

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

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

**CALL TO ORDER** RC makes a motion to open the meeting at 7 pm. FW second. Approved 5-0-0.

**PUBLIC HEARINGS**

**18-31 Murphy, 252 Ocean Street (replace porch).....NEW(Art)**

- RC Reads Legal Ad. Hearing Officer AL verifies administrative requirements are complete.
- AL advises the filing is an RDA to replace a deck. Todd Cleveland (TC1), Cleveland Family Builders, presents for homeowners Eric and Mary Murphy (EM/MM).
- TC1 advises that the Murphys sustained damage to a (7 x 28) ft front farmer's porch in the March storm. The structure became unsafe, and the homeowner demolished the deck and put in temporary supports for the roofing above it. They would like to rebuild the deck as it was prior to the storm. The deck is less the 30 inches from the ground; he is looking for guidance on type of footings if they need to be used. The temporary footings are cinderblocks. BG adds that the house is supported by cedar posts, and a jacuzzi with sonotubes is next to the house.
- AL asks if just a deck plus new footings are being built. TC1 confirms and notes the deck will be attached to the existing house; he is looking to do four (4) footings and then reattach the roof. AL notes that part of the old fence was also damaged; he suggests that if the fence is replaced in the future, there should be a space at the bottom to allow for water flow.
- TC1 would like to put in latticework on the outside of the deck; AL thinks lattice is fine, as floodwater and sand can flow through; FW concurs. JK asks if this is a coastal dune and if there are any regulations? BG doesn't think this project counts as a substantial improvement, so the usual limitations on footings would not apply. TC1 would like to use big foot footings; RC has no issues with this.
- AL asks for comments from the public; none.
- BG's suggested special conditions include maintenance of a minimum distance between the lowest horizontal member and the ground, spacing at the bottom of the fence, and an allowance for ongoing periodic maintenance if the fence is damaged in the future.
- AL motions to close and issue a DOA, neg # 3 W special conditions drafted by BG. RC second. Approved 5-0-0.

**18-32 Skinner, 20 Hanley Court (3 Seasons Porch).....NEW(Bert)**

- RC Reads Legal Ad. Hearing Officer BO verifies administrative requirements are complete.
- Homeowners Joanne Oxner (JO) and Michael Skinner (MS) present. They would like to replace a (12 x 12) ft deck with a (16 x 18) ft three-season room, one foot lower than the deck, on supports.
- BO visited the property today. The project seems straightforward, but he notes there is no wetland delineation. He is not sure why the project came in as an RDA. BG comments that he became aware of the work through a building permit filing; he suggested that the project be filed as an RDA, and the Commission could then decide if a NOI needs to be submitted. BG notes the Commission had instructed him in September of 2017 to allow applicants who requested it to file initially as an RDA.
- BG is unsure about the specific wetland line as it is not field delineated, but the work area is easily inside the 50 ft buffer to barrier beach. JK wants to know if the delineation in the package is correct. BG states they are using a state-identified DEP line from websites and not actual delineations by a qualified wetland scientist.

- BO comments that this is an existing structure on an existing lot, so therefore the 25 ft setback would apply. BG concurs, but feels they need a variance request, and there is a chance they may be inside the 25 ft buffer. He adds that there is Town-owned property on either side of the home.
- BO confirms that the plot plan provided is from a previous project from 2002, and asks if the shed is still in the same place. JO indicates it is; MS adds that the shed was installed by a renter at the time, who put it in some time around the 1980s. JK asks if the shed is over the property line; JO confirms that the shed is in fact on Town property. BG comments that the Building Department has advised him there is a lengthy process for removing fixtures from Town property that will have to be followed.
- BG recommends that the Commission issue a positive finding, which will require the filing of a NOI as well as an engineered drawing. FW comments that there appears to be about 35 feet from the house to the wetland, but JK notes that they don't have an actual delineation to go by. JK thinks the permitting becomes straightforward once they have a delineation and can confirm the work is outside the 25 ft buffer. FW feels that if they can continue and confirm by delineation that the project is outside the 25 ft buffer, the project can be permitted as an RDA.
- BO polls the Commission on the proper permitting mechanism:
  - RC: Looks like the project is mainly changing existing lawn area
  - AL: NOI
  - JK: NOI for precedent and protection for the future
  - FW: Continue for delineation; leave as RDA if project is outside the 25 ft buffer and require NOI if project is inside the 25 ft buffer
  - BO: NOI so applicants can move ahead with their project
- BG comments that the proper filing mechanism can serve to protect homeowners from future legal issues; he senses the Commission is in favor of the project but wants to have all the proper documentation and permitting in place, which would be a NOI, delineation, and plan stamped by a P.E. He is willing to work with the applicants on filing the proper paperwork in time for the next meeting.
- BO makes a motion to close and issue a DOA, pos # 1 & 5, NOI required. AL second. Approved 4-1-0, FW having voted no.

**18-32 Rojee, 17 Rexhame Road (Driveway Repair & Coastal Planting).....NEW(Frank)**

- RC Reads Legal Ad. Hearing Officer FW verifies administrative requirements are complete.
- Applicants Paul and Joanne Rojee (PR/JR) present. PR advises they are looking to replace frontage, including the driveway and coastal plantings, damaged in recent storms. The property has been surveyed. They have added gravel in the location of the previous asphalt driveway and would like to add replacement beach rocks and beach grass. They would also like to replace the roping between the decorative nautical poles on the frontage.
- RC would like to know the amount of the plantings. PR states that a landscape designer has come up with the planting plan. JR adds the designer chose appropriate plants for the area. RC feels this is more mitigation than the Commission usually receives, and is happy with the plan provided.
- BG notes the property is next door to 11 Rexhame, which suffered extensive storm damage and received an emergency certification for repairs. He has walked the property with JR.
- FW asks for comments from the public; none.
- FW feels that a negative determination is appropriate, but would like a condition that the drive remain gravel; he would like to see about 12 plants interspersed with beach grass. BG also suggests an allowance for periodic maintenance on the gravel driveway; FW concurs.
- FW motions to close and issue a DOA, neg # 3 w/special conditions drafted by BG. BO second. Approved 5-0-0.

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

- Applicant's representative requested continuation; needs more time to respond to the request for additional information.

**2722 Milton Corporation, 1180 Ferry Street (Pier & Dock).....cont from 6/5/18(Jim)**

- Continued hearing. Hearing Officer JK verifies administrative requirements are complete.
- Paul Seaberg (PS), Grady Consulting, presents for applicant Mike Salamando (MS). Site consists of a SFH being built under a separate OOC issued in November of 2017. Site is located on the South River, entirely within riverfront area with an adjoining salt march. Other resource areas on or near site include coastal beach, tidal flat, and land under ocean. Applicant wishes to construct a 39.7 ft pile-supported dock, plus a 37 ft ramp extending to an (8 x 16) ft float pile supported with a float stop. The float is proposed to be 64 ft from edge of channel and 50 ft from the closest mooring. They have received and addressed comments from Division of Marine Fisheries (DMF) as well as the Harbormaster. The (8 x 16) ft float was reduced in size from (12 x 24) ft per the Harbormaster's recommendation.
- JK states he has been out 2 or 3 times, and the existing moorings make it tight. Homeowners two homes down had to work with the Harbormaster to find a suitable location. JK has reviewed the new drawings, and feels the dock looks great.
- JK asks for comments from the public; none.
- BG advises there are time of year (TOY) constraints recommended by DMF on this particular property and suggests applying the recommended constraints to this project. He also circulates recent OOCs for previous dock projects that reference similar constraints. At 1339 Ferry, the Commission imposed a modified constraint allowing the work on the salt marsh but not in the water outside the "time of year" window. Given the South River's maritime history and is a fish run, he would like to see some form of a TOY constraint for the project.
- FW asks BG what the recommended restricted period is; DMF says March 1 through July 15; they also recommend eliminating the use of chains and mooring blocks. BG notes that Harbormaster Mike Dimeo had talked to him and PS, noticed several blocks in the vicinity of the property, and recommended that these be removed. PS believes the blocks are actually just off his property. BG isn't sure if applicant can pull the blocks if they're off-property.
- JK wants to know if the blocks are wet at low tide; PS indicates they sit on a tidal flat. JK confirms with PS that the use of chains is not suggested in the site plan and notes their use would require a permit from the Harbormaster.
- JK notes there was extensive discussion in the previous filings where TOY constraints were applied, including the hardship it can pose to the applicant. He feels a March to mid-July constraint doesn't leave much time to build a dock in New England, and installation of the dock pilings will have a relatively low impact. He also feels the recommended TOY limitation provided by DMF is a comment, rather than a requirement, geared towards larger projects; he would be against its imposition on this project.
- BG comments that the Commission had previously imposed TOY constraints on similar recent projects, and that they can be reduced or ameliorated. FW notes that this project involves 12 piles, which can be done in one day's work. BG comments there is a unique habitat on the South River, and very soon there will be a national landmark on the river; therefore, he would request that the Commission consider a shortened constraint.
- JK feels putting TOY constraints on every dock project on the river will cause a back up to work and repairs. AL notes that if the pile driving is just 1-2 days of work, the suggested constraints wouldn't be a hardship. FW would not like a TOY constraint on this project due to it being a 1-2 day project. In contrast, the Sea Street bridge project has a 120 day pile driving schedule, and that would have had a time of year constriction. He and JK prefer to consider the constraints on a case-by-case basis. BG notes that the boat with the pile driver will actually be on the river and running its engine for longer than 1-2 days, which could have an impact on the fisheries; he would like to see some consistency on the application of TOY constraints. JK notes that the Commission gives variances on setbacks and other aspects of projects.
- BG comments that if the Commission opts not to institute TOY constraints on this project, he would like the reasoning to be put on the record for future reference. FW feels duration of work or impacts is the controlling factor, with larger projects requiring the constraint. This project involves just 1-2 days of pile driving, and the river is relatively wide at this location and already has a lot of boat traffic. JK doesn't feel the Commission should have to explain its vote, but BG feels putting the reasoning on the record will protect the Commission.

- AL agrees that considering TOY constraints on a case-by-case basis makes sense, but feels it's a little arbitrary. What defines a big project? BG notes that other applicants who end up with TOY constraints on their projects might ask why none were imposed on this one. He would like to see some sort of standard to guide the Commission's reasoning.
- BO comments that the area is one of the busiest sections of the river, being near the town launch, Marshfield Yacht Club, and Humarock Marine. AL notes that business may be one of the factors to consider in projects.
- JK polls the Commission as to whether or not to impose a TOY constraint on this project: RC no, FW no, AL no but feels the Commission's job is also to protect fisheries as well as wetlands, BO no in this case, JK no.
- BG reads the proposed special conditions into the record, including no grounding of barge or use of equipment with treaded tires and metal track, and float storage must be on upland.
- JK makes a motion to close the hearing and issue Orders of Conditions with special conditions drafted by BG. FW second. Approved 5-0-0.

**2738 Carbone, 18 E Street (Deck).....cont from 7/24/18(Rick)**

- Continued hearing. RC verifies administrative requirements are complete.
- RC advises matter was discussed at the July 28 meeting but had to be continued for lack of a DEP number; now that the number has been issued, the matter can be closed. RC reads the proposed special conditions into the record. Commissioner AL abstains from the vote as applicant is his neighbor.
- RC makes a motion to issue Orders of Conditions with special conditions drafted by BG. FW second. Approved 4-0-1, AL having abstained.

**2723 Rum Island Condominium Trust (Trouant's Island Causeway).....cont from 6/5/18(Jim)**

- Continued hearing. Hearing Officer JK verifies administrative requirements are complete.
- Jim Tarbox (JT) applicants' representative present along with Brand Holmes (BH), ECR. JT states that the latest site plans were prepared by Paul Mirabito (PM), Ross Engineering; he also did the plans for SE42-516. JT also thanks the Commission for its cooperation with respect to emergency repairs after the recent storms.
- 1. Background of Causeway
  - JT notes that deeded rights were established in 1819; the causeway was established in 1898 and recorded in land court in 1910. This is the only marsh and causeway in the area unprotected by a barrier beach.
  - Betterments underground include National Grid's high voltage primary line, which is unprotected, as well as a Verizon fiber-optic cable.
  - The causeway serves as a weir protecting the English salt marsh from sea level rise.
- 2. Previous Work
  - The OOC for SE42-516 authorized 10 areas for structures to retain and stabilize the causeway.
  - On 10/20/1992, the DEP authorized an amendment for additional stabilization of the causeway between Areas 8 and 9.
  - The January and March 2018 storms caused damage including collapse of the sidewall. These repairs would have been authorized under SE42-516's ongoing maintenance provision.
  - Over 30 years the footprint of the 10 causeway structures has lengthened to protect the marsh from rising sea levels and vehicle impact. The tide crosses the causeway four times over a tide cycle.
- 3. New Work
  - Per special condition #2 of SE42-516, all construction must comply with the previous plans and conditions; any proposed change in the approved work require a new filing.
  - JT feels the collective changes over the past 30 years, including the work completed under the emergency certificate, warrant a new NOI; he requests that the new engineering plan be recognized, approved, and authorized for ongoing maintenance and forthcoming orders, and that the Commission recognize the need for the proposed marine-grade curbing to prevent damage/contamination of the salt marsh.
  - JT advises that the Marine grade posts (8 x 8) inch securing curbing consisting of (3 x 10) planks spaced at 16 ft length intervals. The posts will be set with a laser at 10-inch depth so as to be level with the road and allow the water to sheet off the road bed uniformly, thereby avoiding scouring and ruts.

- The curbing is set at consistent height per the requirements of Condition C of SE42-516. The curbing contains the road stone and will prevent inconsistent grading by providing a defined width for future maintenance. They would like curbing on both sides of the road, and would like a consistent grade to define the grade of the road for future reference. The road would be set to 11 ft width, down from the previous width of 13 ft.
- JT states the proposed curbing will likely reduce salt marsh damage from vehicles as well as causeway maintenance cost. The salt marsh will continue to grow up to the edge of the curbing. The intent of the marine grade timbers is to hold the aggregate in the road.
- 4. Going Concern: not within scope of this work
  - JT shows the commission photos of vehicle damage to the salt marsh, including from police and fire vehicles. Drivers not familiar with the road can inadvertently drive into the marsh.
  - Regarding lack of enforcement, BG and JT would like to develop a pilot program to maintain and restore the marsh, possibly working in conjunction with BH. In the past, JT would repair the salt marsh himself, but there is nothing currently in the bylaw that allows this.
- 5. Recap
  - JT would like the Commission to authorize the marine-grade curbing as outlined in the plan, and recognize, accept, and authorize the June 28, 2018 engineered drawings as the new record plan, subject to Army Corps review and issuance of a new chapter 91 permit if required.
  - JT would also like the maintenance provisions from SE42-516 modified to reflect the new standards and best management practices as defined through consultation with BH and BG.
- BH comments they have crafted this NOI as a limited project, and feels the work qualifies for limited project status per 310 CMR 10.247(c)(1). BH notes they are looking to maintain the road and not widen it. JT has worked on the road for 20 years and knows the road and area. BH adds that the easement for the causeway in the deed is 16 ft width, but the new plan will in fact reduce its width to 11 ft. BH feels that car damage to the salt marsh might be remediated through the driver's insurance, as is done for tree damage, but the NOI is specifically for the marine grade curbing and maintenance/improvement of the roadway.
- JK asks whether the marine grade curbing would run along whole length of the road on both sides. JT indicates yes, as there is need for it. With the rising sea level, the salt marsh is being inundated and is dying off, but the road acts as a barrier to protect the English Marsh. In the March storm, there was a 4.5 ft offset. Embedding the timbers at a predetermined height and depth will hold the road in place.
- FW asks how the Commission would retire the old NOI if the June 28 plan is accepted as the plan of record. BG notes that two entities may need to issue COCs for the old NOI: the Commission under the bylaw and the state.
- BG notes that the original DEP letter from 1992 gave permission for the use of slab-grade riprap. JT states the letter essentially said to use the appropriate size stone for the purpose intended; otherwise, the stone gets embedded into the underside of ice drifts and migrates into the marsh. Previous representative Paul Beliveau (PB) tried using granite curbing, but the ice collapsed the granite because it didn't have a base, and the structure required frequent repairs.
- BG asks whether cap rock will be used in other sections of the causeway other than between areas 8 and 9. JT will be rebuilding breaches in the middle culvert with capstone, but that would be under the existing maintenance provision. They do not need any additional structures at this time. BG feels use of the cap rock was appropriate for the emergency certificate work, but he would like further use of it to require a separate NOI or be authorized in a special condition to protect against over-armoring. JT notes that the riprap here is to prevent deposition of the road aggregate into the creek bed. There are no wave attenuation issues like in a traditional coastal armoring project.
- BG would like some degree of salt marsh restoration in some of the areas that have been choked out. JT notes that the road width will be reduced in most places once the curbing is installed, and the aggregate will be removed from the former edge of the road; he feels that marsh grass will proliferate in these areas once this is done. BG feels that some restoration would still be helpful, and is consistent with the superseding OOC. JT notes that previous restoration attempts have been costly and unsuccessful. BG feels that a small area of patches or jute netting might be appropriate.

- JK asks JT if the proposed work involves any work on culverts. JT replaced the middle culvert in 1998, and it changed the equilibrium of the marsh. Culverts A & B are both licensed and will not be touched. FW asks whether a new NOI will be required when these culverts eventually wear out. JT states that former agent Warren Harrington authorized the 1998 work on an emergency basis; he thinks there's a maintenance provision that applies to these culverts. BG asks JT about the third culvert? JT states this culvert was not initially licensed, and was ultimately licensed under SE42-516.
- JK asks for comments from the public; none.
- JK makes a motion to close the public hearing. AL second. Approved 5-0-0.
- At FW's suggestion, BG reads the superseding orders from SE42-516, asking whether this should include the right of Commissioners or the Agent to inspect the property at reasonable times to evaluate compliance. BH notes that the causeway is a public roadway, so there is no need to guarantee access.
- BG then reads the proposed special conditions. All parties discuss the wording of a condition requiring periodic maintenance, including salt marsh restoration, with BH noting that applicant has not impacted the salt marsh and the project as designed isn't proposing to impact the marsh. JT would like to avoid misinterpretation of this condition by a future administrator as requiring significant plantings. FW notes that the road is narrowing to 11 ft and the marsh grass will likely grow in; he and RC would like to strike this condition. JT adds that damage to the marsh by a driver would be an isolated case not resulting from the project. BG would like a periodic maintenance condition so applicant can repair damage inadvertently caused during construction without having to get another permit. JK suggests that the condition be worded to allow "periodic maintenance of the salt water marsh as necessary," and all parties agree.
- JK makes a motion to issue Orders of Conditions with special conditions drafted by BG. FW second. Approved 5-0-0.

**2684 Bethanis, 1184 Ferry Street (Found. Rest. Driveway Recons).....cont from 10/03/17(Jim)**

- Applicant's still working with FEMA regarding modifications introduced during first hearing with Conservation last year.

**REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS**

**1184 Keough (Cavallo), 115 Planting Field Rd**

- Awaiting decision on unpermitted cabana that is closer to wetlands than permitted pool. Commission address business section item covering 115 Planting Field Road during COC section.
- Bob Rego (BR), Riverhawk Environmental, present to discuss an unpermitted cabana added to a pool construction project. The work was done around 1998, before the current owner purchased the property. He believes the cabana was put in around the same time as the pool.
- The current owners would like to receive a COC for the still-open OOC so the house can be sold. The approved plan had the pool 48 ft from the wetland, but the pool as constructed is 46 ft from the wetland. BG notes that a standard condition of approval is that applicants build to the plan of record, with no deviation without approval by the Commission.
- BR suggests that the permitting for the deviation and cabana be handled as an RDA to avoid the issuance of another OOC; BG has talked to Town Counsel (TC) Bob Galvin, who is comfortable with an ATF RDA for this purpose.
- BG notes that the unpermitted work was not done by the current owner; since the Commission can no longer issue minor activity permits or major deviations, a new mechanism is needed for owners in these situations to close out outstanding orders without having to file NOIs. BG and TC feels that an after-the-fact RDA may be the best way to accomplish this, and all Commissioners indicate agreement. AL agrees, but feels this should be considered on a case-by-case basis.
- After discussion, all parties agree to the filing of an ATF RDA at the 8/28 meeting. Issuance of the COC will also be addressed at this meeting.

**1884 Sullivan, 25 Marion Road – Ongoing Conditions, cease cutting on Conservation Property (M05-05-58A)**

- BG visited the site; applicant has not done the permitted work, and has been mowing the salt marsh behind them as well as on conservation property. He recommends the Commission issue the COC with an ongoing condition that applicant cease and desist from cutting the adjacent conservation property.
- The Commissioners sign the COC.

**2572 Rego (Concannon / C&J Property Development), 345 Plymouth Ave – BG to do Site Visit**

- On hold; applicant must post conservation markers and provide an elevation certificate and as-built plans.

**2140 Griffin, 190 Foster Ave – BG to do Site Visit**

- On hold; the condition requiring appropriate clearance underneath the deck has not been met, and elevation certificate has not been provided.

**ENFORCEMENT ORDERS**

Smith, 38 Liberty Street (Email Response 05/06/18)

Mahaney, 46 Preston Terrace

Drosopoulos, 7 Ladyslipper Lane (TC Letter 11/18/17)

Jogi's Liquor Store, 951 Ocean Street- E.O.(18-03) Submitted

White, 180 Atwell Circle(Escalation letter in Process)

New Owner, Winslow Avenue Ext.

Levangie, 3 Cove Creek (Communication in Progress)

Tamara Macuch, 237 Webster Avenue

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

**BUSINESS**

**115 Planting Fields Road/ AFT RDA (Pool/ Cabana) – Robert Rego, P.E.**

- Covered under COC section.

**Flood Mitigation Assistance Grant presentation – Jack Sullivan**

- Jack Sullivan, coordinator for the 2015 elevation grants awarded to the town of Marshfield, present to discuss MEMA/FEMA hazard mitigation assistance grants and opportunities for collaboration with the Commission. There are three types of grants applicable to Marshfield, including disaster mitigation grants, flood mitigation assistance (FMA) grants, and hazard mitigation assistance (HMGP) grants. Funding is allocated by the U.S. Congress and grants are made to municipalities. Marshfield received funding in 2015 to elevate or acquire severe repetitive loss properties. HMGP grant funding comes from Presidential disaster declarations allocated to the state.
- The funding priority for these grants in Marshfield is acquisition and elevation of structures. Additional funding may be available for "resilient infrastructure projects," and Town Engineer, Rod Procaccino is aware of this opportunity.
- JS notes that before applicants get a notice to proceed from MEMA, they first have to permit with the Commission and other town entities. All of the conditions on the Commission's OOC and other town permits become conditions of the MEMA grant, and lack of compliance with all conditions can jeopardize an applicant's grant.
- JS states that MEMA and the Town will publicize the grants, and owners can reach out with specific projects. The town reviews the projects for eligibility; owners cannot apply for grants on their own. Applications are evaluated at MEMA first, and then submitted to FEMA. MEMA does a final inspection of the paperwork and then issues a notice to proceed with the project. Any plan changes trigger a scope of work change filing that has to be approved; applicants need to be aware that even small changes can require filings. Once the Building Department issues an occupancy permit, the grant coordinator has MEMA/FEMA do a closeout inspection.

- BG has provided some assistance as to compliance with NFIP and FEMA guidelines in two elevation projects seeking grant funding. If a project loses its grant funding, the town has to try to collect it from the owner. JS would like owners to be more proactive in communicating with him if they make any changes to their projects.
- To ensure homeowners maintain their grant eligibility, JS would like to receive copies of the Plan of Record for projects receiving grant funding, and be involved in site walks and closure visits with BG.

#### **51 Island Street, Orders issued 9/17/2015**

- Property owner is seeking a COC; special condition E from the 2015 OOC required that the shed located to the rear of the property on town conservation land be removed prior to the COC's issuance. BG has since learned that conditions can't be written like this going forward, since the shed itself may be considered to be town property. There is also an issue with the wording of special condition L as to the location of the conservation markers.
- At a site visit, BG also noted a paved driveway not referenced on the plan of record or the ZBA submittal referenced in Condition J. He would like to modify the orders to clarify the location of the conservation markers and address the driveway, but needs direction from the Commission.
- FW asks if the shed has been removed; BG confirms that the shed has been torn down. FW notes then that technically applicant has met Condition F. BG comments that a different approach will be needed to address situations where fixtures are on town property going forward.
- AL asks BG if the cutting has ceased; most cutting has ceased but BG is allowing the owner to keep a small segment as lawn. FW feels the Commission shouldn't go back on what BG said. AL suggests that BG let the owner keep the driveway but stop mowing in the back. RC agrees with AL's approach.
- JK thinks a fine is in order for the driveway since the permit made no reference to it. AL feels this should be considered on a case-by-case basis. JK feels without a fine, there is no incentive for owners to comply with their OOCs; AL agrees. RC notes there is in fact a penalty if an owner can't get a COC due to unpermitted work.
- After further discussion, the Commissioners agree to let the owner keep the driveway in exchange for no further mowing. He thinks fines may be warranted for such situations in the future. BG will pay closer attention to the wording of OOCs going forward.

#### **Columbia Gas Hybrid Filing- Summer Street (Merrill) – Bill Grafton**

- BG advises that Columbia is currently working on Summer Street. He thinks the delineations provided are accurate. He is satisfied with how the work has been proceeding, as well as their communications and filings.

#### **Ocean River Institute appeal letter - Reduction of chemical fertilizers and pesticides – Bill Grafton**

- The Commission discusses an appeal letter from Ocean River Institute advocating for special conditions restricting the use of chemical fertilizers/pesticides near coastal, river, and wetland resources.
- BG received feedback from one commissioner, who felt such a condition was unenforceable, but he notes the Commission imposed a similar condition for John Sherman Estates, SE42-2217, in 2013 that could be used as a template. BG feels that most owners will comply with the condition if they see it in their OOC.
- AL asks if an owner would have recourse if they objected to the condition. BO believes the condition for John Sherman Estates was imposed because the development is located in a water protection district, and the planning board has these rules, as do Scituate, Duxbury, and Norwell.
- FW feels this condition should only apply for certain parcels. JK expresses concern that imposing unenforceable conditions weakens the credibility of the Commission and other conditions it may require; he feels the condition should only be used when needed. BG feels the condition would have an educational effect. RC suggests that the wording be changed to recommend slow release organic fertilizers only; JK feels this would have the desired effect of protecting the resource areas without creating an enforcement issue.
- AL would like to table the discussion and see the specific language used in other towns. BG feels the language suggested by RC is a good compromise, as it makes the condition more educational. JK suggests the



Commission consider outreach to landscaping companies in the area regarding the recommendation. BG will prepare a draft condition for further consideration.

**Jose Carriero Kiosk Trail Map Review – Bill Grafton**

- BG shows the commission a new version of the kiosk sign for the Jose C. Carreiro Woodland, which includes additional details as to rules and trail difficulty, points of interest, and natural features. The Commissioners like the new sign. JK comments that this sign seems more welcoming than previous signs that mostly listed rules.

**ADJOURNMENT** – RC makes a motion to close the hearing at 9:34 pm. BO second. 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