

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 24, 2010

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

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

Secretary: Diane R. Drake

Others Present: Christian Farland, Howard and Susan McPeck, Susan Nilson,  
Dana Pickup, Bruce Rocha Jr., Paul Francis, Bill Curley,  
Will Saltonstall, Albin Johnson, Matt Baltz, C. Jay Wilbur,  
Mary Ann Hayes and Mike Kondracki.

Meeting convened at 7:00 PM Wednesday, February 24, 2010 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, February 20, 2010 by N. Hills and L. Dorman.

7:00 PM **HOWARD McPECK** - RFD (41D-1406) to replace decking and construct a screened porch over a portion of an existing deck at 643 Front Street. Bruce Rocha, Jr. represented Mr. and Mrs. McPeck who were also present. He said the work is complete as he did the work as soon as he received the Building Permit. N. Hills said the plans in the Conservation Commission office don't show any decks. B. Rocha said he will check with the Conservation Commission office in the future when he plans to pull a building permit. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

7:05 PM **MARION LANDS TRUST** - Appointment for discussion regarding unauthorized landscaping activities in wetland resource areas at 369/371 Wareham Street (SE 041-1064). Susan Nilson represented Mr. Croll. N. Hills stated that this type of work -- cutting within the BVW -- has happened before. Only five BVW stakes could be found. S. Briggs and S. Nilson said there are more stakes than that. S. Nilson said she told Alex Race to remove obviously dead trees and briars and to continue mowing the area that had been maintained. She said Mr. Croll had a publication from DEP (exempt activities in a buffer zone) that stated what he was doing (maintenance) was allowable without a permit, up to the stakes. N. Hills would like a RFD to be filed for the work that had been done and will be done. S. Nilson said she would be filing a NOI for developing the pond lot and will address this issue at that time. In the meantime no further work will be done in the buffer zone.

7:17 PM **JAMES C. PRIEUR** - NOI (SE 041-1130) for landscaping activities at 101 Cove Circle, Piney Point. Christian Farland was present with the landscaper, Mike Kondracki. C. Farland described the proposed work. N. Hills said there is nothing on the plan or site showing the BVW line. C. Farland said he could resurvey the line which was done in 2005, and all the trees are to remain. M. Durfee said the boulders on site will stay and he will bring in more to add where the finished area transitions into the work area for aesthetics. He said beach grass doesn't require fertilizer and is low maintenance, it will be planted in a sandy mixture. C. Farland said the path ends as shown on the plan. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:30 PM on March 10, 2010; J. Hartley seconded; voted unanimously.

7:20 PM **PAUL FRANCIS** - RFD (41D-1407) to construct a 10' x 30' enclosed porch at the front of the dwelling at 20 Doran Way, Dexter Beach. Mr. Francis was present with his son and said he was issued a Building Permit and started work before being notified that a filing was required. S. Briggs thought the sewer extension project plans might show the BVW line at that time. Mr. Francis Jr. said he has something that shows the house is 65' from the stream, and the front of the house is 95'. Mr. Francis Sr. said that he will be sure to check with the Conservation Commission first on future projects. N. Hills explained that if the stream is perennial, there is a 200' buffer zone. N. Hills said he would like to continue the hearing so the BVW line can be verified. J. Hartley moved to continue the hearing, with the Applicant's consent, to 7:40 PM on March 10, 2010; L. Dorman seconded; voted unanimously.

7:45 PM **WILLIAM F. and KAREN M. CURLEY** - NOI (SE 041-1129) to demolish the existing dwelling at 154 Spring Street, construct a new dwelling, alter and replicate a wetland, install dense plantings, and to fill and grade (continued from February 10, 2010). At the engineer's request, due to a conflicting schedule, this hearing will be continued to later tonight. L. Dorman so moved; J. Hartley seconded; voted unanimously.

7:46 PM **DOLA STEMBERG** - NOI (SE 041-1126) to reconstruct the existing dwelling and garage at 85 Moorings Road, install an in-ground pool, and make improvements to landscaping, parking and walkways (continued from February 10, 2010). The Applicant's engineer requested the hearing be continued again to April 14, 2010. L. Dorman moved to continue the hearing, at the Applicant's request, to April 14, 2010 at 7:10 PM; J. Hartley seconded; voted unanimously.

**FREDRICK WORCESTER** – Request for a Certificate of Compliance to clean up trees at 14 Vine Street that were downed by Hurricane Bob in 1991 (SE 041-518). Christian Farland represented Mr. Worcester and said the site contours are the same as in 1991, and no work is proposed in that area. N. Hills said he would like to see the BVW line on the revised plan, based on soil tests. J. Hartley asked why the 15' no-touch zone could not be reestablished? C. Farland said the work was done almost 20 years ago and the fill in the holes from pulling stumps probably seeded the area. N. Hills repeated that he wants to know where the wetland line is and let the BVW grow back. C. Farland said he will find the BVW line and will try to find photos that the area was lawn. He noted that on the abutting site, a lawn was BVW also.

7:53 PM **ALAN L. MINARD and NANCY C. JOHNSON** - NOI (SE 041-1110) - Amendment for constructing a dwelling, a driveway, a sewage disposal system, installing utilities, replicating wetlands, and associated filling and grading at Lot 30 Allens Point Road. The

Amendment is to change the proposed dwelling footprint and location, the driveway shape and location, the grading schematic and utility layouts. W. Carreau left the room. David Davignon is held up with a conflicting schedule and asked Will Saltonstall to represent the Applicants. W. Saltonstall showed a plan of the existing flood plane lines versus the proposed changes. He said the intent of this amendment is to comply with the AE 16' zone. The closest point to the BVW line is 35'-38' with a retaining wall 20' from the BVW line. Dave Davignon joined the discussion at 8:05 PM and said the elevation was to allow for a 5' crawl space. J. Hartley asked N. Hills whether this is another site in an AE/VE zone? N. Hills said yes, but this is one of the sites being appealed. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously. W. Carreau returned to the room.

8:15 PM **WILLIAM F. and KAREN M. CURLEY** - NOI (SE 041-1129) (continued from earlier tonight). Mr. Curley was present with his engineer, Dave Davignon. D. Davignon said the plan has been revised by rotating the house and sliding it 2' closer to the street, providing 20' from the BVW line. There are 365 square feet of BVW to be filled around the house, and 800 square feet will be replicated in the northwest corner of the property. D. Davignon said the runoff from Dunkin Donuts is flooding the rear of this property on its way to the ditch causing a mosquito breeding ground. He said the geothermal system will not be done so there will be no well for the system. N. Hills said he is not convinced that the corner BVW needs to be filled. J. Hartley said he is not particularly in favor of draining a wetland. Mr. Curley showed a 1926 subdivision plan showing ditches on the back of the lot. D. Davignon said the replication is at least 2.5:1 and a thicket of trees in the wetland will bring that ratio to 3:1. Mr. Curley said the filled area won't be a lawn or mowed, it will be planted as a privacy screen. N. Hills asked whether a revised plan will be submitted? D. Davignon said no. Mr. Curley said he really needs to get started on the project. J. Hartley moved to close the hearing; L. Dorman seconded; voted unanimously.

**KENNETH HANSON** - Request for a three-year Extension Permit to add beach sand at 47 East Avenue, Planting Island. N. Hills moved to issue a three-year extension; J. Hartley seconded; voted unanimously (SE 041-1063).

**ALAN L. MINARD and NANCY C. JOHNSON** - N. Hills drafted the Amended Order with conditions that: (1) a new flood map letter shall be submitted; and (2) the as-built plan shall show the correct distance to the BVW. N. Hills moved to issue the order as drafted; L. Dorman seconded; voted unanimously with W. Carreau abstaining (SE 041-1110).

**HOWARD McPECK** - RFD (41D-1406). L. Dorman moved to issue a Negative Box 3 with the condition of no fertilizing; N. Hills seconded; voted unanimously.

**WILLIAM F. and KAREN M. CURLEY** - NOI (SE 041-1129). J. Hartley drafted the Order of Conditions and moved to issue it as written; L. Dorman seconded; voted unanimously.

Meeting adjourned at 8:55PM.

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Diane R. Drake, Secretary

Approved August 11, 2010