

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JUNE 17, 2009

Members Present: Norman A. Hills, Chairman
Jeffrey W. Oakes, Vice Chairman
Sherman E. Briggs, Jr. (absent from 7:00-7:10 PM)
Lawrence B. Dorman
Joel D. Hartley
Wendy L. Carreau, Associate

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

Secretary: Diane R. Drake

Others Present: Susan Nilson, Paul A. Thomas, William G. Saltonstall Jr.,
Douglas Watson, Deborah Bullerjean and David Davignon.

Meeting convened at 7:00 PM Wednesday, June 17, 2009 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, June 13, 2009 by J. Oakes, L. Dorman and J. Hartley.

7:00 PM **BURR BROTHERS BOATS, INC.** - NOI (SE 041-1109) to reconstruct a stone and earthen berm at 366 Wareham Street. J. Oakes left the room. Susan Nilson of CLE Engineering, Inc. represented the applicant and explained the project. She said the proposed work is at least 15 feet from the no-touch zone. The berm was originally a dike built to hold back dredge spoils from the upper Harbor in the 1970's. The top of the berm is being raised 1-1/2 to 3-1/2 feet. No work is proposed on the water side of the berm, so its slope will remain at 1-1/2 to 1. She said the flood zone is presently flood zone AE 16 and may change to a velocity zone when the new flood insurance rate maps become final in early June of 2010. J. Hartley said he doesn't foresee any problems with the project. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously. J. Oakes returned to the table.

N. Hills moved to approve a \$301.00 payment of the annual Massachusetts Association of Conservation Commissions (M.A.C.C.) dues for July 1, 2009 through June 30, 2010; L. Dorman seconded; voted unanimously. It was noted that this is a 7.5% increase over last year's \$280.00 bill.

J. Oakes moved to pay Sabatia, Inc.'s \$411.83 invoice for submitting vernal pool certification forms to the Natural Heritage and Endangered Species Program. The potential vernal pools are on **BAY WATCH REALTY TRUST**'s property off Front Street (SE 041-1104). N. Hills said he spoke with the person in charge of vernal pools at Natural Heritage and was told they did receive the documents on June 8th but probably won't act on them until this fall due to their backlog. The motion was seconded and voted unanimously.

7:20 PM **SIPPICAN LANDS ASSOCIATION, INC.** – RFD (41D-1376) to add sand to a sitting area above the mean high water line at Lot 49A Kabeyun Road. No one was present on behalf of the applicant. J. Hartley said the plan is sketchy and he spoke with people that were concerned with boats sitting on the beach grass at the site. He said the marsh grass on the site won't be affected as long as the sand is placed above the mean high water line. The previous determinations approving this project (41D-1092 and 41D-1229) have expired. The Harbormaster had no comments or concerns with the project. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

Minutes were reviewed. L. Dorman moved to approve the May 6, 2009 minutes as amended; J. Oakes seconded; voted unanimously. N. Hills moved to approve the May 20, 2009 minutes as amended; J. Oakes seconded; voted by majority with L. Dorman abstaining. N. Hills moved to accept the June 3, 2009 minutes as amended; L. Dorman seconded; voted by majority with S. Briggs abstaining.

7:30 PM **WAYNE BELLEMARE, JR.** – NOI (SE 041-1111) to upgrade a septic system in the front yard of 25 Abel's Way and regrade, loam and seed the back yard. No one represented the applicant. An abutter, Paul A. Thomas, was present and said he is not against the project, but just wanted to see how "the system" works. J. Oakes said the River Protection Act 200' buffer zone does not apply to existing homes. J. Oakes moved to close the hearing; L. Dorman seconded; voted unanimously.

7:40 PM **SIPPICAN LANDS TRUST** – RFD (41D-1377) to replace a rotted 450'-long wooden boardwalk on an historic trail off Barnabas Road, between Lockheed Martin and Old Parlowtown Road. William G. Saltonstall, Jr. represented the Trust and described the existing conditions and the proposed work. He said Lockheed Martin's railroad ties apparently are no longer available, but Dennis Mahoney and Sons has some in stock. S. Briggs said he has approximately 100 of the old ties available, if needed. W. Saltonstall said there are upland areas where the rotted walkway could be placed. These sites are about one-third of the way heading back toward Lockheed Martin. J. Oakes said the existing boardwalk is very rotted and will probably disappear within ten years. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

7:50 PM **ALAN L. MINARD and NANCY S. JOHNSON** – NOI (SE 041-1110) to construct a single-family dwelling, a driveway, a septic system, install utilities, fill/grade and wetlands replication at Lot 30 Allens Point Road. David Davignon of N. Douglas Schneider and Associates represented the Applicants and described the project. He said the Fire Chief prefers an 18' wide driveway, rather than 12'-wide, and the existing woods road is between 8' and 10' wide. D. Davignon said the driveway will be raised to 12' elevation to allow for the 2' high by 3' wide culvert. He said gravel will be placed inside the culvert to resemble a stream bed, similar to what was done with the new culvert under Cottage Lane. He said the preferred sewage disposal method (Option #1) is to use a fiberglass Bioclear cylinder septic tank which is watertight, rather than a concrete box (Option #2). A concrete box would be considered if there would be an unreasonable wait for a Bioclear unit. He said the water and sewer lines will be within the road layout. The leaching field is not proposed by the house due to an unsuitable percolation test. He said D.E.P.'s comments regarding altering the bank of the stream do not make sense, because the notice of intent

explained that the road is being widened, and the new culvert will be wider than the existing one. D. Davignon said replication is necessary because a few trees are being removed, and rather than excavate a new replication area, Mr. Minard would prefer to remove invasive species in an upland area abutting the wetlands. Abutters Douglas Watson and Deborah Bullerjean were present and said they would prefer this area to remain unchanged. Due to the lack of Natural Heritage's comments on this project, J. Oakes moved to continue the hearing, with the Applicant's consent, to 7:10 PM July 1, 2009; J. Hartley seconded; voted unanimously.

J. Oakes drafted and moved to issue **WAYNE BELLEMARE, JR.**'s order of conditions (SE 041-1111) for upgrading a septic system at 25 Abel's Way and regarding/loaming/seeding the back yard; L. Dorman seconded; voted unanimously.

J. Hartley drafted and moved to issue **BURR BROTHERS BOATS, INC.**'s order of conditions (SE 041-1109) for reconstructing a berm at 366 Wareham Street; L. Dorman seconded; voted by majority with J. Oakes abstaining from the discussion and vote.

L. Dorman drafted and moved to issue a conditional negative box #3 determination of applicability (41D-1377) to the **SIPPICAN LANDS TRUST** for their new boardwalk project, with conditions that the existing boardwalk materials shall either be removed from the site or placed in the upland area shown on the plan of record; all materials (old and new) shall be brought in/out by hand; and motorized vehicles are prohibited on the site. J. Hartley seconded the motion; voted unanimously.

N. Hills drafted a conditional negative box #2 determination of applicability (41D-1376) to the **SIPPICAN LANDS ASSOCIATION** to add beach sand to a sitting area at Lot 49A Kabeyun Road, with the following conditions: (1) the sand shall be placed above the mean high water line, in the area shown on the plan of record; (2) the sand shall be compatible to the sand presently at the site; (3) the saltmarsh at the southwest corner of the site shall not be covered with sand; (4) sand shall be added on an as-needed basis; and (5) personal watercraft shall not be stored on the beach grass areas on either side of the beach. N. Hills moved to issue it as written; J. Hartley seconded; voted unanimously.

Meeting adjourned at 8:55 PM.

Diane R. Drake, Secretary

Approved July 1, 2009