

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

MEMBERS NOT PRESENT –Joe Ring (JR)

CALL TO ORDER – CH motions to open the meeting at 6:30 PM. BO second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, 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 purpose of this public meeting is to discuss proposed changes to Chapter 505-304.1 of the Marshfield Wetland Bylaws, governing performance standards for piers, and discussion will be limited to this specific topic.

PUBLIC HEARING

- **Proposed changes to Chapter 505-304.1**
 - CH reads the legal ad for the hearing, which was advertised on March 30, 2022, April 6, 2022 and April 13, 2022.
 - Hearing Officer, Rick Carberry (PC) notes there are currently 31 performance standards in this section, about a third of which have proposed changes. Some changes are relatively straightforward, others are more involved. The objectives of the revisions are to (1) better consider the adverse cumulative impacts of dock construction, maintenance, and proliferation as well as the resulting increased boat traffic; (2) strike a balance between allowing homeowners to use their properties and the waterways and ensuring the regulations protecting the resource areas are followed; (3) streamline the performance standards so the permitting process can be simplified; and (4) eliminate confusion where possible.
 - The process improvement for dock permitting started in 2017 by Chair Jim Kilcoyne (JK), with the publication of a dock permitting checklist and involvement of the Harbormaster's office earlier in the process. Changes since then have included a prohibition on piles in the river and floats on shoes. The latest effort has included Commissioners PC and JR, Conservation Administrator BG, Harbormaster Mike DiMeo (MD), Dave Hill (DH) of MassDEP, and Marshfield Conservation Commission consultant, William Finn (WF). This task force has looked at dock regulations in other towns with tidal rivers and flows, including Barnstable, Chatham, Essex, Newburyport, Duxbury, and others. They also referred to "A review of habitat impacts of residential docks and recommended best management practices," published by the Massachusetts DMF. Comments on the proposed changes were received from Town Counsel Bob Galvin (TC), Building Commissioner Andrew Stewart (AS), Planner Greg Guimond (GG), and local residents.
- **E. Performance Standards**
 - Standard E(1)**
 - The Task Force proposes to change the existing Performance Standard E(1) from:

Private, noncommercial docks, being structures accessory to and appurtenant to dwellings, will be permitted only on land contiguous to the dwelling being served, except where in unusual circumstances for longstanding may apply, such as where the dwelling is separated from the shore by a road.

Revised as follows:

No more than one pier shall be permitted to be constructed on any property or parcel of land zoned as Residential.

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.

All floats including vessels, shall maintain a 4/1 setback from established navigation channels and anchorage areas so as not to cause a hazard or impede navigation. The 4/1 setback formula is as follows: The outer most portion of a dock, pilings and vessel shall be a minimum of 4X the water depth measured at the mean low water mark (at the 0.00 tide) of the navigable channel from the channel's edge.

- PC notes that the 4/1 setback is based on Harbormaster Mike DiMeo's feedback and is designed to keep boats and floats away from the channels; Town Counsel (TC) made revisions as to language.
- BO states the change makes sense given the larger average size of boats in the river.
- PC asks for comments from the public.
- James Summers (JS), 1309 Union Street, comments that most of the docks in his area of the river would be out of conformance with the new standard; PC agrees there are a lot of previously permitted docks that sit on the mud. MD notes there is not much shoaling in that part of the river, and the water is relatively deep, so he is unaware of any dock projects in that area that have been denied due to river depth; PC agrees, noting that all the docks proposed for the North River have ultimately been approved.
- Lisa Messersmith (LM), 1309 Union Street, thanks the Commission for trying to improve Ch. 505 Marshfield Wetlands Protection Regulations but notes that her property includes an easement that allows a neighbor to access an existing dock on the river that the neighbor owns. She would like to know whether this revision would prohibit her from putting another dock on her property or require her to ask for a variance.
- Town Counsel discloses that he has represented interested parties in the neighborhood of Rocky Reach but will answer generic inquiries which are not conflicts. Town Counsel advises that the regulations would require that the Commission grant a waiver of the regulation for a second dock on the property, which the Commission is empowered to approve provided it is in the public interest and would not substantially derogate the intent of the regulations. PC notes that 1309 Union includes a large amount of river frontage and suggests there is sufficient room for a second dock. LM notes that not being able to build a dock would have a significant impact on the value of her property. BG suggests that creating a separate lot or parcel may be another way to allow for construction of a dock in this location.
- Joe Pecevich (JP), 25 Wilson, asks how dock length will be limited if there is not a straight line boundary? PC believes in such case, it would be defined by taking each corner of the property and drawing a straight line parallel to the river; it would not necessarily capture every curve on the shoreline.
- PC motions to amend Performance Standard E(1) as submitted. CH second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

Standard E(4)

- The Task Force proposes to change Performance Standard E(4) from:

Owners of two adjoining lots may combine frontage and erect a shared pier, provided that such agreement is recorded and/or registered with a binding perpetual agreement in the form of an easement at the Registry of Deeds.

Revised as follows:

Owners of two adjoining, residential lots may construct a shared pier, provided that such a pier is subject to a permanent Access Easement recorded at the Plymouth County Registry of Deeds and that the maximum float square footage remains limited to 200 square feet total.

- PC states that the intent of this change is to encourage residents to share docks so as to avoid overbuilding and reduce construction impacts on the marsh; the recording requirement is to avoid future legal disputes. MD notes that there are already a number of shared docks in Town.
- PC asks for comments from the public; none.
- PC motions to amend Performance Standard E(4) as submitted. AL second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

Standard E(8)

- The Task Force proposes to change Performance Standard E(8) from:

Docks shall be no less than 25 feet from the property line except when subsection E (4) is utilized to minimize dock density by combining two adjoining lots for a single dock.

Revised as follows:

Docks shall be no less than 25 feet from the property line except when subsection E(4) is utilized to minimize dock density by combining two adjoining residential lots for a single dock.

- PC notes that the only change is the addition of the word “residential” for specificity.
- PC asks for comments from the public; none.
- PC motions to amend Performance Standard E(8) as submitted. CH second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

Standard E(10)

- The Task Force proposes to change Performance Standard E(10) from:

Storage of floats, or other seasonable pier material, and boats shall not be allowed on marshes, dunes, or coastal banks.

Revised as follows:

Off season (November 1st-May 1st) storage and maintenance of floats is permitted only above the mean high-water line when the salt marsh vegetation is in its dormant phase. Any such stored items shall be anchored/secured to prevent flotation during extreme high tide events. Dragging of floats or other associated structures and equipment across salt marsh grasses or other associated species of vegetation is prohibited. Floats shall be marked with the owner’s name and silver reflective markings on all four corners.

- PC notes that the off-season storage of floats has been a long-standing practice that can lead to floats breaking free and causing damage in flood events. The proposed change seeks to reduce the risk of damage to the marsh and minimize breakaways in flood events. Local companies generally seek to secure floats in this manner, and the intent of the regulation is to capture this best management practice.
- BG shows a presentation highlighting Commission efforts and techniques to prevent salt marsh damage, including limiting the use of heavy equipment on the marsh and requiring the use of mats when such equipment must be used. The presentation includes a Verizon telephone pole replacement project within the Macomers Ridge salt marsh utilizing mats and heavy construction equipment, photos of off-season float storage areas that show no damage to the marsh and salt marsh mitigation underway in Green Harbor after a boat fire caused salt marsh die off. BG reported that during a meeting with Dave Hill of MassDEP, the respected dock expert commented favorably on this proposed change as a common-sense way to reduce the harm of a long-standing practice.
- PC acknowledges he would prefer no floats be stored on the marsh, but feels this solution acceptably minimizes the potential damage and gives additional guidance for dock owners and the companies that

service them. It may be useful to provide guidance on properly securing the floats moving forward. BG suggests that this change will allow the Commission to regulate this activity better, and suggests that guidance on storage and reflectors also be added to the Policies and Procedures guide.

- BO notes that beyond the Route 3A Bridge over the North River, a majority of dock owners likely have to store their floats in the flood zone; regulations requiring the floats to be properly secured may reduce flood damage. AL would like to see additional guidance in terms of where floats should be stored to avoid damaging the marsh. BG notes that the prohibition on dragging floats over the marsh is included as a standard condition of approval for certain projects and was adopted based on past ZBA conditions for docks. He is willing to work further with the task force on ways to further improve the regulation.
- The Commissioners discuss additional guidance regarding using king tides to move floats; WF suggests that this be added to the policies and procedures guide and conditions of approval to avoid making the bylaw overly prescriptive. MD notes that floats are generally well secured to docks and in storage, and while floats do break away in certain events, it is not a common occurrence.
- MD suggests extending the storage period to May 1 and the Commissioners concur.
- PC asks for comments from the public.
- Joe Pecevich (JP), 25 Wilson Road, would like to know how many floats are being stored on the marsh versus being pulled and stored offsite? BO couldn't tell from his own quick count, as he just looked at the GIS, but suspects the majority of them are stored on the marsh, especially in the North River area. JP comments that property owners who can afford docks can probably afford to store the floats offsite and is concerned about multi-day moves causing greater damage to the marsh. He would prefer that no float storage on the marsh be allowed, but at least would want to see AL's suggested language allowing such storage only where feasible and following standard practices and procedures. JP raises other concerns regarding enforcement and mitigation, but BG notes that the Commissioners or he can provide feedback as to proper storage areas, and additional revisions to the regulations can be made as needed to protect other buffer zone vegetation.
- John Cusick (JC), 12 Waterman Avenue, states there is already an available condition of approval specifying no float storage on salt marsh. There is a difference between the Verizon project on the marsh, which lasted for two weeks, and storage of floats for months on the marsh. JC believes storing floats for months on the marsh will in fact adversely affect the marsh beneath, and the Commission should reconsider this change to the Marshfield Wetlands Protection Regulations, Chapter 505, as private dock owners can afford to store their floats offsite. BG notes that the Verizon project involved the extensive use of heavy equipment, and damage to the marsh was avoided through special conditioning including the use of mats. Some floats are very difficult to transport to offsite storage sites.
- JP agrees that the marshes are resilient to some extent, but the storage of floats is an annual event that could have a cumulative effect. There is a very limited window of tides high enough to allow float movement without dragging the bottoms on the marsh. PC notes that local companies that move the floats are very diligent and timely in doing so.
- Joe Rossi, Chair of the PPI-CRS Committee references the Committee's comment letter highlighting the need for consistent messaging on flood hazard abatement. Removing and anchoring potential debris is a focus of their communications. BG has suggested that coordination on these issues be further discussed at a business session. As a Community Rating System (CRS) community, FEMA expects Marshfield to have high flood mitigation standards and procedures. He is encouraged that this regulation is being contemplated and looks forward to further discussion with the Commission. BG reiterates that this change is a first step and he looks forward to working to further refine the procedures.
- JS asks about the use of anti-fouling agents on float bottoms; BO does not believe these are in wide use given the growth he has observed on the floats. PC notes he is a biochemist by trade and believes most float bottoms are comprised of polyethylene. BG thanks all who provided written and spoken comments.
- PC motions to amend Performance Standard E(10) as submitted. CH second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

Standard E(14)

- The Task Force proposes to change Performance Standard E(14) from:

Floats shall be no greater than 200 square feet in size.

Revised as follows:

Floats shall be no greater than 200 square feet in size. The preferred float configuration is "T" shaped 90 degrees to the gangway.

- PC notes this change adds specificity as to the preferred float configuration.
- PC asks for comments from the public.
- Paul Armstrong (PA), 33 Reeves Rd and owner of South Shore Pile Driving, asks the reason for recommending the T configuration. PC notes this is preferred but not required. The Commission has approved projects where an angled float was needed to hit a deep water spot. Harbormaster DiMeo (MD) notes this was discussed at length by the task force; most of the docks in Town utilize this configuration.
- PC motions to amend Performance Standard E(14) as submitted. AL second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

Standard E(15)

- The Task Force proposes to change Performance Standard E(15) from:

For all Docks in A and Zones, the predicted rate of relative sea rise in Massachusetts of 2.8 feet per 100 years, shall be incorporated into the project design and construction.

Revised as follows:

During the dock system construction, any damage to any resource area vegetation shall be replicated at a ratio of up to 4:1 at the discretion of the Commission. When such replication is deemed necessary a restoration planting plan shall be submitted to the Commission for review. The plan shall be prepared by a qualified consultant approved by the Commission. The plan, the succession requirements, the implementation and the monitoring shall adhere to the expectations of the Commission.

- BG notes that the original language is proposed to be struck based on comments from Town Planner Greg Guimond (GG) that it occurs elsewhere in the regulations. PC notes the new language allows the Commission to require mitigation plantings if the resource area is damaged during dock system construction.
- PC asks for comments from the public.
- Joe Pecevich (JP), 25 Wilson Road recommends the language be amended to add "*maintenance or operational phase*". The Commissioners concur. BG and CH thank JP for the suggestion. The revised language reads as follows:

During the dock system construction, maintenance or operational phase, any damage to any resource area vegetation shall be replicated at a ratio of up to 4:1 at the discretion of the Commission. When such replication is deemed necessary a restoration planting plan shall be submitted to the Commission for review. The plan shall be prepared by a qualified consultant approved by the Commission. The plan, the succession requirements, the implementation and the monitoring shall adhere to the expectations of the Commission.

- PC motions to amend Performance Standard E(15) as edited. SC second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

Standard E(17)

- JS comments that this standard, whereby *No lighting is permitted except low-wattage lights for float visibility safety*, seems vague in its use of "low wattage," noting that modern LED lights can disrupt wildlife and nighttime navigation to a greater degree than older-style bulbs. He is willing to provide the Commission

with recommendations for language revisions to minimize such hazards. Some specific guidelines as to wattages would be helpful such guidelines have been put in place to protect turtle breeding areas. The Commissioners would like to hear additional information and recommendations; BG asks that JS send his suggestions to the Conservation Office.

Standard E(20)

- The Task Force proposes to change Performance Standard E(20) from:

Pilings shall not be used to secure floats. Floats shall be secured from the pier, or bottom.

Revised as follows:

Piles are permitted to secure floats in locations where tidal velocity is high in order to ensure a secure and safe attachment. As such, maximizing piling spacing is recommended.

Additionally, and whenever possible, floats should also be secured from the pier, gangway, or bottom.

No piles shall be driven in a location which will result in the fracturing of any adjacent bank material. The location of all piles shall be shown on any plans submitted for approval under these regulations.

- PC notes that the intent of the original language was to harmonize the standard for piers built in the North River and other locations; the North River Commission discourages the use of piles, but they are generally not needed there. Subsequently, Dave Hill (DH) of MassDEP noted that Marshfield had rivers with very high tidal velocity and suggested that piles would be needed in certain locations for safety reasons. MD strongly agrees with DH. The Commission also received feedback to this effect from local engineers. Additionally, several Town-owned piers use piles for these reasons.
- PC suggests the following addition to the amended standard: *Additionally and whenever possible, solutions for float attachments without piles are strongly encouraged. Successful methods providing secure float attachments to piers and gangways are possible, therefore reducing the cumulative adverse effects to the resources areas and habitat.* WF suggests that the second sentence is not needed; PC concurs.
- BG notes that the proposed changes will allow for safer docks in areas with high tidal velocity and reduce the risk of floats detaching in adverse weather.
- PC asks for comments from the public.
- JP asks whether the language is meant to specify driven piles? After some discussion, the term “driven” is replaced with “placed”, as there are several methods by which piles can be placed.
- JS asks if there are regulations governing the methods by which piles can be placed? BG and PC indicate this is covered in the policies and procedures guide. BG notes that the likelihood of significant or cumulative adverse effect on resource areas is the guiding principle; this gives engineers the flexibility to develop new and less impactful techniques.
- MD worries that encouraging float attachments without piles will lead to the greater use of mooring chains, which can be more impactful than pilings. PA agrees with MD that the impact of mooring chains can be more adverse than pilings. PA suggests that dock-mounted ramp systems only work in areas with essentially no current; otherwise, they eventually break and cause damage. PC notes that these concerns are why piles are being allowed. WF thinks the current proposed language captures the Commission’s intent clearly.
- The amended standard will read as follows:

Piles are permitted to secure floats in locations where tidal velocity is high in order to ensure a secure and safe attachment. As such, maximizing piling spacing is recommended. Additionally and whenever possible, solutions for float attachments without piles are strongly encouraged.

No piles shall be placed in a location which will result in the fracturing of any adjacent bank material. The location of all piles shall be shown on any plans submitted for approval under these regulations.

- PC motions to amend Performance Standard E(20) as edited. AL second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

Standard E(21)

- The Task Force proposes to change Performance Standard E(21) from:

–Non mechanized watercraft float: (Kayak float)

The minimum depth under the float shall be field measured at MLW. Depth shall be with two feet (24 Inches) at MLW in a non-shellfish designated area as defined in 505-202.5C or by the Shellfish Constable, and two and a half feet (30 inches) if the area contains shellfish as defined in 505-202.5C or by the Shellfish Constable.

Mechanized watercraft float:

The minimum depth under the float shall be field measured at MLW. Depth shall be two and a half feet (30 inches). The above depths must exist not only at the float where a boat(s) is to be berthed or used, but also between the float and the nearest navigable channel or open water.

Revised as follows:

Water depth for Floats: The minimum depth under the float shall be field measured at MLW. Depth shall be two and one half feet (30 inches) on all four corners. The above depths must exist not only at the float where a boat(s) is to be berthed or used, but also between the float and the nearest navigable channel or open water.

- BG notes that the changes are proposed for brevity and to fix a typographical error.
- PC asks for comments from the public; none.
- PC motions to amend Performance Standard E(21) as submitted. CH second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

Standard E(22)

- The Task Force proposes to change Performance Standard E(22) from:

No float or dock may interfere or impede the normal use of an existing channel, boat mooring, public ramp or landing.

Revised as follows:

No float or dock may interfere or impede the use of an existing channel, navigable waterway, boat mooring, public ramp or landing.

- BG notes that the proposed edits, striking the word “normal” and adding “navigable waterway” are for greater specificity.
- PC asks for comments from the public; none.
- PC motions to amend Performance Standard E(22) as submitted. AL second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

Standard E(25)

- The Task Force proposes to change Performance Standard E(25) from:

Use of CCA lumber for marine construction is allowed for piling, walers, stringers and cross braces for ground contact, and salt water splash in 2” x 8” and/or 3” x 6” and larger nominal dimensions until such time as the

Commission determines that suitable alternatives exist. CCA is not allowed for decking, railings, wall caps and related applications. No creosote wood.

Revised as follows:

Pilings used should be "Greenhearts" which are renowned for 3-4 times the durability and bending strength of treated pine or fir piles and contain natural resistance to marine borers and decay without chemical treatment and leeching. Use of CCA lumber for general marine construction is allowed for piling, walers, stringers and cross braces for ground contact, and saltwater splash in 2" x 8" and/or 3" x 6" and larger nominal dimensions until such time as the Commission determines that a suitable alternative exists. Cutting of CCA materials must include the use of tarps to collect and safely dispose of chips, sawdust and cuttings. CCA is not allowed for decking, railings, wall caps and related applications. No creosote wood.

- PC notes that the proposed changes reflect additional information received from MD and DH from MassDEP. The Commission does not intend to be over-prescriptive as to dock materials but, if a wooden pier is proposed, wishes to add this requirement for the sake of greater safety and durability.
- AL suggests a change in the first sentence from "should" to "must." The Commissioners concur.
- BO asks about the availability of greenhearts and would like to hear PA's feedback. PA notes he is in favor of Greenheart piles and uses them personally, but using them for pier construction beyond piles is difficult because certain pieces are hard to get. MD states his intent is that they only be required for piles to secure floats; the first sentence is edited accordingly. Additional guidance can be provided in the Policies and Procedures guide.
- PC asks for comments from the public.
- LM asks if the use of Greenhearts is a sustainable practice? PC indicates that Greenhearts are widely used and often mandated for marine construction in Europe. WF adds that they are considered a renewable resource.
- After additional edits from LM and JP, the final amended standard reads as follows:

Wooden pilings used to secure floats must be "Greenhearts" such as (Chlorocardium rodiei) that are known for being 3-4 times more durable and have a greater bending strength than treated pine or fir piles and contain natural resistance to marine borers and decay without chemical treatment and leeching. Use of CCA lumber for general marine construction is allowed for walers, stringers and cross braces for ground contact, and saltwater splash in 2" x 8" and/or 3" x 8" and larger nominal dimensions until such time as the Commission determines that a suitable alternative exists. Cutting and treatments of CCA materials must include the use of tarps to collect and safely dispose of chips, sawdust and cuttings. CCA is not allowed for decking, railings, wall caps and related applications. No creosote woods.

- PC motions to amend Performance Standard E(25) as edited. AL second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

Standard E(27)

- The Task Force proposes to change Performance Standard E(27) from:

No floats within blind (dead end) canals, and tidal creeks in salt marshes.

Revised as follows:

No floats shall be allowed within blind (dead end) canals, and/or tidal creeks. Obstruction of navigable waters, by any means, is prohibited.

- The proposed edits add a prohibition against obstruction of navigable waters.
- PC asks for comments from the public; none.

- PC motions to amend Performance Standard E(27) as submitted. CH second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

Standard E(28)

- The Task Force proposes to change Performance Standard E(28) from:

Shellfish and Resource mitigation shall be calculated with the replacement of 80 shellfish per square foot of impact for all permanent structures seaward of MHW. Seasonal floats and ramps are not to be incorporated into this calculation. Funds are to be deposited into a Marshfield Shellfish Mitigation fund, to be used exclusively for shellfish seeding.

Revised as follows:

Shellfish and resource mitigation shall be calculated with the replacement of 80 shellfish per square foot of impact for all permanent structures seaward of MHW. Seasonal floats and ramps are not to be incorporated into this calculation. Funds are to be deposited into a Marshfield Shellfish Mitigation fund, to be used exclusively for shellfish seeding, maintenance, and purchase of shellfish equipment.

- PC notes that the change adds specific language regarding the shellfish mitigation formula.
- PC indicates to LS that the fee is one-time; this is added to the Standard. The final amended standard reads as follows:

Shellfish and loss of resource mitigation shall be calculated with the replacement of 80 shellfish per square foot of impact for all permanent structures seaward of MHW. Seasonal floats and ramps are not to be incorporated into this calculation. Funds are to be deposited into a Marshfield Shellfish Mitigation fund, to be used exclusively for shellfish seeding, maintenance, and purchase of shellfish equipment. The shellfish mitigation formula is as follows: \$3.22/square foot multiplied by the square footage of the dock system. This is a one-time fee per conservation permit.

- PC asks for comments from the public; none.
- PC motions to amend Performance Standard E(28) as edited. CH second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

Standard E(29)

- The Task Force proposes to change Performance Standard E(29) from:

All new or modified dock projects need to be coordinated with the Marshfield Harbormaster including, but not limited to: access float attachment methods, float location impacts to navigation, safety, and float location impacts to Town mooring fields, Town docks, and private marinas.

Revised as follows:

All new or modified dock projects need to be coordinated with the Marshfield Harbormaster including, but not limited to: access float attachment methods, float location impacts to navigation, safety, and float location impacts to Town mooring fields, Town docks, and private marinas. Article 34 Sections 7 and 8 ratified during Special Town Meeting October 26, 2015 placing the responsibility for all marine storage equipment fees on the property owner(s) shall apply. Revisions to Article 34 Section 7 allowing the assessment of marine equipment fees within any Conservation Commission Order Of Conditions or Determination of Applicability Special Conditions was ratified during Annual Town Meeting April 22, 2019.

- BG notes that the proposed revisions add language concerning Article 34 Sections 7 and 8, which allow marine equipment fees to be assessed through Commission orders of conditions. PC notes this would

primarily apply to projects where barges are anchored in a waterway for a period of time. Mr. DiMeo notes that these situations require his office to provide alternate berthing spaces and plans to secure the barge in the event of a storm; it also provides an incentive for the contractor to finish the job as quickly as possible.

- PC asks for comments from the public.
- JP suggests minor revisions to the last sentence. The final amended standard reads as follows:

All new or modified dock projects need to be coordinated with the Marshfield Harbormaster including, but not limited to: access float attachment methods, float location impacts to 75 navigation, safety, and float location impacts to Town mooring fields, Town docks, and private marinas. Article 34 Sections 7 and 8 ratified during Special Town Meeting October 26, 2015 placing the responsibility for all marine storage equipment fees on the property owner(s) shall apply. Revisions to Article 34 Section 7 allowing the assessment of marine equipment fees within any Conservation Commission Order Of Conditions or Determination of Applicability Special Conditions approved during Annual Town Meeting April 22, 2019.

- PC motions to amend Performance Standard E(29) as edited. AL second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

Standard E(31)

- The Task Force proposes to add a Performance Standard E(31), to read as follows:

New addition as follows:

No docks or structures are allowed in the Cut River which is a historical waterway.

- WF suggests that the reference to “historical waterway” be removed, as it could apply to any of the Town’s waterways. All present discuss the intent and proper scope of the Standard. MD notes that the reason for the standard is that no dock could be constructed there that would meet the MassDEP or MassDMF performance standards. MD notes that catwalks over the river would potentially impede navigation by kayakers. BG inquires whether an access way to the river, without float or gangway, would be permissible as residents in the area are interested in building such structures. The consensus of the Commissioners is no docks or structures should be allowed in the Cut River. The amended standard reads as follows:

Revised as follows:

No docks or structures are allowed in the Cut River

- JP asks what happens to any existing structures? These would be grandfathered in if they were properly permitted as of the time they were built.
- PC asks for comments from the public.
- PC motions to adopt Performance Standard E(31) as edited. AL second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

• **Proposed change to Chapter 505-401.1**

- CH proposes that this section be amended from:

These rules and regulations were first promulgated on May 15, 1990; they have been subsequently amended on December 18, 1990, December 17, 1991, June 19, 2002, October 2, 2002, September 17, 2003, December 1, 2004, May 1, 2008, October 16, 2018, October 30, 2018, March 18, 2021 and March 7, 2022 and shall apply, as amended, to all applications and requests pending and filed after that date.

Revised as follows:

These rules and regulations were first promulgated on May 15, 1990; they have been subsequently amended on December 18, 1990, December 17, 1991, June 19, 2002, October 2, 2002, September 17, 2003, December 1, 2004, May 1, 2008, October 16, 2018, October 30, 2018, March 18, 2021, March 7, 2022, and April 14, 2022 and shall apply, as amended, to all applications and requests pending and filed after that date.

- No comments from the Commissioners and public.
- CH motions to approve the revisions discussed and edited during the April 14, 2022 Marshfield Conservation Commission public meeting including those to Chapter 505-401.1. PC second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.
- CH motions to direct the Conservation Administrator to make the revisions discussed and edited during the April 14, 2022 Marshfield Conservation Commission public meeting, and post and make the revised regulations available to the public. AL second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

PC thanks the Commissioners, BG, WF, MD, DH, JP, PA, and all residents who participated in the hearing.

ADJOURNMENT – CH makes a motion to close the hearing at 9:34 PM. PC second. Approved 5-0-0 by roll call: AL yes, PC yes, BO yes, SC yes, CH yes.

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