

**APPROVED MINUTES - CONSERVATION COMMISSION
TUESDAY, JUNE 18, 2019 7:00 P.M., HEARING ROOM 2
TOWN HALL, 870 MORaine ST., MARSHFIELD, MA**

APPROVED: 7-30-19 5-0-0

MEMBERS PRESENT – Acting Chair James Kilcoyne (JK), Bert O'Donnell (BO), Art Lage (AL), Rick Carberry (PC), Eric Goodwin (EG), Bill Grafton, Conservation Administrator (BG)

MEMBERS NOT PRESENT – Robert Conlon, Frank Woodfall (FW)

CALL TO ORDER JK makes a motion to open the meeting at 7:00 pm. BO second. Approved 5-0-0.

MINUTES None

PUBLIC HEARINGS

- JK introduces new Commissioner EG and notes for the record that he will have to recuse from voting on continued public hearings (18 Naomi Street, 0 Pinehurst Road, 14-162 Bay Avenue, 176 Beach Street, 72 Bay Avenue, 26 Littles Lane).

On / After

2806 Lyons, 18 Naomi Street (Raze & Rebuild SFH).....cont from 5/21/19 (Bert)

- Continued Hearing. JK reads the legal ad. Hearing Officer BO confirms administrative requirements are complete. Commissioner EG recuses from voting.
- Rick Servant (RS), Stenbeck & Taylor, presents for applicant Lyons, who is also present. The filing is for the reconstruction of a home on the property destroyed by fire. Applicant proposes to rebuild in a similar footprint. The locus is within the buffer zone of a salt marsh and is in flood zone AE16. The new structure will be elevated on driven wood piles. Finished floor will be at 18.3 ft. The new structure will not be closer to the wetland. A shed at the left rear of the property will be removed, as well as a pre-existing section of deck that will not be rebuilt as part of the property. Pervious surface will be used beneath the house.
- BO feels the project is straightforward as proposed and has no questions. PC asks why the matter was continued; BO indicates there was no DEP number at the time assigned.
- BO asks for comments from the public; none.
- BG shows a picture of the fire that damaged the existing structure; an insurance review delayed further action and BG issued a 30-day Emergency Certification Form in December of last year, in anticipation of possible spread of household marine debris due to pending winter storms. Applicants were in touch with BG within 4 months with respect to the required NOI filing, and there have since been several continuations beyond their control. BG characterizes the project as a raze and rebuild as opposed to new construction.
- RS states that homeowners have already installed four (4) conservation markers at locations shown on the site plan. BG confirms that the markers have been installed as per the plan, and indicates that the standard special conditions will apply along with submission of an elevation certificate and no alteration to the adjoining town-owned parcel M05-05-58A.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 4-0-0, EG having recused.

EG returns to the public meeting.

2809 O'Donovan, 11 Farragut Road (replace deck).....NEW (Rick)

- JK reads the legal ad. Hearing Officer PC confirms administrative requirements are complete.
- PC indicates that the filing is a NOI to replace a deck. The home is along a seawall. PC visited the property today and the project appears to be straightforward.
- Rick Servant (RS), Stenbeck & Taylor, presents for applicant. Homeowners are proposing to remove an existing deck and ramp system and replace it with a slightly smaller deck (about 45 sq ft smaller) that will be elevated about 3 ft off the ground. The new deck is proposed to be set on helical screws, whereas the current deck sits directly on the ground. PC adds that the new deck will be going around the corner to the side door; RS confirms. PC notes that an elevated deck is preferable to being directly on the ground given the property's location in a flood zone.
- Dan Sullivan (DS), 12A Hartford Rd, comments that he talked to applicant regarding the project; he is OK with the deck rebuild, but is not sure how tight the extended staircase will be to the street; he is also concerned about the diminishing amount of sea grass on the property, which means less protection against tidal surges washing over the seawall. He would like to see replacement plantings for some of the grass that was removed. PC comments that he looked at aerial photographs of the property with BG, and there doesn't appear to have been any sea grass since 2013. It appears that any removal of grass occurred before the current owner bought the property. DS adds that recent gas company work has widened applicant's driveway and reduced the area where the grass can grow.
- JK asks DS if he has any photos to document his claims, since the aerial photos the Commissioners viewed tell a different story? DS states that his sister has photos but he does not have them with him. PC suggests that, instead of continuing the matter to wait for the photos, the Commission ask applicant to plant a few plugs of sea grass.
- BG notes that applicant purchased the property last year, which does not give them much time to damage the beach grass; it looks to him like the grass was getting damaged over time, but there are some gaps in the aerial photos. BG suggests that the Commission work with applicant on plantings for the property, possibly 20 plugs of sea grass next spring, which would be the ideal planting period. With respect to the general beach nourishment that DS proposes, BG notes that the resulting NOI would result in outstanding Orders of Conditions on all the subject properties recorded with the Plymouth County Registry of Deeds creating liens on all the properties involved and possible other legal complications for property owners.
- RS comments that he hasn't spoken to applicant about plantings and is not sure how he would respond. BG notes that he had received a written complaint regarding the removal of grass. JK suggests that the matter could be continued to look further into the complaint. RS states that he personally doesn't object to the plantings but hadn't consulted with the applicant. BG adds that the Commission could close on the NOI and then investigate the complaint as a separate matter. PC comments that he had spoken to the property owner about the complaint. After further discussion, RS agrees to the planting of 20 plugs of beach grass next spring.
- JK asks DS if the proposed planting satisfies him on the complaint. DS would like to see 40 plugs but doesn't want to be a difficult neighbor or hold up the project. BG feels that 40 plugs are more than needed and PC concurs. After some further discussion, DS is satisfied with the 20 plugs as proposed.
- BG asks RS to make sure applicant is aware of Bylaw 217, which prohibits structures on or over the seawall, and reads the proposed special conditions into the record, including the planting of 20 plugs of beach grass or equivalent species.
- PC motions to close the hearing and issue Orders of Conditions with special conditions rafted by BG. AL second. Approved 5-0-0.

28 SQ Realty Trust, 24 Oregon Road (addition).....NEW (Art)

- JK reads the Notice of Public Hearing. Hearing Officer AL confirms administrative requirements are complete except for receipt of a DEP number. BG suggests that some discussion be held prior to any continuation.

- JK comments that the Commission has been fairly consistent that DEP filings must be received before the meeting in order to be discussed. BG notes that the delay in this case was due to applicant having to pay additional fees from what was initially submitted to the Conservation Office; applicant promptly paid the additional fees, but they were not processed by DEP in time for this meeting.
- AL feels that a processing error on the part of the Conservation Office may be an extenuating circumstance, but would like to know what the other Commissioners think. JK asks whether having all paperwork done on time is the Commission's or the applicant's responsibility? BG states that the applicant has the burden ultimately, but the Conservation Office checks all paperwork prior to its submission. BO asks BG for his recommendation on how to proceed. BG feels they have all the substantive submittal material, and he would not have asked for additional information on this filing. He feels that the filing fee delay is a shared responsibility in this case.
- John Zimmer (JZ) of South River Environmental, representing applicant, states that Greg Decesare at DEP raised the filing fee issue on Thursday; the application fee has been sent in and received by DEP but not processed, so the file number has not been issued. The project is a raze and rebuild in LSCSF; the new structure will be raised above the FEMA flood elevation. He anticipates that the DEP number will be issued shortly, with no additional comments. If the matter were closed tonight and DEP did respond with comments, JZ states it would be on the applicant to re-start the process. Applicant is willing to run this risk, as he has contractors lined up, and delaying the conservation permit to July 9 would impose additional costs.
- AL feels that if the Commission is at fault halfway or more, they should review and close the matter at this meeting; however, he does not want to set an improper precedent; BO and PC concur. JK asks whether applicant can apply for a new NOI if the matter is closed tonight and DEP requests additional information. JZ suggests that the Commission close the hearing tonight but not issue the decision. BG feels that the chances of receiving comments from DEP on this matter are slim, but suggests that the Commission could amend the decision if it does happen. JK concurs with BO, PC, and AL that the matter should be heard and closed at this meeting.
- AL visited the property and notes that the existing structure is in rough shape; he would like to know whether the existing house is being elevated. JZ states that the house will be torn down and rebuilt, with an addition off the back; the new elevation will be 15 ft, and the new foundation will have breakaway flood panels.
- JZ notes that BG had questioned whether an existing shed on the property received or required a building permit. AL comments that the threshold is 8 by 8' and the shed looks larger than that. BG proposes a special condition requiring applicant to provide written confirmation/documentation that the existing shed is under the Building Department's permitting threshold. If the shed is not under the threshold, he will request that it be documented in the as-built plan.
- AL asks for comments from the public; none.
- AL motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. EG second. Approved 5-0-0.

2807 DPW, Damon's Point (Dam Spillway Repair).....NEW (Bert)

- JK reads the Notice of Public Hearing. Hearing Officer BO confirms administrative requirements are complete.
- Town Engineer Rod Procaccino (RP) presents for DPW along with design engineer Matt Grosschedl (MG), GZA. The filing is to repair the Damon's Point Spillway. MG notes that the spillway is a concrete structure with slats that hold the stop logs; the concrete, slats, and stop logs have deteriorated and the pond level fluctuates due to water leaking through the system. They propose to install new aluminum stop logs. They would like to establish a temporary staging area above the spillway, which will require some clearing and grading, and the work will require the removal of some debris and sediment built up in front of the existing stop logs. They will install a temporary coffer dam system with turbidity curtain during construction. Some additional clearing/tree trimming will be needed so a crane can be operated during the work. Erosion control is proposed around the limit of work.

- BO notes there are some large oak trees on the south side of the spillway, and asks whether the crane could be operated in just one direction to protect the trees. MG states this is possible but could incur additional cost; they would like to give the operators the option to swing both ways if possible. BO asks MG how much the pond level will be lowered, and for how long? They anticipate the project will take a month at most, and the pond levels already fluctuate due to the condition of the stop logs. They would like to temporarily lower the pond level to elevation 4, which is about mean high tide level, but no further. BO asks about the use of concrete on the site? MG states that as part of the improvements, they will fill the bottom of the structure with concrete to the elevation of the culvert on the upland side; this will provide additional protection and help secure the beams to the side of the structure. They are also proposing to install a concrete curb to the approximate grade that exists at the stop logs now, which will reduce future maintenance and potential leakage. They are hoping to do the proposed work in the fall, when the natural pond level is lower.
- Robert Spruill (RS), 4 Damon's Point Dr, asks what elevation 4 is in relation to the top of the existing outfall structure. MG notes that the top of the structure is about 7.5 ft, so the pond level will be about 3 feet lower during construction. The top of the new stop logs will be about 6.5 ft, which is about the height of the existing stop logs and is a requirement of the Office of Dam Safety. RS also asks about repairs to other parts of the structure. They are going to try to do some minor maintenance and repairs to the existing concrete. They will not be increasing the footprint of the structure. The aluminum logs are designed to lock together for greater water-tightness.
- BG notes that the proposed conditions will include minimization of water level manipulation and restoration to pre-construction levels at the conclusion of work, as well as maintenance of a cover of native wetland species along the banks of the dam to control invasive plants. BG notes that invasive species are currently an issue at the site; BO feels this should just apply to the actual area disturbed, which is about 70 linear feet. BG will coordinate the implementation of this condition with MG.
- With respect to a DEP comment regarding Chapter 91, MG states that he reached out to David Hill, at DEP, who indicated that they would authorize the project as a minor project, which will only require the submission of a letter and a copy of the plan.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. PC second. Approved 5-0-0.

2792 Tulis, 0 Pinehurst (New SFH).....cont from 4/2/19 (Frank)

- Continued hearing. Hearing Officer BO confirms administrative requirements are complete. Commissioner EG recuses from voting.
- Greg Morse (GM), Morse Engineering, presents for applicant. The proposed activity is construction of a new SFH, septic system, and driveway on property located at 0 Pinehurst, along with an extension of Pinehurst to access the lot. Since the April 2 meeting, they have made a filing with NHESP and received an approval letter. With respect to clearing done at the site, Wetland Scientist Brad Holmes (BH), ECR, reviewed the species in the area and has designed a mitigation planting area comprising 71 shrub and tree plantings, with four (4) conservation markers to be placed along the mitigation area. GM notes that updates to the site plan include details as to the extension of Pinehurst Rd and impervious lot coverage calculation; the proposed activity adds 270 sq ft impervious surface inside the 100 ft buffer. The house complies with the 75 ft setback, and is 87.7 ft from the wetland; the limit of clearing for the backyard is 60 ft from the wetland, in compliance with the 50 ft no-disturb setback. BH has also submitted a stream stats analysis, classifying a nearby body of water as an intermittent stream, as well as a memo providing soil samples he took throughout the area. GM feels they have addressed the concerns expressed by the Commission at the April 2 meeting.
- BO notes that the abutters along with himself remember the brook as being mostly a perennial stream, but it technically did not qualify as such because of the size of the watershed area. GM briefly discusses the methodology for classifying streams and rivers, noting that a perennial stream would have a 200 ft riverfront area; anything that does not flow throughout the year is classified an intermittent stream, which has to not flow for at least four days, which need not be consecutive, in a calendar year. USGS maps do not show the

stream in question as a perennial stream. The stream stats report published by USGS also indicate that the stream's tributary area, at about 1/3 sq mil and is not large enough to qualify as a perennial stream or support a year-round flow. In response to a question from JK, GM notes that he has found USGS maps to be incorrect on occasion, in which case he has referred to the stream stats analysis for confirmation.

- BO comments to the audience that he and BG observed BH take the soil samples, and that these samples confirmed the wetland line on the site plan. BG adds that BH's restoration plan will mitigate the previous disturbance within the 50, the site plan meets the required setbacks, and he feels the applicants have done a good job responding to the Commission's documentation requests. GM discusses details of the restoration plan to all present.
- BO asks whether the road is designed to be extended at any time? GM indicates they are not proposing to extend it beyond what is required to access the lot; another applicant might, but this would require a separate filing. BG comments that applicant is filing a street improvement plan with the Planning Board; the extension will be 20 ft wide, with Cape Cod berms and drainage improvements.
- BG recommends a special condition specifying that the wetland delineation is good for this lot only, and all newly proposed lots will require a new or revised delineation.
- Ed Moran (EM), 28 Robert Ave, states that the stream runs through his property, and he feels it's a perennial stream, and the criteria previously discussed is not in the spirit of what he observes. He also notes that the lot is the low point on the street, and he has concerns that the builder will bring in significant fill to address drainage issues, which in turn will displace stormwater onto the abutters. BG points out the area on the lot where there will be elevation change; he feels the amount proposed is minimal, and that the runoff from the lot will be directed into the wetland buffer. BG also notes that he double-checked the stream stats and is comfortable with the findings. EM also asks about the proposed street improvement plan; BG suggests that applicant check with the Planning Board, as the filing is with them. EM asks about the possibility of other buildable lots; BO points out that this is beyond the scope of the current hearing.
- Ed Sokolowski (ES), 185 Pinehurst Rd, is concerned about the runoff from the top of the lot, which he frequently observes in heavy rainstorms. He would like to know how this would be addressed. GM agrees that currently water comes down the paved sections of Pinehurst and discharges into the paper street and ultimately into the wetland. They are proposing to keep the grade coming down to the lot, but will be extending the existing drainage pipe and installing a new flared end section and catch basins, as well as paving the additional segment of road. GM adds that the catch basins are effective in up to 25-year storm events, which is 5 inches of water in a 24 hour period; anything greater would result in stormwater flowing over land, ultimately to the same location.
- Frank Cantelmo (FC), 35 Robert Ave, distributes photos of flooding around his property to the Commissioners and states this happens frequently, ending up in his front yard. He does not feel the proposed improvements to Pinehurst will change this problem.
- BO asks GM to speak further on the road improvements? GM notes that all the work proposed is downgradient of the pavement in Pinehurst Road, so there will be no impact on the existing drainage problems the abutters have cited. The drainage system is designed for a 25-year storm, and overtopping is designed for a 100-year storm.
- BG recommends that the conditions of approval include specifying that the wetland delineation is good for this lot only, and all newly proposed lots will require a new or revised delineation, as well as the placement of conservation markers as set forth on the site plan.
- BO motions to close the hearing and issue Orders of Conditions with special conditions drafted by BG. AL second. Approved 4-0-0, EG having recused.

EG returns to the public meeting.

- 2808 DPW, 14-162 Bay Ave (Seawall Repairs).....cont from 6/04/19 (Jim)**
- A continuation was requested by the applicant's representative. Continued until the July 9, 2019 Public Meeting of the Conservation Commission.
- 2793 Sullivan, 176 Beach Street (Veg Restoration & Other Activities).....cont from 5/21/19 (Bert)**
- A continuation was requested by the applicant's representative. Continued until the July 9, 2019 Public Meeting of the Conservation Commission.
- 2754 Hanlan, 72 Bay Avenue (Raze & Rebuild SFH).....cont from 9/11/18 (Bert)**
- A continuation was requested by the applicant's representative. Continued until the July 9, 2019 Public Meeting of the Conservation Commission.
- 2772 Snyderman, 26 Littles Lane (Pier, Ramp & Float).....cont from 10/2/18 (Jim)**
- A continuation was required due to lapsed deadline for submittal of additional information request. Meeting with applicant's representative is forthcoming. Continued until the July 9, 2019 Public Meeting of the Conservation Commission.

REQUESTS FOR CERTIFICATES OF COMPLIANCE & EXTENSIONS

- 1183 Senna, 24 Oregon Road [COC]**
- BG indicates that he visited the property and has no issues with issuance of the COC
 - JK makes a motion to issue a COC for the property. BO second. Approved 5-0-0.
- 2766 Stone, 18 Constellation Road [COC]**
- BG states that applicant has recorded his OOC with the Plymouth Registry of Deeds and has no issues with issuance of the COC.
 - JK makes a motion to issue a COC for the property. PC 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**)
 New Owner, Winslow Avenue Ext.
 Mahaney, 46 Preston Terrace (**12/12/18 BG met with TC**)
 White, 180 Atwell Circle (Escalation letter in Process)
 Bednarz/ Nouza, 65 Ireland Road (Unpermitted Cutting <= 50 ft)
 Tamara Macuch, 237 Webster Avenue
 Levangie, 3 Cove Creek (Communication in Progress)
 Stifter, 102 Bartlett's Island (unpermitted revetment wall)

BUSINESS

B1 Complaint Form-discuss, modify, adopt / Commission

- BG circulates a draft complaint form drafted by Administrative Clerk, Liz Anoja (LA). BG would like to standardize the way in which he receives written complaints, and notes that the form could be added to the Commission Web page once approved. It will require a review by Town Counsel Bob Galvin at some point.
- EG asks if there is a specific promise of action as a result of filling out the forms. BG indicates that all complaints are investigated at some level, and thinks the form will help LA and BG keep better track of them. PC agrees that a numbering system will be helpful. AL is willing to give the forms a try.

B2 EO 19-XX 1165 Ferry Street (Coppenrath) / Bill Grafton

- BG states that property owner Jean Coppenrath (JC) bought property near the Marshfield Yacht Club and was required to post and maintain conservation markers. The markers were not put all posted; BG visited the site again and found that she had put in a small retaining wall and was starting to put in a concrete pad. JC met with BG and stated the activity was to secure the area in back; BG advised her that a filing was required, as the work is inside the buffer to the salt marsh; applicant preferred issuance of an enforcement order to filing an after-the-fact NOI.
- BG would like Commission approval to issue the EO; the homeowner will then prepare a restoration plan. The Commissioners assent to issuance of the EO.

B3 EO 19-XX 181 Ocean Street (Terlecki) / Bill Grafton

- BG states that Frank Terlecki (FT) poured soil over the Ocean Street guard rail, into the coastal bank and LSCSF. BG visited FT with JK and Town Administrator Mike Maresco (MM). FT stated that he preferred receiving an Enforcement Order to filing an after-the-fact NOI, and has started cleaning up the area. The Commissioners assent to issuance of the EO.

B4 208 Bay Avenue, unpermitted dune clearing, property ownership discussion / Commission and Town Counsel

- BG advised that unpermitted cutting took place in the back of the subject property, but the ownership of the dune area where some of the activity took place was unclear. BG is researching ownership of the area with TC and other town departments, and will update the Commission once this is clarified.

B5 1327 Union, Spring Planting Restoration-Enforcement/Compliance discussion / Commission

- Attorney Gene Guimond (GG) present for property owner Digan at 1327 Union. BG states the required spring restoration plantings had not been made and he had asked GG for an explanation. GG provided a written response, distributed to the Commissioners, asking for an extension until September.
- BG provides a brief synopsis of the issues at the property, noting that a building permit came into him claiming a Scenic Rivers exemption. BG concurred but provided comments that any activity inside the 100 ft buffer would require permitting with Conservation. Unpermitted activity inside the 100 was subsequently discovered on site visits for a dock project. After an EO was issued, property owners provided a vegetative management NOI that got withdrawn with the closing of the EO, but the agreed-upon restoration plantings have not been done.
- GG notes that a vegetation management plan had been submitted as part of the NOI but was then rescinded. When he talked to the Digans initially, he recommended that they engage a forester, who expressed concern with the caliber of some of the replacement trees and how they would impact the canopy. The Digans would like to wait until the forest management plan has been finalized before beginning the restoration plantings; GG states the forester feels the plantings can be made by late September. He does not feel the delay will result in any harm to the associated resource area.
- BO asks whether the intent of the forestry plan is to put the property into Chapter 61 Forestry use? GG would recommend this action based on the property's size. BG comments that the Town Assessor has mentioned to him that several properties in town under Chapter 61 have never actually been used for forestry. GG notes that property owners have 5-7 years to begin harvesting according to their forestry plan. If they put this property into Chapter 61, Conservation will have the ability to review and comment. BO feels this would be advantageous to Conservation, as it would give the Town right of first refusal in the case of sale, but BG is leery in view of the history with this property.
- JK asks GG whether, under Chapter 61, if any area in a parcel that has houses or other structures is outside the forestry plan. GG believes assessors generally take out an acre or so with the house from Chapter 61. JK notes that the restoration area is near the house and feels it would be outside the forestry plan. JK also comments that it seems the property owners don't want to do anything the Commission has asked them. GG repeats they are acting on the forester's recommendation, and there was a delay in receiving them. He does not know how

the assessor will define the housing envelope for the property, and whether or not it will include the restoration area. JK points out that the area starts 10 feet from the house and feels it is unlikely any tree harvesting will happen that close.

- JK sees the forestry plan and restoration plantings as separate issues and does not understand why the Digans have not complied. BO feels the Commission should wait to see the forestry plan, and request a peer review if anything seems off about the plan.
- AL asks why they are requesting a delay until September as opposed to a few weeks. GG states the timeframe is based on his schedule relative to getting a plan together. AL states it looks to him like the Commission is being stonewalled again. JK feels there was plenty of time for property owners to prepare a forestry plan without delaying the restoration plantings, and does not want the restoration planting matter reopened because of the forestry plan, since the restoration area will not be where the forestry plan will be implemented. BG adds there are other licensed foresters that property owners could have called if the one they chose was busy. GG states the forester, Phil Benjamin, was hired for his familiarity with the area and expertise.
- BG, JK, and AL are concerned that a planting plan in September leaves little window for further delays that would push the plantings out to the following spring. BG is concerned that deadlines keep getting missed, and would like to know if the Commissioners want him to issue a citation or another enforcement order. PC feels the homeowner has no interest in complying; he agrees with JK that the restoration and forestry plan are two separate matters, and it shouldn't take so long to implement a planting plan. GG feels his clients have gotten conflicting advice from their contractors and other experts. BG feels his enforcement order was abundantly clear, and the referenced Winter Storms 2018 Emergency Declaration and Certification deadlines were posted on the Web site.
- BO asks GG when he recommended that his clients consult the forester? GG states it was mid to late January, but there was a delay in getting Mr. Benjamin, the forester Brad Holmes recommended, out to the site. JK comments on his frustration with these property owners, citing continued delays, noncompliance, and changing stories regarding the trees that were taken down unpermitted. JK reiterates his view that the forestry and planting plans should be considered two separate matters, and feels the Commission should consider enforcement options; AL, PC, and EG concur. BO doesn't want to see the forestry plan misused to clear the view in front of the property owner's house, but would like to wait to review the plan.
- GG states that his clients are merely asking for an extension to implement the planting plan. BG indicates the extension is off the table, but they could still comply by getting the plantings in before Friday, July 5. GG is concerned that if the restoration plantings are made, the forester could subsequently recommend that they all be taken out. JK is concerned the forestry plan is being proposed so as to undermine the restoration plan.
- BG comments he is glad GG is involved, as there are trust issues between the owners and the Commission. BG asks GG if a draft forestry plan can be provided by July 5, so the Commission can review it at the July 9 meeting. JK asks GG if the forester can at least comment as to what the forest management plan would be for the area in front of the house, by the next meeting. GG feels he should be able to get an e-mail response from him. BG would like the forester to appear before the Commission, or at least provide a good-faith submission that provides additional information. PC feels the Commission should enforce if they can't receive a comprehensive plan sooner than September. EG is more inclined to give the owners some leeway if they are willing to speed up their plans.
- JK feels that the owners need to start showing some good faith effort, and would like to see a plan before the Commission by the next public meeting; otherwise, fines should start, assessed on a daily basis, after that date. GG will follow up with the forester.
- After further discussion as to whether to enforce now, a consensus is reached to give the owners until noon, July 5, to submit a draft forestry plan so it can be discussed at the July 9 meeting. BG would like Messrs. Benjamin and Holmes to be present to discuss the plan; alternatively, the owners can complete the plantings by July 5. If the plantings aren't made and a draft forestry plan is not received at the Conservation Office by noon on July 5, BG will issue an enforcement order on July 8. BG will consult with TC regarding a possible peer review.

B6 915 Ocean, Spring Planting Restoration-Enforcement/Compliance discussion / Commission

- BG advises that Jogi's Liquors had not made the restoration plantings required as of this date. BG sent an e-mail giving them until Friday to make the plantings. BG feels a new citation or further legal action are necessary if they do not respond. JK feels if the Court system is already involved with the first two citations, it may not make any difference to write more citations. AL feels that if the matter is already in the Court system, the Commission doesn't have to stay involved; JK concurs.
- BG notes that Town Counsel Bob Galvin will be present at the July 9 meeting; BG will ask TC to speak to this matter then, if Yogi does not respond. BG will also check on the status of the two previous \$300 citations with the Town Clerk.

ADJOURNMENT – JK makes a motion to close the hearing at 9:13 pm. AL 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