

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

MEMBERS NOT PRESENT - Joe Ring (JR)

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

NEW BUSINESS

B1 *de minimis* activity Roll/Review/Ratification

- a. None

B2 Floodplain Permit Discussion, Andrew Stewart & Commissioners

- Building Commissioner / Floodplain Administrator Andrew Stewart present to discuss the current floodplain permitting process. He is a Certified Floodplain Manager with the Association of State Floodplain Managers, and has extensive experience as a builder in floodplain areas, including after Hurricanes Katrina and Sandy. The floodplain permitting process is beneficial to the Town's Community Rating System and compliance with FEMA and NFIP requirements. Participation in the CRS in particular qualifies residents for discounts in their flood insurance premiums and affords the Town better access to disaster relief and recovery funds.
- AS states the floodplain permit is designed to be the gateway permit for all construction and building activity in a FEMA Special Flood Hazard Area (LSCSF). Previously, this permitting was handled by the individual permitting departments, who may not have been aware of all the associated regulations. Residents with improperly permitted structures may be required to bring them into compliance. The floodplain bylaw has similar objectives to the wetland bylaw, including protection of flood control and damage prevention functions. Most construction or demolition activity in the floodplain requires a floodplain permit. The permit itself includes a checklist of all required permits and tracks resident progress in obtaining them.
- AS and MS walk the Commissioners through the procedure to apply for a floodplain permit online. AS reviews the online form, discussing what kind of permitting is required and what information is needed to get the permits. A document is provided that lists the contact information and basic permitting information for each department. Once all permits have been obtained, AS reviews and issues the floodplain permit. The system could potentially be used to notify residents if a permit is about to expire. AS notes the online form is customizable and he is open to suggestions for revisions or edits.
- AS advises SC that CRS credits accrue to the Town, not individuals, for having a sufficient floodplain review/permitting process in place. It does not hold up permitting for individual residents. Consultant William Finn notes that the process can be daunting and suggests AS make clear the Department is willing to assist residents in completing the steps; AS agrees and frequently helps residents complete the online form. CH tried to complete the form and agrees it can be intimidating even for someone having familiarity with municipal permitting. KD notes that the "don't know/unsure" answer options likely help residents complete the initial form.
- AS confirms to BO that he makes the "substantial improvement" determination for a project when the floodplain permit is submitted. BO suggests that AS proactively communicate substantial improvement findings and the need for resource area delineations to the Conservation Office as soon as possible to expedite the Conservation permitting process. AS indicates he has been communicating with residents and designers the need to elevate structures when substantial improvements are made, emphasizing this will protect their investment.
- CH asks if AS can issue a Certificate of Occupancy for a raze and rebuild if there are potential Conservation violations on the property; AS indicates if the violations are related to the "life-saving aspects" of the structure, he could delay its issuance; otherwise he could not. He issues temporary certificates of occupancy when there are lesser issues so residents can move in, satisfy their insurance company, and work on full compliance. They

track temporary certificates, send notifications to encourage residents to follow through on the full certificate, and issue violations and fines if they fail to do. Most residents reach out to AS upon receipt of his initial correspondence, and he communicates any outstanding Conservation or other issues to them at that time.

- CH thanks AS for his time, and would like to see the two departments to continue their cooperation.

B3 Furnace Brook Trails Bridge Installation, Ned Bangs & Commissioners

- Recreation Trails Committee Chair Ned Bangs present to discuss installation of a 12 ft bridge and small bench near a new trailhead to the Furnace Brook Watershed Trail by the St. Christine's Church parking lot. The bridge has already been approved by the Building Department. Once the new trailhead is open, the existing one by Route 3A will no longer be maintained. BO believes the new entrance will be much safer for hikers.
- CH motions to approve installation of the bridge as proposed. BO second. Approved 5-0-0.

B4 12 Edward Road, Rhodes (shed relocation, plantings, and Con. Com. markers)

- Homeowner wishes to relocate an existing shed further from the wetland and hydro seed the lawn; he would also like permission to mow one mower's length beyond the conservation markers. Two Commissioners have reviewed and approved the activity by e-mail.
- CH notes she and MS visited the site; the hydro seeding has begun but there is no evidence of a grade change on the property. The markers are installed properly, and mowing beyond the markers will prevent them from being overgrown. Homeowner is submitting an RDA for installation of a fence, instead of an originally proposed screen of trees, which will be reviewed in a public hearing.
- Several abutters raise concerns regarding previous activity on the property, including claims of grade changes and flooding as a result, as well as the proposed work. CH suggests that these matters be discussed at the public hearing for the RDA; this will most likely be on July 5, but they should check with the Conservation Office, as individual abutter notification is not required for RDAs.
- CH motions to approve the shed relocation and lawn hydro seeding as De Minimis activities. SC second. Approved 6-0-0.

B5 Harbormaster – Ridge Road Boat Ramp Emergency Repair

- Harbormaster Mike DiMeo advises that the boat ramp at Ridge Road is becoming unsafe due to erosion and buckling asphalt; he would like to install a 3' by 12' precast concrete boat ramp to address these issues. The ramp dates back to the mid-20th century and has narrowed over time. The concrete ramp also provides more safety features, including grooves that provide better traction; it will be ready in about six weeks. MD has filed for a floodplain permit. He will file a Notice of Intent for a more permanent repair after the summer, when he has the funding to do so. An additional NOI is pending for the Green Harbor boat ramp.
- MS visited the site and agrees the ramp has fallen into disrepair; BO concurs and believes the precast ramp to be a more environmentally friendly alternative to asphalt. WF agrees with all that the current ramp presents a safety hazard - "that drop-off is terrible."
- CH motions to issue an emergency certification to repair the Ridge Road boat ramp. JO second. Approved 5-0-0.

Commissioner JO recuses from discussion and voting on B6.

B6 9 Cottage Lane, John O'Donnell (Conservation Marker Maintenance)

- Invasive/opportunistic plants have grown in around the conservation markers at the back of the property; JO would like to remove these and seed the area, extending about 6 ft into the adjacent open space parcel, with a wildflower mixture. All agree this will improve the biodiversity in the area.
- CH motions to allow planting of the 6 ft buffer area with native wildflower mix as proposed. SC second. Approved 4-0-0.

Commissioner JO rejoins the meeting.

OLD BUSINESS

B7 0 Ferry Street, Laur/Bauman (SE42-3020) – Commissioners

- Tabled

B8 62 Marginal Street, Lawson – Commissioners

- Tabled

PUBLIC HEARING (ON OR AFTER 6:40PM)

23-12 Recreational Trails Committee, 172 South River Road (Shoulder Improvements).....NEW (Ken)

- CH reads the legal ad. Hearing Officer KD confirms administrative requirements are complete.
- Recreation Trails Committee Chair Ned Bangs present. RTC would like to cover a 3-4 ft shoulder along South River Road, between Pratt Farm and Bridle Farm, with stone dust or reclaimed asphalt to limit the growth of poison ivy and other invasive/opportunistic plants. This will create a safe walking area for users of these properties.
- KD visited the site with MS and agrees the project will improve safety given the tight corner and traffic in the area. The land is currently mowed by DPW and is pre-disturbed.
- CH notes that Pratt Farm is under a Conservation Restriction held by Wildlands Trust and suggests that they be contacted to ensure the proposed work is permissible; she has reviewed the CR and confirms the work area is within the Farm's boundaries; she will provide NB with the contact information. SC also suggests a Notice of Intent may be required, as part of the work area appears to be within the 25 ft buffer to a wetland. BO suggests that NB consult with DPW to obtain their survey of the area, as their right of way overlaps with the work area.
- There was no public comment; the matter is continued so NB can consult with DPW and Wildlands Trust.
- KD motions to continue the hearing to July 5, 2023. CH second. Approved 5-0-0.

23-13 Dembro, 288 Old Main Street (Deck & Shed).....NEW (Ken)

- CH reads the legal ad. Hearing Officer KD confirms administrative requirements are complete.
- Applicant Jay Dembro present; the proposed activity is construction of a 20' by 12' shed, stair/landing area, and 64 sq ft shed. The deck will be supported by sonotubes. All work is in the 100 ft buffer to a BVW, with the deck 74' and the shed 75' from the wetland. JD will reach out to the Board of Health to ensure the deck is not encroaching too close to the septic system.
- MS notes they are also looking to remove two large Ash trees; JD notes that Bartlett's Tree Service has indicated both are infested with emerald ash borers and require either treatment or cutting. MS suggests that conservation markers along the edge of lawn could be potential mitigation if the trees are removed.
- There was no public comment. The standard conditions of approval will apply plus a special condition requiring submission of a Board of Health letter approving the deck location.
- KD motions to issue DOA, Pos. #5, Neg. # 3, with special conditions drafted by MS. BO second. Approved 5-0-0.

23-14 Marshfield Rob & Gun Club, Inc., 300 School Street (12' x 24' Shed).....NEW (Bert)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Rick Servant, Stenbeck & Taylor, present for applicant, who wishes to install a 12' by 24' shed on blocks near an existing one in a pre-disturbed gravel parking lot. The lot lies within the buffer zone to a BVW associated with Clark's Pond. The area was delineated by Brad Holmes, ECR.
- MS agrees with the wetlands delineation and has no other issues; BO visited the site and concurs. Building Commissioner AS wants the shed to be a different foundation but BO suggests this need not delay the conservation permit.
- There was no public comment; the standard conditions of approval will apply.
- BO motions to issue DOA, Pos. #5, Neg. # 3, 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).....cont. from 5/17/23 (Bert)

- The applicant requested a continuation to the 7/19/2023 meeting in writing.
- CH motions to continue the hearing to July 19, 2023. BO second. Approved 5-0-0.

2735 A Sheerin, 485 Pleasant Street (Raze & Rebuild SFH).....NEW (Craig)

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

3010 A Rosenquist, 119 Maryland Street (Move Barn Location Slightly).....NEW (John)

- CH reads the legal ad. Hearing Officer JO confirms administrative requirements are complete.
- Al Loomis, McKenzie Engineering, present along with applicant A. J. Rosenquist. The order of conditions SE42-3010 was issued in November for construction of a 40' by 60' barn and associated grading in previously disturbed area in BVW. They would like to rotate the barn 90° and shift it 10' westward in order to comply with zoning setbacks. This will allow them to site the driveway to the barn on the eastern side of the property, keeping it out of the 100 ft buffer. Conservation markers will be placed in roughly the same location as originally approved.
- JO visited the property and has no issues with the changes as proposed. There was no public comment.
- The standard conditions will apply plus special conditions regarding placement of conservation markers and erosion controls.
- JO motions to close the hearing and issue amended Orders of Conditions with special conditions drafted by MS. SC second. Approved 5-0-0.

3048 Dacey, 1121 South River Street (renovations, Additions and Septic System Repair).....NEW (Joe)

- CH reads the legal ad and, as Hearing Officer, confirms administrative requirements are complete.
- Rick Servant, Stenbeck & Taylor, present for applicant. The proposed activity includes renovations to the existing home and a septic system upgrade. RS notes that the new septic could not be sited outside the 100 ft buffer to nearby BVWs due to soil conditions; it is outside the 50 ft buffer and as far from the offsite wetlands as possible. Several sections of the house will be demolished and reconstructed in mostly the same footprint. Two new additions are also proposed outside the 100 ft buffer. The existing gravel driveway will be relocated to accommodate the new system, and the new driveway is proposed to be paved; this will increase the impervious coverage on the lot, but the overall coverage on the lot will only be about 20%. Erosion control is proposed at the limit of work.
- CH asks if any trees will be removed as part of the work; applicant Tom Dacey indicates that no tree removal is proposed and they will contact the Conservation Office if they decide to do so. MS recommends approval with special conditions requiring erosion control; applicants should contact the office if any tree removal or changes are contemplated. There was no public comment.
- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. SC second. Approved 5-0-0.

3043 Hanson, 34 Chowdermarch St. (In-Ground Pool, Retaining Wall & Pool Patio).....cont from 6/7/23 (John)

- Continued Hearing; JO hearing officer.
- Rick Servant, Stenbeck & Taylor, present for applicant, who proposes to install an in-ground pool, retaining wall, and concrete patio. The previous hearing was continued to allow for updated the site plan showing trees to be removed and construction access and stockpile details.
- RS has visited the site and updated the site plan to address these issues; he has identified 14 trees, mostly pines and cedars, to be removed and added a drywell between the shed and house for pump-down water storage. They are willing to add native plantings along the retaining wall to protect the slope. The majority of soil removed for the pool will be used onsite for the patio work; any excess will be removed from the site. RS suggests the edge of lawn by the proposed shed is already clearly defined without additional plantings. They are proposing silt sock and silt fence erosion control along the slope in back.
- CH does not believe a planting plan with monitoring is required, but the plantings along the retaining wall should be native and of sufficient density. The Commissioners agree that conservation markers are not needed given the steep drop off in back.
- There was no public comment. The standard conditions of approval will apply with the erosion control insert.

- JO motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. CH second. Approved 5-0-0.

3042 Bassignani, 20 Massasoit Ave (Garage, Relocate Shed & Extend Driveway).....cont from 6/7/23 (Susan)

- Continued Hearing; SC hearing officer.
- Rick Servant, Stenbeck & Taylor, present for applicant. The proposed activity is the construction of a new detached garage with flood vents, relocation of an existing shed, and extension of an existing paved driveway. The previous hearing was continued to allow RS to discuss pervious options for the driveway to reduce the increase in impervious coverage. RS confirms applicant has agreed to use pervious pavers for the driveway extension and has updated the site plan. MS notes this significantly reduces the impervious area of the lot. RS indicates to SC that their floodplain permit application has been submitted.
- There was no public comment; the standard conditions will apply with the erosion control insert.
- SC motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. BO second. Approved 5-0-0.

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

- The applicant requested a continuation to the 7/5/2023 meeting in writing.
- CH motions to continue the hearing to July 5, 2023. KD 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 7/5/2023 meeting in writing.
- CH motions to continue the hearing to July 5, 2023. SC 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 7/5/2023 meeting in writing.
- CH motions to continue the hearing to July 5, 2023. BO second. Approved 5-0-0.

REQUESTS FOR CERTIFICATE OF COMPLIANCE AND EXTENSIONS

1500 Minichino, 71 Constellation Road [COC]

- Tabled

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

- Tabled

2844 Madden, 18 Roosevelt [COC]

- MS indicated that the rear deck was smaller than that shown on the approved plans; a pervious crushed stone driveway was added to the side of the house. BO and CH have no issues with the driveway as it is pervious.
- CH moves to issue a Certificate of Compliance for the Order of Conditions SE42-2844. BO second. Approved 5-0-0.

ENFORCEMENT ORDERS

ADJOURNMENT – CH makes a motion to close the hearing at 8:53 PM. JO 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