

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).

CALL TO ORDER – RC motioned to open the meeting at 7:00 p.m. FW second. Motion approved 6-0-0.

MINUTES – None

BUSINESS –

Next Public Meetings: 1st & 3rd Tuesday of the Month (suggest 3/6, 3/20, 4/3 & 4/17)

- Commission accepted dates.

Professional Consultant List – Bill Grafton

- There have been inquiries on how to get on an approved Consultant list from qualified wetland specialists.
- BG & LA will compile a list and present to the Commission for review and ratification.

ENFORCEMENT ORDERS (EO)

Smith, 38 Liberty Street (Email Response 12/20/17)
Drosopoulos, 7 Ladyslipper Lane (TC Letter 11/18/17)
White, 180 Atwell Circle (Escalation letter TBD)
Levangie, 3 Cove Creek (Communication in Progress)

Mahaney, 46 Preston Terrace
McCarthy, 46 Bay Avenue
New Owner, Winslow Avenue Ext.
Tamara Macuch, 237 Webster Avenue

REQUESTS FOR CERTIFICATES OF COMPLIANCE (COC)

SE42-2295 Pieri, 46 Bay Street (work never started nor completed / exemption request to as-built)

- Commission approves COC request without an As-Built as the work was never started nor completed.
- RC motion to issue COC. FW Second. Motion Approved 6-0-0.

SE42-2654 Bryerton, 1221 Ocean Street

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

SE42-1651 Bunting, 22 Damon's Point Circle

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

SE42-2570 Ryan, 241 Foster Road – (multiple conditions never completed)

- Lots of history. Applicant received Orders for pilings and Amended Orders for reduced scope & helical piles.
- Applicant has completed the two additions and is now requesting a COC.
- Multiple Special Conditions that have not been completed including planting American Beach Grass, stairs cannot have risers (2/6/18 RC stated this is not legal but the stairs could be modified to comply) and footings are not allowed as this is a coastal dune without confirmation of exceptions under 780 CMR.
- BG has communicated with the applicant about open Special Conditions and Orders.
- Site visits with Building Inspector, AL & JK.
- BG to keep Commission informed.

PUBLIC HEARINGS:NOTICES OF INTENT (NOI)/REQUESTS FOR DETERMINATION OF APPLICABILITY (RDA)

RDA 18-3 Blondin, 34 Marion Street (deck).....NEW (Frank)

- RC reads legal ad. FW hearing officer.
- Jack Blodin (JB), proposed deck on helical piles less than 4 ft above ground. FW asked if the Building Department had any issues with the helical piles. JB no.
- BG the project is outside wetlands setbacks but within a flood zone.
- FW ask if anyone has questions. No Questions.
- FW makes motion to issue Negative Determination # 3 with erosion control to be coordinated with BG. BO second. Motion approved 6-0-0.

2701 Halliday, 98 Preston Terrace (septic).....NEW (Chad)

- RC reads legal ad. CH is the Hearing Officer.
- No DEP/WPA Filing Number at time of public hearing so the public hearing cannot be closed yet.
- Greg Morse, Morse Engineering (GM), Travis Halliday representing the applicant, Jared Halliday present. GM states that he would like to present tonight and request a continuance for 2 weeks. Still needs to get approval from the Board of Health and receipt of DEP/WPA Filing Number. The project involves a septic system upgrade.
- GM describes the site, resource areas and proposed work. Subject site is located on Preston Terrace and unconstructed portion of Ferry Street along the South River at the bottom of the property. Cesspools located in a chain in the vicinity of the proposed septic field. These failed Title 5 and need to be upgraded. South River (tidal river) determined by Coastal Bank and mean annual high water elevation 4.2 which is off locus. The South River encompasses the entire site but an exemption exists for septic in 310 CMR 10.58 allowing septic work. The top of the Coastal Bank was determined based on topography by Brad Holmes, PWS as the first observable break in the 4:1 slope.
- This requires a 25-foot setback and it will be located in the lawn and landscaped area; Not proposing a conventional system. They are proposing an innovative, alternative technology which is an advanced treatment system with a pressure dosed leaching field.
- CH states it is a steep slope on property and some nice trees that will be removed in the process. GM agrees that the slope is steep. The trees are unfortunately located in the only area that a new system can be located. GM the proposed I/A Treatment system allowed them to reduce the size of the system by 50%. They are constrained by setbacks to the property lines and Coastal Bank. They would like to keep the trees as well but it is not feasible with the lot configuration and setbacks. Regarding slope retention, they will add sufficient loam to ensure success of the grass cover and add additional erosion control during the construction phase.
- CH opened up the Hearing to the other Commissioners. BO asks if the new system is being located where the old system was located. GM yes. BO observed a white PVC pipe on far end of the property. BO inquired if the piping was related to the existing system. GM states he is not sure but the house exhibits signs of “piece meal” additions. GM stated that as part of the construction they are required to check that all of the plumbing is tied into the system so they will follow up on the pipe in question as part of that process.
- BG would like a planting plan to help with the erosion control where the trees will be removed. BG notes that the base of the work area is a coastal bank, the root system of the cover grass will be short so it won’t do much for percolation of water into the subsurface so the impacts of precipitation and flood waters are going to increase so a planting plan will help to both stabilize the Coastal Bank and offer flood control and storm damage prevention interests. BG highlighted that the trees being cut are 60+ feet high with significant root systems will be completely removed as part of this project. BG emphasized that the Coastal Bank below the new septic system after the large trees are removed is vulnerable to erosion and collapse. Coastal Bank is a resource area that undergoes adverse impacts as part of the proposed work. Additionally, BG observed a lot of green waste and marine debris along the side of the house so removal of this is a benefit to the vegetation that is smothered by it at present.
- CH inquired if anyone from the audience had questions. No comments.
- JK asked BG if he was suggesting planting in the vicinity of the new septic system. BG said no. He believes that traditional ornamental landscaping will be proposed in the vicinity of the new septic system so he proposes planting along the southerly/westerly side of the property down the slope using a variety of native species and cover type (trees, shrubs, sedges and conservation mix) to ensure a robust planting outcome that will enhance the slope stabilization and prevent additional sedimentation into the South River. BG further suggests the Commission might allow the Troy Air Blower unit that is partially located with the 25-foot setback that requires a variance request as part of the NOI could be moved back out of 25-foot setback. Commission could consider a robust planting plan to offset any adverse impacts caused by the current proposed location of the Troy Air Blower and not require the variance request. BG recommends asking the applicant to move the unit
- RC asks GM to speak to the planting plan. GM will talk to his client about a planting plan.
- CH makes motion to continue hearing 3/06/2018. JK second. Motion approved 6-0-0.

2699 Malone, 15 Creek Road (demo & sfh).....NEW (Frank)

- RC reads legal ad. FW is the Hearing Officer.
- Rich Burchill (RB) Minot Building presenting on behalf of the applicant. Home has been designed with foundation and engineered vents as the building department does not require it to be built on pilings. The house is about 280 square feet bigger than the existing building but they plan to remove a 250 square foot shed that will help offset the house size increase. The proposed home will be a conventional 2x6 frame home with cedar shingles similar to other homes in the area. Town sewer so no septic involved.
- FW home size went up about 200 square feet but the shed removal will offset this.

- JK wants to know about home oil tank. RB will have Barbetto Excavation pump it out, remove and recycle it.
- BO asked who did the wetland delineation. RB had Cavanaro Consulting flag it. BG asked for wetland flagging to be done with more advance notice for the Commission to observe during their site visits. CH said that he did not see them on 2/17/18. JK stated that there is not time to go back to see the wetland flags if they are not hung in a timely manner and should ideally be done before the site plan and notice of intent are submitted (2 weeks in advance of the public hearing).
- Doug Lowry (DL), 25 Creek Road wants to know where the house will be located. RB & FW showed DL the existing and proposed locations. RB the proposed house will be 5 feet to the left and forward, similar in style to the home across the street. DL is content with the new location.
- FW notes that the site plan does have siltation devices called out.
- JK downspouts? FW states we are getting away from down spouts because some lots don't have the water table that allows for percolation into the subsurface. BG inquired if downspouts into porous medium, French drain or equivalent might allow for some flexibility. FW does not see a need at this site.
- AL would like conservation markers on conservation land markers (green and white), no disturb markers (red and white) on the wetland line and no mowing beyond area that is currently maintained.
- Matt Unger (MU), 265 Canal, he said that the shed to be removed was on his property when he bought his home. BG is suggesting that the removal of the shed should be coordinated with the neighbor and part of the special conditions. JK noted that the large shed was mitigation for the increased size of the home. FW/JK would like to stay out of the private property matters and allow removal of the large shed.
- BG said that there is a wrack line with a lot of marine debris that we might want to have the applicant remove
- FW confirms Special Conditions detailed by BG
- FW makes motion to close & issue Orders of Conditions with special conditions as discussed.
AL second. Motion approved 6-0-0.

2698 C.H. Newton Builders, Lot 4 South River Street (sfh).....NEW (Chad)

- RC reads legal ad. CH is the hearing officer.
- Terry McGovern (TM) Stenbeck & Taylor, representing Dave Newton (DN) of CH Newton Builders. The project involves grading and part of the reserve area for the septic system within 100 feet of a BVW. Brief history of the site: originally part of the Coast Guard Station property, divided into 5 lots then re-parceled to make a larger lot. The proposed work is for a 4-bedroom SFH with septic. The proposed home will be located approximately 100 feet off South River Street on a relatively flat area of the property. To the south is a stone wall that borders the property. Brook Monroe (BM), Pine Brook Consulting did the A & B wetland flagging in January 2018. Prior to Brooke's flagging, Steve Ivas (SI) flagged the wetlands as part of the ANR process in roughly 2010-2011. BM's line approximates SI's line along the drainage easement but is more up gradient (closer to the proposed work) along the south side of the property than the observations eight years ago.
- TM proposed work including the home, grading, driveway and majority of the structures on the upper part of the property will be outside the 100-foot wetland setback on a fairly level plateau including a back yard. Proposing erosion control around the majority of the site. The septic system will be outside of 100 foot wetland setback and the reserve area would be in the buffer zone by 13 ft. Test pits were taken as part of an exhaustive effort to find locations that provide satisfactory percolation. In the southeast corner, the site plan depicts the location of the recent test pits excavated in early December 2017 in black and the most recent test pits excavated in later December 2017 in green. Erosion control around septic system, no grading to erosion control. The stone wall provides some erosion control as it has a hummock on either side of it. Big picture: approximately 35 % of entire property 2.8-2.9 acres) will not be disturbed when the construction of the home, grading driveway, back yard, septic and reserve area is complete.
- CH noted the site plan property square footage compared to assessors property statistics is off by slightly less than 1% compared to the site plan. CH did not see the flags on property. BG confirmed flags were hung. CH noted BG had questions about the wetland delineation at select locations on the property. CH would like to know why. BG stated that the A flags along the drainage easement looked good and the drainage easement which did not show up on a U.S.G.S. topographic map and is thus not likely to be a perennial stream. BG notes that although the drainage easement seemed to have natural properties that could qualify it as a perennial stream pending further review would have negligible effects on the project so he did not explore it further. BG noted that the B flags looked good up to roughly B3-B1 where they intersect with Brad Homes' (BH) 2015 flagging. BG asked TM to confirm date of BH' flagging. TM just spoke to BH and the actual time frame is roughly 2012-2013 to support test holes done in 2012, 2014, 2015 or 2016 to support test holes dug on the adjacent lot. TM stated that during BM's flagging activities, she was asked to leave the adjacent property by the property owner. BG explained that he noted two select areas that present signs of hydric plants and hydrology, two of three criteria used to satisfy wetland delineation criteria under state regulations. These areas include disturbed areas that have revegetated as well as the stone walls which indicate prior disturbance in the area. BG observed that BH's wetland line was done in about 2012-13 as per TM's update for an adjacent parcel to the south and would not be

fully applicable to this site as it would be extremely conservative in relation to the proposed work at the subject site. BG stated that there are disturbed areas in the vicinity where B3-B1 intersects BH's line up to the stone wall and one had recently disturbed soil which might be due to wildlife burrowing, soil sampling, etc. The location is next to a high bush blueberry/facultative wetland plant. BG identified sufficient red maple trees/facultative plant and high bush blueberry shrubs/facultative wetland plant and signs of hydrology to revisit this area. Additionally, BG states there is a pod of buckthorn shrubs/facultative plants and signs of hydrology that could possibly affect the wetland line. BG notes that buckthorne/facultative was flagged at 3-4 points along BH's conservative wetland delineation that was performed for the adjacent lot. FW states the Commission accepted the wetland line for the adjacent property in 2015. BG responds that the line to the proposed work at this site is in the opposite direction and BH's wetland delineation applies a line closer to that site's proposed work defining its limit of work whereas accepting this same line for the subject site means accepting a conservative line and overlooking the presence of hydric plants and hydrology that BG has observed. Best approach is to review the two areas in question with BM in the field. CH asked TM what he thinks. TM agrees with another look at the line but wanted to state that none of the test pits were performed were being considered the disturbed area. BG agrees.

- Mark McGrath (MM), 1215 South River asked who removed the guard rail? MM would like to know who disturbed the area. He said that the property has been disturbed for 3 or more years.
- BG said that he is focused on 2 discrete locations on the site. BG said that the applicants met with him and asked if they could perform the test pits on the site before filing and BG said so long as they stay out of the 100 foot wetland setback. They proceeded to perform the test pits staying beyond the 100 foot wetland setback based on wetland lines that have not been approved by the Commission yet. BG is not disputing this but due to the fact that 2 discrete locations of the line are under further review this could affect the work area and this could affect the location of the proposed work.
- TM assured the Commission that they did measure and tape out 100-feet before digging any test pits.
- TM through the Commission would like to provide the neighbor with an update. Test pits history includes: those taken now and previously in 2010 by Stenbeck and Taylor and Grady Consulting in 2007. The applicant is following the permitting requirements by filing with the Board of Health and the Conservation Commission and getting DPW permission to access the property by temporarily removing the guard rail and then returned the guard rail. The guard rail was removed to provide access to the site to dig the test pits. States that the test pits have to get permission from board of health, DPW, and were allowed to remove the guard rail to excavate.
- MM states that the property was cleared including work in the wetlands. BG stated that the area disturbed during the test pit observations was beyond the 100-foot setback to the wetlands. This area might appear to be wetlands but is upland. MM stated that his property directly across the street has wetlands upstream along the stream being referred as a drainage ditch. Two of his five acres were donated to the Town as Conservation land and the front part of his property was taken under eminent domain and Town meeting so an increased culvert could be established to channel excess flood waters from Telegraph Hill. The Town including the Conservation Department was involved in the entire process. MM stated it is not a drainage ditch but rather is a 100-year storm drain to alleviate flooding from upstream. MM is considering calling the State about this project as they had oversight on prior work at this property. BG said that the stream is not on a USGS topographic map so proving it to be a perennial stream is an under taking in terms of gathering field and historical data. It would require contracting an expert to produce the data and it will not have a significant effect on the project. MM said that the Town of Marshfield dug that ditch. TM requested an opportunity through the Commission to respond to MM. TM suggested MM approach the site plan so he could better respond to MM. MM stated that he did not need to review as he had all these plans based on work done by the Town previously. MM did not take a look at the new site plan prepared and presented by TM. CH asked MM to stop being repetitious and be brief and gave the floor back to TM. TM stated that he has not referred to the water course as a ditch and that it has been flagged as a wetland. TM states that it is a drainage easement as shown on the plan. MM states that the easement is five feet on either side of the center of the stream. TM states that flagging follows the stream well beyond the work area so they are recognizing the wetland which is jurisdictional and its 100 setbacks. MM said that Jay Wennemer (JW), the prior Conservation Administrator reviewed the whole area and told him that it was wetlands so he is now confused.
- MM stated that there is another channel in the area. TM said that it is off the subject site. JK asked where the second channel is located. BG said that it is the vicinity of the B flags.
- JK stated that during his site visit the area roughly in the vicinity of B3-B1 was wet. He stated he is not familiar with plant identification and inquired if soil samples were taken. TM said that he will check with BM who tried to reach BG today. BG suggested arranging for BM to meet BG on site and review the areas in question. JK identifies a need for soils as there are flags from different people that do not present a consistent overview of the wetland line pertaining to this site. TM noted that the property owner of one of the adjacent lots had asked BM to leave the site so it might be problematic to go perhaps BG can make the necessary arrangements.
- JK inquired about the 15 test pits on the site: 8 older ones done in early December and 7 newer ones done around Christmas. All the ones in black on the site plan failed and only the ones in green on the site plan

passed. TM stated that the soils are glacial till. He has test pit experience in this area. JK stated that the only place to locate the septic is the location on the site plan as the soils are very tight. In 2007, Grady Consulting found similar results. JK inquired about the northwest area. TM stated that they did several unofficial test pits in this area in 2010 with permission from the Town. JK notes that pending the review of the 2 areas in question that the proposed location of the septic might have to move. BG stated alternatively they might have to submit a request for a variance within the 75-foot setback to the wetlands.

- CH gave the floor to MM asking him to be brief and provide the approximate time when he met JW. MM said that JW has been on his property several times roughly 8-9 years ago. MM stated that the state and Town addressed a flooding problem impacting a number of homes to the left of his property by improving a small culvert that was getting clogged. The Town installed a 100-year flood drain to alleviate the problem roughly 8-9 years ago. He mentioned that there are two channels (only the drainage easement is on the current site plan) mitigating upstream flooding and providing water to the wetlands around the subject site and permitting the construction of a house right in the middle of these two channels does not make sense. CH said it depends on how far the proposed work is from the wetlands. MM would like the state to have oversight of this project.
- CH closed MM's floor time stating he appreciated his contributions and asked BG if he had final comments. BG explained that both the state and Town have joint oversight and the Town is more stringent by design. BG said that JW did the job and his activities merit further review. BG will look into state documents on the topic of the culvert and drainage easement and reach JW for history.
- JK would like to mark where there are soil samples are taken.
- CH makes motion to continue hearing to 3/6/2018. FW second. Motion approved 6-0-0.

2697 Carberry, 1190 Ferry Street (dock)NEW (Chad)

- RC Reads legal ad. CH is hearing officer.
- Kevin Maguire (KM) representing homeowner Patrick Carberry (PC). Filed original permit on 1/22/18 and also sent notice to Harbormaster. KM stakes used to mark the location of the dock were removed by the tidal influx and ice. Harbormaster thought that the float was too close to the moorings in the channel of the South River. Due to Harbormaster comments the float was pulled back and in turn the size of the pier was reduced making the float 70 feet from the channel. The pier starts on uplands over the sea wall, follows a pier that is about 30 feet long and down a ramp to the float. The original float was 12' x 22' but now reduced to 12' x 14'. The original location had good deep water and the new location will provide the same without any need for dredging. The revised pier will be at about the same elevation as the wall. The area behind the sea wall is filled and is a maintained lawn with concrete stairs and patio. KM estimates around 1995-96 a Chapter 91 License for a ramp and a float for this property was issued but there is no evidence of filing with the Conservation Commission.
- CH queried about the communications with the Harbormaster. KM stated that they have been in regular contact with the Harbormaster. They revised the project, the site plan and prepared a letter dated February 17, 2018 addressing the Harbormaster's concerns. CH noted that this was a short time frame and wanted to confirm that the Harbormaster was aware of the responses. KM stated that the new location takes advantage of a pocket of deep water dredged back in the 1960's. BG states that the new location reduces public safety concerns as there is a safe distance from the moorings in the South River channel. BG stated that multiple site visits by the Harbormaster vetted out the revised site plan and location before the Commission tonight. CH asked if there is documentation that the Harbormaster has approved the changes. BG stated that there was an e-mail from the Harbormaster who had no objections to the current location but advised that the applicant may have to respond to MassDEP/Chapter 91 requirements such as constructing the dock on shoes. CH inquired about MassDMF. BG said that they did not have any timing, sequencing nor method comments for this project. MassDEP/ Wetlands and Waterways only comment was that a Chapter 91 License might be required but this is a standard comment. CH asked how long this takes. KM stated that they cannot file until Conservation issues an Order Of Conditions and ZBA issues a Special Permit. After Conservation and ZBA, they will approach the Planning Board and Zoning Office for their approval. They will approach Chapter 91 after this is all completed. KM estimates that they are 2-3 months away from filing with Chapter 91. Simultaneously, they filed with the U.S. Army Corps of Engineers and informed them some changes were to be expected. USACE has put the review on hold and asked for the updates when the Town review is completed.
- CH opens to question from Commissioners.
- JK seem like a good location for the dock, MassDEP requires small docks to have 18" and the depths show 24" so they meet that requirement and the elevation at low tide must be 5 feet minimum height above mean high water for pier decking to allow public access and they have 3.2 feet. KM explains that the regulation is a suggestion and if you present these circumstances then common sense dictates that the proposed work satisfies the intended requirement. If you take the regulation literally then you need to provide 5 feet from the mean high water but in this case the elevation of the pier decking is 7 feet above the coastal beach/tidal flat so there is enough space to allow movement during low tide. During high tide, the water level rises to 3.2 feet below the pier decking which is not passable by pedestrians as the water levels completely cover the river bed. JK

suggested that they might want to take the opportunity to go higher. KM said that PC would like to stay with the proposed pier elevation.

- BG summarizes the due diligence, spoke to Harbormaster and he had no more concerns & conditions.
- CH confirms Special Conditions detailed by BG
- CH makes motion to close hearing and issue order of conditions. BO second. Motion approved 6-0-0.

2687 Kelley, 0 Main Street (new sfh & vernal pool replication).....(cont from 11/7/17) (Frank)

- Continued Hearing. FW is the hearing officer.
- Greg Morse, Morse Engineering representing the homeowners, the Kelleys. This is a continued hearing. They are proposing a new single family home and septic system in front of property off Main Street. They identified a bordering vegetated wetland at the rear of the property that was delineated by Brad Holmes (BH), PWS. They also identified a local, jurisdictional vernal pool within an existing stone foundation. They have proposed a vernal pool replication. This filing is a new filing after the denial of the original Notice of Intent. The applicant appealed for a Superseding Orders of Conditions and they are before the Commission under remand with this new Notice of Intent filing that includes the vernal pool replication.
- GM stated that they were asked to review the proposed Vernal Pool replication. Art Allen (AA) of Eco-Tec, Inc. was accepted as a 3rd party consultant to review the proposed work by BH. BH revised the proposed vernal pool design in response to AA's comments and provided a detailed narrative identifying the species found with the existing vernal pool. The Vernal Pool replication was doubled and included additional plantings. GM turned over the floor to BH. BH reviewed the process of working with AA. BH betterments incorporated into the revised design. They are taking an isolated land subject to flooding that functions as a vernal pool and replicating it as isolated land subject to flooding and isolated vegetated wetland and thus bettering it by creating better value that leads into the bordering vegetated wetland. BH proposed a planting plan with beneficial plantings to support the vernal pool and buffer zone and removal of non-native invasive plants.
- FW noted in the original report that there were 9 items that were addressed in the February 19, 2018 letter response from Eco-Tec, Inc. (AA). FW requested BH to review each one with the Commission:
 - 1. The isolated land to subject to flooding/vernal pool is locating within an artificial environment-no further comment from AA.
 - 2. The vegetated value of the isolated land subject to flooding/vernal pool within the foundation was found to be marginal including non-native species-no further comment from AA.
 - 3. The proposed liner in previous design-BH stated that they have removed the liner as suggested by AA-no further comment from AA.
 - 4. No work to be commenced outside the active vernal pool period-BH is in agreement and this can be included within the Orders of Conditions-no further comment from AA.
 - 5. AA Recommended expanding the work area-BH they have expanded the vernal pool replication by more than 2 times the existing isolated land subject to flooding/vernal pool within the foundation-no further comment from AA.
 - 6. AA suggested adding button bush to planting plan-BH they have added a significant number of button bush to the planting plan-no further comment from AA.
 - 7. AA suggested adding native ever greens such as eastern red cedar and white pine to the planting plan to be planted to provide shade to buffer zone and replication area-BH they have added the native ever greens-no further comment from AA.
 - 8. AA suggested temporary sediment barrier be added. The ECR work limit was increased from the Morse work limit and the buffer zone will be planted with a buffer seed mix when work is completed-no further comment from AA.
 - 9. AA suggested that the site within buffer and wetland will benefit from invasive species control-AA suggested that invasive cuttings should be removed from the site, no cutting when fruits or seeds on are present and cutting shall be done with hand tools only (e.g.) no mechanical equipment with tires nor tracts-ECR is in agreement-no further comment from AA.
- BO would like to know about the original vernal pool and what species were found by BH. BH said that that there were only frog eggs found and this vernal pool is not a normal vernal pool because it was previously a foundation. BH said that normal vernal pool will support wood frogs and spotted salamanders for breeding and egg cases will be found as well as facultative insects. In this vernal pool, the only insects found were mosquito larvae.
- BG asked what time of year did BH inspect the vernal pool. BH went out in April and again in May to inspect the area for a total of 4 times to observe the vernal pool water levels and species. BG asked if there any non-migratory species found such as fairy shrimp/obligate as we want to make sure that the full suite of vernal pool wildlife is provided supportive habitat and makes the migration to the new vernal pool. BH states that the new replication will be a tremendous benefit for the wildlife that will utilize it.

- FW asks if there are questions from audience. No comment from audience
- JK stated that the previous agent Jay Wennemer (JW) was adamant that this is not a buildable lot. JK pointed out that JW identified the lot as being wet and should not be constructed. JK envisions that the area is being planted as a replication but will be loaded invasive species and fears that in the future the invasive species will take over. JK commented about the monitoring plan and the steps required to ensure that the vernal pool will be successful. JK would like to know how often vernal pool replications are successful? BH discussed the groundwater interactions with the hydric soils that lend guidance to the field adjustments. JK stated that he has great respect for BH's ability and he is satisfied with his comments about how the vernal pool replication is done but the question was how often are vernal pool replications successful. How often are vernal pool replications successful 3-5 years out? BH does not know how many have been successful; it is better measured when it is done. JK said that we are destroying a functioning vernal pool and proposing a vernal pool replication that we do not know if it will succeed. BH said that he cannot guarantee the success. JK asked about the case evidence indicating the success of vernal pool replication. BH stated that there is a science and history. JK asked again how often are vernal pool replications successful 3-5 years out? BH has similar experience with a vernal pool replication in the Town of Rockland and did see that it was functioning as a vernal pool with frogs and other species within the Orders of Conditions expiration time lines but he has not been back to monitor.
- JK notes that vernal pool setbacks are 100 feet in the Town Wetlands Protection Regulations/Chapter 505. BH states that the existing vernal pool is a stone foundation which are the remnants of a structure. The foundation has the capacity to hold enough water to qualify as isolated land subject to flooding and also has the qualities to function as a vernal pool. BH states that they are offering an isolated subject to flooding and isolated vegetated wetland which offers higher value than the current foundation. JK states the site plan shows a vernal pool and a vernal pool requires a 100-foot setback, the proposed work for the home is outside the 50-foot setback but within the 75-foot setback so there are variance conflicts all over the site.
- GM states in the original NOI they did ask for the three variances. The replication of the vernal pool cannot be located anywhere on the site without creating a variance conflict. GM states that the lot is a buildable lot of record, they are back on remand with this new NOI intent filing, granting the variances requested is consistent with the mitigation being offered.
- AL states it is not a buildable lot because it requires variances. JK states that almost 60% of the home is with the 75-foot setback and the septic system is within the 100-foot setback to the vernal pool. JK states that this is not a buildable lot and some lots are just not buildable. CH states that is JK's opinion. AL states that he agrees with JK. Both AL & JK acknowledge the excellent vernal pool replication plan process.
- FW asks for feedback from (AA) Eco-Tec, Inc. stated that they visited the site, performed soil sampling in the vicinity of the proposed vernal pool, established the water tables. He agrees with the grading and based on the high water table he thought that the liner would be counterproductive to the interactions required for vernal pool success as it might actually expand the wet period and by their nature vernal pools typically dry out for part of the year. Typically, you want the vernal pool to dry up for part of the year. AA believes that this is the first vernal pool in his 25 years' experience that can be improved through replication. He views the stone foundation, limited number of species, presence of opportunistic wood frogs, absence of mole salamanders and insects constitutes the foundation/vernal pool as marginal. He believes they can build a better functioning resource area with the proposed vernal pool recommendations that he made provided that the Commissioners would allow the variance setbacks.
- CH would like to know if AA can provide data points to address JK's comments and help the Commission in making its decision on whether the vernal pool replication would succeed. AA typically filling a vernal pool is not done. AA states that this is not a certified vernal pool which by definition becomes an Outstanding Resource Area which cannot be filled or touched. There is not a big body of empirical data on filling vernal pools as they are not typically filled as part of a proposed project. AA has been involved with 2 projects involving 3 vernal pool creation projects (2 on one site and 1 on another site) that have been successful and functional with wood frogs and mole salamanders breeding in the 2nd year post construction. These vernal pools were additions to the proposed work and not mitigation for filling a vernal pool. AA has been involved in the successful creation of the three vernal pools including the design review and the monitoring but not the construction activities. He has never been involved with a case where an existing pool was intentionally filled and replicated. This is a very unique case based on his 25 years of experience. RC noted that AA has successfully created 3 vernal pools.
- FW would like GM to review the variances requested by the applicant. Applicant is seeking variances from Chapter 505-10B and 10C that require 75' setback to new structures and 50' setback to disturbances and 100' setback to disturbances from vernal pools (no work). Asking for waiver of 0 feet to the existing vernal pool as the new SFH will cross right through it, 57' to the bordering vegetated wetland (BVW) from the SFH and 5 foot setback to replicated vernal pool from the BVW.
- FW asks if the commission has enough information to close hearing. BG suggested that a poll of the Commissioners to ascertain if they have sufficient information to make a determination. FW polls the Commissioners. TC (Bob Galvin) suggests that the Commissioners review each of the variances because acting

on the variances will lead to the determination whether to approve or deny the project. FW asks GM to present the variances for the Commission. GM seeking variances under 505-10B & 10-C: existing vernal pool 100' setback to 0', bvw 75' setback to new structures to 57' and replicated vernal pool 75' setback to bvw to 5'. JK asks if the poll will be based on individual variances or all three variances at once. AL states that he is struggling with separating the variances as he feels that this is a non-buildable lot and the proposed work will destroy a vernal pool. FW states that the Commission has decided to vote for individual variances. Poll: AL said that he can separate the variances as they are integral to each other and he will have to vote No on all three based on the proposed work as it stands now. JK No on all three. BO, CH, FW & RC Approve all three. BG summarizes that the poll indicates a 4-2 vote in favor of the project. BG suggests that the motion be in 2 parts: close, then discuss the conditions followed by a vote to issue an Order of Conditions with Special Conditions.

- FW makes motion to close hearing. RC second. Motion approved 6-0-0.
- Special Conditions discussion:
 - BG suggests multiple long-term conditions to ensure the success of the vernal pool.
 - Long term monitoring as per Section 6 of ECR response (see Exhibit A) by BH with scheduled review and reporting by AA for a minimum of 3 years and more until the vernal pool replication is deemed successful by the Conservation Commission.
 - BG vernal pool success deemed successful when certification to the Natural Heritage and Endangered Species Program is submitted and reviewed and deemed successful by the Conservation Commission. The SFH can be built after this sequence is complete.
 - BG suggests that sequencing might be a possible condition such as the house cannot be built until the vernal pool is deemed to be successful by the Conservation Commission. TC asks AA if it is prudent to require the applicant to wait to construct the home until after the vernal pool is successfully constructed. AA states that the first construction window is after July 1st 2018. AA agrees and supports the proposed condition that the vernal be constructed and mitigated before construction of the home. AA thinks they have a good plan and wonders if delaying the applicant's home construction for an additional time of year restraint cycles until the vernal pool is deemed complete may not be necessary but that is contingent on the Commission's approval. JK mitigation for filling the existing vernal pool is key to his final vote. JK would like to wait for the 3 years to make sure the vernal pool is functioning long-term before the house can be built. JK notes that this is a very unique property and that is why it is under consideration for 3 unique variances.
 - TC states that the Commission might want to condition as follows: Applicant shall construct vernal pool prior to construction of home. The vernal pool must be productive before building and approved by the 3rd Party Consultant and the Commission.
 - BG asked if the applicant will approve additional funding if necessary to support the 3rd Party Consultant's sustained involvement as necessary to ensure the success of the vernal pool. GM stated that the applicant approves. TC stated that a condition should be included that the applicant will ensure adequate funding to pay for the 3rd Party Consultant services until both the consultant and the Conservation Commission approve the vernal pool success.
 - JK inquired about an easement. BG had considered it but did not suggest an easement as the sequencing condition satisfies his pursuit of mitigation.
- FW confirms Special Conditions detailed by BG
- FW makes motion to issue Orders of Conditions. RC second. Motion approved 6-0-0.

2627 Bedig, Richard Street (sfh).....(cont from 2/07/17) (Chad)

- Continued Hearing. CH is the hearing officer.
- CH addressed a procedural matter concerning one Commissioner, AL who missed one hearing. CH reviewed the Mullin Affidavit. BG presented that AL watched video of the hearing, read minutes, reviewed the file and signed the Mullin Affidavit so he eligible to continue to hear and vote on the project.
- CH announced that he would like everyone to be brief in their discussions and suggested that the Commissioners should be mindful that their decisions should be based the preponderance of evidence.
- Rick Servant (RS) Stenbeck and Taylor, representing the applicant Greg Bedig (GB) along with Lenore White (LW) stated that the revised site plan dated May 9, 2017 included added plantings at the rear of the property and shows the project is not within 100 ft of salt marsh. The home will be built on a vacant lot, elevated on wooden piles, elevated above the base flood elevation as required under FEMA Flood code requirements and Barrier Beach requirements for driven wood piles. Open to other plantings as well. Spoke to local pile driver expert who is using less impactful equipment that will allow piles to be driven from the side and low impact tracts, they will also use mats that will all limit ground impacts. In front and below deck, there will be 1" spacing allowing growth.
- CH suggested that there are two primary points of focus-water issues and wetland/wildlife habitat. CH inquired if the Commissioners had any comments about these two subjects.

- RC inquired if this is a coastal dune? AL would like to see markers/flags to help with the coastal dune determination. He thinks that it is both barrier beach and coastal dune. BG states that it is barrier beach which is composed of coastal beach and coastal dune. As this is not coastal beach, it is therefore coastal dune. Jay Wennemer, (JW), the former Conservation Administrator stated that this is coastal dune and the BSC report indicates that it has the features of a coastal dune.
- LW stated that Barrier Beach is composed of Coastal Beach, Coastal Dune and Land Subject To Coastal Storm Flowage (LSCSF) but many Barrier Beach may be composed of LSCSF and not Coastal Dune. BG stated that the LSCSF is a separate resource area that overlays Barrier Beach which is composed of Coastal Dune or Coastal Beach so he wanted to ensure that the Commissioners were aware of the difference. Barrier Beach, Coastal Dune and LSCSF are all present in many locations.
- RC stated that the house will be built on pilings above the coastal dune allowing the migration of the sand. LW concurred that the coastal dune will continue to function as the house will be built so high above it not to interfere with the migration of sand. RC would like to know if the area around the piles will have lattice RS states the piles will be open to allow proper water flow. LW stated that if the Commission were to decide that it is a coastal dune then it would continue to function as a coastal dune under the performance standards. However, she believes with all of the houses in the neighborhood that it will not perform that well.
- BG asked LW if the area is a coastal dune? LW states that the regulation of a coastal dune is a hill, mound or sediment landward of a coastal beach and she does not believe it meets the criteria. BG stated that there is a mound at the front of the property which is heavily vegetated. BG inquired if there is a coastal dune present. LW responded that regardless of whether it is a coastal dune or not the construction of the single family home will not impact the coastal dune functions. LW said that they freely agree that it is a coastal dune. BG asked LW took any soil samples from the property. BG stated that another property on a vacant lot with a coastal dune and bank was thoroughly vetted with soil samples, use of MassDEP 92-1 Coastal Banks guidelines including transects, analysis of geomorphic forms, etc. BG inquired if LW performed anything similar at the subject site. LW states no she did not take soil samples because she feels that this does not meet the definition of coastal dune-landward of a coastal beach but they will admit that this a coastal dune.
- JK stated that he observed standing water in the back of the property and inquired if LW could provide an answer why there was standing water in this location. LW stated that it is an area that floods but it does not meet the definition of an isolated vegetated wetland as it is too small under the state regulations and is not an isolated vegetated wetland under the bylaw because it is not fresh water. She states that this is a salt water wetland. JK inquires if it is a salt water marsh remnant? LW said yes or a feature/landscape feature. She states that due to salt flood water and salt spray that may persist leads to a response by salt water plants species. JK asks if there is a dominance of salt water plants and wants to know if anyone identified salt water plants. LW stated yes that BSC Group reported that the observance of salt water plants in the area under discussion. JK concluded that perhaps it is a salt water remnant that is sustained by the presence of salt water.
- FW inquired if there is any connection between mean high high water at elevation 6 and the area under discussion? RS stated that there is no connection between the depressed area and mean high high water. LW explains the definition of a salt marsh that you need all three components: plants, highest high tide line/Spring Tide elevation (did not finish).
- BG states there is no Mean High Water on plan nor Spring Tide elevation, and would like to have it on the plan. RS states that the bank of the river is the mean high water and the average high tide does not go over the bank. LW states that riverfront is not associated with this project. BG states we need that shown on the site plan along with mean high water. JK stated that we need the mean high water on the site plan to determine if there are any riverfront impacts associated with the proposed work. CH summarized that the plan should be updated showing the mean high water and either the presence of the riverfront on the site plan or that riverfront does not apply in the notes.
- BG feels that the wetland on the plan needs to be delineated. LW states that it is does not meet the town's definition.
- CH redirected toward the wetland/wildlife discussion. BSC Group's report shows signs of hydrology and salt water tolerant plants. BG reiterated that the Spring Tide elevation is necessary for the Commission's deliberation on the possibility that there is a salt marsh present on the property and the language on the importance of the Spring Tide elevation is in the BSC Group's report.
- LW argues that this is not fresh water, isolated wetland and does not meet the definition under the bylaw. BG states there are 2 different scenarios, the on-site wetland could be either salt water or an isolated vegetated wetland but the fact is that this not fresh water so that rules out the isolated vegetated wetland under the bylaw. BG suggested that is should be flag, delineated and included on the site plan with its setbacks. RS and LW feel that this is a depression and not a wetland. LW states that the area was observed by her in the field and she did not find that it met the definition in the bylaw.
- JK notes that we have 2 experts with differing opinions. He reads sections of BSC Group's March 8, 2017 report indicating the potential presence of a salt marsh. LW says that BSC Group is wrong. JK suggested soil

sampling to resolve the question about whether there is a salt marsh present or not. LW states that soil samples do not solve the problem as the bylaw regulations do not recognize a salt water isolated vegetated wetland. BG states that wetland on the site is not likely to be an isolated vegetated wetland under the state act nor local bylaw but the area is likely to be overwhelmed with salt water during major storms and regular natural cycles so we need the information about the salt water presence as it is nourishing this on site wetland. LW stated that the wetland does not meet the local bylaw definition. BG stated that we should have a flagged wetland and the data sheets, it should be shown on the site plan including the setbacks as we require of all proposed work. BG said that we have a detailed letter from BSC Group that details that there is a presence of salt wetland species. RC asked RS to put it on the site plan. RS and LW state that they do not feel that it is a wetland. RC wonders if it is a wetland. FW states there are salt tolerant plants in the area. LW said that she is only going to delineate if the Commission asks her to do it but anticipates that this will then be the argument that this is a resource area. She does not believe it is a resource based on not meeting the definition under the bylaw. BG said that we do not have the information from the applicant on the plants, the hydrology and the soils and we need the data sheets. LW states that is not in the local bylaw definition. LW feels the definition of an isolated vegetated wetland has to be fresh water and she feels that our bylaw references only freshwater so this is not a resource area. LW said that BSC Group made the statement that she is making. BG corrected stating that BSC Group identified a potential wetland that is either an isolated vegetated wetland or a salt marsh. BG states that it is the applicant's obligation under the burden of proof to provide clear and convincing evidence to make their case and the Commission needs the wetlands delineated and data sheets presented.

- Town Counsel Bob Galvin (TC) states that the proposed work is within barrier beach, coastal dune and land subject to coastal storm flowage and has to meet those performance standards. Local bylaw does not have a definition of salt marsh so we have to review the state regulations of salt marsh that includes the Spring Tide elevation. TC believes LW's statement is correct that the Spring Tide elevation does not reach this area. BG noted this is not on the revised Site Plan. BG noted that there are three resource areas including land subject to coastal storm flowage, barrier beach, and coastal dune and depending on additional requested information potentially an onsite wetland.
- CH asks the Commission about the completeness of the information provided. AL did not see anything missing. BO thinks there is sufficient information to vote. JK does not feel this meets our bylaw but there is clearly something there that is not defined. FW and RC no comments taken.
- CH inquires who located the green planting symbols on the May 9, 2017 revised site plan. RS stated he did. CH inquires about wildlife habitat and notes that the heavily vegetated property will be obliterated if a house is built and notes that the proposed planting plan is sparse and does not equate in his interpretation to offset the vegetation to be removed. AL inquires what vegetation will be taken out. RS said that he wanted to be sure what area AL was describing. BG clarified that it was the mounded elevation 7 to 8 area in the front of the property that is covered by mature and successional eastern red cedars and other coastal plants. BG states that the area is covered by a variable vegetative cover and it is healthy. RS states that only what needs to be taken will be taken and they are open to additional plantings. They do not intend to clear cut the lot. FW asked if they need 10 feet beyond the building footprint. RS said that they only need 4 feet. FW asked if they would be willing to flag the limit of work area to ensure that no additional cutting and removal of vegetation takes place beyond 4 feet. FW notes that the west side will be cleared. RS agrees. CH asks who would be doing the plantings. Greg Bedig (GB), land no owner stated that he reached out to a number of landscaping companies and presented LW's plan and they had indicated that they would have no trouble implementing her plan. CH states that the lot is 50' X 100' so 5,000 square feet, the structure is approximately 1,100 square feet leaving approximately 3,900 square feet and part of this is consumed by the parking and decks which extend beyond the building footprint so approximately 1,900 square feet or almost 40% of the lot is covered by home, deck and parking area. CH notes that the back of the lot that won't be disturbed is approximately 1,750 square feet. Since the proposed work will obliterate the vegetation in the front of the lot and consume approximately 1,900 square feet and the undisturbed area in the back is approximately 1,750 square feet, he expects a robust planting plan to mitigate the adverse impacts and he does not see that yet.
- FW inquires about roof runoff is covered but groundwater is essentially 5 inches below the surface so the runoff waters cannot be contained on site. Discusses French drains and swales as options. He is concerned about the flow into the South River and through the adjacent neighbor's properties. RS states that the groundwater found to be five inches below surface was associated with the BSC report in the back and he states that the groundwater to the front of the lot is much deeper. FW asked about the soil conditions in the front of the lot. RS states sand and did not want to guess about the depth of the groundwater but states that it is much more than 5 inches. RS states that the sewer in the street is down about 4 feet and that is not below groundwater. CH asked FW about the focus of his comments. FW states that he does not want to see the roof runoff flow onto adjacent parcels. RS states that this can be accommodated by rain barrels, dry wells and swales. FW asked for this to be added to the site plan. RS conferred with GB and confirmed that it would be added to the site plan. FW confirmed that

downspouts would go into dry wells and/or swales. RS stated that they will not disturb the back of the lot. JK commented that the depression in the back would not be disturbed.

- JK asked about sequence of the work in regard to clearing the work area and setting the pilings. He inquired if the back area would be impacted and how would the proposed work minimize impacts to the existing conditions. RS feels the area is already vegetated but certainly can add some plantings to help with stabilization.
- CH opened the hearing up to abutters and asked for new information only.
- Nancy Metcalf (NM) 53 Richard, showing commission property pictures during recent storm in January 2018. NM presented photos showing Richard Street underwater and indicated that animals were seen searching for dry areas. RC asked if this was unique to this property or if the whole street was impacted. NM said that the whole street was impacted. RC also stated that this storm was not worse than the blizzard of '78.
- Susan Smith (SS), Richard Street, feels badly for GB as it is a beautiful area but she feels that the street is not safe for people to live there, due to flooding. She had intended to live there but she does feel that she can live there. She is concerned about the whole street and feels that there are safety issues and the wildlife will be displaced. They have to move their cars during storm events. She said that her nephew who is 6'3" was wading through water up to his waist. SS stated that a surge would have drowned him. She is concerned about safety issues and does not think that the construction of this home would work. RC states that the house is going to be build 10 feet in the air so the water would have to be 10 feet high to have an impact. SS states that every little bit of building makes the conditions worse. RC stated that this one house is not going to change the height of the ocean. SS states that roof runoff will have an impact. RC stated that under today's standards none of those houses would be there as the area is barrier beach and there should not be houses there and it is a shame but people built houses up and down the street. SS agrees and states that she is in a similar situation to GB and she wishes that someone had told them that they should not build there. NM added that with the deep storm and water was a safety concern. BO stated that he took a look at the assessors map and all the houses in the area were built in the 1950s. BO notes that the elevation of the house can only do so much. There will be cars and yard equipment, etc. that will be exposed to the flood waters and run off
- GB stated if he had advanced notice then he could move his truck to higher elevation as he has access to a high elevation parking lot in the event of a flood so he can park his vehicle on higher ground.
- NM states that wildlife does not have anywhere to go. CH indicated that Rexhame Beach is located several blocks away so they can find their way there to high ground in the event of a flood. RC states that the wildlife could have used any of the higher elevation properties in the area.
- Commission reviews pictures provided by abutters.
- CH asks SS what the issue is with Mr. Bedig and her property. SS states that safety and wildlife issues are her concern. CH indicates that the neighbors are free to plant vegetation to help alleviate wildlife impacts as well.
- CH gives Bob Galvin (TC) the floor. TC views the proposed work is within 3 resource areas (barrier beach, coastal dune and land subject to coastal storm flowage) and the Commission needs to evaluate how the proposed work meets the sates and town regulations. The local bylaw includes no touch areas so the applicant has to request a variance to work with the resource areas and setbacks. The proposed work is within the resource areas not within the setbacks to the resource areas. The applicant has to convince the Commission that it meets the state performance standards and meets the test for the local variances which is composed of two parts. TC reads the definition for the variance and emphasizes that the setbacks 25 and 75 will not have any adverse impacts under the Bylaw. There is a presumption that the proposed work will not have adverse impacts including flood protection and sedimentation impacts. TC reads state performance standards for barrier beach [310 CMR 10.29(3)] and states that the proposed work will not have any natural or consequential impacts will not have any adverse effects to the interests associated with the natural resource areas including flood control and sedimentation. BG inquired about public safety and TC agreed. BG asked TC for written opinion as per the bylaw, if a denial would result in a regulatory taking. TC stated that a denial will not result in a taking and presented a letter dated 2/20/2018 to the Commission. Therefore, the second part of the variance is not triggered and the Commission is left with reviewing the variance under the first part that requires the applicant to provide credible evidence that the proposed work meets the performance standards under the Bylaw. If the Commission is convinced then the Commission should vote to approve. If the Commission is not convinced then the then the Commission should render a denial.
- CH emphasized that it is the preponderance of the evidence that the Commissioners should consider in making their determination and suggested that the BSC and WSI letter reports were the basis of the evidence.
- JK inquired when does a dune cease to function as a dune. He sees that the area is already compromised as a coastal dune. He indicated that the natural transport of sediment and maintenance of the dune functionality through less impactful construction and mitigation would be required. JK inquired about the sunlight that will be diminished by the construction of the home. LW indicated that they could add more mitigation and designing deck and stairs to allow sunlight to reach below the structures but the sunlight impacts prevent them from revegetate the whole thing because when you construct a home there will be sunlight impacts. JK said that this does not convince him that the project is not creating adverse impacts. LW stated that if they plant in areas

deprived of sunlight then the plants will die so there is no point in this. RC indicated that it was possible to plant in other areas on the site and he would be convinced by a planting schedule and maintenance performance requirement.

- FW asked BG to outline the resources areas. BG states that there are 3 resource areas (barrier beach, coastal dune and land subject to coastal storm flowage) and the work is within these resource areas. BG outlined the interests that are impacted. RC indicated that if there was no building in flood zones or barrier beach then many of the homes in Marshfield would never have been built. BO stated that this was true in the past but going forward new homes need to adhere to current performance standards and wetlands regulations. RC stated we have numerous projects that are approved by Conservation that are in the flood zones. BO states that those are rebuilds. BG states those are raze and rebuilds so that is different from new construction within the flood zone so the variance for new construction 75 foot setback to new structures and 50 foot no disturb would apply.
- CH asks BG to clarify what specific things does the Commission want from the applicant. BG states the Commission requests a written response as to how the project meets the performance standards of each resource area and the associated interests. TC added that the applicant needs to demonstrate that the proposed work in each of these resource areas does not have a impact on the significant interests of each resource area. BG stated that the applicant needs to provide a preponderance of credible evidence to ensure that a clear and convincing showing of no adverse impacts is presented to the Commission.
- AL agrees with BO's comments that this is a new structure, in area today we would not build a new home so he feels bad for the applicant.
- LW outlined how project will not result in wetland resource areas based on her January 24, 2017 letter report. JK states that the Commission has asked for more clarification and if LW feels that this is complete then the Commission can vote tonight. FW said that the Commission is reviewing the current site plan revised May 9, 2017 and if the applicant does not intend to provide any further information then the Commission will vote on the current site plan. JK concurs. LW states that she is not suggesting that the Commission vote on the current plan but points out that the agent has indicated that the applicant should provide additional information about how the project does not create adverse impacts to the significant interests of the three resource areas. LW states that she has already provided responses to these interests. BG reviews LW's letter report and the responses and inquires if the Commission requires further information on this subject. LW indicates that if the Commission requires additional information then ok.
- Bob Galvin (TC) would like the Commission to offer Mr. Bedig the opportunity to hire a qualified wetland consultant to provide a proper planting plan that will have the correct plants that will survive and vegetate the area. Otherwise, they are going to get it wrong and the planted area is not going to be protected. TC feels that information is missing. BG added that the area is a coastal dune and tough on revegetation success. If approved one of the conditions would be the requirement that the plantings survive two successive growing seasons with 75% success so the applicant should be given the opportunity to hire a consultant who can design a planting plan that will succeed and a landscaper that can ensure the success to meet the condition of 75% success over two growing seasons. TC said that this is a normal condition but you don't want a regular landscaper telling you what to plant. LW will advise GB on best options for a consultant to provide a planting plan that will succeed.
- CH wants to make sure GB knows the Commission is asking for more information to make a proper decision. He should consider all the comments and concerns discussed in this hearing in preparing the updates. The Commission will review new submittals but this does not guarantee an approval. The Commission will make its determination based on the submitted evidence.
- CH makes motion to continue hearing until 3/20/2018. FW second. Motion approved 6-0-0.

Cont'd to 3/6/18 2684 Bethanis, 1184 Ferry Street (found. rest. driveway recons).....(cont from 10/03/17) (Jim)

ADJOURNMENT – RC motioned to close hearing at 10:48pm. FW 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