

MEMBERS PRESENT – Bert O'Donnell (BO) Acting Chair, Art Lage (AL), James Kilcoyne (JK), Rick Carberry (PC), Bill Grafton, Conservation Administrator (BG)

MEMBERS NOT PRESENT – Robert Conlon, Chairman (RC), Frank Woodfall (FW)

CALL TO ORDER BO makes a motion to open the meeting at 7:00 pm. AL second. Approved 4-0-0.

MINUTES

- The minutes for the 4/3/18, 5/1/18, 5/15/18, 6/19/18, 8/7/18, and 8/28/18 meetings were reviewed; BG had received changes for the 4/3, 8/7, and 8/28 minutes by e-mail.
- BO makes a motion to accept the minutes for the 4/3/18, 8/7/18, and 8/28/18 as edited. AL second. Approved 4-0-0.
- BO makes a motion to accept the minutes for the 5/1/18, 5/15/18, and 6/19/18 as written. AL second. Approved 4-0-0.

PUBLIC HEARINGS

On / After

19-12 Mullen, 109 Grandview Avenue (Porch Expansion).....NEW (Art)

- BO reads legal ad. Hearing Officer AL confirms administrative requirements are complete.
- AL feels the matter is a fairly straightforward RDA. George Neger (GN) presents for applicant. They would like to re-do the façade on the inland side of the house; they are before the Commission due to the new footings.
- BG notes that applicant is just outside the 50 ft setback for a minor activity. If the town had minor activities in the bylaw, this is something he likely would have permitted administratively.
- AL asks for comments from other commissioners and the public; none.
- AL motions to close and issue a DOA, Neg. # 3, with special conditions drafted by BG. BO second. Approved 4-0-0.

19-13 Sennett, 53 Kent (ATF Coastal Path).....NEW (Jim)

- BO reads legal ad. Hearing Officer JK confirms administrative requirements are complete.
- Applicant Bob Sennett (BS) present. Filing is an after-the-fact RDA for beach cobbles placed in a path behind his house.
- JK comments that he visited the property, and observed round beach stones in the pathway which appear to be permitted in coastal dune walkways under 310 CMR 10.28. JK feels the intent of this regulation is to allow owners and others to utilize their property and adjacent beaches while minimizing impact to dunes and marshes.
- BO also walked through the area, and agrees the stones utilized were natural beach stones and the pathway is pervious. He has no other issues.
- Pam Keith (PK), 24 Smokehill Ridge, asked if the local bylaw allows for such pathways. She also stated that BG had commented in a previous meeting discussing Waterman Avenue that there was substantial vegetation disturbance that was of concern to him pertaining to 53 Kent Avenue. BG responds that the Commission's RDA form addresses both the WPA and local bylaw, and the Commission rules on whether a project will or will not have an adverse impact on a resource area based on the guidelines therein. He thinks it is the intention of the Commission in this case to issue a negative determination, meaning a finding of no adverse impacts, as the activity has been vetted in an open meeting. BG feels that a negative 3 determination with special conditions,

confirming that the activity is within the buffer zone as defined in the regulations but does not have an adverse impact requiring a NOI.

- With respect to the Waterman Ave meeting discussion, BG states he did not say one way or the other whether the area was highly vegetated; just that the activity had been brought to his attention and was being addressed by him.
- BG reads the proposed special conditions into the record, including that applicant must consult with him for work beyond the approved activity.
- JK comments that the pathway appeared to be long-existing pathway from the property to the beach, and he observed no additional disturbances. BG states the pathway appears to have been established sometime between 2014 and when applicant bought the property.
- Applicant BS states there was disturbance in the area from multiple lobster pots as well as a cupola and porch debris from nearby houses. Much of the vegetation in the area was phragmites and thorns intergrown with the bushes.
- PK asks whether the local bylaw applies in this case. BG states that a neg 3 determination is typical for these cases as it allows the Commission a greater level of oversight through the imposition of special conditions. He feels the RDA form as currently utilized and completed are adequate for most projects, but will ask Town Counsel for his opinion as to whether the "local bylaw check box" should be completed as well.
- JK quickly looked at the bylaw regulations during the discussion; the closest thing he could see that might be applicable would be Section G, stating "there shall be no destruction or removal of woody vegetation" without the permission of the Commission, and feels that applicant's purpose in filing the RDA is to receive permission from the Commission.
- PK comments that towns are allowed to have more restrictive regs than the state, and feels the Commission should be checking its local bylaws for all filings and not overriding them as frequently as seems to occur. JK notes that this particular discussion concerns the specific activity and not the town bylaws generally.
- BG comments that he has reviewed the site plan, and feels about 90% of the activity is in the buffer with a minimal amount of activity in the dune. He feels the activity is not much different from that at the neighboring lot or the public accessway on Winslow Ext., and that the Commission should consider whether the activity is permissible.
- JK would like to add a special condition that no mechanized equipment be allowed on the dunes; BG agrees. BG will check with TC as to best practices in considering the local bylaw in RDA meetings going forward.
- JK motions to close and issue a DOA, Neg. # 3, w/special conditions drafted by BG. BO second. Approved 4-0-0.

19-14 Hanson & Antunez, 34 Chowdermarch Street (Addition & Decks).....NEW (Jim)

- BO reads legal ad. Hearing Officer JK confirms administrative requirements are complete.
- Kevin McDonald (KM) presents for applicant. Filing is for the rebuilding of a sunroom in the original sunroom's footprint, with the construction of two small decks on either side for access.
- JK visited the property today. The sundeck is supported on sonotubes and is otherwise as described by KM. Work area is outside the 75 ft buffer.
- BG notes that a filing from 1995 references a wetland line whose 100 ft buffer line runs through the home. He feels the present activity is consistent with accessory uses as set forth in 310 CMR 10.02(B2)e, and also meets the Commission's performance standards given it is outside the 75.
- JK asks for comments from the public; none.
- JK motions to close and issue a DOA, Neg. # 3, w/ special conditions drafted by BG. AL second. Approved 4-0-0.

19-11 Newman, 0 Constellation (ATF Vegetative Management).....cont from 4/16/19 (Art)

- BO reads legal ad. Hearing Officer AL confirms administrative requirements are complete.
- Applicant Todd Newman (TN)present. Filing is an after-the-fact RDA for cleanup activities, including removal of vegetation, green waste, trash, and debris on the property. There remains additional trash and debris that he would like to remove to make more room for parking on the lot. AL and the other Commissioners have no issues with allowing the cleanup to continue.

- Steve Moreau (SM), 31 Constitution, asks whether abutters were notified of the hearing. BG notes that the filing is an RDA, which requires a legal ad but is not subject to the same notification requirements as a NOI. He would like to postpone the hearing so the other abutters can be notified. BG notes that the purpose of an RDA is to determine whether applicant must file a NOI, which in turn would require specific abutter notification. BO adds that for an RDA, only the presenter must be present, and this matter was continued from the last meeting because of applicant's absence.
- Helen McCluskey (HM), 44 Constellation, comments that the area is very wet, and feels taking out the vegetation doesn't help the area, as it may have soaked up some of the water. She is concerned the area will be wetter now, without that vegetation. BO notes that restoration is going to take place. BG adds that the lot is in LSCSF and the water on the lot is ocean floodwaters and not from wetlands.
- TN comments that his grandfather built HM's house, and the lot he was clearing was once lawn where he held family gatherings. He feels he has tried to be accommodating to neighbors to no avail. BG asks that all parties limit discussion to review of the filing only.
- Barbara Tripp (BT), 44 Constellation, would like to know if applicant owns the lot and can do the work. In response to a question from BG, TN states that the lot owner, his mother, is aware of the filing and assents to the work. BG feels that TN's statement is adequate testimony for the purposes of this hearing and permit; JK concurs.
- JK notes there are trees on the lot he would like to protect, but also a lot of invasive species that are of no value. He would like to see these replaced with native species appropriate to the conditions on the lot. BG will consult with TN as to the proper plantings.
- Rob McCluskey (RM), 44 Constellation, asks whether applicant intends to put in a parking lot. BG comments that applicant is aware that a parking lot or other structures would trigger a NOI or other filings. RM notes that the lot has been used as a dumping ground and illegal parking for years. BO points out that applicant is now removing much of the debris on the property, and RN has no problem with that.
- Barbara Moreau (BM), 31 Constitution, asks if the replacement plantings will be in the same places where vegetation was removed. BG notes that the species on the lot include black cherry, a somewhat preferential but common plant; staghorn sumac, a colonizing plant; red maple, and pussy willow. BG feels that TN is open to replanting with desirable native plantings, and is willing to assist applicant.
- AL reads the proposed special conditions into the record, including the use of hand tools only, coordination with BG on plantings to remain as well as replacement plantings; plantings to start no later than Fall 2019.
- AL motions to close and issue a DOA, Neg. # 3, w/special conditions drafted by BG. PC second. Approved 4-0-0.

2797 Burke, 15 Charlotte St. (Pervious Hardscape, Landscaping Modifications & Fence).....NEW (Rick)

- BO reads legal ad. Hearing Officer PC confirms administrative requirements are complete.
- PC comments that the scope of work includes hardscape work, additional landscaping, and fencing. He visited the property earlier in the day.
- Greg Morse (GM), Morse Engineering, presents for applicant. Filing is a NOI to install two pervious paver driveways as well as conduct landscaping work, including re-loaming and seeding existing lawn in back and installing planting beds. Resource areas include barrier beach and coastal dune; property is in FEMA velocity zone, elevation 17, and LSCSF. The two driveways, one on each side of the house, will be comprised of pervious pavers placed over two layers of crushed stone, making them completely pervious. The back part of the existing gravel driveway will be restored to lawn. In response to a question from PC, GM indicates that cars are currently parked end on end on the left side of the house. DEP had no comments on the project.
- PC asks if there is a planting plan for the back of the lot. GM indicates that this area will primarily be restored to lawn, with several small planting beds. PC comments that the lot appears to be in a tough location to grow grass, and beach grass may be more suitable for the area. BG agrees with PC's suggestion, as native beach grasses have deeper root systems that help anchor sediments in place and stabilize the coastal dune. GM is willing to consider adding some native plantings to solidify the dune, but doesn't think applicants want to give up their back lawn.
- BG asks GM what the quarter-inch stone infill for the driveway is comprised of; GM states it is quarry stone crushed to a quarter-inch size. BG notes that the table shows no overall change in impervious surface, and asks

if the Commission would like to get back more pervious surface. JK and PC note that the existing driveway is already pervious. GM comments that the only impervious surfaces on the lot are the house, which is on piles, and the shed. He feels that the proposed new driveway will allow more infiltration than the existing packed gravel driveway; PC and JK see this as a plus. BG agrees that applicant has tried to make the project as pervious as possible.

- JK sees the new driveway as a net positive for the lot and doesn't see the need to require specific plantings in the rest of the yard, but would like to see some native plantings that would benefit the dune long-term.
- PC asks for comments from the public; none.
- PC motions to close and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 4-0-0.

2798 VRT Corp., 0 Enterprise Drive (Driveway, Stormwater, & Utilities).....NEW (Bert)

- BO reads legal ad and, as Hearing Officer, confirms administrative requirements are complete.
- Rick Servant, Stenbeck & Taylor, present for applicant along with attorney Walter Sullivan. RS comments that just the access drive is within the buffer zone to the wetland, and not the building. The filing is for placement of a billboard plus construction of a 12 ft wide paved access driveway off Enterprise Drive to an office building. The driveway is sited as far away from the wetland as possible. They obtained an access easement from an adjacent gas company that allowed the drive to be shifted further away. Some grading is proposed between the 50 and 75 ft setbacks but all structures (roadway, guard rail, lighting) are outside the 75 ft setback. Some stormwater structures will be placed within the 75 ft setback but these are exempt from the Town wetland regulation; these include hooded catch basins and a storm swale to deal with runoff from the driveway and the adjacent property.
- BG notes that one swale would require the removal of trees and asks what is its purpose?. RS states the swale is meant to provide extra stormwater control but can be left out to preserve the trees. BG feels that the trees and saplings will soak up any extra water in this area; RS has no issue with eliminating the swale.
- BG comments that Town Engineer Rod Procaccino reviewed the storm water report and provided comments which were addressed previously by Stenbeck and Taylor; he has no further issues. BO notes that Town Engineer's comments essentially state the proposed stormwater structures will be an improvement over existing conditions.
- BO asks for comments from the public; none.
- BG notes that one of the proposed special conditions is that applicant provide a vegetative management plan depicting the vegetation that will remain in perpetuity, but applicant's site plan does not depict any existing vegetation. RS will add the limit of clearing to the updated site plan. BG also adds a special condition specifying no further cutting inside the limit of clearing without a permit.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JK second. Approved 4-0-0.

2799 MKE Development Corp., 96 Wright's Way (New Single Family Home).....NEW (Art)

- BO reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- AL comments that filing is a NOI for a new SFH; wetlands have been delineated and all work is outside the 75 ft buffer.
- Greg Morse (GM), Morse Engineering, presents for applicant. Property is located on Lot 1 of the John Sherman Estates. GM states the adjacent wetlands were previously delineated and are part of a valid Order of Conditions for the overall subdivision project.
- GM states the new SFH will be constructed in the middle of the lot, 85 ft from the wetland area. Septic is located in the front yard, entirely outside the 100 ft buffer. Roof runoff will be directed to drywells in the front and back yards. Limit of clearing will be 75 ft from the wetland. Mulch sock will be used for erosion control along the limit of work. DEP had no comments on the project.
- JK comments that there are a lot of runoff issues in the area, and its control during construction is paramount. JK also notes that the house is close to the property line, and he would like to see four conservation markers

along the property line to the west side of the property so as to prevent migration of the lawn towards the wetlands; GM agrees to install the markers.

- BG notes that the wetland flags for the subdivision project were placed in 2010. BG and Jeff Hassett walked the area and found the nubs of the 2010 delineation, which he felt sufficient in this case to establish the wetland line; however, he feels a new delineation will be needed when lots 10 and 11 in this subdivision are built.
- JK confirms that part of the property is within 100 ft buffer to the adjacent IVW and asks BG if a re-flagging now is in order. BG states that this lot is not subject to the Chapter 505 performance standards based on the flagging, whereas lots 10 and 11 will be subject to the standards, and a new delineation will be required then.
- AL asks for comments from the public; none.
- BG reads the proposed special conditions into the record, including the addition of four conservation markers along the western property line as discussed, and submission of an updated site plan.
- AL motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. PC second. Approved 4-0-0.

2793 Sullivan, 176 Beach Street (Veg Restoration & Other Activities).....cont from 4/2/19 (Bert)

- Continued hearing, BO Hearing Officer. BO notes that JK and PC missed the previous hearing on this matter; both have viewed the video of the hearing and have completed Mullin affidavits permitting them to vote.
- Dana Altobello (DA), Merrill Engineers, presents for applicant along with Brad Holmes (BH), ECR; also present is Attorney Walter Sullivan (WS). Property consists of 1.13 acres in barrier beach, coastal dune, with coastal beach area immediately to the east. There is an existing dwelling, shed, and deck on the property. Since the last meeting, they have altered the plans to move the pool, deck, and shed into the existing driveway area; the pool was initially 83 ft from the revetment wall and is now 108 ft. The pool house has been reduced to 12 x 16, approximately 192 sq ft, and has also been moved away from the revetment wall. They have checked with the Building Inspector, who considers anything less than 200 sq ft to be a minor structure. They have also increased the proposed restoration area from 8,845 sq ft to 10,900 sq ft, and reduced the pervious driveway area by about 700 sq ft. The conservation posts have been moved closer to Bay Avenue, and the gazebo will be raised upon reconstruction to a height sufficient to meet the performance standards of the dune/barrier beach.
- JK asks DA what will be around the pool; it will be surrounded by raised decking, which will allow for at least two feet of flow-through. In response to a question from AL, DA states that the pool will be partially in-ground, with the shallow end approximately at grade and the deep end in the ground by a couple feet. In response to a follow-up from JK, DA states that sand will be able to migrate under much of the pool, but notes that the area is currently existing driveway without much migration. BO asks how the concrete pavers comprising the deck will be supported; they will be supported by a series of piles. They are looking at several alternatives for the deck surface, but the surface will be pervious, possibly flow-through material used in docks.
- JK comments that he still has difficulty permitting a pool in a barrier beach, regardless of its design. PC is worried about the precedent allowing one would set. AL notes that 310 CMR 10.28 (3) of the state regulations specifically state that structures on a coastal dune have to allow the dunes to migrate, so he does not see how the Commission could permit a pool in a coastal dune.
- BG states that the entire lot is barrier beach and coastal dune, with the majority of it in the flood zone. It is entirely in LSCSF, and partially VE/AE flood zones.
- BH notes that their intent with the redesign was to provide significant benefit to the area in exchange for the small area of pool. The performance standards allow for accessory uses to SFHs within a coastal dune, and BH feels the project as redesigned improves the conditions on the site from their present state. AL is not sure that any amount of planting is going to offset the pool; he also comments that some of the restoration is required as a result of the nonpermitted activity. BH notes that the restoration component is already underway.
- All parties discuss whether the proposed planting plan constitutes mitigation or required restoration. BH feels that the planting already underway is restoration, but feels the additional enhancements proposed constitute mitigation. AL feels the enhancements do not offset a pool. BH reiterates that accessory uses are allowed within a coastal dune system. AL does not feel that an in-ground pool should be located in a coastal dune; BH feels it is within Commission discretion to weigh the impact of the pool against the offsetting mitigation. BH

further comments that the amount of planting/restoration included in their proposal is greater than what restoration they would be required to do for the unpermitted activity.

- BG reads a regulatory excerpt stating that accessory structures may be permitted provided the work minimizes the adverse effects on the coastal dune, including interference with movement of the dune and artificial removal of sand. AL feels the Commission should take a strong stance with respect to enforcing the regulations. DA feels the regulations do not specifically prohibit a pool as an accessory use.
- AL asks DA and BH whether permitting this project will result in other homeowners in similar areas asking for the same thing. DA feels that other applicants would have to provide the same degree of mitigation to do so. JK feels this is a unique property because of its size, and other properties will not be able to offer the same amount of mitigation and therefore not be able to build a pool.
- All parties discuss whether the existing deck was properly permitted. BG believes the deck was supposed to have been higher off the ground, but the previous owner received a COC regardless.
- BH notes that the original OOC for the property included a pool that was never built, subject to several special conditions; he feels that the existing proposal far exceeds these original conditions, and is a win for all parties. BG comments that part of the original parking lot reverted back to dune, and then was bulldozed.
- JK notes that there is an area of barrier beach on the lot that is currently an impervious paved parking lot, and feels the pool could go there.
- BO notes that the current proposal is what the Commission had guided applicants to at the previous hearing, and applicants had made the requested changes. He feels the pool may be acceptable in its current proposed location because it is an area that previously was driveway, and the conservation markers will prevent further disturbance in the resource area. BO feels the tradeoff for the larger shed should be elimination of the existing cabana and restoration of that area to natural dune except for a pathway. JK notes that the current proposed pool location was a pervious gravel drive; DA points out the gravel was tightly packed and thus not completely pervious.
- BH states that he asked the Building Department about the size requirements for the proposed shed, and they indicated that anything under 200 sq feet didn't require design plans. They designed the shed to be just under 200 sq ft in order for it to be considered a minor structure while still providing storage and a changing room.
- All parties discuss whether the proposed project will improve conditions overall on the site from what would occur with just the required restoration. AL feels the dune would re-establish itself naturally in the area of the proposed pool. BH believes that with the previous COC, applicants could maintain the existing deck and gravel driveway.
- BG would like additional details on the existing revetment wall to establish its existing dimensions, including height, width, and how far out, and be able to assess resident complaints that the wall is getting larger. DA will consult with BG further on how to provide this.
- BO polls the Commission as to whether there can be a pool in the proposed location. PC no; JK struggling, no; AL no; BO yes based on guidance they provided from the previous meeting. The Commission discusses acceptable pool locations, including already paved areas of the lot. AL also suggests an area of the existing deck, but JK points out this is still in the dune and might be a worse location than the current one. Consensus is that the paved parking area would be the only acceptable location. JK feels applicants should consider whether they want a pool, or want a pool in a specific spot. Contractor Frank Marino (FM) states the pool is needed for medical reasons and feels they are flexible on the location. All parties discuss the possibility of an above-ground pool on a raised deck.
- JK asks applicants whether they want to close or continue. BO feels they should give applicants better guidance before a continuance. FM states they would like to continue so they can consider their options. BG will consult with Town Counsel Bob Galvin (TC) as to whether a pool can be permitted in a barrier beach/coastal dune.
- BO makes a motion to continue the hearing until the next scheduled meeting. AL second. Approved 4-0-0.

2792 Tulis, 0 Pinehust (New SFH).....cont from 4/2/19 (Frank)

- Applicant requested a continuation until June 4, 2019 public meeting.
- BO notes that JK and PC missed the previous hearing on this matter; both have viewed the video of the hearing and have completed Mullin affidavits permitting them to vote.

2794 Seoane, 84 Bartlett's Island Way (Multiple Activities).....cont from 4/2/19 (Art)

- Continued hearing, AL Hearing Officer. AL confirms administrative requirements are complete.
- BO notes that JK and PC missed the previous hearing on this matter; both have viewed the video of the hearing and have completed Mullin affidavits permitting them to vote.
- Greg Morse (GM), Morse Engineering, and Brad Holmes (BH), ECR, present for applicant. They are looking to permit three activities at the property, to include the repointing and capping of an existing masonry wall, landscape plantings in the buffer zone, and construction of a deck and patio area in back of the house. The property abuts Macomber's Creek and the associated salt marsh, and is partially within LSCSF and FEMA flood zone AE, elevation 15 ft. Revisions to the plan presented on April 2 include addition of the planting information to the site plan, and cross-sections of the wall, deck, and patio. GM has also brought in samples of the crushed stone to be used underneath the deck and between the bluestone in the patio, as well as the fabric to be placed underneath the crushed stone. With respect to the stone wall, GM states they propose to add a veneer stone to a section of the house-facing side as well as an 8-inch cap along the top of the wall. GM notes that construction of the patio will result in the elimination of fertilization and mowing in that area of the yard.
- BH adds that all the proposed work occurs landward of the 25 ft buffer zone except for some native plantings and a replacement of an existing stairway off the back of the house.
- JK asks if the wall is getting bigger or taller, noting there is a fine line between decorative and armoring. GM states that the wall was permitted for a height of up to 3.5 ft but currently is less than that, varying from 12 to 18 inches tall. They would like to make the wall 2 ft above grade throughout, which would still be under the FEMA flood elevation. JK notes this new height will stop most storms. In reply to a follow-up query from JK, GM indicates the wall is not getting any longer.
- BG notes that the Commission will accept building permits as justification for old projects that were never permitted with Conservation as TC advised that under these circumstances, there would have been interdepartmental communication prior to the building permit's being issued. GM thinks the 1999 wall project likely came before the Commission, as applicant at the time had applied for a FEMA grant, with town backing, to fund the wall's construction.
- BO feels the wall may cause problems with the proposed plantings, and the Commission may have to revisit the matter if the plantings fail. However, he also notes that the wall has been on the property for many years and feels the project should be permitted. AL feels that the previous question as to pervious/imperious space has been resolved.
- BG is impressed by the planting plan and design of the proposed patio, and comments that the patio design might be suitable to show to future applicants in similar situations. He also notes there are actually two walls in back of the property, and would like the outer wall specifically denoted in the OOC as revetment, which would require permitting if it were altered in the future. GM feels that the outer wall is historic with respect to the island, as it extends through several properties on the island.
- JK asks BG whether the fire pit would be considered a structure that is moving closer to the wetland. BG feels that the fire pit and walkway are structures. GM comments that the existing deck is inside the 25 ft buffer but the fire pit is outside the 25 ft buffer; therefore, he feels that construction of the fire pit would be considered a lateral move.
- AL asks for comments from the public; none.
- BG reads the proposed special conditions into the record, including a note that any work on the wall closest to the wetland line will require a separate NOI as it is a revetment wall, such condition to remain in perpetuity.
- AL motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JK second. Approved 4-0-0.

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

- Applicant requested a continuation until the June 4, 2019 public meeting.

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

- Applicant requested a continuation until the June 4, 2019 public meeting.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

NONE

ENFORCEMENT ORDERS

Smith, 38 Liberty Street **(11/19/18 KS will set early Dec visit)**
Drosopoulos, 7 Lady Slipper Lane **(08/15/18 TC Final Notice)**
New Owner, Winslow Avenue Ext.
Mahaney, 46 Preston Terrace **(12/12/18 BG met with TC)**
White, 180 Atwell Circle (Escalation letter in Process)
Bednarz/ Nouza, 65 Ireland Road (Unpermitted Cutting <= 50 ft)
Tamara Macuch, 237 Webster Avenue
Levangie, 3 Cove Creek (Communication in Progress)
Stifter, 102 Bartlett's Island (unpermitted revetment wall)

BUSINESS

B1 Martinson Second Grade Field Trip Discussion / Eric Goodwin

- Eric Goodwin (EG) advises the Martinson School has asked him to coordinate a second grade field trip for field habitat education; the trip would involve all four second grade classes, be about 90 students, teachers and aides, and take about 4.25 hours. He would like permission to take out two salt marsh plugs and a small amount of salt hay for the students to observe. BG is willing to man the vernal pool station on the trip, which would save the school money, and EG would like Commission permission for BG to take the time to do so.
- All Commissioners agree that this would be a good use of BG's time and Commission properties, and no issues are raised.

B2 Minor Deviation at 11 Anderson Drive / Gerald McLaughlin

- Gerald McLaughlin (GM) present. He had received a permit about a year ago to install an above-ground pool and extend the deck in back of his house. He subsequently learned that under Building Department regulations, the pool can't be any closer than 10 feet to the deck. He would like to move the pool further away from the deck to comply with this regulation, which would put the pool 9 feet closer to the closest wetland flag (58 ft instead of 67 ft).
- BG notes that the original filing was an RDA, and the change could be considered a minor deviation, but also notes that the change moves the pool closer to the wetlands. Since applicant is only proposing the change to comply with Building Department regulations, the matter might be handled as a variance.
- BG notes that the state regulations allow this type of activity in the 50 to 100 ft buffer, and there would be no issue if the town regulations more closely mirrored the state. However, the town bylaws specify no new disturbance or structure inside the 75, and TC guidance about no moving closer to a resource area. BG feels that the move might be acceptably offset with some mitigation.
- BO notes that the pool could be moved sideways to comply with the Building Department regs. GM would prefer to keep the pool behind the house if possible. BO notes that the pool is entirely within existing lawn, and he has no issues.
- BG asks whether the plan accurately depicts the decking around the pool; GM indicates that it does. BG notes that the pool is entirely outside the 50 ft buffer in a previously disturbed environment.
- All parties discuss whether to permit the change as a minor deviation or to require a new RDA. BG suggests that he be authorized to permit as a minor deviation, as there is an existing shed that is closer to the wetland. JK is fine with a minor deviation if the other Commissioners are; all Commissioners present concur.
- BG also notes there is a dock on adjacent town-owned property in back of the house. When GM bought his property, the dock was advertised as being available to him, and made repairs to the dock for safety reasons.

BO feels the dock may be a liability issue for the town. BG will consult with Town Counsel; he recommends in the meantime that GM be judicious about his usage of the dock and make no further repairs.

- The pool move is permitted as a minor deviation as per the Commission.

B3 Green Harbor Beach Access and Stabilization Discussion / Cindy Castro

- Cindy Castro (CC) present to ask the Commission for a determination on whether she needs a permit to remove some sand from the edge of the jetty at Green Harbor Beach and add it to the edge of the boardwalk to restore the sand lost from that area over the winter and create a gentler slope for beachgoers. They have been doing this for years with the permission of a previous Conservation Agent.
- CC indicates that a front-end loader is used to move the sand. They come in along the jetty, through an existing access easement. BG met with CC and Charlie Swanson, Marshfield Project Engineer and wanted CC to loop in the Commission. He has no issue with the work or the access/work methods.
- BO asks for comments from the public; none.
- The Commissioners have no issues with the work, and feel they can proceed without a permit.

B4 Setback-Variance Procedure Discussion / Commissioners

- Tabled to 5/21/19 so it can be discussed when RC is present.

B5 Commissioner Search Discussion / Commissioners

- BG advises that Eric Goodwin has applied to become a Commissioner; EG is currently a member of the Recreation/Trails Committee, and has also applied to the Open Space Committee as well as Conservation Commission. BG notes that EG has sufficient time for the associated duties, and there has been a shortage of applicants. With Commissioner, Frank Woodfall out for six months, the Commission may run into quorum issues without a new commissioner.
- In response to a query from JK, BG indicates that EG is amenable to additional training through MACC, and he has already expressed interest in attending a recent training course. PC and BO have found EG to be easy to work with. JK suggests that the Commission look over EG's qualifications and talk to him at the next meeting.

B6 34R Marginal / Boat lift / Tim Shanahan

- BG notes that he had received several responses from Commissioners expressing concerns about the proposed project. The property abuts Green Harbor along the Cut River, and applicant would like to install a boat lift in back of his property; he had been anchoring his boat on the tidal flats until being told not to do so by BG and the Harbormaster.
- JK comments that he knows of just one boat lift in town. BG states there is one at 108 Marginal.
- BO sees the issues as being impact to the marsh and how the lift would be powered. PC thinks this will require electricity and hydraulics. BG indicates that FW's e-mail comments were to allow either a lift or a float; not both. FW also noted that other area residents will want the same thing.
- JK feels the Commission needs to understand exactly what the applicant is looking to build, and will do some additional research. BG suggests that the Commission wait for Harbormaster Mike DiMeo's comments before proceeding further. A peer review may also be appropriate.

AJOURNMENT – BO makes a motion to close the hearing at 10:11 pm. JK seconded. Motion approved 4-0-0.

Respectfully submitted,
Liz Anoja, Conservation Administrative Clerk
Marshfield Conservation Commission

Bill Grafton, Conservation Administrator
Robert Conlon, Chairman
Frank Woodfall
Rick Carberry

Bert O'Donnell
James Kilcoyne
Art Lage