

MEMBERS PRESENT – Craig Hannafin (CH) Chair, Bert O'Donnell (BO) Vice Chair, John O'Donnell (JO), Jesse Platt (JP), Mike Seele, Conservation Administrator (MS)

MEMBERS NOT PRESENT - Susan Caron (SC), Ken Dodge (KD)

CALL TO ORDER – CH motions to open the meeting at 6:30 PM. BO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

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.

NEW BUSINESS

B1 195 Ridge Road (Dock Maintenance/pile replacement) – Kevin Maguire & Commissioners

- Kevin Maguire, New England Consulting Engineering, present for applicant Richard Burrows, who would like to repair an existing pier, constructed in 1980, which occupies a larger footprint than what was originally approved and does not conform to the Chapter 91 regulations. They would like guidance on how to obtain permitting for the repair work, on the understanding that additional permits will be required to bring the structure into compliance. They have reached out to several local and state permitting agencies but thus far have only heard back from the Board of Appeals, who just indicated that Building Commissioner Andrew Stewart may require a site plan. The float was originally kept in place by four piles, two of which were lost over time. They would like to install two new piles underneath the deck as well as remove the existing cross-bracing holding the deck in place and replace the wooden ramp with an aluminum one. Comments from Dave Hill of DEP indicate they will only allow this if they can show that the new piles were in the same location as the old piles, which they can't do.
- CH asks for more detail about how the pier as constructed is different from what was approved. The permitted pier length was 80 ft but the actual length as constructed is 83 ft; there is also a 10' by 12' deck not authorized in the permit. BO notes that bringing the structure into compliance would likely require going further out into the South River, as there is not enough water under the float. The decking, which is currently 5 ft, may have to be made narrower. KM notes that the water access is already limited in the area due to buildup of a sandbar over time.
- All present discuss filing options, including requesting a COC for the original dock construction, which would require an as-built plan. KM notes that the pier does not conform to state and local standards as built, so they could not represent that on the application. CH inquires if it would be possible to amend the original OOC; MS would have to research this possibility, as this is a very old permit. CM opines the work is beyond the scope of a De Minimis activity permit. BO suggests that a full replacement of the structure may be needed to bring all into compliance, and notes the Commission has permitted such replacements in similar situations. JO suggests that replacement a year or two down the line may be preferable to maintenance of the current structure, but KM is concerned about the safety factor of not doing the repair as soon as possible.
- CH reads the following comments from Building Commissioner AS: "This needs a type of verification from the Army Corps (of Engineers); the general permit under the state expired in April. Any new activity would require a special permit as there is no active general permit." CH suggests that KM focus on repairing the cross-bracing and piles by the float in considering their options; MS will research options for closing out the old orders and permitting new work.

OLD BUSINESS

B2 0 Ferry Street, Laur/Bauman (SE42-3020).....Commissioners

- Tabled

B3 0 Main Street, (SE42-2687).....Commissioners

- CH has researched the permitting history of the project and affirms it was ultimately approved with a special condition specifying that no construction would take place until a vernal pool on the site had been replicated and proven to be functional. Builder Steve Bjorklund, who is interested in purchasing the property, would like to know if the Commission would issue an amended OOC waiving the VP certification requirement before construction can start, as he cannot obtain financing without a building permit; in exchange. He would post a bond to ensure the VP is ultimately replicated and certified, and has no issue with doing the replication before construction starts. SB notes that the existing VP meets the town bylaw criteria but not the state criteria.
- BO remembers the original hearings and notes that the replication plan involved input from a peer reviewer in addition to Brad Holmes, and was decided upon after extensive meetings. As they were approved by a full commission vote at the time, he is inclined to leave the conditions as they are. CH is also not comfortable going against an Order of Conditions issued by a previous commission, particularly given the extensive deliberations on the matter.

PUBLIC HEARING (ON OR AFTER 6:40PM)

23-17 Cole, 317 Plymouth Avenue (Repair retaining wall).....NEW (John)

- JO reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Applicant Richard Cole wishes to repair his retaining wall, noting that a couple of sections have collapsed into the neighbor's yard. The existing wall is constructed of wooden railroad ties which will be replaced by interlocking concrete blocks. An existing fence wooden fence in disrepair will also be replaced with vinyl fencing. MS agrees that the existing wall is in poor shape. The fence is located on top of the retaining wall and will have to be removed when the wall is. CH visited the property and has no issues with the proposed work.
- There was no public comment. The standard conditions will apply.
- JO motions to issue a DOA, Pos. #5, Neg. # 3, with special conditions drafted by MS. CH second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

23-18 Riordan, 71 Constellation Road (Gravel under home & Front Yard).....NEW (Craig)

- CH reads the legal ad and, as Hearing Officer, confirms administrative requirements are complete.
- Applicant wishes to place gravel under the house and in the front yard for parking. MS notes there are already two small gravel parking areas in front. A flood plain permit will be required.
- There was no public comment; the standard conditions will apply.
- CH motions to issue a DOA, Pos. #5, Neg. # 3, with special conditions drafted by MS. JO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

3049 Marshfield Harbormaster, 100 Central Street (Green Harbor Boat Ramp Repairs).....NEW (Bert)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Project engineer Pat Brennan, Amory Engineers, discusses a plan to repair the boat ramp at Green Harbor; this will involve removing and replacing the ramp's outer asphalt surface, replacing two concrete platforms around the ramp, and placing 6 inch riprap around the ramp. Nearby floats and gangways will be replaced as part of the project, and steel piles holding the floats in place will be removed and replaced in a slightly different location. PB notes that although the Harbormaster is listed as applicant, the state Department of Fish and Game's Office of Boating Access proposed the project and is securing the other required permitting. A floodplain application has been filed with the Building Department.
- BO notes that the project is mostly a "like for like" replacement of existing structures; CH concurs. MS agrees that the ramp is showing signs of wear.
- There was no public comment; the standard conditions will apply.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. JO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

3052 Marshfield DPW, Cross St & Old Ocean St (Install water main, repair culvert in ROW).....NEW (Bert)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Pat Brennan present for DPW along with Town Engineer Rod Procaccino. The proposed activity is replacement of a 185 ft stretch of existing cast iron water main in the same footprint. The work area passes under the South River and through the related buffers, and RP estimates it will take one week start to finish. They also wish to repair and stabilize a culvert running under Old Ocean, near Cross Street, that MassDOT recently inspected and found deficient. They will utilize controls at the Chandler Pond dam to limit water flow during the work, and channel the remaining flow through trench boxing with a clean gravel and river stone surface. PB notes that the culvert is located in NHESP habitat; he has contacted them but has not yet received their comments.
- BO asks about the material to be placed between the new water main and the river bottom; it will be clean sand around the main topped by river stone and gravel; any clean material removed during excavation of the old main will be replaced. CH asks if any time constraints from NHESP are possible; PB doesn't expect any as there are currently no fish in this stretch of river. MS has no issue with the wetland delineation but notes the work area touches an inland flood zone; PB agrees but notes that the zone stops just short of the culvert. They applied for a floodplain permit, and comments from AS state "this project has minimal impact on the floodplain, as it is a replacement in kind."
- Tom Shields, 60 Cross St., suggests that DPW take careful note of water flows in the area, including from Ellis Bog; this will require more than just sandbags, and DPW seemed to struggle with water control in a previous project. BO asks if the river had previously been diverted in this area. RP indicates there had but not using the trench boxing proposed here; the previous project required some water flow to remain whereas this project does not. They will try to time the work during a "low flow" period; they also have the ability to control or shut off flows from Ellis Bog if needed. TS also states that keeping "the height of the river bottom by the bridge" at its current value or lower is essential to preventing flooding on his property. BO suggests that MS monitor the site during construction.
- TS asks about impacts to vegetation and a fence he has along where his property abuts the right of way, as previous DPW work damaged his driveway. RP indicates there will probably be some impacts to the vegetation, and DPW will work with him on compensation. The actual work area is in the Town right of way, but they may need to install a silt sock along the property line. TS also asks how many residences the stretch of main services. RP notes that the main, although offline for several years, is important to reactivate as it services several hydrants.
- The matter is continued to allow for receipt of NHESP comments regarding the culvert work.
- BO motions to continue the hearing until August 2, 2023. JO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

3050 Bobkat Real Estate LLC, 23 Sycamore Road (Septic Repair).....NEW (Susan)

- CH reads the legal ad and, as Hearing Officer, confirms administrative requirements are complete.
- James Garfield, Morse Engineering, present for applicant. The proposed activity is a septic repair, including the installation of new septic tank, pump chamber, and leaching chamber beds; the work area is in an AE10 flood zone, and erosion control is proposed at the limit of work. Board of Health and floodplain permitting is pending.
- MS notes that the new system will be located in pre-disturbed lawn area. CH asks if a large tree in the center of the lawn will need to be taken down; JG indicates no tree removal is proposed.
- There was no public comment; the standard conditions will apply plus the erosion control insert.
- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. BO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

3054 Eardley, 15 Newport Street (Raze & Rebuild SFH).....NEW (John)

- CH reads the legal ad. Hearing Officer JO confirms administrative requirements are complete.
- Rick Servant (RS), Stenbeck & Taylor, present for applicant, who wishes to raze the existing SFH and construct a new one on driven wooden piles about 4 ft off the ground. The surface beneath the house will remain pervious with no enclosures. The work area lies in VE13 flood zone, and the project will result in a 724 sq ft increase in impervious coverage. Floodplain permitting is pending. MS notes that the pile elevation exceeds the required two feet for this location, and suggests the project will result in an overall improvement.

- CH notes that if the existing paved drive were made pervious, it would almost cancel out the increase in impervious coverage. RS has not spoken to homeowners but thinks they would like to keep the driveway as is.
- There was no public comment. The standard conditions will apply with the erosion control insert and submission of an elevation certificate.
- JO motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. CH second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

3053 DiBello, 41 Parker Street (Raze & Rebuild SFH).....NEW (Craig)

- CH reads the legal ad. Hearing Officer CH confirms administrative requirements are complete.
- Brad Holmes, ECR, present for applicant, who wishes to raze the existing SFH and construct a new one on driven wooden piles. The work area lies in barrier beach/coastal dune, LSCSF, and AE9 flood zone. The first floor elevation of the new house will be 11 and up, and it will occupy the same footprint as the existing house except for the addition of a front entrance with steps and a rear deck and stairway. An existing impervious patio will be replaced by a pervious patio of the same square footage; the driveway and area beneath the house will remain pervious. A stone retaining wall around the existing house will be removed and not replaced. Floodplain permitting is pending.
- MS suggests that the project as proposed will be an improvement over the existing conditions. CH points out that an impervious table is required on the site plan. Building Commissioner AS notes that the project started as a stop-work order, but the homeowners have worked with him cooperatively since that time.
- Jeanne Bovinett, 27 Parker, asks if driving the wooden piles will affect the water table or drainage in the area. BH indicates the piling won't affect the flooding issue and the overall project will improve drainage by decreasing the impervious coverage on the lot.
- The standard conditions will apply plus the erosion control insert and submission of an elevation certificate. BH will submit an updated site plan with the impervious table.
- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. BO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

23-12 Recreational Trails Committee, 172 South River St. (Shoulder Improvements).....cont. from 6/21/23 (Craig)

- The applicant requested a continuation to the 8/2/2023 meeting in writing.
- CH motions to continue the hearing to August 2, 2023. JO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

2975 A Tedeschi, 160 Bay Avenue (Deck, walkways & elevate utilities).....cont. from 7/5/23 (John)

- The applicant requested a continuation to the 8/2/2023 meeting in writing.
- CH motions to continue the hearing to August 2, 2023. JO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

3051 Russo, 3 South Street (Deck Replacement).....cont. from 7/5/2023 (Craig)

- The applicant requested a continuation to the 8/2/2023 meeting in writing.
- CH motions to continue the hearing to August 2, 2023. JO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

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

- The applicant requested a continuation to the 8/2/2023 meeting in writing.
- CH motions to continue the hearing to August 2, 2023. JO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

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

- The applicant requested a continuation to the 8/2/2023 meeting in writing.
- CH motions to continue the hearing to August 2, 2023. JO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH 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 8/2/2023 meeting in writing.
- CH motions to continue the hearing to August 2, 2023. JO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

23-06 Doku Commercial R.T., 2000 Ocean Street (Paving of Gravel Parking Area).....cont. from 5/17/23 (Bert)

- Continued hearing; BO confirms administrative requirements are complete.
- Applicant Peter Poulos present. The proposed activity is the paving of an existing gravel parking area. The lot lies in Riverfront to the South River, and part of the parking area is already paved. MS notes that an updated site plan prepared by Merrill has been submitted, incorporating feedback from Town Engineer Rod Procaccino and including the addition of a recharge swale.
- There was no public comment. The standard conditions will apply.
- BO motions to issue a DOA, Pos. #5, Neg. # 3, with special conditions drafted by MS. CH second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

REQUESTS FOR CERTIFICATE OF COMPLIANCE AND EXTENSIONS

2605 Massachusetts Dept. Conservation and Recreation Magoun/Oakman/Hatch/Mounce Ponds [EXT]

- The OOC was extended so treatments for invasive hydrilla could continue.
- CH motions to issue a three (3) year extension to the Orders of Conditions SE42-2605. JO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

2712 Melia, 110 Preston Terrace [COC]

- MS visited the site and noted that little bluestem, creeping juniper, and switch grass have grown in and are stabilizing the top of the revetment.
- CH motions to issue a full Certificate of Compliance for SE42-2712 at 110 Preston Terrace. JO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

1500 Minichino, 71 Constellation Road [COC]

- An updated elevation certificate is needed, as the current one shows the utilities at ground level. MS has been in touch with former owner and Stenbeck & Taylor.
- CH motions to table the matter. JO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH 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.
- CH motions to table the matter until August 2, 2023. JO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

ADJOURNMENT – CH makes a motion to close the hearing at 8:16 PM. JO second. Approved 4-0-0 by roll call: BO yes, JO yes, JP yes, CH yes.

Respectfully submitted,
Liz Anoja, Conservation Agent

Marshfield Conservation Commission
Mike Seele, Conservation Administrator

Craig Hannafin, Chair	Bert O'Donnell, Vice Chair
Jesse Platt	Susan Caron
John O'Donnell	Ken Dodge