

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. JR second. Approved 6-0-0.

MINUTES Tabled

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.
- CH notes that the Commissioners, as volunteers appointed by the Select Board, make a commitment to serving the town in a respectful and professional manner. Civil discourse is essential to maintaining the integrity and credibility of the Commission, and to encourage future volunteers to offer their time.
- CH notes with regret that this will be Commissioner PC's last meeting, and thanks him for contributing his time and expertise to the Commission. BG notes that PC has been a valuable resource, especially for dock projects, and an effective and diplomatic communicator.

BUSINESS

B1 *de minimis* activity Roll/Review/Ratification

a. 26 Olympia Road, Deck on Sonotubes in AO3 – Commissioners

- The proposed activity is the construction of a deck in LSCSF. Commissioners PC, SC, and BO reviewed and agreed that the activity was *de minimis*. MS recommends approval with the condition that applicant seek all pertinent permits prior to the start of work.
- CH notes that this project will require a Building permit. BO adds that, in approving the activity as *de minimis*, he made the additional comment that construction details should be up to the Building Commissioner.
- CH motions to approve the proposed deck construction as *de minimis* with special conditions as noted. SC second. Approved 6-0-0.

B2 220 Careswell Street (tree cutting/pruning) in buffer zone (DMA vs. RDA) – Kyle Gavoni & Commissioners

- The proposed activity is the pruning of tree branches. The trees themselves may be on adjoining Conservation land, but the branches are leaning over applicant's roof and causing damage. Given the uncertain location of the trees, BG recommended that the Commission allow applicant Kyle Gavoni (KG) to cut back the branches around his roof. KG notes that these branches are also giving squirrels access to the open space below the roof.
- KG notes that, although he is only asking to trim the branches at this time, Johnson Landscaping Service has recommended that the trees be removed. BG notes that in the past, hazard trees on Conservation land were removed by the DPW, but they have been selective in terms of which trees they would remove. In the absence of a specific tree policy, BG recommends that the pruning be approved as a *de minimis* activity but that removal require the filing of an RDA plus permission of the Commission. BG would like a policy to be developed regarding the removal of hazard trees on Conservation land.
- CH notes that Wildlands Trust has a CR on the property, which would add a layer of complication. AL supports approval of the pruning as a DMA, but would like a delineation of where the trees are actually located with any

request to remove them. SC notes that the CR should be on file in the Conservation Office, and can be checked to confirm that removal is allowed, which it generally is in emergency situations.

- CH motions to approve the trimming of the overhanging tree branches as a *de minimis* activity. AL second. Approved 6-0-0.

SCHEDULED CONTINUED HEARINGS

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

- The applicant requested a continuation to the 07/20/2022 meeting in writing.
- CH motions to continue the hearing to July 20, 2022. PC second. Approved 6-0-0.

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

- The applicant requested a continuation to the 08/17/2022 meeting in writing.
- CH motions to continue hearing to August 17, 2022. JR second. Approved 6-0-0.

2977 Marshfield Hills Realty Trust, 2205 Main Street (Replace Boat Ramp).....cont. from 5/3/2022 (Bert)

- The applicant requested a continuation to the 07/20/2022 meeting in writing.
- CH motions to continue the hearing to July 20, 2022. AL second. Approved 6-0-0.

PUBLIC HEARING

22-19 Nelson, 6 Frisbie Road (Replace Shed).....NEW (Rick)

- CH reads the legal ad. Hearing Officer PC confirms administrative requirements are complete.
- The proposed activity is the replacement of an existing 8' by 12' shed with an 8' by 14' shed in a slightly up-gradient location in previously disturbed land. MS visited the site on 6/10 and recommends approval with a condition requiring the placement of conservation markers.
- The standard conditions of approval apply along with a special condition requiring placement of four (4) conservation markers along the current edge of lawn, with Conservation staff guidance.
- 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.

2988 Zoblocki, 208 Foster Avenue (Replace pervious patio, install new patio).....NEW (Susan)

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- The proposed activity is installation of a 15' by 15' pervious patio, replacement of an existing brick walkway with pervious materials, and addition of gravel to an existing driveway. The property is located within barrier beach, coastal dune, and LSCSF (VE19) flood zone. Applicant's contractor adds that property owner is interested in adding native, salt-tolerant beach grass plantings along the edge of the patio.
- MS visited the property and states that the project will be an overall improvement over existing conditions given the proposed use of pervious materials.
- SC asks for comments from the public; none.
- The standard conditions of approval apply along with a special condition allowing for the planting of native salt-tolerant herbaceous and shrub species with Conservation staff guidance.
- SC motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 6-0-0.

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

- Hearing Officer PC confirms administrative requirements are complete.
- Rick Servant (RS), Stenbeck & Taylor, present for applicant. The proposed activity is the extension of an existing dock at 64 Little's Lane in order to get the float into deeper water, as the current dock is unable at certain tides. This will require a 63' extension from the end of the current dock comprised of three sets of greenheart piles 20 ft apart. The existing gangway and float will be reattached to the end of the extended dock, and stabilizer beams will be used to stabilize the float in the current. They have worked with Harbormaster Mike DiMeo (MD) to ensure

there is sufficient depth beneath the four corners of the dock. They have also received comments from MD and DMF, and paid the required shellfish mitigation fee.

- BG notes that several filings at this property preceded this one: SE42-1577 for a path and fence through a wooded area on the property, SE42-1724 for a walkway and part of the pier system, and SE42-2340 for changes in the dock structure. A 2005 ZBA Grant of Special Permit special condition requires that no boat will be moored or docked to the structure, and a second 2011 ZBA Grant of Special Permit approved the plan referencing a kayak and canoe ramp. Building Commissioner Andrew Stewart (AS) submitted comments including observations that deterioration in the pile support structure would require modification to the ZBA special permit.
- BG suggests that the proposed extended dock may not meet the requirements of Performance Standard 1 in the Chapter 505 bylaws, which holds that *No dock or pier shall extend further from the shore (mean high water mark) than a point equal to one half the lot's water frontage measured as a straight line between the lot's waterfront corners*. RS notes that the water frontage is 110 ft., making the limit 55 ft. from mean high water. RS adds it is not clear whether the Bylaw includes the gangway and float in its calculations, and the dock extension was designed the way it was in order to meet the minimum depth requirement for the float.
- PC notes that from his perspective, permitting dock projects are primarily about looking at the performance standards, and Standard 1 was written to ensure the safety and navigability of the channel. Given the current measured depths beneath the pier, PC suggests that there may be room to move the float back while still ensuring sufficient depth beneath the four corners of the float. PC adds that the Bylaw also specifies that *All floats including vessels, shall maintain a 4/1 setback from established navigation channels and anchorage areas*, and this standard was not addressed, although the river is fairly wide where the existing dock sits.
- JR would like to know options for resolution if the required distances are not met, as the standards themselves seem clear. PC suggests that the hearing be continued to allow RS to make the necessary calculations; he is open to some mitigation proposals. RS notes that Harbormaster DiMeo indicated the proposed location was good for navigation at the site visit, but is open to possible mitigation and would like examples of recent projects where mitigation was incorporated. CH would also like to know if the Commission has ever waived a requirement in exchange for additional shellfish mitigation.
- All present discuss the specific requirements and intent of Performance Standard 1. PC notes that the standard was rewritten based on the standards used in other towns to control dock proliferation. PC uses the site plan image to estimate where the float must be in order to meet the performance standard; it appears that the proposed location meets the performance standard. After further discussion, the matter is continued to allow RS to add performance standard calculations to the site plan.
- BO notes that the existing permitted dock is on stops which is not allowed under the revised regulations and suggests that the new location would be better for the resource area.
- BG would like to know the outcome of the ZBA hearing before the next Commission hearing.
- PC motions to continue the hearing to July 6, 2022. JR second. Approved 6-0-0.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

1743 Walker, 459 Highland Street [COC]

- Tabled, as no information has been submitted.
- CH motions to table the matter to July 6, 2022 and until the after-the-fact NOI is submitted and approved. AL second. Approved 6-0-0.

1917 Francis, 13 South Street [COC]

- MS visited the property on 6/13 and noted 11 flood vents covered up with plywood. Attorney Mark Fournier (MF), representing applicant, advised he would provide photos of the uncovered vents along with the required letter from the RPE or RPLS; these have not been provided to date.
- CH motions to continue the matter to July 6, 2022 pending receipt of the additional required documentation. JR second. Approved 6-0-0.

2369 MacGrath, 21 Stonybrook Road [COC]

- MS visited the property on June 13 and observed the patio to be smaller than originally approved, and a deck was installed abutting the structure. An updated As-Built Plan depicting these changes, as well as the seven (7) conservation markers on site, was provided on June 17.

- CH motions that the Commission approve a complete Certificate of Compliance with Ongoing Condition as follows: The seven permanent Conservation Markers inscribed with Red and White “Marshfield Wetland Resource No Disturbance” on 4” by 4” rot-resistant pressure-treated, cedar or equivalent posts depicted on the final approved As-Built Plan dated June 17, 2022 prepared by Merrill Engineers and Land Surveyors signed & stamped by Dana Altobello, RPE are to remain posted in the field in perpetuity; damaged or decayed conservation posts and markers shall be replaced; any activity such as mowing, fill, or vegetative management is prohibited beyond the conservation markers. This condition remains in perpetuity. SC second. Approved 6-0-0.

2426 Marshfield Hills Realty Trust (Roht Marine), 2205 Main Street [COC]

- The Order of Conditions for SE42-2426 was issued in November of 2012 but never recorded. An amended OOC was issued in March of 2013 and was recorded. BG and BO met with project engineer Greg Morse on June 2, 2022, and the original OOC has been subsequently recorded. BG recommends issuance of a complete COC.
- CH motions to approve a complete COC for SE42-2426. BO second. Approved 6-0-0.

2773 Escobar (now Monahan), 1185 Ferry Street [COC]

- BG recommends tabling the matter; applicant has been provided the required submittal package, but no documentation has been provided to date.
- CH motions to table the matter to July 6, 2022. PC second. Approved 6-0-0.

2875 Arnold, 77 Everson Road [COC]

- MS visited the property on 6/13/22 and observed *de minimis* deviations from the Final Approved Plan, including the use of gravel instead of pavers in the driveway, and the addition of a pervious paver walkway; these are captured in the As Built plans. MS recommends issuance of the COC.
- CH motions to approve a complete COC for SE42-2875. JR second. Approved 6-0-0.

Commissioner AL recuses and leaves the meeting.

2963 Lage, 14 E Street [COC]

- BG visited the property on June 13, 2022 and observed a temporary fire pit composed of paver blocks with cut stumps acting as seats, as well as a snow fence. BG, CH, and JR agreed that the fire pit did not meet the definition of “structure” given its temporary nature and lack of solidifying features, and that the snow fence met the performance standards of 310 CMF 10.28(5)(b). Two conservation markers have also been added to the property.
- BG recommended issuance of a complete COC Certificate of Compliance with Ongoing Conditions as follows:
 - The snow fence and temporary fire pit are approved in perpetuity on the accredited land associated with the subject site (14 E Street, Marshfield, MA/Parcel Id # (M05-08-05).
 - Hand removal of invasive plants is permitted in perpetuity to promote the growth of native coastal vegetation.
 - The (2) two permanent Conservation Markers inscribed with Red and White “Marshfield Wetland Resource No Disturbance” on 4” by 4” rot-resistant pressure treated, cedar or equivalent posts depicted on the As-Built Plan dated May 12, 2022 prepared by Stenbeck and Tayler signed and stamped by Richard Servant, PLS are to remain in perpetuity; damaged or decayed conservation posts and markers shall be replaced; any activity such as mowing, fill, or vegetative management is prohibited beyond the conservation markers. This condition remains in perpetuity.
- CH motions to issue a COC for the property with conditions as noted. JR second. Approved 5-0-0.

Commissioner AL rejoins the meeting.

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)

B3 Enforcement Order (21-07)/46 Preston Terrace (Mahaney) lack of responsiveness – Commissioners

- The matter involves unpermitted fill of an unimproved road in Commission jurisdiction dating back to 2003. BG prepared an enforcement order dated December 8, 2021 and sent it to residents by certified mail, but delivery was unsuccessful after two attempts. After an attempt to hand-deliver the EO failed, BG requested the assistance of Town Counsel. Attorney Alex Weisheit (AW), KP Law, is acting as TC in place of Bob Galvin (TC) in this case as Attorney Galvin had represented the Mahaney's previously.
- After a hearing on March 15, 2022 the deadline for receipt of a restoration plan was extended to April 19, 2022 and then extended again to allow for applicants to hire a new consultant. The property has since been sold, and the owners have moved out. An As-Built plan from 2015 along with a letter requesting a "Certificate of Compliance" for a previously submitted Notice of Intent was received at the Conservation Office on May 26, 2022; applicant had prepared two NOI applications in the past but no Order of Conditions was ever issued for either.
- At the June 1 meeting, BG and the Mahaney's discussed a meeting to advance the Commission's guidance, as suggested by CH. During the meeting, the Mahaney's subsequently indicated they would work with Morse Engineering on a restoration plan. This was received on June 14, 2022. The plan proposes an L-shaped 2.5' by 2.5' crushed stone trench drain along the eastern edge of the former Mahaney property, jutting slightly eastward along Preston Terrace.
- BG notes that the late submission of the restoration plan (original deadline was June 13th) left insufficient time for the Town Engineer Rod Procaccino (RP) to review. RP stated he needs calculations to determine whether or not the plan is workable. The site plan also needs the 25, 50, and 75 ft resource area setback lines, as well as the delineator of the coastal bank and date of delineation, and confirmation that the delineator used Mass DEP policy 92-1. BG recommends a continuation to allow RP to review the design, and asks that the plan to be revised with the additional information by 12 noon, Friday, June 24th.
- Abutter John O'Leary (JO), 40 Preston Terrace, asks for a copy of the plan so he can review with his attorney; Conservation staff will provide. BG briefly reviews the plan for all present and suggests that JO contact the Conservation office after the 24th so he has the revised plan as is able to respond 12 noon, Friday, July 1st.
- BG thanks all parties for working together to advance the matter to a resolution.
- CH motions to direct the Mahaney's to revise the restoration plan to include the coastal bank delineator, delineator date, reference to MassDEP 92-1, and add the 25, 50, and 75 ft. setbacks, and provide the calculations for the crushed stone trench by 12 noon on Friday, June 24th; allowing time for JO to respond by 12 noon, Friday, July 1, 2022. JR second. Approved 6-0-0.

ADJOURNMENT – CH makes a motion to close the hearing at 8:06 PM. PC 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