

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON MAY 23, 2012

Members Present: Sherman E. Briggs, Jr., Chairman (absent from 7:00-7:10 PM)
Norman A. Hills, Vice Chairman and Clerk
Lawrence B. Dorman, Treasurer
Joel D. Hartley
Wendy L. Carreau

Members Absent: Jeffrey W. Oakes, Associate

Secretary: Diane R. Drake

Others Present: Wendy Rocha (CLE Engineering), Anne Smith, Shawn Syde and
Magdalena Lofstedt (CDM Smith), and George E. McTurk (Habitat
for Humanity)

Meeting convened at 7:00 PM on Wednesday, May 23, 2012 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, May 19, 2012 by N. Hills. This meeting was audio recorded by Town of Marion staff.

7:00 PM **TOWN OF MARION**, 185 Wareham Street - Request for Determination of Applicability (File #41D-1451) to verify the delineations of the bordering vegetated wetland lines (continued from May 9, 2012). This hearing had been continued so that additional soil tests could be done on a questionable section of one of the wetland lines. George McTurk of the Habitat for Humanity was present. N. Hills said he and S. Briggs met the wetlands biologist, Brandon Faneuf of Ecosystem Solutions, at the site on Monday. N. Hills said he now agrees that the wetland lines are correct. The potential vernal pool is on the butting lot. N. Hills said the stream is identified as intermittent in the wetlands report but should be considered perennial until proven otherwise. N. Hills explained to G. McTurk that the Town or Habitat for Humanity will now need to submit a Notice of Intent filing to the Conservation Commission, and receive an Order of Conditions approving the project, before a building permit can be issued. L. Dorman moved to close the hearing; J. Hartley seconded; voted unanimously.

S. Briggs arrived at 7:10 PM.

7:10 PM **EDWARD HOWLAND**, 14 Planting Island Road - Notice of Intent (File #SE 041-1174) to reset stones in existing groins, maintain concrete access planks to mean low water, and add beach nourishment. Wendy Rocha of CLE Engineering represented the Applicant. Mr. Howland and his neighbor are doing the same type of project on each of their lots. W. Rocha said Mr. Howland's walkway stones were replaced several years ago, and are in good shape now but may need to be repaired or replaced in the future. The Division of Marine Fisheries commented on

the project. The Marion Harbormaster has approved the proposed 12" of sand in order to cover the cobble. J. Hartley questioned whether the groins and planks were licensed, as that information was not shown on the plan; W. Rocha was not sure and texted Susan Nilson who was at a meeting in Mattapoisett, but did not receive a reply. J. Hartley was concerned about approving the work if they weren't licensed. The D.E.P. letter issuing the file number addressed the possible need for Chapter 91 licensing, if required. J. Hartley said work could take place on the jetty above mean high water until the licensing question was solved. S. Briggs moved to close the hearing; L. Dorman seconded; voted unanimously.

7:30 PM **MARSHA FANUCCI**, 236 Point Road - Notice of Intent (File #SE 041-1175) to reset stones in an existing groin, maintain concrete access planks to mean low water, and add beach nourishment. Wendy Rocha of CLE Engineering represented the Applicant. She said the Applicant and her neighbor, Edward Howland, are doing the same type of project on each of their lots but there is only one groin on this lot. Equipment will access the Fanucci lot from E. Howland's property. The concrete access planks are in poor shape and need to be replaced. J. Hartley thought the access planks below mean high water should be licensed as well as the groin. W. Rocha said all of the sand may be placed over a period of time. S. Briggs moved to close the hearing; N. Hills seconded; voted by majority with W. Carreau abstaining.

VILLAGE AREA CAPITAL IMPROVEMENTS PLAN - Shawn Syde and Magdalena Lofstedt of CDM Smith were present to ask the Commission's preferences for mapping wetlands in the areas of the Village for the upcoming drainage, sewer and roadway improvements. S. Syde said some work is adjacent to wetlands such as Sippican Harbor, Bensons Brook, Holmes Brook. M. Lofstedt said the first step is to verify the wetlands and asked the Commission to what extent they would like them delineated -- just the ones close to the road or all within 100 feet of the work? S. Briggs said the use of filter socks are much better than haybales. S. Briggs said there are many prior filings for work that took place in the Village, so those plans can be used to prepare these new plans and will save the Town money for this project. S. Syde said the water piping has been done under the Village water main project. N. Hills said he is concerned with the proposed outflow pipes because they will be dug up and replaced in the intertidal zone. S. Syde said wetlands on private property won't be shown. This project won't take place until after the new FIRM maps become effective on July 17, 2012. Check valves will be installed on the outlet pipes to prevent backflow. Oil/water separators will be installed in some locations downstream. Overflow structures may be built to prevent backup. S. Syde also said the water quality of Sippican Harbor will be improved. Culverts will be three-sided with the bottom natural in endangered species habitat areas. Rainfall data is designed for a five-year storm per the Massachusetts Handbook data; N. Hills said that is old data. S. Syde said he can use the Cornell Atlas which has current rainfall data. N. Hills emphasized they need to talk with Robert Zora about that. A notice of intent filing will be forthcoming. Phase 1 - construction documents - will be in mid August. M. Lofstedt said the project is exempt from MEPA because it is replacement work, except for 1/2 acre of the expansion of pipes. N. Hills suggested she and S. Syde consult with Natural Heritage and the Marion Harbormaster.

MINUTES - The May 9, 2012 minutes were reviewed. L. Dorman moved to accept them as amended; J. Hartley seconded; voted unanimously.

N. Hills will contact Kenneth Gasset of Brockton who applied for the Associate Member position on the Conservation Commission.

A. NEIL PAPPALARDO, 90 Moorings Road - requested Certificate of Compliance for demolishing the main house and constructing a new dwelling with retaining walls and elevated patios in its place (File #SE 041-1127). N. Hills moved to issue a Partial Certificate of Compliance for everything except construction of the beach shed; L. Dorman seconded; voted unanimously.

RE: **TOWN OF MARION**'s Request for Determination of Applicability (File #41D-1480) to verify the wetland lines at 185 Wareham Street - N. Hills drafted the Determination of Applicability and questioned the "intermittent" stream mentioned in the wetlands report but not identified as such on the plan. S. Briggs said the filing at this time is just to verify the wetland lines, and any other resource areas on the site can be addressed in the Notice of Intent submittal for razing and rebuilding the existing dwelling. N. Hills moved to issue the Determination as written; J. Hartley seconded; voted unanimously.

RE.: **MARSHA FANUCCI**'s Order of Conditions for maintaining the groin and access planks at 236 Point Road, and adding beach sand (File #SE 041-1175). J. Hartley drafted the Order and moved to issue it as written; L. Dorman seconded; voted by majority with W. Carreau abstaining because her employer worked on Ms. Fanucci's house renovation.

RE.: **EDWARD HOWLAND**'s Order of Conditions for maintaining the groins and access planks at 14 Planting Island Road, and adding beach sand (File #SE 041-1174). W. Carreau drafted the Order and moved to issue it as written; N. Hills seconded; voted unanimously.

Meeting adjourned at 8:35 PM.

Diane R. Drake, Secretary

Approved June 13, 2012