

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON JANUARY 25, 2012

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: David Wilson, Bradley Bertolo, Stephen Gilbert, Joan Hartnett-Barry,  
David Davignon, Robert Guay, James Holding, Kenneth Steen,  
Sean Hale and Richard Nylen.

Meeting convened at 7:00 PM Wednesday, January 25, 2012 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, January 21, 2012 by N. Hills and W. Carreau.

7:00 PM **JERRY H. and CYNTHIA M. PYLE**, 37 Piney Point Road- RFD (41D-1469) to upgrade the sewage disposal systems. David Davignon of N. Douglas Schneider and Associates represented the applicants and said it is a five-bedroom dwelling with two septic systems. The septic systems failed because they are in the groundwater table. The work will take place within 100' of the coastal bank. S. Briggs moved to close the hearing; W. Carreau seconded; voted unanimously.

7:10 PM **SOLO REALTY LLC**, 102 Quails Crossing Road - NOI (SE 041-1168) to upgrade the sewage disposal system. Steve Gilbert of SFG Engineering represented the applicant and described the work. He said there are lots of wetlands and not much room, so to minimize the size of the system it was downsized from four bedrooms to three. He said the existing system is in the water table. S. Briggs said the water drains from Briggs Terrace onto this property. N. Hills said there is a potential vernal pool in the rear of the property and he would like to view that portion of the site later this spring to determine its status. S. Briggs moved to close the hearing; J. Hartley seconded; voted unanimously.

7:17 PM **COPPER MEDAL LLC**, 125/129 Converse Road - NOI (SE 041-1167) to remove an existing solid-filled pier and construct a pile-supported, T-shaped association pier in Job's Cove with four gangways and four floats to service eight current and future single-family homes (continued from January 11, 2012). David Davignon said the applicant is on his way but has been

delayed and asked for a continuation to later in the evening. A motion was made, seconded and voted unanimously to continue the hearing to 7:29 PM tonight.

7:20 PM **TOM C. IRELAND**, 77 County Road - RFD (41D-1468) to upgrade the sewage disposal system. Bradley Bertolo of JC Engineering represented the applicant and described the project. He said the Board of Health approved the system at their meeting on January 24, 2012. S. Briggs moved to close the hearing; W. Carreau seconded; voted unanimously.

7:29 PM **COPPER MEDAL LLC**, 125/129 Converse Road - NOI (SE 041-1167) to remove an existing solid-filled pier and construct a pile-supported, T-shaped association pier in Job's Cove with four gangways and four floats to service eight current and future single-family homes (continued from 7:17 PM tonight). David Davignon submitted revised site plans and Chapter 91 licensing plans of Alternative A. He said the pier will be 4' wide instead of 5', 303' long instead of 380', and the ends of the T's will be used to tie up boats. D. Davignon asked to have the Order of Conditions refer to both the site plans and the Waterways plans. The Harbormaster's comments were that the channel is to be marked, and propeller wash may cause turbidity problems, especially to the abutting oyster grant. S. Briggs said Harbormaster Michael Cormier told him today that he prefers Alternative A. D. Davignon said he needs the Order of Conditions to complete the Waterways application. S. Briggs moved to close the hearing; J. Hartley seconded; voted unanimously.

7:40 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 January 11, 2012). S. Briggs left the table. Owners James Holding and Kenneth Steen were present with their wetlands biologist, Sean Hale, and legal counsel, Richard Nysten. S. Hale addressed Robert Gray's comments and concerns in his second peer review report. He said no work is proposed within the vernal pool habitat, and the work is retention basins. S. Hale said many of Sabatia's comments pertain to upland, which is not in the Commission's review. J. Hartley said additional plantings are addressed in Sabatia's report; S. Hale said he would discuss that with his clients. J. Hartley questioned the statement that more of the work is now in the buffer zone; R. Nysten said that is due to the land given to Open Space. W. Carreau said she would like to see details of what is going to support the bridge; R. Nysten said abutments. W. Carreau repeated that she would like to see a plan of construction details of the bridge. R. Nysten asked for comments; N. Hills submitted copies of his concerns with the project. N. Hills said John Churchill of JC Engineering and Robert Gray of Sabatia are expected at the Commission's February 8, 2012 meeting. N. Hills moved to continue the hearing, with the Applicant's consent, to 7:30 PM on February 8, 2012; W. Carreau seconded; voted unanimously. S. Briggs returned to the table.

**PINEY POINT BEACH CLUB**, 93 Piney Point Road - N. Hills moved to issue a third three-year extension permit for adding beach sand above the high-water line; W. Carreau seconded; voted unanimously (SE 041-977).

**GALE RUNNELLS**, 17 Reservation Way - N. Hills had drafted a letter to Ms. Runnells regarding non-compliance with her order of conditions for removing phragmites (SE 041-1165), and moved to send it as written; W. Carreau seconded; voted unanimously.

**MARION AFFORDABLE HOUSING TRUST**, regarding 185 Wareham Street (the proposed Habitat for Humanity dwelling). The Planning Board has invited the other Town Boards to a meeting at 7:00 PM on Monday, February 13, 2012 at the Police Station regarding this project. S. Briggs said the wetlands are on each side of the driveway. W. Carreau said she would like the wetlands to be flagged and shown on a plan. N. Hills has prior plans and cannot attend that meeting, but will draft a letter to the MAHT.

**SOLO REALTY LLC**, 102 Quails Crossing Road - N. Hills drafted the order of conditions (SE 041-1168) for the sewage disposal system upgrade and moved to issue it as written; J. Hartley seconded; voted unanimously. Additional site inspections will be held in late March and/or early April to determine whether the potential vernal pool is active.

**JERRY H. and CYNTHIA M. PYLE**, 37 Piney Point Road - W. Carreau moved to issue a negative determination for box #3 (buffer zone project) for upgrading the sewage disposal systems; N. Hills seconded; voted unanimously (41D-1469).

**COPPER MEDAL LLC**, 125/129 Converse Road - J. Hartley drafted the order of conditions (SE 041-1167) to construct a pile-supported, T-shaped association pier in Job's Cove and moved to issue it as written; W. Carreau seconded; voted by majority with N. Hills voted against.

**TOM C. IRELAND** - S. Briggs moved to issue a negative determination (41D-1468) for boxes 2 and 3 (buffer zone and flood plain) for upgrading the sewage disposal system at 77 County Road; W. Carreau seconded; voted unanimously.

Meeting adjourned at 8:40 PM.

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Diane R. Drake, Secretary

Approved February 8, 2012