

MEMBERS PRESENT – Robert Conlon, Chairman (RC), Frank Woodfall (FW), Bert O'Donnell (BO), Rick Carberry (PC), Art Lage (AL), 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 p.m. FW second. Approved 5-0-0.

MINUTES

- The minutes for the 10/2/18 and 11/20/18 meetings were distributed and reviewed. BG advises that Town Counsel (TC) Bob Galvin made several minor changes, and BO suggested one change to the 11/20 minutes.
- RC makes a motion to approve the 10/2/18 minutes as amended. FW second. Approved 5-0-0.
- FW makes a motion to approve the 11/20/18 minutes as amended. FW second. Approved 5-0-0.

PUBLIC HEARINGS

On / After

2786 DPW, Green Harbor Federal Entrance Channel/J. Driebeek Way (dredging).....contd from 2/19/19 (Jim)

- Continued hearing, RC Hearing Officer.
- BG notes that Commissioners PC and RC missed the previous hearing for this matter on February 19; both have viewed the video of the previous hearing and signed a Mullin affidavit.
- BG comments that the previous hearing was continued pending receipt of comments from NHESP. NHESP wrote back with no comments on the product, and the draft OOC is ready for signature.
- RC asks for further comments from the Commission and public; none.
- RC makes a motion to close and issue Orders of Conditions with special conditions drafted by BG.
AL second. Approved 5-0-0.

2652 Zeiny Development LLC, 308 Ocean Street (Amended permit for 2 concrete pads)...CONTINUED....NEW (Art)

- RC reads the legal ad. BG advises that the hearing must be continued to allow for notification of one more abutter; all other administrative requirements are complete.
- RC makes a motion to continue the hearing to March 19, 2019. PC second. Approved 5-0-0.

2790 Maguire, 80 Ocean Street (addition and deck at front of home).....NEW (Jim)

- RC reads the legal ad and, as Hearing Officer, confirms administrative requirements are complete.
- Brad Holmes (BH), ECR, presents for applicant along with designer Doug Friesen (DF), Duxborough Designs. BH hands the abutters' notification certificates of mailing to BG for the file. BH indicates the property is waterfront on the east side of Ocean Street. In front of the property, there is stone revetment leading up to a concrete seawall, with a concrete patio, gravel area, parking, shed, and SFH on the property. The property is in LSCSF and in the buffer to the concrete seawall. The SFH is elevated on piles. Applicants would like to construct a 4.5 by 16 ft addition in the front of the home; the addition would be elevated on helical piers to match the elevation of the house.
- BG states that the back deck at the property appears to be attached to the seawall, in violation of the Town Bylaw 217; a similar situation appears to exist at 78, 82, and 86 Ocean. BH comments that there seems to be a concrete decking across all four properties. BG feels that this project is permissible as proposed, but would like direction from the Commission as to how to address the decking at these four properties.
- FW feels the decking may have been a pre-existing condition before the seawall. BG notes he has been receiving information that this is getting done after the seawalls are built. The concrete at these four properties seems to have been intentionally poured to connect directly to the seawall. BG will consult further with the Building Commissioner, Town Administrator, and DPW for their suggestions. AL suggests that the

matter be discussed as a business item at a future meeting. He has observed several instances of connections to seawalls in the Bay Avenue area with BG and the Building Inspector, and feels further clarification is needed.

- BH comments that he is not sure when the concrete on the property was poured, and wonders if the seawall was originally built with a concrete apron or if the concrete patio predated the seawall. AL and BG comment that they have seen numerous new concrete patios being attached to seawalls in Town.
- RC comments that he has no issue with the proposed project; all commissioners concur.
- RC asks for comments from the public; none.
- BG advises that the special conditions will include the submission of an elevation certificate.
- RC makes a motion to close the hearing and issue Orders of Conditions with special conditions drafted by BG. FW second. Approved 5-0-0.

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

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

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

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

- RC notes for the record that the hearings above have been continued.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

]2218 Nerger, 829 Webster Street [EXT]

- BG notes that applicants have had previous extensions in 2014 and 2016. The owner has been cooperative, and BG has no issues with granting another extension.
- RC makes a motion to extend the OOC for SE42-2218. FW second. Approved 5-0-0.

ENFORCEMENT ORDERS

Smith, 38 Liberty Street **(11/19/18 KS will set early Dec visit)**

Drosopoulos, 7 Lady Slipper Lane **(08/15/18 TC Final Notice)**

New Owner, Winslow Avenue Ext.

Mahaney, 46 Preston Terrace **(12/12/18 BG met with TC)**

White, 180 Atwell Circle (Escalation letter in Process)

Bednarz/ Nouza, 65 Ireland Road (Unpermitted Cutting <= 50 ft)

Tamara Macuch, 237 Webster Avenue

Levangie, 3 Cove Creek (Communication in Progress)

Stifter, 102 Bartlett's Island (unpermitted revetment wall)

Couchere, 18 Creek Road (2/26/19 Enforcement Order Mailed Certified)

Storach, 45 Avon Street (2/26/19 Enforcement Order Mailed Certified)

Seoane, 84 Bartlett's Island (2/26/19 Enforcement Order Mailed Certified)

BUSINESS

B1 176 Beach Street EO/proposed activities-Discussion Stage –Dave Newhall Merrill

- Dave Newhall, Merrill Engineers, and Brad Holmes, ECR, present on behalf of applicant. DN advises that pursuant to discussions at the 12/18/18 and 1/22/19 meetings, applicant wishes to put in a pool, pool house, and raised pool decking. Existing beforehand on site was a SFH with gravel driveway and deck. A restoration plan with plantings was prepared in response to an enforcement order issued by BG in January. Applicant would like to modify the plan to make the plantings more continuous. DN notes that the pool house and decking will be raised at least 2 ft off the existing grade to allow for the movement of sand and floodwater. The restoration plan includes reinforcement of the stone revetment along with the proposed plantings. DN feels the plan will result in about an 1800 sq ft reduction of developed area on the site.

- PC asks if any work has been done to restore the plantings previously bulldozed over; DN indicates that no work has started. In response to a question from AL, DN states the property is on a coastal dune. PC comments that his reading of the guidelines was that any structure on a coastal dune must not have an adverse effect in terms of disturbing vegetative cover or removing sand from the dune artificially. He would like to know how applicants propose to dig a hole for a pool given the guidelines seem to prohibit the removal of sand.
- BH replies that they are working on designs in preparation for the submission of a formal NOI, and are seeking Commission feedback at this meeting. BH notes that the entire site is barrier beach, so he agrees that the performance standards for barrier beach/coastal dune apply. They are not seeking to reconstruct the revetment wall, but they would like to re-set the existing stones so they are not strewn onto the beach. They are proposing coastal dune enhancements to possibly include geotextiles, a coir log with sand behind it, and removal of black locust, an invasive species. They would also like to remove an existing chain link fence as the footings are dislodged, and add a sand fence to protect against erosion of the dune.
- BH feels that the proposed coastal dune restoration activities, combined with the previously proposed restoration plantings, will result in a net improvement over existing conditions on the site that in turn will allow for the proposed pool and new decking to be approved. BH notes that the pool house and new decking will be elevated to meet the coastal dune performance standards, and states they will provide the needed documentation and calculations with the NOI.
- In response to a question from PC, BH indicates that the pool house will be 30 ft by 30 ft and be elevated on piles; PC comments that a structure of that size is almost like another house. BH notes that accessory structures in a coastal dune are permissible as long as there is a home on a lot.
- In response to a question from FW, DN indicates that the existing deck is almost 6000 sq ft. FW notes that the square footage for the proposed new deck and pool works out to 4300 sq ft [2500 deck + 900 pool + 900 pool house]. DN adds that the new deck and pool house will be elevated, whereas the existing deck is not and does not allow for the migration of sand. The new deck will be comprised of permeable pavers.
- BO notes that the existing deck is at grade, and thinks sand likely migrates over the deck whereas a pool will be a barrier to sand migration. The Commission discusses the height and composition of the proposed deck. BH notes they will be able to provide more details with the NOI.
- FW has no issues with cleaning up the existing revetment along with the proposed dune augmentation. BG notes that TC had advised the Commission at a previous hearing for 45 Bay Avenue that the Commission can't allow anything that would impede the flow of sand or floodwaters. BH notes that they aren't proposing a stone seawall; the stone in question has been there for some time and he believes is grandfathered. They would just like to make repairs so the rocks aren't dislodged.
- BG reads an excerpt from the 11/20/18 minutes wherein TC states that "property owners are not allowed to erect any new barriers on barrier beaches, including those that would redirect floodwater or limit movement of sediment." BG notes that there aren't any other revetment walls in the area, and any new improvements will impact neighboring properties on both sides that are not protected, so any such improvements must be carefully designed to avoid adverse impacts to neighbors. FW notes that no new revetment stones are proposed, just using the existing stones backed up by new dunes, which he feels doesn't constitute further armoring.
- BO notes he has read the recent waterways and beach reports authorized by the Town, and it states that the west jetty has allowed the dunes in this area to build up. Given this buildup, BO isn't sure that further armament in this area is necessary as there hasn't been recent loss of beach. He has also looked at the property's original building permits from 1988, and the applicants at the time were asked to move the building further back from the ocean; he doesn't think any new structures should be permitted closer to the ocean.
- Contractor Frank Marino (FM) representing the home owner, Susan Sullivan (SS) would like to know what the Commission would like to see as the ideal elevation for any structures in the area. BG feels that a peer review may be needed to ultimately answer this question, but that avoiding adverse impacts on neighbors will be a priority.
- RC asks about the yards of fill the project will require; BH doesn't have numbers yet but would like to bring in some coastal dune nourishment sand for the front dune, and have it blend into the restoration area. No fill will be needed for the restoration area. BG shows pictures of beachfront properties with similar plantings and

some revetment stones in front, in which the dune is protected without excessive armoring. BG thinks for 176 Beach Street there is an opportunity for beach renourishment at the base of the revetment, which will further protect the property.

- FW suggests that applicants consider a smaller pool house and move it to the western part of the pool area, between the driveway and patio. FW describes his concept of the pool house as sized to store filters and floats not function as living space.
- BG feels that the proposed structures will be considered “new” for purposes of the bylaw, which means applicants will have to meet all the performance standards of 10.28(3)(a-e).
- AL’s issue with the pool is that it can’t be elevated and therefore will obstruct the movement of sand and floodwater, just like a house built at grade, and the Commission wouldn’t approve the construction of an at-grade house in this location.
- BH feels that the project will be net-beneficial to the dune and states, for an existing SFH on a dune, accessory structures are allowed to support the house. FW agrees that the footprint of disturbed area will be slightly less.
- BO notes that a recent proposal to expand the Rexhame Beach parking lot was not permitted, and was much less substantial than what applicant is considering here. If this project is permitted, he thinks time-of-year restrictions may be appropriate so people can use the adjoining beach. All parties discuss whether the beach in front of the property is public or private with an access easement. DN states that the owners support public access to the beach and don’t want to cause disturbance.
- BG would like to see the restoration component get started, and asks about the last possible planting for the grasses proposed. BH notes it depends on what is used; beach grass plugs can be planted throughout the summer, but are cost-prohibitive. Their plan is to get the restoration done with bare root culms in early spring.
- BG asks DN when their NOI will be ready; they will try to submit within two weeks so it can be heard the first meeting in April.

B2 Municipal Vulnerability Preparedness (MVP) Program-Discussion – Bill Grafton

- BG advises that the Town is considering applying for a Municipal Vulnerability Preparedness Program grant. BG is working with Town Planner, Greg Guimond on this, and they would like to be able to reference Commission support in a letter accompanying the application. The grant funding will help the town taking steps to improve its resiliency to storms, flooding, and other climate change impacts.
- BG reads the letter into the record to be signed by the Commission Chair, and the Commissioners affirm their support for the application.

AJOURNMENT – RC makes a motion to close the meeting at 7:56 pm. AL second. 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