

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 23, 2011

Members Present: Joel D. Hartley, Chairman  
Norman A. Hills, Secretary and Treasurer  
Wendy L. Carreau  
Jeffrey W. Oakes, Associate

Members Absent: Sherman E. Briggs, Jr., Vice Chairman  
Lawrence B. Dorman  
Bruce C. Hebbel, Associate

Secretary: Diane R. Drake

Others Present: John R. Hubbard Jr., Helen Hills, Stacey Frates, Joan Hartnett-Barry,  
Kevin Forgue and Robert Rogers.

Meeting convened at 7:03 PM on Wednesday, February 23, 2011 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. The February 9, 2011 meeting had been cancelled due to the lack of a quorum. The February 9, 2011 hearings and appointments for discussion were continued at their scheduled times to this meeting. There were no scheduled site inspections on February 5 and 19, 2011.

7:03 PM The January 26, 2011 minutes were reviewed and accepted as amended on a motion by N. Hills; seconded by W. Carreau; voted unanimously.

J. Hartley moved to ratify the \$50.00 expenditure for a copy of the MACC Manual on CD; N. Hills seconded; voted unanimously.

7:10 PM **JOHN R. HUBBARD, JR.** - NOI (SE 041-1152) to construct a single-family dwelling, a sewage disposal system, a driveway, and associated grading/filling/excavating at Lot 5A Front Street (continued from February 9, 2011). N. Hills left the room. John Hubbard, Jr. was present with his engineer, Kevin Forgue of GAF Engineering, Inc., who described the project as follows: the site is in flood zone AE 15', and the tidal influence goes up to I-195 and beyond. Fill is needed to meet the Board of Health requirements for the septic system. The system proposed meets the state's 50' setback to wetlands. The house will have a flood zone foundation. There will be three feet of fill over a 9,000 square foot area, and it will not have an impact on the elevation of flooding due to the vastness of the flood area. The lot is outside the 200' riverfront protection area, but even if it wasn't, the lot was created prior to the Rivers Protection Act. J. Hartley verified with K. Forgue that this is a coastal wetland, and therefore the project does not need to provide compensatory storage. J. Oakes said this may have been true with Thomas Tarrant's septic repair a few houses closer to the Sippican River. Stacy Frates, a direct abutter, said she never received abutter

notification; K. Forgue said it was sent to 67 Front Street; S. Frates said she lives at 670 Front Street, not 67. S. Frates said she is concerned with the driveway being too close to her property, and told K. Forgue that it will flood at least once a year. K. Forgue said the driveway can be sloped away from the abutters so that it flows to the wetlands. Helen Hills said the roadway has flooded three times since 2003, and that is caused by Benson Brook, not by backup from the Sippican River. K. Forgue said if the area floods due to inland flooding from Benson Brook, then compensatory flooding would be required. K. Forgue mentioned that the Frates' and Hills' leach fields also needed to be mounded. S. Frates said the pictures she supplied were taken in October 2005 and were taken from Route 105. She said in the 15 years she has lived there the water has twice risen right up to her back deck. K. Forgue said the driveway will be gravel and can be narrowed from 15' to allow additional fill. K. Forgue asked S. Frates for permission to take an elevation shot by her shed; she agreed to the request. K. Forgue said he can do calculations to see how many cubic feet will need to be filled. H. Hills said her family has lived there since 1928, and frequent flooding has only begun recently. S. Frates said the water rushes out of the culvert under the road, so she does not think it is plugged. J. Hartley moved to continue the hearing, with the Applicant's consent, to 7:00 PM March 23, 2011; W. Carreau seconded; voted unanimously. N. Hills returned to the table.

7:55 PM **A. NEIL PAPPALARDO** - appointment for discussion regarding proposed minor changes to the new dwelling project at 90 Moorings Road (SE 041-1127) (continued from February 9, 2011). Robert Rogers of Tibbetts Engineering represented Mr. Pappalardo and described the proposed changes and additional work. The septic tank will be replaced with a stronger one of the same size because of the driveway reconfiguration. J. Hartley said the changes appear to be basically within the scope of the original proposal. N. Hills said he would like a plan that shows where the new hay bale line will be. It was agreed to continue this discussion at 7:10 PM on March 23, 2011.

8:15 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 February 9, 2011). The lawyer for Bay Watch has requested another continuation. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:40 PM on March 9, 2011; W. Carreau seconded; voted unanimously.

J. Hartley moved to pay JC Engineering, Inc.'s \$2,000.00 invoice for their second engineering review and report of the **BAY WATCH REALTY TRUST** project (SE 041-1145); N. Hills seconded; voted unanimously.

Meeting adjourned at 8:30 PM.

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Diane R. Drake, Secretary

Approved April 27, 2011