

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

MEMBERS NOT PRESENT – None

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

MINUTES

- The minutes of the September 1 meeting were presented for approval. No comments or suggested changes were received, and none were made on the floor.
- JK motions to approve the September 1, 2020 minutes as written. BO second. Approved 6-0-0 by Roll Call Vote: JR-yes, PC-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.
- 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.
- 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 & B7 New Conservation Commissioner Search-Introduction/ Susan Caron

- Susan Caron present to discuss her interest in becoming a Commissioner. SC notes that she previously served on the Commission between (2006-2012), and also served on and chaired the Open Space Committee. She enjoyed her previous service as a Commissioner and has a continuing interest in land preservation and conservation. She had moved to California in 2012, and only recently has moved back full time.
- JK polls the Commissioners as to whether to consider SC's application: JR-yes, CH-yes, PC-yes, AL, yes, BO-yes, [know her from the OS Committee]; JK-yes. The Commission will further discuss her application after the public hearings. After the discussion, Jon Zimmer (JZ) notes that he previously served with SC on the Commission and thinks she would be an outstanding candidate.
- Prior to the end of the meeting, the Commission votes to recommend SC to the Board of Selectmen (BOS) for appointment to the Commission.

- JK moves that the Commission recommend Susan Caron to the Board of Selectmen for appointment to the Commission. BO second. Approved 6-0-0 by Roll Call Vote: JR-yes, CH-yes, AL-yes, BO-yes, PC-yes, JK-yes.

B2 Farmer Decision for Mounces Meadow – Farming- Ronnie Simon & Kristen Webb

- The Commission discussed farming proposals recently received from Ronnie Simon and Kristen Webb for Mounces Meadow. Each applicant has discussed their proposal in a previous business session, and both have submitted their proposals in writing.
- Commissioner CH advises that she is recusing from the discussion and any votes, as applicant farmer Ronnie Simon farms on some of her land.
- KW notes that she is a Marshfield resident and has served on the Agricultural Commission for the last year. She has farmed at home for years and held positions at Holly Hill Farm in Norwell and Cross Street Flower Farm in Cohasset. She is enrolled in Tuft's Sustainable Crop Production program, and recently finished a farm business planning class.
- RS is looking for additional land in the area to farm to help support a CSA he is involved with. He has the equipment needed to farm the land, and has received permission from the neighbors to access the property for farming purposes through their determination.
- JK notes that under the approved guidance policy for proposed activities on Conservation-stewarded land, the factors the Commissioners should consider include preservation of the land for agricultural use, soil preservation/enhancement, open field vista and open space preservation, provide value and opportunity to residents, greatest Marshfield benefit, minimum impact on land in terms of disturbance and structures. Decision preference for farming proposals is for food grown for local consumption; other factors include prior successful and proper use of land; soil preservation/enhancement; no hindrance to public use of existing trails.
- PC asks about the license term; BO indicates it is three years, renewed on an annual basis. PC also asks about oversight and monitoring; JK indicates this will be done by the Commission; BG will monitor and address any issues with the farmer. BO adds that as part of the license, the farmer must provide an annual report to the Commission.
- BO comments that both proposals look good and meet the criteria for approval, but there are some contingencies he would like from either applicant should they be selected. He would like RS to select crops that would use minimal amounts of anything other than organic fertilizers and pesticides. He would like any licensing for KW contingent on her being able to procure the equipment needed to mow the field as needed, and would like her to get a letter from the neighbors authorizing access. KW states that she met with abutter Scott Stephenson last week, and he has no issues.
- JK polls the Commissioners as to whether they would like to select the farmer at this meeting, or would like more time: JR now, PC now, AL now, BO now, JK now. Approved to advance to a vote 5-0-0; CH having recused.
- JK polls the Commissioners as to which farmer they would like to grant the license: JR RS, PC RS, AL RS, BO KW based on her connections to the town, JK RS. 4 (RS)-1 (KW)-0; CH having recused.

CH returns to the public meeting.

B3 Eagle Scout Project/Troop 101-reclaiming existing path in buffer zone, DeMinimis activity or RDA – Lucas Will

- Tabled.

B4 Troop 424 Webster's Wilderness Overnight permission - Ned Bangs

- BG advises that Ned Bangs, Vice Chair of the Recreational/Trails Committee, has been working in Webster's Wilderness with Troop 424, and would like to organize an overnight campout with the Troop. The Marshfield Board of Health recently released guidance subject to change allowing outdoor gatherings, including overnight camping, of up to 50 people.
- NB notes that the RTC has been working with Troop 424 to clear trails on the property; thus far, they have put in about 12 hours of work, with 12-16 additional hours projected. The Troop leader would like to have a campout sometime in the Fall, as other troops have done in the past.
- JK polls the Commissioners as to whether to permit the campout as proposed: JR yes, CH yes, PC yes, AL yes, BO yes JK yes. BG will draft a permit upon request that the Troop leader can have on her person.

B5 938 Summer Street Buffer Zone Restoration Plan- Jon Zimmer

- Jon Zimmer (JZ), South River Environmental, present to discuss a buffer zone restoration plan for unpermitted work in about 2250 sq ft of BVW abutting the South River; this primarily consisted of clearing of undergrowth. The plan proposes about 90 plantings within the 50 ft buffer and the installation of conservation markers along the buffer. Applicant would like to be able to conduct vegetative management along an existing fence and pathway to the existing dock. JZ notes that this is a favorable time to start the plantings and would like to proceed ASAP.
- JK notes that he visited the property with JZ, CH and BG and in July again with BG, JZ and homeowner Reed Dickinson (RD) to review the wetland delineation and that the plan seems consistent with what was discussed in the field; CH having visited the site in July with JK, BG and RD concurs. BG notes that several wetland flags were shifted during their site walk and asks JZ if the site plan, dated 7/21, reflects the revisions; JZ confirms they are. BO and JK ask about stakes observed in the nearby salt marsh. Property owner Dickinson indicates those stakes are in the abutting owner's property.
- BG asks about timing of the plantings given the current Class 2 drought conditions. JZ feels a 30 day window for plantings offers sufficient flexibility. CH has no issue if JZ were to opt to wait until the next planting season. JK is willing to defer to JZ's judgment, but suggests that he circle back with the Commission if he prefers to do the plantings in the spring.
- JK polls the Commission as to whether to consider the restoration plan as proposed: JR=yes, AL=yes, BO=yes, PC=yes, CH=yes, JK=yes. Approved 5-0-0.

B6 215 Island/SE42-2751- DeMinimis Deviation vs. Amended OOC: new deck – Mark Kemp

- BG comments that homeowner and builder Mark Kemp (MK) approached him regarding a proposed change to the previously issued order of conditions to add a 12' by 12' deck off the back of the house. MK notes that the deck was part of the original plan but was taken off when they approached the Commission for permitting; he would now like to build the deck as originally envisaged.
- BG asks MK whether the porch surface beneath the porch would be pervious. MK indicates that the area beneath is gravel and grass. BG has no issues with the proposal given applicant's proactiveness in approaching the Commission.
- JK asks MK whether the previous shed has been removed; it has. JK also asks how the deck will be supported; MK would like to use diamond piers to minimize ground disturbance.
- JK polls the Commission as to whether to approve the proposal as a DeMinimis Deviation from the previously issued OOC or a change requiring an amended NOI: JR- DeMinimis Deviation, AL- DeMinimis Deviation, BO- DeMinimis Deviation, PC- DeMinimis Deviation CH- DeMinimis Deviation, JK- DeMinimis Deviation.

PUBLIC HEARINGS

Prior to the start of the hearings, JK advises that the hearings for Murphy (2860), Sullivan (no WPA file no.), and Marshfield Airport (2879) are being continued, having duly notified the Conservation Office.

20-21 Meredith, 10 Idaho Street (Tree Removal)..... NEW (Joe)

- JK reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- Property owners not present. JR notes that he visited the property with BG, and noted a number of poplar trees that are getting inundated by salt water from the nearby marsh and are not likely to survive; they also noted a number of invasive/opportunistic plants that in places are threatening red cedars and other beneficial vegetation on the property. JR suggests that applicants be allowed to remove these invasives and replace with native, salt-tolerant plants as needed.
- Applicant Judy Meredith notes that they had removed some dying poplars in 2017, and would like to remove additional poplars due to the conditions JR describes. She is willing to keep the invasives under control as suggested. They would like to replace the poplars with red cedars and high bush blueberries or equivalent natural species, which are more saltwater-tolerant.
- CH comments that some of the trees in question are outside the property line; JM indicates they are on adjoining saltmarsh owned by Susan Brown (SB). SB is present on the call and has no issue with removal of the poplars on her property.
- JR asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply along with a special condition allowing for ongoing control and removal of invasives, and posting of 5-7 conservation markers located in the field under guidance of the Conservation Administrator.
- JR motions close to and issue a Determination of Applicability, Pos #5 and Neg #3, with special conditions drafted by BG. AL second. Approved 6-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

20-22 Ryan, 30 Eastwood Lane (Shed).....NEW (Joe)

- JK reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- JR notes that the filing is for vegetative clearing to support a shed on the property. Applicant David Ryan (DR) adds they are looking to put in a 12' by 16' shed in the back yard; his building permit is awaiting Conservation sign-off.
- JK notes that he observed some already cut trees when he visited the property, and that conservation markers were discussed during the site visit but they don't seem to be on the site plan provided. JR believes an agreement was made for a few markers. DR indicates that the markers are on the plan he submitted; one marker will be on a maple tree and another will be on a boulder. BG advises that the markers must be on posts; he will work with DR as to their placement in the field.
- BO asks about the distance of the shed from the wetland line. BG notes that determining the exact distances would require a delineation from a qualified wetland scientist, so an estimated 50 ft setback was established in the field to the satisfaction of BG, JR, JK, and DR. BO asks about the distance between the wetland line and property line; BG indicates this ranges between 50-65 ft. The trees that were already cut were in the 50 to 100 ft buffer.
- JR asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply as well as a special condition requiring the posting of (3) three conservation markers in the field under the guidance of the Conservation Administrator, with no vegetative removal beyond the markers.
- JR motions to close and issue a Determination of Applicability, Pos #5 and Neg #3, with special conditions drafted by BG. PC second. Approved 6-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

20-23 Town of Marshfield, 230 Webster Street (Addition to Senior Center).....NEW (Joe)

- JK reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- JR notes that this filing is to construct an addition to the senior center and add parking. Richard Grady (RG), Grady Consulting, presents for applicant. The proposed activity is to construct an addition off the rear of the existing senior center, as well as add parking along the righthand side of the driveway. The proposed addition is entirely within the existing parking area; they also would like to reconfigure the remaining lot as part of the project.
- RG notes that when the Center was originally built, there were no wetlands or buffer zones in the vicinity, but a drainage ditch along the left property line has since qualified as an intermittent stream under the Bylaw. The nearest point of the proposed addition to this intermittent stream is 83 feet. Erosion control is proposed along the limit of work to protect the intermittent stream. They are also proposing a roof drain infiltration system around the perimeter of the addition, which will overflow into the existing system. All surfaces disturbed by construction will be replanted, and applicant is proposing to place conservation markers along the length of the IVW buffer. Additional work outside the buffer zone includes parking lot reconfiguration, connections to the existing septic system, as well as modification to two of the septic system trenches. Rip rap banks will be added to parts of the parking area for erosion protection.
- All parties discuss the number and location of conservation markers to be installed. BG suggests that the conservation markers for the intermittent stream buffer be field-located; RG has added a note recommending that the contractor meet with BG on site prior to their installation. Additional markers will be placed along a section of existing guard rail. RG notes that all markers are depicted on the site plan but not all are labeled as such.
- JK asks if the existing stormwater system has sufficient capacity to deal with the increased impervious surface area. RG states that they looked closely at the existing drainage system, and found the catch basins to be in good condition, with gasoline and sediment traps and an infiltration basin on site. RG notes that they are changing about 2970 sq ft of pavement into green space, and feels the system can handle the approximately 3942 sq ft net increase in impervious space. The roof drain system for the addition will result in a slight decrease in runoff going to the existing system.
- JR asks BG if the Commission can require the installation of five additional markers for previous unpermitted ballfield and parking lot work as a condition of approval; BG feels the Commission has the ability to do so if they have not already been put in by Pat Brennan, the engineer for the previous project or his assigned.
- JR asks for comments from the public; none. Town Administrator, Mike Maresco (MM) notes that this project will be very beneficial to the seniors in town, and thanks the Commission for working to expedite the project while protecting all resource areas.
- BG indicates that the standard conditions of approval will apply as well as special conditions requiring the posting of five conservation markers associated with the previous parking lot and ballfield work, if not already installed, as well as conservation markers along the buffer to IVW as depicted in the site plan.
- JR motions close and issue a Determination of Applicability, Pos #5, Pos#2A approving the wetland delineation, Neg #3, with special conditions drafted by BG. AL second. Approved 6-0-0 by Roll Call Vote: JR=yes, AL=yes, BO=yes, PC=yes, CH=yes, JK=yes.

2861 Brown (Now Sullivan), 20 Shady Lane (Amended Septic Repair).....NEW (Bert)

- JK reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Paul Gunn (PG), Morse Engineering, presents for applicant. They would like to amend a previously issued order of conditions for a septic repair. Since issuance of the OOC, new owner Sullivan has purchased and moved into the property; Sullivan would like to revise the septic system to reduce the size of the mound

needed on the site. The proposed revisions include replacement of the 1500 gallon tank with a Hoot H600A treatment tank, increasing pump chamber size from 1000 to 1500 gallons, and changing from a leaching system to a geoflow drip dispersal system. The new system would be 50 ft and the tanks 36.6 ft to the salt marsh. The proposed revisions have been approved by the Board of Health. The changes will reduce the size of the mound on site, which in turn reduces the potential for drainage problems, and the system and tanks have been moved further away from the buffer. The Hoot tank will also allow for secondary treatment and greater nitrogen removal.

- BG notes that the location of the (3) three agreed-to conservation markers on the amended site plan of 9/4/2020 is 20 feet downgradient from where they were shown on the original approved site plan of 3/24/2020. BG also observed that a grove of high tide bush on this property was significantly thinner than one on the adjacent property, noted several large stones in rear of the property, and wants to emphasize to applicant that no armoring or cutting of vegetation other than the markers will be allowed. PG was unaware of the discrepancy and is willing to correct the location of the markers and update the site plan. BO feels that with the correction to the location of the markers, the changes to the system will be an improvement; PC and AL concur.
- BO asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply along with a special condition requiring the relocation of the conservation markers by Friday noon, no vegetative removal beyond the markers beyond invasive plant control, and submission of updated site plan to the Conservation Administrator.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 6-0-0 by Roll Call Vote: JR=yes, AL=yes, BO=yes, PC=yes, CH=yes, JK=yes.

2880 Sullivan, 14 Shady Lane (Septic Repair).....NEW (Bert)

- JK reads the legal ad. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on October 6, 2020 due to lack of DEP number.
- JK motions to continue the hearing to October 6, 2020. CH second. Approved 6-0-0 by Roll Call Vote: JR=yes, AL=yes, BO=yes, PC=yes, CH=yes, JK=yes.

2879 Town of Marshfield / Airport, 93 Old Colony Lane (Fence).....NEW (Art)

- JK reads the legal ad. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on October 6, 2020 due to lack of DEP number.
- JK motions to continue the hearing to October 6, 2020. AL second. Approved 6-0-0 by Roll Call Vote: JR=yes, AL=yes, BO=yes, PC=yes, CH=yes, JK=yes.

2877 Dodge, 1112 Ferry Street (Raze & Rebuild).....9/1/20 (Rick)

- Continued Hearing. CH Hearing Officer.
- CH notes that the proposed project is a raze and rebuild in land subject to coastal storm flowage (LSCSF); the property is also in buffer zone to a salt marsh on the other side of the street. Dick Rockwood (DR), Rockwood Design, presents for applicant. The proposed activity is the demolition of an existing SFH and construction of a larger one with a new septic system. The septic is located as far away from the resource area as possible on the property. As the property is in an AE12 flood zone, the first floor elevation will be at elevation 13.
- BG met with property owner regarding the scope of the proposed house in relation to the lot size and possible mitigation. A permeable paver apron, which appears to have been added to the site plan of 9/4/20 for mitigation purposes; however, the impervious table does not appear to have been updated to reflect the use of the pavers. BG would also like more information regarding the pavers to be used and how the apron would function in a spec sheet and/or cross-section.

- CH notes that the proposed paved driveway is less than 75 feet to a resource area, and asks whether the driveway would be considered a structure. BG indicates that the 75 ft “no disturb” zone applies to undeveloped lots, and this lot, with the existing house, is considered previously disturbed. However, JK notes that the driveway would be changing from crushed stone and pervious, as it currently exists, to paved and impervious, and is moving closer to the resource area; therefore, he feels it is within the Commission’s purview to address. CH would like to see less impervious coverage as well as some mitigation plantings for the four established cedar trees in the front yard that would be removed. PC suggests that the new driveway be either crushed stone or pervious paver; JK concurs, citing the 17% increase in impervious surface under the current site plan.
- CH asks for comments from the public; none.
- JK notes that the impervious table on the existing plan needs to be corrected anyways, and suggests that the matter be continued to allow for a new site plan with mitigation such as increased plantings and pervious surface on the driveway, revised impervious table, and cross-section of the pervious paver apron. Applicant will not be charged with a continuance under the “three continuances” policy.
- CH motions to continue the matter to October 6, 2020. JR second. Approved 6-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

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

- Continued Hearing. BO Hearing Officer.
- Paul Seaberg (PS), Grady Consulting, presents for applicant. The subject property is oceanfront near Rexhame Beach; resource areas include coastal bank and coastal beach. Applicant would like to reconstruct an existing riprap revetment in front of the house, in the same location. The work area is in priority habitat, and they have received an approval letter from NHESP with conditions. They would like to match the revetments on the two abutting properties to the north that were approved by the Commission in 2017. After adding a base layer of geotextile and crushed stone to improve the stability of the wall, they will be reusing the existing revetment stones as much as possible. BG asks that the geotextile get cut cleanly so portions aren’t exposed and broken off.
- BG comments that the revetment is actually sitting on coastal dune, which has a higher performance standard than coastal bank. It appears that some of the revetment has encroached onto adjoining property which may be part of the town beach. BO inquires about the location of the eastward property line; PS believes it extends to the mean low water line in Massachusetts; JK and BO are comfortable with this representation. BO also asks about construction access; PS indicates this will be from Newport Street and the plan is marked as such; they will be using an excavator with claw attachment to place the stones. NHESP time of year restrictions for the work extend from April 1 through August 31. In response to a query from BG, PS indicates that he spoke with MassDEP and verified that a Chapter 91 license is not required for this project; he will provide BG with a copy of the e-mail.
- BO asks for comments from the public; none. BG indicates that the standard conditions of approval for revetment walls will apply plus special conditions requiring that applicant follow NHESP time of year restrictions, and that applicant follow the plan of record in the ongoing periodic maintenance of the wall, maintaining roughened finish to avoid deflection of surf onto abutting properties. Ongoing periodic maintenance of the wall is authorized.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 6-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-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 October 6, 2020. Harbormaster comments still pending.

- JK motions to continue the hearing to October 6, 2020. CH second. Approved 6-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

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

- Continued Hearing. AL Hearing Officer.
- Rick Servant (RS), Stenbeck & Taylor, presents for applicant. RS notes that the hearing was opened and continued for several meetings pending a determination from the Building Department as to whether the project constituted a substantial improvement; the latest determination is that the project is not a substantial improvement due in part to an appraisal that increased the value of the house and therefore lowered the percentage of project cost. The property is located in barrier beach and A03 flood zone. The proposed activity is to reconstruct and a second story to an existing enclosed porch in front of the house. As the current foundation will not support a second story, they are proposing to remove the existing porch, install a new foundation using helical screws, rebuild the first floor and construct the second floor. The project will take place in existing structure footprint and will not result in an increase an impervious surface. They are also proposing to add a gravel driveway to the left side of the house.
- BG notes that he received a complaint about cutting of beach grass behind the property, which was addressed by JK. BG suggests that as a special condition of approval, applicant be required to post (3) three conservation markers in the back yard prior to start of construction, with updated site plan submitted to the Conservation Office by 12 noon on Friday; AL concurs, and RS indicates he will comply. JK suggests that (5) five conservation markers to demark the usable space in the back yard; RS concurs.
- AL asks for comments from the public; none.
- BG indicates that the standard conditions of approval will apply in addition to the special condition set forth above regarding posting of conservation markers and filing of updated site plan.
- AL motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JK second. Approved 6-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

2727 Digan, 1327 Union Street [COC]

- CH recuses from the discussion, as an abutter.
- BG advises that during his RCOC site visit he observed several incomplete special conditions and recommended that the request be tabled. JK adds that he spoke to Town Counsel regarding the matter, who advised that the Commission has the right to deny the request for COC, with correspondence setting forth the reasons, which applicants could then either appeal or resolve any issues and reapply.
- All parties discuss various issues on the property, including a different ramp design than approved, which causes the float to damage part of the salt marsh, and the removal of boulders and rocks from the riverbed without a permit. BG notes for the record that he suggested this to homeowners' consultant but did not expect it would be done without a permit. JR asks whether remediation would be desirable for the removal of boulders.
- PC comments that it was clear to him that the dock and ramp design deviated significantly from the approved plans; and they should have come back before the Commission if they needed to make modifications; AL concurs, notes the extensive history associated with this property, and would favor issuing a denial. BO is also in favor of a denial, with the expectation that applicants would correct all issues and then come back.
- JK suggests that based on this and other issues, the Commission issue a denial of the request. However, BG notes that the item is on the October 6 agenda as a business item, and he advised applicant's attorney and engineer that the matter would be tabled tonight and requested they appear on the 6th.

- JK motions to deny the request for Certificate of Compliance for the project, SE42-2727. PC second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, JK-yes; CH having recused.

CH returns to the public meeting.

2390 Rogan, 14 Bank Road [COC]

- BG advises that he observed incomplete special conditions and recommended that the request be tabled.
- JK motions that the request for Certificate of Compliance be tabled to the October 6, 2020 public meeting. JR second. Approved 6-0-0 by Roll Call Vote: JR-yes, CH-yes, AL-yes, BO-yes, PC-yes, JK-yes.

2407 Follett, 111 Meadowview Street [COC]

- John Zimmer (JZ), South River Environmental, present for applicant. The property was the subject of an enforcement order in 2012. A full restoration plan was prepared in response, but never implemented. In the meantime, the buffer zone to saltmarsh has revegetated naturally with mostly native species. Therefore, JZ feels it is unnecessary to plant the full number of plants set forth in the restoration plan, and states doing so would require taking out already established native vegetation. As set forth in his latest monitoring report, JZ would instead like to supplement the native species with additional plantings, control invasives as needed, and install conservation markers at the limit of lawn; applicant would not request the actual certificate until after two monitoring seasons.
- JK polls the Commissioners as to whether to accept JZ's proposal as set forth in the monitoring report. Commissioners PC, AL, BO, and AL indicate some confusion as to how JZ's request relates to a request for COC and the timing of its issuance. JK suggests that JZ reappear at the next meeting to discuss the matter in a business session. JZ is willing to come back but notes he would like to get the proposed plantings in before the end of the growing season. After further discussion, JZ indicates he will submit a full revised plan, incorporating his proposal, for review at the next meeting.
- JK motions that matter be tabled to the October 6, 2020 public meeting. JR second. Approved 6-0-0 by Roll Call Vote: JR-yes, CH-yes, AL-yes, BO-yes, PC-yes, JK-yes.

2501 Murphy, 272 Canal Street [COC]

- BG advises that property owner has recorded the deed restriction requested by the Commission at the previous meeting, and recommended issuance of the COC.
- JK motions to approve a Complete COC with ongoing conditions referencing the Deed Restriction that has been recorded separately [00083525, Book 53399, Page 115] at the Plymouth County Registry of Deeds on September 9, 2020 as part of ongoing conditions. AL second. Approved 6-0-0 by Roll Call Vote: JR-yes, CH-yes, AL-yes, BO-yes, PC-yes, JK-yes.

2709 Lohe, 1354 Union Street [COC]

- Commissioner CH recuses from the discussion and vote.
- BG advises that the ramp design was changed from that on the approved orders of conditions. BG notes that, unlike the Digan float, this float is not causing damage to the salt marsh and tidal flats. However, JK wants to discourage applicants from deviating from an approved plan without Commission authorization. BO asks whether this change would qualify as a DeMinimis Deviation.
- JK notes that the Commission just voted to issue a denial of COC for SE42-2727 (Digan) for the same reason, and polls the Commissioners as to whether the same action should be taken here: JR yes, AL yes, PC yes, JK yes, BO yes.
- JK motions to deny the request for Certificate of Compliance for the project, SE42-2709. JR second. Approved 5-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, JK-yes; CH having recused.

CH returns to the public meeting.

2855 DPW Facility, 35 Parsonage Street [COC]

- BG recommended issuance of an invalid COC, as the approved work never commenced.
- JK motions to issue an invalid COC for the property. JR second. Approved 6-0-0 by Roll Call Vote: JR-yes, CH-yes, AL-yes, BO-yes, PC-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 8:53 PM. CH second. Approved 6-0-0 by Roll Call Vote: JR-yes, CH-yes, AL-yes, BO-yes, PC-yes, JK-yes.

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

Bill Grafton, Conservation Administrator	
James Kilcoyne, Chair	Bert O'Donnell, Vice Chair
Art Lage	Joe Ring
Craig Hannafin	Rick Carberry