

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 14, 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

Members Absent: Jeffrey W. Oakes, Associate

Secretary: Diane R. Drake

Others Present: Erik Fox, Jeffrey Faria, Joan Hartnett-Barry, Richard Nylen, Ed Gless,
James Holding and Ken Steen

Meeting convened at 7:00 PM Wednesday, December 14, 2011 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, December 10, 2011 by S. Briggs, N. Hills, L. Dorman and J. Hartley.

7:00 PM MINUTES were reviewed. J. Hartley moved to accept the October 26, 2011 minutes as amended; W. Carreau seconded; voted by majority with L. Dorman abstaining. J. Hartley moved to accept the November 9, 2011 minutes as amended; W. Carreau seconded; voted unanimously.

7:05 PM GARY PARSONS, 13 Shady Lane, Dexter Beach (SE 041-1166). The applicant has received an order of conditions approving razing the existing dwelling and constructing a new dwelling. The applicant would like to expand the scope of work to include constructing a slab-on-grade 10' x 12' utility room addition at the rear of the garage, and pouring a slab northeast of the dwelling to anchor the propane tank. The Commission agreed the changes were minor and would not require a formal amendment to the order of conditions. N. Hills moved to approve the increased scope of work by letter; J. Hartley seconded; voted unanimously.

7:10 PM JEFFREY and CHERYL FARIA, 53 Oakdale Avenue - RFD (41D-1467) to reconstruct a 13'-4" x 20'-6" shed on an existing slab with stairs to access the upper storage level. Jeffrey Faria was present. The site is in the flood zone and in the buffer zone to a coastal bank. N. Hills told J. Faria that the new shed can never become habitable, and the old shed will have to be removed because it is not fastened down. N. Hills said the marsh is being harmed by the boat being dragged over it; J. Faria said he uses that particular spot because there are rocks there which prevent damage. S. Briggs moved to close the hearing; J. Hartley seconded; voted unanimously. L. Dorman moved to issue a negative determination for boxes #2 and #3 with conditions that: (1) the metal storage shed shall be removed upon construction of the new shed; (2) fertilizer is prohibited on the

lawn abutting the water; and (3) boat haul out and launching shall be limited to the area where rocks currently exist; N. Hills seconded the motion; voted unanimously.

OTHER MATTERS

A. S. Briggs said a 5,000 square foot lot was approved at Town Meeting for the proposed **Habitat for Humanity** house on Town-owned property on Wareham Street. The Planning Board would prefer a larger house lot, and will request approval of that change at the next Town Meeting in May of 2012.

B. **Site Inspections** - The next site inspections are scheduled for Saturday morning, December 24, 2011. The Commission decided that, because there is only one inspection scheduled, not to change the date.

7:20 PM **FANNIE MAE**, 693 Front Street - RFD (41D-1466) to replace a leaking septic tank. This is an after-the-fact filing. L. Dorman said the vegetation is gone from where the work was done, and the dirt needs to be stabilized with seed and straw if it is to be a lawn, or with stone if it is to be a driveway. J. Hartley said there is brush in the wetlands that ideally should be removed. S. Briggs said he will speak with the contractor, Jerry Richmond of Richmond Sand and Gravel, regarding stabilizing the disturbed area. L. Dorman moved to close the hearing and issue a conditional negative determination for box #2 with conditions that: (1) the altered area needs to be covered to reduce erosion; and (2) brush and cuttings shall no longer be placed in the wetlands; W. Carreau seconded; voted unanimously.

7:30 PM **BAY WATCH REALTY TRUST**, Lots 27-29 Front Street (Route 105) - 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 (continued from September 14, 2011). S. Briggs could not participate in this hearing and left the building. Bay Watch Realty Trust was represented by attorney Richard Nysten and engineer Ed Gless. Also present were the owners, Kenneth Steen and James Holding. Revised (12/14/11) plans and storm water drainage reports were submitted with a cover letter explaining the differences between the original project and the proposed project (attached). The original layout involved the construction of six residential buildings and parking areas and a wetland crossing. The revised layout calls for a mix of two 30-apartment residential buildings and 36 single-family homes, mostly located outside the 100-foot buffer zone to wetlands. The access road includes a 30'-wide by 75'-long elevated timber bridge over the wetlands, and will not require any fill in wetlands. Ed Gless said all of JC Engineering's comments have been addressed, and an all new storm water report has been prepared. He said the bridge will be prefabricated and set in place using cranes, and there is a detail of it on one of the drawings. He said access to the site will be from one of the neighbors. E. Gless said there was 10,000 square feet of replication previously proposed, but the bridge won't impact the wetlands so there is no need for replication now. J. Hartley noted that there would be alteration to the BVW due to shade impacts. R. Nysten admitted as much and would be willing to replicate at 1.5: 1 to mitigate for wetland alteration impacts. However, he would like credit for the fact that there would still be sunlight at the sides of the bridge. Other Commission members agreed that replication would likely be required and that issue would be addressed along with other issues in the proposed third party engineering review. N. Hills said another peer review will be needed for the new storm water calculations and revised drawings. N. Hills said he would prefer to have JC Engineering do the review, but that is up

to the Town Administrator. L. Dorman questioned whether a new hearing notice would be needed due to the substantial changes to the scope of work; R. Nysten said that should not be necessary because each continuation has been to specific dates and times. E. Gless said the bridge is 11' up, so there is a ramp on each end that will require some fill. L. Dorman said the revised plans show a much better project. J. Hartley said his concerns are for storm water remediation and replication. E. Gless said the life expectancy for the elevated bridge is 50 years and will support fire engines, etc. E. Gless said there are now six lots, A through F. E. Gless said the project will be serviced by Town water and sewer. R. Nysten requested a two-week continuation. L. Dorman moved to continue the hearing, with the Applicant's consent, to 7:30 PM on December 28, 2011; J. Hartley seconded; voted unanimously.

Meeting adjourned at 8:06 PM.

Diane R. Drake, Secretary

Approved January 11, 2012

DOCUMENTS REVIEWED AT THE DECEMBER 14, 2011 MEETING

1. Letter, revised plans and revised storm water drainage report dated December 13, 2011 from Epsilon Associates Inc.