

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON APRIL 25, 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: Eric Tripoli (The Wanderer), Matthew Baltz, Mark MacKenzie, Robert Cattell, Bryant Davignon, Paul Sherlock, Kevin W. Forgue (G.A.F. Engineering), Joseph Zora Jr., Nancy DeCosta Bibeau, James Gurney, Richard Charon (Charon Associates), Henry and JudyDeJesus, and David Davignon (Schneider Associates).

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

7:00 PM **MATTHEW and LISA BALTZ**, 114 Allens Point Road - RFD (41D-1479) to pave the whole length of the driveway. Two site inspections have been held. The beginning of the driveway (at Allens Point Road) has been paved, and the end of the driveway (at the dwelling) has been paved. Matthew Baltz was present and said Steve Lynch will do the work. N. Hills said he would like a condition prohibiting road salt. M. Baltz said the culvert is two feet wider than the driveway on each side, but only the width of the driveway will be paved. J. Hartley moved to close the hearing; W. Carreau seconded; voted unanimously.

7:10 PM **BRYANT DAVIGNON**, Lot 134 Olde Sheepfield Road - RFD (41D-1478) to construct a driveway and install utilities for a proposed dwelling. Bryant Davignon was present with his engineer, Kevin Forgue of G.A.F. Engineering, Inc. Joe Zora, Jr. asked to sit at the table because he is the owner of the subdivision's sewer line. N. Hills said the wetland line for the effluent line on the other side of the road is outdated but likely hasn't changed. K. Forgue said that even if the line was reflagged closer to the road, it would not affect the project because the dwelling is not in the Commission's jurisdiction. J. Hartley moved to close the hearing; W. Carreau seconded; voted unanimously.

7:20 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 (continued from April 11, 2012 in order to update the line for another site inspection). By letter Rich Riccio of Field Engineering

requested another continuation because the line has not yet been updated. N. Hills moved to continue the hearing, with the applicant's consent, to 7:10 PM on May 9, 2012; J. Hartley seconded; voted unanimously.

7:21 PM **CARL and KAREN CORREIA**, 814 Mill Street (SE 041-1161) - appointment for discussion to accept a revised footprint of the proposed dwelling with a letter of authorization. Richard Charon represented the Correias and said the modular home deal fell through and the new house will be built on the site, deeper but a little bit narrower than the modular. He said the driveway will be narrower and the grading changes are to match the new house. The number of bedrooms (four) will not change. A Presby septic system is proposed. J. Hartley said the changes are minor and moved to approve them with a letter of authorization rather than a formal amendment to the order of conditions; W. Carreau seconded; voted unanimously.

7:30 PM **HENRY and JUDY DeJESUS**, 12 Hartley Lane - NOI (SE 041-1172) to raze the existing dwelling and construct a new dwelling. Henry and Judy DeJesus were present with their engineer, David Davignon of N. Douglas Schneider and Associates, Inc. D. Davignon described the project. He said the house will be two stories with a walk-out garage underneath in Flood Zone AE El. 15', with the first floor elevation at 19.64'. He said the split-rail fence along the north property line will be replaced with a 6'-tall vinyl stockade fence. He said the rocks in the lawn will be dug out and removed or used for the retaining wall. N. Hills said he wants the new Velocity Zone lines to be shown on the plan. W. Carreau explained that N. Hills wants the house to be built in compliance with the new flood maps that become effective on July 17, 2012; D. Davignon said the applicant does not choose to do that. N. Hills said he looked it up on the computer, and the house will at minimum be in velocity zone VE 17' and possibly VE 18' on the new flood map. D. Davignon said he is not proposing a column foundation; N. Hills said columns are required for construction in VE Zones. D. Davignon said he does not have to design the house for a VE Zone when it is in an AE Zone. D. Davignon said Mattapoissett is not enforcing the revised flood maps. W. Carreau and J. Hartley said they will approve a flood zone foundation.

The hearing was opened up to the audience for comments. Mark MacKenzie (whose mother lives on Taunton Avenue, abutting this property) questioned the zoning setback from the right-of-way and was told that is a Building Department question, not a Conservation Commission question. M. MacKenzie asked how far the applicants can build into the buffer zone; N. Hills said 30', but they are much further away than that. M. MacKenzie asked why digging up the rocks in the yard isn't prohibited; D. Davignon explained that the 100' buffer zone is just a jurisdictional area, and does not prohibit work being done in it. M. MacKenzie asked what will happen to the right of way; D. Davignon said nothing will happen, and the right of way is only valid to the westerly abutter. M. MacKenzie said that is not true. M. MacKenzie asked what restrictions prohibit blocking water views; D. Davignon said there are no restrictions as long as the house is no higher than 35'. Abutter James Gurney was present with abutter Nancy DeCosta Bibeau who explained that he was concerned with his access over the right-of-way being blocked by a fence; W. Carreau explained that the "fence" shown on the plan is only a temporary siltation fence, not a permanent wooden fence. N. Bibeau asked whether the siltation fence could be omitted from the right of way, as J. Gurney cannot climb over it. J. Gurney again said he was concerned with his access to Beach Park; N. Hills again explained that it is only a temporary siltation fence and either a 4'-wide opening can be left for access or the whole siltation fence can be shortened by 11' so that it will not be in the right of way; J. Gurney said that would be better. N. Bibeau said she is concerned with the split rail fence being

replaced with a vinyl stockade fence, and who will maintain it on her side and with what chemicals; D. Davignon said there will be enough room on the other side of the fence for power washing it, with environmentally-friendly chemicals. J. Hartley moved to close the hearing; W. Carreau seconded; voted unanimously.

8:10 PM **LAURENCE E. REINHART**, 13 East Avenue, Planting Island - NOI (SE 041-1173) to construct a 10' x 16' addition with a garage below it at the rear of the dwelling, a 4' x 6' entry addition, a 21' x 11' (overall) wraparound deck, and extend the driveway to the garage. Richard Charon of Charon Associates represented the applicant and described the project. The existing garage door will be filled in and a new garage door will be built. No work will be done on the other side of the hay bale line. R. Charon said the work is in the existing flood zone, not a velocity zone, and is well below the 50% Rule. J. Hartley moved to close the hearing; W. Carreau seconded; voted unanimously.

RE.: **MATTHEW and LISA BALTZ**'s proposed driveway paving at 114 Allens Point Road (41D-1479) - N. Hills moved to issue a conditional negative determination for boxes 2 and 3 with conditions nullifying Special Condition #35 of Appendix A of Order of Conditions SE 041-1110 which required the driveway to be pervious; no salt shall be used on the driveway; and the pavement over the box culvert shall be no wider than the rest of the driveway (not expanded to the sides of the box culvert). J. Hartley seconded the motion; voted unanimously.

RE.: **BRYANT DAVIGNON**'s new dwelling and driveway at Lot 134 Olde Sheepfield Road (41D-1478) - W. Carreau moved to issue a negative conditional determination for box #3 with a condition that the outdated wetland line across the road is not accepted; J. Hartley seconded; voted unanimously.

RE.: **HENRY and JUDY DeJESUS**'s new dwelling at 12 Hartley Lane (SE 041-1172) - it was noted that the Commission's own Policy Standard #3 requires construction to be in accordance with existing rules and regulations and the existing building code, not future regulations. It was also noted that the Commission can (not must) take into consideration the information on the revised flood maps that go into effect on July 17, 2012. J. Hartley drafted the order of conditions approving a flood zone foundation; W. Carreau seconded; voted by majority with N. Hills voting against.

RE.: **LAURENCE E. REINHART**'s additions and deck at 13 East Avenue, Planting Island (SE 041-1173) - N. Hills drafted the order and moved to issue it as written; W. Carreau seconded; voted unanimously.

THE WAVE RESTAURANT at 210 Spring Street was discussed. Site work is continuing without a permit in the buffer zone to wetlands in the back of the parking lot. A letter will be drafted inviting Todd Zell, the owner of the restaurant, to meet with the Commission either at the Town House or at the site to discuss the work taking place.

Meeting adjourned at 8:50 PM.

Diane R. Drake, Secretary

Approved May 9, 2012