

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 13, 2010

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

Members Absent: Jeffrey W. Oakes, Associate
Bruce C. Hebbel, Associate

Secretary: Diane R. Drake

Others Present: James and Kathy Tripp, Barbara DeCosta, Joan Hartnett-Barry, Jennifer Francis, Earl Briggs, Terry Enos, Ray Pickles, Claude Miquelle, John and Shelley Keith, Ralph and Ann Iannuzzi, Stacy Minihane, Luke Legere, Ricky Pursley, Jay Ryder, David Davignon, Thomas Magauran, John and Bernadette Taber, Kenneth Steen, Sean Hale, Susan Nilson, Michael and Margie Baldwin, and David Barrett.

Meeting convened at 7:00 PM Wednesday, October 13, 2010 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 9, 2010 by J. Hartley, N. Hills, S. Briggs, L. Dorman and W. Carreau.

7:00 PM **BARBARA DeCOSTA** - appointment for discussion regarding her request for a three-year extension permit to extend a driveway and replicate wetlands at 2 Washburn Park Road (SE 041-1019). Barbara DeCosta was present with abutting property owners James and Kathy Tripp. J. Hartley said it was noted during the site inspection for the extension permit that other work - a pathway and a corral in wetlands - appears to have been done. Barbara DeCosta said the site is registered as a farm and is agricultural, and the state told them that what they have done is OK. J. Hartley said that in one area the horses were actually in wetlands, and the other violation is what appears to be a pathway through the wetlands at flag #12. N. Hills asked Ms. DeCosta to provide the Commission with a copy of the state's permit within a week.

7:10 PM **TOWN OF MARION** - appointment for discussion regarding specifications for plantings at the Sprague's Cove Storm Water Remediation Project on Front Street at Silvershell Beach (SE 041-556). Ray Pickles was present with abutters to the Sprague's Cove storm water remediation site and said they would like to discuss maintenance of the system and low shrubbery. He said a group of volunteers got carried away and planted trees, which are in violation of the maintenance schedule. R. Pickles said the dikes were supposed to have been mowed and no trees were to have been allowed to grow on the dikes. R. pickles said the Selectmen will allow the

maintenance, but D.P.W. Superintendent Rob Zora said he can't do the work because of Conservation. R. Pickles said the documentation states "no further filings are necessary for maintenance." N. Hills said the Conservation Commission has met with the D.P.W. Superintendent at the site in the springtime the last few years specifically to address maintenance needs. R. Pickles said he can get a copy of the whole initial report and final report of the project from the Buzzards Bay Project, which states who is supposed to do what regarding maintenance issues. R. Pickles said the system is working very well and the sediment buildup issue has not happened. The owner of 9 Shellheap Road said there is a definite septic odor which should not be happening if the system is working properly. R. Pickles said he would like to know what maintenance will be allowed and then have the D.P.W. do the work yearly. R. Pickles said the dikes were last mowed approximately ten years ago.

7:28 PM **MICHAEL J. and MARY S. CURRAN** - RFD (41D-1433) to construct a building addition, a terrace and a porch at 38 Point Road. Susan Nilson of CLE Engineering, Inc. represented the applicants. Also present was the Currans' contractor for this project, Jay Ryder. S. Nilson described the project and submitted the contractor's cost estimate which shows the work will not violate the 50% Rule. J. Ryder said the stone wall around the patio will not be built, just the terrace. He said all excess fill will be trucked off site. N. Hills moved to close the hearing; L. Dorman seconded; voted unanimously.

7:35 PM **COOLMAR LIMITED PARTNERSHIP** - RFD (41D-1434) to repoint the seawall and pier at 596 Point Road. David Davignon of N. Douglas Schneider & Associates, Inc. represented the applicant and described the proposed work which is simply maintenance repointing and repositioning any stones that have been dislodged. He said all work will be done manually. L. Dorman moved to close the hearing; S. Briggs seconded; voted unanimously.

7:40 PM **BAY WATCH REALTY TRUST** - NOI (SE 041-1145) to construct a 168-unit affordable housing complex under Chapter 40B with associated parking areas, on-site and off-site utility connections, storm water management infrastructure and related mitigation measures on Lots 27-29 off Front Street (Route 105) (continued from September 22, 2010). S. Briggs left the room. Kenneth Steen of Bay Watch was present with Sean Hale of Epsilon Associates. N. Hills said Sabatia, Inc. was the lowest bidder for the wetlands peer review, and JC Engineering, Inc. was the lowest bidder for the engineering and storm water peer review, and their reports are expected in two weeks (by October 27, 2010). K. Steen asked for a copy of the reports and said he would like to continue the hearing for one month so that he can review them. Luke Legere of McGregor and Associates said he had submitted a letter regarding the enforcement order that the Commission had issued for this site and would like the remediation work to be incorporated into this notice of intent filing; K. Steen said that will be addressed on November 10, 2010. Planning Board Chairman Thomas Magauran asked for a description of what this hearing is for. N. Hills explained that the site has two wetland areas and any proposed work involving those wetlands or the area near those wetlands needs a Conservation Commission permit first. N. Hills further explained that the Commission had identified three potential vernal pools, two of which were certified by Natural Heritage, and then one of those two vernal pools had been de-certified by the State's Natural Heritage and Endangered Species Program. N. Hills said all the clearing that was done on the site had been done outside of the wetland buffer zones. N. Hills explained that now a wetlands specialist will review the notice of intent submittal, and an engineer will study the engineering aspects of the

submittal, and their reports will be submitted to the Commission by October 27, 2010 for review before the November 10, 2010 continued hearing. L. Dorman explained that wetlands are to be filled which requires that they be replicated on the site. T. Magauran asked whether the Town's sewer system can handle a development of this size and if not, will the Applicant return with an onsite sewage disposal system? N. Hills was not sure, but said that was probable. L. Dorman moved to continue the hearing to 7:30 PM on November 10, 2010 with the Applicant's consent; N. Hills seconded; voted unanimously. S. Briggs returned to the table.

CHARLES A. COOLIDGE, JR. (COOLMAR LIMITED PARTNERSHIP) - J. Hartley moved to issue a certificate of compliance for box #3 (invalid) for repairing a marine railway at 604 Point Road; N. Hills seconded; voted unanimously (SE 041-463).

CHARLES A. COOLIDGE, JR. (COOLMAR LIMITED PARTNERSHIP) - W. Carreau moved to issue a full certificate of compliance for box #1 for repairing a pier, seawall and platform in front of the seawall at 604 Point Road; J. Hartley seconded; voted unanimously (SE 041-462).

MICHAEL J. and MARY S. CURRAN - N. Hills moved to issue a conditional determination for box #2 with a condition that excess materials shall be removed off site; J. Hartley seconded; voted unanimously (41D-1433).

COOLMAR LIMITED PARTNERSHIP - L. Dorman moved to issue a conditional negative determination for boxes 2 and 3; W. Carreau seconded; voted unanimously (41D-1434).

CHARLES A. COOLIDGE, JR. (COOLMAR LIMITED PARTNERSHIP) - J. Hartley moved to issue a certificate of compliance for box #3 (invalid) for extending the pier at 604 Point Road an additional 48 feet; S. Briggs seconded; voted unanimously (SE 041-534).

BARBARA DeCOSTA - N. Hills moved to issue a second three-year extension permit to extend a driveway and replicate wetlands at 2 Washburn Park Road; L. Dorman seconded; voted by majority with S. Briggs abstaining (SE 041-1019).

BAY WATCH REALTY TRUST - N. Hills drafted a letter to the Natural Heritage and Endangered Species Program regarding their de-certification of vernal pool #2 and moved to send it as amended; L. Dorman seconded the motion; J. Hartley said he cannot sign it because he works for the state; voted by majority with S. Briggs and J. Hartley abstaining (SE 041-1104).

Meeting adjourned at 8:25 PM.

Diane R. Drake, Secretary

Approved December 8, 2010