

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

**MEMBERS NOT PRESENT** – James Kilcoyne (JK), Art Lage (AL)

**CALL TO ORDER** – RC makes a motion to open the meeting at 7 pm. FW second. Approved 4-0-0.

### **MINUTES**

- FW abstained from voting to approve the 11/21/17 minutes as he wasn't at the meeting.
- RC makes a motion to accept the minutes of November 21, 2017 meeting. PC second. Approved 3-0-1, FW having abstained.

### **PUBLIC HEARINGS**

#### **18-40 Smith & Sons, 887 Plain Street (Com. Buildings & Parking Site Improvements).....NEW (Rob)**

- RC Reads Legal Ad and, as Hearing Officer, confirms administrative requirements are complete.
- Kevin Grady (KG), Grady Consulting, presents for applicant Dan Smith. KG states that the property is the Copeland Lumber site; John Zimmer, South River Environmental, delineated the resource areas lines in the rear of the property in May of 2018. They are adding a building and making parking improvements, and have designed the project to stay away from the wetland. They went to the ZBA for a site plan approval, and ZBA requested a letter from the Commission indicating that the wetland line was accurate and there were no impacts; they have filed an RDA to document this.
- KG points out the proposed additions and reconfigurations on the site plan. They are adding a new building in front of the existing sawmill building and adding an accessory building to the rear. The sawmill building will also be moved but will still be 200 feet from the closest wetland flag; the closest point of work is just over 100 ft from the resource area. The drainage system is comprised of subsurface infiltration. Soils are sandy and good for drainage. Runoff will be directed to a grass channel and bio-swale planted with a rain garden. The site is developed, surfaces are mostly paved, and the lot has been disturbed for decades. Silt sock will be used for erosion control between the work area and the wetland.
- KG notes that they have met with BG on the site, who asked for some conservation markers; they have updated the site plan to show the location of the markers, which will be on posts along the edge of the existing developed yard.
- BG notes there is also some riprap at the end of the swale that will help to keep sediment out of the resource area. BG asks KG if the applicant is looking to lock the delineated wetland line; they are interested in having the line approved as shown on the plan. BG recommends that the Commission issue a positive 2A to confirm the wetland delineation and negative 3 with special conditions.
- RC makes motion to close and issue a DOA, neg # 3, with special conditions drafted by BG. FW second. Approved 4-0-0.

#### **18-41 DPW, Dyke Road (Revetment Repair & Guardrail Reset)/Temporary Revetment.....NEW (Frank)**

- RC Reads Legal Ad. Hearing Officer FW confirms administrative requirements are complete.
- DPW Superintendent Tom Reynolds (TR) and Deputy Superintendent Shawn Patterson (SP) present. SP indicates that DPW is looking to repair the section of Dyke Road across from the Coffee Shack and the Green Harbor Marina, where the revetment has been washed out due to storm damage. They intend to pull out the guard rail, do the repair, and then restore the rail without blocking the road.
- SP asks whether they should clean up the areas where silt and other debris had washed down into the marsh; FW answers yes, provided the area can be reached without being disturbed by machines; BG agrees.

- FW asks for comments from the public; none.
- BG suggests that a special condition be added allowing for ongoing periodic maintenance provided the Conservation Administrator is notified.
- FW makes a motion to close and issue a DOA, neg # 3, with special conditions drafted by BG. RC second. Approved 4-0-0.

**2752 John Foster Lumber, 829 Webster St. (Com. Dry Storage Building).....CONT from 8/28 (Frank)**

- RC Reads Legal Ad. Hearing Officer FW confirms administrative requirements are complete.
- Rick Servant, Stenbeck & Taylor, presents for applicant. They are proposing to add a (70 by 100) ft cold storage building in a paved area currently used for open storage. They will be removing pavement from the area behind the proposed building, keeping it as a natural area, and planting with five highbush blueberry bushes and a conservation seed mix. They met with BG on site last week to review the proposal.
- RS comments that this is a redevelopment of an existing site. They have been working with BG and DPW to address some stormwater management issues on the site. There is currently an existing drainage ditch through the property, and they would like to dig some catch basins offline from this ditch with deep sumps and oil/gas hoods. There is a small area of fencing which will have space at the bottom to allow for wildlife movement. They will also be adding conservation markers at locations shown on the site plan.
- FW notes that the site plan was updated from last week, and asks RS the difference between the two plans. The only difference is that the catch basins have been added to the updated plan, plus additional setbacks for zoning purposes.
- FW asks for comments from the public; none.
- BG asks for and receives Rob Nerger's (RN) signature on the Storm Water Report/Illicit Discharge Compliance statement. He also comments that the area in the back close to Catch Basin 11.35 is a little open; he would like to add a berm there or continue the vegetated swale in order to keep stormwater out of the wetland. RN states that the building will be graded so all runoff will run into the storm drain.
- FW makes motion to close the hearing and issue Orders of Conditions with special conditions drafted by BG. BO second. Approved 4-0-0.

**2746 Sleeper, Pine Street (Driveway & Utilities).....CONT from 8/28 (Jim)**

- RC Reads Legal Ad and, as Hearing Officer, confirms administrative requirements are complete.
- Brad Holmes (BH), ECR present, along with Mike Sleeper, the son of the homeowner. Applicant's lot is on the north side of Pine Street; there is a BVW and perennial stream located on the south side of the lot. There are also off-site BVWs to the east and northwest of the site, and a small IVW in the southern portion of the site.
- They are looking to work in the southern portion of the site, and would like to develop the property with a new home and septic located outside the buffer zone and riverfront area. In order to access the project area, they will need a driveway that comes off Pine Street and go through the buffer zone and riverfront area. The driveway will be 10 ft wide, with utilities overhead or underneath driveway. They propose to add conservation markers along the 50 ft buffer.
- FW asks BH if the driveway is across from Sawyers lane; BH confirms that it is. BH also notes that the site is within mapped habitat for rare species, but they have received a letter from Natural Heritage indicating no issues with the project.
- BO mentions a letter from an abutter expressing concern about an irrigation well in the area. BG comments that several people have inquired about the project with concerns about the well and flooding on neighboring properties; some grading or maintaining vegetation in the area may mitigate this risk. BG states that the irrigation well is a private well on a neighbor's property. BO feels there would be more cause for concern if the well was a drinking water well, but the well is just for irrigation. BH notes that this will be addressed when they permit the septic with the Board of Health.
- FW asks how they will keep runoff away from abutting lots. BH states there will be grass swales on either side of the driveway as well as grading to direct the water to the east, into the wetlands.
- Mary Doolan (MD) comments that she is an abutter and is concerned about water runoff from the driveway entering their basement. She notes that the plan calls for some clear-cutting and an asphalt driveway, and

would like to know how they will ensure the resulting runoff is not directed to their property. She also comments that the site plan stated there were no wells within 500 ft of the site, but there is a well on their property she believes is within 500 ft. They are connected to town water, but do maintain the well and could still use it in the future. BH asks MD if they have groundwater issues in their basement currently; MD replies that they have had some occasional problems. BH comments they can add some grading to ensure runoff is kept off the property.

- BG comments that the standard special conditions will apply, including the addition of conservation markers as per the plan of record.
- RC makes motion to close the hearing and issue Orders of Conditions with special conditions drafted by BG.  
PC second. Approved 4-0-0.

**2753 Priscilla, 6 Gratto Road (Addition).....NEW (Bert)**

- RC Reads Legal Ad. Hearing Officer BO confirms administrative requirements are complete.
- Kevin Grady (KG), Grady Consulting, presents for applicant. They are looking to construct an addition to the rear of the property. The site is in flood zone elevation AE14 but not in any other resource areas or buffer zones. They would like to construct a concrete foundation for the addition with smart vents; the top foundation goes to elevation 14.6 above the flood zone.
- BG comments that since the lot is in AE14 and asks whether applicant should be building to at least a foot above, or elevation 15. RC notes that since this is not a substantial improvement, applicant can build to the current elevation the home is now. BG also notes there is an air conditioning unit on the side of the house that is nearly at ground level. KG has not discussed this with applicants. FW feels that this is not the within the Commission's jurisdiction.
- BO makes a motion to close the hearing and issue Orders of Conditions with special conditions drafted by BG.  
FW second. Approved 4-0-0.

**2748 Washa/C& W Realty Trust, 2036 Ocean Street (Septic).....NEW (Frank)**

- RC Reads Legal Ad. Hearing Officer FW confirms administrative requirements are complete.
- Bob Crawford (BC), EET, presents for applicant. The property includes a combination building including an apartment and office space. Originally, this was two buildings on two separate lots; one owner bought out the second one and combined the two lots and buildings. Currently, there are two septic systems; this filing only deals with the system on the left; this includes a 1000-gallon septic tank and a leaching pit about 35 ft from the South River, which will be plugged off.
- The new system will need a pump chamber about 48 ft from the wetland; this will pump the sewage to the front of the lot, under the parking lot. The new leaching chamber is comprised of three rows of 31 ft long by 9 ft wide chambers. The lot is within the riparian zone to the South River and LSCSF AE9. BC comments that the system is located as far away from the resource area as possible and FW concurs.
- FW asks for comments from the public; none.
- BG feels the delineation by John Zimmer is good but comments on several issues on-site, including green waste dumping on the bank, a runoff pipe draining into the wetlands, and a mulched out area inside the 25 ft buffer zone. He would like the Commission to address the issues. BC does not know what the pipe is for, possibly roof drain or sump pump; BG would like the pipe to go into a drywell. The Commission agrees to add this as a special condition, as well as a condition requiring the green waste to be cleaned up. BG feels the mulched area will rejuvenate itself if left alone. After further discussion, the Commission also agrees to the placement of three conservation markers on the lawn edge along the property line.
- FW makes a motion to close the hearing and issue Orders of Conditions with special conditions drafted by BG.  
PC second. Approved 4-0-0.

**2742 St. Ours, 84 Bay Avenue (Raze & Rebuild SFH).....CONT from 8/28 (Art)**

- RC Reads Legal Ad and, as Hearing Officer, confirms administrative requirements are complete.
- Kevin Grady (KG), Grady Consulting presents for applicants. The project is a raze and rebuild of an existing SFH in AE16 and VE 17 flood zones; top of piling is proposed at elevation 19 and the first floor at 21 ft. The site is

located in the 100 ft buffer zone to coastal beach and coastal bank, which in this case is the seawall. They would like to keep the existing landscaped vegetation and patio. They are also proposing a paved driveway in front of building in similar area as it is now.

- KG notes that the lot is on the landward side of the existing seawall, and that John Zimmer, South River Environmental, delineated the resource areas; the project was in front of zoning as well this evening.
- In response to a request from RC, KG shows the area to be paved to the Commission on the site plan. RC asks about the ratio between pervious and impervious surface; KG feels this will be approximately the same. RC comments that the pervious area should be decreased because the home is currently on a concrete foundation and is being raised. BG comments that this should be verified and written into the special conditions.
- BG also mentions that the current concrete pad touches the seawall. Homeowner, Fred St. Ours (FS) states that the town repaired the seawall four years ago, and the patio was destroyed in the process of repairing the seawall; the town then replaced the pad when they poured the seawall. The town workers told him that this would help the stability of the seawall. BG notes that this seems to be in violation of Section 217 of the Town Bylaws, which prohibits structures on or over seawalls. FW and RC point out that the town poured the pad in this lot, but BG states that DPW Superintendent Tom Reynolds (TR) says that they require a gap, usually pavers or a removable wooden deck, between the patio and the wall.
- FW does not want to require a change to the pad if the town put it in. BG states that various entities including Superintendent TR, the Town Administrator, and Building Inspector have clearly stated there needs to be some separation from the seawall.
- BG comments that this project seems to be leaving more concrete in place than most raze and rebuilds coming before the Commission. BO notes that most of the pad seems to be in the area of the pilings, and would be removed when they go in. BG is concerned that concrete might be poured underneath afterwards to accommodate parking. FS comments that there will not be any concrete under the house once it is raised on pilings, and feels there will only be minimal concrete on the lot once the project is done.
- RC would like to know if they intend to still have a concrete pad between the piles and the seawall. FS states feels that they really don't need concrete between the house and the seawall for any reason, except along the left side of the house, which is a useful patio. RC asks if FS would be willing to remove the concrete between the house and seawall in exchange for keeping the existing patio area; FS agrees.
- RC asks for comments from the public; none.
- The matter is continued to allow for the submission of an updated site plan showing concrete to be removed and remain, piling plan, and a figure on the total pervious/impervious area.
- RC makes motion to continue the hearing. FW second. Approved 4-0-0.

**2754 Hanlan, 72 Bay Avenue, (Raze & Rebuild SFH).....NEW (Bert)**

- RC Reads Legal Ad. Hearing Officer BO confirms administrative requirements are complete.
- Rick Servant (RS), Stenbeck & Taylor, presents from applicant. The property recently sustained storm damage, and homeowner would like to reconstruct and elevate the home on driven wooden piles; the lot lies on a barrier beach, coastal dune, and a VE17 zone. The top of the piling will be 19 ft, and the finished floor will be up at 20 ft. There is an existing deck, plus concrete patios and walkways on the site that are damaged. The elevated home will need two long staircases to access the home, with possible parking under the home.
- BO notes that the plans from Rockwood Designs mention a concrete foundation, and asks RS to confirm the home will not have a concrete foundation. RS indicates the plans are in error in this regard, and driven wooden piles will be used. BO also comments that the lot is presently almost 100% covered with concrete, and BG would like to see some of it removed.
- BG circulates copies of OOCs issued under previous Administrator, Jay Wennemer as examples of special conditions that have been used on a regular basis for coastal raze and rebuild projects; the conditions include no enclosing of the space below the structure with anything that will impede the flow of water/sediment, and removal of existing foundation. Three of the five OOCs are in the same area. BG states that in all cases, when applicants put the home on pilings, the previous Commission had required an open architecture underneath, with no hardscape. He has added the special conditions in these OOCs to the proposed special conditions for this project.

- FW doesn't want to require applicant to remove all concrete on the lot and notes that the removal of any concrete will be an improvement. BG comments that properties that are full of concrete will displace wave energy to neighboring properties. He also notes that this particular lot is a coastal dune, so footings are not allowed.
- BG also comments that the site plan is not specific as to how much concrete will remain on site, in addition to incorrectly referencing a concrete foundation. He would like this to be spelled out, and feels the amount of concrete should be reduced, not increased. RS comments that they are not proposing to increase the concrete on the property.
- BO would like to know how much concrete will be removed during construction. RS indicates that the concrete within the footprint of the house will be removed to accommodate the pilings, which itself will be a reduction. FW would like RS to provide an updated site plan for next meeting showing the existing concrete to be removed and how much would remain on the property.
- BO does not want to see new concrete added in the process; RS states they won't be proposing to add any new concrete to the lot. In response to a question from RC, RS indicates that the area underneath the house is proposed to be sand.
- BG notes that the existing deck is the attached to seawall in violation of the Section 217 of the Town Bylaws, but RS states that the new deck will be elevated with the house, and no new ground-level deck is proposed.
- FS, 84 Bay Ave, comments that he has no objection to the plan.
- BO makes a motion to continue the hearing to 9/18/18. FW second. Approved 4-0-0.

**2751 Kemp, 215 Island Street, (Raze & Rebuild SFH).....NEW (Bert)**

- RC Reads Legal Ad. Hearing Officer BO confirms administrative requirements are complete.
- Bob Crawford (BC), EET presents for applicant Mark Kemp (MK). The filing is for the raze and rebuild of a small house on the west side of Island Street on a 14,000 sq ft lot; all work will take place in the front 8000 sq ft. The existing home will be torn down and removed. The foundation may end up being timber piles, but applicant's first choice is for a concrete and concrete pier foundation. Lot is at elevation 6-7, and new first floor elevation will be 17 ft. At the back of the lot, there is berm built years ago from river dredging remnants. They propose to raise the grade around the house approximately two feet, creating an 8 ft contour around the new home. A concrete driveway is proposed. The lot in the FEMA flood hazard zone and LSCSF, and work will be done up to the 25 ft no-build zone to a salt marsh.
- BO asks BC about the extent of a wall shown on the site plan; it will be about 35 ft long. MK confirms that he would like to relocate a shed and PVC fence to his property, but these are currently on a town-owned lot and he needs permission from the Board of Selectmen to do so.
- PC asks whether the house will be on wooden piles or a concrete foundation. BC states they intend to dig some test pits to find out whether or not the soils underneath are suitable for a concrete foundation; they would like a concrete foundation if it is feasible. FW suggests that the site plan be updated to specify timber piles as an alternate foundation.
- BG notes there is conservation land in back of the property. BO suggests that the conservation markers shown on the site plan be relocated along the property line to avoid incursion into the adjoining town lot.
- BO asks for comments from the public; none.
- BO makes a motion to close the hearing and issue Orders of Conditions with special conditions drafted by BG. FW second. Approved 4-0-0.

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

- Request for additional information not received by deadline.

**2684 Bethanis, 1184 Ferry Street (Found. Rest. Driveway Recons).....cont from 10/03/17 (Jim)**

- Still working with FEMA for Flood Mitigation Assistance grant compliant modifications.

**REQUESTS FOR CERTIFICATES OF COMPLIANCE**

**1797, Walton, 231 Ridge Road**

- BG has reviewed the COC, and applicant has provided all documentation needed to the issue COC.
- RC makes a motion to issue COC for 231 Ridge Road, SE42-1797. FW second. Approved 4-0-0.
- BG circulates the COC for Commissioner signatures and asks applicant to register the document with the Plymouth County Registry of Deeds and provide a copy to the Conservation Office.

**2195, Arsenault, 50 Cove Street**

- RC makes a motion to accept and issue the COC as written. FW second. Approved 4-0-0.

**2190, Flagg, 42 Cove Street**

- RC makes a motion to accept and issue the COC as written. FW second. Approved 4-0-0.

**2733, Rugani, 10 Dog Lane**

- RC makes a motion to accept and issue the COC as written. FW second. Approved 4-0-0.

**2551, Bell Atlantic, 114 Eustis Street**

- RC makes a motion to accept and issue the COC as written. FW second. Approved 4-0-0.

**BUSINESS****DPW, Temporary Revetment Repairs and Canal Street Bridge Update – Tom Reynolds and Shawn Patterson, DPW**

- TR updates the Commission on the status of ATF NOIs for storm damage repairs. They are looking for an emergency declaration to be able to protect the seawall in face of the upcoming winter season, as they aren't going to have time to do permanent repairs. They would like to put in some revetment against the damaged seawall sections until they can be repaired. Another alternative may be a blanket NOI from the Green Harbor Jetty to the Duxbury line.
- BG notes that DPW put in some temporary plates to protect the seawall under the emergency declaration in March. They are working on the NOI for more permanent repairs, but it is a complicated filing due to the scope. DPW is looking for guidance on how to permit for the additional temporary revetment in the damaged areas.
- RC asks BG whether another emergency certificate could be issued for the work. BG states if the commission gives him the authorization to issue these, DPW will have an easier time of processing the immediate work while continuing to work on the blanket NOIs.
- FW comments that he would like to see the revetment work get done sooner than later. BG states that he can write another emergency certificate, or the Commission can approve the proposed work at this meeting; he feels the work qualifies as an emergency.
- TR also discusses the Canal Street Bridge 17-ton weight restriction. They have been meeting with officials from Plymouth and Duxbury, who need access to the bridge to make repairs on sections of Duxbury Beach and Saquish, but the weight limit of the bridge will not support their trucks at this time. All parties are waiting to hear back from MA DOT as to what their plan is for the bridge. They may add some stabilization measures to the bridge to allow for the truck access. All work will be done above the water line. Chapter 90 money between the three towns can be used to fund the work; there is also a special town meeting article for \$200K in additional funds if necessary. They will likely hear from DEP by Friday and will keep the Commission updated.
- BG asks that the Commission authorize him to sign off on emergency certs approving the bridge and revetment work, as this would be the quickest way to facilitate them. He will add in special conditions to all certs that a NOI is to follow.
- RC makes a motion to authorize BG to issue emergency certificates for the revetment work and Canal Street bridge repairs as proposed. FW second. Approved 4-0-0.

#### **2708, Arnold, 578 South River Road / Minor Deviation Request – Greg and Connie Arnold**

- Greg Arnold, Homeowner (GA), advises the Commission that the plan of record does not accurately reflect the location of the trees that he removed; he shows the Commissioners an updated site plan, and would like to submit an updated plan of record. He also comments that he would like to keep a maple tree that previously was entangled with a large spruce; now that the spruce is gone, the maple is thriving.
- In response to a question from RC, GA states that one less tree will actually be planted than set forth in the original ATF NOI. BG would like to approve this change as a minor deviation, but wanted to bring the question before the commission.
- The commission agrees by consensus to approve the change as a minor deviation.

#### **4 Mallard Road / Septic Upgrade (Riverfront & LSCSF) – Peter Armstrong**

- Tabled, as PA not present.

#### **328 Ocean Street- James Matharas**

- JM asks the Commission for an emergency certification granting permission to put the footings of the front deck back where they were; without them, the deck has no support and is ripping off the house. The Building Commissioner has reviewed and approved the plan.
- In response to a question from RC, JM states there was not more than 50% damage to the house; there was only some damage to the first floor. The Building Commissioner also inspected the foundation and indicated the property is structurally sound. He also had a structural engineer inspect the property and confirmed it was sound, except for the front porch not being supported.
- BG has reviewed the property with the Building Commissioner, and would like guidance from the Commission as to whether to issue an emergency cert for this work. RC suggests that BG issue an emergency cert to start the work and then have applicant file an RDA.

#### **Cornhill Lane**

- BG briefly updates the Commission on a cleanup weekend at Cornhill Lane. Eagle Scout Candidate, Jonathan Kelley, Boy Scouts of America, Troop 38 (Hanover) assisted. About 60 man hours of work were provided to clean up the trail system. He will send pictures of the cleanup.

#### **Mowing of Conservation Properties**

- FW is seeing a lot of wood growth in the fields on Commission properties, and would like to see some of the fields mowed twice a year instead of once, in order to maintain a meadow. BG states that the Conservation Department needs more money to do this; he is not sure they can get the extra funds, but will ask for them. FW feels it is important that at least some of the fields be maintained as meadows, as otherwise residents will conclude the properties aren't being maintained. As the Commission gets more acreage to manage, it will need a bigger budget for maintenance.
- BG suggests that the Commission decide which properties should be prioritized in terms of mowing and maintenance; he feels John Little and Mounce's are two such priorities. He would also like to set up a stewardship fund to for maintenance, and possibly introduce a Town Meeting article for additional funding to take care of the properties.
- BO suggests that BG ask Waterways to take care of the Commission floats, as they already handle the other town floats.

#### **Commission Fees**

- BG states he has been comparing Marshfield's fees and work volumes to similar towns in the area for the Town Treasurer and Town Administrator. Marshfield fees are generally lower than these towns, but work volumes are on trend with Falmouth and Barnstable, and greater than Nantucket, Chatham, and Scituate. BG feels that Marshfield's fees need to be increased to accommodate the demand and department needs, and will share additional information at the next meeting.

## **ENFORCEMENT ORDERS**

Smith, 38 Liberty Street **(08/09/18 KS & BG Sept site visit)**  
Mahaney, 46 Preston Terrace **(08/15/18 TC & BG to meet)**  
Drosopoulos, 7 Lady Slipper Lane **(08/15/18 TC Final Notice)**  
Jogi's Liquor Store, 951 Ocean Street **(08/28/18 BG to send letter)**  
White, 180 Atwell Circle (Escalation letter in Process)  
Digan, 1327 Union Street **(07/30/18 BG submitted EO)**  
Levangie, 3 Cove Creek (Communication in Progress)  
Tamara Macuch, 237 Webster Avenue  
Stifter, 102 Bartlett's Island (unpermitted revetment wall)  
New Owner, Winslow Avenue Ext.

**ADJOURNMENT** – RC makes a motion to close the meeting at 8:59 pm. FW second. Approved 4-0-0.

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