

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MAY 6, 2009

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr. (absent from 7:00-7:20 PM)
Lawrence B. Dorman
Joel D. Hartley
Wendy L. Carreau, Associate

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

Secretary: Diane R. Drake

Others Present: Christian Farland, Brandon Faneuf, Susan Nilson and Jack O'Leary.

Meeting convened at 7:00 PM Wednesday, May 6, 2009 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 2, 2009 by N. Hills, J. Oakes, L. Dorman, J. Hartley and W. Carreau.

7:00 PM **SARDINHA FAMILY TRUST** - NOI (SE 041-1053) to raze the restaurant at 450 Wareham Street and construct two structures in its place (continued from April 15, 2009). Due to a scheduling conflict, the Trust's engineer, Jack O'Leary, had asked the Commission to continue the hearing to later tonight. J. Oakes moved to continue the hearing to later tonight, after the other hearings; J. Hartley seconded; voted unanimously.

Minutes were reviewed. N. Hills moved to accept the March 18, 2009 minutes as amended; J. Hartley seconded; voted by majority with J. Oakes abstaining. L. Dorman moved to accept the April 1, 2009 minutes as written; J. Hartley seconded; voted unanimously. N. Hills moved to accept the April 15, 2009 minutes as amended; L. Dorman seconded; voted by majority with J. Oakes abstaining.

7:10 PM **BAY WATCH REALTY TRUST** – ANRAD (SE 041-1104) to verify the wetland resource areas and delineations off Front Street on Lots 27, 28 and 29 (continued from April 15, 2009). Brandon Faneuf represented the Trust and asked for an approval of the wetland lines based on the revisions, so that they can move forward with the vernal pool study. N. Hills questioned how much the vernal pool work will be, and how much is available on the current contract. B. Faneuf said there is approximately \$400.00 from the contract to put toward the extra work, and an additional \$600.00 to \$1,000.00 will be needed to do the vernal pool study, which will be fine. He agreed to the inspection and will accompany Robert Gray during the inspection. L. Dorman said the Town is supposed to have funding in hand prior to the work taking place. N. Hills said another \$1,000.00 should suffice and anything left over will be refunded. J. Oakes said the ANRAD was just to verify the delineation of the wetlands, not vernal pools. B. Faneuf said vernal pools are not resource areas. The Commission Members agreed the limits of vernal pools will need to be staked and a plan

showing the location of the vernal pools will need to be submitted to Natural Heritage. B. Faneuf said the pool will be included on the plans for the Notice of Intent to construct the roadways and dwellings. S. Briggs arrived at 7:20 PM but did not approach the table until he asked for clarification on a matter, as an abutter. B. Faneuf discussed DEP's guidelines regarding vernal pools. N. Hills moved to close the hearing; J. Oakes seconded; voted by majority with S. Briggs abstaining. J. Oakes moved to issue the Order of Resource Area Delineation as written; J. Hartley seconded; voted by majority with S. Briggs abstaining. J. Oakes moved to authorize Sabatia, Inc. to expend up to \$1,000.00, including the approximately \$400.00 left over on the existing contract, as soon as possible, and to have James Holding submit the additional \$1,000.00 to the Town Accountant; the motion was seconded and voted by majority with S. Briggs abstaining. B. Faneuf said the Conservation Commission can add conditions to protect the vernal pool, but he was not planning to certify the three potential, of which one is most likely, vernal pools. B. Faneuf said that regarding boundaries of the potential vernal pools, after the heavy rain yesterday they may all be one now, and based on leaf staining this area extends to S. Briggs' pond. B. Faneuf said that if there are fish present, then it is not a vernal pool.

7:36 PM **ROSEN POINT FAMILY LIMITED PARTNERSHIP** – RFD (41D-1375) to expand the roof runoff recharge system at 94 Piney Point Road, construct a 15' x 28' shed, and verify the bordering vegetated wetlands line shown on the site plan. Christian Farland of Thompson Farland represented the applicant and explained the project. He said there is a Zoning Board of Appeals hearing on May 21, 2009 to allow the shed to be five feet from the property line, but because the applicant owns the abutting property they are hoping the Z.B.A. will approve this request. C. Farland said most of the shed will be used for the mechanical system of the house. C. Farland said verification of the wetland line shown on the plan is not necessary at this time, as it does not affect this project. N. Hills said trees have been cut in the buffer zone to wetlands, and J. Oakes said there has also been recent cutting in the 15' no-disturb zone; C. Farland said nothing further has been cut. J. Oakes said the haybales shown on the site plan between Piney Point Road and the stormwater storage system can be omitted. L. Dorman moved to close the hearing; J. Oakes and J. Hartley seconded; voted unanimously.

7:48 PM **LYNN GIORDANO** – 22 Hammett's Cove Road (SE 041-1107, SE 041-657). An ANRAD filing was recently submitted, and wetland violations at the site were noted during the inspection. N. Hills mentioned to Christian Farland that an Enforcement Order may be necessary to re-establish the wetland line and perhaps set a line of boulders along the 15' no-touch delineation to discourage further cutting in the wetlands. C. Farland said he can stake the 15' line and set a few boulders along it from A1 to 3 which would amount to ten stones placed 30' apart. A letter will be sent to Ms. Giordano verifying this.

7:56 PM **SARDINHA FAMILY TRUST** – NOI (SE 041-1053) to raze the restaurant at 450 Wareham Street and construct two structures in its place (continued from 7:00 PM this evening). Jack O'Leary of Merrill Associates was present and discussed the Town engineer's report and comments that was prepared for the Planning Board. He said the Planning Board finally closed their hearing on this project on May 4, 2009. He said the primary change in the plans was for one building, not two, and a vegetation island to be in the middle of the parking lot. He submitted an updated stormwater management report and explained how the system will work. He said the Dunkin Donuts restaurant will have 40 seats, although only 15 seats will likely be used at any one time, but zoning requires the number of parking spaces based on the maximum possible seating. He

said there will be a three-to-one slope for the area by the dumpster. Regarding snow removal, he said some snow can be stockpiled between trees, but snow won't be put in wetlands or retention basins, as specified in the stormwater plan. J. Oakes moved to close the hearing; L. Dorman seconded; voted unanimously.

8:20 PM **BURR BROTHERS BOATS** – appointment for discussion with Susan Nilson of CLE Engineering regarding the boat storage area at the rear of 366 Wareham Street. J. Oakes left the room. S. Nilson said this was a dredge disposal site in the 1970's and she would like to regrade the area which has settled 12" to 18" in places. She said the site is now all in an AE flood zone, but is proposed to change to a VE flood zone when the new Flood Insurance Rate Maps become effective in December 2009. She would like to fill the berm back up to maintain the AE flood zone designation. She said work will be in the buffer zone to wetlands and also in land subject to coastal storm flowage, and asked whether the Commission would like her to file a request for determination or a notice of intent for this work. The Commission Members agreed that a notice of intent should be filed. J. Oakes returned to the room.

J. Oakes moved to issue a two-year extension permit to the **418 POINT ROAD TRUST** for reconstructing a boardwalk, a pier, a gangway and float at 418 Point Road; L. Dorman seconded; voted unanimously (SE 041-1044).

J. Oakes drafted the order of conditions (SE 041-1053) for **SARDINHA FAMILY TRUST**'s new restaurant at 450 Wareham Street. L. Dorman moved to issue the order as written; N. Hills seconded; voted unanimously.

BLAKE WILSON – discussion followed regarding past land clearing at 23 Parlowtown Road, in the buffer zone to wetlands on a neighbor's lot. N. Hills said the stockpiled fill is still there from when the clearing was done last year. It was agreed to visit the site again on May 16, 2009, and discuss this at the Commission's May 20, 2009 meeting.

TOWN OF MARION – the Commission needs to meet with Rob Zora, the Department of Public Works Supervisor, at the Sprague's Cove stormwater remediation project to discuss annual maintenance of the site (SE 041-556). A letter will be sent to R. Zora, asking him to meet the Commission at that site at 8:35 PM Saturday, May 30, 2009.

N. Hills moved to issue a positive determination for Boxes 1 and 2B, and a negative determination for Box 2 to the **ROSEN POINT FAMILY LIMITED PARTNERSHIP** for expanding a roof runoff recharge system and constructing a shed at 94 Piney Point Road (41D-1375); J. Oakes seconded; voted unanimously.

Meeting adjourned at 8:50 PM.

Diane R. Drake, Secretary

Approved June 17, 2009