

**MEMBERS PRESENT** – James Kilcoyne (JK) Chair, Bert O’Donnell (BO) Vice Chair, Arthur Lage (AL), Joe Ring (JR), Craig Hannafin (CH), Bill Grafton, Conservation Administrator (BG)

**MEMBERS NOT PRESENT** – Rick Carberry (PC)

**CALL TO ORDER** – JK motions to open the meeting at 6:30 PM. AL second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, CH-yes, JK-yes.

**MINUTES**

- The minutes of the August 11 and 18 meetings were presented for approval. No comments or suggested changes were received; one correction to a date referenced in the August 18 minutes was made on the floor.
- JK motions to approve the August 11, 2020 minutes as written. CH second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, CH-yes, JK-yes.
- JK motions to approve the August 18, 2020 minutes as edited. CH second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, CH-yes, JK-yes.

**CHAIRMAN’S ADDRESS**

- JK notes for the record that meetings will be held remotely until further notice as per the Governor’s Emergency Executive Order of March 12, 2020, suspending certain provisions of the Open Meeting Law. All votes will be taken by roll call. Commissioners should identify themselves before speaking, and all parties should mute themselves until they want to speak.
- JK advises that the Commission has reinstated the “three continuance” policy whereby “should an applicant request three continuances or should they fail to properly address questions of the Commission for three hearings, then on the third date the Commission, at their discretion, may open the hearing and deny without prejudice for lack of information.” Applicant will be able to reapply when they have all the necessary information to proceed, without having to wait the two year period.
- 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. Public comments are to be addressed to the Chair or Hearing Officer.

**BUSINESS**

**B1 Kristen Webb / Mounces Meadow / Farming Interest – Kristen Webb**

- The Commission discussed Kristen Webb’s (KW) proposal to farm flowers at Mounce’s Meadow. KW notes that she is a Marshfield resident and member of the Agricultural Commission, and has been gardening in the adjacent community garden at Mounce’s. She has extensive gardening and farming experience, including a current part-time position at Holly Hill Farm in Cohasset, is enrolled in Tuft’s Sustainable Crop Production program, and recently finished a farm business planning class.
- KW would like to farm the meadow as what she described as strictly a production area, with no farm stand or CSA. She is willing to mow and maintain the field, maintain the existing perennials, and remove any invasives. She will plant native flowers, encourage pollination, and farm completely organically and re-generatively, improving soil quality with time. After the initial maintenance, she hopes to have time to

plant the first field, near the pump. KW has a business plan in mind, and feels there is a demand for her product.

- KW indicates she has received the policy and procedures document regarding farming of Commission land. JK is pleased that two applicants have expressed interest in farming the Meadow and encourages any other interested parties to step forward. KW indicates that she will provide additional information regarding her planting and farming plans, in accordance with the guidance document, in time for the next meeting.

### **B2 85 Wellington Avenue - Enforcement Order Restoration Plan Review – Commissioners**

- John Zimmer (JZ), South River Environmental, present for homeowner Danielle Martin (DM). The Commission issued an enforcement order for unauthorized work at the property, including filling and location of a dog kennel on the adjacent unimproved street, yard work, dumping of green waste, and construction of a fence in 100 ft buffer zone to wetlands across the street. JZ notes that the property abuts Somerville Road, a paper street; property owner has been in touch with Tom Reynolds at DPW regarding their plans for the street.
- JZ has delineated the wetlands in the area, and Morse Engineering is developing an Existing Conditions plan; once the plan is done and they receive additional information from DPW, JZ can develop a restoration plan. The plan will include removal of fill and addition of native plantings and conservation markers; the dog kennel has been moved to a different location in the yard. JZ believes the plan will be ready for presentation by the September 15 or October 6 meeting.
- JK notes for the record that the enforcement order requested a restoration plan by a date certain, but acknowledges that in this case additional information from DPW is needed before the plan can be finalized. JK polls the Commission as to whether to require submission of a plan by a specific date: AL yes; JR yes; BO yes; CH yes; JK yes. JZ agrees to a September 22 deadline, which is the filing deadline for the October 6 meeting.
- JK motions to extend the deadline for receipt of the restoration plan to the filing deadline for the October 6 meeting. AL second. Approved 5-0-0 by Roll Call Vote: JR=yes, AL=yes, BO=yes, CH=yes, JK=yes.

### **B3 16 E Street-Unpermitted Revetment Wall on Coastal Dune – Commissioners & Kathleen LoConte**

- Property owner Kathleen LoConte (KL) present. Commissioner AL recuses from voting as an abutter. All parties discuss the unpermitted removal of cobble from the coastal beach and its placement on coastal dune at the subject property. KL comments that this has been done for years in the area as protection against erosion. Sand placed on the beach from recent dredging projects has eroded significantly recently, which prompted her to place cobble, as had been done in the past, to forestall additional erosion. KL believes the sand from the dredging is eroding back into the channel, which will require the channel to be re-dredged shortly, and the cobble will help keep the sand on the beach. A neighbor is willing to put beach grass in between the stones to further secure the beach.
- JK notes that armoring one section of a beach causes scouring and erosion from both ends of the armored section, and thus the practice is strongly discouraged by the state and Commission. JK also states that removal of beach material such as cobble is clearly not allowed under the WPA. JR agrees that the regulations are clear that these activities are not allowed. CH understands that these activities may have been past practice, but are clearly in contravention to the WPA. BO agrees that such activity should stop and be mitigated to discourage further armoring in the area.
- JK polls the Commission as to a deadline for a restoration plan. JR 30 days; CH 60 days; BO 60 days; JK 60 days.
- JK motions that the Commission direct BG to issue an enforcement order for the property requiring removal of the revetment stones and their placement back on the beach, to be done within 60 days of

property owner's receipt of the order. JR second. Approved 4-0-0 by Roll Call Vote: JR=yes, BO=yes, CH=yes, JK=yes; AI having recused.

AL returns to the Public Meeting.

**B4 35 Parsonage Street -DPW Facility (Enforcement Order-unpermitted fill) – Commissioners**

- JK notes that this matter concerns unpermitted fill at 123 Parsonage that was discovered by MassDEP during the technical review of a plan for improvements at the DPW facility. BG indicates that the fill, ~6,000 sq ft total, appears to have occurred around 2008 without a permit. Applicant's consultant proposed that restoration take place during Phase II of the project, involving the Police Department facility, but the project has subsequently changed. As such, BG believes issuance of an enforcement order will be the most appropriate vehicle to achieve the restoration.
- JK motions that the Commission direct BG to prepare and submit an enforcement order to Marshfield DPW requiring the preparation and implementation of a restoration plan for 35-123 Parsonage Street. BO second. Approved 5-0-0 by Roll Call Vote: AL=yes, JR=yes, BO=yes, CH=yes, JK=yes.

**B5 375 Union Street / New Conservation Restriction - Attorney Jonathan Witten**

- JK advises that property owners, Michael and Susan Wolfe are establishing a conservation restriction (CR) for parts of the property abutting the North River that is to be held by Wildlands Trust. Attorney Jonathan Witten (JW), who drafted the restriction, provided the documentation for informational purposes, and Commission authorization or signatures are not required.
- Property owner and Grantor Michael Wolfe (MW) briefly discusses the restriction, noting that he would appreciate Commission support for its approval by the Board of Selectmen. The restriction has been reviewed and approved at the state level. The area of the restriction is located between the Messer preserve to the north and The Trustees Of Reservations' Two Mile Farm to the south, and approval of the CR will increase the connectivity of protected land along this stretch of the river. Grantor Susan Wolfe (SW) notes that the land is 25 acres total, including 740 feet of riverfront and 10 acres of upland, rising 100 feet starting at the river. The CR will protect the view scape from the river and provide river access. Plants and habitats include upland pine/oak, scrubland, salt marsh, and meadows. The CR will protect the land from subdivision and constrains future building on the property to an area not visible from the river, with no future structure higher than 24 feet.
- Scott McFadden, Wildlands Trust, thanks the Wolfes for proposing the CR and reiterates that the proposal will fill in a critical gap in what will be a 500-acre mostly contiguous corridor of protected open space in this stretch of the river.
- CH notes that Wolfes have put in significant time preparing the CR, and is delighted to see the proposal come to fruition. All Commissioners offer their thanks and support. MW requests that the Commission send a letter of recommendation to the Board of Selectmen; JK indicates this will be forthcoming.

**B6 556 Holly Road - SE42-2847 (Amended NOI vs DeMinimis Deviation)/Gallagher**

- The Commission discussed proposed changes to the previously approved orders of conditions, including the addition of a pool to the property and moving the septic system; the proposed changes involve the addition of more retaining walls.
- BO feels the changes can be accepted as DeMinimis to be captured on the as-built plan. JK polls the other Commissioners as to whether to accept the changes as DeMinimis or capture on the As-Built: AL DeMinimis; JR DeMinimis; CH DeMinimis; JK DeMinimis.
- Prior to the vote, BG asks the Commissioners to confirm they have reviewed the plans and are aware of the potential downgradient impacts of the retaining walls; all Commissioners indicate they have done so.

- JK motions that the Commission allow the proposed changes to SE42-2847 as a DeMinimis Deviation to be captured on the As-Built plan. AL second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**PUBLIC HEARINGS**

Prior to the start of the hearings, JK advises that the hearings for Bellino (2871), Murphy (2860), Horan (2872), and Dodge (2877) are being continued.

**20-19 Moylan, 173 South River Street (Vegetative Management).....New (Joe)**

- JK reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- John Zimmer (JZ), South River Environmental, present for applicants Karen and John Moylan (KM & JM), who recently purchased the property. The driveway for the property intersects South River Street just beyond a sharp curve, and they would like to perform vegetative management within the BVW and buffer zone just east of the driveway in order to improve sight lines and safety. The area in which they are looking to trim contains numerous invasive species, including phragmites, glossy buckthorn, and bittersweet. All work would be done by hand cutting, and any invasives would be bagged and removed. The cutting would be a one-time event, as JZ anticipates coming back in the near future with a Notice of Intent for changes to the driveway.
- JZ notes that BG had suggested they add a mirror to their mailbox, across the street, but since the Pratt Property is directly across the street, they need to confirm whether the box can be sited where a mirror would be effective.
- JR visited the property and agrees that the current obstructed view presents a safety hazard; CH concurs. BG indicates that the standard conditions of approval will apply.
- JR asks for Comments from the Commissioners; none.
- JR asks for comments from the public; none.
- JR motions to close and issue a Determination of Applicability, Pos #5 and Neg #3, with special conditions drafted by BG. AL second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**20-20 Sanctuary Church, 185 Plain Street (Slope Stabilization).....New (Joe)**

- JK reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- Brad Holmes (BH), ECR, presents for applicant. BH delineated the property as part of a recent septic upgrade. The proposed activity is landscape work at the rear of the property to terrace a portion of the outer buffer zone to increase the stability of the slope and add usable space for church and preschool activities. All work will occur in the outer buffer zone, with erosion controls installed along the 50 ft buffer. Five two-ft-high tiers are proposed, ranging between 8-10 ft in width; these will stop prior to the 50 ft buffer.
- JR asks for comments from Commissioners; none.
- JR asks for comments from the public; none.
- BG notes that the proposed work is in NHESP habitat and recommends that they be notified but this is not required under a Request For Determination of Applicability (RDA). The standard conditions of approval will apply including application of best practices with respect to any time of year constraints or equivalent.
- JR motions to close and issue a Determination of Applicability, Pos #5, Neg #3, with special conditions drafted by BG and Neg#5 for the exemption. CH second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**2877 Dodge, 1112 Ferry Street (Raze & Rebuild).....New (Rick)**

- JK reads the legal ad. The hearing is then continued until the next public meeting of the Marshfield Conservation Commission on September 15, 2020. BG notes that abutter notification verification has not been completed. Applicant will provide architectural drawings prior to the filing deadline for the meeting. JK recommends that applicant not be charged under the “three continuances” policy toward denial without prejudice.
- JK motions to continue the hearing to September 15, 2020. CH second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**2878 Grable, 73 Spring Street (SFH).....New (Bert)**

- JK reads the legal ad. BO confirms administrative requirements are complete. Commissioner CH recuses from voting.
- Dave Newhall (DN), Merrill Engineers, presents for applicant. The existing undeveloped lot contains bordering vegetated wetland whose lines which were fixed by a superseding Order of Resource Area Delineation (ORAD) from MassDEP. The proposed activity is construction of a single-family home with septic system, site grading, and driveway. Silt sock erosion control will be installed downgradient, along the 50 ft buffer. Applicant is proposing to install (6) six conservation markers along the 50-ft buffer upon completion of work. All work is outside the 50 and all structures outside the 75 ft buffer, in compliance with Ch. 505-10B requirements.
- JK notes for the record that the project will be complicated given the constraints of the site; all work must be done in accordance with the final plan approved by the Commission, and any changes will require that applicant reappear before the Commission for written approval.
- BO asked for comments from the public. Attorney Gaetano J. De Luca (GD), representing abutter Geraldine Lantieri (GL) at 125 Spring Street, notes that all structures have been squeezed to the west side of the property due to the location of the wetlands, and contends that (1) the water line has been installed about 90 ft further east from where it is shown on the site plan, and therefore will run where applicant has removed a portion of the stone wall and will be putting in the driveway. GD also states (2) that the septic system as shown on the site plan doesn’t show an expansion area, and believes there is not enough room on the lot to build the house as proposed when this area is accounted for. GD further notes (3) that the structures on the plan come extremely close to wetland flags 3 and 9, and believes that if the west side of the property were surveyed, it would show significantly less uplands and make the project not viable.
- DN responds that (3) the property has been surveyed, including location of property boundaries and field-locating all wetland flags on the existing conditions survey; (2) the expansion area is shown on the plan, and they are proposing the use of trenches. With regards to (1), DN is not aware of the water service being installed downgradient but is willing to relocate if needed. BO notes that he observed a new curb cut at the property when he last visited, but it did not seem to be on the property line. GD contends that the property line on the west side of the property has not been surveyed, as Note 2 on the plan states the measurements were taken from plans on file at the Assessor’s office and Registry of Deeds; also, that there is no notation as to the location of the septic expansion area. GD also reiterates that the water service, as installed, is 90 feet away from where it is shown on the plan. DN reiterates that all property lines have been surveyed, and the note on the plan is with regards to the sources of the record information; this information was then supplemented by an on-the-ground survey.
- Prior to the vote, JK and BO reiterate the need for applicant to reappear before the Commission for written approval of any changes made by applicant or required by other town boards. BG adds this as a special condition of approval, along with a special condition requiring the placement of six conservation markers as depicted on the site plan and the standard conditions of approval.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 4-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, JK-yes; CH having recused.

CH returns to the Public Meeting.

**2776 Creed, Brewster Road (Amended Street Improvements & Stormwater Basin.....8/11/2020 (Bert)**

- Continued Hearing. BO Hearing Officer.
- Terry McGovern (TM), Stenbeck & Taylor, present for applicant along with Attorney Jay Creed (JC). JC notes that they have made changes to the plan based on feedback at the August 11 MCC Public Hearing to try to pull the drainage structures out of the buffer zone and minimize vegetation cutting. TM states the design changes include placing a stormceptor and manhole in Brewster Road that would perform the same functions as a sediment forebay, bring the basin out of the 50 ft buffer, and allow them to route the drainage pipe around cedar trees on the property. He reviewed these changes with Pat Brennan (PB), consulting engineer for the Planning Board, who found the solution to be acceptable and approvable by the Board as a minor change.
- TM notes that paving of the road and the installation of the stormwater control structures is likely to decrease any runoff or sedimentation issues with respect to the wetlands. They will need to install an outfall pipe in order for the basin to function and not hold standing water, which will result in some temporary disturbance. TM reiterates his view that the regulatory exemption to stormwater management structures applies to both buffer zone and resource areas, but made the recent changes in an effort to address the concerns of all parties. All other elements as previously proposed remain unchanged.
- JK states that he posed the question of whether the stormwater structure exemption applies to both buffer zone and resource area to Town Counsel (TC), who indicated they are exempt in the buffer but not necessarily in a resource area. However, the movement of the basin out of the 50 renders the issue moot; JC concurs. In response to a query from BO, TM indicates that the outfall pipe stops at the limit of the flood zone, and is above the flood elevation; riprap at the end of the pipe will prevent downgradient scouring.
- JK asks about responsibility for maintenance of the stormwater structures; TM indicates there is a drainage easement to allow the Town to access and maintain the structures if needed, but the structures will be maintained by the property owner.
- Attorney Kim Kroha (KK), representing abutter Mark Ochs, notes that DEP wetland policy 85-4 holds that orders of conditions can only be amended for certain smaller projects, and contends that the scope of changes in this case require the filing of a new NOI. KK characterizes the purpose of the project as having changed from the construction of a single-family home to construction with extensive road construction, and therefore asks the Commission to either deny the project or require the filing of a new NOI. KK further believes the project requires further analysis to determine whether or not it meets the performance standards based on the changed nature of the project, and takes the position that the project as modified meets the threshold for requiring a stormwater study as well as a new NOI.
- BO asks KK about her characterization of the wetland as an outstanding resource water subject to additional protection. KK states this stems from the South River, as a scenic protected river. BO notes he was aware the designation applies to the North River but had never heard it applied to the South River. BG indicates he would need to check state maps to verify the claim as an outstanding resource water.
- JC also notes that in the Commission's initial poll in a business session at the June 16 meeting, four Commissioners felt the changes required by the Planning Board to be DeMinimis, but then the Commission subsequently voted unanimously to require an amended NOI. JC also notes that this is the first he has heard any of KK's concerns and objects to the issues being raised at this point in the process. JK replies that it is the applicant's, and not the Commission's, responsibility to be aware of all the wetlands laws and regulations applicable to a project.
- JK further comments that the crux of decision for the Commission currently is whether to find the project as modified does not have additional impact on its protected interest and approve, or that it does have

additional impact, is no longer exempt, and deny due to a substantial change. JK notes that if the project is denied as a substantial change, applicant can reapply without having to wait two years.

- With regard to the issue of whether the required road improvements are (a) related to the house construction or (b) road construction, JC points out it is the Planning Board’s policy and procedure to require that houses being built in front of dirt streets be improved with pavement and drainage extending to the nearest existing pavement. Their initial proposal only showed pavement on Chilton Street, which was acting as the driveway, and the proposal was only altered because of the Planning Board requirements. JC therefore believes the project as modified should be considered related to the house. TM adds that (1) no subdivision of any kind is being proposed, only the construction of a single-family house; and (2) the stormwater report produced for the PB was available for review by abutter, Mr. Ochs and his attorneys. TM further suggests that the Commission consider reviewing the report in detail before voting to deny or require the filing of a new NOI. AL would like additional information, as it seems there is additional impact that is substantial, but likes TM’s suggestion that the Commission review the stormwater report.
- BG notes that there on the amended NOI form, applicant checked the “single-family house” box as opposed to “small family subdivision less than four units” and checked “attach stormwater report if needed.” Given the scope of the modified project, BG requested a copy of the stormwater report prepared for the Planning Board by Patrick Brennan (PB), Amory Engineers, which has been received but not reviewed in depth. BG reiterates that KK’s claim that the associated resource area is an outstanding resource water requires verification. BG also briefly notes for the record that one of maple trees near a proposed well that the Commission wanted saved is going to be remove under the current plan.
- JK notes that procedurally, the options are to ask applicant if they want to withdraw, vote to continue, or vote to deny as a substantial change. BO polls the Commissioners on which of these three options they prefer: AL continue for more information, not in favor of denying outright; JK deny without prejudice due to significant additional impacts, applicant could immediately re-file as a NOI; CH deny without prejudice, substantial impact; JR deny without prejudice, lots of project changes; BO deny without prejudice.
- BO motions to deny the amended NOI without prejudice due to lack of information and additional substantial impacts on Commission interests. JR second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**2867 Brait Point LLC, 113 Union Street (Subdivision Drainage).....cont from 6/2/2020 (Bert)**

- Continued Hearing. BO Hearing Officer.
- Terry McGovern (TM), Stenbeck & Taylor, present for applicant. TM indicates that applicant’s public hearing before the Planning Board was closed last night. Since the last Commission meeting, they have moved the drainage basin to another low point in the property entirely out of the buffer zone, and pulled back some clearing on lot 4. TM has walked the site with Brad Holmes (BH), ECR, and the Commission’s consultant John Zimmer (JZ), South River Environmental, who made a small adjustment to the wetland line in the southwest corner. TM has adjusted the limit of clearing and a house location in the area accordingly.
- BG adds that on the site walk, BH and JZ agreed that the possible IVW on the property did not meet the town criteria; he agrees with the adjusted delineation. The site is located in NHESP habitat for Eastern Box Turtle; NHESP issued a letter requiring a turtle protection plan during construction; BG suggests that this be captured in a special condition, along with a condition that applicant not exceed the limits of clearing depicted on the final approved plans.
- BO asks how limits of clearing can be effectively enforced in Lots 3 and 4; TM notes that based on PB feedback, they have proposed a post and rail fence along the limit of clearing. CH asks whether the rain gardens shown behind lots 1, 2, and 3 will actually be built and who will be responsible for their maintenance. TM indicates the areas designated as rain gardens on the lots are intended as a bio

retention area to protect the northern abutter from sheet flow encroaching on their property; the homeowners are responsible for maintenance, but need not maintain these strictly as rain gardens. The rain garden in the cul-de-sac will be maintained by the association.

- BO asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply, in addition to the special conditions regarding turtle protection and limits of clearing.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**2869 Gavin, 104 Hartford Road (Addition).....cont from 7/7/2020 (Bert)**

- Continued Hearing. BO Hearing Officer. BG notes that this hearing was opened on July 7 and then immediately continued; applicant has two continuations counting towards the Commission’s “three continuations” policy.
- Terry McGovern (TM) presents for applicant. The proposed activity is construction of a 7’ by 14’ addition, on flood vents, in the rear of the house, as well as a small covered entry; an existing small deck in back will be moved over. The house is in AE flood zone, and all work will be in existing disturbed area. The Building Department has provided a revised letter confirming that the proposed work is “not substantial” for regulatory purposes.
- BO asks for comments from the commissioners and public; none.
- BG has no issues with the work as proposed, and indicates that the standard conditions of approval will apply.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**2871 Bellino, 4 Newport Road (Revetment Repair).....cont from 7/7/2020 (Bert)**

- Continued Hearing. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on September 15, 2020. Applicant requested continuation in writing on 8/11/20.
- JK motions to continue the hearing to September 15, 2020. CH second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**2860 Murphy, 1213 Ferry Street (Extend Pier, Ramp & Float).....cont from 3/17/20 (Jim)**

- Continued Hearing. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on September 15, 2020. Applicant requested continuation in writing on 8/11/20.
- JK motions to continue the hearing to September 15, 2020. JR second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**2872 Horan, 22 Ninth Road (2nd Story Addition & Gravel Drive)..... cont from 7/7/2020 (Art)**

- Continued Hearing. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on September 15, 2020.
- JK motions to continue the hearing to September 15, 2020. AL second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS**

**1791 Creamer, 275 Old Main Street [COC]**

- BG visited the property and recommended issuance of the complete COC.

- JK motions to issue a complete COC for the property. CH second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**2304 Rego, 101 Peregrine White Drive [COC]**

- BG visited the property and recommended issuance of the complete COC.
- JK motions to issue a complete COC for the property. JR second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**2390 Rogan, 14 Bank Road [COC]**

- BG recommended that the request be tabled pending resolution of issues including float on tidal flat, granite bench inside the 25 ft buffer, and unapproved additions of riprap.
- JK motions to table the matter to September 15, 2020. CH second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**2407 Follett, 111 Meadowview Street [COC]**

- John Zimmer (JZ), South River Environmental, present for applicant. JZ notes that the property was the subject of an enforcement order in 2012. A full restoration plan was prepared in response, but never implemented fully. In the meantime, the buffer zone (to saltmarsh) has revegetated naturally with mostly native species, primarily sumac, but not in accordance with the approved restoration plan. JZ is willing install conservation markers at the limit of lawn and put in additional plantings, as well as control invasives, but wants to avoid denuding the buffer anew.
- JZ notes that the property has since been sold, with a sizeable escrow held back due to the outstanding COC. The matter was tabled to allow for further information as to an amended planting plan.
- JK motions to table the matter to September 15, 2020. JR second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**2501 Murphy, 272 Canal Street [COC]**

- Homeowner David Murphy present. JK notes that special condition F of the property's order of conditions requires that the crawl space beneath the house not be used as habitable space, and it is not currently being used as such. The house is compliant in terms of having the required smart vents, but the crawl space is large enough to conceivably be converted to habitable space, although doing so would not be legal due to the home's location in a FEMA flood zone.
- BO asks if Condition F specifies any height limitation to the crawl space; BG indicates the condition only states it cannot be used as living space.
- JK polls the Commissioners on whether to require a deed restriction prior to issuance, issuing the COC based on the property's current compliance with the OOC conditions, or table the matter. CH require deed restriction; JR deed restriction; AL deed restriction; BO deed restriction; JK deed restriction. After further discussion, the matter is tabled pending receipt of the deed restriction with proof of recording.
- JK motions to table the matter to September 15, 2020. JR second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**2570 Ryan, 241 Foster Ave [COC]**

- BG visited the property and recommended issuance of the complete COC.
- JK motions to issue a complete COC for the property. AL second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**2873 Fithian, 88 Meetinghouse Lane [COC]**

- BG visited the property and recommended issuance of the complete COC.

- JK motions to issue a complete COC for the property. CH second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

**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); 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)

**ADJOURNMENT** – JK makes a motion to close the hearing at 9:17 PM. AL second. Approved 5-0-0 by Roll Call Vote: AL-yes, JR-yes, BO-yes, CH-yes, JK-yes.

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

Bill Grafton, Conservation Administrator  
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