

**MEMBERS PRESENT** Bert O'Donnell (BO) Vice Chair, Jesse Platt (JP), Corey Miles (CM), Elizabeth Lake (EL), Mike Seele, Conservation Administrator (MS), Liz Anoja, Conservation Agent (LA)

**MEMBERS NOT PRESENT** – Craig Hannafin (CH), John O'Donnell (JO)

**CALL TO ORDER** – CM moves for Vice Chair O'Donnell to assume the duties of Chair. JP second. Approved 4-0-0.  
BO motions to open the meeting at 6:30 PM. JP second. Approved 4-0-0

### **MINUTES**

- The minutes of the February 7 meeting were presented for approval. No comments or suggested changes were received on the floor.
- BO moves to accept the February 7, 2024 minutes as written. JP second. Approved 4-0-0.

### **CHAIR'S ADDRESS**

- Vice Chair BO will act as Chair in CH's absence.
- Recently passed legislation allows for the continuation of remote or hybrid municipal meetings through March 31, 2025. Commission meetings will be conducted both in-person and via remote participation. Members of the public may attend in-person or may participate remotely. While an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law.

### **BUSINESS**

#### **B1 480 Ferry Street, Mark Rowell – Storm Water Discussion**

- There is an open Order of Conditions SE42-2509 for restoration of a section of the property due to unpermitted vegetative management; property owner has stated that saltwater runoff from Ferry Street was being diverted onto his property, killing the vegetation in that section and making it difficult for him to implement the restoration. The results of a 2017 site visit are inconclusive, and MS suggests that another one be scheduled with the Commissioners as well as Conservation and DPW/Engineering staff.
- BO asks MS about the status of SE42-2509; it remains open but may not have been recorded. BO notes that the area has historically been subject to flooding; his memory from 2017 is the Commission was awaiting more information from DPW about the drainage infrastructure in the area. BO suggests that the site plan from a 2011 DPW Notice of Intent nearby would be useful.

#### **B2 122 Marginal Street, Kenneth McKim – Hazard Tree Removal**

- Property owner would like to remove three hazardous trees located in the 100 ft buffer zone to bordering vegetated wetlands. MS has visited the property and recommends approval, but that the trees be sufficiently stumped to protect the root system.
- BO moves to allow the removal of three hazardous trees at 122 Marginal Street as a de minimis activity. CM second. Approved 4-0-0.

#### **B3 66 Edmund Road, Russ Clarke – Switch Planting Plan and Dock Building**

- Russell Clarke (RC) present for applicant. A condition of the open Order of Conditions SE42-2999 requires that the mitigation planting plan be implemented before the start of the dock rebuild. RC would like to do the dock work first so the plantings aren't trampled during construction. MS notes that the approved dock will run directly over the mitigation area and agrees its construction could impact the planting area. MS has visited the site with RC and confirmed that the debris from the old dock has been cleaned up. BO advises RC to avoid any damage to the marsh during construction.

- BO moves to allow the planting plan to be completed after dock construction. JP second. Approved 4-0-0.

#### **B4 15 Howes Brook Road, Ryan Masi – Hazard tree Removal**

- Homeowner wishes to remove a tree with dead branches overhanging the house as well as replace a deck on existing surfaces. An arborist has indicated the tree will likely die if any more limbs are cut. MS recommends that the tree be stumped at 4 ft height so the root system remains in the ground, and notes the deck replacement will not require Conservation permitting if there is no impact to the subsurface.
- BO moves to allow a hazardous tree removal at 15 Howes Brook Road as a de minimis activity. JP second. Approved 4-0-0.

#### **B5 John Sherman Estates, Paul Driscoll – Open Space Discussion/Wright’s Way**

- Attorney Paul Driscoll (PD), the original owner of the land on which the subdivision was built, present. The John Sherman Estates was permitted as an Open Space Residential Development (OSRD) in which land behind Wright’s Way had been designated as open space originally to be conveyed to the HOA, but is now proposed to be turned over to Commission care and custody under Article 97. At the February 7 meeting, the Commission voted to accept the land provided that encroachments were corrected, conservation markers posted every 50 ft along the property line, and Town Counsel reviewed and approved the proposal.
- PD states he should not have to assume the cost of correcting the encroachments as he was only the developer and not involved in the building of the houses. He has asked the two encroaching homeowners to pay for the remedies, and Town Planner Greg Guimond (GG) will be following up; PD’s understanding is that one of the owners has already made an agreement with the Planning Board for remedy. He has also spent significant funds to post the original 28 conservation markers required under the Order of Conditions and does not want to pay for additional markers along the 50. Morse Engineering has installed 90 concrete bounds along the back boundaries of the lots, and will create as-built plans once the encroachments are remedied.
- MS suggests that as-built plans would be sufficient evidence that the encroachments have been remedied. BO notes that it doesn’t matter to him who fixes the encroachments as long as they are fixed. The original 28 conservation markers were to denote wetland buffer lines and not the boundaries of the open space parcel, and the concrete bounds will clearly demarcate the property lines; JP concurs. MS has been in contact with GG but the question of financial responsibility has not been discussed. BO notes that the February 7 Commission vote did not specifically address the financial responsibility, although it is not the Town’s.
- BO moves to accept the concrete bounds along the open space parcel in lieu of conservation markers on posts. JP second. Approved 4-0-0.

#### **B6 32 Carolyn Circle, Ed Johnson – Dumpster Special Condition**

- The Order of Conditions SE42-3071 was issued in January for a raze and rebuild. MS notes that General Condition 17 states that no dumpsters are allowed within 100 ft of the resource area; however, the only area on the property outside the 100 is on top of the proposed septic system and retaining wall. Applicant’s contractor has requested to place the dumpster inside the 100, on the pre-existing concrete driveway in front of the house. MS recommends that the Commission grant the request.
- BO moves to allow relocation of the dumpster at 32 Carolyn Circle. JP second. Approved 4-0-0.

#### **PUBLIC HEARING (ON OR AFTER 6:40PM)**

Prior to the opening of the hearings, BO advises that the hearing for 3 Trouants Island (2973A) is being continued.

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

- Continued hearing.
- MS states that the Planning Board approved the removal of the five scenic trees within the layout of the proposed walking path. The Board of Public Works will have to formally approve the pathway as well, but MS notes this needn’t delay Commission approval as a standard condition of approval requires applicant to obtain all other required permits.

- BO motions to close and issue a Pos. #5 and Neg. # 3 Determination of Applicability with special conditions drafted by MS. JP second. Approved 4-0-0.

**2973A McLaughlin, 3 Trouants Island (Amend open OOC to add pool).....(Jesse Platt)**

- The matter is continued to the March 20 MCC public meeting.

**24-03 McGrath, 1215 South River Street (Deck Replacement & New Screen Porch).....(Jesse Platt)**

- BO reads the legal ad. Hearing Officer JP confirms administrative requirements are complete.
- Applicant Mark McGrath (MM) proposes to add a screened-in porch and open deck in existing lawn off the back of the house. The property was recently delineated by South River Environmental, and the work area is outside the 25 ft no-disturb buffer. MS notes that up to six sonotube footings could be required for the work rather than the four indicated in the plan; this will be captured in the as-built.
- MS adds that a condition of a permit from 2012 required the installation of five conservation markers on posts but these were not observed at the property. MM will install them with MS in the field. Building Commissioner Andrew Stewart has commented that a building permit would be required. Board of Health has no issues provided there is no disturbance to the septic tank or pump chamber.
- BO is familiar with the property and has no issues with the project. There was no public comment.
- JP motions to close and issue a Pos. #5 and Neg. # 3 Determination of Applicability with special conditions drafted by MS. CM second. Approved 4-0-0.

**24-04 Frasca, 0 Plain Street (Construction of Self-Storage Warehouse).....(Bert O'Donnell)**

- BO reads the legal ad and, as Hearing Officer, confirms administrative requirements are complete.
- Kevin Grady (KG), Grady Consulting, present for applicant, who wishes to construct a self-storage warehouse building for which 1700 sq ft of the proposed driveway will overlap into the 100 ft buffer to an isolated vegetated wetland as defined in the town bylaw only. A Cape Cod berm will direct stormwater from the building away from the wetland and into the on-site infiltration system, where it will be treated and recharged. They will deploy silt sock erosion control along the site perimeter during construction. They have received site plan approval by the Planning Board.
- MS notes that the stormwater system has been reviewed and approved by the Planning Board. Up to two white pines located just outside the 100 ft buffer may have to be removed. MS recommends approval with the standard conditions. There was no public comment.
- BO motions to close and issue a Pos. #5 and Neg. # 3 Determination of Applicability with special conditions drafted by MS. JP second. Approved 4-0-0.

**3048-A Dacey, 1121 South River Street (Adding Detached Garage).....(Jesse Platt)**

- BO reads the legal ad. Hearing Officer JP confirms administrative requirements are complete.
- Rick Servant, Stenbeck & Taylor, present for applicant, who wishes to amend the existing order of conditions to change the drive-under garage to a detached 28 by 30 ft garage in existing lawn inside the 50 to 100 ft buffer, about 65 ft from the wetland. This will require the removal of spruce trees in the work area that RS states probably would pose a hazard to the new addition.
- BO asks if applicants intend to keep the area beyond the erosion control, which mostly follows the 50, in its current natural state. RS states there "are no proposed modifications" behind the erosion controls.
- JP motions to close the hearing and issue amended Orders of Conditions with special conditions drafted by MS. EL second. Approved 4-0-0.

**REQUESTS FOR CERTIFICATE OF COMPLIANCE AND EXTENSIONS**

**2199 Tedeschi, 1 Atlantic Street [COC]**

- The property has been sold and is no longer in applicant's possession. A response from Town Counsel is pending. There have been no new developments.
- BO motions to table the matter pending further information. JP second. Approved 4-0-0.

**2923 Tedeschi, 162 Bay Avenue [COC]**

- Tabled due to unresolved floodplain violation. There have been no new developments.
- BO motions to table the matter pending further information. JP second. Approved 4-0-0.

**1887 Hanna, 16 East Street [COC]**

- Applicant is requesting a waiver from the requirement to submit an as-built plan. The project is 20 years old and involved replacing a shed, constructing a shed, and installing a fence. MS and LA visited the site and indicated the work was completed in conformance to the approved site plan.
- BO motions to issue a COC for SE42-1887 at 16 East Street. JP second. Approved 4-0-0.

**2876 Seoane, 84 Bartletts Island Way [COC]**

- MS advised that the proposed addition was completed smaller than originally proposed. A small utility pad was added next to the addition but the surrounding surface remains pervious. The request is tabled pending additional information from Building Commissioner Andrew Stewart.
- BO motions to table the matter pending further information. JP second. Approved 4-0-0.

**ADJOURNMENT**

- BO adjourns the meeting at 7:32 PM.

Respectfully submitted,  
Liz Anoja, Conservation Agent

Marshfield Conservation Commission  
Mike Seele, Conservation Administrator

Craig Hannafin, Chair  
Jesse Platt  
Corey Miles

Bert O'Donnell, Vice Chair  
John O'Donnell  
Elizabeth Lake