

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MARCH 4, 2009

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr.
Joel D. Hartley
Lawrence B. Dorman
Wendy L. Carreau, Associate

Members Absent: Horace S. Kenney, Jr., Associate

Secretary: Diane R. Drake

Others Present: Leedia Macomber, Christian Farland, Brandon Faneuf and James Holding

Meeting convened at 7:00 PM Wednesday, March 4, 2009 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Due to three of the Conservation Commission Members attending the Massachusetts Association of Conservation Commissions (M.A.C.C.) Conference on Saturday, February 28, 2009, site inspections were held on Sunday, March 1, 2009 by N. Hills, J. Oakes and L. Dorman.

The Commission welcomed their new Associate Member, Wendy L. Carreau. Bruce Hebbel resigned on February 19, 2009. Associate Member Joel D. Hartley was appointed a Member by the Marion Board of Selectmen to fill Bruce's term (expiring June 30, 2011), and Wendy was appointed an Associate Member to fill Joel's term (expiring June 30, 2010).

7:00 PM **INDIAN COVE TRUST** - NOI (SE 041-1102) to construct a single-family dwelling with a septic system at Holly Pond Road (Assessors' Map 18, Lot 44). Leedia Macomber of the Trust was present with David Davignon of N. Douglas Schneider & Associates. This hearing had been continued from February 4, 2009 due to legal issues as to whether or not the lot was buildable due to possible open space restrictions. Town Counsel Jon Witten has determined the lot does not have any restrictions and is buildable. D. Davignon said that prior to conveyance of the lot a water and utility easement from Route 6 to Holly Pond Road will be needed for maintenance. L. Macomber said that four acres of this lot will not be altered. D. Davignon said that although a bituminous driveway is shown on the plan, a pervious driveway would also be acceptable, but he would ask the Commission to allow pavement by the house. He said the beginning of the driveway is in the riverfront area, but the Wetlands Protection Act allows 10% or 5,000 square feet of the lot to be developed, whichever is greater, within the riverfront area. He said the house will be built outside the velocity zone, and the new flood maps that will become effective in 2010 for Plymouth County pulls the velocity zone even further away from the house. J. Oakes moved to close the hearing; J. Hartley seconded; voted unanimously.

7:17 PM **JOHN LUDES** – ANRAD (SE 041-1105) to verify the wetland resource areas and delineations at 135 Converse Road (Assessors' Map 17, Lots 44, 45 and 46). J. Oakes left the room. Christian Farland of Thompson Farland, Inc. was present on behalf of John Ludes and said CLE Engineering had flagged the wetland lines in December 2008. He said this is the 22-acre property formerly owned by Sybil Wisner. C. Farland said the new owner would like to create four buildable lots, with four of the existing houses to be divided among two of the lots. He said the fifth existing house and a garage will be demolished. N. Hills said it was snowing during the site inspection, and the ground was covered, so they didn't go into the woods. The plan shows A-series flags south of the woods road but the flags do not have "A" markings. N. Hills said there appears to be a spring outside the bordering vegetated wetland discharging water across the loop driveway into the wetlands, but it isn't shown on the plan. The stream shown on the plan appears to be perennial and if so the plan needs to show the 200 foot boundary. N. Hills said there is a black plastic pipe and something with a concrete cap on the east side of the road behind house #129; C. Farland said he did not know what that it, but S. Briggs thought that was the old septic system which will be abandoned. C. Farland said not all the stone walls are shown on the plan, and the ones that are shown are just for surveying purposes. C. Farland said he did not show the wetland line by Peckham Pond because no work is proposed there and that portion of the site is going to be given to the Sippican Lands Trust. Another site inspection will be held on March 14, 2009. C. Farland will look into the missing A-series flags. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:20 PM March 18, 2009; J. Hartley seconded; voted unanimously. J. Oakes returned to the table.

7:30 PM **BAY WATCH REALTY TRUST** – ANRAD (SE 041-1104) to verify the wetland resource areas and delineations off Front Street (Assessors' Map 24, Lots 27, 28 and 29) (continued from February 18, 2009). S. Briggs left the table. James Holding, the owner of the property, was present with his wetlands engineer, Brandon Faneuf. This hearing had been continued in order to obtain proposals from wetland consulting firms to verify the wetland lines. N. Hills said five proposals had been received – from Horsley Witten Group, Hancock Associates, AECOM Environmental, Sabatia Inc. and Hovorka Consulting – and one firm, LEC Environmental Consultants, had declined due to a conflict of interest. The Commission Members reviewed the proposals and resumes of each firm's wetland scientists. N. Hills said the proposals ranged from a simple statement of work to complex ones. J. Oakes said Horsley Witten's proposal does not include soil tests, which would eliminate them, and he is concerned that Sabatia Inc. wants the Commission to tell them when to do the work. J. Oakes thought AECOM Environmental would be the best contractor, in his opinion. J. Holding asked what the bid prices were; N. Hills said \$3,000.00 for AECOM, \$2,750.00 for Horsley Witten, \$2,600.00 for Hancock, \$2,200.00 for Sabatia, and \$850.00 for Hovorka. B. Faneuf said he did not understand why the Commission was recommending the highest bidder instead of Hovorka. J. Oakes said he thought Hovorka and Hancock were not qualified due to their lack of listed experience with wetland delineations, as most of their experience was land surveying related, and Horsley Witten was not going to provide the soil test pit logs. He said that left AECOM and Sabatia to choose from, and he did not think Sabatia responded as thoroughly as AECOM did. L. Dorman moved to recommend AECOM to the Chief Procurement Officer; J. Hartley seconded; voted unanimously. B. Faneuf asked to attend the site inspection with the consultant; N. Hills preferred that he not be present at that time, but if the consultant has questions, he will be contacted. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:00 PM April 1, 2009; J. Hartley seconded; voted unanimously. S. Briggs returned to the table.

L. Dorman moved to issue a full certificate of compliance to **RONALD E. HERINGTON** for constructing a garage and a driveway associated with the construction of a single-family dwelling at 89 Allens Point Road (SE 041-652); J. Hartley seconded; voted unanimously.

L. Dorman moved to issue a full certificate of compliance to **ROBERT HOAGLAND** for upgrading a sewage disposal system at 51 Holly Road, Piney Point (SE 041-858); J. Hartley seconded; voted unanimously.

L. Dorman moved to issue a partial certificate of compliance to **JONATHAN HOWLAND** for constructing additions to the dwelling at 16 Howland Road, and an invalid certificate of compliance (which states the order has expired and a new notice of intent will be needed) to construct the rear deck extension and screened deck area (SE 041-862); J. Hartley seconded; voted by majority with S. Briggs abstaining.

Discussion followed regarding the issuance of a full certificate of compliance to **JOHN LUDES** for replacing a bottom-anchored float with a gangway landing float and two finger floats, secured by four timber piles, at 57 Water Street (SE 041-886). It was noted that CCA-treated piles were installed due to availability at the time of construction. L. Dorman moved to issue a full certificate of compliance; J. Hartley seconded; voted by majority with J. Oakes abstaining from the discussion and vote.

L. Dorman moved to issue a full certificate of compliance to **DON E. EASTERDAY** for upgrading a septic tank system at 52 Cove Circle, Piney Point (SE 041-888); J. Oakes seconded; voted by majority with S. Briggs abstaining from the discussion and vote.

Discussion followed regarding recent site work at the end of Giffords Corner Road. Thompson Farland, Inc. was hired by the Town of Marion to do engineering services regarding drainage problems in that area, and Christian Farland had asked the Conservation Secretary about recent site work down there. The Commission inspected the site on March 1, 2009 and said the work was done at Heath Harriman's 39 Giffords Corner Road property as required by the Commission.

February 18, 2009 minutes were reviewed and accepted as amended on a motion by L. Dorman, seconded by J. Oakes.

J. Oakes drafted the **INDIAN COVE TRUST** order of conditions (SE 041-1102) and moved to issue it as written; J. Hartley seconded; voted unanimously.

Meeting adjourned at 8:30 PM.

Diane R. Drake, Secretary

Approved March 18, 2009