

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

**MEMBERS NOT PRESENT** – Joe Ring (JR) arrived at 6:44 PM.

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

### **MINUTES**

- The minutes of the August 17 meeting were presented for approval. No comments or suggested changes were made on the floor.
- CH motions to accept the August 17, 2021 minutes as written. AL second. Approved 5-0-0.

### **CHAIRMAN'S ADDRESS**

- Pursuant to Chapter 20 of the Acts of 2021 date June 16, 2021, An Act Relative to Extending Certain COVID 19 Measures Adopted During the State of Emergency regarding suspending certain provisions of the Open Meeting Law, G. L. c. 30A §18, Commission meetings will be conducted both in-person and via remote participation. Members of the public may attend in-person or may participate remotely. While an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless required by law.

### **BUSINESS**

#### **B1 *de minimis* Activity Roll/Review/Ratification – Eric Flint**

##### **a. 667 Ocean Street, Crowley – Generator stand on diamond piers**

- The proposed activity is installation of a generator stand on diamond pier footings in previously disturbed area in LSCSF, AE9 flood zone, and barrier beach/coastal dune; this will replace an existing stand that does not meet flood plain standards.
- EF recommends approval with the condition that applicant seek all pertinent permits prior to the start of work.
- CH motions to approve the proposed activity as *de minimis*. BO second. Approved 5-0-0.

##### **b. 30 Mayflower, Huether – Hazardous tree removal**

- The proposed activity is removal of a tree dislodged in a recent storm and leaning towards the house.
- EF recommends approval with the condition that applicant seek all pertinent permits prior to the start of work.
- CH motions to approve the proposed activity as *de minimis*. SC second. Approved 5-0-0.

##### **c. 34 Allerton Road, Habel – ATF vegetative management near ILSF**

- The proposed activity is vegetative management, including tree cutting, along the border of an area of isolated land subject to flooding, and removal of dead/cut vegetation.
- EF recommends approval with the condition that applicant seek all pertinent permits prior to the start of work.
- CH motions to approve the proposed activity as *de minimis*. SC second. Approved 5-0-0.

**d. 230 Webster Street, Council On Aging – new structure, solar panels above parking**

- The proposed activity is installation of solar panels in previously disturbed area, with a small portion of the work located inside the 100' buffer to a wetland.
- EF recommends approval with the condition that applicant seek all pertinent permits prior to the start of work.
- CH motions to approve the proposed activity as *de minimis*. AL second. Approved 5-0-0.

**B2 Complaint – 313 Careswell Street, Rubbo (unpermitted cutting & removal of wetland vegetation) – Commissioners**

- EF advised that a complaint regarding removal of vegetation in the wetland, which included video and photos, was received in the Conservation Office on September 11. BG and EF responded on Monday, September 13; a resident advised they had been removing weeds from a shed in back of the yard. The removal appears to have extended down to the wetland line, as one of the removed plants had a wetland flag on it, but most seems to have been from established lawn. EF suggests that a verbal warning would be sufficient. BG concurs based on his conversation with the property owners, and believes the activity could have been permitted as *de minimis* had they contacted the Conservation Office before starting the work.
- Property owner Florence Rubbo (FR), 313 Careswell Street states she has weeded in that area of the yard many times and was unaware of the need for a conservation permit. She is not sure why a neighbor felt the need to monitor her by video.
- CH agrees with BG and EF that no further enforcement action is necessary beyond BG's previous conversation. BO concurs.
- CH moves to determine that the activity does not warrant further action from the Conservation Commission, and the previously issued verbal warning is sufficient to close the complaint. PC second. Approved 5-0-0.

JR enters the meeting at 6:44 pm

**B3 FTM Article/Housekeeping Transfer of Old Mount Skirgo Parcel from DPW to Conservation – Commissioners**

- The Commission continued its discussion from August 17 regarding approval of the transfer of DPW Parcel ID E08-01-1A, consisting of 25 acres off Old Mt. Skirgo Road, to Commission care and custody, as approved by the National Heritage Endangered Species Program for priority habitat mitigation associated with Boys and Girls Club, and Rockwood Road Ballfield development projects. At that meeting, the Commissioners requested that BG provide documentation from NHESP that they are not requiring a formal conservation restriction (CR) for the parcel. In response, BG has provided (1) an e-mail from NHESP's Chief of Regulatory Review stating that either a land transfer under Article 97 or a CR held by a third party provides the level of mitigation required by NHESP; (2) an e-mail from Town Counsel regarding Article 97 protective provisions; (3) a copy of the Article 97 legislation; and (4) Fall Town Meeting article 30.
- BG notes that the transfer, either under Article 97 or a CR, is required to conclude the rare species mitigation for with the Couch Cemetery, Boys and Girls Club, and Rockwood Road ballfield development projects, all of which were completed several years ago. This lot was picked as suitable habitat. Article 97 was passed in 1972 for the purpose of protecting land; it has been tested legally and strengthened over the years, and has been the primary way that Towns protect conservation and open space land. Removing land from Article 97 protection requires Commission (unanimous vote), Board of Selectmen (majority vote), Town Meeting (2/3 vote), state legislature approval (9/10 vote), and support by the Secretary of Energy and Environmental Affairs. CRs require approval at the state level and recording at the Registry of Deeds of a document specifying exactly what can and cannot be done on the property. Most town-owned properties do not have a CR on them. BG feels that CRs are appropriate for especially high-value properties, where third party management and specific delineation of permitted activity would be beneficial. However, given that parcel E08-01-1A is remotely located and already surrounded by protected land, the benefit of the additional protections of a CR is limited here in face of the additional time, cost, and effort to establish one.

- CH believes that a third-party CR is the highest and best protection for the parcel, but the Commission may reasonably select the Article 97 option. SC believes that a CR offers the highest standard of protection for this parcel, and the additional cost of a CR is offset by the savings in time required to monitor it; her main objections to an Article 97 transfer is the lack of regular monitoring by a third party, and lack of specificity as to what can or cannot take place on the properties, including no prohibition on ancillary structures. JR asks if a CR can be established without third-party monitoring; BG believes it can. CH suggests that the advantage to a CR is the third-party monitoring, as the Commission does not have the capacity to monitor the property, and third parties have advised the Commission regarding issues at other properties under a CR; BG concurs but notes that it remains up to the Commission to actually address any such issues, and believes that an Article 97 transfer offers adequate protection to the parcel at the best overall value. He would prefer that the funds to establish a CR be used on other properties but, if the Commission opts for a CR, it should consider several possible third parties, including Mass Audubon, Trustees of Reservations or Wildlands Trust so as to obtain the most comprehensive monitoring.
- All parties discuss whether a draft CR for the parcel already exists; all agree that at least some investment of time and funds was made by Wildlands Trust, but the extent and cost of the remaining work remains unclear. PC asks if there are other instances where a lack of monitoring has created issues on Conservation properties; SC and CH cite Carolina Hill; BG notes the issues there were resolved with the help of Commissioners and 31 volunteers working on a weekend day to restore an unpermitted trail. BG states community involvement in corrective action is ultimately what will prevent issues at other properties. AL suggests that the matter be tabled further to allow for a cost-benefit analysis of establishing a CR here versus at other properties. BG points out that the requirement for NHESP has been outstanding for nearly a decade, and there is a placeholder article for the upcoming Town Meeting to approve the transfer. CH feels the Commission should take additional time to analyze if it feels such time is needed. BO asks whether a conservation management plan will be required for the property; BG indicates this is not required for this parcel but was required at Couch Cemetery.
- SC asks whether the Commission can accept the transfer and decide the CR/Chapter 97 issue later, and CH conveys this question to TC. TC clarifies that the Commission cannot approve or reject the Town Meeting article, as only the Town Meeting can do that, but the Commission can convey its views and preferences to the public at TM. Regarding CR options, TC points out that relatively few organizations are qualified to do monitoring for them, and these organizations may not be interested in monitoring a parcel isolated from other properties of their own. TC also notes that Article 97 is actually an amendment to the state Constitution that sets, in his view, an extremely high bar for removal that is met very infrequently. Such a removal did happen in Norwell and Scituate for construction of their public safety facilities, but it was after a very lengthy process. TC also points out it is also possible to remove a CR, albeit with a similarly high legal bar.
- CH asks TC whether the sponsorship of the TM article by different entities renders the Commission discussion regarding Article 97 or CR protection moot? TC's understanding is that NHESP is neutral as to whether the land is transferred under a CR or Article 97, provided that certain legal language is present in the transfer document, and the Commission should vote to support or not support the article as written. BG notes that 68 acre transfer associated with the Couch Beach project was transferred to Commission custody under Article 97 and suggests that NHESP considers a CR or Article 97 transfer with the deed restriction language they have provided to confer essentially equal protection. BG asks TC if a CR placed by a Town entity would be similarly difficult to remove; TC notes that the Town could not both hold the restriction and also own the land. Generally speaking, it would be a rare set of circumstances that would call for the removal of land from conservation custody.
- JR asks about the consequences if the Town Meeting article doesn't pass? BG indicates that at some point, land would need to be set aside as rare species mitigation for the three completed projects, and NHESP would likely seek to enforce the requirement at some point. SC asks what the impact, if any would be on the Town Meeting question if the Commission voted not to accept the transfer because it wanted a CR. TC notes that the question is on the warrant regardless of the Commission vote, the Town Meeting vote could be influenced by Commissioner comments explaining their position at the meeting, but if the question passes at TM, the transfer will be implemented. BO asks whether an Article 97 transfer and third-party CR are mutually exclusive? TC does not believe they are, and has seen examples of land that was acquired through Article 97 and subsequently restricted with a CR.

- PC notes that monitoring seems to be the Commission's biggest issue and asks how the best monitoring can be secured. BG reiterates that monitoring is only part of the issue, as issues observed would still have to be addressed by the Commission and Conservation staff.
- BO suggests that the matter be researched further, as there is no specific time constraint; CH agrees, noting that the issue seems to be more complex than it originally seemed. BG points out that placing all Commission property under a CR would be cost-prohibitive, so prioritization is necessary. AL agrees that prioritization is important, but metrics/comparators are needed to do so. JR agrees with AL and suggests that this property is not a desirable candidate for a third-party CR given it is surrounded by other Commission property that does not have a CR. CH also agrees about the need for prioritization but would like to table for further research.
- CH motions to table the discussion pending further research. AL second. Approved 5-1-0, JR having voted no.

#### **B4 Ancillary Structure Activities within Conservation and Building Department Requirements – Commissioners**

- The Commissioners review a draft permitting grid for generator stands and sheds in coastal flood zones, including LSCSF and LSCSF plus barrier beach/riverfront/buffer zone. EF notes that the grid was developed after a conversation with the Building Department regarding their upcoming flood plain permit so as to provide guidance to the Commissioners and public and ensure compliance with FEMA regulations. The two grids may have to be modified if DEP issues new performance standards for LSCSF, and would only apply to previously disturbed sites in these areas.
- Under the grids, generator stands without footings would not require Conservation review; stands on diamond piers could be permitted as a *de minimis* Activity (DMA); stands on sonotubes/helical piles in LSCSF only could be permitted as a DMA, but such stands in LSCSF plus barrier beach/riverfront/buffer zone would require a Conservation permit. Shed replacement in existing footprint could be permitted as a DMA in LSCSF only but would require a Conservation permit in LSCSF plus barrier beach/riverfront/buffer zone. New sheds or replacements with larger sheds would require Conservation permitting.
- BG notes that additional Mass DEP introduction of flood plain resource area performance standards and Chapter 505 guidance around "hardening" of sites may require modification of the grids, but the grids are a good starting point. All agree to adopt the guidelines and incorporate them to the policy and procedures guide.
- CH motions to implement the draft Ancillary Structures in Coastal Flood Zones document as policy to guide the permitting process for these structures, and update the policy guide accordingly. JR second. Approved 6-0-0.

#### **B5 98 Cherry Street – Land Use License – Commissioners, Town Counsel, Attorney Brodsky**

- Attorney Adam Brodsky (AB) present for property owner Art Gibbs (AG), whose house and parking area encroaches on Conservation parcel N06-03-27. The prior owner had received an OOC to raze and rebuild the existing structure and had agreed at that time to relocate the structure off Town land; however, the Gibbs do not wish to proceed with the raze and rebuild and have requested that the Commission grant a Land Use License to allow the house and parking area to remain where they are. The matter was discussed at the August 17 meeting and tabled to allow for further discussion between all parties.
- TC notes that encroachments onto non-Conservation Town property exist in several locations, including the Levitate building. There have also been instances where owners have built structures encroaching onto Conservation land, and then removed the structures after threat of enforcement. He cannot recall an instance where the Town ever conveyed an easement or deeded Conservation land to resolve an encroachment issue, but that doesn't mean it never happened. TC is also unsure whether AG could pass the legal hurdles needed to acquire title to the encroached-on land. Given the *de minimis* nature of the encroachment, it may be possible for the Commission to allow the structure to remain where they have been with conditions including the owners to generally indemnify the Town against any legal liability relating to the encroachment, and requiring it to be moved fully within its lot if any major renovation is done. TC notes that this is a rare and unusual circumstances where the Commission could possibly issue a license, with restrictions as noted, but the decision is within Commission discretion. TC feels this would be unlikely to set a binding precedent, and similar requests, if any, could be considered on a case by case basis.
- PC asks how large the encroachment is? CH indicates the house encroaches about a foot over the line; BG estimates the total house encroachment to be 75 to 80 sq. ft. plus the 12' by 12' parking area. Other

encroaching structures have been removed. TC notes that it may be possible to park on Cherry Street, eliminating the parking encroachment.

- AB comments that the encroachment appears to have been ongoing for decades, predating formation of the Conservation Commission and the Town's acquisition of the property. His client is looking to work cooperatively with the Town and they would like a sense as to whether the Commission would entertain the granting of a license, which in turn would guide his future conversations with TC.
- CH asks if a land use license would be transferable through a sale of the property. TC indicates the license could be made personal to the current property owner, or transferable with the approval of the Commission. AL asks TC's advice regarding transferability? TC notes that at some point the house will require major renovation, at which point he feels the encroachment should be remedied.
- BO suggests that the Commission consider issuing a license for the house plus a minimal access area for maintenance, but not the parking area or any other encroaching structures. AL agrees that this seems reasonable. AB notes that the parking area seems to have been in use for decades, and keeping it would be a concern for his client. CH would be willing to consider issuing a license if AB and TC can reach an agreement as to the terms; her sense is that the Commissioners would want fairly strict terms. She agrees with BO that the parking area should not be included; SC and PC also agree on this point.
- CH feels the Commission is not in a position to vote on a license until it knows what its terms would be. TC asks that the Commission authorize him to discuss licensing terms directly with AB; he will keep CH & BG apprised of the progress and then report back to the Commission as to what they will agree to; all Commissioners concur.
- CH motions to give Town Counsel Galvin discretion to negotiate with Attorney Brodsky regarding a land use license for 98 Cherry Street and report back to the Commission. SC second. Approved 6-0-0.

## **PUBLIC HEARINGS**

### **21-29 Daddario, 16 Joyce Street (Replace Deck & Hardscapes).....cont. from 9/7/2021 (Rick)**

- Continued Hearing; PC Hearing Officer. Commissioner AL notes that he has signed a Mullin affidavit, allowing him to participate in and vote on this hearing.
- The proposed activity is the replacement of an existing 286 sq. ft. of deck with a hardscaped patio and 166 sq. ft. of new deck areas. The lot is located in barrier beach and LSCSF. The matter was continued pending receipt of a revised site plan referencing the 2021 FEMA FIRM and patio cross-section.
- The revised plan was sent to the Conservation Office on September 13. Brad Holmes (BH) of ECR, representing applicants, believes the updated plan provides the clarification requested by the Commission and notes their use of the term "hardscape" included pervious pavers and gravel. They have clarified the proposed areas of gravel and stone. PC asks what will happen to the exiting planting beds on the edge of the lot? BH indicates they will remain, as they are not going outside the footprint of the exiting deck, and they intend to put in additional planting.
- PC notes that the Commission needs to consider the revised Chapter 505 regulation regarding hardscaped surfaces in AO/VE flood zones, which require any hardened surfaces to be considered impervious regardless of their ability to absorb precipitation, and that the total combined area of impervious surface on a lot should not exceed 500 sq ft. However, it does not seem to him that the proposed work will cause any actual runoff issues, and PC is not sure that any properties with driveways will be able to meet this new standard. BG agrees that the applicant has provided what was asked for at the previous meeting, and suggests it would not be fair to hold this applicant strictly to the 500 ft standard, as the revised regulations will require some fine tuning over time.
- PC also notes that applicant originally appeared before the Commission at the 3/2/21 business session and at the time was advised to file an RDA for the work. Recent feedback received from Mass. DEP regarding a negative DOA the Commission issued for 56 Cove Street suggests that a NOI may be required for most if not all work in barrier beach/coastal dune, but PC doesn't think requiring one is appropriate in this case, as applicant has provided the information the Commission requested.
- PC asks for comments from the public; none.
- The standard conditions of approval will apply.
- PC motions to close the hearing and issue a pos. #5, neg. 2 Determination of Applicability with special conditions drafted by EF. JR second. Approved 6-0-0.

**TBL 21-01 Rhodes, 12 Edward Road (Addition).....NEW (Susan)**

- CH reads the legal ad. Hearing Officer SC confirms administrative requirements are complete. BG notes that only the Town bylaw is jurisdictional in this matter, and the notification meets the Town Bylaw notification requirements.
- John Zimmer (JZ), South River Environmental, presents for applicant Brian Rhodes (BR) in an after-the-fact filing for previously constructed walkway, parking area, and initiation of an addition on the western part of the property and to address the complaint about the unpermitted vegetative cutting and fill. The work area lies in buffer zone to two isolated vegetated wetlands as defined under the Town Bylaw. The matter was discussed in a business session at the September 7 meeting, and all agreed that the filing of an after-the-fact NOI was appropriate. The addition had originally been permitted by the Building Department but not forwarded for Conservation review due in part to removal of the site from the flood plain and the difficulty identifying isolated vegetated wetlands (IVW) under the Town Bylaw. JZ's subsequent delineation shows the proposed addition to be within the 50 ft. setback to IVW. Since the existing house was constructed prior to 2002, the 25 ft buffer zone applies. The proposed addition is 41' from the IVW at its closest point. JZ notes that they are proposing to remove a portion of the unpermitted parking area that lies within the 25' buffer as well as post four (4) conservation markers along the edge of the existing lawn.
- EF notes that Conservation staff became aware of the work after receiving three complaints about vegetative cutting and fill, visited the site on August 27, and observed the unpermitted activity and violations. EF notes that a board and several areas of pea stone fill remain within the 25' buffer zone and recommends that the Commission ask that these be removed as a condition of approval, in addition to the removal of part of the parking area and posting of the conservation markers.
- BG adds that the board currently blocks flow between the two wetlands and could create flooding problems. He and EF also investigated reports of tree cutting and found several large trees that appear to have snapped due to various natural causes. JZ indicates that applicant is willing to remove the board and pea stone fill.
- Greg Morse (GM), 1474 Broadway, states that the two IVWs near the property used to be one wetland that went out to the sea; in addition he would like to see the pea stone and board removed. BG briefly discusses the issues in the area, noting that the original wetland in the area was filled, over time, with streets, culverts and houses, leaving numerous IVWs.
- Florence Rubbo (FR), 313 Careswell Street claims that BR brought additional fill onto the property to park a large trailer, which has disappeared since BG and EF's visit, but resulted in additional alteration to the wetlands. FR thinks that these alterations, along with the recent addition of a garage to the property, have caused flooding issues on her own property.
- Jocelyn Foley (JF), 15 McCarthy Rd, claims that BR cut back the wetlands when he originally moved in, in 2008.
- Maureen Foley (MF), 15 McCarthy, further states that BR brought in a bulldozer and filled in a large section of wetland to create a lawn. JF provides pictures for Commissioners to review.
- BG notes that he had reviewed aerial photos of the area, which suggest that some cutting in the area occurred between 2001 and 2005. He also reviewed contours and found no indicating that BR had filled. However, the addition of the paved parking area and pea stone are clearly violations that are being addressed in this filing. BG notes that blocked and under maintained culverts, dead/fallen trees, and filling on an adjacent undeveloped lot are also contributing to drainage issues in the area, and additional evidence as to who is filling in this lot is needed in order for enforcement to be successful.
- SC also suggests that the conservation markers be moved up gradient to the 25 ft. buffer to allow for more revegetation; JZ is willing to compromise but notes that moving the markers all the way to the 25 would eliminate the majority of the lawn, which has been in place for 15+ years. Several abutters dispute JZ's claim that the lawn predates applicant's ownership of the property. BG agrees that moving the markers up gradient would help with drainage issues in the area. The issues on other properties will have to be dealt with one by one.
- FR asks what will happen with the dirt that was excavated to dig the hole for the addition. BG notes that erosion control has been added around the dirt pile, and he has talked to the contractor about the need to keep it under control. BG suggests adding a special condition that this pile not be used as fill on the other parts of the property.
- Linda Black-Dunn (LB), 11 McCarthy, states that drainage issues over the past 10 years have caused flooding in her garage and driveway. FR claims these issues date back to when BR added fill to the lawn. PC asks why a complaint wasn't made then; MF thought he had a permit for the work; FR adds that the fill and cutting was done a little at a time. FR asks why abutters were not notified of the hearing to construct the garage. SC notes that the garage was

permitted under an RDA, which does not have the same notification requirements as a Notice of Intent, because at the time, the Commission was not aware of the existence of the two IVWs.

- GM feels that the run between the two wetlands should be dredged to restore its previous functionality; he has offered to do the dredging but BR declined. BG notes for the record that any such dredging will require a Conservation permit as well as the permission of BR. SC believes there may be more extensive problems in the area that may need to be addressed in the future, but at this hearing, the Commission can only approve or disapprove what is being proposed in the filing. CH agrees that the best that can be done today is to require the mitigation discussed, including removal of the board, pea stone, and paved parking areas and moving up the conservation markers up gradient.
- FR and JF also claim that BR is pumping water from his basement into the wetland and are concerned that the additional foundation will displace additional water onto their properties. BG notes this is the first he is hearing of this claim and SC states the Commission needs more facts to address this and other matters. BG requests that this complaint be sent to him in writing so he can address as a separate matter.
- PC comments that it seems that this one property is adversely affecting several other properties, and asks whether the Commission should require BR to remove the fill brought onto the property; BG notes aerial views suggest that at least some fill may have predated BR's ownership. PC wants to require BR to remove the fill from the property; he himself has been adversely impacted by similar activity and understands the impacts. BG sympathizes but reiterates he lacks definitive evidence that BR filled the property beyond the statements of the abutters. JR also sympathizes with PC's concerns but is unsure if they are able to get the evidence needed to take aggressive action.
- The Commissioners discuss whether a continuation is warranted or if there are other options for mitigation. EF suggests that additional plantings could be made in the gap between the two wetlands as well as the areas where the pea stone is being removed. BG agrees that the proper plants could address some of the downstream flooding issues; JZ indicates they would be willing to make these plantings.
- CH queries the Commissioners as to whether to continue the matter to obtain more information. JZ asks that he be advised as to what additional information the Commission is looking for, noting that BR has told him he did not bring fill onto the property and there is no evidence of his doing so. JZ also notes that the issues in the area are bigger than this one single property, which he contends cannot displace enough stormwater to impact all the abutting properties. BG agrees that fill on the adjacent undeveloped lot and the unmaintained culverts in the area are also contributing factors, and is unsure a continuation will accomplish much in the way of additional mitigation on the property. After further discussion, SC agrees that the issues raised will require further investigation that is beyond the scope of this hearing.
- Special conditions of approval will include removal of the board, pea stone, and paved parking areas as discussed, the placement of four conservation markers 10 ft. up gradient from the 25 ft. buffer, no change in contours on the site, removal of excavated earth offsite, and submission of a planting plan and updated site plan to the Conservation Office by noon on Friday, September 24.
- SC motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. CH second. Approved 5-1-0, PC having voted no.

#### **CONTINUED HEARINGS**

**2916    Lawson, 62 Marginal Street (Dock).....cont. from 7/6/2021 to 10/5/2021 (Rick)**

- The hearing is continued until the next public meeting of the Marshfield Conservation Commission on October 5, 2021, per applicant representative written request.

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

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

- Deed restriction for the porch is still outstanding. A lawyer representing applicant has advised that this is in progress and provided a draft deed to the Conservation Office.
- CH motions to table the matter until the October 5, 2021 meeting. JR second. Approved 6-0-0.

**1875    Belliveau (Now Anderson), Macomber's Ridge [COC]**

- Mass. DEP issued Superseding Orders Of Conditions, affirming the Marshfield Commission decision regarding unpermitted filling in areas of Macomber's Island Causeway but imposing stricter conditions of approval, and eventually issued a COC for their OOC; however, the original Marshfield Orders Of Conditions were never closed out. As the state COC has been closed out, EF recommends issuing a complete COC for the town OOC. EF & BG site visit observations revealed no concerns.
- CH motions to issue a complete COC for SE42-1875. PC 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,  
Liz Anoja, Conservation Administrative Clerk

Marshfield Conservation Commission	
Bill Grafton, Conservation Administrator	
Eric Flint, Conservation Agent	
Craig Hannafin, Chair	Bert O'Donnell, Vice Chair
Art Lage	Joe Ring
Susan Caron	Rick Carberry