

TUESDAY, DECEMBER 15, 2020 6:30 P.M., ZOOM VIDEO CONFERENCE (HELD REMOTELY)

MARSHFIELD TOWN HALL, 870 MORaine STREET, MARSHFIELD, MA

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

MEMBERS NOT PRESENT – None

CALL TO ORDER – JK motions to open the meeting at 6:30 PM. PC second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

MINUTES

- The minutes of the November 17 and December 1 meetings were presented for approval. A correction to a date was made to item B3 of the November 17 minutes; and to the hearing for Dickinson (SE42-2891).
- JK motions to accept the November 17, 2020 minutes as edited. BO second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.
- JK motions to accept the December 1, 2020 minutes as edited. CH second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

CHAIRMAN'S ADDRESS

- 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.
- As of December 1, 2020, the 21 day deadline for the Commission to open a public hearing on an application will be reinstated. The Commission has been meeting regularly and opening hearings within the deadline throughout the state of emergency, so no impacts are anticipated.
- 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.
- Chapter 505 of the town bylaws, relating to wetlands protection regulations, has recently been revised, and the draft is presently with Town Counsel for review. Once TC's review is complete, Commissioners and then the public will have the opportunity to review and comment, after which a vote to ratify will be held. Once the Chapter 505 revisions have been ratified, JK would like to rewrite the Commission's policy and procedures document.
- 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.
- The Commission recently voted to modify the hearings procedure to allow applicant/representative to speak after start of Commissioner deliberations to (1) offer new and not previously known information, or (2) correct statements the Commission has misunderstood. Applicants should not rehash their presentation at such times. Since in most cases, the Commissioners have already visited the property and reviewed the submission at length in advance of the hearing, and have listened to applicant or their representative's presentation prior to the start of deliberations, JK feels that the need for applicants to interrupt should be infrequent.

BUSINESS

B1 62 Landing Rd/unpermitted patio/enforcement vs after-the-fact conservation permit/Frank Aikens

- Property owner Frank Aikens advises that he purchased his property last year and hired a contractor to put in a patio in 100 ft buffer to salt marsh without a conservation permit. He was unaware that the permit was needed, as he assumed the contractor would advise him of this. BG and several Commissioners observed the concrete pad for a future pergola during a visit to a nearby site, and BG advised that an after-the-fact filing would be necessary.
- CH notes that she, AL, and BG met with FA on 12/14/2021, and he has offered to remove the asphalt from a section of his driveway equivalent in size to the concrete pad. AL feels this would be a satisfactory solution and that the appropriate filing would be a NOI due to some uncertainty regarding street location as well as an access easement to a neighbor's house; this would ensure abutters were notified. BG feels that the work could be permitted as an RDA provided that a professionally surveyed plan were provided.
- JK polls the Commissioners as to whether to require an RDA or NOI for the project: CH NOI; JR RDA; SC RDA; PC RDA with surveyed plan - applicant is being cooperative; AL NOI; BO RDA; JK NOI; (RDA carries 4-3).
- JK motions to require the filing of an RDA for after-the-fact and proposed work at 62 Landing Road. JR second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

PUBLIC HEARING

Prior to the start of the public hearings, JK announces that the hearings for 52 Carolyn Circle (20-33), 0 Brewster Rd (SE42-2887), and 1354 Union St (SE42-2709-Amended) are being continued.

20-34 Rozen, 7 Johnson Terrace (ATF Deck).....NEW (Joe)

- JK reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- JR notes that the filing is to permit a deck that was identified as jurisdictional through building permit review. Applicant Rozen started work prior to the building permit's being issued, making this filing after the fact. The work was to replace an existing deck with one of the same size; the work area is in the flood plain and buffer zone to BVW. The position of the stairs is shifted slightly on the new deck.
- JK notes for the record that homeowners should check if their property lies within Commission jurisdiction prior to the start of work, especially if the project involves an increase in impervious surface.
- JR asks for comments from the public; none.
- The standard special conditions of approval will apply.
- JR motions to close and issue a Determination of Applicability, Pos #5 and Neg #3, with special conditions drafted by BG. CH second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

20-35 Mori, 615 Careswell Street (Vegetation Restoration with Con Com Markers).....NEW (Susan)

- JK reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- SC notes that the filing is for restoration plantings and conservation marker postings as mitigation. Although the pool itself and all accessory structures are outside the 100 ft buffer, the cuttings associated with the work and previous clearing were dumped inside the buffer, thus requiring mitigation.
- Leahana Mori (LM), homeowner noted that they moved into the property in August; the property had sat vacant for several years, and they had trimmed back overgrowth in the yard and dumped it in back, unaware that the area was a buffer zone and protected area. They will remove all cuttings, allow the area to revegetate, and post five conservation markers along the 50 ft buffer.
- BG thanks LM for her cooperation and advises her to make sure that the pool and all structures remain outside the 100 ft buffer, and not discharge pool treated water towards the wetland, so that further permitting is not required. Property owners have the option to enhance the buffer zone beyond the

markers with wetland seed mix or other plantings. Restoration work should start within 30 days of issuance of the permit, and posts should be placed immediately upon completion of restoration.

- SC asks for comments from the public; none.
- The standard conditions of condition will apply as well as special conditions as to placement of five conservation markers and removal of invasive/opportunistic slash offsite.
- SC motions to close and issue and issue a Determination of Applicability, Pos #5 and Neg #3, with special conditions drafted by BG. PC second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

20-36 Scott, 222 Canal Street (ATF Fire Pit, Patio & Shed).....NEW (Art)

- JK reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- AL advises that the associated resource areas include LSCSF and buffer to salt marsh. Applicant Mark Scott (MS) states that he purchased the property in 2018 and added a patio, fire pit, and shed in the buffer zone, unaware of the need to file for a Conservation permit. He is willing to undertake any mitigation the Commission may suggest.
- BG notes that the flood zone has been reduced in the property due to recent FEMA updates, but the 100 ft buffer goes up to the back of the house and just a small amount on the east side remains in the flood zone. There is a delineation from a previous site plan that is valid for the purposes of this filing.
- JK comments that the delineations from the marked up site plan used for this filing are hard to read and appear to diverge from his previous description. BG re-examines the plan and states his descriptions were based on the previous footprint of the house and not the current one, but the delineations on the plan are accurate. JK states that his reading of the plan places the fire pit outside the 75 ft buffer and the shed outside the 25.
- All parties review an aerial image of the property to verify locations. The fire pit is in a gravel area 12 feet off the back of the house. The shed is in the back corner of the lot. BG suggests that MS notify the Building Department regarding the shed. In response to a query from JK, MS indicates that the shed is on cinderblock, in a previously disturbed area of the lot that was used for parking.
- BG asks whether the binding and subgrade for the patio and fire pit should be changed to pervious materials. JK notes that the patio and fire pit are outside the 75 ft buffer and has no issue with leaving them as is; AL concurs.
- AL polls the Commission as to whether the shed should be moved? PC stay as is given outside the 25 in previously disturbed area; BO stay, dwelling next door is closer to the wetland; CH stay; SC stay; JR stay, improvement over previous conditions; JK stay; AL stay.
- AL asks for comments from the public; none.
- BG thanks MS for his cooperation and indicates that the standard conditions of approval will apply.
- AL motions close and issue and issue a Determination of Applicability, Pos #5 and Neg #3, with special conditions drafted by BG. JR second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

20-37 Nightingale, 15 Howes Brook (replace septic).....NEW (Joe)

- JK reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- JR notes that the filing is an RDA for a septic replacement in buffer zone to BVW and riverfront. The property was delineated by Brad Holmes, ECR; the project is subject to the exemption for Title 5 projects in Riverfront.
- Bob Rego (BR), Riverhawk Environmental, present for applicant. The new system is in the 100 ft buffer to BVW and 200 ft buffer to riverfront area. Two existing leaching pits will be removed and replaced with a Presby septic field, which will be about 75 ft away from the BVW and under existing lawn/driveway area. The proposed work will require removal of several cedar trees along the road.

- BO has no issues with the project as proposed but would like conservation markers to be installed, given that the house is for sale, to prevent encroachment by the new owners; JR and PC concur. BR would like to know where the markers would go given there is a pre-existing lawn area behind the structure. BG suggests that five markers be placed at the edge of lawn, and adds that the markers will prevent “vista pruning” of the trees between the house and river by the new owners.
- JR asks for comments from the public; none.
- Special conditions will apply requiring (1) the placement of five conservation markers at the edge of lawn and (2) receipt of updated site plan showing the location of the markers.
- JR motions to close and issue a Determination of Applicability Pos #5, Neg #5 for the state exemption, and Neg #3, with special conditions drafted by BG. AL second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2894 Manning, 44 Jayna Way (addition, deck, porch, replace shed, grading, retaining wall, and vegetation removal & replanting).....NEW (Art)

- JK reads the legal ad. Hearing Officer AL confirms administrative requirements are complete. AL notes the lateness of receiving the DEP number and would like to discuss this in a future business session.
- AL notes that BG became aware of activity at this property while conducting a site visit at a nearby property. Terry McGovern (TM), Stenbeck & Taylor, presents for applicant. TM asks that BG refrain from participation in this hearing per applicant dispute with BG. AL indicates he will defer to Chair JK as to this request; JK agrees in this specific case; BG has provided comments to the Commission.
- TM notes that the house was originally built in 1991, and TM was involved in the replication planting area in back of the house. Applicants purchased the property in May of 2019, and proceeded to clear the rear of the property of overgrowth and poison ivy, removing some trees in the process. TM came into the picture in November of last year, and instructed applicants to cease clearing in the backyard; he then hired Brooke Monroe (BM), Pinebrook Consulting, to delineate the property and prepare a planting plan.
- Applicants would like to put a 12 ft wide deck with stairs across the back of the house, a screened-in porch further back, near the easterly property line, and a house addition with farmer’s porch in front. They would also like to remove and rebuild an existing shed outside the 25 ft buffer, add a swing set to existing lawn area, remove some dead tree limbs in front of the house, and trim the top of an existing dead tree limb. All work is within the 100 ft buffer to wetland in back. TM is willing to walk the site with the Commissioners, as needed, to address any concerns.
- The planting plan involves the removal of invasives and addition of native plants, including 12 three ft red maples, 12 high bush blueberry, 12 chokeberry, winterberry, dogwood, and wetland seed mix, to the 0 to 25 ft buffer; they also propose to add meadow mix to sections in the 25 to 50 ft buffer, and install 11 conservation markers along the edge of existing lawn.
- AL asks TM about shifting the conservation markers to cut off a “dog leg” in the easterly back portion of the house, in exchange for structures moving closer to the wetland. In response to a query from PC, TM indicates that in the area of the proposed porch there is currently lawn and some gravel; after construction, the surface would remain pervious. Applicants would like to level the area to increase ease of entry/exit from the back door. The deck and screened-in porch will both be on sonotubes.
- Given there are structures moving closer to the wetlands, PC asks whether the request will need a variance. AL feels it might. JK notes that Commission policy discourages structures moving closer to the wetlands; he likes the proposed plantings and moving of the shed, but notes that large canopy trees were removed from the area, and agrees with AL’s suggestion regarding cutting off the “dogleg” in back, as this would eliminate lawn area inside the 25 ft buffer. JK suggests that the dead tree limb be topped off at 30 ft, which would leave sufficient room for habitat while protecting the house. JR agrees on the need for mitigation for moving closer to the wetlands. BO agrees with the proposal to remove the “dogleg”, and would also like to see some markers along the easterly lot line, where the lot borders

conservation land. BO also suggests that applicants consider adding the structures to the front or side yards instead of the backyard.

- AL asks for comments from the public; none.
- AL polls the Commissioners as to whether they would accept or deny the request as submitted: AL deny, willing to work with applicants further; CH deny but willing to continue; BO deny as it stands; JR deny, consider options; PC deny because of structures moving closer to 25, willing to consider mitigation/variance; SC deny as is but consider mitigation; JK deny as requested.
- After the poll, TM assents to a continuance to allow for Commissioner site visits and further discussions.
- AL motions to continue the hearing to January 19, 2020. CH second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2895 Spectrum Homes Inc., 16, 18, 20 & 22 (Lots 10-13) Adelaide Way (grading & retain wall).....NEW (Art)

- JK reads the legal ad. The matter is then continued to January 5, 2020 due to lack of DEP file number.
- JK motions to continue the hearing to January 5, 2020. JR second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2893 Spectrum Homes Inc., 14 (Lot 9) Adelaide Way (New SFH).....NEW (Art)

- JK reads the legal ad. Hearing Officer AL confirms administrative requirements are complete.
- Terry McGovern (TM), Stenbeck & Taylor, presents for applicant. The proposed activity is the construction of a SFH in lot 9 of Adelaide Way, just beyond the first retention basin. The house, driveway, and utility connections fall within the 75 to 100 ft buffer to a BVW; septic system is beyond the 100 ft buffer. The house will be approximately 83 ft from the wetlands; an attached deck will be slightly closer but still outside the 75 ft. The back yard slopes down to the 50 ft buffer, where they are proposing to put silt sock erosion control that will extend into the adjoining drainage lot. There will be grading work that will gently blend into the existing slope. A concrete retaining wall will run roughly along the 75 ft setback, eventually tying into a larger wall extending to the northeast. They are hoping for a 5:1 slope in the backyard.
- AL asks if any NHESP comments have been received for this filing? TM states that NHESP was solicited and provided comments as part of the subdivision filing process. AL notes that this lot as well as several others require individual filings as part of the subdivision Order of Conditions/SE42-2650, and would like some documentation from NHESP to be a part of this file; JK concurs.
- AL, noting that the subdivision property has already been clear-cut and the lot has very steep grades, asks TM about their plans for erosion control and maintaining lot stability. JR also notes the steepness of the property and is concerned about potential erosion impacts on the wetland. TM points out that there is a drainage swale along the toe of the slope, as well as a series of drainage basins to store runoff from the house lots. This lot will be graded to reduce stormwater velocity. The retaining wall will be built first so as to stabilize the downslope, as well as the house lot.
- JK also has concerns about the retaining wall and would like additional details as to construction, design, and how drainage will work. Although the wall itself is outside the 75 ft no-structure zone, it will have downgradient impacts that bring it under Commission jurisdiction. TM indicates that the wall ranges from 4 to 6 ft in height; it will be comprised of poured concrete with footings, with periodic weep holes to relieve hydrostatic pressure; the area below the wall will be stabilized by seeding and periodically mowed. AL is concerned about the wall's durability, as well as whether lawn would be sufficient to absorb stormwater on the downslope from the wall; CH concurs, and feels more robust plantings are needed; PC concurs.
- BO asks whether the wall is subject to review by the Planning Board; TM indicates it is subject to Building Department review only. Building has not yet approved the wall design.

- JR asks if any special conditions not satisfied by the subdivision builders would ultimately fall to the homeowners, and if there is any way the Commission could protect the future homeowners from this. BG states that the subdivision Orders of Conditions are not satisfied and that the individual properties within the subdivision by default location within the subdivision currently have liens on their titles. The builder is making some progress towards satisfying the outstanding conditions but more can be accomplished now that progress has been made building on other lots within the subdivision.
- SC asks whether maintenance of the wall and spillways will fall to a Homeowners Association or individual property owners? TM indicates a Homeowners Organization Association (HOA) will assume ultimate responsibility.
- AL asks for comments from the public; none.
- BG comments that a third-party review of the wall and drainage system may be in order to ensure it has longevity and no unintended impacts on the resource area. JK feels that applicant addressing the issues with this particular filing will help the filing for lots 10-13 go smoother.
- The matter is continued pending receipt of NHESP comments and additional information regarding retaining wall design and longevity, and plantings beneath the wall.
- AL motions to continue the hearing to January 5, 2020. CH second. Approved 7-0-0 by Roll Call Vote: JR-yes, AL-yes, BO-yes, PC-yes, CH-yes, JK-yes.

2885 Kirwan, 93 Bourne Park Avenue (Pier, Ramp & Float).....cont from 10/20/2020 (Rick)

- Continued Hearing. Hearing Officer PC notes this is a pier, gangway, and float project on the upper part of the South River.
- Bob Rego (BR), Riverhawk Environmental, presents for applicant. The proposed pier will cross about 97 feet over salt marsh, leading to a 25' ramp to an 8' by 20' float in the South River. The pier will be about 6' above the marsh, based on a request from MA DMF, and the boards will be 1" apart to allow for light penetration. The float will be attached to the pier such that anchoring on the river bottom will not be required, and the float and ramp will be removed seasonally and stored off the marsh. Based on comments from Harbormaster Mike DiMeo (MD), they have pulled the end of the pier and float slightly landward to allow for better navigation. A "no wake" sign will be posted on the dock.
- PC thanks applicant and all parties for attending site visits and working together cooperatively to resolve comments and concerns. The dock and pier checklist prepared by Commissioner Kilcoyne (JK) has been helpful as a guide for applicants. He has no concerns about float placement. JK also thanks BR for his cooperation, and hopes the construction proceeds as smoothly as the permitting. BG agrees with PC that this application process has gone well, and his concerns have been addressed.
- PC asks about the construction process for the pier? The piles will be driven in by steel tripod; no heavy equipment or machinery will cross over the marsh.
- PC asks for comments from the public; none.
- BO briefly asks about the limits of lawn on the property; BG has no concerns aside from some invasive bittersweet which he identified to homeowner. BG indicates that the standard conditions of approval for docks and piers will apply.
- PC motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2892 Bertolami, 10 Richard Street (Revetment Repair with Ongoing Maintenance).....cont 12/1/2020 (Bert)

- Continued Hearing. Hearing Officer BO confirms administrative requirements are complete.
- Rick Servant (RS), Stenbeck & Taylor, presents for applicant. The proposed activity is repair of an existing stone revetment plus authorization to perform ongoing maintenance. The property is located in NHESP priority habitat for piping plovers, as well as VE 13 and VE 16 flood zones. The height of the revetment wall is not proposed to change; Seacoast Engineering, which is assisting on this project, is proposing

additional toe stones at the bottom of the revetment. A set of granite stairs is also proposed on a bed of compacted sand and crushed stone; the stone steps will be chinked into the revetment wall.

- BG would like to encourage native beach plantings on top of the revetment for further protection. When placing the toe stones, care should be taken to avoid pollution from excess loose geotextile. In response to a query from BO, BG indicates that the proposed granite stairs are on balance preferable to seasonal stairs that are laid over existing revetments.
- BO asks for comments from the public; none.
- BG notes that the conditions of approval will incorporate NHESP time of year (no work April through August) and five year maintenance constraints, no use of beach materials, and “roughened” face to further dissipate wave energy. Applicant and contractor must also confirm in writing that they have read and understand NHESP’s comment letter date December 11, 2020.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. PC second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2890 Sullivan, 0 Old Mt. Skirgo (New SFH).....cont 11/17/2020 (Craig)

- Continued Hearing. Hearing Officer CH advises that a revised plan has been submitted to the Conservation Office, with changes including conservation markers at the 100 ft setback, increase in vegetated area at front entrance, planting details, and slotted trench drains in the driveway.
- Terry McGovern (TM), representing applicant’s notes that the restricted area in front has been moved up to the top of slope, along the 100 ft buffer. This area will be planted with shrubs and seed mix per consultation with John Zimmer (JZ), South River Environmental. Three slotted trench drains, approximately 50 ft apart, will be installed in the driveway to direct runoff into a 3’ by 3’ stone trench on the downhill side of the driveway. They are also restricting additional area in the back that had been inadvertently cleared by the abutter.
- In response to a query from CH, TM indicates that the three trench drains are placed at 50 ft intervals in the driveway, starting from the property line at the bottom. BG thanks TM and applicant for working to address Commissioner concerns.
- CH asks for comments from the public; none.
- The standard conditions of approval will apply along with special conditions requiring the posting of 23 conservation markers as noted on the updated site plan, 75% two-year survival of mitigation plantings, and no use of chemicals, pesticides, herbicides, or fertilizers within the buffer zone.
- CH motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. SC second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

CONTINUED HEARINGS

20-33 Harrington, 52 Carolyn Circle (Confirm No Wetlands on Property).....cont 12/1/2020 (Joe)

- JK reads the legal ad. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on January 5, 2020.
- JK motions to continue the hearing to January 5, 2020. CH second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2887 Murphy, Brewster Rd (Road impvts. & storm water mgmt facilities).....cont from 10/20/2020 (Bert)

- JK reads the legal ad. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on January 5, 2020.
- JK motions to continue the hearing to January 5, 2020. CH second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

2709 Amended Lohe, 1354 Union Street (Amend dock float).....cont 11/17/2020 (Rick)

- JK reads the legal ad. The hearing is continued until the next public meeting of the Marshfield Conservation Commission on January 19, 2020. Applicant representative requested continuation in writing.
- JK motions to continue the hearing to January 19, 2020. AL second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

2199 Tedeschi, 1 Atlantic Street [COC]

- Issues on the property include unpermitted mortaring, shed installation, and addition of impervious surface to the lot by previous owner Mark Tedeschi (MT), as well as an outstanding NOI for emergency repairs performed by current owner Rick Hollstein (RH) after the 2018 winter storms. BG notes that he has been in contact with both Tedeschi and Hollstein regarding these issues. JK urges property owner to promptly address all outstanding issues so the matter can be resolved.
- JK motions to direct the Conservation Administrator to prepare and issue an Enforcement Order for the Notice of Intent that has not been prepared and submitted in compliance with the Emergency Certification issued in 2018 after the Winter Storms. AL second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.
- JK motions to deny the request for certificate of compliance. JR second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-yes, JK-yes.
- After the votes, Mark Tedeschi disagrees with BG's characterization of the issues, and asks how to move forward? JK recommends that MT and RH work with BG to resolve all issues. MT believes the shed matter was cleared up with BG, but BG disagrees, noting no conservation permit was approved nor issued and he hasn't been in communication with MT about the property since 5/29/19.
- MT persists that he had given proof from the Building Department and Town Counsel that the shed was legal; BG disagrees. At this point, JK notes that such back and forth is unhelpful to the Commissioners, and requests that MT work with BG towards a resolution; MT can discuss the matter with the full Commission in a business session if this effort is not fruitful.

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 9:27 PM. CH second. Approved 7-0-0 by Roll Call Vote: AL-yes, CH-yes, JR-yes, PC-yes, SC-yes, BO-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
Susan Caron