

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

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

**CHAIRMAN'S ADDRESS**

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

**BUSINESS**

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

***a. None***

**B2 Land Donation, Stevens Road / Dan Jones – Commissioners**

- Mr. Jones would like to donate lot L05-27-38, 86 Genevieve Lane, to the Commission. BO believes the lot is desirable to have.
- CH motions that the Commission accept the donation of Lot L05-27-38 to the Conservation Commission. SC second. 7-0-0.

**B3 Recreation Trails Committee, Couch Beach Picnic Table – Ned Bangs & Commissioners**

- RTC Chair Ned Bangs present; they would like to place a picnic table built by the construction class at Marshfield High School on the property. The HS would deliver the table to the site and RTC will secure the table where placed. There may be additional donations forthcoming.
- CH asks where they contemplate placing the table. RTC is open to any location within the area set aside for public recreation under the Conservation Restriction. SC indicates there should be no problem with the CR as long as the table is placed in this area. NB will work with MS on the exact table location. CH would like to know how the table is secured in place.
- CH motions to grant a De Minimis activity permit for the placement of a picnic table at Couch Beach. JR second. Approved 7-0-0.

**B4 200 Damon's Point Road Invasive species control- Ivy Francis & Commissioners**

- IF would like to restore a 600 sq ft area of phragmites in her backyard with native vegetation, and hopes her methods might be helpful to others looking to do the same thing. She has professional expertise in salt marsh and stream restoration, and notes their removal will restore biodiversity and increase flood retention.
- IF's plan calls for cutting the phragmites sometime this month and, once cut, laying down cardboard staked to the ground to prevent rhizome growth. She will then add a 4" layer of oak leaves to allow native seeds to germinate; no herbicides will be used. In the spring, she will seed any open areas with native grasses, and will trim back any new phragmites using hand tools or weed whacker. She will repeat the cardboard/oak leaf application in the fall if needed. She will monitor and document with photographs and lists of species observed. She will keep neighbors apprised of what she is doing, and hopes others might be interested in similar projects.
- CH asks if the property has been delineated; IF points out where the wetland line is in relation to the work area. CH also asks what she will be planting the area with; IF is hoping the area will rejuvenate with spartina grass, as an adjacent area did. If she needs to seed, she will consult with Blue Stem Natives. BO notes that the

Commission has enforced against green waste dumping and wants to ensure IF adds no more oak leaves than necessary. BO and CH are curious to see how the plan unfolds, and CH asks IF to keep the Commission updated.

- CH motions to issue a De Minimis activity permit for invasive species control at 200 Damon's Point Road. JR second. Approved 7-0-0.

### **SCHEDULED CONTINUED HEARINGS**

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

- The applicant requested a continuation to the 3/1/2023 meeting in writing.
- CH motions to continue the hearing until March 1, 2023. BO second. Approved 7-0-0.

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

- The applicant requested a continuation to the 3/1/2023 meeting in writing.
- CH motions to continue the hearing until March 1, 2023. BO second. Approved 7-0-0.

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

- The applicant requested a continuation to the 2/15/2023 meeting in writing.
- CH motions to continue the hearing until February 15, 2023. BO second. Approved 7-0-0.

### **PUBLIC HEARINGS**

#### **23-01 Fahey, 24 Constitution Road (Replace Gravel driveways and path with Permeable pavers).....NEW (Ken)**

- CH reads the legal ad. Hearing Officer KD confirms administrative requirements are complete.
- Applicant Maureen Lane, 24 Constitution, proposes to replace two gravel driveways with permeable pavers to facilitate snowplowing and accessibility to the house. KD confirms that the proposed interlocking pavers will support vehicular traffic while being permeable; they are commonly used in this area of town. MS advises ML to make sure the sub-base underneath the pavers is pervious. ML indicates they had to address this during the floodplain permit process. CH agrees that the pavers will improve accessibility.
- KD asks for comments from the public; none.
- The standard conditions of approval will apply.
- KD motions to issue a DOA, Pos. #5, Neg. # 3, with conditions drafted by MS. JR second. Approved 7-0-0.

#### **2949A McCarthy, 14 Damon's Point Road (Convert portion of deck to sun room).....NEW (Craig)**

- CH reads the legal ad and, as Hearing Officer, confirms administrative requirements are complete.
- Applicant received an Order of Conditions in October 2021 for construction of a raised deck off the back of the existing house, replacement of the existing impervious patio with a pervious paver patio, and construction of a pervious paver walkway to the driveway. Representative James Garfield, Morse Engineering, indicates that they now wish to convert a portion of the deck to a sunroom.
- MS notes that the OOC was issued with conditions that a dilapidated dock in the marsh behind the property be removed and four conservation markers be posted along the tree line in back; this has not been done yet. JG indicates that these will be done as soon as work begins on the project.
- CH notes that applicant will also need to obtain building and floodplain permits before work can start; JG confirms.
- CH asks for comments from the public; none.
- CH motions to close the hearing and issue amended Orders of Conditions SE42-2949A with special conditions drafted by MS. JO second. Approved 7-0-0.

#### **2935A Kiefer, 747 Ocean Street (Carport).....NEW (Bert)**

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- John Zimmer, South River Environmental, presents for applicant. An Order of Conditions was issued in June of 2021 for the construction of a 25' by 28' three-season addition to the existing residence on concrete footings; the property is located in barrier beach, coastal dune, and LSCSF. They now wish to add a carport in predisturbed lawn/walkway area on six concrete piles, and a deck off the back of the existing porch, also on concrete piers. This will increase the impervious area on the lot by 12-15 sq ft; factoring in the previous removal of a concrete

walkway, the project has resulted in an overall decrease of about 121 sq ft of impervious surface. They have applied for a floodplain permit.

- BO notes that a fence located on conservation land has been relocated as requested. He has no other concerns.
- BO asks for comments from the public; none.
- The standard conditions of approval will apply.
- BO motions to close the hearing and issue amended Orders of Conditions with special conditions drafted by MS. JR second. Approved 7-0-0.

**3024 Maglio, 146 Dakota Street (Raze & Rebuild).....NEW (Joe)**

- CH reads the legal ad. The applicant requested a continuation to the 3/1/2023 meeting in writing.
- CH motions to continue the hearing until March 1, 2023. JR second. Approved 7-0-0.

**3023 Ronan 953 LLC, 8 Branch Street (Raze & Rebuild).....NEW (John)**

- CH reads the legal ad. Hearing Officer JO confirms administrative requirements are complete.
- James Garfield, Morse Engineering, presents for applicant. The proposed activity is a raze and rebuild of a single-family dwelling and attached garage which was razed in 2021. The work area is located in buffer zone to salt marsh and BVW, and in LSCSF and AE12 flood zone. The new buildings will have concrete foundations with flood vents; neither structure will move closer to the resource area. They are also proposing to add a pervious shell driveway. They have applied for a floodplain permit. Conservation markers and erosion controls are proposed.
- JO notes that the plans show the garage to be on a slab. Building Commissioner AS has reached out to JG, and they will update the plans to remove the slab. JO adds that AS indicated that a variance may be needed from ZBA as to garage location; JG is addressing with AS. The project seems to add about 140 sq ft of impervious surface due to both the new house and garage being larger than their predecessor. BO opines this is not a significant increase. JO notes there was much trash in the buffer zone behind the house, and would like this to be cleaned up as a condition of approval.
- JO asks for comments from the public; none. The Commissioners indicate they would like to see updated plans, including the elevated garage, before closing. JG assents to a continuation to March 1, which will allow them to finalize permitting with other departments.
- JO motions to continue the hearing to March 1, 2023. JR second. Approved 7-0-0.

**3026 Tarbox, 6 Trouants Island (Septic Repair).....NEW (Craig)**

- CH reads the legal ad. The applicant requested a continuation to the 3/15/2023 meeting in writing.
- CH motions to continue the hearing until March 15, 2023. DG second. Approved 7-0-0.

**30 Jewett, 174 Fairways Edge Drive (In-ground Pool).....NEW (John)**

- CH reads the legal ad. Hearing Officer JO confirms administrative requirements are complete.
- Rick Servant, Stenbeck & Taylor, presents for applicant. The proposed activity is removal of a deck and construction of an in-ground pool and patio. The rear of the lot is close to a wetland which RS characterizes as an old cranberry bog; the pool is required to have a fence around it. They are removing the deck to accommodate the pool, as space in the back yard is tight, with the edge of the patio touching the 25 ft no-disturb buffer. The pool is in existing lawn area. Several arborvitae will have to be removed in order to install the pool; RS will check with the homeowner about relocating some of them further back. They are also proposing a precast block retaining wall to prevent excavation inside the 25 ft buffer.
- JO discussed the arborvitae with property owner William Jewett, who indicated he'd like to keep them but some have been damaged by wind and weather. JO asks what the patio will be made on; RS believes standard concrete pavers will be used. The project will result in a 3.6% increase in impervious surface on the lot. JO confirms that the erosion control will be mulch/silt sock. Building Commissioner AS indicates that building, electrical, and Board of Health approvals are still required. JR and BO would like applicant to put conservation markers on the new back fence; RS concurs.
- JO asks for comments from the public; none.
- The standard conditions of approval will apply plus special conditions regarding the posting of four conservation markers.

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

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

- Continued hearing; JR Hearing Officer.
- James Garfield, Morse Engineering, present for applicant. The proposed activity is construction of a 4 ft wide, 161' dock, 30' ramp, and 10' by 20' ramp. The bottom stringers of the dock are located a minimum 6' above mean high water as well as the salt marsh, meeting DMF's recommendation for 1.5:1 height to width ratio, and there will be 1 inch spacing in the decking for light penetration. A site visit was conducted on 1/18/23 and showed sufficient depth beneath the float at mean low water. The project has been approved by ZBA; Chapter 91 permitting will follow.
- JR notes that the maximum dock length based on the bylaw formula would be 137 ft as opposed to the 185 ft proposed; JG indicates there is a request for variance in the plans. Additionally, it is not clear whether greenheart piles are being used. JG believes the bylaw only requires greenhearts at the proposed float location, so this is where they are specified as being used on the plan. MS states that the bylaw allows greenheart pilings only. JR also notes that comments from DMF requested information as to silt containment techniques to be deployed during construction, and barge use should be restricted to 2 hours before and after high tide to minimize shellfish damage. Harbormaster Mike DiMeo requested that soundings be added to the drawings. JG recalls Mr. Dimeo saying he wasn't going to require the plan to be changed because it was already completed, JR is willing to accept what MD is satisfied with.
- JR asks for comments from the public; none.
- JG asks for a continuation in order to obtain the requested information, including soundings, silt containment techniques, and justification for dock length variance, and update the site plan.
- JR motions to continue the hearing to February 15, 2022. CH second. Approved 7-0-0.

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

- Continued hearing; BO Hearing Officer.
- John Zimmer, South River Environmental, present 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 last hearing was continued to allow the site plan to be revised to show tree removal details, tree planting locations, and retaining wall details. JZ indicates he has updated the plan set to provide these details. He has requested that splash plates be added to the retaining wall outlets to dissipate the energy of the exiting water. The locations of the trees to be planted will be individually sited in the field near the end of the project. JZ has also marked all trees on the site 6" diameter or greater in the field, and estimates that about 8-10 trees will be taken down, mainly in the driveway area. SC feels that the additional tree detail is helpful, as many are further upgradient than she recalled. BO asks that JZ also list out the trees to be removed or kept.
- Chris Roberts, 10 Dog Ln, also appreciates the additional detail on the plan but reiterates his concern that with those trees gone, there will be no root system left to hold the ridge together; he is also still concerned about runoff from the driveway impacting his property. BO understands CR's concern but notes that this part of the project is outside the 100 ft buffer. JZ note that they have agreed to weekly construction monitoring and significant additional stabilization/erosion control measures, including 10 oak trees to be planted along the 50 ft buffer and a wire backed silt fence to be deployed along the buffer for erosion control, which will provide greater protection than a silt sock. Upon work completion, the 50 to 75 ft buffer will be revegetated into lawn, using jute netting to stabilize the area if work is completed in the winter. BO agrees the topic has been heavily discussed and everyone realizes this is a difficult work site. The Commission is prepared to enforce if the slope becomes unstable.
- CR questions whether the 10 proposed oak trees are "overkill" for the space. JZ indicates that the trees will be spaced out appropriately in the field and given sufficient space to grow. BO adds that 75% planting survival will be required in order for applicant to receive their Certificate of Compliance. CR also asks how stormwater would flow down the driveway; it will proceed down the driveway to the base of the retaining wall, enter weep holes within the wall, and exit the wall into splash plates that will dissipate the water into a small lawn area. CR also asks about

the location of the 50 ft buffer in relation to a large tree; JZ is not sure but indicates that the tree in question is not being proposed to be removed.

- Speaking as a citizen, William Finn, 96 Dog Lane, notes that the Commission has the authority to enforce based on the impacts of a project outside its jurisdictional area, and suggests that this be memorialized in the conditions of approval. WF also asks JZ how the resource area would benefit if their variance request is approved by ZBA and the house moves forward. BO believes it would result in the removal of fewer trees. JZ indicates that if the variance is approved, they will come back with a request for amended order of conditions, with a chance for the abutters to review the new site plan.
- Special conditions of approval will include a requirement for erosion control as discussed and a notation that the Commission has the authority to enforce beyond the 100 ft buffer if construction negatively impacts the resource area. Weekly monitoring of the site is to be done during construction by JZ or a qualified environmental professional. Applicant must implement planting plan as shown in plan set, with 75% three-year survival and twice a year monitoring, post six conservation markers (four noted on the current site plan and two added near the lot line), and submit an updated construction letter and site plan showing the six markers and specifying the trees not to be removed to the Conservation Office by noon on Friday, February 3rd.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. SC second. Approved 7-0-0.

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

##### **2853 Wood, 430 Holly Road [EXT]**

- The OOC was issued for addition of a garage, room above the garage, and deck on previously paved driveway; applicants are now requesting an extension. MS indicates they did not specify the length wanted; the Commission can grant up to three years from the original date of expiration.
- CH motions to issue a three-year extension to the Order of Conditions SE42-2853. JR second. Approved 7-0-0.

##### **2852 DPW, Union Street (Couch Cemetery) [EXT]**

- DPW has requested an extension so the project can be completed.
- CH motions to issue a three-year extension to the Order of Conditions SE42-2852. JR second. Approved 7-0-0.

##### **1714 Wildes (now D'Allessandro), 552 Forest Street [COC]**

- The approved site plan, from 9/26/2002, is for 574 Forest, a different property. A sketch of the property has been provided but does not include an old shed in front of the house in the 50 ft setback, or two retaining walls and Koi pond just outside the 50. MS brings up a site plan for the property that does show these features. BO notes that the house was built prior to 2002, so the 25 ft buffer applies and "everything here is acceptable." A sale is pending for the property.
- CH motions to issue a COC for SE42-1714. BO second. Approved 7-0-0.

##### **2407 Follett, 111 Meadowview Street [COC]**

- MS visited the site and observed it to be well-vegetated, with over 75% planting survival but significant invasives growing in. A letter from JZ notes they have been using herbicide to keep the phragmites, staghorn sumac, and other plants at bay. They intend to continue invasives management into the 2023 growing season, and would be interested in continuing beyond 2023. JR suggests authorizing ongoing invasives management by hand trimming in the COC; this is made an ongoing condition. Continued herbicide treatment will require a NOI.
- CH motions to issue a COC for SE42-2407 with ongoing condition authorizing invasives management by hand. JR second. Approved 7-0-0.

##### **2976 White, 106 Preston Terrace [COC]**

- Building Commissioner AS recommends that this request be tabled until Building has conducted its final inspection. MS notes that applicant's engineer indicates that the back section of the retaining wall, currently unbuilt, will not be built.
- CH motions to table the request pending final Building Department inspection. BO second. Approved 7-0-0.

**2878 Grable, 73 Spring Street [COC]**

- There is a graveled area towards the rear of the home not shown on the site plan, and the silt sock was placed slightly closer to the wetland flags than originally approved: 43 feet from WF 9 instead of 50. Conservation markers were installed as proposed. The Commission voted to issue the COC, as the gravel area is pervious.
- CH motions to issue a COC for SE42-2878. BO second. Approved 7-0-0.

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

- Deviations from the approved plans include 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. MS has checked with Rick Servant, who is not sure where the applicant stands on the matter.
- CH motions to continue the matter to February 15, 2023. JR second. Approved 7-0-0.

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

- 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 February 15, 2023. JR second. Approved 7-0-0.

**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 upgradient of the wetlands. There have been no updates recently. JR suggests denying the request if the issues are not addressed soon.
- CH motions to table the request to February 15, 2023. JR second. Approved 7-0-0.

**ENFORCEMENT ORDERS**

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

**ADJOURNMENT** – CH makes a motion to close the hearing at 8:20 PM. JR second. Approved 7-0-0.

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