

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

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

COMMISSION BUSINESS

B1 *de minimis* activity Roll/Review/Ratification

a. None

B2 Possible New CommissionerJessie Platt & Commissioners

- Jessie Platt present to discuss joining the Commission. CH and MS met with her prior to this meeting to discuss the role and its responsibilities, and a copy of her resume and letter of interest were circulated.
- JP notes she has lived in the area all her life, and moved to Marshfield 6 years ago. She has worked in the environmental industry for 20 years and has volunteered with NSRWA. She is interested in helping protect the Town's unique natural resources.
- BO asks if JP has ever appeared in front of this Commission or been involved with Commissions in other towns. JP has not, but deals with state agencies in her job with Clean Harbors. CH notes she and MS were impressed with JP's interest and prior experience.
- *CH moves to recommend Jessie Platt's appointment as a Commissioner to the Select Board. BO second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.*
- CH notes that the Select Board must now vote to appoint JP as Commissioner; she then must be sworn in and complete online ethics training with the State.

B3 Bridgwell Dura-Base Mat System for use on Salt Marsh.....Paul Armstrong

- Tabled.

B4 Red Gold Farm (Driveway).....Kevin Sealund & Commissioners

- Project Engineer Kevin Sealund present regarding a request to add a 15' wide common driveway connecting lots 19, 20, and 21 in the Red Gold Farm subdivision to Red Gold Farm Road, with crushed stone drives on lots 20 and 21 between the shared drive and Moraine Street. The matter was discussed at the April 5 meeting and then continued pending the outcome of a Planning Board hearing.
- KS has met with Planner Greg Guimond; GG has no issues with the proposal aside from some additional bounds and descriptive language. MS suggests that the changes be captured in the as-built plans for the subdivision when their request for Certificate of Compliance is submitted. KS is providing an updated site plan to the Planning Office and will copy the Conservation Office.
- CH moves to approve the shared driveway addition as a De Minimis activity to be captured in the as built plans to be submitted with the Request for Certificate of Compliance. JO second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.

B5 MVP Grant / NOI Will be submitted for the May 3rd Meeting.....Bill Finn

- Consultant William Finn notes that he sent a memorandum regarding an application he prepared for a Municipal Vulnerability Preparedness (MVP) grant, and how it related to the airport and FAA regulations. A Notice of Intent from the Airport Commission will be heard at the May 3 meeting. WF notes that no additional areas of woodland have been found that would have to be cut to maintain FAA airspace.

B6 Policy and Procedure Change-Commission discussion and vote.....Commissioners

- In the Chair’s Address on the January 18 meeting, CH stated that applicants for a Conservation permit must first fill out a floodplain permit; the Commission Policy and Procedure Manual requires procedural changes to be communicated to the Commission in writing at least one meeting prior to its being placed on the agenda. CH reads her written communication into the record, requesting that the proposed change be discussed and voted upon at the May 3 meeting.

Commissioner KD recuses from the following vote.

B7 DPW / Plymouth Avenue Ditches

- Town Engineer Rod Procaccino advises that flooding issues persist in the area of 307 Plymouth Avenue. The Commission approved an Emergency Certificate earlier this year to clear a 600 ft stretch of drainage ditches by hand, starting at Johnson Terrace, but the conditions were too wet for their workers and equipment. DPW has engaged a contractor with experience working in marsh areas to complete work. The end of this ditch is blocked by phragmites; these would be removed by the root, flattened, and left on site. This will allow the ditch to drain into Bass Creek, alleviating the flooding at 307 Plymouth and neighboring properties. Plymouth County Mosquito Control inspected the area and expressed concern at the standing water.
- BO asks if the ditch could be cleared with a “Marsh Master.” Board of Public Works Chair Dave Carrier states that trees in the area to be cleared would damage the guard rails on the machine. BO questions whether leaving the phragmites roots on site would cause spreading.
- MS confirms that previous ditch clearing has been permitted through RDAs. JR suggests that the permit allow for ongoing periodic maintenance, which would likely involve less disturbance than excavating every few years. RP agrees that this would help them better stay on top of maintenance. CH suggests that the Commission authorize the work to go forward, and that RP work with MS to file an after-the-fact RDA with an additional request for ongoing periodic maintenance.
- CH motions to authorize the ditch clearing work as proposed on the condition that DPW file an after-the-fact RDA with the Commission. JR second. Approved 5-0-0 by roll call: JO yes, BO yes CH yes, JR yes, SC yes.

Commissioner KD rejoins the meeting

PUBLIC HEARING (ON OR AFTER 6:40PM)

3036 Tallman, 1067 Union Street (Indoor Riding Arena).....NEW (Bert)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Paul Louderback, Merrill Engineers, present for applicant. The proposed activity is the construction of a 72’ by 125’ riding arena inside the 100 ft buffer to a BVW, with the limit of work being 72 ft away. The project has been approved by the ZBA. Erosion control is proposed at the limit of work; a drainage ditch and swale that are part of the project will reduce runoff from the site compared to the present conditions. All roof runoff will be directed into a subsurface infiltration system.
- MS notes that the work area lies in NHESP priority habitat, so the project must follow its turtle management plan. PL notes they will deploy a turtle protection fence at the limit of work in response to NHESP’s comments.
- MS indicates to BO the delineation on 1087 Union was done in 2019. BO visited the site and asks about construction stockpiling. Applicant Jill Tallman states their contractor has indicated they were not going to use an area shown on the site plan. There was no additional commissioner or public comment.
- The standard conditions of approval will apply with the erosion control insert.
- BO motions to close the hearing and issue an Order of Conditions with special conditions drafted by MS. JR second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.

3035 Musto, 31 Water Street(Addition & Decks).....cont. from 4/5/2023 (Craig)

- Continued hearing; CH Hearing Officer.
- Project engineer Rick Servant, Stenbeck & Taylor, present for applicant. The proposed activity is construction of an addition and replacement of an existing porch with a two-level deck in the same footprint. The work area lies in

barrier beach, buffer zone to a salt marsh across the street, and AE11 flood zone. They will be eliminating a catwalk that wraps around the side of the house. The hearing was opened at the previous meeting and continued for receipt of a DEP file number and additional information regarding the proposed footings.

- RS indicates that their structural engineer has indicated they could use helical screws to support the deck in back and concrete piers to support the addition in front. The engineer is not comfortable using the screws in front due to the potential for wind-loading and up-lifting. There have been no other changes to the plan or design.
- CH and MS have no issues with the structural engineer's recommendation. CH asks about removal of a concrete pad that owner has indicated he wishes to remove but is not part of the project; RS would have to consult with the owner, as he is currently out of the country.
- BO asks about building commissioner comments; CH reads comments from Building Commissioner Andrew Stewart provided at the last meeting into the record; there are no new comments. RS states that AS has been to the property, and outstanding issues from a previous permit had been resolved. A floodplain permit and "substantial improvement" determination is in process with Building; RS does not believe the project will be found to be a substantial improvement. MS checked on the application status this morning, and it is still in the review stage. RS acknowledges that they may have to amend their OOC if Building has any issues with the floodplain permit or foundation type.
- There was no public comment. The standard conditions of approval will apply along with the erosion control insert and submission of an elevation certificate.
- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. JR second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.

2779A Talis, 176 Bay Avenue (ATF patio, proposed fence & gazebo).....cont. from 3/15/2023 (Bert)

- Continued hearing; BO Hearing Officer.
- Rick Servant, Stenbeck & Taylor, present for applicant. This request for amended Orders of Conditions seeks after-the-fact permitting for a paver patio put in behind the deck and some tree trimming done by the owner, and permitting for a 10 ft diameter gazebo, on diamond piers, in the back yard plus a vinyl fence along the property line. The property lies in barrier beach/coastal dune. Several commissioners indicated at a previous hearing that they had no issue with the patio as constructed, the tree trimming, or snow fencing where the vinyl fencing is proposed, but they were not inclined to allow the gazebo in the location proposed. DEP subsequently issued a separate file number for the project, with comments that the proposed work changed the scope of the original project and would require an additional permit as opposed to amending a currently outstanding order of conditions.
- RS indicates there have been no changes to the plan or new information received; they are aware that a new NOI filing will be required. They would like to withdraw the current application to amend the OOC and will file a new NOI for the additional proposed work.
- BO asks if there are any other outstanding issues with the current OOC other than placement of the conservation markers. MS notes that the back patio remains unpermitted and should be considered by the Commission when the request for COC is received, but the Commission could vote to issue the COC once the new markers are placed. The commissioners agree this would be acceptable. RS notes that a RCOC had already been filed, and former Administrator Grafton discovered the additional structures during the site visit.
- RS will place the markers and submit as-built plans for the original OOC; MS will look into applying the fee paid to amend the OOC to the new NOI.
- BO motions to accept the withdrawal of the Request to Amend the Order of Conditions SE42-2770A. JR second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.

3024 Maglio, 146 Dakota Street (Elevate & Reconstruct SFH).....cont. from 2/1/2023 (Joe)

- The applicant requested a continuation to the 5/17/2023 meeting in writing.
- CH motions to continue the hearing to May 17, 2023. JR second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.

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

- The applicant requested a continuation to the 5/17/2023 meeting in writing.
- CH motions to continue the hearing to May 17, 2023. JR second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.

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

- Continued hearing; JR Hearing Officer.
- Project Engineer Paul Seaberg, Grady Consulting, present along with attorney Adam Brodsky. AB notes that there was historically a pier on the property which fell into disrepair, and was subsequently removed. The new pier is centrally located on the property and proposed to be 56' long, with 38' ramp and 8' by 16' float. They have been working with Harbormaster Mike DiMeo regarding existing moorings near the proposed float location. This issue has been resolved, and the moorings will be relocated. MD also set a shellfish mitigation fee of \$1,234.02. They are requesting two waivers which AB states have been granted for other projects: (1) from 505-304.1.e.1, requiring that piers not extend further than half the lot's water frontage, as a pier of this length would not have the required depth beneath float; (2) 505-304.1.e.16, prohibiting the use of float stops, in order to ensure there is always 30 inches of water depth beneath the float and keep it out of the substrate. AB notes they had granted a variance regarding the use of float stops to the Ricciarelli project on Ferry Street, and that DEP recommends the use of float stops in its small docks and pier guidance.
- CH asks AB if he found any evidence the ramp and float proposed in filing SE42-1583, from 2001, was ever approved. AB believes this was licensed with DEP, but he does not have a copy of the license. MS likewise does not have the prior orders on hand. CH has only special conditions for this filing but not documentation of the Commission having approved it. PS has a copy of the previously issued Chapter 91 license and will provide it to the Conservation Office. JR, CH, and BO indicate seeing this will help them in their deliberations; PS emails it to MS.
- Rick Carberry, 1190 Ferry, and Mike Salamondo, 1180 Ferry, ask where the Town moorings will be relocated. JR states Mooring #161 will shift southerly 20 feet and easterly 5 feet; Mooring 210, 5 ft easterly and northerly. PC notes this is not shown on the drawing; JR agrees that an updated plan may be needed. JR believes the Harbormaster's correspondence states the new positions will be better for the other docks in the area. Mr. expresses concern about reduced navigability "in any kind of wind" if the moorings are moved closer to the channel and states there needs to be at least two boat lengths between moorings and piers. JR would like to see the new locations depicted on the site plan; RC asks why this information was not already provided. JR notes that Harbormaster DiMeo had indicated he would be present for this hearing but is not. PS states that the moorings have to be relocated and then field located before they can update the site plan. RC indicates the location of the new moorings is his only concern given the crowded conditions in the area and the need for safe navigation. AB suggests a condition of approval requiring them to field locate the moorings once relocated and updating the site plan once done. CH notes that Harbormaster DiMeo had noted the tight conditions in the area and presumably took this into consideration when he suggested the new mooring positions.
- JR indicates most of his concerns have been addressed but would like to see the Chapter 91 license. BO agrees, noting there was a previously existing dock on the lot and the new one will be in a better location. MS will forward the Chapter 91 license to the Commissioners. SC, and JO have no concerns; KD notes he is familiar and thinks Harbormaster DiMeo did well in shifting the mooring.
- JR motions that the Commission grant a variance with respect to Section 505-304.1.e.1, regarding dock length. JO second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.
- JR motions that the Commission grant a variance with respect to Section 505-304.1.e.16, regarding the use of float stops. CH second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.
- The standard conditions of approval for dock projects will apply plus a special condition requiring submission of an updated site plan once the relocated moorings have been field located.
- JR motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. JO second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.

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

- The applicant requested a continuation to the 5/3/2023 meeting in writing.
- CH motions to continue the hearing to May 3, 2023. JR second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.

2958 Speakman, 274 Foster Avenue (Elevate SFH).....cont. from 11/2/21 to 6/21/23 (Susan)

- The applicant requested a continuation to the 6/21/2023 meeting in writing.
- CH motions to continue the hearing to June 21, 2023. JO second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.

3020 Laur & Baumann, 0 Ferry Street (Dock).....cont. from 1/18/2023 (Joe)

- CH notes that the hearing for this filing was closed at the last meeting, at the request of applicant; thus, there can be Commissioner deliberation only, with no further public or applicant comment.
- Hearing Officer JR suggests the Commission has two options: to approve the project as submitted, with the requested variances and the special condition previously agreed to by applicant that “The permitted dock will be a shared dock with full and complete rights to its use by the owners of both 46 and 60 Preston Terrace. These rights for the benefit of 60 Preston Terrace shall terminate upon transfer of ownership of either property.”; or to deny.
- JO notes that the “shared dock” arrangement would only last for as long as the ownership of 46 and 60 Preston Terrace remain as is, which he is not in favor of. BO wants assurance there would not be another dock built at 46 Preston. KD suggests the Board take the limitation they are proposing for 46 Preston into consideration. JR notes that applicant could preserve the dock rights for 46 Preston by not building a dock at 60 Preston.
- JR shares the text of a possible motion to deny to the Commissioners, in which the Commission would deny the requested variance because “applicant has provided no clear and convincing evidence that the proposed pier and dock will address Commission concerns about the adverse impacts and cumulative adverse impacts” as expressed in the Chapter 505 regulations, that insufficient evidence was presented that allowed the Commission to make a determination that all wetland values set forth in the bylaws would be protected, and the proposed dock and pier does not conform to the performance standards listed in the bylaws. CH agrees that denying is an option but is open to approving with a condition the two properties are combined, for purposes of dock permitting, in perpetuity. JR notes this gives applicant the option to construct the pier or not do so and leave their future options open. Commissioner consensus is that they would approve with these conditions.
- JR reads a statement into the record which notes Commission concerns about the cumulative adverse impacts of multiple docks and finds that the proposed dock and pier alternative offered by the applicant does not conform to the performance standards in the bylaw. Thus, the project is approved with the special condition, in perpetuity, that only one dock is allowed between 46 and 60 Preston Terrace and that the appropriate deed restriction(s) be filed with the Plymouth County Registry of Deeds after approval by the Commission and Marshfield Town Counsel. The standard conditions of approval for dock projects will also apply.
- JR motions that the Commission approve variances with respect to Section 505-304.1.e.1 and 505-304.1.e.5, regarding dock length. JO second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.
- JR motions to issue Orders of Conditions with findings and special conditions as noted and drafted by MS. JO second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.

REQUESTS FOR CERTIFICATE OF COMPLIANCE AND EXTENSIONS

2965 Meconitates, 12 Bailey Terrace [COC]

- MS visited the property and noted a paver walkway to the side door and outside shower that was not shown on the site plan, as well as some fill and extra pavers onsite.
- CH motions to issue a COC for SE42-2965. JR second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.

2976 White, 106 Preston Terrace [COC]

- The request has been tabled until Building has conducted its final inspection. Applicant’s engineer indicates that the back section of the retaining wall, currently unbuilt, will not be built. No new information has been received.

1500 Minichino, 71 Constellation Road [COC]

- An HVAC unit needs to be elevated and an enclosure needs to be removed; Conservation staff has given applicant a punch list to complete. MS has conveyed this to the previous owner and the contractor at a site visit; they are to contact him once the issues have been addressed.
- CH motions to table the matter until June 21, 2023. BO second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.

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, and relocation of a fence and PVC post up-gradient of the wetlands. MS reached out to the new owner and has had no response so far.
- CH motions to table the matter until June 21, 2023. JR second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.

ADJOURNMENT

CH makes a motion to close the meeting at 8:06 PM. KD second. Approved 6-0-0 by roll call: JO yes, BO yes CH yes, JR yes, KD yes, SC yes.

Respectfully submitted,
Liz Anoja, Conservation Administrative Clerk

Marshfield Conservation Commission

Mike Seele, Conservation Agent

Craig Hannafin, Chair

Joe Ring

John O'Donnell

Bert O'Donnell, Vice Chair

Susan Caron

Ken Dodge