

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 12, 2011

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

Member Absent: Jeffrey W. Oakes, Associate

Secretary: Diane R. Drake

Others Present: Nanna and John Buckley, Nick Dufresne, Thomas O'Shaughnessy,  
Mary Smoyer and David Davignon.

Meeting convened at 7:00 PM Wednesday, October 12, 2011 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 8, 2011 by N. Hills and L. Dorman.

7:10 PM **MINUTES** were reviewed. L. Dorman moved to accept the August 24, 2011 and September 14, 2011 minutes as amended, and the September 28, 2011 minutes as written; N. Hills seconded; voted unanimously.

7:10 PM **THE ELEANOR C. HOWLAND TRUST**, Lot 17 Point Road - Abbreviated Notice of Resource Area Delineation (SE 041-1162) to verify the delineation of the bordering vegetated wetlands (continued from September 28, 2011). This hearing had been continued in order to inspect the site again to view the missing flags. Mary (Howland) Smoyer was present with her engineer, Nick Dufresne of Thompson Farland, who submitted revised plans based on his October 8, 2011 inspection with Commissioners N. Hills and L. Dorman, and LEC Environmental's botanist Mark Manganello. Abutters Thomas O'Shaughnessey and John and Nanna Buckley were present. L. Dorman said the forestry plan appears to have expired in February 2010 and logging should not continue. M. Smoyer arrived at 7:17 PM and said she has a ten-year forestry plan for that lot, and the plan has not expired. She offered to send a copy of it to the Commission. L. Dorman said the forester should change the access to the site in order to avoid wetlands. M. Smoyer said she believes the agricultural regulations supersede the wetlands regulations, and will not cut any more timber until she either confirms the current license to be valid or receives a new license. M. Smoyer explained that her Mother died two years ago, and the four trustees need to determine the wetland lines in order to set the value of the land if they decide to sell it. She said two percolation tests were dug and both passed, so there are two buildable areas. She said the buyers may choose to build on the land, but she has no intention of doing so. She said she needs to know the value of the land if they are going to sell it to the Sippican Lands Trust. T. O'Shaughnessey said he would be interested

in purchasing the lot directly behind his home. N. Hills said there is a bordering vegetated wetland running diagonally through the lot. N. Dufresne said site elevations were not plotted on the lot. T. O'Shaughnessey asked why the wetland line from ten years ago no longer runs behind his house; N. Hills explained that wetland methodology has changed, and wetland lines are now based on both vegetation and soil sampling. L. Dorman moved to close the hearing; S. Briggs seconded; voted unanimously.

7:45 PM **GEORGE and LOIS GRABOYS**, 95 Holly Road, Piney Point - NOI (SE 041-1164) to upgrade the septic system and replace the pavement on the driveway with peastone. The Graboys' engineer, David Davignon, was delayed due to a hearing with the Acushnet Conservation Commission. N. Hills said he viewed the site and a lot of trees will need to be removed for this project. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

7:50 PM **THOMAS G. STEMBERG**, 112/114 Point Road - RFD (41D-1462) to repair a seawall. Mr. Stemberg's engineer, David Davignon, was still delayed due to a hearing with the Acushnet Conservation Commission. N. Hills said he visited the site and the seawall is not in bad shape. S. Briggs said the excavated materials will be taken off site. N. Hills moved to close the hearing; J. Hartley seconded; voted unanimously.

8:05 PM David Davignon arrived and said the **GRABOYS** dwelling will remain two bedrooms (SE 041-1164).

L. Dorman moved to issue a conditional negative determination for Box #2 to **THOMAS STEMBERG** for his seawall repair, with conditions that: (1) all material while under construction shall be removed from the site or placed northeast of the existing dwelling, and (2) no work is allowed on the existing stone jetty below the seawall, or on the steps to the beach. N. Hills seconded the motion; voted unanimously (41D-1462).

N. Hills drafted **GEORGE and LOIS GRABOYS'** order of conditions (SE 041-1164) to upgrade the septic system at 95 Holly Road, Piney Point, and replace the pavement on the driveway with peastone, and moved to issue it as written; J. Hartley seconded; voted unanimously.

S. Briggs drafted and moved to issue **THE ELEANOR C. HOWLAND TRUST'S** abbreviated order of resource area delineation (SE 041-1162) verifying the delineation of the resource areas at Lot 17 Point Road; J. Hartley seconded; voted unanimously. A letter will be sent to Mary Smoyer asking for a copy of the updated forestry license.

#### **OTHER BUSINESS:**

Discussion followed regarding whether or not a filing should have been submitted to the Conservation Commission to convert the upper floor of a garage at 12 South Street (in the flood plain but not in the buffer zone to any wetland resource areas) into an in-law apartment. D. Drake said she did not ask for a filing because it was strictly a flood zone issue and there was no change in footprint. W. Carreau said the first floor of the habitable area would have to be raised to the appropriate flood zone elevation, but that is a building code issue, not wetland issue. S. Briggs

suggested inviting Christine Odiaga, the D.E.P. wetland circuit rider for this area, to attend one of the Commission's meetings to discuss this issue.

Meeting adjourned at 8:30 PM.

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Diane R. Drake, Secretary

Approved November 9, 2011