

MEMBERS PRESENT – Craig Hannafin (CH) Chair, Bert O'Donnell (BO) Vice Chair, Rick Carberry (PC), Joe Ring (JR), Susan Caron (SC), Mike Seele, Conservation Agent (MS), Bill Grafton, Conservation Administrator (BG)

MEMBERS NOT PRESENT – Arthur Lage; Joe Ring arrived at 6:34 PM, after the vote to open the meeting.

CALL TO ORDER – CH motions to open the meeting at 6:30 PM. BO second. Approved 4-0-0.

MINUTES – Tabled.

CHAIRMAN'S ADDRESS

BUSINESS

B1 *de minimis* activity Roll/Review/Ratification

- None at this time. BG notes that additional information has been requested from applicants for Building permits.

B2 New Conservation Commissioner Candidate/John O'Donnell meeting – John O'Donnell & Commissioners

- Commission applicant John O'Donnell, 9 Cottage Lane (JO) present. CH met with JO and his background information was previously provided to the commissioners.
- JO notes he moved to town four years ago after having lived in Norwell for 25 years. He worked 30 years at US DOT's Research Center in Cambridge, conducting multimodal independent research and providing advice to US DOT. He has worked on fuel economy standards, economic and regulatory analysis on transportation safety and planning issues. After retirement from DOT, he worked for the Lean Enterprise Institute, a nonprofit that educated clients on Toyota's Lean production management system. He has been fully retired about three years, and is familiar with the various permitting and approval processes for Horseshoe Farm, and was referred to the Commission by HOA President Danielle Voss (DV).
- BG enjoyed his meeting with JO and suggests that his background and personality would be a good fit with the Commission. His professional background could also be beneficial, as BG would like to further modernize processes in the Conservation office.
- PC thanks JO for his application and asks about his background volunteering and motivation for applying. JO notes he coached various sports with his son, and got involved in Town government in Norwell through his coaching contacts. He likes to help conduct Town business on boards that can do so effectively.
- BO notes for the record that there is no relation between JO and himself.
- CH notes that she made JO aware of the time and training commitment involved during her meeting with him.
- BG notes that the Commissioners typically deliberate after applicants have presented. If the Commissioners approve, the applicant's name is forwarded to the Select Board for a final review and ratification.

B3 Policy & Procedure Guide Revision to diamond pier footings to support generator stands, sheds or egress/ingress access in AE flood plain only – Commissioners

- At the May 18 meeting, the Commission voted to adopt the presumption that the conversion of impervious ingress/egress landings and stairs to landings/stairs on diamond piers in FEMA X and AE flood zones were *de minimis* activities, require conservation permitting for such activity in VE zones, and consider such activity in AO zones on a case by case basis. Based on additional review, BG would like to further revise the policy as follows:
- If the proposed work is considered *de minimis*, a *de minimis* activity permit will be approved for the use of diamond pier footings to support generator stands, sheds or egress/ingress access in X or AE flood plains.
- If the proposed work is considered *de minimis*, either a *de minimis* activity or conservation permit, e.g., RDA, NOI, or Request for Amended OOC, will be required for the use of diamond pier footings to support generator stands, sheds or egress/ingress access in AO flood plains. The Conservation Administrator or Agent will make this determination. Any questions or concerns shall be referred to two (2) Conservation Commissioners for consultation and final determination.

- A conservation permit, e.g., RDA, NOI, or request for amended OOC, is required for the use of diamond pier footings to support generator stands, sheds or egress/ingress access in VE flood plains.
- CH moves to revise the Policy and Procedure Guide pertaining to generator stands, sheds, landings, utility lines and other structures as noted. JR second. Approved 5-0-0.

B4 SE42-2819 Bryants/Middle/South Street (seawall construction) easement activities review *de minimis* activity or Request For Amended Order of Conditions – Commissioners

- BG advises that the ongoing seawall work permitted under SE42-2819 has impacted five up-gradient wooden decks; there are four building permit applications for repairs/replacements, with a fifth application expected. Based on feedback from MassDEP Circuit Rider Andrew Poyant regarding the work/activity in VE zones, BG suggests that DPW submit a request for amended order of conditions to cover the deck repair work as a result of the seawall construction work impacts; this could set a model for future repair work required as a result of seawall maintenance. The Commissioners agree with BG's suggested approach.
- CH moves to require the submittal of a Request for Amended Order of Conditions to address the *de minimis* work/activity and ongoing maintenance along the up-gradient footprint of the seawall under the approved Orders of Conditions SE42-2819. PC second. Approved 5-0-0.

B5 SE42-2779 176 Bay Avenue – new Gazebo, new snow fence, after-the-fact fire pit & unpermitted tree cutting – Bill Talis Commissioners

- Applicant's representative, Bob Crawford (BC), set up a meeting with BG to discuss construction of a new gazebo and snow fence on the property. In a follow-up meeting with Bill Talis (BT), 176 Bay Avenue, BG noted that the conservation markers required under the still open OOC SE42-2779 had not been posted, and that applicant had constructed an unpermitted fire pit and cut back a line of trees for vista purposes for an elderly neighbor's benefit.
- BT states he cut back the trees, which he had originally planted, to the fence line so that his housebound neighbor at 184 Bay could have an ocean view. All the trees are still alive, and BT believes they will rejuvenate. He would also like to construct a gazebo with small sitting area inside a concrete retaining wall that runs through the area, and has a call in to Mr. Crawford for revised plans. BT notes that this area of the beach accretes rather than erodes.
- BG notes that since the limit of work is not in a VE flood zone, the Commission has the discretion to permit the activity through either an Request for Amended OOC or *de minimis* activity permit. BO suggests that since the OOC remains open, BT should submit a request for amended OOC; SC concurs. BG and MS will assist BT with the application. CH suggests that BT also check in with the Building Department regarding permitting requirements.
- CH moves to require the submittal of a request for amended order of conditions to address the proposed gazebo, after-the-fact fire pit, and tree cutting/vegetative management under the approved Orders of Conditions SE42-2779. JR second. Approved 5-0-0.

B6 New Conservation Commissioner Candidate/John O'Donnell review – Commissioners

- Tabled until later in the public meeting.

SCHEDULED CONTINUED HEARINGS

2950 Gomes, 76 Carolyn Circle (Pier, Dock & Float).....cont. from 10/5/2021 (Rick)

- Applicant's representative requested a continuation to the 07/20/2022 meeting in writing.
- CH motions to continue the hearing until July 20, 2022. JR second. Approved 5-0-0.

2958 Speakman, 274 Foster Avenue (Elevate Single Family Home).....cont. from 11/2/2021 (Susan)

- Applicant's representative requested a continuation to the 08/17/2022 meeting in writing.
- CH motions to continue the hearing until August 17, 2022. SC second. Approved 5-0-0.

PUBLIC HEARING

22-17 Donadio, 29 Hartford Road (Remove Deck, Replace with Patio & Install Fence).....NEW (Susan)

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

- Applicant proposes to remove an existing deck and replace with a 20' by 30' pervious patio, and install a fence along the property line. The property is located in LSCSF/A03 flood zone. SC notes that Building Commissioner has advised that a demolition permit is required for removal of the deck. The submitted plan includes a cross-section for the pervious pavers, and the fence will have a 6" gap at the bottom to permit wildlife movement and water flow. MS visited the site and notes that the patio slightly exceeds the footprint. The fence will run about halfway up the lot.
- SC asks for comments from the public; none.
- The standard conditions apply plus a special condition requiring a 6" gap between the ground and fence bottom.
- SC motions to close and issue a DOA, Pos. #5, Neg. # 2, with special conditions drafted by BG. JR second. Approved 5-0-0.

22-18 Shaughnessy, 49 & 54 Waterman Ave (Planting).....NEW (Bert)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- John Zimmer (JZ), South River Environmental, present for applicant. The proposed activity is the removal of six dead pitch pine trees with restoration plantings. An Order of Conditions SE42-2835, for construction of a fence and other activity, is on appeal to MassDEP and complaints to court; JZ states that the proposed work has nothing to do with this filing. Restoration plantings of 30 beach rose and 30 bayberry are proposed.
- MS notes that several Eastern Red Cedars that have been doing well in the area and suggests these might be an additional planting option. MS also suggests that the Commission require written permission from MassDEP for this project to proceed while the appeal for SE42-2435 remains open. CH agrees, and would like to also consult with Town Counsel. BO is okay with allowing the project to move forward with TC approval.
- BO asks if applicant intends to remove some of the invasive species (Japanese knotweed) that have overgrown the property; JZ confirms that this was worked into the plan. SC notes that the Japanese Knotweed on the site may be able to be controlled through repeated cutting instead of glyphosate application, and that the cut knotweed be stored onsite so the plants dry out and decompose, limiting the spread of seeds.
- Applicant Bob Shaughnessy (BS), 231 Hampstead states that the trees are presently a public safety issue due to potential falling limbs, and would like to remove them as soon as possible. MS visited the property and agreed some of the trees were dead and most were in poor condition. BO wants to avoid exposing the Commission to further liability and maintains that TC approval should be required.
- BO asks for comments from the public; none.
- Special conditions of approval will include the posting of four conservation markers as depicted in the Final Approved Plans, implementation of the planting plan with annual monitoring, and written permission from MassDEP or Town Counsel allowing this project to begin.
- BO motions to close and issue a DOA, Pos. #5, Neg. # 3, with special conditions drafted by BG. JR second. Approved 5-0-0.

2966 Six Birch Realty Trust, 0 Little's Lane (Ext. Pier, Ramp & Float).....cont. from 2/1/2021 (Rick)

- Applicant's representative requested a continuation to the 06/15/2022 meeting in writing.
- CH motions to continue hearing until June 15, 2022. JR second. Approved 5-0-0.

29 O'Neil, 0 Carolyn Circle (New Single Family Home).....NEW (Joe)

- CH reads the legal ad. Hearing Officer JR confirms administrative requirements are complete.
- Rick Servant, Stenbeck & Taylor, presents for applicant. The proposed activity is construction of a single-family home on an undeveloped lot that includes buffer zone to a BVW. The lot was recently delineated by Brooke Monroe (BM), Pinebrook Consulting. The proposed structure and paved driveway is located outside the 75 ft buffer and the leaching system for the septic is outside the 100 ft buffer. Erosion control is proposed to wrap around the easterly side of the site at the 50 ft buffer.
- MS visited the site, agrees with the delineation, and notes that all structures have been located as far from the resource area as possible. He and BG recommend approval with the posting of five (5) conservation markers along the 50' buffer. RS will submit a revised site plan depicting placement of the markers to the Conservation Office.
- CH notes that a portion of the lot lies within inland wetlands district, and recommends that RS consult with the Building Commissioner regarding any requirements thereto.

- JR asks for comments from the public; none.
- The standard conditions of approval will apply along with a special condition requiring the placement of five (5) conservation markers along the 50' buffer and submission of updated site plan to the Conservation Office by 12 noon on Friday, June 3, 2022
- JR motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. SC second. Approved 5-0-0.

2983 Last, 13 Brewster Road (New Single Family Home).....NEW (Bert)

- CH reads the legal ad. Hearing Officer BO confirms administrative requirements are complete.
- Terry McGovern (TM), Stenbeck & Taylor, present for applicant along with attorney Adam Brodsky (AB) and Brad Holmes (BH), ECR. Applicant wishes to raze the existing outbuildings on the property and construct a new SFH dwelling, driveway, and on-site septic system. The proposed house is further away from the wetland than the outbuildings and located more than 50 ft from the wetland line, with the majority outside the 75 ft. buffer. The driveway and septic are entirely outside the buffer zone. As the land was previously developed, the 25 ft. buffer applies under the local bylaw. TM adds that the house meets the minimum setback requirements from Brewster Road and the northerly abutting property. The septic system is designed for four bedrooms and will require minimal raised grading; it is located outside the 100 ft buffer while complying with all required setbacks. They are proposing to post 12 conservation markers along the 50 ft setback starting and ending at the property edges.
- BG visited the property recently with BH, and in 2021 with former Conservation Agent, Eric Flint (EF). Soils around wetland flag 15 were determined to be non-hydric fill. BG's memory is that Brian Donahoe (BD) of Goldman Environmental Consultants, third party consultant on a different project in the area, SE42-2887, indicated that the MassGIS online depiction of Outstanding Resource Water in the area was inaccurate, and the ORW was in fact further downgradient (and further from the limit of work) than shown, but would like TM's confirmation; TM agrees that BD advised the ORW was well downgradient. BG would also like to know whether the house will tie into the storm water infrastructure for Brewster Road. TM believes most storm water will be directed elsewhere due to the grading of the site, but can add some drywells if needed.
- BO believes the Planning Board will require the road to be paved to the driveway location, and asks about possible impacts to Brewster Road's storm water infrastructure.
- TM contends that anything that could potentially be done to the infrastructure is beyond the 100 ft. buffer and outside Commission jurisdiction, but BG contends that this project and the Brewster Road infrastructure project are locked like an individual lot development in a subdivision, and suggests adding a condition of approval that there be no conflict with the Brewster Road storm water OOC. TM states there is no part of this project that touches any storm water management components on Brewster Road, and is unaware of anything that would need to be changed. AB suggests the Commission is already protected by the condition requiring applicant to obtain all other permits needed to proceed, and tying this OOC to an unrelated OOC may be problematic. BG agrees that linking OOCs belonging to different applicants is unusual and suggests the Commissioners have the discretion to determine how best to ensure there are no issues.
- BO polls the Commissioners on whether to add a special condition concerning impacts on the Brewster Road infrastructure or rely on the standard conditions of approval. JR is not in a position to say whether this project would impact the drainage system; PC agrees with AB to not link the two filings together; CH agrees with AB and feels linking the two filings could create a bigger problem down the road; BO agrees; SC agrees and notes that Planning is still involved with the road.
- BO notes that the deck and stairs encroach inside the 75 ft. buffer; BG suggests that if the deck is on diamond piers, its addition inside the 75 is offset by the markers and removal of the outbuildings located closer to the wetland. TM states the deck was planned to be on sonotubes; all agree this is acceptable as the deck is well outside the flood zone.
- BO asks for comments from the public.
- Karen Dean, 12 Brewster, states she would be very happy to see a new home built on the lot, which is dilapidated in its current state.
- Kim Bouressa, 188 Peregrine White Drive, concurs, as all the other lots on the street are occupied and well maintained.

- Standard conditions of approval apply plus special conditions requiring the removal of the old cottages and debris from the lot and placement of conservation markers as noted on the site plan.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 5-0-0.

2981 Sasserson, 12 Branch Street (Proposed Raze & Rebuild).....NEW (Bert)

- Continued hearing; BO Hearing Officer.
- Contractor Richard Burchill (RB), Minot Construction present for applicant. The proposed activity is the demolition of the existing SFH and construction of a new home in the same footprint. The property was previously before the Commission as part of a Notice of Intent, SE42-2951, filed by the previous owner and ultimately withdrawn. The new structure will be on a concrete foundation with flood vents. The matter was heard at the May 18 meeting and continued so the permitting status with other departments could be verified. Since then, it was determined that the previous ZBA permit is good until September 28, 2023 unless the footprint of construction is different. Building Commissioner Andrew Stewart (AS) has advised that the stop order for the property applied to an accessory apartment within the garage.
- BG indicates RB is aware of the need for new building permits; he asked AS for confirmation that the existing site plans were the ones associated with the ZBA permit but did not receive a response. Applicant must submit a Request for Amended Order of Conditions if it is found that the footprint of construction is different.
- BO asks for comments from the public; none.
- Standard conditions of approval apply plus special conditions requiring the posting of conservation markers as noted in the site plan and submission of an elevation certificate.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JR second. Approved 5-0-0.

2977 Marshfield Hills Realty Trust, 2205 Main Street (Replace Boat Ramp).....cont. from 5/3/2022 (Bert)

- Applicant's representative requested a continuation to the 07/06/2022 meeting.
- CH motions to continue hearing until July 6, 2022. PC second. Approved 5-0-0.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

1743 Walker, 459 Highland Street [COC]

- Tabled until the After-The-Fact NOI has been submitted. BG has followed up with Rick Servant (RS), Stenbeck & Taylor.
- CH motions to table the matter to June 15, 2022 and until the after-the-fact NOI is submitted and approved. SC second. Approved 5-0-0.

2426 Marshfield Hills Realty Trust (Roht Marine), 2205 Main Street [COC]

- The Order of Conditions for SE42-2426 was issued in November of 2012 but never recorded. An amended OOC was issued in March of 2013 and was recorded. BG recommends tabling until evidence can be provided that the original OOC was recorded. BG and BO are meeting with Eric Roht and project engineer Greg Morse on June 2, 2022.
- CH motions to table the request for COC until the original OOC is recorded and evidence provided to the Commission. SC second. Approved 5-0-0.

2629 & 2629A Walker, 116 Elm Street [COC]

- The original filing concerned authorization to mow and maintain wetlands and buffer zones in the rear of applicant's property, and the Order of Conditions set forth multiple conditions governing the activity; BG recommends that the majority of these conditions be incorporated into ongoing conditions with the COC. MS visited the property and recommended issuance of the COC. Recommended ongoing conditions are as follows:
 1. The Conservation Commission designates the Conservation Administrator as its agent with full powers to act on its behalf in administering and enforcing this Order
 2. This document shall be included in all construction contracts, including lawn maintenance agreements, associated with the maintenance of the wet meadow and the adjacent lawn areas. The applicant shall

assure that all contractors, subcontractors and other personnel performing the permitted work are fully aware of the permit's conditions.

3. It is the responsibility of the Applicant, Owner, and/or successor(s) to ensure that all Conditions of this Order of Conditions are complied with.
 4. If unforeseen problems occur during maintenance of the wet meadow which may affect the statutory interests of the Wetlands Protection Act or the Town of Marshfield's By-law, such problem shall require notification to the Commission and, as necessary, a meeting shall be held between the Commission or its agent, the applicant, and other concerned parties to determine the correct measures to be employed. Subsequent to resolution, the activity and resulting actions shall be documented in writing.
 5. Completed Special Condition during approval of the Request for Certificate of Compliance.
 6. Any other work within wetland resource areas or buffer zones will require that a new Notice of Intent or Request for Determination of Application be filed with the Commission, except planting of species native to the Northeast.
 7. The applicant shall place and maintain markers at the edges of the 70' Limit of Maintained Lawn as shown on the plan of record to delineate the limit of the mowed lawn and shall also place and maintain markers at the current limit of mowing at the rear of the lot, maintaining the existing set back to the wet meadow. The (4) four permanent Conservation Markers inscribed with Red and White "Marshfield Wetland Resource No Disturbance" on 4" by 4" rot-resistant pressure treated, cedar or equivalent posts depicted on the final approved As-Built Plan dated 5/23/2022 prepared by Grady Consulting, L.L.C. are to be posted in the field 30-40 inches above the ground surface and are to remain in perpetuity; damaged or decayed conservation posts and markers shall be replaced; any activity such as mowing, fill, or vegetative management is prohibited beyond the conservation markers. This condition remains in perpetuity.
 8. Future mowing of the easterly lawn shall extend no closer to the edge of the wet meadow than currently conducted.
 9. Continued mowing of the path through the wet meadow shall not expand its current width.
 10. Fertilizers utilized for landscaping and lawn care in the Buffer Zone shall be slow release, low-nitrogen types or as otherwise approved by the Commission.
 11. Mowing of the wet meadow shall be conducted on an annual basis in August or September. Mowing at this time of year avoids impact to ground breeding birds and allows for summer blooming wildflowers, grasses and sedges to spread their seeds.
 12. Removal of invasive species shall be by cutting, digging up roots, or by use of glyphosate, applied by hand applicator to a fresh-cut basal stem or painted onto leaves. Broad aerial spray application is not recommended as it may affect otherwise beneficial plant species.
 13. The applicant shall be permitted to maintain the existing shed in the rear yard within the 70' limit of Maintained Lawn.
 14. The applicant shall be permitted to maintain the existing planting boxes in the rear yard within the 70' Limit of Maintained Lawn.
- CH motions to approve a COC for the SE42-2836 and SE42-2836 Amended with ongoing conditions as noted. SC second. Approved 5-0-0.

2687 Kelley, 0 Main Street [EXT]

- BG suggested approval of a two-year extension.
- CH motions to approve a two-year extension to the Order of Conditions for the property, to July 21, 2024. JR second. Approved 5-0-0.

2723 Rum Island Trust, Trouants Island Causeway [EXT]

- The existing OOC remains valid until November 19, 2022 due to Covid tolling; BG recommended issuance of a three-year extension, to August 14, 2025.
- CH motions to approve a three-year extension to the Order of Conditions for the property, to August 14, 2025. PC second. Approved 5-0-0.

2773 Escobar (now Monahan), 1185 Ferry Street [COC]

- BG suggested tabling the matter until a complete application is received; applicant has been provided the required submittal package.
- CH motions to table the matter to June 15, 2022. SC second. Approved 5-0-0.

2791 DeMeo, 76A Marginal Street (Now 66 Landing Road) [COC]

- BG suggested approval of the COC.
- CH motions to approve a COC for the property. JR second. Approved 5-0-0.

2804 Green Harbor Yacht Club, 257 Dyke Road [EXT]

- BG suggested approval of a three-year extension.
- CH motions to approve a three-year extension to the Order of Conditions for the property, to June 11, 2025. JR second. Approved 5-0-0.

2836 Amand, 36 Jayna Way [COC]

- MS visited the site; conservation markers were installed and work completed as depicted in the As-Built Plans. However, he also observed that the swing set in back was partly behind the markers, and some mowing had been done past them. MS suggested that the swing set location be approved as a *de minimis* activity and the COC approval issued with ongoing conditions specifying no mowing, filling or vegetative management beyond the markers in perpetuity.
- Applicant Rick Amand (RA) states that only a small area around the swing set was cut, to allow his grandkids to use the swing set. BG notes that applicant has been a good steward and recommends that this area only be cut when the swing set is being used.
- Ongoing conditions are as follows: Ongoing Conditions as follows: The (4) four permanent Conservation Markers inscribed with Red and White "Marshfield Wetland Resource No Disturbance" on 4" by 4" rot-resistant pressure treated, cedar or equivalent posts depicted on the final approved As-Built Plan dated 3/22/2022 prepared by Stenbeck & Taylor, Inc. signed and stamped by Richard Servant Civil Registered Professional Engineering are to be posted in the field 30-40 inches above the ground surface and are to remain in perpetuity; damaged or decayed conservation posts and markers shall be replaced; any activity such as mowing, fill, or vegetative management is prohibited beyond the conservation markers. This condition remains in perpetuity.
- CH motions to approve the deviations as as *de minimis* activities and issue a complete COC for SE42-2836 with ongoing conditions as noted. JR second. Approved 5-0-0.

2963 Lage, 14 E Street [COC]

- CH motions to table the matter to June 15, 2022. BO second. Approved 5-0-0.

B6 New Conservation Commissioner Candidate/John O'Donnell review – Commissioners

- CH suggests that the Commission approve JO as a commissioner; the commissioners concur. BG will notify Town Administrator Maresco, who will forward his name to the Select Board for approval.
- CH motions to approve John O'Donnell as a commissioner and forward his name to the Select Board for final approval. JR second. Approved 5-0-0.

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)

B7 Enforcement Order (21-07)/46 Preston Terrace (Mahaney) lack of responsiveness – Commissioners

- The matter involves unpermitted fill of an unimproved road and flood impacts in Commission jurisdiction dating back to 2003. BG prepared an enforcement order dated December 8, 2021 and sent it to residents by certified mail, but delivery was unsuccessful after two attempts. After an attempt to hand-deliver the EO failed, BG requested the assistance of Town Counsel. Attorney Alex Weisheit (AW), KP Law, is acting as TC in place of Bob Galvin in this case as Attorney Galvin had represented the Mahaney's previously.

- After a hearing on March 15, the deadline for receipt of a restoration plan was extended to April 19, and then extended again to allow for applicants to hire a new consultant. The property has since been sold, and the owner has moved out, according to a neighbor. An As-Built plan from 2015 along with a letter requesting a “Certificate of Compliance” for a previously submitted Notice of Intent was received at the Conservation Office on May 26, 2022; BG notes that applicant had prepared two NOI applications in the past but no Order of Conditions was ever approved nor issued by the Commission for either.
- CH questions whether resolution of the EO will rest with the new owner or if the Mahaney’s fail to act? AW states in that case, it would be prudent for the Commission to issue a new EO, naming the new owners, but recommends that the Commission first try to resolve the matter with the Mahaney’s.
- Donna Mahaney (DM), Humarock, MA states they have a Notice of Intent as well as an As-Built plan that was recorded with the MassDEP in Lakeville, and a Court notice as to what they needed to do to resolve the violation. Their engineers worked with former Conservation Administrator Jay Wennemer (JW) and restored Peabody Road to the bank. DM states that was what they were told to do at the time. BG states he has been in touch with JW, who confirmed that no Order of Conditions was issued for any NOI they filed. As mentioned at the previous hearing, a delineation of the site would help establish the extent or restoration, if any, needed. JW also mentioned to BG that he had recommended installation of a storm drain. One of the NOI applications submitted by the Mahaneys included a drainage system, but the application was never approved and the field work was not completed. Given there are no approved Orders of Conditions for the property, the Commission approved and issued an Enforcement Order requiring a restoration plan from applicants, which has not been provided to date.
- DM states BG had said he would get in touch with them and never did, but BG points out it is the responsibility of property owner to proactively contact the Conservation Office and set an appointment; he remains available to meet and discuss further what is needed. DM states it is not clear to her or to “some Conservation people” they talked to what the Commission is requiring. CH suggests that the Mahaneys make a specific appointment to meet with BG and clarify what is required to resolve the matter.
- James Mahaney (JM), Humarock, MA states they were in compliance with Conservation and the Building Department in 2015 and doesn’t know why the matter remains open. BG reiterates that neither of the NOI applications the Mahaney’s prepared received an Order of Conditions, meaning they were never reviewed nor approved by the Commission at that time and there were multiple Enforcement Orders dating back to 2003. CH notes to the Mahaney’s that filing the Notice of Intent is just the first step in the process. BG suggests that applicants start by obtaining a resource area delineation, as this could resolve many of the Commission’s concerns; he and former agent Wennemer think a drain in the road may also be needed. JM states that DPW told him they were going to install a drain, but BG notes that DPW apparently has not done so. After further discussion, BG and the Mahaney’s agree to meet as suggested by CH.
- CH motions to direct the Conservation Administrator to coordinate a corrective action meeting with CH, Town Counsel Weishit, and Town Administrator Maresco. JR second. Approved 5-0-0.
- CH motions to direct the Conservation Administrator to coordinate a meeting with the Mahaney’s. JR second. Approved 5-0-0.

B8 Enforcement Order (21-06)/987 Ocean Street (Homsy) lack of responsiveness – Commissioners

- The matter concerns a significant amount of brush and small trees that had been cut and removed from buffer zone and resource area on this property and a neighbor’s property. An enforcement order was issued for the property after the November 16 public meeting, requiring preparation of a restoration plan. A restoration plan was submitted and discussed at the March 15 meeting, and the hearing was continued pending receipt of updated plan and MESA response letter. There was no further communication from property owner Homsy or consultant Bob Rego, Riverhawk, until recently, both of whom stating they had been delayed by personal issues. Homsy agreed to reach out to abutter Karen Donahue (KD), 991 Ocean Street regarding restoration of an area of her property that had been cut. The Commissioners agree to extend the deadlines for this outreach and submission of a revised restoration plan.
- CH motions to establish new deadlines for the feedback on the subject of the abutter communications by 12 noon, Wednesday, June 8th and submittal of the revised restoration plan by 12 noon, Friday, July 15th. PC second. Approved 5-0-0.

ADJOURNMENT – CH makes a motion to close the hearing at 8:31 PM. SC second. Approved 5-0-0.

Respectfully submitted,
Liz Anoja, Conservation Administrative Clerk

Marshfield Conservation Commission
Bill Grafton, Conservation Administrator
Mike Seele, Conservation Agent

Craig Hannafin, Chair
Art Lage
Susan Caron

Bert O'Donnell, Vice Chair
Joe Ring
Rick Carberry