

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MARCH 9, 2011

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: Thomas Lovett, Joan Hartnett-Barry, Brandon Faneuf, Craig Lawrence,
Christian Farland, David Davignon, Greenwood Hartley III and Thomas
Gelson.

Meeting convened at 7:00 PM on Wednesday, March 9, 2011 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, March 5, 2011 by J. Hartley 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 January 26, 2011). Thomas Lovett represented Mr. Sampson and submitted a revised plan of the adjusted wetland line. He set the 15' no-touch line from the footprint of the building. He said the building will not be razed, but the cesspool has become a safety issue and must be filled. He said the site is in a velocity zone, and if any further activity is to be done in the future he will submit a new filing. Discussion followed on how to permanently mark the no-touch zone. N. Hills said the truck bringing stone to fill the cesspool might also bring boulders to mark the line. T. Lovett preferred to place "caution" tape along the line whenever yard work was proposed. L. Dorman suggested installing metal stakes at each flag location (approximately every 10') along the no-touch line; T. Lovett thought Mr. Sampson would be receptive to that idea. N. Hills said the bottom of the lowest structural member of a new dwelling there would have to be at elevation 20' if the site is a velocity zone at elevation of 17-18'. S. Briggs moved to close the hearing; L. Dorman seconded; voted unanimously.

7:10 PM **ROBERT L. and MARY M. MERROW** - appointment for discussion regarding a full certificate of compliance for constructing a gravel road (Pasture Lane) from Converse Road through a wetland to a four-lot subdivision (SE 041-902). Due to a scheduling conflict, the applicant had asked the Commission to continue this appointment to after the last hearing tonight.

GREENWOOD HARTLEY III (SE 041-1093) - N. Hills moved to issue an invalid certificate of compliance (Box #3) for tearing down the dwelling at 19 Quelle Road (a.k.a. Quelle Lane) and constructing a new dwelling with decks on the site. The house was renovated instead of being razed. W. Carreau seconded the motion; voted by majority with J. Hartley abstaining.

CHARLES A. BROWN (SE 041-1083) - J. Hartley moved to issue an invalid certificate of compliance (Box #3) for constructing an addition and decks at 23 Indian Cove Road. The project will not be done. L. Dorman seconded the motion; voted unanimously.

7:20 PM **ALAN and LINDA SOLOMON** - RFD (41D-1439) to construct living room, dining room and mud room expansions within the patio areas at 15 Spinnaker Lane, and reconstruct the patio along the easterly side of the dwelling. W. Carreau left the room. David Davignon represented Dr. and Mrs. Solomon and described the project. He said the work is being done in phases so that the owners can continue to live there during construction. He said the patio will be built without a step down because it is flush with the patio doors. N. Hills said he would accept it if the height of the perimeter wall was lowered; D. Davignon said the owners prefer to have the raised patio perimeter wall. S. Briggs said he firmly believes the proposed revised Flood Insurance Rate Maps (FIRMs) should not be considered on projects until they are put into effect in June/July 2012, and this project as proposed is in compliance with existing codes and regulations for flood plains. N. Hills noted that Conservation Commissions can use the latest information. Runoff was discussed. S. Briggs suggested conditioning runoff in the Determination if necessary. N. Hills said runoff now spills onto the patio then onto the lawn. J. Hartley moved to close the hearing; L. Dorman seconded; voted unanimously. W. Carreau returned to the table.

7:40 PM **JOHN P. and CRAIG F. LAWRENCE** - RFD (41D-1440) to construct a deck and three small additions to the dwelling at 5 Pawkechatt Way, a detached garage with a gravel driveway, bury utilities and do landscaping. W. Carreau left the room. Craig Lawrence was present with his engineer, Christian Farland, and wetlands biologist, Brandon Faneuf. C. Farland described the project and said the wetlands are isolated, no fill is proposed, invasive species will be removed and some of the trees, a rain garden will be added in the future, and the garage runoff will be directed to Cultec chambers. C. Lawrence said the yard is wet now but dries up after the spring. B. Faneuf said the Commission needs to determine whether or not this site is a protected wetland. He said the wetland is not connected to the creek. He said there is standing water there but no way will it hold a quarter acre of water at 6" depth. L. Dorman agreed that the area may have been a wetland at one time but is now isolated. N. Hills agreed, noting that it is a result of the neighbors' actions and he is disappointed that the plan is to convert it to lawn. J. Hartley moved to close the hearing; L. Dorman seconded; voted unanimously. W. Carreau returned to the table.

8:07 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 23, 2011). By letter the Applicant requested a one-month continuation because the revised plans are not complete. N. Hills moved to continue the hearing, at the Applicant's request, to 7:30 PM April 13, 2011; L. Dorman seconded; voted unanimously.

8:08 PM **ROBERT L. and MARY M. MERROW** - appointment for discussion regarding a full certificate of compliance for constructing a gravel road (Pasture Lane) from Converse Road through a wetland to a four-lot subdivision (SE 041-902) (continued from earlier tonight due to a scheduling conflict). Thomas Gelson, the owner of two of the four subdivision lots, was present. He said it has been a nightmare maintaining the driveway so he had the grindings put down three or four years ago. He said the grindings are pervious, and the driveway is definitely not paved. N. Hills questioned the status of the replication; T. Gelson said the replication area has not been touched in 11 years but shrubs and saplings were planted there. The engineer that requested the certificate of compliance verified the project is in substantial compliance with the order of conditions. It was agreed that digging up the material on the road now and replacing it with gravel would be more detrimental than leaving it alone. N. Hills stated that when issued, the order of conditions was intended to have a gravel driveway. N. Hills noted the engineer did not submit an as-built plan with his request for the certificate of compliance. It was agreed that an as-built plan is required before the certificate can be issued. A letter will be sent to the Merrows explaining why the certificate cannot be issued at this time.

WARREN C. SMITH, JR. - J. Hartley moved to issue a third three-year extension permit for adding beach sand above the mean high water line at 125 Allens Point Road; W. Carreau seconded; voted unanimously (SE 041-955).

JOHN P. and CRAIG F. LAWRENCE - J. Hartley moved to issue an invalid certificate of compliance (Box #3) for an order of conditions (SE 041-1076) issued to Riaz and Cecily Cassum to demolish the dwelling at 5 Pawkechatt Way, construct a new dwelling with an attached porch and garage, a detached garage, and do grading and landscaping. The house will not be razed. Portions of the other work will be done under a new filing. L. Dorman seconded the motion; voted unanimously.

ISLAND WHARF ROAD LLC - L. Dorman moved to issue a three-year extension permit for paving, installing a fuel tank, and using storm water best management practices at 2 Island Wharf Road; W. Carreau seconded; voted unanimously (SE 041-1090).

96 MOORINGS ROAD NOMINEE TRUST, c/o William R. and Deborah E. Elfers, Trustees - J. Hartley moved to issue a one-year extension permit for constructing a temporary access road along the top of the seawall at 96 Moorings Road, adding beach sand, and reconstructing the seawall; L. Dorman seconded; voted unanimously (SE 041-1089).

TOWN OF MARION - J. Hartley moved to issue a seventh three-year extension permit to construct and maintain a launching ramp, maintain a seawall, and remove boulders in the water at the end of Silvershell Beach; W. Carreau seconded; voted unanimously (SE 041-432).

WILLIAM A. SAMPSON - W. Carreau drafted and moved to issue a conditional negative determination for Boxes 2 and 3 for this project, with conditions that the existing dwelling will not be razed under this filing, the 15' no-touch zone buffer line shall be marked with 2'-tall metal stakes spaced 10' apart, and yellow "caution" tape shall be tied to the stakes when work is to be performed on the site; J. Hartley seconded the motion; voted unanimously (41D-1413).

ALAN and LINDA SOMOMON - N. Hills drafted and moved to issue a conditional negative determination for Boxes 2 and 3 for this project, with a condition that the patio retaining wall shall be no higher than 16" above the 13.7' rebuilt patio finish elevation; J. Hartley seconded; voted by majority with W. Carreau abstaining.

JOHN P. and CRAIG F. LAWRENCE - S. Briggs drafted and moved to issue a negative determination for Boxes 2 and 3 for this project; L. Dorman seconded the motion; J. Hartley voted against; W. Carreau abstained; N. Hills voted for; motion passes (41D-1440).

ROBERT L. and MARY M. MERROW - N. Hills drafted and moved to issue a letter to the Merrows regarding necessary requirements in order to issue a certificate of compliance for Pasture Lane; J. Hartley seconded; voted unanimously (SE 041-902).

Meeting adjourned at 9:10 PM.

Diane R. Drake, Secretary

Approved March 23, 2011