

**MEMBERS PRESENT** – Craig Hannafin (CH) Chair, Bert O'Donnell (BO) Vice Chair, Susan Caron (SC), John O'Donnell, Joe Ring (JR), Ken Dodge (KD), David Good (DG), Mike Seele, Conservation Agent (MS), Bill Grafton, Conservation Administrator (BG)

**CALL TO ORDER** – CH motions to open the meeting at 6:30 PM. SC second. Approved 7-0-0.

#### **MINUTES**

- The minutes of the August 3 meeting were presented for approval.
- CH motions to accept the August 3, 2022 minutes as edited. JR second. Approved 7-0-0.

#### **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. All participants are expected to be respectful, courteous, and concise.
- Chair Hannafin announces that the Marshfield Conservation Commission Wetlands Protection Act File Notification Numbers just reached 3,000 after 49 years since inception.

#### **BUSINESS**

##### **B1 *de minimis* activity Roll/Review/Ratification**

###### **a. Connors, 95 Monitor Road (Tree Cutting/Vegetative Management) – Commissioners**

- The proposed activity is the cutting of hazard trees and vegetative management. The trees along the driveway are on Town-owned land under Commission custody, Parcel K10-14-24. Applicant also wishes to cut a patch of willow on the parcel to improve line of site and branches overhanging the rear fence. MS shows photos from his site visit and recommends approval with the standard conditions of approval. BG notes that applicant will have to work with DPW to get some of the trees cut.
- CH motions to approve the activity as a *de minimis* activity with conditions as noted. SC second. Approved 7-0-0.
- CH motions to approve the hazard tree cutting on Parcel K10-14-24. DG second. Approved 7-0-0.

###### **b. Pomerantz, 56 Bartlett's Island Way (Shed Replacement) – Commissioners**

- The proposed activity is a 1:1 shed replacement in the existing location; the new shed will be on diamond piers, which MS notes will be an improvement, as the current shed is on two pieces of lumber. CH notes that the activity will require a flood plain permit, which has already been filed, as well as a building permit.
- The standard special conditions of approval will apply.
- CH motions to approve the activity as a *de minimis* activity with special conditions as noted. JR second. Approved 7-0-0.

###### **c. Quieto, 24 Oregon Road (Generator Stand) – Commissioners**

- The proposed activity is installation of an aluminum generator stand on a concrete slab. Several Commissioners previously reviewed and approved the activity by e-mail. However, CH reads recently received comments from Building Commissioner Andrew Stewart (AS) indicating the generator is required to be elevated at least 4' above grade, and will require footings for diamond piers. The associated house must also receive a certificate of occupancy before the generator stand building permit can issue.

- All present discuss whether to rescind the approval, given that Building has stated that diamond piers are required. BG notes that approval with the standard conditions would include that applicant seek all pertinent permits prior to the start of work. The Commission can reapprove the stand if the slab is placed on diamond piers, as it would be an improvement. Another option is to deny the request pending receipt of updated plans. CH is hesitant to approve a generator stand that will not be approved by Building. After further discussion, the Commission revokes the previous approval and approves installation of a generator stand that complies with the Building Department's requirements. The standard special conditions of approval will apply.
- CH motions to revoke the prior approval of the generator stand. SC second. Approved 7-0-0.
- CH motions to approve construction of a generator stand pursuant to the requirements of the Building Commissioner. BO second. Approved 7-0-0.

**d. Harbor Park/Harbormaster (Vegetation Management at Harbor Walk) - Commissioners.**

- The proposed activity is the removal of invasive species between revetment boulders along Joseph Driebeck Way and removal of a cluster of sumac trees in the parking lot that are blocking a security camera. Harbormaster Mike DiMeo (MD) would like this to be done prior to the Lobsterfest on September 17, and will be submitting an RDA to allow for ongoing vegetative management. MS shows a photo of the work areas and recommends approval with the standard special conditions of approval.
- CH motions to approve the activity as a *de minimis* activity with special conditions as noted. DG second. Approved 7-0-0.

**e. 4 Hunter Drive/Whelan (Fallen Tree Removal from Parcel [B18-03-09]) – Commissioners**

- The proposed activity is removal of a fallen tree whose base is located on the Union Street woodland (town-owned parcel B18-03-09), as well as any other impacted trees. The tree fell onto 4 Hunter Drive, which adjoins the subject parcel; the impacted trees may also have to be removed. MS recommends approval with the standard conditions of approval, plus a special condition allowing removal of impacted trees at the Tree Warden's discretion.
- CH motions to approve the cutting/removal of a fallen tree from Town-owned land under the care and custody of the Conservation Commission (Parcel Id No: B18-03-09). SC second. Approved 7-0-0.
- CH motions to approve the activity as a *de minimis* activity with special conditions as noted. JR second. Approved 7-0-0.

**Commissioner Good recuses from the following discussion and vote.**

**B2 205 Bay Ave (Barrett now Good)/SE42-2803 (reduce SFH) DMA vs. RAOOC – Rick Servant & Commissioners**

- Rick Servant (RS), Stenbeck & Taylor, present for applicant. The Order of Conditions SE42-2803 was issued in 2019 for a raze and rebuild of an existing SFH. John Good (JG), the new owner, has made changes to the proposed new house, which is 6 ft narrower than the one previously approved, and will be on wooden piles with front and back porches with decks above. BG notes that the new plan reduces the impervious surface on the lot by 274 sq. ft. The SE42-2803 special conditions of approval still apply.
- CH motions to approve the reduction of the building footprint square footage as a *de minimis* activity to be captured on the As Built plans during the Request for Certificate of Compliance submittal. JR second. Approved 6-0-0.

**Commissioner Good rejoins the meeting.**

**B3 125 Surf Avenue/Cook (deviations-decks & landing relocations) DMA vs. RAOOC – Rick Servant & Commissioners**

- Rick Servant (RS), Stenbeck & Taylor, present for applicant. The Order of Conditions SE42-2956 was issued in 2021 for the elevation of an existing SFH, porch repairs within existing footprint, and installation of stairs, landings, and a stone driveway. Applicant would like to add a wraparound deck on 11 concrete piers and shift the locations of the landings. RS states that the deck has been approved by ZBA, and results in an increase of 386 sq. ft. of impervious surface over what was previously approved. BG has no issues with the deck but wants

to ensure applicant reaches out to the Conservation office for guidance regarding any future changes, especially any that would add more hardscape to the property.

- CH motions to approve the addition of the elevated deck on concrete footings and new location of the landings as a *de minimis* activity to be captured on the As Built plans during the Request for Certificate of Compliance submittal. DG second. Approved 7-0-0.

**B4 74 Blue Heron Way/Courchene (SE42-2864) deviation discussion DMA vs. RAOOC – Commissioners**

- The Order of Conditions SE42-2864 was issued in June of 2020 for construction of a pool, which has since been completed. The addition of a 16' by 16' wooden pool house was approved as a *de minimis* activity during the August 17, 2022 public meeting. Applicant would now like to add a 600 sq. ft. pervious patio between the pool and pool shed, and will remove a 400 sq. ft. section of driveway. He also needs to do repairs on the existing set of egress stairs.
- CH reads comments from Building Commissioner AS stating "the project has not received any final gas, electrical, or building permit inspections and has not had any inspections with the Building Department since August 6, 2020. No final or life safety inspections have been conducted on this residential swimming pool." Applicant must contact Building Department.
- JR expresses concern about segmentation, noting applicant was asked about plans for a patio at the previous meeting. BG indicates this activity is proposed and may not actually be undertaken; he has indicated to applicant that further changes will require a Request for Amended Order of Conditions or a new NOI.
- CH motions to approve the pervious patio construction, stair repair, and partial driveway removal as a *de minimis* activity to be captured on the As Built plans during the Request for Certificate of Compliance submittal. SC second. Approved 7-0-0.

**B5 10 South Street/Cutter (SE42-2915) deviation discussion DMA vs. RAOOC – Troy Cutter & Commissioners**

- The Order of Conditions SE42-2915 was issued in May of 2021 for the elevation on concrete piers of an existing SFH near the World War II Tower in Brant Rock. Based on an email from Building Commissioner AS, BG and MS visited the site on August 4, 2022 and observed that an enclosure, decking, outdoor carpeting, and furniture had been added to the area beneath the house along with an outdoor shower with flagstone steps next to the enclosed area. Several structures permitted in the original OOC, including a second story addition, deck, and porch, have not been built. Applicant Troy Cutter (TC) states the enclosure had been added to protect water pipes leading into the house; at a structural engineer's suggestion, they have added smart vents to this enclosure.
- BG shows photos of the property from the site visit. CH notes that comments from AS indicate that "Building Code requires that the area below the structure remain open and free from obstructions; no horizontal slats or enclosures of any kind are permitted below any structures in a delineated coastal dune." BG indicates that the Commission's primary concern is the openness of the subsurface, and the Building Commissioner has jurisdiction over the siding.
- TC states the main purpose of the enclosure is to insulate his water pipes, and that Building Commissioner told him to consult a structural engineer in order to "validate" the enclosure; he added the flood vents at the structural engineer's suggestion.
- JR is inclined to require a Request for Amended OOC given the scope of the deviations; SC and JO concur. JO notes the Building Commissioner's comments suggest that no siding is allowed, and would like further clarification. BO suggests that the request be tabled pending additional information from AS; CH concurs. TC asks CH what she would like to see in a letter from AS. CH would like AS to reconcile his comments to the Commission that "no horizontal slats or enclosures of any kind are permitted below any structures in a delineated coastal dune" with his statements to TC "permitting" the enclosure with flood vents. BO agrees, noting there are many houses on piles on the area but none that have done anything like this.
- CH motions to table the matter to September 21, 2022. JR second. Approved 7-0-0.

**Chair Hannafin recuses from the following discussion and vote.**

**B6 1299 Union St/McCarthy (SE42-196) pier repair DMA vs. Conservation Permit – Kevin McDonough & Commissioners**

- The Order of Conditions SE42-196 was issued in 1983 for construction of a dock and was closed out with a Certificate of Compliance. Applicant would like to replace two sunken piles in order to raise the dock back into position and repair the existing railings. MS recommends approval as a *de minimis* activity with the standard special conditions of approval. In response to a question from BO, MS indicates that the dock remains fully permitted and certified, and only repair work is proposed.
- BO motions to approve the dock repairs at 1299 Union as a *de minimis* activity with special conditions as noted. SC second. Approved 6-0-0.

Chair Hannafin rejoins the meeting.

**B7 Dock Performance Standard E(31)/Cut River discussion – Commissioners**

- Tabled.
- DG notes that a number of residents in Green Harbor were planning to participate in the discussion, and didn't learn until today that it would not be taking place. He would like residents to have as much notice as possible if a discussion has to be tabled.

**B8 Couch Beach Discussion (Conservation Restriction language revisions)– Commissioners**

- CH states that she would like the Commission to review and approve CR language specifically for the 3.45 acre camping area at Couch Beach tonight; this would not constitute approval of the entire CR. Once approved, the CR language can be sent back to Wildlands Trust for incorporation into the CR, which would come back for a final Commission vote. SC notes that the original language stated that camping would be allowed in relatively general terms; the aim of the revisions is to provide greater detail regarding allowed activities and facilities. SC and CH would like to start the review process as soon as possible, as it will take some time.
- KD asks if this kind of review is standard procedure for evaluating CRs? BO states that the Commission has never discussed a CR to this extent previously. JO notes that the new language seems to have been drafted in response to the concerns raised at previous Conservation Commission public meetings. There are a lot of interested parties and moving parts that have to be involved and considered, but at the same time, he agrees it is important to get the process moving. SC states that Wildlands Trust has the same goals with respect to the property in that they want it to be used while being protected in perpetuity.
- BG asks to be recognized. CH preserves the conversation to Commissioner input.
- CH motions to approve the amendments, as written, to pages 6, 7, and 8 of the draft conservation restriction dated February 2021, for the property identified as "off Union Street." BO second. Approved 7-0-0.

**SCHEDULED CONTINUED HEARINGS**

CH read the list of continued hearings after the Chairman's Address.

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

- The applicant requested a continuation to the 10/5/2022 meeting in writing.
- CH motions to continue the hearing until October 5, 2022. SC second. Approved 7-0-0.

**2990 Powell, 17 Oregon Road (Garage, Deck & Addition).....cont. from 7/6/2022 (Craig)**

- The applicant requested a continuation to the 9/21/2022 meeting in writing.
- CH motions to continue the hearing until September 21, 2022. JO second. Approved 7-0-0.

**2999 66 Edmund Road LLC, 0 Edmund Road (Pier, Ramp & Float).....cont. from 8/17/2022 (Joe)**

- The applicant requested a continuation to the 9/21/2022 meeting in writing.
- CH motions to continue the hearing until September 21, 2022. JR second. Approved 7-0-0.

**2996 Vacirca, 16 Wilson Road (Construction of Additions).....cont. from 7/20/2021 (Bert)**

- The applicant requested a continuation to the 9/21/2022 meeting in writing.

- CH motions to continue the hearing until September 21, 2022. JO second. Approved 7-0-0.

## **PUBLIC HEARINGS AND MEETINGS**

### **22-32 Purpura, 239 Church Street (Pool).....NEW (Craig)**

- CH reads the legal ad and, as Hearing Officer, confirms administrative requirements are complete.
- The proposed activity is installation of an above-ground pool within a 50-100 ft. buffer to a bordering vegetated wetland. There is an outstanding order of conditions SE42-2540 whose special conditions of approval have not yet been satisfied. Applicant Mike Purpura (MP) notes that the pool will be in the backyard, as close to the house as possible.
- BG estimates the pool location as 65 ft. from the wetland and indicates the project meets the criteria for an RDA, being an accessory to the primary structure. Among the conditions of approval for SE42-2540 are the posting of three (3) conservation markers along the 25 ft. buffer to Littles Creek; these have not yet been posted, and there is a chicken coop and garden inside the buffer.
- CH states she has received comments from Building Commissioner AS that the building permit was issued in error. Further, if the location places the pool in the inland wetlands district, it will require a special permit with ZBA. CH recommends that applicant check in with AS to resolve any permitting issues with Building.
- BO has no issue with the project, as proposed, from a conservation perspective; CH concurs.
- JR asks about the unsatisfied special conditions for SE42-2540? BG indicates applicants are aware of these, and a lien on their deed remains until the Order of Conditions is closed out; BG has no concerns about giving them time to address the matter.
- CH asks for comments from the public; none.
- The standard special conditions of approval will apply, including that applicant obtain all necessary permits, and a special condition requiring the placement of conservation markers on posts along the 25 ft. buffer.
- CH motions to issue a DOA, Pos. #5, Neg. # 3, with special conditions drafted by BG. SC second. Approved 7-0-0.
- After the vote, CH notes that she neglected to read the legal ad prior to the hearing. BG recommends that the vote be revoked, the legal ad be read, and then the vote be retaken.
- CH motions to revoke the previous vote to allow for reading of the legal ad into the record. JR second. Approved 7-0-0.
- CH reads the legal ad.
- CH motions to issue a DOA, Pos. #5, Neg. # 3, with special conditions drafted by BG, as per the prior testimony. DG second. Approved 7-0-0.

### **3000 Mahoney, 26 Island Street (Raze & Rebuild).....NEW (Bert)**

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Brad Holmes, ECR, present for applicant. The proposed activity is the raze and rebuild of an existing SFH. The new home will be elevated above the flood zone, on a FEMA-compliant foundation with nine (9) flood vents. The site is located fully within LSCSF, with salt marsh in back. The existing structure and the new structure encroach inside the 25 ft. buffer. The new structure will be in the same footprint except for a slightly larger deck, which will be elevated on posts; this will result in approximately 237 additional sq. ft. of structure. As mitigation, they are offering a planting plan in part of the existing lawn to create a vegetated buffer to the marsh, as well as four (4) conservation markers on posts along the edge of the mitigation area. The planting area will be roughly twice the 237 sq. ft. of additional decking.
- MS notes there is a fence in the back, and phragmites grew up to the fence, so having a planting area up to the lot line will be beneficial. BO asks if the fence is being removed; BH notes that it helps keep the phragmites at bay, but they could remove it if the Commission wished. BO would prefer to keep the fence if it holds back the phragmites. BG agrees that keeping the fence would help protect the planting area. BG indicates that the proposed foundation is acceptable, as the property is not in barrier beach/coastal dune.
- BO asks for comments from the public; none.
- The standard special conditions of approval will apply plus special conditions requiring submission of an elevation certificate, posting of four (4) conservation markers as set forth on the Final Approved Plans, and two years of mitigation planting monitoring, with 75% plant survival required.

- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. DG second. Approved 7-0-0.

**3002 UCI Realty Trust, 20 Dog Lane (New Single Family Home).....NEW (Bert)**

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- John Zimmer (JZ), South River Environmental, presents for applicant. The proposed activity is clearing and grading associated with the construction of a new single-family home, garage and septic system, on a newly created 1.76 acre lot. A portion of the work will be inside the 100 ft buffer to a BVW he delineated; no work is proposed within the 50 ft. buffer, where conservation markers are proposed, and the home and garage are outside the 75 ft buffer. There is about 3500 sq. ft. total disturbance within the buffer zone, but most of the lot is going to be preserved in its natural shape, as the buildable area is fairly limited.
- BG notes the steepness of the lot and expresses concern that breaking up vegetation at the top of the bank will have a downgradient impact on the wetland and, to better protect it, suggests moving the most northerly conservation marker to the edge of the tree line and adding two more markers southward along the tree line. BG also notes that the elevations on the original site plan were found not to be accurate, and the revised site plan, while more closely approximating the Marshfield Flood Map contours, appeared to show the edge of the property at to 70 foot elevation to be farther away from the top of the bank than a measurement in the field indicated which appears to infer great disruption to the top of the hill than what is depicted.
- JZ replies that the property Pat Brennan's (PB) PLS stamp and signature attesting to its accuracy. The plan as proposed protects the majority of the property. BG maintains that the discrepancy between the site plan and field measurement distances warrants a closer look at the existing conditions. BO agrees that if the plan contours changed once, it may need to be double-checked again.
- BO asks if the stream that is part of the BVW near the property has been determined to be perennial or intermittent? JZ notes that the USGS map, the first-look reference, clearly shows it as intermittent but he could research further. BG states that additional data he viewed from other permits in the area suggest the stream has some riverine characteristics. If determined to be perennial, this would give the Commission some additional leverage to protect the top of the bank. JZ notes that the stream need only be shown to be dry for several days in order to qualify as intermittent, and opines the data overwhelmingly establish it to be such.
- SC asks if the updated site plan reflects a variance from ZBA? After a discussion of where the project stands in the permitting process and feedback and review from Planning and Building, CH indicates that the variance was withdrawn. KD asks if the Commission has to question the reliability of Mr. Brennan's surveys going forward. BG is not concerned, given the Commission has worked with PB for years, but maintains a second look at the bank is advisable.
- BO is not prepared to close the matter tonight, as he would like additional information. JZ is willing to stake the 50, 75, and 100 ft. buffers in the field. BG would like the edge of the road to the bank staked, as the site plan has no scale and is somewhat difficult to follow; he is especially interested in having the top of the bank identified.
- Speaking as a resident and not a consultant, William Finn (WF), 96 Dog Lane, asks the Commissioners to view the site in the field before closing the hearing, and notes that Commission jurisdiction extends up the slope even if there isn't a 200 ft Riverfront zone. Given the current drought, WF suggests that the Commission need not make a determination as to whether the stream is intermittent or perennial. BO agrees that a field visit may be helpful; JZ will measure the distance from the street to the markers.
- Andrew Schlosser (AS), 35 Dog Lane, agrees with WF that the Commission should look at the lot given the slope, as there is a lot of water on the property and it is important to protect the watershed buffer that exists there.
- BO motions to continue the hearing until 9/21/2022. DG second. Approved 7-0-0.

**3001 Vail, 53 Concord Street (Raze & Rebuild Single Family Home).....NEW (Susan)**

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- John Zimmer (JZ), South River Environmental, presents for applicant. The activity proposed is the raze and rebuild of an existing home, with the new home to be constructed on open piles. The lot lies in barrier beach, coastal dune, buffer zone to salt marsh, and AE9 flood zone. The new structure will be approximately the same size as the old, but will be slightly closer to Concord Street. Stairs and a deck will be added on both sides. Parking will be on a crushed stone driveway off Concord Street. All utilities will be above base flood elevation and there will be no

living space below it. An existing fence and shed will remain. The area beneath the house will remain open and pervious, and the project will reduce the impervious surface on the lot by 929 sq. ft.

- MS notes that the lot lies in buffer zones to two salt marshes, one next to the property and one across the street. SC notes that the project has already been approved by ZBA and received a flood plain permit. The project will be an improvement over existing conditions.
- SC asks for comments from the public; none.
- Special conditions of approval include submission of an elevation certificate; any additional ground surfacing not shown on the plan will require Commission review.
- SC motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 7-0-0.

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

- Continued hearing. Applicant's representative has requested that the current Notice of Intent be withdrawn.
- CH notes that a Determination of Applicability for the property was issued on May 3 to repave the existing parking area; this work exceeded its scope and the Commission was hoping to capture the new scope of work in the As Built Plan for the NOI.
- BG notes additionally that there are several outstanding orders of conditions for the property that were to have been closed out using the As Built Plan for the NOI. He has reached out to project engineer Greg Morse (GM), who has indicated they are working on an As Built Plan notwithstanding the withdrawal of the NOI. BG suggests that the Commission can either vote to accept the withdrawal or table the matter pending receipt of the As Built Plans.
- All present discuss how to ensure the resolution of the remaining issues on the property, including issuance of an enforcement order. BG would prefer to allow time for GM to complete and submit the As Built Plan. CH would like to accept the withdrawal but note the additional unpermitted activity for the record. BG suggests there is no conditioning for accepting a withdrawal that can compel a specific action, but notes for the record that applicant must submit an As Built Plan in order to resolve the remaining issues at the property.
- CH motions to accept withdrawal of the Notice of Intent as per the written request of the applicant's representative. JR second. Approved 7-0-0.

**2988 Ricciarelli, 1203 Ferry Street (Pier, Ramp & Float).....cont. from 7/6/2022 (Bert)**

- The applicant requested a continuation to the 10/19/2022 meeting in writing.
- CH motions to continue the hearing until October 19, 2022. JR second. Approved 7-0-0.

**2987 Bethanis, 1184 Ferry Street (Pier, Ramp & Float).....cont. from 7/6/2022 (Joe)**

- The applicant requested a continuation to the 10/19/2022 meeting in writing.
- CH motions to continue the hearing until October 19, 2022. KD second. Approved 7-0-0.

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

- The applicant requested a continuation to the 9/21/2022 meeting in writing.
- CH motions to continue hearing until September 21, 2022. DG second. Approved 7-0-0.

**REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS**

**1743 Walker, 459 Highland Street [COC]**

- Tabled pending submission of After-The-Fact NOI for unpermitted structures. The new owner has advised BG he would follow up with Stenbeck & Taylor.
- CH motions to table the matter to the September 21, 2022 meeting to allow for submission and approval of ATF NOI. KD second. Approved 7-0-0.

**1917 Francis, 13 South Street [COC]**

- Tabled at applicant's request.
- CH motions to table the matter to the September 21, 2022 meeting to allow applicant time to remove the cover below the dwelling as per Special Condition G. SC second. Approved 7-0-0.

**2460 Masse, 110 Elm Street [COC]**

- This RCOC, for installation of a drain with mitigation plantings, was originally submitted to the Commission in November 2021, along with RCOCs for two other Orders of Conditions linked to the property. At that hearing, the Commission issued complete COCs for the other two Orders but denied this RCOC due to deviations from the Approved Plans, including a small addition between house and garage (addressed in a 2014 RDA), small deck expansion, and deviations from the required restoration plan. John Zimmer (JZ), South River Environmental, has evaluated the plantings and opined that a 100% survival rate was achieved.
- At the previous meeting, BG suggested that ten (10) conservation markers be posted as mitigation for the deck expansion, and that a revised site plan be submitted to the Conservation Office, and the matter was continued to allow BG to convey these requests to project engineer Rick Grady (RG). BG advises that the revised As Built Plan has been received and 10 conservation markers posted, and recommends issuance of the COC with the ongoing condition that "The (10) ten 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 September 2, 2022, prepared by Grady Consulting, signed & stamped by Kevin Grady, RPE are to be remain posted in the field 30-40 inches above the ground surface 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 complete COC for SE42-2460 with ongoing conditions as noted. SC second. Approved 7-0-0.

**2653 Ares, 55 Central Street [COC]**

- This OOC was issued for a house addition. BG and MS visited the property and noted that the fencing permitted under RDA 18-44 was lacking a 6" gap, and a bird bath and pallet were observed past the (3) three Conservation markers. MS re-visited the site and observed that these issues had been cured; BG recommends issuance of the COC with the ongoing condition that "The (3) three 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 August 30, 2022, prepared by EET and Millbrook Survey, signed & stamped by Tom Sullivan, RLS are to be remain posted in the field 30-40 inches above the ground surface 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 complete COC for SE42-2653 with ongoing conditions as noted. SC second. Approved 7-0-0.

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

- There are discrepancies between the plan approved in 2018 and the As Built Plans, including a paver walkway in back of the house. MS visited the property on August 1, 2022 and additionally noted (1) the required conservation markers were not installed, (2) white picket fencing not on the approved plans, and (3) a pervious walkway from driveway to the patio.
- During the August 3, 2022 meeting, the matter was tabled to allow BG and MS to address these issues with applicant; BG requests a continuation to allow for more time.
- CH motions to table the matter to allow the Conservation Administrator and Agent to develop a resolution. JR second. Approved 7-0-0.

**2810 SQ Realty Trust, 24 Oregon Road [COC]**

- The original OOC was issued for a raze and rebuild, and then amended to install a full FEMA-compliant foundation to support the structure's second story. The revised As Built Plans depict an unpermitted shed in back of the property, concrete slabs near the shed, and concrete landing by the easterly door; a generator stand on concrete pad was approved as a *de minimis* activity pending adjustments required by the Building Commissioner. CH feels the additions to also be a *de minimis* activity.
- CH motions to issue a complete COC for SE42-2810. JR second. Approved 7-0-0.

**2959 O'Connor 92 Quincy Avenue [COC]**

- MS visited the site and observed that the erosion controls were still in place, markers were incorrectly affixed to the top of the posts, and propane tanks and a ramp structure were not depicted nor approved. MS advised



applicant's representative, who indicated they would address the issues and provide a revised site plan which was confirmed by Conservation staff.

- CH motions to issue a complete COC for SE42-2959. SC second. Approved 7-0-0.

## **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)

### **B9 Homsy, 987 Ocean Street (unpermitted removal in RF, BVW & buffer zone) – Chris Homsy & Commissioners**

- A significant amount of brush and small trees were cut and removed from buffer zone and resource area on this property and a neighbor's property. An enforcement order was issued, requiring preparation of a restoration plan, and the Commission indicated preference for a less comprehensive planting plan in exchange for Conservation markers at the 50 ft buffer and ongoing invasive management. A fourth revised planting plan was recently received along with NHESP comments indicating no adverse effects on habitat nor prohibited take of rare species.
- Abutter Karen Donahue (KD), 991 Ocean, has reviewed the plan with Christopher Homsy (CH) and BG, chosen the plantings to be made on her property, and has no other concerns.
- The Conservation Office is currently awaiting an updated plan with final revisions, including plant symbols and locations requested by the Commission. BG notes for the record that CH, who was present at the hearing, has been working diligently with BG to finalize and implement the restoration plan. Project engineer Robert Rego (RR), Riverhawk, has been unavailable due to a recent injury. BG suggests reaching out to Brad Holmes (BH), ECR to add the requested symbols to the plan and provide a supplemental memorandum to revision 4. The matter was tabled pending receipt of the final revisions.
- CH motions to continue the matter to September 21, 2022 pending the receipt of additional documentation. JR second. Approved 7-0-0.

### **B10 Ostrowski, 219 Ridge Road (unpermitted fill in SM) – Gilbert Ostrowski & Commissioners**

- BG, CH, and Town Administrator Mike Maresco (MM) met with property owner Jay Ostrowski (JO) regarding two truckloads of fill that had been added to an adjacent salt marsh. BG has been working with JO's father, Gilbert Ostrowski (GO), on a resolution and requested that the matter be tabled to allow them more time.
- CH motions to table the matter to allow more time to develop a solution. DG second. Approved 7-0-0.

**ADJOURNMENT** – CH makes a motion to close the hearing at 9:02 PM. SC second. Approved 7-0-0.

Respectfully submitted,  
Liz Anoja, Conservation Administrative Clerk

Marshfield Conservation Commission  
Bill Grafton, Conservation Administrator  
Mike Seele, Conservation Agent  
Craig Hannafin, Chair  
Joe Ring  
John O'Donnell  
David J. Good

Bert O'Donnell, Vice Chair  
Susan Caron  
Ken Dodge