

MEMBERS PRESENT – Robert Conlon, Chairman (RC), Frank Woodfall (FW), Chad Haitisma (CH), Bert O'Donnell (BO), James Kilcoyne (JK), Bill Grafton, Conservation Administrator (BG).

MEMBERS NOT PRESENT – Art Lage (AL)

CALL TO ORDER – RC makes a motion to open the meeting at 7:00 p.m. FW second. Motion approved 5-0-0.

PUBLIC HEARINGS

18-14 Call, 2 Central Street (vegetative management).....NEW (Art)

- RC Reads Legal Ad; reassigns Hearing Officer to FW who confirms administrative requirements are complete.
- Applicant Nancy Call (NC) present. NC indicates that several locust and cherry trees had fallen down after the recent storms; she had the other trees taken down due to their age and their being a possible threat to the property and motor homes. She may also remove one additional damaged tree, and would like to re-plant with bayberry shrubs and other trees later in the season, when saplings are available at area nurseries.
- BO states he took a ride down to the property and could see that some of the trees were rotting from seeing the stumps. CH asks NC who would be doing the work. Tomasi Nurseries will probably be doing the work.
- BG advises he received an anonymous call for the unpermitted tree removal. He agrees that Cedars are possibly not the best option, as they can eventually grow tall. Bayberry or Beach Plum would be acceptable options. He would like to see a 1 for 1 replacement for the trees removed, as well as review of the plantings for two successive growing seasons.
- FW makes motion to close and issue a DOA, Neg # 3 plus conditions drafted by BG. RC second. Approved 5-0-0.

18-13 DPW, Corner of Cove and Water Streets (beach access for dredge related vehicles).....NEW (Jim)

- RC Reads Legal Ad. Hearing Officer JK confirms administrative requirements are complete.
- Town Engineer Rod Procaccino (RP) advises that the Army Corps of Engineers has asked DPW to assist with the construction of a temporary access way for excavators to be used in the dredging of the Federal entrance channel into Green Harbor. A similar access way was constructed last year, but this year the Town will not be involved in the actual dredging. The excavators will need to use the Cove Street access, and DPW needs to construct the ramps to allow the excavators to get over the east jetty. The ramp materials will be removed once the work is complete.
- RP characterizes the work as a minor activity, temporary in nature, with negligible impacts to the resource area, and stated this access is required to support an emergency measure taken by the Corps to address the shoaling at the harbor entrance. The ramps will be constructed of sand and topped with gravel. The gravel will be removed upon completion.
- RP also advises that Ed Bigelow, 5 Water Street, has requested that prior to construction of the access way, DPW remove some armor stone that got displaced onto his property in recent storms, and put it back to where it was originally.
- Al Mayo, 49 Calypso, would like to know what is going to be done with the sand removed. RP states the sediment that comes out of the channel is going into the Corps dredger Currituck and will be disposed of at their near-shore disposal site. They are looking at options for using the sediment for beach nourishment, but this will require additional research and permitting.
- FW asks how many yards the Corps anticipates taking out of the channel. RP estimates it will be less than the 30,000 cubic yards removed last year. JK asks RP about the timeline. The dredging will start about May 7th, and RP plans on building the ramp before that. They should be done with the dredging by the end of the month.

- BG reads the proposed conditions into the record, including that any work beyond that required to abate the immediate emergency will require the filing of a NOI. RP advises that DPW will be coming back with a NOI for future emergency dredging, and possibly beach nourishment.
- JK makes motion to issue a DOA, Neg # 3 with special conditions drafted by BG. BO second. Approved 5-0-0.

2716 Filder, 410 Union Street (septic).....NEW (Bert)

- RC Reads Legal Ad. Hearing Officer BO confirms administrative requirements are complete.
- Pat Brennen (PB), Amory Engineers, presents for applicants. He had previously appeared before the Commission for these clients concerning an RDA for a septic upgrade. The design of the septic system has not changed. Applicant would like to continue to mow portions of the back of the property, flagged as wetlands but maintained as “wet meadow.” PB would also like to transplant some buckthorn to a “mitigation area” elsewhere on the property, and also plant some additional high bush blueberry in that area.
- BO comments that the boundaries for mowing appear to have been there for many years, and has no issue with the owners continuing to maintain the area as proposed. FW notes that one of the conservation markers run through the middle of the garden and suggests moving one of the markers to WF 19, bringing it around the garden. This is written in as an additional special condition.
- BG reads the proposed special conditions into the record.
- BO makes a motion to close and issue Orders of Conditions with special conditions drafted by BG. FW second. Approved 5-0-0.

2714 Bergstrom, 1028 Ocean Street (vegetation restoration, gravel driveway & in-ground pool).....NEW (Art)

- RC Reads Legal Ad; reassigns Hearing Officer to JK who confirms administrative requirements are complete.
- Brad Holmes (BH), ECR, presents for applicant. The filing concerns an after-the-fact NOI for vegetation cutting and other unpermitted activities; it also includes a restoration plan. The property includes BVW plus the associated buffers, and is within LSCSF. BH states applicant did a cutting of vegetation to access and remove debris to the rear of the property; when this cutting occurred, there was cutting in the wetlands. BH notes that there has been ongoing dumping at the end of Breakwater Court; they would like to continue to clean up the years of dumping with a mitigation plan. The clearing did not occur in the BVW, but they would like approval for the hand removal of trash and debris, as well as prune any overhanging limbs. BH would also like the commission’s approval for a gravel driveway off Breakwater Court, steps to access the house, and an in-ground pool, decking, and fencing. The pool would be located outside the 100 foot buffer zone, but the entire property lies within Land Subject to Coastal Storm Flowage. BH states the restoration plan will fully restore the 25 ft buffer zone to the BVW, with all trash and debris removed and the area revegetated with native plants and saplings, including conservation seed mix. They will also place four conservation markers across the 25 ft buffer on bird houses mounted on cedar posts. The right of way to the edge of the pavement will be restored with conservation seed mix and new loam. The proposed lawn area will be low-maintenance grass seed that will not require much irrigation or fertilizer; any foundation plantings will be native species. BH feels that these plantings, along with the removal of trash from the wetland, will amount to an overall improvement of the wetland and buffer zone.
- JK suggests that a fence be added so no further dumping can occur. BH feels that the conservation markers will provide a sufficient barrier.
- FW asks whether two proposed conservation posts in the public right of way could be moved back to the property line; BH notes that their intent was to deter people from pulling in and dumping trash at that location. BG notes that the land across the street is a Town owned land. He feels the Commission has the right to give permission to place these posts as long as the land stays unimproved. After further discussion, it was agreed that the two posts should be moved to the property line, and two posts be added to the end of Breakwater Ct. to deter dumping.

- Ja'Coall Bergstrom (JB) comments that the wetland was cluttered with trash and debris, but states she has learned that unpermitted clearing in the buffer cannot be done without a permit. The stumps have remained, and she will grind the remaining stumps.
- BG comments that the area was essentially clear-cut, but the roots had not been taken out and still remain. There are some good aspects to the plan, including cleaning out the debris, but the driveway and pool aspects of the project are new to him. BG comments that the after-the-fact activities are now blended with the new proposed activities. Meanwhile, they're not vegetating in the Flood Zone or in the front of the home, which will impact nearby properties, so he would like the following modifications:
 1. The driveway should come from Ocean Street, for less impact on the buffer zones. FW would like to keep the driveway on Breakwater Ct, and CH would prefer that the driveway be moved back southward from Breakwater. BH indicates they can look at reconfiguring the driveway.
 2. BG would also like more planting in the flood zones and on the property itself; much of the proposed plantings are in the public right of way and on town-owned property. He suggests a more robust plan in the 25 to 50 ft buffer. FW comments that there is not much room for additional plantings and CH concurs. BG feels that BH can come up with a solution.
 3. BG asks why the homeowners are getting the pool, stairs, and driveway on this ATF NOI. BH states that their intent is to get one OOC to comply with and make sure everything is permitted on the site.
 4. BG feels there is a vernal pool in the back; BH agrees, and flagged it as such in February. BG would like to have it surveyed and certified, but FW points out that the pool is not on the property. JK likes the idea but doesn't know if it's the applicant's responsibility.
 5. BG would also like JB to post a no dumping sign, which the Town will provide, at the end of Breakwater Court.
- BG asks how thorough their cleaning of the end of Breakwater Court will be. BH states they plan to remove everything on the town-owned and JB's portion of Breakwater, and slightly beyond. RC would like to know what the pool access will be. BH states the access for the pool will be from Breakwater Court.
- JK asks for comments from the public; none.
- BG feels that an updated site plan is needed to show all the changes, and feels the matter should be continued pending receipt, so the Commissioners can review the updated plan. CH and JK concur. BH asks the Commission if the clearing of trash can resume in the meantime; consensus is the cleaning can continue.
- JK makes a motion to continue to 5/15/18. CH second. Approved 5-0-0.

2712 Melia, 110 Preston Terrace (coastal bank stabilization).....NEW (Chad)

- RC Reads Legal Ad. Hearing Officer CH confirms administrative requirements are complete.
- Jeff Hassett (JH), Morse Engineering, presents for applicant. Homeowner Patrick Melia (PM) also present. JH indicates they have filed a NOI for coastal stabilization, as there has been quite a bit of erosion this past winter. The repair will be comprised of about 8 vertical feet of stone backfilled with smaller stones. Above that will be a vegetated area, including bayberry, American beach grass, and beach plum. Contractors will be accessing the site from the "paper" extension of Grandview Ave. JH indicates that the only thing that is not on the plan is a set of removable stairs down the slope.
- CH asks JH about the machinery that will be used for the work. A dump truck will deliver the material, and an excavator will put it in place.
- The Commission discusses the need for a planting plan. BG would like a planting plan depicted on the plan of record. FW does not feel a planting plan is necessary, but CH comments on the need for consistency. JK agrees that the Commission typically requires a planting plan, and suggests the project be approved with a special condition that a planting plan from a qualified wetland specialist be provided. FW notes that this is not a mitigation or restoration scenario, but rather a stabilization plan with some plantings added. BG feels he needs a plan from a PWS because the plantings are part of the revetment.

- RC asks if the revetment would fail faster without the plantings. BG states the plantings are above and beyond the revetment, and the revetment will work better if the plantings are done right. After further discussion, CH suggests that the hearing be closed with a condition that JH provide a planting plan to BG.
- Jim Correy (JC), 102 Preston Terrace, supports the project and thinks it will help stabilize the slope from further erosion. Frank White (FW2), 106 Preston Terrace, also supports the project.
- In response to a query from JK, PM states that his abutters are armored on either side and feel that their property was affected because his property was not armored. He is willing to supply a planting plan as long as it does not affect the project being approved this evening.
- BG comments that Harbormaster DiMeo was concerned about the location of the septic system. There seems to be sufficient separation from the water, but BG suggests a special condition requiring applicant to notify the appropriate authorities and take corrective action if any leakage is detected.
- BG would also like the 25 ft setback to the coastal bank to be added to the site plan, and would like an access plan given the fragile area. BG also notes for the record that the correct fee is 4x the \$98 originally submitted based on the bylaw, but this was not caught at the filing stage. CH feels the original assessed fee should apply in this case.
- CH makes a motion to close and issue Orders of Conditions with special conditions drafted by BG. BO second. Approved 5-0-0.

2713 Krusell, 0 Careswell Street (sfh).....NEW (Bert)

- RC Reads Legal Ad. Hearing Officer BO confirms administrative requirements are complete.
- Jeff Hassett (JH), Morse Engineering, presents for applicants, who are also present. The subject property is made up of two parcels totaling about 1.2 acres of land; it is currently undeveloped except for a driveway encroachment and drainage infrastructure. The majority of the property is within AE15 flood zone, LSCSF. There are two wetlands on the property, one in the front and one in the rear; delineation was done by Brad Homes (BH), ECR. They are proposing to construct a (28x38)d ft SFH with 10 ft wide gravel driveway. Utilities will be underground, below the driveway. The structure will include flood vents, as required. They have filed as a limited access, as a wetland crossing is required to access the upland portion. They will minimize the amount of wetland fill by crossing at the narrowest part of the wetland, and keeping the driveway as narrow as possible. They are proposing a 2 to 1 mitigation ratio; if the relocation of certain upland bushes is included, the ratio is 3 to 1. A 12 inch wattle will be used for erosion control.
- BO comments that this is the first project of this kind he has seen requiring a wetland crossing, and also notes the property is in the Inland Wetlands District. He would like JH to follow up with the Planning Board with regard to this. BO also notes that limited access projects require that the applicant look for all other means for access, and asks JH if they tried to get an easement through the driveway on the adjacent property. JH comments that the Zoning Bylaws prohibit shared driveways. He would consider this option if Zoning were willing to permit it. BO suggests that JH speak with ZBA.
- Applicant Tim Krussell (TK) states he spoke with a member of the Zoning Board, who informed him that Marshfield does not allow sharing a driveway. BO states he spoke with someone else in the Zoning Board, who said they might consider it in the case of avoiding a wetland crossing.
- CH asks if the culvert is permanent; it is. JK asks if there are any other access options without filling since there is an intermittent stream - possibly construction of a bridge to allow water flow and animal migration. JH states that the culvert will prevent restriction of water flow. He doesn't see the benefit of doing a bridge given that it would block light and keep plants from growing.
- CH asks about the change to BH's wetland replication narrative; BH indicates the only change was to include the additional transplant area; this will have the benefit of saving existing high brush blueberries on the property.
- CH asks if a 2 for 1 replacement ratio is sufficient mitigation for filling a portion of the wetlands. BG agrees this is pretty much what happens. FW notes the transplant area will provide additional mitigation.
- BG asks BH if this would be considered an Ecological Restoration Project; BH replies no, since the impact is under 5000 sq ft. BG would like applicants to explore the possibility of a variance as to the shared driveway

with Planning or Zoning on the basis of avoiding a wetland crossing. FW and RC note that a wetland crossing is allowed in a limited access project when there is 2 to 1 mitigation, but BG asks whether this is the best, least adverse impact possible. FW likes the plan as is.

- Sarah Brazao (SB), 220 Careswell, indicates she has no interest in sharing a driveway.
- JK would like to know what is in the area where the wetland will be replicated. BH states it is currently upland. CH asks if this upland area will support a wetland; BH states they will have to lower the elevation of the upland to the proper groundwater elevation.
- Glenn McDonald (GM), 204 Careswell, feels the creation of the driveway along his lot line will not support the water flow from his home and Calypso Lane, and thus the project will flood his home. JH states that the drainage from the catch basins on Careswell Street is discharged on the downgradient side of the fill, going away from the McDonald home. GM reiterates that he feels the driveway will block the flow of water from Calypso Lane, flooding his home. JH acknowledges GM's concern and comments they do not want to obstruct any flows in such a way as to create greater flooding, but he is comfortable that the culvert as designed will not do so.
- JK notes that GM's main concern appears to be that the proposed culvert is not large enough for the water flow; GM agrees and feels that the entire length of the driveway will flood. He also comments that he has seen deer, coyotes, and foxes in the area, and that previous owners have filled the wetland over the past 20 years.
- JK asks if there were any endangered species in the area; BH does not feel the area is not a high wildlife area
- FW notes that there would be a swale to allow for water flow.
- BO asks JH to point out the area of the driveway
- JK states the replication area is a 2 to 1 which will alleviate the water from GM's property
- GM expresses concern that the culvert will not be maintained properly and BO acknowledges his concerns.
- SB also expresses concern about water flow into her property. The wildlife is abundant, her home was built in 1988. Does not understand how you can plant bushes and trees. BG explains the setbacks and mitigation.
- GM feels there is an alternative to the driveway location.
- Al Mayo (AM), 49 Calypso, does not understand why the Commission allowing the project to go through.
- Joe King (JK2) 45 Calypso Ln, also feels there is a major water issue.
- JH feels that the project as proposed complies with the WPA and Town Bylaw.
- BG suggests a third-party stormwater review given the abutter concerns.
- BO makes a motion to continue to 5/15/18. RC second. Approved 5-0-0.

2715 Rogan, 165 Ridge Road (septic).....OPEN / NOT HEAR (Abutters Notification incomplete)....NEW (Frank)

- RC reads Legal Ad and makes a motion to continue the hearing to 5/15/18.

2711 McLaughlin, 4 Trouants Island (SFH).....(cont from 4/17/18) (Rob)

- RC Reads Legal Ad. Hearing Officer AL confirms administrative requirements are complete.
- Kevin Grady (KG), Grady Consulting, advises he has improved the landscape plan, selecting native plants that will survive in the area.
- RC makes a motion to close & issue Orders of Conditions with special conditions drafted by BG. FW second. Motion approved 5-0-0.

2710 Brown, 7 Branch Street (addition and deck).....(cont from 4/17/18 (Frank)

- Continued to 05/15/2018.

2684 Bethanis, 1184 Ferry Street (found. rest. driveway recons).....(cont from 10/03/17) (Jim)

- Continued to 05/15/2018.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

None

ENFORCEMENT ORDERS

Smith, 38 Liberty Street (Email Response 12/20/17)
Mahaney, 46 Preston Terrace
Drosopoulos, 7 Ladyslipper Lane (TC Letter 11/18/17)
McCarthy, 46 Bay Avenue (ATF NOI by 05/01/2018)
White, 180 Atwell Circle (Escalation letter in Process)
New Owner, Winslow Avenue Ext.
Levangie, 3 Cove Creek (Communication in Progress)
Tamara Macuch, 237 Webster Avenue
Stifter, 102 Bartlett's Island (unpermitted revetment)
Jogi's Liquor Store, 951 Ocean Street (unpermitted cutting)

BUSINESS

Mounces Meadow Farming Contract Update - Lorrie Dahlen

93 Summer St; Agriculture Commission

- Agricultural Commission Chair Lorrie Dahlen (LD) present to discuss the farming contract for Mounce Meadows. Ag Commissioner Annie Massed is in charge of the community garden at the property.
- LD, BO, and BG have worked together to create a document that describes the land for farming. LD and the committee have chosen to go with two flower farmers who are familiar with organic flowers. There is about 30 ft around the perimeter that has to be reclaimed from invasives.
- BG states that the property will benefit from the flower farming.

Columbia Gas New Gas Line Protocols – Tabled.

NEW BUSINESS The Board may hold an Open Session for topics not reasonably anticipated by the Chair 48 hours in advance of the meeting.

ADJOURNMENT – RC makes a motion to close the hearing at 9:14 pm. FW second. Approved 5-0-0.

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

Bill Grafton, Conservation Administrator
Robert Conlon, Chairman
Frank Woodfall
Chad Haitsma

Bert O'Donnell
James Kilcoyne
Art Lage