

**APPROVED MINUTES - CONSERVATION COMMISSION  
TUESDAY, JANUARY 18, 2022 | 6:30 P.M., SELECTMEN'S CHAMBERS  
TOWN HALL, 870 MORaine ST., MARSHFIELD, MA**

**MEMBERS PRESENT** – Craig Hannafin (CH) Chair, Bert O'Donnell (BO) Vice Chair, Susan Caron (SC), Joe Ring (JR), Bill Grafton, Conservation Administrator (BG); Arthur Lage (AL) attended remotely.

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

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

**MINUTES**

- The minutes of the January 4 meeting were presented for approval. Comments received from Commissioners prior to the public meeting. No comments or suggested changes were made on the floor.
- CH motions to accept the January 4, 2022 minutes as edited. SC second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

**CHAIRMAN'S ADDRESS**

- CH reads the following modified notice into the record: "Pursuant to Chapter 20 of the Acts of 2021 dated 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, the Town of Marshfield's Conservation Commission's Meeting will be conducted both in-person and via remote participation. The conferencing application Zoom will be used for this purpose. An online link and telephone access number will be provided on all meeting agendas and also on the Board's website. This application will permit the public to access and participate in future Board meetings and hearings. Instructions for joining meetings in this manner will be provided on the Town and Town Clerk's websites. In addition, Marshfield Community TV may provide coverage of these meetings. We extend our thanks for your understanding and participation in this manner, which is intended to keep members of the Board and the public safe. Every effort will be made to ensure that members and the public can adequately access the proceedings to the best of our technical abilities; and, despite our best efforts, this meeting may be viewed as a video recording on Marshfield Community Television website ([marshfieldtv.org](http://marshfieldtv.org)) and a transcript or other comprehensive record of the meeting will be available as soon as possible after the meeting. Please note that 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**

**a. 12 McCarthy Road, Hazzard – Downed tree removal**

- The proposed activity is removal of a hazardous tree in the buffer zone to an isolated vegetated wetland. BG 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. JR second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

**b. 22 Steven Road, Wade – Removal of uprooted hazard tree**

- The proposed activity is removal of an uprooted hazard tree that is threatening a shed in the back yard. As the tree may be on the abutting property, BG recommends approval with the condition that applicant seek permission from the abutting property owner for any work off-property, and 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 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

**B2 Substantial Determination/Conservation Permitting Overlap Process Discussion – Commissioners**

- Consultant William Finn (WF) states he will have a memorandum for the Commission regarding conservation permitting requirements triggered by Building Department determination that a project, whether interior or exterior, is a “substantial improvement” by next Tuesday.
- CH motions to table the matter to allow WF to complete his memorandum. JR second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

**B3 Discuss 505 307.2 Open Pile Foundation regulation – Commissioners**

- CH motions to table the matter to allow WF to complete his memorandum. SC second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

**B4 Cranberry Cove outreach to subdivision developer regarding COC – Bill Grafton**

- The developer of the subdivision has submitted a request for reduction of surety to the Planning Board. BG has advised the Town Planner that the Order of Conditions for the subdivision, SE42-2282 remains open, and individual homeowners will have liens on their properties until a Certificate of Compliance is applied for and granted. Additionally, there is a Natural Heritage and Endangered Species Program Conservation and Management Plan (CMP) requirement that the developer set aside 16.8 acres for rare species habitat through either Article 97 transfer to the Conservation Commission or a Conservation Restriction held by a third party. BG has conveyed this to NHESP, who will reach out to the developer; he would also like to reach out to the developer directly regarding the status of the Request for Certificate of Compliance to remove the liens from homeowner properties.
- SC agrees that reaching out to the developer makes sense.
- BO suggests that BG cc the Homeowners Association so they can follow up with the developer.
- CH motions to direct the Conservation Administrator to correspond with the developer regarding the status of the project and the open Order of Conditions. JR second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

**B5 Tax Title Taking/undeveloped lots on Careswell/Edward and Careswell/McCarthy providing wetland values – Commissioners**

- All present discussed the tax title taking of two undeveloped lots off Careswell Street, Lot 1 abutting Careswell and McCarthy Road (Parcel L05-28-07), and Lot 3 abutting Careswell and Edward Road (Parcel L05-30-16). Both lots have wetlands on them, and BG suggests that Commission control would give the Commission greater ability to address dumping issues (i.e. through signage) and perform maintenance to improve flood and stormwater control in the area. The Conservation Office has received numerous complaints regarding the conditions on both lots, but currently BG’s ability to respond is limited, as the lots are privately held.
- SC adds that the Open Space Committee recently voted to support the taking and their conveyance to the care and custody of the Conservation Commission; she and they believe this action will empower the Commission to improve conditions on both lots and prevent future problems.
- SC asks if this taking must be approved at Town Meeting. BG originally thought it did but has since been advised that Town Counsel communicated that approval is not needed for tax title takings. BO supports the taking but asks about the maintenance required at the properties. BG indicates the work will mostly involve removal of piles blocking water passage, as well as some tree maintenance.
- CH motions to support the tax title taking of the (2) two properties off Careswell Street: Careswell/Edward (Parcel L05-30-16) and Careswell/McCarthy (Parcel L05-28-07) and conveyance to the care and custody of the Conservation Commission. JR second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

**B6 Tax Title Taking/undeveloped lots off Old Mount Skirgo (Parcel Id D08-01-05) – Commissioners**

- All present discussed the tax title taking of an undeveloped lot off Old Mt. Skirgo Rd, adjacent to a Modera lot and town-owned land. BG suggests that preserving this lot would be beneficial for water production and is worthy of a Conservation Restriction, as it also provides a conduit into undeveloped land in Duxbury.

- CH motions to support the tax title taking of the “owners unknown” lot of Mt. Skirgo Street (Parcel Id No: D08-01-05) and send a letter of support to the Town Administrator. JR second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes

#### **B7 Annual Town Meeting / CPC Funding CR Couch Beach & Old Mount Skirgo properties – Commissioners**

- SC speaks to the Commissioners as Chair of the Open Space Committee and asks for the Commission’s support of OSC’s Town Meeting article to approve the use of CPC funds for the cost of Conservation Restrictions on two parcels of land providing NHESP-designated Eastern Box Turtle habitat as mitigation for construction of athletic fields, Boys and Girls Club, and Couch Cemetery expansion. CPC has unanimously voted to approve \$28,500 to fund the CRs, which will be held by Wildlands Trust. The former OSC chair was asked by DPW to work with Wildlands Trust to begin the process of drafting the CRs in 2013, but these were never finalized due to an apparent oversight. A CR held by a third party provides oversight and regular monitoring of the properties which the Town does not have the resources to replicate. Additionally, third-party CRs must be recorded at the Registry of Deeds, and the third party could provide unbiased input into any proposal to change the use of these properties. These two properties provide suitable Box Turtle habitat as well as other beneficial environmental features. The Old Mt. Skirgo property carries three separate NHESP habitat designations, and the Union Street property is also NHESP designated priority habitat for rare species. OSC believes these parcels deserve the highest level of protection that a CR would afford.
- JR is supportive of protecting the parcels but would like to postpone the vote until the next meeting in hopes that all Commissioners would be present, as his memory was that a full Commission vote was desired when the matter was discussed in the fall. BO doesn’t remember a full Commission vote being requested but is willing to consider postponement; CH likewise doesn’t recall this point being articulated. AL finds SC’s statement to be persuasive but would like all the Commissioners to participate in the deliberations. CH firmly supports the article but is willing to postpone to allow for full Commissioner debate; BO concurs but notes his opinion is unlikely to change.
- SC notes that OSC would like to be able to tell the Select Board, Advisory Board, and Town Meeting that the article received a unanimous Commission vote, but does have to submit the warrant article before the next Commission meeting. Small edits can be made to the article language depending on the outcome of the Commission vote.
- CH motions to table the matter until the February 1 meeting. JR second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

#### **B8 52 Jackson Street-Substantial Determination/Conservation Permitting Overlap – Gill & Commissioners**

- Homeowners Patricia Gill (PG) and Tom Gill (TG) received a “substantial improvement” determination from the Building Department for a kitchen and bath remodel that is not within Commission jurisdiction. Under the Chapter 505 regulations as currently written, this triggers a requirement to elevate the structure on an open pile foundation. TG indicates he has obtained an elevation certificate which shows the first floor is already high enough to satisfy FEMA regulations, and believes raising the house on open pilings would result in much greater disturbance to the area.
- CH notes that WF is working to establish a procedure whereby homeowners can instead fill the crawl space beneath the house to grade and add flood vents to the foundation, and suggests tabling the matter to the next meeting. It is important to establish the proper procedures so Commission decisions aren’t overturned by MassDEP.
- BG suggests the process may involve the filing of a Notice of Intent without surveyed plan, but the process hasn’t yet been established. BG thanks TG for his understanding and will reach out to him regarding the next steps in the process.
- CH motions to table the matter until the February 1 meeting. JR second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

#### **PUBLIC HEARING**

#### **22-01 DPW, Surf Avenue (utility replacement).....NEW (Joe)**

- CH reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.

- Town Engineer Rod Procaccino (RP) and Assistant Town Engineer Tom Molinari (TM) present along with Lauren Underwood (LU) and Ryan Paul (RP) Environmental Partners. The proposed activity includes replacement of the water main and drainage system, relocation of 11 gas connections, and reconstruction and grade adjustments of the roadway. Resource areas include LSCSF, AE9 flood zone, coastal dune, and buffer zones to BVW, IVW, and coastal beach. All work will take place in existing paved area.
- LU notes that the existing infrastructure on Surf Avenue has reached the end of its useful life, with corroded water pipes and drainage fixtures starting to fail. The goal of the project is to increase the reliability and function of these systems, as well as address settling issues under the roadway, which itself is impacting drainage off the pavement. Existing asbestos-concrete piping will be “abandoned” in the ground, in accordance with MassDEP standards and replaced with ductile iron piping in polyethylene casing. All hydrants, valves, on the street will also be replaced. A temporary, above-ground water main will be erected to maintain water supply during construction. The new piping will be installed in open cut trenches in 20 ft increments. The work will result in no change to existing impervious areas. New reinforced concrete and PVC drain piping will be installed via open cut trenches, with two stubs for potential expansion down Constitution and Mayflower. Gas service relocations will be performed by Eversource. The old drainage infrastructure will be demolished and removed. The roadway will be reconstructed back to its pre-existing condition to allow for drainage as originally designed. Silt sock erosion control is proposed at the limit of work, and temporary silt sacks will be installed in catch basins. Impacted wetlands were flagged by Brooke Monroe, Pinebrook Consulting. They anticipate the need for dewatering due to high groundwater levels, all dewatering will be filtered through a dewatering bag.
- BG notes that some work will occur in the wetlands; he has discussed with RP the need to restore any impacted wetlands as per General Conditions cited on the submitted site plan. BG asks about an unflagged wetland referenced in Brooke Monroe’s sketch; LU indicates this was sourced through the MassGIS layers. BG notes this is allowable on an RDA but not a NOI. BG also requests enlarged depictions of the wetlands on-site for the Commission’s future reference as a Special Condition.
- JR feels the project is straightforward and the presentation very well detailed. A surprising number of wetland flags remain despite having been placed in the field about a year ago.
- JR asks for comments from the public; none.
- Special conditions of approval will include submission of legible, enlarged depictions of the seven wetlands depicted on the approved site plan within 90 days of the issuance and adhering to General Conditions within the submitted site plan.
- JR motions to close and issue a DOA, Pos. #5, Neg. # 2, with special conditions drafted by BG. BO second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

**2754A Hanlan, 72 Bay Avenue (Expand Concrete Slab).....cont. from 11/16/2021 (Bert)**

- Continued hearing. BO Hearing Officer.
- Rick Servant (RS), Stenbeck & Taylor, present for applicant. The house on the property was recently rebuilt on pilings under orders of conditions SE42-2752; part of the conditions of approval required that the subsurface remain pervious, and as a result, the previously existing concrete pad under the house was removed. The proposed new activity is to protect the house from erosion impacts due to overwash from the seawall by installing 800 sq feet of geogrid packed between layers of crushed stone and topped with 6”-12” trap rock. They also wish to pack some existing voids from removal of the old pad with gravel.
- BG notes that this proposal is similar to what JR and he discussed with builder Jim Folkard (JF) Marshfield Woodworkers at a meeting on the site in March. RS has worked with Town Engineer RP to come up with the current design, which BG believes could be a promising solution for other properties with similar concerns. BG thanks all parties for working with the Commission to devise a solution that meets the new performance standards. RP believes having the geogrid under the house will protect it from displacement due to direct wave impact as the geogrid is located away from the direct wave impact zone. BG recommends approval and that the Commission keep an eye on the property to see how the work holds up.
- BO asks for comments from the public; none.
- The standard conditions of approval will apply.
- BO motions to close the hearing and issue amended Orders of Conditions with special conditions drafted by BG. JR second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

- 2950 Gomes, 76 Carolyn Circle (Pier, Dock & Float).....cont. from 10/5/2021 (Rick)**
- The hearing is continued until the public meeting of the Marshfield Conservation Commission on February 15, 2022. Applicant's representative requested continuation in writing.
  - JR motions to continue the hearing until February 15, 2022. SC second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

*\*Note A after WPA File Number indicates Request for Amended Orders of Conditions*

#### **Scheduled Continued Hearings:**

- 2951 Trocki, 12 Branch Street (Raze & Rebuild SFH).....cont. from 1/18/2022 to 4/5/2022 (Joe)**
- The hearing is continued until the public meeting of the Marshfield Conservation Commission on April 5, 2022. Applicant's representative requested continuation in writing.
  - CH motions to continue the hearing until April 5, 2022. SC second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.
- 2958 Speakman, 274 Foster Avenue (Elevate Single Family Home).....cont. from 11/2/2021 (Susan)**
- The hearing is continued until the public meeting of the Marshfield Conservation Commission on March 1, 2022. Applicant's representative requested continuation in writing.
  - CH motions to continue the hearing until March 1, 2022. JR second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.
- 2960 Sealund Corp, 202 Moraine Street (Roadway w/ Utilities).....cont. from 12/7/2021 (Joe)**
- The hearing is continued until the public meeting of the Marshfield Conservation Commission on February 1, 2022. Applicant's representative requested continuation in writing.
  - CH motions to continue the hearing until February 1, 2022. BO second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

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

- 2240 White, 61 Gilbert Street (Special Condition J Complete Downspouts) [COC] – Closure / 2010**
- Special Condition J of applicant's Order of Conditions required that applicant direct roof runoff into downspouts. This Special Condition has since been discontinued by the Commission due to issues at properties with high water tables. BG recommends issuance of a complete COC, waiving Special Condition J as set forth in previous agent Wennemer's correspondence of June 5, 2010.
  - CH motions to issue a complete COC for SE42-2240, waiving Special Condition J. SC second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

#### **ENFORCEMENT ORDERS**

Smith, 38 Liberty Street (11/19/18 KS will set early Dec visit); White, Bednarz/ Nouza, 65 Ireland Road (Unpermitted Cutting <= 50 ft): Tamara Macuch, 237 Webster Avenue; Stifter, 102 Bartlett's Island (unpermitted revetment wall)

#### **B9 Enforcement Order/46 Preston Terrace (Mahaney) unpermitted fill & coastal bank destabilization**

- BG prepared an enforcement order, dated December 8, 2021, and sent it to residents by certified mail, but delivery has been unsuccessful after two attempts. Since the EO has not been delivered, the January 7, 2022 deadline for restoration plan has elapsed and instructions to appear before the Commission at tonight's hearing were never received.
- The matter involves unpermitted fill of an unimproved road in Commission jurisdiction dating back to 2014. BG notes that there is a long history of nonresponsiveness from homeowner, and requests that the matter be tabled to allow him to consult with Town Counsel.
- CH motions to table the matter to the February 1 meeting. JR second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

#### **B10 Enforcement Order Restoration Plan Review/53 Kent Avenue – Robert Brait/Brad Holmes**

- Brad Holmes (BH), ECR, present for applicant along with attorney Adam Brodsky (AB). An Enforcement Order was issued in response to three complaints about unpermitted cutting in the coastal dune adjacent to the property. Property owner Robert Brait (RB) indicated that his landscaper cut beyond what they were told to do. BH submitted an initial restoration plan on December 7 and has since been working with Conservation staff and Commissioners on revisions. The most recent iteration was received at the Conservation Office on January 5, 2022.
- BH notes that he has revised the plan based on feedback received at the December 21 meeting and subsequent site visit; changes included increasing the plantings to 30 saplings and 50 shrubs, switching out Little Bluestem for American Beach Grass. BH states they are proposing a total restoration area of 3640 sq ft compared to 1250 sq ft of original alteration, with the goal of turning the area into desirable wildlife habitat.
- CH notes that at the December 21 meeting, the Commission requested that conservation markers be moved up to the retaining wall, but in the plan they are 7 to 10 feet off the wall. CH also notes that the replacement of trees and shrubs proposed is still far below what was removed. AL adds that the plan seems to replace some of the removed trees with grasses and shrubs, which doesn't seem to be a good tradeoff. BH states that in the wetlands restoration field, trees are considered to be "saplings" until they attain a trunk diameter of 5 inches or greater. The cedar trees that were cut grew very densely together, and BH states it would not be possible to replicate this in the plantings, nor would it be healthy for the saplings, many of which would die off over time. BH states his plan involves a healthier spacing of plantings, adds diversity of species, and creates a larger buffer of plantings than what the Commission would normally require. BH also states RB would like to maintain a small buffer to prevent vegetation growing against the wall; AB notes this also allows them an accessway to maintain the wall.
- CH notes that in addition to the cutting being an egregious mistake, it took place on land not belonging to him. AB states that per the deed, RB owns on both sides of the way. Pursuant to the Derelict Fee statute, if an owner owns both sides of an undeveloped private way, the owner owns to the center line of the way. They are researching the title further but so far have discovered nothing to suggest any other party owns from Circuit Avenue eastward. Regarding plantings, AB notes the restoration area is LSCSF and buffer zone to coastal dune and states there is no interest protected by LSCSF that requires the preservation of vegetation. AB further states the vegetation cut was all upland vegetation in a buffer zone, the plantings themselves are not going to enhance or preserve the functioning of the coastal dune, and what is being proposed is an improvement over what previously existed.
- CH notes she is not a lawyer but has researched the history of the property from 1998-2014 and does not want to approve the plan, nor the placement of the conservation markers, without consulting with Town Counsel; BO believes that TC opined the paper road referenced by AB never truly existed, but agrees with CH that the Commission is not in a position to argue the legal point with AB. BH notes that usually the Commission asks for conservation markers at the buffer line and asks why it wants the markers on the wall in this case. CH wants to clarify property ownership in the area before approving the plan and marker location.
- BG states TC told him that the area cut was Town land and was done without Town permission. BG adds that the area is 100 ft buffer to both coastal dune, which is one of the most important buffer zones. The area was heavily disturbed. BG suggests it may be in everyone's interest to comply with Commission requests and resolve the performance standard issues rather than pursue drawn out arguments as to ownership. CH would still like more guidance from TC before approving. AB is willing to discuss with TC, but suggests the Commission look at the MassDEP Schindler case and the Tindley Appeals Court cases, which address colorable title, and reiterates his opinion that the restoration plan as proposed offers a fair and balanced resolution of the matter.
- JR asks BH how wet the restoration area gets? BH indicates it stays generally dry; he has tried to select a range of plantings, and is not counting the American Beach Grass plugs in the plantings. The area is significantly elevated over the dune and may have been filled at one point. In response to queries from AL and CH, BH indicates they are proposing to plant 30 cedars to replace the 150 cedars cut; BH states that MassDEP's Inland Wetland Guide recommends that trees be planted 10 to 15 feet on center and shrubs 8 to 10 feet on center; using this guidance, it is not possible to plant 150 cedar trees to replace those cut. BO asks what the stump diameter of a 3 to 5 foot tree would be? BH thinks 8.5 to 9 inches for a 3 foot tree and states most of the trees cut were smaller. SC is interested in a planting plan that will grow and be successful, and is less interested in the specific number of plantings. BH reminds the Commissioners that their restoration area includes a

previously landscaped area. SC would like to see the conservation markers as proposed at the 75 foot buffer and one that is approximately at the 50-foot buffer.

- BO agrees with BH that the area was probably too densely packed previously, and suggests that the Commission settle on a reasonable number of trees and shrubs to require as part of the plan. JR thinks allowing a small space between the wall and markers for maintenance is reasonable; the plants should be spread out enough to thrive but dense enough to hold off invasives. AB points out that the restoration plan would be subject to annual monitoring and 75% successful growth for a certain number of growing seasons.
- CH notes there is some time before the start of planting season, and suggests that the matter be tabled pending further discussion between AB and TC regarding ownership of the restoration area. BG and CH ask to be involved in the discussions; AB concurs. CH will also look into MassDEP guidelines regarding restoration planting density; BH will send CH the Inland Wetland Guide; he adds that his client is not opposed to adding more trees and they are willing to adjust the numbers to a reasonable degree. BG requests that BH provide additional details as to plantings.
- CH motions to continue the matter to March 1, 2022. BO second. Approved 5-0-0 by roll call: CH-yes, BO-yes, JR-yes, AL-yes, SC-yes.

#### **B11 Wellington Avenue 85 – Martin Discussion about Plantings & Annual Monitoring – Attorney Lyons**

- Attorney Jennifer Lyons (JL) present for homeowner Danielle Martin (DM). The Commission issued an enforcement order in 2020 for unauthorized work at the property, including filling of the adjacent unimproved street, yard work, dumping of green waste, construction of a fence in 100 ft buffer zone to wetlands across the street, placement of a dog cage in the expanded roadway and impacts to vegetation. A restoration plan was approved that included the removal of fill and green waste, posting of conservation markers, and restoration plantings with 75% successful growth after two growing seasons, two years of monitoring reports, and submission of an as-built plan at the conclusion of the two years, to be recorded at the Plymouth Registry of Deeds.
- JL indicates her client has complied with most of the provisions of the enforcement order, at significant expense, and is seeking relief from the remainder of its provisions. JL notes there was no notice on her deed that any part of her property was in Commission jurisdiction. The adjoining undeveloped road had not been maintained by the Town in years and had dangerous potholes. After trying unsuccessfully to get the Town to address these issues, DM filled in portions of the road for safety. She was unable to attend subsequent Commission discussions of the matter due to her work schedule. JL notes that since the issuance of the order, the Town has made repairs to the road and she suggests that the Town should also be responsible to make the plantings. Her client is willing to work with the Commission, but is also looking to avoid additional expense.
- BG has not been back to the site but has received qualified wetland scientist, John Zimmer (JZ) e-mails showing the signage was posted; he had also been advised by DM that DPW had worked on the roadway. When BG replied stating that the plantings remained to be made, he was referred to JL, who objected to this requirement.
- DM states that the restoration plan was agreed upon prior to DPW coming out to her property; after the property had been surveyed, Tom Reynolds (TR) of DPW advised her that about 2/3 of the restoration area is part of a Town way that is supposed to be maintained yearly by DPW. DM also states that TR told her this was not her responsibility. It took time for DPW to make the repairs, and she didn't want to put plantings in the area only to have them destroyed by DPW. DM is also concerned that ongoing DPW maintenance will impact planting area behind her back fence, and notes that that area wasn't altered in the original work.
- BG notes that the Commission has the discretion to modify EOs where a good faith effort to comply has been made, and thinks it makes sense not to require the plantings in the roadway area. CH understands DM's concerns about making plantings behind her back fence, but BG notes this area is downgradient of conservation markers and suggests that plantings in this area would be beneficial. DM would like the Commissioners to see the area.
- DM asks how homeowners find out their property is in Commission jurisdiction? BO notes this is sometimes disclosed in the home inspection. CH notes that a significant portion of Town is in at least one resource area or buffer, and the onus is on homeowners to inquire.

- After some further discussion, the matter is continued to allow the Commissioners to visit the property and determine the exact status of Wellington Avenue/Somerville Street. BG will distribute copies of JZ's planting plan to the Commissioners.
- CH motions to continue the matter to March 1, 2022 pending Commission site visits. JR second. Approved 5-0-0 by roll call: CH-yes, BO-yes, R-yes, AL-yes, SC-yes.

**ADJOURNMENT** – CH makes a motion to close the hearing at 8:54 PM. SC second. Approved 5-0-0 by Roll Call Vote: JR-yes, BO-yes, AL-yes, SC-yes, CH-yes.

Respectfully submitted,  
Liz Anoja, Conservation Administrative Clerk

Marshfield Conservation Commission  
Bill Grafton, Conservation Administrator  
Eric Flint, Conservation Agent  
Craig Hannafin, Chair  
Arthur Lage  
Susan Caron

Bert O'Donnell, Vice Chair  
Joe Ring  
Rick Carberry