

MEMBERS PRESENT – James Kilcoyne (JK) Chair, Bert O'Donnell (BO) Vice Chair, Arthur Lage (AL), Joe Ring (JR), Rick Carberry (PC), Craig Hannafin (CH), Susan Caron (SC), Bill Grafton, Conservation Administrator (BG)

MEMBERS NOT PRESENT – None

CALL TO ORDER – JK motions to open the meeting at 6:30 PM. CH second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

MINUTES

- The minutes of the January 19 meeting were presented for approval. No comments or suggested changes were made on the floor. Review of the February 2 minutes was tabled.
- JK motions to accept the January 19, 2021 minutes as written. JR second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

CHAIRMAN'S ADDRESS

- Meetings will be held remotely until further notice as per the Governor's Emergency Executive Order of March 12, 2020, suspending certain provisions of the Open Meeting Law. All votes will be taken by roll call. Commissioners should identify themselves before speaking, and all parties should mute themselves until they want to speak.
- The procedure for hearings is that applicants or their representative(s) will have 5 minutes uninterrupted to present their project. This will be followed by BG's comments (1 minute), Commissioner comments/questions (10 minutes, with extensions by motion and vote), public comment, and vote. Public comments are to be addressed to the Chair or Hearing Officer. Pre-vote polls may be conducted to gain the perspective of the Commission.
- The Commission recently voted to modify the hearings procedure to allow applicant/representative to speak after start of Commissioner deliberations to (1) offer new and not previously known information, or (2) correct statements the Commission has misunderstood. Applicants should not rehash their presentation at such times. Since in most cases, the Commissioners have already visited the property and reviewed the submission at length in advance of the hearing, and have listened to applicant or their representative's presentation prior to the start of deliberations, need for applicants to interrupt should be infrequent.
- Revisions to Chapter 505 of the Town Bylaw have been completed and distributed to the Commissioners for their review. Next steps will be to post the regulations and conduct a public hearing, which will likely occur within the next six weeks.

BUSINESS

B1 John Sherman Estates/Subdivision Special Conditions Review – Greg Morse & Paul Driscoll

- Six (6) Commissioners and the Conservation Administration visited the site on January 11, 2021 with regard to outstanding conditions that must be fulfilled in order for the Subdivision to receive its COC. Registered Professional Engineer Greg Morse (GM) provided an update on work at the subdivision in December, and BG sent a punch list of the outstanding tasks and conditions to GM and applicant Paul Driscoll (PD) on January 31st and February 2nd.
- GM notes that in December he submitted a request for an 18 month extension to the order of conditions, to October 21, 2022. During the January 11th site visit, copies of the HOA document and

deeds for the lots that had been sold were requested; these were provided shortly thereafter along with additional details on signage to be placed at the site. Water Resource Protection District (WRPD) signage, required under the Planning Board's special permit, is required to identify the open space parcels on some of the individual lots; Conservation No Disturbance signage is required under the Commission OOC, including markers at the 50 ft buffer line. BG has since requested some revisions to the signage plan which he is happy to make.

- GM notes that Paul Driscoll (PD) has posted a \$250,000 cash bond to ensure all outstanding work is completed; remaining tasks include planting of street trees and a rain garden in the middle of the cul-de-sac and installation of final coatings on the pavement and sidewalk. GM believes the remaining lots will be under construction within the next year. PD adds that Lot 11, conveyed a year ago, has been excavated by the owner but not constructed yet. Lots 4, 6, and 10 have also been conveyed to owners but construction has not yet started. Lot 2 is set to close in April. He is requesting the 18 month extension in part to allow for these houses to be completed.
- BG recommends that the discussion continue at the March 2 meeting to allow GM time to respond comprehensively to information that was recently requested from him. The signage required by the Planning Board identify areas of the Water Resource Protection District signs, and some assistance/authorization is required to post them.
- In response to a query from JK, GM indicates that the 18 month extension will be necessary, as this will allow for the plantings to be made at the optimum time, but the project is substantially complete and essentially all work inside the 100 ft buffer zones is complete except on the unbuilt lots, which will be permitted individually with the Commission as they are built. BG suggests that the Commission ask the applicant to begin performing annual street maintenance this spring, as set forth in the HOA document, as this would help address erosion and drainage issues.
- PD notes that in this subdivision, he is the owner but not the developer, and would like to ensure he is not held responsible for issues that might arise with development of the remaining lots. JK agrees that at some point, responsibility for certain issues should fall with individual builders, but also notes that this can make it more difficult for the Commission to address issues in the development and asks that PD and GM assist as needed. PD notes he had spoken with the owner of Lot 11 regarding an erosion issue, and was able to get him to clean up the property. The matter is tabled to allow GM to address BG's comments and punch list items. GM will provide responses to the 1/31 & 2/01 requests for additional information by deadline for 3/02/2021.

B2 Webster's Wilderness yellow and orange trail/Pratt Farm blue trail– Bill Grafton

- BG advises that final updates to have been made to trail kiosk signage for Pratt Farm and Webster's Wilderness, and the signs are now ready for print. Trail markers reflecting the updated maps have been posted on the trails.
- BG notes that the updated signage reflects the recovery of a previously used spur at Pratt Farm which connects the blue trail to the red trail, providing an additional loop and adding to the recreational value of the property; as parts of the spur pass through buffer zone, he suggests the activity to be approved as DeMinimis.
- At Webster's Wilderness, trail markers for the red and blue trails have been posted in the field. BG indicates that the Recreation Trails Committee (RTC) will add an orange trail, which is mostly established and only requires minor pruning to connect back to the red trail, and a yellow trail that would link the red trail to the footpath easement in the Adelaide subdivision to the trail network. BG suggests that these be considered as DeMinimis Activities.
- BG and JK thank the Recreational Trails Committee for their attention to keeping up the trail system.

- JK motions to approve the repurposing of the blue trail at Pratt Farm and orange and yellow trails at Webster's Wilderness as DeMinimis Activities. AL second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

PUBLIC HEARING

Prior to the start of the public hearings, JK announces that the hearings for Spectrum Homes Lot 9 (2893) and Lots 10-13 (2895), and Brewster (2887) have been continued.

21-03 M.A.C., Off Union Street / Mounces Meadow (maintenance & improvements).....NEW (Susan)

- JK reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- Brad Holmes (BH), ECR, present along with Lorrie Dahlen (LD) of the Marshfield Agricultural Commission. The proposed activities include the installation of (1) an irrigation line to an existing well, (2) brush and tree trimming along the edges of the fields, (3) installation of a shed to house a generator for the well, (4) the addition of gravel to stabilize the existing parking area, and (5) plantings to provide screening between the property and abutters. BH notes that the property is in agricultural/community garden use, and all the proposed activities qualify for agricultural activity exemptions from state and local regulations. BH has provided an updated delineation.
- JK advises LD that he has spoken to Ronnie Simon (RS), who will be farming several fields on the property, and RS is willing to provide a "ditch witch" to dig the irrigation line. He is also willing to allow Agricultural Commission to purchase from his supplier at his discounted rate if they so wish, and provide any other support they may need.
- CH questions whether the deer population will decimate the proposed arborvitae (*Thuja occidentalis*) plantings before they are established. BH agrees this is a possibility but they have alternatives in their planting list.
- SC questions whether the proposed parking area improvements will require NHESP comment. BH indicates he has sent a copy of the RDA application to NHESP but hasn't heard back yet. He will update the Commission once a response is received. BO notes that there is a map showing that the area in question has been used for parking since the seventies. BG believes the Conservation Office has a copy and is willing to provide it to NHESP if needed.
- SC asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply along with a special condition requiring confirmation that NHESP requires no further review or permitting and that the project details have been discussed with the contracted farmer, Ronnie Simon.
- SC motions close and issue a Determination of Applicability Pos #5, Neg #5, Neg #3 with special conditions drafted by BG. BO second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2907 Herlihy, 675 Ocean Street (addition to SFH).....NEW (Craig)

- JK reads the legal ad. Hearing Officer CH confirms administrative requirements are complete.
- Rick Servant (RS), Stenbeck & Taylor, presents for applicant. The proposed activity is an 8.7 ft by 8.3 ft addition to an existing SFH in barrier beach, coastal dune, and AE9 flood zone. The addition, which will enclose an existing entryway, will be constructed on helical screws. It will bring the total impervious area on the lot up to 1819 sq ft. RS points out that the impervious table submitted represents the addition as 62 sq ft, but it is actually 72 sq ft; he will submit an updated table to the Conservation Office.
- BG notes that the subject site received the original order of conditions (SE42-2837) in 2019, but the work permitted was determined to be a "substantial improvement". The project has since been scaled back to bring it out of the "substantial" category. He has no issues with the project as proposed.
- CH asks for comments from the public; none.

- BG indicates that the standard conditions of approval will apply.
- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. PC second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2906 Buscemi, 710 Ocean Street (Deck Expansion & New Deck).....NEW (Craig)

- JK reads the legal ad. Hearing Officer CH confirms administrative requirements are complete.
- Rick Servant, Stenbeck & Taylor, presents for applicant. The proposed activity is a 5.8' extension of an existing ground-level deck and 10' by 5' second-story deck in barrier beach, coastal dune, and AE flood zone. The extension will be two feet off the ground, on wood posts. BG has no issues with the project as proposed, and thanks RS for consistently providing impervious tables with his filings.
- CH asks for comments from the public; none. The standard conditions of approval will apply.
- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2704 Amended Marathas, 50 Ocean Street (handicap lift).....NEW (Art)

- JK reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- Applicant James Marathas (JM) present. The proposed activity is the installation of a handicap lift requiring a 5' by 5' footing as well as a 16' by 10' shed on footings which, per the instructions of the Zoning Board, must be installed 10 ft away from the existing structure and 10 ft from the property line. Applicant is the recipient of a FMA grant for recent improvements to the property. He is installing the elevator for his own use after knee surgery and for his father.
- BG advises JM that the Building Commission will require a structural engineer to be involved with the elevator design; additionally, there may be FEMA requirements. BG also points out that the existing Orders of Conditions issued in 2018, expire on April 18, 2021, and a request for extension may be needed. JM indicates that the FEMA grant was only for elevation of the house, and their final inspection is pending.
- JK is willing to allow for permitting of this project conditioned upon receiving all subsequent permits; AL concurs. BG suggests that special conditions of approval include the submission of (1) elevator plans bearing a structural engineer's stamp before the start of work and (2) closure documents for the FMA grant with applicant's request for certificate of compliance.
- Abutter Richard McGuinness (RM) states he supports the lift but has concerns about the shed. He was told the shed was going to be installed between the house and garage, and the location has since moved. JM states he filed with Zoning to install the shed behind his garage, and Zoning required him to move the shed. In response to a query from PC, RM states he would like the shed to go where originally planned; however, JM reiterates that Zoning will not allow him to put the shed where originally indicated. John Cusick (JC), 12 Waterman Ave, notes that JM is correct regarding the zoning regulations.
- AL motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2844 Amended Madden, 18 Roosevelt Rd (Foundation Repair, Landing & Stairs).....cont from 2/2/2021 (Art)

- Continued Hearing. Hearing Officer AL notes that an Order of Conditions was originally issued for the property in November of 2019 for a foundation repair and installation of landing and stairs, and applicant wishes to amend the OOC.
- John Zimmer (JZ), South River Environmental, presents for applicants. The original filing in 2019 was for partial replacement of the existing foundation, which was approved with smart vents. Applicant was unable to find a contractor to do the work within the "50% value of the residence" threshold, and thus is seeking to do a full foundation repair on the property.

- After the hearing, BG inquired of the Building Commission as to whether open pilings without footings would be required; the Building Commissioner provided a written statement from Eric Carlson (EC), DCR/Environmental Engineer; Deputy Director of Flood Hazard Management Program, that he finds the location not to be coastal dune and states that the new foundation, with flood vents, would be an improvement to the existing condition. JZ contends that even if the Commission finds the area to be coastal dune, that the dune in this area is not functioning as such, as it is not an elevated landform providing storm damage prevention or flood control.
- AL feels that the project is acceptable with the documentation from DCR but states for the record that he does not want to set a precedent permitting full foundations on degraded coastal dunes. BG maintains that the area is coastal dune but believes the project is approvable based on EC's statement that the proposed foundation will not have any more measurable impact on the existing coastal dune than the current one, and in fact is an improvement over existing conditions. JK agrees with AL and BG that the area is coastal dune but this particular project is approvable without setting an improper precedent. PC agrees that the slightly smaller size of the foundation and addition of the vents make the project an improvement.
- AL asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply.
- AL motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. SC second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2900 Coveno, 196 Atwell Circle (deck & shed).....cont from 2/2/2021 (Craig)

- Continued Hearing. Hearing Officer CH confirms administrative requirements are complete and notes that at the last hearing, the Commission asked for the deck to be pulled back from the resource area and the stairs reoriented; this has been done along with the posting of conservation markers.
- Greg Morse (BM), Morse Engineering, presents for applicant. The proposed activity is the construction of a raised deck on three sonotubes and shed on cinderblocks in buffer zone to a BVW and salt marsh, FEMA elevation 10. The shed is proposed to be 26.1 feet from the BVW at its closest point. A revised plan has been submitted that pulls back the deck so it is flush with the back of the house, and references six conservation markers along the back yard and side property line with conservation land.
- BG is satisfied with the revised plan as proposed.
- CH asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply plus a special condition requiring the posting of (6) six conservation markers as depicted on the final approved plans.
- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2902 Oriola, 37 Constitution Road (Raze & Rebuild SFH).....cont from 2/2/2021 (Rick)

- Continued Hearing. PC Hearing Officer. The proposed activity is the demolition of an existing single family home (sfh) and reconstruction on the lot, which lies partly in AE9 flood zone. The matter was continued pending receipt of a revised site plan showing the 2020 FEMA FIRM information, confirmation from engineer regarding the first floor elevation, and impervious table recalculations.
- John Zimmer (JZ), South River Environmental, presents for applicant. He has provided an updated site plan plus all of the requested information to the Conservation Office. The project will result in about a 9% decrease in impervious area. BG is satisfied with the revised submissions and has no further issues. PC thanks JZ for his cooperation.
- PC asks for comments from the public; none.
- The conditions of approval include submission of an elevation certificate and ensuring there is no habitable space or utilities below the 10' first floor elevation.

- PC motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. CH second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2897 Balboni, 35 Falcon Close (I/G pool, shed, hardscape & landscape).....cont from 1/19/2021 (Craig)

- Continued Hearing; CH Hearing Officer. The proposed activity is the construction of an inground pool, shed, hardscaping, and landscaping, including some tree removal, inside the 100 ft buffer to a BVW but outside the 75 ft “no new structure” setback. The matter was continued pending receipt of updated site plan, impervious table, and delineation of the 27 Falcon wetland line. CH notes that the delineation of 27 Falcon shifted the line away from this property, making the originally proposed pool location the better of the two options provided by engineer Scott Fanara (SF), Grady Consulting.
- BG thanks SF for working with him on this matter, and agrees with CH that the originally proposed pool location is the better of the two alternatives provided and it includes the posting of (11) eleven conservation markers.
- CH asks for comments from the public; none.
- BG indicates that the conditions of approval include the posting of (11) eleven conservation markers as depicted in the final approved plans.
- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. PC second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2905 Dewey, South River Street (New SFH).....cont from 2/2/2021 (Bert)

- Continued Hearing. Hearing Officer BO confirms administrative requirements are complete.
- Terry McGovern (TM), Stenbeck & Taylor, present for applicant. JK advises that a letter from Board of Health was received at the Conservation Office today, indicating they could not approve septic system design as shown. TM indicates he has been in touch with Assistant Director of Public Health Gary Russell (GR), and believes there is some additional data in the submission that GR may not be aware of. He will be checking back with GR tomorrow.
- TM notes that the proposed activity is the construction of a 3-bedroom house and garage on a vacant lot south of 1210 S. River Street, by the left corner of the lot near the street. Wetlands were delineated by Brooke Monroe, Pinebrook Consulting, in June 2020. The house would be constructed on concrete piers to direct runoff towards the wetland, and a swale along the stone wall will do the same. The garage will be on a slab, with a short paved driveway. Grading will stop at the 50 ft buffer line and the posting of (13) thirteen conservation markers is proposed along this line; erosion control will also generally follow the 50 ft line. Septic is proposed for the front left corner of the lot, in front of the house; it will require 6 to 7 feet of fill. The house is located outside the 75 ft buffer as per the Town Bylaw.
- BG has questions about the delineation between wetland flags 16 and 21, and would like to re-evaluate the area in the field with BM. As an undeveloped lot, no structures are allowed inside the 75 ft buffer and no disturbance is allowed inside the 50 ft buffer.
- BO asks TM why two different septic systems are depicted? TM indicates Board of Health requires him to show that he can lay a conventional leaching field in the same footprint as the proposed system, which uses R36 plastic chambers.
- Lori Fopiano (LF), 1210 S. River St., asks if the proposed building meets the zoning requirements? TM indicates the house does meet the 20 ft setback to the property line. The hearing is continued pending a site walk between BG and BM regarding the delineation and resolution of septic system issues with Board of Health.
- BO motions to continue the matter to March 16, 2021. JR second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

CONTINUED HEARINGS

2893 Spectrum Homes Inc., 14 (Lot 9) Adelaide Way (New SFH).....cont from 12/15/2020 (Art)

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on March 2, 2021 at applicant's written request; NHESP CMP renewal paperwork and structural engineer comment are pending.
- JK motions to continue the hearing to March 2, 2021. SC second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, SC-yes, BO-yes, PC-yes, CH-yes, JK-yes.

2895 Spectrum Homes Inc., 16, 18, 20 & 22 (Lots 10-13) Adelaide Way (grading & retain wall).....cont from 12/15/2020 (Art)

- JK reads the legal ad. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on March 2, 2021 at applicant's written request; NHESP CMP renewal paperwork, structural engineer comment and advancement of Special Conditions from SE42-2650 are pending.
- JK motions to continue the hearing to March 2, 2021. PC second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, SC-yes, BO-yes, PC-yes, CH-yes, JK-yes.

2887 Murphy, Brewster Rd (Road impvts. & storm water mgmt facilities).....cont from 10/20/2020 (Bert)

- JK reads the legal ad. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on March 2, 2021 at applicant's written request.
- JK motions to continue the hearing to March 2, 2021. BO second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, SC-yes, BO-yes, PC-yes, CH-yes, JK-yes.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

2831 Tallarico, 1 Earl Avenue [COC]

- BG visited the site and recommended issuance of a partial COC, noting that the approved barn was never constructed.
- JK motions to issue a partial COC for the property, with a note that the approved barn was never constructed. AL second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

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

ADJOURNMENT – JK makes a motion to close the hearing at 8:15 PM. BO second. Approved 7-0-0 by Roll Call Vote: JR-yes, BO-yes, AL-yes, SC-yes, PC-yes, CH-yes, JK-yes.

Respectfully submitted,
Liz Anoja, Conservation Administrative Clerk

Marshfield Conservation Commission
Bill Grafton, Conservation Administrator
James Kilcoyne, Chair Bert O'Donnell, Vice Chair
Art Lage Joe Ring
Craig Hannafin Rick Carberry
Susan Caron