

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 14, 2009

Members Present: Norman A. Hills, Chairman
Sherman E. Briggs, Jr. (absent from 7:00-8:10 PM)
Lawrence B. Dorman
Joel D. Hartley (absent from 7:00-7:05 PM)
Wendy L. Carreau, Associate

Members Absent: Jeffrey W. Oakes, Vice Chairman
Horace S. Kenney, Jr., Associate

Secretary: Diane R. Drake

Others Present: William St. Cyr, Paul E. Donato, Robert O'Leary, Barry Maffini, Russell L. Gunschel, Peter B. Kirschmann, Susan Nilson, David Davignon and Toby Burr.

Meeting convened at 7:00 PM Wednesday, October 14, 2009 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 10, 2009 by N. Hills, L. Dorman and W. Carreau.

7:00 PM **WILLIAM S. MOONAN** - RFD (41D-1393) to construct a 4' x 56' deck extension with stairs along the east side of the dwelling at 16 Quelle Lane. Russell Lee Gunschel represented Mr. Moonan and said the work was done as soon as the building permit had been issued, before this filing could be submitted. R. Gunschel said he will seed the area within a week's time, otherwise a siltation fence or haybales will be placed to prevent any erosion or runoff. L. Dorman moved to close the hearing; W. Carreau seconded; voted unanimously. J. Hartley joined the meeting at 7:05 PM.

W. Carreau moved to accept the September 2, 2009 minutes as amended; J. Hartley seconded; voted unanimously.

L. Dorman moved to issue a second three-year extension permit to **THE TOWN OF MARION** to repair a seawall and add beach nourishment at 1 Island Wharf Road; W. Carreau seconded; voted unanimously (SE 041-993).

7:10 PM **VERIZON NEW ENGLAND, INC.** - RFD (41D-1392) to replace underground telcom copper cables with fiber optic telcom cables within the utility easements of the Indian Cove Subdivision (Indian Cove Road, Holly Pond Road, Alden Road and Sassamon Trail). Barry Maffini represented Verizon and said technically FIOS will replace the existing cables over time, not all at once. Robert O'Leary of White Mountain, the contractor who will do the work, was also present and said no open trenches will be left open at night. He said the loaming and reseeded will most likely

be done in the spring. He said he compacts the seeded earth rather than covering it with straw. Mr. Maffini said that in addition to the road easements, they also have the right to go 10' into the property owners' yards, which won't be necessary. Mr. Maffini said Verizon has not yet notified Dig Safe because their approval is only good for 30 days. Mr. Maffini said the old cables won't be dug up later; they will be left in place. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously. J. Hartley moved to issue a conditional negative determination for boxes 2 and 3 with conditions that areas not re-established this year shall be stabilized, that trenches shall not be left open overnight, and extra fill shall be taken away; L. Dorman seconded; voted unanimously.

7:25 PM **BURR BROTHERS BOATS, INC.** - NOI (SE 041-1112) to remove and replace a commercial building at 309 Front Street, make drainage improvements, and associated site work (continued from September 23, 2009). Toby Burr was present with his engineer, Susan Nilson of CLE Engineering, Inc. N. Hills said he has reviewed the materials submitted at the September 23, 2009 hearing. Field Engineering's comments were discussed. A portion of a stone wall at a corner of the building will need to be removed so as to allow the water to flow. N. Hills thought all of the roof runoff should be addressed, not just the additional square footage from this project. N. Hills asked for copies of the attachments mentioned in the materials; S. Nilson said she will submit them tomorrow. T. Burr said the proposed snow pile location will have an oil/water separator for when the snow melts. N. Hills submitted 1939 aerial photographs of the site. S. Nilson said their next meeting with the Planning Board will be on Monday, October 19, 2009. With the Applicant's consent, L. Dorman moved to continue the hearing to 7:40 PM October 28, 2009; J. Hartley seconded; voted unanimously.

7:55 PM **BROADVIEW II REALTY TRUST, C/O NONA GAINSFORTH HAFFENREFFER, TRUSTEE** - NOI (SE 041-1117) to construct a dwelling with an attached garage, a pool, patios, a sewage disposal system, install utilities, and perform associated filling and grading at 9 Moorings Way, off Moorings Road. W. Carreau left the room. David Davignon represented the Trust and described the project. D. Davignon said Richard Marx, the Building Commissioner, told him the Zoning Standards have that lot grandfathered as buildable. D. Davignon said the summer 2010 proposed FEMA map changes will affect this lot. He said the project is designed around the leaching field and will be out of the Velocity Zone. He said the house is designed for four bedrooms, but the leaching field is designed for six bedrooms. He said the top of foundation is 17.5' with the existing elevation at 11', but the fill is necessary due to the leaching field. He said there is no coastal bank per its definition. N. Hills was concerned with placing so much fill in a Velocity Zone. D.E.P. had assigned a file number with a comment that the amount of proposed fill should be minimized. (S. Briggs arrived at 8:10 PM.) L. Dorman said he also feels that the amount of fill is unreasonable. D. Davignon asked the Commission how much fill they would be comfortable with; L. Dorman suggested D. Davignon redesign the project with the least amount of fill possible. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:00 PM October 28, 2009; J. Hartley seconded; voted unanimously. W. Carreau returned to the table.

8:35 PM **JANET R. MARKEL** - RFD (41D-1394) to extend the screened porch at 8 Water Street 34.5' x 10', extend a bay window area by 2', and repair the entry walk area. Ms. Markel's contractor, Lee Gunschel, was present on her behalf and described the project. He said the footings will be down 4' and any excess fill will be trucked off site. L. Gunschel said he will place haybales

around the storm drain, and would like to start the work by the end of October. J. Hartley moved to close the hearing; L. Dorman seconded; voted unanimously. N. Hills moved to issue a conditional negative determination with a condition requiring hay bales; L. Dorman seconded; voted unanimously.

8:40 PM **JAMES COLAGEO**'s repeat request for a certificate of compliance for constructing a dwelling, a deck, a garage, retaining walls and a septic system at 41 River Road was discussed (SE 041-872). The additional information and photographs mailed to the Conservation Commission by Mr. Colageo were reviewed and discussed. Another site inspection had been held. J. Hartley said the Applicant should submit a Request for Determination of Applicability filing for the after-the-fact extra work that was done -- e.g. the shed, the actual configuration of the wall and what's behind it, and the walkway.

WILLIAM S. MOONAN's Determination (41D-1393) to construct a 4' x 56' deck extension with stairs along the east side of the dwelling at 16 Quelle Lane was discussed. L. Dorman moved to issue a conditional negative determination for box #2 with a condition that the disturbed areas shall be seeded within one week; N. Hills seconded; voted unanimously.

Meeting adjourned at 9:05 PM.

Diane R. Drake, Secretary

Approved March 24, 2010