

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MAY 11, 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 (resigned March 30, 2011)

Secretary: Diane R. Drake

Others Present: Robert and Virginia Becher, Linda Severin, Steven Grima, Barbara Burr,
Brandon Faneuf and Chris Martin.

Meeting convened at 7:00 PM on Wednesday, May 11, 2011 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 7, 2011 by J. Hartley, N. Hills, L. Dorman and W. Carreau.

7:00 PM **ROBERT and VIRGINIA BECHER** - RFD (41D-1447) to cut an area of phragmites and brush at 72 Indian Cove Road. Dr. and Mrs. Becher were present and said they'd like to cut the phragmites and brush to a height that will once again allow a marsh view. N. Hills said the whole area is in a wetland, and he would prefer to have the phragmites cut right down to the ground, but with a notice of intent filing, and with a plan showing the large trees to be taken down. Dr. Becher said there are only three trees, approximately 20'-30' tall, that they would like to remove. J. Hartley thought cutting the brush to no less than 3' in height could be approved under this determination of applicability. S. Briggs said the Commission has allowed phragmites to be mowed in the past under determinations. L. Dorman said the phragmites cutting is not an issue, and he would approve the work under a determination if the trees were marked that were not to be cut. J. Hartley moved to close the hearing; L. Dorman seconded; voted unanimously.

7:17 PM **ANNMARIE LEVINS and LINDA SEVERIN** - RFD (41D-1449) to raise the dwelling at 53 Dexter Road, Dexter Beach, by adding four layers of 12" blocks, and repair or replace the existing stairs and decks. Linda Severin was present. J. Hartley said there will be a slight change in the footprint in order for the stairs to reach the ground. Ms. Severin said the contractor may want to pour the extensions rather than use cement blocks, but it will not have a solid foundation. J. Hartley moved to close the hearing; L. Dorman seconded; voted unanimously.

7:20 PM **TOBY and BARBARA BURR** - RFD (41D-1450) to construct a 10' x 24' shelter behind the garage at 27 Pawkechatt Way, and to determine what wetland resource areas, if any, exist

at the site. Barbara Burr was present with her wetlands consultant, Brandon Faneuf. N. Hills said this site does not look like her neighbor's (the Lawrences) which was recently determined to be an isolated wetland. B. Faneuf said there is a wetland on the site, apparently caused by a sump pump, and he believes it would dry up if the sump was instead directed to dry wells. He said the berm cuts off the wetland on this property from the stream. He said the question is whether the wetland is due to ground water or surface water, and whether it is an isolated land subject to flooding. N. Hills said there is no problem with the shelter if it doesn't extend any further back than proposed. B. Faneuf said the trees on the berm are at least 20 years old. L. Dorman said there is no plan of the site showing the wetlands or resource areas, so there is nothing to verify at this time. B. Burr said she'd like to landscape and plant flowers; J. Hartley said that work was not requested in this R.F.D. and could be in the wetlands. N. Hills said B. Burr will have to have the wetlands flagged and surveyed before they can verify the areas as correct. B. Burr said that will be very expensive and she strongly feels the berm clearly isolates the wetland from the stream. She said she checked with F.E.M.A. and the house is not in the flood plain. B. Faneuf asked whether the upland boundary could represent the edge of the wetlands; N. Hills said vegetation and soil logs are necessary to verify a wetland line, not just the lack of a hydraulic connection. J. Hartley said the Google map and house sketch and photo of the house are not enough to determine resource areas. B. Burr submitted a plan drawn by Jeffrey Oakes in 1996 showing a wetland delineated by a berm stone wall. N. Hills reiterated that a notice of intent is needed with a properly-prepared plan to determine whether the wetlands are isolated or bordering. B. Faneuf suggested continuing the hearing so that the wetlands can be delineated and a plan prepared. B. Burr argued that that would be an unnecessary expense, as the berm clearly delineates the wetland from the stream, and asked the Commission to reconsider their request. As it was now past 8:00 PM, J. Hartley suggested continuing this matter after the appointment for discussion that was supposed to have been held at 7:30 PM; she agreed.

8:07 PM **TOWN OF MARION** - appointment for discussion with Steve Grima of the Marion Historical Society regarding their fundraising project for this year -- renovations and improvements to the band stand and grounds at 1 Island Wharf. S. Grima described the proposed work and said there is no change in the footprint of the slab. J. Hartley thought the work could be allowed without a filing except for extending the sides of the band stand and the landscaping which will require a R.F.D. filing prior to beginning that work. S. Grima said Steven Gonsalves of Eden Landscaping will submit a R.F.D. for landscaping beds because the site is in a velocity zone and within the buffer zone of a coastal bank.

MINUTES were reviewed. N. Hills moved to accept the April 13, 2011 minutes as written; W. Carreau seconded; voted by majority with L. Dorman abstaining. N. Hills moved to accept the April 27, 2011 minutes as written; J. Hartley seconded; voted by majority with L. Dorman and W. Carreau abstaining.

Discussion followed regarding the **TOWN OF MARION - SPRAGUE'S COVE** site inspection that was held on May 7, 2011. R. Zora of the D.P.W. was on vacation and did not attend the inspection. Susannah Davis attended on behalf of the Town's Tree Committee, and Jonathan "Jody" Dickerson attended on behalf of the Recreation Committee. It was agreed that N. Hills would write the minutes of that inspection.

8:30 PM **TOBY and BARBARA BURR** (continued from 8:07 PM tonight). B. Faneuf showed the Commission that the R.F.D. is asking them to determine whether or not there are any resource areas present; it is not asking them to verify the delineation of any resource areas. B. Faneuf said he feels there is enough information for the Commission to determine that the berm separates the stream from the wetland, with no visual connection between the two. He said the resource area is the bank. He said the sump pump deposits the water against the bank, but it is a manmade wetland and is not connected to the stream. N. Hills and L. Dorman said they did not walk the whole berm and would like to walk it again to verify that there is no connection. S. Briggs said he would view the site separately from the rest of the Commission. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:00 PM on May 24, 2011, with another inspection to be held at 8:35 AM on Saturday, May 21, 2011; N. Hills seconded; voted unanimously.

ROBERT and VIRGINIA BECHER's request for determination of applicability for cutting phragmites, brush and a few trees at 72 Indian Cove Road was discussed (41D-1447). N. Hills said he would like a N.O.I. to be filed for the work. After further discussion, L. Dorman moved to issue a conditional negative determination for box #2 with conditions that the phragmites may be cut to 1" high by hand-held equipment in accordance with D.E.P.'s guide on managing phragmites; the cut stalks shall be removed to prevent buildup; Rodeo may be applied to the phragmites to restrict future growth; brush less than 3" in diameter can be trimmed to a height of 3'; trees greater than 3" in diameter at the base may not be cut or trimmed without a further filing of a notice of intent and the issuance of an order of conditions approving that work; and the Commission shall be notified of when the brush cutting is to take place. J. Hartley seconded the motion; voted by majority with N. Hills abstaining.

ANMARIE LEVINS and LINDA SEVERIN's request for determination of applicability for raising their dwelling at 53 Dexter Road, Dexter Beach, was discussed (41D-1449). N. Hills moved to issue a conditional negative determination for box #2 with a condition that there shall be no excavation; S. Briggs seconded; voted unanimously.

Meeting adjourned at 9:10 PM.

Diane R. Drake, Secretary

Approved May 25, 2011