

**MEMBERS PRESENT** – Craig Hannafin (CH) Chair, Bert O'Donnell (BO) Vice Chair, Arthur Lage (AL), Joe Ring (JR), Rick Carberry (PC), Susan Caron (SC), Bill Grafton, Conservation Administrator (BG), Eric Flint, Conservation Agent

**MEMBERS NOT PRESENT** – None

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

**MINUTES**

- Tabled.

**CHAIRMAN'S ADDRESS**

- As the COVID State of Emergency has ended, a quorum of Commissioners are required to be present in person; the balance of Commissioners, as well as consultants and residents, can participate remotely as needed.

**BUSINESS**

**B1 Goggin Conservation Land (B1-01-26)/Request to place a Memorial Plaque on Pier for Goggin Elders – Commissioners**

- The Commission granted a request by the children of Ed and Grace Goggin, donors of the property, to install a memorial plaque on the dock at the property. SC notes she was Chair of the Open Space Committee when the Town acquired the property, remembers Ed and Grace Goggin as being genuinely dedicated to making it available for conservation and public access, and supports placement of the plaque. BO also supports the requests but would like information on what the plaque will say and look like; CH concurs. BG will reach out to the daughter who contacted him.
- CH moves to approve placement of a memorial plaque on the dock of the Goggin property pending receipt of information regarding plaque dimensions and content. AL second. Approved 6-0-0.

**B2 *de minimis* activity Roll/Review/Ratification**

BG notes that all De Minimis permits are issued with the standard condition requiring applicant to obtain any and all permits that may be needed from other agencies.

**a. 100 Central Street, Harbormaster Maritime Center New planting bed**

- Replanting of the flower bed outside the Harbormaster's Office with native, salt-tolerant plantings.
- SC motions to approve as a *de minimis* activity. BO second. Approved 6-0-0.

**b. Building Permit, 64 Ocean Street, Shed replacement**

- Replacement of an existing shed in an AO flood zone that overlaps slightly with the 100' buffer to a coastal beach. The activity is exempt under 310 CMR 10.02(2)(b)(2)(e) for activities in a Buffer Zone, but requires Conservation review due to its location in an AO Flood Zone.
- AL motions to approve as a *de minimis* activity. JR second. Approved 6-0-0.

**c. Depathy, 29 Preachers Path, deck replacement & pervious patio**

- Replacement of an existing deck with a pervious patio, reconstruction of existing retaining wall, relocation of existing staircase, and construction of a new wood balcony. Most of the proposed work is outside the 75' buffer and none is inside the 50' buffer. The work appears to meet the exemption under 10.02(2)(b)(2)(e), for conversion of lawn to uses accessory to residential structures located outside of the 50'.
- CH motions to approve as a *de minimis* activity. PC second. Approved 6-0-0.

**d. Drosopoulos, 277 Ocean Street, parking lot modification**

- Addition of new landscape timbers to the parking lot edging in the back berm, including removal of the old timbers and cutting back the edging 9 to 15 inches. The work is being coordinated with abutting owner Chuck Haddad, as there is a slight property line overlap. CH notes that a survey was submitted to the Conservation Office in which both owners indicated agreement with the proposed work. BG states that the edging work involves edging out an existing, previously permitted berm.
- CH motions to approve as a *de minimis* activity. JR second. Approved 6-0-0.

**e. Spatafore, 43 Union Street, Eversource gas line**

- Connection of a gas line under existing driveway within 100' buffer to a wetland.
- CH motions to approve as a *de minimis* activity. JR second. Approved 6-0-0.

**f. DPW Brant Rock Beach, cobble stone redistribution to provide beach access**

- The original request stems from residents, Sandra Hayes and Mary Russo requesting redistribution of beach cobbles to make room for beach goers on underlying sand. This has expanded into a discussion about regrading and beach sand additions.
- The proposed activity with the modifications as described by Town Engineer, Rod Procaccino (RP) is the regrading of 200 cubic yards of beach sediment comprised of sand and beach cobble to maintain beach access and avoid seawall overtopping. RP notes that cobble in the area has bunched against the seawall, and residents have requested this work to improve usability of the beach. CH states it was her impression that the cobble was supposed to be against the seawall in order to protect it. RP notes that when too much piles up, it acts as a ramp conveying wave energy over the wall. They would like to redistribute the cobble between the mean high water mark and the seawall to avoid this phenomenon; some regrading has already occurred naturally.
- RP also notes it would be easier for them to add sand to the beach rather than move the cobble around, and asks if the Commission could permit this. BG notes that Brant Rock is not one of the beaches currently targeted for renourishment in the Town's Coastal Resiliency Study that is underway. The addition of sand would seem to be a separate activity from the redistribution of cobble. BO notes that residents tend to want new sand at all beaches in Town and is not sure how to prioritize the requests; he would need to give the request to add sand additional consideration. RP points out they would be adding much less sand than is done under a renourishment job, probably a couple hundred square feet.
- BG notes that *de minimis* activity permitting is designed for minor activities with minimal potential impacts, and the addition of sand to the beach would potentially have an impact on the resource area. As such, he suggests that the original request to redistribute the existing cobble would qualify as *de minimis* activity but the addition of sand would require additional permitting; CH concurs. JR questions whether the Commission has the authority to consider the change in scope requested by RP; BG indicates the Commission has some discretion to do so but suggests it is not appropriate in this case. AL concurs.
- BO asks when the seawall work approved under SE42-2859 will start; RP indicates they are waiting to hear back regarding some grant funding, and will then put the work out to bid with the goal to start sometime after Labor Day; material shortages may delay the start of work. BO asks whether the cobble in question would be moved as part of the seawall work; RP indicates it would.
- CH motions to approve only the redistribution of cobble at Brant Rock Beach, as originally proposed, as a *de minimis* activity. AL second. Approved 6-0-0.

**g. Blue Fish Cove/Water Street salt marsh restoration & stone road guide installation**

- Commissioner AL recuses as a co-applicant.
- The proposed activity is restoration of a small salt marsh, including placement of post/rock boundary & native plantings in the next growing season as per the recommendation of a qualified wetland scientist who reviewed the site. CH notes that the posts are already in place.
- Jennifer Wallace (JW), 35 Water Street, asks about the scope of the restoration area; BG indicates there are two areas, together totaling about 6,000 square feet.

- Edward Barrett (EB), 67 Marginal Road, asks about the purpose of the posts; these support the conservation markers denoting the restoration area.
- CH motions to approve as a *de minimis* activity. SC second. Approved 5-0-0.

Commissioner AL rejoins the meeting.

### **B3 Emergency Certification, Brant Rock Exposed Sewer Pipe – Town Engineer**

- DPW is requesting an Emergency Certification to allow it to cover a 30' section of the Town Sewer outfall pipe exposed in the intertidal area of Brant Rock beach. DPW has declared this an emergency condition and would like to place crushed stone around the pipe and cover it with 1' of cobble to be taken from other areas of the beach. Town Engineer Rod Procaccino (RP) notes that the situation has since worsened, and about 40' of pipe is exposed. They are considering a longer-term solution that will involve covering the pipe with a mat comprised of thin concrete blocks interwoven with polypropylene rope. They would like to cover the pipe with the cobble as a temporary fix.
- CH notes that the work could possibly qualify for a waiver under Chapter 131 Section 40, for Municipal activities. BG adds that the Commission could require the subsequent filing of a NOI as a special condition of granting the emergency certification, or could waive this requirement. The Commissioners agreed that the work should be approved and completed as soon as possible.
- CH motions to approve an Emergency Certification for the covering of an exposed sewer pipe on Brant Rock Beach as proposed. AL second. Approved 6-0-0.

### **B4 35 Water St., Gravel driveway top-off, questions about conservation permit requirements – Jennifer Wallace**

- Commissioner AL recuses.
- Applicant Jennifer Wallace (JW) would like to top off an existing gravel drive with 1" of additional gravel; total to be added is 6 cubic yards of ¾" round river stone. There would be no expansion of the footprint of the driveway. BG notes that the lot lies in barrier beach, coastal dune, land subject to coastal storm flowage (LSCSF), and buffer zone to salt marsh, and that addition of fill to the flood zone is being scrutinized by FEMA.
- PC comments that the proposed activity seems simply to be maintenance of an already disturbed area. BO asks whether such maintenance would qualify for any exemptions; BG indicates that such exemption applies to properties in buffer zone only. BO feels that similar activity in the area has been permitted with RDAs. Based on feedback he recently received from DEP regarding an RDA at 56 Cove, BG suggests that the Commission request a NOI without the requirement of an engineered/surveyed drawing.
- JW notes that in 2019, she contacted BG about raising the driveway after her car was totaled in a coastal storm, and BG suggested at the time that she add 7 inches of gravel to the driveway, which she ended up not pursuing. She would simply like to restore the gravel to its original level. BG notes that this suggestion came from discussions with then-Commissioner Frank Woodfall, and would also have required the filing of a NOI; BG again suggests that the current activity be permitted through a NOI without engineered drawing.
- CH concurs that an engineered drawing is not required but questions whether the Commission can waive the requirement for one; BG believes this is within the Commission's discretion. BO feels that such a minor activity should not be raised to a NOI. JR sees the activity as maintenance which a NOI, even without drawing, would make complicated and might discourage residents from complying with the Commission. SC sees this matter as different from 56 Cove, cited earlier by BG, as that was a lot of manipulation of material as opposed to simply topping off an existing gravel drive.
- BG consults with Town Counsel by phone as to the proper filing for the work proposed; TC indicates that an RDA is appropriate unless the Commission feels the material to be added changes the characteristics of the property or alters drainage patterns. The Commissioners agree that the matter should be permitted through an RDA.
- CH motions to require the filing of an RDA for the proposed activity at 35 Water Street. BO second. Approved 5-0-0.

Commissioner AL rejoins the meeting.

### **B5 John Sherman Estates/Letter To Planning Department/Incomplete Special Conditions – Commissioners**

- There is an outstanding Order of Conditions for the subdivision, for which the developer recently received a 12 month extension. The remaining lots are being sold, which will hinder the fulfillment of the outstanding special conditions. BG would like to convene a task force of Commissioners to make the Planning Board aware of the outstanding special conditions and request that they not release the \$250,000 surety from the developer until the Commission's special conditions are satisfied.
- Commissioners AL and SC will work with BG to communicate with the Planning Board. BG will also consult with Town Counsel during the process.
- CH motions to authorize the formation of a task force including BG and Commissioners AL and SC to communicate with the Planning Board supporting the fulfillment of the Commission's special conditions before the release of any of the Planning Board bond. JR second. Approved 6-0-0.

#### **B6 Land Donations – Eric Flint**

- EF advises that the Conservation Office was recently contacted regarding donation of the following parcels.
  - J11-01-47, Texas Street**
    - 0.14 acre lot in riverfront, 100 ft buffer to salt marsh, and AE9 flood zone; abuts existing conservation land in rear.
  - L09-01-12, Meadowbrook Circle**
    - 0.18 acre lot near the airport along Bass Creek; in riverfront and AE10 flood zone; abuts existing conservation properties.
- Taxes are in good standing for both properties. BG and EF suggest that the Commission accept these donations given their location to adjacent conservation lands. BG also notes that keeping such lands undeveloped could help alleviate flooding issues in the area. Upon Commission approval, they will forward the requests to Town Counsel for title review and Town Administrator for approval by the Select Board. The Commissioners agree the donations should be accepted.
- CH moves that the Commission accept the land donations of parcels J11-01-47 on Texas Street and L09-01-12 on Meadowbrook Circle. BO second. Approved 6-0-0.

#### **PUBLIC HEARING**

##### **21-19 Hunt, 17 Water Street (invasive plant control).....NEW (Joe)**

- CH reads the legal ad. Hearing Officer JR confirms administrative requirements are complete. Commissioner AL recuses.
- The proposed activity is the application of herbicide for invasive plant control on a property located in barrier beach, coastal dune, riverfront, and LSCSF AE11. BG was advised by MassDEP that the herbicide must be sprayed by a licensed applicator and be permitted through the NOI process. He conveyed this information to applicant's representative, John Zimmer (JZ), South River Environmental who has prepared a withdrawal letter for the RDA. BG suggests that the Commission consider allowing NOIs for activities such as this to be filed without an engineered/surveyed drawing.
- JR asks for comments from the public; none.
- JR motions to approve the issuance of a withdrawal letter for RDA 21-19 per written request of applicant's representative. PC second. Approved 5-0-0.

Commissioner AL rejoins the meeting.

##### **21-20 Blanco, 764 Careswell Street (Above Ground Pool).....NEW (Joe)**

- CH reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- Jason Zimmer (JZ), present for applicant. The proposed activity is the installation of a 24' diameter above-ground pool in existing lawn; the pool is located outside the 75' setback to a nearby BVW and more than 100' away from a potential vernal pool (PVP). JZ delineated the wetland according to the Town bylaw and geolocated the PVP, which is located within the wetland. Installation and construction will be done by hand. The yard is very level, but a silt sock will be installed at the limit of work.
- BG and EF visited the property while checking on a building permit sign-off for the work, during which BG noted the potential VP in back and suggested that applicants file an RDA and obtain a delineation. Given the pool's location, the project qualifies for the exemption for conversion of lawn to uses accessory to residential structures under

10.02(2)(b)(2)(e). EF notes that the A flags for the BVW delineation have been confirmed but the VP flags were not visible and could not be confirmed and this is important as the vernal pools have a protected 100-foot habitat that would be associated with offsite projects as well.

- JR suggests that two conservation markers be posted along the vegetated line at the rear of the yard as a condition of approval; all agree.
- JR asks for comments from the public; none.
- JR motions to close and issue a Determination of Applicability, Pos 2A as to the BVW delineation only, Pos #5, and Neg #3 with special conditions drafted by BG. SC second. Approved 6-0-0.

**21-21 Beach Administrator, 325 Standish Street (Beach Administrator Field Office).....NEW (Bert)**

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Beach Administrator Cindy Castro (CC) and Building Commissioner Andrew Stewart (AS) present. The proposed activity is the construction of a 10' by 12' shed on a corner of the Rexhame Beach parking lot, on a previously disturbed portion of coastal dune. A proposal to construct the shed at a different, paved location on the lot was approved by the Commission as a *de minimis* activity, but that location was found to be unsuitable due to traffic and safety concerns. CC indicates the new location is near a telephone pole and between two boulders where the dune is slightly already altered.
- AS discusses Building Department requirements for the shed, which include an anchoring system; he recommends using four diamond piers for the shed footing, which would also provide anchoring against wind and flooding. The shed will be equipped with two smart vents to facilitate the movement of flood water. He would like the Commission to be aware of the anchoring and flood vent requirements for accessory structures in flood zones when it considers other projects in the area. BG also prefers the use of diamond piers over concrete blocks, as they are less impactful on the resource area; CH concurs.
- BG notes that the filing fee will be discussed at the next Select Board meeting, where it will likely be waived.
- BO asks for comments from the public; none.
- The standard conditions of approval will apply.
- BO motions to close and issue a Determination of Applicability, Pos #5 and Neg #2, with special conditions drafted by BG. SC second. Approved 6-0-0.

**2936 Smith, 115 Monitor Road (3 Seasons Porch).....NEW (Susan)**

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete.
- Terry McGovern, Stenbeck & Taylor, presents for applicant. The proposed activity is the construction of an enclosed three-season porch on existing lawn area on the front (street) side of an existing SFH, between the 50 and 75 ft setbacks to a BVW.
- EF reviewed the wetland flagging on 6/25 and saw no issues. The wetland line from when the house was constructed appears to have been encroached at some point in time. The project is straightforward and appears to comply with the performance standards for LSCSF. EF recommends the placement of conservation markers along the existing fence line to avoid further encroachment and/or green waste dumping. SC agrees and has no other concerns.
- SC asks for comments from the public; none.
- Special conditions of approval will include the posting of four conservation markers on the fence at the rear of the property and submission of an elevation certificate and updated site plan to the Conservation Office.
- SC motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 6-0-0.

**2916 Lawson, 62 Marginal Street (dock, pier, ramp & float system).....cont from 4/6/2021 (Rick)**

- Continued Hearing. PC Hearing Officer.
- PC establishes the expected communication patterns.
- Paul Seaberg (PS), Grady Consulting, and Attorney Adam Brodsky (AB) present for applicant. The proposed activity is construction of a 635 ft pier, 47 ft gangway, and 8' by 20' float system in Green Harbor. At the 5/4/21 site walk, it was determined there was sufficient water depth beneath the float at the proposed location. They are proposing revisions to relocate an existing commercial mooring next to the proposed float location to the south, and feel there

is adequate water depth to do so. In response to comments from the Mass. Division of Marine Fisheries (DMF), they have reduced the number of piles by 16, by increasing the space between them.

- Attorney Brodsky states that this NOI was filed prior to the effective date of the new Chapter 505 regulations and thus is governed by the prior regulations. As such, he contends that performance standard 29, requiring coordination with the Harbormaster regarding float location impacts to navigation does not apply to the project. He acknowledges the Harbormaster's issues with the project, but states that the project is located in Commonwealth tidelands, owned by the state and not the Town. It is not unusual for there to be conflict between private property owners with a right to access their property from the waterway and the interest of a Municipality, but these conflicts are governed by the Chapter 91 regulations. As such, AB states that the Harbormaster's concerns regarding navigation will be addressed by MassDEP through the Chapter 91 process, and the project meets the Commission performance standards required to receive an Order of Conditions with the understanding that they need to resolve the mooring conflict with the Harbormaster at the state level.
- BG notes that applicant's latest submission responded to MassDMF comments and suggested an alternative location for the existing mooring in the work area, but the alternative is not satisfactory to the Harbormaster.
- PC comments that in his view the new plan is not much different from the original plan, and summarizes the Harbormaster's contentions as follows: (1) the desired location for the float impinges on the commercial mooring space; (2) there is no room to move the commercial moorings; (3) Article 32 of the Town Bylaw that states that all 84 commercial moorings cannot be moved, added to, or removed; (4) moorings not currently deployed due to shoaling issues in the GH boat basin are going to be reissued to commercial fisherman after a dredging project to take place in 2022; (5) although the holder of the commercial mooring is willing to move it, the location of moorings is the purview of the Harbormaster. PC notes that the Harbormaster is also concerned about potential safety hazards, risk of pollution if a vessel were to run aground, and potential for litigation against the Town if this were to occur. PC further states the Harbormaster suggests that applicants could arrange for dredging on their own property in order for a dock project to be feasible there. AB states they are not proposing dredging for this project due to the cost as well as the potential environmental impacts.
- PC feels that the Commission and the Harbormaster have generally been flexible in trying to accommodate the needs of applicants seeking docks, and notes it is often a back and forth process. The Chapter 505 regulations clearly state that no float or dock may interfere with or impede the normal use of an existing channel, boat, public mooring, ramp, or landing, and all dock projects need to be coordinated with the Harbormaster as to float location and impacts on existing uses.
- BG shows photos from the site visit, including stakes showing the proposed dock location in relation to the existing commercial vessel mooring, as well as the impact to navigation if the dock is constructed as proposed and the mooring not moved. The Commissioners also review the Harbormaster's mooring plan showing the navigation channel which the Harbormaster tries to maintain at 6 ft depth along the length of Green Harbor; PC notes that the plan does not include several commercial moorings which will be redeployed in the harbor once the dredging project is completed.
- BO asks Town Counsel whether the old or new Chapter 505 regulations apply to this filing? TC states if the filing was made prior to the effective date of the new regulations, March 18, 2021 and the filing was complete, then the prior regulations apply. BG states the application was filed on March 17, 2021. BO asks whether the application was complete when submitted on that date. BG notes that both the Conservation Office and state require applications to include certain elements, including correct filing fee amount and certain information, in order to accept the application; otherwise it is rejected back to the applicant. In this case, no revisions were requested of applicant until after the site visit. BG suggests that the initial filing met the minimum requirements for acceptance, and the filing date was the day before adoption of the new regulations.
- TC states the Commissioners should be considering negative impacts to wetland resource areas that detrimentally affect water quality, water circulation and sediment, shellfish beds, and any protected species that depend on the habitat. TC adds there may be a public safety issue given the float's closeness to an existing commercial mooring.
- AB points out that the commercial mooring is not part of the project, which relates to construction of the pier, gangway, and float. The moorings are under the control of the Harbormaster and MassDEP, and the current conflict will be addressed during the Chapter 91 process. AB notes that in addition to the Commission's order of conditions, they will also require a Chapter 91 license and Army Corps of Engineers permit. They are aware that the mooring must be moved and the conflict with the Harbormaster resolved in order for the project to go forward. They are proposing to relocate the boat to the south, in deeper water than the present location. PC points out that the area

they are proposing to relocate the mooring has had moorings taken out, due to a lack of water, that are slated to be put back once the dredging is completed. AB contends that the Harbormaster's wanting to maximize the amount of moorings for commercial fishermen does not take precedence over the right of property owners, under the Public Waterfront Act, to access their property from the water. AB reiterates that the Commission's charge in this hearing is to assess the impact of the pier and float system alone on the interests protected under the WPA and the local Bylaw. He has never heard the "public safety" interest referenced in the Town Bylaw raised in relation to a dock project in town, and reiterates that navigation interests will be addressed in the Chapter 91 permitting phase. AB also believes the Harbormaster's letter leaves out important points including that their proposed new location the commercial mooring will be in deeper water than the current one.

- PC states that based on their consultations with TC, he believes under both the current and previous Town Bylaws there are adverse effects with respect to public safety, recreation, storm damage prevention, and water pollution. AB contends that these interests are not in fact impacted by the project itself, but rather by the conflict regarding the existing mooring, which will be resolved at a different point in the process. PC replies that the Commission is unlikely to approve a project that hasn't received the support of the Harbormaster, who has the best working knowledge of the conditions in Green Harbor. BG adds that the burden is on an applicant to provide clear and convincing information that a project does not adversely impact all interests set forth in the state regulations and in the Town Bylaw. TC agrees with AB that navigation concerns can be addressed to some extent in the Chapter 91 licensing process notes, but also states the Town Bylaw allows the Commission to consider public safety, recreation, storm damage, and water pollution interests to a greater extent than set forth in the state WPA, and the dock/float system is currently designed at a length that will cause conflict with vessels lawfully moored in and navigating the waterway, particularly given the forces exerted on vessels in the harbor under certain weather conditions, and present an unacceptable risk of property damage and environmental pollution should a collision or grounding occur.
- Edward Barrett (EB), 67 Marginal Street, notes he has been a commercial fisherman in Green Harbor since the late 70s. His current mooring is 20 feet from a recently installed private dock. Since this and several other private docks were put in close to existing moorings, he does not see the problem with this particular dock. EB also points out that a vessel can only swing as far as the mooring lines permit, and feels the Commission should focus on the environmental impact and not consider navigation issues. EB adds that applicant is a Merchant Marine Academy graduate and is likely to be responsive to harbor management and navigation issues. PC points out there is a big difference between the 20 feet distance from Mr. Barrett's mooring and the "no room" between the proposed dock and the existing commercial mooring.
- TC asks if there is any information regarding the beam and draw of the commercial fishing boat or any boats proposed to be tied up to the dock? AB does not have this information but they are willing to provide it. BG points out that in the Harbormaster's comment letter, he indicates he would support an effort by applicant to dredge their property to allow for a shorter dock. BG also suggests that since the Harbormaster has not agreed to applicants' proposal to relocate the commercial mooring, the Commission must evaluate the project with the mooring where it is. In response to a query from BO, BG indicates that the float, ramp, and part of the ramp are in a VE flood zone, and the rest of the pier is in an AE zone.
- BO asks whether the Commission dock project guidelines, adopted prior to this project's filing date, require the Harbormaster's approval. BG notes that Harbormaster input has always been a part of the Commission's consideration of dock projects. PC does not recall any dock being permitted, in his time as Commissioner, without the Harbormaster's approval.
- TC also notes there appears to be no documentation as to how prop wash would be prevented in low tide conditions, or a construction plan showing how environmental impacts would be minimized. BG notes that applicants did meet the required water depth at the four corners of the float under the revised regulations, but suggests that the impact of the pilings to support the pier is a valid consideration for the Commissioners. AB states that dredging is brutally expensive, time consuming and impactful to the land under the ocean.
- AB replies they are happy to provide a detailed construction management plan, and at this point asks for a continuance so additional information can be provided to prove the project itself meets the required performance standards.
- PC asks the Commissioners whether they feel they have sufficient information to make a decision tonight? CH notes that even if the Commission disregards all navigation issues, the proposed dock is located practically on top of an existing commercial mooring, with no agreement as to relocation. AB notes they have requested a continuance, which he states they are entitled to. BG suggests that the Commission set a deadline for the receipt of any additional

information if it assents to a continuation. PC asks what additional information can be provided that would resolve the conflict between the dock location and the commercial mooring, especially given the Harbormaster's stance. AB reiterates that the Harbormaster may not have the last word on the location of moorings in the harbor, suggests that MassDEP has preeminent jurisdiction over the question, and again requests a continuation to allow him to consult further with his clients. TC indicates applicant is entitled to a continuation until such time that the Commission makes a determination that it has all the information it needs to make a decision. After further discussion, all parties agree to a continuation to August 17, with any updated information received at the Conservation Office by August 10 at noon.

- PC motions to continue the hearing to August 17, 2021. JR second. Approved 6-0-0.

#### **CONTINUED HEARINGS**

- None

#### **REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS**

##### **1579 Lynch, 25 Billings Road [COC]**

- BG recommended tabling the matter pending receipt of the deed restriction for the porch. EF spoke with homeowner, who indicated the deed restriction was forthcoming.
- CH motions to continue the matter to July 20, 2021. BO second. Approved 6-0-0.

##### **1829 O'Brien, 12 Craddock Circle [COC]**

- EF visited the site and noted a small enclosure screening two large propane tanks within the 50-foot setback. The enclosure includes three (3) posts in the ground with roughly six inches of clearance from the ground to the bottom of the fence. The Commissioners concluded that addition of the enclosure was a *de minimis* activity requiring no additional permitting.
- CH motions to issue a complete COC for SE42-1829. SC second. Approved 6-0-0.

##### **2563 LoConte, 16 E Street [COC]**

- Commissioner AL recuses. BG, CH, SC, and Building Commissioner Andrew Stewart visited the property. The flood vents are installed as required, the surface beneath the house is pervious, and dune vegetation on the property was thriving. BG recommended issuance of the COC.
- CH motions to issue a complete COC for SE42-2742. SC second. Approved 5-0-0.

AL rejoins the meeting.

##### **2742 St. Ours, 84 Bay Ave [COC]**

- EF visited the site, and noted the position of the stairs and some dimensions of the house were slightly different than set forth in the approved plan, but also noted the approved impervious driveway was not actually constructed, resulting in much less impervious coverage.
- CH motions to issue a COC with Ongoing Conditions that the footprint remain pervious as per the As-Built site plan for SE42-2742. JR second. Approved 6-0-0.

##### **2840 Capuano, 27 Porter Street [COC]**

- BG and EF visited the site and noted that the deck was slightly larger than proposed due to requirements from the Building Inspector at the time. Conservation markers are posted, and cutting/dumping across the stream has ceased.
- CH motions to issue a COC for SE42-2840. PC second. Approved 6-0-0.

##### **2867 Brait Point LLC, 113 Union Street [COC]**

- The only disturbance and structure within the 100-foot buffer for this subdivision was the emergency spillway leading out of the detention basin. During the public hearings, this was pulled back out of the buffer zone, leaving no activity within the 100-foot buffer. The limit of clearing was posted with "Conservation Restricted Area" signs on wooden posts. The silt fence is still in place around the property. The limit of cutting appears to have been observed.
- CH motions to issue a complete COC for SE42-2867. SC second. Approved 6-0-0.



### **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** – CH makes a motion to close the hearing at 9:15 PM. SC second. Approved 6-0-0.

Respectfully submitted,  
Bill Grafton, Conservation Administrator  
Liz Anoja, Conservation Administrative Clerk  
Eric Flint, Conservation Agent

Marshfield Conservation Commission	
Craig Hannafin, Chair	Bert O'Donnell, Vice Chair
Arthur Lage	Joe Ring
Rick Carberry	Susan Caron