

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MAY 25, 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: Joan Hartnett-Barry, Brandon Faneuf, Barbara Burr and Lars Olson

Meeting convened at 7:00 PM on Wednesday, May 25, 2011 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 21, 2011 by J. Hartley, N. Hills, L. Dorman and W. Carreau.

7:00 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 (continued from May 11, 2011). Barbara Burr was present with her wetlands biologist, Brandon Faneuf of Ecosystem Solutions. Another site inspection had been held on May 21, 2011 with B. Burr and B. Faneuf present. B. Faneuf had submitted a letter of his findings, stating that in his professional opinion, the berm isolates B. Burr's property from the stream. N. Hills said the water goes through the wall in a few areas. N. Hills said bordering vegetated wetlands are saturated, but don't necessarily need to touch water. B. Faneuf said that because of the heavy rainfall, the stream had flooded high during the week of the inspection, which is not normal, and any water flowing through is not mean annual. J. Hartley said there is no way to say yes to B. Burr's request that there are no jurisdictional areas present; B. Faneuf said the bank is the resource, not the wetland on the property which is isolated and non-jurisdictional. J. Hartley asked the Commission Members whether they thought the wetland is the bank of the stream; N. Hills said no; W. Carreau said there are other sources of water to the wetland other than the sump pump and she does not think it's isolated; L. Dorman said the wetland is in the Conservation Commission's jurisdiction; S. Briggs said the wetland is isolated and the stream is intermittent, and he did not see a connection. B. Faneuf said there has to be a channel connecting both sides, and he did not see any channel. J. Hartley said at least three of the members feel it is jurisdictional. B. Faneuf said the bank is off site and he can't flag it. He said he could flag the isolated wetland but it is too small to be protected. J. Hartley moved to close the hearing; W. Carreau seconded; voted unanimously.

7:32 PM **LARS OLSON** - appointment for discussion regarding the new dwelling at 24 Hammetts Cove Road (SE 041-1149). L. Olson is requesting permission to revise the location of the swimming pool and construct additional retaining walls without the need of a formal amendment to the order of conditions. L. Olson was present and explained his proposed changes. He said he would have to cut down 20 trees to run the drain down the driveway as requested by the Commission, and he would prefer to create a swale to a pond so that he would not have to cut any trees. He would like to put the pool outside the basement door and use a series of terraces rather than a major retaining wall, which will result in the need for much less fill. L. Olson said he could switch the ends of the pool, which he prefers not to do, and move it a few feet closer to the house. He said the fence will be right around the pool so it doesn't impede on the view, and will be 7' from the wetland line. N. Hills did not want to move the pool closer to the bordering vegetated wetlands than on the original plan. J. Hartley said the creation of the stream can make up for the relocation of the pool. W. Carreau suggested straightening out the 10' elevation and placing the pool 25' from the wetlands. The pool will be salt water. L. Olson will submit another revised plan for the Commission's approval.

7:50 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 April 27, 2011). The Applicant has requested another continuation while he explores design alternatives to avoid or reduce wetland alterations. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:30 PM on June 22, 2011; N. Hills seconded; voted by majority with S. Briggs abstaining.

TOWN OF MARION - SPRAGUE'S COVE - maintenance of the storm water remediation project at Silvershell Beach (SE 041-556). N. Hills submitted a report of the May 7, 2011 site inspection. He looked into the possibility of applying for a grant to help with the maintenance costs, but he thinks the grant is for new projects rather than maintenance work. N. Hills moved to send the report to the Town Administrator, Tree Committee, Department of Public Works and the Recreation Committee, with a cover letter requesting a meeting to discuss a way to go forward with the work; J. Hartley seconded; voted unanimously.

L. Dorman moved to accept the May 11, 2011 minutes as written; N. Hills seconded; voted unanimously.

J. Hartley drafted **BARBARA BURR**'s determination to construct a shelter at 27 Pawkechatt Way, and to determine what wetland resource areas, if any, exist at the site (41D-1450). J. Hartley moved to issue a positive determination for box #2b because the wet area behind the house is a bordering vegetated wetland and the site is in the flood plain, but the boundaries of the resource areas are not confirmed. He also moved to issue a conditional negative determination for Boxes 2 and 3 for the shelter, with conditions requiring siltation control to be installed between the construction and the wet area prior to construction, no extension of fill is allowed, and a copy of the as-built plan of the shelter shall be submitted to the Conservation Commission. N. Hills seconded the motions; voted unanimously. B. Burr then returned to the room and asked the Commission what had been decided. J. Hartley explained what was being issued, and why. B. Burr said she may appeal the determination to the Department of Environmental Protection.

Meeting adjourned at 8:15 PM.

Diane R. Drake, Secretary

Approved June 8, 2011