

**APPROVED MINUTES - CONSERVATION COMMISSION
WEDNESDAY, FEBRUARY 7, 2024 | 6:30 P.M., SELECT BOARD CHAMBERS
TOWN HALL, 870 MORaine ST., MARSHFIELD, MA**

APPROVED 4-0-0 3/6/2024

MEMBERS PRESENT - Craig Hannafin (CH) Chair, Bert O'Donnell (BO) Vice Chair, John O'Donnell (JO), Corey Miles (CM - arrived 6:34 PM), Mike Seele, Conservation Administrator (MS), Liz Anoja, Conservation Agent (LA)

MEMBERS NOT PRESENT - Elizabeth Lake (EL)

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

MINUTES

- The minutes of the December 6 and January 3 and 17 meetings were presented for approval.
- CH moves to accept the December 6, 2023 and January 3 and 17, 2024 minutes as written. BO second. Approved 4-0-0 by roll call: JP yes, BO yes, JO yes, CH yes.

BUSINESS

B1 900 Ferry Street, Recreation Department – Removal of Hazard Trees at Coast Guard Hill

- MS was contacted by DPW Trees & Cemeteries Foreman Matt Eby regarding three dead/diseased cherry trees overhanging the playground at Coast Guard Hill. These trees are in buffer zone to salt marsh and have recently dropped limbs. MS visited the site, judged them to be an imminent hazard, and authorized their removal as soon as possible.
- CH moves to permit the removal of hazard trees at the Coast Guard Hill Recreation Area as a de minimis activity. JO second. Approved 4-0-0 by roll call: JP yes, BO yes, JO yes, CH yes.

B2 John Sherman Estates, Conservation Commission – Discuss Conservation Restriction

- The John Sherman Estates was permitted as an Open Space Residential Development (OSRD) in which land behind Wright's Way had been designated as open space originally to be protected by a Conservation Restriction, but is now proposed to be turned over to Commission care and custody under Article 97.
- CH notes that Article 97 provides significant protection for the land, with the removal of such designation requiring Commission approval, two-thirds Town Meeting vote, and two-thirds approval by the state legislature - "It is almost impossible to take land out of Article 97 protection." Much of the land is wetland or steep slopes not suitable for most development. As some of this land has been cleared or converted into lawn by homeowners within the subdivision, CH suggests that the Commission accept care and custody with the provision that conservation markers, paid for by the subdivision, be posted every 50 ft along the property line prior to such acceptance and evidence provided that all encroachments have been corrected. BO supports the proposal but additionally suggests that Town Counsel review the proposal.
- CH moves to accept the open space on the John Sherman Estates Residential Development plan as property under care and custody under the Conservation Commission after encroachments are corrected, conservation markers posted every 50 ft along the property line, and Town Counsel has reviewed the proposal. JP second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

B3 192 Millpond Lane, David Lucas – Tree Cutting Discussion/Updates.

- David Lucas (DL) present to discuss the removal of hazard trees on adjacent Conservation parcel C12-01-40. DPW hired RG Tree to examine the area, who flagged about 20 trees they recommended be removed; six of these were deemed imminent hazards and will be removed at a cost of \$4600 to be paid from the Commission's hazard tree fund. DL and neighbors would like to know the process by which the remaining trees could be removed, as these are in a position to potentially threaten five houses.
- CH asks about the cost to remove the remaining trees. RG provided DL a quote for \$8000 without removal; DL would like to know if the tree sections, once cut, could be spread out within the parcel. The stumps and tree

sections could potentially provide habitat, but the parcel is very narrow and there is probably room to accommodate some but not all of the sections. DL will be obtaining quotes from two other tree companies depending on what is decided by the Commission; he thinks a crane placed in a neighbor's driveway would be able to access most of the trees in question. BO suggests it may be cheaper for all the work to be done at once. After further discussion, CH requests that DL obtain written estimates from other companies that include options to keep the fallen trees on site; CH will inquire about additional funds to cover the remaining work.

B4 12 Foster Ave, Alvaro Carrasco – Remove Concrete footing, replace with Diamond Piers

- General contractor Ben LaMora (ph) present for homeowner. In conducting other work on an existing bump-out, they have discovered that the existing foundation needs replacing; they would like to replace it with diamond piers or sonotubes.
- MS notes that the proposed work area is in buffer zone to coastal beach but not in LSCSF. CH suggests that diamond piers would have the least potential impact; BO concurs, noting that Building Commissioner AS's comments specifically referenced a diamond pier.
- CH moves to approve the installation of diamond pier footings as a de minimis activity. JO second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

B5 807 Union Street, Edie Knight – Exemption to 505-103.4 for driveway replacement

- MS has been in touch with Mr. Knight, who wishes to replace an existing asphalt driveway as a minor activity not requiring a Notice of Intent. The driveway is in the buffer zone and crosses a wetland, with a culvert underneath. CH states that a NOI or abbreviated NOI filing is required given the wetland crossing, and the exemption is not applicable - "this needs a permit."

B6 1327 Union Street, Digan-Holmes – Removal of Hazard Tree

- CH recuses herself from the discussion and vote. MS notes that Brad Holmes, representing homeowner, has been in touch with LA to request permission to remove a hazard tree in a buffer zone, overhanging a shed; other trees on the property to be cut are outside Commission jurisdiction.
- BO moves to authorize the cutting of the hazardous trees. JO second. Approved 4-0-0 by roll call: JP yes, BO yes, CM yes, JO yes.

CH rejoins the meeting.

PUBLIC HEARING (ON OR AFTER 6:40PM)

23-12 Recreational Trails Committee, 172 South River St. (Shoulder Improvements).....(Craig Hannafin)

- Continued hearing; CH hearing officer.
- Ned Bangs (NB) present for RTC. Since the last hearing, NB, CH, and BO have walked the site with Town Planner Greg Guimond; a Scenic Road hearing with the Planning Board is scheduled for February 26.
- CH motions to continue the hearing to the March 6th Conservation Meeting. JP second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

3056 Celiberti Realty LLC, 0 Main Street (ANRAD).....(Bert O'Donnell)

- Continued hearing; BO hearing officer. Greg Morse (GM) present for applicant.
- MS notes that since the last hearing, he, LA, BO, CH, and Commission consultant William Finn had had calls with Beals & Thomas and Epsilon to clarify the scope of their proposals for delineation of the property. After the calls, B&T revised their quote and Epsilon retracted their bid on grounds that the requested work was too close to a peer review. CH adds that the gap between the previous B&T and Epsilon proposals was due to Epsilon's quote being for only the front parcel, 13 acres instead of 18 acres. Upon having the scope of work clarified, Epsilon declined to submit an updated proposal.
- CH advises GM that the new B&T quote had been increased to \$15,500 based on the scope of work the Commissioners set forth in the call. BO believes B&T now has a clear idea of what the Commission requires in order to make a proper decision on the delineation. Three firms were originally requested to provide quotes. JO has reviewed B&T's proposal as well as the original RFP and finds them both consistent; "the number is what

- the number is." JP concurs. CM would like to see a bid that was more competitive in price and is not sure why B&T increased their number; CH opines this is because the scope of work, as they understood it, was expanded.
- GM advises that his client would like to close the hearing immediately, and they will not agree to any further continuances - "You have the information you need" - and notes that this hearing has been open since July. The new B&T quote is "extremely high" based on his experience, and they intend to appeal to DEP. "Please close this hearing immediately."
 - BO notes his intent was to ask for a Commission vote to accept the B&T quote and then ask applicant if they wished to proceed. If applicant wishes to close the hearing, they can withdraw the application without prejudice or the Commission can vote to deny. GM indicates that applicant will not accept B&T's proposal, as he had previously solicited three proposals, ranging from \$2000-\$3500, which the Commission has disregarded. CH notes that these quotes were not for a new delineation, but rather for a peer review of the second of two delineations which the Commission deemed insufficient. "We didn't need a peer review of that; we need to start over." GM maintains they would like to close.
 - BO motions to close the hearing and deny the ANRAD. JP second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

3072 Walsh, 19 Brighton Street (Raze & Rebuild).....(Bert O'Donnell)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Rick Servant, Stenbeck & Taylor, present for applicant, who wishes to raze and rebuild an existing SFH, placing the new structure on driven timber piles. The property is located in AE9 flood zone and barrier beach. The new SFH will be larger by 603 sq ft but they will be creating 1275 sq ft of pervious area beneath the house. Floodplain permitting is in process.
- MS notes that the asphalt driveway will remain in roughly the same position. The home will be elevated about 10 feet, which is above the FEMA flood elevation. An elevation certificate will be required as a condition of approval. MS reads the following comment from Building Commissioner Andrew Stewart into the record: "The new home will be required to meet the requirements for flood resistant construction in a Coastal Dune, which requires that the bottom of the lowest horizontal structural member be located above Design Flood Elevation (Elevation 10 NAVD1988) or at least two feet above the highest adjacent grade as identified on the elevation certificate, whichever is higher." RS indicates they will meet all the requirements.
- BO asks what the material will be under the house; RS is not certain, but it will be pervious. All of the existing concrete foundation will be removed. There was no public comment.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. CH second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

2973A McLaughlin, 3 Trouants Island (Amend open OOC to add pool).....(Jesse Platt)

- CH reads the legal ad. Hearing Officer JP confirms administrative requirements are complete.
- Nicholas Leing (NL), Grady Consulting, present for applicant. The original Order of Conditions was issued for relocation of an existing SFH to a new foundation; they subsequently added a deck and sun porch off the back of the house, and now would like to add an in-ground pool and patio in previously disturbed area behind the house. Permitting with the North River Commission is in process; they have requested additional information but did not require any design changes.
- MS notes that he asked for and received an updated site plan that adds the previously approved planting plan details. The pool/patio area cuts slightly into the area that was to be replanted with native grasses, and suggests that NL provide the square footage of the planting area that will be lost. NL notes that this will be lawn area as opposed to being planted with beach grass. MS also notes that he observed the erosion controls to be in disrepair and missing in some places, and recommends reinforcement with straw bales or a silt sock.
- JP asks whether the patio materials will be pervious; NL hasn't confirmed but would assume concrete, as pervious pavers tend to shift over time and may create a hazard. JP would like to see additional plantings to offset the additional structure and impervious coverage. CH asks where the pool equipment would be stored; NL did not ask but imagines it would be underneath the decking area.
- CH also notes that the proposed pool is inside a 200 ft riverfront buffer and 100 ft buffer to coastal bank; she would like more information on the applicable performance standards. BO adds that the advantage of the original project was that it moved the house further back from the resource area and "this puts quite a bit back

in." NL notes that the vegetation along this section of coastal bank is plentiful but expects homeowners would be willing to add more as mitigation. CH asks how the pool and patio have been classified in the site plan; NL has counted these as impervious surface.

- NL reads off the current approved planting plan, which includes 3 Eastern Red Cedars, 7 Northern Bayberry, 4 Beach Plums, 21 Virginia Rose, 18 Sweet Ferns, and 2800 sq ft wildlife mix and seasonal grasses. All discuss additional mitigation for the pool and patio.
- There was no public comment. The matter is continued for additional information regarding new planting area size, additional plantings, pool equipment storage, and patio materials. CH will review the performance standards for Riverfront and Coastal Bank buffer zone.
- JP motions to continue the hearing to the February 21st Conservation Meeting. CH second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

30 Haddigan, 110 Riverside Circle (Addition and Deck).....(Jesse Platt)

- CH reads the legal ad. Hearing Officer JP confirms administrative requirements are complete.
- Nicholas Leing (NL), Grady Consulting, present along with applicant Pat Haddigan (PH), who would like to construct a new addition and deck on a concrete foundation in pre-disturbed lawn area. They have received ZBA approval and North River Commission permitting is pending.
- MS observed a jacuzzi and paver patio area in pre-disturbed lawn area inside the 25 ft buffer that appears to have been there for some time. PH indicates the jacuzzi and patio will be removed and the area allowed to revegetate; no additional vegetation will be disturbed. There was no public comment.
- JP motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. JO second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

30 Coppola, 253 Foster Avenue (Replacing Deck on Diamond Piers).....(John O'Donnell)

- CH reads the legal ad. Hearing Officer JO confirms administrative requirements are complete.
- Rick Servant, Stenbeck & Taylor, present for applicant, who wishes to replace an existing deck within the same footprint. The new deck will be on diamond piers and is proposed to match the existing floor level of the house. JO adds that 10 footings are proposed; the deck is about 27 sq ft and follows the length of the house.
- JO notes that just 1 ft of clearance under the deck is proposed but Commission guidelines recommend 2 ft clearance beneath decks in this area to allow for sufficient movement of sand and water beneath the structure. However, Building Commissioner Andrew Stewart noted that the house itself was not flood-proofed and had no other issues with the project. MS notes that a similar project, SE42-3027, was permitted with a condition specifying a 2 ft clearance. However, this is a Coastal Zone Management guideline and not a Town or state requirement. JO notes that elevating the deck would raise it above the threshold of the door and thus is willing to approve the project as proposed. CH asks if applicant would consider a pervious paver patio instead of a deck. RS notes that the existing deck has been in place for years, and their thought was simply to replace it in kind. CH notes that the area, although coastal dune, is very degraded coastal dune and the deck is entirely inside the footprint of the house, which itself is not on open pilings; the project is not considered to be a substantial improvement under the Building code. CM has no issues with the project as it is a replacement in kind. There was no public comment.
- JO motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. CH second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

30 Spatafore, 43 Union Street (Addition, Deck & Relocate Septic Tank & Pump Chamber).....(Bert O'Donnell)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Rick Servant, Stenbeck & Taylor, present for applicant, who wishes to construct a 30' by 16.5' addition off the rear of the home and 20' by 21' deck off the side, in the 75 to 100 ft buffer; this will involve relocating the existing septic tank and pump chamber outside the 100 ft buffer.
- MS visited the property and noted an unpermitted shed on a concrete slab partially inside the 25 ft buffer, to the right of the driveway; a chicken coop and garden were also observed inside the 25. Additionally, two white pines in the buffer zone near the work area appear to have been cut recently without a permit. The delineation

- on the site plan appears to be accurate. BO asks if the proposed septic changes have been approved by the Board of Health; RS indicates that BoH permitting is in process.
- BO notes that comments from Building Commissioner Andrew Stewart indicate the shed was constructed without a Building Permit, but RS indicates that one has since been applied for. BO points out that the Commission likely would not have permitted the shed in its current location, and suggests that the chicken coop, garden, and other debris be relocated outside the 25 ft buffer; CH concurs, noting there is a round corral slightly inside the 25 ft buffer to a human-altered wetland that should be shifted outside the buffer. MS suggests that conservation markers be posted along the tree line to prevent further encroachment; RS concurs.
 - There was no public comment. Special conditions of approval include the relocation of chicken coop, garden, and debris outside the 25 ft buffer as discussed, posting of conservation markers at 50 ft intervals along the tree line, and submission of an updated site plan to the Conservation Office by noon on Friday.
 - BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. CH second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

REQUESTS FOR CERTIFICATE OF COMPLIANCE AND EXTENSIONS

2199 Tedeschi, 1 Atlantic Street [COC]

- The property has been sold and is no longer in applicant's possession. A response from Town Counsel is pending.
- CH moves to table the matter pending further information. JP second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

2281 Grey, 249 Bay Ave [EXT]

- CH notes that the OoC was issued in 2010 and asks why the permit still needs to be extended. MS notes the project is extensive and includes driven piles, maintenance dredging, and mitigation plantings.
- CH motions to issue a three-year extension to the Order of Conditions SE42-2281. JO second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

2565 Vacirca, 20 Wilson Road [COC]

- The building permit has been closed out. MS observed the work area to have been revegetated and recommended issuance of the COC.
- CH motions to issue a COC for SE42-2565 at 20 Wilson Road. JP second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

2909 Russell, 126 Beach Street [EXT]

- The Order of Conditions SE42-2909 was issued in 2021 for the elevation of an existing SFH and addition of a deck. Comments from Building Commissioner AS indicate a floodplain permit and ZBA special permit will be required if applicants wish to pursue the project.
- CH motions to issue a three-year extension to the Order of Conditions SE42-2909. JO second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

2923 Tedeschi, 162 Bay Avenue [COC]

- Tabled due to unresolved floodplain violation.
- CH moves to table the matter pending further information. JP second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

2929 Harbormaster, Joseph Driebeek Way [EXT]

- Comments from Building Commissioner AS indicate that a ZBA special permit will be required in order for the project to move forward.
- CH motions to issue a three-year extension to the Order of Conditions SE42-2929. JO second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

ADJOURNMENT

CH moves to close the hearing at 8:18 PM. JO second. Approved 5-0-0 by roll call: JP yes, BO yes, CM yes, JO yes, CH yes.

Respectfully submitted,
Liz Anoja, Conservation Agent

Marshfield Conservation Commission
Mike Seele, Conservation Administrator

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| Craig Hannafin, Chair | Bert O'Donnell, Vice Chair |
| Jesse Platt | John O'Donnell |
| Corey Miles | Elizabeth Lake |