

2929

Harbormaster

Joseph Driebeek Way

Harbormaster

2929



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 7 – Extension Permit for Orders of Conditions

SE42-2929
Provided by DEP

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

A. General Information

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



1. Applicant:

Michael DiMeo

Name

1639 Ocean Street

Mailing Address

Marshfield

City/Town

MA

State

02050

Zip Code

2. Property Owner (if different):

Same

Name

Mailing Address

City/Town

State

Zip Code

B. Authorization

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

06/09/2021

Date

Issued by:

Marshfield

Conservation Commission

for work at:

Joseph Driebeek Way

Street Address

M07

Assessor's Map/Plat Number

03-01

Parcel/Lot Number

recorded at the Registry of Deeds for:

Plymouth

County

55272

Book

306 & 322

Page

Certificate (if registered land)

is hereby extended until:

2/07/2027

Date

Date the Order was last extended (if applicable)

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

This Extension Permit must be signed by a majority of the Conservation Commission and a copy sent to the applicant and the appropriate DEP Regional Office (<https://www.mass.gov/service-details/massdep-regional-offices-by-community>).



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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

B. Authorization (cont.)

Issue Date (mm/dd/yyyy)

Signatures:

 Signature	Craig Hannafin, Chair Printed Name
 Signature	Bert O'Donnell, Vice Chair Printed Name
 Signature	Jesse Platt Printed Name
 Signature	John O'Donnell Printed Name
Signature	Corey Miles Printed Name
Signature	Elizabeth Lake Printed Name
Signature	Printed Name
Signature	Printed Name



Massachusetts Department of Environmental Protection

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Code of the Town of Marshfield/Chapter 294 Wetlands Protection & Chapter 505 Wetlands Protection Regulations

C. Recording Confirmation

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to this Extension Permit, have it stamped by the Registry of Deeds, and return it to the Conservation Commission.

Note: General Condition 8 of the Order of Conditions requires the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the Order of Conditions) 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, it shall be noted in the Registry's Granter Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, it shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done.

Detach this page and submit it to the Conservation Commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

To:

Marshfield
Conservation Commission

Please be advised that the Extension Permit to the Order of Conditions for the project at:

Joseph Driebek Way Marshfield, MA
Project Location

SE42-2929
DEP File Number

has been recorded at the Registry of Deeds of:

Plymouth
County

for:

Property Owner

and has been noted in the chain of title of the affected property in accordance with General Condition 8 of the original Order of Conditions on:

Date

Book

Page

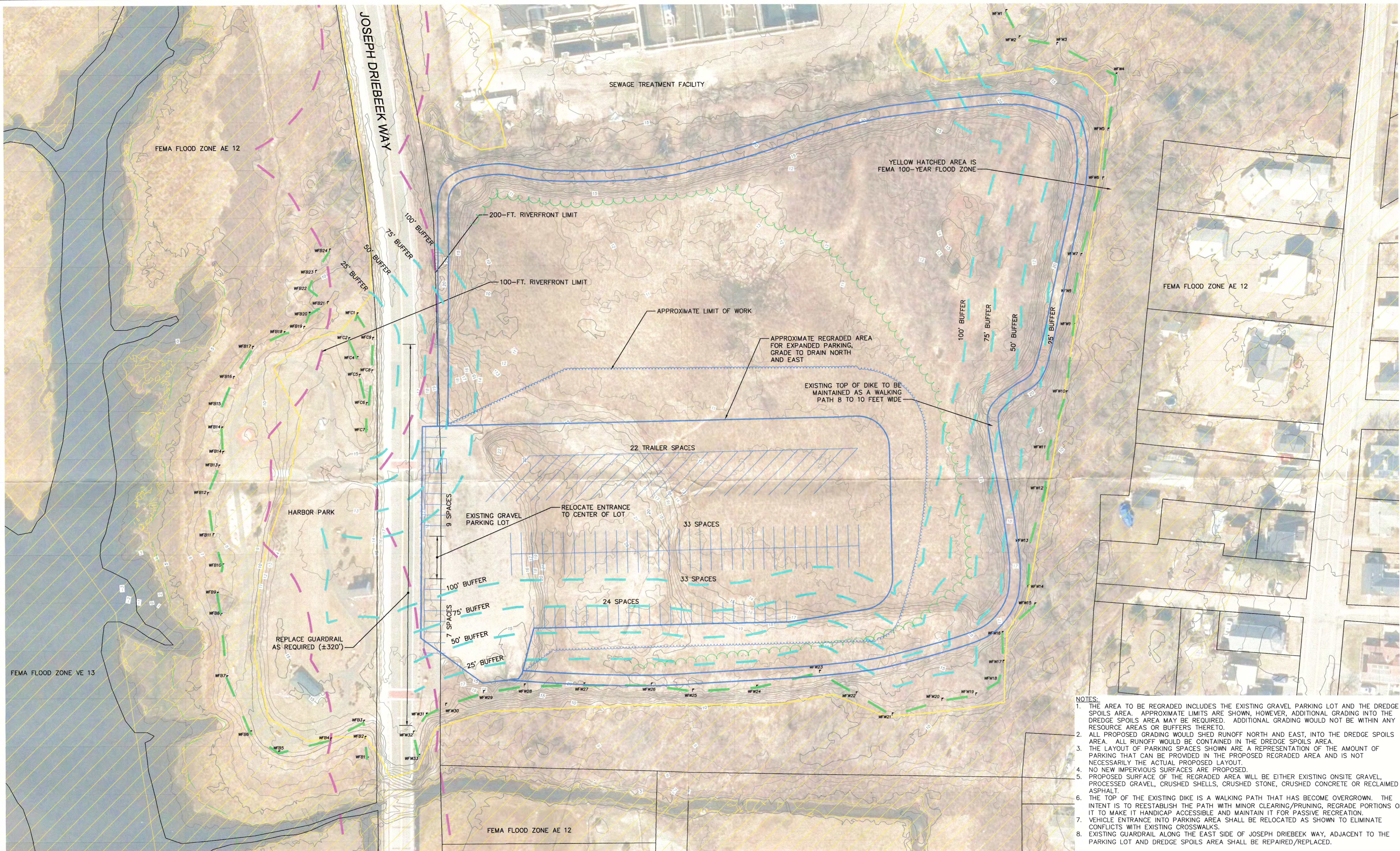
If recorded land the instrument number which identifies this transaction is:

Instrument Number

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

Document Number

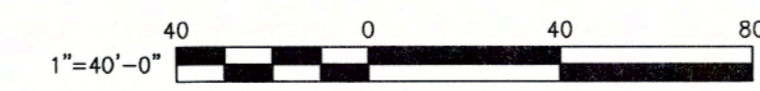
Signature of Applicant



- NOTES:
1. THE AREA TO BE REGRADED INCLUDES THE EXISTING GRAVEL PARKING LOT AND THE DREDGE SPOILS AREA. APPROXIMATE LIMITS ARE SHOWN, HOWEVER, ADDITIONAL GRADING INTO THE DREDGE SPOILS AREA MAY BE REQUIRED. ADDITIONAL GRADING WOULD NOT BE WITHIN ANY RESOURCE AREAS OR BUFFERS THERE TO.
 2. ALL PROPOSED GRADING WOULD SHED RUNOFF NORTH AND EAST, INTO THE DREDGE SPOILS AREA. ALL RUNOFF WOULD BE CONTAINED IN THE DREDGE SPOILS AREA.
 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 IMPERVIOUS SURFACES ARE PROPOSED.
 5. PROPOSED SURFACE OF THE REGRADED AREA WILL BE EITHER EXISTING ONSITE GRAVEL, PROCESSED GRAVEL, CRUSHED SHELLS, CRUSHED STONE, CRUSHED CONCRETE OR RECLAIMED ASPHALT.
 6. THE TOP OF THE EXISTING DIKE IS A WALKING PATH THAT HAS BECOME OVERGROWN. THE INTENT IS TO REESTABLISH THE PATH WITH MINOR CLEARING/PRUNING, REGRADE PORTIONS OF IT TO MAKE IT HANDICAP ACCESSIBLE AND MAINTAIN IT FOR PASSIVE RECREATION.
 7. VEHICLE ENTRANCE INTO PARKING AREA SHALL BE RELOCATED AS SHOWN TO ELIMINATE CONFLICTS WITH EXISTING CROSSWALKS.
 8. EXISTING GUARDRAIL ALONG THE EAST SIDE OF JOSEPH DRIEBEEK WAY, ADJACENT TO THE PARKING LOT AND DREDGE SPOILS AREA SHALL BE REPAIRED/REPLACED.

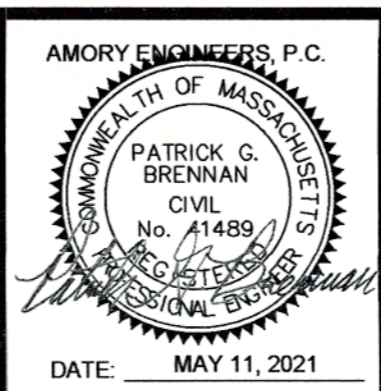
- MAPPING NOTES:
1. BASE IMAGE FROM MASSGIS 2019 ORTHOPHOTOS.
 2. PARCEL LINES FROM MASSGIS STANDARDIZED ASSESSOR'S PARCELS (MARSHFIELD FY 2021).
 3. TOPOGRAPHY FROM NOAA 2018 LIDAR DATA.
 4. FLOOD ZONE LIMITS FROM LOMR 20-01-0284P-250273 SHAPE FILES.
 5. VERTICAL DATUM IS NAVD 1988. MEAN HIGH WATER LINE ELEVATION = 4.08 FOR TIDAL DATUM 8446009, BRANT ROCK, GREEN HARBOR RIVER, MA.
 6. 310 CMR 10.58(2)2.C: IN TIDAL RIVERS THE MEAN ANNUAL HIGH-WATER LINE IS COINCIDENT WITH THE MEAN HIGH WATER LINE (EL. 4.08).
 7. 310 CMR 10.58(2)1.G: HUMAN-MADE CANALS AND MOSQUITO DITCHES ASSOCIATED WITH COASTAL RIVERS DO NOT HAVE RIVERFRONT AREAS.
 8. WETLANDS FLAGGED BY JASON ZIMMER IN JANUARY 2021.

SITE PLAN



COPYRIGHT © BY AMORY ENGINEERS, P.C. NO PART OF THIS DOCUMENT MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL, PHOTOCOPYING, RECORDING, OR OTHERWISE, WITHOUT THE EXPRESS WRITTEN CONSENT OF AMORY ENGINEERS, P.C. WITH THE EXCEPTION OF ANY REGULATORY AUTHORITY WHICH MAY REPRODUCE IT IN CONJUNCTION WITH THE PERFORMANCE OF OFFICIAL BUSINESS UNDER ITS JURISDICTION. ANY MODIFICATION MADE TO THIS DOCUMENT WITHOUT THE EXPRESS WRITTEN CONSENT OF AMORY ENGINEERS, P.C. SHALL RENDER IT UNUSABLE.

REVISIONS		
NO.	ITEM	DATE
1.	ISSUED FOR PERMITS	5/11/21



AMORY ENGINEERS, P.C.
DUXBURY, MASSACHUSETTS

DRAWN BY: PGB	FILE NAME: AS SHOWN	SCALE: AS SHOWN
DESIGNED BY: PGB	JOB NO.: 4038	DWG. NO.: **
CHECKED BY: RSJ	DATE: 5/11/21	CONTRACT: **

OFFICE OF THE HARBORMASTER MARSHFIELD, MASSACHUSETTS	CIVIL
PARKING AREA EXPANSION PARCEL M07-03-01 - JOSEPH DRIEBEEK WAY SITE PLAN PROPOSED IMPROVEMENTS	SHEET 1 OF 1

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
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the
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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:

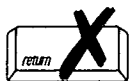
<u>Michael</u> a. First Name	<u>DiMeo</u> b. Last Name	
<u>Marshfield Harbormaster</u> c. Organization		
<u>1639 Ocean Street</u> d. Mailing Address		
<u>Marshfield</u> e. City/Town	<u>MA</u> f. State	<u>02050</u> g. Zip Code

- 4. Property Owner (if different from applicant):

<u></u> a. First Name	<u></u> b. Last Name	
<u></u> c. Organization		
<u></u> d. Mailing Address		
<u></u> e. City/Town	<u></u> f. State	<u></u> g. Zip Code

- 5. Project Location:

<u>Joseph Driebeek Way</u> a. Street Address	<u>Marshfield</u> b. City/Town	
<u>M07</u> c. Assessors Map/Plat Number	<u>03-01</u> d. Parcel/Lot Number	
Latitude and Longitude, if known:	<u>N42d05m8.6s</u> d. Latitude	<u>W70d38m42.5s</u> 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
Code of the Town of Marshfield/Chapter 294 Wetlands Protection
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Provided by MassDEP:
SE42-2929
MassDEP File #

eDEP Transaction #
Marshfield
City/Town

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 SE42-2929
Project Location 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

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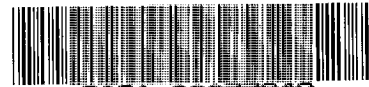
_____ Signature of Applicant

3922219

FOR DEPOSIT ONLY
ROCKLAND TRUST
Plymouth, MA 02360
Plymouth County Registry of Deeds

Receipt # - 2985036

7/7/2021



2021 00077343

Bk: 55272 Pg: 322 Page: 1 of 16
Recorded: 07/07/2021 11:45 AM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds



Town of Marshfield 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
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the Registry
of Deeds
Requirements

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

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



Town of Marshfield
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
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 SE42-2929
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Marshfield
 Conservation Commission

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To:
Marshfield
 Conservation Commission

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

Josephy Driebeek Way, Marshfield, MA SE42-2929
 Project Location 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

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_____ Instrument Number

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

_____ Document Number

_____ Signature of Applicant

3922219
 FOR DEPOSIT ONLY
 ROCKLAND TRUST
 Plymouth, MA 02360
 Plymouth County Registry of Deeds
 Receipt# - 2985036
 7/17/2021



Town Of Marshfield
Conservation Commission
870 Moraine St, Marshfield, MA 02050
(781) 834-5573

Bill Grafton
Conservation Administrator
bgrifton@townofmarshfield.org

Marshfield Harbormaster
Attn: Michael DiMeo
1639 Ocean Street
Marshfield, MA 02050

[Delivered by: Hand]
[Date: 6/9/2021]

Re: Orders of Conditions/WPA Form 5 (State & Town) – SE42-2929
Project Location – Joseph Driebeek Way, Marshfield, MA

The Orders of Conditions for the above property, issued by the Marshfield Conservation Commission, is attached, along with a copy for your records.

Prior to the commencement of the proposed work, THESE Orders of Conditions must be recorded at the Plymouth County Registry of Deeds and the stamped receipt returned to the Commission office. Only then will the Conservation Administrator sign off on the Building Permit required by the Building Inspector.

{ } If checked, an Elevation Certificate must be certified by a surveyor and included with the "Request for a Certificate of Compliance"/WPA Form 8A.

{X} If checked, an as-built plan, stamped by an engineer or surveyor, must be submitted to the Conservation Office before a Certificate of Compliance/WPA Form 8B can be issued.

When the permitted work is completed, please ask for a "Request for Certificate of Compliance" form/WPA Form 8A. Fill out form (including recording Date, Book & Page), enclose check and submit to Commission. The Certificate is necessary to remove the Orders of Conditions lien placed on the property title as recorded at the Registry of Deeds. Certificates will be issued after a site visit that confirms satisfactory completion of the project per the Order of Conditions, and a vote of the Commission at a duly posted Public Meeting.

If you have any questions, please call the Conservation Commission office at 781-834-5573.

Very truly yours,

Bill Grafton
Conservation Commission

ATTENTION: YOU HAVE TWO (2) ORIGINALS [one for the state and one for the town] AND ONE (1) COPY OF EACH ORIGINAL [total of 4 documents]. ORIGINALS MUST BE RECORDED IN THE PLYMOUTH COUNTY REGISTRY OF DEEDS.



Town of Marshfield 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

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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



Town of Marshfield 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 (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 6/09/2021
- | | | |
|--------------------------------|-------------------------------|---------------------|
| 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 | 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. <input type="checkbox"/> Public Water Supply | b. <input checked="" type="checkbox"/> Flood Control | c. <input type="checkbox"/> Shellfish |
| d. <input type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Storm Damage Prevention | f. <input type="checkbox"/> Fish |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Prevention of Pollution | i. <input checked="" type="checkbox"/> Wildlife |
| j. <input checked="" type="checkbox"/> Erosion Control | k. <input checked="" type="checkbox"/> Sedimentation Control | l. <input type="checkbox"/> Recreation |
| m. <input type="checkbox"/> Aquaculture | n. <input type="checkbox"/> Public Safety | o. <input type="checkbox"/> Agriculture |
| p. <input type="checkbox"/> Fish Habitat | q. <input type="checkbox"/> Shellfish Habitat | r. <input checked="" type="checkbox"/> Wildlife Habitat |
| s. <input type="checkbox"/> | t. <input type="checkbox"/> | u. <input type="checkbox"/> |
| v. <input type="checkbox"/> | w. <input type="checkbox"/> | x. <input type="checkbox"/> |

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.



Town of Marshfield WPA Form 5 – Order of Conditions

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Provided by MassDEP:
SE42-2929
MassDEP File # _____

eDEP Transaction # _____
Marshfield
City/Town

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 _____	b. square feet _____	c. square feet _____	d. square feet _____
	e. c/y dredged _____	f. c/y dredged _____		
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 _____



Town of Marshfield WPA Form 5 – Order of Conditions

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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	_____	_____		
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



Town of Marshfield 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.)

* #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.



Town of Marshfield 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

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.



Town of Marshfield 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

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;



Town of Marshfield 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

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.



Town of Marshfield 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

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.



Town of Marshfield 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

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:

<u>Ch 294 Wetlands Protection & Ch 505 Wetlands Protection Regulations</u>	<u>Ch 204 & 505</u>
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



Town of Marshfield 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

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



Town of Marshfield 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

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.



Town of Marshfield 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

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 SE42-2929
Project Location 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:

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

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

Signature of Applicant



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 &
505 Wetlands Protection Regulations

Provided by MassDEP:

SE42-2929

MassDEP File #

eDEP Transaction #

Marshfield

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



Town of Marshfield

Request for Departmental Action Fee Transmittal Form
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

DEP File Number:

Provided by DEP

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



Town of Marshfield

Request for Departmental Action Fee Transmittal Form

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

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.



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 (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Plymouth

a. County

1610

c. Book

b. Certificate Number (if registered land)

508

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.

b. Prepared By

May 11, 2021

d. Final Revision Date

Green Harbor, Army Corps of Engineers

f. Additional Plan or Document Title

Patrick G. Brennan, R.P.E.

c. Signed and Stamped by

1" = 40'

e. Scale

June 1969

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
& Chapter 505 Wetlands Protection Regulations

Provided by MassDEP:
SE42-2929
MassDEP File #

eDEP Transaction #
Marshfield
City/Town

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	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
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
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SE42-2929
MassDEP File #

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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.



**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

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**

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
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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;



**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

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.



**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

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.



**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

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SE42-2929
MassDEP File #

eDEP Transaction #
Marshfield
City/Town

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



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

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

6/9/2021

Date

by certified mail, return receipt requested, on

Date



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

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.



**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

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 SE42-2929
Project Location 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:

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

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

Signature of Applicant



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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505 Wetlands Protection Regulations

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Marshfield
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
Request for Departmental Action Fee
Transmittal Form

DEP File Number:

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

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

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

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.

Proposed Sampling Scope for DSA Area 2/7/21

1. Excavate 9 test pits shown on the attached to maximum depths of 10 to 15 feet, or to the depth of native peat material beneath the sediment.
2. Collect samples every 3 feet within each test pit. Samples will be collected throughout the sediment and into native material (peat) beneath the sediment.
3. Each sample will be field screened for visual and olfactory evidence of impacts and with a photoionization detector (PID) for total organic volatiles (TOVs).
4. If field screening does not identify impacts, one composite sample of the sediment samples will be submitted for laboratory analysis and one composite sample of the native material (peat) beneath the sediment will be submitted for laboratory analysis.
5. If field screening identifies impacts, the sediment sample with the most significant impacts will be submitted for analysis and the native sample with the most impacts will be submitted for analysis. Also, additional discrete samples of the sediment and the native material will be sent to the lab and placed on hold for potential future analysis if needed.
6. Samples will be analyzed for the following:
 - EPH with 17 PAHs via DEP Method 8270SIM
 - VOCs via EPA Method 5035 / 8260B
 - Total Metals via EPA Method 3050B (arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc)
 - PCBs / Congeners via EPA Method 8082
 - TCLP Metals if RCRA 20X is triggered for any metal
7. Weston & Sampson will evaluate and tabulate the data and prepare a letter report detailing the test pit sampling and analytical results. Lab results will be compared to MassDEP Reportable Concentration S-1 soil standards.

Marshfield Town Hall
Conservation Office
870 Moraine Street
Marshfield, MA 02050
781-834-5573
781-837-7163 (fax)
eflint@townofmarshfield.org

For publication in the Marshfield Mariner on Wednesday, May 26, 2021. Print one time only. Please confirm receipt to the above e-mail address. Thank you.

Joseph Driebeek Way, Marshfield, MA

**TOWN OF MARSHFIELD
CONSERVATION COMMISSION
NOTICE OF PUBLIC HEARING**

In compliance with the Regulations of Massachusetts General Laws, Chapter 131, Section 40, the "Wetlands Protection Act", and Code of the Town of Marshfield, Chapter 294 Wetlands Protection, a public hearing will be held by the Marshfield Conservation Commission on **Tuesday, June 1, 2021 at 6:30 P.M.** in Hearing Room 3, 2nd Floor, Town Hall, 870 Moraine St., Marshfield, to consider the **Notice of Intent** filed by:

The Town of Marshfield Harbormaster, 1639 Ocean Street, Marshfield, MA for a parking lot expansion within the Buffer Zone to a Bordering Vegetated Wetland at Joseph Driebeek Way, Marshfield, MA (M7-03-01)(Rick).

The public hearing will be conducted at the Marshfield Town Hall, Upper Floor Conference Room, 870 Moraine Street, Marshfield, Massachusetts. The Commission also informs the public that this public hearing may be conducted remotely as a consequence of the current public health emergency. The applicant and all interested parties are advised to check the Town website and/or Conservation Commission homepage for additional information and details.

The Notice of Intent may be viewed upon request electronically made to the Conservation Commission.

Craig Hannafin, Chair
Bert O'Donnell, Vice Chair
Art Lage
Joe Ring
Rick Carberry
Susan Caron

TO BE ADVERTISED ONE TIME ONLY
05/19/2021

- TAXES PAID
Date: _____
- ABUTTERS NOTICES VERIFIED
Date: _____
- FILE # REC'D SE42- _____
Date: _____



Part I ADMINISTRATION OF THE GOVERNMENT**Title XIX** AGRICULTURE AND CONSERVATION**Chapter** MARINE FISH AND FISHERIES
130**Section 105** PROTECTION OF COASTAL WETLANDS

Section 105. The commissioner of environmental protection may from time to time, for the purpose of promoting the public safety, health and welfare, and protecting public and private property, wildlife and marine fisheries, adopt, amend, modify or repeal orders regulating, restricting or prohibiting dredging, filling, removing or otherwise altering, or polluting, coastal wetlands. In this section "coastal wetlands" shall mean any bank, marsh, swamp, meadow, flat or other low land subject to tidal action or coastal storm flowage and such contiguous land as said commissioner reasonably deems necessary to affect by any such order in carrying out the purposes of this section.

The commissioner of environmental protection shall, before adopting, amending, modifying or repealing any such order, hold a public hearing thereon in the municipality in which the coastal wetlands to be affected are located, giving notice thereof to the state reclamation board, the

department of highways and the department of environmental management and each assessed owner of such wetlands by mail at least twenty-one days prior thereto.

Upon the adoption of any such order or any order amending, modifying or repealing the same, the commissioner of environmental protection shall cause a copy thereof, together with a plan of the lands affected and a list of the assessed owners of such lands, to be recorded in the proper registry of deeds or, if such lands are registered, in the registry district of the land court, and shall mail a copy of such order and plan to each assessed owner of such lands affected thereby. Such orders shall not be subject to the provisions of chapter one hundred and eighty-four. Any person who violates any such order, (a) shall be punished by a fine of not less than one hundred nor more than twenty-five thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars per violation. Each day such violation continues shall constitute a separate offense.

The superior court shall have jurisdiction to restrain violations of such orders.

Any person having an ownership interest, any lessees holding a lease of twenty-five years length or more and any mortgagor having an interest in land affected by any such order, may, within ninety days after receiving notice thereof, petition the superior court to determine whether such order so restricts the use of his property as to deprive him of the practical uses thereof and is therefor an unreasonable exercise of the police power because the order constitutes the equivalent of taking without compensation. If the court finds the order to be an unreasonable exercise

of the police power, as aforesaid, the court shall enter a finding that such order shall not apply to the land of the petitioner; provided, however, that such findings shall not affect any other land than that of the petitioner. The commissioner of environmental protection shall cause a copy of such finding to be recorded forthwith in the proper registry of deeds or, if the land is registered, in the registry district of the land court. The method provided in this paragraph for the determination of the issue of whether any such order constitutes a taking without compensation shall be exclusive, and such issue shall not be determined in any other proceeding, nor shall any person have a right to petition for the assessment of damages under chapter seventy-nine by reason of the adoption of any such order.

The department of environmental management may, after a finding has been entered that such order shall not apply to certain land as provided in the preceding paragraph, take the fee or any lesser interest in such land in the name of the commonwealth by eminent domain under the provisions of chapter seventy-nine and hold the same for the purposes set forth in this section.

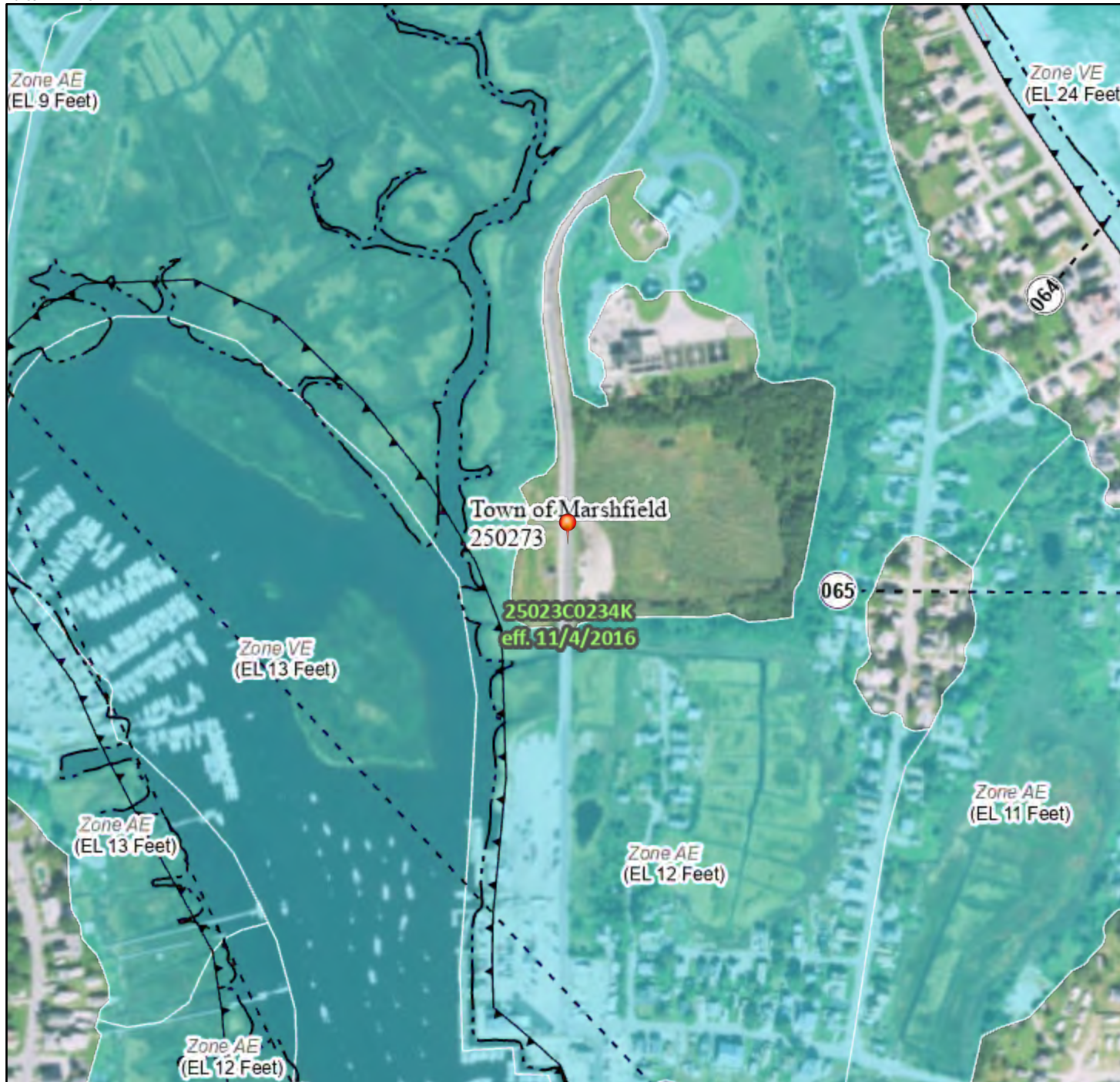
No action by the commissioner of environmental protection or the department of environmental protection under this section shall prohibit, restrict or impair the exercise or performance of the powers and duties conferred or imposed by law in the department of highways, the Massachusetts Water Resources Authority, the state reclamation board or any mosquito control or other project operating under or authorized by chapter two hundred and fifty-two.

No order adopted hereunder shall apply to any area under the control of the metropolitan district commission and the Massachusetts Water Resources Authority. No order adopted hereunder shall permit the construction in coastal wetlands of access driveways to unrestricted land except in a manner which allows the flow of the tide.

National Flood Hazard Layer FIRMMette



70°39'2"W 42°5'22"N



70°38'25"W 42°4'56"N

Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance
		17.5 Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



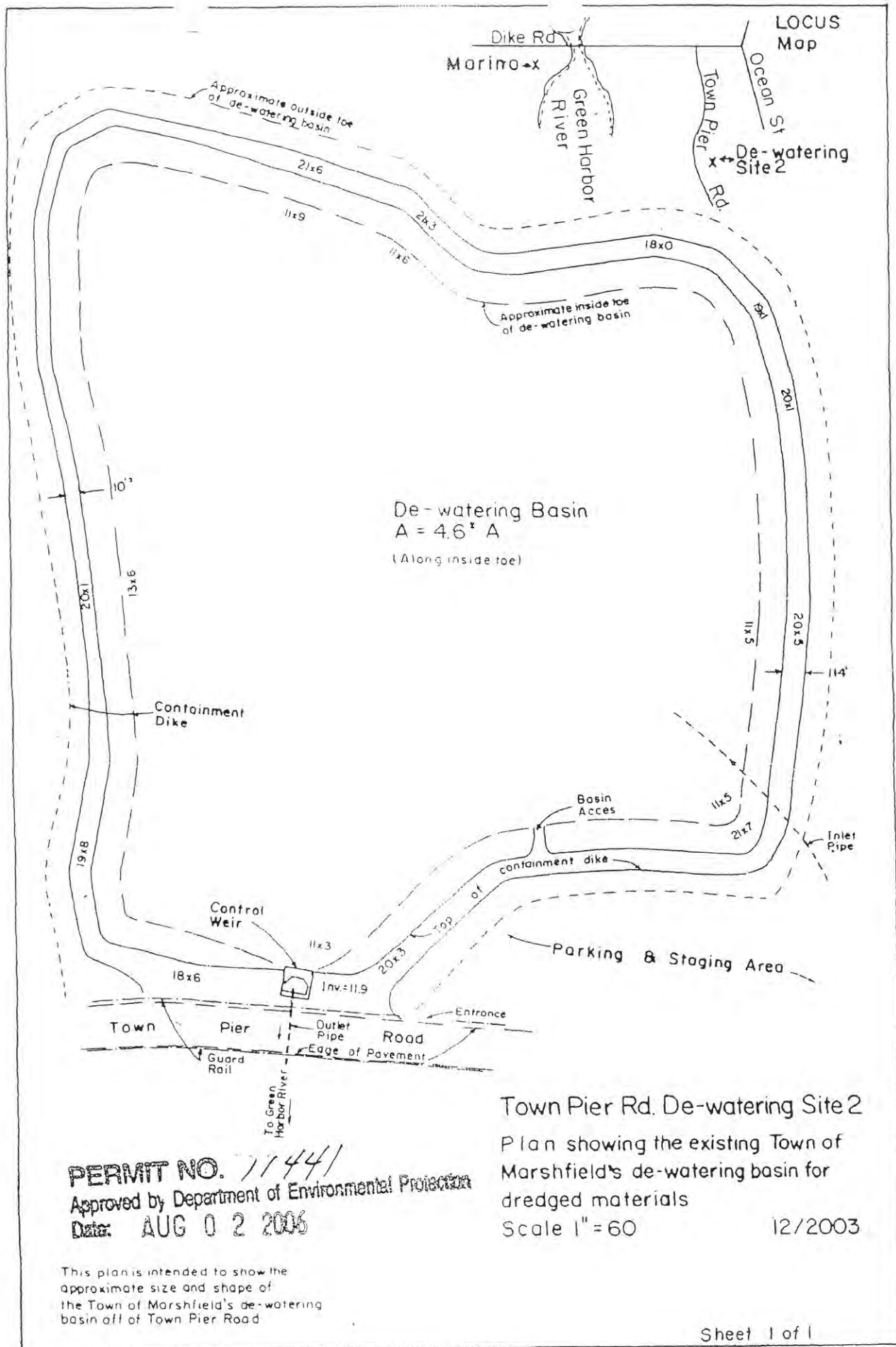
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **10/26/2021 at 9:07 AM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.





PERMIT NO. 11441
 Approved by Department of Environmental Protection
 Date: AUG 02 2006

This plan is intended to show the approximate size and shape of the Town of Marshfield's de-watering basin off of Town Pier Road





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.

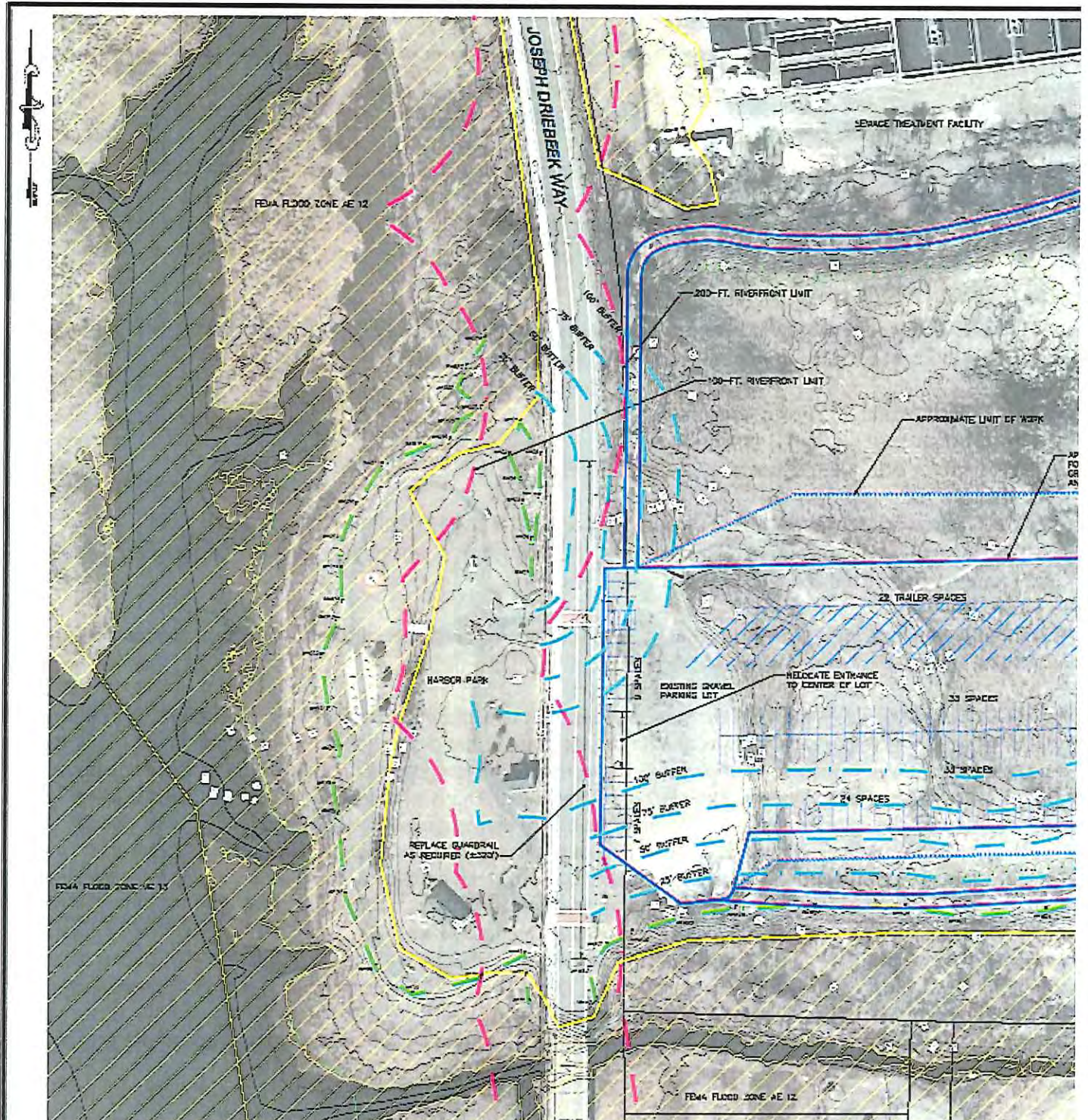
Sent from my Verizon Motorola Smartphone

----- 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 a 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 STANDARDIZED ASSESSOR'S PARCELS (MARSHFIELD PY 2020)
 3. PARCELS FROM MARSH'S 2018 LINES DATA.
 4. FLOOD ZONE LIMITS FROM LINDA 10-01-2024-202231 SHAPE FILES.
 5. VERTICAL CURVE IS 2.240 1905. MEAN HIGH WATER LINE ELEVATION = 2.28 FOR TIDAL DATUM 0442628, GREAT ROCK, GREEN HARBOR PIKE, MA.
 6. 2ND CURV 10.232020 IN TIDAL RIVERS THE MEAN ANNUAL HIGH-WATER LINE IS COINCIDENT WITH THE MEAN HIGH WATER LINE (MHL 4.05).
 7. 3RD CURV 10.232020: BRACKEN-AGE CANALS AND LOGS/TO DITCHES ASSOCIATED WITH COASTAL PIERS DO NOT HAVE RIVERFRONT ACCESS.
 8. WETLANDS PLACED BY JASON NUNNEN IN JANUARY 2021.

SITE PLAN

NO.	DATE	BY	REVISIONS
1	06/20/24



CONVERTED BY: [Name]

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. Ewell, 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

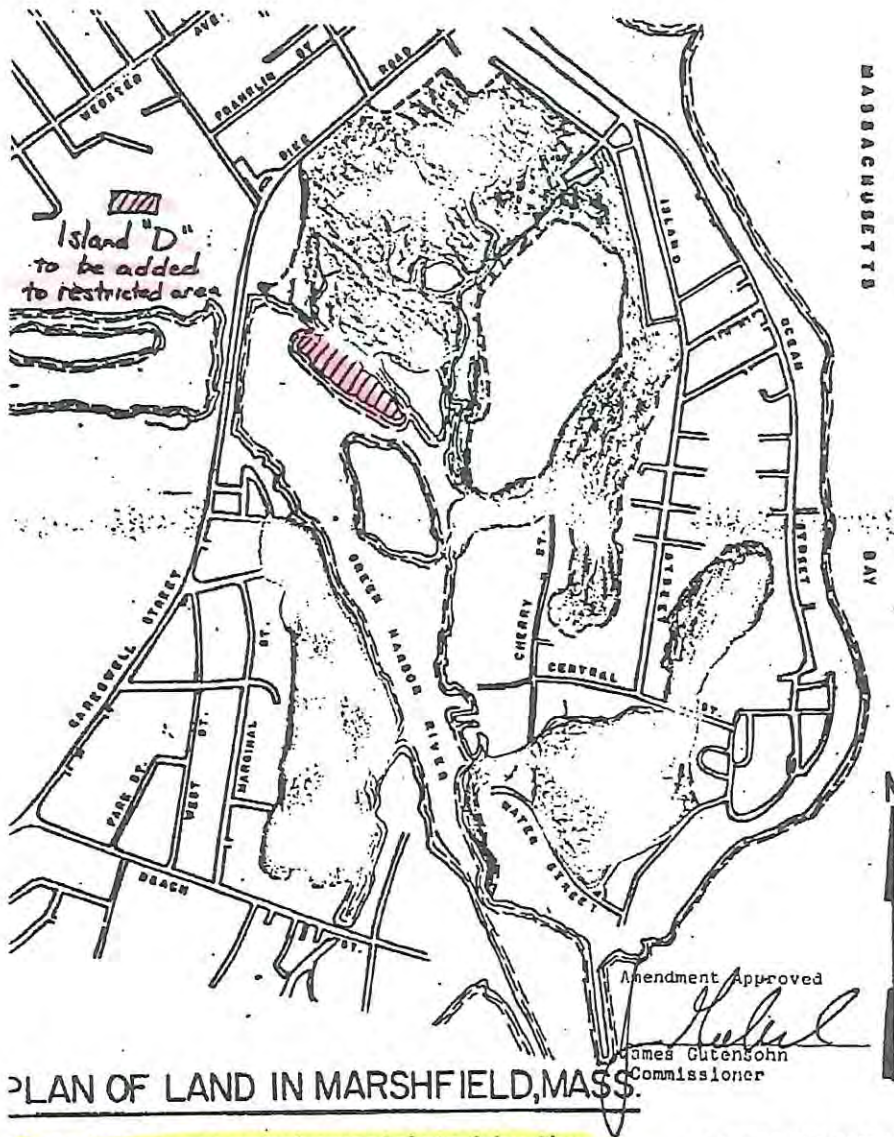
Charles C. Langille

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

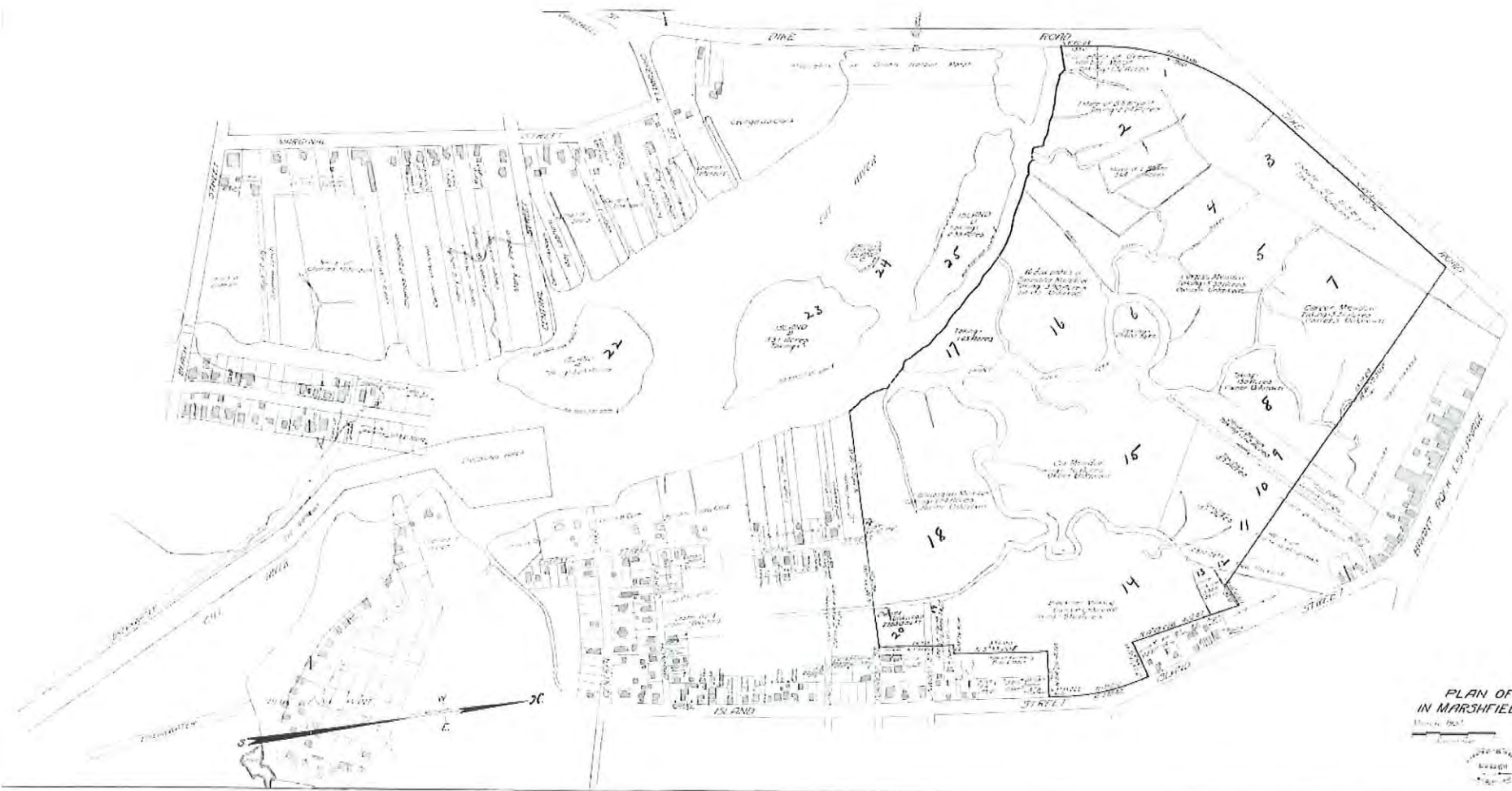


PLAN OF LAND IN MARSHFIELD, MASS.

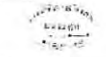
Showing an area to be restricted by the Department of Natural Resources under the authority of Chapter 130, Section 105 of the General Laws. REC'D JAN 28 1985 AT 9-45 AM AND RECORDED

ADOPTED AND APPROVED
JUNE 24, 1971

Arthur W. Brownell
ARTHUR W. BROWNELL
COMMISSIONER



PLAN OF LAND
IN MARSHFIELD, MASS.
March 1907
JAMES H. HAYES, JR.
CITY ENGINEER



DEP File No.

SE 42-166

(To be provided by DEP)

City Town Marshfield

Applicant Town of Marshfield/
Planning Board



Commonwealth
of Massachusetts

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 _____
Notary Public My commission expires 4-8-94

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:

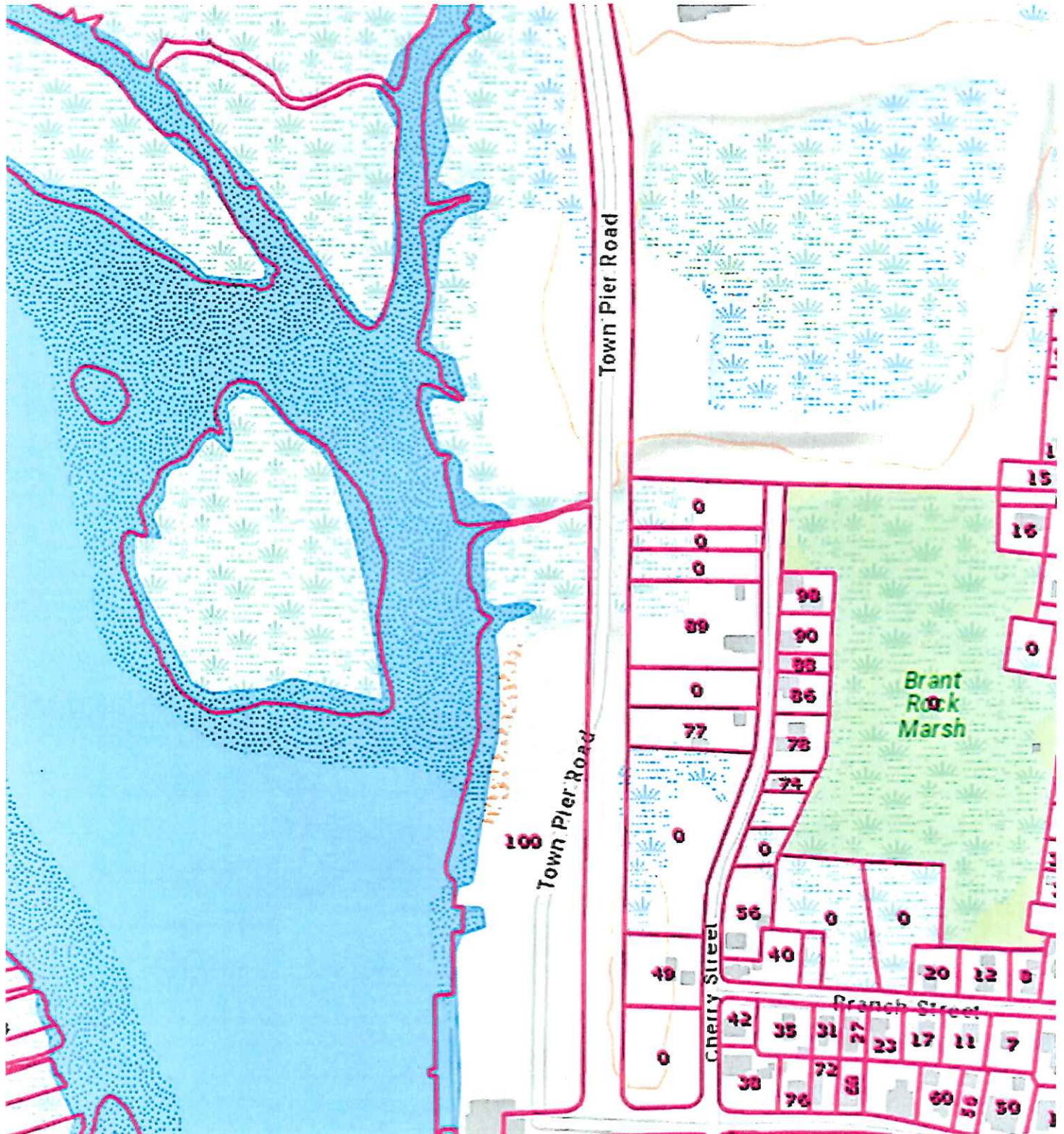
c. Upland Disposal

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

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.

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:
a. Michael b. 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
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 (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
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Marshfield
City/Town

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

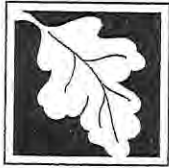
Provided by MassDEP:
SE42-2929
MassDEP File #

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	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> 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	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment <small>cu yd</small>	<u> </u> d. nourishment <small>cu yd</small>
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment <small>cu yd</small>	<u> </u> d. nourishment <small>cu yd</small>
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> 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			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u> </u> a. square feet	<u> </u> b. square feet		
22. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> 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.)

* #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):

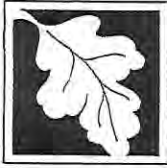
a. number of new stream crossings

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.



**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

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SE42-2929
MassDEP File #

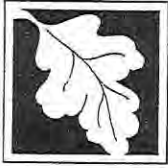
eDEP Transaction #
Marshfield
City/Town

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

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

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SE42-2929
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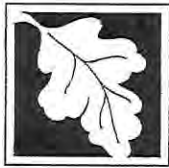
eDEP Transaction #
Marshfield
City/Town

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;



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

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.



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

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.



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

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



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

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

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

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.



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

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

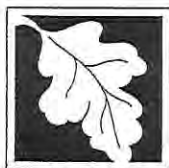
If recorded land, the instrument number identifying this transaction is:

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

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 &
505 Wetlands Protection Regulations

Provided by MassDEP:
SE42-2929
MassDEP File #

eDEP Transaction #

Marshfield
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

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

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

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.





TOWN OF MARSHFIELD
CONSERVATION COMMISSION

CERTIFICATION PURSUANT TO G. L. c. 39, SECTION 23D OF PARTICIPATION IN A
SESSION OF AN ADJUDICATORY HEARING WHERE THE UNDERSIGNED MEMBER
MISSED A SINGLE HEARING SESSION

[Note: Can only be used for missing one single hearing session; cannot be used for missing more than one hearing session. Can be used by more than one member on the same matter as long as each member misses only one session. Cannot be used to make up a quorum for a meeting where a quorum was not physically present. Inquiries concerning this form and your ability to participate in a matter where you misses a single hearing session should be addresses to Town Counsel.]

I, Craig Hannafin (name), hereby do swear and certify under the pains and penalties of perjury as follows:

1. I am a member of Marshfield Conservation Commission (board or commission).
2. I missed a hearing session on the matter of RDA 22-33 which was held on 9/21/2022.
3. On 10/1/2022 (date) I examined all the evidence and testimony received at the hearing session that I missed which included a review of (initial which one(s) applicable):
 - a. official audio recording of the missed hearing session; or
 - b. official video recording of the missed hearing session; or
 - c. official transcript of the missed hearing session.

This certification shall become a part of the record of the proceedings in the above matter.

Signed under the pains and penalties of perjury this 5th day of October 2022

Craig Hannafin
Signature of Board Member

Received as part of the record of the above matter:

Date: 10/5/2022

By: Liz Angia

Position: Admin Assist

Grafton, Bill

From: Dimeo, Mike <mdimeo@marshfieldpolice.org>
Sent: Monday, August 29, 2022 10:31 AM
To: Grafton, Bill; Stewart, Andrew; Porreca, Nanci; Maresco, Michael; Tavares, Phil; Jeff Simpson MFD
Subject: DSA Mowing

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

Hello all, I just wanted to give a quick update on the Green Harbor dredging project slated for this fall. As part of our dredging permits and testing. We will be mowing the DSA phragmites next week. This will allow equipment access to test current and all previous dredge spoils in the DSA for current DEP standards of suitability and thresholds.

The last time the DSA was used was in 2011 by Taylor Marine and the town project in 2009/10. Currently, the Green Harbor yacht club is permitted to use the DSA for their dredge spoils. However, it would need BOS approval and a fee structure. Nonetheless, the GYC will likely go offshore as it's a cheaper alternative based on conversations with them in person.

Thanks in Advance!

M. DiMeo
Harbormaster

Grafton, Bill

From: Grafton, Bill
Sent: Tuesday, February 15, 2022 6:15 PM
To: Art Lage; Bert O'Donnell; Craig Hannafin; Joe Ring; Patrick Carberry; Susan Caron
Cc: Anoja, Liz; WILLIAM FINN; Harbormaster
Subject: Town of Marshfield Report on Dredging
Attachments: 2022 02 14 dredging2022.pdf

Commissioners, attached is the report prepared by the Town of Marshfield to address the numerous complaints about the Dredge Spoils Area (DSA). I have printed out hard copies for you and they will be found in your respective Drawers.

Mr. Finn your exceptional memo dated January 5, 2022 is front and central on this report. I have made you a copy as well.

Here is the link should you be interested to find it for yourself on line: <https://www.marshfield-ma.gov/sites/g/files/vyhlf3416/f/news/dredging2022.pdf>

Respectfully,

Bill Grafton
Town of Marshfield
Conservation Administrator
870 Moraine Street
Marshfield, MA 02050
bgrafton@townofmarshfield.org
Phone: (781) 834-5573
Fax: (781) 837-7163



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.

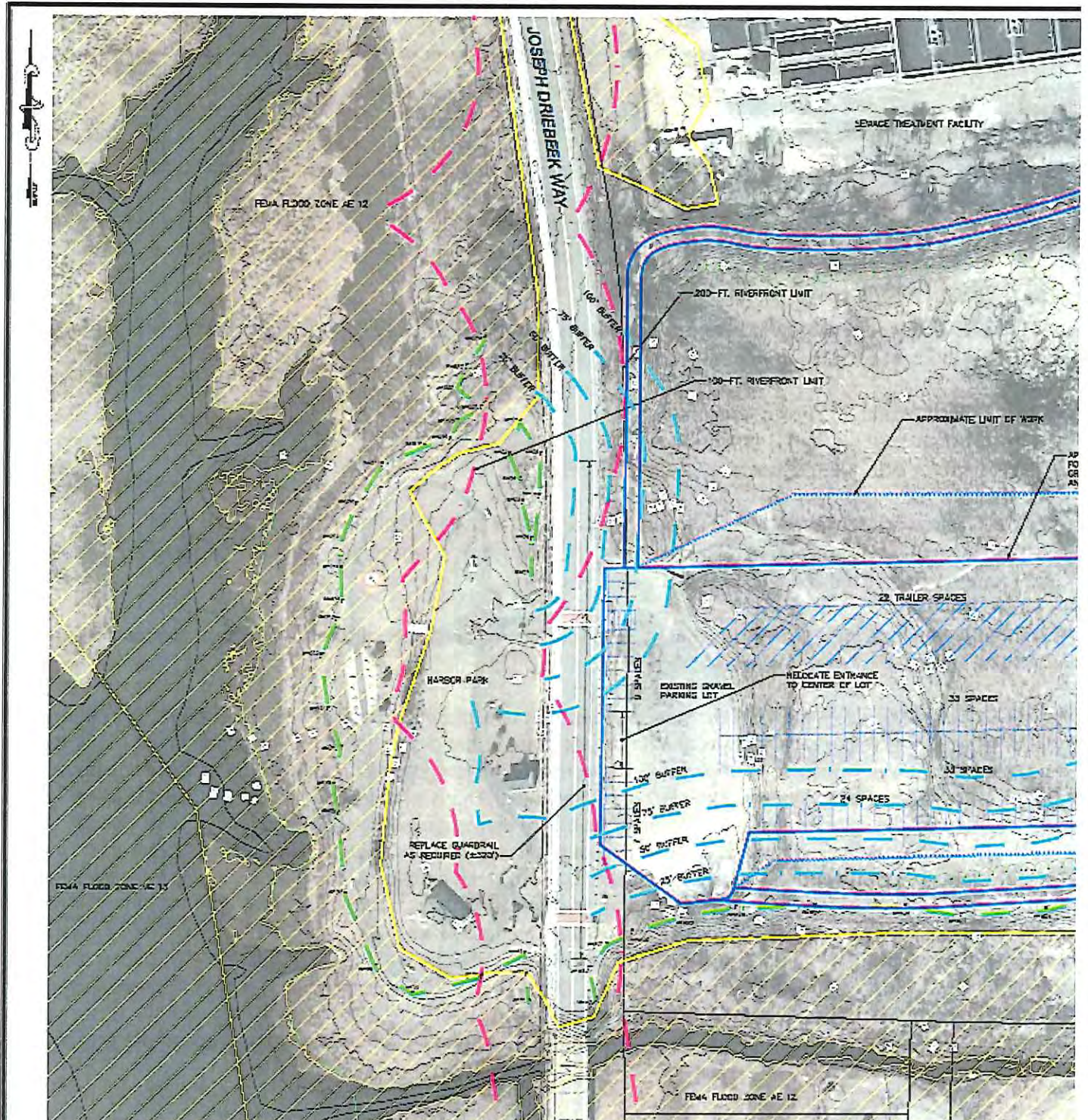
Sent from my Verizon Motorola Smartphone

----- 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 a 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 STANDARDIZED ADJESSOR'S PARCELS (MARSHFIELD PY 2020)
3. PARCELS FROM MARSH'S 2018 LINES DATA.
4. FLOOD ZONE LIMITS FROM LINDA 10-01-2024-202231 SHAPE FILES.
5. VERTICAL CURVE IS 2.240 1505. MEAN HIGH WATER LINE ELEVATION = 2.28 FOR TIDAL DATUM @446205, GREAT ROCK, GREEN HARBOR PIKE, MA.
6. 2ND CURV 10.232020 IN TIDAL RIVERS THE MEAN ANNUAL HIGH-WATER LINE IS COINCIDENT WITH THE MEAN HIGH WATER LINE (EL. 4.05).
7. 3RD CURV 10.232020: BRACKEN-AGE CANALS AND LOGS/TO DITCHES ASSOCIATED WITH COASTAL PIERS DO NOT HAVE RIVERFRONT ACCESS.
8. WETLANDS PLACED BY JASON NIVVER IN JANUARY 2021.

SITE PLAN

NO.	DATE	BY	REVISION
1	06/20/24	JAN	ISSUED FOR PERMITS



CONTRACT BY ARCHITECT/ENGINEER:
 ALL WORK SHALL BE ACCORDING TO THE SPECIFICATIONS AND CONDITIONS OF CONTRACT AND PERMITS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL UTILITIES AND ADJACENT PROPERTIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND ADJACENT PROPERTIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND ADJACENT PROPERTIES.

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. Ewell, 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

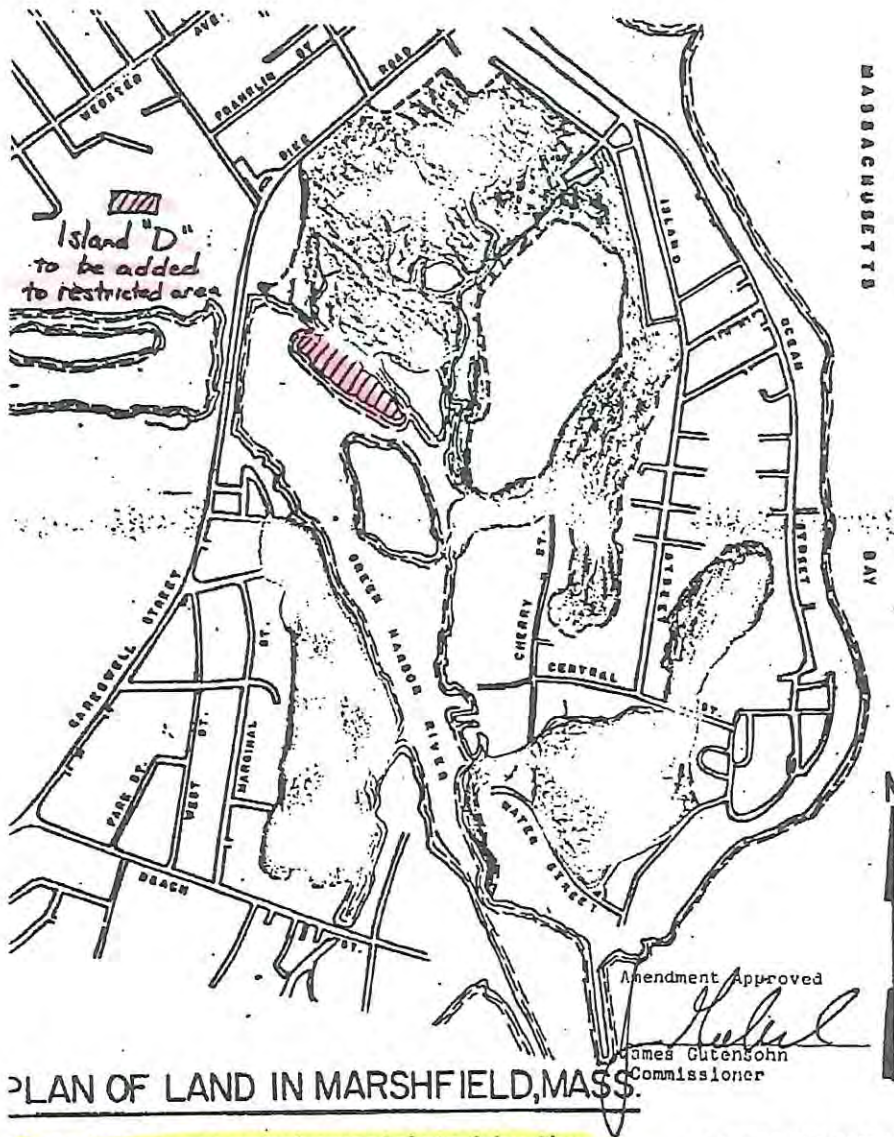
Charles C. Langille

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



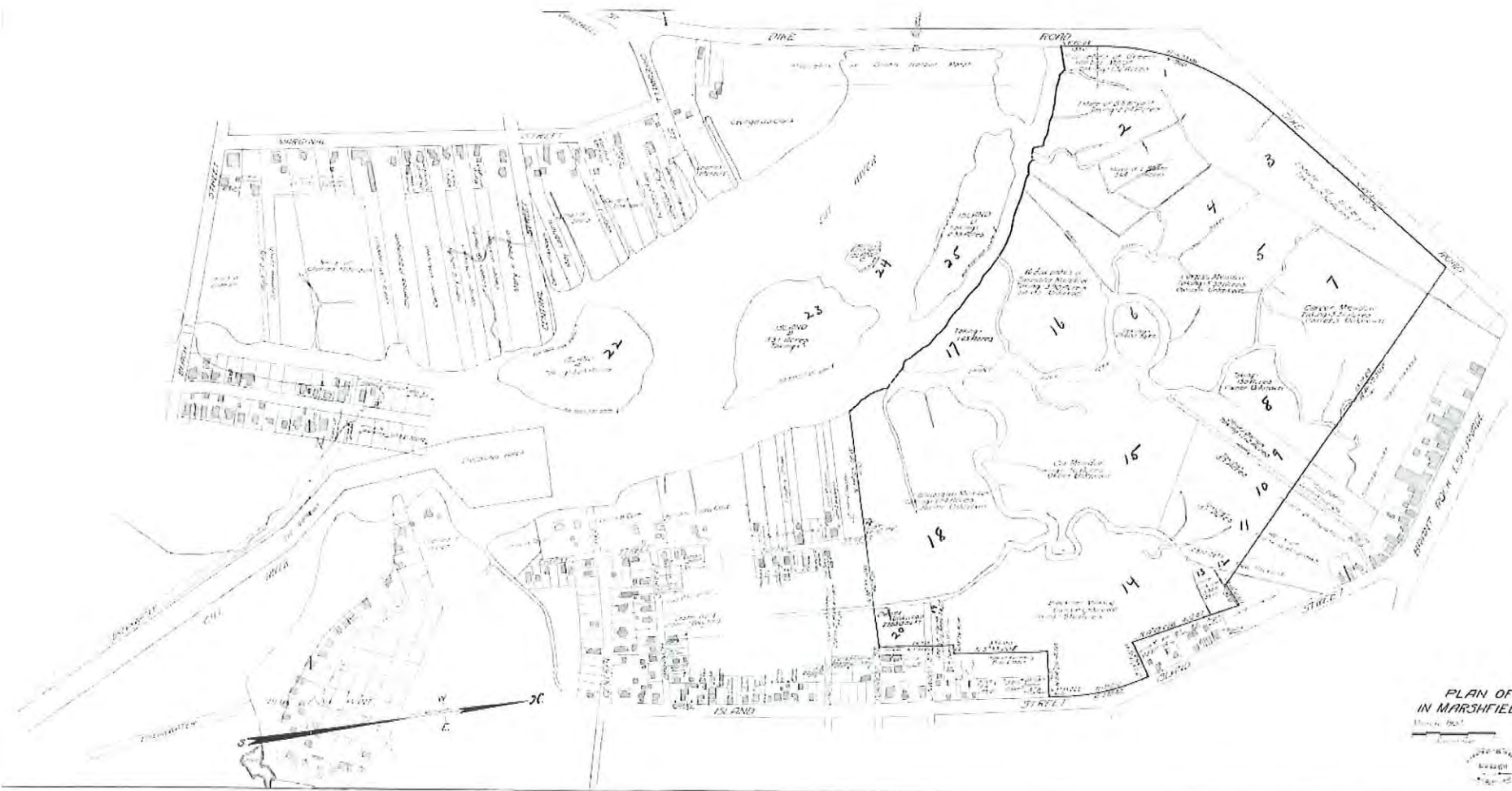
PLAN OF LAND IN MARSHFIELD, MASS.

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

Amendment Approved
James Glutensohn
James Glutensohn
Commissioner

ADOPTED AND APPROVED
JUNE 24, 1971

Arthur W. Brownell
ARTHUR W. BROWNELL
COMMISSIONER



PLAN OF LAND
IN MARSHFIELD, MASS.
March 1907
JAMES H. HAYES, JR.
CITY ENGINEER



Form 8

DEP File No.

SE 42-166

(To be provided by DEP)

City Town Marshfield

Applicant Town of Marshfield/
Planning Board



Commonwealth
of Massachusetts

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 _____
Notary Public My commission expires 4-8-94

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

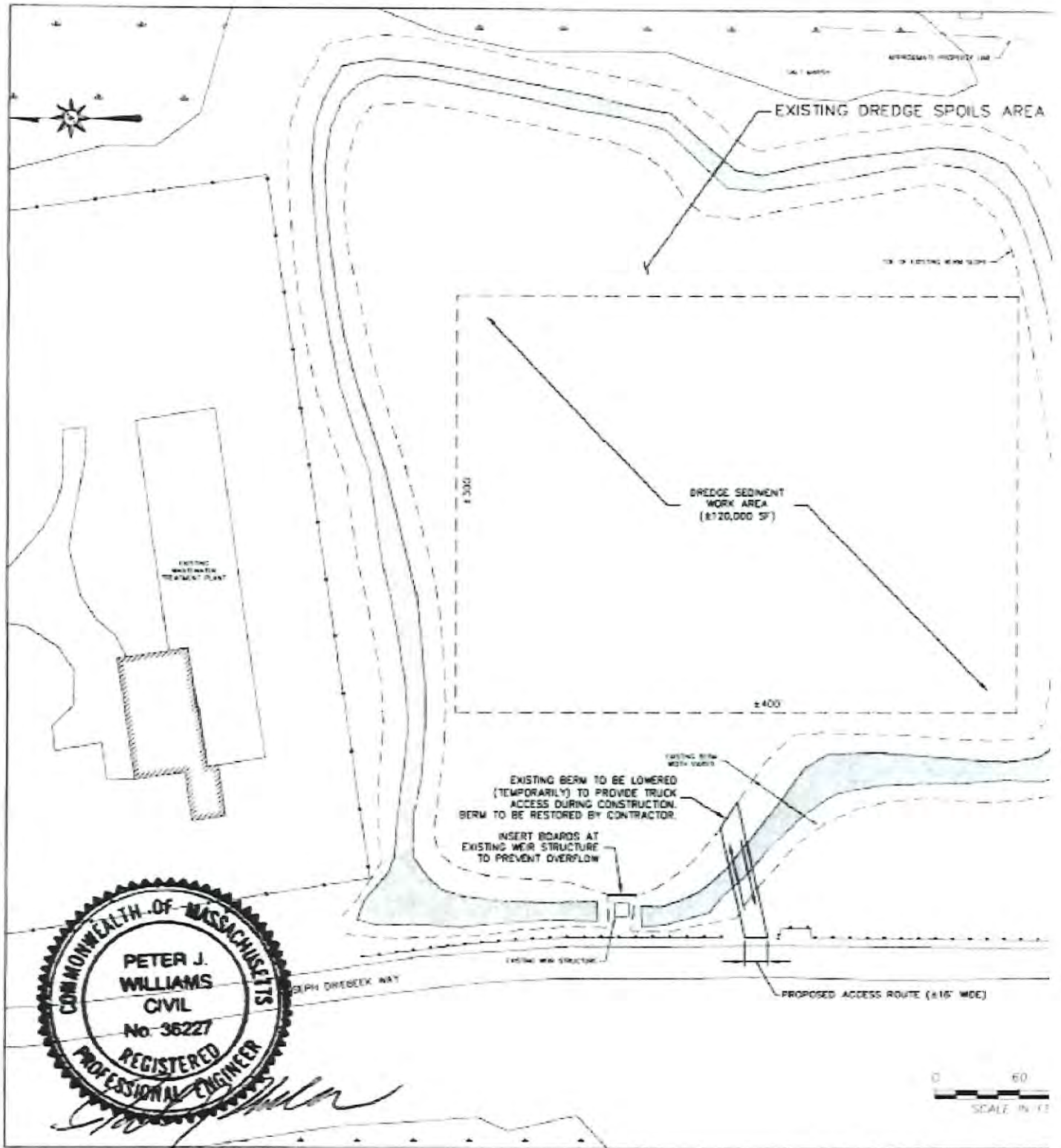
I have enclosed pages from the 1984 "Environmental Assessment" regarding Dredging at Green Harbor by the Corps of Engineers. Of current interest is Section C3c Upland Disposal on page 2:

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.

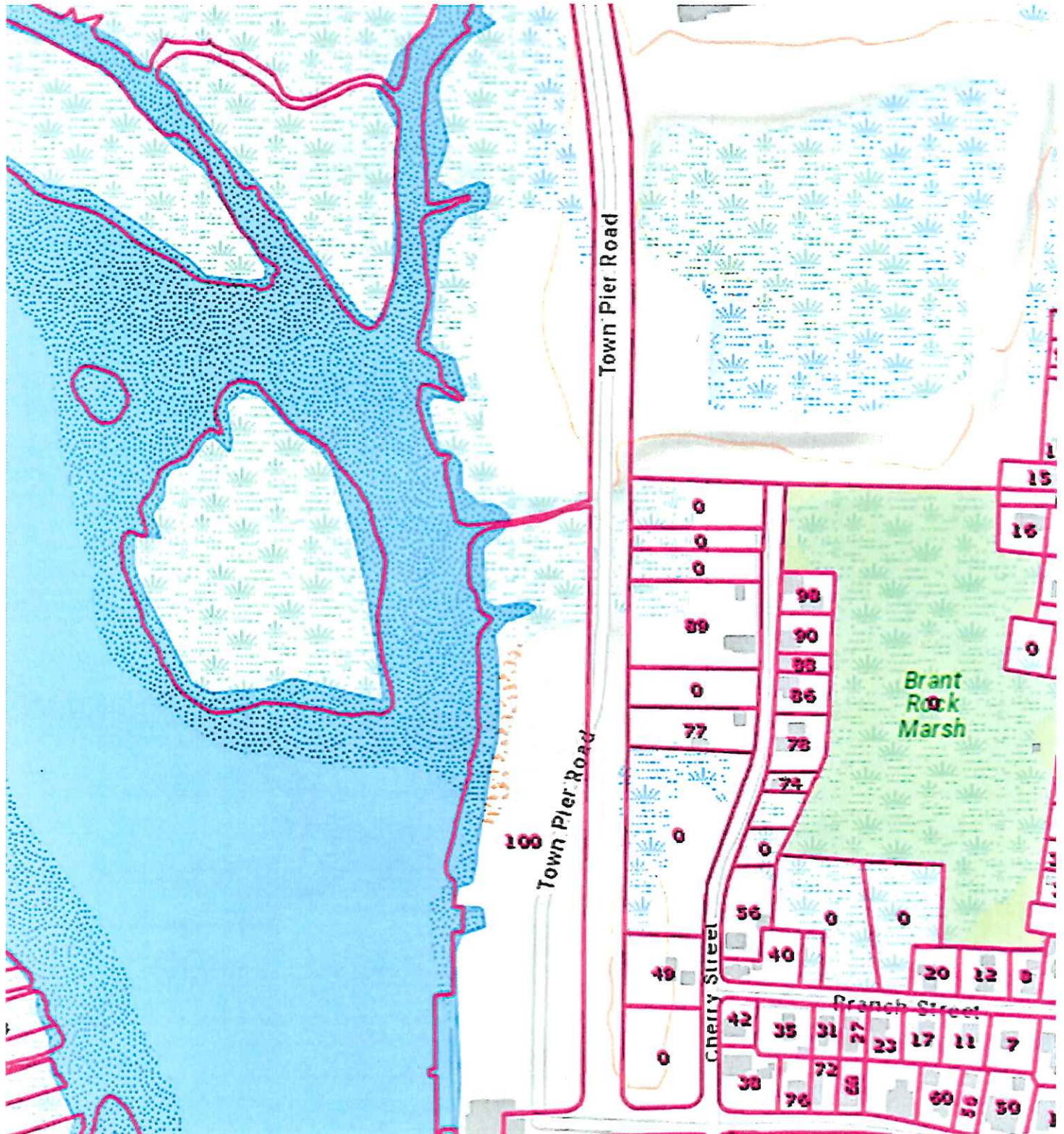
I believe, the upland disposal site mentioned in this section is critical to maintaining the inner harbor over future years. If this site is to be developed an alternative inner harbor site should be found. If this site is to remain a spoil site, a removal of present drained spoil to Town land fill project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

Enclosures

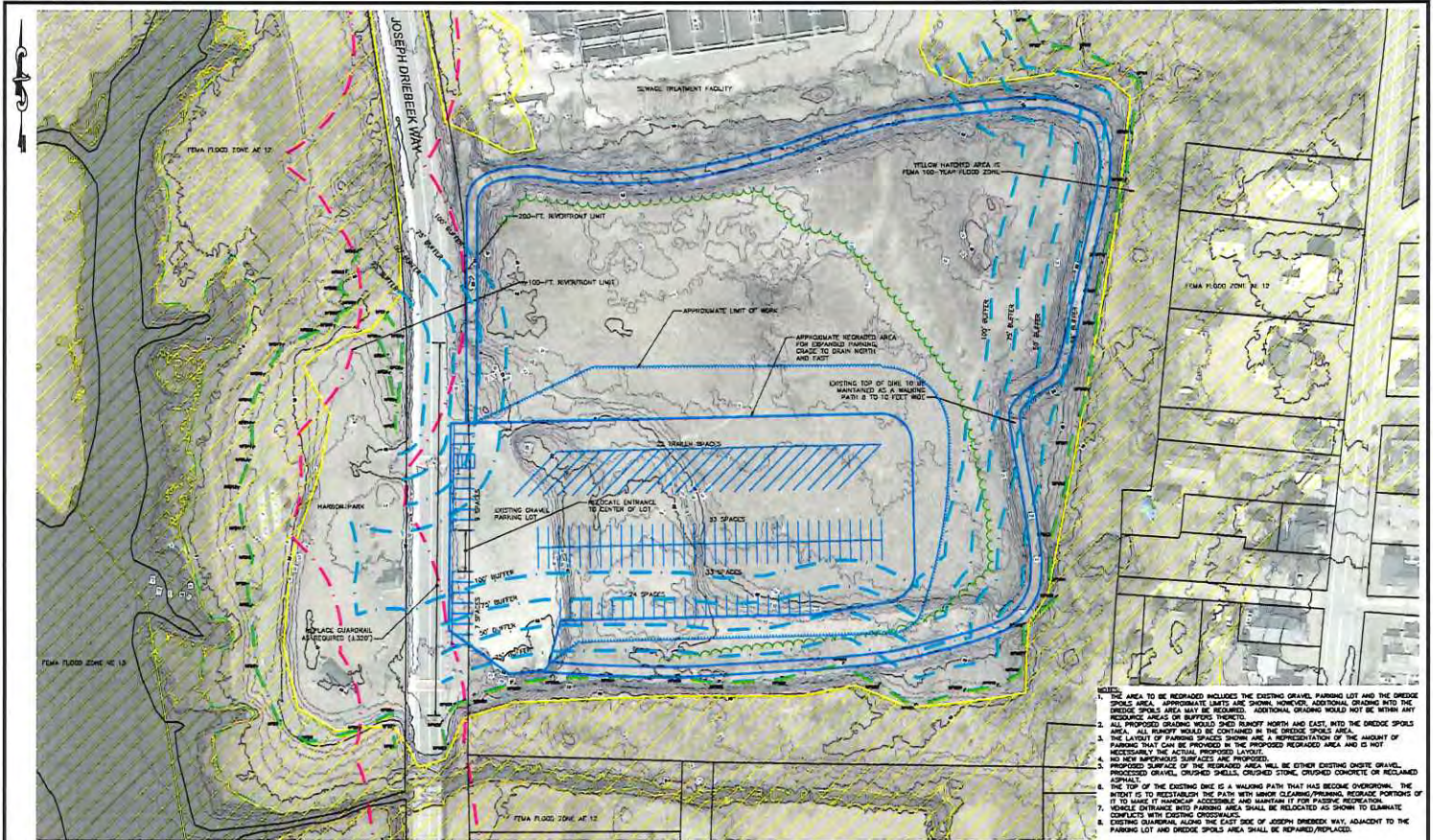


Regarding the Harbor Master DiMeo's planned path activity on the berm that confines the dredge spoil area (DSA), I wanted to provide some additional information about the recreational beneficial use and the existing Conservation permitting. Presently, the path is in rough shape with herbaceous plants 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 SPOILS AREA. APPROXIMATE LIMITS ARE SHOWN. HOWEVER, ADDITIONAL GRADING INTO THE DREDGE SPOILS AREA MAY BE REQUIRED. ADDITIONAL GRADING WOULD NOT BE WITHIN ANY RECREATION AREAS OR BUFFER ZONES.
2. ALL PROPOSED GRADING WOULD SLOPE RUNOFF NORTH AND EAST INTO THE DREDGE SPOILS AREA. ALL BUFFER ZONES WILL BE MAINTAINED AS SHOWN IN THE DREDGE SPOILS AREA.
3. THE LAYOUT OF PARKING SPACES SHOWN ARE A REPRESENTATION OF THE LAYOUT OF PARKING THAT CAN BE PROVIDED IN THE PROPOSED REGRADED AREA AND IS NOT NECESSARILY THE ACTUAL PROPOSED LAYOUT.
4. NO NEW IMPERVIOUS SURFACES ARE PROPOSED.
5. PROPOSED SURFACE OF THE REGRADED AREA WILL BE EITHER EXISTING CRACKED GRAVEL, PROPOSED GRAVEL, CRUSHED SHELLS, CRUSHED STONE, CRUSHED CONCRETE OR RECLAIMED ASPHALT.
6. THE TOP OF THE EXISTING ONE IS A WALKING PATH THAT HAS BECOME OVERGROWN. THE INTENT IS TO REESTABLISH THE PATH WITH MOWING, CLEARING, PRUNING, REGRADE PORTIONS OF IT TO MAKE IT HANDICAP ACCESSIBLE AND MAINTAIN IT FOR PASTURE PROTECTION.
7. RECREATION ENTRANCE INTO PARKING AREA SHALL BE RELOCATED AS SHOWN TO ELIMINATE CONFLICTS WITH EXISTING OVERGROWN.
8. EXISTING QUADRANT ALONG THE EAST SIDE OF JOSEPH DRIEBEK WAY, ADJACENT TO THE PARKING LOT AND DREDGE SPOILS AREA SHALL BE REPAIRED/REPLACED.

MAPPING NOTES:

1. BACK SCALES 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 COAST 20-01-0284A-250273 SHAWE FILE.
5. VERTICAL DATUM IS NAVD 1988. MEAN HIGH WATER LINE ELEVATION = 4.06 FOR TIDAL DATUM 8446008, BRANT ROCK, GREEN HARBOR RIVER, MA.
6. 310 CUR 10.34621210 IN TIDAL RIVERS THE MEAN ANNUAL HIGH-WATER LINE IS COINCIDENT WITH THE MEAN HIGH WATER LINE (MHW), 4.00.
7. 310 CUR 10.34621210. HUMAN-MADE CANALS AND REGULARLY DITCHED ASSOCIATED WITH COASTAL RIVERS DO NOT HAVE RIVERFLOUNT AREAS.
8. WETLANDS FLAGGED BY JASON ZIMMER IN JANUARY 2021.

SITE PLAN



REVISIONS NO. DATE BY 1. 08/04/2024 JMB FOR PERMITS		AMORY ENGINEERS, P.C. DUXBURY, MASSACHUSETTS		OFFICE OF THE HARBORMASTER MARSHFIELD, MASSACHUSETTS		CIVIL	
DRAWN BY: JMB CHECKED BY: JMB DATE: 08/04/2024	FILE NAME: AS SHOWN PROJ. NO.: 2400000102 SHEET NO.: 001 DATE: 08/04/2024	AS SHOWN SHEET NO.: 001 DATE: 08/04/2024	PARKING AREA EXPANSION PARCEL M07-01-01 - JOSEPH DRIEBEK WAY SITE PLAN PROPOSED IMPROVEMENTS		SHEET 1 OF 1		

STATE OF MASSACHUSETTS
 DEPARTMENT OF CONSTRUCTION
 OFFICE OF THE HARBORMASTER
 MARSHFIELD, MASSACHUSETTS
 100 STATE STREET, MARSHFIELD, MA 01901
 TEL: 978-261-1000 FAX: 978-261-1001
 WWW.STATE.MA.GOV

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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Provided by MassDEP:
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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
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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

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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

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eDEP Transaction #
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):

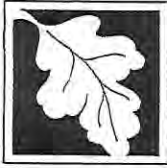
a. number of new stream crossings

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.



**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 #

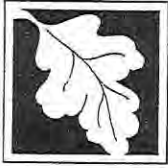
eDEP Transaction #
Marshfield
City/Town

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

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

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;



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

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.



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

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.



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

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



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

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
Signature

Printed Name

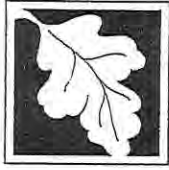
Printed Name

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

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

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 appellants.

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.



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

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

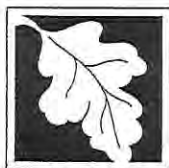
If recorded land, the instrument number identifying this transaction is:

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

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 &
505 Wetlands Protection Regulations

Provided by MassDEP:
SE42-2929
MassDEP File #

eDEP Transaction #

Marshfield
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:

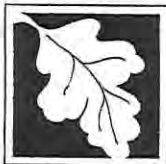
Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



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:

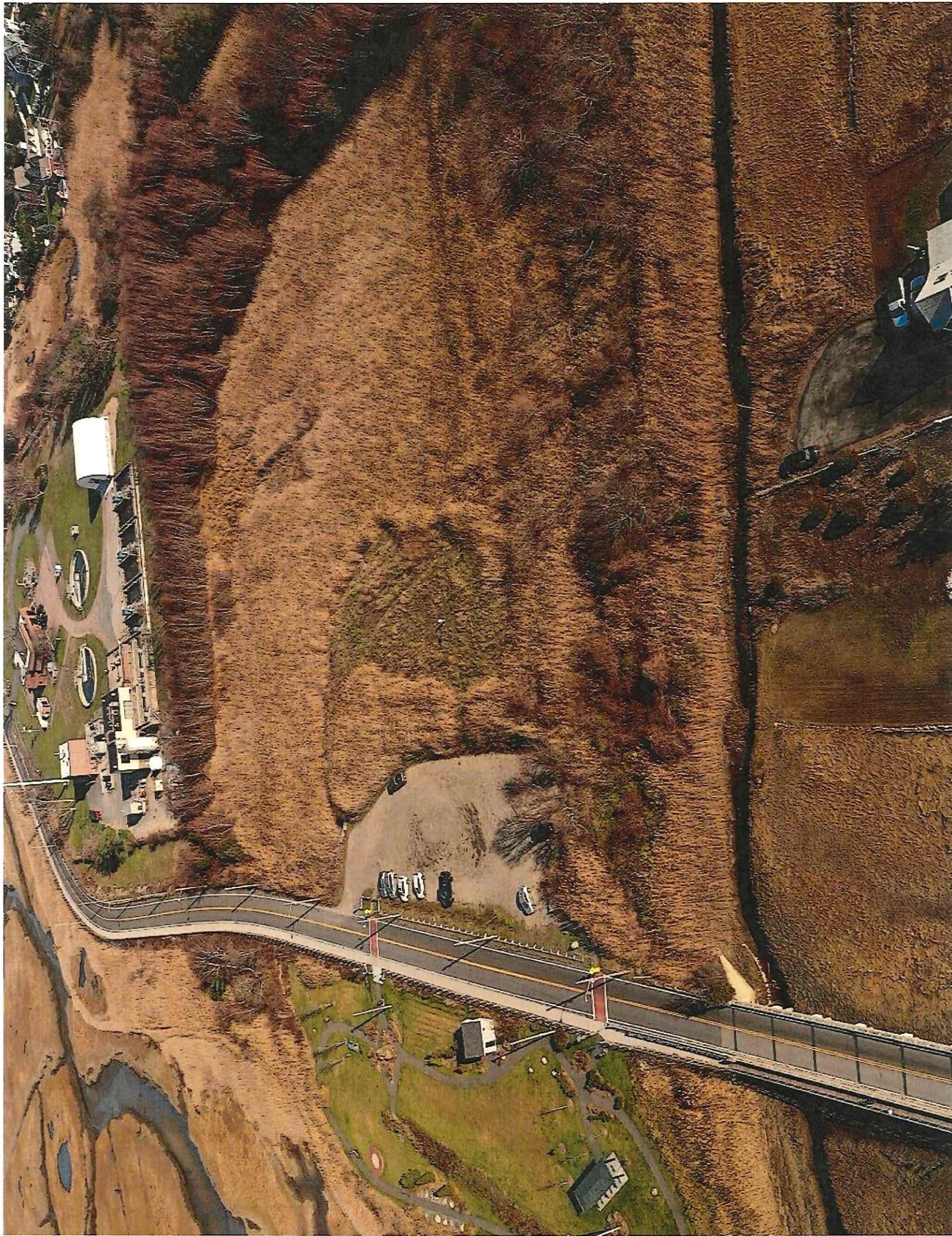
Provided by DEP

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.







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

TO: Bill Grafton, Conservation Administrator

cc: Lisa Clark, Treasurer/Collector
Anne Bastille, Town Accountant

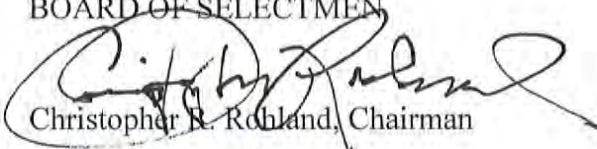
FROM: Board of Selectmen

DATE: February 8, 2022

RE: REQUEST TO WAIVE PERMITTING FEES

At its meeting of February 7, 2022, the Board of Selectmen approved your request to waive conservation fees for the following municipal projects: Harbormaster order of conditions 6/9/2021, Agricultural Commission determination of applicability 3/8/21, Recreation Department determination of applicability 10/6/21, and DPW determination of applicability 1/27/22.

Sincerely,
BOARD OF SELECTMEN


Christopher R. Rohland, Chairman


Stephen R. Darcy, Vice Chairman


James J. Kilcoyne, Clerk

Grafton, Bill

From: Grafton, Bill
Sent: Wednesday, February 2, 2022 10:00 AM
To: Craig Hannafin
Subject: DSA Murphy Request To Be Added to 2/15/2022 MCC Business To Discuss 2004 MassDEP Letter About Capacity of DSA

Craig, Mary Murphy called me today and Eric Murphy stopped in on the office to discuss the subject title. Eric was referred to Conservation by Andrew Stewart today.

I have added them to the draft 2/15/2022 MCC Public Meeting. Please contact me when you get a moment to discuss this.

Respectfully,

Bill Grafton
Town of Marshfield
Conservation Administrator
870 Moraine Street
Marshfield, MA 02050
bgrafton@townofmarshfield.org
Phone: (781) 834-5573
Fax: (781) 837-7163

Grafton, Bill

From: Mary M. Murphy <minotmurphy@comcast.net>
Sent: Thursday, January 27, 2022 11:36 PM
To: Grafton, Bill; Eric Murphy
Cc: Harbormaster
Subject: Re: Conservation Memo/Conservation Permits SE42-166/2225/2586/2804/2929
Attachments: green harbor 08132004-002.pdf; green harbor 08132004.pdf; green harbor mem 04072014.pdf

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

Hi Bill. I'm sorry. I'm not following this letter. Could we please have a in-person meeting with all parties involved; including Town Counsel as he seems to be consulted anyway.

Your letters/recollections are missing the important communications from the 2000s. I was really hoping the town would be more supportive/transparent versus me having to go back and summons BRVA attorney files. Please advise.

The reason I ask, is that I don't understand why you're not addressing the memos/letters pulled from DEP records - reattached. This was discussed openly during a Conservation Board meeting - the need to properly tracking materials dumped and the expected capping process at 80K yards. What you provided is interesting historical information but it's not as current as what i provided.

On a separate note, why does the Harbor Master need a new walking path, right now? Why now? Why does he want to continue to drive more people to the pier for a new walking path when he's having an issue with current parking in the summer? <<Mike, what's your rationale based upon his most recent request to add more parking? I want to help you with this path/improve Brant Rock but to understand your rationale for this walking path right now? Where will these people park? Seems like you're amplifying your summer problems? >>

Why can't we/the Town focus on other more important Brant Rock issues? Fixing the Brant Rock Jetty (that the Harbor Master no longer recognizes as a Jetty - why can't you work with the BRVA and the DPW on documenting the actual process for approval AND fill volume), lights on a flag pole for our vets/compliance, sidewalks in the esplanade and safety at the town pier for pedestrians, drainage, etc.

The Planning Board did tell us that the town wants to develop the pier area but it's hard to do this when you don't have a solid foundation in place for growth from a safety perspective.

I'm trying to meet with Mike Moresco and Steve Darcy within the next few weeks and I will try to understand if this is something they fully support and, if so, why? Why does this initiative have a higher priority than some of the more important initiatives that will also require the same town resources that help build foundation for future growth?

Additionally, whoever provided approval to mow the marsh needs to be fined or seriously reprimanded. There was NO DEP permit at that time and the ZBA never approved any action as the submission was removed. Help me understand how this will not happen again. Or, can residents off

of Island Street start doing the same without any issue? BRVA members have asked me this same question.

Again, help me understand the process and how town priorities are determined.

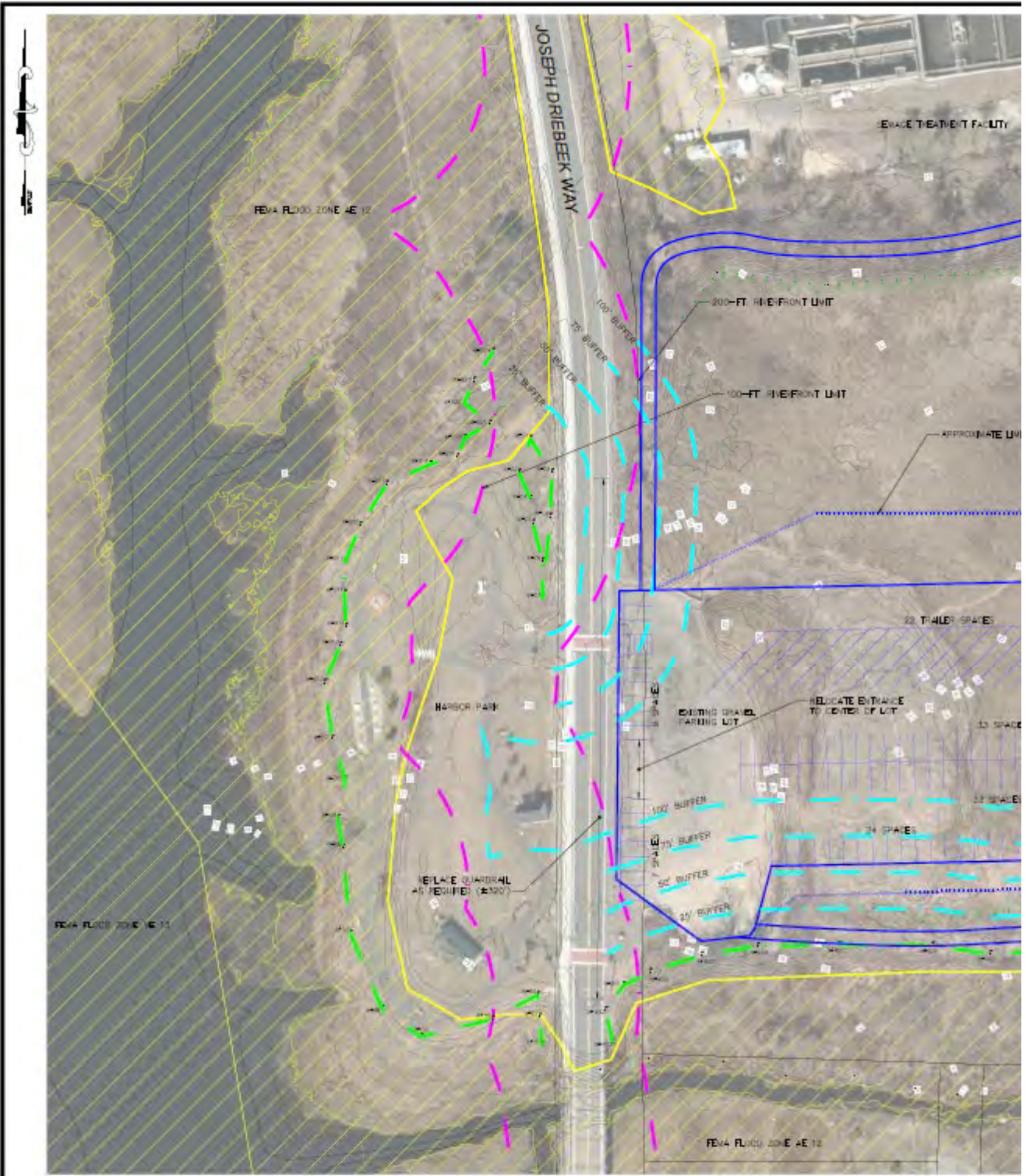
Thank you!

Mary Murphy

On 01/27/2022 1:29 PM Grafton, Bill <bgrafton@townofmarshfield.org> wrote:

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 a 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.

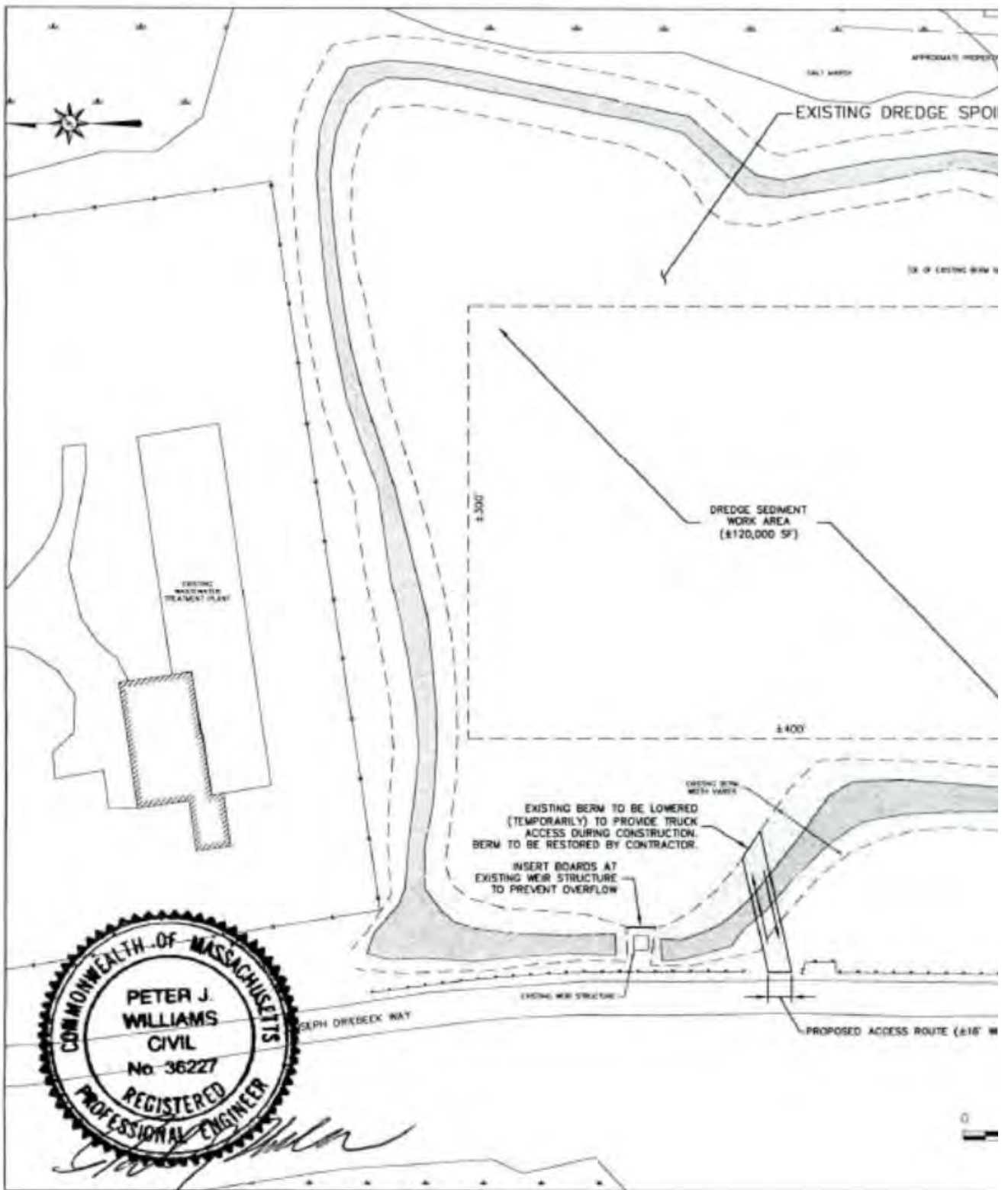


- NOTES:**
1. DATE FROM MASSGIS 2019 ORTHOPHOTOS.
 2. PARCEL LINES FROM MASSGIS STANDARDIZED ASSESSORS' PARCELS (MARSHRED FY 2021).
 3. TOPOGRAPHY FROM NOAA 2018 USAR DATA.
 4. FLOOD ZONE UNITS FROM LMR 20-01-0284P-250273 "HIVE FLE".
 5. VERTICAL DATUM IS NAVD 1985. MEAN HIGH WATER LINE ELEVATION = 4.08 FOR TIDAL DATUM 8446009, BRANT ROCK, GREEN HARBOR RIVER, MA.
 6. 310 DMS 10.58(2)2 C. IN TIDAL RIVERS THE MEAN ANNUAL HIGH-WATER LINE IS COINCIDENT WITH THE MEAN HIGH WATER LINE (EL. 4.08).
 7. 310 DMS 10.58(2)1 D. BURNING-RAZE CANALS AND WOODPIT CUTHELS ASSOCIATED WITH COASTAL RIVERS DO NOT HAVE RIE-FRONT AREAS.
 8. WETLANDS PLANNED BY JASON ZIMMER IN JANUARY 2021.

SITE PLAN

REVISIONS	
NO.	DATE FOR PERMIT
1.	2021.01.15

DESIGNED BY: JASON ZIMMER, P.E.
 CHECKED BY: JASON ZIMMER, P.E.
 DATE: 01/15/2021
 PROJECT: 2021-01-0284P-250273 "HIVE FLE"
 SHEET: 1 OF 1



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 Counsel 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.

Thank you for your time.

Respectfully,

Bill Grafton

Town of Marshfield

Conservation Administrator

870 Moraine Street

Marshfield, MA 02050

bgrafton@townofmarshfield.org

Phone: (781) 834-5573

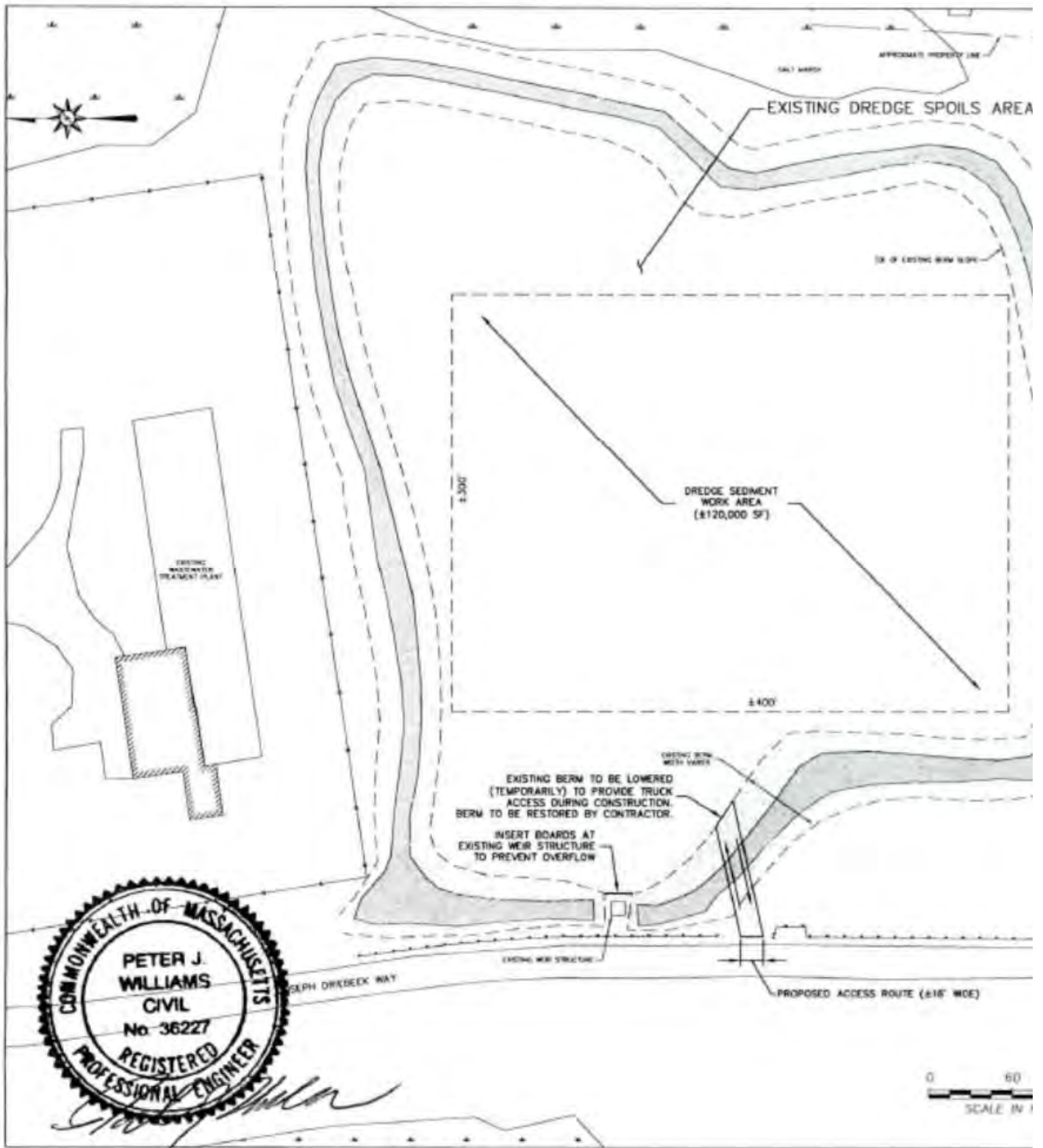
Fax: (781) 837-7163

Grafton, Bill

From: Grafton, Bill
Sent: Thursday, January 27, 2022 1:30 PM
To: Mary Murphy; Eric Murphy
Cc: Harbormaster
Subject: 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

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

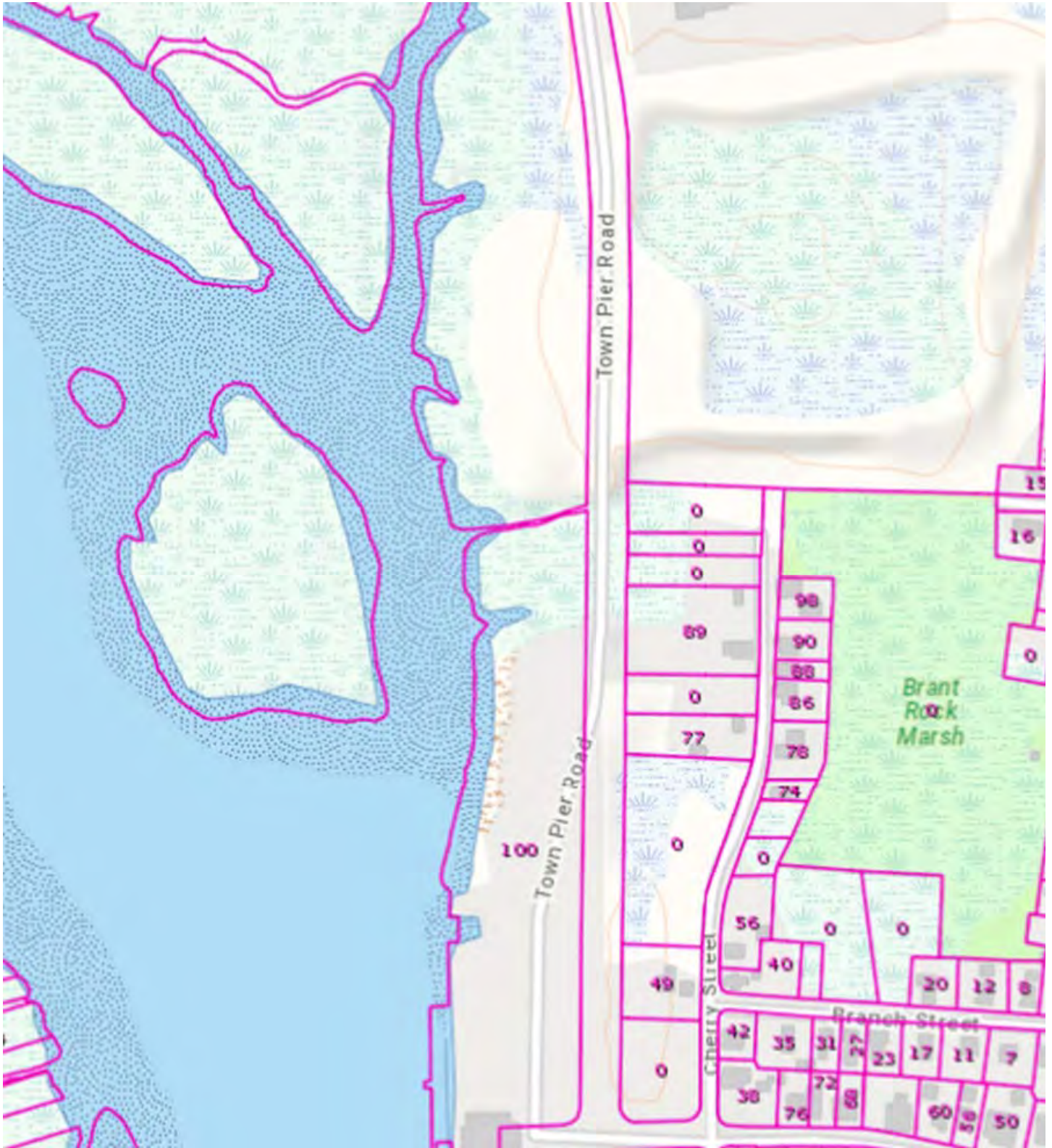
Regarding the dredge spoils area (DSA), there has been a lot of public inquiry about the Conservation permitting for the area to be used for dredge spoil removal and for maintenance of the property. To provide a more comprehensive response in lieu of responding to multiple inquiries, Conservation tasked the Commission's consultant to draft a memo reviewing the permit history going back to 1973. See attached. This is a 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.



COMMONWEALTH OF MASSACHUSETTS
PETER J. WILLIAMS
 CIVIL
 No. 36227
 REGISTERED PROFESSIONAL ENGINEER

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 Counsel 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.

Thank you for your time.

Respectfully,

Bill Grafton

Town of Marshfield

Conservation Administrator

870 Moraine Street

Marshfield, MA 02050

bgrafton@townofmarshfield.org

Phone: (781) 834-5573

Fax: (781) 837-7163

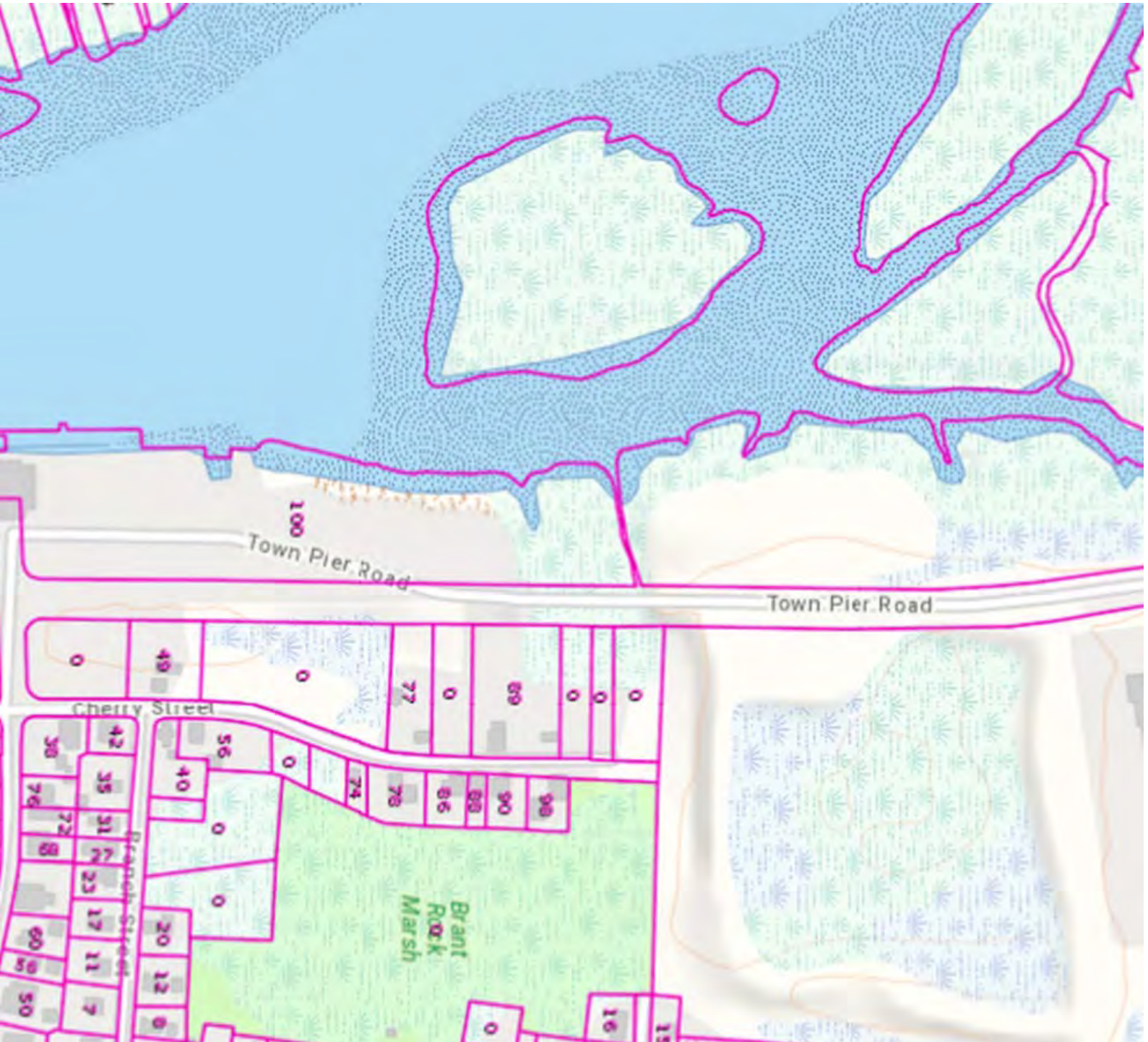
Grafton, Bill

From: Grafton, Bill
Sent: Sunday, January 23, 2022 11:53 AM
To: 'Brendan Coyne'; Ned Bangs
Cc: Mike DiMeo; Galvin, Robert; Mike Maresco
Subject: FW: CPC Application for passive recreation trail adjacent to the Harbor Park/DSA Town pier road
Attachments: 2022 01 05 DSA Memorandum of Record for W. Grafton with attachments.pdf; 2021 05 11 Harbormaster Site Plan.pdf

Brendan and Ned, good morning.

I am following up on Harbor Master DiMeo's communiqué about the path activity on the berm that confines the dredge spoil area (DSA) to provide additional information about the path and the existing Conservation permitting.

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 affording 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.

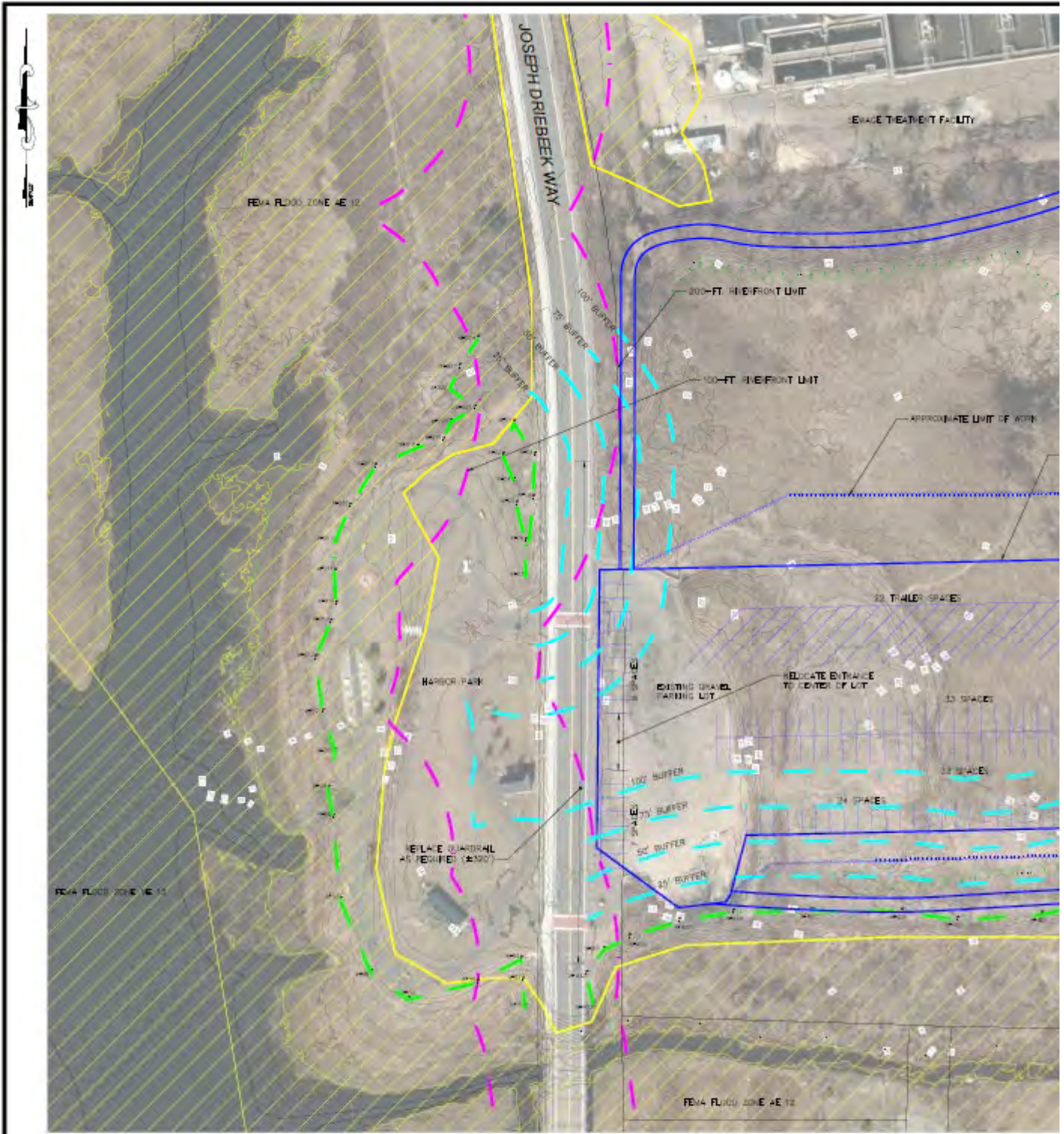


As Mike has indicated, Conservation permitting is in place and the Commission approved the path work to commence. Attached is a memo prepared by the Commission's consultant that addresses the questions posed about Conservation permitting. The preparation of the memo took into account permits back as far as 1983 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 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.

There were additional questions about property ownership that Mike DiMeo addressed with Town Counsel showing the property is under the care and custody of the Select Board. Harbor Master DiMeo or Town Counsel can provide details as appropriate. Lastly, Mike has submitted for CPC Funding and was approved. The next step is to present at Town Meeting in April.

Thank you for your time. Please feel free to speak with Mike or me if you have any questions.



- WARNING NOTES:**
1. DATE DATA FROM MASSGIS 2019 ORTHOPHOTOS.
 2. PARCEL LINES FROM MASSGIS STANDARDIZED ASSESSOR'S PARCELS (MARSHFIELD FY 2021).
 3. TOPOGRAPHY FROM NOAA 2018 USAR DATA.
 4. FLOOD ZONE LIMITS FROM LOWR 20-01-0284P-250273 THAWE FILE.
 5. VERTICAL DATUM IS NAVD 1985. MEAN HIGH WATER LINE ELEVATION = 4.08 FOR TIDAL DATUM 8446009, BRANT ROCK, GREEN HARBOR RIVER, MA.
 6. 310 CMS 10.58(2)(2) C. IN TIDAL RIVERS THE MEAN ANNUAL HIGH-WATER LINE IS CONSIDERED TO BE THE MEAN HIGH WATER LINE (MHWL 4.08).
 7. 310 CMS 10.58(2)(1) D. RUNWAY-LAKE CANALS AND WOODPILE LOTHER ASSOCIATED WITH COASTAL RIVERS DO NOT HAVE RIEFRONT AREAS.
 8. WETLANDS PLANNED BY JASON ZIMMER IN JANUARY 2021.

SITE PLAN

REVISIONS			AMORY
NO.	DATE	DESCRIPTION	
1.	3/21/23	ISSUED FOR PERMITS	

Respectfully,

Respectfully,

Bill Grafton
Town of Marshfield
Conservation Administrator
870 Moraine Street
Marshfield, MA 02050
bgrafton@townofmarshfield.org
Phone: (781) 834-5573
Fax: (781) 837-7163

From: Dimeo, Mike [mailto:mdimeo@marshfieldpolice.org]
Sent: Thursday, January 13, 2022 11:38 AM
To: brendanmartincoyne@gmail.com; Ned Bangs <nbangs3@gmail.com>
Cc: Pat Brennan <pbrennan@amoryengineers.com>; Grafton, Bill <bgrafton@townofmarshfield.org>; Pomella, Tracy <tpomella@townofmarshfield.org>; Kevin Cantwell <marshfieldref@gmail.com>
Subject: CPC Application for passive recreation trail adjacent to the Harbor Park/DSA Town pier road

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

Brendan/Ned, Attached is a CPC application (Ned you heard this from last night) for consideration for the upcoming Town meeting, following last night's meeting. It was suggested that I seek feedback/support from trails committee. This application is only for the passive walking trail. The parking lot piece cannot be funded by CPC (however it's on the same plan). The walking trail does have an NOI and Conn. Comm. approval. The trail has become over grown and can provide a great beneficial use of the DSA. I plan to work on this trail in the meantime with volunteers from the Conn. Comm. and hopefully, your trails committee folks, or anyone that has an interest.

This would help lower the project costs going forward of trail clearing prior to Town meeting with an overall lower project cost if we can get some work done in advance. The trail would be similar to other trails in town with a compacted stone dust. The top of the berm is approx. 6-8 feet give or take, so depending on how trail clearing goes. This will provide a better picture of what we have to work with. I have also emailed the DPW for continuity, project visibly and hopefully support. I would like to brief your committee at an upcoming meeting as well. If you have a moment i would like to discuss this project with you.

Thanks!

M. DiMeo
Harbormaster

781-834-8298

Grafton, Bill

From: Dimeo, Mike <mdimeo@marshfieldpolice.org>
Sent: Wednesday, January 12, 2022 10:50 AM
To: Grafton, Bill
Subject: FW: Report Fraud your duty as an attorney

Importance: High

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

Bill, This dialogue was from August/September 2021. I'm looking for the attachment. However TC has already ruled on this. Furthermore, its listed under Book 1610, Page 508 and Plan Book 5, Page 85. I didn't want to bore you with Mr. Cusick's allegations. But now you can see he attacks everyone. I hope this will enlighten you Commission.

Thanks!

Mike

From: Robert W. Galvin [mailto:rwgalvin@comcast.net]
Sent: Thursday, September 9, 2021 2:33 PM
To: 'Chris Rohland'
Cc: 'Maresco, Michael'; Tavares, Phil; Dimeo, Mike
Subject: FW: Report Fraud your duty as an attorney

From: John Cusick <John@capeway.com>
Sent: Tuesday, August 31, 2021 7:23 PM
To: Robert W. Galvin <rwgalvin@comcast.net>
Cc: Carriere, David E <dcarriere@townofmarshfield.org>; Robert Shaughnessy <rjsdpw1@gmail.com>
Subject: Re: Report Fraud your duty as an attorney

Bob,

I want to add that the zoning application is fraud all the way through. You are now saying the land is town owned. Then why isn't the BOS the "owner" in the applications? Why put a single town employee up front and drag the BOPW into signing off on a project when the BOPW hasn't even been given these applications for Conservation and Zoning.

I had to ask for them myself so I could see what was going on.

The zoning application asks for one special permit (10.10) on page 2C-1 but then shows a different special permit (10.12) is needed on the bottom of page 2C-2 and on page 2C-3. Asking for one permit when a different one or a variance is needed is fraud.

The first "finding of fact" on page 2C-1 is missing. Does the answer not match the "fact" that is supposed to be on the page? I'm asking you to investigate this application.

Who wrote it, because it was wrongly written, and will it be corrected?

I do not want the BOPW or the DPW to be part of something that is being done illegally.

JC

On Tue, Aug 31, 2021 at 11:32 AM Robert W. Galvin <rwgalvin@comcast.net> wrote:

John:

I received your email this morning and your request for me to report a fraud by Michael Dimeo, Harbormaster.

In an effort to understand this issue, I went to the Registry of Deeds and looked into the actual ownership of the land.

The Town of Marshfield is the actual owner of the land which is the subject of this application, not the DPW or BOPW. I looked at the Taking dated April 21, 1931 and it was a taking by the Board of Selectmen of many parcels of land from various owners and the land stretches from Dyke Road all the way to the layout of Central Street and encompasses land in what is now Green Harbor.

I have attached the Order of Taking and Plan laying out the parcels of land that were taken by the Selectmen. See Book 1610, Page 508 and Plan Book 5, Page 85.

I have not spoken to the Harbormaster about your email; however, I think it was highly unlikely the Harbormaster was claiming that the Harbormaster owned this land. In fact, in one page you attached, he talks about the land being the "Town of Marshfield's" dredge spoils area and states that the wastewater treatment facility is on another portion of the parcel north of this area. In light of the deed and plan I located, his statement appears accurate not fraudulent. It is my understanding that the Harbormaster is also in front of your Board discussing his plans and that you are participating in those discussions. This also would support my view that he believes the BOPW has some care or custody of the land and that he and your Board work together on behalf of the Town on these issues. This also is not fraudulent behavior.

You are free to disagree with me; however, there is no fraud here in my view.

Bob Galvin

Robert W. Galvin, Esq.

Marshfield Town Counsel

Galvin & Galvin, PC

10 Enterprise Street, Suite 3

Duxbury, MA 02332-3315

(781) 934-5678

(781) 837-1030 (Fax)

rwgalvin@comcast.net

This email is confidential and privileged. If you received this email in error, please contact Attorney Galvin at (781) 934-5678 to report the email.

From: John Cusick <John@capeway.com>
Sent: Tuesday, August 31, 2021 8:30 AM
To: Bob Galvin <rwgalvin@comcast.net>
Subject: Report Fraud your duty as an attorney

Bob

You know the owner is the DPW of the small dirt lot across from harbor Park and the adjoining Dredge spoils area

What are you going to do with these two fraud applications by the Harbormaster M. Dimeo ? Who claims ownership.?

You have a legal obligation to report fraud .

I have attached 3 pics of frauds

"Fraud" or "fraudulent" denotes conduct that is fraudulent under substantive or procedural law and has a purpose to deceive

"Knowingly," "known," or "knows" denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.

I will report to every agency/association available to me. If this email is ignored and you refuse to act on two fraud applications one to ZBA and one to Conservation Commission

JC

Grafton, Bill

From: Kevin Cantwell <marshfieldref@gmail.com>
Sent: Tuesday, January 11, 2022 12:44 PM
To: Harbormaster
Cc: Pomella, Tracy; Maresco, Michael; Tavares, Phil; Grafton, Bill
Subject: Re: FW: 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.

Mike

For Wednesday's meeting I will be asking you to walk the CPC Board thru the currently submitted application funding and the attached files since this is the first time the CPC Board will have you in front of us for the application.

Thanks

Kevin

On Tue, Jan 11, 2022 at 11:19 AM Dimeo, Mike <mdimeo@marshfieldpolice.org> wrote:

Tracy/Kevin, Attached is some dialogue and extended history of the DSA parcel of land adjacent to Harbor park. This is very informative to the history of this town owned land. The CPC should have some working knowledge of this land to made some informed decisions prior to the Wednesday meeting. I will be in the process of clearing the over grown trail on top of the DSA berm relatively soon (we do have a filed/approved NOI with the Conn comm. & DEP that is filed with the Plymouth co. registry of deeds). Therefore, this work will start. The Parking lot piece was previously withdrawn from ZBA. However, I do plan to refile the application.

Thanks!

Mike

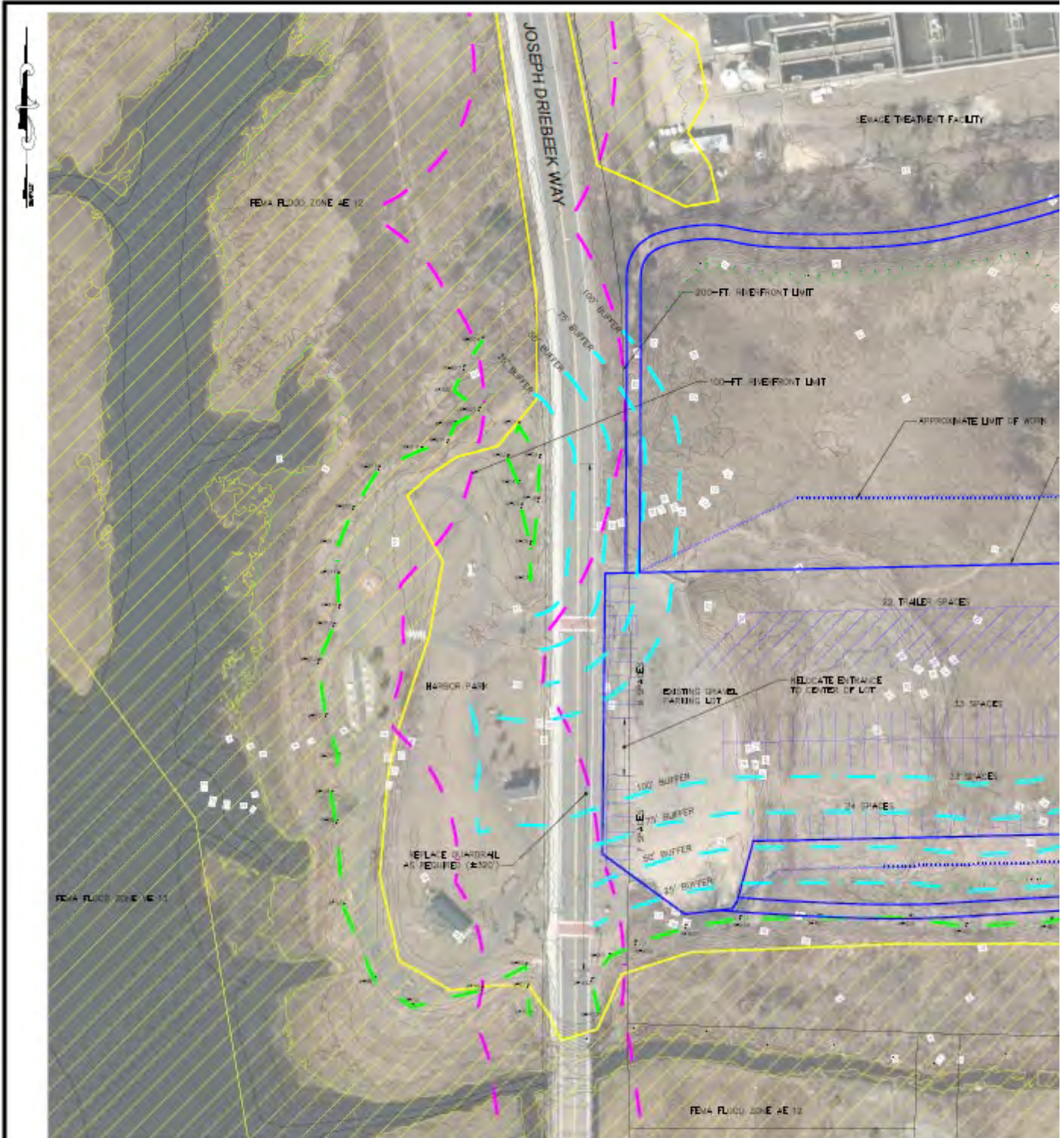
Subject: Conservation Memo/Conservation Permits SE42-166/2225/2586/2804/2929

All, please see attached.

I believe this to be the most comprehensive review of conservation permits involving activities that overlap the dredge spoils area (DSA). This memo and the referenced Orders of Conditions (SE42-166/2225/2586/2804/2929) establish the DSA as a designated area for dredge spoils from multiple approved projects and one that references the maintenance of the DSA. These permits surpassed all applicable appealable periods as well. This memo was provided based on multiple inputs to identify conservation permits that were directly relevant to activities associated with the DSA. These permits were carefully reviewed in the preparation of this memo. These conservation permits were not for vegetative management plan activities exclusively but show evidence of the practice and permission to maintain the DSA for dredge spoil purposes.

I will confer with the Commissioners but it seems clear to me that the DSA which is primarily beyond conservation jurisdictional boundaries based on the recently approved SE42-2929 (see screen shot below and attached approved site plan with wetland delineation and buffer zone), the ongoing maintenance practice referenced in the site plans associated with SE42-2225 that the maintenance of the dredge spoils area in General Notes No. 3 and the fact that no other permits are required for the cutting of the invasive phragmites that the cutting may continue. Please wait on resuming the cutting until after I confer with the Commissioners.

Thank you.



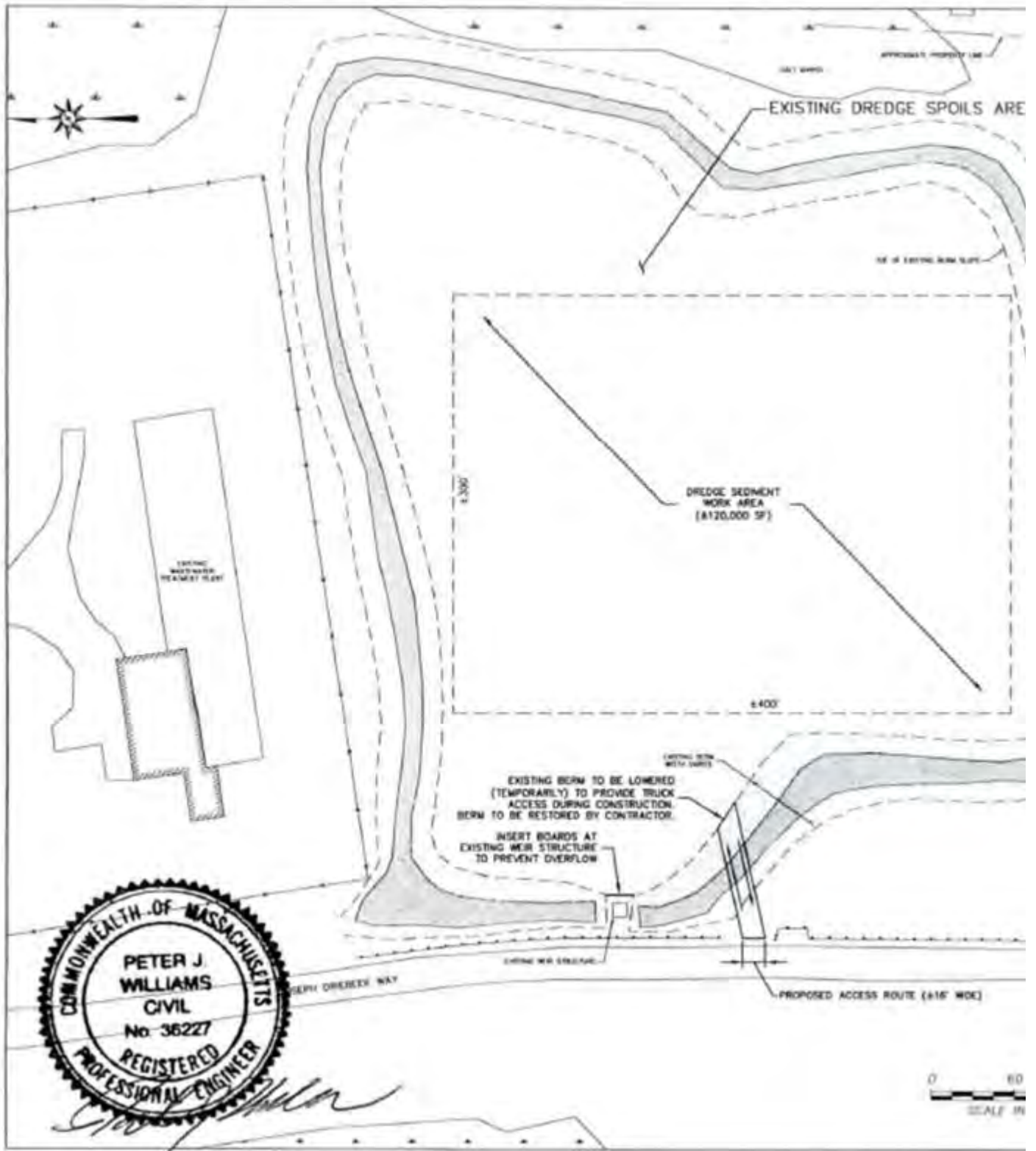
NOTES:

1. SHADY STATE FROM MASSGIS 2019 ORTHOPHOTOS.
2. PARCEL LINES FROM MASSGIS STANDARDIZED ASSESSOR'S PARCELS (MARSHFIELD FY 2021).
3. TOPOGRAPHY FROM NOAA 2018 LOCAL DATA.
4. FLOOD ZONE LIMITS FROM LOWRI 20-01-0284P-290273 SHADY FILE.
5. VERTICAL DATUM IS NAVD 1988. MEAN HIGH WATER LINE ELEVATION = 4.08 FOR TIDAL DATUM 8446009 BRANT ROCK GREEN HARBOR RIVER MA.
6. 310 CMS 10.08(2)(c) IN TIDAL RIVERS THE MEAN ANNUAL HIGH-WATER LINE IS COINCIDENT WITH THE MEAN HIGH WATER LINE (BL 4.08).
7. 310 CMS 10.08(2)(d) HAVEN-WAGE CHANNELS AND MOSQUITO DITCHES ASSOCIATED WITH COASTAL RIVERS DO NOT HAVE R/W-FRONT AREAS.
8. WETLANDS PLACED BY WADSWORTH IN JANUARY 2021.

SITE PLAN

Revisions			AMORY DATE
NO.	DATE	DESCRIPTION	
1	03/01/23	ISSUE FOR PERMITS	3/1/23

COPYRIGHT © BY AMORY ENGINEERING, INC.
 1200 STATE STREET, SUITE 200, BRANT ROCK, MA 01906
 508-548-2222
 2023-03-01 10:00 AM



Respectfully,

Bill Grafton

Town of Marshfield

Conservation Administrator

870 Moraine Street

Marshfield, MA 02050

bgrifton@townofmarshfield.org

Phone: (781) 834-5573

Fax: (781) 837-7163

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).

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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).

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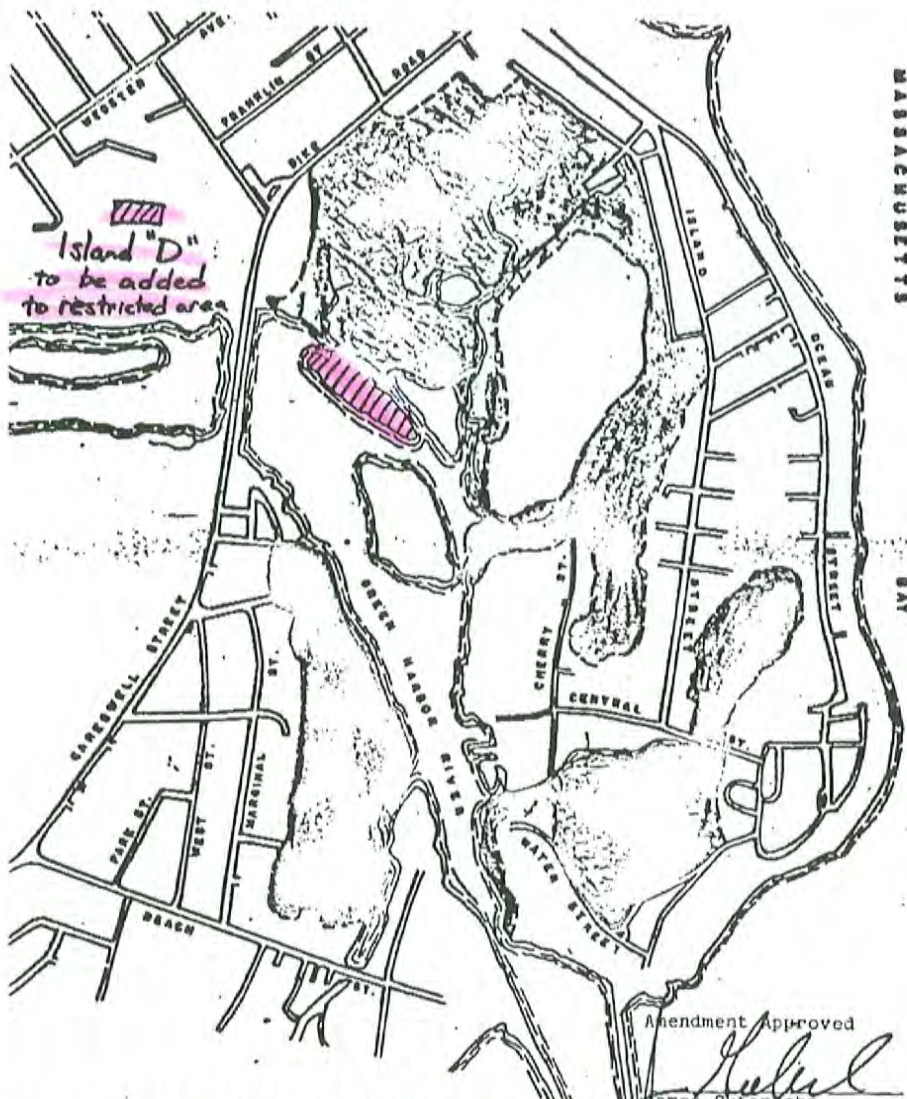
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Island "D"
to be added
to restricted area

Amendment approved

James Gutensohn
James Gutensohn
Commissioner

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. RECD JAN 28 1985 AT 9-45 AM AND RECORDED

ADOPTED AND APPROVED
JUNE 24, 1971

Arthur W. Brownell
ARTHUR W. BROWNELL
COMMISSIONER

DEP File No.

SE 42-166

(To be provided by DEP)

City/Town Marshfield

Applicant Town of Marshfield/
Planning Board



Commonwealth
of Massachusetts

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)

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

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

- 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

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 →



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.

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Enclosures

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FROM: William C. Finn

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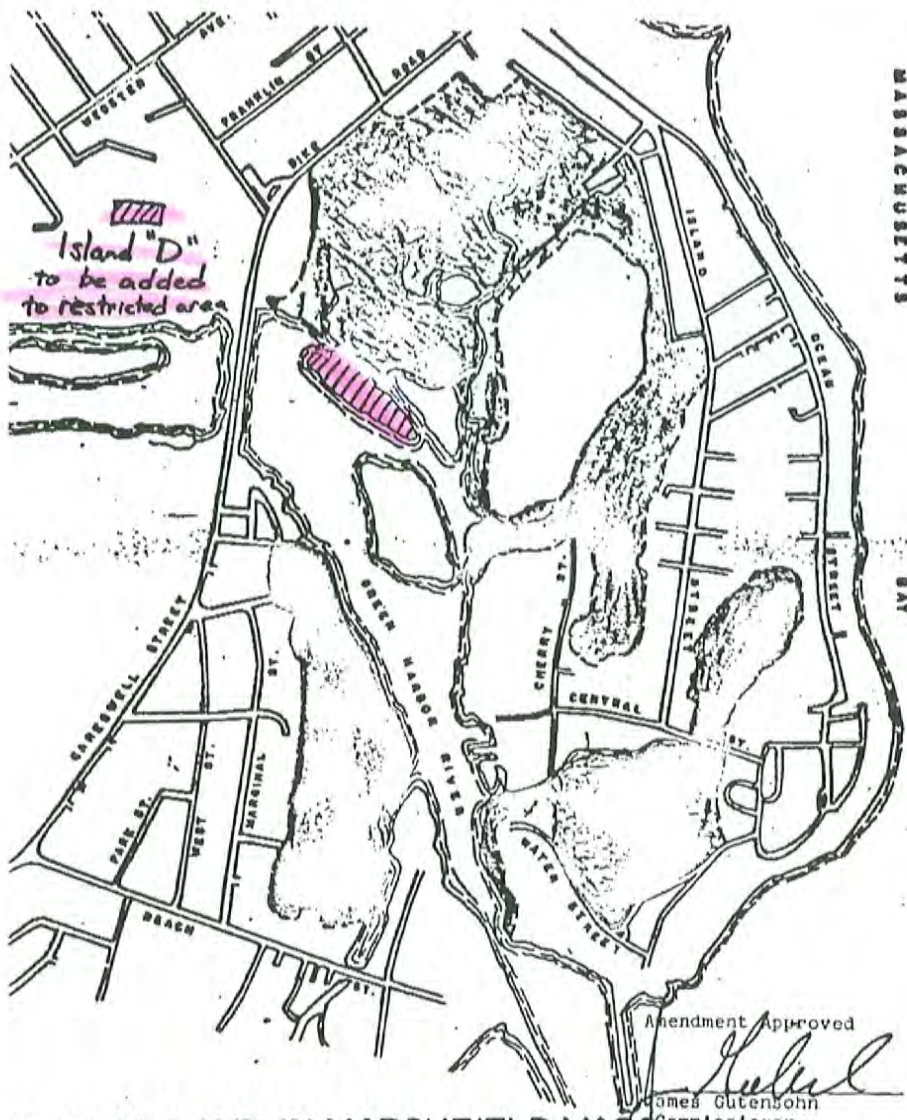
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PLAN OF LAND IN MARSHFIELD, MASS.

Showing an area to be restricted by the Department of Natural Resources under the authority of Chapter 130, Section 105 of the General Laws.

Amendment Approved
James Gutensohn
 James Gutensohn
 Commissioner

ADOPTED AND APPROVED
 JUNE 24, 1971

Arthur W. Brownell
 ARTHUR W. BROWNELL
 COMMISSIONER

REC'D JAN 28 1985 AT 9-45 AM AND RECORDED



Commonwealth
of Massachusetts

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

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Town Planner
Town of Marshfield
Marshfield Town Hall
Marshfield, MA 02050

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JOHN D. RIORDAN
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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 _____

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

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Signature _____ Applicant

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Town of Marshfield

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CONSERVATION COMMISSION

October 17, 1985

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Enclosures

Grafton, Bill

From: Grafton, Bill
Sent: Monday, December 27, 2021 7:59 AM
To: Art Lage; Bert O'Donnell; Craig Hannafin; Joe Ring; Patrick Carberry; Susan Caron
Cc: Flint, Eric
Subject: FW: Mary Murphy/DSA Discussion
Attachments: 2021 06 09 Harbormaster WPA Form 5 OOC State-Signed.pdf; 2021 06 09 Harbormaster WPA Form 5 OOC Town-Signed.pdf; 2021 05 11 Harbormaster Site Plan.pdf; 2015 12 08 MYC WPA Form 5 Town and State OOC.pdf; 2004 08 13 DPW MassDEP Comment Letter for ENF for comprehensive green harbor dredge 08132004 (1).pdf

Commissioners, good morning.

Mary & Eric Murphy who attended the December 21st MCC Public Meeting asked if we would share the letter dated 8/13/2004 from MassDEP commenting on the potential capping of the DSA once it has reached capacity. This was sent as part of my e-mail dated 12/06/2021. See the last attachment and my e-mail below.

This should provide good background about the DSA and its usage.

Respectfully,

Bill Grafton
Town of Marshfield
Conservation Administrator
870 Moraine Street
Marshfield, MA 02050
bgrafton@townofmarshfield.org
Phone: (781) 834-5573
Fax: (781) 837-7163

From: Grafton, Bill
Sent: Monday, December 6, 2021 11:01 AM
To: Art Lage <artlage123@gmail.com>; Bert O'Donnell <bwod54@gmail.com>; Craig Hannafin <cdhan@comcast.net>; Joe Ring <jpkring@verizon.net>; Patrick Carberry <prc71154@gmail.com>; Susan Caron <scaron626@gmail.com>
Cc: Flint, Eric <eflint@townofmarshfield.org>; Mike DiMeo <mdimeo@marshfieldpolice.org>; Procaccino, Rod <RProcaccino@townofmarshfield.org>; Patrick Brennan (pbrennan@amoryengineers.com) <pbrennan@amoryengineers.com>
Subject: FW: Mary Murphy/DSA Discussion

Commissioners, the Conservation Department has received a number of comments about the Conservation permitted DSA Parking Lot project. See attached Orders of Condition and approved Site Plan. The Harbor Master has performed a precon meeting and met the d(1) pre-commencement of work requirements sans obtaining all pertinent permits being heard by ZBA on 12/14/2021.

There are also other projects that have been permitted over time within the DSA itself allowing for the disposal of dredge materials. See attachments 4 & 5. Additionally, the phargmites which is within an upland environment primarily beyond the buffer zone established during the public hearing on SE42-2929 and seen within the attached approved site plan has been cut over the years as part of the DSA designation and ongoing usage.

The project is additionally before the ZBA so the parking lot portions of the project that are not consistent with the previous uses should not advance unless the Commission allows it. I will be working on setting up a meeting to coordinate Town Officials involved with the various aspects of this project in the hopes that we will have better outcomes and clarity.

Just wanted to keep you all aware of these developments.

Respectfully,

Bill Grafton
Town of Marshfield
Conservation Administrator
870 Moraine Street
Marshfield, MA 02050
bgrafton@townofmarshfield.org
Phone: (781) 834-5573
Fax: (781) 837-7163

From: Procaccino, Rod
Sent: Monday, December 6, 2021 9:07 AM
To: Grafton, Bill <bgrafton@townofmarshfield.org>
Cc: Reynolds, Thomas <treynolds@townofmarshfield.org>
Subject: RE: Mary Murphy/DSA Discussion

Bill: I agree with the harbormasters description. The ACOE did not use the DSA at that time and dredge spoils from the fed channel were taken off shore because the estimate including allowed over dredge may have exceeded available capacity. Rod

From: Grafton, Bill
Sent: Friday, December 03, 2021 3:15 PM
To: Harbormaster; Procaccino, Rod
Cc: 'pbrennan@amoryengineers.com'
Subject: RE: Mary Murphy/DSA Discussion

Thank you. Very informative.

Respectfully,

Bill Grafton
Town of Marshfield
Conservation Administrator
870 Moraine Street
Marshfield, MA 02050
bgrafton@townofmarshfield.org
Phone: (781) 834-5573
Fax: (781) 837-7163

From: Dimeo, Mike [<mailto:mdimeo@marshfieldpolice.org>]
Sent: Friday, December 3, 2021 1:39 PM
To: Grafton, Bill <bgrafton@townofmarshfield.org>; Procaccino, Rod <RProcaccino@townofmarshfield.org>

Cc: 'pbrennan@amoryengineers.com' <pbrennan@amoryengineers.com>

Subject: RE: Mary Murphy/DSA Discussion

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Bill, Not much to discuss here. This was part of the prior dredging projects in which the USACE "was" going to use the DSA and add 50,000 cubic yards of material (probably would have filled the DSA). This would have been an hydraulic dredging project. Hydraulic dredging projects are dredged with approx.. 80 percent of water/slurry coming thru the pipes. It was determined that the berms would not handle the weight of the water, etc.

Nonetheless, the USACE went offshore. Therefore, the DSA still remained and the Town did use the site in 2009/10 Taylor marine also used the site in 2011. In 2020 the Green Harbor yacht club was also permitted to use this site. In 2021, the town is currently looking to permit the upland disposal site (DSA for the anticipated) 2022 town dredging project; similar to previous one. In the next 50 years when the site is filled to capacity, this is when it would be capped. Until that time the town reserves the right to use this site. The referenced letter is a DEP comment letter. I'll await Rod's response.

Thanks!

Mike

From: Grafton, Bill [<mailto:bgrafton@townofmarshfield.org>]

Sent: Friday, December 3, 2021 11:50 AM

To: Procaccino, Rod; Dimeo, Mike

Subject: FW: Mary Murphy/DSA Discussion

Guys, here is the letter. Let's discuss.

Respectfully,

Bill Grafton
Town of Marshfield
Conservation Administrator
870 Moraine Street
Marshfield, MA 02050
bgrafton@townofmarshfield.org
Phone: (781) 834-5573
Fax: (781) 837-7163

From: Mary M. Murphy [<mailto:minotmurphy@comcast.net>]

Sent: Friday, December 3, 2021 11:46 AM

To: Flint, Eric <eflint@townofmarshfield.org>; Grafton, Bill <bgrafton@townofmarshfield.org>

Cc: Coppi, Douglas (DEP) <douglas.coppi@state.ma.us>; EMurphy@repelpestsolutions.com

Subject: RE: Mary Murphy/DSA Discussion

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Hi Bill - welcome back from vacation!

My husband was just at the town pier and apparently the DPW is already mowing the phragmites and leveling the land even though the ZBA has not approved this? (Doug, I will send you and Mark the video.)

Also, my husband told me that you never received the letter from 2004. It was including in the link below and reposted again. See letter: [https://img1.wsimg.com/blobby/go/07e38577-23c5-497f-ac03-1ba8d31dd4f0/downloads/green%20harbor%2008132004%20\(1\).pdf?ver=1637684258343](https://img1.wsimg.com/blobby/go/07e38577-23c5-497f-ac03-1ba8d31dd4f0/downloads/green%20harbor%2008132004%20(1).pdf?ver=1637684258343). I have other similar letters and memos from the DEP documenting conversations with the town of Marshfield.

I will have my husband, Eric Murphy, personally drop of a printed copy as you've been either sick, on vacation, or too busy to meet with me and I'm not sure why.

Thank you!

On 11/24/2021 1:20 PM Mary M. Murphy <minotmurphy@comcast.net> wrote:

I'm not sure I understand. And, I am very sorry for all the back and forth especially before Thanksgiving.

Based upon your responses, it sounds like Wetlands can become regular Upland once it's filled in by Dredge Material like what was flagged by Conservation? Is that right? And, you can truck materials thru wetlands to the new parking lot because you're not officially dumping on wetlands? Is that right?

It is my understand that Dredge Spoils or DSA materials are considered solid waste and once on land and are expected to be treated as such. Or, that is my understanding as to why Solid Waste needs to be involved. (Doug Coppi/Mark Darcy)

The town of Marshfield started dumping dredge materials in 1931 and no DEP paper was ever filed or found prior 1960 as stated in State letter from 2004. See letter: [https://img1.wsimg.com/blobby/go/07e38577-23c5-497f-ac03-1ba8d31dd4f0/downloads/green%20harbor%2008132004%20\(1\).pdf?ver=1637684258343](https://img1.wsimg.com/blobby/go/07e38577-23c5-497f-ac03-1ba8d31dd4f0/downloads/green%20harbor%2008132004%20(1).pdf?ver=1637684258343). In this letter, these dredge spoils have been labeled as "toxic" and the DEP state was told by the Town of Marshfield the site was being "permanently closed" to protect public health so as "to allow the town future development of the area". This is my understanding, this letter was provided so as to give the rights for Conservation/ZBA process to approve so as to close the site.

However, you just approved the use of a parking lot and dumping of materials like crushed asphalt and the State believes your permanently closing the Dredging site. However, the HarborMaster has stated a few times in a few different meetings, the new parking lot would need to available for future dredge sites. If that's the case, I believe, the town will need to truck in the required amount of fill (3 feet top over dredge) in order to "permanently" close the parking area of the dredge site or as described in meeting? **See ~21 mins.** <https://vimeo.com/560960379>.

The tree line discussion can be found: **See ~23 mins.** <https://vimeo.com/560960379>.

Can I ask how the Conservation team got comfortable with this decision?? Is it because once the dredge fills in the wetlands it's no longer a wetland? As you know, in a wetland you can't dump anything or that's how I read the bylaws for wetlands: <https://ecode360.com/30048697>

And, as you know, I've tried to meet with Bill a few times to ask these specific questions but he's been either been sick or now on vacation.

Thanks for the insight Eric!! I hope you have a fantastic Thanksgiving!

Mary

On 11/24/2021 10:41 AM Flint, Eric <eflint@townofmarshfield.org> wrote:

Hi Mary,

Could you clarify what you are referring to when you say “the DEP has approved this site plans as long as tree line remained untouched”? I have reviewed the video from the 6/1/21 Conservation Commission meeting and did not note any reference to this.

Regarding DEP receiving paperwork and “approving it” I will attempt to clarify this point by further explaining the permitting process. When an applicant wishes to propose work within a wetland resource area or buffer zone, they may file a Notice of Intent (NOI). The NOI is submitted to both the local Conservation Commission and DEP. Once DEP has confirmed that a complete submittal has been made, they issue a file number. The file number in this case, SE42-2929, was issued by DEP on 5/19/21, indicating that they received the filing, and considered it a complete submittal.

The local Conservation Commission then holds a public hearing where the application is presented. As you referenced below, this occurred for SE42-2929 on 6/1/21. If the Conservation Commission determines that the project can be conditioned to meet the performance standards of the Wetlands Protection Act and/or the local Wetland Bylaw, an Order of Conditions is issued approving the project. The Order of Conditions (OOC) for SE42-2929 was issued by the Marshfield Conservation Commission on 6/9/21. On this day, a digital copy of the OOC was emailed to DEP, and a hard copy of the OOC was mailed to the DEP office in Lakeville. There is then an appeal period of ten business days. If an appeal is filed, DEP can take action, and issue a Superseding Order of Conditions, effectively overriding the local Conservation Commission’s decision and conditions. This did not happen for SE42-2929.

Regarding the classification of this area as “wetlands”, I would refer you to the site plan for this NOI which I have previously provided to you. The wetland boundaries were flagged by a qualified wetland scientist and confirmed in the field by the Conservation Administrator. The boundary is depicted by the dashed-green line on the site plan. This delineation shows that the proposed parking area is not within the wetland itself, but rather in the 100’ buffer zone to it, which is jurisdictional to the Conservation Commission under the Wetlands Protection Act and Marshfield Wetlands Protection Bylaw. When the Commission approved this project, the wetland boundary was confirmed, and remains valid for the life of the Order of Conditions.

I hope this clarifies. Have a great Thanksgiving.

Respectfully,

Eric Flint

Conservation Agent

Town of Marshfield

870 Moraine Street

Marshfield, MA 02050

eflint@townofmarshfield.org

Phone: (781) 834-5573

Cell: (781) 261-6966

From: Mary M. Murphy [<mailto:minotmurphy@comcast.net>]

Sent: Monday, November 22, 2021 12:38 PM

To: Flint, Eric <eflint@townofmarshfield.org>; Grafton, Bill <bgrafton@townofmarshfield.org>

Cc: Coppi, Douglas (DEP) <douglas.coppi@state.ma.us>

Subject: RE: Mary Murphy/DSA Discussion

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MCTV Videos:

3/10/21 [Waterways Approval](#) of parking lot and reconfigured pier as well as their additional needs for future dredging.

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6/7/21 [DPW and town counsel](#) of parking lot on approval because conservation approved and clause crafted by town counsel.

See ~15 mins: 25 secs: <https://vimeo.com/560965162>

Unfortunately, my contact (cced) at the DEP has not received any paperwork and unsure why. Can you kindly send us the number associated with the filing and who approved the paperwork?

Personally, I would like to understand how these Wetlands, with conservation restrictions can be used as a DSA site and hold temporary parking lot on top of dredge spoils with only a few inches of sand on top close to neighbors? I realize there was no neighbors who attended and know they were informed legally by the town.

We have shown up in numbers since then and I've attached a letter received by the town of Marshfield in 2004. Do we not have any other choices but to dump? And, how can we continue to dump DSA materials and also create a mixed use with a parking lot? Is the rationale, we've dumped there for so long, the area is no longer considered a wetland or conservation land?

I'm trying to understand how the approval process works and who's accountable for the various decisions.

All help is appreciated.

Thank you, Eric!

Mary

On 11/22/2021 8:55 AM Flint, Eric
<eflint@townofmarshfield.org> wrote:

Hi Mary,

Reaching out to you as Bill is taking a well-earned vacation this week. I had previously provided you with the NOI submittal, Order of Conditions, and Site Plan for the DSA project (SE42-2929). Is there any additional information on this that you would like to see? If so, I would be happy to provide you with it.

As to your other questions, I would need to defer to Bill as to who he spoke to, but I would note that we as Conservation Staff do not provide

“sign-off” on these types of projects. They are heard in formal Public Meetings and the Conservation Commission is the body that approves or denies them. DEP does not “approve” individual projects per se, but rather has the opportunity to override the local Conservation Commission by issuing a Superseding Order of Conditions, which they did not do in this case.

Hope this is helpful.

Thank you,

Eric Flint

Conservation Agent

Town of Marshfield

870 Moraine Street

Marshfield, MA 02050

eflint@townofmarshfield.org

Phone: (781) 834-5573

Cell: (781) 261-6966

From: Mary M. Murphy [<mailto:minotmurphy@comcast.net>]
Sent: Friday, November 19, 2021 10:58 AM
To: Grafton, Bill <bgrafton@townofmarshfield.org>
Cc: Flint, Eric <eflint@townofmarshfield.org>
Subject: RE: Mary Murphy/DSA Discussion

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Hello Bill - I'm watching the conservation committee meeting from June 1 and wonder if you could please pull the

conservation files related to this project and your sign-off as well as whom in DEP you spoke to and received approval?

Thank you.

On 10/21/2021 8:47 AM Grafton, Bill
<bgrafton@townofmarshfield.org> wrote:

Mary, thank you as well...unfortunately, I'm home ill today....please work with Eric Flint to reschedule at a convenient time for you. My apologies for delaying our meeting.

Respectfully,

Bill Grafton

Town of Marshfield

Conservation Administrator

870 Moraine Street

Marshfield, MA 02050

bgrafton@townofmarshfield.org

Phone: (781) 834-5573

Fax: (781) 837-7163

From: Mary M. Murphy

[<mailto:minotmurphy@comcast.net>]

Sent: Thursday, October 21, 2021 8:05 AM

To: Grafton, Bill <bgrafton@townofmarshfield.org>

Subject: Re: Mary Murphy/DSA Discussion

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Bill - i apologize. I thought this meeting was for 8:30. I'm leaving Brant Rock now... will be there shortly. Thanks!

On 10/07/2021 3:24 PM Grafton,
Bill
<bgrifton@townofmarshfield.org>
wrote:

Grafton, Bill

From: Grafton, Bill
Sent: Monday, December 27, 2021 8:05 AM
To: 'Mary M. Murphy'; Flint, Eric; Craig Hannafin
Cc: Coppi, Douglas (DEP); EMurphy@repelpestsolutions.com
Subject: RE: Mary Murphy/DSA Discussion

Good morning Mary. Just wanted to confirm that the 8/13/2004 MassDEP Letter you referenced was sent to the Marshfield Conservation Commission on 12/06/2021 at 11:01am and again today.

As to a meeting, Eric and I will work with Craig to discuss the DSA capacity and whether a meeting with Marshfield Conservation or another department or agency would be appropriate.

Respectfully,

Bill Grafton
Town of Marshfield
Conservation Administrator
870 Moraine Street
Marshfield, MA 02050
bgrafton@townofmarshfield.org
Phone: (781) 834-5573
Fax: (781) 837-7163

From: Mary M. Murphy [mailto:minotmurphy@comcast.net]
Sent: Wednesday, December 22, 2021 12:50 PM
To: Grafton, Bill <bgrafton@townofmarshfield.org>; Flint, Eric <eflint@townofmarshfield.org>
Cc: Coppi, Douglas (DEP) <douglas.coppi@state.ma.us>; EMurphy@repelpestsolutions.com
Subject: RE: Mary Murphy/DSA Discussion

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Hi Bill/Eric. It was good to be a part of the Conservation Committee last night. Thanks for suggesting it!

As mentioned, I'd like to get together with you and the Conservation Chair to discuss the DSA permitting process and whose monitoring the amount of material that's being deposited there.

Can you also please forward the letter to all the other members of the Conservation Committee so that they're properly informed. Or, would this be something you'd add to their Agenda?

Letter: <https://img1.wsimg.com/blobby/go/07e38577-23c5-497f-ac03-1ba8d31dd4f0/downloads/green%20harbor%2008132004.pdf?ver=1637684258343>

Let me know.

Thanks.

On 12/03/2021 3:56 PM Grafton, Bill <bgrifton@townofmarshfield.org> wrote:

Eric and Mary, thank you for reaching me. Sorry we have missed out on several opportunities to hold an appointment and spend time addressing your questions.

Today, Eric contacted me and made me aware of the referenced letter dated August 13, 2004 which I now have. I have reviewed it and will inquire further with the Harbor Master, DPW and Town Counsel. I will also notify the Conservation Commissioners. Eric and I further discussed the phragmites cutting which is part of their conservation permit that the Marshfield Conservation Commission approved. Eric asked me to confirm if I received an e-mail from you two weeks ago. Yes, this was Friday, November 19th at 1058am. Town Hall closed at 1230pm that day and I was away on a few days of vacation followed by the Thanksgiving Holiday.

Additionally, I was out sick on the day that Mary and I were to meet on 10/21/2021. We rescheduled for 11/10/2021 but no one arrived at the Conservation Office.

Therefore, let's start fresh with the meeting scheduled with Eric on Monday, 12 noon. I look forward to meeting with you and addressing your questions.

Respectfully,

Bill Grafton

Town of Marshfield

Conservation Administrator

870 Moraine Street

Marshfield, MA 02050

bgrifton@townofmarshfield.org

Phone: (781) 834-5573

Fax: (781) 837-7163

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Cc: Coppi, Douglas (DEP) <douglas.coppi@state.ma.us>; EMurphy@repelpestsolutions.com
Subject: RE: Mary Murphy/DSA Discussion

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I will have my husband, Eric Murphy, personally drop of a printed copy as you've been either sick, on vacation, or too busy to meet with me and I'm not sure why.

Thank you!

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Based upon your responses, it sounds like Wetlands can become regular Upland once it's filled in by Dredge Material like what was flagged by Conservation? Is that right? And, you can truck materials thru wetlands to the new parking lot because you're not officially dumping on wetlands? Is that right?

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The tree line discussion can be found: **See ~23 mins.** <https://vimeo.com/560960379>.

Can I ask how the Conservation team got comfortable with this decision?? Is it because once the dredge fills in the wetlands it's no longer a wetland? As you know, in a wetland you can't dump anything or that's how I read the bylaws for wetlands: <https://ecode360.com/30048697>

And, as you know, I've tried to meet with Bill a few times to ask these specific questions but he's been either been sick or now on vacation.

Thanks for the insight Eric!! I hope you have a fantastic Thanksgiving!

Mary

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Hi Mary,

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Commission on 6/9/21. On this day, a digital copy of the OOC was emailed to DEP, and a hard copy of the OOC was mailed to the DEP office in Lakeville. There is then an appeal period of ten business days. If an appeal is filed, DEP can take action, and issue a Superseding Order of Conditions, effectively overriding the local Conservation Commission's decision and conditions. This did not happen for SE42-2929.

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I hope this clarifies. Have a great Thanksgiving.

Respectfully,

Eric Flint

Conservation Agent

Town of Marshfield

870 Moraine Street

Marshfield, MA 02050

eflint@townofmarshfield.org

Phone: (781) 834-5573

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I'm trying to understand how the approval process works and who's accountable for the various decisions.

All help is appreciated.

Thank you, Eric!

Mary

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Eric Flint

Conservation Agent

Town of Marshfield

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Town of Marshfield

Conservation Administrator

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Phone: (781) 834-5573

Fax: (781) 837-7163

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<bgrafton@townofmarshfield.org>
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Bill - i apologize. I thought this meeting was for 8:30. I'm leaving Brant Rock now... will be there shortly. Thanks!

On 10/07/2021 3:24 PM Grafton, Bill
<bgrafton@townofmarshfield.org> wrote:

Grafton, Bill

From: Pamela Keith <pjk24@comcast.net>
Sent: Tuesday, December 14, 2021 2:11 PM
To: Galvin, Robert
Cc: Stewart, Andrew; Grafton, Bill
Subject: [CAUTION] Chapter 130 Section 105 Restriction

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

Hello Mr. Galvin,

As you know, I received a response to the residents' comments from the MEPA Office yesterday. The response indicates you and others are looking into the validity of the conservation map I submitted to the ZBA and that the year the restriction was made seems to be of some issue. I just want you to know that I know this Chapter of the law is directly printed on the WPA 3 NOI forms an applicant must file with Conservation in order to do work in a wetland area. Part C Question 6 asks if a Coastal Wetlands Restriction Order under this Chapter applies to any portion of the site.

Since this question appears on the form, I find it hard to believe that the year of the Order is a problem. These restrictions are so "valid" that they appear prominently on the NOI form. Also, I can read that FEMA gleefully prints in its Flood Insurance Studies that the Town of Marshfield has restrictions in place under this Chapter of the law.

The NOI for the land-filling/TEMPORARY-parking-lot project was filled out incorrectly and the Hearing before the Conservation Commission was premature since the zoning permit required by the state law was not applied for first or at the time. I've read that environmental lawsuits under Chapter 214, Section 7A have upheld the correct order for applying for local permits.

I do believe this conservation restriction is a reason for residents to fight (legally) for some relief from the filling and destruction of the coastal wetlands that are the "DSA." I decided to write to you now in order to give you as much information as possible before tonight's ZBA deliberations in order that you may inform the Board correctly.

Any refusal to take this restriction seriously is a disservice to residents and is inviting unnecessary costs upon the Town.

Thank you for your time.
Pam Keith

Grafton, Bill

From: Robert W. Galvin <rwgalvin@comcast.net>
Sent: Wednesday, December 15, 2021 8:44 PM
To: Grafton, Bill
Cc: Harbormaster; 'Craig Hannafin'; Maresco, Michael
Subject: RE: [CAUTION] Chapter 130 Section 105 Restriction

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Bill:

The Commission issued an Order of Conditions under the state act and local bylaw.

To my knowledge, there was no appeal of the OOC and therefore its final for as long as it is valid.

I am not looking into the validity of any maps and I do not know where Ms. Keith heard that.

There is a preference that all local permits and approvals be obtained before Conservation Commission permits; however, Marshfield has not typically followed this order. No matter what the order was it does not effect the validity of the OOC.

I suggest you ask the Harbormaster or Mr. Brennan to address with DEP the order Ms. Keith references and ask DEP their view.

Its my view there is a valid OOC but now nothing on file with the ZBA for the new parking lot; however, its my view there is another valid OOC for the GHYC to dump dredge spoils there and that use is a pre-existing nonconforming use for zoning purposes.

If there is a DSA there, I do not know why cutting in non-resource areas is problematic particularly if that has been a regular practice over the years.

Robert W. Galvin, Esq.
Marshfield Town Counsel
Galvin & Galvin, PC
10 Enterprise Street, Suite 3
Duxbury, MA 02332-3315
(781) 934-5678
(781) 837-1030 (Fax)
rwgalvin@comcast.net

This email is confidential and privileged. If you received this email in error, please contact Attorney Galvin at (781) 934-5678 to report the email.

From: Grafton, Bill <bgrafton@townofmarshfield.org>
Sent: Wednesday, December 15, 2021 5:30 PM
To: Galvin, Robert <rwgalvin@comcast.net>
Cc: Harbormaster <mdimeo@marshfieldpolice.org>; Craig Hannafin <cdhan@comcast.net>
Subject: FW: [CAUTION] Chapter 130 Section 105 Restriction

Bob, looking for some guidance from you about Pam Keith's e-mail below.

She seems to be indicating that the NOI was not filed properly. Does her comment about the Coastal Wetland Restriction Act affect the Orders of Conditions?

Also, there does not seem to be any particular language about phragmites cutting in any of the conservation permits that I have seen to date but a large portion of the DSA is upgradient of the 100 foot buffer based upon the approved wetland delineation under the Order of Conditions/SE42-2929 for the DSA parking lot. We would like to get your comments about this as well.

Respectfully,

Bill Grafton
Town of Marshfield
Conservation Administrator
870 Moraine Street
Marshfield, MA 02050
bgrafton@townofmarshfield.org
Phone: (781) 834-5573
Fax: (781) 837-7163

From: Pamela Keith [<mailto:pjk24@comcast.net>]
Sent: Tuesday, December 14, 2021 2:11 PM
To: Galvin, Robert <rwgalvin@comcast.net>
Cc: Stewart, Andrew <astewart@townofmarshfield.org>; Grafton, Bill <bgrafton@townofmarshfield.org>
Subject: [CAUTION] Chapter 130 Section 105 Restriction

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Hello Mr. Galvin,

As you know, I received a response to the residents' comments from the MEPA Office yesterday. The response indicates you and others are looking into the validity of the conservation map I submitted to the ZBA and that the year the restriction was made seems to be of some issue. I just want you to know that I know this Chapter of the law is directly printed on the WPA 3 NOI forms an applicant must file with Conservation in order to do work in a wetland area. Part C Question 6 asks if a Coastal Wetlands Restriction Order under this Chapter applies to any portion of the site.

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The NOI for the land-filling/TEMPORARY-parking-lot project was filled out incorrectly and the Hearing before the Conservation Commission was premature since the zoning permit required by the state law was not applied for first or at the time. I've read that environmental lawsuits under Chapter 214, Section 7A have upheld the correct order for applying for local permits.

I do believe this conservation restriction is a reason for residents to fight (legally) for some relief from the filling and destruction of the coastal wetlands that are the "DSA." I decided to write to you now in order to give you as much information as possible before tonight's ZBA deliberations in order that you may inform the Board correctly.

Any refusal to take this restriction seriously is a disservice to residents and is inviting unnecessary costs upon the Town.

Thank you for your time.
Pam Keith

Grafton, Bill

From: Grafton, Bill
Sent: Friday, December 3, 2021 3:56 PM
To: 'Mary M. Murphy'; Flint, Eric
Cc: Coppi, Douglas (DEP); EMurphy@repelpestsolutions.com
Subject: RE: Mary Murphy/DSA Discussion

Eric and Mary, thank you for reaching me. Sorry we have missed out on several opportunities to hold an appointment and spend time addressing your questions.

Today, Eric contacted me and made me aware of the referenced letter dated August 13, 2004 which I now have. I have reviewed it and will inquire further with the Harbor Master, DPW and Town Counsel. I will also notify the Conservation Commissioners. Eric and I further discussed the phragmites cutting which is part of their conservation permit that the Marshfield Conservation Commission approved. Eric asked me to confirm if I received an e-mail from you two weeks ago. Yes, this was Friday, November 19th at 1058am. Town Hall closed at 1230pm that day and I was away on a few days of vacation followed by the Thanksgiving Holiday.

Additionally, I was out sick on the day that Mary and I were to meet on 10/21/2021. We rescheduled for 11/10/2021 but no one arrived at the Conservation Office.

Therefore, let's start fresh with the meeting scheduled with Eric on Monday, 12 noon. I look forward to meeting with you and addressing your questions.

Respectfully,

Bill Grafton
Town of Marshfield
Conservation Administrator
870 Moraine Street
Marshfield, MA 02050
bgrafton@townofmarshfield.org
Phone: (781) 834-5573
Fax: (781) 837-7163

From: Mary M. Murphy [mailto:minotmurphy@comcast.net]
Sent: Friday, December 3, 2021 11:46 AM
To: Flint, Eric <eflint@townofmarshfield.org>; Grafton, Bill <bgrafton@townofmarshfield.org>
Cc: Coppi, Douglas (DEP) <douglas.coppi@state.ma.us>; EMurphy@repelpestsolutions.com
Subject: RE: Mary Murphy/DSA Discussion

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Hi Bill - welcome back from vacation!

My husband was just at the town pier and apparently the DPW is already mowing the phragmites and leveling the land even though the ZBA has not approved this? (Doug, I will send you and Mark the video.)

Also, my husband told me that you never received the letter from 2004. It was including in the link below and reposted again. See letter: [https://img1.wsimg.com/blobby/go/07e38577-23c5-497f-ac03-1ba8d31dd4f0/downloads/green%20harbor%2008132004%20\(1\).pdf?ver=1637684258343](https://img1.wsimg.com/blobby/go/07e38577-23c5-497f-ac03-1ba8d31dd4f0/downloads/green%20harbor%2008132004%20(1).pdf?ver=1637684258343). I have other similar letters and memos from the DEP documenting conversations with the town of Marshfield.

I will have my husband, Eric Murphy, personally drop of a printed copy as you've been either sick, on vacation, or too busy to meet with me and I'm not sure why.

Thank you!

On 11/24/2021 1:20 PM Mary M. Murphy <minotmurphy@comcast.net> wrote:

I'm not sure I understand. And, I am very sorry for all the back and forth especially before Thanksgiving.

Based upon your responses, it sounds like Wetlands can become regular Upland once it's filled in by Dredge Material like what was flagged by Conservation? Is that right? And, you can truck materials thru wetlands to the new parking lot because you're not officially dumping on wetlands? Is that right?

It is my understand that Dredge Spoils or DSA materials are considered solid waste and once on land and are expected to be treated as such. Or, that is my understanding as to why Solid Waste needs to be involved. (Doug Coppi/Mark Darcy)

The town of Marshfield started dumping dredge materials in 1931 and no DEP paper was ever filed or found prior 1960 as stated in State letter from 2004. See letter: [https://img1.wsimg.com/blobby/go/07e38577-23c5-497f-ac03-1ba8d31dd4f0/downloads/green%20harbor%2008132004%20\(1\).pdf?ver=1637684258343](https://img1.wsimg.com/blobby/go/07e38577-23c5-497f-ac03-1ba8d31dd4f0/downloads/green%20harbor%2008132004%20(1).pdf?ver=1637684258343). In this letter, these dredge spoils have been labeled as "toxic" and the DEP state was told by the Town of Marshfield the site was being "permanently closed" to protect public health so as "to allow the town future development of the area". This is my understanding, this letter was provided so as to give the rights for Conservation/ZBA process to approve so as to close the site.

However, you just approved the use of a parking lot and dumping of materials like crushed asphalt and the State believes your permanently closing the Dredging site. However, the HarborMaster has stated a few times in a few different meetings, the new parking lot would need to available for future dredge sites. If that's the case, I believe, the town will need to truck in the required amount of fill (3 feet top over dredge) in order to "permanently" close the parking area of the dredge site or as described in meeting? **See ~21 mins.** <https://vimeo.com/560960379>.

The tree line discussion can be found: **See ~23 mins.** <https://vimeo.com/560960379>.

Can I ask how the Conservation team got comfortable with this decision?? Is it because once the dredge fills in the wetlands it's no longer a wetland? As you know, in a wetland you can't dump anything or that's how I read the bylaws for wetlands: <https://ecode360.com/30048697>

And, as you know, I've tried to meet with Bill a few times to ask these specific questions but he's been either been sick or now on vacation.

Thanks for the insight Eric!! I hope you have a fantastic Thanksgiving!

Mary

On 11/24/2021 10:41 AM Flint, Eric <eflint@townofmarshfield.org> wrote:

Hi Mary,

Could you clarify what you are referring to when you say “the DEP has approved this site plans as long as tree line remained untouched”? I have reviewed the video from the 6/1/21 Conservation Commission meeting and did not note any reference to this.

Regarding DEP receiving paperwork and “approving it” I will attempt to clarify this point by further explaining the permitting process. When an applicant wishes to propose work within a wetland resource area or buffer zone, they may file a Notice of Intent (NOI). The NOI is submitted to both the local Conservation Commission and DEP. Once DEP has confirmed that a complete submittal has been made, they issue a file number. The file number in this case, SE42-2929, was issued by DEP on 5/19/21, indicating that they received the filing, and considered it a complete submittal.

The local Conservation Commission then holds a public hearing where the application is presented. As you referenced below, this occurred for SE42-2929 on 6/1/21. If the Conservation Commission determines that the project can be conditioned to meet the performance standards of the Wetlands Protection Act and/or the local Wetland Bylaw, an Order of Conditions is issued approving the project. The Order of Conditions (OOC) for SE42-2929 was issued by the Marshfield Conservation Commission on 6/9/21. On this day, a digital copy of the OOC was emailed to DEP, and a hard copy of the OOC was mailed to the DEP office in Lakeville. There is then an appeal period of ten business days. If an appeal is filed, DEP can take action, and issue a Superseding Order of Conditions, effectively overriding the local Conservation Commission’s decision and conditions. This did not happen for SE42-2929.

Regarding the classification of this area as “wetlands”, I would refer you to the site plan for this NOI which I have previously provided to you. The wetland boundaries were flagged by a qualified wetland scientist and confirmed in the field by the Conservation Administrator. The boundary is depicted by the dashed-green line on the site plan. This

delineation shows that the proposed parking area is not within the wetland itself, but rather in the 100' buffer zone to it, which is jurisdictional to the Conservation Commission under the Wetlands Protection Act and Marshfield Wetlands Protection Bylaw. When the Commission approved this project, the wetland boundary was confirmed, and remains valid for the life of the Order of Conditions.

I hope this clarifies. Have a great Thanksgiving.

Respectfully,

Eric Flint

Conservation Agent

Town of Marshfield

870 Moraine Street

Marshfield, MA 02050

eflint@townofmarshfield.org

Phone: (781) 834-5573

Cell: (781) 261-6966

From: Mary M. Murphy [<mailto:minotmurphy@comcast.net>]

Sent: Monday, November 22, 2021 12:38 PM

To: Flint, Eric <eflint@townofmarshfield.org>; Grafton, Bill <bgrafton@townofmarshfield.org>

Cc: Coppi, Douglas (DEP) <douglas.coppi@state.ma.us>

Subject: RE: Mary Murphy/DSA Discussion

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

Hi Eric - Thanks so much for the clarification and timely response. According to the Conservation meeting, it was stated that the DEP has approved this site plans as long as tree line remained untouched and DPW signed off with town counsel's oversight. See some video clips from Marshfield Community TV.

MCTV Videos:

3/10/21 [Waterways Approval](#) of parking lot and reconfigured pier as well as their additional needs for future dredging.

See ~18 mins: <https://vimeo.com/522409783>. See PDF of updated pier

6/1/21 [Conservation Review](#) of parking lot and their approval

See 18 mins: 26 secs: <https://vimeo.com/560960379>

6/7/21 [DPW and town counsel](#) of parking lot on approval because conservation approved and clause crafted by town counsel.

See ~15 mins: 25 secs: <https://vimeo.com/560965162>

Unfortunately, my contact (cced) at the DEP has not received any paperwork and unsure why. Can you kindly send us the number associated with the filing and who approved the paperwork?

Personally, I would like to understand how these Wetlands, with conservation restrictions can be used as a DSA site and hold temporary parking lot on top of dredge spoils with only a few inches of sand on top close to neighbors? I realize there was no neighbors who attended and know they were informed legally by the town.

We have shown up in numbers since then and I've attached a letter received by the town of Marshfield in 2004. Do we not have any other choices but to dump? And, how can we continue to dump DSA materials

and also create a mixed use with a parking lot? Is the rationale, we've dumped there for so long, the area is no longer considered a wetland or conservation land?

I'm trying to understand how the approval process works and who's accountable for the various decisions.

All help is appreciated.

Thank you, Eric!

Mary

On 11/22/2021 8:55 AM Flint, Eric
<eflint@townofmarshfield.org> wrote:

Hi Mary,

Reaching out to you as Bill is taking a well-earned vacation this week. I had previously provided you with the NOI submittal, Order of Conditions, and Site Plan for the DSA project (SE42-2929). Is there any additional information on this that you would like to see? If so, I would be happy to provide you with it.

As to your other questions, I would need to defer to Bill as to who he spoke to, but I would note that we as Conservation Staff do not provide "sign-off" on these types of projects. They are heard in formal Public Meetings and the Conservation Commission is the body that approves or denies them. DEP does not "approve" individual projects per se, but

rather has the opportunity to override the local Conservation Commission by issuing a Superseding Order of Conditions, which they did not do in this case.

Hope this is helpful.

Thank you,

Eric Flint

Conservation Agent

Town of Marshfield

870 Moraine Street

Marshfield, MA 02050

eflint@townofmarshfield.org

Phone: (781) 834-5573

Cell: (781) 261-6966

From: Mary M. Murphy [<mailto:minotmurphy@comcast.net>]

Sent: Friday, November 19, 2021 10:58 AM

To: Grafton, Bill <bgrafton@townofmarshfield.org>

Cc: Flint, Eric <eflint@townofmarshfield.org>

Subject: RE: Mary Murphy/DSA Discussion

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Hello Bill - I'm watching the conservation committee meeting from June 1 and wonder if you could please pull the conservation files related to this project and your sign-off as well as whom in DEP you spoke to and received approval?

Thank you.

On 10/21/2021 8:47 AM Grafton, Bill
<bgrafton@townofmarshfield.org> wrote:

Mary, thank you as well...unfortunately, I'm home ill today...please work with Eric Flint to reschedule at a convenient time for you. My apologies for delaying our meeting.

Respectfully,

Bill Grafton

Town of Marshfield

Conservation Administrator

870 Moraine Street

Marshfield, MA 02050

bgrafton@townofmarshfield.org

Phone: (781) 834-5573

Fax: (781) 837-7163

From: Mary M. Murphy

[<mailto:minotmurphy@comcast.net>]

Sent: Thursday, October 21, 2021 8:05 AM

To: Grafton, Bill <bgrafton@townofmarshfield.org>

Subject: Re: Mary Murphy/DSA Discussion

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

Bill - i apologize. I thought this meeting was for 8:30. I'm leaving Brant Rock now... will be there shortly. Thanks!

On 10/07/2021 3:24 PM Grafton,
Bill
<bgrifton@townofmarshfield.org>
wrote:

Grafton, Bill

From: Dimeo, Mike <mdimeo@marshfieldpolice.org>
Sent: Friday, December 3, 2021 1:39 PM
To: Grafton, Bill; Procaccino, Rod
Cc: 'pbrennan@amoryengineers.com'
Subject: RE: Mary Murphy/DSA Discussion

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Bill, Not much to discuss here. This was part of the prior dredging projects in which the USACE "was" going to use the DSA and add 50,000 cubic yards of material (probably would have filled the DSA). This would have been an hydraulic dredging project. Hydraulic dredging projects are dredged with approx.. 80 percent of water/slurry coming thru the pipes. It was determined that the berms would not handle the weight of the water, etc.

Nonetheless, the USACE went offshore. Therefore, the DSA still remained and the Town did use the site in 2009/10 Taylor marine also used the site in 2011. In 2020 the Green Harbor yacht club was also permitted to use this site. In 2021, the town is currently looking to permit the upland disposal site (DSA for the anticipated) 2022 town dredging project; similar to previous one. In the next 50 years when the site is filled to capacity, this is when it would be capped. Until that time the town reserves the right to use this site. The referenced letter is a DEP comment letter. I'll await Rod's response.

Thanks!

Mike

From: Grafton, Bill [mailto:bgrafton@townofmarshfield.org]
Sent: Friday, December 3, 2021 11:50 AM
To: Procaccino, Rod; Dimeo, Mike
Subject: FW: Mary Murphy/DSA Discussion

Guys, here is the letter. Let's discuss.

Respectfully,

Bill Grafton
Town of Marshfield
Conservation Administrator
870 Moraine Street
Marshfield, MA 02050
bgrafton@townofmarshfield.org
Phone: (781) 834-5573
Fax: (781) 837-7163

From: Mary M. Murphy [mailto:minotmurphy@comcast.net]
Sent: Friday, December 3, 2021 11:46 AM
To: Flint, Eric <eflint@townofmarshfield.org>; Grafton, Bill <bgrafton@townofmarshfield.org>
Cc: Coppi, Douglas (DEP) <douglas.coppi@state.ma.us>; EMurphy@repelpestsolutions.com
Subject: RE: Mary Murphy/DSA Discussion

**MASS DEP
SE 42 2929**



MASS DEP
SE 42 2929



Grafton, Bill

From: Anoja, Liz
Sent: Wednesday, November 24, 2021 8:10 AM
To: pjk24@comcast.net
Cc: Grafton, Bill
Subject: RE: [Marshfield MA] Field Notes for Wetland Flagging Dredge Spoils Are (Sent by Pamela Keith, pjk24@comcast.net)
Attachments: 2021 03 09 Harbormaster DSA Parking Concept 3-9-21.pdf; 2021 05 11 Harbormaster Site Plan.pdf

Hi Pam,

I don't see any field notes in my file but I do have the site plans I am attaching to this email. Bill was the main contact on this project so you can reach out to him to see if he has anything.

Respectfully,

Liz Anoja
Town of Marshfield
Conservation Administrative Assistant
870 Moraine Street
Marshfield, MA 02050
lanoja@townofmarshfield.org
Phone: (781) 834-5573
Fax: (781) 837-7163

From: Contact form at Marshfield MA [mailto:cmsmailer@civicplus.com]
Sent: Tuesday, November 23, 2021 2:45 PM
To: Anoja, Liz <lanoja@townofmarshfield.org>
Subject: [Marshfield MA] Field Notes for Wetland Flagging Dredge Spoils Are (Sent by Pamela Keith, pjk24@comcast.net)

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

Hello lanoja,

Pamela Keith (pjk24@comcast.net) has sent you a message via your contact form (<https://www.marshfield-ma.gov/user/933/contact>) at Marshfield MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.marshfield-ma.gov/user/933/edit>.

Message:

Hello Liz,

I'm writing to ask if there are any "field notes" or any other documents, filed in Town, that pertain to Jason Zimmer's flagging of wetlands around the DSA. He flagged in January 2021 in order to locate wetlands in relation to the Town's proposed parking lot project in the DSA. The flagging is also being used for the upcoming dredging projects. If you are aware of documents, including notes, memos, photos, emails, etc related to the work he performed in January, could I please have a copy of those records. I can accept them at this email address or can pick them up in person.

Thank you,
Pam Keith

MARSHFIELD ZONING BOARD OF APPEALS

CASE No: 21-59A
NAME: Marshfield Harbormaster
PROPERTY: Parcel M7-03-01
PHONE: 781-834-6655 Ext 175
EMAIL: mdimeo@marshfieldpolice.org

FORM 2C – REQUESTED FINDINGS OF FACT – SPECIAL PERMIT

Now comes the applicant, Town of Marshfield, Harbormaster who applies to the Board of Appeals according to Section(s) 305-10.10, 305-10.12 and 305-13.02 of the Zoning By-law for property located at Joseph Driebeek Way, Parcel M07-03-01 and asks the Board to make the following findings of facts in accordance with the provisions of law:

1. The use is allowed in the Coastal Wetlands District as a Municipal Use: essential services, public parks and public utility in §305-13.02, C., Permitted Uses with a permit from the Zoning Board of Appeals. The use is also allowed in the underlying R-3 Residential District in the Table of Use Regulations as a Community Facility #4., as is the accessory use thereto under Accessory Uses, #14.
2. That the requested use is essential or desirable to the public convenience or welfare for the following reasons:

The regrading of the DSA is an alteration of an existing nonconforming use and the requested use is an expansion of an existing accessory use for off-street parking and loading. With the renovation of Harbor Park and the construction of Harbor Walk, the demand for parking in the area has increased. Additionally, a redesign of the Town Pier is underway and loss of some of the trailer parking at Town Pier is expected. The redirected trailer parking in this new expansion will help decrease congestion and traffic accidents and increase visibility and pedestrian safety in the current Town Pier parking area. The expansion of the gravel parking lot across from Harbor Park would provide the additional parking for Town Pier as well as for events at Harbor Park.

3. That the requested use will not create undue traffic congestion or unduly impair pedestrian safety for the following reasons:

The regrading of the DSA is an alteration of an existing nonconforming use and the requested use is an expansion of the existing accessory use. The proposed project will improve vehicular access and movement within the site due the expanded parking area. Pedestrian safety will also be improved by moving the entrance to the parking lot away from the existing north cross walk.

MARSHFIELD ZONING BOARD OF APPEALS

CASE No: 21-59A
NAME: Marshfield Harbormaster
PROPERTY: Parcel M7-03-01

FORM 2C (page 2)

- 4. That the requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other are of town will be unduly subjected to hazards affecting health, safety or the general welfare for the following reasons:

There will be no connection to the Town's water system. Runoff from the expanded parking area within the Town's Dredge Spoils Area (DSA) will be directed north and east to the remaining low area on the property where it will infiltrate into the ground. Therefore there will be no impact on the municipal drainage system. There will be no impact on the municipal sewer system because no connection is proposed. It is expected that users would use the Public rest rooms (portable) that are located at Town Pier.

- 5. That any special regulations for the use, set forth in Article XII of the Zoning By-law are fulfilled, specifically:

The proposed lighting will be located on existing utility poles, will be dark-sky compliant, downward facing, directed away from the road and adjacent properties. No other environmental impacts are anticipated as there are no activities that would produce emissions other than vehicle exhaust which already exists on the property and surrounding area (Town Pier / Wastewater Treatment Facility).

- 6. That the requested use will not impair the integrity or character of the district or adjoining zones, nor be detrimental to the health, morals or welfare for the following reasons:

The regrading of the DSA is an alteration of an existing nonconforming use and the requested use is an extension of the existing accessory use as off-street parking and loading and will have no negative effect on the existing uses as Municipal Use and Community Facility in the R-3 and the Coastal Wetlands District.

Date: 8/26/21

Respectfully submitted by:

Michael A. DiMeo
Michael A. DiMeo, Harbormaster

NOTE: For petitioners for Expansion of a Non-Conforming Use or Structure, please complete Form 2C, Page 3.

MARSHFIELD ZONING BOARD OF APPEALS

CASE No: 21-59A
NAME: Marshfield Harbormaster
PROPERTY: Parcel M7-03-01

FORM 2C (page 3)

7. *That the requested extension or alteration of the use or structure will not bring the use or structure into violation of, or further violation of, the regulations set forth in Article VI, Table of Dimensional and Density Regulations, unless a Variance is also granted subject to the provisions of Section 10.11 of the By-law for the following reasons:*
The regrading of the Town's Dredge Spoils Area (DSA) to provide additional gravel parking area will not materially alter the existing uses on site. There is another municipal parking lot on site at the corner of Joseph Driebeek Way and Dyke Road. The site has historically been used for parking adjacent to the road and has been used for the disposal of dredge spoils prior to the establishment of the Coastal Wetlands District and is a pre-existing, non-conforming use. The proposed regrading will not change the available volume of the DSA to accept dredge spoils in the future. This project will simply move the gravel material around within the same footprint on site to provide for additional parking. There will be no impact on wetland resources as all runoff will be contained within the DSA and the berm surrounding the DSA will contain any potential erosion of sediments.
8. *That the extended or altered use or structure will not be substantially different in character for the following reasons:*
The use will not change from a dredge spoils area, the expanded use is an expansion of an existing gravel parking lot. There is another municipal parking lot on site at the corner of Joseph Driebeek Way and Dyke Road.
9. *That the extended or altered use or structure will not be more detrimental or objectionable to the neighborhood for the following reasons:*
The expanded parking lot would provide additional parking that is not currently available for large events at Harbor Park and Town Pier. This would reduce parking along area streets, which is likely more objectionable to the neighborhood. The DSA is surrounded by an elevated dyke which provides a buffer between the expanded parking lot and adjacent properties. There is another municipal parking lot on site at the corner of Joseph Driebeek Way and Dyke Road.
10. *That the extended or altered use or structure does not cause violation or further violation of Article VIII of the By-law for the following reasons:*
The proposed alteration is the regrading of existing soil within the DSA. The requested use is an expansion of an existing use as a parking lot. With the renovation of Harbor Park and the construction of Harbor Walk, the demand for parking in the area has increased. Additionally, a redesign of the Town Pier is underway and loss of some of the trailer parking at Town Pier is expected. The expansion of the gravel parking lot across from Harbor Park would provide the additional parking for Town Pier as well as for events at Harbor Park.

Date: 8/26/21

Respectfully submitted by:


Michael A. DiMeo, Harbormaster

MARSHFIELD ZONING BOARD OF APPEALS

CASE No: 21-59A
NAME: Marshfield Harbormaster
PROPERTY: Joseph Driebeek Way
PARCEL ID: Parcel M7-03-01
TELEPHONE: 781-834-6655 Ext 175
EMAIL: mdimeo@marshfieldpolice.org

FORM 2 – APPLICATION FOR HEARING

1. Name of action or relief requested

APPEAL by a person aggrieved

Application for a SPECIAL PERMIT

Petition for a VARIANCE from the terms of the Zoning By-law

Application for SITE PLAN APPROVAL

2. Name and mailing address of each appellant, applicant or petitioner:

NAME:	<u>Town of Marshfield,</u> <u>Harbormaster</u>	MAILING ADDRESS:	<u>1639 Ocean Street</u> <u>Marshfield, MA 02050</u>
-------	---	------------------	---

NAME _____ ADDRESS _____

NAME _____ ADDRESS _____

3. The undersigned hereby () appeals, (X) makes application or () petitions the Board of Appeals as follows:

Special Permit Site Plan Approval for expansion of the existing parking lot across the street from Harbor Park (ZBL §305-10.10; 305-10.12 and 305-13.02). The Town's existing Dredge Spoils Area (DSA) will be regraded to provide for additional parking. The existing gravel parking lot is utilized by people that visit Harbor Park as well as overflow parking for Town Pier.

MARSHFIELD ZONING BOARD OF APPEALS

CASE No: 21-59A
NAME: Marshfield Harbormaster
PROPERTY: Parcel M7-03-01

FORM 2 (page 2)

4. The undersigned is (X) the owner of, or () the holder of a written option to purchase the land or building(s) situated across from Harbor Park located on the East (N/S/E/W) side of Joseph Driebeek Way (Town Pier Road) (number and street), and 1,000 feet north of the intersection of Joseph Driebeek Way and Central Street (street or streets)..

5. The record title to the land which is the subject of this case stands in the name(s) of the Town of Marshfield, whose address is 870 Moraine Street, Marshfield, MA, by a deed duly recorded in the Plymouth Registry of Deeds in Book 1610, Page 508.

6. The land or building(s) which is(are) the subject of this case is(are) situated in a zoning district classified under the Marshfield Municipal Code as R-3 Residential Waterfront Zone and the Coastal Wetlands District.

7. State briefly what is on the premises: The site has an existing gravel parking area and the Town of Marshfield's Dredge Spoils Area (DSA). The Marshfield Wastewater Treatment Facility is also located on the parcel, north of the DSA.

8. The name and mailing address of each attorney, agent or other representative of the undersigned is as follows:

Town of Marshfield Harbormaster, 1639 Ocean Street, Marshfield, MA 02050
Amory Engineers, P.C., PO Box 1768, Duxbury, MA 02331

Signed as a statement of fact under the pains and penalties of perjury, this 26th day of August, 2021.



Michael A. DiMeo, Harbormaster

I certify that this form and the attached submission are complete in accordance with Article III, Section 4.1 of the Rules of the Board.

Date: _____

Representative of the Board











HARBOR PARK
MARSHFIELD



2929

Harbormaster

Joseph Driebek Way

Harbormaster

2929



Legal Notices

**OLDE WHARF WAY
LEGAL NOTICE
TOWN OF
MARSHFIELD
CONSERVATION
COMMISSION
NOTICE OF PUBLIC
HEARING**

Craig Hannafin, Chair
Bert O'Donnell, Vice Chair
Art Lage
Joe Ring
Rick Carberry
Susan Caron

AD#13962229
Marshfield
5/26/2021

In compliance with the Regulations of Massachusetts General Laws, Chapter 131, Section 40, the "Wetlands Protection Act", and Code of the Town of Marshfield, Chapter 294 Wetlands Protection, a public hearing will be held by the Marshfield Conservation Commission on **Tuesday, June 1, 2021 at 6:30 P.M.** in Hearing Room 3, 2nd Floor, Town Hall, 870 Moraine St., Marshfield, to consider the Notice of Intent filed by:

Crystal Carvotta-Brown, 39 Ames Avenue Extension, Marshfield, MA for an addition within the Buffer Zone to a Coastal Dune and a Bordering Vegetated Wetland at 39 Ames Avenue Extension, Marshfield, MA (K11-32-04B)(Susan).

The public hearing will be conducted at the Marshfield Town Hall, Upper Floor Conference Room, 870 Moraine Street, Marshfield, Massachusetts. The Commission also informs the public that this public hearing may be conducted remotely as a consequence of the current public health emergency. The applicant and all interested parties are advised to check the Town website and/or Conservation Commission homepage for additional information and details.

The Notice of Intent may be viewed upon request electronically made to the Conservation Commission.

Craig Hannafin, Chair
Bert O'Donnell, Vice Chair
Art Lage
Joe Ring
Rick Carberry
Susan Caron

AD#13962013
Marshfield
5/26/2021

AD#13962205
Marshfield
5/26/2021

Mariner

Marshfield
5/26/2021

**JOSEPH DRIEBEEK
WAY**

**LEGAL NOTICE
TOWN OF
MARSHFIELD
CONSERVATION
COMMISSION
NOTICE OF PUBLIC
HEARING**

In compliance with the Regulations of Massachusetts General Laws, Chapter 131, Section 40, the "Wetlands Protection Act", and Code of the Town of Marshfield, Chapter 294 Wetlands Protection, a public hearing will be held by the Marshfield Conservation Commission on **Tuesday, June 1, 2021 at 6:30 P.M.** in Hearing Room 3, 2nd Floor, Town Hall, 870 Moraine St., Marshfield, to consider the Notice of Intent filed by:

The Town of Marshfield Harbormaster, 1639 Ocean Street, Marshfield, MA for a parking lot expansion within the Buffer Zone to a Bordering Vegetated Wetland at Joseph Driebeek Way, Marshfield, MA (M7-03-01)(Rick).

The public hearing will be conducted at the Marshfield Town Hall, Upper Floor Conference Room, 870 Moraine Street, Marshfield, Massachusetts. The Commission also informs the public that this public hearing may be conducted remotely as a consequence of the current public health emergency. The applicant and all interested parties are advised to check the Town website and/or Conservation Commission homepage for additional information and details.

The Notice of Intent may be viewed upon request electronically made to the Conservation Commission.

Craig Hannafin, Chair
Bert O'Donnell, Vice Chair
Art Lage
Joe Ring
Rick Carberry
Susan Caron

AD#13962223
Marshfield
5/26/2021

39 AMES AVENUE

**LEGAL NOTICE
TOWN OF
MARSHFIELD
CONSERVATION
COMMISSION
NOTICE OF PUBLIC
HEARING**

In compliance with the Regulations of Massachusetts General Laws, Chapter 131, Section 40, the "Wetlands Protection Act", and Code of the Town of Marshfield, Chapter 294 Wetlands Protection, a public hearing will be held by the Marshfield Conservation Commission on **Tuesday, June 1, 2021 at 6:30 P.M.** in Hearing Room 3, 2nd Floor, Town Hall, 870 Moraine St., Marshfield, to consider the Notice of Intent filed by:

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The Notice of Intent may be viewed upon request electronically made to the Conservation Commission.

Craig Hannafin, Chair
Bert O'Donnell, Vice Chair
Art Lage
Joe Ring
Rick Carberry
Susan Caron

AD#13962219
Marshfield
5/26/2021

On the return day, action may be taken without further notice to you.

**UNSUPERVISED
ADMINISTRATION
UNDER THE
MASSACHUSETTS
UNIFORM PROBATE
CODE (MUPC)**

A Personal Representative appointed under the MUPC in an unsupervised administration is not required to file an inventory or annual accounts with the Court. Persons interested in the estate are entitled to notice regarding the administration directly from the Personal Representative and may petition the Court in any matter relating to the estate, including the distribution of assets and expenses of administration.

WITNESS, Hon. Edward G Boyle, First Justice of this Court.

Date: May 12, 2021

Matthew J McDonough
Register of Probate

AD#13961073
Marshfield
5/26/2021

Mariner

**To
Place
A
Legal
Ad
Call
Dawn
at
(781)
433-7959**

Your News
In Print
and
Online



All about you.

WICKED LOCAL

Flint, Eric

From: SERO_NOI@MassMail.state.ma.us
Sent: Wednesday, May 19, 2021 11:26 AM
To: pbrennan@amoryengineers.com
Cc: sero_noi@state.ma.us; Grafton, Bill; Anoja, Liz; Flint, Eric; sero_noi@state.ma.us
Subject: MassDEP NOI File Number

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

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

Date: 05/19/2021 Municipality MARSHFIELD

RE: **NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER**

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

Applicant	MARSHFIELD HARBORMASTER	Owner Address
Address	1639 OCEAN ST.,MARSHFIELD MA	
Locus	JOSEPH DRIEBEEK WAY , MARSHFIELD MA	

This project has been assigned the following file # : **SE 042-2929**

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION

Although a file # is being issued, please note the following:

Regards,
for MassDEP,

(508)-946-2762
Gregory.DeCesare@mass.gov



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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:

MassDEP File Number

Document Transaction Number

Marshfield
City/Town

Important:

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

Joseph Driebek Way

a. Street Address

Marshfield

b. City/Town

c. Zip Code

42-05-08.6

d. Latitude

70-38-42.5

e. Longitude

Latitude and Longitude:

M7-03-01

f. Assessors Map/Plat Number

g. Parcel /Lot Number

2. Applicant:

Michael

a. First Name

DiMeo

b. Last Name

Marshfield Harbormaster

c. Organization

1639 Ocean Street

d. Street Address

Marshfield

e. City/Town

MA

f. State

02050

g. Zip Code

781-834-6644 x175

h. Phone Number

781-834-5591

i. Fax Number

mdimeo@marshfieldpolice.org

j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Patrick

a. First Name

Brennan

b. Last Name

Amory Engineers, P.C.

c. Company

PO Box 1768, 25 Depot Street

d. Street Address

Duxbury

e.

MA

f. State

02331

g. Zip Code

781-934-0178

h. Phone Number

i. Fax Number

pbrennan@amoryengineers.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

n/a - Municipal Project

a. Total Fee Paid

n/a

b. State Fee Paid

n/a

c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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:	
MassDEP File Number	
Document Transaction Number	
Marshfield	
City/Town	

A. General Information (continued)

6. General Project Description:

Regrading of the dredge spoils area (DSA) and existing gravel parking lot to provide for additional parking. Minor clearing and regrading the top of the existing dike around the DSA to reestablish a walking path for passive recreation. See attached narrative for additional information.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Plymouth	
a. County	b. Certificate # (if registered land)
1610	508
c. Book	d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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:	
MassDEP File Number	_____
Document Transaction Number	_____
Marshfield	_____
City/Town	_____

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____	2. square feet _____
	3. cubic yards dredged _____	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____	2. square feet _____
	3. cubic feet of flood storage lost _____	4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____	
	2. cubic feet of flood storage lost _____	3. cubic feet replaced _____

f. Riverfront Area

1. Name of Waterway (if available) - **specify coastal or inland** _____

2. Width of Riverfront Area (check one):

25 ft. - Designated Densely Developed Areas only

100 ft. - New agricultural projects only

200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____	b. square feet within 100 ft. _____	c. square feet between 100 ft. and 200 ft. _____
----------------------------	-------------------------------------	--

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 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:

MassDEP File Number _____

Document Transaction Number _____

Marshfield _____
 City/Town _____

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
j. <input type="checkbox"/> Land Containing Shellfish	2. cubic yards dredged _____	
k. <input type="checkbox"/> Fish Runs	1. square feet _____	
	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
i. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. cubic yards dredged _____	
1. square feet _____		

4. Restoration/Enhancement
 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.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW _____

b. square feet of Salt Marsh _____

5. Project Involves Stream Crossings

a. number of new stream crossings _____

b. number of replacement stream crossings _____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:	
MassDEP File Number	_____
Document Transaction Number	_____
Marshfield	_____
City/Town	_____

C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

Online 5-11-21
b. Date of map _____

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

- Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ percentage/acreage
 - (b) outside Resource Area _____ percentage/acreage

- Assessor’s Map or right-of-way plan of site

- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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:
MassDEP File Number
Document Transaction Number
Marshfield
City/Town

C. Other Applicable Standards and Requirements (cont'd)

(c) MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

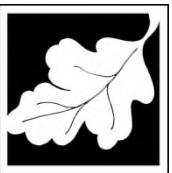
Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 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:
 MassDEP File Number _____
 Document Transaction Number _____
 Marshfield _____
 City/Town _____

C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No
 If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC _____
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

- a. Yes No
 Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
2. A portion of the site constitutes redevelopment
3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:

1. Single-family house
2. Emergency road repair
3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVM] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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:	
MassDEP File Number	
Document Transaction Number	
Marshfield	
City/Town	

D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Parking Area Expansion - Site Plan, Proposed Improvements

a. Plan Title

Amory Engineers, P.C.

b. Prepared By

May 11, 2021

d. Final Revision Date

Patrick G. Brennan, P.E.

c. Signed and Stamped by

1"=40'

e. Scale

Green Harbor, Army Corps of Engineers Map

f. Additional Plan or Document Title

June 1969

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

Municipal project - fee exempt

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 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:

MassDEP File Number

Document Transaction Number

Marshfield
City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

	5/12/21
1. Signature of Applicant	2. Date
	5/12/21
3. Signature of Property Owner (if different)	4. Date
5. Signature of Representative (if any)	6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

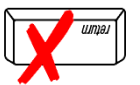
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

a. Street Address: Joseph Driebek Way
 b. City/Town: Marshfield
 c. Check number: n/a
 d. Fee amount: n/a

2. Applicant Mailing Address:

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

3. Property Owner (if different):

a. First Name: _____
 b. Last Name: _____
 c. Organization: _____
 d. Mailing Address: _____
 e. City/Town: _____
 f. State: _____
 g. Zip Code: _____

h. Phone Number: 781-834-6655 x175
 i. Fax Number: 781-834-5591
 j. Email Address: mdimeo@marshfieldpolice.org

B. Fees

Fee should be calculated using the following process & worksheet. **Please see instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filling fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Fee exempt - municipal project			

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee: _____
 a. Total Fee from Step 5

State share of filing Fee: _____
 b. 1/2 Total Fee **less** \$12.50

City/Town share of filing Fee: _____
 c. 1/2 Total Fee **plus** \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

Parcel M07-03-01 Expanded Parking – Project Narrative

The project proposed to expand the existing gravel parking area located along the east side of Joseph Driebeek Way. The parking area is within the Town of Marshfield's dredge spoils area (DSA) which has been utilized for the disposal of material dredged from Green Harbor since before the enactment of the Wetlands Protection Act in 1972. The enclosed Army Corps of Engineers map dated June 1969 shows that most of the surrounding area was designated for dredge disposal. The existing gravel parking lot is utilized by people that visit Harbor Park as well as overflow parking for Town Pier.

With the renovation of Harbor Park and the construction of Harbor Walk, the demand for parking in the area has increased. Additionally, a redesign of the Town Pier is underway and loss of some of the trailer parking at Town Pier is expected. The expansion of the gravel parking lot across from Harbor Park would provide the additional parking for Town Pier as well as for events at Harbor Park.

The proposed work includes regrading the existing gravel parking lot and a portion of the DSA to provide for additional parking. The area would be graded to direct runoff north and east into the DSA so that there will be no impact on surrounding resource areas. Also included in the project is some minor clearing of the top of the existing dike which surrounds the current DSA to reestablish a walking trail around the perimeter of the DSA. Some minor regrading near the existing gravel parking lot would also be completed to provide ADA compliant access to the path.

Currently, vehicular access into the gravel parking lot is at the north end adjacent to the northern crosswalk to Harbor Park. To improve safety, the entrance would be shifted to about the center of the existing gravel parking lot to move it away from the existing crosswalks. As part of this work the existing guardrail along the east side of Joseph Driebeek Way, adjacent to the parking lot, would be repaired/replaced.

None of the proposed work is within wetland resource areas. However, portions of the work is within the buffers to wetland resource areas. The proposed work will not create any impervious surfaces so no stormwater management improvements are required. The proposed surface of the expanded parking area would be either existing onsite gravel, processed gravel, crushed shells, crushed stone, crushed concrete or reclaimed asphalt. The surface treatment will be dependent on available resources and funding.

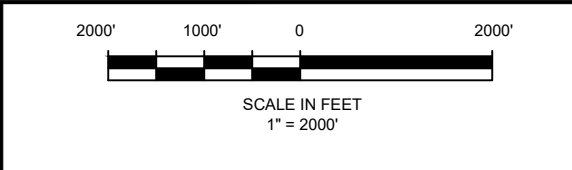
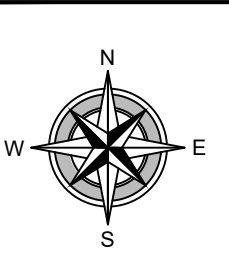
In addition to the expanded parking and passive recreation that this project will provide, it will also provide for better security as the sight lines into the DSA from Joseph Driebeek Way will be improved and security cameras will be installed on existing utility poles. The purpose of the DSA will not be compromised as the parking expansion will be constructed so that it does not restrict the ability of the Town to utilize the area for future disposal of dredged material.

FIGURE 1

ATLANTIC OCEAN



PROJECT LOCATION



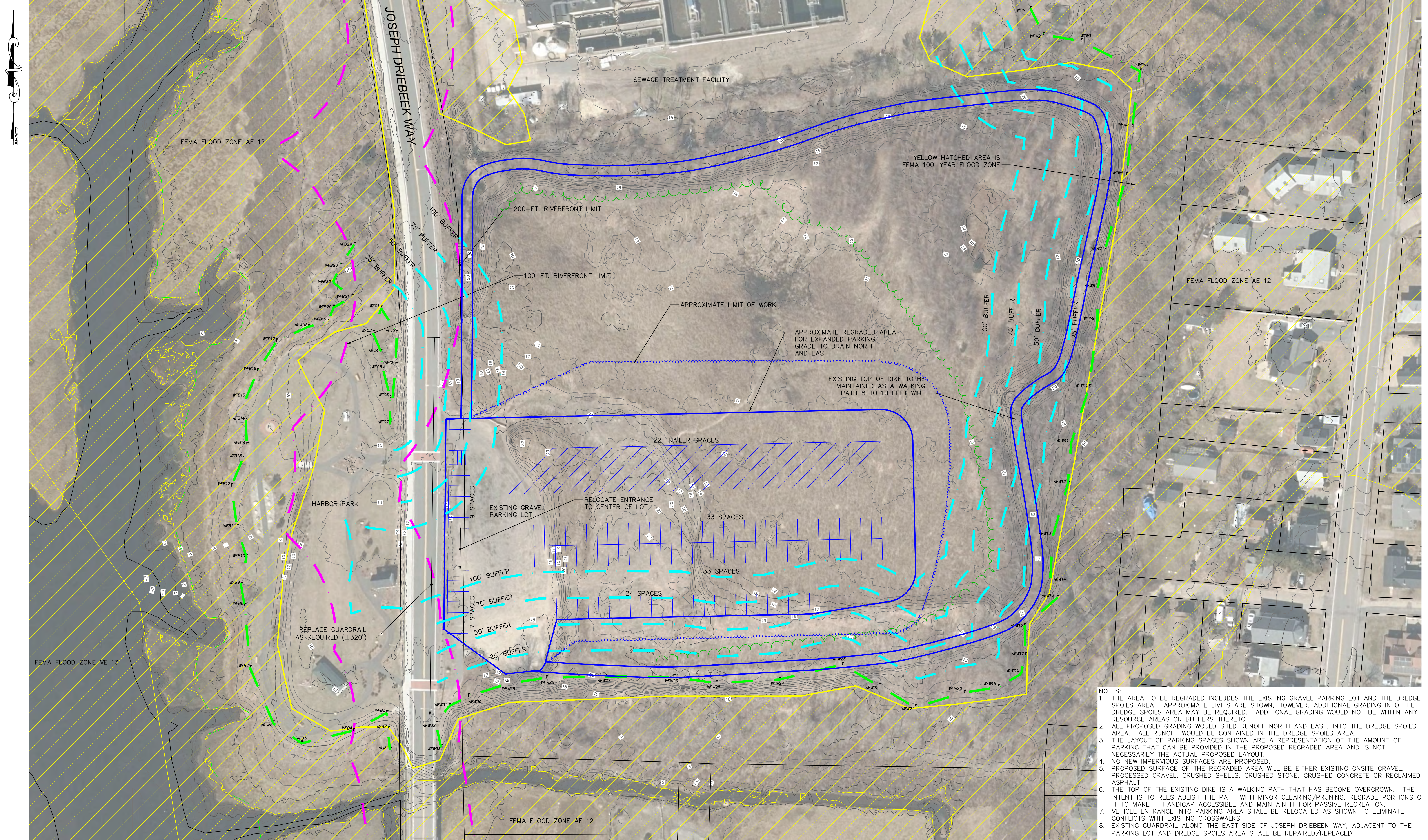
OFFICE OF THE HARBORMASTER
MARSHFIELD, MASSACHUSETTS
PARCEL M7-03-01
LOCUS PLAN

NOTE: BASE MAP TAKEN FROM MassGIS SCANNED USGS QUAD MAPS

MAY 2021

P:\Clients\Marshfield\4025 Marshfield Peter Igo Park CC\Drawings\Locus & Ortho.dwg

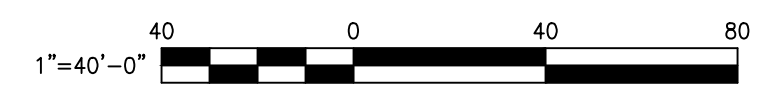
AMORY ENGINEERS, P.C.
DUXBURY, MASSACHUSETTS



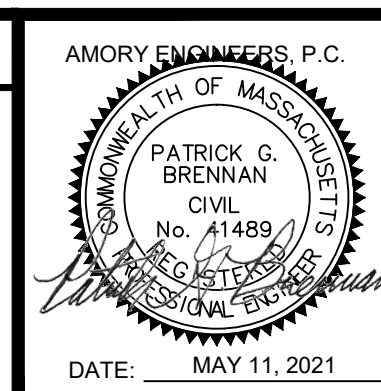
- NOTES:
1. THE AREA TO BE REGRADED INCLUDES THE EXISTING GRAVEL PARKING LOT AND THE DREDGE SPOILS AREA. APPROXIMATE LIMITS ARE SHOWN, HOWEVER, ADDITIONAL GRADING INTO THE DREDGE SPOILS AREA MAY BE REQUIRED. ADDITIONAL GRADING WOULD NOT BE WITHIN ANY RESOURCE AREAS OR BUFFERS THERETO.
 2. ALL PROPOSED GRADING WOULD SHED RUNOFF NORTH AND EAST, INTO THE DREDGE SPOILS AREA. ALL RUNOFF WOULD BE CONTAINED IN THE DREDGE SPOILS AREA.
 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 IMPERVIOUS SURFACES ARE PROPOSED.
 5. PROPOSED SURFACE OF THE REGRADED AREA WILL BE EITHER EXISTING ONSITE GRAVEL, PROCESSED GRAVEL, CRUSHED SHELLS, CRUSHED STONE, CRUSHED CONCRETE OR RECLAIMED ASPHALT.
 6. THE TOP OF THE EXISTING DIKE IS A WALKING PATH THAT HAS BECOME OVERGROWN. THE INTENT IS TO REESTABLISH THE PATH WITH MINOR CLEARING/PRUNING, REGRADE PORTIONS OF IT TO MAKE IT HANDICAP ACCESSIBLE AND MAINTAIN IT FOR PASSIVE RECREATION.
 7. VEHICLE ENTRANCE INTO PARKING AREA SHALL BE RELOCATED AS SHOWN TO ELIMINATE CONFLICTS WITH EXISTING CROSSWALKS.
 8. EXISTING GUARDRAIL ALONG THE EAST SIDE OF JOSEPH DRIEBEEK WAY, ADJACENT TO THE PARKING LOT AND DREDGE SPOILS AREA SHALL BE REPAIRED/REPLACED.

- MAPPING NOTES:
1. BASE IMAGE FROM MassGIS 2019 ORTHOPHOTOS.
 2. PARCEL LINES FROM MassGIS STANDARDIZED ASSESSOR'S PARCELS (MARSHFIELD FY 2021).
 3. TOPOGRAPHY FROM NOAA 2018 LIDAR DATA.
 4. FLOOD ZONE LIMITS FROM LOMR 20-01-0284P-250273 SHAPE FILES.
 5. VERTICAL DATUM IS NAVD 1988. MEAN HIGH WATER LINE ELEVATION = 4.08 FOR TIDAL DATUM 8446009, BRANT ROCK, GREEN HARBOR RIVER, MA.
 6. 310 CMR 10.58(2)2.C: IN TIDAL RIVERS THE MEAN ANNUAL HIGH-WATER LINE IS COINCIDENT WITH THE MEAN HIGH WATER LINE (E.L. 4.08).
 7. 310 CMR 10.58(2)1.G: HUMAN-MADE CANALS AND MOSQUITO DITCHES ASSOCIATED WITH COASTAL RIVERS DO NOT HAVE RIVERFRONT AREAS.
 8. WETLANDS FLAGGED BY JASON ZIMMER IN JANUARY 2021.

SITE PLAN



REVISIONS		
NO.	ITEM	DATE
1.	ISSUED FOR PERMITS	5/11/21



AMORY ENGINEERS, P.C.
DUXBURY, MASSACHUSETTS

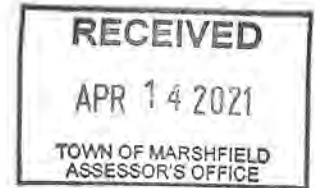
DRAWN BY: PGB	FILE NAME: AS SHOWN	SCALE: AS SHOWN
DESIGNED BY: PGB	JOB NO.: 4038	DWG. NO.: **
CHECKED BY: RSJ	DATE: 5/11/21	CONTRACT: **

OFFICE OF THE HARBORMASTER MARSHFIELD, MASSACHUSETTS	CIVIL
PARKING AREA EXPANSION PARCEL M07-03-01 - JOSEPH DRIEBEEK WAY SITE PLAN PROPOSED IMPROVEMENTS	SHEET 1 OF 1

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Town Of Marshfield
Conservation Commission
870 Moraine St, Marshfield, MA 02050
(781) 536-2500



Bill Grafton
Conservation Administrator

TO: ASSESSORS OFFICE DATE: April 14, 2021
FROM: BILL GRAFTON, CONSERVATION ADMINISTRATOR
RE: CERTIFICATION OF ABUTTERS FOR NOI FILINGS

THE FOLLOWING IS THE MAP, BLOCK, & LOT IDENTIFICATION FOR THE SUBJECT LOT OR LOTS.

MAP M07 BLOCK 03 LOT 01

PETITIONER: Marshfield Harbormaster

ADDRESS: Joseph Driebeek Way

PROJECT TITLE: NOTICE OF INTENT

TO: CONSERVATION COMMISSION DATE: 4/14/2021
FROM: ASSESSORS OFFICE
SIGNATURE: [Signature]

WE HEREBY CERTIFY THAT THE FOLLOWING ARE THE NAMES AND ADDRESSES OF THE "PARTIES IN INTEREST" FOR THE ABOVE-NAMED PARCEL (S) OF LAND FOR PURPOSES OF NOTIFICATION OF PUBLIC HEARING PER MA. CHAPTER 40A. SUCH "PARTIES IN INTEREST" INCLUDE (A) APPLICANT; (B) ABUTTERS; (C) AND OWNERS OF LAND WITHIN 100 FEET OF THE SUBJECT PROPERTY.

WHEN LIST IS READY, PLEASE CALL: Patrick Brennan – 781-934-0178

SIGNATURE OF PERSON PICKING UP: _____

APPLICANTS: GREEN CARDS RECEIVED FROM NOTIFIED ABUTTERS ARE TO BE BROUGHT OR MAILED TO THE CONSERVATION OFFICE TWO DAYS PRIOR TO THE PUBLIC HEARING.

DYKE ROAD M06-01-09 LUC: 932 TOWN OF MARSHFIELD CON COMM 870 MORaine STREET MARSHFIELD, MA 02050	BRADLEY STREET M07-04-07 LUC: 930 TOWN OF MARSHFIELD 870 MORaine STREET MARSHFIELD, MA 02050-0000	82 DYKE ROAD M07-10-10 LUC: 101 BURKE SHEILA TR SHEILA M BURKE 2011 FAMILY TRUST 82 DYKE ROAD MARSHFIELD, MA 02050-0000
239 DYKE ROAD M06-08-05A LUC: 384 BGHM INC c/o BREWER GREEN HARBOR MARINA PO BOX 238 GREEN HARBOR, MA 02041	PLYMOUTH AVENUE M07-04-08 LUC: 930 TOWN OF MARSHFIELD 870 MORaine STREET MARSHFIELD, MA 02050-0000	78 DYKE ROAD M07-10-11 LUC: 101 MEDERIOS EDWARD C A & PATRICIA TR MEDERIOS TRUST 78 DYKE ROAD MARSHFIELD, MA 02050
100 CENTRAL STREET M06-09-03B LUC: 931 TOWN OF MARSHFIELD 870 MORaine STREET MARSHFIELD, MA 02050	BRADLEY STREET M07-09-01 LUC: 932 TOWN OF MARSHFIELD CON COMM 870 MORaine STREET MARSHFIELD, MA 02050	70 DYKE ROAD M07-10-12 LUC: 101 MARSHALL MICHAEL D & RENEE M 70 DYKE ROAD MARSHFIELD, MA 02050
CHERRY STREET M06-09-06 LUC: 131 LYDON MARTIN & JUDY 33 CHARLESDALE ROAD MEDFIELD, MA 02052	108 DYKE ROAD M07-10-01 LUC: 931 TOWN OF MARSHFIELD DAV D A V P O BOX 244 BRANT ROCK, MA 02020	95 ISLAND STREET N06-01-01 LUC: 101 RANKIN HARVEY G C/O RANKIN SUSAN 29 OAKMAN WAY MARSHFIELD, MA 02050
CHERRY STREET M06-09-07 LUC: 131 LYDON MARTIN & JUDY 33 CHARLESDALE ROAD MEDFIELD, MA 02052	DYKE ROAD M07-10-03 LUC: 930 TOWN OF MARSHFIELD 870 MORaine STREET MARSHFIELD, MA 02050	99 R ISLAND STREET N06-01-03 LUC: 101 LENNOX JOHN J 99R ISLAND STREET BRANT ROCK, MA 02020-0251
CHERRY STREET M06-09-08 LUC: 131 LYDON MARTIN & JUDY 33 CHARLESDALE ROAD MEDFIELD, MA 02052	98 DYKE ROAD M07-10-04 LUC: 101 DEADY JEFFREY R & DEBORAH P O BOX 562 GREEN HARBOR, MA 02041-0562	103 ISLAND STREET N06-01-04 LUC: 101 RANKIN MARGARET F P.O. BOX 411 BRANT ROCK, MA 02020
35 MARSHALL AVENUE M07-01-02 LUC: 931 TOWN OF MARSHFIELD RECREATION 870 MORaine STREET MARSHFIELD, MA 02050	96 DYKE ROAD M07-10-05A LUC: 101 SULLIVAN RICHARD D & MARY 96 DYKE ROAD MARSHFIELD, MA 02050	107 ISLAND STREET N06-01-05 LUC: 101 CHANDLER KATHRYN YESINKO JASON J 44 LAURAS LN MARSHFIELD, MA 02050
200 JOSEPH DRIEBEEK WAY M07-03-01 LUC: 931 TOWN OF MARSHFIELD DPW 870 MORaine STREET MARSHFIELD, MA 02050	92 DYKE ROAD M07-10-07A LUC: 101 RICE RENEE A & COMEAU RICHARD 92 DYKE ROAD MARSHFIELD, MA 02050-0000	109 ISLAND STREET N06-01-06B LUC: 101 HAMMOND PHILIP M & MARSHA A P O BOX 114 BRANT ROCK, MA 02020
33 DYKE ROAD M07-03-10 LUC: 350 CROWLEY SARAH E TRS CROWLEY MEGHAN E TRS 437 OCEAN ST MARSHFIELD, MA 02050	88 DYKE ROAD M07-10-08 LUC: 101 HEBERT DONALD N JR & MARYANN 88 DYKE ROAD MARSHFIELD, MA 02050-0000	119 ISLAND STREET N06-01-08A LUC: 101 JOHNSON DENISE TRS WILLIAM R & JEAN M ABBRUZZESE IRREVOCABLE P O BOX 106 BRANT ROCK, MA 02020-0106
293 OCEAN STREET REAR M07-03-13A LUC: 326 HADDAD REALTY TRUST LLC PO BOX 73 BRANT ROCK, MA 02020	84 DYKE ROAD M07-10-09 LUC: 101 KNOWLES MATTHEW M & JOANNE C 84 DYKE ROAD MARSHFIELD, MA 02050	127 ISLAND STREET N06-01-09A LUC: 101 PETIPAS RICHARD B & JUDITH B PETIPAS IRREVOCABLE HOME TRUST PO BOX 147 BRANT ROCK, MA 02020-0147

18 LINWOOD STREET N06-02-01A LUC: 101 BARRY RICHARD & MARY 46 MOUNTAIN ASH DR KINGSTON, MA 02364	ISLAND STREET N06-06-32 LUC: 132 BANK OF AMERICA N/A C/O REVERSE MTG SOLUTIONS INC 14405 WALTERS RD STE 200 HOUSTON, TX 77014	ISLAND STREET REAR N07-02-11 LUC: 930 TOWN OF MARSHFIELD 870 MORaine STREET MARSHFIELD, MA 02050-0000
19 BANCROFT STREET N06-02-02 LUC: 101 KERRIGAN K & DEVLIN H TRUSTEES MCCAULEY MARJORIE 223 FERNWOOD DR MORAGA, CA 94556	236 OCEAN STREET N07-01-08 LUC: 104 DAM GARY TR LIVING TRUST PO BOX 481 MARSHFIELD, MA 02050	219 ISLAND STREET N07-02-12 LUC: 132 THE WORD OF GOD CHURCH 13 WALES STREET BROCKTON, MA 02302
21 BANCROFT STREET N06-02-03 LUC: 101 WOODBURY MATTHEW B PO BOX 754 BRANT ROCK, MA 02020	240 OCEAN STREET N07-01-09 LUC: 101 CARVALHO TRUST 51 SPRINGFIELD STREET #2 SOMERVILLE, MA 02143	223 ISLAND STREET N07-02-13 LUC: 101 COSMAN MICHAEL D & MICHELLE R PO BOX 62 BRANT ROCK, MA 02020
85 ISLAND STREET N06-02-05A LUC: 101 MAHAN JOANNE & CHARDON B P O BOX 763 BRANT ROCK, MA 02020-0763	163 ISLAND STREET N07-02-01A LUC: 101 CROWTHER MICHAEL J P O BOX 230 BRANT ROCK, MA 02020-0230	227 ISLAND STREET N07-02-14 LUC: 101 SWARTZ KIMBERLY O PO BOX 247 BRANT ROCK, MA 02020-0247
20 LINWOOD STREET N06-02-08 LUC: 101 MACDOUGALL MARY T 7 STUDIO DRIVE BUZZARDS BAY, MA 02532	171 ISLAND STREET N07-02-03 LUC: 101 LAURIA TIMOTHY & HEATHER 30 CAROLINA TRAIL MARSHFIELD, MA 02050	231 ISLAND STREET N07-02-15 LUC: 101 EASTERN GATE PROPERTIES LLC 77 HERBERT RD BRAintree, MA 02184
15 BANCROFT STREET N06-02-09 LUC: 101 HAYDEN PATRICK C 28 STEAMBOAT DRIVE MARSHFIELD, MA 02050	175 ISLAND STREET N07-02-04 LUC: 101 ROBERT PATRICIA A TR PATRICIA A ROBERT LIVING TRUST P O BOX 663 BRANT ROCK, MA 02020	233 OCEAN STREET N07-02-16 LUC: 101 MORSE DAVID G & KAREN M 233 OCEAN STREET MARSHFIELD, MA 02050
75 ISLAND STREET N06-03-24A LUC: 101 YOUNG JOHN S & AMY L PO BOX 533 BRANT ROCK, MA 02020-0533	179 ISLAND STREET N07-02-06 LUC: 101 MORMANN JOSHUA EVANS KATLYN PO BOX 69 Marshfield, MA 02050	235 OCEAN STREET N07-02-18 LUC: 101 FEDERAL HOME LOAN MORTGAGE CORP 5000 PLANO PARKWAY CARROLLTON, TX 75010
BANCROFT STREET N06-03-25 LUC: 132 WEBB CHRISTINE 16 BANCROFT STREET BRANT ROCK, MA 02020	183 ISLAND STREET N07-02-07 LUC: 101 MANN KEVIN J JR & DELEON ALLIS PO BOX 302 BRANT ROCK, MA 02020-0302	239 OCEAN STREET N07-02-19 LUC: 031 NSD DEVELOPMENT LLC PO BOX 326 BRANT ROCK, MA 02020
16 BANCROFT STREET N06-03-26 LUC: 101 WEBB CHRISTINE 16 BANCROFT STREET BRANT ROCK, MA 02020	201 ISLAND STREET N07-02-09B LUC: 101 HITCHINS ROBERT M & SHANAH M TR HITCHINS FAMILY LIVING TRUST PO BOX 410 MARSHFIELD, MA 02050	OCEAN STREET N07-02-20 LUC: 391 NSD DEVELOPMENT LLC PO BOX 326 BRANT ROCK, MA 02020
ISLAND STREET OFF N06-03-27 LUC: 932 TOWN OF MARSHFIELD CON COMM 870 MORaine STREET MARSHFIELD, MA 02050	215 ISLAND STREET N07-02-10B LUC: 101 KEMP MARK G & KAREN PO BOX 265 BRANT ROCK, MA 02020	OCEAN STREET N07-02-22 LUC: 390 NSD DEVELOPMENT LLC PO BOX 326 BRANT ROCK, MA 02020

267 OCEAN STREET N07-02-24
LUC: 031
NSD DEVELOPMENT LLC
PO BOX 326
BRANT ROCK, MA 02020

OCEAN STREET REAR N07-02-25
LUC: 392
NSD DEVELOPMENT LLC
PO BOX 326
BRANT ROCK, MA 02020

OCEAN STREET REAR N07-02-26
LUC: 392
NSD DEVELOPMENT LLC
PO BOX 326
BRANT ROCK, MA 02020

193 ISLAND STREET N07-02-28B
LUC: 101
PAPPACONSTANTINO RITA
P O BOX 11
BRANT ROCK, MA 02020-0595

207 ISLAND STREET N07-02-29
LUC: 101
VAN FLEET DANA W & CHERYL
P O BOX 107
BRANT ROCK, MA 02020-0107

31 BRADFORD STREET N07-03-02
LUC: 101
MCCABE KEVIN S
31 BRADFORD STREET
BRANT ROCK, MA 02020-0356

136 ISLAND STREET N07-06-01
LUC: 101
KEUP WILLIAM K & NANCY A TRS
MARSHFIELD ONE REALTY TRUST
20 MICHIGAN DRIVE
HUDSON, MA 01749

130 ISLAND STREET N07-06-02
LUC: 101
FREEMAN JACQUELINE
P O BOX 284
BRANT ROCK, MA 02020

36 BRADFORD STREET N07-06-03
LUC: 101
MURPHY DEBORAH A & PHILIP S
PO BOX 551
BRANT ROCK, MA 02020

32 BRADFORD STREET N07-06-04
LUC: 101
TOBIN LISA
32 BRADFORD STREET TRUST
P O BOX 513
BRANT ROCK, MA 02020-0513

25 THOMAS STREET N07-06-13
LUC: 101
DARVISH CARA L
PO BOX 509
BRANT ROCK, MA 02020

140 ISLAND STREET N07-06-14
LUC: 101
NCNULTY ROBERT & CATHERINE
PO BOX 616
BRANT ROCK, MA 02020-0616

30 THOMAS STREET N07-07-01
LUC: 101
MAHONEY JOHN J
PO BOX 75
BRANT ROCK, MA 02020-0075

23 REED STREET N07-07-09
LUC: 101
MACFARLANE CAMERON I
PO BOX 1154
MARSHFIELD, MA 02050

160 ISLAND STREET N07-07-10
LUC: 101
MUNDT PETER J & JENNIFER DILKS
P O BOX 549
BRANT ROCK, MA 02020

156 ISLAND STREET N07-07-11
LUC: 101
LYONS MARK E
P O BOX 371
BRANT ROCK, MA 02020-0371

Grafton, Bill

From: Dimeo, Mike <mdimeo@marshfieldpolice.org>
Sent: Saturday, March 27, 2021 11:35 AM
To: 'pbrennan@amoryengineers.com'
Cc: Grafton, Bill; James Kilcoyne; Reynolds, Thomas
Subject: DSA Parking lot

Importance: High

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

Pat, After consideration of the RDA filing for the future DSA parking in Harbor park. I would like to shift this to a full NOI for the following reasons:

1. I would like to include the walking path/trail on top of the DSA.
2. We already paid for the wetlands flagging. I do not want to pay for this again in the future.
3. If permitted all inclusive, I would not need to go back to Conn. Comm. every three years to update permits. I realize the parking area is outside of their setbacks.
4. I would like to have the walking trail more of a horseshoe w/ sloped grading to meet any ADA requirements. The slopes would meet near the entrances of the lot.
5. If I have this permitted via an NOI in advance, I may be able to file as a CPA project. (Basically Shovel ready/phased approach). The parking lot takes priority and I want to be on the 20 April Conn. Comm. agenda.
6. The NOI should also include: updated lighting with the addition of potentially (4) utility poles, a plan for mowing the phragmites, trail maintenance, environmentally friendly herbicides for growth control, the ability to remove any dredge material from the truck/trailer tires incase dredge spoils come in contact thru the crushed rocks.
7. The existing front dirt parking lot should be raised and potentially makes the entrance between the crosswalks.
8. Pat please feel free to add something I may have missed.
9. I have copied the Conn. Comm. & T. Reynolds for visibility.

Thanks!

Mike

Grafton, Bill

From: Pat Brennan <pbrennan@amoryengineers.com>
Sent: Tuesday, March 9, 2021 9:14 AM
To: Grafton, Bill
Cc: Harbormaster; Reynolds, Thomas
Subject: Dredge Spoils Area
Attachments: Dredge Spoils Area ACOE Plan June 1969.pdf; DSA Parking Concept 3-9-21.pdf

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

Bill,

Attached is a concept plan for the area that Mike would like to regrade to provide for additional parking at the DSA. I've also attached a 1969 Army Corps of Engineers map showing that the entire area was designated for dredge spoils (including the location of the sewage treatment plant). Since this area was designated for dredge spoils prior to the Wetlands Protection Act and has been utilized for disposal of dredge material periodically since then, we believe that the DSA itself is not jurisdictional - only the buffer zone of the surrounding wetlands and marshes extends into the DSA. As you are aware, there is an existing dike/berm surrounding the current DSA and any grading work would be at a lower elevation, inside of the berm which would be a physical buffer and not allow any sediment transport into the surrounding wetland resources.

The work would include cutting down the high area adjacent to the existing gravel parking area and pushing that material east, further into the DSA to provide an area for additional trailer and vehicle parking. The surface of the parking area would be pervious, either the existing dredge material, crushed stone, crushed shells or a processed gravel. The parking spaces shown on the plan are just to show what would be possible but they would likely not be physically delineated unless painted on the gravel, which would need to be painted often.

I don't believe that the regrading work requires the filing of a Notice of Intent. I believe that it could be permitted by an RDA or even allowed as a de minimis activity. What are your thoughts?

Pat

Patrick G. Brennan, P.E.
Amory Engineers, P.C.
25 Depot Street, PO Box 1768
Duxbury, MA 02331
p 781-934-0178
c 781-799-0279
pbrennan@amoryengineers.com
Website: www.amoryengineers.com

3/1/2022 MCR Public Meeting / 134

Proposed Sampling Scope for DSA Area 2/7/21

1. Excavate 9 test pits shown on the attached to maximum depths of 10 to 15 feet, or to the depth of native peat material beneath the sediment.
2. Collect samples every 3 feet within each test pit. Samples will be collected throughout the sediment and into native material (peat) beneath the sediment.
3. Each sample will be field screened for visual and olfactory evidence of impacts and with a photoionization detector (PID) for total organic volatiles (TOVs).
4. If field screening does not identify impacts, one composite sample of the sediment samples will be submitted for laboratory analysis and one composite sample of the native material (peat) beneath the sediment will be submitted for laboratory analysis.
5. If field screening identifies impacts, the sediment sample with the most significant impacts will be submitted for analysis and the native sample with the most impacts will be submitted for analysis. Also, additional discrete samples of the sediment and the native material will be sent to the lab and placed on hold for potential future analysis if needed.
6. Samples will be analyzed for the following:
 - EPH with 17 PAHs via DEP Method 8270SIM
 - VOCs via EPA Method 5035 / 8260B
 - Total Metals via EPA Method 3050B (arsenic, cadmium, chromium, copper, lead, mercury, nickel, zinc)
 - PCBs / Congeners via EPA Method 8082
 - TCLP Metals if RCRA 20X is triggered for any metal
7. Weston & Sampson will evaluate and tabulate the data and prepare a letter report detailing the test pit sampling and analytical results. Lab results will be compared to MassDEP Reportable Concentration S-1 soil standards.

Grafton, Bill

From: Dimeo, Mike <mdimeo@marshfieldpolice.org>
Sent: Wednesday, January 12, 2022 10:50 AM
To: Grafton, Bill
Subject: FW: Report Fraud your duty as an attorney

Importance: High

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

Bill, This dialogue was from August/September 2021. I'm looking for the attachment. However TC has already ruled on this. Furthermore, its listed under Book 1610, Page 508 and Plan Book 5, Page 85. I didn't want to bore you with Mr. Cusick's allegations. But now you can see he attacks everyone. I hope this will enlighten you Commission.

Thanks!

Mike

From: Robert W. Galvin [mailto:rwgalvin@comcast.net]
Sent: Thursday, September 9, 2021 2:33 PM
To: 'Chris Rohland'
Cc: 'Maresco, Michael'; Tavares, Phil; Dimeo, Mike
Subject: FW: Report Fraud your duty as an attorney

From: John Cusick <John@capeway.com>
Sent: Tuesday, August 31, 2021 7:23 PM
To: Robert W. Galvin <rwgalvin@comcast.net>
Cc: Carriere, David E <dcarriere@townofmarshfield.org>; Robert Shaughnessy <rjsdpw1@gmail.com>
Subject: Re: Report Fraud your duty as an attorney

Bob,

I want to add that the zoning application is fraud all the way through. You are now saying the land is town owned. Then why isn't the BOS the "owner" in the applications? Why put a single town employee up front and drag the BOPW into signing off on a project when the BOPW hasn't even been given these applications for Conservation and Zoning.

I had to ask for them myself so I could see what was going on.

The zoning application asks for one special permit (10.10) on page 2C-1 but then shows a different special permit (10.12) is needed on the bottom of page 2C-2 and on page 2C-3. Asking for one permit when a different one or a variance is needed is fraud.

The first "finding of fact" on page 2C-1 is missing. Does the answer not match the "fact" that is supposed to be on the page? I'm asking you to investigate this application.

Who wrote it, because it was wrongly written, and will it be corrected?

I do not want the BOPW or the DPW to be part of something that is being done illegally.

JC

On Tue, Aug 31, 2021 at 11:32 AM Robert W. Galvin <rwgalvin@comcast.net> wrote:

John:

I received your email this morning and your request for me to report a fraud by Michael Dimeo, Harbormaster.

In an effort to understand this issue, I went to the Registry of Deeds and looked into the actual ownership of the land.

The Town of Marshfield is the actual owner of the land which is the subject of this application, not the DPW or BOPW. I looked at the Taking dated April 21, 1931 and it was a taking by the Board of Selectmen of many parcels of land from various owners and the land stretches from Dyke Road all the way to the layout of Central Street and encompasses land in what is now Green Harbor.

I have attached the Order of Taking and Plan laying out the parcels of land that were taken by the Selectmen. See Book 1610, Page 508 and Plan Book 5, Page 85.

I have not spoken to the Harbormaster about your email; however, I think it was highly unlikely the Harbormaster was claiming that the Harbormaster owned this land. In fact, in one page you attached, he talks about the land being the "Town of Marshfield's" dredge spoils area and states that the wastewater treatment facility is on another portion of the parcel north of this area. In light of the deed and plan I located, his statement appears accurate not fraudulent. It is my understanding that the Harbormaster is also in front of your Board discussing his plans and that you are participating in those discussions. This also would support my view that he believes the BOPW has some care or custody of the land and that he and your Board work together on behalf of the Town on these issues. This also is not fraudulent behavior.

You are free to disagree with me; however, there is no fraud here in my view.

Bob Galvin

Robert W. Galvin, Esq.

Marshfield Town Counsel

Galvin & Galvin, PC

10 Enterprise Street, Suite 3

Duxbury, MA 02332-3315

(781) 934-5678

(781) 837-1030 (Fax)

rwgalvin@comcast.net

This email is confidential and privileged. If you received this email in error, please contact Attorney Galvin at (781) 934-5678 to report the email.

From: John Cusick <John@capeway.com>
Sent: Tuesday, August 31, 2021 8:30 AM
To: Bob Galvin <rwgalvin@comcast.net>
Subject: Report Fraud your duty as an attorney

Bob

You know the owner is the DPW of the small dirt lot across from harbor Park and the adjoining Dredge spoils area

What are you going to do with these two fraud applications by the Harbormaster M. Dimeo ? Who claims ownership.?

You have a legal obligation to report fraud .

I have attached 3 pics of frauds

"Fraud" or "fraudulent" denotes conduct that is fraudulent under substantive or procedural law and has a purpose to deceive

"Knowingly," "known," or "knows" denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.

I will report to every agency/association available to me. If this email is ignored and you refuse to act on two fraud applications one to ZBA and one to Conservation Commission

JC

Grafton, Bill

From: Grafton, Bill
Sent: Thursday, January 13, 2022 9:13 AM
To: Mike DiMeo
Cc: Maresco, Michael; Reynolds, Thomas; Procaccino, Rod; 'pbrennan@amoryengineers.com'; 'Kevin Maguire'; 'Kevin Maguire 2'; 'Art Lage'; 'Bert O'Donnell'; 'Craig Hannafin'; 'Joe Ring'; 'Patrick Carberry'; 'Susan Caron'
Subject: FW: 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

Mike, as discussed yesterday, I have communicated with each Commissioner regarding the path work and the phragmites cutting work. I am reporting that the Commission unanimously approved these projects to advance. Please reference notes below.

Regarding the DSA cutting, one Commissioner was under the impression that DPW had care and custody of the DSA. Harbormaster DiMeo has advised that Town Counsel reviewed the ownership and offered his opinion to the Harbormaster that the property was subject to a land taking in 1931 under the care and custody of the Board of Selectmen (see Book 1610, page 508) and (see Plan Book 5, page 85). The reference to the document is also listed in the attached ZBA application on page 5 and excerpt below. Harbormaster DiMeo will be coordinating as appropriate with other departments.

5. The record title to the land which is the subject of this case stands the Town of Marshfield, whose address is 870 Moraine Street, Marshfield, MA, deed duly recorded in the Plymouth Registry of Deeds in Book 161

Regarding the path, one Commissioner was under the impression that DPW had care and custody of the DSA. See explanation above that Town Counsel offered the opinion to the Harbormaster that the property is under the care and custody of the BOS. Additionally, the Commissioner mentioned that the path was before the CPC for funding which is correct...the CPC voted last night to support the funding of the path project. Lastly, the Commissioner mentioned that the path funding still needs to go forward to Town Meeting for a vote...this is pending. Meanwhile, Harbormaster DiMeo has indicated that he may begin some of the work prior to CPC funding in preparation for the more advanced work associated with the CPC funding request. Harbormaster DiMeo would look to coordinate volunteers, work with other departments, etc to advance the preliminary work. My only comment is to perform the work within the buffer zone which is not only permitted as per SE42-2929/Order of Conditions and called out on the approved site plan but an exempt activity under Ch. 505-103.5(D). See excerpt below.

§ 505-103.5. Exemptions.

The following activities shall be exempt from the setback zones of any lot or these Regulations:

D. Work on public open space nature trails, observation platforms, k such monuments as may be approved by the Commission.

If you have any questions regarding the Conservation permitting of these two activities (path and phragmites cutting) please contact me.

Respectfully,

Bill Grafton
Town of Marshfield
Conservation Administrator
870 Moraine Street
Marshfield, MA 02050
bgrafton@townofmarshfield.org
Phone: (781) 834-5573
Fax: (781) 837-7163

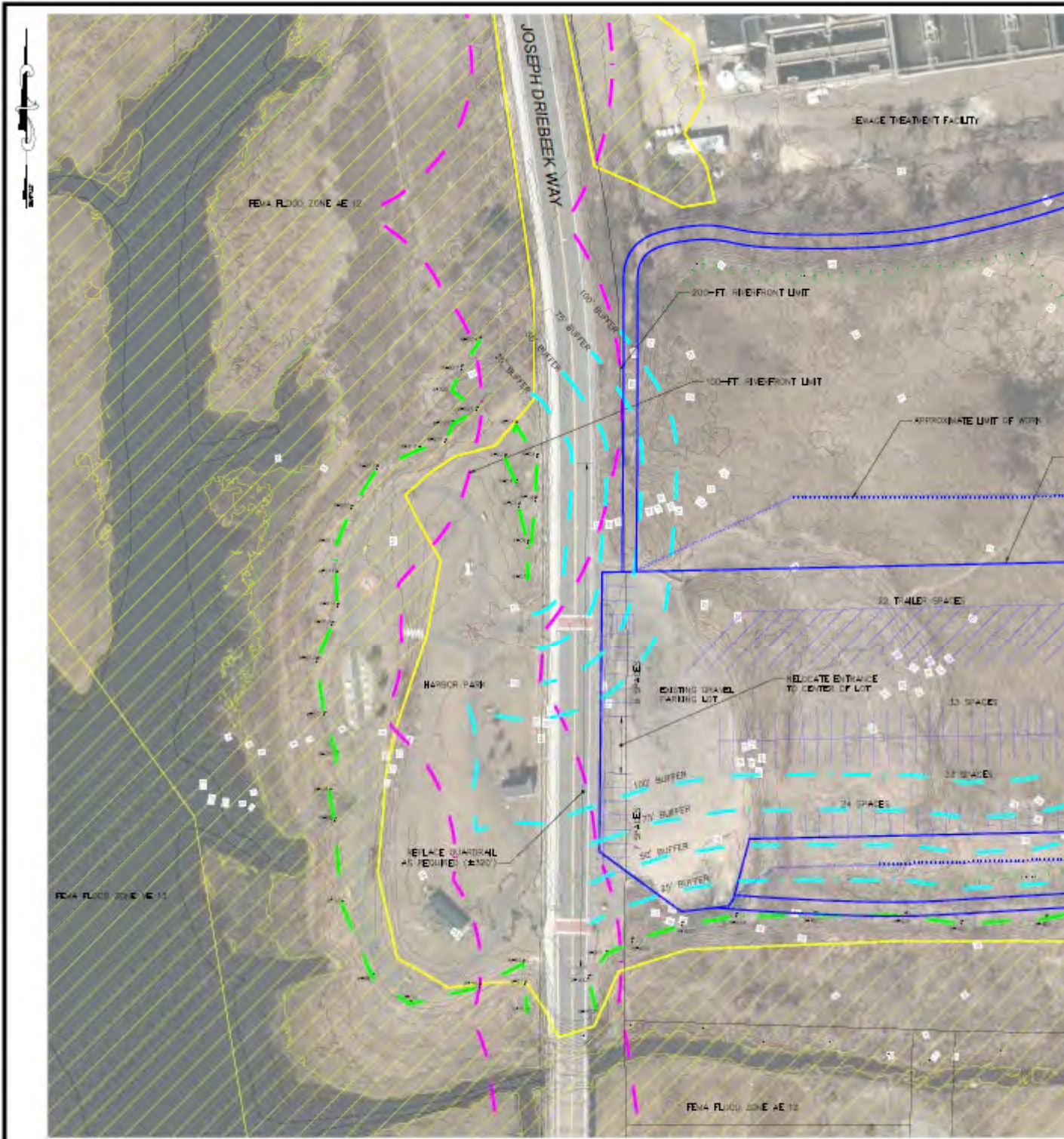
From: Grafton, Bill
Sent: Thursday, January 6, 2022 12:57 PM
To: Mike DiMeo <mdimeo@marshfieldpolice.org>
Cc: Mike Maresco <mmaresco@townofmarshfield.org>; Tom Reynolds <treynolds@townofmarshfield.org>; Procaccino, Rod <RProcaccino@townofmarshfield.org>; Patrick Brennan (pbrennan@amoryengineers.com) <pbrennan@amoryengineers.com>; Kevin Maguire <kevin_maguire@verizon.net>; Kevin Maguire 2 <kvmaguire4@gmail.com>; Art Lage <artlage123@gmail.com>; Bert O'Donnell <bwod54@gmail.com>; Craig Hannafin <cdhan@comcast.net>; Joe Ring <jpkring@verizon.net>; Patrick Carberry <prc71154@gmail.com>; Susan Caron <scaron626@gmail.com>
Subject: Conservation Memo/Conservation Permits SE42-166/2225/2586/2804/2929

All, please see attached.

I believe this to be the most comprehensive review of conservation permits involving activities that overlap the dredge spoils area (DSA). This memo and the referenced Orders of Conditions (SE42-166/2225/2586/2804/2929) establish the DSA as a designated area for dredge spoils from multiple approved projects and one that references the maintenance of the DSA. These permits surpassed all applicable appealable periods as well. This memo was provided based on multiple inputs to identify conservation permits that were directly relevant to activities associated with the DSA. These permits were carefully reviewed in the preparation of this memo. These conservation permits were not for vegetative management plan activities exclusively but show evidence of the practice and permission to maintain the DSA for dredge spoil purposes.

I will confer with the Commissioners but it seems clear to me that the DSA which is primarily beyond conservation jurisdictional boundaries based on the recently approved SE42-2929 (see screen shot below and attached approved site plan with wetland delineation and buffer zone), the ongoing maintenance practice referenced in the site plans associated with SE42-2225 that the maintenance of the dredge spoils area in General Notes No. 3 and the fact that no other permits are required for the cutting of the invasive phragmites that the cutting may continue. Please wait on resuming the cutting until after I confer with the Commissioners.

Thank you.



WARNING NOTES:

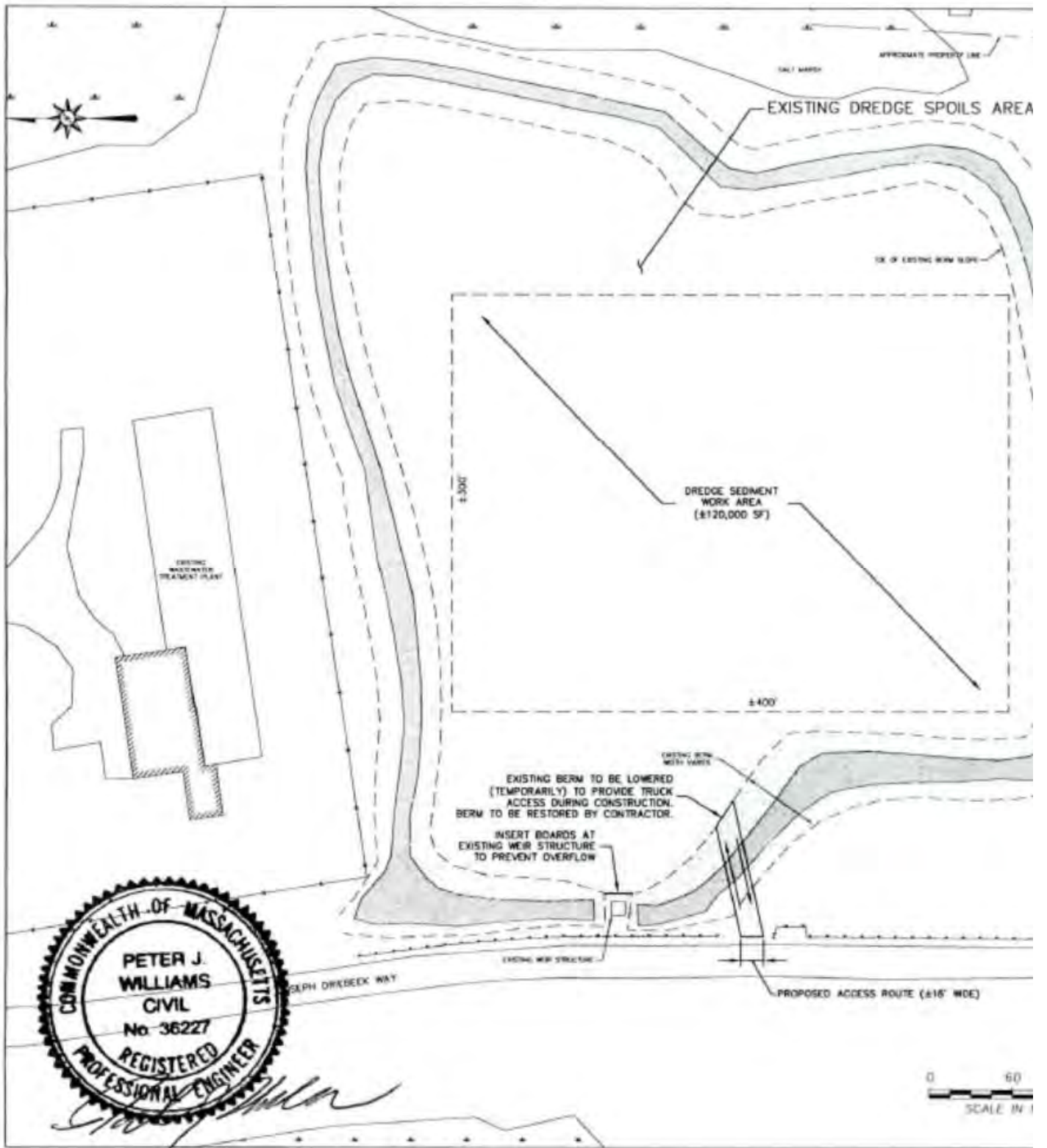
1. DATE MAPS FROM MASSGIS 2019 ORTHOPHOTOS.
2. PARCEL LINES FROM MASSGIS STANDARDIZED ASSESSORS' PARCELS (MARSHRED FY 2021).
3. TOPOGRAPHY FROM NOAA 2018 USAR DATA.
4. FLOOD ZONE LIMITS FROM LOWR 20-01-0284P-250273 "HIVE FLE".
5. VERTICAL DATUM IS NAVD 1985. MEAN HIGH WATER LINE ELEVATION = 4.08 FOR TIDAL DATUM 8446009, BRANT ROCK, GREEN HARBOR RIVER, MA.
6. 310 CMS 10.58(2)(2) C. IN TIDAL RIVERS THE MEAN ANNUAL HIGH-WATER LINE IS CONSIDERED TO BE THE MEAN HIGH WATER LINE (MHL 4.08).
7. 310 CMS 10.58(2)(1) D. BURNING-EDGE CANALS AND WOODPILE LOTHER ASSOCIATED WITH COASTAL RIVERS DO NOT HAVE RIEFRONT AREAS.
8. WETLANDS PLANNED BY JASON ZIMMER IN JANUARY 2021.

SITE PLAN

REVISIONS		DATE	BY
NO.	DESCRIPTION		
1.	ISSUED FOR PERMITS	3/21/23	



DESIGNED BY AMORY ENGINEERING, P.C.
 100 STATE STREET, SUITE 200, BRANT ROCK, MA 01906
 TEL: 508-548-2222 FAX: 508-548-2223
 WWW.AMORYENGINEERING.COM
 PROJECT NO. 2023-001
 DATE: 3/21/23



Respectfully,

Bill Grafton
 Town of Marshfield
 Conservation Administrator
 870 Moraine Street
 Marshfield, MA 02050

bgrifton@townofmarshfield.org

Phone: (781) 834-5573

Fax: (781) 837-7163

**MINUTES – CONSERVATION COMMISSION
WEDNESDAY, NOVEMBER 5, 2014 7:00 p.m.
TOWN HALL, HEARING ROOM, 2ND FLOOR
870 MORaine ST., MARSHFIELD, MA**

Approved 11-10-15 4-0-0

Members present: Robert Conlon (RC), William Levin (WL), Frank Woodfall (FW), Chad Haitsma (CH), Alison Cochrane (AC), and Jay Wennemer, Conservation Agent (JW). RC motion to open the meeting, FW second, motion passed 5-0-0.

8:00 2522 Harbormaster, J. Driebeek Way - Pat Brennan from Amory Engineering present. JW has talked to DPW about the area. JW – found there are other filings that deal with this area; a bridge that was built over the creek, and a previous proposal for Harbor Park that showed parking across the street in the area that's now proposed. Harbor Park plan that was approved had a stone dust path, similar to what's proposed today. Another plan showed dredge area occupying pretty much the property from the sewer plant to the creek. First used in 1958 and several times since then. It is JW's estimation that this area is not salt marsh. What's proposed isn't a violation of any WPA; appears some form of this proposal has been approved previously. Previous parking area and walking path was approved. Parking lot across the street proposed back then as it is now. RC asked what happened to previous proposals; don't know.

Man in audience asked if it's a proposal – JW said it's a permit. Steve Lynch – don't remember the parking being allowed; remember the dredging proposals. Abutter said they were never there. RC – they were approved; they weren't put there but were permitted. 1983 permit; 1976 permit. Steve Lynch – bridge was built in 1985; now talking about huge expansion. Abutter said the project will be dismantling the area; flooding has changed drastically since the town parking lot went in. Trees are dead. AC asked the abutters if they would be happy with a smaller park. NO! There's a nice park around the corner the public can use. Don't want people pushing carriages, kids on bikes, dogs etc., on the already crowded road.

Prior to WPA that area was used for dredge spoil area JW said. Have permit from 1985 for area to be extended. Mr. Lynch stated the last dredge project in Green Harbor was in 2011. Mr. Lynch stated when the Town of Marshfield put that material in a couple years ago, they did not have a valid permit to do so.

JW said he is satisfied this was a dredge spoil area; no longer considered a salt marsh when the WPA came into being. Considering application for permit now. This is not a wetland resource area.

Trisha Leary, Frederick Muir, abutters to the proposed project, asked who in the Town they should approach with regard to stopping this project. The Commission suggested they speak with the Selectmen.

Pat Brennan presented plan. Commission feels parking lot too large. Adding 16 spaces to existing. Going to be gravel where existing area PB said; larger footprint. No way to actually delineate spaces. WL asked how they arrived at that number of spaces.

WL motioned to close the hearing and take a vote. WL motion to accept proposal as submitted minus the 16 spaces at the eastern side of the proposed parking area, RC second, motion passed 4-1-0 with FW opposed.

JW explained the appeal period to abutters.



EXISTING DREDGE SPOILS AREA (DSA)

DREDGE SEDIMENT WORK AREA (±120,000 SF)

EXISTING BERM TO BE LOWERED (TEMPORARILY) TO PROVIDE TRUCK ACCESS DURING CONSTRUCTION. BERM TO BE RESTORED BY CONTRACTOR.

INSERT BOARDS AT EXISTING WEIR STRUCTURE TO PREVENT OVERFLOW

PROPOSED ACCESS ROUTE (±16' WIDE)

GENERAL NOTES:

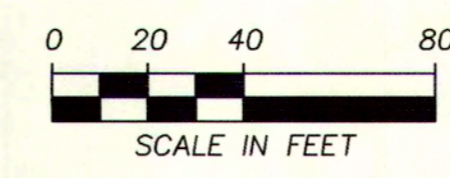
1. VERTICAL DATUM: MLW = 0.0; MHW = 9.54; HTL = 12.24. SITE BENCHMARK IS AN NOS TIDAL BENCHMARK DISK (1972) LABELLED "B.M. NO 1" SET IN CONCRETE SEAWALL AT THE WEST END OF THE TOWN PIER, ELEVATION 14.29 MLW.
2. TOPOGRAPHY AND UTILITY INFORMATION, AS SHOWN, BASED UPON SURVEY CONDUCTED BY THE U.S. ARMY CORP OF ENGINEERS IN APRIL 2003, DIGITAL AERIAL INFORMATION PROVIDED BY THE TOWN OF MARSHFIELD AND AVAILABLE RECORD PLANS.
3. WORK AREA WILL BE CLEARED AND GRUBBED OF EXISTING NUISANCE VEGETATION GROWN WITHIN WORK AREA BY TOWN PRIOR TO RECEIVING DREDGE SEDIMENTS.
4. WETLAND AREAS, AS SHOWN ON PLAN, BASED UPON AVAILABLE INFORMATION PROVIDED BY MASS GIS.

**PROPOSED WORK PLAN
DREDGE SPOILS AREA (DSA)**

**TOWN PIER FACILITY DREDGING
GREEN HARBOR
MARSHFIELD, MASSACHUSETTS**

Vine ASSOCIATES, INC. 372 MERRIMAC STREET NEWBURYPORT, MA 01950 180 OLD DERBY STREET HINCHAM, MA 02043 18 BEACH STREET MONUMENT BEACH, MA 02553
tel. (978)465-1428 fax (978)465-2640 tel. (781)749-2530 fax (781)749-2751 tel. (508)743-0390 fax (508)743-0391

DES. CMP	CHK. PJW	DR. MAG	VAI PROJECT NO. 966
SCALE 1"=40'		DATE SEPT. 2009	SHEET 2 OF 3



GLAND PROJECT 0806 - Marshfield Town Pier Dredging/Construction/Change Book Rev. 15/02/09 08/11 AM



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



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.

Propriet-
ors 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 3, 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 380 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 35

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 1930, NOW, THEREFORE, We, Ralph C. Ewell, 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 58/100 (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; Southwesterly 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 Northeasterly 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 dividing 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, containing eight and 16/100 (8.16) acres, is bounded Northerly by a ditch dividing this land from Parcels No. 12 and No. 13 as described 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; Westerly by a meandering ditch dividing this parcel from land of owners 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 Linwood Street; and Westerly by a ditch.

Amount awarded . . . \$1.00

Parcel Twenty whose owner is unknown, containing twenty-nine thousand 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 O. 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. Shepard, 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



PLAN OF LAND
IN MARSHFIELD, MASS.
March 1937. LEONARD F. FORTNEY,
TOWN ENGINEER.

