

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

CALL TO ORDER – CH motions to open the meeting at 6:30 PM. BO second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC 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.
- The procedure for hearings is that applicants or their representative(s) will have 5 minutes uninterrupted to present their project. This will be followed by MS's comments (1 minute), Commissioner comments/questions (10 minutes, with extensions by motion and vote), public comment, and vote. Public comments are to be addressed to the Chair or Hearing Officer. Pre-vote polls may be conducted to gain the perspective of the Commission.

NEW BUSINESS

B1 46 Winthrop Drive (Hazard Tree Removal) – Lawlor & Commissioners

- Homeowner Heidi Lawlor would like to remove three hazard trees overhanging the house, garage, and power lines at the recommendation of their insurance company. CH and MS visited the property and have no issues; CH suggests the tree company "limb" a tree located on adjacent Conservation land so it has a chance to regenerate.
- CH moves to approve the hazard tree removal request. JP second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC yes, CH yes.

B2 192 Millpond Lane (Hazard Tree Removal) – Lucas & Commissioners

- Homeowner would like to remove hazard trees on the property and adjacent Conservation land. They will be providing a memo from an arborist specifying the trees to be removed and the reasons therefor.

B3 Smith, 887 Plain Street (Discussion Regarding Desired Structures on Property) – Smith & Commissioners

- Dan Smith present for Smith & Sons. They would like to clear the property to the 25 ft wetland line to allow for greater storage on the property. The existing stormwater system has been effective, and "not one drop of stormwater has entered the secondary infiltration basin" due to their active maintenance of the sediment forebays. The property is used for green waste recycling, and clearing to the 25 would allow them to store more volume; they are not proposing any buildings at this time.
- BO is sympathetic to the request but is concerned at setting an improper precedent - "If we do it here, it means we do it for everything." DS indicates to CH the property was most recently delineated in 2018; he is willing to update the delineation; MS notes this would be required for any kind of permitting. DS indicates to BO that paving permitted under an earlier OOC has not been completed yet.
- BO is not sure the 25 ft buffer applies to this lot, as it was not previously disturbed to the 25 as were abutting parcels. CH would like to see an updated delineation, and research the site before making any specific representations. MS will arrange for a site visit.

B4 89 Leland Road (Hazard Trees on Conservation Commission Land (M08-02-12) – Sullivan & Commissioners

- Homeowner would like several trees on Conservation land abutting her property to be cut by DPW; they are hanging over her fence and driveway, and she no longer feels safe parking in the driveway. MS notes that DPW will determine whether they can cut the trees if the Commission votes to approve the request. CH asks MS to advise DPW they can proceed.

B5 195 Ridge Road (Dock Discussion) – Burrows & Commissioners

- Kevin Maguire, New England Consulting Engineering, present for homeowner Richard Burrows regarding an existing pier that was not built as permitted, and is not in compliance with the Chapter 91 regulations. They would like to install two new piles underneath the deck in order to secure the float in its present location.
- CH has discussed the matter with other officials and doesn't see a way the Commission can permit the proposed activity on the existing dock; it clearly is not a De Minimis activity. KM thinks they may need to request a permit from DEP for an emergency repair on the understanding that additional permitting will be necessary. CH is not comfortable authorizing the repair on an emergency basis, and suggests that KM approach DEP.

B6 Commission Discussion regarding proposed additions to the Policy and Procedure Guide

- Consultant William Finn notes that he and CH have come up with two suggested additions. The first updates the variance guidelines therein to specify that the applicant must establish "to the satisfaction of the Commission the factual basis for a claim that the proposed activity is rare and unusual within the Town of Marshfield and, in particular, the resource area under consideration" and the activity will not have a significant or cumulative adverse effect on a resource area. "The applicant shall also describe the beneficial impacts, if any" resulting from the proposed activity. The information provided must be supported "by factual, scientifically based information and data which can be verified by the Commission and upon which the Commission can rely." Applicant must also demonstrate ownership of the property on which the activity is proposed, that the activity will "protect the wetland values and assumptions of significance," and provide an alternatives analysis.
- The second addition provides 11 categories of optional special conditions based on a list published by the Massachusetts Association of Conservation Commissions; WF has consulted with Town Engineer Rod Procaccino on the proposed conditions having to do with stormwater management. The Commissioners and Conservation staff will receive a hardcopy of the conditions they can bring with them on site visits.
- WF suggests these additions will give both the Commissioners and applicants additional guidance in deliberations. The guidelines do constitute administrative law and do not require a public hearing to adopt or change.
- CH moves that the Commission approve the additions to the Policy and Procedure guide regarding variance and order of condition guidelines. JP second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC yes, CH yes.

PUBLIC HEARING (ON OR AFTER 6:40PM)

23-21 Good, 0 Assumption Road (Beehives on Diamond Piers).....NEW (Craig)

- CH reads the legal ad and, as hearing officer, confirms administrative requirements are complete. Commissioner SC recuses from the discussion.
- Attorney Adam Brodsky (AB) and project engineer Rick Servant, Stenbeck & Taylor, present for applicant David Good, who wishes to place two beehives on diamond piers in buffer zone to salt marsh and LSCSF. The property was delineated in May by Brooke Monroe, Pinebrook Consulting, and there are FEMA elevation 9, 10, and 11 flood zones on the property. The beehives will be located between the saltmarsh and Assumption Road. AB suggests the piers will cause minimal disturbance to the buffer. Applicant is willing to remove yard waste from the property as a condition of approval.
- CH notes that boxes B, C, and D were checked on the application; this asks the Commission to confirm that the boundaries of the resource areas are accurately delineated, which cannot be done at this time as the areas in question are heavily overgrown. CH also suggests that box A should be checked, as the proposed hive sites are clearly jurisdictional. AB agrees the work is jurisdictional and suggests that the boundaries of this particular resource area, salt marsh, are "fairly easy to understand." CH agrees with AB that the delineation is recent and made by a well-known consultant but indicates "we check the lines" before confirming them; as such, CH asks that they either clear the vegetation enough to allow the delineation to be checked, or agree to continue the matter until some of the vegetation has died back in the fall/winter.

- CH also notes the plan in the Commission file appears to be a draft that does not bear an RPE stamp; RS indicates that a stamped plan was produced when the application was put together but CH advises this was not received with the other materials. AB indicates they will provide the stamped plan to the Conservation Office.
- Applicant DG notes he was willing to look at the flags with the Commissioners at the site visit on Monday; “They’re right there, just beyond our view.” AB adds they are only looking to confirm the line in the portion of the property where they are looking to do work, not the entire 17 acres, and suggests the Commission could note that in its determination; they are willing to clear a path to view the flags in this area if they wish to confirm the flags. CH suggests that without a stamped plan, a Positive 5 determination, Notice of Intent required, may be appropriate, but AB notes that the disturbance is limited to digging two holes for the diamond piers to support the hives. CH agrees that the activity is low impact and approvable but maintains a Positive 5 is appropriate. AB assents to a continuation so they can clear vegetation to view the wetland flags in the area and provide a stamped copy of the site plan.
- BO asks about the specific location of the hives; DG indicates they are looking to place them in an open area between the 25 ft line and the street. They will work with MS and a beekeeper on optimal placement but do want to set them back some from the street to avoid issues with passersby. They are hoping the hives will encourage greater growth of native plants in the area, and DG does not believe they require excessive maintenance. BO requests that they stake the proposed hive locations in the field. CH asks if the hives will be managed by a third party; they will use an experienced beekeeper initially to bring them up to speed on the process. CH notes she has kept bees for a number of years and asks DG to document how much activity they anticipate in tending the hives; AB indicates they will provide a written narrative.
- Roberta Sullivan, 77 Blue Heron, asks if this will be a commercial operation as the property is in a residential area; DG indicates he pursues beekeeping as a hobby that he hopes will improve the existing conditions in the area. AB notes the disturbance proposed is limited to some clearing of vegetation and is a permitted use. Kathy Herrill, Cleveland Ohio, asks why the hives can’t be put on the ground. CH indicates this would result in a greater impact to the buffer zone. Steve Flynn, 77 Blue Heron, is concerned about the safety of kids playing nearby and approaching the hives. AB notes that honeybees are fairly non-aggressive, and the hives will be placed on private property; CH agrees that honeybees are much less aggressive than other bees and wasps. RS asks if there will be any adjacent buildings; AB indicates there will be none. David Russell, 77 Bay Ave, opines “there is no real need” for the pollination honeybees provide in the area; he is also concerned they may crowd out native bees and asks if any impact analysis has been done. CH notes that bee biology and native species impacts is beyond the scope of the discussion. DR suggests this concern should be part of Conservation’s role. CH maintains that the role of the Commission in this hearing is to uphold the WPA and the Town bylaw. AB does not expect that the state DEP would have any concerns about the placement of the two beehives. Harry Klebmoff, 52 Assumption, notes that a nearby beekeeper expressed concerns about swarming “in a residential area where there are kids.” CH states that “when bees swarm, that is when they are at their most benign.” HK states the beekeeper also indicated his hives required significant maintenance, including “heavy loading and unloading” of equipment; CH agrees this is a valid concern, which is why she asked them to provide a written estimate as to traffic to and from the hives. HK is also concerned about the hives’ impacts on the ecosystem of the marsh and that they could jeopardize their flood control function. DG notes that the area where the hives are proposed is mostly invasive phragmites, and suggests the bees can help reestablish native plantings in the area and enhance the flood mitigation.
- The matter is continued to allow for updated submissions and Commissioner site visits to observe the proposed hive locations and wetland flagging.
- CH motions to continue the hearing to September 6, 2023. JO second. Approved 4-0-0 by roll call: JO yes, BO yes, JP yes, CH yes.

Commissioner SC rejoins the meeting.

- 23-22 Saad, 90 Seaview Avenue (Raze & Rebuild Garage).....NEW (Susan)**
- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
 - Rick Servant, Stenbeck & Taylor, present for applicant. The proposed activity is the raze and rebuild of an existing garage, a portion of which lies within the 100 ft buffer zone to a bordering vegetated wetland; there is other work activity pending that is outside the buffer. MS notes that the new structure will be entirely outside the 100.
 - There was no public comment. The standard conditions of approval will apply with the erosion control insert.
 - SC motions to issue a DOA, Pos. #5, Neg. # 3, with special conditions drafted by MS. CH second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC yes, CH yes.
- 3055 Serino, 86 Genevieve Lane (Addition & porches).....NEW (John)**
- CH reads the legal ad. Hearing Officer JO confirms administrative requirements are complete.
 - Rick Servant, Stenbeck & Taylor, present for applicant. The proposed activity is construction of an addition and porch off the side of an existing house, and a porch off the front of the house. RS notes that the work area is all previously disturbed. A concrete foundation is proposed, and the work will result in a 389 sq ft increase in impervious coverage. The lot does not lie in a flood zone, and only part of the front porch work is in the 100 ft buffer. Building Commissioner AS noted in comments that a special permit from ZBA will be required, as the side setback, at 14.9 feet, is slightly non-conforming.
 - All present discussed a 15' by 15' treehouse and lawn area observed to be inside the 25 ft BVW buffer but not on the property. MS notes the lot they are on is undeveloped and bisected by the BVW and heavy vegetation. MS would like conservation markers to be posted but notes that the edge of lawn in this case is not on the applicant's property. CH suggests that the markers be placed along the property line and applicant be instructed to stop maintaining the lawn behind the markers.
 - Special conditions of approval include the posting of three conservation markers at the property line and no further mowing beyond the markers. There was no public comment.
 - JO motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. JP second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC yes, CH yes.
- 3056 Celiberti Realty LLC, 0 Main Street (ANRAD).....NEW (Bert)**
- CH reads the legal ad. BO acts as Hearing Officer. Commissioner SC recuses from the discussion and vote. MS notes that a DEP number has not yet been issued so the hearing cannot close tonight.
 - Greg Morse, Morse Engineering, present for applicant, who would like to delineate the resource areas on the approximately 18 acre property. Applicable resource areas include two BVWs, one on the property and one just offsite; these were flagged by their staff wetland scientist Michelle Bernier (phonetic) in the spring. They identified no endangered species habitats, vernal pools, or riverfront area.
 - BO notes that he and two other Commissioners visited the site with GM, MS, and LA and questioned whether there was another wetland on the site that was identified in an earlier site plan on file with the Planning Board. CH adds there is a stream in the middle of the property not shown on the current site plan, as well as a delineation from 2021 that shows considerably more extensive wetland; these discrepancies need to be resolved. GM notes this is the first time he has seen the plan and inquires if it was part of a previous ANRAD; CH indicates the plan was submitted to the PB but not Conservation. GM suggests the earlier plan may not have been vetted in the same way theirs has been, as it was not part of a Conservation filing. MB states the soil samples she took indicate the area is upland, and less than 50% of the vegetation in the area is wetland species. MB also states the stream referenced by CH is a drainage ditch from the neighboring property; GM notes the USGS maps show this as an intermittent stream. MS observed some wetland vegetation in the locations in question. BO asks about the location of Eames Brook in relation to the property; GM indicates the property drains to Eames Brook, but it is not part of the property.
 - As the matter can't close tonight, MB indicates she is willing to re-visit and photograph the site; GM suggests that the Commissioners attend; he will add the IS to the plan. CH suggests that a third-party review may be needed if the noted discrepancies can't be resolved. Kathy Harlow (phonetic) states the stream on the property "was always running" years ago and had gotten wetter over time. Ed Harlow notes that their family trust owns the abutting land and states they were told their land was "far too wet to do anything." EH hopes the Commission can balance all competing interests fairly in its decision. CH notes the Commission takes this objective very seriously.

- The matter is continued pending receipt of a DEP file number and additional information.
- BO motions to continue the hearing to September 6, 2023. CH second. Approved 4-0-0 by roll call: JO yes, BO yes, JP yes, CH yes.

Commissioner SC rejoins the meeting.

23-20 Junior, 128 Highland Street (Septic Repair).....cont. from 8/2/2023 (Bert)

- Continued hearing; BO hearing officer.
- The proposed activity is a septic repair/replacement in buffer zone to BVW. The home was built prior to 2002, and the new tank lies outside the 25 ft buffer. The previous hearing was continued for clarification as to whether a 25 ft or 50 ft no disturb buffer applies. BO advises that Town Counsel has advised that a 50 ft buffer would be applicable. Board of Health has approved the proposed system.
- MS suggest that conservation markers be posted behind the existing home and stable and every 50 feet along the 50 ft wetland line. The matter is continued to confirm applicant's acceptance of the marker locations. There was no public comment.
- BO motions to continue the hearing to September 6, 2023. BO second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC yes, CH yes.

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

- Continued hearing; CH Hearing Officer.
- Recreation Trails Committee Chair Ned Bangs present to follow up on a proposal 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 invasives growth and create a safe walking area. The initial hearings were continued to consult with Wildlands Trust regarding their Conservation Restriction for Pratt Farm. NB advises that Wildlands has indicated the proposed work is allowable under the CR. They have also met with Marshfield Police Safety Officer Jason Lucchetti and DPW personnel, who expressed support as it would get pedestrians out of the road. They will be consulting Town Counsel as to potential liability issues, and will work with DPW on a work schedule. CH would like something in writing from the Safety Officer. MS notes that additional permitting may be required from DPW. There was no public comment.
- CH motions to continue the hearing to September 20, 2023. JO second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC 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 9/6/2023 meeting in writing.
- CH motions to continue the hearing to September 6, 2023. JO second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC yes, CH yes.

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

- The applicant requested a continuation to the 9/6/2023 meeting in writing.
- CH motions to continue the hearing to September 6, 2023. JP second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC yes, CH yes.

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

- The applicant requested a continuation to the 9/6/2023 meeting in writing.
- CH motions to continue the hearing to September 6, 2023. JO second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC yes, CH yes.

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

- The applicant requested a continuation to the 9/6/2023 meeting in writing.
- CH motions to continue the hearing to September 6, 2023. JO second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC yes, CH yes.

- 2958 Speakman, 274 Foster Avenue (Elevate SFH).....cont. from 11/2/21 (Susan)**
- CH notes that the matter has been on the agenda for over a year. As no continuation request was received, the matter was dismissed without prejudice.
 - CH motions to dismiss the matter without prejudice. SC second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC yes, CH yes.

REQUESTS FOR CERTIFICATE OF COMPLIANCE AND EXTENSIONS

2217 & 2217A John Sherman Estate, 350 Min Street [EXT]

- Greg Morse, Morse Engineering, present for applicant; they are requesting a 12 month extension to finish roadway paving, and rain garden and street tree plantings. The Planning Board has waived its requirement for a sidewalk installation. GM expects the subdivision road to be complete by November, and they anticipate filing for the COC after the spring growing period.
- MS notes there is significant erosion running into the road from the top of the hill on Lot 7 that is slowly approaching Commission jurisdiction. GM has mentioned this to the contractor building the home and suggests that MS contact them directly.
- CH motions to issue a 12 month extension, to September 4, 2024. JO second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC yes, CH yes.

0869 Briston (Now Vetrano), 48 Jedidiah's Path [Partial COC]

- MS indicates that a partial COC should be issued for all lots in this subdivision, as certain approved drainage components were not constructed.
- CH motions to issue a partial COC for SE42-0869 at 48 Jedidiah's Path. JO second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC yes, CH yes.

2923 Tedeschi, 162 Bay Avenue [COC]

- MS notes there is a dry-walled, finished structure beneath the home.
- CH motions to table the matter pending further information. JP second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC yes, CH yes.

3026 Tarbox, 6 Trouants Island [COC]

- MS advises that the septic system was installed as proposed.
- CH motions to issue a COC for SE42-3026 at 6 Trouants Island. JO second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC yes, CH yes.

ADJOURNMENT – CH makes a motion to close the meeting at 8:53 PM. JP second. Approved 5-0-0 by roll call: JO yes, BO yes, JP yes, SC yes, CH yes.

Respectfully submitted,
Liz Anoja, Conservation Agent

Marshfield Conservation Commission
Mike Seele, Conservation Administrator

Craig Hannafin, Chair
Jesse Platt
John O'Donnell

Bert O'Donnell, Vice Chair
Susan Caron