

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

MEMBERS NOT PRESENT – James Kilcoyne (JK)

CALL TO ORDER – RC makes a motion to open the meeting at 7:00 pm. FW second. Approved 5-0-0.

PUBLIC HEARINGS

18-51 Hinche / Hayes, 169 Quincy Ave (Deck).....NEW (Bert)

- RC reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Applicant Emily Hayes and Matthew Mulready, MWM Construction present. Project involves the extension of an existing deck requiring 3 new footings, 12 inch diameter, 4 ft deep. Existing deck is 7' x 12', which they would like to extend 13 ft.
- BO mentions that the deck is 86 ft from the wetlands and that he has no issue with the project.
- BO asks for comments from the public; none.
- BO makes a motion to close and issue a DOA, Neg. # 3. FW second. Approved 5-0-0.

2768 Pappastratis, 632 Summer Street (Raze & Rebuild SFH).....NEW (Frank)

- RC reads the legal ad. Hearing Officer FW confirms administrative requirements are complete.
- Bob Crawford (BC), EET represents applicant. Project involves the raze and rebuild of an existing SFH within the 100 ft buffer to bordering vegetated wetland. The site has been flagged by South River Environmental. A small portion of the new septic and associated grading is in the buffer, and a portion of the driveway is in the 100 ft buffer. The highest point of fill for the septic is about 4 ft; the rest of the grading on the lot is 1 ft or less. The lot is 21,000 sq ft and proposed leaching chamber is 403 sq ft.
- FW asks if they have filed with Board of Health; BC states they have filed and BOH approved the plan.
- FW asks for comments from the public; none.
- BG reads the applicable special conditions into the record.
- FW makes motion to close the hearing and issue Orders of Conditions with special conditions as drafted by BG. PC second. Approved 5-0-0.

PC recuses himself from the next three hearings, as he is an abutter and leaves the room.

2770 Escobar, Propertyvelopment, 1173 Ferry Street (Raze & Rebuild SFH).....NEW (Frank)

- RC reads the legal ad. Hearing Officer FW confirms administrative requirements are complete.
- Bob Crawford (BC), EET represents applicant. FW asks if they have filed with Zoning; BC indicates they have and a special permit was granted.
- BC advises project involves the raze and rebuild of existing SFH. Lot is 1900 sq ft, existing structure is 925 sq ft, and new structure will be about 1060 sq ft on timber piles. Wetland flagged in August, 2018 by John Zimmer, South River Environmental. The existing septic will be replaced with a 3000 gallon tight tank system, and existing cesspool will be removed. The new dwelling will be 38 ft from the wetland, and the lot entirely lies within flood zone AE, elevation 10. New first floor elevation will be 18.82 ft. Top of the piles will be 16.2 feet.
- FW asks for comments from the public; none.
- BG states that the project will result in a reduction in 917.2 sq ft of impervious surface. He also notes this will be an H2O tight tank, which will support vehicles. The standard special conditions will apply; applicant has offered to install conservation markers, and will provide an elevation certificate.

- FW makes motion to close the hearing and issue Orders of Conditions with special conditions as drafted by BG. AL second. Approved 4-0-0, PC having recused.

2771 Escobar, Propertyvelopment, 1181 Ferry Street (Raze & Rebuild SFH).....NEW (Frank)

- RC reads the legal ad. Hearing Officer FW confirms administrative requirements are complete.
- Bob Crawford (BC), EET represents applicant. Project involves the raze and rebuild of existing SFH. Lot is 1900 sq ft, existing structure is 1319 sq ft, and new structure will be approximately 1106 sq ft on timber piles, with two decks. Septic will be a 3000 gallon tight tank. The existing structure is about 36 feet from the salt marsh, and the new structure will be 32 ft from the marsh. There is an existing cesspool that will be removed and back-filled with clean sand. Wetlands were flagged by John Zimmer, South River Environmental, in July/August, 2018. Lot lies within flood zone AE, elevation 10. New first floor elevation will be approximately 18 ft.
- FW inquires about the first floor elevation depicted as 18.8. BC states that the elevation of the new flood plain is based on NAVD88 and the elevations on the plan depicted are at sea level (NGVD1929) which is 8 inches higher (0.82) so the depicted elevation 18.82 is actually 18.00 NAVD88. BC has provided an explanation on the top of the site plan.
- FW asks for comments from the public; none.
- BG states that the project will result in a reduction of 1308 sq ft of impervious surface, this project will include an H2O Tight Tank and the same special conditions as the previous project will apply.
- FW makes motion to close the hearing and issue Orders of Conditions with special conditions as drafted by BG. AL second. Approved 4-0-0, PC having recused.

2773 Escobar, Propertyvelopment, 1185 Ferry Street (Raze & Rebuild SFH).....NEW (Frank)

- RC reads the legal ad. Hearing Officer FW confirms administrative requirements are complete.
- Bob Crawford (BC), EET represents applicant. Project involves the raze and rebuild of existing SFH. Lot is 3160 sq ft. Existing structure is 2370 sq ft, and will be replaced with 976 sq ft, two-story dwelling; first floor elevation will 18.82 ft; closest point to the salt marsh is 18 ft, same as the existing structure. Existing cesspool will be removed, and a new 3000 gallon tight tank will be installed. Property is in AE flood zone, elevation 10. A paver driveway will be installed and the existing bituminous concrete will be removed from the site.
- FW asks for comments from the public; none.
- BG states that the project will result in a reduction of 2375.5 sq ft of impervious surface, and the same special conditions as the previous project will apply.
- FW makes motion to issue Orders of Conditions with special conditions as drafted by BG. RC second. Approved 4-0-0, PC having recused.

PC returns to the room for the continuation of the public meeting.

2777 Keating, 160 School Street (Multiple ATF activities).....NEW (Bert)

- RC reads the legal ad. Hearing Officer BO indicates taxes have been paid and abutters notified, but DEP file number has not yet been received so the matter will be continued.
- RC makes a motion to continue the hearing for 160 School Street. BO second. Approved 5-0-0.

2774 Aubut, 33 Old Ferry Street (Septic).....NEW (Bert)

- RC reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Terry McGovern (TM), Stenbeck & Taylor, represents applicant. Project involves the replacement of a septic system. TM notes that the applicant will be appearing before the BOH on the 17th, and asks to be heard tonight but continue so all parties can take into account BOH comments. Home is on the corner of Old Ferry and Keene Road; new septic will be replacing an old cesspool located behind the deck. They are proposing a 1500 gallon tank with a MicroFast treatment unit, which will treat effluent to a secondary level prior to discharge. TM states they have used this type of tank in other areas of the town that lie within the WRPD. Under the system, effluent is recirculated through the tank several times to allow for greater aeration and will

then be leached into a pit. The system is designed for a two-bedroom structure. The system is 12.5 ft by 20 ft long, and a 2 ft high retaining wall will be installed to achieve the required groundwater separation. The tank unit will be 10 ft to the fence, and they are proposing a membrane around the tank and the pit. TM states that this type of treatment system is preferable to a tight tank where it is possible to do so, due to the vulnerability of the tight tank's alarm system to power failure.

- PC asks if there is a possibility the BOH will ask for a tight tank. TM does not feel they will have to change to a tight tank and states that, under Title V guidance, this type of system is preferable where it is feasible to install. PC asks if the MicroFast system is similar to a Bioclere system; TM indicates the two systems are similar. BO would like the BOH to decide on the type of tank.
- BO asks if BG is satisfied with the wetland delineation. BG indicates he is satisfied with the wetland delineation and suggests the addition of one conservation marker in the back corner of the lot, near the salt marsh.
- BO asks for comments from the public. Linda Mulready, 77 Keene Road, expresses concern that the retaining wall might displace the water onto 77 Keene Road. TM states the wall will be placed so as not going to impede water from passing in or out. The area is in an AE flood zone.
- BO makes a motion to continue to get BOH comments. FW second. Approved 5-0-0.

2778 Comeau, 142 Careswell Street (Relocate Shed & Driveway to Garage).....NEW (Art)

- RC reads the legal ad. Hearing Officer AL indicates taxes have been paid and abutters notified, but DEP file number has not yet been received so the matter must be continued.
- AL makes a motion to continue the hearing to December 18, 2018. RC second. Approved 5-0-0.

2776 Murphy, Brewster Road (New SFH).....NEW (Bert)

- RC reads the legal ad. Hearing Officer BO indicates taxes have been paid and abutters notified, but DEP number has not yet been received so the matter must be continued.
- BO makes a motion to continue the hearing to December 18, 2018. AL second. Approved 5-0-0.

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

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

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

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

1271 Ingham, 160 School Street [COC]

- Bob Crawford (BC), EET representing applicant, states that the new addition was constructed to the plan of record. There is a new wetland delineation provided by South River Environmental. The house is right on the 25 ft line from the vegetated wetland, and the closest point, the addition itself, is 22 ft away.
- BG comments that BC and applicants have made good due diligence towards documenting the unpermitted activities and coming up with a resolution. BG states that the only reason the Commission did not hear the new filing for the after-the-fact activities is because, a DEP File Number was not generated which was beyond the applicant's control. BG recommends that the Commission issue the COC for SE42-1271.
- RC makes a motion to issue a COC for SE42-1271. BO second. Approved 5-0-0.

2571 Rego (Mainini), 341 Plymouth Avenue [COC]

- BG states that the original orders expired before the work got completed. They have filed a new application, SE42-2769, which has already been approved and in the process of being recorded.
- RC makes motion to issue a COC for SE42-2571. AL second. Approved 5-0-0.

ENFORCEMENT ORDERS

Smith, 38 Liberty Street (08/09/18 KS & BG Sept site visit)
Drosopoulos, 7 Lady Slipper Lane (08/15/18 TC Final Notice)
Digan, 1327 Union Street (10/2/18 ATF-NOI Continued)
Levangie, 3 Cove Creek (Communication in Progress)
Bednarz/ Nouza, 65 Ireland Road (Unpermitted Cutting <= 50 ft)
Jogi's Liquor Store, 915 Ocean Street (10/17/18 BG issued Bylaw Citations)

Mahaney, 46 Preston Terr. (08/15/18 TC & BG to meet)
White, 180 Atwell Circle (Escalation letter in Process)
Tamara Macuch, 237 Webster Avenue
New Owner, Winslow Avenue Ext.
Stifter, 102 Bartlett's Island (Unpermitted revetment wall)

BUSINESS

B1 Jogi's Liquor Store, 915 Ocean Street/Restoration Plan Review, Requirements and Determination – Brad Holmes

- Brad Holmes (BH), ECR, represents applicant. He has visited the site, reviewed the wetlands and put together a restoration plan to improve the wetland and rehab the functionality of the catch basin that will involve cleaning up the remaining debris, and then loam, seed, plant, and maintain the area in accordance with the Commission's conditions.
- RC asks for Commissioner comments; none. Commission consensus is in favor of the plan as written. BG confirms that the restoration plan is based on the 11/15/18 letter report and 11/08/18 site plan.
- RC makes a motion to accept the restoration plan prepared by BH. FW second. Approved 5-0-0.

B2 Ocean Bluff Preservation Association- Introduction & Conservation Permit Inquiry – Dan Fennelly

- Dan Fennelly (DF), 454 Ocean Street; Mike Fay (MF) 169 Plymouth Avenue; and Jon King (JK), 564 Ocean Street, present for the Ocean Bluff Preservation Association (the Association). The Association recently incorporated as a 501(c)3 organization. Their objective is to preserve and protect the Ocean Bluff area and neighborhood. They are specifically looking to protect the seawall and riprap along the area. The current revetment is in disrepair, with some sections looking like they have caved in. They would like to work with the Town to repair the revetment wall and protect the nearby homes and infrastructure. Their immediate priority is a 700-yard area of riprap between 26 Foster and 432 Ocean. They are looking to help get state, local, and federal governments grant funding to repair the revetment or raise money for the work. They are looking to develop a partnership. They would like to work with the Conservation Commission to permit correctly and possibly beautify the area in the future. The purpose of this meeting was to introduce themselves to the Commission, and they would like guidance going forward.
- DF asks the Commission what they should consider, from a Conservation perspective, as they start working with the Town and DPW to effect repairs. RC notes that any work would need to be permitted through the Commission, but is in support of the group raising funds to offset the cost of the repair; he is sure the Town is appreciative of any contributions they can offer, and feels the Commission would try to expedite any permitting so as to make the process easier. DF they are looking at long-term solutions.
- PC asks how much damage to the area has occurred within the last year; JK indicates this is difficult to quantify, but every year riprap gets displaced along the beach. There are several areas where the slope of the riprap has deteriorated to almost an L-shape. BG concurs and states there are many pockets of deterioration in the area, and he has authorized by the Commission to issue emergency certifications to address them. BG states in response to PC's inquiry that the impacts are observable but difficult to quantify. BG will try to work with the Association, provided the rules and regulations are followed. Staying within the footprint of existing structures is key to permitting, and can open the door to periodic maintenance provisions that will minimize the need to reappear for further maintenance work.
- DF states the DPW has been very responsive and has already been down to the area to repair some of the revetment. BG notes that a good network exists. BG comments that reducing the impervious surface in the area will make the backup to the revetment wall more resilient, and hands out a copy of the Seawall Bylaw 217 for the Association's reference.
- DF asks if there had been any issues with the seawalls on either end of Ocean Street; RC advises there were no issues in the past.

B3 Performance Standards: 25 foot existing lot/existing structure & 75/50 foot new construction. Commission inquiry: Is this Completed or Does This Need to Be Rescheduled? – Commission

- BG notes that this discussion was on for the October 30th public meeting but was continued due to Attorney Steve Guard's request and was discussed during the November 20th public meeting, under the 133 Meadowview public hearing so the business discussion was not concluded. BG received an e-mail from Town Counsel expressing the opinion that the procedure was discussed adequately as part of the 133 Meadowview matter, but wanted to see if the Commission agreed. BG stated this can be discussed or concluded pending feedback from the Commission. BG is willing to reschedule at the Commission's request.
- FW says he believed they talked about whether a variance would be required in such cases, and Commission consensus during the 133 Meadowview discussion was that this would not set a precedent, and the Commission would like to consider these situations on a case-by-case basis. He feels there is still a need to know the definitive requirements for granting a variance or not. The Commission was split 2-3 on the need for a variance or not, so there is still some ambiguity.
- BG states that this is being discussed to determine if this is concluded or needs to be rescheduled. BG advises that Town Counsel will only give advice and opinions, as the Commission is the authorizing authority, and he suggests having further discussion in January, possibly with the full Commission and Town Counsel in attendance.
- BG distributes a copy of Town Counsel's e-mail on the matter. AL feels it would be good to have Town Counsel back, and specifically pose the question to him as to what the guidelines should be for granting a variance. AL recalls that the decision on Meadowview was a 3-2 with AL, PC, and JK as pro variance. PC confirms. AL agrees with FW that additional input and clarification from Town Counsel is merited. AL feels that the Commission is erring on the side that it was not clear and therefore looking at the variance as a case-by-case basis.
- AL adds there are specific scenarios he would like to pose to Town Counsel, i.e., if there is an existing structure and a property owner would like to add a detached garage closer to the 25 ft buffer. He would like clarity on these and other situations. His reason for favoring a case by case consideration was that he didn't have sufficient knowledge as to what the guidelines should be.
- BG notes that the Commission has the ability to consult directly with Town Counsel in advance of the meeting. PC advises he spent 90 minutes with Town Counsel, but he has no more clarity now.
- BO agrees that clarity is needed so the engineers know what to design and not have to guess. FW notes that requiring a variance will result in repeat filings and appearances so clarity in advance will be helpful.
- RC indicates he agrees with what is set forth in the e-mail, and feels it reflects what the Bylaw says.

B4 Mass DOT / RT139 Berm Removal - exemptions – Bill Grafton

- BG updates the Commission on his outreach to MassDOT regarding the removal of a sand berm under the RT. 139 culvert. The berm has been there since 1936, and MassDOT is working with him to remove it as part of a pilot project involving a vacuum truck.
- BG distributes a presentation regarding the pilot project, and indicates that MassDOT has exemptions under 310 CMR. There is a need for a water quality certification, which he anticipates will be issued with no major conditions. There is also an analytical report that suggests there are no chemicals in the sediment. There will be some dewatering in the area during the time of the project. DPW and the Town Administrator are also involved. The project has the potential to relieve ongoing flood control problems in the area. One of the residents living along the South River wrote a support letter for this project.
- RC notes that he has seen some of the flooding impacts on houses in the area, and this project would be fantastic for them. He asks BG how this plays into the dam removal. BG provides an update about the ongoing river vegetative management on the two forks of the South River upstream from the dam. BG states that the dam removal later will make a large reduction in the flooding impacts. BO asks if BG is referring to the dam at Veterans Park. BG confirms. BG states that the Chandler Pond dam removal is not on the radar to take out at this point in time.

- BO asks if the water quality testing was to test the dredge spoils; BG indicates the test came back that the material to be removed is not a threat to the area, and can be safely removed from the site and relocated to another location. They were going to temporarily stockpile the spoils in one of the pullouts from RT 139, using double-barrier erosion control plus tarps underneath the stockpiles to provide added assurance that the area is protected; the spoils would then be removed to a final area by MassDOT. BG expects this work should begin in February, with the goal of finishing before the Spring migration. BG notes that several property owners including Kerry Richardson have been cooperative in terms of providing access and spillway control. Kerry has removed boards at BG's request to allow the Chandler Pond levels to drop. This is helping to prepare the way for a successful project.

B5 Meeting Dates

- The Commission briefly discusses Meeting Dates for the next 6 months. FW advises that he will be unable to attend the 12/18/18 meeting.
- BG notes that the first Tuesday of January is New Year's Day, and asks if Commissioners are available for meetings on January 8th and 22nd. FW asks that BG send out all proposed dates by e-mail so the matter can be discussed on the 18th. RC suggests that they pick at least one January date. All Commissioners are available for a January 8th meeting. BG advises the meeting on the 8th will have to be in the smaller meeting room next door.
- The Commission briefly discusses meeting days and places. Consensus is in favor of meeting in the larger hearing room if possible, and the Commissioners would like to stay on Tuesdays.
- FW suggests that after the meeting on the 8th, the next meeting be the 29th, which would put the Commission back on schedule for the large room. BG notes that this would be a three-week gap and likely a long meeting; he suggests that the Commission reconsider the public meeting dates at the December 18th meeting.

AJOURNMENT – RC motioned to adjourn at 8:15 pm. AL second. Motion approved 5-0-0.

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