

FINAL

**MARION CONSERVATION COMMISSION**  
MINUTES OF THE REGULAR MEETING HELD ON APRIL 11, 2012

Members Present: Sherman E. Briggs, Jr., Chairman (absent from 7:00-7:06 PM)  
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: Eric Tripoli, Nick Dufresne, Ann Iannuzzi, Ham Gravem, John Kelly, Claude Hoopes, Susan Nilson, Rich Riccio, Jay Hiller and David Davignon.

Meeting convened at 7:00 PM Wednesday, April 11, 2012 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, April 7, 2012 by N. Hills and W. Carreau.

7:00 PM **JOHN P. and CRAIG F. LAWRENCE**, 5 Pawkechatt Way - RFD (41D-1476) to construct four small additions and two decks to the existing dwelling, a 12' x 12' pump house and a gazebo. This hearing was continued from March 28, 2012 due to the lack of a participating quorum. Nick Dufresne of Thompson Farland represented the Lawrences. S. Briggs had not yet arrived, and W. Carreau could not participate due to a conflict of interest (she is employed by the architect that designed this project). Due to the temporary lack of a participating quorum, W. Carreau moved to continue the hearing, with the applicant's consent, to later this evening when S. Briggs is present; J. Hartley seconded; voted unanimously.

7:05 PM **PAPPALARDO NOMINEE TRUST**, 90 Moorings Road - W. Carreau moved to issue a full certificate of compliance for pier maintenance (replace the concrete cap, timber decking, etc.); J. Hartley seconded; voted unanimously (SE 041-1108).

S. Briggs arrived at 7:06 PM.

7:07 PM **JOHN P. and CRAIG F. LAWRENCE**, 5 Pawkechatt Way - RFD (41D-1476) to construct four small additions and two decks to the existing dwelling, a 12' x 12' pump house and a gazebo. This hearing was continued from earlier tonight due to the temporary lack of a participating quorum. W. Carreau left the room. Nick Dufresne of Thompson Farland represented the Lawrences and described the proposed work which is in the flood plain. J. Hartley moved to close the hearing; N. Hills seconded; voted unanimously. W. Carreau returned to the table.

**MINUTES** were reviewed. N. Hills moved to accept the March 28, 2012 minutes as written; J. Hartley seconded; voted unanimously.

7:10 PM **CLAUDE B. HOOPE**S, 91 Piney Point Road - RFD (41D-1477) to upgrade the septic system. Claude Hoopes was present but his engineer, David Davignon of N. Douglas Schneider and Associates, was not due to a scheduling conflict. N. Hills moved to continue the hearing, with the applicant's consent, to later tonight; J. Hartley seconded; voted unanimously.

**MATTHEW and LISA BALTZ**, 114 Allens Point Road (SE 041-1110). Discussion followed regarding Dr. and Mrs. Baltz's request to pave the full length of their driveway, rather than just at the house and the entrance from the road. An informal site inspection was held on April 7, 2012. J. Hartley said the driveway was the main part of the wetlands impact in the original filing, so changes to it should result in a new determination of applicability. This would also give DEP a chance to review the change. W. Carreau said she is not opposed to the paving, but it needs to be documented by more than a letter so that the neighbors can have the opportunity to comment on the change. All agreed that a request for determination of applicability should be submitted for the paving. S. Briggs did not participate in the discussion because he constructed the driveway. Dr. and Mrs. Baltz will be notified of the Commission's decision.

**OTHER MATTERS** - (1) **Dale Briggs and Franklin Winters** - Lots 17 and 19 County Road. D.E.P. performed a site inspection on April 10, 2012 in response to a complaint of someone filling a pond there. The complainant is unknown. N. Hills attended the inspection with Daniel Gilmore of D.E.P. The "pond" is a sand pit that has dried out due to the drought. No wetland violations have taken place.

7:20 PM **THE KITTANSETT CLUB**, 11 Point Road - NOI (SE 041-1171) for maintenance of the channel north of the 4th tee, seawall repairs and armor stone replacement. Kittansett's groundskeeper, John Kelly, was present with their engineer, Susan Nilson of CLE Engineering, Inc. The site inspection was held on March 24, 2012 while the Commission was at the site on another matter. S. Nilson explained the history of the site and how storms have blocked the channel. She said she has applied to all the necessary agencies to get the paperwork started for this project. She said saltmarsh will not be affected, directly or indirectly, because work will be done from the shore. She said dredging will be only one foot deep or so, where the shoals build up. A letter from the Division of Marine Fisheries was received today; S. Nilson said that is normal for the D.M.F. to comment on projects. She said she is not in agreement with their suggestion of installing rolls to prevent erosion, but will speak with the them and address their comments during the Chapter 91 licensing process. S. Nilson said the small armor stones will be replaced with much larger stones within the same footprint which should then stay in place and not get scattered by storms the way the smaller stones do. S. Nilson said John Kelly will monitor the channel, as storms seem to be the reason it plugs up. W. Carreau moved to close the hearing; J. Hartley seconded; voted unanimously.

7:35 PM **PNH REALTY TRUST**, 635 Mill Street - NOI (SE 041-1170) to construct a paved parking area and the (past) installation of a chain link fence. The owner, Jay Hiller, Jr. was present with his engineer, Rich Riccio of Field Engineering, who described the proposed work. He said this design remains unchanged from the prior filing except the proposed addition will not be

built. N. Hills asked why, then, the proposed future addition is shown on the plan; R. Riccio said that is shown because the roof runoff calculations were taken into consideration. N. Hills said the bordering vegetated wetland line is seven or eight years old, and the flags were missing and need to be replaced. N. Hills said there is fill inside the gate, shown as a wetland area on the plans, which needs to be removed. Another inspection will be held when the BVW line is updated. N. Hills moved to continue the hearing, with the applicant's consent, to 7:20 PM on April 25, 2012; W. Carreau seconded; voted unanimously.

7:45 PM **CLAUDE B. HOOPES**, 91 Piney Point Road - RFD (41D-1477) to upgrade a septic system (continued from 7:10 PM this evening). David Davignon of N. Douglas Schneider was present with the property owner, Claude B. Hoopes. D. Davignon described the project and said a Presby system will be installed in full compliance with Title 5. He said the excavated dirt will be stored in the old leaching field, and the new fill will be stockpiled on the lawn. D. Davignon said this filing is necessary because the work is in a flood zone. W. Carreau moved to close the hearing; J. Hartley seconded; voted unanimously.

**OTHER MATTERS** - (2) **Bay Watch Realty Trust**, Front Street (SE 041-1145) - N. Hills said there are still two outstanding enforcement orders on this property and asked what the other Members wanted to do about them. S. Briggs said he cannot participate, but thought the enforcement orders were voided when the order of conditions was issued. S. Briggs suggested writing a letter to the owner. N. Hills said he will ask Town Counsel for guidance.

J. Hartley drafted **THE KITTANSETT CLUB's** order of conditions for maintenance of the channel north of the 4th tee, seawall repairs and armor stone replacement, and moved to issue it as written; N. Hills seconded; voted unanimously (SE 041-1171).

N. Hills moved to issue a negative determination for Box #2 for **JOHN P. and CRAIG F. LAWRENCE's** proposed additions/decks/gazebo and pumphouse at 5 Pawkechatt Way; J. Hartley seconded; voted by majority with W. Carreau abstaining (41D-1476).

W. Carreau drafted and moved to issue a conditional negative determination for box #2 to **CLAUDE HOOPES** for upgrading the septic system at 91 Piney Point Road, with a condition that stockpiling of removed material will take place to the south of the existing driveway on top of the existing concrete diffusers; N. Hills seconded; voted by majority with S. Briggs abstaining (41D-1477).

**OTHER MATTERS** - (3) **Habitat for Humanity**, 185 Wareham Street. N. Hills said John Rockwell of the Marion Open Space Acquisition Committee plotted where the wetlands are on the lot, and is trying to site the house so that it will be in the flood zone, not the velocity zone as defined by the July 2012 flood map. The other problem is that the new owner will have to grant an easement to the Town for an area in front of the house to be used as a parking area for people using the trails. The lot must have 200' of frontage to be buildable. S. Briggs said our Bylaws allow building in a velocity zone if there is sewer and water on the site, which this has, but would not be buildable if a well and septic system were proposed.

**OTHER MATTERS** - (4) **Town of Marion - Sprague's Cove Storm Water Remediation Project**, Front Street (SE 041-556). N. Hills said the invasive species are out of control there, and causing the water to be stagnant. The Department of Public Works has started to mow the overgrown vegetation. A site visit will be held at 8:35 AM on Saturday, April 24, 2012. The following people will be invited to attend: Robert Zora (D.P.W. Superintendent), Margherita Baldwin or Chrissie Bascom (Tree and Park Committee), Susannah Davis (landscape architect), Jody Dickerson (Recreation Department Director), and David Croll (The Friends of Silvershell Beach).

W. Carreau moved to adjourn at 8:20 PM; N. Hills seconded; voted unanimously.

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Diane R. Drake, Secretary

Approved May 9, 2012