

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

**MEMBERS NOT PRESENT** –

**CALL TO ORDER** – RC motioned to open the meeting at 7:06 p.m. FW second. Motion approved 6-0-0.

**MINUTES** 11/07/2017; 11/21/2017; 12/5/2017; 12/19/2017; 2/6/2018; 2/20/2018

**PUBLIC HEARINGS**

**RDA 18-04, Tatten, 19 First Road (porch).....NEW (Frank)**

- RC reads legal ad. FW hearing office
- Eric Tatten (ET), owner, cottage with front porch would like to remove and replace. Would like to add on 3 feet to front of porch.
- RC asks if it will be on footings or sono tubes ET states the porch will be on sonotubes
- RC asks if ET is going closer to wetland or street, BO states the addition is going more or less sideways.
- BG asks if erosion control is needed
- FW makes motion to issue Negative Det. # 3 w/o special conditions. JK second. Motion approved 6-0-0.

**RDA 18-05, O'Reilly, 296 Spring Street (veg management).....NEW (Frank)**

- RC reads legal ad. FW hearing officer.
- Mike O'Reilly (MO) owner of home
- MO submits a new RDA with some more revisions
- MO from marsh line would like to remove limbs from trees. No trees will be removed
- Vista Pruning of underbrush
- Beyond 100 ft will be removing selective trees and underbrush
- BG would like to know what type of trees will be removed, MO states they are oak.
- BG would like to know if MO will be selectively pruning.
- FW would like to know if MO has spoken with North River Commission.
- BG suggests the applicant speaks with the North River Commission.
- BO wants to know if the 300ft corridor, MO states that he is beyond 400 ft of salt marsh.
- FW makes motion to issue Negative Determination # 3. AL second. Motion approved 6-0-0.

**RDA 18-06, Dong, 1001 Ocean Street (addition).....NEW (Frank)**

- RC reads legal ad. FW hearing officer.
- Van Dong (VD), owner
- Would like approval to put in 2 footings.
- The addition will be on top of the existing bathroom
- FW states there will be a footing with sono tubes.
- BG mentions this is not in a coastal dune
- JK states the addition is going on existing home.
- FW makes motion to issue Negative Determination # 3. BO second. Motion approved 6-0-0.

**RDA 18-07, Minchello, 49 Little's Lane (shed and lawn).....NEW (Chad)**

- RC reads legal ad. CH hearing officer.
- Mike Minchello (MM), Homeowner would like to put in shed with cement pad with lawn going to shed.
- BG states that new additions need to be put into prior to the meeting and not at meeting
- MM would like to add the generator pad to this RDA.
- BG states that he is in the 75 foot buffer; FW would define the shed as a structure.
- RC would like to know why the generator is so far away from house.

- MM would like to have the generator near the shed and trench the power back to the house.
- BO any compelling reason why MM cannot bring it into the 75 foot setback.
- JK states that it is 75 feet no structure for and for this to
- CH also states that MM can continue if he would like.
- FW states if MM would like the generator within the 50 he can come back with a NOI.
- CH states the drawings need to be clear with the work.
- JK remind MM that there are no new structures within the 75 feet.
- BG states this came in as a building permit.
- BG states there should be a planting plan and there has been clear cutting over time.
- MM states there were 3 parcels that were morphed into his property.
- BG states there has been a wetland flagging. And present a planting plan within the 50 foot buffer zone.
- FW would like to the new plan to show propane tank, and gas lines to generator.
- BO and RC want to make it clear just because MM is filing for a NOI that doesn't; mean a OOC will be granted.
- CH makes it clear that the commission can ask for mitigation, planting 200 feet if 100 ft is disturbed.
- CH makes motion to issue Positive RDA Determination. JK second. Motion approved 6-0-0.

**RDA 18-08, Mass DOT Highway, Rt's 3, 3A & 139 (veg management) OPEN 3/20; HEAR 4/3.....NEW (Chad)**

- RC reads legal ad. CH hearing officer.
- RC makes motion to open but not heard, continued until 4/3/2018 AL 2<sup>nd</sup> Motion approved 6-0-0.

**RDA 18-09, Columbia Gas, Linwood St., Bancroft St., & Laurel St (Gas Line).....NEW (Chad)**

- RC reads legal ad. CH hearing officer.
- Dana Altobello (DA) Merrill Engineering. Proposed replacement of exiting steel with new pressure gage gas lines. The gas main replacement will be using the open trench method. No work during bad weather, erosion control in place.
- CH would like to know how close to the wetland would the work will be.
- DA states the closest point to the wetland is in the shoulder of the roadway.
- CH makes motion to issue Negative Determination # 3. JK second. Motion approved 6-0-0. Best management practices.
- DA shows the commission what some other towns are doing when it comes to projects similar to gas lines.
- RC states that the letter will memorialize the plan. Since the structures are previously disturbed.
- BG would like to state he is fine with doing the letter approach.
- FW ok with hybrid version of the process. RC, CH, BO, JK AL ok with hybrid.
- FW would like to see wetland flagging.

**RDA 18-10 King, 12 Idaho (addition).....NEW (Frank)**

- RC reads legal ad. FW hearing officer.
- Dana Altobello (DA) Merrill Engineering
- SW side of Idaho Street, SFH home on site currently. 5500 sq ft that is upland.
- Brand Holmes flagged a wetland but it is far edge of property. Flagging done on 2/15/2018
- Removal of existing deck, reconstruction of an addition.
- No alteration within the 50 ft.
- BG would like maybe 3 approx. 15 feet from stockade fence.
- BG presented 4 picture of site, showing hole dug on property.
- FW erosion control and approx. nothing beyond 75 ft buffer zone
- Silt fence will be used, conservation posts on 100 ft buffer.
- FW makes motion to issue Negative Determination # 3 with erosion control coordinate and 3 conservation markers on 75ft. RC second. Motion approved 6-0-0.

**2701 Halliday, 98 Preston Terrace (septic).....cont'd (Chad)**

- Continued from 2/20/2018. CH is Hearing Officer
- Greg Morse (GM) Morse Engineering
- Sceptic system repair, waiting for DEP #
- The air blower within 25 ft of coastal bank, now relocated to 27 ft from coastal bank

- Also plantings, GM misunderstood planting and presented a planting plan this afternoon as a result of speaking with BG this afternoon
- BG would like to know how GM delineated the coastal bank; GM brought in Brad Holmes to delineate the coastal bank.
- Typography defines 8 different types of coastal banks, less than a 4 to 1 slop. The top of the manmade wall (altered environment)
- 92-1 Coastal Bank in guidelines.
- CH opens to audience, no comment from audience.
- CH states the following Special Conditions for the project apply:
  - Before commencing the proposed work:
    - Register both sets of Orders (State and Town) with the Plymouth County Registry of Deeds and provide evidence to the Conservation Administrator.
    - Obtain all subsequent permits (local, state and federal) such as the Marshfield Building Department, the Marshfield Zoning Board of Appeals,) and any other pertinent permits.
    - Coordinate pre-construction site meeting with Conservation Administrator.
  - During construction of the proposed work
    - Ensure that best management practices are followed.
    - Follow the qualified wetland specialist (ECR) planting plan. All native plantings depicted on the Plan of Record shall achieve at least 75% successful growth within two growing seasons as per 310 CMR 10.24 & 10.53 General Provisions.
  - Post construction:
    - Provide an Elevation Certificate as well as an As-Built before filing a request for Certificate of Compliance.
- CH makes motion to close & issue Orders of Conditions with special conditions as discussed. JK second. Motion approved 6-0-0.

**2698 C.H. Newton Builders, Lot 4 South River Street (sfh).....cont'd (Chad)**

- Continued from 2/20/2018. CH is Hearing Officer
- Terry McGovern Stenbeck and Taylor (TM)
- Brooke Monroe Biologist reviewed "A and "B wetland lines but have now flagged "C" Line in rear of parcel; flags 1-8 about 900 sq ft. shallow depression.
- Septic system has been pulled uphill and turned the system. Graded 100 ft to BVW lines
- BM letter has been submitted explain mitigation of planting.
- Test pits A to G over 11.5 years only ones show percable material are the ones in the area where the septic system is sited.
- Post and rail fence at 75 ft setback about where the slopes become steeper.
- To the South against the wall, there is disturbance on the adjacent property.
- To the east turn fence at a right angle and bring across the 50 setback from the BVW to the stone wall.
- The home, driveway is outside the 100 foot buffer zone.
- TM feels they are compliant with the BVW lines.
- TM states the septic is pushed to the edge of the good material. If it was moved to the south it would be closer to the Bordering vegetative wetland.
- TM states there are not any other suitable areas for the septic system.
- BG went onsite with BM agrees with BGs recommendation of the wetland line.
- BG feels there is clear evidence on the Isolated Vegetative wetland.
- BG likes that they are addressing invasive species (Japanese knotweed)
- BG happy with planting plan
- BG if having trouble with variance, asks the commission to request an easement.
- Mr. McGrath aske the Commission to looked at interactions with the DEP, Rod Prococcino SE42-2030 under South River for water main, significant flooding on Telegraph Hill, the drainage basin at top was flooding neighbored below. DPW took an easement to relieve the flooding and allow proper flowage.
- AL would like a explanation of variance, less than 100 ft from isolated vegetated wetland, siting it at 50 ft which is a title 5 regulation. The perc'ed material is not good from the North or West and that is the septic system is sort of "boxed in" to one specific area that is why they are requesting a variance.
- JK is satisfied with the fence and the moving of the septic system.
- JK ask how to you determine where they right angle of the fence would be?
- TM when straight across to the corner of the property.

- JK would possibly like the fence closer to the street where the reserve is.
- FW and RC state that there is a steep grade in that area.
- BO how come the fence cannot be put into the reserve. Switching the primary and reserve.
- TM states there will be a membrane but in the event the system fails and if repairs would need to be made there is no need to disturb the area again.
- CH easement on north end of property, CH suggests that an easement can be a deed restriction can be used as mitigation.
- BG states that not on this property but an easement will preserve the property for the future.
- AL state the fence will not be permanent and thinks the easement will be
- BG thinks that this is a rarity
- FW believes the easement is overkill
- CH asks FW if variance is granted for a amount of sq ft.
- CH states the following Special Conditions for the project apply:
  - Before commencing the proposed work:
    - Register both sets of Orders (State and Town) with the Plymouth County Registry of Deeds and provide evidence to the Conservation Administrator.
    - Obtain all subsequent permits (local, state and federal) such as the Marshfield Building Department, the Marshfield Zoning Board of Appeals,) and any other pertinent permits.
    - Coordinate pre-construction site meeting with Conservation Administrator.
  - During construction of the proposed work
    - Ensure that best management practices are followed.
    - Updated site plan showing inland bank as per SE42-2030.
    - Follow the qualified wetland specialist (Brooke Monroe planting plan. All native plantings depicted on the Plan of Record shall achieve at least 75% successful growth within two growing seasons as per 310 CMR 10.24 & 10.53 General Provisions.
    - Conservation Markers as per revised site plan dated 03/12/2018
    - Easement Poll RC no, FW no, CH no, BO no, JK yes, AL yes
    - Ensure construction meets current Commonwealth of Massachusetts Building Codes and National Flood Insurance Program (FEMA) regulations.
  - Post construction:
    - Provide an Elevation Certificate as well as an As-Built before filing a request for Certificate of Compliance.
- CH makes motion to close & issue Orders of Conditions with special conditions as discussed. RC second. Motion approved 6-0-0.

**2700 Russell W. Chandler Realty Trust, 0 Moraine Street (sfh).....NEW (Chad)**

- RC reads legal ad. CH is the Hearing Officer.
- Greg Morse (GM) Morse Engineering
- Undeveloped 13.2 acres in size.
- Overhead powerline easement that goes over the property
- Duxbury has approved the NOI and Duxbury abutters have been notified.
- AE flood plan elevation,
- SFH with new driveway to Moraine street with septic in front of home.
- Grading in back and site yard and limit of clearing with limit of work disturbed areas will be filled with loom and seed.
- No proposing work in flood plan, in BVW the 50 no disturb at 52 ft with erosion control and 5 conservation post along that buffer zone. BG would
- Structure setback is 76 to edge of building
- Riverfront maintain 100 foot buffer.
- 2% of riverfront is being disturbed.
- Wetland consult and BG moved 6 to 10 flags when reviewing the wetland line.
- CH would like a revised plan with the changes of the flags before the commission signs the orders CH is ok with plan.
- BG would like flagging done.
- FW states the wetland line is outside our jurisdiction.
- JK wants to know if Gm has a problem with adding the flags before signing GM has no problem with that.
- CH states the following Special Conditions for the project apply:

- Before commencing the proposed work:
  - Register both sets of Orders (State and Town) with the Plymouth County Registry of Deeds and provide evidence to the Conservation Administrator.
  - Obtain all subsequent permits (local, state and federal) such as the Marshfield Building Department, the Marshfield Zoning Board of Appeals,) and any other pertinent permits.
  - Coordinate pre-construction site meeting with Conservation Administrator.
- During construction of the proposed work
  - Ensure that best management practices are followed.
  - Provide an updated site plan and submittal detailing the moved flags along Moraine Street.
  - Add Conservation Markers as Per Plan of Record for longevity of this proposed condition by the applicant.
  - Ensure construction meets current Commonwealth of Massachusetts Building Codes
- Post construction:
  - Provide an Elevation Certificate as well as an As-Built before filing a request for Certificate of Compliance.
- CH makes motion to close & issue Orders of Conditions with special conditions as discussed. JK second. Motion approved 6-0-0.

**2702 Centorino, 5 Steamboat Drive (addition & bulkhead).....NEW (Chad)**

- RC reads legal ad. CH is the Hearing Officer.
- Terry McGovern Stenbeck and Taylor (TM )
- Flags 1-4 and the flag A added after site visit with Brooke Monroe and TM
- The work is within the area of existing structure and deck. Applicant adding an addition and a bulkhead.
- Erosion control will be in place, not proposing any grading or change to elevation
- No work propose within 25 ft setback
- Level lot with existing lawn.
- CH states the following Special Conditions for the project apply:
  - Before commencing the proposed work:
    - Register both sets of Orders (State and Town) with the Plymouth County Registry of Deeds and provide evidence to the Conservation Administrator.
    - Obtain all subsequent permits (local, state and federal) such as the Marshfield Building Department, the Marshfield Zoning Board of Appeals,) and any other pertinent permits.
    - Coordinate pre-construction site meeting with Conservation Administrator.
  - During construction of the proposed work
    - Ensure that best management practices are followed.
    - Ensure construction meets current Commonwealth of Massachusetts Building Codes and National Flood Insurance Program (FEMA) regulations.
    - Conservation Markers every 50ft. starting with the Red Maple
  - Post construction:
    - Provide an Elevation Certificate as well as an As-Built before filing a request for Certificate of Compliance.
- CH makes motion to close & issue Orders of Conditions with special conditions as discussed. AL second. Motion approved 6-0-0.

**2703 Boyd, 31 Island Street (sfh).....NEW (Chad)**

- RC reads legal ad. CH is the Hearing Officer.
- RC makes motion to continue hearing to 4/3/18 CH 2<sup>nd</sup> Motion approved 6-0-0.

**2704 Marathas, 50 Ocean Street (elevate sfh).....NEW (Frank)**

- RC reads legal ad. FW is the Hearing Officer.
- FW states he has not had a change to look at all incoming information that came in late.
- AL states that there was a lot of last minute information and did not have enough time to review all documents.
- FW would like to suggest continuing to allow time for commission to review information.
- James Marathas came in late to talk but stepped out and FW explains why the board decided to continue hearing.
- FW makes motion to continue. second. Motion approved 6-0-0.

**27xx Kesaris, 1840 Ocean Street (building improvement & addition).....NEW (Chad)**

- RC reads legal ad. CH is the Hearing Officer.
- Opened but not heard

**Cont'd to 4/3/18 2684 Bethanis, 1184 Ferry Street (found. rest. driveway recons).....(cont from 10/03/17) (Jim)**

**Cont'd to 4/17/18 2627 Bedig, Richard Street (sfh).....(cont from 2/22/17) (Chad)**

## **REQUESTS FOR CERTIFICATES OF COMPLIANCE**

Current:

**SE42-1932 Haynes, 6 Country Way [includes deed restriction]**

- Garage is deed restricted
- RC motion to issue COC. FW Second. Motion Approved 6-0-0

**SE42-2526 Valery, 769 Moraine Street [ongoing conditions]**

- RC motion to issue COC. FW Second. Motion Approved 6-0-0

**SE42-2595 Tetrault (Ferren), 304 Ocean Street [may require Major Deviation pending PLS further review.**

- **BG Major Deviation. Building foot print changed.**
- FW does not feel the major deviation is necessary.
- BG states issuing a major deviation allows the change to the orders
- RC motion to issue COC and Major Deviation. FW Second. Motion Approved 6-0-0

**SE42-1935 Callahan, 60 Central Street [pending PE/Lawyer further review of special condition G]**

- RC motion to issue COC. FW Second. Motion Approved 6-0-0

**SE42-0322 Hinds, 78 Edward Road**

- BG covered changes with a Minor Deviation
- RC motion to issue COC. FW Second. Motion Approved 6-0-0

**SE42-0691 Linde, 878 Careswell Street**

- BG explains to commission reason for a major deviation
- Greg Driscoll, Jacobs Driscoll Engineering.
- RC would like to know what the flood elevation was when the home was built.
- RC motion to issue COC. FW Second. Motion Approved 6-0-0

**SE42-2602 Christensen, 55 Island Street**

- RC motion to issue COC. FW Second. Motion Approved 6-0-0

## **ENFORCEMENT ORDERS**

Smith, 38 Liberty Street (Email Response 12/20/17)  
Drosopoulos, 7 Ladyslipper Lane (TC Letter 11/18/17)  
White, 180 Atwell Circle (Escalation letter in process)  
Levangie, 3 Cove Creek (Communication in Progress)  
Stifter, 102 Bartlett's Island (unpermitted revetment wall cutting)

Mahaney, 46 Preston Terrace  
McCarthy, 46 Bay Avenue (EO 18-01 submitted)  
New Owner, Winslow Avenue Ext.  
Tamara Macuch, 237 Webster Avenue  
Jogi's Liquor Store, 951 Ocean Street (unpermitted

## **BUSINESS**

Columbia Gas / Permitting – Bill Grafton  
Commission Needs – Bill Grafton

Emergency Declarations / Emergency Cert – Bill Grafton  
Certificate of Compliance / PE & PLS non-conformance consequences discussion – Bill Grafton  
Commission agrees to COC and wetland scientist list / PLS list  
Farming contracts BG and BO are working on a contract for farming.

**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 motioned to close hearing at 9:33pm. JK second. Motion approved 6-0-0.

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