

MEMBERS PRESENT – Frank Woodfall (FW), Bert O'Donnell (BO), James Kilcoyne (JK), Art Lage (AL), Bill Grafton, Conservation Administrator (BG).

MEMBERS NOT PRESENT – Robert Conlon, Chairman; Rick Carberry

CALL TO ORDER – FW makes a motion to open the meeting at 7:00 pm. BO second. Approved 4-0-0.

MINUTES 2018

- The minutes for the 12/4/18 and 12/18/18 meetings were distributed and reviewed. BG advises that he made some suggested changes and additions to the 12/4 minutes.
- FW makes a motion to approve the 12/4/18 minutes as amended. JK second. Approved 4-0-0.
- FW makes a motion to approve the 12/18/18 minutes as written. BO second. Approved 4-0-0.

BUSINESS

B1 Harbormaster Comments about Fees/Handout – Bill Grafton

- Harbormaster Mike DiMeo (MD) present to discuss a draft Town Meeting article proposing updates to the Bylaw relating to his office and certain fees. BG distributes a draft of the warrant article as well as copies of an Order of Conditions for 225 Bay Avenue, which included a special condition relating to Harbormaster Fees.
- MD notes that the Conservation Department works closely with his office and he is hoping to streamline the fee collection process. There has been a lot of barge work in town lately, with more docks going in. He states that the collection of fees was approved by the Selectmen two years ago for tugs or barges being moored in certain areas, and it is difficult to collect fees from a company versus a homeowner or applicant. MD feels these fees can also nudge the homeowner to get the work done so the barge/tug can be moved on, which in turn could reduce complaints to his office.
- MD requests that the Commissioners look over his draft and provide feedback/amendments as needed; he will then submit the updated article to Town Counsel Bob Galvin (TC) for review. If approved by Town Meeting, the article has to go to the Attorney General's office before it is enacted.
- FW questions whether other departments might follow suit and start requesting the payment of their fees before an Order of Conditions can be issued, turning the Commission into the town's collection agent. BG comments that the Commission has a vested interest in making sure that barges, floats, etc. don't end up laying on tidal flats, and this proposal can help reduce such incidences. He feels that FW's concerns can be addressed if the article is written correctly, possibly by specifying that the fees would actually be collected by the Harbormaster's Office. FW feels that having the applicant go to each department to pay the applicable fees is sufficient.
- MD states that the intent is not to have the Commission actually collect the fees; just to mention the fees in the Order of Conditions, as this would help him collect fees in possible legal actions. He also feels it will motivate applicants and contractors to expedite the work.
- BG asks MD if there is any specific language that can be added to the bylaw to specify that collection is not Conservation's responsibility. MD reiterates he would just like the statement to be added to Commission OOCs, and he would go and collect the fees.
- BO asks MD whether the fees in question would be one-time per project; the fees will actually apply to the equipment (barges, tugs, etc.). MD comments that his proposal would also help him to keep track of where the barges are. JK asks whether an applicant would have to pay more because the business owner decided to do a different job first. MD feels this can be addressed in the contract between the company and the homeowner. JK also confirms with MD that the fees would just apply to water-based vehicles/equipment (i.e. tugs, barges, etc.). FW comments that the Commission already imposes special conditions anytime work is being done on docks.
- BG suggests that they continue to work with the Harbormaster to modify the language to address Commission concerns. In response to a question from JK, MD confirms that the fees are already approved by the Selectmen,

and he just needs additional help providing notice to aid in collection by him. JK and AL indicate they have no issue with the idea. MD agrees that all parties should work with TC to refine the language. BG will share the draft article with the Commission once TC makes his edits, and then schedule a follow-up discussion.

PUBLIC HEARINGS

19-07 Fortier, 1001 Ocean St (screened in porch, relocation of shed & composite platform).....NEW (Rob)

- FW reads legal ad and, as hearing officer, confirms administrative requirements are complete.
- Applicant Shirley Fortier (SF) presents the site plan to the Commission. Applicants would like to put a 10' by 24' screened-in porch on an existing nonconforming house. SF states that there is no vegetation remaining in the zone that would be considered of wetland value, and the property has been in use as a residence since 1926. Much of the lawn is covered in stone except for a small lawn.
- SF states they have also relocated a previously existing 8' by 10' shed and a composite platform to the back of the lot in order to make room for the porch. These items can be moved anywhere on the lot. They also had some hazard limbs removed from trees on the property, as well as a Norway Maple that seemed to be unhealthy. She has photos of the trees but did not bring them to the hearing. Some brick pavers were taken out in order to move the shed; they would like to put those back after the project is complete.
- BG comments that the previous owners had appeared before the Commission; the lot is very small, and the work is outside of the buffer zone but in LSCSF. He has talked to the Building Commissioner, who indicated that the porch would be on sonotubes. FW comments that it appears the new deck is going to take up the former area of the composite platform and shed; SF confirms.
- BG comments that the work is on the fence between being an RDA versus NOI. He agrees that the work is outside the buffer zone, but notes that other applicants have been more proactive in approaching the Commission. FW states that he has no issue with the project as proposed.
- FW asks for comments from the public; none.
- BG reads the proposed conditions of approval into the record, including that applicant obtain all subsequent permits, including ZBA and Building. He advises applicant that any changes to the structure or foundation would likely require a NOI.
- FW makes motion to close and issue a DOA, Neg. # 3, with special conditions drafted by BG. BO second. Approved 4-0-0.

2785 Phelps, 78 Cherry Street (Elevate SFH).....NEW (Jim)

- Continued hearing. Hearing Officer JK confirms administrative requirements are complete.
- Jeff Hassett (JH), Morse Engineering, presents for applicant. Filing is a NOI to elevate an existing house and bring it into compliance with FEMA regulations. The property is about 7000 sq ft in size and was originally built in 1940. The lawn area around the house is fenced in, with salt marsh area beyond. The property was delineated by Brad Holmes, and the 25 and 50 ft buffers are shown on the site plan. There is another wetland on the opposite side of the road, also delineated by Mr. Holmes both for this proposed work and for Columbia Gas under a prior filing..
- The property is within flood zone AE16, LSCSF. They are proposing to elevate the house onto a foundation with flood vents; the front porch will be on pilings. JH states there will be no negative impact to the wetland due to the footprint not being expanded.
- BO states he inspected the site today; as the house is simply being elevated, he has no concerns.
- JK asks for comments from the public; none.
- BG states that ZBA approval is not needed since the structure is going straight up; if this changes, they may need to contact ZBA and file an amended NOI or minor deviation with the Commission. He reads the proposed conditions into the record, including the use of erosion controls, and providing an elevation certificate after construction.
- JK makes motion to close the hearing and issue Orders of Conditions with special conditions as drafted by BG. FW second. Approved 4-0-0.

2786 DPW, Green Harbor Federal Entrance Channel / Joseph Driebeek Way (dredging).....NEW (Jim)

- FW reads the Legal Ad. Hearing Officer JK confirms administrative requirements are complete.

- DPW Commissioner Rod Procaccino (RP) present along with consultant Christine Player (CP) with Foth CLE Engineering. The filing is a NOI to assist the Army Corps of Engineers on the annual dredging of the Federal entrance channel into Green Harbor. She notes that the area continues to shoal and sediment accretes across the width of the 100 ft channel, creating navigation issues. The Corps dredger Currituck annually maintains the channel. In 2017, the Corps requested on short notice that the Town bring equipment to muck out an area of the spit to allow the Currituck to access the area to be dredged. Due to the short notice, the request was authorized by the Commission through an Emergency Certification and a Chapter 91 Emergency Authorization. This year, they want to perform the same activities with a standard permit should it become necessary to assist the Currituck again. The application proposes the same operation authorized under the 2017 Emergency Certification. The Town would bring equipment over the jetty, temporarily stockpiling the spoils until excavators could dump them into the Currituck. Chapter 91 is waiting for an OOC from Marshfield Conservation Commission so they can issue a permit; they are also waiting for DEP to issue a 401 Water Quality Certificate (WQC). The Army Corps in 2007 issued a permit for these construction support services which will remain in effect through February of 2020.
- JK asks CP if the request to have Ongoing Orders of Conditions. This filing is for an OOC lasting the standard three years, permitting the work, which would be done on an as-needed basis. They may file a request to extend for an additional three years. The work performed by the Currituck is generally done annually. RP adds that the permit is needed for when the Town gets involved with the actual dredging, and the Corps has asked for assistance from the Town this spring. Last year, the Corps was able to do all the dredging on its own, so a NOI was not needed.
- BO asks whether the access way over the jetty remained in place or has to be reconstructed. RP indicates the access may have to be touched up; some of it was used when they reconstructed the jetty. The access was created with compacted sand plus a layer of clean fill.
- RP adds that they are looking to reuse the sediment on the beaches, but this would require additional permits. BG agrees that reuse of the sediment would be beneficial, but there are regulatory impediments.
- BG comments that the NOI from the Commission will allow the Corps to obtain the other necessary permits, including DEP 401 WQC and Chapter 91 authorization. If they decide to reuse the sediment, they could possibly do so by pursuing an amended OOC. They also have the option of extending the OOC an additional three years, or the Commission could opt to grant a COC with a condition allowing for Ongoing Periodic Maintenance.
- AL asks what will happen with the sediment currently; RP indicates it will be put onto the Currituck, and disposed of at the designated near-shore site. They are looking into reusing the sediment in the future, but additional permits are needed. CP states that the disposal site, off Bay Ave near the Duxbury line, has been used by the Corps for decades.
- JK feels this annual dredging of the entrance channel is very important both for safety and commercial fishing reasons, and would support Ongoing conditions so DPW doesn't have to keep coming back. He also would like to identify ways to prevent disposal of the sediment on lobster or fishery habitats.
- JK then asks CP about time of year constraints. Right now, the Corps is allowed to dredge through May 31st and dispose at the near-shore site. After that date, all dredging has to stop. CP suggests that the same time of year constraint apply to the Town's permit. BG proposes a special condition directing the Town to observe the DMF guidelines in their letter of 2/9/19, prohibiting dredging from June 1 through October 31st.
- JK suggests that RP deal with BG directly regarding any minor deviations; BG could then require an amended NOI for any more substantial changes. In response to a query from JK, CP and RP confirm the area will be restored to natural condition post-project.
- JK asks about NHESP jurisdiction. BG indicates it's a best practice to reach out to NHESP and wait for their comments; he has left space in the draft OOC to add NHESP comments. CP comments that the area where the Town would possibly be working is not in the habitat area; only the channel, which will be dredged by the Corps, is in the habitat. JK suggests that the Commission give NHESP time to respond, but allow the project to move forward if a response is delayed.
- Harbormaster Mike DiMeo thanks the Commission for its support, and comments that conditions in the entrance channel are much worse than last year. The more the Town can do to help the Corps, the better for the harbor and its neighbors.
- JK asks for comments from the public; none.

- BG reads the proposed special conditions into the record, including a condition that a copy of the permit document be at the project site throughout the time the work is underway. The Commissioners have no objection to this condition. BG feels that ongoing authorization for work can be handled by either an extension to the OOC or a COC with ongoing conditions allowing periodic maintenance; major deviations can be handled through an Amended OOC.
- BG suggests that the matter be continued pending receipt of NHESP comments, as per comments from TC. JK feels the OOC can be issued once these comments are received, without the need for another presentation.
- JK makes a motion to continue the matter pending receipt of NHESP comments. AL second. Approved 4-0-0.

2789 Flashner, 206 Carolyn Circle (Inground Pool, fence & associated grading).....NEW (Art)

- FW reads the Legal Ad and confirms administrative requirements are complete.
- Rick Servant (RS), Stenbeck & Taylor, presents for applicant. The homeowner is proposing to install an in-ground pool in existing lawn area in the backyard. The property abuts the river, and there is BVW, FEMA flood zone, and salt marsh nearby. No clear-cutting or work is proposed in the flood zone. The closest point of the proposed patio is 65 feet off the wetland. The yard slopes down to the river, and the closest point of the associated grading work is 40 feet off the wetland. They are proposing a silt sock around the limit of work for erosion control. The project will involve removal of a small portion of existing patio; the project will result in the addition of 1400 sq ft of impervious coverage to the lot, bringing them up to just under 10% of coverage for the entire lot.
- AL notes that the area of the proposed work is existing lawn, and he has no issues. JK comments that there appears to be a shed within the 25 ft buffer, and asks if the construction crews could move the shed out of the 25. RS indicates the owners are not here for him to ask, but he will talk to them and thinks they may be receptive.
- JK comments that the area behind the shed, further in the 25, appears to have been cut. He has no issue with the pool, but would like the 25 ft no-disturbance zone on the property to be respected going forward. AL suggests that conservation markers be placed along the 25 ft line, and that no further cutting be done inside the 25 ft no-disturb zone. FW notes that the property was built in 1968 and has probably been mowed since that time. He is willing to have the shed moved but would leave the area already cut as is. BO suggests that the lawn area be delineated so as to prevent further encroachments.
- BG comments that the wetlands line for the property has been approved and established for three years which has not expired, and suggests special conditions moving the shed out of the 25 ft buffer and requiring conservation markers.
- BG polls the Commission regarding placement of the conservation markers. FW and BO believe the markers should be placed along the existing grass line; JK suggests that markers be placed at the 25 ft line, with no cutting beyond them. RS feels his clients would have no issue placing conservation markers at the edge of the existing lawn.
- Steve O'Connell (SO), 205 Carolyn Circle, comments that he has no concerns with the project.
- BG suggests leaving the shed where it is but placing markers along a line from the shed, with no disturbance behind the markers. FW would like to allow for moving of materials/storage behind the shed, and suggests that markers be placed in a straight line from wetland flags 12 to 16. AL and JK would like to place conservation markers along the 25 ft line near the shed. The site plan is marked up specifying the location of three conservation markers.
- The Commission discusses whether to require an updated site plan showing the location of the markers. FW feels the special condition requiring the markers is sufficient, and does not want to require applicant to have their engineer draft a new "proposed" plan just to show the markers. AL feels the Commission needs something in the file documenting the location of the markers. BG comments that if applicants don't close out the OOC, he won't have any documentation in the file. After further discussion, a majority of the Commissioners are in favor of a special condition requiring an updated "proposed" plan showing the location of the conservation markers.
- AL makes a motion to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JK second. Approved 3-1-0, FW having voted no.

2788 Knight, 158 Foster Avenue (Oceanside Deck & Street side stairs).....NEW (Frank)

- FW reads the Legal Ad and, as hearing officer, confirms administrative requirements are complete.

- Rick Servant (RS), Stenbeck & Taylor, presents for applicant, Rob Knight (RK) who is also present. There is an outstanding OOC on the property that goes back to 1984, when the house was first built. Applicant purchased the home last year, and discovered the open OOC at that time. The house is elevated on concrete piers as originally proposed when built. A previous owner had applied for a COC in 1994, but the COC was not issued at the time due to some problems the Commission at that time wanted to address, including appliances servicing the building being located in the lower level, where it could be damaged by flood waters, and flood panels being sealed up with plywood. The agent at the time also wanted to limit the lower level of the structure to not have any habitable space. RS inspected the house, and found no habitable space or appliances on the ground level, only some storage. He also verified that Mr. Knight has made the flood panels on the seaward side of the structure functional. The deck and stairs on the back of the house and landing on front of the house were not shown on the original plan, but that plan, which had been drawn up by Stenbeck in 1984, did not have the same level of detail required in current plans. They are looking to close out the OOC with this filing.
- BG notes there is documentation in the deed restriction stating the deck is allowed, and a Schedule B describing the deck details.
- JK asks BG whether he is recommending that the OOC state that the Commission would likely have permitted the existing structures and limit it from any further increase in size. BG thinks ongoing conditions such as this would be dealt with in the COC. He further comments that these lots were the subject of some scrutiny when they were originally built, and this brought about the Deed Restriction on habitable space; he thinks this should be carried forward, as well as the easements set forth in the original documentation.
- In response to a query from JK, RS states there are also flood panels on the front of the house that are functional. RS also comments that the house is limited as to roof, size, expansion, and deck size.
- BG comments that he sees the deck and landing as egress and not a violation of the Deed Restriction.
- Debbie O'Donnell (DO)I, Foster Ave, asks about RK's intention with the front stairs. RS states they are not proposing any work to the house at all; just permitting the stairs and deck that currently exist. DO has no issue with this, but she has concerns with the work at 148 Foster, and wants to make sure the easements and restrictions on both properties are enforced and carried forward.
- BG recommends that the Commission reference the restrictions and easements when it issues the COC. He will also get Building Commissioner Jim Folkard to inspect the property as to the habitable space and flood panel functionality. RK indicates he has already spoken to Mr. Folkard, and he has no issue with the deck.
- RS asks how to close out the OOC being issued tonight. BG says to file a request for a COC in the usual manner.
- FW makes a motion to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 4-0-0.

2787 Smith, 74 Arleita Street (Addition & Deck).....NEW (Frank)

- FW reads the Legal Ad and, as hearing officer, confirms administrative requirements are complete.
- Rick Servant (RS), Stenbeck & Taylor presents for applicant. The property consists of a small SFH; the new homeowners would like to construct an 18' by 15' (270 sq ft) addition to the end of the house, with a poured concrete foundation. The property is located in an AE15 flood zone, so the addition will have flood vents; they are proposing to use smart vents on the front and rear of the addition. They are also proposing to replace the existing deck with a larger 8' by 8' deck. The project has been submitted to Zoning for approval. There is BVW and a portion of the Webster Bird Sanctuary across the street, but both are some distance away from the property.
- BG has spoken to Building Commissioner, Jim Folkard, who indicated the proposed work was not considered substantial under the regulations.
- FW asks for comments from Commissioners and public; none.
- BG reads the proposed conditions of approval into the record, including the submission of an elevation certificate at the conclusion of the work.
- FW makes a motion to close the hearing and issue Orders of Conditions with special conditions drafted by BG. JK second. Approved 4-0-0.

2776 Murphy, Brewster Road (New SFH).....cont from 12/04/18 (Bert)

- Continued hearing. BG advises that applicant has requested a continuation. He and BO went out and reviewed the wetland line with Terry McGovern, Stenbeck & Taylor, and will be reviewing the preliminary plans. The architects were showing a concrete foundation, but TM stated that the house will be on piers.

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

- Continued hearing. BG advises that applicant has requested a continuation. Updated submittals and stakes in the field will be forthcoming.

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

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

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

2624 NSTAR, 637 Webster Street [COC]

- Amanda Houle (AH), Tighe & Bond and Chris Fox (CF), Eversource, present. They are requesting a COC for a utility tower on the property.
- BG indicates he is not suggesting any ongoing conditions at this time. He advises that applicants switched from a metal to a wooden H-frame. BG had no issues with this change but asked for a P.E. to sign off on conformance, which applicants have provided.
- AL asks why applicants switched to a metal frame. CF states that the current standard is to use metal; it doesn't change the footprint in the resource area, which is just the buttress on the bottom. AH adds that metal structures have greater longevity, require less maintenance, and thus reduce resource area impacts.
- AL also asks why there was no erosion control. BG states that swamp mats were used for erosion control at the limit of work. The mats froze into the subsurface, so some damage was done to vegetation when they were removed; he feels this will rejuvenate to some extent. He adds that the OOC did not require erosion control everywhere, but feels that OOCs for similar projects in the future should.
- AH states they fully complied with the original controls depicted on the plan of record, and erosion controls included hay bales in addition to the matting. All sediment-causing activities and drill spoils were contained on the matting. Straw wattles also surrounded the work area during construction. BG recommends issuing the COC but comments he will try to better protect the access to the work area going forward.
- AL also asks why applicants didn't request a deviation as to the tower design. BG advises applicants to do so in future projects.
- FW makes a motion to issue a COC for 637 Webster St., SE42-2625. BO seconded. Approved 4-0-0.

ENFORCEMENT ORDERS

Smith, 38 Liberty Street (11/19/18 KS will set early Dec visit)

Mahaney, 46 Preston Terrace (12/12/18 BG met with TC)

Drosopoulos, 7 Lady Slipper Lane (08/15/18 TC Final Notice)

White, 180 Atwell Circle (Escalation letter in Process)

Tamara Macuch, 237 Webster Avenue

Bednarz/ Nouza, 65 Ireland Road (Unpermitted Cutting <= 50 ft)

Levangie, 3 Cove Creek (Communication in Progress)

New Owner, Winslow Avenue Ext.

Stifter, 102 Bartlett's Island (unpermitted revetment wall)

Couchere, 18 Creek Road (1/28/19 Multiple written complaints/ resource area alterations)

Storach, 45 Avon Street (1/28/19 Unpermitted filling/alteration in riverfront and resource area setback)

Seoane, 84 Bartlett's Island (Unpermitted Filling / resource area setback)

BUSINESS (CONTINUED)

B2 Conservation Land Donation - 192 Webster (part of property) – Kathleen Eacrett

- Kathleen Eacrett (KE) states she would like to donate a portion of her land at 192 Webster to the Commission. The section in question is mostly wetland, starting 10-15 feet to the back of her shed and garden.
- In response to a query from BO, BG indicates the section to be donated abuts Conservation land. FW comments on the delineation projected on-screen and expresses interest.
- BG notes that the section abuts existing Conservation land. The land has an easement for Eversource and a secondary right of way for a neighbor, but he thinks it's a natural property for the Commission to consider protecting in perpetuity. KE comments that she has never seen anyone actually use the secondary right of way
- BG adds that KE has supplied an engineered plan prepared by Bob Crawford. BG and KE have also reached out to Town Counsel (TC) Bob Galvin. She would like to gauge Commission interest in the property before expending more funds.
- FW has no issue but is not sure what the Commission will be obligated to do with the Eversource easement. BG feels it will have to be maintained. KE states that the easement is so Eversource can service the power lines. Last year, she got a letter saying they were going to spray for the excess vegetation so they could access the easement, but that has been the only recent activity.
- After reviewing the site plan and location of the easement with KE, the Commissioners express interest in the property. JK states he supports the donation, but he would like to hear from TC. BG and KE will consult further with TC.

B3 Enforcement Orders - Review, Final & Sign (18 Creek Rd., 45 Avon St. & 84 Bartlett's Island)

- With regard to 84 Bartlett's Island Way, Lou Seoane (LS), 84 Bartlett's Island, appears before the Commission to explain what he tried to do on the property. He has a wall in the back yard, abutting the riverbank that floods out. He wanted to add 8 to 10 inches in height to reinforce the wall. He acknowledges he should have gotten a permit, but noted the wall is collapsing.
- BG advises he had received a written complaint about the wall work. He checked the filing history on the property, and found an RDA in 2017 and an ongoing dock project, but he had not been notified about the wall work. Given the property's location, almost any activity on the premises needs a permit. The RDA included a planting plan, but it was prepared by LS who is not a qualified wetland scientist, and has not been implemented. The wall appears to have been built in the 1980s, unpermitted. There are two walls in back; one is just outside the 25 ft buffer and the other is inside the 50 ft buffer.
- BG states that reinforcing the wall may displace the wave energy to LS's neighbors, and notes that the owner of a nearby property is currently reinforcing with coir logs due to increased erosion effects.
- JK comments that he is sympathetic to new homeowners who inherit unpermitted structures, but is concerned with continued armoring of the coastline and agrees that LS should have come before the Commission before shoring up the wall. LS is willing to put some plantings in front of the wall to absorb any wave impacts. BG comments on neighbors who have used vegetation or softscape to enhance their property, and feels that some buffering in front of the wall could mitigate downstream effects.
- FW comments that there would not be much wave energy displacement in heavy floods because the wall is not high. BG states that any hardscape in the area has some impact, and points out that the planting plan from the 2017 RDA was never implemented. LS states this is because he's been financially tied up with the dock.
- AL asks LS why he wants to reinforce the wall; LS indicates he wants additional protection from erosion. He is only reinforcing the inside, facing the house, with flat stones and capping the wall. JK points out that the wall is still a unpermitted structure in Commission jurisdiction, and the Commission has to think about setting improper precedents given how many coastal residents would like to armor their properties. Therefore he is against any additional reinforcement of the wall, but would accept some softscape in front of the wall as alternative to removing it entirely. LS indicates he is willing to put in a landscape buffer, but would like to finish off the wall so it's level and there's a cap.
- BO states that the Commission shouldn't directly be designing the wall or landscape buffer, and thinks LS should come back with an engineered plan. JK agrees, but feels the Commission should give LS some direction so the engineer comes up with a plan they would approve. BG adds that a qualified wetland scientist is needed to come up with a planting plan.

- The Commission discussed the history of the site and the walls. FW notes that the site plan from 1981 shows the two walls. BG doesn't believe they were ever permitted, and points out there is a new, unpermitted activity underway as well as unfulfilled condition from a previously issued RDA.
- BG suggests that the Commission ask LS to come back with a restoration plan or a NOI. FW thinks just a NOI for raising the wall is needed. JK thinks that since the wall is on the plan of record, LS should be allowed to maintain but not enlarge or raise it, and a softscape should be put in front of it to reduce wave impacts. FW points out that water levels reach up to four feet over the road, and there is nothing to hit at that level except for Bartlett's Island Road. BG disagrees and reiterates there is an impact on other areas.
- BG reads the text of the draft EO, asking LS to provide a NOI by March 19, 2019 to correct the resource area and buffer zone alterations, remove the fill, or provide satisfactory protective action as per the Commission's direction. If no NOI is received by March 19, BG will issue a citation. LS will work with Brad Holmes, ECR and Greg Morse, Morse Engineering LLC and come back with a restoration plan. BG circulates the EO for Commissioner signatures and then hands LS the EO.
- With regard to 18 Creek Rd, BG notes that property owner Brent Courchene appeared before the Commission at the last meeting to discuss complaints about wetlands near his property that have been altered. All parties agreed to issue an EO requiring a restoration plan but no NOI. BG would also like to require the placement of conservation markers as part of the order. BG goes through the recent history at 18 Creek, including photos showing the alterations; the photos indicate that both wetlands and buffer zone have been cleared. He had received written complaints from multiple parties. After further discussion, the Commissioners agree that an EO requiring a restoration plan is appropriate; BG circulates the EO for 18 Creek Rd for Commissioner signatures.
- With regard to 45 Avon St, BG notes that a fire pit/patio with armoring was constructed on riverfront/LSCSF; the area is also barrier beach/coastal dune, and is a buffer to the salt marsh. The Commissioners agree that an EO requiring a restoration plan is appropriate, and BG circulates the EO for 45 Avon St for Commissioner signatures. BO asks BG if he looked at what the area looked like previously; BG indicates he did, and also talked to former Agent Jay Wennemer about the property.

AJOURNMENT – FW makes a motion to close the hearing at 9:27 pm. BO second. Approved 4-0-0.

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