

**MEMBERS PRESENT** – Bert O'Donnell (BO) Vice Chair, John O'Donnell, Joe Ring (JR), Ken Dodge (KD), Mike Seele, Conservation Administrator (MS)

**MEMBERS NOT PRESENT** – Craig Hannafin (CH), Susan Caron (SC)

**CALL TO ORDER** – BO motions to open the meeting at 6:30 PM. JO second. Approved 5-0-0.

**CHAIRMAN'S ADDRESS**

- Vice Chair O'Donnell will chair tonight's meeting in Chair Hannafin's absence.
- JR motions for Vice Chair O'Donnell to assume the duties of Chair for the meeting. JO second. Approved 5-0-0.
- BO notes that Michael Seele was appointed Conservation Administrator at the Select Board meeting on Monday. The Commissioners congratulate MS on his promotion.
- Commissioner DG has submitted a letter of resignation; BO thanks DG for his service on the Commission.
- 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.
- Consultant William Finn notes that an ecological restoration NOI is set for March 15 that is likely to be extensive; BO suggests that MS notify other applicants scheduled for that date.

**BUSINESS**

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

**a.** None

**B2 Suffredini, 10 Dinitto Drive (Foundation Discussion).....(David Suffredini & Commissioners)**

- Homeowner David Suffredini present; he would like to elevate his existing home, which sits on a concrete foundation, onto a new concrete foundation so it is above the flood plain. Before he proceeds with plans and permitting, he would like guidance from the Commission as to whether they would approve a plan for a concrete foundation or whether they would require elevation of the home on open piles. MS notes that the home is technically on a barrier beach but is near the cusp of a salt marsh area. Some homes in the area are on concrete foundations and some are on open piles. BO observes that the homes with concrete foundations tend to be older, whereas the newer homes are on piles.
- BO asks what the Coastal Zone Management matrix calls for in the area. MS indicates it classifies the area as barrier beach, thus requiring piles. However, MS suggests there is "some room for doubt" given the lot's location near the salt marsh and the fact that the matrix is not accurate to the individual lot level. JR suggests that soil testing may resolve the question: "If there is a question, we need clear and convincing evidence." DS states that he wouldn't be able to use pilings in the area due to the landscape. BO and JR suggest that helical piles may be an option. DS notes that his neighbor raised his home on a concrete foundation "just last year".
- BO suggests that DS look into the possibility of using helical piles, and notes that FEMA grants may be available to assist with the associated cost. BO agrees with JR that soil testing would best resolve the question. DS reiterates that "my abutters and neighbors were able to do a full foundation." BO suggests that return with additional information, including soil samples and specific plans. JR adds that the guidance from the state and other entities is changing regarding what kind of foundations are permissible in barrier beach/coastal dune, and the Commission is trying to balance this against what has been approved in the past.

## **SCHEDULED CONTINUED HEARINGS**

### **3026 Tarbox, 6 Trouants Island (Septic Repair).....cont. from 2/1/2023 (Craig)**

- The applicant requested a continuation to the 3/15/2023 meeting in writing.
- BO motions to continue the hearing until March 15, 2023. JO second. Approved 5-0-0.

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

- The applicant requested a continuation to the 3/15/2023 meeting in writing.
- BO motions to continue the hearing until March 15, 2023. JR second. Approved 5-0-0.

## **PUBLIC HEARINGS OR MEETING**

### **23-04 Town of Marshfield-DAV, 108 Dyke Road (Deck & Ramp).....NEW (Ken)**

- BO reads the legal ad. Hearing Officer KD confirms administrative requirements are complete.
- The proposed activity is construction of a 30' by 12' deck on five diamond pier footings, in pre-disturbed lawn area at the Disabled American Veterans property. Building Commissioner Andrew Stewart commented regarding the required slope for the ramp and the need for a framing plan; KD has conveyed this to DAV.
- MS indicates the work area is in LSCSF; the deck will mirror the length of the adjacent deck, with a small ramp connecting the two structures.
- KD asks for comments from the public; none.
- The standard conditions of approval will apply.
- BO motions to issue a DOA, Pos. #5, Neg. # 3, with special conditions drafted by MS. JR second. Approved 4-0-0.

### **30 Johnson, 120 Monitor Road (New DFH).....NEW (John)**

- BO reads the legal ad. The applicant requested a continuation to the 3/15/2023 meeting in writing.
- BO motions to continue the hearing until March 15, 2023. KD second. Approved 4-0-0.

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

- BO reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- Greg Morse, Morse Engineering, present for applicant. The proposed activity is construction of a 4' wide, 161' dock, 30' ramp, and 10' by 20' float on the South River. As the maximum dock length based on the bylaw formula would be 137 ft, a variance is required. At the previous hearing, it was requested that applicant consider making the dock shared between neighbors Laur and Baumann in order to prevent future overbuilding. JR notes that no new plans or information were received at the Conservation Office prior to this meeting's submission deadline.
- GM indicates there are no plan changes but states he has reviewed the Town's dock regulations and they make reference to dock length only in the preamble, 304.1a.10. The dock proposed in their plans meets all requirements of DEP Waterways, Zoning bylaw, and Harbormaster. The dock does not extend into the channel or mooring field. If the Commission has concerns about additional dock construction in the future, GM suggests the project could be approved with a condition stating "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." GM notes that 60 Preston adds just 44 feet of frontage (25.8 feet "short"), so a variance would still be required with respect to the dock length. GM adds that the wetlands bylaw lists recreation as one of the protected interests and suggests that this would include recreational boating.
- JR reiterates that the dock length restrictions were put in at the request of Harbormaster Mike DiMeo, who indicated this was a high priority. GM notes that the Harbormaster was involved in the permitting process and has indicated he is okay with this location as presented. JR's recollection is Mr. DiMeo did have issues with the length but didn't write then down. GM's latest communication from Mr. DiMeo indicated "All good. We just need to calculate shellfish mitigation area." MS confirms this but JR states that doesn't match the conversation with him at

the site visit. GM adds that Mr. DiMeo took a boat to the dock location to verify navigation in the area; MS confirms as he was on the boat. GM notes that the Army Corps of Engineers will review navigability issues.

- BO notes that the Commission has asked for more clarification on the dock length/lot frontage calculation, and believes their workaround has been to rely on feedback from Harbormaster DiMeo regarding individual projects. BO thinks the frontage size piece may have originated with the Commission as a means of limiting the proliferation of docks on the river. JR agrees the conversation may have started with Conservation, but believes it was ultimately driven by the Harbormaster's wishes. JR agrees that the proposed dock is similar to other docks in the area, but it appears to be inconsistent with the new regulations; as such, he would like additional clarification from Harbormaster DiMeo; BO concurs. BO would also like Town Counsel to review GM's proposed condition of approval; if TC finds the language acceptable, BO would view the condition as mitigation for granting of the variance. JO and KD concur with JR and BO's suggestions. GM assents to a continuation, and will submit his proposed condition in writing for TC to review.
- JR motions to continue the matter to April 5, 2023. KD second. Approved 4-0-0.

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

- The applicant requested a continuation to the 6/21/2023 meeting in writing.
- BO motions to continue the hearing until June 21, 2023. JR second. Approved 4-0-0.

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

- The applicant requested a continuation to the 4/5/2023 meeting in writing.
- BO motions to continue the hearing until April 5, 2023. JO second. Approved 4-0-0.

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

- The applicant requested a continuation to the 4/5/2023 meeting in writing.
- CH motions to continue the hearing until April 5, 2023. JR second. Approved 4-0-0.

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

- The applicant requested a continuation to the 3/15/2023 meeting in writing.
- CH motions to continue the hearing until March 15, 2023. JR second. Approved 4-0-0.

**3023 Ronan 953 LLC, 8 Branch Street (Raze & Rebuild).....cont. from 2/1/2023 (John)**

- Continued hearing; JO hearing officer.
- Greg Morse, 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. The original hearing was continued pending receipt of updated plans, including the elevated garage.
- Mr. Morse indicated they have made one plan change, which is the addition of a connection between the proposed garage and house. They have since received approval from ZBA. DEP had no comments regarding the project. The foundation includes FEMA-compliant flood vents and the first floor of living space is at elevation 14.
- Building Commissioner Andrew Stewart commented that an elevation certificate will be needed, and wanted to know the building materials; GM will submit these to Building. MS and JO would like the trash behind the house to be cleaned up as a condition of approval; GM indicates they will remove any debris on the site.
- JO asks for comments from the public; none.
- Special conditions will include deployment of erosion control, submission of an elevation certificate, and removal of debris from the resource area.
- JO motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. JR second. Approved 4-0-0.

**REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS**

**2872 Horan, 22 Ninth Road [COC]**

- MS visited the property and noted a generator stand installed just beyond the conservation markers. The Horans indicated to MS that the location was based on Zoning setback requirements. Mr. Horan subsequently contacted Director of Beaches Cindy Castro to replant beach grass on the property. Additionally, the foundation of the addition is not pervious as required.
- MS and Chair Hannafin visited the property and discussed the possibility of mitigation plantings to address the deviations from the OOC. BO verifies that Building permitted the installation and notes this seems like a miscommunication. JR is not interested in moving the generator but would like to know why it was not sited closer to the house; JO believes the generator had to be at least 6 ft from a window to avoid emissions. JR thinks a planting mitigation seems to be a reasonable solution; BO concurs; both indicate that professional monitoring is not needed. MS notes that he and CH suggested beach grass or an Eastern Red Cedar tree, with the final choice up to the Horan's. The Horan's, who are present, indicate they are willing to plant what the Town wants but would like some guidance as to where and when to plant. Consultant William Finn indicates the nursery where they purchase the plants will be able to help them. KD suggests their hardscape person may also do plantings. The COC is issued with the condition that homeowners plant one Eastern Red Cedar tree.
- BO motions to issue the COC with condition as noted. JR second. Approved 4-0-0.

**2770 Fusegni & Hannan, 1173 Ferry Street [COC]**

- MS visited the site and noted that the area beneath the house had been converted into an enclosed parking area with garage door; however, there are no provisions in the OOC prohibiting this use. MS notes that everything permitted in the OOC was built as approved, and an impervious driveway that was approved was not installed.
- BO motions to issue COC. KD second. Approved 4-0-0.

**2696 Mazzenga, 180 Riverside Circle [COC]**

- This OOC was issued for mitigation plantings; MS noted that the plantings were not in the exact approved location, but that the area was stabilized, with over 75% survival, with additional native species growing in.
- BO motions to issue COC. JO second. Approved 4-0-0.

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

- The request was 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.
- BO motions to table the matter to March 15, 2023. JR second. Approved 4-0-0.

**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. MS indicates that applicant's engineer Rick Servant would be willing to remove some concrete from inside the 25 ft setback and may be open to some mitigation.
- BO motions to table the matter to March 15, 2023. JR second. Approved 4-0-0.

**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.
- BO motions to table the matter to March 15, 2023. KD second. Approved 4-0-0.

**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.
- BO motions to table the matter to March 15, 2023. JO second. Approved 4-0-0.

**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** – BO makes a motion to close the hearing at 7:25 PM. JR second. Approved 4-0-0.

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