thanks BG, JR, and the Planning Office for their cooperation in finalizing the project.
- JR notes that KS and Gabriel Padilla (GP) have been very easy to work with. They have received feedback from Town Engineer Rod Procaccino (RP) and Planning Board peer review engineer Patrick Brennan (PB), both of whom had no issue with the storm water system as proposed. Applicant has offered to post a \$10,000 surety bond to be held by the Commission until they receive and record their Certificate of Compliance.
- Planner Greg Guimond (GG) advises that the Planning Board's public hearing for the subdivision will resume and possibly close next Monday night; at that point, another public hearing for the OSRD will open; the special permits for the OSRD and Water Protection District could be voted upon at the following PB meeting.
- BG adds that he has received feedback from MassDEP and Town Counsel regarding the deed restriction required under 310 CMR 10.58(4c)2b(vi), limiting alteration/expansion for lots 21, 20, and 19, which are in the Riverfront area. BG also reads the proposed conditions of approval into the record, addressing the granting of a variance for sections of the roadway inside the 75 ft setback, \$10,000 surety bond pending completion and recording of the subdivision Certificate of Compliance, deed restriction for lots 19-21, posting of twelve (12) conservation markers as noted on the site plan, maintenance of rain gardens and submission of monitoring reports, plus the standard subdivision conditions of approval. BG will review the conditions of approval with GG before issuing the OOC.
- KS notes that the timing of the open space donation to the Town needs to be set, and would like it to happen when work is about 50% complete and after all the infrastructure is in place. GG notes that this typically takes place prior to the beginning of construction but he can consult with PB members about a different timeframe. GG notes that a conservation restriction on the land donation will be required as a condition for the special permit, but they also want to ensure that bog operations can continue, and anticipate this being written into the CR; this would likely entail a lease agreement being approved by the Select Board. BO notes there will need to be a contingency plan in case an operator can't be found and the bog is decommissioned, but CH adds that the Commission's preferred outcome is for the bog to stay in production.
- BO asks GG if Planning will require fencing along the back of the lots? PB has not yet discussed this, but GG believe it is less of a concern given the reduced size of the lots and the lawn restrictions built into the development's location in the Water Protection District.
- JR motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 6-0-0.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

1743 Walker, 459 Highland Street [COC]

- BG recommends tabling, as no new documentation has been submitted.
- CH moves to table the matter to the May 18 public meeting. PC second. Approved 6-0-0.

2322 Gray, 249 Bay Avenue [EXT]

- BG recommended issuance of the EXT. Implementation of the conditions of approval has been delayed due to the need for permission to make plantings on state-owned property. Attorney Adam Brodsky has been in touch with the state DCAM and anticipates approval in short order.
- CH motions to issue a three-year extension, to May 2, 2025, for OOC SE42-2322. SC second. Approved 6-0-0.

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)

ADJOURNMENT – CH makes a motion to close the hearing at 9:32 PM. JR second. Approved 6-0-0.

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