

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MARCH 10, 2010

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: James Connolly, Michael H. Cormier, Peter Borsari, Steve and Roseann Stoehr, Alison and Timothy Wallace, Timothy Santos, Jeanne and Joe Daly, Jane Hathaway, Paul Francis, Susan Nilson, Christian Farland, Lars Olson, Dana Pickup, Cecily and Riaz Cassum, Ricky Pursley, Will Saltonstall, Joseph Zora Jr., Michael Kondracki, and possibly others that did not sign in.

Meeting convened at 7:00 PM Wednesday, March 10, 2010 in the main conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, March 6, 2010 by N. Hills, J. Oakes, L. Dorman and W. Carreau.

7:00 PM **TOWN OF MARION** - RFD (41D-1408) to set four pilings at the northern end of Bird Island, and construct a small pier (4' x 20'), gangway (3' x 18'), float (6' x 20') and boardwalk (3' x 60') to provide safe access for personnel to maintain the light and monitor Roseate Terns. J. Oakes left the room. The Harbormaster, Michael Cormier, was present with his engineer, Susan Nilson. Mr. Cormier described the proposed work and said that machinery will only be used to drive the pilings by barge. He said most of the remaining work will be built at Island Wharf and towed to the Island. J. Hartley asked if a waterways permit and engineered plans are needed? Mr. Cormier said that is not required for a simplified license. S. Nilson explained that a simplified license is good for 10 years, does not require engineered plans, and can be extended after that. Mr. Cormier said the floats, gangway and boardwalk will be stored at Island Wharf for the winter. N. Hills said the project requires the filing of a NOI; J. Hartley agreed. S. Nilson said she will submit a NOI for the March 24, 2010 meeting. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously. J. Oakes returned to the meeting.

7:10 PM **STEVEN M. STOEHR** - RFD (41D-1405) to install an underground sump pump drainage pipe within the road layout from 100 Old Knoll Road southerly to beyond the end of the road. Mr. and Mrs. Stoehr were present with the subdivision road owner, Joseph Zora, Jr. who asked to sit at the table as he is the land owner. Mr. Stoehr explained the existing high water

problem and his proposed solution; a simple pipe along the shoulder of the road to the end of the road which is apparently 5' lower. J. Zora, Jr. said his father does not approve of this project, no matter what he may have said at the site to Mr. Stoehr. Mr. Stoehr provided pictures of the ponding/runoff. N. Hills said it is obvious that there is a water problem in that area. J. Oakes asked if Mr. Stoehr preferred to pump in the front or back? Mr. Stoehr said it ends up in abutter Daly's yard, ponds and runs to the street. N. Hills said that the Marion Conservation Commission is only concerned with where the water is going. J. Zora, Jr. said he tried several times to reach the Commission to emphasize that the Marion Conservation Commission was not allowed to trespass on Zora property. N. Hills said the Commission members did not enter his property, they only went to the end of the road. J. Zora, Jr. said he was concerned with pollutants from cellars and basements draining onto his land. J. Zora, Jr. said there are several utility lines and the sewer line in the shoulder of the road. J. Zora, Jr. does not want any sump pump runoff going into Zora property, adding that there is a lot for sale down there that can be bought and used for sump pump discharge. J. Zora, Jr. said Mr. Stoehr will need to file a Notice of Intent with engineered plans for this project. Jack Cheney's similar project on Olde Farm Road was discussed. Allison Wallace said technically her property abuts the property the water is going to be funneled to and that the whole area is already significantly wet,. She was worried about the extra water from five more houses. Jane Hathaway, who owns the last lot on Olde Knoll Road, said she is concerned with extra water being pumped beside her property and would ask that the pipe extend further away from her property line. J. Zora, Jr. asked Mr. Stoehr whether all five houses want to tie in? Mr. Stoehr said only he and possibly Richard Marx at this time. J. Zora, Jr. said that makes a big difference, whether one or five houses, and he would be concerned with water bubbling up out of the ground because he has an onsite sewage disposal system. N. Hills said a NOI with engineering plans and pipe sizes will be required for this project. J. Zora, Jr. reiterated that no one has permission to go on his property. Mr. Stoehr wanted the record to show that when Mr. Zora, Sr. received his copy of the Request for Determination of Applicability, he sat down with Mr. Stoehr and stated his support for this project. J. Hartley said if the work will be within 100' of wetlands, then a NOI will be required and if not, then a RFD will suffice. J. Oakes moved to close the hearing; J. Hartley seconded; voted unanimously.

7:51 PM **JAMES N. CONNOLLY** - RFD (41D-1409) to upgrade the foundation of the dwelling at 92 Dexter Road, Dexter Beach, and construct an attic. Mr. Connolly was present with his engineer, Christian Farland, who described the proposed work. C. Farland submitted a certified plot plan done recently but it does not show the Bordering Vegetated Wetland lines which are shown on the old septic repair plan. C. Farland said the foundation is already 4' deep so it only needs to be insulated. J. Hartley questioned the 50% rule; C. Farland said that has been worked out with the Building Commissioner. J. Oakes would like flags 3, 4 and 5 to be re-hung and possibly remediation work done for the disturbed wetlands. C. Farland said he can revise the plan to show the velocity zone, BVW line, and hay bale line. L. Dorman moved to continue the hearing to 7:30 PM on March 24, 2010; J. Hartley seconded; voted unanimously.

8:04 PM **RIAZ A. and CECILY L. CASSUM** - NOI (SE 041-1131) to raze the existing dwelling at 58 Moorings Road and construct a new dwelling with a detached garage, a studio, install a sewage disposal system,, and associated grading and landscaping. Tim Santos of Holmes & McGrath represented the Applicants, who were also present, and described the project. He showed the existing and proposed revised flood zones, and said the new house will not be in the flood zone.

N. Hills said he would like the B.V.W. line to be permanently marked with boulders or other such method. N. Hills said building materials and fill must be stored on the road side of the house. J. Oakes moved to close the hearing; J. Hartley seconded; voted unanimously.

8:10 PM **JAMES C. PRIEUR** - NOI (SE 041-1130) for landscaping activities at 101 Cove Circle, Piney Point (continued from February 24, 2010). Christian Farland represented Mr. Prieur whose landscaper, Michael Kondracki, was also present. L. Dorman and N. Hills both said that they were still concerned with beach grass growing on the hill. The landscaper said he has had success with this on other projects and showed photos of the other projects. J. Oakes suggested planting bayberry, high bush blueberry, or rosa regosa in the area. The landscaper said a bark mulch will be used to prevent erosion until the area is re-vegetated and suggested including a two-year growing season success rate in the order. He wanted to prevent using ground cover and would use pine bark. L. Dorman moved to close the hearing; J. Oakes seconded; voted unanimously.

8:26 PM **PAUL FRANCIS** - RFD (41D-1407) to construct a 10' x 30' enclosed porch at the front of the dwelling a 20 Doran Way, Dexter Beach (continued from February 24, 2010). Mr. Francis, Jr. and Mr. Francis, Sr. were present and submitted a portion of the map of the area from the sewer extension project. Mr. Francis, Jr. said Plymouth County Mosquito Control dug the ditch. J. Hartley said the site appears to be in an AE-15' flood zone. N. Hills reminded the Applicant that his whole back yard is in the buffer zone to the stream and wetlands and will first require a filing with the Conservation Commission before doing any work back there. L. Dorman moved to close the hearing; J. Oakes seconded; voted unanimously.

8:36 PM **ALAN and LINDA P. SOLOMON** - RFD (41D-1410) to construct a 6' x 35' addition on the south side of the dwelling at 15 Spinnaker Lane, within an existing patio and driveway area. Wendy Carreau left the room. Will Saltonstall represented Dr. and Mrs. Solomon and described the project which is in the existing AE-15' flood zone, but it is presently non-conforming because it is built at elevation 13'. W. Saltonstall said the existing slab on grade will be expanded. J. Oakes moved to close the hearing; L. Dorman seconded; voted unanimously. W. Carreau returned.

TIM FRANCIS/TED WORCESTER - Certificate of Compliance for site work at 14 Vine Street (SE 041-518). Christian Farland discussed the soil borings he took on the site. He said there are 12" to 18"-diameter white pines with no hydric soils in that area. J. Hartley suggested issuing a Certificate of Compliance with the revised BVW line to be marked. J. Oakes said soil logs would verify the test pits, but basically Special Conditions 5 and 7 of the Order of Conditions are satisfied. J. Oakes asked Christian Farland to write something about the revised BVW line to be attached to the Certificate of Compliance.

JUDITH A. COPE - L. Dorman moved to issue a full Certificate of Compliance for upgrading a septic system at 16 West Avenue, Planting Island; J. Oakes seconded; voted by majority with S. Briggs abstaining (SE 041-884).

JUDITH A. COPE - full Certificate of Compliance for an expired Order of Conditions (SE 041-689) to add beach sand at 16 West Avenue, Planting Island. A partial Certificate of Compliance was issued in 1998 for the seawall/groin repairs portion of this Order. L. Dorman

moved to issue a full Certificate of Compliance; J. Oakes seconded; voted by majority with S. Briggs abstaining.

WAYNE BELLEMARE, JR. - full Certificate of Compliance for upgrading a septic system in the front yard at 25 Abel's Way, and regrading/loaming/seeding the back yard (SE 041-1111). The boulders appear to be greater than 8' apart. J. Oakes moved to issue a full Certificate of Compliance; J. Hartley seconded; voted unanimously. A copy of the Certificate of Compliance will be sent to the realtor so that the new owner will be aware of the continuing conditions.

PAUL FRANCIS - RFD (41D-1407) - J. Hartley moved to issue a Negative Determination for boxes 2 and 3; J. Oakes seconded; voted unanimously.

TOWN OF MARION - RFD (41D-1408) - L. Dorman moved to issue a Positive Determination for boxes 1, 3 and 4; J. Hartley seconded; voted by majority with J. Oakes and S. Briggs abstaining.

RIAZ A. and CECILY L. CASSUM - NOI (SE 041-1131) - N. Hills drafted and moved to issue their Order of Conditions as written; J. Hartley seconded; voted unanimously.

ALAN and LINDA P. SOLOMON - RFD (41D-1410) - S. Briggs moved to issue a Negative Determination for boxes 2 and 3 with a condition requiring the installation of a silt fence; J. Hartley seconded; voted by majority with W. Carreau abstaining.

JAMES A. PRIEUR - NOI (SE 041-1130) - J. Oakes drafted and moved to issue his Order of Conditions as written; J. Hartley seconded; voted unanimously.

STEVEN M. STOEHR - RFD (42D-1405) - N. Hills moved to issue a Positive Determination for box 4; J. Hartley seconded; voted unanimously.

OTHER ITEMS:

(1) N. Hills reported that he met with the contractor at Little Neck Village (SE 041-1100) to view the hay bale line. It is fine, more than required.

(2) N. Hills reported that he had also inspected the Dunkin Donuts site (SE 041-1053) with their contractor and problem areas are being corrected.

(3) J. Oakes drafted a letter to Mr. Crocker on Water Street (Grainger's old house) regarding unauthorized landscaping. J. Hartley moved to issue the letter as written; L. Dorman seconded; voted unanimously. R. Pursley requested a copy of the letter.

(4) J. Oakes requested switching his full membership with W. Carreau's associate membership. W. Carreau said she will consider it and respond next time.

Meeting adjourned at 9:50 PM.

Diane R. Drake, Secretary

Approved August 11, 2010