

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON DECEMBER 28, 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: David Davignon, Jennifer Heshion, Joan Hartnett-Barry, Richard Nylen,
James Holding, Kenneth Steen, Ed Gless and Sean Hale

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

7:00 PM **ANNUAL REPORT** - N. Hills had drafted the 2011 Annual Report. L. Dorman moved to approve it as written; J. Hartley seconded; voted unanimously.

7:03 PM **BUDGETS** were discussed.

A. **F/Y 2013 Operating Budget** - the total Conservation Commission operating budget is presently \$2,512.00. N. Hills thought additional funds in the \$450.00 travel and meetings account will be needed for the new member to attend Massachusetts Association of Conservation Commissions training courses. D. Drake asked for funds to purchase another basic IBM/Lexmark typewriter to replace the present office typewriter that is almost 19 years old. L. Dorman moved to approve an operating budget request of \$3,000.00 (an increase of \$488.00) to cover the additional training and typewriter; J. Hartley seconded; voted unanimously.

B. **F/Y 2013 Capital Budget** - no requests.

C. **Capital Project Request and Summary** (Capital Improvement Planning Committee - CIPC) - no requests.

7:10 PM **COPPER MEDAL LLC** - NOI (SE 041-1167) to remove an existing solid-filled pier and construct a 380'-long, pile-supported, T-shaped association pier in Job's Cove with four gangways and four floats to provide eight total boat slips. David Davignon of N. Douglas Schneider and Associates, Inc. represented the applicant. He said the pier will be for the use of eight total

current and future single-family homes. The pier is proposed to be 5' wide with 1" deck spacing, supported by 72 piles set 12' apart. He said there is no eelgrass to be concerned with. He has filed applications with Natural Heritage, Waterways, and the U.S. Army Corps of Engineers. The Harbormaster/Shellfish Officer comments were: (1) an association pier with a single float with enough tie up space for multiple tenders would be a better alternative to the configurations proposed; and (2) propeller wash will kick up the bottom, resulting in increased turbidity which will negatively impact fish and shellfish habitat, vegetation and overall water quality in that area, particularly concerning to the oyster grant immediately to the east of the pier. D. Davignon addressed the comments of the Division of Marine Fisheries (DMF) for this project. Float stops are already proposed. He said he has designed piers for twenty years and has never designed one to be 3' wide, which the DMF states is typical; he believes 4' wide is typical, and he may change the width from 5' to 4' but not to 3' which is too narrow to carry kayaks and canoes over. He said Coastal Zone Management recommends eliminating the cantilevered seating benches. He does not want to increase the distance between the piles due to all the rocks at the site. He sees no reason to remove the entire solid filled pier in order to gain more shellfish habitat; he would rather provide mitigation with seed stock. D. Davignon said he is having a turtle assessment done as requested by Natural Heritage. N. Hills said he is all for association piers, but does not feel that the magnitude of this project is reasonable in this case. He considers the spacing between the finger piers to be excessive and the number of finger piers too large; many association piers do not have one slot per member. N. Hills prefers a single pier over the solid fill pier as shown in Alternative #2. A single pier in this location puts it at a site that is already disturbed and at the same time shortens the length of the pier needed. Reducing the number of finger piers will also contribute to lessening the environmental impact. L. Dorman asked what type of boats are proposed to use this pier; D. Davignon said up to 16' in length, and he can lessen the distances between the floats. Alternate finger pier and float configurations were discussed. D. Davignon asked for a continuation of the hearing so he can revise the plans. S. Briggs asked him to show Christopher Bryant's oyster grant on the revised plans. L. Dorman moved to continue the hearing, with the applicant's consent, to 7:10 PM on January 11, 2012; N. Hills seconded; voted unanimously.

7:55 PM **BAY WATCH REALTY TRUST**, Lots 27-29 off Front Street (Route 105) - NOI (SE 041-1145) to construct an 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 December 14, 2011). S. Briggs left the room. N. Hills said there was nothing to discuss due to the Town Administrator's intent to obtain peer review quotes for statements of work which have not gone out, and suggested continuing the hearing. Richard Nysten, the applicant's legal counsel, offered to submit funds now, rather than waiting two more weeks, in order to start the peer review portion of this project. N. Hills suggested an additional \$2,000.00 to add to the remaining \$560.00. The check will be hand delivered by the end of the week. Sean Hale discussed the wetland issues. He said the Commission's and Sabatia's concerns have already been addressed from the last peer review. An additional Sheet 14 has been added to the plans to address wetlands and replication. By constructing a bridge over the wetlands, instead of filling for the roadway, he is now proposing only 2,300 square feet of replication to make up for the shading effects. He said the replication area is already dense with sweet pepperbush, and any additional soil necessary for the replication area will be brought in from off site. R. Nysten asked to continue the hearing to the Commission's next meeting. J. Hartley moved to continue the hearing, at

the applicant's request, to 7:30 PM on January 11, 2012; L. Dorman seconded; voted unanimously. Another site inspection will be held at 8:35 AM on January 7, 2012.

Meeting adjourned at 8:15 PM.

Diane R. Drake, Secretary

Approved January 11, 2012