

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

**MEMBERS NOT PRESENT** – Ken Dodge (KD)

**CALL TO ORDER** – CH motions to open the meeting at 6:30 PM. JR second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

### **MINUTES**

- The minutes of the September 7 and 21 meetings were presented for approval. No comments or suggested changes were made on the floor. BO and DG abstained from approval of the 9/21 minutes as they had not read them at the time of the vote.
- CH motions to accept the September 7, 2022 minutes as amended. JR second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.
- CH motions to accept the September 21, 2022 minutes as written. JR second. Approved 4-0-2 by roll call: BO abstain, JR yes, JO yes, SC yes, DG abstain, CH yes.

### **CHAIRMAN'S ADDRESS**

- Pursuant to Chapter 20 of the Acts of 2021 date June 16, 2021, An Act Relative to Extending Certain COVID 19 Measures Adopted During the State of Emergency regarding suspending certain provisions of the Open Meeting Law, G. L. c. 30A §18, Commission meetings will be conducted both in-person and via remote participation. Members of the public may attend in-person or may participate remotely. While an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law.
- 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, and should present new information only.

### **BUSINESS**

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

None

#### **B2 1837 Ocean Street/SE42-2992 (Transformer installation) DMA vs. RAOOC – Fred Russell & Commissioners**

- Fred Russell (FR) present for Marshfield Facilities. The Order of Conditions SE42-2992 was originally issued for the relocation of the old police station generator behind the Town Library with a self-contained above-ground diesel storage tank, to allow the library to be used as a heating/cooling center in the event of power outages. DPW would also like to install a transformer with bollards to protect all equipment from vehicle impact; Eversource will also be installing a telephone pole and a service line to underground lines leading to the system; FR advises this work is necessary for the system to function as proposed.
- BG advises that the pole installation and service lines are exempt activities under the WPA, and the underground utility line is exempt under a policy approved by the Commission at the May 3 public meeting. The transformer and bollards will be installed in Riverfront and buffer zone to BVW; BG recommends approval of the transformer/bollard installation as a *de minimis* activity with the standard conditions of approval.
- CH motions to approve the transformer and bollard installation as a *de minimis* activity, to be captured on the As-Built plans during the Request for Certificate of Compliance submittal, with conditions as drafted by BG. SC second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

### **B3 Mounces Meadow/ (Minor deviations/RDA 21-03) DMA vs. Conservation Permit – Ed Duane, Lorrie Dahlen & Commissioners**

- Lorrie Dahlen (LD) present for the Marshfield Agricultural Commission (AgComm). A Determination of Applicability was issued to AgComm in 2021 for various improvements to the property including (1) installation of an irrigation line to an existing well, (2) brush and tree trimming along the edges of the fields, (3) installation of a shed to house a generator for the well, (4) the addition of gravel to stabilize the existing parking area, and (5) plantings to provide screening between the property and abutters. LD is seeking Conservation Commission approval of several additional activities not referenced in the original filing, including the removal and temporary storage of topsoil from the parking area. LD characterizes this omission as an oversight, as the soil was discovered to be worth saving; it will eventually be used in the planting areas and garden beds, and to create a berm along the edge of the garden beds; any leftover soil will be given to the contracted farmer, Ronnie Simon (RS) who farms the larger plots. They would like to temporarily store the soil next to the garden beds for ease of distribution, which will take place before the spring growing season. They have alternate storage sites if preferred by the Commission, but this would create additional work and expense. They also will be planting spicebush along the perimeter of the property, which is native to the area.
- CH asks how much topsoil will be stored? It is about 300 cubic yards. CH also asks about a reference to recycled asphalt on the site plan? LD states she consulted with BG, who indicated the asphalt needs to be detoxified in the recycling process; CH has no issue provided the asphalt is detoxified. BO thinks temporary storage of the topsoil on the adjacent lot seems reasonable, as the lot has been previously disturbed; CH concurs. BG adds that an agricultural exemption from the WPA would apply.
- BG suggests that AgComm ensure that the recycled asphalt have no leachates, and also notes that the location of the trail head sign has shifted slightly and the parking area configuration is slightly different. LD asks if it is OK to move the sign as needed for the trucks to access the work area? CH and BG have no issue with this.
- CH motions to approve the possible sign relocation, parking area reconfiguration, and temporary topsoil storage on the adjacent wet field as *de minimis* activities consistent with the approved Determination of Applicability, DOA 21-03. JR second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.
- After the vote, Dave Gavaza (DG), 479 Union, asks if “no pet” signage would be added to the property, as they have had issues with loose dogs and several Agricultural Commissioners were agreeable to the idea. LD states that the gardeners are not permitted to bring their dogs. However, the public is permitted to walk the surrounding conservation land with their dogs. DZ notes that the Mass Audubon conservation land is marked “no pets” and asks what the difference is? CH states all Mass Audubon conservation land is marked “no pets” because much of it is habitat they are trying to protect, but Town-owned conservation land does allow pets. DZ notes that part of the land is wetland and habitat, and doesn’t want the area to turn into a dog park; several neighbors, who were unable to attend, have similar concerns. CH asks about the volume of dog walkers in the property; DZ states they have had to call Animal Control several times due to loose dogs and would prefer that the property be “no pets” given its primary agricultural use. BG thanks DZ for his feedback but notes that Mounce’s has joint uses, agriculture and recreation. If pet owners are unruly or not controlling their animals, they should let BG or the Marshfield Police Department know. BO notes that pets are required to be on leashes on all Conservation land. DZ inquiries about posting of the rules; BG believes the rules of use are adequately posted on the Commission website, and are available at the Conservation Office as well.
- Jamie Hutchinson, 499 Union Street, notes that the garden and the conservation land share one parking area, which could lead to confusion about where dogs are and aren’t allowed. LD states that Ag Comm voluntarily prohibited dogs in the garden to prevent dog waste issues but doesn’t want dogs left in the car either. All gardeners sign an agreement to follow the rules of the garden. JH asks how AgComm will be separating out gardeners from people with pets walking the property? CH and BO note there is a fence around the garden, and no dogs are allowed inside the fence. BG reiterates that residents should contact the Conservation Office or police if issues persist with loose dogs, and notes he has taken steps to increase communication between AgComm and residents, including but not limited to establishment of an annual newsletter. AgComm is before the Commission today to try to resolve issues raised by the field’s neighbors and transparently convey what the scope of work is.

- CH notes in closing that dogs are not allowed in the garden, but are allowed outside the garden if leashed. Residents should contact the Conservation Office or the Animal Control Officer if issues persist.

**B4 Red Gold Farm/SE42-2060-Deed Restriction Riverfront review/ratification – Kevin Sealund & Commissioners**

- JR notes that Town Counsel has reviewed and approved the amended draft deed restriction applying to the Riverfront area of the property; BG notes that the restriction was drafted with input from Town Counsel, MassDEP, and applicant's attorney and recommends its approval. Once approved, the document will be recorded at the Plymouth County Registry or Deeds, which in turn will satisfy one of the special conditions of the subdivision OOC. KS notes that paragraph 2 of the document provides details as to how this document replaces a previous draft.
- JR asks for comments from the public; none.
- JR motions that the Commission vote to approve the deed restriction as amended. CH second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

**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 the existing SFH. Building Commissioner Andrew Stewart (AS), BG, and MS subsequently discovered 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. At the September 7, 2022 meeting, applicant Troy Cutter (TC) stated the main purpose of the enclosure was to insulate his water pipes, and the matter was tabled pending further discussions with the Building Commissioner.
- TC states that the enclosure around his pipes is coming down and is about 25% done. He would like to know what they might be able to put up to replace the privacy paneling surrounding the area beneath the house, as they have two dogs and two small children to keep out of the road. CH understands TC's concern but doesn't believe the area beneath the house can be enclosed and must remain open; BG concurs. TC asks if they can put up fencing around the yard; CH indicates that conservation and building permits would be required. BG suggests that TC check with Building Commissioner as to what kind of fencing they would allow; any fencing must have breakaway capacity in the event of flooding. TC will consult with AS, and requests a continuation to November 2.
- CH motions to table the matter to the November 2, 2022 public meeting to allow applicant and consultant time to provide a revised site plan and memo detailing any deviations especially to the approved subsurface affecting the approved impervious areas. JR second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

**SCHEDULED CONTINUED HEARINGS**

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

- The applicant requested a continuation to the 10/19/2022 meeting in writing, to allow time to respond to Town Counsel's opinion on the Myers property.
- CH motions to continue the hearing until October 19, 2022. JR second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

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

- The applicant requested a continuation to the 10/19/2022 meeting in writing.
- CH motions to continue the hearing until October 19, 2022. SC second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

**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. JR second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

**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 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

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

- The applicant requested a continuation to the 10/19/2022 meeting in writing.
- CH motions to continue the hearing until October 19, 2022. SC second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

**3004 McHugh, 3 Minot Street (Elevated Deck).....cont. from 9/21/2022 (Bert)**

- The applicant requested a continuation to the 10/19/2022 meeting during the 9/21/2022 Public Meeting.
- CH motions to continue the hearing until October 19, 2022. JO second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

**30 Veiga, 12 Gilbert Street (Reconstruct Revetment).....NEW (Bert)**

- The applicant requested a continuation to the 10/19/2022 meeting in writing. DEP file number is still missing. Natural Heritage and Endangered Species MESA review is required which typically takes 30 days.
- CH motions to continue the hearing until October 19, 2022. JO second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

**PUBLIC HEARINGS AND MEETINGS**

**22-33 Harbormaster, 200 Joseph Driebeek Way (Vegetative Management).....cont. from 9/21/2022 (Joe)**

- Continued hearing. Hearing Officer JR confirms administrative requirements are complete. CH reviews the procedure for public hearings, noting there should be no crosstalk. Speakers will be recognized by the Hearing Officer, including BG, and comments should be made to the Hearing Officer or Chair.
- JR notes that the subject filing is a proposal to trim about 3' of phragmites and other invasives back from the perimeter of the Harbor Park area and along the fence running down Driebeek Way. This is a distinct project from a previous one that involved the Dredge Spoils Area (DSA) behind the Harbor Park parking lot.
- BG advises that in response to resident complaints about coyote issues referenced at the last hearing, he contacted the Mass. Environmental Police, which advised they would defer to Mass. Wildlife's opinion as to whether the cutting would result in further wildlife displacement. Harbormaster DiMeo (MD) then reached out to Mass. Wildlife and received a reply from regional rep. Jason Zimmer (JZ) advising that coyotes range extensively, and their behavior and location varies by season and whether or not they are rearing juveniles; they are highly mobile and not limited to a small area. JZ stated that the cutting of the plants along the park "would not have a discernible impact" on displacing the coyotes and other wildlife; a copy of JZ's response is available as public record.
- Prior to receiving public comments, CH reiterates that speakers should give their name and address, and comments should not be duplicative.
- Diane Jordan (DJ), 15 Bancroft Street, thanked the Commission for listening to abutter concerns at the public hearing; DJ then reads excerpts from the Commission's mission statement and values statements, noting that the Commission seeks to protect the Town's natural resources and listen to resident concerns. DJ states if the Harbormaster wishes to manage the vegetation, he's doing it wrong, as cutting phragmites at the wrong time and to the wrong height can increase their depth and strength, and such management has to be part of a long-term management plan. The best time to cut them is mid-July, to a specific height, and then apply herbicide, which would kill the other plants in the area. DJ suggests that the plan is more about "a sneaky way to change the landscape at the Town Pier" and expand the parking lot, and further states that phragmites provide "superior wave and surge damage control" and flood protection to shorter native grasses; they also provide protection from wind, so leaving the phragmites could potentially protect property in the area. DJ also states that birds more commonly nest in invasive phragmites than in native grasses, and other species prefer them as habitat. At this point, JR notes that DJ has gone over the 5 minute limit for speakers; he will take any additional material she wishes to add to the file and get back to her after hearing other resident concerns.

- Eric Murphy (EM), 252 Ocean Street, states that he has a wildlife management background; coyotes are not the issue, but if they leave due to habitat destruction, the area will be overrun with prey species such as rats and mice. EM claims cutting the perimeter of Harbor Park to improve the view will remove coyote habitat that helps keep the rodent population in check. EM also states a letter was written to the Commission from the Board of Health; BG does not recall seeing a letter from BOH, but he spoke to the BOH director recently and showed him a video of the previous Commission public hearing so he could comment in turn. EM reads from what he states is a letter from the Board of Health stating they had received numerous rat complaints across Marshfield over the summer months, but can't say whether one particular area is a problem. EM states he has been working in pest control for years and never had rat jobs in Marshfield until very recently. If the project goes forward, it will increase rodent issues in the area, and the Commission should not permit the cutting; "vista view is not an option" for the park.
- Cecilia Delgadillo (CD), 109 Genevieve Lane, notes that she has a property on Sanibel Island that was protected from Hurricane Ian's storm surge by mangroves and suggests the phragmites could play a similar role. The mangroves also provide bird and wildlife habitat. SD also questions whether removing the phragmites might raise flood insurance rates in the area.
- Maribeth Conroy (MC), 16 Linwood Street, states she has noticed an increased population of mice recently, and the flooding at the end of her street due to recent rains has increased. She can also hear increased traffic since the DSA was cut, and kids ride dirt bikes in there. "Why take all of that out of there when it's doing so much good?" JR notes that the DSA cutting is a separate issue from this filing. This request is to trim around the fence and around the perimeter of Harbor Park. BG agrees, stating the area MC is referencing is separate and not part of this project; the park area to be cut is relatively thin.
- Walter Greany (WG), 95 Old Barn Path, asks where the wetlands are relative to a tree proposed to be cut? BG describes the wetland delineation and buffer zones in the area. The tree is about 65 feet from the wetlands. WG asks about the wetland delineation? BG indicates the delineation was done by a qualified wetland scientist who evaluated the plants, soils, and hydrology of the area. BG reviewed based on Ch. 505 criteria which is 50% or more of wetland indicator species. WG asks whether any soil analysis was done? BG states that this delineation was taken from the DSA project/SE42-2929 for purposes of establishing the wetland line only for the current RDA; soil sampling in the DSA is being handled separately and is a separate issue; a soil survey is not required for this project or for most projects. CH states the area was probably delineated using vegetation, and a specific soil analysis was likely not done at that location. WG suggests delineations should default to soil analysis given that wetland plants can be found outside of wetlands. BG states that Chapter 505 of the Town bylaw holds that wetland criteria are based primarily on plants, which in most cases gives greater protection than if they were based on soils, and the line in this area has been relatively consistent.
- Brian McCarthy (BM), 32 Dundee Drive, states the Harbormaster has been determined to put a parking lot in the DSA and claims it was done without appropriate permitting. BG and CH state this issue is beyond the scope of this hearing. BM states that if this project is permitted, "the next thing you know, he's going to have this whole place paved." CH replies that everything that has been done to date has been fully permitted. BM claims "he's waiting until nobody pays attention; he's going to pave over paradise."
- Madeline Daly (MD), 18 Bradford Street, states she conducted a poll on social media and got 165 "no" votes to clearing the space in Harbor Park to 4 "yes" votes, and reads several comments made on the page regarding destruction of habitat and storm control, and stating the park is fine as is.
- Joe Pecevich (JP), 25 Wilson Road, states the project should be a NOI because it is in Riverfront; BG states the project is properly submitted as an RDA; JP argues that the filing should be a NOI because the area is so environmentally sensitive. "It's assumed, under 310 CMR 58 that that area is critical" and the interests of wildlife, storm control, erosion control, etc. overrides concerns about poison ivy and how good the view is. "There is a credibility problem in this town." JR asks JP and other commenters not to repeat the same talking points? BG maintains that an RDA can be used for certain projects in Riverfront area that are previously disturbed. JP argues otherwise and claims the park should never have been permitted in the first place.
- Pamela Pristas (PP), 60 Central, states that she and other Brant Rock residents have lost trust in the Harbormaster due to other projects in the area. "We don't trust him because we have been completely blindsided with things that have been given permission." Given these trust issues, the phragmites should not be cut "for any reason", and park visitors only have to stand up to see the water.
- Marlene LaBossiere (ML), 75 Central, notes she lost her home in the January 2018 storm and wishes she had a field of phragmites to protect her property, also stating "We have no idea why the project is happening; it's a ridiculous

project”, and “what the Harbormaster wants, the Harbormaster gets,” including big trucks and ice machines along the Town pier. JR and CH note that these issues are beyond the scope of the discussion.

- Janice Dayton (JD), 28 Lowell Ave, states there are already enough scenic trails in Town, and would like the park to revert to habitat. “We’ve done a wonderful job on trails and we really don’t need this.”
- BG states he has received an e-mail from Harbormaster DiMeo (MD) requesting that the hearing be continued to October 19. Several residents object to the Harbormaster’s absence and continuation request but CH and JR state that the period for public comment is closed. BG thanks those who spoke but states the Commissioners have the right to continue the discussion if they think it appropriate. BG states the Commission’s options are to continue; deny by issuing a Pos. 1 determination, NOI required and a Pos. 5; or approve by issuing a Pos. 5, Neg. 2 determination. JR would prefer to hear from MD before a final vote.
- SC comments there is an argument to be made that removing invasive species allows native species to grow back, which would be more beneficial to the area; this is often why the Commission approves vegetative management in resource areas, and this consideration should be balanced against the resident concerns.
- JO sees four things this filing is about: (1) the invasives along the walkway along Driebeek, (2) vegetation blocking the security camera, (3) trimming for crosswalk safety, and (4) vista pruning of invasives along the perimeter of Harbor Park, which seems to be the most controversial. JO sees a safety issue with poison ivy growing along and into the walkway, a security issue with the camera being blocked, and the issue with clearing the areas along the waterway. It may be helpful for the Commissioners to consider these issues separately; BG suggests this may be a clever approach.
- DG notes he did not get his Mullin affidavit in time and is willing to recuse if appropriate. CH suggests that DG recuse for tonight and comment at the next hearing, after he has completed the affidavit. BG thanks DG for raising the issue.
- JR suggests that the matter be continued to allow the Harbormaster to address the concerns raised. Several residents again object to the Harbormaster’s absence. CH notes the Commission has no control over an applicant’s attendance. BG states Harbormaster DiMeo was in the process of seeking additional information from Division of Marine Fisheries and Mass. Environmental Police that he will bring to the next hearing. BO wishes he had known of the continuation ahead of time so residents didn’t have to come back for a third hearing. BG states he just received the e-mail. JR adds that he wanted to give the people who came tonight a chance to comment and thanks all who did so.
- JR motions to continue until October 19, 2022 to allow the Harbormaster time to address the points raised. CH second. Approved 5-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, CH yes, DG recuse.

**22-34 Daly, 86 Foster Avenue (ATF Generator Stand & Trenching).....NEW (John)**

- CH reads the legal ad. Hearing Officer JO confirms administrative requirements are complete.
- The filing is for an After-The-Fact installation of a generator stand and fencing. JO and MS visited the site and noted that applicant used the approved stand design, with diamond piers, and installed fencing to shield the generator from view. There is a sufficient gap under the fencing. JO characterizes the installation as straightforward and recommends approval with the standard conditions of approval.
- BG indicates the applicant was cooperative with Conservation staff, and notes that approval of the RDA will also close out the building permit. The standard conditions of approval will apply, including a minimum six inch gap between the fence bottom and ground.
- JO asks for comments from the public; none.
- JO motions to issue a DOA, Pos. #5, Neg. # 2, with special conditions drafted by BG. JR second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

**22-35 LaFleur, 114 Bay Avenue (Adding to Existing Fence).....NEW (Susan)**

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- The activity proposed is to expand the fenced-in area of the yard. The lot lies in the buffer zone to coastal beach. Applicant wishes to expand the area in which their dogs can freely roam; they will leave the required gap beneath the fence bottom and ground. MS notes that applicant is replacing the existing solid fencing with a picket fence, and thus the project will be an improvement over the existing conditions. DG knows the property well, and agrees

it will be an improvement. BG advises applicant to check with Building Department, as a building and flood plan permit will be required.

- SC asks for comments from the public; none.
- The standard conditions of approval will apply, including a minimum six inch gap between the fence bottom and ground.
- SC motions to issue a DOA, Pos. #5, Neg. # 2, with special conditions drafted by BG. JR second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

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

- 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 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

Commissioner Good recuses.

**3002 UCI Realty Trust, 20 Dog Lane (New Single Family Home).....cont. from 9/7/2022 (Bert)**

- Continued hearing; BO Hearing Officer. Commissioner DG recuses as he has not yet completed the Mullin affidavit for missing the last hearing.
- 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. A portion of the work will be inside the 100 ft. buffer to a BVW he delineated, but no work is proposed within the 50 ft. buffer. The previous hearing was continued to allow for staking in the field and additional site visits.
- JZ notes that he marked the trees along the 50 ft. buffer as requested; most were 6-8 inch diameter or less. JZ does not think that grading up to the 50 would have a significant impact on the root systems associated with these trees, and applicant has indicated he is willing to replace any trees lost as a result of any grading. They will be asking for a variance from the Planning Board requirement of a 125 ft. building circle due to the lot's dimensions. If it is not granted, the front of the house will be made smaller. They are also asking for variances as to the side lot line requirements. If all variances are granted, they will be able to pull the house further away from the 50; given this, applicant would like to know if the Commission would be willing to draft a letter of support for issuance of these variances. In any event, they will be looking to continue the hearing to allow them to get through ZBA.
- BO notes it is difficult to tell the 50 ft. and 75 ft. buffer flags in the field, and observed two large oaks along the 75 ft. line. BO adds that the slope just beyond the 50 is steeper than he thought, and suggests that the grading needs to be pulled back in order to ensure the slope's stability. BO also does not believe the Commission should be advocating for variances but would like to know the other commissioners' thoughts. JR agrees: "ZBA is responsible for its rules, and we should not be." SC thinks the Commission site visit discussed at the previous hearing should go forward; CH agrees that all Commissioners should get eyes on the property. BG will work with JZ to set up the visit.
- Chris Roberts (CR), 10 Dog Ln, states he couldn't see any flags from the street; BO notes they are dark blue and hard to see, but they are there.
- CH suggests that the hearing be continued to a date that will be after the ZBA hearing so the outcomes of the variance requests are known. JZ suggests a continuation to the first November meeting; he will ask for a further continuation if the ZBA hearing hasn't happened by then.
- BO motions to continue the hearing until November 2, 2022. JR second. Approved 5-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, CH yes.

Commissioner Good returns to Public Meeting.

**3005 Crary, 76 Macomers Ridge (Replace Septic System).....NEW (Bert)**

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Paul Gunn (PG), Morse Engineering, present for applicant. The proposed activity is a septic upgrade, as the current cesspool, located 19 ft. off of a salt marsh, is in failure. There are salt marshes to the east and west of the property, which lies in an AE flood zone, elevation 15, as well as Riverfront to Macomers Creek. They are

proposing to replace the cesspool with a 1500 gallon septic tank, 1000 gallon pump chamber, and crushed stone leaching field; the components are H2O rated and designed for floodwaters. The leaching field will be located 22.8 feet off the saltmarsh; a water main running under Macombers Ridge limits options for placing the system. The new system will provide better treatment, and no grade changes are needed. Erosion control is proposed at the limit of work.

- MS notes that a deck appears to have been replaced with an uncertain permitting history, and debris and a storage container were observed on the property. The property was subject to a complaint in 2018, when storm waters scattered debris from the property around the neighborhood and saltmarsh. BG notes that the entire lot lies in Commission jurisdiction, and a flood plain permit will be required for the proposed work. PG indicates this was filed with Building this week.
- BO asks if the system is mounded? PG states that it is mounded approximately 4-6 inches. They have worked to minimize the mound size given the nature and location of the lot. BO also questions if this is truly a four-bedroom house. PG went over the bedroom count with Health Agent Gary Russell, and the house was determined to be "four bedroom". BO asks PG if he has denoted the Riverfront lines? They have identified that the entire property is in Riverfront. BO also asks why the new system was located so close to the saltmarsh. PG indicated that locations farther away would have required more fill, and the water main, which serves several houses, limits placement options.
- BG has no issues with the project as proposed, but notes that the unpermitted deck needs to be addressed, either as part of this filing or through an enforcement order. BO asks whether the floodplain permit would provide an opportunity for resolution; BG indicates this might be possible, but would prefer that resolution of the violation be part of the conditions of approval, with exact timing depending on the urgency of the septic repair.
- JO visited the site with MS and noted a lot of debris in the back; Macomber's Ridge bisects the lot and runs between the house and the septic system. BO agrees that the site needs to be cleaned up and suggests this be made a condition of approval, along with placement of conservation markers in the field by BG or MS, and submission of updated site plan to the Conservation Office.
- BO asks for comments from the public; none.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

### **3006 Eastman, 10 Marion Street (Raze & Rebuild SFH).....NEW (Susan)**

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- John Zimmer (JZ), South River Environmental, present for applicant. The proposed activity is the raze and rebuild of an existing SFH, which will be replaced with a 27' by 42.5' residence on piles, approximately 6' closer to the street. All utilities and living space will be located above the flood elevation. It will have a deck off the side and stairs off the front and back of the new structure. A patio in back will be partially removed. The lot is located in AE flood zone, LSCSF, and buffer zone to salt marsh.
- BG notes he had asked for the July 9, 2021 FEMA flood map, impervious table, and pile location to be referenced on the site plan, but overall the plan would be an improvement over the existing conditions. JZ notes the request went to his subcontractor, and asks that he be copied on all such requests going forward.
- SC asks for comments from the public; none.
- Conditions of approval will include submission of elevation certificate and updated site plan by noon, Friday.
- SC motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

### **REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS**

#### **1500 Minichino, 71 Constellation Road [COC]**

- This OOC concerns the house construction, and the filing has several unfulfilled conditions; BG has advised the attorney handling the request, and requests a continuation to allow the applicant's consultant time to respond and resolve the unsatisfied activities under special conditions A, E, and G.
- CH motions to table the RCOC until October 19, 2022. JR second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.



**1501 Keating, 115 Allan Street [COC]**

- BG noted a number of deficiencies and deviations from the Approved Plans, including an increase in garage size, change in shed location, and non-current elevation certificate. BG has advised the attorney handling the request and recommends a continuation to allow for the applicant's attorney to resolve these issues.
- CH motions to table the RCOC until October 19, 2022. JO second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

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

- An order of conditions was approved at the September 21 meeting for a number of unpermitted deviations from this OOC. BG recommends tabling this request to allow for the new OOC to be recorded.
- CH motions to issue table the RCOC until October 19, 2022. JO second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

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

- BG suggests tabling the matter to November or December to allow for preparation of an engineered plan to address the concrete subsurface.
- CH motions to issue a table COC until November 16, 2022 to allow applicant's representative to obtain a plan from a structural engineer for the removal of the concrete cover. JR second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

**2300 Minichino, 71 Constellation Road [COC]**

- This Order of Conditions is associated with the resolution of Enforcement Orders 02-01, 07-01, and 08-01 concerning unpermitted filling. A Superseding OOC has been issued by MassDEP, closing out the three EOs. BG has been in touch with the applicant's consultant, and recommends issuance of a Complete Certificate of Compliance.
- CH motions to issue a complete COC and close out enforcement orders EO 02-01, 07-01, and 08-01 concerning unpermitted filling. SC second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

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

- BG has been in touch with new owner and recommends a continuation to allow her to hire a consultant to resolve the unpermitted work.
- CH motions to table the RCOC until November 16, 2022 to allow applicant's representative to submit a proposal for resolution. SC second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

**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 9:11 PM. JR second. Approved 6-0-0 by roll call: BO yes, JR yes, JO yes, SC yes, DG yes, CH yes.

Respectfully submitted,  
Liz Anoja, Conservation Administrative Clerk

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

Craig Hannafin, Chair	Bert O'Donnell, Vice Chair
Joe Ring	Susan Caron
John O'Donnell	Ken Dodge
David J. Good	