

FINAL

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

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

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

Secretary: Diane R. Drake

Others Present: Michael Cormier, Susan Nilson, James Connolly, Cecily Cassum, Tim Santos, Anthony Ucci, Richard Charon, Larry and Sandy Connors, Kay Hudock, Jeannie and Chuck Lake, Sandra Delgado, Christopher Bryant, Benjamin Bryant, Steven Hurley, Ben Cushing and Don Anderson.

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

7:00 PM **TOWN OF MARION** - NOI (SE 041-1134) 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. Harbormaster Michael Cormier represented the Town. Also present was Susan Nilson of CLE Engineering. M. Cormier described the project. Six pilings are proposed due to the 20' span. He said the 20' boardwalk sections can be removed and stored safely in case of storms. M. Cormier said the shore is all cobble with no shellfish and no navigation issues. The piles will be driven by Lindberg Marine with a two-man auger and the Town will do the remainder of the work. A Simplified License will be issued by Waterways. W. Carreau moved to close the hearing, J. Hartley seconded, voted by majority with S. Briggs abstaining.

7:09 PM **BAY WATCH REALTY TRUST** (SE 041-1104) - discussion regarding this 40B Project. N. Hills reported that he received a call from the Buzzards Bay Project who had received a complaint of work/clearing being done in wetlands. He will inspect the site. The third vernal pool certification will not be pursued this year due to budget constraints.

7:10 PM **LAURENCE E. REINHART** - NOI (SE 041-1132) to remove an existing masonry pier at 13 East Avenue, Planting Island, place stones along the existing seawall and sides of the existing ramp, and construct a 128-foot-long dock with a boat lift. Richard Charon represented

Mr. Reinhart and described the project. He said the dock will be used for a dinghy or small boat to access his mooring in the cove. He is proposing piles on 16' center driven 12' down with ladders in the intertidal zone for pedestrian access. He said a Chapter 91 License will be issued. N. Hills said the Harbormaster has not yet submitted comments for this project, and asked about any eelgrass in the area. R. Charon said rearranging the old groin will also need a Chapter 91 License. He said the piles will be vibrated into place. The Natural Heritage response been received but not DMF's response. Mr. and Mrs. Collins (who live next door) said Mr. Reinhart rents the property most of the year to a family with small children and they are concerned with safety for the children. Also, she said there are many clams in that area. She is also concerned with who will maintain this pier, as Mr. Reinhart is rarely at the site. R. Charon responded that Mr. Reinhart is going to retire and move there with his family. R. Charon said this dock will need to be licensed so there will be a comment period. J. Hartley moved to continue the hearing to 7:50 PM on March 14, 2010, W. Carreau seconded, voted unanimously.

7:27 PM **DOMINIC A. and JOANNE L. MARINILLI** - NOI (SE 041-1133) to construct a 20' x 14' sun porch addition and a 14' x 18' addition to the dwelling at 38 Register Road, and a 28' x 26' addition to the garage. Richard Charon represented the Marinillis and described the work. The BVW line was set during the recent septic system work. N. Hills said that there were some flag remnants on site, but the Commission prefers boulders or something permanent to demarcate the 15' no-disturb zone. R. Charon suggested relocating rocks on site to the 15' line, but not on 8' centers. He suggested plantings or a fence. R. Charon said the order could specify boulders on 10' center or something similar so the contractor can get started rather than continuing the hearing. J. Hartley moved to close, S. Briggs seconded, voted unanimously.

7:35 PM **RIAZ A. and CECILY CASSUM** - appointment for discussion with respect to placing the boulder line along the wetland line, rather than 15' upland of it at 58 Moorings Road (SE 041-1131). Tim Santos of Holmes and McGrath was present with Mrs. Cassum. T. Santos said this project is better for the wetlands and the 15' no-touch zone was not discussed during the hearing. T. Santos said this lot has been in existence since the 1970s and can be waived according to the wording of the Standard. J. Hartley said he thought N. Hills wanted the BVW line to be delineated. N. Hills said he still wants the 15' line to be marked. S. Briggs said the order can be appealed to DEP who may allow work up to the BVW line. W. Carreau said she can see the position of placing the boulders upland of the BVW line. Mrs. Cassum asked whether, if she kept the existing house foundation, would this be considered a fresh start? N. Hills said he would still consider the work to be a fresh start. Mrs. Cassum said she is willing to place the boulders just upland of the BVW line and would not mow the 15' no-touch zone. Mrs. Cassum said plantings will be fine in the no-touch zone. T. Santos said the applicant will come back with a landscape plan in the future.

7:53 PM **JAMES N. CONNOLLY** - RFD (41D-1409) to upgrade the foundation of the dwelling at 92 Dexter Road, Dexter Beach, and construct an attic (continued from March 10, 2010). James Connolly was present. Another site visit had been done on March 20, 2010. N. Hills said the fill that has been pushed into the wetlands needs to be pulled back, and the 15' no-touch zone needs to be demarcated. W. Carreau moved to close, J. Hartley seconded, voted unanimously.

7:58 PM **CHRISTOPHER BRYANT** - RFD (41D-1411) to establish an aquaculture farm on one-half acre of land under water in Job's Cove of Sippican Harbor. Christopher Bryant was present with his brother, Benjamin Bryant. C. Bryant said the project is to start with a 1/2 acre grant. He said there are no problems with navigation. N. Hills said C. Bryant will have to come back with a Notice of Intent for this project. C. Bryant said there is a community dock in the area and he thinks the project will be 150' from the channel which is not marked. B. Bryant described the bags and cages used to keep the oysters off the mud. B. Bryant said Marine Fisheries will actually dive on the site to determine eelgrass, shellfish, and navigation issues. B. Bryant said a NOI is not necessarily required for an aquaculture project. J. Hartley said a NOI would not be required for "improvements," but this is not an improvement, it is a new project. B. Bryant said there will possibly be 10 rows of cages/bags held in place by either mushroom or helix anchors. B. Bryant said they will need to come before the Commission again before starting the second 1/2 acre parcel. B. Bryant said the other aquaculture grant in Town is basically the same as this, but this will be double rows rather than single. Don Anderson of the Job's Cove Association said they will mark the channel but sailboats need room to tack. D. Anderson said there are 18 families that use that cove. N. Hills reminded Mr. Anderson that the Commission is not here for aesthetics or navigation. D. Anderson said the area is designated as a Diamondback Terrapin area by Natural Heritage. S. Hurley asked whether the stakes will be set for both areas; N. Hills responded just the first 1/2 acre at this time. B. Bryant said the cages cannot be allowed to drift and they will have to be right on the approved latitude/longitude coordinates. B. Bryant said the cages may be taken off-site during the winter if Job's Cove has too much ice. B. Bryant said he would welcome the residents' help in marking the present navigational channel. J. Hartley moved to close the hearing, S. Briggs seconded, voted unanimously.

CHRISTOPHER BRYANT - RFD (41D-1411) - J. Hartley moved to issue a Positive Determination for Box 3, S. Briggs seconded, voted unanimously.

JAMES N. CONNOLLY - RFD (41D-1409) - S. Briggs moved to issue a Conditional Negative Box 3 with conditions to: (1) pull the fill back, (2) put a barrier between the house and the wetlands 15' upland, and (3) put a siltation fence between the work and wetlands. J. Hartley seconded the motion, voted unanimously.

TOWN OF MARION - NOI (SE 041-1134) - N. Hills drafted the Order and moved to issue as written, J. Hartley seconded, voted unanimously.

RIAZ A. and CECILY CASSUM - NOI (SE 041-1131) - J. Hartley drafted a corrected Order of Conditions and moved to issue it as written, S. Briggs seconded, voted unanimously.

DOMINIC A. and JOANNE L. MARINILLI - NOI (SE 041-1133) - W. Carreau drafted the Order and moved to issue as written, J. Hartley seconded, voted unanimously.

FREDRICK WORCESTER - N. Hills moved to issue a full Certificate of Compliance with conditions for a 1991 order of conditions issued to Thayer Francis, Jr. to clean up trees at 14 Vine Street that were downed by Hurricane Bob in 1991, J. Hartley seconded, voted unanimously (SE 041-518).

418 POINT ROAD TRUST, c/o BARBARA SHINGLETON, TRUSTEE - N. Hills moved to issue a full Certificate of Compliance for reconstructing a boardwalk, timber pier, gangway and float at 414/418 Point Road, J. Hartley seconded, voted unanimously (SE 041-1044).

MACC Workshops - N. Hills moved to approve \$135.00 for W. Carreau to attend three MACC workshops, J. Hartley seconded, voted unanimously.

SARDINHA FAMILY TRUST - N. Hills reported that he spoke with the contractor again today for items that need attention at the Dunkin Donuts worksite (SE 041-1053). He said more trap rock is needed where the flow comes out of the drainage pipe and cuts sharply left.

CONSERVATION COMMISSION MINUTES - N. Hills moved to accept the September 23, 2009 minutes as corrected, J. Hartley seconded, voted unanimously. J. Hartley moved to accept the October 14, 2009 minutes as corrected, W. Carreau seconded, voted unanimously.

Meeting adjourned at 9:30 PM.

Diane R. Drake, Secretary

Approved August 25, 2010