

**MEMBERS PRESENT** – Robert Conlon, Chairman (RC), Frank Woodfall (FW), Bert O'Donnell (BO), Art Lage (AL), James Kilcoyne (JK), Rick Carberry (PC), Bill Grafton, Conservation Administrator (BG).

**MINUTES** Tabled.

**CALL TO ORDER** RC motioned to open the meeting at 7:00 pm. PC seconded. Approved 6-0-0.

**PUBLIC HEARINGS**

**19-01 Hayes, 480 South River St (Tree Removal/Vegetative Management).....NEW (Rick)**

- RC Reads Legal Ad, PC Hearing Officer. PC confirms administrative requirements are complete.
- PC advises the project involves the emergency removal of trees. He visited the site and observed 16-20 pine trees the owner wishes to remove. Many were dead or dying, and the owner feels they presented a threat to the house or utility lines. The work would be in the buffer zone.
- Owner John Hayes, (JH) confirms that the project concerns the removal of dead or dying trees along his property line and the rear of the property line, adjacent to the marshland. The owners of the adjacent property have given permission to remove the trees along the line. They will only remove dead or dying trees that pose a hazard, and will re-plant where possible. More trees may need to come down in the future given the issues with standing water in parts of the property. In response to a question from PC about new native plantings, JH has not determined where replacement trees would be planted; likely where the arborist thinks they will grow the best.
- PC asks for comments from the public; none.
- PC asks if Commissioners have any questions.
- RC asks whether all trees to be removed are in the buffer zone; all are in the zone. BG notes that removing these trees may increase wind exposure which may worsen the situation on the property, so vegetation management may be desirable in the area. There are 5-6 high brush blueberry bushes that he would like to see preserved, but doesn't think a planting plan is otherwise necessary, as the area in question is BVW and salt marsh. Eastern Red Cedars may be an option if the owner wishes.
- BO comments that it would be helpful if RDAs for tree cutting specified the number of trees to be removed. BG indicates about 25-28 trees will be removed. BO asks whether the stumps will remain in place; BG adds this as a special condition, and advises applicant that this will help anchor the soil and stabilize the property. Another special condition is added to allow for periodic maintenance to option to replant or remove trees with notification of the Conservation Administrator.
- PC makes motion to close the hearing and issue a DOA, Neg. # 3, with special conditions as written by BG. FW seconded. Approved 6-0-0.

**19-02 Escobar/PropertyVelopment LLC Keene Road (Veg. Mang. & Marine Debris Removal).....NEW (Art)**

- RC Reads Legal Ad, AL Hearing Officer. AL confirms administrative requirements are complete.
- AL adjacent advises the project involves cleanup, tree cutting, and fence installation.
- Oscar Escobar, (OE) presenting for PropertyVelopment, advises they are looking to remove debris and dead trees from the property.
- AL notes that the application references a 6 ft fence height and confirms with OE that correct height is 6 inches. He also comments that the trees on the property did not seem to be dead, and are located on the boundary of the marsh. He suggests the trees could be saved and asks OE why he wants to remove them. BG advises that he asked OE to consider planting replacement trees and recognizes that the primary project under Orders (for 3 separate properties reduces the impervious surfaces which is a form of mitigation). OE confirms he will be planting Japanese pitch pine and eastern red cedars to replace the trees removed, and wants to cooperate with the Commission.
- AL asks how cutting the existing trees is going to benefit the new owners. OE states it would improve the vista for the new owners. He also feels the trees are in poor health and would prefer to leave the owners with newer, healthier trees. FW agrees that willow trees can get frail as they age. BG thinks there's a possibility of reforestation in the future if the Commission allows him to plant the new trees on the town owned property. AL agrees that the willow is nearing the end of its lifespan, but comments that the maple tree is approaching maturity and healthy, and he sees no benefit to its removal. BG asks OE whether he would be willing to keep the maple

tree, and OE indicates he will respect the decision of the Commission. After further discussion, the Commission agrees to permit removal of the willow and red cedar trees with the condition that the maple tree be kept on 1181 Ferry Street, replacement trees (red cedar or equivalent) will be planted in the vicinity of the removed trees, and the willow stump remain.

- AL asks for comments from the public; none.
- AL makes motion to close hearing and issue a DOA, Neg. # 3, with special conditions as written by BG. FW seconded. Approved 6-0-0.

**2784 Marshfield Airport, 93 Old Colony Ln (Above-Ground Storage Tank).....CONTINUED.....NEW (Frank)**

- RC Reads Legal Ad, FW Hearing Officer. RC confirms administrative requirements are complete.
- RC advises no DEP number has been received for the project.
- RC makes a motion to continue the hearing to January 22, 2019. JK seconded. Approved 6-0-0.

**2780 Kelly, 509 Highland Street (Septic).....CONTINUED.....cont from 12/18/18 (Bert)**

- BG notes that FW missed the December 18, 2018 hearing, but reviewed the video and filed a Mullin affidavit.
- RC makes a motion to continue the hearing to January 22, 2019. FW seconded. Approved 6-0-0.

**2774 Aubut, 33 Old Ferry Street (Septic).....CONTINUED.....cont from 12/04/18 (Bert)**

- RC makes a motion to continue the hearing to January 22, 2019. FW seconded. Approved 6-0-0.

**2782 Ricciarelli, 1203 Ferry Street (Raze & Rebuild SFH).....CONTINUED.....NEW (Bert)**

- Continued at applicant's representative's request.

**2781 Joan Garretson Trust, 246 Moraine Street (Septic).....CONTINUED.....NEW (Frank)**

- Continued at applicant's representative's request.

**2776 Murphy, Brewster Road (New SFH).....CONTINUED.....cont from 12/04/18 (Bert)**

- BG notes that FW missed the December 18, 2018 hearing, but reviewed the video and filed a Mullin affidavit.
- RC makes a motion to continue the hearing to January 22, 2019. FW seconded. Approved 6-0-0.

**2727 Digan Jr., 1327 Union Street (Pier & Dock).....CONTINUED.....cont from 6/5/18(Jim)**

- RC notes that he missed the July 24, 2018 hearing but has reviewed the video and filed a Mullin affidavit.
- RC makes a motion to continue the hearing to January 22, 2019. AL seconded. Approved 6-0-0.

**2772 Snyderman, 26 Littles Lane (Pier, Ramp & Float).....CONTINUED.....cont from 10/2/18 (Jim)**

- RC makes a motion to continue the hearing to January 22, 2019. PC seconded. Approved 6-0-0.

**2754 Hanlan, 72 Bay Avenue (Raze & Rebuild SFH).....CONTINUED.....cont from 9/11/18 (Bert)**

- RC makes a motion to continue the hearing to January 22, 2019. JK seconded. Approved 6-0-0.

**REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS**

**SE42-1886 Fortin, 12 Foster Avenue [COC w/On-Going Conditions]**

- BG advises he had discussed the matter with Town Counsel, who recommended that the COC note under on-going conditions that the deck was unpermitted. It will have to be permitted or removed when the adjoining revetment wall is repaired. The Building Commissioner, the applicant's professional engineer and BG felt that removal of the deck at this time may destabilize the area.
- RC makes motion to issue a COC for the property with condition as noted. FW seconded. Approved 6-0-0.

**SE42-2748 Washa, C& W Realty Trust, 2036 Ocean Street [COC]**

- BG advises that the property owners had dealt with the green waste on site, installed three conservation markers, and moved the discharge point to an existing leaching pit. Some minor changes were made to the septic field. A white birch was cut in the no-disturb area, but it appeared to be already dead.
- RC makes motion to issue a COC for the property. FW seconded. Approved 6-0-0.

**SE42-2777 Keating, 160 School Street [COC w/On-Going Conditions]**

- BG advises that the property owners had dealt with the green waste on site, installed 10 conservation markers, and re-flagged the area. There is an ongoing condition that the conservation markers remain in perpetuity and be replaced as needed.
- RC makes motion to issue a COC for the property with condition as noted. JK seconded. Approved 6-0-0.

## **ENFORCEMENT ORDERS**

Smith, 38 Liberty Street **(11/19/18 KS will set early Dec visit)**  
 Mahaney, 46 Preston Terrace **(12/12/18 BG met with TC)**  
 Drosopoulos, 7 Lady Slipper Lane **(08/15/18 TC Final Notice)**  
 White, 180 Atwell Circle (Escalation letter in Process)  
 Digan, 1327 Union Street **(12/02/18 Rev Rest. Plan\*8not12\*)**  
 Tamara Macuch, 237 Webster Avenue  
 Levangie, 3 Cove Creek (Communication in Progress)  
 New Owner, Winslow Avenue Ext.  
 Stifter, 102 Bartlett's Island (unpermitted revetment wall)

Bednarz/ Nouza, 65 Ireland Road (Unpermitted Cutting <= 50 ft)  
 Jogi's Liquor Store, 915 Ocean Street **(12/04/18 Con Com accepted Revised Rest Plan 11/15/18 due Spring 2019)**  
 Susan Sullivan, 176 Beach Street **(12/20/18 Enforcement Order Mailed Out)**

- BG advises he is anticipating a restoration plan in time for the January 22 meeting.

## **BUSINESS**

B1 Bridle Path presentation to Con Com (and DPW) / Bill Grafton & Bert O'Donnell

- Tabled.

B2 1327 Union Street / Mary Anne Digan

- BG advises he has met with Attorney Gene Guimond (GG) who now represents the Digan's regarding ongoing issues at the property, and provided him documentation in the Commission's file including correspondence from North River Commission, Massachusetts Department of Environmental Protection and Massachusetts Division of Marine Fisheries. BG informed GG that during the last site visit the Harbormaster and BG both stated that they would return when the site for a final review once the stakes in the field including the float location are posted. BG & JK informed the Commission of the inconsistencies that have led to the continuations which are beyond the control of the Commission.

**AJOURNMENT** – RC motioned to close the hearing at 7:38 pm. JK seconded. Motion approved 6-0-0.

Respectfully submitted,  
 Liz Anoja, Conservation Administrative Clerk  
 Marshfield Conservation Commission

Bill Grafton, Conservation Administrator  
 Robert Conlon, Chairman  
 Frank Woodfall  
 Rick Carberry

Bert O'Donnell  
 James Kilcoyne  
 Art Lage