



Michael A. Maresco
Town Administrator

Town of Marshfield

Board of Selectmen

870 Moraine Street
Marshfield, Massachusetts 02050
Tel: 781-834-5563 Fax: 781-834-5527

February 14, 2022

Dear Residents,

I am providing these materials in the hope that it will be helpful in giving residents a place to find accurate information on the Dredge Spoil Area (DSA) on Joseph Driebeck Way. The DSA is a site for tested dredge material from the waters of Marshfield.

Included in this package is:

- A report from Finn Associates regarding the history of the DSA site
- Information on how this land came to be through a taking at Town Meeting in 1930
- A plan on land that was developed in the 1930s and 1940s
- A map showing the area restricted by the Department of Natural Resources under the Chapter 130 bylaws from 1985
- A Certificate of Compliance with the Massachusetts Wetlands Protection Act under MGL Ch. 131, §40 issued in 1992
- 2004 DEP letter (more information to follow)
- A letter from then Conservation Administrator Warren Harrington dated October 17, 1985 regarding the harbor disposal site, which is considered upland disposal
- Maps and charts from Harbormaster Michael DiMeo highlighting the delineation of the DSA site, including the berm that defines the dredge spoil area
- The Harbor Park parking lot Notice of Intent (NOI)
- Photos of Harbor Park and the DSA site (north and west view)

I want to alleviate any concerns that people may have regarding this area being toxic. There is no evidence that there is any toxic material in any of the spoils in the DSA. The Department of Environmental Protection (DEP) and Coastal Zone Management (CZM) require that all material be tested before being deposited into the DSA. Your Town government would never intentionally put toxic materials in the DSA or any other location in the Town of Marshfield. This area is safe to walk on, drive on, and play on.

I hope that this material is helpful in dispelling any of the misinformation that is out there.

Sincerely,

Michael A. Maresco,
Town Administrator

Maresco, Michael

From: Dimeo, Mike <mdimeo@marshfieldpolice.org>
Sent: Wednesday, February 2, 2022 4:14 PM
To: Maresco, Michael
Subject: Fwd: Conservation Memo/Conservation Permits SE42-166/2225/2586/2804/2929
Attachments: 2022 01 05 DSA Memorandum of Record for W. Grafton with attachments.pdf; 2021 05 11 Harbormaster Site Plan.pdf; 1969 06 XX Harbormaster Dredge Spoils Area ACOE Plan June 1969.pdf; 2009 10 XX DPW Vine Associates Proposed Work Plan DSA.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

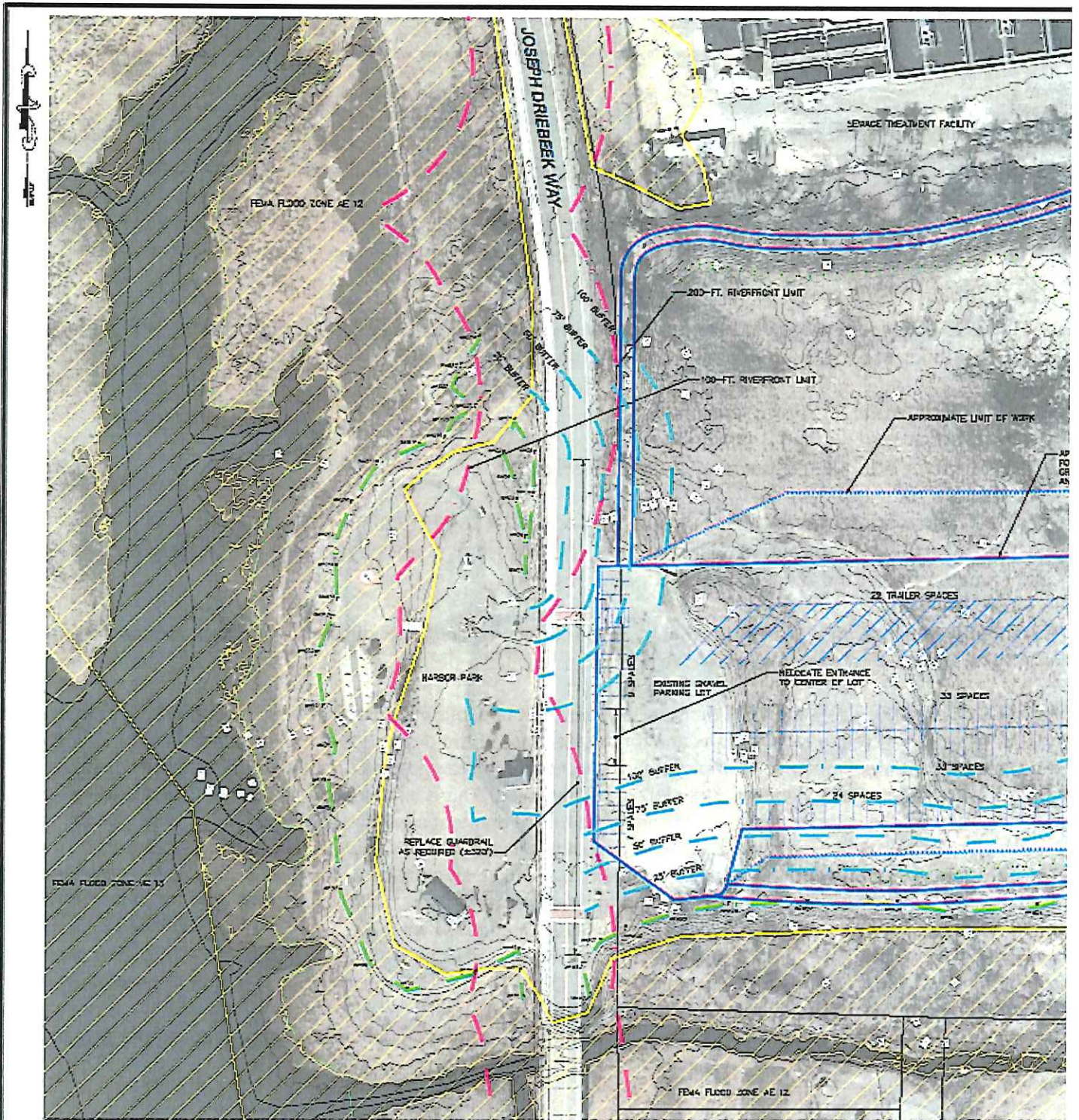
Sent from my Verizon Motorola Smartphone

----- Forwarded message -----

From: "Grafton, Bill" <bgrafton@townofmarshfield.org>
Date: Jan 27, 2022 1:30 PM
Subject: Conservation Memo/Conservation Permits SE42-166/2225/2586/2804/2929
To: Mary Murphy <minotmurphy@comcast.net>, Eric Murphy <emurphy@repelpestsolutions.com>
Cc: "Dimeo, Mike" <mdimeo@marshfieldpolice.org>

This communiqué provides information that has been collectively coordinated based on multiple inquiries regarding the permitting and use of the dredge spoils area (DSA).

Regarding the dredge spoils area (DSA), there has been a lot of public inquiry about the Conservation permitting for the area to be used for dredge spoil removal and for maintenance of the property. To provide a more comprehensive response in lieu of responding to multiple inquiries, Conservation tasked the Commission's consultant to draft a memo reviewing the permit history going back to 1973. See attached. This is an unique memo as the Commission's consultant was actively involved in the preparation of one of the Notice of Intent submittals/SE42-166 circa 1983. Thus, the memo brings factual data and an institutional knowledge that is unique. The Memo which is attached displays that Conservation permitting for the dredge spoils area to be used and maintained. The preparation of the memo took into account permits back as far as 1973 that established the dredge spoils area (DSA) for the purpose of disposing dredge spoils (SE42-166) while maintenance and use activities are associated with SE42-2255/2586/2804/2929. All these permits were approved by the Conservation Commission over the years and the applicable appeals periods lapsed establishing the Conservation permitting for the DSA. The path activity is specifically called out on the SE42-2929 Order of Conditions approved plan revised 5/11/2021 which can be found attached and below. Additionally, work on public paths in the buffer zone are exempt activities. As such, the Conservation Commission has approved the phragmites cutting and path work to advance.



WORKING NOTES:

1. BASE LINES FROM MARSH'S 2018 ORTHOPHOTO.
2. PARCEL LINES FROM MARSH'S STAKEHOLDER'S ASSESSOR'S PARCELS (MARSHFIELD FY 2020)
3. PROPERTY FROM NEMA 2018 LIDAR DATA
4. FLOOD ZONE LIMITS FROM LIDAR 100-01-02040-20020 SHAPE FILES
5. VERTICAL CURVE IS 2.240 1906. MEAN HIGH WATER LINE ELEVATION = 2.28 FOR TIDAL DATUM 0446209, GREAT POCK, GREEN HARBOR PIKE, 04
6. 300 CAR 1000/2000 IN TIDAL RIVERS THE MEAN ANNUAL HIGH-WATER LINE IS COINCIDENT WITH THE YEARLY HIGH WATER LINE (EL. 4.05)
7. 300 CAR 1000/2000: BAYAL-WAGE CANALS AND LOGS/TO DITCHES ASSOCIATED WITH COASTAL PIERS DO NOT HAVE RIVERFRONT ADJAC.
8. WETLANDS FLAGGED BY JASON NUNNEN IN JANUARY 2021

SITE PLAN

REVISIONS		DATE	BY
NO.	DESCRIPTION		
1	ISSUED FOR PERMITS	5/27/2021	



CONTRACT BY ARCHITECT/ENGINEER:
 ALL WORK SHALL BE IN ACCORDANCE WITH THE MASSACHUSETTS PROFESSIONAL ENGINEERING ACT AND THE MASSACHUSETTS PROFESSIONAL ARCHITECTURE ACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.

Finn Associates Memorandum of Record

Date: 1/5/2022

TO: Bill Grafton, Conservation Administrator

FROM: William C. Finn

CC: Craig Hannafin, Chairperson

RE: DSA (Dredge Spoil Area) Research

At your request I have researched the history of the DSA as far back as the mid to late 1970's. Some of my recollections are based on my service on the Planning Board from 1971 -1987 (12 of those years as the Board's Chairman).

In the mid 1970's the DPW Board, then Chaired by Mr. Keith Dobie, retained the services of the engineering design firm of Coffin & Richardson Inc. to design and oversee construction of a new wastewater treatment plant and access road at its current location. This new plant incorporated secondary treatment processes and was to replace a rudimentary primary treatment facility located at or in the vicinity of the current pump station. In order to implement this project numerous permits had to be obtained including a permit from the USACOE under Section 10 of the River and Harbor Act of 1899 and Section 404 of the Federal Water Pollution Control Act Amendments of 1972. The USACOE Public Notice of January 26 ,1978 requesting comments on the project describes the new treatment plant facility location as follows: " The treatment facility consisting of the buildings shown on the attached plans **will be built on an old dredge material disposal site (emphasis added)**. The plant will be connected to Dike Road by an access road. One hundred fifty thousand c.y. of sand will be excavated from the southern portion of the site marked " **borrow and disposal area**" on the plans. **This excavated area will be the disposal site** for 83,500 c.y. of peat removed from the building site and the access road. The peat will be replaced with 150,000 c.y. of sand from the stockpiled material and 15,000 c.y. of gravel from off-site."

The highlighted, excavated area identified in the COE Notice quoted above is the area of the currently remaining DSA proposed for and permitted by the C.C. for the temporary parking facility.

Fast forward to 1983-85. As Chairman of the Planning Board, I wrote a PWED grant proposal to the then Ma. Dept of Public Works to request funding for the design and construction of an emergency access/egress road from the end of the then treatment plant access road to Cherry Street. This road would extend the TP access road across and thus bifurcating the then existing DSA, cross the tidal creek and pass through the parking area to end at Cherry Street. Also included

in the grant request was money to extend and develop the commercial portion of the existing Town Pier.

The grant was awarded and during the design and permitting phase of the project an NOI was filed with the C.C. The initial design called for the new road to cross a new box culvert placed in the tidal creek adjacent to the pier parking lot. This design was approved by the C.C. but subsequently amended by the then DEQE (SE42-166). As finally approved the new design called for a bridge over the tidal creek as well as 2 for 1 mitigation of any salt marsh disturbance. This mitigation was accomplished by the reclaiming of an extensive DSA adjacent to the harbor side of Joseph Dribeck Way as well as the placement of a restriction on a salt marsh island in the harbor under Ch.130 §105 (Protection of Coastal Wetlands; see attached).

After construction of the then named Town Pier Access Road (currently Joseph Dribeck Rd.) local residents, led by Mr. James O'Connell (Coastal Scientist @ Woods Hole) successfully lobbied for construction of a park (currently Harbor Park) to be located on the southerly side of the new road over a portion of the remaining DSA. The opposite side of the remaining DSA was to be kept in reserve and maintained for its historic and intended use. This reservation has been referred to, in the record, on numerous occasions. An example of such reference is attached from then Conservation Administrator Mr. H. Warren Harrington in his letter to the Board of Selectmen et.al. dated 10/17/1985 in which he quotes an Environmental Assessment for dredging Green Harbor from the USACOE as follows: "An upland disposal site which has previously been used for disposal of material from Green Harbor exists in the salt marsh area north of the current dredging area. This disposal site is of limited capacity however, and is more effectively utilized for disposal of silty material which is periodically dredged from the upper channel and anchorage areas in Green Harbor for which there is no practicable disposal alternatives."

Further reference to the DSA and its maintenance is made by Vine Associates Inc. In their 10/7/2009 Letter of Notification to the C.C. RE: Marshfield Town Pier Dredging, Marshfield, MA. DEP # SE42-2225 which states on Plan Sheet 1A, Note #3 that " Work area will be cleared and grubbed of existing nuisance vegetation grown within work area by Town prior to receiving dredge sediments."

Currently the DSA has open permits for disposal of small amounts of dredge spoil from the Marshfield Yacht Club (SE42- 2586) and the Green Harbor Yacht Club (SE42- 2804). In addition, the Harbor Master has a valid and current Order of Conditions (SE42- 2929) for a temporary beneficial reuse of a portion of the DSA described above. As can be seen in the above history the maintenance of the DSA is of critical importance for existing uses and any proposed beneficial reuse. Control of invasive vegetative species is a normal and accepted maintenance practice which should continue to be allowed as standard practice.

named Julia D. Robinson otherwise known as Julia S. Robinson and acknowledged the foregoing instrument to be her free act and deed, before me

Seal Granville E. Tillson Notary Public
My commission expires February 28, 1935.

Rec'd Apr. 22, 1931 at 9.30 A.M. & recorded.

Newitt
et al
Petition
for
Partition

I, Margaret A. Newitt of Duxbury in the County of Plymouth and Commonwealth of Massachusetts, in compliance with the provisions of Section 7 of Chapter 241 of the General Laws of the Commonwealth of Massachusetts, hereby give notice that I have filed in the Probate Court in and for the County of Plymouth, a petition for partition of certain land in DUXBURY in the said County of Plymouth, bounded and described as follows: A certain parcel of land, with the buildings thereon, situated on Cove Street in said DUXBURY, bounded and described as follows: Beginning at a point on said Cove Street at the southeast corner of said lot adjoining land of the Mrs. George H. Hall Heirs, thence running Westerly by said Hall land, eleven rods, four and one-half feet to the homestead estate of Minnie S. Weston; thence by said Weston land Northerly six rods, one foot to the homestead land of the late Samuel Ripley, now owned by the Mrs. George H. Hall Heirs; thence by said Hall land Easterly, eleven rods, seven and one-half feet to said Cove Street; thence by said Cove Street line Southerly, six rods, two feet to the first mentioned corner; said lot containing seventy square rods more or less, and that the names of all persons appearing in said petition as parties are:

Margaret A. Newitt Duxbury, Mass., one undivided third
Howard F. Blanchard Duxbury, Mass., " " "
Kendall Blanchard Duxbury, Mass., " " "

Margaret A. Newitt

Plymouth ss. Subscribed and sworn to this 16th day of April, 1931 before me

Percy L. Walker Justice of the Peace

Rec'd Apr. 22, 1931 at 9.30 A.M. & recorded.

Proprietors of
Green Harbor
Marsh
et al
to
Town of
Marshfield

Taking

WHEREAS at the Annual Town Meeting of the Voters of the Town of Marshfield, held on March 5, 1930, it was unanimously voted that the Selectmen be instructed to petition the General Court for legislation to borrow money for the improvement of Green Harbor and reclaiming land for an aviation field, and WHEREAS at the same meeting it was unanimously voted to raise and appropriate the sum of Five Thousand (\$5000.00) Dollars for the purpose of improving Green Harbor and reclaiming land for an aviation field, and WHEREAS under Chapter 199 of the Acts of 1930 the Town of Marshfield was authorized to borrow certain sums of money for the purpose of meeting its share of the expenditures required to dredge and fill certain tidewaters and foreshores and construct other necessary works in Green Harbor with a view to improving the said harbor for navigation, and to reclaiming land for use as an aviation field, and WHEREAS at a regular meeting of the Voters of the Town of Marshfield held on Friday, September 5, 1930, it was voted that the Town accept the provisions of Chapter 199 of the Acts of 1930, and WHEREAS at the same meeting it was voted "That the Treasurer, with the approval of the Selectmen or a majority thereof, be and hereby is authorized to borrow Thirty Thousand (\$30,000.00) Dollars for the purpose of paying the Town of Marshfield's share of the expenditures provided for under Chapter 199 of the Acts of 1930" and WHEREAS at the same meeting it was unanimously voted "That the Selectmen be authorized and instructed to take by right of Eminent Domain or otherwise, under the General Laws as amended by Chapter 386 of the Acts of 1929, such part of Green Harbor marshes South of the Dike as may be necessary or proper for the purpose of Chapter 199 of the Acts of 1930 . . ." and WHEREAS the sum of One Thousand (\$1000.00) Dollars was appropriated for said purpose; and said appropriation was made by

See Plan Book No. 5 Page 85

unanimous vote, and WHEREAS the Selectmen deem it necessary and proper that the following described parcels of land be taken for the purpose of improving Green Harbor and providing land for an aviation field, and other purposes referred to in Chapter 199 of the Acts of 1950; NOW, THEREFORE, We, Ralph C. Swell, Frank L. Sinnott, and Charles C. Langille, Selectmen of the Town of Marshfield, by virtue of the authority granted to us by the above mentioned Act and Votes, and every other power and authority us hereto enabling, do hereby take in fee simple on behalf of the Town of Marshfield, the following described parcels of land in MARSHFIELD, with the buildings and trees thereon, for the purposes above mentioned. The land so taken is shown on a plan entitled "Plan of land in Marshfield, Mass., March 1931, Lewis W. Perkins, Town Engineer," a copy of said plan is on file in the Office of the Selectmen of the Town of Marshfield and another copy is to be filed at the Registry of Deeds at Plymouth, Massachusetts. Entry on the premises described being made this twenty-first day of April, 1931. The whole tract of land taken is bounded as follows: One: Commencing at a point on the Easterly side of the Dike Road about five hundred (500) feet Northerly from the dike bridge; thence running North eight degrees twenty minutes no seconds East by land of the Proprietors of Green Harbor Marsh, one hundred thirty-five (135) feet; thence running on a curve to the right of a radius of nine hundred sixty (960) feet by said land of the Proprietors of Green Harbor Marsh and by land of the Estate of B. S. Bryant, six hundred ninety-three and 06/100 (693.06) feet; thence running North forty-nine degrees forty one minutes fifty seconds East by said land of the Estate of B. S. Bryant, eight hundred twenty-three and 56/100 (823.56) feet to a point; thence turning and running South forty-six degrees nineteen minutes fifty seconds East by land of the Estate of B. S. Bryant, Seada Haddad, Delia J. Barron, Horace B. Maglathlin, land of Heirs of Frank G. Andrews, Fred Packard, and by land of owner unknown, one thousand three hundred seventy-eight and 24/100 (1378.24) feet to a point; thence turning and running North sixty-six degrees twelve minutes thirty seconds East by land of owner unknown, ninety-three and 10/100 (93.10) feet to a point; thence turning and running South ten degrees twenty-nine minutes twenty seconds East by land of owner unknown, by land of Bessie M. Nesbit, W. A. Keen, W. E. Murphy, William L. Morse, and Anna M. Madden, four hundred two and 47/100 (402.47) feet to a point; thence turning and running North seventy-three degrees thirteen minutes ten seconds East by said land of Anna M. Madden, one hundred thirty-nine and 87/100 (139.87) feet to a point in the Westerly line of Island Street; thence running on a curve starting Southeasterly and curving more Southerly of a radius of seven hundred fifty and 10/100 (750.10) feet by Island Street to a point; thence running South five degrees thirty-three minutes twenty seconds West by Island Street, ninety and 01/100 (90.01) feet to a point and land of William Bates et al, Trustees; thence North eighty-four degrees twenty-six minutes forty seconds West by land now or formerly of said Bates and land of Blackman, one hundred sixty-five (165) feet to a corner and other land of Blackman; thence turning and running South five degrees thirty-three minutes twenty seconds West by land now or formerly of Blackman three hundred thirty-six (336) feet to a corner; thence running North eighty-four degrees twenty-six minutes forty seconds West by said land of Blackman, thirty (30) feet to a corner; thence turning and running South five degrees thirty-three minutes twenty seconds West by land of Blackman, George Paine, by Linwood Street, and land of owner unknown, two hundred sixty-seven and 15/100 (267.15) feet to Forrest Street; thence North eighty-eight degrees thirty-three minutes ten seconds West by land of Blackman, four hundred seven and 28/100 (407.28) feet to a point in the Westerly line of Cherry Street; thence turning and running North eighty-nine degrees five minutes forty seconds West by land of Elmer E. Vaughn, four hundred fifty (450) feet to Cut River; thence in a general Northwesterly direction by Cut River to the Dike Road and the point of beginning. Two: A certain parcel of land containing three and 08/100 (3.08) acres, which forms an island in Cut River, and is shown on the above mentioned plan as "Island A." Three: A certain parcel of land containing three and 37/100 (3.37) acres, which

forms an island in Cut River, and is shown on the above-mentioned plan as "Island B." Four: A certain parcel of land containing eight thousand two hundred fifty (8250) square feet, which forms an island in Cut River, and is shown on the above mentioned plan as "Island C." Five: A certain parcel of land containing two and 39/100 (2.39) acres, which forms an island in Cut River, and is shown on the above mentioned plan as "Island D." The entire tract is made up of twenty-five (25) parcels of land as shown on the above mentioned plan, and as herein described. It is further ordered that damages be awarded to the owners of the various parcels as follows: Parcel One supposed to belong to the Proprietors of Green Harbor Marsh, containing one and 52/100 (1.52) acres and is bounded Southerly by Green Harbor River; Westerly and Northerly by the Dike Road; and Easterly by land of the Estate of B. S. Bryant.

Amount awarded . . . \$1.00

Parcel Two supposed to belong to the Estate of B. S. Bryant and containing two and 24/100 (2.24) acres, is bounded as follows: Westerly by land of the Proprietors of Green Harbor Marsh; Northerly by a ditch dividing said parcel from other land of the Estate of B. S. Bryant; Easterly by a ditch dividing said parcel from land of Howard L. Baker; and Southerly by Cut River.

Amount awarded . . . \$1.00

Parcel Three supposed to belong to the Estate of B. S. Bryant and containing five and 32/100 (5.32) acres, is bounded as follows: Westerly by land of the Proprietors of Green Harbor Marsh and the Dike Road; Northerly by the Dike Road and land of owners unknown; Easterly and Southerly by land of owners unknown, land of Howard L. Baker, and other land of the Estate of B. S. Bryant.

Amount awarded . . . \$1.00

Parcel Four supposed to belong to Howard L. Baker, containing five and 64/100 (5.64) acres, bounded as follows: Northerly by a ditch dividing this parcel from the Estate of B. S. Bryant; Easterly by land of owners unknown and by Brant Rock Creek; Southerly by land of owners unknown and Cut River; Westerly by land of the Estate of B. S. Bryant.

Amount awarded . . . \$1.00

Parcel Five belonging to owners unknown and containing five and 39/100 (5.39) acres, is bounded Northerly by a ditch which divides this parcel from the Estate of B. S. Bryant; Easterly by a ditch which divides this land from land of owners unknown; Southerly by Brant Rock Creek; and Westerly by said Creek and land of Howard L. Baker.

Amount awarded . . . \$1.00

Parcel Six belonging to owner unknown, containing twenty-nine thousand six hundred (29,600) square feet, and surrounded on all sides by Brant Rock Creek.

Amount awarded . . . \$1.00

Parcel Seven belonging to owner unknown, containing five and 56/100 (5.56) acres, is bounded Northerly by land of the Estate of B. S. Bryant and land of Saada Haddad; Easterly by a portion of Brant Rock Creek which divides this land from land of owners unknown; Southerly by a portion of Brant Rock Creek which divides this lot from Parcel No. 5 referred to above; Westerly by land of the Estate of B. S. Bryant.

Amount awarded . . . \$1.00

Parcel Eight belonging to owner unknown, containing one and 58/100 (1.58) acres, bounded Northerly by a portion of Brant Rock Creek which divides this parcel from Parcel No. 7 described above; Easterly by land of owners unknown and land of Delia J. Barron; Southerly by land of Delia J. Barron; and Westerly by a portion of Brant Rock Creek which divides this parcel from Parcel No. 5 described above.

Amount awarded . . . \$1.00

Parcel Nine supposed to belong to Delia J. Barron and containing one and 12/100 (1.12) acres, is bounded Northeasterly by other land of Delia J. Barron; Southeasterly by a canal; Southwesterly by a portion of Brant Rock Creek and Parcel No. 8 described above; Northwesterly by Parcel No. 8 described above.

Amount awarded . . . \$1.00

Parcel Ten supposed to belong to Horace B. Maglathlin, containing one and 57/100 (1.57) acres, bounded Northeasterly by other land of Horace B. Maglathlin and land of the Heirs of Frank G. Andrews; Southeasterly by land of the Heirs of Frank G. Andrews; Southwest-erly by land of owners unknown, and Northwesterly by a canal.

Amount awarded . . . \$1.00

Parcel Eleven supposed to belong to the Heirs of Frank G. Andrews and containing one and 51/100 (1.51) acres; is bounded Northeast-erly by other land of the Heirs of Frank G. Andrews; Southeasterly by land of Fred Packard; Southwesterly by land of owners unknown; Northwesterly by land of Horace B. Maglathlin.

Amount awarded . . . \$1.00

Parcel Twelve supposed to belong to Fred Packard, containing twelve thousand eight hundred fifty (12,850) square feet, is bounded Northerly by other land of Fred Packard and land of owners unknown; Easterly by a ditch; Southerly by a ditch, and Westerly by land of the Heirs of Frank G. Andrews.

Amount awarded . . . \$1.00

Parcel Thirteen belonging to owners unknown and containing fifteen thousand three hundred (15,300) square feet, is bounded Northerly by a ditch and land of owners unknown; Easterly by land of owners unknown and land of Bessie M. Nesbit; Southerly by a ditch divid- ing said land from land supposed to belong to Dana B. Blackman et als; and Westerly by a ditch and land of Fred Packard.

Amount awarded . . . \$1.00

Parcel Fourteen supposed to belong to Dana B. Blackman et als, con- taining eight and 16/100 (8.16) acres, is bounded Northerly by a ditch dividing this land from Parcels No. 12 and No. 13 as des- cribed above; Easterly by land of Bessie M. Nesbit, W. A. Keen, W. E. Murphy, William L. Morse, Anna M. Madden, and a portion of Island Street; Southerly by land of William Bates et als, Trustees, land now or formerly of Blackman, and land of George Paine; West- erly by a meandering ditch dividing this parcel from land of own- ers unknown.

Amount awarded . . . \$1.00

Parcel Fifteen whose owner is unknown, containing seven and 56/100 (7.56) acres, is bounded Northerly by land of Horace B. Maglathlin described as Parcel No. 10 above, and by land of the Heirs of Frank G. Andrews described as Parcel 11 above; Easterly by a meandering creek which divides this land from land of Dana B. Blackman et als described as Parcel No. 14 above; Southerly by a portion of Brant Rock Creek, and Westerly by Brant Rock Creek.

Amount awarded . . . \$1.00

Parcel Sixteen whose owner is unknown, containing three and 19/100 (3.19) acres, is bounded Northerly by land of Howard L. Baker and a portion of Brant Rock Creek; Easterly and Southerly by a portion of Brant Rock Creek; and Westerly by Cut River.

Amount awarded . . . \$1.00

Parcel Seventeen belonging to owner unknown, containing one and 65/100 (1.65) acres, is bounded Northerly, Easterly and Southerly by Brant Rock Creek, and Westerly by Cut River.

Amount awarded . . . \$1.00

Parcel Eighteen supposed to belong to Dana B. Blackman et als, containing seven and 94/100 (7.94) acres, is bounded Northerly by Brant Rock Creek; Easterly by a ditch; Southerly by land now or formerly of Dana B. Blackman et als, by Cherry Street, land of Julia F. Vaughn et al, and land of Elmer E. Vaughn, and Westerly by Cut River.

Amount awarded . . . \$1.00

Parcel Nineteen supposed to belong to George Paine, containing six thousand three hundred twenty (6,320) square feet, is bounded Northerly by land of owners unknown and described as Parcel No. 14 above; Easterly by other land of George Paine; Southerly by Lin- wood Street; and Westerly by a ditch.

Amount awarded . . . \$1.00

Parcel Twenty whose owner is unknown, containing twenty-nine thou- sand eight hundred fifty (29,850) square feet, is bounded Northerly by a portion of Linwood Street; Easterly by land of owners unknown; Southerly by land now or formerly of Dana B. Blackman et als; and

Westerly by a ditch dividing this parcel from Parcel No. 18 described above.

Amount awarded . . . \$1.00

Parcel Twenty-one supposed to belong to Julia F. Vaughn; is bounded Easterly by Cherry Street; Southerly by land of Elmer E. Vaughn; Westerly and Northerly by land of owners unknown and described as Parcel No. 18 above.

Amount awarded . . . \$1.00

Parcel Twenty-two belonging to owner unknown, containing three and 08/100 (3.08) acres, and is shown as "Island A" in Cut River.

Amount awarded . . . \$1.00

Parcel Twenty-three belonging to owner unknown, containing three and 37/100 (3.37) acres, is shown as "Island B" in Cut River.

Amount awarded . . . \$1.00

Parcel Twenty-four belonging to owner unknown, containing eight thousand two hundred fifty (8,250) square feet, is shown as "Island C" in Cut River.

Amount awarded . . . \$1.00

Parcel Twenty-five belonging to owner unknown, containing two and 39/100 (2.39) acres, is shown as "Island D" in Cut River.

Amount awarded . . . \$1.00

All the above parcels are shown on the plan above referred to, filed with this Taking. WITNESS our hands this twenty-first day of April, nineteen hundred and thirty-one.

Ralph C. Ewell

F. L. Sinnott

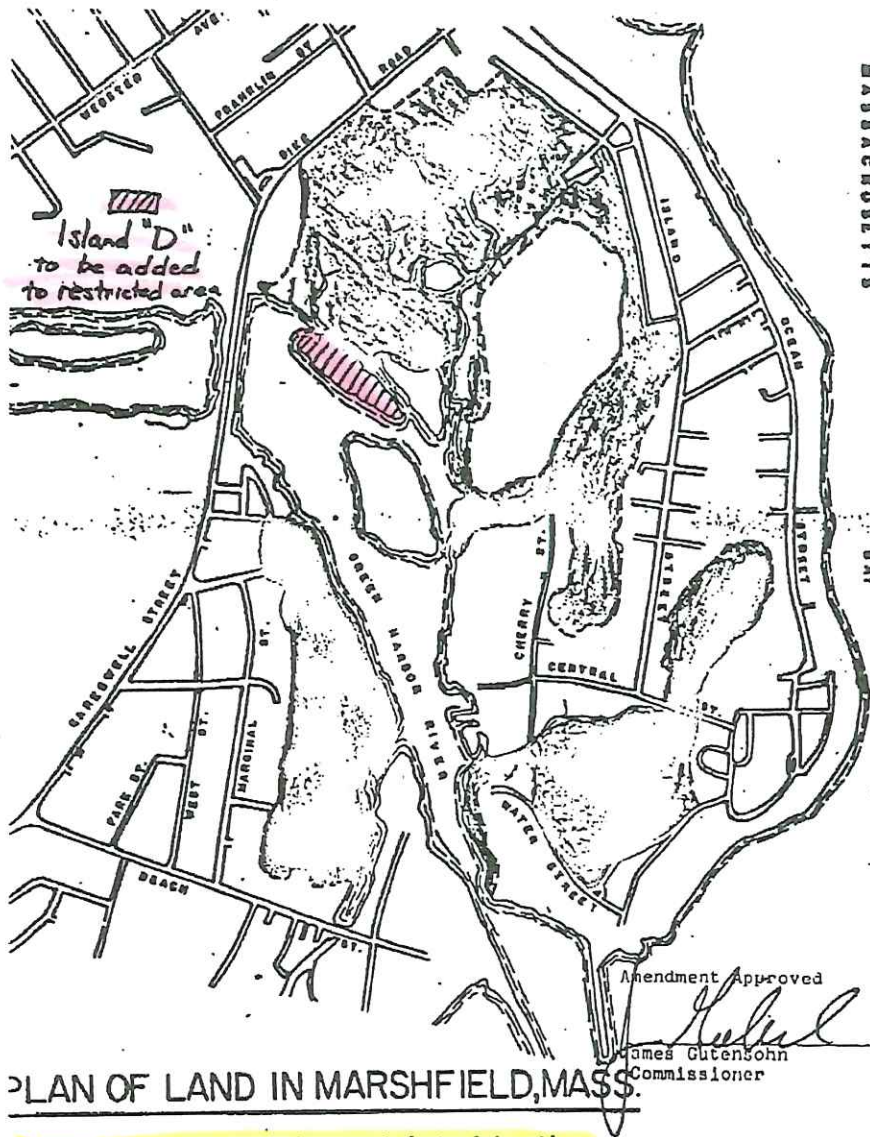
Charles C. Langille

Selectmen of the Town of Marshfield

Rec'd Apr. 22, 1931 at 10.10 A.M. & recorded.

Holmes
to
Holmes

I, William B. Holmes, of Plymouth, Plymouth County, Massachusetts, for consideration paid, grant to my brother, Ernest V. Holmes, of said Plymouth, with WARRANTY COVENANTS. 1. All my right, title and interest in and to a certain parcel of wood and swamp land, situated near Small Gains, so-called, in said PLYMOUTH, and particularly bounded and described in two deeds, the first given by Joseph L. Brown to George W. Cobb January 28, 1871 and recorded in the Plymouth County Registry of Deeds, Book 375, Page 226 and the second given by Eliza C. Cox February 2, 1872 and recorded in said Registry, Book 394, Page 69. Being the same premises conveyed to my late father, Solomon M. Holmes, by Ruth I. Burgess, Kate H. Morton, L. Emma Cobb and Alma A. Shephard, as the heirs of George W. Cobb and Katherine S. Cobb, by deed dated April 22, 1903 and recorded in said Registry, Book 880, Page 162. 2. Also hereby conveying all my right, title and interest in and to a certain parcel of cedar swamp land, containing six (6) acres, more or less, situated at Small Gains, in said PLYMOUTH and being the same premises which Asubah Morton, Administratrix of the Estate of Lemuel Morton, conveyed to Freeman Morton by deed dated February 9, 1827, and recorded in said Registry, Book 190, Page 68, excepting therefrom a small lot conveyed by Freeman Morton to the Town of Plymouth by deed recorded in said Registry, Book 709, Page 212, and also a piece of land conveyed by Alvan G. Morton to George W. Cobb by deed recorded in said Registry, Book 375, Page 227. Being the same premises conveyed to said Solomon M. Holmes by Charles E. Stevens by deed dated January 17, 1903, and recorded in said Registry, Book 880, Page 163. 3. Also hereby conveying all my right, title and interest in and to a certain parcel of land situated at Small Gains, in said PLYMOUTH, containing forty (40) acres, more or less, and bounded as follows: Beginning at Briggs Corner, a white oak tree near the shore of Billington Sea; thence running about southerly across the end of the cranberry bog to a corner in the cedar swamp; thence easterly by range of Cox to a corner at Small Gains Brook; thence by the brook to Billington Sea; thence by the shore of Billington Sea to bounds first mentioned. Being the same premises conveyed to Everett F. Sherman by deed of Thomas O. Jackson et al, dated December 21, 1892, and recorded in said Registry, Book 654, Page



BOOK 951 PAGE 19
 MASSACHUSETTS

PLAN OF LAND IN MARSHFIELD, MASS.

Showing an area to be restricted by the Department of Natural Resources under the authority of Chapter 130, Section 105 of the General Laws. REC'D JAN 28 1985 AT 9-45 AM AND RECORDED

ADOPTED AND APPROVED
 JUNE 24, 1971

Arthur W. Brownell
 ARTHUR W. BROWNELL
 COMMISSIONER

PLAN OF LAND
IN MARSHFIELD, MASS.
Town, 1837
Wm. P. Faxon



Form B

DEP File No.

SE 42-166

(To be provided by DEP)



Commonwealth of Massachusetts

City Town Marshfield

Applicant Town of Marshfield/
Planning Board

Certificate of Compliance Massachusetts Wetlands Protection Act, G.L. c. 131, §40

From Department of Environmental Protection Issuing Authority

To Town of Marshfield/Planning Board Town Hall, Marshfield, MA 02358
ATTN: Clare Hurley (Name) (Address)

Date of Issuance December 16, 1992

This Certificate is issued for work regulated by an Order of Conditions issued to Town of Marshfield/
Planning Department dated October 15, 1984 and issued by the DEQE

1. It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
2. It is hereby certified that only the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed: (If the Certificate of Compliance does not include the entire project, specify what portions are included.)
3. It is hereby certified that the work regulated by the above-referenced Order of Conditions was never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Act may be commenced without filing a new Notice of Intent and receiving a new Order of Conditions.

(Leave Space Blank)

Received & Recorded
PLYMOUTH COUNTY
REGISTRY OF DEEDS
29 JAN 1993 03:30PM
JOHN D. RIORDAN
REGISTER

Mail!
Clare Hurley
Town Planner
Town of Marshfield
Marshfield Town Hall
Marshfield, MA 02050

- 4. This certificate shall be recorded in the Registry of Deeds or the Land Court for the district in which the land is located. The Order was originally recorded on November 28, 1984 (date) at the Registry of Plymouth County, Book 5876, Page 309.
- 5. The following conditions of the Order shall continue: (Set forth any conditions contained in the Final Order, such as maintenance or monitoring, which are to continue for a longer period.)

Issued by Department of Environmental Protection

Signature(s) Elizabeth A. Kouloheras
Elizabeth A. Kouloheras, Chief, Wetlands Section

When issued by the Conservation Commission this Certificate must be signed by a majority of its members. On this 16th day of December, 19 92, before me personally appeared Elizabeth A. Kouloheras, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Cheryl A. Bump 4-8-94
Notary Public My commission expires

Detach on dotted line and submit to the _____

To _____ Issuing Authority

Please be advised that the Certificate of Compliance for the project at:

File Number _____ has been recorded at the Registry of _____

and has been noted in the chain of title of the affected property on _____, 19 _____

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant

BK 11619PG003

-2-

cc: Marshfield Conservation Commission
870 Moraine Street
Marshfield, MA 02050

MCZM
100 Cambridge Street
Boston, MA 02202
ATTN: Jim O'Connell

Sally Newbury, Esq.
Conservation Law Foundation
62 Summer Street
Boston, MA

Robert L. Marzelli, Esq.
Town Counsel
95 Church Street
Pembroke, MA 02359

Daniel W. McHugh, Jr.
Great Meadow Farm
Rowley, MA 01970

← END OF INSTRUMENT →



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE

20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

August 13, 2004

Secretary Ellen Roy Herzfelder
Executive Office of Environmental Affairs
ATTN: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: MARSHFIELD. – ENF Review
EOEA #13318 - Federal
Navigation Project Maintenance
Dredging at Green Harbor

Dear Secretary Herzfelder,

The Southeast Regional Office of the Department of Environmental Protection has reviewed the Environmental Notification Form (ENF) for the proposed maintenance dredging project (Federal Navigation Project) to be located at Green Harbor, Marshfield, Massachusetts (EOEA #13318). The project proponent provides the following information for the project:

“The proposed project is to provide maintenance dredging to restore the authorized depths of the existing 6-foot anchorage area located within the inner harbor of Green Harbor in order to improve navigation and safety. The proposed dredging will be accomplished through hydraulic methods and sediments will be pumped via pipeline to the existing sediment containment basin located at the Town of Marshfield’s Dredge Spoils Area (DSA) on Joseph Driebeek Way.

Permits listed in the ENF to be sought for the project include the following:

**Chapter 91 License
401 Water Quality Certification
Marshfield Conservation Commission – Order of Conditions
Marshfield Zoning Board of Appeals Approval”**

The Wetlands and Waterways Program has reviewed the proposal to maintenance dredge approximately 50,000 cubic yard of material from the 6-foot federal anchorage area within Green Harbor. The dredge spoils will be pumped to the Town of Marshfield’s dredge spoils area and

This information is available in alternate format. Call Debra Doherty, ADA Coordinator at 617-292-5565. TDD Service - 1-800-298-2207.

DEP on the World Wide Web: <http://www.mass.gov/dep>

Printed on Recycled Paper

utilized to permanently close the containment area. The project requires an Order of Conditions under the Wetlands Protection Act, a 401 Water Quality Certification and a Chapter 91 Permit. The following comments are based on a review of the ENF.

- The ENF indicates that the federal anchorage area has been dredged several times since the late 1960's, but does not reference any previously issued Chapter 91 Permits. The Department will request this information during the permitting review.
- The ENF indicates that several piggy-back projects will likely utilize the Town of Marshfield dredge spoils area, but gives no indication whether these projects will be done concurrently with the dredging of the federal anchorage area. During the permitting of this project, the Department will seek information regarding a timeline for a final closure of the dredge spoils area.
- The Department supports the Proponent's request for a waiver for a mandatory EIR.

The Division of Solid Waste Management has reviewed the ENF and indicates the following comments:

The Town of Marshfield has stated that the preferred alternative to manage dredge that is too fine-grained for use as beach nourishment is to use the dredge as fill as part of the closure of the Town of Marshfield's Dredge Spoils Area (DSA) located on Joseph Driebeek Way. In the ENF the Town states that: *"To address public health and safety concerns, the Town will permanently fill in the containment basin with dewatered dredge sediments to close the site and allow for future development of the area."*

Project Background:

- The Army Corps expects to generate 50,000 cubic yards of marine silty sediments from the dredging of Green Harbor.
 - There are several other piggyback dredge projects (town and local entities) that are expected to generate another 20,000-30,000 cubic yards of sediments (Total dredge volume = 80,000 yards).
 - The Department has met with the Town on several occasions to discuss the proposed project and issued a Memorandum on the project (Attachment 5 of ENF) regarding potential dredge management options.
1. The proposal to reuse the dredge from this project to fill in the DSA is consistent with the Department's April 7, 2004 Memorandum and Solid Waste Management Regulations (310 CMR 19.000 and 310 CMR 16.00). Reuse of the dredge will be permitted under 401 Water Quality Certification Program and 314 CMR 9.00. No permit is required from the solid waste section for the proposed reuse.
 2. The dredge has the potential to generate nuisance odors. An odor management plan should be submitted as part of the 401 Water Quality Certification permit that includes contact information (e.g. contact person and a phone number the public can call in the event of odors) and mitigation measures.

Please contact Mark Dakers at the Department's Southeast Regional Office (508) 946-2847 should you have any questions relative to the solid waste portion of this comment memo.

Based on the information provided in the ENF, the Bureau of Waste Site Cleanup (BWSC) searched its database for disposal sites and release notifications. The subject project was not listed as a current site. In addition, no other disposal sites were listed in the immediate vicinity of the proposed project. The Project Proponent is advised that, if oil and/or hazardous material is identified during the implementation of this project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to the Department, if necessary. A Licensed Site Professional (LSP) may be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary or prudent if contamination is present. The BWSC may be contacted for guidance if questions regarding cleanup arise.

The DEP Southeast Regional Office appreciates the opportunity to comment on this proposed project. If you have any questions regarding these comments, please contact Sharon Stone at (508) 946-2846.

Very truly yours,

David A. DeLorenzo,
Deputy Regional Director,
Bureau of Resource Protection

DD/SS

Cc: DEP/SERO

ATTN: David Johnston,
Deputy Regional Director

Elizabeth Kouloheras
Chief, Wetlands and Waterways

David Burns
Team Leader, South Coastal Watershed

David Ellis
Chief, Solid Waste Management

Richard Keith
Chief, Municipal Services

Cc: DEP/Boston

ATTN: Leena McQuaid



Town of Marshfield

COMMONWEALTH OF MASSACHUSETTS

CONSERVATION COMMISSION

October 17, 1985

TO: Board of Selectmen
Town Administrator
Green Harbor Development Committee
Planning Board
Advisory Board

FROM: H. Warren Harrington,
Conservation Administrator

RE: Harbor Disposal Site by Waste Water Treatment Plant

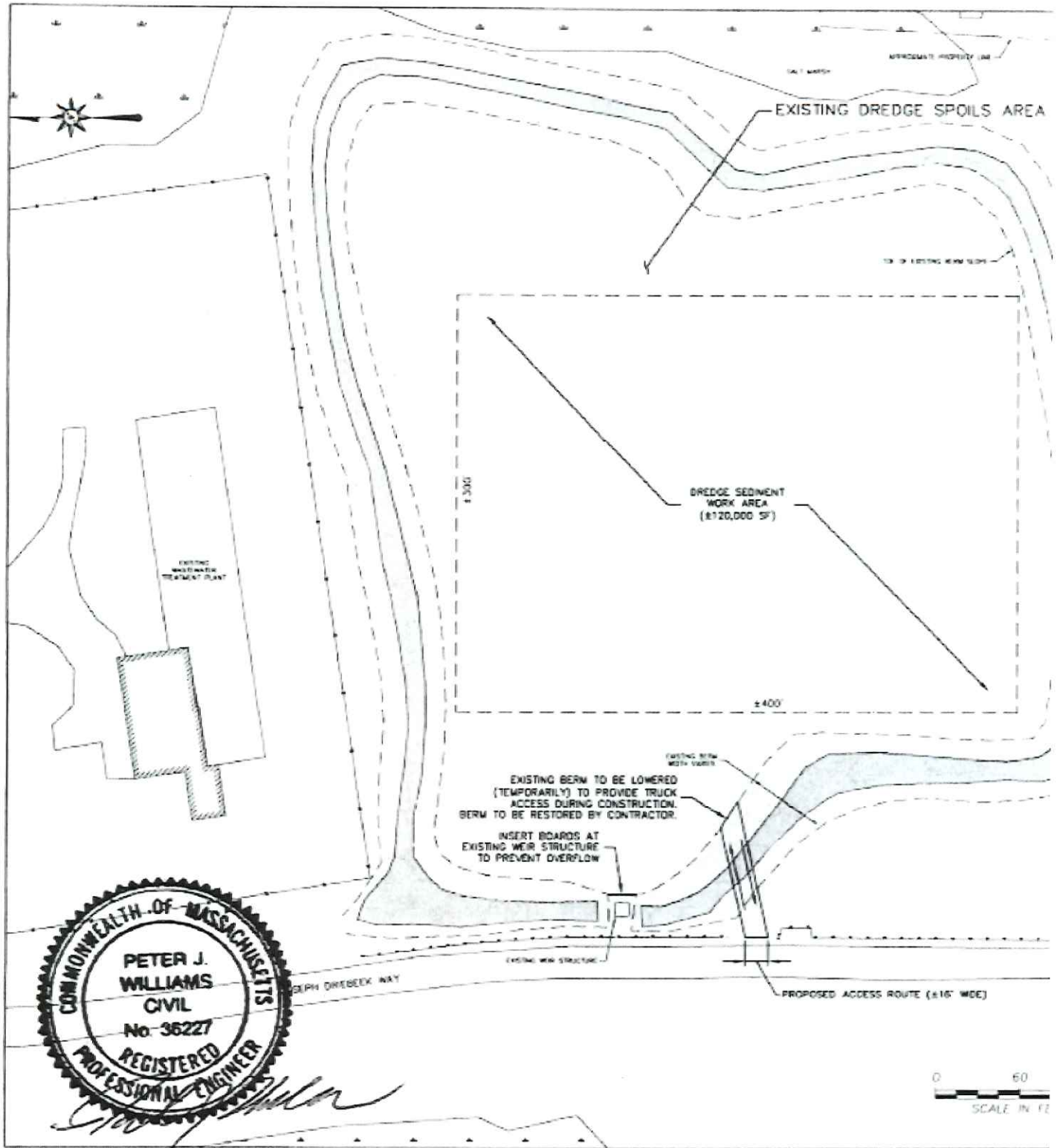
I have enclosed pages from the 1984 "Environmental Assessment" regarding Dredging at Green Harbor by the Corps of Engineers. Of current interest is Section C3c Upland Disposal on page 2:

c. Upland Disposal

An upland disposal site which has previously been used for disposal of material from Green Harbor exists in the salt marsh area north of the current dredging area. This disposal site is of limited capacity, however, and it is more effectively utilized for disposal of silty material which is periodically dredged from the upper channel and anchorage areas in Green Harbor for which there are no practical disposal alternatives.

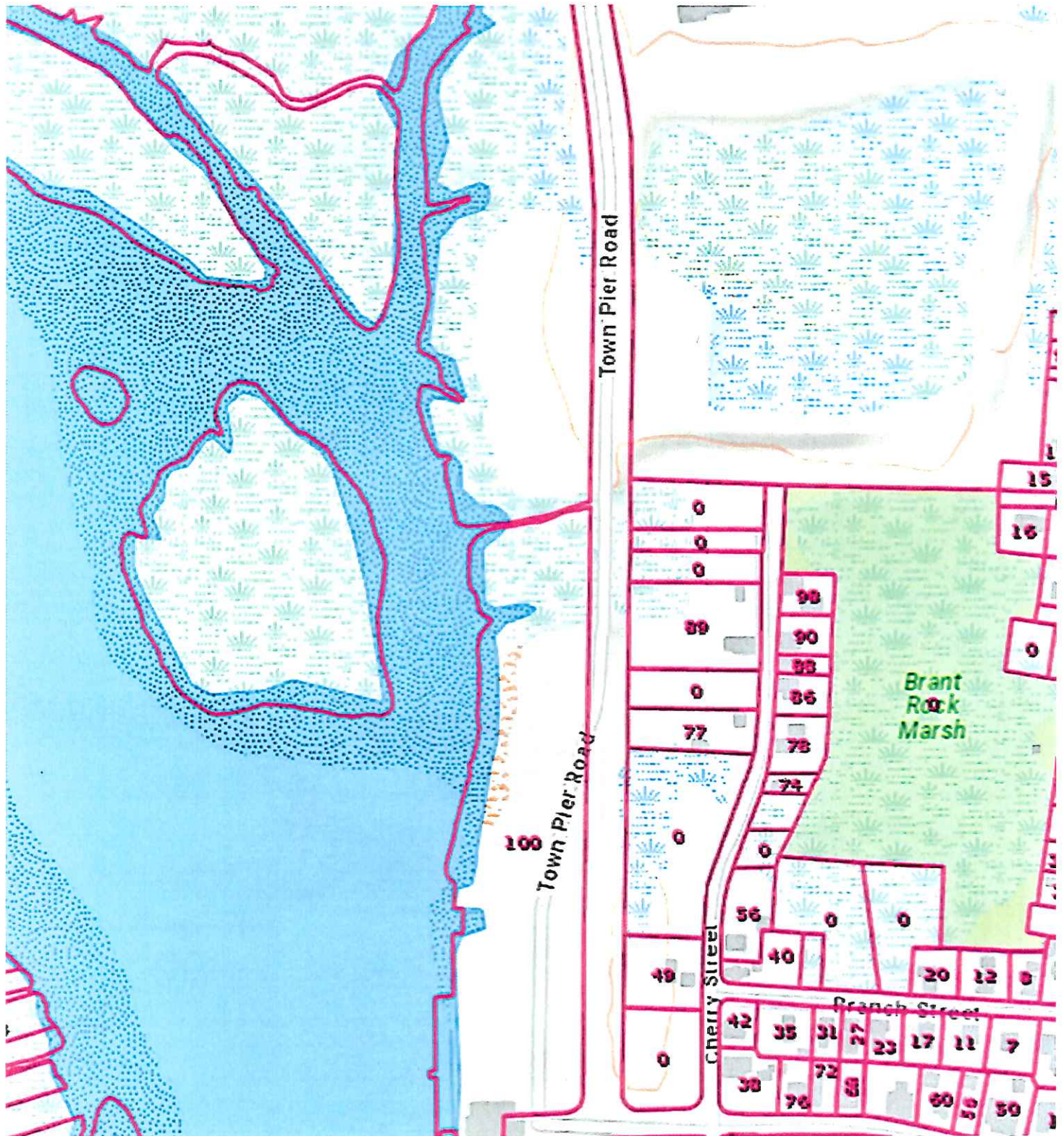
I believe, the upland disposal site mentioned in this section is critical to maintaining the inner harbor over future years. If this site is to be developed an alternative inner harbor site should be found. If this site is to remain a spoil site, a removal of present drained spoil to Town land fill project should be started to ready the site for future dredging.

Enclosures

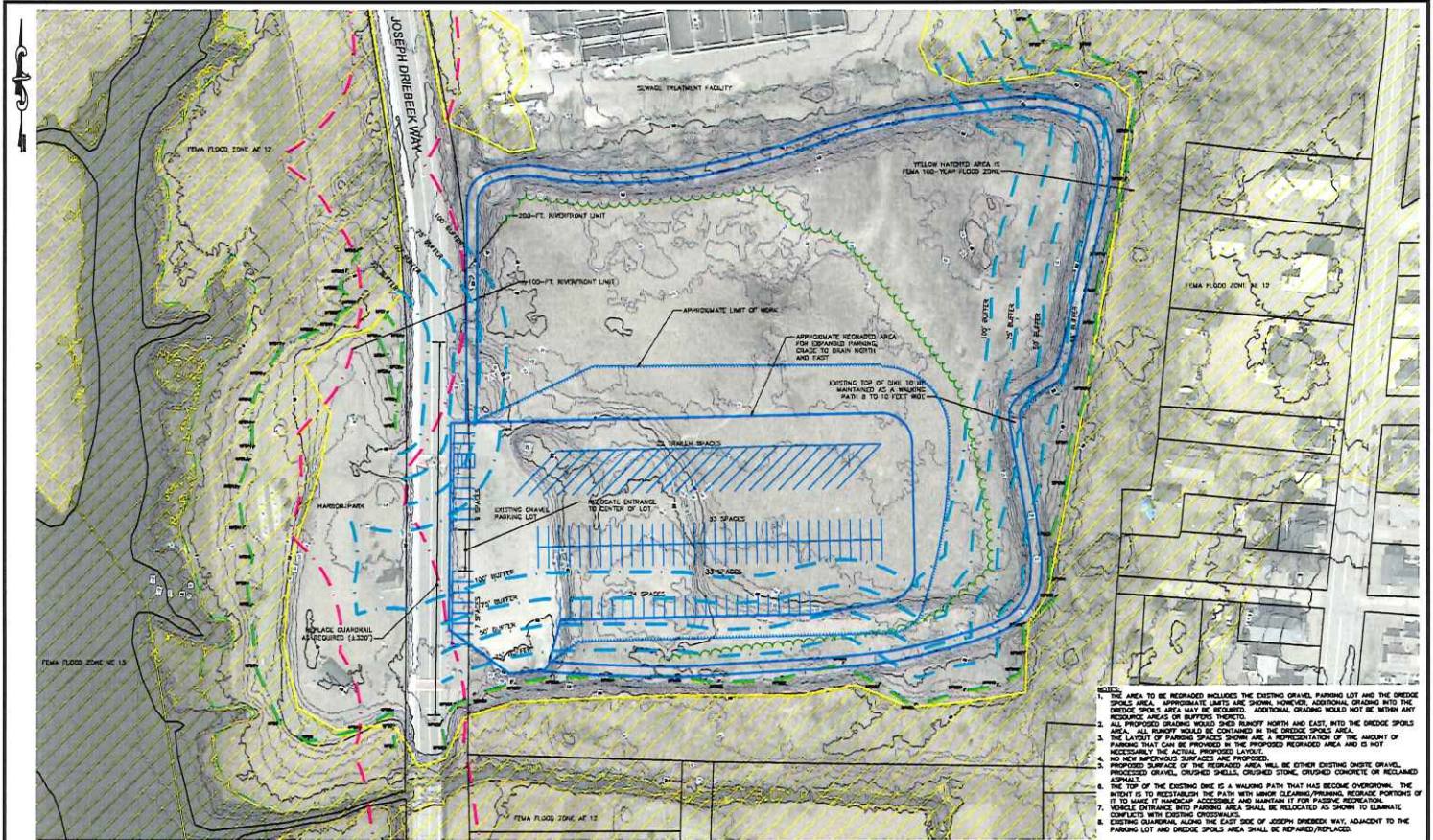


Regarding the Harbor Master DiMeo's planned path activity on the berm that confines the dredge spoil area (DSA), I wanted to provide some additional information about the recreational beneficial use and the existing Conservation permitting. Presently, the path is in rough shape with herbaceous plants such as black berry and opportunistic vines and sapling trees such as Staghorn sumac blocking the walking path in sections. Once it is cleared, it will be a great walking path weaving through birch trees that have grown along the berm and afford views of the Brant Rock Marsh and Green

Harbor with parking at the existing Harbor Park, the Town Pier and beach access parking at the corner of Careswell and Joseph Dribeek. See excerpt below taken from MassGIS MassMapper.



There were additional questions about property ownership that Mike DiMeo addressed with Town Council showing the property is under the care and custody of the Select Board. The evidence is recorded at the Plymouth County Registry of Deeds in Book 1610; Page 508 and Plan Book 5; Page 85.



1. THE AREA TO BE REGRADED INCLUDES THE EXISTING GRAVEL PARKING LOT AND THE DREDGE SPILLS AREA. APPROXIMATE LIMITS ARE SHOWN. HOWEVER, ADDITIONAL GRADING INTO THE DREDGE SPILLS AREA MAY BE REQUIRED. ADDITIONAL GRADING WOULD NOT BE WITHIN ANY RECREATION AREAS OR BUFFERED AREAS.
2. ALL PROPOSED GRADING WOULD BE CONFINED TO THE DREDGE SPILLS AREA. ALL BUFFER AREAS WILL BE MAINTAINED AS SHOWN.
3. THE LAYOUT OF PARKING SPACES SHOWN ARE A REPRESENTATION OF THE AMOUNT OF PARKING THAT CAN BE PROVIDED IN THE PROPOSED REGRADED AREA AND IS NOT NECESSARILY THE ACTUAL PROPOSED LAYOUT.
4. NO NEW IMPAVED SURFACES ARE PROPOSED.
5. PROPOSED SURFACE OF THE REGRADED AREA WILL BE EITHER EXISTING CRUSHED GRAVEL, PROCESSED GRAVEL, CRUSHED SHELLS, CRUSHED CONCRETE OR RECLAIMED ASPHALT.
6. THE TOP OF THE EXISTING DUNE IS A WALKING PATH THAT HAS BECOME OVERGROWN. THE INTENT IS TO REESTABLISH THE PATH WITH MOUND CLEARING, PRUNING, REGRADE PORTIONS OF IT TO MAKE IT HANDICAP ACCESSIBLE AND MAINTAIN IT FOR PLEASANT RECREATION.
7. DUNE ENTRANCE INTO PARKING AREA SHALL BE RELOCATED AS SHOWN TO ELIMINATE CONFLICTS WITH EXISTING OVERGROWN.
8. EXISTING QUARRIES ALONG THE EAST SIDE OF JOSEPH DRIEBEEK WAY, ADJACENT TO THE PARKING LOT AND DREDGE SPILLS AREA SHALL BE REPAIRED/REPLACED.

- MAPING NOTES:**
1. BACK RAINGE FROM MASSGIS 2018 ORTHOPHOTOS.
 2. PARCEL LINES FROM MASSGIS STANDARDIZED ASSESSOR'S PARCELS (MARSHFIELD FY 2021).
 3. TOPOGRAPHY FROM NOAA 2018 LEAD DATA.
 4. FLOOD ZONE LIMITS FROM LOAR 20-01-028A-20073 SHAW FILES.
 5. VERTICAL DATUM IS NAVD 1986. MEAN HIGH WATER LINE ELEVATION = 4.06 FOR TIDAL DATUM 8446009, BRAINT BOD, GREEN HARBOR RIVER, MA.
 6. 310 CUR 10.342212.G IN TIDAL RIVERS THE MEAN ANNUAL HIGH-WATER LINE IS COINCIDENT WITH THE MEAN HIGH WATER LINE (MHW). (4.00).
 7. 310 CUR 10.342212.G. HUMAN-MADE CANALS AND REGULATED DITCHES ASSOCIATED WITH COASTAL RIVERS DO NOT HAVE RIVERFRONT AREAS.
 8. WETLANDS FLAGGED BY JASON ZIMMER IN JANUARY 2021.

SITE PLAN



REVISIONS NO. DATE BY 1. 08/01/2024 JZ		AMORY ENGINEERS, P.C. DUXBURY, MASSACHUSETTS		OFFICE OF THE HARBORMASTER MARSHFIELD, MASSACHUSETTS		CIVIL		
DRAWN BY: JZ CHECKED BY: JZ DATE: 08/01/2024	FILE NAME: AS SHOWN SHEET NO.: 11 DATE: 08/01/2024	PROJECT: 24-00000000-0000 CLIENT: AS SHOWN PROJECT NO.: 24-00000000-0000	PROJECT: 24-00000000-0000 CLIENT: AS SHOWN PROJECT NO.: 24-00000000-0000	PARKING AREA EXPANSION PARCEL M07-01-01 - JOSEPH DRIEBEEK WAY SITE PLAN PROPOSED IMPROVEMENTS				SHEET 1 OF 1

AMORY ENGINEERS, P.C.
 100 STATE STREET, SUITE 200
 DUXBURY, MASSACHUSETTS 01928
 TEL: 978-261-1111 FAX: 978-261-1112
 WWW.AMORYENGINEERS.COM

Maresco, Michael

From: Dimeo, Mike <mdimeo@marshfieldpolice.org>
Sent: Thursday, February 3, 2022 2:40 PM
To: Maresco, Michael
Subject: dsa
Attachments: Harbor Park Parking lot NOI File SE42-2929.PDF; Harbor Park & DSA area North.jpg; DSA looking West.jpg

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

mail 2
Marshfield Harbormaster
1639 Ocean St
Marshfield, MA 02050



2021 00077342

Bk: 55272 Pg: 306 Page: 1 of 16
Recorded: 07/07/2021 11:45 AM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Code of the Town of Marshfield/Chapter 294 Wetlands Protection
& Chapter 505 Wetlands Protection Regulations

Provided by MassDEP:
SE42-2929
MassDEP File #

eDEP Transaction #
Marshfield
City/Town

A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

Important:
When filling
out forms on
the
computer,
use only the
tab key to
move your
cursor - do
not use the
return key.



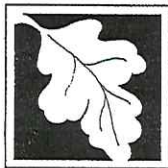
1. From: Marshfield
Conservation Commission

2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:
Michael DiMeo
a. First Name b. Last Name
Marshfield Harbormaster
c. Organization
1639 Ocean Street
d. Mailing Address
Marshfield MA 02050
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
a. First Name b. Last Name
c. Organization
d. Mailing Address
e. City/Town f. State g. Zip Code

5. Project Location:
Joseph Driebeek Way Marshfield
a. Street Address b. City/Town
M07 03-01
c. Assessors Map/Plat Number d. Parcel/Lot Number
Latitude and Longitude, if known: N42d05m8.6s W70d38m42.5s
d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
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& Chapter 505 Wetlands Protection Regulations

Provided by MassDEP:
SE42-2929
MassDEP File #

eDEP Transaction #
Marshfield
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Plymouth
a. County _____ b. Certificate Number (if registered land) _____
1610 _____ 508 _____
c. Book _____ d. Page _____
7. Dates: 05/13/2021 06/01/2021 06/09/2021
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Parking Area Expansion - Site Plan, Proposed Improvements
a. Plan Title _____
Amory Engineers, P.C. _____ Patrick G. Brennan, R.P.E. _____
b. Prepared By c. Signed and Stamped by
May 11, 2021 _____ 1" = 40' _____
d. Final Revision Date e. Scale
Green Harbor, Army Corps of Engineers _____ June 1969 _____
f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
g. Groundwater Supply h. Storm Damage Prevention i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Code of the Town of Marshfield/Chapter 294 Wetlands Protection
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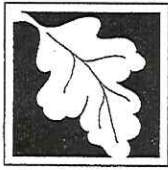
B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 12 a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Code of the Town of Marshfield/Chapter 294 Wetlands Protection
& Chapter 505 Wetlands Protection Regulations

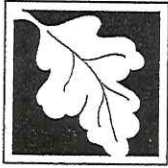
Provided by MassDEP:
SE42-2929
MassDEP File #

eDEP Transaction #
Marshfield
City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ cu yd	_____ cu yd
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____	_____		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	_____	_____	_____	_____
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	_____	_____	_____	_____
	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Code of the Town of Marshfield/Chapter 294 Wetlands Protection
& Chapter 505 Wetlands Protection Regulations

Provided by MassDEP:
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Marshfield
City/Town

B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 6/09/2024 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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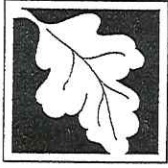
Provided by MassDEP:
SE42-2929
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Marshfield
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number SE42-2929 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See Attached

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Marshfield hereby finds (check one that applies):
Conservation Commission

- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Ch 294 Wetlands Protection & Ch 505 Wetlands Protection Regulations

Ch 204 & 505

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See Attached



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City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

6/9/2021
1. Date of Issuance
6
2. Number of Signers

Marshfield Conservation Commission

Craig Hannafin
Signature

Craig Hannafin, Chair
Printed Name

Bert O'Donnell
Signature

Bert O'Donnell, Vice Chair
Printed Name

Arthur Lage
Signature

Arthur Lage
Printed Name

Joseph Ring
Signature

Joseph Ring
Printed Name

Rick Carberry
Signature

Rick Carberry
Printed Name

Susan Caron
Signature

Susan Caron
Printed Name

Signature

Printed Name

Signature

Printed Name

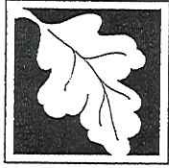
by hand delivery on

by certified mail, return receipt requested, on

6/9/2021

Date

Date



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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 City/Town

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Marshfield

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Marshfield

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Josephy Driebeek Way, Marshfield, MA

Project Location

SE42-2929

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Plymouth

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

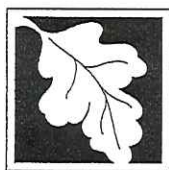
If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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City/Town

SPECIAL CONDITIONS:

A. All work shall be done in accordance with the final approved plans referenced in A. General Information/Item 8. There shall be no deviation from this plan unless written approval from the Commission is obtained prior to implementing desired changes.

B. The Conservation Administrator will be the overseer of all work on this project for the Conservation Commission. Prior to the start of any excavation or construction, there shall be a pre-construction conference on the site between the contractor responsible for the work, the project engineer and an agent of the Conservation Administrator to ensure that the requirements of Orders are understood.

C. The Conservation Administrator shall be given 48-hours' notice prior to the beginning of construction of the planned work described in the plan of record.

D. The new structure shall not be located any closer to the wetlands than shown on the plan of record. There shall be no deviation from this plan unless written approval from the Commission is obtained prior to implementing the changes desired. The following project specific conditions apply:

d(1) Before commencing the proposed work:

- Register both sets of Orders (State and Town) with the Plymouth County Registry of Deeds and provide evidence to the Conservation Office and post Mass DEP Sign.
- Follow all pertinent Marshfield Bylaws such as (217/sea walls; 305-13.01/inland wetland district & 305-13.02/coastal wetland district) and any other pertinent Marshfield Bylaws.
- Obtain all subsequent permits (local, state and federal) such as the Marshfield Building Department, the Marshfield Zoning Board of Appeals, and any other pertinent permits.
- Applicant shall observe 310 CMR 10.05 requirements that No Work Shall Commence until all applicable administrative appeal periods have elapsed.
- Coordinate pre-construction site meeting with Conservation Administrator/Agent.

d(2) During construction of the proposed work:

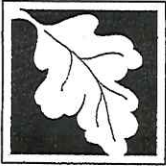
- Ensure best management practices are followed.
- Ensure the footprint of the subsurface remains open or use pervious coverage only.

d(3) Post construction of the proposed work/Ongoing Conditions:

- Ensure the footprint of the subsurface remains open or use pervious coverage only. This condition remains in perpetuity.
- Option to perform periodic maintenance to use the area as a parking area while not impinging on the designated Dredge Spoils Area (DSA) activities, vegetative maintenance of the berm to be used as a public walking path and vegetative management as necessary of phragmites posing such risks as fire hazard or equivalent. These conditions remain in perpetuity.

E. All the above conditions must be met and review of the Orders of Conditions and the plan of record compared to the "As-Built" plan and Elevation Certificate if necessary for the Commission to issue approval in the form of a Certificate of Compliance. The "As-Built" plan and Elevation Certification shall be certified in writing by a registered land surveyor or professional engineer. After the proposed work is complete, the Conservation Administrator will perform a site visit and review of the Order Of Conditions, the plan of record, the "As-Built" plans and the elevation certificate. Based on the Conservation Administrator's findings, a request for the Certificates of Compliance will be advanced to the Marshfield Conservation Commission or not.

F. Upon completion of all the General and Special Orders of Conditions detailed above, and a favorable finding by the Conservation Administrator, the applicant is approved to request a Certificate of Compliance for the planned work under the Order of Conditions from the Marshfield Conservation Commission. Upon final approval by the Marshfield Conservation Commission, the Certificate of Compliance must be filed with the Plymouth Country Registry of Deeds



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number: _____

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

a. Street Address _____

b. City/Town, Zip _____

c. Check number _____

d. Fee amount _____

2. Person or party making request (if appropriate, name the citizen group's representative):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

4. DEP File Number: _____

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee
Transmittal Form**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Provided by DEP

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.



