

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 28, 2011

Members Present: Norman A. Hills, Vice Chairman and Clerk
Lawrence B. Dorman, Treasurer
Joel D. Hartley
Wendy L. Carreau

Members Absent: Sherman E. Briggs, Jr., Chairman
Jeffrey W. Oakes, Associate

Secretary: Diane R. Drake

Others Present: Thomas O'Shaughnessy, Ricky Pursley, Asha and Peter Wallace, Nyles Zager, Joan Hartnett-Barry, Susan and Jack Barrett, Clint Brown, Dick Giberti, Jonathan and Perry MacLean, Ken Olney, Frank Shirley, Nick Dufresne, Richard Schaefer, Richard Charon, Leslie and Paul Kuo, and Edward Howland.

Meeting convened at 7:00 PM Wednesday, September 28, 2011 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, September 24, 2011 by S. Briggs, N. Hills and W. Carreau.

7:00 PM **COPPER MEDAL LLC**, Lots 44/45 Converse Road - amendment to an order of conditions (SE 041-1147) to construct a driveway, a dwelling with an attached garage and deck, and replicate wetlands (continued from September 14, 2011). Due to a scheduling conflict, the engineer for this project had asked for a continuation to later this evening. L. Dorman moved to continue the hearing to 7:50 PM tonight; W. Carreau seconded; voted unanimously.

N. Hills moved to issue an invalid certificate of compliance to **KAREN E. (MOORE) DOURDEVILLE** for constructing a dwelling and a septic system at Lot 50 Holly Pond Road (SE 041-438). The work was never done. J. Hartley seconded the motion; voted unanimously.

N. Hills moved to issue a duplicate original invalid certificate of compliance to **KAREN E. (MOORE) DOURDEVILLE** for constructing a dwelling and a septic system at Lot 50 Holly Pond Road (SE 041-203). The work was never done. The 1988 original certificate of compliance has been misplaced. J. Hartley seconded the motion; voted unanimously.

N. Hills moved to issue a second extension permit, this time for three years, to the **MASSACHUSETTS HIGHWAY DEPARTMENT** for maintaining drainage systems along Routes 6, 105 and I-195; J. Hartley seconded; voted unanimously.

In **OTHER BUSINESS**, N. Hills said another site inspection of the damaged marsh at Aucoot Cove, caused by a contractor removing a beached sailboat, was held on September 24, 2011 with Daniel Gilmore of the Department of Environmental Protection. N. Hills said the remediation work called for in D.E.P.'s enforcement order appears to have been done.

7:10 PM **PETER WALLACE**, 167 Converse Road - RFD (41D-1458) to install a gas line from Converse Road to the dwellings at 167, 171 and 175 Converse Road. Peter and Asha Wallace were present with Richard Schaefer of 175 Converse Road. P. Wallace said he plans to hire a contractor to bring a gas main to a certain point where it splits off into three stubs going to the three homes. At present, only the Wallaces plan to bring natural gas to their home via a flexible pipe that would run from the stub on Converse Road no more than six inches from the road leading to the home. The other two residences may or may not bring the gas line to their homes in the near future, but the main stub would be available for them. P. Wallace thought the work would be done in short stretches -- dig the trench, place the excavated material on the paved driveway, lay the pipe and backfill. R. Schaefer thought the work would only take one or two days to complete, and the work on 175 and 167 Converse Road will not involve wetlands. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

7:20 PM **THE ELEANOR C. HOWLAND TRUST**, Lot 17 Point Road - Abbreviated Notice of Resource Area Delineation (ANRAD) (SE 041-1162) to verify the delineation of the bordering vegetated wetlands as flagged. Edward Howland, one of the trustees of the Trust, was present with his engineer, Nick Dufresne of Thompson Farland Engineering. N. Hills said the flags look old, and he couldn't locate a lot of them. N. Dufresne said the lines were flagged in February of 2010 by Mark Manganello of LEC Environmental. N. Hills was upset that the logging road had been built in a wetland; N. Dufresne said that was before this project. A prior filing for logging shows flagging was done in 2008. L. Dorman said he would like to continue the hearing in order to review the forestry plan, see if there are other routes to do the logging, and review the wetland lines again after the flags are replaced. N. Dufresne said the flag locations are all plotted by G.P.S. and can easily be replaced in time for the Commission's next site inspections. A prior filing (41D-375) from 1991 to verify the wetland lines was referred to. N. Hills said the approved lines then and the lines now are very different on the plans. Abutter Thomas O'Shaughnessy asked E. Howland what his intent was for the land. E. Howland said Eleanor Howland passed away and the four beneficiaries are trying to determine the value of the land. He said they are exploring various options including selling the property to the town or the Sippican Lands Trust, or by doing percolation tests to see if it could be developed into house lots. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:10 PM on October 12, 2011, and inspect the site again on October 8, 2011; J. Hartley seconded; voted unanimously.

7:43 PM **GLENN P. BERGQUIST and KIM LISSNER**, 69 Quails Crossing Road - NOI (SE 041-1161) to upgrade a septic system. Nyles Zager of Outback Engineering represented the applicants and described the project. He said there is a high groundwater table which will result in a high mounded system. He pointed out where the existing system is on the plan (it was not shown). L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

7:50 PM **CARL A. and KAREN J. CORREIA**, 814 Mill Street - NOI (SE 041-1161) to raze the dwelling, construct a new dwelling with a new driveway, and install a sewage disposal

system with associated filling and grading. This hearing was continued from September 14, 2011 in order to inspect the site again to verify the wetland line. Richard Charon of Charon Engineering represented the Correias. N. Hills said the line is correct, but discarding piles of grass clippings along the line must stop. J. Hartley moved to close the hearing; L. Dorman seconded; voted unanimously.

7:53 PM **COPPER MEDAL LLC**, Lot 46A Converse Road - fourth extension permit to construct a dwelling, swimming pool, cabana, deck and patio (SE 041-1014). N. Hills was not in favor of extending this order of conditions for two more years, as requested by the owner of the property. L. Dorman moved to issue a fourth extension permit, but for only one year; W. Carreau seconded; voted unanimously.

J. Hartley drafted **GLENN P. BERGQUIST and KIM LISSNER**'s order of conditions (SE 041-1163) to upgrade the septic system at 69 Quails Crossing Road, and moved to issue it as written; L. Dorman seconded; voted unanimously.

L. Dorman moved to issue a negative conditional determination (41D-1458) for boxes #2 and #3 to **PETER WALLACE** to install a gas line from Converse Road to the dwellings at 167, 171 and 175 Converse Road, with conditions that excavated material shall be placed on the paved roadway, and any excess material will be moved to an upland location on the Wallace property daily; N. Hills seconded; voted unanimously.

W. Carreau drafted and moved to issue **CARL A. and KAREN J. CORREIA**'s order of conditions (SE 041-1161) to raze the dwelling at 814 Mill Street, construct a new dwelling with a new driveway, and install a sewage disposal system with associated filling and grading; J. Hartley seconded; voted unanimously.

8:10 PM **COPPER MEDAL LLC**, Lots 44/45 Converse Road - amendment to an order of conditions (SE 041-1147) to construct a driveway, a dwelling with an attached garage and deck, and replicate wetlands (continued from earlier this evening due to the engineer having a scheduling conflict). David Davignon of N. Douglas Schneider & Associates, Inc. still had not arrived, but the new owners of the property, Drs. Paul and Leslie Kuo, were present and offered to answer any questions the Commission might have. D. Davignon's revised plan and letter of explanation were reviewed. The owners said the existing footpath will remain. L. Dorman said the plan has been revised as requested by the Commission, and there is no other place to stockpile materials than as proposed. J. Hartley moved to close the hearing; L. Dorman seconded; voted by majority with N. Hills abstaining. N. Hills drafted Appendix A of the amended order of conditions. L. Dorman moved to issue it as written; J. Hartley seconded; voted unanimously.

In **OTHER BUSINESS**, it was noted that the Board of Selectmen have arranged a public meeting on Thursday evening, October 6, 2011 at the Music Hall for FEMA to discuss the proposed revised flood insurance rate maps due to go into effect in June/July 2012.

Meeting adjourned at 8:26 PM.

Diane R. Drake, Secretary

Approved October 12, 2011