

MEMBERS PRESENT – Craig Hannafin (CH) Chair, Susan Caron (SC), John O'Donnell, Joe Ring (JR), Ken Dodge (KD), David Good (DG), Mike Seele, Conservation Agent (MS)

MEMBERS NOT PRESENT – Bert O'Donnell (BO)

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

CHAIRMAN'S ADDRESS

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

BUSINESS

B1 *de minimis* activity Roll/Review/Ratification

a. 12 Craddock Circle - Graff (Generator Stand) – Commissioners

- The proposed activity is installation of a generator stand bolted to a concrete pad in pre-disturbed lawn in 25 ft. buffer zone to BVW, plus a 40' utility trench. CH notes that Building Commissioner AS has no issues.
- JR asks why the stand is not placed outside the 25' buffer, which would also shorten the utility trench. MS has not received any comments or reasoning from applicants. CH suggests that the matter be tabled to relay this suggestion to applicant.
- CH motions to table the request pending query regarding moving the stand outside the 25 ft. buffer and shortening the trench. JR second. Approved 6-0-0.

B2 Red Gold Farm, 202 Moraine Street/SE42-2960 Confirm receipt of surety bond – Commissioners

- CH advises that the Town Treasurer has accepted applicant's surety bond and accompanying statement of validity.
- CH motions to approve the recorded and embossed surety bond as satisfying the special conditions within the subdivision order of conditions SE42-2960. SC second. Approved 6-0-0.

B3 Carolina Hill Illegal Access/Closure Resolution Project – Commissioners

- MS indicates that Pathfinder volunteer John Wilson would like to donate large boulders to the Commission and use them to cut off an illegal access trail from Route 3A into Carolina Hill. The Select Board will need to approve acceptance of this donation. MS denotes the location of the trail head.
- CH motions to accept John Wilson's offer to supply boulders to be used to close off the illegal access to Carolina Hill pending the approval of the Select Board per Town policy. SC second. Approved 6-0-0.

B4 Conservation Tree Policy and DPW Work Orders – Commissioners

- DPW has advised that a work order will be needed for requests to remove hazard trees from Conservation lands. MS will meet with DPW to work out a detailed procedure. Board of Public Works Chair Dave Carriere states the process should specify whether the tree is near any power lines, as this would require coordination with Eversource to handle.
- CH motions to instruct the Conservation Agent to meet with DPW to establish a hazard tree procedure. KD second. Approved 6-0-0.

SCHEDULED CONTINUED HEARINGS

- 2950 Gomes, 76 Carolyn Circle (Pier, Dock & Float).....cont. from 10/5/2021 (Joe)**
- The applicant requested a continuation to the 12/07/2022 meeting in writing; they will be responding in writing to Town Counsel's opinion on the Miers Property.
 - CH motions to continue the hearing until December 7, 2022. JR second. Approved 6-0-0.
- 3002 UCI Realty Trust, 20 Dog Lane (New Single Family Home).....cont. from 9/7/2022 (Bert)**
- The applicant requested a continuation to the 12/07/2022 meeting in writing.
 - CH motions to continue the hearing until December 7, 2022. JR second. Approved 6-0-0.
- 2958 Speakman, 274 Foster Avenue (Elevate Single Family Home).....cont. from 11/2/2021 (Susan)**
- The applicant requested a continuation to the 12/07/2022 meeting in writing.
 - CH motions to continue the hearing until December 7, 2022. DG second. Approved 6-0-0.
- 2990 Powell, 17 Oregon Road (Garage, Deck & Addition).....cont. from 7/6/2022 (Craig)**
- The applicant requested a continuation to the 12/07/2022 meeting in writing.
 - CH motions to continue the hearing until December 7, 2022. SC second. Approved 6-0-0.
- 2988 Ricciarelli, 1203 Ferry Street (Pier, Ramp & Float).....cont. from 7/6/2022 (Bert)**
- The applicant requested a continuation to the 12/07/2022 meeting in writing.
 - CH motions to continue the hearing until December 7, 2022. DG second. Approved 6-0-0.
- 2987 Bethanis, 1184 Ferry Street (Pier, Ramp & Float).....cont. from 7/6/2022 (Joe)**
- The applicant requested a continuation to the 12/07/2022 meeting in writing.
 - CH motions to continue the hearing until December 7, 2022. JR second. Approved 6-0-0.

PUBLIC HEARINGS AND MEETINGS

- 3012 Bonasia, 233 Foster Avenue (2 Additions & Stairways to SFH).....NEW (John)**
- CH reads the legal ad. Hearing Officer JO confirms administrative requirements are complete.
 - Rick Servant, Stenbeck & Taylor, present for applicant. The activity proposed is the construction of two additions over existing front and back porches, a new deck over the front addition, and three access stairways. The property is in AO3 flood zone and barrier beach, and is elevated on concrete piers. The staircases will require five new sonotubes and four 1' wide concrete slabs.
 - JO and MS visited the property; Building Commissioner AS commented that Building, flood plain, and ZBA special permits would be required. An updated elevation certificate will be required as part of the flood plain permit.
 - JO asks for comments from the public; none. The standard conditions of approval will apply.
 - JO motions to close the hearing and issue Orders of Conditions with special conditions drafted by Conservation staff. SC second. Approved 6-0-0.
- 3011 Grigg, 180 School Street (Septic System Repair).....NEW (John)**
- CH reads the legal ad. The matter is continued to the 12/07/2022 meeting due to incomplete abutter notification.
 - CH motions to continue the hearing until December 7, 2022. JO second. Approved 6-0-0.
- 3007 Pizziferri, 21 Olympia Road (Raze & Rebuild S.F.H.).....cont. from 11/2/2022 (Craig)**
- Continued hearing; CH Hearing Officer.
 - Project engineer Scott Fanara (SF), Grady Consulting, present along with applicant Kevin Sealund (KS). The proposed activity is the razing of an existing 2217 sq ft SFH and construction of a 2825 sq ft SFH in barrier beach, buffer zone to coastal dune, and AO flood zone. The matter was opened and continued due to several issues with the initial submission, including lack of impervious table and application not referencing the land as LSCSF or barrier beach/coastal dune despite a previous OOC SE42-1639 referencing the site as barrier beach.
 - SF indicates that the coastal dune is located to the northeast of the lot, and an existing maintained lawn extending to the limit of the coastal dune. The new structure is slightly larger and closer to the coastal dune;

there is an existing garage with living space above that will remain as is. SF states that the lot was developed prior to June 20, 2002, so the 25 ft buffer applies. The new structure is 41.7 ft from the dune at its closet point, with stairs 38.5 ft from the dune. A concrete foundation on storm vents is proposed.

- CH notes that applicant must file for flood plain, building, and ZBA special permits. SF states ZBA has already approved the project. CH also notes that SF attended the CZM workshop on November 4 regarding coastal dune and bank delineation, and that former Administrator Bill Grafton had opined that the lot is likely coastal dune. Applicant has provided a 2021 delineation from South River Environmental, but CH would like confirmation that the lot does not lie in coastal dune. JR thinks, based on the conversation with CZM, the lot likely lies in coastal dune; the Commission may not be able require a soil analysis but could possibly deny the request without one. CH thinks that the issues raised by BG should be addressed before a permit is issued for the project.
- KS asks what kind of testing would be required. Consultant William Finn (WF) notes that the November 4 CZM presentation referenced the 2010 Websoils survey, which will give a soil profile for the address. If applicant disagrees with the profile, they must provide clear and convincing evidence that the profile is incorrect. WF suggests that applicant pull the Websoils profile and hire a consultant to prepare a specific profile for the lot if they disagree with the Websoils profile.
- SF indicates that Grady has the ability to conduct the soil survey, and asks if any Commissioners wish to witness the tests. CH indicates she would accept photographic evidence; WF suggests that applicant also document the soil profile result on paper. The burden of proof on the applicant to prove the lot is not part of a coastal dune.
- KD asks if there are any discrepancies between the 2010 Websoils survey and the 1969 Plymouth County survey which preceded it. CH indicates that the 2010 survey mostly complements the 1969 survey by providing a more detailed account of the soils. JR's recollection from the November 4 meeting is that Websoils is a first approximation that should be followed up with a soil survey on site. +
- KS asks about the "endgame" of the new barrier beach/coastal dune performance standards; CH indicates it is protect people and property by allowing the dune to function and preventing the deflection of wave energy that occurs with "hard" solutions such as seawalls; WF notes that "piles give you better protection." CH adds vv
- SF indicates they will conduct the soil testing, and assents to a continuation to December 21.
- CH motions to continue the hearing to December 21 to allow applicant to conduct a soil survey. JR second. Approved 6-0-0.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

1074 Zailskas Family Nominee Trust, 36 Old Ocean Street [COC]

- MS noted some deviations from the approved plans, including a larger than approved pool, and unpermitted paved parking lot 12' and shed near the wetland, and recommended the request be tabled.
- CH motions to table the matter to December 21 to allow applicant to resolve the noted issues. DG second. Approved 6-0-0.

1500 Minichino, 71 Constellation Road [COC]

- This OOC concerns construction of the house. A HVAC unit needs to be elevated and an enclosure needs to be removed; Conservation staff has given applicant a punch list to complete.
- CH motions to table the matter to December 7. SC second. Approved 6-0-0.

1917 Francis, 13 South Street [COC]

- There has been no change since the previous meeting; outstanding deliverables include revised, signed, and stamped As Built plans and proof that the concrete cover beneath the house has been removed.
- CH motions to table the matter to December 7. DG second. Approved 6-0-0.

2725 Sullivan Marshfield Trust [Fortin], 70 Circuit Ave West [COC]

- Two-year monitoring of the planting plan has been completed. MS visited the site and noted that the plantings were doing well.
- CH motions to issue a complete Certificate of Compliance. JO second. Approved 6-0-0.

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

- BG met with the new owner on October 3 and advised regarding the outstanding issues; these include the need for signed and stamped as-built plans showing the three conservation markers, relocation of a fence and PVC post upgradient of the wetlands. There have been no updates since then.
- CH motions to table the matter to December 7. SC second. Approved 6-0-0.

2820 & 2820 Amended Follett, 300 Ridge Road [COC]

- MS visited the property and recommended issuance of the COC. Homeowners added beach grass beyond what they were required to plant.
- CH motions to issue a complete Certificate of Compliance. SC second. Approved 6-0-0.

2898 SCM Realty, LLC 769 Ocean Street [EXT]

- Applicant's OOC doesn't expire until January 2024, but asked for an extension beyond that date.
- CH motions to issue a three-year extension to January 2027. DG second. Approved 6-0-0.

ENFORCEMENT ORDERS

Smith, 38 Liberty Street (11/19/18 KS will set early Dec visit); White, Bednarz/ Nouza, 65 Ireland Road (Unpermitted Cutting <= 50 ft): Tamara Macuch, 237 Webster Avenue; Stifter, 102 Bartlett's Island (unpermitted revetment wall)

ADJOURNMENT – CH makes a motion to close the hearing at 7:14 PM. JR second. Approved 6-0-0.

Respectfully submitted,
Liz Anoja, Conservation Administrative Clerk

Marshfield Conservation Commission

Mike Seele, Conservation Agent

Craig Hannafin, Chair

Joe Ring

John O'Donnell

David J. Good

Bert O'Donnell, Vice Chair

Susan Caron

Ken Dodge