

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 22, 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: Christian Farland, James Gurney, Lars Olson, Susan Nilson, Stacy Minihane, Richard Arthur, David Barrett, Kenneth Steen, James Holding Brian Butler, Christopher Bryant, Sean Hale, Luke Legere, David Croll, John Ludes and Richard Nylen.

Meeting convened at 7:00 PM Wednesday, December 22, 2010 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, December 18, 2010 by J. Hartley, N. Hills and L. Dorman.

7:00 PM **LARS OLSON** - NOI (SE 041-1149) to construct a single-family dwelling with decks, an inground swimming pool, install utilities, driveways, retaining walls and associated grading at Lot 39U Hammetts Cove Road (continued from December 8, 2010). Lars Olson was present with his engineer, Christian Farland. Plans have been revised to address the Commission's concerns. C. Farland said the current velocity zone is 150'-200' off this lot, and the proposed new velocity zone will be even further away. L. Dorman moved to close the hearing; W. Carreau seconded; voted unanimously.

7:10 PM **RICHARD A. ARTHUR** - NOI (SE 041-1151) to convert the two 16' x 16' bottom-anchored floats at 17 Moorings Road to one pile-supported 14' x 30' float. Richard Arthur was present with his engineer, Susan Nilson. J. Hartley asked whether the existing moorings would remain; S. Nilson said only one will remain, to be used as a storm anchor. R. Arthur said Burr Brothers Boats will remove and store the float off site during the winter. L. Dorman moved to close the hearing; W. Carreau seconded; voted unanimously.

The Fiscal Year 2010 Operating Budget was discussed and drafted. The dues line item will be increased by \$100.00 to reflect MACC's annual increase. There are no Capital Budget requests. A memo was written to the Town Administrator asking to increase the secretary's hours by four

hours per week due to the increase in her workload. N. Hills moved to issue the budgets and memo as written; L. Dorman seconded; voted unanimously.

7:30 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 December 8, 2010). S. Briggs left the table but remained in the room as an abutter to this project. Richard Nylén, legal counsel for Bay Watch, was present. Sean Hale of Epsilon and Brian Butler of Oxbow were also present on behalf of the applicant. R. Nylén said their engineer could not attend tonight, so the revised plans have not been prepared and submitted. He requested a continuation to the January 12, 2011 meeting. He said the revisions to the plans are not significant, such as the elevation of a catch basin. Sean Hale addressed Sabatia's report and said most of the proposed work is outside of the 100' buffer zone. He submitted two copies of the replication report. S. Hale said there is one certified vernal pool on the site. He said he will apply for an Army Corps of Engineers permit at the proper time. N. Hills said he is still concerned with alternative access - option 3 - the southern parcels, and would like a written response that reasonable access has been sought and denied. R. Nylén said he would need town meeting approval for access through the southern parcels, and he does not think that is a reasonable request. N. Hills questioned the 401 water quality. N. Hills said the canopy by the vernal pool will be stripped when the road is built. N. Hills said he would like a better estimate of the area of replication. S. Hale said he will include the side slopes for that figure. J. Hartley questioned the removal of the canopy and the possibility that the vernal pool will dry up; S. Hale said it is just the opposite. N. Hills spoke of Option 1 - access through S. Briggs' property; S. Hale showed where that road would be and explained why it is not an acceptable option. Luke Legere of McGregor and Associates, and Stacy Minihane of Beals and Thomas were present on behalf of the group of concerned citizens. L. Legere said the water quality permit should be applied for now. S. Minihane said it is unclear how much mitigation will be required by the Army Corps of Engineers. Christopher Bryant, president of the Sippican Lands Trust who is an abutter to this project, said he was concerned with the clear cutting that has taken place on or near the wetlands on the Lands Trust land. C. Bryant said the western boundary slopes to Lands Trust land and no haybales have been placed to prevent runoff. R. Nylén said he will speak with C. Bryant about that after the meeting. David Croll said most abutters have not been approached about possible alternative access; L. Dorman said the applicant explained why the abutters were not directly approached or the options were not suitable for this project. L. Dorman questioned the 25' no-touch zone shown on the plans; S. Hale said it should be 15' no-touch, 30' no-build, and he can revise the plans to eliminate any reference to 25'. N. Hills said more funds are needed for further peer review. R. Nylén agreed to an additional \$3,000.00. L. Dorman moved to continue the hearing, with the applicant's consent, to 7:50 PM January 12, 2011; N. Hills seconded; voted unanimously. S. Briggs returned to the table.

N. Hills drafted and moved to issue **LARS OLSON**'s order of conditions (SE 041-1149) for his new dwelling project on Hammetts Cove Road; W. Carreau seconded; voted unanimously.

L. Dorman drafted and moved to issue **RICHARD ARTHUR**'s order of conditions (SE 041-1151) to convert bottom-anchored floats to a pile-supported float at 17 Moorings Road; N. Hills seconded; voted unanimously.

N. Hills' draft letter to **BAY WATCH REALTY TRUST** regarding enforcement order items not being addressed was discussed (SE 041-1145). J. Hartley moved to accept the letter as written; L. Dorman seconded; voted by majority with S. Briggs abstaining. Copies will be sent to D.E.P., the Town Administrator and Bay Watch.

Meeting adjourned at 9:00 PM.

Diane R. Drake, Secretary

Approved January 26, 2011