

FINAL

MARION CONSERVATION COMMISSION
MINUTES OF THE REGULAR MEETING HELD ON JUNE 27, 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: Jonathan E. Dickerson (Marion Recreation), Eric Tripoli
(The Wanderer), Alan Harris (Sippican Lands Trust)
and Robert Rogers (Tibbetts Engineering Corporation).

Meeting convened at 7:00 PM Wednesday, June 27, 2012 in the conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site inspections were held on Saturday, June 23, 2012 by W. Carreau. This meeting was audio recorded by Town of Marion staff and also by Eric Tripoli of The Wanderer.

7:00 PM **MARION RECREATION DEPARTMENT**, Washburn Park Road - Request for Determination of Applicability (File #41D-1483) to improve the dirt roadway by adding a layer of asphalt road scrapings. Recreation Department Director Jonathan Dickerson was present and said the work will only be done on the dirt road from Derby Lane up to the pavement at 48 Washburn Park Road. He said the parking area by the snack shack will not be improved. He said the road is 12' wide and will have rounded edges so that water can drain off it. He said the engineering department of UMass Dartmouth told him they are just too busy to help with a better plan at this time. He said the Town's Department of Public Works will do the work using asphalt scrapings from the Converse Road water main installation. S. Briggs said J. Dickerson will be the project supervisor, and the D.P.W. employees are very competent in this type of work. S. Briggs said Doug Church has excellent rollers on his equipment and may be able to help the D.P.W. out. S. Briggs moved to close the hearing; W. Carreau seconded; voted unanimously.

N. Hills asked Jonathan Dickerson about the Washburn Park clearing that had taken place in the past; J. Dickerson said the vegetation is all growing back. N. Hills asked what paperwork will be submitted for the work that was done; J. Dickerson said he is working on a Request for Determination form. J. Dickerson said a lot of progress has been made restoring the Park over the last year and a half.

7:15 PM **A. NEIL PAPPALARDO**, 90 Moorings Road - Request for Determination of Applicability (File #41D-1482) to construct a 2,400 square foot paved basketball court and a 7' x 11' garden shed. Robert Rogers of Tibbetts Engineering Corporation represented Mr. Pappalardo and explained the project. He said the garden shed will be located on an existing foundation at the existing grade. N. Hills said that is in the velocity zone and asked how the shed will be affixed in place. W. Carreau said the stone walls are 4' high and it would take a lot of water to float the shed out of its corral. N. Hills recommended the shed be attached to sonotubes; J. Hartley suggested using anchors to hold it in place. S. Briggs said this size building may be exempt under the Wetlands Protection Act. R. Rogers said the basketball court will be at ground level and will not have a fence around it. W. Carreau moved to close the hearing; J. Hartley seconded; voted unanimously.

7:28 PM **SIPPICAN LANDS TRUST**, the William Wildlife Refuge at Front Street by Holmes Brook - Request for Determination of Applicability (File #41D-1484) to maintain the stone wall, remove knotweed and other invasive species, and plant native species. Alan Harris represented the Trust and said he is the land steward for this particular property. He said this is the same work that has been allowed by the Commission several times in the past. He would like to weed whack the vegetation, pull the roots, then plant Joe Pyreed and native blueberry bushes. He said he may use the removed vegetation as fill at his home. N. Hills asked A. Harris to visit the Commission in three years with a progress report on this project. S. Briggs moved to close the hearing; J. Hartley seconded; voted unanimously.

OTHER MATTERS:

A. **Town of Marion - Sprague's Cove**, Front Street at Silvershell Beach (File #SE 041-556). N. Hills said he thought everything was all set to do the maintenance work after the April 21, 2012 on-site meeting with Robert Zora, Jonathan Dickerson, Christina Bascom, David Croll, J. Hartley and himself, but nothing has been done. S. Briggs said the Conservation Commission is the steward for that project and should do everything possible to get the work done, including mowing the banks with a sidearm mower which the Department of Public Works does not own. N. Hills said he will speak with Town Administrator Paul Dawson to see what happened to the grant that was applied for to do this work. N. Hills said he will also speak with Robert Zora to see what his perception is of the work that needs to be done.

B. **Shay and Christine Assad**, 32 Beach Street (File #SE 041-987). This property was owned by Gregory Koss and was recently bought by Shay and Christine (Healy) Assad. They immediately removed the footbridge from their property which had allowed access to Silvershell Beach and posted no trespassing signs. The affected neighbors have filed a lawsuit to restore their historic access to the beach. S. Briggs said the Assads and the neighbors are discussing a possible new path to the beach over a remote part of the Assad property which may require a filing with the Commission.

C. **Jaime Mourao**, 6 Jerei Lane (prior File #41D-645). The Building Commissioner has granted a building permit to construct a 30' x 24' garage there. There have been prior filings for activities on this site due to the work being in the buffer zone to an abandoned cranberry bog on abutting property in the rear of this lot. S. Briggs said he will visit the site to see if a new filing is needed.

SIPPICAN LANDS TRUST, vegetation management at Front Street at Holmes Brook - N. Hills drafted and moved to issue a Negative Determination of Applicability (File #41D-1484) with a notation that the work will need to be done each year, and to request a progress report in three years; S. Briggs seconded; voted unanimously.

MARION RECREATION DEPARTMENT, roadway improvements at Washburn Park Road - N. Hills drafted and moved to issue a conditional Negative Determination of Applicability (File #41D-1483) for Box #3 with a condition that the surfaces shall be 12' wide; S. Briggs seconded; voted unanimously.

A. NEIL PAPPALARDO, garden shed and basketball court at 90 Moorings Road - J. Hartley moved to issue a Negative Determination of Applicability (File #41D-1482) for Boxes 2 and 3 with a recommendation that the shed be anchored in place; N. Hills seconded; voted unanimously.

JOHN KEITH, 15 Shellheap Road - request for a partial Certificate of Compliance for constructing an elevator (File #SE 041-933). W. Carreau said the plan of record is not accurate. J. Hartley moved to issue a partial Certificate of Compliance for the elevator portion of the project. The in-ground swimming pool, wood deck, fence, catwalk, stairs, driveway reconfiguration and landscaping were not done. N. Hills seconded the motion; voted unanimously.

JOHN KEITH, 15 Shellheap Road - request for a partial Certificate of Compliance for constructing an addition (File #SE 041-1022). A smaller addition has been built. The swimming pool was not built. W. Carreau said she would like to hold off issuing this Certificate until an accurate as-built plan is received due to all the changes; everyone agreed. The engineer will be notified to prepare an accurate as-built plan.

GEORGE and LOIS GRABOYS, 95 Holly Road - request for a full Certificate of Compliance for upgrading the septic system (File #SE 041-1164). W. Carreau moved to issue a full Certificate of Compliance for this project; N. Hills seconded; voted unanimously.

KATHLEEN LINDQUIST, 7 Wildflower Lane - request for a full Certificate of Compliance for constructing the house and septic system (File #SE 041-645). The house is to be sold shortly. S. Briggs and W. Carreau viewed the site today. The garage driveway is crushed stone and not as shown on the plan of record. There are drip strips rather than downspouts and drywells, but there is no erosion and it is a mature site now. N. Hills said the driveway and drywell changes should be mentioned. W. Carreau moved to issue a full Certificate of Compliance; S. Briggs seconded; J. Hartley voted in favor; N. Hills abstained; motion passed.

Meeting adjourned at 8:35 PM.

Diane R. Drake, Secretary

Approved July 11, 2012