

FINAL

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

Members Present: Joel D. Hartley, Chairman
Sherman E. Briggs, Jr., Vice Chairman (absent from 7:00-7:15 PM)
Norman A. Hills, Secretary and Treasurer
Wendy L. Carreau

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

Secretary: Diane R. Drake

Others Present: Doris Ludes, David Davignon, Wayne Tirrell, Fernandes Pacheco, John Rockwell and Joseph Keogh.

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

7:00 PM **WILLIAM A. SAMPSON** - RFD (41D-1413) to raze the existing dwelling at 43 Dexter Road, Dexter Beach, and reclaim the yard by clearing brush up to 15' from the wetland line (continued from September 8, 2010). Mr. Sampson's wetland biologist, Thomas P. Lovett, has notified the Commission that the line has been updated but the plan has not yet been revised. At the Applicant's request, N. Hills moved to continue the hearing to 7:05 PM on December 8, 2010; W. Carreau seconded; voted unanimously.

7:06 PM **C. JAMES and KAREN A. PRIEUR** - NOI (SE 041-1146) to construct a 231'-long timber pier, a 24'-long gangway, and a 10' x 20' float anchored with four pilings at 101 Cove Circle (continued from October 27, 2010). Mr. Prieur was represented by his contractor, Wayne Tirrell, and his engineer, David Davignon. Revised plans had been submitted. The Natural Heritage and Endangered Species Program, the Harbormaster and the Division of Marine Fisheries have all submitted their comments. D. Davignon said work will be done from the seaward end by barge at high tides. A machine will drive the pilings over land on mats. D. Davignon said the float will either be hoisted up for the winter or taken off site, but will not be stored on the beach. D. Davignon said the access road for the work will be allowed to grow back. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously.

S. Briggs arrived at 7:15 PM.

7:15 PM **COPPER MEDAL LLC** - NOI (SE 041-1147) to construct a dwelling with an attached garage and deck, a driveway, and wetland replication on Lots 44/45 Converse Road (continued from October 27, 2010). Doris Ludes was present with her engineer, David Davignon, who had submitted revised plans and soil logs that were taken at wetland flag location 108 and 114. N. Hills thought only two soil logs for such a long line was minimal. D. Davignon said the line by Converse Road is established. N. Hills questioned the percentage of upland on the lot for building; D. Davignon explained the methodology for different cases. D. Davignon said 4,625 square feet of the area around the culvert will be impacted. N. Hills asked D. Davignon whether the existing neighboring driveway could be shared for the new dwelling; D. Davignon said Peter Wallace's driveway is already being shared with two other families. Mrs. Ludes said she and Mr. Ludes have already approached Mr. Wallace about that, and he is definitely against sharing his driveway. N. Hills said he would like all the users of the abutting driveway to state they do not want to share their driveway. D. Davignon said all utilities are proposed within the new driveway footprint. D. Davignon asked the Commission to close the hearing and issue the order of conditions with a condition about the letter denying access; N. Hills said he would like to receive the letter first, and would also like to view the wetland lines again. It was agreed to hold a special site inspection with Mr. Ludes' botanist at 8:35 AM on Saturday, November 20, 2010. D. Davignon said the footpath will be maintained only from the house to the shore, and the rest of it will be allowed to grow back. D. Davignon said the house will have a crawl space, not a basement. N. Hills said vista pruning is not allowed within the limits of work for this project, but the Owner could submit a notice of intent in the future for vista pruning. N. Hills moved to continue the hearing, with the applicant's consent, to 7:10 PM December 8, 2010; J. Hartley seconded; voted unanimously.

7:53 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 October 13, 2010). The Bay Watch engineer has requested another continuation. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:30 PM December 8, 2010; W. Carreau seconded; voted by majority with S. Briggs abstaining.

FERNANDES PACHECO - request for a certificate of compliance for constructing an attached garage with a deck at 1 Sparrow Lane (SE 041-1101). Mr. Pacheco was present. The items the Commission were concerned about during the previous site inspection have been corrected. N. Hills moved to issue a full certificate of compliance for the project; W. Carreau seconded; voted unanimously.

THE TOWN OF MARION - request for a fifth three-year extension permit to continue to clear obstructions from the Sippican River (from County Road to Doggetts Brook) in order to allow an unobstructed passage for alewives to swim upstream to spawn (SE 041-693). N. Hills moved to issue a fifth three-year extension permit; J. Hartley seconded; voted unanimously.

GREGORY KOSS - proposed second enforcement order regarding maintenance mowing at 32 Beach Street (SE 041-676). N. Hills drafted and moved to issue a second enforcement order due to the first enforcement order not being satisfactorily addressed; J. Hartley seconded; voted unanimously.

BARBARA DeCOSTA - proposed enforcement order regarding wetlands alterations at 2 Washburn Park Road caused by horses being kept in a new corral (SE 041-1019). Laura DeCosta had said the corral and paths are allowed under the farm's agricultural exemption. N. Hills said a horse stable is not a commercial agricultural exemption, and moved to issue the enforcement order as drafted, with a request for a restoration plan for mid-January, 2011; J. Hartley seconded; voted unanimously.

DOUGLAS CROCKER - proposed enforcement order regarding landscaping a grass field at 60 Water Street (41D-1403). N. Hills drafted the enforcement order. S. Briggs described the history of that site and strongly disagreed with issuing an enforcement order. S. Briggs said the ground elevation has not been raised by the landscaping, but would like the railroad ties to be removed. He would prefer to send a letter to Mr. Crocker instead of an enforcement order. N. Hills agreed to table this item at this time.

BAY WATCH REALTY TRUST - proposed second enforcement order regarding digging test pits off Front Street (SE 041-1145). S. Briggs left the table to sit in the audience. N. Hills said this second enforcement order would be for the same work as the last enforcement order, except more test pits were dug than originally thought -- at least five, probably six -- all within the 100-foot buffer zone to wetlands. N. Hills drafted the enforcement order and moved to send it as written; J. Hartley seconded; voted unanimously. S. Briggs returned to the table.

C. JAMES and KAREN A. PRIEUR - J. Hartley drafted the order of conditions to construct a pier, gangway and float at 101 Cove Circle, and moved to issue it as written; N. Hills seconded; voted unanimously (SE 041-1146).

BAY WATCH REALTY TRUST (SE 041-1145) - Robert Gray of Sabatia, Inc. has submitted his wetlands peer review invoice of \$2,430.00. N. Hills moved to pay the invoice in full; W. Carreau seconded; voted by majority with S. Briggs abstaining.

Meeting adjourned at 9:15 PM.

Diane R. Drake, Secretary

Approved January 26, 2011