

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MARCH 14, 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: Kristen Belton Willis, Jean and Robert McNamara, Nick Dufresne, Christopher Bryant, A. Lee Hayes, Douglas Watson, Pam and Natalie Riffin, Frederic Rosiak, Michael Gaffey, Lee and Gale Lutz-Henrickson, Richard J. Charon, Richard Schaefer, David Davignon, Christopher Hickey and Thomas Figueiredo.

Meeting convened at 7:00 PM Wednesday, March 14, 2012 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, March 10, 2012 by N. Hills and W. Carreau.

7:00 PM **DOUGLAS WATSON**, 32 Oakdale Avenue - RFD (41D-1470) to replace a shed with a 22' x 22' garage. This hearing was re-advertised due to the lack of a participating quorum at the February 8, 2012 meeting. W. Carreau left the room. Douglas Watson was present with his engineer, Nick Dufresne of Thompson Farland Engineering, who described the project. The site is currently in a flood zone (AE 15' elevation); the new flood plain maps, which become effective on July 17, 2012, change that flood zone to a velocity zone (VE elevation 17'). D. Watson asked how that affected the project; N. Hills explained that if someone were to live in the garage, then the living area would have to be elevated. D. Watson said that the garage will be on a slab, and no one will live in it. J. Hartley moved to close the hearing; N. Hills seconded; voted unanimously. W. Carreau returned to the table.

7:10 PM **ROBERT B. McNAMARA**, 19 Shawondasse Road - NOI (SE 041-1169) to raze the existing dwelling and construct a new dwelling. S. Briggs left the room. Robert and Jean McNamara were present with their engineer, Richard J. Charon of Charon Associates, Inc., who described the project. He said the new flood zone will put the house at 18.2' NGVD, and the first floor is designed to be at 19'. N. Hills said the Commission can require the building to be built in compliance with the new flood map. R. Charon said that is a building department issue. W. Carreau agreed with R. Charon. J. Hartley said there is a difference of opinion on that matter within the Commission. R. Charon said the depth of footings will depend on the soils and could be four or five feet deep. R. Charon said a Zoning Board of Appeals hearing may be required due to setbacks. He

said the driveway is proposed to go under the structural platform. There will be a stairway under the house as well as the one out back to enter the house.

N. Hills asked for questions from the audience. Kristin Belton Willis was present on behalf of her mother, Erlene Belton of 14 Wianno Road, and questioned the size of the proposed new dwelling versus what is presently there; N. Hills explained that there is no requirement that a new dwelling must stay within the existing footprint, but would apply if the building were to be renovated. She said the conservation land across the street has been mowed several times; N. Hills said that is not conservation land, it is owned by the Sippican Lands Trust. Christopher Bryant, the President of the Sippican Lands Trust, was present and said there have been violations on that site in the past, and they will be watching it carefully. C. Bryant questioned whether the existing structures are or ever have been a "dwelling;" J. Hartley explained that if someone lived there, it is a dwelling. R. Charon said hay bales are proposed instead of siltation fencing as it will be easier to move them when equipment is being brought to the lot. R. Charon said the new house will be under the 35' maximum height. R. McNamara said the house will have two stories. R. Charon said the soil from excavating the columns will be removed off site. J. Hartley moved to close the hearing; W. Carreau seconded; voted unanimously. S. Briggs returned to the table.

7:27 PM **ELIZABETH W. SMITH**, 5 Water Street - RFD (41D-1472) to reconfigure and extend a gravel driveway, and construct a 12'-6" x 20'-6" carport north of the existing garage. Richard Schaefer of Schaefer and Kunz, P.C. represented Ms. Smith and described the project which is in the flood plain. He said the new driveway will be gravel to match the existing driveway, and the carport will not have walls.; S. Briggs moved to close the hearing; N. Hills seconded; voted unanimously.

7:34 PM **ANNE C. BUSHNELL**, 681 Front Street - RFD (41D-1473) to upgrade the septic system to Title 5 Standards. N. Hills left the room. David Davignon of N. Douglas Schneider & Associates represented Ms. Bushnell and described the project. He said the property is for sale but the system is in the water table. He said the area of the work is shown to be in the AE el. 15' flood zone, although site elevations show otherwise. He said there is a river in the back of the property, at least 250' from the work, and the closest activity near the buffer zone is filling and crushing the cesspool. D. Davignon said the Board of Health approved his request for a waiver to the water table at their meeting on March 13, 2012. J. Hartley moved to close the hearing; S. Briggs seconded; voted unanimously. N. Hills returned to the table.

7:43 PM **DOUGLAS CROCKER**, across from 60 Water Street - RFD (41D-1475) for maintenance repairs to an existing licensed pier. Mr. Crocker was represented by his groundskeeper, Christopher Hickey, and contractor Thomas Figueiredo. C. Hickey described the proposed work. N. Hills said another layer had been added to the wall and filled behind it without a filing. N. Hills said this is the second time work has been done there without a filing. C. Hickey said he had nothing to do with the garden. He said that pier support is high and dry at low tides, which is when the work will be done. He said there is no need for a boat or a barge to complete this project. T. Figueiredo said the pier footings are approximately 10' x 14', and no additional stones will be required. S. Briggs moved to close the hearing; J. Hartley seconded; voted unanimously.

7:50 PM **FREDERIC ROSIAK**, 294 Front Street - RFD (41D-1474) to replace the decks on the front of the dwelling with a covered porch, and replace the utility room and carport at the rear

of the dwelling with a two-story garage. Frederic Rosiak was present and described the project. The site is in a velocity zone. He said the garage will be built on a slab with a work shop above it. He will have to go to the Zoning Board of Appeals regarding setbacks. S. Briggs moved to close the hearing; W. Carreau seconded; voted unanimously.

ANNE C. BUSHNELL, 681 Front Street - RFD (41D-1473) to upgrade the septic system to Title 5 Standards - J. Hartley moved to issue a conditional negative determination for box #2 with a condition that no work shall take place at or below the 15' contour line shown on the plan; S. Briggs seconded; voted by majority with N. Hills abstaining.

DOUGLAS CROCKER, across from 60 Water Street - RFD (41D-1475) for maintenance repairs to an existing licensed pier - S. Briggs moved to issue a conditional negative determination with conditions that work shall take place at low tide, that there shall be no increase in the licensed footprint, and that power grouting is prohibited. N. Hills seconded the motion; voted unanimously.

ELIZABETH W. SMITH, 5 Water Street - RFD (41D-1472) to reconfigure and extend a gravel driveway, and construct a 12'-6" x 20'-6" carport north of the existing garage - W. Carreau moved to issue a negative determination for box #2; N. Hills seconded; voted unanimously.

FREDERIC ROSIAK, 294 Front Street - RFD (41D-1474) to replace the decks on the front of the dwelling with a covered porch, and replace the utility room and carport at the rear of the dwelling with a two-story garage - S. Briggs moved to issue a negative determination for box #2; N. Hills seconded; voted unanimously.

ROBERT B. McNAMARA, 19 Shawondasse Road - NOI (SE 041-1169) to raze the existing dwelling and construct a new dwelling - N. Hills drafted the order of conditions and moved to issue it as written; W. Carreau seconded; voted by majority with S. Briggs abstaining.

DOUGLAS WATSON, 32 Oakdale Avenue - RFD (41D-1470) to replace a shed with a 22' x 22' garage - S. Briggs moved to issue a negative determination for box #2; J. Hartley seconded; voted by majority with W. Carreau abstaining.

OTHER BUSINESS

A. **Washburn Park picnic area** - N. Hills said cutting is being done close to the pond by the spring house. S. Briggs distributed copies of the Washburn Trust articles in the 1958, 1962 and 1963 Annual Town Reports which described the clear cutting and other improvements to that area. The pond was man made to be a skating pond. W. Carreau said that whoever did the cutting should have asked first. S. Briggs said he is speaking with the Fire Chief regarding maintaining the woods roads in case of forest fires. S. Briggs said he would like to do a site visit with the Commission to explain the history of that area. N. Hills said he'd like someone familiar with the Washburn Trust to attend the inspection. S. Briggs said he will speak with William Washburn.

The February 8, 2012 minutes were reviewed. There was discussion about proposed additions to the minutes, rather than amendments or corrections. The minutes will be discussed again on March 28, 2012.

Meeting adjourned at 8:45 PM.

Diane R. Drake, Secretary

Approved March 28, 2012