

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), Liz Anoja, Conservation Agent (LA)

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

CHAIR'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.

MINUTES

- The minutes of the July 19, August 2, August 16, September 6, and September 20 meetings were presented for approval.
- CH motions to accept the July 19, August 2, August 16, September 6, and September 20, 2023 minutes as written. SC second. Approved 6-0-0.

BUSINESS

B1 99 Bay Avenue, Casler - COC Discussion regarding encroachment structure & retaining wall

- Attorney Jeffrey Sill (JS) present. JS notes he was the bank attorney when the property was conveyed to the present owners, and their title examination missed the outstanding Order of Conditions on the property, SE42-1477, due to a clerical error. The property is for sale again, with closing scheduled for Monday, and the buyer's title examination found the OOC. There are several outstanding issues, including encroachment of a cottage about 6 ft onto adjoining town-owned property. JS is seeking guidance on how to resolve all issues and close out the OOC.
- BO believes the town-owned land is under Conservation custody. CH asks about the history of the structure; JS indicates the cottage was built in 2000 in the footprint of an older cottage. MS notes there is also a retaining wall on the town parcel, dating back to about 2014, that does not have any permitting history; SC suggests its removal could be possible mitigation for the encroachment along with allowing the encroaching section of lawn to renaturalize. CH suggests that JS also reach out to Building Commissioner Andrew Stewart to resolve outstanding building permit issues; CH will consult further with Town Counsel.

PUBLIC HEARING (ON OR AFTER 6:40PM)

3064 Pinheiro, 193 Pinehurst Road (New SFH).....NEW (Susan)

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- Greg Morse (GM), Morse Engineering, present for applicant. The proposed activity is construction of a home, driveway, grading and utilities. GM notes that a home had previously been permitted on this lot, before construction of the road, but was never constructed. Under the new plan, the driveway, utilities, and septic system are outside the 100 ft buffer; the back corner of the proposed house, part of the back porch, and grading for the back yard are inside the 50 to 100 ft buffer. The BVW in back of the house was delineated by Brad Holmes, ECR. GM notes that the lot is about 4 acres, 0.5 acres of which are proposed to be cleared. Buffer zone mitigation plantings and conservation markers associated with the previous OOC, now expired, have already been posted.
- SC notes the lot lies in NHESP priority habitat and inquires whether a comment letter has been received; GM indicates they have submitted the project to NHESP but have not received their comments; NHESP had no concerns with the previously permitted project. Building Commissioner Andrew Stewart has commented the property is in the Inland Wetland District, and a ZBA special permit may be required; GM is aware of the issue.

BO asks about plans for the remaining 3.5 acres; GM indicates no disturbance is proposed for this section at this time.

- All briefly discuss the status of the buffer zone mitigation plantings and conservation markers associated with the previous OOC, now expired. CH notes that most plantings appear to be dead, but SC was able to locate the markers; she would like these to be added to the site plan. SC was only able to locate one of the two required monitoring reports. GM will ask BH to inspect the plantings. Ed Moran, 28 Robert Ave, would like the plantings to be addressed as part of this permit; GM indicates they are willing to make replacement plantings as needed.
- The matter is continued pending receipt of NHESP comment letter and updated site plan.
- SC motions to continue the hearing to November 1, 2023. JO second. Approved 6-0-0.

3066 Clifford, 201 Ridge Road (Addition).....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 construct an 18' by 4' bump-out addition on sonotubes over existing lawn area. The work area lies in AE9 flood zone, Riverfront, and buffer zone to salt marsh. Flood plain permitting is pending.
- BO asks for comments from the public; none. Special conditions of approval include the deployment of erosion control and submission of an elevation certificate.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. JP second. Approved 6-0-0.

3069 Campbell, 134 Surf Ave (Elevate SFH).....NEW (John)

- CH reads the legal ad. MS advises DEP file number is pending, so a continuation will be required.
- Rick Servant, Stenbeck & Taylor, present for applicant, who wishes to elevate the existing home onto a FEMA-compliant concrete foundation with flood vents. The front porch, rear entry, and utility room will be elevated to the new first-floor elevation. The lot lies in AE9 flood zone; flood plain and ZBA permitting is underway.
- BO asks how the elevated porches will be supported; RS indicates they will be supported by posts or sonotubes; the house and decks will only be elevated to 2-3 ft so they are above the flood elevation. MS notes it is common practice to elevate decks in this manner, and sonotubes are a good choice in this setting; BO adds this design question is addressed in the Building Code.
- JO asks for comments from the public; none. Special conditions of approval will include the deployment of erosion control and submission of an elevation certificate.
- JO motions to continue the hearing to November 1, 2023. JP second. Approved 6-0-0.

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

- Continued hearing; CH hearing officer.
- MS has spoken with Ned Bangs of RTC and Town Engineer Rod Procaccino (RP), who is preparing a site plan for the proposed work. They would like authorization to clear up to 10 ft from the road where needed, so they can use satellite equipment to prepare the site plan, which would save time. CH suggests that they check with Wildlands Trust, which holds the Conservation Restriction, as this is a greater extent of clearing than the 3-4 ft originally proposed. MS will advise.
- CH motions to continue the hearing to November 1, 2023. JP second. Approved 6-0-0.

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. MS visited the property and verified that conservation markers are in place along the 50 ft wetland marker and edge of lawn behind the shed. The markers are to remain in perpetuity as per a condition of the Determination.
- BO motions to issue a DOA, Pos. #5, Neg. # 3, with special conditions drafted by MS. JP second. Approved 6-0-0.

- 3051 Russo, 3 South Street (Deck Replacement).....cont. from 7/5/2023 (Craig)**
- Continued hearing; CH Hearing Officer.
 - The matter is continued to November 1, as neither applicant nor their consultant are present.
 - CH motions to continue the hearing to November 1, 2023. JP second. Approved 5-0-0.
- 3024 Maglio, 146 Dakota Street (Elevate & Reconstruct SFH).....cont. from 2/1/2023 (Craig)**
- Continued hearing; CH Hearing Officer.
 - Jed Hannon, Atlantic Coastal Engineering, present for applicant. The proposed activity is the raze and rebuild of the existing SFH; the new structure will be elevated on open piles and include a deck area and access stairs. The saltmarsh in back was flagged by Brad Holmes, ECR. The lot lies in an AE9 flood zone; the new structure will be elevated well above the flood elevation, and includes a cantilevered deck slightly over the marsh. JH states the deck boards will include adequate spacing for sunlight penetration. A new septic system is proposed and has been approved by the Board of Health.
 - MS notes the new home will be in the same footprint as the existing structure and the proposed deck would have no footings in the ground. MS observed a flower bed and clothesline in the marsh area that appear to have been in their location for many years, as well as evidence of mowing in the marsh. CH suggests these structures should be moved out of the marsh, the mowing stopped, and conservation markers posted; all agree to the posting of markers along the edge of the marsh. Applicant would like to keep the clothesline if possible, as it has little impact to the marsh. MS notes that the area will likely be overgrown once the mowing ceases. The Commissioners agree the line can be moved to a location inside the conservation markers. JH will update the site plan to show the markers and garden bed/clothesline, and denote the proposed crushed stone along the foundation.
 - BO asks if there is an existing cesspool that has to be filled; JH advises they have an approximate location but are uncertain of the exact point; they will make an effort to locate one and handle in accordance with the conditions of the Board of Health permit.
 - CH asks for public comment; none.
Special conditions of approval include the posting of conservation markers, submission of an updated site plan by 12 noon on Friday, October 20, and submission of an elevation certificate when issued.
 - CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. SC second. Approved 5-0-0.
- 3056 Celiberti Realty LLC, 0 Main Street (ANRAD).....cont. from 8/16/2023 (Bert)**
- Continued hearing; BO hearing officer. Commissioner SC recuses from the discussion and vote.
 - Greg Morse, Morse Engineering, present for applicant Rob Celiberti along with wetland scientist Michele Grenier (MG). Applicant is seeking to delineate the resource areas on the approximately 18 acre property. The original hearing in August was continued to address discrepancies between the delineation by MG in the spring and a delineation from 2021 that showed more extensive wetlands. MG has reviewed the delineation, revisited the site, and sent correspondence to the Commission discussing her findings as well as DEP BVW data sheets; the letter notes one additional isolated vegetated wetland, which has been added to their plan along with an intermittent stream channel in “the front portion of the site.”
 - MS notes that DEP recently released a new wetland delineation guide, and the data sheets provided are from an earlier version of the guide. MG comments that the new sheets provide somewhat more information but much of the data is the same. BO notes he had asked earlier about the location of Eames Brook in relation to the western edge of the property; GM indicates the property drains to Eames Brook, but all points are more than 200 ft away.
 - BO suggests that a third party delineation may be needed to resolve the discrepancies between the Morse and 2021 Merrill delineations. CH concurs, as there is uncertainty as to whether the buffer along the western edge is headwaters for Eames Brook. GM indicates they will fund the review as required under the policies and procedures. The matter is continued pending results of the third-party review.
 - BO motions to continue the hearing to November 15, 2023. JP second. Approved 6-0-0.

Commissioner SC rejoins the meeting.

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

- The matter is continued to November 1, as neither applicant nor their consultant are present.
- CH motions to continue the hearing to November 1, 2023. SC second. Approved 6-0-0.

23-21 Good, 0 Assumption Road (Beehives on Diamond Piers).....cont. from 8/16/2023 (Craig)

- The matter is continued to November 1 at applicant's request.
- CH motions to continue the hearing to November 1, 2023. JP second. Approved 6-0-0.

REQUESTS FOR CERTIFICATE OF COMPLIANCE AND EXTENSIONS

3003 Michaels, 459 Highland Street [COC]

- Rain barrels and conservation markers are in place as required under the OOC.
- CH motions to issue a COC for SE42-3003 at 459 Highland Street. SC second. Approved 6-0-0.

2923 Tedeschi, 162 Bay Avenue [COC]

- The enclosure beneath the home has not been addressed.
- CH motions to continue the hearing to November 1, 2023. JP second. Approved 6-0-0.

ADJOURNMENT – CH makes a motion to close the hearing at 7:45 PM. JO second. Approved 6-0-0.

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