

MEMBERS PRESENT – Robert Conlon, Chairman (RC), Bert O'Donnell (BO), Art Lage (AL), James Kilcoyne (JK), Rick Carberry (PC), and Bill Grafton, Conservation Administrator (BG).

MEMBERS NOT PRESENT – Frank Woodfall (FW)

CALL TO ORDER – RC motioned to open the meeting at 7:00 pm. JK second. Approved 5-0-0.

MINUTES – JK motioned to accept the 12/19/17 minutes as submitted. AL second. Approved 5-0-0.

PUBLIC HEARINGS

18-52 Leahy, 169 Webster Street (House Addition & Garage Addition).....NEW (Rick)

- RC reads the legal ad. PC Hearing Officer. PC confirms administrative requirements are complete, and advises the matter is an RDA for an addition and garage.
- Builder Chris Paine presents for applicant. The 9 by 15 ft addition in back of the house will be built on sonotubes, and the garage will be added to the side of the house; hand-excavation will be done to minimize disturbance.
- PC advises he visited the property. He couldn't get into the back but could observe where the additions would be built. He felt the exemption under 310 CMR 10.02(2)(b)2e, allowing conversion of lawns to uses accessory to residential structures, would be applicable, and the use of sonotubes for the house addition would minimize impacts.
- PC asks for comments from the public; none.
- BG advises that the standard special conditions would apply. He concurs with PC that all work is in a previously disturbed area.
- PC makes a motion to close & issue a DOA, Neg. # 3, with conditions drafted by BG. JK second. Approved 5-0-0.

2777 Keating, 160 School Street (Multiple ATF activities).....NEW (Bert)

- RC reads the legal ad. BO Hearing Officer. BO confirms administrative requirements are complete.
- Bob Crawford (BC), EET presents for applicant. BC advises this filing concerns multiple unpermitted activities in the 25-foot buffer subsequent to the construction of an addition, including the addition of two decks, a stone walkway, and sitting area, and some cutting of BVW. One of the decks is about 10 feet from the wetland.
- BO asks when the unpermitted construction took place? BC advises he checked the building department and assessor's office records and found no documentation concerning the project there.
- BG advises that he found out about the work when a potential new owner reached out to him about cutting trees on the property. The installation of conservation markers, as set forth in his recommended special conditions, will prevent further encroachments by new owners. He also notes that green waste on the property has been cleaned up and a new delineation has been performed by John Zimmer, South River Environmental. He sees no room on the property for plantings or further mitigation. An additional condition that the conservation markers be maintained in perpetuity may be advisable for further protection.
- BO advises he visited the site and agrees with BG's assessment as to there being no room for plantings or mitigation.
- BO asks for comments from the public; none.
- JK asks whether the driveway/parking area shown on the site plan is new or existing. BG advises the area is existing but was not permitted. JK asks whether all of the additions are considered to be structures under the

regulations; BG indicates they are. JK also asks whether the current owner is the party who performed the work; BG indicates this is unknown.

- JK comments that this is the type of activity the Commission is trying to prevent. BG concurs but feels that requiring removal of the structures seems excessively punitive in this case, as it is not clear who performed the work; the new site plan, delineation, and conservation markers on the property will prevent further violations.
- The Commission discusses how to discourage owners from performing unpermitted work and then seeking permits after the fact. RC expresses concern for the Commission approving the work at this property when it holds other property owners accountable for similar work, but sees no better option. BG agrees that after-the-fact permitting should be discouraged, and suggests adding variance documentation to the file as suggested by Town Counsel in the case of 133 Meadowview.
- After further discussion, Commissioners are polled on whether to accept a variance for the work at this property: RC yes, AL yes, BO yes, JK yes, PC yes. BG will write into the OOC that the Commission has granted a variance for these structures and requests that applicant submit a letter requesting the variance; BC assents.
- BG reads the proposed special conditions.
- BO makes a motion to close the hearing and issue Orders of Conditions with special conditions drafted by BG. PC second. Approved 5-0-0.

2774 Aubut, 33 Old Ferry Street (Septic).....CONT (Bert)

- Continued Hearing, BO Hearing Officer.
- BG advises applicant has requested a continuation.

2778 Comeau, 142 Careswell Street (Relocate Shed & Driveway to Garage).....CONT (Art)

- Continued hearing, AL Hearing Officer. AL confirms administrative requirements are complete.
- BG advises that JK missed the 12/4 hearing on the matter but watched the video and filed a Mullin affidavit.
- Terry McGovern (TM), Stenbeck & Taylor, presents for applicant. Applicant is proposing to construct a 24 by 24 ft detached garage behind the house and extend the driveway to connect to the garage. There is BVW to the rear of the property. The garage has been moved to be entirely in previously disturbed lawn area. The plan calls for erosion controls at the base of the slope and the installation of five conservation markers. No grading will be required. The site has been staked and flagged. An existing shed will be relocated.
- Applicant Norbert Comeau (NC) states that his intent is to move the shed off-site, but if that is not possible, he will leave it where it is. He may reduce the size of his porch slightly in order to widen the driveway. PC notes that he visited the property, and agrees the porch may have to be trimmed back in order to move the shed.
- The Commissioners discuss whether to request a variance letter. In response to a query from RC, NC states that the house was built in the mid-70s. BG states that the Bylaw Regulations came into effect in 1990, so the house predates the Bylaw Regulations.
- TM states that applicant's initial conversations with BG suggested that a variance would not be required if they stayed out of the 25 ft buffer. He feels that the current uncertainty around the process makes it difficult to advise his clients. BG states his discussion with Mr. Comeau predated the subsequent Commission discussions that came out of the 133 Meadowview project hearing. RC feels that if a structure pre-dates the change in the ordinance, then applicants are allowed to build up to 25 feet, and that a variance is not needed in this case.
- Commissioners are polled on whether to require a variance letter: RC no, JK no, PC no, BO no, AL no.
- JK comments to TM that the interpretation of the rules and regulations is evolving and there may be new situations in which a variance will be required. TM notes that the relationship between the Commission and engineers in the area has been generally positive, with good back and forth, and clear procedures and regulations help them keep their clients in compliance.
- AL asks why the Bylaw Regulations wouldn't apply to the construction of a new, freestanding structure. TM feels there may be gray areas that apply to the reconstruction of existing structures. AL notes in this case, the garage is an entirely new structure. JK states that Town Counsel advised the Commission that the Bylaw Regulations were written to allow existing structures to remain in the 25 to 50 buffer so as not to penalize owners of small lots with no space to relocate structures, but that moving such structures closer to the wetland

would require the filing of a NOI and variance letter. RC feels that a new accessory structure is not a “new structure” for the purposes of the Bylaw Regulations. BG notes that the process is ongoing and all sides will be heard as procedures evolve. AL concludes that there will be no variance for the proposed work.

- AL asks for comments from the public; none.
- BG reads the standard special conditions which will apply to the project. If the shed is moved, the existing plan can be modified accordingly as a Minor Deviation without submittal of a new site plan.
- AL makes a motion to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JK second. Approved 5-0-0.

2776 Murphy, Brewster Road (New SFH).....CONT (Bert)

- Continued hearing, BO Hearing Officer. BO notes that hearing was continued for lack of a DEP number. The number has since been issued, and he confirms all administrative requirements are now complete.
- Terry McGovern (TM), Stenbeck & Taylor, presents for applicant. The project involves the construction of a two-bedroom SFH on a residential lot of record on the southeast corner of Brewster Road. It is the last unbuilt lot in the area. The home will be erected on concrete piers so as to be above the flood elevation. A Title V two-bedroom septic system will be installed, along with a MicroFast wastewater treatment unit. There are some water wells in the area. Some minimal grading will be done around the house and septic system locations, with the septic system being elevated 2-3 ft and graded towards the southeast. Chilton Street, a paper street will provide partial access; the driveway will come from there. The wetland delineated was performed in 2015 by Brooke Monroe, Pinebrook Consulting and was signed by Jay Wennemer. BO asks BG if this is new information? BG affirms and states he does not think it carries as it is beyond three years but suggests Commission reference it as a source of information. TM provides recorded copies of the 2015 plan showing Brooke Monroe’s wetland delineation tinted in blue that runs around the easterly and southerly side of the property ending in close proximity to Brewster Road. In addition, BG reviewed the flags in the field and it was discovered that immediately to the west of the adjacent Ochs property another wetland delineation had been performed by Brad Holmes, ECR. TM responded to BG communication and located the flags. TM notes that the new line is close but not exactly the same as Brooke’s line. TM is willing to respect that line. The plan proposes installation of 12 conservation markers along the 50-ft buffer approximately every 20 foot on center. Site clearing will be limited and done in stages. Chilton Street has some vegetation primarily lawn that will be cleared. There are some mature cedars observed by BG that they will try to preserve or provide mitigation plantings and relocate the conservation markers to compensate. They will provide mitigation plantings if any cedars have to be cut for the driveway. BG noted that there are several mature maples that should be included on the site plan.
- TM advised that the Board of Health (BOH) had a hearing on the project the previous night, and conditionally granted a well variance as to 100-foot setback to the Ochs well to the proposed septic system and linear setback to the wetlands. The BOH would like to gain 8 feet of separation. TM is willing to move the septic further from the Ochs well if possible, and install a swale along the property line to direct storm water away from the Ochs property. Mr. Ochs had presented pictures to the BOH that showed flooding during the January 2018 storm. He is concerned about additional flooding directed onto his property from any fill on the subject site. TM states that the house can be pivoted and will be on piers so water can pass through the house. TM suggests a grade-to-drain swale to alleviate any potential flooding away from his property. TM suggests that they would like to continue to allow time to meet with the Board of Health and submit a finalized plan to the Conservation Commission.
- BO asks TM to further describe the proposed well. TM states it will be on the southeast corner of the property, slightly inside the 50-ft buffer but not the 25-foot. It is a basic drilled well. No grading will be required to install. BO notes that there will be trenching for the well to the proposed home. TM affirms there will be a utility trench. BO notes that there are some pretty big trees on the site. BG notes there are three large, red maples in that area of the property, and he would like them added to the site plan. TM states these trees are near the 25-foot setback.

- JK asks whether a well and trench would be considered a structure? BG thinks they would be considered a disturbance but not a structure. JK asks if a septic system is considered a structure? BG and RC review the structure definition in the Bylaw Regulations and confirm that a septic system is not a structure but is a disturbance.
- RC asks if the cedars are outside the 100-foot buffer? TM believes that the cedars are within the 100-foot buffer and will be depicted on the revised site plan.
- JK asks how they can confirm the wetland line given that they are currently not allowed on the Ochs property? BG states that Attorney Gene Guimond, representing Ochs, had recently inquired about the wetland delineation. BG advised that he had planned to review the line with Brooke Monroe on December 20th. Attorney Guimond advised they did not want Stenbeck & Taylor or Brooke Monroe to perform delineation activity on the Ochs property, which presents a problem in confirming her line as some of Brooke's flags are on the Ochs's property. TM states that he had responded to BG's comments about noticing Brad Holmes' flags about two to two and a half weeks ago. TM field observation and location are that both delineations are similar but not exact.
- TM states he had advised Ochs they were willing to use the delineation performed for Ochs by Brad Holmes. BG states that they need to review Brooke's flaggings, as Brad's delineation was not done as part of this project. BO asks whose flags are on the site plan? TM states right now they are Brooke's. BO asks if the flags depicted on the current site plan are the same as the line depicted on the 2015 plan presented to the Commission tonight? TM affirms. BG asks if the 2015 flags were surveyed and if the flags were hung? TM affirms. BG cites a similar proposed project off John Sherman Estates where the 2010 flags depicting an isolated vegetated wetland were missing so the applicant's representative revisited the site and found the nubs from the approved line and hung new flags. Typically, the flags break down over time but the nubs remain. They may be able to re-create the 2015 delineation using the nubs of the original flags. JK asks how confident are we about the flagging's along the southern border of the property? TM states he found 5-6 of Brooke's flags in the area depicted by flags (2-10) and hung new flags but he was not able to confirm the exact number of each reflagged location.
- BO asks for comments from the public. BO further inquires about the Commission's ability to review the flags on the Ochs property. BG states that right now we cannot. Attorney Gene Guimond (GG) states his client understand the lot can be developed, but has concerns regarding proximity of the septic system to the sensitive areas, his wells and the wetlands. GG states the flagging by Brad Holmes was preliminary and had not been set. They are also looking to do a soil analysis, as there had been some clear-cutting done prior to Brooke's July 2015 delineation. They are concerned as the clear cut area soils appears to be mucky looking. They are willing for the applicant have Brad Holmes complete the delineation based on the initial flags and a soil analysis.
- BO notes applicant developed the site plan based on the wetland delineation of a different wetland scientist, and applicant would have to indicate to the Commission whether they are willing to agree to the new delineation. TM notes that Brooke's 2015 line had been reviewed by the former Conservation Administrator and bear his signature, and that Brad's preliminary delineation is substantially in agreement with the 2015 delineation. He recognizes now that Brad's line is preliminary and not set. He also states that the proposed septic system will not be moved closer to the Ochs well, and may be moved slightly further away if possible. BO asks again whose line is depicted on the site plan. TM states Brooke's which is in the 2015 record plan.
- JK comments that the Commission can't approve a project without a reliable wetland line, and GG is offering an avenue to achieve that through a respected wetland scientist and soil samples. BG advises that the Commission and the MassDEP are the entities that ultimately can approve wetland lines. JK adds that the line bearing Jay Wennemer's signature is not a Commission-approved line.
- BO advises that applicant has to tell the Commission whose line they wish to use, and BG and the Commission have to be able to review the line. This is typical protocol.
- Attorney Jay Creed (JC), representing applicant, states that Town Counsel, Bob Galvin advised him at 4 pm today that as long as the application was in before the date of Mr. Wennemer's signature, the line could be relied upon; he suggests that BG further clarify with Town Counsel. BG states that this is new information to

him. BG states that based on this information this could be approved or the Commission could still require the flags. The Commission consensus is that the matter needs to be continued for further clarification.

- RC asks JC for more detail about his conversation with Town Counsel. JC states that Town Counsel indicated that if the application was filed before the end of the three years that he would recommend that was an acceptable wetland delineation. JK states that the Commission makes the decision. He does not see why if we have an abutter who is willing to allow you on his property so we can clearly identify the wetland line to end the whole problem.
- The Commission discusses whether or not a new wetland line is needed. PC feels, given the sensitive area, why not have a fresh delineation? AL concurs. RC states this seems to be the consensus and JK concurs.
- BO indicates the matter will be continued, and provide guidance to the applicant. He asks applicant to give the Commission a wetland line that can be reviewed. TM is willing to discuss the matter with Brad Holmes, with Mr. Ochs' permission. BG asks that he be notified regarding who will ultimately be conducting the delineation. BO reiterates that BG has to be able to review the flags.
- BO makes a motion to continue to January 8, 2018. RC second. Approved 5-0-0.

2775 DPW, 665 Union Street (ANRAD Couch Cemetery).....NEW (Jim)

- RC reads the legal ad. JK Hearing Officer. JK confirms administrative requirements are complete.
- JK advises that this matter is an ANRAD, which comes under the jurisdiction of MassDEP; the Commission's responsibility is to review the wetland flagging. BG advises that the DPW is considering potential plots in the cemetery and wants to define the wetland lines so they know where work can be done. John Zimmer (JZ) delineated the site for the applicant.
- John Zimmer (JZ), South River Environmental, presents for applicant. JZ advises he was contracted in September to delineate the resource areas around the cemetery property. The Town owns adjoining lots to the north and south. There is a resource area across Union Street whose buffer zone would encroach on the access road into the cemetery. The largest wetland wraps around the back side of the property. He delineated using the method set forth by MassDEP, which also considers vegetation. He and BG walked the site and agreed to the boundaries. The wetland delineation review resulted in a change to about 10 wetland flags. Merrill Engineers and Land Surveyors, LLC reviewed the revised flags last week and submitted the revised site plan today showing the locations of both the original and revised plans).
- JK advises that a NOI will be filed if there is any work planned, and NHESP will have a chance to review, but no project is currently pending. The Order of Resource Area Determination (ORAD)/WPA Form 4B states that the wetland delineation is accurate or not. No additional comments from Commissioners.
- JK asks for comments from the public. Shirley McDonald (SM), 629 Union Street, asked if she could still observe the flags on the property. JZ stated that pink ribbons hung by him during the delineation were still there and set forth the line. Edward McDonald (EM), 629 Union, stated his main concern was whether any activity was proposed near his property. JZ states that no work is currently proposed in the area of the cemetery near his property line. Now that they have the wetland lines, they can better plan for work in other areas of the cemetery. JZ states he has seen a preliminary design plan that does not include work the McDonald home. Any work proposed in this area would require additional wetland delineation. JK advises Mr. McDonald that the only task before the Commission tonight is to verify the wetland flags are accurate. DPW will have to file a NOI with the Commission if they want to do further work, and the public will have a chance to comment. EM expressed concern about people walking around his property without giving advance notice. BG confirms the McDonalds are on the abutter notification list. JZ states he did not venture onto the McDonald property. SM states that a worker had ventured into their garden in previous work. JK asks JZ to speak to Merrill to ensure all parties are notified in advance of any further work and that all workers stay out of private property.
- JK makes motion to close and issue an ORAD approving the wetland delineation as accurate in the plan of record, Existing Plan Conditions prepared by Merrill Engineers and Land Surveyors, LLC, signed and stamped by Shane Brenner, R.P.E., revised December 17, 2018. RC Second. Approved 5-0-0.

2779 Talis, 176 Bay Ave (Raze & Rebuild).....NEW (Frank)

- RC reads the legal ad. FW absent; RC reassigns to RC. RC confirms administrative requirements are complete.
- Arthur Hale (AH), Hale Brothers Construction, Bob Crawford (BC) EET and William Talis (WT), property owner present. AH presents for applicant. Applicant proposes a raze and reconstruction of a home on the site. The new house will be built on pilings.
- JK asks the basis for the claimed reduction in hardscape by 1358 sq feet; AH indicates this comes from the removal of the foundation of the existing house. AH also notes that the new house has been moved slightly away from the property line, but everything else stays within the setbacks; the existing garage will remain as is.
- RC asks for comments from other Commissioners; none.
- BG notes that applicants were very well prepared, and confirmed the project will significantly reduce the existing hardscape on the lot. The standard special conditions will apply.
- RC asks for comments from the public. Don Triner (DT), 172 Bay Ave, asks confirmation that the new house will be in the existing footprint. JK indicates yes, but it will be pulled back away from the property line on the other side from his house.
- RC makes motion to close the hearing and issue Orders of Conditions with special conditions as drafted by BG. PC second. Approved 5-0-0.

2780 Kelly, 509 Highland Street (Septic).....NEW (Bert)

- RC reads the legal ad. BO Hearing Officer. BO confirms administrative requirements are complete.
- Bob Crawford (BC), EET, presents for applicant. Subject project is a septic system repair. Current system has two cesspools, one 22 feet from the edge of the wetland. They are proposing to replace these with a 1500 gallon septic tank, 1000 gallon pump chamber, plus 620 sq ft of leaching chambers. The system was located where the test pits were successful; the system is mounded due to the high water table and located about 55 feet to the wetland. Site is partially within NHESP habitat. In response to a question from BO, BC states applicant has appeared before the Board of Health.
- BG indicates the wetland delineation is good, and thinks the amount of NHESP habitat on the limit of work area is minimal. BC indicates that he has been in touch with NHESP, and they have requested a MESA review. BG notes that this may require a separate filing with NHESP, and suggests that the Commission wait to close the matter until applicant receives NHESP's conditions, so they can be incorporated into the OOC. BC notes that the test pit results would not allow him to move the system out of the NHESP habitat.
- BO suggests that the Commission finish its review and discussion, and then continue the matter. He feels the Commission should hold off on requiring conservation markers, as the property is for sale and the new owners will have to appear before the Commission for any further work.
- BG notes that the project is a title V improvement, which will justify any adverse impacts of the project, and thus meet the criteria of the Bylaw Regulations.
- BO asks for comments from the public; none.
- BO makes motion to continue the matter subject to response from NHESP. RC second. Approved 5-0-0.

CONT 2727 Digan Jr., 1327 Union Street (Pier & Dock).....CONTINUED.....cont from 6/5/18(Jim)

CONT 2772 Snyderman, 26 Littles Lane (Pier, Ramp & Float).....CONTINUED.....cont from 10/2/18 (Jim)

CONT 2754 Hanlan, 72 Bay Avenue (Raze & Rebuild SFH).....CONTINUED.....cont from 9/11/18 (Bert)

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

SE42-0972 Pomerantz, 56 Bartlett's Island Way [COC]

- BG reads the proposed ongoing conditions into the record.
- RC makes a motion to issue a COC with ongoing conditions as written by BG. AL second. Approved 5-0-0.

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)**
Digan, 1327 Union Street **(12/02/18 Rev Rest. Plan*~~8~~not12*)**
Levangie, 3 Cove Creek (Communication in Progress)
Bednarz/Nouza, 65 Ireland Rd. (Unpermitted Cutting <= 50 ft)
Jogi's Liquor Store, 915 Ocean Street **(12/04/18 Con Com accepted Revised Rest Plan 11/15/18 due Spring 2019)**

Mahaney, 46 Preston Ter **(12/12/18 BG met with TC)**
White, 180 Atwell Circle (Escalation letter in Process)
Tamara Macuch, 237 Webster Avenue
New Owner, Winslow Avenue Ext.
Stifter, 102 Bartlett's Island (unpermitted revetment wall)

BUSINESS

B1 Dumping on Careswell Street-Frank Vetelino / Bill Grafton

- BG advises the Vetelinos had presented with him a written complaint about dumping of green and construction waste at the corner of Careswell and McCarthy. BG circulates the written complaint. He suggested a meeting with the Commission.
- Frank Vetelino (FV) and Jane Vetelino (JV), 45 Canal St., advise that the subject property is a vacant lot which has been vacant for years and JV forefremly owned under her maiden name, Capello. People are dumping yard waste, including trees, onto the lot. JV adds that there is a culvert on the property that is being blocked by the yard waste and causing storm water to back up onto adjacent properties.
- BG advises they are working on signage; once the signage is completed and posted, the Commission will be in a position to issue fines for subsequent dumping violations.
- JV believes Bill Last is the most recent owner of the property, but he may have lost it due to nonpayment of taxes. In response to a question from RC, FV indicates the Town is not listed as the owner of the lot, and the back taxes are being paid by the current owner. RC notes that the Commission can post signs on Town-owned property but not on private property.
- JK suggests that the Commission confirm who the owner is and send a violation letter. BO comments that there may not be wetlands on the lot, but JV believes there are. After further discussion, the Commissioners agree that BG should research further to determine the current owner and whether there are wetlands on the lot. FV and JV will continue to monitor the site and remain in contact.

B2 Unpermitted coastal dune alteration/176 Beach Street / Bill Grafton

- Property owner Susan Sullivan (SS), Ed Scigliano (ES) and Frank Marino (FM), Hydrotech present. BG advises he responded to an official complaint underway for unpermitted alterations to a coastal dune. He visited the site and issued a cease and desist order, and later met with the owners and the construction supervisor in the Conservation Office. He was subsequently advised by Town Counsel and the Commission to issue a written enforcement order requiring the submission of a restoration plan for the dune; the restoration must be completed before the resumption of work.
- ES advises they have hired Brad Holmes, ECR, to develop the restoration plan.
- JK comments that the Commission continues to receive after-the-fact NOIs for already-completed projects. At some point, an egregious completed project may have to be removed.
- BO asks what was on the site prior to the alteration. BG refers to an aerial photo in the file and notes there was a variety of vegetation on the dune, and that the dune provided protection within the velocity zone, barrier beach, and the coastal dune. He suggests that the Commission wait for the dune restoration to be completed, and the first successful growing season started, prior to its allowing an after-the-fact NOI.
- ES notes that recent storms have caused the revetment wall along the property to deteriorate, and feels the wall poses a safety hazard in its present state. BO comments that the area had revegetated over the last 30-35 years, and restoring the altered area to this state will take some time and work.
- PC asks about the nature of the final project. ES states installation of a swimming pool and deck, as well as shoring up the revetment wall and fencing to enhance safety and prevent beach-goers from walking through the yard. SS adds that the existing deck is rotting and presents a safety hazard.

- ES states he attempted to talk to the Building Commissioner and tried making appointments with BG before buying the house. BG states that the Building Department advised him they referred the owners to the Conservation Office. They talked to Liz three times, but hadn't made an appointment until they talked to him in the field.
- BG indicates that no other work is going to go forward until the restoration is done, and asks for Commissioner comments on the specifics of the enforcement order. PC indicates the owners will have to file a NOI for the subsequent work planned. BG confirms that none of the work envisaged can be permitted through an RDA.
- RC asks whether the restoration plan can be submitted by January 21. BG feels that Brad Holmes can get it done on time. Town Counsel has advised him a 30-day deadline is reasonable timeframe for restoration plans.
- In response to a query from AL, BG confirms that all work on the property has stopped. JK asks whether any stabilization work needs to be done before the winter. BG notes some stones had been piled, but he talked with Jay Wennemer, who agreed that vegetation would be needed to stabilize the dune but ordering the movement of stones may not be beneficial and could cause unforeseen impact issues.
- ES reiterates concern about the safety of the area around the seawall and fence. The Commission discusses whether it should consider a NOI for revetment wall work simultaneously with the restoration plan. BG feels that stabilization of the dune should be the first priority, and the two matters should be handled separately. If storms cause further threats, the state will issue another emergency declaration or he will issue emergency certifications under the direction of the Commission.
- RC feels that the revetment wall work would have to be done first, as the work area would have to be accessed through the dune area to be restored. JK suggests that the dune restoration be the first priority, but that pathways be provided to allow for the revetment wall work. ES states that the revetment wall work could have been permitted under the previous emergency declaration, but the previous owners neglected to file due to a lack of funds. Without improvements to the wall, he feels a storm would wash away any dune restoration work. BG notes that they're free to proceed with the engineering for the revetment wall work now, in advance of filing the NOI. If another emergency declaration is made, he can permit the work quickly once he sees the plan.
- AL asks for BG's recommendation on how to proceed. BG will have the written enforcement order ready for the owners to give to Brad Holmes, so they can start work on the restoration plan and revetment wall NOI. BO suggests that the owners and their consultants come up with a plan for work sequencing. BG adds that he has some discretionary permitting authority he can use in the case of emergency storm repairs.
- BG states the restoration plan is due by January 21 and will be reviewed at the January 22nd public meeting. The Enforcement Order/WPA Form 9 is circulated for Commissioner Signatures.

ADJOURNMENT – RC motioned to adjourn at 9:17 pm. PC second. Motion approved 5-0-0.

Respectfully submitted,
Liz Anoja, Conservation Administrative Clerk
Marshfield Conservation Commission

Bill Grafton, Conservation Administrator
Robert Conlon, Chairman
Frank Woodfall
Rick Carberry

Bert O'Donnell
James Kilcoyne
Art Lage