APPROVED MINUTES - CONSERVATION COMMISSION

APPROVED 3/17/2020 R/C 5-0-0

TUESDAY, MARCH 03, 2020 6:30 P.M., HEARING ROOM 3
TOWN HALL, 870 MORaine ST., MARSHFIELD, MA

MEMBERS PRESENT – James Kilcoyne (JK) Chair, Bert O’Donnell (BO) Vice Chair, Art Lage (AL), Frank Woodfall (FW), Bill Grafton, Conservation Administrator (BG)

MEMBERS NOT PRESENT – Rick Carberry (PC), Craig Hannafin (CH)

CALL TO ORDER – JK motions to open the meeting at 6:30 PM. BO second. Approved 4-0-0.

MINUTES
• The minutes of the February 4 and 18 meetings were presented for approval. No comments or suggested changes were received, and none were made on the floor.
• JK motions to accept the February 4, 2020 minutes as written. BO second. Approved 4-0-0.
• JK motions to accept the February 18, 2020 minutes as written. BO second. Approved 4-0-0.

CHAIRMAN’S ADDRESS
• JK notes that the procedure for hearings is that applicants or their representative(s) will have 5 minutes uninterrupted to present their project. This will be followed by BG’s comments (1 minute), Commissioner comments/questions (10 minutes, with extensions by motion and vote), public comment, and vote.

Filing Deadlines
• JK notes that a significant number of filings and last minute changes are received at the filing deadline the Friday before the hearing. When Town Hall is closed on Monday, filings received at the deadline are often not distributed until the actual day of the hearing. He would like the deadline for all filings moved to noon the Tuesday before the meeting, as this would give the Commission a full week to review all the information. BO would like to know how the deadline change would affect when Commissioners would know what hearings are being continued; JK feels this would be known by the weekend before a meeting; BG notes that a possible exception would be if an applicant voluntarily continues, but the new deadline would reduce unknowns going into a meeting.
• JK moves to change the deadline for all filings to noon the Tuesday before the meeting at which the filing is to be heard. AL second. Approved 4-0-0.

Continuance Policy
• JK notes that there has been a significant amount of continuances recently. The possibility of moving longer-duration to a “parking lot” until applicant has all the information to proceed was raised but rejected by Town Counsel (TC). JK has since devised a new policy for continuances which has met with TC’s approval. Under the proposed policy, “should an applicant request three continuances, or should they fail to properly address questions of the Commission for three public hearings, then on the third public hearing date the Commission, at their discretion, may open the hearing and deny without prejudice for lack of information. By denying without prejudice versus a regular denial, the applicant will be able to reapply for a new Notice of Intent when they have all the necessary information to proceed and do not have to wait the two year period as per Chapter 505.”
• AL feels the proposed policy is more than fair to applicants, noting that the phrase “may” gives the Commission room to consider matters on a case by case basis. JK adds that the three-hearing threshold gives applicant six weeks to communicate with BG. FW is in favor of the new policy but would like to know whether it would become part of a bylaw. JK indicates that this would just be a
policy added to a policies/procedure manual being drafted; he anticipates that most applicants will respond to the new policy by sending in new information within 6 weeks.

- JK moves that the Commission adopt the continuance policy as read. FW second. Approved 4-0-0.

**Docks and Dock Walk Guidance Policy**

- JK comments that there was a request from Harbormaster Mike DiMeo and an applicant to make a language change to the docks policy document discussed at the previous meeting. As there are certain high-velocity points that may require the use of chains, Mr. DiMeo requested that the policy language be changed from “no chains to be used in the rivers” to “no chain to be used unless, at the Commission’s discretion, a non-utilization may result in potential safety or navigational hazard issues.”
- FW asks whether the document references the Chapter 91 licensing procedure as discussed previously. JK indicates in the affirmative. FW also asks whether the use of chains for moorings will also be limited. JK is in favor of this, but notes that moorings are more under the purview of the Harbormaster.
- JK moves that the Commission adopt the language change to the docks/waterways policy as read. AL second. Approved 4-0-0.

**Docks and Dock Walk Checkoff List**

- JK notes there was discussion at the previous meeting regarding time spent by Commissioners and BG assisting applicants with dock projects. In conjunction with BG, the Harbormaster’s Office, and the North River Commission, he has put together a checklist to assist applicants and Commissioners in ensuring that dock projects are in compliance with the regulations. The goal is to reduce cost to applicants of repeated engineering changes, as well as save time for Commissioners and the Harbormaster.
- JK asks for additional Commissioner questions or comments; none.
- JK moves that the Commission adopt the dock walk checklist as written. BO second. Approved 4-0-0.

**De Minimis Deviation - SE42-2793**

- BG advises he received a request for a de minimis deviation from the OOC issued for the above-referenced Order of Conditions with respect to construction sequencing. Applicants would like to move item 11, plantings, up in the sequencing. BG recommends this change and notes that he circulated the request to the Commissioners for feedback. JK feels the request for earlier plantings to be a no-brainer.
- JK moves that the Commission accept the demonisms deviation in sequencing for 176 Beach, SE42-2793. BO second. Approved 4-0-0.

**De Minimis Deviation - SE42-2833**

- BG advises he received a request for de minimis deviation from the OOC issued for the above-referenced filing, whereby applicants would like to change a proposed swap of equal square footage of sunroom to porch, resulting in less living space and impact. The request was forwarded to the Commissioners, with favorable responses.
- JK moves that the Commission accept the de minimis activity for 92 Marginal, SE42-2833. AL second. Approved 4-0-0.

**Digan Forestry Cutting Plan and Partial Dissolution of Enforcement Order**

- JK advises that the above-referenced plan was received today, and the Commission has 10 days to formally respond. BG adds that applicants have taken corrective action including removal of drain pipes and posting of conservation markers, and asked for closure of the enforcement order; he thinks a partial dissolution of the enforcement order, with the stipulation that three years of monitoring will be required, may be an option.
• FW suggests that the Commission consider the request at the next meeting, after they have had time to review the Forestry Cutting Plan. JK concurs, noting that the Commission fought hard to receive the planting plan with monitoring.

• In response to a query from AL, BG comments that the Enforcement Dissolution form had been adopted in February after a meeting in February in the Board of Selectmen Hearing Room. AL thinks a partial dissolution would be confusing to implement in practice; JK will try to be more proactive in providing information going forward. The discussion tabled.

**BUSINESS**

**B1 225 Bay Ave/SE42-2666/Mods to Special Condition A – Town Counsel/Jon Witten, Attorney DeLisi**

• Applicant Steve Howley (SH) present along with Attorney Jeff DeLisi (JD), representing applicant and Darren Grady (DG), Grady Consulting. The subject filing was to raze and reconstruct a damaged single-family dwelling. An OOC for the project was issued by the Commission in 2017, along with a favorable decision from ZBA. The OOC was appealed to MassDEP and Superior Court. The parties were subsequently able to reach an agreement scaling back the scope of the project. The updated plan was approved by MassDEP, which issued a Superseding Order of Conditions along with a Chapter 91 license. All parties then requested to reappear before the Commission so the revised plans could be reviewed and determination by the Conservation Commission about whether an Amended NOI or As-Built capturing the deviations as part of the Request for Certificate of Compliance applied. ZBA has reviewed and accepted the revised plans.

• JD notes that under the revised plans, the height of the new house was reduced to one story, the footprint on all sides was reduced by several inches, and the walkway to the building was reduced in width by a foot. As there are no changes to anything touching the earth, JD believes this allows the Commission to issue a written authorization allowing them to proceed under the revised plans; they would still file for a COC once the project is complete.

• JD states that he has reviewed Town Counsel’s proposed motion, and that it references the correct revised plan set and additions. JK reads the specific motion language describing the plans and additions into the record, and JD confirms. JK comments to the Commission that it now has to decide whether the revised plans constitute a de minimis activity that can be captured in the as-built plans; if it is not, an amended NOI will be needed.

• JK polls the Commission as to whether the changes can be captured in the as-built plan set: BO yes, FW yes, AL yes.

• Jeremiah Eck (JE), 227 Bay Ave, supports the Commission vote as a satisfactory resolution to the controversy, but asks that applicant proceed with demolition as quickly as possible, as parts of the current house are falling into the river.

• JK moves that the Marshfield Conservation Commission vote to provide written approval to permit deviation from Special Condition A of the Order of Conditions issued by the Commission dated September 12, 2017 to reflect the plan changes as memorialized in MassDEP’s Superseding Order of Conditions dated February 4, 2019 for the project located at 225 Bay Avenue (MassDEP file number SE42-2666) so as to incorporate and require compliance with the: (1) modified plan set dated October 11, 2018; (2) access plan dated June 19, 2017; (3) pile location plan dated December 21, 2018 and the specifications identified as (4) “Swamp Mat, Mega Deck HD” and thereafter, to require the applicant and their agents to comply with said plan revisions, all as set forth in MassDEP’s Superseding Order and this motion. FW second. Approved 4-0-0.
B2 Holly Road/Chestnut Hill Subdivision (SE42-1318) – Saxon Partners, Frank Gallagher, RPE & David Gorden, CWS

- Don Smith (DS) and Scott Haley (SH), Saxon Partners, present along with David Gordon (DG), CWS. Applicants have been working with BG to file for a Certificate of Compliance for the Chestnut Hill Subdivision. They have provided as-built plans and are present at BG’s request to answer any questions from Commissioners.

- BG notes that two wetland scientists, Steve Ivas (SI) and DG have reviewed wetlands on the property, DG being the more recent. The replication area near Lot 1 is doing well despite deer browse issues that have been addressed with a fencing enclosure and metal cabling for added support. BG notes various historical issues with the delineation, which JK summarizes as follows: delineator and delineation date needed for Lots 25 and 8; Lot 8 has a possible vernal pool; the back of Lot 22 has not been delineated and needs to be clearly conveyed on a revised site plan and As-Built. DG notes that fully delineating Lot 22 would involve significant access/permitting issues, including crossing town-owned land.

- All parties discuss street sweeping issues on the property, whereby storm drains in the development are clogged with sediment due in part to a lack of erosion control when the new owners began construction. Saxon would like the new owners to share in the cost of the cleanup; BG notes that street sweeping is not specifically addressed in the Orders of Conditions. SH states that Saxon has cleaned out the drains multiple times and notes that the sediment is from new construction on lots that were never theirs. JK asks SH to provide BG with the names of any contractor(s) possibly responsible for the sedimentation issues.

- JK also notes for the record that the current Orders of Conditions for the property are expired. BG notes that all parties are proceeding under an interim verbal OOC as per Town Counsel, as progress continues to be made on the site.

- JK asks SH how close Saxon is to addressing all outstanding issues? BG notes that street sweeping is not specifically referenced in the OOC but a full delineation is. BG feels the Commission should decide whether a full delineation of Lot 22 is required now, or whether it would accept a note with regards to the need for further delineation of Lot 22. JK asks for BG’s recommendation with respect to the delineation to Lot 22; BG defers to DG’s opinion. DG has seen several ways that non-delineated areas can be clearly called out on plans, including use of cross-hatching, clouding, or a note indicating the non-delineated portion(s). BG notes that if the Commission opts to accept the partial delineation, the notations need to be clear and steps should be taken to ensure that the developer uses only plans with such notation going forward for Lot 22.

- JK notes that the As-Built plan would become the closure plan that the developer must use, and requests that applicants provide an updated plan showing delineator and delineation date for Lots 25 and 8, notation of a possible vernal pool on Lot 8, and clear notation/cross-hatching showing the non-delineated area of Lot 22.

- BG asks the Commissioners whether the as-builts should show current buildings and those to be built. FW believes that the individual houses are not needed for a subdivision plan, and the plan as it currently stands is sufficient. JK comments that it is up to applicants to provide sufficient detail to allow the Commission to make a proper decision, and believes they can provide all information needed.
PUBLIC HEARINGS

- Prior to the start of the hearings, JK advises that the hearings for Holbrook (2816), Gomes (2829), Curtis (2825), Deppressino (2847), Freel (2854), Tedeschi Trust (2850), Sailors Valentine Trust (2857), and Roblee (2858) are being continued. Continuations are also posted outside the entrance to the meeting room.

2854 Freel, 70 Cohasset Ave (Septic, Grading, Clearing, Swale, Xing Drainage Ditch to Main....NEW (Rick)

- JK reads the legal ad. The hearing is then continued until the next public meeting of the Marshfield Conservation Commission on March 17, 2020. Applicant requested continuation in writing.
- JK motions to continue the hearing to March 17, 2020. AL second. Approved 4-0-0.

2858 Roblee, 56 Weston Farm Pathe (Replace Deck)..............................................................NEW (Rick)

- JK reads the legal ad. The hearing is then continued until the next public meeting of the Marshfield Conservation Commission on March 17, 2020. Applicant requested continuation in writing.
- JK motions to continue the hearing to March 17, 2020. FW second. Approved 4-0-0.

2856 Grable, 59 Spring Street (ANRAD).......................................................................................NEW (Art)

- JK reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- Applicant Steve Grable (SG) present. He is looking to confirm the wetlands in anticipation of building a house on approximately 2 acres of upland area on the west side of the property.
- BG states that the state delineations are applicable on this property, which were conservatively delineated by Brooke Monroe (BM), Pinebrook Consulting. There is a second wetland line across Spring Street previously delineated by John Zimmer (JZ), South River Environmental under Determination of Applicability 17-01. BG has no issue with either line but recommends only confirming the Pinebrook line and Zimmer’s O flags only. In response to a query from AL, BG indicates that the Commission cannot ask for conservation markers at this point, as no work is proposed. Applicant is looking to establish the wetland line on the portion of the property he is looking to purchase, so an engineer can design an approvable plan for a house on the property.
- Geraldine Lantieri (GL), 125 Spring Street, would like to know if the property would be looked at again after the growing season starts, for evidence of wetland plants. AL comments that delineations can be more difficult in the wintertime based on a course he recently completed. BG notes that the delineation took place in November, at which point he feels sufficient indication of wetland plants were present, and reiterates that he feels the delineation to be accurate and the flagging to be conservative. He received a call from Mass. Audubon with questions regarding this filing submittal, and discussed the characteristics of the property and the filing process. BG adds that BM specified the wetland species she observed on the property in her letter dated January 6, 2020.
- JK is fine with accepting the line as given by a qualified wetland scientist. FW does not want to establish a precedent whereby delineations can’t be done at certain times of the year. BG recommends that the ORAD issue with the specific motion language provided in his notes to the Commissioners.
- AL motions to close the hearing and issue an Order of Resource Area Delineation approving the wetland delineation as accurate but only applies to the area to the west of the WF-1 through WF-18 delineated by Brooke Monroe in November 2019 as depicted on the Existing Conditions Plan revised February 27, 2020 prepared by Merrill Engineers and Land Surveyors signed and stamped by Dana Altobello, RPE, and the “O” flags associated with Determination of Applicability 17-01. JK second. Approved 4-0-0.
JK reads the legal ad, reassigns himself as Hearing Officer, confirms administrative requirements are complete.

Jed Hannon (JH), Atlantic Coast Engineering, presents for applicant. The filing is a NOI for a residential pier with 152 ft mean span, 30 ft ramp to a seasonal float, which will be kept off the mud using concrete blocks. The property was delineated by Brad Holmes (BH) in June 2018, then relagged in December 2019. A Forest Management Plan is in place on the property. BG would like a copy of the Forest Management and Cutting Plan for the file.

JK has visited the site numerous times. A shellfish mitigation plan was put in place whereby applicant paid for seeding, with $1,000 going to the North and South Rivers Watershed Association (NSRWA) for their programs and $500 to the Town for shellfish mitigation. He believes the project in its latest iteration and mitigation can be approved, but feels they have not been provided with enough information to be able to approve the plan "as is" due to several missing details he asked for that were not provided, including tree lines, phragmites, and mean low water 50 ft from the float. JH notes that mean low water is shown in the top right corner; all parties discuss what is shown on the plan and what is missing. FW points out the location of some of the mean high/low water data.

JK would like this project to be documented like all other docks in the town, and feels it could have been approved by now if JH had promptly provided all the information asked for. He feels the most recent plans contain insufficient information but is willing to put the matter to a vote if applicant wishes. JH states he addressed all previous comments from the Commission and everything that was asked for is on the latest plans. JK notes that Harbormaster Mike DiMeo commented on the insufficiency of the drawing. JH reiterates that he provided all information asked for. JK is willing to put the matter to a vote but notes that, if the vote fails, the project cannot be brought back before the Commission for two years. FW suggests that JK specify the points where he feels the plans are insufficient. JK comments that this is the applicant’s consultant’s responsibility to provide the necessary information for the Commission to make a determination.

JH comments that the Harbormaster, the Commission and he have gone back and forth for several months to address the last set of comments, including setting back the piles two feet from the top of the coastal bank, providing the nearest mooring location. His understanding was that all outstanding comments had been addressed.

JH states that he also asked for the tree line, location of major trees, more cross-sections, and information as to whether any cutting was taking place in the area. JH states that the plan of where the pathway is, is part of the Forest Management Plan. BG states they need the Forest Management Plan and Forest Cutting Plan to ensure they are being followed. JH states that the trees are not associated with the alignment of the proposed pier, but JK and BG note that the area is in buffer zone and jurisdictional.

After further discussion, JK states that he will send JH the Marshfield Dock Guidance and Checklist documents to provide additional information on what is needed. JH would like a final set of comments and not additional new comments. JK states it is not the responsibility of the Commission to provide the information it feels necessary to make a decision. JH states that the Forest Management Plan was never asked for before, but is willing to provide it and anything else required.

BG notes for the record that he is in receipt of $500 in shellfish mitigation monies; the remaining $1,000 was paid to NSRWA. In general, BG would like all mitigation monies to go to the Town for Town shellfish mitigation, going forward, but will accept the $500 check on behalf of the Harbormaster and thanks applicant for the payment to the NSRWA.

In response to a query from BO, JH indicates the dock will be for private use; he doesn’t know if applicant has a boat. JK notes it had been stated previously that the dock cannot have a mechanized
boat attached to it, and a boat larger than a kayak can’t rest on the float; as per Harbormaster DiMeo, there is a police monitoring camera on Damon’s Point. JH points out that a boat can come up to the float at high tide. BG states for the record there typically are no barges or floats on the tidal flats.

- All parties discuss dock heights and other specifications. FW reviewed the cross-section provided and states that Note 4 states that “decking of pier shall be 5 ft maximum above the marsh” but the drawing shows the decking to be 6.45 feet above the marsh. JH states that note 4 should say “5 ft minimum”; he will update the plan. BG believes the minimum dock height for a 3.5’ pier should be 5.25’, for the salt marsh portion of the pier, to meet a 1.5:1 height ratio. JK would like the pier to be a little higher, but North River Commission guidelines are also a limiting factor. BG asks that JH specify “nylon or wire rope” for Notes 14/15.
- JK asks for comments from the public; none.
- JK motions to continue the hearing to March 17. AL second. Approved 4-0-0.

2855  DPW, 35 & 123 Parsonage St & 1639 Ocean Street (Site Redevelopment)................................. (Frank)

- Continued Hearing. JK reads the legal ad. Hearing Officer FW confirms administrative requirements are complete. BG notes that the original hearing was continued due to lack of WPA File Number and non-notification of one abutter; these issues have since been remedied.
- Project Manager J.P. Parnas (JPa), Weston & Sampson, present along with Civil Engineer James Pearson (JPe) and Environmental Scientist Mel Higgins (MH) as well as Kevin Weeks (KW) and Steve Rustieka (SR) from PMA Consultants. The work site encompasses the existing Marshfield Police and Public Works headquarters, and the project proposes redevelopment of the three lots. They are requesting variances with respect to two items, (1) to fill and replicate a portion of wetlands; and (2) to encroach closer to the buffer zone. The project is currently in Phase I, which involves site preparation, IVW fill, and replication; the intent is to bring the site above the flood zone. The FEMA flood elevation for this site was recently changed from 14’ to 9’, and they have updated their plans accordingly. Phase II of the project is still in the design phase. JPa discusses current conditions on the site, showing the existing facilities, three IVWs, and NHESP habitat area. There is a portion of wetland that was previously filled. They are proposing to fill 357 square feet of IVW, which will be replicated at a nearly 3:1 ratio.
- JPe reiterates that at this time they are only seeking an OOC for Phase I of the project.
- MH notes that at the state level, they are also impacting an area of LSCSF. About 247,000 sq. ft of fill will be brought in to raise the site. They do not believe any abutters will be impacted based on the distance of the site from the source of the potential flood waters and the lack of wave action or velocity. MH notes that they have redesigned the plan to avoid impacting a second IVW, and stayed outside NHESP habitat areas; they are also proposing greater replication than the 2:1 replication required by the Town. The replication area would be planted with various species of trees, shrubs, ferns, and wetland ground cover; examples include gray birch and red maple trees, winterberry, high bush blueberry, and New England wet seed mix.
- MH also notes the site contains two wetlands containing potential vernal pools; they will investigate further to see if they could be called “certified vernal pools,” which would provide them an additional layer of protection. BG feels that one of the two potential vernal pools located within the delineated bordering vegetated wetlands is probably a good candidate for this designation. Applicants are also willing to post signage/conservation markers to memorialize the “No Disturbance” area.
- FW notes there is a large mound of material to the west of the IVW to be filled that is not noted on the plan. JPa states this may be material that DPW is currently processing on site, but FW notes there is two years of growth on top of the mound, and would like it to be added to the plan. FW also notes that there seems to have been recent bulldozing and grading in the area. JPa believes DPW has
started clearing some old structures from the site but not doing any earth work. BG would like to know if any trees have been cut in the area; FW feels maybe some shrubs, but no trees. JK is disappointed to hear that work on such a sensitive area may be occurring prior to the OOC being issued, and asks JPa to convey his concerns.

- BG notes that conservation markers have been offered but hasn’t seen them on the plans; these might keep the work crews from cutting beyond the limit of work. FW notes that there is a silt sock at the limit of work. MH indicates they are willing to add signage along the limit of work. In response to a query from AL, JPa indicates they are raising the grade up to 9.5’; currently the site varies from between 6 and 7 ft. AL would like to know if the work will make the existing wet areas wetter.

- BG would like to ask for temporary conservation markers to make sure the project doesn’t encroach further towards resource areas. FW feels the existing silt socks are sufficient, but JK agrees with BG that markers or signage would be useful. BG suggests that applicants post red and white “No Disturb” conservation markers every 75 feet along the limit of work in or near the buffer.

- JK comments favorably on the proposed relocation of the fuel station.

- FW notes that a swale has been added along the southwest side and would like to know if one was put in on the southeast side. JPe indicates that a stormwater basin will be added to the area as part of Phase II, but they are keeping this area flat to accommodate a future building.

- FW asks about the fill material? Noting that glacial till tends to be highly impermeable; JPe indicates that Mass Highway gravel borrow will be used.

- FW notes there were many borings on the site, and would like to know if there was any report done on oils in the existing soils. JPa indicates there was a study of what has been on the site; there were three RTNs identified that are all closed; most had to do with an underground storage tank as well as some drywells from the old garage.

- AL would like to know if the Commission would allow a private developer to bring in this amount of fill in this particular area? BG states that as this project involves an emergency service facility, applicants have to go two feet above the AE flood zone; with the additional fill coming in during Phase II. JK notes that the fact that the area is previously disturbed is a consideration; as well as the fact that the use area is not expanding, just going up. BG adds that public safety is an interest referenced in the Ch 505 regulations as a relevant factor in evaluating a project, and notes that a large part of the site is already impervious. AL agrees the project will be an improvement over existing conditions, but still has difficulty with the amount of fill required for the project. AL stated that he would NOT approve this request for this amount of fill for any entity other than the Town. And further for the Town only when it states that this is the only viable solution for an “emergency” need.

- BO would like to know if the fill will be detrimental to any of the surrounding residential properties. JPe notes that the source of flooding for the LSCSF on the site is water backing up due to storm surge, and feels the project will actually create a new limit beyond which water can’t flow into.

- BG notes that DEP wanted to know if the vegetated wetlands were also isolated land subject to flooding; JPe did calculations on all three wetlands and none of them met this criteria. At BG’s request, Mr. Pierson explains how the stormwater system will work as Phase II rolls out. BG adds that the water will come out treated and be a water source for the hydric soils that will feed the wetlands; JPe notes this does not happen currently, and the new system will represent an improvement over existing conditions. JPa adds that numerous large vehicles are currently stored outside; once the new facility is built, the vehicles will be stored in a garage facility which will be linked into the drainage and treatment system.

- JK characterizes the property as an existing compromised piece of land near wetlands, and notes that by the end of the project, there will be more wetlands than there are currently, and the water feeding
the wetlands will be treated. JK feels this result is worth the tradeoffs of the initial filling provided the final site is stable and the resource areas are properly memorialized.

- Joe Pecevich (JP), 25 Wilson Road, comments that once this amount of fill is in, it will completely change conditions in the area. JP doesn’t necessarily believe having a stormwater management system with separators in itself will be an improvement because the lower area as it is already performs stormwater management and infiltration functions. JP asks whether the buildings and pavement shown on the site plan are final or conceptual; they are conceptual at this stage. He is uncomfortable with the project being divided into two phases because it’s unlikely the second phase would be denied if the first phase were permitted.

- JP would also like to know what groundwater data has been provided by applicants. BG states that they don’t normally get such data. JP doesn’t believe the LSCSF designation is entirely due to back-up from the Green Harbor River and thinks there is also some flow from the South River that could impact the area. He also feels that once the area is filled and paved, there will be less infiltration and direct shunting into the wetlands.

- JP asks whether the vernal pools, if certified, would affect setback; BG indicates there would be 100 ft setbacks on any vernal pools. JP would also like the Commission to check for the presence of species of concern; BG indicates that they are asking applicants to do that as part of the project.

- JP asks whether the area around the relocated salt shed will be left open for yard operations; it will. He would like to know how the runoff from that area is going to be managed, as well as how the fill, replication and stormwater management will be coordinated. JP would like the replication area to go in first. JPe indicates that the replication will be done in conjunction with the filling activity. JP also asks if applicant has done any modeling for what happens to adjacent residential areas and Natural Heritage and Endangered Species Program (NHESP) areas during heavy rain events.

- JP also asks about the weight of public safety in considering a variance. BG clarifies that public safety is a 505 interest that, in this case, he feels is one of the values accruing to the Town overall from the project. JP appreciates JK’s recent comments before the Board of Selectmen on the need to not chip away at resource areas in Town, but feels this project does that and would set a bad example. He feels that an “intact environment” outweighs upgrades to the Town facilities.

- BO points out that the site is previously disturbed and already sees heavy use. JK notes that the Town is seeking Mass MVP certification so it can qualify for matching grants to deal with climate change and sea rise, and DPW and Police Department facilities are looked at as part of the certification process. He feels this upgrade in facilities will ultimately help protect citizens in the coastal areas, and that is part of the “big picture” view of the project.

- JP feels that if he were to ask to raise up his yard 6 ft, he would not receive a permit. BG notes that the project proposes greater than a 2-for-1 wetland replication of the filled wetland, which from his perspective is a net gain. BG also re-explains the process by which the wetlands on site were determined not to be isolated land subject to flooding (JPe ran calculations and provided a 92 page memorandum including the calculations), which means it can be filled according to the State but not the Town which views these wetlands as Isolated Vegetated Wetlands under conservation jurisdiction. Applicants are also proposing to put in a stormwater treatment system, which will improve the quality of the water going into the wetlands, and possibly plant a rain garden. A similar storm drain was put in on Holly Road and is doing well. Therefore, he feels this project has potential to improve the conditions in the area.

- JP comments in closing that he would like to see alternative renovations that do not involve the same amount of fill. JK notes he was part of a group that looked at the original plan, and the plan before the Commission now has been modified in response to feedback. He feels it will be necessary to bring fill into other areas in Town, particularly access roads crossing wetlands, as sea level rises.
- Town Administrator, Mike Maresco notes that there was no flooding in the area in question even during the “no name” storm or the 2013 and 2015 blizzards. JP disagrees, and believes there was flooding nearby. He will submit his comments in writing for the file.
- BG reads the standard conditions of approval into the record, plus special conditions requiring the placement of temporary conservation markers on 5 ft posts every 75 ft along the limit of work, submission of an updated site plan showing the mound near IVW-5 to be filled, wetland replication to be done in the Spring or Fall of 2020, vernal pool certification by Spring 2020, 75% successful growth of replication areas within two growing seasons, and construction sequencing to be provided in writing.
- All parties briefly discuss whether the mitigation plantings should take place in the spring or the fall. FW notes that the bidding process for the actual work may take some time. JP would like some flexibility in the timing based on what is going on at the site. JK notes that the Commission will expect applicants to address any issues with the plantings or wetlands compromise prior to permitting Phase II. JK suggests a condition that the plantings must be completed by the end of Fall 2020. JPP thinks this is fair, as Phase II is set to go out to bid in the fall and Phase I needs to be done before then.
- All parties discuss whether Phase II should be filed for as an Amended NOI or a separate NOI. FW thinks Phase II should be a separate filing based on the scope of the project. JK polls the Commissioners on whether Phase II should be a new or amended NOI, noting the poll will be non-binding. FW new NOI; AL unsure, leaning towards new NOI; BO 50/50; JK 50/50. BO asks applicants what they intended to file for Phase II. JPa indicates they were planning on an Amended NOI. JK feels he needs much more detail on Phase II in order to make a decision.
- FW motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JK second. Approved 4-0-0.

2816 Holbrook, 26 Cove Street (Revetment Repair) .......................................................... cont from 7/30/19 (Jim)
- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on March 17, 2020. Applicant requested continuation in writing.
- JK motions to continue the hearing to March 17, 2020. FW second. Approved 4-0-0.

2829 Gomes, 76 Carolyn Circle (Pier, Dock & Float) .................................................. cont from 10/15/19 (Rick)
- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on March 17, 2020. Applicant requested continuation in writing.
- JK motions to continue the hearing to March 17, 2020. AL second. Approved 4-0-0.

2825 Curtis, 3 Cove Creek Lane (Dock Repair) ............................................................... cont from 10/1/19 (Rick)
- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on March 17, 2020. Applicant requested continuation in writing.
- JK motions to continue the hearing to March 17, 2020. FW second. Approved 4-0-0.

2847 Deprossino 556 Holly Road (Lot 8) (New SFH) ..................................................... cont from 1/21/20 (Bert)
- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on March 17, 2020. Applicant requested continuation in writing.
- JK motions to continue the hearing to March 17, 2020. FW second. Approved 4-0-0.

2857 Sailors Valentine Trust, 34 Marginal Street Rear (Pier, Dock & Float) ...................... NEW (Rick)
- JK reads the legal ad. The hearing is then continued until the next public meeting of the Marshfield Conservation Commission on March 17, 2020. Applicant requested continuation in writing.
JK motions to continue the hearing to March 17, 2020. BO second. Approved 4-0-0.

2850 Jan M. Tedeschi Trust, 100 Marginal Street (Pier, Ramp & Float).................cont from 1/21/20 (Rick)
- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on March 17, 2020. Applicant requested continuation in writing.
- JK motions to continue the hearing to March 17, 2020. AL second. Approved 4-0-0.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS
1760 Burke (now Wolforth), 11 Middle Road [COC]
- BG visited the site and advised that all requested documentation has been provided; he recommended issuance of the COC. JK reads BG’s notes into the record.
- JK motions to issue a COC for the property. BO second. Approved 5-0-0.

2749 McGowan, 18 Paddock Way [COC]
- BG advises that he observed incomplete special conditions and recommended that the request be tabled.

2789 Flashner, 206 Carolyn Circle [COC]
- BG advises that he observed incomplete special conditions and recommended that the request be tabled.

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
Stifter, 102 Bartlett’s Island (unpermitted revetment wall)

BUSINESS (Continued)
B3 21 Charlestown, unpermitted alteration BVW/Salt Marsh ATF NOI or Enforcement – Bukunt & Commissioners
- Homeowner Stanley Bukunt (SB) and contractor Steve Bjorklund present. He tried to use an antique backhoe to move a small tree in his back yard, which abuts a salt marsh, and the machine got bogged down; he finally extricated it after several days. He has lived at the property for decades and was unaware of the buffer zone regulations.
- JK asks SB if he wants to keep the disturbed area as lawn; SB would like to do so; it has been lawn since at least the 60s. He is not interested in building anything in that section of yard. JK advises SB that the entire property is within conservation jurisdiction.
- BG advised that he received a written complaint from MassDEP with regards to the activity, and visited the site with MPD Patrolman Chris Martin. He has notified Town Administrator Maresco. There is no recent delineation or site plan for the property.
- All parties discuss possible remedies. FW suggests that homeowner clean up the area and post conservation markers with Commission assistance; he does not feel a wetland scientist or engineered/surveyed plan should be required. Commissioner consensus is that BG should re-visit the
property and devise a rough line along which to place five markers. JK requests that SB provide a rough hand sketch showing the location of the markers once they are in.

- Steve Bjorklund asks, if the lawn is pre-existing, whether the markers should go in at the edge of the lawn. JK feels the proposed resolution is a fair compromise in exchange for not issuing an enforcement order. He also notes that the matter originated with a written complaint from MassDEP, and the yard is located either directly or in the buffer to multiple resource areas. After further discussion, it is agreed that BG will re-visit the property and devise a rough line along which to place five markers. SB will provide a rough hand sketch showing the location of the markers once they are fixed in place.

**ADJOURNMENT** – JK makes a motion to close the hearing at 9:38 PM. AL second. Approved 4-0-0.

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

Bill Grafton, Conservation Administrator
James Kilcoyne, Chair Bert O’Donnell, Vice Chair
Art Lage Frank Woodfall
Craig Hannafin Rick Carberry