

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON OCTOBER 26, 2011

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

Members Absent: Lawrence B. Dorman, Treasurer
Jeffrey W. Oakes, Associate

Secretary: Diane R. Drake

Others Present: Nick Dufresne, Patricia and Thomas DeCosta, Bill Hingston, Richard Charon, Brian Grady, Kenneth and Beverly Hanson, and Louise Nadler.

Meeting convened at 7:00 PM Wednesday, October 26, 2011 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, October 22, 2011 by N. Hills, W. Carreau and J. Hartley.

7:00 PM **GARY PARSONS**, 13 Shady Lane, Dexter Beach - NOI (D.E.P. file number not assigned yet) to raze the dwelling and construct a new dwelling and driveway, install associated utilities and perform necessary grading. Nick Dufresne of Thompson Farland, Inc. represented Gary Parsons and described the project. The lot is in the flood plain and is serviced by Town water and sewer. N. Dufresne said there will be a full crawl space, not a basement. All roof runoff shall be directed to Cultec drywells. Letters of support for this project have been received from abutters. Due to the lack of a D.E.P. file number, N. Hills moved to continue the hearing, with the applicant's consent, to 7:00 PM on November 9, 2011; J. Hartley seconded; voted unanimously.

OTHER MATTERS - N. Hills said Christine Odiaga, D.E.P.'s circuit rider for this area, has offered to give a buffer zone presentation to the Commission. A mutually-agreeable time will be decided upon.

N. Hills moved to issue a full certificate of compliance to **SHIRLEY NEAL**, c/o Jeffrey Neal, for a 1981 order of conditions (SE 041-119) to construct the dwelling at 25 Cove Street; J. Hartley seconded; voted unanimously.

7:10 PM **GALE P. RUNNELLS**, 17 Reservation Way - NOI (SE 041-1165) to construct additions to the dwelling and to eradicate an area of phragmites. Richard Charon of Charon Associates represented Gale Runnells and described the project. J. Hartley said the area at the side of the house has been stripped to bare dirt and filled. R. Charon said he was at the site two to three weeks ago and there was no disturbance at that time. W. Carreau said it looks like fill had been

added right up to the wetland flags. R. Charon said he can set hay bales if the Commission thinks that would be necessary. He said the house is in the flood plain and the project has been toned down in order to prevent exceeding the 50% Rule threshold. He said the work is estimated to cost \$87,000.00 and a cost breakdown by Pimental Contractors was included with the filing. N. Hills questioned the legality of altering a road. R. Charon said Reservation Way is a private road, and the area up to the center of the road is held in fee simple by the property owners on each side. R. Charon said the phragmites will be cut, mowed and taken off site, then Rodeo will be applied in the fall and spring. Susannah Davis, landscape architect, has proposed plantings that are salt tolerant. N. Hills said he is against turning the phragmites eradication area into an extended lawn with flower beds in what is wetlands. R. Charon said G. Runnells' intent is not to turn that area into a lawn. S. Briggs suggested mowing the phragmites to a 12" height. N. Hills said he is sympathetic with the phragmites but not with the lawn expansion. N. Hills said the junk and equipment near the floats need to be removed, and he would also like to know who did the clearing by the house. S. Briggs said the phragmites could be cut by hand with a sickle; R. Charon said a hedge trimmer might also work well. N. Hills would like permanent markers to be set 15' upland of the wetland line to mark the no-touch buffer zone; R. Charon said sections of fence and plantings have worked well in the past. N. Hills would like some boulders to be included in the 15' setback demarcation, as well. S. Briggs said he would like a yearly report on the progress of the phragmites eradication, but was not in favor of allowing the plantings at this time. N. Hills asked R. Charon for a report of the phragmites in the fall of 2013. S. Briggs moved to close the hearing; J. Hartley seconded; voted unanimously. R. Charon said he will find out who did the clearing work, and will have hay bales placed to prevent runoff.

7:36 PM **ELIZABETH H. WEINBERG**, 5 Water Street - RFD (41D-1463) to construct a 4' x 16' front entrance open porch, a 10' x 25' screened porch in the rear of the dwelling, and convert an existing screened porch into an open porch. Elizabeth Weinberg was represented by her contractor, Thomas DeCosta. N. Hills said the new entrance will be built on the driveway side, but the driveway footprint does not appear to be accurate. T. DeCosta said the driveway configuration will not change. He said the new screened porch will be built over the existing bulkhead and will be accessed by a trap door. T. DeCosta said piers are holding up the existing porch, and the new porch will be built on sono tubes. T. DeCosta said the length of the porch is 25 feet, so at most only four sono tubes will be needed. S. Briggs said there are premade sono tubes that require less digging and no cement mixer. N. Hills said changes in the driveway footprint will require another request for determination filing. J. Hartley moved to close the hearing; W. Carreau seconded; voted unanimously.

7:47 PM **EGGER-HANSON REALTY TRUST**, c/o Kenneth Hanson, Trustee, 47 East Avenue, Planting Island - RFD (41D-1464) to upgrade the sewage disposal system. Kenneth Hanson was present with his engineer, Brian Grady of G.A.F. Engineering, Inc., who described the project. All work will occur on the road side of the house, and no work will be done behind the house. B. Grady said this work is necessary because the existing system has failed. B. Grady said most of the excavated material will be removed from the site, and not be stored there. B. Grady said Board of Health agent Karen Walega has approved the plan with minor revisions. S. Briggs asked B. Grady to submit a copy of the as-built plan to the Conservation Commission. J. Hartley moved to close the hearing; W. Carreau seconded; voted unanimously.

7:53 PM **CHARLES and LOUISE NADLER**, 91 Allens Point Road - RFD (41D-1465) to replace the deck of the pier and six timber piles. Louise Nadler was present and said Thomas A. Tarrant will do the work. S. Briggs moved to close the hearing; J. Hartley seconded; voted unanimously. S. Briggs moved to issue a negative determination for box #2; W. Carreau seconded; voted unanimously.

EGGER-HANSON REALTY TRUST - W. Carreau moved to issue a conditional negative determination for boxes 2 and 3 with a condition preventing the stockpiling of materials; J. Hartley seconded; voted unanimously (41D-1464).

ELIZABETH H. WEINBERG - J. Hartley moved to issue a conditional negative determination for boxes 2 and 3 with a condition that there is to be no expansion of the driveway; S. Briggs seconded; voted unanimously (41D-1463).

J. Hartley moved to issue a full certificate of compliance to **NANCY D. and GREGORY JOHNSON** for constructing an elevated walkway, a pier, ramp, float and wave break at 406 Point Road; S. Briggs seconded; voted unanimously (SE 041-1120).

N. Hills drafted **GALE RUNNELLS'** order of conditions and moved to issue it as written; J. Hartley seconded; voted unanimously (SE 041-1165).

A certificate of compliance for the **ELLEN P. BOWLER TRUST'**s pier maintenance and improvements project (replacing the decking, railings and stringers, and repairing the stone supports) at 33 East Avenue, Planting Island, was discussed (SE 041-1155). During the inspection the gates on the pier would only open from the inside of the pier; persons wanting to cross over the pier would not be able to, which is in violation of the Chapter 91 license requiring access for the public to pass. The Harbormaster and the engineer will be notified of the problem. Another inspection will be done on November 5, 2011 and if the problem is corrected, the certificate of compliance will be voted on at the Commission's November 9, 2011 meeting.

J. Hartley moved to issue a full certificate of compliance to **KEVIN and BARBARA CUZZI** for replacing a gangway and float system at 35 East Avenue, Planting Island, with a timber pile-supported pier, ramp and wooden float; N. Hills seconded; voted unanimously (SE 041-1122). It was noted that there is one large float instead of two small ones as shown on the plan.

Meeting adjourned at 8:35 PM.

Diane R. Drake, Secretary

Approved December 14, 2011