

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

**MEMBERS NOT PRESENT** - Jesse Platt

**CALL TO ORDER** - CH motions to open the meeting at 6:30 PM. JO second. Approved 5-0-0.

**BUSINESS**

**B1 10 Dinitto Drive, Dave Suffredini – Adding concrete block to existing foundation and adding fill to bring home into FEMA compliance**

- Homeowner David Suffredini (DS) present to follow up on a request to repair his existing concrete foundation and bring it into FEMA compliance, which will require elevation above the flood plain and the installation of flood vents. He looked into a helical pile foundation and found to be unaffordable. He has consulted with Building Commissioner Andrew Stewart (AS), who advised he may also have to add fill to the basement to raise the surface to grade. CH adds that any mechanical structures will have to be elevated to the flood elevation; DS notes these are all on the first floor and will be elevated with the house.
- MS notes that any decking or utility changes associated with the work would require conservation permitting and be captured in the permit application. DS indicates that the existing pilings and footings will remain but be extended to raise the deck. MS will notify Building that no Conservation permitting is required if there is no replacement of pilings/footings or disturbance to the subsurface.

**B2 1187 Ferry Street, PJ Antonik – Discussion Regarding grading of back yard.**

- An Order of Conditions was issued in June for the raze and rebuild of an existing SFH on wooden piles. The Conservation Office received a complaint regarding grading and fill on the property over the weekend. MS and LA visited the property on Tuesday and observed the placement of gravel inside the 25 ft buffer and the removal of a tree, neither of which were permitted under the OOC, and a stop work order was placed on the property.
- P. J. Antonik (PA), Oak Development, notes that he purchased the lot after the OOC was issued and was originally scheduled to discuss some proposed changes at this meeting. He had brought in the gravel for use as a “temporary construction subsurface,” had to push a dumpster on site further back to get it off the truck, and then pushed the gravel back so the dumpster wouldn’t sink into the ground. His intention was to remove the gravel at the end of construction, and he wasn’t aware of the 0 to 25 ft “no disturb” buffer. He has moved an excavator out of the buffer and the dumpster will be removed during the pile installation. PA also states “the tree was dead for sure” and he was unaware the permit specified the tree was to remain. He is willing to plant a replacement(s). PA also notes that the back yard tends to flood from the marsh, and he had contacted the Conservation Office to discuss addressing the issue prior to placing the gravel. CH notes that it is because the area is subject to flooding that the Commission needs to review and approve fill and grading requests so as to avoid displacement of floodwater onto neighboring properties.
- PA shows photos of the property both before and after a rain event, stating that the backyard is wet even without rain, and the two abutting yards are raised 2-3 ft higher than his. He would like to place coir logs along the edge of lawn to make the yard usable, something he has done in similar areas in Hingham, and raise the backyard 1-2 ft. He is also proposing to plant native grasses every 5 ft along the back and side property lines, but is willing to consider other mitigation plantings. He would also like to install a gravel driveway under the house instead of the paver driveway proposed.
- Rick Carberry (RC), 1190 Ferry, notes that he observed two truckloads of fill being placed on 1187 Ferry. He has lived in the area for 10 years and there have been five raze and rebuilds in the area due to flooding; most properties were not elevated but one went up more than 2 feet, which makes the flooding worse for the other properties. RC is concerned that allowing additional fill here will have the same effect, as “this is a super-sensitive area.” PA understands the dynamics in the area but states that the site plan approved with the OOC has the top of tank elevation as 7.3, so fill will be required to reach that elevation. RC notes that the next door

property has an elevation certificate of 5.5. PA questions whether the certificate for next door is accurate because “if you stand there and look, this existing ground is lower than them.” He would be willing to limit the 7.3 elevation area to under the house “as approved,” which will require additional fill to what is already there, and just go to elevation 6 in the back. “I’m just looking to make this a usable lot.” RC understands wanting to optimize the usability of the lot but suggests the plan would be reckless, considering the sensitivity of the area, without firmly establishing the elevations of the surrounding properties so the potential impacts are known. PA reiterates that he needs to bring the area under the house up to 7.3 “per an approved plan that I adopted when I purchased this property” but is willing to have the rest of the yard be lower. RC points out there is a discrepancy as to what the actual elevations are - “someone needs to dig up all that data.” PA notes again that he has an approved building plan and asks the Commission to work with him to address the issue.

- All further discuss the notification requirements for fill on the site, with PA contending the Elevation 7.3 around the septic system on the approved site plan gives him implicit permission to fill to that elevation in that area; CH points out that a special condition of approval of the Order of Conditions requires that “Any additional ground surfacing not shown on the plan noted in Section A. General Information, Item 8, whether pervious or impervious, shall require Conservation Commission review.” PA considers the gravel in the 25 to be “temporary gravel for construction purposes,” while MS considers it additional ground surfacing that required approval prior to its placement. PA states that other commissions have required him to place temporary gravel to avoid tracking sediment into the road, and it was not placed to raise the grade. CH does not recall an instance where this Commission required any placement of gravel and maintains PA should have contacted the Conservation Office before doing so.
- All briefly discuss a discrepancy whereby the minutes from the permitting hearing in June reference a crushed stone driveway; MS indicates the site plan being discussed is dated May 15, 2023 and it references a paver driveway. PA indicates he is leaning towards a crushed stone instead of paver driveway, noting that the site plan, which was prepared by an engineer hired by the previous owner of the house, is not clear as to the elevations are to the left and right of the house nor the final elevation including the pavers.
- PA asks how to proceed, noting he is willing to make an additional application for the proposed work with additional elevations and possible mitigation/planting plan. RC suggests that a third party research elevations in the area as a first step to establishing the existing conditions; he is not opposed to PA making a profit but not at the expense of him or the neighbors. PA maintains that the 7.3 elevation is needed for the septic system but he is open to lower elevations for the back yard provided it is to the same level as the neighboring lots. In the interim, he would like to proceed with the previously approved work, including installation of the tank, gravel under the house, and piles as approved. “I’m not looking to flood the neighbors; I’m just looking to make the yard usable.” CH is okay with work proceeding on the tank and the piles but suggests in the meantime that Conservation staff explore the neighboring elevations and determine what is appropriate for elevations on other areas of the lot.
- PA notes that the approved plan calls for the removal of the existing cesspools which will require work in the 25 and may be challenging given the high groundwater level, and may do more harm than good. As such, he would like to know if the Commission would prefer to leave the tanks as is. The Commissioners note that the plan indicates the tanks will be pumped out and backfilled, which PA is willing to do. PA notes that the tight tank septic will be an improvement over the existing condition. CM suggests that PA’s consultant add contours to the site plan for the additional work.
- CH notes for the record that PA can proceed with the cesspool fill and tight tank and pile installation, and any other deviation from the plan needs Commission approval before being acted on; PA concurs.

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

**3056 Celiberti Realty LLC, 0 Main Street (ANRAD).....(Bert O’Donnell)**

- Continued hearing; BO hearing officer.
- CH notes that the Commission voted to deny the ANRAD with prejudice at the last meeting and reads the findings into the record as follows:
  - “The Marshfield Conservation Commission makes the following findings regarding the Abbreviated Notice of Resource Area Delineation (ANRAD) submitted to the Commission on July 31st, 2023 by Celiberti Realty LLC, the applicant. The applicant’s representative, Mr. Greg Morse of Morse Engineering, appeared before the Commission for a duly noticed and advertised public hearing on

August 16, 2023 on a proposed ANRAD for 0 Main Street, during which he reviewed with the Commission a plan which was submitted as a part of the WPA Form 4A signed upon information and belief by Mr. Larry Agnitti, Owner. The plan was entitled "Plan to accompany Abbreviated Notice of Resource Area Delineation" dated June 15th, 2023 in engineering scale of 1-inch equals 60 feet.

- According to Mr. Morse, the plan purported to show the flagged boundary line of a bordering vegetated wetland resources on the parcels D18-02-01 and D18-02-02. Mr. Morse stated the 2000 linear feet of bordering vegetated wetland bordering 171,172 square feet of wetland resource had been identified and that there was no perennial riverfront area, vernal pools, Natural Heritage habitat, or other wetland resources observed on the parcels. He stated that these observations and delineations had been made by Michelle Grenier, PWS, CWS, on May 19th, 2023, who placed 31 wetland flags onsite to delineate the above-noted bordering vegetated wetland.
- Mr. Morse was informed by the Commission members that the Commission members and staff had conducted a site visit on August 9, 2023, and observed what they believed were several wetland resource areas, including a streambed and a large centrally located wetland that was not depicted on the June 15, 2023 plan. The streambed traversed the subject property. When questioned about these missing resource areas, Ms. Grenier stated that she did see a drainage ditch in the area of a stream bed but did not see any additional wetland resource areas other than what she had flagged.
- Based on a review by Commission staff of its files for the subject property, the Commission informed Mr. Morse that there was a draft plan entitled "Concept Plan, Main Street, D18-02, Lots 01 and 02, Marshfield, Massachusetts," prepared by Merrill Engineers and Land Surveys for the owner, Mr. Larry Agnitti. This Merrill Plan of October 15th, 2021 showed 319,414 square feet of wetland resources delineated by 98 onsite wetland flags placed by Environmental Consulting and Restorations Professional Wetland Scientist and Certified Arborist, Mr. Brad Holmes. The Commission showed this Merrill plan to Mr. Morse and he responded, after seeing the plan, he had never seen this plan before. Mr. Morse also questioned the validity of the plan, noting that it had not been signed and sealed by a Registered Professional Engineer and that the wetlands delineation had not been subject to peer review.
- In light of the above discrepancies between the proposed plan and the Merrill plan, the Commission directed Mr. Morse to revisit the site and perform a new sitewide wetland resource delineation conducted using the most recent Massachusetts Handbook of Bordering Vegetated Wetlands, Second Edition, September 2022. As a result of the continuing concerns over the accuracy of the wetlands delineation and the absence of necessary information, the Commission scheduled an additional site visit with the applicant's representatives for September 5th, 2023 but this site visit was canceled by Mr. Morse prior to the site visit.
- On September 25th, 2023, Mr. Morse transmitted to the Conservation Commission a cover letter from Ms. Grenier with attachments and a revised ANRAD plan dated September 18th, 2023. The transmittal stated the Merrill plan wetland delineation had been reviewed and found faulty, but a new isolated vegetated wetland had been found and the stream, previously referred to as a drainage ditch, had been added to the revised plan dated September 18th, 2023. The attachments to the submission consisted of the older version of DEP data sheets and pictures of four predetermined data points selected by and marked by Morse Engineering prior to Ms. Grenier's visit and review. It was clear to the Commission and staff that Ms. Grenier had not reviewed the bordering vegetated wetland line from the Merrill Plan, but only reviewed a small percentage, 0.04%, of the flags located by Mr. Holmes. Not only is this statistically insignificant, it does not represent a new delineation done in accordance with MassDEP's Massachusetts Handbook for Delineation of Bordering Vegetated Wetlands, Second Edition, September 2022, as requested by the Commission.
- At the continued public hearing on October 18th, 2023, the Commission continued to express its concern that the September 18th, 2023 plan was not accurate as it did not reflect the wetland resources observed by the Commission members and staff on their previous site visit. Further, the September 18th, 2023 plan was not created in accordance with MassDEP's Massachusetts Handbook for Delineation of Bordering Vegetated Wetlands, Second Edition, September 2022, and did not provide a review of the entire 18.82 acre site as had been requested by the Commission. At this hearing, the Commission decided, in accordance with its bylaws and regulations, that they would select an independent third party to conduct a complete review of the total 18.82 acres and delineate all

jurisdictional wetland resources identified in Marshfield wetland resource regulations. Mr. Morse agreed with this decision and initially agreed to fund the new delineation.

- At the continued session of the public hearing held on January 17th, 2024, the Commission selected the firm of Beals & Thomas to conduct the new delineation of the 18.82 acre site. The selection was based on the solicitation of competitive proposals from three consulting firms with expertise in this type of work. After the selection was made, Mr. Morse withdrew his pledge to finance the new delineation and demanded that the hearing be closed.
  - Based upon the above, the Commission voted unanimously close the hearing and deny the ANRAD SE42-3056. This denial is based on the Commission’s findings that the bordering vegetated wetland and other wetland resources have not been accurately and completely field-delineated (see attached WPA Form 4B, ORAD) and the wetland resources areas shown on the last revised plan dated September 18, 2023 cannot be accurately determined without a completely new wetland resource review and delineation.
  - Further, the applicant has refused to pay for the Commission’s chosen third-party expert consultant selected in accordance with Chapter 505, Marshfield Wetlands Regulations, Article 5.0, General Definitions, Paragraph 505-105.1.B, Wetland Delineation.”
- CH notes that the finding letter will be attached to the WPA Form 4 ORAD to be sent to DEP.

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

- The matter is continued to the March 6 MCC public meeting at applicant’s request.
- Ch motions to continue the hearing to the March 6<sup>th</sup> Conservation Meeting. JO second. Approved 5-0-0.

**24-01 Wilde, 7 Newport Street (Deck Replacement).....(John O’Donnell)**

- CH reads the legal ad. Hearing Officer JO confirms administrative requirements are complete.
- Contractor Ken Braun present for applicant, who wishes to replace the existing deck with a new one in the same footprint. The only excavation will be for the six sonotube footings; they are willing to remove this soil offsite or spread it under the deck. The deck will be two feet above grade and the surface under the deck will remain pervious. A floodplain permit has been issued, and the deck will be structurally independent of the house as required by Building Commissioner Andrew Stewart.
- JO asks if the new steps will have open risers; KB indicates the building code does not allow for this but JO’s understanding is that steps on decks in this area must be open to allow for the passage of water. KB is willing to go with open risers provided it passes building inspection. MS will obtain clarification from AS on this issue. MS and the Commissioners have no issue with the soil from the excavation being spread under the deck. There was no public comment.
- JO motions to issue a Pos. #5 and Neg. # 2 DOA with special conditions drafted by MS. CM second. Approved 5-0-0.

**24-02 Seoane, 84 Bartletts Island Way (Stonewall Repair).....(Bert O’Donnell)**

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete/
- Jeff Hassett, Morse Engineering, present with applicant Lou Seoane (LS). The proposed activity is the repair of an existing stone/masonry landscape wall, which was previously permitted under the expired Order of Conditions SE42-2794. MS notes that a Certificate of Compliance request for 2794 is on the March 6 agenda; this OOC included a planting plan for which no monitoring reports have been received. LS indicates that the plantings are done; MS will inspect the property as part of the COC request. There was no public comment.
- BO motions to issue a Pos. #5 and Neg. # 2 DOA with special conditions drafted by MS. CH second. Approved 5-0-0.

**3076 Bruner, 1 Macomers Ridge (Vista pruning & repair of existing pool).....(Craig Hannafin)**

- CH reads the legal ad and, as Hearing Officer, confirms administrative requirements are complete.
- Jeff Hassett, Morse Engineering, present with applicant Todd Bruner (TB). The proposed activity is the replacement of an existing swimming pool with a gunite pool in the same location; the existing concrete patio will also be replaced, and a retaining wall around the pool will be removed and the area graded out. They also propose to remove a layer of gravel over an existing asphalt driveway, remove three hazard trees, and perform vista pruning as noted on the site plan. The pruning will not reduce the canopy below 90% and all work will be

done by hand and reviewed with MS in the field before it starts. The property was delineated in October by John Zimmer, South River Environmental. TB indicates that the gravel removal will restore the driveway to what it was. The pool may be repaired if possible but will probably have to be replaced. Bartlett Tree has provided a proposal for the vista pruning. BO visited the property and notes the vegetation has been well maintained; CH concurs. There was no public comment.

- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. JO second. Approved 5-0-0.

**3077 Harbormaster, 0 Ridge Road (Ramp Improvements).....(Craig Hannafin)**

- CH reads the legal ad and, as Hearing Officer, confirms administrative requirements are complete
- Harbormaster Mike DiMeo present to discuss a request to replace the lower portion of the existing boat ramp with a 3' by 12' precast concrete ramp. An emergency certificate for the work was voted by the Commission last June but not acted upon due to cost issues. MD has since obtained \$669,700 in CPC funding for the repairs that has to be approved at the Town Meeting in April. The concrete ramp also provides more safety features, including grooves that provide better traction. An ADA accessible ramp leading to a new gangway and float secured by five piles will also be added to the south side of the boat ramp, and two benches and a guardrail will be added. The project will also require ZBA, Chapter 91, and Army Corps permitting.
- MS notes that DMF comments were received today recommending that all construction equipment/materials be stored upland of the work site, that containment and cleanup material be onsite if any refueling is done there, and that silt curtains or other containment techniques be used during pile installation. These will be incorporated into the special conditions of approval.
- JO would like to see canoe / kayak racks added to the site in the future. MD is looking at other ways to improve public and ADA access to the site based on feedback from CPC and neighbors and will seek to amend the filing if warranted. CH suggests the project will be an overall betterment to the site but asks about shellfish mitigation given the location; MD indicates a contribution to the shellfish mitigation fund will be made based on the final square footage.
- Special conditions of approval will include adoption of the DMF recommendations and any time of year constraints, and shellfish mitigation contribution as discussed.
- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by MS. JO second. Approved 5-0-0.

**3040 A Quirk Cars, Inc., 903 Plain St (Demo SFH & Auto Shop, Build New Garage & expand parking lot) (Bert O'Donnell)**

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Dana Altobello, Merrill Engineers, present for applicant along with attorney Steve Guard. An Order of Conditions was issued in May of 2023 to raze an existing single-family house and garage, renovate an existing auto shop building, expand the paved display area, and upgrade the stormwater and septic systems. They now would like to raze and rebuild the auto shop building. Parking on the lot will be reduced from 203 to 155 spaces. The modifications will reduce impervious coverage on the lot from 68.6% to 68.4%, and no impervious cover will be added inside the buffer. Retaining wall maximum height will be increased from 7 to 10.8 ft.
- BO asks if the updated stormwater plan was reviewed by the Town Engineer Rod Procaccino; MS indicates he did not. DA notes they are also seeking site plan approval and special permit from ZBA, and expects RP will be reviewing the plan at that stage. BO notes that the stormwater treatment seems to be improved from before and there are no significant changes in Commission jurisdiction.
- There was no public comment. MS suggests issuing the same special conditions as the original OOC.
- BO motions to close the hearing and issue amended Orders of Conditions with special conditions drafted by MS. JO second. Approved 5-0-0.

**23-12 Recreational Trails Committee, 172 South River St. (Shoulder Improvements).....cont to 3/6 (Craig Hannafin)**

- The matter is continued to the March 6 MCC public meeting.

**REQUESTS FOR CERTIFICATE OF COMPLIANCE AND EXTENSIONS**

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

- The property has been sold and is no longer in applicant's possession. A response from Town Counsel is pending.
- CH moves to table the matter pending further information. JO second. Approved 5-0-0.

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

- Tabled due to unresolved floodplain violation.
- CH moves to table the matter pending further information. JO second. Approved 5-0-0.

**2560 Welch, 1 Jackson Street [EXT]**

- This OOC was issued in 2015 for seawall repair and placement of revetment stones. This work has been completed; MS is unsure why applicant wants to keep the permit open, but it is their right to do so. MS has observed unpermitted revetments on nearby properties, and he and LA are researching whether these may have been authorized under a 2018 Emergency Certificate.
- CH motions to grant an extension for SE42-2560 at 1 Jackson Street. CM second. Approved 5-0-0.

**ADJOURN**

CH moves to close the hearing at 8:30 PM. JO second. Approved 5-0-0.

Respectfully submitted,  
Liz Anoja, Conservation Agent

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