

MEMBERS PRESENT - Craig Hannafin (CH) Chair, Bert O'Donnell (BO) Vice Chair, John O'Donnell (JO), Corey Miles (CM), Elizabeth Lake (EL), Jesse Platt (JP); Mike Seele, Conservation Administrator (MS); Liz Anoja, Conservation Agent (LA)

CALL TO ORDER - CH moves to open the meeting at 6:30 PM. JO second. Approved 6-0-0.

CHAIR'S ADDRESS

- CH thanks Commissioner Susan Caron, who recently stepped down, for her contributions. SC continues to act as Chair of the Open Space Committee.
- Recently passed legislation allows for the continuation of remote or hybrid municipal meetings through March 31, 2025. Commission meetings will be conducted both in-person and via remote participation. Members of the public may attend in-person or may participate remotely. While an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law.

BUSINESS

B1 335 Careswell Street, Watson - Replacement of Sonotubes in the same footprint

- Homeowner Brian Watson wishes to replace the 4 by 4 beams with 8 inch footings holding up the porch with twelve 4 by 6 beams with 12 inch footings in the same footprint. The porch is currently being supported by additional beams to keep it from collapsing. Once this is done, his contractor also wishes to replace the stairs leading off the deck.
- MS notes that the resource area is buffer zone to Human Altered Wooded Swamp; the work area is in pre-disturbed lawn area and connects to the driveway; the stairs serve as egress. CH has no issues with the repairs, which are needed as soon as possible.
- CH moves to approve the proposed activity at 335 Careswell Street as de minimis. JO second. Approved 6-0-0.

B2 160 Bay Avenue, Tedeschi – Changes to back deck design

- The Order of Conditions SE42-2975 was issued in 2022 to extend the porch structure in back of the house by 8.5 ft and add a new 9 by 7 deck off the porch, with stairs between them. The project was amended that December to shift the position of the stairs. Homeowner now wishes to use pervious pavers for the back deck, but MS has not received sufficient details to relay to the Commission. CH wants to receive additional information before a vote is taken.
- CH moves to table the discussion regarding 160 Bay Avenue pending additional information. JP second. Approved 6-0-0.
- Later in the meeting, applicant Ralph Tedeschi (RT) appears by Zoom and indicates he now just wants to lower the height of the existing deck by removing some sand beneath it, and then restore the deck so it is level with the sand. MS notes that the area is barrier beach, and would not recommend excavating material off the beach; alternatives would be to use pervious pavers as he and RT discussed, or to install the deck on piles two feet off the adjacent grade. RT states that the sand beneath the deck was originally pushed in from other parts of the back yard, and he would return the sand to where it originally came from.
- JO notes he was the hearing officer for the original project, and applicant initially had proposed a wooden deck directly on the surface of the sand; the use of pervious pavers came up as an alternative because a wooden deck directly at grade is not allowable in a barrier beach; the deck must either be elevated two feet off the adjacent grade, or applicant can construct a pervious paver patio as discussed.
- RT asks about the difference between having a wooden deck level on the sand and a pervious paver patio. MS notes that a pervious paver patio allows for the passage of water into the subsurface, whereas a wooden deck does not. A wooden deck must be raised 2 ft above the adjacent grade, per Building Commissioner and Floodplain Administrator Andrew Stewart, in order to comply with the floodplain regulations. RT will follow up with AS.

PUBLIC HEARING (ON OR AFTER 6:40 PM)

23-27 David Good, 0 Assumption Road (Beehives).....(Craig Hannafin)

- CH reads the legal ad and, as Hearing Officer, confirms administrative requirements are complete.
- Brad Holmes (BH), ECR, and attorney Adam Brodsky (AB) present for applicant, who wishes to place four beehives on driven cedar posts, one for each hive, in the salt marsh. A previous proposal for two beehives in buffer zone to the marsh was heard by the Commission in August. The new plan set updates the location of the resource area, which extends to the shoulder of Assumption Road; this places the hives in the salt marsh. The hives would be elevated above the flood zone and the installation would be done by hand, as is done for osprey stands. There is an existing pathway leading from Assumption Road to the proposed hive locations, and BH states no cutting of vegetation would be needed; they have provided a management plan for the hives. BH characterizes the proposal as a “minor activity that doesn’t involve the alteration of a wetland resource area,” noting that cedar posts are routinely installed in marsh areas as part of piers and stands, and there is currently invasive honeysuckle, debris, and yard waste in the area.
- CH asks BH whether putting posts into the marsh would be considered fill in a resource area; BH states posts aren’t considered fill in the same way pilings for piers are not considered fill. CH opines that posts in the marsh would in fact constitute fill and notes that piles are used for piers to avoid damaging foot traffic on the marsh; in this case, the posts would generate additional foot traffic in the marsh. BH notes that the 4” by 4” posts proposed here are smaller than pier pilings, and there are no shading impacts as there would be with piers. The structure would be similar to osprey stands, which are frequently installed in marshes; CH notes that osprey stands have to be located in the marsh because this is where ospreys live, whereas bees generally do not. Greenhead fly boxes, which are also located in the marsh, are temporary structures. As such, CH reiterates her opinion that this is a fill in a resource area which would require the filing of a NOI. MS agrees with CH’s assessment and recommends that the Commission issue a positive 1 determination, requiring the filing of a Notice of Intent, and Positive 5 to affirm the project is subject to Commission review. JP expresses concern about impacts to the marsh when the hives are maintained. BO agrees that the stands would constitute an alteration to the marsh.
- BH also suggests that the project would be an improvement to the resource area, as it would provide pollinator habitat; CH points out that nothing in the salt marsh requires insect pollination, and honeybees can be detrimental to native bee populations.
- Deb Desrochiers, 32 Squires Ave, states the path through the marsh was only recently created. Steve Olson, 58 Assumption, refers to written comments he submitted which expressed concern about impacts to the marsh given the need to maintain the hives and stated the path through the marsh was created by the applicant last summer and involved tree limb pruning and brush clearing in the marsh. SO suggests the impacts will outweigh any benefit, and the hives should be placed elsewhere. Joe Desrochiers, 32 Squires, asks about abutter notification for this hearing; CH advises that abutter notification is not required for RDAs but is required for NOIs. Dan Roche, 14 Marion, is concerned allowing the hives would be a “trojan horse” for further development and affect the functioning of the marsh. Richard Coyle, 15 Naomi, asks if the posts are soaked in creosote; BH indicates they would be natural cedar posts without any creosote. Pam Manning, 46 Assumption, expresses concern about previous pesticides/herbicide use in the marsh; BH has no information about this and indicates none will be used as part of this project. Steve Olson, 58 Assumption, asks whether any residual pesticide would be released during the installation or maintenance. BH states the hives would not have to be maintained very often, and the activity is unlikely to release any hazardous materials. David Russell, 77 Bay Ave, opines that the area would not benefit from honeybees, and a marsh is not an ideal environment for them. Kathleen Didi, 35 Marion, shares the same concerns about potential impacts and notes she is allergic to bees.
- Michael Lawrence, 93 Avon, asks if applicant or his representatives can explain when or how the path was created. BH doesn’t have the history on the path. ML also asks if anything else is planned for the marsh. CH n notes that all they have in front of them at this time is the proposal for the beehives.
- CH moves to issue a Pos. #1 and Pos. # 5 Determination of Applicability, requiring a Notice of Intent, variance request, and alternatives analysis. JP second. Approved 6-0-0.

23-12 Recreational Trails Committee, 172 South River St. (Shoulder Improvements).....(Craig Hannafin)

- Ned Bangs present for RTC. They have provided a revised site plan showing three trees with diameter 8” or larger that are proposed to be removed. This will require Planning Board approval, as the work area is on a

Scenic Road. NB has also provided photos and is willing to walk the area with CH and the Commissioners. BO suggests that replacements be provided for the larger trees to be removed; NB will inquire.

- CH moves to continue the hearing to the February 7th Conservation Meeting. JO second. Approved 6-0-0.

3056 Celiberti Realty LLC, 0 Main Street (ANRAD).....cont. to 1/17/24 (Bert O'Donnell)

- Continued hearing; BO hearing officer. Greg Morse, Morse Engineering, present for applicant.
- MS advises that he has received two responses to a request for proposals that he sent out to three companies for a delineation of the property: one from Epsilon Associates for \$6000 and one from Beals and Thomas for \$11,000. The proposals are similar, but the B&T proposal seemed to involve more senior staff. Applicant appealed the Commission's initial selection of B&T to the Select Board, which has referred the matter back to the Commission to determine whether this constitutes a conflict of interest. CH notes that the matter was referred to Town Counsel, who has advised there was no conflict. GM asks why a second bid was solicited from B&T if there is no conflict of interest. CH states this was done to ensure the RFP was sent to three companies as requested by applicant; one of the three companies contacted did not supply a proposal.
- GM notes that this request was initially filed in July and heard in August; he tried to facilitate a site visit with the Commissioners and no visit occurred. They provided an updated plan on September 25 in response to Commission feedback but nothing has happened with the matter since then except for the RFP for the peer review, which he supports but wants done at a reasonable price. GM states he appealed the matter to the Select Board because he found B&T's price to be "exorbitant"; now that there are two proposals in hand, he wants the Commission to discuss and accept one so the review can move forward.
- CH notes that a number of commissioners visited the site individually and relayed their concerns to GM during the public hearing process. They just received the two proposals late last week and more time is needed to review them, particularly given the discrepancy in pricing. In particular, CH wants to seek clarification from each firm as to the scope of their proposal and give them a chance to adjust their quotes as appropriate. CH adds that DEP does not recommend soil sampling of frozen ground, and the RFP requested that the work be done in April. BO adds that the RFP is for a third-party delineation, which is more than a peer review that would just check applicant's current delineation; CH concurs.
- At this point, GM states the applicant is unwilling to continue the hearing and asks that the Commission either make a decision between the two proposals or close the hearing tonight. If the Commission closes the hearing, they will immediately be appealing to DEP. CH notes that the ultimate decision between the two proposals is the Commission's alone, and until they receive clarification from the two firms with respect to their proposals, they are not ready to make an informed decision. GM maintains that applicant will not grant permission to continue the hearing and wants a decision on the proposals tonight. CH indicates that based on Commissioner concerns, they will not be approving applicant's delineation without a third party delineation with which to compare.
- GM asks if the Commission will go with the less expensive proposal if they find the scope of the work is the same. CH indicates they will if the scope is the same, but they would need to verify this first. GM opines the work could have been finished now but for the delay, but is willing to grant a two week continuation if the Commission will accept the less expensive proposal if the scope of work is the same. CH can't guarantee they will go with Epsilon's less expensive proposal until they know Epsilon understands the scope of the work required by the Commission. If both firms understand the scope and will provide the same service, the Commission will entertain the lower proposal. GM asks to know the proposal amounts but CH declines to provide them given they are both still under consideration and it is the Commission's prerogative to decide which one to accept. GM again regrets the delay in resolving the matter but assents to the continuation. CH points out that the delay is due in part to deficiencies noted in both delineations that applicant submitted.
- BO motions to continue the hearing to the February 7th Conservation Meeting. JP second. Approved 6-0-0.

REQUESTS FOR CERTIFICATE OF COMPLIANCE AND EXTENSIONS

2199 Tedeschi, 1 Atlantic Street [COC]

- The property has been sold and is no longer in applicant’s possession. A response from Town Counsel is pending.
- CH moves to table the matter pending further information. JP second. Approved 6-0-0.

2853 Wood, 430 Holly Road [COC]

- MS observed the work to have been completed as permitted except for the addition of a brick walk, within the 50 to 75 ft buffer, at the end of the porch.
- CH motions to issue a certificate of compliance for SE42-2853 at 430 Holly Road. JO second. Approved 6-0-0.

2891 Dickinson, 938 Summer Street [COC]

- MS observed the mitigation area to have revegetated, with 75% planting survival; an as-built plan and all monitoring reports have been received. Native brush, including green briar, has also grown in.
- CH motions to issue a certificate of compliance for SE42-2891 at 430 Holly Road. JP second. Approved 6-0-0.

2923 Tedeschi, 162 Bay Avenue [COC]

- Tabled due to unresolved floodplain violation.
- CH moves to table the matter pending further information. JO second. Approved 6-0-0.

2930 Fitzgerald, 53 Abbey Street [COC]

- The project was completed as approved; gravel was placed in the front yard as opposed to landscaping as originally proposed, but the yard remains pervious.
- CH motions to issue a certificate of compliance for SE42-2930 at 53 Abbey Street. JP second. Approved 6-0-0.

ADJOURNMENT – CH moves to close the hearing at 7:33 PM. JP second. Approved 6-0-0.

Respectfully submitted,
Liz Anoja, Conservation Agent

Marshfield Conservation Commission
Mike Seele, Conservation Administrator
Craig Hannafin, Chair Bert O’Donnell, Vice Chair
Jesse Platt John O’Donnell
Corey Miles Elizabeth Lake