

MEMBERS PRESENT – Craig Hannafin (CH) Chair, Bert O'Donnell (BO) Vice Chair, John O'Donnell (JO), David Good (DG), Joe Ring (JR), Susan Caron (SC), Michael Seele (MS) Conservation Agent

MEMBERS NOT PRESENT – Ken Dodge (KD)

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

MINUTES

- None

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

- None

B2 Vote to appoint Agent Michael Seele to the PPI/CRS Committees – Commissioners

- CH notes it was originally agreed that liaison duties to the CRS Committee would be split between Commissioner JR and then-Administrator BG. The Commission appointed MS as co-liaison to the committee to take BG's place.
- CH moves to appoint MS to the CRS Committee. JR second. Approved 6-0-0.

SCHEDULED CONTINUED HEARINGS

3015 Medlin, 60 Foster Avenue (Addition, Garage & Porch).....cont. from 12/21/2022 (Susan)

- Applicant's representative requested continuation to the January 18 meeting in writing.
- CH motions to continue the hearing to January 18, 2023. DG second. Approved 6-0-0.

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

- Applicant's representative requested continuation to the January 18 meeting in writing.
- CH motions to continue the hearing to January 18, 2023. JO second. Approved 6-0-0.

3020 Laur & Baumann, 0 Ferry Street (Dock).....NEW (Joe)

- CH reads the legal ad.
- JR notes that the dock walk is scheduled for January 13, and not much can be done before then. JR suggests a continuation to February 1 to allow for the dock walk and receipt of comments from other departments.
- JR motions to continue the hearing to February 1, 2023. JO second. Approved 6-0-0.

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

- Applicant's representative requested continuation to the January 18 meeting in writing.
- CH motions to continue the hearing to January 18, 2023. JR second. Approved 6-0-0.

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

- Applicant's representative requested continuation to the January 18 meeting in writing.
- CH motions to continue the hearing to January 18, 2023. JO second. Approved 6-0-0.

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

- Applicant's representative requested continuation to the January 18 meeting in writing.
- CH motions to continue the hearing to January 18, 2023. SC second. Approved 6-0-0.

PUBLIC HEARINGS

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

- The matter was originally listed in the "Scheduled Continued Hearings" section of the agenda.
- CH motions to continue the hearing to January 18, 2023. JR second. Approved 6-0-0.
- After the vote, Attorney Adam Brodsky, representing applicants, advises he is available to speak to the project although project engineer Paul Seaberg is not. MS checks the file and locates no continuation request; CH indicates the project will be heard.
- Attorney Adam Brodsky present for applicant along with Darren Grady, Grady Engineers. AB notes that the latest site plan revision is dated November 10, 2022. The proposed activity is the replacement of an existing dilapidated pier on the lot with a new pier centrally located on the lot. The lot fronts a shallow portion of the South River, with the channel being just two feet deeper than mean low water. In order to place the float in a usable location, while maintaining setback requirements, the pier needed to be extended; the proposed pier is 127 ft with 37.5 ft ramp and 8' by 20' float.
- Applicants are requesting variances from Section 505.304.1.e.1 of the town bylaw, as the pier extends more than 1.5x the lot's water frontage, and Section 505.304.1.e.69, as they are also proposing to use float stops to guarantee a minimum 30" depth beneath the float. AB suggests that applicant is entitled to these variances, as they will have "no natural or consequential impact," and there are no feasible alternatives as set forth in their alternatives analysis.
- AB's November 17 submittal to the Commission sets forth how the project promotes the wetland values covered under the bylaw. The structure is designed to comply with the Chapter 91 engineering standards, and will use Greenheart pilings. The only CCA will be used for components above the water surface. They will conduct a shellfish survey and comply with any needed mitigation.
- BO asks MS if he is satisfied with the resource area delineations; MS has no issues. JR remembers Harbormaster DiMeo saying he was okay with the project, but there may be a float that has to be moved. AB believes that may apply to the Bethanis project (SE42-2987) in which he is also assisting. BO would like to review any written comments from the Harbormaster. MS pulls up an e-mail from Harbormaster DiMeo dated late September in which he comments on having just two feet of water at the proposed dock location. AB indicates this is why they are proposing to use float stops on the pilings: to ensure that at no point will the float be lower than 30 inches above the substrate.
- BO asks if the existing dock was ever permitted; AB does not have any information but notes they are proposing to raze and remove it as part of this project. BO would like to obtain the permitting history, if any, as this would be a factor in his decision. JR states they were not able to find documentation of the dock's age but notes Building Commissioner AS commented that the existing dock was a nonconforming structure located on a lot with no primary structure; AS believes these are zoning concerns as opposed to wetlands.
- BO asks whether the project has been in front of ZBA; AB believes they have granted a special permit. BO believes that the reason for the revised bylaw was to avoid overdevelopment of the riverfront with "docks for every lot." However, the fact that there is an existing dock on the lot is a consideration. JR views the removal of the old dock as an improvement.
- BO also asks about shellfish mitigation and if any of the regs have changed. CH doesn't know if any changes are applicable to this site. BO believes the Harbormaster weighs in regarding the needed shellfish mitigation, if any, and there is nothing in the file from on this piece. AB indicates they have no issue with a special condition requiring them to undertake a shellfish survey prior to construction and paying any mitigation required by the

Harbormaster. JR has in his notes that Harbormaster DiMeo levied a \$2200 shellfish mitigation fee for the project earlier in the process, but this should be confirmed.

- CH would like to hear from Harbormaster DiMeo confirming shellfish mitigation, and whether he is satisfied with the distance from the existing moorings. AB will reach out to Mr. DiMeo. Building Commissioner AS commented that applicant needs to apply for a floodplain permit. AB indicates they will also follow up with AS.
- BO is inclined to grant the variance requests given the very shallow conditions in that area of the South River that require (1) a longer pier and (2) the use of float stops to ensure sufficient depth beneath the float; JR concurs, noting that the accompanying removal of the old dock could be viewed as an overall improvement. If the old dock remains, a future owner may try to repair and attach a float it. BO notes that photos show the old dock to be in existence since at least the late 90s.
- BO asks for comments from the public; none.
- BO motions to continue the hearing to January 18, 2023. JR second. Approved 6-0-0.

3022 Quinn, 216 Foster Avenue (Deck).....NEW (Susan)

- CH reads the legal ad. Hearing Officer SC notes that a DEP file number has not yet been received, so the hearing cannot close tonight.
- Rick Servant, Stenbeck & Taylor, present for applicant. The proposed activity is replacement of an existing deck with a larger one on helical piles. The work area is located in LSCSF, VE19 flood zone, and buffer zone to coastal beach. RS adds that the new deck will be 489 sq. ft., sit about 1 ft. above the ground, and be in existing lawn area. The deck will stay out of the seawall easement.
- SC noted that the house is elevated on concrete piers, but the foundation is enclosed with plywood and latticework on top. As such, SC suggests that applicant reach out to the Building Department so the enclosure can be addressed, as she is concerned the deck design would change if the enclosure has to be removed. MS and BO agree this should be brought to AS's attention. Applicant indicates that the plywood was put up by the previous owner; he has no problem if he has to remove it.
- SC suggests that the matter be continued pending Building Department/Flood Plain permitting. MS reminds all that the matter has to be continued because the DEP number hasn't been issued. RS will obtain the permitting before the next Commission hearing.
- SC asks for comments from the public; none.
- SC motions to continue the hearing to January 18, 2023. CH second. Approved 6-0-0.

22-39 Ahl, 70 Carolyn Circle (Shed).....NEW (Ken)

- CH reads the legal ad and acts as Hearing Officer in KD's absence.
- MS notes that KD made a site visit. The proposed shed is located in the buffer zone to bordering vegetated wetlands and in LSCSF. CH drove by the property to see where the shed would be located. She would like to know how big the shed is, and recommends a continuance so this information can be provided.
- CH motions to continue the hearing to January 18, 2023. DG second. Approved 6-0-0.

3021 DPW, Bridle Trail Water Main (Water Main).....NEW (Craig)

- CH reads the legal ad and, as Hearing Officer, confirms administrative requirements are complete.
- Pat Brennan, Amory Engineers, present for applicant along with Town Engineer Rod Procaccino. The proposed activity is construction of a water main extending northward from CVS. The previous water feed to the south side of town, which goes under the South River, has sprung a leak; this new main will follow the Bridle Trail and cross the South River underneath an existing foot bridge. The entire work area is in the trail/bridge footprint, which is located in a wetland buffer zone. Wetlands were flagged by John Zimmer, South River Environmental. The project will reestablish the previous feed, which will back up the main feed and is needed for fire protection in the south side of town. To install the pipe, a trench will be dug in the trail right of way and covered, passing underneath the bridge.
- CH notes that the Bridle Trail was recently upgraded at some expense, and would like to minimize disturbance to the trail. PB indicates that the trail surface will be returned to its current condition when the work is concluded, adding stone dust as needed. CH also asks about the condition of the bridge; PB has examined the bridge as part of several other projects, and indicates it is in excellent condition with no rust or corrosion. BO looked at the

bridge today and agrees the girders are in good shape, but the decking and railroad ties showed some wear. PB agrees the decking may show some wear but structurally the bridge is sound. BO was on the Recreational Trails Committee when the Bridle Trail work was done and believes RTC asked if any additional work was forthcoming. He agrees that this work is needed but would like any bridge maintenance to be done at this time so the bridge can be left alone once the work is completed. RP notes that the main will pass underneath the decking; there is no work planned for the deck, but he can inquire of the Select Board, who own the bridge, about additional maintenance. BO also suggests that RP see if additional grading of the trail can be done alongside the main installation. SC has also suggested this and added that regrading at the end of the trail where it abuts CVS parking lot is to comply with ADA access. PB was aware that this needs to be done and Greg G. has informed SC that this would be addressed when the water main work was to be done.

- to RTC and Town Plan Greg Guimond; GG told her that grading would be looked at as part of this project. PB confirms they will look to even out the grading while installing the main. BO also asks that DPW shore up an eroded area of the river where kayaks used to be launched.
- CH asks for comments from the public; none.
- Special conditions of approval will require applicant to (1) shore up eroded riverbank near the bridge and (2) address grading/sightline issues; the specific language will be drafted by MS and the Commission. MS will add a special condition requiring erosion controls.
- CH motions to close the hearing and issue Orders of Conditions with special conditions to be drafted by MS. JR second. Approved 6-0-0.

Commissioner DG recuses from the following discussion and vote.

3019 Rider, 10 Idaho Street (Addition).....NEW (John)

- CH reads the legal ad. Hearing Officer JO confirms administrative requirements are complete.
- Brad Holmes, ECR, present for applicant who is also present. Applicant's lot is in LSCSF and AE flood zone, abuts a bordering vegetated wetland and salt marsh to the south, and the work area is fully within Commission jurisdiction. The proposed activity is the construction of a 180 sq. ft. addition on helical piles, in already developed land about 25 ft. from the BVW. BH indicates that he provided an impervious coverage table to MS this afternoon; the project increases the impervious coverage on the lot by about 0.65%. Erosion control will be utilized at the limit of work.
- JO notes he visited the property on Saturday, and verifies that a pump associated with the septic system will be unaffected by the work. Building Inspector AS indicates the project has a current floodplain application, received ZBA approval; there is an active building permit, and the work is not a "substantial improvement" and meets all flood-resistance building codes.
- JO asks for comments from the public; none.
- The standard conditions of approval will apply plus the D2 erosion control insert.
- JO motions to close the hearing and issue Orders of Conditions with special conditions to be drafted by MS. SC second. Approved 5-0-0.

Commissioner DG rejoins the meeting.

3017 O'Donoghue Rupp, 56 Gilbert Street (Raze & Rebuild S.F.H.).....cont. from 12/21/2022 (Susan)

- Continued hearing; SC hearing officer.
- Greg Morse present for applicant. The proposed activity is the raze and rebuild of a SFH on timber piles. No impervious ground surfaces are proposed. The work area lies in barrier beach but is just outside the flood zone, so no floodplain permit. The existing SFH is about 5000 sq. ft. Mr. Morse indicates that DEP had no comments, and ZBA reviewed and approved the project.
- SC notes that comments from AS request that the Commission determine whether the work area lies in coastal dune. GM notes they have identified it as such in the NOI application.
- MS recommends approval with the standard conditions plus the D2 erosion control insert. An elevation certificate is not needed, as the work area is outside the flood zone. GM states he did not propose erosion controls as he didn't see the need for them given that the lot is flat and no foundation is being dug. MS will remove condition D2

with the Commission's agreement. SC asks that the site plan reference barrier beach/coastal dune. GM will update.

- SC asks for the public; none.
- SC motions to close the hearing and issue Orders of Conditions with special conditions to be drafted by MS. DG 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 and shed near the wetland. There has been no action on the part of homeowner since these issues were noted.
- CH motions to table the matter to January 18, 2023. JR 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. There has been no action on the part of homeowner since these issues were noted.
- CH motions to table the matter to January 18, 2023. JR second. Approved 6-0-0.

1917 Francis, 13 South Street [COC]

- At the previous hearing, the Commission voted to allow homeowner to break up the mud floor into 4 to 6 inch pieces, fill the subspace to grade level with compatible fill, and notify the Conservation Administrator so he can verify the floor has been broken up to Commission specifications. CH believes this is in process but not yet completed.
- CH motions to table the matter to January 18, 2023. JR second. Approved 6-0-0.

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

- Outstanding issues include the need for signed and stamped as-built plans showing the three conservation markers, relocation of a fence and PVC post up-gradient of the wetlands. There have been no updates recently.
- CH motions to table the request until January 18, 2023. JO second. Approved 6-0-0.

2944 Hedin, 9 Bryants [COC]

- An OOC was issued in 2021 for the demolition of the existing SFH and reconstruction of a new house on open wooden piles. Comments from Building Commissioner AS referenced mechanical equipment not at the proper height, but MS visited the site and found all to be in order from a Conservation perspective.
- CH motions to issue a full COC for SE42-2944. JR second. Approved 6-0-0.

2787 Smith, 74 Arleita Street [COC]

- An OOC was issued in 2019 for an 18' by 15' (270 sq. ft.) addition to the end of the house and replacement of a deck. MS visited the site and found all in good order.
- CH motions to issue a full COC for SE42-2787. JR second. Approved 6-0-0.

2842 Tweed, 922 Summer Street [COC]

- An OOC was issued for construction of a dock. MS visited the site and noted that the dock was about 2' longer than proposed, but no major deviations otherwise.
- CH motions to issue a full COC for SE42-2842. SC second. Approved 6-0-0.

ENFORCEMENT ORDERS

Smith, 38 Liberty Street (11/19/18 KS will set early Dec visit); Drosopoulos, 7 Lady Slipper Lane (08/15/18 TC Final Notice); Mahaney, 46 Preston Terrace (12/12/18 BG met with TC); White, 180 Atwell Circle (Escalation letter in Process); Bednarz/ Nouza, 65 Ireland Road (Unpermitted Cutting <= 50 ft); Tamara Macuch, 237 Webster Avenue; Stifter, 102 Bartlett's Island (unpermitted revetment wall)

B3 Ostrowski, 219 Ridge Road

- Greg Morse present for property owner. The matter concerns unpermitted fill and construction of a walkway, fire pit, and shed; and beaching of a boat on the flats. An EO was issued by former Administrator BG requiring that the fill be removed and allowed to either naturally attenuate or be replanted, with the option to place coir logs to stabilize the area.
- GM notes that his office has prepared a restoration plan working with Brad Holmes, ECR. They have provided an “existing conditions” plan and BH’s mitigation plan. GM briefly discusses the existing conditions at the property, noting that there are armored embankments and stone walls on adjacent properties to either side of the lot. Approximately 72 cubic yards of fill were brought on-site and about 323 sq. ft. of saltmarsh was altered. GM thinks the activity could have been permitted, had one been applied for, through 310 CMR 10.30, which he states allow armament and construction of revetment if specifically designed to prevent damage to a house predating 1978. GM notes that the armaments on abutting properties direct additional wave energy onto this site, which was eroding as a result.
- The mitigation plan proposes leaving the wall in place, but constructing a 10 ft. planted buffer strip between four conservation markers and the stone wall, and adding saltmarsh plantings in front of the stone wall. GM believes the use of coir logs, as suggested in the EO, would not be viable in this section of the river and notes that riprap is more typically used on adjacent properties. They are willing to alter or enhance the plantings if desired.
- CH would like to know if the armaments on adjacent properties are permitted; MS is unaware of the specific permitting history; GM suggests they likely predate the existing regulations. CH is uncomfortable with permitting further armoring of the area. GM understands the concern but notes that the area, save for this house, is already armored.
- BO asks why coir logs would not be effective in the area. GM has seen coir logs used for erosion control rather than structural reinforcement. Additionally, he believes the tidal and wave action on this section of the river would overpower a soft solution such as a coir log, which is “made to break down.” Such a solution may be viable further inland.
- SC agrees that the erosion on this property was probably exacerbated by the armoring on neighboring properties. Neil Ostrowski, father of owner Jay Ostrowski, states that the wall was built in 2018 in response to ongoing erosion which caused the loss of four feet of the property. The property is exposed to a lot of wind and tidal action, and the wall has stopped flooding which taking place in the basement.
- BO asks about the diameter of the rocks in the wall; GM estimates them to range between 6 and 15 inches. JO asks what kind of armament the abutting properties have. GM describes them as stone walls. JR thinks the plantings behind the stone wall will help stabilize the area, and can’t think of an option that works better. BO note that the wall at this property is comprised of loose stone that will allow for some freedom of movement; JR thinks this in particular will prevent undermining like that which occurs with the seawalls in town.
- Conditions of approval will include three years of monitoring by a qualified wetland scientist with twice yearly reporting and 75% planting success rate required.
- CH motions to accept the restoration plan as proposed with conditions as noted and drafted by MS. JR second. Approved 6-0-0.

ADJOURNMENT – CH makes a motion to close the hearing at 8:13 PM. JR second. Approved 6-0-0.

Respectfully submitted,
Liz Anoja, Conservation Administrative Clerk

Marshfield Conservation Commission
Mike Seele, Conservation Agent and Acting Administrator
Craig Hannafin, Chair Bert O'Donnell, Vice Chair
John O'Donnell Joe Ring
Susan Caron Ken Dodge
David J. Good