

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

MEMBERS NOT PRESENT – John O'Donnell (JO)

CALL TO ORDER

CH motions to open the meeting at 6:30 PM. BO second. Approved 5-0-0.

CHAIRMAN'S ADDRESS

- Recently passed legislation allows for the continuation of remote or hybrid municipal meetings through March 31, 2025. 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.
- CH notes that Liz Anoja has been promoted to Conservation Agent, and will be taking on additional duties; the Commissioners thanked LA for all her efforts.

MINUTES

- The minutes of the 11/4/2022, 3/1/2023, 3/15/2023, 4/5/2023, and 4/19/2023 meetings were presented for approval. A correction was made to the number of pages in the 3/1/23 minutes.
- CH motions to accept the November 4, 2022 minutes as written. SC second. Approved 5-0-0.
- CH motions to accept the March 1, 2023 minutes as edited. BO second. Approved 4-0-1, CH having abstained.
- CH motions to accept the March 15, 2023 minutes as edited. BO second. Approved 4-0-1, CH having abstained.
- CH motions to accept the April 5, 2023 minutes as edited. BO second. Approved 5-0-0.
- CH motions to accept the April 19, 2023 minutes as written. SC second. Approved 5-0-0.

BUSINESS

NEW:

B1 *de minimis* activity Roll/Review/Ratification

- a. None

B2 10 Charlotte Street, Mathieu, SE42-3037 (updated site plan)

- Rick Servant, Stenbeck & Taylor, present for applicant. An Order of Conditions was issued at the May 3 meeting for a raze and rebuild. The new structure will be elevated on timber piles in approximately the same location as the existing structure.
- RS notes that modifications were made to the deck off the new house that were not included in the previously approved site plan; this will add 46 sq ft of impervious surface but the new deck remains in the footprint of the existing one.
- CH motions to approve the updated deck design as a De Minimis activity to be captured on the As Built plans during the Request for Certificate of Compliance submittal. BO second. Approved 5-0-0.

B3 Approve Meeting Schedule for July to December 2023.....Commissioners

- The Commissioners discussed a proposed meeting schedule from July through the end of the year. Meetings will start at 6:30 p.m. on the first and third Wednesdays of each month.
- CH motions to accept the proposed meeting schedule. BO second. Approved 5-0-0.

B4 NSRWA's request for educational programming at the Messer Conservation Area.....Commissioners

- CH abstains from the discussion and vote.

- The Commission reviewed a request from the North South River Watershed Association to conduct educational programming at the property; a letter from Wildlands Trust indicating the proposed activity was within the scope of the property's conservation restriction was received at the Conservation Office. The programming will be conducted in a pavilion area on the property.
- BO motions to authorize NSRWA to use the Messer Conservation Area for outdoor environmental educational programming. JR second. Approved 4-0-1, CH having abstained.

B5 Conservation Commission reappointment of liaisons to CPC and Open Space.....Bert O'Donnell & Craig Hannafin

- BO, the current liaison to CPC, would like to remain in this capacity; CH reads his written statement of interest into the record. CH, the current liaison to Open Space, would also like to remain.
- CH motions to reappoint BO as liaison to CPC. KD second. Approved 4-0-1, BO having abstained.
- BO motions to reappoint CH as liaison to CPC. JR second. Approved 4-0-1, CH having abstained.

OLD:

- None

PUBLIC HEARING (ON OR AFTER 6:40PM)

3040 Quirk Cars, Inc., 903 Plain Street (Demo SFH, Reno auto shop & expand parking).....NEW (Susan)

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- Attorney Steve Guard and Rick Servant, Stenbeck & Taylor, present for applicant, who wishes to raze an existing single-family house and garage, renovate an existing auto shop building, expand the paved display area, and upgrade the stormwater and septic systems. Part of the work area lies within the 100 ft buffer to an isolated vegetated wetland. Attorney Guard notes applicant intends for there to eventually be a car dealership on the property. The activity inside the 100 is mostly paving to expand the display area. RS notes that the wetland was delineated by Brad Holmes, ECR. The planned stormwater system, including catch basins, trench drains, and a first defense oil separator, will be an improvement over existing conditions as currently there is no infiltration occurring on site. RS believes the IVW will be able to absorb any overflow that occurs in large storm events. They are also proposing to remove the extensive trash and debris located in the wetland and post conservation markers. They are able to access the back of the work area through the adjoining lot which is also owned by Quirk.
- MS agrees that the wetland appears to have been used as a dumping area, and the proposed cleanup and stormwater treatment will be an improvement; additionally, there is currently a plastic pipe running into the wetland that will be removed. Town Engineer Rod Procaccino reviewed the proposed stormwater system and has no issues, but commented that the Operations and Maintenance Plan needs a maintenance log form; RS has provided that to RP today along with an Illicit Discharge Statement. SC would like to ensure that all green waste and loose branches are removed when the wetland is cleaned up.
- SC also asks about snow storage, noting that the current area looks small compared to the proposed increase in paved space, and is located against the retaining wall at the 25 ft. buffer. CH would also like to see this area moved further away from the wetland. RS is willing to move it towards the street. SG indicates that the conservation marker locations can be set in the field by MS.
- CH notes that some runoff from the adjoining Quirk property makes its way into the IVW; RS and SG believe RP questioned whether the IVW could handle the overflow from both lots in a major storm; RS has reviewed the drainage from both lots and states the IVW can handle the overflow from each lot in a 100 year storm event. SG notes that stormwater from the adjoining lot is being treated with the new systems Quirk put in on that lot; they will inquire about adding a berm to the edge of this lot; this would not be part of this Order of Conditions.
- Owner Dan Smith of Smith & Sons, located next door, would like to see the proposed plans but has no issues with the project. SC notes he can review them at the Conservation Office.
- The standard conditions of approval will apply plus the erosion control insert. Special conditions of approval will include the posting of conservation markers by MS in the field, removal of debris from the IVW, and submission of an updated site plan to the Conservation Office by noon on Friday.
- SC motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. JR second. Approved 5-0-0.

23-07 The Jetty LLC, 278 Ocean Street (Removing Asphalt, installing paver & landscape).....NEW (Susan)

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- Owners Richard and Tracey Vaughan present. The proposed activity is the removal of existing pavement to install a 20' by 12' pervious patio comprised of crushed stone and granite slabs, as well as a 40' by 20' planting area. RV notes they got the idea from the Rapid Recovery Plan for Brant Rock, which advocated for the removal of hardscape, and worked with their architect to develop the plan. They did not realize a permit was required. They have already dug up the pavement and put in the cobblestone edging; MS also authorized them to make the plantings to ensure their survival; the plantings will be heat and flood tolerant. They have worked with Building Commissioner Andrew Stewart and obtained a floodplain permit.
- MS visited the property in response to an abutter complaint and assisted them with a permitting solution. The removal of 750 sq. ft. of hardscape and addition of flood-tolerant plantings are an improvement over the existing conditions. SC agrees that the project seems to be an improvement; CH supports the plant selection and urges applicants to water them sufficiently.
- Joe Peceovich, 25 Wilson Rd, asks how the project will affect the existing parking area. RV states it will reduce the area by two spots but they will still have one more spot than the 14 they are required to have.
- SC motions to issue a DOA, Pos. #5, Neg. # 2, with special conditions drafted by MS. CH second. Approved 5-0-0.

23-08 Kilcoyne, 51 North River Drive (replace aluminum rods with 4 piles to stabilize dock).....NEW (Bert)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Applicant James Kilcoyne indicates he is requesting to replace two existing aluminum rods with four greenheart pilings in order to stabilize the dock. The float will remain where it is; all work will be done from the water except the detaching of the poles. DEP has visited the site and issued a letter indicating they considered the project to be "a minor modification representing an insignificant deviation from the original specifications of the license, thus not requiring a new license or amended license." He has already received permitting from the North River Commission, filed for a floodplain permit, and received comments from Harbormaster Mike DiMeo indicating he had no issues.
- MS agrees with JK that the two aluminum rods were putting tension on the posts supporting the float, and notes that the rods were originally put in, instead of posts as JK intended, at the request of the North River Commission. BO adds that NRC has since begun to allow piles to be put in the river, and suggests stabilizing the dock will prevent possible damage to the marsh. BO visited the site with MS and has no issues. JR adds that the stress on the aluminum posts is evident in the photos JK provided to the Commission. JK tried to add some cross-bracing to the posts, but they did not sufficiently address the issue.
- There was no public comment; the standard conditions of approval for dock projects will apply.
- BO motions to issue a DOA, Pos. #5, Neg. # 2, with special conditions drafted by MS. SC second. Approved 5-0-0.

23-06 Doku Commercial R.T., 2000 Ocean Street (Paving of Gravel Parking Area).....NEW (Bert)

- Continued hearing; BO Hearing Officer.
- Peter Cruz (phonetic) present for applicant. The proposed activity is the paving of an existing gravel parking area so it can be plowed in the winter. The lot lies in Riverfront to the South River, and part of the parking area is already paved. They are willing to consider pervious pavers to address the increase in impervious surface. BO suggests that the project be reviewed by Town Engineer Rod Procaccino given the increase in impervious surface and location. A stone trench around the lot, as existed before, may be necessary. MS agrees that pervious pavers would be an improvement but the project would benefit from RP's review.
- CH adds that ZBA site plan approval will also be required according to comments from Building Commissioner Andrew Stewart. The matter is continued to allow for review by RP.
- BO motions to continue the hearing to June 6, 2023. SC second. Approved 5-0-0.

3038 Ruel, 30 Old Beach Road (Shed & Landscaping).....NEW (John)

- Continued hearing; CH Hearing Officer. CH reads the updated legal ad.
- John Zimmer, South River Environmental, present for applicant. The proposed activity is the addition of a shed in the back right corner of the lot; vegetative management, including the removal of poison ivy and red cedars;

as well as addition of a layer of loam and grass seed. They would also like to relocate the driveway and install two decks on sonotubes or concrete piers. They are offering mitigation plantings along the front of the lot, and cedars and other screen plants in back of the shed. They hope to relocate some of the existing red cedars and a patch of beach grass as part of the plan. The previous hearing was continued so the legal ad could be updated to reference the deck work and reposted.

- JZ notes they have updated the site plan to note the shed will have flood vents and be placed on sonotubes or diamond piers instead of on blocks as originally referenced. One 8' by 9' deck will be added to the east of the house and a 12' by 20' deck will wrap around the front of the house. The planting plan will include bayberry, beach rose, and beach grass. MS would like to see as many red cedars saved as possible.
- There was no further comment from the Commissioners or public. The standard conditions of approval will apply.
- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. JR second. Approved 5-0-0.

3039 Marshfield Airport Commission, 93 Old Colony Lane (Vegetative Management Plan).....NEW (Craig)

- Continued hearing; CH Hearing Officer.
- Airport Assistant Manager Ben Garmin present along with Craig Schuster (CS), Airport Solutions Group, to seek approval of a proposed five-year vegetative management plan for the airport. Consultant William Finn plays video footage of a drone flying over the airport and work areas. They do not expect to do any significant cutting over the next five years but will be monitoring tree growth in certain areas to ensure they do not penetrate into working airspace. They will reappear before the Commission if any tree cutting becomes necessary. A bordering vegetated wetland created under the Order of Conditions issued in December is doing well.
- Steve Riberdy, Goddard Consulting, shows a PowerPoint presentation setting forth the details of the VMP, which is intended to protect the airspace around the airport from vegetation that could interfere with air traffic and emergency vehicle access. They have identified areas to monitor as part of the process. The original VMP, created by WF, was created in 1997. The last large cutting on site was in 2013-14 for the runway extension. This VMP primarily involves management/trimming of vegetation already cut. The airport has acquired a Marsh Master, which will minimize surface impacts. The VMP includes a basic schedule for the maintenance of certain areas and the nature of the maintenance, as well as what areas will be monitored and dealt with only if needed. The goal is to maintain most surrounding areas as shrub habitats. They will submit a new VMP at the conclusion of this five-year plan. As part of the airport is priority habitat for Eastern Box Turtle, the VMP will be subjected to NHESP review and its comments will be incorporated into the plan. The airport already observes certain time of year constraints and other habitat management practices which will continue. They are also proposing to trim back an area of phragmites along Bass Creek in order to keep the creek from being filled in.
- CH asks if there will be an expansion of heavy mowing beyond that allowed in the current NHESP management plan; WF states the VMP proposes an expansion in the timeframe in which the mowing would be allowed - into May, June, and July - but not in the actual extent of mowing. WF indicated he was strongly opposed to allowing this provision and expressed his concerns when the VMP was developed. SR agrees they are requesting an expansion of time but states this would only be to manage the area of phragmites; the HMP already allows for summer mowing in certain areas if a turtle monitor is present. They have not yet received NHESP comments that can be shared with the Commission. WF suggests that the Commission can decide to require that the existing timeframes be observed regardless of what NHESP permits. The Commissioners support WF's recommendation. BG indicates they have no issue with keeping the existing timeframes.
- CH asks about the presence of an uncertified vernal pool in the plans. WF indicates that with the recent change in Chapter 505 bylaws, the airport must honor the buffer zone around this potential vernal pool; WF recommends that the Commission determine whether the area is actually a VP and certify it if it is.
- JR asks if the Commission should continue pending NHESP comments; CH believes the hearing can be closed tonight with a condition requiring incorporation of NHESP comments into the VMP.
- Joe Pecevich, 25 Wilson Road, notes he has written comments which he will provide to MS; they include the following: How well has the existing VMP has worked; he thinks it has had a negative impact on the habitat and vegetation. The proposed mowing may aggravate the spread of phragmites if the cuttings are not disposed of properly. Previous VMPs encouraged the spread of the phragmites in the first place. The plans are not clear on what the approach surface elevations are. The plan "shreds trees down to the ground" and it's not necessary

for safety or emergency access; just watch out for large growth. The drone footage is dated now and not reflective of the actual conditions. JP will be contacting NHESP with his concerns.

- WF notes that the drone footage was in August of last year and has additional drone footage from that time much closer to the ground. JP is also concerned that trimming the phragmites will cause trees to eventually grow in, and reiterates his previous comments. BG maintains the activity they are proposing is needed for aircraft safety and emergency vehicle access. They will maintain a vegetated buffer at the perimeter fence to protect the vista of abutters. CH notes, as this is an airport, the Commission must balance its interests against public safety needs. WF notes that the airport had previously attempted to trim the phragmites patch by hand but the workers were unable to do so due to the density of the growth in the area; it is a challenge even with the Marsh Master.
- WF notes applicants are planning to cut the phragmites area before the time of year that they go to seed, on the theory this will prevent them from quickly growing back - a theory he does not necessarily think is worth the risk to disruption of turtle habitat. SR does not believe the phragmites area is a significant area of turtle habitat. JP states the area was more diverse ecologically before the airport cut the vegetation, which gave the phragmites room to grow, thinks their plan to control them won't work, and states he would like to see a safety plan with less trimming of vegetation, as the trimming eventually leads to larger runways.
- *CH motions that the NOI and the VMP presented here tonight be approved subject to the modifications discussed at the hearing, including maintaining the mowing plan as it currently exists, monitoring the potential vernal pool at the "6" end of the runway with the potential for certification, and incorporating NHESP comments, with special conditions drafted by MS. JR second. Approved 5-0-0.*
- After the vote, WF asks that the Commission allow maintenance mowing around the lights to start tomorrow for safety reasons; the Commissioners assent.

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

- The applicant requested to withdraw their application without prejudice.
- CH motions to accept the withdrawal. JR second. Approved 5-0-0.

3024 Maglio, 146 Dakota Street (Elevate & Reconstruct SFH).....cont. from 2/1/2023 to 6/7/2023 (Joe)

- The applicant requested a continuation to the 6/7/2023 meeting in writing.
- CH motions to continue the hearing to June 7, 2023. JR second. Approved 5-0-0.

3015 Medlin, 60 Foster Avenue (Addition, Garage & Porch).....cont. from 12/21/2022 to 6/7/2023 (Susan)

- The applicant requested a continuation to the 6/7/2023 meeting in writing.
- CH motions to continue the hearing to June 7, 2023. JR second. Approved 5-0-0.

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. SC second. Approved 5-0-0.

REQUESTS FOR CERTIFICATE OF COMPLIANCE AND EXTENSIONS

1688 Perin, 882 Ocean Street [COC]

- The Order of Conditions was issued for a one-story addition. MS visited the site and recommended issuance of the COC.
- CH motions to issue a COC for SE42-1688 and waive submission of as-built plans. BO second. Approved 5-0-0.

2825 Curtis, 3 Cove Creek [COC]

- The Order of Conditions was issued for a dock repair project. MS visited the site and recommended issuance of the COC.
- CH motions to issue a COC for SE42-2825. SC second. Approved 5-0-0.

2926 Curtis, 3 Cove Creek [COC]

- The Order of Conditions was issued for a vista pruning project. MS visited the site, verified placement of the required conservation markers, and recommended issuance of the COC.
- CH motions to issue a COC for SE42-2926. JR second. Approved 5-0-0.

2694 FRC Development, 333 Plymouth Ave [COC]

- The Order of Conditions was issued for a raze and rebuild project. MS visited the site and noted a split rail fence and additional gravel cover, but noted this appeared to have been placed in an effort to keep phragmites out of the yard.
- CH motions to issue a COC for SE42-2694. JR second. Approved 5-0-0.

2964 Luchetti, 773 Summer Street [COC]

- The Order of Conditions was issued for a septic upgrade and deck added as a de minimis deviation. MS visited the site and recommended issuance of the COC.
- CH motions to issue a COC for SE42-2964. SC second. Approved 5-0-0.

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. JR second. Approved 5-0-0.

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, 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.
- CH motions to table the matter until June 21, 2023. SC second. Approved 5-0-0.

ENFORCEMENT ORDERS

None

ADJOURNMENT – CH makes a motion to close the hearing at 9:36 PM. JR second. Approved 5-0-0.

Respectfully submitted,
Liz Anoja, Conservation Agent

Marshfield Conservation Commission
Mike Seele, Conservation Administrator

Craig Hannafin, Chair
Joe Ring
John O'Donnell

Bert O'Donnell, Vice Chair
Susan Caron
Ken Dodge