

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON AUGUST 25, 2010

Members Present: Sherman E. Briggs, Jr., Vice Chairman
Norman A. Hills, Secretary and Treasurer
Lawrence B. Dorman
Wendy L. Carreau

Members Absent: Joel D. Hartley, Chairman
Jeffrey W. Oakes, Associate
Bruce C. Hebbel, Associate

Secretary: Diane R. Drake

Others Present: Ricky Pursley, Joan Hartnett-Barry, Catherine Brodeur, Richard Charon,
William F. Madden, Jay Crowley, Michael Sudofsky, John Ludes and
David Davignon.

Meeting convened at 7:00 PM Wednesday, August 25, 2010 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, August 21, 2010 by N. Hills and W. Carreau.

7:00 PM **LAURENCE E. REINHART** - NOI (SE 041-1141) to construct a single-family dwelling, a septic system, a driveway, and associated filling and grading at Lot 70 East Avenue, Planting Island (continued from August 11, 2010). Another site inspection was held on August 21, 2010 to view the staked footprint of the proposed dwelling. Richard Charon represented Mr. Reinhart and submitted revised plans. He said the net fill will be 150 cubic yards. W. Carreau said a slab is required by Massachusetts Building Codes for houses in Velocity Zones. R. Charon said the distance from the house to the seawall is 39' at the closest corner. He said under the house will remain open, with no breakaway walls, due to the tremendous difference in the cost of insurance. He said he can put drywells at the two corners of the house on the water side, or, as S. Briggs suggested, install dry wells alongside the foundation while it is being excavated. R. Charon described how the geotextile will be installed and said he could detail it on the plan. The Commission Members were concerned that runoff will flow onto the abutting Lot 71, which is presently owned by Mr. Reinhart; R. Charon said he will revise the plan to address that. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:20 PM September 8, 2010 for further revisions to the plan, N. Hills seconded, voted unanimously.

7:29 PM **CATHERINE A. BRODEUR** - NOI (SE 041-1142) to establish two 100' x 220' aquaculture projects - one off Ram Island and one off Planting Island tip. Catherine Brodeur was present with her engineer, William F. Madden of G.A.F. Engineering, Inc. W. Madden described the project and submitted two stamped copies of the drawing. He said each area is 100' x 220', and a

mooring will be on each of the four corners with the shellfish bags attached to grids that are held in place with orange poly balls. C. Brodeur said chains and moorings, not helixes, will hold the system in place. L. Dorman questioned whether the farm would affect navigation between Ram Island and Allens Point; C. Brodeur said the farm is located in the rocks off Ram Island, and will not affect navigation. The Harbormaster commented by letter that only one 1/2-acre farm is allowed at this time. W. Madden said they realize that, and just want to have one Order of Conditions for both of the sites. S. Briggs said that if just the Ram Island site were permitted at this time, Ms. Brodeur could request an Amendment to the Order to expand the scope of work to include the Planting Island site. Because the Natural Heritage and Endangered Species Program has not yet submitted their comments for this project, the hearing will have to be continued. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:40 PM on September 8, 2010, W. Carreau seconded, voted unanimously.

7:44 PM **JOHN WATERMAN** - RFD (41D-1429) to raze and replace the existing shed at 3 Main Street, renovate and modify the dwelling, and make site improvements, including landscaping. David Davignon of N. Douglas Schneider & Associates, Inc. represented Mr. Waterman who is in the process of renovating the house. D. Davignon described the proposed work and said the air conditioning units will be elevated to meet Building Code Regulations. L. Dorman moved to close the hearing, N. Hills seconded, voted by majority with W. Carreau abstaining from the discussion and vote.

7:52 PM **JOHN LUDES** - RFD (41D-1430) to confirm that the stream running through 135 Converse Road is by definition an Intermittent Stream. S. Briggs left the table. Mr. Ludes was present with his engineer, David Davignon, who described the history of the brook in question. D. Davignon said photographs were taken in July of 2010 on four consecutive days and the brook was clearly dry. N. Hills said there was no flow on August 21, 2010 during the Commission's regular site inspections. D. Davignon said Lots A and B might be combined at some time in order to construct a dwelling. L. Dorman moved to close the hearing, W. Carreau seconded, voted unanimously. S. Briggs returned to the table.

8:02 PM **JOHN and CRAIG LAWRENCE** - appointment for discussion regarding work in the buffer zone to wetlands at 5 Pawkechatt Way (41D-1402, SE 041-1076). They had requested a postponement of this appointment to 7:30 PM September 8, 2010 because their wetlands biologist, Brandon Faneuf, is away on vacation. The Members agreed to the postponement.

Minutes were reviewed. N. Hills moved to accept the March 24, 2010 minutes as written, W. Carreau seconded, voted by majority with L. Dorman abstaining. L. Dorman moved to accept the April 14, 2010 minutes as written, N. Hills seconded, voted unanimously. N. Hills moved to accept the April 28, 2010 minutes as written, L. Dorman seconded, voted unanimously. N. Hills moved to accept the August 3, 2010 special meeting minutes as amended to show that Ricky Pursley was present, L. Dorman seconded, voted unanimously.

BAY WATCH REALTY TRUST (SE 041-1140). It was noted that the Natural Heritage and Endangered Species Program has rescinded the certification of Vernal Pool #2. Also, the Office of Environmental Affairs has decided that a new environmental impact study will not be required for the changes in the project. S. Briggs said he does not agree with the Commission telling the

property owner to remove any fish that are in Vernal Pool #1. A Notice of Intent filing should be forthcoming.

S. Briggs asked the Members to consider the Mattapoissett Conservation Commission's "Informal Project Review Form." S. Briggs said he thought this might be a helpful way to expedite the workload and eliminate some of the after-the-fact filings. N. Hills said he would like to think about it more before accepting it.

The **TOWN OF MARION'S SPRAGUE'S COVE STORM WATER REMEDIATION PROJECT** (SE 041-556) was briefly discussed regarding water view issues and tree diameters. D. Drake said she has researched the file and cannot find any information on those issues.

JOHN WATERMAN - L. Dorman moved to issue a conditional Negative Determination for Boxes 2 and 3 with conditions that the new shed shall meet Flood Plain requirements, and all material from the old shed shall be removed from the property, S. Briggs seconded, voted by majority with W. Carreau abstaining (41D-1429).

JOHN LUDES - N. Hills moved to issue a Positive Determination for Boxes 2A (the stream is intermittent) and 2B (any B.V.W. line on land identified as "upland" on Lots A and B is not confirmed), W. Carreau seconded, voted by majority with S. Briggs abstaining.

L. Dorman moved to adjourn at 8:30 PM, W. Carreau seconded, voted unanimously.

Diane R. Drake, Secretary

Approved September 8, 2010