

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 08, 2012

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

Members Absent: Sherman E. Briggs, Jr., Chairman
Lawrence B. Dorman, Treasurer
Jeffrey W. Oakes, Associate

Secretary: Diane R. Drake

Others Present: Marc Tisdelle (Thompson Farland), Susannah Davis, Bill Saltonstall, Eric Tripoli (The Wanderer), Wayne Tirrell (Lars Olson Fine Home Builders), Douglas Watson, David Davignon (N. Douglas Schneider & Associates), John Churchill (JC Engineering), and on behalf of Bay Watch: Ken Steen and James Holding, Richard Nysten (Lynch, DeSimone & Nysten), Robert Guay and Edwin Gless (Existing Grade), Sean Hale (Epsilon), and Brian Butler (Oxbow Associates).

Meeting convened at 7:00 PM Wednesday, February 8, 2012 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, February 4, 2012 by N. Hills and J. Hartley. The meeting was audiotaped by Eric Tripoli of The Wanderer.

7:00 PM **GALE RUNNELLS** - appointment for discussion regarding alleged violations to her order of conditions for eradicating phragmites at 17 Reservation Way (SE 041-1165). Landscape Architect Susannah Davis was present on behalf of Ms. Runnells and said Jeffrey Osborn, who did the work, was ill and unable to attend the meeting. She had submitted a letter explaining that no mowing had taken place, and the stalks were cut with hedge trimmers. The work was done in December while the ground was frozen, and the cut stalks were broken from being walked on during the initial clean-up phase. She said the herbicide Rodeo will be sprayed on the stalks for the first two years, using a small hand sprayer on calm days, and once she gets control over the phragmites she would like to plant native grass species. The Commission thanked her for her letter and for attending the meeting.

MINUTES were reviewed. N. Hills moved to accept the January 11, 2012 minutes as amended, and the January 25, 2012 minutes as written; J. Hartley seconded the motion; voted unanimously.

7:10 PM **DOUGLAS WATSON**, 32 Oakdale Avenue - RFD (41D-1470) to replace a shed with a 22' x 22' garage. W. Carreau left the table because her employer, Saltonstall Architects, had

prepared the plans for this project, so there was no quorum left to act on this filing. Marc Tisdelle of Thompson Farland Engineering represented Douglas Watson, who was also present, and asked to informally discuss this project to see if any additional information will be needed. N. Hills asked what new flood zone the garage will be in; M. Tisdelle said he is not sure but will submit a revised plan showing the present and proposed FIRM delineations. N. Hills said the hearing will be re-advertised for 7:00 PM on March 14, 2012. W. Carreau returned to the table.

SABATIA - N. Hills moved to approve payment of Sabatia's \$1,417.50 invoice for the additional wetland peer review for the Bay Watch Realty Trust project (SE 041-1145); W. Carreau seconded; voted unanimously.

Due to the impending lack of a quorum on February 22, 2012, N. Hills moved to cancel the meeting; J. Hartley seconded; voted unanimously. The Commission's next meeting will be on March 14, 2012.

7:20 PM **PETER D. SCALA**, 28 Point Road - RFD (41D-1471) to raze the garage; construct a new garage with a second-story, two-bedroom guest wing addition; and expand the septic system. Mr. Scala was represented by his engineer, David Davignon of N. Douglas Schneider & Associates, and Wayne Tirrell of Lars V. Olson Fine Home Builders, the contractor. D. Davignon said the work will be done on the east (Point Road) side of the house, and a second septic system will be installed for the additional two bedrooms. N. Hills moved to close the hearing; W. Carreau seconded; voted unanimously.

PNH REALTY TRUST, 635 Mill Street - request for a certificate of compliance for relocating the fuel storage facility (SE 041-789). N. Hills said the fuel storage facility is the only part of the project that has been completed, and the order of conditions has expired. He said there is a large pile of "stuff" (asphalt, cinder blocks, etc.) in the rear of the property that should be disposed of off site, and an unauthorized chain link fence has been installed but not shown on the plan for the certificate of compliance. N. Hills moved to issue a partial certificate of compliance for only the fuel storage facility, with a cover letter regarding the pile of junk and the fence; W. Carreau seconded; voted unanimously.

7:32 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 25, 2012). John Churchill of JC Engineering was present on behalf of the Commission. Present on behalf of Bay Watch were Ken Steen and James Holding (the applicants), Richard Nysten (Lynch, DeSimone & Nysten), Robert Guay and Edwin Gless (Existing Grade), Sean Hale (Epsilon), and Brian Butler (Oxbow Associates). William Saltonstall was present on behalf of the Sippican Lands Trust who owns abutting property.

R. Nysten said he received a letter from the Army Corps of Engineers, and because a bridge is now proposed instead of fill, an Army Corps permit will not be needed. He said he'd like the engineers to describe the bridge work. John Churchill said he received the revised plans on February 3, 2012 and submitted a second engineering review comment letter to the Commission. He said Existing Grade has responded to his last report and many of the items of concern have been addressed. He described his findings. Among the items were: (1) concern with the two drainage

basins on Front Street, as he would not want ponding at the entrance to the development; (2) the post-development runoff volume to the vernal pool will almost double, and the applicant may want to match the pre-development volume, not increase it; and (3) he would prefer to have seen specific plans for this particular bridge, not generic plans. R. Nylen said that most of these issues have been resolved. He said he is concerned that J. Churchill spoke several times of upland issues, which are not in the Commission's jurisdiction. He said the amount of water going into the vernal pool can be regulated. Regarding the bridge, R. Nylen said he will stand by his statement that there will be no work in the wetlands, otherwise they would have to file with the Army Corps. E. Gless said his firm has been working on the bridge details for over one year, and described how it will be built without entering the wetland. He said they have permission to cross over the abutting Briggs property from the north. K. Steen said the bridge will support anything that drives on a highway, including trucks full of gravel. Regarding too much water going to the vernal pool, E. Gless said cutting back that amount of flow will be very easy. R. Nylen said they can monitor the vernal pool along with the replication. E. Gless said the retaining wall alongside the vernal pool has been reconfigured. N. Hills submitted his written comments addressing many concerns, one of which was that there weren't more places for snow removal. He said that the bottom line is he is concerned with the roadway being too close to the vernal pool, as there would be more light from tree cutting and street lighting, and runoff will affect the pool. He said too much of the buffer zone is being altered by the design, and he would like everything to be sited outside of the buffer zone. R. Nylen said Robert Gray of Sabatia has signed off on the plans as having met all the required wetland regulations; N. Hills disagreed. R. Nylen said these are philosophical issues pending, not engineering issues requiring redesign.

R. Nylen said this has been going on too long, and he would like the hearing to be closed. J. Hartley said his concern is the bridge, and he would prefer to see specific design plans. S. Hale said there are extensive mitigating plantings for the area. R. Nylen said it will be a private road until the Town accepts it. There will be a homeowners association to address road maintenance until it is accepted by the Town. N. Hills said he does not agree with this project and provided a copy of the preface to the 2005 revisions to the Wetlands Protection Act addressing the likely effects of extensive work in the inner portion of the buffer zone. N. Hills stated that, in his opinion, the applicant has not provided justification that the work will not impact the physical characteristics sited in the preface.

J. Hartley said Bay Watch has addressed most of the Commission's concerns. He said monitoring the vernal pool would not be helpful because there are no prior records to compare to, and it would depend on the weather from year to year. J. Hartley moved to close the hearing; W. Carreau seconded the motion to close the hearing; voted unanimously.

W. Carreau said she is comfortable with the project but would like final specific bridge plans before construction starts. J. Hartley said the project should be approved because it meets all the regulatory requirements. J. Hartley moved to approve the project with conditions; W. Carreau seconded the motion; J. Hartley and W. Carreau voted in favor; N. Hills voted against; motion carried. J. Hartley and W. Carreau drafted the Order of Conditions. J. Hartley moved to issue it as written; W. Carreau seconded; J. Hartley and W. Carreau voted in favor; N. Hills voted against; motion carried.

MARION AFFORDABLE HOUSING TRUST - W. Carreau moved to send the draft comment letter regarding the Habitat for Humanity project at 285 Wareham Street as written; J. Hartley seconded; voted unanimously.

PETER D. SCALA - N. Hills moved to issue a Negative Determination (41D-1471) for Box #2 for replacing the garage and expanding the septic system at 28 Point Road; J. Hartley seconded; voted unanimously.

Meeting adjourned at 9:45 PM.

Diane R. Drake, Secretary

Approved March 28, 2012

DOCUMENTS REVIEWED AT THE FEBRUARY 8, 2012 MEETING

1. "Engineering review of Stormwater Report and Notice of Intent Plans - Marion Village Estates, Marion, MA" dated February 8, 2012 by JC Engineering, Inc.
2. "Comments and Questions Baywatch 40B Notice of Intent, Plans, Stormwater Report, and Vernal Pool Impact" dated February 8, 2012 by Norman Hills.
3. "Background on Buffer Zones" - Preface to the 2005 Revisions of the Wetlands Protection Act.